

**Submission  
No 84**

## **INQUIRY INTO LAND VALUATION SYSTEM**

**Name:** Mr Malcolm Campbell

**Date Received:** 8/03/2013

[REDACTED]

5/3/2013

The Secretary  
Committee on the Office of the Valuer General  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

Dear Sir,

Re: Inquiry into the Land Valuation System  
Notice SMH Wednesday 30/1/2013 and website

Valuer General valuation of land being [REDACTED]  
[REDACTED] Wyong Shire Council owned by PM & MW Campbell

Date	Valuation (\$)
1/7/2002	230,000
2003	310,000 (reduce from \$322,000 by Land and Environment Court of NSW)
2004	389,000
2005	343,000
2006	336,000
2007	302,000
2008	250,000
2009	217,000
2010	245,000
2011	245,000
2012	240,000

In the Judgment (File No. [REDACTED]) of the Land and Environment Court of NSW a short term approach was adopted. Telephone advice of an Officer of the Valuer General's Department suggested that the 2004 figure was in error but no adjustment was made. An approach to the Court would have been required each year.

From the part of the Judgment and pictures available it will be seen that reduction in valuation was made because of termite infestation. There is also water flow across the land. Files have not been released by W.G. McNally Jones Staff, Lawyers. No refund of Stamp Duty was made by OSR.

The termite activity has recently greatly reduced and would enable construction of a home with appropriate barrier/s. (Subject to approvals including finance.)

Valuer General valuation of land being [REDACTED]  
[REDACTED] Blue Mountains City Council owned by Malcolm Campbell.

Date	Valuation (\$)
1/7/2006	239,000
2007	239,000
2008	239,000

Transfer of 50% in 1995 lost by the Office of State Revenue. Transaction confirmed on microfiche using location shortly after payment of Stamp Duty. Stated by OSR not now found although question raised at ADT hearing suggested otherwise.

Council requires agreement be reached with the Electricity Authority (now Endeavour Energy) before the approval to construct a dwelling on the land may proceed. Endeavour Energy has proposed easement/s for access but has been using the access for years. To date no agreement has been reached. The land has not been able to be sold.

#### Result

OSR withdrew exemption previously granted for intended home at Gorokan and assessed Land Tax on both. The Administrative Decisions Tribunal confirmed the assessments (includes ADT File No [REDACTED] and [REDACTED]).

#### Proposals

1. That the process including appeals to the Land and Environment Court (or other method) be simplified particularly when further years are involved.  
And
2. Appropriate notation be made on valuations where, as in the case of the Mount Riverview land, a (NSW) Government owned authority is reluctant to reach agreement. Perhaps there may be other means whereby the intended home exemption may be preserved.

With appreciation.

Yours faithfully,

[REDACTED]  
Malcolm Campbell

Phone: [REDACTED]

ORIGINAL



**FILED**

29 MAY 2009

ADMINISTRATIVE  
DECISIONS TRIBUNAL

Land and Environment Court  
of New South Wales

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**CITATION :** Campbell, M & Anor v Valuer-General [2005] NSWLEC  
[REDACTED]

**PARTIES :** APPLICANTS  
Peter Malcolm Campbell  
Malcom William Campbell

RESPONDENT  
Valuer-General of Department of Lands

**FILE NUMBER(S) :** [REDACTED]

**CORAM:** Talbot ACJ  
**KEY ISSUES:** Valuation of Land :- land value  
**LEGISLATION CITED:** Valuation of Land Act 1916  
**CASES CITED:**  
**DATES OF HEARING:** 25/10/05-26/10/05

**DATE OF JUDGMENT** 31/10/2005

**DELIVERY :**

**LEGAL** APPLICANT

**REPRESENTATIVES:** N/A

RESPONDENT  
Mr G Bartley  
SOLICITORS  
Crown Solicitor's Office

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THE LAND AND  
ENVIRONMENT COURT  
OF NEW SOUTH WALES

Talbot ACJ

31 October 2005

██████████ Campbell, M and Anor v Valuer-General

**JUDGMENT**

- 1 Talbot ACJ: This is an appeal against the unimproved land value assessed by the Valuer-General ("the respondent") for Lots ██████████  
██████████ has an area of 542m<sup>2</sup> and ██████████ has an area of 513m<sup>2</sup>. The two lots are vacant except for some clearing and the construction of a gutter crossing with a gravel surface and a mixture of boundary fencing. Trees are located on the property, one with termite infestation.
- 2 The land value of the site, as assessed by the NSW Department of the Valuer-General for rating purposes as at Base Date 1 July 2003 was \$322,000.
- 3 The site is zoned 2(a) Residential under the provisions of Wyong Local Environmental Plan 1991 ("LEP 1991"). Development on the site is generally controlled through the provisions of Wyong Development Control Plan No. 58 ("DCP 58"). Single residential dwellings are permissible on both lots. Clause 5.3 requires a minimum area of 550 m<sup>2</sup> for a dual occupancy building (or attached dual occupancy) and 700 m<sup>2</sup> for a dual occupancy development (or detached dual occupancy).

am prepared to assess that adjustment as being between \$10,000 and \$20,000 depending upon the level of inquiry and advice obtained and accordingly allow \$15,000 on that account.

- 14 Mr Everson made a further allowance for costs associated with registration of separate titles. I am not prepared to make any such allowance as the land value has been determined irrespective of whether the land was sold as suitable for two dwellings on separate lots or for development of one dual occupancy dwelling. Moreover the land is already subdivided into two lots within an existing deposited plan and is therefore prima facie capable of sale in separate allotments without incurring any additional costs for title separation.
- 15 The land value at the base date of 1 July 2003 is determined at \$310,000.
- 16 The appeal is upheld. The Court decides that a land value in the amount of \$310,000 as at the base date of 1 July 2003 determined pursuant to section 6A of the Act be substituted for the land value of \$322,000 determined by the Valuer-General.
- 17 The exhibits may be returned.

I CERTIFY THAT THIS AND  
THE 3 PRECEDING PAGES ARE  
A TRUE COPY OF THE REASONS FOR  
JUDGMENT HEREIN  
OF THE HONOURABLE JUSTICE  
R. N. TALBOT

Associate

Date.....31/10/05.....

Copy

# TERMITE INFORMATION CENTRE

ABN 78 874 979 100

**HEAD OFFICE:**

PHONE: (02) 4396 1111  
FAX: (02) 4396 2211  
EMAIL: tic@nlic.net.au  
(PO BOX 16) SUITE 3/44 VICTORIA AVENUE,  
TOUKLEY, NSW 2263 AUSTRALIA

**THE EXPERTS IN:**

- TERMITE INSPECTIONS
- TERMITE TREATMENTS
- TERMITE PREVENTION
- PEST CONTROL

14<sup>th</sup> April 2005



Dear Malcolm,

Re Property [REDACTED]

Our inspectors have inspected the above property on a number of occasions and we have found a wide spread of Termite activity on this property.

We highly recommend the following treatment, drilling and injection of a minimum of three live and infected trees and one dead tree and stumps at the front and far right of property. All other trees and stumps should also be examined to make sure there is no activity in them. The treatment process would involve drilling trees and stumps and flooding with Termicide, this will result in the workers and soldiers taking the poison back to the Queen and destroying the nest(s). All trees and stumps should be removed from the property any time after three weeks of treatment due to the danger they pose from termite damage.

You have advised us that Council have given you permission to remove the affected trees in the front of the property and we encourage you to do this as soon as possible after treatment. You have also made us aware that other Pest control companies have treated two active trees in the past, this however has not resulted in complete eradication of all termites from the property. For this reason we also recommend placing a number of Sentricon 11 bait stations around the property in the ground, this will enable us to monitor if there is more activity or other nests close by.

Appropriate action can then be taken if the bait stations show activity on our inspections of them. We recommend inspections over two weeks for a period of six months.

You have also indicated you intend to build a home on this property and we highly recommend consulting prior with you to examine the most suitable termite prevention barrier recommended by the Australian Standards for your property.

The problems you have found on your property with termites is not uncommon in this area as termites are very active and very aggressive when it comes to timber etc.

Yours sincerely,  
[REDACTED]  
Wayne Wade  
Manager

*Approved to  
Released with Letter dated 11/7/05.*



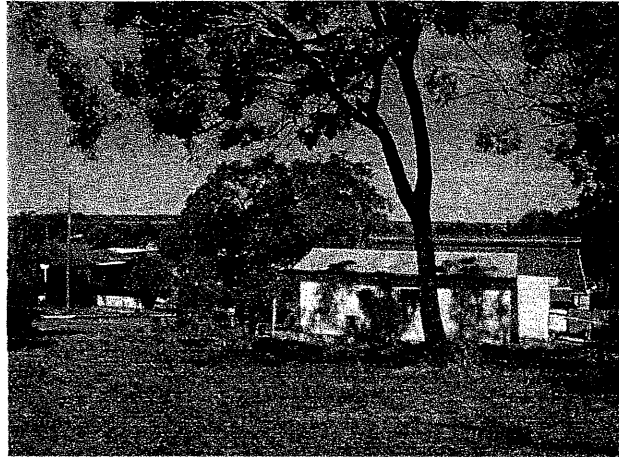
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TORONTO	4975 4245	HUNTER VALLEY	4934 8333	TERRIGAL	4385 5222
GOSFORD	4324 9111	PORT STEPHENS	4984 2248	WYONG	4351 2890
WOY WOY	4342 7111	NEWCASTLE	4926 5888	LONG JETTY	4333 5222

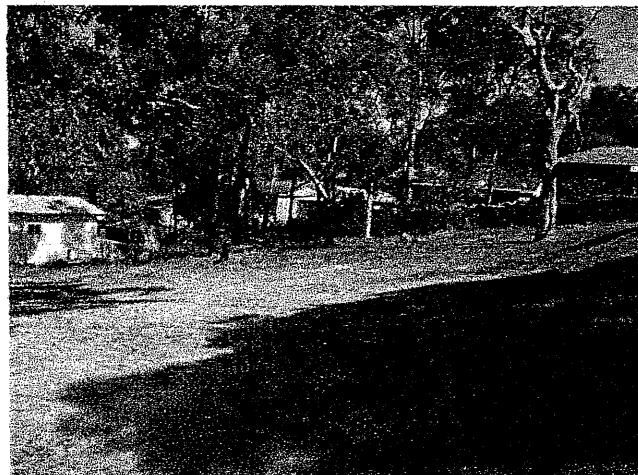
# PICTORIAL REPRESENTATION



Lake view from subject property



Subject Land viewed from the south eastern corner



Subject Land viewed from the north eastern corner.



20 September 2012

Development, Health & Customer Services

Reference: [REDACTED]

Mr M W Campbell  
PO Box H191  
HURSTONE PARK NSW 2193

Dear Mr Campbell,

Land Use Application for [REDACTED]

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Reference is made in regards to your enquiries on a number of issues at the above property.

Please be advised that these issues are private matters that may need to be resolved between yourself and Endeavour Energy regarding access to your property.

Any vegetation removal is required to be carried out in accordance with the approved plans of Development Consent [REDACTED]

No works are to commence on site until appropriate erosion and sedimentation controls are put in place in accordance with Conditions 12 and 13 of the Consent.

These matters may need to be resolved with Allworth Homes and the Private Certifier engaged to undertake the mandatory inspections of the development.

Should you have any further enquiries regarding this matter, I may be contacted on [REDACTED]

Yours faithfully,



Ross Kerkham  
Senior Environmental Health & Building Surveyor