

**Submission
No 20**

**INQUIRY INTO MANAGEMENT OF PUBLIC LAND IN
NEW SOUTH WALES**

Organisation: Mid Western Regional Council

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The Hon Robert Brown MLC
Chairperson
General Purpose Standing Committee
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Honourable Robert Brown MLC

INQUIRY INTO THE MANAGEMENT OF PUBLIC LAND IN NEW SOUTH WALES

I refer to the above Inquiry and thank-you for the opportunity to make a submission. This matter was reported to Council at its meeting of June 20 2012. The following are matters of concern to Council and respectfully requests that you consider these as part of your inquiry into the management of public lands in New South Wales.

Council comment:

Impact on Council's rate-base

Australia was at the fore-front of the world-wide movement to establish National Parks, with the Royal National Park, south of Sydney being the first in Australia and the second in the world, declared in 1879, (Yellow Stone NP was declared in 1872). Since that time in Australia the National Park estate has expanded considerably, including the establishment of World heritage areas as well as a wide range of parks and reserves. The park/ reserve network across the World aims to protect a wide range of habitats for the benefit of not only the environment itself but are also for the enjoyment and wellbeing of people and forms part of a process that aims to pass on a better world to future generations. Council acknowledges the value and place of such a network, however wishes to raise some issues with management and how the network in New South Wales is funded.

In the main funds to establish and manage these parks and reserves comes from the general tax base which theoretically means that the cost burden is spread across the whole community. However, National Parks, Conservation Reserves, State Forests and any Crown land that is not privately leased is classified as non-rateable land. This is not such an issue where the percentage of non-rateable land to rateable land is low such as in many of the suburban metropolitan areas because the cross subsidisation across the whole of the community is relatively low per rateable parcel.

However, in those LGAs that have large areas of National Park or State Forest the non-rateable to rateable percentage increases with the cross subsidisation from the rateable properties also increasing. The ratepayers in these areas could be considered to be

carrying a larger cost burden of the parks and reserves that are there for the benefit of the whole of the New South Wales community. Council considers that all Council areas in the State should be analysed to establish the percentages of rateable to non-rateable land and how this impacts on their rate-base and their ability to satisfactorily service their own community. It is acknowledged that these park / reserve areas do not have to be serviced by Council but the reduction in the rate base is an equity issue and affected Council's should be appropriately compensated by the State from a specially set up fund. Mid-Western Regional Council area contains significant areas of National Park and or Reserved land, including a portion of the Goulburn River NP, a portion of the Wollemi NP and the entirety of the State Forests of Yarrobil, Cope, Dungaree, Kandos and Clandulla and a portion of Nullo Mountain State Forest, and the Avisford nature reserve and Munghorn Gap Conservation area are also contained within our local government area. There are also a considerable number of smaller parcels of Crown land. This equates to a considerable area of non-rateable land in our Municipality which is being added to through the approvals process for major developments.

The Mid-Western Regional Council area has seen the rapid expansion of coal mining over the past five (5) years and this is likely to continue to expand with the proposed development of a further four (4) coals mines. There is also considerable interest in our area for the development of large scale commercial wind farms and also the mining of Group 1 minerals such as gold, silver nickel and the like. To varying degrees these types of developments have a range of environmental impacts that are generally mitigated by 'offsets' and/ or buffer areas.

Council acknowledges that 'offsets' need to be conserved in perpetuity to mitigate environmental impacts of developments. However, by either putting the properties into a formal 'Conservation Agreement' between the Proponent and the Minister under the *National Parks & Wildlife Act 1974* or transferring the land to the national estate as an extension to an existing National Park or Conservation Reserve converts the subject property to non-rateable land. Offsets, environmental or heritage management areas and specific buffer areas (for noise, dust and the like) are operational requirements and without them the mine or other major development would either have to close or significantly reduce its operation. Accordingly, the management of these offset/buffer areas, including the paying of rates, is a business cost that should be borne by the operator.

The cumulative effect as more and more land is set aside for 'offsets' and buffers will be the continued reduction in rate-base. The local community is already shouldering a considerable cost from in particular mining activity in our region ranging from pressures on social services and infrastructure. It is considered inappropriate that the community should be expected to also subsidise the corporate sector to cover rates for required offset parcels of land that should be seen as business operation expenses. Council acknowledges that the establishment of a 'Conservation Agreement' over land is a worthwhile mechanism, through the reduction of rates for the 'private' land owner, to encourage the long term conservation of our environment. However, this mechanism should be restricted to private land owners only with the corporate / business world needing to have a different process to ensure that they do not gain a benefit by rate reduction for something that they are required to do to meet their development approval.

Council considers that amended provisions should be developed to ensure that conserving 'offsets' in perpetuity for business purposes does not alter the rateable classification of the subject land so that Council continues to be able to levy rates for the whole of the business operation. One of the ways to address this could be via an amendment to Section 555 (rate exemptions) of the *Local Government Act 1993*.

Further, Council has recently carried out investigations to identify all lands that are either in the ownership of or under the control of mining companies. Council's research has

revealed that a relatively large number of parcels of Crown land have been secured by the mines under various tenures. The matter that Council was unaware of the change of status of these parcels has already been raised with Department of Lands who have advised Council that these Crown parcels will be re-valued in light of their new purpose and will be liable to for the payment of rates under a future lease agreement. In the past notification of such changes to the status of Crown land was on an ad hoc basis and has lead to situation above where Council was unaware that it could have been charging rates on some of these leased lands. Council considers that a more formalised process should be introduced that ensures that all Crown land that is leased to a corporate body is appropriately valued taking into account any requirements under an Approval for a major development and that this information should be forwarded to Council so that rates can be levied. It would seem that corporate entities in the past have enjoyed the benefits of paying less Local Government rates due to a poor mechanism for advising Council of a change of status of Crown land.

Land management practices.

The experience in this region would seem to be similar to other localities in that there is a community perception that public lands, including National Parks, Conservation reserves, Crown reserves, State Forests, State land allocated for protection of water catchments and unattached parcels of Crown land, are not always managed to the same level as adjoining farm land in terms of pest and weeds and bushfire management. This along with the fragmented approach to land management has often caused friction between neighbours as adjacent land owners are either placed at greater risk say from the build up the fuel load or have cost imposts from the spread of pest species from the public lands. Council considers that all mandated practices as they apply to private land holders should also apply to public land management.

Further, there appears to be a fragmented approach to management of public lands based on the different tenures. Council considers that a regional strategy should be developed that encompasses all public land tenures and adjacent properties and is not just restricted to say National Parks as is the current approach. There should be a mechanism developed that provides for consultation with the community and neighbouring land holders. This process should be flexible and collaborative and allow all land holders to undertake appropriate and/or required management activities in a timely manner. No other stakeholder should be able to veto/disrupt these activities, such as the Game Council issuing unrestricted access to shooters for land leased by others say for grazing, as has occurred in our region. This has lead to a situation where the leasee has not been confident enough of their safety to manage the land appropriately for instance treatment of weeds which is required as part of the lease. This consultation mechanism should include all stakeholders, including Council and others such as the Game Council to ensure that everyone is aware of the constraints, requirements and opportunities of all other parties and that there is an overall agreement of common objectives to work towards for the good of all not just one interest group.

Of particular concern in our area is the appalling, deplorable and disgraceful state of the State Water managed lands surrounding Windamere dam. There are massive infestations of weeds including blackberry and other noxious species. Further, pest animals are an ongoing problem for neighbouring properties and in particular wild dogs. Officers from Council's Noxious Weeds section are attempting to work with current lessees of the Windamere dam foreshore land with some positive outcomes. However, without the full support of State Water continued improvements in this area may stall and intervention where lessees are not maintaining their control plans may be difficult to enforce. In this regard Council requests that a formal Management Committee to management the Windamere dam foreshore land be formed, with Council, State Water and other relevant stakeholders being invited to sit on that committee. The main purpose of the committee will be to develop, implement and enforce management plans

to control, with a view to eradication noxious weeds and other significant environmental weeds and pest animals.

Should you have any queries in relation to this matter please contact Linda Shreeve on 6378 2887.

Yours faithfully 


WARWICK L BENNETT
GENERAL MANAGER