

## **INQUIRY INTO CROWN LAND IN NEW SOUTH WALES**

**Organisation:** Wentworth Shire Council

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## Submission to the Crown Lands Management Review



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12 June 2014



## **Executive Summary**

Wentworth Shire Council ("Council") has pleasure in making a submission to the Crown Lands Review but note that in the past year we have made submissions to TCorp, Local Land Services, the Long Term Transport Master plan and the Local Government Review. Our detailed submissions to the NSW Government have been substantially ignored to date and it is hard to justify again putting pen to paper when a likely result is that our considered input will be ignored once again.

Since 1901 when the Western Lands Act (WLA) was enacted the population of Wentworth Shire (NSW) has grown from approximately 2,500 to 7,000 (or 39.82 persons per annum) whereas in the same period the Mildura Shire population has grown from approximately 2,500 to 60,000 (or 508.84 persons per annum). This stark difference requires explanation and rectification.

Wentworth Shire is very different to most Western NSW communities by virtue of:

- being adjacent to a thriving regional city, Mildura;
- having access to top quality infrastructure in Victoria;
- access to circa 1,000 km of riverfront land;
- one of the most substantial horticulture industries in the State;
- containing the largest deposits of mineral sands in NSW; and
- containing over 1 million acres of land protected for conservation.

Western Division people are proud and resilient, but behind this lies deep economic stress and an exodus of population interstate.

Wentworth Shire can grow if NSW Government policy settings allow us to. Sadly however, this Council believes that our Shire is presently not competitive with Mildura Victoria in relation to town planning, land tenure and infrastructure because of current NSW Government policies.

**In responding to the Crown Lands Review White Paper the Wentworth Shire calls on the NSW Government to:**

- 1) Allow freeholding of all leasehold lands within 20km of Wentworth Shire's towns.

*It is important to note Wentworth Shire is not advocating for freeholding of the whole Western Division (40% NSW) but for a small part of the area of our Shire, within 20km of our towns. This is a fraction of the land in the Western Division and indeed a fraction of the land in the Wentworth Shire.*

- 2) Allow freeholding of grazing leases for the purposes of tourism and any other ecologically sustainable development.
- 3) Amend the Section 24 of the Native Vegetation act to require sustainable grazing in all freehold and leasehold land in the Western Division.
- 4) Remove the requirement for 75% land clearing before applying for a change of purpose or freeholding.
- 5) Not to standardise the rental structure of Western Lands Leases with those of the Eastern and Central Division Leases unless Western Lands Leases have equivalent terms and rights to freehold.
- 6) Streamline Western Lands Lease administration in accord with the provisions of Council's submission.
- 7) Give Wentworth Shire Council full control of all Crown Reserves within the Shire.
- 8) Make Permissive Occupancy (PO) lots easier to convert from leasehold to freehold recognizing the history of these lots.
- 9) Set the price for freeholding of Western Lands Leases at 3% of capital value and not incorporate the value of the leasehold interest.
- 10) Instigate an immediate visit to the Wentworth Shire by the Premier, Deputy Premier and Minister for Natural Resources and Lands to consider our unique circumstances and the opportunity for NSW that our Shire provides.

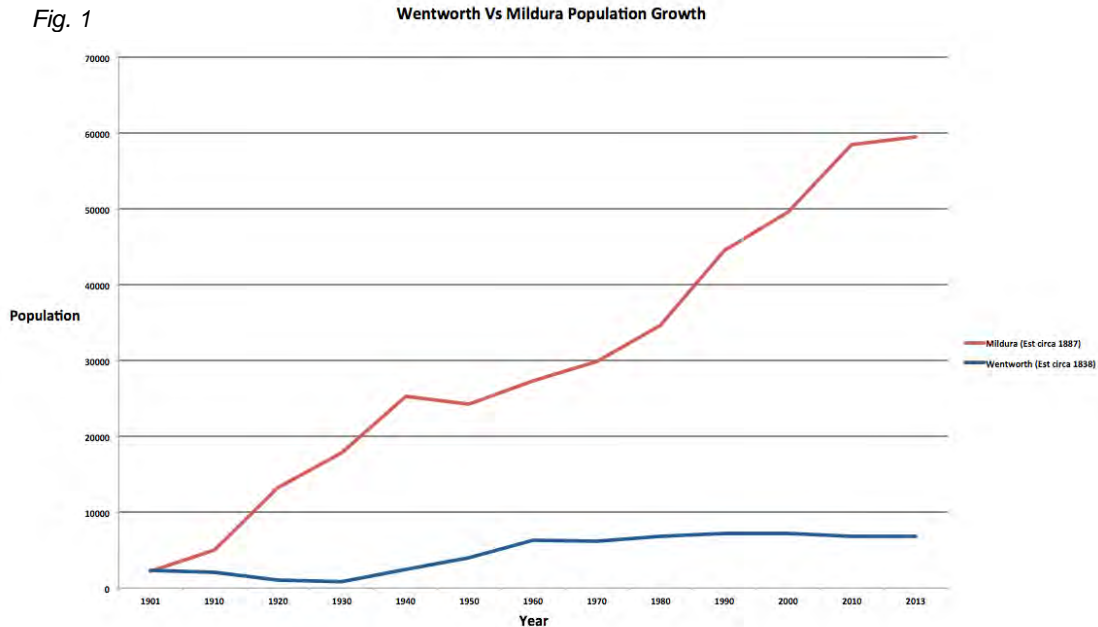
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## 1. Background

### 1.1. Population Growth in Wentworth and Mildura<sup>1</sup>

The difference in the population growth of Wentworth in comparison to its Victorian counterpart, Mildura, is stark (fig. 1).



Since 1901 the Mildura region has grown at a much greater rate (508.84 persons per annum) compared to the Wentworth Shire which has a growth rate of just 39.82 persons per annum.

In addition to population Mildura has seen much higher growth in horticulture and wine making. The Australian almond industry is based in North East Victoria and Mildura is also the base of growing freight and tourism industries.

The question is why is Wentworth missing out?

State data for NSW and Victoria (fig.2) shows that NSW is growing faster than which tends to suggest that the growth differential is specific to different circumstances in Wentworth and Mildura rather than State trends.

Source Data

<sup>1</sup> 1901 – 1991:

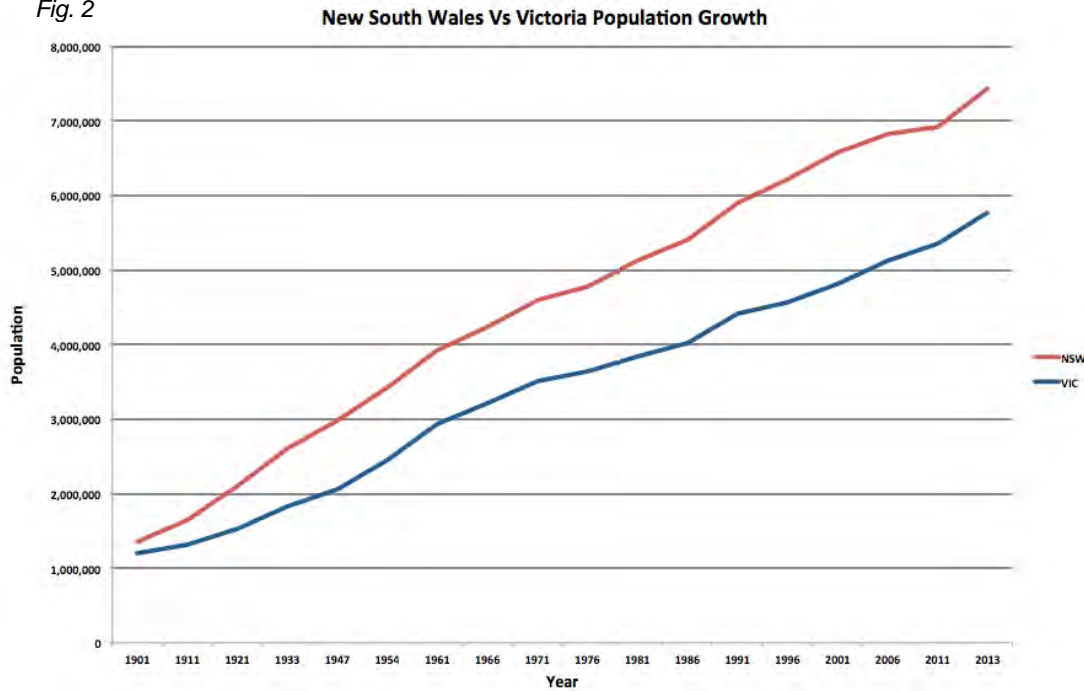
[http://www.ausstats.abs.gov.au/ausstats/free.nsf/0/5F216E6019C94372CA2578390015F521/\\$File/1921%20Census%20](http://www.ausstats.abs.gov.au/ausstats/free.nsf/0/5F216E6019C94372CA2578390015F521/$File/1921%20Census%20)

1991 – 2013:

<http://www.abs.gov.au/websitedbs/censushome.nsf/home/historicaldata?opendocument&navpos=280>

[http://www.healthstats.nsw.gov.au/Indicator/dem\\_pop\\_lgmap/dem\\_pop\\_lga\\_age\\_snap#SourcesText](http://www.healthstats.nsw.gov.au/Indicator/dem_pop_lgmap/dem_pop_lga_age_snap#SourcesText)

Fig. 2



## 1.2. Wentworth's Aim – To grow with Mildura

Council seeks a diverse and dynamic local economy growing in synergy with our neighbouring Victorian city of Mildura. We believe that this will benefit the whole Sunraysia economy and encourage investment and economic growth in the district.

Apart from mining towns, the Western Division has been falling further behind in economic terms compared to the rest of the State for thirty years. Without Federal and State Government drought assistance and rental waiver many landholders would have left the pastoral industry.

Section 2 of the Western Lands Act (WLA) sets out the Act's objects as follows:

- a) to establish an appropriate system of land tenure for the Western Division, and to facilitate new land uses and development opportunities for land in the Western Division.
- b) to regulate the manner in which land in the Western Division may be dealt with,
- c) to provide for the establishment of a formal access network, by means of roads and rights of way, in the Western Division,
- d) to establish the rights and responsibilities of lessees and other persons with respect to the use of land in the Western Division,
- e) to ensure that land in the Western Division is used in accordance with the principles of ecologically sustainable development referred to in section 6 (2) of the [\*Protection of the Environment Administration Act 1991\*](#)
- f) to promote the social, economic and environmental interests of the Western Division, having regard to both the indigenous and non-indigenous cultural heritage of the Western Division,
- g) to make other provision for the effective integration of land administration and natural resource management in the Western Division.



The WLA has not been interpreted in a way that puts adequate emphasis on the social and economic interests of the Western Division. The environment is important and should be protected. There are however, win/win opportunities where ecologically sustainable development can be promoted as can the social and economic interests of the Western Division which are in need of an urgent boost.

Council has a vision for Wentworth Shire and while grazing is a part of our vision, Objects 2(a) and 2(f) are at the centre of our vision. We are striving for a diverse local economy including tourism, rural living, residential, horticulture, mineral sands and business. Council has prepared TV ads to attract Victorians to move to Wentworth NSW and sees Mildura, Victoria as the market for our tourist businesses and source of new residents.

A further object in Section 2(e) is to ensure the Western Division lands are used in accordance with the “principles of ecologically sustainable development”. The WLA needs to be amended so it encourages investment in land where that investment can create ecologically sustainable development. In many border regions the majority of investment in horticultural and commercial investment is taking place in Victoria.

In Sunraysia there are two economies:

- NSW Sunraysia with the majority of land held as Western lands Lease and there is minimal new development
- Victorian Sunraysia where most land is freehold and a billion dollar economy is growing rapidly

In NSW most of the stations remain largely as they were in the 1850's and are largely Western Lands Lease. In contrast however, on the Victorian side of the river the original Mildura Station was broken up, made freehold and developed. This happened very slowly but the freehold title allowed landholders and Government to plan for the future.

Making it easier and less expensive to freehold Western Lands Leases will encourage investment in NSW. This investment will otherwise not be made at all or will be made in Victoria. Current policies allow for freeholding where land is rezoned but there is a need to plan decades ahead for development. Without the security of freehold title this planning will not occur and the development will not occur in NSW.

### **1.3. Crown Lands Review and Crown Lands Office Position**

The Crown Lands Review and White Paper attend to focus on sustainable grazing with very little emphasis on the other industries, which make up the bulk of Wentworth Shire's economy. In the view of Council, the objects of the legislation that relate to growing and diversifying the Western NSW economy receive inadequate attention.

The Crown Lands Office has made a number of relevant comments on its website, such as:-

*“The conversion of certain perpetual leases to freehold is about ensuring land that is already managed by the private sector, is owned by the private sector. It is ineffective and costly to administer these types of leases. It is in the public interest that resources are applied to improving the department's stewardship role such as managing bush fire threats, weeds, feral animals and the state's 33,000 Crown Reserves set aside for the community”.*

*“It is no longer essential these lands are held in public ownership to maintain environmental and conservation controls over them”.*

*“The landholders effectively hold the great majority of the equity in the land, and the land is already treated as a form of title that is almost equivalent to freehold”.*

[www.lands.nsw.gov.au/crown\\_land/perpetual\\_leases\\_fact](http://www.lands.nsw.gov.au/crown_land/perpetual_leases_fact)

For a number of years Crown Lands has been:

- Encouraging lease conversion to freehold for “concessional purchase price of 3% of the land value” for certain leases; and
- Encouraging conversion of residential Western Lands Leases on a concessional basis

Council believes the artificial distinctions made between these lease categories and Western Lands Leases are unfair to Western Division residents and that many of the same broad principles are relevant to the freehold conversion of Western Lands Leases.

Council is disappointed that the Crown Lands Review did not consider issues such as:

- whether Crown Lands meeting the objects of the WLA
- whether Crown Lands is a good environmental custodian
- whether it is equitable that the NSW State Government takes \$15m per annum in mining royalties from Wentworth Shire with minimal regard to environment or local communities and then lectures local communities about “fragile rangelands”

## **2. The Wentworth Difference**

By virtue of our border location we compete with Mildura and Victoria for residents and business. Local people and businesses think nothing of crossing the border for their needs and with the exception of small parcels of college lease land, virtually all the land around Mildura land is freehold.

In this respect we differ from many Western Division settlements that are surrounded by Western Lands Leases. Wentworth does not compete with other Western Division towns such as Broken Hill, Cobar, Bourke and Balranald, we compete with Mildura, and we need to be able to compete on a level playing field. No other district in the Western Division has the same potential as Wentworth to grow its population and the growth of Mildura demonstrates that the demand already exists within the region, just not in this Shire.

The unique point of difference that Wentworth has over Mildura is the extensive water frontages across two major river systems, the Murray and the Darling. Combine this with Mildura infrastructure such as a major regional airport, major regional hospitals, schools and shopping complexes and you have the makings for significant growth opportunities.

The three major policy areas that Council feels are constraining Wentworth's growth compared to Mildura are:

- Town planning - in Wentworth town planning has been more restrictive and less proactive than in Mildura;
- Western Lands leases - the preponderance of Western Lands Leases around Wentworth's townships has been considered inferior to Victorian freehold land; and
- State Government Infrastructure Investment - Wentworth Shire receives a fraction of the infrastructure investment and State Government attention that Mildura receives.

### **2.1. Leasehold vs Freehold land**

Council strongly believes that the preponderance of Western Lands Lease land in the Shire has constrained development and seeks to convince the NSW Government of the economic benefit to the State of:

- a) Allowing freeholding of all leasehold lands within 20km of the Shires towns
- b) Allowing freeholding of grazing leases for the purposes of tourism or other ecologically sustainable development
- c) Amending the Section 24 of the Native Vegetation act to require sustainable grazing in all freehold and leasehold land in the western division

While leasehold tenure is not of itself incompatible with development in Wentworth's situation we have an immediate neighbour in Mildura where almost all land is freehold. There is actually a small amount of College Lease land in Mildura but this is also regarded as inferior to freehold in the local market. An indication of market sentiment is the attached Australian Property Investor Magazine from May 2013 on "Hot 100 Property Hotspots". Under Mildura's listing at #66 in Australia the "Avoid" heading states "Leasehold land which isn't freehold title".

Local real estate agent comments support the view that leasehold land is inferior to freehold. While the White Paper mounts an academic case why leasehold land is not inferior, in the real world when Sunraysia people choose where to invest their hard earned money they choose freehold land, which invariably means they choose Victoria.

## **2.2. Bureaucratic layers of complexity**

Development is highly regulated in both Victoria and NSW but in NSW a proponent must seek approval of Western Lands for almost all changes to the land. Approval is required for cultivation, to establish an orchard, to build a shed or house or swimming pool whereas on freehold land only Council approval is required.

## **2.3. Security of tenure**

Security of tenure is also a reason for freehold being preferred over leasehold land.

As identified by the Pastoralist Association of West Darling in their 24 August 2011 Submission to the Inquiry into economic and social development in central Western NSW:

*“The security of tenure for holders of Western Lands Leases has come into question as a result of the Silverton Wind Farm negotiations and the resumption of State Forest to create new National Parks. Uncertainty will discourage investment in agriculture on Western Lands Leases. Landholders need to have confidence that their leases cannot be resumed without good cause or adequate compensation”.*

The issue of security for investment to improve land is a key reason why freehold is preferred to Western Lands Leases for horticultural developments. The Western Lands Act provides the Commissioner with broad resumption powers and while compulsory acquisition of freehold land can also occur it is much more limited. Resumption powers may be rarely used but they deter investment in leasehold land.

An example is a dry land cropping farm that is close enough to the river to allow for horticulture. Conversion to horticulture will require hundreds of thousands of dollars investment in the approvals and soil testing required before the planting or water allocations are funded. It is natural that for such large investments and risks that the proponent will seek the lowest risk form of tenure.

## **2.4. The numbers don't lie**

While we can argue about the magnitude of the differences between leasehold and freehold land, the numbers don't lie. In Sunraysia, locals and horticulture investors just choose the better, least hassle and lower risk option, which is Victorian freehold. The average citizen does not have the time or patience for writing letters to Western Lands seeking approval for this or that.

### 3. Sustainable Grazing in the Wentworth Shire

#### 3.1. Conservation in Wentworth Shire

The Wentworth Shire has shouldered a very heavy burden to implement NSW State environmental policies in the area of water buybacks, introduction of native vegetation laws and establishment of National Parks and conservation land.

The Wentworth Shire has seen a massive increase in designated conservation lands in the past 50 years shown by the table below.

Park, reserve, sanctuary	Date Established (approx.)	Size acres
Kinchega National Park <sup>1</sup>	1967	109,366
Nearie Lake Nature Reserve <sup>2</sup>	1973	10,741
Mallee Cliffs National Park <sup>3</sup>	1977	143,244
Mungo National Park <sup>4</sup>	1978	235,000
Tarawi Nature Reserve <sup>5</sup>	1996	84,001
Mallee Sustainable Farming Private Reserves <sup>6</sup>	1997-2004	100,000
Scotia Sanctuary <sup>7</sup>	2002	160,550
Yanga National Park <sup>8</sup>	2011	190,000
Other Private Conservation <sup>6</sup>	1995-2014	100,000
Lake Victoria State Forest (National Park) <sup>6</sup>	2011	15,000
Lock 9 Timber Reserve (National Park) <sup>6</sup>	2011	15,000
Wangumma State forest (National Park) <sup>6</sup>	2011	15,000
<b>Total (Acres)</b>		<b>1,147,902</b>

Source [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au) and [www.australianwildlife.org](http://www.australianwildlife.org)

- <http://www.environment.nsw.gov.au/NationalParks/parkManagement.aspx?id=N0017>
- <http://www.environment.nsw.gov.au/NationalParks/parkManagement.aspx?id=N0460>
- <http://www.environment.nsw.gov.au/NationalParks/parkManagement.aspx?id=N0044>
- <http://www.environment.nsw.gov.au/NationalParks/parkHeritage.aspx?id=N0049>
- <http://www.environment.nsw.gov.au/NationalParks/parkManagement.aspx?id=N0721>
- Estimate
- <http://www.australianwildlife.org/AWC-Sanctuaries/Scotia-Sanctuary.aspx>
- <http://www.nationalparks.nsw.gov.au/yanga-national-park/travel-info>

This circa 1million acres of conservation land has reduced agricultural revenue in the Shire and much of the land is not rateable. All this land was previously productive grazing, forestry and cultivation land and all this income has been lost to the Wentworth community.

NSW Sunraysia has also experienced significant concentration of Federal Government water buybacks, which has stripped money out of the area. The NSW Government "Water Sharing Plans" have taken further water out of local irrigation. In addition the Anabranch Pipeline Scheme has removed a 50,000 megalitre per annum allocation to the Anabranch River and there are significant proposals for "water savings through" adjustments to Menindee Lakes Scheme.

The Native Vegetation Act 2003 (NVA) clearing bans have had a very heavy impact in Wentworth Shire because over 90% of the Shire is native vegetation. Shires in Eastern NSW have not been as heavily impacted by the NVA, as there was a historically high level of land clearing in Eastern NSW.

Modern sustainable cropping systems cannot be expanded in the Shire because of the clearing bans. This means pastoral farms have very limited capacity to diversify into cropping. Prior to the NVA the Mallee Sustainable Farming Project helped encourage private conservation while allowing pure grazing farms to diversify into cropping. Under the Native Vegetation Act the Mallee Sustainable Farming Project cannot be expanded.

Wentworth Shire Council is committed to the heritage and environment of the area but believes the whole shire should not be turned into a museum. The NSW Government should consider the economic sustainability of the Wentworth District in addition to its environmental values.

### **3.2. Land Management Practices**

Council supports sustainable grazing but to suggest that unsustainable grazing practices are common in Wentworth Shire is not correct. Council is not aware of more than isolated examples of destocking notices being issued in the past twenty years. While leases are always inspected upon a sale of property the manpower levels of Western Lands and scale of the Western Division mean other inspections only take place every ten years.

In 1901 when the Western Lands Act came into operation there were no Landcare groups, CMAs or Pasture Protection Boards. Landowners are more progressive now than they were in the late 1800's and now utilize practices such as minimum till cropping, rotational grazing and private conservation reserves. Leaseholders are already doing a very large amount of unpaid environmental and land management work while operating on low profit margins. It is important that it remains viable for leaseholders to stay on the land or the problems of feral plants and animals will increase and create an unsustainable burden for the NSW Government. Surely there is a better way of managing the remote chance of over grazing in the inner parts of our Shire!

In addition consider the Government's approach through Local Land Services, which seeks to work with landholders to improve land condition and productivity whereas the approach of the Western Lands Act is to penalize landholders.

Many of Wentworth's river frontage areas have been voluntarily de-stocked and are being used for tourism, lifestyle and conservation.

We need the support of the NSW Government to diversify our Shire but the approach of the White Paper is to assume, without citing evidence, that there are no non-grazing uses for our land and we must ride on the sheep's back like it is 1901. It is not logical for the NSW Government to simultaneously argue that "grazing presents an environmental risk" and that "land must be retained for exclusively grazing purposes to protect the environment".

The reality of the Wentworth situation is that while the vegetation and landscape of Wentworth and Mildura is remarkably similar, the land tenure and planning regimes within the two states is what is creating the divide. The stance taken in the White Paper is somewhat mystifying when the Department of Trade and Investment's own Crown Lands website states that freeholding of crown land currently under perpetual leases will not compromise environmental values stating: *"It is no longer essential these lands are held in public ownership to maintain environmental and conservation controls over them."*<sup>2</sup>

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<sup>2</sup> Trade & Investment, Crown Lands 2007, Perpetual Leases Facts. Viewed 28 March 2014, <  
[http://www.lpma.nsw.gov.au/crown\\_land/perpetual\\_leases\\_fact](http://www.lpma.nsw.gov.au/crown_land/perpetual_leases_fact)>

### **3.3. Legislative protection from over-grazing**

Council has no issue with ensuring grazing practices are sustainable and acknowledges the Western Lands Act 1901 provides protections from over-grazing. However Council does not agree that the Western Lands Act is the only way of providing this protection.

Section 24 of the Native Vegetation Act 2003 states:

“Sustainable grazing that is not likely to result in the substantial long-term decline in the structure and composition of native vegetation is permitted”.

While ambiguous, Section 24 suggests that “non-sustainable grazing” is not permitted. To Council's knowledge Section 24 has not been enforced or been subject to a test case.

A simple amendment of this Section 24 would remove ambiguity and make it clear that Western Division grazing must be sustainable as is already required by the Western Lands Act. This would apply to freehold lands in addition to leasehold lands and provide additional environmental protections.



#### **4. Specific White Paper issues for comment**

In response to specific recommendations and proposals within the Crown Lands Legislation White paper, Council offers the following comments.

##### **Proposed Legislation**

- 1) Developing one piece of legislation will be of no benefit to Wentworth Shire if it is proposed to continue the discrimination between Eastern/Central Division landholders and Western Division landholders.
- 2) The statistics for population growth in NSW Sunraysia v. Victorian Sunraysia show the NSW Government has failed for 30 years to affect the objectives of the Western Lands Act to encourage economic development. It is questionable how much the objectives of the Acts matter as opposed to the substantive provisions.

##### **Improved management arrangements for Crown reserves**

- 3) Allowing local Councils to manage Crown Land is a positive reform. Council seeks control of all the Crown Reserves in the Shire and believes it is best placed to administer this land. Multiple interactions between Crown Lands and Council in relation to recreation and conservation reserves add little value. Wentworth Shire has no land available for its development other than Crown land and WLL land and Council has spent decades in order to freehold Crown Land in Murray Street Wentworth to make it available for residential development. The process of extinguishing native title is an onerous and costly process for Councils.
- 4) Council believes strongly it should manage all Crown Reserves in the Shire.
- 5) Council believes that it already has robust governance standards as required by the existing integrated Planning & Reporting requirements.

##### **Other streamlining measures**

- 6) Activities where consent should not be required include:
  - Approval for purchase of a Western Lands Lease (WLL) – not required for freehold land so no need for a WLL;
  - Additional approval for Company ownership of a WLL – not required for freehold land so no need for a WLL;
  - Subdivision of a WLL – no need as no boundaries are being changed;
  - Subdivision of a WLL lot - already need local Council approval;
  - Minor Development Applications including houses, pumps, easements, sheds and swimming pools - already need local Council approval;
  - Vegetation Consents/PVPs – already require Local Land Services approval. Some of the duties performed by the Western Lands Commission are substantive and important and some are bureaucratic. With limited resources there is clear public benefit for all the resources of the Crown Lands Western Region being moved from bureaucratic to substantive tasks.
- 7) Allow all land within 20km of Wentworth's towns to be freeholded and all grazing leases to be freeholded for purposes of tourism and other ecologically sustainable development.
- 8) Council supports any proposed changes that simplify the process of informing the public about proposals for the use or disposal of Crown Land. Council agrees that the process needs to be transparent, simple and accessible.

##### **Better provisions for tenures and rents**

- 9) It is inconsistent to argue the Western Division cannot be treated equally for freeholding purposes but it must pay the same rentals. The White Paper proposes to standardize rentals statewide.
- Council believes Western Division landholders will not be able to sustain higher rentals.
  - Council believes it is unfair for the State Government to simultaneously argue that the Western Division is supposedly a special case because of our fragile rangelands but that we are not so special when it comes to rent.
  - Crown Lands argues the position of Eastern Leases is different given the fixed rental structure whereas rents on Western lands Leases can be increased. This is a legalistic interpretation that does not reflect the reality of the situation.
  - Waiver of rentals on Western Lands Leases has been granted in most drought declared areas in the past twenty years. Given the marginal viability of grazing in the Western Division it is hard to see this changing in the foreseeable future. Even if the full rentals were received it is hard to imagine a situation where they covered the cost of administration.
  - Council believes that it is not feasible to apply a market based formula for determining rental payments for Crown Reserves as each situation will be different. The reality is that the difference between rents received from Crown Reserves and expenditure to maintain those reserves is the responsibility of Council not the Crown.
- 10) No. As commented above there will be situations where occupants of Crown Reserves will not be able to afford to pay statutory minimum rent regardless of how much time they are given to do so. In most cases there is only one occupier of a reserve and it is in the communities best interest that the reserve is used. If occupiers are required to pay a minimum rent this may result in them vacating the reserve.
- 11) Treat the same as any conveyance would other outgoings such as Council rate arrears. Council supports the suggestion that the new legislation remove duplicate provisions and only include those tenure provisions that are not adequately covered by common law and relevant legislation.
- 12) NSW needs to decide if it wants to penalize landowners or co-operate with them as per the Local Land Services ethos. Council supports the inclusion of essential conditions or any other provisions that make it easier to enforce breaches of commercial leases.
- 13) Yes we agree that Crown land should be able to be used for all forms of carbon sequestration but it should not be forced on landholders.

#### **Greater Flexibility for Western Lands Leases**

- 14) Under Council's LEP and NSW Planning requirements ecologically sustainable provisions are already considered.
- Council believes additional activities without Crown Land's approval should include accommodation, caravan parks, camping grounds and any activities that support the outback experience for tourists. Such activities would still require planning approval from Council and/or Department of Planning as appropriate. There should be more flexibility and less paperwork for Grazing WLL's to be used for tourism in addition to grazing. There is a lot of potential for tourism in the Western Division and Wentworth Shire in particular.
  - In particular if tourism has less impact on the landscape than grazing then surely it should be encouraged. Ecologically sustainable tourism certainly fits with the objects of the WLA. In the circumstance that grazing is voluntarily excluded there should be no reason why the lease purpose cannot be changed to reflect this.
  - The White Paper suggests allowing more flexibility for conversion of lease purpose for very small-scale tourism ventures. However there is no reason why everything in the Western Division should be small scale. The White Paper proposes boutique

tourism of marginal viability whereas Council is seeking appropriately sited tourism developments at a commercial scale. Allowing land to be offset for the purposes of fodder production would be positive reforms that will assist pastoralists to drought proof their properties.

15) Council believes all land within 20km of Wentworth's towns should be freeholded and all grazing leases to be freeholded for purposes of tourism and other ecologically sustainable development.

- Many farmers with cultivation areas are now deciding to cease grazing and focus entirely on cereal crops. In some cases the uncleared land is used for conservation. In the circumstance that grazing is voluntarily excluded there should be no reason why the lease purpose cannot be changed to reflect this. At current wool and stock prices, many of the smaller (30,000 acres and smaller) WLL are of borderline viability and need the flexibility of freehold title to justify investment in other uses of the land. In December 2006 Crown Lands Western Region implemented a new "technical instruction" in relation to conversion of a "cultivation and grazing lease" to a "cultivation" or "mixed farming" lease purpose which requires 75% of land in the lease to be cleared.
- This "technical instruction" should be reviewed as introducing a new provision of law rather than interpreting the WLA.
- The new provision is inconsistent with words of the WLA which suggests a subjective test for each application. "Ecological sustainability" is the phrase used in the Act and this surely requires a subjective review of the circumstances of each application.
- Given there can be no clearing without approval there is no basis for an arbitrary clearing level of 75%
- It does not take into account the subjective circumstances of the land such as the amount of income produced by cultivation vs grazing and how the land is to be used
- It does not take into account what a "mixed farm" is in the Western Division (by definition convertible to freehold). In the Western Division a 75% cleared property would be very rare.
- Hansard of the then Minister for Primary industries shows that one intention of the WLA was to encourage investment in Western Division properties where ecologically sustainable development could occur. There is no mention of a percentage cleared in either the WLA or Hansard.
- The "technical instruction", while of vital significance in assessing the value of a Western Lands Lease, has not been made public and is not referred to in any fact sheets or on the Crown Lands website. People who purchase or have purchased a lease without knowledge of the "technical instruction" may be making a mistake.
- It has been suggested by Crown Lands Western Region that subdivision can be used to reach the 75% limit. Not being able to freehold the whole lease can however result in an administrative nightmare for the landholder and Crown Lands. Also, Crown Lands require the subdivision to be in regular shapes, which is inconsistent with retaining vegetation where the clearing has occurred in irregular shapes.
- In addition "stranded leases" where small grazing leases are mixed in with freehold land should be able to be freeholded. The cost of administering these "stranded leases" would be much greater than any potential rent they can generate. Some of the lots are small at around 100 acres and apart from history there is no reason for them not to be freehold.
- A Western Lands Lease should be able to be converted into freehold where, on a subjective test, that conversion would promote ecologically sustainable development. This should not require an immediate change in use from grazing or agriculture or a rezoning, merely that in the subjective circumstances freeholding would promote ecologically sustainable development by for instance promoting investment in or long term planning for the property.
- Presently the tests for freeholding have objective elements such as:
  - Purpose of lease – no freeholding of grazing lease
  - Amount of land cleared (75% test)

- While objective tests can be helpful, they are inferior to a subjective test of “would freeholding promote ecologically sustainable development.” The current words of the WLA actually suggest a subjective test for each application. “Ecological sustainability” is the phrase used in the Act and this surely requires a subjective review of the circumstances of each application.
- Many properties still contain some lots of permissive occupancy (PO), which were often old water reserves but have been part of properties for over one hundred years. The fees from these PO’s do not pay for their administration and they are effectively like a WLL anyway. These PO lots should be converted to freehold or WLL.
- Currently PO lots may be converted to freehold or WLL where native title has been extinguished and the lot is not deemed to be environmentally sensitive. This is notwithstanding that clearing is banned by Native Vegetation Act.
- For the purposes of freeholding Western Division land “market value” is the market value of the land excluding improvements and clearing. There is no consideration of the fact that the land is leased in perpetuity.
- So if a landholder can freehold a WLL lease as all they have to pay for the land a second time. If this were widely understood all investment in the Western Division would stop overnight.
- Market value of the freehold interest should consider the encumbrance of the lease. A fundamental principle of valuation is that the encumbrances on a property should be considered in its valuation and that leases should be considered in determining market value.
- It is inappropriate that a perpetual lease over a property is not being considered when determining the market value of the freehold value of that property. If the leasehold interest is disregarded in considering market value then a leaseholder that applies to freehold a Western Lands Lease will effectively pay twice for the leasehold interest.
- In drought conditions rentals have been often waived on Western Lands Leases for a number of years and even market rentals for most leases would limit the level of crown equity. The Lands Department recognises this on its website with the statement in relation to certain perpetual leases that “The landholders effectively hold the great majority of the equity in the land”.
- Council believes freeholding should be available on the same price as the Eastern and Central Divisions (3% of capital value) and that the value of the existing leasehold interest in the land should not be considered.

### **Stronger enforcement provisions**

- 16) Given the NVA the same restrictions on vegetation clearing apply to all land types including freehold. As discussed above in Paragraph 4.3 a simple amendment of Section 24 of the NVA would make it clear that Western Division grazing must be sustainable as is already required by the Western Lands Act. This would apply to freehold lands in addition to leasehold lands and provide additional environmental protections. With the above NVA amendment there is no longer any reason for the restriction on freeholding grazing leases.
- 17) Council supports any proposals to strengthen enforcement provisions. Council is willing to assist with enforcement of non compliance issues provided that it is duly compensated for use of Council resources.
- Council currently undertakes auditing under the Local Government Act Provisions. Council financially accepts care and control of Crown Land and associated assets in their financial records and the Crown also include the land and assets.
  - This Council has incurred considerable expense seeking legal opinions regarding enforcement of Crown Land Leases and Licences. Clear guidelines would assist greatly.
  - Given the distances that need to be travelled by road to undertake an inspection of a compliance issue it is important that officers can issue or threaten to issue penalty notices on the spot.
  - It is feasible that a recalcitrant occupier could “move along” Crown Land avoiding officers if immediate penalties could not be issued.
  - The most significant compliance issues noted in 8.2 of the white paper have been and will be willfully ignored without some form of penalty.
  - The ability to include the following is welcomed:
    - Continuing offence provisions
    - Issue stop work orders
    - Remediation notices
    - Removal notices
    - Other provisions including resource sharing have merit provided the on the ground resources are sufficient for the workload.

### **Minor legislation**

- 18) Council supports the repeal of the minor legislation listed.
- 19) No comment at this time.

## 5. Crown Lands review process

Council believes the Crown Lands Review and White Paper contain a number of positive reforms but that much more could be achieved if the Crown Lands Review had adopted a more orthodox process which allowed issues to be brought to light and considered more thoroughly. Many of Council's concerns relating to Crown Land have not even been considered by the Review.

Unlike recent NSW Government Reviews such as the Local Government Review and the Local Land Services Review the process for the Crown Lands Review has been lacking. There has been:

- No public call for submissions;
- No public hearings or meetings;
- No information as whether the Review Panel has visited the Western Division;
- No detail or supporting evidence in the Report to back sweeping motherhood statements;
- No public advice as to who the members of the Review Panel are apart from Michael Carapiet.

There is no evidence in the Crown Lands Review Report of any input by leaseholders and Western Division Councils. Michael Carapiet has to Council's knowledge never visited Wentworth Shire in his capacity as Chair of the Crown Lands Review.

Wentworth has sent letters to the Deputy Premier in relation to Western Lands Reform but we have made no formal submission to the Crown Lands Review as we were never given the opportunity to do so. We are surprised to be quoted as making a submission to the Review when we have not done so.

As a result of this poor process the community of Wentworth has been denied an opportunity for appropriate input into a matter it feels very strongly about. While the White Paper process now provides an opportunity for Council's input this is based upon a flawed White Paper. It is unlikely the NSW Government will want to revisit Crown Lands issues for a considerable period after this Review which is why it is important that all the issues are properly considered.

While its senior staff are professional, the Crown Lands Western Region has a paternalistic approach to land management and relations with leaseholders. Based remotely in Dubbo, many policies and decisions are not transparent and landholders often do not know the way the Crown Lands will interpret a policy until it is actually determined. Meanwhile other land management organisations such as Landcare and Local Land Services have a local presence and collaboration with landholders is their key focus.

The Crown Lands Review process to date indicates the State Government does not appreciate the opportunities for NSW that the Wentworth Shire presents. All citizens of NSW should be treated equally and proper process should not be reserved for those in the eastern parts of NSW.

The White Paper contains two pages on Western Lands without any sourcing of facts. It contains inaccurate information eg. "...other Australian jurisdictions....have leasehold systems for their rangelands" – what about Victoria only 1km from Wentworth Shire where the land is freehold?

Normal practice is that submissions to such a review are made public. This has not occurred in this instance. Surely the people of the Western Division deserve better than this.

The Crown Lands Review should have considered issues such as:

- Given the Western Lands Commission, now Crown Lands Western Region, was set up over one hundred years ago should its administration be modernized?
- Why is the NSW Government pursuing a Local Land Services model based upon co-operation with landholders while retaining a Western Lands Act model that assumes landholders will over-graze?
- Is there synergy/overlap between Local Councils, the Western LLS and Crown Lands Western Region?
- Why is Crown Lands Western Region located well outside the Western Division in Dubbo?
- Why is the Western Lands Advisory Council not elected and is it performing its intended purpose?

## **6. Support for Western Lands reform**

There are a number of bodies that support more flexibility to freehold Western Lands Leases in Wentworth Shire as evidenced by:

- Western Division Shires resolution
- NSW Farmers resolution
- Wentworth Shire Council

## **7. Attachments**



# Population and Demographics



The current population of the Mildura region is 60,281 and has seen consistent growth over past decades. This population increase has generated demand for a variety of products and services, including housing, which has aided in driving a strong economy. Unless otherwise indicated, "Place of usual residence" data from the ABS has been used in this analysis and best reflects the actual population characteristics of the region.

## General Population

### Historic Population

#### Population Changes - Mildura Rural City Council, 1981-2008

Region	Year	Population	Period	% Change	Annual %Change
Mildura City & Shire, Walpeup	1981	38,344			
Mildura City & Shire, Walpeup	1986	41,506	1981-1986	8.3%	1.6%
Mildura Rural City Council, Pt A & Pt B	1991	44,537	1986-1991	7.3%	1.4%
Mildura Rural City Council, Pt A & Pt B	1996	45,811	1991-1996	2.9%	0.6%
Mildura Rural City Council, Pt A & Pt B	2001	49,616	1996-2001	8.3%	1.6%
Mildura Rural City Council, Pt A & Pt B	2006	51,590	2001-2006	4.0%	0.8%
Mildura Rural City Council, Pt A & Pt B	2008	53,122	2006-2008	3.0%	1.5%

Source: AECgroup; ABS Census (2001 & 2006); ABS 3218.0 (2009)

#### Population Changes - Wentworth Shire Council, 1981-2008

Region	Year	Population	Period	% Change	Annual %Change
Wentworth Shire Council	1981	7,100			
Wentworth Shire Council	1986	7,374	1981-1986	3.9%	0.8%
Wentworth Shire Council	1991	7,270	1986-1991	-1.4%	-0.3%
Wentworth Shire Council	1996	7,197	1991-1996	-1.0%	-0.2%
Wentworth Shire Council	2001	7,214	1996-2001	0.2%	0.1%
Wentworth Shire Council	2006	7,058	2001-2006	-2.2%	-0.4%
Wentworth Shire Council	2008	7,159	2006-2008	1.4%	0.7%

Source: AECgroup; ABS Census (2001 & 2006); ABS 3218.0 (2009)

#### Population Changes - Total Mildura Region, 1981-2008

Region	Year	Population	Period	% Change	Annual % Change
Mildura City & Shire, Walpeup, Wentworth	1981	45,444			
Mildura City & Shire, Walpeup, Wentworth	1986	48,880	1981-1986	7.6%	1.5%
Mildura Rural City Council, Pt A & Pt B, Wentworth	1991	51,807	1986-1991	6.0%	1.2%
Mildura Rural City Council, Pt A & Pt B, Wentworth	1996	53,008	1991-1996	2.3%	0.5%
Mildura Rural City Council, Pt A & Pt B, Wentworth	2001	56,830	1996-2001	7.2%	1.4%
Mildura Rural City Council, Pt A & Pt B, Wentworth	2006	58,648	2001-2006	3.2%	0.6%
Mildura Rural City Council, Pt A & Pt B, Wentworth	2008	60,281	2006-2008	2.8%	1.4%

Source: AECgroup; ABS Census (2001 & 2006); ABS 3218.0 (2009)





# New South Wales Consolidated Acts

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## NATIVE VEGETATION ACT 2003 - SECT 24

### Sustainable grazing

#### 24 Sustainable grazing

Sustainable grazing that is not likely to result in the substantial long-term decline in the structure and composition of [native vegetation](#) is permitted.

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You are here: [Home](#) > [Native vegetation](#) > Clearing without approval

## What clearing can I do without approval?

### Permitted clearing and activities, routine agricultural management activities and exclusions

Clearing native vegetation does not require approval in certain specific circumstances.

Under the [Native Vegetation Act 2003](#) (the Act) clearing can be undertaken without a PVP for:

1. **any regrowth that is not protected regrowth**
  2. **certain groundcover**, when less than 50% comprises live Indigenous species, and 10% or more of the area has some form of vegetative cover whether dead or alive and these percentages are calculated according to clause 62 of the Native Vegetation Regulation 2013
  3. **routine agricultural management activities (RAMAs)** - RAMAs relate to a wide range of day-to-day rural and non-rural activities that are specified in the Act and the Regulation
    - [RAMAs without self-assessable codes](#)
    - [self-assessable code RAMAs](#)
  4. **continuation of an existing cultivation, grazing or rotational farm practice** as long as it does not involve the clearing of remnant native vegetation, and in the Western Division, the clearing of river red gum, belah and white cypress pine taller than three metres.
  5. **sustainable grazing** not likely to result in the substantial long-term decline in the structure and composition of native vegetation
  6. clearing listed in section 25 of the Act does not require approval because it is **authorised or permitted under other legislation**
  7. clearing on **land that is excluded from the operation of the Act**, such as land in the Sydney metropolitan and Newcastle urban areas also does not require approval.
- Landholders are advised to keep supporting documentation for any clearing that does not require approval.

Page last updated: 19 September 2013





## Perpetual leases facts

### Why is the Government selling this land?

The conversion of certain perpetual leases to freehold is about ensuring land that is already managed by the private sector, is owned by the private sector.

It is ineffective and costly to administer these types of leases. It is in the public interest that resources are applied to improving the department's stewardship role such as managing bush fire threats, weeds, feral animals and the state's 33,000 Crown Reserves set aside for the community.

### Will this affect my existing conversion application and the purchase price I have to pay?

The amendments introduced to the Act discontinue the practice of allowing the purchase price of land to be paid by instalments (for applications received after 1 July 2004). The purchase price will now be required to be paid in full on the settlement date contained in the contract for sale.

Existing applications will continue to be processed as normal.

Should a holder wish to withdraw their current application (lodged prior to 1 July 2004) and reapply, their new application will be processed in accordance with the new provisions contained in the Act.

Any client considering withdrawal of an existing application to convert a perpetual lease to freehold should seek legal advice on the implications of doing so.

### How much time will I be given to convert my Perpetual Lease to freehold? Will the rent I pay be increased in the meantime?

Holders of Perpetual Leases whose lease is not subject to periodic redetermination of rent, will have until 9 September 2008 to make an application to convert their Perpetual Leases to freehold.

Advice of this purchase offer has been sent to all leaseholders who have applied to purchase. This means that an application for purchase of the lease should be lodged with the local Crown Lands Office on or before 9th September 2008 to avoid the market rent provisions.

If an application is not received within this time, the rental of the leased land will be at a market based value but not less than the minimum rent provisions, currently \$376 plus CPI..

If your application to convert is refused you will not be charged a market rent, but will still be subject to a rent that reflects your current rent subject to minimum rent provisions plus CPI.

### What will happen if I choose not to convert my Perpetual Lease to freehold?

If you choose not to apply to convert your Perpetual Lease to freehold prior to 9 September 2008 the amount of rent you pay will be a market based rent of the land but not less than the minimum rent provisions, currently \$376 plus CPI.

An application to convert to freehold after this period will still be possible, but a market based rent may apply pending the determination of the application.

### How will my existing perpetual lease, which is subject to rent redetermination, be affected?

You will still be able to apply for the conversion of your perpetual lease but there is no longer a



provision to pay the purchase price by instalments.

Please note the concessional purchase price of 3% of the land value does not apply to leases which are subject to rental redetermination. Conversion of these leases to freehold will be at current market value or the notified capital value (CPI adjusted) whichever applies under the legislation.

Please note a rental redetermination does not mean an increase in rent that has occurred due to CPI adjustment or to the increase in the minimum rent of the lease due to amendments to the legislation.

### **What protection will these lands have after they convert to private ownership?**

It is no longer essential these lands are held in public ownership to maintain environmental and conservation controls over them.

Initiatives like native vegetation protection, improvement to catchment management and natural resource management assist in ensuring these lands are managed to maintain their environmental sustainability.

In addition, the legislation enables the Minister for Lands, on behalf of the State, to impose certain restrictions (called public positive covenants) on land that is purchased under the special arrangements in the legislation.

These restrictions, or public positive covenants, may be utilised to protect the environment, protect or manage natural resources or protect the cultural, heritage or other significant value of the land.

A restriction on subdivision of the land and a restriction on allowing any dealing with multiple lots separately, where they comprised a former lease, will also be imposed upon conversion of perpetual leases except for some leases of minimum area in some urban localities.

### **Will the conversion of perpetual leases result in the loss of significant environmental values?**

The National Park Association of NSW (NPA) has recently released a report which questions the Crown lease conversion policy. The NPA has said that the Department of Lands claimed that only 3% of the perpetual leases under consideration for conversion to freehold have conservation values. No claim has been made by Lands about what percentage of perpetual leasehold land has conservation values.

The majority of perpetual lease holders have had a right to purchase their leases for many years. The landholders effectively hold the great majority of the equity in the land, and the land is already treated as a form of title that is almost equivalent to freehold.

The Crown land reforms contain provisions for the protection of environmental and other significant values. The reforms gave the Minister for Lands power to impose covenants and restrictions on title when Crown land is converted to freehold.

The proposed covenants and the Native Vegetation Act 2003 provide greater protection than the previous lease conditions.

The State Government recently allocated \$13 million over four years for the voluntary purchase of high conservation perpetual Crown leases, funded through the Increased Waste Levy. These funds will be used to purchase leases where environmental values cannot be adequately protected by covenants.

The Department of Lands will continue to work with the Department of Environment and Conservation (DEC) to develop covenants to protect environmental values and to identify priority high conservation land. Lands will also work with Catchment Management Authorities (CMAs) and rural communities. This approach will ensure that significant environmental values are protected and conserved without unnecessarily compromising productive use of the land.

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## Plantings

The large investment in almond orchards from the early 2000s has skewed the production from South Australia, the traditional home of Australian almond production, to Victoria, where 66% of orchard hectares are now located. The categorisation of plantings by region has orchards in Lindsay Point (VIC) included in the Riverland region of South Australia due to its much closer proximity to Renmark (SA) than Mildura (VIC).

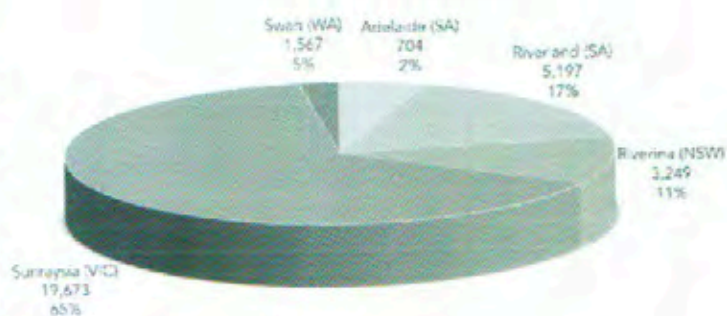
High health status varietal budwood is available to nurseries for grafting to ensure plantings have the best start possible. This material is produced at ABA managed motherplanting sites that are tested annually for viruses such as *Prunus Necrotic Ringspot Virus* and *Prune Dwarf Virus*.

During the period of rapid industry expansion, the supply of virus tested material was insufficient to meet demand but in recent years high health status and true to type material has been available from the ABA to meet all of industry's requirements.

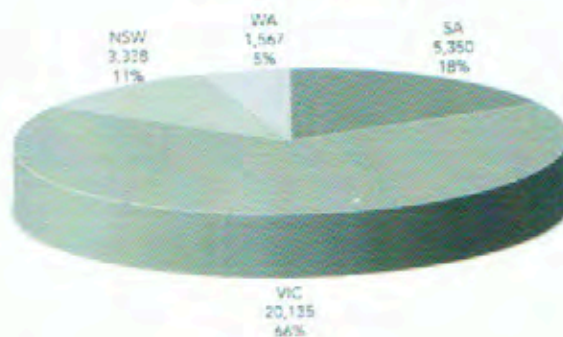
It is estimated that industry orchards contain in excess of 8 million trees. The commercial life of an almond tree is considered to be between 25 and 30 years. Some of the orchards planted during the 1970's in the Adelaide Plains and Riverland regions are now entering a replanting phase.



Hectares by Region



Hectares by State



Council indicated that unless the Community were prepared to make changes and either reduce current levels of service or cut some of the commitments requested by the community then Council was left with three options to increase revenue;

1. To apply for a Special Rates Variation – Council clearly outlined what this meant to the community. Council advised the community that this was their least preferred option as they felt ratepayers were already struggling due to years of drought and were reluctant to further burden ratepayers.
2. Borrow Money – Council outlined that they currently had low borrowings and could possibly afford to borrow money to fund their operations in the medium to long term. Following discussions it was decided to try option three first prior to committing operational funds for the next 20 years to principal and interest payments.
3. Increase the LGA's rate base (through population growth) – Council decided this was the best option. If trends continued Council's rate base would continue to dwindle and therefore fewer rate payers would face the burden of either option 1 and 2. It was agreed that an increase of 3.0% p.a. for 10 years in rateable properties, whilst optimistic, was the figure Council would need to achieve to accomplish the things the community wanted and leave Council in a financially Sustainable position. Council believes it currently has enough cash in reserves which could be freed if they could not meet those targets but will need to re-evaluate the situation after three years.

Since the new Council was elected in September, Council has been proactive in trying to attract new rate payers to the LGA. Council had received feedback from the public that they found the planning process confusing and daunting which is why they were moving to Victoria as it was believed to be an easier process. Based on this they have already attempted to improve the planning process to attract potential ratepayers. Council has also been actively advertising the benefits of living in Wentworth, focusing on stamp duty and first home grant differences between NSW and particularly Victoria making it more affordable to build houses in NSW.



# NSW Farmers Wentworth Branch. Minutes March 2005.

4.

## GENERAL BUSINESS: (Cont..)

Western Division. Vanessa McFarland informed members that if individuals needed assistance the Association could help.

**Calici virus in bait form.** Gerald Byrnes spoke on the delay in distribution of the bait form of the Calici virus. A motion was carried by members "that a letter be written to Ian MacDonald Minister DPI stating that NSWFA Wentworth Branch members queried why the distribution of Calici virus in bait form had been delayed and urged action be taken on distribution ASAP.  
Moved: Gerald Byrnes                      Seconded: Kevin Ingram                      - Carried

Gerald Byrnes informed members that for Pooncarie residents to obtain a CDMA tower, they must contribute \$50,000. There is a possibility that once the \$50,000 is found a grant of \$25,000 may be available. A motion is carried by members "that a letter be written to Senator Helen Coonan, Minister for Communications, Information Technology and the Arts informing her that NSWFA Wentworth Branch is in support of the residents of the small outback town of Pooncarie NSW in their opposition to having to make a contribution of \$50,000 towards the installation of a much needed CDMA tower, when other like communities do not seem to have to make a similar contribution."

And also, that a copy of the letter be forwarded to Sussan Ley MP, Federal Member for Farrer.

Moved: Gerald Byrnes                      Seconded: Rob Seekamp                      - Carried

[Alan Whyte]

The Chairman spoke on converting Perpetual Leases to freehold in the Central, Eastern and Western Division. Members carried a motion "that a motion from Wentworth Branch in respect to the transferring of Perpetual Leases to Freehold be presented at the next Western Division Council meeting in Brewarrina on 25<sup>th</sup> May 2005, stating that the right to freehold Western Division Perpetual Leases be the same as the Central and Eastern districts of NSW.

Explanation: In the Eastern and Central districts of the state, the cost of such transfer is 2 - 3% of capital. However, in the Western Division, converting perpetual leases to freehold is 100% of capital.

Moved: Alan Whyte                      Seconded: Gerald Byrnes                      - Carried

It was advised at the meeting that once again the next Western Division Council meeting was be held in the northern area of the Western Division, as Brewarrina would be hosting Region 12 Convention this year, possibly in May, the WDC meeting would be held there also. A motion is carried by members, "that Western Division Council consider the charter of a light aircraft to convey councillors from the southern region when meetings are held in the northern region and vice-versa."

Explanation: The last WDC meetings have been held in the northern region (Dubbo, Walgett, Bourke,) now Brewarrina. This means over a 1,000 kilometres travel each way. This not only results in the cost of travel and extra accommodation, but also means being away from the property, which is very difficult during drought.

Moved: Rod Stone                      Seconded: Kevin Ingram                      - Carried

The Chairman advised that the next branch meeting be arranged in the usual process by sending a fax to all Executive. This meeting would have to be held prior to the date that motions and delegates' details for Annual Conference had to be sent to the Association, which was usually early May.

Chairman Alan Whyte then thanked all for attending and closed the meeting at 3.15 p.m.

-----CHAIRMAN



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## 21/13 Emergency Services Training Fund Review – Walgett

**MOTION:** That Western Division write to the NSW Minister for Emergency Services requesting that funding for the training of members of Local Emergency Management Committees (LEMC) be restored to pre 2012/13 levels and be increased where necessary to ensure adequate training is available for local volunteers.

**Moved Walgett, seconded Cobar**

**Carried**

### BACKGROUND

Present funding levels for Local Emergency Management Committee members are simply inadequate.

At a time when the value of local input into the management of local emergencies by way of local volunteers has been demonstrated again and again during recent emergencies across NSW, the Government has seen fit the need to reduce the level of funding available for the training of LEMC members.

The only realistic and workable approach to ensuring an appropriate level of response and participation by all state agencies and local volunteers is to provide appropriate training and exercises for these essential personnel.

Improved and adequate training will go a long way towards providing the mechanisms essential for addressing a wide range of community safety and agency concerns during natural and other disasters more expediently and at a local level.

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## 22/13 Conversion of lease land to Freehold Adjacent to Towns and Villages Wentworth Shire Council

- **Motion** That a taskforce be set up to review the conversion of leasehold adjacent to towns and villages with due consideration being given to, but not limited to, the following: Develop a process to identify sufficient land to be converted to freehold to allow for growth and development over the next 20 years
- Develop a process of conversion that can be flexible, at minimal cost and not reliant on analysis based on past demand
- Consult with affected land owners adjacent to towns and villages
- Dispense with the conversion of leased land at market value and move to covering transfer costs only

**Moved Wentworth, Seconded Bourke**

**Carried**

### Notes

Wentworth Shire Council has approximately 96% of its area under lease. One of the main areas of growth in the Shire is adjacent to our towns and villages

This motion recognises that for future strategic planning and investment to occur more land needs to be available for development without the impediments that currently exist.

## 23/13 Mobile Telephone Coverage Bourke Shire Council

**Motion:** That the Federal Government be asked to under take immediate steps to ensure that the mobile coverage is available to all areas of Australia with particular emphasis on remote villages which act as a service centres in outback areas.

**Moved Bourke, seconded Bogan**

**Carried**



## 66 MILDURA, VIC

Median	\$220,000 (H); \$145,000 (U)
Location	476km northwest of Melbourne
Population	30,647
Rent	\$248 (H); \$170 (U)
Yield	5.8% (H); 6.0% (U)
12-month growth	0.0% (H); -3.3% (U)
Shelf life	Short-term
Look	Close to town where there are work opportunities.
Avoid	Leasehold land, which isn't freehold title.
Buy	A three-bedroom property in the median-price range.

Local council: ..... Good

The council is proactive in planning for the future. Locals have lobbied the State Government to take an interest in the city as a possible centre for population and decentralisation.

Accessibility: ..... Good

Mildura has the third busiest airport in Victoria. It's accessible by train, car and bus.

Services and amenities: ..... Good

La Trobe University has a campus at Mildura. The CBD has more than 350 traders and Centro Mildura houses major retailers.

Infrastructure on the radar: ..... Moderate

Council is currently undertaking a \$13.3 million project to enhance the Mildura Murray River riverfront. The project will enhance a 1.2-kilometre stretch of parklands and facilities.

KEY DRIVERS	MOST LIKELY TO SUIT
✓ Affordability	✓ Speculator
✓ Employment	✓ First-time investor
✓ Changing demographics	

Source: John Lindeman, Property Power Partners

Mildura's image is rapidly changing, according to Property Power Partners chief property consultant John Lindeman.

"Mildura Tourism has a strategic plan, which aims to change people's views of Mildura," he says.

"Its objective is to position the region as a modern and vibrant tourism destination, centred on the iconic Murray River and a highly desirable place to live that's continually growing, evolving and improving."

Mildura has lots of sports and recreation facilities, especially when it comes to motorsports. There are beautiful gardens, art galleries and water activities on the Murray River.

But Lindeman says perhaps its most exciting drawcard is the fact it could soon be a strategic centre designated for population growth.

"Council is also currently developing a housing and settlement strategy for the Mildura region," Lindeman says.

**Buyer demand is low.** There are around seven potential buyers for every listed property.

## 67 MOOROOKA, SALISBURY, QLD

Median	\$458,000 (H); \$385,000 (U)
Location	6.7km south of Brisbane
Population	20,648
Rent	\$420 (H); \$380 (U)
Yield	4.8% (H); 5.1% (U)
12-month growth	-1.6% (H); -1.9% (U)
Shelf life	Long-term
Look	Close to public transport.
Avoid	Main road locations.
Buy	Detached homes on good size allotments at an affordable price point.

Local council: ..... Good

The council is of a good standard when it comes to development friendliness, services and infrastructure.

Accessibility: ..... Very good

There's ready access to the CBD and the South East Freeway is a short drive, providing a major roadway to northern and southern localities. The area is serviced by both rail and bus.

Services and amenities: ..... Average

The suburbs have average standard convenience facilities. There's a shopping centre at Moorooka but limited high-end village hub-style facilities.

Infrastructure on the radar: ..... Weak

There are no major infrastructure projects earmarked for the coming year.

KEY DRIVERS	MOST LIKELY TO SUIT
✓ Affordability	✓ First homebuyer
✓ Population growth	✓ Investor
✓ Employment	
✓ Changing demographics	
✓ Strong rent returns	

Source: Max Collins, freelance property valuer. Data shown is for Moorooka

Moorooka and Salisbury are established southern Brisbane suburbs that have a mix of housing types mostly of the 1920s to 1950s construction.

The area began as a working class locality, however its proximity to the CBD is encouraging gentrification.

The Moorooka high street provides for all necessary convenience facilities while there are nearby commercial uses along Ipswich Road in Annerley.

The area has undergone a change in demographic over the past few years with Moorooka hosting an increasing number of immigrants of Sudanese descent.

The image of the area is considered poor to fair but fundamentals are stable.

David Hyne, a director at Herron Todd White, says the area provides an affordable option but buyers need to consider what they're trying to achieve.

"You've got to pick your market. The better-located pre-war homes have better prospects for growth in these suburbs."

**Buyer demand is strong.** There are between 31 and 49 potential buyers for every listed property across both suburbs.

## 68 MORNINGSIDE, QLD

Median	\$524,000 (H); \$429,000 (U)
Location	5km east of Brisbane
Population	9,399
Rent	\$435 (H); \$395 (U)
Yield	4.3% (H); 4.7% (U)
12-month growth	0.7% (H); -2.5% (U)
Shelf life	Medium-term
Look	The northside of Wynnum and Junction roads, bordering Bulimba.
Avoid	Properties on main roads or too close to the railway line.
Buy	Cheaply priced two-bedroom units would offer a good prospect.

Local council: ..... Good

The local council is very proactive and has earmarked this area for future development and gentrification.

Accessibility: ..... Good

There are main arterial roads into Morningside and regular, reliable bus services. There's a rail station and good access to the Gateway Motorway.

Services and amenities: ..... Very good

There are excellent schools in the area, great cafés and restaurants, a couple of shopping centres and a strong level of amenity.

Infrastructure on the radar: ..... Moderate

The council is proactive but there aren't any major projects on the horizon.

KEY DRIVERS	MOST LIKELY TO SUIT
✓ Affordability	✓ Homebuyer
✓ Population growth	✓ First homebuyer
✓ Employment	
✓ Gentrification	

Source: Aaron Maskrey, PRDnationwide

The inner-eastern Brisbane suburb of Morningside is seen as an area "in transition", according to PRDnationwide research director Aaron Maskrey. Given it's nudged between the more affluent pockets of Bulimba and Hawthorne, there are big things tipped for this cheaper ugly duckling.

"Homes are being purchased and renovated, providing a fresh look for the dated, older stock," Maskrey says. "You'll see Morningside benefit from a 'ripple effect' from its neighbours in years to come. There's already a steady flow of unit developments, with over 30 projects in the pipeline at the moment."

Population growth in the area is strong, with a 3.2 per cent average annual increase recorded over the past five years. Young professionals especially are flocking to the area, Maskrey says.

"They're attracted to the easy commute to the CBD on the railway line."

A price disparity has emerged between Morningside's houses and units, he adds.

**Buyer demand is strong.** There are around 39 potential buyers for every listed property.



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MAY 2013

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### Minister's message

**Katrina Hodgkinson**  
Minister for Primary Industries

THE NSW government is streamlining the perpetual lease conversion process to remove much of the red tape imposed on farmers, making it easier to manage their land while still protecting land with high conservation value.

With key environmental protection outcomes now covered by the Native Vegetation Act and the Threatened Species Conservation Act, the time has come to remove the duplication of regulatory processes restricting productive use of farmers' land.

From 2004, the former Labor government converted almost 9000 perpetual leases to freehold and many had land management covenants attached.

The NSW Liberals and Nationals have confidence in our primary producers as professional land managers and are providing them with greater flexibility and reduced regulatory requirements.

In future, covenants to protect native vegetation will not generally be placed on leases converted to freehold unless the land is of high conservation value.

NSW Department of Primary Industries (DPI) data shows there are around 1030 remaining leases where covenants will no longer be

required on conversion.

All new applications will be considered against the new agreement and I encourage holders of perpetual leases to continue applying to convert to freehold.

**Bumper winter crop**  
Record-breaking rain in the past six months devastated some summer crops and prevented winter crop sowing in some areas.

However, the silver lining is that good summer rain has seen the State up for a big winter crop this year.

The latest DPI Grains Report estimates a 5.18 million hectare winter crop will be sown this season in NSW, only slightly down on last year's 5.28 million.

This includes an all-time high for canola sowings of 548,350 ha, 39 per cent up on the 2011 harvest.

Good subsoil moisture, strong prices compared to wheat, and good yield and oil contents in 2011 have contributed to this result.

Forecasts for the State's biggest crop, wheat, have dropped by 4 per cent on low forecast prices.

The NSW grains report for April 2012 is available on the NSW DPI website.

### DPI at Sydney Royal

I had a wonderful time at the Royal Easter Show this year and would like to say a big thank you to everyone involved in promoting

# Less red tape on leases

primary industries by showcasing a range of services and information for our farmers and the public.

Some highlights included:

- The District Exhibits: I was impressed with the regions' incredible "Our Farming Future" displays and proudly presented Arthur John of the Northern region with the winning trophy.

- The Schools District Exhibits competition:

Congratulations to overall winner Muirfield High School, and to the inaugural Student's Choice Award winner Menai High School.

- The Woodchop arena: I presented ribbons to the winners of one of these hard fought competitions.

- Jasmine Nixon of Crookwell, in my Electorate of Burrijack, won the Showgirl competition and DPI employee Kate Warren, from the Trangie Agricultural Research Centre, placed third.

### Scholarships

Do you know a PhD student looking to travel overseas to expand studies and research in field crops?

Applications for Farrer Memorial Travelling Scholarships are invited from PhD students to support international travel on any aspect of field crop research up to a value of \$5000.

Applications close on May 11. More information at [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au) or contact the Secretary of the Trust, (02) 8289 3905.

The Land May 2012.