Crown Lands Legislation

White Paper

NSW GOVERNMENT

Crown Lands Legislation White Paper

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Foreword

Every day, individuals and families right across NSW enjoy visiting the thousands of parks, beaches, waterways and sports grounds on Crown land.

Communities, businesses and farmers in our great State also rely on access to Crown land that is home to local clubs, community halls, showgrounds, racecourses, holiday parks, golf courses, farms, access roads and grazing paddocks.

However, the current legislation governing Crown land dates back to 1890 and the management of Crown land has not kept pace with the changing needs of the community.

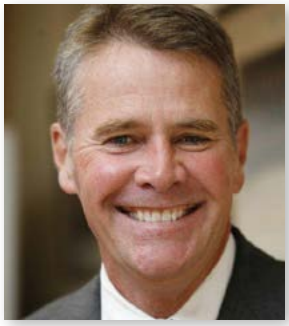
The Crown Lands Management Review started in June 2012 with the aim of improving the management of Crown land and increasing the benefits and returns to the community.

The Review proposed one new piece of contemporary legislation to replace the eight existing acts.

This White Paper sets out a range of legislative proposals which will support Crown land management in the 21st century.

Streamlining the existing legislation will remove unnecessary duplication and red tape. The new legislation will be simpler and easier to understand, which will make it accessible to the many and varied users of Crown land.

I encourage you to read the White Paper and have your say on the legislative proposals. The NSW Government values the input of local communities and key stakeholders, and all submissions will be considered when developing the new Crown lands legislation.



The Hon. Andrew Stoner MP

Deputy Premier
Minister for Trade & Investment
Minister for Regional Infrastructure & Services

Contents

Call for submissions

NSW Trade & Investment is inviting comments on the proposals in this White Paper.

The White Paper sets out recommendations to:

- create simpler legislation to support Crown land management in the 21st century
- help grow the NSW economy through the more effective management of Crown land
- continue the key objective of managing Crown land for the benefit of the people of NSW
- reduce red tape for the community and stakeholders
- streamline and speed up administration
- cement the role of local communities in the management of Crown land.

Public notice of the White Paper will appear in the NSW G*overnment Gazette*, *The Land*, the *Sydney Morning Herald* and the *Telegraph*. The White Paper will be available at www.crownland.nsw.gov.au

You can submit your comments in writing to NSW Trade & Investment in any of the following ways:

Post:

Crown Lands Management Review
NSW Trade & Investment
PO Box 2185 DANGAR NSW 2309

Email:

crownlands.whitepaper@trade.nsw.gov.au

The closing date for submissions is 20 June 2014 at 5.00 pm.

What happens to submissions?

NSW Trade & Investment will review all submissions received by the closing date. A summary of submissions will be published, which will generally identify the individuals and bodies who made submissions.

Please advise NSW Trade & Investment if you do not want to be identified in the summary. Your request will be respected, unless legislation (for example the *NSW Government Information (Public Access) Act 2009*) requires disclosure.

Submissions received will be taken into account when developing the new Crown lands legislation.

1. Introduction

Crown land is an important asset for the community of NSW, providing opportunities for a vast range of community and economic activities, and preserving important heritage and environmental values.

What is Crown land?

The proposals in this White Paper cover only Crown land administered by NSW Trade & Investment Crown Lands Division, which comprises some 42 per cent of NSW.

Crown land for the purposes of this White Paper includes:

- Crown land held under lease, licence or permit,
- Crown reserves managed by local councils and community trusts,
- Crown land retained in public ownership for environmental purposes,
- land within the Crown public roads network,
- many non-tidal waterways and most tidal waterways, and
- other unallocated Crown land.

National parks, state forests and community lands held by local councils were not part of the Crown Lands Management Review and are not covered in this White Paper: they are special categories of public land managed for specific purposes by other entities.

1.1 The need for legislative change

There is a need to ensure that Crown land can be used for its optimal purpose, that those who manage it are empowered to do so as efficiently as possible, and that there is sufficient flexibility to provide for changing community standards and expectations on how Crown land is managed into the future.

Crown land is currently administered under eight different pieces of legislation, which together create a complex web of overlapping and confusing requirements. This is to a large extent an inevitable but unintended consequence of legislative change since the 1890s.

This arrangement can be a source of frustration for the NSW community and adds administrative costs without delivering benefits. The recent Crown Lands Management Review identified problems such as:

- delays and backlogs resulting from multiple layers of decision-making and consent requirements which do not add value,
- lack of clarity for the community about which government agency controls particular land,
- inconsistent provisions in different legislation for similar land and activities, and
- requirements duplicated in more than one Act.

1.2 The way forward

This White Paper proposes that the best way to support the management of the Crown estate in the twenty-first century is to develop one new piece of legislation to replace the following eight Acts:

- *Crown Lands Act 1989*
- *Crown Lands (Continued Tenures) Act 1989*
- *Western Lands Act 1901*
- *Commons Management Act 1989*
- *Trustees of Schools of Arts Enabling Act 1902*
- *Public Reserves Management Fund Act 1987*
- *Wentworth Irrigation Act 1890*
- *Hay Irrigation Act 1902*.

This was a key recommendation arising from a comprehensive Crown Lands Management Review (see Appendix 1). Although it would be possible to update each individual Act, this would be unlikely to remove the duplication and complexities that result from having multiple Acts, or to address consistency issues.

There are also a number of Acts that could be repealed because they are no longer necessary (see Chapters 9.4 and 9.5):

- *Wagga Wagga Racecourse Act 1993*
- *Hawkesbury Racecourse Act 1996*
- *Orange Show Ground Act 1897*
- *Irrigation Areas (Reduction of Rents) Act 1974*
- *Murrumbidgee Irrigation Areas Occupiers Relief Act 1934*.

This new Crown lands legislation will not amend the *Aboriginal Land Rights Act 1983*, which is being considered in a separate review process. Crown land will continue to be available under the provisions of that Act as compensation for the dispossession of Aboriginal people.

In developing the new legislation, the requirements of the Commonwealth's native title legislation will need to be considered.

The new Crown lands legislation will be consistent with, but will not duplicate, the proposed new local government and planning frameworks and the existing environmental legislation.

1.3 Benefits of change

- The new legislation will be simpler and more direct than the current suite of Crown lands legislation, and will be easier for non-lawyers to understand.

» The aim is to provide the simplest possible legislative framework to manage Crown land by streamlining existing legislative requirements and reducing red tape, particularly for the management of Crown reserves and the administration of Western Lands leases. The new legislation will also achieve the specific outcomes below.

Allow use of Crown land by the people of NSW

Existing provisions to manage Crown land for the benefit of the people of NSW will continue, including provisions to reserve land for public access and use, and provisions for public use and multiple use of Crown land where appropriate.

Simplifying the provisions for the management of Crown land will make it easier for the community to benefit from Crown land under tenures and reserves.

Underpin effective management and protection of Crown land

Effective management and protection of Crown land will continue to be a core concern for the NSW Government. This will be reflected in the objects of the new Act.

The new legislation will feature simpler, more transparent structures and processes. For example, it will:

» reduce the current three-tier Crown reserve management system to two tiers,

» simplify the various types of land ownership, and

» be consistent with other legislative frameworks, particularly the local government and planning frameworks, and will not include provisions that duplicate other legislation.

Environmental protection measures in the existing legislation, including provisions to prevent overstocking and overgrazing on Western Lands grazing leases, will be continued. Provisions that duplicate the protections in other legislation (such as the *Native Vegetation Act 2003*) will not be retained.

Practical and effective enforcement provisions and a bigger 'compliance toolbox' are also proposed. For example, remediation and removal notices will be provided for. This will enable action to be taken to more easily protect Crown land and to remediate any damage.

Streamline decision-making at the local level

Thousands of Crown reserves are currently managed by local communities under trust arrangements, which require councils and community trusts to comply with complex, duplicative and sometimes contradictory requirements.

It is proposed that this will be streamlined so that Crown land will be managed by the most appropriate level of government. Land with primarily local uses and values will be managed by councils under the local government legislation, using the same procedures that apply to land already owned by councils. These include the community engagement processes that are part of the Integrated Planning and Reporting systems used by councils.

This change will reduce the complexity and red tape for councils and allow local communities to have more of a say about how public land in their local area is managed. Proposals to reduce reporting requirements will also help.

Reduce red tape and transaction costs

Simplified Crown lands legislation will reduce the delays and frustration currently experienced by individuals, reserve trusts, communities and councils. In particular, getting approval for activities on Crown land often involves unnecessary paperwork and delay.

In the new legislation, consent and notification requirements will be streamlined to ensure the most effective consultation mechanisms are supported and unnecessary bureaucracy is removed.

Duplication of provisions in other legislation will also be removed.

The existing requirements for councils and other reserve trusts and managers to report to the NSW Government will be considerably reduced, with the emphasis shifted to local accountability to the community.

Opportunities to diversify or expand activities will be provided to leaseholders of Western Lands leases in rural areas by removing approval requirements to undertake additional activities, subject to certain conditions. Western Lands grazing leaseholders with current cultivation consents will be able to apply to convert their leases to freehold, subject to meeting certain requirements.

There are seven different processes under the existing legislation for converting leases to freehold on application. This includes leases administered under the Continued Tenures Act, the two Irrigation Acts and the Western Lands Act. The proposed changes could introduce a common approach to how Crown land is sold to leaseholders, or if that is not practicable a more streamlined approach.

1.4 Issues for comment

Public comment is invited on all the recommendations and proposals in the White Paper. In particular, your views are sought on any or all of the following questions, which are repeated throughout the document in the relevant sections.

Proposed legislation

1. How would developing one new piece of legislation to manage the Crown land estate benefit the community?
2. Are the objects and provisions proposed for the new legislation appropriate to support Crown land management in the 21st Century?

Improved management arrangements for Crown reserves

3. Do you have any comments on the proposal to allow local councils to manage Crown land under local government legislation rather than under the Crown Lands Act?
4. What are your views about the proposed new management structure for Crown reserves?
5. Do you have any further suggestions to improve the governance standards for Crown reserves?

Other streamlining measures

6. Are there any additional activities that should be considered as 'low impact' activities in order to streamline landowner's consent?
7. Are there any other ways to streamline arrangements between the State and local governments?
8. In addition to the suggestions provided, are there any other ways to ensure that the public is notified of the proposed use or disposal of Crown land - and their views taken into account – that would be appropriate to include in the new legislation?

Better provisions for tenures and rents

9. Do you support the concept of a consistent, market based approach to rents, with rebates and waivers for hardship and public benefits for certain uses of Crown land applied where appropriate?
10. Is five years a reasonable amount of time to give tenure holders who currently pay below the statutory minimum rent to move to paying the minimum level of rent as required under the new legislation.
11. To avoid rent arrears issues for incoming tenure-holders, should the new legislation automatically transfer any rental debt to a new tenure-holder on settlement, or require any outstanding arrears to be paid prior to transfer or settlement?
12. What kinds of lease conditions should be considered 'essential', for the purposes of providing for civil penalties?
13. Should Crown land be able to be used for all forms of carbon sequestration activities?

Greater flexibility for Western Lands leases

14. What additional activities do you think should be permitted on Western Lands leases without the need for approval?
15. Bearing in mind the fragile nature of much land in the Western Division, in what situations do you think it would be appropriate to allow Western Lands leases to be converted to freehold?

Stronger enforcement provisions

16. What are your views about the proposal to strengthen the compliance framework for Crown lands?
17. Do you have any suggestions or comments about proposals for the following:
    - Auditing
    - Officer powers
    - Offences and penalties
    - Other provisions

Minor legislation

18. Do you support the repeal of the minor legislation listed?
19. Do you see any disadvantages that would need to be addressed?

2. Existing legislation

The NSW Crown estate is administered under three core pieces of legislation:

- *Crown Lands Act 1989* (Crown Lands Act)
- *Crown Lands (Continued Tenures) Act 1989* (Continued Tenures Act)
- *Western Lands Act 1901* (Western Lands Act)

There are strong similarities between these three Acts, the most obvious being that they all include tenure provisions.

The Crown Lands Act and the Western Lands Act are complex and detailed, largely because both Acts have evolved over many decades. They are also outdated in many respects. The interaction between the two Acts is complicated and many of the provisions of the Crown Lands Act also apply to land in the Western Division. This results in inefficiencies, duplication and a lack of clarity.

The following Acts are also overdue for review:

- *Public Reserves Management Fund Act 1987* (PRMF Act)
- *Commons Management Act 1989* (Commons Act)
- *Trustees of Schools of Arts Enabling Act 1902* (Schools of Arts Act)
- *Wentworth Irrigation Act 1890 and the Hay Irrigation Act 1902* (Irrigation Acts).

Crown Lands Act

The Crown Lands Act is essentially concerned with the allocation and management of Crown land, including the administration of tenures and Crown reserves, and also deals with the acquisition and sale of Crown land.

Crown reserves are parcels of Crown land set aside for public use, such as recreation and sporting facilities, green space, beaches and foreshores, cemeteries, environmental protection, holiday accommodation, infrastructure or Government services. Many reserves are used for multiple purposes. There are currently around 35,000 Crown reserves.

Tenures allow the occupation of Crown land for specific purposes, including commercial ventures (such as marinas, kiosks, restaurants, and caravan parks), telecommunications, access, grazing and agriculture, residential, sporting and community purposes, tourism and industry, and waterfront occupations. There are more than 59,500 tenures over Crown land, including around 20,000 over Crown reserves.

Western Lands Act

The Western Lands Act establishes the Western Lands Commissioner and the Western Lands Advisory Council, and provides for the administration of Western Lands leases. The Western Division covers just over a third of NSW and there are around 6,400 Western Lands leases.

Continued Tenures Act

The Continued Tenures Act created a number of tenure types (perpetual leases, term leases, special leases, permissive occupancies and incomplete purchases) to consolidate the much larger range of tenures that existed under former legislation. There are currently in the region of 2,000 leases and around 3,800 permissive occupancies.

Public Reserves Management Fund Act

The PRMF Act is administered by Crown Lands Division and facilitates the management and upgrading of Crown reserves through the operation of a fund that provides grants and loans for these purposes.

Commons Act

The Commons Act provides for the management of public land set aside for use as a common for the benefit of enrolled commoners (see Chapter 9.1). Historically, commons provided agricultural or grazing land adjacent to towns or mines for local residents, usually for grazing small quantities of stock to provide milk and food.

Commons are generally Crown land or other land held for a public purpose. The provisions for trusts and trust boards in the Commons Act are similar in many respects to the reserve management provisions in the Crown Lands Act, except that commons exist for the benefit of commoners rather than the broader public. There are currently around 130 commons.

Schools of Arts Act

The Schools of Arts Act provides powers for trustees of land used for schools of arts, mechanics institutes and literary institutes to deal with that land (see Chapter 9.2). Schools and institutes were established on private as well as public (i.e. Crown) land, and the Act applies to both types of land. There are currently 141 remaining schools and institutes, 72 on private land and 69 on public land. In most cases, these are now used for general community purposes, including recreation, rather than for their original purpose of promoting knowledge of arts and sciences among tradespeople.

Irrigation Acts

The Irrigation Acts provide for the ownership of certain land in the Wentworth and Hay areas by the Lands Administration Ministerial Corporation, a statutory corporation created to help the Minister administer the Crown Lands Act, and for the leasing of that land to farmers (see Chapter 9.3). The Acts allow lessees to apply to convert their leases to freehold, which many have done. There are currently around 140 leases remaining unconverted under these two Acts.

3. An overview of the proposed legislation

The new Act will include provisions in relation to:

- objects
- powers
- land ownership
- tenures
- sale and disposal of land
- Crown reserves
- compliance and enforcement
- administrative and miscellaneous matters.

The new legislation will apply to all land currently administered under the Crown Lands Act, the Continued Tenures Act and the Western Lands Act. Some land currently regulated under the minor Crown land legislation will also be consolidated into the new Act (see Chapter 9).

Where possible, the legislation will replace inconsistent provisions in the existing Acts with standard provisions. For example, the requirements for granting leases under the two Irrigation Acts are different to those in the Crown Lands Act. Reconciling the differences between inconsistent provisions will make the new legislation easier to understand and simpler to administer.

Specific provisions will be included where necessary. For example, certain requirements will continue for Western Lands leases and tenures under the Continued Tenures Act and the Irrigation Acts that are unique to those leases.

The legislation will also include robust enforcement provisions to provide a consistent compliance framework (see Chapter 8). This will address unclear and inadequate provisions in some of the existing Acts.

In the new legislative framework, provisions will be allocated more appropriately between the Act, its schedules, the Regulation and departmental policies than is the case in the existing legislation. This will include moving relevant provisions from the Crown Lands (General Reserves) By-Law 2006 into the new Regulation and repealing the By-Law.

Comprehensive transitional provisions will be included in the new Act to make sure that all necessary requirements are carried across from the existing legislation.

It is proposed that the new legislation will include the provisions outlined below.

Objects

The new Act will preserve the overarching intent to achieve community benefits and will include objects that reflect the different Acts that are being consolidated. The following objects are proposed:

a. To provide for the management of Crown land for the benefit of the people of NSW

b. To provide a system of management for Crown land that is efficient, fair and transparent

c. To integrate social, economic and environmental considerations in decisions

d. To provide for the management of Crown land by local government, other entities and the community as well as by the NSW Government

e. To provide that the disposal of Crown land be for the benefit of the people of NSW

f. To ensure that Crown land is put to its best use in the public interest

g. To encourage public use, enjoyment and, where appropriate, multiple use of Crown land

h. To preserve cultural heritage (Aboriginal and non-Aboriginal) on Crown land

i. To encourage Aboriginal use, and where appropriate co-management, of Crown land

j. To provide an appropriate system of land tenure and to facilitate diversification of land use in the Western Division of NSW.

Powers

To be consistent with the current legislation, the new Act will continue to provide for the Minister to have certain powers, including the power to deal with and do work on land, enter into commercial contracts, grant leases and licences, create easements, and grant any interest over a Crown reserve provided that this is in the public interest.

The new Act will define the powers to be given to the Lands Administration Ministerial Corporation.

The legislation will also provide that the Minister can appoint commissioners (such as the Western Lands Commissioner), and establish advisory committees and councils, which could include the Western Lands Advisory Council and any other advisory committees or councils that are considered necessary for the management of Crown reserves.

Land ownership

The existing Acts provide for a number of different ways of owning or holding land, some of which were created for specific purposes, and most of which are no longer necessary (see Chapter 5.1). This is a good opportunity to review and reduce the number of options, which create uncertainty and legal complexity. The new legislation will rationalise how land can be owned.

Tenures

The new Act will contain comprehensive provisions relating to tenures (i.e. leases and licences), including in relation to rents, forfeiture and surrender.

It is likely that leases and licences granted for commercial purposes will in future be more similar to commercial leases and licences granted in the private sector. These leases and licences would essentially operate outside the Crown lands legislation (see Chapter 6.2).

There are some provisions that relate only to Western Lands leases that will need to be included in the new legislation, for example in relation to lease conditions, over-stocking, cultivation consents, freehold conversion and the road access program. Similarly, some provisions specific to the Irrigation Acts will be retained.

Provisions for continued tenures will be included as savings and transitional provisions.

Sale and disposal of land

The new legislation will retain existing provisions for the sale or other disposal of Crown land where it is in the public interest, including more transparent and streamlined requirements for notification and advertising of proposed sales, leases and other disposals.

Crown reserves

The legislation will continue to provide for the reservation and dedication of land and the management of reserves. It will clearly define the method of appointment for Crown reserve managers, and their role, powers and governance arrangements.

The new Act will also include provisions to continue a Public Reserves Management Fund to raise funds to provide loans and grants for maintenance and improvements to reserves. This will make it possible to repeal the PRMF Act.

The legislation will continue to support multiple use of reserves. The approval requirements for proposed actions on reserves will be streamlined, as will notification and advertising requirements.

Compliance and enforcement

The legislation will include compliance tools to suit different degrees of non-compliance with the legislation. This will include provisions for auditing, remediation and removal orders, and stop-work orders.

Appropriate offences and penalties for damage to and unlawful use of Crown land will be included, as well as more effective powers of investigation for authorised officers and more appropriate provisions for commencing court action.

Administrative and miscellaneous matters

The new Act will include administrative and miscellaneous provisions such as the power to make regulations and provisions relating to the delegation of powers by the Minister and the Director General.

Questions:

1. How would developing one new piece of legislation to manage the Crown land estate benefit the community?
2. Are the objects and provisions proposed for the new legislation appropriate to support Crown land management in the 21st Century?

4. Improved management arrangements for Crown reserves

Summary

The current management arrangements for Crown reserves are unnecessarily complicated and restrictive. The new legislation will:

- remove duplication and red tape by allowing councils to manage Crown reserves under the local government legislation
- simplify the management structure for reserves by replacing reserve trusts and reserve trust managers with reserve managers
- allow governance standards to be set for reserve managers
- reduce the number of approvals and reporting requirements.

4.1 Streamlining the management of Crown reserves by councils

There are 7,765 Crown reserves managed by councils, either as reserve trusts or through direct management. This number includes 46 trusts over commons and one School of Arts trust. The total area of reserves managed by councils is approximately 116,275 hectares.

Councils manage Crown reserves under the Crown Lands Act; but they manage their own community land under the Local Government Act. This is confusing, and particularly causes problems where councils are managing a parcel of community land and an adjacent Crown reserve.

The two Acts have different management requirements, which means that adjacent land cannot be managed as one entity and that one plan of management cannot cover both a Crown reserve and community land.

For example, there are different requirements for Minister's consent to tenures on community land and Crown reserves. As well, the requirements for plans of management in the Crown Lands Act are less prescriptive than under the Local Government Act, and plans are not compulsory for Crown reserves whereas they currently are for community land.

Another issue is that councils are not always aware of the distinction between different parcels of land they are managing, so they can inadvertently apply the wrong legislation. The current situation can be equally confusing for local communities.

As well, all reserve trusts are required to provide annual reports on the reserves they manage to NSW Trade & Investment. Where reserve trusts are managed by councils, this duplicates councils' own reporting requirements to the Minister for Local Government and raises questions about whether the NSW Government or councils have ultimate liability for these reserves.

Allowing councils to manage Crown reserves under local government legislation rather than under the Crown Lands Act will produce multiple benefits, including streamlining the management of reserves, removing inconsistencies in the management by councils of community land and Crown reserves, and reducing complexity and red tape.

This will also devolve management of Crown reserves for the benefit of local communities, who will have greater involvement through the consultation and advisory opportunities provided under the local government legislation. For example, the final Local Government Acts Taskforce Report recommends holding public hearings where it is proposed to change the dominant use of community land, or to sell it.

Crown reserves managed under the local government legislation will retain their reserve purpose unless the use of those reserves changes through processes under the local government legislation.

4.2 New management structure for Crown reserves

NSW currently has a three-tier management structure consisting of Crown reserves, reserve trusts, and reserve trust managers. This arrangement is complex and confusing, especially for reserve trust managers.

The formation of reserve trusts is provided for in the Crown Lands Act. The role of reserve trusts is to care for, control and manage reserves, but a reserve trust can delegate any of its functions, with the Minister's consent, to any other person or body.

To put in place management by a reserve trust under the current legislative provisions, the Minister must:

- first reserve a parcel of Crown land for a public purpose
- then establish a reserve trust over it, which is charged with care, control and management of the land and granted a fee simple estate over the land for the purposes of Part 5 of the Crown Lands Act only
- finally, appoint a reserve trust manager, which could include a council, corporation or a trust board comprised of community members.

NSW is unusual in having a three-tier Crown reserve system: other states and territories mostly have only Crown reserves and reserve managers.

The requirement for reserve trusts was added to the Crown lands legislation in 1989 as a way of providing some protection from liability for individuals administering Crown reserves. It is possible to provide the same protection for individual board members by establishing the new Crown reserve managers as corporations where they are not already incorporated.

As there are no apparent benefits of the three-tier structure, it is proposed to move to a two-tier structure by removing reserve trusts and reserve trust managers and having all reserves administered by Crown reserve managers. This change is illustrated in Figure 1.

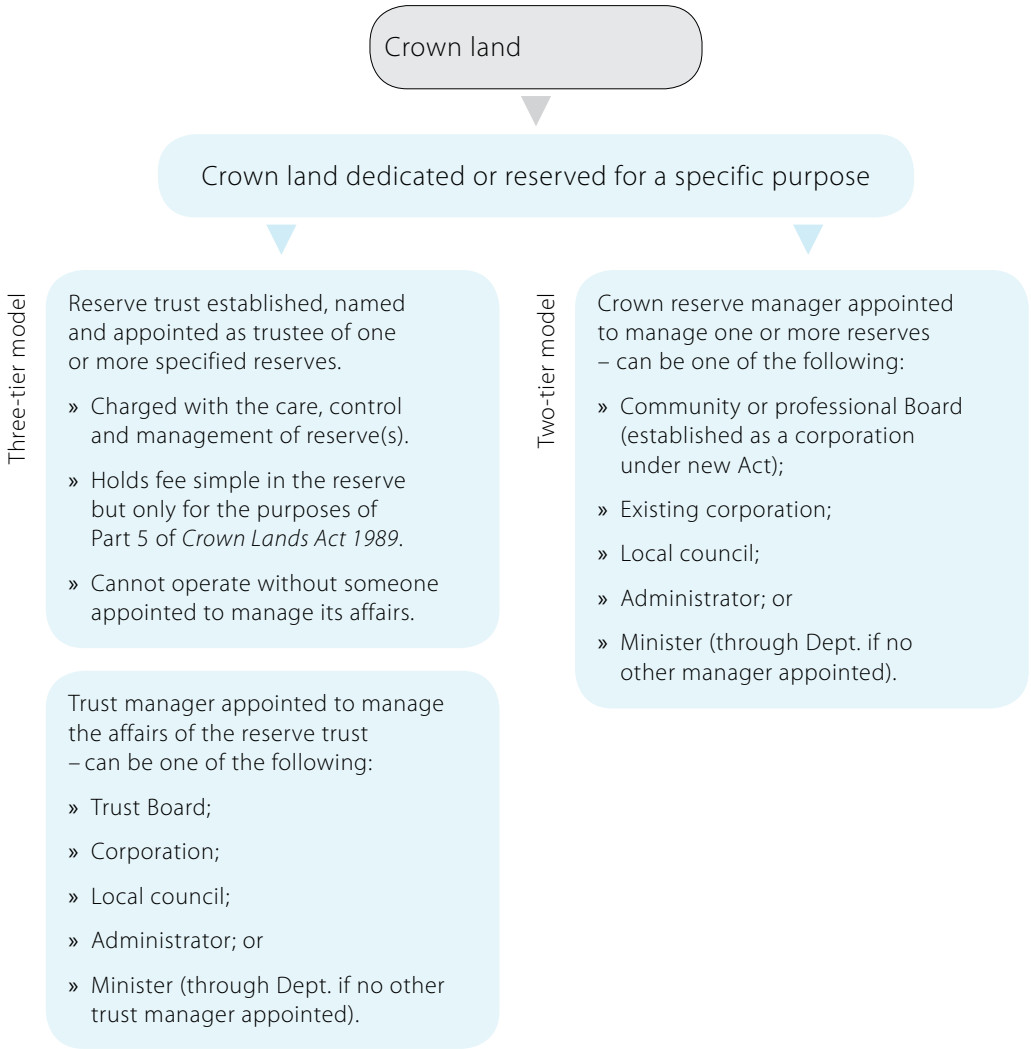
In most cases, Crown reserve managers will continue to be responsible for the day-to-day management of reserves. The legislation will set out the role and responsibilities of Crown reserve managers to issue leases and licences over reserves and to take on day-to-day management and operations.

Currently, individual Crown reserves can have their own trust and manager, or a single trust can manage a number of Crown reserves. It is proposed that the new legislation and management structure will continue to allow for both arrangements.

Streamlining management structures will make it easier for multiple reserves to be managed by a single Crown reserve manager. For example, it makes sense for a council to be appointed once as the manager of a number of reserves, rather than being appointed separately for each reserve.

The simplest way of transitioning from the existing management structure would be for the legislation to provide that existing reserve trusts and reserve trust managers will automatically be converted to a single Crown reserve manager when the new legislation commences. It may still be necessary for the new Act to contain transitional provisions for reserve trusts.

Figure 1: Existing and proposed management structures for Crown reserves



4.3 Stronger management requirements for Crown reserves

There are currently some 650 community trusts appointed to manage Crown reserves. Community input to reserve management is an important principle of Crown land management and will continue in the new legislation, which will provide for both governing and advisory structures.

In recognition of the increasing expectations of governing bodies, the legislation will allow for governance standards to be set for Crown reserve managers.

4.4 Fewer approval and reporting requirements for Crown reserves

Changes are proposed to approval and reporting requirements to further streamline management processes. The Minister will be given flexibility to determine the extent of control to be exercised over the work of a Crown reserve manager. This could include requiring the Minister's approval to the granting of tenures and the allocation of funds, and the nature and extent of reporting requirements.

The level of approval and reporting requirements will be tailored to match the complexity of the reserve management task and the competence and professional expertise of the Crown reserve manager.

For example, where reserves with primarily local significance are managed by councils under the local government legislation, approval might be required only for significant proposals. There would be no need for any reporting requirements, but the Minister would retain a right to request information about a particular reserve and councils would still have reporting obligations under the local government legislation.

Landowner's consent is required under the planning legislation for proposals by a third party to carry out activities on a Crown reserve. See Chapter 5.4 for proposals in relation to this specific type of approval.

Some of the other streamlining measures discussed in Chapter 5 will also be relevant to Crown reserves.

Questions:

3. Do you have any comments on the proposal to allow local councils to manage Crown land under local government legislation rather than under the Crown Lands Act?
4. What are your views about the proposed new management structure for Crown reserves?
5. Do you have any further suggestions to improve the governance standards for Crown reserves?

5. Other streamlining measures

Summary

Many provisions in the existing legislation can be streamlined to reduce unnecessary red tape. Other provisions can be removed entirely because they are no longer needed. Historical arrangements will be transitioned into the new legislation to avoid disruption.

Streamlining measures include:

- simplifying land ownership options to reduce the number of ways in which Crown land can be held
- removing the existing land assessment requirements
- streamlining requirements for landowner's consent to enable a development application to be made under the planning legislation
- providing more transparent, simple and accessible processes to notify the community about proposals for the use or disposal of Crown land
- abolishing land districts.

5.1 Simplify land ownership options

There are several different ways in which land subject to the current legislation can be held by or on behalf of the Crown. There are historical reasons for this multiplicity of land ownership options, many of which are no longer relevant.

Current types of land ownership include:

- Crown land vested in Her Majesty, with the State of NSW recorded on the land title
- dedicated land held by trustees including councils
- land in the name of the Minister
- land held in the name of another Minister or public authority and dealt with as if it were Crown land.

It is confusing and unnecessary to have so many different types of land ownership. For example, the deemed ownership given to a reserve trust to allow it to grant leases and licences is a complex mechanism. It is not necessary provided that Crown reserve managers are given adequate statutory powers to grant leases and licences.

Having different types of ownership can create administrative inefficiencies. For example, under existing legislation, the Minister can grant easements over Crown land but not over some other types of ownership, such as land gifted to the Crown.

The aim is to bring all land to be managed under the new legislation into a single, simplified framework. The new legislation will rationalise the options for land ownership and provide that the management arrangements for Crown reserves will be the same regardless of the type of ownership.

5.2 Abolish land assessment requirements

The Crown Lands Act requires a land assessment before Crown land can be sold, leased, dedicated or reserved. The assessment process can currently be waived if the proposed action is in the public interest and the principles of Crown land management have been considered.

Land assessment requirements were intended to ensure that consideration is given to the appropriate use of land. Parcel-by-parcel assessment is time consuming, inefficient, and not aligned to broader planning processes.

A more strategic approach would see Crown land assessed as part of the process of developing local plans under the new planning framework, meaning that a separate statutory process under the Crown lands legislation would not be necessary. The local plan process would inform decisions at the strategic level, while the Minister would still need to take into account any relevant considerations before approving a proposed change of use.

5.3 Landowner's consent

There are many situations where multiple consents, including planning approval, are required for particular activities. For example, an application to build a jetty can involve landowner's consent from Crown Lands Division to lodge a development application, as well as approvals from Fisheries NSW (in relation to fish habitat protection), Roads and Maritime Services (in relation to navigation) and the council (planning approval). A tenure over the land in question would then need to be granted by Crown Lands Division.

The current situation results in unnecessary delay and frustration for proponents as well as duplication of effort by councils and government agencies.

To address this, streamlined processes will be introduced to enable landowner's consent to be given more quickly. This approach could apply to low-impact activities, for example the erection of pump sheds, shade sails over playgrounds, and rainwater tanks, provided these are consistent with the existing use of the land. It could also be used where detailed assessments of a proposal are already carried out by councils or other government agencies as part of the consent process.

5.4 Notification requirements

The Crown Lands Act and other relevant Acts contain detailed provisions for notification of the reservation and revocation of Crown reserves, and proposed dealings with Crown land such as a sale or lease.

These safeguards are important, but the existing provisions are unnecessarily complex and confusing. For example, the Crown Lands Act requires reserve trusts to advertise any proposal to sell, lease or mortgage a reserve. They then have to get approval from the Minister, and the Minister's intention to consent to the proposal also has to be advertised.

There are some cases, for example where proposed dealings will be publicised in other ways, where additional notification under the Crown lands legislation might not be necessary and will merely result in delay and red tape.

The arrangements for informing the public about proposals for the use or disposal of Crown land need to be transparent, simple and accessible. The current provisions do not achieve this because the processes are so complex.

In future, the focus for notification should be on providing for effective community engagement, and on developing more modern notification processes. In allowing for consultation on proposals, a balance will need to be struck between efficient administration and providing the opportunity for input where people have a legitimate interest.

It is proposed to include more streamlined and flexible provisions in the new legislation, which could include:

- creating an online portal that the public can access to find out about any proposals
- clarifying when the opportunities for community engagement arise and how the community can have input, which may be through processes under other legislation, such as the strategic planning process under the proposed planning framework
- requiring only one notification in relation to a proposal.

5.5 Land boards and land districts

The Crown Lands Act divides the State of NSW into land districts and until recently provided that there would be a local land board for every land district. The role of the land boards included hearing referrals and appeals to it under the Crown Lands Act and some other Acts. The Minister could also refer matters to a local land board for inquiry and report.

The NSW Civil and Administrative Tribunal (NCAT) commenced on 1 January 2014, consolidating the jurisdiction of a number of tribunals including local land boards. This new body will have some of the appeals function of the land boards. The land boards were abolished when the NCAT commenced.

Therefore the new legislation will not include provisions relating to land boards or land districts, but it will still be open to the Minister to initiate inquiries.

Questions:

6. Are there any additional activities that should be considered as 'low impact' activities in order to streamline landowner's consent?
7. Are there any other ways to streamline arrangements between the State and local governments?
8. In addition to the suggestions provided, are there any other ways to ensure that the public is notified of the proposed use or disposal of Crown land – and their views taken into account – that would be appropriate to include in the new legislation?

6. Better provisions for tenures and rents

Summary

The existing Acts and regulations contain various provisions for different types of tenures (i.e. leases and licences), rent requirements and other aspects including forfeiture and surrender of tenures. These provisions are not consistent across the different pieces of legislation.

Proposals in relation to tenures and rents include:

- having consistent provisions for tenures, except where specific provisions are required for certain types of tenure
- treating large-scale commercial tenures like equivalent tenures in the private sector, in relation to lease conditions, market rent and appeal provisions
- adopting market rent as the default position and applying rebates and waivers where appropriate
- allowing the Minister to issue licences where Crown land is being used without permission
- addressing rent arrears and breach of tenure conditions
- providing for the sale of Crown land to lessees
- converting all permissive occupancies under the Continued Tenures Act to licences
- allowing the Minister the right to grant or approve broad carbon rights.

6.1 Consistent provisions for tenures

The types of leases and licences issued under the existing Acts are in many cases inconsistent. This is generally for historical reasons, including different drafting styles and policy drivers.

The intention is, where possible, to have standard provisions that can apply to all tenures. This is likely to be achieved through a combination of provisions in the Act and the use of standard lease and licence templates. Additional provisions will be included to deal with special circumstances that are not otherwise addressed in legislation.

It is also sensible to include provisions in the legislation that would otherwise have to be included in large numbers of individual leases and licences as conditions, for example where many tenures share the same arrangements for rental redetermination.

To avoid duplicating provisions available elsewhere, the new legislation will include only those tenure provisions that are not adequately covered by the common law, the *Conveyancing Act 1919* or the *Real Property Act 1900*, such as:

- the Minister's power to grant tenures and impose conditions
- creating perpetual Western Lands leases
- stocking and grazing on Western Lands leases
- forfeiture and surrender.

Another consistency issue relates to the different arrangements for leases and licences granted under the Crown Lands Act and those granted under other legislation such as the Local Government Act. These issues should to a large extent be addressed by allowing councils to manage Crown reserves under the local government legislation. However, it is intended to make conditions consistent with those in other legislation where relevant.

There are also differences between tenures on submerged lands administered by Crown Lands Division and those managed by Roads and Maritime Services. The two agencies are keen to harmonise the management of submerged land, but this is likely to involve policy rather than legislative change in most cases.

6.2 Commercial tenures

In the private sector, leases and licences rely on the common law, relevant provisions in the *Conveyancing Act 1919* and the *Real Property Act 1900*, and the conditions attached to each individual lease or licence. Tenures granted over Crown land rely on all of these but are additionally bound by provisions in the Crown Lands Act.

The requirements of the Crown Lands Act are, in many cases, not appropriate for large-scale commercial tenures, for example leases for caravan parks, marinas and commercial buildings.

In recent years, most tenures granted over Crown land for commercial activities have been prepared along the same lines as private commercial leases, i.e. most conditions are set out in the leases or licences. Therefore there is not much difference between a commercial lease over Crown land and over private land.

In recognition of this, the new legislation will clearly state that leases and licences can exclude the operation of provisions of the Crown Lands Act where those provisions would otherwise be in conflict with lease or licence conditions. For example, a commercial tenure might include different requirements for rent redetermination to the provisions in the Crown Lands Act.

This approach is less suited to generic types of tenure over Crown land, where consistent provisions need to apply to large numbers of leases or licences, such as domestic waterfront tenures, enclosure permits and grazing licences.

6.3 Rents

The overall objective of managing Crown land for the benefit of the community should guide the determination of rents charged. The legislation will enshrine the use of market rent as the default position with rebates and waivers applied where appropriate.

There is no proposal to change the arrangements for calculating rents for Western Lands leases or for current tenures under the Irrigation Acts.

Another objective is to ensure a consistent approach to statutory minimum rents (currently $454 per annum). It is proposed to retain the current provisions in the Crown Lands Act that set minimum rents. It is further proposed to implement transitional arrangements for tenure holders who currently pay below the statutory minimum rent, for example over a five year period. This will ensure that a consistent approach to rent is applied across NSW. It is important to note that rebates and waivers will continue

to be available to reduce the actual rent payable, based on considerations including hardship and the public benefits of certain uses of Crown land. This is consistent with the approach adopted by the Independent Pricing and Regulatory Tribunal.

The current legislation includes provisions for the redetermination of rent and for appeals against redeterminations (except for Western Lands leases). Currently objections to rent redeterminations can be made to the Minister and there is then a right of appeal to the NCAT (formerly local land boards) and/or the Land and Environment Court.

Redetermination provisions will be continued where they currently apply, or where redetermination is specified in tenure agreements.

For large-scale commercial tenures, it is proposed that appeals against rent redetermination should in the first instance be through dispute resolution mechanisms provided for in the tenure agreement, as is the case in the private sector.

Where rents are set for classes of tenures, the right of appeal will be by way of an objection to the Minister.

6.4 Use of Crown land without permission

Crown land is frequently used by individuals or organisations without permission. In many cases these uses would be approved if a licence was sought.

To address this issue, it is proposed to include in the new legislation a power for the Minister to issue a licence for the use of land where a user has not applied for one, that will require the payment of rent. This will create equity by ensuring that all users of Crown land pay equally for the privilege.

6.5 Rent arrears

It is important to ensure that where a lease or licence (linked to a freehold parcel) changes hands, any rent arrears accrued by the existing lessee or licensee are provided for to avoid issues for incoming tenure-holders.

To address this, the new legislation could take a number of approaches, including:

a. automatically transferring any rental debt to a new tenure-holder on settlement, as is the case currently under the Crown Lands Act, or

b. requiring any outstanding arrears to be paid prior to transfer or settlement.

6.6 Enforcement in relation to leases and licences

Both the Crown Lands Act and the Western Lands Act provide for the forfeiture of a lease or licence. Another remedy available for the breach of tenure conditions is civil action for remedies including damages for loss resulting from breach of contract.

In addition, the Western Lands Act provides for the Western Lands Commissioner to serve a notice requiring a lessee to rectify breaches of their lease conditions. If the lessee fails to do so, the breach of certain conditions can give rise to a criminal offence.

While it might not be appropriate to make the breach of tenure conditions a criminal offence outside of the Western Division, the new legislation could provide for civil penalties that can be equally effective in terms of their deterrence value.

Certain conditions of leases and licences could be specified as 'essential' and breach of those conditions could result in civil penalties or the issue of remediation directions. Other breaches could be dealt with through dispute resolution.

This proposal requires more consideration, particularly in relation to which conditions should be specified as 'essential', and how this would be done.

6.7 Sale of Crown land to lessees

The right of lessees to purchase Crown leases has traditionally been referred to as freehold conversion. The right to convert only applies to certain types of lease, but any lessee can apply to the Minister at any time to purchase their lease.

The Acts that will be consolidated into the new legislation contain seven different processes for converting the following types of Crown lease to freehold:

- Western Lands residential leases (except Lightning Ridge residential leases)
- other Western Lands leases (except Western Lands grazing leases)
- perpetual leases in the Eastern and Central divisions
- continued tenures not in special land districts
- perpetual continued tenures in special land districts
- Wentworth Irrigation leases
- Hay Irrigation leases.

The principle when selling Crown land in the future will be to apply a market value, but to allow a range of equity conditions to be applied to reduce the sale price.

Those lessees with existing rights to purchase will retain those rights.

6.8 Permissive occupancies

As already noted there are currently around 3,800 permissive occupancies created and regulated under the Continued Tenures Act.

These forms of tenure can be revoked by the Minister or a reserve trust at any time, so they are no different to licences under the Crown Lands Act. There is no reason to retain permissive occupancies as a separate tenure, so it is proposed that all existing permissive occupancies will become licences.

6.9 Carbon sequestration and forestry rights

The Crown Lands Act and the Western Lands Act both contain provisions relating to the grant of carbon sequestration and forestry rights. These provisions allow the Minister to grant forestry rights over Crown reserves and perpetual lessees with the Minister's consent.

These provisions currently relate only to carbon sequestration arising from forestry activities, which was the only activity approved under the NSW Government's former Greenhouse Gas Abatement Scheme. However, the Commonwealth Government's current Carbon Farming Initiative applies to a wider range of activities including soil carbon measures.

It is proposed to include broad provisions in the new legislation to facilitate all forms of carbon sequestration activities, which will benefit tenure holders.

Questions:

9. Do you support the concept of a consistent, market based approach to rents, with rebates and waivers for hardship and public benefits for certain uses of Crown land applied where appropriate?
10. Is five years a reasonable amount of time to give tenure holders who currently pay below the statutory minimum rent to move to paying the minimum level of rent as required under the new legislation.
11. To avoid rent arrears issues for incoming tenure-holders, should the new legislation automatically transfer any rental debt to a new tenure-holder on settlement, or require any outstanding arrears to be paid prior to transfer or settlement?
12. What kinds of lease conditions should be considered 'essential', for the purposes of providing for civil penalties?
13. Should Crown land be able to be used for all forms of carbon sequestration activities?

7. Greater flexibility for Western Lands leases

Summary

The Western Division is mainly property held under Western Lands leases issued under the Western Lands Act, together with a small amount of freehold land.

Crown land in the Western Division makes up around 88 per cent of the total Crown estate.

Most of the Western Division is classified as a semi-arid rangeland that is mainly suitable for livestock grazing, although some areas have more resilient land that is suitable for cultivation and other intensive agricultural activities.

Rangelands are particularly sensitive to disturbance (including drought and overgrazing) and are slow to recover. It is important to continue to protect this fragile environment.

There is an opportunity to introduce greater flexibility into land management in the semi-arid parts of the Western Division, without weakening the protections provided by the leasehold system.

Flexibility measures proposed include:

- allowing lessees of Western Lands grazing leases that have current cultivation consents to apply for freehold conversion
- reviewing the requirement that the land use proposed following conversion must be ecologically sustainable
- allowing certain activities to occur on Western Lands leases in rural areas without the need for approval
- creating certain streamlining measures.

7.1 Conversion of Western Lands grazing leases to freehold

Western Lands leases granted for residential or business use can currently be converted to freehold. Leases granted for agriculture or cultivation can also be converted, but only where the landscape has been significantly altered and there are limited environmental values. Grazing leases cannot currently be converted.

Some Western Lands lessees have argued that economic development in the Western Division is constrained by the current leasehold system and that conversion of grazing leases to freehold should be allowed.

On the other hand, the view of the Western Lands Advisory Council is that perpetual leases are appropriate and effective in limiting damage to sensitive rangelands. As well, the stocking and grazing conditions that can be attached to Western Lands grazing leases are not provided for in other NSW environmental legislation. It is also worth noting that other Australian jurisdictions and relevant overseas jurisdictions have leasehold systems for their rangelands.

However, it is proposed that one category of Western Lands grazing leases should be eligible for conversion in the future. These are perpetual Western Lands grazing leases that have a current cultivation consent over part or all of the lease area and where that land has been developed. There are currently around 800 cultivation consents over Western Lands leases, mostly in the eastern parts of the Western Division.

The fact that a cultivation consent has been granted indicates that the land is sufficiently robust to be suitable for cultivation and that the environmental risks are lower than in the more fragile areas of the Western Division.

Under this proposal, lessees will be required to show that their proposed land use will be ecologically sustainable, as is the case for the conversion of other Western Lands leases.

7.2 Issues with the ecological sustainability requirement

For conversion of Western Lands leases granted for agriculture/cultivation, the current interpretation of the 'ecological sustainability' requirement is that at least 75 per cent of the area of the lease has been cleared and developed. Lessees have expressed concerns about the current interpretation.

To address these concerns, the requirement and its interpretation will be reviewed. The test could be changed or made more flexible.

Other approaches could include:

- using land capability rather than ecological sustainability to determine eligibility
- relying on land system and land unit mapping
- requiring applicants to obtain an independent assessment of the values of the land they are applying to convert.

Any approach would need to consider the dominant land use and the type of activity proposed.

7.3 Flexibility and streamlining measures

It is proposed that the current leasehold system be more flexible to reduce unnecessary red tape and delays. Although procedures improved considerably after the Kerin Review (1998 – 2000), there is still room for improvement.

One proposal that will eliminate red tape and facilitate diversification is to permit certain additional activities to occur on Western Lands leases in rural areas without the need for approval.

For example, this might include uses such as farm tourism using existing farm buildings and infrastructure, or fodder production up to a maximum of 50 hectares for on-farm use only.

These additional uses and any constraints attaching to them would be included in regulations or in a schedule to the Act. Any proposals for additional uses received in submissions will be considered for inclusion.

The following streamlining measures are also proposed:

- relaxation of the current requirements for approval to transfer a lease
- the requirements for transferring a Western Lands lease to a company will be simplified
- the new legislation will not include requirements for fencing, which will remove duplication with the *Dividing Fences Act 1991*.

Questions:

14. What additional activities do you think should be permitted on Western Lands leases without the need for approval?
15. Bearing in mind the fragile nature of much land in the Western Division, in what situations do you think it would be appropriate to allow Western Lands leases to be converted to freehold?

8. Stronger enforcement provisions

Summary

Compliance is a broad term that generally includes a hierarchy of responses or tools to suit different degrees of non-compliance with legislation. These tools can include:

- audit processes that provide guidance on how to comply with legislation
- powers to issue directions or notices to do or not do certain things to comply with the legislation
- penalty notices and prosecutions for serious breaches of legislation.

An effective compliance framework is an important part of all legislation. It is needed to ensure that the Government's intentions are carried out.

It is generally more effective to encourage voluntary compliance with legislative requirements, but there will always be the need for strong penalties in cases of willful non-compliance.

Consideration should also be given to whether compliance functions on Crown land can be shared with other NSW Government agencies or other bodies.

The new legislation will include:

- an auditing framework
- appropriate powers for departmental officers
- clearly-expressed offences and penalty levels that will act as a deterrent
- a realistic limitation period in which to bring proceedings
- the introduction of civil penalties
- powers to order remediation and removal and to issue stop-work orders.

8.1 Enforcement provisions in existing legislation

The Crown Lands Act, Commons Act and Western Lands Act create certain offences and provide for the appointment and powers of authorised inspectors and persons.

The Hay Irrigation Act does not contain enforcement provisions, but the powers of entry and inspection in the Crown Lands Act are applied.

The Continued Tenures Act, the Schools of Arts Act, the PRMF Act and the Wentworth Irrigation Act do not contain any enforcement provisions. The Continued Tenures Act and the two Irrigation Acts provide for offences with a low maximum penalty level to be created by regulation but no offences have been created in this way. Some offence provisions in the Crown Lands Act also apply to some continued tenures.

The Crown Lands Act creates two broad categories of offences – those that relate to things that must not be done on Crown land and those that involve obstructing authorised inspectors in the performance of their duties. These latter offences currently attract a maximum penalty of $11,000 whereas the public land offences have maximum penalties of between $550 and $2200.

The Commons Act contains fewer offences than the Crown Lands Act, and these offences carry maximum penalties ranging from $220 to $2200.

It is generally considered that the Crown Lands Act and the Commons Act do not currently provide an effective enforcement framework. In particular, the wording of some of the offences is problematic.

Part 11 of the Western Lands Act contains the most effective enforcement provisions in any of the legislation relating to Crown land. These provisions allow the Western Lands Commissioner (or any delegated officer) to serve notices on lessees to rectify contraventions of lease conditions, and create offences for the breach of certain lease conditions. The maximum penalty for these offences is $11,000. The Western Lands Act also provides for the issue of remediation notices.

The enforcement provisions in the Crown Lands Act, including those relating to authorised inspectors, also apply to Crown land in the Western Division that is not subject to Western Lands leases.

Offences under the Crown Lands Act, Commons Act and Western Lands Act can be brought in the local court only, but the limitation periods in the three Acts are different. For example, proceedings under the Western Lands Act must be started not later than 12 months after the time when the matter giving rise to the proceedings occurred, while the Crown Lands Act requires proceedings to be started not later than six months from the date of the offence.

As an alternative to enforcement action, leases granted under the Crown Lands Act, the Continued Tenures Act and the Western Lands Act can all be forfeited for failure to pay rent and for breach of lease conditions.

8.2 Compliance issues on Crown land

The main compliance issue in the Western Division is overstocking and overgrazing. The Western Lands Commissioner can issue destocking notices, but in most cases it is possible to reach voluntary, informal agreements with lessees to reduce stock numbers without having to issue a notice. To help identify overstocking and other breaches of lease conditions, the Commissioner implements a Rangelands Condition Assessment Program that involves inspecting approximately 140 properties each year. Other significant compliance issues in the Western Division include boundary fence disputes and access issues.

There are issues with the management of commons, including over-grazing and the erection of unauthorised structures.

Currently there are no compliance powers over commons except for the power to see the books of the trust boards and to conduct an investigation of trust affairs, and a power to make a regulation creating an offence.

In general the most significant compliance issues arising on Crown land relate to:

- Crown roads – access, structures, vegetation clearing, cultivation and construction
- waterways – illegal structures, extraction, mooring and occupation
- Crown reserves – occupation, structures, rubbish, vegetation clearing and the removal of timber, extraction, cultivation, exploration and mining, tenure conditions.

More than half of all alleged breaches relate to Crown roads.

The most significant impediments to effective compliance action are: the six-month limitation period; not being able to issue remediation directions; low penalty levels that do not act as a deterrent; and the difficulty of identifying offenders in certain cases.

As noted above, the existing enforcement provisions in the Crown Lands Act are not adequate. Some provisions are poorly worded and government has been unable to use them to bring prosecutions.

As well, not all situations are covered by the existing offences in the Crown Lands Act. Additional offences are required to deal effectively with these situations, for example in relation to boats illegally moored on waterways.

In some cases, provisions in the Crown Lands Act duplicate or overlap with provisions in other legislation. For example it is possible to prosecute a person for clearing native vegetation on a Crown reserve under the Crown Lands Act as well as under the *Native Vegetation Act 2003*, but the provisions in the two Acts are not consistent.

In many cases, the most effective way of rectifying an offence would be to require remediation of a piece of Crown land, but currently the Crown Lands Act does not provide for remediation notices or stop-work orders. Although remediation outcomes have, on occasion, resulted from prosecutions, this has only been by agreement.

A clear power to order the removal of illegal structures and substances from Crown land is also required.

8.3 Improved provisions for the new legislation

The enforcement provisions under the existing legislation are in many ways outdated and are less comprehensive than those found in most other legislation regulating the management of public land.

The provisions in the new legislation will be more up to date, effective and flexible.

8.3.1 Auditing

Auditing is widely regarded as an important part of the compliance 'toolbox'. Auditing is often an effective way of improving compliance with legislative requirements, because it encourages people to raise standards without taking punitive action.

Auditing can be done without express provisions in legislation, but it provides additional purpose and clarity for provisions to be included in legislation.

As already noted, the Western Lands Commissioner runs an annual audit program to monitor compliance with the terms and conditions included in Western Lands leases. Including auditing provisions in the new legislation will enable the extension of auditing activities in the future.

8.3.2 Officer powers

The current benchmark for effective provisions relating to the appointment, powers and protection of authorised officers is the *Protection of the Environment Operations Act 1997* (POEO Act). The powers in the POEO Act to require information and records, to question and identify persons, and to enter and inspect property and vehicles were imported into the *Coastal Protection Act 1979* through amendments made in 2010, together with provisions to protect officers acting in the course of their duties from threats and intimidation. These powers and protections currently apply to beaches but not to other Crown land.

It is important to have 'best practice' powers to be able to use the offence provisions effectively. It would also be desirable to have consistent provisions applying across all land falling under the new legislation. Therefore consideration should be given to including all or most of the POEO Act powers in the new legislation.

8.3.3 Offences and penalties

The offences in the existing legislation will be reviewed, and a new suite of offences developed to cover all relevant aspects of the new, consolidated legislation.

In relation to penalties, there needs to be a consistent approach so that offences with similar levels of seriousness attract the same or similar penalties. It should also be considered to what extent it is appropriate for penalties under the new Act to be consistent with penalties under other relevant legislation.

Continuing offence provisions will be included so that an offence that continues for more than one day will incur an additional penalty for each additional day. There will also be higher penalties for corporations than for individuals.

Provision will be made for penalty notice offences, with the prescribed penalties to be included in the Regulation.

The NSW Department of Attorney General and Justice will be consulted in the development of appropriate offences and penalties.

The current situation, in which prosecutions can only be brought in the local court, is not appropriate. Local courts are often not equipped to deal with the complexity of issues and the severity of some offences that arise in relation to Crown land. Also, penalties in the local court are generally limited to $11,000. Other legislation allows prosecutions to be brought in either the local court or in the Land and Environment Court, and it should be considered whether the new legislation should adopt this approach.

As already noted, the current six-month time limit for bringing proceedings is unrealistic and does not take into account that an offence might not be discovered immediately, or the time required to gather the necessary evidence. In many cases, due to the size and scale of the estate, the Government only becomes aware of an incident several weeks or even months after it has occurred. A number of breaches have run out of time before prosecutions could be started.

It is therefore considered that a longer limitation period should be included in the new legislation, and that the time limit should commence from the date of knowledge of the alleged offence. It is proposed that proceedings should be able to be brought within two years of the Minister becoming aware of the offence, which is consistent with other relevant legislation.

8.3.4 Other provisions

It is proposed that the new legislation will allow authorised officers to issue stop-work orders, remediation notices and removal notices, and that the courts should be able to make restoration orders as well as, or instead of, imposing a penalty.

A stop-work order could be issued where an activity is being carried out on Crown land without permission, or where an activity poses a threat to public safety or the environment. Remediation could include the restoration

or remediation of Crown land to its former condition where damage or contamination has occurred. A removal direction could be issued to make a person remove materials and structures unlawfully placed on Crown land.

As already discussed in Chapter 6.6, the new legislation could provide for civil penalties for the breach of certain conditions in leases and licences other than Western Lands leases.

8.4 Compliance-sharing with other agencies

Enforcement could also be improved by other NSW Government agencies taking on compliance functions under the Crown lands legislation, which could result in significant efficiencies.

For example, Roads and Maritime Services has greater resources for compliance on waterways than Crown Lands Division. Therefore the On-Water Compliance Taskforce has been asked to consider the benefits and logistics of Roads and Maritime Services staff members being appointed as authorised officers under the Crown lands legislation.

Another possibility that could be considered, in consultation with the Office of Environment and Heritage, is for national parks rangers to take on compliance activities on intertidal Crown land that adjoins national parks.

For interagency compliance to be effective, officers from other agencies taking on compliance in respect of Crown land would be fully trained in the offences arising under the Crown lands legislation.

Questions:

16. What are your views about the proposal to strengthen the compliance framework for Crown lands?
17. Do you have any suggestions or comments about proposals for the following:
    - Auditing
    - Officer powers
    - Offences and penalties
    - Other provisions.

9. What will happen to the minor legislation?

Summary

There are a number of minor Acts that are no longer required and should be repealed. The required provisions can be continued in the new legislation through transitional provisions.

Some affected land could be converted to Crown land, in which case the general provisions of the new legislation will apply to it.

Some land used for Schools of Arts could be transferred to councils and managed under the local government legislation. Other Schools of Arts land might stay in private ownership.

Some Acts might simply no longer be required, in which case they can be repealed without any further action.

Proposals for each of the minor Acts are:

- repeal the Commons Act and convert commons to Crown land
- transitional arrangements will be developed for the Schools of Arts Act
- repeal the Irrigation Acts and include provisions in the new legislation to continue the tenures under those Acts until such time as they are converted to freehold
- repeal the Wagga Wagga and Hawkesbury Racecourse Acts because they have fulfilled their purpose
- repeal the Orange Show Ground Act and administer the showground under the new legislation
- repeal the two Acts that provide for rent reductions and occupiers relief in irrigation areas because similar arrangements are provided elsewhere in the legislation.

9.1 Commons Management Act 1989

The only real difference between commons and Crown reserves is that commons are held for the sole benefit of a group of commoners whereas Crown reserves are held for the benefit of the broader public.

Some commons are owned by commons trusts, while others are Crown land. Regardless of ownership, the Minister retains a number of controls over commons, including the power to appoint a local authority to manage a trust and a consent role in relation to land transactions and plans of management. Many of these powers are similar to the Minister's powers under the Crown Lands Act.

Many commons are used for various forms of grazing, farming and agistment. However, there are almost as many additional uses as there are commons, and many commons are used for a number of activities. A wide range of public uses such as horse riding, camping, golf and archery take place on around 50 commons. Other activities occurring on commons include mining, public utilities and film making. Many commons have environmental and Aboriginal or other heritage values.

The Commons Act requires all commons to have a trust. Commons trusts must be managed by a trust board, a local authority (i.e. a council) or an administrator. Trust boards consist of elected commoners. Records indicate that ten commons currently have no trust.

Commons trusts are required to submit annual reports to the Minister concerning their activities for that year. Trust board elections are required every three years. These requirements are not always met, which means that the public cannot have confidence in the management arrangements for all commons. It appears that as many as 40 trusts may not have a current board.

There have also been management issues with a number of commons which have required intervention by the NSW Government. For example, many commons are overgrazed and contain unauthorised structures, while others have inadequate fencing. As well, government officers are often called on to mediate disputes between commoners (for example regarding stock ownership) or between commoners and members of the broader community.

The concept of commons could be considered to be outdated because the traditional rationale for commons no longer exists. Also, public land should provide benefits to the broader community rather than primarily to small groups of commoners. The Commons Act currently contains provisions allowing the Minister to revoke commons without paying compensation. It is therefore proposed that commons should be abolished as a separate category of land and the Act repealed.

Possible options for the future use of commons include:

- converting commons to Crown land and managing them as Crown reserves
- converting commons to Crown land, with commoners continuing to use the land through lease or licence arrangements
- disposing of commons to commoners, adjoining landowners or otherwise.

9.2 Trustees of Schools of Arts Enabling Act 1902

Land held for Schools of Arts, Mechanics Institutes and Literary Institutes is held in the names of its trusts and trustees. As noted earlier, some of this land is private land and some is public land, and the Act provides powers for trustees to deal with this land.

When the Act was created there was no legislation that provided trustees with practical powers to deal with land. The Act now has limited value because similar provisions are contained in other legislation including the *Trustee Act 1925* and the *Incorporated Associations Act 2009*.

In 2012 a policy to deal with land containing Schools of Arts, Mechanics Institutes and Literary Institutes with a view to ultimately repealing the Act was adopted. All known trusts, including councils, were informed of this policy and of the options on offer (see below). On the basis of responses received, only around ten per cent of public and private trusts wanted to remain under the Act.

Public land

Public trusts were given the option of transferring land to councils or to the Crown, or maintaining the status quo. Similar numbers of trusts indicated a preference for transfer to councils and transfer to the Crown. A larger number said they wanted to transfer but did not specify a preference.

It is proposed that where public land is already managed by councils, it could be offered to those councils. Other public land should be consolidated into the Crown estate.

Private land

Private trusts were given the option of transferring land to councils, becoming full legal owners themselves, or maintaining the status quo.

It is proposed that where councils are trusts or are managing private land under the Act, the land should be offered to those councils. The vesting of private trust land is already provided for by section 54B of the *Local Government Act 1993*.

Other private land could continue to be held by the existing trustees under the provisions of the *Trustee Act 1925*, or those trustees could be given the land outright.

9.3 Irrigation Acts

Under the two Irrigation Acts, certain land in the former Hay and Curlwaa irrigation areas is held by the Lands Administration Ministerial Corporation and leased to farmers. As well as leasehold land, the Irrigation Acts also regulate some additional remnant land in the same areas.

Land in adjacent areas is Crown land administered under the Crown Lands Act and the Continued Tenures Act. This means that the rules for leasehold land in the same locality will differ depending on which legislation applies to the land, because the provisions of the various Acts are not consistent. For example, there are different processes for converting leases to freehold and also different rent provisions.

It is considered that the remaining lessees should be encouraged to convert their leases to freehold. This is possible under both Irrigation Acts but take-up has been low to date.

It is therefore proposed to repeal the Irrigation Acts, and to include transitional provisions in the new Crown lands legislation. This would include continuing the existing conversion rights of lessees under these Acts.

9.4 Racecourse and Showground Acts

The *Wagga Wagga Racecourse Act 1993* and the *Hawkesbury Racecourse Act 1996* give the trustees of the Murrumbidgee and Hawkesbury Turf Clubs the status of a reserve trust under the Crown Lands Act. The main purpose of these Acts was to allow the Turf Clubs to own assets once they were corporatised.

Both Turf Clubs are now incorporated and their assets have been transferred to the Clubs. There is no continuing need for the Acts and they can therefore be repealed.

Orange showground is held under a private trust set up under a private Act, the *Orange Show Ground Act 1897*, and a private deed. However, the Minister has powers of consent in relation to any proposed sale or mortgage, the power to require reports and the power to appoint new trustees. Orange Council is the current trustee and manager of the showground.

The powers the Minister has under this Act are similar to the Minister's powers over Crown reserves under the Crown Lands Act. Other showgrounds are mostly Crown reserves and do not have their own legislation. There does not appear to be any reason to treat this land any differently to any other Crown reserve and it is therefore proposed that the Act be repealed and the showground administered under the Crown lands legislation.

9.5 Acts providing for rent reductions and occupiers relief in irrigation areas

The *Irrigation Areas (Reduction of Rents) Act 1974* was created to provide rent reductions to eligible pensioners on some leases falling under the Continued Tenures Act and the Wentworth Irrigation Act.

The *Murrumbidgee Irrigation Areas Occupiers Relief Act 1934* applies to leases in the Yanco and Marool irrigation areas, and allows rents and debts relating to irrigation farm leases or purchases to be reduced.

It appears that these Acts are now rarely used to grant rent reductions as this can also be done under other Crown lands legislation. It is proposed that the ability to provide rent relief and rebates will continue to be available under the new legislation and these Acts are therefore no longer required. Therefore the Acts should be repealed.

Questions:

18. Do you support the repeal of the minor legislation listed?
19. Do you see any disadvantages that would need to be addressed?

Appendix 1: The Crown Lands Management Review

In June 2012 the NSW Government embarked on a comprehensive review of Crown land management, the first in more than 25 years.

The Crown Lands Management Review was carried out by NSW Trade & Investment and overseen by a Steering Committee that included representatives from other NSW Government agencies and an independent Chair, Mr Michael Carapiet.

The specific aims of the Review were to identify and recommend:

- key public benefits (social, environmental and economic) derived from Crown land
- the NSW Government's future role in the management and stewardship of Crown land
- the basis of an appropriate return on the Crown land estate, including opportunities to enhance revenue
- business, financial and governance structures that enable achievement of desired outcomes within financial and resource constraints
- opportunities for efficiency improvement and cost reduction, consistent with red tape reduction objectives and accountability
- introduction by the NSW Government of incentives to enable the department to manage and develop the Crown land estate in line with NSW Government objectives
- a contemporary legislative framework.

The Crown Lands Management Review adopted principles established by NSW Government policy or arising from other current reviews, in particular:

- the NSW Government's intention to devolve decision-making to local communities and for land to be managed by the most appropriate level of government
- that government should only hold property to support core functions and services
- the NSW Government's commitment to cut red tape and reduce regulatory duplication, which is also a theme of the proposed local government reforms along with a desire for simpler and more flexible legislation
- the planning reform proposal to involve local communities up-front at the strategic planning stage, rather than in the later stages of the development application process
- the need for a genuine customer focus, i.e. understanding the needs of customers, simplifying access to services and removing the need to deal with multiple agencies.

The Review report proposes a range of reforms to improve the management of the Crown estate, including the development of a contemporary legislative framework.

Frequently Asked Questions

Crown Lands Management Review

NSW GOVERNMENT

Frequently Asked Questions

Crown Lands Management Review

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1. The review and the submissions process

Should submissions be made on the White Paper or the Review or both?

Submissions are specifically sought on the proposals in the White Paper at this time, because the development of new legislation is an immediate priority. Further opportunities for consultation will arise in the course of implementing the other Review recommendations.

Why has the Review been done in the first place?

It has been more than 25 years since Crown land has been comprehensively reviewed by the NSW Government. To better meet the NSW Government's objectives and the needs of the community, the management of Crown land needs to modernise for the future.

What are the recommendations in the Review in a nutshell?

- Reduced red tape and duplication
- Land with predominantly local values to be owned or managed by councils
- Review of travelling stock reserves (TSRs) to determine their best future management
- Reserve management system to be simplified
- Flexibility measures for Western Lands leases
- New, consolidated Crown lands legislation
- Crown Lands to transition to a Public Trading Enterprise

Is this review about selling off public land?

No, since colonial times the NSW economy has developed through the release and sale of Crown land and this still continues today. This review is about strategically looking at Crown land so that its management better aligns with the current and future needs of Government and the community as a whole. Where land is predominantly of local interest, transferring it to councils will allow decisions about that land to be made by local communities rather than by the State Government.

Will the Government be commercialising Crown land?

Commercial operations have always been a part of managing the Crown estate. Beachside kiosks, caravan parks, aged care facilities and marinas are just a few examples where business is operating on Crown land. Commercial activity on Crown land generally goes unnoticed by the broader community because it is carefully assessed to ensure it is in keeping with appropriate principles for Crown land management and community expectations. Commercial operations on Crown land generate income that supports the vast non income generating parts of the estate. Without this income the State could not afford to hold and maintain land for community benefit. Commercial operations on Crown land will continue in line with community expectations and needs.

What public benefits are currently derived from Crown land?

The Crown estate, which includes most beaches, estuaries and waterways, has a wide range of uses, including:

- government services such as government offices and buildings, education facilities, health services and emergency services;
- commercial ventures including marinas, kiosks, restaurants and aged care facilities;
- grazing and agriculture;
- Crown roads;
- recreational purposes including ovals, tennis courts, golf courses, bowling greens and walking tracks;
- community and cultural purposes including community halls, showgrounds, racecourses, cemeteries and lighthouses; and
- tourism and industry such as caravan parks.

This Review is about setting a direction to achieve a better understanding of what the value of Crown land is to both government and the people of NSW. This will involve engaging with users and the broader community.

Is the NSW Government stepping away from public land for community purposes?

No, the NSW 2021 plan identifies a number of goals to strengthen the local environment and communities www.2021.nsw.gov.au. The use and occupation of Crown land will continue to underpin many of the outcomes for the NSW Government's plan.

Why has this review only involved Government agencies and a few stakeholders? Why haven't we been consulted?

Crown land directly and indirectly supports a wide range of Government services, community groups and local businesses. Understanding the broader needs of Crown land across Government was considered a first step in reviewing Crown land management before engaging with the broader community. Informal discussions have been held with a few key stakeholders, but no formal consultation has occurred. Commenting on the White Paper provides the first opportunity for public input to the Review process. Further opportunities for consultation will arise in the course of implementing the other Review recommendations.

Will all recommendations within the Review be implemented?

The Summary document 'Crown Lands for the Future' outlines the Government's response to the Review recommendations.

What is the timing to implement the Review recommendations?

Legislative reform is a key priority, in order to more effectively support Crown land management in the future. Some of the other Review recommendations may take many years to implement due to the size and complexity of the Crown estate.

Will there be any immediate impact on my tenure or activities on Crown land?

No, the Review contains a series of proposals for consultation and there will be no immediate changes.

How can I have input into the White Paper?

You are invited to submit your comments in writing in either of the following ways:

Post:

Crown Lands Review
NSW Trade & Investment
PO Box 2185 DANGAR NSW 2309

Email:

crownlands.whitepaper@trade.nsw.gov.au

The closing date for comments is 20 June 2014

2. Legislation

Why is the legislative reform being undertaken as the first step?

The provisions in the eight current Acts are complex and in some instances they overlap with and duplicate each other. The NSW Government and the community wants streamlined, simpler legislation. In many ways legislation underpins the management of the Crown estate, so having more streamlined legislation with simpler and clearer requirements will produce better management results.

What is the benefit of having one piece of legislation for the entire Crown estate?

Consolidated legislation will make it easier for the community to understand the rules that are in place for the management and use of Crown land. Having only one Act will remove the existing duplication and overlaps. The NSW Government is inviting comments on these proposed changes through the 'Crown Lands Legislation White Paper'. Visit **www.crownland.nsw.gov.au** for information about how to make a submission.

How will the special needs of the Western Division be addressed in consolidated legislation?

The intent of creating consolidated legislation is to provide consistency in the management of Crown land where appropriate. It is recognised that the Western Division has specific needs due to the fragile, semi-arid environment and its susceptibility to land degradation. Consolidated legislation will still include specific provisions relating to lease conditions, over-stocking, cultivation consents, freehold conversion and the road access program.

What is a domestic waterfront licence?

Domestic waterfront licences are granted by Crown Lands for the use of submerged and tidal Crown land where there is direct access to Crown land. Domestic waterfront licences generally cover facilities such as jetties, boatsheds, berthing areas, boat ramps, slipways and pontoons on foreshore Crown land adjoining waterfront properties.

By managing built structures on our waterways through appropriate licensing, Crown Lands can ensure that waterways are not overcrowded and that individual use is balanced with the public's right to foreshore access.

Will Crown Lands continue to administer my domestic waterfront licence?

There will be no immediate change to the administration of domestic waterfront licences by Crown Lands. The Review has identified opportunities to streamline and harmonise the administration of submerged land including domestic waterfront licences. Further discussion with Roads and Maritime Services, testing of the available options, and consultation with stakeholders is required before any changes will be implemented.

What is a common?

Commons were established in the late 1800s and early 1900s, for town residents and small-scale local farmers to use as a common area for grazing, watering of stock and collection of firewood. Commons are areas of Crown land, set aside by grant, dedication or reservation, to benefit the local community.

There are about 120 commons in NSW managed by commons trusts under the *Commons Management Act 1989*. Eligible local residents and farmers use the common where their names are listed on a commoners' roll. Commons trusts are elected by commoners from among their number.

Why are commons no longer relevant?

Community needs and expectations have changed considerably since the establishment of commons in the late 1800s. Many commons are no longer used for the purpose for which they were originally established but are used for a variety of other activities. It is not the Government's intent to reduce community access to these sites. It is appropriate for this land to be available to the broader community rather than just to commoners. It is considered that a more contemporary management framework is appropriate to provide improved transparency, greater community involvement and streamlined management.

What is the Public Reserves Management Fund?

The Public Reserves Management Fund (PRMF) provides financial support for the development, maintenance and improvement of public reserves. PRMF funds are allocated each financial year to reserve managers through a robust assessment process.

In recent years the NSW Government has allocated more then $13 million per annum from the Public Reserves Management Fund towards improvements to Crown reserves. This funding has supported important initiatives such as the development of Crown caravan parks, maintenance of showgrounds and community halls, and the improvement of local parks and reserves.

Is the Lands Administration Ministerial Corporation new and if so is it just a new layer of red tape?

The Lands Administration Ministerial Corporation (LAMC) is a statutory body representing the Crown and was introduced as part of the 2005 amendments to the Crown Lands Act to increase the flexibility available to the Minister in managing the Crown estate. The LAMC has advisory functions, and also currently manages a number of Crown reserves. In addition it holds the land that is regulated under the Wentworth and Hay Irrigation Acts.

If dedicated land is proposed to be disposed of or dedication abolished who will decide if it is in the public interest? When will the community be consulted?

The Government has decided not to accept the Review recommendation to abolish dedications.

What is the difference between dedicated and reserved land?

Crown land that has been dedicated as a reserve is a more enduring form of reserve. The only difference between reserved land and dedicated land is the way they are established and revoked. Also, the land making up a dedicated reserve can only be changed by dealing with the whole piece of dedicated land, not just parts of it. A dedication can only be revoked by tabling the revocation in both houses of Parliament.

As dedicated land is included in the definition of 'reserve', the Minister can establish a reserve trust over it and deal with the land in the same manner as land that is reserved. An example of dedicated land in NSW is Hyde Park in Sydney.

3. State and local land

Will the NSW Government retain land for future public or Government needs?

Yes, the NSW Government will continue to hold land that is required for future public or Government needs. The Crown estate is not static. Land continually moves in and out of the estate for all sorts of reasons. A strategic assessment will be undertaken to ensure that land is managed by the most appropriate people or agencies for the right outcomes.

What safeguards will there be to stop too much land being sold?

Crown land is a valuable asset for the Government and the people of NSW. This reform is about properly valuing the State's largest asset and ensuring that systems and tools are in place for government to make the best decisions about its future management. This reform is not about a fire sale of Crown land.

Will our community trust board be consulted about whether our reserve is classified as state or local land?

Options for consultation will be considered as part of the local land pilot.

What will the local land pilot do?

The pilot will test all aspects of the local land proposal as recommended in the Review. In particular it will test the proposed State and local land criteria and identify practical issues that need to be addressed to enable the local land proposal to be applied across the State. It will also identify how and when to consult the community on proposed changes.

Will councils be able to pick and choose which local land they want?

This concept will be explored as part of the local land pilot, in consultation with local government. There will be no forced transfer of land to local councils.

Do councils have the resources (ie the staff and money) to manage local land?

In many cases councils are already managing land that could be classified as local so there would be no additional expense. For example Waverly Council already manages the iconic Bondi beach and Newcastle Council the Newcastle Harbour Foreshore.

Isn't transferring local land to councils just an exercise in cost shifting?

No, in many cases councils are already managing land that would be classified as local land so there would be no additional expense. It is not intended that land that has significant liabilities such as heavily contaminated land would be classified as local land. There will be no forced transfer of land to local councils.

How can councils manage our reserve under the local government legislation?

It is recommended that where councils manage Crown reserves they should do so under the local government legislation. Councils already manage their own community lands under the local government legislation, this change simply means they would manage Crown reserves in the same way. There will be multiple benefits from this approach, in terms of simplicity, streamlining and red tape reduction. Legislative change is required to allow this to happen. This change would not result in any on-ground changes for the community.

When will the transfer of land commence?

There is currently no planned date for transfer of local land to councils, and this is likely to be a gradual process. A pilot program will be undertaken to test and finalise the criteria and methodology needed to roll this proposal out across the State. Transfer of land will only occur following consultation and agreement with local councils.

Will the public be able to comment on land proposed for transfer as local land?

Options for consultation will be considered as part of the local land pilot program.

Our group currently applies for funding from the Public Reserves Management Fund (PRMF). If our land was classified as local land will we still be able to apply for PRMF grants?

The Government recognises the important contribution that the PRMF provides communities across the State. Continued access to funding to maintain community infrastructure will be an important consideration as the State / local model is developed and tested.

Is volunteer management a thing of the past?

No, volunteers are an essential ingredient in the management of public land. Whether it is weed management through Landcare or local residents maintaining their public hall, volunteers are needed and appreciated. Neither State nor local government have the resources to maintain and develop the diverse range of community facilities offered across the State. The Government wants to enhance the support structure by cutting red tape to make it easier for volunteers to be involved. The Government is also keen to strengthen the governance arrangements for reserves.

What protections will the community have to prevent cash strapped councils selling off public land?

This question will be thoroughly considered as part of the pilot process. Currently, there is a public consultation process that local councils must follow when selling community land. A similar model could apply if a council decides to sell a piece of local land that has been transferred to it.

What guarantees can the NSW Government give that safeguards will remain in local government legislation to protect public land being sold?

The recently-released report of the Local Government Acts Taskforce recommends that a public hearing should be held where it is proposed to change the existing dominant use of community land or to transfer it to operational land or to dispose of that land.

Have the pilot councils been selected?

Not yet, this will be determined through consultation with Local Government NSW and relevant councils.

Are there certain types of reserves that will not become local land?

Certain types of Crown land will not be classified as local land, even if they have local as well as State values, for example this land may include beaches. The criteria for State and local land will be tested and finalised during the local land pilot.

How does the recent Crown Land (Multiple Land Use) Act 2013 *relate to this review?*

It does not directly relate to the Crown Lands Management Review. The NSW Government considered the impact of the Goomallee decision on the Crown estate to be so far reaching that it sought to address the issue prior to the completion of both the Review and the statutory review of the Aboriginal Land Rights Act.

4. Crown reserve management

Why do you need to remove the three-tier management system?

The two-tier system will provide greater simplification and clarity by replacing the two levels of reserve trusts and reserve trust managers with one level of reserve manager. This will allow consistent governance standards to be set for reserve managers and reduce the number of approvals and reporting requirements.

What will a two-tier system look like?

In place of a reserve trust and a reserve manager it is proposed that there will be a single reserve manager which will be the same as other similar jurisdictions.

How will the two-tier trust system operate in practice?

It is proposed that the new Crown lands legislation will enable reserve managers to be appointed directly to undertake care, control and management of Crown reserves rather than the current system which provides for both reserve trusts and reserve managers to be appointed. The role of reserve managers is not expected to change, but their method of appointment will be different.

What will happen to existing community trusts?

Most community trusts will be converted to Crown reserve managers when the new legislation starts.

Under the two-tier reserve system will individual board members be protected as currently provided under s121 of the Act?

Yes.

How will Crown reserves be funded under this new approach?

Many Crown reserves have their own sources of revenue, for example from leases, licences and other activities. The Government also recognises the important contribution that the Public Reserves Management Fund provides to fund management of Crown reserves across the State. This method of funding will continue in the future, to support the ongoing maintenance and management of important community, social, economic and environmental infrastructure on Crown reserves.

5. Travelling stock reserves (TSRs)

Are TSRs going to be sold off?

A review of the parcels of land that make up the TSR network across NSW is required to better understand the practical values of each TSR. That is whether they are required for their original purpose of stock movement, or have Aboriginal heritage, recreational, other heritage or environmental values.

This Review is about having a better understanding of the land asset so that informed decisions can be made to ensure that the right people are managing TSRs for the right reasons. Consultation will be part of any review process. There are around 5,000 Aboriginal land claims across the network of TSRs so discussions with Aboriginal Land Councils will be an important part of the process.

Will the public be consulted on the TSR assessment criteria?

It is expected that the outcome of the pilot assessment process will be presented to relevant stakeholders through existing Local Land Services Stakeholder groups, or through another appropriate mechanism.

How will the environmental, social and heritage values of stock routes be protected?

Assessment of the TSRs will be based on a wide range of criteria including the need to retain them for their traditional stock movement purposes, or their environmental, social and heritage values. The aim is to work out who is best placed to manage the TSRs to ensure their respective values are maximised.

6. Western Lands

Is economic development in the Western Division impeded by Government ownership?

No, the Review examined claims that economic development and land use are impeded by the current arrangements. The Review concluded that there was no evidence that the leasehold system in and of itself reduces economic viability. To streamline economic development in the Western Division the new legislation will provide greater flexibility by permitting certain additional activities such as farm tourism, fodder production, filming and feedlots without the need for approval.

Why can't all land in the Western Division be converted to freehold?

The leasehold system is considered the best way of safeguarding the fragile rangelands in the Western Division. Continuing the leasehold system which allows steps to be taken to prevent over-stocking and control grazing intensity is the simplest way to regulate these risks and has been proven to work.

How will changes in the Western Division, which are proposed in the White Paper, support tourism and business?

The proposed changes will make it easier for Western Division leaseholders to undertake certain additional activities without the need for approval i.e. filming and farm stays.

How will tourism operations on Western Land leases be monitored to ensure appropriate standards are maintained if approval will no longer be required?

The thresholds for activities that will be allowed without approval will be set so as to minimise the risk of environmental or other harm. There is an annual audit program, and one-off audits can be undertaken to check that standards are being maintained.

Why is the majority of the western part of the State Crown land?

The Western Division was generally settled several decades after the more eastern parts of NSW. As a result, it has developed into a region with a distinct character, and with different management systems to the rest of the state.

The Division is sparsely populated, with fewer than 2,000 primary producer enterprises (virtually all family businesses) and only the mining communities of Broken Hill, Lightning Ridge and Cobar having urban populations greater than 3,000 people.

Unlike the eastern areas of the State, 96 per cent of the Western Division is held under Western Lands leases, granted under the *Western Lands Act 1901*. The primary purpose of the Act is to ensure appropriate land administration and land management in this fragile semi-arid rangeland environment. By world standards, it is one of the oldest pieces of resource management legislation and demonstrates the environmental foresight of our early legislators.

Why do you need to seek consent to cultivate land in the Western Division?

Consent requirements and other conditions are attached to each Western Lands lease to ensure the land is managed sustainably. That means that land must not be over-grazed, and that approvals must be obtained to cultivate land and to subdivide or transfer the lease. The Western Lands Commissioner has the power to impose notices on lessees to destock areas, refrain from certain activities, or rehabilitate damaged or degraded areas.

Will environmental values be put at risk if additional activities are allowed without consent?

The thresholds for activities that will be allowed without approval will be set so as to minimise the risk of environmental or other harm. To some extent it is a matter of finding the right balance between streamlining consent and maintaining appropriate environmental safeguards. The White Paper provides an opportunity to provide feedback on this proposal.

If the Western Lands leases are converted to freehold what about the Native Vegetation Act and clearing of once protected lands?

The Native Vegetation Act applies across the whole of NSW and the constraints against clearing would therefore still apply to any Western Lands leases converted to freehold land. However, the grazing, stocking and rehabilitation controls provided by Western Lands lease conditions are not provided for in the Native Vegetation Act or other legislation.

Who is responsible for setting up Western Local Land Services?

Western Local Land Services has been established by the NSW Government by consolidating the former Livestock Health and Pest Authorities, the Catchment Management Authorities and extension staff from the Department of Primary Industries. Local Land Services commenced operation on 1 January 2014.

Who is responsible for setting up the Western Region Authority?

At this stage the Western Region Authority is only a proposal of the Independent Local Government Review Panel. If it were to go ahead it would be a NSW Government initiative involving local government in the Western Division and potentially a number of both State and Commonwealth Government agencies

How do I access the report on the Kerin Western Lands Review?

www.lpma.nsw.gov.au/__data/assets/pdf_file/0005/77378/WLA_Review_Report.pdf

What is the Western Division boundary?

Over a third of NSW falls within the Western Division, a vast and sparsely populated region covering more than 30 million hectares in the west of our state. The eastern boundary of the Western Division runs from Mungindi on the Queensland border to the Murray River near Balranald. The Barwon Darling river system, part of the fourth longest river system in the world, acts as the region's arterial lifeblood as its waters flow from Queensland through the centre of the Western Division to the Murray River in the south.

What activities will be allowed without approval on rural leases?

The types of additional activities being proposed to occur on Western Lands leases without the need for approval, are:

- fodder production, for example, up to a maximum of 50 hectares, provided that the fodder is for on-farm use only,
- conservation,
- film making, perhaps subject to certain time limits on filming,
- farm tourism, for example, limited to 20 guests at any one time and using only existing farm buildings and infrastructure, and
- feedlots, subject to limits on the number of animals (to align with current designated development limits), soil stability, drainage, and proximity to rivers, creeks or watercourses.

The White Paper provides the opportunity for the public to comment on these activities and/or propose others.

7. Aboriginal land rights

What is an Aboriginal land claim?

The *Aboriginal Land Rights Act 1983* (ALRA) enables the NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs) to claim Crown land and have that land transferred to them in freehold title. As distinct from native title claims, a traditional connection to the land does not need to be established for land to be granted under the ALRA.

The ALRA was introduced to compensate Aboriginal people in NSW for the past dispossession of their land.

Land claims are lodged by Aboriginal land councils with the Registrar of the ALRA. Once a land claim is made by either NSWALC or a LALC over Crown land, the Minister is required to assess the application and determine whether the land is claimable Crown land. Under ALRA the Minister can only refuse the granting of the claim if the land is not claimable Crown land. The land will not be claimable Crown land where the land is currently being lawfully used or occupied, or where the land is required for essential public or residential purposes. If the land is claimable Crown land then it must be granted to the relevant Aboriginal land council. Appeal rights are available to the Aboriginal land councils where the Minister refuses a claim.

What happens to Crown land reserves granted under an Aboriginal land claim?

Where a Crown land reserve is granted under an Aboriginal land claim, the land is transferred to the relevant Aboriginal land council in freehold title and ceases to be Crown land.

8. Native Title

What is Native Title?

Native Title is the legal recognition of the traditional communal, group or individual rights and interest which Aboriginal people have in land and water. The *Native Title Act 1993* is Commonwealth Government legislation.

For Native Title to be determined to exist, there must be a connection to the land by the native title claimants and there must not have been any 'act' that extinguishes the Native Title. Generally speaking Native Title law provides that the grant of freehold title extinguishes native title absolutely and this extinguishment of Native Title is permanent and cannot be revived.

What rights arise from Native Title?

Native Title is a property right and may include rights to access and camp on an area; visit and protect important places; hunt, fish and gather food and bush medicine, and in some cases to possess, occupy and enjoy the area.

Registered Native Title claimants gain a right to negotiate in certain circumstances such as the proposed grant of a mining lease. Registered Native Title claimants also gain a right to be notified of, and to comment on, certain acts which Government proposes doing which may affect land within their claim area. Native Title holders may have the right to be compensated where native title is acquired for future developments or affected by legislation.

How does Native Title impact on Crown land?

Native Title can be recognised on vacant crown land, national parks, state forests, Crown reserves, land included in some types of non exclusive leases, permissive occupancies and licences, inland waters and the sea.

9. Valuation

Will better valuation of the estate mean higher rent for community organisations?

The Government has a role in providing subsidised access to land for a range of community activities and the Review does not propose to change this. The level of subsidy given is continually assessed and aligned to meet NSW Government priorities and community expectations.

How is the decision made to sell Crown land?

Crown land is generally sold where no future public use has been identified and the sale will provide investment and economic opportunities for NSW. The decision to sell Crown land is evaluated against social , economic and environmental factors . This will not change in the future. Facilities such as showgrounds, racecourses and caravan parks are generally not identified for sale where they continue to provide a community benefit, a commercial return or are highly valued by the community.

Does the Crown Lands Rebate Policy still apply?

Yes, the policy currently applies to all Crown Lands tenures. There is currently no planned review of the policy. As part of continual business improvement outcomes of the policy are monitored to ensure unintended rental impacts do not occur. A copy of the policy is available at www.lpma.nsw.gov.au/crown_lands/leases

10. Public Trading Enterprise (PTE)

How can Crown Lands become a Public Trading Enterprise when it has social and environmental obligations?

A Public Trading Enterprise will enable Crown Lands to operate under a structure where management has clear and non-conflicting objectives, to enable it to be held accountable for both commercial performance and the delivery of social and environmental outcomes. Social and environmental expenditures (such as community service obligations) will be identified through the budget process, thereby making investments in these programs transparent and will enhance accountability. A PTE would report to the NSW Government while delivering a better return on the portfolio of Crown land in NSW. In a nutshell this means that Crown Lands will function as a more accountable and transparent business.

What is the timeframe for Crown Lands becoming a PTE?

No timeframe has been set. While the Review identified a PTE as its preferred business model it also identified a number of challenges to implementation. How best to transition Crown Lands to a PTE requires further testing and consultation which will take time. The Review is setting the direction for the next 20 years.

How will staff be employed under a PTE?

The Review identified PTE as its preferred business model and identified a number of challenges to implementation. How best to move Crown Lands to a PTE requires further testing and consultation which will take time. Employment arrangements will be one of the many considerations.

Is legislative amendment to enable a PTE being considered in the current White Paper?

No. The Review identified PTE as its preferred business model and identified a number of challenges to implementation. How best to transition Crown Lands to a PTE requires further testing and consultation which will take time. Further detailed analysis and consultation will be required before any enabling legislation will be proposed.

How will a PTE affect the revenue generated by our Trust?

Changing to a PTE will not impact on revenue generated from a Trust.

IPART New South Wales Independent Pricing and Regulatory Tribunal

FACT SHEET

Local government compliance and enforcement – summary of Draft Report

May 2014

Overview

The NSW Government has a target of $750 million in reduced 'red tape' costs for business and the community by June 2015.

To help achieve this target, the NSW Government has engaged IPART to undertake a review of local government compliance and enforcement activity in NSW. This is the first in a series of red tape reviews IPART will be undertaking on behalf of the NSW Government.

Our draft recommendations are expected to:

- reduce red tape to businesses and individuals by at least $177.7 million per year
- save councils approximately $42.4 million per year
- save the NSW Government about $1.3 million per year
- provide net benefits to the community of NSW of $220.5 million per year.

What have we found?

The draft report highlights the extensive role of NSW councils as regulators of local communities across the State. We identified that councils have 121 regulatory functions, involving 309 separate regulatory roles, emanating from 67 State Acts, which are administered by approximately 31 State agencies.

We have found a strong case for increased consistency, co-ordination, co-operation and harmonisation amongst councils in undertaking their regulatory roles. At the same time, we recognise the need to reflect local preferences in council approaches where appropriate.

Significant gains for business and the community can be achieved through enhanced:

- interaction and coordination between State Government agencies and local councils – during both the development and implementation of new regulation
- council regulatory capacity and capability (eg, through reduced delays and more consistency across and within councils)
- collaboration between councils (to maximise economies of scale, improve consistency where appropriate and share expertise)
- sharing of ideas and leading practices amongst councils (to also maximise the benefits of separate councils).

Impact and recommendations

The savings identified above relate to proposed recommendations which aim to improve the *existing stock* of regulation currently in force in NSW.

In addition, our draft recommendations to improve regulatory impact assessment processes would prevent $48 million per year of *new* red tape, on average, over the next 10 years. This would also provide a further $21 million per year in net benefits for NSW,[1] assuming:

- the loss of community benefits that could potentially be gained from new regulation
- no estimated change in costs to local councils, and
- an increase in costs to the NSW Government.[2]

The draft recommendations that account for the largest reductions in red tape are:

- $59.2 million per year saved in improving road access for heavy vehicles. Potentially the gains are far larger, with heavy vehicle access restrictions estimated to cost $366 million per year in NSW.
- $36 million per year saved by preventing councils from imposing conditions of consent above what is required by the Building Code of Australia.
- $19.4 million per year saved in implementing a partnership arrangement between the NSW Department of Planning and Infrastructure and local government, with net benefits of $17.9 million per year. There are substantial additional benefits possible from continued improvements in planning, with the excessive costs associated with planning estimated to be in the order of about $300 million per year.

In addition, draft recommendations regarding increased sharing of regulatory services and resources across councils could reduce council costs by $30 million per year.

Our draft recommendations are intended to complement the work of the NSW Planning System Review, Independent Local Government Review Panel and the Local Government Acts Taskforce.

Our report highlights a number of examples of best practice regulatory approaches stakeholders have provided to us in the course of the review. These practices may have scope to further reduce red tape and benefit councils, businesses and the community, if more broadly adopted.

Our draft recommendations and best practice findings are listed at the end of this Fact Sheet in **Attachment A**.

The Draft Report, along with further information on IPART's review, is available at IPART's website <http://www.ipart.nsw.gov.au>.

What happens next?

We invite all stakeholders including businesses, business groups, councils, community groups, individuals and NSW Government departments or agencies to make written submissions in response to our Draft Report by **4 July 2014.**

Late submissions may not be accepted at IPART's discretion.

Submissions may comment on any or all of the draft recommendations and findings made, or on any other issues stakeholders consider relevant to the review.

We would prefer to receive them electronically via our online submission form <www.ipart.nsw.gov.au/Home/Consumer_Information/Lodge_a_submission>.

You can also send comments by mail to:

Regulation Review - Local government compliance and enforcement
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office NSW 1230

1 The Better Regulation Office's guidelines for estimating red tape savings towards the $750 million target indicate that these savings should be considered separately, as they relate to minimising the burden of potential future regulation, rather than minimising the impact of the existing stock of regulation.

2 The CIE, *Local Government Compliance and Enforcement - Quantifying the impacts of IPART's recommendations*, June 2013, pp 23-25.

Our normal practice is to make submissions publicly available on our website on <www.ipart.nsw.gov.au> as soon as possible after the closing date for submissions. If you wish to view copies of submissions but do not have access to the website, you can make alternative arrangements by telephoning one of the staff members listed on the previous page.

If you would like further information on making a submission, IPART's submission policy is available on our website.

After we have considered all the information and views expressed in submissions, we will provide our Final Report to the NSW Government in September 2014.

Attachment A

Draft Recommendations

A new partnership between State Government and local government

1 Subject to cost benefit analysis, the NSW Department of Planning and Infrastructure (DoPI) should engage in a Partnership Model with local government, similar to the Food Regulation Partnership, to enhance the capacity and capability of councils to undertake their regulatory functions. This should include:
   - enshrining the partnership model in legislation
   - clear delineation of regulatory roles and responsibilities
   - a risk-based approach to regulation supported by a compliance and enforcement policy
   - use and publication of reported data to assess and assist council performance
   - a dedicated consultation forum for strategic consultation with councils
   - ability for councils to recover their efficient regulatory costs
   - a system of periodic review and assessment of the partnership agreement
   - a dedicated local government unit to provide:
     - a council hotline to provide support and assistance
     - a password-protected local government online portal
     - guidelines, advice and protocols
     - standardised compliance tools (eg, forms and templates)
     - coordinated meetings, workshops and training with councils and other stakeholders.

2 Subject to cost benefit analysis, the NSW Environment Protection Authority should engage in a Partnership Model with local government, similar to the Food Regulation Partnership (as per Draft Recommendation 1).

Improving the regulatory framework at the State level

3 The Better Regulation Office (BRO) should revise the NSW *Guide to Better Regulation* (November 2009) to include requirements for developing regulations involving regulatory or other responsibilities for local government, in particular:
   - consideration of whether a regulatory proposal involves responsibilities for local government
   - clear identification and delineation of State and local government responsibilities
   - consideration of the costs and benefits of regulatory options on local government
   - assessment of the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government
   - consultation with local government to inform development of the regulatory proposal

- if establishing a jointly provided service or function, agreement with local government as to the objectives, design, standards and shared funding arrangements, and
- development of an implementation and compliance plan.

4 The NSW Government should establish better regulation principles with a statutory basis. This would require:

- amendment of the *Subordinate Legislation Act 1989* (NSW) or new legislation, and
- giving statutory force to the NSW *Guide to Better Regulation* (November 2009) and enshrining principles in legislation.

5 The NSW Government should maintain the register of local government regulatory functions (currently available on IPART's website) to:

- manage the volume of regulation delegating regulatory responsibilities to local government
- be used by State agencies in the policy development of regulations to avoid creating duplications or overlaps with new or amended functions or powers.

6 The BRO should:

- Develop a Regulators' Compliance Code for local government, similar to the one currently in operation in the UK, to guide local government in undertaking enforcement activities. This should be undertaken in consultation with the NSW Ombudsman and State and local government regulators.
- Include local government regulators in its Regulators' Group or network.
- Develop simplified cost benefit analysis guidance material for local government to undertake proportional assessments of the costs and benefits of regulatory actions or policies, including consideration of alternatives.
- Develop simplified guidance for the development of local government policies and statutory instruments.

7 The NSW Ombudsman should be given a statutory responsibility to develop and maintain a more detailed model enforcement policy and updated guidelines for use by councils to guide on-the-ground enforcement:

- The model policy should be developed in collaboration with State and local government regulators.
- The model policy should be consistent with the proposed Regulators' Compliance Code, if adopted.
- The NSW Ombudsman should assist councils to implement the model enforcement policy and guidelines, through fee-based training.
- All councils should adopt the new model enforcement policy, make the policy publicly available and train compliance staff in exercising discretion and implementation of the policy.

8 The *Local Government Act 1993* (NSW) should be amended to abolish Local Orders Policies (LOPs), as the function of LOPs will be replaced by adoption of the new model enforcement policy.

9 The NSW Government should publish and distribute guidance material for:

- councils in setting their regulatory fees and charges (to apply to fees and charges, where councils have discretion), and
- State agencies in setting councils' regulatory fees and charges.

This guidance material should include principles and methodologies for estimating efficient costs, setting fees and charges, and reviewing and updating these fees and charges over time.

Enhancing regulatory collaboration amongst councils

10 The *Local Government Act 1993* (NSW) should be amended to remove any impediments to, or facilitate the easier use of, shared regulatory services. In particular, consideration should be given to:

- removing or amending section 379 – which currently restricts the delegation of a council's regulatory functions under Chapter 7 of the Local Government Act, including to shared services bodies
- amending section 377, which prohibits any delegation by a council of the acceptance of tenders.

If Regional Organisations of Councils (ROCs) continue as the preferred form of council collaboration, consideration should also be given to whether the Act should specify how and in what form ROCs should be established (including whether management frameworks should be prescribed).

11 The NSW Government should encourage and develop incentives to form collaborative arrangements in relation to regulatory functions. This should include training, guidance and promotion of leading practice collaborative arrangements, and the establishment of a small repayable fund to assist in setting up shared regulatory services. Councils could obtain a loan with a concessional rate of interest that is repayable within a specified period. This should tend to be cost neutral over time, as cost savings to councils would be achieved from the collaborative arrangements.

Improving the regulatory framework at the local level

12 The *Local Government Act 1993* (NSW) should be amended to:

- remove duplication between approvals under the *Local Government Act 1993* (NSW) and other Acts, including the *Environmental Planning & Assessment Act 1979* (NSW) and *Roads Act 1993* (NSW) in terms of: footpath restaurants; mobile vendors; installation of amusement devices; installation and operation of manufactured homes; stormwater drainage approvals
- remove low-risk activities from the list of activities currently requiring approval under section 68 of the Local Government Act, including: Busking; Set up, operation or use of a loudspeaker or sound amplifying device; and Deliver a public address or hold a religious service or public meeting
- allow for longer duration and automatic renewal of approvals
- provide more standard exemptions or minimum requirements from section 68 approvals, where possible, initially in the areas of: footpath restaurants; A-frames or sandwich boards; skip bins; domestic oil or solid fuel heaters
- abolish Local Approvals Policies (LAPs) or, alternatively: reduce the consultation period to 28 days in line with Development Control Plans; remove sunsetting clauses; require Ministerial approval only for amendments of substance; centralise LAPs in alphabetical order in one location on DLG's website; consolidate activities within 1 LAP per council; and DLG to provide a model LAP in consultation with councils
- enable councils to recognise section 68 approvals issued by another council (ie, mutual recognition of section 68 approvals), for example with mobile vendors and skip bins.

13 The NSW Government, as part of its reforms of the *Local Government Act 1993* (NSW), should amend the Act to provide a modern, consolidated, effective suite of compliance and enforcement powers and sanctions for councils and council enforcement officers.

The powers would be applicable to all new State Acts or regulations. This suite should be based on the best of existing provisions in other legislation and developed in consultation with the NSW Ombudsman, Better Regulation Office, State and local government regulators. This should include effective cost recovery mechanisms to fund enforcement activities.

14 Councils should support the use of alternative and internal review mechanisms (for example, the NSW Ombudsman, NSW Small Business Commissioner, and private providers of ADR services) to provide business and the community with a path of redress for complaints (not including complaints concerning penalty notices) that is less time-consuming and costly than more formal appeal options.

Improving regulatory outcomes

15 As part of the State's Quality Regulatory Services initiative, the NSW Government should require all State agencies that devolve regulatory responsibilities to local government to:

- consider councils' responsibilities in developing their risk-based approach to compliance and enforcement
- consider councils' responsibilities in defining the regulatory outcomes and setting monitoring mechanisms to measure the outcomes, and
- identify what information needs to be obtained from councils in relation to their regulatory activities to measure regulatory outcomes and how this data will be used or published to assess and assist council performance.

These requirements should be developed in consultation with local government regulators and commence by the end of 2014.

Planning

16 DoPI, in consultation with key stakeholders and on consideration of existing approaches, should:

- identify which development consent conditions may be applied across council areas, including regional groupings of councils, and which conditions will vary across council areas
- then develop (where appropriate) a standardised and consolidated set of development consent conditions for councils to utilise for different forms of development.

17 The NSW Government (eg, DoPI) should enable building owners to submit Annual Fire Safety Statements online to councils and the Commissioner of the Fire and Rescue Service.

Building and construction

18 The NSW Government should:

- subject to a cost benefit analysis, create a stronger, single State regulator, the Building Authority, containing, at a minimum, the roles of the Building Professionals Board and the building trades regulation aspects of NSW Fair Trading, and
- create a more robust, coordinated framework for interacting with councils through instituting a 'Partnership Model' (as discussed in Chapter 2).

19 The Building Professionals Board or Building Authority (if adopted) should:

- initially, modify its register of accredited certifiers to link directly with its register of disciplinary action

- in the longer term, create a single register that enables consumers to check a certifier's accreditation and whether the certifier has had any disciplinary action taken against them at the same time.

20 Councils seeking to impose conditions of consent above that of the Building Code of Australia (BCA) (now part of the National Construction Code (NCC)) must conduct a cost benefit analysis (CBA) justifying the benefits of these additional requirements and seek approval from an independent body, such as IPART, under a 'gateway' model.

21 Certifiers should be required to inform council of builders' breaches if they are not addressed to the certifier's satisfaction by the builder within a fixed time period. Where councils have been notified, they should be required to respond to the certifier in writing within a set period of time. If council does not respond within the specified period, then the certifier can issue an occupation certificate.

22 The Building Professionals Board (BPB) or Building Authority (if adopted) should incorporate into the current Principal Certifying Authority signage information setting out contact details for specific complaints (eg, off-site impacts like building refuse or run-off and onsite issues). The BPB or Building Authority should trial the use of such a sign in a specific local government area to see if time is reduced in redirecting complaints for councils, the BPB/Authority and certifiers.

Public health, safety and the environment

23 All councils should adopt the NSW Food Authority's guidelines on mobile food vendors. This will allow for food safety inspections to be conducted in a mobile food vendor's 'home jurisdiction', which will be recognised by other councils.

24 The NSW Food Authority, in consultation with councils, should stipulate a maximum frequency of inspections by councils of retail food businesses with a strong record of compliance to reduce over-inspection and costs.

25 The NSW Food Authority should finalise its internal review and work with councils to implement its reforms within 18 months of its review being completed to:

- remove any regulatory overlap (eg, of related retail and non-retail food business on the same premises)
- develop a single register of notification for all food businesses, or a suitable alternative, to avoid the need for businesses to notify both councils and the Food Authority
- review the notification system to determine whether negligible risk food businesses should be exempt from the requirement to notify
- ensure the introduction of the standard inspections template for use by all councils in NSW, to enhance the consistency of inspections across the State.

26 DLG should:

- develop a 'model' risk-based inspections program to assist councils in developing their own programs under the *Swimming Pools Act 1992* (NSW)
- issue guidance material on the implementation of amendments to the *Swimming Pools Act 1992* (NSW)
- provide a series of workshops for councils (by region) on how to implement and comply with their new responsibilities under the *Swimming Pools Act 1992* (NSW)
- promote the use of shared services or 'flying squads' for swimming pool inspections, if a backlog becomes apparent under the new regulatory regime

- review the *Swimming Pools Act 1992* (NSW) in less than 5 years to determine whether the benefits of the legislative changes clearly outweigh the costs.

27 Ageing, Disability and Home Care, in consultation with the Division of Local Government, should:

- develop a 'model' risk based inspections program, including an inspections checklist, to assist councils in developing their own programs under the *Boarding Houses Act 2012* (NSW)
- issue guidance material on the implementation of the *Boarding Houses Act 2012* (NSW)
- co-ordinate a series of workshops for council employees (by region) on how to implement and comply with responsibilities under the *Boarding Houses Act 2012* (NSW).

28 DoPI, in consultation with the EPA and other relevant stakeholders, should:

- develop standard waste management requirements for inclusion in the NSW Housing and NSW Industrial and Commercial Codes, which establishes site waste management standards and requirements for exempt and complying development, and
- remove the need for applicants to submit separate Waste Management Plans to councils for these types of developments.

Parking and road transport

29 Councils should either:

- solely use the State Debt Recover Office (SDRO) to handle parking fine requests for review or appeals to remove current confusion, duplication and reduce costs, or
- adopt the SDRO's guide for handling representations where a council is using SDRO's basic service package and retains the role of handling parking fine requests for review or appeals, to ensure consistency and fairness across the state.

30 DLG should review and, where necessary update, its free parking area agreement guidelines (including model agreements). Councils should then have a free parking area agreement in place consistent with these guidelines.

31 That the NSW Government:

- notes the potential red tape savings and net benefits that could accrue to NSW through the National Heavy Vehicle Regulator (NHVR) providing:
  - technical assistance to councils in certifying local roads for access by heavy vehicles, and
  - guidelines to councils for assessing applications for heavy vehicle access to local roads in relation to potential amenity and safety impacts; and
- in the event of delay in the NHVR providing these elements of the national reforms, funds an interim unit to provide this assistance to local government.

Companion animal management

32 DLG should allow for an optional 1-step registration process, whereby:

- the owner could microchip and register their pet at the same time
- the person completing the microchipping would act as a registration agent for councils either by providing access to online facilities (per recommendation below) or passing the registration onto councils (on an opt-in, fee-for-service basis).

33 DLG should allow for online companion animals registration (including provision to change details of registration online).

34 DLG should implement targeted, responsible pet ownership campaigns with councils in particular locations/communities of concern with the input of industry experts, providing accessible facilities for desexing where these campaigns are rolled out.

35 DLG should amend the companion animals registration form so an owner's date of birth is mandatorily captured information, as well as other unique identifiers such as driver's licence number or official photo ID number or Medicare number.

36 DLG should amend the *Companion Animals Act 1998* (NSW) to enable fees to be periodically indexed by CPI.

Other areas

37 The NSW Government should amend section 125 of the *Roads Act 1993 (NSW)* to extend the lease terms for footway restaurants to 10 years, subject to lease provisions ensuring adequate access by utility providers.

38 DLG should collect data on the time taken for Section 68 approvals to be processed by councils. This data should be collated and reported as an indicator of performance in this area to reduce delays.

39 Councils should issue longer-term DAs for periods of 3-5 years for recurrent local community events (subject to lodging minor variations as section 96 EP&A Act amendments).

Findings on best practice

1 The use of portable technology such as iPads by council enforcement officers (eg, in tree assessments by Sutherland Shire Council) has the potential to cut costs to councils and the public.

2 Greater use of existing networks such as AELERT and HCCREMS (Hunter Councils Inc) provide greater resources, consistency of approach and build expertise or capability in undertaking council environmental compliance activities.

3 Councils would benefit from the use of the following self-assessment tools:

- the Hunter Council Inc (HCCREMS) Compliance System Self-assessment tool to assess regulatory capacity to enhance regulatory performance
- the Hunter Council Inc (HCCREMS) Electronic Review of Environmental Factors (REF) Template to assist councils in undertaking Part 5 assessments under the *Environmental Planning & Assessment Act 1979* (NSW) of their own activities
- the Smart Compliance Approach, currently used by Newcastle City Council and adapted from the US EPA, to provide a framework for using performance data to achieve better regulatory outcomes
- the NSW EPA's online "Illegal Dumping: A Resource for NSW Agencies" tool/guide available through AELERT and EPA websites.

4 Publication of more significant individual local government regulatory instruments on a central site, such as the 'NSW Legislation' website, will allow a stocktake, and facilitate review and assessment, of such instruments. These regulatory instruments would be formal plans or policies developed by councils under State legislation (eg, Local Environmental Plans, Development Control Plans, Local Approvals Policies and Local Orders Policies).

5 The use of 'SmartForms' by councils, through the Federal Government's 'GovForms' or individual council websites, reduces costs to businesses and councils by enabling online submission and payment of applications directly to councils.

6 The provision of guidance material to assist businesses in obtaining approvals and complying with regulatory requirements, such as the guidance provided by the Federal Government's Australian Business Licence and Information Service (ABLIS) or the Queensland Local Government Toolbox (www.lgtoolbox.qld.gov.au), can reduce the regulatory burden on businesses and the community.

7 Projects like the Electronic Housing Code provide considerable benefits to businesses and the community by providing a single, consistent, time-saving, online process to obtain an approval.

8 The development of central registers (eg, Companion Animals register) by State agencies that devolve regulatory responsibilities to councils can substantially reduce administrative costs for regulated entities and councils, and assist with more efficient implementation of regulation (eg, assist with data collection and risk analysis).

9 Memorandums of Understanding between State agencies and councils in relation to enforcement and compliance activities (eg, between local police and local council) facilitate information sharing to achieve better communication, coordination and enforcement outcomes.

10 Councils engaging independent panels or consultants where development applications or DAs relate to land owned by local government improves transparency and probity.

11 Where proponents seek to develop infrastructure on public land owned by the council, providing notice of the relevant leasing or licencing options and conditions likely to be attached to the use of the land (where practical) prior to the requirement for a DA to be submitted could reduce unnecessary costs for proponents.

12 Councils can use Order powers under the *Environmental Planning & Assessment Act 1979* (NSW) (eg, under s121O) to allow certain modifications to developments. This circumvents the need for the applicant to obtain additional council approvals or development consents when there are concerns with existing structures (eg, safety concerns).

13 Council policies that identify, prioritise and if possible, fast-track emergency repair works within existing regulatory processes (eg, urgent tree trimming work following a storm or urgent repair works following a flood) would reduce costs.

14 Broadening the scope of DLG's current Promoting Better Practice program would strengthen its assessment of regulatory performance. Greater promotion of DLG's better practice findings amongst all councils would improve regulatory outcomes.

NSW Local Roads Congress
2nd June 2014
Congress Communiqué

The NSW Roads & Transport Directorate, a partnership between the Institute of Public Works Engineering Australia (IPWEA) and Local Government NSW in holding the 2014 NSW Local Roads Congress resolved to announce the following communiqué.

Local & regional roads are absolutely critical to the social and economic well-being of communities across NSW, and particularly in regional NSW where alternate transport options are limited. These same roads are also critical to the efficient movement of freight including delivering loads via high productivity trucks to/from point of source over the 'first mile'.

The Congress notes government advice that the freight task is predicted to double in the next 20 years and acknowledges many local & regional roads were not designed to cater for higher productivity vehicles. In addition, the State Government must review the increased use of the rail network the increased freight task.

Local & regional roads are under-funded in NSW by more than $600M per annum, without accounting for works to meet demand from growth or upgrades to meet the increasing pressures to support higher productivity trucks. This shortfall is inclusive of existing Federal Assistance Grants and Roads to Recovery programs.

The Australian government is to be congratulated for continuing Roads to Recovery ($349.8M/yr across Australia) and introducing a fund to assist with bridges ($60M/yr) through to June, 2020. However, greatly increased funding is still required for timber bridges to address the access problem.

The flatlining of Federal Assistance Grants announced in the recent Budget means this funding is being significantly eroded ($95.8M, $200.4M, $307.8M & $321.1M from 2014/15 to 2018/19 respectively). This represents a major loss of much needed funding.

The NSW Local Road Construction Cost Forecast 2010-2020 (February, 2011) highlights the increasing cost of construction as being over 4.1% per annum over this decade. This far exceeds the rate pegging limit for NSW of 2014/15 of 2.3%, resulting in a decline in available funding in real terms.

In NSW this means accepting further decline in the condition of road & bridge infrastructure, with worsening road safety outcomes, negative impacts on business and the NSW and regional economies, increasing maintenance costs and litigation, and reduced ability to meet the extra demands of growth in population and provide for higher productivity vehicles.

The NSW Congress therefore calls on the State and Australian governments to take the following measures:

NSW government

The NSW government should:

i) immediately direct IPART to increase the rate pegging limit by a further 2.5% (total 4.8%) for the 2014/15 financial year to account for the decreased Financial Assistance Grants (FAG) announced in the May, 2014 Federal Budget and the real cost of construction increases

ii) in the longer term, remove rate pegging in NSW and allow Councils to determine appropriate rating increases in conjunction with their own communities using the Integrated Planning and Reporting framework . Failing that, the NSW Government should set rate pegging to take account of the real costs of undertaking construction and service provision to the community

iii) implement changes to allow the re-distribution of Financial Assistance Grants to assist the areas of highest need in regional NSW and modify rating arrangements on high density development to permit urban Council's to sustain current rate revenue levels. This proposal must be part of a total package based on the development of asset management plans based on auditable data.

IV) the Department of Planning develop strategies to determine and mitigate the cumulative impact of State Significant Development on communities and transport infrastructure beyond the immediate development area.

NSW & Australian Government

The Congress calls on the State and Australian governments to work together to provide:

i) a National Local Government Finance Authority (NLGFA) to source lower interest borrowing for Local Government across NSW & Australia

ii) produce guidelines for Local Government on effective use of borrowing to address short and long term funding needs including renewal and upgrade of local and regional roads

iii) increased funding arrangements to facilitate increased productivity in road transport and works designed to meet future growth

iv) greater support for rail in regional NSW to reduce the increasing freight loads on local and regional roads, including resolving institutional impediments for access to existing rail

v) recognition of Local Government in the Australian Constitution

vi) consider and address the cumulative impact of increasing road and rail freight on communities and initiate infrastructure improvements, such as rail overpasses to improve transport efficiency.

Australian Government

The Congress calls on the Australian government to:

i) Restore the CPI increase in Financial Assistance Grants to Local Government

ii) Progressively increase funding to Local Government tied to a percentage of the GST equivalent to 1% of national GDP.

Australian Local Government Association

The NSW Congress seeks the support of ALGA to further the case for improved funding and recognition of Local Government as outlined in this communique.

NSW Local Government

The Congress calls on Local Government in NSW to:

i) support the Congress outcomes by writing to the relevant Ministers and their local State and Australian government MPs seeking their support for the outcomes outlined herein

ii) support the expenditure of all FAG-Roads Component Funding on roads

iii) Continue to pursue improved asset management across all Council's through capacity building and peer support

iv) Continue to strive for gains in efficiency in service delivery

Further enquiries:
Greg Moran, President IPWEA (NSW) 0427 456 030
Warren Sharpe, Director IPWEA (NSW) 0409 398 358
Mick Savage, Manager Roads & Transport Directorate 0418 808 085

Berrigan Conservation Group & Tidy Town Committee

A Committee of Berrigan Shire Council

President Mark Ryan Ph 03 58858222 0427858227
Secretary Mrs Carol Cottam Ph 03 58852234
2-4 Memorial Place Berrigan 2712

The General Manager
Berrigan Shire Council
Mr Rowan Perkins

Dear Rowan

Our committee seeks permission to erect the new anti-litter signage at the 50km entrances to Berrigan.

The grant application for signs was copied to you on 30th April 2014.

Regards
Carol Cottam
Secretary
29th May 2014

Appendix "E"

BERRIGAN CONSERVATION & TIDY TOWNS COMMITTEE

2nd June, 2014

The General Manager

Berrigan Shire Council

BERRIGAN 2712

Dear Rowan, Re: Do the Right Thing Signage & Posters

Further to my discussion with you last Tuesday, Rebecca Reid from Packaging Stewardship Forum would like an email or a notice of approval from yourself to have the posters displayed at both schools and The Berrigan Sports Ground before they will allow us to use their logo. email address rebecca.reid@afgc.org.au.

Thanks.

Yours faithfully

Clara Way

BDDA

Berrigan District Development Association Inc

BETTER IN BERRIGAN NSW AUSTRALIA

The General Manager
Mr Rowan Perkins
Berrigan Shire Council

Dear Rowan

We want to support the Berrigan Conservation Group and Tidy Town Committee with their application to Council to erect anti-litter signs at the approaches to Berrigan. The work this group does in combating an ever-increasing problem is thankless and we need to tackle the litter issue in any way we can.
The sign is nothing to do with the proposed new entrance welcome signs but simply to address the mess that is thrown along the roadsides, obviously by people who have never helped with a roadside litter collection.
We envisage that these deterrent signs would be positioned in the 50kph zone of each town approach and that Council would facilitate an on-site meeting to organise final position of each sign.

We appreciate your speedy agreeance in support of this project.

Best Regards Joe Cottam
President BDDA
23rd April 2014

BERRIGAN SHIRE COUNCIL
24 APR 2014
FILE
REFER TO GM
COPY TO
ACTION / CODE
ACKNOWLEDGE Y / N

President – Joe Cottam
Phone (03) 58852234

All Correspondence to :-
The Secretary
PO Box 116
BERRIGAN NSW 2712

DO THE RIGHT THING

KEEP BERRIGAN CLEAN

BERRIGAN SHIRE

Appendix "F"

NSW Public Libraries Conference Mudgee

11-14 November 2014

a fortunate life
Libraries & Community Wellbeing

Public Libraries New South Wales

Welcome ⇨ Attendee Information ⇨ Options ⇨ Additional Attendees ⇨ Registration Record

2014 NSW Public Libraries Conference

Welcome to the registration page for the NSW Public Libraries Conference 2014

Register Now

Venue

Parklands Resort and Conference Centre Mudgee

Event Schedule

Tuesday 11 November
Evening: Welcome reception and registration desk

Wednesday 12 November
Day: Registration desk and conference
Evening: Local food and wine event

Thursday 13 November
Day: Conference
Evening: Conference dinner

Friday 14 November
Day: AGM for Public Libraries NSW - Mudgee Town Hall Theatre

Ticket Pricing (per person/registration) **Category of Registration**	**Early Bird Registration (excluding GST) register before 31 July**	**Standard Registration (excluding GST)**
Full registration: All conference activities including Tuesday evening's welcome reception, Wednesday evening's food & wine event and Thursday evening's conference dinner	$475.00	$495.00
One Day including one event: Attendance to one day of the conference (of your choosing) plus your choice of either the Wednesday evening food & wine event or Thursday evening conference dinner	$275.00	$295.00
One Day no events: Attendance to one day of the conference (of your choosing)	$225.00	$225.00
Event ticket: Ticket for 1 person to the Wednesday evening food & wine event or Thursday evening conference dinner	$95.00	$95.00

Note: All Prices EXCLUDE GST

For additional sponsor and exhibitor tickets, please contact Mid-Western Regional Council.

Appendix "F"

Accommodation

Delegates are responsible for their own accommodation booking. There is plenty of accommodation available throughout Mudgee and the surrounding areas with a variety of accommodation types available.

For more information, please go to www.visitmudgeeregion.com.au

Contact details

For registration enquiries, please contact Catalyst Event Solutions Pty Ltd, Tel: 02 9419 488902 9419 4889 www.catalystevents.com.au

Related Pages

- NSW Public Libraries Conference
  - MAKING THE CASE
  - NSWPL CONFERENCE SPEAKERS

NSWPL CONFERENCE SPEAKERS

KEYNOTE SPEAKERS

Debbie Hicks

Debbie is the Director of research and a founder member at the Reading Agency and is responsible for work around the Reading Well project and the public library Universal Reading Offer in the United Kingdom.

Ruth Ornholt

Ruth Ornholt lives and works in Bergen, Norway. Since 2001 she has been head of the County Library at Hordaland County Council. Her academic background includes studies at the University of Bergen, the Norwegian Academy of Librarianship and the University College of Oslo. She has been working in all the fields of Norwegian public library service, in addition to the oil industry. In 1994, when she started to work for the Hordaland County Library, it became her responsibility to run the library ship.

From the start of her career Ruth has been an active member of the Norwegian Library Association, also as a chair of the Mobile Library Group for many years. Her IFLA engagement goes back to 2001, when she joined the Round Table of Mobile Libraries.

In 2005, when the IFLA Conference was arranged in Oslo, she headed both a pre-conference and the organization of Nordic Mobile Festival of that year. She has been a member for the IFLA Public Library Section since 2005. From 2013 she is a member of the Management and Marketing Section.

Jens Nordentoft Lauridsen

Jens is the Manager of Taarnby Library in Copenhagen, Denmark. He is a member of the Steering Committee of the Danish Model Programme for Public Libraries

Centre for Rural and Remote Mental Health, University of Newcastle

The Centre for Rural and Remote Mental Health (CRRMH) is based in Orange. It is a major rural initiative of The University of Newcastle, Faculty of Health and Medicine and the NSW Ministry of Health. CRRMH aims to bring quality education and research programs to all rural areas of NSW through effective partnerships. The Centre is partnering with the Central West Zone in the development and delivery of *the Books on Prescription* project.

OTHER SPEAKERS

Better Reading Better Communities: a grassroots approach to improving literacy

Chris Jones

Chris Jones, Manager Library Services, Great Lakes Library Service

Chris has been the Manager Library Services at Great Lakes since 1998.

Before that he worked at Armidale Dumaresq Library as the Reference Librarian. He began working in public libraries at Parramatta 26 years ago. He loves reading. He hopes the Library can help everyone else love it as well.

In 2013 the Great Lakes Library secured funding to training volunteer literacy tutors. This project has been remarkably successful and the library now has a pool of dedicated volunteers to draw from. The project has also lead to the establishment of a literacy collection, the creation of literacy team in the library staff and the establishment of the Better Communities Better Reading Action Group which draws from people across the community.

Seed Libraries and Community Wellbeing

Jim Maguire

Port Macquarie Library

Jim Maguire has been the Library Manager at Port Macquarie-Hastings Library since 2006 having previously been systems librarian. He has had a fairly nomadic professional career, working in Scotland, Egypt, England and Papua New Guinea before settling in sunny Port Macquarie in 1995. Most of his thirty seven years experience has been in the real world of Public Libraries with occasional forays into academia. He has previously presented papers in Hong Kong, Jakarta, Goroka and Port Stephens. His interests include Islay Malts, film noir, cool jazz and of course innovative library programmes.

Kay Delahunt

Central Northern Regional Library
Library and Cultural Services Manager – Tamworth Regional Council.

Kay has been working at Tamworth Regional Council /Central Northern Regional Library in various specialist and management roles for the past 22 years. She has also had experience in academic and special libraries. In 2004 Tamworth Library was one the first libraries to adopt the “living room library” concept with all non-fiction allocated to subject “rooms” and all formats interfiled. Kay developed and managed the Living Room Library project.

Seed Libraries are operating at two very different libraries in the North East Zone. One is at Port Macquarie Library and the other is in a branch library in the small village of Nundle. Seed libraries are conversation starters, they foster understanding and knowledge of healthy and sustainable food sources, boost local biodiversity and support local interest in environmental sustainability. They promote increased library visits for current and new library visitors, encourage community collaborations, and provide the opportunity for libraries to meet developing information needs.

Kiama Library and the National Broadband Network; Library of the future

Michelle Hudson

Manager Library Services, Kiama Municipal Council

Michelle is currently the Library Services Manager at Kiama Municipal Council. Kiama is located one hour and a half south of Sydney, NSW and is a regional library servicing a population of just over 20,000 with 2 libraries located in Kiama and Gerringong. Michelle has held this position since 2007.

Prior to this Michelle held a variety of positions at the University of Wollongong Library within the Collection Services team and at the Curriculum Resources Centre.

Michelle implemented of one of the first Digital Hubs in Australia and has helped the Kiama community engage with the many programs initiated by the rollout of the National Broadband Network (NBN) in the Kiama area.

Kiama Library was one of the first public libraries in mainland Australia to be connected to the National Broadband Network (NBN). The NBN has opened up a plethora of opportunities for our regional community and as a result our library has facilitated a number of new health services such as headspace mental health consultations for youth, providing and supporting Telehealth equipment and has investigated many potential new educational library programs such as connecting to the collection conservation programs at the National Museum of Australia and facilitating virtual tours of its Landmark Gallery.

Appendix "F"

Kids, Colleagues, and Videoconferencing: It's Not Rocket Science

Jennifer Burrell

Manager Library Services, Blacktown City Libraries.

Jennifer has worked at Blacktown since 2007, and previously at Hurstville, Parramatta, Liverpool and Blue Mountains Libraries. She thinks libraries are rewarding, collegiate and creative places to work and play.

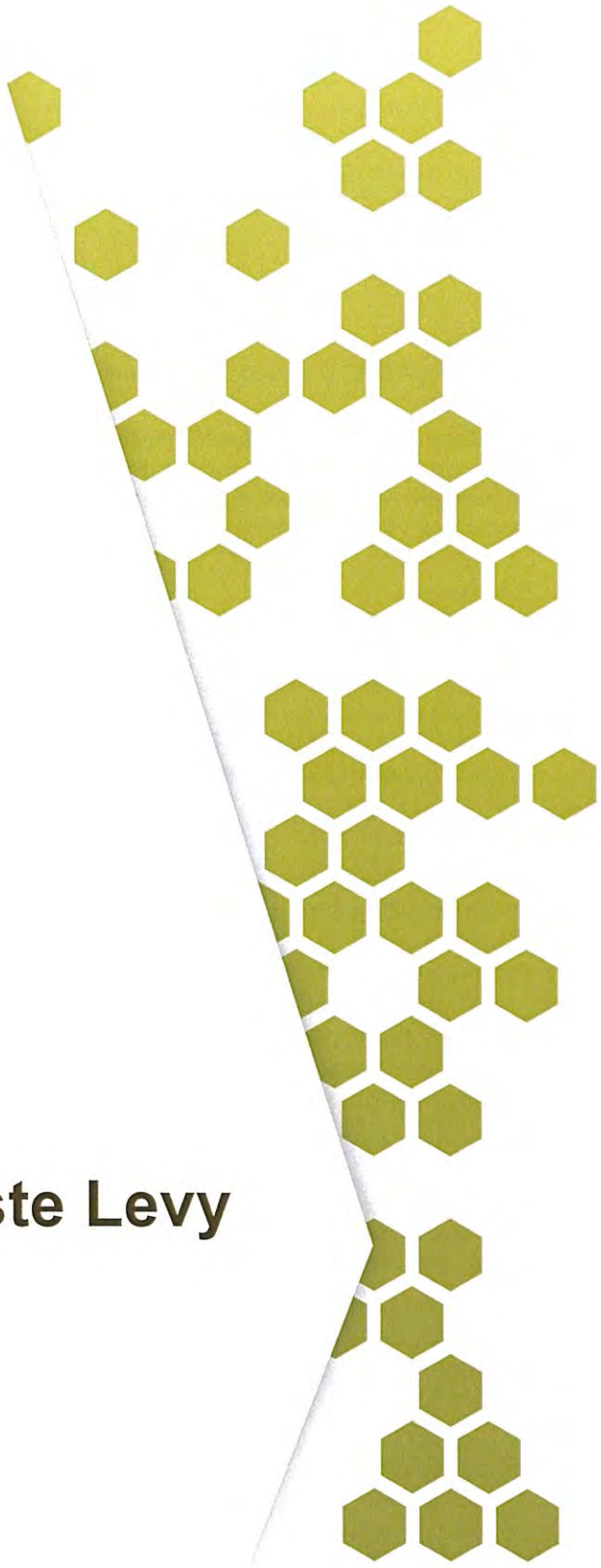
Peter Smith

Director Sustainable Living, Blacktown City Council.
Peter has worked at Blacktown longer than he sometimes cares to remember. He believes one of the best things about working with public libraries is their unending value to their communities and terrific good news stories.

Fizzics Education and Blacktown, Auburn, and Hurstville libraries collaborated to deliver an after-school science club in Term 2, using the power of videoconferencing. This project brought children from very different areas of Sydney together, to do hands-on science experiments in real time, have fun, and learn together @ their library.

Appendix "G"

NSW EPA



Extension of the Waste Levy Options Paper

www.epa.nsw.gov.au

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NSW Environment Protection Authority (EPA)
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PO Box A290
Sydney South NSW 1232

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See also www.epa.nsw.gov.au/pollution

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Email: info@environment.nsw.gov.au
Website: www.epa.nsw.gov.au

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Providing feedback

Councils are encouraged to consider all options outlined in this paper.

Written submissions should be sent to:

By mail: Waste Levy Consultation
Waste and Resource Recovery Branch
NSW Environment Protection Authority
PO Box A290
Sydney South NSW 1232

By fax: (02) 9995 5930

By email: waste.reform@epa.nsw.gov.au

All submissions must be received by the EPA by close of business on Friday 20 June 2014.

Contents

Introduction

The Environment Protection Authority (EPA) recognises the challenges regional councils face in the areas of resource recovery and landfill management.

In 2012, the Minister for the Environment, the Hon Robyn Parker MP, commissioned the internationally recognised consultancy firm KPMG to undertake an independent review of the waste levy.

In this review, KPMG recommended:

(1) extending the waste levy across the whole of New South Wales, and

(2) exempting small regional landfills receiving less than 5,000 tonnes per annum from the requirement to pay the levy.

The NSW Government did not support this recommendation of the KPMG review. The NSW Government instead requested that the EPA consult with potentially affected councils. As part of this consultation process, the Minister has requested that the EPA develop this options paper to seek feedback from local councils on their views on extending the waste levy.

This paper provides four options for consideration and feedback:

Option 1 – Not expanding of the levy

Option 2 – Extending the levy across NSW

Option 3 – Extending the levy across the state, whilst exempting regional landfills that receive <5,000 tonnes per annum (the KPMG recommendation)

Option 4 – Implementing an 'opt in' levy system where councils currently located outside the levy area can choose to implement a waste levy at set or chosen rates.

Challenges

There are 80 local government areas across NSW to which the waste levy does not apply. These areas are typically rural or regional areas with populations ranging from just over 1,000 people to up to 60,000 people.

Councils in the non-regulated area[1] face unique challenges that affect the provision and performance of recycling and waste management services. These include limited resources, low population numbers/densities and long distances between population centres, and council-run facilities such as landfills.

Low volumes of waste generation (200 tonnes of domestic waste in one council in a year[2]) and the low cost of landfilling in regional areas can result in a lack of economic incentives for industry to invest in recycling infrastructure and a limited market for recycled products. Therefore, most of the waste and recycling infrastructure in the non-regulated area is owned and operated by councils.

There are 369 landfills across NSW. Of these, 287 or 78% are located in the non-regulated area. Across the 80 local government areas there is an average of 3.5 landfills per area, with a maximum of 13 landfills in one council area. In the non-regulated area there is an equivalent of one landfill per 5,817 people.

Of these 287 landfills, 98% are operated by or on behalf of local councils. The majority of landfills in the non-regulated area receive less than 5,000 tonnes of waste a year with 190 landfills receiving 1,000 tonnes or less (Figure 1).

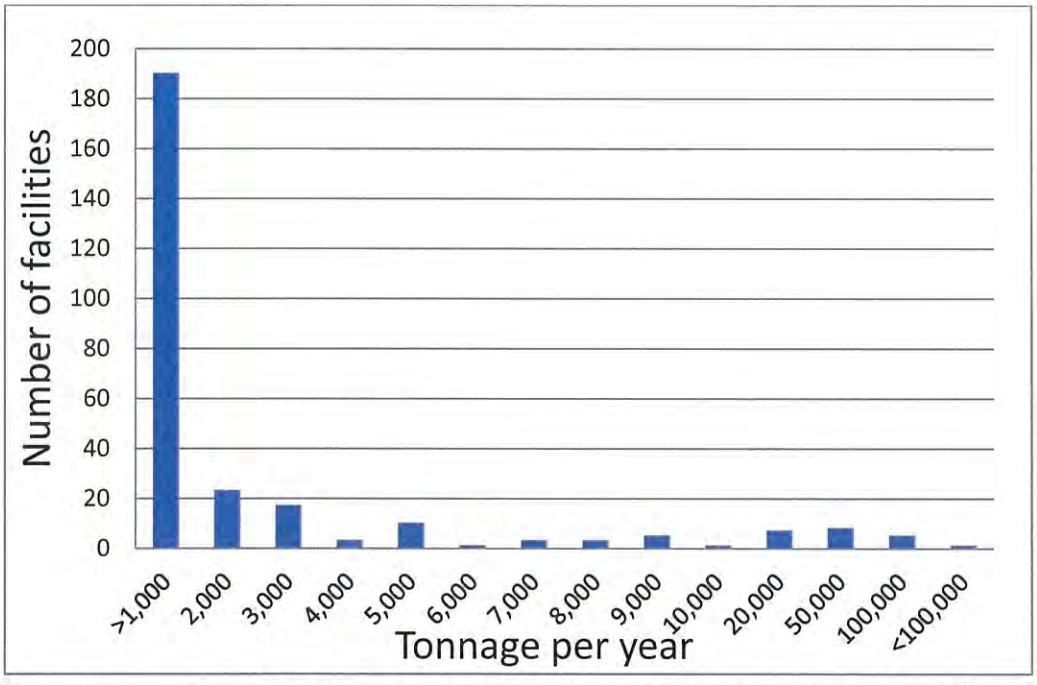


Figure 1: Number of landfills in the non-regulated area by tonnage received[3].

[1] The 'non-regulated area' refers to the 80 local government areas that are located outside of the current 'regulated' or levy paying area.
[2] NSW Local Government Waste and Resource Recovery Data Report 2011–12.
[3] NSW Environment Protection Authority.

Recycling performance

In 2011–12, the 80 councils in the non-regulated area collectively generated 531,049 tonnes, disposed of 341,324 tonnes (64.3%) and recovered 189,724 (35.7%) tonnes of municipal solid waste (MSW)[3].

Across NSW, resource recovery has more than doubled since 2002–03, increasing from an estimated 5.3 million tonnes to 10.7 million tonnes in 2010–11. However, resource recovery has been subdued in the non-regulated area, where approximately 64.3% of the total tonnes of MSW generated was sent to landfill in 2011–12 with a waste diversion rate of 35.7%.

In contrast, the diversion rate for MSW in regulated areas was 52% in the Sydney metropolitan area, 41.8% in the extended regulated area and 49.1% in the regional regulated area in the same year (Figure 2).

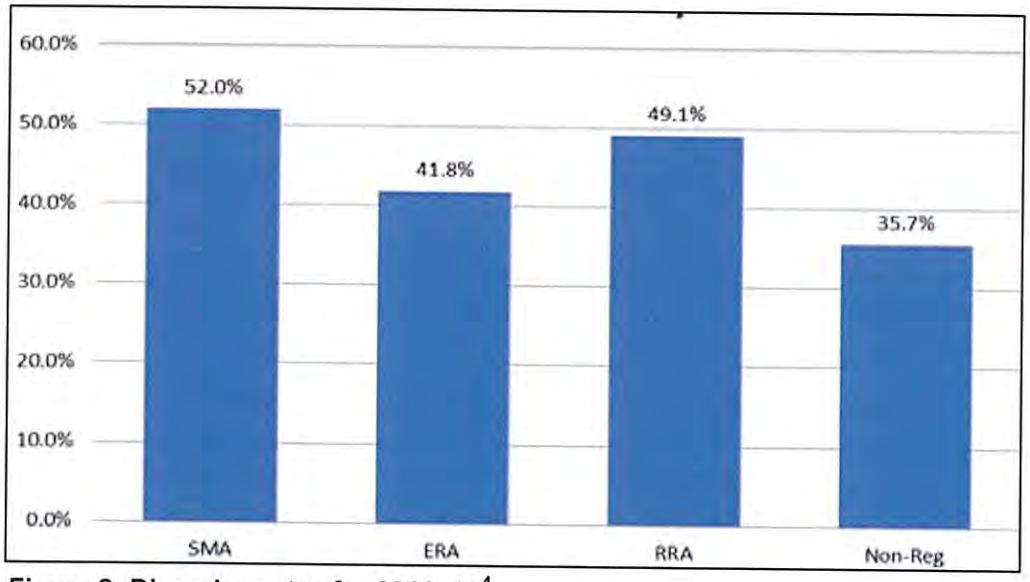


Figure 2: Diversion rates for 2011–12[4].

[4]NSW Local Government Waste and Resource Recovery Data Report 2011–12.

What is the waste levy?

One of the NSW Government's key priority actions is to increase recycling to limit the need for new landfills, reduce landfill disposal and turn waste into valuable resources. To achieve this, ambitious recycling targets have been set. The state's recycling targets and performance are outlined in Table 1.

Table 1: Recycling performance in NSW

Waste sector	2000 baseline	2002–03	2004–05	2006–07	2008–09	2010–11	2021 draft target[5]
Municipal	26%	30%	33%	38%	44%	52%	70%
Commercial & industrial	28%	34%	38%	44%	52%	57%	70%
Construction & demolition	65%	64%	62%	67%	73%	75%	80%
Overall	–	45%	46%	52%	59%	63%	75%
Total waste recycled (Mt)	–	5.3	6	8	9.5	10.7	14

Mt = megatonnes

The NSW Government uses a range of policy tools to increase recycling and divert valuable resources from landfill back into the economy. The key economic instrument to drive greater waste avoidance and resource recovery is the waste levy.

Under Section 88 of the *Protection of the Environment Operations Act 1997*, occupiers of scheduled waste disposal facilities are required to pay a levy for all waste received at that facility. The amount, manner, location and timing of payment are set out in Part 2 the *Protection of the Environment Operations (Waste) Regulation 2005* (Waste Regulation).

The levy is payable:

- by the occupier of a facility required to hold an Environment Protection Licence for waste disposal (either application to land or incineration)
- on each tonne of waste received at the facility
- where that facility is located in the regulated area or receives waste from the regulated area.

How does the waste levy work?

Historically, the disposal of waste at landfills has been the cheapest waste management option. A waste levy is a market-based mechanism that increases the *relative* price of disposal. In this way, it encourages efforts to minimise the amount of waste produced and shift resources from disposal to higher order uses. Effectively, the strong price signal of the levy creates a market condition where recovery facilities can compete with landfill for resources as landfilling costs increase.

The economic decision to recycle or landfill is represented in the simplified demand and supply model for recycling in Figure 3.

As the waste levy increases, thereby increasing the marginal cost of landfill, the set of viable materials for recycling increases (to the left of the equilibrium point).

[5] Draft NSW Waste Avoidance and Resource Recovery Strategy 2013–21.

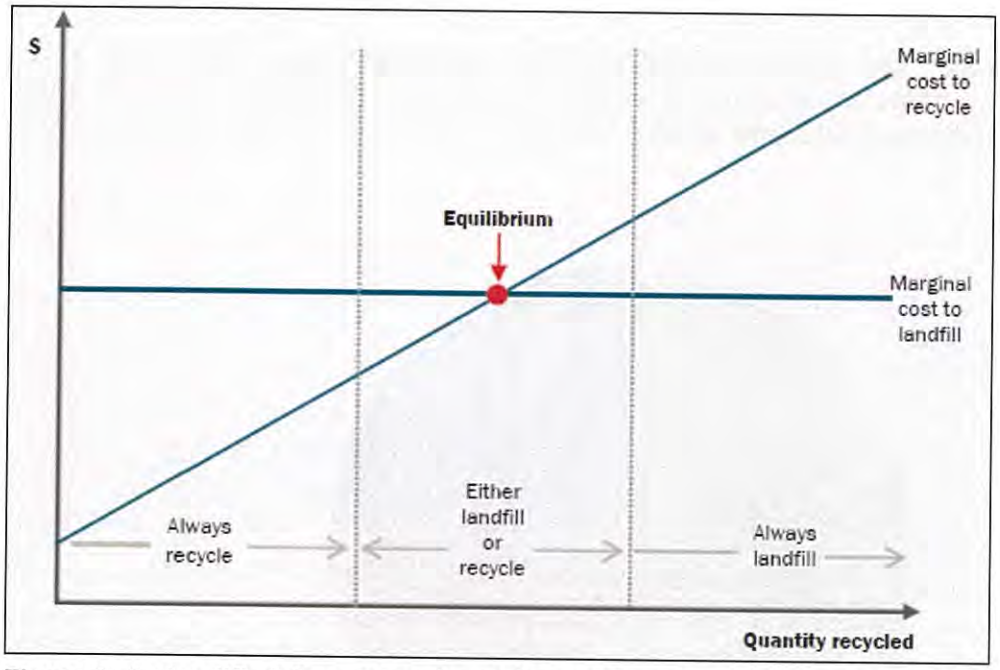


Figure 3: A simplified demand and supply model representing the economic decision to recycle or landfill[6].

The levy applies to each tonne of waste received at a licensed landfill. However, certain types of waste are exempt from the levy, including dredging spoil and waste collected in accordance with a community service, biological outbreak or natural disaster.

Landfill operators can claim a full levy deduction for any waste that is transported off site or used for approved operational purposes. In this way the levy only applies to waste that is disposed of 'in the hole'.

The waste levy is a key tool for increasing recycling rates and reuse and creating behavioural change in NSW to reduce waste generation.

Who pays the levy?

Whilst the operator of a licensed landfill is responsible for paying the waste levy to the NSW Government, they are acting only a collection agent. Landfill operators (mostly councils in the case of regional areas) usually add the cost of the levy to their disposal charges. In this way, the cost of paying for the levy is borne by the *generators* of the waste, whether they be households or businesses. This provides businesses, councils and individuals with an incentive to reduce the amount of waste they generate and seek recycling opportunities.

The waste levy applies equally to the three main waste streams: municipal solid waste (MSW), commercial and industrial (C&I) and construction and demolition (C&D) waste.

The majority of MSW is collected from council kerbside collections. Councils pass on the full cost of the waste levy to ratepayers by incorporating the levy costs into the domestic waste management charge in council rates. In accordance with the *Local Government Act 1993*, domestic waste charges (including the levy) are not subject to rate pegging.

Councils operating landfills that accept C&I and C&D waste incorporate the levy into the gate fees, so the generator of the waste pays the levy rather than council. The levy is then passed on to the NSW Government.

[6] Centre for International Economics.

Half of the waste disposed of as landfill in the non-regulated area is MSW, which is the waste predominantly collected by local councils from households[7] (Figure 4). If a levy is applied for MSW in the non-regulated area, council rates will need to be increased to account for this.

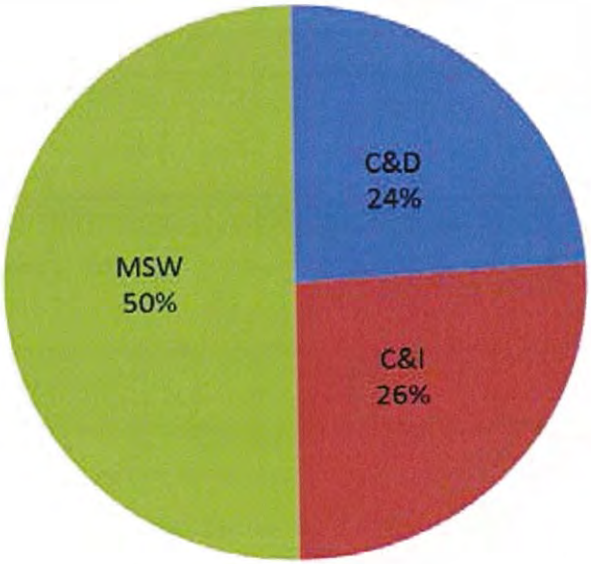


Figure 4: Waste disposed of at landfills in the non-regulated area by stream. C&D = construction and demolition; C&I = commercial and industrial; MSW = municipal solid waste.

[7] NSW Environment Protection Authority.

Effect of the waste levy

Putting a value on waste

The introduction of a waste levy places a value on waste and sets a disposal price more closely aligned with the environmental and social costs of landfilling.

A levy does not have to be high to deliver benefits. A low rate (between $5 and $10 a tonne) that reflects the circumstances of regional councils can have longstanding benefits for a community.

A levy applied to waste landfilled in the non-regulated area would provide a strong incentive for regional communities to use resources more efficiently, divert waste from landfill, and increase recycling and resource recovery. It would also encourage the improvement of waste facility layouts and the consolidation of small landfills, which can have higher environmental impacts[8].

The introduction of a waste levy would also ensure that councils have accurate and robust data available on waste disposal trends and resource recovery rates from their local government area. This data can then be used more effectively to engage councillors and the community on waste and resource recovery performance and initiatives.

Revenue from the levy

A waste levy will generate revenue for the waste disposed. Depending on agreements for the hypothecation of this revenue, which is discussed later in this paper, this money can be directed towards the funding of waste and resource recovery programs or infrastructure.

Access to Waste Less, Recycle More funding

Under the *Waste Less, Recycle More* initiative, the NSW Government has allocated $465.7 million in funding for a range of waste and resource recovery infrastructure grants and programs.

Councils across the state will have access to the $70 million Organics Infrastructure Fund and a $70 million Drop-Off Centre Fund. The NSW Government has also committed $78 million for tackling illegal dumping and littering.

However, only councils in the levy-paying area will have access to the $60 million Waste and Recycling Infrastructure Fund. Inclusion of councils located in the non-regulated area in the regulated (or levy paying) area will ensure they will also be eligible to access this funding. Further details are outlined in Appendix 2.

Facility setup

Waste facilities responsible for paying the waste levy are required to have infrastructure in place such as:

- weighbridges
- physical barriers to direct traffic
- fencing
- signage.

This infrastructure can consist of simple inexpensive fences or other physical barriers made from materials available onsite such as empty drums filled with concrete. These modifications are in line with NSW Government expectations for environmental improvements to regional waste facilities.

[8] The full cost of landfill in Australia, BDA Group (2009).

Under the NSW Government's *Waste Less, Recycle More* initiative there is funding available to support regional and rural councils with landfill consolidation and closure, building and upgrading transfer stations, and environmental improvements to small landfills servicing rural communities.

The levy does not apply to recyclables that are not landfilled. Vehicles transporting waste for reuse can be directed to a separate drop-off area accessible *prior* to entering the licensed landfill area to ensure that recyclables and greenwaste are received outside the levy system. The EPA facilitates this outcome by excising part of the landfill from its environment protection licence to allow for levy-free recycling activities.

The EPA can provide advice and assistance on appropriate facility setup on a case-by-case basis, including site visits and ongoing support.

Weighbridges

Implementation of a waste levy in the non-regulated area would require waste disposal facilities to install and operate a weighbridge.

The EPA does, however, have the power to exempt small levy-paying waste disposal facilities from the requirement to install and operate a weighbridge. Small facilities that do not have a weighbridge but are located in a levy paying area (e.g. Kyogle Landfill Facility) must use a range of 'conversion' factors that are applied manually by the operator to calculate the amount of waste passing through the facility.

Robust, accurate and current data is critical to the development of effective waste policy and plays an important role in informing investors, regulators and particularly decision makers in local government and the waste industry. Weighbridges are important to maintain accurate records of the amount of waste that is entering and exiting a facility.

An estimate of the cost of installing a weighbridge is provided at Appendix 3.

Reporting and record keeping

A levy system has record keeping and reporting requirements.

The levy liability for waste disposal facilities is reported to the EPA through a Waste Contribution Monthly Report (WCMR). This report is submitted to the EPA on a monthly basis, and levy payment is due 56 days after the end of each calendar month. Flexible reporting requirements are available for small facilities (e.g. every six months).

A WCMR contains all the information about the waste received at the facility including the source, any exemptions and deductions claimed and the waste contribution calculation (the EPA's Waste Monthly Contribution Report form is available at: www.epa.nsw.gov.au/wr/paperforms.htm).

The EPA can assist and support waste operators in the use and operation of WCMRs and appropriate record-keeping practices.

Domestic waste charges

Albeit small, the waste levy would have an effect on council rates paid by households.

Households in the non-regulated area dispose between 5.5 to 33 kilograms of waste per week. This represents an average of 11.5 kilograms per household per week, which equates to an average levy impact of $0.11 a week per household, or a levy rate of $10 per tonne. Examples are provided in Table 2.

Table 2: Estimated annual waste levy proportion assuming a levy of $10/tonne

Council	Annual domestic waste charge[9]	Levy proportion
Albury	$190	3%
Snowy River	$437	1.3%
Narrabri	$357	1.6%
Orange	$233	2.4%
Wagga Wagga	$254	2.2%

[9] NSW Local Government Waste and Resource Recovery Data Report 2011–12.

Options for consultation

KPMG made 17 recommendations in their final report to the NSW Government to improve the operation of the waste levy. Recommendation 16 of the report stated:

> ***"the levy should be applied across the whole of NSW, with small regional landfills receiving <5,000 tonnes of waste per annum remaining exempt from the levy."***

In response to KPMG's recommendation, the NSW Government requested that consultation be undertaken with councils that would be affected if the waste levy was extended across the state.

For the purpose of this paper, the levy rate in the current non-regulated area is estimated to be $10 a tonne.

This paper sets out four options for the scope and coverage of the waste levy in the non-regulated area, outlining the implications associated with adopting each option. The four options are:

Option 1 – No expansion of the levy

Option 2 – Extending the levy across the whole of NSW

Option 3 – Extending the levy across the state, whilst exempting regional landfills that receive <5,000 tonnes per annum (the KPMG recommendation)

Option 4 – Implement an 'opt in' levy system where councils currently outside the levy area can choose to implement a waste levy at set or chosen rates.

Councils that wish to indicate a preference for no expansion of the levy (Option 1) as part of the consultation, are also requested to indicate their preferred option should a waste levy be expanded to the non-regulated area (Options 2 to 4).

Option 1: No expansion of the levy

This option maintains the current geographical coverage of the levy.

Implications

Maintaining the current levy arrangements would mean that there would be no price signal discouraging landfill disposal and driving resource recovery in the non-regulated area. Additionally, there would be no strong driver for consolidation of smaller landfills that can have detrimental environmental impacts.

The ongoing exclusion of regional areas from the levy framework has the potential to widen the gap between regional councils and levy paying areas. Recycling rates continue to climb in levy paying areas and new and upgraded recycling infrastructure is generating considerable social and environmental benefits to local communities.

Additionally, local councils in the non-regulated area would miss out on important waste and resource recovery funding opportunities that are available only to levy paying councils. Further details on funding available through the NSW Government's *Waste Less, Recycle More* initiative are provided in Appendix 2.

However, in the absence of a waste levy, councils can continue to implement practical measures to increase recycling in partnership with the EPA. These include the consolidation of small landfills, building community drop-off centres to make it easier for households to dispose of problematic wastes and setting up new infrastructure to increase the recovery of organics.

A summary of the implications to councils in the non-regulated area under this option is provided at Appendix 1.

Option 2: Extend the levy across the state

Under this option, all landfills across NSW would be required to pay the waste levy.

To enable councils and industry to prepare for the extension of the levy, the levy would have a delayed commencement date of 12 months.

Implications

Extending the levy across the state would introduce a strong economic incentive to increase recycling and resource recovery in the current non-regulated area, ensuring that landfill gate prices not only reflect the costs of managing the facility but also the social and environmental costs of landfilling.

Depending on the hypothecation rate, levy funds would be available for regional councils to invest in new and upgraded waste and resource recovery infrastructure or programs. This would also be a strong driver for consolidating small landfills and transitioning to larger landfills and transfer stations.

Local councils in the non-regulated area would also be eligible to access additional funding opportunities available only to levy paying councils under the *Waste Less, Recycle More* initiative. This would mean that all 152 councils across the state would have access to the Waste and Recycling and Infrastructure Fund.

Under this option, all landfills will need to establish and operate a weighbridge to record and report the waste received.

An outline of the implications to councils in the non-regulated area under this option is provided in Appendix 1.

The estimated revenue generated under this option, based on 2011–12 disposal data[10] and a $10/tonne levy rate is would generate approximately $11.7 million in the first year or nearly $60 million over five years.

[10] NSW Environment Protection Authority

Option 3: KPMG recommendation for extending the levy

As with Option 2, Option 3 would involve another levy area being added alongside the Sydney metropolitan area, the extended regulated area and the regional regulated area to include the 80 local government areas currently in the non-regulated area. However, landfills located in the non-regulated area **and** the regional regulated area that receive less than 5,000 tonnes of waste per year would be exempt from the requirement to pay the levy. This exemption would not apply to 'new' landfills created after 1 July 2014, regardless of size.

Implications

Of the 287 landfills within the non-regulated area, in 2010–11, 248 facilities received less than 5,000 tonnes of waste. Therefore, under this option only 36 facilities would be liable to pay the waste levy. Thirty five of these facilities are operated by or on behalf of 32 councils and all 36 landfills are currently required to be licensed.

In addition to the non-regulated area, this option has implications for landfills and councils in the regional regulated area. In 2010–11, 14 landfills in the regional regulated area received around 5,000 tonnes of waste or less. These 14 facilities are located in nine council areas and would become exempt from the levy under this option.

The EPA strongly supports the closure of small, poorly performing landfills and the transition to larger regional landfills, where appropriate. This option, however, provides an incentive for councils to keep small landfills open and represents a disincentive for councils looking to invest in well-engineered regional facilities. Also, councils may change their practices to ensure certain landfills remain under the 5,000 tonne threshold.

An outline of the implications to councils in the non-regulated area under this option is provided at Appendix 1.

The estimated revenue generated under this option, based on 2011–12 disposal data[11] and a $10/tonne levy rate, is approximately $9.9 million in the first year or $49.5 million over five years. Equity issues would be used to determine whether the levy funds should be distributed to all councils in the non-regulated area or only those councils with levy paying facilities.

[11] NSW Environment Protection Authority

Option 4: Opt-in levy system

Under this option, councils could to be added to a new levy area by advising the EPA that they want to 'opt in' to the levy system.

Implications

An opt-in levy system would give flexibility to regional councils that want a waste levy in place. This option could involve a uniform levy rate set by the EPA following consultation or a rate chosen by each individual council.

A levy would incentivise generators of waste to reduce the amount of waste they generate as well as encourage them to seek legitimate alternatives to disposal.

This system has the potential to set up substantial differences in disposal fees between neighbouring local government areas. This could direct the flow of waste from those councils that chose to opt-in for a levy system to those councils that do not. This may result in some perverse waste management, resource recovery and waste transport outcomes.

Funding would be unlocked for important waste and resource recovery initiatives run by council or those available under the Government's *Waste Less, Recycle More* initiative.

Combined with the funding incentive to opt-in and pay the levy, councils may elect to close and consolidate their small landfills, which have much higher operating costs and impact on the environment, and transition to larger landfills. This is strongly supported by the EPA.

If 75% of councils in the non-regulated area opt in, the estimated revenue generated based on 2011–12 disposal data[12] and a $10/tonne levy rate is approximately $8.8 million in the first year or $44 million over five years. If 50% of councils opt in, this amount would be approximately $5.9 million in the first year or $30 million over 5 years.

[12] NSW Environment Protection Authority

What happens with the revenue?

Under the current levy framework the totality of the waste levy collected by the EPA goes to consolidated revenue and around one third is redirected by the NSW Treasury to waste and environmental programs. However, if a levy system was in place in the current non-regulated area a greater proportion of the revenue could be directed back to councils for investment in waste and resource recovery programs.

An estimate of yearly funds directed[13] to councils in the non-regulated area for each of the four levy options at varying levels of hypothecation is outlined in Table 3.

Table 3: Estimate of levy funds returned to council by level of hypothecation

Hypothecation	Option 1	Option 2	Option 3	Option 4[14]
100%	$0	$11.7 million	$9.9 million	$5.9 million
75%	$0	$8.8 million	$7.4 million	$4.4 million
50%	$0	$5.9 million	$4.9 million	$2.9 million
25%	$0	$2.9 million	$2.5 million	$1.5 million

In addition to the level of hypothecation, councils are requested to provide feedback on what hypothecated funds should be used for and the manner in which they should be distributed. For example, feedback is sought on whether levy revenue should be provided back to councils:

- on a per capita basis (resulting in very low cumulative amounts for small councils – as low as $12,250 per year under option 1 for a council with 7,000 people at 25% hypothecation)
- as a lump sum for regional groups of councils
- as a pool of contestable grant funding to be applied for by all councils
- as a pool of non-contestable funding for waste and recycling infrastructure and programs and community initiatives
- to be made available only to levy-paying councils for Options 3 and 4
- other option.

[13] Based on 2011–12 disposal data: NSW Environment Protection Authority
[14] Based on 50% councils in the non-regulated area opting in

Appendix 1 – Council profile and levy options (assumes $10 a tonne levy)

Small non-regulated area council[15] – less than 7,000 people
4,052 tonnes of waste disposed (yearly average)
55% municipal solid waste, 27% commercial and industrial, 18% construction and demolition

Option	1	2	3	4
Administration costs				
Weighbridge	$0	$62,000 to $102,000	Dependent on landfill sizes in council area	Dependent on council decision
Staffing and ongoing operational cost (weighbridge)	$0	$46,000/ year		
Licensing fees	$0	$3,600/ year		
Outcomes				
Regulatory consistency across the state	No	Yes	Partial	Partial
Access to funding under *Waste Less, Recycle More* initiative	Partial	Yes	Partial	Yes for opt-in councils
Driver to consolidate landfills	No	Yes	No	Yes for opt-in councils
Financial disadvantage for sending waste to landfill	No	Yes	Partial	Yes for opt-in councils
Strong encouragement for generators to reduce waste	No	Yes	Partial	Yes for opt-in councils
Increased recycling rates	No	Yes	Partial	Yes for opt-in councils
Financial incentives to develop new and upgraded recycling facilities and/or transfer stations	No	Yes	Partial	Yes for opt-in councils
Incentive to transport waste outside of council area	No	Yes	Yes	Yes
Positive impact on meeting the State's recycling targets	No	Yes	Partial	Yes for opt-in councils
Increase in domestic waste charges	No	Yes	Yes	Yes for opt-in councils
Increase in local council administration costs	No	Yes	Yes	Yes for opt-in councils

[15] ABS Population Data 2011–12, EPA Regional Waste Data System 2010–11 and Division of Local Government Data 2010–11.

Medium non-regulated area council[16] – between 7,000 and 16,000 people 8,646 tonnes of waste disposed (yearly average) 52% municipal solid waste, 22% commercial and industrial, 26% construction and demolition				
Option	**1**	**2**	**3**	**4**
Administration costs				
Weighbridge	$0	$62,000 to $102,000	Dependent on landfill sizes in council area	Dependent on council decision
Staffing and ongoing operational cost (weighbridge)	$0	$46,000/ year		
Licensing fees	$0	$3,600/ year		
Outcomes				
Regulatory consistency across the state	No	Yes	Partial	Partial
Access to funding under *Waste Less, Recycle More* initiative	Partial	Yes	Partial	Yes for opt-in councils
Driver to consolidate landfills	No	Yes	No	Yes for opt-in councils
Financial disadvantage for sending waste to landfill	No	Yes	Partial	Yes for opt-in councils
Strong encouragement for generators to reduce waste	No	Yes	Partial	Yes for opt-in councils
Increased recycling rates	No	Yes	Partial	Yes for opt-in councils
Financial incentives to develop new and upgraded recycling facilities and/or transfer stations	No	Yes	Partial	Yes for opt-in councils
Incentive to transport waste outside of council area	No	Yes	Yes	Yes
Positive impact on meeting the state's recycling targets	No	Yes	Partial	Yes for opt-in councils
Increase in domestic waste charges	No	Yes	Yes	Yes for opt-in councils
Increase in local council administration costs	No	Yes	Yes	Yes for opt-in councils

[16]ABS Population Data 2011–12, EPA Regional Waste Data System 2010–11 and Division of Local Government Data 2010–11.

Appendix "G"

Large non-regulated area council[17] – greater than 16,000 people 54,353 tonnes of waste disposed (yearly average) 43% municipal solid waste, 29% commercial and industrial, 28% construction and demolition				
Option	**1**	**2**	**3**	**4**
Administration costs				
Weighbridge	$0	$62,000 to $102,000	Dependent on landfill sizes in council area	Dependent on council decision
Staffing and ongoing operational cost (weighbridge)	$0	$46,000/ year		
Licensing fees	$0	$3,600/ year		
Outcomes				
Regulatory consistency across the state	No	Yes	Partial	Partial
Access to funding under *Waste Less, Recycle More* initiative	Partial	Yes	Partial	Yes for opt-in councils
Driver to consolidate landfills	No	Yes	No	Yes for opt-in councils
Financial disadvantage for sending waste to landfill	No	Yes	Partial	Yes for opt-in councils
Strong encouragement for generators to reduce waste	No	Yes	Partial	Yes for opt-in councils
Increased recycling rates	No	Yes	Partial	Yes for opt-in councils
Financial incentives to develop new and upgraded recycling facilities and/or transfer stations	No	Yes	Partial	Yes for opt-in councils
Incentive to transport waste outside of council area	No	Yes	Yes	Yes
Positive impact on meeting the state's recycling targets	No	Yes	Partial	Yes for opt-in councils
Increase in domestic waste charges	No	Yes	Yes	Yes for opt-in councils
Increase in local council administration costs	No	Yes	Yes	Yes for opt-in councils

[17] ABS Population Data 2011–12, EPA Regional Waste Data System 2010–11 and Division of Local Government Data 2010–11.

Appendix 2 – Overview of funding from the *Waste Less, Recycle More* initiative

Source	Purpose	($M)	Who is eligible?			
			Levy-paying councils in regulated area	Councils in non-regulated area	Industry	NGO
Organics Fund	New and renovated infrastructure and equipment	$43	✓	✓	✓	x
	Collection services and community education	$17	✓	✓	x	x
	Food waste avoidance & re-use education	$2.7	✓	✓	✓	✓
	Market development and support	$3	✓	✓	✓	x
Problem Waste Fund	Build/upgrade community drop-off centres	$44.3	✓	✓	x	x
	Industry drop-off centres	$14.7	x	x	✓	✓
	Waste collection events	$11	✓	✓	x	x
Waste and Recycling Infrastructure Fund	New and upgraded infrastructure, equipment and building/upgrading transfer stations	$60	✓	x	✓ only levy area	✓ only levy area
Business Recycling Program	Programs to assist businesses in reducing waste and increase recycling	$35	x	x	✓	x
Recycling Innovation Fund	Infrastructure for targeted wastes	$8.5	✓	✓	✓	✓
	Market development & product specification	$1.5	✓	✓	✓	✓
	Metal shredding industries	$5	x	x	✓	x

NGO = Nongovernmental organisation.

Appendix "G"

Source	Purpose	($M)	Who is eligible?			
			Levy-paying councils in regulated area	Councils in non-regulated	Industry	NGO
Local Government Fund	Support transition from WaSIP	$38.7	✓	x	x	x
	Non-contestable funding	$70	✓	x	x	x
	Regional coordinators, infrastructure planning and development	$9	✓	x	x	x
	Support for voluntary waste groups	$13	x	✓	x	x
	Regional and rural council support for landfill consolidation and closure	$7	✓	✓	x	x
Illegal Dumping Fund	Support initiatives within a state-wide illegal dumping strategy	$58	✓	✓	✓	✓
Litter Fund	Local government programs and initiatives	$10	✓	✓	x	x
	State-wide programs and initiative	$10	✓	✓	✓	✓

NGO = Nongovernmental organisation; WaSIP = Waste and Sustainability Improvement Payment

Appendix "G"

Appendix 3 – Estimated cost of installing a weighbridge

	Equipment/ installation	Software	Trade certification	Total
Above-ground				
12 metres	$50,000	$6,000	$6,000	**$62,000**
18 metres	$65,000	$6,000	$6,000	**$77,500**
Fully in-ground				
12 metres	$75,000	$6,000	$6,000	**$87,000**
18 metres	$90,000	$6,000	$6,000	**$102,000**

* Estimated cost of installation assumes best case scenario of stable soils and a flat surface.

The $7 million Local Government Fund, under the *Waste Less, Recycle More* initiative, to support regional and rural local councils in landfill consolidation and closure would be available to assist with the installation of weighbridges.

The operation of a weighbridge requires computer and recording systems verification and tasks including:

- directing vehicles onto the weighbridge platform
- correctly setting the weighbridge to zero before commencing a weighing
- weighing of vehicles on the way in
- weighing of vehicles on the way out
- completing and issuing a weighbridge ticket/invoice to the driver.

The ongoing costs of operating a weighbridge are approximately $46,000 a year. This ongoing cost includes a yearly certification and maintenance cost of $3,500 and an equivalent full-time salary for one person of $42,500 (incl. super), calculated using the NSW Fair Work Waste Management Award 2010 MA000043 of $19.70/hour minimum wage.

Ongoing technical support on weighbridge operation should be sought from weighbridge providers or manufacturers.

Appendix "G"

Appendix "H"

Berrigan Conservation Group & Tidy Town Committee

A Committee of Berrigan Shire Council

President Mark Ryan Ph 03 58858222 0427858227
Secretary Mrs Carol Cottam Ph 03 58852234
2-4 Memorial Place Berrigan 2712

General Manager
Rowan Perkins
Berrigan Shire Council
P.O. Box 137
Berrigan 2712

May 29th 2014

Dear Rowan

I am writing to Council to ask that you may find some funding in Councils budget for 2014/15 to help with construction of walking tracks with in the town of Berrigan.

As you know Berrigan Tidy Towns & Conservation Group has been the driving force behind the existing tracks that are being well used. I may point out the fact that at Community Meetings 2 years ago, safe walking tracks were seen as a high need for our community.

I have met with Fred Exton and James Sorragn on several occasions and they are aware of our plans. We are determined to do something this year and have community support to proceed.

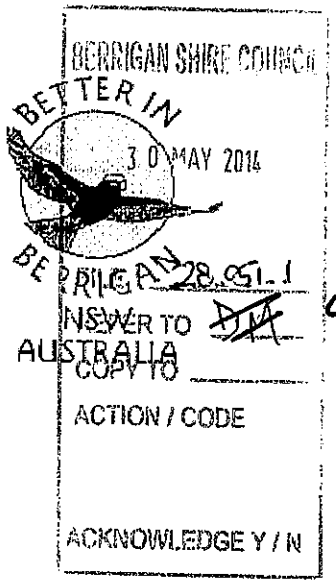
The models of walking tracks that have been constructed in the past are not expensive. The main cost being the gravel with most of the construction being done by volunteers.

I look forward to a positive reply and am happy to meet with BSC staff to discuss the project costs.

Regards

Mark Ryan

Appendix "H"



BDDA

Berrigan District Development Association Inc

The General Manager
Mr Rowan Perkins
Berrigan Shire Council

Dear Rowan

We ask Council to provide some funds in the next budget for construction of walking tracks in Berrigan.

The Berrigan Conservation Group and Tidy Town Committee is really eager to progress the existing track and BDDA give our full support to the project.

Suitable walking paths are acknowledged by everyone as a high priority for every town.

We look forward to a favourable response.

Best Regards

Joe Cottam
President BDDA
29th May 2014

President – Joe Cottam
Phone (03) 58852234

All Correspondence to :-
The Secretary
PO Box 116
BERRIGAN NSW 2712

Policy

Policy Reference No:

File Reference No: 25.121.2

Strategic Outcome: Good government

Date of Adoption:

Date for Review:

Responsible Officer: Revenue Officer

This policy provides information regarding the levying of Council's rates, its fees and charges and other major income sources.

Rates and charges provide Council with a major source of revenue to meet the cost of providing services to residents of the Shire.

The rates and charges described below are levied to provide the net funding requirements of the programs and initiatives identified in the Management Plan.

Total revenue raised from the levying of land rates continues to be capped by the State Government with the Independent Pricing & Regulatory Tribunal (IPART) having developed a Local Government Cost Index (LGCI) for use in setting the maximum allowable increase in general income for local government. IPART has set the maximum allowable increase as 2.3% for the 2014/15 rating year.

Ordinary Rates

Section 494 of the Local Government Act 1993 (LGA), requires Council to make and levy an Ordinary rate for each year on all rateable land in the local government area.

Ordinary rates are applied to properties based on applying an ad Valorem Rate-in-$ to the independent land valuations provided by the NSW Department of Lands (Valuer General's Office).

Council is required to use the latest valuations received up until 30 June of the previous year for rating purposes in the current financial year. Shire-wide general revaluations are undertaken every 3 years.

Valuations, with a base date 01/07/2013, will be used for rating purposes for 01/07/2014 – 30/06/2015.

Policy

In accordance with Section 493 and 514 of the Local Government Act 1993, all parcels of rateable land within Councils boundaries have been declared to be within one of the following categories:

- Farmland
- Residential
- Business
- Mining

The determination of the sub category for each parcel of rateable land is in accordance with the definitions set out in Sections 515, 516, 517, 518, 518A, 519 and 529 of the Local Government Act 1993.

The applicable subcategories for each category are as follows:

Farmland subcategories

Farmland - Berrigan
Farmland - Barooga
Farmland - Finley
Farmland - Tocumwal
Farmland - Gravel Pits

Residential subcategories

Residential
Residential - Barooga
Residential - Berrigan
Residential - Finley
Residential -Tocumwal
Residential Rural - Barooga
Residential Rural - Berrigan
Residential Rural - Finley
Residential Rural-Tocumwal
Residential – River Land Barooga
Residential – River Land Tocumwal

Business subcategories

Policy

Business Ordinary - Barooga
Business Ordinary - Berrigan
Business Ordinary - Finley
Business Ordinary - Tocumwal
Business Industrial - Berrigan
Business Industrial - Finley
Business Industrial - Tocumwal
Business Industrial - Barooga
Business Hospitality - Berrigan
Business Hospitality - Barooga
Business Hospitality - Finley
Business Hospitality - Tocumwal
Business Rural - Barooga
Business Rural - Berrigan
Business Rural - Finley
Business Rural - Tocumwal

Mining subcategories

Mining - Berrigan
Mining - Barooga
Mining - Finley
Mining - Tocumwal

The ordinary rates proposed by the Council for 2014-2015 contain a 2.0003% increase in yield which includes a notional income carry forward adjustment of 0.0003%. This increase is an adjustment ratified by the Department of Local Government (DLG) and is generated from actual movements in categories, land values and property numbers that differ from prior budget estimates.

The Ordinary rates table below illustrates the proposed rating scenario for Berrigan Shire Council this information is based on the rating database up to April 2014.

FARMLAND

The Farmland rate is sub-categorised into regional districts, based on the urban/town

Policy

locations. The farmland rate will be one ad Valorem rate shire wide.
Farmland – Ad Valorem Rate = $0.006202 cents in the dollar, based on the 2013 unimproved capital value of the property.

(Farmland = 36.78% of the total yield)

RESIDENTIAL – BAROOGA

The Residential rate for Barooga is worked out on the basis that the average valued property in Barooga will pay the same as the average valued property in each town in the Shire. The Residential category may apply if the land is zoned or designated for residential purposes.
Residential Barooga – Ad Valorem Rate = $0.010623 cents in the dollar, based on the 2013 unimproved capital value of the property.

BUSINESS – BAROOGA

Land is categorised as Business-Barooga if it is of a business, commercial or industrial nature. Business- Barooga has four sub-categories: Business Industry, Business Ordinary, Business Hospitality and Business Rural. Each category has the same ad Valorem as Residential Barooga.
Business Barooga – Ad Valorem + $0.010623cents in the dollar, based on the 2013 unimproved capital value of the property.

(Residential and Business Barooga = 12.58% of the total yield)

RESIDENTIAL – BERRIGAN

The Residential rate for Berrigan is worked out on the basis that the average valued property in Berrigan will pay the same as the average valued property in each town in the Shire. The Residential category may apply if the land is zoned or designated for residential purposes.
Residential Berrigan – Ad Valorem Rate = $0.034427 cents in the dollar, based on the 2013 unimproved capital value of the property.

BUSINESS – BERRIGAN

Land is categorised as Business-Berrigan if it is of a business, commercial or industrial nature. Business- Berrigan has four sub-categories: Business Industry, Business Ordinary, Business Hospitality and Business Rural. Each category has the same ad Valorem as Residential Berrigan.
Business Berrigan – Ad Valorem + $0.034427 cents in the dollar, based on the 2013 unimproved capital value of the property.

Policy

(Residential and Business Berrigan = 7.92% of the total yield)

RESIDENTIAL – FINLEY

The Residential rate for Finley is worked out on the basis that the average valued property in Finley will pay the same as the average valued property in each town in the Shire. The Residential category may apply if the land is zoned or designated for residential purposes.
Residential Finley – Ad Valorem = $0.029014 cents in the dollar, based on the 2013 unimproved capital value of the property.

BUSINESS - FINLEY

Land is categorised as Business-Finley if it is of a business, commercial or industrial nature. Business- Finley has four sub-categories: Business Industry, Business Ordinary, Business Hospitality and Business Rural. Each category has the same ad Valorem as Residential Finely.
Business Finley – Ad Valorem + $0.029014 cents in the dollar, based on the 2013 unimproved capital value of the property.

(Residential and Business Finley = 16.57% of the total yield)

RESIDENTIAL – TOCUMWAL

The Residential rate for Tocumwal is worked out on the basis that the average valued property in Tocumwal will pay the same as the average valued property in all towns shire wide. The Residential category may apply if the land is zoned or designated for residential purposes.
Residential Tocumwal – Ad Valorem Rate = $0.012074 cents in the dollar, based on the unimproved capital value of the property.

BUSINESS – TOCUMWAL

Land is categorised as Business-Tocumwal if it is of a business, commercial or industrial nature. Business- Tocumwal has four sub-categories: Business Industry, Business Ordinary, Business Hospitality and Business Rural. Each category has the same ad Valorem as Residential Tocumwal.
Business Tocumwal – Ad Valorem + $0.012074 cents in the dollar, based on the 2013 unimproved capital value of the property.

(Residential and Business Tocumwal = 18.35% of the total yield)

Policy

RESIDENTIAL RURAL

The Residential Rural rate is a Residential sub-category and is based on the criteria provided by the LGA, it usually located outside a town category. The ad Valorem is less to reflect less use of town facilities. The ad Valorem is the same across the shire.
Residential Rural – Ad Valorem = $0.006488 cents in the dollar, based on the 2013 unimproved capital value of the property.

(Residential Rural = 6.69% of the total yield)

RESIDENTIAL – Riverland Tocumwal & Riverland Barooga

This is a sub-category of Residential and is for semi-rural properties that may not strictly fit Residential or Rural Residential criteria and will generally be less than the adjoining towns' rate.
Residential – Ad Valorem = $0.0083792 cents in the dollar, based on the 2013 unimproved capital value of the property.

(Residential = 1.1% of the total yield)

Council Annual Service and user charges

1. Domestic Waste and Non-Domestic Waste Management Services

Berrigan Shire Council intends to make the following charges for levying in 2014-2015 to meet the reasonable costs associated with the collection, disposal and recycling of waste in accordance with Sections 496, 501 and 504 of the Local Government Act 1993. Berrigan Shire Council will levy annual charges for the following services:

2014/15 WASTE MANAGEMENT SERVICE CHARGES

Service provided	2014/15 Fee ($) per annum	% Variation
Domestic Waste Collected 1 x Weekly pick up of 120 litre small garbage bin.	$256.00	**3%**

Policy

(Green) 1 x Fortnightly pick up 240 litre recycling bin. (Blue)		
Additional Service (Collected) 1 x Weekly pick up of 120 litre small garbage bin (Green)	$173.00	**3%**
Uncollected (vacant charge) Charged on vacant land within the collection zone – no service is provided.	$52.00	**3%**
Business / Non Residential Garbage Charge 1 x Weekly pick up of 240 litre big bin. (Green)	$266.00 (GST Inclusive)	**3%**
Garbage and Recycling Charge 1 x Weekly pick up of 240 litre big garbage bin. (Green) 1 x Fortnightly pick up of 240 litre recycling bin. (Blue)	$392.00 (GST Inclusive)	**3%**
Recycling Collected 1 x Fortnightly pick up of 240 litre recycling bin. (Blue)	$125.00 (GST Inclusive)	**3%**

2. Sewer Charges

In accordance with the provisions of Section 535, 501 and 552 of the Local Government Act 1993, a special rate or charge relating to sewerage will be levied on all rateable land confined within the area shown on each of the Town Sewer Supply areas except:

i) Land which is more than 75 metres from a sewer of the Council **and** is not connected to the sewer;
ii) Land from which sewerage could not be discharged into any sewer of the Council.

Berrigan Shire Sewerage will operate as one entity and each rateable property in Barooga, Berrigan, Finley and Tocumwal will have the same sewerage supply charge applied as specified in Council's Annual Fees and Charges. In addition, a

standard pedestal charge per cistern/water closet in excess of two will be raised on all rateable properties with more than 2 cisterns/water closets.

In special circumstances, an on-site low pressure sewer maintenance charge will apply to those properties connected to Council's sewer supply via a low-pressure sewer pump. The Council will maintain the pump in perpetuity subject to the owner of the property entering into an agreement for maintenance and paying the annual low-pressure charge.

These charges are specified in Council's Annual Fees and Charges.

- ***For non-rateable properties***

A standard pedestal charge per cistern/water closet will be raised on all non-rateable properties connected to the sewerage supply.

- ***For rateable properties outside village boundaries***

Rateable properties outside the existing village boundaries, and connected to the town sewer supply, will be charged the normal town sewer supply charges, including pedestal charges if applicable.

The table below sets out the intended sewer charges for 2014-2015:

2014/15 SEWER CHARGES

Service provided	**2014/15 Fee ($) per annum**	**% Variation**
Sewer Supply Charge Charged to all rateable land utilising the town sewer system or zoned residential and within 75m of Councils sewer system.	$477.00	**3%**
Pedestal Charge Any property with more than 2 (two) cisterns/water closets will be charged a pedestal charge per excess cistern/water closet. A pedestal charge per cistern/water closet will be raised on all **non-rateable properties** connected to the sewerage supply.	$103.00	**3%**
On-Site Low Pressure Maintenance Charge Applied to properties connected to Councils' sewerage supply via a low-pressure pump. Council maintains the pump in perpetuity subject	$91.00	**3%**

to the owner paying the On-site low pressure maintenance charge.		

3. Stormwater Management Service

Under the provisions of Section 535 of the Local Government Act 1993, Council has resolved to levy a Stormwater Management Services Charge in accordance with Sections 496A of the Local Government Act, and clause 125A and clause 125AA, of the Local Government (general) Regulation 2005. This charge will be applicable for each non-vacant urban property, or all eligible properties for which the works or service is either provided or proposed to be provided.

2014/15 STORMWATER MANAGEMENT SERVICE

Service provided	**2014/15 Fee ($) per annum**	**% Variation**
Residential Premises - on urban land	$25.00	**0%**
Strata properties (per strata)	$12.50	**0%**
Vacant Land	Exempt	
Commercial Premises - on urban land	$25.00	**0%**
Other	$25.00	**0%**

4. Water Supply Charges

In accordance with the provisions of Section 501, 502, 535 and 552 of the Local Government Act 1993, Council has resolved that water supply charges be levied on all properties that

i) Land that is supplied with water from a water pipe of the Council; or
ii) Land that is situated within 225 metres of a water pipe of the Council, whether the land has a frontage or not to the public road (if any) in which the water pipe is laid, and confined within the area shown on each of the Town Water Supply areas, even though the land is not actually supplied with water from any water pipe of the Council;

subject to, water being able to be supplied to some part of the land from a standpipe at least 1 metre in height from the ground level, if such a pipe were laid and connected to Council's main.

Except for those non-rateable properties described below:

Non-rateable State Government properties of non-commercial nature without a water connection and not utilising the service will not be levied an annual fixed Water Access Charge.

2014/15 WATER ACCESS AND CONSUMPTION CHARGES

Service provided	2014/15 Fee ($) per annum	% Variation
Water Access Charge Applied to all properties supplied with water from a water pipe of the Council or land that is situated within 225m of Councils' water supply pipes. (see diagram attached)	$474.00	**3%**
Water Consumption Charges – Unfiltered (Barooga, Berrigan & Finley)	**$0.73 per kl** (stage 4 restrictions in force) **$0.52 per kl** (other restrictions in force) **$0.47 per kl** (no restrictions)	**0%**
Water Consumption Charges – Treated (Barooga, Berrigan & Finley)	**$1.46 per kl** (stage 4 restrictions in force) **$1.04 per kl** (other restrictions in force) **$0.94 per kl** (no restrictions)	**0%**
Water Consumption Charges – Treated (Tocumwal)	**$0.97 per kl** (stage 4 restrictions in force) **$0.69 per kl** (other restrictions in force) **$0.62 per kl** (no restrictions)	**0%**

Water meter reads are scheduled four (4) times a year with payment generally required thirty days (30) after the issue date of the account.

Policy

Payment of Rates and Service charges

Berrigan Shire rates and charges are payable in full or by quarterly instalments in accordance with Section 562 of the Local Government Act 1993.

Annual Rates and charges notices are issued in July each year and are payable in four (4) instalments on 31 August, 30 November, 28 February and 31 May.

A rate notice, or rate instalment notice, is issued thirty (30) days before each instalment is due.

Water Consumption Notices are issued on a quarterly basis, approximately 30 days before the charge is due for payment.

Council may agree to enter into a payment plan with a person. The amount and frequency of the payments under the agreement are required to be acceptable to Council.

Council requires all ratepayers to pay their rates in full by the due date(s). However, some ratepayers experience genuine financial hardship and may consequently request Council to consider alternative arrangements in respect of the timing of their rate payments.

Such requests must be made prior to any recovery action being undertaken, including legal action.

Concessions

i) Pensioner Concessions
Section 575 of the Local Government Act 1993, provides for concessions on Council rates and charges for eligible pensioners. By virtue of Section 575, an eligible pensioner may apply to Council for annual concessions on a rate or charge of:

- Up to $250.00 on all ordinary rates and charges for domestic waste management services.
- Up to $87.50 on annual water charges.
- Up to $87.50 on annual sewer charges.

Applications for concessions must be made in writing using the appropriate form available from Council's Rates Department.

Council believes that the concession rates set by the NSW State Government are adequate, equitable and require no additional concession to be offered by Council.

ii) Developer Concessions

Council may offer incentives in the form of rating waivers relative to annual water and sewerage charges to developers involved with multi-lot subdivisions. Applications for developer concessions are as follows:

- Written application should be submitted to Council prior to 31st May for consideration at the June Meeting.
- Annual water and sewerage charges may be waived on the undeveloped lots of a subdivision, up to a maximum period of three (3) years, or until the lots are built upon, sold, leased or otherwise occupied (whichever is the sooner).
- No concessions under this section are given for Domestic Waste, Stormwater, Pedestal or Water Consumption Charges.
-

Hardship Provisions

Please see Berrigan Shire Councils' Hardship Policy which was adopted by Council on 19 March 2014.

Recovery of Rates and Charges, Including Water Consumption Charges

i) Reminder Notices

- If an instalment or charge is not paid within seven (7) days of the instalment or payment date, a reminder letter will be issued requesting payment within fourteen (14) days.
- If the debt remains unpaid after this time, a final notice will be issued giving seven (7) days to pay.

ii) Recovery Action – Referral to Debt Collection Agency

- Following the seven (7) days specified, Council will, by registered mail, issue a letter advising the ratepayer that debt recovery action will be implemented within seven (7) days.
- If an instalment or charge amount of current defaulters are less than $300.00, initial external recovery action may be deferred until outstanding amounts reach this amount, however this will be at the discretion of the Revenue Officer.

iii) Recovery Action – Debt Collection Agency Procedures

- The debt collection agency will as soon as possible, after receipt of the referral from Council, issue a Final Notice in relation to each overdue amount advising that Council has referred the debt to the agency for collection and that payment is required.
- Following the expiration of the payment period, the debt collection agency will issue a solicitor's letter.
- Legal proceedings will then be commenced if these notices or letters are disregarded, or if arrangements are not adhered to, with the approval of the Revenue Officer.

Note 1: Legal action procedures will be undertaken within the guidelines of the Uniform Civil Procedure Rules and the NSW Local Government Act. All costs associated with debt recovery will be charged to the debtor. All costs awarded by the Court will be levied as a charge against the land.
Note 2: If legal action is commenced and costs incurred prior to a debtor applying under the Hardship Provisions, then such costs will be charged to the debtor and shall not be waived, unless under the direction of the General Manager.

iv) Arrangements to Repay Rates and Charges

- A ratepayer may enter into a weekly, fortnightly or monthly arrangement to repay the rates and charges with Council or Council's debt collection agency with a view that the arrangement will have rates and charges paid in full within twelve (12) months. Normal interest charges apply to these arrangements.
- Council's Rates Department may enter into a longer term repayment arrangement if in their opinion a ratepayer's financial circumstances warrant this. Normal interest charges apply to these arrangements.
- Ratepayers are to be advised at the time of making a repayment arrangement that if an arrangement is dishonoured or changed without prior Council approval, then recovery action may commence without further notice.

v) Interest Charges

- Council increases overdue rates by the maximum allowable in accordance with Section 566 of the Local Government Act 1993.
- Council may write off interest charges on overdue rates, in accordance with Section 567 of the Local Government Act 1993. Ratepayers seeking to have interest written off under hardship provisions are to submit a written application to Council's Rates Department.

vi) Sale of Property for Overdue Rates

Under Section 713 of the Local Government Act 1993, Council may:

Policy

- Sell any land (including vacant land) on which any rate or charge has remained unpaid for more than five (5) years from the date on which it became payable.
- Sell any vacant land on which any rate or charge has remained unpaid for more than one year, provided that the amount of such rates and charges are more than the land valuation it received from the NSW Valuer-General.
- Any sale will be carried out by public auction in accordance with the process outlined in the Local Government Act 1993.

Appenidix "J"

Australian Government

Department of Immigration and Border Protection

Councillor Bernard Curtin
His Worship the Mayor of Berrigan Shire
PO Box 137
BERRIGAN NSW 2712

Dear Mayor

Refugee Resettlement

Thank you for your letter of 27 November 2013 to the Minister for Immigration and Border Protection, the Hon Scott Morrison MP, concerning refugee resettlement. The Minister appreciates the time you have taken to bring this matter to his attention, and has asked that I reply on his behalf. I regret the delay in responding.

Australia's Humanitarian Programme has two important functions. The onshore protection/asylum component fulfils Australia's international obligations by offering protection to people already in Australia who are found to be refugees according to the *1951 Convention Relating to the Status of Refugees* and its *1967 Protocol.* The offshore resettlement component expresses Australia's commitment to refugee protection by going beyond these obligations and offering resettlement to people overseas for whom this is the most appropriate option.

In relation to the onshore protection component of the Humanitarian Programme, the Australian Government has stopped granting permanent protection visas to anyone who arrived illegally by boat or plane. Since the Senate passed a disallowance motion on 2 December 2013 to stop the reintroduction of Temporary Protection Visas (TPVs), the Department of Immigration and Border Protection can no longer grant TPVs to illegal maritime arrivals (IMAs). The government is now considering further options concerning IMA protection processing.

In relation to the offshore resettlement component of the Humanitarian Programme, the government has been settling refugee and humanitarian entrants in regional areas for some years now, with around 20 per cent of entrants settling in regional locations. The remaining 80 per cent have existing 'links' in Australia, residing mostly in cities, such as Melbourne and Sydney, reflecting past settlement patterns. It is in this circumstance the government aims to settle entrants near links so they can receive valuable social and settlement support from friends, family or proposer.

6 Chan Street Belconnen ACT 2617
PO Box 25 BELCONNEN ACT 2616 • Telephone: 02 6264 1111 • Fax: 02 6225 6970 • www.immi.gov.au

When looking at opportunities to settle humanitarian entrants in regional areas, a number of key factors are taken into consideration, including the existence of suitable accommodation, employment opportunities, health services and opportunities for new arrivals to connect with and feel safe in a new home with a welcoming community. Other important factors in regional locations include sufficient infrastructure and the availability of settlement, mainstream and community services to support new arrivals.

At this stage, the government is not in a position to open new regional settlement locations in Australia, including New South Wales. Sustainability is a key consideration for arranging a new location as the initiative would rely on a good flow of clients with no family links in Australia which is very much influenced by the United Nations High Commissioner for Refugees' referral decisions. Further, given the reduction in the size of the 2013-14 Humanitarian Programme from 20 000 to 13 750 places, the government is focussing on the long-term sustainability of current regional settlement locations.

When settling new refugees who have arrived in Australia as part of the offshore Humanitarian Programme, the government works to ensure appropriate assistance is provided through the Humanitarian Settlement Services (HSS) Programme which is administered by the Department of Social Services. HSS provides early, practical support to humanitarian entrants on arrival and throughout their initial settlement period. Further information on the programme can be found at: http://www.immi.gov.au/media/fact-sheets/66hss.htm

Details of the HSS service provider for the Riverina region can be found at: http://www.immi.gov.au/living-in-australia/settle-in-australia/find-help/hss/hss_providers_booklet.pdf

I note your request for a meeting with the Minister to discuss your proposal. However, a meeting is not possible due to the Minister's existing commitments.

Thank you for raising this matter with the Minister.

Yours sincerely

Paul McCormack
Acting Assistant Secretary
IMA BVE Programme and Community Engagement Branch
10 / / /2014

FEES & CHARGES 2014 - 2015

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Contents

Reading our user fees and charges

Council provides a range of services through the following business and service units of Council:

- Development Services
- Environmental Services
- Technical Services
- Corporate Services
- Community Services

The Fees and Charges Guide is organised by services provided and the business unit of Council responsible for that service. It is also colour coded to identify the relationship between the service provided and its contribution toward the realisation of Berrigan Shire 2023 strategic outcomes

Sustainable natural and built landscapes
Good government
Supported and engaged communities
Diverse and resilient business

Guidelines – User Fees and Charges

Where legally possible, the Council intends to charge users for the provision of **all** goods and services that it provides.

As a general rule the Council will set its fees and charges at a rate to generate the maximum amount of revenue possible to offset the cost burden of the provision of services borne by other sources of revenue such as rates and untied grants.

Therefore, the Council will at a minimum seek to recover the full cost of service provision from its customers and clients. This general principle will only be modified where other specific fee and charge setting principles as detailed in the Council's User Fees and Charges Policy apply.

Every fee or charge set by the Council will be based on a clear fee setting rationale. This rationale will be shown for each fee in the Fees and Charges Register.

The rationales applicable are as follows:

- **(A) Statute Limited** – Priced at the figure stipulated by law as applicable to this activity
- **(B) Cost Recovery** – Priced so as to return full cost recovery for the activities provided
- **(C) Commercial Basis** – Priced to cover the cost of the item plus a commercial mark-up
- **(D) Community Service Obligation** – Priced at below the cost of providing this activity as provision of the activity meets a social or economic objective of the Council.

The User Fees and Charges Policy Rationale Identifier (A, B, C etc.) appear beside the various fees and charges shown below. Where an asterisk appears next to the Policy ID (i.e. A*, B* etc.) the Council has identified that the maximum amount charged does not cover the cost to the Council of providing the service.

Where a fee or charge is shown as "**ND**", the Council has chosen not to disclose this amount – in accordance with clause 201(4) of *the Local Government Regulation* 2005 – as disclosure could confer a commercial advantage on a competitor of the Council.

Note: The Council will use its best endeavours to determine the Goods and Services Tax (GST) status for each user fee and charge that it sets. However there may be fees and charges for which the Council is unable to confirm the GST status.

Accordingly, if a fee that is shown as being subject to GST is subsequently found not to be subject to GST, then that fee will be amended by reducing the GST to nil. Conversely, if the Council is advised that a fee which is shown as being not subject to GST becomes subject to GST, then the fee will be increased but only to the extent of the GST.

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
1. Development Applications (Environmental Planning and Assessment Act 1979)							
1.1	Single Dwelling House and additions (less than $100,000 - see 1.6 for over $100,000)	A	Application	$455	$455	NIL	**$455**
1.2	Subdivisions						
1.2.1	Including new roads	A	Application	$665 plus $65 per additional lot	$665 plus $65 per additional lot	NIL	**$665 plus $65 per additional lot**
1.2.2	Not including new roads	A	Application	$330 plus $53 per additional lot	$665 plus $65 per additional lot	NIL	**$665 plus $65 per additional lot**
1.2.3	Strata	A	Application	$330 plus $65 per additional lot	$665 plus $65 per additional lot	NIL	**$665 plus $65 per additional lot**
1.3	Not including physical works	A	Application	$285	$285	NIL	**$285**
1.4	On-farm water storage 15ML (SEPP 52)	A	Application	$285	$285	NIL	**$285**
1.5	Involving liquor licences or places of public entertainment	A	Application	$285	$285	NIL	**$285**
1.6	Other Development Applications						
1.6.1	Pre-application meeting consulting fee	A	Application	Included in charge below	Included in charge below	NIL	**Included in charge below**
1.6.3	$5,001 to	A	Application	$170.00 plus an	$170.00 plus	NIL	**$170.00 plus**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
	$50,000			additional $3.00 for each $1,000 or part thereof of the estimated cost	an additional $3.00 for each $1,000 or part thereof of the estimated cost		**an additional $3.00 for each $1,000 or part thereof of the estimated cost**
1.6.4	$50,001 to $250,000	A	Application	$352.00 plus an additional $3.64 for each $1,000 or part thereof by which the estimated cost exceeds $50,000	$352.00 plus an additional $3.64 for each $1,000 or part thereof by which the estimated cost exceeds $50,000	NIL	**$352.00 plus an additional $3.64 for each $1,000 or part thereof by which the estimated cost exceeds $50,000**
1.6.5	$250,001 to $500,000	A	Application	$1,160.00 plus an additional $2.34 for each $1,000 or part thereof by which the estimated cost exceeds $250,000	$1,160.00 plus an additional $2.34 for each $1,000 or part thereof by which the estimated cost exceeds $250,000	NIL	**$1,160.00 plus an additional $2.34 for each $1,000 or part thereof by which the estimated cost exceeds $250,000**
1.6.6	$500,001 to $1,000,000	A	Application	$1,745.00 plus an additional $1.64 for each $1,000 or part thereof by which the estimated cost exceeds $500,000	$1,745.00 plus an additional $1.64 for each $1,000 or part thereof by which the estimated cost exceeds $500,000	NIL	**$1,745.00 plus an additional $1.64 for each $1,000 or part thereof by which the estimated cost exceeds $500,000**
1.6.7	$1,000,001 to $10,000,000	A	Application	$2,615.00 plus an additional $1.44 for each $1,000 or part thereof by which the estimated cost exceeds $1,000,000	$2,615.00 plus an additional $1.44 for each $1,000 or part thereof by which the estimated	NIL	**$2,615.00 plus an additional $1.44 for each $1,000 or part thereof by which the**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
					cost exceeds $1,000,000		**estimated cost exceeds $1,000,000**
1.6.8	Greater than $10,000,000	A	Application	$15,875.00 plus an additional $1.19 for each $1,000 or part thereof by which the estimated cost exceeds $10,000,000	$15,875.00 plus an additional $1.19 for each $1,000 or part thereof by which the estimated cost exceeds $10,000,000	NIL	**$15,875.00 plus an additional $1.19 for each $1,000 or part thereof by which the estimated cost exceeds $10,000,000**
1.7	Development Control						
1.7.1	Advertising - Advertised development	A	Application	$200 (minimum) $1,105 maximum	$200 (minimum) $1,105 maximum	NIL	**$200 (minimum)** **$1,105 maximum**
1.7.2	Advertising - Designated development	A	Application	$2,220 maximum	$2,220 maximum	NIL	**$2,220 maximum**
1.7.3	Integrated development and development requiring concurrence	A	Application	Cost of normal Development Application plus an additional $140 + $320 for each integrated approval body or concurrence authority	Cost of normal Development Application plus an additional $140 + $320 for each integrated approval body or concurrence authority	NIL	**Cost of normal Development Application plus an additional $140 + $320 for each integrated approval body or concurrence authority**
1.7.4	Designated development	A	Application	Maximum of $920 plus scheduled fee and cost of advertising	Maximum of $920 plus scheduled fee and cost of advertising	NIL	**Maximum of $920 plus scheduled fee and cost of advertising**
1.7.5	Contaminated	A	Application	As per 1.9 plus	As per 1.9	NIL	**As per 1.9**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
	sites			cost of independent assessment of submitted report	plus cost of independent assessment of submitted report		**plus cost of independent assessment of submitted report**
1.8	Request to review determination						
1.8.1	No work	A	Application	Max 50% original fee	Max 50% original fee	NIL	**Max 50% original fee**
1.8.2	Dwelling less than $100,000	A	Application	$190		NIL	**$190**
1.8.3	$5,001 to $50,000	A	Application	$55	$55	NIL	**$55**
1.8.4	$50,001 to $250,000	A	Application	$85, plus an additional $1.50 for each $1,000 (or part of $1,000) of the estimated cost	$85, plus an additional $1.50 for each $1,000 (or part of $1,000) of the estimated cost	NIL	**$85, plus an additional $1.50 for each $1,000 (or part of $1,000) of the estimated cost**
1.8.5	$250,001 to $500,000	A	Application	$500, plus an additional $0.85 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $250,000.	$500, plus an additional $0.85 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $250,000.	NIL	**$500, plus an additional $0.85 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $250,000.**
1.8.6	$500,001 to $1,000,000	A	Application	$712, plus an additional $0.50 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $500,000.	$712, plus an additional $0.50 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $500,000.	NIL	**$712, plus an additional $0.50 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $500,000.**
1.8.7	$1,000,001 to $10,000,000	A	Application	$987, plus an additional $0.40 for each $1,000	$987, plus an additional $0.40 for each	NIL	**$987, plus an additional $0.40 for**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
				(or part of $1,000) by which the estimated cost exceeds $1,000,000	$1,000 (or part of $1,000) by which the estimated cost exceeds $1,000,000		**each $1,000 (or part of $1,000) by which the estimated cost exceeds $1,000,000**
1.8.8	Greater than $10,000,000	A	Application	$4,737, plus an additional $0.27 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $10,000,000	$4,737, plus an additional $0.27 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $10,000,000	NIL	**$4,737, plus an additional $0.27 for each $1,000 (or part of $1,000) by which the estimated cost exceeds $10,000,000**
1.9	Amendment to Development Consent						
1.9.1	s96(1)	A	Application	Maximum $71	Maximum $71	NIL	**Maximum $71**
1.9.2	s96(1A)	A	Application	Maximum $645 or 50% of original development application fee, whichever is the lesser	Maximum $645 or 50% of original development application fee, whichever is the lesser	NIL	**Maximum $645 or 50% of original development application fee, whichever is the lesser**
1.9.3	s96(2)	A	Application	50% of original fee if under $100 otherwise see 1.8 – Request to review determination	50% of original fee if under $100 otherwise see 1.8 – Request to review determination	NIL	**550% of original fee if under $100** **otherwise see** **1.8 – Request to review determinatio n**
1.10	Rezoning						
1.10.1	Initial	B	Application	$662	$679	NIL	**$679**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
	assessment, site inspection/report to Council						
1.10.2	Minor LEP amendment following Council decision	B	Application	$1,550	$1,590	NIL	**$1,590**
1.10.3	Major LEP amendment plus additional cost for consultant to prepare environmental study plus planning proposal	B	Application	$4,000	$4,120	NIL	**$4,120**
1.11	Amendment to Development Application Consent for Dwelling and additions	B	Application	$110	$110	NIL	**$110**
1.12	Amendment to Development Control Plan	B	Application	$220 plus advertising	$220 plus advertising	NIL	**$220 plus advertising**
1.13	Amendment to Local Environmental Plan	B	Application	$640 plus advertising plus cost of associated reports and studies as may be required	$640 plus advertising plus cost of associated reports and studies as may be required	NIL	**$640 plus advertising plus cost of associated reports and studies as may be required**
2. Certificates							
2.1	Construction Certificates						
2.1.1	New dwelling	C	Application	$316	$294.55	$29.45	**$324**
2.1.2	Dwelling Additions	C	Application	$199	$180.91	$18.09	**$204**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
2.1.3	Structures ancillary to dwellings and farm sheds	C	Per Application	$94	$87.27	$8.73	**$96**
2.1.4	Commercial and industrial development less than 100m^2	C	Application	$316	$294.55	$29.45	**$324**
2.1.5	Commercial and industrial development equal to or greater than 100m^2	C	Application	$316 + $1.10 per additional m^2	$294.55+ $1.00 per additional m^2	$29.45 + $0.10 per additional m^2	**$324 + $1.10 per additional m^2**
2.1.6	Subdivision	C	Application	$141 per lot	$131.82	13.18	**$145**
2.1.7	Subdivision supervision fee for new work carried out by private contractors on future Council assets	C	Application	1% of estimated.engineering const. cost plus GST	1% of estimated. engineering const. cost	YES	**1% of estimated engineering const. cost plus GST**
2.1.8	Processing of variations to Building Code of Australia	C	Clause	$316 per clause	$294.55	$29.45	**$324**
2.1.9	Modification of Construction Certificate	C	Application	$58 or 50% of original fee, whichever is greater	$54.55 or 50% of original fee, whichever is greater	$5.45	**$60 or 50% of original fee, whichever is greater**
2.2	Compliance Certificates						
2.2.1	Critical stage inspections	C	Application	$105	$98.18	$9.82	**$108**
2.2.2	Occupation certificate	C	Application	$105	$98.18	$9.82	**$108**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
2.2.3	Subdivision Certificate	B	Application	$105	$98.18	$9.82	**$108**
2.3	Complying Development Certificates						
2.3.1	Class 10 buildings less than 100m^2	C		$117	$109.09	$10.91	**$120**
2.3.1	Buildings less than 150m^2 other than Class 10 buildings	C	Application	$176	$164.55	$16.45	**$181**
2.3.2	Buildings greater than 150m^2 other than rural sheds	C	Application	$176 plus $1.10 per additional m^2	$164.55 plus $1.00 per additional m^2	$16.45 plus $0.10 per additional m^2	**$181 plus $1.10 per additional m^2**
2.3.3	Rural sheds greater than 150m^2	C	Application	$235 maximum	$219.09	21.91	**$241 maximum**
2.3.4	Modification of Complying Development Certificate	C	Application	$60 or 50% of original fee, whichever is greater	$54.55 or 50% of original fee, whichever is greater	$5.45	**$60 or 50% of original fee, whichever is greater**
2.4	Planning Certificates (s149, Environmental Planning and Assessment Act 1979)						
2.4.1	s149 (2) & (3)	A	Application	$53	$53	NIL	**$53**
2.4.2	s149 (5)	A	Application	$80	$80	NIL	**$80**
2.5	Building Certificates						
2.5.1	Class 1 building or Class 10 building for each dwelling containing in the building or in any other building in the allotment	A	Application	$250	$250	NIL	**$250**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
2.5.2	Any other class of building	A	Application	$250	$250	NIL	**$250**
2.5.3	In any case where the application relates to a part of a building and that part consists of an external wall only or does not otherwise have a floor area	A	Application	$250	$250	NIL	**$250**
2.5.4	If it is reasonably necessary to carry out more than one inspection of the building before issuing a building certificate (not exceeding $75) for the issue of the certificate. However, the Council may not charge for any initial inspection	A	Application	$90	$90	NIL	**$90**
2.5.5	Floor area of building or part not exceeding 200m^2	A	Application	$250	$250	NIL	**$250**
2.5.6	Exceeding 200m^2 but not exceeding 2,000	A	Application	$250 plus an additional 50 cents per square	$250 plus an additional 50 cents per	NIL	**$250 plus an additional 50 cents per**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
	m^2			metres in addition to 200 square meters	square metres in addition to 200 square meters		**square metres in addition to 200 square meters**
2.5.7	Exceeding 2,000 m^2	A	Application	$1165, plus an additional $0.075 per square metres in addition to 2,000 square meters	$1165, plus an additional $0.075 per square metres in addition to 2,000 square meters	NIL	**$1165, plus an additional $0.075 per square metres in addition to 2,000 square meters**
2.6	Copy of Building Certificate	A	Copy	$13	$13	NIL	**13**
2.7	Certificate as to orders (s121ZP EP & A Act 1979)	A	Application	$70	$70	NIL	**$70**
2.8	Certificate as to notices (s735A LG Act 1993)	A	Application	$80	$80	NIL	**$80**
2.9	Expedited provision of certificate (by arrangement)	B	Application	$22	$20	$2	**$22**
2.10	Information Service Fee						
2.10.1	Written response	B	Application	$55	$50.91	$5.09	**$56**
2.10.2	Written response and inspection	B	Application	$100	$92.73	$9.27	**$102**
2.11	Dwelling entitlement enquiry fee	B	Application	$55	$50.91	$5.09	**$56**
2.12	Duplicate Construction, Compliance,	B	Application	$22	$20	$2	**$22**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
	Occupation and Complying development Certificates						
2.13	Lodgement fee for all Part 4A certificates issued by private certifiers and kept by Council	A	Certificate	$36	$36	NIL	**$36**
3. Local Activity and Road Act Applications							
3.1	Local Activities (s68) – other than those with a specific fee	B	Application	$93	$95	NIL	**$95**
3.2	Application to amend Local Activity Approval	B	Application	$40	$41	NIL	**$41**
3.3	Required Local Activity Inspections	B	Application	$105	$98.18	$9.82	**$108**
3.4	Minor sewer works application fee	B	Application	$98	$91.82	$9.18	**$101**
3.5	Septic tank (new)	B	Application	$213	$219	NIL	**$219**
3.6	Surveillance fee						
3.6.1	Hairdressers Beauty Salon	B	Application	$105	$98.18	$9.82	**$108**
3.6.2	Undertakers Mortuary	B	Application	$105	$98.18	$9.82	**$108**
3.7	Temporary occupation of footpath by fence or hoarding during any building operation						
3.7.1	Application	A	Application	$20	$20	NIL	**$20**
3.7.2	Occupation	B	Week	$11	$10	$1	**$11**
3.8	Street trading/street vending						

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
3.8.1	Vehicle permit	B	Application	$100	$93.63	NIL	**$103**
3.8.2	Footpath trading/Outdoor dining	D*	Application	$55 (2 year permit)	$50	$5	**$55**
3.8.3	Single free standing sign	D*	Application	$22 (2 year permit)	$20	$2	**$22**
3.9	Impounded Advertising Structure release fee	B	Structure	$116	$109.09	$10.91	**$120**
3.10	On site sewerage						
3.10.1	Registration	A	Application	$31	$31	NIL	**$31**
3.10.2	Inspection	B	Inspection	$105	$98.18	$9.82	**$108**
3.11	Water Connection application processing	A	Application	$61.80	$64	NIL	**$66**
4. Development Services Administration							
4.1	Certified copy of document, map or plan	A	Copy	$53	$53	NIL	**$53**
4.2	Search for drainage diagram required under Conveyancing Act. Copy of diagram or written response provided	B	Diagram	$52	$48.18	$4.82	**$53**
5. Caravan Parks, Camping Grounds and Manufactured Home Estates							
5.1	Application for approval to operate (LGA 1993)	B	Application	$7 per site (minimum $100)	$7 per site (minimum $100)	NIL	**$7 per site (minimum $100)**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
5.2	Replacement approval (e.g. in the name of the new operator)	B	Application	$52	$53	NIL	**$53**
5.3	Inspection of manufactured home/ Reinspection	B	Application	$70	$74	NIL	**$74**
6. Environmental Health Services							
6.1	Food premises administration fee						
6.1.1	Retail	B	Application	$52	$52	NIL	**$52**
6.1.2	Community	D*	Application	NIL	NIL	NIL	**NIL**
6.2	Food premises inspection fee	B	Inspection	Maximum $145 Minimum $72.50 plus $36.19 maximum travelling expenses	Maximum $145 Minimum $72.50 plus $36.19 maximum travelling expenses	NIL	**Maximum $145 Minimum $72.50 plus $36.19 maximum travelling expenses**
6.3	Issue of Improvement Notice - Food	A	Notice	$330.00	$330	NIL	**$330**
7. Private and commercial swimming pools							
7.1	Application for exemption from barrier requirements	A	Application	$70	$70	NIL	**$70**
7.2	Barrier compliance inspection						
7.2.1	Initial inspection	A	Inspection	$105	$105	NIL	**$105**
7.2.2	Reinspection	A	Inspection	$100	$100	NIL	**$100**
7.2.3	Issue of compliance	A	Application	$70	$70	NIL	**$70**

DEVELOPMENT SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL. GST)	EXCL. GST	2014/15 GST	TOTAL
	certificate						
8. Companion animals							
8.1	Registration						
8.1.1	Dog or cat (not desexed)	A	Lifetime	$150	$189	NIL	**$189**
8.1.2	Dog or cat (desexed)	A	Lifetime	$40	$49	NIL	**$49**
8.1.3	Dog or cat (desexed, owned by pensioner)	A	Lifetime	$15	$19	NIL	**$19**
8.1.4	Registered breeder	A	Lifetime	$40	$49	NIL	**$49**
8.1.5	Assistance animal	A	Lifetime	NIL	NIL	NIL	**NIL**
8.1.6	Working dog (on property)	A	Lifetime	NIL	NIL	NIL	**NIL**
8.2	Sustenance and release	A	Day per animal	$11	$10	$1	**$11**
8.3	Out of hours release	B	Instance	$68			**$70**
8.4	Microchipping of impounded animals	B	Animal	$91			**$93**
9. Stock control							
9.1	Impounding						
9.1.1	Horse, mule, ass, cow (cow and calf up to 3 months), camel, goat or pig	B	Animal	$22 per animal minimum $100	$24	NIL	**$24**
9.1.2	Rams, ewes, sheep /lambs	B	Animal	$6 per animal minimum $100	$6/animal minimum $100	NIL	**$6 / animal minimum $100**
9.1.3	Droving,	B	Instance	Ranger time	Ranger time	YES	**Ranger time**

DEVELOPMENT SERVICES							
ITEM NO.	**PARTICULARS**	**POLICY ID**	**BASIS**	**2013/14 (INCL. GST)**	**EXCL. GST**	**2014/15 GST**	**TOTAL**
	walking or transportation fees			and/or cartage costs + GST	and/or cartage costs		**and/or cartage costs + GST**
9.2	Sustenance						
9.2.1	Cattle, horse	D*	Day	$4 + Direct costs	$4 + Direct costs	NIL	**$4 + Direct costs**
	Pig	D*	Day	Direct costs	Direct costs	NIL	**Direct costs**
	Sheep	D*	Day	50c + direct costs	50c + direct costs	NIL	**50c + direct costs**
9.3	Attending stock on roads	D*	Instance	Direct costs	Direct costs	NIL	**Direct costs**

ENVIRONMENTAL SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	2014/15 GST	2014/15 TOTAL
10. Waste Management Facilities							
10.1	Residential waste (within Berrigan Shire)						
10.1.1	General	B	m^3	$20	$20	$2	**$22**
10.1.2	Rubbish bag	B	each	$3	$3.64	$0.36	**$4**
10.1.3	120l bin	B	each	$3	$3.64	$0.36	**$4**
10.1.4	240l bin	B	each	$6	$7.27	$0.73	**$8**
10.1.5	Car boot	B	each	$10	$10.91	$1.09	**$12**
10.1.6	Ute, van or trailer up to $1m^2$	B	each	$20	$20	$2	**$22**
10.1.7	Tandem trailer up to $2m^2$	B	each	$40	$40	$4	**$44**
10.1.8	Gas bottles (spiked and debunged)	B	each	$10	$10.91	$1.09	**$12**
10.1.9	Car tyres	B	each	$6	$7.27	$0.73	**$8**
10.1.10	Light truck tyres	B	each	$10	$10.91	$1.09	**$12**
10.1.11	Heavy truck tyres	B	each	$18	$18.18	$1.82	**$20**
10.1.12	Tractor tyres	B	each	$120	$113.64	$11.36	**$125**
10.1.13	Earthmover tyres	B	each	$180	$172.73	$17.27	**$190**
10.1.14	Chemical drums	B	each	$13	$13.64	$1.36	**$15**
10.1.15	Asbestos	B	m^3	$300	$272.73	$27.27	**$300**
10.1.16	Liquid bitumen waste	B	m^3	$18	$18.18	$1.82	**$20**
10.1.17	Car batteries, white goods, scrap steel and the like	D*		NIL	NIL		**NIL**
10.1.18	Green waste	D*	Per m^3	NIL	NIL		**NIL**
10.2	Commercial waste (within Berrigan Shire)						
10.2.1	General waste	C	Per m^3	$38	$36.36	$3.64	**$40**
10.2.2	Skip – 2m	C	each	N/A	$27.27	$2.73	**$30**
10.2.3	Skip – 3m	C	each	N/A	$40.91	$4.09	**$45**

ENVIRONMENTAL SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	GST	TOTAL
10.2.3	Green waste	C	Per m^3	N/A	$13.63	$1.37	**$15**
10.2.4	Cardboard	C	Per m^3	$15	$18.18	$1.82	**$20**
10.2.5	Asbestos	C	Per m^3	$300	$272.73	$27.27	**$300**
10.3	Waste (outside Berrigan Shire)						
10.3.1	General waste	C	Per m^3	$45	$45.45	$4.55	**$50**
10.3.2	Skip – 2m	C	each	N/A	$27.27	$2.73	**$30**
10.3.3	Skip – 3m	C	each	N/A	$40.91	$4.09	**$45**
10.3.2	Asbestos	C	Per m^3	$300	$545.45	$54.55	**$600**
10.3.3	Green waste	C	Per m^3	N/A	$13.63	$1.37	**$15**
10.3.4	Cardboard	C	Per m^3	$15	$18.18	$1.82	**$20**
10.4	Other tip charges						
10.4.1	Fridge de-gassing	B	each	N/A	$9.09	$0.91	**$10**
11. Waste collection							
11.1	Domestic waste						
11.1.1	Standard service (1 x 120l MGB and 1 x 240l MRB)	B	Each	$241	$256	NIL	**$256**
11.1.2	Additional 120l MGB	B	Each	$163	$173	NIL	**$173**
11.1.3	Additional 240l MRB	B	Each	$108	$125	NIL	**$125**
11.1.4	Uncollected	B	Each	$50	$52	NIL	**$52**
11.2	Business waste						
11.2.1	1x 240l MGB	B	Each	$228	$266	NIL	**$266**
11.2.2	1 x 240 MRB and 1 x 240l MRB	B	Each	$327	$392	NIL	**$392**
12. Town water supply							
12.1	Access charge (standard connection)	B	Year	$446	$474	NIL	**$474**
12.2	Water restriction easement	B	Month	$10.00	$10	NIL	**$10**
12.3	Consumption – Treated						

ENVIRONMENTAL SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	2014/15 GST	2014/15 TOTAL
12.3.1	BGA, BER, FIN Stage 4 restrictions	B	kL	$1.46	$1.46	NIL	**$1.46**
12.3.2	BGA, BER, FIN Other restrictions	B	kL	$1.00	$1.00	NIL	**$1.00**
12.3.3	BGA, BER, FIN No restrictions	B	kL	$0.94	$0.94	NIL	**$0.94**
12.3.4	TOC Stage 4 restrictions	B	kL	$0.97	$0.97	NIL	**$0.97**
12.3.5	TOC Other restrictions	B	kL	$0.69	$0.69	NIL	**$0.69**
12.3.6	TOC No restrictions	B	kL	$0.62	$0.62	NIL	**$0.62**
12.4	Consumption – Unfiltered						
12.4.1	BGA, BER, FIN Stage 4 restrictions	B	kL	$0.73	$0.73	NIL	**$0.73**
12.4.2	BGA, BER, FIN Other restrictions	B	kL	$0.52	$0.52	NIL	**$0.52**
12.4.3	BGA, BER, FIN No restrictions	B	kL	$0.47	$0.47	NIL	**$0.47**
12.5	Berrigan Sports Club for water bypassing the Council's treatment and reticulation system	D*	kL	3.1 cents	3.1 cents	NIL	**3.1 cents**
12.6	Consumption - Recreation reserves and public pools	D*	kL	1/10 of applicable consumption charge	1/10 of applicable consumption charge	NIL	**1/10 of applicable consumption charge**
12.7	Connection – tapping						
12.7.1	100mm	B	Supply	$6,750	$6363.64	$636.36	**$7,000**
12.7.2	80mm	B	Supply	$4,440	$4,181.82	$418.18	**$4,600**
12.7.3	50mm	B	Supply	$2,250	$2,118.18	$211.82	**$2,330**

ENVIRONMENTAL SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	2014/15 GST	2014/15 TOTAL
12.7.4	40mm	B	Supply	$1,480	$1,390.91	$139.09	**$1,530**
12.7.5	32mm	B	Supply	$1,010	$954.55	$95.46	**$1,050**
12.8	Connection – meter						
12.8.1	1 x 20mm	B	Meter	$275	$259.09	$25.91	**$285**
12.8.2	2 x 20mm	B	Meter	$425	$400.00	$40.00	**$440**
12.8.3	1 x 25mm	B	Meter	$330	$309.09	$30.91	**$340**
12.8.4	2 x 25mm	B	Meter	$510	$481.82	$48.18	**$530**
12.9	Connection – service						
12.9.1	1 x 20mm	B	Meter	$880	$827.27	$82.73	**$910**
12.9.2	2 x 20mm	B	Meter	$1,200	$1,127.27	$112.73	**$1,240**
12.9.3	1 x 25mm	B	Meter	$1,040	$977.27	$97.73	**$1,075**
12.9.4	2 x 25mm	B	Meter	$1,420	$1,336.36	$133.64	**$1,470**
12.10	Disconnection						
12.10.1	20mm	B	Meter	$66	$63.64	$6.36	**$70**
12.10.2	2 x 20mm	B	Meter	$99	$90.91	$9.09	**$100**
12.10.3	3 x 20mm	B	Meter	$132	$122.73	$12.27	**$135**
12.10.4	Greater than 20mm	B	Each	Direct costs plus indirect costs + GST	Direct costs plus indirect costs + GST	YES	**Direct costs plus indirect costs + GST**
12.11	Reading and testing						
12.11.1	Requested read (refundable if error found)	B	Property	$27.50 o be paid prior to test	$25	$2.50	**$27.50**
12.11.2	Requested test (Refundable if error found)	B	Meter	$55 to be paid prior to test	$100	$10	**$110**
12.11.3	Requested leakage inspection	B	Inspection	$55 to be paid prior to test	$50	$5	**$55**
12.12	Filtered water supplied to water carters						

ENVIRONMENTAL SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	2014/15 GST	2014/15 TOTAL
12.12.1	Establishment fee	B	Application	$15	$15	NIL	**$15**
12.12.2	Water	B	kL	$2.50	$2.50	NIL	**$2.50**
12.13	Supply and delivery by vehicle of filtered water	B	5,000 litres	ND	ND	NIL	**ND**
13. Sewer							
13.1	Service charge	B	Year	$382	$477	NIL	**$477**
13.2	Pedestal Charge						
13.2.1	Rateable Third and subsequent pedestal/urinal	B	Urinal or cistern	$82	$103	NIL	**$103**
13.2.2	Non Rateable Each pedestal/urinal	B	Urinal or cistern	$82	$103	NIL	**$103**
13.3	Low pressure sewer pump maintenance charge	B	Each	$73	$91	NIL	**$91**
13.4	Connection						
13.4.1	Y Junction < 3m deep	B	Service	$250	$236.36	$23.64	**$260**
13.4.2	Y Junction > 3m deep	B	Service	$500	$472.73	$47.27	**$520**
13.4.3	Full service < 3m deep	B	Service	$700	$654.55	$65.45	**$750**
13.4.4	Full service > 3m deep	B	Service	$1,400	$1,363.64	$136.36	**$1,500**
13.5	Disconnection	B	Application	$250	$236.36	$23.64	**$260**
13.6	Septage disposal	B	kL	$17.50	$17.27	$1.73	**$19**

ENVIRONMENTAL SERVICES							
ITEM NO.	**PARTICULARS**	**POLICY ID**	**BASIS**	**2013/14 (INCL GST)**	**2014/15**		
					EXCL. GST	**GST**	**TOTAL**
13.7	Truckwash	C	Minute	$0.44 (minimum charge $4.40)	$0.40	$0.04	**$0.44** **(minimum charge $4.40)**

TECHNICAL SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	GST	TOTAL
14. Stormwater drainage							
14.1	Stormwater Management Charge						
14.1.1	Strata title properties	A*	Year	$12.50	$12.50	NIL	**$12.50**
14.1.2	Other properties	A*	Year	$25	$25	NIL	**$25**
15. Roads, crossings and private works							
15.1	Road opening permit	B	Application	$99	$90	$9	$99
15.2	Gutter crossings	C	Application	ND	ND	YES	**ND**
15.3	Culvert crossings	C	Application	ND	ND	YES	**ND**
15.4	Other private works	C	Application	ND	ND	YES	**ND**
15.5	Gravel supply	C	m3	ND	ND	YES	**ND**
15.6	Temporary road closure	B	Closure	$105	$98.18	$9.82	**$108**
15.7	Supply and installation of Rural Address sign	B	Sign	$94	$82.72	$8.28	**$97**
15.8	Application for permanent road closure and report to Council	B	Application	$290	$270.91	$27.09	**$298**
15.9	Restricted Access Vehicle Routes						
15.9.1	Application fee Class 1 & 3 permits	B	Application	New Fee	$70	NIL	**$70**
15.9.2	Route	C	Assessment	New Fee	Cost + 10%	YES	**Cost + 10% +**

TECHNICAL SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	GST	TOTAL
	assessment						**GST**
15.9.3	Structural assessment	C	Assessment	New Fee	Cost + 10%	YES	**Cost + 10% + GST**
16. Tocumwal Aerodrome							
Note: Aerodrome fees apply from **1 January 2015**							
16.1	Access charges						
16.1.1	Property abutting Tocumwal Aerodrome containing one or more hangars	D*	Year	$0.7109 per m^2 of hangar space Maximum $2,000 Minimum $750	$0.6656 per m^2 of hangar space Maximum $1,872.73 Minimum $702.27	$0.0666 per m^2 of hangar space Maximum $187.27 Minimum $70.23	**$0.7322 per m^2 of hangar space Maximum $2,060 Minimum $772.50**
16.1.2	Gliding Operations	D*	Year	$1,100 in addition to 16.1.1	$1,045.45	$104.55	**$1,150 in addition to 16.1.1**
16.1.4	Regular commercial users 200 movements per year or less	D*	Year	$550	$522.73	$52.27	**$575**
	Regular commercial users 201 movements per year or more	D*	Year	$1,100	$1,045.45	$104.55	**$1,150**
16.1.5	Visiting flying schools	D*	Week part thereof	$220	$209.09	$20.91	**$230**
16.2	Aircraft parking fees (powered and unpowered)						
16.2.1	Year	D*	Aircraft	$572	$567.27	$56.73	**$624**
16.2.2	Week	D*	Aircraft	$11	$10.91	$1.09	**$12**
16.3	Movement fees (Honesty box)	D*	Movement	$10	$9.09	$0.91	**$10**

TECHNICAL SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	2014/15 GST	2014/15 TOTAL
16.4	Overweight aircraft use application	C	Application	$110	$109.09	$10.91	**$120**
16.5	Aerobatics – in accordance with the Tocumwal Aerodrome Management Plan						
16.5.1	Conduct of events (including directly related training periods) Includes up to two events	C	Year	$1,100	$1045.45	$104.55	**$1,150**
16.5.2	Training and practice (three days or part thereof)	C	Aircraft	$55	$54.55	$5.45	**$60**
16.6	Other aviation and commercial use, events etc.	C	Each	By negotiation	By negotiation	YES	**By negotiation**

CORPORATE SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	2014/15 GST	2014/15 TOTAL
17. Rating services							
17.1	Section 603 certificate	A*	Application	$70	$70	NIL	**$70**
17.2	Section 603 certificate – expedited service surcharge	B	Application	$22	$20	$2	**$22**
17.3	Certificate Reconciliation fee	B	Month	$22	$20	$2	**$22**
17.4	Rate enquiry fee						
17.4.1	Written	B	Enquiry	$7.70	$20	$2	**$22**
17.4.2	Verbal	B	Enquiry	$4.40	$10	$1	**$11**
17.5	Computer sales advice						
17.5.1	One property	B	Application	$15	$23.64	$2.36	**$25**
17.5.2	Up to 250 properties	B	Application + Per 15 minutes staff time	$27.50 $7.70	$45.45 $10	$4.55 $1	**$50** **$11**
17.5.3	Over 250 properties	B	Application + Per 15 minutes staff time	$33 $7.70	$54.55 $10	$5.45 $1	**$60** **$11**
17.6	Sales listing for registered valuers						
17.6.1	Supply of list	B	Supply	$550	$700	$70	**$770**
17.6.2	Additional staff time	B	15 minutes	$20	$20	$2	**$22**
17.7	Requested meter reading	B	Reading	$27.50	$25	$2.50	**$27.50**
17.8	Accrual of interest	A	Per annum	9%	8.5%	NIL	**8.5%**

CORPORATE SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	2014/15 GST	2014/15 TOTAL
	on rates and charges						
17.9	Valuation or ownership enquiry						
17.9.1	Verbal	B	Enquiry	$6.60	$6	$0.60	**$6.60**
17.9.2	Written	B	Enquiry	$14.30	$13	$1.30	**$14.30**
17.9.3	Extract from valuation book	B	Extract	$14.30	$13	$1.30	**$14.30**
17.10	Title search	B	Search	N/A	$20	$2	**$22**
17.11	Reallocation of Electronic Payment	B	Each	N/A	$9.09	$0.91	**$10**
18. Access to information (Government Information (Public Access) Act 2009)							
18.1	Application fee	A*	Application	$30	$30	NIL	**$30**
18.2	Processing charge	A*	Hour	$30	$30	NIL	**$30**
19. Office services							
19.1	Returned cheque fee	B	Instance	$16.50	$15	$1.50	**$16.50**
19.2	Cancelled cheque fee	B	Instance	$15	$15	$1.50	**$16.50**
19.3	Maps						
19.3.1	A1 with lots	C	Map	$33	$35	$3.50	**$38.50**
19.3.2	A1 with roads only	C	Map	$16.50	$20	$2	**$22**
19.3.3	A3 originals	C	Map	$11	$15	$1.50	**$16.50**
19.3.4	A3 photocopies	C	Map	$4.40	$5	$0.50	**$5.50**
19.3.5	A4	C	Map	$2.20	$3	$0.30	**$3.30**
19.3.6	Custom map – up to A1 size	C	Map	$110	$120	$12.00	**$132**
19.4	Photocopying /Printing						
19.4.1	A4	C	Page	$0.70	$0.73	$0.07	**$0.80**
19.4.2	A3	C	Page	$0.35	$1.45	$0.15	**$1.60**
19.4.3	Own paper	C	Page	$0.25	$0.27	$0.03	**$0.30**
19.5	Faxing						
19.5.1	Send	C	Page	$1.10	$1.36	$0.14	**$1.50**

CORPORATE SERVICES							
ITEM NO.	**PARTICULARS**	**POLICY ID**	**BASIS**	**2013/14 (INCL GST)**	**2014/15**		
					EXCL. GST	**GST**	**TOTAL**
19.5.2	Receive	C	Page	$0.55	$0.73	$0.07	**$0.80**

COMMUNITY SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	GST	TOTAL
20. Community facilities							
20.1	Public halls	D*	Booking	In consultation with Committees	In consultation with Committees	YES	**In consultation with Committees**
20.2	Recreation reserves	D*	Booking	In consultation with Committees	In consultation with Committees	YES	**In consultation with Committees**
20.3	Swimming pools						
20.3.1	Entry	D*	Entry	In consultation with Committees	In consultation with Committees	YES	**In consultation with Committees**
20.3.2	Season ticket	D*	Season	In consultation with Committees	In consultation with Committees	YES	**In consultation with Committees**
20.3.3	Lifeguards	B	Hour	At cost + GST	At cost	YES	**At cost**
21. Home and community care							
21.1	Meals on Wheels						
21.1.1	Fresh meal	D*	Meal	$7	$9	NIL	**$9**
21.1.2	Frozen meal	D*	Meal	$5.50	$6	NIL	**$6**
21.1.3	Non HACC client	D*	Meal	$8	$12	NIL	**$12**
21.2	Transport						
21.2.1	General users	D*	km	$0.15	$0.15	NIL	**$0.15**
21.2.2	Veterans Affairs Users/Non HACC clients	D*	km	$0.65	$0.65	NIL	**$0.65**
21.3	Home modification	D*	Job	Per HACC guidelines	Per HACC guidelines	NIL	**Per HACC guidelines**

COMMUNITY SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	GST	TOTAL
21.4	Home maintenance	D*	Job	Per HACC guidelines	Per HACC guidelines	NIL	**Per HACC guidelines**
22. Libraries							
22.1	Borrowings						
22.1.1	Borrowing charge	A*	Loan	NIL	NIL		**NIL**
22.1.2	Online search	A*	Search	NIL	NIL		**NIL**
22.1.3	Internal transfer	A*	Loan	NIL	NIL		**NIL**
22.1.4	Reservation	B	Item	NIL	NIL		**NIL**
22.1.5	Inter-library loan	B	Item	$5.50	$8.00	$0.80	**$8.80**
22.1.5	Overdue notice	B	Notice	$1.10	$1.09	$0.11	**$1.20**
22.1.6	Overdue fee (per item)	B	Day	$0.10	$0.09	$0.01	**$0.10**
22.2	Replacement membership card	B	Issue	$2.50	$2.27	$0.23	**$2.50**
22.3	Public access computers	A*	Sitting	NIL	NIL		**NIL**
22.4	Wi-Fi hotspot	A*	Login	NIL	NIL		**NIL**
22.5	Print/Photocopy	B	Page	$0.35	$0.32	$0.03	**$0.35**
22.6	Fax						
22.6.1	Initial sheet	B	Page	$1.10	$1.00	$0.10	**$1.10**
22.6.2	Additional sheets	B	Page	$0.30	$0.32	$0.03	**$0.35**
22.7	Scanning	B	Page	$2.20	$1.00	$0.10	**$1.10**
22.8	Laminating						
22.8.1	A4	B	Page	$2.30	$2.00	$0.20	**$2.20**
22.8.2	A3	B	Page	$3.30	$3.00	$0.30	**$3.30**
22.8.3	Business card	B	Page	$1.20	$1.00	$0.10	**$1.10**

COMMUNITY SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15 EXCL. GST	2014/15 GST	2014/15 TOTAL
22.9	USB device	C	Device	$10	$9.09	$0.91	**$10**
22.10	Room hire						
22.10.1	Community Use (during Library Opening Hours)	D*	Use	NIL	NIL	NIL	**NIL**
22.10.2	Community Use (After Hours)	D*	Use	$5.00	$9.09	$0.91	**$10**
22.10.3	Commercial Use (Business and After Hours)	B	Per Hour	N/A	$9.09	$0.91	**$10**
22.11	Book club	B	Year	$50 per person Min $500 per group	$45.45 $454.55	$4.55 $45.45	**$50** **$500**
23. Cemetery							
23.1	Lawn Cemetery **Note:** Standard plaque is 380mm x 280mm cast bronze with the choice of one emblem Where a Department of Veterans Affairs plaque is supplied for the deceased, the cost of the plaque will be refunded and the cost of installation met by the deceased's estate.						
23.1.1	Single interment (includes standard plaque)	B	Interment	$1,717	$1,681.82	$168.18	**$1,850**
23.1.2.	Double interment						
23.1.2.1	First interment (includes standard plaque)	B	Interment	$1,846	$1,832.73	183.27	**$2,016.**
23.1.2.2	Second interment (additional 5 line plaque)	B	Interment	$651	$631.82	$63.18	**$695**
23.1.3	Interment of ashes						
23.1.3.1	Placed concurrently	B	Interment	$220	$207.27	$20.73	**$228**

COMMUNITY SERVICES							
ITEM NO.	PARTICULARS	POLICY ID	BASIS	2013/14 (INCL GST)	2014/15		
					EXCL. GST	GST	TOTAL
	with interment (includes standard dual plaque)						
23.1.3.2	Placed in existing interment (includes additional 5 line plaque)	B	Interment	$430	$418.18	$41.82	**$460**
23.1.4	Stillborn interment (at head of grave – no right of burial in grave)	B	Interment	$202	$197.27	$19.73	**$217**
23.1.5	Outside normal hours surcharge	B	Interment	$185	$210.91	$21.09	**$232.00**
23.2	General section						
23.2.1	Site reservation	B	Site	$246	$239.09	$23.91	**$263**
23.2.2	Interment	B	Interment	$55	$51.82	$5.18	**$57**
23.2.3	Stillborn interment (designated area or at foot of grave)	B	Interment	$202	$197.27	$19.73	**$217**
23.3	Grave digging – General section						
23.3.1	Machine - ordinary hours	B	Interment	$381	$369.09	$36.91	**$406**
23.3.2	Hand- ordinary hours	B	Interment	$587	$570	$57	**$627**
23.3.3	Machine - not ordinary hours	B	Interment	$556	$539.09	$53.91	**$593**
23.3.4	Hand- not ordinary hours	B	Interment	$752	$730.91	$73.09	**$804**
23.3	Monumental masonry						
23.3.1	Permit to erect kerb and/or monument	B	Permit	$32	$34	NIL	**$34**
23.3.2	Removal and reinstatement	B	Each	$202	$197.27	$19.73	**$217**
23.4	Plaques						
23.4.1	Standard single	B	Plaque	$484	$485.45	$48.55	**$534**

COMMUNITY SERVICES							
ITEM NO.	**PARTICULARS**	**POLICY ID**	**BASIS**	**2013/14 (INCL GST)**	**2014/15**		
					EXCL. GST	**GST**	**TOTAL**
23.4.2	Standard dual	B	Plaque	$646	$668.18	$66.82	**$735**
23.4.3	Non-standard	B	Plaque	Available on application	Available on application	YES	**Available on application**
23.5	Memorial wall						
23.5.1	Reservation	B	Each	$178	$170	$17	**$187**
23.5.2	Interment	B	Each	$878	$820	$82	**$902**

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IPART New South Wales
Independent Pricing and Regulatory Tribunal

FACT SHEET

Reforming licensing in NSW – summary of Draft Report

May 2014

Overview

The NSW Government has a target of $750 million in reduced 'red tape' for business and the community by June 2015.[1] To help achieve this target, IPART was asked to undertake a series of reviews. One of the first areas for review has focused on reforming licensing in NSW.

This review aims to identify all licence types in NSW and prioritise those where reform would produce the most red tape savings. We have also developed a Framework and Guide for regulators to use when assessing their existing or new licences.

Our recommended reforms of priority licences are expected to reduce red tape to individuals and businesses by between $117 million and $130 million per year. When considering the community as a whole, this provides between $108 million and $129 million in net benefits each year.

What have we found?

There were about 22 million licences in force in NSW on 30 June 2012. This represents a licensing burden of around 3 licences per NSW resident.

From our survey of government agencies, we have identified that there are currently about 780 different licence types administered by the NSW Government. Of these licence types, we have identified 269 'significant licences' that represent 95% of all licences by volume and 99% of licence revenue raised.

Our estimates indicate that improvements to the design and administration of the 269 significant licences could save at least $320 million per year across the NSW economy.

Our 'Top 32' licence reform priority list

We have developed a 'Top 32' licence reform priority list. These licences:

- directly affect a large number of people or businesses and/or collect a large amount of licence revenue
- appear to have relatively high scope for administrative reform, based on Government agency survey returns.

Our estimates indicate that improvements to the design and administration of these 32 licences could save at least $200 million per year across the NSW economy.

Our analysis provides a starting point for regulators to undertake a more comprehensive assessment of their licences using our proposed Licensing Framework.

1 Premier's Memorandum, *M2012-02 Red tape reduction - new requirements*, February 2012.

'Top 10' priority licences

We conducted detailed analysis of the 'Top 10' priority licences and, where possible, made specific reform recommendations.

The major savings from specific licence reforms are:

- between $100 million and $115 million per year from extending the validity period of a light vehicle safety inspection report (previously called a 'pink slip')
- about $8 million per year by removing the mandatory continuing professional development requirement for the Home Building Licences and certificate holders (and allowing for the development of voluntary programs).

Other potential reform opportunities

In addition to the 'priority' licences, we have also identified a number of other potential reform opportunities. These arose from our public consultation process and our analysis of survey returns to identify licences where their design and administration could be improved.

We are also seeking feedback on any other licences which have potential for reform.

Licensing Framework

We have developed a Licensing Framework and Licensing Guide for regulators to use when reviewing or considering licensing schemes.

Given our analysis and findings in this review, we consider significant net benefits and red tape savings can be realised if the Licensing Framework and Licensing Guide are correctly applied by government agencies when assessing their existing or new licences.

The Licensing Framework and Licensing Guide are available on our website.

Our draft recommendations

The Draft Report presents our draft recommendations.

We note the NSW Government has already implemented some of our draft recommendations (see draft recommendations 15 and 18 below).

Implementation of the Licensing Framework and Licensing Guide to assess licences in NSW

1 NSW Government agencies should:

   – ensure their licences are reviewed using the Licensing Framework and Licensing Guide:

      o as part of any statutory requirement to review legislation that governs a licensing scheme, or

      o at least once every 10 years, where there is no statutory requirement to review a licence

   – apply the Licensing Framework and Licensing Guide when developing proposed new licences.

2 The NSW Department of Premier and Cabinet should amend the NSW Guide to Better Regulation (November 2009) to:

   – include reference to the Licensing Framework and Licensing Guide for regulatory proposals that involve licensing, and

   – require agencies submitting a regulatory proposal that involves licensing to include an assessment of their licensing proposal against the Licensing Framework, with their Better Regulation Statement (significant regulatory proposals) or other supporting documentation (non-significant regulatory proposals).

'Top 32' licence reform priorities

3 The NSW Government should review the 'Top 32' licences listed in Table 5.1 using the Licensing Framework and Licensing Guide. The reviews should particularly focus on the key reform areas identified in Appendix I of this report as well as those outlined in specific areas in Chapter 5.

Specific reforms for 'Top 10' licences

4 NSW Roads and Maritime Services should, by the end of 2014, extend the validity of light vehicle safety inspection reports to 26 weeks for the purpose of renewing light vehicle registrations, except for public passenger vehicles.

5 The NSW Government should review, by the end of 2014, the annual safety inspection requirement for light vehicle registration (administered by NSW Roads and Maritime Services) using the Licensing Framework.

6 NSW Roads and Maritime Services (RMS) should, by the end of 2014 provide a 10-year licence duration option for driver's licence classes C and R (unrestricted) for drivers aged between 21 and 44 years.

7 The NSW Government should, by the end of 2014, review the recreational fishing fee licence (administered by the Department of Primary Industries) using the Licensing Framework with respect to duration, fee-setting and administration.

8 NSW Roads and Maritime Services (RMS) should, by the end of 2014, provide an option of a 5-year registration of a recreational vessel.

9 NSW Fair Trading should, by the end of 2014, remove mandatory continuing professional development (CPD) for all Home Building Licences and certificate holders, and allow for the development of voluntary professional development programs.

10 NSW Fair Trading should, by the end of 2014, initially raise the value threshold for requiring a Home Building Licence to $10,000, and then $20,000 after 3 years. The threshold should be indexed at least once every 5 years.

11 NSW Fair Trading should, by the end of 2014, initially raise the value threshold for requiring an Owner Builder Permit to $10,000. NSW Fair Trading should then raise the value of this threshold and the threshold for compulsory owner-builder training to $20,000 after 3 years. The thresholds should be indexed at least once every 5 years.

Licences identified for reform from our review

12 NSW Trade & Investment should:

- implement any remaining recommendations from the former Better Regulation Office's review of the electricity Accredited Service Provider (ASP) Scheme in 2010
- work with Distribution Network Service Providers to coordinate the development of a single training requirement that would authorise ASPs to operate on all networks, rather than separate training for each network.

13 The NSW Government should review the fee setting principles for Child Employment – Employer Authority (administered by the Children's Guardian), using the Licensing Framework.

14 The NSW Government should evaluate the Commercial Fishing Licence (administered by the Department of Primary Industries) using the Licensing Framework, and take into account PwC's preliminary analysis of this licence as a case study in the Licensing Guide. Concurrent with this review the registered fish receiver licence should also be reviewed.

15 The NSW Government should exempt commercial property agents who sell or manage property for a related corporate entity from the requirements of the *Property Stock and Business Agents Act 2002*.

Note: Exemption from the requirement to obtain professional indemnity insurance was introduced in 2012/13 for certain commercial property agency work.[2]

16 The NSW Government should evaluate the farm milk collector's licence (administered by the NSW Food Authority) using the Licensing Framework, and take into account PwC's preliminary analysis of this licence as a case study in the Licensing Guide.

17 The NSW Government should evaluate the need for a licence to cultivate spat (administered by the NSW Food Authority), including the level of licence fees, using the Licensing Framework.

18 The NSW Government should remove the requirement for food businesses to provide notification of Food Safety Supervisors (administered by the NSW Food Authority).

Note: This recommendation was implemented in January 2014.[3]

19 The NSW Government should evaluate the licences under the *Liquor Act 2007* (administered by the Office of Liquor, Gaming and Racing) using the Licensing Framework, with a particular focus on licence duration, conditions and administration.

20 The NSW Government should abolish the LPG distributor licence and natural gas reticulator's authorisation (administered by IPART on behalf of the Minister for Resources and Energy).

21 The NSW Government should abolish property valuer licences.

22 The NSW Government should abolish travel agent licences in line with the COAG Legislative and Governance Forum on Consumer Affairs' Travel Industry Transition Plan for transition to self-regulation of the travel industry.

23 The NSW Government should abolish the air-conditioning and refrigeration licence (administered by NSW Fair Trading).

24 The NSW Government should review the Continuing Professional Development (CPD) requirements for conveyancers (administered by NSW Fair Trading) using the Licensing Framework. This could be achieved as part of the recommended broader review of CPD (as per draft recommendation 27).

25 The NSW Government should review administration of dangerous goods notifications (administered by WorkCover NSW), using the Licensing Framework and taking into account stakeholder comments about online notification and compliance processes.

26 The NSW Government should investigate consolidating environmentally hazardous chemical licences (administered by the NSW Environment Protection Authority) within Environment Protection Licences.

Opportunities for ongoing licence reform in NSW

27 The NSW Government should commission a review by an independent body of the training and continuing professional development conduct rules for all occupational licences to ensure they are the minimum necessary. In doing so, the reviewing body should refer to the Licensing Framework.

28 NSW Government agencies should review their licences against our assessment of areas of licence design and administration that could be improved as set out in Appendix M, taking into account the findings made in this Draft Report.

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2 *Property, Stock and Business Agents Regulation 2003* (NSW), clause 13B.

3 NSW Food Authority (2014), *Notifying FSS details*, http://www.foodauthority.nsw.gov.au/industry/fss-food-safety-supervisors/notifying-fss-details/#.UyjP7NgU9Hg, accessed 19 March 2014.

Our draft findings

Our Draft Report presents 18 draft findings on our licence survey results, licence reform priorities, and opportunities for ongoing licensing reform in NSW.

What happens next?

We invite all interested parties to make written submissions on the Draft Report by 4 July 2014.

Late submissions may be considered at IPART's discretion.

In general, we seek your response on the draft recommendations and findings explained in the report. Submissions may also comment on any other issues stakeholders consider relevant to the review.

We would prefer to receive submissions electronically via our online submission form:

<www.ipart.nsw.gov.au/Home/Consumer_Information/Lodge_a_submission>

You can also send comments by mail to:

Regulation Review – Licence Reform
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office NSW 1230

Our normal practice is to make submissions publicly available on our website <www.ipart.nsw.gov.au> as soon as possible after the closing date for submissions.

If you would like further information on making a submission, IPART's submission policy is available on our website, as well at the front of our Draft Report.

Table 1 sets out our indicative review timetable.

Table 1 Licence review timetable

Task	Timeframe
Survey to local councils	13 Sep 2012
Survey to NSW Government departments and agencies	12 Oct 2012
Online survey released for licence holders on *Have your say* website	25 Oct 2012
Release Issues Paper	30 Oct 2012
Release Draft Licensing Framework and Licensing Guide	30 Oct 2012
Stakeholder submissions due and licence holder survey closes	12 Dec 2012
Public roundtable	12 Feb 2013
Preliminary Draft Report to Department of Premier and Cabinet	15 April 2013
Consultation with NSW Govt. departments and agencies	May/June 2013
Revised Draft Report to Department of Premier and Cabinet	23 July 2013
Further consultation with agencies undertaken	August/Sept. 2013
Further revised Draft Report to Department of Premier and Cabinet	1 November 2013
Release Draft Report	22 May 2014
Release Consultant's Final Licensing Framework and Licensing Guide	22 May 2014
Receive submissions to Draft Report	4 July 2014
Deliver Final Report to Government	September 2014

Note: These dates are indicative and may be subject to change.

Agenda

Annual General Meeting
Australian Rural Road Group (Incorporated)

Date: Tuesday 17th June 2014
Time: 12.30pm
Location: The Swan Room
National Convention Centre
31 Constitution Avenue
CANBERRA ACT 2601

Guest Speaker - Mr Luke Fraser (Principal, Juturna Consulting Pty Ltd)

Welcome by Chairperson – Cr. John Coulton Mayor Gwydir Shire Council

ITEM 1 - APOLOGIES

Apologies received to date:

Mr David Aber, Moree Plains Shire Council NSW
Cr Katrina Humphries, Moree Plains Shire Council NSW
Cr Laurie Collins, District Council of Tumby Bay SA

Recommendation

That the apologies are accepted.

ITEM 2 - CONFIRMATION OF MINUTES – Attached

Recommendation

That the minutes of the Annual General Meeting held on 19th June 2013 are confirmed as a true and accurate record.

ITEM 3- FINANCIAL REPORT

Australian Rural Roads Group

Operating Statement to 31st May 2014

INCOME	
Membership Renewals	$ 30,863.95
	$ 30,863.95
EXPENDITURE	
Fair Trading Fees	$ 261.47
Accommodation	$ 548.13
Advertising	$ 10,593.00
Airfares	$ 2,116.71
Artwork	$ 321.00
Unpaid Memberships	$ 24,000.00
	$ 37,840.31
Surplus/(Deficit) for Project	**$ - 6,976.36**

Recommendation

THAT the Financial Report as at 31 May 2014 is accepted.

ITEM 4 - CHAIR'S ANNUAL REPORT

The Year in Review 2013/2014

The past year has seen great progress for the Australian Rural Road Group Inc. (ARRG) with the launch of the nationally significant accord between Infrastructure Australia and the Australian Rural Road Group (ARRG) known as *The Bingara Accord.* This endorsement provides a major breakthrough in support of the ARRG approach of asset management in road funding.

National Road Asset Reporting Pilot

Throughout the year, the ARRG has worked closely with Infrastructure Australia and seven local councils in New South Wales and Queensland to prove that accurate and international standard condition reports of every road could be easily generated – so that funding over time could go towards addressing the real problems of the road network.

The results of this research were recently launched by Infrastructure in their report the *National Road Asset Reporting Pilot*. This significant pilot report has demonstrated that once again, the ARRG, in partnership with Infrastructure Australia, is at the leading edge of road reform nationally. The report has validated that it is possible to monitor and report the true condition of all roads in Australia, thereby allowing the nation's collective road budget of $19 billion to be distributed towards areas of greatest concern for productivity and safety. As Infrastructure Australia agrees, this would certainly see an improvement in the nation's roads over successive budget cycles.

The *National Road Asset Reporting Pilot* report achieved two very important things:

> It proved beyond doubt that governments could monitor and report accurately on the condition of the nation's roads and start to allocate funds based on need and opportunity, not on blind formulas and pork barrelling.
>
> It suggested that the private sector could be encouraged to invest in key rural and regional freight roads for productive returns – or at the very least that the asset reports gave local governments a much better basis for engaging with freight operators and producers to identify the most efficient investments.

This report has not only assisted in highlighting the problem; it has also offered a practical solution.

As the next step the ARRG is developing a submission to Infrastructure Australia for consideration by the Federal Government for a pilot funded project.

The submission will involve the same seven councils involved in the collation of local road data for the standard condition reports.

This submission should aim to produce a business case for high-priority, high-efficiency road upgrades and improved freight access across the road network of the participating LGAs, with a view to bundling individual or linked road projects into a $100 million-plus overall project for consideration by Infrastructure Australia as a project of national significance.
The submission aims to be recognised by Infrastructure Australia as nationally significant due to its innovative approach; it will be the first road plan anywhere in Australia to bring together:

1. Acknowledged best practice in road asset condition reporting – with clear and consistent asset condition reports across the network informing the submission

2. Present priorities and service level trade-offs across the asset as a counterbalance to proposed upgrades, built on contemporary asset condition assessments

3. Show how market-led road infrastructure planning and investments which work with rail and ports and investors can deliver better, less-cost freight paths to market

4. The first local government road plan to work directly with rail and port and capital investors on road solutions that complement the entire freight task to and from port

5. Consideration of private sector user-pays investments in commercially-attractive parts of the road network to augment limited public funds

If successful, the project guidelines will act as a template for other groupings of councils to consider working together to develop a business case for a substantial upgrade to the local road network, supported by a business case detailing the potential productivity improvements that may be gained, supported by the relevant data.

Roads to Recovery

Over the months of June and July 2013, the ARRG requested member councils to participate in an online survey. Amongst other rural road related issues, the questions in the survey asked for input specifically related to the Roads to Recover Program.
It appears from the online survey results that the Roads to Recovery Program funding is, on the whole, being directed to local rural roads by the rural councils surveyed. Although this is an objective of the Roads to Recovery Program, the anecdotal evidence is that councils have become reliant on this funding to remain

sustainable from both an infrastructure renewal perspective and to enable the council to maintain their present staffing levels.

Improving accessibility to the Roads to Recovery Program, particularly to increased funding of local roads, has been a platform of the ARRG since its inception. Provision of all-weather access roads has become a critical part of providing support to the Australian agricultural economy.

National Local Roads and Transport Congress held at the Alice Springs Convention Centre in Alice Springs, Northern Territory from 12 - 14 November 2013

Executive members of the ARRG were present at the National Local Roads and Transport Congress held at the Alice Springs Convention Centre in Alice Springs, Northern Territory from 12 - 14 November 2013.
The theme and focus for the Congress was 'Sustaining our Roads – Good business, Good governance, Good bottom line'. The ARRG Treasurer Cr Sue Price (Moree Plains SC) gave an engaging presentation to strengthen the ARRG's case for an asset management approach to road funding with much support shown from the various councils attending from around the country.

ARRG Recognition

The following article was published in the Australian on 21 May 2014. It was an opinion piece written by The Hon. Anthony Albanese MP, the opposition spokesman for Infrastructure, Transport and Tourism. Members of the ARRG Executive met with Mr Albanese during his period as the relevant Minister and it was due to his encouragement that the ARRG undertook further research.
The article was headed 'Data a key driver of road infrastructure strategy' and read:

'BEFORE making important decisions about spending money, most Australians are smart enough to do their research.

When you decide, for example, that you want to buy a new house, you check out the market to make sure you get the best value for money.

Evidence is everything.

The same rigour should apply to governments as they assess their spending priorities.

However, many Australians would be surprised to know that when it comes to literally billions of dollars spent a year on local roads, evidence to guide decision-making is scarce.

Australians have no way of knowing whether the road outside their home is being resealed to deliver productivity gains or whether it just happens to run past the house of the local mayor.

We can do better. And the good news is that we have a template for reform that could significantly improve the quality of decision-making and the productivity of local communities, particularly those in rural and regional areas.

In 2008, the former Labor government created Infrastructure Australia (IA) to work with states to audit and rank major infrastructure projects according to their ability to contribute to productivity gains and jobs growth.

Based on its recommendations, Labor funded 15 out of 15 of the IA's most highly rated projects as part of an investment program that is boosting national productivity.

This nation-building program propelled Australia from 20th to first among OECD nations when it comes to infrastructure spending as a proportion of gross domestic product.

But while the big-ticket investments gained most of the public attention, IA was also fulfilling its task of driving policy reform.

Last year IA conducted a trial project that has proven that the same evidence-based decision making was possible with regard to local roads.

IA worked with eight local councils clustered around the Queensland-NSW border and assessed their importance to economic activity, amenity and safety.

These councils, including Balonne, Goondiwindi, Moree Plains and Narrabri, produce more than $2 billion in agricultural production.

Despite warnings from bureaucrats that such an approach was impossible, it took council inspectors and workers only three months to assemble reliable comparative data on the condition of more than 2,200 local roads covering more than 13,000km.

Under the Bingara Accord, the member councils agreed to use this information to focus their road-funding decisions on driving economic prosperity, adopting the same evidence-based approach to roads as to every other class of infrastructure investment.

This makes sense. It is an approach that could be further developed across the nation.

Achieving value for the expenditure of public money must continue to be a core policy objective, especially when you consider that collectively the governments in this country spend $20bn a year on building and maintaining roads.

The Bingara approach, championed by more than 100 rural and regional councils that are part of the Australian Rural Road Group, equips councils to invest in projects that will have the greatest potential to boost economic prosperity in their region.

The ARRG believes the data can open the door to harnessing private capital to help fund road works, just as IA developed innovative new private funding models for big national infrastructure projects.

For example, if several dozen grain producers living along a pothole-ridden country road all contributed to upgrading the roads, it is possible the productivity gains delivered by upgrading the road would boost their profits by an amount greater than they contributed to its repair.

But to make such judgments, you need data, data that should always be made public to give citizens the ability to assess the quality of decision-making.

Regrettably, legislative changes before the Senate would allow the commonwealth government the discretion to ban the publication of IA research.

That's a backward step and hopefully not an indication that the government does not believe in evidence-based decision-making.

In any event, there's a genuine appetite for reform within Australia's local government community. The ARRG remains an enthusiastic supporter of the Bingara approach.

Its chairman, Gwydir Shire mayor John Coulton, said earlier this year that better decision-making would allow councils to lift the productivity of the agricultural sector.

"A greater efficiency return of 5 per cent to 10 per cent on the national road expenditure of $19bn annually will give a performance improvement of around $1.9bn," Coulton told the *Moree Champion* earlier this year.

He went on to urge decision makers to ignore "nay-sayers" and commit to an evidence-based policy approach.

Under the IA approach, Australians can have greater confidence than ever that investment is being directed to projects that add to amenity but also boost economic productivity.

Applying the same model to local road funding should be seen as unfinished business that will secure real productivity gains for the entire nation.' (End)

Recommendation

THAT the Chair's report is accepted.

ITEM 5 - ELECTION OF OFFICE BEARERS

Recommendation

That in accordance with Clause 14 (1) and (2) it is noted that the following members continue in their roles:

Cr. John Coulton – NSW Gwydir Shire Council – Chairperson;

Cr. Sue Price - NSW Moree Plains Shire Council – Treasurer; and

Mr Max Eastcott – NSW Gwydir Shire Council – Secretary/Public Officer

ITEM 6 – ELECTION OF COMMITTEE MEMBERS

The current members of the Committee are:

Cr. Lyn Russell – VIC Colac Otway Shire Council;

Cr Erika Vickery – SA Naracoorte Lucindale Council; and

Cr Peter Blundell – Queensland Southern Downs Regional Council

A call for nominations will be made by the Chair.

ITEM 7 – APPLICATION TO CHANGE REPORTING PERIOD

The Australian Rural Road Group Inc. is required to submit an Annual Summary of Financial Affairs form each year. The group's Annual General Meeting (AGM) is normally held in Canberra in mid June of each year to coincide with the National General Assembly. Currently, the AGM is being held before the end of financial year nominated in the constitution. To correct this, the Chair requests that the Secretary applies to Fair Trading NSW to change the financial reporting period to end on the 31st day of May each year.

Recommendation

THAT the Australian Rural Road Group Inc. apply to Fair Trading NSW to amend the financial year reporting period to end on the 31st day of May each year.

ITEM 8 – GENERAL BUSINESS

ITEM 9 – CLOSING COMMENTS

Engagement Strategy

Finley Town Entrance Murray Street/Newell Highway

June 2014

BERRIGAN SHIRE

Contents

Introduction

The ***Stakeholder Engagement Strategy*** **- Tocumwal** ***Dean Street and Ingo Renner Park Engagement Strategy*** has been developed to identify the relevant stakeholders and stakeholder groups that will be engaged as part of Council's 2013/14 Operational Plan Action 1.1.1.2.3 establish a rolling program of works - town entrances.

This Strategy and action plan has been developed with reference to the following:

1. Berrigan Shire Council's Community Engagement Framework (2011)
2. Berrigan Shire 2023 (Community Strategic Plan and Tocumwal Town Plan developed as part of consultation for Berrigan Shire 2023)
3. Berrigan Shire Council Resourcing Strategy and associated Asset Management Plans
4. Berrigan Shire Council Delivery Program 2013 - 2017

The *Finley Murray Street/Newell Highway Town Entrance Engagement Strategy* identifies

a) The extent of Community Engagement to be undertaken
b) Key Messages
c) How each stakeholder group will be engaged; and
d) Responsibility for *Finley Murray Street/Newell Highway Town Entrance Engagement Strategy* implementation

Extent of Community Engagement

Extent of Community Engagement	Indicative Tools for Engagement		Risk Assessment: Impact Local / Whole of Shire[i]		Steps for Community Engagement
Inform: Sharing the best available information	Briefings, Fact Sheets, Council Website, Facebook, Media campaigns, Displays in Shop fronts, libraries etc	X	**Level A:** High Impact: Whole of Shire		1. Identify likely stakeholders 2. Plan and gather best available information and resources 3. Share information with stakeholders 4. Work effectively together 5. Feedback the results of engagement 6. Monitor and evaluate the process
Consult: Exploring options and preferences	Web based consultation, Interviews, Surveys, Public meetings, Focus Groups	X	**Level B** High impact: Local area or specific community / user group	X	
Involve: Inclusion of ideas in the decision making	Workshops 'Community Conversations' Interviews with Stakeholders		**Level C** Lower Impact: Whole of Shire		
Collaborate: Sharing responsibility either for decision making or service delivery	Community Advisory Groups Participative Decision-making Forums Inter-agency partnerships / consortiums		**Level D** Lower Impact: Local area or specific community / user group		

Key Messages

The redevelopment of the northern and southern entrances to Finley and key locations adjacent to and on this corridor

1. Will improve the visual amenity and attractiveness of Finley for visitors and locals (All Stakeholders)
2. Will encourage more travellers to stop and visit Finley and in doing so increase use and amenity of the reserves and facilities located on this corridor (All Stakeholders)
3. Will promote the values which Finley residents at Town Forums June 2011 told us were important:
    - Family friendly lifestyle
    - Diversity of retail/shopping
    - Open spaces and parks
4. Follows the community's preference for the Council to focus on infrastructure and amenity improvement

Action Plan

Stakeholder	Key issues, concerns, perspective	How will we engage them?	When will we engage them?	Who is responsible
Shire Councillors	Impact on affected property owners / local issues	**Inform** Council Report / Briefing		Tech Services
Affected Property Owners - Access	Scope of works Timing of works Impact on access to and from their property	**Inform** Scope of works and project constraints – letter box drop **Inform & Consult** Community Meeting at Finley Bowls Club feedback on initial concept plans **Inform\Consult** Landscape designer to conduct followup sessions to develop final concept for Council Approval **Timing of works when budget allocated this is likely to be 2015/16 post completion of Tocumwal Town Entrance Project** 1. Editorial SRN 2. Notice in Council Bulletin SRN and Cobram Courier 3. Council Website/Facebook Signage of the final concept & design 1. Letters to affected property owners advising time frame for completion of works	June 2014 Aug – Oct 2014 When Budget Allocated and Works Included in Capital Prog	SSPC TP ExE TP
Finley Residents **& Service Clubs**	Scope of works Timing of works	**Inform** Scope of works and project constraints – letter box drop **Inform** Community Meeting at Finley Bowls Club feedback on initial concept plans **Inform\Consult** Landscape designer to conduct followup sessions to	June 2014 Aug – Oct 2014	SSPC TP ExE ExE

Stakeholder	Key issues, concerns, perspective	How will we engage them?	When will we engage them?	Who is responsible
		develop final concept for Council Approval **Timing of works when budget allocated this is likely to be 2015/16 post completion of Tocumwal Town Entrance Project** 1. Editorial SRN 2. Notice in Council Bulletin SRN and Cobram Courier 3. Council Website/Facebook Letters to affected property owners advising time frame for completion of works	When Budget Allocated and Works Included in Capital Prog	
Other Community Stakeholders – Chambers of Commerce /Other Services	Scope of works Timing of works Impact on access to township	**Inform** **Scope of works and project constraints** – 1. Letter box drop all households, business and ratepayers Tocumwal 2. Notice of Community Meeting Website, Finley Library and Community Notice Board Finley **Inform\Consult** Landscape designer to conduct followup sessions to develop final concept for Council Approval **Timing of worksto be when budget allocate. This is likely to be 2015/16 post completion of Tocumwal Town Entrance Project** 1. Editorial SRN 2. Notice in Council Bulletin SRN and Cobram Courier 3. Council Website/Facebook Signage of the final concept & design Letters to affected property owners advising time frame for completion of works	June 2014 Aug - Oct When landscape design completed and approved for installation	SSPC SSPC TP ExE Ex E

Engagement Tools

- Community Briefing and invitation to community meeting
- Initial Concept Plan for community meeting / stakeholder feedback
- Constraints – Budget, Council controlled land etc (To be finalized 22 June 2014)

Community Briefing and invitation to community meeting

BERRIGAN SHIRE

MURRAY STREET / NEWELL HIGHWAY CORRIDOR
FINLEY TOWN ENTRANCE PROJECT

The Berrigan Shire Council is hosting a community meeting **Monday 23 June 2014** at Finley Bowls Club, Murray Street Finley.

The session, which starts at **6.00pm** will be your opportunity to contribute your thoughts and have a say about the Murray Street / Newell Highway Corridor and the northern and southern entrances to Finley

WHY ARE WE HAVING A MEETING?

WE ARE SEEKING COMMENT ON:

- Planning to improve the visual amenity and attractiveness of the corridor for visitors and locals
- Refurbishment of adjacent Reserves and trees
- Finley town entrance signage

For more information contact: Jo Ruffin Strategic and Social Planning Coordinator ph: 58885100 or joanner@berriganshire.nsw.gov.au

Illustration of initial Concept Plan – for community /stakeholder feedback

FINLEY TOWN ENTRANCES DRAFT CONCEPT PLAN

New evergreen species planting to screen industrial uses.

New ornamental species planting.

Infill planting to match existing species.

Low level, low maintenance shrub landscaping.

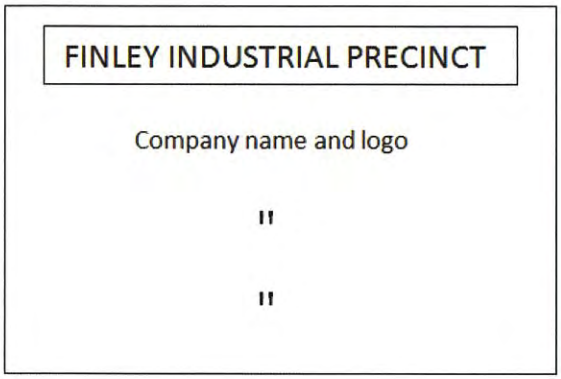
New public art monument, design to be determined by community competition / vote.

Footpath construction.

High conservation value remnant vegetation to be protected and retained.

A

Finley industrial precinct sign to maintain visibility of landuses.



B

Retention of existing large 'Welcome to Finley' sign.

C

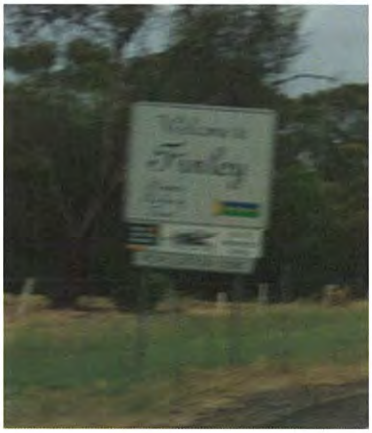
Extension of existing floral garden to the north.

D

Extension of existing floral garden to the south.

E

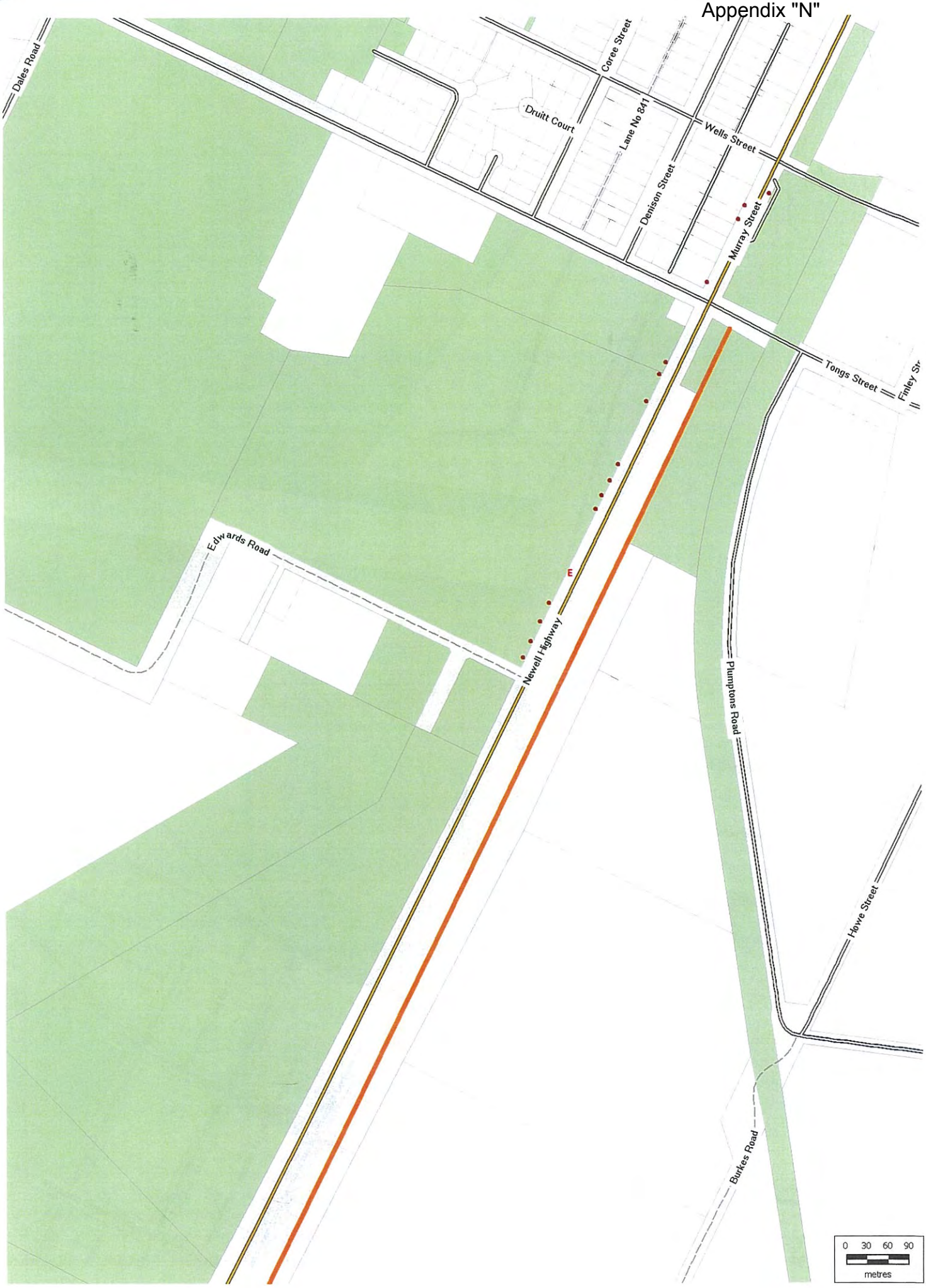
Replacement of small 'Welcome to Finley' sign with more significant structure.



Appendix "N"


Rice Mill Road
James Court
Harley Court
A
B
C
D
Newell Highway
Service Road Murray
Murray Hut Drive
Tuppal Street
Close Stree
Tocumwal Street
Lane No 844
Finley
Denison Street
Lane No840
Lane No 841
Warmatta Street
Coree Street
Foundry Lane
Murray Street
Endeavour Street
Wollamai
White Street
Bridget Street
William Street
Kelly Street
Lane No 847
Hampden Street
Lane No848
Walter Street
Atkinson Street
Anderson Street
Lane No 839
Berrigan Road
Riverina Highway Sh 20
Howe Street
0 30 60 90
metres

Appendix "N"


Dales Road
Coree Street
Druitt Court
Lane No 841
Wells Street
Denison Street
Murray Street
Tongs Street
Finley Str
Edwards Road
E
Newell Highway
Plumptons Road
Howe Street
Burkes Road
0 30 60 90
metres

Riverina And Murray Regional Organisation of Councils

RAMROC
Review of Implications of Draft Protection of Environment Operations (Waste) Regulation

Document History:

Title	Date
Review of Implications of Draft Protection of Environment Operations (Waste) Regulation	30 May 2014

This report has been prepared by MRA Consulting for **RAMROC** in accordance with the terms and conditions appointment.

(ABN: 13 143 273 812) cannot accept any responsibility for any use of or reliance on the contents of th report by any third party.

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Contents

List of Tables

1. Review of the Implications of Draft POEO (Waste) Regulation

1.1 Background

The Riverina and Murray Region of Councils (RAMROC) has engaged MRA Consulting (MRA) to provide clarity about its members' future liabilities and requirements under the proposed draft NSW Protection of the Environment Operations (Waste) Regulation 2014 (POEOWR). The EPA has released a Consultation Regulatory Impact Statement (CRIS). The CRIS and draft POEOWR are currently on public display, with written comments and submissions invited until 6th June 2014. The new POEOWR will come into force on 1 September 2014.

1.2 RAMROC's Waste Facilities

RAMROC's current infrastructure, assets and operations include 42 landfills and 12 transfer stations, which are owned and managed by the member councils. The majority of landfills are small rural sites with 23 of these receiving an annual reported tonnage of 500 tonnes or under. Only the Deniliquin Landfill, Albury Waste Management Centre, Leeton Landfill, and Moama Solid Waste Management Centre at Murray Shire Council have a disposal capacity in excess of 5,000tpa.

According to audit data gathered by GHD for its Audit of Regional Waste Facilities 2013, the following activities are undertaken at one or more of these facilities:

- Landfilling of General solid waste (putrescible) or General solid waste (non-putrescible)
- Stockpiling and storage of Metals, Green waste, C&D waste, DrumMuster, Plastics, Motor oil, Cardboard, Paper, Comingled recycling, Gas bottles, Timber, Mattresses, Clean fill, Batteries, Tyres, Asbestos, Milling, Pallets, E-waste and Paint
- Composting, mulching, shredding, processing of green waste

The waste facilities located within RAMROC's 18 member councils' LGAs are shown in Appendix A – Waste Facilities in RAMROC Region.

1.3 The Existing POEO Waste Regulation

The Protection of the Environment Operations (Waste) Regulation 2005 (the existing Waste Regulation) relates to the regulation of waste and resource recovery in NSW. The existing Waste Regulation gives effect to the broad objectives and specific provisions within the Protection of the Environment Operations Act 1997 (POEO Act) relating to waste, including:

- The administration of the section 88 contribution (the waste levy) within the POEO Act
- Waste tracking and transportation requirements and obligations
- Management requirements for special wastes (e.g. asbestos and clinical and related waste)
- Prohibition against using certain residue waste for growing vegetation
- Provisions for the recycling of consumer packaging
- Exemption powers from the requirements of the existing Waste Regulation for waste
- Transport, immobilisation, application to land and use of waste as fuel.

Following an extensive review, the EPA is proposing a number of amendments to the existing Waste Regulation and Schedule 1 of the POEO Act. Some amendments are also proposed for the Protection of the Environment Operations (General) Regulation 2009.

1.4 The Draft POEO Waste Regulation 2014

The proposed Waste Regulation retains the vast majority of the provisions of the existing Waste Regulation and Schedule 1 of the POEO Act in substantially the same form, and replaces clause 108 of the POEO General Regulation. The proposed changes to the waste regulatory framework in the proposed POEOWR that are relevant to RAMROC are shown in Table 1.

1.5 Implications for RAMROC

The effects of the proposed changes in the POEOWR for the RAMROC facilities are in Table 2 below by activity type. Definitions of waste and activity types are provided in Appendix B – Definitions

Note that the RAMROC region is situated outside the 'Regulated Area' and waste originating in the RAMROC region is not liable for the s88 Waste Levy if disposed of in the RAMROC region.

However, if transported from the regulated area to one of the waste management sites in the RAMROC, the waste will be liable for s88 Waste Levy, and paid for at the scheduled waste facility that first receives and transfers the waste.

1.6 Land Pollution Offence for unlicensed landfills

The proposed POEOWR includes a defence against a land pollution offence for proceedings for unlicensed landfills. Without the defence, an unlicensed landfill would be found to contravene section 142 of the POEO Act if it caused any land pollution (as defined in the POEO Act). This will, however, be defensible if the site is an unlicensed landfill site whereby:

- Particulars of the location of the landfill site, and of the name and address of the occupier, had been notified to the EPA, and
- There was lawful authority to use the land as a landfill site, and
- The landfill site was being operated in accordance with the ***operating requirements***.

The defence would be available if the landfill, at the time of the alleged land pollution, maintained certain **minimum operational standards** at the facility. This would include measures to reduce risk of fire and odour/noise/dust emissions, control public access to the premises, and general maintenance of the facility.

This provision is not mandating behaviour; rather providing a defence to potential prosecution. Any cost implications would depend on the extent to which existing unlicensed landfills and new unlicensed landfills already have systems in place to meet these minimum standards.

The ***operating requirements***, in relation to a landfill site, are as follows:

- At least once per week, all waste is to be covered with virgin excavated natural material to a depth of at least 0.15 metre,
- If the substance is asbestos waste—the requirements of clause 76 relating to covering that waste are to be complied with,
- If the substance is clinical or related waste—the requirements of clause 105 relating to the disposal of that waste at a landfill site are to be complied with,
- All reasonable steps are to be taken to minimise the emission of any offensive odour or offensive noise beyond the boundaries of a landfill site,
- All reasonable steps are to be taken to avoid discharges from the landfill site causing water pollution,
- All reasonable steps are to be taken to ensure that any plant at the landfill site that is used for the purposes of disposing of, or moving or covering, waste are properly maintained so as to avoid land pollution,

- All reasonable steps are to be taken to ensure that any plant at the landfill site that is designed to control or prevent land pollution at the site (including any gas collection system and any leachate collection system) is maintained,
- All reasonable steps are to be taken to secure the site against uncontrolled public access (for example, by the provision of fencing and other security measures),
- All reasonable steps are to be taken to minimise the emission of dust beyond the boundaries of the landfill site,
- All reasonable steps are to be taken to minimise the tracking of dust or mud from the site on to any public road providing access to the site,
- All reasonable steps are to be taken to minimise the risk of fire at the landfill site.

1.6.1 Specific land pollution offences

In the current POEO Act, polluting land is an offence but does not specifically set out what types of wastes constitute land pollution: when prosecuting, the EPA has to demonstrate that the pollution of land occurred.

In the POEOWR, the EPA proposes to make its prosecutions easier by nominating four waste streams that will automatically be defined as 'polluting land' if ever discharged on land:

- Hazardous waste,
- Restricted solid waste
- >10t asbestos and/or
- >10,000 tyres (100 tonnes)

Table 1 - Amendments Proposed in New POEOWR 2014

Item	Proposed Changes	Relevance to RAMROC
Waste levy and monitoring requirements	From 1 July 2015: 1. Licensed waste processing, storage, recovery, recycling, treatment or transfer facilities (intermediary facilities) in the Regulated Area (other than certain specified facilities[1]) will incur liability for the waste levy on waste (other than liquid waste) received. The liability to pay only arises when certain prescribed triggers are met. 2. Waste disposal facilities receiving waste from intermediary facilities required to pay the levy will receive a 'credit' from the EPA in relation to that waste. 3. Intermediary facilities in the Regulated Area which are required to pay the waste levy will be required to keep waste records and report monthly to the EPA. 4. Non-levy paying intermediary facilities in the Regulated Area will be required to keep waste records and report annually to the EPA. 5. **All** waste facilities which pay the waste levy (including intermediary facilities and facilities receiving < 5000 tonnes p/a) will be required to install and operate a weighbridge. 6. Intermediary facilities that pay the waste levy must conduct volumetric surveys. 7. **All** licensed waste facilities may be required by the EPA to install and operate a video monitoring system.	RAMROC is outside of the Regulated Area, so changes 1-6 do not apply. However, if a facility is licensed, it may be required to install a video monitoring system (7). All **scheduled waste facilities (i.e. those required to have an EPA license)** - even if not required to pay the waste levy or if not waste *disposal* facilities will be required **to submit an annual report to the EPA** detailing the amount, type and destination of waste that is processed, stored, recycled and disposed of each year. Details of vehicles entering the premises for operational purposes and waste transport certificates must be recorded. Records must be kept for 6 years.
Waste tracking	Consignors and transporters of non-hazardous waste will be required to provide prescribed information in the EPA's on-line tracking system on the transport of at least 10 tonnes of that waste interstate form the Sydney, Newcastle, Central Coast and Wollongong metropolitan areas.	None – outside of metropolitan areas.
Management of special waste	Consignors, transporter and recipients of waste tyres and asbestos, will be required to report information to the EPA regarding the asbestos or waste tyres, their transport or disposal - in prescribed circumstances	Monitoring for transport or acceptance of **more than 80kg of asbestos** in one load. The receiving facility must confirm details of receipt of the asbestos. Compliance with tyre monitoring provisions if receiving a consignment of m**ore than 200 kg or 20 tyres** from within NSW.

Item	Proposed Changes	Relevance to RAMROC
Prohibition against using certain waste for growing vegetation	Two options proposed: continue the current general and specific exemptions schemes or introduce a "no residues" regulation. The EPA's preference is to continue the general exemption scheme, and has introduced new draft general exemptions in March 2014.	The revised 2014 draft general exemptions introduce a range of new concepts with regards to the application of processed mixed garden vegetation on land (mulch, pasteurised garden organics, compost, solid or liquid food, and compost from MSW) **RAMROC councils should review the impacts of the new general exemptions on their activities.**
Waste and Sustainability Improvement Scheme (WASIP)	WASIP is being replaced with alternative funding arrangements for local councils through the NSW Government's Waste Less, Recycle More initiative. The provisions regarding WASIP in the existing Waste Regulation are not included in the proposed Waste Regulation.	**RAMROC member councils now need to seek funding through the WLRM initiative.**
Recycling of consumer packaging	No significant amendments proposed.	Not relevant to RAMROC facilities
Licensing thresholds	Some licensing thresholds for resource recovery, waste processing and waste storage facilities will be lowered to: • For resource recovery, and waste processing (non- thermal treatment) facilities, processing of more than **50t a day of general waste** or **12,000 tpa, or storing more than 1,000t** (or 1,000m^3) at any one time, • For storage facilities, **more than 1,000t** (or 1,000m^3) of general waste on site at any one time, or more than **5 tonnes of waste tyres or 500** waste tyres stored at any one time	The EPA is reducing the licensing thresholds for waste storage, waste processing and resource recovery facilities, to ensure environmental standards are met by smaller facilities, and to establish a level playing field across the waste industry. **This will impact those facilities that were formerly unlicensed, but which now fall above the new threshold. See Table 2**.
Land pollution offence	'Land pollution' (for the purpose of the definition of the offence in the POEO Act) will be defined so as to include hazardous waste, restricted solid waste, **>10 tonnes of asbestos waste, >100 tonnes or >10,000 waste tyres.**	Dumping of more than the prescribed amount of the wastes at non-licensed premises is automatically an offence unless the EPA is notified of the site, it is lawful to use the site as a landfill and certain operating procedures are adhered to.

Table 2 - Implications for RAMROC

Activity	Type of Waste	Scale	License Required	Other Requirements	Comments
Waste disposal - Application to land (council landfill only)	• General solid waste (putrescible) • General solid waste (non-putrescible) • Clinical and related waste • Asbestos waste • Grease trap waste • Waste tyres • (or any combination of them), but only if the waste has been generated outside the Regulated Area.	> 5,000 tpa	Yes	- Asbestos monitoring for acceptance of more than 80kg in one load - Compliance with tyre monitoring provisions if receiving a consignment of more than 200 kg or 20 tyres from NSW. - Video monitoring system may be required - Annual reporting to EPA	- Review administrative changes to hazardous and restricted waste immobilisation protocols - Landfill operating requirements to be fulfilled to obtain EPA license for a landfill.
		< 5,000 tpa	No	- Asbestos monitoring for acceptance of more than 80kg in one load - Compliance with tyre monitoring provisions if receiving a consignment of more than 200 kg or 20 tyres from NSW. - Should comply with landfill operating requirements, as a defence for polluting land. - Annual reporting to EPA	- Review administrative changes to hazardous and restricted waste immobilisation protocols - A pollution of land offence is considered automatic if hazardous waste, restricted waste, >10t asbestos, and/or >10,000 tyres (100 tonnes) are received at an unlicensed landfill.
Waste disposal – Application to land (commercial landfills)	• Any waste	0t	Yes	- Asbestos monitoring for acceptance of more than 80kg in one load - Compliance with tyre monitoring provisions if receiving a consignment of more than 200 kg or 20 tyres from NSW. - Video monitoring system may be required - Annual reporting to EPA	- Review administrative changes to hazardous and restricted waste immobilisation protocols - Landfill operating requirements to be fulfilled to obtain EPA license for a landfill.
Waste disposal - Application to land (council and commercial landfills)	• Building and demolition waste only	>20,000tpa	Yes	- Video monitoring system may be required - Annual reporting to EPA	- Landfill operating requirements to be fulfilled to obtain EPA license for a landfill.
	If waste generated outside Regulated Area , and no other waste	< 20,000tpa	No	- Must comply with landfill operating requirements as a defence for polluting land. - Annual reporting to EPA	- A pollution of land offence is considered automatic under 4 circumstances (see section 1.6.1)

Activity	Type of Waste	Scale	License Required	Other Requirements	Comments
Resource Recovery **Waste Processing (non-thermal)**	General solid waste	More than - 12,000tpa,or - 50t/day, or - 1,000t onsite	Yes	- Video monitoring system may be required - Annual reporting to EPA	- Operating requirements to be fulfilled to obtain EPA license.
	Tyres	More than - 5t, or - 500 tyres	Yes	- Compliance with tyre monitoring provisions if receiving a consignment of more than 200 kg or 20 tyres from NSW. - Video monitoring system may be required - Annual reporting to EPA	- Operating requirements to be fulfilled to obtain EPA license.
		More than - 5t, or - 500 tyres	No	- Compliance with tyre monitoring provisions if receiving a consignment of more than 200 kg or 20 tyres from NSW.	- None
Composting **Mulching**	Organics Received from outside Regulated Area only	More than - 5,000tpa non-put. - 200tpa put., or - 2,000t onsite	Yes	- Video monitoring system may be required - Annual reporting to EPA	- Review procedures for Resource Recovery Exemptions - Operating requirements to be fulfilled to obtain EPA license.
	Organics Received from inside and outside Regulated Area	More than - 5,000tpa non-put. - 200tpa put., or - 200t onsite	Yes	- Video monitoring system may be required - Annual reporting to EPA	- Operating requirements to be fulfilled to obtain EPA license.
Waste Storage	General solid waste	More than - 12,000tpa,or - 1,000t onsite	Yes	- Video monitoring system may be required - Annual reporting to EPA	- Operating requirements to be fulfilled to obtain EPA license.
		Less than - 12,000tpa,or - 1,000t onsite	No	- None	- Storage of waste required in environmentally safe manner
	Tyres	More than - 5t, or - 500 tyres	Yes	- Compliance with tyre monitoring provisions if receiving a consignment of more than 200 kg or 20 tyres from NSW. - Annual reporting to EPA	- Operating requirements to be fulfilled to obtain EPA license.
		Less than - 5t, or - 500 tyres	No	- Compliance with tyre monitoring provisions if receiving a consignment of more than 200 kg or 20 tyres from NSW.	- Storage of waste required in environmentally safe manner

2. References

EPA, Regulatory Impact Statement, Proposed Protection of the Environment Operations (Waste) Regulation 2014, (2014)
Centre for International Economics, *NSW Waste Regulation*, (2014)
EPA website: http://www.epa.nsw.gov.au/waste/wasteregconsultation.htm
GHD, Waste Site Audit Report, (2013)
MRA, RAMROC Regional Waste Strategy 2014-2020, (2014)

3. Appendix A – Waste Facilities in RAMROC Region

Table 3 List of landfills and transfer stations in the RAMROC region

Council	Landfills	Transfer Stations
Albury	Albury Waste Management Centre	
Balranald Shire	Balranald Landfill	
	Euston Landfill	
Berrigan	Berrigan Landfill	
	Tocumwal Landfill	
Carrathool	Carrathool Landfill	Goolgowi Transfer Station
	Hillston Landfill	
	Merriwagga Landfill (incl. TS)	
	Rankins Springs Landfill	
Conargo Shire	Blighty Landfill	
	Booroorban Landfill	
	Conargo Landfill	
	Pretty Pine Landfill	
	Wanganella Landfill	
Corowa	Corowa Landfill	
	Howlong Landfill	Mulwala Transfer Station
Deniliquin	Deniliquin (incl. small TS)	
Greater Hume	Brocklesby Landfill	Jindera Transfer Station
	Culcairn Landfill	Gerogery Transfer Station
	Henty Landfill	Mullengandra Transfer Station
	Holbrook Landfill	Burrumbuttock Transfer Station
Griffith	Tharbogang (Council to add TS)	
	Yenda Landfill	
Hay	Booligal Tip	Hay Transfer Station
	Hay Waste Disposal Depot	
	Maude Tip	
Jerilderie	Jerilderie Common Landfill	
	Jerilderie Town Landfill	
Leeton	Leeton (incl. TS)	
Murray	Moama	Mathoura Transfer Station
Murrumbidgee	Coleambally Landfill	
	Darlington Point Landfill	
Narrandera	Barellan Waste Landfill	
	Narrandera Waste Disposal Depot	
Wakool	Koraleigh Landfill	Goodnight Transfer Station
	Moulamein Landfill	Barham Transfer Station
	Wakool Landfill	
Wentworth	Buronga (incl. TS)	
	Ellersile	Dareton Transfer Station
	Pomona	Wentworth Transfer Station
	Pooncarie	

Figure 1 Location of landfills and transfer stations in the RAMROC region

ID	Facility Name	ID	Facility Name	ID	Facility Name
1	Albury WMC	19	Deniliquin Waste Disposal Depot	37	Mathoura TS
2	Balranald Landfill	20	Brocklesby Landfill	38	Coleambally Waste Depot
3	Euston Landfill	21	Burrumbuttock TS	39	Darlington Point Landfill
4	Berrigan Landfill	22	Culcairn Landfill	40	Barellan Waste Disposal Depot
5	Tocumwal Landfill	23	Gerogery TS	41	Narrandera Waste Disposal Depot
6	Carrathool Landfill	24	Henty Landfill	42	Oaklands Waste Disposal Cetnre
7	Goolgowi TS	25	Holbrook Landfill	43	Urana Waste Disposal Centre
8	Hillston Landfill	26	Mullengandra TS	44	Moulamein Landfill
9	Merriwagga Landfill	27	Jindera TS	45	Barham TS
10	Rankins Springs Landfill	28	Tharbogang Recycling & Waste Disposal Facility	46	Goodnight TS
11	Blighty Landfill	29	Yenda Recycling & Waste Disposal Facility	47	Koraleigh Landfill
12	Booroorban Landfill	30	Booligal Tip	48	Wakool Landfill
13	Conargo Landfill	31	Maude Tip	49	Buronga Landfill
14	Wanganella Landfill	32	Hay Waste Depot	50	Dareton TS
15	Pretty Pine Landfill	33	Jerilderie Common Tip	51	Ellerslie Landfill
16	Corowa Garbage Depot	34	Jerilderie Town Tip	52	Pomona Landfill
17	Howlong Landfill	35	Leeton Landfill	53	Pooncarie Landfill
18	Mulwala TS	36	Moama Solid Waste Depot	54	Wentworth TS

4. Appendix B – Definitions

“General solid waste (non-putrescible)" means waste (other than special waste, hazardous waste, restricted solid waste, general solid waste (putrescible) or liquid waste) that includes any of the following:

a. Glass, plastic, rubber, plasterboard, ceramics, bricks, concrete or metal,
b. Paper or cardboard,
c. Household waste from municipal clean-up that does not contain food waste,
d. Waste collected by or on behalf of local councils from street sweeping,
e. Grit, sediment, litter and gross pollutants collected in, and removed from, stormwater treatment devices or stormwater management systems, that has been dewatered so that it does not contain free liquids,
f. Grit and screenings from potable water and water reticulation plants that has been dewatered so that it does not contain free liquids,
g. Garden waste,
h. Wood waste,
i. Waste contaminated with lead (including lead paint waste) from residential premises or educational or child care institutions,
j. Containers, having previously contained dangerous goods, from which residues have been removed by washing or vacuuming,
k. Drained oil filters (mechanically crushed), rags and oil absorbent materials that only contain non-volatile petroleum hydrocarbons and do not contain free liquids,
l. Drained motor oil containers that do not contain free liquids,
m. Non-putrescible vegetative waste from agriculture, silviculture or horticulture,
n. Building cavity dust waste removed from residential premises, or educational or child care institutions, being waste that is packaged securely to prevent dust emissions and direct contact,
o. Synthetic fibre waste (from materials such as fibreglass, polyesters and other plastics) being waste that is packaged securely to prevent dust emissions, but excluding asbestos waste,
p. Virgin excavated natural material,
q. Building and demolition waste,
r. Asphalt waste (including asphalt resulting from road construction and waterproofing works),
s. Biosolids categorised as unrestricted use, or as restricted use 1, 2 or 3, in accordance with the criteria set out in the Biosolids Guidelines ,
t. Cured concrete waste from a batch plant,
u. Fully cured and set thermosetting polymers and fibre reinforcing resins,
v. Fully cured and dried residues of resins, glues, paints, coatings and inks,
w. Anything that is classified as general solid waste (non-putrescible) pursuant to an EPA Gazettal notice,
x. Anything that is general solid waste (non-putrescible) within the meaning of the Waste Classification Guidelines ,
y. Any mixture of anything referred to in paragraphs (a)-(x).

"**General solid waste (putrescible)"** means waste (other than special waste, hazardous waste, restricted solid waste or liquid waste) that includes any of the following:

a. Household waste containing putrescible organics,
b. Waste from litter bins collected by or on behalf of local councils,
c. Manure and nightsoil,
d. Disposable nappies, incontinence pads or sanitary napkins,
e. Food waste,
f. Animal waste,

g. Grit or screenings from sewage treatment systems that have been dewatered so that the grit or screenings do not contain free liquids,
h. Anything that is classified as general solid waste (putrescible) pursuant to an EPA Gazettal notice,
i. Anything that is general solid waste (putrescible) within the meaning of the Waste Classification Guidelines ,
j. A mixture of anything referred to in paragraphs (a)-(i).

WORK HEALTH AND SAFETY COMMITTEE MINUTES OF MEETING

Minutes of meeting held at 8:00am 12th June, 2014 at the Berrigan Depot.

Present: Michelle Koopman, Karen Hanna, Andy Reeves, Ian Docking, Kevin Dunn, Jeff Manks

Apologies: Karen Hanna

Previous Minutes

Moved J. Manks, seconded I. Docking that the minutes from the previous meeting, held on 9th May, 2014 be accepted. MOTION ACCEPTED.

RAP

RAP reviewed. Items for discussion include:

- Work areas in Technical Services have improved and item to marked, completed. However there are still issues with storage of bags of shredded paper. We need to work out a better plan for disposal.
- Maintenance issues at Finley Water completed.
- New items to be listed on test and tag regime.

Inspections Tabled

None tabled.

Incident Reports

None reported.

General Business

Workplace Inspections

The workplace inspections are a very important element of hazard identification and risk control, and Council's commitment to ensuring a healthy and safe workplace. This activity is the main role of the WHS Committee and inspections need to be completed.

Water Treatment Plant inspections are to be conducted next week.

Heat Stress Policy

Heat Stress Policy has been tabled at Consultative Committee meeting. Further feedback to be sought from the workplace and presented at next meeting.

Lifting Equipment Inspections

Biennial lifting equipment inspections conducted last week by Border Lifting. Still waiting on report.

Complaint to Workcover

Investigation being made into complaint made by a member of the public to Workcover over roadworks being conducted at MR550/MR363.

Suggestions

During workplace inspections it was requested that Plant Hazard Identifications be conducted to assist in establishing a plant risk register and ensuring that hazards with plant are being adequately controlled. A draft form has been developed to be used for this purpose and to also gain feedback prior to issuing for general use.

Meeting closed : 8:40am
Next Meeting: 10th July, 2014

Area	Date	Inspector/s	Hazard/Non-Compliance	Risk Level	Recommended Action	Person Responsible	Proposed Completion Date	Actual Completion Date	Verification
Berrigan Depot	24/06/09	SH & MK	Line Marker operator instructions not available on machine, or on SWMS	Med	Develop procedures.	OM/ERM	Ongoing	***Draft SWMS developed, awaiting OM review.***	
Pools	25/10/11	MK/PG	Hazardous substances not stored correctly.	Low	Toc/Berrigan – bags of chemical powder stored in unlabelled bins – bins to be labelled.	WSO			
Barooga Water Treatment	23/10/12	MK	Steps down to River Pump – covered in weeds and presents a severe trip hazard	High	Steps to be replaced under capital works program. *Tender process underway*	EE	TBA		
Libraries	16/04/13	JM	First Aid kits not checked, without of date items and no signs to indicate location	Low	Include on inspection regime. Replace out of date items and install first aid labels.	WSO			
Libraries	16/04/13	JM	General housekeeping poor – staff areas extremely cluttered	Low	Clean areas and erect noticeboard	LM/DM			
Finley and Berrigan Water	29/07/13	AR/MK	Old First Aid kits have out of date items and have not been inspected.	High	Removed out of date eyewash – further inspection required.	WSO			
Finley and Berrigan Water	29/07/13	AR/MK	Items missing from Test and Tag regime	High	Finley – items in Soda Ash Room, Compressor and calibration equipment in control room;.	EE/AMO		***Partially completed – needs to be followed up with Asset Maintenance Officer***	