IPART SUBMISSION

I refer to the Central Coast Council's (Council) submission seeking approval to change the way ratepayers are charged for stormwater drainage, and in particular, those of us west of the M1 in the old Wyong LGA. I therefore submit the following for your consideration.

Firstly, **the way Council classifies our property**. When we first purchased our property, we were zoned as RU1 Primary Production and rated as "Rural Residential". Since then, while remaining as Zone RU1, our classification has changed to "Residential". This change was not noticed until last year when we applied for "Farm Rates" (The decision is pending). Over the 8 years, our Council rates have increased at around 9% per annum, or 7% higher per annum than CPI. *As noted in IPART 2013 determination, on what basis can IPART continue to approve higher than CPI increases in rates?*

Secondly, **the legal basis for levying these proposed "service" charges.**

A. **Annual charge for stormwater management services**. Section 496A of the Local Government Act (1993) and Clause 125 of the Local Government (General) Regulations (2005) specifies the services for which an annual charge may be imposed by a local government authority (a council). Stormwater services charges are included under Clause 125A, but are restricted to properties categorised as either "Residential" or "Business" only, and by the way, not "Non-Residential" as submitted by Council. Further, Clause 125A (1) restricts this to "Urban Land" only. 125A (5), defines "Urban Land" as *"land within a city, town or village".* As per the Wyong Local Environment Plan (2013), land zoned as "RU1 Primary Production" is outside the urban land areas, i.e., not within in a city, town or village. *Therefore, on what legal basis can IPART approve this added charge?*

B. **Land classification and the legal basis for levying the proposed "service" charges**. Section 313 of the Water Management Act and, Clauses 193 and 194 of the Water Management (General) Regulation 2018 state clearly the basis upon which a Council may charge a levy. They include; by land use, by land use intensity, or by the nature and extent of the connection to existing services. Nowhere can I find any reference to a stormwater drainage charge based on "**land area**" in either of the referenced Acts or Regulations above. *As "Land Area" is not a permitted basis to levy a charge, on what legal basis can IPART approve this added charge?*

Thirdly, **the addition of a charge for no existing or proposed services**. The principles expressed in the cited Acts and Regulations above is that service charges may be imposed when services or the associated infrastructure are provided, or are at least available. The rural (or non-urban zoned) areas west of the M1 are devoid of such sewerage or stormwater services or infrastructure. Nowhere in Council's submission does it state what services it intends to provide these properties. However, it did state in a Press Release (dated 8th October) that we would benefit by them providing … *"the stormwater drainage network in protecting public and private property from flooding".* Our property has its northern and eastern boundaries formed by the Wyong River, a natural watercourse that would have existed prior to European settlement. As WaterNSW records show, we are regularly exposed to significant flooding, which does on occasion cause significant damage to our property and infrastructure. In contrast to WaterNSW and the Local Lands Services, at no time has Council asked, offered and provided any assistance or funding to help manage the water infrastructure on our property, or to repair it when damaged by flooding. Further, there has been no indication directly, or through this submission as to what services, either directly or indirectly would be introduced to service our property. *Therefore, as no such service exits, on what legal basis can IPART approve this added charge?*

Fourthly, **the addition of a charge when rural folk are impact by drought**. As one of the actual small acreage farmers left in the Valley, I can give two real live and current examples.

a. First, up until last Christmas we were paying $150/ton for "cattle" grade hay. We are now paying over $1,200/ton. This is a 7-fold increase.

b. Second, our chicken feed has increased in price by 39% in this last month.

Now, Council wants us to pay potentially up to $5,500 dollars a year extra on our rates (that's a potential 95% increase, if the farm is classed as non-residential), with no services promised. And this, is on top of the 9% average annual increase in property rates since we've have been here. Remember also, Council have admitted (on page 15 of their submission) to already holding approximately $90 million in "surplus" funds which were collected for the purpose of operational and capital works. *So, why does Council need to impose any new charges?*

Drought or not, if this proposal is considered and IPART goes ahead and approves the charges, firstly, our farm in the Yarramalong Valley is no longer a viable concern, whether classified as residential, non-residential or business. And secondly, it's an indication that not only is our council prepared to ignore the law, but that we also have governance issues in our state-level government entities.

Therefore, I recommend that IPART:

a. Rejects the Central Coast Council's submission to impose a levy on parcels of land west of the M1 in both the old Gosford and Wyong LGAs; and

b. Submit to government a recommendation to review current practices to assure ratepayers that LGA's rates are levied on the basis of the zoning of the parcels of land, the actual level of services provided, and within the context of the existing laws.