

Dear Madam/Sir,

This email forms my submission to the IPART in consideration of a proposal by Central Coast Council (CCC) to rearrange and increase its Stormwater Drainage Charge for non-residential property.

I am a commercial orchardist at Mangrove Mountain with two properties each zoned RU1 being 28 and 10 Hectares. I produce Peaches, Nectarines, Citrus and Tomatoes in a business that has operated at these locations since 1928.

**I object to the premise and the sum of the proposed increases to the drainage charge by CCC on non-residential property.**

CCC has argued that it has inherited widely varied drainage charges from the former Gosford and Wyong Councils, now amalgamated as CCC. It's submission notes that Gosford Council operated a flat rate of \$124.78 for all non-residential properties whereas Wyong Council operated a scaled levy on metered water usage up to \$12,832.09. CCC argues that harmonisation requires a charge well above the former Gosford Council charge and closer to the Wyong Council charge to be in future based on land area rather than metered water usage. In response, I submit:

1. The concept that the higher Wyong charge is nearer to the future needs of CCC than the flat and lower Gosford charge is an ambit claim by CCC unsupported by evidence of any indisputable kind.
2. The efficiency and operation of the bureaucracy, tenders, costs and forms of the drainage system to be funded by the new levy is not detailed by CCC. Instead, a series of bald statements about the costs and risks of the current drainage system are used to masquerade as suitable evidence to support its 43-times increase in my drainage levy and, undoubtedly, the levies of many other non-residential landowners.
3. There is strong logic, in these circumstances, that CCC should continue the flat charge formerly used by Gosford Council. Nothing supports the move towards the more expensive scaled system. The amalgamated Council has a duty to minimise costs due in no small part to the claim, at the time, that amalgamation would increase operating efficiencies.
4. Altering the charge to be based as a levy on land area takes no regard to the run-off rates, infiltration rates, hardened areas, soil type, gradient, aspect and landscape features of each block. These individually and together influence the drainage requirements and drainage stresses on and from each block. Council argues that the former flat fee of Gosford and the former water-meter levy of Wyong are not related to drainage issues. Neither, however, is the CCC proposal based on land area alone.

Farms of any kind and particularly farmland in commercial use operate with at least an implied objective of minimising and/or capturing run-off water that would otherwise be a drainage stress. Running water across open ground is an erosion risk to be avoided by good agricultural practices. Run-off is also water to catch for later use for livestock or irrigation. For this reason, dams are a feature of all rural landscapes. They are installed at private expense and are located to operate in a manner capable of mitigating the higher impact of run-off while catching water for later re-use in dryer times. Landscape features including tree lines, contour banks and grassed or native waterways are encouraged and maintained by good farming practice. In some circumstances where running water can be particularly damaging, most commercial farmers will install pipes, culverts or channels to reduce erosion risk. Good farming practice includes good drainage practice. On these factors, I submit:

1. CCC has given no specialised consideration of the nature of good farming practice which assists the task of managing drainage rather than being a reason to increase CCC drainage charges.
2. An unspecified offer of a lower charge for “low impact” landholdings (\$110.77) provides no certainty to commercial farming. There are no criteria provided against which “low impact” will be assessed and there are no examples or models of the features considered to offer “low impact”. In these circumstances it is reasonable to conclude that commercial farmland may not be considered “low impact” and that my drainage charge would therefore increase from \$249.36 per annum to \$10,854 per annum.
3. In total, there is 1,112 square metres of roof and 410 square metres of gravelled worksite on my 380,000 square metre landholding. This represents a hardened area that is 0.4% of the total land area. CCC proposes to charge me a drainage levy on the same basis as a warehouse and work-yard that are likely to harden upwards of 90% of the land title on which they stand. The logic that all non-residential lands should be treated as equal for drainage purposes and charging as such except by special application is unsupportable and feeble. It is not the basis upon which to justify the threat of a 96% increase in my drainage charge.
4. Please note that I have been advised in writing by CCC that both of my land titles are likely to be subject to the new non-residential charge. I am typical of nearly all farmers within the CCC area. I live on my farm in a residence. It is at least arguable that it would be discriminatory to charge other residents within CCC a lower residential drainage charge than would apply to land on which I am a resident.

Land used for farming is uniformly zoned RU1 throughout the CCC area. As such, there is a simple and accessible method by which CCC could recognise and categorise all RU1 land as being “low impact” without the need for individual assessment. The broad usage, type and surface of these lands is sufficiently similar as to justify a case that they be treated as being the same for drainage purposes. The largest hardened surfaces on these lands would be glasshouses and chicken sheds but these are typically surrounded by farmland which may be owned by the same or another landholder. CCC and its predecessors take into account drainage, congestion and usage factors when providing development consent for these buildings. In all cases, the drainage requirements are funded by the developer with no ongoing cost to Council. I submit:

1. Farming in all its forms is a negligible further impact on drainage costs of CCC.
2. Drainage requirements for major farm infrastructure are considered by CCC before development and typically funded in full by the developer.
3. **I recommend CCC create a routine policy that all RU1 lands be charged only a “low impact” drainage levy of \$110.77. There would then be no need for either CCC or the landholder to face the ongoing costs of compliance and assessment to determine the “low impact” of farmland in each case.**

Thank you for your consideration.

I would be pleased to support this submission as required.

Yours faithfully,

Peter Comensoli

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