

Circular No. 08-49
Date 20 August 2008
Doc ID. A153540

Contact Mark Hely
02 4428 4176
mark.hely@dlg.nsw.gov.au

AMENDMENT TO THE LOCAL GOVERNMENT ACT 1993 - RATING OF LAND PARTIALLY SUBJECT TO A CONSERVATION AGREEMENT

Councils are advised that the *Threatened Species Conservation Amendment (Special Provisions) Act 2008* was assented to on 1 July 2008. As a result, s555(3) of the *Local Government Act 1993* has been amended to provide for the continued proportional rating of lands that include a Conservation Agreement established under s69A-KA of the *National Parks and Wildlife Act 1974*.

The amendment can be found at <http://www.legislation.nsw.gov.au>.

In 2006, the Department of Lands changed the way it valued land parcels that were partially subject to a Conservation Agreement. This change arose following broader amendments made to the *Valuation of Land Act 1916*, which clarified how land was to be valued for various purposes (sections 28 and 28A). As a result, properties partially subject to a Conservation Agreement were able to be valued as two separate parts. This greatly increased the rates applying to these land parcels compared to the proportionately reduced rates previously levied.

The amendment to s555(3) maintains the proportional rating practice of the past 12 years, which recognises the contribution of private landowners to the legal protection and conservation of significant natural and cultural heritage on their land under a Conservation Agreement. This is part of the Government's support for community conservation efforts.

Conservation Agreements are only established on private lands formally assessed as having significant natural or cultural heritage conservation values. In voluntarily entering into the agreement, the landowner foregoes certain property rights and is required to undertake positive management actions that maintain or improve these conservation values. A Conservation Agreement is registered on the land title and is legally binding on current and successive owners, in-perpetuity.

The amendment applies to any rate levied on land parcels that include a Conservation Agreement for any period on or after 1 July 2008. Councils are therefore required to calculate rates accordingly for the 2008/09 year onwards.

It should be noted that only those councils that have obtained separate valuations for land parcels subject to a Conservation Agreement and applied those separate valuations for rating purposes are affected by the change.



Garry Payne AM
Director General