

4. Acquisition of land at North Bermagui from NSW Forests

Review of need for land at North Bermagui associated with Wallaga Lake Road.

Group Manager, Infrastructure Waste & Water

BACKGROUND

The attached report was presented to Council on 22 May 2007 and this report is a review of the current position with the proposed land acquisitions for road purposes recommended in the earlier report. Three of the lots proposed to be acquired were from NSW Forests and one was a freehold lot.

10 The initial offer from NSW Forests was to gift their land to Council at no cost apart from access to timber on Lot 4 if it were subject to development. More recent advice from the State government is that market price is payable for the Crown land with 50% to NSW Forests and 50% to the Lands Department. This payment is not negotiable.

A review of requirements for road purposes has shown that the private land proposed to be acquired (Lot 3) is no longer necessary for current or future roads. The land required by Council for road purposes is limited to Lots 1 and 2 DP1109470.

20 Generally, Council will also acquire the mines and minerals in acquired land. Should Council decide to acquire some or all mines or minerals in the land, it may be required to compensate the owner of the minerals. This is accounted for by the Special Valuations Unit when assessing compensation. Should Council decide not to acquire mines or minerals, then additional fees may be charged by Land and Property Information NSW (LPI) in order for separate title to be created to the minerals.

ISSUES

Legal / Asset

Council needs to formalise ownership of the land on which the current road is situated.

Financial

The cost of road acquisition can be met within current budgets. The acquisition of Lot 4 was considered a reasonable option when it was at no cost to Council but initial purchase costs plus ongoing maintenance responsibilities with no certainty of any development potential make the acquisition less favourable.

30 CONCLUSION

Because Council is now required to pay for the land being acquired at North Bermagui from NSW Forests it is suggested that costs to Council should be restricted as much as possible. Eliminating Lot 4 DP1109470 from the land for acquisition will significantly

reduce current and future costs and will not impact on the easement required for sewer purposes for the rising main from Wallaga Lake.

A close review of the current and future need for land for Wallaga Lake Road has shown that Lot 3 DP1109470 is not required for road purposes and it is concluded that Council could proceed with acquisition of Lots 1 and 2 only, including mines and minerals, and this is the recommendation.

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RECOMMENDATION

1. That Council authorise an application being made to the Minister for Local Government and/or the Governor for approval to acquire for road purposes Lot 1 DP1109470, excluding the area hatched on the plan presented to Council on 22 May 2007 and Lot 2 DP1109470, including mines and minerals.
2. That Council no longer proceed with acquisition of Lots 3 and 4 in DP1109470.
3. That authority be given to the Mayor and General Manager to execute the required documents.

50 **Copy of Finance & Infrastructure Committee Report of 22 May 2007****6. Acquisition of land for road at Bermagui**

This report seeks the approval of Council to acquire sections of land at Bermagui for road purposes.

Manager, Corporate Services

BACKGROUND

As part of the preliminary design work for the sewer easements from Wallaga Lake area it was revealed that certain road formations in the vicinity of George and Pitt Streets, Bermagui are not recorded as public road reserves.

60 Attached is a copy of Deposited Plan 1109470 showing Lots 1, 2 and 3 which it is intended to acquire for road purposes and Lot 4 for which it is intended to acquire for future development.

Lots 1, 2 and 4 (with the exception of a small section of Lot 1 hatched on the plan) are owned by NSW Forests. The hatched area is Crown Land on which an outstanding Native Title claim exists for which compensation is required. This land is not required for any Council purposes and it was inadvertently included by the surveyor.

A request has been made to the NSW Local Aboriginal Land Council to exclude this area from the claim. A separate request to the Land Titles Office has been made to have this section excluded from the registered Deposited Plan. From the Council's perspective, this is the preferable option.

70 Lot 3 is freehold land and negotiations will be undertaken with the owner following a valuation of the site. A subsequent report will be presented to Council on this matter at the appropriate time.

In order to resolve this matter, it is recommended that Council acquire Lots 1, 2 and 3 in Deposited Plan 1109470 (exclusive of the section hatched as outlined above) for road purposes and Lot 4 for future development. NSW Forests has indicated that it does not require compensation for any of the land but requires the timber on Lot 4 at the time it is developed by Council.

CONCLUSION

80 The recommended action will formalise the existing roads in the area and facilitate the necessary easements for sewerage in that area.

IMPACT ON THE OPERATIONAL PLAN

There will be no impact on the Operational Plan as all costs will be met from existing budgets.

IMPACT ON COUNCIL POLICY/PROCEDURES

The proposed acquisition if approved will have no impact on any Council policy.

RECOMMENDATION

1. That Council authorise an application being made to the Minister for Local Government for approval to acquire Lot 1 Deposited Plan 1109470, excluding the area hatched on the plan presented to Council on 22 May 2007 and Lot 2 Deposited Plan 1109470 for road purposes with Lot 4 shown on the same plan being acquired for future purposes.
2. That Council authorise the acquisition of Lot 3 in Deposited Plan 1109470 for road purposes and receive a further report regarding the payment of compensation.
3. That authority be given to the Mayor and General Manager to execute the required documents.

207/07 RESOLVED on the motion of Crs Hughes and McGill that Item 6 of the Finance and Infrastructure Committee as reported be adopted.

