

### 3. Acquisition of land at Cobargo Showground

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Acquisition of land at Cobargo Showground is required to conclude matters associated with construction of Cobargo Sewage Treatment Plant.

**Acting Group Manager, Infrastructure Waste & Water**

#### **BACKGROUND**

This report relates to Lot 1 and related easements on the attached Plan of Subdivision registered as Deposited Plan 1133917 on 19 February 2009. The Lot and easements are required by Council for the purpose of the sewerage treatment plant and associated infrastructure.

10 The Department of Lands provided its consent to the request by Council for approval of the proposed acquisition on 28 June 2005 and at the same time provided consent for the Council to enter and construct the sewerage treatment infrastructure prior to the completion of the acquisition.

Subsequent to the registration of the Plan of Subdivision, the Department of Lands advised that the Plan did not accord with the dimensions of the sketch plan which had been submitted to the Cobargo Showground Trust (the "Trust") for approval and advised Council to obtain an updated approval from the Trust to the acquisition of Lot 1 in Deposited Plan 1133917.

20 The original sketch plan showed the dimensions of the lot to be acquired as approximately 1,700sqm. A copy of the sketch plan is attached. The dimensions of Lot 1 in DP 1133917 are 5,786sqm. The reasons for the increased dimensions of the proposed Lot 1 relate to treatment plant requirements which were made known to the Trust by the surveyor, Mr Don More, at the time the survey was being carried out.

A letter was sent by Council's solicitors to the Trust on 15 April 2009 requesting the Trust to confirm in writing and also by signing a copy of the registered plan that it has no objection to Council proceeding with the acquisition of Lot 1. The Trust responded in writing on 11 May 2009 and advised that they have no objection. A copy of the letter from the Trust is attached.

#### **ISSUES**

##### 30 **Legal / Asset**

The proposed acquisition is to proceed in accordance with the Land Acquisition (Just Terms Compensation) Act, with compensation to be determined by the Special Valuations Unit of the Department of Lands and on the basis that Native Title has not been extinguished in accordance with the Native Title Act 1993. Searches of the National Native Title Register and the Aboriginal Land Claims Database do not reveal

any registered claims, however unless there is sufficient evidence to establish that native Title has been extinguished, notice of the proposed acquisition must be given to both the NSW Aboriginal Land Council and the NSW Native Title Services Limited. The Department of Lands has advised that it has no evidence of any native Title Claim and will argue that the Minister of Lands is entitled to the full amount of any compensation payable.

The acquisition is required to formalise ownership of land on which Council assets and infrastructure are situated.

### **Financial**

The land acquisition, legal and administration costs are covered by an approved budget associated with the Bega Valley Sewerage Program.

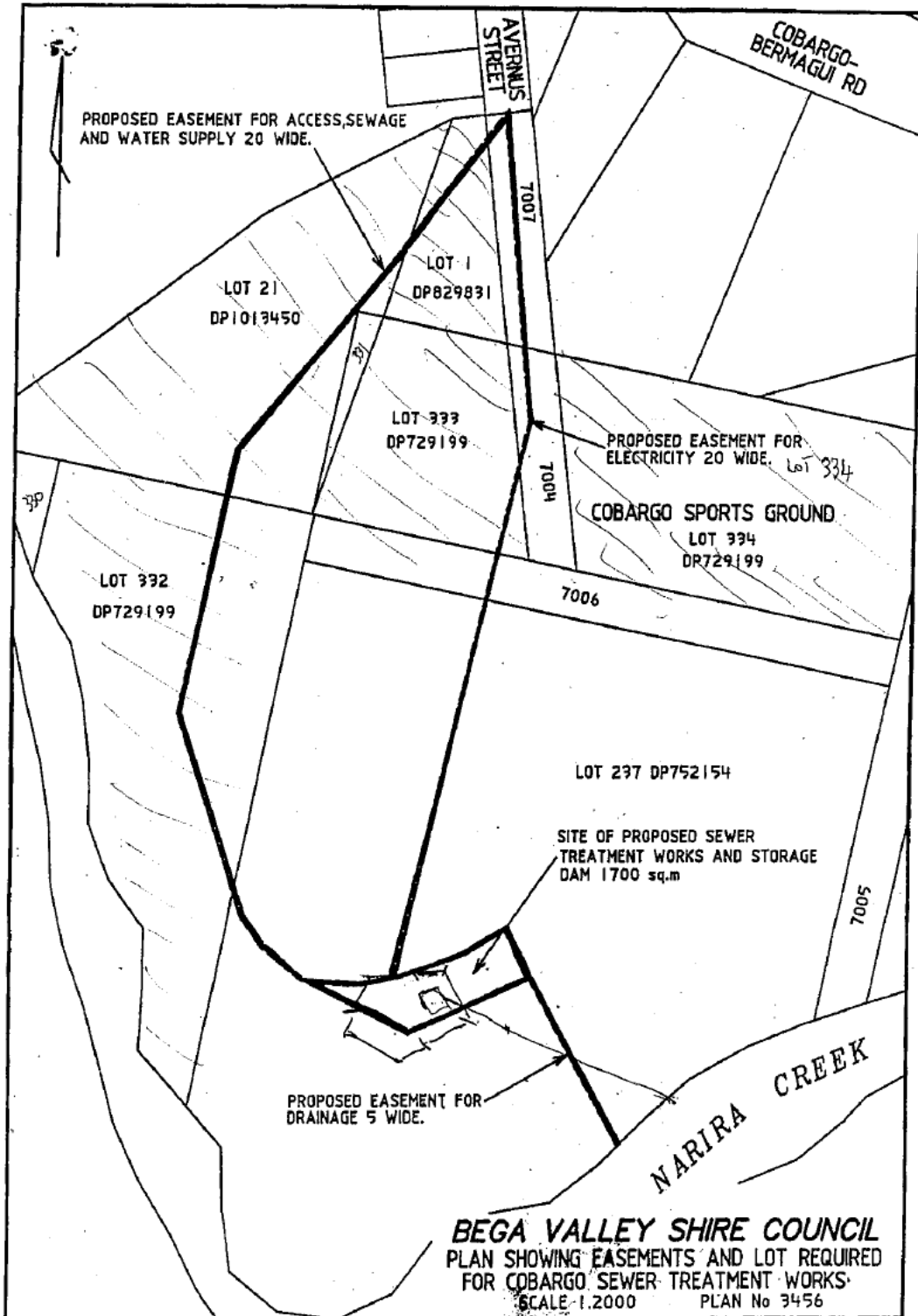
### **CONCLUSION**

Council needs to formalise ownership of the land on which the sewerage treatment plant is situated together with easements for electricity purposes, to drain water, a right of carriageway and an easement for services. The Department of Lands and the Cobargo Showground Trust have consented to the proposed acquisition by Council of Lot 1 in DP 1133917 and related easements.

### **RECOMMENDATION**

1. That the land being Lot 1 in DP 113917 together with the easements created therein and including those minerals not excluded pursuant to Section 171 of the Crown Lands Act be compulsorily acquired for the purpose of sewerage treatment plant and infrastructure pursuant to Section 168 of the Local Government Act 1993.
2. That the General Manager be delegated authority to apply to the Minister of Local Government and/or the Governor for acquisition of the land.

Attachment – Plan of subdivision





7 July 2009

**Attachment – Copy of the letter from the Trust**

RECEIVED  
15 MAY 2009

BY: AT-CB.....

**Cobargo Showground Trust**

ABN 78 468 162 145

Address for correspondence:

c/o Mr M Elmslie, Post Office Cobargo. 2550

11 May 2009

Andrew Warren Associates  
128-132 Carp Street  
Bega 2550

Dear Sirs,

Bega Valley Shire Council Acquisition for Sewage Treatment Works  
Property : Cobargo Showground

Your letter of 15 April under reference AA:280368 has been brought to the Trust's attention. The concerns of yourselves and the Department of Lands' Mark McLennan have been noted.

The Trust confirms that, following the meeting with the surveyor Mr. Don More and consultation with the Department of Lands, it agreed to the revised area of lot 1 in your plan. The Trust therefore has no objection to Bega Valley Shire Council acquiring the relevant land occupied by the sewage treatment plant on the showground reserve.

A copy of the plan for DP 1133917 duly signed as requested is enclosed.

Yours sincerely,



Malcolm Elmslie  
Secretary