

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting - 11 September 2013

LATE AGENDA

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GENERAL MANAGER'S REPORT**ITEM 9.10 SF1103 110913 CONSOLIDATION OF LAND PARCELS FOR DAM SITE**

AUTHOR/ENQUIRIES: Peter Wilson, Assistant General Manager Corporate and Community Services

SUMMARY:

The new Subdivision Plan for the Dam site at Bowraville, Lot 1 Deposited Plan 1186268, was registered on 25 June 2013. Good administrative practice would be to now reconfirm the classification of the consolidated land as Operational in accordance with previous decisions of the Council.

RECOMMENDATION:

That Council reconfirm that Lot 1 DP 1186268 be classified as Operational Land following the consolidation of the 14 lots as described in the Table in the report.

OPTIONS:

No option as Lot 1 DP 1186268 has been created for the off stream water storage dam.

DISCUSSION:

To facilitate the construction of the off river storage dam and to reduce administrative procedures, a new subdivision plan for the Dam site at Bowraville, consolidating 14 allotments, described in the Table below was registered on 25 June 2013.

Authority Parcel ID	Lot/DP	Authority – Council Land Register	Authority – Capital Value Register – Asset No	Note
466	186 DP755549			See Government Gazette 26-10-2012, Notice of Compulsory Acquisition of Land (Dam/Off River Storage)
467	183 DP755549			See Government Gazette 26-10-2012, Notice of Compulsory Acquisition of Land (Dam/Off River Storage)
2638	309 DP755549			See Government Gazette 26-10-2012, Notice of Compulsory Acquisition of Land (Dam/Off River Storage)
2639	308 DP755549			See Government Gazette 26-10-2012, Notice of Compulsory Acquisition of Land (Dam/Off River Storage)
2640	310 DP755549			See Government Gazette 26-10-2012, Notice of Compulsory Acquisition of Land (Dam/Off River Storage)
4429	183 DP755550			See Government Gazette 26-10-2012, Notice of Compulsory Acquisition of Land (Dam/Off River Storage)
5425	190 DP755549			See Government Gazette 26-10-2012, Notice of Compulsory Acquisition of Land (Dam/Off River Storage)
1000244	3 DP1076377	080.2011.00000193.001	160077	
1000245	4 DP1076377	080.2011.00000193.002	160077	
1000247	6 DP1076377	080.2011.00000193.003	160077	
1000411	2 DP1083234	080.2011.00000193.004	160077	

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1001827	2382 DP1166483	080.2011.00000317.001	160090	
1001892	1 DP1169279			See Government Gazette 26-10-2012, Notice of Compulsory Acquisition of Land (Dam/Off River Storage)
1001893	2 DP1169279			See Government Gazette 26-10-2012, Notice of Compulsory Acquisition of Land (Dam/Off River Storage)

The Lots compulsory acquired were classified as Operational Land as per Council Minute 3479/12 (26 July 2012). Lot 2382 DP 1166483 was classified as Operational Land as per Council Minute 3127/11 (6 October 2011).

Lots 3, 4 and 6 DP 1076377 and Lot 2 DP 1083234 were acquired by Council prior to 1 July 1993, however a search of council records has been unable to ascertain if the land parcels were classified as community or operational land at the time of acquisition or as at 1 July 1993.

CONSULTATION:**LOCAL GOVERNMENT ACT 1993 – Section 31 Classification of land acquired after 1 July 1993**

- (1) *This section applies to land that is acquired by a council after the commencement of this Division, other than:*
- (a) *land to which the Crown Lands Act 1989 applied before the acquisition and continues to apply after the acquisition, and*
 - (b) *land that is acquired for the purpose of a road.*
- (2) *Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.*
- (2A) *Any land acquired by a council that is not classified under subsection (2) is, at the end of the period of 3 months referred to in that subsection, taken to have been classified under a local environmental plan as community land.*
- (2B) *While the land remains unclassified:*
- (a) *the land may not be used for any purpose other than that for which it was being used immediately before it was acquired, and*
 - (b) *the council may not dispose of any interest in the land.*
- (3) *A council must not resolve under this section that land be classified as operational land if:*
- (a) *the land is classified as community land immediately before its acquisition, or*
 - (b) *the resolution would be inconsistent with any other Act, the terms of any trust applying to the land or the terms of any instrument executed by the donor or transferor of the land.*

Reference is also made to the Council resolutions of the 6 October 2011 and 26 July 2012.

SUSTAINABILITY ASSESSMENT:

The investment in the Bowraville Off River Storage Project totals \$54M and the project is aimed at providing drought security for the Nambucca District Water Supply System. The water supply storage will also cater for population growth, future development and to allow environmental flows to be maintained in the Nambucca River during periods of low flow.

Environment

Note comments under Sustainability Assessment.

Social

Note comments under Sustainability Assessment.

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Economic

Note comments under Sustainability Assessment.

Risk

Note comments under Sustainability Assessment.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

No direct impact as report relates to administrative procedures.

Source of fund and any variance to working funds

No implications.

Service level changes and resourcing/staff implications

No implications.

ATTACHMENTS:

There are no attachments for this report.