

**TWEED SHIRE COUNCIL  
MEETING TASK SHEET**

**User Instructions**

If necessary to view the original Report, double-click on the 'Agenda Report' blue hyperlink above.

**Action Item - COUNCIL MEETING Tuesday, 8 May 2007**

Action is required for Item 1 as per the Council Resolution outlined below.

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**TITLE: [EO-CM] Land Acquisition - Part Lot 3 DP 1106275 and Cudgera Creek, Pottsville**

**REASON FOR CONFIDENTIALITY:**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (a) personal matters concerning particular individuals

**COMMITTEE DECISION:**

**Administrator Willan  
Administrator Boyd**

**RECOMMENDED that:-**

1. Council approves the acquisition of part of Lot 3 in DP 1106725 and a section of Crown Land within the creek bed of Cudgera Creek, Pottsville for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary applications to the Minister and/or Governor;
2. Council approves the amount of compensation payable to the landowners as shown in the body of the report; and
3. The subject land be dedicated as road following gazettal of the acquisitions; and
4. All documentation be executed under the Common Seal of Council.

**FOR VOTE - Unanimous**

## Agenda Report

**TITLE:** [EO-CM] Land Acquisition - Part Lot 3 DP 1106275 and Cudgera Creek, Pottsville

**ORIGIN:**

**Design**

### **REASON FOR CONFIDENTIALITY:**

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### **SUMMARY OF REPORT:**

Funds have been allocated to proceed with the design and construction of a road joining Seabreeze Boulevard to the new Koala Beach sports fields. The road requires construction of a bridge across Cudgera Creek. The original crossing location has now changed due to the Koala Beach sportsfields being reconfigured in light of environmental constraints (protection of salt marsh). Council officers have undertaken further investigations and located a site within Lot 3 DP 1106275, which provides considerably less constraints.

The newly proposed site does however traverse the riparian buffer that was planted as part of Metricon Developments consent condition for approval for subdivision. Council has proposed to re-plant some of the vegetation where possible and compensate Metricon for the larger vegetation, which is not suitable for transplanting and will need to be removed to allow construction.

An initial survey of the proposed road has been conducted and to enable Council to realign the road to complete the works and it is necessary to acquire an area of approximately 645m<sup>2</sup> in total from Lot 3 DP 1106275. As compensation for the acquisition of this area it is proposed to grant an area of 845m<sup>2</sup> being unnecessary road reserve.

Negotiations have commenced with the landowner, Metricon, who have provided their consent to the above compensation of 845m<sup>2</sup> of road closure in consideration for the acquisition of 645m<sup>2</sup> from lot 3, as well as a total of eleven thousand, three hundred and ninety four dollars (\$11,394.00) plus GST as compensation for the removal of the recently planted riparian buffer.

As part of the construction of the road entails the construction of a bridge over Cudgera Creek it is also necessary for Council to acquire an area of the creek bed from the Crown. Department of Lands have provided their concurrence to the acquisition of this area of creek bed pursuant to section 29 of the Land Acquisition (Just Terms Compensation) Act 1991 and further agrees that compensation for the acquisition shall be the value as determined by the Valuer General.

It is now recommended that Council approves the acquisition of the subject areas being approximately 645m<sup>2</sup> from Lot 3 in DP 1106275 as well as a section of Crown Land within the creek bed of Cudgera Creek, under Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of the Roads Act 1993.

#### **RECOMMENDATION:**

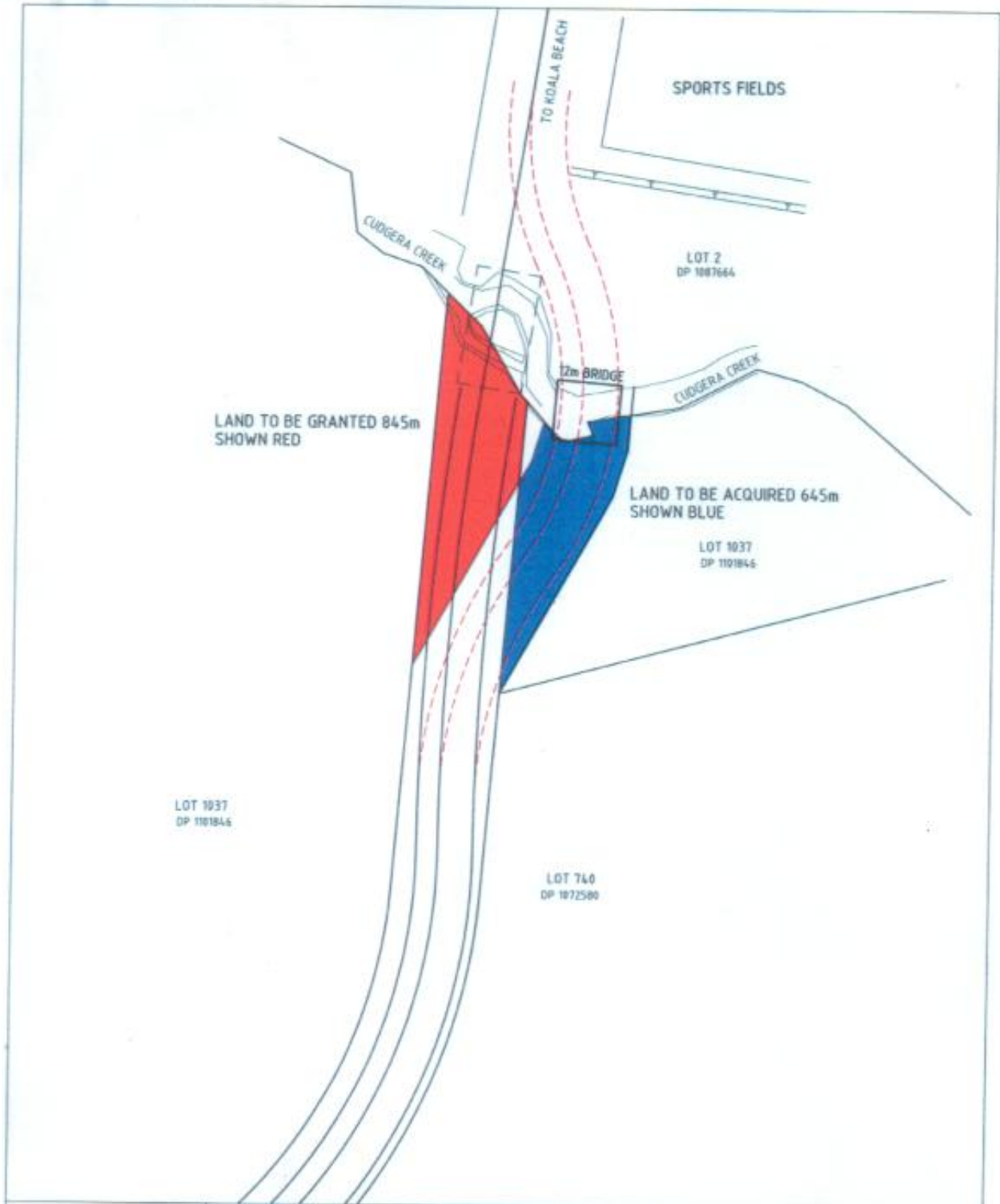
**That:-**

- 1. Council approves the acquisition of part of Lot 3 in DP 1106725 and a section of Crown Land within the creek bed of Cudgera Creek, Pottsville for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act, 1993 and the making of the necessary applications to the Minister and/or Governor;**
- 2. Council approves the amount of compensation payable to the landowners as shown in the body of the report; and**
- 3. The subject land be dedicated as road following gazettal of the acquisitions; and**
- 4. All documentation be executed under the Common Seal of Council.**

**REPORT:**

As per Summary of Report. A plan of both areas is attached.

Proposed acquisition from Metricon:



DESIGNED _____	<b>TWEED SHIRE COUNCIL</b>	ISSUE	A				
DRAWN _____		DRAWING No					
CHECKED _____	LINK ROAD FROM SEABREEZE TO THE NEW SPORTS FIELDS DIAGRAM D	<b>A4</b>					
R.R. _____							
APPROVED _____							
DATE _____							

**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Funds for compensation are available within S94 Contribution Plan No 4.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

1. Plan of proposed acquisition from Metricon (DW 1590244).
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