

Minutes for this meeting will be confirmed at the Planning, Environment & Development Committee Meeting to be held in the Council Chambers, Council Administration Building, on 19 May 2005 commencing 5pm.



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(CITY BUSINESS UNITS COMMITTEE)
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
5 MAY 2005

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COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
(CITY BUSINESS UNITS COMMITTEE)
5 MAY 2005

Mayor and Councillors

CITY BUSINESS UNITS DEPARTMENT REPORTS

B10 ACQUISITION OF EASEMENT FOR SEWER RISING MAIN - LOT 290 DP 1046425, FRASER DRIVE, COFFS HARBOUR

Purpose:

Report seeking Council approval for the acquisition of an easement for sewer pipeline over a property known as Lot 290 DP 1046425, Fraser Drive, Coffs Harbour.

Description of Item:

Council is proposing to construct 2 new sewer rising mains in the Cook Drive area. The new pipelines will extend from the existing North Boambee Valley rising main and from a new pump station in Cook Drive. They will then run in a northerly direction back to the Thompsons Road area. The new pipelines are designed to alleviate problems associated with lack of capacity in the Cook Drive industrial area and to extend North Boambee Valley to the main trunk system.

The new pipelines will be located predominantly within road reserves or within Council owned property however it will also need to cross a small section of property which is owned by BJ and JL Sullivan known as Lot 290 DP 1046425 at Fraser Drive, Coffs Harbour.

An easement is required to protect Council's interests in the pipeline and its position is shown clearly on the plan attached to this report. The easement will be seven metres wide and is proposed to run along a small section of the property's western boundary.

The easement will have a total area of 511 square metres and a length of about 73 metres. The property affected is a large holding of 32.15 hectares which is highly constrained by zoning restrictions, vegetation, bushfire and flooding issues. The affect of the easement on the land's value is considered minimal. Council has agreed to acquire the easement on the following terms after negotiation with the owner.

1. Compensation of \$1,000 exclusive of GST.
2. Council being responsible for all associated costs including survey, registration and legals.

Sustainability Assessment:

- **Environment**

There will be minor environmental impact as a result of this acquisition. Excavation associated with the pipeline will impact on the surface of the property in the position of the trench.

- **Social**

The new pipeline will improve infrastructure which will benefit the community at large.

- **Economic**

Broader Economic Implications

There will be a positive future impact as construction of the pipeline will increase sewer capacity in the locality which will assist with the orderly development in the area.

Management Plan Implications

The costs associated with the acquisition of the easement are to be funded by the Capital Works Programme associated with the sewer project.

Issues:

Council's Valuer has negotiated the acquisition and considers the agreed price to be fair and reasonable to both parties.

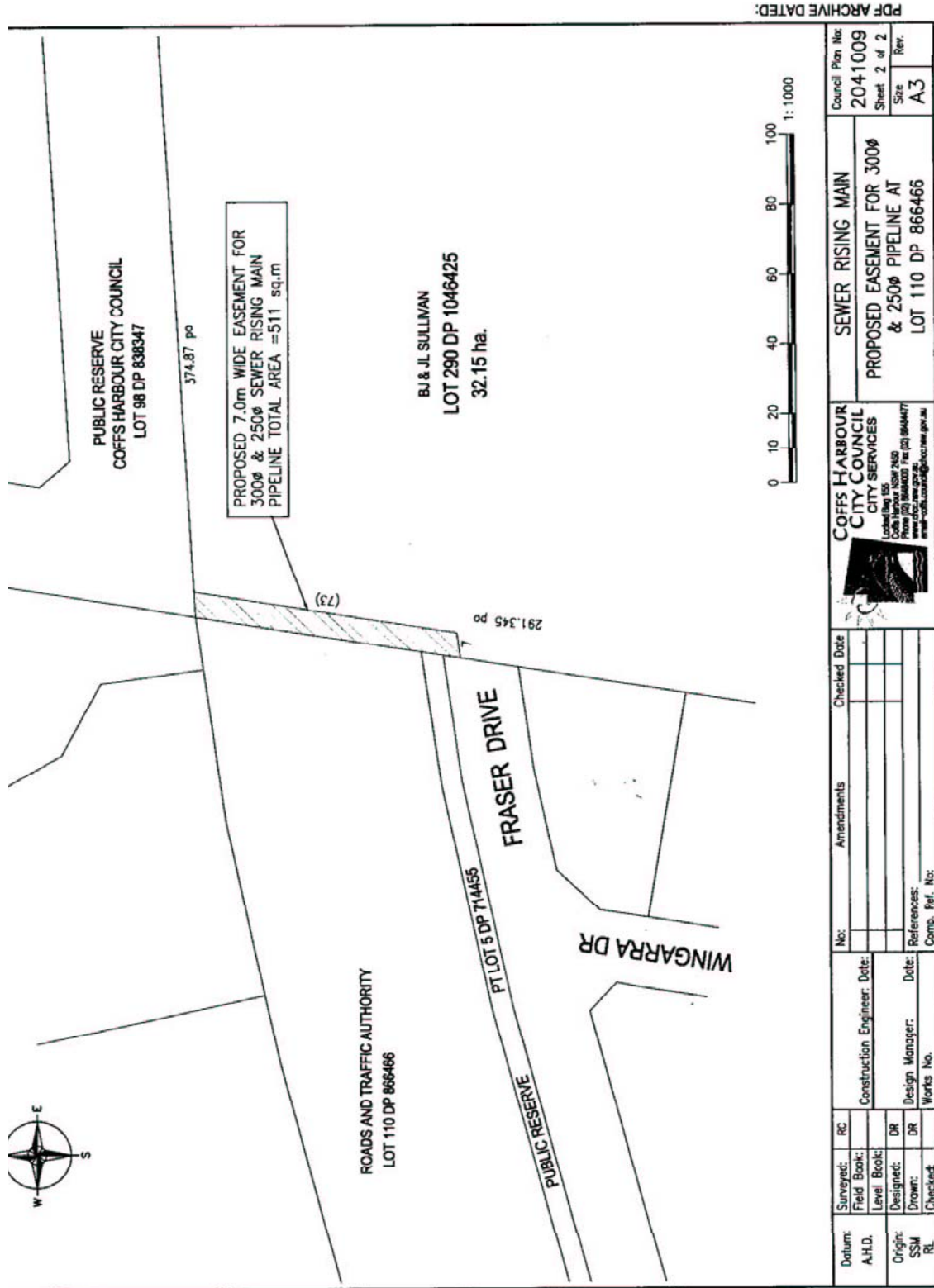
Implementation Date / Priority:

The matter will be actioned immediately.


Recommendation:

1. **That Council proceed to acquire an easement seven metres wide for sewer over Lot 290 DP 1046425, Fraser Drive, Coffs Harbour as shown approximately on the plan attached to this report.**
2. **That Council pay the owner of the property \$1,000 compensation for the acquisition of the easement.**
3. **That Council be responsible for all costs associated with the matter.**
4. **That all necessary documents associated with the acquisition of the easement be executed under the common seal of Council.**

Attachments:



PDF ARCHIVE DATED:

Council Plan No: 2041009		Sheet 2 of 2		Size A3	Rev.
SEWER RISING MAIN		PROPOSED EASEMENT FOR 300 ϕ & 250 ϕ PIPELINE AT LOT 110 DP 866466			
 COFFS HARBOUR CITY COUNCIL City Services Locked Bag 185 Coffs Harbour NSW 2450 Phone (02) 6666000 Fax (02) 6666477 www.coffs.nsw.gov.au		No:	Amendments	Checked Date	
Datum: A.H.D. Origin: SSM RL	Surveyed: Field Book: Level Book: Designed: Drawn: Checked:	RC: DR: DR: DR: DR:	Construction Engineer: Date:	Design Manager: Date:	Works No. References: Comp. Ref. No:

B11 ACQUISITION OF LAND FOR PUBLIC RESERVE PURPOSES - PART LOT 12 DP 598915 - BOAMBEE GARDENS RETIREMENT ESTATE, WALCO DRIVE, TOORMINA

Purpose:

Report seeking Council approval for the acquisition of land at Walco Drive, Toormina

Description of Item:

A parcel of land known as Lot 12 DP 598915 Toormina is currently being developed as a retirement village for aged and disabled persons. The project is being developed in stages by Quinbeau Pty Limited who are the owners of the land which is located to the north of Hulberts Road and to the south of Walco Drive. The land is also bordered to the east by the North Coast Railway Line.

The above land is predominantly zoned 2A under the LEP however a section of the land being approximately 2.54 hectares to the south and adjoining the railway line is zoned 6A Open Space. This land which is shown on the attached plan has been set aside for Council acquisition under the LEP and the existing Development Consent which is currently being acted upon also provides for the embellishment and bush regeneration of the land.

Recently the owners of the land issued a notice to Council to acquire the 6A land under the provisions of the LEP and also offered to transfer an additional parcel of land totaling 44.13 square metres. The additional land is zoned 2A and will facilitate access to the 6A land and a fire trail.

After substantial negotiation Council has agreed to purchase the 6A land on the following terms:

1. Payment of \$125,000 exclusive of GST.
2. Quinbeau Pty Limited arranging for preparation of survey, registration of plan and dedication of the land as public reserve at its cost.
3. Each party paying their own conveyancing costs.
4. Quinbeau Pty Limited being responsible for their legal, planning and valuation expenses related to this matter.

Ongoing maintenance of the bush regeneration area of the site is likely to be required for a period of five years after it has been transferred to Council. To ensure this occurs a clause binding the owners will need to be incorporated into the contract.

Sustainability Assessment:

- **Environment**

The acquisition of this land by Council will have a beneficial impact upon the Environment as the land will be held in public ownership therefore ensuring preservation and environmental enhancement of the site into the future. The "bush regeneration" of the land by the existing owners as part of their DA requirements will ensure that Council receives the land in a presentable and sustainable condition.

- **Social**

The transfer of this land into public ownership will improve social issues by allowing public access across the property and allowing connectivity between open space areas to the north and south. The enhancement of the site's vegetation will also improve the visual amenity of the locality and provide a buffer for residential development to the North Coast Railway Line.

- **Economic**

Broader Economic Implications

There will be minimal implication as a result of this acquisition by Council.

Management Plan Implications

There are sufficient funds in the open space reserve and monies collected for Sawtell Neighbourhood open space, to acquire the property.

Issues:

The notice to acquire this land as issued by the owner gives Council no choice but to proceed with the acquisition. Council is required to pursue the acquisition given the terms of Clause 20 of Coffs Harbour LEP 2000.

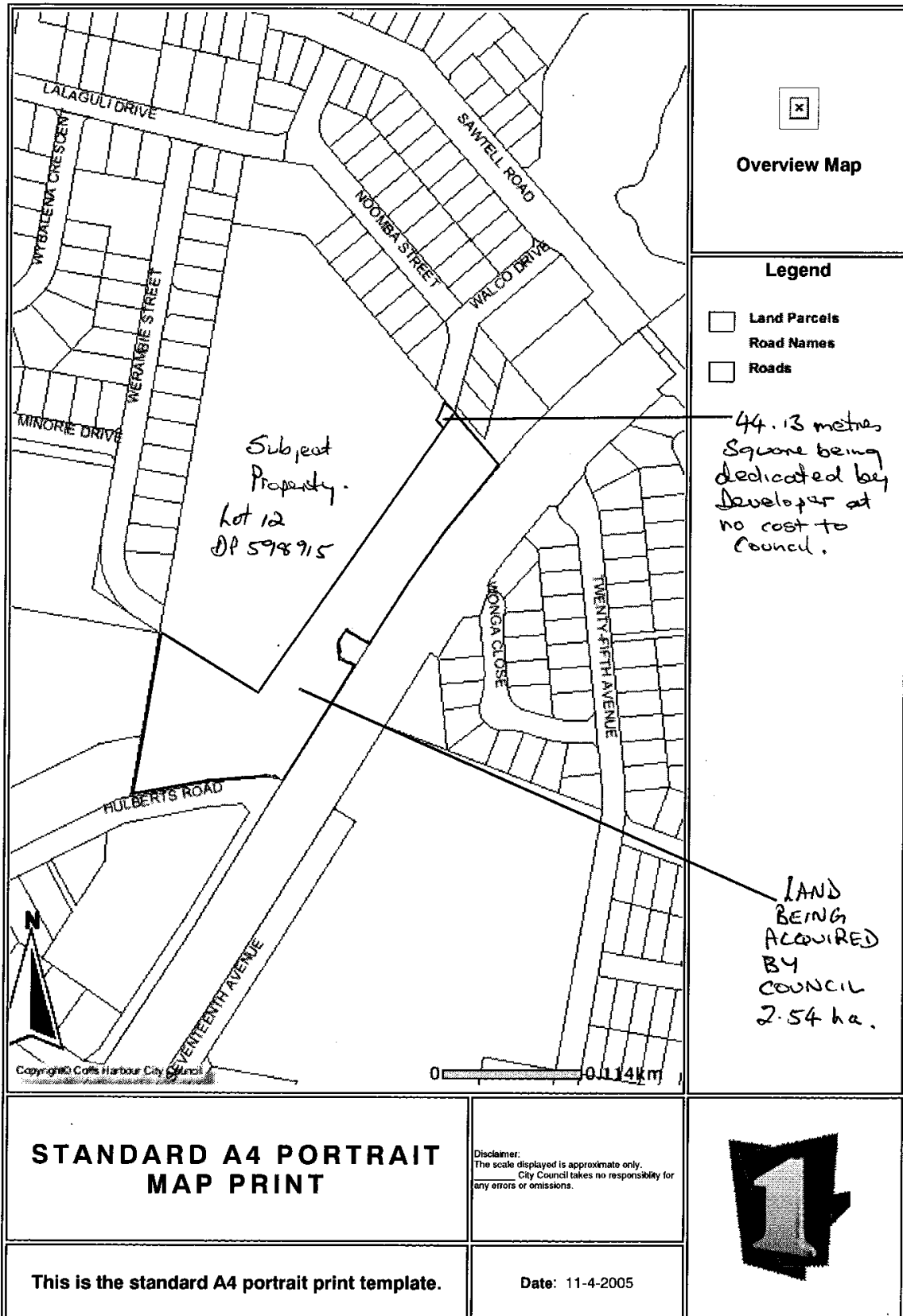
Implementation Date / Priority:

The matter will be actioned immediately.

Recommendation:

1. **That Council proceed to acquire that area of land zoned 6A as it affects Lot 12 DP 598915 on the terms contained within this report.**
2. **That Council accept the transfer of that section of Lot 12 DP 598915 being 44.13 square metres as shown on the plan attached to this report.**
3. **That all necessary documents associated with the acquisition of the land be executed under the common seal of Council.**
4. **That the land being acquired by Council which is zoned 2A and having an area of 44.13 square metres be classified as operational land under the provisions of the Local Government Act 1993.**

Attachments:



**STANDARD A4 PORTRAIT
MAP PRINT**

Disclaimer:
The scale displayed is approximate only.
City Council takes no responsibility for
any errors or omissions.



This is the standard A4 portrait print template.

Date: 11-4-2005

B12 ACQUISITION OF LAND FOR ROAD WIDENING PURPOSES - LOT 201 DP877651, MARDELLS ROAD, BUCCA.

Purpose:

Report seeking Council approval for the acquisition of land at Bucca for road widening purposes.

Description of Item:

Council was made aware many years ago in the early 1990's of an encroachment by Mardells Road across private property at Bucca. The land upon which part of the road is located was originally a larger holding known as Lot 20 DP604724 which was subdivided with Council approval to create a small lot of 7,152 square metres. This land (which now has the road encroachment upon it) was then subsequently sold to a family member who has in recent months contacted Council to have the situation resolved.

Council has made various offers over the years to resolve the situation and again have recently offered to purchase the land over which the road passes on the following terms.

1. A purchase price of \$3,100 (No GST payable).
2. All reasonable costs associated with the acquisition being the responsibility of the Council.

The land to be acquired is shown clearly on the plan attached to this report and comprises an area of approximately 560 square metres.

Sustainability Assessment:

• **Environment**

The land being acquired comprises a section of the current Mardells Road alignment and is gravel sealed. As such there will be no impact upon environmental issues.

• **Social**

The acquisition of this land will ensure that people traveling along Mardells Road remain on the dedicated road reserve therefore ensuring Council's infrastructure is located appropriately and legally.

• **Economic**

Broader Economic Implications

Due to the current situation of private vehicles using Mardells Road and crossing this property there are issues of liability and insurance for the current owners of the land should an accident occur at this location. The dedication of the land as public road will rectify these issues for the current owners.

Management Plan Implications

The costs associated with the acquisition including compensation will be approximately \$5,500 and will be funded from Council's yearly budgetary allocation for old easement and road matters.

Issues:

The acquisition of this land is the only practical solution to the existing problem. An alternative in these situations is to relocate the road back onto the adjoining road reserve. However in this situation this action would result in a dangerous corner being created with a sharp bend which would be undesirable in regard to trafficability and safety.

Should the situation not be resolved the owners of the property would be faced with ongoing exposure to a liability risk should an accident of some kind occur on this land. They would also potentially be entitled to fence the road into their property thereby preventing the public from traveling along Mardells Road.

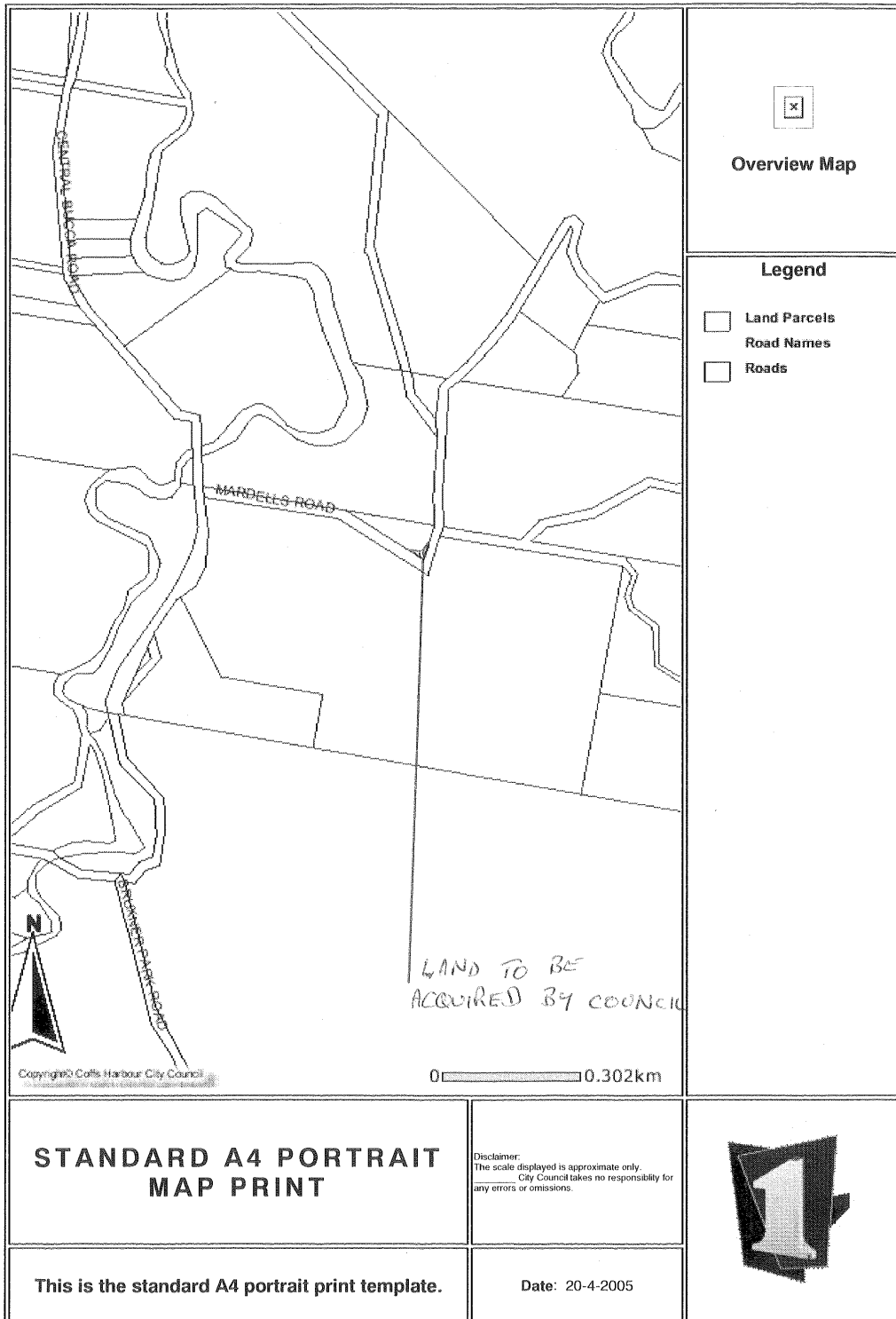
Implementation Date / Priority:

The matter will be actioned immediately following Council's resolution.

Recommendation:

1. That Council proceed with the acquisition of the land shown on the plan attached to this report being part of Lot 201 DP877651 on the terms contained within this report.
2. That all necessary documents be executed under the Common Seal of Council.
3. That the land being acquired by Council be dedicated as Public Road under the Roads Act 1993.

Attachments:



B13 WITHDRAWAL OF CAVEAT - LOT 1 DP875488 2-8 FRASER DRIVE, COFFS HARBOUR

Purpose:

Report seeking Council's consent to withdraw a Caveat which Council currently maintains over a property known as Lot 1 DP875488, being 2-8 Fraser Drive, Coffs Harbour.

Description of Item:

Coffs Harbour City Council is currently the Caveator under Caveat Number S909911 over land at 2-8 Fraser Drive, Coffs Harbour known as Lot 1 DP875488. The Caveat was registered on the above property to protect Council's interest in regard to contractual obligations when Council originally sold this land on 28 October 1981.

The land was sold as part of the Cook Drive Industrial Estate which was developed by Council. Many of the land parcels in this estate were sold on the basis that development of the land was to be undertaken by the purchasers within a required time frame. This was generally a condition of the Sale Contract and Council protected its interests by registering a Caveat on the Title of affected properties.

Lot 1 DP875488 has been developed over the years and as such has complied with the condition within the Contract for the original sale of the land back in 1981. Accordingly Council's interests have been satisfied and there is not longer a requirement for the existing Caveat to be maintained on the Title.

The request for the removal of the Caveat was received from the current owners legal representative, Christine Ritchie of Blake Dawson Waldron who have confirmed that all costs associated with the release of the Caveat will be covered by their client.

Sustainability Assessment:

- **Environment**

The release of the Caveat will have no impact upon environmental issues.

- **Social**

The release of the Caveat will have no impact upon Social issues.

- **Economic**

Broader Economic Implications

The release of the Caveat will facilitate transactions and the registration of interests in the property in a more cost effective manner.

Management Plan Implications

There will be no costs in relation to this matter for which Council will be responsible.

Issues:

There are no major issues related to this matter apart from the fact that there is no justifiable reason to maintain the Caveat on the properties Title.

Implementation Date / Priority:

The matter will be actioned immediately following Council's resolution.

Recommendation:

That Council execute under Seal the required documents to allow the withdrawal of Caveat S909911 affecting Lot 1 DP875488.

Pat Littler
Director of City Business Units