



# REPORT CONFIDENTIAL COMMITTEE OF THE WHOLE MEETING 25 MAY 2020

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**PRESENT:** Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Acting Governance Team Leader, the Community Support Officer, the Director Environment and Development, the Director Liveability, the Director Culture and Economy, the Director Infrastructure, the Director Organisational Performance and the Chief Information Officer.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 6.26pm.

**CW20/4 PURCHASE AGREEMENT - EASEMENT FOR GAS MAIN (JEMENA PTY LTD),  
MOFFATT ESTATE, NORTH DUBBO (ID20/444)**

The Committee had before it the report dated 8 May 2020 from the Property Development Officer regarding Purchase Agreement - Easement for Gas main (Jemena Pty Ltd), Moffatt Estate, North Dubbo.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

**RECOMMENDATION**

**The Committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).**

**CARRIED**

Moved by Councillor G Mohr and seconded by Councillor J Ryan

## **RECOMMENDATION**

The Committee recommends:

1. That Council resolve to accept the purchase agreement made with Jemena Pty Ltd for their purchase and registration of an 'Easement for Gas 3 wide' over Council owned Moffatt Estate for \$60,000 plus GST, as outlined in the report of the Property Development Officer dated 8 May 2020.
2. That all documentation in relation to the agreement be executed by the Chief Executive Officer under Power of Attorney.
3. That the documents and considerations in regard to this matter remain confidential to the Council.

**CARRIED**

### **CW20/5 LITTLE RIVER BRIDGE RECONSTRUCTION - ROAD WIDENING LAND ACQUISITION AGREEMENTS - LOCALITY OF TERRABELLA AND BENOLONG (ID20/183)**

The Committee had before it the report dated 9 March 2020 from the Property Development Officer regarding Little River Bridge Reconstruction - Road Widening Land Acquisition Agreements - Locality of Terrabella and Benolong.

Moved by Councillor J Ryan and seconded by Councillor V Etheridge

## **RECOMMENDATION**

The Committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).

**CARRIED**

Moved by Councillor J Ryan and seconded by Councillor V Etheridge

## **RECOMMENDATION**

The Committee recommends:

1. That Council acquire the road widening land that it requires from Focene Pty Ltd (Mr Graham and Michelle Tomkins), being approximately 16,705m<sup>2</sup> (subject to final survey plan) from Lot 13 DP 753250, in accordance with the Preston Rowe Paterson Compensation Valuation dated 27 February 2020, and as agreed with Focene Pty Ltd and outlined within the report of the Property Development Officer dated 9 March 2020.
2. That Council acquire the road widening land it requires from Joan and Patrick Madden, and Margaret Tink, being approximately 14,167.7m<sup>2</sup> (subject to final survey plan) from Lots 22 and 23 DP 753220, in accordance with the Preston Rowe Paterson Compensation Valuation dated 27 February 2020, and as agreed with Madden, Madden and Tink and outlined within the report of the Property Development Officer dated 9 March 2020.

3. That upon registration of the final survey plan for Joan and Patrick Madden, and Margaret Tink, Council undertake the Roads Act 1993 Part 4 Closing of Public Road processes necessary for Council to close and dispose of the redundant road portions as agreed with Madden and Tink and outlined within the report of the Property Development Officer dated 9 March 2020.
4. That all documentation in relation to these land acquisition agreements be executed under Power of Attorney.
5. That the documents and considerations in regard to this matter remain confidential to the Council.

**CARRIED**

**CW20/6 ABORIGINAL LAND CLAIM ADJUSTMENT AGREEMENTS - BURRENDONG BRIDGE NO.2 FASHIONS MOUNT ROAD, MUMBIL - RENSHAW MCGIRR WAY - CURRA CREEK INTERSECTION, CURRA CREEK (ID20/445)**

The Committee had before it the report dated 9 May 2020 from the Property Development Officer regarding Aboriginal Land Claim Adjustment Agreements - Burrendong Bridge No.2 Fashions Mount Road, Mumbil - Renshaw McGirr Way - Curra Creek Intersection, Curra Creek.

Moved by Councillor D Grant and seconded by Councillor A Jones

**RECOMMENDATION**

The Committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).

**CARRIED**

Moved by Councillor D Grant and seconded by Councillor A Jones

**RECOMMENDATION**

The Committee recommends:

1. That Council resolves to pay \$3,338.18 plus GST to Wellington Local Aboriginal Land Council (WLALC) for the adjustment (reduction) of Aboriginal Land Claim ALC 35641 and any further land claims over Crown Lot 7003 DP 1001294, for the proposed acquisition area of 4,670.1m<sup>2</sup> slashed red in the 'Land Acquisition Plan' prepared by Dubbo Regional Council, dated 25 February 2020, and as also agreed with WLALC and outlined in the report of the Property Development Officer dated 9 May 2020.
2. That Council resolves to pay \$7,750.00 plus GST to Wellington Local Aboriginal Land Council (WLALC) for the adjustment (reduction) of Aboriginal Land Claims ALC 43697 and ALC 47206 and any further land claims over Crown Lots 7302 DP 1168692 and lot 92 DP 753230, for the proposed acquisition area of 6,258m<sup>2</sup> identified as 'Lot 1' in the 'Plan of Land to be Acquired for the Purposes of the Road Act 1993' prepared by Doherty Smith and Associates (DSA), dated 29 October 2019, and as also agreed with WLALC and outlined in the report of the Property Development Officer dated 9 May 2020.

3. That Council prepare the Land Claim Adjustment Agreement Deeds required in relation to each matter to be exchanged and executed by the parties to the agreement, including the New South Wales Aboriginal Land Council (NSW ALC) and the Minister Crown lands.
4. That Council approves the making of an application to the Minister Crown Lands for execution of the Land Claim Adjustment Deeds.
5. That all documentation in relation to the Land Claim Adjustment Agreements be executed by the Chief Executive Officer under Power of Attorney.
6. That the documents and considerations in regard to this matter remain confidential to the Council.

**CARRIED**

**CW20/7 ACQUISITION AGREEMENT (WATER NSW) - PART LOT 1 DP 1162663, BURRENDONG BRIDGE NO.2 FASHIONS MOUNT ROAD, MUMBIL (ID20/446)**

The Committee had before it the report dated 11 May 2020 from the Property Development Officer regarding Acquisition Agreement (Water NSW) - Part Lot 1 DP 1162663, Burrendong Bridge No.2 Fashions Mount Road, Mumbil.

Moved by Councillor S Lawrence and seconded by Councillor D Grant

**RECOMMENDATION**

The committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).

**CARRIED**

Moved by Councillor S Lawrence and seconded by Councillor D Grant

**RECOMMENDATION**

The Committee recommends:

1. That Council pay \$2,883.64 plus GST to Water NSW for Council's acquisition of part Lot 1 DP 1162663 having an area of approximately 817.5m<sup>2</sup> (hashed red on DRC 'Land Acquisition Plan – RCD 7326 dated 25 February 2020) and as detailed within the report of the Property Development Officer dated 11 May 2020.
2. That all documentation in relation to this land acquisition agreement be executed under power of attorney.
3. That the documents and considerations in regard to this matter remain confidential to the Council.

**CARRIED**

**CW20/8      USE OF 1L (LOT 2 DP 1183095) AND 6L (LOT 1 DP 1183095) NARROMINE ROAD, DUBBO FOR THE PURPOSES OF FUTURE TECHNOLOGY ENABLING INFRASTRUCTURE AND GREEN ENERGY DEVELOPMENT (ID20/484)**

The Committee had before it the report dated 19 May 2020 from the Director Culture and Economy regarding Use of 1L (Lot 2 DP 1183095) and 6L (Lot 1 DP 1183095) Narromine Road, Dubbo for the purposes of Future Technology Enabling Infrastructure and Green Energy Development.

Moved by Councillor J Ryan and seconded by Councillor D Grant

**RECOMMENDATION**

**The Committee recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).**

**CARRIED**

Moved by Councillor J Ryan and seconded by Councillor D Grant

**RECOMMENDATION**

**The Committee recommends:**

- 1. That Council undertake a detailed investigation of the most appropriate land use zoning regime under the provisions of State Environmental Planning Policy (Infrastructure) 2007 and the Dubbo Local Environmental Plan 2011 for the future use of 1L and 6L Narromine Road, Dubbo, for Future Technology Enabling and Green Energy Developments.**
- 2. That prior to the use of the subject land for the purposes of a Future Technology Enabling and Green Energy Development, a Planning Proposal be considered to change the classification of the land from Community Land to Operational Land under the provisions of the Local Government Act, 1993.**
- 3. That the Chief Executive Officer facilitate discussions on behalf of Council in respect to securing appropriate tenant/s for any such development.**
- 4. That the documents and considerations in regard to this matter remain confidential to the Council.**

**CARRIED**

The meeting closed at 6.29pm.

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CHAIRMAN