

Item 10: Operations

10.1 Land Purchase for Road Reserve - Part Lots 200 DP871982, 1 DP1136687, 201 DP871982 & 43 DP47253 and Proposed Acquisition of Crown Land Part Lots 42/45 DP47253, 7311 DP1129242 and Macquarie River Reserve 56146 Ullamalla

REPORT BY THE MANAGER - INFRASTRUCTURE PLANNING AND MANAGER PROPERTY AND REVENUE

TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, ROA100462

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Infrastructure Planning and Manager Property and Revenue on the land purchase for road widening of existing registered road reserve servicing the location of the planned new bridge at Dixons Long Point, Ullamalla NSW;**
2. **resolve to purchase a total of approximately 3.8 ha of land from Lot 200 DP871982, Lot 1 DP1136687, Lot 201 DP871982 and Lot 43 DP47253 for the purpose of dedication as public road reserve by agreement with the Landowner at a sale price to be determined by appropriate independent valuation;**
3. **agree, at its own cost, to procure the appropriate independent valuation, preparation, lodgement and registration of appropriate subdivision plans giving effect to the transfer to road reserve and; as relevant, demolish the Landowners existing boundary fencing and gates and relocate to new property boundaries;**
4. **authorise the General Manager to finalise negotiations with the Landowner to effect the land purchase and subsequently enter into a Heads of Agreement with the Landowner to record the parties' agreement in respect to the terms on all relevant matters concerning the land purchase and the compensation to be paid;**
5. **authorise the General Manager to complete and execute all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road;**
6. **authorise the Mayor to execute all documentation, where additionally required to do so, in relation to effect the subdivision and land purchase for the purpose of the public road;**
7. **authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road; and**

8. **receive further reports relating to the proposed road closures and the acquisition of Crown land as outlined in this Report in due course.**
9. **resolve to submit notification of proposed acquisition and then acquire by compulsory acquisition under s77 and S178 of the Roads Act 1993 (Roads Act) and Land Acquisition (Just Terms Compensation) Act 1991 NSW (Just Terms Act) a total of approximately 2.0 ha of Crown land from Lot 7311 DP1129242, Lot 42 DP47253, Lot 45 DP47253 and the Macquarie River – Reserve 56146 – Beds of all Rivers for the purpose of construction the new bridge and dedication as public road reserve by a compulsory acquisition.**
10. **resolve to apply for Crown lands license for site investigation and road and bridge construction whilst the above notification process is underway.**

Executive summary

The Dixons Long Point project requires the acquisition of a total of approximately 3.8ha of land (the Dedication Land) from a privately owned property (the Landowner) for the purposes of widening of a public road reserve. It is proposed:

- a) the transfer of the Dedication Land to Mid-Western Regional Council (Council) is to be carried out by way of Subdivision Plan, the registration of which will cause the Dedication Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of a public road.
- b) in consideration of the purchase of the Dedication Land, Council agrees to pay, and the Landowner agrees to accept, a monetary sum yet to be determined by an independent land valuer (the Valuer).

It is recommended that Council proceed with the subdivision and land purchase and authorise the General Manager to perform all duties necessary to effect the land transfer.

Disclosure of Interest

Nil

Detailed report

The upgrade of the link between Orange and Mudgee NSW (Dixon's Long Point) has been a discussion for more than 70 years. The Australian Government, under the Roads of Strategic Importance (ROSI) initiative has provided a sum of \$2 million towards field studies and design development for the purpose of selecting a preferred bridge option and preliminary site for construction works. Council expects to receive from the Australian Government a further \$27.8m in funding towards the completion of environmental studies, design development, management and construction of a bridge with 20 year ARI flood immunity and a total of approximately 3km of sealed road on the eastern and western road approaches to the bridge.

On the eastern side of the bridge there exists, on title of a number of allotments, a road registered reserve within which a road has not yet been constructed. It is planned as part of this project that this road reserve will form the eastern approach to the new bridge and, in order to achieve the necessary design and geometry parameters for the road, land will need to be acquired from the Landowner for widening the public road reserve, specifically:

- Part Lot 200 DP 871982 1.999ha
- Part Lot 1 DP 1136687 1,569m²
- Part Lot 201 DP 871982 9,206m²
- Part Lot 43 DP47253 6,972m²

Please note that the above areas are draft and will not be finalised until survey of property boundaries at completion of the construction works.

This Dedication Land is currently held by the Landowner. Market value of the Dedication Land will be assessed by the Valuer, however sales evidence suggests values ranging \$4,000-\$8000 per ha. Staff have made contact with the Landowner to discuss terms that would satisfy both parties for acquisition by agreement, that is:

- a) the transfer of the Dedication Land to Council is to be carried out by way of Subdivision Plan, the registration of which will cause the Dedication Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of a public road;
- b) in consideration of the purchase of the Dedication Land, Council agrees to pay, and the landowner agrees to accept, a monetary sum to be determined by the Valuer;
- c) Council, at its own cost, will arrange for the demolition of any existing boundary fencing, including gates, and relocate to the new property boundary;
- d) after road construction is complete and the fencing relocated, Council will at its own cost, arrange for a registered surveyor to survey the location of the new property boundary and finalise the preparation, lodgement and registration of appropriate Subdivision Plans giving effect of the transfer to road reserve;
- e) if there is a material change in area acquired, the settlement sum will be adjusted by the land value rate set by the Valuer.

It is proposed to enter into a Heads of Agreement with the Landowner to record the parties' agreement in respect to the terms on all relevant matters concerning the acquisition and the compensation to be paid.

In acquiring the Dedication Land and constructing the new road, two paper road reserves will become redundant. It is proposed to undertake necessary road status investigations of these road segments, and if determined eligible, prepare a further report to Council addressing the road closure process with a view of transferring the road closure lands to the Landowner.

In addition, land is also required to be acquired from the Crown to effect the construction of a new road approach to the new Dixons Long Point Bridge. The areas required are as follows:

- Part Lot 45 DP 47253 16,090m²
- Part Lot 42 DP 47253 1,242m²
- Part Lot 7311 DP 1129242 2,258m²
- Macquarie River – Reserve 56146 – Beds of all Rivers 400m² (nominal)

Council must acquire these areas in accordance with s177 and s178 Roads Act 1993 (the Roads Act) and the Land Acquisition (Just Terms Compensation) Act.

Preliminary advice has been given to Crown of the proposed acquisition and Crown has subsequently responded confirming the process to be followed. Approval is now sort to submit to Crown lands notification of proposed acquisition and application for license for site investigation and road and bridge construction whilst the notification process is underway.

Attachment 1 appended to this Report shows draft plans proposed for the Road Dedication Land, road closures and land to be acquired from Crown.

Community Plan implications

Theme	Connecting Our Region
Goal	Efficient connection of the region to major towns and cities

Strategy Develop a regional network in partnership with government agencies, that grows with the needs of residents businesses

Strategic implications

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy

Legislation

Local Government Act 1993

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Financial implications

The Dixons Long Point crossing project has a budget of \$29.8m and is 100% Australian Government Roads of Strategic Importance program funded. This will fund all costs associated with the acquisition and all associated subdivision and administration expenses.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2022/23	-	-	-
Future Years	-	-	-

Associated Risks

This matter is considered low risk however Council staff will manage the mitigation of any risks which may arise.

RAY KEARNS
MANAGER - INFRASTRUCTURE PLANNING

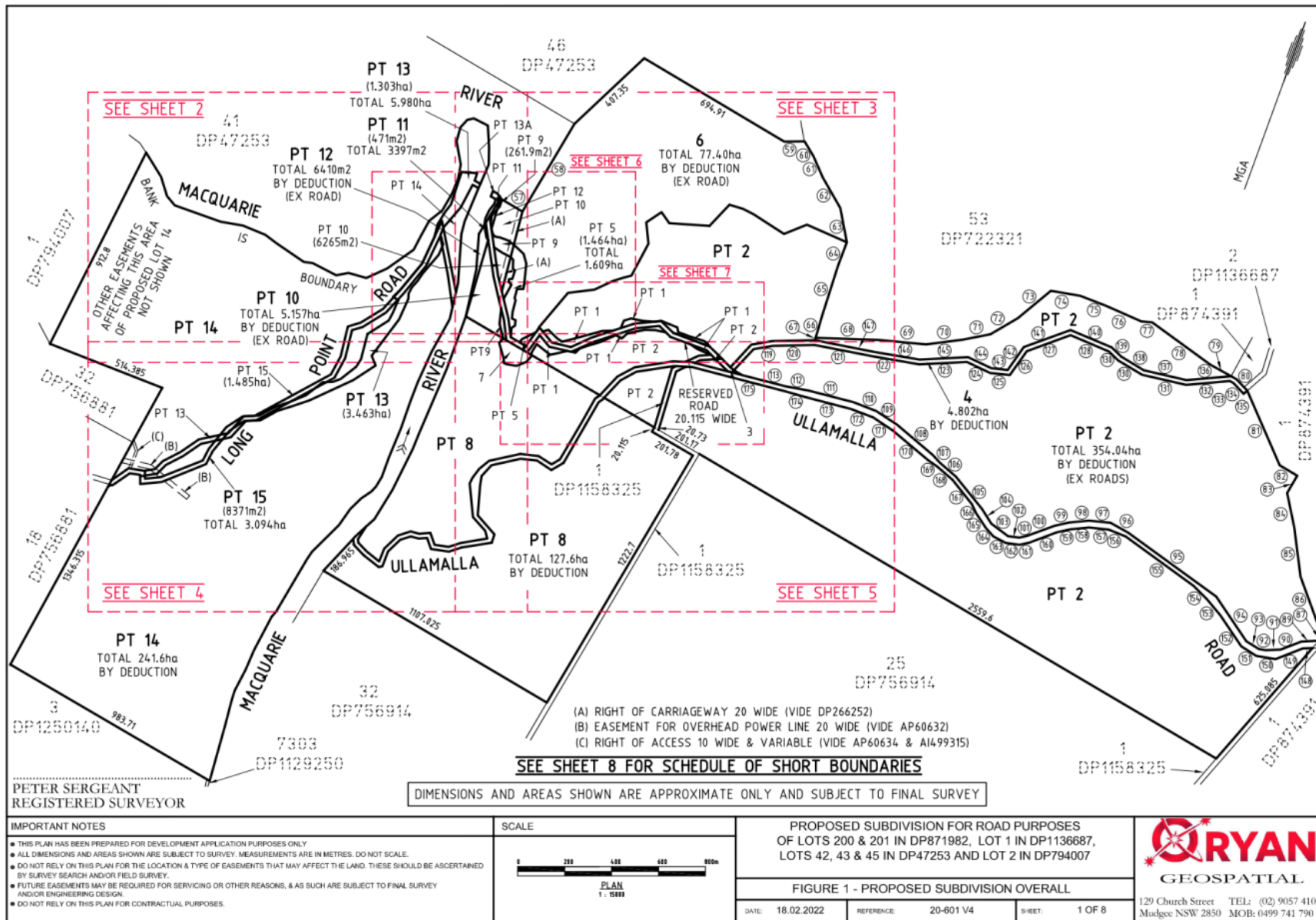
JULIAN GEDDES
DIRECTOR OPERATIONS

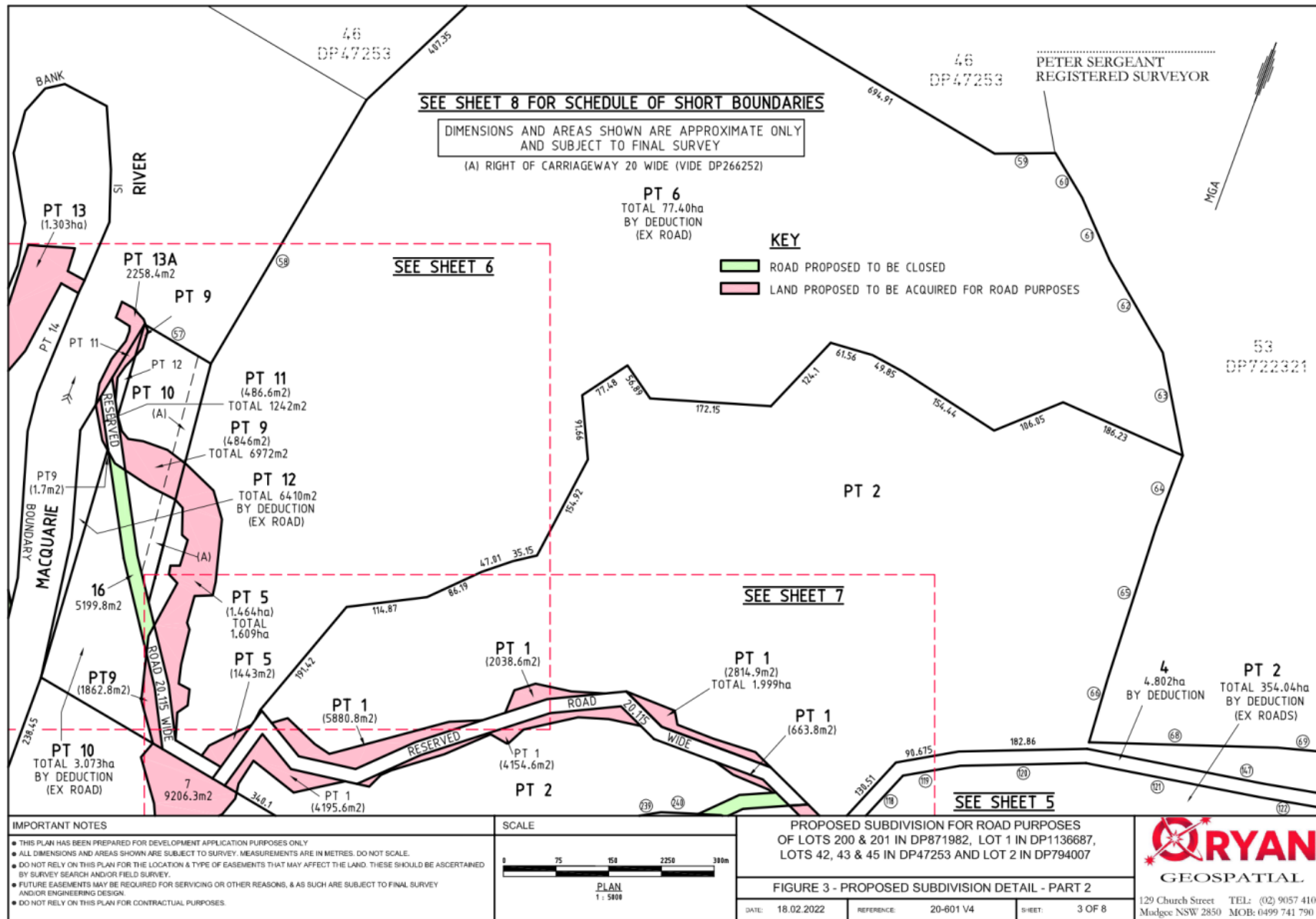
24 February 2022

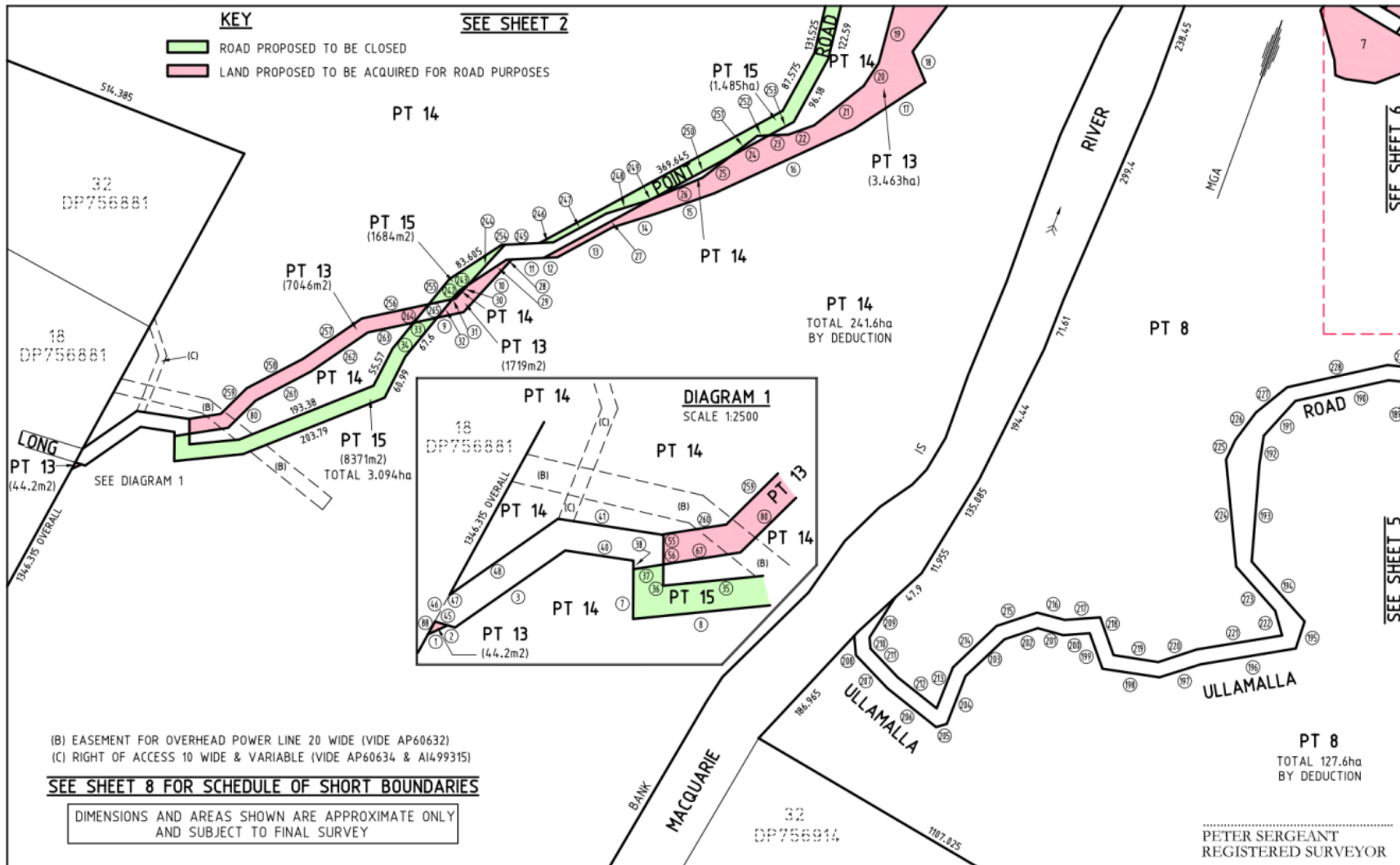
Attachments: 1. Plan - Land to be acquired and roads to be closed.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

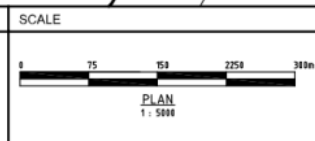






IMPORTANT NOTES

- THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
- ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY. MEASUREMENTS ARE IN METRES. DO NOT SCALE.
- DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY.
- FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN.
- DO NOT RELY ON THIS PLAN FOR CONTRACTUAL PURPOSES.



PROPOSED SUBDIVISION FOR ROAD PURPOSES
 OF LOTS 200 & 201 IN DP871982, LOT 1 IN DP1136687,
 LOTS 42, 43 & 45 IN DP47253 AND LOT 2 IN DP794007

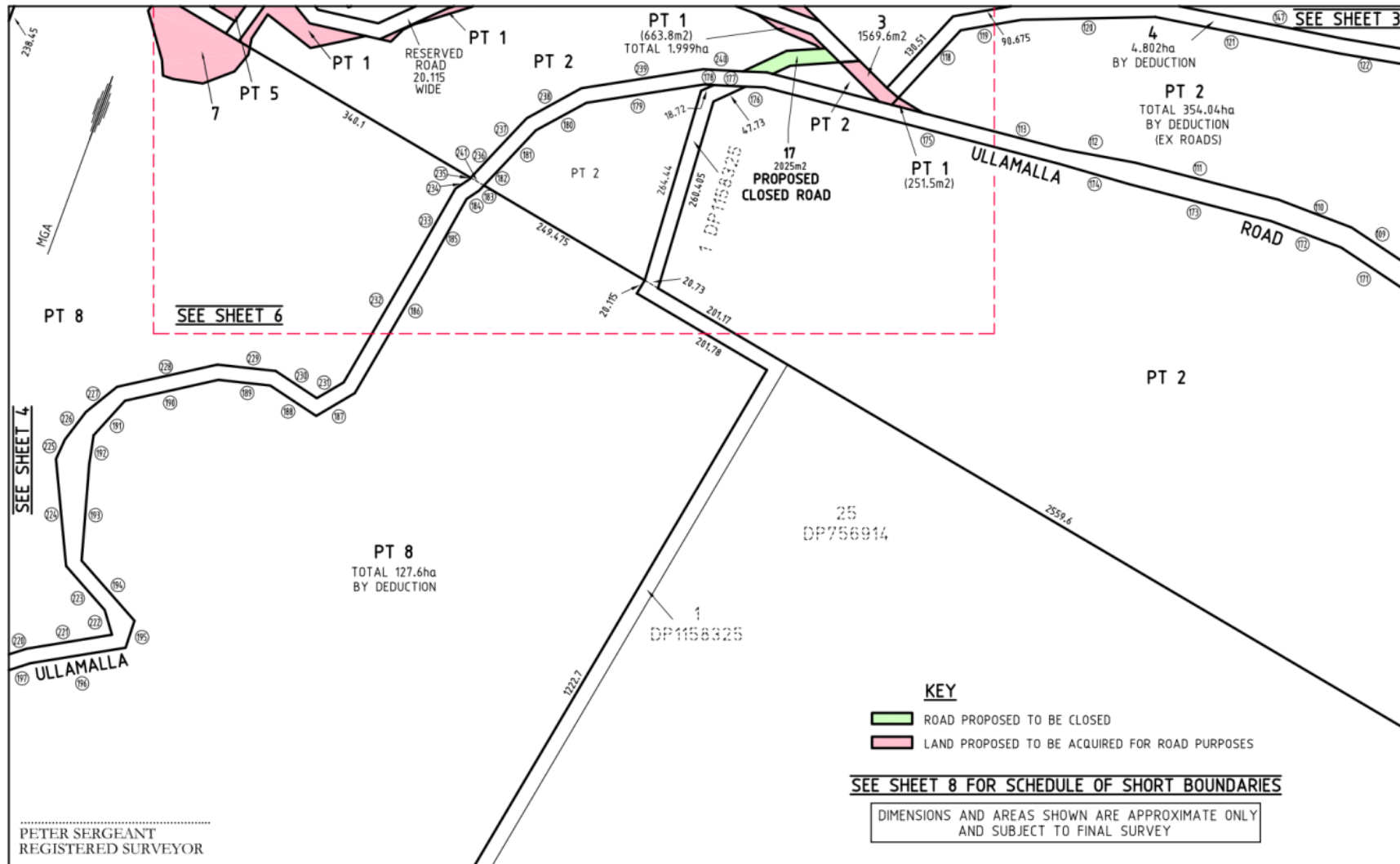
FIGURE 4 - PROPOSED SUBDIVISION DETAIL - PART 3

DATE: 18.02.2022 REFERENCE: 20-601 V4 SHEET: 4 OF 8

PETER SERGEANT
REGISTERED SURVEYOR

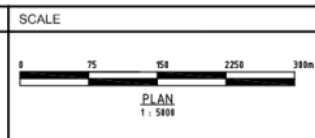
RYAN
GEOSPATIAL

129 Church Street TEL: (02) 9057 4101
 Mudgee NSW 2850 MOB: 0499 741 790



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PROPOSED SUBDIVISION FOR ROAD PURPOSES OF LOTS 200 & 201 IN DP871982, LOT 1 IN DP1136687, LOTS 42, 43 & 45 IN DP47253 AND LOT 2 IN DP794007

FIGURE 5 - PROPOSED SUBDIVISION DETAIL - PART 4

DATE: 18.02.2022 REFERENCE: 20-801 V4 SHEET: 5 OF 8

RYAN
 GEOSPATIAL

129 Church Street TEL: (02) 9057 4101
 Mudgee NSW 2850 MOB: 0499 741 790

LINE	DISTANCE	LINE	DISTANCE	LINE	DISTANCE	LINE	DISTANCE	LINE	DISTANCE	LINE	DISTANCE	LINE	DISTANCE	LINE	DISTANCE	LINE	DISTANCE
1	14.775	71	118.9	128	178.22	185	111.485	242	14.96	308	40.985	369	68.57	529	66.165		
2	5.065	72	135.855	129	55.12	186	188.335	243	14.415	309	38.89	370	20.69	530	26.78		
3	89.88	73	182.975	130	118.25	187	59.69	244	72.175	310	73.4	371	14.60	531	75.165		
7	33.27	74	127.35	131	193.16	188	73.72	245	46.305	311	14.26	372	4.824	532	51.185		
8	91.955	75	116.405	132	186.86	189	69.935	246	18.325	312	23.475	373	44.91	533	15.49		
9	35.985	76	166.44	133	18.31	190	127.755	247	88.665	313	28.945	374	29.14	536	28.815		
10	95.265	77	45.625	134	62.615	191	62.835	248	68.965	316	1.83	375	8.66	537	17.075		
11	42.795	78	385.98	135	20.13	192	39.08	249	4.25	317	8.95	376	43.08	538	74.655		
12	18.84	79	100.915	136	189.855	193	129.435	250	116.55	318	25.62	377	18.36	539	8.50		
13	83.595	80	51.945	137	186.76	194	106.99	251	46.635	319	15.68	378	66.73	540	21.66		
14	60.515	81	347.725	138	112.865	195	37.9	252	15.96	320	47.34	379	73.93	541	18.5		
15	83.49	82	87.285	139	56.55	196	129.03	253	37.435	321	19.81	380	31.61	542	24.12		
16	284.59	83	85.05	140	189.815	197	57.63	254	4.485	322	19.79	381	14.63	543	15.63		
17	114.29	84	158.3	141	212.55	198	77.24	255	43.17	323	32.88	382	22.185	544	3.68		
18	44.34	85	211.53	142	119.02	199	50.13	256	91.57	324	22.02	383	24.08	545	22.9		
19	111.775	86	272.19	143	78.15	200	35.64	257	94.68	325	33.14	384	53.11	546	7.41		
20	36.525	87	22.96	144	110.865	201	35.22	258	85.27	326	31.76	385	25.03	547	14.73		
21	84.9	88	10.05	145	207.305	202	46.585	259	48.47	328	74.89	386	56.25	548	18.40		
22	36.425	89	74.0	146	197.74	203	71.54	260	43.91	329	4.07	387	128.57	549	14.73		
23	25.53	90	95.965	147	255.0	204	68.635	261	83.495	330	2.37	388	4.69	550	38.48		
24	68.335	91	62.935	148	48.485	205	15.15	262	91.985	331	15.76	389	75.17	551	31.11		
25	45.415	92	38.67	149	125.135	206	82.61	263	62.665	332	51.66	390	72.83				
26	72.01	93	63.375	150	84.225	207	61.69	264	31.97	333	13.69	391	38.91				
27	165.855	94	228.955	151	75.805	208	25.685	265	32.16	334	2.03	392	13.325				
28	7.125	95	465.465	152	158.59	209	63.295	266	2.98	335	22.54	393	34.285				
29	60.595	96	85.44	153	89.415	210	14.86	274	95.93	336	13.97	394	34.515				
30	25.11	97	91.92	154	81.4	211	53.175	275	22.99	337	21.71	395	31.75				
31	4.655	98	83.86	155	357.69	212	66.57	276	29.625	338	36.31	396	51.81				
32	31.97	99	63.375	156	78.875	213	58.8	277	35.325	339	31.33	397	47.745				
33	32.16	100	125.87	157	84.665	214	80.505	278	39.885	340	3.08	398	17.58				
34	44.675	101	34.665	158	78.97	215	57.08	279	185.54	341	53.48	399	23.48				
35	66.83	102	47.795	159	59.39	216	37.88	280	37.965	342	43.89	400	16.78				
36	14.16	103	89.345	160	126.16	217	47.55	281	10.115	343	89.35	401	20.21				
37	20.365	104	73.165	161	41.87	218	53.4	282	41.95	344	19.53	402	58.66				
38	5.645	105	177.96	162	58.19	219	60.48	283	31.61	345	25.81	403	71.31				
40	45.835	106	89.09	163	60.38	220	54.38	284	4.59	346	39.66	404	26.36				
41	69.80	107	46.63	164	47.625	221	115.2	285	110.67	347	10.24	405	5.14				
45	8.985	108	198.895	165	76.33	222	34.445	286	108.7	348	58.78	406	26.32				
46	20.54	109	106.975	166	41.76	223	78.56	287	27.75	349	27.87	407	79.41				
47	0.09	110	104.62	167	133.14	224	143.59	290	27.485	350	17.37	408	43.71				
48	88.095	111	198.04	168	87.335	225	28.56	291	33.94	351	23.09	409	46.615				
55	1.415	112	97.85	169	46.145	226	46.045	292	66.885	352	17.71	410	74.255				
56	19.82	113	193.02	170	197.17	227	53.83	293	145.345	353	39.65	411	19.92				
57	107.76	114	33.295	171	101.87	228	137.49	294	41.83	354	68.43	412	55.04				
58	435.99	115	19.195	172	99.605	229	78.13	295	59.525	355	17.13	413	62.415				
59	86.52	116	15.625	173	195.315	230	65.96	296	55.7	356	12.32	414	38.7				
60	74.28	117	40.05	174	98.73	231	41.875	297	41.455	357	13.75	415	6.935				
61	98.08	118	122.96	175	487.36	232	183.01	298	2.96	358	38.00	416	54.64				
62	150.85	119	82.355	176	25.175	233	116.1	299	67.96	359	10.80	417	32.115				
63	149.23	120	179.16	177	43.84	234	22.885	300	75.515	360	38.65	503	20.13				
64	108.145	121	253.08	178	12.675	235	2.22	301	32.275	361	15.68	504	39.53				
65	226.655	122	280.195	179	159.385	236	46.715	302	20.275	362	40.96	505	43.98				
66	94.64	123	284.46	180	76.885	237	62.52	303	3.47	363	41.60	506	12.98				
67	52.895	124	108.465	181	59.31	238	83.605	304	58.14	364	67.86	511	3.73				
68	267.875	125	85.355	182	42.175	239	164.94	305	37.36	365	63.73	526	38.39				
69	203.615	126	124.535	183	9.025	240	52.785	306	106.905	367	15.88	527	32.235				
70	158.775	127	198.315	184	20.395	241	20.625	307	67.96	368	26.82	528	26.17				

PROPOSED LOT	ACQUISITION AREA	CURRENT PARCEL
1	1.999 ha	LOT 200 DP 871982
3	1569m2	LOT 1 DP 1136687
5	1.609ha	LOT 45 DP 47253
7	9206m2	LOT 201 DP 871982
9	6972m2	LOT 43 DP 47253
11	1242m2	LOT 42 DP 47253
13	5.653ha	LOT 2 DP794807
13A	2258m2	LOT 7311 DP1129242
TOTAL LAND TO BE ACQUIRED FOR ROAD 11.38ha		

PROPOSED CLOSED ROAD LOT	AREA	ROAD NAME
15	2.964ha	LONG POINT ROAD
16	5199m2	UNNAMED
17	2025m2	UNNAMED
TOTAL PROPOSED CLOSED ROAD 3.686ha		

PETER SERGEANT
 REGISTERED SURVEYOR



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SCALE

PROPOSED SUBDIVISION FOR ROAD PURPOSES
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FIGURE 8 - SCHEDULE OF BOUNDARY LINES AND ACQUISITIONS

DATE: 18.02.2022 REFERENCE: 20-801 V4 SHEET: 8 OF 8