



EXTRAORDINARY MEETING AGENDA

6 NOVEMBER 2019

To commence at 4.30pm, Wednesday, 6 November 2019
Hilltops Council, Young Chambers, 189 Boorowa Street,
Young

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Held in the Hilltops Council, Young Chamber, 189 Boorowa Street, Young

AGENDA

1. OPENING OF THE MEETING	3
2. ACKNOWLEDGEMENT OF COUNTRY	3
3. LIVE STREAMING, RECORDING AND PUBLISHING OF COUNCIL MEETINGS	3
4. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS	3
5. DISCLOSURES OF INTEREST	3
6. GENERAL MANAGER'S REPORT	4
6.1 – EOM 19/10 – CROWN LAND NEGOTIATIONS.....	4

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1. OPENING OF THE MEETING

1.1 Housekeeping

- I note there are a number of people in attendance. If you are asked to evacuate, the emergency procedure is to:
 - Exit via the door leading out of the building directly outside the Council Chambers; and proceed to the footpath opposite the Council Chambers and await further instructions.

1.2 Public Forum

- to commence at 4.30pm

2. ACKNOWLEDGEMENT OF COUNTRY

May I firstly acknowledge the traditional owners of land we meet on today – I humbly pay my respects to the people of the Wiradjuri nation, their past, future and emerging elders.

3. LIVE STREAMING, RECORDING AND PUBLISHING OF COUNCIL MEETINGS

- This Council Meeting is being streamed live, recorded and published in accordance with Council's Live Streaming in Council Meetings Policy.
- To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.
- Anyone who is invited to speak will be recorded and their voice, image and comments will form part of the live stream and recording.
- The Chair and/or the General Manager have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.
- Attendees are advised that they may be subject to legal action if their actions result in inappropriate and/or unacceptable behaviour and/or comments.
- Today's Meeting is being streamed live as well as recorded and published on Council's website.

4. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

5. DISCLOSURES OF INTEREST

EXTRAORDINARY MEETING AGENDA

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6. GENERAL MANAGER'S REPORT

6.1 – EOM 19/10 – CROWN LAND NEGOTIATIONS

Responsible Officer: Mayor

PURPOSE

The purpose of this report is to consider a rescission motion regarding resolution 19/297 made at the 25 September Ordinary Council meeting about the Crown Lands Negotiation Program 2019.

RECOMMENDATION

That Council:

- (a) Rescind motion 19/297 in relation to the crown lands negotiation program 2019**

REPORT

A rescission motion has been received regarding the resolution 19/307 of 25 September 2019:

8.1 - 19/297 – CROWN LANDS NEGOTIATIONS 2019

19/307 RESOLVED:

That Council:

(a) Request the Minister Hon Melinda Pavey to consider the withdrawal of Hilltops Council from the Crown Lands Negotiation Pilot on financial grounds.

Councillors: Ingram/Armstrong

For: Councillors: Ingram, Armstrong, Flanery, Horton, Manchester, O'Connor, Roles, Wallace.

Against: Councillor: Walker

ATTACHMENTS:

Attachment 1 Rescission Motion
Attachment 2 Background to the program

POLICY AND LEGISLATION

Crown Land Management act 2016 commencing 1 July 2018.
Code of Meeting Practice Clause 17.6

COMMUNITY STRATEGIC PLAN LINKAGE

Pillar 5 Ethical and proactive Governance

FINANCIAL IMPLICATIONS

Crown Land – new parcels – land transfer at Crown cost, no GST applicable. This will be done as a bulk transfer.
Crown Land drafting of agreements – At Crown cost.

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Resolution of Aboriginal Land Claims – prior to vesting, the Crown will resolve this issue at their cost. Title transfer is freehold. Once vested, it will be outside the parameters of the Aboriginal Land Rights Act 1983.

Crown participation by Crown staff – At Crown Cost

Council participation of staff – at Council Cost

Council advise on State drafted agreements – at Council cost \$20,000

Council has expended \$140,000 since 2017 through transition funds on an officer to create the database of parcels to be considered and assessment and coordination of the research.

Additional survey work if required will be Councils cost. Council will endeavour to minimise any survey costs.

It is not known whether any other non-land-based agreements will be considered as part of the program finalisation.

All approvals will need to come before Council for consultation and agreement prior to signoff.

The Crown has established which parcels will be retained by the State. Racecourses will not be considered for transfer.

RISK IMPLICATIONS

Strategic risk – Council committed to be part of this program in 2017. Council withdrawing from this program does have reputational risk.

Strategic Risk – That Council cannot satisfactorily negotiate outcomes and that expectations are from all sides that Council has the resources to complete any long-term commitments to additional infrastructure or management regime.

Operational risk – The State program supports the vesting of land to Councils and Aboriginal Land Councils as freehold land at no cost to Council and GST is not applicable. The program also requires the State to resolve any Aboriginal Land Claim prior to this vesting and this will be done by the State at no cost to Council. The program will support the drafting of agreements and Crown staff costs to work through the program.

Legal risk - It does not support legal costs associated with Council legal advice about any of the agreements drafted nor does it provide reimbursement to council of council staff attendance/support in the program.

Operational risk – should Council withdraw from the program then land tenure issues convert back to the existing legal framework whereby claims may take considerable lengths of time to resolve and may stall current or future projects.

Operational – freehold land will be under community title. Some parcels may be transferred e.g. sewerage treatment plants, leachate dams, into operational.

Operational – Council a has significant number of several parcels in this program already under it control and management. This program allows these parcels to be transferred to Council as freehold.

CONSULTATION AND TIMING

The Program is being conducted during 2019/2020

Council Meeting 25 September 2019 Mayoral Minute

Councillor Workshop 30 October 2019, the Crown attended this workshop to present to Councillors.