

ITEM 8

PROPOSED ACQUISITION OF LOT 1 IN DP 1250945 - PART 145 FOWLERS ROAD, DAPTO - FOWLERS ROAD TO FAIRWATER DRIVE EXTENSION PROJECT

The West Dapto Access Strategy (the Strategy) is one of Council's current major projects. Presently, Council is progressing Stages 2 and 3 of the Fowlers Road to Fairwater Drive link which forms an integral part of the Strategy. Council has resolved to strategically acquire a number of properties in the vicinity of the road works in recent months to enable the construction of the link road, this includes the widening of the Princes Highway in close proximity to the Fowlers Road and Princes Highway intersection, airspace above Mullet Creek within which the bridge is located and at the rear of Dapto High School.

The acquisition of the 7.4m² area the subject of this report relates to the road widening works affecting the Princes Highway frontage of the former Dapto TAFE.

RECOMMENDATION

- 1 Council acquire proposed Lot 1 DP 1250945, being Part Lot 1 DP 582070 by authority contained within Section 177 of the *Roads Act 1993*, for the purpose of road widening, under the following conditions:
 - a Compensation be paid to the owner in the amount of \$3,220 (GST exclusive)
 - b Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition of the subject land.
- 2 Upon the acquisition being finalised, the land be dedicated as public road pursuant to Section 10 of the *Roads Act 1993*.
- 3 Council grant authority for the use of the Common Seal of Council on all documents relevant to this matter, should it be required to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation (Acting)
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Business Paper Map - Proposed Acquisition of Lot 1 DP 1250945

BACKGROUND

Council has been actively implementing the West Dapto Access Strategy for a number of years and is now constructing the Fowlers Road to Fairwater Drive link which forms an integral part of this strategy. This stage of the project has been in the construction phase since August 2018 and affects the airspace above Mullet Creek and the railway line, the rear of Dapto High School, a number of properties along the Princes Highway to the north of the Fowlers Road and Princes Highway intersection as well as two properties to the south of this intersection.

The acquisition of 7.4m² of 145 Fowlers Road, Dapto is necessary to ensure Council retains the required minimum verge width of 3m for service corridor allocations along the Princes Highway.

Council obtained a valuation report from certified practising valuers Walsh & Monaghan to assess the compensation payable pursuant to the *Land Acquisition (Just Terms Compensation) Act* for the land to be acquired. This report was based on the draft acquisition plan of 14m². Walsh & Monaghan assessed the market value of the land at \$3,220 excluding GST.

The subject property is held in title by the Minister Administering the Technical and Further Education Commission Act (the Minister). TAFE NSW are responsible for negotiating on behalf of the Minister for the disposal of the land. TAFE NSW obtained Ministerial consent to the disposal of the land as per the recommendation outlined above.

Due to project construction timelines and subsequent urgency to gain access to the land, construction works associated with the project have been ongoing within the subject property since July 2019 under the terms and conditions of a Deed of Agreement. This agreement was entered in good faith on the understanding that the land affected by the infrastructure would be acquired by Council on the negotiated terms. The agreement and

Ministerial approval were granted on the basis of compensation in the amount of \$3,220 (GST exclusive) being payable for the land.

Upon final survey of the property, the acquisition area was reduced from 14.0m² to 7.4m², however due to the nominal value of compensation payable and additional costs that Council would incur, should it attempt to renegotiate the compensation amount payable on account of the reduced area, it was decided that the preferred option would be to pay the agreed figure. Additional costs such as valuation and administration fees and potential project delays, would far exceed the compensation amount. In addition, TAFE NSW would also need to seek further Ministerial approval to a revised compensation amount.

Council, as the acquiring authority, is responsible for all reasonable costs incurred by the landowner as a result of the acquisition, pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*. This includes legal, survey, plan lodgement and any other reasonable costs incurred.

PROPOSAL

Council acquire for road purposes, proposed Lot 1 DP 1250945 being Part Lot 1 DP 582070.

CONSULTATION AND COMMUNICATION

Extensive community consultation has taken place in conjunction with the major project of which this acquisition forms part. Such consultation included a West Dapto Access Strategy billboard, newsletters, artist impressions, a 3D fly through video, variable messaging signs, displays and information packs. In addition to the communication methods listed above, numerous feedback opportunities were afforded to the community. This comprised of a range of engagement activities to target stakeholders including presentations, phone calls, door knocks, individual meetings, an on-site kiosk, a community information session and a pop-up information stall. A comprehensive engagement report has been prepared and published by Council's Community Cultural and Economic Development Division outlining in extensive detail the consultation and communication undertaken on the West Dapto Access Strategy project.

Council has a dedicated website which provides up-to-date information on the progress of the project as well as Frequently Asked Questions, plans and videos specifically relating to the Fowlers Road to Fairwater Drive link project, which forms part of the overall West Dapto Access Strategy.

Ministerial approval to the disposal has been obtained by TAFE NSW for the transaction and compensation payable of \$3,220 (GST exclusive).

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 Goal "We have affordable and accessible transport".

It specifically delivers on core business activities as detailed in the Infrastructure Planning and Support Service Plan 2019-20.

FINANCIAL IMPLICATIONS

The funding for all costs associated with the acquisition will be via the 2019-20 Capital Budget (Project No 128224).

CONCLUSION

As the acquisition of the subject land forms an integral part of the Fowlers Road to Fairwater Drive Project, it is recommended Council resolve to acquire the land as recommended.



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