

ITEM 11

PROPOSED ACQUISITION OF PROPOSED LOT 70 DP 241188, BEING PART LOT 1 DP 36010, PRINCES HIGHWAY, DAPTO FOR ROAD WIDENING PURPOSES

Council at its meeting on 23 July 2018, resolved to award the tender for the construction of Stage 2 and 3 the Fowlers Road to Fairwater Drive extension project. As part of this project, a number of property acquisitions along the Princes Highway in Dapto are required. The acquisitions will allow for the widening of the Princes Highway at the new intersection of Fowlers Road and the Princes Highway.

This report seeks Council approval to acquire proposed Lot 70 DP 241188, being Part Lot 1 DP 36010 for road widening purposes.

RECOMMENDATION

- 1 Council acquires proposed Lot 70 DP 241188, being part Lot 1 DP 36010 for the purpose of road widening on the following conditions:
 - a Compensation by paid in the amount of \$103,000 (excluding GST);
 - b Council be responsible for all costs including valuation, transfer, legal, replacement or relocation of fencing, letterbox and water meter, if required.
- 2 Council (or its nominated contractor) complete the works associated with the replacement or relocation of the boundary fencing, landscaping, letterbox and water meter on a like for like basis;
- 3 Upon acquisition being finalised, the land be dedicated as public road pursuant to Section 10 of the Roads Act 1993;
- 4 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Acquisition Area - Proposed Lot 70 DP 241188, Part Lot 1 DP 36010

BACKGROUND

Council has been heavily involved in the design and construction of the Fowlers Road to Fairwater Drive extension project for many years. In 2014 Council was successful in receiving grant funding of \$22.5M from the Re-Start NSW Illawarra Infrastructure Fund to assist in the delivery of the project. As part of this major project, a number of property acquisitions are required to allow for the ideal intersection design at the point where the extended road will intersect with the Princes Highway in Dapto. The areas to be acquired have been delineated by a road widening plan registered in 1977 which defined numerous properties along the Princes Highway to be acquired for road widening. Council has recently resolved to acquire proposed Lots 69, and 67 for the same project. This report relates to proposed Lot 70 DP 241188, being part Lot 1 in DP36010.

The acquisition is pursuant to the requirements within the Land Acquisition (Just Terms) Compensation Act 1991. Accordingly, a valuation from local valuation firm, Walsh & Monaghan Valuers was obtained for the purpose of commencing negotiations with the affected landowner. Walsh & Monaghan assessed the compensation pursuant to the principles outlined within S. 55 of the Land Acquisition (Just Terms) *Compensation Act 1991*.

The landowner has obtained an independent valuation, also for negotiation purposes. An in-principle agreement for compensation has been reached with the landowner, based on the assessments in the amount of \$103,000. In addition to the monetary compensation, Council will be responsible for all works associated with the relocation of the boundary fence, landscaping and water meter as part of the negotiations. Any items to be replaced will be replaced on a like for like basis.

Council, as the acquiring authority, is also 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, valuation, survey, plan lodgement and any other reasonable costs incurred.

PROPOSAL

Council acquire for road widening proposed Lot 70 DP 241188, being Part Lot 1 DP 36010, as shown in the attachment to this report.

CONSULTATION AND COMMUNICATION

Extensive community consultation has taken place in conjunction with the major project of which this acquisition forms part.

The owner of the subject property is agreeable to the offer made within the in-principle negotiations and wishes to proceed.

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 6.1.4 Integrated communities close to public transport and local services and facilities. Focused around existing train stations, and town and village centres are planned for and encouraged; and 6.1.4.1 Facilitate the integration of public amenities and transport with local communities as outlined within the Service Plan 2018-2019.

FINANCIAL IMPLICATIONS

The funding for all costs associated with the acquisition will be via the 2018-2019 Capital Budget (B281319).

CONCLUSION

As the acquisition of the subject land forms an integral part of the Fowlers Road to Fairwater Drive project, it is recommended Council adopts the recommendation.

