

ITEM 11

PROPOSED ACQUISITION OF PART LOT 1 DP 1207666 FOR ROAD WIDENING PURPOSES FOR BONG BONG ROAD AND STATION STREET DAPTO TRAFFIC LIGHT PROJECT

As part of the Dapto Town Centre revitalisation, Council has developed a detailed design for traffic lights at the intersection of Bong Bong Road and Station Street, Dapto to be phased with the level crossing at this location (the Project).

This report seeks Council's approval to acquire part Lot 1 DP 1207666 as a stratum lot limited in height and unlimited in depth at the corner of Bong Bong Road and Station Street, Dapto for road widening purposes to facilitate the installation of traffic lights at the intersection and associated pedestrian footpath works as part of the Project.

RECOMMENDATION

- 1 Council acquire by authority contained within Section 177 of the *Roads Act 1993*, part Lot 1 DP 1207666, comprising an area of approximately 12.321sqm as a stratum lot limited in height to RL 15.400m and unlimited in depth on the corner of Bong Bong Road and Station Street, Dapto for the purposes of road widening (subject to Final Plan of Acquisition).
- 2 Compensation be paid to the owner in the amount of \$1,210 (GST inclusive).
- 3 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition of the subject land.
- 4 Upon acquisition being finalised, the land be dedicated as public road pursuant to Section 10 of the *Roads Act 1993*.
- 5 The General Manager be granted authority to sign any documentation to give effect to this resolution.
- 6 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
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Business Paper Map - Proposed Acquisition of part Lot 1 DP 1207666 - Bong Bong Road and Station Street, Dapto Traffic Light Project
- 2 Extract of Detailed Design Plan

BACKGROUND

As part of Dapto Town Centre revitalisation, Council has developed a detailed design for traffic lights at the intersection of Bong Bong Road and Station Street, Dapto to be phased with the level crossing at this location. This project aims to improve accessibility and reduce congestion for the benefit of pedestrian movement at the intersection, motorists and users of public transport in Dapto.

Council has identified the need to acquire a splayed corner of land from Dapto Leagues Club Ltd for road widening purposes. The land identified for acquisition will facilitate pedestrian movement at the intersection by providing for pedestrian footpath works associated with the Project. The attached extract plan of the detailed design indicates the area required for pedestrian footpath which will allow for adequate pedestrian movement at the crossing interface.

Dapto Leagues Club Ltd holds an approved development consent, DA-2018/1348, for commercial alterations and additions to existing club building. The approved development includes extension over the existing carpark area at the corner of Bong Bong Road and Station Street for a new upper-level courtyard

terrace/lounge/bar; internal alterations; external alterations to the façade to Bong Bong Road and in-part Station Street; provision of architectural vertical fin screening elements to ground level car park and associated landscape embellishment works to the street frontages.

To avoid the potential impacts to the club's development, as this proposed road widening was not identified in the Wollongong Local Environmental Plan 2009 as a future acquisition/road widening reservation, it was determined that the acquisition of the splayed corner of part of Lot 1 DP 1207666 be a lot limited in stratum height to the underside of the first floor slab to Reduced Level (RL) 15.400 metres. The club has confirmed that this stratum RL will not impact their proposed approved first floor additions in their future development. In comparison, if Council were to acquire a lot unlimited in height, the club would be required to reconfigure their approved development and subsequently, Council would be required to compensate the Club for those costs in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

The land identified for acquisition comprises an area of approximately 12.321sqm and is shown shaded on the attached sketch plan. As indicated this acquisition lot will be a stratum lot limited in stratum height to RL 15.400 metres and is subject to formal survey and Plan of Acquisition. The club's proposed first floor addition will slightly overhang the acquisition lot, but this will have little to no impact on pedestrian movement at the intersection.

Council obtained a valuation report from certified practising valuers Walsh & Monaghan Pty Ltd to assess the compensation payable pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*. In-principle agreement to compensation has been reached with the landowner, Dapto Leagues Club Ltd, based on the assessment in the amount of \$1,210 (GST inclusive).

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 with the acquisition.

Dapto Leagues Club Pty Ltd has accepted the in-principle offer made by Council as outlined in the recommendation and subject to Council's resolution to proceed.

PROPOSAL

Council acquire for road purposes by authority contained within Section 177 of the *Roads Act 1993* part Lot 1 DP 1207666 being a stratum lot limited in stratum height to RL 15.400 metres, comprising an area of approximately 12.321sqm for the agreed compensation sum of \$1,210 (GST inclusive), in addition, pursuant to the *Land Acquisition Just Terms Compensation Act 1991*, Council will also be responsible for all survey and valuation fees payable including the property owners reasonable valuation and legal costs associated with the acquisition.

CONSULTATION AND COMMUNICATION

- Negotiations have been undertaken with the property owner, Dapto Leagues Club Ltd and the club is agreeable to the acquisition as negotiated
- Council obtained independent valuation advice from Certified Practicing Valuers, Walsh & Monaghan Pty Ltd Property Valuers
- Project Delivery Division in relation to the acquisition area and final design
- Capital Program in relation to funding and budget allocation
- Legal Counsel
- Finance Division to create the budget number.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 6 "We have affordable and accessible transport".

It specifically delivers on core business activities as detailed in the Infrastructure Planning and Support Service Plan 2021-22.

FINANCIAL IMPLICATIONS

Council will be required to pay compensation to the owner in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

The GST Inclusive amount of compensation is \$1,210. As the Dapto Leagues Club Ltd is registered for GST, the club will need to provide Council with a tax invoice to enable Council to claim back the GST. The net cost to Council for the property is \$1,100 and this amount Council should allow for budget purposes.

Pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*, Council is also required to pay the landowners reasonable costs associated with the acquisition including all survey, valuation and legal costs.

The funds for this acquisition have been allocated from Capital Project 129108. The source of funding has been allocated from 124909 Land Acquisition Bulk Vote.

CONCLUSION

The acquisition of the splayed corner of Dapto Leagues Club Ltd land is required to facilitate the Dapto Town Centre Revitalisation Strategy, facilitate the installation of a pedestrian footpath associated with the traffic signalisation at the intersection of Bong Bong Road and Station Street, Dapto and improve accessibility and reduce congestion at this location. Therefore, it is recommended that the acquisition be approved as set out in this report.



