

ITEM 6

PROPOSED ACQUISITION OF PROPOSED LOTS 1, 2 AND 4 IN DP 1254103 - PART 115, 119 AND 121 PRINCES HIGHWAY, DAPTO - FOWLERS ROAD TO FAIRWATER DRIVE EXTENSION PROJECT

The West Dapto Access Strategy (the Strategy), is one of Council's current major projects. Council has finalised the construction 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 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 three lots, the subject of this report, relates to the road widening works affecting the Princes Highway frontage of 115, 119 and 121 Princes Highway, Dapto.

RECOMMENDATION

- 1 Council acquire:
 - a Proposed Lot 1 DP 1254103 (121 Princes Highway, Dapto), being Part Lot 6 DP 36010 (Volume 14027 Folio 169)
 - b Proposed Lot 2 DP 1254103 (119 Princes Highway, Dapto), being Part Lot 5 DP 36010 (Volume 14027 Folio 168)
 - c Proposed Lot 4 DP 1254103 (115 Princes Highway, Dapto), being Part Lot 3 DP 36010 (Volume 14027 Folio 167); by authority contained within Section 177 of the *Roads Act 1993*, for the purpose of road widening under the following conditions:
 - i Compensation be paid to the owner in the amount of \$288,200 (including GST)
 - ii 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

Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Business Paper Map - Proposed Acquisition of Lots 1, 2 and 4 DP1254103 and Aerial Map of Subject Properties to be Acquired

BACKGROUND

Council has been actively implementing the West Dapto Access Strategy for a number of years and has now finalised construction of the Fowlers Road to Fairwater Drive link, which forms an integral part of this strategy. Construction works on the final phases of the link project commenced in August 2018, with the road works being completed in April 2020.

Due to project construction timelines and subsequent urgency to gain access to the land, construction works associated with the acquisition were undertaken pursuant to an early access Deed of Agreement (Construction Deed) prior to acquisition finalisation. The works were undertaken during 2019 and 2020, with all works including property adjustment works (ie relocation of structures within the proposed acquisition area) being finalised in April 2020.

The subject lots to be acquired are held in the title of NSW Land and Housing Corporation. NSW Land and Housing Corporation entered into the Construction Deed in good faith on the understanding that the land affected by the road works would be acquired by Council at some point in the future on the negotiated terms.

The total land to be acquired equates to an area of 349.3m². Comprising 144.7m² described as proposed Lot 1 DP 1254103 (121 Princes Highway), 96.3m² proposed Lot 2 DP 1254103 (119 Princes Highway) and 108.3m² proposed Lot 4 DP 1254103 (115 Princes Highway). The acquisition areas are required for road and intersection widening that included an additional intersection turning lane along the Princes Highway and subsequent relocation of the footpath.

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 1991*. This report was based on the original Acquisition Plan registered on the subject properties for the same areas of land. Walsh & Monaghan assessed the total compensation payable for the acquisition of all the required land as \$262,000, attributing \$88,000 to proposed Lot 4 (115 Princes Highway) and a total of \$174,000 to proposed Lots 1 and 2 (119 and 121 Princes Highway).

NSW Land and Housing Corporation have accepted the in-principle offer made by Council as outlined in the recommendation above.

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.

In addition to the compensation payable, Council completed major property adjustment works associated with the relocation of structures within the acquisition area, such works included; the demolition and reconstruction of the front boundary fence, receptacle building, mail structure and accessibility ramps and footpath within the new property boundary. Council is responsible for these costs in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

PROPOSAL

Council acquire for road purposes:

- Proposed Lot 1 DP 1254103, being Part Lot 6 DP 36010 (Volume 14027 Folio 169)
- Proposed Lot 2 DP 1254103, being Part Lot 5 DP 36010 (Volume 14027 Folio 168)
- Proposed Lot 4 DP 1254103, being Part Lot 3 DP 36010 (Volume 14027 Folio 167).

CONSULTATION AND COMMUNICATION

Extensive community consultation has taken place in conjunction with the major link road project of which this acquisition forms apart. Such consultation included a West Dapto Access Strategy billboard, newsletters, public forums, 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 outlining in extensive detail the consultation and communication undertaken on the West Dapto Access Strategy project.

- Council obtained independent valuation advice from Walsh & Monaghan Property Valuers
- Infrastructure Strategy and Planning – Project Delivery in relation to the acquisition areas and construction works
- Public Works Advisory
- Infrastructure – Capital Projects

- Legal Counsel – Legal Services
- NSW Land and Housing Corporation is agreeable to the acquisitions as negotiated and is seeking to have this matter finalised as soon as possible.

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 2020-21.

FINANCIAL IMPLICATIONS

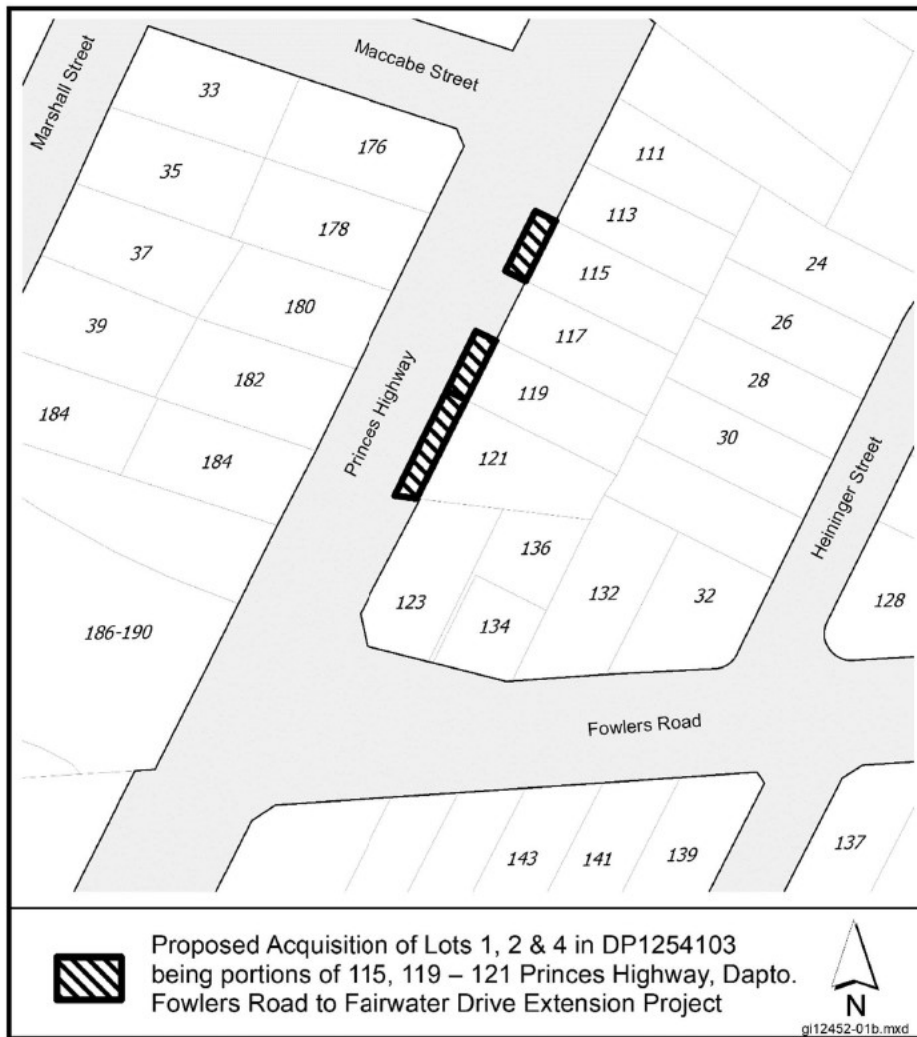
The funding for all costs associated with the acquisition will be via section 7.11 of the West Dapto Development Contributions Plan 2020 as they are associated with the Extension of Fowlers Road to Fairwater Drive Capital Project.

The GST inclusive price of the property is \$288,200. Council will receive a tax invoice from the vendor and will be able to claim back GST of \$26,200. The net of GST cost of the property will therefore be \$262,000 and this is the amount Council should allow for budgeting purposes.

CONCLUSION

As the acquisition of the subject landforms an integral part of the Fowlers Road to Fairwater Drive and intersection upgrade Project, it is recommended Council resolve to acquire the lands as recommended.





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