

ITEM 11

PROPOSED ACQUISITION OF PORTION OF LOT 1 DP 197258, NO 5 FRANKLIN AVENUE, BULLI FOR ROAD WIDENING IN COLEMANS LANE, BULLI

In 1970 Council resolved to adopt a road widening scheme for Colemans Lane, Bulli between Franklin Avenue and Fowler Street. The portions of land in Colemans Lane affected by the road widening scheme have gradually been acquired by Council if and when they become available.

Agreement has recently been reached with the owner of Lot 1 DP 197258, No 5 Franklin Avenue, Bulli for the acquisition of a portion of their land for the road widening.

This report seeks approval to the acquisition.

RECOMMENDATION

- 1 Council authorise the acquisition of the portion of Lot 1 DP 197258, No 5 Franklin Avenue, Bulli, refer Attachment 1.
- 2 Compensation for the acquisition be paid to the owner of Lot 1 DP 197258, No 5 Franklin Avenue, Bulli in the amount of \$100,000.00 (GST free).
- 3 Council be responsible for all disturbance costs as per section 59 of the Land Acquisition (Just Terms Compensation) Act 1991 including valuation, transfer and legal costs.
- 4 Upon the 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 required to give effect to this resolution.
- 6 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: Lucielle Power, Manager Property + Recreation

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

ATTACHMENTS

- 1 Map of portion of Lot 1 DP 197258, No. 5 Franklin Avenue, Bulli to be acquired for road widening
- 2 Summary of Colemans Lane road widening acquisitions

BACKGROUND

On 23 March 1970, Minute 130, Council resolved to adopt a road widening scheme for Colemans Lane, Bulli between Franklin Avenue and Fowler Street. The road widening scheme was adopted in response to numerous requests from owners of land adjoining Colemans Lane to subdivide their land to create frontages to Colemans Lane. The road widening scheme was proposed as a long-term plan to improve Colemans Lane and the area generally.

Consultation with Council's Land Use Planning, Traffic and Transport and Civil Assets Teams has confirmed that the road widening scheme is still required and that there is merit in pursuing this acquisition.

Since the road widening scheme was adopted, the portions of land in Colemans Lane affected by the road widening scheme have gradually been acquired by Council when, and if, they become available, usually through the development application process as the respective parcels of land have been redeveloped. A summary of the parcels that have been acquired as well as the parcels that are still to be acquired are shown on Attachment 2.

To date, Council has acquired 17 portions of land affected by the road widening scheme. The most recent acquisitions Council has undertaken are portions at the rear of Lot 240 DP 1197791, No 25 Park Road, Bulli and Lot 243 DP 1197791, No 28 Ursula Road, Bulli, which were acquired in 2013 to allow for the curb and gutter to be extended at that location.

An opportunity for Council to acquire a 132m² portion of Lot 1 DP 197258, No 5 Franklin Avenue, Bulli has recently arisen when the landowner contacted Council requesting that Council acquire the road widening portions as he wishes to fence his entire property and would like to dispose of the road widening portion prior to doing that.

Council obtained a valuation from Walsh & Monaghan Valuers who assessed the portion of land at \$100,000.00 (excluding GST). An offer was made to the landowner subject to Council resolution and the landowner has accepted this amount.

PROPOSAL

It is proposed to acquire a portion of Lot 1 DP 197258, No 5 Franklin Avenue, Bulli for road widening purposes.

Upon acquisition, the land will be dedicated as public road in accordance with Section 10 of the Roads Act 1993.

CONSULTATION AND COMMUNICATION

Council's City Strategy and Infrastructure Strategy and Planning Divisions were consulted, and both provided support for the acquisition.

Council's Infrastructure Strategy and Planning and Project Delivery Divisions were consulted in relation to budget availability.

Council's Finance Division was consulted in relation to GST applicability.

Walsh & Monaghan Valuers were consulted in relation to a valuation for the acquisition.

PLANNING AND POLICY IMPACT

This acquisition is in accordance with Council's Land and Easement Acquisition and Disposal Policy.

This report contributes to the delivery of Wollongong 2028 goal "We are a healthy community in a liveable city".

It specifically delivers on core business activities detailed in the Property Services Service Plan 2020-21.

FINANCIAL IMPLICATIONS

The amount of \$100,000.00 (GST free) for the subject land is based on an independent report from certified valuers Walsh & Monaghan and considered to be fair and reasonable. It has been confirmed by Council's Finance Division that GST is not applicable to this transaction.

Council will incur survey and legal costs in relation to preparation and registration of a plan of acquisition. It is expected that these costs will be approximately \$6,000.00.

The balance of disturbance costs payable under section 59 of the Land Acquisition (Just Terms Compensation) Act 1991 including the landowner's legal costs, will be less than \$5,000.00.

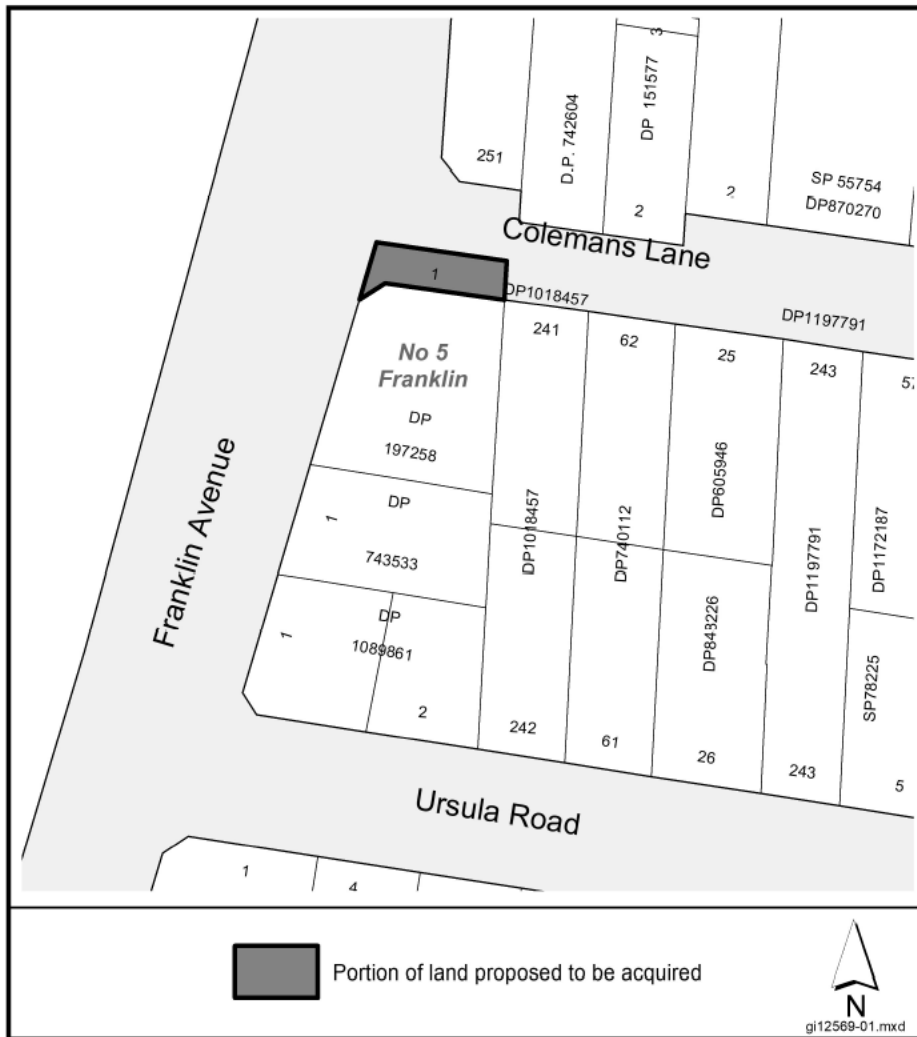
The property at No 5 Franklin Avenue, Bulli is currently unfenced and so Council will not incur any costs in relation to fence relocation. If the landowner installs a fence in the future, Council would not be liable to contribute to those costs as Council is exempt under section 25 of the Dividing Fences Act 1991.

There is no cost to Council involved in dedicating the acquired land as public road in accordance with Section 10 of the Roads Act 1993.

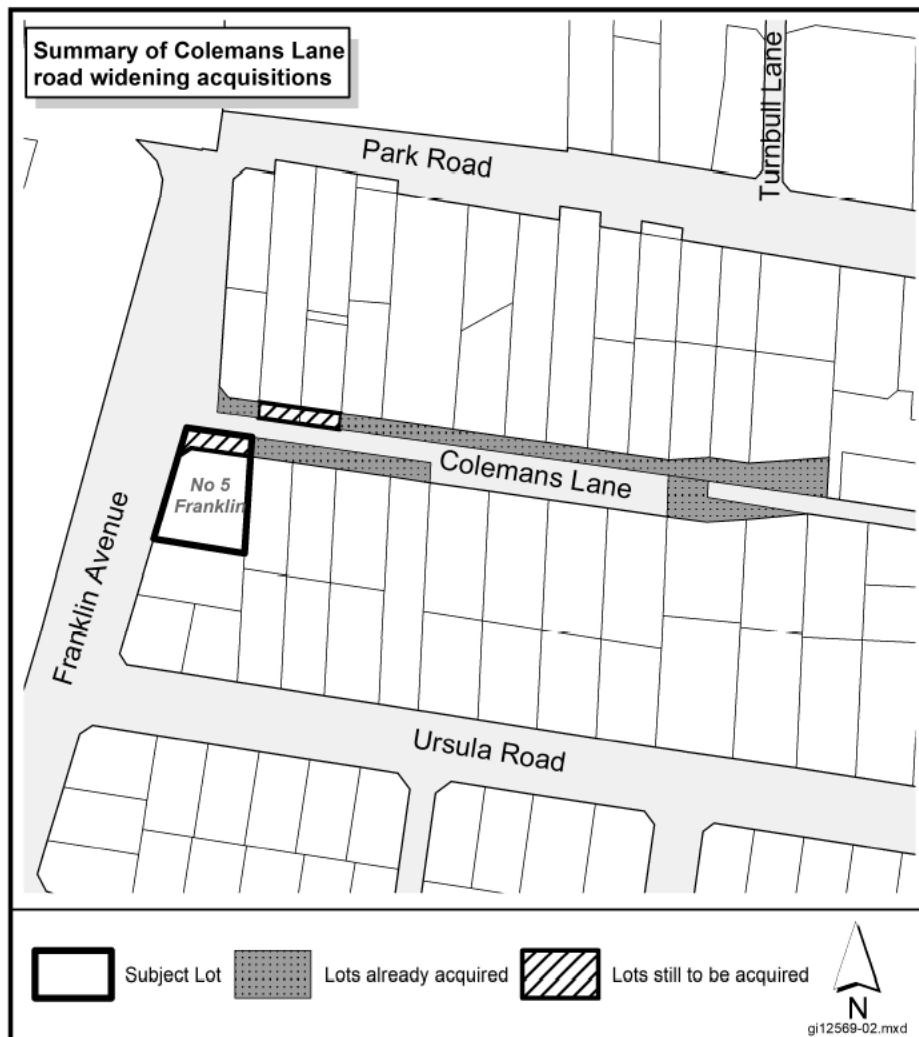
Council's Infrastructure Strategy and Planning Division has advised that sufficient funds for the acquisition and the expected disturbance costs are available in the Land Acquisitions Budget.

CONCLUSION

As the subject land is part of an adopted road widening scheme, it is recommended Council approves the acquisition as outlined in this report.



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