

ITEM 2 SALE OF LOT 87 DP 32081, BARINGA PARK DAPTO

This report is submitted to obtain Council's authority to the sale of Lot 87 DP 32081 ("Subject Site") to the owner of Lots 1 and 2 Sec 56 DP 3236, as it is deemed surplus to Council's Operational Land requirements.

RECOMMENDATION

- 1 Council authorise the sale of Lot 87 DP 32081 to the owner of lots 1 and 2 Sec 56 DP 3436 on the following conditions:
 - a An easement be granted in favour of Council for public thoroughfare burdening Lot 87 DP 32081 allowing the continued use of the laneway connecting Moombara Street and Baringa Place Dapto, and as identified in the attachments to this report.
 - b Each party be responsible for their own legal costs.
- 2 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Roisin OSullivan, Manager Commercial Operations + Property (Acting)
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Baringa Park Site Plan

BACKGROUND

In 2008 Council commissioned a Financial Sustainability Program which sought to maximise income and reduce costs where possible. Part of that strategy was to examine Council's property portfolio and identify properties that:

- were not delivering or contributing to the delivery of service; or
- were not being held for strategic purposes or future service delivery.

Part of the review was to identify lands that could be sold and the revenue reinvested into Council's assets or service delivery.

On 27 June 2016, 30 October 2017, 3 April 2018, and 29 January 2019, Council resolved to prepare three draft Planning Proposals (PP-2017/7, PP-2017/8 and PP-2018/1) to reclassify eleven sites from Community land to Operational land. Council also resolved to rezone and amend the planning controls for five of the sites. The sites were considered surplus to the communities needs and had been identified for sale.

The subject site was identified as one of the Community sites which was determined to be reclassified for the purpose of a future sale, which occurred on 10 March 2021.

A number of parcels that were reclassified as Operational Land have since been sold and this report considers the sale of the subject site.

Site Particulars

The subject site is a pocket park located between Barellan Avenue and Werowi Street, being at the respective ends of Baringa Place and Moombara Street, Dapto. The site was dedicated to Council as Public Garden and Recreation in 1961.

On 30 October 2017, Council resolved to prepare a draft Planning Proposal to reclassify from Community to Operational Land, for the purpose of being sold.

On 6 May 2019, Council resolved to progress with the reclassification of the subject site.

When selling or acquiring land, or an interest in land, Council must consider the *Land and Easement Acquisition and Disposal Policy*. In accordance with the Policy, Council was required to offer the subject site to the adjoining owners. Council contacted the owners of all properties directly adjoining Councils land and was unable to negotiate an outcome or sale.

One of the adjoining owners, being the NSW Housing Corporation, confirmed that they had no interest in acquiring the subject site. Another adjoining owner partook in negotiations with Council for the sale of the subject site, but no agreement could be reached.

Council then invited offers from the owners of the property diagonally adjoining the subject site, being Lots 1 and 2 Sec 56 DP 3436 ("Purchaser") which also adjoins Moombarra Street (being a Council public road).

Negotiations took place and an offer submitted by Council was accepted, pending a resolution from Council. The Purchaser has accepted Council's conditional offer subject to:

- the granting of an easement for public thoroughfare along the existing walkway; and
- the making of a Council Resolution authorising the sale.

PROPOSAL

Council authorise the sale of the subject site to the owner of Lots 1 and 2 Sec 56 DP 3236 in accordance with the independent valuation advice and details of which have been circulated to Council under separate cover – with each party to be responsible for their own legal costs.

CONSULTATION AND COMMUNICATION

In preparing this report, Council have consulted and communicated with;

- Land Use Planning – City Strategy
- Community Land Management – City Strategy
- Heritage – City Strategy
- Environmental Planning – City Strategy
- Community Development Strategy and Projects
- Open Space + Environmental Services Division
- Environment + Conservation Services – Open Space + Environmental Services
- Infrastructure Strategy + Planning Division
- Civil Assets – Infrastructure Strategy + Planning
- Floodplain and Stormwater - Infrastructure Strategy + Planning
- Transport and Infrastructure Planning – Infrastructure Strategy + Planning
- Commercial Operations + Property Division
- Sport + Recreation Division
- City Works
- Risk and Insurance

No objections were received from the above to the sale.

Council's Land Use Planning Team advised that the eastern boundary of the subject site should be retained to continue the connectivity between Barellan Avenue and Werowi Street through Baringa Place and Moombarra Street, and the sale be subject to an easement for public thoroughfare along the existing walkway.

Council engaged an independent registered valuer, Herron Todd White, to establish market valuation. The four adjoining landowners were contacted directly to determine whether they had any interest in acquiring the subject site, as required under the Policy.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 ‘We value and protect our environment’, Goal 4 – ‘We are a connected and engaged community’, and Goal 5 – ‘We have a healthy community in a liveable city’. It specifically delivers on the following:

| Community Strategic Plan 2032 | | Delivery Program 2022-2026 |
|-------------------------------|---|----------------------------|
| Strategy | | Service |
| 1.5 | Maintain the unique character of the Wollongong Local Government Area, whilst balancing development, population growth and housing needs. | Property Services |
| 4.8 | Council’s resources are managed effectively to ensure long term financial sustainability. | |
| 5.10 | Partnerships continue to strengthen and achieve a safe, accessible and resilient community. | |

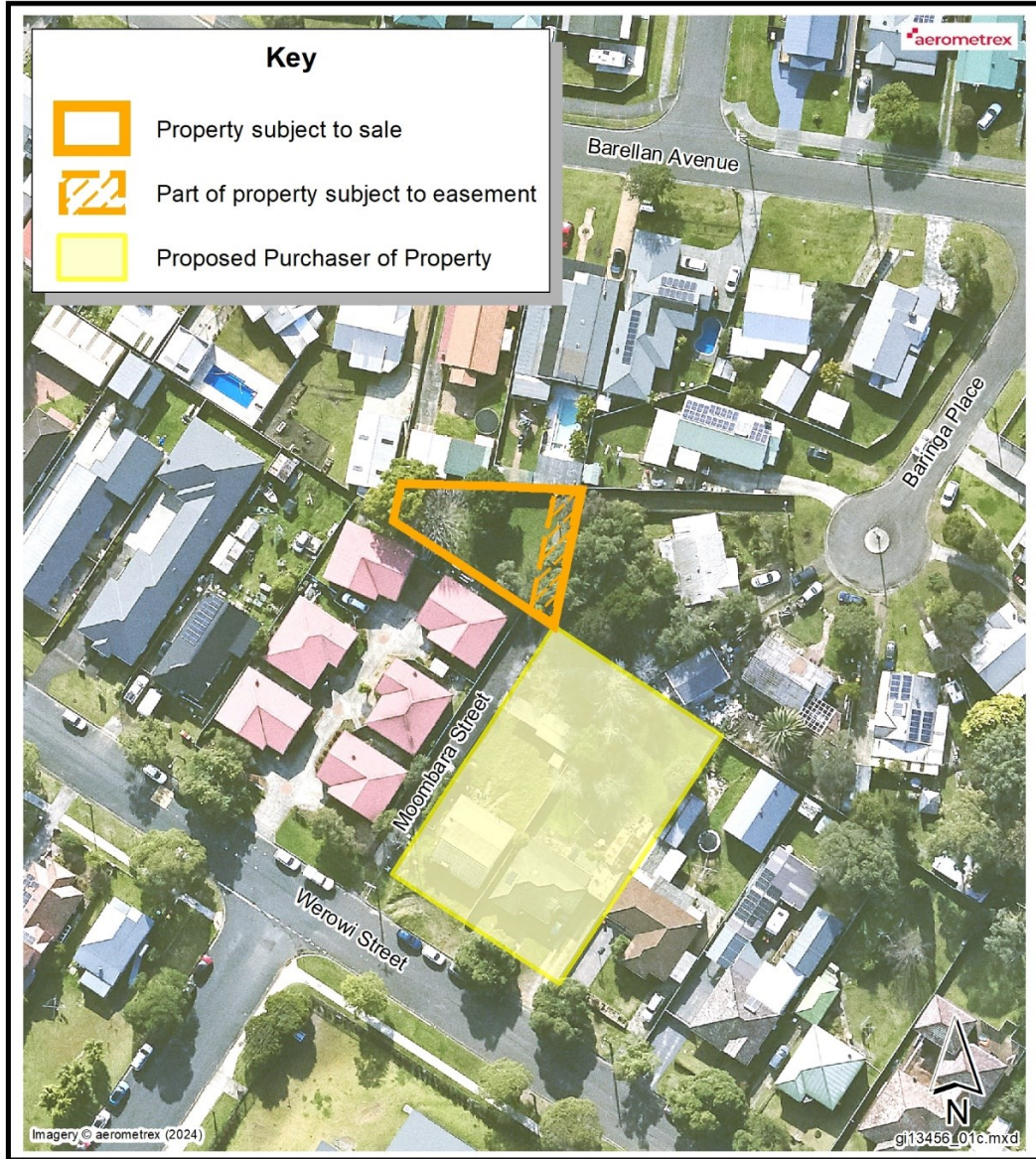
This disposal is in accordance with Council’s *Land and Easement Acquisition and Disposal Policy*.

FINANCIAL IMPLICATIONS

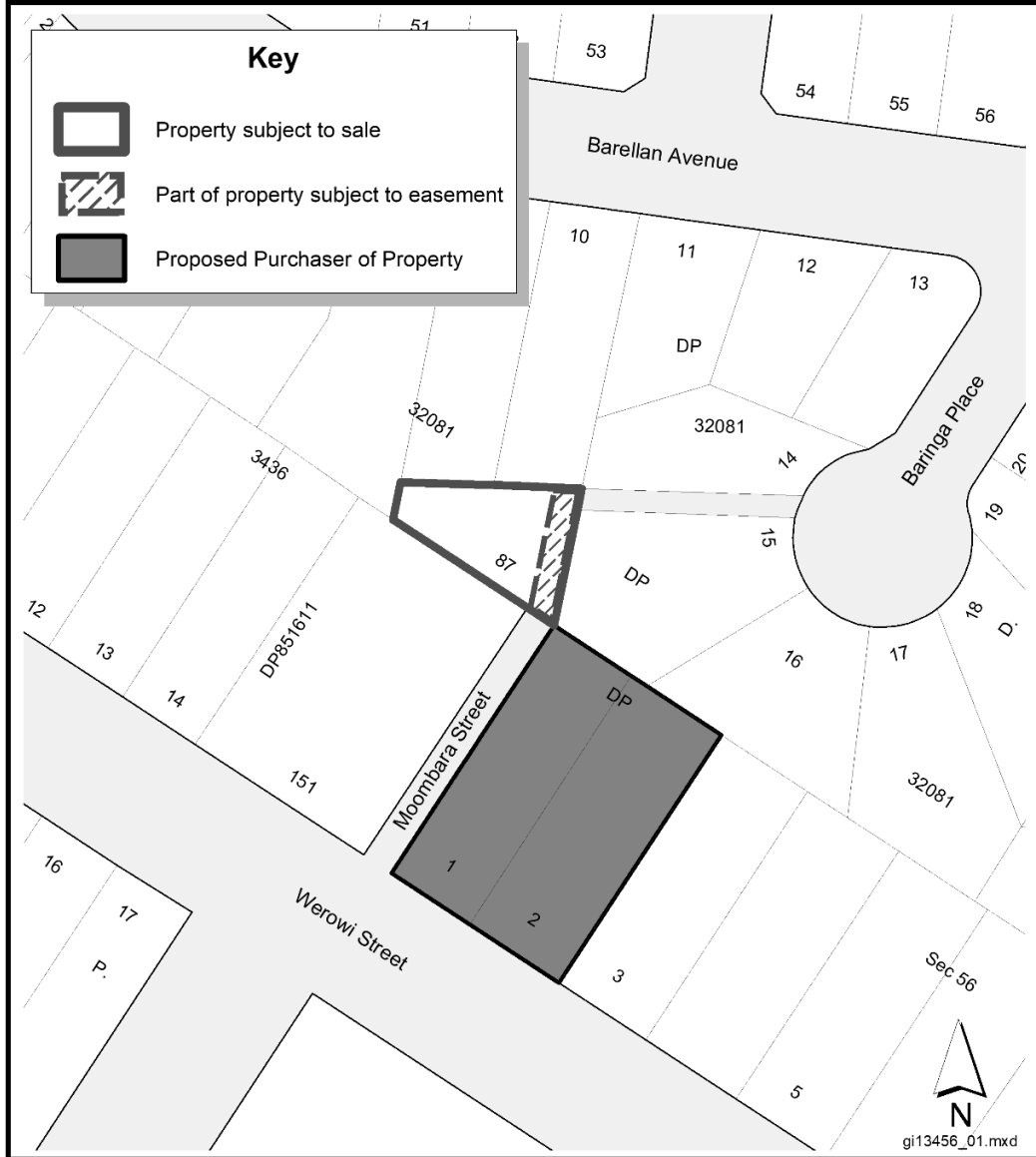
Council will generate revenue, and receive funds, from the sale of the subject site. The land will be rateable, and Council will generate rate revenue from the Property. If retained, Council will hold the maintenance costs, and liabilities for the subject site.

CONCLUSION

The subject site is a vacant and unused pocket park that cannot be sold on the open market. It has been identified as being excess to Council’s Operational Land requirements and is only suitable for sale to adjoining owners whilst allowing for continued access to the pathway for public thoroughfare. The sale will benefit Council, the Community, and the Purchaser.



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