

ITEM 3

PROPOSED SALE OF OPERATIONAL LAND (CLOSED PUBLIC PATHWAY) - LOT 1 DP 1279818 TO NO. 1 ADINA AVENUE WEST WOLLONGONG

This report seeks Council authorisation of the sale of Council operational land at Lot 1 DP 1279818 (Subject Land) to the adjoining property owner of Lot 92 DP 31112 (No. 1 Adina Avenue, West Wollongong), as it is deemed surplus to Council's requirements.

RECOMMENDATION

- 1 Council authorise the sale of Lot 1 DP 1279818 to the owner of Lot 92 DP 31112 on the following condition:
 - a 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 Site Plan showing Subject Operational Land Lot 1 DP 1279818 to be sold

BACKGROUND

Council at its meeting of 6 April 2020 (Item 4, Minute 370) resolved to close the public pathway that runs between Adina Avenue and Coreen Avenue, West Wollongong and to sell the closed portions, as divided between the adjoining property owners being Lot 91 DP 31112 (No. 2 Adina Avenue, West Wollongong) and Lot 93 DP 28779 (No. 8 Coreen Avenue, West Wollongong).

The closure of the public pathway was also subject to the creation of various easements in favour of Wollongong City Council in respect to its drainage assets installed within the Subject Land and, in favour of Endeavour Energy in respect of the overhead power lines located within the Subject Land. The road closure process was formally completed and the pathway closed on 21 January 2022. On closure, Lot 1 and Lot 2 in DP 1279818 were classified as Operational Land. The two prescribed authority easements were created on registration of the road closure plan DP 1279818.

Following the closure, the sale did not progress and the owner who originally expressed interest to purchase the Subject Land (No. 2 Adina Avenue), advised they no longer wanted to proceed and withdrew interest in purchasing the Subject Land.

When selling or acquiring land, or an interest in land, Council must consider its *Land and Easement Acquisition and Disposal Policy*. In accordance with the Policy, Council was required to offer the Subject Land to the adjoining owners, as disposal of this lot due to its size (only 153.8m²) would not be capable of sale on the open market.

Council subsequently invited the owner of No. 1 Adina Avenue West Wollongong, to seek whether they were interested in the purchase of the Subject Land as it also immediately adjoins their property. The offer was made on similar terms, noting that Council resolved to the sale amount. The property owner of No. 1 Adina Avenue has conditionally agreed to purchase the Subject Land, subject to the making of a Council Resolution authorising the sale.

PROPOSAL

Council authorises the sale of the Subject Land to the owner of Lot 92 DP 31112 in accordance with 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 has consulted and communicated with all relevant Council divisions as outlined below

- Infrastructure Strategy + Planning – Floodplain and Stormwater Team
- Parks + Open Space
- Infrastructure Strategy + Planning – Transport Planning Team

No objections were received to the sale of the Subject Land, noting this pathway is no longer a 'Public Pathway' and formally closed. A public pathway just west of the Subject Land provides permeability to the same destinations via Coreen Avenue, Goshawk Place to Yuruga Avenue and is a formed pedestrian pathway link.

PLANNING AND POLICY IMPACT

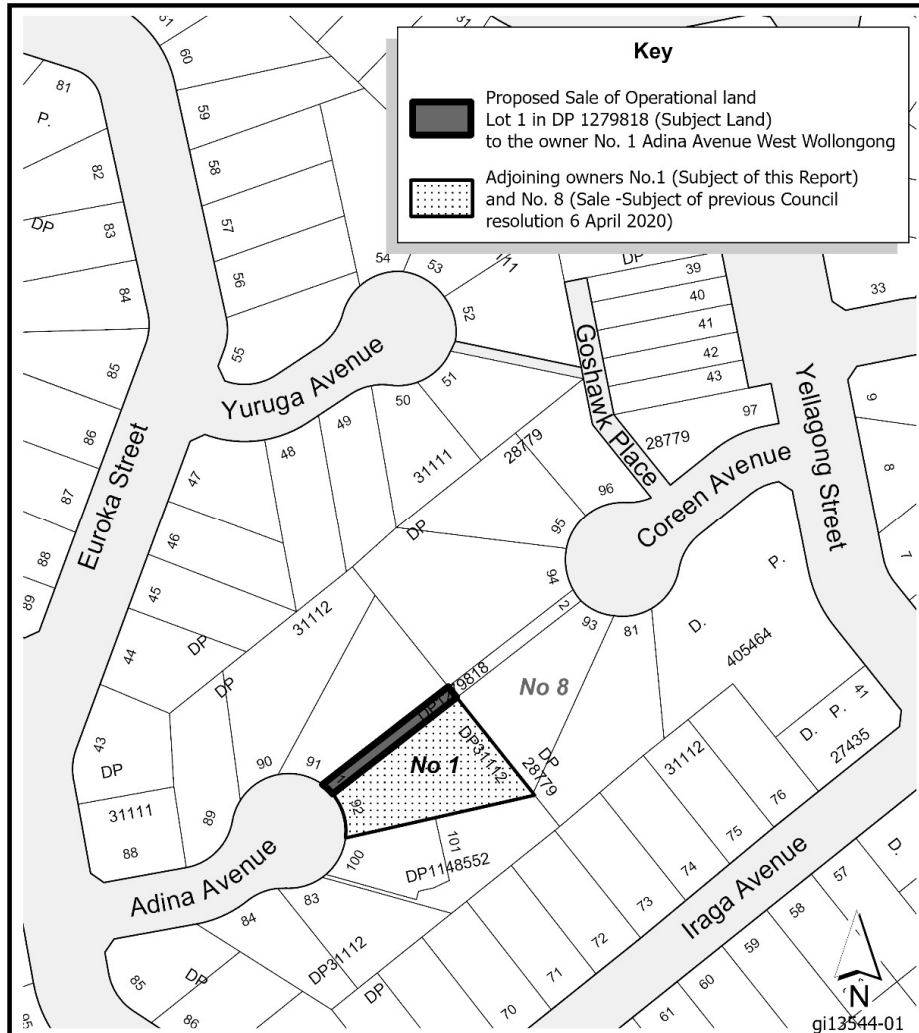
This report contributes to the delivery of Our Wollongong 2032 Goal 4 'We are a connected and engaged community'. It specifically delivers on core business activities as detailed in objective 4.8 'Council's resources are managed effectively to ensure long term financial sustainability'.

FINANCIAL IMPLICATIONS

Council will receive income from the sale of the Subject Land in line with the valuation information provided under separate cover. If retained, Council will hold the maintenance costs and liabilities of the Subject Land.

CONCLUSION

The Subject Land is recommended to be sold as it provides no benefit to Council as Operational Land and is excess to operational requirements. Due to its steep slope and unconstructed nature, retaining this parcel of land is a maintenance and financial risk and liability to Council.



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