

ITEM 8

PROPOSED ACQUISITION - PROPOSED LOT 1 DP 1252655, BEING PART LOT 19 DP 620350 - PART 32 MARSHALL STREET, DAPTO

The West Dapto Access Strategy (the Strategy) is a major project being managed by Council. Currently, Council is progressing Stages 2 and 3 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 and bridge works in recent months 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 and most recently the airspace above Mullet Creek within which the bridge is located.

The acquisition of the area, the subject of this report, relates to the minor widening of the Marshall Street deviation road to allow a more suitable and safer turning circle in this area.

RECOMMENDATION

- 1 Council acquires proposed Lot 1 DP 1252655, being part Lot 19 DP 620350 pursuant to Section 177 of the *Roads Act 1993*, for the purpose of road widening, under the following conditions -
 - a Compensation be paid to the owner in the amount of \$3,430 (including GST) which is inclusive of valuation costs.
 - b Reimbursement of the landowner's legal costs, pursuant to the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 2 Upon 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 (Acting)

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

ATTACHMENTS

- 1 Map showing land to be acquired from 32 Marshall Street, Dapto

BACKGROUND

Council has been heavily involved in the design and construction of the Fowlers Road to Fairwater Drive extension project. In 2014 Council was successful in receiving grant funding of \$22.5M from the Restart NSW Illawarra Infrastructure Fund to assist in the delivery of the project. As part of this major project, a number of property acquisitions are required to allow for the ideal road designs across various points in the project. The subject area to be acquired on Marshall Street deviation will allow trucks to safely navigate the bend immediately adjacent to the acquisition area. The area to be acquired is delineated as Proposed Lot 1 DP 1252655 being an area of approximately 4m².

The acquisition is pursuant to the requirements within the *Land Acquisition (Just Terms Compensation) Act 1991*. Due to the minor land area, valuation advice from local valuation firm, Walsh & Monaghan Valuers was obtained for the purpose of commencing negotiations with the affected landowner. Walsh & Monaghan's advice on the value of the land was provided to be nominal and approximately \$300-\$400 per square metre. As the acquisition area is 4.2m² this equates to \$1,680 in compensation plus disturbance costs. A full valuation report at a minimum cost of \$1,750 would be close to equalling the value of the land to be acquired. An in principle offer was made to the landowner for the land value, plus the cost of a valuation report totalling \$3,430 as compensation for the acquisition of the land. The landowner is entitled to obtain an independent valuation report for which Council is obligated to

reimburse the cost, pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*. Whilst the owner was provided with the opportunity to obtain an independent valuation report with the cost to be reimbursed by Council, due to the likelihood of the cost of the report equalling or exceeding the in principle offer, the landowner agreed to the compensation offered rather than seek a valuation report.

A deed of agreement for purchase was entered with the landowner under the delegated powers of the General Manager due to the urgency of access to comply with the construction project timeline. The deed provided that the acquisition remained subject to Council resolution.

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.

PROPOSAL

Council acquire for road purposes, proposed Lot 1 DP 1252655, being Part Lot 19 DP 620350, as shown on the inset to the Attachment 1.

CONSULTATION AND COMMUNICATION

Extensive community consultation has taken place including a West Dapto Access Strategy billboard, newsletters, artist impressions, 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 and published by Council's Community Cultural and Economic Development Division outlining in extensive detail the consultation and communication undertaken on the West Dapto Access Strategy project.

Council has a dedicated website which provides up-to-date information on the progress of the project as well as Frequently Asked Questions, plans and videos specifically relating to the Fowlers Road to Fairwater Drive link project, which forms part of the overall West Dapto Access Strategy.

As evidenced by the executed deed of agreement (being subject to Council resolution) and significant negotiations with the owner, the owner of the subject property is agreeable to the acquisition as negotiated and wishes to finalise this matter.

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 2019-20.

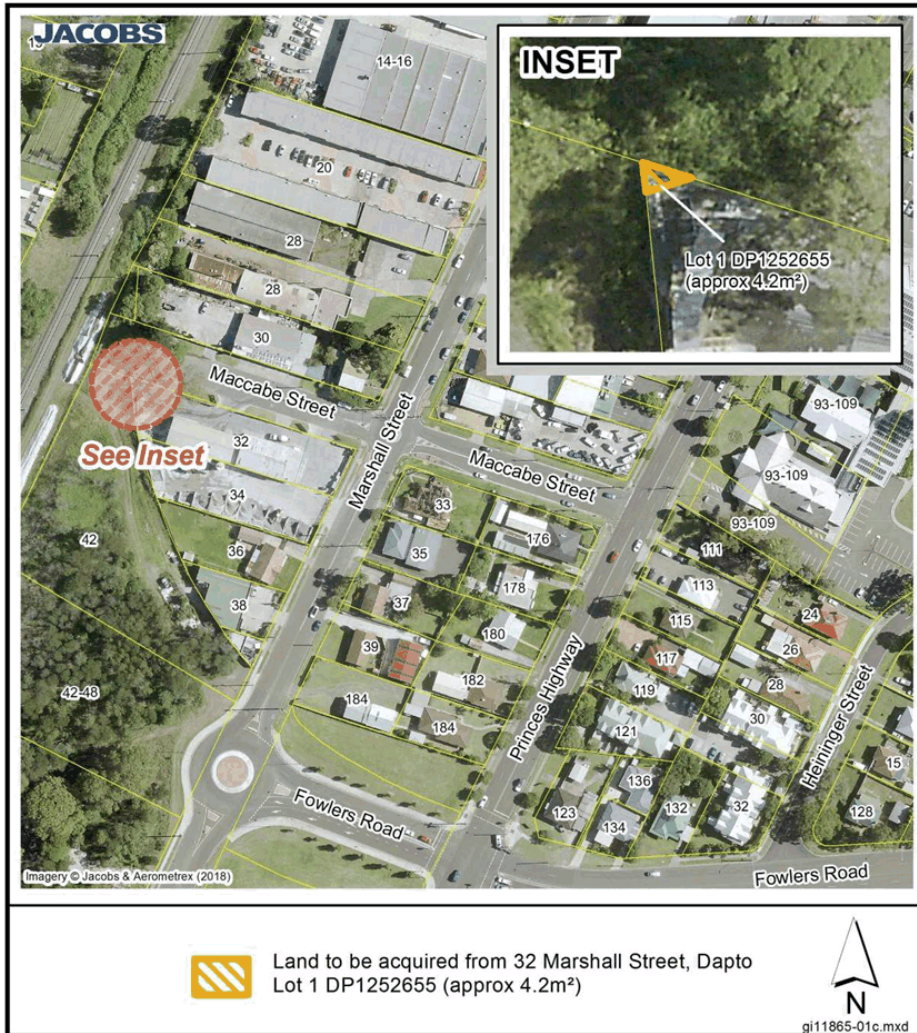
FINANCIAL IMPLICATIONS

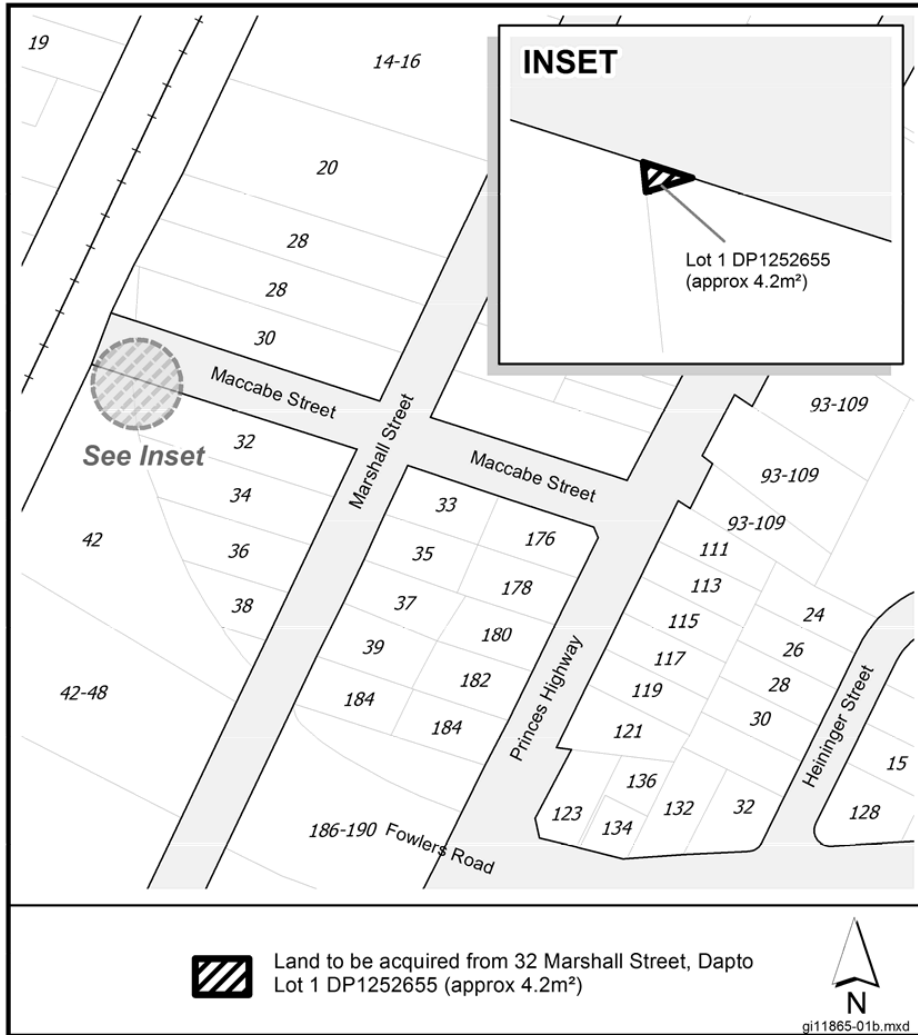
The financial implications include the amount of compensation as recommended (\$3,430) and additional costs relating to the owners legal costs and any other reasonable costs incurred in finalising the matter. These are likely to include the cost of survey and plan lodgement.

The funding for all costs associated with the acquisition will be via the 2019-20 Capital Budget (B281319).

CONCLUSION

As the acquisition of the subject land forms an integral part of the Fowlers Road to Fairwater Drive project, it is recommended Council resolve as recommended.





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