

ITEM 6

PROPOSED ACQUISITION OF PART LOT 219 DP 1245191 FOR WONGAWILLI ROAD/WEST DAPTO ROAD/SHONE AVENUE INTERFACE INTERSECTION UPGRADE PROJECT

Council identified various portions of land to be acquired in order to facilitate the West Dapto Access Strategy. This acquisition will allow for upgrade of the Wongawilli Road/West Dapto Road/Shone Avenue interface intersection works.

This report seeks Council approval to acquire part Lot 219 DP 1245191 Pasture Way, Horsley for road widening purposes.

RECOMMENDATION

- 1 Council acquire by authority contained within Section 177 of the *Roads Act 1993*, part Lot 219 DP 1245191 for the purpose of road widening.
- 2 Compensation be paid to the owner in the amount of \$44,000 (GST exclusive).
- 3 Council be responsible for all costs including valuation, transfer and legal costs associated with the acquisition of the subject land.
- 4 Upon acquisition being finalised, the land be dedicated as public road pursuant to Section 10 of the *Roads Act 1993*.
- 5 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 Part Lot 219 DP 1245191

BACKGROUND

Council identified various portions of land to be acquired in order to facilitate the West Dapto Access Strategy. Three property acquisitions are required to allow for the ideal intersection design for the upgrade of Wongawilli Road/West Dapto Road/Shone Avenue with two parcel acquisitions within the private rail corridor (not the subject of this report). The subject land identified to be acquired which adjoins the rail corridor parcels is part of Lot 219 DP 1245191.

The acquisition of this land for road widening purposes comprises an area of approximately 368m² (subject to final survey). Lot 219 DP 1245191 is zoned part R2 Low Density and part E3 Environmental Management in accordance with Wollongong Local Environmental Plan 2009. This acquisition will enable the upgrade of Wongawilli Road/West Dapto Road/Shone Avenue intersection that will include:

1. New traffic signals
2. Additional lanes to accommodate increased traffic but reduce queue lengths
3. New kerb and stormwater infrastructure
4. Upgrade of rail infrastructure – i.e. crossing signals
5. Inclusion of new shared paths for cyclists/pedestrians either side of Shone Avenue
6. Adjustment of services/utilities to accommodate the road widening
7. New line marking and signage.

The acquisition is pursuant to the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*. Accordingly, a valuation from local valuation firm, Martin Morris & Jones Property Valuers was obtained for the purpose of commencing negotiations with the affected landowner. Martin Morris & Jones assessed the compensation pursuant to the principles outlined within S. 55 of the *Land Acquisition (Just Terms Compensation) Act 1991*. In-principle agreement to compensation has been reached with the landowner, based on the assessment, in the amount of \$44,000 (GST exclusive).

Council, as the acquiring authority, is also 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, valuation, survey, plan lodgement and any other reasonable costs incurred with the acquisition.

Discussions commenced with the landowner and two options were submitted as part of the negotiation for consideration:

Option 1 – Acquisition by agreement pursuant to the *Land Acquisition (Just Terms Compensation) Act, 1991*.

Option 2 – Works in Kind pursuant to the subdivision – Torrens Title of three residential lots (DA-2018/1425), whereby the value could offset section 7.12 contributions.

The landowner has requested Council proceed with Option 1, acquisition by agreement and has confirmed their acceptance to the offer of compensation in the amount of \$44,000 (GST exclusive) subject to Council's resolution to proceed.

Negotiations are ongoing with the other affected landowner in relation to the two parcels within the private rail corridor which is in the vicinity of this parcel and these other two acquisitions are not the subject of this report.

PROPOSAL

Council acquire for road purposes by authority contained within Section 177 of the *Roads Act, 1993* part Lot 219 DP 1245191 for the purpose of road widening for the agreed compensation sum of \$44,000 (GST exclusive), in addition, pursuant to the Land Acquisition Just Terms Compensation Act, 1991, Council will also be responsible for all survey and valuation fees payable including the property owners reasonable valuation and legal costs associated with the acquisition.

CONSULTATION AND COMMUNICATION

- Negotiations have been undertaken with the property owner. Council obtained independent valuation advice from Certified Practicing Valuers, Martin Morris & Jones Pty Ltd Property Valuers
- Project Delivery in relation to the acquisition area and final design
- Infrastructure Strategy and Planning in relation to funding and budget allocation
- Infrastructure and Works – Project Delivery and Major Projects in relation to the acquisition area and final design
- Capital Program in relation to funding and budget allocation
- City Strategy
- West Dapto Coordination Group
- Corporate Services – Property Lawyer and General Counsel

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 6 “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

Council will be required to pay compensation to the owner in accordance with the *Land Acquisition (Just Terms Compensation) Act, 1991*.

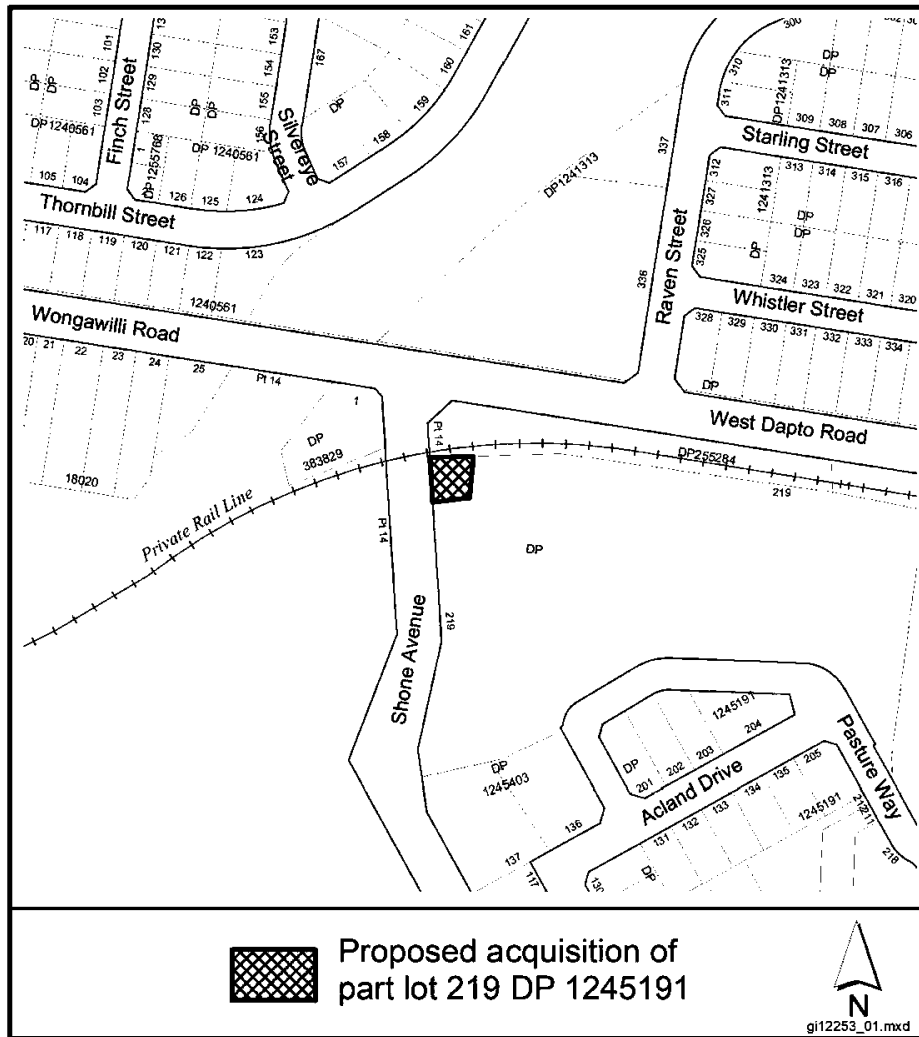
The total financial implication is estimated to be approximately \$44,000 (GST exclusive) for land.

Pursuant to the *Land Acquisition (Just Terms Compensation) Act, 1991*, Council is also required to pay the landowners reasonable costs associated with the acquisition including all survey, valuation and legal costs.

The funds for this acquisition have been allocated from the Capital Project 126672 – West Dapto Road/Wongawilli Road/bridge upgrade. The source of funding has been allocated from West Dapto Section 7.11 Contributions Plan.

CONCLUSION

The acquisition of the subject land is required to facilitate the road upgrade works to Wongawilli Road/West Dapto Road/Shone Avenue intersection upgrades in the area. Therefore, it is recommended that the acquisition be approved as set out in this report



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