

ITEM 10

PROPOSED ACQUISITION OF PART LOT B DP 156856 NO 216 PRINCES HIGHWAY, DAPTO FOR ROAD WIDENING

In 1977, Deposited Plan 241188 was prepared and registered at NSW Land Registry Services defining all land which is proposed to be acquired for the widening of the Princes Highway at Dapto. One of the properties affected by the road widening is Lot B in Deposited Plan 156856 No 216 Princes Highway, Dapto.

Subject to the approval of Council, agreement has been reached with the owner of No 216 Princes Highway, Dapto to acquire the road widening portion affecting his property. This report seeks approval to the acquisition.

RECOMMENDATION

- 1 Council acquire Lot 22 in Deposited Plan 241188 for road widening, being the portion of Lot B in Deposited Plan 156856, No 216 Princes Highway, Dapto, as shown on the attachments to this report.
- 2 Compensation for the acquisition be paid to the owner of Lot B in DP 156856 No 216 Princes Highway, Dapto in the amount of \$4,300.00 excluding GST.
- 3 Council be responsible for all disturbance costs as per section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* including valuation, transfer, legal costs, and front fence relocation 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 216 Princes Highway, Dapto (Lot B DP 156856) proposed to be acquired for road widening
- 2 Aerial map of portion of 216 Princes Highway, Dapto (Lot B DP 156856) proposed to be acquired for road widening

BACKGROUND

In 1977, Deposited Plan 241188 was prepared and registered at NSW Land Registry Services defining all land which is proposed to be acquired for the widening of Princes Highway at Dapto. The road widening scheme was initiated by the Department of Main Roads (now known as Transport for NSW), which was the roads authority for this section of the Princes Highway at that time. Council is now the roads authority for this section of the Princes Highway and as such Council is now responsible for the road widening scheme.

One of the properties affected by the road widening scheme is Lot B in Deposited Plan 156856 No 216 Princes Highway, Dapto. The portion of Lot B in Deposited Plan 156856 to be acquired is a 5.74m² portion known as Lot 22 on Deposited Plan 241188, refer attached.

The owner of No. 216 Princes Highway, Dapto is currently undertaking a redevelopment of the property and has submitted DA-2020/1050. As part of the development assessment process, the owner has been made aware of the road widening scheme that affects his property and has requested that Council acquire the portion of his property affected by road widening.

Historically, Council has taken the opportunity to acquire road widening portions if and when they become available. Although there is currently no design for the road widening, traffic modelling shows the long-term plan for the Princes Highway between Emerson Road and Fowlers Road is for six lanes. As such, Council's Land Use Planning and Traffic and Transport teams have confirmed that Lot 22 in Deposited Plan 241188 is still required for future road widening and should be acquired at this time.

A valuation was undertaken by Walsh and Monaghan Valuers in accordance with the terms of section 59 of the *Land Acquisition (Just Terms Compensation) Act 1991* and based on this report, in-principle agreement has been reached with the landowner for compensation to be paid for the land acquisition in the amount of \$4,300.00 excluding GST, subject to Council approval.

Under the terms of the *Land Acquisition (Just Terms Compensation) Act 1991*, Council will also be responsible for all disturbance costs in the matter including valuation, transfer, legal costs and front fence relocation costs.

PROPOSAL

Council acquire Lot 22 in Deposited Plan 241188 for road widening, being the portion of Lot B in Deposited Plan 156856, No 216 Princes Highway, Dapto, as shown attached.

CONSULTATION AND COMMUNICATION

Several Council divisions including Land Use Planning, Traffic and Transport, and Infrastructure Strategy were consulted and each provided support for the acquisition.

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

The owner of Lot B in DP 156856, No 216 Princes Highway, Dapto provided three quotes for the fence relocation costs.

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

Legal Services were consulted in relation to this report.

PLANNING AND POLICY IMPACT

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

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 as detailed in the Property Services Service Plan 2020-21.

FINANCIAL IMPLICATIONS

The amount of \$4,300.00 (excluding GST) for the subject land is based on a report from Walsh & Monaghan Valuers and considered to be fair and reasonable.

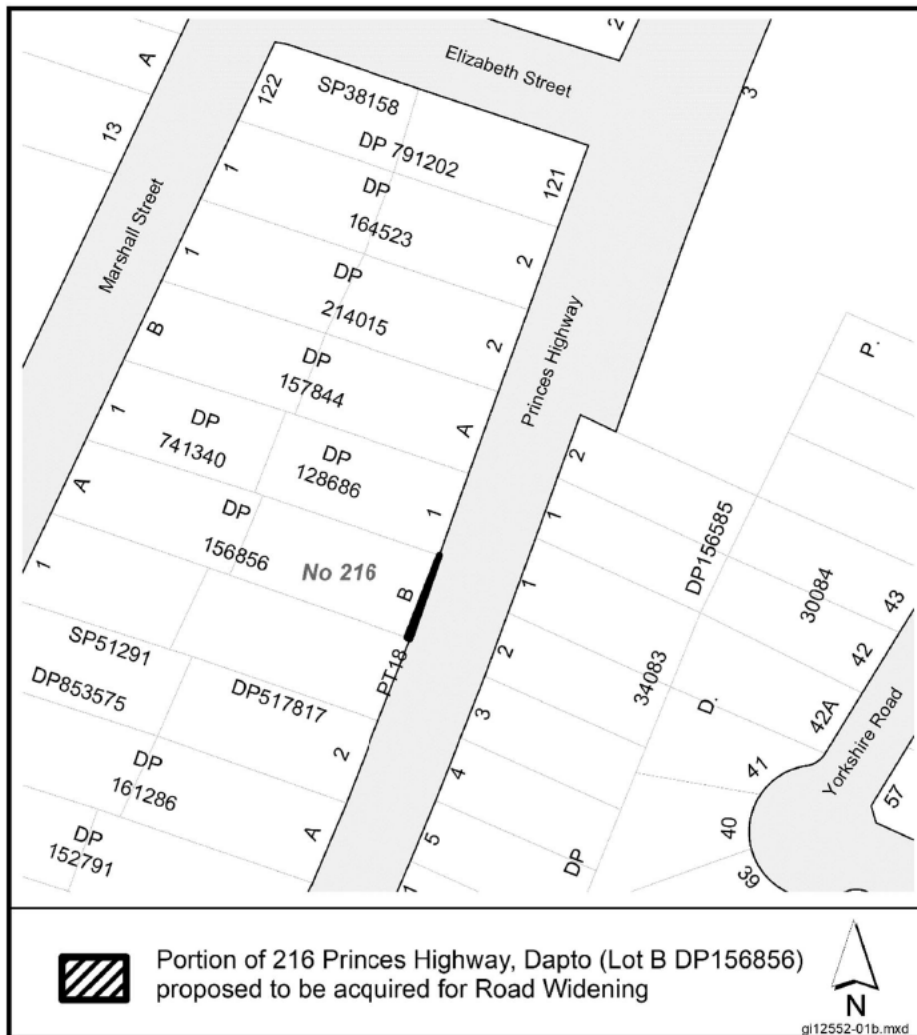
The landowner has provided three independent quotes in relation to the front fence relocation costs and it is expected that the fence relocation works will cost \$8,800.00 including GST.

It is expected that the balance of disturbance costs including the landowner's legal costs will be less than \$5,000.00.

Council's Infrastructure Strategy and Planning Division has advised that funds for the acquisition and the expected disturbance costs are available from the current year budget allocations.

CONCLUSION

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



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