

10.3 Land Purchase for road reserve - part Lot 1581 DP 803795 Hill End Road, Tambaroora

REPORT BY THE SENIOR WORKS ENGINEER
TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, ROA100465

RECOMMENDATION

That Council:

1. receive the report by the Senior Works Engineer on the Land Purchase for road reserve - part Lot 1581 DP 803795 Hill End Road, Tambaroora ;
2. resolve to purchase a total of 1,981m2 of Lot 1581 DP 803795 ('Sale Land') by agreement with the Vendor for the Sale Price of \$1000.00 for the purpose of public road;
3. agree for Council, at its own cost, to arrange for the demolition of existing boundary fencing and relocate to the new boundary between the Sale Land and Hill End Road;
4. agree for Council, at its own cost, to make on behalf of the landowner Notification of Exempt Development under Bathurst Regional LEP 2014 or SEPP(Exempt and Complying Development Codes) 2008 and Subdivision Certificate Application, procure the preparation, lodgement and registration of an appropriate Subdivision Plan with Bathurst Regional Council giving effect to the transfer to road reserve;
5. agree for Council at its own cost to procure the preparation, lodgement and registration of LGA boundary adjustment or other appropriate agreement with Bathurst Regional Council for maintenance of the road reserve
6. authorise the General Manager to complete and execute all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road;
7. authorise the Mayor to execute all documentation, where additionally required to do so, in relation to effect the subdivision and land purchase for the purpose of the public road; and
8. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road.

Executive summary

MR216 (Hill End Rd) Segment 2015 and 2020, in the location of Tambaroora NSW, requires the purchase of private land for road reserve to effect the curve realignment to be done under committed NSW State Government Saving Lives on Country Roads funding ('Sale Land'). It is proposed:

- The transfer of the Sale Land to Council is to be carried out by way of a plan of subdivision ('Subdivision Plan'), the registration of which will cause the Sale Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of Hill End Road, being a public road.
- In consideration of the sale of the Sale Land, Council agrees to pay, and the Vendor agrees to accept, the sum of \$1,000.00 ('Sale Price') or works in kind to the equivalent value.

It is recommended that Council proceed with the subdivision and purchase of the Sale Land and authorise the Mayor and General Manager to perform all duties necessary to finalise the land transfer.

Disclosure of Interest

Nil

Detailed report

MR216 Hill End Road is a Regional Road classified pursuant to Roads Act 1993 maintained by Mid-Western Regional Council. It is a 2-lane undivided sealed road ranging between Mudgee and Hill End, passing through the village of Hargraves. The road is a sub-arterial road carrying traffic from increasing tourism and collecting traffic from rural residential areas along roads feeding into Hill End Rd and to places of work / school. In the location of Tambaroora on road segments 2015, 2020 and 2025 there exist a series of high risk curves on which numerous traffic incidents have occurred, negatively impacting the local community. As a result part of the NSW State Government *Saving Lives on Country Roads* funding secured by Mid-western Regional Council to effect safety improvements over a 42km section of Hill End Road will be used to perform curve realignment, pavement widening and guardrail work in these road segments. We are currently two years into the three year funding commitment and these curve realignment works are planned to occur in FY21/22.

As it currently exists the Hill End Road reserve partly encroaches Lot 1581 in DP803795. The proposed curve realignment will effect greater encroachment.

In order to correct and progress the road realignment the purchase of two parts of Lot 1581 in DP 803795 totalling 1,981m² of private land is required ('Sale Land'). This land is currently owned by private landowner. ('the Vendor'). Market value of the land has been assessed by professional Land Valuer at \$1,000.00. Staff have made contact with the Vendor to discuss terms that would satisfy both parties for acquisition by agreement, that is:

- a) The transfer of the Sale Land to Mid-Western Regional Council ('Council') is to be carried out by way of Subdivision Plan, the registration of which will cause the Sale Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of Hill End Road, being a public road.
- b) In consideration of the purchase of the Sale Land, Council agrees to pay, and the Vendor agrees to accept, the sum of \$1,000.00 ('Sale Price').
- c) Council, at its own cost, arrange for the demolition of the existing boundary fencing and relocate to the new boundary between the Sale Land and Hill End Road, after the Sale land is dedicated to the Purchaser; and
- d) As the Sale Land is located within Bathurst Regional Council LGA the process of subdivision must be effected through that Local Government. Accordingly, Council at its

own cost, is to make on behalf of the Vendor Notification of Exempt Development under Bathurst Regional LEP 2014 or SEPP(Exempt and Complying Development Codes) 2008 and Subdivision Certificate Application, and arrange to procure the preparation, lodgement and registration of an appropriate Subdivision Plan with Bathurst Regional Council giving effect of the transfer to road reserve

As the land purchase and subdivision will effect a greater encroachment into the Bathurst Regional Council LGA it is appropriate that a LGA boundary adjustment occur or other agreement be entered into with Bathurst Regional Council to resolve road maintenance responsibility.

Community Plan implications

Theme	Connecting Our Region
Goal	Efficient connection of the region to major towns and cities
Strategy	Develop a regional network in partnership with government agencies, that grows with the needs of residents businesses

Strategic implications

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy – extract as follows:-

If Council identifies land or interests in land that is required to facilitate functions of Council, but the land is not available for public sale, Council may approach the landowner and negotiate the purchase of the required land or interest in land. In this case, the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 apply irrespective of whether the acquisition is by agreement or by compulsory process. This Act requires Council to pay a fair compensation for the land or interest in land that is being acquired.

Legislation

Not Applicable

Financial implications

The Hill End Road Safety Upgrade project has a budget of \$4,970,000. The project is 100% NSW State Govt *Saving Lives on Country Roads* program funded. This will fund all costs associated with the acquisition and all associated subdivision and administration expenses

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	-	-	-
Future Years	-	-	-

Associated Risks

This matter is considered low risk and does not require mitigation measures

RAY KEARNS
SENIOR WORKS ENGINEER

GARRY HEMSWORTH
DIRECTOR OPERATIONS

16 March 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER