

Item 10: Operations

10.1 Land Acquisition for Road Reserve - Part Lot 1581 DP 803795 Hill End Road, Tambaroora

REPORT BY THE WORKS ENGINEERS CO-ORDINATOR
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, GOV400088, ROA100465

RECOMMENDATION

That Council:

1. receive the report by the Works Engineers Co-ordinator on the Land Acquisition for Road Reserve - Part Lot 1581 DP 803795 Hill End Road, Tambaroora ;
2. resolve to acquire a total of 1,981m² of Lot 1581 DP 803795 ('the Land') by agreement with the Vendor for works in kind to the value of approximately \$10,000, for the purpose of public road ;
3. agree for Council, at its own cost, to arrange for the demolition of any existing boundary fencing and relocate the new boundary between the acquired land and Hill End Road ;
4. agree for Council, at its own cost, to make on behalf of the land owner 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 of 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 acquisition for the purpose of the public ;
7. authorise the Mayor to execute all documentation, where additionally required to do so, in relation to effect the subdivision and land acquisition 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 Road) Segments 2015 and 2020, in the location of Tambaroora NSW, require the

acquisition 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 ('the Land'). It is proposed:

- The transfer of the Land to Council is to be carried out by way of a plan of subdivision ('Subdivision Plan'), the registration of which will cause the 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 acquisition of the Land, Council agrees to carry out works to the value of approximately \$10,000, and the Vendor agrees to accept the works in kind.

The value of works exceeds the valuation of the land (being \$1,000) however, would avoid the program delay and costs associated with compulsory acquisition and is permissible under Council's Land Acquisition and Disposal Policy. The Hill End Road Safety Upgrade project is 100% NSW State Government *Saving Lives on Country Roads* program funded and has sufficient budget to cover the cost of the acquisition and subdivision.

It is recommended that Council proceed with the subdivision and acquisition of the 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 2-lane undivided sealed road within Mid-Western Regional Council's area 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. We are currently in year three of the three and a half year funding commitment, meaning these works are targeted to be completed by November 2022 under the funding agreement.

In order to progress this matter the acquisition of two parts of Lot 1581 in DP803795 totalling 1981m² of private land is required. Lot 1581 DP 803795 ('the Land') is currently owned by LVESB Pty Ltd ('the Vendor'), however when works commenced on the project the Lot was owned by Glenn William Borsato & Carly Adele Borsato. Market value of the land has been assessed by a professional Land Valuer at \$1,000. The Borsatos were satisfied with this offer, and a previous report was received by Council and endorsed for the purchase of the land for \$1,000. The property however, was sold before the acquisition could progress.

Contact has been made with the new owner to discuss terms that would satisfy both parties for acquisition by agreement. Initially the new owner requested compensation of \$100,000 for 'the Land' and it appeared that acquisition may have to be carried out via compulsory acquisition. In order to avoid the time and costs associated with compulsory acquisition, further negotiations revealed works in kind would be of more value than monetary compensation. The owner requested

that works be carried out to the existing 1.7km driveway on the Lot to allow for access to the existing dwelling. The scope of works is estimated to cost \$10,000.

The terms that would satisfy both parties for the acquisition by agreement are:

- a) The transfer of the Land to the Purchaser is to be carried out by way of Subdivision Plan, the registration of which will cause the 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 acquisition of the Land, Council agrees to carry out works in kind to the value of approximately \$10,000, being installation of pipes and maintenance grade of the owner's access driveway.
- c) The Land is located within Bathurst Regional Council. The process of subdivision must be effected through that Council. Accordingly, Council, at its own cost, is to make on behalf of the owner 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 of the transfer to road reserve.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide a roads network that balances asset conditions with available resources and community needs

Strategic implications

Council Strategies

Not applicable

Council Policies

Land Acquisition and Disposal Policy – extract as follows:-

In some cases there will be justified basis for Council acquiring land or interests in land at a price above the valuation benchmark in order to guarantee the successful securing of the property to achieve defined goals and objectives of Council; or to acquire the land with a view to adding value, or reducing risk to a larger scheme or development, future or current. Any special value should be determined and quantified within the initial decision of Council and referenced to the achievement of specific goals and objectives of Council.

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 Government *Saving Lives on Country Roads* program funded. This will fund all costs associated with the acquisition and all associated subdivision and administration expenses.

Associated Risks

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

PAULA KENNEDY
WORKS ENGINEERS CO-ORDINATOR

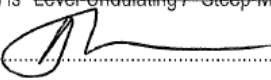
JULIAN GEDDES
DIRECTOR OPERATIONS

17 March 2022

Attachments: 1. 20-624 DP SOUTH Signed Admin.
2. 20-624 DP SOUTH FINAL.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

PLAN FORM 6 (2020)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 2 sheet(s)
<p style="text-align: right;">Office Use Only</p> <p>Registered:</p> <p>Title System:</p>		<p style="text-align: right;">Office Use Only</p>
<p>PLAN OF SUBDIVISION OF LOT 1581 IN DP 803795</p>	<p>LGA: BATHURST REGIONAL</p> <p>Locality: TAMBAROORA</p> <p>Parish: CARROLL</p> <p>County: WELLINGTON</p>	
<p style="text-align: center;">Survey Certificate</p> <p>I, DANIEL KURZAWA of O'RYAN GEOSPATIAL PTY LTD a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p><i>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on of</i></p> <p><i>*(b) The part of the land shown in the plan (*being/*excluding*LINES DENOTED PO) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on 12/02/2021, the part not surveyed was compiled in accordance with that Regulation, or</i></p> <p><i>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017.</i></p> <p>Datum Line: 'X' – 'Y'</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level Undulating / *Steep Mountainous.</p> <p>Signature:  Dated: 12/02/2021</p> <p>Surveyor Identification No: 8678 Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p><i>*Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</i></p>	<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	
<p>Plans used in the preparation of survey/compilation:</p> <p style="text-align: center;">CP 5191-2091 DP 252743 DP 803795</p>	<p>Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.</p> <p style="text-align: center;">IT IS INTENDED TO DEDICATE LOT 1 TO THE PUBLIC AS PUBLIC ROAD</p>	
<p>Surveyor's Reference: 20-624 SOUTH</p>	<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	

PLAN FORM 6A (2019) DEPOSITED PLAN ADMINISTRATION SHEET Sheet 2 of 2 sheet(s)																
Office Use Only	Office Use Only															
Registered:																
PLAN OF SUBDIVISION OF LOT 1581 IN DP 803795																
Subdivision Certificate number: Date of Endorsement:	This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> • A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i> • Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> • Signatures and seals- see 195D <i>Conveyancing Act 1919</i> • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. 															
SCHEDULE OF STREET ADDRESSES																
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 15%;">LOT NUMBER</th> <th style="width: 15%;">STREET NO.</th> <th style="width: 25%;">STREET NAME</th> <th style="width: 15%;">STREET TYPE</th> <th style="width: 30%;">LOCALITY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>N/A</td> <td>HILL END</td> <td>ROAD</td> <td>TAMBAROORA</td> </tr> <tr> <td>2</td> <td></td> <td>HILL END</td> <td>ROAD</td> <td>TAMBAROORA</td> </tr> </tbody> </table>		LOT NUMBER	STREET NO.	STREET NAME	STREET TYPE	LOCALITY	1	N/A	HILL END	ROAD	TAMBAROORA	2		HILL END	ROAD	TAMBAROORA
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1	N/A	HILL END	ROAD	TAMBAROORA												
2		HILL END	ROAD	TAMBAROORA												
Signed by																
..... GLENN WILLIAM BORSATO (Registered Proprietor)	Signature of Registered Proprietor															
..... CARLY ADELE BORSATO (Registered Proprietor)	Signature of Registered Proprietor															
..... Mortgagee's Consent																
If space is insufficient use additional annexure sheet																
Surveyor's Reference: 20-624 SOUTH																

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 1 sheets

SCHEDULE OF SHORT BOUNDARIES

LINE	BEARING	DISTANCE
1	123°11'55"	8.79
2	59°02'15"	42.105
3	112°03'50"	42.6
4	42°06'10"	39.545
5	105°41'05"	20.58

SCHEDULE OF PO BOUNDARIES

LINE	BEARING	DISTANCE
6	237°35'35"	303.56
7	219°43'35"	142.63
8	206°23'35"	116.21
9	76°49'35"	183.07
10	92°40'35"	170.91
11	130°18'35"	161.14
12	177°31'35"	157.92
13	103°52'35"	167.69
14	97°34'35"	78.54
15	70°50'35"	72.14
16	129°37'35"	34.3
17	99°32'35"	271.98
18	21°10'35"	105.61
19	46°29'35"	157.72
20	99°57'35"	37.26
21	9°57'35"	178.15 BANK
22	189°57'35"	362.1 BANK
23	279°57'35"	141.92
24	143°35'35"	423.78
25	132°31'35"	135.02
26	71°54'35"	55.26
27	10°33'05"	116.51
28	280°22'35"	647.96
29	10°22'35"	501.8
30	221°36'35"	20.12
31	199°53'35"	79.46
32	221°24'35"	182.86

REFERENCE TO CORNERS

CORNER	BEARING	DISTANCE	FROM	ORIGIN
A	25°37'00"	1.325	RM GI PIPE FD	DP252743
B	5°02'00"	1.57	RM GI PIPE FD	DP252743
C	272°44'00"	11.92	RM GI PIPE	PLACED
D	112°25'30"	18.33	RM DHW IN ROCK	PLACED
E	210°56'00"	0.45	RM GI PIPE	PLACED
F	174°02'30"	16.22	RM GI PIPE	PLACED
G	122°54'00"	0.485	RM GI PIPE	PLACED

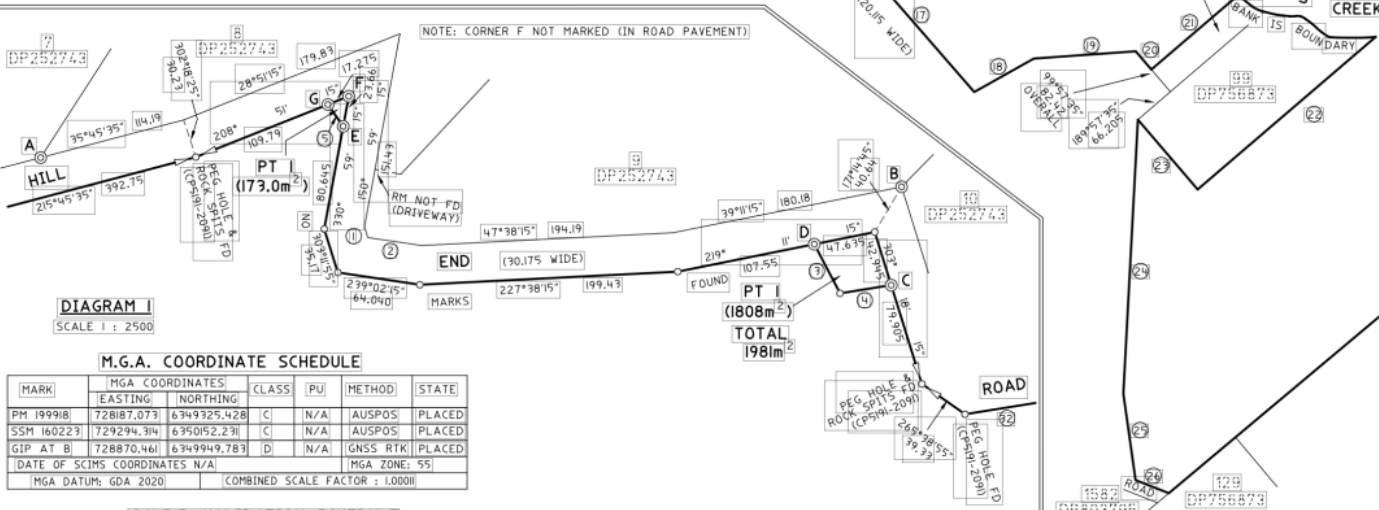
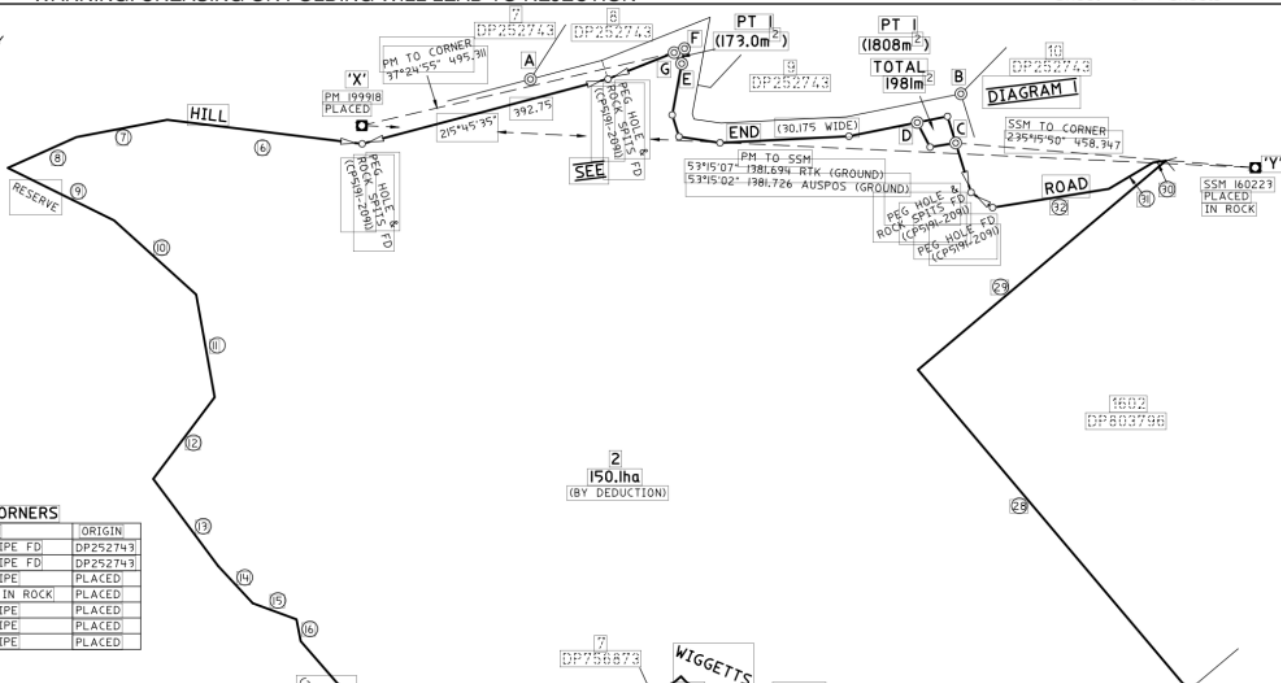


DIAGRAM I
SCALE 1 : 2500

M.G.A. COORDINATE SCHEDULE

MARK	MGA COORDINATES		CLASS	PU	METHOD	STATE
	EASTING	NORTHING				
PM 199918	728187.073	6349325.428	C	N/A	AUSPOS	PLACED
SSM 160223	729294.314	6350152.231	C	N/A	AUSPOS	PLACED
GIP AT B	728870.461	6349949.783	D	N/A	GNSS RTK	PLACED

DATE OF SCIMS COORDINATES N/A | MGA ZONE: 55
 MGA DATUM: GDA 2020 | COMBINED SCALE FACTOR : 1.00011

G.N.S.S. VALIDATION SCHEDULE

FROM	TO	GRID BEARING	DISTANCE	METHOD
SSM 160223	GIP AT COR B	244°28'20"	469.670	RTK GNSS
			469.659	EDM TRAVERSE

Surveyor: DANIEL KURZAWA
 Date of Survey: 12/02/2021
 Surveyor's Reference: 20-524 SOUTH
 1:20m (Partial)

PLAN OF SUBDIVISION OF LOT 1581 IN DP 803795
 LGA: BATHURST REGIONAL
 Locality: TAMBAROOHA
 Subdivision No:
 Lengths are in metres. Reduction Ratio 1 : 5000

Registered

DP