

9.3.3

PROPOSED LAND ACQUISITION AFFECTING LOT 48 IN DP753016 - 7809 GOULBURN ROAD, ABERCROMBIE RIVER

FILE NO: 25.00028

RECOMMENDATION:

That Council

- a) Proceed with the proposed acquisition by agreement of the land described as part of Lot 48 in DP753016 for the purpose of road widening, in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
- b) Proceed with the proposed actions as outlined in the Director Engineering Services' report.

REPORT:

An enquiry was recently received from the owner of the property located at 7809 Goulburn Road, Abercrombie River concerning the alignment of the Goulburn Road in relation to their property.

A review of historical aerial imagery and archived Evans Shire Council documents has revealed encroachments of the Goulburn Road upon Lot 48 in DP753016. The encroachments, the extent of which will need to be determined by a land surveyor, appear to have occurred when the road was reconstructed in the early 1990's.

Plans of the proposed road works indicated no requirement to acquire land from the subject property as all works were confined to the existing road alignment and neighbouring property on the opposite side of the road.

It is assumed that once construction work commenced, the bends in the road at these locations were straightened as much as possible, whilst keeping the road within existing boundary fence lines, not realising that the fences were not on the boundary.

To correct the alignment, it is proposed that Council acquires part of Lot 48 in DP753016 for road widening purposes and dedicates the land to the public as a public road, pursuant to provisions of the Roads Act 1993.

The proposed acquisition area of approximately 1.6ha is shown in **attachment 1** and is subject to survey by a registered surveyor.

The landowner has provided their consent to proceed with the acquisition, subject to Council's approval of the following actions, to be documented in a deed of agreement between Council and the landowner.

The proposed actions include Council:

- 1) Engaging a registered surveyor to prepare a plan of subdivision for registration at NSW Land Registry Services, to dedicate the road to the public, where existing fence lines be adopted as the boundary where possible.
- 2) Compensating the landowner for the acquired land in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
- 3) Paying the landowner's reasonable legal costs and bank consent fees where applicable.

It is therefore recommended that Council:

- i. Proceed with the proposed acquisition by agreement of the land described as part of Lot 48 in DP753016 for the purpose of road widening, in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
- ii. Proceed with the proposed actions as outlined in the Director Engineering Services' report.

FINANCIAL IMPLICATIONS:

The cost to acquire the land, including survey, legal and compensation costs is estimated at \$25,000. Funding for this item is contained within the State Roads Maintenance budget for Main Road 54.

BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:

Objective 4: Sustainable and balanced growth.

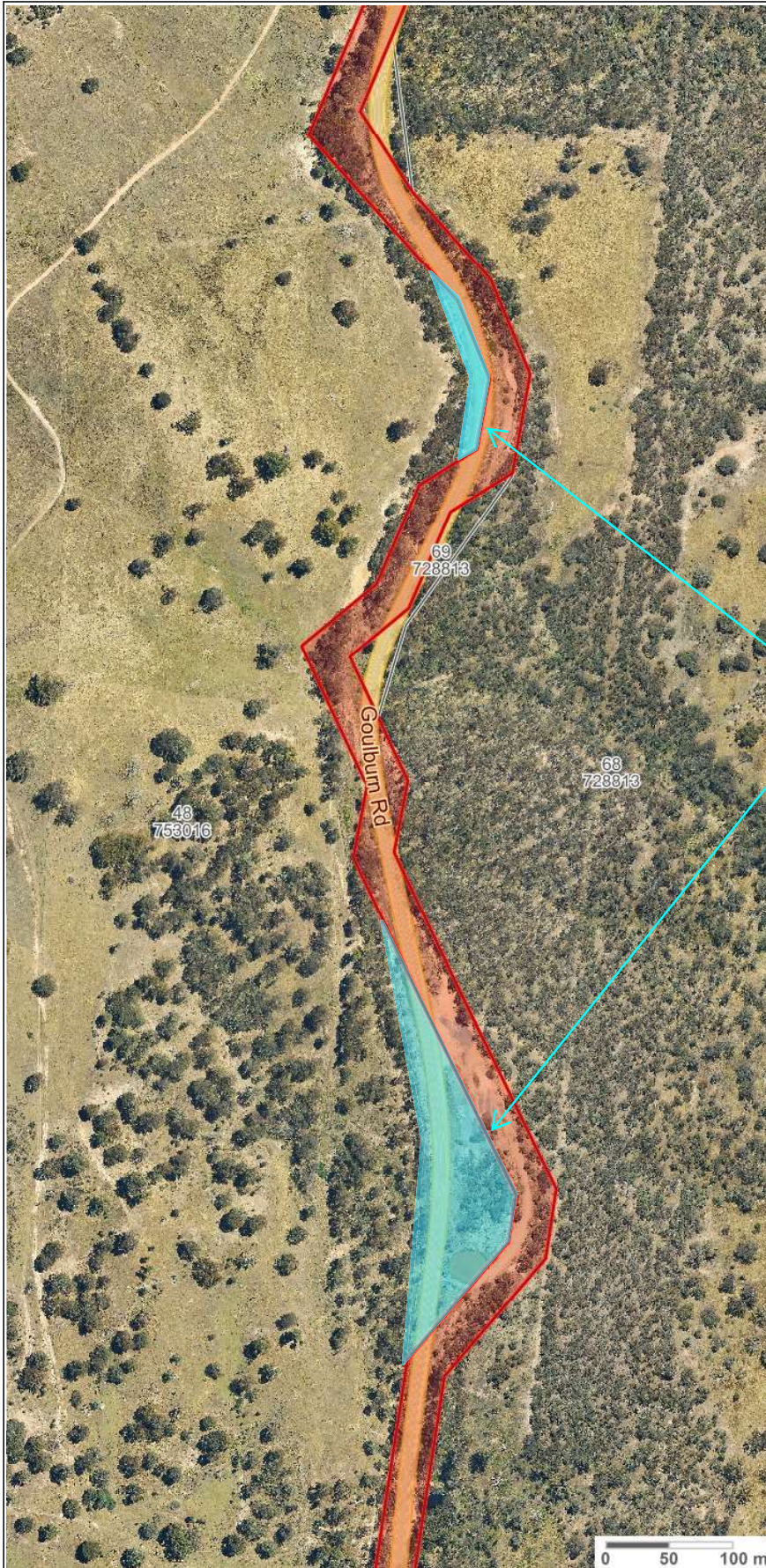
Strategy 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility.

COMMUNITY ENGAGEMENT:

01 **Inform** - to provide the public with balanced and objective information to help them understand the problem, alternatives, opportunities and/or solutions.

ATTACHMENTS:

1. Council report attachment 1 [9.3.3.1 - 1 page]



ROAD CONSTRUCTED

| | |
|--------------|-----------------------------|
| Status | Council Road Constructed |
| Name | Goulburn Road |
| Description1 | |
| Description2 | |
| Notes | |
| Suburb | ABERCROMBIE RIVER |

Proposed land acquisition areas shaded blue totaling approximately 1.6ha.

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Drawn By: David Luck
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Projection: GDA94 / MGA zone 55
Map Scale: 1:5000 @ A4

Feature Report