

## 9.2 Land Purchase of part Lot 35 DP 859542 & part Lot 6 DP 265664 for road realignment - Putta Bucca Road, Putta Bucca NSW

REPORT BY THE DIRECTOR COMMUNITY  
TO 21 APRIL 2021 ORDINARY MEETING  
GOV400088, ROA100487

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director Community Land Purchase of part Lot 35 DP859542 & part Lot 6 DP265664 for road realignment – Putta Bucca Road, Putta Bucca NSW;**
2. **resolve to purchase the 6.7m<sup>2</sup> of part Lot 6 DP265664 and 8.1m<sup>2</sup> of part Lot 35 DP859542 ('Sale Land') by agreement with the Vendor for the Sale Price of NIL for the purpose of public road;**
3. **agree for Council, at its own cost, to procure the preparation, lodgement and registration of an appropriate Subdivision Plan giving effect of the road realignment, fencing and any legal costs;**
4. **authorise the General Manager, where necessary, to complete and execute all documentation necessary to effect the subdivision and land purchase;**
5. **authorise the Mayor to sign all documentation, where additionally required to do so, to effect land purchase; and**
6. **authorise the Common Seal be affixed to all documentation, where necessary, to effect the land purchase.**

### Executive summary

The Putta Bucca Walk/Cycle Way project requires the purchase of private land (Sale Land) to progress re-alignment of a section of the road. 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 Putta Bucca Road, being a public road.
- In consideration of the sale of the Sale Land, Council agrees to pay, and owners of the land, (the Vendors) agree to accept, the sum of NIL ('Sale Price').

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

### Disclosure of Interest

Nil

## Detailed report

Council has been successful with applications for 2019/20 NSW Active Transport funding providing \$200,200, Stronger Country Communities Fund providing \$207,945. MWRC have contributed \$211,901 during the 2019/20 and 2020/21 financial years. The construction of approximately 1000m of cycle way including shared pathway infrastructure. The project completes a 8km loop of shared pathway connecting Mudgee town centre around Walkers Oval, across the Cudgegong River through to Glen Willow Regional Sporting Complex, and out to the Putta Bucca residential area, the Putta Bucca Wetlands and around to the Mudgee Racecourse before returning to Mudgee's Olympic swimming pool, Lawson Park and CBD.

The proposed project is identified in Council's Community Strategic Plan "Towards 2030", Delivery Program & Operational Plan, and continues from previous works conducted by Council to create a complete 8km cycle way loop from the Mudgee CBD.

Part of the upgrade proposed for Putta Bucca Walk/Cycle Way requires realignment of the geometry of a corner to improve road safety and handling. In order to progress this element of the project the purchase of a total of 14.8m<sup>2</sup> of private land is required being part of Lot 6 DP265664 (6.7m<sup>2</sup>) and part of Lot 35 DP859542 (8.1m<sup>2</sup>).

Staff have made contact with the Vendors to discuss terms that would satisfy both parties for acquisition by agreement, that is:

- a) The transfer of the Sale Land to the 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 Putta Bucca Road, being a public road.
- b) In consideration of the purchase of the Sale Land, Council agrees to pay, and the Vendors agree to accept NIL ('Sale Price') compensation.

## Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Provide equitable access to a range of places and spaces for all in the community

## 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 Putta Bucca Walk/Cycle Way upgrade project has a budget of \$200,200, with Transport for NSW funding 100%, Stronger Country Communities Fund providing \$207,945. MWRC have contributed \$211,901 during the 2019/20 and 2020/21 financial years. This will fund the compensation and all associated subdivision and administration expenses.

The budget variation is required to allocate project funds to the purchase of this portion of land for realignment, but has no net impact to the budget or ratios.

A new timber post and rail and wire fence will be erected along the new realigned boundary line of Lot 35 and Lot 6 at the cost of \$891.00.

- a) arrange for demolition of the existing fence between Lot 35 and Lot 6 and Putta Bucca Road, and relocation of the fence to the new boundary between Lot 35 and Lot 6 and Putta Bucca Road, after the Sale Land is dedicated to the Purchaser;
- b) procure the preparation, lodgement and registration of the Subdivision Plan, to give effect to the dedication of the Sale Land; and pay all and any other legal costs if necessary.
- c) arrange for the certificate of title to Lot 35 and Lot 6 to be returned to the Vendor after it has been produced for registration of the Subdivision Plan

## Associated Risks

Not Applicable

SIMON JONES  
DIRECTOR COMMUNITY

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

29 March 2021

*Attachments:* 1. Agreement to Compensation Road Widening - Papworth. (Confidential - separately attached)  
2. Agreement to Compensation Road Widening - Watt. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER