

7 PROPOSED COMPULSORY ACQUISITION OF 4 STATION STREET, OFFICER

FILE REFERENCE INT207833

RESPONSIBLE GENERAL MANAGER Tom McQualter

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RECOMMENDATION

That:

1. Council acquire part of the land at 4 Station Street Officer, in accordance with the Officer Precinct Structure Plan and Officer Development Contribution Plan, by compulsory acquisition pursuant to the Land Acquisition and Compensation Act 1986, and
2. The CEO be authorised to agree to the compensation payable and sign all documentation associated with the acquisition of the property

Attachments

- | | | |
|---|-------------------------------|---------|
| 1 | Subdivision Plan | 3 Pages |
| 2 | Development Contribution Plan | 1 Page |

EXECUTIVE SUMMARY

Officers require endorsement to commence the process to purchase part of the property at 4 Station Street Officer by compulsory acquisition.

BACKGROUND

Officers have been attempting, over a period of 12 months, to contact the land owner ('Owner') to negotiate the purchase of part of the property shown as R1 on the attached plan of subdivision ('Property') which is required for road widening and intersection upgrade in accordance with the Officer Precinct Structure Plan ('PSP') and Officer Development Contributions Plan ('DCP') at the intersection of Princes Highway, Station Street and Tivendale Road.

The Owner, which is a registered Company, has not responded to any request for them to contact Officers to discuss the matter. Correspondence has been sent to the postal address registered to the Property in Council's Property and Rating records, the postal address registered to the Company and the address noted on the Certificate of Title for the property.

The State Government has committed funds to Council to upgrade eight Princes Highway intersections. Officers are responsible for ensuring the land required for such upgrades is in Council ownership. The Property is the only outstanding land parcel required for the Princes Highway, Station Street and Tivendale Road intersection, as agreement has been reached with all other property owners.

Planning Officers currently have an application to apply a Public Acquisition Overlay to the Property, along with other properties required within the Officer PSP, however, as the area of land required is

less than 10% of the overall property and is valued at less than 10% of the total property value. Council is able to commence the compulsory acquisition process in accordance with the Land and Acquisition Compensation Act 1986 without requiring the Public Acquisition Overlay to be applied. The declaration of the Public Acquisition Overlay may take some time and Officers wish to proceed as quickly as possible with the acquisition of the Property to ensure that there are no delays to the intersection upgrade project.

POLICY IMPLICATIONS

The Officer PSP and Officer DCP has established the requirement for the Property, namely Project Number DI_TM_LA28 in respect of PSP Property ID 282.

RELEVANCE TO COUNCIL PLAN

The following key vision statement articulated by “Our Vision” in the Cardinia Shire Council Plan 2017 underpins the purchase of this land ‘Cardinia Shire will be developed in a planned manner to enable present and future generations to live, healthy and productive lives and to enjoy the richness of the diverse and distinctive characteristics of the shire.’

The relevant Council Plan objective is that ‘We continue to plan and manage the natural and built environment for future generations’. The objective is to be achieved through balancing the needs of development, the community and the environment.

CONSULTATION/COMMUNICATION


Officers have attempted to communicate with the owner without success.

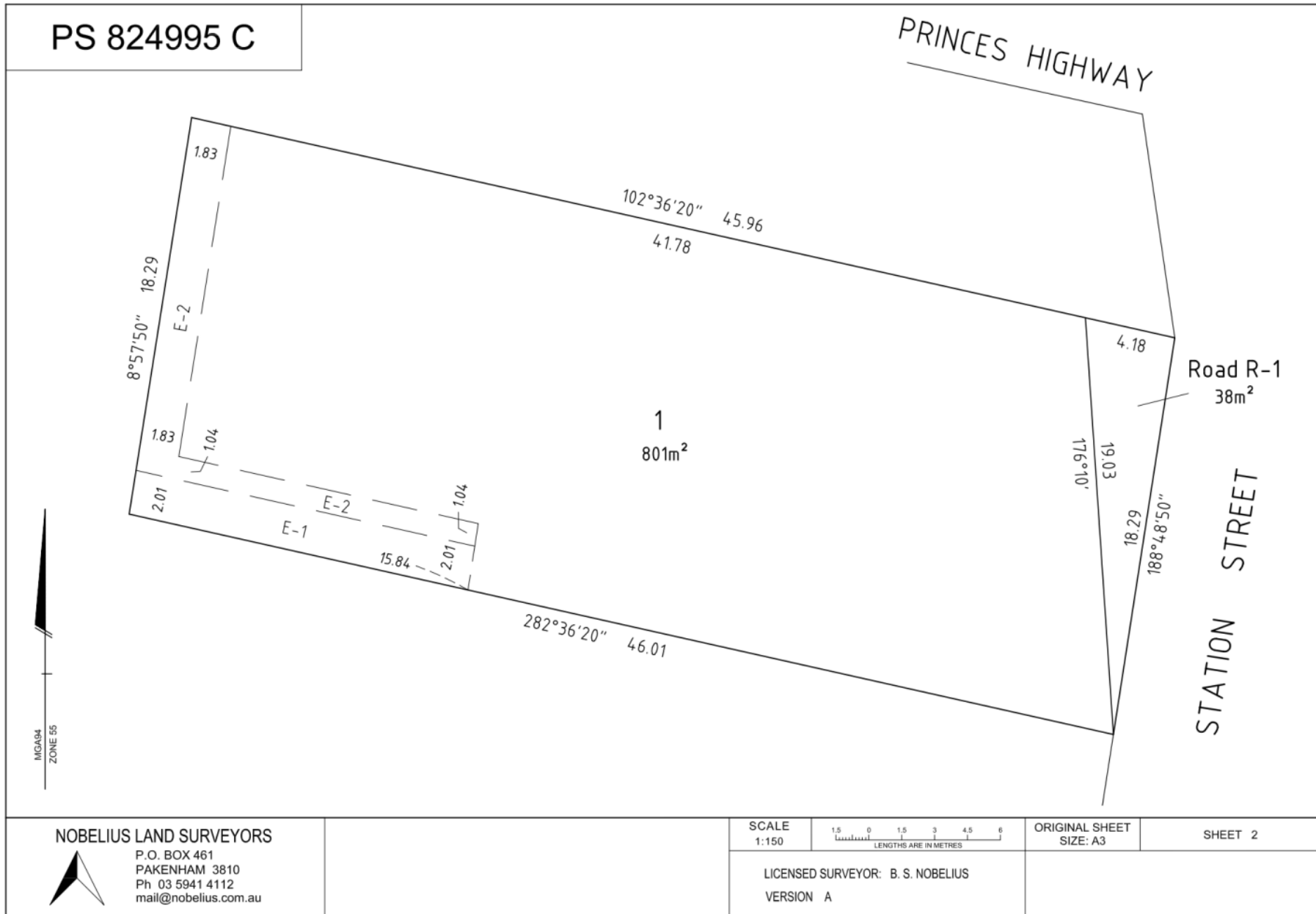
FINANCIAL AND RESOURCE IMPLICATIONS

The 2019/2020 DCP valuation of the Property is \$900 per square metre, making a total of \$34,200 for 38 square metres required for road. This will be the rate to commence negotiations and compensation will be determined in accordance with the Land Acquisition and Compensation Act 1986

CONCLUSION

In accordance with the Officer PSP and Officer DCP Council is required to acquire the Property in order to facilitate road and intersection upgrades. Officers are seeking authority to carry out the acquisition of the Property by a compulsory process in accordance with the Land Acquisition and Compensation Act 1986 and the Chief Executive Officer be authorised to negotiate compensation payable.

PLAN OF SUBDIVISION UNDER SECTION 35 OF THE SUBDIVISION ACT 1988		EDITION 1	PS 824995 C	
LOCATION OF LAND PARISH: Pakenham TOWNSHIP: SECTION: CROWN ALLOTMENT: 28 (PT) CROWN PORTION: TITLE REFERENCE: Vol. Fol. LAST PLAN REFERENCE: PC 361120 N POSTAL ADDRESS: 4 Station Street, Officer 3809 (at time of subdivision) MGA CO-ORDINATES: E: 360 480 ZONE: 55 (of approx centre of land N: 5 786 220 GDA 94 in plan)		Council Name: Cardinia Shire Council		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON		Land to be acquired by agreement All the land is to be acquired free from all encumbrances other than any easements specified on this plan	
Road R-1	Cardinia Shire Council			
NOTATIONS				
DEPTH LIMITATION: DOES NOT APPLY				
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. This survey has been connected to permanent marks No(s). 82 In Proclaimed Survey Area No. 71				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easements marked (+) are created upon registration of this plan. Easements marked (0) are created when the appropriate vesting date is recorded or transfer registered. Easements marked (#) are removed when the appropriate vesting date is recorded or transfer registered.				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Drainage	2.01	LP 8335	All Lots on LP 8335
E-2	Drainage	See Plan	LP 18352	All Lots on LP 18352
NOBELIUS LAND SURVEYORS  P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 mail@nobelius.com.au		SURVEYORS FILE REF: 16638-4 LICENSED SURVEYOR: B. S. NOBELIUS VERSION A		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 3



PS 824995 C

VESTING DATES & TRANSFER REGISTRATION DATES OF ACQUIRED LAND

Land affected	Land acquired by compulsory process prior to certification			Land acquired by compulsory process after registration of plan			Land acquired by agreement	LR reference of transfers or notifications of vesting dates	Assistant Registrar of Titles Signature	
	Vesting date	Gov't Gaz.		Date of recording of vesting date	Vesting date	Gov't Gaz.				Date of registration of transfer
		Page	Year			Page	Year			
Road R-1	---	---	---	---	---	---	---			

NOBELIUS LAND SURVEYORS



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SCALE



LICENSED SURVEYOR: B. S. NOBELIUS
VERSION A

ORIGINAL SHEET
SIZE: A3

SHEET 3

FIGURE 8 LOCATION OF TRANSPORT MANAGEMENT ITEMS

