

ADMINISTRATOR'S MINUTE

6 March 2017

Minute Number: 21

23 Cook Street, Mortdale

By letter to the Office of Local Government dated 8 December 2014, following a decision of Council on 19 November 2014, the former Hurstville City Council sought the Minister for Local Government's approval to compulsorily acquire the property at 23 Cook Street, Mortdale for public purposes. The stated public purpose of the acquisition was to, "*expand the parking capacity of Council's existing Cook Street public car park at 27 Cook Street, Mortdale which lies immediately adjacent to Mortdale railway station, in close proximity to Mortdale town centre*".

Previously a similar motion had been passed by Council on 5 February 2014.

The property, 23 Cook Street, is owned by Mr & Mrs Koutsoullis, according to newspaper report aged 85 and 77 respectively.

Council records indicate that between 2013 and 2015 unsuccessful negotiations occurred between the former Hurstville City Council and the owners of 23 Cook Street.

On 21 September 2016, the Office of Local Government advised Georges River Council that the then Minister for Local Government approved the compulsory acquisition.

The purpose of the acquisition was advised to the office of Local Government by Hurstville City Council on 8 January 2016 as:

"The public purpose of the proposed acquisition of the subject sites is for the provision of public car parking facilities appropriate to current and future needs of the local community and to the wider public. In particular, the acquisition is necessary to expand the parking capacity of Council's existing Cook Street public car park at 27 Cook Street, Mortdale which lies immediately adjacent to Mortdale railway station, in close proximity to Mortdale town centre".

The issue which has attracted public media and political attention is that the Council would be compulsorily acquiring the home of an elderly couple.

As early as October 2015, and on-going throughout 2016, the Council and the owners' family discussed the possibility of the couple remaining in their property following the compulsory acquisition. Agreement on purchase was not reached and Council, at the request of the owners, served a Proposed Acquisition Notice (PAN) on 6 December 2016 to facilitate the process.

The PAN is a document issued under the *Land Acquisition (Just Terms Compensation) Act, 1991* (the Act) and gave formal notice of Council's intention to compulsorily acquire the

property by publishing an Acquisition Notice in the Government Gazette within not less than 90 days, after giving the PAN. Gazettal must occur between 90 and 120 days of the PAN being served.

After the service of the PAN, Council staff made a number of requests to the owners' family to meet to discuss the issue of the owners remaining in their home, as long as they required. However, the family advised they would not meet until after a proposed meeting was held with the Minister for Local Government. This response was respected.

In mid February, the Administrator and representatives of the family agreed that:

- Council will withdraw the Property Acquisition Notice (PAN)
- Mr & Mrs Kouttsoullis will stay in their home as long as they desire
- Council could purchase the property after Mr & Mrs Kouttsoullis pass away or until they can no longer remain there independently.

These arrangements other than the withdrawal of the PAN continue to be the subject of final legal negotiations.

MOTION:

1. That Council withdraw the PAN dated 6 December 2016 issued to the owners of 23 Cook Street, Mortdale pursuant to section 16(1) of the Land Acquisition (Just Terms Compensation) Act, 1991.
2. That the General Manager is authorised to finalise any remaining matters pursuant to the Land Acquisition (Just Terms) Compensation) Act 1991.
3. That the Administrator and General Manager are authorised to negotiate and finalise any legal agreements with the owners in relation to the property 23 Cook Street, Mortdale.
4. That the General Manager is authorised to sign any associated legal documents on behalf of Council.

John Rayner PSM
Administrator