



DIRECTOR SHIRE SERVICES REPORT

2 February 2010

DSS5	PACIFIC HIGHWAY UPGRADE – ACQUISITION OF COUNCIL LAND BEING PART CHURCHILL QUARRY, OFF CRESCENT HEAD ROAD. FILE: LA 14761, LA 14764 IJR {416500}
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SUMMARY:

A report to consider the disposal of Council land to the Roads and Traffic Authority as part of the Kempsey Bypass component of the upgrade of the Pacific Highway.

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DESCRIPTION:

The Roads and Traffic Authority (RTA) is continuing with planning activities associated with the upgrade of the Pacific Highway that will ultimately result in what is generally referred to as the Kempsey Bypass.

The planning activities have progressed to a stage where the RTA is now acquiring land along the route of the Kempsey Bypass. The RTA has written to Council formally advising of its need to acquire land in the ownership of Council. The land is Part of Lot 185 DP754400 and Part of Lot 188 DP754400 and is shown highlighted on the plan attached to this report at [Appendix C – Page SS3](#).

The land proposed to be acquired comprises part of Council's landholding being the Churchill Quarry. The preliminary estimate of the amount of land to be acquired is approximately 4.9Ha.

It is recommended that Council agree to the request by the RTA to acquire the land needed as part of the Kempsey Bypass.

In regard to the value of the land proposed to be acquired by the RTA, it is recommended that Council engage the services of a professional valuer(s) to assist with negotiations with the RTA. Legislative provisions provide that the costs reasonably incurred by Council in obtaining such valuation advice are to be reimbursed to Council by the RTA upon the acquisition of the land.

The RTA have requested that Council execute a Permit to Enter to allow works to be progressed. A copy of the Permit to Enter is attached to this report at [Appendix D – Page SS4](#).

RECOMMENDATION IMPLICATIONS:

• **Environmental**

The RTA as the acquiring Authority is responsible for managing environmental implications arising from the acquisition of the land for the purposes of upgrading the Highway.

• **Social**

The acquisition of the Council land is an integral part of the upgrade of the Pacific Highway which will ultimately provide for the safer movement of vehicles.

• **Economic (Financial)**

Council is entitled to compensation for the acquisition of the land by the RTA. Compensation is assessed having regard to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. At this stage, the area of land to be acquired has not been finalised and as such no assessment of compensation has been conducted. It is recommended that once the final area of land to be acquired is known, the General Manager engage in negotiations with the RTA in regard to compensation matters.

• **Policy or Statutory**

There are no policy or statutory implications arising from the acquisition by the RTA.

• **Director's Review**

The land to be purchased is a portion of the Churchill Quarry site and does not include the section that is currently worked as the quarry.

RECOMMENDATION:

- 1. That Council delegate authority to the General Manager to:**
 - a. Sign the Roads and Traffic Authority "Permit to Enter" Form;**
 - b. Negotiate compensation for the disposal of Part Lot 185 and Part Lot 188 DP754400 to the Roads and Traffic Authority.**

- 2. That the Common Seal of Council be affixed to:**
 - a. Deed of Acquisition/Contract for Sale;**
 - b. Land Titles Office "Transfer" Form.**

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Bruce Morris
DIRECTOR SHIRE SERVICES