



Ordinary Meeting of Council

LATE REPORT

Thursday 22 February 2024

4.00pm

Council Chambers

209 Comur Street, Yass

PRAYER:

All Stand:

Mayor: *Let us be still and remember the presence of God. As we commence our meeting let us together pray for guidance and help.*

All say together:

Almighty God, we ask your blessing upon this Council.

Direct and prosper our deliberations to the true welfare of Australia and the people of Yass Valley Amen.

FUTURE MEETINGS

March 2024

Thursday 28th

4.00pm

Ordinary Meeting of Council

Ordinary Meeting of Council

L A T E A G E N D A

Page No.

6. Reports to Council

6.26 Compulsory Land Acquisitions for Road Purposes.....4

Chris Berry

CHIEF EXECUTIVE OFFICER

6.26 LATE REPORT - COMPULSORY LAND ACQUISITIONS FOR ROAD PURPOSES

SUMMARY

To obtain approval to compulsory acquire land for road purposes.

Following legal advice a number of specific references to the requirements of the *Land Acquisition (Just Terms Compensation) Act* were excluded and the required references to the legislation are included in the recommendation.

RECOMMENDATION

That:

1. *Council resolves to acquire the land adjacent to, or in the vicinity of the low level crossings on Greenwood Road over Murrumbateman Creek and Yass River being, as detailed in this report by agreement or compulsory process in accordance with the Part 12, Division 1 of the Roads Act 1993 (Roads Act 1993) and Land Acquisition (Just Terms Compensation) Act 1991 (Just Terms Act 1991) for the purpose of a public road.*
2. *Council resolves to authorise the Chief Executive Officer to negotiate with each person with an interest in the Land for the purpose of completing the acquisition by agreement and otherwise agreeing on any relevant matter in connection with the acquisition.*
3. *If agreement is reached, the Council acquire that land, provided that such agreement will be subject to a further resolution of Council.*
4. *If in the opinion of the Chief Executive Officer no such agreement has been reached following any required minimum period of negotiation, Council resolves that the Land be acquired by compulsory process in accordance with Part 12, Division 1 Roads Act 1993 and the Just Terms Act 1991, and that Council:*
 - (a) *Make application for approval from the Minister for Local Government in accordance with s178 Roads Act to give all necessary Proposed Acquisition Notices (PAN) in accordance with the Just Terms Act 1991*
 - (b) *Make each other application take each further action as is necessary to obtain approval from the Minister, the Governor, the Office of Local Government or any other person or public authority as may be necessary*
 - (c) *Serve each PAN as may be required to be served*
 - (d) *Take all actions as may be necessary, to carry out the acquisitions by compulsory process.*
5. *Council authorises the Chief Executive Officer to complete and execute all documentation necessary to finalise and bring into force Council's acquisition of the Property and if necessary to fix the Council seal to the application to the Minister, the Governor, the Register General or any public authority for the compulsory acquisition.*
6. *Council resolves that upon acquisition the Land be classified as operational land.*

FINANCIAL IMPLICATIONS

All costs associated with the land acquisitions are funded via project budgets currently allocated in the 2023/24 Operational Plan.

POLICY & LEGISLATION

- *Local Government Act 1993*
- *Roads Act 1993*
- *Land Acquisition (Just Term Compensation) Act 1991*

REPORT

Council has currently commenced or about to commence a number of road upgrade projects that will require the acquisition of adjacent private land. These land acquisitions are required to:

- Accommodate the existing road/bridge formation within a public road reserve
- Improve the road geometry of the road/bridge
- To improve traffic safety through increased road shoulder widths, flatter embankments, increase clearance zones, space for barriers/signs etc, increased sight distance, improved horizontal/vertical bends etc

Section 377(h) *Local Government Act 1993* specifically excludes Council from the delegation of its function to purchase land. As such Council must resolve to acquire land.

The *Roads Act 1993* and *Land Acquisition (Just Terms Compensation) Act 1991* required Council to specifically authorise specific actions, which are included in the recommendation.

It is noted that this matter was reported to the December 2023 Council meeting however a number of specific references to the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991* were excluded and have now been incorporated into the recommendations of this report.

The following projects require land acquisition and approval via this report:

1. Low Level Crossing Replacement - Murrumbateman Creek on Greenwood Road

Location: Adjacent to 78 and 213 Greenwood Road

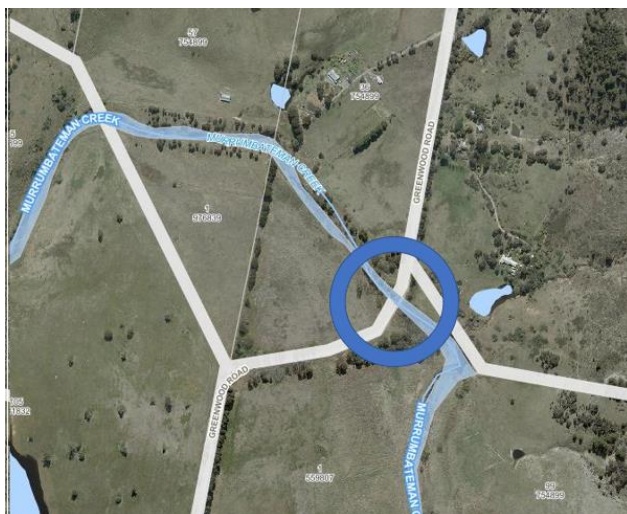
Purpose: To provide additional road reserve area to facilitate the construction of a new concrete bridge that has an increased flood immunity.

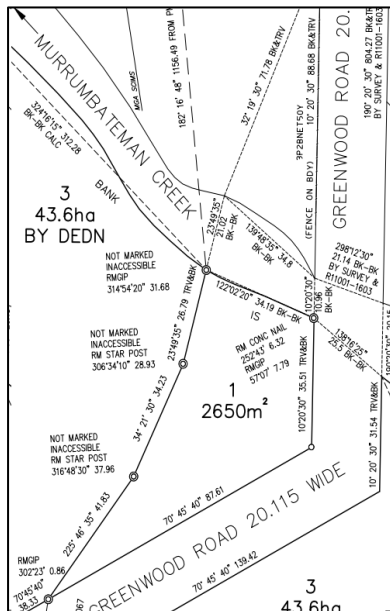
Land area to be acquired:

- Area 1 – 2,650m² - adjacent to 78 Greenwood Road
- Area 2 – 1,124 m² - 213 Greenwood Road
- Total – 3,774 m²

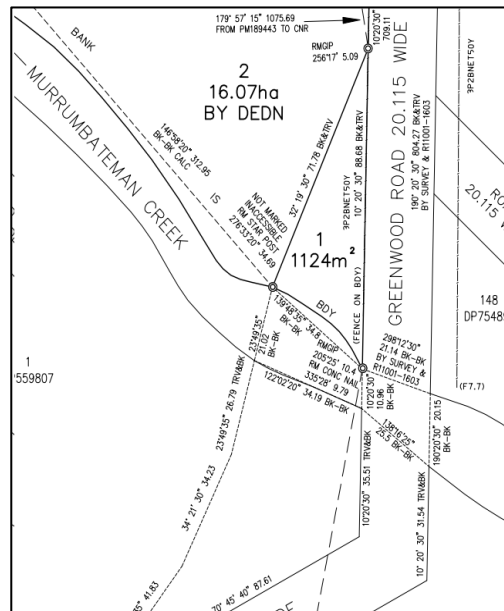
Refer map and extract from survey plans below.

Note: The acquisition of this land was previously reported and adopted by Council in November 2022. However, after the completion of the detailed design, additional land area acquisition was identified.





Area 1



Area 2

2. Greenwood Road South West of Murrumbateman Creek

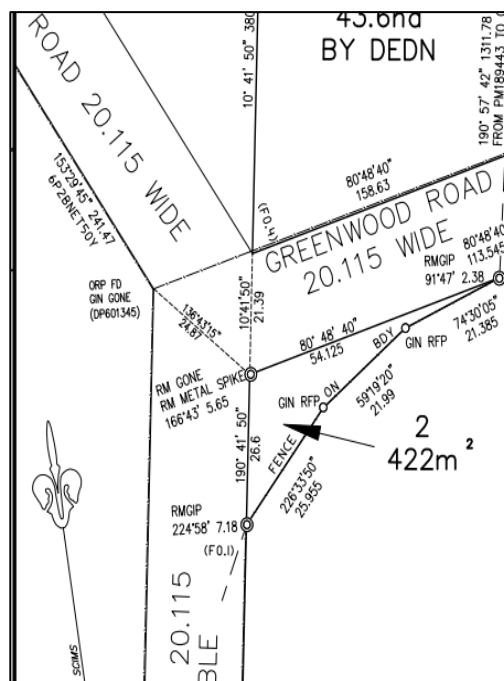
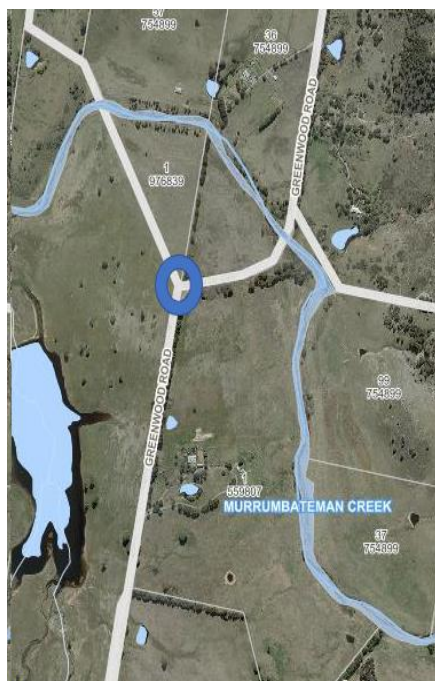
Location: Adjacent to 78 Greenwood Road.

Purpose: To formalise the existing road area that was relocated to include private land in 1991 to improve road geometry.

Land area to be acquired – 422m².

Refer map and extract from survey plan below.

Note: Council did enter into an agreement with the landowners to acquire land in 1991 to formalise the road reserve however the transfer of land was never gazetted.



3. Low Level Crossing Replacement – Yass River on Greenwood Road

Location: Adjacent to 562 Greenwood Road, 1768 Yass River Road and 1900 Yass River Road.

Purpose: To provide additional road reserve area to facilitate the construction of a new concrete bridge that has an increased flood immunity.

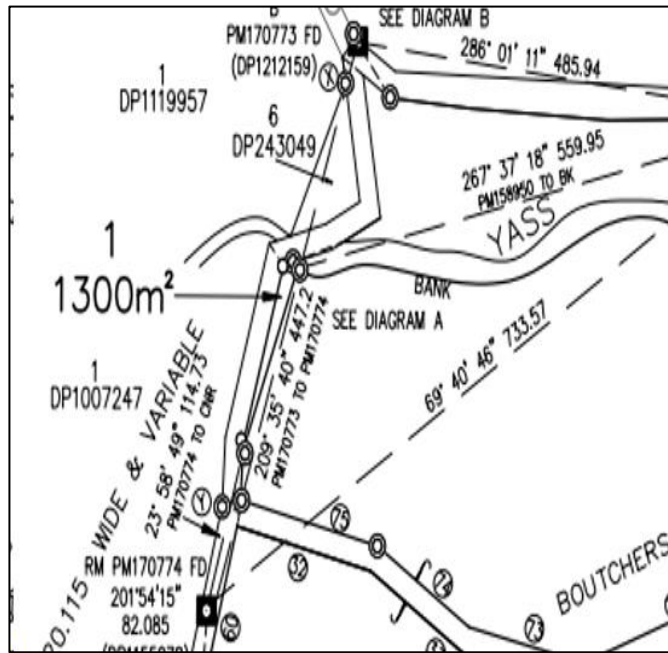
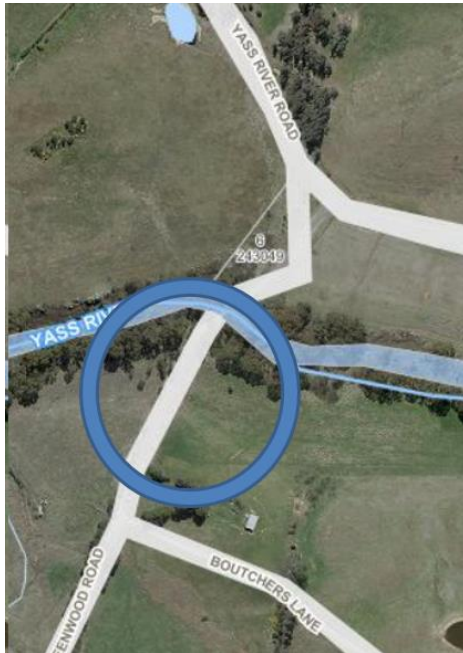
Land area to be acquired:

- Area 1 – 1,300m² - adjacent to 562 Greenwood Road
- Area 2 – 3,793.9m² – 1900 Yass River Road
- Total Area – 5,093.9m²

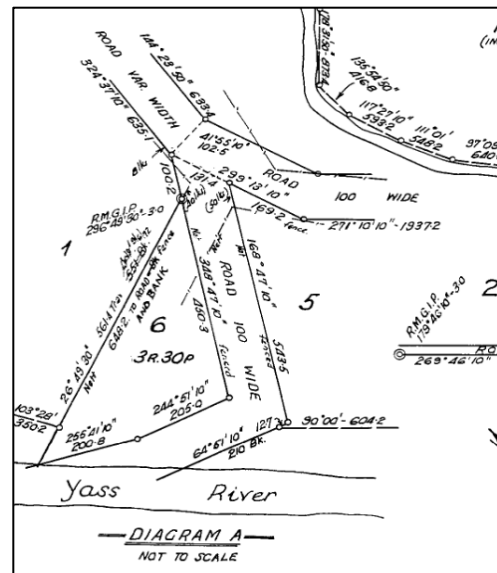
Refer plans and extract from survey plans below.

Note: The acquisition of this land was previously reported and adopted by Council in November 2022. However, after the completion of the detailed design additional land area acquisition was identified.

Area 1



Area 2 (Lot 6)



4. Greenwood Road at Intersection with Yass River Road

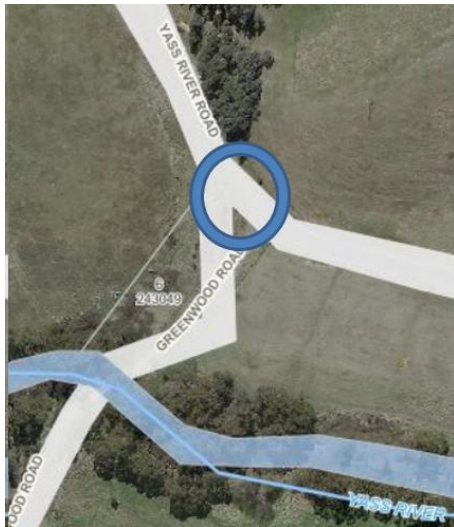
Location: Adjacent to 1768 Yass River Road.

Purpose: To formalise the existing road area that was relocated to include private land to improve road geometry.

Land area to be acquired:

- Area 1 – 195.4m²

Refer plan and extract from survey plan below.



STRATEGIC DIRECTION

CSP Theme	Our Infrastructure
CSP Strategy Objective	IN1: We have transport links that connect towns within the region and increase access to significant centres
Strategies	IN1.3 - Renew, upgrade and create new road assets to meet community needs
Delivery Program Action	Bridge upgrade program (grant funded only)

ATTACHMENTS: Nil