

## Ordinary Meeting

**Meeting Date:** Monday, 25 July, 2022  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

**Membership** (Quorum - 7)  
All Councillors

## Addendum Agenda

### Reports

#### City Services

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## **CL22.278 Transport for NSW Acquisition - Jervis Bay Road Intersection**

**HPERM Ref:** D22/69271

**Department:** Technical Services

**Approver:** Paul Keech, Director - City Services

**Attachments:** 1. Area for acquisition by TfNSW [↓](#)

This item has been deferred from the Ordinary Meeting 27 June 2022.

### **Reason for Report**

This report provides Council with an opportunity to consider an acquisition by agreement with Transport for NSW (TfNSW) for approximately 11,314m<sup>2</sup> of land shown as pink highlight on Attachment 1 (D22/67913) located at Jervis Bay Road, Old Princes Highway and Princes Highway, Falls Creek.

The subject Lots are:

- Lots 35, 36 & 37 DP1088614 – Jervis Bay Road Falls Creek;
- Lot 38 DP24409 – Jervis Bay Road Falls Creek;
- Lot 1 DP15507 – Old Princes Highway Falls Creek;
- Lot 1 DP578303 – Princes Highway Falls Creek.

### **Recommendation**

That Council:

1. Authorise the acquisition by agreement with TfNSW for Lots 35, 36 & 37 DP1088614, Lot 38 DP24409, Lot 1 DP15507 and Lot 1 DP578303 as shown in Attachment 1 (D22/67913) for compensation of \$725,000 plus GST if applicable, (seven hundred and twenty-five thousand dollars) in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
2. Authorise all proceeds of the acquisition to be allocated to the Property Reserve with \$700,000 being allocated the Property Reserve – General and \$25,000 being allocated to the Property Reserve – Roads.
3. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation as required.

### **Options**

1. Adopt as recommended

Implications: This will allow TfNSW to proceed with the Jervis Bay Road Intersection Upgrade in a timely manner and distribution of funds to be allocated to the Property Reserve for future use in accordance with the Roads Act 1991 and the Local Government Act 1993,

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2. Not adopted as recommended

Implications: Reject the acquisition by agreement forcing TfNSW to pursue compulsory acquisition under the Land Acquisition (Just Terms Compensation) Act 1991 and the valuation of land will be determined by the Valuer General. The acquisition will still occur but there will be a delay in the process. Notwithstanding this, under Section 175 of the Roads Act 1993, TfNSW may take possession of land for the purpose of carrying out road works. Should compulsory acquisition be actioned by TfNSW, Council is required to submit a formal claim outlining reasons for such claim.

### Background

NSW Government have committed funding to allow construction of the Jervis Bay Road Intersection as part of the Princes Highway Upgrade Program. Construction is due to commence in 2023. TfNSW requires acquisition of the lots (as shown in attachment 1) to facilitate construction. TfNSW has provided Council with a copy of the Valuation Report which was undertaken by an independent Registered Valuer.

Council has received a Letter of Offer from TfNSW with the value of compensation as outlined below:

- 35,36,37 DP1088614 and Lot 38 DP24409 (Compensation offered - \$700,000 - 10,540m<sup>2</sup>)
- Lot 1 DP15507 (Compensation offered - \$20,000 – 690m<sup>2</sup>)
- Lot 1 DP578303 (Compensation offered - \$5,000 – 84m<sup>2</sup>)

Lots 35, 36, 37 DP1088614 and Lot 38 DP24409 are classified as Community land categorised as Natural Area – Bushland. TfNSW is seeking Council's concurrence to all the land being compulsory acquired on agreed terms so that the land transfer can proceed facilitating the timely construction of the Jervis Bay Road Intersection Upgrade.

Lots 1 DP 578303 and Lot 1 DP 15505 Princes Highway are both operational land and are zoned SP2 Infrastructure – Road.

### Community Engagement

Community Engagement is being undertaken by TfNSW. Consultation reports can be found on TfNSW Jervis Bay Road and Princes Highway Intersection project page.

No engagement is required by Council.

Internal comments were sought and have been received. Internal comments did not identify any barriers to acquisition, nor any attributes of the land to be acquired that would vary the compensation offered.

### Policy Implications

There are no policy implications.

### Financial Implications

TfNSW agreed to use Council's preferred valuer being Walsh and Monaghan and agreed to a joint valuation. Joint instructions for Valuation were issued by Council and TfNSW. Compensation was assessed at \$725,000 in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. The Valuation Report has been reviewed and is a fair reflection of compensation.

All proceeds will be allocated to the Property Reserve with \$700,000 being allocated the Property Reserve – General and \$25,000 being allocated to the Property Reserve – Roads.

Lot	DP	Area	Valuation	Classification/categorisation
35	1088614	427m <sup>2</sup>	See below	Community Land – Natural Area
36	1088614	434m <sup>2</sup>	See below	Community Land – Natural Area
37	1088614	438m <sup>2</sup>	See below	Community Land – Natural Area
38	22409	9241m <sup>2</sup>	See below	Community Land – Natural Area
Subtotal		10,540m <sup>2</sup>	\$700,000	
1	578303	84m <sup>2</sup>	\$5,000	Operational Land
1	15507	690m <sup>2</sup>	\$20,000	Operational Land
<b>Grand Total</b>		<b>11,314m<sup>2</sup></b>	<b>\$725,000</b>	

### Risk Implications

There is a reputational risk to Council should Council not agree to the terms contained in the Letter of Offer as this will delay construction of the intersection as TfNSW will move to compulsory acquisition of the lots in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

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