

**5.4: PROPOSED ROAD WIDENING AT THE INTERSECTION OF  
BEAUFORT AND NORTH ROAD AFFECTING LOT 5 NO 5-7  
BEAUFORT ROAD, YAKAMIA**

<b>Land Description</b>	: Lot 5 No 5-7 Beaufort Road, Yakamia (corner North Rd)
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Free Reformed Church of Albany Inc
<b>Attachments</b>	: Drawing prepared by City of Albany (Job 2911, dated 6/12/2010)
<b>Responsible Officer(s)</b>	: Executive Director Works & Services (K Ketterer)

**IN BRIEF**

- Council's resolution is required to take a 60.4m<sup>2</sup> portion of land from Lot 5 No 5-7 Beaufort Road, Yakamia to widen the existing road reserve, providing for Black Spot road works at the intersection of Beaufort and North Roads.

**ITEM 5.4: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- SUPPORTS the Taking by Agreement, under section 168 of the *Land Administration Act 1997*, of a 60.4m<sup>2</sup> portion of land from Lot 5 No 5-7 Beaufort Road, Yakamia, to allow the widening of the North Road and Beaufort Road intersection;**
- SEEKS approval under Section 168 of the *Planning & Development Act 2005* to dedicate the 60.4m<sup>2</sup> portion of land to be taken from Lot 5 No 5-7 Beaufort Road, Yakamia as a public road, through the lodgement of a subdivision application; and**
- INDEMNIFIES the Minister for Lands from any claims for compensation, as is required under Section 56 of the *Land Administration Act 1997*.**

**BACKGROUND**

1. In 2010, the City successfully obtained Black Spot funding to improve the safety of the intersection of North Road and Beaufort Road through the installation of a roundabout in this location.

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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2. The proposed roundabout requires that a 60.4m<sup>2</sup> portion of land be resumed from the adjoining freehold title at Lot 5 No 5-7 Beaufort Road, Yakamia. This lot is owned by the Free Reformed Church of Albany Inc.
3. Works at this intersection commenced in January 2011 and the City obtained the written consent of the Free Reformed Church of Albany Inc to access and work on their land prior to commencing works on the ground.

### **DISCUSSION**

4. A valuation for the 60.4m<sup>2</sup> portion of land to be taken from Lot 5 No 5-7 Beaufort Road, Yakamia has been obtained. The land has been valued at \$7,550 and the owners of the land, the Free Reformed Church of Albany Inc, have accepted this valuation. The City has obtained a signed Consent to Taking by Agreement from the landowners on this basis.
5. The negotiation on the compensation for the Taking by Agreement of this portion of land from Lot 5 No 5-7 Beaufort Road, Yakamia has been dealt with under the Road Widening Delegation (OCM 14/12/10 Item 4.3.21). However, the provisions of the *Land Administration Act 1997* require Council's resolution to indemnify the Minister for Lands from any claims from compensation.

### **GOVERNMENT CONSULTATION**

6. No consultation with government agencies has occurred on this matter as yet. As part of the subdivision application process, the Western Australian Planning Commission will refer the proposal to all the relevant servicing and government agencies for comment.
7. Depending on Council's resolution, notification will be sent to the Department for Regional Development and Lands at the same time as lodging the subdivision application to advise of the Minister's indemnification and compliance with the *Land Administration Act 1997*.

### **PUBLIC CONSULTATION / ENGAGEMENT**

8. No public consultation on this proposal is required under the statutory provisions, other than with the affected landowners. The landowner's written consent to the resumption of the land for road widening purposes has been obtained.

### **STATUTORY IMPLICATIONS**

9. Section 56 of the *Land Administration Act 1997* allows the dedication of land as a road. In doing so, the Local Government must indemnify the Minister for Lands against any claim for compensation.
10. Section 168 of the *Land Administration Act 1997* sets the procedure for acquiring land for public works through a Taking by Agreement. Part 10 of the Act states that every person having an interest in land taken under the Act is entitled to compensation.

11. The creation of a road occurs through the subdivision process detailed under Part 10 of the *Planning and Development Act 2005*. Section 168 of this Act states all land shown on a diagram or plan of survey of a subdivision shown as a new road or road widening will be dedicated as a road.

**STRATEGIC IMPLICATIONS**

12. This item directly relates to the following element from the Albany Insight – Beyond 2020 Corporate Plan:

*“4. Governance.....*

*4.2 Manage our municipal assets to endure they are capable of supporting our growing community.”*

**POLICY IMPLICATIONS**

13. There are no policy implications relevant to this item.

**RISK IDENTIFICATION & MITIGATION**

14. The risk identification and categorisation relies on the City’s Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
If road widening not obtained, Council assets would be contained in freehold title.	Possible	Moderate	Medium	Support the Taking by Agreement of land providing for the widening of the intersection of Beaufort and North Roads.

**FINANCIAL IMPLICATIONS**

15. The payment of \$7,550 for the land to be resumed from Lot 5 No 5-7 Beaufort Road, Yakamia, Manypeaks can be accommodated in the current 2010/11 budget.
16. The lodgement of a subdivision application for road widening purposes does not require the payment of fees to the Western Australian Planning Commission.
17. There will be fees associated with the feature survey of the area, the creation of an initial plan for the subdivision application, the creation of a final deposited plan, the lodgement of the plan with Landgate and settlement fees. This is expected to be in the order of \$8,000 and can also be accommodated in the current budget line item for land acquisition.

**LEGAL IMPLICATIONS**

18. The widening at the intersection of North and Beaufort Road reserve will ensure that the Black Spot road works being undertaken at this location will be legitimately contained in appropriate land tenure controlled by the City.

**ALTERNATE OPTIONS**

19. While Council can defer this item, this will result in portion of the improvement works currently being undertaken in this location being situated in freehold title. As such, it is recommended that this matter be expedited as soon as possible.

**SUMMARY CONCLUSION**

20. The proposed widening at the intersection of Beaufort and North Roads will ensure that the Black Spot improvements works currently underway will be situated wholly within a dedicated road reserve. Council's resolution to enact the road dedication process is sought to meet the requirements of the *Land Administration Act 1997* and the *Planning & Development Act 2005*.

<b>Consulted References</b>	Land Administration Act 1997 Planning and Development Act 2005
<b>File Number (Name of Ward)</b>	RD.ACQ.1 (Yakamia Ward)
<b>Previous Reference</b>	None