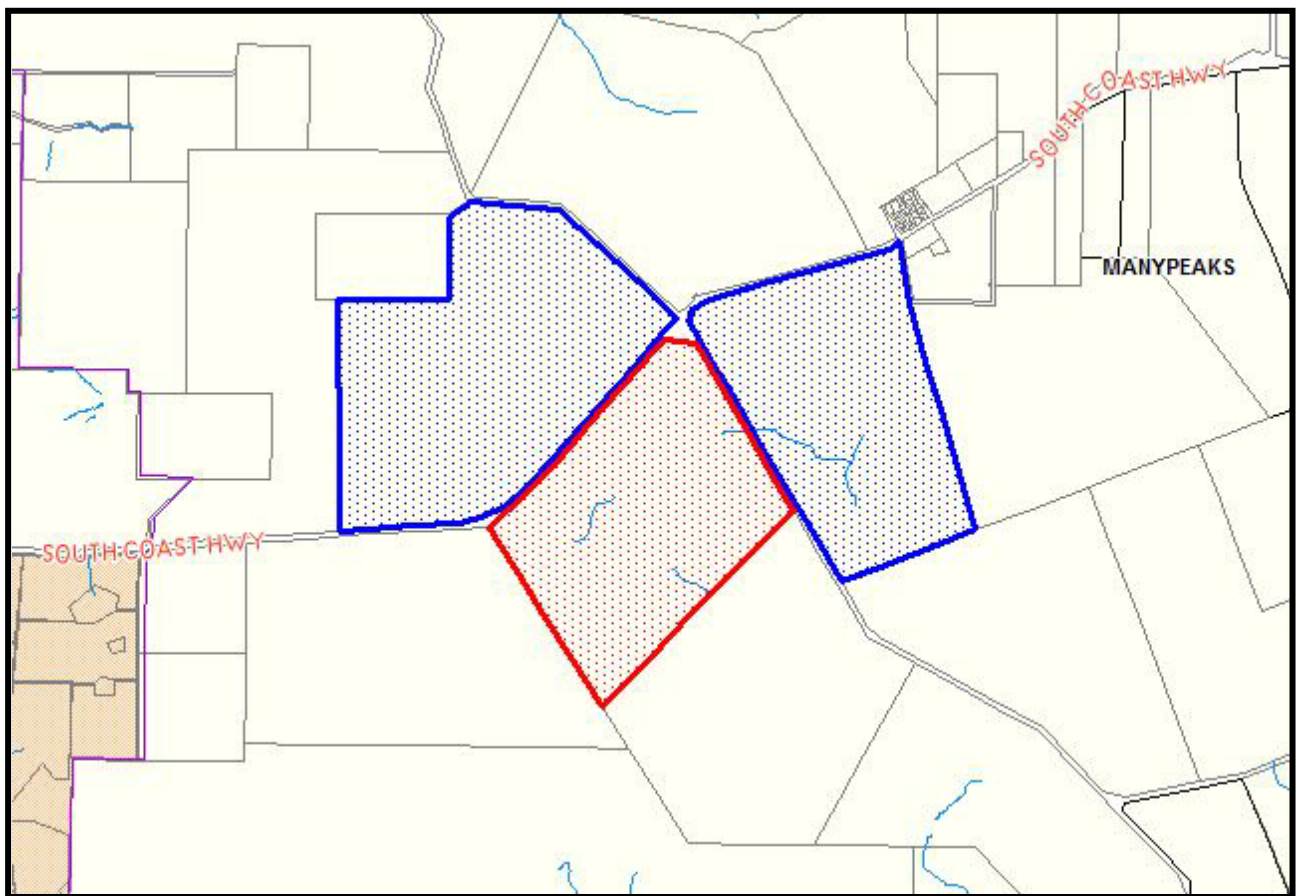


5.2: SOUTH COAST HIGHWAY – MAIN ROADS WA LAND REQUIREMENT FOR ROAD WIDENING

- Land Description** : Lots 5292, 5294 & 5298 South Coast Highway, Manypeaks
Proponent : Main Roads WA
Owner : F & G Mountford (Lot 5294)
J & J Geddes (Lot 5298)
B Critchison (Lot 5292)
Attachments : 3 x Land Requirements Plan (produced by Main Roads WA – Drawings 201101-075, 201101-076, 201101-077)
Responsible Officer(s) : Chief Executive Officer (F James)

Maps and Diagrams:



IN BRIEF

- Council is requested to consider the proposal by Main Roads WA to widen portion of South Coast Highway to accommodate reconstruction works in the 2011/12 summer. A resolution of Council is required for the land acquisition and road dedication provisions of the *Land Administration Act 1997*.

CEO:	RESPONSIBLE OFFICER:
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**ITEM 5.2 RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- i) **SUPPORTS** the proposal by Main Roads WA to acquire land from Lots 5292, 5294 & 5298 South Coast Highway, Manypeaks (as depicted in Drawings 201101-075, 201101-076-1 and 201101-077) to allow the widening of South Coast Highway, on the condition that Main Roads WA fully complies with the Taking by Agreement provisions of section 168 of the *Land Administration Act 1997*;
- ii) **SUPPORTS** the action by Main Roads WA to seek approval of the Minister for Lands, under section 56 of the *Land Administration Act 1997*, to dedicate the land to be taken for road widening as a public road;
- iii) **INDEMNIFIES** the Minister for Lands, on behalf of Main Roads WA, from any claims for compensation, as is required under Section 56 of the *Land Administration Act 1997*; and
- iv) **REQUIRES** that Main Roads WA indemnify the Council against all costs and charges, including any claims for compensation that may arise, associated with this dedication action.

BACKGROUND

1. Main Roads WA has sought Council's support to take land from three properties near the Manypeaks town site for inclusion in the road reserve for South Coast Highway to accommodate reconstruction works in the summer of 2011/12.
2. Main Roads WA has requested that Council provide an appropriate resolution for the road dedication, in order to satisfy the requirements of the *Land Administration Act 1997*.
3. Main Roads WA have indicated that it will indemnify Council against all costs and charges that relate to the dedication action.

DISCUSSION

4. Main Roads WA have advised that the works on this section of South Coast Highway are necessary for the following reasons:
 - a) This section of road is currently substandard and in poor condition, creating safety concerns;
 - b) The road does not currently have the strength required to carry the current level of traffic using the highway;
 - c) Drainage of the road needs to be improved, as water is pooling on the highway, creating a hazardous surface. In order to achieve this, the highway is to be raised 0.5m and wider embankments are required.

- d) The intersection of Homestead Road, Fish Track Road and South Coast Highway currently has poor sight lines. This intersection will be realigned to improve sight lines and access/egress onto the highway; and
 - e) This section of the Highway only has a trafficable surface of 9.5m, whereas the standard is 11m and it will be widened to meet this safety requirement.
5. Lots 5292 and 5294 South Coast Highway are pastoral leases. This does not alter the requirements for Main Roads WA to negotiate a Taking by Agreement with the leaseholders to acquire land for road widening purposes.

GOVERNMENT CONSULTATION

6. The proposal was discussed with officers at the Department for Regional Development and Lands to clarify the appropriate legislative processes that must be observed. The Department verbally confirmed that Main Roads WA does not have any power to comply with the provisions of Section 56 of the *Land Administration Act 1997* with respect to road dedication and the Council must do this on behalf of Main Roads WA. However, Main Roads WA is responsible for all the consultation, costs and charges associated with this action.
7. No other consultation with government agencies has occurred on this matter, however the road widening will be taken by way of the subdivision process administered by the Western Australian Planning Commission.

PUBLIC CONSULTATION / ENGAGEMENT

8. No public consultation on this proposal is required under the statutory provisions, other than with the affected landowners. Main Roads WA, as the body progressing the land acquisition, road widening and road dedication processes, will be responsible for negotiation with all affected landowners.

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 elements of the City of Albany Strategic Plan 2011-2021:

Key Focus Area

Lifestyle and Environment

Community Priority

Road Improvements

Proposed Strategies

Advocate to Main Roads for improvements to South Coast Highway.

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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Council does not approve request for a road dedication resolution.	Unlikely	Minor - The Main Roads managed road would remain in a substandard state with drainage and safety concerns.	Low	Council supports Main Roads WA request and comply with the provisions of the <i>Land Administration Act 1997</i> to permit the road works to occur.

FINANCIAL IMPLICATIONS

15. Beyond staff time involved in organising the land matters, there are no financial implications relevant to this item, as all costs associated with the land acquisition, road widening, road dedication and any subsequent claims for compensation are to be borne by Main Roads WA.

LEGAL IMPLICATIONS

16. The widening of South Coast Highway will ensure that there is sufficient road reserve available to undertake the proposed works on land legitimately reserved for this purpose.

ALTERNATE OPTIONS

17. Council can:

- a) Decline the request and the South Coast Highway near Many Peaks will remain as is;
or
- b) Support the request to allow for the road widening and road dedication to improve drainage and safety in the area.

SUMMARY CONCLUSION

- 18. The proposed widening of South Coast Highway will be undertaken to facilitate roads works to improve the safety and standard of this section of the highway. Main Roads is negotiating with the affected landowners to secure the taking of the land by agreement and will be responsible for all administrative costs and processes to create the wider road reserve.
- 19. Council's resolution is sought to comply with the provisions of the *Land Administration Act 1997* relative to the dedication of this land as a road reserve as Main Roads WA do not have any powers under this Act.

File Number (Name of Ward)	:	RD.DEC.2
Previous Reference	:	No previous references