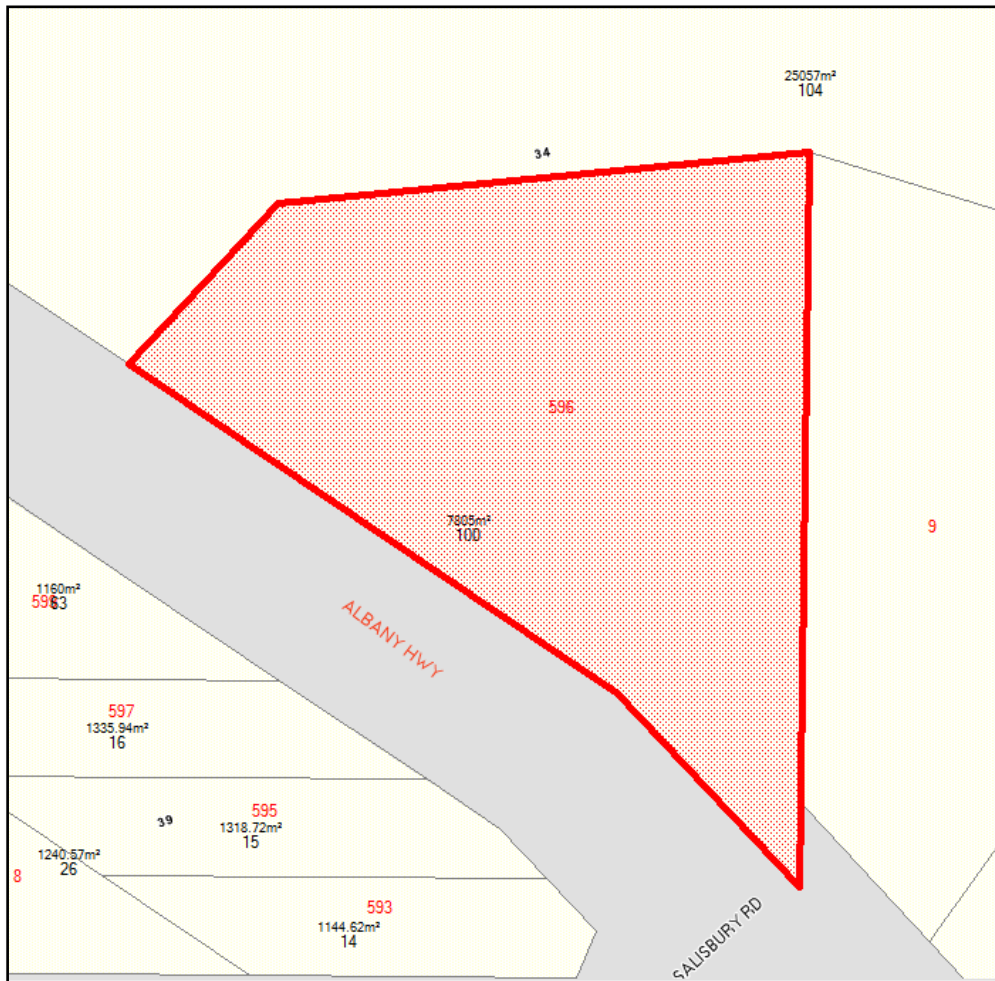


4.3: LOT 100 No 596 ALBANY HIGHWAY, WARRENUP – MAIN ROADS WA LAND REQUIREMENT FOR ROAD WIDENING

Land Description : Lot 100 No 596 Albany Highway, Warrenup
Proponent : Main Roads WA
Owner : HJ & DA Norton
Attachments : Land Requirements Plan (produced by Main Roads WA – Drawing 201101-081)
Responsible Officer(s) : Acting Executive Director Corporate Services (P Wignall).

Maps and Diagrams:



IN BRIEF

- Council is requested to consider the proposal by Main Roads WA to widen portion of Albany Highway to accommodate the installation of the future dual carriageway. The road reserve will also accommodate a footpath, proposed to be constructed by the City as part of the 2012/13 Capital Works Program. A resolution of Council is required to enact the road dedication provisions of the *Land Administration Act 1997*.

| | |
|-------------|-----------------------------|
| CEO: | RESPONSIBLE OFFICER: |
|-------------|-----------------------------|

RECOMMENDATION

ITEM 4.3: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- i) **SUPPORTS** the proposal by Main Roads WA to acquire land from Lot 100 No 596 Albany Highway, Warrenup (as depicted in Drawings 201101-081) to allow the widening of Albany 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 acquire land from Lot 100 No 596 Albany Highway, Warrenup for inclusion in the Albany Highway road reserve to accommodate the future dual carriageway.
2. Main Roads WA has requested that Council provide an appropriate resolution for the road widening, in order to satisfy the requirements of the *Land Administration Act 1997*.
3. Main Roads WA has indicated that it will indemnify Council against all costs and charges that relate to the dedication action.
4. Main Roads WA has consulted with the affected landowners. The landowners are supportive and have signed a consent form agreeing in principle to the proposed works and the taking of the land, though compensation negotiations are ongoing.

DISCUSSION

5. The request from Main Roads WA to assist with the widening of the Albany Highway road reserve will support proposed upgrading works to create a dual carriageway in this section of the highway.

****REFER DISCLAIMER****

6. The City's footpath along Albany Highway has been extended north from Lancaster Road and crossing the road to Bottrell Close, as part of the 2011/12 Capital Works program. It is proposed that a further extension to this path from Bottrell Close to Kooyong Avenue will be listed for consideration in the 2012/13 Capital Works Program. This section of footpath will pass through the land proposed to be taken for the widening of Albany Highway.
7. On a previous and similar occasion, a verbal conversation with officers at the Department for Regional Development and Lands 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 of the consultation, costs and charges associated with this action.

GOVERNMENT CONSULTATION

8. 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. As part of the process, relevant Government agencies are invited to comment.

PUBLIC CONSULTATION / ENGAGEMENT

9. No public consultation by the City of Albany is required on the proposal under the statutory provisions. Main Roads WA, as the body progressing the land acquisition, road widening and road dedication processes, will be responsible for negotiation with the affected landowner.

STATUTORY IMPLICATIONS

10. 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.
11. 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.
12. 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

13. 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 Albany Highway

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

15. The risk identification and categorisation relies on the City's Risk Management Framework.

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|------------|---|---------------|---|
| Council does not approve Main Roads WA request to assist with the widening of Albany Highway. | Unlikely | Moderate - The Main Roads managed road would remain in a substandard state with traffic congestion and safety concerns. | Medium | 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

16. 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

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

ALTERNATE OPTIONS

18. Council can:
- a) Decline the request and Albany Highway will remain as is; or
 - b) Support the request to allow for the road widening and road dedication to improve traffic movement and pedestrian safety in the area.

SUMMARY CONCLUSION

19. The proposed widening of Albany 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.
20. 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.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | <i>Land Administration Act 1997</i> <i>Planning and Development Act 2005</i> |
| File Number (Name of Ward) | : | RD.DEC.2 |
| Previous Reference | : | No previous references |