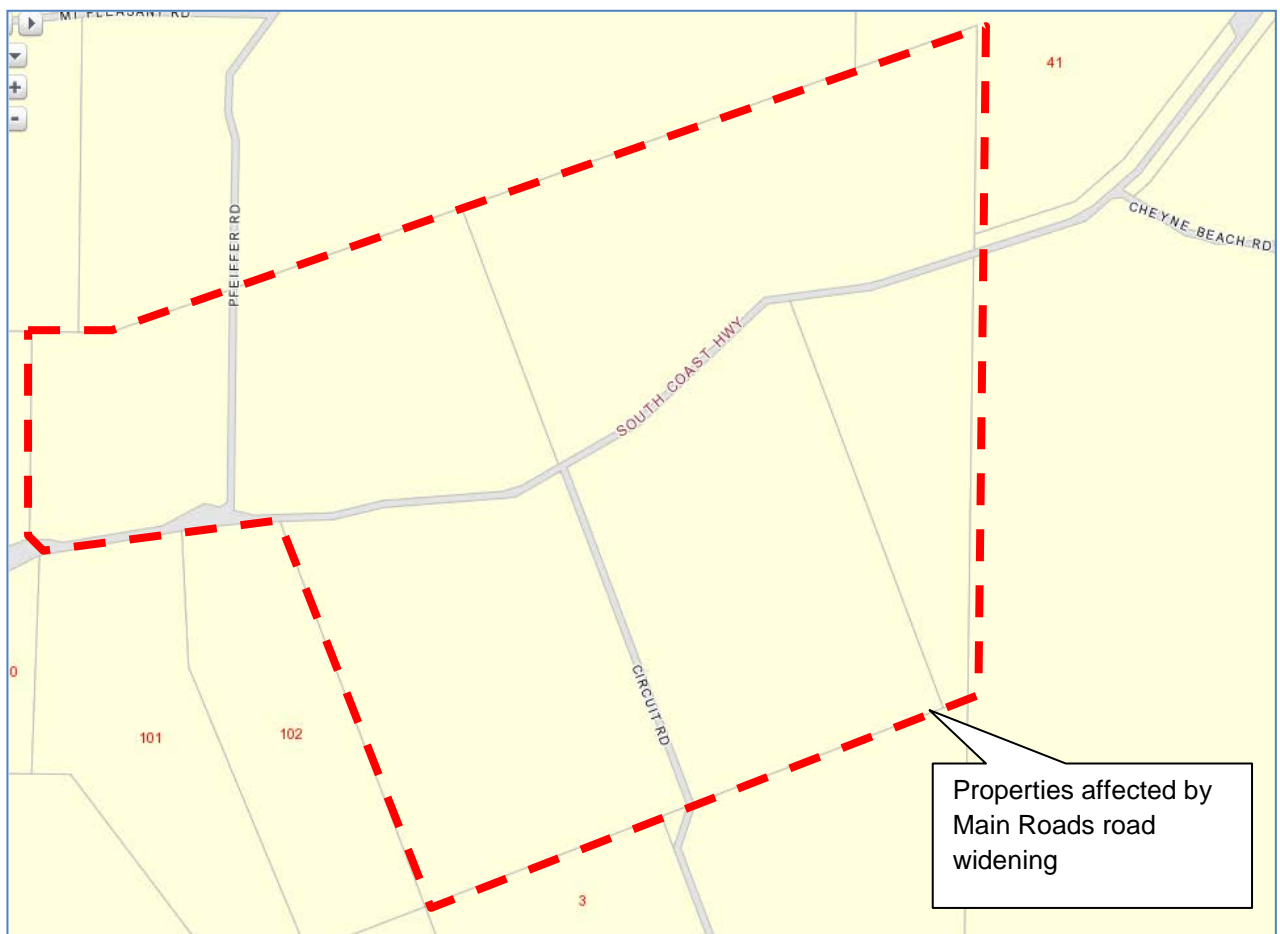


4.3: LOTS 5301- 5304 & 6179 SOUTH COAST HIGHWAY, MANYPEAKS – MAIN ROADS WA LAND REQUIREMENT FOR ROAD WIDENING

- Land Description** : Lots 5301, 5302, 5303, 5304 & 6179 South Coast Highway, Manypeaks
- Proponent** : Main Roads WA
- Owner** : R & C Metcalfe; K & R Dewar; J & J Geddes; W & N Dixon
- Attachments** : Land Requirement Plans (produced by Main Roads WA – Drawings 201201-086-1; 201201-087; 201201-088; 201201-089-1; 201201-090)
- Responsible Officer(s)** : Executive Director Corporate Services (G Adams)

Maps and Diagrams:



IN BRIEF

- Council is requested to consider the proposal by Main Roads WA to widen portion of South Coast Highway to facilitate reconstruction works in this 4.5km section of road. A resolution of Council is required to enact the road dedication provisions of the *Land Administration Act 1997*.

RECOMMENDATION

**ITEM 4.3: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR ATTWELL**

THAT Council:

- i) **SUPPORTS** the proposal by Main Roads WA to acquire land from Lots 5301-5304 (inclusive) and Lot 6179 South Coast Highway, Manypeaks (as depicted in Drawings 201201-086-1; 201201-087; 201201-088; 201201-089-1; 201201-090) 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.

CARRIED 12-0

BACKGROUND

1. Main Roads WA has sought Council's support to acquire land from Lots 5301 – 5304 (inclusive) and Lot 6179 South Coast Highway, Manypeaks for inclusion in the South Coast Highway road reserve to facilitate reconstruction works scheduled to commence in the summer of 2013/14 and continuing into the next two financial years. Main Roads WA propose to resume the following land areas for road widening purposes:
 - a. Lot 5301 South Coast Highway (Metcalf) – 1.6634ha
 - b. Lot 5302 South Coast Highway (Dewar) – 5614m²
 - c. Lot 5303 South Coast Highway (Geddes) – 6395m²
 - d. Lot 5304 South Coast Highway (Dixon) – 4.0658ha
 - e. Lot 6179 South Coast Highway (Geddes) – 481m²
2. Main Roads WA has met with the affected landowners and discussed the proposed widening. The landowners have indicated their general verbal support, though two owners did request some changes to the original drawings. Main Roads WA has negotiated with these owners and the drawings attached to this item are those which have been amended to reflect the affected owners' wishes.

3. Main Roads WA has now sent written correspondence to the owners seeking their official support to the land resumption. Once received, Main Roads will continue the compensation negotiations, which may include financial compensation, the installation of new fencing and the installation of new crossovers etc.
4. 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*.
5. Main Roads WA has indicated that it will indemnify Council against all costs and charges that relate to the dedication action.

DISCUSSION

6. The request from Main Roads WA to assist with the widening of the South Coast Highway road reserve will support future reconstruction works. This is the next stage of a major upgrading program to improve South Coast Highway and is likely to take three years to complete.
7. Main Roads WA have advised that the amount of land resumed is determined by considering the following factors:
 - a. Land needed to meet current design and safety standards;
 - b. Land required for a service corridor (Telstra, Western Power etc)'
 - c. Drainage requirements;
 - d. Land necessary to meet Federal requirements for re-vegetation; and
 - e. In general, the amount of land needed to provide a road reserve that has a physical and visual amenity that is representative of a typical inter-regional Highway corridor.

Main Roads WA advise that these reconstruction projects involve replacement of aged and substandard infrastructure to meet current standards and will often involve realignment of substandard curves and improvement to vertical alignment and cross-section width. Though, the land resumed will be the minimum amount needed to meet all of the elements mentioned above.

8. The Department for Regional Development and Lands has previously 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

9. No 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

10. No public consultation by the City of Albany is required on this proposal under the statutory provisions. Main Roads WA, as the body progressing the land acquisition and road widening processes, will be responsible for all negotiations with the affected landowners.

STATUTORY IMPLICATIONS

11. 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.
12. 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.
13. Section 212 of the *Land Administration Act 1997* states that a claimant may request that the compensation for taking land be made in a form other than money. This would include works undertaken on their behalf.
14. 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 as a new road or road widening on a diagram / plan of survey will be dedicated as a road.

STRATEGIC IMPLICATIONS

15. 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 more overpassing lanes on Albany Highway and improvements to South Coast Highway

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not approve Main Roads WA request to assist with the widening of South Coast Highway.</i>	<i>Unlikely</i>	<i>Moderate - The Main Roads managed road would remain in a substandard state, with safety concerns.</i>	<i>Medium</i>	<i>Council supports Main Roads WA request and comply with the provisions of the Land Administration Act 1997 to permit the road widening to occur.</i>

FINANCIAL IMPLICATIONS

18. 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

19. 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

20. Council can:

- a) Decline the request and the section of South Coast Highway reserve will remain as is; or
- b) Support the request to allow for the road widening and dedication to improve the condition and safety of this section of South Coast Highway.

SUMMARY CONCLUSION

21. 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.

22. 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 Planning and Development Act 2005</i>
File Number (Name of Ward)	:	GR.STL.3
Previous Reference	:	No previous references