



**TECHNICAL SERVICES ATTACHMENTS
ORDINARY COUNCIL MEETING
WEDNESDAY 17 JUNE 2020**

REPORT NUMBER	REPORT TITLE AND ATTACHMENT DESCRIPTION	PAGE NUMBER(S)
9.2.1	Lot 163 Chittering Road, Chittering: Deed of Agreement Attachments 1. Council Resolution 070713 2. Deed of Agreement	1 – 10



9.2.2 Resumption of Portion of Land Located at 2785 Chittering Road, Upper Chittering*

Applicant	Shire of Chittering
File ref	28/05/0088; 15/01/0002
Prepared by	Tresa White, Support Officer Technical Services
Supervised by	Jim Garrett, Executive Manager Technical Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Letter of agreement signed by property owner, Mr Bruce Lefroy 2. Chittering Road Realignment Plan

Background

A Blackspot application was applied for in the 2012/2013 Financial Year to upgrade the intersection of Lake Road and Chittering Road and to realign the curve on the bend of Chittering Road. Funding of \$248,000 was approved for the realignment of Chittering Road to improve driver safety.

As a part of the realignment project the Shire is required to resume 640m² of land from 2785 Chittering Road. The Land holder has been contacted and is willing to sign the land to the Shire to be dedicated as road reserve.

Plans for the realignment of Chittering Road have been drawn and are attached (Attachment 2).

Consultation

Executive Manager Technical Services

Engineering Technical Officer

Bruce Lefroy, property owner of 2785 Chittering Road, Upper Chittering

The property owner has been contacted and several site meetings have occurred and now the Landowner has signed a formal letter of agreement for the Shire of Chittering to resume approximately 640m² of land for the road realignment. At a cost of \$2,000, the landowner has also requested that all fencing affected by the road construction be replaced at Council's expense.

Statutory Environment

Land Administration Act 1997 – section 56(1)(a)

In accordance with Section 56 of the *Land Administration Act 1997*, local governments may request the dedication of land to become a public road reserve.

Policy Implications

Nil

Financial Implications

The Shire has offered to pay Mr Lefroy \$2,000 for the resumption of land in addition to any costs associated with the resumption. New gates, fencing and reconstruction of the existing driveway will be approximately \$25,000.00.

Survey costs for the preparation of the survey plan have been estimated at \$2,500.

Strategic Implications

Nil



Site Inspection

Yes

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

The proposal works will result in an improved alignment, thereby enhancing road user safety.

Environmental implications

Five (5) trees will be removed from the roadside to accommodate the road realignment. However the realignment will improve road safety reducing the incidence of accidents and near misses on this section of Chittering Road.

Comment

This road is a main arterial road connecting Great Northern Highway from Bindoon to Toodyay. This section of road carries a risk of loss of directional control, side swipe, head on impact and roll over type crashes. There is very little room for recovery, once a vehicle has strayed from their respective travel lane. It is recommended that Council support the resumption of approximately 640m² of land located at 2785 Chittering Road.

9.2.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 070713

Moved Cr Rossouw / Seconded Cr Clarke

That Council:

- 1. endorse the resumption of approximately 640m² of land located at 2785 Chittering Road, Upper Chittering for the cost of \$2,000 and cover all costs associated with the relocation of gates and fencing;**
- 2. endorse the dedication of the resumed land from 2785 Chittering Road into the road reserve; and**
- 3. Indemnify the Minister against any claims in accordance with Section 56 of the *Land Administration Act 1997* (as amended) for the dedication of the resumed land from 2785 Chittering Road, Upper Chittering.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0



OUR REF: O1339482, 28/05/0088
 YOUR REF:
 Enquiries to: Jim Garrett, Executive Manager Technical Services

ABN 48 445 751 800
 6177 Great Northern Highway
 PO Box 70 Bindoon WA 6502
 T: 08 9576 4600 F: 08 9576 1250
 E: chatter@chittering.wa.gov.au
 www.chittering.wa.gov.au

27 May 2013

SHIRE OF CHITTERING
 RECEIVED

LFB LEFROY
 3785 CHITTERING RD
 CHITTERING WA 6084

JUN 2013
 Officer... Jim
 File... O1339482
 Ref... I1339702

Dear Mr Lefroy

LAND RESUMPTION AGREEMENT CONDITIONS - 2785 CHITTERING ROAD

The Shire of Chittering would like to thank you for your attendance at the site meeting on Wednesday 22 May 2013.

As per discussions with Mr Michael Zion and myself I would like to formally advise as per your requests that the following conditions in relation to your property have been agreed as a part of the land resumption process;

1. A two (2) meter gate to be installed at the existing entrance to the farm yards and another 2 meter gate adjacent on the other side of the road.
2. A new fence to be erected between the pine trees, made of rabbit netting. The fence would include the retention of the existing gates to be reinstated square with the front driveway at the house.
3. Reconstruction of the existing driveway to the house. The new driveway to be constructed opposite to facilitate the movement of stock across the road to the stock yards. There is a provision however that the new entrance to the house could move west to allow for safer crossing for stock.
4. Lake road access to Mr Lefroy's adjoining property is to be wide enough to accommodate a truck to fill the grain silo, or alternatively the Shire will at their cost be able to relocate the silo to a more suitable location. The new site location if applicable will be proposed to Mr Lefroy prior to relocation.

Office hours:
 Monday to Friday, 8.30am - 4.30pm

5. Survey pegs to be installed at the Lake road fence to the bridge to determine access to farm yard(s).
6. *Once the road has been ripped up and before reseal commences the Shire of Chittering gives permission for Mr Lefroy to install a water pipe across the road to his adjoining property.*
7. In principal that Mr Lefroy can install an access point to the paddock around the corner to the east side of the house.
8. The Shire of Chittering will pay land compensation in the order of \$2000 for approximately 640m² of land to be dedicated as road reserve.

Can you please sign the below slip to formalize the land resumption and return to the Shire of Chittering, Po Box 70, Bindoon WA 6502. A copy of all signed paperwork will be returned to you once received.

If you require any further information please contact Jim Garrett, Executive Manager Technical Services by email on emts@chittering.wa.gov.au or telephone 089576 4600.

Yours faithfully



Jim Garrett

Executive Manager Technical Services

BRUCE LEFROY

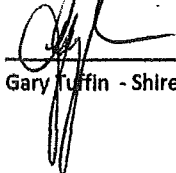
I agree to the resumption of land and conditions as set out in this letter in relation to 2785 Chittering Road, Chittering.

L.F. Bruce Lefroy.

Signature

R.T. Bowman.

Witness Signature



Gary Tuffin - Shire of Chittering Chief Executive Officer

3.6.2013

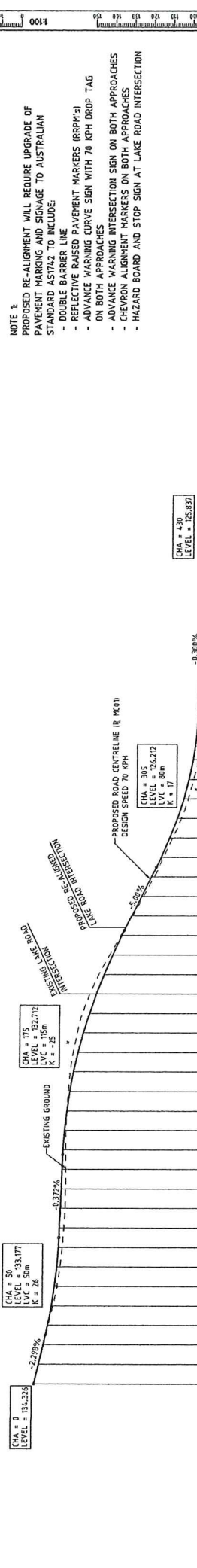
Date


RAYMOND BOWMAN.

Witness Printed Name

3-6-2013

Date

[illegible]

DESCRIPTION	APPROVED & DATE	 <p>ROADSWEST ENGINEERING GROUP (A PTY LTD) PROJECT MANAGEMENT & CIVIL ENGINEERING</p>	<p>SUITE 5L, 6 EIGHTH AVENUE, WY 600 TELEPHONE: 081 847 450 FACSIMILE: 081 847 452</p>	<p>CHITTER ROAD RE-ALIGNMENT AT LAKE ROAD</p> <p>PLAN AND PROFILE</p> <p>LOCAL AUTHORITY: SHIRE OF CHITTERING</p>	<p>ROADSWEST ENGINEERING GROUP</p> <p>JOB NUMBER: R1465</p> <p>DRAWING TYPE: CHITTING</p> <p>ANEXO: R1465-PP01</p>	1
						<p>BASE DATA INFORMATION</p> <p>SURVEY GRID: MGA ZONE 50</p> <p>HEIGHT DATUM: AHD</p> <p>DRAWING PATH:</p> <p>DESIGNED: DRAWN: APPROVED:</p> <p>VERIFIED:</p>

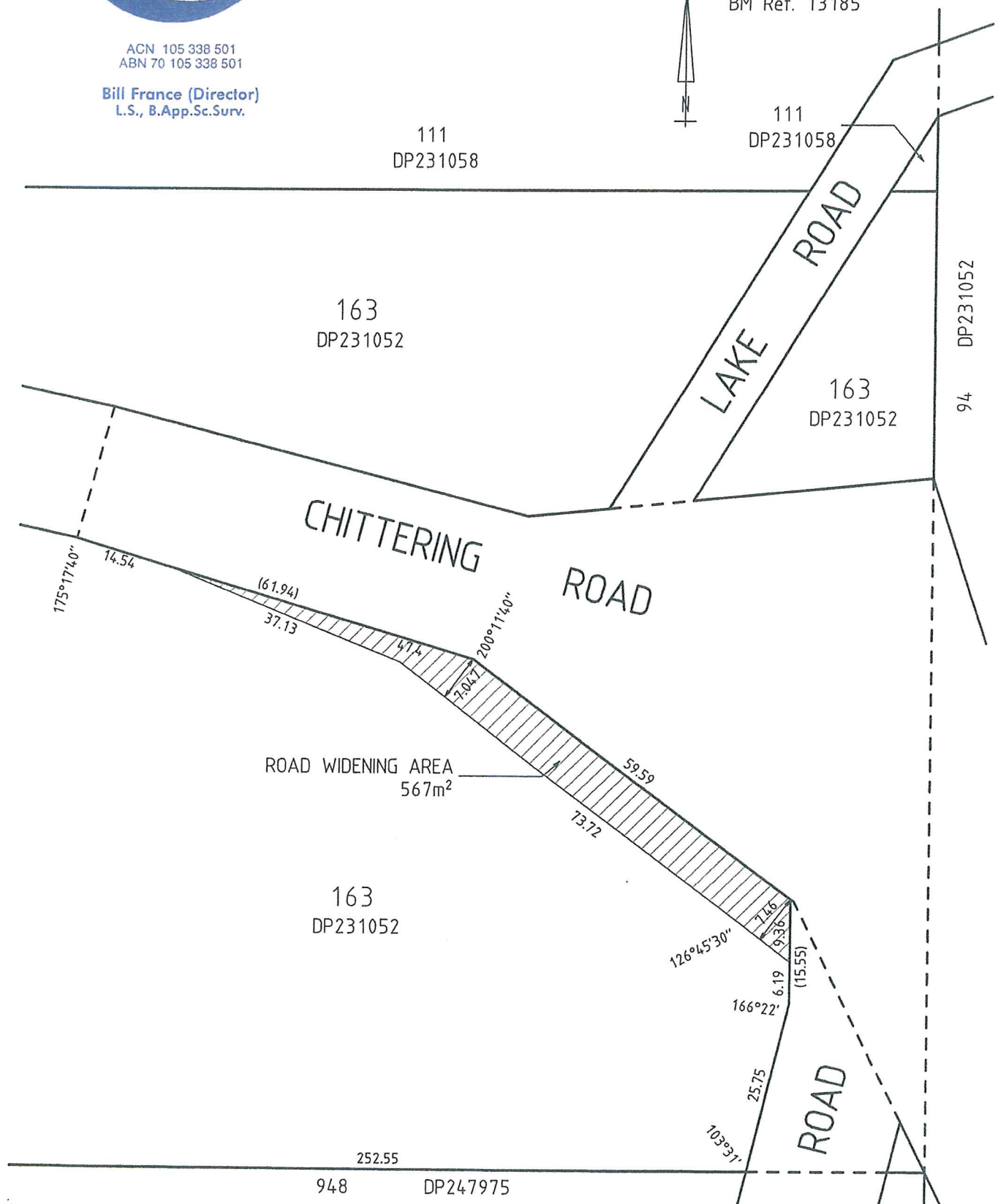


ACN 105 338 501
ABN 70 105 338 501

Bill France (Director)
L.S., B.App.Sc.Surv.

ROAD WIDENING PLAN LAKE ROAD, CHITTERING

DATE. 18th JUNE 2013
SCALE. 1:800 on A4
BM Ref. 13185



DEED OF AGREEMENT

LOT 163 CHITTERING ROAD, CHITTERING

Shire of Chittering

Langlois Francis Bruce Lefroy

Helen Bruce Reilly

As per previous agreement with Bruce Lefroy and the Shire of Chittering dated 3 June 2013, it is hereby advised to the owners of 2787 Chittering Road the following conditions in relation to the land resumption of a portion of land at 2785 Chittering Road.

Land Resumption Conditions

1. A two (2) meter gate to be installed at the existing entrance to the farm yards and another two (2) meter gate adjacent on the other side of the road.
2. A new fence to be erected between the pine trees, made of rabbit netting. The fence would include the retention of the existing gates to be reinstated square with the front driveway at the house.
3. Reconstruction of the existing driveway to the house. The new driveway to be constructed opposite to facilitate the movement of stock across the road to the stock yards. There is a provision however, that the new entrance to the house could move west to allow for safer crossing for stock.
4. Lake Road access to Mr Lefroy's adjoining property is to be wide enough to accommodate a truck to fill the grain silo, or alternatively the Shire will at their cost be able to relocate the silo to a more suitable location. The new site location if applicable will be proposed to Mr Lefroy prior to relocation.
5. Survey pegs to be installed at the Lake road fence to the bridge to determine access to farm yard(s).
6. Once the road has been ripped up and before reseal commences the Shire of Chittering gives permission for Mr Lefroy to install a water pipe across the road to his adjoining property.
7. In principal that Mr Lefroy can install an access point to the paddock around the corner to the east side of the house.
8. The Shire of Chittering will pay land compensation in the order of \$2,000 (two thousand dollars) for approximately 640m² of land to be dedicated as road reserve.

*Signing Page***EXECUTED** by the parties as a deed

2020

THE COMMON SEAL of the SHIRE OF CHITTERING was
hereunto affixed by the authority of a resolution of the
Council in the presence of:

Cr Donald Gibson, PRESIDENT

(PRINT FULL NAME)

Mr Matthew Gilfellon, CHIEF EXECUTIVE OFFICER

(PRINT FULL NAME)

EXECUTED by LANGLOIS FRANCIS BRUCE LEFROY in the presence of:

SIGNATURE OF LANGLOIS FRANCIS BRUCE LEFROY

Witness Sign

Full Name of Witness

ADDRESS

OCCUPATION

EXECUTED by HELEN BRUCE REILLY in the presence of:

SIGNATURE OF HELEN BRUCE REILLY

Witness Sign

Full Name of Witness

ADDRESS

OCCUPATION