**

Technical Services Reports

Committee Consideration – 8 October 2019

Council Resolution – 22 October 2019

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| TS20.19 Railway Aberdare Intersection Improvement |

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| **Committee** | 8 October 2019 |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Railway Road/Aberdare Road Concept Design 2. Aberdare Road Land Availability Map 3. Key Stakeholder Endorsements |

**Executive Summary**

There have been 55 accidents in the last five years at the Railway Road/Aberdare Road intersection. This intersection is a strong candidate for Black Spot Funding to improve safety due to the number of accidents that have occurred.

The City of Nedlands and the City of Subiaco currently have funding committed by Main Roads (MRWA) to develop a design for this intersection. The City of Nedlands have taken the lead in the development of this design. A concept design has now been completed, and support from both the City of Nedlands and the City of Subiaco Council is now sought to progress the design for funding submission.

**Recommendation to Committee**

**Council:**

**1. Supports progressing the concept design to detailed construction drawings for Black Spot funding submission, provided the City of Subiaco endorses the project;**

**2. To include the Railway Road/Aberdare Road intersection improvement project as part of the 2021/22 budget, provided the City of Subiaco endorses the project; and**

**3. Approves the tree removal as detailed in Table 2 within the City of Nedlands to facilitate construction.**

**Discussion/Overview**

**Background**

Railway Road and Aberdare Road are two busy distributor roads carrying over 18,000 vehicles per day. The intersection has recorded a significant number of accidents within the last 5 years. The data is dominated by same lane rear crashes (38) on Aberdare Road and thru-right crashes (12) making up around 90% of all accidents. The number of accidents makes this intersection a strong candidate for Black Spot funding to improve safety at this intersection.

The initial investigation was undertaken by the City of Subiaco in 2014. This resulted in State Government funding two design options that were finalised in 2016. The first option included road widening to the southern side of Aberdare Road. This option was not supported by the City of Nedlands based on the removal of significant trees. An alternative option was developed that would necessitate the relocation or protection of major overhead and underground utility services that would far exceed the available budget.

**Proposed Design**

The concept design (refer to Attachment 1) is the result of discussions with the City of Subiaco, Main Roads WA, Public Transport Authority and Department of Transport. The design is focused on optimising safety and efficiency based on future traffic demand. The key features of the concept are:

* Provision of a dual protected right turn lane for northbound traffic on Railway Road;
* Construction of additional lane capacity within the intersection on Aberdare Road;
* Removal of the existing on-road cycle lanes with construction of off-road shared paths (both sides) to improve safety and amenity; and
* Re-alignment of the intersection to improve sightlines for drivers, pedestrians and cyclists.

The traffic model developed for the proposed modification indicates that the overall intersection performance is expected to improve. These improvements are summarised in Table 1.

Table 1. Expected intersection improvements

|  |  |  |
| --- | --- | --- |
|  | **Current** | **Opening Year** |
| **Average vehicle delay (AM Peak)** | 46.9s | 35.5s |
| **Average vehicle delay (PM Peak)** | 53.1s | 44.1s |
| **Aberdare Road westbound queue length** | 161m | 33m |
| **Railway Road northbound queue length** | 128m | 49m |
| **Level of Service** | E | D |

The intersection realignment will improve sight lines and encourage lower speeds within Aberdare Road as a result of the modified configuration. The proposed road configuration aligns with the Metropolitan Region Scheme (MRS) with the remaining section of land scheduled to be dedicated as road reserve in March 2020 (refer to Attachment 2). The design also integrates with any duplication of traffic lanes within Aberdare Road.

The proposed shared path facilities forms part of the Long-Term Cycle Network creating an important link to the hospital precinct, nearby schools and parks. The final alignment of the shared path is subject to further detailed investigation to minimise any adverse impact on the existing trees.

The road safety improvements will reduce the number and severity of accidents. The modifications will also reduce congestion and driver frustration which should have a positive effect on driver behaviour across the City’s road network.

**Acquisition of Railway Reserve**

The provision of an extra northbound lane on Railway Road will require acquisition of Railway Reserve. Preliminary discussions with the Public Transport Authority (PTA) have indicated their support for future transfer of land to the City.

**Tree Relocations and Removals**

A number of trees will need to be removed within the City of Nedlands as outlined in Table 2 with the majority of trees impacted being within the City of Subiaco.

Table 2. Estimated number of tree removal/relocations

|  |  |  |  |
| --- | --- | --- | --- |
| **Local Government Authority** | **Type of Trees** | **Qty** | **Officer comments** |
| **City of Nedlands** | Semi-Mature Corymbia maculate | 5 | **Railway Road – Western verge**  The five trees proposed for removal are along Railway Road within 2m of the existing carriageway. The trees are semi mature, exhibit good health and vigour, range in height from 11-15m, and have canopy spread of approximately 10m. The canopy spread on the eastern side, extends over the carriageway by approximately 5 m.  The removal of these trees is required to enable the creation of protected right turn lanes on Railway Road to help reduce the number of right-angle crashes.  New plantings will be undertaken to replace the trees removed. |
| **City of Subiaco** | Semi-Mature Cassia fistula | 1 | **Aberdare Road - North Eastern Corner**  New plantings will be undertaken to replace the trees removed. |
| Semi-Mature Acacia saligna | 1 |
| Young Liquidamber styraciflua | 1 |
| Young Eucalyptus torquate | 1 | **Aberdare Road – Northern verge**  The trees in Aberdare Road are growing under power lines and will not have the potential to develop to mature specimens before they will be pruned back. The canopy cover created by these trees is limited and an improved canopy cover could be achieved if the corresponding number of trees were planted in alternative locations. |
| Mature Eucalyptus leucoxylon | 1 |
| Semi-Mature Eucalyptus torquate | 3 |
| Senescent Agonis flexuosa | 3 |
| Semi-Mature Melaleuca lanceolate | 2 |
| Semi-Mature Schinus molle | 1 |
| Semi-Mature Corymbia calophylla | 1 |
| Young Agonis flexuosa | 1 |
| Semi-Mature Eucalyptus grandis | 2 | **Railway Road – Western verge**  The loss of canopy cover from these trees will be replaced with tree planting in alternative sites. |
| Semi-Mature Eucalyptus botryoides | 2 |

**Key Relevant Previous Council Decisions:**

Ordinary Meeting of Council 28 June 2016, Item TS10.16

*“That this item be deferred pending further information.”*

**Consultation**

Administration has worked collaboratively with the City of Subiaco, Main Roads Western Australia (MRWA), Public Transport Authority (PTA) and the Department of Transport (DoT) in relation to the development of the concept design. To date, the Administration has received written endorsement for the design by MRWA, PTA and DoT (refer to Attachment 3).

The concept design will also be presented to City of Subiaco Council for their endorsement.

Further to Council’s endorsement of the design, the Administration will consult with Metropolitan Cemeteries Board in relation to the final alignment of the shared path on the southern verge.

**Budget/Financial Implications**

The project is currently estimated in the order of $1.1 million. However, based on the number of services to be adjusted this may result in potential cost increases in the order of 50%. If the City’s Black Spot application is successful, the estimated cost would be split between Main Roads and both Local Governments. This would result in both the City of Nedlands and the City of Subiaco paying only 16 per cent of the cost to upgrade the intersection. A summary of the estimated project contribution is provided in Table 3.

Table 3. Project cost contributions (+50% scenario)

|  |  |  |  |
| --- | --- | --- | --- |
| **Project Total** | **Main Roads** | **City of Nedlands** | **City of Subiaco** |
| **Two-thirds contribution** | **One-Third contribution** | |
| $1,500,000 | $1,000,000 | $250,000 | $250,000 |

The cost breakdown for this project is summarized in Figure 1.

Figure 1. Project cost breakdown (+50% scenario)

The City has also applied to DoT to fund the construction of the shared path. If successful, the cost associated with the shared path construction would be split 50% DoT and 50% Municipal. This is expected to reduce municipal funding contribution by an estimated $47,500.

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| TS21.19 Land Sale to City of Nedlands and Grant of Easements to Water Corporation |

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| **Committee** | 8 October 2019 |
| **Council** | 22 October 2019 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Jim Duff – Director Technical Services |
| **Attachments** | 1. Copy of Contract of Sale Documents including Grant of Easements. 2. Map of Lot 50 on Deposited Plan 9602, No.56 Dalkeith Road, Nedlands. 3. Drainage map of Lots 50 and 51 Dalkeith Road, Nedlands. 4. Map of Lot 116 on Deposited Plan 231114, No. 80 Melvista Avenue, Dalkeith (Hackett Road Main Sewer). 5. Map of Lot 1 on Diagram 24967, No. 290 Marine Parade, Swanbourne (Cottesloe Main Sewer). |

**Executive Summary**

The purpose of this report is for Council to approve the acquisition of land in exchange for the granting of two easements.

The Contract of Sale (Contract) is for Lot 50 on Deposited Plan 9602, No. 56 Dalkeith Road Nedlands. The Contract is between The Water Corporation and the City of Nedlands (the Parties) (refer Attachment 1).

Conditions of the Contract include the Grant of Easement(s) by the City of Nedlands (the City) to the Water Corporation to protect infrastructure. The Grants are for:

* Lot 1 on Diagram 24967, No.290 Marine Parade, Swanbourne, and
* Lot 116 on Deposited Plan No.80 Melvista Avenue, Dalkeith.

On approval, the Contract documents will be executed by way of signing in triplicate by the Mayor and Chief Executive Officer (CEO) and be affixed with the Common Seal.

**Recommendation to Committee**

**Council**

1. **approves the Contract of Sale between the Water Corporation (ABN 28 003 434 917) and the City of Nedlands for Lot 50 Dalkeith Road, Nedlands (Lot 50) at a cost of $1:**
   1. **approves the application of the Council Common Seal (the seal) by the CEO to the Contract in triplicate; and**

* 1. **directs the Mayor and CEO to execute the Contract documentation in triplicate by way of signing.**

1. **Approves the application of the seal by the CEO on the Grant of Easements for:**
   1. **Lot 1 on Diagram 24967, No.290 Marine Parade, Swanbourne (Lot 1), and**
   2. **Lot 116 on Deposited Plan No.80 Melvista Avenue, Dalkeith (Lot 116).**
2. **directs the Mayor and CEO to execute the Grant of Easement documentation in triplicate by way of signing for:**
   1. **Lot 1, and**
   2. **Lot 116.**

**Discussion/Overview**

**Background**

Lot 50 Dalkeith Road, Nedlands (Lot 50) is a parcel of land currently owned in freehold by the Water Corporation (refer Attachment 2). It abuts Lot 51 Dalkeith Road, Nedlands (Lot 51) which is owned in freehold by the City. These two parcels of land are used together to form one drainage sump (refer Attachment 3). The City currently maintains Lot 50 in conjunction with Lot 51 as part of the drainage system in the area.

**Proposal**

In September 2016, at the request of the Executive Management Team (EMT), Administration enquired with the Water Corporation about the potential for the creation of an easement over the sump at Lot 50. The easement would be to provide access to and from nearby lots (known as the Captain Stirling shops) as a future development consideration.

The Water Corporation advised the City that it has no infrastructure in Lot 50 and that there may be an opportunity for the City to potentially acquire it by way of sale with conditions. The conditions are that the City grant to the Water Corporation easements on two plots of land under the City’s control. The easements are for the protection of Water Corporation infrastructure. The two lots are:

1. Lot 1 on Diagram 24967, No.290 Marine Parade, Swanbourne, and

2. Lot 116 on Deposited Plan No.80 Melvista Avenue, Dalkeith.

Negotiations between the Parties netted an offer on the 19 December 2018 for the City to acquire Lot 50 from the Water Corporation via a $1 Contract for Sale prepared by the City’s solicitors. The offer would include:

1. The sale of Lot 50 to the City by the Water Corporation;
2. The offer of a 15m wide easement from the City to the Water Corporation over sewer and water mains extending north of the Hackett Rd Sewer Pump Station to Melvista Ave on Lot 116 (refer Attachment 4);
3. The offer of a 15m wide easement from the City to the Water Corporation over the sewer main within Lot 1, extending south from the SAS barracks to the Swanbourne Beach Reserve carpark (refer Attachment 5);
4. The Water Corporation have agreed to prescriptive planting over the easements as follows:
   1. Lot 1 – The Grantee (Water Corporation) will not unreasonably withhold the consent required if the City’s planting complies with the Water Corporation’s “Working Near Water Corporation Pipelines” guidance document as modified from time to time.
   2. Lot 116 -The parties acknowledge the Grantor (the City) reserves the right to itself to maintain turf on that part of the Easement Land which is currently lawn.
5. Grantee covenants with the Grantor, on both easements, that it will reinstate and make good the surface of the Easement Land following the completion of the Grantee’s work. It is to be noted that final sign off for the reinstatement is to be to the satisfaction of the Director of Technical Services.

**Action**

On the 20 December 2018, Administration engaged McLeods Barrister and Solicitors (McLeods) to prepare the relevant documentation for the Contract and Grants of Easements. The final documentation was approved by both the City, by way of the CEO on the 4 September 2019 and the Water Corporation, by way of its Property and Procurement Division on the 5 September 2019.

Once approved by Council, the seal will be applied to the Contract and easement documents in triplicate in presence of the Mayor and CEO, who are then required to sign the Contract and Easement documents in triplicate. At this point the documentation is said to be executed by the City*.*

Once executed, the Contract and easement documents will be then be collected from the Administration building by McLeods. On receipt, McLeods will forward the documents to the Water Corporation for execution*.*

On execution of the documents by the Water Corporation, McLeods will arrange for lodgment of the Contract of Sale at Office of State Revenue for assessment of Transfer Duty. It is to be noted that there is no transfer duty payable by the City as advised by McLeods.

At settlement, McLeods will arrange a joint lodgment between themselves and Water Corporation’s representative. This ensures that the Transfer of Land and easements can be lodged at Landgate simultaneously.

**Outcome**

Once Lot 50 is in the City’s possession, it will have the ability to control any future development as required for this lot.

**Legislation**

**Execution of Documents**

The Local Government Act 1995 states:

9.49A. Execution of Documents

1. A document is duly executed by a local government if:
2. the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or

(b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.

(3) The common seal of the local government is to be affixed to a document in the presence of:

1. the Mayor or President; and

(b) the Chief Executive Officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.

(4) A Local Government may, by resolution, authorise the Chief Executive Officer, another employee or an agent of the Local Government to sign documents on behalf of the Local Government, either generally or subject to conditions or restrictions specified in the authorisation.

**Key Relevant Previous Council Decisions:**

Nil

**Consultation**

Negotiations were undertaken on behalf of the City of Nedlands by the CEO and by senior staff of the Procurement and Planning division of the Water Corporation.

As there is no immediate change of use of the lot, no public consultation has been undertaken at this time.

**Budget/Financial Implications**

The purchase cost of $1 and the cost of preparation of the documentation is covered by the Shared Legal Fees budget.