

11.4 ROAD DEDICATIONS - MADIGAN ESTATE INTERSECTION ROAD WIDENINGS & HEARSON COVE REALIGNMENT

File No:	LM25047
Responsible Executive Officer:	Director Development Services
Reporting Author:	Strategic Planning Coordinator
Date of Report:	25 June 2025
Applicant/Proponent:	Main Roads WA
Disclosure of Interest:	Nil
Attachment(s):	1. Madigan Estate Road Dedications 2. Hearson Cove Road Dedication 3. Main Roads Land Dealings Plan 2560-043 <i>Dampier Road and Prancing Avenue roundabout</i> 4. Main Roads Land Dealings Plan 2560-044 – <i>Wagari Drive/Madigan Road Intersection.</i>

PURPOSE

For Council to consider:

1. A request from Main Roads WA (Main Roads) to dedicate road widenings for intersection upgrades at the future Prancing Avenue and Dampier Road roundabout and the Wagari Drive and Madigan Road intersection for the Madigan Estate; and
2. A request from DevelopmentWA to dedicate Lot 538 on Deposited Plan 221346 at the intersection of Hearson Cove Road and Burrup Road as road reserve.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

MOVED : **Cr Simpson**
SECONDED : **Cr Swaffer**
Res No : **OCM250728-15**

That Council:

1. **RESOLVE** to request the Minister for Lands to dedicate the following land parcels as public road pursuant to section 56 of the *Land Administration Act 1997*:
 - a. the portions of land shown in red in Attachment 1 and grey on Attachment 3 and Attachment 4 Main Roads Land Dealings Plans 2560-043- *Dampier Road and Prancing Avenue roundabout* and 2560-044 - *Wagari Drive and Madigan Road Intersection*; and
 - b. the portions of land shown in red in Attachment 2, being Lot 538 on Deposited Plan 221346 – *Hearson Cove Road*.
2. **ADVERTISE** the proposal to dedicate the referred parcels as public road;
3. **REQUIRE** that should any objection be received in response to the advertising referred to in (2) above, that the matter be brought back to Council for formal consideration of whether to support the road dedication;

4. **NOTE** that should no objections be received in response to the advertising referred to in (2) above, that these requests will be referred to the Minister for Lands seeking dedication of the referred parcels;
5. **CONSENT** to Main Roads and its contractors accessing Drainage Reserves 51898, 49731, 51894 and 51540 associated with the Prancing Avenue and Dampier Road upgrade for construction works prior to completion of the road widenings;
6. **NOTE** that Main Roads indemnifies the City of Karratha and Minister for Lands against any claims that may arise as a result of the dedications relating to the road widenings at Madigan Estate in accordance with Section 56(4) of the Land Administration Act 1997; and
7. **INDEMNIFY** and keep indemnified the Minister for Lands (indemnified parties) against any costs or claims for compensation that may arise as a result of the dedication of the identified portion within Attachment 1 and Attachment 2, in accordance with section 56 (4) of the Land Administration Act 1997.

CARRIED 9/0

FOR : Cr Scott, Cr Gillam, Cr Furlong, Cr Johannsen, Cr Nunn, Cr Roots, Cr Simpson,
Cr Swaffer, Cr Waterstrom Muller

AGAINST : Nil

BACKGROUND

Prancing Avenue and Dampier Road Roundabout and Wagari Drive and Madigan Road Intersection

DevelopmentWA is subdividing Lot 500 Madigan Road, Baynton (Madigan Estate) for residential and mixed development purposes.

There is an endorsed Structure Plan that guides subdivision and development of the Madigan Estate. The current endorsed Structure Plan shows a future intersection onto Madigan Road at Wagari Drive and a left-in/left-out intersection onto Dampier Road at Prancing Avenue. The latter intersection design was required by Main Roads, who was responsible for that section of Dampier Road at the time. The left-in/left-out intersection has since been constructed.

Since the Dampier Road and Prancing Avenue intersection has been constructed, management responsibility for that section of Dampier Road has transferred from Main Roads to the City of Karratha (the City). The City has been requesting the left-in/left-out intersection be replaced by a roundabout to give Madigan Estate residents more convenient access to the west.

Approval to Stage 2C of the Madigan Estate subdivision plan includes a condition requiring an agreement to be entered for the construction, maintenance and management of the Dampier Road and Prancing Avenue roundabout. A draft Memorandum of Understanding (MOU) between Main Roads, DevelopmentWA and the City has been prepared to satisfy this condition. The draft MOU applies to both intersections and sets out agreed responsibilities and obligations. This includes Main Roads constructing both intersections and maintaining them during the defect liability period. The MOU must be fully executed before the related condition of subdivision approval is cleared.

DevelopmentWA is currently delivering the latest stages of subdivision at Madigan Estate. Stage 2D includes lots leading up to the Wagari Drive and Madigan Road intersection. Constructing this intersection will provide greater accessibility into and across the estate.

As part of preparing intersection designs, it has been identified that additional portions of road reserve are required. Attachment 1 illustrates the additional portions of road reserve being requested. The additional portions of requested road reserve are currently drainage reserves under Management Order to the City.

Main Roads has advised that construction works are proposed to commence on these intersections in October 2025.

Hearson Cove Road Realignment

In 2023, Hearson Cove Road was realigned to accommodate Perdaman's Project Ceres. In December 2023, the City was advised that the new alignment of Hearson Cove Road had been completed, and the road was opened.

During that period, the City was advised that the road alignment had changed slightly due to the presence of an Aboriginal Cultural Heritage site. This resulted in two separate portions of the road not sitting within the dedicated road reserve. The first portion identified in Attachment 2 encroaches into Lot 701 on Deposited Plan 411760 (freehold land). The second portion identified in Attachment 2 is at the intersection with Burrup Road comprising Lot 538 on DP221364 [Unallocated Crown Land (UCL)]. The encroachment over Lot 701 is being dealt with under the *Planning and Development Act 2005* as part of a separate subdivision application as a 'road widening', given the freehold tenure. Lot 538 (the second portion) is UCL and requires dedication under Section 56 of the *Land Administration Act 1997*, and is subject of this report.

In November 2024, the City received formal correspondence from DevelopmentWA requesting the dedication of Lot 538 on DP221364 as a road.

DISCUSSION

Council is required to dedicate these small portions of road reserve under the Land Administration Act 1997. The associated intersection works, including detailed design, traffic management and stakeholder engagement are subject of separate City approval processes and will be considered in detail as part of those processes.

Prancing Avenue and Dampier Road Roundabout and Wagari Drive and Madigan Road Intersection

The requested dedications to the intersection at Prancing Avenue and Dampier Road and Wagari Drive and Madigan Road, would require a total of 2,642m² and 134m² respectively as additional road reserves. These additional portions of road reserve are required to accommodate the relevant engineering standards for the road designs proposed.

Land around the existing intersection at Prancing Avenue and Dampier Road is currently either reserved for Drainage (consisting of Reserves R51540, R49731, R51894 and R51898) or is UCL. The dedication of these small portions of Drainage Reserve (shown on Attachment 1) are expected to have minimal to no impact on existing drainage functions.

Upon completion, the improved traffic flow and access are expected to deliver positive outcomes. Taking all factors into consideration, no concerns are raised regarding the proposed land dedications.

During consultation with Main Roads representatives, City officers have requested that careful consideration be given to appropriate location of construction laydown and traffic management during construction. These are separate matters to the requested road dedications that will be considered in more detail by the City and Main Roads prior to the commencement of works being approved.

The MOU between the City, Main Roads and DevelopmentWA is yet to be executed. City staff have reviewed the document and are awaiting Main Roads' response. The City requires that the MOU is executed prior to construction commencing to ensure that the City can represent community interests during project planning and construction.

Hearson Cove Road Realignment

The requested road dedication for the Hearson Cove Road intersection with Burrup Road will complete the Hearson Cove Road realignment project. The road is constructed and has been open for a number of months, however formal Council resolution is required to complete the legislative process. It is therefore recommended that the relevant portion of land being dedicated as a road reserve.

LEVEL OF SIGNIFICANCE

In accordance with Council policy CG-8 Significant Decision Making policy, this matter is considered to be of low significance in terms of environmental, economic and cultural issues in Council's ability to perform its role.

STATUTORY IMPLICATIONS

Section 56 of the Land Administration Act 1997 requires a Council resolution to dedicate a public road.

Regulation 8 of the *Land Administration Regulations 1998* requires copies of submissions received by the local government and the local government's comments to accompany the request to dedicate a public road. Advertising of the proposed road is therefore required.

COUNCILLOR/OFFICER CONSULTATION

The City's Engineering Services reviewed the designs for Hearson Cove Road prior to its construction and has reviewed the draft designs for the Prancing Avenue and Dampier Road Roundabout and Wagari Drive and Madigan Road intersection, and will continue to have input until final designs are approved and during construction. Main Roads has already approached the City regarding laydown options for the roundabout project and have sought consent for contractors accessing portions of land managed by the City. The City has required that impacts on residents be considered when accessing these areas and the least impactful options be utilised.

COMMUNITY CONSULTATION

If Council resolves to dedicate these road reserves, then the proposal would be advertised prior to seeking the Minister for Lands approval, as per requirement of the Regulations. The proposed road dedication would be published on the City's website for a minimum period of 14 days, advertised in the Pilbara News and referred to all essential service authorities inviting feedback and comment from anyone who may have an interest in the proposal. If any objections to the proposed road dedication are received, then the matter would be reported back to Council. Otherwise, the road dedication request would be forwarded directly to the Minister.

In accordance with the terms of the MOU, Main Roads is responsible for stakeholder management as part of delivering the Prancing Avenue and Dampier Road Roundabout and

Wagari Drive and Madigan Road Intersection. A traffic management plan will need to be prepared and approved by the City prior to works commencing.

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

Main Roads states in correspondence that they indemnify the City and Minister for Lands against any claims that may arise from the dedications relating to the Prancing Avenue and Dampier Road Roundabout and Wagari Drive and Madigan Road Intersection. They also state that they will be responsible for managing any road maintenance costs for defects identified during the 24 month defects liability period.

STRATEGIC IMPLICATIONS

There are no strategic implications.

RISK MANAGEMENT CONSIDERATIONS

The level of risk to the City is considered to be as follows:

Category	Risk level	Comments
Health	N/A	Nil
Financial	N/A	Main Roads correspondence states that they will fund, design and manage delivery of the project
Service Interruption	Low	There may be some detours/delays to road users during the construction phase.
Environment	Low	Environmental concerns and constraints will be managed by Main Roads
Reputation	Low	This project will improve safety and access to residential areas. There will be a need to manage any potential negative impacts on surrounding residents and road users. This can be done under the terms of the MOU and traffic management planning. This will be a Main Roads responsibility
Compliance	Low	The proposed intersections will be designed and constructed to acceptable engineering standards.

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer's recommendation.

RELEVANT PRECEDENTS

Council has previously resolved to dedicate land for road reserves in accordance with the Land Administration Act 1997. The most recent resolution in November 2024, dealt with a request to dedication a portion of land from Reserve 52716 (Drainage) to a road reserve to ensure that associated Crown Lot 555 on DP400600 has legal road frontage to Melford Road.

VOTING REQUIREMENTS

Simple Majority.

CONCLUSION

Road dedications are important to ensure that legal rights and responsibilities are established in relation to public roads. It ensures public access, allows for maintenance and designates the land for the intended purpose.

In relation to the requested road dedications for the Dampier Road and Prancing Avenue Roundabout and the Wagari Drive and Madigan Road Intersection, these intersections will provide convenient and improved access for local residents. There are no concerns with the requested portions of road reserve being added.

In relation to the requested road dedication for Hearson Cove Road and Burrup Road Intersection, dedication of this small portion of road reserve is required to include all of Hearson Cove Road in a road reserve.

It is therefore recommended that Council resolve to request each of these road dedications.

COUNCILLOR QUESTION:

What is the timeline?

CITY RESPONSE:

We are anticipating a tender to be released in the coming months.