

All enquiries to Infrastructure Services on 9526 1111
Our ref: SJ685-2: OC22/23621

22 December 2022

Ms Joanne Abbiss
Chief Executive Officer
City of Armadale
Locked Bag 2
Armadale WA 6992

Dear Ms Abbiss

Boundary Road Management Agreement

I refer to our meeting on Tuesday 15 November 2022 during which we discussed the Shire's proposal to abandon the above agreement.

The Shire has obtained legal advice confirming the existing agreement to be legally non-binding. In consideration of this and in accordance with the *Local Government Act 1995*, the *Land Administration Act 1997 (WA)* and the *Main Roads Act 1930 (WA)*, the Shire confirms that the responsibility for controlling and managing road infrastructure located within the municipal boundary of a Local Government, is the legal responsibility of that Local Government.

As agreed at our meeting, this matter was presented to the Shire of Serpentine Jarrahdale Council for consideration at its Ordinary Council Meeting held on 12 December 2022, and Council resolved as follows:

That Council REQUESTS the Chief Executive Officer write to the CEO at the City of Armadale to advise that the Shire of Serpentine Jarrahdale wishes to amend the Boundary Road Management Agreement (1976 as amended) as following:

- a. *Transfer the maintenance responsibility for the section of Rowley Road between Hopkinson Road and Nicholson Road and full length of North Road to the City of Armadale with an effective date of 30 June 2023.*
- b. *Take over the maintenance responsibility for the section of Hopkinson Road between Rowley Road and the Armadale Tip from the City of Armadale with an effective date of 30 June 2026.*

While the Boundary Road Management Agreement is considered to be legally non-binding at law, in the spirit of ongoing local government collaboration, the Council has resolved to amend such based on (a) and (b) above, rather than cancellation.

The Shire would welcome the opportunity to meet and discuss the process to finalise the amendments, based on Council's decision, in due course.

For your information also, the Shire provided submission on City of Armadale Scheme amendment 116 on 8 August 2022. The Shire submission included the following additional position in respect of concerns regarding the pursuit of industrial development without an associated DCP in place. Please refer to the following extract from that submission:



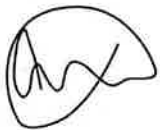
The full upgrade of Rowley Road should be required as part of the proposed Scheme Amendment, including its intersection with Nicholson Road. This should include (as part of the Scheme amendment) design plans to depict how upgrades will occur, including any associated land impacts, so that the development contribution plan can be determined now, rather than deferred to a later stage. Land acquisition should be considered on the northern side of Rowley Road, so as to enable the southern side to be protected for its longer term intended function for rural living and equine purposes.

As you are aware, Rowley Road is within the district of City of Armadale, and is under care, control and management (at law) by the City. Given the Shire interfaces the southern side of Rowley Road, there is a significant risk of infrastructure being incapable of supporting the intended development outcomes for this land, should the Scheme amendment occur without infrastructure coordination.

The City of Armadale should ensure that a secure development contribution arrangement for the upgrade of Rowley Road is in place prior to development, including upgrades to the Nicholson Road intersection and current intersections of Blair Road and Kargotich Road. The Shire seeks confirmation of this, noting it may be more consistent with orderly and proper planning to prioritise developer contribution arrangements first.

As part of this process, the Shire would also welcome discussions on updates to the current boundary interfacing MOU to reflect that the industrial development is seeking to now deliver from and rely upon Rowley Road as its key freight infrastructure.

Yours faithfully



Andrew Trosic
Acting Chief Executive Officer