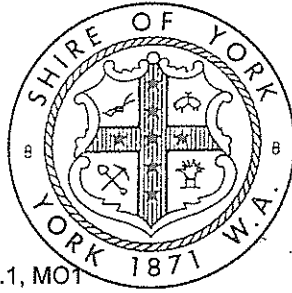


# SHIRE OF YORK

1 JOAQUINA STREET, YORK WA 6302  
TELEPHONE (08) 9641 2233  
FACSIMILIE (08) 9641 2202  
WEBSITE www.york.wa.gov.au  
EMAIL: records@york.wa.gov.au



P.O. Box 22, York  
Western Australia, 6302

Our Ref: O109445, FI.FAG.2.1, MO1  
Your Ref:  
Enquiries: Ray Hooper

SHIRE OF YORK	
FILE NO. FI.FAG.2.1 MO1	INITIALS
Ray	
- 4 APR 2011	
118958	
REFERRAL TO COUNCIL	
DATE	INITIALS
OK - 1200am	
CK	

23 March 2011

Mr R Monger  
PO Box 31  
YORK WA 6302

Dear Sir

## LAND ACQUISITION - MOKINE ROAD BLACKSPOT PROJECT

Further to your discussions with Planning and Works staff on the above please find set out below undertakings by the Shire of Land to deal with the land acquisition and inclusion on the road reserve.

The Shire of York will be responsible for undertaking and meeting the cost of the following:

- Survey and subdivision costs and processes  
**Note:** As the landowner you will be required to sign the subdivision application documentation
- Arrange issue of new titles after the subdivision
- Payment for the area of land acquired at a negotiated or sworn value
- Relocation of fencing to new boundaries or construction of new fencing
- Construction of new property crossovers to replace any existing ones in the land acquisition area

If you are in agreement with the above please sign and date below and return it to the Shire office to allow the next stages to proceed.

If further information is required please contact Ray Hooper on 08 9641 2233.

Thank you for your co-operation.

Yours faithfully

RAY HOOPER  
CHIEF EXECUTIVE OFFICER

Cc: Geoff, Jacky, Tyhscha

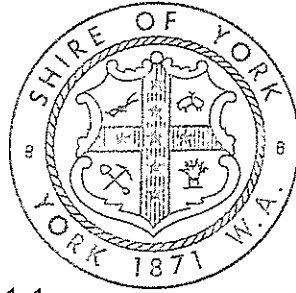
I RODNEY MONGER hereby agree to the above arrangements.

R.W. Monger Date: 31-03-2011  
R W MONGER



# SHIRE OF YORK

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P.O. Box 22, York  
Western Australia, 6302

**ITEM 9.2.5  
APPENDIX B**

Our Ref: O109593, FI.FAG.2.1, 1.

Enquiries: Jacky Jurmann

9 May 2011

Greg Martiensen  
Department of Lands and Regional Development  
PO Box 1575  
MIDLAND WA 6936

Dear Greg

**RE: LAND ACQUISITION - MOKINE ROAD BLACKSPOT PROJECT**

Further to our recent telephone conversation regarding the proposed land acquisition at Mokine Road, York for the purposes of road realignment in conjunction with a Blackspot Project.

Please find enclosed the preliminary plans prepared by Horizon Surveys showing the proposed road re-alignment and a locality plan indicating the lots that will be affected.

It would be appreciated if you could initiate the process for an 'acquisition with agreement' as soon as possible as this project is funded by the Federal Government's Blackspot Program and has been granted funding that must be expended in the current financial year.

I have also enclosed a copy of a signed agreement with Council by the landowner affected.

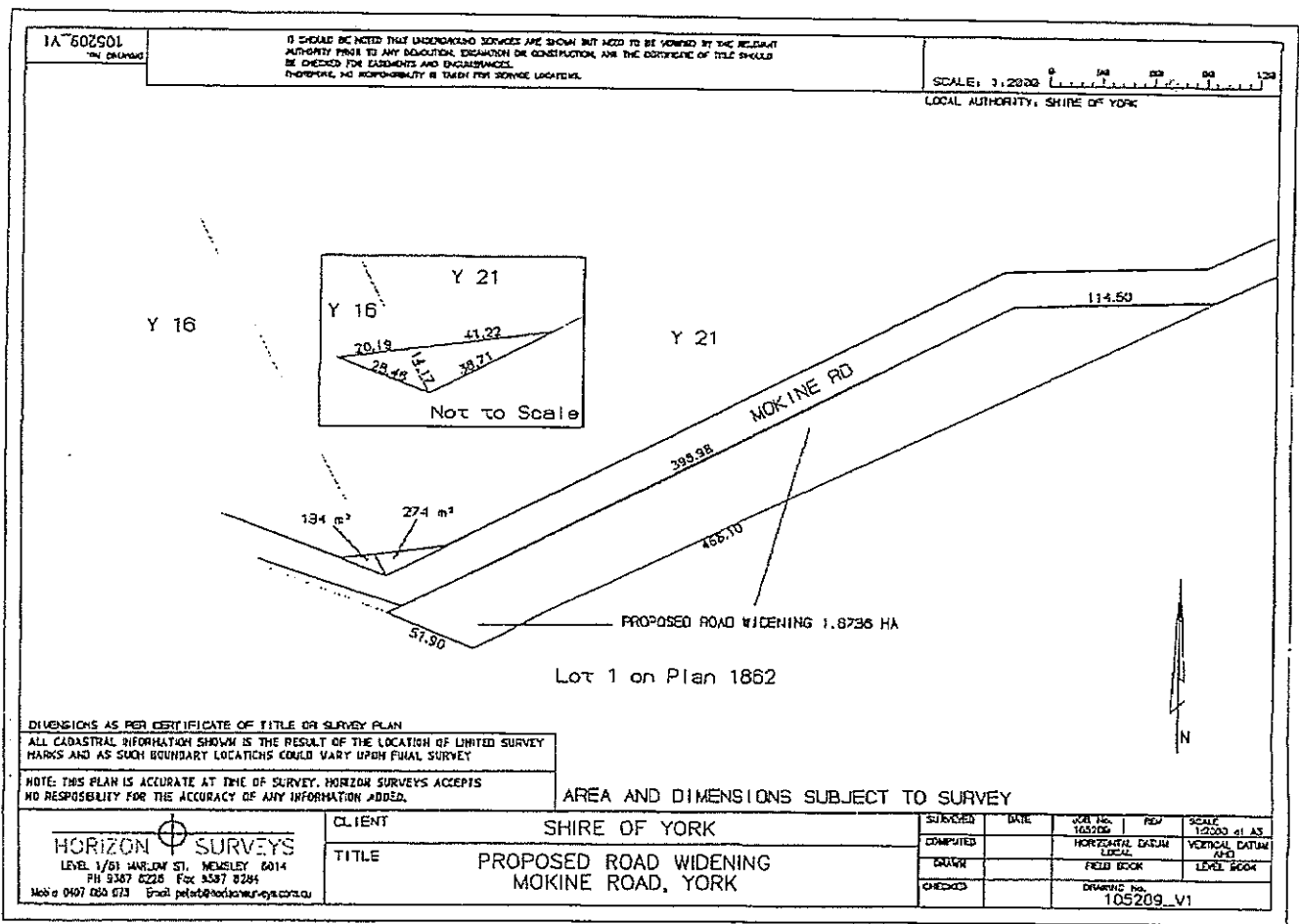
If you have any further queries regarding this matter, please do not hesitate to contact Jacky Jurmann, Manager of Planner Services, at the Council Office on 9641 2233.

Yours sincerely

RAY HOOPER  
CHIEF EXECUTIVE OFFICER



**ITEM 9.2.5  
APPENDIX C**





Daliak Estate

PO Box 31. York. WA, . 6302

Acknowledge

Rodney Monger  
Daliak Estate  
PO Box 31  
York. WA . 6302

SHIRE OF YORK	
FILE: FT-PAG-3-1	M01
OFFICER	INITIALS
Jacay	
Ray - Copy Given	
16 JUN 2011	
1120307	
REFERRED TO COUNCIL	
DATE	INITIALS

16/06/11

**Subject: Valuation- Portion of lot 1 Mokine Road York.**

To Whom it May Concern

Dear Sir ,

As you have requested please find enclosed a valuation for the land you wish to purchase for alteration of Mokine Road, as supplied by Elders Real Estate.

Added to this we are also requesting compensation for the fact that it is land that is being taken from us that we had no intention of selling in the foreseeable future and as such we consider it not unreasonable to request compensation for loss or income that could be earned on said land.

We therefore request, in our opinion, a modest compensation of \$50,000.00 to purchase the land required by the York Shire to complete your project.

We hope you find this figure agreeable so your project can proceed smoothly.

Please contact the undersigned if you need more information on mobile phone 0408 343 946

Sincerely



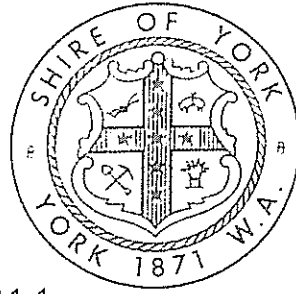
Rodney Monger (Manager/Partner "Daliak Estate")





# SHIRE OF YORK

1 JOAQUINA STREET, YORK WA 6302  
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EMAIL: [records@york.wa.gov.au](mailto:records@york.wa.gov.au)



P.O. Box 22, York  
Western Australia, 6302

**ITEM 9.2.5  
APPENDIX E**

Our Ref: O110307, FI.FAG.2.1, 1.

Enquiries: Jacky Jurmann

29 July 2011

Rodney Monger  
PO BOX 31  
YORK WA 6302

Dear Mr Monger

**RE: BLACK SPOT PROGRAM – MOKINE ROAD**

With reference to your correspondence dated 16 June 2011 regarding the proposed realignment of Mokine Road under the Federal Government's Black Spot Program.

Thank you for your market appraisal as requested. Your claim for compensation has been noted.

Council is currently obtaining a sworn valuation from a Registered Valuer to enable an informed decision to be made on the value of the land affected by the proposed road realignment.

Unfortunately delays in this project, including discussions regarding land value and compensation, may result in forfeiture of the funding due to timeframes imposed through the Black Spot Program funding and the project being unable to proceed.

Upon receipt of the sworn valuation, Council will contact you to discuss a way forward to ensure this important road safety project can proceed.

If you have any further queries regarding this matter do not hesitate to contact Jacky Jurmann, Manager of Planning Services, at the Council Office on 9641 2233.

Yours sincerely

RAY HOOPER  
CHIEF EXECUTIVE OFFICER



## EXECUTIVE SUMMARY

### VALUATION

**IMPORTANT:** All data provided in this summary is wholly reliant on and must be read in conjunction with the information provided in the attached report. It is a synopsis only designed to provide a brief overview and must not be acted on in isolation.

**INSTRUCTING PARTY:** Jacky Gurmann – Manager Planning Services  
Shire of York

**PROPERTY ADDRESS:** Lot 1, Cnr Mokine Road and Ulster Road,  
York

**PROPERTY LOCATION:** Part of a large farming property, the land is situated on the south-east corner of Mokine and Ulster Road. It contains a total area of 53.2 hectares of which 1.901 hectares is to be acquired for road widening purposes with the project funded by the Federal Blackspot Program. The land adjoins the western boundary of the York townsite and is cleared and pastured, fully serviced and suited to its ongoing use for farming or possible sale as a separate lifestyle rural residential lot.

**DATE OF VALUATION:** 1 August 2011.

**INTEREST VALUED:** Estate in fee simple.

**IMPROVEMENTS:** Cleared and pastured land adjoining a road boundary. The land is fenced with a new fence now constructed on the re-aligned boundary. All other services are available.

Land Acquisition - Road Widening  
Lot 1, Cnr Mokine and Ulster Roads, York

**LAND AREA:** Land to be acquired - 1.901 hectares.

**ZONING:** The land is zoned "General Agriculture" under the York Town Planning Scheme.

**CERTIFICATE OF TITLE:** Lot 1 on Plan 1862 being the whole of the land comprised in Certificate of Title Volume 1234 Folio 747.

**LAST SALE** Not applicable.

**TENANCY DETAILS:** The land is owner occupied.

**PURPOSE OF REPORT:** To assess the compensation payable for the land to be acquired.

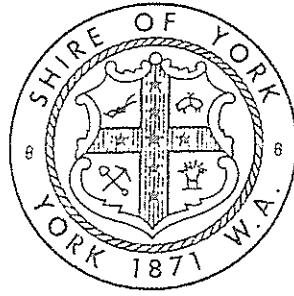
**VALUATION:** TWENTY THREE THOUSAND NINE HUNDRED AND FIFTY DOLLARS (\$23,950)

**AUTHORITIES CONSULTED:** Shire of York  
Department of Land Information  
Property Proprietor

**VALUER:** **AA MOORE**  
Practising Valuer  
Licensed Valuer 58

# SHIRE OF YORK

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EMAIL: [records@york.wa.gov.au](mailto:records@york.wa.gov.au)



P.O. Box 22, York  
Western Australia, 6302

**ITEM 9.2.5  
APPENDIX G**

Our Ref: O110359, MO1

Enquiries: Jacky Jurmann

8 August 2011

Rodney Monger  
PO BOX 31  
YORK WA 6302

Dear Mr Monger

**REPORT AND VALUATION - LAND ACQUISITION – Portion Lot 1 Mokine Road,  
York**

With reference to Council's correspondence dated 29 July 2011 and the telephone conversation with the Manager of Planning Services regarding the proposed acquisition of a portion of Lot 1 Mokine Road, York affected by a proposed road re-alignment under the Federal Government's Black Spot Program.

Please be advised that Council has received a sworn valuation for the acquisition of the affected portion of your land at \$23,950.

It would be appreciated if you could advise Council in writing if this amount is acceptable as payment for acquisition of the land at your earliest convenience.

If you have any further queries regarding this matter please do not hesitate to contact Jacky Jurmann at the Council Office on 9641 2233.

Yours faithfully

RAY HOOPER  
CHIEF EXECUTIVE OFFICER



**ITEM 9.2.5  
APPENDIX H**

FILE: MOI	
OFFICER	INITIALS
<i>Jacky</i>	
<i>Attchrs</i>	
15 AUG 2011	
1121303	
REFERRED TO COUNCIL	
DATE	INITIALS

→ Copy given  
⊗ .15/8

08/11/11

Rodney Monger  
Daliak Estate  
Ulster Road  
York, WA 6302

**Subject: Valuation – Portion of lot 1 Mokine Road**

To Whom it May Concern

Dear Sir,

Thankyou for your letter Ref.0110359, MO1

As mentioned in my first letter this is land which we have no intention of selling in fact it is our heritage once sold never to be returned hence the request for \$50,000.00. To me this is only a nominal figure, that in no way covers the loss of our land, which by our history on Daliak must be obvious that we hold as a very important.

Your offer of \$23,950.00 I find offensive and as such I do not accept your offer.

Please contact the undersigned if you need more information on mobile 0408343946

Sincerely



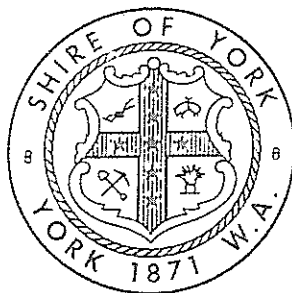
Rodney Monger(Manager/ Partner "Daliak Estate")





# SHIRE OF YORK

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P.O. Box 22, York  
Western Australia, 6302

**ITEM 9.2.5  
APPENDIX I**

Our Ref: O110392, MO1.

Enquiries: Jacky Jurmann

16 August 2011

Greg Willis  
Main Roads WA  
PO BOX 333  
NORTHAM WA 6401

Dear Sir

## **RE: LAND ACQUISITION - BLACKSPOT PROJECT**

With reference to the Mokine Road Blackspot Project (Council ref: 70103).

Council has been negotiating with the land owner affected by the Blackspot Project regarding the land acquisition required to carry out the road realignment. The land owner has rejected Council's offer of purchase and is seeking compensation for the sale of the land even though Council has received a sworn valuation.

This action has resulted in Council questioning the viability of the project. There are two (2) options of action for Council:

1. To abandon the Blackspot Project and return the funding; or
2. To initiate action to compulsorily acquire the affected land.

Council presently are favouring option 1, but would appreciate your advice in this matter before making a final decision.

If you have any further queries regarding this matter do not hesitate to contact Jacky Jurmann, Manager of Planning Services at the Council Office on 9641 2233 or be email at [planner@york.wa.gov.au](mailto:planner@york.wa.gov.au).

Yours sincerely

RAY HOOPER  
CHIEF EXECUTIVE OFFICER





SHIRE OF YORK	
FILE. <i>PEEL TAC 2.1/1 MO</i>	
OFFICER	INITIALS
<i>WILLIS</i>	<i>ULI</i>
1 SEP 2011	
1121545	
REFERRED TO COUNCIL	
DATE	INITIALS



ABN: 50 860 676 021

**ITEM 9.2.5  
APPENDIX J**

Enquiries: Greg Willis on 9622 4747  
Our Ref: 01/657-03  
Your Ref: 0110392, M01

31 August 2011

Mr R Hooper  
Chief Executive Officer  
Shire of York  
PO Box 22  
YORK WA 6302

**LAND ACQUISITION  
MOKINE & ULSTER ROAD  
STATE BLACK SPOT PROJECT**

Dear Ray,

With reference to your correspondence dated 16 August 2011 regarding the viability of the above state funded black spot project, and Council's proposed two options seeking Main Roads advice, the following is offered:

- Main Roads WA has no objection to Council's preferred option 1 of abandoning the project and to return to Main Roads funding advanced to Council.

If Council decides upon this action then a cheque for \$11 729.66 (includes GST) should be made payable to the Managing Director, Main Roads WA, and forwarded to this office with an accompanying letter settling out the reason for the project's cancellation.

If you require any further information please contact Greg Willis on 9622 4747. In reply please quote file reference 01/657-03.

Yours faithfully

Gerald Morey  
REGIONAL MANAGER



# SHIRE OF YORK

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EMAIL: records@york.wa.gov.au



P.O. Box 22, York  
Western Australia, 6302

**ITEM 9.2.5  
APPENDIX K**

Our Ref: O110488, FI.FAG.2.1, 1, 1

Enquiries: Jacky Jurmann

2 September 2011

Rodney Monger  
PO BOX 31  
YORK WA 6302

Dear Mr Monger

## LAND ACQUISITION - STATE BLACKSPOT PROJECT - MOKINE ROAD

With reference to the your correspondence dated 11 August 2011 regarding the Blackspot Project for the upgrade of Mokine Road and the proposed land acquisition of a portion of Lot 1 Mokine Road in conjunction with the road safety initiative.

Please be advised that Council has sought advice from Main Roads to the viability of the project as a consequence of your valuation and request for compensation. Main Roads have advised that they have no objection to the project being abandoned.

It would be appreciated if you could reconsider your request for compensation to enable this important road safety initiative to progress, and that in accordance with the agreement that you signed on 31 March 2011, that you accept payment for the area of land required on sworn value.

I have enclosed a copy of the agreement for your records.

*sent separately  
MON. 8/9/11*

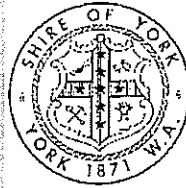
If you have any further queries regarding this matter please do not hesitate to contact Jacky Jurmann, Manager of Planning Services, at the Council Office on 9641 2233.

Yours sincerely

RAY HOOPER  
CHIEF EXECUTIVE OFFICER

*Copy given to all  
CILRS + Works Mgr.  
8/9/11*





## SHIRE OF YORK

### MEMORANDUM

**TO :** ALL COUNCILLORS

**FROM :** JACKY JURMANN, MANAGER OF PLANNING

**SUBJECT :** BLACK SPOT PROJECT - MOKINE RD & ULSTER RD, YORK

**FILE NO :** FI.FAG.2.1, MO1, UL1

**DATE :** 28/09/2011

---

1. Council has received funding under the State Black Spot Program to realign Mokine Road, which requires acquisition of 1.901 hectares of Lot 1 Ulster Road owned by Rod Monger.
2. After discussions with Mr Monger regarding the project, Council sent an outline of the works for the project, including payment for the affected area at a negotiated or sworn value. This agreement was signed by Mr Monger on 31 March 2011.
3. On 16 June 2011, Council received correspondence from Mr Monger requesting an amount of \$50,000 to purchase the land, which included \$25,000 for the land and \$25,000 in compensation.
4. A sworn valuation was then obtained by Council that indicated that the amount paid to acquire the land should be \$23,950.
5. Mr Monger was advised of the sworn valuation amount and again replied on 15 August 2011 that he would not accept less than \$50,000 and that the Shire's offer was 'offensive'.
6. After discussions at a Forward Planning Meeting, Main Roads was sent correspondence questioning the viability of the project requesting an indication as to whether the project should be abandoned or whether the compulsory acquisition process should be commenced. Main Roads advised that no objections would be raised if the project was abandoned and the funds were returned. MRWA funds received of \$11792.66 would need to be returned to MRWA and the municipal expenditure of \$5,864.84 for fencing, survey, etc would be lost.

7. On 2 September 2011, Mr Monger was given a last chance to accept Council's offer for acquisition of the land. No response has been provided to date by Mr Monger.
8. Attached is a draft letter to Main Roads advising that the Shire is abandoning the project and will be returning the funds.
9. It would be appreciated if you could advise if any Councillor wishes to make contact with Mr Monger prior to formal cancellation of this project.
10. Should Council proceed with compulsory acquisition of the land in the interests of road safety and benefit to the community of a whole.

Regards

Jacky Jurmann  
MANAGER OF PLANNING SERVICES