



Claim Managers, Licensed Real Estate Agents & Valuers Since 1970

acknowledged

Our Ref: f1111T4Y/22Y00300/FF
Your Ref: RH:tc Pa 1.4611

28 January 2011

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

SHIRE OF YORK	
FILE: Pal-4611	
OFFICER	INITIALS
Ray Lyhscha	
Council 20/2/11	
4 FEB 2011	
1117925	
REFERRED TO COUNCIL	
DATE	INITIALS

ABN 72 091 188 706

Ferguson Fforde Pty Ltd (Licensee)

www.fergusonfforde.com.au

Dear sir

**Re: Compulsory Acquisition of Drainage Easement-Lot 51 Panmure Rd,
York**

We act for John Cole the owner of Lot 51 Panmure Rd, York whose property was entered by the Main Roads WA at the request of the Shire to relocate a drainage culvert. It is understood that entry and construction was carried out sometime in 2008.

Mr Cole has never provided the Shire or Main Roads WA with any agreement to enter his property and was totally opposed to the open drain. At the time he was considering a subdivision of the property but has now decided to scrap plans to subdivide. In a memorandum dated 30/1/2008 to Mr Cole the engineer for the MRWA advised that a letter providing approval to the relocation of the culvert was required from the owner. This was not obtained but soon after the property was entered and drainage work carried out.

An inspection of the property shows that the constructed drain does not run directly to the drain culvert existing on Newcastle St, See plan 1 enclosed. It would appear that a more direct route of providing drainage would have been for the Shire to run a drain down the side boundary of the adjoining Lot 52 and then continue the drain through to the culvert on Newcastle St and then through to the drain reserve. See plan 2 enclosed.

A claim for compensation is now submitted for the compulsory entry and construction of a drain on part of our clients land. The result of the works is the construction of an open drain channelling water onto his property. The drain has not been cut the length of the boundary, the water during winter runs along the whole of the boundary, as seen by these recent photos taken at annexure 1.

It is understood an easement of 135.29 m x 4m has been taken amounting to 541 square metres. This easement runs the full length of the southern boundary and has a detrimental effect on the remaining land

The claim for compensation is based on the Shire compulsorily acquiring a drainage easement in accordance with Section 241 of the Land Administration Act.


CLAIM FOR COMPENSATION

Land Value	\$18,935
Injurious Affection	\$30,730
Interest	\$ 5,960
Valuation advice	\$ 3,500
Total	\$59,125
Solatium	\$ 5,912
Total Compensation	\$65,037
ADOPT	\$65,000

On agreement of the compensation the owner is prepared to consider granting a Drainage Easement subject to a legal easement document being prepared, detailing the responsibilities and requirements of each party.

An early settlement of this matter will alleviate any further interest accruing from the date of entry.

Yours faithfully


Frank Fforde Miller
Frank Fforde AAPI
Licensed Valuer No 553

From: "CHEW Vincent (PM)" <vincent.chew@mainroads.wa.gov.au>
Date: Wednesday, 30 January 2008 2:00 PM
To: "Mr John Cole" <johnnycole001@bigpond.com>
Attach: 61-21376.pdf
Subject: Drainage at Panmure Road
Hi John,

Thank you for meeting me at York.

1. Attached is a copy of the plan you requested.
<<61-21376.pdf>>
2. Your request for a underground pipe along the easement will cost around \$12,800 (600mm diameter pipe). As the pipe is not on of our road reserve, you might have to ask the Shire to pay for this in return for freeing up the easement on your property.
3. As we will be moving the existing culvert towards end of Febuary, Main Road will need a letter from you stating approval to allow water to flow from the new culvert onto your property along the south fence line .
4. We also discussed lowering the kerbing for traffic entering your property. You will need to show me where you want it lowered. If you have not make up your mind prior towards end of Febuary, the kerbing that we will be instalied are mountable at any point from the road .
5. As discussed, if we create a V-drain on the easement, the excess material will be moved off your property.

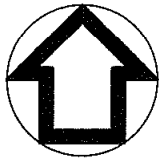
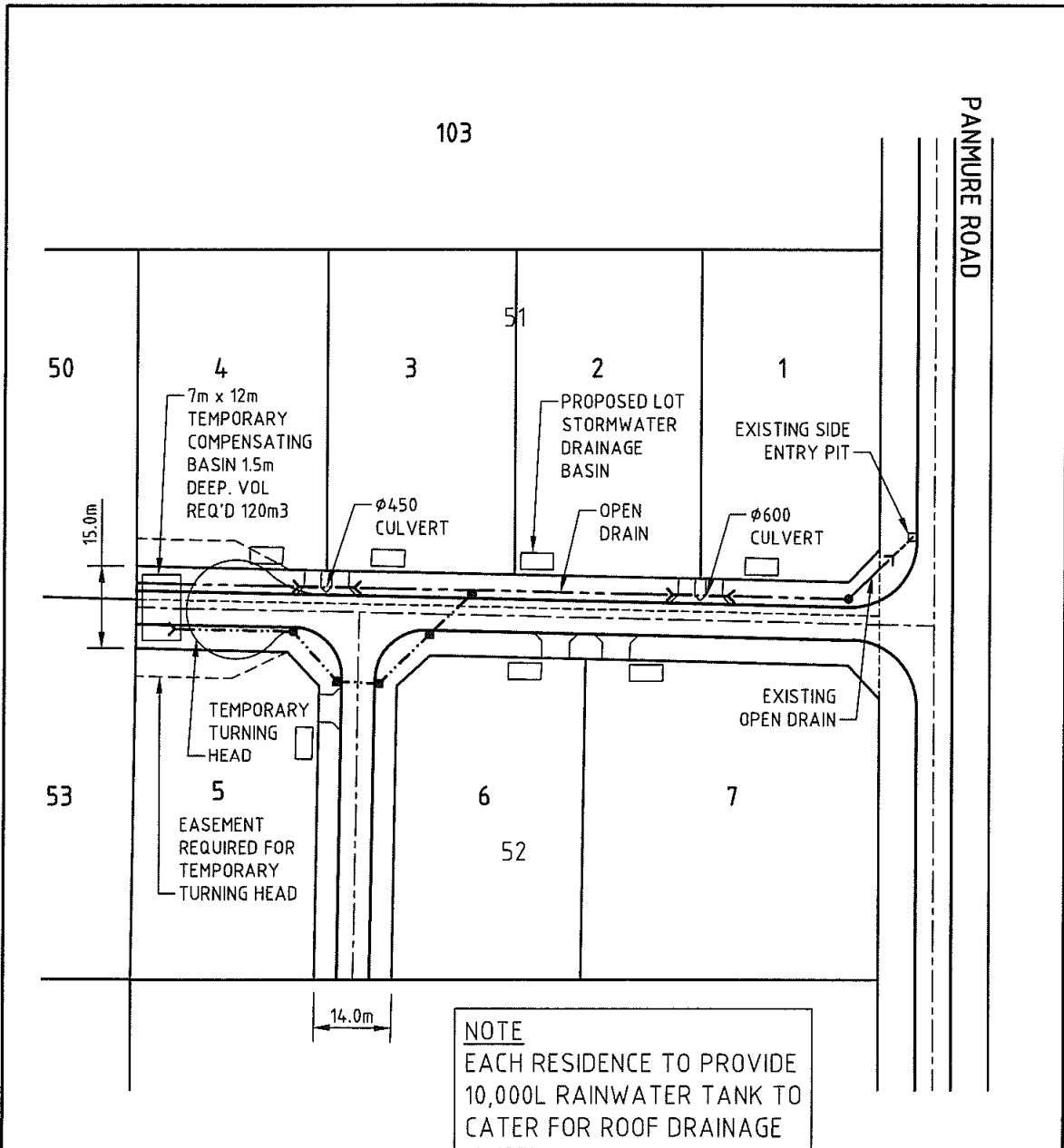
Yours Sincerely,
Vincent Chew

BEng(Const), PostGrad(Computing/Business), MBA , GradCert (Pavement Engineering)
Project/Contract Manager
Wheatbelt North Region
Main Roads WA
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11/06/2010



STORMWATER DRAINAGE LAYOUT PLAN

SCALE 1 : 1000

DO NOT SCALE

JOB LOT 51 & 52 PANMURE ROAD YORK		JOB M10209	
CHECKED	APPROVED	DRAWING No.	
DESIGN DME	DRAWN TB	SCALE 1 : 1000	SK1



BPA Engineering Pty Ltd
Civil And Structural Consultants



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