

5.1: PROPOSED EXCISION OF PORTION OF RESERVE 14943 FOR DEDICATION AS ROAD RESERVE

Land Description : Portion of A class Reserve 14943, Mettler
Proponent : City of Albany
Owners : A class Reserve 14943 - Crown
Attachment(s) : Diagram depicting road re-alignment and changes to Crown A class Reserve 14943 (prepared by Harley Global)
Responsible Officer(s) : Chief Executive Officer (F James)

IN BRIEF

- Council's support is sought to excise portion of A class Reserve 14943 for dedication as a road reserve.

ITEM 5.1: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- i) **SEEKS** the Minister for Lands approval, under section 42(4) of the *Land Administration Act 1997*, to excise portion of A class Reserve 14943, as depicted in the plan attached;
- ii) **SEEKS** the Minister for Lands approval, under section 56 of the *Land Administration Act 1997*, to dedicate the proposed land as road reserve, as depicted in the attached plan, as a public road;
- iii) **INDEMNIFIES** the Minister for Lands from any claims for compensation, as is required under Section 56 of the *Land Administration Act 1997*.

CEO:

RESPONSIBLE OFFICER:

BACKGROUND

1. Grange Resources are developing an open pit magnetite mine at their Southdown Magnetite deposit near Wellstead, and will be pumping the slurry via a pipeline to the Albany Port. Grange also plans a desalination plant which will require pipe easements.
2. Grange Resources have been negotiating with the City to obtain legal access to various road reserves to progress the project.

DISCUSSION

3. As part of this negotiation process, Grange Resources have identified piping could follow the Cape Riche Road alignment, to a proposed desalination plant at Cape Riche.
4. A portion of the Cape Riche Road was constructed outside of the designated road reserve and is in A class Reserve number 14943. Information from the Department of Regional Development and Lands indicate the gravel road was first shown on their public plans in 1964.
5. The Department of Regional Development and Lands (DRDL) has advised, that while Landgate's public plan indicates Cape Riche Road is a dedicated road across A class Reserve 14943, it is a "Protected Road" listed on their 1964 Public Plan. Consequently, the road requires excision from the reserve and dedication as a public road.

GOVERNMENT CONSULTATION

6. The Department of Regional Development and Lands has been in discussions with Grange Resources representatives, and has advised a Council resolution is required to:
 - a. Excise a portion of A class Reserve 14943 for a road reserve,
 - b. dedicate the resultant land as a public road, and
 - c. indemnify DRDL from any compensation claims.

PUBLIC CONSULTATION / ENGAGEMENT

7. While the City is not required by legislation to seek public comment for the excision of a portion of Reserve 14943 and dedication of the subsequent land as a public road, an advertisement will be placed in the local newspaper advising the public of its intention to remedy this historical error.

STATUTORY IMPLICATIONS

8. Section 42(4) of the *Land Administration Act 1997* allows the local government to request the Minister for Lands to excise an area from an A class reserve for the purpose of creating a road.

9. Section 56 of the *Land Administration Act 1997* allows the local government to request the Minister for Lands to dedicate land as a public road, and indemnify the Minister from any claim for compensation.

STRATEGIC IMPLICATIONS

10. This item directly relates to the following elements of the City of Albany Strategic Plan 2011-2012:

Key Focus Area

Lifestyle and Environment

Community Priority

Road Improvements

Proposed Strategies

Formalise public access of road reserves.

POLICY IMPLICATIONS

11. There are no policy implications relevant to this item.

RISK IDENTIFICATION & MITIGATION

12. The risk identification and categorisation relies on the City's Risk management Framework.

Risk	Likelihood	Consequence	Risk Rating	Mitigation
The provisions of the Land Administration Act 1997 are not appropriately addressed.	Unlikely	Moderate – Council has continued to maintain this gravel road for public access.	Medium	To comply with the requirements of the <i>Land Administration Act 1997</i> by Council resolution and advertising the proposal in local newspapers.

FINANCIAL IMPLICATIONS

13. Grange Resources representatives have advised that all costs relating to the survey requirements will be met by their client. The City will only incur the costs of advertising, which will be covered in the current budget from Land Acquisition account 131340.

LEGAL IMPLICATIONS

14. This item will facilitate compliance with the legislative requirements of the *Land Administration Act 1997*.

ALTERNATE OPTIONS

15. If the road is left as is, then the Department of Regional Development and Lands advice is this road is not legally available for public access.

SUMMARY CONCLUSION

16. The resolution of Council will ensure compliance with the *Land Administration Act 1997* and will meet the requirements of the Department for Regional Development and Lands.

Consulted References	Land Administration Act 1997
File Number (Name of Ward)	RD.ACQ.1 (Kalgan Ward)
Previous References	Nil