

**4.6: PROPOSED PERMANENT CLOSURE OF PORTION OF HILL STREET, LITTLE GROVE & DISPOSAL TO ADJOINING OWNERS**

<b>Land Description</b>	: Hill Street Road Reserve, Little Grove
<b>Proponent</b>	: S. Derrick & T. Palfrey of No 32 Lot 109 Grove Street East, Little Grove
<b>Owner</b>	: State of WA
<b>Responsible Officer(s)</b>	: Acting Executive Director Corporate Services (P Wignall)

**Maps and Diagrams:**



**IN BRIEF**

- Council is requested to consider a ratepayer request to close the unconstructed road reserve adjoining their property at No 32 Lot 109 Grove Street East, so that they may purchase the land and amalgamate with their freehold title.

**ITEM 4.6: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR ATTWELL**

**SECONDED: COUNCILLOR STOCKS**

**THAT Council:**

- i) **SEEKS** the Minister for Lands approval, under section 58 of the *Land Administration Act 1997*, to permanently close the portion of the Hill Street road reserve between Gordon Street and Grove Street East, Little Grove; and
- ii) **AUTHORISE** the Chief Executive Officer to forward the road closure request to the Minister for Lands without the need for a further item to Council, should no objections be received during the required advertising period (legislative requirement).

**CARRIED 12-0**

**BACKGROUND**

1. The Hill Street road reserve adjoining No 32 Lot 109 Grove Street East, Little Grove, which runs between Grove Street East and Gordon Street, is currently under the management of the City of Albany.
2. The City has received a request from the owners of No 32 Lot 109 Grove Street East, Little Grove to close the road reserve adjoining their property. These owners wish to purchase the land currently part of the road reserve and amalgamate that land with their freehold title.
3. No 32 Lot 109 Grove Street East is a long, narrow lot with an area of 1,977m<sup>2</sup> and with frontage to both Grove Street East and Gordon Street. The existing house on this property faces Grove Street East. The owners have advised that they would like to purchase the road reserve to increase the useable area of their land.

**DISCUSSION**

4. There is no constructed road within this portion of the Hill Street road reserve at present and there are no plans to construct this road at any time.
5. The subject road reserve is steep in parts, with a ridge running through the centre of the land. The nature of the land means it is unlikely that a road or pedestrian access way will ever be constructed in this location. Any proposal to construct a road or pathway will likely involve substantial earthworks, making it a costly venture.
6. There is no existing services or drainage infrastructure within the subject road reserve and it is unlikely that the road will be required for future drainage works given its elevated position relative to Grove Street East.
7. The owners of No 32 Lot 109 Grove Street East have a portion of the road reserve contained within the fenced area of their property and are using this land as part of their garden area.

The owner of No 28 Lot 10 Grove Street East is currently using the road reserve as a secondary access way to their property.

8. There also appears to be a sea container situated in the existing road reserve. The owners of No 28 Lot 10 Grove Street East advise that this sea container was placed on the road reserve by the past owners of No 32 Lot 109 Grove Street East and he has been unsuccessful in attempts to have it removed.

#### **GOVERNMENT CONSULTATION**

9. A preliminary conversation with the Department for Regional Development and Lands has occurred to clarify the process for disposal of the land, if the road is to be closed.
10. As part of the road closure advertising requirements specified by the *Land Administration Act 1997*, public utility service providers must be contacted directly and invited to comment on the proposal.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

11. Section 58 of the *Land Administration Act 1997* sets out the procedure for permanently closing roads. It is a requirement of the Act that the proposed road closure be advertised in a local newspaper for a period not less than 35 days. Notification will also be sent to nearby landowners and to relevant public utility service providers.
12. Preliminary conversations have been held with the two other owners adjoining the road reserve. It is the Department for Regional Development and Lands' policy for all adjoining landowners to be offered for purchase equal share of the closed road, therefore these owners will be impacted by the proposed road closure. This aspect is negotiated between the affected landowners and the Department following the road closure process.
13. The owners of No 28 Lot 10 Grove Street East and No 61 Lot 11 Gordon Street have both verbally indicated support of the proposed road closure and a willingness to consider the purchase of portion of the land.

#### **STATUTORY IMPLICATIONS**

14. Section 58 of the *Land Administration Act 1997* allows a local government to request the Minister for Lands to close a road.
15. Section 74 of the *Land Administration Act 1997* grants the Minister for Lands the power to sell Crown land.

#### **STRATEGIC IMPLICATIONS**

16. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021)

***Key Focus Area***  
*Organisational Performance*

**Community Priority**  
*Policy and Procedures***Proposed Strategies**

*Develop clear processes and policies and ensure consistent, transparent application across the organisation.*

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

18. The risk identification and categorisation relies on the City's Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
If the request to close the road is refused, the road remains under City management and the inappropriate private use of the land will need to be addressed.	Possible	Minor – the resolution of the private use of the road reserve is considered to be a minor matter only.	Medium	To support the road closure request and allow the land being used for private purposes to be purchased by the adjoining owner/s.

**FINANCIAL IMPLICATIONS**

19. If Council supports the proposed road closure, the applicant will be required to pay a \$450 fee, in line with the City of Albany's Schedule of Fees and Charges adopted as part of the 2011/12 budget. This fee will cover all costs associated with advertising the road closure, including staff time. Any other costs associated with the disposal of the land will be borne by the Department for Regional Development and Lands and the adjoining landowners.

**LEGAL IMPLICATIONS**

20. At present, the subject road reserve is being used for private purposes. The use of this public land for private purposes is not supported in legislation and should Council resolve not to proceed with the road closure request, action must be taken to address this situation.

**ALTERNATE OPTIONS**

21. Council may:

- a. Support the request to close the portion of the Hill Street road reserve between Grove East Street and Gordon Street, Little Grove and allow the adjoining landowner/s to purchase the resultant land; or

- b. Refuse the request to close portion of Hill Street and the land will remain as a road reserve. In this circumstance, the City will need to address the private use of this public land.

**SUMMARY CONCLUSION**

22. There are no plans to construct this portion of Hill Street, no utilities or infrastructure will be impacted by the proposed closure and the steepness of the site makes it unsuitable as a pedestrian or vehicle link. In addition, the land is currently being used by the adjoining landowners for their private use, all owners are supportive of the closure and all are interested in purchasing the resultant land. As such, it is recommended that the road closure request is supported.

<b>Consulted References</b>	Land Administration Act 1997
<b>File Number (Name of Ward)</b>	RD.RDC.2
<b>Previous Reference</b>	No previous references