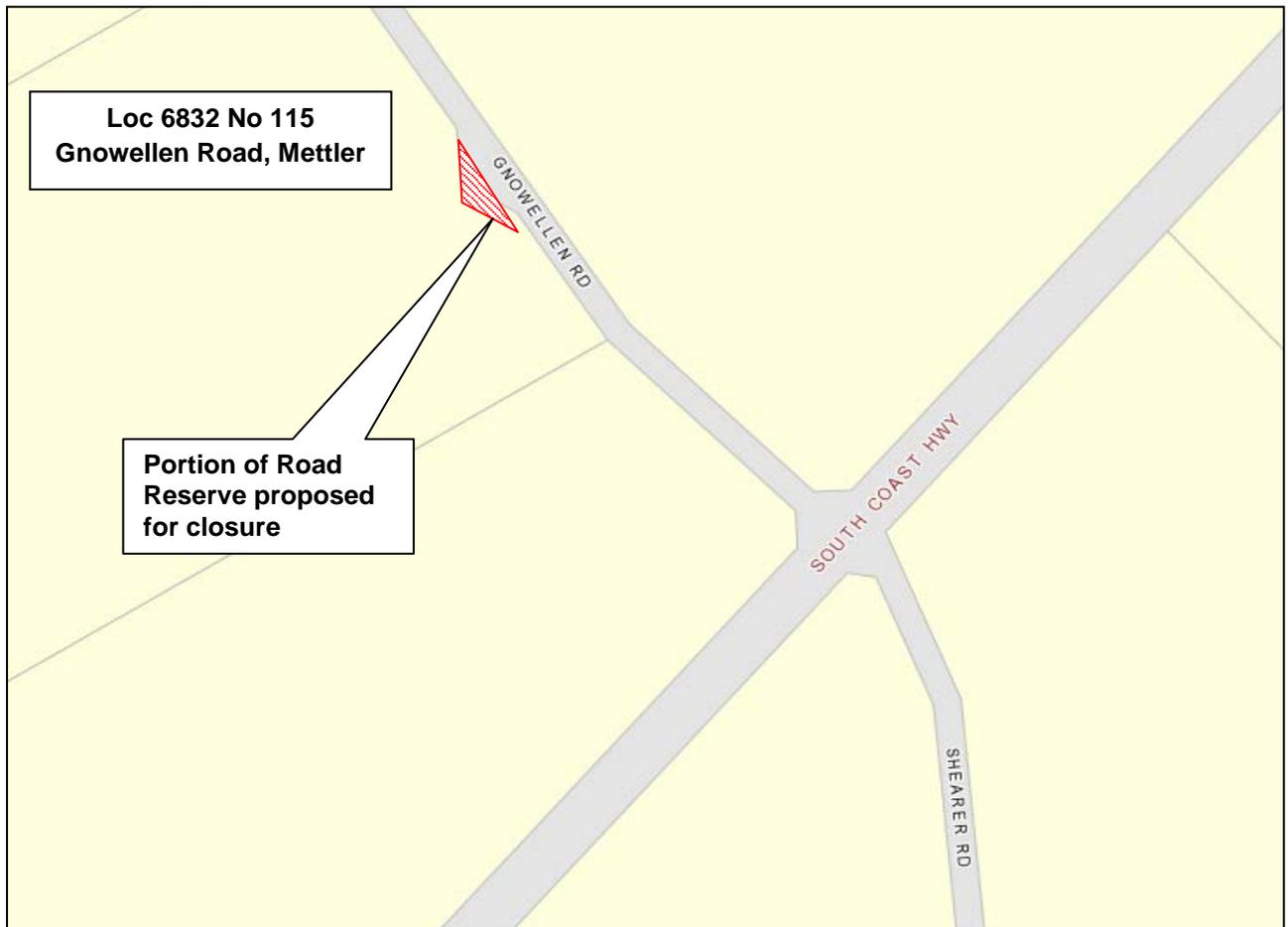


**4.4: PROPOSED PERMANENT CLOSURE OF PORTION OF  
GNOWELLEN ROAD**

<b>Land Description</b>	: Portion of Gnowellen Road adjoining Loc 6832 No 115 Gnowellen Road, Mettler
<b>Proponent</b>	: Grange Resources Limited
<b>Owner</b>	: State of WA
<b>Attachment</b>	: Aerial Photograph
<b>Responsible Officer(s)</b>	: Executive Director Corporate Services (G Adams)

**Maps and Diagrams:**



**IN BRIEF**

- Council is requested to consider the permanent closure of a 2 hectare portion of Gnowellen Road, Mettler. The portion of road reserve is contained within the fence line of Loc 6832 No 115 Gnowellen Road which is the proposed site of the Southdown Magnetite Project. Grange Resources Limited has sought the closure of this portion of road reserve to allow its amalgamation with Loc 6832 No 115 Gnowellen Road in order to facilitate the future development of this land.

**ITEM 4.4: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLDEN**

**SECONDED: COUNCILLOR GREGSON**

**THAT Council:**

- i) **SEEKS** the Minister for Lands approval, under section 58 of the *Land Administration Act 1997*, to permanently close a 2 hectare portion of Gnowellen Road contained within the fence line of Loc 6832 No 115 Gnowellen Road, Mettler;
- 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); and
- iii) **ADVISE** the Department for Regional Development and Lands that it supports the disposal of this land to the adjoining landowner, Grange Resources Limited, for its amalgamation into Loc 6832 No 115 Gnowellen Road, Mettler.

**CARRIED 9-0**

**BACKGROUND**

1. Grange Resources Limited has submitted a request to close a 2 hectare portion of Gnowellen Road which is contained within the fence line of Loc 6832 No 115 Gnowellen Road, Mettler. Grange Resources have indicated their willingness to purchase the land to allow its amalgamation into Loc 6832 No 115 Gnowellen Road, Mettler.
2. The subject land is the site of the proposed Southdown Magnetite Project. Grange Resources Limited has advised that the proposed road closure will facilitate the construction, management and maintenance of the tailings storage facility which is planned to be located adjacent to Gnowellen Road.

**DISCUSSION**

3. It appears from aerial photography that the 2 hectare portion of Gnowellen Road reserve proposed to be closed is contained within the fence line of Loc 6832 No 115 Gnowellen Road and has been farmed as part of the previous general farming use of this land parcel.
4. The reason for this deviation in the road reserve is unknown, though the City has other similar land tenure anomalies. Notwithstanding, the closure of this portion of road reserve will leave a 100m wide road reserve which can easily accommodate the current road pavement and any future plans to widen the constructed road. Wide road reserves are a common feature in the areas of Gnowellen, Wellstead, Mettler etc and they were likely created to provide a stock route and nature corridor through general farming areas.

5. The City's Works & Services division have no objections to the proposed road closure and advise that the 100m wide road reserve is sufficient to accommodate any future upgrading works on Gnowellen Road.

#### **GOVERNMENT CONSULTATION**

6. 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.
7. No other consultation with government agencies has occurred at this time and contact will be made with relevant agencies during the advertising period.

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

8. Section 58 of the *Land Administration Act 1997* sets 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 of not less than 35 days. Notification will also be sent to nearby landowners and to relevant public utility service providers.

#### **STATUTORY IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

11. 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**

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

**RISK IDENTIFICATION & MITIGATION**

13. 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>
<i>If this request is not supported, this will impact on the proposed Southdown Magnetite Project which could result in negative exposure for the City.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Support the road closure request and allow the land to be amalgamated into the adjoining property, facilitating the development of the Southdown Magnetite Project.</i>

**FINANCIAL IMPLICATIONS**

14. 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.
15. Any other costs associated with the disposal of the land and its amalgamation into the adjoining land title will be borne by the Department for Regional Development and Lands and Grange Resources Limited.

**LEGAL IMPLICATIONS**

16. At present, the subject road reserve is contained within the fence line of the adjoining property. 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**

17. Council may:
- a. Support the request to close the 2 hectare portion of Gnowellen Road, Mettler and allow Grange Resources to purchase the resultant land and amalgamate it with Loc 6832 No 115 Gnowellen Road; or
  - b. Refuse the request to close portion of Gnowellen Road 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**

18. The 2 hectare portion of Gnowellen Road is excess to the City's road requirements and is currently contained within the existing fence line boundaries of the adjoining property. This land is also required to facilitate the development of the Southdown Magnetite Project, which is an important development in the City of Albany in terms of creating employment and economic opportunities. As such, the request by Grange Resources to close this portion of road and amalgamate it with Loc 6832 No 115 Gnowellen Road, Mettler, is supported.

<b>Consulted References</b>	:	Land Administration Act 1997
<b>File Number (Name of Ward)</b>	:	A1016
<b>Previous Reference</b>	:	No previous references