

Peter Zenni

From: Peter Zenni
Sent: Wednesday, 22 August 2018 11:09 AM
To: 'Scott Wilson'
Cc: Mike Hudson; Greg Powell
Subject: RE: Easement-polygon ID 1299701

Hi Scott

Thank you for your email and our subsequent meeting and conversation. I have spoken with representatives from Landgate, Department of lands (DPLH) and Shires Executive Manager Engineering Services Mr Mike Hudson in relation to your enquiry.

I confirm that the land that you have expressed an interest in which adjoins the Western boundary of your property located at 20 Pioneer Road, Merredin, and is allocated Polygon ID Number 1299701 is currently owned by the state of WA and is a designated road.

In order to purchase the land in question the following process would need to be undertaken;

1. You would need to formally approach the Shire of Merredin stating your interest in and reasons for purchasing the said land and seeking support from the Shire of Merredin for formal closure of the road.
2. If the Shire of Merredin Council supports your request it would need to (subject to compliance with Section 53 of the Land Administration Act and Regulation 9 of the Land Administration Regulations) request the Minister responsible for administration of the said Act to close the road.
3. Prior to making such a request of the Minister, the Shire of Merredin would need to formally resolve to approach the Minister requesting the road closure and advertise the fact for public comment for a period of 35 days, following which it would need to formally consider all submissions before finalizing the matter.
4. Once the request is received by the Minister, according to the DPLH it takes anywhere from 9-12 months to close the road, at which time they would contact yourself with respect to a sum of money that they believe the land is worth and you then have an option to purchase the land, if you decline the purchase price the land is retained by the State as unallocated crown land.

As previously indicated the Shire of Merredin does not wish to incur any costs with respect to this process as the purchase of the land benefits yourself personally and should not be subsidised by funds of the Shires ratepayers. As such all costs associated with processing your request by Council officers, as well as costs of advertising would need to be borne by yourself.

If you have any further questions please do not hesitate to give me a call at the Shire office.

Kind regards

Peter Zenni
EXECUTIVE MANAGER DEVELOPMENT SERVICES

Shire of Merredin
PO Box 42 MERREDIN WA 6415
P: (08) 9041 1611 F: (08) 9041 2379 E: emds@merredin.wa.gov.au

**9. Local government request to close road permanently
(Act s. 58(2)), requirements for**

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request -

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
- (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and
- (d) a copy of the relevant notice of motion referred to in paragraph (c); and
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

58. Closing roads

(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

(4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —

(a) by order grant the request; or

(b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or

(c) refuse the request.

(5) If the Minister grants a request under subsection (4) —

(a) the road concerned is closed on and from the day on which the relevant order is registered; and

(b) any rights suspended under section 55(3)(a) cease to be so suspended.

(6) When a road is closed under this section, the land comprising the former road —

(a) becomes unallocated Crown land; or


(b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

[Section 58 amended by No. 59 of 2000 s. 18(1) 9.]

AHO: Peter
FYI.

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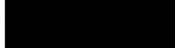

A2702

Chief Executive Officer
Merredin Shire
PO Box 42
Merredin WA
6415

To Chief Executive Officer


We wish to formally approach the Merredin Shire with regards to purchasing the parcel of land adjacent to our property which is 20 Pioneers Road. The parcel of land is Polygon ID number 1299701. The land is currently classified as a designated road. It does not appear to ever have been formed as a road and is currently vacant land.

Can you please advise us of the process and costings involved in proceeding to obtain the land.

If you need to discuss this with me then please don't hesitate to contact me on  or on email 

Kind Regards



Scott and Maureen Wilson
Ph : 
20 Pioneers rd
Merredin WA
6415

Peter Zenni

From: Peter Zenni
Sent: Friday, 1 March 2019 2:21 PM
To: 'Scott Wilson'
Subject: RE: Easement-polygon ID 1299701

Hi Scott

I am in the process of preparing an agenda item to Council with a recommendation that it resolves to approach the Minister to close the road in question. As previously indicated in order to do this the Shire will need to go through a process of advertising seeking comment from members of the public, adjacent land owners, government agencies and utility providers to ascertain if they have any objections to the proposed road closure.

Can you please confirm that you are be prepared to cover all costs associated with the statutory advertising process. In addition, whilst we would not normally charge you for the costs associated with officer time involved in undertaking this process I need to highlight that the Shire of Merredin reserves the right to charge a fee for Council officer time should the matter be of a prolonged nature and as such incur excessive or unforeseen costs.

Can you please confirm that you are happy for me to proceed with your request on the basis of the above information.

Kind regards

Peter Zenni
EXECUTIVE MANAGER DEVELOPMENT SERVICES

Shire of Merredin
PO Box 42 MERREDIN WA 6415
P: (08) 9041 1611 F: (08) 9041 2379 E: emds@merredin.wa.gov.au
W: www.merredin.wa.gov.au shire of merredin

-----Original Message-----

From: Scott Wilson [REDACTED]
Sent: Wednesday, 30 January 2019 1:12 PM
To: Peter Zenni <emds@merredin.wa.gov.au>
Cc: Greg Powell <ceo@merredin.wa.gov.au>; Mike Hudson <emes@merredin.wa.gov.au>
Subject: Re: Easement-polygon ID 1299701

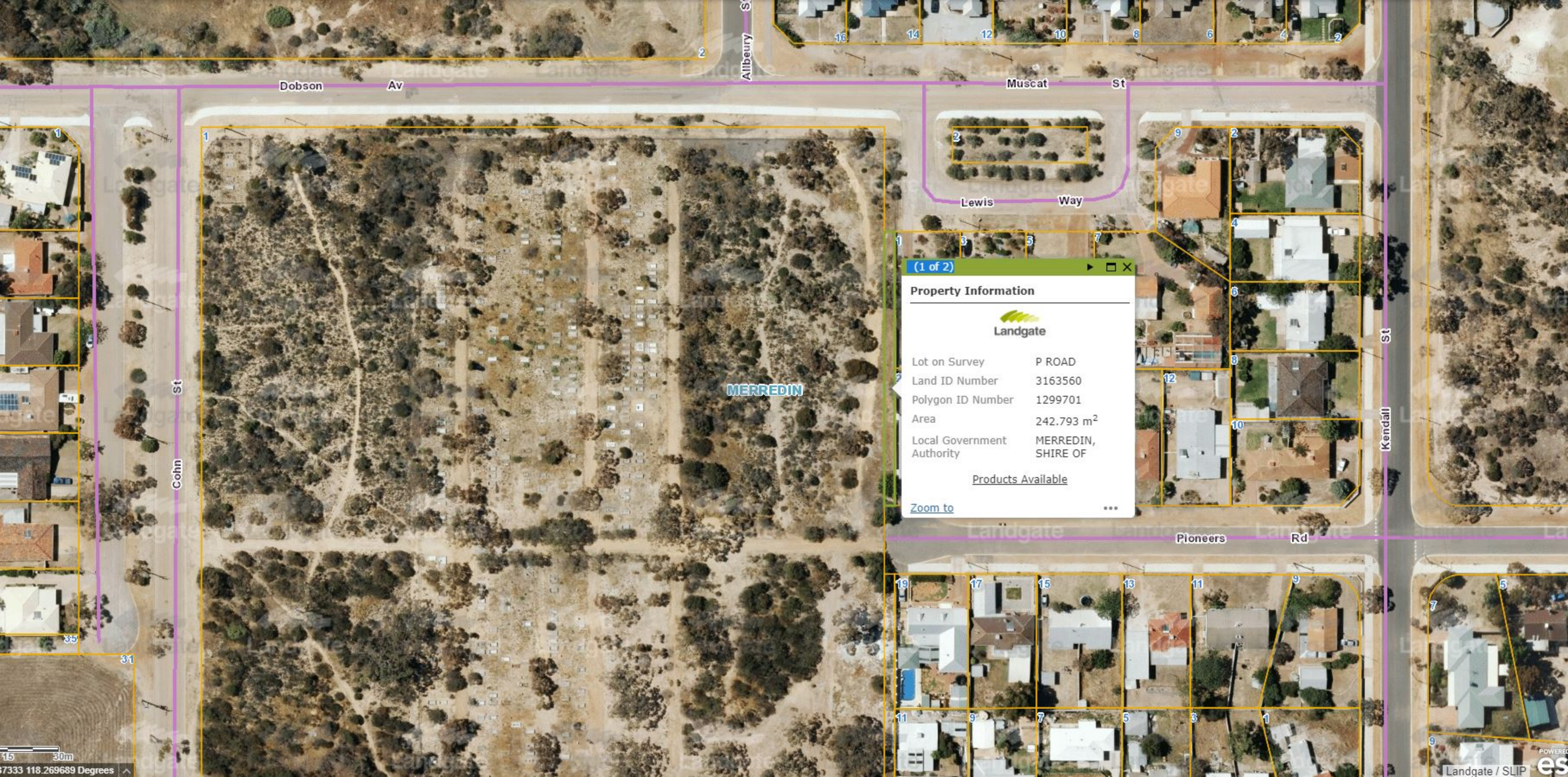
Hi Peter, Greg and Mike

Can we please have an estimate of costs that the shire would be charging?

The reason for purchase is to increase our property size. The portion of land that we are interested in purchasing is only that which borders our property. We would request to have it amalgamated to become part of our existing property.

Thanks

Scott Wilson



MERREDIN

(1 of 2)

Property Information

Landgate

Lot on Survey	P ROAD
Land ID Number	3163560
Polygon ID Number	1299701
Area	242.793 m ²
Local Government Authority	MERREDIN, SHIRE OF

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