

REF: CM151/09

PROPOSED ROAD CLOSURE OF PORTION OF PUBLIC ROAD WITHIN COLEDALE BEACH CAMPING RESERVE

Report of Manager Property and Recreation (RMC) 21/05/09

28.15.01.075

PRECIS

In order to appropriately reflect the use of the land within the Coledale Beach Camping Reserve and to allow leasing of the Coledale Surf Life Saving Club building, which is partially located within the road reserve, it is proposed that the portion of public road which traverses the reserve, as shown on Attachment 1, be closed and classified as Community land. This report seeks Council's approval for the closure.

RECOMMENDATION

- 1 Council consent to the closure of the portion of public road within the Coledale Beach Camping Reserve, as shown on Attachment 1, and upon closure, declare the land Community under the Local Government Act 1993.**
- 2 Subject to the road closure being approved, authority be granted to create an easement for overhead powerlines in favour of Integral Energy.**
- 3 Authority be granted to affix the Common Seal of Council to the plan of survey and Section 88B Instrument, together with any other documentation required to give effect to this resolution.**

BACKGROUND

In order to appropriately reflect the use of the land within the Coledale Beach Camping Reserve and to allow leasing of the Coledale Beach Surf Life Saving Club building, which is partially located on a portion of public road which previously formed the original route of Lawrence Hargrave Drive, it is proposed that the portion of public road which traverses the reserve (as shown shaded grey on the attached plan) be closed under the Roads Act 1993 and classified as Community land under the Local Government Act 1993.

Council has previously resolved to grant a lease of the surf club building to the surf club for a period of 21 years, including options, however, Council is unable to implement this resolution as part of the surf club building encroaches onto the road reserve. The Roads Act 1993 does not provide for leasing of public roads for periods of this duration and for this reason, it is proposed that the road closure be approved to enable the lease to the surf club to be finalised and the management of the camping reserve to be wholly incorporated within Community land.

Part of the subject road adjoins Coledale Public School to the south. Following consultation with the Department of Education & Training, they have advised that they have no objection to the proposed closure as their land adjacent to the subject road is incorporated into the whole school site and physical access to the road is not possible due to the steep terrain.

The road closure was proposed in the Coledale Beach Plan of Management which was adopted by Council in June 2004. The existing road will continue to provide access for the public to the surf club, beach and camping area.

During consultation on the proposed closure, Integral Energy objected to the proposal, advising that there are overhead powerlines present within the portion of road proposed to be closed. The objection will be lifted by the creation of an easement over the infrastructure and this easement will not impact on the future use of that site.

PROPOSAL

The major reason for this road closure is that the control of vehicle access on this portion of road is currently regulated under the Roads Act 1993 and this legislation does not provide Council with sufficient flexibility to manage the road as a part of the camping reserve. There is also an amenities block which has been partially constructed on the subject portion of road reserve.

The portion of public road within the Coledale Beach Camping Reserve, as shown on Attachment 1, be closed and classified as Community land under the Local Government Act 1993.

CONSULTATION AND COMMUNICATION

Infrastructure Division – no objection, however, noted that the adjoining Lots 2-6 DP 19066 to the south, which comprise part of the Coledale Public School grounds, will be landlocked by the closure of the road.

Department of Education & Training – as an adjoining owner to the portion of road proposed to be closed, letters were sent to the Department of Education & Training seeking their comment. The Department has advised that they have no objection to the proposal.

City Planning Division – no objection.

Environmental Strategy & Planning Division – no objection.

City Works Division – no objection.

Integral Energy – objection received due to the presence of overhead powerlines. Objection will be lifted by the creation of an easement over the powerlines.

Roads & Traffic Authority – no objection.

A notice was placed in The Advertiser newspaper seeking comment from the public on the proposed closure. No submissions were received.

PLANNING AND POLICY IMPACT

Recommendations in this report are in line with Council's policy on road closures.

FINANCIAL IMPLICATIONS

Council will incur costs for the lodgement of an application with the Department of Lands and the preparation and registration of the plan of survey and associated documentation. Funds are available within the current budget to meet these costs.

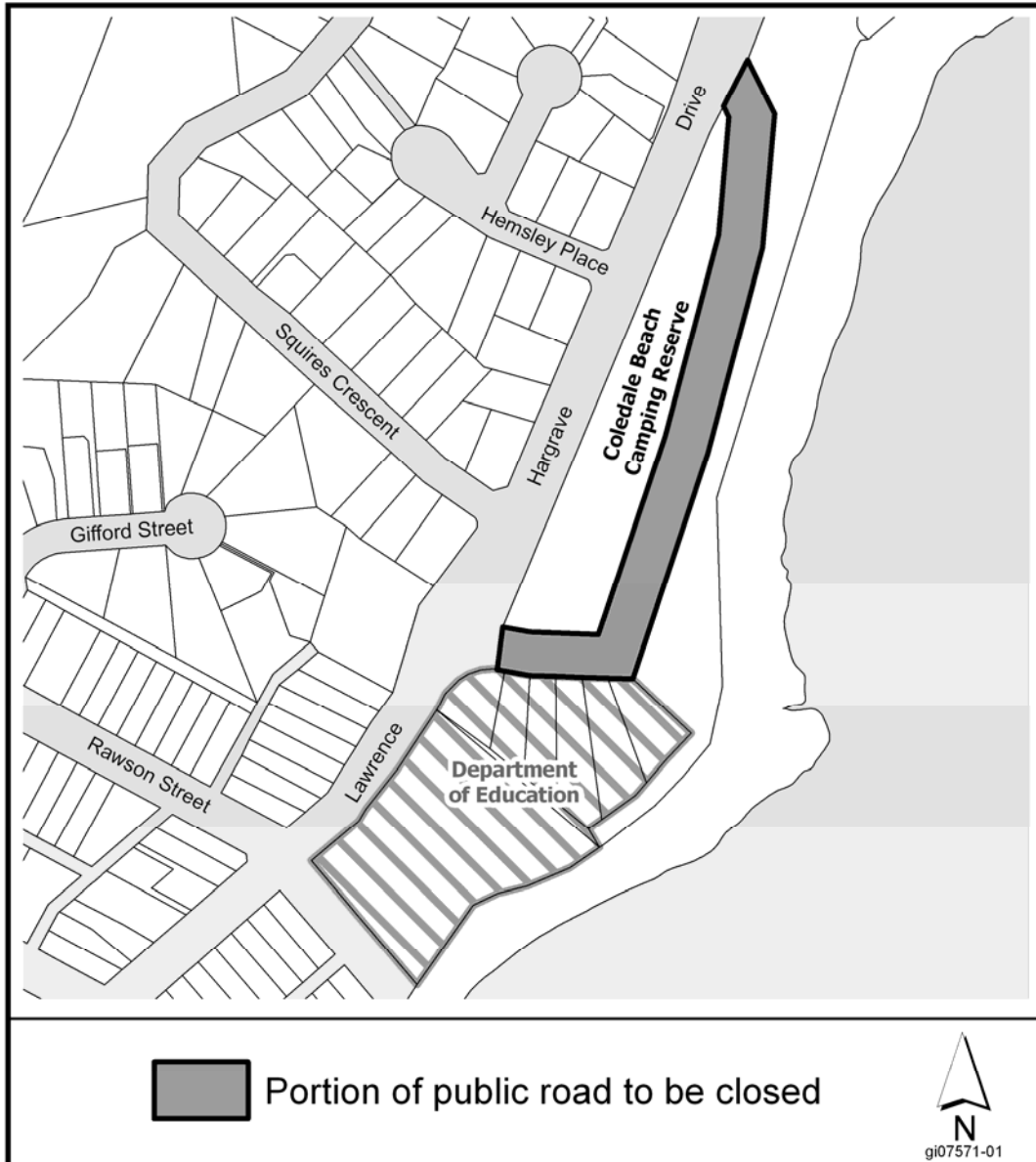
CONCLUSION

As the subject portion of road is surplus to Council requirements and its closure will permit consistent management of the Coledale Beach Camping Reserve, it is recommended that the closure be approved.

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ATTACHMENTS

1. Plan of proposed Road Closure



While every effort has been made to ensure the highest possible quality of data, no liability will be accepted for any inaccuracy of the information shown.
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