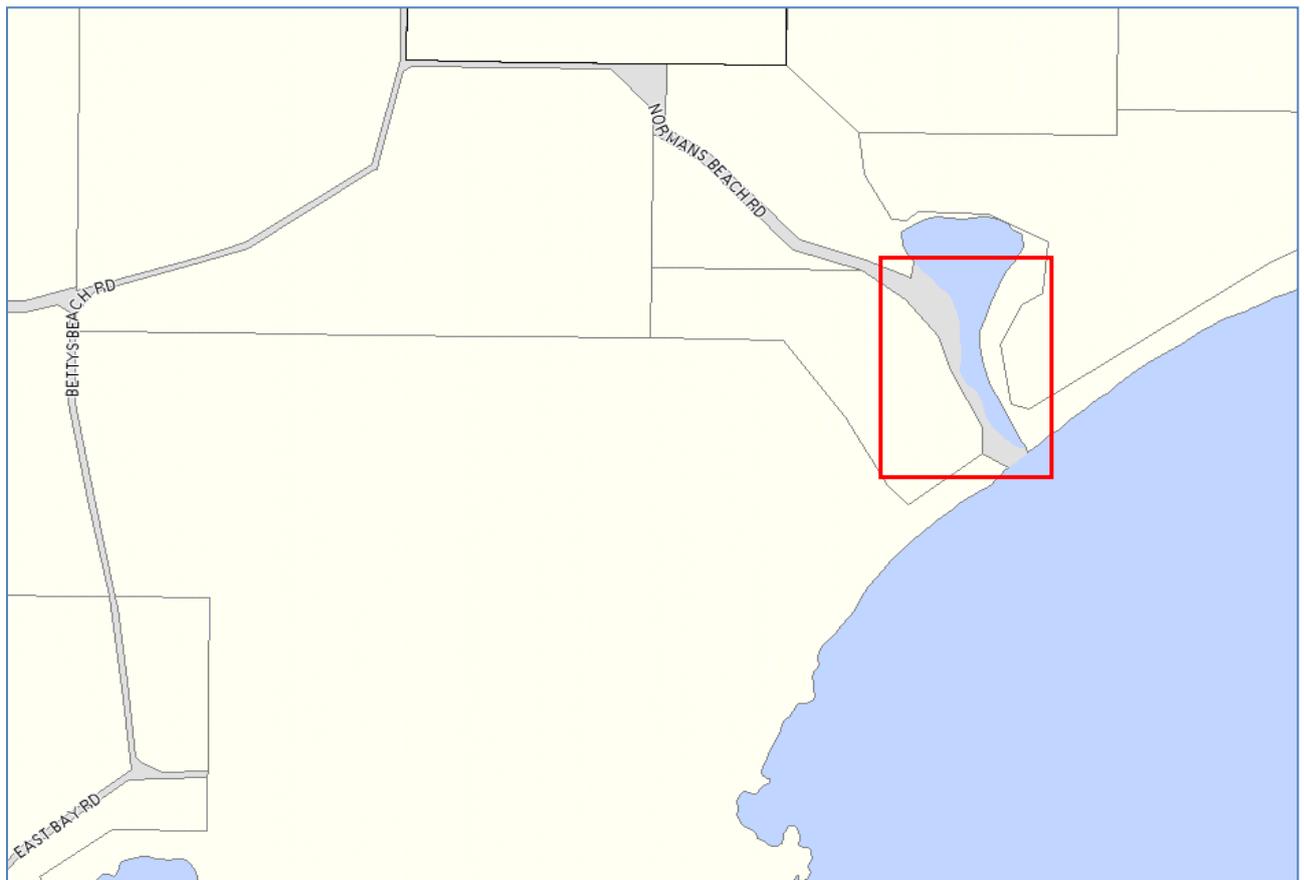


**3.2: PROPOSED PERMANENT CLOSURE OF PORTION OF NORMAN'S BEACH ROAD AND AMALGAMATION WITH RESERVE 2031**

<b>Land Description</b>	: Norman's Beach Road and Reserve 2031 Betty's Beach Road
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Crown
<b>Attachment(s)</b>	: Map
<b>Responsible Officer(s)</b>	: Executive Director Works and Services (K Ketterer)

**Maps and Diagrams:**



**IN BRIEF**

- Council's support is sought to close a portion of Norman's Beach Road to allow the subject land to be amalgamated with Reserve 2031, known as Betty's Beach Reserve, to better reflect the recreational use of the land.

**ITEM 3.1: RESPONSIBLE OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council, subject to receiving no objections::**

- i) **SEEKS** the Minister for Lands approval, under section 58 of the *Land Administration Act 1997*, to permanently close a portion of the Norman's Beach Road reserve (area subject to survey) that includes the Norman's Inlet camp site, walk trail and beach area;
- ii) **AUTHORISE** the Chief Executive Officer to forward the required applications to the Minister for Lands without the need for a further item to Council, should there be no objections received during the required advertising period (legislative requirement);
- iii) **SEEKS** the Minister for Lands approval, under Section 51 of the *Land Administration Act 1997*, that the boundary of Reserve 2031 (Betty's Beach Reserve) be amended to include the closed portion of Norman's Beach Road.

**ITEM 3.2: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR WELLINGTON**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 12-0**

**BACKGROUND**

1. In March 2010, Council adopted the Betty's Beach Reserve Management Plan. This Management Plan aims to manage Betty's Beach Reserve and Norman's Inlet camp site and walk trail in a more strategic and coordinated manner, allowing for the protection of the environmental values of the area while developing recreational uses in ecologically sustainable ways.
2. Norman's Inlet camp site and walk trail are currently included within the Norman's Beach Road Reserve. The road reserve continues on to the ocean's high water mark and abuts Betty's Beach Reserve 2031. Betty's Beach Reserve is a 'C' class reserve vested in the City of Albany for 'Parkland and Recreation' purposes.
3. The Betty's Beach Reserve Management Plan makes a number of recommendations for management actions. Action 2 of the Plan recommends that portion of the Norman's Beach Road reserve be closed and converted to a Crown Reserve for the purpose of 'Conservation, Recreation and Camping'.

**\*\*REFER DISCLAIMER\*\***

4. This Action 2 supports a number of other recommendations contained within the Betty's Beach Reserve Management Plan for future recreational development and maintenance works in Betty's Beach Reserve and Norman's Inlet camp site and walk trail.
5. Recent application has been made to Lotterywest for their Trails Funding Program for upgrading works to the Norman's Inlet walk trail, in line with the recommendations of the Betty's Beach Reserve Management Plan. The proposed works include:
  - a. Laying crushed limestone to provide a harder surface, improving access and safety for trail users;
  - b. Construction and installation of a set of stairs and platforms down a steep sand dune, to provide a safe and environmentally friendly access to the beach;
  - c. Closure of the end of the existing walk trail, as it currently travels around an unstable limestone cliff, which is a risk to trail users and the environment;
  - d. Rehabilitation of the closed portion of the existing walk trail, using existing vegetation in the area; and
  - e. Install a trail head sign and some small directional and interpretive signs along the trail.

#### **DISCUSSION**

6. Majority of Norman's Beach Road is a 40m road reserve until it widens to encompass the land adjoining Norman's Inlet. It is envisaged that the proposed road closure would allow the continuation of the 40m road reserve until the end of the constructed gravel road, which terminates at the camp site.
7. Prior to initiating any of the closure actions, the area will need to be surveyed to clearly identify the area that should be contained in the road reserve and the portion that is proposed to be amalgamated into the adjoining Reserve 2031.

#### **GOVERNMENT CONSULTATION**

8. Public utility service providers must be contacted as part of the consultation process and invited to comment on the proposal. The Department of Regional Development and Lands may also refer the proposal to various government agencies for comment.

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

9. 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 not less than 35 days. Notification will also be sent to neighbouring landowners and to relevant public utility service providers. The City will also refer the proposal to any community groups operating in this area, to seek their views.

**STATUTORY IMPLICATIONS**

- 10. Section 41 of the *Land Administration Act 1997* grants the Minister for Lands to reserve Crown Land to the Crown for one or more purposes in the public interest.
- 11. Section 51 of the *Land Administration Act 1997* allows the Minister for Lands to cancel, change the purpose or amend the boundaries of a reserve.
- 12. Section 58 of the *Land Administration Act 1997* allows the local government to request the Minister for Lands to close a road.

**STRATEGIC IMPLICATIONS**

- 13. This item directly relates to the following element from the Albany Insight – Beyond 2020 Corporate Plan:

*“4. Governance.....*

*4.2 Manage our municipal assets to endure they are capable of supporting our growing community.”*

**POLICY IMPLICATIONS**

- 14. There are no policy implications relevant to this item.

**RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
If road closure not obtained, usage of land is inappropriate.	Possible	Moderate – Infrastructure would not be provided for community use.	Medium	To amend land tenure for appropriate usage of reserve for recreation.

**FINANCIAL IMPLICATIONS**

- 15. The closure of portion of the Norman’s Beach Road reserve for amalgamation with the adjoining Betty’s Beach Reserve 2031 could be funded from the 2010/11 land acquisition budget. Those costs are estimated to be in the order of \$7,500, and can be accommodated in the current budget line item. This includes advertising, costs associated with surveying and subdivision / Landgate fees.
- 16. The costs associated with the proposed Norman’s Inlet walk trail upgrading works are not addressed in this report, as this item deals only with the land tenure issues.

**LEGAL IMPLICATIONS**

17. The permanent closure of a portion of Norman’s Beach Rd will address a recommendation in the Council adopted Betty’s Beach Reserve Management Plan, and legitimise the structures currently erected on the road reserve, which include the camp site, and walk trail.

**ALTERNATE OPTIONS**

18. While Council can decide to defer this item and not initiate the land tenure matters at this time, it is a recommendation of the Betty’s Beach Reserve Management Plan which was adopted by Council in March 2010. There is an implication that, through the preparation and adoption of this Plan, the recommendations contained within will be fulfilled at some stage. The request could be deferred to a future date.

**SUMMARY CONCLUSION**

19. The proposed closure of portion of Norman’s Beach Road reserve and amalgamation with the adjoining Betty’s Beach Reserve 2031 will reflect the current recreational use and environmental values of the land. It is considered necessary that appropriate land tenure be put in place to facilitate possible future upgrading works on the Norman’s Inlet camp site and walk trail. Council’s resolution to enact the road closure process and seek amendments to Reserve 2031 is sought to meet the requirements of the *Land Administration Act 1997*.

<b>Consulted References</b>	Land Administration Act 1997 Planning and Development Act 2005
<b>File Number (Name of Ward)</b>	RD.RDC.2 & GR.STL.39 (Kalgan Ward)
<b>Previous References</b>	OCM 16/03/10 Item 15.3.2