

5.5: PUBLIC NOTICE OF CLOSURE OF CLYDESDALE ROAD AT SOUTH COAST HIGHWAY VERSION TWO.

Proponent : Main Roads WA
Owner : City of Albany
Councillor Workstation : Local Structure Plan Lots 1,2 and 3 South Coast Highway, McKail
Link to document:- ICR1130746
Responsible Officer : Acting Executive Director Works and Services (S Jamieson)

IN BRIEF

- The local public notice of closure of a thoroughfare being the southern end of Clydesdale Road at South Coast Highway. The closure has previously been approved by Council as part of the McKail Local Structure Plan.

**ITEM 5.5: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- In accordance with Section 3.50 of the *Local Government Act 1995*, proceed with the local public notice of the closure of Clydesdale Road at its intersection with South Coast Highway;**
- Authorise staff to finalise the closure.**

CEO:

RESPONSIBLE OFFICER:

BACKGROUND

1. As part of the approved subdivision works being undertaken by Department of Housing in McKail, Main Roads Western Australia have conditioned that the access from South Coast Hwy to Clydesdale Road be closed off and a new intersection and access road (Englehart Drive) be constructed.
2. This proposed closure is included in the Local Structure Plan for Lots 1, 2 and 3 South Coast Highway, McKail.
3. This Plan was advertised.
4. The Structure Plan was adopted by Council at the March 2010 Ordinary Council meeting.

DISCUSSION

5. As part of the development of the McKail Structure Plan a traffic study was undertaken. The following comment was made in that study:
“The removal of the existing four-way intersection in South Coast Highway is considered to be a major safety benefit for the highway.”
The results of this study are incorporated into the road layout in the Structure Plan.
6. The closure will turn the existing four way intersection of South Coast Highway, Balston Road, and Clydesdale Road into a three way intersection approximately 150 metres further west. This will improve road safety and traffic flow at the intersection.
7. The newly constructed three way intersection will provide access for traffic to the new subdivision areas around McKail.
8. Some traffic travelling between Pegasus Boulevard and South Coast Highway (east) may decide to use alternative routes, including Boundary Road and Costigan Street rather than Engleheart Drive. Traffic counts will be undertaken on these roads before and following the closure to determine the extent of this.
9. Engleheart Drive will be opened to traffic prior to the works commencing for the closure of Clydesdale Road.
10. Signage will be erected on South Coast Highway and Clydesdale Road directing traffic to use the newly opened Engleheart Drive.
11. Main Roads is able to close access to South Coast Highway from Clydesdale Rd under its own legislation. But because Clydesdale Road is a local road, it is considered that the City should ensure compliance with the *Local Government Act 1995* process of notifying the closure.

GOVERNMENT CONSULTATION

12. Main Roads WA will be sent a copy of the contents of the notice of closure as required by Section 3.50 of the *Local Government Act, 1995*.
13. Notification will be given to other Government agencies that may be affected by the closure including Police, Fire Services, Ambulance Services, Water Corporation, and Western Power.

PUBLIC CONSULTATION / ENGAGEMENT

14. Public consultation occurred as part of the finalisation of the Local Structure Plan for Lots 1, 2 and 3 South Coast Highway McKail.
15. To comply with the specific requirements of the *Local Government Act* on closure of thoroughfares, there will be a 35 day public submission period, advertised in local newspapers.
16. There will be notification to adjoining residents and property owners directly affected by the closure.

STATUTORY IMPLICATIONS

17. Section 3.50 of the Local Government Act, 1995, -

“3.50 Closing certain thoroughfares to vehicles

(1) A local government may close any thoroughfare that it manages for the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.

(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

[(3) repealed]

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to-

(a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission:

(b) give written notice to each person who-

(i) is prescribed for the purposes of this section; or

- (ii) owns land that is prescribed for the purposes of this section; and*
- (c) allow a reasonable time for submissions to be made and consider any submissions made.*
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which the local public notice is given.*
- [(7) repealed]*
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.”*

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

18. 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 ensure they are capable of supporting our growing community.”

POLICY IMPLICATIONS

19. There are no policy implications.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
Clydesdale Rd remains open and the 4 way intersection results in traffic accidents	Possible	Medium	High	Close Clydesdale Rd
A significant amount of traffic uses other local roads to access McKail rather than Engleheart Rd	Possible	Medium	High	Compare traffic counts before and after the closure. Investigate traffic management measures if a problem.

FINANCIAL IMPLICATIONS

21. All costs involved with the closure of the intersection are to be borne by the developer, Department of Housing.

LEGAL IMPLICATIONS

22. The McKail Structure Plan was endorsed by the Western Australian Planning Commission on 17 February 2011.

ALTERNATE OPTIONS

23. Proceed with the local public notice of the closure of Clydesdale Rd.

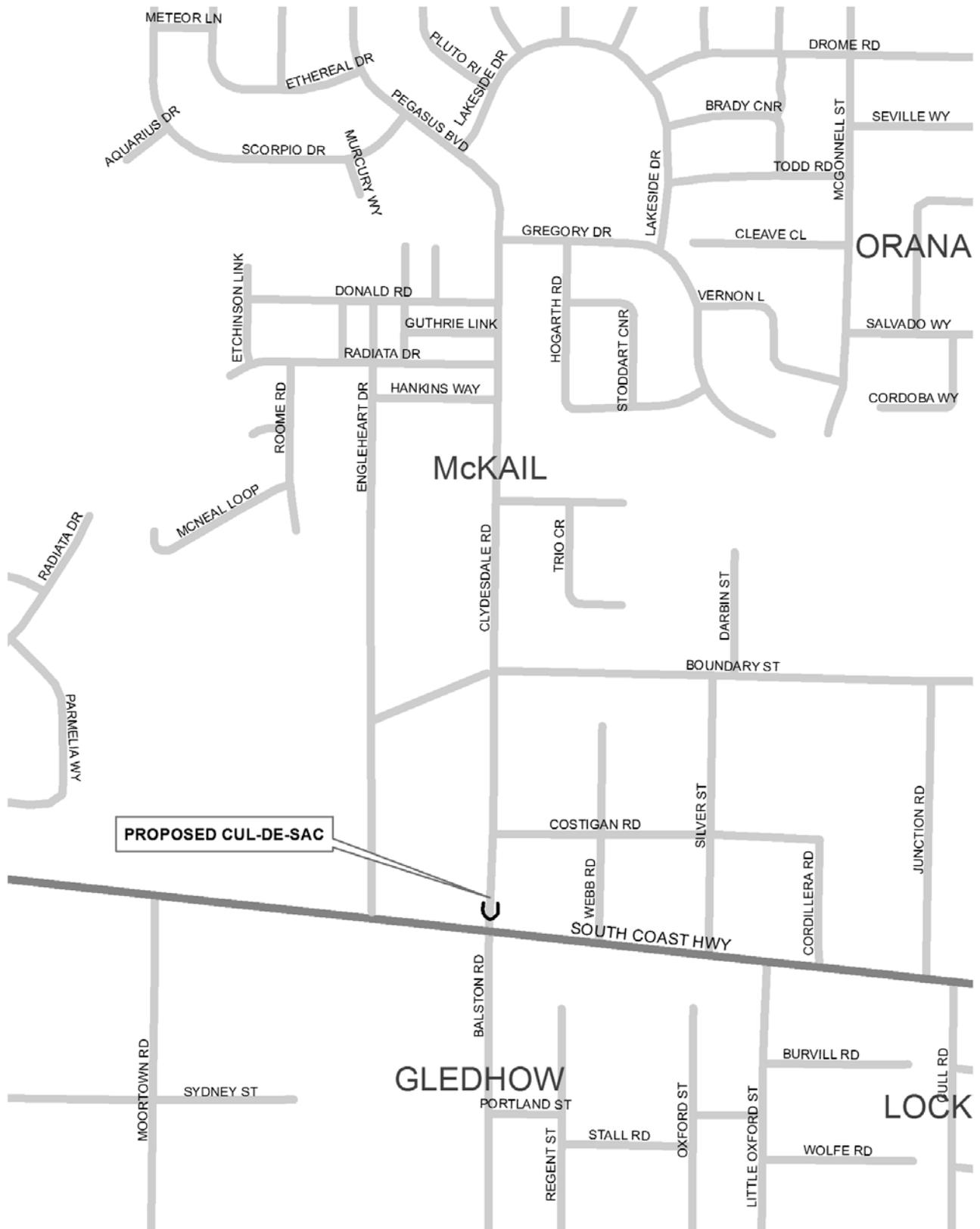
24. Decline to carry out the local public notice of the closure of Clydesdale Road at its intersection with South Coast Highway, and require Main Roads to use its powers to close the road.

SUMMARY CONCLUSION

25. The Council has previously adopted the Local Structure Plan for Lots 1, 2 and 3 South Coast Highway McKail which requires the closure of Clydesdale Road at South Coast Highway and is now required under the *Local Government Act* to proceed with advertising the closure.

File Number (Name of Ward)	ODP012 (All Wards)
Previous Reference	OCM 16/03/10 - Item 13.5.1

ATTACHMENT 1



CLYDESDALE ROAD - PROPOSED CUL-DE-SAC



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