

**5.2: PUBLIC NOTICE OF CLOSURE OF CLYDESDALE ROAD AT SOUTH  
COAST HIGHWAY**

**Proponent** : Main Roads WA  
**Owner** : City of Albany  
**Attachment** : McKail Street Map  
**Responsible Officer** : Chief Executive Officer (F James)

**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 5.2: PROCEDURAL MOTION BY COUNCILLOR DUFTY**

**MOVED: COUNCILLOR DUFTY**  
**SECONDED: COUNCILLOR J BOSTOCK**

**THAT this item lay on the table for a period of two months to allow for further consideration by Council.**

**CARRIED 8-1**

**Record of Vote**

Against the Motion: Councillor Matla

ITEM 5.2: 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; and
- Authorise staff to finalise the closure.

## **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. This Plan was advertised and subsequently adopted by Council at the March 2010 Ordinary Council meeting.
3. At the June 2011 Council meeting, the staff recommendation was:

“THAT Council:

- i. 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;
- ii Authorise staff to finalise the closure.”

Council resolved –

“THAT this Item lay on the table for a period of one month for public consultation”

## **DISCUSSION**

4. 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.
5. In accordance with Council direction, the proposal to close the access from South Coast Hwy to Clydesdale Road was advertised in the local newspaper, with a deadline for comments set at 1 September 2011. Only two submissions were received, one supportive and the other objecting to the proposal.
6. The road 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 should improve road safety and traffic flow at the intersection.
7. 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.

8. The newly constructed three way intersection should also provide access for traffic to the new subdivision areas around McKail.
9. Main Roads is able to close access to South Coast Highway from Clydesdale Rd under its own legislative powers. However, because Clydesdale Road is a local road, the City should ensure compliance with the *Local Government Act 1995* notifying the public of the closure.

#### **GOVERNMENT CONSULTATION**

10. Main Roads WA has been sent a copy of the contents of the notice of closure as required by Section 3.50 of the *Local Government Act, 1995*.
11. Notification has been 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**

12. Public consultation occurred as part of the finalisation of the Local Structure Plan for Lots 1, 2 and 3 South Coast Highway McKail. To comply with the specific requirements of the *Local Government Act* on closure of thoroughfares, a 35 day public submission period was advertised in local newspapers, closing on 1 September 2011.
13. Two submissions were received –
  - a. One supported the proposed closure, and
  - b. One opposed the proposal, preferring the City use improved road signage to control traffic.

#### **STATUTORY IMPLICATIONS**

14. 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]*

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

- (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**

15. This item directly relates to the following elements of the City of Albany Strategic Plan 2011-2021:

***Key Focus Area***

*Lifestyle and Environment*

***Community Priority***

*Road Improvements*

***Proposed Strategies***

*Advocate to Main Roads for improvements to South Coast Highway.*

#### **POLICY IMPLICATIONS**

16. There are no policy implications.

**RISK IDENTIFICATION & MITIGATION**

17. 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>
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**

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

**LEGAL IMPLICATIONS**

19. The McKail Structure Plan which has been adopted by Council, and endorsed by the Western Australian Planning Commission on 17 February 2011, sets the subdivision pattern for the locality. It provides guidance for future subdivisions and ensures they are in accordance with the intentions and objectives approved by Council.
20. The McKail Structure Plan seeks to provide the necessary planning framework for a 40 hectares portion of land bounded by Gregory Road, Clydesdale Road, South Coast Highway and the special residential development contiguous with the western boundary of the subject land.
21. Should the proposed closure of Clydesdale Road not be implemented, then the Council approved land use and infrastructure requirements detailed in the McKail Structure Plan would be compromised.

**ALTERNATE OPTIONS**

22. Decline to close Clydesdale Road at its intersection with South Coast Highway. This will likely cause Main Roads to use its powers to close the road.

**SUMMARY CONCLUSION**

23. 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. Little community objection has been received to this proposed closure.

<b>File Number (Name of Ward)</b>	ODP012 (Kalgan Ward)
<b>Previous Reference</b>	OCM 16/03/10 - Item 13.5.1; OCM 21/06/11 - Item 5.5