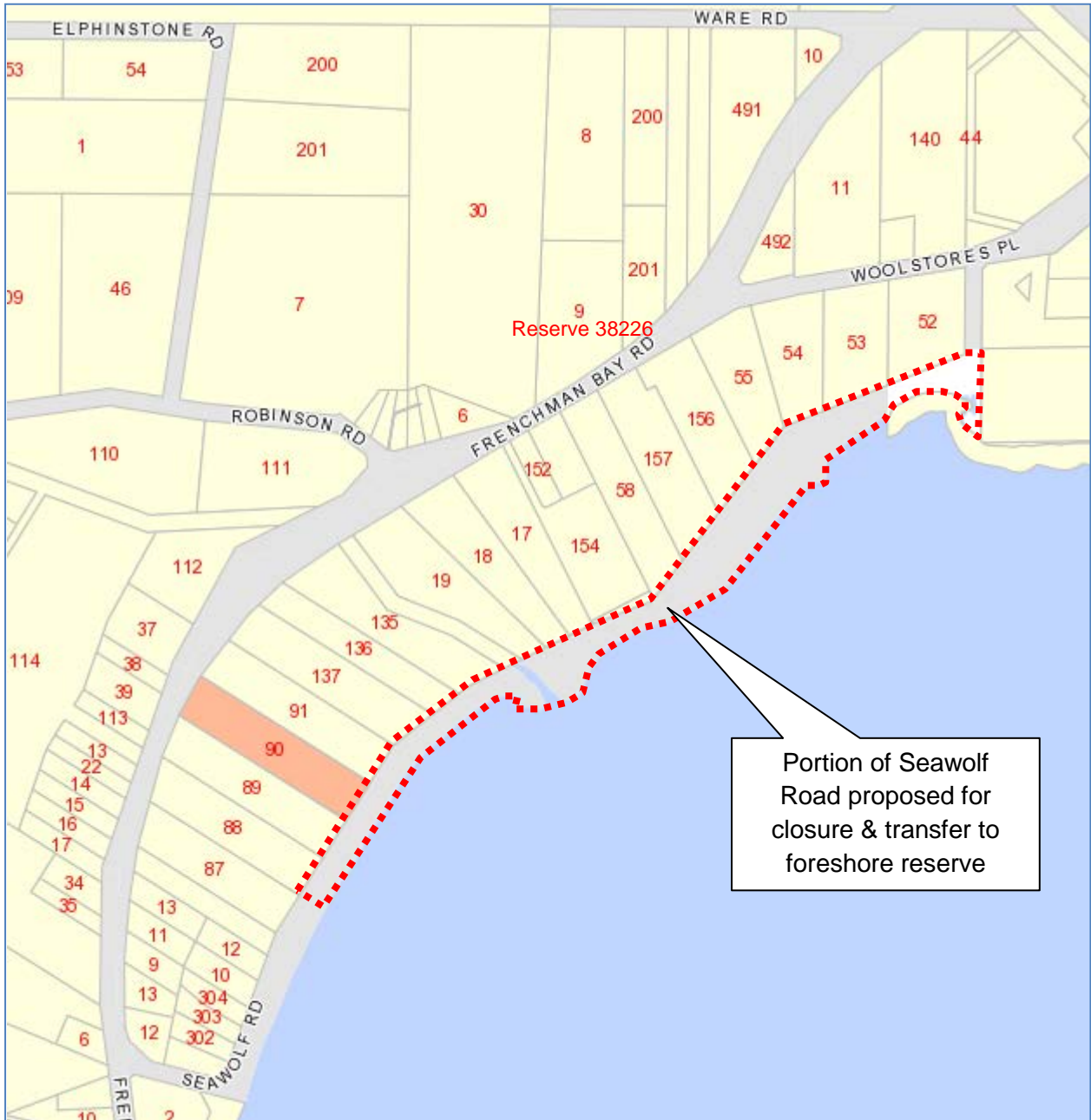


4.9: PROPOSED PERMANENT CLOSURE OF PORTION OF SEAWOLF ROAD TO PERMIT THE CREATION OF A FORESHORE RESERVE

- Land Description** : Seawolf Road, Mt Elphinstone
- Proponent** : City of Albany
- Owner** : State of WA
- Attachments** : Aerial photograph of subject land
- Responsible Officer(s)** : Executive Director Corporate Services (G Adams)

Maps and Diagrams:



Reserve 27068

IN BRIEF

Council is requested to consider the permanent closure of portion of Seawolf Road to allow the creation of a Foreshore Reserve, consistent with land immediately adjoining the King George Sound. This action will facilitate the protection of the environmental and recreational values of the area.

ITEM 4.9: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- i) **SEEKS** the Minister for Lands approval, under section 58 of the *Land Administration Act 1997*, to permanently close portion of Seawolf Road between the southern corner of Lot 88 Frenchman Road, Robinson and western boundary of Lot 1 Woolstores Place, Mt Melville;
- ii) **AUTHORISE** the Chief Executive Officer to forward the road closure request to the Minister for Lands without the need for a further item to Council, should no objections be received during the required advertising period; and
- iii) **SEEKS** the Minister for Lands approval, under Section 41 and 46 of the *Land Administration Act 1997*, for the closed road to be transferred to a Crown Reserve for the designated purpose of “Foreshore Protection & Recreation” and that the management order for this reserve be granted to the City of Albany.

BACKGROUND

1. The City recently considered an application to subdivide a property to create two lots, one with frontage to Frenchman Bay Road and the second with direct frontage to Seawolf Road. In processing this application, concerns were raised about the continued use of the unconstructed section of the Seawolf Road reserve as a means of providing secondary access to those properties with frontage to Frenchman Bay Road.
2. This is an issue that has been raised as a concern on a number of occasions over the years, as it is not considered appropriate to have a road reserve situated immediately adjoining the high water of King George Sound, though historically this has occurred in the City (i.e. Frenchman Bay Road, Chipana Drive etc).
3. It is likely that road reserves directly adjoining significant water bodies, such as Seawolf Road, Frenchman Bay Road and Chipana Drive were created many years ago, prior to the changes that have occurred with respect to environmental protection and the intent to create or secure foreshore reserves to protect sensitive coastal environments.
4. This proposed land tenure change has been discussed across a number of areas within the City (Reserves, Lands and Planning) and all officers are in agreement that a foreshore reserve would be more appropriate in this location and would provide a physical barrier against sea level rise in the future.

DISCUSSION

5. At present, eight properties have direct frontage to and sole access from Seawolf Road. It is not proposed to close this portion of road, so that the freehold land will maintain legal constructed road frontage.
6. The remainder of Seawolf Road is unconstructed. The road reserve contains part of the Bibbulmun track, which is maintained by the City in this part, as previously agreed with the Department for Environment and Conservation.
7. The road reserve proposed to be closed is, for the most part, uncleared and contains good quality remnant vegetation. It is further noted that some sections of this road reserve are subject to inundation and may not be suitable for the construction of a road.
8. Portion of the Seawolf Road reserve is currently zoned as a Reserve for Parks and Recreation under the City's Town Planning Scheme No 1A. Under the draft Local Planning Scheme No 1, the whole of this land is shown as a Reserve for Parks and Recreation. The proposed action to close this road in order to create a foreshore reserve is therefore consistent with the zoning of the land.
9. Should Council support the proposed road closure, no further vehicle access will be supported from the adjoining properties into the (now) Seawolf Road reserve. While this may generate some concerns, it is considered that the protection of the environmental and recreational values of this land should be given a higher priority.
10. The road closure action does involve a public consultation period with direct notification of adjoining owners and if objections are raised, a further item will be presented for Council's consideration.

GOVERNMENT CONSULTATION

11. No public consultation with government agencies has occurred at this point. As part of the road closure advertising requirements specified by the *Land Administration Act 1997*, key government agencies and public utility service providers must be contacted directly and invited to comment on the proposal.

PUBLIC CONSULTATION / ENGAGEMENT

12. 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 of not less than 35 days. Notification will also be sent to nearby landowners, relevant government agencies and public utility service providers.

STATUTORY IMPLICATIONS

13. Section 41 of the *Land Administration Act 1997* grants the Minister for Lands the power to reserve land to the Crown for one or more purposes in the public interest.

14. Section 46 of the Land Administration Act 1997 allows the Minister for Lands to place the care, control and management of a reserve in a person or management body, subject to any conditions the Minister may specify.
15. Section 58 of the *Land Administration Act 1997* allows the local government to request the Minister for Lands to close a road.

STRATEGIC IMPLICATIONS

16. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021)

Key Focus Area

Lifestyle and Environment

Community Priority

Preservation of Albany's uniqueness

Proposed Strategies

Preserve Albany's coastline through its Town Planning Scheme, regulation and monitoring.

POLICY IMPLICATIONS

17. There are no policy implications relevant to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>If the road closure is not supported, the land will remain a road reserve, with the potential development of access points into a sensitive coastal environment.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>To support the road closure request and allow the land to be created as a foreshore reserve.</i>

FINANCIAL IMPLICATIONS

19. There will be costs associated with advertising the road closure, however this is likely to be only \$300 and can be accommodated in the 2012/13 land acquisition budget line item.

20. There may also be costs associated with the creation of a surveyed plan to action this change with Landgate, however this is unlikely to occur in the 2012/13 financial year and an allowance to finalise this job will be included for the 2013/14 budget consideration.
21. The City of Albany currently maintains the Bibbulmun track and associated infrastructure within this section of unconstructed road reserve, which is currently accounted for in the annual Reserves Maintenance budget.

LEGAL IMPLICATIONS

22. There are no legal implications relevant to this item. All actions will be consistent with legislative requirements.

ALTERNATE OPTIONS

23. Council may:
- a. Not support the land tenure change and Seawolf Road will continue as a road reserve;
or
 - b. Support the closure of this road and its creation as a foreshore reserve, which will then be vested with the City.

SUMMARY CONCLUSION

24. While Seawolf Road and other road reserves adjoining King George Sound have been created directly adjoining the high water line, it is not considered that this is the most appropriate use of the land given current day standards for environmental protection. It is recommended that Seawolf Road be closed to allow its creation as a foreshore reserve, which will facilitate the protection of the environmental and recreational values of this land.

Consulted References	:	Land Administration Act 1997
File Number (Name of Ward)	:	RD.RDC.2
Previous Reference	:	No previous references

