

78. Rationalisation and Closure of Road Reserves off Asher Road in Paulls Valley.

(AS-03/GEN, HM-03/GEN) (Planning Services)

Refer Item: Item PS71/99

Applicant: Gray and Lewis

Owner: Department of Conservation and Land Management(CALM)
(State Forest)
Robada Nominees P/L (Private Locations)

Purpose of Report

1. Council is to re-consider the rationalisation of road reserves within the Paulls Valley area to provide improved dedicated access to three privately owned properties.
2. It is proposed that an existing track through the State Forest 54 providing access to Locations 619, Pt 982 and Pt 1722, all under the same ownership, be dedicated and that the un-constructed 'road reserve' (road number 1839), be officially closed (*Attachment 1.*). The land from this closure would be amalgamated into the surrounding State Forest 54.

Background

1. This matter was considered at the June 1999 round of meetings (Item PS71/99) whereby it was resolved to defer consideration of the item pending further investigation of costs associated with possible compensation claims and surveying of the proposed dedicated road reserve and for clarification in respect to the Department of Land Administration (DOLA) being indemnified against any compensation or costs.
2. The above proposal entails the requirement to close an existing dedicated road reserve under Section 58 of the Land Administration Act 1977 (LAA) which is unconstructed and the dedication of a new road reserve through State Forest. The proposed new road reserve follows an existing track.

Comments

1. The road pavement over which the reserve is being created is basically a one lane gravel track which is periodically (3 times a year) graded by Council on a need basis. The owners of Location 619, Pt 982 and Pt 1722 have been looking at the future use of the land and the upgrading of the road will most likely be required at some future date either at the Councils, the developers cost or a shared cost arrangement.
2. In accordance with the LAA requirements and Council's Policy TP 1.15 dealing with 'Road Closures', the proposal to rationalise these roads (ie dedication and closure) was advertised in both the West Australian and local papers.
3. Written notice was provided to service authorities. Comments were also sought from the Department Of Land Administration and the Department of Conservation and Land Management. No objections to the proposal were received.

4. Section 56 of the Land Administration Act, relating to dedication of roads, states that 'the local government is liable' to indemnify the Minister (for Lands) against any claim for compensation in any amount equal to the amount of all costs and expenses reasonably incurred in considering and granting the request.
5. CALM who have management of the subject land have now indicated that they will not lodge a compensation claim in this particular case as the incorporation of the proposed 'closed' road reserve is considered adequate compensation for the land lost for the new road purpose.
6. With regard to survey of the road reserve, costs are estimated to be approximately \$5000. Council would be required to meet these costs. Funds have not been set aside in the 1999/2000 budget for survey work for dedication of the proposed roads. It is recommended that this be listed as an item for consideration in the 2000/2001 budget for Engineering Services. Alternatively, the applicant could pay for the survey costs to progress the dedication of the existing track.
7. DOLA will not progress the dedication of this road until a survey is undertaken. On this basis it is recommended that the matter be deferred pending funding approval in the 2000/01 Council budget or surveying costs being met by the applicant.
8. **The applicant told committee that he would be prepared to contribute the \$5000 for survey costs to expedite the process rather than wait for the 2000/01 budget for allocation of funds. He also spoke to committee on the history of the road and suggested the name Quicke be considered after the original owners of the land.**
9. **Councillors discussed the prefunded money that the applicant was prepared to supply and concern was expressed over landowners paying for public roads and whether the Council would be refunding it at the next budget allocation. Acting/Executive Manager Engineering Services advised that surveying could not be done in house, as the Shire surveyor was not a licensed surveyor.**
10. **Councillors decided that they would like to consider the naming of the road at this stage and therefore added a further point to the recommendation to include this.**

MOVED: (Cr Millar)**SECONDED: (Cr McKechnie)**

RECOMMENDATION PS 78/99

Staff Recommendation: *Endorsed.*
 Amended

That Council resolve that:

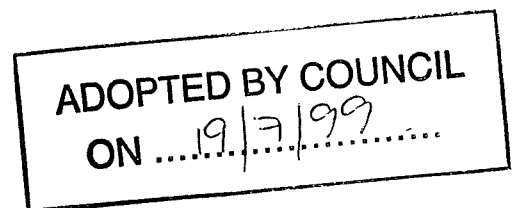
1. **The Minister for Lands be requested to approve the closure of Road Number 1839 extending from Asher Road through to Mundaring Weir as indicated in the attachment.**
2. **The Minister for Lands be requested to approve the dedication of the proposed road reserve from Asher Road to Location 619 as shown in the attachment.**
3. **Council indemnify the Department of Land Administration against any compensation and costs and expenses reasonably incurred as a result of closure of the existing road reserve and dedication of the proposed roads.**
4. Funding approval is granted in the Council budget for approximately \$5,000 for survey costs; or
5. The applicant meets all associated survey costs.
6. **Once the road reserve is surveyed and gazetted that the name Quicke be forwarded to the Geographic Names Committee for consideration.**

FOR MOTION

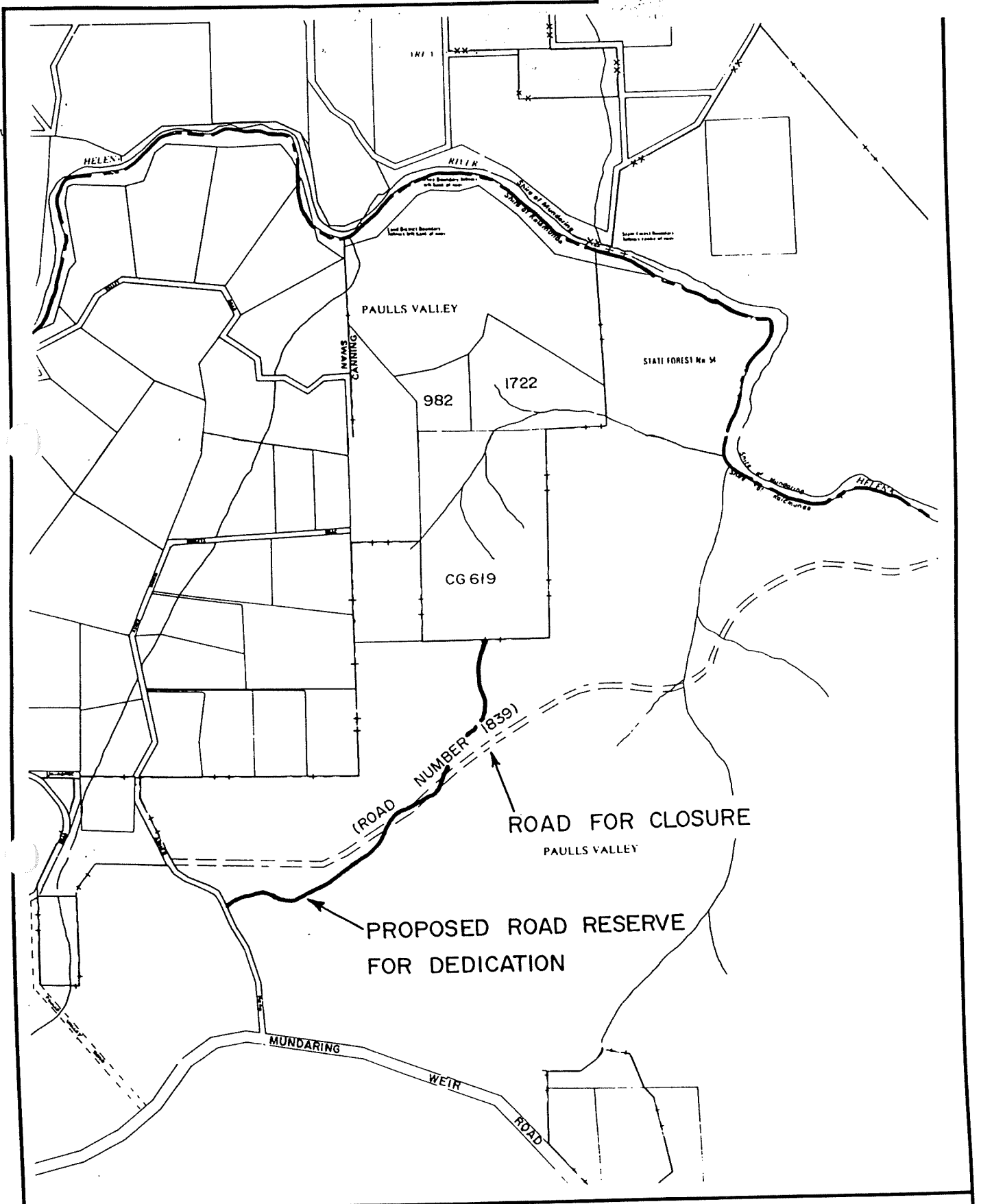
Cr McGrath
 Cr Giardina
 Cr Casey
 Cr Govan
 Cr Sadler
 Cr Stallard
 Cr Millar
 Cr McKechnie

AGAINST MOTION

Cr Everett
 Cr Taylor
 Cr Ronalds

**CARRIED.**

PS Date: 12/7/99



**Rationalisation of Road Reserves
in Paulls Valley**



Scale: Not to Scale
Date: 27.05.99

PLANNING & DEVELOPMENT SERVICES