

<b>ITEM 8.17</b>	<b>SOUTH CREEK ROAD CLOSURE</b>
<b>REPORTING MANAGER</b>	<b>DEPUTY GENERAL MANAGER ENVIRONMENT</b>
<b>TRIM FILE REF</b>	<b>2013/136795</b>
<b>ATTACHMENTS</b>	<b>1 South Creek Road Closure Map</b>

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### EXECUTIVE SUMMARY

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#### PURPOSE

The purpose of this report is to investigate the feasibility and benefits of closing the unmade section of South Creek Road adjacent to Narrabeen Lagoon.

#### SUMMARY

As requested through Mayoral Minute No 5/2013, staff have reviewed the feasibility of applying to close the unmade section of South Creek Road, and concluded that there is a benefit in such an application. This would involve the land zoning being changed from road reserve to Council owned Community Land. This change would help permanently protect the endangered bushland on the site by not allowing any future development of a sealed road within the corridor. It will also protect the accessibility and natural outlook of the multi-use trail being completed around the lagoon.

The application to the Crown Lands Division of NSW Trade and Investment (Crown Lands) would cost approximately \$1,000 in fees and related expenses and incur a moderate level of staff time. If Crown Lands approve the application then a detailed survey of the site will be required which may cost approximately \$35,000 in survey fees.

However, a previous application to close the road was rejected in 2007 due to objections by the adjoining land owner, RSL LifeCare Pty Ltd who have indicated they will object again to any further application to close the road.

Crown Lands recently indicated that there have been some developments in their policy regarding objections to road closures which may increase the chance of success should a new application be submitted.

Council would still be responsible for the care and maintenance of the land including bush regeneration and track maintenance. A number of community representatives are concerned that the land should be protected and have requested this application be made over the past years.

#### FINANCIAL IMPACT

The cost to successfully close the road would be approximately \$1,000 for a government processing fee and advertisements. If the application is approved a further \$35,000 may be needed for a site survey. This would require an increase in the budget for either the 2014/15 or 2015/16 financial year.

#### POLICY IMPACT

Nil

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That staff complete and submit an application to close the unmade section of South Creek Road,

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requesting the land become Council owned Community Land.

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## REPORT

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### BACKGROUND

Council staff have been requested through Mayoral Minute No 5/2013 to investigate the feasibility and benefit of closing the South Creek Road unmade road reserve (DP151292) and advise Council of the outcome.

The unmade section of South Creek Road reserve is located in Narrabeen/Wheeler Heights. The section is sited between South Creek Reserve to the west and the RSL LifeCare War Veterans Retirement Village and one private residential property to the east. The section adjoins Jamieson Park Reserve to the north and James Wheeler Place to the south.

The unmade road contains an important portion of bushland bordering Narrabeen Lagoon which is classified as Swamp Sclerophyll Forest on Coastal Floodplains and Swamp Oak Floodplain Forest, which are listed Endangered Ecological Communities, protected under the *Threatened Species Conservation Act 1995*.

The unmade road also forms an access corridor between the edge of the lagoon's high water mark and private property, helping to link South Creek Reserve to Jamieson Park. Part of the road reserve contains sections of the existing Jamieson Park walking/bike track, which will become part of the Narrabeen Lagoon multi-use trail when it is completed.

Council currently maintains the land through bush regeneration contracts and also maintains the walking/bike track through the reserve.

Previously, Warringah Council applied to the former Department of Lands to have the road closed but due to objections from an adjoining land owner, RSL LifeCare, the application was refused. RSL LifeCare objected due to the potential to change the unmade section into a sealed road for the purpose of creating additional road access to James Wheeler Place for residents and visiting public to the War Veterans Retirement Village.

However, Council has recently been informed that the NSW Government has undertaken policy reforms in regards to the consideration of objections to road closure, particularly where alternate formalised access is available and where impediments exist to future construction.

If the unmade road section is not closed, RSL LifeCare could apply in the future to either purchase it or have it constructed as a sealed road. If this was approved by the Crown Lands Division of NSW Trade and Investment (Crown Lands), it would result in a loss of a portion of important bushland and an important link of the Narrabeen Lagoon multi-use trail. There are however considerable constraints to building this road given the environmental limitations posed by the ecological community and proximity to the lagoon foreshore.

### Feasibility

To close the unmade road, Warringah Council will have to complete and submit an application to Crown Lands.

The application requires details such as road uses, services, vegetation and proposed road use to be completed. Also consultation with adjoining landowners has to be undertaken and letters of agreement regarding the road closure need to be attached with the application. RSL LifeCare have already indicated they will not agree to closing the road and a letter stating this will have to be sent to Crown Lands for consideration.

It is envisaged the application would take a number of months to complete, including detailed consultation with adjoining landowners and limited community consultation.

Once submitted, the application will be reviewed by Crown Lands and based on the information provided and adjoining landowner feedback, a decision on the matter will be communicated to Council. The likelihood of the application succeeding is unknown.

### Options and Benefits

There are two options to be considered regarding this issue. These include the following:

- Apply to close the road with the land vested as Council owned Community Land.  
  
Council can apply to close the road with ownership vested to Council as Community Land for public access, recreation and environmental protection. Council would continue to manage the land as a bushland reserve and would incorporate it into the 'Generic Bushland Plan of Management' at the next scheduled review.
- Do nothing and do not apply to close the road.  
  
Council can do nothing and not submit an application to close the road. This would result in the current unmade road status being retained with Council continuing to maintain the land through bush regeneration contracts and track works.

At present the potential benefits of each option are:

- Benefits of closing the road with the land as Council owned Community Land.  
  
Council would retain the land as Community Land and manage it as a bushland reserve with no threat of a future road being built.  
  
This option is likely to cost approximately \$1,000 in Crown Lands fees and associated costs as well as a moderate level of staff time with the benefits being that Council has full ownership and control of the land. As it is currently considered a bushland asset, it is recommended that the land be protected and maintained in its current condition. If Crown Lands approve closing the road then a detailed survey of the site would be required by NSW Land and Property Information (LPI) for gazettal purposes which may cost \$35,000. If LPI do not require a detailed survey and only a compiled survey of past data then costs may only be approximately \$5000, however this is unlikely to be the case.
- Benefits of doing nothing and not applying to close the road.  
  
Council can decide to not apply to close the road and maintain its current status as it has for the past six years. This would not cost any money and save on staff time. Council would continue to maintain the land through bush regeneration contracts and track works, though the potential for the land being developed as a sealed road in the future still remains. This would remain an issue for some members of the community who wish to protect the land from any possible development. There are a number of environmental constraints which would make the development of a sealed road unlikely however, should this occur then this would have impacts on the local ecology and the Narrabeen Lagoon trail which may need to be modified or incorporated into the road as a footpath.

### CONSULTATION

At present only limited external consultation on this issue has been carried out. RSL LifeCare has been made aware of this report through the Mayoral Minute and has again stated they would object to the road closure should Council proceed with the application.

Should Council proceed with the application for road closure then further detailed community consultation will have to be undertaken with adjoining property owners including RSL LifeCare, as well as with local residents in James Wheeler Place.

This consultation would be run in the early stages of the project and any responses would be attached to the application as required by Crown Lands.

**TIMING**

It is expected that work on the application and community consultation would take a number of months before it was ready for submission to Crown Lands.

**FINANCIAL IMPACT**

The cost to successfully close the road would be approximately \$1,000 for a government processing fee and advertisements. If the application is approved a further \$35,000 may be needed for a site survey. This would require an increase in the budget for either the 2014/15 or 2015/16 financial year.

**POLICY IMPACT**

Nil