



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

11 October 2005

**DSDS4 SUBDIVISION OF LOT 21 DP 615960
MARYS BAY ROAD, EUROKA
FILE: S15-89-59 AJC**

SUMMARY:

Reporting on a condition of a development consent requiring an existing crown road to be upgraded to Council standard and dedicated as public road.

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Applicant: Mr J DeBoer
Subject Property: Lot 21 DP615960 Marys Bay Road, Euroka

Background

Council on the 5th December 1989 issued a conditional development approval for the subdivision of the subject allotment into seven (7) rural residential allotments, including construction of Marys Bay Road which was a Crown Road Reserve.

Council issued a Construction Certificate on the 6 August 1991 to construct that part of Marys Bay Road fronting the lots in the proposed subdivision. The subdivision certificates were issued over a long period of time from the 6 August 1992 to 3 November 1999. This civil work associated with this development was completed on the 3 July 1992.

The section of Marys Bay Road south of Gowings Hill Road was never transferred from the Crown to Council.

Proposal

Condition 3 of the original development consent required the crown road servicing the proposed allotments to be dedicated as public road.

The proposal is to transfer the existing relevant part of the Crown Road to Council, as shown on the sketch attached. [\(Appendix H\)](#) It will become a dedicated public road vested in Council, pursuant to the provisions of Section 151 of the Roads Act 1993.

Council will be required to endorse the application to transfer the Crown Road and where necessary affix its seal to the relevant documents.

There will be no cost to Council involved in the transfer.

REPORT IMPLICATIONS:

- ***Environmental***

There will be no environmental implications.

- ***Social***

There will be no change and this section of Marys Bay Road will continue to provide a social benefit.

- ***Economic (Financial)***

Council currently maintains this section of Marys Bay Road and there will be no cost to Council involved in the transfer.

- ***Policy or Statutory***

Only Council can apply for the transfer under the provisions of the Roads Act 1993.

RECOMMENDATION:

- 1 Council support the transfer process in accordance with condition 3 of the development consent issued on the 5 December 1989.**

- 2 Where required the General Manager/Mayor endorse the application and any associated documents, including affixing of Council's seal.**

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES