

CONFIDENTIAL



REPORT FOR:	Operations Committee		
MEETING DATE:	10 June 2014		
REPORT FROM:	Director – City & Cultural Services		
REPORT TITLE:	Proposal to prohibit traffic on a portion of unmade Public Road adjacent Lake Dempsey to protect habitat and other areas of land under SA Water’s care, control and management		
FILE NAME:	F10/497	RECORD NO:	AR14/15546

COMMUNITY VISION & STRATEGIC PLAN OUTCOMES

3 We Connect

3.2 Walk and work together in unity with our Aboriginal communities.

4 We Care

4.3 Value, protect and enhance the quality of our natural and built environment.

4.5 Our cultural and built heritage is recognised, conserved and promoted as a key contributor to our identity.

5 We Celebrate

5.2 Work with the diverse Aboriginal communities living in and visiting our City to celebrate their contributions and their relationships with land and sea.

PURPOSE

The purpose of this policy is to provide Elected Members with an opportunity to consider SA Water’s proposal to prohibit traffic on a portion of unmade road to ensure Aboriginal Heritage site near Lake Dempsey is protected.

RECOMMENDATION

Operations Committee recommends Council:

1. Resolves, supported by a majority of all members of the Council, to exclude vehicles generally from a portion of unmade road, which is situated to the south of allotments 40 and 41 in Deposited Plan 83948 as described within Certificate of Title Volume 6063, Folio 656.
2. Approves placing highly visible barriers off of Stuart Highway to restrict access along the Railway Corridor and rubble mound or similar material at the base of the access over the Railway Line at the end of the unmade road reserve.
3. Places an advert in the Government Gazette and Transcontinental advising of Council’s resolution to exclude vehicle access along a portion of the unmade public road reserve.
4. A further report be submitted to Council in due course for consideration of permanently closing a portion of the unmade public road reserve.

BACKGROUND

Council was first contacted in February 2013 by SA Water in relation to concerns that they had about 4WD vehicles accessing sandhills adjoining Lake Dempsey which is an area under SA Water's care, control and management for wastewater treatment plant operations.

SA Water expressed concerns that recreational 4WD vehicles were accessing the land under their care and control, subsequently destroying Aboriginal heritage and artefacts which are thousands of years old within the sandhill area, and that SA Water and the Department of Aboriginal Affairs wish to protect this area as a matter of priority.

Discussions took place in relation to options that would be available and SA Water have now put forward a proposal to Council for consideration.

DISCUSSION

SA Water is proposing to erect 2 gates along the unmade road reserve that heads past the treatment plant and up to Lake Dempsey. The first will ensure no access beyond the entrance to the Treatment Plant and the second will be located on the west side of the Railway Corridor. The westernmost gate will prevent easy access for anyone coming down the Railway corridor (Refer Attachment A). A Site Plan has been included as an attachment to ensure Elected Members are able to clearly identify the area involved (Refer Attachment B). The public road is situated south of allotments 40 and 41 in DP 83948 as described within Certificate of Title Volume 6063, Folio 656 (refer Attachment C).

Photos of the subject area (refer Attached D) have been included for Elected Members information. As can be seen from the second photo on Page 9 a fence that had been erected over this unmade road has been pushed over and damaged.

The purpose of the two proposed gates along the unmade road is an option to restrict access and although this may decrease access by 4WDs it is unlikely to stop motor bikes and 4WD vehicles from accessing the area from Stuart Highway, along the track that has been created next to the Whyalla Railway Line.

To support SA Water and Department of Aboriginal Affairs efforts in protecting this significant Aboriginal heritage site, it is also recommended that Council erect highly visible barriers at the start of the tracks off of Stuart Highway and place mounds of rubble or similar acceptable material at the base of the access over the Railway Line at the end of the unmade road.

Signs should also be erected clearly advising that all vehicle access is prohibited.

SA Water have advised that they have spoken with Nutt Bros Nominees who own the land to the south of Lake Dempsey about protecting this area and it is understood that they have no concerns with the proposal to erect the gates. Nutt Bros would be provided a key to the gate. A portion of the road to be access restricted, also adjoins the Eureka Estate (Allotments 40 and 41) and it is SA Water's intention to speak to the owners regarding this proposal. Access will not be restricted to their land as they are able to access their property along the unmade road up to the proposed gate opposite the SA Water Treatment Plant.

It is recommended that Council prohibit traffic along a portion of the unmade public road as identified, and provide additional support by placing barriers off of the Stuart Highway to restrict 4WD and motorbike access along the Railway corridor.

SA Water also propose that the installation of the gates should be seen as a temporary measure only to endeavour to protect the Aboriginal Heritage sites as a matter of priority and that SA Water and Council continue to work together to pursue opportunities for the permanent closure of this road reserve. A further report on the permanent road closure proposal will be forwarded to Council in due course for consideration.

CONFIDENTIALITY PROVISIONS

Council is satisfied that, pursuant to Section 90 (3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would divulge information provided on a confidential basis by SA Water being a Public Authority, as the information concerns the protection of habitat and other areas which have significant value to South Australia and the local community.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because of the risk of habitat and other areas being destroyed by 4 wheel drive vehicles and motorbikes which are accessing the land under SA Water's care, control and management.

That having considered Agenda Item 12.2 in confidence under Section 90(2) and (3)(j) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that Report AR14/15546 be retained in confidence until 31 July 2015 and that this order be reviewed every 12 months.

RISK MANAGEMENT

1: Financial/Budget

It is estimated to place materials to stop access over the Railway Line at the end of the un-named road and barriers off of Stuart Highway that the cost would be in the vicinity of \$1,000 (approx).

2: Legal

Pursuant to Section 359 of the *Local Government Act 1934* Council may by resolution, supported by a majority of all members of the Council, exclude generally from a particular road or part of a particular road or public place.

Subject to the *Road Traffic Act 1961*, Council may erect such barricades or other traffic control devices as are necessary to give effect to a resolution of Council.

Any such resolution must be published in the Government Gazette and in a newspaper circulating in the area, prior to the resolution taking effect.

3: Environment

It has been identified that artefacts within the sandhills adjacent Lake Dempsey are of significant Aboriginal heritage value and protecting such sites is extremely important to our local Aboriginal community. It is an offence to damage or disturb Aboriginal sites, objects and remains, whether or not they are entered in the Register of Aboriginal Objects or not.

4: Community

4.1 General

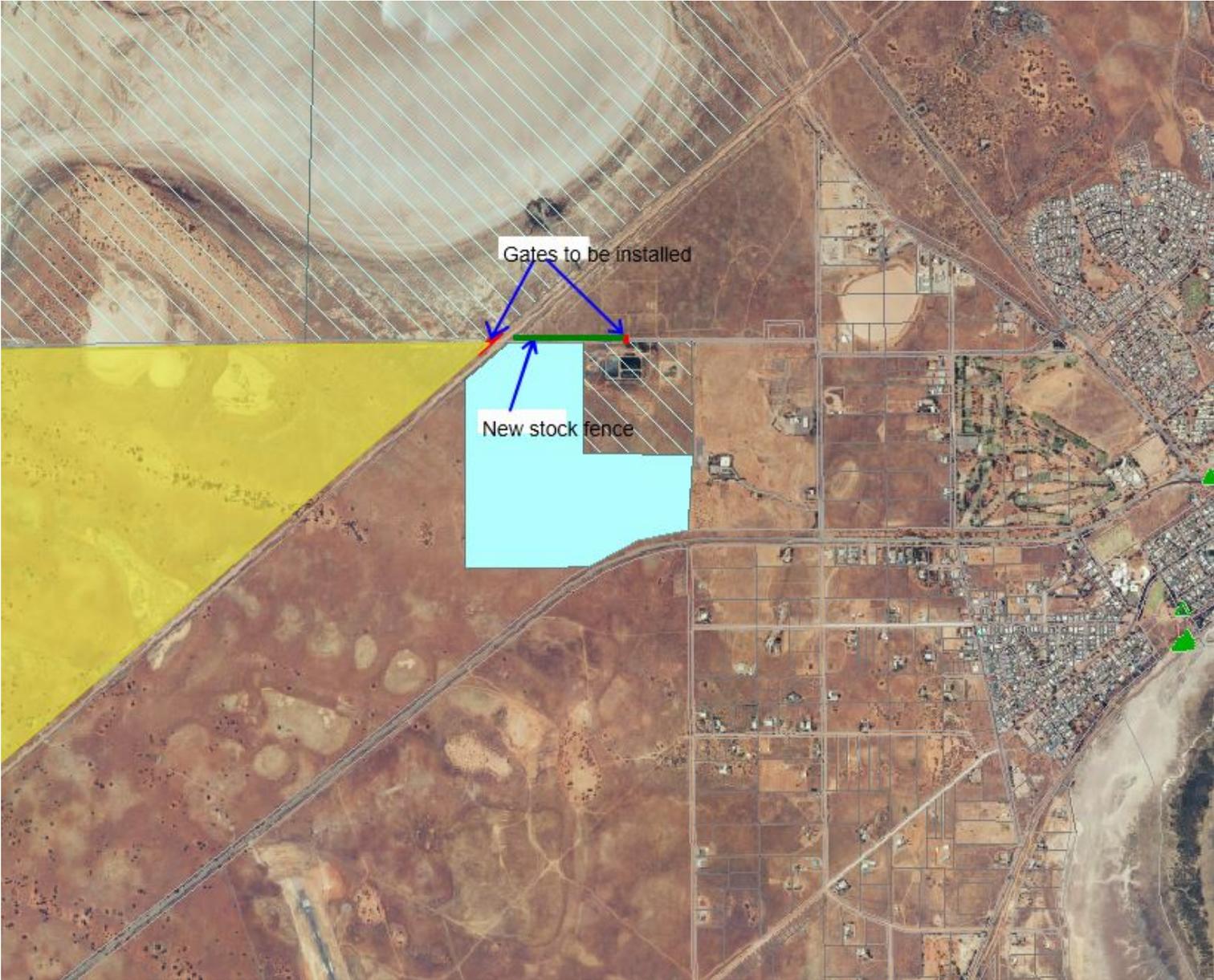
An advertisement will be placed in the Government Gazette and Transcontinental advising of Council resolution to exclude traffic on a portion of this unmade road reserve.

4.2 OPAL Program

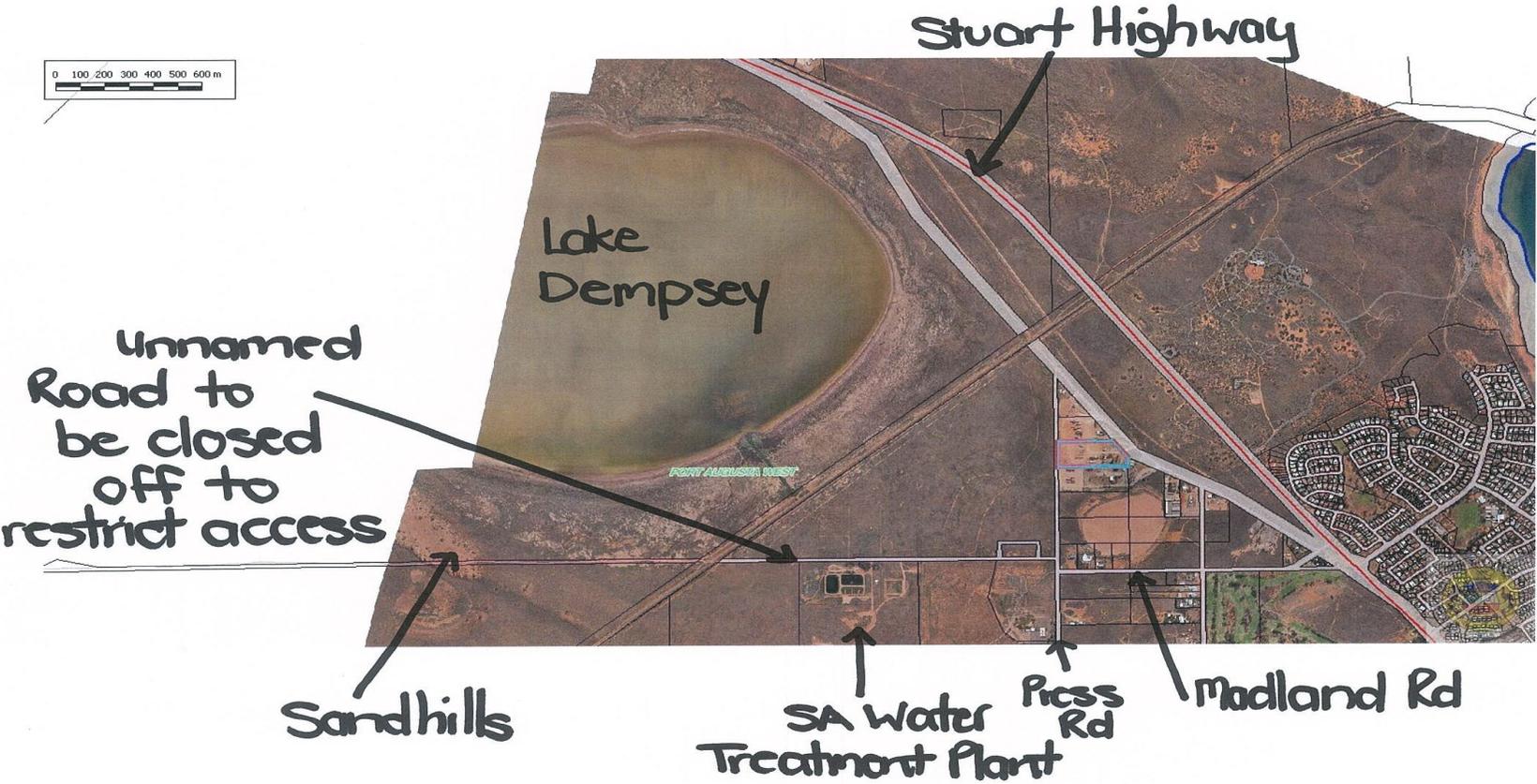
Not applicable.

Lee Heron
02/06/2014

SA Water's proposal to restrict access to the sandhills



Site Plan depicting local roads and land marks for easy identification of area





Title Register Search

LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 6063 FOLIO 656 *

COST : \$18.70 (GST exempt)	PARENT TITLE : CT 5998/445 & OTHERS
REGION : EMAIL	AUTHORITY : RTA 11399098
AGENT : LGD7P BOX NO : 000	DATE OF ISSUE : 24/08/2010
SEARCHED ON : 31/03/2011 AT : 15:33:58	EDITION : 1
CLIENT REF MARLENE	

REGISTERED PROPRIETOR IN FEE SIMPLE

EUREKA INDUSTRIAL ESTATES PTY. LTD. OF LEVEL 24/44 ST.GEORGES TERRACE
PERTH WA 6000

DESCRIPTION OF LAND

ALLOTMENT COMPRISING PIECES 40 AND 41 DEPOSITED PLAN 83948
IN THE AREA NAMED PORT AUGUSTA WEST
HUNDRED OF COPLEY

EASEMENTS

SUBJECT TO THE EASEMENT OVER THE LAND MARKED A TO THE MINISTER FOR
INFRASTRUCTURE (LAND GRANT VOL. 4321 FOLIO 713)

SCHEDULE OF ENDORSEMENTS

11399099 ENCUMBRANCE TO THE CORPORATION OF THE CITY OF PORT AUGUSTA

11399100 MORTGAGE TO INDUSTRY FUNDS MANAGEMENT (NOMINEES 2) PTY. LTD.

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

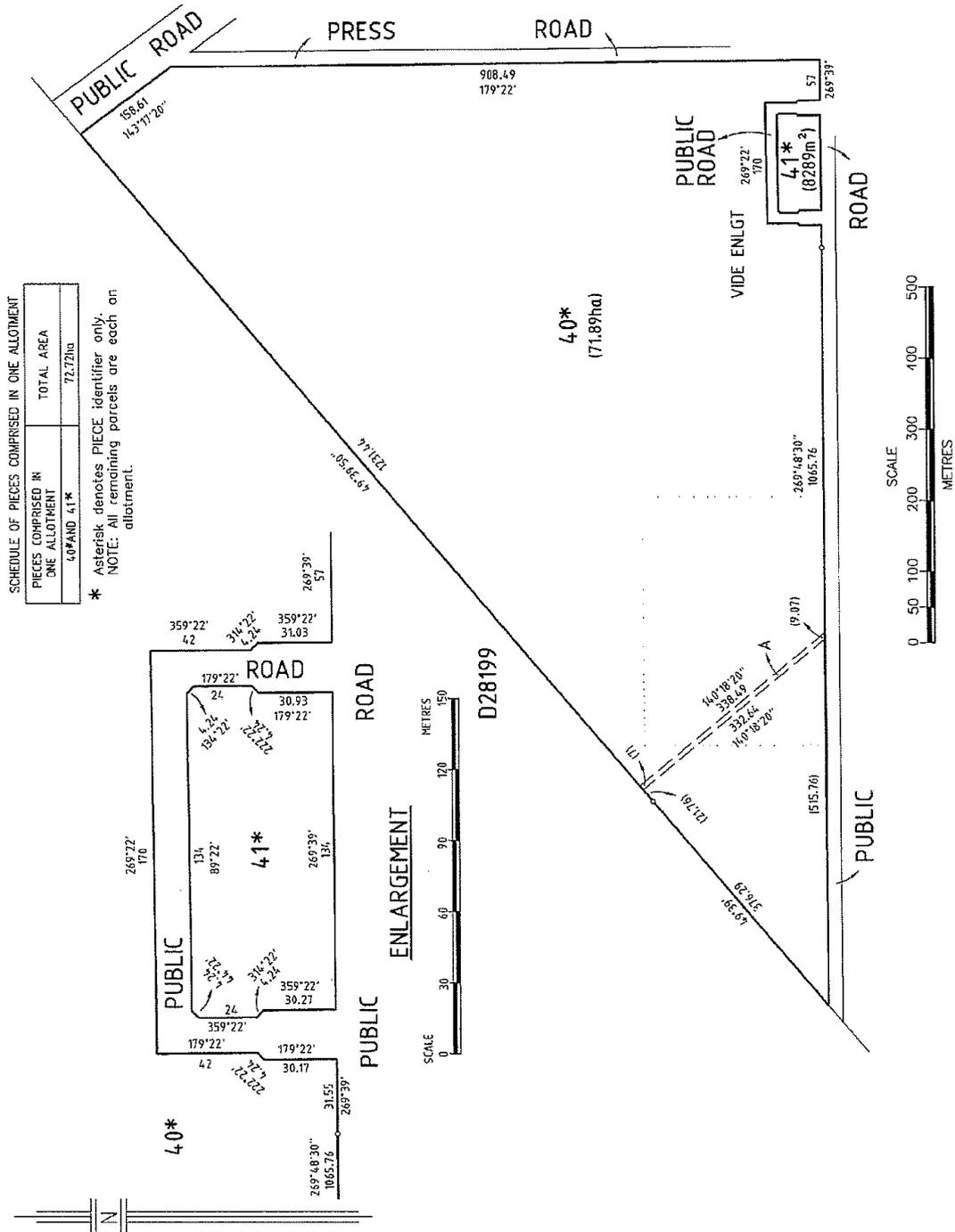
NIL

REGISTRAR-GENERAL'S NOTES

NIL

END OF TEXT.

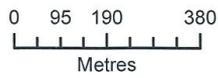
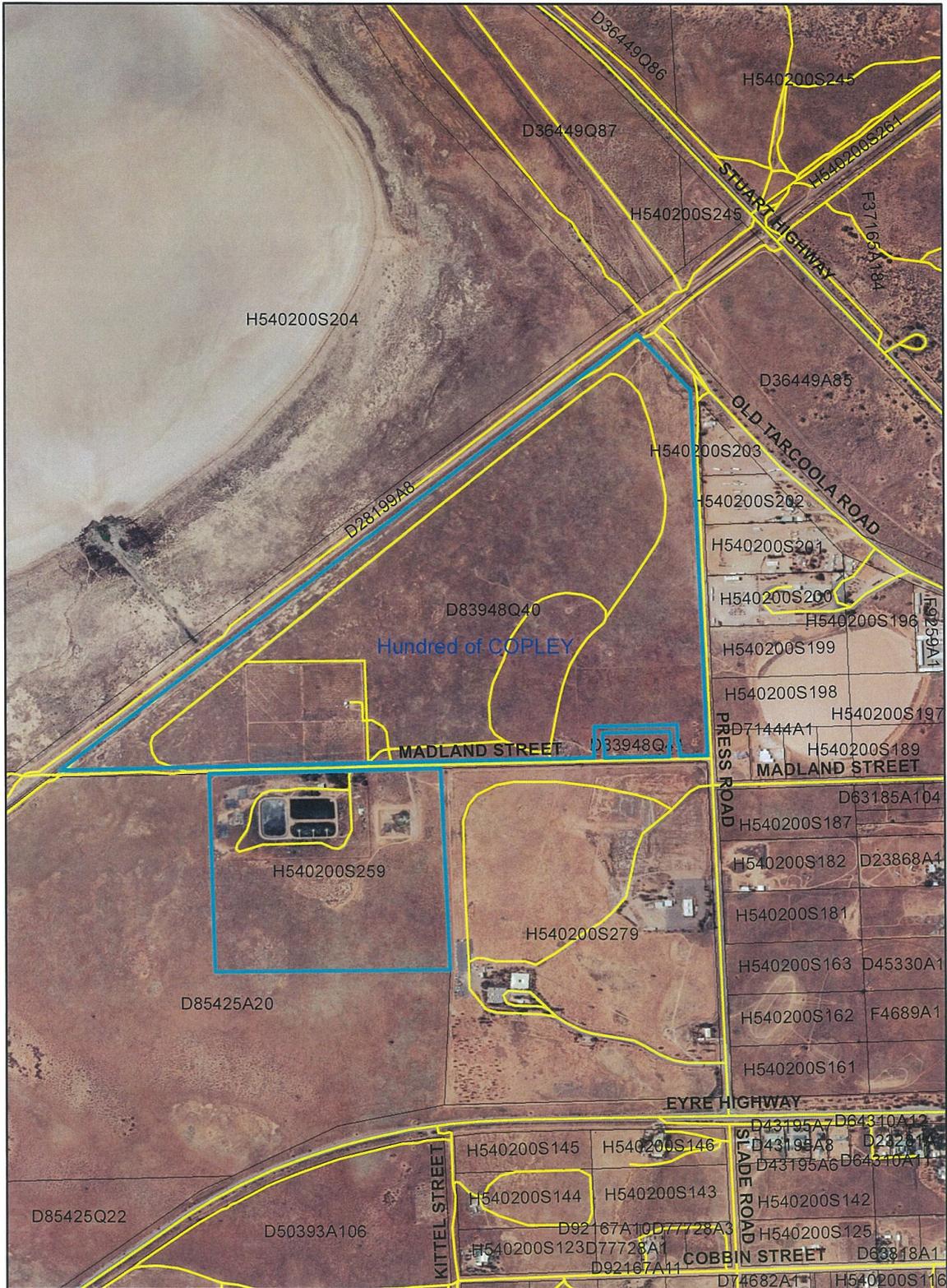
LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA
 DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6063 FOLIO 656
 SEARCH DATE : 31/03/2011 TIME: 15:33:58



SCHEDULE OF PIECES COMPRISED IN ONE ALLOTMENT

PIECES COMPRISED IN ONE ALLOTMENT	TOTAL AREA
4.0* AND 4.1*	72.72ha

* Asterisk denotes PIECE identifier only.
 NOTE: All remaining parcels are each an allotment.



*Unnamed road leading from
Press Street, past the SA
Water Treatment Plant to the
Whyalla Railway Line*



*Unnamed road leading from
Press Street and showing
access over the Railway Line*



*Looking back towards Port
Augusta from the Railway
Line along the unnamed road*



*Looking from the top of the
Railway Line towards the
sandhills and showing the
track created to access the
area*



*Looking back along the
Railway Line towards Stuart
Highway and showing tracks
for access to this area also
from Stuart Highway*



*Standing on Stuart Highway
at the Railway Line overpass
showing an off-road motor
bike heading down along the
Railway Corridor*



*Standing on Stuart Highway
looking towards the sandhills
showing access tracks from
the highway.*



*Again from Stuart Highway
showing access tracks which
have been created on both
sides of the Railway corridor.*



Port Augusta City Council

Prohibition of traffic on Unmade Public Road

Pursuant to the provisions of Section 359 of the *Local Government Act 1934*, Port Augusta City Council at its meeting held on Monday 23 June 2014 resolved to exclude, supported by a majority of all members of the Council, all traffic from a portion of unmade road identified as the public road reserve south of Allotments 40 & 41 in DP 83948 as described within Certificate of Title 6063/656.

G Perkin
CITY MANAGER

SA Government Publishing – Government Gazette Edition 26 June 2014 and Transcontinental Edition Wednesday 2 July 2014