
FOR THE INFORMATION OF ROSEDALE ASSOCIATION INC. MEMBERS

NUNS BEACH PATH

‘The Retreat’ on Cooks Crescent in South Rosedale has been listed for auction on Saturday, 27 June 2015. This presents a potential problem for our community, given that the only access to Nuns Beach from Cooks Crescent is via the path that cuts through The Retreat’s property. The Committee has been working to clarify legal issues surrounding the path and consulting the current owner, the real estate agent and the Eurobodalla Shire Council, in an effort to secure a means of reasonable access to Nuns Beach for the future.

In summary....

- The Corporation of the Society of Missionaries of the Sacred Heart is listed as the current owner of Lots 19, 20, 21 and 22 (“The Retreat”) in Rosedale NSW.
- The path cutting through The Retreat’s land to Nuns Beach has been used by the Rosedale community, and members of the public, for several decades.
- The path, including the wooden bridge, is clearly shown to be on The Retreat’s land on the survey map (*see attached*).
- A right of carriageway (4.57 metres wide) appears on the survey, providing sole access to the owners of Wayushka (the property behind The Retreat) through Lot 22.

So far, the Committee has....

- Obtained a copy of the Sales Contract and survey from the real estate agency.
- Outlined our community’s concerns to the agent and asked that they pass on our thanks to the owner for their generosity in granting access through their property for so long.

- Explored the legal position informally, in the first instance, with some of our RAI member lawyers and then in a meeting with a local solicitor, with considerable experience with the legal and practical issues of cases such as this.
- Confirmed that there is currently no legal right of way for members of the public to access Nuns Beach from Cooks Crescent.
- Confirmed that there is no basis to claim a legal right of way, despite the path having been in use for many years.
- Confirmed that the public has no legal right to gain access via the current private right of carriageway running through Lot 22.

- Established from its own inspections, and with Council, that the costs of constructing any alternative direct access, for example by way of stairs from Cooks Crescent to the beach, would be prohibitive.

- Written to the General Manager of Eurobodalla Shire Council to report the community’s concerns regarding the potential loss of this access point to Nuns Beach and seeking an early meeting with relevant Council staff.
- Met with Council in Rosedale to inspect possible alternative access points and discuss the merits of a public easement to secure access to Nuns Beach from Cooks Crescent.
- Pointed out to Council that we did not want to end up with no reasonable access to beaches to the north or south in Rosedale.

- Written to the current owners of The Retreat via their solicitors and copied to Council.
- Again acknowledged and expressed our appreciation for their generosity in granting permission for public access to Nuns Beach, via their private land over so many years.
- Pointed out that various members of our community, including children, older people and families staying at Fiona Lodge, as well as members of the public have enjoyed this ease of access to Nuns Beach and that many would struggle to get to this beach, if they had to walk around the rocks from main beach.
- Asked them to consider some means of enabling continued access to Nuns Beach via their land and suggesting that this could be accomplished, with minimum inconvenience and cost, through the creation of an easement in gross leading to the public reserve behind their property.

What we will do next....

- Continue to communicate with the current owner and Council, with the aim of securing an easement to allow continued public access from Cooks Crescent to Nuns Beach.
- Make early contact with the new owner on the sale of the property.
- Take account of any feedback from RAI members.

Robin Oldham (Treasurer) and Vicki Smith (Secretary)
18 June 2015

