

6.2. APPLICATION FOR PERMANENT PARTIAL ROAD CLOSURE ADJOINING 55 PANDANUS ROAD COW BAY

REPORT AUTHOR	Helen Coulthard, Property Officer
MANAGER	Sara Roberts, Acting Manager People and Community Services
DEPARTMENT	People and Community Services

RECOMMENDATION

That Council:

1. Delegates authority to the Chief Executive Officer in accordance with s 257 of the *Local Government Act 2009* to:

- a. Advise Department of Resources that Council supports a permanent partial road closure of approximately 55,330m² (subject to a formal survey) currently under the Road Licence formally described as Lot 1 on RP208342 as defined in Attachment 3;**
- b. Execute the Part C – Form LA30 “Statement in relation to an application under the *Land Act 1994* over State land” for this application;**
- c. Endorse the drawing for the partial road closure as shown in Attachment 3; and**
- d. Finalise any and all matters associated with the application.**

EXECUTIVE SUMMARY

Council received a proposal from a consultant, on behalf of the landowner, to permanently close the road adjoining 55 Pandanus Road Cow Bay, formally described as Lot 201 SP105921 currently under Road Lease formally described as Lot 1 RL208342.

Under s 60 of the *Local Government Act 2009* Council manages dedicated roads in the local government area, including construction and maintenance. The road manager (Council) cannot permanently close the road and allocate the land for another use. Council can however the request Department of Resources consider the application under Division 2 of the *Land Act 1994*.

This report seeks Council's support for the road closure application and support for a proposed permanent partial road closure of the Road Licence intersecting and abutting the western boundary of 55 Pandanus Road Cow Bay.

BACKGROUND

Council received a proposal from Aspire Planning, consultants acting on behalf of the landowner, to permanently close the road intersecting and abutting the western boundary of 55 Pandanus Road Cow Bay, formally described as Lot 201 SP105921.

Currently a Road Licence of 6.354 Hectares, used for grazing, intersects and abuts the western boundary of Lot 201 SP105921.

The landowner seeks to permanently close the road occupied under the road licence, continuing to use the area for grazing, with no new structures nor improvements proposed within that road area.

COMMENTS

Council departmental feedback indicated no objections to the permanent road closure application.

Department of Resources feedback indicated part of the road licence Lot 1 on RL208342 (highlighted in purple in Attachment 3) would be considered appropriate to permanently close, for inclusion into the adjoining freehold Lot 201 on SP105921.

The rest of RL208342 would need to remain as road to allow for continued dedicated access to Lot 20 on SP296969 and not sever continuity to a road network.

PROPOSAL

The proposal is for Council to:

1. Delegate authority to the Chief Executive Officer in accordance with s 257 of the *Local Government Act 2009* to:
 - a. Advise Department of Resources that Council supports a permanent partial road closure of approximately 55,330m² (subject to a formal survey) currently under the Road Licence formally described as Lot 1 on RP208342 as defined in Attachment 3;
 - b. Execute the Part C – Form LA30 “Statement in relation to an application under the *Land Act 1994* over State land” for this application;
 - c. Endorse the drawing for the partial road closure as shown in Attachment 3; and
 - d. Finalise any and all matters associated with the application.

FINANCIAL/RESOURCE IMPLICATIONS

The applicant pays all costs associated with the application to the Department of Resources, including purchase price for the road closure area, if approved, to the State Government.

RISK MANAGEMENT IMPLICATIONS

On permanent closure, the temporary road closure under the existing road licence will form part of Lot 201 on SP105921.

SUSTAINABILITY IMPLICATIONS

Economic:

If the Department of Resources approves the permanent partial road closure, a new title will be issued to include approximately 5.5 Hectares and a valuation advice for the new parcel will be issued to Council. A supplementary notice will be issued to the owner for any changes to Rates that might occur.

Environmental: The area of road closure will continue to be used for grazing.

Social: The partial road closure will not impact on the adjoining landowner's access to Lot 20 on SP296969.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

Goal 1 - We will conduct Council business in an open and transparent manner with strong oversight and open reporting.

Operational Plan 2023-2024 Actions:

New project arisen during the financial year.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Custodian Council owns and manages infrastructure, facilities, reserves, resources and natural areas. In fulfilling its role as custodian, Council will be mindful of the community, the economy, the environment, and good governance.

CONSULTATION

Internal: Department managers
Councillor Workshop 13 February 2024

External: Department of Resources
Consultant acting for landowner

COMMUNITY ENGAGEMENT

Department of Resources will assess the application against legislative requirements and seek the views of other stakeholders such as State, regional and local agencies.

Advertising and the views of the adjoining landowner National Park (Department of Environment, Science and Innovation) will be required as part of the application process.

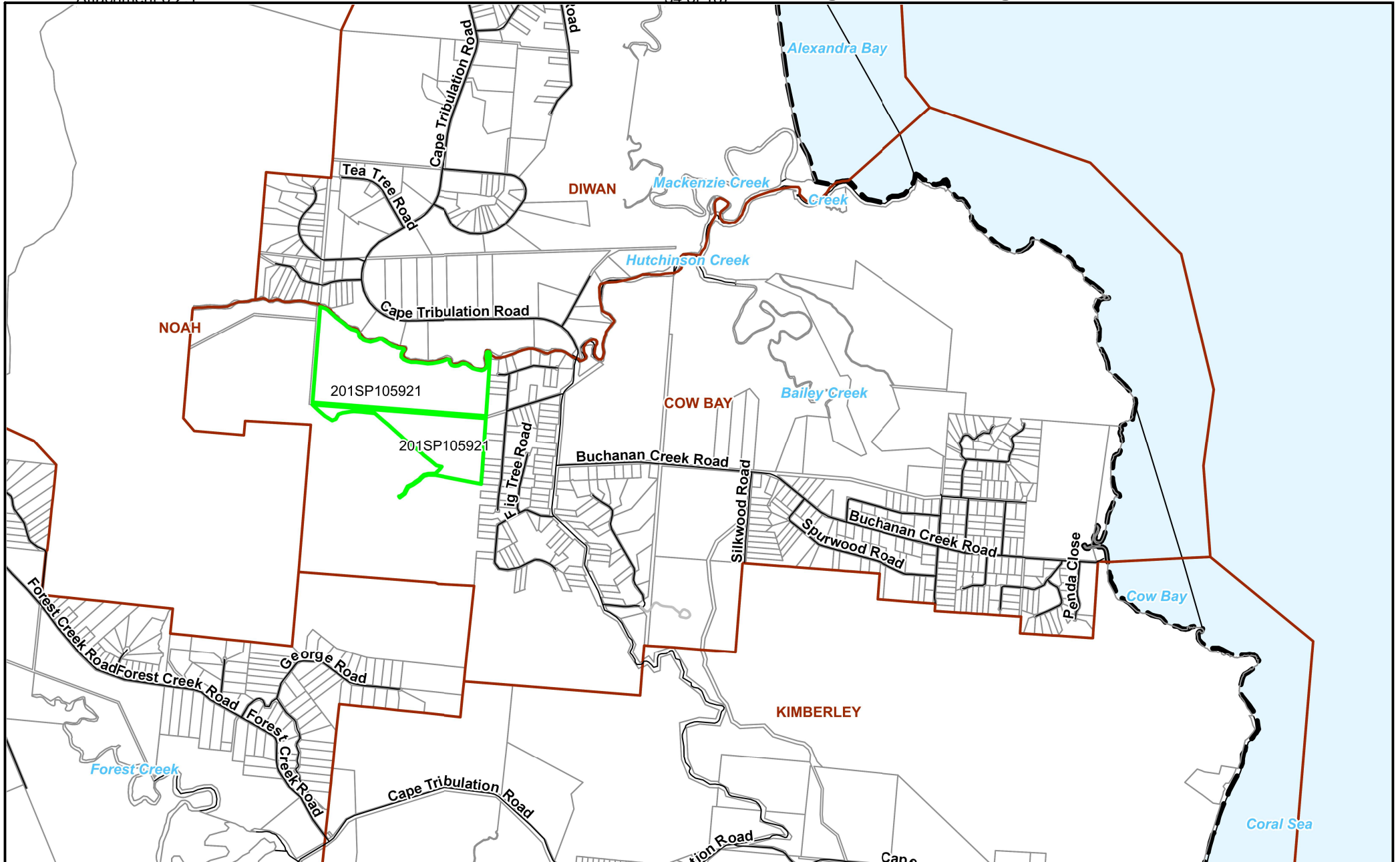
ATTACHMENTS

1. 55 Pandanus Road Cow Bay Locality Map [**6.2.1** - 1 page]
2. 55 Pandanus Road Cow Bay Aerial Map [**6.2.2** - 1 page]
3. Road Licence L 1 R L 208342 - Area proposed for permanent road closure [**6.2.3** - 1 page]

55 Pandanus Road Cow Bay Locality Map

Attachment 6.2.1

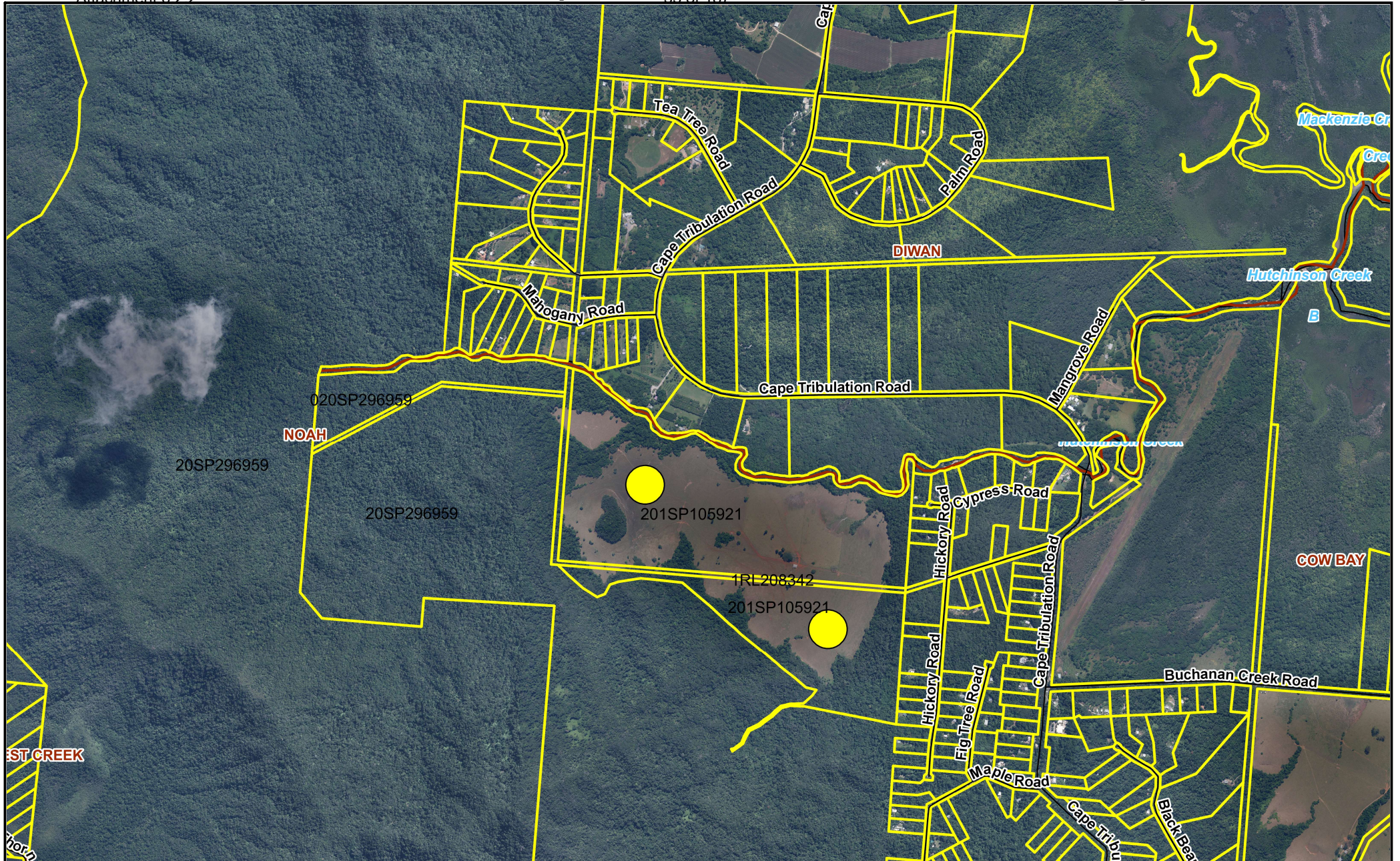
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Attachment 6 2 2

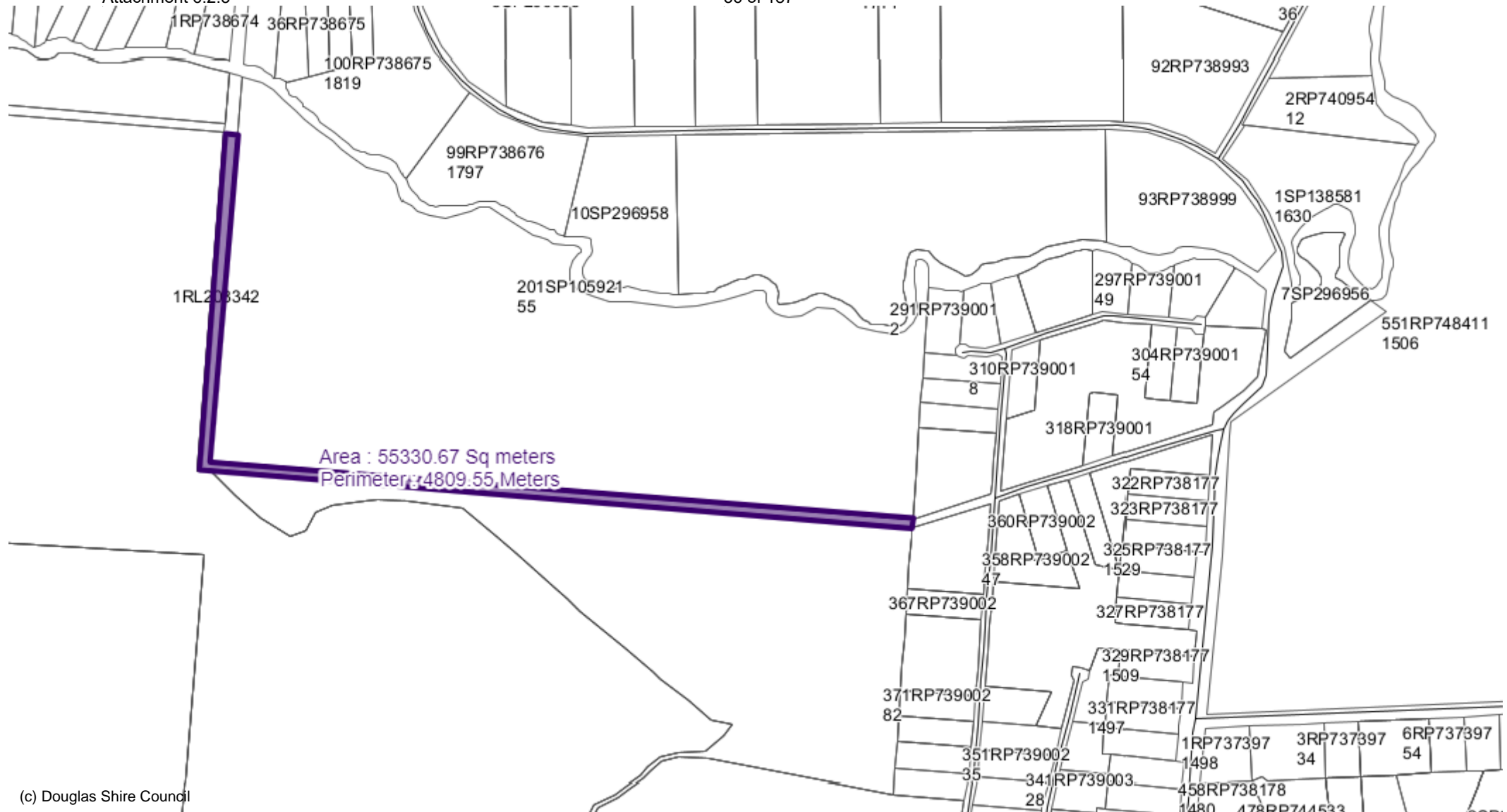
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Road Licence L1RL208342 - Area proposed for permanent road closure

Attachment 6.2.3

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Scale = 1:12152.700

29-January-2024

Ordinary Council Meeting - 27 February 2024



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