

5. AGENDA ITEMS

5.1. APPLICATION FOR PERMANENT ROAD CLOSURE ADJOINING LOT 204 ON SP264765 CAPTAIN COOK HIGHWAY, KILLALOE

REPORT AUTHOR	Property Services
MANAGER	Lisa Golding, Manager People and Community Services
DEPARTMENT	People and Community Services

RECOMMENDATION

That Council:

- 1. Advises the Department of Resources (DOR) that it has no objection to the proposed application for permanent road closure over part of Old Ferry Road adjoining Lot 204 on SP264765 (identified by drawing CNS 21/058) Captain Cook Highway Killaloe, subject to the following condition:**
 - The applicant must provide the necessary easements to accommodate access to the aircraft beacon and stormwater discharge where necessary.**
- 2. Delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise any and all matters associated with the application.**

EXECUTIVE SUMMARY

The Department of Resources (DOR) has requested Council's views with respect to an application for permanent road closure over part of Old Ferry Road adjoining Lot 204 on SP264765 Captain Cook Highway Killaloe.

Internal consultation at Council was undertaken, where it was determined that officers had no objection to the application, subject to a planning condition being met.

Should Council resolve an alternative resolution which objects to the application, details of the grounds for objection must be captured within the resolution.

BACKGROUND

At the Council meeting of 27 April 2021, a recommendation was adopted to allow the CEO to execute a Form Part C and on the same form to select the option to receive further contact from DOR before a decision was made on the application. By Council providing the applicant with an executed Form Part C, Council was not consenting to the application itself, however it was just consenting to allowing the applicant to proceed with lodging a properly made application at DOR.

Consequently, Council has now received a subsequent request from DOR to provide its views and/or requirements with respect to the proposed permanent road closure. If Council offers an objection to the application, a full explanation stating the reason must be provided.

COMMENT

Property officers undertook consultation with all Council departments on the proposed road closure and the comments received are provided below for Council consideration:

- Infrastructure – No issues raised.
- Project Office – No Objection, however Dickson Inlet dredging contractors might also need to access this way for their dredge pipes, so might need access rights as well.
- Water & Waste Water – No assets on this road or future plans for assets on this road, so no objection.
- Environment & Planning – The Planning Department doesn't have any objection to the proposed road closure provided the necessary easements are in place to accommodate access to the aircraft beacon and stormwater discharge where necessary, should the road reserve be closed.
- Finance & Corporate Services – No issues raised.
- Governance – No Issues raised.
- People & Community Services – No issues raised.

Furthermore, it should be noted that the proposed permanent road closure is only over a part of Old Ferry Road. Should the application be successful, a reduced part of Old Ferry Road, with a length of 82.5 meters will remain open (refer attached sketch plan).

In addition, it is confirmed that Council's Planning section has recently approved a reconfiguration of the applicant's lot, which is situated on the north western side of Old Ferry Road. The purpose of this reconfiguration was to open a portion of new road which will enable the construction of a cul-de-sac head approximately 50 metres from the Captain Cook Highway. This cul-de-sac will enable articulated vehicles to turn around if required, which is not currently possible on the existing road.

PROPOSAL

Advice received from DOR indicates that the applicant is seeking to permanently close a part of Old Ferry Road, in order to limit traffic due to biosecurity and security reasons.

The consultant acting on behalf of the applicant has indicated that within the proposed road closure area, it is proposed that a new easement will be created in order to maintain access to the existing aircraft beacon to the north east, currently accessed via this road and existing easements. In addition, Council officers have identified that the Dickson Inlet dredging contractors may also require access along this new easement. As dredging of Dickson Inlet is a State organised and controlled activity, associated easement access requirements will be clarified by the State if deemed necessary.

After consideration of officer comments which were obtained during internal consultation, it is recommended that Council advises DOR that it has no objection to the proposed permanent road closure, subject to the condition contained within the recommendation of this report.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the proposed road closure application are borne by the applicant.

RISK MANAGEMENT IMPLICATIONS

If the proposed permanent road closure is approved by DOR, this would result in loss of access to the road reserve area. This is an acceptable risk, as there is currently no perceived and future use of the subject road reserve by Council. The consultant representing the applicant has indicated that it is intended to create a new easement in the road closure area, in order to maintain access to the aircraft beacon to the north east and possibly also for the Dickson Inlet dredging contractors, if deemed necessary by the State.

SUSTAINABILITY IMPLICATIONS

Economic: Nil

Environmental: Nil

Social: Nil

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.

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: People & Community Services, Infrastructure, Water and Waste Water, Environment and Planning, Project Office, Finance & Corporate Services and Governance

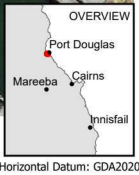
External: Gassman Development Perspectives – Acting on behalf of the applicant

ATTACHMENTS

1. Locality Map - Proposed permanent road closure at Prawn Farm [**5.1.1** - 1 page]
2. Sketch plan - Prawn Farm Road Closure [**5.1.2** - 1 page]

In consideration of the data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data, and must not be utilised for direct marketing.

Attachment 5.1.1



SPATIAL INFORMATION SERVICES NORTH



Office: Cairns
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Road Proposed to be Permanently Closed (A) Abutting Lots 203 & 204 on SP264765

Scale 1:2500
Original size A3

LOCALITY: KILLALOE

LOCAL AUTH: DOUGLAS SHIRE

eLVAS Ref: 2021/001936

Ordinary Council Meeting - 30 November 2021

Date: 06 August 2021

Compiled from: Spatial Cadastre, Sketch on File & Port Douglas 2020 10cm mosaic (ortho)

Notings Ref: 21N323

DRAWING
CNS21/058

Ortho

