

## **5.2. PROPOSED APPLICATION TO PERMANENTLY CLOSE PART OF UNNAMED ROAD ABBUTTING LOT 54 CROWN PLAN NR413**

**REPORT AUTHOR(S):** Robert Donovan, Property Officer  
**GENERAL MANAGER:** Darryl Crees, General Manager Corporate Services  
**DEPARTMENT:** Governance

### **RECOMMENDATION**

**That Council delegates authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to execute a Form Part C as Road Manager, in order to allow an application to be lodged at the Department of Natural Resources & Mines, with respect to permanent closure of part of the road abutting Lot 54 Crown Plan NR413 Killaloe.**

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### **EXECUTIVE SUMMARY**

Due to administrative changes recently introduced by the Department of Natural Resources and Mines (DNRM), it is now a requirement for all applications made under the *Land Act 1994* over State land, that the applicant must first obtain Council's consent as Trustee or Road Manager, indicating that Council has no objections to the application being made.

To help simplify this new administrative requirement, DNRM have created a form which is known as "Statement in Relation to an application under the *Land Act 1994* over State Land Part C" (Form Part C)

By Council providing the applicant with an executed Form Part C, Council is not consenting to the application itself, however is just consenting to allowing the applicant to proceed with lodging a properly made application at DNRM.

### **BACKGROUND**

Previously, all applications made in respect to matters dealt with under the *Land Act 1994*, (i.e. applications for permanent road closure) were made directly with DNRM, after which Council's views on the application were sought, prior to a decision being made in respect to the application.

During November 2015 the settlement of freehold land, Lot 54 Crown Plan NR413 was completed. At that time of the settlement the transfer of Temporary Road Licence, 9/9567 which was issued in 1975 did not occur as it was not noted as an encumbrance on the registered title and as such was overlooked. This is now being addressed by the registered owners. The temporary road licence has only been used for cane growing. The road has never been used for vehicle or pedestrians.



(Above) Locality Plan

The applicant is proposing to permanently close part of an unnamed road abutting Lot 84 Crown Plan NR413 which will be of the same size and area of the now relinquished temporary road licence. The unnamed road has a road width of 20 metres.

### COMMENT

Changes which have recently been introduced by DNRM now require that all applications made under the *Land Act 1994* over State Land, must provide written consent from Council as Trustee or Road Manager, as part of the initial application process.

Once the applicant has received Council's consent by way of the executed Form Part C, the applicant will then be able to lodge a completed application for consideration at DNRM, after which DNRM will then seek Council's views on this matter, in accordance with previous practice.

### PROPOSAL

Council has received a request from the registered land owner of Lot 54 Crown Plan NR413 to provide consent by way of a Form Part C, to enable the applicant to lodge an application to DNRM with respect to permanently closing part of an unnamed road abutting the applicants property.

By Council executing the Form Part C, it should be noted that Council is only consenting to allow the application under the Land Act 1994 to be lodged at DNRM. The intent of the Form Part C does not give Council consent to the proposed actual application.

Therefore in this instance, Council is not consenting to the proposed permanent part road closure itself.

## **FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications associated with this recommendation.

## **RISK MANAGEMENT IMPLICATIONS**

As adoption of this recommendation delegates authority to the CEO to consent to an application of road closure be lodged with DNRM and is not consenting to the road closure itself, there are no risk management implications.

## **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 2014-2019 Initiatives:**

#### **Theme 5 - Governance**

*5.2.1 - Provide Councillors and community with accurate, unbiased and factual reporting to enable accountable and transparent decision-making.*

## **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:

**Facilitator** Bringing people together to develop solutions to problems

## **CONSULTATION**

**External:** Department of Natural Resources and Mines Title Office