

5.4. EXECUTE PART C FOR ROAD CLOSURE APPLICATION - ADJOINING BANABILLA RD, DEGARRA

REPORT AUTHOR(S): Susanna Andrews, 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, as Road Manager, Part C Statement in relation to an application under the *Land Act 1994* over State land, for a proposed road closure of part of the esplanade adjoining land described as Lot 6 on SP123877, located at Banabilla Road, Degarra.

EXECUTIVE SUMMARY

Council is in receipt of a request to execute, as Road Manager, Part C Statement in relation to an application under the *Land Act 1994* over State land for a proposed road closure of part of the esplanade adjoining land described as Lot 6 on SP123877, located at Banabilla Road, Degarra.

BACKGROUND

It is a requirement of the Department of Natural Resources and Mines (DNRM) for all applications made under the *Land Act 1994* over State land that the applicant must first obtain the consent of the Trustee of a Reserve or Road Manager to the application being lodged. Council is the Road Manager for the land the subject of this application.

Council's consent to the application being lodged is provided by executing a "Part C Statement in relation to an application under the Land Act 1994 over State land", which is provided to Council by the applicant along with a copy of the application.

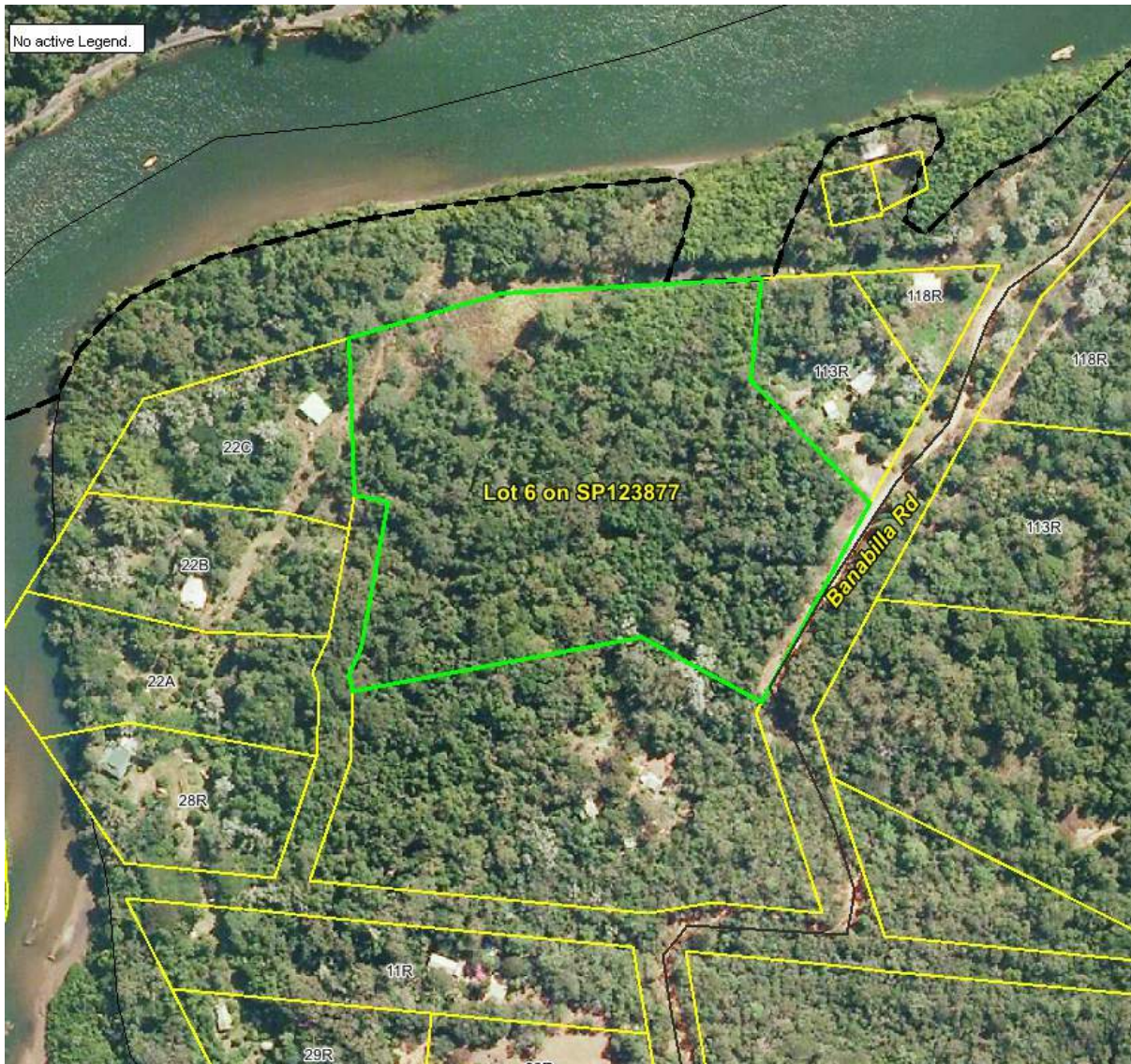
By executing the Part C, Council is stating:

1. it has no objection to the application being lodged and considers authorisation of the use of the land be dealt with under the Land Act by DNRM; and
2. it is aware of any local non-indigenous or indigenous cultural heritage values. (Note – This is completed by searching Council's records and Planning Scheme)

Consent to the application being lodged does not provide Council's consent to the proposal. Council's comment will be sought by the DNRM during the assessment of the application, at which time a further report will be presented to Council for consideration.

The subject application is for the closure of part of the esplanade adjoining Lot 6 on SP123877, located at Banabilla Road, Degarra. A locality plan appears below and a map of the proposed area to be closed is attached.

LOCALITY PLAN



COMMENT

Council officers raise no concerns in regard to the execution of the "Part C Statement in relation to an application under the *Land Act* 1994 over State land", as it merely allows the application to be lodged with the DNRM. Further comment from Council will be sought by the DNRM during the assessment process.

There are no known local non-indigenous or indigenous cultural heritage values.

PROPOSAL

It is proposed that Council executes, as Road Manager, "Part C Statement in relation to an application under the *Land Act* 1994 over State land" for a proposed road closure of part of the esplanade adjoining land described as Lot 6 on SP123877, located at Banabilla Road, Degarra.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications in relation to the matter.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications in relation to the matter.

SUSTAINABILITY IMPLICATIONS

Economic: There are no economic sustainability implications.

Environmental: There are no environmental sustainability implications.

Social: There are no social sustainability implications.

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:

Asset-Owner Meeting the responsibilities associated with owning or being the custodian of assets such as infrastructure.

CONSULTATION

Internal: Nil

External: Nil

ATTACHMENTS

Attachment 1 – Map of proposed area of road to be closed

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PORT DOUGLAS COUNCIL

ATTN: SUSANNA ANDREWS.

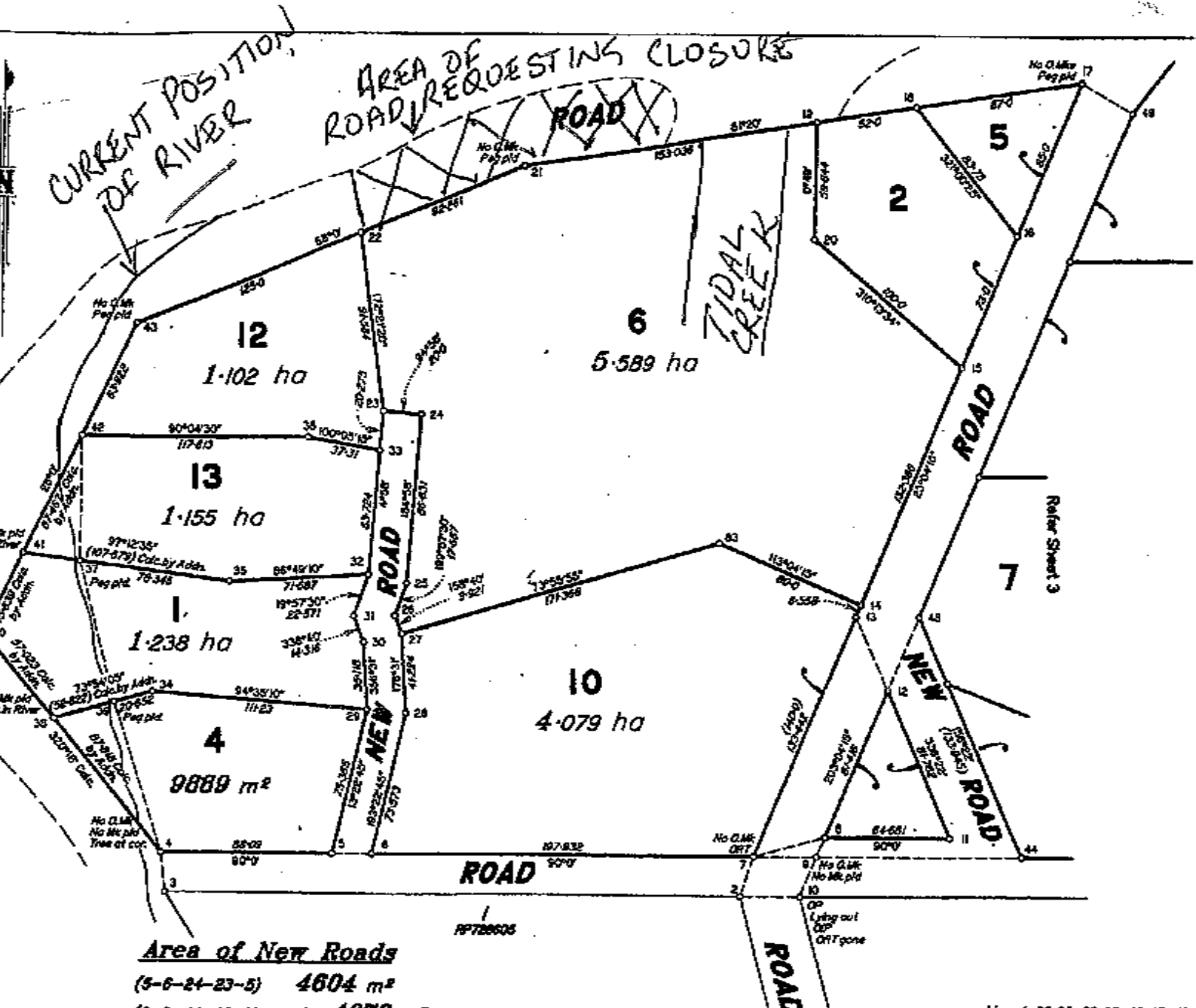
REF: ROAD CLOSURE APPLICATION

COUNCIL DOC REF: 774648

Please find attached map with area for road closure marked with XX

Regards

Janice Fowler.



Scale 1:2000 - Lengths are in Metres.
 40 60 80 100 120 140 160 180 200 220 240 260 280

Peg placed at stations 7, 12, 21, 43.
 Peg placed at all new corners, unless otherwise stated.

Lines 4-38, 38-39, 39-40, 40-41 have not been fully surveyed and future may require these boundaries to be...