

5.5. PROPOSED APPLICATION TO PERMANENTLY CLOSE THE ROAD WHICH DISSECTS LOT 1 ON SP174875, TATI ROAD MIALLO

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DEPARTMENT: Governance

RECOMMENDATION

That Council:

- **resolves to allow an application to be lodged at the Department of Natural Resources & Mines, with respect to permanently closing the road which dissects Lot 1 on SP174875, Tati Road, Miallo; and**
- **delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* finalise any and all matters associated with this application including execution of the Form Part C as Road Manager.**

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 objection 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 it 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 then sought, prior to a decision being made in respect to the application.

Planning Plus has been engaged by the applicant in relation to this matter and advised:

The applicant is requesting to permanently close the road which dissects their property on Lot 1 on SP174875. The road intersects the northern portion of the lot, commencing at the road junction and extending north-westerly to Saltwater Creek. The subject road has not been used for several years, and is not marked or visible.

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 with that office.

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

PROPOSAL

Council has received a request from Planning Plus Pty Ltd to provide consent by way of a Form Part C, to enable them to lodge an application to DNRM with respect to permanently closing the road which dissects Lot 1 on SP174875, Tati Road Miallo.

By Council executing the Form Part C, it should be noted that Council is only consenting to allowing an application under the *Land Act 1994* to be made at DNRM. The intent of the Form Part C does not provide Council's consent to the proposed actual application.

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

FINANCIAL/RESOURCE IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

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:

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

Facilitator Bringing people together to develop solutions to problems

ATTACHMENTS

Attachment 1 - Map Identifying Proposed Road Closure

Proposed Road Closure 1RL4069

