

<p>ORDINARY MEETING</p> <p>7 OCTOBER 2014</p>	<p>5.5</p>
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APPLICATION FOR ROAD CLOSURE, MOSSMAN GORGE ROAD, MOSSMAN GORGE, ADJACENT TO LOT 152 ON SR832, MOSSMAN GORGE RESERVE

Donna Graham, Manager Development and Environment: #429898

RECOMMENDATION:

A. That Council advises the Department of Natural Resources and Mines that it objects to the application for road closure of that part of Mossman Gorge Road shown as stations 147-148-149-150-147 and 8A-151-160-8A on Draft Plan 267816, (adjacent to 1505 (R81 Solander) described as Lot 152 Crown Plan SR832) on the following grounds:

- (i) The area the subject of the application is required for road purposes. Mossman Gorge Road is the sole access for pedestrian and vehicular traffic to Mossman Gorge. Mossman Gorge is a key tourist destination for the Douglas Shire receiving over 300,000 visitors annually. The road closure proposal would reduce the width of the road reserve by approximately 75% (from approx. 40m to approx. 10m) in the affected areas which would severely adversely impact on Council's ability to manage its road.
- (ii) The trunk water intake main servicing the Douglas Shire is located within or immediately adjacent to the area of the proposed road closure. The road closure proposal presents unacceptable risks to the security of Council's critical trunk infrastructure assets and would fetter Council's ability to access and maintain these assets. Any interference to this main could compromise the entire reticulated water supply for the Shire.
- (iii) The findings of a recent Coronial investigation into a drowning at Mossman Gorge included a recommendation that the safety of the Mossman Gorge Road be investigated. The proposed road closure may adversely impact on the ability of Council and other stakeholders to undertake that investigation and action any findings.

B. That Council delegates authority to the Mayor and Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise any and all matters associated with the application.

EXECUTIVE SUMMARY:

The Department of Natural Resources and Mines (DNRM) has requested Council's comments on a proposed permanent road closure being part of the Mossman Gorge Road at Mossman Gorge. The road closure is adjacent to Lot 152 on CP SR832, being particularly described as Stations 147-148-149-150-147 and 8A-151-160-8A shown on Draft Plan 267816. A copy of the application is included in Attachment 1.

A separate application to reconfigure the neighbouring freehold land has been lodged with Council under the *Sustainable Planning Act* 2009. A separate request has been lodged with the Department of Natural Resources and Mines for road opening and a change of Description over Lot 152 on SR832.

The application if approved would have serious adverse implications for Council as detailed in the recommendation.

BACKGROUND:

The Department of Natural Resources and Mines (DNRM) has requested Council’s comments on a proposed permanent road closure being part of the Mossman Gorge Road at Mossman Gorge. The road closure is adjacent to Lot 152 on CP SR832, being particularly described as Stations 147-148-149-150-147 and 8A-151-160-8A shown on Draft Plan 267816.

The application forms part of a suite of applications lodged to change the tenure arrangements relating to the Mossman Gorge Community.

PROPOSAL:

The application seeks to permanently close an area of 2638m2 currently contained within the road reserve for Mossman Gorge Road.

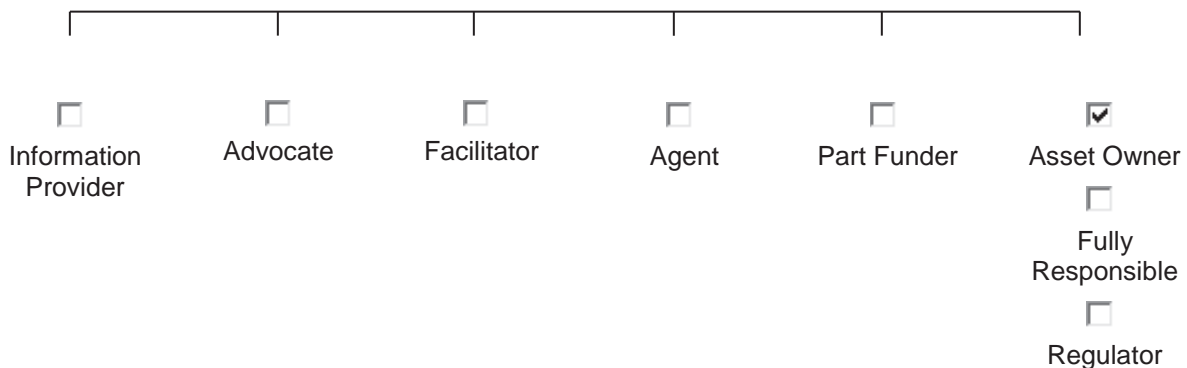
CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:

Theme 5 Governance. While no goal is specifically linked to this recommendation the provision and preservation of key water and road infrastructure is fundamental to Council’s functions.

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 area outlines 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.

Council is the asset owner of the potentially impacted infrastructure.

FINANCIAL/RESOURCE IMPLICATIONS:

Council is liable for the maintenance of the all infrastructure over the roads including drainage, water and sewer. A significant water main lies in the proposed road closure area.

RISK MANAGEMENT IMPLICATIONS:

The road closure if approved has significant adverse implications for Council as already outlined.

SUSTAINABILITY IMPLICATIONS:

ECONOMIC: Risk of damage to Council critical infrastructure and interference with traffic to the Mossman Gorge.

ENVIRONMENTAL: N/A

SOCIAL: Risk to Shire's water supply.

INTERNAL/EXTERNAL CONSULTATION:

Consultation has been undertaken with internal water and road asset owners. Council has not conducted external consultation. The application is required to be publicly notified by the applicant.

ATTACHMENTS:

Application to Department of Natural Resources and Mines for Road Closure

Attachment – Department of Natural Resources and Mines Request

Author Leisa Kimpton
 File / Ref number 2014/004953
 Directorate / Unit State Land Asset Management
 Phone (07) 4222 5427

DOUGLAS SHIRE COUNCIL	
File Name	Rd/Closures/Perm
Document No	
25 AUG 2014	
Attention	MH
Information	



Queensland
Government

Department of
Natural Resources and Mines

22 August 2014

Douglas Shire Council
 PO Box 723
 Mossman QLD 4873

Dear Sir / Madam

APPLICATION FOR PERMANENT ROAD CLOSURE OF THAT PART OF MOSSMAN GORGE ROAD SHOWN AS STATIONS 147-148-149-150-147 AND 8A-151-160-8A ON DRAFT PLAN 267816.

Please find enclosed a copy of the Notice published in the Government Gazette of 22 August 2014 relative to the above application.

You are requested to display the notice at your office for the purpose of being viewed by the public in terms of Section 100 of the *Land Act 1994*. Your views and/or requirements are also requested in respect of the application.

The applicant advises that the proposed use of the subject area, if the road closure is approved would be to rationalize existing permanent structures encroaching onto the road. Should the application be successful, the subject area will be permanently closed for inclusion into the adjacent reserve described as Lot 152 on SR832.

Please advise the Department of your views or requirements, including any local non-indigenous cultural heritage that the department should consider when assessing this application.

Objections to the application, and any views or requirements that may affect the future use of the land should be received by close of business on **22 September 2014**. If you offer an objection to the application, a full explanation stating the reason for such an objection should be forwarded to this Office.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. If a response is not received by the due date and no alternative arrangements have been made, it will be assumed you have no objections or requirements in relation to this matter.

This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person,

Postal :
 DNRM Cairns
 PO Box 5318
 Townsville
 4810 QLD

Telephone : (07) 4222 5427
 Fax: (07) 4799 7533

company, or organisation, without the express written permission of the department unless required.

Any objections received may be viewed by other parties interested in the proposed road closure in accordance with the provisions of the *Right to Information Act 2009*.

If you wish to discuss this matter please contact the department on (07) 4222 5417.

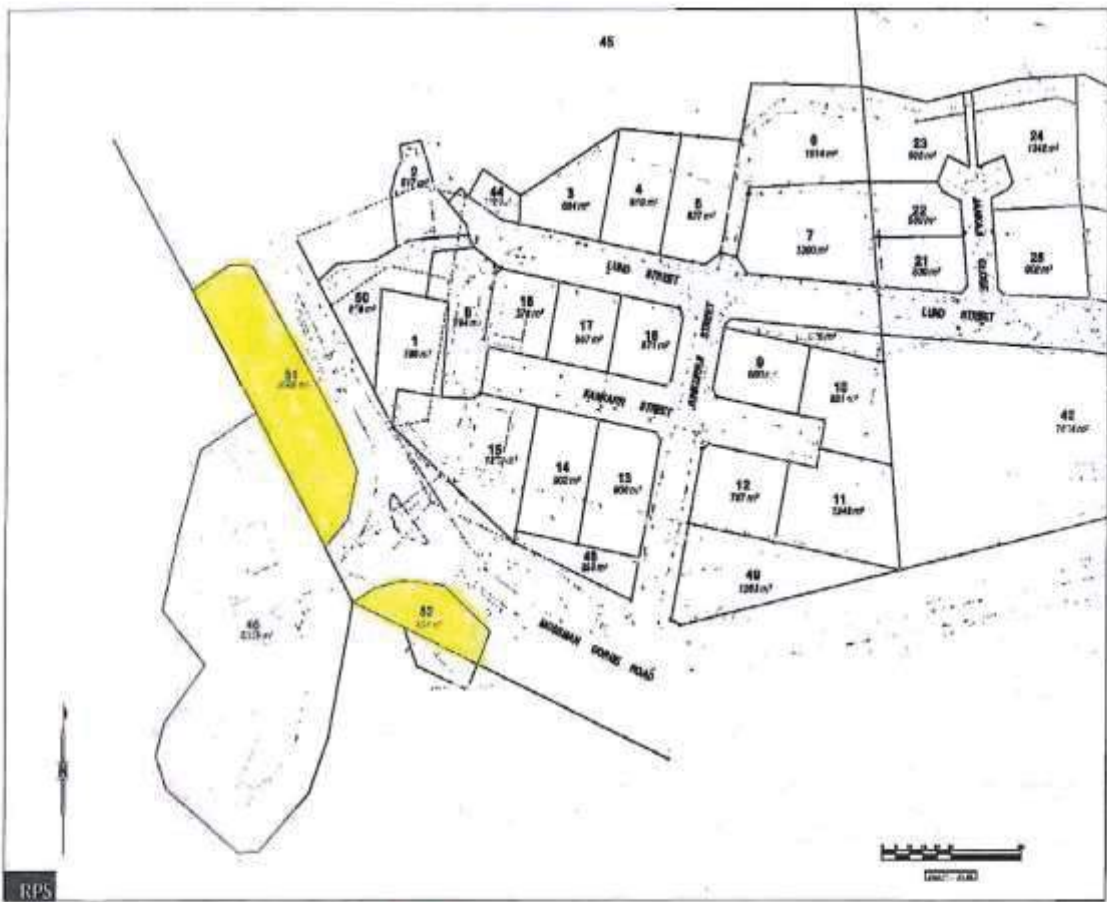
All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Townsville.SLAMS@dnrm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2014/004953 in any future correspondence.

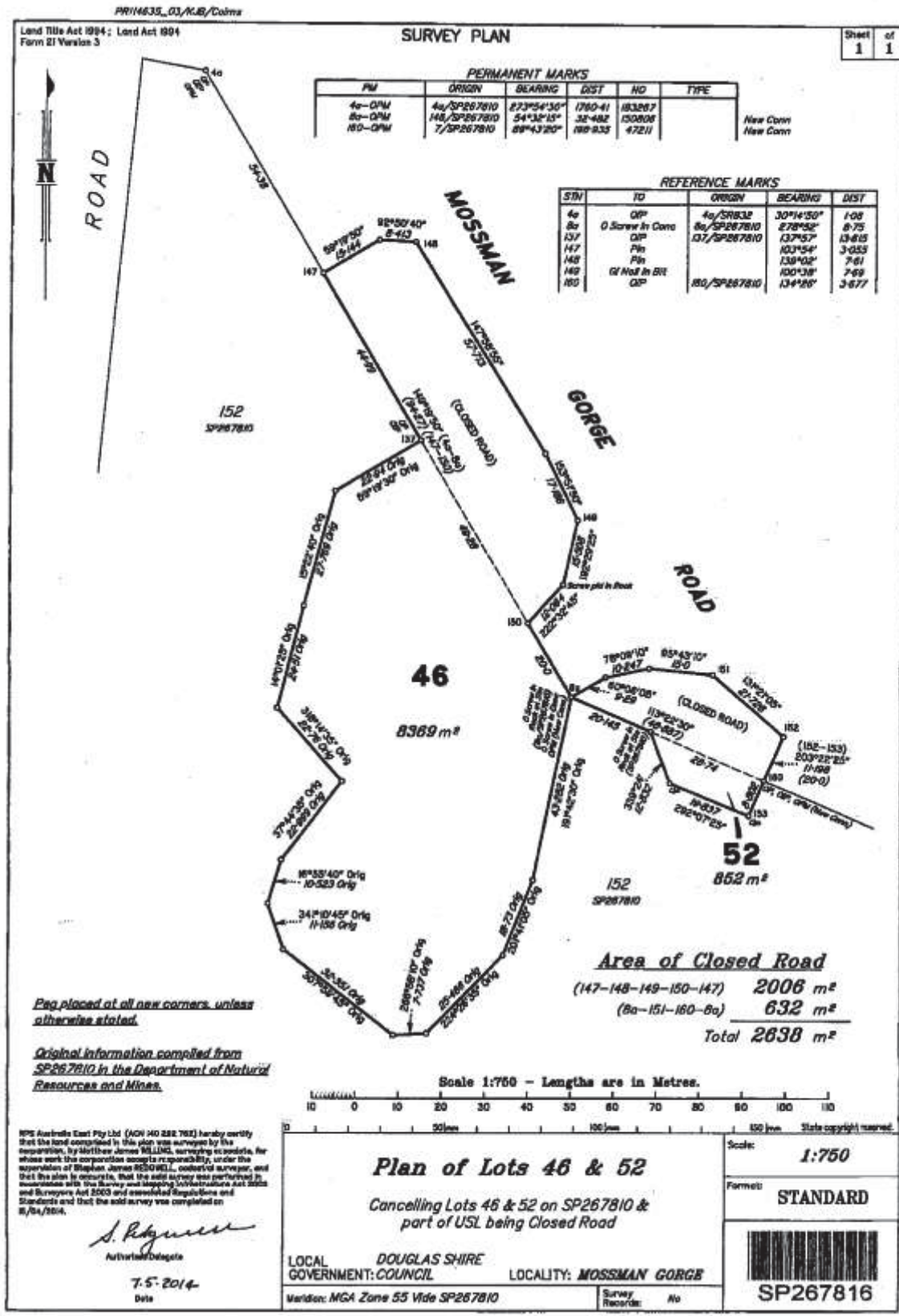
Yours sincerely


Leisa Kimpton
A/ Land Officer





Area 51 + 52 - PRC.
Erection met issues



*Land Act 1994***OBJECTIONS TO PROPOSED ROAD CLOSURE NOTICE
(No 33) 2014****Short title**

1. This notice may be cited as the *Objections to Proposed Road Closure Notice (No 33) 2014*.

Application for road closure [s.100 of the Act]

2. Applications have been made for the permanent and temporary closure of the roads mentioned in the Schedule.

Objections

3.(1) An objection (in writing) to a proposed road closure mentioned in the Schedule may be lodged with the Executive Director, Department of Natural Resources and Mines, at the regional office for the region in which the road is situated.

(2) Latest day for lodgement of objections is **2 October 2014**.

(3) Any objections received may be viewed by other parties interested in the proposed road closure under the provisions of the *Right to Information Act 2009*. If you lodge an objection, please include in your objection letter whether you would like to be consulted if this issue becomes the subject of an access request under the *Right to Information Act 2009*.

Plans

4. Inspection of the plans of the proposed road closures may be made at-

- (a) the Department of Natural Resources and Mines Offices at Cairns, Gympie and Nambour; and
- (b) the Local Government Offices of Douglas Shire, Western Downs Regional and Sunshine Coast Regional;

for a particular plan in that district or that local government area.

SCHEDULE**PERMANENT CLOSURE****North Region, Cairns Office**

1 Areas totalling 2638 m2 contained within stations 147-148-149-150-147 and 8a-151-160-8a (parish of Victory, locality of Mossman Gorge) and shown as area of closed road on DP267816. (2014/004953)

South Region, Gympie Office

2 An area of about 19.1 ha abutting the western and northern boundary of Lot 3 on DY117 and an area of about 4.95 ha abutting the western boundary of Lot 8 on DY117 (parishes of Malara and Montrose, localities of Kogan and Montrose) and shown as parts A and B, road proposed to be permanently closed on Drawing 14/157. (2014/003797 and 2014/004015)

South Region, Nambour Office

*3 An area of about 1.01 ha being part of Solar Road intersecting Lot 7 on SP175047 (parish of Tewantin, locality of Eumundi) and shown as road proposed to be permanently closed on Drawing 14/164. (2014/005057)

TEMPORARY CLOSURE**South Region, Nambour Office**

4 An area of about 5955 m2 being part of Bunney Road abutting the north eastern boundary of Lot 8 on RP175210 and the northern boundary of Lot 10 on SP249340 (parish of Bribie, locality of Beerwah) and shown as road proposed to be temporarily closed on Drawing 14/163. (2014/005039)

*The proposed closure of this road is in conjunction with the proposed opening of another road.

ENDNOTES

1. Published in the Gazette on 22 August 2014.
2. Not required to be laid before the Legislative Assembly.
3. The administering agency is the Department of Natural Resources and Mines.

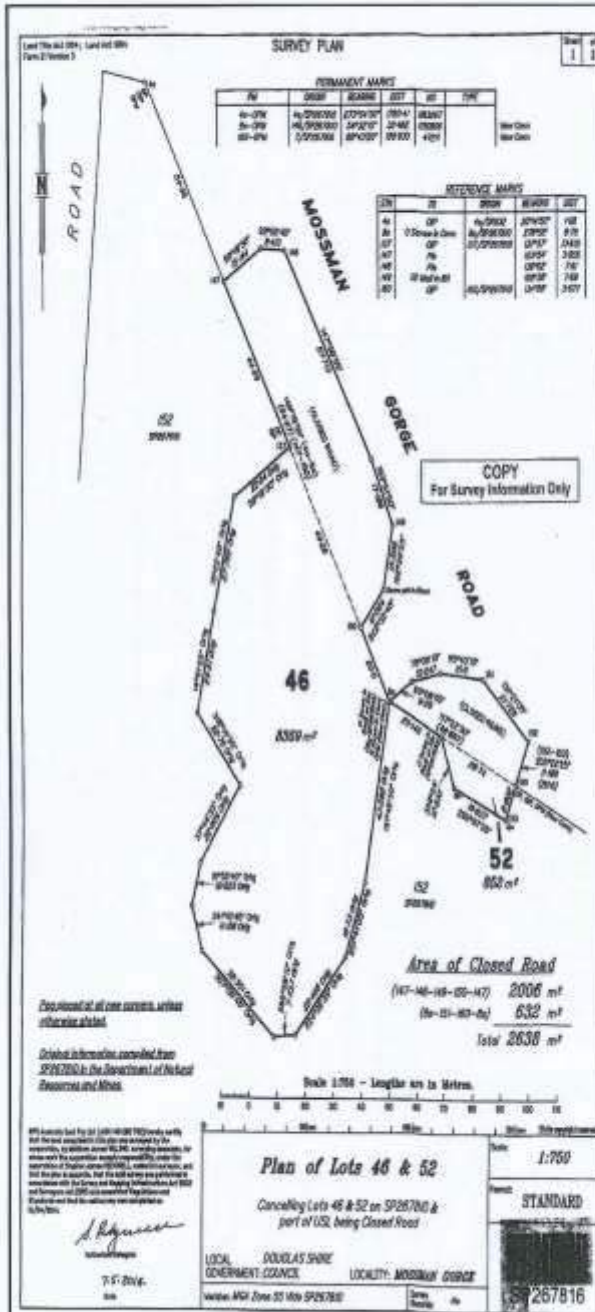
Gov. Gaz., 22 August 2014, No. 86 pages 701-702
Brisbane

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Application for Closure of Road

22 August 2014

File / Ref number 2014/004953



Notice is given of an application made under section 100 of the *Land Act 1994* for the permanent closure of the road described as:

DESCRIPTION OF ROAD	
Description of proposed road closure: An area of about 2638m ² being part of Mossman Gorge Road intersecting Lot 152 on SR832 (parish of Victory, locality of Mossman Gorge) and shown as stations 147-148-149-150-147 and 8a-151-160-8a on draft plan SP267816.	
Parish: Victory	
Locality: Mossman Gorge	
Local Government: Douglas Shire Council	

Any person who may consider their interest affected by the application is required to submit their objections and/or enquires in writing before 2 October 2014 to the Department:

Postal Address –
 DNRM Cairns
 PO Box 5318
 Townsville QLD 4810

Delivery Address -
 DNRM Cairns
 Level 4, William McCormack Place II
 5b Sheridan Street
 Cairns QLD 4870

Telephone: (07) 4222 5427

Fax: (07) 4799 7533

Email: Townsville.SLAMS@dnrm.qld.gov.au

Any objections received may be viewed by other parties interested in the proposed road closure under the provisions of the *Right to Information Act 2009* (the RTI Act).

If you lodge an objection, please include in your objection letter whether you would like to be consulted if this issue becomes the subject of an access request under the RTI Act.

LATEST DATE FOR OBJECTIONS – 2 OCTOBER 2014

