

6.11. PARTIAL ROAD CLOSURE OVER UNNAMED ROAD RESERVE, ADJACENT TO LOT 129 ON SR454 TOLL GATE ROAD, OAK BEACH

REPORT AUTHOR Property Services

MANAGER Lisa Golding, Manager People and Community Services

DEPARTMENT Property Services

RECOMMENDATION

That Council:

- 1. Advises the Department of Resources (DOR) that Council supports a partial road closure up to 250m² over unnamed road reserve adjoining Lot 129 on SR454, Toll Gate Road, Oak Beach, indicated in the highlighted area of Attachment One.**
- 2. Delegates authority to the Chief Executive Officer in accordance with s 257 of the *Local Government Act 2009*, to finalise any and all matters associated with the application.**

EXECUTIVE SUMMARY

The Department of Resources (DOR) have requested Council's views on a partial road closure over an unnamed road reserve adjoining Lot 129 on SR454, Toll Gate Road, Oak Beach.

The request is to resolve existing encroachments, including above ground water tanks and pipes.

While Council had previously considered and objected to an application for a much larger area that encompassed the adjacent drainage corridor, this request for a smaller area is consistent with historical decisions and resolves the issue of the encroachments, which would be beneficial to Council and the property owner.

To that end, Council officers are recommending supporting an application to close approximately 250m² of unnamed road reserve adjoining Lot 129 on SR454, Toll Gate Road, Oak Beach.

BACKGROUND

In September 2021 Council received a proposal from a landowner for a permanent road closure over part of unnamed road reserve off Toll Gate Road, Oak Beach, adjoining Lot 129 on SR454.

The Department of Resources subsequently requested Council's view on the application for the permanent road closure.

At the Ordinary Council Meetings of 26 July 2022 and 30 August 2022, both Reports recommended Council object to the application for the following reasons:

1. The development as proposed seeks the extension of the residential use into a naturally vegetated gully area that is included in a Conservation Zone. The applicant has not

identified how they would achieve the appropriate setbacks from the top of the waterway bank or protect the riparian vegetation.

2. The Planning Scheme identifies the adjacent Captain Cook Highway as an Iconic Recreation Route and a Scenic Route Buffer/View Corridor. Concern is held with the size of the new lot and whether this gives rise to possible further subdivision and the resultant impact on viewsheds and pedestrian access in the area.
3. The intent of the land acquisition is unclear, as no formal pre-lodgement enquiry was made. The applicant has not provided sufficient information to enable the request to be supported from a Town Planning perspective.

It was resolved at the 30 August 2022 meeting that the application for permanent road closure over unnamed road reserve, adjacent to Lot 129 on SR454 Toll gate Road, Oak Beach, be adjourned to enable the applicant to lodge a formal pre-lodgement enquiry.

Planning Officers provided the applicants with pre-lodgement planning advice in November 2022. In December 2022, the applicants advised Council staff of their intention to proceed with the application, in its original format and size.

Councillors were briefed on the updates at a Council Workshop in February 2023.

At the 28 February 2023 Ordinary Council Meeting it was resolved that Council did not support the application as the land is contained within the Conservation Zone and characterised by a significant drainage line.

The extent of proposed road closure is inconsistent with the purpose of the Conservation Zone.

In July 2023, officers were contacted by DOR asking Council to provide views on a partial road closure, and a map showing the maximum area of land supported under a partial road closure.

COMMENTS

The area forms part of unnamed road reserve on the western side of the Captain Cook Highway, Oak Beach. Under Council's 2018 Planning Scheme, the road reserve is in the Conservation Zone and the neighbouring land is in the Low Density Residential Zone.

The original proposed permanent road closure was approximately 1720m², adjacent to the applicants' residential property at Toll Gate Road Oak Beach.

Council officers raised several concerns with the proposal, previously detailed in the Background and Comments sections of the 28 February 2023 report. The concerns centred around the Conservation Zone and drainage, and vegetation within the drainage corridor.

Officers were, and continue to be, supportive of closing part of the road to incorporate the structures that encroach into the road reserve (private water tanks and pipes), into the residential allotment.

PROPOSAL

The proposal is for Council to:

1. Advise the Department of Resources (DOR) that Council supports a partial road closure up to 250m² over unnamed road reserve adjoining Lot 129 on SR454, Toll Gate Road, Oak Beach, indicated in the highlighted area of Attachment One.
2. Delegate authority to the Chief Executive Officer in accordance with s 257 of the *Local Government Act 2009*, to finalise any and all matters associated with the application.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the lodgement of the application at DOR are covered by the applicant.

If the application is approved by DOR, Council does not receive any income in relation to the applicant's requirement to purchase part of the road reserve from the State.

RISK MANAGEMENT IMPLICATIONS

A partial road closure will resolve current boundary encroachments. Not approving the partial road closure may cause may delays for the residents.

SUSTAINABILITY IMPLICATIONS

- | | |
|-----------------------|---|
| Economic: | The proposed partial road closure is not anticipated to impact on the value of surrounding properties. |
| Environmental: | The partial road closure is of an area sufficient to resolve boundary encroachment issues but not to affect natural drainage lines. |
| 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.*

Operational Plan 2022-2023 Actions:

Legislative requirement.

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.
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CONSULTATION

Internal:	Councillor Workshop held on 11 July 2023 Planning Officers
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External:	Department of Resources on 3 July 2023
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COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. Attachment One - Partial Road Closure Area supported by Council _adjacent to 14 Toll Gate Road Oak Beach [6.11.1 - 2 pages]
2. Attachment Two - Hatched Area indicating support for Partial Road Closure to rectify encroachments [6.11.2 - 1 page]
3. Attachment Three - Full Road Closure proposal not supported by Council [6.11.3 - 1 page]



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Scale = 1:378.000

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Property (1)

Attachment 6.11.1

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OBJECTID: 8957

Lotplan: 129SR454

Part_lot:

Property_Name:

Address: 14 Toll Gate Road OAK BEACH

Tenure: Freehold

Zone_Planning:

Parcel_Type: Lot Type Parcel

Cover_Type: Base

ACC_Code: B&D ENTRY CONTROLLED - 0.1M

Assessment_Num: 868646

Valuation_Num: 2404

Parcel_Num: 4599

SegPar: 21027014

Par_Ind: 0

LOC: 2168

Locality: Oak Beach

Survey_Plan: 0

Survey_Plan_G_Drive: SR454.tif

Sewer_Plan: 443339

Lot_Area_State: 1090

Excluded_Area_State: 0

Lot_Volume_State: 0

Surv_Ind: Y

Calc_Area_sqm: 1091.991

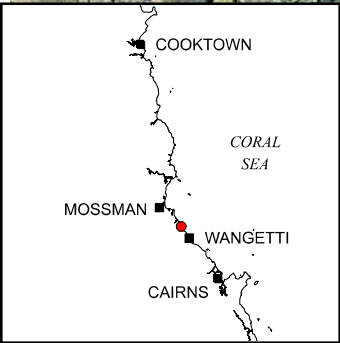
Cadastre_Date: 08/07/2023

Update_Date:

LOT: 129

PLAN: SR454

St_No_Label: 14



Note: This is a colour plan and should only be reproduced in colour.
Imagery used - QldBase_QgovSISPUsers_ImageServerWMS



A3

Plan of Lot C (Proposed permanent road closure) Covering part of road abutting Lot 129 on SR454		SCALE 1:1000 CNS22/032P
LOCAL AUTH DOUGLAS SC	LOCALITY OAK BEACH	
Map 8064-44343	Compiled from spatial cadastre, sketch on file and imagery	
Elvas Reference 2021/004151	Prepared by KR Date 06-06-2022 Cairns	

Ordinary Council Meeting - 25 July 2023