

## **5.9. APPLICATION FOR TEMPORARY ROAD CLOSURE OVER PART OF UNNAMED ROAD ADJOINING LOT 107 ON SR844 MOSSMAN DAINTREE ROAD, MIALLO**

<b>REPORT AUTHOR</b>	Graham Busby, Property Officer
<b>MANAGER</b>	Terry Farrelly, Manager People and Community Services
<b>DEPARTMENT</b>	People and Community Services

### **RECOMMENDATION**

#### **That Council:**

- 1. Delegates authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer to execute a Form Part C as Road manager, advising the Department of Natural Resources Mines & Energy (DNRME) that Council cannot authorise a proposed temporary road closure over part of unnamed road reserve adjoining lot 2 on RP865072 (identified by drawing CNS19/065) Mossman Daintree Road, Miallo, however it requests DNRME to consider an application under the *Land Act 1994*, in relation to this matter.**
- 2. Advises DNRME that it has no objection to the proposed application for temporary road closure over unnamed road reserve adjoining Lot 107 on SR844 Mossman Daintree Road Miallo.**
- 3. Delegates authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer to finalise any and all matters associated with the application.**

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### **EXECUTIVE SUMMARY**

Council has received a request from the owner of Lot 107 on SR844 Mossman Daintree Road, Miallo with a respect to temporary close road reserve situated adjacent to this property.

DNRME has a form, "LA30 Statement in relation to an application under the *Land Act 1994* over State land – Part C".

In following the administrative process as detailed on the Part C form, Council is unable to authorise the proposed temporary road closure, as it does not have a local law which empowers it to do so, therefore Council must complete the form, indicating that it requests DNRME to consider an application under the Land Act with respect to this matter. This is achieved by section 1 of the recommendation.

The Part C form also enables Council to provide its views on the matter at the time that it executes the form. This removes the requirement for DNRME to undertake further consultation on the matter with Council, which in turn allows the DNRME assessment process to be expedited. This is achieved by Section 2 of the recommendation.

During internal consultation, no objections were raised against the proposal.

## **BACKGROUND**

The subject area forms part of unnamed road reserve which is situated on the eastern side of Mossman Daintree Road, Miallo. Under Council's 2018 Panning Scheme, the road reserve is contained in a Rural Zone and the neighbouring freehold land is also situated in the same rural Zone.

The proposed area of temporary road closure consists of approximately 1.15 hectares and is situated adjacent to the applicant's property at Mossman Daintree Road Miallo.

The proposed area of temporary road closure will overlap and extinguish a section of current temporary closed road, which is described as 1 RL1835.

The total area of the proposed temporary road closure is currently used for cane growing. It is the applicant's intent to continue using the road for the same purpose. This proposal is being made in order to formalise this current activity with DNRME.

## **COMMENT**

Under previous requirements of DNRME, it was necessary for all applications made under the Land act 1994 over State land, to provide written consent from Council as Trustee or Road Manager, as part of the initial application process with that office.

Once the applicant had received Council's consent by way of an executed Part C form, the applicant would then be able to lodge a full application for consideration at DNRME, after which DNRME would then seek Council's views on the matter.

Recent amendments undertaken by DNRME to the Form Part C, now enables Council to provide its views in regard to proposed applications, at the time that it executes this form. This removes the requirement for DNRME to undertake further consultation on the matter with Council, which in turn allows the DNRME assessment process to be expedited.

## **PROPOSAL**

That Council delegates authority to the CEO to execute Form C and advise that it does not have any objection to the proposed temporary road closure.

## **FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the lodgment of this application with DNRME are borne by the applicant

## **RISK MANAGEMENT IMPLICATIONS**

If the temporary road closure proceeds, there would be a loss of future use and access to the current road reserve area. This is an acceptable risk as there is currently no perceived and future anticipated use of the subject road reserve.

## 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

**Goal 1** - *We will conduct Council business in an open and transparent manner with strong oversight and open reporting.*

## 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.

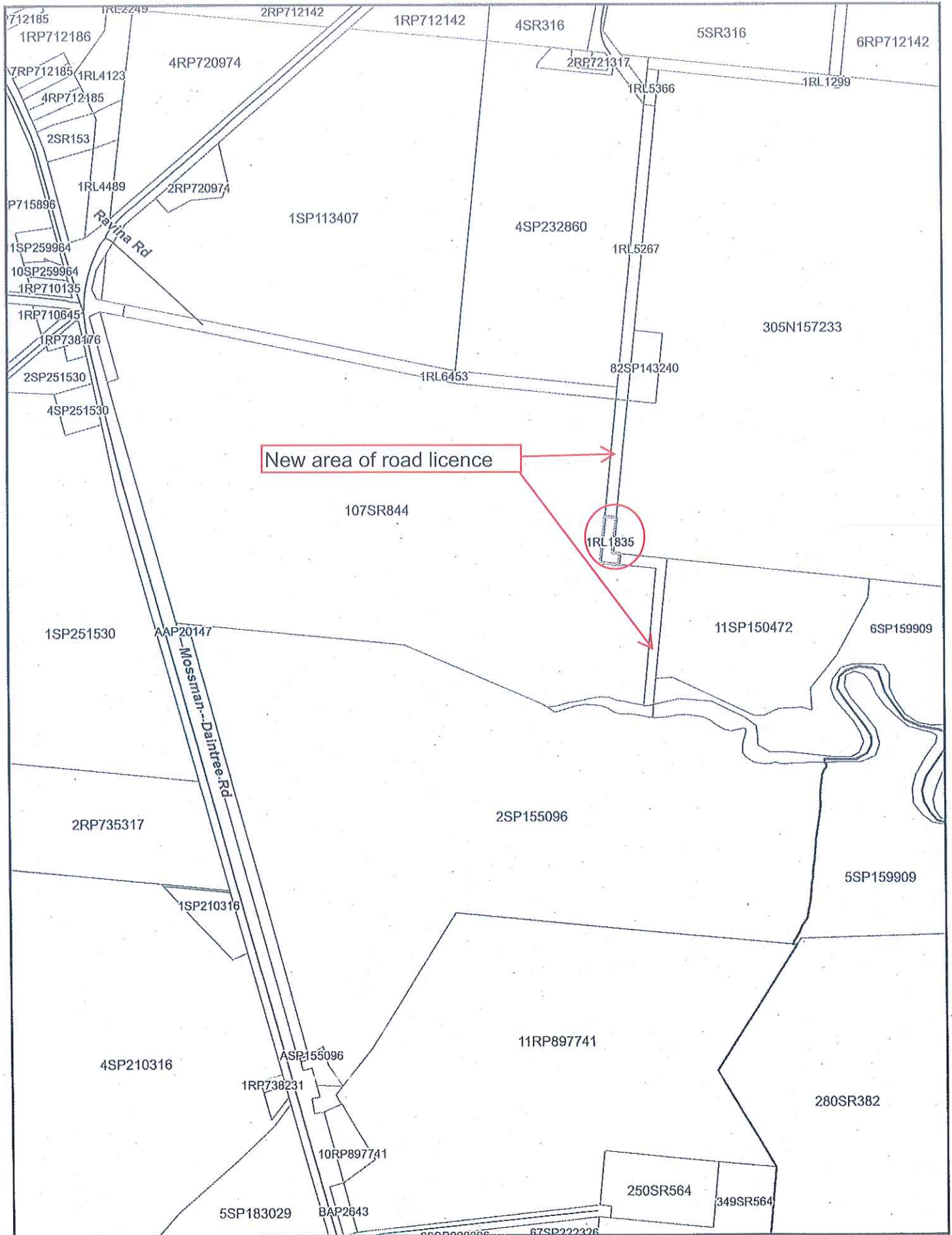
## CONSULTATION

**Internal:** Environment & Planning – No issues raised.  
Infrastructure – No objection.  
Water & Waste Water – No objection.

**External:** Owner of Lot 107 on SR844  
Department of Natural Resources Mines & Energy

## ATTACHMENTS

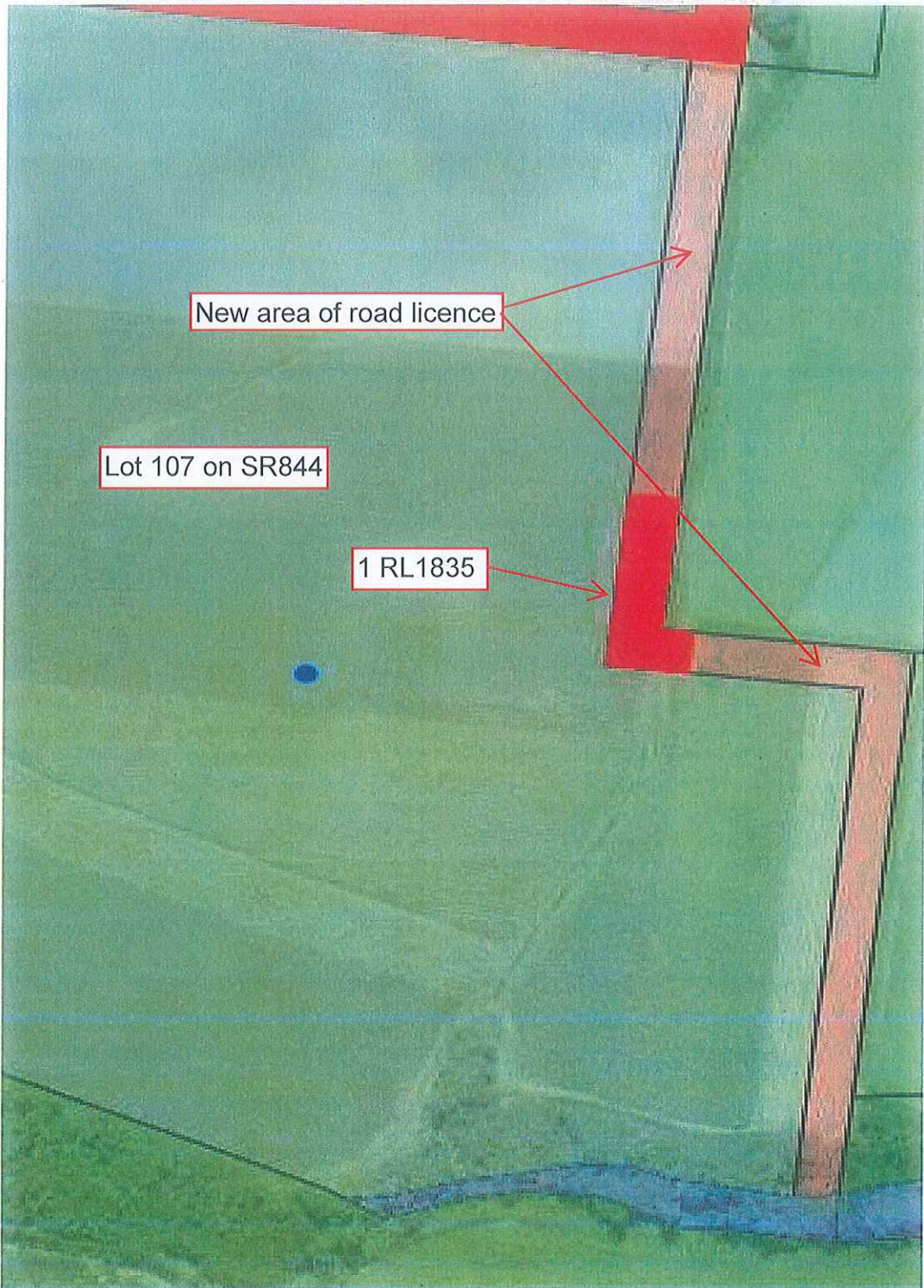
1. Locality Map of Proposed Temporary Road Closure adjoining to Lot 107 S R 844  
[5.9.1 - 2 pages]
2. Drawing CN S 19 065 Proposed temporary road closure adjoining Lot 107 on S R 844  
[5.9.2 - 1 page]

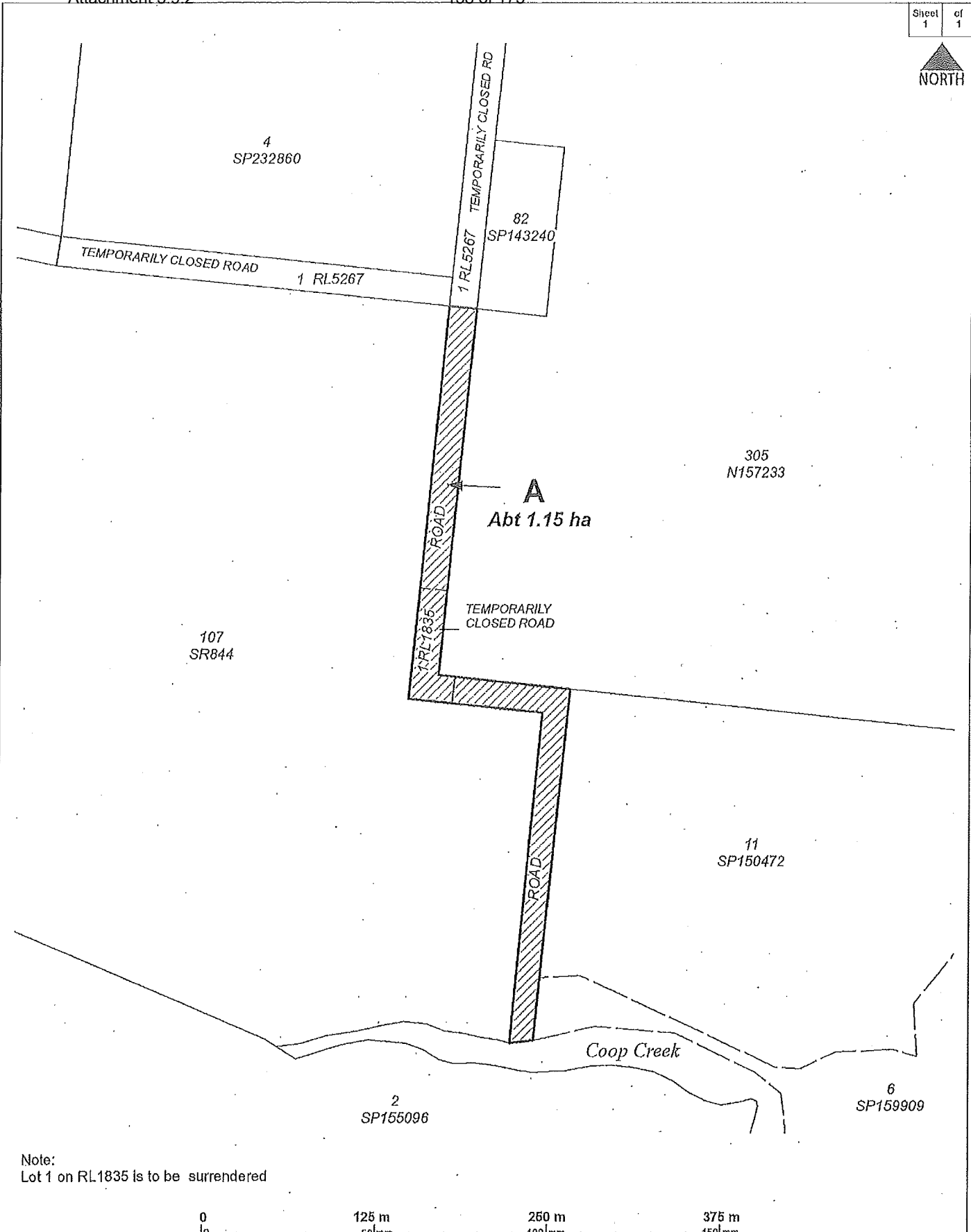


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Scale  
1cm = (?? m or km) at A4  
Map Grid of Australia  
Zone 55 (GDA94)








Note:  
Lot 1 on RL1835 is to be surrendered



 <p>Prepared by: SPATIAL INFORMATION SERVICES NORTH Office: Level 5, Willem McCormack Place 5B Sheridan Street Cairns QLD 4870 REGION: NORTH</p>	<p><b>Plan of Lot A (Proposed Temp. Road Closure)</b> Covering Road and Lot 1 on RL1835 Adjacent to Lot 107 on SR844 , Lot 305 on N157233 &amp; Lot 11. on SP150472</p>		<p>Scale: 1:2500 Original size A3</p>
	<p>LOCALITY OF MIALLO LOCALAUTH: DOUGLAS SC</p>		<p><b>Drawing</b> <b>CNS19/065</b></p>
	<p>eLVAS Ref:</p>	<p>Prepared by: laura steyller</p>	<p>Date: 10 July 2019</p>