

5.4. PROPOSED APPLICATIONS FOR PERMANENT ROAD CLOSURES OVER PARTS OF UNNAMED ROAD RESERVE ADJOINING LOT 1 ON SP243347, CAPTAIN COOK HIGHWAY WANGETTI (TURTLE COVE BEACH RESORT)

REPORT AUTHOR(S): Graham Busby, Property Officer
GENERAL MANAGER: Darryl Crees, General Manager Corporate Services
DEPARTMENT: Governance

RECOMMENDATION

That Council:

- 1. delegates authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to execute a form Part C, in order to allow applications to be lodged at the Department of Natural Resources & Mines with respect to permanent road closures over permits to occupy Lot A on AP21575 and Lot A on AP20245, adjoining Lot 1 on SP243347, Captain Cook Highway Wangetti; and**
- 2. requires that all costs associated with the proposed road closure applications are to be paid by the applicant.**

EXECUTIVE SUMMARY

Council has received a request from Consult Planning Pty Ltd in respect of a client's proposed applications to the DNRM for two separate permanent road closures on unnamed road reserve adjoining Lot 1 on SP243347, Captain Cook Highway Wangetti (Turtle Cove Beach Resort).

The Planning Consultant's client currently has tenure over the areas of the proposed permanent road closures by way of Permits to Occupy through DNRM. The subject lots are described as Lot A on AP21575 and Lot A on AP21575.

Internal consultation has occurred and there have been no objections raised with respect to Council's CEO executing the form Part C.

BACKGROUND

There is a requirement of the Department of Natural Resources and Mines (DNRM) that for all applications being made under the *Land Act 1994* over State land, the applicant must first obtain Council's consent as Trustee or Road Manager, indicating that Council has no objection to the application being made.

The intent of the Form Part C does not provide Council's consent to the proposed application, it is simply Council consenting to allowing the applicant to proceed with lodging a properly made application at DNRM. 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, necessitating the requirement for a further Council report on the matter.

The Planning Consultant's client currently has tenure over the areas of the proposed permanent road closures by way of Permits to Occupy through DNRM. The subject lots are described as Lot A on AP21575 and Lot A on AP20245, both of which are situated on

dedicated road reserve land, which is under the control of the Department of Transport & Main Roads.

Whilst DNRM have verbally acknowledged that Council it not the actual Road Manager of the subject road reserve, they have still requested that Council sign a form Part C, to enable the abovementioned process to commence.

PROPOSAL

It is recommended that Council resolve to delegate authority to the Chief Executive Officer to sign form Part C for the application under discussion.

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: Manager Finance
 Manager Infrastructure
 Acting Coordinator Water & Wastewater Operations
 Manager Sustainable Communities
 Executive Officer/Strategy & Policy Coordinator

External: Department of Natural Resources & Mines

ATTACHMENTS

1. Locality Map - Turtle Cove Beach Resort **[5.4.1]**
2. Correspondence received from Consult Planning Pty Ltd **[5.4.2]**



Google Earth

feet
meters

Ordinary Council Meeting - 13 December 2016

From: Aaron Sweet [mailto:asweet@consultplanning.com.au]
Sent: Monday, 7 November 2016 2:49 PM
To: Robert Donovan
Cc: Kelvin Banks
Subject: Proposed Permanent Road Closures - Captain Cook Highway, Wangetti

Robert,

I was given your details in relation to our clients' proposal for two permanent road closures on their site at Lot 1 on Survey Plan 243347. Our client current leases two parcels of state land currently described as Lot 1 PER200763 and Lot 1 AP12187 as shown attached and are seeking permanent road closures to acquire both from the state.

The Department of Natural Resources and Mines [DNRM] have advised that we need to obtain a completed Part C Form from Douglas Shire Council in relation to both road closure applications.

Could you please advise as to what Councils' position of this is and whether you require any further information to provide a statement on the Part C Form?

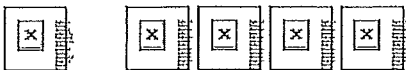
DNRM have advised that both permanent road closure applications are submitted separately.


Regards,

Aaron Sweet
Director

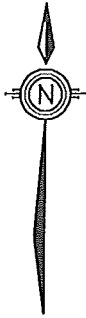
P 1300 017 540 M 0411 670 699
E asweet@consultplanning.com.au
PO Box 807, New Farm QLD 4005

www.consultplanning.com.au

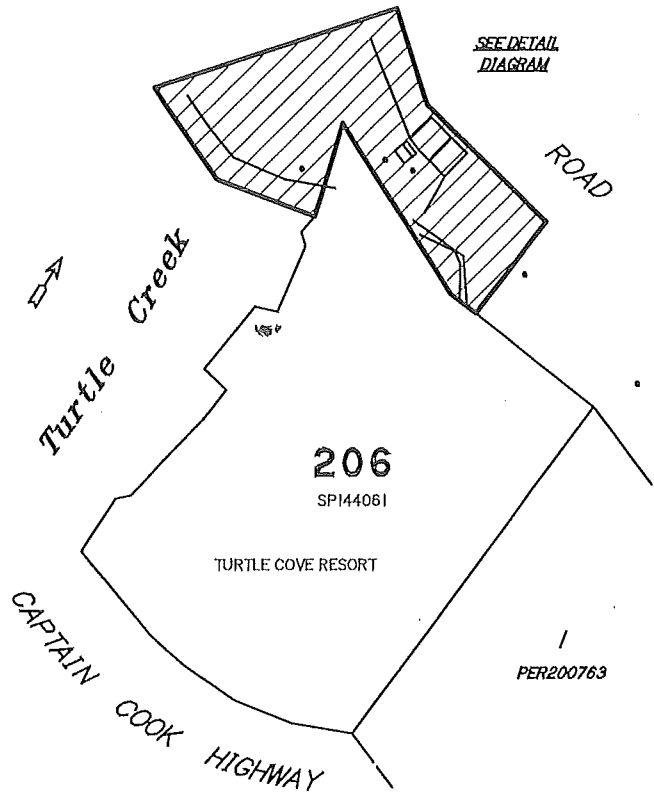


Orig. Issue Date: 0-0-02	
Revisions	
A- chgs bdy, area 18/03/03	
Plan of Proposed Permit to Occupy over road adjoining Lot 206 on SP144061 Parish of dulanban County of Nares	
 Charles O'Neill Pty. Ltd. Consulting Surveyors LAND INFORMATION DEVELOPMENT CONSULTANTS &	
Partagon Office 20 25 Grafton Street, P.O. Box 5246 CARNS 4870 Phone (07) 4051 6722 Fax (07) 4051 1446 ACH 010 329 174	
HORIZ. DATUM	C.A.M.
DESIGNED	SS
DRAWN (Acad 2K)	SS
LEVEL DATUM	-
Origin Bk:	-
SURVEYED	WKS
Date:	13/9/02
CHECKED	GHP
DATE	-
PASSED & ENDORSED:	By: G. Phillips
Signed:	Li: Surveyor
SCALE	1:7500
Plan No.	4492TUR-02
Rev.	A

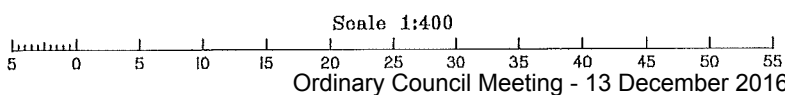
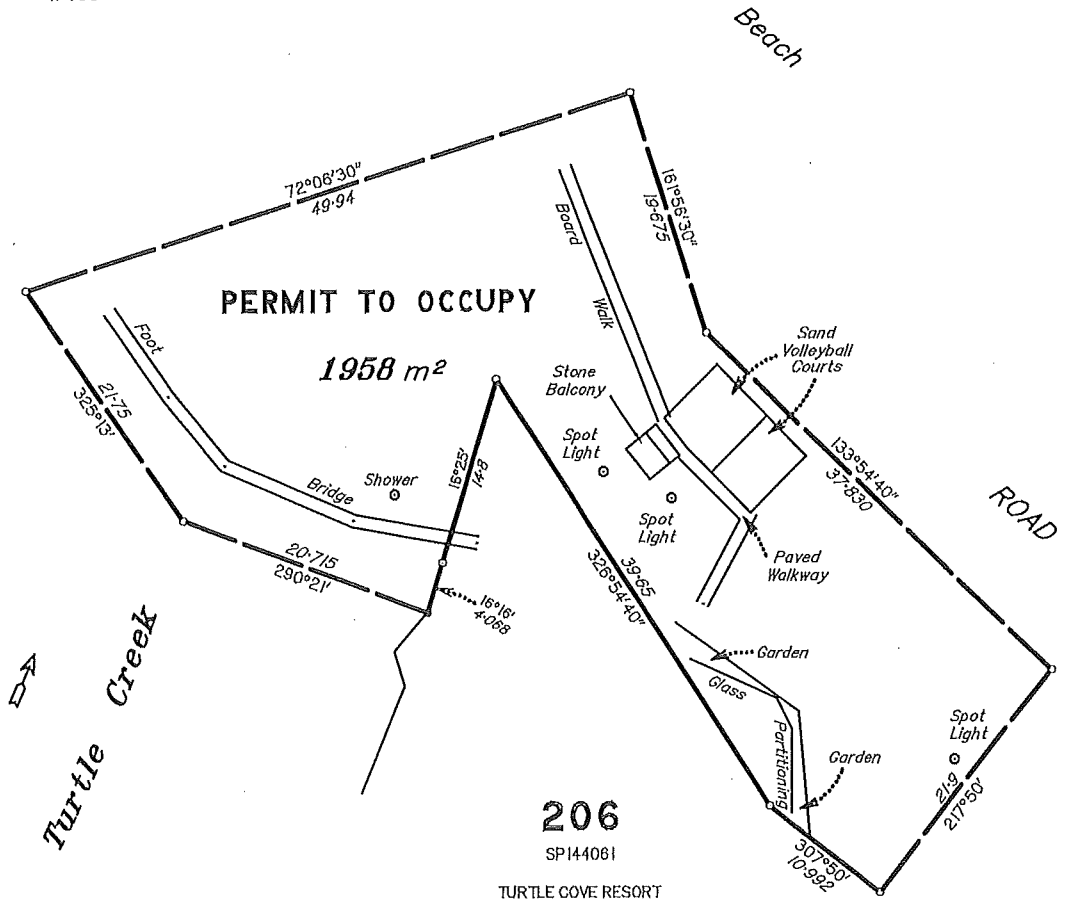
This plan was prepared as a proposed permit to occupy plan to accompany an application to the Dept of Natural Resources and Mines and should not be used for any other purpose. The dimensions and areas shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land. This note is an integral part of this plan.

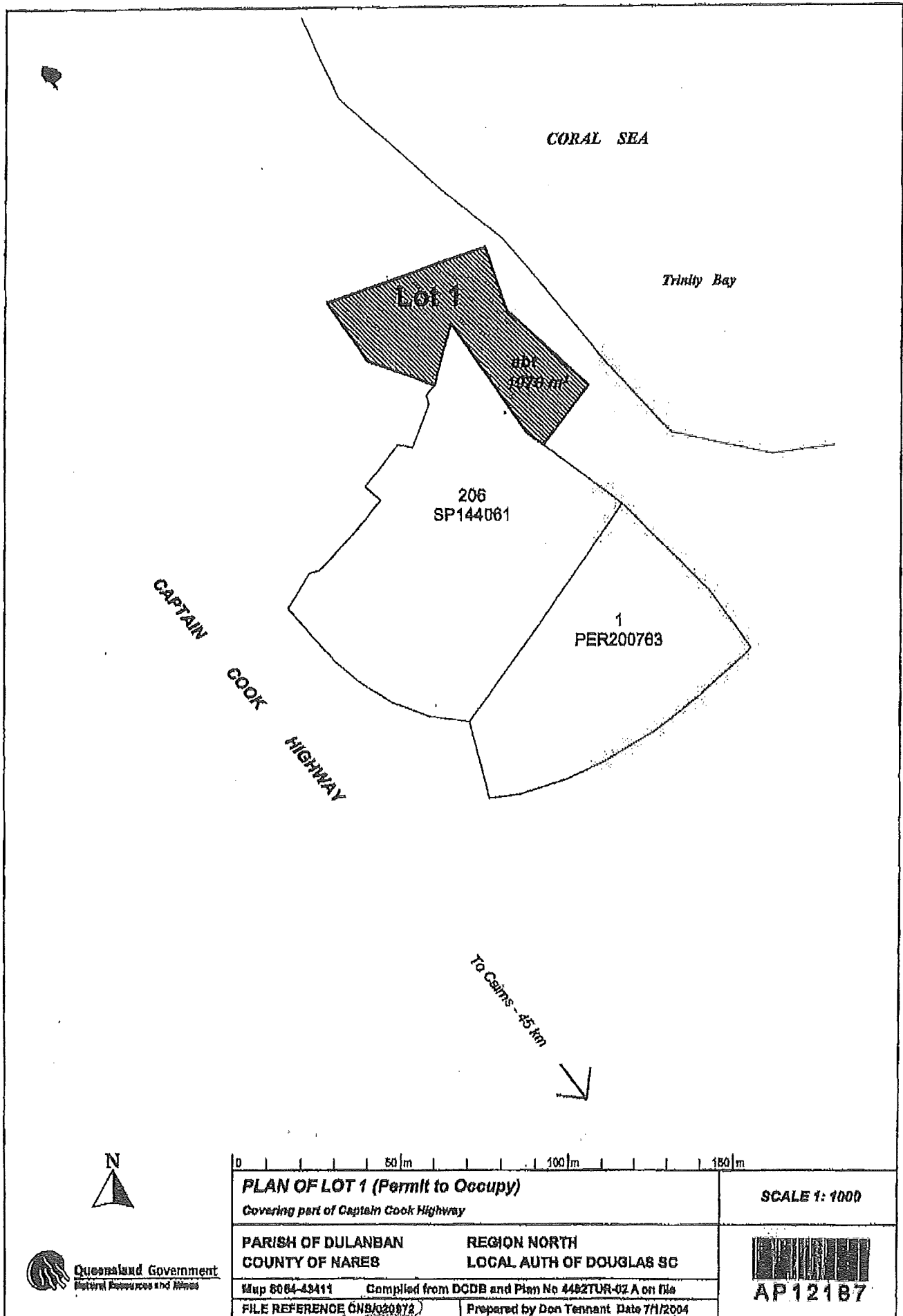


SITE DIAGRAM
1:1000



DETAIL DIAGRAM
1:400





Ordinary Council Meeting - 13 December 2016

Graham Busby

From: Aaron Sweet <asweet@consultplanning.com.au>
Sent: Tuesday, 6 December 2016 2:37 PM
To: Graham Busby
Subject: Re: Proposed Permanent Road Closures - Captain Cook Highway, Wangetti
Attachments: AP21575.pdf

Graham,

I confirm that the proposed permanent road closures relate to A on AP21575 and A on AP20245 which adjoin Lot 1 on SP243347 as shown on the attached plans.

Please amend your records and our request accordingly.

Regards,

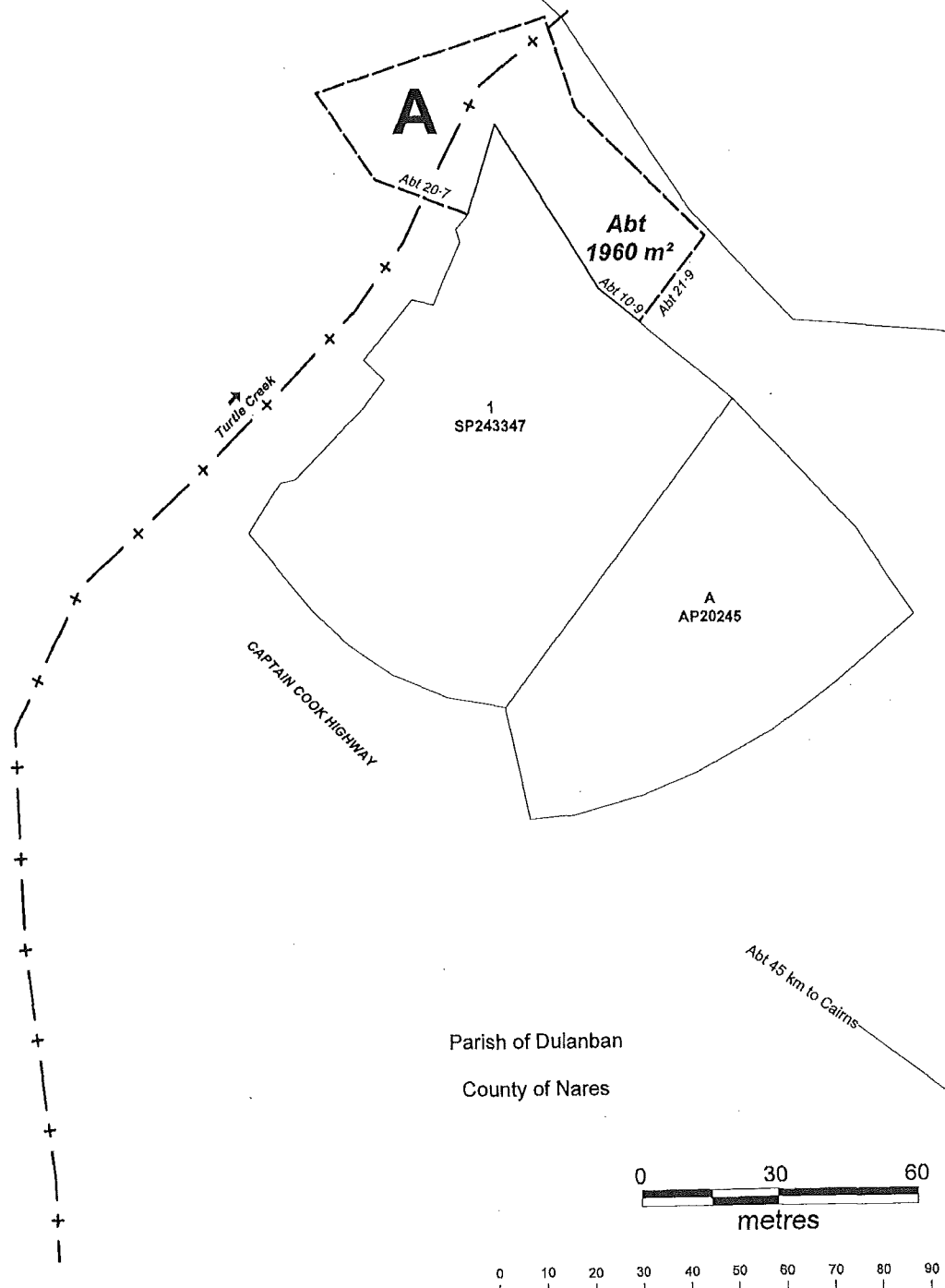
Aaron Sweet
Director

P 1300 017 540 M 0411 670 699
E asweet@consultplanning.com.au
PO Box 807, New Farm QLD 4005

Parish of Mowbray
County of Solander

CORAL SEA

Trinity Bay



0 30 60
metres

0 10 20 30 40 50 60 70 80 90 100mm



Queensland
Government

Lot A
adjacent to Lot 1 on SP243347
(cancelling Lot A on AP12187)

PARISH OF DULANBAN & MOWBRAY
COUNTY OF NARES & SOLANDER
LOCALITY OF WANGETTI

DNRN REGION: NORTH
LOCAL GOVERNMENT: CAIRNS R.C.

Map ref:

Compiled from: DCDB & Charles O'Neill Pty Ltd Consulting
Surveyors Plan 4492TUR-02/A

eLVAS ref: 2011/007154

Meeting by 12 December 2012 Date: 26/03/2013



NORTH
Scale 1:1 000



AP21575

CSP