

5.5. APPLICATION FOR PERMANENT ROAD CLOSURE OVER PART OF UNNAMED ROAD ADJOINING LOT 138 ON SR454, TOLL GATE ROAD OAK BEACH

REPORT AUTHOR(S)	Graham Busby, Property Officer
GENERAL MANAGER	Joanne Jacobson, Manager Governance
DEPARTMENT	Governance

RECOMMENDATION

That Council:

- 1. Advises the Department of Natural Resources Mines and Energy that it has no objection to the application for a permanent road closure over part of the unnamed road adjoining Lot 138 on SR454, (identified as Lot 1 on drawing TSV18111) Toll Gate Road Oak Beach, subject to the following:**
 - 1.1 That, prior to the formal closure of the road, the applicant obtains a Development Permit for a Material Change of Use that provides for the extension of residential uses on Lot 138 on SR454 over that area of road reserve which is subject of the road closure application; and**
 - 1.2 the applicant realigns the existing allotment boundary of Lot 38 on SR454 to include the area of road to be closed.**
- 2 Delegates authority to the 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 Mines and Energy (DNRME) has requested Council's views with respect to the permanent road closure over the unnamed road adjoining Lot 138 on SR454, Toll Gate Road Oak Beach. Council officers have no objection to this application, subject to planning conditions being met. These conditions will ensure that the area of road reserve has the ability to be used by the applicant for the intended purpose, prior to the permanent closure of the road being enacted.

BACKGROUND

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

The proposed area of permanent road closure consists of approximately 1250m² and is situated adjacent to the applicant's residential property at Toll Gate Road Oak Beach.

COMMENT

Council's views on this application have been sought by DNRME only in respect to future requirements of the subject land for its dedicated purpose of road reserve.

PROPOSAL

DNRME have confirmed that if the application for permanent road closure is approved by its office, it is the applicant's intent to amalgamate the land into their adjoining freehold property and then use the land for car parking and an extended garden.

FINANCIAL/RESOURCE IMPLICATIONS

There will be no cost to Council associated with the permanent road closure application.

RISK MANAGEMENT IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

Economic: No associated cost to Council or surrounding land owners. It is anticipated that there will be no impact upon surrounding property values.

Environmental: If the permanent road closure is approved by DNRME, then subject to the necessary development approvals from Council, potentially there could be clearing of the subject land for future residential use.

Social: No social implications identified.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2014-2019 Initiatives:

Theme 5 - Governance

5.1.4 - Investigate opportunities for improved utilisation of Council's surplus assets by considering disposal where appropriate.

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: Sustainable Communities

As per Council's 2018 Planning Scheme, a development approval is required for a material change of use to expand the use from the existing lot to the neighboring part of the road being excised. The application is lodged under the *Planning Act 2016* (PA) and the application is impact assessable development, that is, the application undergoes public notification.

The boundary realignment to include part of the road into the adjacent lot is undertaken by the State under the *Land Act 1994*. That is the subject of the statutory referral from the State currently being reported upon to Council. The State has asked whether Council has any objection, to which Council needs to advise that support is given subject to the issue of a development approval for a material change of use extending the use of the neighboring lot into the part of the road being excised. Council officers would not support the creation of a new separate lot, however it is understood that this is not what is being proposed.

Infrastructure

No concerns raised.

External: Department of Natural Resources Mines & Energy

ATTACHMENTS

1. Locality Map - Toll Gate Road Oak Beach **[5.5.1]**
2. Drawing TS V 18111 **[5.5.2]**

Title



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Scale 1:400

Notings Data Base reference:
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(Dept of Natural Resources, Mines & Energy) 2018

Plan of Lot 1

Proposed Permanent Road Closure
Adjoining Lot 138 on Plan SR454

LOCALITY: OAK BEACH

LOCAL AUTH: DOUGLAS SC

File Ref: eLVAS 2018/004128

Prepared by: Lillian Cornish

Date: 25/06/2018

Ordinary Council Meeting - 25 September 2018
Compiled from the Digital Cadastral Database extracted June 2018 and sketch on file

DRAWING
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