ORDINARY MEETING
28 OCTOBER 2009

PROPOSED PERMIT TO OCCUPY ADJOINS LOT 86 AND 87 ON NR4722, LOT 372 ON OL42, LOT 1 ON MPH20168 AND LOT 101 ON NR7963 OVER AN AREA OF ROAD OFF GOLDSBOROUGH ROAD, GOLDSBOROUGH – DIVISION 1.

Liam Nicholas: 19/3/3 – 83: #2341276

RECOMMENDATION:

That Council advises the Department of Environment and Resources Management that it has no objections to the issue of a permit to occupy adjoining Lot 86 & 87 on NR4722, Lot 372 on OL42, Lot 1 on MPH20168 and Lot 101 on NR7963 over an area of road off Goldsborough Road, Goldsborough as described on Drawing CNS 09/064.

Furthermore, the Mayor and acting Chief Executive Officer being delegated authority pursuant to section 472 of the Local Government Act 1993 to determine any and all matters associated with the issue of a permit to occupy.

INTRODUCTION:

Council has received correspondence from the Department of Environment and Resource Management requesting Council views in relation to an application for a permit to occupy for access purposes.

The proposed permit to occupy is over an area of about 3.9 ha adjoining Lot 86 & 87 on NR4722, Lot 372 on OL42, Lot 1 on MPH20168 and Lot 101 on NR7963 over an area of road off Goldsborough Road, Goldsborough as described on Drawing CNS 09/064.

BACKGROUND:

The proposed application for permit to occupy for access purposes is over an area of unnamed road which provides access off Goldsborough Road, Goldsborough. The subject area is unformed road which has been gated off by local residents at the Goldsborough road intersection to block motorbike access into the Mailman Track which traverses into the nearby Wooroonooran National Park.

The subject permit to occupy application may impact on future decisions on the proposal by the State in regard the Native Title determination over application QUD 3012/01 by the combined Dulabed, Malanbarra and Yidinji people.

Should native title be an issue, the proposed permit to occupy could be cancelled or surrendered in terms of Section 180 of the Land Act 1994.
COMMENT:

Property Services

Property Services advises that the above mentioned matter has been considered by the Commentary on Property Team and the Executive Management Team and their comments are as follows:

Planning Strategies

Planning Strategies has no objection to the application for permit to occupy.

Community Development

Community Development has no objection to a permit to occupy but would be willing to defer its views of other sections of Council should there be some technical objection.

Water and Waste

Water and Waste have advised that water and sewerage infrastructure is not located within the road area. Water and Waste have no issues and supports the recommendations of other Council officers.

Development Assessment

Development Assessment has no objections in regard the subject permit to occupy application.

Sport and Recreation

Sport and Recreation have no issues and would support other Council officers recommendations.

Cultural Services

Cultural Services have no concerns in regard this application and will support the majority view from other Council officers.

Infrastructure Management

Infrastructure Management has no objection to the application for permit to occupy as they have no infrastructure over the subject area that requires access in this location.

However it is noted that Councillor Paul Gregory recognises the difficulties experienced by the land owner regarding the conflicting uses, of farming over the adjoining lots and motor bike usage to gain access to the Mailman Track which traverses the Woorooroonooran National Park and finishes on the Atherton Tablelands. Councillor Gregory supports the in principle approval for the application for permit to occupy.
CONSIDERATIONS:

Corporate and Operational Plans:
N/A

Statutory:
The Department of Environment and Resource Management will deal with the proposed application in accordance with the requirements of the Land Act 1994 and other relevant legislation.

Policy:
N/A

Financial and Risk:
N/A

Sustainability:
N/A

CONSULTATION:
As per the comments section of this report.

OPTIONS:

1. That Council advises the Department of Environment and Resources Management that it has no objections to the issue of a permit to occupy adjoining Lot 86 & 87 on NR4722, Lot 372 on OL42, Lot 1 on MPH20168 and Lot 101 on NR7963 over an area of road off Goldsborough Road, Goldsborough as described on Drawing CNS 09/064.

   Furthermore, the Mayor and acting Chief Executive Officer being delegated authority pursuant to section 472 of the Local Government Act 1993 to determine any and all matters associated with the issue of a permit to occupy.

2. That Council advises the Department of Environment and Resources Management that it objects to the issue of a permit to occupy adjoining Lot 86 & 87 on NR4722, Lot 372 on OL42, Lot 1 on MPH20168 and Lot 101 on NR7963 over an area of road off Goldsborough Road, Goldsborough as described on Drawing CNS 09/064.
CONCLUSION:

That Council concur with the recommendation of this report.

Attachments:

Drawing CNS 09/064
Locality Map
Aerial Maps

Lisa Giacomi
Team Leader Property and Administration

Linda Kirchner
Manager Corporate Performance

Brett Grosser
General Manager Corporate Performance
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There are no selected items.

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