APPLICATION FOR PERMANENT ROAD CLOSURE OVER AN AREA OF ABOUT 271 M² BEING PART OF JUNCTION ROAD MOSSMAN, ABUTTING LOT 97 ON SR836110 AS DESCRIBED AS LOT C ON DRAWING CNS 09/017 - DIVISION 10.

Liam Nicholas: 15/7/01-07: #2044208

RECOMMENDATION:

That Council advise the Department of Environment and Resources Management that it has no objections to the application for permanent road closure over an area of about 271 M² being part of Junction Road Mossman, abutting Lot 97 on SR836110 as described as Lot C on Drawing CNS 09/017, subject to:

- The area of proposed closure being amalgamated with the Applicant’s Lot 97 on SR836110.
- An amendment of the Douglas Shire Planning Scheme and the planning area map to be undertaken in the next overall review.
- An easement being required for access and maintenance purposes over the trunk sewer line which is located within the proposed road closure area.
- It being at no cost to Council.

Furthermore, the Mayor and 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 permanent road closure.

INTRODUCTION:

The Department of Environment and Resources Management has requested Council’s comments on an application by Daryl Wayne Parker and Margaret Estelle Parker for the permanent road closure over an area of about 271 M² being part of Junction Road Mossman, abutting Lot 97 on SR836110 as described as Lot C on Drawing CNS 09/017. The proposed use of the subject area is for residential purposes.

BACKGROUND:

The subject area of road adjoins Lot 97 on SR836110 which is owned by the applicants and also Lot 51 on SP113404 which is owned by Mossman Canegrowers Limited. The subject area is within the main township area of Mossman and is a grassed area which is occasionally used for car parking purposes.
COMMENT:

Infrastructure Management

Infrastructure Management has no objection to the proposed permanent road closure.

Planning Strategies

Planning Strategies have no objection to the proposed permanent road closure application subject to an amendment of the Douglas Shire Planning Scheme and the planning area map in the next overall review.

It was also requested that the Department of Environment and Resource Management consider the following aspects:-

- That the adjoining land owners are notified of the permanent road closure application and consideration should be given to the views of adjoining property owners. Also if the adjoining land owner has an interest in the road closure area, a more regular shaped block would be required.

Water and Waste

Cairns Regional Water and Waste have advised that a trunk sewer is located within the proposed road closure area. If the permanent road closure is to proceeded than an easement over the sewer for access and maintenance would be required.

Community Development

Community Development has no issues and would support other Council officer’s recommendations.

Development Assessment

Development Assessment has no objections in regard the permanent road closure and that the road closure area should be amalgamated with Lot 97 on SR836110.

Sport and Recreation

Sport and Recreation have no issues and would support other Council officer’s recommendations.

CONSIDERATIONS:

Corporate and Operational Plans:

This report was prepared in accordance with Corporate Plan goal 1.1 (An integrated approach to planning by Council and stakeholders).
Statutory:

The Department of Environment and Resources Management will deal with the proposed road closure in accordance with the requirements of the Land Act 1994, and commentary from relevant agencies.

Policy:

N/A

Financial and Risk:

The closure being at no cost to Council.

Sustainability:

N/A

CONSULTATION:

As per the comment section of this report.

OPTIONS:

1. That Council advise the Department of Environment and Resources Management that it has no objections to the application for permanent road closure over an area of about 271 M² being part of Junction Road Mossman, abutting Lot 97 on SR836110 as described as Lot C on Drawing CNS 09/017, subject to:
   
   • The area of proposed closure being amalgamated with the Applicant’s Lot 97 on SR836110.
   • An amendment of the Douglas Shire Planning Scheme and the planning area map to be undertaken in the next overall review.
   • An easement being required for access and maintenance purposes over the trunk sewer line which is located within the proposed road closure area.
   • It being at no cost to Council.

Furthermore, the Mayor and 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 permanent road closure.

2. That Council advise the Department of Environment and Resources Management that it objects to the application for permanent road closure over an area of about 271 M² being part of Junction Road Mossman, abutting Lot 97 on SR836110 as described as Lot C on Drawing CNS 09/017.
CONCLUSION:

Council concur with the recommendation subject of this report.

ATTACHMENTS:

1. Easimap of subject area.
2. Drawing CNS 09/017
3. Photos

L Giacomi
Team Leader Property and Administration

L Kirchner
Manager Corporate Performance

B Grosser
General Manager Corporate Performance
Plan of Lot C (Proposed permanent road closure)
Covering road abutting Lot 97 on SR836110 & Lots 51 SP113404

SCALE 1:800

PARISH OF VICTORY
COUNTY OF SOLANDER
REGION NORTH
LOCAL AUTH OF CAIRNS RC

CNS09/017

Map: 7965-23212
Compiled from SR836110
Elevs Reference 2007/09345
Prepared by Ken Rogers
Date 1-4-2009

Notings D/B No. 05NZ22524