

TITLE: [EO-CM] Parish of Nullum - Road Closure Application

ORIGIN:

Design

FILE NO: GR3/12/3

SUMMARY OF REPORT:

Council has received a notice of application to close a section of Crown Road reserve within Lot 40 in DP 755730 and Lot 2 DP 539592, south of Lot 3 in DP 44783 and north and east of Lot 4 in DP 44783 at Rowlands Creek, from the Land and Property Management Authority. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

As this application covers a large area of road reserve it has been split into three sections.

Section 1. Road reserve running through the southern section of Lot 40 in DP 755730 from Rowlands Creek Road to Rowlands Creek and then running north east to the southern boundary of Lot 3 in DP 44783.

Section 2. Road reserve running through Lot 40 in DP 755730 east to west and along the western boundary of Lot 2 in DP 539592.

Section 3. Road reserve running east to west through Lot 2 in DP 539592 and the section running east to west along the southern boundary of Lot 2 in DP 539592.

An investigation of the Crown Road reserves has been conducted and it has been noted that no Council infrastructure appears to currently exist within it.

Council's policy on Road Closures notes that roads not eligible for closure include:-

- Clause 1** Roads providing or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores;
- Clause 2** Roads capable of providing physical access to other roads, public and private properties...;
- Clause 3** Road reserves containing wildlife corridors, significant flora...and scenic escarpments; and
- Clause 6** Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows.

As the proposal is in conflict with Clauses 1, 2, 3 and 6 of Council's Policy it is recommended that Council objects to the closure and purchase by the applicant of the section of Crown road reserve within Lot 40 in DP 755730 and Lot 2 DP 539592, south of Lot 3 in DP 44783 and north and east of Lot 4 in DP 44783 at Rowlands Creek.

RECOMMENDATION:

That Council objects to the closure and purchase by the applicant of the section of Crown road reserve within Lot 40 in DP 755730 and Lot 2 DP 539592, south of Lot 3 in DP 44783 and north and east of Lot 4 in DP 44783 at Rowlands Creek.

REPORT:

Council has received a notice of application to close a section of Crown Road reserve east of Lot 2 in DP 706328 at North Arm, from Land and Property Management Authority. Council has been requested to provide its consent or objection to the closure of this section of Crown Public Road.

As this application covers a large area of road reserve it has been split into three sections.

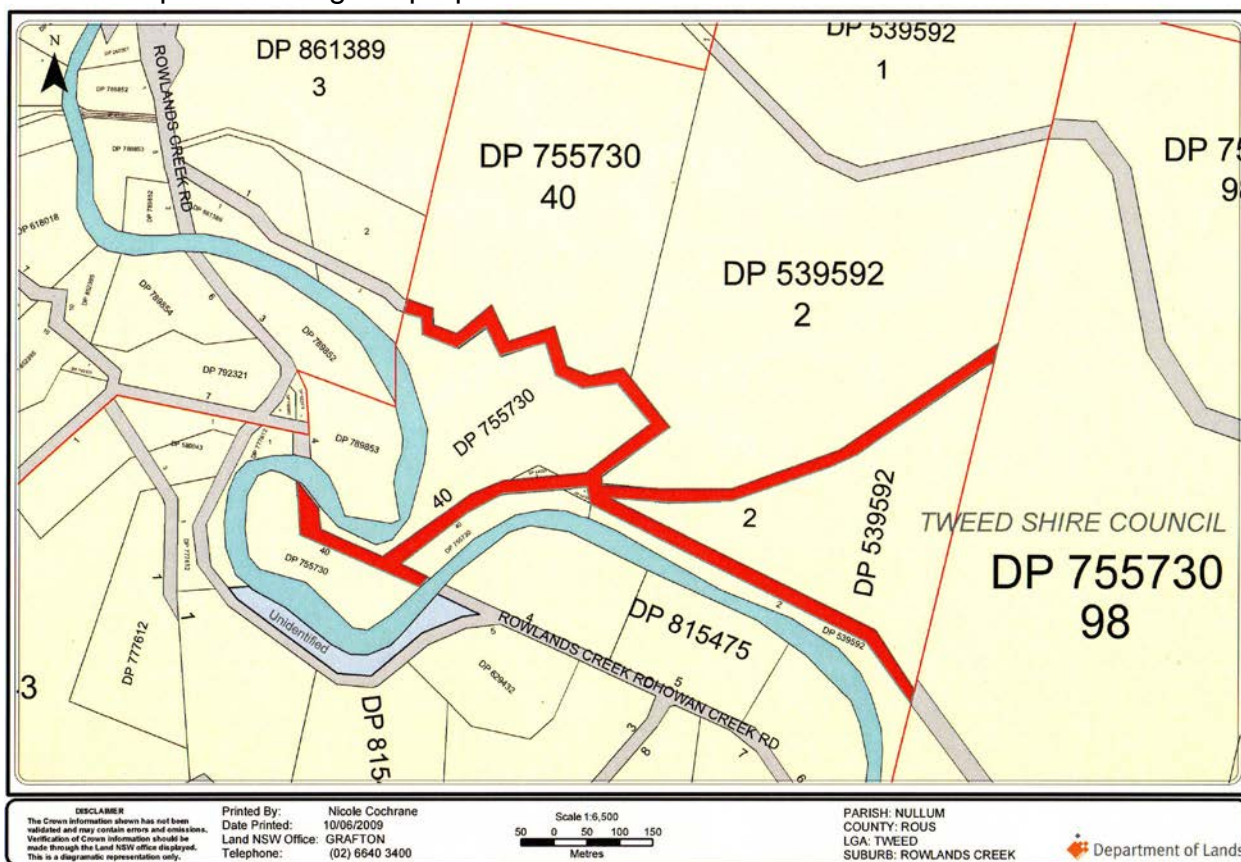
Section 1. Road reserve running through the southern section of Lot 40 in DP 755730 from Rowlands Creek Road to Rowlands Creek and then running north east to the southern boundary of Lot 3 in DP 44783.

Section 2. Road reserve running through Lot 40 in DP 755730 east to west and along the western boundary of Lot 2 in DP 539592.

Section 3. Road reserve running east to west through Lot 2 in DP 539592 and the section running east to west along the southern boundary of Lot 2 in DP 539592.

An investigation of the Crown Road reserves has been conducted and it has been noted that no Council or other infrastructure appears to currently exist within it.

Below is a plan showing the proposed Road Closure:-



Section 1.

The southern section of this road reserve contains a formed track leading directly from Rowlands Creek Road to Rowlands Creek. Closure of this section of road would sever this connection and prevent public access.

Aerial view showing road formation leading to Rowlands Creek:-



There is further formation leading north east from the above section of road to the dwelling located on Lot 3 in DP 44783. This parcel is currently owned by the applicant however if the property is sold in the future there will be no legal access or road frontage available to it. For this reason the proposal should not be supported.

Aerial view showing road formation leading to residence at Lot 3 DP 44783:-



Rowlands Creeks is identified as a key fish habitat area and carries a wetland conservation value of 100-200 within this area as shown on Council's Geographical Information System (GIS). The GIS also shows the road reserve has moderate vegetation and shows a moderate to high ecological status and high ecological sensitivity in parts.

Section 2.

This road reserve runs through Lot 40 in DP 755730. Council's GIS shows it is heavily vegetated, contains a significant subregional fauna corridor with nearby threatened and protected fauna species has a high ecological status and moderate ecological sensitivity.

This section of road falls within a road network and closing it would sever this connection.

For these reasons the proposal should not be supported.

Aerial photo showing vegetation over road reserve:-



Plan showing subregional fauna corridor and notification of threatened and protected fauna species:-



Section 3

The road reserve running through Lot 2 in DP 539592 appears to have formation over the majority of it and may provide access to the adjoining parcel of land. Council's GIS shows there is a subregional fauna corridor within the majority of the road and that it has moderate to high ecological status and moderate ecological sensitivity.

It may be possible that a dwelling/building has been erected either within or very close to the road reserve however without a comprehensive survey of the area it is difficult to determine the exact location of the structure in respect of the road.

For these reasons the proposal should not be supported.

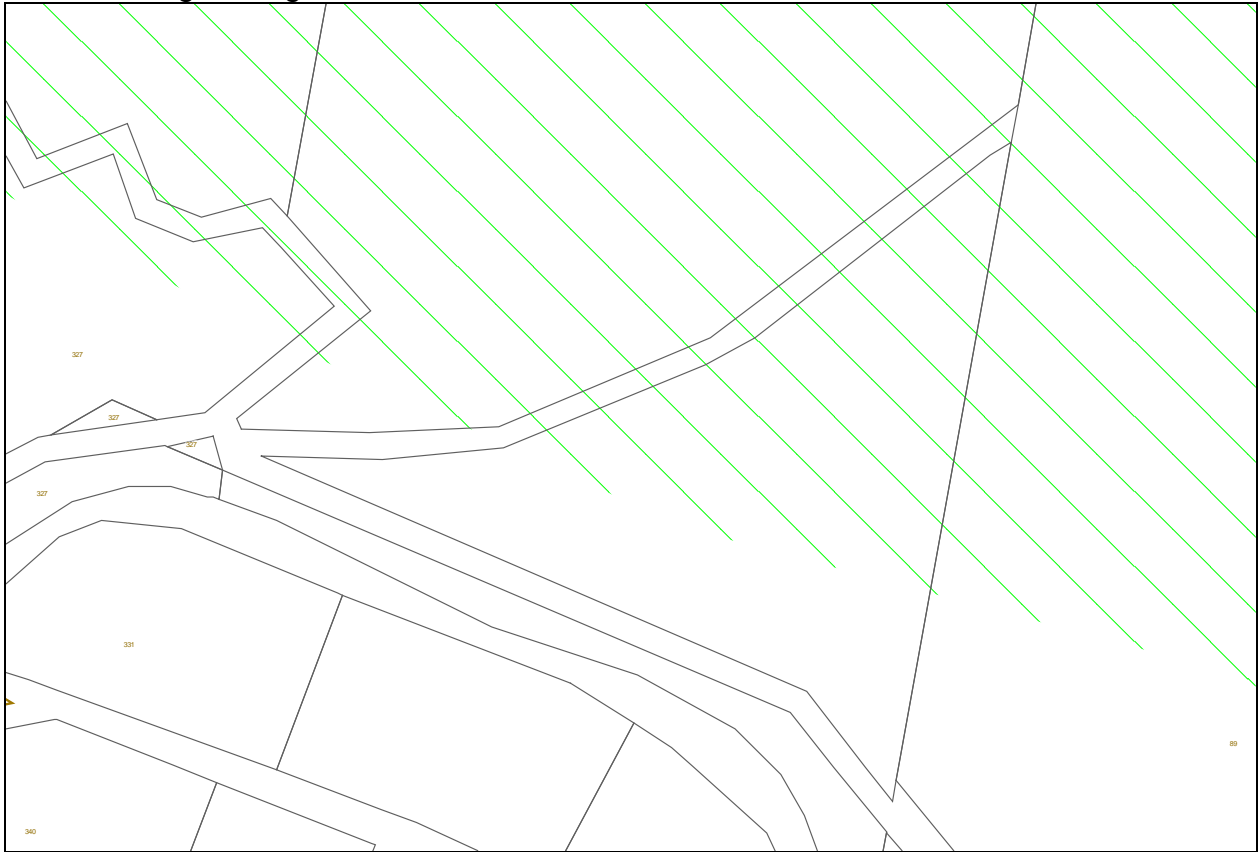
Aerial photo showing road formation and vegetated area:-



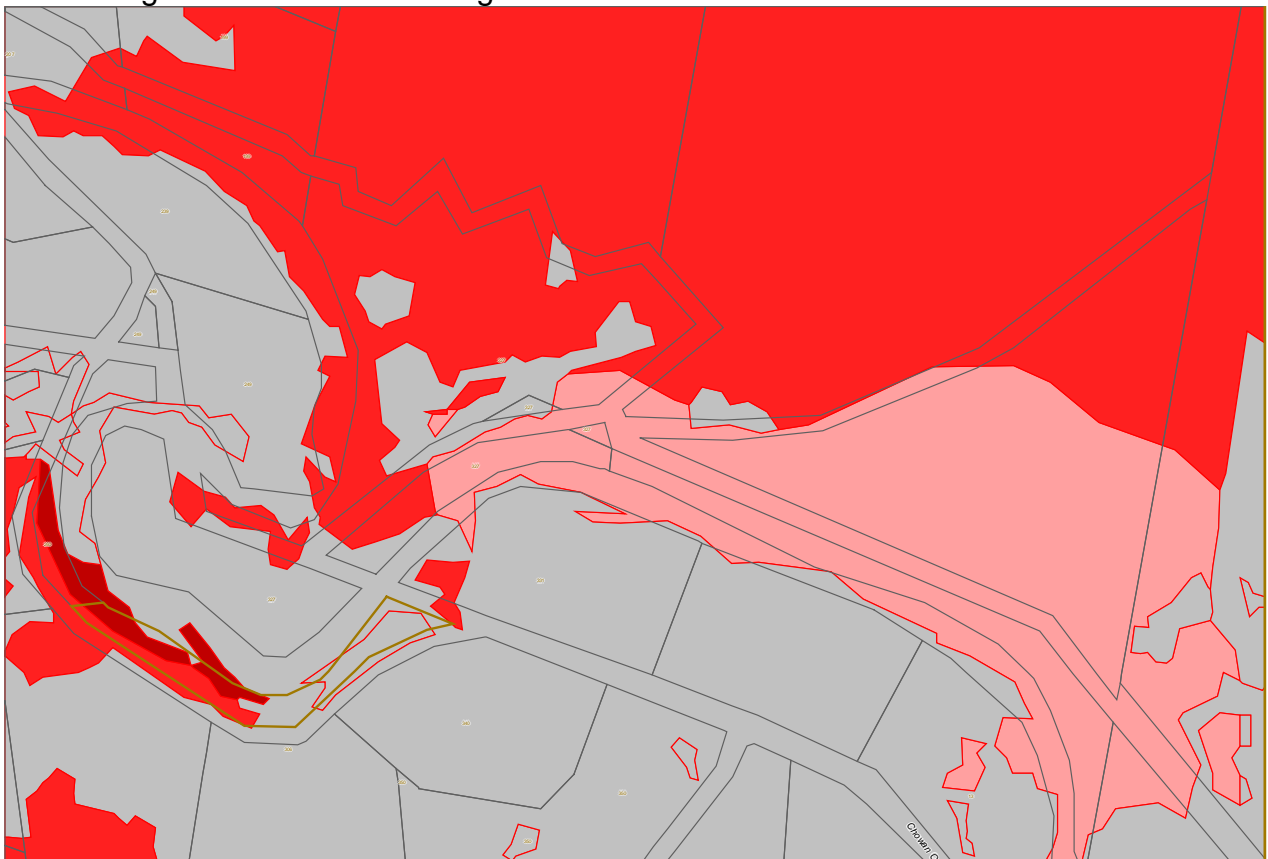
Structure in vicinity of road reserve:-



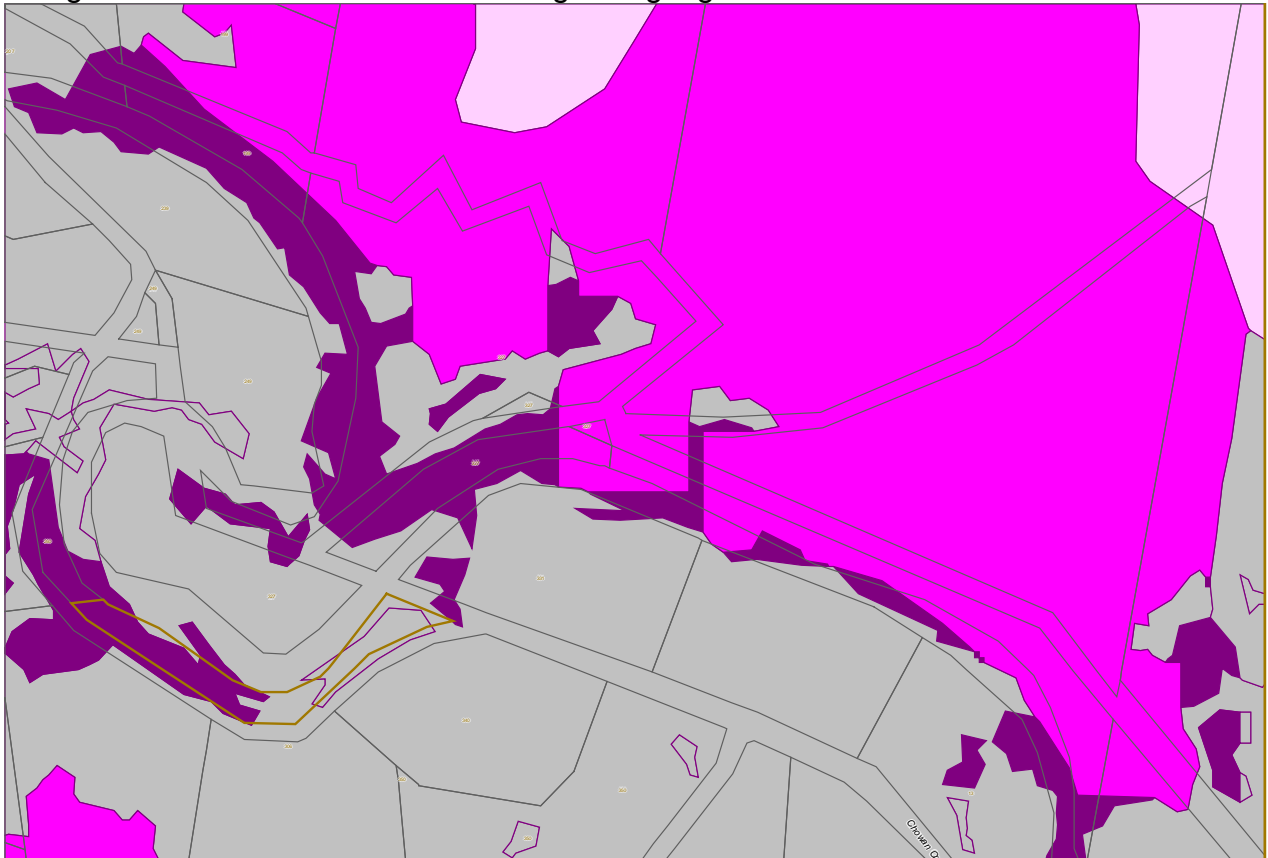
Plan showing subregional fauna corridor:-



Plan showing the Ecological Status of the whole area. 'Darker shaded' area being 'high' and the 'lighter shaded' area being 'moderate':-



Plan showing the Ecological sensitivity of the whole area. The 'lighter shaded' area being moderate and the 'darker shading' being high:-



Council's policy on Road Closures notes that roads not eligible for closure include:-

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- Clause 2** Roads capable of providing physical access to other roads, public and private properties...;
- Clause 3** Road reserves containing wildlife corridors, significant flora...and scenic escarpments; and
- Clause 6** Roads that could potentially be developed for vehicle, cycle, pedestrian or equestrian use as the Shire grows.

As the proposal is in conflict with Clauses 1, 2, 3 and 6 of Council's Policy it is recommended that Council objects to the closure and purchase by the applicant of the section of Crown road reserve within Lot 40 in DP 755730 and Lot 2 DP 539592, south of Lot 3 in DP 44783 and north and east of Lot 4 in DP 44783 at Rowlands Creek.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

Nil.
