

**TWEED SHIRE COUNCIL
MEETING TASK SHEET**

User Instructions

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Action Item - COUNCIL MEETING Tuesday, 20 April 2010

Action is required for Item **37** as per the Council Resolution outlined below.

**TITLE: [EO-CM] Lot 95 in DP 755754 - Parish of Murwillumbah and Wollumbin
- Road Closure Application**

**Cr D Holdom
Cr P Youngblutt**

RESOLVED that Council:-

1. Objects to the closure and purchase by the applicant of the sections of Crown road reserve which runs along the eastern boundary of Lot 4 DP 705636 and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum.
2. Does not object to the closure and purchase by the applicant of the sections of Crown road reserve which run through Lot 4 in DP 705636.

The Motion was **Carried**

FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr B Longland, Cr J van Lieshout, Cr W Polglase
AGAINST VOTE - Cr K Milne

**TITLE: [EO-CM] Lot 95 in DP 755754 - Parish of Murwillumbah and Wollumbin
- Road Closure Application**

ORIGIN:

Design

SUMMARY OF REPORT:

Council has received a notice of application to close Crown Road within Lot 4 DP 705636 and road separating that lot from Oxley River, and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum, 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.

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 5** Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value.

As this part of the proposal conflicts with Clauses 1 and 5 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 which runs along the eastern boundary of Lot 4 DP 705636, and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum.

It is further recommended that Council does not object to the closure and purchase by the applicant of the section of Crown road reserve which runs through Lot 4 in DP 705636.

RECOMMENDATION:

That Council:-

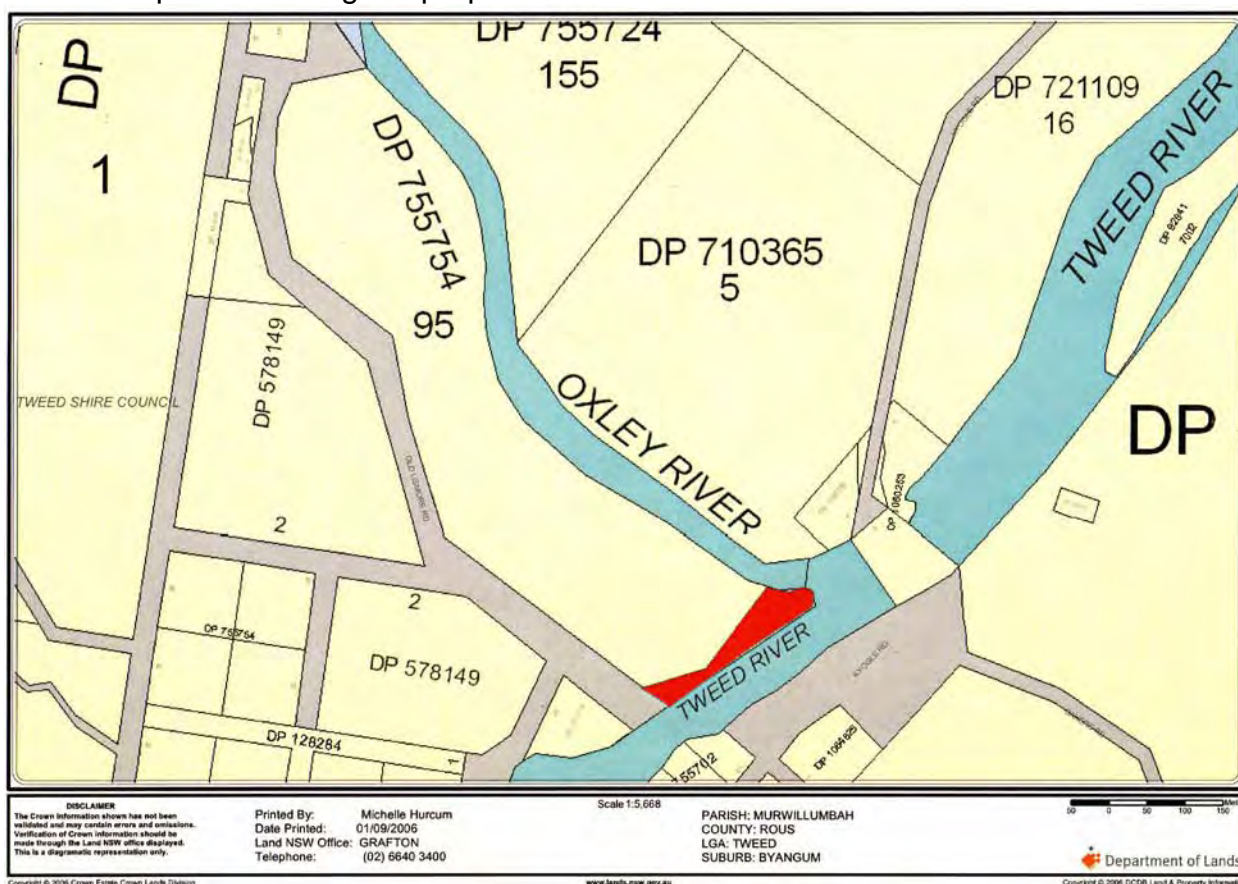
- 1. Objects to the closure and purchase by the applicant of the sections of Crown road reserve which runs along the eastern boundary of Lot 4 DP 705636 and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum.**
- 2. Does not object to the closure and purchase by the applicant of the sections of Crown road reserve which run through Lot 4 in DP 705636.**

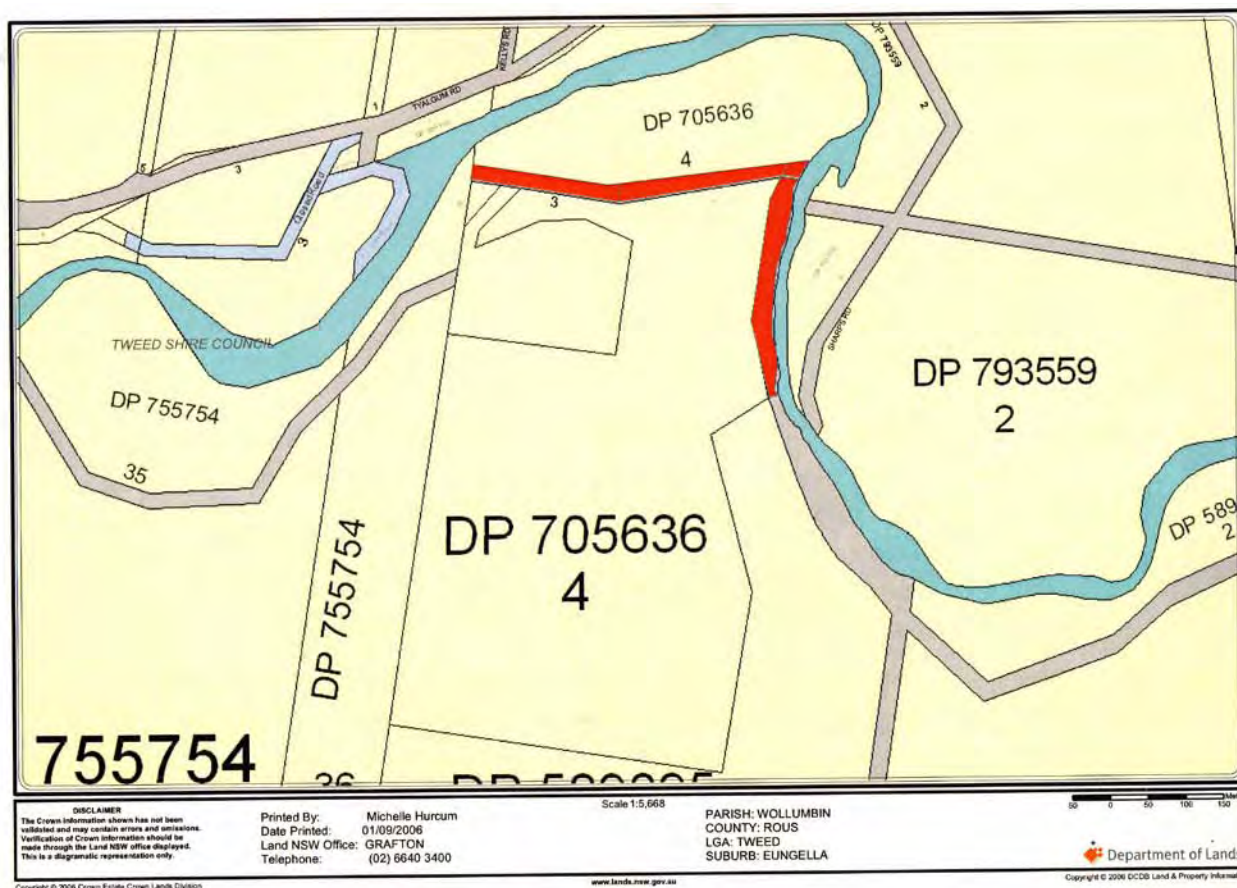
REPORT:

Council has received a notice of application to close Crown Road within Lot 4 DP 705636 and road separating that lot from Oxley River, and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum, 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.

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.

Below are plans showing the proposed Road Closure:-





The section of road reserve on the eastern boundary of Lot 95 and the eastern boundary of Lot 4 run along the Tweed River and the Oxley River which are protected riparians under Section 26D of the Water Act. These sections of road reserve and river contain key fish habitat and estuary threatened species.

Council is implementing foreshore regeneration within the region of the Tweed Shire and utilising road reserves which adjoin the creeks and rivers to allow access to these areas. Council has encountered problems with land owners where access to the foreshore area is only available through private property. While Council is not seeking to fully construct the road reserves along the foreshores, the road reserves do provide an unimpeded access for regeneration works to be completed and should not be closed.

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 5** Roads whose future highest and best use for Council is judged to be of more economic worth than the current land value.

As the proposal is in conflict with Clauses 1 and 5 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 which runs along the eastern boundary of Lot 4 DP 705636, and Crown road separating Lot 95 in DP 755754 from the Tweed River at Eungella and Byangum.

The remaining section of road reserve proposed to be closed running through Lot 4 is unformed and has no direct impact on the surrounding properties. There is minimal environmental impact within this area.

It is recommended that Council does not object to the closure and purchase of the Crown Road reserves which runs through Lot 4 in DP 705636.

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.
