

Road Closure Policy

Policy type	Administration
Function	Planning
Policy Owner	Planning
Effective date	29 October 2015

1. Purpose

The Cassowary Coast Regional Council is requested to provide its views and/or requirements in relation to road closure applications lodged with the Department of Resources (DOR). The purpose of this policy is to provide Council officers with direction when processing these applications and also to inform the public at large as to Council's position in relation to these matters.

2. Scope

This policy applies to applications for permanent and temporary road closures in the Cassowary Coast Regional Council local government area.

Formal applications for road closures are made to DOR. Council is requested by DOR to provide its views and/or requirements in relation to these applications. Also, Council can be requested by landowners for an indication of support or otherwise of a proposed road closure prior to the formal application being lodged with DOR.

3. Definitions

Biosecurity - means the protection of the economy, environment and public health from negative impacts associated with pests, diseases and weeds.

Biosecurity risk - means a risk of any adverse effect on biosecurity.

Contaminant - can be:

- a gas, liquid or solid;
- an odour;
- an organism (whether alive or dead), including a virus;
- energy, including noise, heat, radioactivity and electromagnetic radiation; or
- a combination of contaminants.

Contamination - means the presence of an unwanted contaminant.

Council - means the Cassowary Coast Regional Council.

DOR - means the State government department responsible for assessing and deciding applications for permanent and temporary road closures, currently known as the Department of Resources.

Environmentally Valuable Area - means an area that contains vegetation with significant wildlife values, supports/facilitates wildlife movement and/or contains listed rare or threatened species, as determined by an appropriately qualified Council officer.

FNQROC Development Manual - The "FNQROC Development Manual" published by the Far North Queensland Regional Organisation of Councils, as amended from time to time.

Planning Scheme - means the planning scheme in force for the Cassowary Coast Regional Council local government area.

Road - is as defined in the *Land Act 1994*.

Watercourse - means a river, creek or stream in which water flows permanently or intermittently and for the purposes of this policy includes the ocean.

4. Principles

Council promotes the public's right to access Watercourses and other places of public interest and seeks to maintain and enhance public access in the Cassowary Coast Regional Council local government area whenever possible.

In the public interest, Council is responsible for ensuring:

- the availability of road corridors for future road requirements and/or intersection and road upgrades;
- the availability of roads to provide and maintain access in the Region; and
- that roads are of a sufficient width to ensure public safety.

Council only supports the permanent and temporary closure of roads where this does not compromise the public interest and is in accordance with the provisions of this policy, except where overriding circumstances warrant Council support in a specific situation.

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5. Procedure

When Council is asked to provide its views and/or requirements in relation to an application for a permanent or temporary road closure, Council will object to the application where:

- (a) The subject road is an esplanade or otherwise provides access to a Watercourse or place of public interest where practical access is not available from another point within the vicinity.
- (b) The subject road is required for future road purposes, except where the application is for a temporary road closure and the temporary closure will not preclude the use of that road for future road purposes if and when it is required. Future road purposes means uses such as:
 - (i) providing access;
 - (ii) road upgrades/improvements;
 - (iii) road realignment; and/or
 - (iv) public purposes such as car parking, location of infrastructure, etc.
- (c) The subject road is required to provide access, as follows:
 - (i) if the road is unconstructed, it is the only legal access to a property; or
 - (ii) if the road is constructed, it is available to be used by any person or vehicle.

- (d) The subject road contains an Environmentally Valuable Area and the proposed road closure would have a potential detrimental impact on that Environmentally Valuable Area due to the fact that the Environmentally Valuable Area is not protected under the provisions of the Vegetation Management Act 1999 or Nature Conservation Act 1992, unless strong grounds exist and it is in the public interest that the road closure proceed, notwithstanding the potential impact.
- (e) The proposed road closure is inconsistent with the orderly planning of the area and/or the Planning Scheme.
- (f) The proposed road closure would result in a road width that is inconsistent with maintaining public safety and/or the safe use of the road, as determined in accordance with:
 - (i) a risk assessment carried out by Council; and/or
 - (ii) the requirements of the FNQROC Development Manual.
- (g) The application is for a temporary road closure and the proposed road closure may result in the contamination of the subject road, including contamination that may cause or exacerbate a biosecurity risk.

Related forms, policies and procedures	Planning Scheme
Relevant legislation	<i>Land Act 1994</i>
Reference and resources	Department of Resources FNQROC Development Manual Planning Scheme

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