

## **6.12. APPLICATION FOR PERMANENT PARTIAL ROAD CLOSURE ADJOINING 49-51 NAUTILUS STREET PORT DOUGLAS**

<b>REPORT AUTHOR</b>	Helen Coulthard, Property Officer
<b>MANAGER</b>	Sara Roberts, Acting Manager People and Community Services
<b>DEPARTMENT</b>	People and Community Services

### **RECOMMENDATION**

**That Council:**

**1. Delegates authority to the Chief Executive Officer in accordance with s 257 of the *Local Government Act 2009* to:**

**a. Advise the landowners and Department of Resources that Council does not support a permanent partial road closure of approximately 238m<sup>2</sup> adjoining 49-51 Nautilus Road Port Douglas formally described as Lot 5 on RP744198 due to the presence of Council infrastructure; and**

**b. Finalise any and all matters associated with the unsupported proposal.**

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### **EXECUTIVE SUMMARY**

Council received a proposal from a consultant, on behalf of the landowners, to permanently close part of an unformed road adjoining 49-51 Nautilus Street Port Douglas, formally described as Lot 5 RP744198.

This report recommends Council does not support an application for a permanent partial road closure due to the presence of Council infrastructure in the road area fronting 49-51 Nautilus Street Port Douglas.

### **BACKGROUND**

Council received a proposal from Aspire Planning, consultants acting on behalf of the landowners, to permanently close part of the road area fronting 49-51 Nautilus Street Port Douglas, formally described as Lot 5 RP744198.

The landowners seek to close approximately 7 metres by 34 metres (238m<sup>2</sup>) of unformed road, comprising grass and landscaping along the fence. The application's purpose is to extend the yard over that part of the road area currently maintained by the landowners.

The consultant acknowledges the presence of water and telecommunications utilities within the area proposed to be closed and proposes an easement to protect these assets should the road closure be permitted.

## COMMENTS

While Council, at the 7 March 2017 Ordinary Council meeting, supported an application for a permanent partial road closure adjacent to 14 Yiki Street Craiglie, where an easement was subsequently created, this was for Ergon infrastructure, not Council infrastructure.

The current proposal to permanently close part of the road area adjacent to 49-51 Nautilus Street Port Douglas was not supported by Council department managers due to the presence of Council's water infrastructure and the creation of an irregularly shaped road area.

Historically, throughout Queensland, property owners are encouraged to maintain that part of the road verge immediately adjoining their boundary. This accepted practice is seen as a property owner's voluntary contribution to the general amenity of the streetscape and more broadly, the community.

An officer at the Department of Resources also supported Council Officers' concerns based on the presence of Council assets within the road.

## PROPOSAL

The proposal is for Council to:

1. Delegate authority to the Chief Executive Officer in accordance with s 257 of the *Local Government Act 2009* to:
  - a. Advise the landowners and Department of Resources that Council does not support a permanent partial road closure of approximately 238m<sup>2</sup> adjoining 49-51 Nautilus Road Port Douglas formally described as Lot 5 on RP744198 due to the presence of Council infrastructure; and
  - b. Finalise any and all matters associated with the unsupported proposal.

## FINANCIAL/RESOURCE IMPLICATIONS

The landowner is responsible for costs associated with an application to the Department of Resources.

## RISK MANAGEMENT IMPLICATIONS

To ensure Council has immediate access to the road area to carry out repairs, maintenance, and upgrades to Council's water infrastructure, the application to close part of the road reserve is not supported.

## SUSTAINABILITY IMPLICATIONS

- |                       |                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Economic:</b>      | Council infrastructure contained within the existing road area ensures Council can continue to maintain, repair and upgrade water network as and when required. |
| <b>Environmental:</b> | Vegetation in the road area may need to be cleared in the event water infrastructure needs to be maintained, repaired, or upgraded.                             |
| <b>Social:</b>        | Water infrastructure maintenance, repairs, and upgrades are integral to operations of residences and businesses.                                                |

## CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

### Corporate Plan 2019-2024 Initiatives:

#### Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

**Goal 1** - *We will conduct Council business in an open and transparent manner with strong oversight and open reporting.*

### Operational Plan 2023-2024 Actions:

New project arisen during the financial year.

## COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

<b>Custodian</b>	Council owns and manages infrastructure, facilities, reserves, resources and natural areas. In fulfilling its role as custodian, Council will be mindful of the community, the economy, the environment, and good governance.
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## CONSULTATION

<b>Internal:</b>	Department managers Councillor Workshop 30 April 2024
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<b>External:</b>	Department of Resources Consultant acting for landowner
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## COMMUNITY ENGAGEMENT

Nil

## ATTACHMENTS

1. 49-51 Nautilus Street PORT DOUGLAS - Locality Map [6.12.1 - 2 pages]
2. 49-51 Nautilus Street PORT DOUGLAS - Water & Sewer [6.12.2 - 1 page]
3. 46-51 Nautilus Street PORT DOUGLAS - Map and photos provided by consultant [6.12.3 - 4 pages]



(c) Douglas Shire Council



200 m

Scale = 1:6970.320

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# Property (1)

Attachment 6.12.1

203 of 227

OBJECTID: 10394

Lotplan: 5RP744198

Part\_lot:

Property\_Name:

Address: 49-51 Nautilus Street PORT DOUGLAS

Tenure: Freehold

Zone\_Planning:

Parcel\_Type: Lot Type Parcel

Cover\_Type: Base

ACC\_Code: B&D ENTRY CONTROLLED - 0.1M

Assessment\_Num: 836924

Valuation\_Num: 209

Parcel\_Num: 995

SegPar: 8956177

Par\_Ind: 0

LOC: 2300

Locality: Port Douglas

Survey\_Plan: 0

Survey\_Plan\_G\_Drive: RP744198.tif

Sewer\_Plan: 441802

Lot\_Area\_State: 2023

Excluded\_Area\_State: 0

Lot\_Volume\_State: 0

Surv\_Ind: Y

Calc\_Area\_sqm: 2025.6960000000001

Cadastre\_Date: 10/06/2023

Update\_Date:

LOT: 5

PLAN: RP744198

St\_No\_Label: 49-51

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# 46-51 Nautilus Street PORT DOUGLAS - Water & Sewer

## Places

- Places Attachment 6.12.2

## Road Network

### Roads

- DSC
- Private
- State
- To be define
- WWRC

## Watercourses

### Major Watercourse

- 8
- 7
- 6
- 5
- 4
- 3

### Minor Watercourse

- 2
- 1

## Boundaries

- Locality Boundaries
- Douglas Shire Council Boundary

## Property Boundary

- Property

## Water - Excluding Abandoned

- W\_Hydrants\_DS
- C\_ExclAbandoned
- W\_Nodes\_NonValve\_DS
- W\_Nodes\_Valve\_DS\_ExclAbandoned
- Bend
- Borehole
- ◆ End Cap
- ⊗ Ferrule Coupling
- Intake
- ★ Junction
- Pump
- ▼ Reducer
- ⊗ Stop Cock
- ▲ Tower
- ★ Unknown
- ✳ WTP
- W\_Nodes\_Valve\_DS\_ExclAbandoned
- W\_Meters\_DS\_ExclAbandoned
- W\_Reservoirs\_DS



(c) Douglas Shire Council



10 m

Scale = 1:378.000

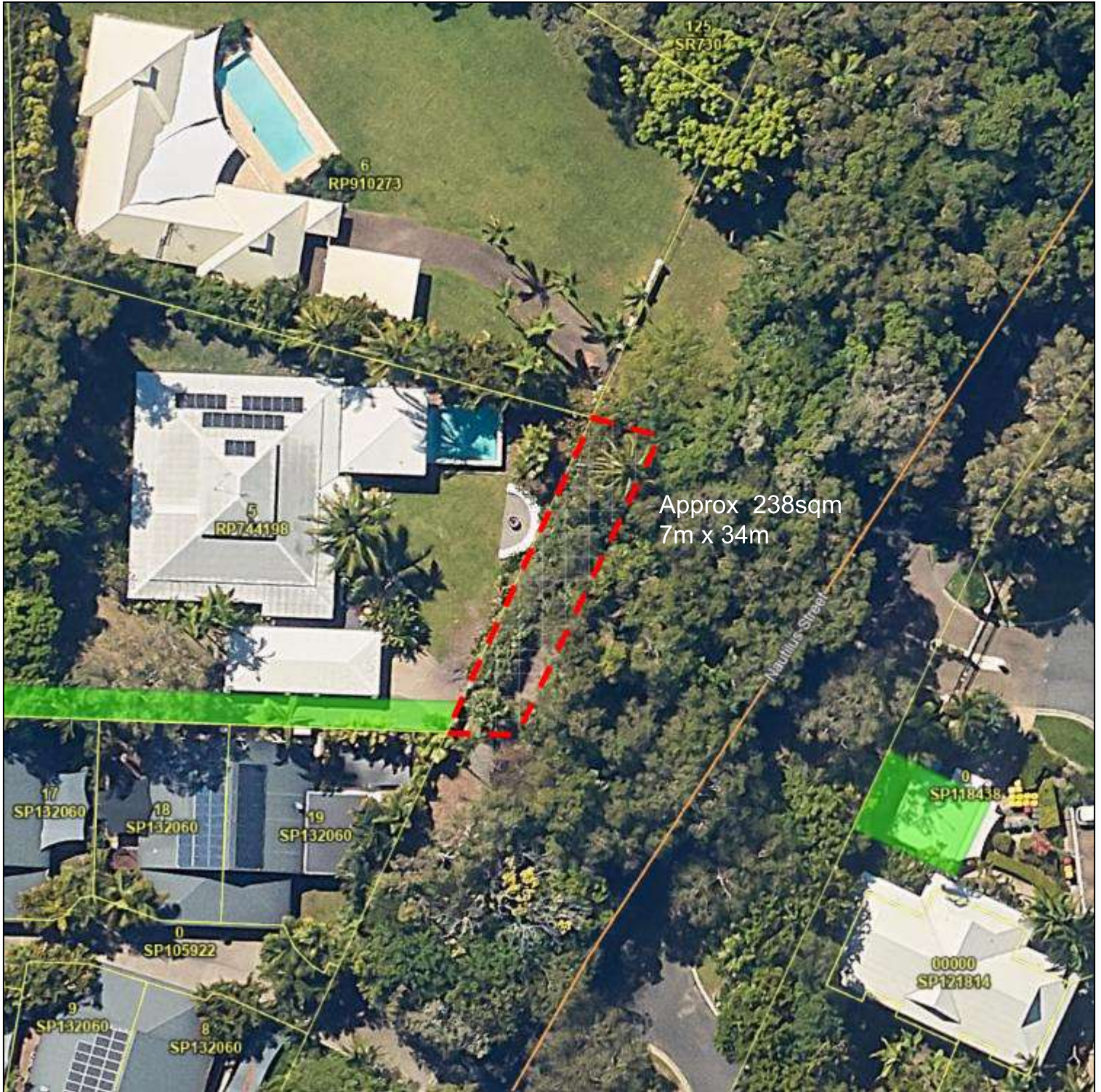
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# Proposed Road Closure

49-51 Nautilus Street, Port Douglas

16°31'32"S 145°28'10"E

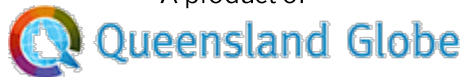
16°31'32"S 145°28'14"E



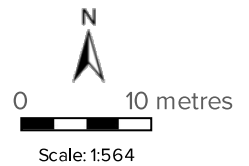
16°31'35"S 145°28'10"E

16°31'35"S 145°28'14"E

A product of



Legend located on next page



Printed at: A4  
Print date: 19/2/2024

Not suitable for accurate measurement.  
Projection: Web Mercator EPSG 102100 (3857)

For more information, visit  
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

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