

7.10. PERMANENT ROAD CLOSURE APPLICATION - PARTS MURPHY STREET AND ESPLANADE, PORT DOUGLAS

REPORT AUTHOR	Team Leader Property
MANAGER	Manager Community Services
DEPARTMENT	Community Services

RECOMMENDATION

That Council:

1. **Supports an application submitted on behalf of the owner of 69-73 Murphy Street, Port Douglas, formally described as Lot 516 PTD2094 and adjacent Lot 2 RP724386 for the permanent closure of sections of road comprising parts of the eastern extent of Murphy Street and the northern extent of the Esplanade, Port Douglas for inclusion into the relevant adjoining lots and as defined in Drawing PTD391013-10, subject to the following conditions:**
 - a. **The applicant will provide a suitable easement, favouring Council, for access to that part of its watermain contained within the road closure area.**
 - b. **All costs associated with the finalisation of the road closure process including provision of the water easement, survey costs, lodgment costs and any Council legal fees relevant thereto, will be paid by the applicant.**
2. **Completes *Part C Form LA30: Statement in relation to an application under the Land Act 1994 over State land*, confirming its support, as the road manager, for the area of permanent road closure as defined in the application submitted on behalf of the property owner.**

EXECUTIVE SUMMARY

An application has been received requesting Council support for the permanent closure of a section of road comprising part of the eastern extent of Murphy Street and northern extent of the Esplanade, Port Douglas. The property that will benefit from the road closure is described as 69-73 Murphy Street, Port Douglas (Lot 516 PTD2094 and Lot 2 RP724386) and is currently subject to reconfiguration and development into three dwellings.

BACKGROUND

In November 2023 Council issued a Decision Notice - Approval (with conditions) for a Development Permit for Combined Application for Material Change of Use for 3 x dwelling houses and reconfiguring a lot (2 lots into 3 lots and access easement) relevant to the adjoining Lot 516 PTD2094 and Lot 2 RP724386.

Condition 4 of the Decision Notice required an application be made for the permanent closure of part of Murphy Street so as to have a shotcrete 'retaining wall' constructed within the road area, as part of batter stabilisation works, for inclusion into the development property. This would avoid having the retaining wall becoming a Council asset.

In June 2024 a road closure application was received on behalf of the owners of the aforementioned property. The original configuration of the proposed closure area, as submitted with the application, was later found to not be reflective of the actual constructed alignment of the retaining wall.

Subsequent dealings with both the consulting engineer and the consulting planner determined that it would be best to await the conclusion of the slope stabilisation works including pinning and shotcrete of the embankment before submitting a new drawing that also included expanded works into the northern section of Esplanade road area. This expanded area included a section of Council's watermain. It was pointed out to the consulting planner that provision will need to be made for an easement, favouring Council, to allow access to its water infrastructure that will ultimately be contained within the road closure area and subsequent reconfigured freehold lots at the completion of the road closure process.

COMMENTS

Support of the road closure application, by Council, will give the applicant the means to pursue its application with the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development. It will also address the current encroachment of the retaining wall into both Murphy Street and the Esplanade and satisfy Council's own conditional Approval for the development at that location.

PROPOSAL

That Council:

1. Supports an application submitted on behalf of the owner of 69-73 Murphy Street, Port Douglas, formally described as Lot 516 PTD2094 and adjacent Lot 2 RP724386 for the permanent closure of sections of road comprising parts of the eastern extent of Murphy Street and the northern extent of the Esplanade, Port Douglas for inclusion into the relevant adjoining lots and as defined in Drawing PTD391013-10, subject to the following conditions:
 - a. The applicant will provide a suitable easement, favouring Council, for access to that part of its watermain contained within the road closure area.
 - b. All costs associated with the finalisation of the road closure process including provision of the water easement, survey costs, lodgment costs and any Council legal fees relevant thereto, will be paid by the applicant.
2. Completes *Part C Form LA30: Statement in relation to an application under the Land Act 1994 over State land*, confirming its support, as the road manager, for the area of permanent road closure as defined in the application submitted on behalf of the property owner.

FINANCIAL/RESOURCE IMPLICATIONS

All costs relevant to the application for a permanent road closure and associated actions for the preparation and securing of an easement will be the responsibility of the applicant. Additionally, should the application be successful, then the applicant will engage with the Department to secure a purchase price for the area of road to be included into the relevant adjoining land parcel/s. At some point in the future the affected land parcels will be subjected to a revaluation process by the Valuer-General with the likely increased valuation/s impacting the amount of General Rate revenue collected by Council.

RISK MANAGEMENT IMPLICATIONS

Removal of the retaining wall from Council's road areas will mean that there is no maintenance obligation upon Council relevant to the wall. Additionally, there is no risk factor (to Council) as the wall will not be a Council asset.

SUSTAINABILITY IMPLICATIONS

Economic: Nil

Environmental: Nil

Social: Nil

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2025-2030 Initiatives:

Theme 2 - Prosperity

Council plans, builds and maintains the infrastructure required to improve our lifestyle and promote economic growth, working actively to support local businesses.

2.5 - Pursue opportunities to improve housing outcomes.

Theme 4 - Recovery and Resilience

To partner with community to build resilience against natural disasters creating a strong sense of social capital.

4.2 - Deliver infrastructure asset restoration and betterment.

Operational Plan 2025-2026 Actions:

2.4.1 - Undertake assessment of development applications in a timely manner.

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:

Custodian	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

Internal:	Senior Leadership Team Asset Management Team Finance Team Infrastructure Services Team Planning Team Senior Civil Engineer – Water and Wastewater
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Water and Wastewater Team

External: Applin Consulting
Planning Plus

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. Site Location and Road and Water Infrastructure - Murphy Street- Esplanade [7.10.1 - 1 page]
2. PT D 391013-10 Proposed Road Closure Murphy- Esplanade Port Douglas [7.10.2 - 1 page]

LOCATION OF SUBJECT LAND INCLUDING ROAD AREAS AND WATER INFRASTRUCTURE



SCALE 1:300 IS APPLICABLE ONLY
TO THE ORIGINAL SHEET SIZE (A3).

NOTES		PROJECT MANAGER	
Level Datum: AHD Origin of Levels: PM 123510 RL: 5.659 Meridian: IS221812		DGP	
		SURVEYED	
		DRAWN DGP	
CHECKED	CAD REF AU013414 -107.mjo	SHEET 1 OF SHEETS 1	
DRAFTING CHECKED		SHEET SIZE A3	

Ordinary Council Meeting 25 November 2025

GURNER TM

Proposed Lot layout
69-71 Murphy St
Port Douglas



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SCALE	DATE	DRAWING NO.	ISSUE
1:300	8/9/25	PTD391013-10	