

7.12. PERMANENT ROAD CLOSURE OF PART OF AN UNFORMED ROAD ADJOINING LOT 2 SR886, AND DEDICATION OF PART OF LOT 1 SR886 AS ROAD

REPORT AUTHOR	Property Officer
MANAGER	Manager Community Services
DEPARTMENT	Community Services
DATE	31 March 2026

RECOMMENDATION

That Council:

1. Lodges an application with the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the Department) for the permanent closure of the entire area of unformed road that adjoins the eastern boundary of Lot 2 SR886, and for that area of permanently closed road to be amalgamated into Lot 2 SR886.
2. Applies to the Minister, by formal letter, and as provided for under s31A of the *Land Act 1994*, to amend the boundaries of the reserve described as Lot 1 SR886 so as to have that part of Lot 1, identified by agreement between the Department and Council, opened as road to formalise access from Mowbray Street to Lot 2 SR886.
3. Executes relevant agreements as may be offered by the Department for those actions required to achieve reserve amendment, road closure and road opening.
4. Meets the relevant costs for the abovementioned processes including application fees, survey fees, legal fees and Titles Queensland registration fees.

EXECUTIVE SUMMARY

Recommended solutions to two identified issues affecting the land occupied by Port Douglas Surf Life Saving Club Inc (the Surf Club) to enable consideration of future tenure options.

PREVIOUS COUNCIL CONSIDERATIONS / RESOLUTIONS

At the Ordinary Council Meeting dated 9 December 2025, Council resolved to offer a trustee permit to the Surf Club for a term of one (1) year commencing on 1 January 2026. (truncated).

The offer of a trustee permit for a term of one (1) year was intended as an interim measure to provide the Surf Club with continuity of tenure until the identified issues affecting the land are resolved, so that a more long-term tenure arrangement could be considered.

REPORT/BACKGROUND

Since its formation in the early 1980s, the Surf Club has occupied the reserve located at the junction of Mowbray Street and Esplanade, Port Douglas, formally recognised as Lot 2 SR886 (Lot 2).

The outdoor dining area and structures originating from Lot 2 extend into the unformed road. The encroachment can be resolved by permanently closing part of the unformed road that immediately adjoins Lot 2, and by amalgamating the area of closed road into a reconfigured Lot 2. Closing the entire unformed road area that adjoins the eastern boundary of Lot 2 will create a more regular shaped allotment once amalgamated.

The proposed area of unformed road to be permanently closed contains no public infrastructure and is limited in its potential as a future thoroughfare to connect the Esplanade to Beryl and Sand Streets. This is due to the existence of a drain along the southern boundary of Lot 2 which dissects the road area and when combined with the significant vegetative growth thereon, makes future use of the remnant piece of the road impractical.

Vehicular access to Lot 2 has historically been gained via the rear of the property through the adjoining reserve, formally recognised as Lot 1 SR886 (Lot 1) and known as Julunbu Park. Lot 1 contains the Splash Park and public amenities building. Without access through Lot 1, the Surf Club has no direct connectivity to Mowbray Street and no legal access to the rear of Lot 2.

In accordance with s31A of the *Land Act 1994*, Council can apply to the Minister, through the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, to change the boundaries of a reserve and open, as road, an area of Lot 1.

The proposed area of Lot 1 to be opened as road is the north-eastern extent that includes the existing car parking area and public amenities building. This is the informal means of access that is currently being used to the rear of the Surf Club.

Council is the trustee of Lot 1 and Lot 2 respectively, pursuant to the *Land Act 1994*.

FINANCIAL AND RESOURCE IMPLICATIONS

Costs to facilitate both the road closure and road opening processes is estimated to be \$20,000.00, with costs to be met by Council. There is no compensation payable to the State for the acquisition of land (road closure area) to be amalgamated into Lot 2, as it is a reserve for which Council is trustee.

Dedication of part of Lot 1 as road does not obligate Council to seal the road surface, although Council may choose to do so.

Administration of the relevant processes to achieve the desired outcome will be managed by Council's Property Section. Resource implications are an estimated in the order of 20-30 hours.

RISK MANAGEMENT IMPLICATIONS

Council is the road manager for roads under its control as a local government. On that basis and having regard for potential liability implications, it is in Council's interest to have the encroachment into the unformed road resolved. Inclusion of the encroachment into a reconfigured Lot 2 (subsequent to the permanent road closure process) will reduce Council's liability exposure.

Provision of legal road access to the rear of Lot 2 will formalise the existing use of the area and further reduce Council's liability exposure.

ENVIRONMENTAL IMPLICATIONS

Nil.

SOCIAL IMPLICATIONS

Nil.

CORPORATE AND OPERATIONAL PLAN

This report has been prepared in accordance with the following:

Corporate Plan 2025-2030 Initiatives:

Theme 3 - Service Delivery

We deliver Council services effectively and efficiently to meet community expectations, focusing on the wellbeing of both the community and our employees.

3.5 - *Employ a proactive and preventative approach to asset management.*

Operational Plan 2025-2026 Actions:

Legislative requirement.

New project arisen during the financial year.

LEGISLATION AND POLICY

Land Act 1994.

CONSULTATION

Internal consultation with Councillors, Environment and Planning Section, Infrastructure and Recovery Section, Infrastructure Planning and Delivery Section, and Water and Wastewater Section.

External consultation with representatives of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development and Port Douglas Surf Life Saving Club Inc.

Subsequent to lodgement of the road closure application, the appropriate public notice will be advertised for four (4) weeks in accordance with s100 of the *Land Act 1994*. The public (laminated) notices will be placed at both ends of the proposed permanent road closure area and the road closure application will be advertised on the Queensland Government website whereby the public may submit comments.

CONCLUSION

Resolution of the encroachment into road area and formalisation of legal access to Lot 2, is necessary to enable consideration of future tenure options for the Surf Club.

ATTACHMENTS

1. Map of Proposed Road Closure and Road Opening - Lot 1 and Lot 2 S R 886 [7.12.1 - 1 page]



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 0 10 metres
 Scale: 1:784

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Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development