7.13. APPLICATION TO PURCHASE FLOATING RESERVATION ON LOT 97 SR231 O'DONOGHUE ROAD MIALLO

REPORT AUTHOR	Property Officer
EXECUTIVE	General Manager Corporate and Communities
DEPARTMENT	Corporate and Communities
TEAM	Community Services
DATE	27 October 2026

RECOMMENDATION

That Council:

1. **Declare that the reservation in title for public (road) purposes, attached to Lot 97 on Crown Plan SR231, title reference 20464193, is not required for any foreseeable future expansion of the local road network.**

2. **Advise the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development that Council, as the road manager, supports an application by the registered landowner of Lot 97 on Crown Plan SR231 to purchase the reservation in title, by completion of Form LA30: Statement in relation to an application under the Land Act 1994 over State land.**

EXECUTIVE SUMMARY

The Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the Department) seeks Council's views on an application made by the registered landowner of Lot 97 on Crown Plan SR231 (Lot 97) to purchase a reservation in title for public (road) purposes. Council, as the relevant local authority, is the road manager for local roads under its control.

PREVIOUS COUNCIL CONSIDERATIONS / RESOLUTIONS

Not applicable.

REPORT/BACKGROUND

- A reservation in title is an area excluded from a title for a public purpose. It may be contained on either freehold or leased land.

- During settlement of the State, reservations were provided for possible future public requirements. Reservations for road purposes were provided as future road requirements could not always be foreseen, nor the pattern of development reasonably

anticipated. The location of these reservations was generally undefined (i.e. a floating reservation).

- The State is the only party that may deal with a reservation in accordance with the *Land Act 1994*.

- A reservation that is no longer needed is required to be purchased by the owner or freeholding lessee following application under Section 24 of the *Land Act 1994*. The purchase is to be by way of a one-off payment (to the State) at the unimproved value of the land as decided under Section 25 of the *Land Act 1994* and the *Land Regulation 2020.*

- As depicted on Crown Plan SR231, a reservation for road purposes is attached to Lot 97. The numbers '3 . 2 . 13' are a reference to imperial units of area being three (3) acres, two (2) roods (pronounced 'rods') and 13 perches which equates to an area of 1.4492 hectares that is set aside for road purposes within Lot 97. **[Attachment 1]**

FINANCIAL AND RESOURCE IMPLICATIONS

The are no financial implications for Council associated with this matter.

All costs associated with the application and subsequent processes related thereto shall be met by the applicant.

RISK MANAGEMENT IMPLICATIONS

An internal consultation process was undertaken to determine what, if any, potential exists for future use of the floating reservation. Advice from Civil Operations is that no potential for future use of the floating reservation has been identified, whereby expansion of the local road network would require a road to be established on Lot 97, and that it supports the recommendation to Council.

While unlikely, there is a residual risk whereby future growth or changes to the road network in the Miallo locality could theoretically create a need for the land (for road purposes) after the reservation in title is removed. Should this ever eventuate, then Council would incur land acquisition/resumption costs to acquire part of the land; costs it otherwise would not have incurred if the reservation in title was retained.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this matter.

SOCIAL IMPLICATIONS

There are no social implications associated with this matter.

CORPORATE AND OPERATIONAL PLAN

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.
2.7 - *Build strong local, State and Federal relations.*

Operational Plan 2026-2027 Actions:

Legislative requirement.

LEGISLATION AND POLICY

- *Land Act 1994*
- *Land Regulation 2020*

CONSULTATION

Internal Consultation:

- Planning Team
- Civil Operations Team
- Infrastructure, Planning & Delivery Team

External Consultation:

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

CONCLUSION

The decision to approve or refuse the application made by the landowner ultimately rests with the Department. Advice from Civil Operations is that no potential for future use of the floating reservation has been identified, whereby expansion of the local road network would require a road to be established within Lot 97. On that basis it is recommended that Council support the application by the landowner to purchase the reservation in title for public (road) purposes attached to Lot 97.

ATTACHMENTS

1. Attachment 1 [**7.13.1** - 2 pages]

Por N°	Farm N°	Selector	D and D passed on	Remarks	Por N°	Farm N°	Selector	D and D passed on	Remarks

Space Reserved for Office Notings

SURVEY OFFICE
04640 ✪ 5 NOV 1952
S.G.
QUEENSLAND

Traverses and Secants

Line	Bearing	Dist.

For Additional Plan & Document Notings Refer to CISP

Reference to Corners

Cor	Bearing	From	Links	Marks

63V.
Sr. 230

ROAD 100 WIDE

Southwater

270°5' 3417.3

340°14' 208.2

238°33' 774.1P 800ck. 269°57'

244°24' 100.5

95¥

New deed to:-
Leslie William Kadow

52.501

1406 R.f. 0684.5 A D120.4

328°33' 1432.7

309°56'30" 683.7

149°28' 1133.7

Ck

179°57' 2820.3

152 · 3 · 4
3 · 1 · 4 Rd.
149 · 2 · 0

80°19' 1098

90°12' 5580ck 5334.7 Rd.

129ck

175° 233.9P. 250ck.

710ck 698.1P.

97¥

New deed to:-
Sidney Charles Evans 52.501

48
Nr. 265

ROAD 0°20' 2822.3

164 · 2 · 33
0 · 3 · 20 Rd
3 · 2 · 13 Res. Rd. Purps.
160 · 1 · 0

270°24' 5332.3

180°9' 1772ck. 1599.4P.

Sr.411

109v

N. 157.666
Sr. 452.

Pre^d Temp. Res. GG 62.2.1555 RC 19367

ROAD

Closure RC 19367

105v

Pre^d Temp. Res. (Av. 1k strip) GG 62.2.1555 RC. 19367

Prod. T.C. 6.1.63.2.121? RC. 19267

N. 157.616

Sr. 39

Adjustments

Por.	Reference	Previous Area.	Date
95¥	Req. D/G. 52.501	153 · 0 · 37 3 · 0 · 34 Rd 150 · 0 · 0 164 · 3 · 13	7/1/52
97¥		0 · 3 · 20 Rd 3 · 2 · 13 Res. Rd. 160 · 0 · 0	

DESCRIPTIONS AS INDICATED HEREON HAVE BEEN CONVERTED TO LOT(S) ON PLAN SR231
Authorised R Watson Senior Draftsman
Date 03/11/87

I hereby certify that I, in person, made, and on the ____ 19 ____ completed the survey represented by this plan, on which are written the bearings and lengths of the lines surveyed by me, and that the survey has been executed in accordance with the existing regulations of the Surveyor General's Department.

Office Compilation
Surveyor

Meridian Observations

Register Nº	Station Nº	Date	Lat.	Long.	Variation Observed	Variation C.A.M.

C.A.M. vide Sr. 164

Date of Instructions R.C. 17612
Date of transmission of plans &c.
Examined by P.L.G. 11-5 Calc. Book Nº 1156
Voucher Nº Passed for payment
Charted by A.E.B. 11/11/52
Sales Register Vol. Fol.
Scale 10 Chains to an Inch

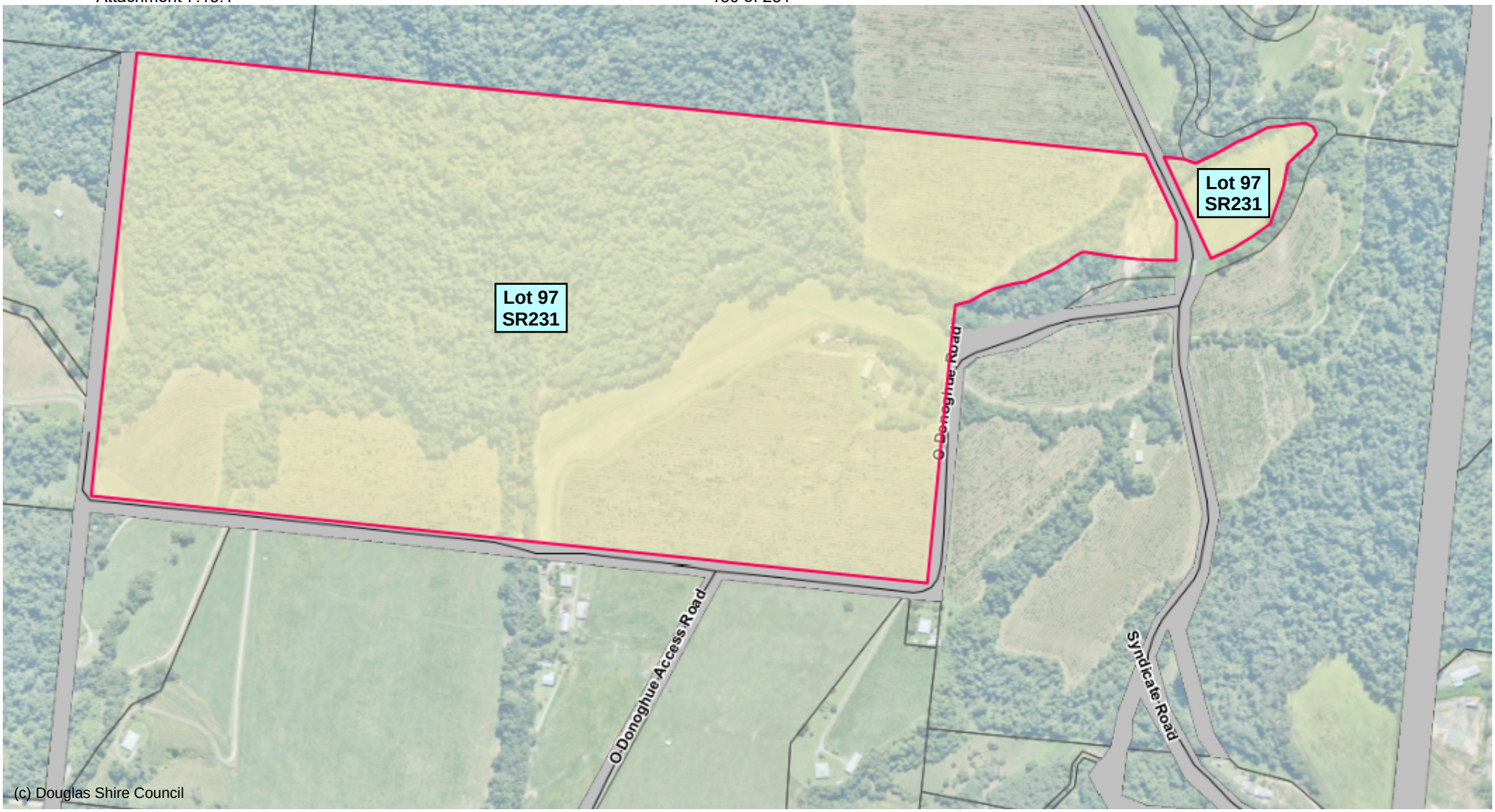
PLAN OF
LOT LOT
PORTION Nos 95¥ & 97¥
PARISH OF Whyanbeel
County of Solander
Land Agents Cairns
District of
Sr. 231

pm
888 N

SR 231

Copyright protects the plan/s being ordered by you. Unauthorised reproduction or amendments are not permitted.

Lot 97 SR231 in proximity to existing local road network



DOUGLAS SHIRE COUNCIL

N

200 m

Scale = 1:6788.880

4-September-2026

©2020 Douglas Shire Council (DSC). Based on or contains data provided by DSC and the State of Queensland Department of Natural Resources & Mines (NR&M) [2020].
In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.