

5.6. APPROVAL TO EXECUTE FORM PART C - PROPOSED BOUNDARY ADJUSTMENT OF LOT 147 SP301681

**REPORT AUTHOR(S)
GENERAL MANAGER** Robert Donovan, Team Leader Property
Joanne Jacobson, Acting General Manager Corporate Services

DEPARTMENT Governance

RECOMMENDATION

That Council:

- 1. Resolves to allow an application to be lodged with the Department of Natural Resources, Mines and Energy to apply to excise approximately 100M² from Lot 142 CP886634 and incorporate into Lot 147 SR866.**
- 2. Delegate authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to finalize any and all matters with the application being lodged with the Department of Natural Resources, Mines and Energy, including the execution of the Form C as being owners of the Reserve.**

EXECUTIVE SUMMARY

It is a requirement for all applications made to the Department of Natural Resources, Mines and Energy under the *Land Act 1994* over State Land for an applicant to first obtain Council's consent as owners of the trust land indicating that Council has no objection to the application being made.

A request has been received from the sub-lessees of Lot 147 SR 866 (Lot 147) to excise approximately 100 M² from the adjoining allotment, Lot 142 CP886634 (cemetery) which is Council Trustee Land. Existing infrastructure of the sub-lessee is located on Council Trust Land which is required to be contained within Lot 147. For this to occur, either a boundary realignment will be required, or the infrastructure removed. The Department of Natural Resources, Mines and Energy (DNRME) will not approve the renewal of the sub-lease until this matter is resolved.

Council will be provided an opportunity in due course to respond to DNRME regarding this application.

BACKGROUND

By Council providing the applicant with an executed Form Part C, Council is not consenting to the application itself, it is just consenting to the applicant proceeding to lodge an application with DNRME.

COMMENT

It appears that the encroachments of infrastructure into Lot 142 CP 886634 were in existence when the original sub lease was executed.

PROPOSAL

Council to provide consent by way of an executed Form C, to enable the application to be lodged with DNRME.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with this application being lodged with DNRME are borne by the applicant.

RISK MANAGEMENT IMPLICATIONS

This aspect does not need to be resolved now as Council is only consenting to the application being lodged and DNRME will seek Council's comments on the application in due course.

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 2014-2019 Initiatives:

Theme 2 - Building a Sustainable Economic Base

2.3.3 - Support and explore appropriate commercial uses of Council - controlled land, adding to the visitor experience and supporting the local economy.

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:

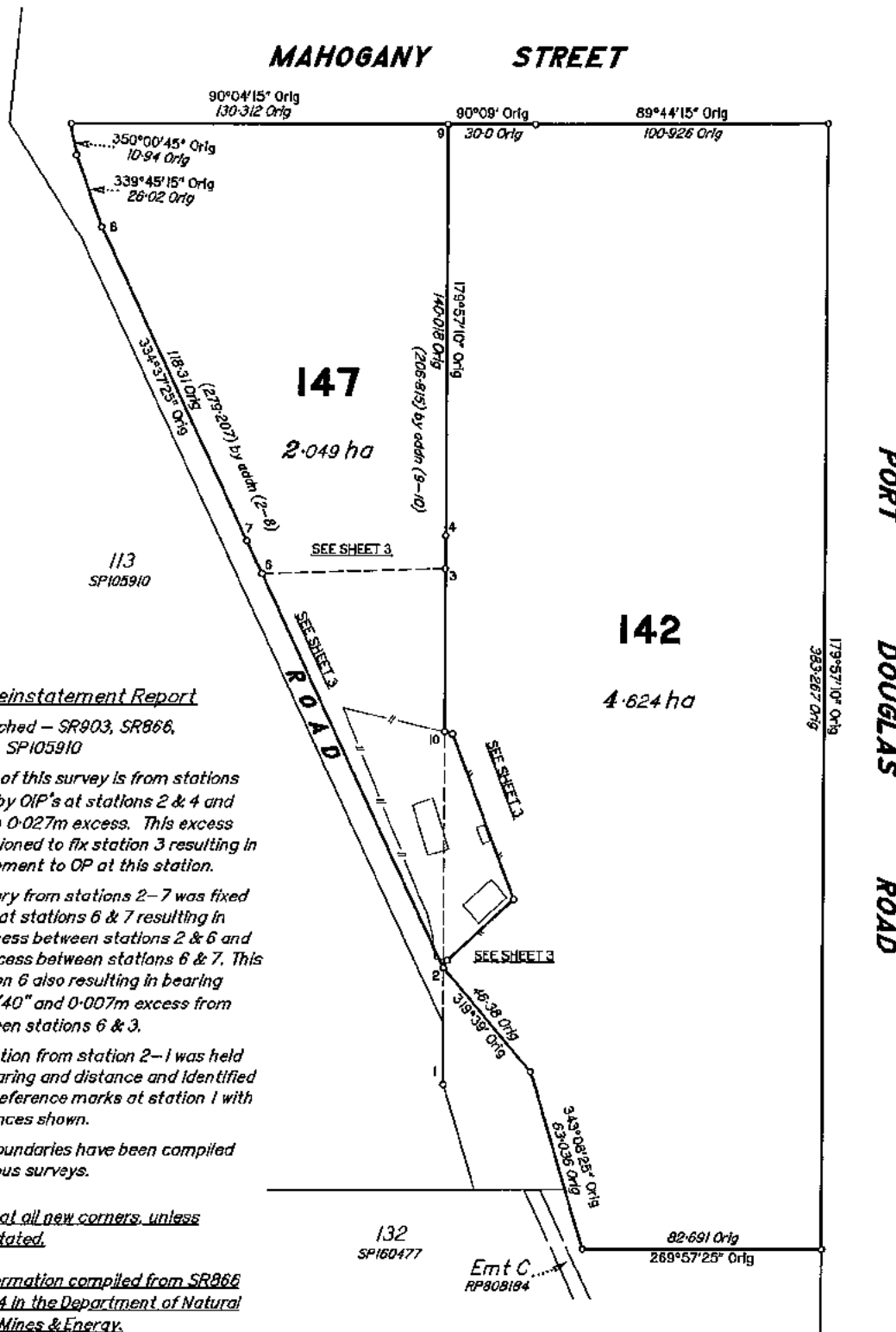
Asset-Owner Meeting the responsibilities associated with owning or being the custodian of assets such as infrastructure.

CONSULTATION

Internal: Acting General Manager Corporate Services
Acting Chief Executive Officer
External: DNRME

ATTACHMENTS

1. Proposed Boundary Adjustment of Lot 147 **[5.6.1]**
2. Existing Existing Boundary Allinment Lot 147 **[5.6.2]**



Reinstatement Report

Plans searched – SR803, SR866, CP886634, SP105910

The datum of this survey is from stations 2-4 fixed by OIP's at stations 2 & 4 and resulting in 0.027m excess. This excess was apportioned to fix station 3 resulting in good agreement to OP at this station.

The boundary from stations 2-7 was fixed by O Bolts at stations 6 & 7 resulting in 0.013m excess between stations 2 & 6 and 0.009m excess between stations 6 & 7. This fix of station 6 also resulting in bearing down 0°00'40" and 0.007m excess from deed between stations 6 & 3.

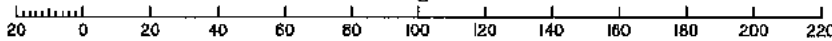
The connection from station 2-1 was held at deed bearing and distance and identified disturbed reference marks at station 1 with new references shown.

All other boundaries have been compiled from previous surveys.

Peg placed at all new corners, unless otherwise stated.

Original information compiled from SR866 & CP886634 in the Department of Natural Resources, Mines & Energy.

Scale 1:1500 – Lengths are in Metres.



RPS Australia East Pty Ltd (ACN 140 292 782) hereby certify that the land comprised in this plan was surveyed by the corporation, by Matthew James WILLIAMS, surveying associate and Daniel Geoffrey FINKHAM, surveying graduate, for whose work the corporation accepts responsibility, under the supervision of Adrian Edward SOLOMON, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 17/04/2018.

Authorised Delegate

Date

150 mm State copyright reserved.

Scale: 1:1500

Format: STANDARD

Plan of Lots 142 & 147

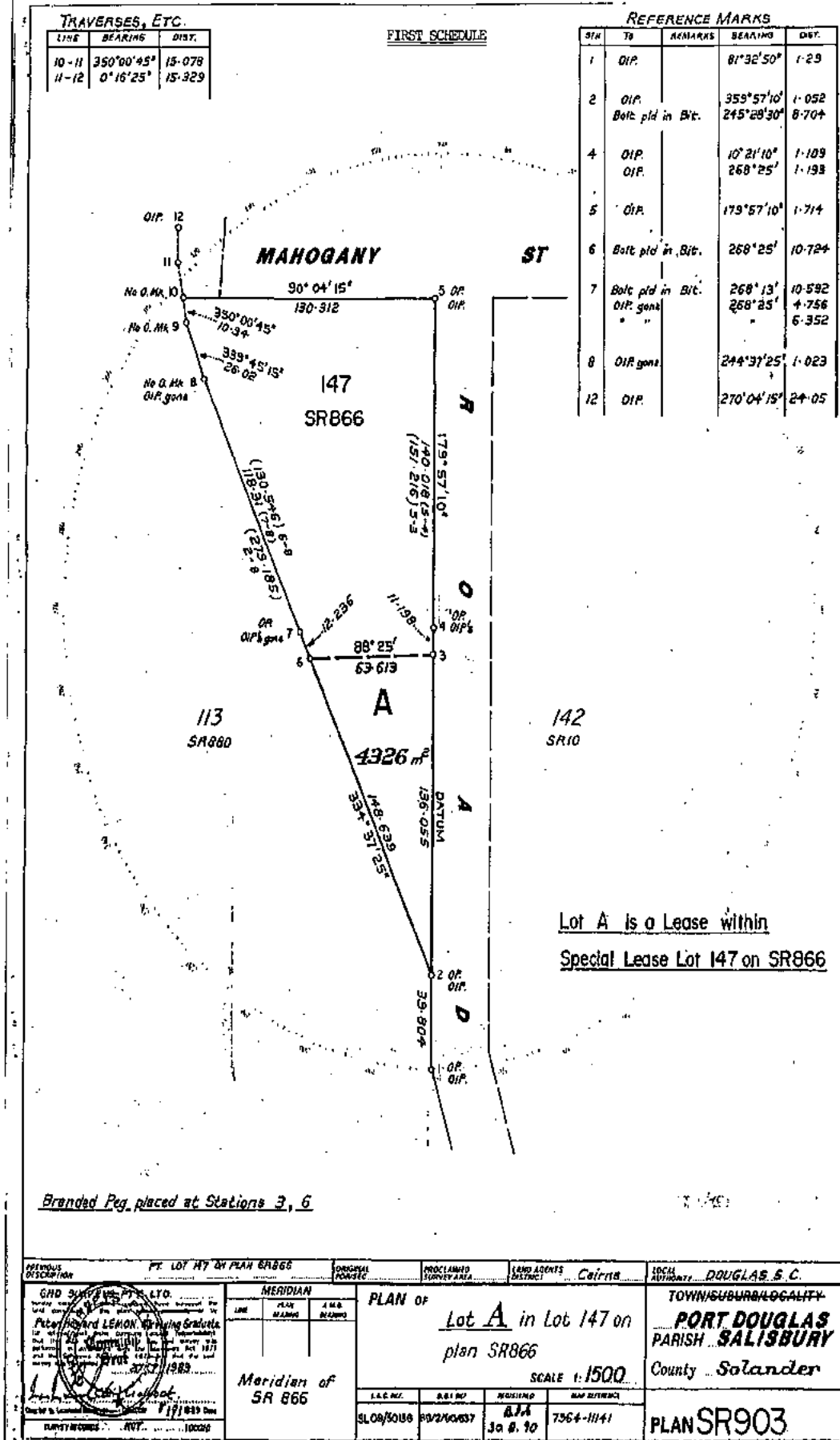
Cancelling Lot 147 on SR866 & Lot 142 on CP886634

SP301681

LOCAL GOVERNMENT: DOUGLAS SHIRE LOCALITY: PORT DOUGLAS

Meridian: SR866

Survey Records: No



PREVIOUS DESCRIPTION PT. LOT A7 ON PLAN SR866		ORIGINAL FORCE	PROCLAIMED SURVEY AREA	LAND AGENTS District Cairns	LOCAL AUTHORITY DOUGLAS S. C.
<p>Richard LEMON Registered Surveyor No. 2757, 1983</p>	MERIDIAN		PLAN OF	TOWN/SUBURB/LOCALITY	
	Meridian of SR 866			Lot A in Lot 147 on plan SR866	PORT DOUGLAS PARISH SALISBURY County Solander
SCALE 1:1500		L.C. NO.	S.S. NO.	WORKING	MAP REFERENCE
		SLOB/SOUB	83/240/837	BJA 30 8. 90	7564-11141
PLAN SR903					

LAND TITLE ACT 1994

886634

PLAN MUST BE DRAWN WITHIN BLACK LINES

886634

886634

WARNING - PLAN MAY BE ROLLED - A FOLDED OR MUTILATED PLAN WILL NOT BE ACCEPTED

886634

OIP at Stn
(In Mangroves)

MAHOGANY

STREET

113

SR 880

147

SR 866

142

4.726ha

ROAD

DOUGLAS

PORT

ROAD TO BE CLOSED

2-3-4-5-2 1725m²
6-7-8-9-6 9147m²
TOTAL 1.087 ha

TRAVERSES

LINE	BRG	DIST
2-5	269°57'25"	88.77
7-10	333°40'40"	354.39

Conn Only

REFERENCE

MARKS

STN	TO	BRG	DIST	ORIGIN
1	Pin	170°12'	7.725	
1	Nail in kerb	7°17'	9.41	
1	Nail in conc	15°54'30"	4.485	
2	OIP	179°57'10"	1.0	SR 860
3	OIP (shallow)	276°05'	5.495	"
3	OIP	179°57'10"	1.085	"
3	Pin	95°15'	6.135	
4	Nail in head wall	303°24'30"	2.675	
5	OIP	89°57'25"	1.0	SR 866
6	OIP Nfd & Ckd	261°20'	1.41	"
7	O Bolt in bit	245°28'30"	8.704	SR 903
7	OIP	359°57'10"	1.052	SR 866
8	OIP	179°57'10"	1.714	"
9	OIP	179°57'10"	1.27	"
10	OIP in mangroves at			Stn " (Stn 13)

PERMANENT

MARKS

PM	BRG	DIST	NO
1 - OPH	89°55'	1.26	40003

I, JEREMY MATTHEW SCRIVEN hereby certify that I have surveyed the land comprised in this plan, that the plan is accurate, that the said survey was performed in accordance with the Surveyors Act 1977 and the Surveyors Regulation 1992 and that the said survey was completed on 1/11/94

Jeremy Matthew Scriven
Licensed Surveyor
18-11-94
Date

PLAN OF

LOT 142

Cancelling Lot 142 on plan SR 10.

ORIGINAL Lot 142

No SURVEY RECORDS DEPOSITED

MERIDIAN Vide Plan SR 866	MAP REF 7964 - 11141	SCALE 1:1500	ENDORSED 2/12/94 <i>John J. ...</i>	ARCHIVED BRISBANE
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PARISH SALISBURY
COUNTY Solander
TOWN/LOCALITY Port Douglas
LOCAL GOVERNMENT Douglas S/C
LANDS REGION Cairns

MINING DISTRICT
TOWN PLAN 886634