

5.6. PERMIT TO OCCUPY SURRENDER AND RE-ISSUE - CANETAINER STATION - LOT 1 ON PER5726 - CONNOLLY ROAD, MOWBRAY

REPORT AUTHOR(S): Susanna Andrews, Property Officer
GENERAL MANAGER: Darryl Crees, General Manager Corporate Services
DEPARTMENT: Governance

RECOMMENDATION

That Council:

- 1. advises the Department of Natural Resources and Mines that it does not object to the surrender and re-issue of a Permit to Occupy for the purposes of a Canetainer Station over an area of Connolly Road, cancelling Lot 1 on PER5726;**
- 2. delegates authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to finalise all matters associated with the surrender and re-issue of the Permit to Occupy.**

EXECUTIVE SUMMARY

The Department of Natural Resources and Mines (DNRM) has requested Council's views in regard to an application for surrender and reissue of a Permit to Occupy for the purposes of a Canetainer Station over an area of Connolly Road, cancelling Lot 1 on PER5726.

The Permit to Occupy has been in place since 1988 and Council is not aware of any issues in regard to the continued occupancy and use of the Canetainer Station.

Following internal consultation, officers recommend that Council does not object to the surrender and re-issue of the Permit to Occupy.

BACKGROUND

The DNRM has requested Council's views in regard to an application for surrender and reissue of a Permit to Occupy for the purposes of a Canetainer Station over an area of Connolly Road, cancelling Lot 1 on PER5726. As part of the processing of the application, the DNRM has requested Council's views.

The area of the Permit to Occupy is about 0.55 ha and is described as the road separating the north and north-eastern boundaries of Lot 38 on Plan NR217 from the Mowbray River. The Permit commenced on 1 October 1988.

The Permit is ongoing and can be reviewed by the Minister each five (5) years.

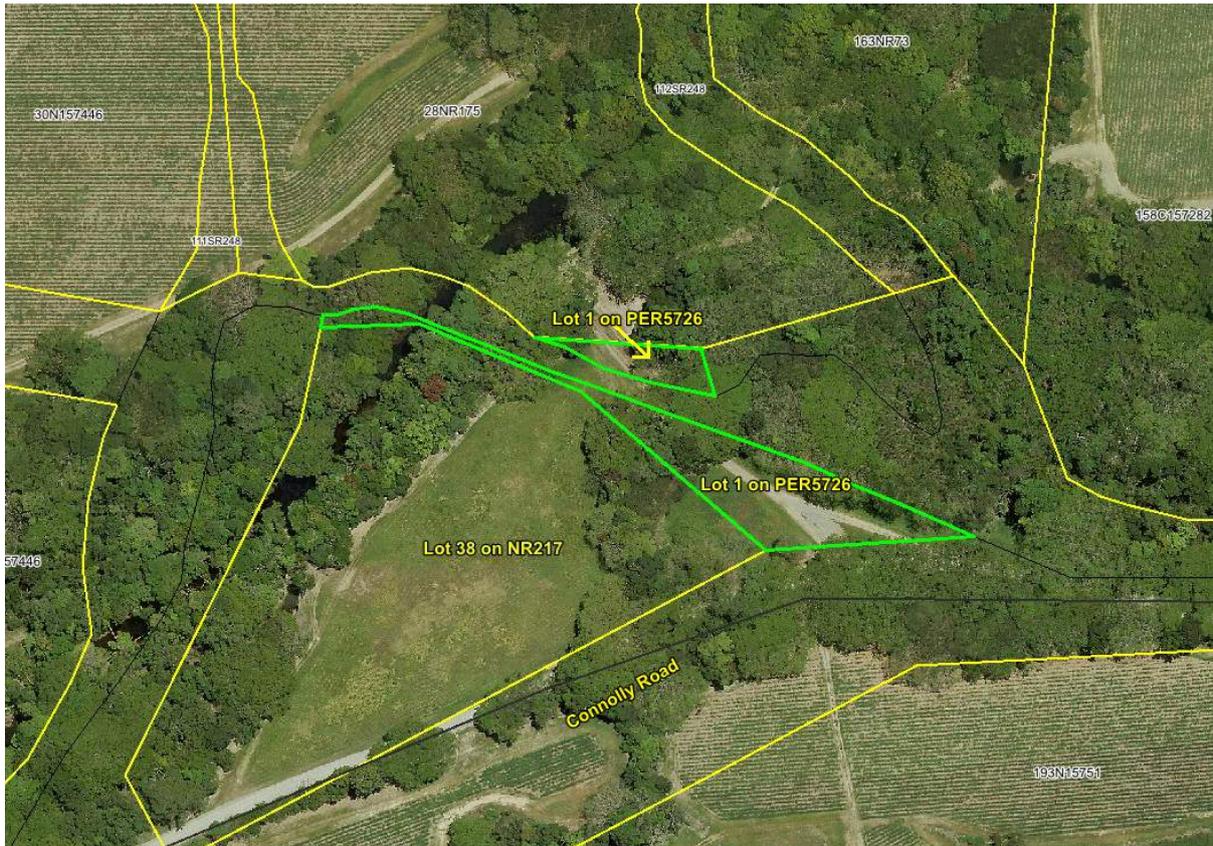


Figure 1. - Locality Plan

Current conditions of the Permit include that the permittees:

- shall not under any circumstances, enter into any arrangements to sublet, dispose of, or transfer the occupancy;
- shall use the land for canetainer station associated with cane growing purposes and for no other purpose;
- shall not interfere with or restrict the rights of the public in the use of the land for the purpose for which it is dedicated to public use;
- shall keep the land in a clean, orderly and sanitary condition and keep the land free from noxious plants.

The occupancy will be terminated should the permittees cease using the land for the express purpose for which the Permit is issued. The Permittees are required to remove their improvements within three (3) months from the date of termination of the Occupancy.

The DNRM intends to amend and update the abovementioned conditions to reflect current statutory and mandatory conditions with the re-issue of the Permit.

It should be noted that the Permit to Occupy adjoins land described as Lot 38 on NR217, also located at Connolly Road, over which part of Connolly Road encroaches. Council is in the process of resuming the part of the road that encroaches onto Lot 38. The Permit to Occupy is not part of the subject resumption area, and the use of the Permit area has not been commented on by the registered owner of Lot 38.

COMMENT

This Permit to Occupy has been in place since 1988. Council has not received any comments or complaints from members of the public or owners of land in the vicinity of the Permit area during the course of the occupation. The canetainer infrastructure causes no inhibition to public access of the road and little detriment to the amenity of the area. The canetainer station is a piece of vital infrastructure utilised by the Permittees in the operation of their cane farming enterprise.

PROPOSAL

That Council advises the Department of Natural Resources and Mines that it does not object to the surrender and re-issue of the Permit to Occupy.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications in regard to the Permit to Occupy.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications in regard to the Permit. DNRM's updated conditions of the Permit will include those addressing any liability issues.

SUSTAINABILITY IMPLICATIONS

Economic: The holders of the Permit to Occupy have been utilising the canetainer station since the late 1980's when the Permit was issued. Council supports the sugar cane industry generally as an important economic driver of the shire, and therefore extends support to appropriate infrastructure that is part of it.

Environmental: The canetainer station to which the Permit to Occupy is related has been in existence since the late 1980s, and there is not envisaged to be any change to the environmental sustainability of the local area if the Permit is surrendered and re-issued.

Social: Council's support of the surrender and re-issue of the Permit to Occupy shows its intention to continue its backing of this vitally important industry.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2014-2019 Initiatives:

Theme 5 – Governance

5.2.1 – Provide Councillors and community with accurate, unbiased and factual reporting to enable accountable and transparent decision-making.

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/Custodian Meeting the responsibilities associated with owning or being the custodian of assets such as infrastructure.

CONSULTATION

Internal:

- Manager Governance
- Manager Sustainable Communities
- Manager Finance and IT
- Development Assessment
- Infrastructure
- Property
- Executive Officer

External: Department of Natural Resources and Mines

ATTACHMENTS

1. Views request L 1 PE R 5726 **[5.6.1]**



Department of
Natural Resources and Mines

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14th June 2017

Douglas Shire Council – Property Services
Via Email: Enquiries@douglas.qld.gov.au

Dear Sir / Madam

Application for surrender and re-issue of a Permit to Occupy

The department has received the above application. The application is to:

- Surrender and re-issue a Permit to Occupy for the purposes of a Canetainer Station over an area of Connolly Road, cancelling Lot 1 on PER5726

To enable full consideration to be given to this matter please submit your agency's views and/ or requirements, in writing, to the Townsville DNRM office by **14th July 2017**. If no reply is received by that date it will be considered that your agency has no objection to the application.

Any objections received may be viewed by other parties interested in the proposed road closure in accordance with the provisions of the *Right to Information Act 2009*.

If you wish to discuss this matter please contact Stephen Lavery on (07) 4222 5428.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Townsville.SLAMS@dnrm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2016/004211 in any future correspondence.

Yours sincerely

Stephen Lavery
Land Administration Officer
State Land Asset Management
Service Delivery-North Region

Enc Drawing CNS17/027A

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