

5.8. APPLICATION FOR PERMANENT ROAD CLOSURE ABUTTING LOT 6 ON SP123877 OFF BANABILLA RD DEGARRA

REPORT AUTHOR: 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:**
 - a. it objects to the proposed permanent road closure of an area of about 7750 m² abutting the northern boundary of Lot 6 on SP123877 and shown as Lot A on drawing CNS16/063P for the following reason:**
 - i. the proposed road closure brings the property close to the Erosion Prone area along this part of the Bloomfield River as mapped in the proposed Douglas Shire Planning Scheme. If the land were to erode in the future, it may restrict access to other parts of the Esplanade depending on the nature and extent of any erosion.**
 - b. that, should the Department of Natural Resources and Mines approve the proposed permanent road closure, all costs associated with the road closure be paid by the applicant.**
- 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 this matter.**

EXECUTIVE SUMMARY

A request has been received from the Department of Natural Resources and Mines (DNRM) for Council's views in relation to a proposed permanent road closure of an area of about 7750 m² abutting the northern boundary of Lot 6 on SP123877 and shown as Lot A on drawing CNS16/063P, located off Banabilla Road, Degarra.

At the Ordinary Meeting of Council held on 19 July 2016, Council determined to execute a form Part C as road manager in relation to the proposed road closure so the application could be lodged with the DNRM. The application has now been lodged and is referred to Council for comment.

Following internal Council departmental consultation, it is recommended that Council advises the DNRM that it objects to the proposed permanent road closure.

BACKGROUND

In May 2016 Council received a request to execute, as road manager, form Part C 'Statement in relation to an application under the *Land Act 1994* over State land' for the proposed permanent road closure of an area of land abutting the northern boundary of land described as Lot 6 on SP123877, and located on Banabilla Road, Degarra. The subject

land is shown as Lot A on the drawing below. Council determined to execute the form at the Ordinary Meeting held on 19 July 2016, so that the application could be lodged with the DNRM.

The subject road is esplanade adjoining the Bloomfield River.



Council is now requested to provide its views in relation to the proposed road closure as the application has recently been lodged with the DNRM.

The proposed use of the subject area, if the road closure is approved, will be for inclusion into Lot 6 on SP123877.

It should be noted that the proposed closure area has been reduced in size from that previously presented to Council.

COMMENT

The esplanade is not needed for road purposes in the future as there are a number of unmade road reserves that connect all of the properties in this area. Currently other properties along these unmade road reserves appear to gain access to the esplanade through Lot 6 on SP123877 and the proposed road closure area. However, it is a general principle that Esplanade is retained for public use.

The original application for road closure forwarded to Council in May 2016 stated that there was 'substantial erosion of the esplanade on the other side of the property'. It is noted that the proposed road closure brings the property close to the Erosion Prone area along this part of the Bloomfield River as mapped in the proposed planning scheme. If the land were to erode in the future, it may restrict access to other parts of the Esplanade depending on the nature and extent of any erosion. The proposed closure is not supported from a planning perspective for this reason.

PROPOSAL

It is recommended that Council advises the DNRM that it objects to the proposed permanent road closure, as it brings the property close to the Erosion Prone area along this part of the Bloomfield River as mapped in the proposed planning scheme.

FINANCIAL/RESOURCE IMPLICATIONS

There will be no cost to Council if the road closure is approved. However, Council will not receive any financial compensation from the State if the road closure is approved and the land annexed to Lot 6 on SP123877.

RISK MANAGEMENT IMPLICATIONS

There is the possibility of a future sea level rise due to climate change, or that erosion may occur to the land as it is esplanade adjoining the Bloomfield River. If either of these occur, it is possible the esplanade may reduce in width, thereby making it impassable in the future.

SUSTAINABILITY IMPLICATIONS

Economic: There are no economic sustainability implications.

Environmental: Possible sea level rise due to climate change or erosion of the land presents implications for the preservation of the esplanade along the Bloomfield River.

Social: There are no social sustainability implications.

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:

Agent	Delivering a programme or activity for another organisation (usually another level of government).
Asset-Owner	Meeting the responsibilities associated with owning or being the custodian of assets such as infrastructure.

CONSULTATION

Internal:	Governance Sustainable Communities Infrastructure Water & Wastewater Finance Development Assessment & Coordination Executive Officer
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External:	Department of Natural Resources and Mines
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ATTACHMENTS

1. Request from DNRM for Council's views **[5.8.1]**
2. Original application for permanent road closure **[5.8.2]**



Department of
Natural Resources and Mines

Author Stephen Lavery
File / Ref number 2016/004160
Directorate / Unit State Land Asset Management
Phone (07) 4222 5428

2nd December 2016

Chief Executive Officer
Douglas Shire Council
Enquiries@douglas.qld.gov.au

Dear Sir / Madam

Application for permanent road closure

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

- Permanently close an area of about 7750m² abutting the northern boundary of Lot 6 on SP123877 and shown as Lot A on drawing CNS16/063P

Please note that the closure area has been reduced from the original application presented to council and the Department is seeking further views of council. Please see attached amended drawing and original council approval.

Please find enclosed a copy of the Notice published in the Government Gazette of 2nd December 2016 relative to the above application.

You are requested to display the notice of Application for Closure of Road at your office for the purpose of being viewed by the public in terms of Section 100 of the *Land Act 1994*.

The applicant advises that the proposed use of the subject area, if the road closure is approved will be for inclusion into their adjoining freehold property.

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 2016/004160 in any future correspondence.

Postal :
DNRM
PO Box 5318
Townsville QLD 4810

Telephone : (07) 4222 5427
Fax: (07) 4799 7533

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lavery', with a long horizontal flourish extending to the right.

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

Enc Government Gazette dated 2nd December 2016
Drawing CNS16/063P
Notice of Application for Closure of Road
Signed Part C

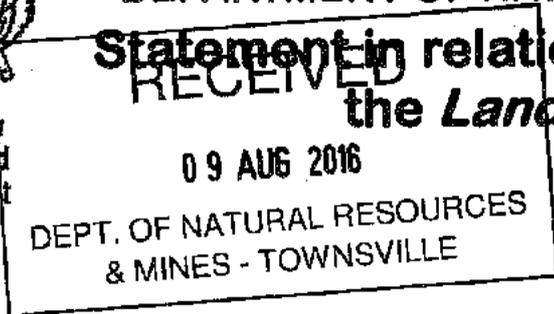


Queensland
Government

DEPARTMENT OF NATURAL RESOURCES AND MINES

**Statement in relation to an application under
the Land Act 1994 over State land**

Part C



I/We DOUGLAS SHIRE COUNCIL as

Please tick relevant fields –

- Trustee of a Reserve Issued under the Land Act**
 - have no objection to the application and consider authorisation of the use of the land be dealt with under the Land Act by DNRM (a full explanation stating the reason why use cannot be authorised by trustee eg. trustee law/permit)
 - are aware of any local non-indigenous or indigenous cultural heritage values (if so full details must be provided and the impacts on the application)
- Road Manager**
 - have no objection to the application and consider authorisation of the use of the land be dealt with under the Land Act by DNRM (a full explanation stating the reason why use cannot be authorised under Road Manager legislation)
 - are aware of any local non-indigenous or indigenous cultural heritage values (if so full details must be provided and the impacts on the application)
- Public Utility Provider (Electricity, Telecommunication, Gas providers) only required for road dealings.**
 - have no objection to the application
 - object to the application (a full explanation stating the reason for the objection must be provided with the application)

Public Utility Provider includes Telstra Corporation Ltd, Yes Optus, Energex, Ergon, Powerlink. Your Local Government or Dial Before your Dig website may assist in identifying utilities on the subject land.

Road Manager is –

- local government, for a road that is under the control of the a local government
- a State-controlled road—the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered

Additional comments –

Provide details of any additional comments or requirements that may affect the future use of the land that the department should consider when assessing this application.

TIDAL GULLY - ANNA BRANCH - ONE SIDE
AND DUE TO SUBSTANTIAL EROSION OF THE
ESPLANADE ON THE OTHER SIDE OF THE PROPERTY.
THIS CREATES A SITUATION WHEREBY PUBLIC CANNOT
ACCESS THE AREA VIA LAND, NOR BY
RIVER DUE TO DENSITY OF MANGROVES.
COST OF PTO IS EXTREMELY HIGH.

Note – a different form of tenure may be considered a more appropriate tenure once the application has been assessed.

If you wish to make a separate submission to the Department of Natural Resources and Mines in relation to this proposed application, please provide a submission within **10 business days** of completing this declaration to SLAMlodgement@dnrm.qld.gov.au.

Authorisation

I certify that I have the authorisation to make this statement and the information I have provided is true and accurate.

I have **signed** a copy of a sketch/drawing in relation to this application.

**Full Name, position and Organisations name
of Road Manager**

Signature

LINDA KAY CARDEW
CHIEF EXECUTIVE OFFICER
DOUGLAS SHIRE COUNCIL



Date: 26 / 07 / 2016

This information will not otherwise be disclosed outside of the department unless required or authorised by law such as under the *Right to Information Act 2009*

END DOCUMENT

Land Act 1994**OBJECTIONS TO PROPOSED ROAD CLOSURE NOTICE
(No 47) 2016****Short title**

1. This notice may be cited as the *Objections to Proposed Road Closure Notice (No 47) 2016*.

Application for road closure [s.100 of the Act]

2. Applications have been made for the permanent closure of the roads mentioned in the Schedule.

Objections

3.(1) An objection (in writing) to a proposed road closure mentioned in the Schedule may be lodged with the Regional Service Director, Department of Natural Resources and Mines, at the regional office for the region in which the road is situated.

(2) Latest day for lodgement of objections is **12 January 2017**.

(3) Any objections received may be viewed by other parties interested in the proposed road closure under the provisions of the *Right to Information Act 2009*. If you lodge an objection, please include in your objection letter whether you would like to be consulted if this issue becomes the subject of an access request under the *Right to Information Act 2009*.

Plans

4. Inspection of the plans of the proposed road closures may be made at-

- (a) the Department of Natural Resources and Mines Offices at Atherton and Cairns; and
- (b) the Local Government Offices of Mareeba Shire and Douglas Shire;

for a particular plan in that district or that local government area.

SCHEDULE**North Region, Atherton Office**

1. An area of about 1230 m² being part of the road separating Lot 1 on MPH33390 from Lot 21 on AP21242 (locality of Chillagoe) and shown as plan of Lot A, proposed permanent road closure on Drawing CNS16/056AP. (2016/003449)

North Region, Cairns Office

2. An area of about 7750 m² abutting the northern boundary of Lot 6 on SP123877 (locality of Degarra) and shown as plan of Lot A, proposed permanent road closure on Drawing CNS16/063P. (2016/004160)

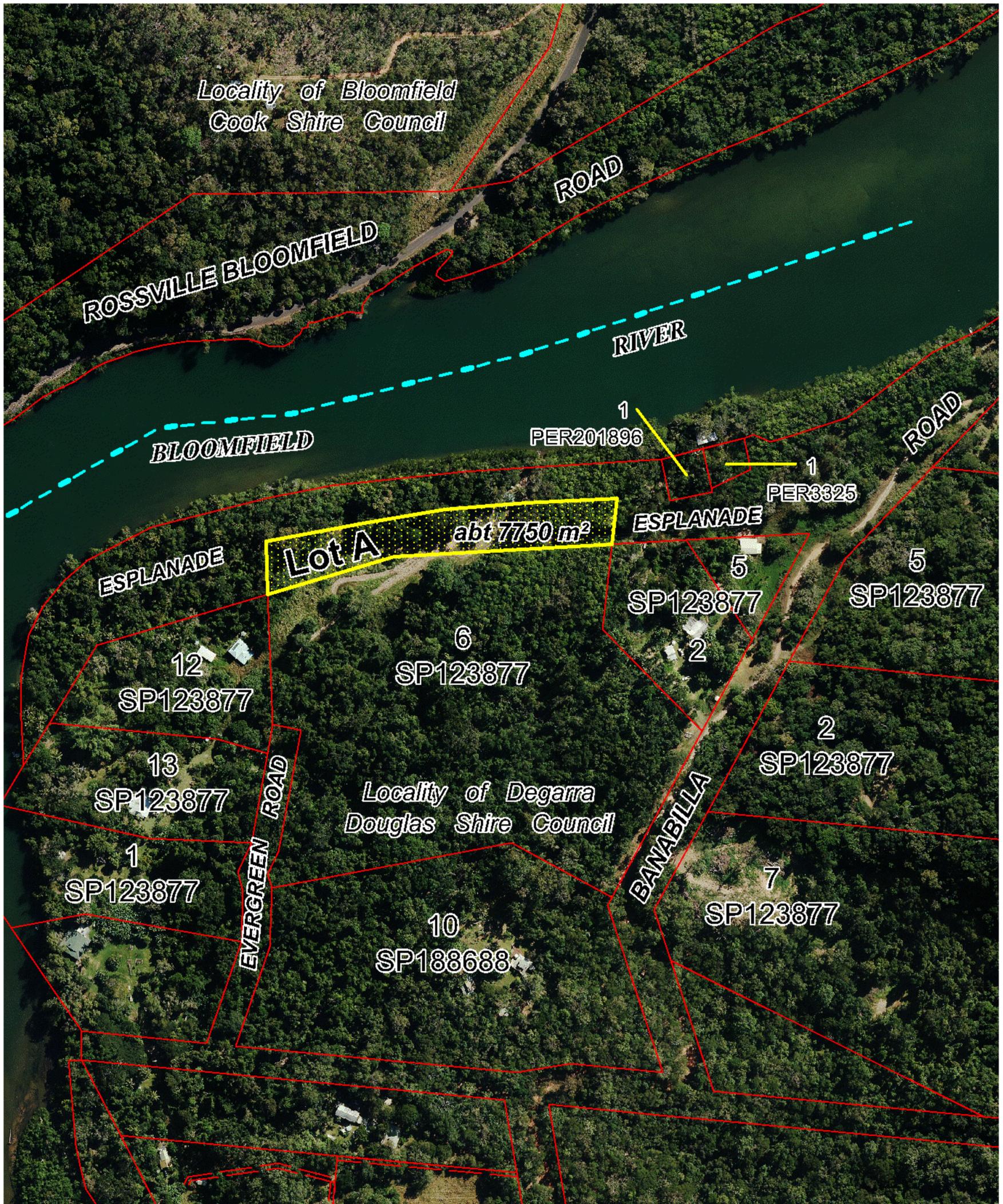
ENDNOTES

1. Published in the Gazette on 2 December 2016.
2. Not required to be laid before the Legislative Assembly.
3. The administering agency is the Department of Natural Resources and Mines.

Gov. Gaz., 2 December 2016, No. 71 page 433

Brisbane

© The State of Queensland 2016



0 | 200 | m | 400 | m | 600 | m

Plan of Lot A (Proposed permanent road closure)
 Covering esplanade abutting Lot 6 on SP123877

SCALE
 1:4000



**Queensland
 Government**

**LOCAL AUTH OF DOUGLAS SC
 LOCALITY OF DEGARRA**

CNS16/063P

Map 7966-23241 Compiled from DCDB, sketch on file & 2015 Bloomfield 10cm imagery

Elvas Reference 2016/004160 Prepared by Ken Rogers Date 21-10-2016

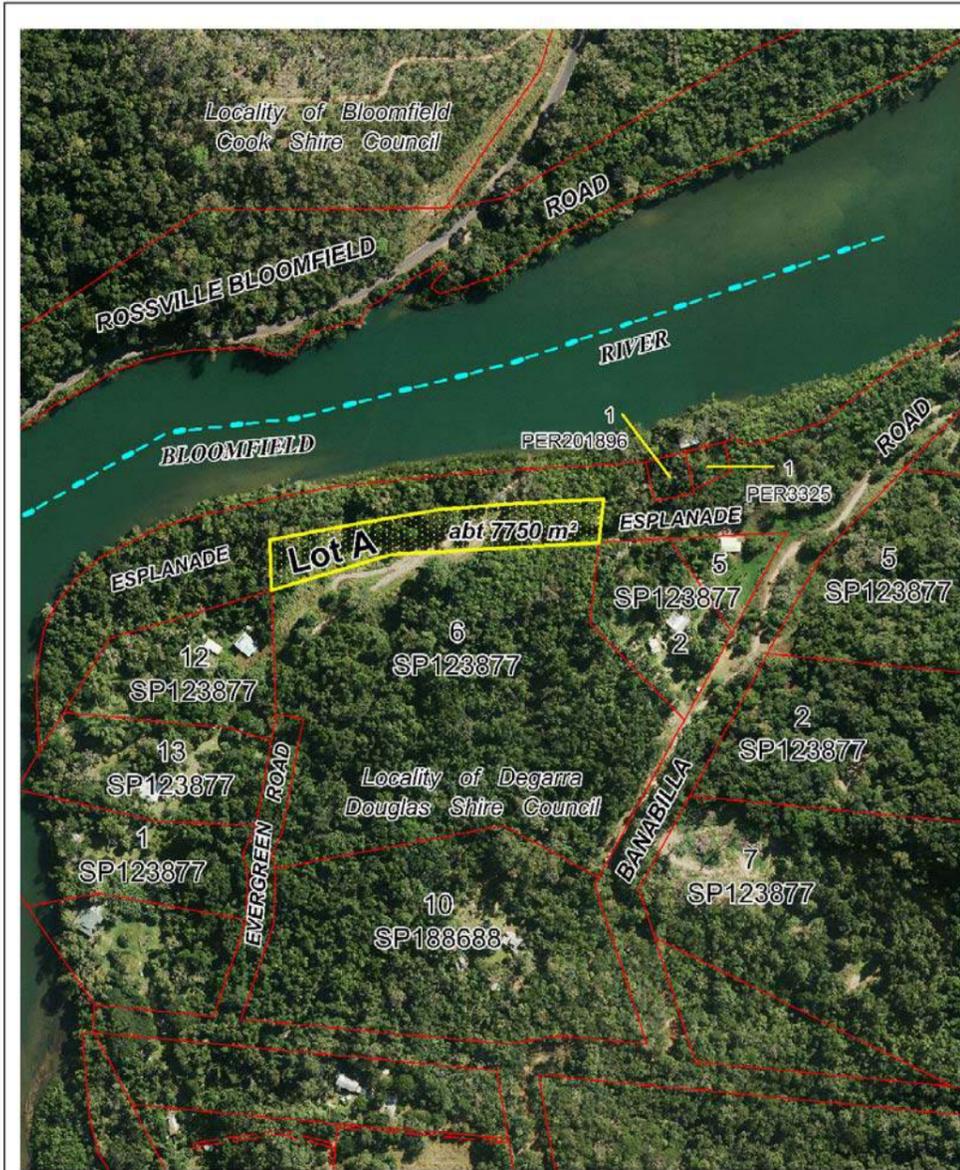
Notings D/B No. 16N2155

Application for Closure of Road

2nd December 2016

File / Ref number 2016/004160

Notice is given of an application made under section 100 of the *Land Act 1994* for the permanent closure of the road described as:



0 200m 400m 600m		SCALE 1:4000			
Plan of Lot A (Proposed permanent road closure) Covering esplanade abutting Lot 6 on SP123877				CNS16/063P	
LOCAL AUTH OF DOUGLAS SC LOCALITY OF DEGARRA					
Map 7966-23241 Compiled from DCDB, sketch on file & 2015 Bloomfield 10cm imagery					
Elvas Reference 2016/004160		Prepared by Ken Rogers Date 21-10-2016		Notings D/B No. 16N2155	

DESCRIPTION OF ROAD
Description of proposed road closure: An area of about 7750m ² abutting the northern boundary of Lot 6 on SP123877 and shown as Lot A on drawing CNS16/063P
Locality: Degarra Local Government: Douglas Shire Council

Any person who may consider their interest affected by the application is required to submit their objections and/or enquires in writing by close of business on 12th January 2017 to the Department:

Postal Address –
 DNRM Townsville
 PO Box 5318
 Townsville Qld 4810

Delivery Address -
 DNRM Cairns
 4th Floor, 2nd Building
 William McCormack Place
 5B Sheridan Street
 Cairns Qld 4870

Telephone: (07) 4222 5428

Fax: (07) 4447 9199

Email: Townsville.SLAMS@dnrm.qld.gov.au

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

If you lodge an objection, please include in your objection letter whether you would like to be consulted if this issue becomes the subject of an access request under the RTI Act.

LATEST DATE FOR OBJECTIONS – 12th January 2017

92 of 109

DOUGLAS SHIRE COUNCIL Received	
File Name	Permanent Road Close
Document No	
16 MAY 2016	
Attention	RTD orig ✓
Information	

ATTN: ROBERT DONOVAN

PLEASE FIND APPLICATION FOR ROAD CLOSURE
IN FRONT OF LOT 6, ESPLANADE, DECARRA.

REGARDS.

JANICE FOWLER.



P.S. RETURN OF PAPERS TO:

JANICE FOWLER

1- WUJAL WUJAL

POST OFFICE

WUJAL WUJAL Qld 4895.



DEPARTMENT OF NATURAL RESOURCES AND MINES

Application form Contact and Land Details Part A

PERMANENT/TEMPORARY
ROAD CLOSURE
APPLICATION FORM.

Application form requirements

1. **Part A:** Contact and land details will need to be completed.
2. **Part B:** Application specific form will need to be completed.
3. Payment of the prescribed application fee, if relevant. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources and Mines (DNRM) website or from a regional DNRM office)
4. All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.

Important information

All applications will be processed having regard to the requirements of the *Land Act 1994* and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.

All completed applications can be lodged with DNRM by sending information to the following email or postal addresses or in person at your local DNRM business centre.

Email:

SLAMlodgement@dnrm.qld.gov.au

If lodging an application via email the application form must be signed and details of payment method included in the email along with all relevant supporting documentation.

Post:

Department of Natural Resources and Mines
PO Box 5318
TOWNSVILLE QLD 4810

In terms of the *Right to Information Act 2009* interested parties may seek access to DNRM records and view relevant documents.

Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

Contact details

Lodger Details and Mailing Address		
A lodger is only required when a solicitor, bank, consultant etc lodges the application on behalf of the applicant.		
Full Name(s)		
Title	First name	Surname
MR	LEONARD JAMES	TUNSTED
MS	JANICE DAWN	FOWLER
Company name(s)		
Postal Address		
6 BANABILLA RD		
DEGIARRA QLD 4895		
Phone number	0414518482	Mobile phone 0449697261
Email	janice2jim@gmail.com	
Fax		

Applicant(s) Details and Mailing Address		
If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.		
Full Name(s)		
Title	First name	Surname
MR	LEONARD JAMES	TUNSTED
MS	JANICE DAWN	FOWLER
Company name(s)		
If a Corporation then record <input type="checkbox"/> ACN <input type="checkbox"/> ARBN <input type="checkbox"/> ABN <input style="width: 100px;" type="text"/>		
Postal Address	6 BANABILLA RD DEGARRA QLD 4895	
Phone number	0414 518 482	Mobile phone 0449 697 261
Email	janice2jim@gmail.com	
Fax		
Future correspondence should be sent to <input type="checkbox"/> Lodger <input checked="" type="checkbox"/> Applicant		

Details of land for which the application is being lodged

1. Select the type of land for which the application is being lodged.

<input checked="" type="checkbox"/> Permit	<input type="checkbox"/> Lease
<input type="checkbox"/> Licence	<input type="checkbox"/> Unallocated State Land (USL) go to 2
<input type="checkbox"/> Trust Land Reserve/Deed of Grant in Trust (DOGIT)	<input checked="" type="checkbox"/> Road
<input type="checkbox"/> Other <input style="width: 150px;" type="text"/>	

2. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged.		
Lot	Plan	Title Reference
LOT 6	SP 123877	503 95727

go to 3

The details of the land can be found on a current copy of the Title or on your rates notice. If insufficient space, please add additional description as an attachment.

3. Enter additional details of the land

Dealing number

Tenure type

Tenure number

Local Government

Other details of land location (optional)

go to 4

4. Have you participated in a pre-lodgement meeting with the department?

Yes

go to 5

No

5. Provide details of pre-lodgement meeting. (optional)
(If there is insufficient space, please lodge as an attachment)

Departmental Officers contact details and any reference number should be included if known.

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM.



DEPARTMENT OF NATURAL RESOURCES AND MINES

Application for road closure

Part B

Application form requirements

1. This Application is for road closure.
2. Read the respective *Application for road closure* Fact Sheet which include application restrictions
3. Payment of the prescribed application fee
(Details of fees are available on the Department of Natural Resources and Mines (DNRM) website or from a regional DNRM office)
4. Any additional information to support application
5. **Part A:** Contact and details of land will need to be completed and submitted with your application.
6. Your application will not be considered as having been properly made unless all parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.

Important information

A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.

An adjoining landholder may apply for a permanent or temporary road closure. A public utility provider as defined under the *Land Act 1994* may also apply for a permanent road closure and an application for temporary closure can be considered for another person for:

- pipes for irrigation purposes that cross the road beneath its surface
- water channels for irrigation purposes that cross the road

A road maybe closed "in strata" to provide for works such as:

- connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings;
- structure which will overhang a road;
- car park or building under or over a road;

You may be required to pay a purchase price for the permanent closure of a road.

When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:

- incorporated into the applicant's adjoining freehold or leasehold land
- included in an existing reserve or set apart as a new reserve
- retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.

A road may be permanently closed under the *Land Act 1994* if the Minister is satisfied the road is not the only dedicated access to a person's land; used regularly by the public as a road or stock route; or providing continuity to a road network.

Although the state owns the land in a dedicated road, a local government (section 60 of the *Local Government Act 2009*) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The Department of Transport and Main Roads is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.

Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.



1.	The Application is for:	<input checked="" type="checkbox"/>	Permanent road closure	go to 2
		<input type="checkbox"/>	Temporary road closure	go to 2

2. If you are not the manager of the road as defined below, have you consulted with the road manger to determine if the road is still required? Yes go to 3 No go to 3

Before submitting your application to the Department of Natural Resources and Mines, it is recommended that you discuss your proposal for closure of a local road with the local government responsible for its management, or the Department of Transport and Main Roads for a state controlled road managed under the *Transport Infrastructure Act 1994*.

This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.

A signed 'Part C - Statement in relation to an application under the *Land Act 1994* over State land' from the road manager will need to accompany this application to indicate they are unable to authorise the use and have no objections to the closure of the road.

A road may be permanently closed under the *Land Act 1994* if the Minister is satisfied the road is not:

(a) the only dedicated access to a person's land;

(b) used regularly by the public as a road or stock route; or

(c) providing continuity to a road network.

An application must be refused if the road is still needed in accordance with section 101(3) of the *Land Act 1994*

Note – A road manager has the powers to authorise various uses on roads, however neither agency is able to permanently close the dedicated road and allocate the land, for another use.

Road Manager is –

- The local government for a road that is controlled by the local council
- For a state controlled road, the chief executive of the Queensland Government agency administering the *Transport Infrastructure Act 1994* such as the Department of Transport and Main Roads.

3. Are you a public utility provider or the registered owner, lessee or trustee of the land adjoining the area of road subject to this road closure application? Yes go to 4 No

Application cannot be considered unless temporary closure is for reasons listed in Question 4

Section 99(1) of the *Land Act 1994* states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a permanent closure of the road.

Section 99(3) of the *Land Act 1994* limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for (a) Pipes for irrigation purposes that cross the road beneath its surface or (b) Water channels for irrigation purposes that cross the road.

4. Is the temporary closure to make structural improvements for:

Pipes for irrigation purposes that cross the road beneath its surface

Water channels for irrigation purposes that cross the road go to 5

5. Provide details in Schedule I below, of any land you lease from the state or are the registered owner that adjoins or is in the vicinity of the land applied for. go to 6
 (If there is insufficient space, please lodge as an attachment)

Schedule I		
You must enter either the Lot or Plan or Title Reference of the land		
Lot	Plan	Title Reference
LOT 1	AP 21259	

6. Have you made a previous application for closure of this area of road? Yes go to 7 No go to 10

7. Was this application refused? Yes go to 8 No go to 10

8. Has there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration? Yes go to 9 No go to 10

The application maybe rejected without further consideration.

9. Provide details of the change in circumstances from the previous application. go to 10
 (If there is insufficient space, please lodge as an attachment)

10. Is any use currently being made of the road area? Yes go to 11 No go to 12

11. Provide details of the current use of road e.g. grazing, encroachment of building or structure go to 12
 (If there is insufficient space, please lodge as an attachment)

ACCESS TO RIVER,

12. Provide details of the proposed use of the road area. go to 13
 (If there is insufficient space, please lodge as an attachment)

ACCESS TO RIVER

13. Provide details of any additional information to support the application. (optional)
(If there is insufficient space, please lodge as an attachment)

go to 14

NO PUBLIC ACCESS IS AVAILABLE TO LAND IN
QUESTION. TIDAL GULLY ONE SIDE & ESPRANADE EROSION

Attachments

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted, your application will be returned.

14. Tick the box to confirm the attachments for part of the application.

- Application fee
- Copy of sketch/drawing showing location and approximate dimensions
- Signed Part C - Statement from road manager, if required
- Additional information in support of your application such as written correspondence from the road manager or current users of the road.

It is recommended that any attached plans, sketches or maps be of A4 or A3-size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

Declaration

I certify that I have read the information which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)



Date: / /

If applicant, section 142 of the *Land Act 1994* states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or over.
If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.



Queensland
Government

DEPARTMENT OF NATURAL RESOURCES AND MINES
Statement in relation to an application under
the *Land Act 1994* over State land
Part C

FORM TO BE COMPLETED
BY COUNCIL SHOULD YOU
WISH TO APPLY FOR
PERMIT TO OCCUPY OR
ROAD CLOSURE.

I/We _____, as

Please tick relevant fields –

- Trustee of a Reserve issued under the Land Act**
- have no objection to the application and consider authorisation of the use of the land be dealt with under the Land Act by DNRM (a full explanation stating the reason why use cannot be authorised by trustee eg. trustee lease/permit)
- are aware of any local non-indigenous or indigenous cultural heritage values (if so full details must be provided and the impacts on the application)
- Road Manager**
- have no objection to the application and consider authorisation of the use of the land be dealt with under the Land Act by DNRM (a full explanation stating the reason why use cannot be authorised under Road Manager legislation)
- are aware of any local non-indigenous or indigenous cultural heritage values (if so full details must be provided and the impacts on the application)
- Public Utility Provider** (Electricity, Telecommunication, Gas providers) only required for road dealings.
- have no objection to the application
- object to the application (a full explanation stating the reason for the objection must be provided with this application)

Public Utility Provider includes Telstra Corporation Ltd, Yes Optus, Energex, Ergon, Powerlink. Your Local Government or Dial Before your Dig website may assist in identifying utilities on the subject land.

Road Manager is –

- local government for a road that is under the control of the a local government
- a State-controlled road—the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered

Additional comments –

Provide details of any additional comments or requirements that may affect the future use of the land that the department should consider when assessing this application. (if there is insufficient space, please lodge as an attachment)

TIDAL GULLY - ANNA BRANCH - ONE SIDE
 AND DUE TO SUBSTANTIAL EROSION OF THE
 ESPLANADE ON THE OTHER SIDE OF THE PROPERTY.
 THIS CREATES A SITUATION WHEREBY PUBLIC CANNOT
 ACCESS THE AREA VIA LAND, NOR BY
 RIVER DUE TO DENSITY OF MANGROVES.
 COST OF PTO IS EXTREMELY HIGH.

Note – a different form of tenure may be considered a more appropriate tenure once the application has been assessed.

If you wish to make a separate submission to the Department of Natural Resources and Mines in relation to this proposed application, please provide a submission within **10 business days** of completing this declaration to SLAMlodgement@dnrm.qld.gov.au.

Authorisation

I certify that I have the authorisation to make this statement and the information I have provided is true and accurate.

I have **signed** a copy of a sketch/drawing in relation to this application.

**Full Name , position and Organisations name
of Road Manager**

Signature

Date: / /

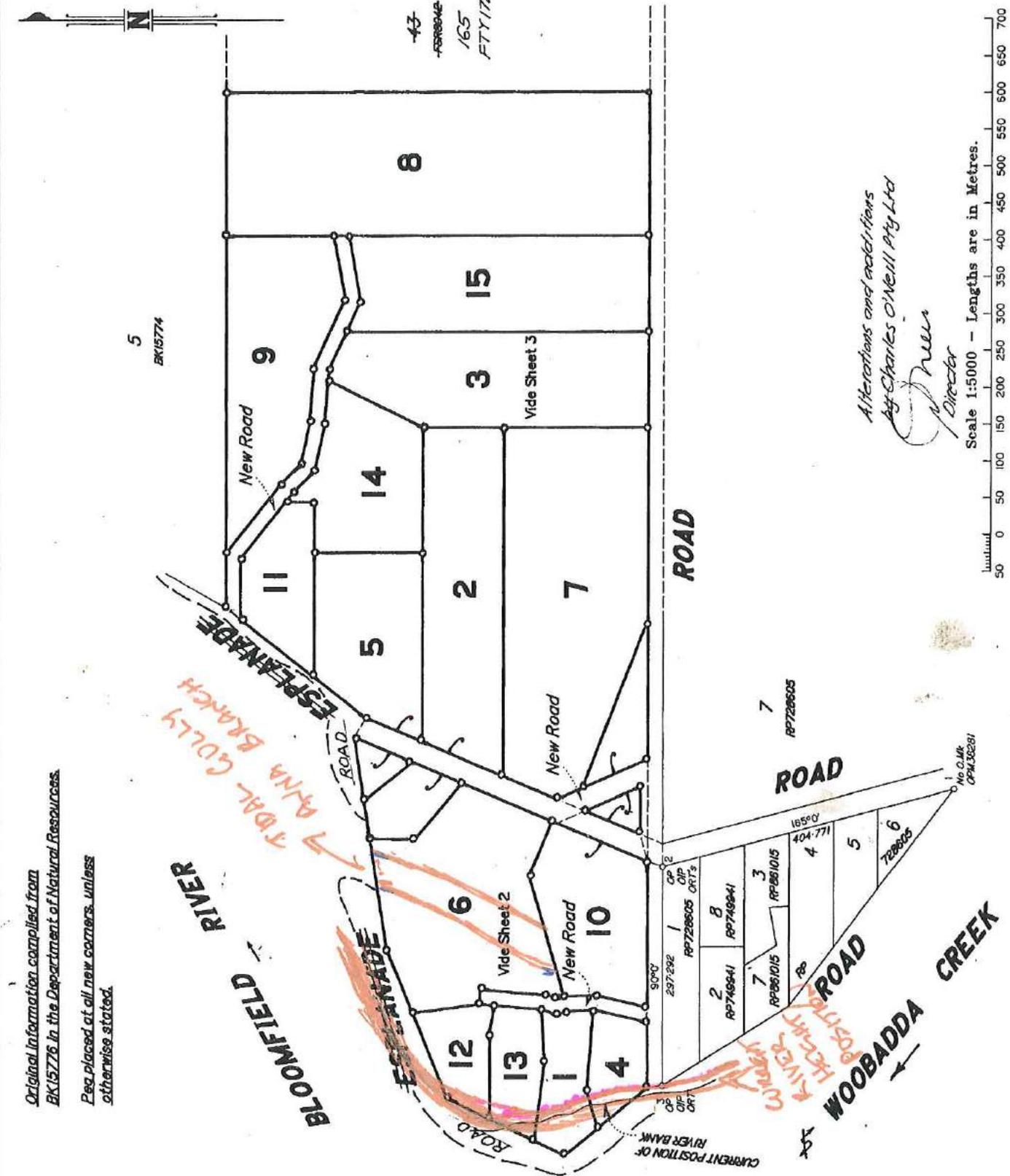
This information will not otherwise be disclosed outside of the department unless required or authorised by law such as under the *Right to Information Act 2009*.

END DOCUMENT

Land Title Act 1994; Land Act 1994
Form 21 Version 2

SURVEY PLAN

Sheet 1 of 4



Original information compiled from BK15776 in the Department of Natural Resources.

Pea placed at all new corners, unless otherwise stated.

CHARLES O'NEILL Pty.Ltd.
ACN 010 329 174 hereby certify that the Company has surveyed the land comprised on this plan by Stephan Ronald SESSIONS, Licensed Surveyor, & Thomas Forbes REID, Surveying Associate, for whose work the Company accepts responsibility, that the plan is accurate, that the said survey was performed in accordance with the Surveyors Act 1977 and the Surveyors Regulation 1992 and the said survey was completed on 30/9/99.

CHARLES O'NEILL PTY. LTD.
Charles Edward O'Neill, Director and Licensed Surveyor.
Julie Anne O'Neill, Director.
Date: 20/10/99

0 50mm 100mm 150mm State copyright reserved.

Plan of Lots 1 - 15 & New Road

Scale: 1:5000

Format: STANDARD



SP123877

Plan Status:

Canelling Lot 280 on BK15776

PARISH: TRIBULATION COUNTY: Solander

Meridian: RP728605

F/N's: No

Ordinary Council Meeting - 14 February 2017

Dealing Number



Lodger (Name, address & phone number)

Lodger Code

Janelle Shore, DNRM
PO Box 5318, Townsville Q 4810
Townsville.SLAMS@dnrm.qld.gov.au
Ph: 40957024 (2014/003624)

2340

Privacy Statement

The information from this form is collected under the authority of the Land Title Act 1994 and the Land Act 1994 and is used for the purpose of maintaining the publicly searchable registers in the land registry.

1. Covenantor

Leonard James Tunsted and Janice Dawn Fowler

2. Description of Covenant / Lot on Plan

County

Parish

Title Reference

Lot 6 on SP123877

Solander

Tribulation

50395727

Lot 1 on AP21259

Solander

Tribulation

3. Covenantee

The State of Queensland (represented by the Department of Natural Resources and Mines)

4. Description of Covenant (include reference to relevant section of legislation)

For the purpose of restricting the separate transfer of the lots described in Item 2 pursuant to section 373A(3)(b) of the Land Act 1994 and Section 97A(3)(c) of the Land Title Act 1994

5. Execution

The Covenantor being the registered owner of the lot described in item 2 covenants with the Covenantee in respect of the covenant described in item 4.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

Witnessing Officer

Execution Date

Covenantor's Signature

signature

/ /

full name

qualification

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Witnessing Officer

Execution Date

Covenantee's Signature

Power exercised: Section 373B(1)(d) of the Land Act 1994

signature

/ /

full name

qualification

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Rianha Evelyn Rolland
Senior Land Officer
Land Management and Use
A duly authorised delegate of the Minister under the current Land Act (Ministerial) Delegation

Janice Fowler
Leonard Tunsted
6 Banabilla Rd
DEGARRA QLD 4895

REQUEST FOR PERPETUAL LEASE OVER LAND – ESPLANADE DEGARRA

- * The Esplanade adjoining the property Lot 6 is unable to be used as a road or access due to the area being mainly mangroves.
- * The Esplanade area adjoining Lots 4, 1 & 13 has been washed away, making the Esplanade incomplete and unable to be used as a through road or access.
- * Access to the river is provided further up on Banabilla Rd for public use. There is no public vehicle access to Lot 1 area as the public would need to go through private land to access the river. Permission would not be granted to the public to access river front through Lot 6.
- * Request consideration of lease for proposed land area so that the land can be maintained and cared for ensuring the area is left free of all noxious weeds. Grassy areas can be mowed to prevent possibility of bush fires.
- * Unable to continue with Permit to Occupy due to high cost of fees, currently valued at \$3200, due to being on Disability Pensions.
- * Since purchase of Lot 6, Permit to Occupy has risen 300%.

**CURRENT TITLE SEARCH
DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND**

Request No: 14762715
Search Date: 04/10/2012 08:59
28/05/2002

Title Reference: 50395727
Date Created:

~~Previous Title: 54480213~~

REGISTERED OWNER

Dealing No: 706632043 28/05/2002

RONALD ANTHONY BRUCE

ESTATE AND LAND

Estate in Fee Simple

LOT 6 SURVEY PLAN 123877 Parish of TRIBULATION
County of BOLANDER
Local Government: CAIRNS

BASISMENTS, ENCUMBRANCES AND INTERESTS

- 1. Rights and interests reserved to the Crown by Deed of Grant No. 20090038 (FOR 280)

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

**** End of Current Title Search ****

COPYRIGHT THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND MINES)
(2012)

Requested By: D APPLICATIONS RP DATA

Three handwritten signatures or initials are present at the bottom of the page. The first is a large, stylized signature, the second is a smaller signature, and the third is a set of initials.

Annexure "A"

Attachment 5.8.2

CURRENT STATE TENURE SEARCH
DEPT OF NATURAL RESOURCES AND MINES, QUEENSLANDRequest No: 15590593
Search Date: 18/02/2013 15:23Title Reference: 17685107
Date Created: 21/10/1995

DESCRIPTION OF LAND

Tenure Reference: PO 14/5501

LOT 1 CROWN PLAN PER5501
County of SOLANDER Parish of TRIBULATION
Local Government: CAIRNS

Area: 0.090000 Ha. (ABOUT)

Area Description:

Part of the esplanade adjoining Lot 280 on Plan BK15776, parish of Tribulation.

No Forestry Entitlement Area

No Future Conservation Area

Purpose for which granted:
BOAT SHED

DATE OF COMMENCEMENT

Commencement Date: 01/10/1988

REGISTERED PERMITTEE

RONALD ANTHONY BRUCE PERMITTEE

CONDITIONS

- B20 The Minister reserves the right to review and amend the rent of this Permit at the expiration of five (5) years from the date of commencement hereof and thereafter at the expiration of each five (5) years.
- C80 The occupancy shall be terminable at any time at the discretion of the Minister on notice in writing by this Commission or immediately upon the decease of the Permittee.
- C81 The permittee shall not under any circumstances, enter into any arrangements to sublet, dispose of, or transfer the occupancy.
- C196 In the event of the Permittee ceasing to use the land for the express purpose for which the Permit is issued, the occupancy shall be terminated forthwith.

Offer Account

This is not a Tax Invoice

Issued



Queensland
Government

Department of
Natural Resources and Mines

To ensure proper crediting of your account, please forward both copies of this account if you require a receipt, or one copy if a receipt is not required, together with your payment to:
Department of Natural Resources and Mines, (ABN 59 020 847 551)

Payment Reference:	625280	Account No:	1402003624
Offer Account Date:	13/10/2014	Account Due Date:	10/11/2014
Enquiry Reference:	2014/003624/2		

Applicant: Leonard Tunsted
73 South Station Road
Booval QLD 4304
Australia

ABN No.
ACN/ARBN No.

Item Description	Quantity	Amount (\$)	Amount Due (\$)
Deposit (Estimate of First Years Rent)	1	3318.70	3318.70
Lease/Licence/Permit Fee (Div 81)	1	63.30	63.30
Total Payable at Acceptance/Settlement:			\$ 3382.00

Comment:

For the issue of a Permit to Occupy for boat shed purposes, locality of Degarra

If applicable a Tax Invoice will be provided on completion of this dealing.
13-Oct-2014