

5.5. EXECUTE PART C PROPOSED PERMANENT ROAD CLOSURE PART OWEN ST, CRAIGLIE ADJOINING 14 YIKI ST, CRAIGLIE

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

RECOMMENDATION

That Council:

- 1. delegates authority to the Chief Executive Officer, in accordance with section 257 of the *Local Government Act* 2009, to execute a form Part C as Road Manager so an application can be lodged with the Department of Natural Resources and Mines for a proposed permanent road closure over part of Owen Street, Craiglie, adjoining land located at 14 Yiki Street, Craiglie, also described as Lot 13 on SP192591.**
 - 2. requires all costs associated with the road closure be paid by the applicant.**
-

EXECUTIVE SUMMARY

Council is in receipt of a request to execute, as Road Manager, a Part C 'Statement in relation to an application under the *Land Act* 1994 over State land' for a proposed permanent road closure of part of Owen Street, Craiglie, adjoining land located at 14 Yiki Street, Craiglie, described as Lot 13 on SP192591. If the road closure is approved the subject land will be amalgamated with Lot 13.

Following internal Council departmental consultation, it is recommended that Council executes the Part C so the application can be lodged with the Department of Natural Resources and Mines.

BACKGROUND

It is a requirement of the Department of Natural Resources and Mines (DNRM) for all applications made under the *Land Act* 1994 over State land that the applicant must first obtain the consent of the Trustee of a Reserve or Road Manager to the application being lodged. Council is the Road Manager for the land the subject of this application.

Council's consent to the application being lodged is provided by executing a Part C 'Statement in relation to an application under the *Land Act* 1994 over State land', which is provided to Council by the applicant along with a copy of the application.

By executing the Part C, Council is stating:

1. it has no objection to the application and considers authorisation of the use of the land be dealt with under the *Land Act* 1994 by the DNRM; and
2. it is aware of any local non-indigenous or Indigenous cultural heritage values. (Note – this is completed by searching Council's records, Native Title information and mapping, and the Douglas Shire Planning Scheme).

Consent to the application being lodged does not provide Council's consent to the proposal. Council's comment will be sought by the DNRM during the assessment of the application, at which time a further report will be presented to Council for consideration.

The subject application is for the permanent closure of part of Owen Street, Craiglie, adjoining Lot 13 on SP192591. A locality plan appears below. The subject area of road is indicated with red hatching and is approximately 75 m² in area. It is understood that the proposed use of the subject area, if the road closure is approved, will be for inclusion into Lot 13 of which the applicant is the registered owner.

There are no known local non-indigenous or Indigenous cultural heritage values associated with the subject road closure area.



COMMENT

Council officers have no objection to the making of the application for road closure. If the road closure is successful, the area would become zoned within the Residential 1 Planning Area as consistent with the balance of the site. The originating subdivision approval does not require a vegetation buffer at the area proposed for road closure.

PROPOSAL

That Council authorises the Chief Executive Officer to execute the Part C.

FINANCIAL/RESOURCE IMPLICATIONS

Council will not receive any proceeds from the sale of the road reserve, however all costs associated with the road closure will be paid by the applicant. The subject area of the road is not needed for road purposes.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications in relation to the matter.

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

Internal:	Governance Sustainable Communities Infrastructure Water & Wastewater Finance Planning Coordinator Executive Officer
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External:	There was no external consultation.
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ATTACHMENTS

1. Application including Part C proposed road closure **[5.5.1]**

DEPARTMENT OF NATURAL RESOURCES AND MINES	
File Name.....	<i>Dedication of Land</i>
Document No.....	
- 3 FEB 2017	
Attention	<i>RJD</i>
Information	

Application form Contact and Land Details Part A

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	Daniel	Gray

Company name(s)

If a Corporation then record ☐ ACN ☐ ARBN ☐ ABN

Postal Address

14 Yiki Street Port Douglas 4877

Phone number

Mobile phone

0403266551

Email

danny@rattlenhumbar.com.au

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	Daniel	Gray

Company name(s)

If a Corporation then record ☐ ACN ☐ ARBN ☐ ABN

Postal Address

14 Yiki Street Port Douglas 4877

Phone number **Mobile phone** 0403266551

Email danny@rattlenhumbar.com.au

Fax

Future correspondence should be sent to ☐ Lodger ☒ Applicant

1. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the *Duties Act 2001*? ☒ Yes **go to 2** ☐ No **go to 4**

Note – Under the *Duties Act 2001* an additional amount of duty applies where the land is residential land and the applicant is a foreign person. For further details, please refer to the information on the Queensland Treasury website [DA000.14.1 Foreign corporations and foreign trusts – interests of foreign persons and related persons](https://www.treasury.qld.gov.au/taxes-royalties-grants/duties/index.php) <<https://www.treasury.qld.gov.au/taxes-royalties-grants/duties/index.php>> or the Queensland Government website for [Additional Foreign Acquirer Duty](https://www.business.qld.gov.au/industry/professional-financial/transfer-duty/investors-and-transfer-duty/additional-foreign-acquirer-duty) <<https://www.business.qld.gov.au/industry/professional-financial/transfer-duty/investors-and-transfer-duty/additional-foreign-acquirer-duty>>.

2. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)? ☐ Yes go to 3 ☒ No go to 4

For further information refer to the [Queensland Government website](https://www.business.qld.gov.au/industry/professional-financial/transfer-duty/self-assessors/toolkits/afad) to determine if AFAD applies to the property acquired in the relevant transaction <<https://www.business.qld.gov.au/industry/professional-financial/transfer-duty/self-assessors/toolkits/afad>>.

3. Enter the full name/s of the foreign acquirer/s.
(If there is insufficient space, please lodge as an attachment) go to 4

Full Name/s (If a company, also provide a contact name)	Share held

Details of land for which the application is being lodged

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

- | | | |
|---|---|---------|
| <input type="checkbox"/> Permit | <input type="checkbox"/> Lease | go to 5 |
| <input type="checkbox"/> Licence | <input type="checkbox"/> Unallocated State Land (USL) | |
| <input checked="" type="checkbox"/> Trust Land Reserve/
Deed of Grant in Trust (DOGIT) | <input checked="" type="checkbox"/> Road | |
| <input type="checkbox"/> Dealing Number (refer to Item 6) | <input type="checkbox"/> Other | |

5. 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
13	Survey Plan	Lot:13 SP:192791

go to 6

The details of the land can be found on a current copy of the Title, your rates notice or the [Queensland Globe](https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/maps) from the Queensland Government website can be downloaded to help access current Lot on Plan details. <<https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/maps>>. If insufficient space, please add additional description as an attachment.

6. Enter additional details of the land

Dealing number

Tenure type

Tenure number

Local Government

Other details of land location (optional)

go to 7

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

Yes

go to 8



No

8. Provide details of pre-lodgement meeting. (optional)
(If there is insufficient space, please lodge as an attachment)
 Had talks with planners at the douglas shire offices on the 31/1.

 Detailed the plan to extend the boundaries of the property in question.

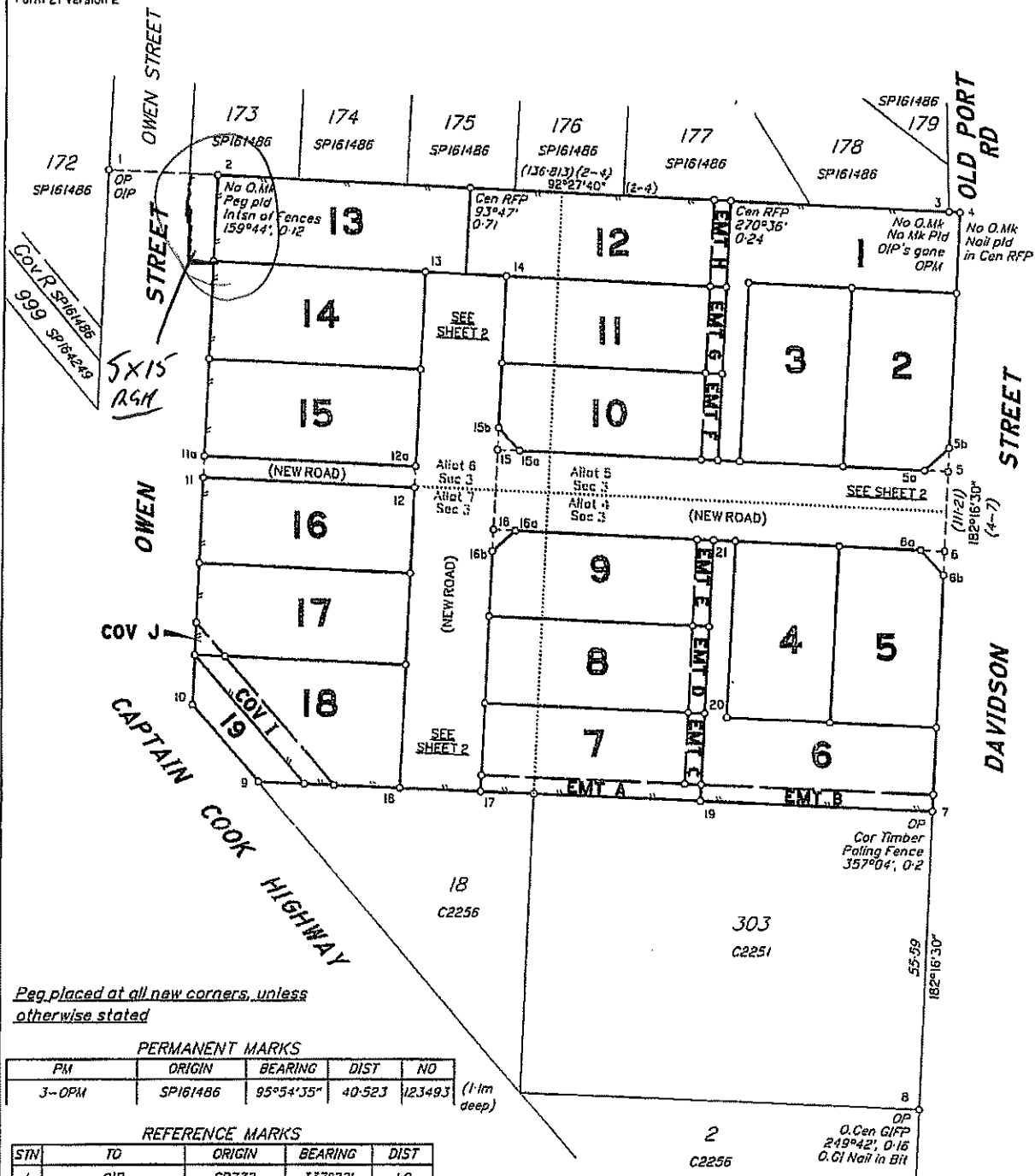
Departmental Officers contact details and any reference number should be included if known.

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

8152_04/SE

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

SURVEY PLAN

Sheet 1 of 2
1 2

C&B Consultants Pty Ltd (ACN 055 931 096) hereby certify that the land comprised in this plan was surveyed by the corporation, by Ben Christopher SHEPHERD, registered surveying graduate, for whose work the corporation accepts responsibility, under the supervision of Laurence Rohan GREEN, 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 28-08-2005.



Director
17.09.2007
Date

Plan of Lots 1-19,

Emt A in Lot 7, Emt B in Lot 6, Emt C in Lot 7,
Emt D in Lot 8, Emt E in Lot 9, Emt F in Lot 10,
Emt G in Lot 11, Emt H in Lot 12, & Cov I in Lot 18,
Cov J in Lot 17.

Cancelling Lots 304-306 on C2251 & Lot 1 on RP720006

PARISH: SALISBURY COUNTY: Solander

Meridian: SP161486

F/N's: No

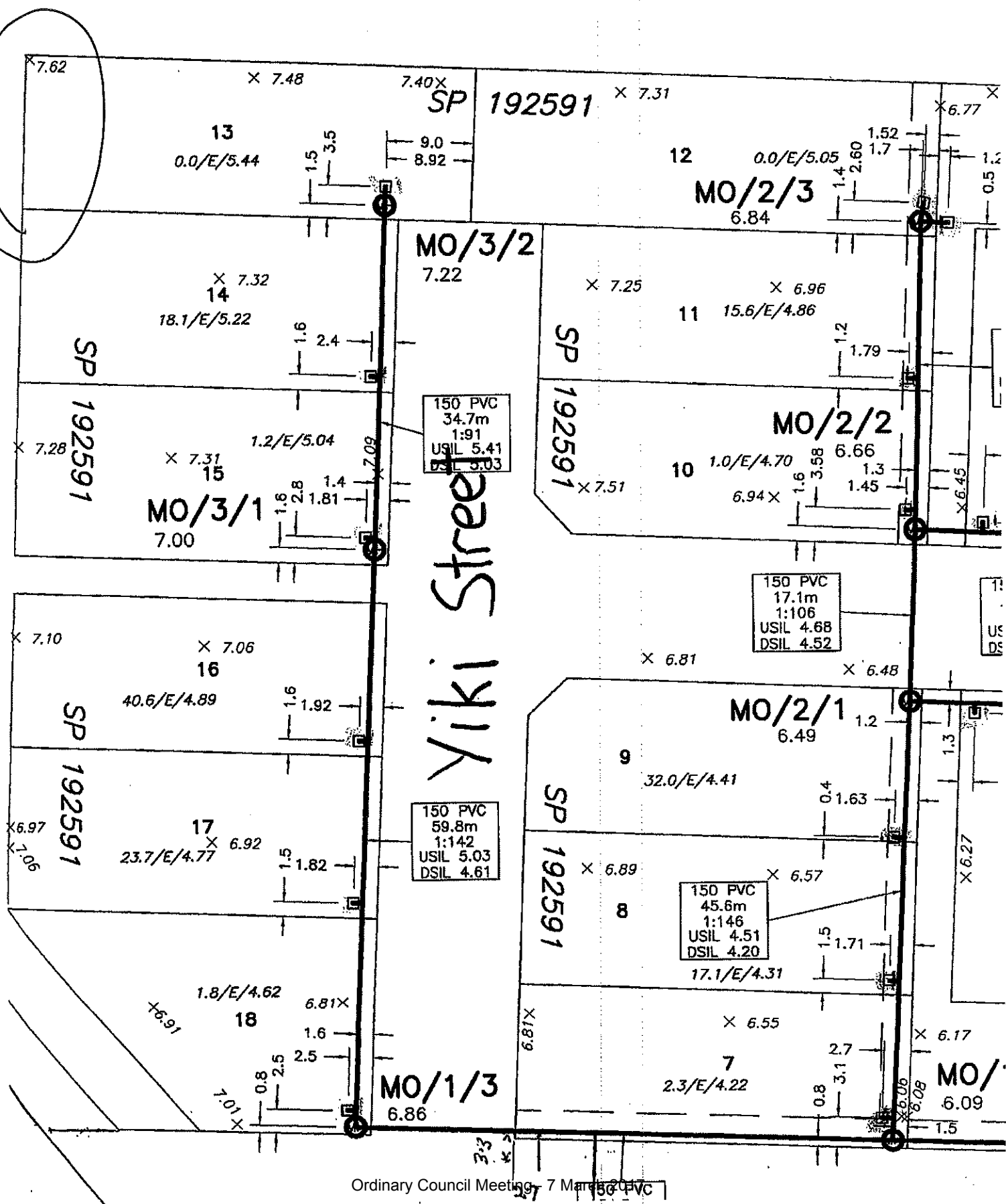
Scale: 1:800

Format: STANDARD



SP192591

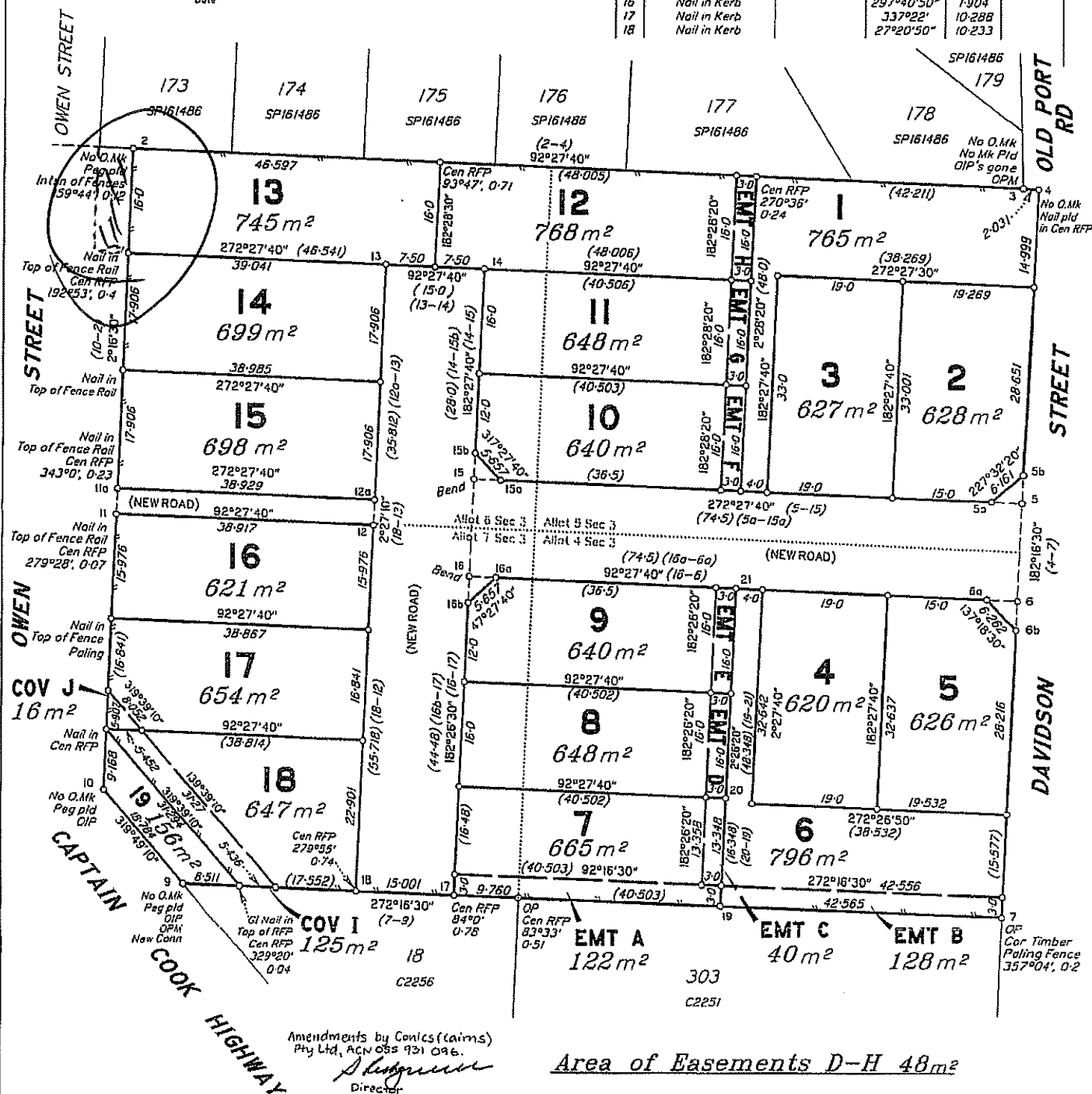
Plan Status:





S. J. [Signature]
Director
30.10.08
Date

STN	TO	ORIGIN	BEARING	DIST
2	Pin		235°06'30"	2-74
3	OIP gona	SP108624	325°27'40"	1-5
3	OIP gone	SP161486	63°45'	6-265
4	Screw in Kerb		78°32'30"	4-064
4	Nail in Kerb		16°33'50"	6-507
5	Nail in Kerb		115°46'30"	3-037
5	Nail in Kerb		11°00'20"	3-731
7	Screw in Kerb		89°06'	11-788
9	OIP	IS175092	220°53'50"	1-465
10	OIP	IS175092	305°47'50"	1-505
11	Nail in Conc Footpath		340°24'	1-647
12	Nail in Kerb		9°23'	4-313
13	Nail in Kerb		156°59'	9-996
14	Nail in Kerb		209°00'40"	9-828
15	Nail in Kerb		254°38'30"	1-836
16	Nail in Kerb		297°40'50"	1-904
17	Nail in Kerb		337°22'	10-288
18	Nail in Kerb		27°20'50"	10-233



Scale 1:600 - Lengths are in Metres.

PERMANENT MARKS				
PM	ORIGIN	BEARING	DIST	NO
3-OPM	SP161486	95°54'35"	40-523	123493 (11m Deep)
9-OPM	RP746523	166°28'20"	60-65	71612 New Conn
12-PM		353°28'50"	1-9	117897

State copyright reserved.

Insert
Plan
Number **SP192591**

<p style="text-align: center; font-size: 1.2em; font-weight: bold;">711999379</p> <p style="text-align: right; font-size: 0.8em;">\$1798.30 21/10/2008 15:47</p> <p style="font-size: 1.1em; font-weight: bold;">CS 400 NT</p>	<p style="text-align: center; font-size: 0.8em;">WARNING : Folded or Mutilated Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Registered</td> <td style="width: 50%; padding: 5px;"> 5. Lodged by MARINO MOLLER LAWYERS PO BOX 57 PORT DOUGLAS QLD 4877 LODGER CODE 795 REF DWG: 080849 <small>(Include address, phone number, reference, and Lodger Code)</small> </td> </tr> </table>	Registered	5. Lodged by MARINO MOLLER LAWYERS PO BOX 57 PORT DOUGLAS QLD 4877 LODGER CODE 795 REF DWG: 080849 <small>(Include address, phone number, reference, and Lodger Code)</small>
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<p>1. Certificate of Registered Owners or Lessees.</p> <p>I/We J.L. DEVELOPMENTS PTY LTD A.C.N. 070 771 514</p> <p>(Names in full)</p> <p>* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.</p> <p>* as Lessees of this land agree to this plan.</p> <p> Signature of *Registered Owners *Lessees. SOLE DIRECTOR,</p> <p style="text-align: center;">J.L. DEVELOPMENTS PTY LTD A.C.N. 070 771 514</p> <p style="font-size: 0.7em;">* Rule out whichever is inapplicable</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left;">6. 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Building Format Plans only. I certify that: * As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road. * Part of the building shown on this plan encroaches onto adjoining * lots and road </td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> 7. Partion Allocation : 8. Map Reference : 7964-11131 </td> <td style="width: 50%; padding: 5px;"> 13. Lodgement Fees : Survey Deposit \$ Lodgement \$ New Titles \$ Photocopy \$ Postage \$ TOTAL \$ </td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> 9. Locality : CRAIGLIE 10. Local Government : CAIRNS REGIONAL </td> <td style="width: 50%; padding: 5px;"> 14. 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Douglas Shire Council
Attachment 5.5.1
ABN 71 241 237 800
PO Box 723
MOSSMAN QLD 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au

55 of 127



Account Enquiries (07) 4099 9444
1800 026 318
Fax (07) 4098 2902

DOUGLAS
SHIRE COUNCIL



071285-001 003680(7983) D044

D M Gray & L A Berney
38 Macrossan St
PORT DOUGLAS QLD 4877

Half Yearly Rate Notice

01/01/2017 - 30/06/2017

Issue Date 19/01/2017

Assessment No. 953703

Payment Due By
Close of Business 21/02/2017

Total Amount Due \$1406.56

Account for

LOT 13 SP 192591
14 Yiki Street CRAIGLIE QLD 4877
Fhold-Dwg
745.0000SQUARE METRES

Direct Debit

Land Use Code

0200

Summary of Charges

Amount

Balance Carried Forward

\$0.00

Cat 1 Residential (\$1 - \$250,000)	162500.00	Land Val	\$600.85
Water Access Charge - Residential	1.00		\$137.47
Sewerage Charge - Residential	1.00		\$411.52
Cleansing Charge Residential	1.00		\$197.12
State Emergency/Fire Management Levy 2 C	1.00		\$59.60

The Emergency Management Fire & Rescue (EMF&R) levy is a State Government imposed levy

E&OE

DOU001

DOUGLAS
SHIRE COUNCIL



Billers Code: 4074
Ref: 9537 03

Pay in person at any post office, by
phone 13 18 16 or go to
www.postbillpay.com.au



Billers Code: 140202
Ref: 953703

BPAY® this payment via internet or phone banking
BPAY View® - View and pay this bill using internet banking
BPAY View Registration number: 953703

POST billpay



*4074 0953703

Payment Slip

NAME: D M Gray & L A Berney
PROPERTY: 14 Yiki Street CRAIGLIE QLD 4877

Assessment No. 953703

Payment Due By
Close of Business 21/02/2017

Total Amount Due \$1406.56

Amount Paid \$



DEPARTMENT OF NATURAL RESOURCES AND MINES

Application for owners consent to development applications

RECEIVED
- 3 FEB 2017

Part B

Attention

Information

Application form requirements

1. This application is for owners consent to a development application.
2. Read the *Application for owners consent to a development application* fact sheet that includes application restrictions.
3. Payment of the prescribed application fee, if relevant.
(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 the application.
5. **Part A:** Contact and details of land will need to be completed and submitted with your application.
6. If all parts of the application form are not filled out correctly, it may be returned to you to complete.

Important information

Section 263 of the *Sustainable Planning Act 2009* (SPA) requires the Department of Natural Resources and Mines (DNRM) to provide owners consent to a development application relating to some state land.

Where owners consent is required for specific state land, the application is to be made only by, or on behalf of, the person who:

- holds or will hold the appropriate tenure or interest e.g. lessee, sublessee, trustee of trust land, trustee lessee, grantee of an easement; or
- if no tenure is required by DNRM, the person who will occupy the land.

Consideration to providing owners consent to a development application will only be given by DNRM where the:

- applicant holds a tenure or interest in state land that supports the proposed development
- applicant has accepted an offer for a tenure or interest in state land that supports the proposed development
- proposed development does not require tenure or interest in state land e.g. a tidal work for public purposes such as a power line, public boat ramp.

It is a mandatory requirement of the SPA that development applications be lodged on IDAS form 1: Application details, with all necessary other forms or attachments included.

Development under the SPA includes reconfiguration of a lot. Reconfiguration of a lot held under a *Land Act 1994* tenure is not assessed under the provisions of the SPA e.g. subdivision of a lease, including a freeholding lease, issue of a trustee lease of a reserve - you will need to make the relevant application to deal with the land under the Land Act. However, an exception is for a deed of grant in trust in some circumstances e.g. for a trustee lease with a term of more than 10 years, a development application under SPA may also be required.

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. Is the development application for reconfiguration of a lot as outlined below held under *Land Act 1994* tenure? ☒ Yes ☐ No **go to 2**

An application can not be considered

Reconfiguration of land administered under the *Land Act 1994* e.g. subdivision of a lease, including a freeholding lease, issue of a trustee lease of a reserve, is not assessed under the provisions of the SPA - you will need to make the relevant application to deal with the land under the Land Act. However, for a deed of grant in trust in some circumstances eg. for a trustee lease with a term of more than 10 years, a development application under SPA may also be required.

A copy of the IDAS Form 7 must accompany this application.

2. Is your development for tidal works for a structure e.g. a jetty, pontoon or boat ramp for residential use adjoining private land outside of a canal and not within a declared fish habitat area? ☐ Yes ☒ No **go to 3**

Your application must be lodged with the Department of Environment and Heritage Protection

If the proposed development is for a structure such as a jetty, pontoon or boat ramp for residential use adjoining private land outside of a canal, the Environmental business unit of Department of Environment and Heritage Protection gives owners consent. No owners consent is required for development applications for tidal works within a canal, as defined under the *Coastal Protection and Management Act 1995*.

If your application is for tidal works partly or wholly within a declared fish habitat area under the *Fisheries Act 1994*, it is recommended that you contact the Department of Agriculture, Fisheries and Forestry in the first instance.

A copy of the IDAS Form 23 must accompany this application.

3. Is this application for a material change of use on State land for quarry material administered under the Forestry Act 1959? ☐ Yes ☒ No **go to 4**

Your application must be lodged with the Department of Agriculture, Fisheries and Forestry

You will need to contact Forest Products in the Department of Agriculture, Fisheries and Forestry in the first instance.

A copy of the IDAS Form 5 must accompany this application.

4. Owners consent is required to be given by DNRM for land listed below. If you require owners consent for a development application for quarry materials or any state resources \ not listed below, you will need to contact the relevant Queensland Government department administering the resource.

Please select the following if applicable to your development application:

- ☐ a lease (including a freeholding lease) reserve or deed of grant in trust under the *Land Act 1994* where DNRM acts on behalf of the state as the lessee or trustee of the land **go to 5**
- ☐ a lease under the *Land Act 1994* (including a freeholding lease) reserve or deed of grant in trust if the lessee or trustee is not or does not represent the state **go to 5**
- ☐ strategic port land under the *Transport Infrastructure Act 1994*, other than freehold land **go to 5**
- ☐ a permit to occupy or licence under the *Land Act 1994* **go to 5**
- ☐ land held in fee simple by the state where DNRM administers the freehold on behalf of the state **go to 5**
- ☐ unallocated state land under the *Land Act 1994* including land below high water mark —other than as outlined in question two of this application form **go to 5**
- ☒ a road (other than a state-controlled road) or stock route **go to 5**

5. Is the applicant the holder of a tenure or a secondary interest in the state land e.g. lessee or sublessee of a *Land Act 1994* lease, trustee of a reserve or deed of grant in trust, grantee of an easement? ☒ Yes **go to 9** ☐ No **go to 6**

6. Has an application for appropriate tenure been made? ☐ Yes **go to 7** ☐ No

An application can not be considered—refer below

Owners consent where tenure is required for the development may not be given unless DNRM has made an offer and you have accepted that offer. If you have already applied for an appropriate tenure, you will need to wait until you have received an offer from DNRM. If you have not already applied for tenure, you will need to do so.

In limited situations, tenure may not be required particularly for public tidal works, and you may wish to discuss your application with DNRM before applying for tenure.

7. Provide details of the application for appropriate tenure, including DNRM reference. (If there is insufficient space, please lodge as an attachment) **go to 8**

8. Has DNRM made an offer that has been accepted? ☐ Yes **go to 9** ☐ No

An application cannot be considered

If you have already applied but are awaiting an offer, or have been made an offer and have not yet accepted, consideration to providing owners consent will be made when the appropriate tenure requirements are in place.

9.	Have you made a previous application for owners consent?	<input type="checkbox"/> Yes	go to 10	<input checked="" type="checkbox"/> No	go to 12
10.	Was this application refused?	<input type="checkbox"/> Yes	go to 11	<input type="checkbox"/> No	go to 12
11.	Has there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?	<input type="checkbox"/> Yes	go to 12	<input type="checkbox"/> No	go to 13
12.	Provide details of any additional information to support the application. (optional) (If there is insufficient space, please lodge as an attachment)				go to 13
<div style="border: 1px solid black; padding: 2px;">Want to extend the boundaries of the land</div> <div style="border: 1px solid black; height: 20px; margin-top: 2px;"></div>					

Attachments

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

13.	Tick the box to confirm the attachments for part of the application.
<input type="checkbox"/>	Application fee
<input type="checkbox"/>	Copy of the Development Application and all other necessary Forms being – <ul style="list-style-type: none"> original IDAS Form 1 if you are making an application to reconfiguring a lot – IDAS Form 7 if you are making an application for Material Change of Use – IDAS Form 5 if you are making an application for Tidal Works – IDAS Form 23; sketches/plans of existing and proposed improvements proposed to be lodged with the assessment manager.
<p>Note – the department does not generally require the full development application, such as engineer drawings, but will require as much of the development application clearly showing the proposed development .</p>	
<input checked="" type="checkbox"/>	Details of application for tenure or road closure (if relevant) c.g. department reference
<input type="checkbox"/>	If the applicant is acting on behalf of a person that holds or will hold the tenure, or if no tenure is required, the person who will be occupying the state land, a letter from that person advising you are acting for and on behalf of them is required.
<input type="checkbox"/>	If the development application relates to a secondary interest in the state land e.g. sublease, trustee lease etc., a letter from the lessee, trustee etc. as relevant that they support the application will also be required.
<p>It is recommended that any attached plans, sketches or maps be of A4 or A3 size. Your application will not be considered, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.</p>	

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:

21 01 ' 2017

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.



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="checked" type="checkbox"/> Permanent road closure <input type="checkbox"/> Temporary road closure	go to 2 go to 2
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2. If you are not the manager of the road as defined below, have you consulted with the road manager to determine if the road is still required?	<input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No	go to 3 go to 3
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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?	<input type="checkbox"/> Yes <input checked="checked" type="checkbox"/> No	go to 4 Application cannot be considered unless temporary closure is for reasons listed in Question 4
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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:	<input type="checkbox"/> Pipes for irrigation purposes that cross the road beneath its surface <input type="checkbox"/> Water channels for irrigation purposes that cross the road	go to 5
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5.	Provide details in Schedule 1 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. (If there is insufficient space, please lodge as an attachment)	go to 6
Schedule 1 You must enter either the Lot on Plan or Title Reference of the land.		
	Lot	Plan
13	Survey Plan	Lot:13 SP:192791

6.	Have you made a previous application for closure of this area of road?	<input type="checkbox"/> Yes	go to 7	<input checked="" type="checkbox"/> No	go to 10
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7.	Was this application refused?	<input type="checkbox"/> Yes	go to 8	<input type="checkbox"/> No	go to 10
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8.	Has there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?	<input type="checkbox"/> Yes	go to 9	<input type="checkbox"/> No	go to 10
The application maybe rejected without further consideration.					

9.	Provide details of the change in circumstances from the previous application. (If there is insufficient space, please lodge as an attachment)	go to 10
	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

10.	Is any use currently being made of the road area?	<input type="checkbox"/> Yes	go to 11	<input checked="" type="checkbox"/> No	go to 12
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11.	Provide details of the current use of road e.g. grazing, encroachment of building or structure (If there is insufficient space, please lodge as an attachment)	go to 12
	<div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

12.	Provide details of the proposed use of the road area. (If there is insufficient space, please lodge as an attachment)	go to 13
	<div style="border: 1px solid black; padding: 5px;"> Want to extend my land roughly by 5*15m at the rear of my property </div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

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

Have attached maps. Area is currently not used and most likely will never be used.

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.



DEPARTMENT OF NATURAL RESOURCES AND MINES

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

Part C

I/We Daniel Gray, as

Please tick relevant fields –

☐ **Trustee of a Reserve issued under the Land Act**

☐ I 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)

☐ I am 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**

☐ I 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)

☐ I am 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.

☐ I have no objection to the application

☐ I 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.

The extra Land will be used to build a Granny Flat for my Mother. I will complete a seperate application for this at a later date. After talking to the mines department and Local council there does not seem to be any services in this area at present.

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