

From: Kristy Gilvear <kristy@gilvearplanning.com.au>
Sent: Tuesday, 15 November 2016 5:36 PM
To: Jenny Elphinstone
Cc: Simon Clarke; Neil Beck; Allen Perry; Tom Chapman; christineaperry@outlook.com
Subject: DSC Ref: SEDA MCUI1599/2016 (D#792302) NQL Properties Pty Ltd:
Attachments: SPL-1016-034465-N6-T3-Pre-lodgement advice-1.pdf; 20161115 DNRM Confirmation 2016-006026.pdf; 20161115 DNRM Confirmation - 2016-006024.pdf; Cover Email - Surrender RL4535.pdf; Cover Email - Surrender RL4536.pdf

Importance: High

Good afternoon Jenny,

Thank you for your correspondence of 17 October 2016 in regards the above-described Application, lodged with Council in August 2016.

Subsequent to receipt of your correspondence, advice was sought from the State regarding the need for State consent to the Application. In seeking this advice, copies of Application material, including plans, as provided to Council were provided to the State. Please find **attached** the States' response to our request for advice, dated 4 November 2016. The State advised as follows:

Owners Consent

"The Department of Natural Resources and Mines is of the opinion that the roads do not need to be included in the application as you have indicated that there will be no development over these areas."

The Applicant confirms that no development is proposed on road reserves; they are shown on plans as bisecting the properties owned by the Applicant, but no specific development (apart from access between lots) is proposed on those roads.

Consent from the State for use of the roads for access is therefore not required.

Surrender of Road Licences

The Department of Natural Resources and Mines also confirmed that if road licences held by the Applicant are no longer required, surrender may be applied for and roads reopened. On behalf of the Applicant, applications for surrender of RL4535 and RL4536 have been lodged with the Department of Natural Resources and Mines, as these road licences are no longer required. Copies of these Applications and the Departmental confirmation of receipt is attached for reference.

Permanent Road Closures

Department of Natural Resources and Mines advice confirms that if proposed development on roads is inconsistent with road reserve purposes, the roads must be "closed" and purchased by the Applicant in order for development to proceed and / or an offer issued before State consent to the application will be provided. The advice notes that:

“A permanent road closure is only required if the applicant is planning on including the road in the development application for purposes other than access.”

As noted above, the Applicant does not intend to use the roads for any purpose other than access to existing allotments upon which development is proposed. This is considered a purpose consistent with the reserve purpose.

The Applicant has no intention to apply for closures of these roads in these circumstances.

Permit to Occupy

The State confirms that notwithstanding the Mackay Sugar Permit to Occupy part of Andreasson Road bisecting the sites, “no consent is required from Mackay Sugar as the development on the adjoining freehold parcels will have no effect on Mackay Sugar’s permit to occupy.”

Potential creek access on Lot 5 on AP13754

Noting the State’s comments in regards the conceptual creek access shown on concepts included in the Development Application, the Applicant confirms that there is no current intention to formalise any creek access in this location. The Applicant acknowledges tenure and other issues requiring resolution before any such application could be provided, and has not included this land within the Application material for the purposes of assessment. The Applicant continues to seek the Preliminary Approval as applied for, over freehold lots included in the Application material and owned by NQL. To the extent plans indicate or imply that other properties and / or state land is included within the Application being considered, the Applicant confirms plans are only to be read in association with the Planning Report and supporting material lodged for Council assessment. This information clearly confirms that the Application is only lodged in respect of NQL freehold properties.

Boat Ramps

As noted in previous correspondence to Council, and the Application material, boat ramps shown on application material reference informal boat ramps in existence adjacent the site, accessed through the site. There is no current intention to formalise or seek to legitimise these ramps, as either public or private ramps. As such, no approval for the boat ramps is sought, and State consent for the ramps over State land is not required.

Conclusion

Having regard the above information, I look forward to receiving Council’s Acknowledgement Notice for the Application as soon as possible.

Referral to the State will be completed as soon as possible following receipt of same.

Kind regards,

Kristy Gilvear

Director / Town Planner
Gilvear Planning Pty Ltd

Telephone: 0448 897 991

Email: kristy@gilvearplanning.com.au

FNQ Office

FNQ Postal Address: PO Box 228 Babinda Qld 4861



Town Planning
Strategic and Development Advice

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Subject: Application for Surrender of Road license 4536

Date: Tuesday, 15 November 2016 4:36:25 pm Australian Eastern Standard Time

From: SLAM Lodgement <SLAMlodgement@dnrm.qld.gov.au>

To: Kristy Gilvear <kristy@gilvearplanning.com.au>

Good afternoon Kristy

Thank you for lodging your client's application under *the Land Act 1994* with the Department of Natural Resources and Mines.

Your client's application has been received and the department has commenced assessing it. The case reference number is 2016/006024

You can track the progress of your client's lodged land application on the DNRM webpage - <https://dashboard.dnrm.qld.gov.au/#/services>

Please find attached the Department's receipt for your records.

An officer of the department who has been assigned your client's case will be in contact with you to provide information about how the application is being assessed and to answer any questions that you may have.

The department encourages the use of electronic correspondence and any hard copy correspondence received is electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps are no larger than 4MB and A3-sized.
For more information about land tenure applications please contact your nearest DNRM business centre or call 13 QGOV (13 74 68).

Regards

Kaymarie Wall
CPL Processing Officer
Central Point of Lodgement
State Land Asset Management Unit
Service Delivery - North Region

Telephone: 07 44479168 Facsimile: 07 44479199

Email: Kaymarie.Wall@dnrm.qld.gov.au

Address:
Department of Natural Resources and Mines
Verde Tower, Level 9,
445 Flinders Street, Townsville Qld 4810

Postal:
PO Box 5318
Townsville Qld 4810

NOTE

All new applications to change tenure or for use of State land administered under the Land Act to the central point of lodgement. The central point of lodgement email address is SLAMlodgement@dnrm.qld.gov.au.

For more information please refer to [Application forms](#) on the departments webpage.

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Subject: Application for Surrender of Road License 4535

Date: Tuesday, 15 November 2016 4:41:47 pm Australian Eastern Standard Time

From: SLAM Lodgement <SLAMLodgement@dnrm.qld.gov.au>

To: Kristy Gilvear <kristy@gilvearplanning.com.au>

Good afternoon Kristy

Thank you for lodging your client's application under *the Land Act 1994* with the Department of Natural Resources and Mines.

Your client's application has been received and the department has commenced assessing it. The case reference number is 2016/006026.

You can track the progress of your client's lodged land application on the DNRM webpage - <https://dashboard.dnrm.qld.gov.au/#/services>

Please find attached the Department's receipt for your records.

An officer of the department who has been assigned your client's case will be in contact with you to provide information about how the application is being assessed and to answer any questions that you may have.

The department encourages the use of electronic correspondence and any hard copy correspondence received is electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps are no larger than 4MB and A3-sized.
For more information about land tenure applications please contact your nearest DNRM business centre or call 13 QGOV (13 74 68).

Regards

Kaymarie Wall
CPL Processing Officer
Central Point of Lodgement
State Land Asset Management Unit
Service Delivery - North Region

Telephone: 07 44479168 Facsimile: 07 44479199

Email: Kaymarie.Wall@dnrm.qld.gov.au

Address:
Department of Natural Resources and Mines
Verde Tower, Level 9,
445 Flinders Street, Townsville Qld 4810

Postal:
PO Box 5318
Townsville Qld 4810

NOTE

All new applications to change tenure or for use of State land administered under the Land Act to the central point of lodgement. The central point of lodgement email address is SLAMLodgement@dnrm.qld.gov.au.

For more information please refer to [Application forms](#) on the departments webpage.

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If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

Our reference: SPL-1016-034465
Your reference: J000049:NQL:KLG
Council Reference: SEDA MCUI1599/2016

4 November 2016

NQL Properties Pty Ltd
c/- Gilvear Planning Pty Ltd
PO Box 228
Babinda QLD 4861

Att: Kristy Gilvear

Dear Sir / Madam

Advice regarding a lodged application with Douglas Shire Council

Development application for undefined use (education, sport and entertainment facility) at Andreassen Road, Craiglie and described as Lots 1 to 6 on C2254, Lot 87 on SR370 and Lot 90 on SR678

Thank you for your correspondence received on 19 October 2016 in which you sought advice from the Department of Infrastructure, Local Government and Planning (the department) regarding the proposed development described above and the requirement for owner's consent from the State.

Based on your written correspondence, the matter was forwarded to the Department of Natural Resources and Mines for technical advice within its jurisdiction.

Site details

Street address: Andreassen Road, Craiglie

Assessment manager reference: SEDA MCUI1599/2016

Local government area: Douglas Shire Council

Proposed development details

Development type: Material change of use

Development description: Undefined use (education, sport and entertainment facility)

Supporting information

Plan / Report title	Author	Reference no.	Version and date
Development application material and plans – July 2016 final	Gilvear Planning Pty Ltd	J000049:NQL:KLG	22 July 2016
Not properly made notice	Douglas Shire Council	SEDA MCUI1599/2016	23 August 2016
Applicant response	Gilvear Planning Pty Ltd	J000049:NQL:KLG	24 August 2016
Without prejudice advice	Douglas Shire Council	SEDA MCUI1599/2016	17 October 2016

General advice

Item	Advice
1.	<p>The Department of Natural Resources and Mines has provided the following advice to the department for your consideration.</p> <p><u>Owner's consent</u></p> <p>The Department of Natural Resources and Mines is of the opinion that the roads do not need to be included in the application as you have indicated that there will be no development over these areas.</p> <p>If Douglas Shire Council requires the roads to be included in order to lodge a properly made development application, owner's consent for the preliminary approval will be required from the Department of Natural Resources and Mines. Information on how to apply for owner's consent is included in Attachment 1 (Section1).</p> <p>Prior to issuing owner's consent, the Department of Natural Resources and Mines would assess the proposed use of the road to ensure consistency with road tenure. If the intended use is not consistent with road tenure purposes, the applicant would need to surrender their road licences and apply for the road to be permanently closed.</p> <p>If the road is permanently closed, owner's consent from the Department of Natural Resources and Mines would not be required as the road area would be purchased by the applicant and included in the adjoining freehold land.</p> <p><u>Surrender of road licences</u></p> <p>If the proponent no longer requires the road licences, an application to surrender the licences should be made and the areas will be re-opened as public roads. A road licence is a temporary closure of a road for the exclusive use of an adjoining owner. Road licences can be cancelled at any time and the road re-opened for public use under Section 105 (1) of the <i>Land Act 1994</i>. Information on how to surrender a road licence is included in Attachment 1 (Section 2).</p> <p><u>Permanent road closures</u></p> <p>If the proponent intends to use the road as part of the proposed development, and the proposed use is not consistent with the road tenure, an application for permanent road closure should be made to the Department of Natural Resources and Mines. A permanent road closure is only required if the applicant is planning on including the road in the development application for purposes other than access.</p> <p>The road must be permanently closed, purchased and included in the proponent's adjoining</p>

Item	Advice
	<p>freehold parcels before those areas can form part of any development application.</p> <p>Information on how to apply for a permanent road closure is included in Attachment 1 (Sections 3 and 4).</p> <p><u>Permit to occupy – Mackay Sugar</u></p> <p>Mackay Sugar holds a permit to occupy over part of the road between Lot 4 on C2254 and road licence RL4563, which adjoins Lot 87 on SR370. The permit is over a public road. No consent is required from Mackay Sugar as the development on the adjoining freehold parcels will have no effect on Mackay Sugar's permit to occupy.</p> <p><u>Potential creek access on Lot 5 on AP13754</u></p> <p>Page 17 of the Planning Report prepared by Gilvear Planning Pty Ltd, states the following - <i>"No structures or access is proposed at this stage beyond property boundaries; however, the Applicant is investigating options to enable creek access and potentially connection to the urban areas to the north of the subject site. This proposed access is conceptual only at this stage, and it is for illustrative purposes only on these plans. Any future access/work beyond the property boundary would necessitate tenure issues being resolved."</i></p> <p>With respect to potential tenure over Lot 5 on AP13754, the landscape concept plan (as per Annexure 1 – Part 8 of the development application) indicates possible access along the northern boundary of Lot 90 on SR678 to the creek traversing Lot 5 on AP13754.</p> <p>Lot 5 on AP13754 is unallocated state land and is within the boundaries of a current native title claim. It is unlikely that an application for tenure over the unallocated state land would be supported by the Department of Natural Resources and Mines. The opening of an area of road or esplanade along the northern boundary of Lot 90 on SR678 (to meet the creek boundary) would not be considered by the Department of Natural Resources and Mines as there is no legal public access to the area and the proposed road/esplanade would exist in isolation.</p> <p><u>Boat ramps located off Lot 87 on SR370 and Lot 90 on SR678</u></p> <p>The boat ramps adjacent to Lot 87 on SR370 and Lot 90 on SR678 are located within an esplanade (road). The only access to the ramps is via the proponent's freehold properties (Lot 87 on SR370 and Lot 90 on SR678) or along the creek itself.</p> <p>The Department of Natural Resources and Mines advises that a lawfully constructed <u>public</u> boat ramp is considered an allowable use on an esplanade. An esplanade is considered a road under the <i>Land Act 1994</i> and is managed by Douglas Shire Council. Should the proponent wish to develop a <u>private</u> boat ramp on the esplanade, they are encouraged to discuss any proposal with the Douglas Shire Council as road manager.</p> <p>Should you wish to discuss any of the advice provided by the Department of Natural Resources and Mines please contact the State Land Assessment Management Division on (07) 4447 9164.</p>
Referral of properly made application	
2.	<p>The department notes that the plans lodged with the development application are substantially the same as plans provided for the pre-lodgement advice issued under SPL-1215-026330.</p> <p>It is noted in your development application lodged with Douglas Shire Council on or about 22 August 2016, that referral to the department is required for the following matters prescribed under Sustainable Planning Regulation 2009:</p> <ul style="list-style-type: none"> • Schedule 7, Table 2, Item 29 – Constructing or raising waterway barrier works

Item	Advice
	<ul style="list-style-type: none"> • Schedule 7, Table 2, Item 32 – Removal, destruction or damage of marine plants • Schedule 7, Table 3, Item 2 – State-controlled road • Schedule 7, Table 3, Item 5 – Tidal works, or development in a coastal management district • Schedule 7, Table 3, Item 10 – Clearing vegetation • Schedule 7, Table 3, Item 25 - Removal, destruction or damage of marine plants <p>Please note once the development application is determined properly made by Douglas Shire Council, it must be referred within 20 business days from date you receive the acknowledgement notice.</p> <p>The current development assessment fees are prescribed under Schedule 7A, Part 2 of the Sustainable Planning Regulation 2009.</p>

This advice does not constitute an approval or an endorsement that the department supports the development proposal. Additional information may be required to allow the department to properly assess the development proposal when a formal application has been lodged.

If you require any further information, please contact Joanne Manson, Principal Planning Officer, SARA Far North QLD on 4037 3228 or via email joanne.manson@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

enc: **Attachment 1** – Department of Natural Resources and Mines application processes

Attachment 1 - Department of Natural Resources and Mines application processes

Section 1 - Information on how to apply for Owner's Consent

Owner's consent from the Department of Natural Resources and Mines is required to lodge a "properly made" development application.

No fee is applicable and the forms to apply for owner's consent can be found on the Department of Natural Resources and Mines website:

Application form Contact and Land Details Part A:

www.dnrm.qld.gov.au/__data/assets/pdf_file/0018/101781/state-land-form-la00.pdf

Application for owners consent to development applications Part B:

www.dnrm.qld.gov.au/__data/assets/pdf_file/0008/101789/state-land-form-la08.pdf

The application for owner's consent should also include:

- Original application details—the IDAS Form 1 with all necessary other forms or attachments including sketches/plans of existing and proposed improvements proposed to be lodged with the assessment manager
- If acting on a person's behalf, a letter from the person advising that you are acting on their behalf
- A letter from the leaseholder or trustee, if the development proposal relates to a secondary interest in the land (e.g. sublease, trustee lease); and,
- Any additional attachments, as requested.

Further information can be found at www.qld.gov.au/environment/land/state/owner-consent/.

You can lodge your application by email to: SLAMlodgement@dnrm.qld.gov.au or post it to the Department of Natural Resources and Mines, PO Box 5318, Townsville QLD 4810.

You can track the progress of your lodged land application on the DNRM webpage - <https://dashboard.dnrm.qld.gov.au/#!/services>.

Section 2 - Information on how to surrender a road licence

The forms to surrender a road licence can be found on the Department of Natural Resources and Mines website:

Application form Contact and Land Details Part A:

www.dnrm.qld.gov.au/__data/assets/pdf_file/0018/101781/state-land-form-la00.pdf

Application for Absolute Surrender of a Lease, Licence or Permit to Occupy Part B:

www.dnrm.qld.gov.au/__data/assets/pdf_file/0008/101798/state-land-form-la18.pdf

Each road licence requires a separate application and the payment of applicable fees (currently \$130.70 per application).

If the applicant does not wish to surrender the road licences, they will remain in place. Road licences are a 'yearly' tenure and have no fixed term. As long as the licensee continues to pay the rental, the licences will stay in place.

You can lodge your application by email to: SLAMlodgement@dnrm.qld.gov.au or post it to the Department of Natural Resources and Mines, PO Box 5318, Townsville QLD 4810.

Section 3 - Information on how to apply for a permanent road closure

Each road licence will require a separate application for permanent road closure (one application per title). However, if an application was made for RL3983 and RL4535, one application for both road licences would be accepted. Two application fees would be required.

The forms to apply for a permanent road closure can be found on the Department of Natural Resources and Mines website:

Application form: Contact and Land Details Part A:

www.dnrm.qld.gov.au/__data/assets/pdf_file/0018/101781/state-land-form-la00.pdf

Application form: road closure Part B:

www.dnrm.qld.gov.au/__data/assets/pdf_file/0008/101798/state-land-form-la18.pdf

Application form: statement in relation to an application under the *Land Act 1994* over state land Part C:

www.dnrm.qld.gov.au/__data/assets/pdf_file/0011/127289/state-land-form-la30.pdf

This application form must be signed by the road manager i.e. Douglas Shire Council and must accompany an application for permanent road closure.

An application for a permanent road closure must also include:

- The payment of applicable fees (currently \$261.70 per application); and,
- Any additional attachments, as requested.

You can lodge your application by email to: SLAMlodgement@dnrm.qld.gov.au or post it to the Department of Natural Resources and Mines, PO Box 5318, Townsville QLD 4810.

Section 4 – Permanent road closure assessment

Upon receipt of an application for a permanent road closure, the Department of Natural Resources and Mines will conduct an initial assessment of the proposed closure. Under Section 99 (7) of the *Land Act 1994*, the Minister may refuse the application if:

- The proposed closure is the only dedicated access to a person's land
- The road is, or may be, used regularly by the public as a road or stock route; and/or,
- The road provides continuity to a road network.

The Department of Natural Resources and Mines will assess the application against legislative requirements and departmental policies, procedures and guidelines. The Department of Natural Resources and Mines will seek the views of other stakeholders, including those of state, regional and local agencies, and will inspect the land for the purpose of determining a purchase price.

The Department of Natural Resources and Mines' review will also include an assessment of whether native title issues will need to be addressed, and how this should be done. Depending on the outcome of this assessment, an applicant may be required to address native title issues as a condition of any offer.

Once the Department of Natural Resources and Mines has received the views of other stakeholders and all investigations area complete, the applicant will receive written notice. Under Section 100 of the *Land Act 1994*, the applicant may be required to undertake an assessment of local community opinion about the proposed closure through appropriate public notice (e.g. advertisement in a local newspaper, signs erected on the land etc). Where an application is successful, a written offer to the applicant will set out the various conditions and requirements.

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 to be permanently closed is generally incorporated into the applicant's adjoining freehold or leasehold land. Where an area of closed road is to be included into the adjoining land, a survey plan of the road area will be required.

Once an applicant has accepted the offer and satisfied all offer conditions, the Department of Natural Resources and Mines will take action to close the road. The applicant will be notified once the road has been closed and included into the adjoining property.

Further information can be found at www.qld.gov.au/environment/land/state/roads/closure/

Subject: J000049 NQL Properties: Application to Surrender RL4535
Date: Monday, 7 November 2016 11:23:27 am Australian Eastern Standard Time
From: Kristy Gilvear <kristy@gilvearplanning.com.au>
To: SLAMlodgement@dnrm.qld.gov.au <SLAMlodgement@dnrm.qld.gov.au>
CC: Allen Perry <allenwperry@outlook.com>, christineaperry@outlook.com
<christineaperry@outlook.com>, Tom Chapman <tomchapman@tmhi.com.au>

Good morning,

Gilvear Planning assists NQL Properties in regards a range of matters related to land owned at Andreasson Road, Craiglie.

NQL have decided to surrender RL4535, and instructed us to assist in making the required Application for surrender.

Please find attached for consideration:

1. Form Part A;
2. Form Part B (signed);
3. Aerial image of the subject RL.

I note a fee is payable for this Application, and would be grateful if the Department could contact me to arrange payment via credit card in due course.

Should additional information be required, please call or email.

Thanks and regards,

Kristy Gilvear

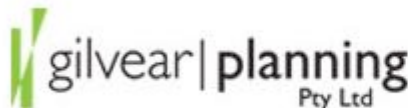
Director / Town Planner
Gilvear Planning Pty Ltd

Telephone: 0448 897 991

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FNQ Office

FNQ Postal Address: PO Box 228 Babinda Qld 4861



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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
Mrs	Kristy	Gilvear

Company name(s)

Gilvear Planning Pty Ltd

Postal Address

PO Box 228

BABINDA QLD 4861

Phone number

0448 897 991

Mobile phone

0448 897 991

Email

kristy@gilvearplanning.com.au

Fax

N/A

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

Company name(s)

NQL PROPERTIES PTY LTD A.C.N. 108 180 338

If a Corporation then record ☒ ACN ☐ ARBN ☐ ABN 108 180 338

Postal Address

C/- PO Box 228

BABINDA QLD 4861

Phone number

0448 897 991

Mobile phone

0448 897 991

Email

kristy@gilvearplanning.com.au

Fax

N/A

Future correspondence should be sent to

☒ Lodger

☐ Applicant

Details of land for which the application is being lodged

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

☐ Permit

☐ Lease

☒ Licence

☐ Unallocated State Land (USL)

go to 2

☐ Trust Land Reserve/Deed of Grant in
Trust (DOGIT)

☐ Road

☐ Other

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
1	RL 4535	17701223
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.		

go to 3

3. Enter additional details of the land

Dealing number	708881459		
Tenure type	Lease	Tenure number	RL 9/4535
Local Government	Douglas Shire		
Other details of land location (optional)	Part of Mitre Street		

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 Absolute Surrender of a Lease, Licence or Permit to Occupy

Part B

Application form requirements

1. This Application is for absolute surrender of a lease, licence or permit to occupy.
2. Read the *Absolute Surrender of a Lease, Licence or Permit to Occupy Fact Sheet* which includes application restrictions, if any.
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 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

An absolute surrender is where a person surrenders their right to possession of a parcel of land to the State.

The approval under the *Land Act 1994* is required for this action to proceed. For a Lease the Lessee must give Department of Natural Resources and Mines (DNRM) one (1) years notice of the intention to surrender or pay one (1) years rent in advance at the time of surrender, however this requirement in appropriate circumstances may be waived.

If the lease is subject to a mortgage or sublease, the written consent to the surrender must be obtained from the registered mortgagee or sublessee.

Also if the lease is subject to other registered interests, for example an easement, the written consent must be obtained from the party who holds the interest.

When a lease, licence or permit to occupy is surrendered the ownership of any improvements becomes the property of the State and no compensation is payable. However, approval may be given to allow the lessee, licensee or permittee to remove any improvements within and agreed time.

On registration of an absolute surrender the rights and any interests under the Lease, Licence or Permit to Occupy end. However, a public utility easement may continue in accordance with Section 372 of the *Land Act 1994*.

Information on this form, and any attachments, is being collected to process and assess your application under *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.



Surrender of a licence



Surrender of all or part
of an Occupation Licence



Surrender of a Permit
to Occupy



Surrender of all or part
of a Lease

1.	The application is for surrender of:	<input type="checkbox"/>	Lease	go to 2
		<input checked="" type="checkbox"/>	Licence	go to 5
		<input type="checkbox"/>	Permit to Occupy	go to 5

2.	Is the lease subject to a Mortgage?	<input type="checkbox"/>	Yes	go to 3	<input type="checkbox"/>	No	go to 3
If YES , the written consent to the application for surrender must be from the registered mortgagee, and must be attached to the Application Form.							

3.	Is there a sublease over the lease?	<input type="checkbox"/>	Yes	go to 4	<input type="checkbox"/>	No	go to 4
If YES , the written consent to the application for surrender must be from the registered sublessee, and must be attached to the Application Form.							

4.	Is the lease subject to another registered interest? Eg. Easement	<input type="checkbox"/>	Yes	go to 5	<input type="checkbox"/>	No	go to 5
If YES , the written consent to the application for surrender must be obtained from the interest holder, and must be attached to the Application Form.							

5.	Is there currently any outstanding rental or other monies payable to the State on the Lease, Licence or Permit to Occupy?	<input type="checkbox"/>	Yes	go to 6	<input checked="" type="checkbox"/>	No	go to 6
All monies owing to the State must be paid. For details on any outstanding rental or other monies contact your local DNRM office.							

6.	Is there currently any outstanding Local Government rates or charges payable on the Lease, Licence or Permit to Occupy?	<input type="checkbox"/>	Yes	go to 7	<input checked="" type="checkbox"/>	No	go to 7
The DNRM office will seek the views of the relevant Local Government for this application.							

7.	What is the reason for the application of surrender of the Lease, Licence or Permit to Occupy? (If there is insufficient space, please lodge as an attachment)	go to 8
	No longer required	

8.	What is the current use of land? (If there is insufficient space, please lodge as an attachment)	go to 9
	Vacant, grass	

9. List below ALL existing improvements on the current leased land eg. fencing, dams, buildings etc. go to 10
 (If there is insufficient space, please lodge as an attachment)

No improvements

A property sketch and/or aerial photo overlay of the improvements should also be attached to the application.
 When a lease/licence or permit is surrendered the ownership of any improvements becomes the property of the State and no compensation for these improvements is payable. However, the Minister may allow the lessee to remove any improvements within a time stated in the notice.

10. Provide details of any additional information to support the application. go to 11
 (If there is insufficient space, please lodge as an attachment)

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.

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

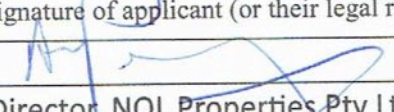
<input checked="" type="checkbox"/>	Application Fee
<input checked="" type="checkbox"/>	Property sketch and /or aerial photo overlay
<input type="checkbox"/>	Letter of consent of Mortgagee, if applicable
<input type="checkbox"/>	Letter of consent of Sub-lessee, if applicable
<input type="checkbox"/>	Letter of consent of any other interest holder, if applicable

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

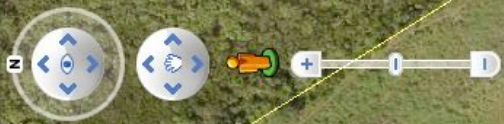
I certify that I have read the information which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)


 Director, NQL Properties Pty Ltd

Date: 7 / 10 / 2016

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.



X

1/RL4535

[Help for Current Title Search \(Paid Service\)](#)

[Current Title Search \(Paid Service\)](#)

[Create Land Parcel Map \(SmartMap\)](#)

Tenure: Lands Lease

Area: 9110m²

Name: RL4535

Accuracy: 1M

Surveyed: No

[Land Parcel and Tenure Explained](#)

Queensland Government

Google Earth

Imagery Date: 8/4/2016 16°32'36.85" S 145°28'43.61" E elev 1 m eye alt 600 m

Subject: J000049 NQL Properties: Application to Surrender RL4536

Date: Monday, 7 November 2016 11:25:38 am Australian Eastern Standard Time

From: Kristy Gilvear <kristy@gilvearplanning.com.au>

To: SLAMlodgement@dnrm.qld.gov.au <SLAMlodgement@dnrm.qld.gov.au>

CC: Allen Perry <allenwperry@outlook.com>, Tom Chapman <tomchapman@tmhi.com.au>, christineaperry@outlook.com <christineaperry@outlook.com>

Good morning,

Gilvear Planning assists NQL Properties in regards a range of matters related to land owned at Andreasson Road, Craiglie.

NQL have decided to surrender RL4536, and instructed us to assist in making the required Application for surrender.

Please find attached for consideration:

1. Form Part A;
2. Form Part B (signed);
3. Aerial image of the subject RL.

I note a fee is payable for this Application, and would be grateful if the Department could contact me to arrange payment via credit card in due course.

Should additional information be required, please call or email.

Thanks and regards,

Kristy Gilvear

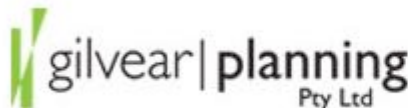
Director / Town Planner
Gilvear Planning Pty Ltd

Telephone: 0448 897 991

Email: kristy@gilvearplanning.com.au

FNQ Office

FNQ Postal Address: PO Box 228 Babinda Qld 4861



Town Planning
Strategic and Development Advice

www.gilvearplanning.com.au

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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
Mrs	Kristy	Gilvear

Company name(s)

Gilvear Planning Pty Ltd

Postal Address

PO Box 228

BABINDA QLD 4861

Phone number

0448 897 991

Mobile phone

0448 897 991

Email

kristy@gilvearplanning.com.au

Fax

N/A

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

Company name(s)

NQL Properties Pty Ltd A.C.N. 108 180 338

If a Corporation then record ☒ ACN ☐ ARBN ☐ ABN 108 180 338

Postal Address

C/- PO Box 228

BABINDA QLD 4861

Phone number

0448 897 991

Mobile phone

0448 897 991

Email

kristy@gilvearplanning.com.au

Fax

N/A

Future correspondence should be sent to

☒ Lodger

☐ Applicant

Details of land for which the application is being lodged

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

☐ Permit

☐ Lease

☒ Licence

☐ Unallocated State Land (USL)

go to 2

☐ Trust Land Reserve/Deed of Grant in
Trust (DOGIT)

☐ Road

☐ Other

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
1	RL4536	17701224
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.		

go to 3

3. Enter additional details of the land

Dealing number	708881459		
Tenure type	Lease	Tenure number	RL 9/4536
Local Government	Douglas Shire		
Other details of land location (optional)	Part of Andreasson Road		

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 Absolute Surrender of a Lease, Licence or Permit to Occupy

Part B

Application form requirements

1. This Application is for absolute surrender of a lease, licence or permit to occupy.
2. Read the *Absolute Surrender of a Lease, Licence or Permit to Occupy Fact Sheet* which includes application restrictions, if any.
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 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

An absolute surrender is where a person surrenders their right to possession of a parcel of land to the State.

The approval under the *Land Act 1994* is required for this action to proceed. For a Lease the Lessee must give Department of Natural Resources and Mines (DNRM) one (1) years notice of the intention to surrender or pay one (1) years rent in advance at the time of surrender, however this requirement in appropriate circumstances may be waived.

If the lease is subject to a mortgage or sublease, the written consent to the surrender must be obtained from the registered mortgagee or sublessee.

Also if the lease is subject to other registered interests, for example an easement, the written consent must be obtained from the party who holds the interest.

When a lease, licence or permit to occupy is surrendered the ownership of any improvements becomes the property of the State and no compensation is payable. However, approval may be given to allow the lessee, licensee or permittee to remove any improvements within and agreed time.

On registration of an absolute surrender the rights and any interests under the Lease, Licence or Permit to Occupy end. However, a public utility easement may continue in accordance with Section 372 of the *Land Act 1994*.

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Surrender of a licence



Surrender of all or part
of an Occupation Licence



Surrender of a Permit
to Occupy



Surrender of all or part
of a Lease

1.	The application is for surrender of:	<input type="checkbox"/> Lease	go to 2
		<input checked="" type="checkbox"/> Licence	go to 5
		<input type="checkbox"/> Permit to Occupy	go to 5

2.	Is the lease subject to a Mortgage?	<input type="checkbox"/> Yes go to 3	<input type="checkbox"/> No go to 3
If YES, the written consent to the application for surrender must be from the registered mortgagee, and must be attached to the Application Form.			

3.	Is there a sublease over the lease?	<input type="checkbox"/> Yes go to 4	<input type="checkbox"/> No go to 4
If YES, the written consent to the application for surrender must be from the registered sublessee, and must be attached to the Application Form.			

4.	Is the lease subject to another registered interest? Eg. Easement	<input type="checkbox"/> Yes go to 5	<input type="checkbox"/> No go to 5
If YES, the written consent to the application for surrender must be obtained from the interest holder, and must be attached to the Application Form.			

5.	Is there currently any outstanding rental or other monies payable to the State on the Lease, Licence or Permit to Occupy?	<input type="checkbox"/> Yes go to 6	<input checked="" type="checkbox"/> No go to 6
All monies owing to the State must be paid. For details on any outstanding rental or other monies contact your local DNRM office.			

6.	Is there currently any outstanding Local Government rates or charges payable on the Lease, Licence or Permit to Occupy?	<input type="checkbox"/> Yes go to 7	<input checked="" type="checkbox"/> No go to 7
The DNRM office will seek the views of the relevant Local Government for this application.			

7.	What is the reason for the application of surrender of the Lease, Licence or Permit to Occupy? (If there is insufficient space, please lodge as an attachment)	go to 8
<input type="text" value="No longer required"/>		

8.	What is the current use of land? (If there is insufficient space, please lodge as an attachment)	go to 9
<input type="text" value="Vacant / Grassed"/>		

9. List below ALL existing improvements on the current leased land eg. fencing, dams, buildings etc. (If there is insufficient space, please lodge as an attachment) go to 10

No improvements

A property sketch and/or aerial photo overlay of the improvements should also be attached to the application.

When a lease/licence or permit is surrendered the ownership of any improvements becomes the property of the State and no compensation for these improvements is payable. However, the Minister may allow the lessee to remove any improvements within a time stated in the notice.

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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.

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



Application Fee



Property sketch and /or aerial photo overlay



Letter of consent of Mortgagee, if applicable



Letter of consent of Sub-lessee, if applicable



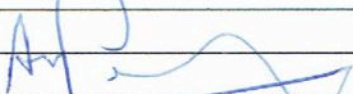
Letter of consent of any other interest holder, if applicable

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:

7 / 11 / 2016

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.



X

1/RL4536

[Help for Current Title Search \(Paid Service\)](#)
[Current Title Search \(Paid Service\)](#)
[Create Land Parcel Map \(SmartMap\)](#)


Tenure: Lands Lease

Area: 4050m²

Accuracy: 0.25M

Surveyed: No

[Land Parcel and Tenure Explained](#)



Queensland Government

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Google Earth

Imagery Date: 8/4/2016 16°32'44.11" S 145°28'44.43" E elev 1 m eye alt 375 m

86 m



2002