

YOUR REF: J000049:NQL:KLG

OUR REF: SEDA MCUI1599/2016 (D#785631)

23 August 2016

NQL Properties Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Attention: Ms Kristy Gilvear

Dear Madam

**NOTICE OF NOT PROPERLY MADE APPLICATION FOR
UNDEFINED USE (EDUCATION, SPORT AND ENTERTAINMENT
FACILITY) AT ANDREASSEN ROAD CRAIGLIE**

Reference is made to your submitted application for an Undefined Use (Education, Sport and Entertainment Facility) on land being over Lots 1 to 6 on C2254, Lot 87 on SR370 and Lot 90 on SR678..

Please note that in accordance with section 261 of the *Sustainable Planning Act 2009*, the application is **not** a properly made application. The following is a statement of reasons why the application is not a properly made application:

1. The detail of the application nominates the use of road area for private use (access paths and road) being access between Lots 4 to 6 on C2254 and Lot 90 on SR678, and the road area between Lot 5 on C2254 and Lot 87 on SR370.

The Form 1 has not included these areas and the application is considered to be piecemeal in this respect.

The Douglas Shire Planning Scheme includes road and waterways. Any part closure of road reserve to facilitate private use and ownership is the Applicant's responsibility. The application seeking such closure needs to be lodged with the Department of Natural Resources and Mines.

2. No owner's consent, in the form of ownership or resource entitlement, has been included in the application for these areas. It is noted that the Applicant has Road License tenure over Lot 1 on RL4536 and Lot 1 on RL4535. The license limits development to fencing. The existing licenses cannot be construed as provision of ownership or consent for the purpose of the application lodged.

3. The application identifies existing boat ramps on Lot 87 on SR370 and Lot 90 on SR678. Council has no knowledge of formal boat ramps on either of these lots. It is noted that the submitted land survey, having been undertaken in 2003 and updated in 2004 does not detail the inclusion of any boat ramp on either Lot 87 or Lot 90. There is no demonstration in the application of any legal use rights or continuing rights.

The application seeks a new boat ramp on Lot 87 on SR370 and the “use” of a boat ramp on Lot 90 on SR678. It is understood that in both instances the “ramp” will include private land, road and waterway. The road is State land and the waterway unallocated State land. The descriptions of these areas, where the boat ramps will be situated other than on private land, need to be included in the application.

4. Owner’s consent needs to be provided in regards to the boat ramp areas where these are situated in areas other than on private land. Council would take no responsibility for private infrastructure where it is proposed on road or waterways, such as in the instances proposed.

The following must be undertaken in order to make the application a properly made application:

- A. All proposed areas for which the use is proposed must be included in the application with description either by title reference or where part of a lot/road /waterway by a surveyed metes and bounds description.
- B. Provide owner’s consent for all lands/roads/waterways for which the application applies.

Please note that in accordance with section 266 of the *Sustainable Planning Act 2009*, the application will lapse if the above issues are not addressed within 20 business days from receipt of this notice, or a further period as agreed between the assessment manager and the applicant.

The assessment period for the application will not commence until such time as the above issues have been addressed. Council will take no further action until the application is properly made.

Should you require any further information in relation to this matter, please contact Jenny Elphinstone of Development Assessment and Coordination on telephone number 07 4099 9482 or by email jenny.elphinstone@douglas.qld.gov.au .

Yours faithfully

Paul Hoye
Manager Sustainable Communities