

eLVAS Client Interaction Report

For Interaction id: 1893977

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 27-Jul-2021 8:46 AM
Entered by: Geisler, Graeme
Reference:

Contact with: sch4p4(6) Person Holding Redlich, Brisbane

Documents

Document Type	Title	Received/Sent
Incoming email	Confirmation CTRC to proceed	27-Jul-2021

Interaction Record History

Service Centre: Hughenden
Associated to Case: 2021/001938
Revision No.: 0
Updated by: Geisler, Graeme
Date: 27-Jul-2021
Details: Parties included in CC:
Charters Towers Regional Council / Charters Towers

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1893976

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 27-Jul-2021 8:45 AM
Entered by: Geisler, Graeme
Reference:

Contact with:

sch4p4(6) Person

Holding Redlich, Brisbane

Documents

Document Type	Title	Received/Sent
Incoming email	Confirmation CTRC to proceed	27-Jul-2021

Interaction Record History

Service Centre: Hughenden
Associated to Case: 2021/001935
Revision No.: 0
Updated by: Geisler, Graeme
Date: 27-Jul-2021
Details: Parties included in CC:
Charters Towers Regional Council / Charters Towers

Assignment History

Request for Valuation

Type of dealing that valuation is requested for

- ☐ Lease renewal
- ☐ Lease conversion to perpetual
- ☒ **New lease/permit/licence**
- ☐ Lease/license amendment (that is, possible to change to rental)
- ☐ Lease conversion to freehold
- ☐ Permanent road closure
- ☐ Simultaneous road opening and closure
- ☐ Road opening (eg. Secondary access, Main Roads operational land)
- ☐ Sale of USL
- ☐ USL made available to QPWS
- ☐ Reservation in title
- ☐ Other.....

eLVAS ref:2021/001938

Location of property: Greenvale – Valley of Lagoons Rd, Valley of Lagoons

MIS job #:

Real property description: To be Lot 5 on SP322075 (Not yet registered) currently part of SP250473

Relevant date for valuation: *(if not current, or date of receipt of fees in the case of conversion to FH)*
Current (last Shire Revaluation)

☐ **THIS REQUEST IS URGENT** *(explanation for urgency):*

Summary of relevant information specifically pertaining to the case:

(Specific matters that should be noted or addressed. Aspects not readily apparent and any initial conclusions reached that could be relevant to the inspection and/or valuation.)

The current Permit over Lot 5 on SP250473 is to be cancelled at the request of the Charters Towers Regional Council (CTRC), the trustee of the Reserve over which the Permit is issued. A fresh Permit is proposed to be issued for grazing purposes over Lot 5 on SP322075 (to be registered). The usual restrictions for Permits to Occupy for grazing purposes over reserves will apply (notices etc). The permit will be issued under section GD of the NTA as the proposed permittees lease the adjoining area. A separate eLVAS case 2021/001935 deals with the subdivision of the reserve and changes to the purpose of the various subdivided lots.

These actions are to allow the CTRC to better control the usage of the area. The proposed Lot 5 on SP322075 area will have a Reserve purpose of Travelling Stock, and the Permit discussed issued over it. The Proposed Lot 6 will have a dual purpose of Travelling Stock and Recreation. The CTRC will then be able to administer that area which is utilised for various community purposes (Reedybrook Ashes) and by self-contained road-based tourists.

Specific requirements:

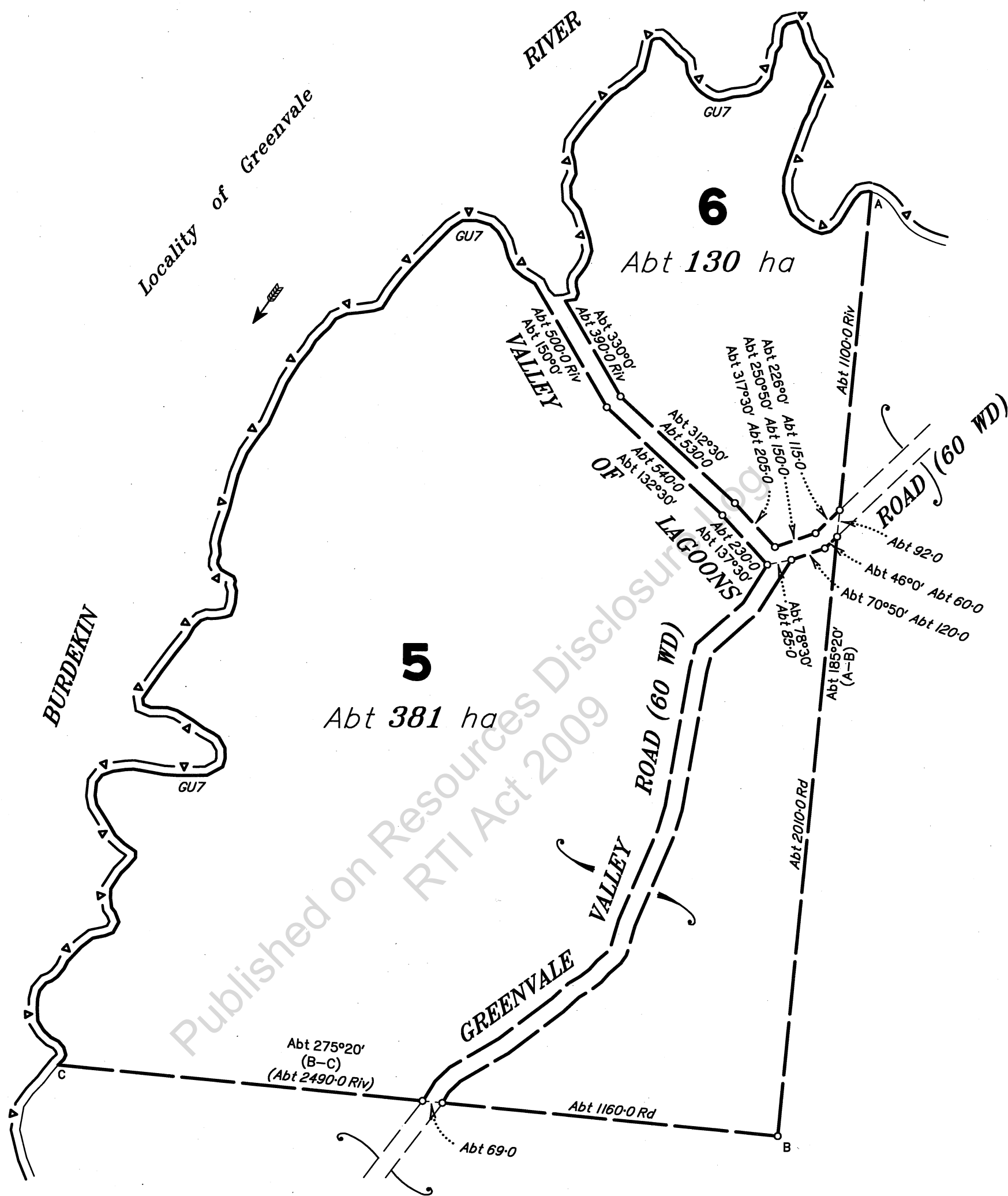
(Such as: subject area requiring valuation (if not whole parcel), desktop valuation, etc)

Valuation for Permit to Occupy rental purposes as at the date of the last Shire revaluation (1 October 2020?)

SLAM case manager: Graeme Geisler

Date of request: 27 July 2021

Published on Resources Disclosure Log
RTI Act 2009

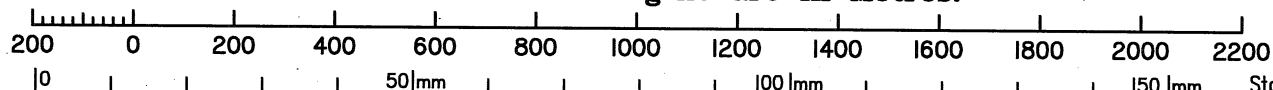


4

SP232791

Reserved plan of survey under Section 65 (4)(a)(i)
of SMI Act 2003.

Scale 1:15000 - Lengths are in Metres.



State copyright reserved.

I, Dale Ian ATKINSON hereby certify that I have made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from SP250473 & QLD_2018_80cm Earth Imagery 5/11/2018 in the Department of Natural Resources, Mines and Energy.

Cadastral Surveyor

Date

Plan of Lots 5 & 6

Cancelling Lot 5 on SP250473

LOCAL *Charters Towers*
GOVERNMENT: *Regional*

LOCALITY: *VALLEY OF LAGOONS*

Meridian: *SP250473*

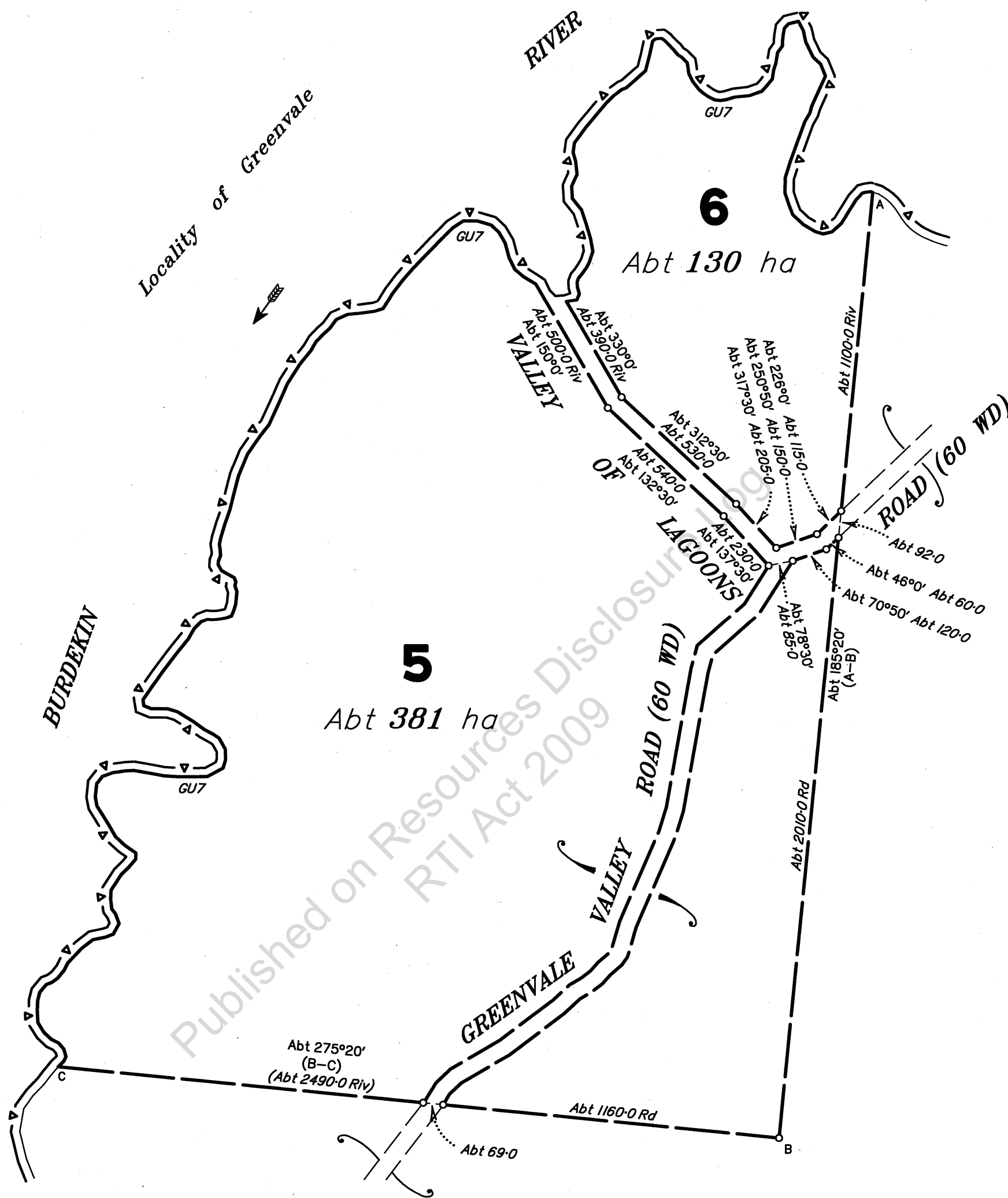
Survey Records: *No*

Scale: *1:15000*

Format: *STANDARD*

SP322075

Land Title Act 1994 ; Land Act 1994 Form 21B Version 2		WARNING : Folded or Mutilated Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.			Sheet 2	of 2
(Dealing No.)		4. Lodged by				
		(Include address, phone number, email, reference, and Lodger Code)				
I. Existing		Created				
Title Reference	Description	New Lots	Road	Secondary Interests		
49006360	Lot 5 on SP250473	5 & 6				
EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS						
Administrative Advice		Lots to be Encumbered				
718205082		5 & 6				
2. Orig Grant Allocation :		5. Passed & Endorsed :				
3. References :		By : Dale Ian ATKINSON				
Dept File :		Date :				
Local Govt :		Signed :				
Surveyor :		Designation : Cadastral Surveyor				
20-189		8. Insert Plan Number				
		SP322075				
Lots		Orig				
		6. 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 Cadastral Surveyor/Director * Date *delete words not required				
		7. Lodgement Fees : Survey Deposit \$ Lodgement \$ New Titles \$ Photocopy \$ Postage \$ TOTAL \$				

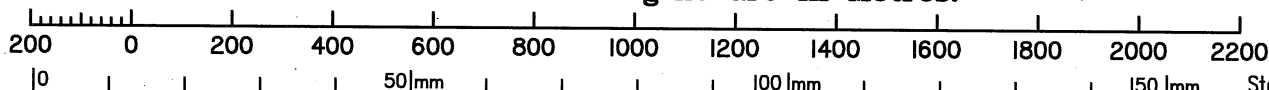


4

SP232791

Reserved plan of survey under Section 65 (4)(a)(i)
of SMI Act 2003.

Scale 1:15000 - Lengths are in Metres.



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I, Dale Ian ATKINSON hereby certify that I have made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from SP250473 & QLD_2018_80cm Earth Imagery 5/11/2018 in the Department of Natural Resources, Mines and Energy.

Cadastral Surveyor

Date

Plan of Lots 5 & 6

Cancelling Lot 5 on SP250473

LOCAL *Charters Towers*
GOVERNMENT: *Regional*

LOCALITY: *VALLEY OF LAGOONS*

Meridian: *SP250473*

Survey Records: *No*

Scale: *1:15000*

Format: *STANDARD*

SP322075

(Include address, phone number, email, reference, and Lodger Code)

EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS

Published on Resources Disclosure Log
RTI Act 2009

6. 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

Cadastral Surveyor/Director* Date

*delete words not required

7. Lodgement Fees :

Survey Deposit \$

Lodgement \$.....

.....New Titles \$_____

Photocopy \$

Postage \$

TOTAL \$

8. Insert
Plan
Number

SP322075

2. Orig Grant Allocation :

3. References :

Dept File :

Local Govt :

Surveyor :

20-189

5. Passed & Endorsed :

By: **Dale Ian ATKINSON**

Date :

Signed :

Designation : Cadastral Surveyor

Date : 26/07/2021 4:39:39 PM

From : [sch4p4(6) Per]

To : "GEISLER Graeme"

Cc : [sch4p4(6) Person]

Subject : RE: 2021-07-19 - Your Reference 2021/001938 and 2021/001935 - Request for Cancellation of Permit to Occupy & Amendment of Reserve - Boundaries & Purpose [HR-BRS.FID547290]

Attachment : 21.07.26 - Letter to Department of Resources.PDF;image001.gif;image002.png;image003.png;

Dear Graeme,

Please see letter attached.

Kind regards,

[sch4p4(6)] Lawyer



Level 1, 300 Queen Street, Brisbane 4000 Australia

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F +61 7 3135 0599

[sch4p4(] holdingredlich.com www.holdingredlich.com

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26 July 2021

Graeme Geisler
Land Officer
Land Administration and Acquisition
Department of Resources

[sch4p4(6) Personal]

Email [sch4p4(6) Pers]@holdingredlich.com

Our Ref 19850282

Your Ref 2021/001935

By email: Graeme.Geisler@resources.qld.gov.au

Dear Graeme

Re: Amendment of Reserve - Land Currently Described as Lot 5 on Survey Plan 254073

Thank you for your correspondence dated 19 July 2021 (the Letter).

We are instructed that CTIRC agrees to proceed in accordance with the department's proposal, as set out in the Letter.

Yours sincerely

[sch4p4(6) Personal informati]

Brisbane . Cairns . Melbourne . Sydney

Level 1 300 Queen Street Brisbane Qld 4000
GPO Box 490 Brisbane Qld 4001 T +61 7 3135 0500 www.holdingredlich.com

ABN 15 364 527 724

Date : 26/07/2021 4:39:39 PM

From : [sch4p4(6) Pers]

To : "GEISLER Graeme"

Cc : [sch4p4(6) Person]

Subject : RE: 2021-07-19 - Your Reference 2021/001938 and 2021/001935 - Request for Cancellation of Permit to Occupy & Amendment of Reserve - Boundaries & Purpose [HR-BRS.FID547290]

Attachment : 21.07.26 - Letter to Department of Resources.PDF;image001.gif;image002.png;image003.png;

Dear Graeme,

Please see letter attached.

Kind regards,

[sch4p4(6) F] Lawyer



Level 1, 300 Queen Street, Brisbane 4000 Australia

D +61 7 3135 0585

F +61 7 3135 0599

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26 July 2021

Graeme Geisler
Land Officer
Land Administration and Acquisition
Department of Resources

[Redacted] sch4p4(6) Personal information

Email [Redacted] sch4p4(6) Personal information@holdingredlich.com

Our Ref 19850282

Your Ref 2021/001935

By email: Graeme.Geisler@resources.qld.gov.au

Dear Graeme

Re: Amendment of Reserve - Land Currently Described as Lot 5 on Survey Plan 254073

Thank you for your correspondence dated 19 July 2021 (the Letter).

We are instructed that CTIRC agrees to proceed in accordance with the department's proposal, as set out in the Letter.

Yours sincerely

[Redacted] sch4p4(6) Personal information

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GPO Box 490 Brisbane Qld 4001 T +61 7 3135 0500 www.holdingredlich.com

ABN 15 364 527 724

eLVAS Client Interaction Report

For Interaction id: 1892144

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 19-Jul-2021 2:11 PM
Entered by: Geisler, Graeme
Reference:

Contact with:

sch4p4(6) Personal i

Holding Redlich, Brisbane

Documents

Document Type	Title	Received/Sent
Outgoing email	Reply to query and departments rcecommendation	19-Jul-2021

Interaction Record History

Service Centre: Hughenden
Associated to Case: 2021/001935
Revision No.: 0
Updated by: Geisler, Graeme
Date: 19-Jul-2021
Details:

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1891914

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 19-Jul-2021 8:53 AM
Entered by: Dewis, Joelene
Reference:

Contact with:

sch4p4(6) Person

Holding Redlich, Brisbane

Documents

Document Type	Title	Received/Sent
Incoming email	Email_Request for update.	19-Jul-2021

Interaction Record History

Service Centre: Townsville

Associated to Case: 2021/001935

Revision No.: 0

Updated by: Dewis, Joelene

Date: 19-Jul-2021

Details: Are you able to provide an update on progress on the above applications.

We have not had any contact from the Department and our client is seeking an update on progress.

Please let me know if you need more information.

Assignment History

Date assigned: 19-Jul-2021

Assigned to: Geisler, Graeme

Date required:

Action required: Interaction for Case Id 2021/001935 The following document has been added to the case. Id:4305466 Type: Incoming email Title: Email_Request for update.

Date actioned: 19-Jul-2021

Action taken: Noted drafted

Published on Resources Disclosure Log
RTI Act 2009

Date : 19/07/2021 2:09:50 PM

From : "GEISLER Graeme"

To : [sch4p4(6) Personal information]

Subject : RE: 2021-07-19 - Your Reference 2021/001938 and 2021/001935 - Request for Cancellation of Permit to Occupy & Amendment of Reserve - Boundaries & Purpose [HR-BRS.FID547290]

Attachment : SHughenden 21071912560.pdf;image001.png;image002.gif;image003.png;image004.png;image005.png;

Good Afternoon

Further to our discussions this morning please find correspondence attached in relation to the above matter for your attention.

Kind regards



Graeme Geisler

Land Officer

Land Administration and Acquisition | Land and Native Title Operations

Department of Resources

P: (07) 4447 9150

E: graeme.geisler@resources.qld.gov.au

A: 65 Brodie St, Hughenden QLD 4821 | PO Box 5318 Townsville QLD 4810

W: www.resources.qld.gov.au

From: [sch4p4(6) Personal information] holdingredlich.com>

Sent: Monday, 19 July 2021 8:30 AM

To: SLAM Lodgement

Subject: 2021-07-19 - Your Reference 2021/001938 and 2021/001935 - Request for Cancellation of Permit to Occupy & Amendment of Reserve - Boundaries & Purpose [HR-BRS.FID547290]

Good morning Kaymarie,

Are you able to provide an update on progress on the above applications.

We have not had any contact from the Department and our client is seeking an update on progress.

Please let me know if you need more information.

Regards

[sch4p4(6) Personal information] Partner



Level 1, 15 Lake Street, Cairns Qld 4870 Australia

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F +61 7 4230 0499

M +[sch4p4(6) Personal information]

eleanor.scott@holdingredlich.com www.holdingredlich.com

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From: SLAM Lodgement [<mailto:SLAMLodgement@resources.qld.gov.au>]

Sent: Thursday, 10 June 2021 4:51 PM

To: [sch4p4(6) Personal information]@holdingredlich.com>

Subject: Request for Cancellation of Permit to Occupy & Amendment of Reserve - Boundaries & Purpose - Your ref: 19850282

Good afternoon [sch4p4(6) Personal information]

Thank you for lodging your client's applications under the *Land Act 1994* with the Department of Resources.

Your client's applications have been received and are awaiting allocation for assessment.

The case reference numbers are as follows

Cancellation of Permit 2021/001938

Amendment of Reserve 2021/001935

An officer of the department will be in contact with you to provide post lodgement information about how the applications are being assessed, timeframes 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 Department of Resources business centre or call 13 QGOV (13 74 68).

Regards



Kaymarie Wall

CPL Processing Officer Central Point of Lodgement (CPL)

Land Officer

Land Administration and Acquisitions | Land and Native Title Operations

Department of Resources



Chat with me on Teams

P: 07 4447 9168

E: kaymarie.wall@resources.qld.gov.au

A: Level 9, 445 Flinders Street,, Townsville Qld 4810 | PO Box 5318

Townsville Qld 4810

www.resources.qld.gov.au

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Author: Graeme Geisler
File number: 2021/001935
Directorate / Unit: Land Administration and Acquisition
Phone: 4447 9150

Department of Resources

19 July 2021

Holding Redlich
Attn: [sch4p4(6) Personal i]
Level 1, 15 Lake Street
CAIRNS QLD 4870

AMENDMENT OF RESERVE – LAND CURRENTLY DESCRIBED AS LOT 5 ON SURVEY PLAN 254073

Dear [sch4p4(6)]

The department is in receipt of an application for amendment of the above reserve, lodged by you on behalf of the trustee of the reserve, the Charters Tower Regional Council (CTRC). An associated application (2021/001938) deals with the cancellation of a current Permit to Occupy over the reserve area and the re-issue of a fresh Permit to Occupy for Grazing purposes over a reduced area of the Reserve. The matters of the Permit are not dealt with in this letter and will proceed separately.

The covering letter to the application for amendment to the reserve suggests the following actions:

- Change of purpose of the existing reserve by adding an additional community purpose of Recreation
- An adjustment of the boundary of the reserve to create two lots being Lots 5 and 6 on Survey Plan 322075
- Registration of an adjustment notice under section 31B(5) of the *Land Act 1994* to restrict camping for recreational purposes to Lot 6 on Survey Plan 322075

The department advises that an adjustment notice under section 31B (5) relates to the purpose of the reserve (see section 31B (1)), not to restrictions on usage. It is suggested that the following actions would better accomplish the desires of CTRC:

- Change to purpose of the existing reserve by adding an additional community purpose of Recreation.
- An adjustment of the boundary of the reserve to create two new lots being Lots 5 and 6 on Survey Plan 322075
- Registration of an adjustment notice removing the Recreational purpose from Lot 5 on Survey Plan 322075 (i.e., its sole purpose would be for travelling stock purposes). As

65 Brodie St Hughenden Queensland 4821
PO Box 5318 Townsville Queensland 4810
Telephone: 4447 9150
www.resources.qld.gov.au
ABN 59 020 847 551

CTRC is the manager of the reserve and administers the movement of stock on the stock route network within its administrative area it can ensure that usage of the Lot 5 area is available only to those holding a travelling stock permit.

This would leave Lot 6 on Survey Plan 322075 with the dual purposes of Travelling Stock and Recreation. CTCRC can then manage this area as proposed.

Your confirmation that your client is agreeable to this proposal is sought.

sch4p4(6) Personal information

Graeme Geisler

Land Officer

Land Administration and Acquisition

Department of Resources

sch4p4(6) Personal information

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RTI Act 2009

Date : 19/07/2021 8:29:57 AM

From : sch4p4(6) Person

To : "SLAM Lodgement"

Subject : 2021-07-19 - Your Reference 2021/001938 and 2021/001935 - Request for Cancellation of Permit to Occupy & Amendment of Reserve - Boundaries & Purpose [HR-BRS.FID547290]

Attachment : image003.gif;image004.png;image005.png;image006.png;image007.png;

Good morning Kaymarie,

Are you able to provide an update on progress on the above applications.

We have not had any contact from the Department and our client is seeking an update on progress.

Please let me know if you need more information.

Regards

sch4p4(6) Person Partner

 **HOLDING REDLICH**

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F +61 7 4230 0499

M sch4p4(6) Person

sch4p4(6) Person [holdingredlich.com](mailto:sch4p4(6) Person@holdingredlich.com) www.holdingredlich.com

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INTERNATIONAL

COVID-19

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From: SLAM Lodgement [mailto:SLAMlodgement@resources.qld.gov.au]

Sent: Thursday, 10 June 2021 4:51 PM

To: sch4p4(6) Person [holdingredlich.com](mailto:sch4p4(6) Person@holdingredlich.com)

Subject: Request for Cancellation of Permit to Occupy & Amendment of Reserve - Boundaries & Purpose - Your ref: 19850282

Good afternoon sch4p4(6) Person

Thank you for lodging your client's applications under *the Land Act 1994* with the Department of Resources.

Your client's applications have been received and are awaiting allocation for assessment.

The case reference numbers are as follows

Cancellation of Permit 2021/001938

Amendment of Reserve 2021/001935

An officer of the department will be in contact with you to provide post lodgement information about how the applications are being assessed, timeframes and to answer any questions that you may have

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Regards



Kaymarie Wall

CPL Processing Officer Central Point of Lodgement (CPL)

Land Officer

Land Administration and Acquisitions | Land and Native Title Operations

Department of Resources



Chat with me on Teams

P: 07 4447 9168

E: kaymarie.wall@resources.qld.gov.au

A: Level 9, 445 Flinders Street,, Townsville Qld 4810 | PO Box 5318

Townsville Qld 4810

www.resources.qld.gov.au

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s.73 Irrelevant information

s.73 Irrelevant information

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RTI Act 2009

PROCLAMATION.

By His Excellency Sir ANTHONY MUSGRAVE,
Knight Commander of the Most
[L.S.] Distinguished Order of St. Mi-
A. MUSGRAVE, chael and St. George, Governor
Governor. and Commander-in-Chief of the
Colony of Queensland and its
Dependencies.

IN pursuance of section ninety-five of "*The Crown Lands Act of 1884*," I, Sir ANTHONY MUSGRAVE, the Governor aforesaid, with the advice of the Executive Council, do, by this my Proclamation, notify and proclaim that the Lands hereunder described have been temporarily reserved for the purpose named with respect to each.

RESERVE FOR CAMPING.

35-3628-2.
(Resumed from the Arthur Plains No. 3. Run,
North Kennedy District.)

Area—2 square miles.

Commencing on the left bank of the Burdekin River at a point east of a tree on the same bank marked broad-arrow over XXXVI in triangle, and

bounded thence on the east by a south line two miles; thence on the south by a west line one mile thirty-six chains to the Burdekin River; and thence on the west and north by the left bank of that river upwards to the point of commencement.

s.73 Irrelevant information

s.73 Irrelevant information

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eLVAS Client Interaction Report

For Interaction id: 1887581

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 30-Jun-2021 11:02 AM
Entered by: Dewis, Joelene
Reference:

Contact with: Charters Towers Regional Council, Charters Towers

Documents

Document Type	Title	Received/Sent
Incoming email	Udpate from applicant	29-Jun-2021

Interaction Record History

Service Centre: Townsville

Associated to Case: 2021/001935

Revision No.: 0
Updated by: Dewis, Joelene
Date: 30-Jun-2021
Details: Please find attached an update in regard to the application made for a change to the purpose of the Reedybrook Reserve.

I note you may already be aware of the application through your Department#s processes, however as a recognised interested party we are still notifying you in any case.

Assignment History

Date assigned: 30-Jun-2021
Assigned to: Geisler, Graeme
Date required:
Action required: Interaction for Case Id 2021/001935 The following document has been added to the case. Id:4295245 Type: Incoming email Title: Udpate from applicant
Date actioned: 30-Jun-2021
Action taken: Noted, CTRC are advising us that we (Resources) are investigating their request)

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Date : 29/06/2021 11:11:09 AM

From : "Camille Conaghan"

To : "Townsville SLAMS"

Subject : Reedybrook Reserve Update on Application to Department of Resources

Attachment : Reedybrook Reserve Update_TSV SLAM_29 June 2021.pdf;image003.jpg;

Good morning,

Please find attached an update in regard to the application made for a change to the purpose of the Reedybrook Reserve.

I note you may already be aware of the application through your Department's processes, however as a recognised interested party we are still notifying you in any case.

Kind regards

Camille Conaghan

Manager Governance and Communications | Corporate and Community Services

CHARTERS TOWERS REGIONAL COUNCIL

A ADMINISTRATION CENTRE | 12 Mosman Street | PO Box 189 Charters Towers Qld 4820 Australia

P 07 4761 5354 | M [sch4p4(6) Per]

E [sch4p4(6) Per]@charters Towers.qld.gov.au | W www.charters Towers.qld.gov.au

Media Enquiries P 07 4761 5300 | E media@charters Towers.qld.gov.au |



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This e-mail has been scanned and cleared by MailMarshal mail scanning software

29 June 2021

Our Ref: 4506316
File Ref: 04/NAT/04
Enquiries: Camille Conaghan

State Land Asset Management – Land Services
Department of Resources
PO Box 5318
TOWNSVILLE QLD 4810

Sent via email: Townsville.slams@resources.qld.gov.au

Dear Sir/Madam

Re: Reedybrook Reserve – Lot 5 on Plan SP250473

I provide the following update in the matter of the Reedybrook Reserve application to change the purpose of the reserve to include recreation purposes.

Council engaged the services of a legal firm to draft the application to change the purpose of Reedybrook Reserve to include recreation purposes. I advise the application was submitted to the Department of Resources on Friday 4 June 2021.

The assessment of the application will be undertaken by the Department of Resources (the Department) and Council will be advised in due course. Council will provide notification of the decision once the matter has been decided by the Department.

Yours faithfully,

Sch4p4(6) Personal information

John League
A/Chief Executive Officer

10/06/2021 16:54:00

Report as at Effective Date of 07/06/2021

Report as at Posting Date of 10/06/2021 16:53:58

Report For REGION: NORTH
 DISTRICT OFFICE: TOWNSVILLE
 LEASE NUMBER: PO 0/241517
 TITLE REF: 40077653
 LESSEE: THOMAS SHEAHAN
 JUDITH ELIZABETH SHEAHAN

ACCOUNT SUMMARY	Account	Fund Code	Rental Position as at 07/06/2021	Payout as at 07/06/2021
	MAIN	12	\$0.00	N/A
	Outstanding Total		\$0.00	N/A

Account: MAIN

CALL TYPE: NORMAL
 ACCOUNT STATE: ACTIVE
 EXPIRY DATE:
 ACTIVE CONCESSION:
 ACTIVE EXCLUSION:
 FINANCIAL RENTAL CATEGORY: 11.2 - PRIMARY PRODUCTION - TERM LEASE, LICENSE, PERMIT
 LEGAL RENTAL CATEGORY: 11.2 - PRIMARY PRODUCTION - TERM LEASE, LICENSE, PERMIT

MULTIPLE ANNUAL
 PAYMENT IMPACT: N
 INVOICE TERM: ANNUAL
 NEXT DUE DATE: 01/09/2021

RENTAL POSITION

Current Billing Period: 01/07/2020 to 30/06/2021
 Last Invoiced Period: 01/07/2020 to 30/06/2021
 Fund Code: 12
 Control Level: 10
 Freehold/Leasehold: LEASEHOLD

CURRENT ANNUAL RATE: \$272.00 AS AT 07/06/2021
 (Exclusive of GST) FROM 07/06/2021
 AMOUNT PENDING: \$0.00 (Amount due in the near future)
 (Inclusive of GST) FROM 07/06/2021
 ACCOUNT BALANCE: \$0.00 (Negative balance means A/C in credit)
 (Inclusive of GST)
 PENALTY CHARGED: \$0.00
 PENALTY TO 07/06/2021 \$0.00 (Penalty is charged for late payments)

TOTAL AS AT 07/06/2021 \$0.00

I REFER TO YOUR REQUEST OF THE ____/____/____ REF:_____
 CONFIRMING THAT YOU ARE THE REGISTERED LESSEE OR HAVE AUTHORISATION FROM THE LESSEE TO OBTAIN
 THIS INFORMATION.

THE ABOVE INFORMATION IS CORRECT ONLY FOR THE DATE OF ISSUE AND MAY BE SUBJECT TO A BACKDATED CHANGE
 DUE TO INFORMATION NOT PRESENTLY AVAILABLE TO THE LANDS TENURE LEDGER.

 FOR DISTRICT MANAGER
 Department of Resources

_____/_____/_____

***** END OF REPORT *****

10/06/2021 16:54:00

Report as at Effective Date of 07/06/2021
Report as at Posting Date of 10/06/2021 16:53:58

Published on Resources Disclosure Log
RTI Act 2009

eLVAS Client Interaction Report

For Interaction id: 1882646

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 10-Jun-2021 4:51 PM
Entered by: Wall, Kaymarie
Reference:

Contact with:

sch4p4(6) Person

Holding Redlich, Brisbane

Documents

Document Type	Title	Received/Sent
Outgoing email	Email acknowledgement	10-Jun-2021

Interaction Record History

Service Centre: Townsville
Associated to Case: 2021/001938
Revision No.: 0
Updated by: Wall, Kaymarie
Date: 10-Jun-2021
Details: Email acknowledgement

Assignment History

Date : 10/06/2021 4:50:53 PM

From : "SLAM Lodgement"

To : [sch4p4(6) Person]

Subject : Request for Cancellation of Permit to Occupy & Amendment of Reserve - Boundaries & Purpose - Your ref: 19850282

Attachment : image001.png;image002.png;

Good afternoon [sch4p4(

Thank you for lodging your client's applications under *the Land Act 1994* with the Department of Resources.

Your client's applications have been received and are awaiting allocation for assessment.

The case reference numbers are as follows

Cancellation of Permit 2021/001938

Amendment of Reserve 2021/001935

An officer of the department will be in contact with you to provide post lodgement information about how the applications are being assessed, timeframes 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 Department of Resources business centre or call 13 QGOV (13 74 68).

Regards



Kaymarie Wall

CPL Processing Officer Central Point of Lodgement (CPL)

Land Officer

Land Administration and Acquisitions | Land and Native Title Operations

Department of Resources



Chat with me on Teams

P: 07 4447 9168

E: kaymarie.wall@resources.qld.gov.au

A: Level 9, 445 Flinders Street,, Townsville Qld 4810 | PO Box 5318

Townsville Qld 4810

www.resources.qld.gov.au

eLVAS Client Interaction Report

For Interaction id: 1881356

Contact Details

Business unit: State Land Asset Management
Business context: Verbal (Outwards) General
Interaction method: Email
Interaction date: 7-Jun-2021 10:42 AM
Entered by: Wall, Kaymarie
Reference:

Contact with: sch4p4(6) Person Holding Redlich, Brisbane

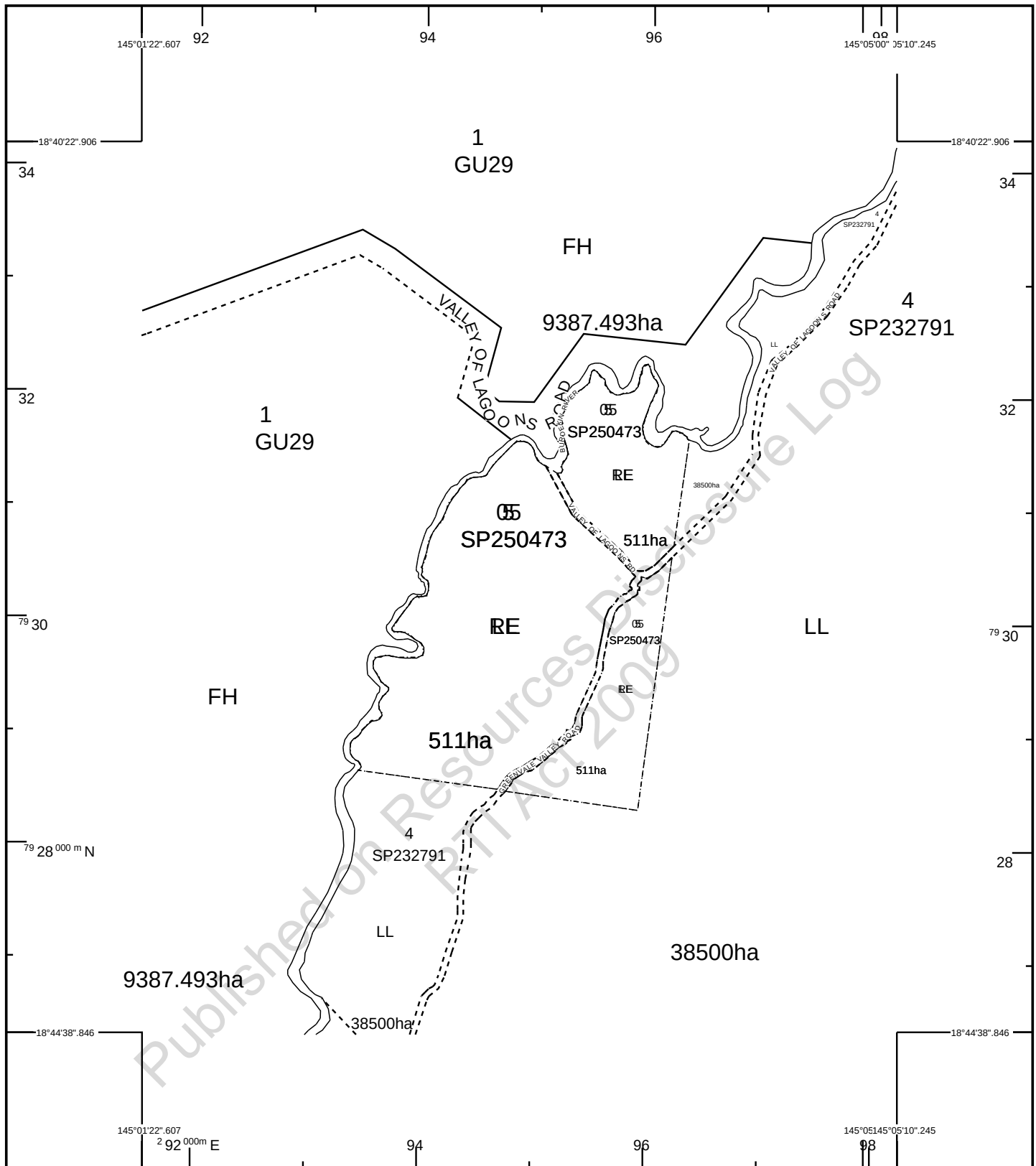
Documents

Document Type	Title	Received/Sent
Application	Application_Cancellation & issue of PO	4-Jun-2021

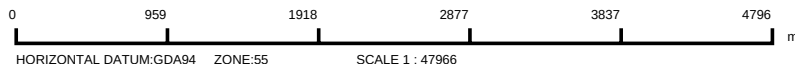
Interaction Record History

Service Centre: Townsville
Associated to Case: 2021/001938
Revision No.: 0
Updated by: Wall, Kaymarie
Date: 7-Jun-2021
Details: Application_Cancellation & issue of PO

Assignment History



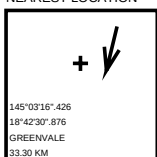
STANDARD MAP NUMBER
7960-43312



SmartMap

An External Product of
SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	No Lot/Plan Selected.
Area/Volume	No Lot/Plan Selected.
Tenure	No Lot/Plan Selected.
Local Government	No Lot/Plan Selected.
Locality	No Lot/Plan Selected.
Segment/Parcel	No Lot/Plan Selected.

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 07/06/2021

DCDB 06/06/2021 (Lots with an area less than 1.000ha are not shown)

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Despite Department of Natural Resources, Mines and Energy(DNRME)'s best efforts, DNRME makes no representations or warranties in relation to the Information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the Information

For further information on SmartMap products visit
<https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps>



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Natural Resources,
Mines and Energy) 2021.
Page 33 of 99



INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:39

Title Reference: 40077653
Date Created: 02/06/2020

DESCRIPTION OF LAND

Tenure Reference: PO 0/241517

Lease Type: NO TERM

LOT 5 SURVEY PLAN 250473
Local Government: CHARTERS TOWERS

Area: 511.000000 Ha. (ABOUT)

No Land Description

No Forestry Entitlement Area

Purpose for which granted:
GRAZING - RESERVE, ROAD OR STOCK ROUTE

DATE OF COMMENCEMENT

Commencement Date: 30/03/2020

REGISTERED PERMITTEE

THOMAS SHEAHAN
JUDITH ELIZABETH SHEAHAN PERMITTEE

CONDITIONS

INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:39

Title Reference: 40077653
Date Created: 02/06/2020

CONDITIONS

A127 SPECIFIED CONDITIONS FOR: Permit to Occupy
PURPOSE: Grazing - Reserve, Road or Stock Route

STATUTORY CONDITIONS:

Statutory conditions are the mandatory conditions of a permit in accordance with Part 2 Division 1 of the Land Act 1994 and other specific requirements of the Land Act 1994.

1. Permitted Use: The permittee must use the land only for the purpose for which the tenure was issued under the Land Act 1994.
2. Duty of Care: The permittee has the responsibility for a duty of care, for the land under the Land Act 1994.
3. Rent/Instalment: The permittee must pay the annual rent/instalment in accordance with the Land Act 1994 and the Land Regulation 2009. For further information on how annual rent is determined, refer to the department's website at www.dnrme.qld.gov.au.
4. Noxious plants: The permittee must keep noxious plants on the land under control. If the permittee does not comply with this condition, the Minister may bring the noxious plants under control, the cost of which will be recovered from the permittee.
5. Information to Minister: The permittee must give the Minister administering the Land Act 1994, information the Minister asks for about the tenure.
6. Monies for Improvements: No money for improvements is payable by the State on the forfeiture, cancellation, surrender or expiry of this permit but money may be payable if the State receives payment from an incoming permittee or buyer for the improvements on the land. However, the previous permittee may apply to the Minister to remove the improvements that belong to the permittee, within a period of 3 months from the date of the forfeiture, surrender, or expiry of this permit. The permittee may only undertake the removal of the improvements in the presence of an authorised representative of the department, if required by the Minister. The permittee may only remove those improvements if all monies due from the permittee to the department under this permit have been paid.
7. Conditions relating to buildings and other structures: The permittee must to the satisfaction of the Minister administering the Land Act 1994 keep all buildings and other structures on the land in a good and substantial state of repair and must not erect a building or other structure on the land that is not consistent with the purpose of the permit.

REGULATORY CONDITIONS; OR IMPOSED CONDITIONS - SECTION 210:

A regulatory condition relates to a permit, in accordance with the Land Regulation 2009 - Chapter 5 Part 2 Division 3A of the Land Act 1994.

Section 210 of the Land Act 1994 provides for Imposed conditions to be changed. Where a permit is not subject to the regulated conditions, the (wording of the) regulated conditions may be included as imposed conditions under section 210.

1. Indemnity: The permittee indemnifies and agrees to keep indemnified the Minister, and the State of Queensland and its Representatives, (the "Indemnified parties") against all liability, costs, loss and expenses including claims in negligence (including any claims,

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Page 2/6

INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:39

Title Reference: 40077653
Date Created: 02/06/2020

CONDITIONS

proceedings or demands brought by any third party, and any legal fees, costs and disbursements on a solicitor and client basis) ("Claim") arising from or incurred in connection with:

- a. the granting of this permit to the permittee;
- b. the permittee's use and occupation of the land; or
- c. personal injury (including sickness and death) or property damage or loss in connection with the performance (or attempted purported performance or non-performance) of the permit or a breach of the permit by the permittee.

The permittee hereby releases and discharges to the full extent permitted by law, the Indemnified parties from all actions, claims, proceedings or demands and in respect of any loss, death, injury, illness or damage (whether personal or property and whether special, direct, indirect or consequential financial loss) arising out of the use and occupation of the permit.

To the full extent permitted by law, the Minister, the State of Queensland and their Representatives will not be liable to the permittee for any special, indirect or consequential damages, including consequential financial loss arising out of the use and occupation of the permit.

2. Public Liability: The permittee must effect a public liability insurance policy with an insurer authorised under the Insurance Act 1973 (Commonwealth) or, if not so authorised then only with the Minister's approval, which can be given or withheld in the Minister's sole discretion, naming the permittee as the insured covering legal liability for any loss of, or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the land or any improvements thereon and against all claims, demands, proceedings, costs, charges, and expenses whatsoever (including claims in negligence) Such policy must:

- a. be for an amount of not less than \$20 million and have no per event sublimit or such higher amounts as the Minister may reasonably require.
- b. be effected on a "claims occurring" basis; and
- c. be maintained at all times during the currency of the permit, and upon receipt of any notice of cancellation, the permittee must immediately effect another public insurance policy in accordance with the terms of the permit.

The permittee must, as soon as practicable, inform the Minister, in writing, of the occurrence of any event that the permittee considers is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister is kept fully informed of subsequent actions and developments concerning the claim.

The permittee must renew such policy, at the permittee's expense, each year during the currency of this permit.

The condition will be satisfied if the permittee is the State of Queensland or a statutory authority eligible for cover under the Queensland Government Insurance Fund and is insured and continues to be insured by the Queensland Government Insurance Fund.

This condition will be satisfied if the permittee is the Commonwealth of Australia or a statutory authority eligible for cover under the Comcover Insurance Fund and is insured and continues

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INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:39

Title Reference: 40077653
Date Created: 02/06/2020

CONDITIONS

- to be insured by Comcover.
3. Access: The provision of access, further access or services to the land will not be the responsibility of the State.
 4. Survey Costs: If the land needs to be surveyed or re-surveyed the permittee must do this at its own cost under the Survey and Mapping Infrastructure Act 2003. This survey plan must be lodged in the land registry within the specified time.
 5. Jurisdiction: The permit is subject to the Land Act 1994 and all other relevant Queensland and Commonwealth legislation.
 6. Compliance with Laws: The permittee must comply with all lawful requirements of the -
 - a. Local Government; and
 - b. any department within the Queensland or Commonwealth governments (including the department administering the Land Act 1994), local authority or statutory instrumentality having jurisdiction over the land, or the development, use and occupation of the land, in regard to its use, occupation and development of the land.

IMPOSED CONDITIONS:

These imposed conditions relate to this permit - Chapter 5 Part 2
Division 2 of the Land Act 1994.

Termination

1. The permit to occupy must be cancelled upon the transfer or disposal of all the land described as Lot 1 on GU29 and Lot 4 on SP232791 held by the Permittee.

Cancellation/Forfeiture

1. The lease may be forfeited/cancelled if not used for the purpose for which it was issued or any subsequent additional purpose, defaults payment of the annual rent or by breach of a condition of the tenure.
2. The permit may be cancelled after giving the permittee reasonable notice in writing, in accordance with the Land Act 1994.

Improvements or development on or to the land

1. The permittee must not effect any structural or further structural or excavation improvements on the land, without the approval of the department administering the Land Act 1994 and any other relevant authority, having been first obtained.
2. The permittee must and, to the satisfaction of the relevant authorities, install and maintain a good and substantial stockproof boundary fence including unlocked gates at a minimum width of three (3) metres for use by travelling public or stock on the land in a good and substantial state of repair.
3. The permittee must remove the improvements and rehabilitate the area to the satisfaction of the Minister / Chief Executive of the Land Act 1994 and Charters Towers Regional Council from the date of termination of the tenure.
4. If the permittee fails to remove the improvements and rehabilitate the area as above, the Minister / Chief Executive administering the Land Act 1994 and Charters Towers Regional Council, can remove the improvements and is hereby authorised to do whatever is necessary to effect the said removal. The department may recover from the permittee the total cost incurred in the said removal.

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Page 4/6

INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:39

Title Reference: 40077653
Date Created: 02/06/2020

CONDITIONS

Care, sustainability and protection of the land

1. The permittee must not under any circumstances carry out cultivation on the land.
2. The stocking of the land must be managed by the permittee to the satisfaction of the Minister administering the Land Act 1994 and in such a manner to ensure as far as reasonably possible, that a reasonable body of pasturage is available to bona fide travelling stock.

Provision of reasonable services, roads and infrastructure external to but servicing the land

1. The provision of access, further access or services to the land will not be the responsibility of Charters Towers Regional Council and the State.

Quarry Material and Forest products

1. The permittee must allow any person authorised under the Forestry Act 1959 access to the land for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the land.
The permittee must not interfere with any forest products or remove any quarry material (including any stone, gravel, sand, earth, soil, rock, guano or clay which is not a mineral within the meaning of the Mineral Resources Act 1989) or other material upon the land without the permission of the Minister administering the Land Act 1994 except under the authority of and in compliance in every respect with the requirements of a permit, licence, agreement or contract granted or made under the Forestry Act 1959.

Other conditions the Minister considers appropriate

1. The permittee must, within one (1) month from the commencement of the lease, at the permittees' expense provide, erect and maintain erected notice boards in prominent positions on the road frontages of the leased land or where roads enter such land, stating clearly that the leased land is a Camping Reserve and that it may be used for that specific purpose.
2. The permittee must manage the leased land in a manner that will not interfere with or restrict the rights of the public in the use of the leased land for the purpose of Camping for which it was dedicated.
3. The permittee must, at all times during the currency of the permit, allow the public and travelling stock free and unrestricted access to, from and across the permit area for the purpose for which it is reserved or dedicated for public use.
4. Without limiting any other provision of this permit, the permittee indemnifies Charters Towers Regional Council in the same manner as set out in item 1, of the regulated indemnity condition of this permit, as if Charters Towers Regional Council were an 'Indemnified party'.
5. This Lease is issued in accordance with the provisions of 24GD of the Native title Act 1993 (Cth). In accordance with 24GD of the Native Title Act 1993 (Cth), the non-extinguishment principle applies.

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Page 5/6

INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:39

Title Reference: 40077653
Date Created: 02/06/2020

ENDORSEMENTS

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

** End of Current State Tenure Search **

Information provided under section 34 Land Title Act (1994) or
section 281 Land Act (1994)

Published on Resources Disclosure Log
RTI Act 2009

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Page 6/6

INTERNAL CURRENT RESERVE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:39

Title Reference: 49006360
Date GAZETTED: 16/05/1885
PAGE: 1625

Opening Ref: S 85-3626
Purpose: TRAVELLING STOCK
Sub-Purpose:
Local Name:
Address: BURDEKIN RIVER
County (R) No: R1
File Ref: RES 85-008

TRUSTEES

CHARTERS TOWERS REGIONAL COUNCIL GAZETTED ON 17/02/1917
PAGE 643

LAND DESCRIPTION

LOT 5 SURVEY PLAN 250473 AMENDED
Local Government: CHARTERS TOWERS

Area: 511.000000 Ha. (ABOUT)

EASEMENTS AND ENCUMBRANCES

1. STATE PERMIT No 720103227 16/06/2020 at 09:46
A State Permit has been created see Title Reference
40077653
Lodged at 09:46 on 16/06/2020 Recorded at 10:31 on 16/06/2020

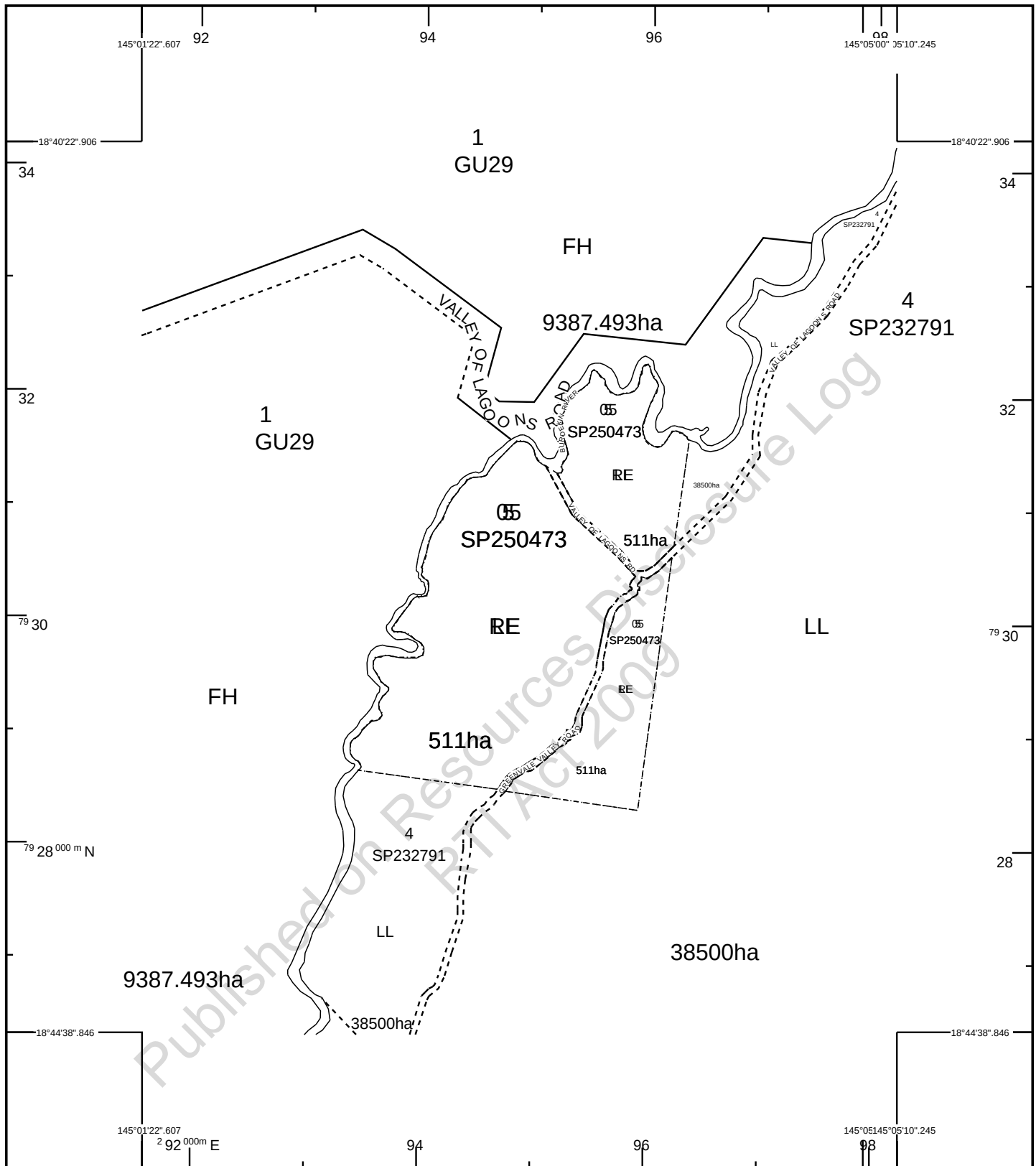
ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status	Location
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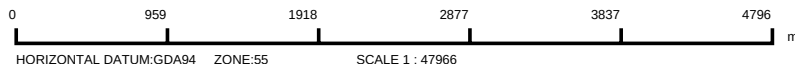
NATIVE TITLE ACT 1993 (CTH)
UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **



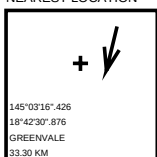
STANDARD MAP NUMBER
7960-43312



SmartMap

An External Product of
SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	No Lot/Plan Selected.
Area/Volume	No Lot/Plan Selected.
Tenure	No Lot/Plan Selected.
Local Government	No Lot/Plan Selected.
Locality	No Lot/Plan Selected.
Segment/Parcel	No Lot/Plan Selected.

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 07/06/2021

DCDB 06/06/2021 (Lots with an area less than 1.000ha are not shown)

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Natural Resources,
Mines and Energy) 2021.
Page 41 of 99



INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:31

Title Reference: 40077653
Date Created: 02/06/2020

DESCRIPTION OF LAND

Tenure Reference: PO 0/241517

Lease Type: NO TERM

LOT 5 SURVEY PLAN 250473
Local Government: CHARTERS TOWERS

Area: 511.000000 Ha. (ABOUT)

No Land Description

No Forestry Entitlement Area

Purpose for which granted:
GRAZING - RESERVE, ROAD OR STOCK ROUTE

DATE OF COMMENCEMENT

Commencement Date: 30/03/2020

REGISTERED PERMITTEE

THOMAS SHEAHAN
JUDITH ELIZABETH SHEAHAN PERMITTEE

CONDITIONS

INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:31

Title Reference: 40077653
Date Created: 02/06/2020

CONDITIONS

A127 SPECIFIED CONDITIONS FOR: Permit to Occupy
PURPOSE: Grazing - Reserve, Road or Stock Route

STATUTORY CONDITIONS:

Statutory conditions are the mandatory conditions of a permit in accordance with Part 2 Division 1 of the Land Act 1994 and other specific requirements of the Land Act 1994.

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4. Noxious plants: The permittee must keep noxious plants on the land under control. If the permittee does not comply with this condition, the Minister may bring the noxious plants under control, the cost of which will be recovered from the permittee.
5. Information to Minister: The permittee must give the Minister administering the Land Act 1994, information the Minister asks for about the tenure.
6. Monies for Improvements: No money for improvements is payable by the State on the forfeiture, cancellation, surrender or expiry of this permit but money may be payable if the State receives payment from an incoming permittee or buyer for the improvements on the land. However, the previous permittee may apply to the Minister to remove the improvements that belong to the permittee, within a period of 3 months from the date of the forfeiture, surrender, or expiry of this permit. The permittee may only undertake the removal of the improvements in the presence of an authorised representative of the department, if required by the Minister. The permittee may only remove those improvements if all monies due from the permittee to the department under this permit have been paid.
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REGULATORY CONDITIONS; OR IMPOSED CONDITIONS - SECTION 210:

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Section 210 of the Land Act 1994 provides for Imposed conditions to be changed. Where a permit is not subject to the regulated conditions, the (wording of the) regulated conditions may be included as imposed conditions under section 210.

1. Indemnity: The permittee indemnifies and agrees to keep indemnified the Minister, and the State of Queensland and its Representatives, (the "Indemnified parties") against all liability, costs, loss and expenses including claims in negligence (including any claims,

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INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:31

Title Reference: 40077653
Date Created: 02/06/2020

CONDITIONS

proceedings or demands brought by any third party, and any legal fees, costs and disbursements on a solicitor and client basis) ("Claim") arising from or incurred in connection with:

- a. the granting of this permit to the permittee;
- b. the permittee's use and occupation of the land; or
- c. personal injury (including sickness and death) or property damage or loss in connection with the performance (or attempted purported performance or non-performance) of the permit or a breach of the permit by the permittee.

The permittee hereby releases and discharges to the full extent permitted by law, the Indemnified parties from all actions, claims, proceedings or demands and in respect of any loss, death, injury, illness or damage (whether personal or property and whether special, direct, indirect or consequential financial loss) arising out of the use and occupation of the permit.

To the full extent permitted by law, the Minister, the State of Queensland and their Representatives will not be liable to the permittee for any special, indirect or consequential damages, including consequential financial loss arising out of the use and occupation of the permit.

2. Public Liability: The permittee must effect a public liability insurance policy with an insurer authorised under the Insurance Act 1973 (Commonwealth) or, if not so authorised then only with the Minister's approval, which can be given or withheld in the Minister's sole discretion, naming the permittee as the insured covering legal liability for any loss of, or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the land or any improvements thereon and against all claims, demands, proceedings, costs, charges, and expenses whatsoever (including claims in negligence) Such policy must:

- a. be for an amount of not less than \$20 million and have no per event sublimit or such higher amounts as the Minister may reasonably require.
- b. be effected on a "claims occurring" basis; and
- c. be maintained at all times during the currency of the permit, and upon receipt of any notice of cancellation, the permittee must immediately effect another public insurance policy in accordance with the terms of the permit.

The permittee must, as soon as practicable, inform the Minister, in writing, of the occurrence of any event that the permittee considers is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister is kept fully informed of subsequent actions and developments concerning the claim.

The permittee must renew such policy, at the permittee's expense, each year during the currency of this permit.

The condition will be satisfied if the permittee is the State of Queensland or a statutory authority eligible for cover under the Queensland Government Insurance Fund and is insured and continues to be insured by the Queensland Government Insurance Fund.

This condition will be satisfied if the permittee is the Commonwealth of Australia or a statutory authority eligible for cover under the Comcover Insurance Fund and is insured and continues

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Page 3/6

INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:31

Title Reference: 40077653
Date Created: 02/06/2020

CONDITIONS

- to be insured by Comcover.
3. Access: The provision of access, further access or services to the land will not be the responsibility of the State.
 4. Survey Costs: If the land needs to be surveyed or re-surveyed the permittee must do this at its own cost under the Survey and Mapping Infrastructure Act 2003. This survey plan must be lodged in the land registry within the specified time.
 5. Jurisdiction: The permit is subject to the Land Act 1994 and all other relevant Queensland and Commonwealth legislation.
 6. Compliance with Laws: The permittee must comply with all lawful requirements of the -
 - a. Local Government; and
 - b. any department within the Queensland or Commonwealth governments (including the department administering the Land Act 1994), local authority or statutory instrumentality having jurisdiction over the land, or the development, use and occupation of the land, in regard to its use, occupation and development of the land.

IMPOSED CONDITIONS:

These imposed conditions relate to this permit - Chapter 5 Part 2
Division 2 of the Land Act 1994.

Termination

1. The permit to occupy must be cancelled upon the transfer or disposal of all the land described as Lot 1 on GU29 and Lot 4 on SP232791 held by the Permittee.

Cancellation/Forfeiture

1. The lease may be forfeited/cancelled if not used for the purpose for which it was issued or any subsequent additional purpose, defaults payment of the annual rent or by breach of a condition of the tenure.
2. The permit may be cancelled after giving the permittee reasonable notice in writing, in accordance with the Land Act 1994.

Improvements or development on or to the land

1. The permittee must not effect any structural or further structural or excavation improvements on the land, without the approval of the department administering the Land Act 1994 and any other relevant authority, having been first obtained.
2. The permittee must and, to the satisfaction of the relevant authorities, install and maintain a good and substantial stockproof boundary fence including unlocked gates at a minimum width of three (3) metres for use by travelling public or stock on the land in a good and substantial state of repair.
3. The permittee must remove the improvements and rehabilitate the area to the satisfaction of the Minister / Chief Executive of the Land Act 1994 and Charters Towers Regional Council from the date of termination of the tenure.
4. If the permittee fails to remove the improvements and rehabilitate the area as above, the Minister / Chief Executive administering the Land Act 1994 and Charters Towers Regional Council, can remove the improvements and is hereby authorised to do whatever is necessary to effect the said removal. The department may recover from the permittee the total cost incurred in the said removal.

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Page 4/6

INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:31

Title Reference: 40077653
Date Created: 02/06/2020

CONDITIONS

Care, sustainability and protection of the land

1. The permittee must not under any circumstances carry out cultivation on the land.
2. The stocking of the land must be managed by the permittee to the satisfaction of the Minister administering the Land Act 1994 and in such a manner to ensure as far as reasonably possible, that a reasonable body of pasturage is available to bona fide travelling stock.

Provision of reasonable services, roads and infrastructure external to but servicing the land

1. The provision of access, further access or services to the land will not be the responsibility of Charters Towers Regional Council and the State.

Quarry Material and Forest products

1. The permittee must allow any person authorised under the Forestry Act 1959 access to the land for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the land.
The permittee must not interfere with any forest products or remove any quarry material (including any stone, gravel, sand, earth, soil, rock, guano or clay which is not a mineral within the meaning of the Mineral Resources Act 1989) or other material upon the land without the permission of the Minister administering the Land Act 1994 except under the authority of and in compliance in every respect with the requirements of a permit, licence, agreement or contract granted or made under the Forestry Act 1959.

Other conditions the Minister considers appropriate

1. The permittee must, within one (1) month from the commencement of the lease, at the permittees' expense provide, erect and maintain erected notice boards in prominent positions on the road frontages of the leased land or where roads enter such land, stating clearly that the leased land is a Camping Reserve and that it may be used for that specific purpose.
2. The permittee must manage the leased land in a manner that will not interfere with or restrict the rights of the public in the use of the leased land for the purpose of Camping for which it was dedicated.
3. The permittee must, at all times during the currency of the permit, allow the public and travelling stock free and unrestricted access to, from and across the permit area for the purpose for which it is reserved or dedicated for public use.
4. Without limiting any other provision of this permit, the permittee indemnifies Charters Towers Regional Council in the same manner as set out in item 1, of the regulated indemnity condition of this permit, as if Charters Towers Regional Council were an 'Indemnified party'.
5. This Lease is issued in accordance with the provisions of 24GD of the Native title Act 1993 (Cth). In accordance with 24GD of the Native Title Act 1993 (Cth), the non-extinguishment principle applies.

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Page 5/6

INTERNAL CURRENT STATE TENURE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:31

Title Reference: 40077653
Date Created: 02/06/2020

ENDORSEMENTS

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

** End of Current State Tenure Search **

Information provided under section 34 Land Title Act (1994) or
section 281 Land Act (1994)

Published on Resources Disclosure Log
RTI Act 2009

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Page 6/6

INTERNAL CURRENT RESERVE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Search Date: 07/06/2021 10:31

Title Reference: 49006360
Date GAZETTED: 16/05/1885
PAGE: 1625

Opening Ref: S 85-3626
Purpose: TRAVELLING STOCK
Sub-Purpose:
Local Name:
Address: BURDEKIN RIVER
County (R) No: R1
File Ref: RES 85-008

TRUSTEES

CHARTERS TOWERS REGIONAL COUNCIL GAZETTED ON 17/02/1917
PAGE 643

LAND DESCRIPTION

LOT 5 SURVEY PLAN 250473 AMENDED
Local Government: CHARTERS TOWERS

Area: 511.000000 Ha. (ABOUT)

EASEMENTS AND ENCUMBRANCES

1. STATE PERMIT No 720103227 16/06/2020 at 09:46
A State Permit has been created see Title Reference
40077653
Lodged at 09:46 on 16/06/2020 Recorded at 10:31 on 16/06/2020

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status	Location
718205082	NT DETERM	10/08/2017 14:16	CUR	EC-GEN -00

NATIVE TITLE ACT 1993 (CTH)
UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **

Date : 4/06/2021 8:42:10 AM

From : [sch4p4(6) Person]

To : "SLAM Lodgement"

Subject : (2 cases) 2021-06-04 - Charters Towers Reedybrook Reserve - Application for Adjustment - Your Ref TF49006360 [HR-BRS.FID547290]

Attachment : 2021.05.27 - Letter to Department of Resources re Reedybrook Reserve - final (10445450_2).PDF;SP322075.pdf;image001.gif;image002.png;image003.png;

Good morning,

Please find **enclosed** an application for adjustment of a reserve submitted on behalf of Charters Towers Regional Council.

If you have any queries please contact me on my direct line below.

Regards

[sch4p4(6) Person] Partner

 **HOLDING REDLICH**

Level 1, 15 Lake Street, Cairns Qld 4870 Australia

D +61 7 4230 0420

F +61 7 4230 0499

M

[sch4p4(6) Person]

[sch4p4(6) Person] holdingredlich.com www.holdingredlich.com

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 **LawExchange**
INTERNATIONAL

 **COVID-19**

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4 June 2021

Department of Resources
PO Box 5318
TOWNSVILLE QLD 4810

Partner [sch4p4(6) Perso]
Direct Line (07) 4230 0420
Fax (07) 4230 0420
Email [sch4p4(6) Perso]@holdingredlich.com
Our Ref 19850282

By email SLAMlodgement@resources.qld.gov.au

Dear Sir/Madam

**CHARTERS TOWERS REGIONAL COUNCIL – APPLICATION FOR ADJUSTMENT – LOT 5 SP250473
- REEDYBROOK RESERVE – YOUR REFERENCE TF49006360**

We refer to your letter of 18 December 2020 and confirm that we act on behalf of Charters Towers Regional Council (Council) in this matter.

We are instructed to make applications on behalf of Council as Trustee pursuant to the *Land Act 1994 (Qld) (Land Act)* for:

1. a change of purpose in relation to Lot 5 on SP250473 (Reserve) pursuant to section 31 (1), 31B (5) and 31D (b) of the Land Act to include an additional community purpose being recreation; and
2. an adjustment to the boundary of the Reserve pursuant to section 31D(a) of the Land Act to create 2 new lots being Lot 5 and 6 on SP322075 which on creation will continue to be the Reserve; and
3. cancellation of Permit to Occupy 0/241517 Title Reference 40077653 pursuant to section 180 (d) of the Land Act; and
4. issue of a new Permit to Occupy for grazing purposes over proposed Lot 5 on SP322075 to the current Permit Holders pursuant to section 177 of the Land Act; and
5. registration of an adjustment notice pursuant to Section 31B (5) of the Land Act to restrict camping for recreational purpose to part of the Reserve being Lot 6 on SP322075.

Background

The Reserve is dedicated for travelling stock which will include camping associated with the stock route and is located approximately 250km north of Charters Towers. The Reserve is approximately 511 hectares of land and forms part of the stock route managed under the *Stock Route Management Act 2002*.

However, part of the Reserve has been used as a recreational camp ground by the public for many years. The distinction between 'camping' for purposes associated with stock movement and management and recreational camping has not generally been well understood by members of the public.

In response to community feedback seeking to have part of the Reserve lawfully made available for recreational camping and to formalise what has in practice been the case for many years, Council resolved at its meeting on 16 September 2020 to proceed with an application to allow recreational camping over part of the Reserve.

Council's Proposal

1.1 Adjustment of Reserve

- (a) As a first step, the Council proposes that the purpose of the Reserve be amended to include an additional community purpose, being recreation. This would allow for recreational camping to lawfully occur on part of the Reserve which is suitable for that purpose.
- (b) As a second step, the Council proposes an adjustment to the Reserve boundary pursuant to section 31D (a) of the *Land Act 1994* (Qld) to create 2 new lots being Lot 5 and Lot 6 on SP 322075 as shown on the **attached** Survey Plan ('**Survey Plan**').
- (c) Both proposed Lot 5 and 6 on SP322075 would continue to be dedicated for travelling stock purpose and would also be dedicated for the additional community purpose of recreation.
- (d) However, it should be noted as a condition of the dedication that recreational camping will only be permitted with respect to proposed Lot 6.
- (e) This will assist Council as Trustee to more effectively manage the use of this part of the Reserve for recreational camping while the whole of the Reserve being both lots continues to be available for travelling stock and associated camping.
- (f) There is no requirement to revoke the current dedication of travelling stock with respect to either proposed Lot 5 or 6.

1.2 Lot 5

- (a) The area of proposed Lot 5 will be about 381 hectares, per the attached Survey Plan.
- (b) Under this proposal, travelling stock and recreation would be permitted on proposed Lot 5 although in practice, camping would be restricted so far as it relates to proposed Lot 5 to camping with travelling stock only.

1.3 Lot 6

- (a) The area of proposed Lot 6 will be about 130 hectares, per the attached Survey Plan.
- (b) Under this proposal, travelling stock and recreational camping would be permitted on proposed Lot 6.
- (c) This will ensure no change to the use of the Reserve as part of the national stock route and will allow Council to control and manage recreational use so that it is restricted to proposed Lot 6 only.

Native Title

The proposed change to the purpose of the Reserve is unlikely to have any greater impact than the current purpose for which the Reserve is dedicated with respect to native title rights and interests.

The Reserve is subject to the Gugu Badhun People #2 Native Title Determination. Section 24JA of the *Native Title Act 1993* (Cth) would apply in that the additional purpose of recreation would have no greater impact on native title than the current dedication of travelling stock and associated camping.

The boundary adjustment does not decrease or increase the area of land currently the subject of the Reserve and no revocation of the dedication over the Reserve is necessary.

Permit to Occupy

There is a registered Permit to Occupy for grazing ('Permit') over the whole of the Reserve which will be affected by this proposal.

The Permit is held by Thomas and Judith Sheahan (Permit Holders) and commenced on 30 March 2020. The Permit Holders have advised Council they have concerns about liability for public access to the Reserve for recreational camping as they have obligations under their Permit to use the whole of the Reserve for grazing purposes only.

To alleviate these concerns, the current Permit would be cancelled pursuant to section 180 (1) (d) of the *Land Act 1994* and a new Permit to Occupy for grazing purposes would be issued over the Reserve to the Permit Holders only so far as it relates to proposed Lot 5 pursuant to section 177 (1) of the Land Act.

Reissuing the Permit over proposed Lot 5 will allow the Permit Holders to continue to use the balance area of the Reserve for grazing purposes and will alleviate the concerns of the Permit Holders having to deal with recreational camping on proposed Lot 6.

The total area of the Reserve available for grazing purposes for the Permit Holders would be reduced under the new Permit by approximately 130 hectares which is the area of proposed Lot 6.

Lot 6 would continue to be available for travelling stock but would not be included in the area of the new Permit issued to the Permit Holders.

Given the scale of the Permit Holders surrounding pastoral operations, a reduction in area of 130 hectares for grazing is minimal and will have very little effect on the Permit Holders overall pastoral operations.

However, it will alleviate their concerns and remove liability for recreational camping on that part of the Reserve being proposed Lot 6.

Public Interest

The Reserve is public land which is primarily held on trust for the public. The interests of the public are therefore paramount.

As noted, there is widespread support from the general public to change the community purpose to allow recreational camping on part of the Reserve. Therefore, the proposed change to the purpose of the Reserve, the adjustment of the boundary of the Reserve to define part of the Reserve as Lot 6 so that recreational camping can be regulated over this part of the Reserve, the cancellation and issuing of a new Permit over Lot 5 to the Permit Holders for grazing purposes is considered to be the public interest.

Summary

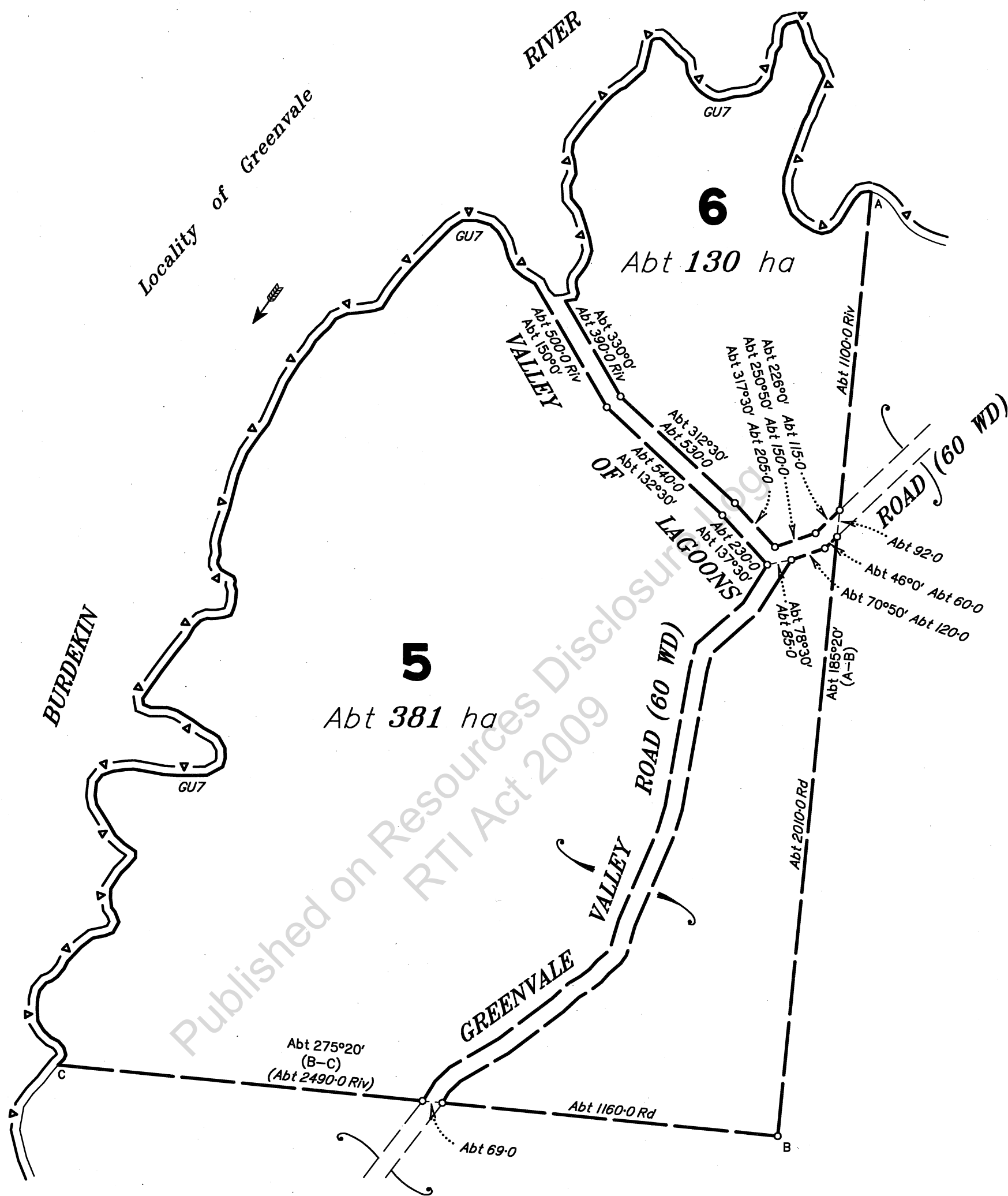
Council seeks approval from the Department for the following:

1. Cancellation of the Permit; and
2. An adjustment to the purpose of the Reserve to include recreation as an additional community purpose over the whole of the Reserve; and
3. An adjustment to the boundary of the Reserve to create 2 new lots being Lot 5 and 6; and
4. An adjustment notice be registered on the title of the Reserve restricting recreational camping to only part of the Reserve being Lot 6.
5. Issue of a new permit over part of the Reserve being Lot 5.

Please advise if you require anything further to assist in this process. We look forward to receiving confirmation that the applications have been approved and the adjustments completed.

Yours faithfully

sch4p4(6) Personal informati

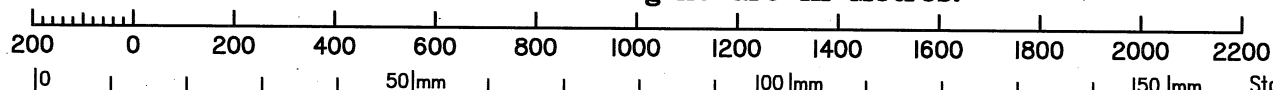


4

SP232791

Reserved plan of survey under Section 65 (4)(a)(i)
of SMI Act 2003.

Scale 1:15000 - Lengths are in Metres.



State copyright reserved.

I, Dale Ian ATKINSON hereby certify that I have made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from SP250473 & QLD_2018_80cm Earth Imagery 5/11/2018 in the Department of Natural Resources, Mines and Energy.

Cadastral Surveyor

Date

Plan of Lots 5 & 6

Cancelling Lot 5 on SP250473

LOCAL *Charters Towers*
GOVERNMENT: *Regional*

LOCALITY: *VALLEY OF LAGOONS*

Meridian: *SP250473*

Survey Records: *No*

Scale: *1:15000*

Format: *STANDARD*

SP322075

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

(Dealing No.)

4. Lodged by

(Include address, phone number, email, reference, and Lodger Code)

I. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
49006360	Lot 5 on SP250473	5 & 6	_____	_____

EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS

Administrative Advice	Lots to be Encumbered
718205082	5 & 6

Published on Resources Disclosure Log
RTI Act 2009

6. 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

.....
Cadastral Surveyor/Director * Date
*delete words not required

7. Lodgement Fees :

Survey Deposit \$
Lodgement \$
.....New Titles \$
Photocopy \$
Postage \$
TOTAL \$

8. Insert Plan Number
SP322075

Lots	Orig
------	------

2. Orig Grant Allocation :

3. References :
Dept File :
Local Govt :
Surveyor : 20-189

5. Passed & Endorsed :

By : Dale Ian ATKINSON
Date :
Signed :
Designation : Cadastral Surveyor

Date : 4/06/2021 8:42:10 AM

From : [sch4p4(6) Person]

To : "SLAM Lodgement"

Subject : (2 cases) 2021-06-04 - Charters Towers Reedybrook Reserve - Application for Adjustment - Your Ref TF49006360 [HR-BRS.FID547290]

Attachment : 2021.05.27 - Letter to Department of Resources re Reedybrook Reserve - final (10445450_2).PDF;SP322075.pdf;image001.gif;image002.png;image003.png;

Good morning,

Please find **enclosed** an application for adjustment of a reserve submitted on behalf of Charters Towers Regional Council.

If you have any queries please contact me on my direct line below.

Regards

[sch4p4(6) Person] Partner

 **HOLDING REDLICH**

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M [sch4p4(6) Person]

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4 June 2021

Department of Resources
PO Box 5318
TOWNSVILLE QLD 4810

Partner [sch4p4(6) Person]
Direct Line (07) 4230 0420
Fax (07) 4230 0420
Email [sch4p4(6) Person]@holdingredlich.com
Our Ref 19850282

By email SLAMlodgement@resources.qld.gov.au

Dear Sir/Madam

**CHARTERS TOWERS REGIONAL COUNCIL – APPLICATION FOR ADJUSTMENT – LOT 5 SP250473
- REEDYBROOK RESERVE – YOUR REFERENCE TF49006360**

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2. an adjustment to the boundary of the Reserve pursuant to section 31D(a) of the Land Act to create 2 new lots being Lot 5 and 6 on SP322075 which on creation will continue to be the Reserve; and
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Background

The Reserve is dedicated for travelling stock which will include camping associated with the stock route and is located approximately 250km north of Charters Towers. The Reserve is approximately 511 hectares of land and forms part of the stock route managed under the *Stock Route Management Act 2002*.

However, part of the Reserve has been used as a recreational camp ground by the public for many years. The distinction between 'camping' for purposes associated with stock movement and management and recreational camping has not generally been well understood by members of the public.

In response to community feedback seeking to have part of the Reserve lawfully made available for recreational camping and to formalise what has in practice been the case for many years, Council resolved at its meeting on 16 September 2020 to proceed with an application to allow recreational camping over part of the Reserve.

Council's Proposal

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- (f) There is no requirement to revoke the current dedication of travelling stock with respect to either proposed Lot 5 or 6.

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Native Title

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The Reserve is subject to the Gugu Badhun People #2 Native Title Determination. Section 24JA of the *Native Title Act 1993* (Cth) would apply in that the additional purpose of recreation would have no greater impact on native title than the current dedication of travelling stock and associated camping.

The boundary adjustment does not decrease or increase the area of land currently the subject of the Reserve and no revocation of the dedication over the Reserve is necessary.

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Given the scale of the Permit Holders surrounding pastoral operations, a reduction in area of 130 hectares for grazing is minimal and will have very little effect on the Permit Holders overall pastoral operations.

However, it will alleviate their concerns and remove liability for recreational camping on that part of the Reserve being proposed Lot 6.

Public Interest

The Reserve is public land which is primarily held on trust for the public. The interests of the public are therefore paramount.

As noted, there is widespread support from the general public to change the community purpose to allow recreational camping on part of the Reserve. Therefore, the proposed change to the purpose of the Reserve, the adjustment of the boundary of the Reserve to define part of the Reserve as Lot 6 so that recreational camping can be regulated over this part of the Reserve, the cancellation and issuing of a new Permit over Lot 5 to the Permit Holders for grazing purposes is considered to be the public interest.

Summary

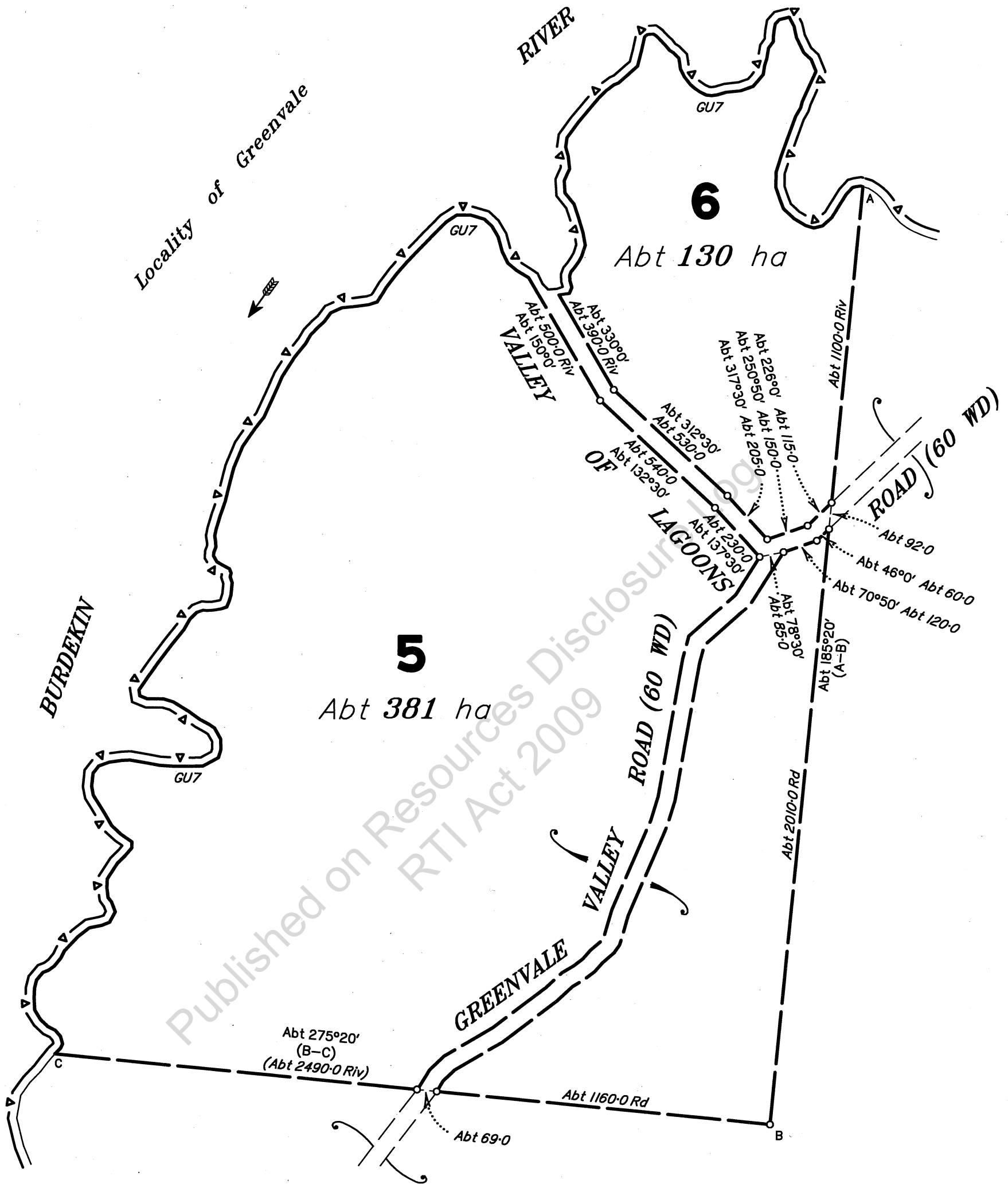
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1. Cancellation of the Permit; and
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Please advise if you require anything further to assist in this process. We look forward to receiving confirmation that the applications have been approved and the adjustments completed.

Yours faithfully

sch4p4(6) Personal informati

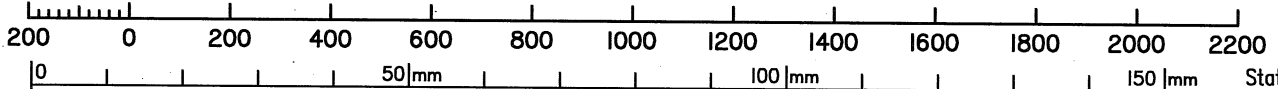


4

SP232791

Reserved plan of survey under Section 65 (4)(a)(i)
of SMI Act 2003.

Scale 1:15000 - Lengths are in Metres.



State copyright reserved.

I, Dale Ian ATKINSON hereby certify that I have made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from SP250473 & QLD_2018_80cm Earth Imagery 5/11/2018 in the Department of Natural Resources, Mines and Energy.

Cadastral Surveyor

Date

Plan of Lots 5 & 6

Cancelling Lot 5 on SP250473

LOCAL *Charters Towers*
GOVERNMENT: *Regional*

Meridian: *SP250473*

LOCALITY: *VALLEY OF LAGOONS*

Survey Records: *No*

Scale: *1:15000*

Format: *STANDARD*

SP322075

(Dealing No.)

(Include address, phone number, email, reference, and Lodger Code)

I. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
49006360	Lot 5 on SP250473	5 & 6	_____	_____

Administrative Advice	Lots to be Encumbered
718205082	5 & 6

Published on Resources Disclosure Log
RTI Act 2009

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~~

Cadastral Surveyor/Director* Date
*delete words not required

7. Lodgement Fees :

Survey Deposit	\$
Lodgement	\$
.....New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

8. Insert Plan Number	
-----------------------	--

SP322075

2. Orig Grant Allocation :

3. References :

Dept File :

Local Govt :

Surveyor :

20-189

5. Passed & Endorsed :

By: Dale Ian ATKINSON

Date :

Signed :

Designation : Cadastral Surveyor

Date : 18/12/2020 3:52:47 PM
From : "CLARKE Benjamin (Townsville)"
To : "Mail@charterstowers.qld.gov.au"
Cc : "Melissa King"
Subject : RE: Reedybrook Reserve - Lot 5 on Plan SP250473
Attachment : Response to views request.pdf;image002.png;image003.jpg;
Good afternoon

Please find the Department of Resources submission in response to councils letter dated 28 October 2020.

regards



Benjamin Clarke
A/ Senior Land officer
State Land Asset Management | Land Division
Department of Resources

P: (07) 4447 9206 M: [sch4p4(6) Pe]
E: Benjamin.Clarke@dnrme.qld.gov.au
A: Level 9 Verde Tower, 445 Flinders Street, Townsville QLD 4810 | PO Box 5318, Townsville QLD 4810
W: www.dnrme.qld.gov.au

From: Melissa King [sch4p4]@charterstowers.qld.gov.au>
Sent: Wednesday, 28 October 2020 10:08 AM
To: Townsville SLAMS
Subject: Reedybrook Reserve - Lot 5 on Plan SP250473

Good Morning,

Please find attached correspondence from Council.

CHARTERS TOWERS REGIONAL COUNCIL

A ADMINISTRATION CENTRE | 12 Mosman Street | PO Box 189 Charters Towers Qld 4820 Australia
P 07 4761 5300 | F 07 4761 5344
E mail@charterstowers.qld.gov.au | W www.charterstowers.qld.gov.au

CHARTERS TOWERS REGIONAL COUNCIL

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This e-mail has been scanned and cleared by MailMarshal mail scanning software

The Chief Executive Officer
Charters Towers Regional Council
PO Box 189
CHARTERS TOWERS QLD 4820

Email: Mail@charters Towers.qld.gov.au

Dear Aaron Johansson

Thank you for your letter dated 27 October 2020 concerning Reedybrook Reserve – Lot 5 on Plan SP250473.

Please find the Departments of Resources formerly the Department on Natural Resources, Mines and Energy (the department) submission in response to Charters Towers Regional Council's (the council) resolution to:

- Lodge and application with the Department of Resources to excise part of the Reedybrook Reserve located at Lot 5 on Plan SP250473 in accordance with the proposed survey plan attached to your correspondence of 27 October 2020 and show as Annexure A;
- Request the department to re-purpose the excised portion to include a 'Recreation' community purpose; and
- Authorise the Chief Executive Officer to execute and vary the terms and conditions of the application as required.

Process for creating two separate reserves for two different community purposes

The *Land Act 1994* (LA) does not have a mechanism for the subdivision of reserve land to directly excise a section and change its purpose. It does allow under s31D for a trustee of a reserve to apply to the minister for adjustment of a reserve. This includes (a) a change of boundaries of the reserve and (b) change the purpose for which the reserve is dedicated.

Reserve boundaries can be changed by registering an adjustment notice or a plan of survey. In this case the proposed Survey Plan SP322075 could be lodged to define the boundaries of both lots 5 and 6 as the revised boundary of the reserve.

An application could then be lodged under s35 to revoke part of the reserve being lot 6 returning it to Unallocated State Land (USL) and a linked application for the dedication of a new reserve being lot 6 for the community purpose of "recreation".

Considerations

Interested parties

Before applying for an adjustment of a reserve or to revoke dedication of a reserve, the applicant (trustee) must give notice of the applicant's intention to make the application to each person with a registered interest in the reserve. In this case a Permit to Occupy (PO) for Grazing (PO 0/241517) is registered over the reserve. Permittees Thomas and Judith Shahan must be notified. The PO would need to be surrendered or cancelled prior to the reserve being revoked.

Stock routes

Stock Routes Management Unit (SRMU) has reviewed the proposal put forward by the Charters Towers Regional Council (CTRC) to split the Reedybrook Reserve (*Lot 5 on Plan SP250473*) into two parcels with the larger parcel (*Lot 5 on SP322075 Abt 381 ha*) to the south of *Valley of Lagoons Road*, being retained as the Stock Route Reserve for use of travelling stock and the smaller parcel (*Lot 6 on Plan SP322075 Abt 130 ha*) to the North being excised with the purpose being amended to recreational purposes primarily camping (*i.e. general public – recreational camping not travelling stock camping*).

Whilst the Stock Route Management Unit (SRMU) is committed to ensure there is no net loss of the Stock Route Network and no negative impact as well as ensuring the functional connectivity of the stock route is maintained, for the future viability of the entire network, SRMU does however also consider the overall greater community benefit and purpose, when considering and providing views that ultimately impact the Stock Route Network.

Given the overall size of the reserve is 511 ha and the proposed remaining area in *Lot 5 on Plan SP250473* would be *Abt 381 ha*, SRMU believe this area would be suffice for the stock route reserve and given the stock route transverses through both Lots the stock route network will not be severed as such by the splitting of this reserve into the two proposed Lots. Therefore, SMRU would be willing to consider supporting an application made by council to excise part of the Reedybrook Reserve with the aim of re-purposing *Lot 6 on Plan SP322075 Abt 130 ha* to a 'Recreational' Community purpose.

Native title

The reserve is subject to the Gugu Badhun People #2 determination and native title will need to be addressed as part of the application. The proposed dealing will result in the dedication of an areas as a reserve for a public purpose. The Charters Towers Regional Council is party to the *Gugu Badhun People and Local Government ILUA*. It may be that this agreement will enable the proposal to address the Native Title component of the application. If not, it is likely that the council will need to negotiate with the Gugu Badhun People to develop a suitable ILUA.

Alternate pathway

This alternate pathway to achieving the desired outcome where recreation is permitted only on proposed lot 6 could be complicated. However, it may not result in the desired clear distinction between community purposes of the proposed reserve lots.

This pathway would still require the description of the lot to be amended to reflect Survey Plan SP322075. An application to amend the purpose of the reserve to include the additional community purpose of recreation, could then be lodged. The purpose would be added to the entire reserve but could be conditioned to occur only on lot 6.

This process would remove the need to revoke the reserve and have it dedicated from USL to a new reserve for recreation purposes. This would possibly address native title through Module J avoiding the need for an ILUA.

Should you have any further enquiries, please contact Benjamin Clarke, Senior Land Officer, State Land Asset Management of the department on telephone 4447 6206.

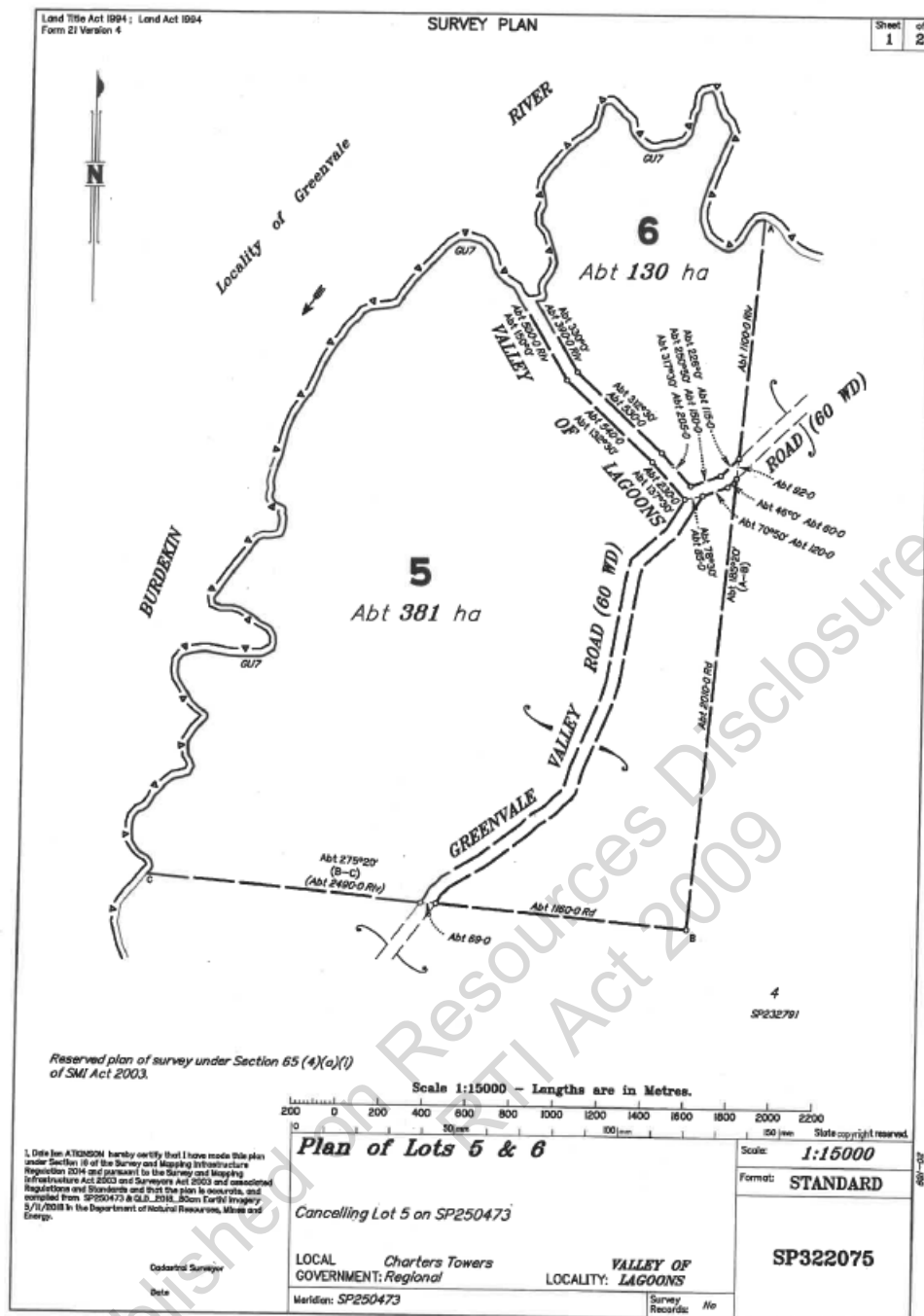
Yours sincerely

sch4p4(6) Personal information

Benjamin Clarke
Senior Land Officer

Published on Resources Disclosure Log
RTI Act 2009

Annexure 1: Proposed Survey Plan



Land Title Act 1994; Land Act 1994 Form 2B Version 2		WARNING : Folded or Mutilated Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.					
(Dedding No.)		4. Lodged by (Include address, phone number, email, reference, and Lodger Code)					
L Existing		Created					
Title Reference	Description	New Lots	Road Secondary Interests				
49006360	Lot 5 on SP250473	5 & 6					
EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Administrative Advice</td> <td style="width: 50%;">Lots to be Encumbered</td> </tr> <tr> <td>718205082</td> <td>5 & 6</td> </tr> </table>				Administrative Advice	Lots to be Encumbered	718205082	5 & 6
Administrative Advice	Lots to be Encumbered						
718205082	5 & 6						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Lots</td> <td style="width: 50%;">Orig</td> </tr> </table>		Lots	Orig	5. 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 roads. * Part of the building shown on this plan encroaches onto adjoining lots and roads. _____ Cadastral Surveyor/Director Date (Delete words not required)			
Lots	Orig						
2. Orig Grant Allocation : 3. References : Dept File : Local Govt : Surveyor : 20-189		6. Passed & Endorsed : By : Dale Ian ATKINSON Date : Signed : Designation : Cadastral Surveyor					
7. Lodgement Fees : Survey Deposit \$ Lodgement \$ New Titles \$ Photocopy \$ Postage \$ TOTAL \$		8. Insert Plan Number SP322075					

Date : 30/10/2020 2:46:57 PM

From : "Stock Route Management"

To : "CLARKE Benjamin (Townsville)"

Cc : "ROLLAND Rianha" , "WALDRON Susan"

Subject : RE: Reedybrook Reserve - Lot 5 on Plan SP250473

Attachment : Reedybrook Reserve - Lot 5 on Plan SP250473.msg;image002.png;image003.jpg;image004.jpg;

Afternoon Ben

Afternoon Ben,

Thanks for your email and yes we have received email correspondence from Melissa King, Charters Towers Regional Council in relation to this matter (see attached).

I will provide the Stock Route Management Units views on the proposal back to yourself to be included in departments response as a whole.

Kind regards,



Nikki Gay

Senior Land Officer (Stock Routes)

State Land Asset Management | Central Region

Department of Natural Resources, Mines and Energy

P: (07) 4536 8364 M: [sch4p4(6) P]

E: nikki.gay@dnrme.qld.gov.au

A: Landsborough Highway, Longreach 4730

From: CLARKE Benjamin (Townsville) <Benjamin.Clarke@dnrme.qld.gov.au>

Sent: Friday, 30 October 2020 2:29 PM

To: Stock Route Management

Cc: ROLLAND Rianha

Subject: FW: Reedybrook Reserve - Lot 5 on Plan SP250473

Hi team

Just wanted to confirm you received the following request from Charters Towers Regional Council.

This is in relation to the Reserve dedicated for Travelling Stock Purposes (former Camping) known locally as Reedybrook – described as Lot 5 on SP250473. There was significant discussion regarding this reserve earlier in the year when inappropriate uses on the reserve were reported by the current permittee.

Council has been working with the permittee to limit these uses but there has been significant public backlash from people who like to camp here.

The proposal is to split the reserve in two with the large area south of the Valley of Lagoons Road excised and purpose being amended to recreational purposes primarily camping.

Please provide stock route views on the matter. I am happy if these come to me to coordinate the department's response.

Get in touch to discuss or if you have any questions.

regards



Benjamin Clarke

A/ Senior Land Officer

State Land Asset Management | Land Services

Department of Natural Resources, Mines and Energy

P: (07) 4447 9206 M: [sch4p4(6) Per]

E: Benjamin.Clarke@dnrme.qld.gov.au

A: Level 9 Verde Tower, 445 Flinders Street, Townsville QLD 4810 | PO Box 5318, Townsville QLD 4810

W: www.dnrme.qld.gov.au



DNRME

From: Melissa King [sch4p4(6) Per] <melissa.king@charters Towers.qld.gov.au>

Sent: Wednesday, 28 October 2020 10:08 AM

To: Townsville SLAMS
Subject: Reedybrook Reserve - Lot 5 on Plan SP250473

Good Morning,

Please find attached correspondence from Council.

CHARTERS TOWERS REGIONAL COUNCIL

A ADMINISTRATION CENTRE | 12 Mosman Street | PO Box 189 Charters Towers Qld 4820 Australia

P 07 4761 5300 | **F** 07 4761 5344

E mail@charters Towers.qld.gov.au | **W** www.charters Towers.qld.gov.au

CHARTERS TOWERS REGIONAL COUNCIL

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Date : 28/10/2020 10:11:23 AM

From : "Melissa King"

To : "GAYNikki"

Subject : Reedybrook Reserve - Lot 5 on Plan SP250473

Attachment : 1385703 - DNRME Stock Routes.pdf;image001.jpg;

Good Morning Nikki,

I am not sure of the Stock Routes generic email address to send this correspondence to, but given your experience and knowledge in this area, am hoping that you can forward to the correct person/email please?

The other stakeholders that have received this correspondence are DNRME Land Services, the lessees, the lessee's legal representative, Native Title holders, Native Title holder's legal representative and Reedybrook Ashes Committee.

Kind regards,

Melissa King

Governance Officer

CHARTERS TOWERS REGIONAL COUNCIL

A ADMINISTRATION CENTRE | 12 Mosman Street | PO Box 189 Charters Towers Qld 4820 Australia

P 07 4761 5360 | **F** 07 4761 5344

E sch4p4@charters Towers.qld.gov.au | **W** www.charters Towers.qld.gov.au

CHARTERS TOWERS REGIONAL COUNCIL

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27 October 2020

Our Ref: 20/09 R3421: 1385703

File Ref: 24/PLA/02

Enquiries: Melissa King

State Land Asset Management – Stock Routes
Department of Natural Resources & Mines
Landsborough Highway
LONGREACH QLD 4730

Sent via email: Nikki.gay@dnrme.qld.gov.au

Dear Madam

Re: Reedybrook Reserve – Lot 5 on Plan SP250473

Please be advised that Council, at its Meeting held 16 September 2020 resolved as follows:

- to lodge an application with the Department of Natural Resources, Mines and Energy (DNRME) to excise part of the Reedybrook Reserve located at Lot 5 on Plan SP250473 in accordance with the proposed Survey Plan attached at Annexure A;
- request DNRME to re-purpose the excised portion to include a 'Recreation' community purpose; and,
- authorise the Chief Executive Officer to execute and vary the terms and conditions of the application as required.

You have been identified as stakeholders in this proposal and as such, Council requests your written views regarding same.

Also attached (Annexure B) is a copy of the Meeting Report submitted to Council. This document provides background and context on Council's position.

Submissions are to be received by 5pm on **Friday 18 December 2020**. Submissions can be lodged as follows:

Post: The Chief Executive Officer
Charters Towers Regional Council
PO Box 189
Charters Towers Qld 4820
Email: mail@charters Towers.qld.gov.au
Fax: 07 4761 5344

Yours faithfully

sch4p4(6) Personal information

Aaron Johansson
Chief Executive Officer

Enc: Annexure A – Proposed Survey Plan
Annexure B – Council Meeting Report – Doc # 1381611

PO Box 189 Charters Towers Qld 4820

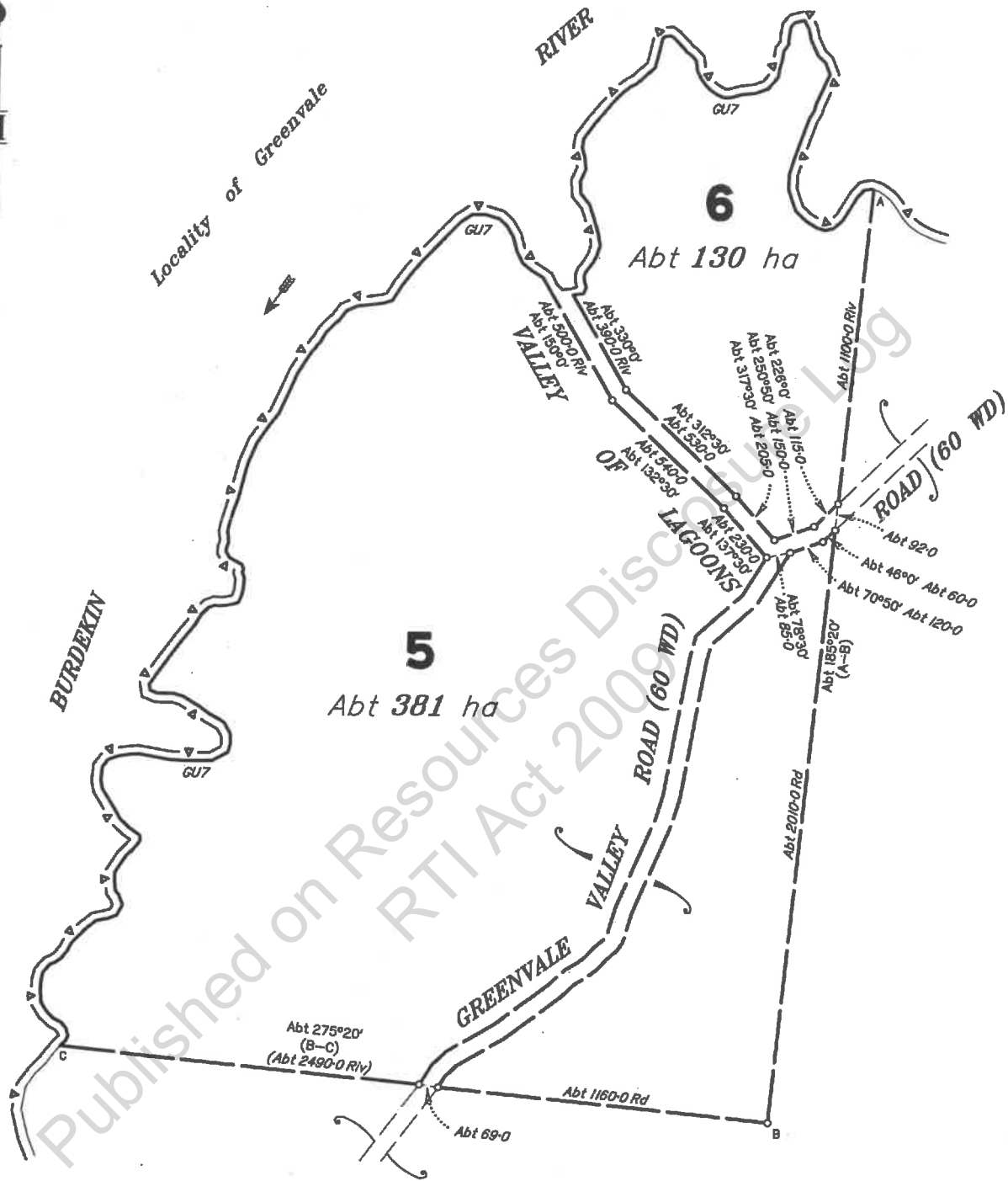
ADMINISTRATION: 12 Mosman Street Charters Towers Qld 4820 Australia

PH. (07) 4761 5300 | **F.** (07) 4761 5344 | **E.** mail@charters Towers.qld.gov.au | **ABN.** 67 731 313 583

www.charters Towers.qld.gov.au

SURVEY PLAN

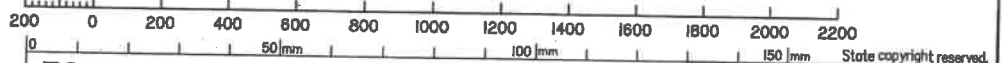
Sheet 1 of 2



4
SP232791

Reserved plan of survey under Section 65 (4)(a)(i)
of SMI Act 2003.

Scale 1:15000 - Lengths are in Metres.



I, Dale Ian ATKINSON hereby certify that I have made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from SP250473 & QLD_2018_80cm Earth Imagery 5/11/2018 in the Department of Natural Resources, Mines and Energy.

Cadastral Surveyor
Date

Plan of Lots 5 & 6

Cancelling Lot 5 on SP250473

LOCAL Charters Towers
GOVERNMENT: Regional

VALLEY OF
LOCALITY: LAGOONS

Meridian: SP250473

Survey
Records: No

Scale: 1:15000

Format: STANDARD

SP322075

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

Sheet
2
of
2

(Dealing No.)

4. Lodged by

(Include address, phone number, email, reference, and Lodger Code)

Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
49006360	Lot 5 on SP250473	5 & 6		

EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS

Administrative Advice	Lots to be Encumbered
718205082	5 & 6

Published on Resources Disclosure Log
RTI Act 2009

6. 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

Cadastral Surveyor/Director * Date
* delete words not required

7. Lodgement Fees :

Survey Deposit \$.....
Lodgement \$.....
.....New Titles \$.....
Photocopy \$.....
Postage \$.....
TOTAL \$.....

8. Insert Plan Number
SP322075

2. Orig Grant Allocation :	Orig
3. References :	
Dept File :	
Local Govt :	
Surveyor :	20-189

5. Passed & Endorsed :

By: Dale Ian ATKINSON
Date :
Signed :
Designation : Cadastral Surveyor

MEETING REPORT

CORPORATE AND COMMUNITY SERVICES

MEETING DETAILS: Ordinary Meeting, Wednesday 16 September 2020
LOCATION: World Theatre, Charters Towers
CLASSIFICATION: Open
AUTHOR: Melissa King, Governance Officer

11.10 Proposal to excise part of Reserve and re-purpose from 'Travelling Stock' to 'Recreation' – Reedybrook Lot 5 on Plan SP250473

EXECUTIVE SUMMARY

This report seeks Council's approval to request the State to dedicate (excise) part of the Reserve known as Reedybrook Reserve and located at Lot 5 on Plan SP250473 and to re-purpose this part to be dedicated as a Recreation community purpose (which includes camping).

OFFICER'S RECOMMENDATION

That Council:

- *Lodge an application with the Department of Natural Resources, Mines and Energy to excise part of the Reedybrook Reserve, located at Lot 5 on Plan SP250473 in accordance with the Map provided at Attachment A;*
- *Request the Department of Natural Resources, Mines and Energy to re-purpose the excised portion to include a 'Recreation' community purpose;*
- *Authorise the Chief Executive Officer to execute and vary the terms and conditions of the application as required.*

BUDGET & RESOURCE IMPLICATIONS

Currently, there is no budget item allocated for this project, however, the response to date, and the continued response required by Council to this unresolved matter, is significant.

Council has put forward considerable physical and financial resourcing from the Governance and Communications Department and the Land Protection Unit to navigate recreational camping on the reserve. A Native Title lawyer has been engaged to provide expertise on the application of the relevant law to the native title holders rights and interests. It is intended that this recommendation will meet the satisfaction of all parties and hold significant financial savings for Council by resolving the situation.

At the Councillor Workshop Briefing held 29 July 2020 Council indicated that the preferred option was to not lobby the State for funding and that it was not agreeable to establishing a serviced local government camp ground, but rather is supportive of a self-sufficient camp ground consisting of limited, if any, amenities or facilities.

At this preliminary stage, the immediate identified costs for this option relate to survey works, fencing and application fees.

A quotation has been received for survey works in the sum of \$2,530 (including GST). Council's Land Protection Officer has advised that approximately 1 kilometre of fencing and installation of a grid with earthworks is required. The average price for fencing at present is \$16.50 per metre and the purchase cost of a grid is approximately \$7,150 with earthworks at this location equalling approximately \$4,400. The total cost estimate for fencing and the grid is \$28,050 (including GST). Application fees are expected to be no more than \$500. Total rough estimate equalling \$31,080 (including GST).

Ongoing costs are difficult to quantify in this early preliminary stage. They have however, been identified as staff costs associated with compliance monitoring for waste management, complaints

and maintenance responsibilities. Given that Council has indicated its preference for a self-sufficient camp ground though, these costs are not considered to be any more than currently exists.

BACKGROUND

Reedybrook Reserve is a Stock Route Reserve located approximately 250 kilometres north of Charters Towers (around 47 minutes from Greenvale) and comprises approximately 511 hectares. Reserves are owned by the State Government, with specific responsibility being that of the Department of Natural Resources, Mines and Energy (DNRME).

Council, as most local governments are in their respective Local Government Areas (LGAs), has been appointed as Trustee of reserves, including Reedybrook Reserve. The Reedybrook Stock Route Reserve is part of the Queensland stock route network (SRN) which is primarily used for moving stock, pasture for emergency agistment and sustainable long-term grazing.

The stock route network is also valued for comprising native flora and fauna, remnant vegetation and Indigenous and non-Indigenous cultural heritage. Stock route activities need to be managed carefully to protect and enhance the land's natural resources. Reedybrook Reserve for decades though has been used by the public as a recreational hotspot, and this has been further enabled by the previous longstanding adjoining landholder who has held permits to occupy over the property over this period of time, allowing and encouraging the activity. There are now new owners who were issued a permit to occupy by DNRME, after Council refused to issue a trustee lease. The new owners have requested Council's support (as Trustee) to enforcing the legislation and educate and inform the public that recreational camping is prohibited. This situation has caused considerable backlash for Council from all affected parties.

In response to community sentiment, Council has indicated their willingness to investigate options for meeting the needs of all affected parties and this recommendation is considered a fair and reasonable proposal. A map of the area proposed to be excised is at Attachment A. This area is approximately 130 hectares and encompasses infrastructure and fields constructed for the Reedybrook Ashes including two (2) cricket fields, a shed used as a bar/canteen area and toilets. There are multiple tracks traversing throughout this area that are popular with campers leading to river campsites. These equate to approximately 4.5 kilometres and are all encompassed within or adjoining the highlighted area.

The overall size of Reedybrook Reserve is currently 511 hectares, leaving 381 hectares for the existing lessees to graze. All stock routes and stock route reserves will remain open to public access.

LINK TO CORPORATE PLAN

The recommendation links to the priority focus area of "Community" in Council's Corporate Plan (2018-2023).

CONSULTATION (Internal/External)

External: Department of Natural Resources, Mines & Energy
Atkinson and Booy Surveyors
Media Release issued in late April 2020 advising of the restrictions
Media Release issued in July 2020 further advising of restrictions
Public Notice issued in July 2020
Change.org petition – 1846 signatures as at 27 July 2020
North Queensland Land Council representing the Gugu Badhun Traditional Owners
Keir Steele Waldon Lawyers representing the existing lessee
Preston Law
Internal: Councillors
Aaron Johansson, Chief Executive Officer
Ashley Blokland; Land Protection Officer
Camille Conaghan; Manager Governance and Communications
Melissa King; Governance Officer

LEGAL CONSIDERATIONS

Reedybrook Reserve was dedicated in 1885 as a 'camping and water reserve' for the purpose of travelling stock. The current legislation does not identify a purpose of a reserve as a camping and water reserve, the current day appropriate reference is now 'travelling stock requirements'. Any reserve that allows for camping would fall under the reserve purpose 'recreation', though would not be called a reserve for camping in any official reference to its purpose. Reedybrook had, until 2 September 2020, on its Certificate of Title 'Camping' as the purpose of the reserve, this is a legacy issue. We are informed by DNRME that other than camping and water reserve there has not been a reserve purpose for camping i.e. recreational camping. Herein lies much of the confusion as current day, and seemingly the past few decades at least, most members of the public understandably associate camping with recreational camping not travelling of stock. Further exacerbation of this matter, on Queensland Globe the reserve is identified as 'camping', again the legal basis and government's understanding of this drastically differs to that of the general public. As such the reserve has been used for decades by local residents (Charters Towers, Townsville and other neighboring LGAs), domestic and international travellers to the region, including the determined native title holders.

Council requested DNRME on 30 June 2020 to change the Certificate of Title and Queensland Globe references to reflect the current terminology under the Land Act. i.e. 'travelling stock' and was informed on 2 September 2020 that this process has now been actioned. Whilst this will assist in clearing up the confusion that the term 'camping' has formed, it still does not resolve the issue to the satisfaction of all the affected parties.

Currently *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* do not prohibit camping on the Reedybrook Reserve, nor do they provide for camping on the Reedybrook Reserve, it is silent in this regard. Council has no clear enforcement power to prohibit camping on Reedybrook Reserve, nor necessarily to allow for it.

The legal framework pertaining to stock route reserves and their use and management is both convoluted and lacking. The State places all responsibility on local governments, though holds firm in their position that camping and other activities are prohibited on stock route reserves, including Reedybrook. State legislation is not clear, and as such Councils are relying on their local laws to regulate, including enforce, the use of reserves. The *Land Act 1994* (Land Act) is clear in that reserves are for dedicated purposes, as is the *Stock Route Management Act 2002* (Stock Route Act) clear in that stock routes are to be used for their primary purpose and a possible secondary use can be approved if it is not inconsistent with the primary purpose of the reserve. These are not however offence provisions that Council can use to prohibit the activity of camping, and subsequently enforce. Though it is DNRME's position that this responsibility lies with Council as Trustee and that we must ensure the use of the reserve is in accordance with the Land Act, Stock Route Act and Council's Local Laws.

The Land Act – is the primary statute that regulates reserves and their use and management, including appointment of trustees and their functions.

Section 46 of the Land Act stipulates that the Trustee's administrative functions are—

- (1) A trustee's functions are to—
 - (a) manage the trust land consistent with achieving the purpose of the trust; and
 - (b) fulfil the trust within their conditions of appointment (if any); and
 - (c) control noxious plants on the trust land; and
 - (d) keep records required by the Minister or required under this and other Acts.
- (2) A trustee has the responsibility for a duty of care for the trust land.
- (3) Unless the Minister otherwise decides, a trustee's functions include protecting and maintaining, so far as is reasonable, all improvements on the trust land.
- (4) The Minister may direct a trustee to erect signs on trust land indicating the land has been granted in trust or dedicated as a reserve.
- (5) The trustee must comply with the Minister's direction.

The Stock Route Act is the other primary piece of legislation that regulates the use and management of stock route reserves in addition to the Land Act.

Section 183 of the Stock Route Act stipulates that the functions of a local government under this Act are—

- a) to manage the part of the stock route network in its area in accordance with this Act and the principles of stock route network management; and
- b) to control the movement of travelling stock on the part of the stock route network in its area.

A Stock Route Management Strategy (the Strategy) 2014-2019 issued by DNRME, albeit expired, contains the principles of managing stock routes. This strategy is a statutory requirement for DNRME to produce under the Stock Route Act. Although a new strategy is under development and will replace the old one later this year.

For explanation purposes, a relevant excerpt from the Strategy –

'A 'reserve for travelling stock' is a reserve under the Land Act 1994 that may be used for travelling stock purposes (including camping and water reserves, stock trucking reserves). These reserves are included in the 22 000 plus parcels of land throughout Queensland that have been set aside for a particular public or community purpose.'

Every reserve has a primary purpose for which that land can be used. Reserves for travelling stock may have a primary purpose (e.g. camping and watering stock) but they may also be used in other ways that are a compatible secondary use. Reserves for travelling stock contribute great value to the SRN and are managed as part of the network.'

POLICY IMPLICATIONS

It is considered that policy implications have been addressed in 'legal considerations' section of this report.

There is not considered to be any other policy implications that warrant the recommendations being declined.

RISK IMPLICATIONS

Council's reputation has been adversely impacted by the situation with the Reedybrook Reserve. There has been primarily negative public reaction to Council's approach to managing the use of this reserve. This has been predominantly through social media, and further through the ongoing legal discussions with the native title holders and the existing lessees. Council has been seen by members of the public and the native title holders to be infringing on their rights, whereas the permitholders accuse Council of not supporting the exercise of their rights, nor as Trustee fulfilling our obligations in regulating use. Further, members of the public have continued to use Reedybrook for unlawful activities disregarding Council's position on its use.

Legal risks have been addressed in the above 'legal considerations' section of this report.

It is considered that these recommendations will assist in reducing Council's political, public relations, financial and workplace health and safety risk implications.

Report Prepared by: MELISSA KING Governance Officer Date: 4 September 2020	Report Authorised by: CAMILLE CONAGHAN Manager Governance and Communications
---	--

ATTACHMENTS

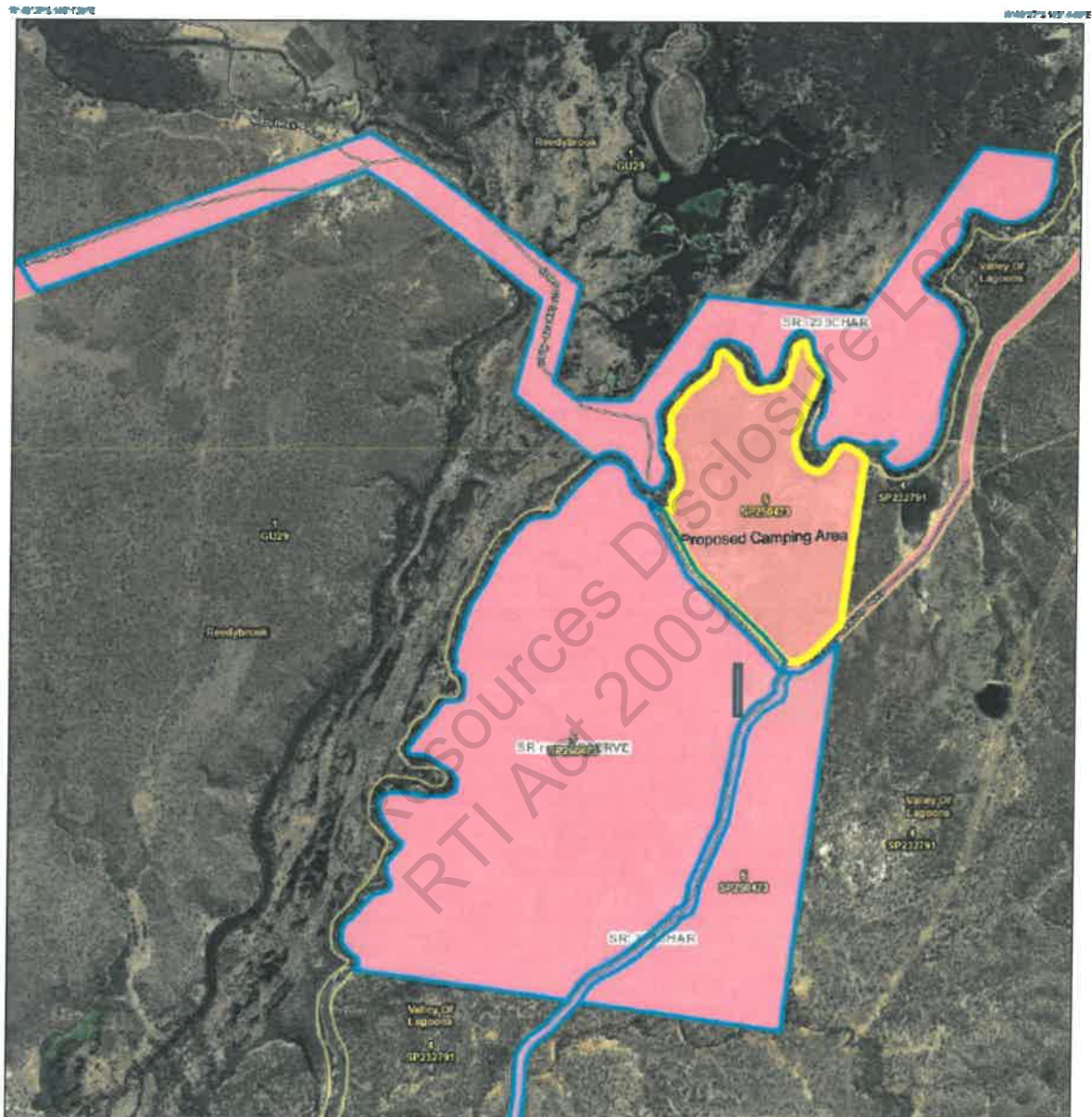
- Attachment A – Proposed Map

REFERENCE DOCUMENT

- Atkinson and Booy Surveyors quotation – Doc No. 1380246
- Fencing quotation – Doc No. 1377254
- Officer's Report Document No. 1381611

Attachment A

Reedybrook Reserve Proposed Recreational Camping Area



Date : 30/10/2020 2:29:16 PM

From : "CLARKE Benjamin (Townsville)"

To : "Stock Route Management"

Cc : "ROLLAND Rianha"

Subject : FW: Reedybrook Reserve - Lot 5 on Plan SP250473

Attachment : 1385703 - DNRME Land Services.pdf;image001.jpg;image002.png;image003.jpg;

Hi team

Just wanted to confirm you received the following request from Charters Towers Regional Council.

This is in relation to the Reserve dedicated for Travelling Stock Purposes (former Camping) known locally as Reedybrook – described as Lot 5 on SP250473. There was significant discussion regarding this reserve earlier in the year when inappropriate uses on the reserve were reported by the current permittee.

Council has been working with the permittee to limit these uses but there has been significant public backlash from people who like to camp here.

The proposal is to split the reserve in two with the large area south of the Valley of Lagoons Road excised and purpose being amended to recreational purposes primarily camping.

Please provide stock route views on the matter. I am happy if these come to me to coordinate the department's response.

Get in touch to discuss or if you have any questions.

regards



Benjamin Clarke

A/ Senior Land Officer

State Land Asset Management | Land Services

Department of Natural Resources, Mines and Energy

P: (07) 4447 9206 M: [sch4p4(6) Pers]

E: Benjamin.Clarke@dnrme.qld.gov.au

A: Level 9 Verde Tower, 445 Flinders Street, Townsville QLD 4810 | PO Box 5318, Townsville QLD 4810

W: www.dnrme.qld.gov.au



From: Melissa King [sch4p4]@charterstowers.qld.gov.au>

Sent: Wednesday, 28 October 2020 10:08 AM

To: Townsville SLAMS

Subject: Reedybrook Reserve - Lot 5 on Plan SP250473

Good Morning,

Please find attached correspondence from Council.

CHARTERS TOWERS REGIONAL COUNCIL

A ADMINISTRATION CENTRE | 12 Mosman Street | PO Box 189 Charters Towers Qld 4820 Australia

P 07 4761 5300 | F 07 4761 5344

E mail@charterstowers.qld.gov.au | W www.charterstowers.qld.gov.au

CHARTERS TOWERS REGIONAL COUNCIL

You have received this email from an employee of the Charters Towers Regional Council

This e-mail message is privileged and confidential, and intended only for the recipient(s) to which it is addressed. Any views or opinions expressed within this e-mail are solely those of the author. The **Charters Towers Regional Council** makes no assurances either expressly or implied that the information provided within this e-mail is fit for any official purpose. If you are not the intended recipient, or the person responsible for delivering this e-mail to the intended recipient, please notify the sender of this message or send an e-mail to mail@charterstowers.qld.gov.au immediately, and delete all copies of this message.

This e-mail has been scanned and cleared by MailMarshal mail scanning software

27 October 2020

Our Ref: 20/09 R3421: 1385703
File Ref: 24/PLA/02
Enquiries: Melissa King

State Land Asset Management – Land Services
Department of Natural Resources & Mines
PO Box 5318
TOWNSVILLE QLD 4810

Sent via email: Townsville.slams@dnrme.qld.gov.au

Dear Sir/Madam

Re: Reedybrook Reserve – Lot 5 on Plan SP250473

Please be advised that Council, at its Meeting held 16 September 2020 resolved as follows:

- to lodge an application with the Department of Natural Resources, Mines and Energy (DNRME) to excise part of the Reedybrook Reserve located at Lot 5 on Plan SP250473 in accordance with the proposed Survey Plan attached at Annexure A;
- request DNRME to re-purpose the excised portion to include a 'Recreation' community purpose; and,
- authorise the Chief Executive Officer to execute and vary the terms and conditions of the application as required.

You have been identified as stakeholders in this proposal and as such, Council requests your written views regarding same.

Also attached (Annexure B) is a copy of the Meeting Report submitted to Council. This document provides background and context on Council's position.

Submissions are to be received by 5pm on **Friday 18 December 2020**. Submissions can be lodged as follows:

Post: The Chief Executive Officer
Charters Towers Regional Council
PO Box 189
Charters Towers Qld 4820
Email: mail@charterstowers.qld.gov.au
Fax: 07 4761 5344

Yours faithfully

sch4p4(6) Personal information

Aaron Johansson
Chief Executive Officer

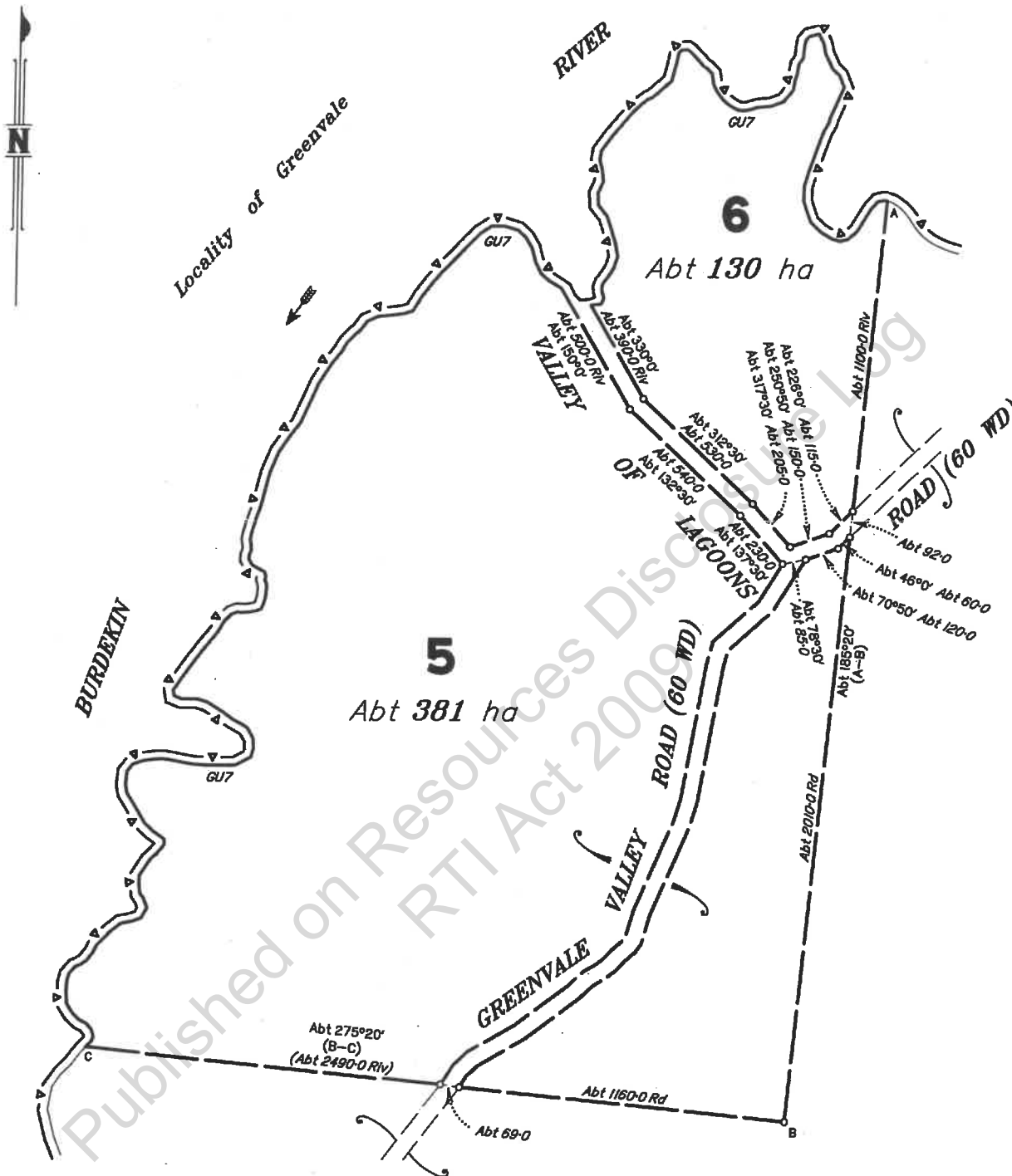
Enc: Annexure A – Proposed Survey Plan
Annexure B – Council Meeting Report – Doc # 1381611

PO Box 189 Charters Towers Qld 4820

ADMINISTRATION: 12 Mosman Street Charters Towers Qld 4820 Australia

PH. (07) 4761 5300 | **F.** (07) 4761 5344 | **E.** mail@charterstowers.qld.gov.au | **ABN.** 67 731 313 583

www.charterstowers.qld.gov.au



4
SP232791

Date _____

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

Sheet
2 of
2

(Dealing No.)

4. Lodged by

(Include address, phone number, email, reference, and Lodger Code)

I. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
49006360	Lot 5 on SP250473	5 & 6		

EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS

Administrative Advice	Lots to be Encumbered
718205082	5 & 6

6. 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

.....
Cadastral Surveyor/Director * Date
* delete words not required

7. Lodgement Fees:

Survey Deposit \$
Lodgement \$
.....New Titles \$
Photocopy \$
Postage \$
TOTAL \$

8. Insert
Plan
Number

SP322075

5. Passed & Endorsed:

By: Dale Ian ATKINSON
Date:
Signed:
Designation: Cadastral Surveyor

2. Orig Grant Allocation:

3. References:

Dept File:
Local Govt:
Surveyor: 20-189

MEETING REPORT

CORPORATE AND COMMUNITY SERVICES

MEETING DETAILS: Ordinary Meeting, Wednesday 16 September 2020
LOCATION: World Theatre, Charters Towers
CLASSIFICATION: Open
AUTHOR: Melissa King, Governance Officer

11.10 Proposal to excise part of Reserve and re-purpose from 'Travelling Stock' to 'Recreation' – Reedybrook Lot 5 on Plan SP250473

EXECUTIVE SUMMARY

This report seeks Council's approval to request the State to dedicate (excise) part of the Reserve known as Reedybrook Reserve and located at Lot 5 on Plan SP250473 and to re-purpose this part to be dedicated as a Recreation community purpose (which includes camping).

OFFICER'S RECOMMENDATION

That Council:

- *Lodge an application with the Department of Natural Resources, Mines and Energy to excise part of the Reedybrook Reserve, located at Lot 5 on Plan SP250473 in accordance with the Map provided at Attachment A;*
- *Request the Department of Natural Resources, Mines and Energy to re-purpose the excised portion to include a 'Recreation' community purpose;*
- *Authorise the Chief Executive Officer to execute and vary the terms and conditions of the application as required.*

BUDGET & RESOURCE IMPLICATIONS

Currently, there is no budget item allocated for this project, however, the response to date, and the continued response required by Council to this unresolved matter, is significant.

Council has put forward considerable physical and financial resourcing from the Governance and Communications Department and the Land Protection Unit to navigate recreational camping on the reserve. A Native Title lawyer has been engaged to provide expertise on the application of the relevant law to the native title holders rights and interests. It is intended that this recommendation will meet the satisfaction of all parties and hold significant financial savings for Council by resolving the situation.

At the Councillor Workshop Briefing held 29 July 2020 Council indicated that the preferred option was to not lobby the State for funding and that it was not agreeable to establishing a serviced local government camp ground, but rather is supportive of a self-sufficient camp ground consisting of limited, if any, amenities or facilities.

At this preliminary stage, the immediate identified costs for this option relate to survey works, fencing and application fees.

A quotation has been received for survey works in the sum of \$2,530 (including GST). Council's Land Protection Officer has advised that approximately 1 kilometre of fencing and installation of a grid with earthworks is required. The average price for fencing at present is \$16.50 per metre and the purchase cost of a grid is approximately \$7,150 with earthworks at this location equalling approximately \$4,400. The total cost estimate for fencing and the grid is \$28,050 (including GST). Application fees are expected to be no more than \$500. Total rough estimate equalling \$31,080 (including GST).

Ongoing costs are difficult to quantify in this early preliminary stage. They have however, been identified as staff costs associated with compliance monitoring for waste management, complaints

and maintenance responsibilities. Given that Council has indicated its preference for a self-sufficient camp ground though, these costs are not considered to be any more than currently exists.

BACKGROUND

Reedybrook Reserve is a Stock Route Reserve located approximately 250 kilometres north of Charters Towers (around 47 minutes from Greenvale) and comprises approximately 511 hectares. Reserves are owned by the State Government, with specific responsibility being that of the Department of Natural Resources, Mines and Energy (DNRME).

Council, as most local governments are in their respective Local Government Areas (LGAs), has been appointed as Trustee of reserves, including Reedybrook Reserve. The Reedybrook Stock Route Reserve is part of the Queensland stock route network (SRN) which is primarily used for moving stock, pasture for emergency agistment and sustainable long-term grazing.

The stock route network is also valued for comprising native flora and fauna, remnant vegetation and Indigenous and non-Indigenous cultural heritage. Stock route activities need to be managed carefully to protect and enhance the land's natural resources. Reedybrook Reserve for decades though has been used by the public as a recreational hotspot, and this has been further enabled by the previous longstanding adjoining landholder who has held permits to occupy over the property over this period of time, allowing and encouraging the activity. There are now new owners who were issued a permit to occupy by DNRME, after Council refused to issue a trustee lease. The new owners have requested Council's support (as Trustee) to enforcing the legislation and educate and inform the public that recreational camping is prohibited. This situation has caused considerable backlash for Council from all affected parties.

In response to community sentiment, Council has indicated their willingness to investigate options for meeting the needs of all affected parties and this recommendation is considered a fair and reasonable proposal. A map of the area proposed to be excised is at Attachment A. This area is approximately 130 hectares and encompasses infrastructure and fields constructed for the Reedybrook Ashes including two (2) cricket fields, a shed used as a bar/canteen area and toilets. There are multiple tracks traversing throughout this area that are popular with campers leading to river campsites. These equate to approximately 4.5 kilometres and are all encompassed within or adjoining the highlighted area.

The overall size of Reedybrook Reserve is currently 511 hectares, leaving 381 hectares for the existing lessees to graze. All stock routes and stock route reserves will remain open to public access.

LINK TO CORPORATE PLAN

The recommendation links to the priority focus area of "Community" in Council's Corporate Plan (2018-2023).

CONSULTATION (Internal/External)

External: Department of Natural Resources, Mines & Energy
Atkinson and Booy Surveyors
Media Release issued in late April 2020 advising of the restrictions
Media Release issued in July 2020 further advising of restrictions
Public Notice issued in July 2020
Change.org petition – 1846 signatures as at 27 July 2020
North Queensland Land Council representing the Gugu Badhun Traditional Owners
Keir Steele Waldon Lawyers representing the existing lessee
Preston Law
Internal: Councillors
Aaron Johansson, Chief Executive Officer
Ashley Blokland; Land Protection Officer
Camille Conaghan; Manager Governance and Communications
Melissa King; Governance Officer

LEGAL CONSIDERATIONS

Reedybrook Reserve was dedicated in 1885 as a 'camping and water reserve' for the purpose of travelling stock. The current legislation does not identify a purpose of a reserve as a camping and water reserve, the current day appropriate reference is now 'travelling stock requirements'. Any reserve that allows for camping would fall under the reserve purpose 'recreation', though would not be called a reserve for camping in any official reference to its purpose. Reedybrook had, until 2 September 2020, on its Certificate of Title 'Camping' as the purpose of the reserve, this is a legacy issue. We are informed by DNRME that other than camping and water reserve there has not been a reserve purpose for camping i.e. recreational camping. Herein lies much of the confusion as current day, and seemingly the past few decades at least, most members of the public understandably associate camping with recreational camping not travelling of stock. Further exacerbation of this matter, on Queensland Globe the reserve is identified as 'camping', again the legal basis and government's understanding of this drastically differs to that of the general public. As such the reserve has been used for decades by local residents (Charters Towers, Townsville and other neighboring LGAs), domestic and international travellers to the region, including the determined native title holders.

Council requested DNRME on 30 June 2020 to change the Certificate of Title and Queensland Globe references to reflect the current terminology under the Land Act. i.e. 'travelling stock' and was informed on 2 September 2020 that this process has now been actioned. Whilst this will assist in clearing up the confusion that the term 'camping' has formed, it still does not resolve the issue to the satisfaction of all the affected parties.

Currently *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* do not prohibit camping on the Reedybrook Reserve, nor do they provide for camping on the Reedybrook Reserve, it is silent in this regard. Council has no clear enforcement power to prohibit camping on Reedybrook Reserve, nor necessarily to allow for it.

The legal framework pertaining to stock route reserves and their use and management is both convoluted and lacking. The State places all responsibility on local governments, though holds firm in their position that camping and other activities are prohibited on stock route reserves, including Reedybrook. State legislation is not clear, and as such Councils are relying on their local laws to regulate, including enforce, the use of reserves. The *Land Act 1994* (Land Act) is clear in that reserves are for dedicated purposes, as is the *Stock Route Management Act 2002* (Stock Route Act) clear in that stock routes are to be used for their primary purpose and a possible secondary use can be approved if it is not inconsistent with the primary purpose of the reserve. These are not however offence provisions that Council can use to prohibit the activity of camping, and subsequently enforce. Though it is DNRME's position that this responsibility lies with Council as Trustee and that we must ensure the use of the reserve is in accordance with the Land Act, Stock Route Act and Council's Local Laws.

The Land Act – is the primary statute that regulates reserves and their use and management, including appointment of trustees and their functions.

Section 46 of the Land Act stipulates that the Trustee's administrative functions are—

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 - (c) control noxious plants on the trust land; and
 - (d) keep records required by the Minister or required under this and other Acts.
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- a) to manage the part of the stock route network in its area in accordance with this Act and the principles of stock route network management; and
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A Stock Route Management Strategy (the Strategy) 2014-2019 issued by DNRME, albeit expired, contains the principles of managing stock routes. This strategy is a statutory requirement for DNRME to produce under the Stock Route Act. Although a new strategy is under development and will replace the old one later this year.

For explanation purposes, a relevant excerpt from the Strategy –

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POLICY IMPLICATIONS

It is considered that policy implications have been addressed in 'legal considerations' section of this report.

There is not considered to be any other policy implications that warrant the recommendations being declined.

RISK IMPLICATIONS

Council's reputation has been adversely impacted by the situation with the Reedybrook Reserve. There has been primarily negative public reaction to Council's approach to managing the use of this reserve. This has been predominantly through social media, and further through the ongoing legal discussions with the native title holders and the existing lessees. Council has been seen by members of the public and the native title holders to be infringing on their rights, whereas the permitholders accuse Council of not supporting the exercise of their rights, nor as Trustee fulfilling our obligations in regulating use. Further, members of the public have continued to use Reedybrook for unlawful activities disregarding Council's position on its use.

Legal risks have been addressed in the above 'legal considerations' section of this report.

It is considered that these recommendations will assist in reducing Council's political, public relations, financial and workplace health and safety risk implications.

Report Prepared by: MELISSA KING Governance Officer Date: 4 September 2020	Report Authorised by: CAMILLE CONAGHAN Manager Governance and Communications
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ATTACHMENTS

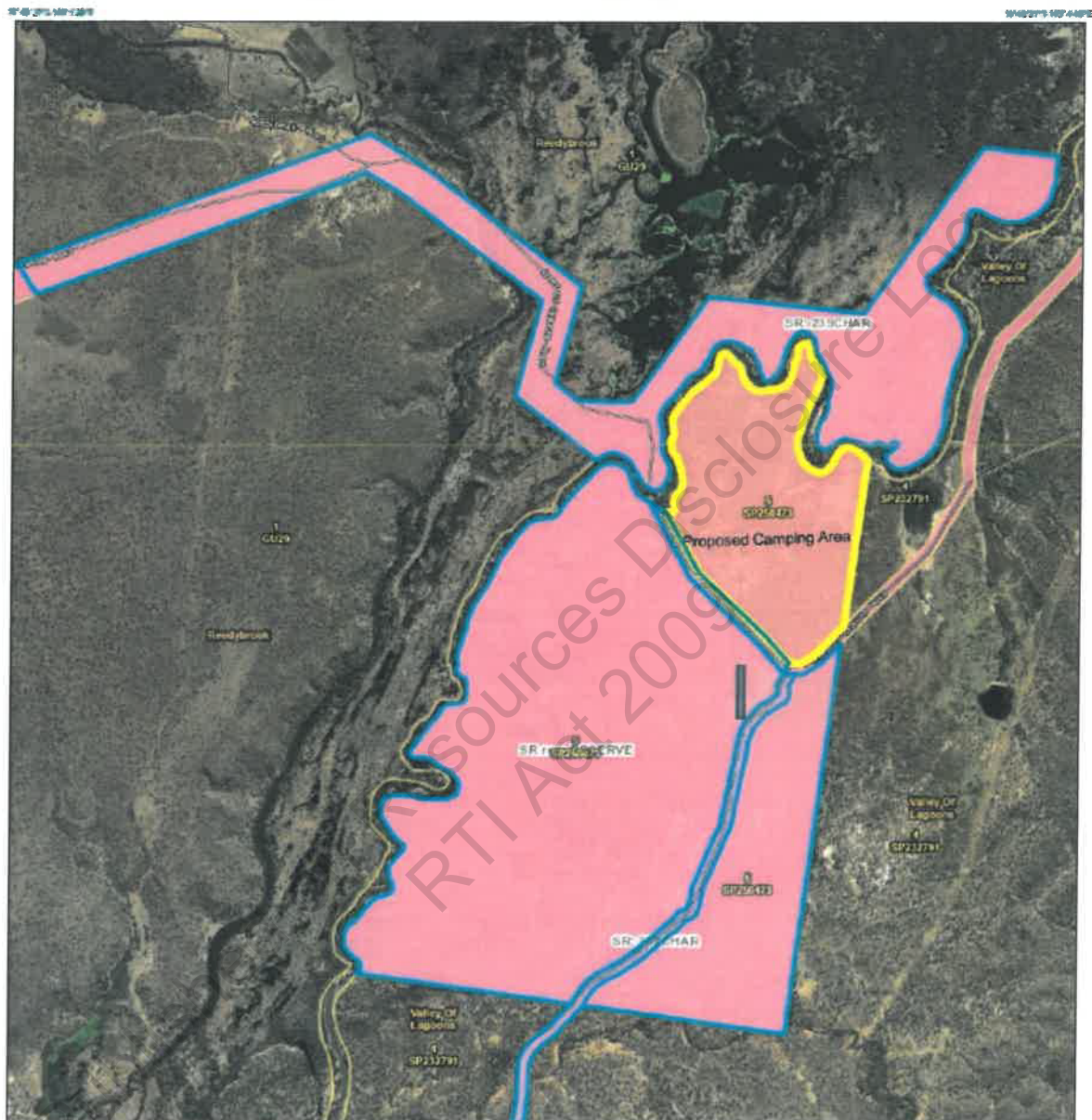
- Attachment A – Proposed Map

REFERENCE DOCUMENT

- Atkinson and Booy Surveyors quotation – Doc No. 1380246
- Fencing quotation – Doc No. 1377254
- Officer's Report Document No. 1381611

Attachment A

Reedybrook Reserve Proposed Recreational Camping Area



eLVAS Client Interaction Report

For Interaction id: 1831689

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) General
Interaction method: Email
Interaction date: 28-Oct-2020 10:22 AM
Entered by: Dewis, Joelene
Reference:

Contact with: Charters Towers Regional Council, Charters Towers

Documents

Document Type	Title	Received/Sent
Incoming email	Email - Request for views on excise and amend	27-Oct-2020
Internal Document/Report	Email - SLAM to SRM check if request recieved	30-Oct-2020
Internal Document/Report	Email - SRM to SLAM confirmed request received	30-Oct-2020
Outgoing email	Outgoing Letter - submission to request 4 views	18-Dec-2020

Interaction Record History

Service Centre: Townsville
Associated to File: TF49006360
Revision No.: 0
Updated by: Dewis, Joelene
Date: 28-Oct-2020
Details: Reedybrook Reserve proposed application to excise part of reserve.

Assignment History

Date assigned: 28-Oct-2020
Assigned to: Clarke, Ben
Date required: 4-Nov-2020
Action required: Hi Ben, CI for you. Advised that you have had dealing with Reddybrook Reserve. For your action. Thanks
Date actioned: 18-Dec-2020
Action taken: Response sent

Published on Resources Disclosure Log
RTI Act 2009

Date : 28/10/2020 10:08:10 AM

From : "Melissa King"

To : "Townsville SLAMS"

Subject : Reedybrook Reserve - Lot 5 on Plan SP250473

Attachment : 1385703 - DNRME Land Services.pdf;image001.jpg;

Good Morning,

Please find attached correspondence from Council.

CHARTERS TOWERS REGIONAL COUNCIL

A ADMINISTRATION CENTRE | 12 Mosman Street | PO Box 189 Charters Towers Qld 4820 Australia

P 07 4761 5300 | **F** 07 4761 5344

E mail@charters Towers.qld.gov.au | **W** www.charters Towers.qld.gov.au

CHARTERS TOWERS REGIONAL COUNCIL

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27 October 2020

Our Ref: 20/09 R3421: 1385703
File Ref: 24/PLA/02
Enquiries: Melissa King

State Land Asset Management – Land Services
Department of Natural Resources & Mines
PO Box 5318
TOWNSVILLE QLD 4810

Sent via email: Townsville.slams@dnrme.qld.gov.au

Dear Sir/Madam

Re: Reedybrook Reserve – Lot 5 on Plan SP250473

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You have been identified as stakeholders in this proposal and as such, Council requests your written views regarding same.

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Post: The Chief Executive Officer
Charters Towers Regional Council
PO Box 189
Charters Towers Qld 4820
Email: mail@charterstowers.qld.gov.au
Fax: 07 4761 5344

Yours faithfully

sch4p4(6) Personal information

Aaron Johansson
Chief Executive Officer

Enc: Annexure A – Proposed Survey Plan
Annexure B – Council Meeting Report – Doc # 1381611

PO Box 189 Charters Towers Qld 4820

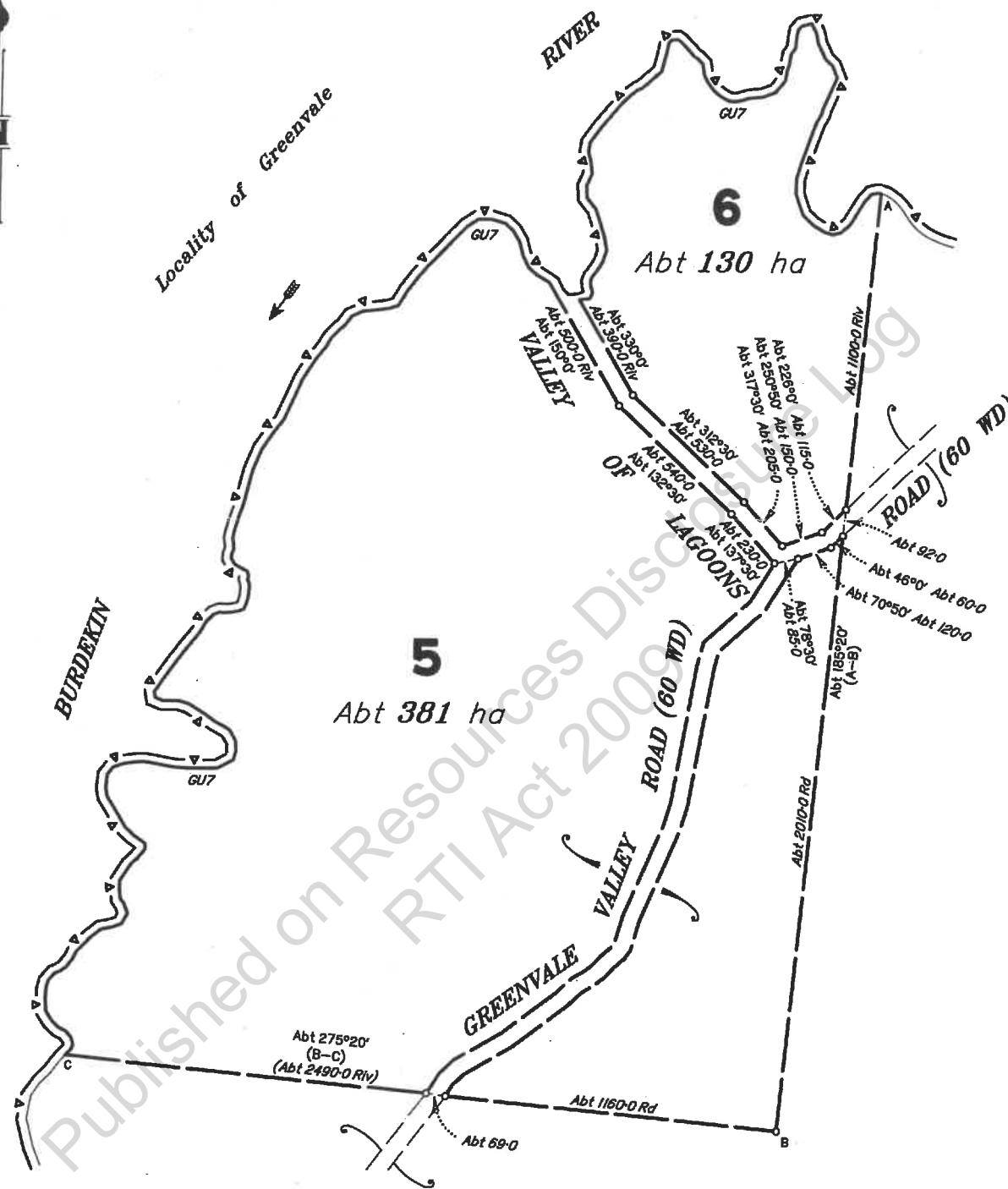
ADMINISTRATION: 12 Mosman Street Charters Towers Qld 4820 Australia

PH. (07) 4761 5300 | **F.** (07) 4761 5344 | **E.** mail@charterstowers.qld.gov.au | **ABN.** 67 731 313 583

www.charterstowers.qld.gov.au

SURVEY PLAN

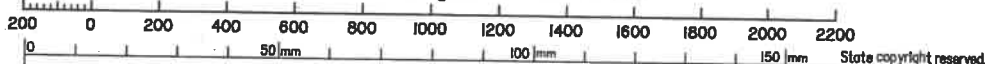
Sheet 1 of 2



4
SP232791

Reserved plan of survey under Section 65 (4)(a)(i)
of SMI Act 2003.

Scale 1:15000 - Lengths are in Metres.



I, Dale Ian ATKINSON hereby certify that I have made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from SP250473 & QLD 2018 80cm Earth Imagery 5/11/2018 in the Department of Natural Resources, Mines and Energy.

Cadastral Surveyor

Date

Plan of Lots 5 & 6

Cancelling Lot 5 on SP250473

LOCAL Charters Towers
GOVERNMENT: Regional

Meridian: SP250473

VALLEY OF
LOCALITY: LAGOONS

Survey
Records: No

Scale: 1:15000

Format: STANDARD

SP322075

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

Sheet
2
of
2

(Dealing No.)

4. Lodged by

(Include address, phone number, email, reference, and Lodger Code)

I. Existing

Created

Title
Reference

Description

New Lots

Road

Secondary Interests

49006360

Lot 5 on SP250473

5 & 6

EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS

Administrative Advice

Lots to be Encumbered

718205082

5 & 6

Published on Resources Disclosure Log
RTI Act 2009

6. 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

.....
Cadastral Surveyor/Director * Date
* delete words not required

7. Lodgement Fees:

Survey Deposit \$

Lodgement \$

.....New Titles \$

Photocopy \$

Postage \$

TOTAL \$

8. Insert
Plan
Number

SP322075

Lots

Orig

2. Orig Grant Allocation :

3. References :

Dept File :

Local Govt :

Surveyor :

20-189

5. Passed & Endorsed :

By: Dale Ian ATKINSON

Date :

Signed :

Designation : Cadastral Surveyor

MEETING REPORT

CORPORATE AND COMMUNITY SERVICES

MEETING DETAILS: Ordinary Meeting, Wednesday 16 September 2020
LOCATION: World Theatre, Charters Towers
CLASSIFICATION: Open
AUTHOR: Melissa King, Governance Officer

11.10 Proposal to excise part of Reserve and re-purpose from 'Travelling Stock' to 'Recreation' – Reedybrook Lot 5 on Plan SP250473

EXECUTIVE SUMMARY

This report seeks Council's approval to request the State to dedicate (excise) part of the Reserve known as Reedybrook Reserve and located at Lot 5 on Plan SP250473 and to re-purpose this part to be dedicated as a Recreation community purpose (which includes camping).

OFFICER'S RECOMMENDATION

That Council:

- *Lodge an application with the Department of Natural Resources, Mines and Energy to excise part of the Reedybrook Reserve, located at Lot 5 on Plan SP250473 in accordance with the Map provided at Attachment A;*
- *Request the Department of Natural Resources, Mines and Energy to re-purpose the excised portion to include a 'Recreation' community purpose;*
- *Authorise the Chief Executive Officer to execute and vary the terms and conditions of the application as required.*

BUDGET & RESOURCE IMPLICATIONS

Currently, there is no budget item allocated for this project, however, the response to date, and the continued response required by Council to this unresolved matter, is significant.

Council has put forward considerable physical and financial resourcing from the Governance and Communications Department and the Land Protection Unit to navigate recreational camping on the reserve. A Native Title lawyer has been engaged to provide expertise on the application of the relevant law to the native title holders rights and interests. It is intended that this recommendation will meet the satisfaction of all parties and hold significant financial savings for Council by resolving the situation.

At the Councillor Workshop Briefing held 29 July 2020 Council indicated that the preferred option was to not lobby the State for funding and that it was not agreeable to establishing a serviced local government camp ground, but rather is supportive of a self-sufficient camp ground consisting of limited, if any, amenities or facilities.

At this preliminary stage, the immediate identified costs for this option relate to survey works, fencing and application fees.

A quotation has been received for survey works in the sum of \$2,530 (including GST). Council's Land Protection Officer has advised that approximately 1 kilometre of fencing and installation of a grid with earthworks is required. The average price for fencing at present is \$16.50 per metre and the purchase cost of a grid is approximately \$7,150 with earthworks at this location equalling approximately \$4,400. The total cost estimate for fencing and the grid is \$28,050 (including GST). Application fees are expected to be no more than \$500. Total rough estimate equalling \$31,080 (including GST).

Ongoing costs are difficult to quantify in this early preliminary stage. They have however, been identified as staff costs associated with compliance monitoring for waste management, complaints

and maintenance responsibilities. Given that Council has indicated its preference for a self-sufficient camp ground though, these costs are not considered to be any more than currently exists.

BACKGROUND

Reedybrook Reserve is a Stock Route Reserve located approximately 250 kilometres north of Charters Towers (around 47 minutes from Greenvale) and comprises approximately 511 hectares. Reserves are owned by the State Government, with specific responsibility being that of the Department of Natural Resources, Mines and Energy (DNRME).

Council, as most local governments are in their respective Local Government Areas (LGAs), has been appointed as Trustee of reserves, including Reedybrook Reserve. The Reedybrook Stock Route Reserve is part of the Queensland stock route network (SRN) which is primarily used for moving stock, pasture for emergency agistment and sustainable long-term grazing.

The stock route network is also valued for comprising native flora and fauna, remnant vegetation and Indigenous and non-Indigenous cultural heritage. Stock route activities need to be managed carefully to protect and enhance the land's natural resources. Reedybrook Reserve for decades though has been used by the public as a recreational hotspot, and this has been further enabled by the previous longstanding adjoining landholder who has held permits to occupy over the property over this period of time, allowing and encouraging the activity. There are now new owners who were issued a permit to occupy by DNRME, after Council refused to issue a trustee lease. The new owners have requested Council's support (as Trustee) to enforcing the legislation and educate and inform the public that recreational camping is prohibited. This situation has caused considerable backlash for Council from all affected parties.

In response to community sentiment, Council has indicated their willingness to investigate options for meeting the needs of all affected parties and this recommendation is considered a fair and reasonable proposal. A map of the area proposed to be excised is at Attachment A. This area is approximately 130 hectares and encompasses infrastructure and fields constructed for the Reedybrook Ashes including two (2) cricket fields, a shed used as a bar/canteen area and toilets. There are multiple tracks traversing throughout this area that are popular with campers leading to river campsites. These equate to approximately 4.5 kilometres and are all encompassed within or adjoining the highlighted area.

The overall size of Reedybrook Reserve is currently 511 hectares, leaving 381 hectares for the existing lessees to graze. All stock routes and stock route reserves will remain open to public access.

LINK TO CORPORATE PLAN

The recommendation links to the priority focus area of "Community" in Council's Corporate Plan (2018-2023).

CONSULTATION (Internal/External)

External: Department of Natural Resources, Mines & Energy
Atkinson and Booy Surveyors
Media Release issued in late April 2020 advising of the restrictions
Media Release issued in July 2020 further advising of restrictions
Public Notice issued in July 2020
Change.org petition – 1846 signatures as at 27 July 2020
North Queensland Land Council representing the Gugu Badhun Traditional Owners
Keir Steele Waldon Lawyers representing the existing lessee
Preston Law

Internal: Councillors
Aaron Johansson, Chief Executive Officer
Ashley Blokland; Land Protection Officer
Camille Conaghan; Manager Governance and Communications
Melissa King; Governance Officer

LEGAL CONSIDERATIONS

Reedybrook Reserve was dedicated in 1885 as a 'camping and water reserve' for the purpose of travelling stock. The current legislation does not identify a purpose of a reserve as a camping and water reserve, the current day appropriate reference is now 'travelling stock requirements'. Any reserve that allows for camping would fall under the reserve purpose 'recreation', though would not be called a reserve for camping in any official reference to its purpose. Reedybrook had, until 2 September 2020, on its Certificate of Title 'Camping' as the purpose of the reserve, this is a legacy issue. We are informed by DNRME that other than camping and water reserve there has not been a reserve purpose for camping i.e. recreational camping. Herein lies much of the confusion as current day, and seemingly the past few decades at least, most members of the public understandably associate camping with recreational camping not travelling of stock. Further exacerbation of this matter, on Queensland Globe the reserve is identified as 'camping', again the legal basis and government's understanding of this drastically differs to that of the general public. As such the reserve has been used for decades by local residents (Charters Towers, Townsville and other neighboring LGAs), domestic and international travellers to the region, including the determined native title holders.

Council requested DNRME on 30 June 2020 to change the Certificate of Title and Queensland Globe references to reflect the current terminology under the Land Act. i.e. 'travelling stock' and was informed on 2 September 2020 that this process has now been actioned. Whilst this will assist in clearing up the confusion that the term 'camping' has formed, it still does not resolve the issue to the satisfaction of all the affected parties.

Currently *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* do not prohibit camping on the Reedybrook Reserve, nor do they provide for camping on the Reedybrook Reserve, it is silent in this regard. Council has no clear enforcement power to prohibit camping on Reedybrook Reserve, nor necessarily to allow for it.

The legal framework pertaining to stock route reserves and their use and management is both convoluted and lacking. The State places all responsibility on local governments, though holds firm in their position that camping and other activities are prohibited on stock route reserves, including Reedybrook. State legislation is not clear, and as such Councils are relying on their local laws to regulate, including enforce, the use of reserves. The *Land Act 1994* (Land Act) is clear in that reserves are for dedicated purposes, as is the *Stock Route Management Act 2002* (Stock Route Act) clear in that stock routes are to be used for their primary purpose and a possible secondary use can be approved if it is not inconsistent with the primary purpose of the reserve. These are not however offence provisions that Council can use to prohibit the activity of camping, and subsequently enforce. Though it is DNRME's position that this responsibility lies with Council as Trustee and that we must ensure the use of the reserve is in accordance with the Land Act, Stock Route Act and Council's Local Laws.

The Land Act – is the primary statute that regulates reserves and their use and management, including appointment of trustees and their functions.

Section 46 of the Land Act stipulates that the Trustee's administrative functions are—

- (1) A trustee's functions are to—
 - (a) manage the trust land consistent with achieving the purpose of the trust; and
 - (b) fulfil the trust within their conditions of appointment (if any); and
 - (c) control noxious plants on the trust land; and
 - (d) keep records required by the Minister or required under this and other Acts.
- (2) A trustee has the responsibility for a duty of care for the trust land.
- (3) Unless the Minister otherwise decides, a trustee's functions include protecting and maintaining, so far as is reasonable, all improvements on the trust land.
- (4) The Minister may direct a trustee to erect signs on trust land indicating the land has been granted in trust or dedicated as a reserve.
- (5) The trustee must comply with the Minister's direction.

The Stock Route Act is the other primary piece of legislation that regulates the use and management of stock route reserves in addition to the Land Act.

Section 183 of the Stock Route Act stipulates that the functions of a local government under this Act are—

- a) to manage the part of the stock route network in its area in accordance with this Act and the principles of stock route network management; and
- b) to control the movement of travelling stock on the part of the stock route network in its area.

A Stock Route Management Strategy (the Strategy) 2014-2019 issued by DNRME, albeit expired, contains the principles of managing stock routes. This strategy is a statutory requirement for DNRME to produce under the Stock Route Act. Although a new strategy is under development and will replace the old one later this year.

For explanation purposes, a relevant excerpt from the Strategy –

'A 'reserve for travelling stock' is a reserve under the Land Act 1994 that may be used for travelling stock purposes (including camping and water reserves, stock trucking reserves). These reserves are included in the 22 000 plus parcels of land throughout Queensland that have been set aside for a particular public or community purpose.'

Every reserve has a primary purpose for which that land can be used. Reserves for travelling stock may have a primary purpose (e.g. camping and watering stock) but they may also be used in other ways that are a compatible secondary use. Reserves for travelling stock contribute great value to the SRN and are managed as part of the network.'

POLICY IMPLICATIONS

It is considered that policy implications have been addressed in 'legal considerations' section of this report.

There is not considered to be any other policy implications that warrant the recommendations being declined.

RISK IMPLICATIONS

Council's reputation has been adversely impacted by the situation with the Reedybrook Reserve. There has been primarily negative public reaction to Council's approach to managing the use of this reserve. This has been predominantly through social media, and further through the ongoing legal discussions with the native title holders and the existing lessees. Council has been seen by members of the public and the native title holders to be infringing on their rights, whereas the permitholders accuse Council of not supporting the exercise of their rights, nor as Trustee fulfilling our obligations in regulating use. Further, members of the public have continued to use Reedybrook for unlawful activities disregarding Council's position on its use.

Legal risks have been addressed in the above 'legal considerations' section of this report.

It is considered that these recommendations will assist in reducing Council's political, public relations, financial and workplace health and safety risk implications.

Report Prepared by: MELISSA KING Governance Officer Date: 4 September 2020	Report Authorised by: CAMILLE CONAGHAN Manager Governance and Communications
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ATTACHMENTS

- Attachment A – Proposed Map

REFERENCE DOCUMENT

- Atkinson and Booy Surveyors quotation – Doc No. 1380246
- Fencing quotation – Doc No. 1377254
- Officer's Report Document No. 1381611

Attachment A

Reedybrook Reserve Proposed Recreational Camping Area

