eLVAS Client Interaction Report
For Interaction id: 1872804

Contact Details

Business unit:	State Land Asset Management
Business context:	Verbal (Inwards) Case
Interaction method:	Telephone
Interaction date:	29-Apr-2021 2:25 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	sch4p4(6) Personal

Documents

Document Type	Title	Received/Sent

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	30-Apr-2021
Details:	sch4p4(6) Pers called wanting to know if a decision had been made on the application. I advised that the Dept. is reviewing information received by the applicant before a submission is allocated to a officer for a decision to be recorded. I advised that once a decision is recorded it will be made in line with legislation and policy. sch4 sch4p4(6) advised that Save our Foreshore had contacted him about a RTI and wanted to know if the "land grab" was in fact taking place by the Council and developers. I advised sch4p4(6) Pers that the Department would keep both himself and SOF informed once a decision has been recorded.

Assignment History

Published on Resources Disclosure Log
RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1866657

Contact Details

Business unit:	State Land Asset Management
Business context:	Verbal (Outwards) Case
Interaction method:	Telephone
Interaction date:	31-Mar-2021 10:57 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Save Our Foreshore Incorporated, Airlie Beach

Documents

Document Type	Title	Received/Sent

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	31-Mar-2021
Details:	sch4p4(6) Personal from SOF called wanting to discuss her concerns with the application Council has in for Road Opening. sch4p4(concerns are that Council are saying the road opening is needed for safety concerns and that they are preparing a traffic plan. I advised sch4p that the Dept. will consider all information provided to the department against legislative requirements before a decision is recorded sch4p4(appreciated that I couldn't discuss particulars with her but advised that she wanted to vent her concerns and advised that the application is purely to support a private development and the working that they had used on plans "land to be taken". I advised sch4p that the Department would advise SOF of any outcomes

Assignment History

Published on Resources Disclosure Log RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1860798

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	8-Mar-2021 11:09 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Incoming email	e_Attachements missed from previous email	8-Mar-2021

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	8-Mar-2021
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1860764

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	8-Mar-2021 10:21 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Were there supposed to be attachments in email	8-Mar-2021

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	8-Mar-2021
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1860750

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	8-Mar-2021 10:02 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Incoming email	e_Further information to consider from WRC	5-Mar-2021

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	8-Mar-2021
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

Date : 8/03/2021 10:41:26 AM
From : "Tamara Dansie"
To : "WARRENER Megan"
Subject : RE: Revocation of Portions of Lot 187 SP219978 As Open Space Reserve And Dedication As Road
Attachment : Attachment 1.pdf;image001.png;image002.png;image003.jpg;image004.jpg;image005.png;image006.png;image007.png;image008.png;image104972.png;image991943.jpg;image951437.jpg;image977976.png;image850597.png;image716963.png;image513354.png;

Good Morning Megan,

Apologies, the attachment doesn't seem to have made it onto the original email. Please see the attached in relation to our correspondence.

Thanks,

Tamara Dansie
Administration Coordinator Development Services

Phone: 0749450651 **Fax:** 0749450222 **Email:** info@wrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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From: WARRENER Megan <Megan.Warrener@resources.qld.gov.au>
Sent: Monday, 8 March 2021 9:49 AM
To: Tamara Dansie <Tamara.Dansie@whitsundayrc.qld.gov.au>
Subject: RE: Revocation of Portions of Lot 187 SP219978 As Open Space Reserve And Dedication As Road

CAUTION: This email came from outside of WRC - only open links and attachments you're expecting.

Good Morning Tamara,

Thank you for the attached letter, can you please advise if there were to be attachments included in the email or are we to refer to previous correspondence that was sent?

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
Land Administration & Acquisitions | Land & Native Title Operations
Department of Resources

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@resources.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: Tamara Dansie <Tamara.Dansie@whitsundayrc.qld.gov.au>

Published on Resource Disclosure Log RTI Act 2009

Sent: Friday, 5 March 2021 4:18 PM
To: WARRENER Megan
Subject: Revocation of Portions of Lot 187 SP219978 As Open Space Reserve And Dedication As Road

Good Afternoon Megan,

Please see the attached correspondence in relation to the above matter.

Thanks

Tamara Dansie
Administration Coordinator Development Services

Phone: 0749450651 **Fax:** 0749450222 **Email:** info@wrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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

Published by Resources Disclosure Log under RTI Act 2009

Attachment 1: Lot 187 SP 219978 shown in light green with red outline



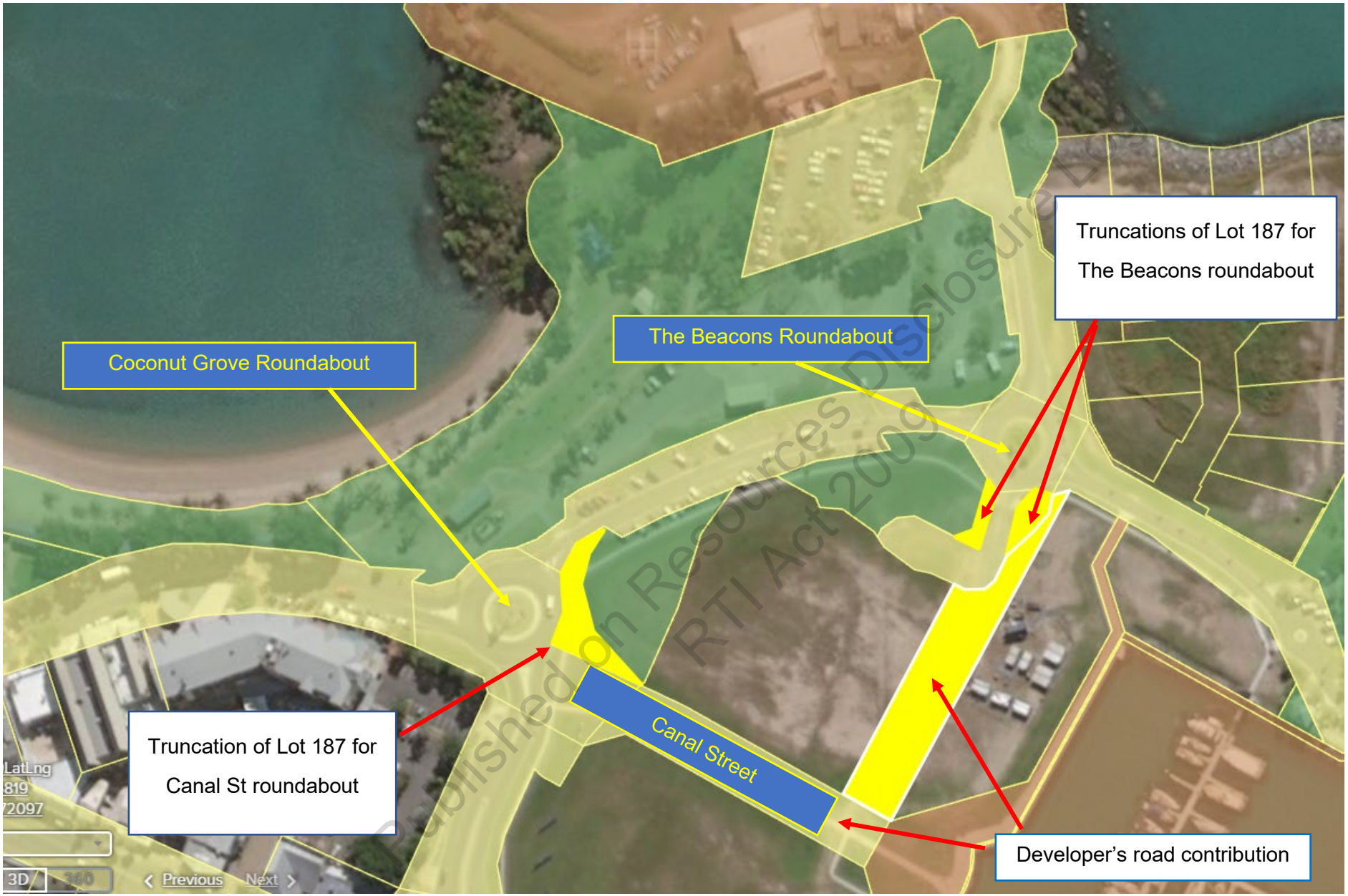
Published on Resources Disclosure Log
RTI Act 2009

Attachment 2: Existing dedicated road parcels in light yellow, and Lot 187 SP 219978 in light green



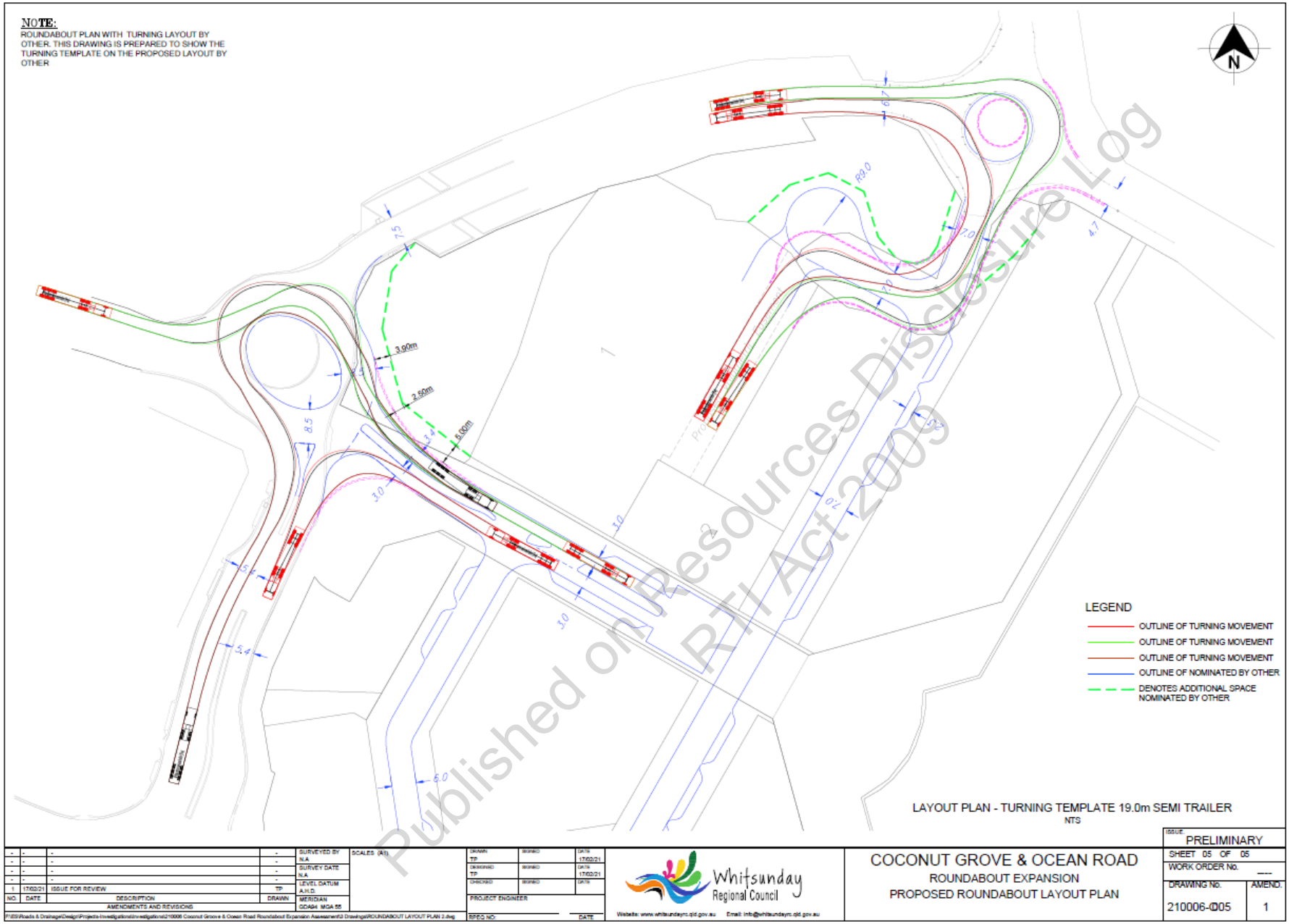
Published on Resources Disclosure under RTI Act 2009

Attachment 3: Portions of Lot 187 requested to be dedicated as road, plus developer's road contribution in dark yellow with white outline



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RTI Act 2009

Attachment 4: Road design showing turning circles for a heavy rigid vehicle



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RTI Act 2009

Date : 8/03/2021 9:49:08 AM
From : "WARRENER Megan"
To : "Tamara Dansie"
Subject : RE: Revocation of Portions of Lot 187 SP219978 As Open Space Reserve And Dedication As Road
Attachment : image001.png;image002.png;image003.jpg;image004.jpg;image005.png;image006.png;image007.png;image008.png;

Good Morning Tamara,

Thank you for the attached letter, can you please advise if there were to be attachments included in the email or are we to refer to previous correspondence that was sent?

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
Land Administration & Acquisitions | Land & Native Title Operations
Department of Resources

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@resources.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

Published on Resources Disclosure Log RTI Act 2009

From: Tamara Dansie <Tamara.Dansie@whitsundayrc.qld.gov.au>
Sent: Friday, 5 March 2021 4:18 PM
To: WARRENER Megan
Subject: Revocation of Portions of Lot 187 SP219978 As Open Space Reserve And Dedication As Road

Good Afternoon Megan,

Please see the attached correspondence in relation to the above matter.

Thanks

Tamara Dansie
Administration Coordinator Development Services

Phone: 0749450651 **Fax:** 0749450222 **Email:** info@wrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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Date : 5/03/2021 4:17:44 PM
From : "Tamara Dansie"
To : "WARRENER Megan"
Subject : Revocation of Portions of Lot 187 SP219978 As Open Space Reserve And Dedication As Road
Attachment : 05032021160901-0001.pdf;image171539.png;image525010.jpg;image398845.jpg;image352534.png;image087186.png;image405947.png;image150997.png;

Good Afternoon Megan,

Please see the attached correspondence in relation to the above matter.

Thanks

Tamara Dansie
Administration Coordinator Development Services

Phone: 0749450651 **Fax:** 0749450222 **Email:** info@wrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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Whitsunday Regional Council

Correspondence:
Chief Executive Officer,
Whitsunday Regional Council,
PO Box 104, Proserpine QLD 4800
P: 1300 WRC QLD (1300 972 753)
F: (07) 4945 0222
E: info@whitsundayrc.qld.gov.au
www.whitsundayrc.qld.gov.au
ABN 63 291 580 128

Our reference: Lot 187 SP 219978
For further information please contact Doug Mackay
Direct dial no: 49450260

4 March 2021

Regional Director
Department of Resources
Level 1, 44 Nelson Street
Mackay QLD 4740

Attention: Megan Warrener

Dear Ms Warrener,

RE: REVOCATION OF PORTIONS OF LOT 187 SP219978 AS OPEN SPACE RESERVE AND DEDICATION AS ROAD

I refer to previous correspondence and discussions in relation to this matter. As requested by the Department, Council provides this further information in support of its request to revoke portions of Lot 187 SP219978 as open space reserve and dedication as road.

1. Introduction

In late 2020 Council requested that the Minister revoke the dedication of reserve for four portions of Lot 187 SP 219978 under s.33 of the *Land Act, 1994* and simultaneously dedicate the same portions as road for public use, under s.94 of the Act.

This request was triggered by a development application received by Council for Lot 105 SP 232115 and other lots in the Port of Airlie area. Lot 105 SP 232115 is currently zoned Mixed Use in terms of the Whitsunday Regional Council Planning Scheme, which enables the development of residential and commercial uses. Because of the large size of these lots, new roads are required to service future development and connect it to the existing public road network.

The portions of land requested to be dedicated as road, are necessary to widen two existing roundabouts to accommodate future traffic and pedestrian movements in the locality. Council undertook public consultation on the proposal and received submissions which have been previously provided to the Department. Council assessed these submissions and decided on balance that it was in the greater public interest to facilitate a road network design which would meet Australian road design standards and ensure safe and efficient movement of traffic and pedestrians.

Please note, the developer of Lot 105 SP 232115 has recently informed Council that it is able to service its site from the existing stub road dedication coming off the Beacons roundabout. So this request is reduced from four portions of Lot 187 to three.

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RTI Act 2009

2. Land Act, 1994

In terms of s33 of the Act the Minister may revoke the dedication of all or part of a reserve if:

(a) it is no longer needed for a community purpose; or
(b) it is needed, in the public interest, for a different use.

This request is made in terms of sub-section (b) above.

3. Proposal

Please refer to Attachments 1 - 4, which sequentially build-up a picture of what is proposed:

Attachment 1: shows Lot 187 SP 219978 in green shading, with red outlines. This lot is fragmented into 6 portions, separated by public roads.

Attachment 2: shows existing, dedicated road parcels in and around Lot 187 SP 219978.

Attachment 3: shows the three portions of Lot 187 SP 219978 now requested to be dedicated as road, connected to existing road dedications **plus** the road contribution proposed by the developer to connect the site to the road network.

4. Road designs

Please refer to Attachment 5 which shows detailed turning templates for a Council garbage truck. This design has been prepared in-house by a certified RPEQ engineer. Should the Department wish, Council will provide a third party certification of the design.

5. Justification

It is submitted that the proposed revocation/dedication areas are '*needed, in the public interest, for a different use'* because there is simply no alternative, freehold land available for Council to purchase for the necessary upgrade of existing intersections in accordance with Australian design standards. The public interest will be served in the provision of a road network which facilitates safe vehicle and pedestrian movement.

<u>Canal St/Coconut Grove Roundabout</u>

Please refer to Attachment 3.

Canal Street is currently unconstructed and divides Lot 105 SP 232115 from Lot 106 SP 232115. These two lots total 2.7ha of land zoned for future commercial, retail and residential uses. Any developer of either of these lots will be conditioned to construct Canal Street from the roundabout at Coconut Gove to the future internal road network, also to be constructed by a developer. The current development proposal is to increase the width of Canal Street to enable wider footpaths and open the area for dining and commercial development.

The configuration of the existing boundaries of Lot 187 SP 219978 currently prevents lawful vehicle turning movements from the Coconut Grove roundabout into Canal Street. The only way that this can be resolved is for the roundabout to be re-configured to include new exit and

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Releas

entry lanes into/from Canal Street. This requires truncating (cutting the sharp corner) from part of Lot 187 as shown on dark yellow on Attachment 3.

The detailed turning movements and required space for a heavy rigid vehicle (e.g. a garbage truck) are shown on Attachment 5. Without the ability to have all-direction access into Canal Street from Coconut Grove, future development of Lots 105 SP 232115 and Lot 106 SP 172225 will be limited to The Beacons roundabout, which is also inadequate.

The Beacons Roundabout

Please refer to Attachments 2 and 3.

The small stub road that connects to southern arm of The Beacons roundabout is an unusual shape and does not comply with any acceptable road width standards. In order to provide an additional road access for the future development of Lots 105 and 106, this road is required to be widened to 20m. It is currently only 9m wide at its narrowest.

This road alienates a small portion of Lot 187 SP 217798 to the east, approximately 250m^2 in extent. On its own, this portion has very little utility as open space and is requested to be dedicated entirely to road.

In order to achieve a 20m wide dedicated road width, a 3m wide strip of land on the western side of the stub road is also required, widening out to form a small corner truncation. These two portions will enable connection of a future public road (to be built by a developer) to Canal Street and open up the area for its intended development.

Should Department officers require further information or explanation about the road design plan prior to finalising their decision, please direct any enquiries to Development Assessment Manager, Doug Mackay on 4945 0260.

sch4p4(6) Personal information

Yours fa

Neil Mc
Directo

Published on Res Pices Disclosure Log RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1859923

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	3-Mar-2021 7:53 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Incoming email	e_WRC sending plans through for culdesac area	3-Mar-2021

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	4-Mar-2021
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

Date : 3/03/2021 7:53:29 AM
From : "Doug Mackay"
To : "WARRENER Megan"
Cc : "Neil McGaffin"
Subject : RE: Further submissions : revocation of Lot 187 SP 219978
Attachment :
image001.png;image002.png;image003.jpg;image004.jpg;image005.png;image006.png;image007.png;image008.png;image557502.png;image759799.jpg;image492057.jpg;image938116.png;image831752.png;image056964.png;image452324.png;

Thanks Megan

We have re-designed the cul-de-sac and I'll get the plans through to you today.

Unfortunately, they are engineering design drawings and it's not easy to make them simple.

Regards

Doug Mackay
Manager Development Assessment

Phone: 0749450260 **Fax:** 0749450222 **Mobile:** sch4p4(6) **Email:** info@wrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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From: WARRENER Megan <Megan.Warrener@resources.qld.gov.au>
Sent: Tuesday, 2 March 2021 4:20 PM
To: Doug Mackay <Doug.Mackay@whitsundayrc.qld.gov.au>
Cc: Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>
Subject: RE: Further submissions : revocation of Lot 187 SP 219978

CAUTION: This email came from outside of WRC - only open links and attachments you're expecting.

Hi Doug,

Just checking in to see how Council is progressing with compiling evidence to support your application?

I can confirm that the Department is able to provide you with an extension until COB 5 March 2021, if a response has not been received I will compile a submission for the Decision Maker based on the information that we have on hand.

Kind Regards

Megan Warrener
Senior Land Officer
Land Administration & Acquisitions | Land & Native Title Operations
Department of Resources

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@resources.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

Published on RTI Disclosure Log

Queensland Government

From: Doug Mackay <Doug.Mackay@whitsundayrc.qld.gov.au>
Sent: Friday, 19 February 2021 9:50 AM
To: WARRENER Megan
Cc: Neil McGaffin
Subject: Further submissions : revocation of Lot 187 SP 219978

Hi Megan

We are aiming to get our further info back to you today, but have had a very busy couple of weeks. If not today, it will be Monday.

Kind regards

Doug Mackay
Manager Development Assessment

Phone: 0749450260 **Fax:** 0749450222 **Mobile:** sch4p4(6) **Email:** info@wrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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RTI Act

eLVAS Client Interaction Report
For Interaction id: 1859480

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	2-Mar-2021 4:38 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Advising WRC info req by COB 5 Mar	2-Mar-2021

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	2-Mar-2021
Details:	

Assignment History

Published on Resources Disclosure Log
RTI Act 2009

Date : 2/03/2021 4:20:12 PM
From : "WARRENER Megan"
To : "Doug Mackay"
Cc : "Neil McGaffin"
Subject : RE: Further submissions : revocation of Lot 187 SP 219978
Attachment : image001.png;image002.png;image003.jpg;image004.jpg;image005.png;image006.png;image007.png;image008.png;

Hi Doug,

Just checking in to see how Council is progressing with compiling evidence to support your application?

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Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
Land Administration & Acquisitions | Land & Native Title Operations
Department of Resources

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@resources.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: Doug Mackay <Doug.Mackay@whitsundayrc.qld.gov.au>
Sent: Friday, 19 February 2021 9:50 AM
To: WARRENER Megan
Cc: Neil McGaffin
Subject: Further submissions : revocation of Lot 187 SP 219978

Hi Megan

We are aiming to get our further info back to you today, but have had a very busy couple of weeks. If not today, it will be Monday.

Kind regards

Doug Mackay
Manager Development Assessment

Phone: 0749450260 **Fax:** 0749450222 **Mobile:** sch4p4(6) **Email:** info@wrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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Published on Resources Disclosure Log
RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1856817

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	19-Feb-2021 9:50 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Incoming email	e_WRC advise information will be submitted 22 Feb	19-Feb-2021

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	19-Feb-2021
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

Date : 19/02/2021 9:50:09 AM
From : "Doug Mackay"
To : "WARRENER Megan"
Cc : "Neil McGaffin"
Subject : Further submissions : revocation of Lot 187 SP 219978
Attachment : image190188.png;image031140.jpg;image967822.jpg;image360033.png;image383082.png;image276228.png;image635053.png;

Hi Megan

We are aiming to get our further info back to you today, but have had a very busy couple of weeks. If not today, it will be Monday.

Kind regards

Doug Mackay
Manager Development Assessment

Phone: 0749450260 **Fax:** 0749450222 **Mobile** sch4p4(6) **Email:** info@wrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

Whitsunday Regional Council

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Customer Centres: Bowen - 67 Herbert Street | Cannonvale - Whitsunday Plaza | Collinsville - Cnr. Stanley and Conway Streets | Proserpine - 83-85 Main Street



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eLVAS Client Interaction Report
For Interaction id: 1850893

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	27-Jan-2021 4:21 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Requesting Meeting between WRC & DOR	27-Jan-2021

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	27-Jan-2021
Details:	

Assignment History

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Date : 27/01/2021 4:18:18 PM
From : "WARRENER Megan"
To sch4p4(6) Persona **McKays Solicitors"**
Cc **McKays Solicitors"**
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400
Attachment : image002.png;image003.jpg;
Hi sch4p4(

Thank you very much for providing me with the attached information, Wedeena Smith (Acting Manager – State Land Asset Management) & Myself would like to organise a meeting with the relevant staff members from Whitsunday Regional Council that are involved with this application.

At this stage we have Thursday 4th February (Between 10.30am & 2.30pm) & Friday 5th February (9am up until 2.30pm) available, please advise if your clients would like to meet in person or via teams with the preferred date and time.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Resources

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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From: sch4p4(6) Pe| McKays Solicitors <sch4p4(mckayslaw.com>
Sent: Friday, 22 January 2021 8:54 AM
To: WARRENER Megan
Cc: sch4p4(6) Pers| McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Apologies for the delay.

Council has instructed that it no longer requires any further extension as requested and wishes to submit the **attached** as additional evidence in support of the application.

Should you wish to discuss further, please do not hesitate to call.

Kind regards

sch4p4(6) Pers| **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique Focus
McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay Qld 4740 Australia
PO Box 37, Mackay Qld 4740 Australia
P +61 7 4963 0839 F +61 7 4963 0889 E sch4p4(ckayslaw.com

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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Friday, 15 January 2021 2:12 PM
To sch4p4(6) Per McKays Solicitors <sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Tamara,

I have spoken with Wedeena Smith in regards to your request for a 2 week extension of time to provide the Department with evidence to support the application. Wedeena would like to know exactly what evidence/documentation Council intend on providing to the Department?

Once I have provided Wedeena with the information, she will be able to consider your request.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Resources

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Pe| McKays Solicitors
Sent: Friday, 15 January 2021 12:42 PM
To: WARRENER Megan
Cc sch4p4(6) Perso| McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Further to the below, Council has instructed me to request a further extension from DNRME in relation to this application, noting the Christmas closure period.

Can you please advise if DNRME will be acceptable to a two (2) week extension, until Friday 29 January?

Kind regards

sch4p4(6) Per **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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McKays NQ Pty Ltd ABN 85 604 643 709
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From: sch4p4(6) Pe| McKays Solicitors
Sent: Thursday, 10 December 2020 6:01 PM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc sch4p4(6) Perso| McKays Solicitors sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Thank you for your email.

Apologies for the delay in responding. Council is gathering the required evidence and instructs that a response will be provided to DNRME by 15 January, 2020 as requested.

Kind regards

sch4p4(6) Pe| **McKays Solicitors**
Solicitor - LLB Hons (1st Class)

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sch4p4(6) Personal information

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> Our office will close at 12.00pm on Thursday, 24 December, 2020 and will reopen at 8.00am on Monday, 11 January, 2021. If you require urgent assistance during that period please telephone sch4p4(6) Pe
Best wishes for the festive season and hoping the New Year brings you happiness and success.

From: WARRENER Megan
Sent: Thursday, 3 December 2020 10:45 AM
To: sch4p4(6) Pe | McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Good Morning sch4p4(

I just wanted to touch base with you in relation to Whitsunday Regional Council's Road Opening Case 2020/010400, have you received a response from Council in regards to the below email that I had sent on 30 October 2020?

The Department would like a response by no later than Friday 15th January 2021, if you require any further information please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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From: WARRENER Megan
Sent: Friday, 30 October 2020 4:32 PM
To: sch4p4(6) Pers cKays Solicitors
Cc: | McKays Solicitors; sch4p4(6) Pers | McKays Solicitors; Neil McGaffin; Doug Mackay; SMITH Wedeena; GABRIEL Carey
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Good Afternoon sch4p4(

I refer to the results of the community consultation in relation to the proposed road opening from Lot 187 on SP219978 (reserve).

Councils response to the matters raised in the community consultation have been considered and the department is continuing its assessment of Council's response and the other supporting material. The information has not yet demonstrated that the requirements of the Land Act have been met, that the reserve is either:

- no longer needed for a community purpose; or
- is needed in the public interest for a different use.

With this in mind I refer to Council's advice that the land is needed to address safer traffic management in the area and understand that Council had considered a traffic management study but this study has been delayed. Council is requested to provide evidence to justify the land is needed in the public interest for a different use (e.g. public safety) and not to support the development of an adjoining freehold parcel as raised in the submission process.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Per McKays Solicitors <sch4p4(mckayslaw.com>
Sent: Friday, 25 September 2020 4:07 PM
To: WARRENER Megan
Cc: sch4p4(6) Persd| McKays Solicitors; sch4p4(6) Pers(McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Apologies for the slight delay in response. Upon further discussions with my client, I have been notified that Council is in the process of developing a further rendition of the Airlie Foreshore Land Management Plan ("LMP").

As you have pointed out, the portions of reserve highlighted in red (which included Area X-Y-Z-X) within Figure 12, Page 14 of the current LMP were intended to be discussed in future renditions. Council therefore intends to include this area within the revised LMP, which will need to undergo community consultation. After this community consultation, Council will be able to provide the Department with the result of the community consultation for the approval of the revised LMP.

Accordingly, Council wishes to put forward the result of its community consultation undertaken for the other southern areas and proceed with the processing of Application 2020/010400, without the inclusion of Area X-Y-Z-X.

As evidence of the community consultation undertaken with respect to this application, please find **attached**:

1. Council Report from Ordinary Meeting held on 26 August, 2020 whereby Council resolved to support the proposal to change part of the land from recreational reserve to road reserve, after consideration of the Community Consultation Summary – which includes the following annexures:
    a. Annexure A - Plan showing the proposed areas to be converted to road reserve (which was uploaded to the website);
    b. Annexure B - Summary of public submissions;
    c. Annexure C - Further information in support of the proposal from the applicant for the development application with respect to Lot 105 on SP232115 and Lot 106 on SP172255.

2. Copy of community consultation online portal on Council's website which can also be accessed at: https://yoursay.whitsundayrc.qld.gov.au/airlie-beach-proposed-road-access-change.

Please advise whether you require any further information, or if you would like to discuss further, please do not hesitate to contact myself, sch4p4(6) Personal information of this office.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Tuesday, 15 September 2020 11:28 AM
To sch4p4(6) Pe| McKays Solicitors <sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

H sch4p4(6

I have spoken with both Wedeena Smith (Principal Land Officer) & Errol Sander (Manager, Land Management & Use) in relation to the level of community consultation required for area X-Y-Z-X, they have both advised that the Department would prefer that the same level of community consultation be undertaken. If you have a proposal on the level of consultation Council believe to be sufficient, please send through the proposal so that the Department can review and respond to you accordingly.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Pe| McKays Solicitors <sch4p4(mckayslaw.com>
Sent: Tuesday, 15 September 2020 9:33 AM
To: WARRENER Megan
Cc: sch4p4(6) Pers| McKays Solicitors; sch4p4(6) Pers McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Our client acknowledges, and accepts, that the Department has determined that Area X-Y-Z-X must be included within Road Opening Application 2020/010400.

Although, please clarify whether the Department has given any consideration to the detailed submissions outlined within our letter dated 2 September, 2020 as to why community consultation should not be required in the circumstances.

In the event that the Department has already given due consideration to these submissions, and has nevertheless determined that community consultation is required, please clarify as to the level of community consultation that is required to enable Council to comply with same and so as not to delay the assessment of this application any further.

For clarity, the community consultation with respect to Road Opening Application 2020/010400 has already been completed, and did not cover area X-Y-Z-X (which we will forward to you in due course). This means that, if Council is required to undertake community consultation, it will be doing so for Area X-Y-Z-X only – i.e. a 92 square metre area of land.

With respect to Road Opening Application 2020/010676, Council now intends to sign the current Agreement to Offer and comply with its conditions, as Council had only requested an extension due to its belief that the Area X-Y-Z-X would be included within that application.

If you require clarification or would like to discuss further, please do not hesitate to contact sch4p4(6) Pers or sch4p4(6) Pe of this office.

We look forward to your response.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus
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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 7 September 2020 10:03 AM
To sch4p4(6) Per McKays Solicitors sch4p4@mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(

As per Carey's email your request for an extension of time has been granted until the 7 November 2020 for the initial offer requirements to be satisfied and the 9th January 2021 for Survey requirements to be satisfied.

The copy of the Land Management Plan for the Airlie Beach Foreshore Reserves that we have on file highlights the southern areas of the reserve in red as shown on Figure 12 page 14 of the plan, the area highlighted includes area X-Y-Z-X. The LMP states that the portions of reserve highlighted in red "do not promote the overall function or use of the Foreshore given their isolated location and dimensions. The portions of land offer no strategic value to the recreational purposes of the wider Foreshore and could be realigned to integrate with the adjoining Port of Airlie Lot 105 or offset to achieve better community outcomes in other areas. This will be discussed within future renditions of the Airlie Beach Foreshore Land Management Plan".

From reviewing the copy of the LMP that we have on file, we do not believe that area X-Y-Z-X has been included in the Land Management Plan, but rather outlines that this area will be discussed in future renditions of the Airlie Beach Foreshore Land Management Plan. If there have been other renditions of the Land Management Plan which discusses the areas highlighted in red as shown on Figure 12, can you please provide a copy for the Department to review.

Area X-Y-Z-X is still included in Road Opening Application 2020/010400 for assessment and review therefore another application will not be required, however; if this area was not included in the most recent community consultation that has taken place, some form of consultation with the community will be required.

If you would like to organise a meeting to discuss, please let me know so that I can organise a time that would suit myself, Wedeena Smith (Principal Land Officer) and Errol Sander (Manager, Land Management & Use).

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From sch4p4(6) Per McKays Solicitors <sch4p4(mckayslaw.com>
Sent: Friday, 4 September 2020 1:30 PM
To: WARRENER Megan
Cc: sch4p4(6) Perso McKays Solicitors; SLAM-Mackay
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

We refer to our telephone discussions with you on 27 August, 2020 and further correspondence to you dated 2 September, 2020.

Are you please able to provide an update in relation to the extension request, noting that the first condition under the Agreement to Offer pursuant to the current dates must be satisfied by **7 September, 2020.**

We look forward to your response.

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RTI Act 2009

Kind regards

sch4p4(6) Pe **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus
McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay Qld 4740 Australia
PO Box 37, Mackay Qld 4740 Australia
P +61 7 4963 0839 F +61 7 4963 0889 E sch4p4(mckayslaw.com

www.mckayslaw.com

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From sch4p4(6) Pe | McKays Solicitors
Sent: Thursday, 27 August 2020 11:02 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: sch4p4(6) Pers | McKays Solicitors sch4p4(6) Personal informa SLAM-Mackay <Slam-Mackay@dnrme.qld.gov.au>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good morning Megan,

Please find **attached** correspondence to you.

If you would like to discuss further, please contact myself or sch4p4(6) Pers of this office.

Kind regards

sch4p4(6) Pe **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From: WARRENER Megan
Sent: Friday, 7 August 2020 9:57 AM
To: sch4p4(6) Pe McKays Solicitors ; sch4p4(6) Pe McKays Solicitors
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(6) Perso

Please find attached Agreement to Offer Documents for your client's Road Opening Application.

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If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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eLVAS Client Interaction Report
For Interaction id: 1850645

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	22-Jan-2021 8:54 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_Evidence provided by WRC	22-Jan-2021

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	27-Jan-2021
Details:	

Assignment History

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Date : 22/01/2021 8:53:56 AM
From : sch4p4(6) Pers| McKays Solicitors"
To : "WARRENER Megan"
Cc : sch4p4(6) Perso| McKays Solicitors"
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400
Attachment : Memorandum to DNRME - Road Opening Application 2020010400.pdf;image002.png;image001.jpg;

Hi Megan,

Apologies for the delay.

Council has instructed that it no longer requires any further extension as requested and wishes to submit the **attached** as additional evidence in support of the application.

Should you wish to discuss further, please do not hesitate to call.

Kind regards

sch4p4(6) Per| McKays Solicitors
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Friday, 15 January 2021 2:12 PM
To sch4p4(6) Pers McKays Solicitors <sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi sch4p4(

I have spoken with Wedeena Smith in regards to your request for a 2 week extension of time to provide the Department with evidence to support the application. Wedeena would like to know exactly what evidence/documentation Council intend on providing to the Department?

Once I have provided Wedeena with the information, she will be able to consider your request.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Resources

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Pe| McKays Solicitors
Sent: Friday, 15 January 2021 12:42 PM
To: WARRENER Megan
Cc: sch4p4(6) Pers| McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Further to the below, Council has instructed me to request a further extension from DNRME in relation to this application, noting the Christmas closure period.

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Can you please advise if DNRME will be acceptable to a two (2) week extension, until Friday 29 January?

Kind regards

sch4p4(6) Pe **| McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus
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From sch4p4(6) Pe | McKays Solicitors
Sent: Thursday, 10 December 2020 6:01 PM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: sch4p4(6) Perso McKays Solicitors sch4p4(6) Personal inform
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Thank you for your email.

Apologies for the delay in responding. Council is gathering the required evidence and instructs that a response will be provided to DNRME by 15 January, 2020 as requested.

Kind regards

sch4p4(6) Per **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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> Our office will close at 12.00pm on Thursday, 24 December, 2020 and will reopen at 8.00am on Monday, 11 January, 2021. If you require urgent assistance during that period please telephone sch4p4(6) Pe
Best wishes for the festive season and hoping the New Year brings you happiness and success.

From: WARRENER Megan
Sent: Thursday, 3 December 2020 10:45 AM
To: sch4p4(6) Pe | McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Good Morning sch4p4(6

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I just wanted to touch base with you in relation to Whitsunday Regional Council's Road Opening Case 2020/010400, have you received a response from Council in regards to the below email that I had sent on 30 October 2020?

The Department would like a response by no later than Friday 15th January 2021, if you require any further information please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: WARRENER Megan
Sent: Friday, 30 October 2020 4:32 PM
To: sch4p4(6) Pe| McKays Solicitors
Cc: sch4p4(6) Pers| McKays Solicitors; sch4p4(6) Pers| McKays Solicitors; Neil McGaffin; Doug Mackay; SMITH Wedeena; GABRIEL Carey
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Good Afternoon sch4p4(

I refer to the results of the community consultation in relation to the proposed road opening from Lot 187 on SP219978 (reserve).

Councils response to the matters raised in the community consultation have been considered and the department is continuing its assessment of Council's response and the other supporting material. The information has not yet demonstrated that the requirements of the Land Act have been met, that the reserve is either:

- no longer needed for a community purpose; or
- is needed in the public interest for a different use.

With this in mind I refer to Council's advice that the land is needed to address safer traffic management in the area and understand that Council had considered a traffic management study but this study has been delayed. Council is requested to provide evidence to justify the land is needed in the public interest for a different use (e.g. public safety) and not to support the development of an adjoining freehold parcel as raised in the submission process.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From sch4p4(6) Pe| McKays Solicitors <sch4p4(mckayslaw.com>
Sent: Friday, 25 September 2020 4:07 PM
To: WARRENER Megan
Cc: sch4p4(6) Persd McKays Solicitors; sch4p4(6) Pers| McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Apologies for the slight delay in response. Upon further discussions with my client, I have been notified that Council is in the process of developing a further rendition of the Airlie Foreshore Land Management Plan (LMP).

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As you have pointed out, the portions of reserve highlighted in red (which included Area X-Y-Z-X) within Figure 12, Page 14 of the current LMP were intended to be discussed in future renditions. Council therefore intends to include this area within the revised LMP, which will need to undergo community consultation. After this community consultation, Council will be able to provide the Department with the result of the community consultation for the approval of the revised LMP.

Accordingly, Council wishes to put forward the result of its community consultation undertaken for the other southern areas and proceed with the processing of Application 2020/010400, without the inclusion of Area X-Y-Z-X.

As evidence of the community consultation undertaken with respect to this application, please find **attached**:

1. Council Report from Ordinary Meeting held on 26 August, 2020 whereby Council resolved to support the proposal to change part of the land from recreational reserve to road reserve, after consideration of the Community Consultation Summary which includes the following annexures:
    a. Annexure A - Plan showing the proposed areas to be converted to road reserve (which was uploaded to the website);
    b. Annexure B - Summary of public submissions;
    c. Annexure C - Further information in support of the proposal from the applicant for the development application with respect to Lot 105 on SP232115 and Lot 106 on SP172255.

2. Copy of community consultation online portal on Council's website which can also be accessed at: https://yoursay.whitsundayrc.qld.gov.au/airlie-beach-proposed-road-access-change.

Please advise whether you require any further information, or if you would like to discuss further, please do not hesitate to contact myself, sch4p4(6) Personal information of this office.

Kind regards

sch4p4(6) Per **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus
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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Tuesday, 15 September 2020 11:28 AM
To sch4p4(6) Per McKays Solicitors <sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(

I have spoken with both Wedeena Smith (Principal Land Officer) & Errol Sander (Manager, Land Management & Use) in relation to the level of community consultation required for area X-Y-Z-X, they have both advised that the Department would prefer that the same level of community consultation be undertaken. If you have a proposal on the level of consultation Council believe to be sufficient, please send through the proposal so that the Department can review and respond to you accordingly.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)

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E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From sch4p4(6) Pe| McKays Solicitors <sch4p4(mckayslaw.com>
Sent: Tuesday, 15 September 2020 9:33 AM
To: WARRENER Megan
Cc: sch4p4(6) Pers| McKays Solicitors; sch4p4(6) Pers McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Our client acknowledges, and accepts, that the Department has determined that Area X-Y-Z-X must be included within Road Opening Application 2020/010400.

Although, please clarify whether the Department has given any consideration to the detailed submissions outlined within our letter dated 2 September, 2020 as to why community consultation should not be required in the circumstances.

In the event that the Department has already given due consideration to these submissions, and has nevertheless determined that community consultation is required, please clarify as to the level of community consultation that is required to enable Council to comply with same and so as not to delay the assessment of this application any further.

For clarity, the community consultation with respect to Road Opening Application 2020/010400 has already been completed, and did not cover area X-Y-Z-X (which we will forward to you in due course). This means that, if Council is required to undertake community consultation, it will be doing so for Area X-Y-Z-X only i.e. a 92 square metre area of land.

With respect to Road Opening Application 2020/010676, Council now intends to sign the current Agreement to Offer and comply with its conditions, as Council had only requested an extension due to its belief that the Area X-Y-Z-X would be included within that application.

If you require clarification or would like to discuss further, please do not hesitate to contact sch4p4(6) Personal information of this office.

We look forward to your response.

Kind regards

sch4p4(6) Pe **| McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 7 September 2020 10:03 AM
To sch4p4(6) Pe| McKays Solicitors <sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(

As per Carey s email your request for an extension of time has been granted until the 7 November 2020 for the initial offer requirements to be satisfied and the 9th January 2021 for Survey requirements to be satisfied.

The copy of the Land Management Plan for the Airlie Beach Foreshore Reserves that we have on file highlights the southern areas of the reserve in red as shown on Figure 12 page 14 of the plan, the area highlighted includes area X-Y-Z-X. The LMP states that the portions of

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reserve highlighted in red ﷺ do not promote the overall function or use of the Foreshore given their isolated location and dimensions. The portions of land offer no strategic value to the recreational purposes of the wider Foreshore and could be realigned to integrate with the adjoining Port of Airlie Lot 105 or offset to achieve better community outcomes in other areas. This will be discussed within future renditions of the Airlie Beach Foreshore Land Management Plan ﷺ.

From reviewing the copy of the LMP that we have on file, we do not believe that area X-Y-Z-X has been included in the Land Management Plan, but rather outlines that this area will be discussed in future renditions of the Airlie Beach Foreshore Land Management Plan. If there have been other renditions of the Land Management Plan which discusses the areas highlighted in red as shown on Figure 12, can you please provide a copy for the Department to review.

Area X-Y-Z-X is still included in Road Opening Application 2020/010400 for assessment and review therefore another application will not be required, however; if this area was not included in the most recent community consultation that has taken place, some form of consultation with the community will be required.

If you would like to organise a meeting to discuss, please let me know so that I can organise a time that would suit myself, Wedeena Smith (Principal Land Officer) and Errol Sander (Manager, Land Management & Use).

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Pe McKays Solicitors <sch4p4(mckayslaw.com>
Sent: Friday, 4 September 2020 1:30 PM
To: WARRENER Megan
Cc: sch4p4(6) Pers| McKays Solicitors; SLAM-Mackay
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

We refer to our telephone discussions with you on 27 August, 2020 and further correspondence to you dated 2 September, 2020.

Are you please able to provide an update in relation to the extension request, noting that the first condition under the Agreement to Offer pursuant to the current dates must be satisfied by **7 September, 2020.**

We look forward to your response.

Kind regards

sch4p4(6) Per **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: sch4p4(6) Pers McKays Solicitors
Sent: Thursday, 27 August 2020 11:02 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>

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Cc: sch4p4(6) Pers| McKays Solicitors sch4p4(6 mckayslaw.com>; SLAM-Mackay <Slam-Mackay@dnrme.qld.gov.au>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good morning Megan,

Please find **attached** correspondence to you.

If you would like to discuss further, please contact myself or sch4p4(6) Pers of this office.

Kind regards

sch4p4(6) Per **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From: WARRENER Megan
Sent: Friday, 7 August 2020 9:57 AM
To: sch4p4(6) Pe| McKays Solicitors ; sch4p4(6) Pers McKays Solicitors
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(6) Perso

Please find attached Agreement to Offer Documents for your client's Road Opening Application.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

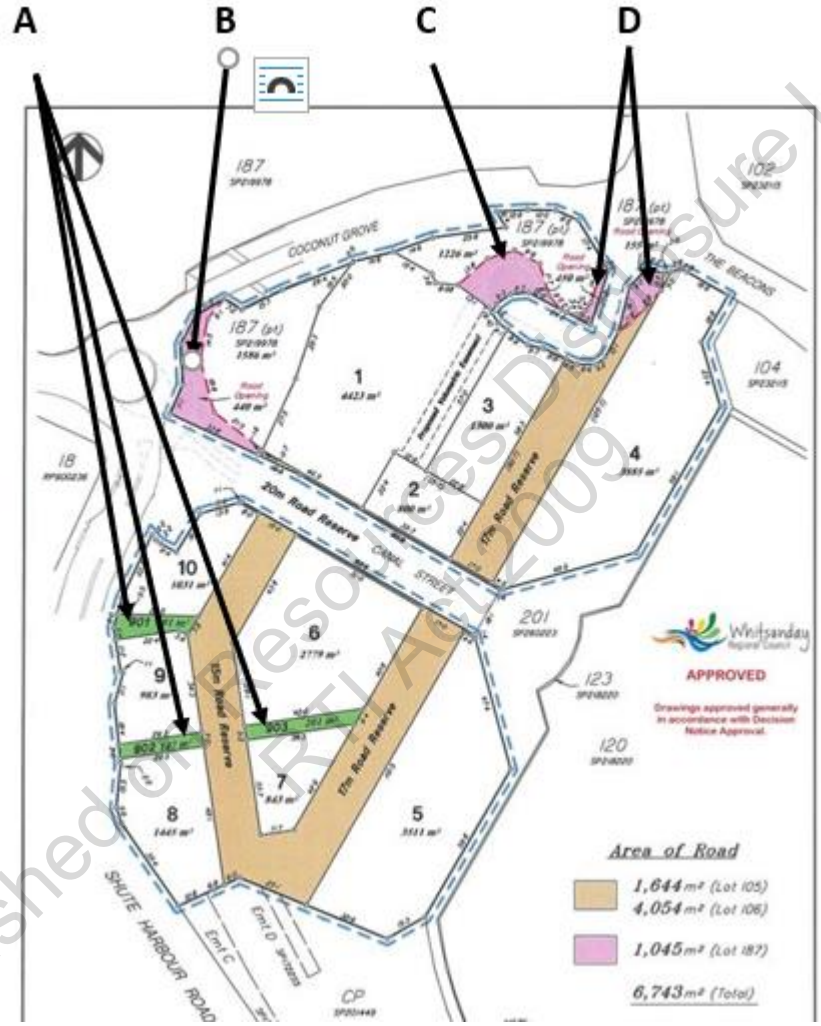
P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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FURTHER INFORMATION IN SUPPORT OF CONVERSION OF PARTS OF RESERVE LOT 187 SP 219978 TO ROAD RESERVE

1. For ease of reference, the land parcels discussed below are labelled '**A**' to '**D**' on the plan below. The three parcels labelled '**A**' are freehold land, proposed to be dedicated by the developer as public open space to facilitate pedestrian movement through Lot 106 from Airlie Beach Main Street to the marine terminal at Port of Airlie. Parcels **B**, **C** and **D** are part of Lot 187 SP219978 and are proposed by Council to be changed to Road Reserve.



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Discussion

2. The pedestrian links proposed to be gifted to Council by the developer (labelled Parcel **'A'**) are required to provide safer pedestrian movement through the precinct.

   Attachment A shows the natural pedestrian desire-line (coloured pink) from Main Street to the Marine Terminal. At present there is no formal footpath between Coconut Grove and the main bus stop, and Marine terminal. Currently, tourists (many of whom are backpackers carrying heavy bags) currently cut across Lot 106. The creation of formalised pedestrian pathways and internal streets will provide safer pedestrian access and help activate the proposed commercial uses on proposed lots 5 – 10.

3. Parcel '**B'** is a corner truncation required to upgrade the roundabout at the intersection of Coconut Grove and the Esplanade. Canal Street is currently an unconstructed road reserve, which will connect the Esplanade to the Marina, and open-up Lots 105 and 106 for future development. The current configuration of the roundabout prevents safe and efficient vehicle access to Canal Street.

   The developer's RPEQ (Registered Professional Engineer of Queensland) engineer design plan for the upgrading of the roundabout to facilitate vehicle access into Canal Street is at **Attachment B**. This design proposes an oval-shaped roundabout, requiring a truncation of the sharp corner of Lot 187 (refer yellow highlighted area contained within the red dotted line).

   Council's roads engineers have assessed this design and consider that it could be improved by retaining the circular roundabout, which is indicated on **Attachment C**. This design would require an increased truncation area to be excised from Lot 187, shown in green highlight within the black dotted line. This design proposal may have impacts on underground services and will be further investigated. Council's decision identifies that the design in attachment B is preferred over the design in attachment C.

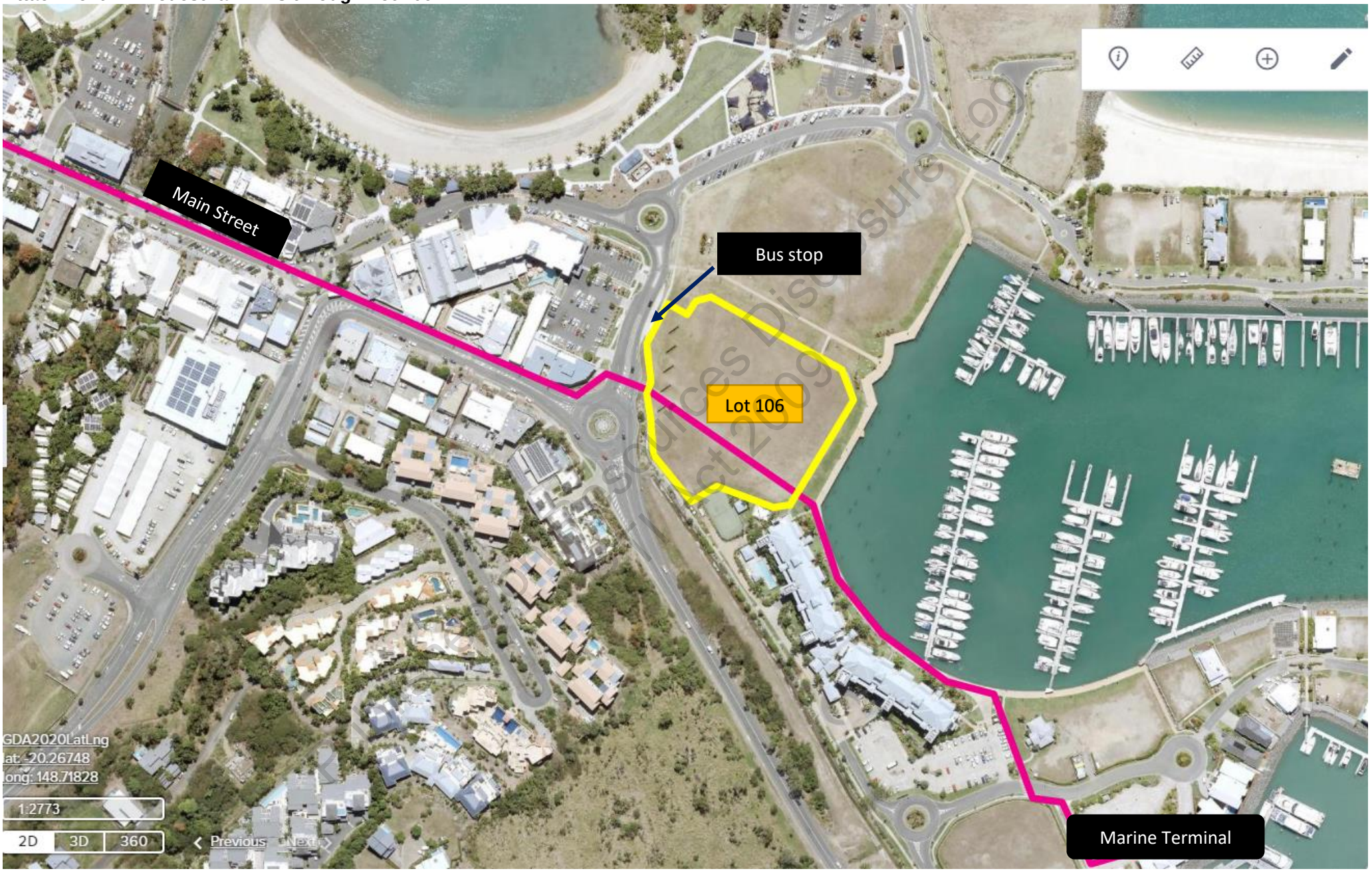
4. Parcel '**C'** is required to create a cul-de-sac turning circle which complies with Council's Development Manual and Planning Scheme. **Attachment B** shows the area of land required to increase the size of the turning head in green highlight. This turning facility could have been provided within the adjoining free-hold land. However, Council is of the view that this area will be suitably off set by the 540m² in the three proposed pedestrian walkways labelled Parcel **'A'** which will have much greater public utility. This part of Lot 187 is an irregular shape, surrounded by roads, has low utility, and is rarely used by the public.

5. Parcel '**D**' comprises road widenings to both sides of the proposed internal road system through Lots 105 and 106 to connect to the Beacons roundabout. Refer the purple lines in **Attachments B** or **C.** The existing road width does not facilitate two-way vehicular movement and must be widened to allow same. Council's Development Manual requires these roads to be 18m wide, but the proponent has provided traffic projections in support of a 17m road width. By way of comparison, the road reserves for the other three legs of the Beacons Roundabout are similarly widened.

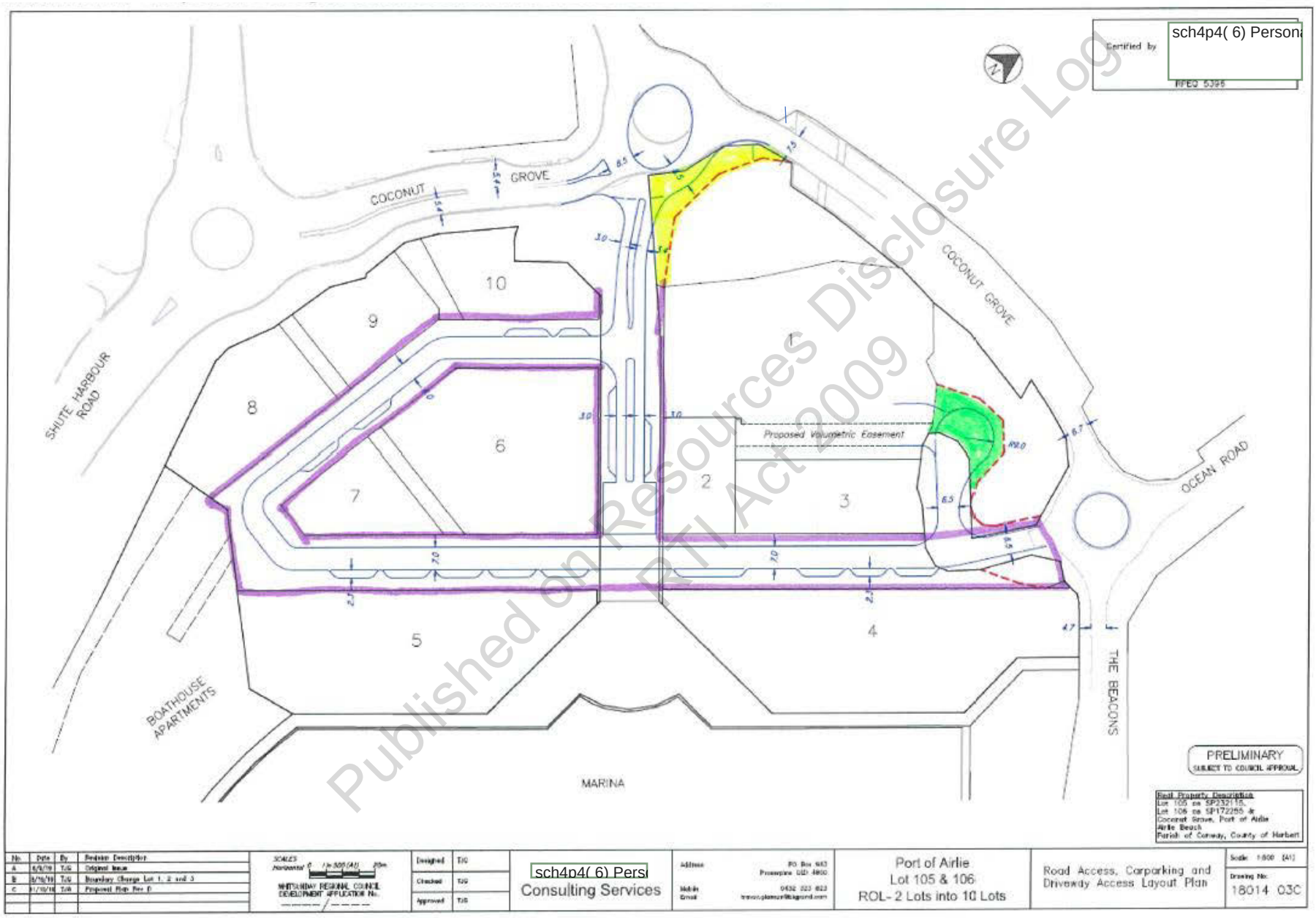
6. The following information demonstrates that the proposal equates to a net increase in land for community purposes and public benefits:
   - Council will require any future developer to landscape the balance areas of the two severed parts of Lot 187 and the portion of road reserve adjacent to proposed Lot 10, resulting in the landscaping of a total of 3,270m² of public land, at no cost to Council. The proposed landscaping is shown on the approved landscaping plan for the subdivision. This landscaping work, including one years' maintenance is valued at $1.9m
   - The proposed development will provide a community focus where Canal Street meets the marina boardwalk. Details of the proposed treatment of this area, including public art as a focal point, are contained in the approved landscaping plan. Canal Street is to be widened on both sides, to accommodate the landscaping and wider, activated footpath area needed to facilitate footpath dining and ease of pedestrian movement. The dedication of freehold land to road reserve in this case will involve approximately 140m².

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Attachment A – Pedestrian links through Lot 106

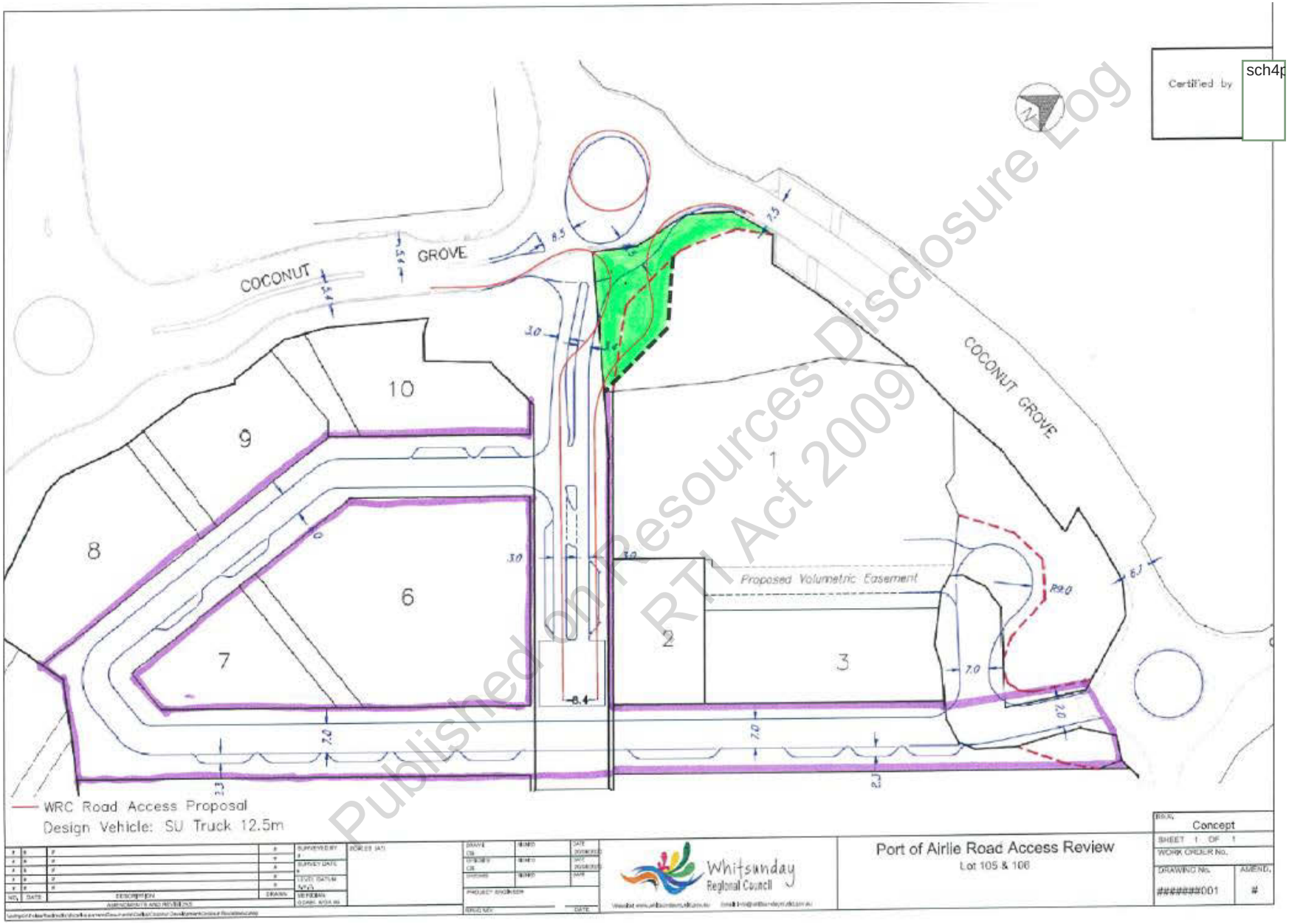


Attachment B - Proponent's design for the Coconut Grove Roundabout – Oval shape



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Attachment C – Council alternative design for the Coconut Grove Roundabout – Circular shape



eLVAS Client Interaction Report
For Interaction id: 1849177

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	15-Jan-2021 2:12 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_What Evidence will WRC be providing	15-Jan-2021

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	19-Jan-2021
Details:	

Assignment History

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eLVAS Client Interaction Report
For Interaction id: 1849171

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	15-Jan-2021 12:42 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_WRC Requesting EOT to 29 Jan to provide evidence	15-Jan-2021

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	19-Jan-2021
Details:	

Assignment History

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Date : 15/01/2021 2:12:29 PM
From : "WARRENER Megan"
To : "sch4p4(6) Pers McKays Solicitors"
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400
Attachment : image001.jpg;image002.png;

Hi sch4p4(6

I have spoken with Wedeena Smith in regards to your request for a 2 week extension of time to provide the Department with evidence to support the application. Wedeena would like to know exactly what evidence/documentation Council intend on providing to the Department?

Once I have provided Wedeena with the information, she will be able to consider your request.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Resources

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Pe McKays Solicitors <sch4p4(mckayslaw.com>
Sent: Friday, 15 January 2021 12:42 PM
To: WARRENER Megan
Cc sch4p4(6) Perso McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Further to the below, Council has instructed me to request a further extension from DNRME in relation to this application, noting the Christmas closure period.

Can you please advise if DNRME will be acceptable to a two (2) week extension, until Friday 29 January?

Kind regards

sch4p4(6) Per | **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From: sch4p4(6) Pe McKays Solicitors
Sent: Thursday, 10 December 2020 6:01 PM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc sch4p4(6) Perso McKays Solicitors sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Thank you for your email.

Apologies for the delay in responding. Council is gathering the required evidence and instructs that a response will be provided to DNRME by 15 January, 2020 as requested.

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Kind regards

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Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Best wishes for the festive season and hoping the New Year brings you happiness and success.

From: WARRENER Megan
Sent: Thursday, 3 December 2020 10:45 AM
To: sch4p4(6) Pe McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Good Morning sch4p4(6

I just wanted to touch base with you in relation to Whitsunday Regional Council's Road Opening Case 2020/010400, have you received a response from Council in regards to the below email that I had sent on 30 October 2020?

The Department would like a response by no later than Friday 15th January 2021, if you require any further information please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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Sent: Friday, 30 October 2020 4:32 PM
To: sch4p4(6) Pers McKays Solicitors
Cc: | McKays Solicitors; sch4p4(6) Pers McKays Solicitors; Neil McGaffin; Doug Mackay; SMITH Wedeena; GABRIEL Carey
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

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Councils response to the matters raised in the community consultation have been considered and the department is continuing its assessment of Council's response and the other supporting material. The information has not yet demonstrated that the requirements of the Land Act have been met, that the reserve is either:

- no longer needed for a community purpose; or
- is needed in the public interest for a different use.

With this in mind I refer to Council's advice that the land is needed to address safer traffic management in the area and understand that Council had considered a traffic management study but this study has been delayed. Council is requested to provide evidence to justify the land is needed in the public interest for a different use (e.g. public safety) and not to support the development of an adjoining freehold parcel as raised in the submission process.

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Kind Regards

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Sent: Friday, 25 September 2020 4:07 PM
To: WARRENER Megan
Cc sch4p4(6) Perso| McKays Solicitors sch4p4(6) Perso| McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

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As you have pointed out, the portions of reserve highlighted in red (which included Area X-Y-Z-X) within Figure 12, Page 14 of the current LMP were intended to be discussed in future renditions. Council therefore intends to include this area within the revised LMP, which will need to undergo community consultation. After this community consultation, Council will be able to provide the Department with the result of the community consultation for the approval of the revised LMP.

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As evidence of the community consultation undertaken with respect to this application, please find **attached**:

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2. Copy of community consultation online portal on Council's website which can also be accessed at: https://yoursay.whitsundayrc.qld.gov.au/airlie-beach-proposed-road-access-change.

Please advise whether you require any further information, or if you would like to discuss further, please do not hesitate to contact myself, sch4p4(6) sch4p4(6) Personal infor of this office.

Kind regards

sch4p4(6) Pers| **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Sent: Tuesday, 15 September 2020 11:28 AM
To sch4p4(6) Pers McKays Solicitors sch4p4@mckayslaw.com>
Su ment to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(

I have spoken with both Wedeena Smith (Principal Land Officer) & Errol Sander (Manager, Land Management & Use) in relation to the level of community consultation required for area X-Y-Z-X, they have both advised that the Department would prefer that the same level of community consultation be undertaken. If you have a proposal on the level of consultation Council believe to be sufficient, please send through the proposal so that the Department can review and respond to you accordingly.

If you require any further information, please do not hesitate to contact me.

Kind Regards

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W: www.dnrme.qld.gov.au

From: sch4p4(6) Pe| McKays Solicitors sch4p4@mckayslaw.com>
Sent: Tuesday, 15 September 2020 9:33 AM
To: WARRENER Megan
Cc sch4p4(6) Person McKays Solicitors sch4p4(6) Perso McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Our client acknowledges, and accepts, that the Department has determined that Area X-Y-Z-X must be included within Road Opening Application 2020/010400.

Although, please clarify whether the Department has given any consideration to the detailed submissions outlined within our letter dated 2 September, 2020 as to why community consultation should not be required in the circumstances.

In the event that the Department has already given due consideration to these submissions, and has nevertheless determined that community consultation is required, please clarify as to the level of community consultation that is required to enable Council to comply with same and so as not to delay the assessment of this application any further.

For clarity, the community consultation with respect to Road Opening Application 2020/010400 has already been completed, and did not cover area X-Y-Z-X (which we will forward to you in due course). This means that, if Council is required to undertake community consultation, it will be doing so for Area X-Y-Z-X only – i.e. a 92 square metre area of land.

With respect to Road Opening Application 2020/010676, Council now intends to sign the current Agreement to Offer and comply with its conditions, as Council had only requested an extension due to its belief that the Area X-Y-Z-X would be included within that application.

If you require clarification or would like to discuss further, please do not hesitate to contact sch4p4(6) Pers or sch4p4(6) Pe of this office.

We look forward to your response.

Kind regards

sch4p4(6) Perso **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 7 September 2020 10:03 AM
To: sch4p4(6) P | McKays Solicitors <sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning Tamara,

As per Carey's email your request for an extension of time has been granted until the 7 November 2020 for the initial offer requirements to be satisfied and the 9th January 2021 for Survey requirements to be satisfied.

The copy of the Land Management Plan for the Airlie Beach Foreshore Reserves that we have on file highlights the southern areas of the reserve in red as shown on Figure 12 page 14 of the plan, the area highlighted includes area X-Y-Z-X. The LMP states that the portions of reserve highlighted in red "do not promote the overall function or use of the Foreshore given their isolated location and dimensions. The portions of land offer no strategic value to the recreational purposes of the wider Foreshore and could be realigned to integrate with the adjoining Port of Airlie Lot 105 or offset to achieve better community outcomes in other areas. This will be discussed within future renditions of the Airlie Beach Foreshore Land Management Plan".

From reviewing the copy of the LMP that we have on file, we do not believe that area X-Y-Z-X has been included in the Land Management Plan, but rather outlines that this area will be discussed in future renditions of the Airlie Beach Foreshore Land Management Plan. If there have been other renditions of the Land Management Plan which discusses the areas highlighted in red as shown on Figure 12, can you please provide a copy for the Department to review.

Area X-Y-Z-X is still included in Road Opening Application 2020/010400 for assessment and review therefore another application will not be required, however; if this area was not included in the most recent community consultation that has taken place, some form of consultation with the community will be required.

If you would like to organise a meeting to discuss, please let me know so that I can organise a time that would suit myself, Wedeena Smith (Principal Land Officer) and Errol Sander (Manager, Land Management & Use).

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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E: Megan.Warrener@dnrme.qld.gov.au
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W: www.dnrme.qld.gov.au

From: sch4p4(6) P | McKays Solicitors <sch4p4(mckayslaw.com>
Sent: Friday, 4 September 2020 1:30 PM
To: WARRENER Megan
Cc: sch4p4(6) Pers | McKays Solicitors; SLAM-Mackay
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

We refer to our telephone discussions with you on 27 August, 2020 and further correspondence to you dated 2 September, 2020.

Are you please able to provide an update in relation to the extension request, noting that the first condition under the Agreement to Offer pursuant to the current dates must be satisfied by **7 September, 2020.**

We look forward to your response.

Kind regards

sch4p4(6) Per | **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From: sch4p4(6) P| McKays Solicitors
Sent: Thursday, 27 August 2020 11:02 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: sch4p4(6) Pers| McKays Solicitors <sch4p4(6)mckayslaw.com>; SLAM-Mackay <Slam-Mackay@dnrme.qld.gov.au>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good morning Megan,

Please find **attached** correspondence to you.

If you would like to discuss further, please contact myself or sch4p4(6) Persof this office.

Kind regards

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Solicitor - LLB Hons (1st Class)
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From: WARRENER Megan
Sent: Friday, 7 August 2020 9:57 AM
To: sch4p4(6) P| McKays Solicitors ; sch4p4(6) P| McKays Solicitors
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p& sch4p4(

Please find attached Agreement to Offer Documents for your client's Road Opening Application.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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E: Megan.Warrener@dnrme.qld.gov.au
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Date : 15/01/2021 12:42:04 PM
From sch4p4(6) Persona **McKays Solicitors"**
To : "WARRENER Megan"
Cc : sch4p4(6) Persona **McKays Solicitors"**
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400
Attachment : image001.jpg;image002.png;
Hi Megan,

Further to the below, Council has instructed me to request a further extension from DNRME in relation to this application, noting the Christmas closure period.

Can you please advise if DNRME will be acceptable to a two (2) week extension, until Friday 29 January?

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Kind regards

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W: www.dnrme.qld.gov.au

From sch4p4(6) Per McKays Solicitors sch4p4@mckayslaw.com>

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Sent: Tuesday, 15 September 2020 9:33 AM
To: WARRENER Megan
Cc sch4p4(6) Perso McKays Solicitors; sch4p4(6) Pers McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Our client acknowledges, and accepts, that the Department has determined that Area X-Y-Z-X must be included within Road Opening Application 2020/010400.

Although, please clarify whether the Department has given any consideration to the detailed submissions outlined within our letter dated 2 September, 2020 as to why community consultation should not be required in the circumstances.

In the event that the Department has already given due consideration to these submissions, and has nevertheless determined that community consultation is required, please clarify as to the level of community consultation that is required to enable Council to comply with same and so as not to delay the assessment of this application any further.

For clarity, the community consultation with respect to Road Opening Application 2020/010400 has already been completed, and did not cover area X-Y-Z-X (which we will forward to you in due course). This means that, if Council is required to undertake community consultation, it will be doing so for Area X-Y-Z-X only – i.e. a 92 square metre area of land.

With respect to Road Opening Application 2020/010676, Council now intends to sign the current Agreement to Offer and comply with its conditions, as Council had only requested an extension due to its belief that the Area X-Y-Z-X would be included within that application.

If you require clarification or would like to discuss further, please do not hesitate to contact sch4p4(6) Pers or sch4p4(6) P of this office.

We look forward to your response.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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McKays NQ Pty Ltd ABN 85 604 643 709
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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 7 September 2020 10:03 AM
To: sch4p4(6) Pe McKays Solicitors sch4p4@mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(

As per Carey's email your request for an extension of time has been granted until the 7 November 2020 for the initial offer requirements to be satisfied and the 9th January 2021 for Survey requirements to be satisfied.

The copy of the Land Management Plan for the Airlie Beach Foreshore Reserves that we have on file highlights the southern areas of the reserve in red as shown on Figure 12 page 14 of the plan, the area highlighted includes area X-Y-Z-X. The LMP states that the portions of reserve highlighted in red "do not promote the overall function or use of the Foreshore given their isolated location and dimensions. The portions of land offer no strategic value to the recreational purposes of the wider Foreshore and could be realigned to integrate with the adjoining Port of Airlie Lot 105 or offset to achieve better community outcomes in other areas. This will be discussed within future renditions of the Airlie Beach Foreshore Land Management Plan".

From reviewing the copy of the LMP that we have on file, we do not believe that area X-Y-Z-X has been included in the Land Management Plan, but rather outlines that this area will be discussed in future renditions of the Airlie Beach Foreshore Land Management Plan. If there have been other renditions of the Land Management Plan which discusses the areas highlighted in red as shown on Figure 12, can you please provide a copy for the Department to review.

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If you would like to organise a meeting to discuss, please let me know so that I can organise a time that would suit myself, Wedeena Smith (Principal Land Officer) and Errol Sander (Manager, Land Management & Use).

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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Sent: Friday, 4 September 2020 1:30 PM
To: WARRENER Megan
Cc: sch4p4(6) Pers| McKays Solicitors; SLAM-Mackay
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

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We look forward to your response.

Kind regards

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sch4p4(6) Personal information

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From: WARRENER Megan
Sent: Friday, 7 August 2020 9:57 AM
To: sch4p4(6) Pe McKays Solicitors ; sch4p4(6) P| McKays Solicitors
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(6) Person

Please find attached Agreement to Offer Documents for your client's Road Opening Application.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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eLVAS Client Interaction Report
For Interaction id: 1842771

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	11-Dec-2020 8:28 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_WRC Gathering Evidence required by 15 Jan 2021	10-Dec-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	11-Dec-2020
Details:	

Assignment History

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Date : 10/12/2020 6:00:37 PM
From : sch4p4(6) Perso| McKays Solicitors"
To : "WARRENER Megan"
Cc : sch4p4(6) Persona McKays Solicitors"
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400
Attachment : image002.jpg;image003.png;

Hi Megan,

Thank you for your email.

Apologies for the delay in responding. Council is gathering the required evidence and instructs that a response will be provided to DNRME by 15 January, 2020 as requested.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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> Our office will close at 12.00pm on Thursday, 24 December, 2020 and will reopen at 8.00am on Monday, 11 January, 2021. If you require urgent assistance during that period please telephone sch4p4(6) Pe
Best wishes for the festive season and hoping the New Year brings you happiness and success.

From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Thursday, 3 December 2020 10:45 AM
To: sch4p4(6) Per McKays Solicitors sch4p4 mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Good Morning sch4p4(

I just wanted to touch base with you in relation to Whitsunday Regional Council's Road Opening Case 2020/010400, have you received a response from Council in regards to the below email that I had sent on 30 October 2020?

The Department would like a response by no later than Friday 15th January 2021, if you require any further information please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: WARRENER Megan
Sent: Friday, 30 October 2020 4:32 PM
To: sch4p4(6) Pe| McKays Solicitors
Cc: sch4p4(6) Perso McKays Solicitors; sch4p4(6) Pers| McKays Solicitors; Neil McGaffin; Doug Mackay; SMITH Wedeena; GABRIEL Carey
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Good Afternoon sch4p4(

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I refer to the results of the community consultation in relation to the proposed road opening from Lot 187 on SP219978 (reserve).

Councils response to the matters raised in the community consultation have been considered and the department is continuing its assessment of Council's response and the other supporting material. The information has not yet demonstrated that the requirements of the Land Act have been met, that the reserve is either:

- no longer needed for a community purpose; or
- is needed in the public interest for a different use.

With this in mind I refer to Council's advice that the land is needed to address safer traffic management in the area and understand that Council had considered a traffic management study but this study has been delayed. Council is requested to provide evidence to justify the land is needed in the public interest for a different use (e.g. public safety) and not to support the development of an adjoining freehold parcel as raised in the submission process.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Queensland Government

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From: sch4p4(6) Pers McKays Solicitors sch4p4@mckayslaw.com>
Sent: Friday, 25 September 2020 4:07 PM
To: WARRENER Megan
Cc sch4p4(6) Perso McKays Solicitors; sch4p4(6) Perso McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Apologies for the slight delay in response. Upon further discussions with my client, I have been notified that Council is in the process of developing a further rendition of the Airlie Foreshore Land Management Plan (LMP).

As you have pointed out, the portions of reserve highlighted in red (which included Area X-Y-Z-X) within Figure 12, Page 14 of the current LMP were intended to be discussed in future renditions. Council therefore intends to include this area within the revised LMP, which will need to undergo community consultation. After this community consultation, Council will be able to provide the Department with the result of the community consultation for the approval of the revised LMP.

Accordingly, Council wishes to put forward the result of its community consultation undertaken for the other southern areas and proceed with the processing of Application 2020/010400, without the inclusion of Area X-Y-Z-X.

As evidence of the community consultation undertaken with respect to this application, please find **attached**:

1. Council Report from Ordinary Meeting held on 26 August, 2020 whereby Council resolved to support the proposal to change part of the land from recreational reserve to road reserve, after consideration of the Community Consultation Summary which includes the following annexures:
    a. Annexure A - Plan showing the proposed areas to be converted to road reserve (which was uploaded to the website);
    b. Annexure B - Summary of public submissions;
    c. Annexure C - Further information in support of the proposal from the applicant for the development application with respect to Lot 105 on SP232115 and Lot 106 on SP172255.

2. Copy of community consultation online portal on Council's website which can also be accessed at: https://yoursay.whitsundayrc.qld.gov.au/airlie-beach-proposed-road-access-change.

Please advise whether you require any further information, or if you would like to discuss further, please do not hesitate to contact myself, sch4p4(6) sch4p4(6) Perso of this office.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
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Sent: Tuesday, 15 September 2020 11:28 AM
To sch4p4(6) Pe| McKays Solicitors <sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

H sch4p4(6)

I have spoken with both Wedeena Smith (Principal Land Officer) & Errol Sander (Manager, Land Management & Use) in relation to the level of community consultation required for area X-Y-Z-X, they have both advised that the Department would prefer that the same level of community consultation be undertaken. If you have a proposal on the level of consultation Council believe to be sufficient, please send through the proposal so that the Department can review and respond to you accordingly.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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Kind regards

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Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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If you would like to organise a meeting to discuss, please let me know so that I can organise a time that would suit myself, Wedeena Smith (Principal Land Officer) and Errol Sander (Manager, Land Management & Use).

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To sch4p4(6) Pe McKays Solicitors ; sch4p4(6) Pe McKays Solicitors
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

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Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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eLVAS Client Interaction Report
For Interaction id: 1841989

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	6-Dec-2020 2:34 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Save Our Foreshore Incorporated, Airlie Beach

Documents

Document Type	Title	Received/Sent
Incoming email	e_SOF Requesting Decision to be put on hold	6-Dec-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	8-Dec-2020
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

Date : 8/12/2020 2:34:13 PM
From : "WILLIAMS Jill"
To : "WARRENER Megan"
Subject : FW: REDIRECTED REQUEST -
Attachment : image001.png;image002.jpg;image003.jpg;

Hi Megan,

Email for filing.

Could you book a meeting with me over the next few days to discuss. Probably by teams so we can share screens if required.

Thanks,
Jill

Jill Williams
A/Principal Land Officer
State Land Asset Management | Land Services
Department of Resources

P: 07 - 4837 3402
E: jill.williams@dnrme.qld.gov.au
A: Level 1, 209 Bolsover Street, Rockhampton QLD 4700 | PO Box 1762, Rockhampton. QLD. 4700
W: www.dnrme.qld.gov.au

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From: WILLIAMS Jill
Sent: Tuesday, 8 December 2020 2:33 PM
To sch4p4(6) Person
Cc: Save Our Foreshore
Subject: RE: REDIRECTED REQUEST -

Hi sch4p

I acknowledge receipt of your email. I will look into this matter and respond in due course.

Regards,

Jill Williams
A/Principal Land Officer
State Land Asset Management | Land Services
Department of Resources

P: 07 - 4837 3402
E: jill.williams@dnrme.qld.gov.au
A: Level 1, 209 Bolsover Street, Rockhampton QLD 4700 | PO Box 1762, Rockhampton. QLD. 4700
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All applications to change tenure or for use of State land administered under the Land Act 1994 are to be forwarded to the central point of lodgement. The central point of lodgement email address is SLAMlodgement@dnrm.qld.gov.au. For more information please refer to Application forms on the Department's webpage.

From: sch4p4(6) Personal information
Sent: Tuesday, 8 December 2020 1:07 PM
To: WILLIAMS Jill
Cc: Save Our Foreshore
Subject: REDIRECTED REQUEST -

From: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>
Hi Jill,

Unfortunately a typo was made redirecting our email to Wedeena onto you as advised by Wedeen's automatic response.

Timing could be crucial in regards to this issue so we ask that it is considered asap.

Please acknowledge receipt of this email.

Thank you,
sch4p4(6) Persona
Secretary/Treasurer
Save Our Foreshore
sch4p4(6) Perso

From: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>
Sent: Sunday, 6 December 2020 4:35 PM
To: wedeena.smith@dnrme.qld.gov.au
Subject: RE: Follow up to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Dear Wedeena,
In response to your welcome email below, could we make a request.
Last Friday, 4 December 2020, both myself and SOF Secretary sch4p4(6) Pers met with Mayor Willcox Whitsunday Regional Council and were advised that the Port of Airlie development application for a 12 storey hotel has been re-submitted, with minimal changes, but as such the assessment process has to be restarted and subsequently, public consultation will not commence until after January or later 2021.
As the application before the Minister is obviously to provide vehicular access to this proposed hotel, and is inextricably linked to the Port of Airlie development application mentioned above, could we respectfully request that the Minister postpone any decision regarding excising public lands until the public has had a chance to express their views regarding this proposed hotel development.
Yours sincerely,
sch4p4(6) Per
President
Save Our Foreshore
Mob: sch4p4(6) Pe

---------- Forwarded message ---------
From: **SMITH Wedeena** <Wedeena.Smith@dnrme.qld.gov.au>
Date: Thu, Dec 3, 2020 at 4:50 PM
Subject: RE: Follow up to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie
To: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>

Afternoon sch4p4((

Thank you for your email following up on your correspondence to the Minister.

The department is still assessing the advice provided, including the matters raised in your objection. At this stage we are seeking additional advice from the Whitsunday Regional Council to continue with our assessment of the application under the provisions of the Land Act.

Kind regards
Wedeena Smith
Principal Land Officer, State Land Asset Management
Telephone (07) 4999 6914 or 23914
Email wedeena.smith@dnrme.qld.gov.au
www.dnrme.qld.gov.au
Department of Natural Resources, Mines and Energy
Level 1, 44 Nelson Street, PO Box 63 MACKAY QLD 4740

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eLVAS Client Interaction Report
For Interaction id: 1840777

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	3-Dec-2020 10:47 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Asking WRC to provide a response by 15 Jan 2021	3-Dec-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	3-Dec-2020
Details:	Email sent to sch4p4(6) Person at McKays Solicitors asking for WRC to provide a response to the email sent to them on 30 October 2020 by no later than Friday 15 January 2021.

Assignment History

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Date : 3/12/2020 10:45:02 AM
From : "WARRENER Megan"
To : "sch4p4(6) Perso McKays Solicitors'"
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400
Attachment : image001.png;image002.jpg;
Good Morning sch4p4(6)

I just wanted to touch base with you in relation to Whitsunday Regional Council's Road Opening Case 2020/010400, have you received a response from Council in regards to the below email that I had sent on 30 October 2020?

The Department would like a response by no later than Friday 15th January 2021, if you require any further information please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: WARRENER Megan
Sent: Friday, 30 October 2020 4:32 PM
To: sch4p4(6) Perso cKays Solicitors
Cc: | McKays Solicitors sch4p4(6) Perso McKays Solicitors; Neil McGaffin; Doug Mackay; SMITH Wedeena; GABRIEL Carey
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Good Afternoon sch4p4(

I refer to the results of the community consultation in relation to the proposed road opening from Lot 187 on SP219978 (reserve).

Councils response to the matters raised in the community consultation have been considered and the department is continuing its assessment of Council's response and the other supporting material. The information has not yet demonstrated that the requirements of the Land Act have been met, that the reserve is either:

- no longer needed for a community purpose; or
- is needed in the public interest for a different use.

With this in mind I refer to Council's advice that the land is needed to address safer traffic management in the area and understand that Council had considered a traffic management study but this study has been delayed. Council is requested to provide evidence to justify the land is needed in the public interest for a different use (e.g. public safety) and not to support the development of an adjoining freehold parcel as raised in the submission process.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From sch4p4(6) Pers McKays Solicitors sch4p4 mckayslaw.com>
Sent: Friday, 25 September 2020 4:07 PM
To: WARRENER Megan
Cc sch4p4(6) Perso McKays Solicitors sch4p4(6) Perso McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

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Hi Megan,

Apologies for the slight delay in response. Upon further discussions with my client, I have been notified that Council is in the process of developing a further rendition of the Airlie Foreshore Land Management Plan ("LMP").

As you have pointed out, the portions of reserve highlighted in red (which included Area X-Y-Z-X) within Figure 12, Page 14 of the current LMP were intended to be discussed in future renditions. Council therefore intends to include this area within the revised LMP, which will need to undergo community consultation. After this community consultation, Council will be able to provide the Department with the result of the community consultation for the approval of the revised LMP.

Accordingly, Council wishes to put forward the result of its community consultation undertaken for the other southern areas and proceed with the processing of Application 2020/010400, without the inclusion of Area X-Y-Z-X

As evidence of the community consultation undertaken with respect to this application, please find **attached**:

1. Council Report from Ordinary Meeting held on 26 August, 2020 whereby Council resolved to support the proposal to change part of the land from recreational reserve to road reserve, after consideration of the Community Consultation Summary – which includes the following annexures:
    a. Annexure A - Plan showing the proposed areas to be converted to road reserve (which was uploaded to the website);
    b. Annexure B - Summary of public submissions;
    c. Annexure C - Further information in support of the proposal from the applicant for the development application with respect to Lot 105 on SP232115 and Lot 106 on SP172255.

2. Copy of community consultation online portal on Council's website which can also be accessed at: https://yoursay.whitsundayrc.qld.gov.au/airlie-beach-proposed-road-access-change.

Please advise whether you require any further information, or if you would like to discuss further, please do not hesitate to contact myself, sch4p4(6) sch4p4(6) Pers of this office.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus
McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay Qld 4740 Australia
PO Box 37, Mackay Qld 4740 Australia
P +61 7 4963 0839 F +61 7 4963 0889 E sch4p4 mckayslaw.com

www.mckayslaw.com

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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Tuesday, 15 September 2020 11:28 AM
To sch4p4(6) Per McKays Solicitors sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(6

I have spoken with both Wedeena Smith (Principal Land Officer) & Errol Sander (Manager, Land Management & Use) in relation to the level of community consultation required for area X-Y-Z-X, they have both advised that the Department would prefer that the same level of community consultation be undertaken. If you have a proposal on the level of consultation Council believe to be sufficient, please send through the proposal so that the Department can review and respond to you accordingly.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au

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A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From sch4p4(6) Pel McKays Solicitors sch4p4@mckayslaw.com>
Sent: Tuesday, 15 September 2020 9:33 AM
To: WARRENER Megan
Cc sch4p4(6) Perso McKays Solicitors; sch4p4(6) Perso McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Our client acknowledges, and accepts, that the Department has determined that Area X-Y-Z-X must be included within Road Opening Application 2020/010400.

Although, please clarify whether the Department has given any consideration to the detailed submissions outlined within our letter dated 2 September, 2020 as to why community consultation should not be required in the circumstances.

In the event that the Department has already given due consideration to these submissions, and has nevertheless determined that community consultation is required, please clarify as to the level of community consultation that is required to enable Council to comply with same and so as not to delay the assessment of this application any further.

For clarity, the community consultation with respect to Road Opening Application 2020/010400 has already been completed, and did not cover area X-Y-Z-X (which we will forward to you in due course). This means that, if Council is required to undertake community consultation, it will be doing so for Area X-Y-Z-X only – i.e. a 92 square metre area of land.

With respect to Road Opening Application 2020/010676, Council now intends to sign the current Agreement to Offer and comply with its conditions, as Council had only requested an extension due to its belief that the Area X-Y-Z-X would be included within that application.

If you require clarification or would like to discuss further, please do not hesitate to contact sch4p4(6) Pers or sch4p4(6) P of this office.

We look forward to your response.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus
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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 7 September 2020 10:03 AM
To: sch4p4(6) Per McKays Solicitors sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(

As per Carey's email your request for an extension of time has been granted until the 7 November 2020 for the initial offer requirements to be satisfied and the 9th January 2021 for Survey requirements to be satisfied.

The copy of the Land Management Plan for the Airlie Beach Foreshore Reserves that we have on file highlights the southern areas of the reserve in red as shown on Figure 12 page 14 of the plan, the area highlighted includes area X-Y-Z-X. The LMP states that the portions of reserve highlighted in red "do not promote the overall function or use of the Foreshore given their isolated location and dimensions. The portions of land offer no strategic value to the recreational purposes of the wider Foreshore and could be realigned to integrate with the adjoining Port of Airlie Lot 105 or offset to achieve better community outcomes in other areas. This will be discussed within future renditions of the Airlie Beach Foreshore Land Management Plan".

From reviewing the copy of the LMP that we have on file, we do not believe that area X-Y-Z-X has been included in the Land Management Plan, but rather outlines that this area will be discussed in future renditions of the Airlie Beach Foreshore Land Management Plan. If there

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have been other renditions of the Land Management Plan which discusses the areas highlighted in red as shown on Figure 12, can you please provide a copy for the Department to review.

Area X-Y-Z-X is still included in Road Opening Application 2020/010400 for assessment and review therefore another application will not be required, however; if this area was not included in the most recent community consultation that has taken place, some form of consultation with the community will be required.

If you would like to organise a meeting to discuss, please let me know so that I can organise a time that would suit myself, Wedeena Smith (Principal Land Officer) and Errol Sander (Manager, Land Management & Use).

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Pe McKays Solicitors sch4p4(mckayslaw.com>
Sent: Friday, 4 September 2020 1:30 PM
To: WARRENER Megan
C sch4p4(6) Person McKays Solicitors; SLAM-Mackay
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

We refer to our telephone discussions with you on 27 August, 2020 and further correspondence to you dated 2 September, 2020.

Are you please able to provide an update in relation to the extension request, noting that the first condition under the Agreement to Offer pursuant to the current dates must be satisfied by **7 September, 2020.**

We look forward to your response.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus
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From: sch4p4(6) Per McKays Solicitors
Sent: Thursday, 27 August 2020 11:02 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: sch4p4(6) Person McKays Solicitors sch4p4(6@mckayslaw.com>; SLAM-Mackay <Slam-Mackay@dnrme.qld.gov.au>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good morning Megan,

Please find **attached** correspondence to you.

If you would like to discuss further, please contact myself or sch4p4(6) Pers of this office.

Kind regards

sch4p4(6) Pers **McKays Solicitors**

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Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan
Sent: Friday, 7 August 2020 9:57 AM
To: sch4p4(6) Pe McKays Solicitors ; sch4p4(6) Pe| McKays Solicitors
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(6) Persor

Please find attached Agreement to Offer Documents for your client's Road Opening Application.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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eLVAS Client Interaction Report
For Interaction id: 1838937

Contact Details

Business unit:	State Land Asset Management
Business context:	Verbal (Inwards) Case
Interaction method:	Telephone
Interaction date:	25-Nov-2020 12:16 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	sch4p4(6) Personal i

Documents

Document Type	Title	Received/Sent

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	25-Nov-2020
Details:	sch4p4(6) Personal in alled wanting to know what was happening with the road opening case out of reserve and if we are still considering the application. I advised sch4p4(6) Per that the application is still being considered by the Department and currently waiting on further information from the applicant. sch4p4(6) Pers advised that Council have breached their own community consultation policy and didn't obtain the appropriate signatures needed or include a community consultation plan. I advised sch4p4(6) Pers that we can only consider information and concerns that have been provided to the Department against our own legislation and policies not those of Council's. I ensured sch4p4(6) Pers that the Department does address concerns from the community that can be considered in line with the land Act. sch4p4(6) Pers hanked me and said that sch4 will continue to ask for Answers from Council on why they Breach their policies and procedures.

Assignment History

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RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1832869

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	2-Nov-2020 7:52 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	sch4p4(6) Persona

Documents

Document Type	Title	Received/Sent
Incoming email	e_Response from sch4p4(6) Person	2-Nov-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	2-Nov-2020
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

Date : 2/11/2020 7:51:38 AM
From : sch4p4(6)
To : "WARRENER Megan"
Subject : Re: Airlie Beach Lot 187 parkland
Hi Megan,
Thank you for the reply. 6 months on from asking, I am still trying for a response from Council on the errors in the public notification. I would wish that could be concluded to aid in your considerations.
Cheer sch4p4(

On Friday, October 30, 2020, WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au> wrote:
> Good Evening sch4p4(6) Pers
>
>
>
> Thank you for your email dated 27 October 2020 addressed to my colleague Kelly Scott, I am writing you advise you that I am currently assessing the road opening application and will consider the issues that you have raised in your submission along with all other correspondence that has been received in relation to this application.
>
>
>
> If you require any further information, please do not hesitate to contact me via this email or at the number listed below.
>
>
>
> Kind Regards
>
>
>
> </mail/u/0/s/?view=att&th=175784f78768f8fc&attid=0.1&disp=emb&zw&atsh=1>
>
> Megan Warrener
> Senior Land Officer
> State Land Asset Management | Land Services
> Department of Natural Resources, Mines and Energy
>
> _____
>
> P: 07 4999 6862 (QNET 23862)
> E: Megan.Warrener@dnrme.qld.gov.au
> A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
> W: www.dnrme.qld.gov.au
>
>
>
>
>
>
>
>
>
>
> From sch4p4(6) Personal information
> Sent: Tuesday, 27 October 2020 8:46 AM
> To: SCOTT Kelly; SLAM-Mackay
> Subject: Airlie Beach Lot 187 parkland
>
>
>
> Hi Kelly,
>
> In the Minister's busy time I have written to you directly with a submission (attached) I have prepared on the proposed conversion of public parkland to road reserve.
>
> Can you please advise me if this can be taken into account during your considerations.
>
> Kind regards,

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>
> sch4p4(6) Per
>
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eLVAS Client Interaction Report
For Interaction id: 1832851

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	30-Oct-2020 5:02 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	sch4p4(6) Persona

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Acknowledgement of Submission - sch4p4(sch4p4(6) Pe	30-Oct-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	30-Oct-2020
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1832847

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	30-Oct-2020 4:52 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_WRC evidence justify needed for public interst	30-Oct-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	30-Oct-2020
Details:	Parties included in CC: Whitsunday Regional Council / Proserpine

Assignment History

Published on Resources Disclosure Log RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1832590

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	30-Oct-2020 11:20 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Emails between Doug Mackay & Carey Gabriel	30-Oct-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	30-Oct-2020
Details:	

Assignment History

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Date : 30/10/2020 5:01:04 PM
From : "WARRENER Megan"
To : sch4p4(6) Personal information
Subject : RE: Airlie Beach Lot 187 parkland
Attachment : image001.png;

Good Evenin sch4p4(6) Pe

Thank you for your email dated 27 October 2020 addressed to my colleague Kelly Scott, I am writing you advise you that I am currently assessing the road opening application and will consider the issues that you have raised in your submission along with all other correspondence that has been received in relation to this application.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From sch4p4(6) Personal information
Sent: Tuesday, 27 October 2020 8:46 AM
To: SCOTT Kelly; SLAM-Mackay
Subject: Airlie Beach Lot 187 parkland

Hi Kelly,
In the Minister's busy time I have written to you directly with a submission (attached) I have prepared on the proposed conversion of public parkland to road reserve.
Can you please advise me if this can be taken into account during your considerations.
Kind regards,
sch4p4(6) Person

Published on Resources Disclosure Log RTI Act 2009

Date : 30/10/2020 4:32:01 PM
From : "WARRENER Megan"
To : sch4p4(6) Person McKays Solicitors"
Cc : | McKays Solicitors" , sch4p4(6) Person McKays Solicitors" , "Neil McGaffin" , "Doug Mackay" , "SMITH Wedeena" , "GABRIEL Carey"
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400
Attachment : image002.png;image003.jpg;
Good Afternoon sch4p4(

I refer to the results of the community consultation in relation to the proposed road opening from Lot 187 on SP219978 (reserve).

Councils response to the matters raised in the community consultation have been considered and the department is continuing its assessment of Council's response and the other supporting material. The information has not yet demonstrated that the requirements of the Land Act have been met, that the reserve is either:

- no longer needed for a community purpose; or
- is needed in the public interest for a different use.

With this in mind I refer to Council's advice that the land is needed to address safer traffic management in the area and understand that Council had considered a traffic management study but this study has been delayed. Council is requested to provide evidence to justify the land is needed in the public interest for a different use (e.g. public safety) and not to support the development of an adjoining freehold parcel as raised in the submission process.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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From: sch4p4(6) Pe| McKays Solicitors sch4p4@mckayslaw.com>
Sent: Friday, 25 September 2020 4:07 PM
To: WARRENER Megan
Cc: sch4p4(6) Perso McKays Solicitors sch4p4(6) Perso McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Apologies for the slight delay in response. Upon further discussions with my client, I have been notified that Council is in the process of developing a further rendition of the Airlie Foreshore Land Management Plan ("LMP").

As you have pointed out, the portions of reserve highlighted in red (which included Area X-Y-Z-X) within Figure 12, Page 14 of the current LMP were intended to be discussed in future renditions. Council therefore intends to include this area within the revised LMP, which will need to undergo community consultation. After this community consultation, Council will be able to provide the Department with the result of the community consultation for the approval of the revised LMP.

Accordingly, Council wishes to put forward the result of its community consultation undertaken for the other southern areas and proceed with the processing of Application 2020/010400, without the inclusion of Area X-Y-Z-X.

As evidence of the community consultation undertaken with respect to this application, please find **attached**:

1. Council Report from Ordinary Meeting held on 26 August, 2020 whereby Council resolved to support the proposal to change part of the land from recreational reserve to road reserve, after consideration of the Community Consultation Summary – which includes the following annexures:
    a. Annexure A - Plan showing the proposed areas to be converted to road reserve (which was uploaded to the website);
    b. Annexure B - Summary of public submissions;
    c. Annexure C - Further information in support of the proposal from the applicant for the development application with respect to Lot 105 on SP232115 and Lot 106 on SP172255.

2. Copy of community consultation online portal on Council's website which can also be accessed at: https://yoursay.whitsundayrc.qld.gov.au/airlie-beach-proposed-road-access-change.

Please advise whether you require any further information, or if you would like to discuss further, please do not hesitate to contact myself sch4p4(6) F sch4p4(r sch4p4(6) Perso f this office.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus
McKays NQ Pty Ltd ABN 85 604 643 709
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www.mckayslaw.com

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Tuesday, 15 September 2020 11:28 AM
To: sch4p4(6) Per McKays Solicitors sch4p4@mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(6

I have spoken with both Wedeena Smith (Principal Land Officer) & Errol Sander (Manager, Land Management & Use) in relation to the level of community consultation required for area X-Y-Z-X, they have both advised that the Department would prefer that the same level of community consultation be undertaken. If you have a proposal on the level of consultation Council believe to be sufficient, please send through the proposal so that the Department can review and respond to you accordingly.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From sch4p4(6) Per McKays Solicitors sch4p4(mckayslaw.com>
Sent: Tuesday, 15 September 2020 9:33 AM
To: WARRENER Megan
Cc: sch4p4(6) Pers(McKays Solicitors; sch4p4(6) Pers(McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Our client acknowledges, and accepts, that the Department has determined that Area X-Y-Z-X must be included within Road Opening Application 2020/010400.

Although, please clarify whether the Department has given any consideration to the detailed submissions outlined within our letter dated 2 September, 2020 as to why community consultation should not be required in the circumstances.

In the event that the Department has already given due consideration to these submissions, and has nevertheless determined that community consultation is required, please clarify as to the level of community consultation that is required to enable Council to comply with same and so as not to delay the assessment of this application any further.

For clarity, the community consultation with respect to Road Opening Application 2020/010400 has already been completed, and did not cover area X-Y-Z-X (which we will forward to you in due course). This means that, if Council is required to undertake community consultation, it will be doing so for Area X-Y-Z-X only – i.e. a 92 square metre area of land.

With respect to Road Opening Application 2020/010676, Council now intends to sign the current Agreement to Offer and comply with its conditions, as Council had only requested an extension due to its belief that the Area X-Y-Z-X would be included within that application.

If you require clarification or would like to discuss further, please do not hesitate to contact sch4p4(6) Pers or sch4p4(6) P of this office.

Published on Resources Disclosure Log RTI Act 2009

We look forward to your response.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709
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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 7 September 2020 10:03 AM
To: sch4p4(6) Pe McKays Solicitors sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(

As per Carey's email your request for an extension of time has been granted until the 7 November 2020 for the initial offer requirements to be satisfied and the 9th January 2021 for Survey requirements to be satisfied.

The copy of the Land Management Plan for the Airlie Beach Foreshore Reserves that we have on file highlights the southern areas of the reserve in red as shown on Figure 12 page 14 of the plan, the area highlighted includes area X-Y-Z-X. The LMP states that the portions of reserve highlighted in red "do not promote the overall function or use of the Foreshore given their isolated location and dimensions. The portions of land offer no strategic value to the recreational purposes of the wider Foreshore and could be realigned to integrate with the adjoining Port of Airlie Lot 105 or offset to achieve better community outcomes in other areas. This will be discussed within future renditions of the Airlie Beach Foreshore Land Management Plan".

From reviewing the copy of the LMP that we have on file, we do not believe that area X-Y-Z-X has been included in the Land Management Plan, but rather outlines that this area will be discussed in future renditions of the Airlie Beach Foreshore Land Management Plan. If there have been other renditions of the Land Management Plan which discusses the areas highlighted in red as shown on Figure 12, can you please provide a copy for the Department to review.

Area X-Y-Z-X is still included in Road Opening Application 2020/010400 for assessment and review therefore another application will not be required, however; if this area was not included in the most recent community consultation that has taken place, some form of consultation with the community will be required.

If you would like to organise a meeting to discuss, please let me know so that I can organise a time that would suit myself, Wedeena Smith (Principal Land Officer) and Errol Sander (Manager, Land Management & Use).

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Pe McKays Solicitors sch4p4(@mckayslaw.com>
Sent: Friday, 4 September 2020 1:30 PM
To: WARRENER Megan
Cc: sch4p4(6) Person McKays Solicitors; SLAM-Mackay
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

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Hi Megan,

We refer to our telephone discussions with you on 27 August, 2020 and further correspondence to you dated 2 September, 2020.

Are you please able to provide an update in relation to the extension request, noting that the first condition under the Agreement to Offer pursuant to the current dates must be satisfied by **7 September, 2020.**

We look forward to your response.

Kind regards

sch4p4(6) Pers | **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From sch4p4(6) Per McKays Solicitors
Sent: Thursday, 27 August 2020 11:02 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: sch4p4(6) Pers| McKays Solicitors <sch4p4(6)mckayslaw.com>; SLAM-Mackay <Slam-Mackay@dnrme.qld.gov.au>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good morning Megan,

Please find **attached** correspondence to you.

If you would like to discuss further, please contact myself or sch4p4(6) Persof this office.

Kind regards

sch4p4(6) Pers | **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan
Sent: Friday, 7 August 2020 9:57 AM
To sch4p4(6) Per McKays Solicitors ; sch4p4(6) Pe McKays Solicitors
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(6) Person

Please find attached Agreement to Offer Documents for your client's Road Opening Application.

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If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
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Date : 30/10/2020 11:12:31 AM
From : "GABRIEL Carey"
To : "WARRENER Megan"
Subject : FW: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore
Attachment : image001.png;image008.png;image009.png;image010.png;image011.png;image012.png;image013.jpg;image014.jpg;

From: GABRIEL Carey
Sent: Friday, 30 October 2020 11:12 AM
To: Doug Mackay
Cc: SMITH Wedeena; Neil McGaffin
Subject: RE: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore

Doug

We are still considering this matter and the information provided by council.

It is highly likely that additional information will be requested.

Regards

Carey

Queensland Government

Carey Gabriel
Senior Land Officer
State Land Asset Management | Land Service
Department of Natural Resources, Mines and Energy

P: 07 4999 6808
E: carey.gabriel@dnrme.qld.gov.au
A: Level 1, 44 Nelson St, Mackay QLD 4740 | PO Box 63, Mackay QLD 4740

From: Doug Mackay <Doug.Mackay@whitsundayrc.qld.gov.au>
Sent: Friday, 30 October 2020 10:52 AM
To: GABRIEL Carey; SMITH Wedeena
Cc: Neil McGaffin
Subject: FW: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore

Hi Carey

I left a phone message for you on Wednesday.

Will you please respond to my email of 24 September as this matter is now becoming urgent.

Regards

Doug Mackay
Manager Development Assessment
Phone: 0749450260 **Fax:** 0749450222 **Mobile:** sch4p4(6) **Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

Whitsunday Regional Council

ourcultureourlife
a better culture - a better you - a better life



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From: Doug Mackay
Sent: Thursday, 24 September 2020 9:13 AM
To: GABRIEL Carey <Carey.Gabriel@dnrm.qld.gov.au>
Subject: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore

Hi Carey

Hope this finds you well.

We have been asked by the Port of Airlie developers for a timeframe for the decision on the above request. Are you able to advise please?

Many thanks

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INTERNAL CURRENT RESERVE SEARCH
NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Search Date: 28/10/2020 12:18 Title Reference: 49022965
Date GAZETTED: 01/11/1947
PAGE: 1340

Opening Ref: SG 47-33896
Purpose: RECREATION
Sub-Purpose:
Local Name:
Address: AIRLIE
County (R) No: R281
File Ref: RES 7830

TRUSTEES

WHITSUNDAY REGIONAL COUNCIL GAZETTED ON 01/11/1947 PAGE 1340

LAND DESCRIPTION

LOT 187 SURVEY PLAN 219978 AMENDED on 25/11/2008
Local Government: WHITSUNDAY

Area: 2.170000 Ha. (ABOUT)

EASEMENTS AND ENCUMBRANCES

1. EASEMENT IN GROSS No 712950229 21/12/2009 at 12:02
burdening the land
WHITSUNDAY REGIONAL COUNCIL
over
EASEMENT C ON SP230501
Lodged at 12:02 on 21/12/2009 Recorded at 10:07 on 18/01/2010

2. EASEMENT IN GROSS No 712984486 11/01/2010 at 13:49
burdening the land
ERGON ENERGY CORPORATION LIMITED A.C.N. 087 646 062
over
EASEMENT C ON SP230501
Lodged at 13:49 on 11/01/2010 Recorded at 10:07 on 18/01/2010

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status	Location
719058011	LAND NOTICE SEC 48 (2) LAND ACT 1994	22/10/2018 11:36	CUR	MY-GEN -00

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **

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RTI Act 2009

Native Title Assessment Form
Assessment Section

Module AA. Proposed Dealing

Road Opening – 2020/010400

Proposed Dealing Area

Lot(s)/Plan(s): 187/SP219978

Current Status: Reserve

Locality Description: Airlie Beach

Attached Plan/Map: SP219978

Module AB. Is this a dealing that can proceed without further reference to native title?

☐ **Yes**

- ☐ Dealing is within a QNTIME conclusion boundary [C/]. Go to Module BB (if conclusion based on Module BA).
- ☐ Dealing is not a future act.
- ☐ Activities done in accordance with a valid lease, licence, permit or authority
- ☐ Emergency action

Go to **Reason for Decision**

☑ **No**

Module AC. Is there a registered ILUA that covers the proposed dealing?

☐ **Yes** - Go to **Reason for Decision**

- ☐ Part of the proposed dealing area

☑ **No**

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Module AD. Is there a determination of native title that covers the proposed dealing area?

☐ **Yes** - Go to **Reason for Decision** ☐ Part of the proposed dealing area

☑ **No**

IF YES, does the determination state that native title does **not** exist over the proposed dealing area?

☐ **Yes** - Go to **Reason for Decision**

☐ **No** - Go to **Modules F to N** section of this Form as native title exists over the proposed dealing area unless subsequently extinguished by a later act.

Module BA. Is there or has there been a valid grant or vesting of exclusive possession over the proposed dealing area?

☐ **Yes** - Go to **Module BB** ☐ Part of the proposed dealing area

☑ **No** - Go to **Module CA**

Module BB. Can the extinguishing effect of the PEPA / QNTIME Conclusion be relied upon?

☐ **Yes** - Go to **Reason for Decision**

☐ **No**

Module CA. Is there or has there been a valid public work over the proposed dealing area?

☐ **Yes** - Go to **Reason for Decision** ☐ Part of the proposed dealing area

☑ **No**

Module CB. Is there or has there been an area dedicated or declared as road over the proposed dealing area?

☐ **Yes** ☐ Part of the proposed dealing area

☑ **No**

IF YES, can the dedication/declaration be relied upon to carry out the proposed dealing?

☐ **Yes** - Go to **Reason for Decision**

☐ **No**

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Queensland Government

Module D. Is the area subject to other works that were done under the authority of the Crown, ie. (private works)?

☐ **Yes** ☐ Part of the proposed dealing area

☑ **No**

IF YES, can I proceed with my dealing on the basis of the works?

☐ **Yes** - Go to **Reason for Decision**

☐ **No**

Module E. Information Module ONLY regarding past and intermediate period acts

Proceed to Modules F to N.

Modules F to N. Do the future act sections apply to your proposed dealing?

☑ **Yes** ☐ Part of the proposed dealing area

Which future act provision and Module applies

Section/s: 24KA Modules: K

Go to **Reason for Decision**

☐ **No** Your only options now are -

- an ILUA (Module Q); or
- a non-claimant application (Module R).

Can a non-claimant application be made?

☐ **Yes**

☐ **No** - Your only option is an ILUA.

Go to **Reason for Decision**

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Decision Section

Reason for Decision

Reasons

- The proposed road opening is not listed as an excluded facility
- The proposed road opening is not listed as an excluded dealing
- The proposed road opening is onshore
- The proposed road opening is a facility listed in requirement 4
- The proposed dealing – road opening provides the authority to construct, operate, use, maintain or repair by or on behalf of any person of a requirement 4 facility – category 1
- The proposed road opening is to be operated for the general public
- Native Title holder will have reasonable access after the road is opened as will the general public
- No procedural rights are required to be afforded

The proposed dealing may proceed in terms of native title in accordance with Module K of the Native Title Work Procedures. The non-extinguishment principle applies.

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Native Title Parties & Procedural Rights (if relevant)

Types of native title parties	Names of native title parties	Procedural rights to be provided to the native title parties
Registered Native Title Body Corporate		
Registered Native Title Claimants		
Native Title Representative Body		

☐ Proceed (first providing any relevant procedural rights)

☐ Send to NTCO

☐ Send to Aboriginal and Torres Strait Islander Land Services through NTCO

Name, title and signature of officer making this assessment –

Queensland Government

Rel

Name: Megan Warrener

Title: Senior Land Officer

Department/Agency: DNRME

Signature: sch4p4(6) Personal information

Date: 28/10/2020

Don't forget to:

1) Enter your research into QNTIME.

   RB / 63588

   RI / 48171

2) Request a conclusion be published where you found a PEPA.

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Queensland Government

INTERNAL CURRENT RESERVE SEARCH
NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Search Date: 28/10/2020 12:18

Title Reference: 49022965
Date GAZETTED: 01/11/1947
PAGE: 1340

Opening Ref: SG 47-33896
Purpose: RECREATION
Sub-Purpose:
Local Name:
Address: AIRLIE
County (R) No: R281
File Ref: RES 7830

TRUSTEES

WHITSUNDAY REGIONAL COUNCIL GAZETTED ON 01/11/1947 PAGE 1340

LAND DESCRIPTION

LOT 187 SURVEY PLAN 219978 AMENDED on 25/11/2008
Local Government: WHITSUNDAY

Area: 2.170000 Ha. (ABOUT)

EASEMENTS AND ENCUMBRANCES

1. EASEMENT IN GROSS No 712950229 21/12/2009 at 12:02
burdening the land
WHITSUNDAY REGIONAL COUNCIL
over
EASEMENT C ON SP230501
Lodged at 12:02 on 21/12/2009 Recorded at 10:07 on 18/01/2010

2. EASEMENT IN GROSS No 712984486 11/01/2010 at 13:49
burdening the land
ERGON ENERGY CORPORATION LIMITED A.C.N. 087 646 062
over
EASEMENT C ON SP230501
Lodged at 13:49 on 11/01/2010 Recorded at 10:07 on 18/01/2010

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status	Location
719058011	LAND NOTICE SEC 48 (2) LAND ACT 1994	22/10/2018 11:36	CUR	MY-GEN -00

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **

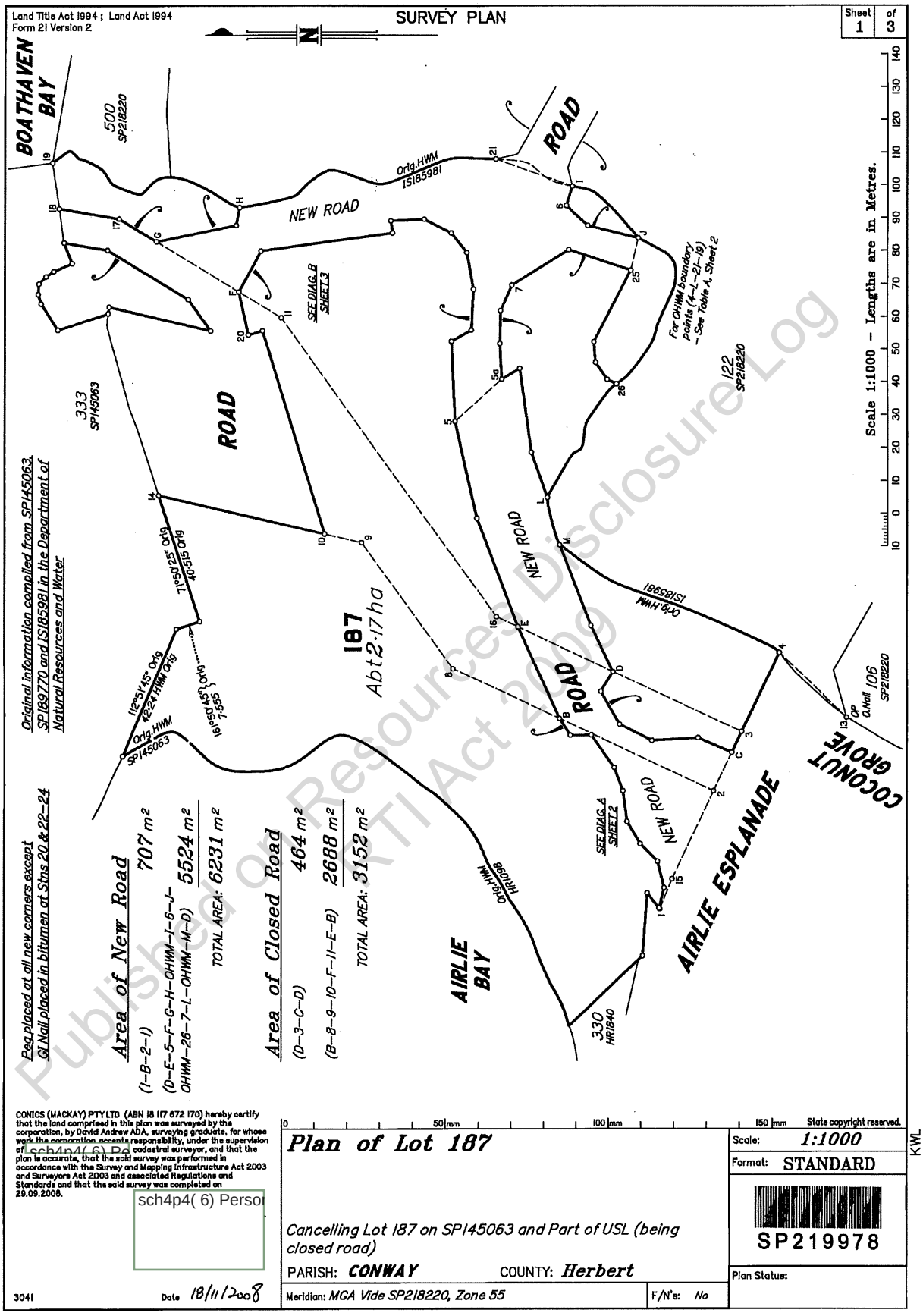
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Land Title Act 1994; Land Act 1994
Form 21 Version 2

SURVEY PLAN

Sheet 1 of 3



Reg placed at all new corners except GI Nail placed in bitumen at Stns 20 & 22–24

Original information compiled from SP145063, SP189770 and 1S185981 in the Department of Natural Resources and Water

Area of New Road 707 m²
(1–B–2–1)

5524 m²
(D–E–5–F–G–H–OHWM–1–6–J–OHWM–26–7–L–OHWM–M–D)

TOTAL AREA: 6231 m²

Area of Closed Road 464 m²
(D–3–C–D)

2688 m²
(B–8–9–10–F–11–E–B)

TOTAL AREA: 3152 m²

CONICS (MACKAY) PTY LTD (ABN 18 117 672 170) hereby certify that the land comprised in this plan was surveyed by the corporation, by David Andrew ADA, surveying graduate, for whose work the corporation accepts responsibility, under the supervision of sch4p4(6) Pa cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 29.09.2008.

sch4p4(6) Perso

3041

Date 18/11/2008

0 50 mm 100 mm 150 mm

State copyright reserved.

Plan of Lot 187

Cancelling Lot 187 on SP145063 and Part of USL (being closed road)

PARISH: CONWAY COUNTY: Herbert

Meridian: MGA Vide SP218220, Zone 55 F/N's: No

Scale: 1:1000

Format: STANDARD

SP219978

Plan Status:

KWL

Copyright protects the plan/s being ordered by you. Unauthorised reproduction or amendments are not permitted.

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712060806

NO FEE
20/11/2008 15:26

BE 495

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

Registered

5. Lodged by
DEPT OF NATURAL RESOURCES & WATER
LYNETTE MCDOUGALL
BE2268
(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We .....

.....

.....

.....

.....

(Names in full)

*as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

*as Lessees of this land agree to this plan.

.....
Signature of *Registered Owners *Lessees

* Rule out whichever is inapplicable

2. Local Government Approval.

*.....

hereby approves this plan in accordance with the :

%

Dated this ..... day of .....

..... #

..... #

* Insert the name of the Local Government.
Insert designation of signatory or delegation
% Insert Integrated Planning Act 1997 or Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement :
CMS Number :
Name :

4. References :
Dept File : 2008/002096
Local Govt :
Surveyor : 3041

6. Existing / Created

Title Reference	Description	New Lots	Road	Emts	Cov.	Profit a prendre
49022965	Lot 187 on SP145063	187	New Road			

Lots	Orig

7. Portion Allocation :

8. Map Reference :
8657-31113

9. Locality :
Airlie Beach

10. Local Government :
WHITSUNDAY R.C.

11. Passed & Endorsed :
CONICS (MACKAY) PTY LTD
By: ABN 18 117 672 170
Date : 18/11/2008
Signed sch4p4(6) Perso
Designation : Director

12. 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

13. Lodgement Fees :

Survey Deposit	$269.90
Lodgement	$
New Titles	$
Photocopy	$
Postage	$
TOTAL	$269.90

CAIS RECEIPT 372884

14. Insert Plan Number SP219978

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Form 21A Version 1

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST	
1	O.Nail in bit gone	8/SP145063	188°15'45"	0·205	
1	O.Nail in kb	8/SP145063	39°47'45"	4·85	
3	O.Nail in kb	35/SP218220	243°28'	27·995	(New Conn)
4	Nail in conc. drain		194°22'20"	188.79	
4	Screw in conc. path		178°22'	304.895	
5	Screw in conc		298°46'	18·975	
8	OIP	16/SP145063	222°21'45"	1·21	
8	GI Nail in pavers		355°44'	9·628	
9	OIP gone	29/SP145063	12°58'45"	10·305	
11	OIP	22/SP145063	236°55'45"	1·755	
12	O.Nail in kb	9/SP145063	264°46'45"	1·847	
12	Screw in conc.		294°45'20"	31.41	
13	O.Nail in kb	32a/SP218220	303°22'20"	35·252	
14	O.Spike in kb	30/SP145063	224°58'45"	4·035	
14	OIP gone	30/SP145063	252°58'45"	6·16	
16	O.Nail in conc gone	17/IS185981	88°07'30"	26·305	
17	OIP	25/SP145063	251°20'45"	2·45	
17	O.Nail in boat ramp	25/IS185981	202°00'	20·635	
18	OIP	27/IS185981	340°33'	11·605	
18	O.Nail in rock	27/IS185981	358°06'	15·105	
21	OIP	25/SP218220	257°52'	1·49	
25	Pin		124°08'	7·325	
26	Pin		275°27"	2·38	

PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO	
12–OPM	IS87910	271°25'20"	314·185	96453	New Conn.
14–OPM	32/SP145063	47°55'25"	30·505	27960	New Conn.
15–OPM	34/SP218220	326°52'10"	33·785	176569	
21–OPM	3/DP144391	167°10'50"	960.255	138198	New Conn.
21–OPM	5/SP172260	160°03'	1203.86	96448	New Conn.

DIAGRAM A
Scale 1:500

AIRLIE BAY

187

330
HR1840

122
SP218220

AIRLIE ESPLANADE

NEW ROAD

ROAD

NEW ROAD

Orig HWM
HR1098

Orig HWM
IS185981

No O.Mk
O.Nail gone
O.Nail

No O.Mk
O.Nail
(New Conn)

No O.Mk
Peg pld

No O.Mk
OIP

No O.Mk
O.Nail gone 16

No O.Mk 2

O.GI.Nail
at stn
O.Nail
OPM
(New Conn)

O.GI.Nail
at stn
OPM

SEE DIAG. B
SHEET 3

ADDITIONAL SHEET

TABLE A

	ORIG HWM POINTS		
(4)	53°37'15"	1·565	
	24°48'41"	28·221	
	18°10'18"	26·303	
	36°34'53"	19·466	(M)
(M)	36°34'53"	0·54	
	76°38'48"	14·582	(L)
(L)	119°17'38"	15·45	
	159°19'05"	3·561	
	95°21'29"	7·979	
	126°06'56"	13·119	
	146°57'30"	2·3	(26)
(26)	146°57'30"	4·142	
	127°12'43"	12·969	
	102°27'13"	5·685	
	115°05'11"	13·026	
	91°01'33"	6·574	
	52°28'28"	4·187	
	27°05'05"	10·072	(J)
(J)	49°32'04"	11·924	
	40°51'08"	8·843	
	9°01'51"	5·996	(I)
(1)	9°01'51"	7·357	
	47°19'40"	9·265	
	2°17'27"	10·012	(21)
(21)	2°17'27"	12·324	
	346°01'15"	4·607	
	336°14'59"	19·767	
	22°06'28"	15·28	
	343°09'05"	3·659	
	324°30'16"	6·172	
	310°18'15"	5·591	
	350°05'59"	17·422	(H)

TABLE A (CONTINUED)

	ORIG HWM POINTS		
(H)	18°34'52"	2·757	
	32°31'38"	8·977	
	23°36'03"	8·864	
	359°57'20"	5·593	
	330°15'19"	3·167	
	310°34'52"	5·511	
	19°38'35"	9·395	
	59°15'11"	6·132	
	25°55'29"	6·749	
	352°36'45"	0·935	
	48°10'47"	3·856	
	323°54'49"	6·736	(19)

TRAVERSES ETC

LINE	BEARING	DISTANCE
1–15	111°52'45"	9·94
1–24	51°46'05"	0·37
2–B	25°09'	52·26
2–C	115°08'45"	13·0
2–15	295°08'45"	29·74
3–D	25°08'45"	43·4
4–13	224°08'35"	28·57
5–5a	137°56'40"	19·2
8–B	205°09'	36·025
8–9	54°13'45"	47·515
9–10	13°04'45"	11·65
11–16	234°13'45"	112·49
11–F	31°0'30"	15·27
16–E	205°08'45"	7·33
21–I	199°33'40"	24·99
25–J	103°07'30"	10·09
D–E	25°08'45"	32·36
F–G	31°0'30"	29·5

Scale 1:500 – Lengths are in Metres.

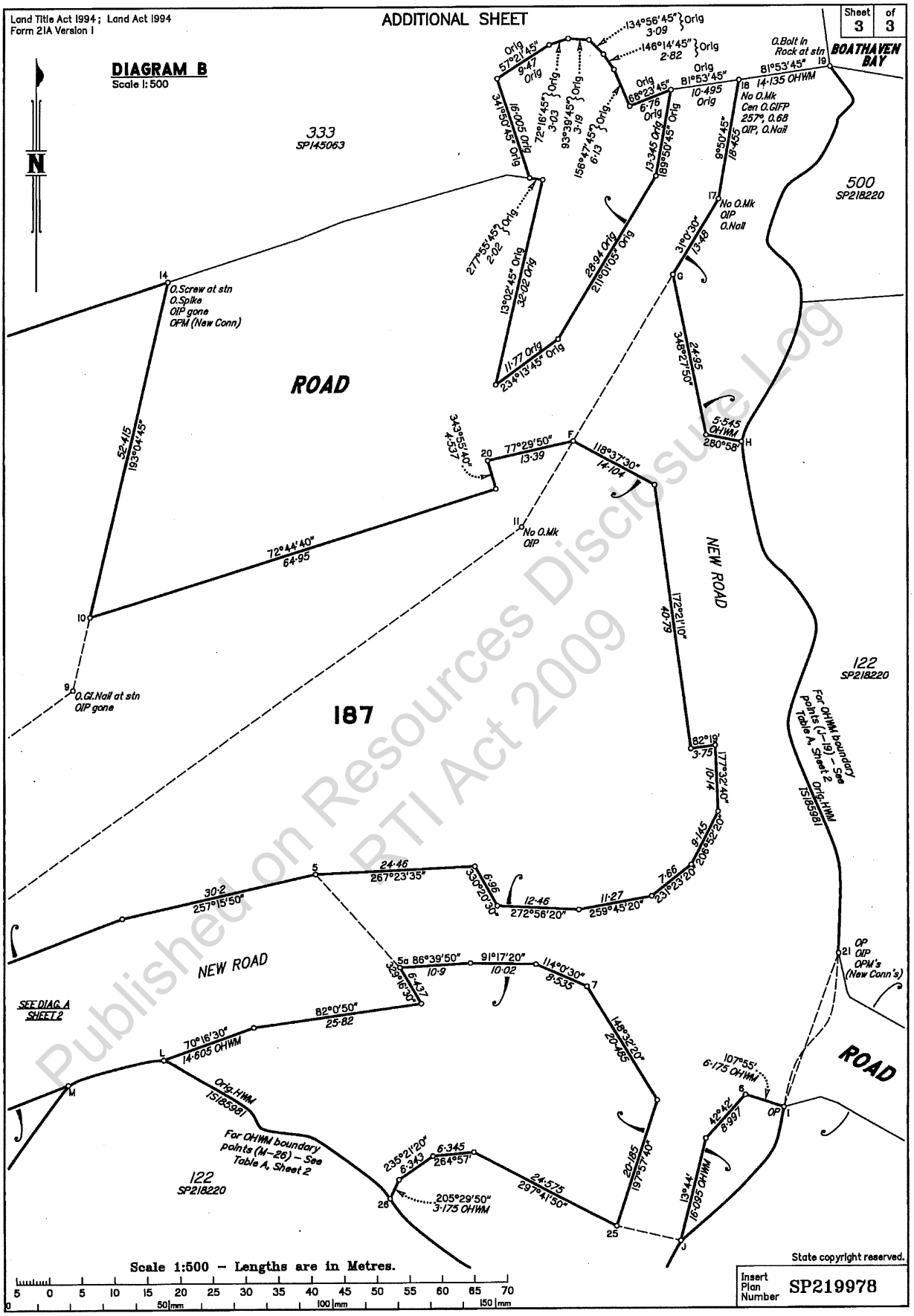
5 0 5 10 15 20 25 30 35 40 45 50 55 60 65 70

Insert Plan Number SP219978

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Sheet 2 of 3

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Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454 Brisbane QLD 4001 AUSTRALIA
www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50610505 EMR Site Id: 30 June 2020
This response relates to a search request received for the site:
Lot: 187 Plan: SP219978

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

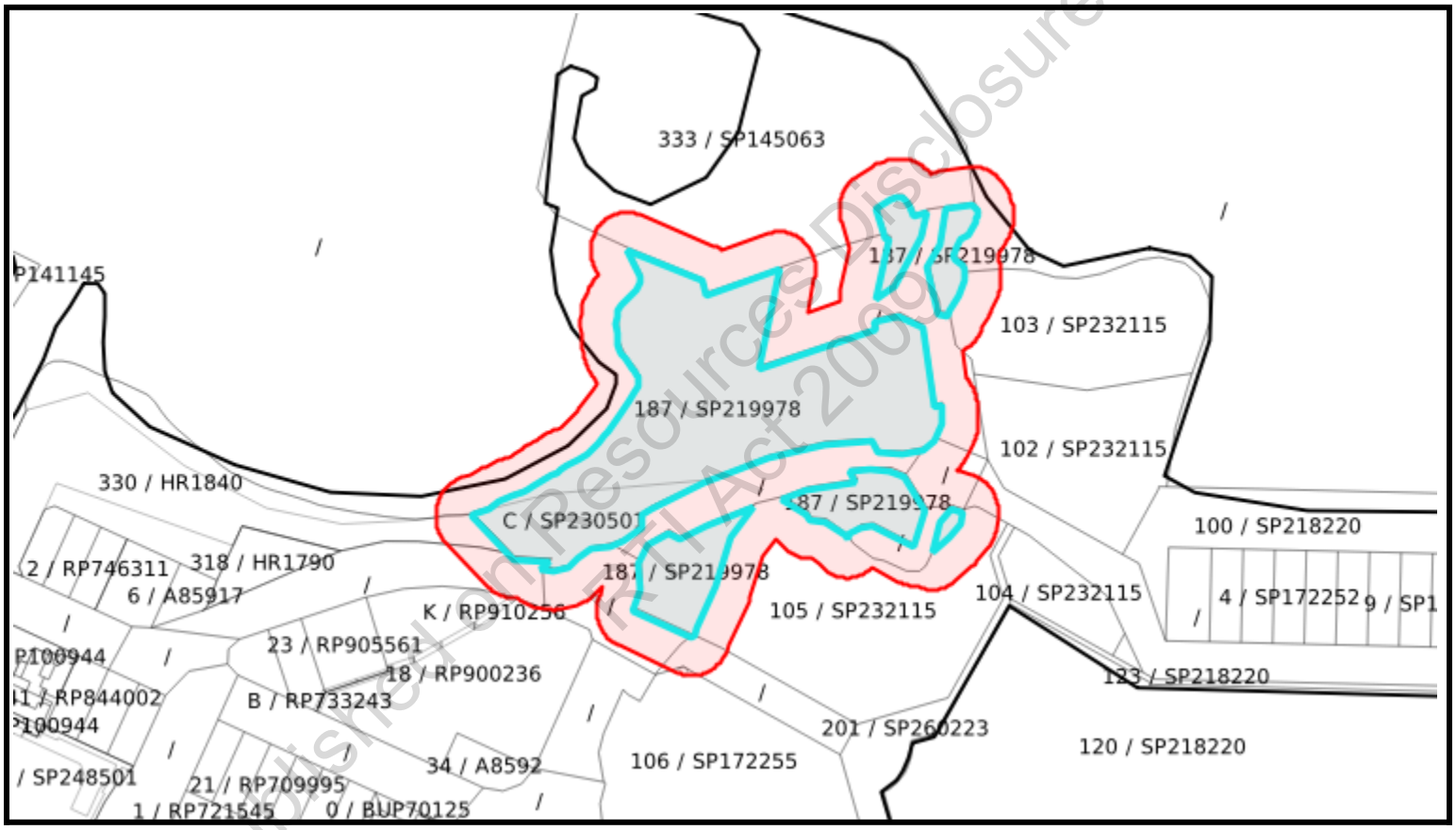
Administering Authority

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Queensland Government
Department of Aboriginal and Torres Strait Islander Partnerships

Lot on Plan Search

Reference Number:	72284
Lot:	187
Plan:	SP219978
LGA:	Whitsunday Regional
Buffer Distance:	20 metres



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There are no Aboriginal or Torres Strait Islander cultural heritage site points recorded in your specific search area.

There are no Aboriginal or Torres Strait Islander cultural heritage site polygons recorded in your specific search area.

There is no cultural heritage party recorded in your specific search area.

There is no cultural heritage body recorded in your specific search area.

30 Jun 2020 13:19

GDA2020

Lot on Plan Search

There are no cultural heritage management plans recorded in your specific search area.

There are no Designated Landscape Areas (DLA) recorded in your specific search area.

There are no Registered Study Cultural Heritage Areas recorded in your specific search area.

Regional Coordinator:

Name	Position	Phone	Mobile	Email
sch4p4(6) Persona	Cultural Heritage Coordinator North Region	07 4796 7862	sch4p4(6) Personal	sch4p4(6) Perso @datsip.qld.gov.au

Disclaimer: Department of Aboriginal and Torres Strait Islander Partnerships is the custodian of spatial data provided by various third parties for inclusion in the Aboriginal and Torres Strait Islander cultural heritage online portal. This includes spatial data provided by the National Native Title Tribunal and Aboriginal and Torres Strait Islander parties. Department of Aboriginal and Torres Strait Islander Partnerships is not responsible for the accuracy of information provided by third parties or any errors in this search report arising from such information. **Map Datum**: Geographic Latitude & Longitude (GDA2020)

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30 Jun 2020 13:19

GDA2020

Lot on Plan Search

I refer to your submission in which you requested advice regarding Aboriginal or Torres Strait Islander cultural heritage recorded at your nominated location.

The Cultural Heritage Database and Register have been searched in accordance with the location description provided, and the results are set out in the above report.

Aboriginal or Torres Strait Islander cultural heritage which may exist within the search area is protected under the terms of the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*, even if the Department of Aboriginal and Torres Strait Islander Partnerships has no records relating to it.

Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal or Torres Strait Islander cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located on private land.

Please refer to our website https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage for a copy of the gazetted Cultural Heritage Duty of Care Guidelines, which set out reasonable and practicable measure for meeting the cultural heritage duty of care.

In order to meet your duty of care, any land-use activity within the vicinity of recorded cultural heritage should not proceed without the agreement of the Aboriginal or Torres Strait Islander Party for the area, or by developing a Cultural Heritage Management Plan under Part 7 of the legislation.

If your proposed activity is deemed a Category 5 activity pursuant to the Duty of Care Guidelines, there is generally a high risk that it may harm cultural heritage. In these circumstances, the activity should not proceed without cultural heritage assessment.

Where a category 5 activity is proposed, it is necessary to notify the Aboriginal or Torres Strait Islander Party and seek:

a. Advice as to whether the area is culturally significant;
b. If it is, agreement on how best the activity may be managed to avoid or minimise harm to any cultural heritage values.

The extent to which the person has complied with Cultural Heritage Duty of Care Guidelines and the extent the person consulted Aboriginal or Torres Strait Islander Parties about carrying out the activity – and the results of the consultation – are factors a court may consider when determining if a land user has complied with the cultural heritage duty of care.

30 Jun 2020 13:19

GDA2020

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Lot on Plan Search

Should you have any further queries, please do not hesitate to contact the Search Approval Officer on 1300 378 401.

Kind regards

The Director
Cultural Heritage | Community Participation | Department of Aboriginal and Torres Strait Islander Partnerships

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30 Jun 2020 13:19

GDA2020

eLVAS Client Interaction Report
For Interaction id: 1831801

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	27-Oct-2020 8:46 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	sch4p4(6) Personal inf

Documents

Document Type	Title	Received/Sent
Incoming email	e_Objection from sch4p4(6) Personal	27-Oct-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	28-Oct-2020
Details:	Email received from sch4p4(6) Person with copy of objection sent to the Ministers office.

Assignment History

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Date : 27/10/2020 10:42:28 AM
From : "GABRIEL Carey"
To : "WARRENER Megan"
Cc : "SMITH Wedeena"
Subject : FW: Airlie Beach Lot 187 parkland
Attachment : sch4p4(6) Pers**Submission on Lot 187.pdf;**

Megan

For your attention.

Wedeena – do we respond to sch4p4(6) Pers

From: sch4p4(6) Personal information
Sent: Tuesday, 27 October 2020 8:46 AM
To: SCOTT Kelly; SLAM-Mackay
Subject: Airlie Beach Lot 187 parkland

Hi Kelly,
In the Minister's busy time I have written to you directly with a submission (attached) I have prepared on the proposed conversion of public parkland to road reserve.
Can you please advise me if this can be taken into account during your considerations.
Kind regards,
sch4p4(6) Perso

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Submission on proposal to convert parts of Lot 187 from parkland to road reserve

I have written to show the removal of over a quarter of an acre of our limited foreshore green space network is not in the best interest of the public and that Lot 187 should remain intact.

The Whitsunday Councillors are bound by their Act to respect the democratic vote, yet it is important for the State to know that both Division one (Airlie Beach, etc.) and Division two (Cannonvale, etc.) Councillors voted against supporting this removal of public open space.

It is clear from my research that State, regional and local policy requires the protection of our green space, developing a safer and pedestrian friendly environment and maximising the use of existing infrastructure.
This proposal to convert State land zoned recreation and open space to road reserve fails on all counts.

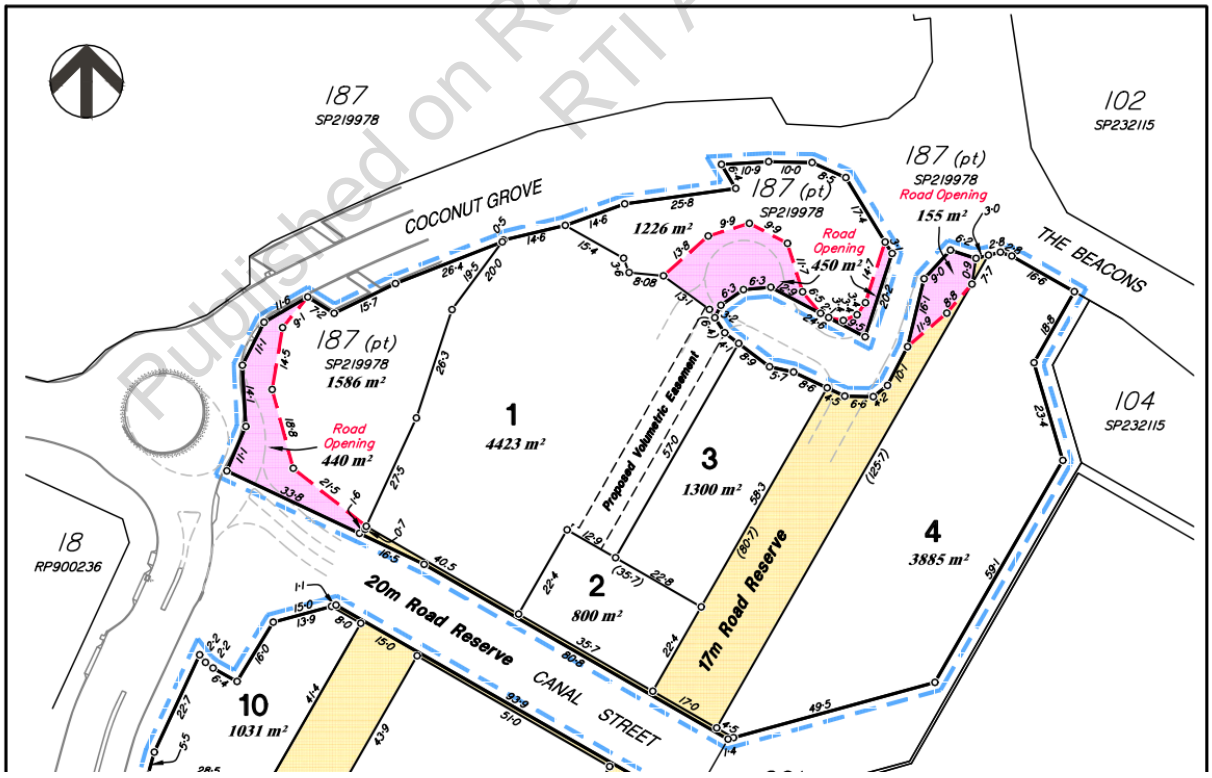
The design appears to have as its primary focus to keep the most possible freehold saleable land at the expense of the community.

This is specifically shown by requirements of the Whitsunday Planning Scheme (Planning Scheme) and Development Manual for integration to the existing street network required to be "within" a subdivision, now requested to be taken from State owned public parkland.

Whitsunday Planning Scheme Reconfiguring a Lot Code
Page 9:116 http://www.whitsunday.qld.gov.au/documentcenter/view/4452
Table 9.4.6.3.1 Benchmarks for assessable development

Performance Outcome 8 Development provides for lots to be created in locations that:
(c) do not create "reverse amenity" situations where the continued operation of existing uses is compromised by the proposed development.

The applicant's plan clearly shows they wish to remove continued operation of the recreational use adjoining the subdivision.



Page 61 DA 20191165

It is also on record that this is the developer's application to take recreational reserve.

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Page 145 of the Agenda of Council's Ordinary Meeting to be held on Wednesday 26 August 2020
https://www.whitsunday.qld.gov.au/DocumentCenter/View/5802
12.6 REQUEST TO CHANGE THE PURPOSES OF PORTIONS OF RESERVE - LOT 187 SP219978 - COCONUT GROVE AIRLIE BEACH
SUMMARY
Council has been requested by the developers of Port of Airlie to support an application to the Minister of Natural Resources, Mines and Energy to change the purposes of four portions of Lot 187 SP 219978 from Recreation reserve to Road Reserve. The change will facilitate more efficient road connection to an internal road network within Lots 105 SP 232115 and Lot 106 SP172255.

The developers and WRC have tried to say taking the recreational reserve land is a 'separate' process but you can see from the agenda report summary this is a direct action of the developers in relation to benefiting the subdivision. To allow this reverse amenity on public land would not be taking account of local planning strategies and policies. (Land Act s16. (2)(a)).

Whitsunday Development Manual V3.6
Page 78 http://www.whitsundayrc.qld.gov.au/DocumentCenter/View/4462
DP 1.07 Road Network
1.07.1The provision of a Road network within a subdivision development is to be designed to achieve the following aims:
1.07.1.2 safe, logical and hierarchical transport linkages with existing Street system

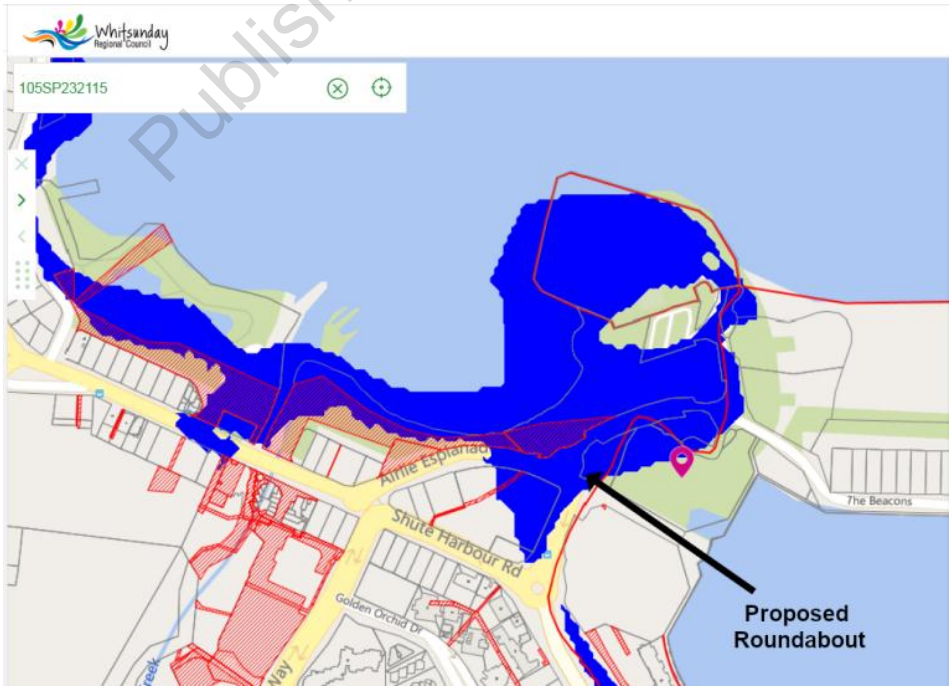
This requirement shows road access and the extension of the existing Northern road reserve and cul-d-sac should come from 'within' the developer's site, not public land.

State Planning Policy
https://dilgpprd.blob.core.windows.net/general/spp-july-2017.pdf

State interest – natural hazards, risk and resilience
storm tide inundation, and erosion prone areas:
(5) Development in natural hazard areas:
(a) supports, and does not hinder disaster management capacity and capabilities.

(b) directly, indirectly and cumulatively avoids an increase in the exposure or severity of the natural hazard and the potential for damage on the site or to other properties.

WRC Mapping



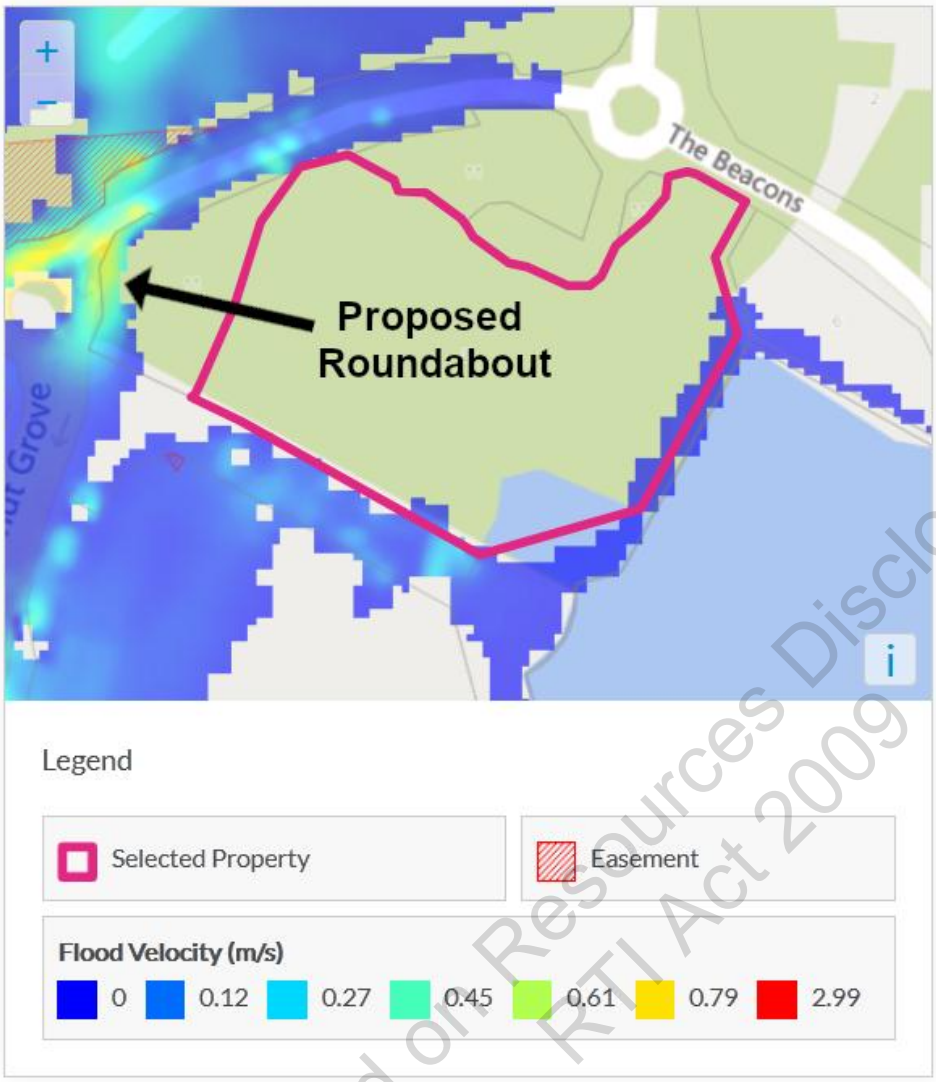
This proposal is increasing the exposure to natural hazards by proposing to utilise area with in the storm tide inundation area and wave run up zone, while safe exit is in an area already designated as road reserve.

Coastal hazard - storm tide
Wave-run up area

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It is also the most unsafe location during a flood event.

MIW Plan Policy - 9.1.5 Infrastructure is located and designed to avoid or mitigate impacts from major catastrophic events such as cyclones, flooding and storm surge, and the projected impacts of climate change.



WRC flood mapping shows the roundabout location is the highest flow area and not suited to being the access

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The mapping shows this area is unsafe for vehicles and people during such an event.

Flood and coastal hazard information

Flood Risk Description

Flood Hazard Category	Description	Depth/Velocity Limit	Depth Limit	Velocity Limit
Low	Unsafe for small vehicles	≤ 0.6 m^2/s	≤ 0.5 m	≤ 2.0m/s
Medium	Unsafe for vehicles and people	> 0.6 m^2/s to ≤ 1.0 m^2/s	≤ 1.2 m to ≤ 2.0 m	≤ 2.0m/s
High	Unsafe for vehicles and people. All building types considered vulnerable to failure.	> 1.1 m^2/s	> 2.1m	> 2.0m/s

Having entry and exit within the storm tide inundation, wave run up zone and high velocity flood area would reduce the safety of the public and hinder disaster management.

(6) Community infrastructure is located and designed to maintain the required level of functionality during and immediately after a natural hazard event.
The current design does not do this.

Mackay, Isaac and Whitsunday Regional Plan (MIW Plan)
Planning for a resilient, vibrant and sustainable community
https://www.dlgrma.qld.gov.au/resources/plan/miw/miw-regional-plan.pdf

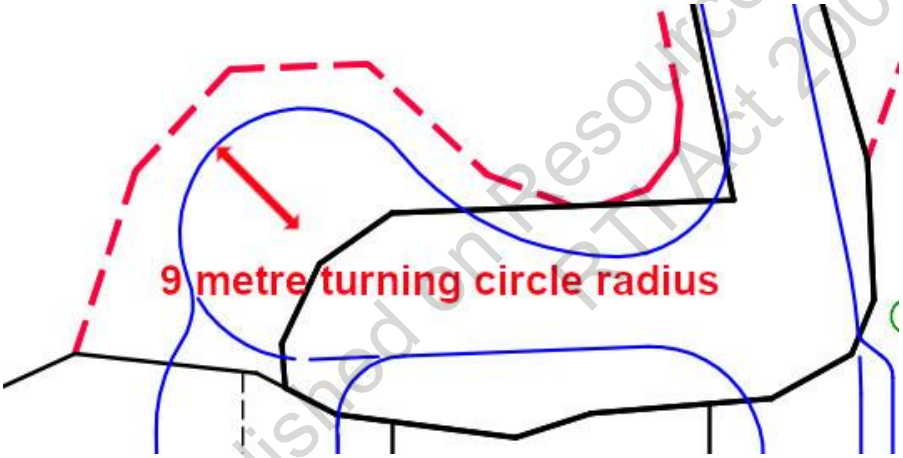
Policy 5.3.8 Implement best practice urban design principles to create built environments and supporting infrastructure that facilitate universal access and active transport, and that increase community safety.

Policy 10.2.10 The appropriate use of road networks is encouraged to improve efficiency by applying road hierarchy principles in new development.

DA 20191165 Engineering report -
Road pavement widths and Road Reserve widths *"are not in accordance with the current V3.6 development Manual"*
Development Manual V 3.6 states:
Minimum reserve must be provided, irrespective of minimum verge and carriageway widths specified.

To allow these new road reserves would not be applying required road hierarchy principles through Lot 187. The minimum width required for number of dwellings is 24 metres. To approve narrow streets would inflict the community to 'cannoning' and other well-known issues.

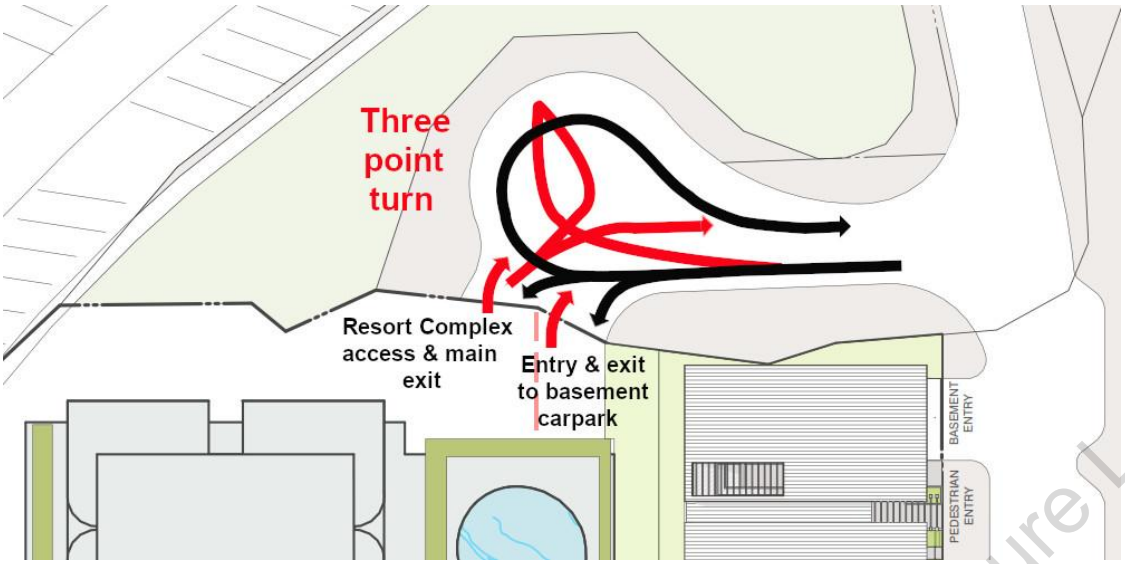
The proposed design of the Northern Cul-de-sac also does not meet the minimum requirements of the Development Manual, only having a 9 metre radius.



Whitsunday Regional Council Development Manual (V3.6)
http://www.whitsundayrc.qld.gov.au/DocumentCenter/View/4462
Cul-De-Sac Turning Areas
Where a full turning circle is provided the minimum kerb radii shall be:
1.13.2.2 The turning circle – 10m.

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The proposed cul-de-sac also presents issues with planned adjoining driveways for a proposed 180 room resort and the sole access and exit for a building containing 413m² of commercial space and 12 two bedroom apartments.

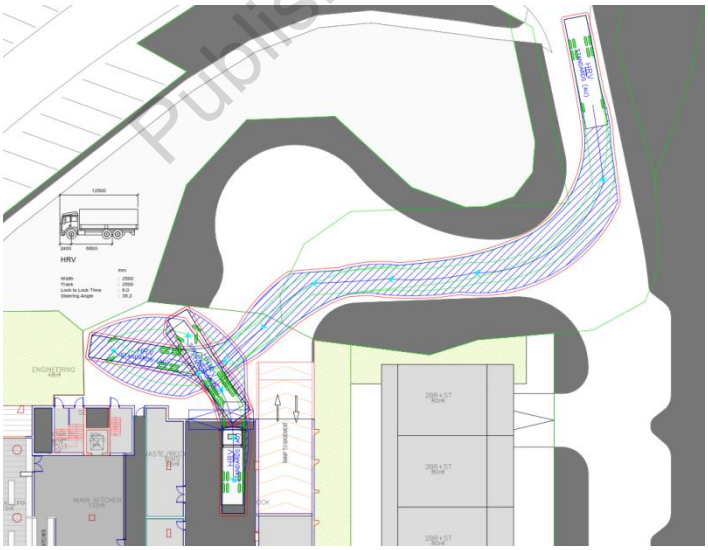


WRC Development Application 20200148 (13/2/2020)
http://eplanning.whitsundayrc.qld.gov.au/Common/Common/terms.aspx
The cul de sac at the termination of the extension of the existing fourth (southern) approach to the Coconut Grove / the Ocean Road / The Beacons roundabout, which has an 18m diameter and will be adequate to accommodate the turnaround (via a three-point turn) of a refuse collection vehicle.

Austroads - Guide to Traffic Management Part 11
https://austroads.com.au/publications/traffic-management/agtm11/media/AGTM11-17_Guide_to_Traffic_Management_Part_11_Parking.pdf
7.4.2 Access Driveway Characteristics
Access driveways should be located in the following areas:
- *clear of intersections and other locations of complex traffic movements*

The public consultation document claims the cul-de-sac "needs redesigning to enable safe and efficient private and service vehicle access" to meet Development Manual requirements. The truth is the Manual states in DP 1.07 Road Network that this should have been achieved "within a subdivision" as part of Development Application 20191165.

DA 20191415 shows a heavy ridged vehicle cannot safely pass traffic leaving the exit or turning the corner.

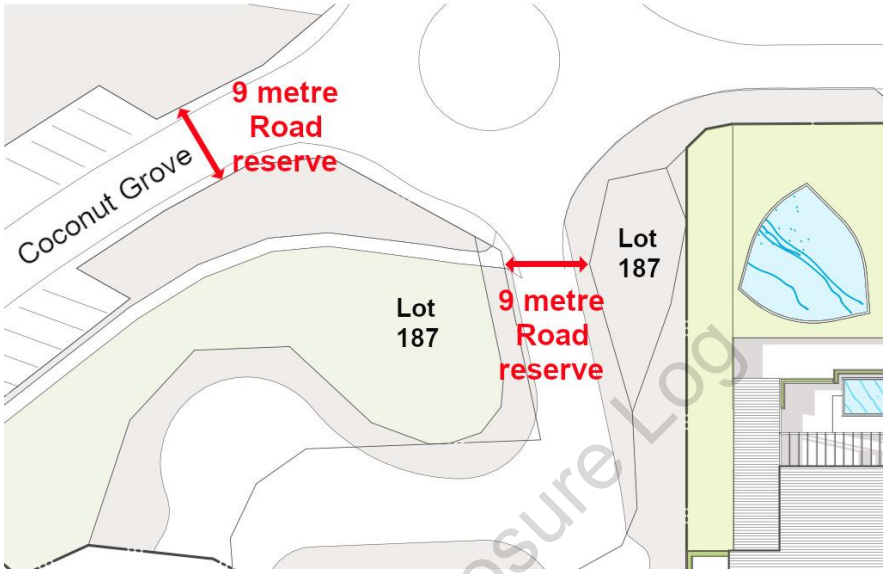


Public land cannot be taken for a bad design, when a safe option is the freehold land owner's responsibility.

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The third parcel of Lot 187 requested to be taken is Lot furthest to the East. The information in the WRC public consultation documents claim:
https://yoursay.whitsundayrc.qld.gov.au/airlie-beach-proposed-road-access-change

This small part of Lot 187 will need to be converted in its entirety to road reserve, as its inclusion in the proposed internal road is required to ensure that the roundabout intersection at The Beacons Road, Coconut Grove and Ocean Grove will not be offset and that the new road will achieve the road reserve width required by Council's development manual and good engineering practice.



The design drawings show this lot untouched by roundabout design and the existing road reserve is exactly the same width as Coconut Grove road reserve, the existing width is obviously functional as the recent request for revocation of Lot 187 in the foreshore revitalization did not require widening of Coconut Grove road reserve. The minimum road reserve width now requested is 20 metres. The moment it passes from public land to Lot 105, the road reserve required by Council was only 17 metres.

Airlie Beach Access and Movement Plan WRC preferred option
https://www.whitsunday.qld.gov.au/DocumentCenter/View/790
Canal Street is designated as a major pedestrian pathway.

Not only would approval of this plan add vehicles to the route, also every car, truck and bus coming to or leaving the development site has to pass through foreshore pedestrian crossover points.

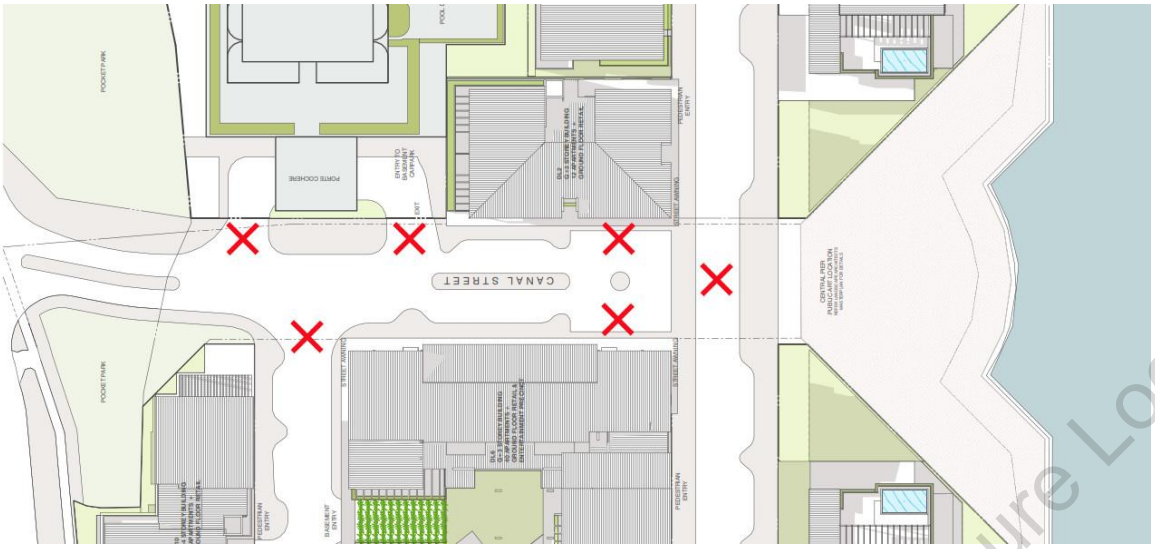


Note the Northern turnaround is only using current road reserve.

As the most direct route from the Transit Facility, Marina, Cruise ship passenger drop off, Boathouse Accommodation, more high density development and residential area beyond, it is understood why Canal St is designated as a high pedestrian transit pathway.

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The proposed development to vary Lot 187 not only adds vehicular traffic to this route but also creates numerous extra crossing points the pedestrians will have to negotiate.



The proposed internal intersection, entrance and exit for porte-cochere of a 180 room resort, turn around zone for the dead-end street and crossing of the internal road will add to close pedestrian and vehicle interaction.

Queensland Walking Strategy 2019–2029

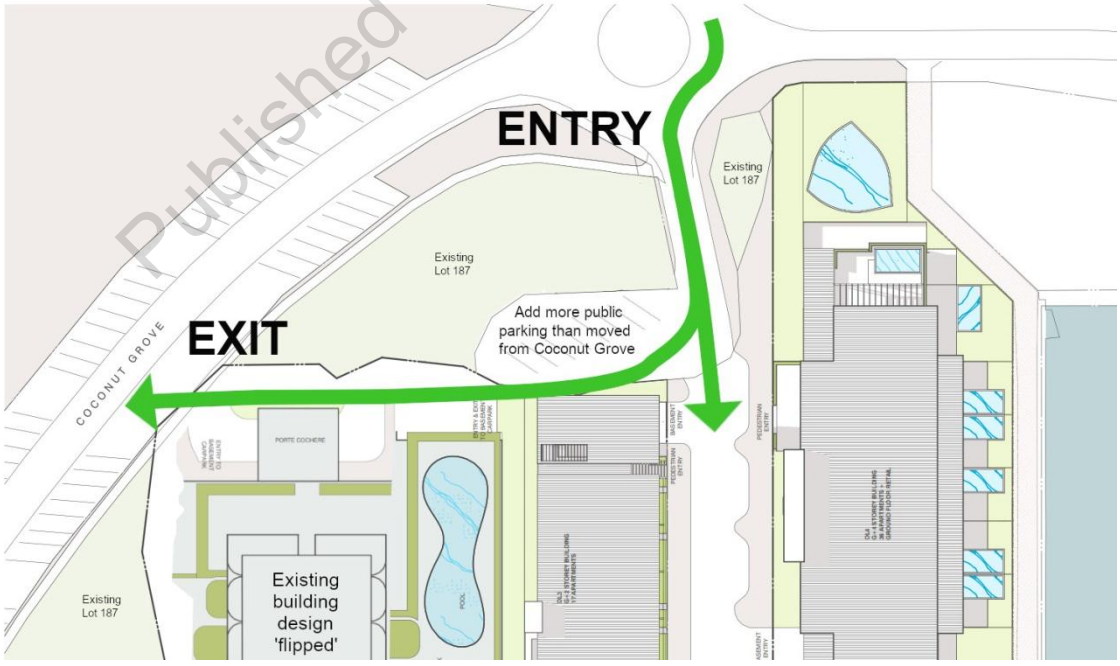
https://www.tmr.qld.gov.au/Travel-and-transport/Pedestrians-and-walking/Queensland-walking-strategy

Queenslanders told us that road safety concerns, such as fear of being hit by a vehicle and not feeling safe crossing the road, are barriers to them walking more.

MIW Plan - Managing growth Policies

Policy - 7.1.4 Development is located and sequenced to make the best use of existing infrastructure, and ensure efficient and cost-effective investment in new infrastructure.

The Beacons roundabout is currently constructed only for one way entry into Lot 105. An exit is also available to Coconut Grove without reconfiguration of Lot 187. This can be taken advantage of with minimal infrastructure and development design change.

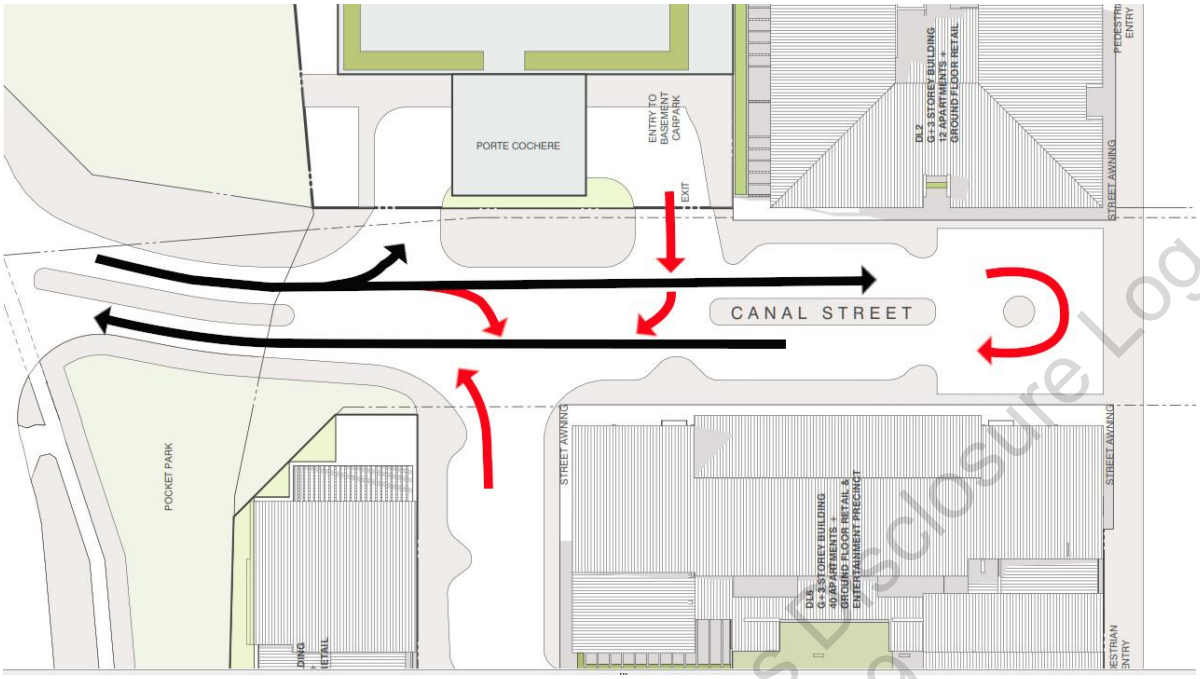


This design possibility shows for better activation of existing parkland and foreshore frontage.

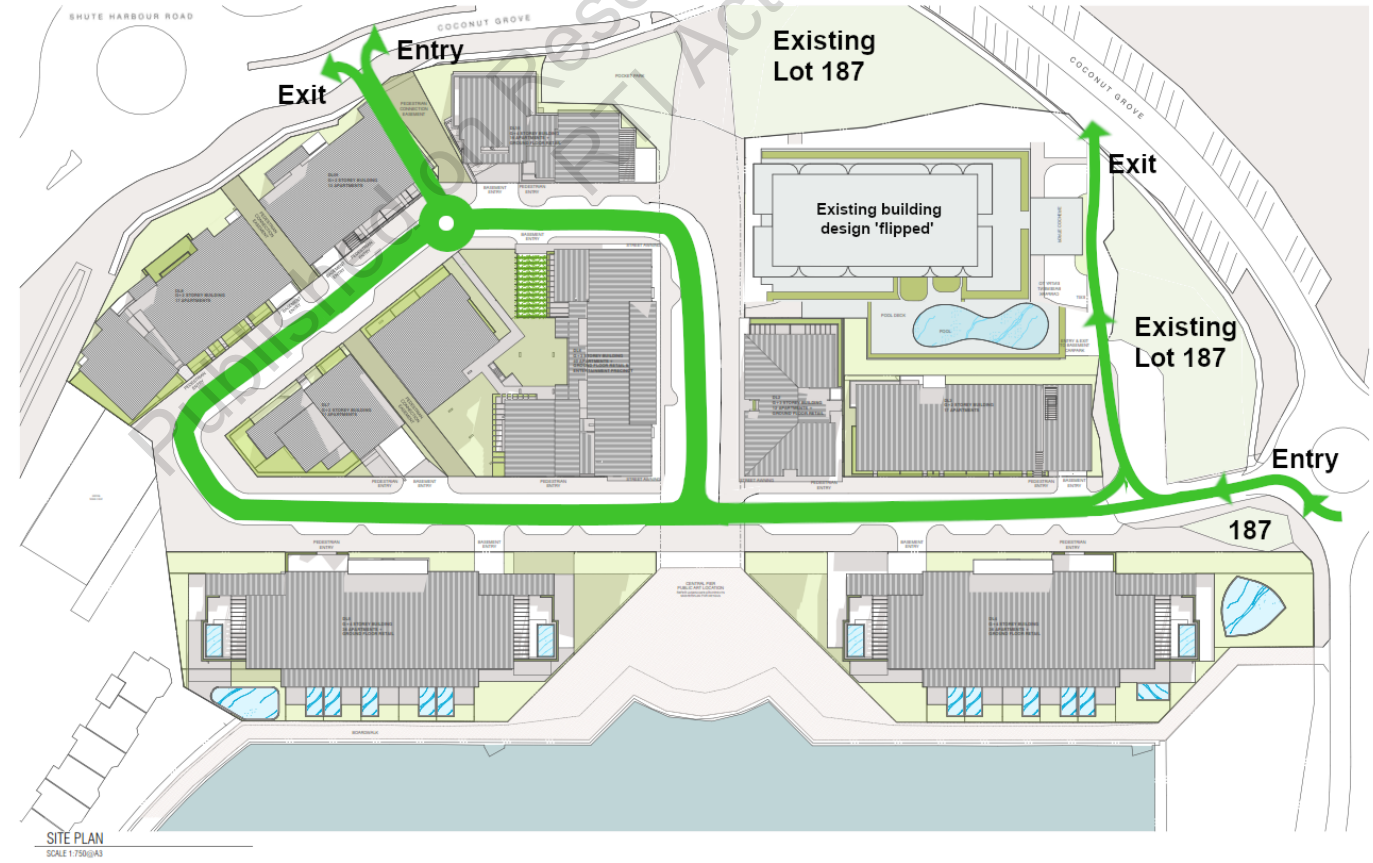
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The current design requires major infrastructure change not only at Airlie Esplanade roundabout, but curbing and channelling changes will be needed at Beacons roundabout too. Approximately the same Beacons budget would supply for the exit with the probable addition of extra public parking as an added offset.

To use the more expensive design proposed also adds to the complex traffic movements needed through the major pedestrian pathway.



One possible design most suited to existing infrastructure for a second entry and exit out of natural hazards.



This possible minor redesign better utilises existing infrastructure and the major pedestrian walkway without much loss of saleable land. It leaves a pedestrian friendly zone at the existing Canal Street intersection and reduces foot

Public Interest Disclosure Log
PID Act 2009

traffic traversing vehicular crossing zones. This is only one of many possibilities that could maintain our foreshore parkland while reducing cost and interruption of extensive changes under the current proposal.

It could also add an entry statement to improve accessibility from the Main Street.

MIW Plan Policy - 8.1.6 Accessible and transit oriented community principles and development practices are applied to the planning and design of centres, having regard to local circumstances and character.

Airlie Beach Structure Plan
https://www.whitsunday.qld.gov.au/DocumentCenter/View/791
Precinct 4 Port of Airlie

STRATEGIC RESPONSES - TRANSPORT AND INFRASTRUCTURE
Provide prominent pedestrian connection to Main Street and foreshore

FORESHORE PRECINCT OUTCOMES – Increased Parkland

Refusal of the current proposal for added road reserve instead of public parkland would facilitate another design outcome, which would direct vehicles away from the Esplanade and Main Street while improving pedestrian transit opportunities to, from and across Port of Airlie.

MIW Plan Policy - 5.3.7 Integrate health and community safety considerations into the design and construction of all development.

If the main entry and exit of Port of Airlie was allowed at Airlie Esplanade, it would definitely add to the amount of vehicular traffic up and down Airlie Beach Main Street and the Esplanade.
WRC has already identified a safety concern in this area. To allow new road reserves and more vehicle access directly to this route would only exacerbate an existing problem.

Resolved Notice of Motion 12/6/19 - AIRLIE BEACH SHARED ZONE
https://www.whitsunday.qld.gov.au/documentcenter/view/4921
That the CEO or his delegate commission a traffic study into the Airlie Beach Main Street, Airlie Esplanade and Coconut Grove with the aim of improving pedestrian safety and traffic flow and report the findings to a future Council meeting.

This report has not yet been provided to aid in robust decision making about adding increased road reserve and volume of vehicular traffic to the area.

Mackay, Isaac and Whitsunday Regional Plan
Regional narratives - Important considerations in planning for Airlie Beach over the next two decades includes the protection and enhancement of coastal resources such as the scenic amenity of foreshore areas

This part of Lot 187 was designed and set aside as a park and buffer between the main part of the foreshore parkland and an area to be high density development. When this zone was set, the height limit was 4 stories above ground, the proposal is now for 12 stories (WSC DA 20191415). Allowing the reduction of this park area would affect the scenic amenity of the foreshore.

Regional landscapes
These landscape values must remain resilient to the pressures from population growth, including the requirements for major infrastructure such as regional power networks, pipelines and transport infrastructure, but also known climate variability and the anticipated effects of climate change.

This draft is one of those pressures to turn landscape into road and primarily for the benefit of freehold landowners.

Airlie Beach Local Area Plan Key Issues Paper
https://www.whitsunday.qld.gov.au/documentcenter/view/4324

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Strategic planning and Councillor feedback - as green space within the foreshore parklands is limited in peak periods, commercial activities should not impact on this

MIW Policies

2.3.2 Existing green space networks are expanded to meet current and future environmental and community needs.

No parkland was designed into the adjoining subdivision of Lots 105 and 106, putting higher demand on surrounding public parks and it is now asking for further reduction of the existing network.

2.3.4 Development is located and designed to contribute to, and integrate with, the green space network.

This proposal is to reduce the green space network.

Notes for 2.3

As the population increases, retention of land for green space, including for nature conservation and public recreation, will become more important.

Five key planning actions have been identified. These proposed actions are to:

1. promote additional green space
2. introduce better planning processes, tools and instruments to increase green space
3. remove arbitrary barriers that limit public access to state-owned land
4. encourage recreation opportunities on private land
5. investigate the potential to use surplus state-owned land as green space.

This draft fails to promote additional green space and approval allowing the subdivision to go ahead as planned would not encourage recreational opportunities on private land.

MIW Policies

5.1.2 Land-use and community infrastructure planning decisions incorporate social and community needs assessments.

DA 20191165 Traffic report

This proposed lot will include an underground access easement, confined within the proposed hotel's parking basement, to provide all vehicular access from the extended cul-de-sac to future development on proposed Lot 2.

The proposed 15 metre extension of the unnamed road from Coconut Grove provides benefit solely to the neighbouring developer, instead of being required to connect with existing road system within their development, this extension is at the cost of public recreational space.

5.1.4 An accessible and high-quality public realm is achieved by allocating or revitalising open space and creating well-designed public spaces.

Revitalising the current parkland and pedestrian though fare of Canal Street would provide a far better public realm than conversion into a road for vehicular traffic.

5.1.5 An evidence-based approach, which identifies social characteristics and demographic trends, is used to inform planning processes.

Evidence from Action Plan for Walking and Active, healthy communities clearly shows to keep Canal St intersection as pedestrian only. Activating vehicular traffic away from this area will create a healthier, safer environment for the public and guests of the proposed development to interact with the foreshore and Airlie Esplanade.

5.3 Healthy and safe communities

Principle

5.3.1 Quality of life is enhanced by offering healthy and safe environments that promote active living and healthy lifestyles

Pedestrian only access into Canal St, bordered by the current public parkland would better promote foot traffic interaction between Port of Airlie, Airlie Esplanade and the foreshore.

Policies

5.3.3 Physical activity and healthy lifestyles are supported through appropriate location and design, including facilitating the provision of active transport infrastructure such as pedestrian and bicycle paths, and appropriate sport and recreation facilities.

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The original design for Port of Airlie offered the desired traits. This new proposal wishes to replace pedestrian/ bicycle paths and recreation facilities with vehicular roads.

5.3.6 Plan for and provide new areas of open space and public places, and ensure connectivity and access.
This draft fails to provide any new areas of parkland, it ensures connectivity and access for vehicles at the expense of the healthier and safer access already in place.

5.3.7 Integrate health and community safety considerations into the design and construction of all development.
WRC has already identified a safety concern with current vehicular traffic on the Esplanade and Main St. To allow new road reserves and more vehicle access directly to this route would on exacerbate an existing problem.

5.3.8 Implement best practice urban design principles to create built environments and supporting infrastructure that facilitate universal access and active transport, and that increase community safety.
A fourth leg added to the Esplanade roundabout will not increase community safety.

Notes (for 5.3)
Community wellbeing is optimised by providing social infrastructure such as health support services, open space, sport and recreation opportunities, and community connectivity through walking and cycle paths.
This proposal reduces recreational opportunities and the proposed roundabout design does not provide cycle lanes required by the WRC development manual, nor are any other dedicated cycle paths created both on Lot 187 or the adjoining development.
WRC development manual
DG 1.12.5 Roundabouts shall include provision for on road cycle lanes unless alternate cycle paths are provided.

Notes (for 5.3)
Incorporating infrastructure and design that makes physical activity and participation safe is an important planning approach.
This draft offers no dedicated walking and cycle paths to the foreshore, rather it takes them away to be replaced with road and footpath. It would reduce the safety and priority given to walkers on a major pedestrian pathway.

Queensland Walking Strategy 2019–2029
https://www.tmr.qld.gov.au/Travel-and-transport/Pedestrians-and-walking/Queensland-walking-strategy
Walking is an irresistible and easy choice for short trips, tourism, recreation and health.
Walking is a high priority in policy and planning, delivered through partnerships and supported by evidence.

5.4 Community engagement, capacity building and identity

Policies
5.4.2 Local government and community planning activities incorporate, value and build on the unique local characteristics and history of the area to ensure a strong sense of place, belonging and community identity.
It is clear that maintaining our foreshore parkland from the pressures of development now and into the future is needed.

5.4.3 The capacity of communities to identify and respond to community need is built through their involvement and engagement in land use decisions, and aligns with evidence relating to community issues, needs and solutions.
For consultation to be undertaken during Council caretaker period and community lockdown, with no mention in press releases or their social media has greatly reduced the involvement of the public.

6.6 Tourism
Principle
6.6.1 Continue to develop the region's distinctive and sustainable tourist destinations, which offer a diverse range of activities and unique experiences to attract domestic and international visitors.
Investment in tourism product is required for our area. The question is if busy foreshore roadways are what tourists wish to navigate when we are trying to encourage them to travel locally by foot.

Policies

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6.6.2 Identify and utilise the natural environment and natural assets to maximise sustainable tourism and recreation opportunities.
Removing parkland for roads and development is not sustainable.

6.6.8 Encouraged the designation and development of tourist nodes that cater for a variety of visitor needs and experiences.
Airlie Beach has an abundance of road front dining and entertainment. The currently approved Canal St with no vehicular traffic, tree and water feature lined pedestrian mall would provide variety to visitors and locals.

6.6.10 Encourage global best practice design when developing and maintaining tourism infrastructure.
Separating the main pedestrian and vehicular access is global best practice design.

6.6.11 Safe, reliable and appropriate access provides connectivity to the region's tourism accommodation, experiences and attractions.
The adjoining subdivision's traffic report states the commercial development "would attract primarily walk-in trade". Safe and appropriate access to the foreshore would therefore be pedestrian.

Managing growth
The capacity of land available for infill and broad hectare growth inside and outside the Urban Footprint will be determined through local government planning schemes.
The zoning of recreation and open space allocated in the recent development of the 2017 Planning Scheme shows Lot 187 is not considered available for infill.

Whitsunday Draft Planning Scheme Submission Analysis Report 2015
The Reconfiguration of a lot table has been amended to provide clarity regarding the level of assessment for Community facilities, Environmental management and Recreation and open space zones. Impact assessment will be triggered as it is not the intent for these areas to be reconfigured.
It is not the intent of the Whitsunday Planning Scheme to change this zone.

Policies
7.1.4 Development is located and sequenced to make the best use of existing infrastructure, and ensure efficient and cost-effective investment in new infrastructure.
The development is located to take advantage of existing infrastructure, yet this current design fails to make best use of it. The proposed new infrastructure fails to meet WRC design minimums.

8. Urban form
The towns and cities of the region are accessible and build on their heritage, character and liveability through designs that respond to the natural environment and the provision of high-quality urban green space.
The adjoining development provides no public green space at all. This proposal plans to take away a large amount of that directly abutting it.

Policies
8.1.2 Road and pathway networks cater for walking and cycling and facilitate operation of public transport systems.
The proposed roundabout does not include cycle lanes. Coconut Grove access only to the site will greatly increase vehicular traffic through all pedestrian crossings points to the foreshore. This proposal seeks to convert a designated major pedestrian pathway into a roadway while offing no improvement in the public transport system infrastructure.

8.1.3 Opportunities for travel by public transport, cycling and walking are provided to access major trip generators such as employment nodes, tourism nodes, across urban communities and to schools, community facilities, open space and public transport interchanges, including end-of-trip facilities.
Canal St was designed for pedestrian and cycle access only, not just for the development site but the Marina, Boathouse Accommodation, Transit Facility and high density development and residential area beyond. Opening this tough fare to vehicles reduces the safety and usability for many people that would have a preference to walk and cycle the most direct route to town.

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8.1.4 Urban areas have an integrated, high-quality, urban green space network that caters for community and environmental needs.

Our green space network was already reduced by the foreshore 'revitalisation'. These parcels were specifically set aside to integrate a buffer and add to the foreshore parkland. The adjoining subdivision has supplied no green space, instead relying on the public parkland. To increase demand while further reducing size will have a negative effect on the quality of the network for the community. Removing any of the limited remaining green space network would go against this policy.

8.1.5 Ensure suitable buffers are incorporated to minimise potential land-use conflict.

These parcels of Lot 187 were designed and allocated as buffers. To reduce them would increase the land use conflict between Port of Airlie's high density and our beachfront parkland.

Program

8.1.13 Identify opportunities to provide additional green space for community use on disposal or redevelopment of government property and surplus land.

The only opportunity to provide additional green space for the community here is to refuse this proposal for road reserve.

Transport Policies

10.1.2 Planning and development of urban areas supports walking, cycling and public transport, where the size of the urban area has the potential to generate sufficient demand.

Canal Street is a major pedestrian walkway, demand is obvious. A road and vehicular intersection should not be added to this route.

10.1.7 A multimodal transport network connects new and existing development and provides sustainable transport options.

To maintain and improve the bus stop next to a pedestrian only intersection of Coconut Grove and Canal St will better suit this outcome.

10.1.10 Maximise existing transport assets, services and network capacity through effective investment, demand management and use of new technologies.

Bus route is along the Esplanade and Main St, car and truck route should be along the ring road system.

Efficient, accessible and safe transport

10.2.4 Appropriate end-of-trip facilities for active transport users are incorporated into developments that are likely to attract or generate significant numbers of trips.

This proposal does not incorporate any end-of-trip facilities for active transport users, it does not offer any improvement to existing bus stop on Coconut Grove. There is available road reserve already provided on the south side of existing Canal St intersection for an improved bus stop.

Whitsunday Planning Scheme 2017 (V 3.6)

3.2 Strategic intent

2) Risks to the community (including life and property) from hazardous activities and natural hazards are appropriately mitigated or avoided, ensuring disaster management response capabilities and capacities are supported.

This proposal places all vehicular entry and exit in the medium hazard storm tide inundation zone. This does not appropriately mitigated or avoid risk to the community, nor ensure disaster management response capabilities and capacities can get access to the site in such circumstances.

(4) The promotion and protection of the Region's cultural heritage and unique aquatic, coastal and inland environmental values continues as developmental and environmental pressures increase cumulatively. All matters of ecological, environmental and scenic value (including key urban gateways, views and vistas) are valued and preserved, ensuring the health and resilience of the regions overall biodiversity.

To increase the road reserve network over parkland is not protecting our coastal foreshore, key urban gateway, local views or vistas. This proposal is one of the development pressures the strategic intent is meant to stop.

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3.2.1 Liveable communities and housing

3.2.1.1 Strategic outcome

(1) The life-enriching (educational, health, cultural and recreational) capacities and resilience of the community and community infrastructure are enhanced or restored for present and future generations in a way which supports the region's settlement pattern and hierarchy of centres.

This proposal wishes to remove recreational infrastructure and replace it with roads. This would reduce capacity and go against the strategic outcome.

3.2.3 Environment and heritage

3.2.3.2 Land use strategies

(2) The core landscape values within the Region are protected and, if practical, enhanced. The core landscape values include the urban gateways to Airlie Beach, Bowen, Collinsville, Proserpine and the Whitsunday Coast Airport, as well as the significant visual backdrops as viewed from major scenic routes of the Bowen Development Road, Bruce Highway, Lascelles Avenue, Shute Harbour Road and the boating routes along the coastline and throughout the Whitsunday Islands.

The Airlie Beach Foreshore Land Management Plan designates R.281 as an important gateway connecting Airlie Beach to the Port of Airlie and Boathaven Beach. The entirety of this urban gateway should be protected and enhanced, not converted to road.

3.2.4 Safety and resilience to hazards

3.2.4.1 Strategic outcome

(1) The safety of the community, property and infrastructure is protected and enhanced for present and future generations and the community's resilience to hazards is enhanced.

Constructing new and expanded infrastructure below storm tide inundation levels does not improve the safety of the community, property or the infrastructure. To leave this development site without direct access to the road network above these levels is not enhancing the community's resilience to hazards.

3.2.4.2 Land use strategies

(1) Risks to people and property are minimised in areas within or adjacent to natural hazard areas.

To allow the only entry and exits below storm tide inundation levels is not minimising risk to people.

3.2.5 Infrastructure

3.2.5.1 Strategic outcome

(1) The service-supporting capacities of infrastructure are coordinated, efficient and orderly. Infrastructure provision and operation are financially sustainable.

Airlie Beach Main Street and Airlie Esplanade are listed as critical assets that cannot fail. To add direct vehicular access to them from a high density development would push them towards over capacity. The current infrastructure including the ring road system is suitable to service a subdivision without reconstruction or loss of public parkland. To give up finite foreshore public parkland, reconstruct public infrastructure only to increase saleable land of private developments is not sustainable.

Part 4 Local government infrastructure plan

4.4.4 Transport network

4.4.4.1 Roads

(1) Provide a functional urban hierarchy that supports settlement patterns, commercial and economic activities, and freight movement.

The proposed road reserves do not comply with the Development minimum requirements of road hierarchy. The reserve land is requested to be taken while not suppling a road network that meets minimum design requirements.

(2) Design the road network to comply with the following:
(a) adopted standards identified in the Planning Scheme;
(b) AUSTROADS guides;
(c) the Department of Transport and Main Roads Interim Guide to Road Planning and Design Practice;
(d) maximum road volume to capacity ratios identified in Table 4.4.4.1.1; and
(e) maximum degree of saturation for intersections identified in Table 4.4.4.1.2.

The proposed roads designs do not comply with these minimum standards.

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Part 6 Zones - 6.1 Preliminary

(1) Zones organise the Planning Scheme area in a way that facilitates the location of preferred or acceptable land uses.

The area requested to be taken is zoned recreation and open space. The Planning Scheme zoning does not support roads here to be preferred or acceptable land uses.

9.4.7 Transport and parking code Purpose and overall outcomes

(2) The purpose of the Transport and parking code will be achieved through the following overall outcomes:

(iv) limit road construction to the minimum necessary to meet the endorsed standards of service for the future development of the Whitsunday Region

This proposal does meet the minimum standards, nor limit construction to only what is necessary for the Whitsunday Region.

SC6.8 Whitsunday Regional Council development manual planning scheme policy

SC6.8.1.1 Relationship to the Planning Scheme

(2) It is the intention of the WRC Development manual to set out procedures and requirements that are consistent with the *Planning Act* 2016 and its supporting legislation, and represent 'best practice' in accordance with accepted current state and national standards for design and construction.

The current proposal does not meet requirements that are consistent with the *Planning Act* 2016 and its supporting legislation, and represent 'best practice' in accordance with accepted current state and national standards for design and construction.

SC6.8.1.2 Purpose

(1) This planning scheme policy provides:

(b) a consistent set of Engineering standards for implementation across the Whitsunday Region.

The current proposal does not meet minimum engineering standards.

LAND MANAGEMENT PLAN - AIRLIE BEACH FORESHORE RESERVES

https://www.whitsunday.qld.gov.au/documentcenter/view/4654

4.3 Reserve R.281

Reserve R.281 is a functional recreational space that forms the eastern portion of the Airlie Beach Foreshore. Portions of the Reserve located to the south of Coconut Grove, adjoining the Port of Airlie land are presently underutilised with no clear function.

Despite the recent $6.3 million dollar foreshore revitalisation, no improvements were designed or budget allocated to these parcels of Lot 187. At the time of writing this it was clear this area needed to be utilised and function as the temporary market site.

Reserves and trust land

https://www.qld.gov.au/environment/land/state/reserves/community

Open space

To be used for the reservation of areas of land, including those which have been identified through regional or local planning schemes as land which should be retained in a fundamentally undeveloped state. These land areas provide benefits to the community by virtue of their comparative lack of development when compared to the level of infrastructure or landscaping that is traditionally associated with trust land for sport, recreation, parks or gardens.

Parks

To be used for low-key recreational uses (e.g. picnics, small children's playground, park bench).

The State's definition of open space and parks shows these areas have function and are suited to their current designation and will be all the more utilised and important when high density development happens on the adjoining land.

In the context of Airlie Beach Foreshore, Reserve R.281 is an event space, parking area and important gateway connecting the Port of Airlie and Boathaven Beach to the core of the township and rest of the Foreshore. The Reserve consists of beach access, toilets, playground, undercover stage informal parking and bus stop and turn around area. These facilities support a variety of informal recreational activities that comply with the primary

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informal recreation purpose of the reserve; namely walking, exercising, picnics, bathroom amenities and temporary community events.
Reserve 281 is an 'important gateway' and that requires the framing of both sides of the Coconut Grove. The proposed road reserves do not support a variety of informal recreational activities that comply with the primary informal recreation purpose of the reserve; namely walking, exercising, picnics, bathroom amenities and temporary community events.

Council may in the future collaborate with the State to investigate the realignment of presently underutilised portions of Reserve R.281 outlined in red within Figure 12, in order to facilitate the orderly development of the adjoining Port of Airlie Lot 105 SP232115. These portions of the Reserve adjoining Port of Airlie presently do not promote the overall function or use of the Foreshore given their isolated location and dimensions. The portions of land offer no strategic value to the recreational purposes of the wider Foreshore and could be realigned to integrate with the adjoining Port of Airlie Lot 105 or offset to achieve better community outcomes in other areas. This will be discussed within future renditions of the Airlie Beach Foreshore Land Management Plan.
By this argument further reduction in size and dimensions would not be supported. Their isolated location is to buffer the rest of the reserve while offering public space to the adjoining site that at present does not supply any. This very area was utilised to hold the Airlie Beach markets for over 8 months during the foreshore works, showing a definite need of this area for the community. The current proposal supplies no offset of land to achieve better community outcomes in other areas.

To approve this revocation would mean the total area of Reserve 281 has been reduced from 2.17 ha to only about 1.8 ha since the release of the management plan. Foreshore parkland is a limited, valuable resource that should not be taken when other solutions are available.

Port of Airlie History
The original size of this parcel of Lot 187 was to be 4,600 m² that was reduced to 2,900 m² when the redesign was to incorporate the main site entrance on Shute Harbour Rd, give direct street access to Coconut Grove and widen the road reserve for parking. To allow this further reduction for additional street access means the public parkland is less than half of what was offered for the original environmental impact study.

The Land Act 1994
16 Deciding appropriate tenure
(1) Before land is allocated under this Act, the chief executive must evaluate the land to assess the most appropriate tenure and use for the land.
(2) When conducting the evaluation, the chief executive must—
(a) take account of State, regional and local planning strategies and policies and the object of this Act; and
This proposal does not meet requirements of State, regional and local planning strategies and policies.

(b) take account of commitments of, and undertakings given by, the State in relation to the land; and
Lot 187 is currently dedicated as green space parkland, that need remains.

(3) The chief executive may comply with subsection (1) by using, as the evaluation, an earlier assessment of the most appropriate tenure and use for the land if—
(a) the assessment was conducted by or for the State; and
(b) the chief executive is satisfied the assessment takes account of the matters mentioned in subsection (2).
The Airlie Beach Foreshore Land Management Plan does not support road reserve in this area.

33 Revocation of reserves
(1) The Minister, may revoke the dedication of all or part of a reserve if—
(a) it is no longer needed for a community purpose; or
These areas of the reserve are still needed by the community. Reduction of the reserve already undertaken and high density development planned for the adjoining lot will only increase the need in the future.

(b) it is needed, in the public interest, for a different use; or
These areas of the reserve are requested to widen the road network into freehold land. The public interest would be to maintain the non-vehicular intersection at Canal St and Coconut Grove on the major pedestrian pathway and not add the majority of traffic load to the foreshore public crossings, Airlie Esplanade and Main Street.

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(c) the Minister is satisfied a different tenure would be more appropriate for the purpose for which the land is used;
State policy and strategies show the existing tenure is best suited to Lot 187.

Roads under the Land Act 1994 SLM/2013/725

3.2.5 Dedicating state land as a road

USL may be dedicated as a road. Consequently it is a requirement to amend/revoke a reserve or lease to allow the road to be opened. In the majority of cases this action will be instigated by a local government. The access, if any, to a property will generally be reflected in that property's value. If access (including a secondary access) is provided, the property's value may increase. As the state is not responsible for providing access to existing freehold land, including a free holding lease, the state is entitled, as any owner, to a fair value for its land.

This proposal is to give vehicular access to freehold land over State owned land, it requests to use the State land for access while giving priority to maintaining the maximum amount of private land for sale. This is not of benefit to the community.

If the State is entitled to fair value for the revocated land, would ratepayers being paying to supply access to a private freehold development?

A beach and foreshore area may be dedicated as esplanade or road to preserve and ensure public access.

New road reserve is not needed to ensure public access.

Revenue Share Policy for Local Government Operational Trust Land - PUX/901/2

https://www.dnrm.qld.gov.au/?a=109113%3Apolicy_registry%2Frevenue-share-policy-local-govt-operational-trust-land.pdf

The quality of the State's reserve land portfolio should, in general, reflect areas of State land that are of State and local significance. As such, the portfolio would be enhanced as an outcome of an assessment to determine more appropriate uses and tenure for local government operational trust land.

Airlie Beach Foreshore is an area of local significance, it has already been reduced in size to add road reserve for vehicle movements and parking. Further reduction is not needed in the public benefit and should be refused.
The proposed outcome would not enhance the community safety and enjoyment of the reserve.

State Planning Policy

https://dilgpprd.blob.core.windows.net/general/spp-july-2017.pdf

State Planning Policy Mapping

Lot 187 is in a medium storm tide inundation area

Planning for liveable communities and housing maximise the effective use of existing infrastructure and services address the impacts and challenges of climate change through the effective design and siting of buildings, the integration of transport and land use planning, and the delivery of quality urban design

This proposal does not maximise the effective use of existing infrastructure, fails to minimise the impacts and challenges of climate change through the effective design and does not suitably integrate with transport and land use planning.

Our quality of life and wellbeing is influenced by a range of factors, including:

- the availability of open space to interact with nature and other people.
- our resilience to natural hazards and the effects of climate change.

This proposal does not advance our quality of life and wellbeing.

High quality urban design and effective place making improves community health and wellbeing, facilitates social cohesion, and creates resilient, sustainable and affordable communities that support Queensland's economic prosperity. Climate sensitive urban design principles can improve community resilience to the impacts of climate change.

This proposal does not deliver high quality urban design and effective place making. The design is not resilient to the impacts of climate change.

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To enhance liveability, built and natural environments can be innovatively designed, or transformed, through the well-planned placement and design of buildings, pedestrian and cyclist access, road and street networks, sport and recreation facilities, and public open spaces.
This proposal is to reduce recreational open spaces and impair safe pedestrian and cyclist access.

State interest – liveable communities
The following state interest policies must be considered and appropriately integrated in planning and development outcomes, where relevant.
2 (e) efficient use of established infrastructure and services
This proposal does not provide efficient use of established infrastructure.

(f) supporting a range of formal and informal sporting, recreational and community activities.
This proposal does not support a range of formal and informal sporting, recreational and community activities. It wishes to reduce public recreational parkland.

3) Development is designed to:
(a) value and nurture local landscape character and the natural environment.
The foreshore is not nurtured by the introduction of more vehicle trips to access private development where other options are available.

(b) maintain or enhance important cultural landscapes and areas of high scenic amenity, including important views and vistas that contribute to natural and visual amenity.
Replacing public parkland with roadways would not maintain or enhance this important area of high scenic amenity.

(c) maintain or enhance opportunities for public access and use of the natural environment.
Forcing all the Port of Airlie development site vehicular traffic around the Airlie Esplanade roundabout would not maintain or enhance opportunities for public access and use of the natural foreshore environment.

Infrastructure and services:
(4) Connected pedestrian, cycling and public transport infrastructure networks are facilitated and provided.
The current reserve and Canal St/ Coconut Grove intersection provide connected pedestrian, cycling and public transport infrastructure. Adding unnecessary vehicular traffic and a larger roundabout does not facilitate an improvement in the existing infrastructure.

State interest – development and construction
(6) Land uses are consistent with the purpose of the zone.
The proposed change of land use is not consistent with the recreational purpose of the zone.

State interest – tourism
(3) The delivery of sustainable tourism development is facilitated where it:
(a) is complementary to and compatible with other land uses, including sensitive land uses.
This proposal is neither complementary nor compatible with the existing recreational land use.

(b) promotes the protection or enhancement of the character, landscape and visual amenity, and the economic, social, cultural and environmental values of the natural and built assets associated with the tourism development.
This proposal does not protect or enhance the character, landscape and visual amenity of the foreshore. The economic, social, cultural and environmental values of the area would be better served by maintaining the parkland and prioritising pedestrian access to the foreshore and Esplanade.

(4) Appropriate infrastructure to support and enable tourism development is planned for.
Appropriate infrastructure already exists, without the need to take parkland.

State interest – coastal environment
Protection of the coastal environment:
(1) Coastal processes and coastal resources statewide, including in the Great Barrier Reef catchment, are protected by:

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(c) maintaining or enhancing the scenic amenity and aesthetic values of important natural coastal landscapes, views and vistas.
This proposal would have a negative effect on the scenic amenity and aesthetic values of important natural coastal landscapes, views and vistas within the Great Barrier Reef catchment.

(5) Opportunities for public use of and access to, and along, state coastal land is maintained or enhanced in a way that protects or enhances public safety and coastal resources.
Giving more pedestrian priority rather than adding every vehicle trip to the Esplanade roundabout will enhance public safety and access to our local coastal resource.

Erosion prone areas within a coastal management district:
(8) Development does not occur unless the development cannot feasibly be located elsewhere and is:
(a) coastal-dependent development; or
(b) temporary, readily relocatable or able to be abandoned development; or
(c) essential community infrastructure;
The proposed infrastructure changes do not meet any of these requirements.

(9) Development permitted in policy 8 above, mitigates the risks to people and property to an acceptable or tolerable level.
To allow the only site access below storm tide inundation levels would not mitigate the risks to people.

Infrastructure integration
Building new infrastructure or augmenting existing infrastructure is not always the best solution, particularly where there are competing priorities for limited funds. Improved coordination of land use and infrastructure decision making, across all levels of government and the private sector, can assist in making the best use of existing infrastructure, while maximising the social, environmental and economic benefits of investment in future infrastructure.
I agree, we need government to better coordinate an outcome utilising existing infrastructure.

Land use planning decisions need to adequately consider the availability of existing infrastructure and any impacts on it.
Suitable existing infrastructure is available, to put undue burden on the Esplanade roundabout and critical Main Street infrastructure would not be a good decision.

Transport infrastructure
Planning for development must consider the location of existing infrastructure as well as access, design features, safety requirements, and current and future operating conditions. In addition, the increased infrastructure demand and maintenance requirements that may result from a development must be considered.
These considerations would show Shute Harbour Rd is the desired outcome.

Development can also affect the performance of the whole transport network by impacting on the safe and efficient movement of people and goods across the network. Therefore, development must be integrated with state transport infrastructure to ensure transport networks are used safely, efficiently and sustainably, and our communities are connected, prosperous and liveable.
Direct connection to the State network is needed in this case. The local network, especially the Main Street cannot safely support the required number of vehicle movements.

Transport infrastructure generates environmental emissions such as noise, vibration, air particulates, and light. These emissions can adversely impact the health, wellbeing and quality of life of surrounding communities if development is not designed or managed appropriately. Transport agencies, planning authorities and developers each have a role in ensuring community exposure to environmental emissions generated by transport infrastructure is reduced to acceptable levels.
Directing vehicular traffic away from the foreshore and Main St network is necessary to reduce emissions for the active transport and recreational users.

All transport infrastructure:

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(1) Transport infrastructure and existing and future transport corridors are reflected and supported through compatible land uses.
The proposed new transport corridor is not reflecting or supporting the recreational land use.

(2) Development is located in areas currently serviced by transport infrastructure, and where this cannot be achieved, development is facilitated in a logical and orderly location, form and sequence to enable cost-effective delivery of new transport infrastructure to service development.
This development is located in areas currently serviced by transport infrastructure, this proposal is not facilitating a logical and orderly design, form and sequence to deliver minimum new infrastructure to service development.

(3) Development achieves a high level of integration with transport infrastructure and supports public passenger transport and active transport as attractive alternatives to private transport.
This proposal offers no improvement to the public passenger transport and active transport users.

(5) A road hierarchy is identified that reflects the role of each category of road and effectively manages all types of traffic.
I requested information on this from Council 18 days ago and have had no response. From my research the proposed road reserves do not meet identified hierarchy widths defined in the development manual.

Queensland Walking Strategy 2019–2029
https://www.tmr.qld.gov.au/Travel-and-transport/Pedestrians-and-walking/Queensland-walking-strategy
Planners, developers, engineers, designers, landscape architects, policy-makers, and elected representatives all play a role in creating healthy and inviting areas to walk.
This proposal would reduce the safety and enjoyment of walking not only through port of Airlie but the foreshore pedestrian crossings, Coconut Grove, the Esplanade and Main Street shared zones.

Building their capability to deliver high quality and inclusive walking environments will support the broader community to walk more.
Ensuring more vehicles are directed onto the ring road system and Canal St and Coconut Grove intersection stays free of vehicles would deliver a higher quality and inclusive walking environment for the community.

Many Queensland Government agencies support more walking and the delivery of walkable environments through their work on transport, health, planning, education and recreation.
We will work across government agencies to make walking the clear choice in urban planning and infrastructure in built up areas.
This proposal does not make walking the clear choice. To force all vehicular movements through the pedestrian crossover points of the foreshore shared zone is not good urban planning or investment in new infrastructure.

Money invested in well-planned walking infrastructure pays for itself in physical and mental health benefits, reduced traffic congestion and socially connected communities.
I agree but this design does not include well-planned walking infrastructure.

Queensland Government Strategies
Our Future State Advancing Queensland's Priorities
https://www.ourfuture.qld.gov.au/assets/custom/docs/gov-objectives.pdf?c
Investment in prevention strategies to achieve healthier lifestyles generate benefits to individuals, their families, the health system and the economy. There are already some positive trends, for example - Town and community planners are also starting to incorporate more open space, walking and bicycle paths and recreational spaces into their planning and development.
This proposal fails to implement more open space, walking and bicycle paths and recreational spaces into our planning and development.

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This application for conversion of recreational space to road reserve should be refused.

Yours sincerely,

sch4p4(6) Personal information

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SLAM – Internal Document

Most appropriate use assessment checklist by SLAM Officer

SLAM details

Date:	27 October 2020	**eLVAS Case id:**	2020/010400
SLAM Case Officer:	Megan Warrener	**Regional Office:**	Mackay

Description of land:	Lot 187 on SP219978
Land tenure:	☐ **Road** ☑ **Reserve** ☐ **Leased land** ☐ **USL**
Local Government:	Whitsunday Regional Council
Current use of land:	Reserve for Recreation

Most appropriate use (if issue not listed below use Additional information field)

Legal (dedicated) access	☑ Yes	☐ No	☐ Not known
Physical access	☑ Yes	☐ No	☐ Not known
Public utilities on the subject land or in near vicinity	☑ Yes	☐ No	☐ Not known
Subject land is near or in the vicinity of a protected area estate	☐ Yes	☑ No	☐ Not known
Environmental or conservation features identified	☐ Yes	☑ No	☐ Not known
Subject land is near or in the vicinity of a watercourse, lake, spring or wetland etc	☑ Yes	☐ No	☐ Not known
Subject to water management issues	☐ Yes	☑ No	☐ Not known
Subject land is in a coastal area	☑ Yes	☐ No	☐ Not known
Subject land needed for a community purpose	☑ Yes	☐ No	☐ Not known
Subject land needed to provide public access	☑ Yes	☐ No	☐ Not known
Subject to Queensland Cultural Heritage	☐ Yes	☑ No	☐ Not known
Any indigenous cultural heritage issues	☐ Yes	☑ No	☐ Not known
Subject land suitable to be made available under the indigenous Land Acts i.e. the ALA or TSILA	☐ Yes	☑ No	☐ Not known
Subject to vegetation issues	☐ Yes	☑ No	☐ Not known
Subject to forest products (commercial timber) or quarry materials	☐ Yes	☑ No	☐ Not known
Contamination issues	☐ Yes	☑ No	☐ Not known
Subject land part of Stock route network or in near vicinity	☐ Yes	☑ No	☐ Not known

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Queensland Government

Subject land is part of Bicentennial national trail	☐	Yes	☑	No	☐	Not known
Subject land is within a mining/petroleum area or in the vicinity of a mining/petroleum project	☐	Yes	☑	No	☐	Not known
Subject land is used/proposed for grazing and/or agricultural purposes	☐	Yes	☑	No	☐	Not known
Subject land is used/proposed for residential purposes	☐	Yes	☑	No	☐	Not known
Subject land is used/proposed for tourist (business) purposes	☐	Yes	☑	No	☐	Not known
Subject land is used/proposed for government e.g. State or local government service	☑	Yes	☐	No	☐	Not known
Subject land is used/proposed for community group or charity purposes	☐	Yes	☑	No	☐	Not known
Compliance with purpose and tenure conditions	☐	Yes	☐	No	☑	Not known
Illegal uses	☐	Yes	☐	No	☑	Not known
Risk of degradation	☐	Yes	☐	No	☑	Not known
Risks or hazard issues (flood, fire, landslips, public safety etc)	☐	Yes	☑	No	☐	Not known
Evidence of pest animals and plans on the subject land	☐	Yes	☐	No	☑	Not known
Is proposed use consistent with the Local Government planning scheme, State planning policies and Regional plans	☑	Yes	☐	No	☐	Not known

CONCLUSION

Is the proposed or existing use the most appropriate use of the land?	☑	Yes	☐	No

Most appropriate tenure

The most appropriate tenure needs to consider (in addition to other issues e.g. government policy where freehold is not supported such as on off shore islands, or freehold is not supported in an area eg. Gold Coast Spit) the degree of oversight the State requires to retain for the land.

The most appropriate tenure is subject to native title being satisfactorily addressed.

Freehold is the predominant tenure in the locality	☑	Yes	☐	No	☐	Not known
Legislation or Policy does not support Freehold tenure (Eg. Off shore islands, or freehold is not supported in an area eg. Gold Coast Spit)	☐	Yes	☑	No	☐	Not known
On-going protection of the site is required by the State	☑	Yes	☐	No	☐	Not known
Protection or management by the State cannot be adequately managed under a covenant, agreements or planning scheme	☑	Yes	☐	No	☐	Not known
Additional management of the land by the State is required (eg. land management agreement or conditions)	☑	Yes	☐	No	☐	Not known
Land is required for a community purpose defined under the Land Act	☑	Yes	☐	No	☐	Not known
Land is required to be protected for conservation or similar purposes e.g. under the Nature Conservation Act or Forestry Act	☐	Yes	☑	No	☐	Not known
Land is required to be made available under the indigenous Land Acts (Eg.ALA or TSILA)	☐	Yes	☑	No	☐	Not known

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Additional information

The proposed road opening appears to benefit Port of Airlie's proposed development application and to provide secondary access to the proposed lots not to benefit the wider community.

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CONCLUSION (only if Planning advice is not to be sought)

[Insert the most appropriate tenure e.g. freehold, leasehold, reserve]

Most appropriate tenure is reserve for recreation purposes.

END DOCUMENT

Ref CTS 21163/20

12 October 2020

Queensland Government

Department of
Natural Resources, Mines and Energy

sch4p4(6) Personal inform

President
Save Our Foreshore Inc

saveourforeshore@whitsunday.net.au

Dear sch4p4(6) Per

I refer to your letter dated 22 September 2020 addressed to the Honourable Dr Anthony Lynham MP, Minister for Natural Resources, Mines and Energy, concerning Whitsunday Regional Council's application to excise land from a community purpose reserve in Airlie Beach (Lot 187 SP219978), to allow for the construction of roads. The Minister has asked me to respond on his behalf.

I can advise that the Department of Natural Resources, Mines and Energy (the department) is currently assessing Whitsunday Regional Council's road opening application against the requirements of the Land Act. Your concerns regarding this application have been noted and will be considered by the department as part of the decision-making process.

Should you have any further enquiries, please contact Ms Wedeena Smith, Principal Land Officer, State Land Asset Management of the department on telephone 4999 6914.

Yours sincerely

sch4p4(6) Personal information

Jason Klethmuller
Regional Manager, Land Services
Central Region

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Level 4, 209 Bolsover Street
PO Box 1762
ROCKHAMPTON QLD 4700
www.dnrme.qld.gov.au
ABN 59 020 847 551

PROPERTY

UNVEILED: Plans for luxury hotel in heart of Airlie Beach



An application for a new luxury hotel in Airlie Beach has gained momentum as developers supply more information about the plans. Photo: Contributed

MORE details about a luxury hotel development at Port of Airlie have been revealed, with developers saying it could provide hundreds of jobs and inject millions into the economy.

Plans show a four to five-star hotel with 180 suites, a spa and fitness centre, yoga deck, pool terrace and amenities.

The hotel would also include an all-day dining restaurant and lobby bar, a specialty retail area and a roof terrace and bar as well as meeting and conference facilities.

The development is earmarked for the Port of Airlie precinct on a vacant lot opposite the Airlie Beach foreshore playground.

The shop, bars and restaurant would be open to the general public while the rest of the facilities would be reserved for guests only.

Developers hoped the proposed hotel would be operated by a high-end, international brand such as Accor, Hilton, Hyatt Regency, Radisson, Sheraton or Marriott.

The original development application for the resort complex in Airlie Beach was lodged in December 2019.

However, officers at Whitsunday Regional Council requested more information about the community benefit of the project as well as clarification on the height of the building and parking considerations.

The original hotel proposal had 12 storeys, which exceeds the height outlined in the council's planning scheme.

The council sought clarification from developers on whether a 10, eight or six-storey building could be built instead.

A financial feasibility analysis conducted by Axsia found "hotel operating costs are essentially fixed and therefore to attract a quality brand and recognised hotel operator, more than 150 rooms would be critical, and some 180 rooms has been recommended".

Developers concluded "there is a clear need for the development of the hotel as a 12-storey development".

However, in the new plans that show levels for both restuarants/retail and accommodation, the developers reduced the number of accommodation levels from 10 to nine.

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Developers hope the proposed hotel will be operated by a high-end, international brand such as Accor, Hilton, Hyatt Regency, Radisson, Sheraton or Marriott.



An impression of the proposed hotel from the Airlie Beach foreshore.

This means plans still show a 12-storey hotel, however the height has been slightly reduced from 49.9m to 46.7m.

The council also sought clarification on the demand and benefit the proposal would have on Airlie Beach.

Access Town Planning Consultants, which acted on behalf of the developers, stated there was "a strong need for the proposed development" for the region's economy and community.

The proposal was pegged to draw $77 million in direct and indirect construction, more than 800 associated jobs and $3.6 million in visitor expenditure a year.

However, an Axsia report found there were several preconditions for the development that would be needed for it to be "viable and sustainable".

These included planned improvements to Whitsunday Coast Airport, including an expansion over time to support international arrivals, as well as improved amenities, such as restaurants and shopping, and tourism experiences in Airlie Beach.

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Rele



The development would be built within the Port of Airlie precinct on a vacant lot opposite the Airlie Beach foreshore playground.



An impression of the proposed hotel from Airlie Beach.

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Questions were also raised over the "visual impact" a high-rise hotel would have on the town.

However, developers argued the building would "enhance the visual amenity of the local area through the introduction of its modern and attractive architectural design and standard of finishes, as well as the high standard of landscaping design proposed".

More stories

Former PCYC employee, op shop volunteer on drug charges

'I believe you': Three words helping victims seek help

Whitsundays' best hairdressers crowned for 2020

The application also stated the "height variation is part of the way in which the proposed development will enhance the visual amenity of the local area and constitute an identifiable and attractive landmark within the townscape".

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had received an application for a 12-storey, 50m development, but noted it had been returned to the developers with a request for further detailed information.

Mr McGaffin said when the additional information was submitted, it would be open for public consultation before being presented to the council.

The application has not yet been listed on the council website for public submissions.

More Stories

- Mackay candidate 'sick of being labelled a criminal'
- Engine room of Qld demands 'real plan' from pollies
- Election forum guide: Three debates in less than 24 hours
- Whitsundays' best hairdressers crowned for 2020

Whitsunday Times "Serving the Whitsunday Region"

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eLVAS Client Interaction Report
For Interaction id: 1825437

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	3-Oct-2020 3:57 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Save Our Foreshore Incorporated, Airlie Beach

Documents

Document Type	Title	Received/Sent
Incoming email	e_Objection from SOF to Minister Lynham 22 Sep 20	3-Oct-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	6-Oct-2020
Details:	Email sent to Wedeena Smith from sch4p4(6) Pers President Save Our Foreshore) Airlie Beach with a copy of the letter of objection sent to Minister Lynham 22 September 2020 regarding the road opening application out of reserve.

Assignment History

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Date : 6/10/2020 8:48:04 AM
From : "SMITH Wedeena"
To : "WARRENER Megan"
Cc : "SLAM-Mackay"
Subject : FW: For your information
Attachment : SOF OUT Minister Lynham Objection to WRC recommendation on public recreation reserve.pdf;

From: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>
Sent: Saturday, 3 October 2020 3:57 PM
To: SMITH Wedeena
Subject: For your information

Dear Wedeena,

Attached please find for your information, a copy of our letter to Minister Lynham 22 September regarding public foreshore reserve (again) in Airlie Beach. Apologies for not sending to you sooner, however today's announcement of a high rise hotel adjacent to the space in question shows what this is really all about. The record is clear – historically Airlie Beach residents have long fought for a low rise town. Port of Airlie's approval by the Coordinator General allowed for a maximum of 4-5 stories, that is what Airlie Beach gave up Muddy Bay for.

The attachment shows that the only reason for this excision of public land for road reserve is to facilitate access to this proposed highrise.

Any other reasons, such as safety, are a fabrication.

We support our community group Fight For Airlie in this regard.

Please don't hesitate to contact me if any further information or discussion is needed.

Sincerely,
sch4p4(6) Pers
President
Save Our Foreshore
Airlie Beach
Mob: sch4p4(6) P

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SAVE OUR FORESHORE INC.
P O Box 59, Airlie Beach QLD 4802 Tel: sch4p4(6) Personal i
saveourforeshore@whitsunday.net.au
www.saveourforeshore.com.au

22 September 2020

Dr Anthony Lynham
Minister for Natural Resources
PO Box 15216
City East QLD 4002

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Re: Formal objection re Whitsunday Regional Council (WRC) resolution to support the excision of public recreational land for road reserve to benefit a single private commercial development and request that in the public interest despite WRC support, the application to excise this public land be refused

Dear Dr Lynham,

As a community group of long standing, Save Our Foreshore Inc. is lodging this letter as a formal objection to the decision making process made by the Whitsunday Regional Council in the above matter and request that the process is fully investigated and the application to excise this public land be refused.

We refer to:

Whitsunday Regional Council meeting 26 August 2020 (Collinsville)
Item 12: Development Services
12.6: Request to change the purposes of portions of Reserve – Lot 187 SP219978 – Coconut Grove Airlie Beach

(Our audio/video of the meeting discussion is available, as the printed minutes do not reflect the actual discussion).

Officer's recommendation:

That council supports the change of purpose of four portions of Lot 187 SP219978 from Recreation Reserve to Road Reserve and recommends to the Minister of Natural resources, Mines and Energy that the changes be made in terms of the Land Act 1994.

Background:

Port of Airlie was a State Significant development. It has deviated in many ways from the conditions of approval given by the Co-Ordinator General. However, current developers (in receivership) have chosen to redevelop the site in a way completely at odds with longstanding community values ie a low rise, pedestrian oriented holiday town.

Airlie Beach is a small, coastal resort town, where limits on building heights have long been seen as critical to the town's identity and image and have been strongly fought for and won by many individuals and community groups in recent decades.

The application to Council is by the developers of Port of Airlie (in receivership) to create new and wider road access using public parkland to service TWO dead-end access roads, one exclusively for vehicle access to future proposed developments eg hotel. And a second, a new service vehicle access off the Beacons roundabout.

This would require a collective loss of nearly ¼ acre of priceless and limited foreshore public recreation reserve to be excised for road ONLY to facilitate a private development – without any offset or other area provided to compensate the community (or the State interest).

It would also require removal and re-construction of the existing roundabout, as well as underground essential infrastructure.

In the absence of any traffic management study or report for Airlie Beach, we do not believe that this is a decision that should be made.

The development site itself is more than large enough to create private road access (like every other development) from its own land rather than a new design requiring access using public parkland, conveniently noted as 'to be taken' on preliminary plans lodged by Port of Airlie with council. (Attached).

Canal Street, one of 2 accesses in question, was designed primarily as a council operated pedestrian link/easement between the Port of Airlie and the rest of Airlie Beach. There are serious cost implications for ratepayers that have not been addressed in this proposal, by the widening of this easement to create a 2 lane road at least 20 metres wide, which will exclusively service a private development.

In our opinion, from comments made by Clr Brunker during discussion regarding this matter at the Council meeting, he appears to be well informed about Port of Airlie's high rise hotel proposal. And that he has used that information, possibly improperly, to advocate for private commercial developers interests vs the interests of the community by stating at the meeting:

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"We'll be happy if a highrise…I'll be happy if a highrise goes….because that's what Airlie Beach needs". We are not sure on what basis Clr Brunker can claim this. It is completely at odds with the historical record of community aspirations for Airlie Beach.

The basis for our objection is that:

1. Mayor Willcox misled Councillors in their decision by referring on more than one occasion to the matter as a 'public land grab', stating 'Is the motion saying we are giving up public land to a company … individual YES or No'? (Audio/video available).

   This was never the issue, never the question. It is about the loss of a significant amount of a limited public resource ie public foreshore parkland in Airlie Beach to facilitate road access exclusively, at the behest of, one private commercial development in receivership.

2. The major traffic decision was made without a Traffic Management Study for Airlie Beach. (On hold owing to COVID19).

   Councillors for Division 1(Airlie Beach & Whitsunday Islands) & Division 2 (Cannonvale), who are arguably the only councillors with in-depth knowledge and experience of the Airlie Beach precinct, having operated businesses and lived there for some three decades, requested that before any decision was made, the Whitsunday Regional Council completes its planned Traffic Management Study.

   There are good reasons for this:

   The precinct in question – Coconut Grove – is a one lane in, one lane out dead end road. It leads to the Whitsunday Sailing Club and a small number of private residences 'The Beacons'. Some further development will still occur on both those sites.

A procedural motion was moved by Clr Clifford (Div 1) that the item "lay on the table pending a briefing on what development is being proposed and a traffic study on the Airlie Beach precinct" – the motion was lost 2/5.

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3. Clr Brunker has potentially misused his position to advocate on behalf of a private commercial developer to support public land losses to benefit a single commercial developer for a proposal that has yet to come before council and goes against the well known Whitsunday community position on keeping Airlie Beach developments low rise only.

We note that Clr Brunker has, in the recent past, advocated for private commercial developers, notably when as Mayor he supported a re-design of the Airlie Beach main street (the 'bend in the road design') which once again involved public recreational reserve losses in favour of a private commercial development. Our community once again staged passionate and well reasoned protest and we thank the Queensland Government of the day for not going along with that ridiculous plan.

The re-design of Airlie Beach Main Street was to make the area more pedestrian friendly and reduce traffic by diverting through traffic around Waterson Way – at the 'back' of Airlie Beach. Indeed there have been other community objections and efforts to take traffic, and in particular buses, out of the Main Street owing to conflicts between increasing traffic, outdoor dining and the pedestrian friendly space.

It is notable that both councillors representing Airlie Beach and close surrounds objected and questioned the need for this public land to be excised for road reserve, yet were blocked by the majority non-Airlie Beach councillors.

Furthermore, as development in the area increases, it becomes even more important to retain every parcel of our non-renewable, limited public open space for the amenity and enjoyment of all.

We appreciate your urgent attention to this.

Yours sincerely,

sch4p4(6) Personal informat

President

Published on Resources Disclosure Log 12 / 11 / 2009

Save Our Foreshore is a community organisation created by citizens of the community of Whitsunday having a particular interest in ensuring that public access to the coast and amenity of coastal public lands are preserved and enhanced for the long term benefit of their ecological, scenic and recreational values as enjoyed by the Whitsunday community and visitors to the area.

Attachment: Port of Airlie (in receivership) MasterPlan proposal noting public land TO BE TAKEN



Published on Resource Consents Online
RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1824144

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	29-Sep-2020 7:49 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Incoming email	e_Doug Mackay WRC	29-Sep-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	29-Sep-2020
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

Date : 29/09/2020 7:49:05 AM
From : "Doug Mackay"
To : "WARRENER Megan"
Subject : RE: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore
Attachment :
image001.png;image002.png;image003.jpg;image004.jpg;image005.png;image006.png;image007.png;image008.png;image614239.png;image291882.jpg;image472203.jpg;image203438.png;image844833.png;image983

Many thanks Megan. Likewise, please contact me if you require any further information. This became a political issue so there may be correspondence from DSDMIP (Patrick Reutjes) that's relevant to your assessment.

Regards

Doug Mackay
Manager Development Assessment

Phone: 0749450260 **Fax:** 0749450222 **Mobile** sch4p4 **Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 28 September 2020 4:59 PM
To: Doug Mackay <Doug.Mackay@whitsundayrc.qld.gov.au>
Subject: RE: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore

Hi Doug,

Carey has forwarded your email to me as I am the action officer for this case, I only received an email from sch4p4(of McKays Solicitors at 4:07pm on Friday 25 September containing the details regarding the community consultation that was undertaken.

Now that I have received those details, I will review the information that was provided to me so that I can finalise my submission before submitting to the Ministers Delegate for a decision. I anticipate that my submission will be finalised by the end of next week to send through for a decision to be recorded.

Once a decision has been recorded, McKays Solicitors will be notified of the outcome as they are the lodgers of the application and all correspondence is sent directly to them.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: Doug Mackay <Doug.Mackay@whitsundayrc.qld.gov.au>
Sent: Thursday, 24 September 2020 9:13 AM
To: GABRIEL Carey
Subject: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore

Hi Carey

Hope this finds you well.

We have been asked by the Port of Airlie developers for a timeframe for the decision on the above request. Are you able to advise please?

Many thanks

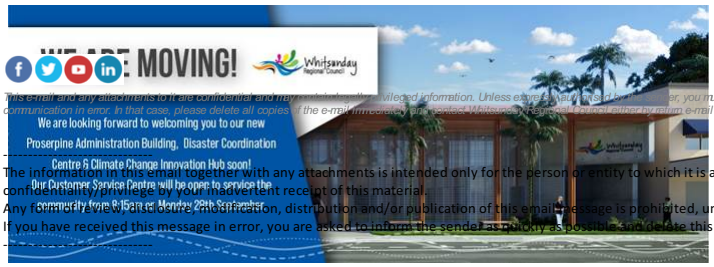
Doug Mackay
Manager Development Assessment

Phone: 0749450260 **Fax:** 0749450222 **Mobile** sch4p4(**mail:** info@whitsundayrc.qld.gov.au
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eLVAS Client Interaction Report
For Interaction id: 1824138

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	28-Sep-2020 5:04 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Response to Doug Mackay	28-Sep-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	28-Sep-2020
Details:	

Assignment History

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eLVAS Client Interaction Report
For Interaction id: 1823979

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	28-Sep-2020 1:48 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Reviewing results from consultation	28-Sep-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	28-Sep-2020
Details:	Email to sch4p4(6) Perso at McKays Solicitors advising that I had received her email with results from community consultation and note that her client wishes to proceed with the application excluding area X-Y-Z-X. Advised that once community consultation has been undertaken for the revised Land Management Plan a separate application would be required to be submitted to the Department for Area X-Y-Z-X.

Assignment History

Published on Resources Disclosure Log RTI Act 2009

Date : 28/09/2020 4:59:19 PM
From : "WARRENER Megan"
To : "Doug Mackay"
Subject : RE: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore
Attachment : image004.png;image005.png;image006.jpg;image007.jpg;image008.png;image009.png;image010.png;image011.png;

Hi Doug,

Carey has forwarded your email to me as I am the action officer for this case, I only received an email from sch4p4(6) P of McKays Solicitors at 4:07pm on Friday 25 September containing the details regarding the community consultation that was undertaken.

Now that I have received those details, I will review the information that was provided to me so that I can finalise my submission before submitting to the Ministers Delegate for a decision. I anticipate that my submission will be finalised by the end of next week to send through for a decision to be recorded.

Once a decision has been recorded, McKays Solicitors will be notified of the outcome as they are the lodgers of the application and all correspondence is sent directly to them.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: Doug Mackay <Doug.Mackay@whitsundayrc.qld.gov.au>
Sent: Thursday, 24 September 2020 9:13 AM
To: GABRIEL Carey
Subject: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore

Hi Carey

Hope this finds you well.

We have been asked by the Port of Airlie developers for a timeframe for the decision on the above request. Are you able to advise please?

Many thanks

Doug Mackay
Manager Development Assessment

Phone: 0749450260 **Fax:** 0749450222 **Mobile:** sch4p4(6) P **Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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Date : 28/09/2020 1:48:18 PM
From : "WARRENER Megan"
To : sch4p4(6) Perso| **McKays Solicitors"**
Cc : sch4p4(6) Person| **McKays Solicitors" ,** sch4p4(6) Persor| **McKays Solicitors"**
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400
Attachment : image002.png;image003.jpg;

Hi Tamara,

Thank you for providing me with the results from the community consultation that was undertaken for this application and advising that your client wishes to proceed with the application excluding Area X-Y-Z-X.

Please note that once Community Consultation has been undertaken for the revised Land Management Plan, Council will be required to submit a separate application to the Department for assessment of Area X-Y-Z-X.

I will now review the information that you have provided to me and finalise my submission, I anticipate that I will have my submission finalised by the end of next week and will send through to the Ministers Delegate for a decision to be recorded.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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W: www.dnrme.qld.gov.au

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From: sch4p4(6) Pe McKays Solicitors sch4p4@mckayslaw.com>
Sent: Friday, 25 September 2020 4:07 PM
To: WARRENER Megan
Cc sch4p4(6) Perso| McKays Solicitors; sch4p4(6) Pers| McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

Apologies for the slight delay in response. Upon further discussions with my client, I have been notified that Council is in the process of developing a further rendition of the Airlie Foreshore Land Management Plan ("LMP").

As you have pointed out, the portions of reserve highlighted in red (which included Area X-Y-Z-X) within Figure 12, Page 14 of the current LMP were intended to be discussed in future renditions. Council therefore intends to include this area within the revised LMP, which will need to undergo community consultation. After this community consultation, Council will be able to provide the Department with the result of the community consultation for the approval of the revised LMP.

Accordingly, Council wishes to put forward the result of its community consultation undertaken for the other southern areas and proceed with the processing of Application 2020/010400, without the inclusion of Area X-Y-Z-X.

As evidence of the community consultation undertaken with respect to this application, please find **attached**:

1. Council Report from Ordinary Meeting held on 26 August, 2020 whereby Council resolved to support the proposal to change part of the land from recreational reserve to road reserve, after consideration of the Community Consultation Summary – which includes the following annexures:
    a. Annexure A - Plan showing the proposed areas to be converted to road reserve (which was uploaded to the website);
    b. Annexure B - Summary of public submissions;
    c. Annexure C - Further information in support of the proposal from the applicant for the development application with respect to Lot 105 on SP232115 and Lot 106 on SP172255.

2. Copy of community consultation online portal on Council's website which can also be accessed at: https://yoursay.whitsundayrc.qld.gov.au/airlie-beach-proposed-road-access-change.

Please advise whether you require any further information, or if you would like to discuss further, please do not hesitate to contact myself, sch4p4(6) sch4p4(r sch4p4(6) Pers f this office.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Tuesday, 15 September 2020 11:28 AM
To: sch4p4(6) Pe| McKays Solicitors sch4p4@mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

H sch4p4(6

I have spoken with both Wedeena Smith (Principal Land Officer) & Errol Sander (Manager, Land Management & Use) in relation to the level of community consultation required for area X-Y-Z-X, they have both advised that the Department would prefer that the same level of community consultation be undertaken. If you have a proposal on the level of consultation Council believe to be sufficient, please send through the proposal so that the Department can review and respond to you accordingly.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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From: sch4p4(6) Pe| McKays Solicitors sch4p4 mckayslaw.com>
Sent: Tuesday, 15 September 2020 9:33 AM
To: WARRENER Megan
Cc: sch4p4(6) Perso McKays Solicitors; sch4p4(6) Pers| McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Our client acknowledges, and accepts, that the Department has determined that Area X-Y-Z-X must be included within Road Opening Application 2020/010400.

Although, please clarify whether the Department has given any consideration to the detailed submissions outlined within our letter dated 2 September, 2020 as to why community consultation should not be required in the circumstances.

In the event that the Department has already given due consideration to these submissions, and has nevertheless determined that community consultation is required, please clarify as to the level of community consultation that is required to enable Council to comply with same and so as not to delay the assessment of this application any further.

For clarity, the community consultation with respect to Road Opening Application 2020/010400 has already been completed, and did not cover area X-Y-Z-X (which we will forward to you in due course). This means that, if Council is required to undertake community consultation, it will be doing so for Area X-Y-Z-X only – i.e. a 92 square metre area of land.

With respect to Road Opening Application 2020/010676, Council now intends to sign the current Agreement to Offer and comply with its conditions, as Council had only requested an extension due to its belief that the Area X-Y-Z-X would be included within that application.

If you require clarification or would like to discuss further, please do not hesitate to contact sch4p4(6) Perso or sch4p4(6) Pof this office.

We look forward to your response.

Kind regards

sch4p4(6) Pers **McKays Solicitors**

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Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 7 September 2020 10:03 AM
To: sch4p4(6) Pe McKays Solicitors sch4p4@mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(

As per Carey's email your request for an extension of time has been granted until the 7 November 2020 for the initial offer requirements to be satisfied and the 9th January 2021 for Survey requirements to be satisfied.

The copy of the Land Management Plan for the Airlie Beach Foreshore Reserves that we have on file highlights the southern areas of the reserve in red as shown on Figure 12 page 14 of the plan, the area highlighted includes area X-Y-Z-X. The LMP states that the portions of reserve highlighted in red "do not promote the overall function or use of the Foreshore given their isolated location and dimensions. The portions of land offer no strategic value to the recreational purposes of the wider Foreshore and could be realigned to integrate with the adjoining Port of Airlie Lot 105 or offset to achieve better community outcomes in other areas. This will be discussed within future renditions of the Airlie Beach Foreshore Land Management Plan".

From reviewing the copy of the LMP that we have on file, we do not believe that area X-Y-Z-X has been included in the Land Management Plan, but rather outlines that this area will be discussed in future renditions of the Airlie Beach Foreshore Land Management Plan. If there have been other renditions of the Land Management Plan which discusses the areas highlighted in red as shown on Figure 12, can you please provide a copy for the Department to review.

Area X-Y-Z-X is still included in Road Opening Application 2020/010400 for assessment and review therefore another application will not be required, however; if this area was not included in the most recent community consultation that has taken place, some form of consultation with the community will be required.

If you would like to organise a meeting to discuss, please let me know so that I can organise a time that would suit myself, Wedeena Smith (Principal Land Officer) and Errol Sander (Manager, Land Management & Use).

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Per McKays Solicitors sch4p4@mckayslaw.com>
Sent: Friday, 4 September 2020 1:30 PM
To: WARRENER Megan
Cc: sch4p4(6) Perso McKays Solicitors; SLAM-Mackay
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

We refer to our telephone discussions with you on 27 August, 2020 and further correspondence to you dated 2 September, 2020.

Are you please able to provide an update in relation to the extension request, noting that the first condition under the Agreement to Offer pursuant to the

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current dates must be satisfied by **7 September, 2020.**

We look forward to your response.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From: sch4p4(6) Pe McKays Solicitors
Sent: Thursday, 27 August 2020 11:02 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: sch4p4(6) Pers| McKays Solicitors sch4p4(mckayslaw.com>; SLAM-Mackay <Slam-Mackay@dnrme.qld.gov.au>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good morning Megan,

Please find **attached** correspondence to you.

If you would like to discuss further, please contact myself or sch4p4(6) Persof this office.

Kind regards

sch4p4(6) Per| **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan
Sent: Friday, 7 August 2020 9:57 AM
To: sch4p4(6) P| McKays Solicitors ; sch4p4(6) P| McKays Solicitors
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p& sch4p4(6

Please find attached Agreement to Offer Documents for your client's Road Opening Application.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

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Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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eLVAS Client Interaction Report
For Interaction id: 1823965

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	25-Sep-2020 4:07 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_Community Consultation Results	25-Sep-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	28-Sep-2020
Details:	Email received from sch4p4(6) Perso at McKays Solicitors advising that area X-Y-Z-X will be included in the revised rendition of the Land Management Plan and wish to proceed with this application excluding that area. Provided results from the community consultation that was undertaken for other areas of this application.

Assignment History

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Date : 25/09/2020 4:07:23 PM
From : sch4p4(6) Perso **McKays Solicitors"**
To : "WARRENER Megan"
Cc : "sch4p4(6) Person **McKays Solicitors" ,** sch4p4(6) Person **McKays Solicitors"**
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400
Attachment : Council Report - 26 August 2020.pdf;Httpsyoursay.whitsundayrc.qld.gov.auairlie-beach-proposed-road-access-change.pdf;image002.png;image001.jpg;

Hi Megan,

Apologies for the slight delay in response. Upon further discussions with my client, I have been notified that Council is in the process of developing a further rendition of the Airlie Foreshore Land Management Plan (LMP).

As you have pointed out, the portions of reserve highlighted in red (which included Area X-Y-Z-X) within Figure 12, Page 14 of the current LMP were intended to be discussed in future renditions. Council therefore intends to include this area within the revised LMP, which will need to undergo community consultation. After this community consultation, Council will be able to provide the Department with the result of the community consultation for the approval of the revised LMP.

Accordingly, Council wishes to put forward the result of its community consultation undertaken for the other southern areas and proceed with the processing of Application 2020/010400, without the inclusion of Area X-Y-Z-X.

As evidence of the community consultation undertaken with respect to this application, please find **attached**:

1. Council Report from Ordinary Meeting held on 26 August, 2020 whereby Council resolved to support the proposal to change part of the land from recreational reserve to road reserve, after consideration of the Community Consultation Summary which includes the following annexures:
    a. Annexure A - Plan showing the proposed areas to be converted to road reserve (which was uploaded to the website);
    b. Annexure B - Summary of public submissions;
    c. Annexure C - Further information in support of the proposal from the applicant for the development application with respect to Lot 105 on SP232115 and Lot 106 on SP172255.

2. Copy of community consultation online portal on Council's website which can also be accessed at: https://yoursay.whitsundayrc.qld.gov.au/airlie-beach-proposed-road-access-change.

Please advise whether you require any further information, or if you would like to discuss further, please do not hesitate to contact myself, sch4p4(6) sch4p4or sch4p4(6) Pers of this office.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Tuesday, 15 September 2020 11:28 AM
To: sch4p4(6) P | McKays Solicitors <sch4p4@mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(6)

I have spoken with both Wedeena Smith (Principal Land Officer) & Errol Sander (Manager, Land Management & Use) in relation to the level of community consultation required for area X-Y-Z-X, they have both advised that the Department would prefer that the same level of community consultation be undertaken. If you have a proposal on the level of consultation Council believe to be sufficient, please send through the proposal so that the Department can review and respond to you accordingly.

If you require any further information, please do not hesitate to contact me.

Kind Regards

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Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) P| McKays Solicitors sch4p4@mckayslaw.com>
Sent: Tuesday, 15 September 2020 9:33 AM
To: WARRENER Megan
Cc: sch4p4(6) Perso McKays Solicitors; sch4p4(6) Persc McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Our client acknowledges, and accepts, that the Department has determined that Area X-Y-Z-X must be included within Road Opening Application 2020/010400.

Although, please clarify whether the Department has given any consideration to the detailed submissions outlined within our letter dated 2 September, 2020 as to why community consultation should not be required in the circumstances.

In the event that the Department has already given due consideration to these submissions, and has nevertheless determined that community consultation is required, please clarify as to the level of community consultation that is required to enable Council to comply with same and so as not to delay the assessment of this application any further.

For clarity, the community consultation with respect to Road Opening Application 2020/010400 has already been completed, and did not cover area X-Y-Z-X (which we will forward to you in due course). This means that, if Council is required to undertake community consultation, it will be doing so for Area X-Y-Z-X only i.e. a 92 square metre area of land.

With respect to Road Opening Application 2020/010676, Council now intends to sign the current Agreement to Offer and comply with its conditions, as Council had only requested an extension due to its belief that the Area X-Y-Z-X would be included within that application.

If you require clarification or would like to discuss further, please do not hesitate to contact sch4p4(6) Pers or sch4p4(6) P of this office.

We look forward to your response.

Kind regards

sch4p4(6) Per| **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 7 September 2020 10:03 AM
To: sch4p4(6) P| McKays Solicitors <sch4p4 mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(

As per Carey's email your request for an extension of time has been granted until the 7 November 2020 for the initial offer requirements to be satisfied and the 9th January 2021 for Survey requirements to be satisfied.

The copy of the Land Management Plan for the Airlie Beach Foreshore Reserves that we have on file highlights the southern areas of the reserve in red as shown on Figure 12 page 14 of the plan, the area highlighted includes area X-Y-Z-X. The LMP states that the portions of reserve highlighted in red do not promote the overall function or use of the Foreshore given their isolated location and dimensions. The

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portions of land offer no strategic value to the recreational purposes of the wider Foreshore and could be realigned to integrate with the adjoining Port of Airlie Lot 105 or offset to achieve better community outcomes in other areas. This will be discussed within future renditions of the Airlie Beach Foreshore Land Management Plan.

From reviewing the copy of the LMP that we have on file, we do not believe that area X-Y-Z-X has been included in the Land Management Plan, but rather outlines that this area will be discussed in future renditions of the Airlie Beach Foreshore Land Management Plan. If there have been other renditions of the Land Management Plan which discusses the areas highlighted in red as shown on Figure 12, can you please provide a copy for the Department to review.

Area X-Y-Z-X is still included in Road Opening Application 2020/010400 for assessment and review therefore another application will not be required, however; if this area was not included in the most recent community consultation that has taken place, some form of consultation with the community will be required.

If you would like to organise a meeting to discuss, please let me know so that I can organise a time that would suit myself, Wedeena Smith (Principal Land Officer) and Errol Sander (Manager, Land Management & Use).

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
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A: Level 1, 44 Nelson Street, Mackay Q 4740| PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Pe McKays Solicitors sch4p4@mckayslaw.com>
Sent: Friday, 4 September 2020 1:30 PM
To: WARRENER Megan
Cc: sch4p4(6) Pers| McKays Solicitors; SLAM-Mackay
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

We refer to our telephone discussions with you on 27 August, 2020 and further correspondence to you dated 2 September, 2020.

Are you please able to provide an update in relation to the extension request, noting that the first condition under the Agreement to Offer pursuant to the current dates must be satisfied by **7 September, 2020.**

We look forward to your response.

Kind regards

sch4p4(6) Perso **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: sch4p4(6) Pe McKays Solicitors
Sent: Thursday, 27 August 2020 11:02 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: sch4p4(6) Perso McKays Solicitors <sch4p4(6)mckayslaw.com>; SLAM-Mackay <Slam-Mackay@dnrme.qld.gov.au>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good morning Megan,

Please find **attached** correspondence to you.

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If you would like to discuss further, please contact myself or sch4p4(6) Persof this office.

Kind regards

sch4p4(6) Pers | McKays Solicitors
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Please note: Due to the COVID-19 pandemic, in order to protect your health and ours, we ask that you kindly contact our office by phone or email and limit personal attendances where possible.

From: WARRENER Megan
Sent: Friday, 7 August 2020 9:57 AM
To: sch4p4(6) P | McKays Solicitors sch4p4(6) Pe | McKays Solicitors
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p& sch4p4((

Please find attached Agreement to Offer Documents for your client's Road Opening Application.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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REQUEST TO CHANGE THE PURPOSES OF PORTIONS OF RESERVE - LOT 187 SP219978 - COCONUT GROVE AIRLIE BEACH

AUTHOR: Doug Mackay - Manager Development Assessment

RESPONSIBLE OFFICER: Neil McGaffin - Director Development Services

---

OFFICER'S RECOMMENDATION

That Council supports the change of purposes of four portions of Lot 187 SP 219978 from Recreation Reserve to Road Reserve and recommends to the Minister of Natural Resources, Mines and Energy that the changes be made in terms of the Land Act 1994.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 26 August 2020.

SUMMARY

Council has been requested by the developers of Port of Airlie to support an application to the Minister of Natural Resources, Mines and Energy to change the purposes of four portions of Lot 187 SP 219978 from Recreation reserve to Road Reserve. The change will facilitate more efficient road connection to an internal road network within Lots 105 SP 232115 and Lot 106 SP172255.

PURPOSE

This report recommends that Council supports the requested change of purposes of four portions of Lot 187 SP 219978 from Recreation reserve to Road Reserve and recommends to the Minister of Natural Resources, Mines and Energy that the changes be made in terms of the Land Act 1994.

BACKGROUND

As part of Development Application 20191165, subdivision of Lot 105 SP232115 and Lot 106 SP172255 in Port of Airlie (approved by Delegation 12/02/2020), the proponents requested the conversion of parts of the adjoining open space reserve to road widening (refer plan at Attachment 1). The western portion is intended to widen Coconut Grove at the roundabout intersection with Airlie Esplanade to facilitate turning into Canal Street. The eastern portion is intended to create a larger turning circle for vehicles gaining access to Lot 105 from The Beacons roundabout.

Council sought comments about the proposed conversion of these portions of reserve from the public via its website during the month of April. Seventeen public submissions were received, and the issues are collated and summarised in Attachment 2. In response to a request, the applicant has provided additional information in support of the proposal, included as Attachment 3.

STATUTORY/COMPLIANCE MATTERS

Land Act 1994

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ANALYSIS

The proposed change of purpose of the sections of reserve to road reserve will help to facilitate the development of Lots 105 and 106 at Port of Airlie. The applicant has demonstrated that a greater area of land will be landscaped at the developer's expense, as well as a widening of Canal Street to facilitate a more attractive and safer pedestrian movement and dining experience.

The proposal will result in a safer and more efficient road system which is in the public interest and as such the request is supported.

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 3.1: Our built environment is well planned, effectively managed and protects our region's heritage and character

Outcome 3.2: Our Natural environment is valued and sustainable

Outcome 3.3: Our infrastructure supports our region's current and future needs

Financial Implications – All costs associated with the proposal will be borne by the applicant. In due course, when the road improvements are constructed, they will be included in Council's road maintenance program.

Risk Management Implications - N/A

Strategic Impacts - N/A

CONSULTATION

Neil McGaffin – Director Development Services
Matthew Fanning – Director Infrastructure Services
sch4p4(6) Personal ir - McKays Solicitors

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

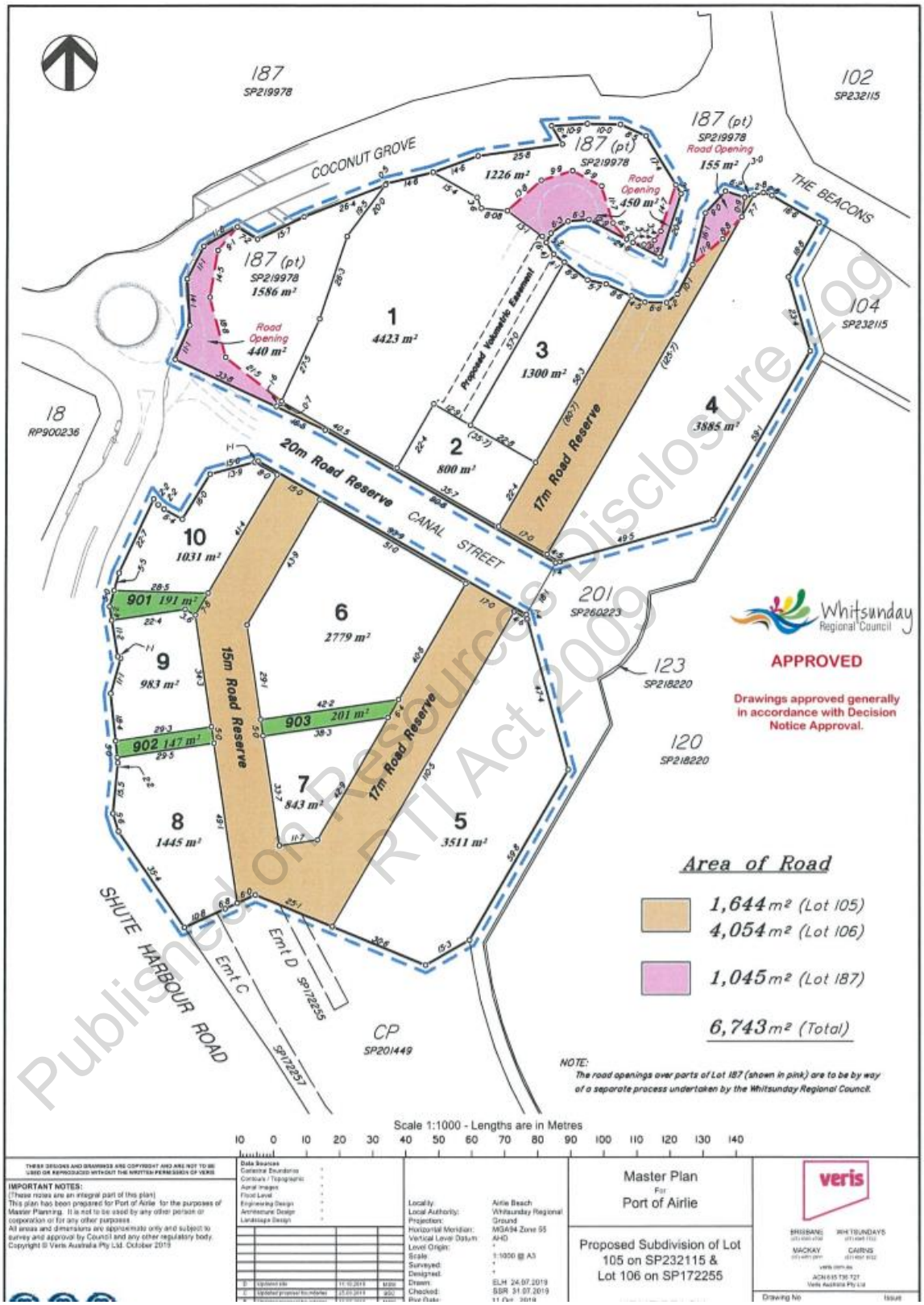
The requested change of purposes of four portions of Lot 187 SP 219978 to Road Reserve is supported and recommends to the Minister of Natural Resources, Mines and Energy that the changes be made in terms of the Land Act 1994.

ATTACHMENTS

Attachment 1 - Plan showing the proposed areas to be converted from Recreation reserve to Road Reserve.
Attachment 2 - Summary of Public Submissions
Attachment 3 - Further information in support of the proposal from the applicant

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Attachment 1 - Plan showing the proposed areas to be converted from Recreation reserve to Road Reserve. (coloured pink)



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Attachment 2 - Summary of Public Submissions

Relevant Submissions	Officer comment
• Public space should not be 'gifted to a private developer'; • An equal amount of land should be taken from Lot 105 to compensate for loss of 1,000m2 of reserve; • The land should be bought at a commercial rate.	• The proposed road widenings will achieve safer traffic movements for the benefit of the public; • The process of selling these areas to a private developer is lengthy and uncertain and may require extinguishment of Native Title. • The developer could be required to provide an equal area from within its own holdings or provide some other form of public benefit. The development application for the Hotel and other uses proposes that the remaining areas of Lot 187 will be extensively landscaped by the developer. These applications have not been determined by Council. • While the land is public reserve, it is not embellished in any way. The shape of the land is not convenient for a range of recreational purposes.
These conversions of reserve land should be refused, thereby forcing the development of Lots 105 and 106 to take access from a proposed 4th leg on the Shute Harbour Road roundabout.	In its application for the subdivision of Lots 105 and 106, the applicant stated that this option had been examined, but was not preferred. The Department of Transport and Main Roads have been consulted and have advised that a 4th leg (or a signalised intersection) is not supported.
Loss of green space and recreation area generally, which is limited and finite.	• Public open space will inevitably come under increasing pressure as the town develops. It is relevant however to look at the quality of the land in question: • the widening of the Coconut Grove/Main St roundabout will inevitably be required to gain access to Canal Street and the only opportunity is the one proposed; • The two narrow sections of widening of the stub road from The Beacons roundabout are unusable for any practical purpose; • The widening of the cul-de-sac head could be re-located on to private land.
The proposal fails the three tests specified in the *Land Act, 1994* for revocation of a reserve.	This refers to the wrong provision of the *Land Act 1994*. Under s.31D(1)(b) of the Act, a trustee (Council) may apply to the Minister to change the purpose of a reserve to another purpose. Council is not required to meet the tests established under s33 of the Act.
Process issues: information was false and misleading and not freely available; signs not posted on the land; consultation should not have commenced during the caretaker period; Councillors phone numbers not available; the RoL should not have been approved prior to consultation; community organisations were not contacted directly;	• Submissions have confused the required notification process with that required for a development application under the Planning Act. • The public notification process did contain errors which were immediately corrected. • The caretaker period is not a relevant consideration and the publication of Councillor phone numbers on consultation material is not appropriate. • The ROL application was required to be dealt with in terms of statutory timeframes specified in the *Planning Act.* It was intended that ROL process and the reserve consultation processes would run

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	concurrently, but there were delays in the latter process. • The approval of the ROL does not fetter Council's or the Minister's decision to convert the use of reserve land.
Submissions not directly relevant to the proposed change of reserve use	Officer comment
Various comments and observations in relation to the Reconfiguring of Lots 105 and 106 outside of the proposed two areas proposed for change of reserve use. Issues include: • Design of the subdivision and roads do not meet standards; • Traffic congestion at the Main St roundabout; • A 4th leg should be added to the Shute Harbour Road roundabout; • Canal Street should not be for cars, only for pedestrians, cyclists and landscaping; • Canal Street is not yet on Council's road register; • The ROL should have been impact assessible because the 3 pedestrian linkages are sub-minimum lot sizes; • References to numerous external policy documents, previous planning scheme proposals and submissions	These comments relate to the broader subdivision of Lots 105and 106 and not directly to the proposed change purposes of public reserve.
Various comments about the proposed future development of the subdivided lots in Port of Airlie including: • Objection to a 12 storey building. • Added traffic in the area will pose a safety conflict with pedestrians; • Storm surge immunity • Car parking in the future developments	(Note: these applications have been lodged but are still in the "Request for Information Stage" and are yet to be publicly advertised).
Lot 187 should have had money spent on it during the foreshore revitalisation project.	For noting
Obesity is killing Australians, so more parks are needed. Airlie Beach should have a water park	For noting
Port of Airlie land reclamation project should not have been approved (by State Government)	For noting
Not enough car spaces in Airlie Beach. Gate the Beacons road to prevent caravans. Build more parking behind Woolworths.	For noting
Retail development at PoA has failed – why should Council approve more development	For noting

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Attachment 3: Further information in support of the proposal from the applicant

In relation to your query as to what public benefit is being given in exchange for the road openings (which total **1,571m²**), we advise as follows:

- As clearly stated in the subdivision development application, and in other written communications, the applicant has undertaken to landscape the balance areas of the two severed parts of Lot 187, resulting in the landscaping of a total of 2,770m² of public land, at no cost to the council. The proposed landscaping is shown on the approved landscaping plan for the subdivision. This landscaping work, including one years' maintenance is valued at $1.9m
- In addition to the above-mentioned landscaping, the applicant has undertaken to landscape that portion of road reserve adjacent to proposed Lot 10, again at no cost to Council. Again, the proposed landscaping of this area is shown on the approved landscaping plan. This additional area of public landscaping is estimated to be approximately 500m² in extent, giving a total area of public landscaping of approximately 3,270m².
- The above-mentioned landscaping will add substantial amenity to the area by converting currently unused public land into significant and passive recreational visual assets for the area.
- In addition, the proposed development will provide a community focus within Lot 201 on SP260223, where Canal Street meets the marina boardwalk. Details of the proposed treatment of this area, including the provision of public art as a focal point, are contained in the approved landscaping plan.
- Canal Street is to be widened on both sides, to accommodate the landscaping and wider, activated footpath area needed to facilitate footpath dining and ease of pedestrian movement. The dedication of freehold land to road reserve in this case will involve approximately 140m².
- Areas of land, totaling 539m² in extent, are to be provided to Council for landscaped active transport linkages.

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Airlie Beach - Proposed road access changes

Thank you for your interest. Consultation has concluded.

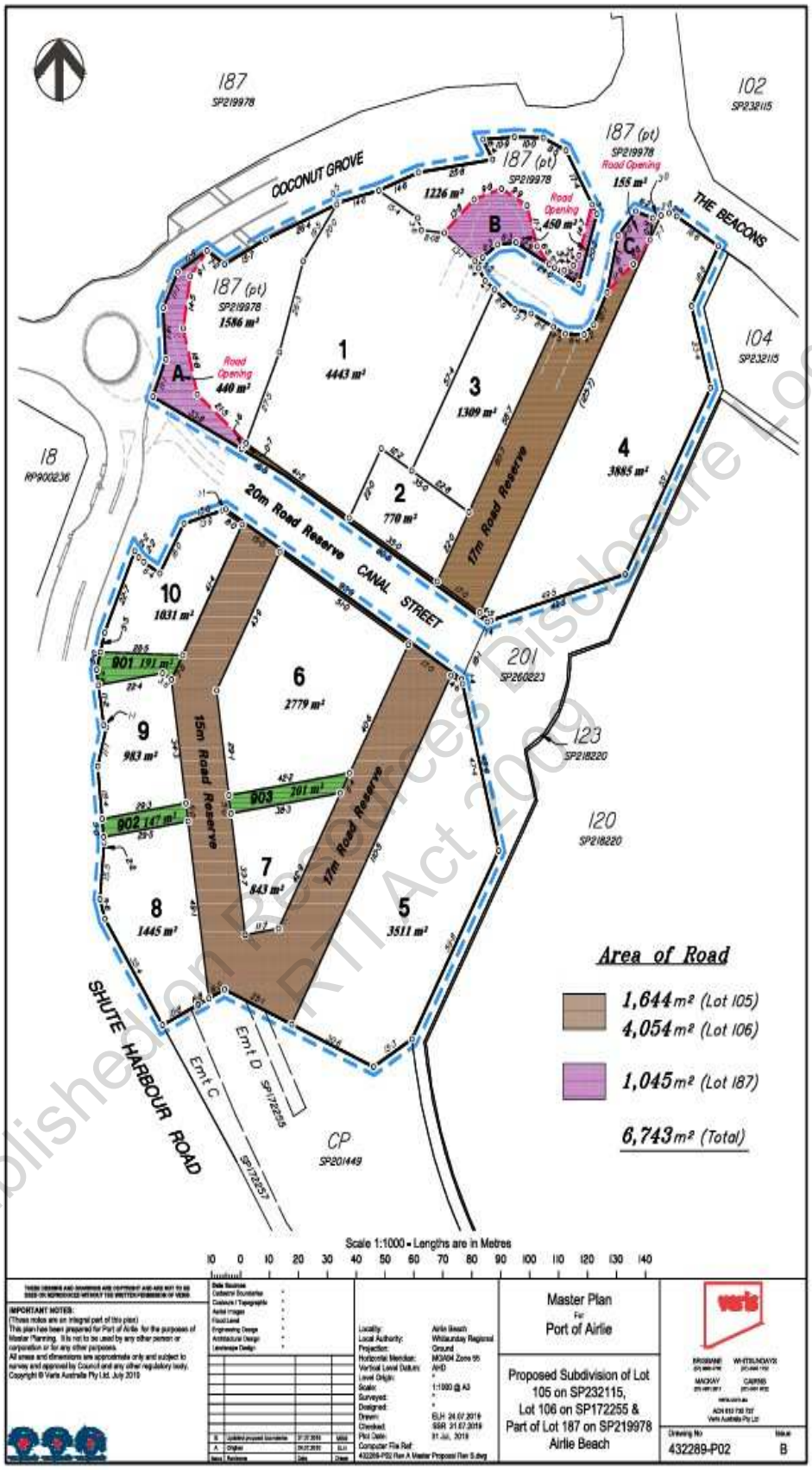
Whitsunday Regional Council is seeking public comment on the draft Plan for changes to the proposed road reserve on Lot 187 on SP219978 - near Coconut Grove in Airlie Beach. Community consultation will be open for 1 month from Wednesday 1 April 2020 to Friday 1 May 2020.

To lodge a submission, please complete the form below by 5pm, Friday 1 May 2020.

The purpose of this consultation is to allow public submissions to be made regarding an application to the Department of Natural Resources, Mines and Energy (DNRME) for part of the land at Lot 187 SP219978 to be converted from reserve (for recreational purposes) to road reserve (areas A, B & C of the below Plan).

The proposed road reserve will provide road access off the existing roundabout at Canal Street, Airlie Esplanade and Coconut Grove and ensure safe traffic management to the proposed development of Canal Street (Lot105 SP232115 and Lot106 SP172255). The Plan has been developed in accordance with the Reconfiguration of a Lot approval 20191165 (http://eplanning.whitsundayrc.qld.gov.au/Common/Common/terms.aspx).

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It has come to Council's attention that the plan currently being displayed, being 'Rev B', is not the correct approved map associated with ROL approval 20191165. The correct map is 'Rev D'. The minor discrepancy relates to the size of Lot 2, which should be 800 m2 but

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is shown from an earlier version of the map as 770 m2. Council considers the minor discrepancy to have no effect on the current Community Consultation Application to open road from recreation reserve as it has not altered any part of this application. Council acknowledges this error and apologises for any inconvenience this may have caused when reviewing the information.

The parts are highlighted in pink on the above proposal plan (A B & C) and are all needed to form road reserves, as described below and in reference to the application 20191165:

A.

This part of Lot 187 is required to accommodate the realignment of Canal Street to form a fourth leg to the existing Coconut Grove/Airlie Esplanade roundabout.

This is necessary as the existing intersection of Canal Street and Coconut Grove is offset to the south of the roundabout and is close to an existing indented bus stop bay. The operation of Canal Street under this existing, offset arrangement would not result in a safe and functional intersection configuration from a traffic engineering point of view, and its proximity to the bus stop would interfere with the latter's safe operation.

To overcome these traffic engineering issues, it is proposed to realign Canal Street, and to reconfigure the existing roundabout, to achieve a safe, four-way roundabout configuration, and to achieve a safe separation distance to the indented bus stop. This solution will require the conversion of Part A of Lot 187 from recreation reserve to road reserve.

B.

The cul-de-sac at the intersection of The Beacons Road, Coconut Grove and Ocean Grove also needs redesigning to enable safe and efficient private and service vehicle access. However, this cul-de-sac is poorly configured as it stands, with no turning facility, inconsistent widths and non-compliant horizontal geometry. As such, this cul-de-sac needs to be reconfigured as shown on the subdivision plan, to comply with Council's development manual and good engineering practice. Again, this solution will require the conversion of Part B of Lot 187 to road reserve.

C.

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Rele

This small part of Lot 187 will need to be converted in its entirety to road reserve, as its inclusion in the proposed internal road is required to ensure that the roundabout intersection at The Beacons Road, Coconut Grove and Ocean Grove will not be offset and that the new road will achieve the road reserve width required by Council's development manual and good engineering practice.

Have Your Say

You can have your say by completing the Submission Form below. You can also upload your written submission into the form below.

Alternatively, you can submit your feedback in hardcopy at any of our Customer Service Centres, or send in your submission by email or post via the following details:

Email: info@whitsundayrc.qld.gov.au

Post: PO Box, 104 PROSERPINE, QLD 4800 (Address to Director Development Services)

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Survey

CLOSED: This survey has concluded.

Submission Form

Please complete the short form below to submit your feedback on Council's proposed changes to the road reserve. Your input is appreciated and will be considered by Council.

Thank you for your interest. Consultation has concluded.

PHOTOS



KEY DATES

Community Consultation
01 April → 01 May 2020



DRAFT PLAN

Draft Plan - Reserve to Road Reserve.pdf (4.77 MB) (pdf)

IMPORTANT LINKS

Whitsunday Regional Council's e-planning portal

PHOTOS

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LIFECYCLE

Open

Submissions can be received until 5pm, Friday 1 May 2020.

Under Review

Contributions to this consultation are closed for evaluation and review.

Final report

The final outcomes of the consultation will be documented here on this webpage.

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eLVAS Client Interaction Report
For Interaction id: 1824137

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	24-Sep-2020 9:13 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Incoming email	e_Doug Mackay WRC timeframe for decision	24-Sep-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	28-Sep-2020
Details:	

Assignment History

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Date : 24/09/2020 10:28:36 AM
From : "GABRIEL Carey"
To : "WARRENER Megan"
Subject : FW: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore
Attachment : image908842.png;image142131.png;image910646.png;image538602.png;image001.png;image002.jpg;image003.jpg;

Megan

Please respond to Doug. Noting that sch4p4(6) Pe lephone on behalf of the developers the other day asking about timeframes and I advised him that as he was not the applicant I could not discuss. I suspect he has got onto Doug to find out.

Thanks

Carey

From: Doug Mackay <Doug.Mackay@whitsundayrc.qld.gov.au>
Sent: Thursday, 24 September 2020 9:13 AM
To: GABRIEL Carey
Subject: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore

Hi Carey

Hope this finds you well.

We have been asked by the Port of Airlie developers for a timeframe for the decision on the above request. Are you able to advise please?

Many thanks

Doug Mackay
Manager Development Assessment

Phone: 0749450260 **Fax:** 0749450222 **Mobile** sch4p4(6) P **Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

Whitsunday Regional Council

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Customer Centres: Bowen - 67 Herbert Street | Cannonvale - Whitsunday Plaza | Collinsville - Cnr. Stanley and Conway Streets | Proserpine - 52 Main Street



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eLVAS Client Interaction Report
For Interaction id: 1820235

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	15-Sep-2020 11:42 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Level of Community Consultation Required	15-Sep-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	15-Sep-2020
Details:	Email sent to sch4p4(6) Perso at McKays Solicitors advising that the same level of community consultation required as undertaken on other areas.

Assignment History

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eLVAS Client Interaction Report
For Interaction id: 1820215

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	15-Sep-2020 9:33 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_Road Area XYZX to be incl. in case 2020-010400	15-Sep-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	15-Sep-2020
Details:	

Assignment History

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Date : 15/09/2020 11:28:19 AM
From : "WARRENER Megan"
To : sch4p4(6) Perso McKays Solicitors"
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676
Attachment : image001.jpg;image002.png;
H sch4p4(6)

I have spoken with both Wedeena Smith (Principal Land Officer) & Errol Sander (Manager, Land Management & Use) in relation to the level of community consultation required for area X-Y-Z-X, they have both advised that the Department would prefer that the same level of community consultation be undertaken. If you have a proposal on the level of consultation Council believe to be sufficient, please send through the proposal so that the Department can review and respond to you accordingly.

If you require any further information, please do not hesitate to contact me.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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From: sch4p4(6) Pe McKays Solicitors sch4p@mckayslaw.com>
Sent: Tuesday, 15 September 2020 9:33 AM
To: WARRENER Megan
Cc: sch4p4(6) Perso McKays Solicitors; sch4p4(6) Pers McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Our client acknowledges, and accepts, that the Department has determined that Area X-Y-Z-X must be included within Road Opening Application 2020/010400.

Although, please clarify whether the Department has given any consideration to the detailed submissions outlined within our letter dated 2 September, 2020 as to why community consultation should not be required in the circumstances.

In the event that the Department has already given due consideration to these submissions, and has nevertheless determined that community consultation is required, please clarify as to the level of community consultation that is required to enable Council to comply with same and so as not to delay the assessment of this application any further.

For clarity, the community consultation with respect to Road Opening Application 2020/010400 has already been completed, and did not cover area X-Y-Z-X (which we will forward to you in due course). This means that, if Council is required to undertake community consultation, it will be doing so for Area X-Y-Z-X only – i.e. a 92 square metre area of land.

With respect to Road Opening Application 2020/010676, Council now intends to sign the current Agreement to Offer and comply with its conditions, as Council had only requested an extension due to its belief that the Area X-Y-Z-X would be included within that application.

If you require clarification or would like to discuss further, please do not hesitate to contact sch4p4(6) Perso r sch4p4(6) Pe of this office.

We look forward to your response.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 7 September 2020 10:03 AM
To: sch4p4(6) Pe| McKays Solicitors sch4p4(mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Mornin sch4p4(6

As per Carey's email your request for an extension of time has been granted until the 7 November 2020 for the initial offer requirements to be satisfied and the 9th January 2021 for Survey requirements to be satisfied.

The copy of the Land Management Plan for the Airlie Beach Foreshore Reserves that we have on file highlights the southern areas of the reserve in red as shown on Figure 12 page 14 of the plan, the area highlighted includes area X-Y-Z-X. The LMP states that the portions of reserve highlighted in red "do not promote the overall function or use of the Foreshore given their isolated location and dimensions. The portions of land offer no strategic value to the recreational purposes of the wider Foreshore and could be realigned to integrate with the adjoining Port of Airlie Lot 105 or offset to achieve better community outcomes in other areas. This will be discussed within future renditions of the Airlie Beach Foreshore Land Management Plan".

From reviewing the copy of the LMP that we have on file, we do not believe that area X-Y-Z-X has been included in the Land Management Plan, but rather outlines that this area will be discussed in future renditions of the Airlie Beach Foreshore Land Management Plan. If there have been other renditions of the Land Management Plan which discusses the areas highlighted in red as shown on Figure 12, can you please provide a copy for the Department to review.

Area X-Y-Z-X is still included in Road Opening Application 2020/010400 for assessment and review therefore another application will not be required, however; if this area was not included in the most recent community consultation that has taken place, some form of consultation with the community will be required.

If you would like to organise a meeting to discuss, please let me know so that I can organise a time that would suit myself, Wedeena Smith (Principal Land Officer) and Errol Sander (Manager, Land Management & Use).

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Pe| McKays Solicitors sch4p4@mckayslaw.com>
Sent: Friday, 4 September 2020 1:30 PM
To: WARRENER Megan
Cc: sch4p4(6) Pers| McKays Solicitors; SLAM-Mackay
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

We refer to our telephone discussions with you on 27 August, 2020 and further correspondence to you dated 2 September, 2020.

Are you please able to provide an update in relation to the extension request, noting that the first condition under the Agreement to Offer pursuant to the current dates must be satisfied by **7 September, 2020.**

We look forward to your response.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From sch4p4(6) Per McKays Solicitors
Sent: Thursday, 27 August 2020 11:02 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: sch4p4(6) Perso McKays Solicitors sch4p4(@mckayslaw.com>; SLAM-Mackay <Slam-Mackay@dnrme.qld.gov.au>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good morning Megan,

Please find **attached** correspondence to you.

If you would like to discuss further, please contact myself or sch4p4(6) Pers of this office.

Kind regards

sch4p4(6) Perso **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From: WARRENER Megan
Sent: Friday, 7 August 2020 9:57 AM
To: sch4p4(6) Pe McKays Solicitors ; sch4p4(6) Per McKays Solicitors
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(6) Person

Please find attached Agreement to Offer Documents for your client's Road Opening Application.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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Date : 15/09/2020 9:33:04 AM
From : sch4p4(6) Perso **McKays Solicitors"**
To : "WARRENER Megan"
Cc : sch4p4(6) Person **McKays Solicitors" ,** sch4p4(6) Person **McKays Solicitors"**
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676
Attachment : image002.png;image001.jpg;

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We look forward to your response.

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Sent: Monday, 7 September 2020 10:03 AM
To: sch4p4(6) Pe McKays Solicitors sch4p4@mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(

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Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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Sent: Friday, 4 September 2020 1:30 PM
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Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

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We look forward to your response.

Kind regards

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Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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Cc: sch4p4(6) Perso| McKays Solicitors sch4p4(@mckayslaw.com>; SLAM-Mackay <Slam-Mackay@dnrme.qld.gov.au>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good morning Megan,

Please find **attached** correspondence to you.

If you would like to discuss further, please contact myself or sch4p4(6) Persof this office.

Kind regards

sch4p4(6) Perso **McKays Solicitors**
ons (1st Class)
sch4p4(6) Personal information

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From: WARRENER Megan
Sent: Friday, 7 August 2020 9:57 AM
To: sch4p4(6) Pe McKays Solicitors ; sch4p4(6) Pe McKays Solicitors
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(6) Person

Please find attached Agreement to Offer Documents for your client's Road Opening Application.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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Date : 27/08/2020 1:14:17 PM
From : "GABRIEL Carey"
To : "SMITH Wedeena"
Cc : "WARRENER Megan"
Subject : FW: Hi Wedeena - Please ring: sch4p4(6) Personal information
Attachment : image001.jpg;
Further to below, I note it was on the Agenda for yesterday's meeting.

From: GABRIEL Carey
Sent: Thursday, 27 August 2020 1:07 PM
To: SMITH Wedeena
Cc: WARRENER Megan
Subject: RE: Hi Wedeena - Please ring: sch4p4(6) Personal information

Wedeena

As discussed yesterday, I confirm that we are currently waiting on the results of the community consultation. The report was apparently to be tabled at the Ordinary Meeting of 24 June 2020. I have reviewed the minutes of that meeting and it appears that the report was not tabled.

Neil McGaffin had advised Megan (01/06/2020) that they had received a number of submissions in relation to these proposed road openings and were also seeking advise from DTMR.

I don't think it is our place to provide sch4p4(6) Per with any information or timeframes as the applicant is WRC not Port of Airlie.

Happy to discuss further.

Carey

From: SMITH Wedeena <Wedeena.Smith@dnrme.qld.gov.au>
Sent: Thursday, 27 August 2020 10:55 AM
To: GABRIEL Carey
Subject: FW: Hi Wedeena - Please ring: sch4p4(6) Personal information

Carey Can we please catch up on this? sch4 is working for Port of Airlie and is keen to start progressing their development (pending the road opening). He'd like a timeframe as they have consultants in the wings. I'm not sure where Megan's assessment is at and I know there are complexities with the assessment. Can you please give me a ball park timeframe?

I did explain to Neil that at this stage our focus would be on the decision whether it is appropriate to remove the areas from the community purpose reserve. I also raised that this reserve is considered a precious resource to the community and we would need to ensure all requirements of the Land Act are met, approval is not a fait accompli.

Thanks in advance
Wedeena

From: MOUTON Stephan <Stephan.Mouton@dnrme.qld.gov.au>
Sent: Thursday, 27 August 2020 9:26 AM
To: SMITH Wedeena
Subject: Hi Wedeena - sch4p4(6) Personal information

Published on Resources Disclosure Log
RTI Act 2009

Regards

STEPHAN MOUTON
Senior Land Officer
Land Allocation and Sales / State Land Asset Management
Department of Natural Resources, Mines and Energy

T : (07) 4999 6959 F: (07) 4999 6904
E : stephan.mouton@dnrme.qld.gov.au
A : Level 1, 44 Nelson Street, Mackay QLD 4740
PO Box 63, Mackay QLD 4740



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COUNCIL NEWS

Controversial development seeks land use approval



These land use changes are all part of a larger development lodged with council earlier this year.

A CHANGE of use to four portions of land on Coconut Grove will come under the microscope tomorrow, marking what could be the first hurdle in a controversial development near Port of Airlie.

In the ordinary council meeting in Collinsville tomorrow, councillors will vote on a recommendation to support the change of purposes for four portions of land near Coconut Grove.

The change of purpose from recreation to road reserve would then be put to the Natural Resources, Mines and Energy Minister.

If the minister accepts the proposal, Coconut Grove would be widened at the roundabout intersection with Airlie Esplanade to make it easier to turn into Canal Street.

It would also be widened to create a larger turning circle for vehicles gaining access to a vacant lot beside Port of Airlie from The Beacons roundabout.

Reality TV star shocked by 'disgusting' attacks
37 minutes ago



Bunnings Karen has 'COVID symptoms'
32 minutes ago



How to watch local Payne Cup, Cowboys Challenge games
41 minutes ago



One new case in Wacol cluster as 20,000 tested
an hour ago



SNAPSHOT: What's happening in your community
an hour ago

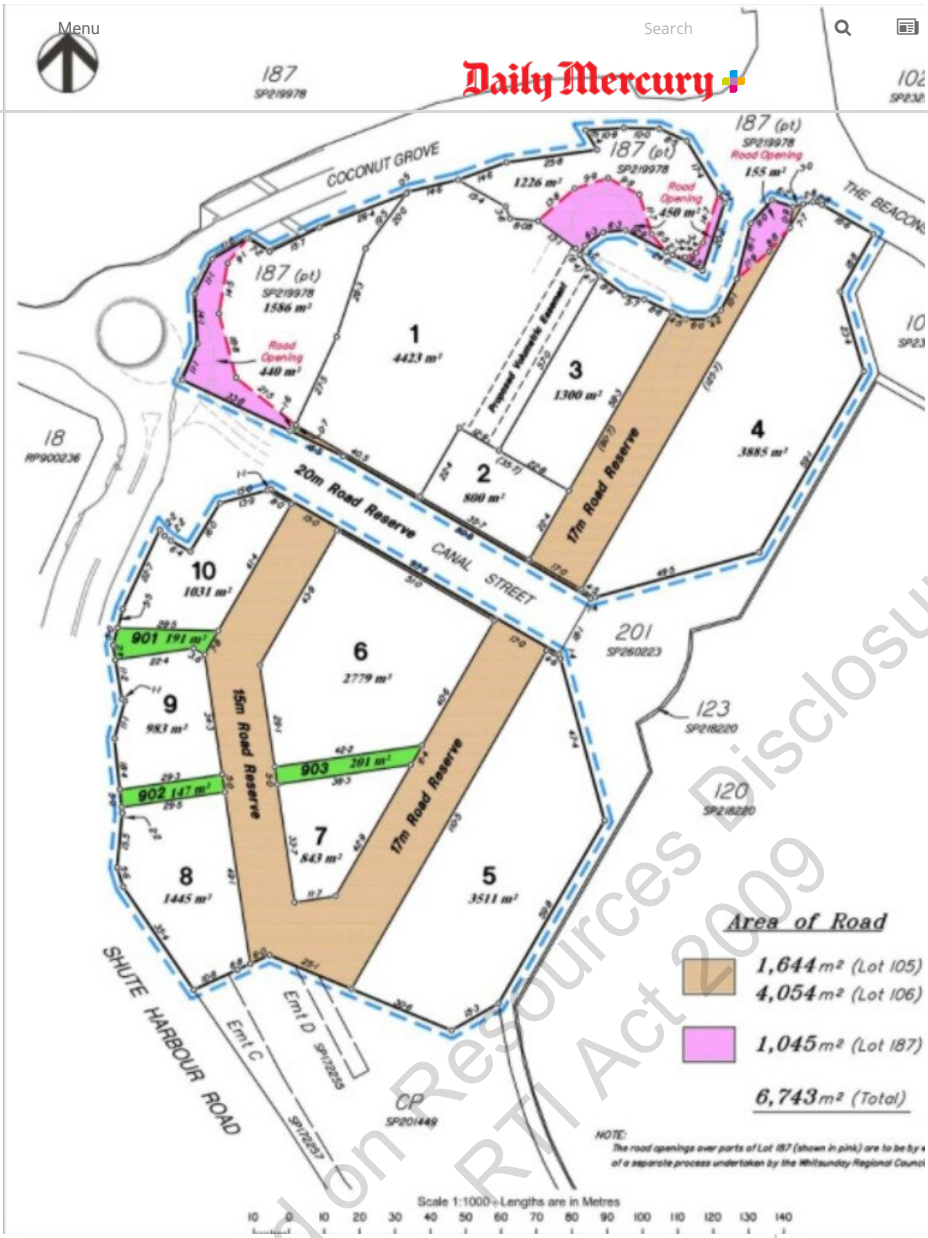


CANCELLED: Shock decision on Falls Festival Byron Bay
2 hours ago



Published on Resource Disclosure RTI Act 2009

Daily Mercury



The parts are highlighted in pink on the above proposal would be changed into road reserves if approved. Image: Supplied.

These changes are all part of a larger development lodged with council earlier this year that include the subdivision of lots and construction of a road where the walking path from Port of Airlie marina to Coconut Grove is found.

The subdivision of the land would also provide future opportunity for the development of a number of projects including new accommodation, function and conference facilities, shopping outlets, restaurants and cafes.

Applications for some of these developments have been lodged but are still in the 'request for information stage' with the council and are yet to be publicly advertised.

The proposed conversion of the land was placed on public notification in April and received 17 public submissions.

The proposal also sparked debate earlier this year with Save Our Foreshore president Suzette Pelt arguing the land should be available for community use and enjoyment.

Among concerns were a loss of green space and recreation area, which Fight for Airlie member Clay Bauman also raised.

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Daily Mercury



The change to road reserve would then allow for construction of a road where the walking path from Port of Airlie marina to Coconut Grove is found.

Beyond his opposition to some proposed developments on the vacant lots, Mr Bauman said the change of purpose could be better used.

"My first concern is they are giving up over a quarter of an acre of public land that in that location could alleviate parking issues for the markets and Beacons Beach," he said.

"A large amount of the foreshore park was already taken for the extra parking ... but obviously that hasn't been enough to supply the markets or the beach."

He also said a development near Port of Airlie would draw visitors away from Main St and take away important parkland.

"Our foreshore is a key area for tourists and residents and Canal Street is currently a major pedestrian pathway," he said.

"To take that walkable and safe path away and to replace it with a dead-end road is reducing the usability of the foreshore and the marina.

"I also think to have the development of a new high street on public parkland will detract from Airlie Beach Main Street."

More stories

Pair will power 1200km to Airlie Beach on unlikely steed

Plan to push Whitsundays into premier biking destination

IN PICTURES: Hamilton Island's new three-storey mansion

Council officers issued other responses to concerns about the use of the land, saying "while the land is public reserve ... the shape of the land is not convenient for a range of recreational purposes."

Responses to other public objections outlined that the "two narrow sections of widening of the stub road from The Beacons roundabout are unusable for any practical purpose".

Council documents also included further information for councillors in support of the proposal, which outlined areas of "public benefit".

These included $1.9 million of landscaping work and one year's maintenance the developers would carry out at no cost to the council.

The recommendation will be voted on tomorrow at the ordinary council meeting in Collinsville.

More Stories

Plan to strip protections from Memorial Pool

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PTI Act 2009

Daily Mercury

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RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1815207

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	25-Aug-2020 3:22 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Save Our Foreshore Incorporated, Airlie Beach

Documents

Document Type	Title	Received/Sent
Incoming email	e_Objection from Save Our Foreshore	25-Aug-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	27-Aug-2020
Details:	Objection received from sch4p4(6) Pers (President - Save Our Foreshore Inc)

Assignment History

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Date : 26/08/2020 3:35:49 PM
From : "SMITH Wedeena"
To : "RIETHMULLER Jason"
Cc : "WARRENER Megan" , "SLAM-Mackay" , "SANDER Errol"
Subject : FW: Public land decision Whitsunday Regional Council agenda
Attachment : WRC POA Agenda 145-150p 26 Aug 2020.pdf;

Jason

As you might remember we have two road opening applications from WRC to excise from reserve and open road at Airlie Beach between the Sailing Club and Port of Airlie:

1. The areas in the attached WRC report; and
2. An area closer to the sailing club that was ID'd in the Airlie Foreshore LMP – this has been approved and an offer made to WRC.

We had issues with the road openings the subject of the attached report and have required WRC to them to extensively advertise their proposal to excise the area from the reserve and open road areas – I note from the case notes over a dozen objections have been received. We are currently waiting on Council's advice in response to those objections.

I have included Megan in this email so that we can record the attached additional objection to the WRC application in elvas. Would you like us to draft a reply for you to send to sch4p4(

Kind regards
Wedeena

From: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>
Sent: Tuesday, 25 August 2020 3:22 PM
To: RIETHMULLER Jason; SMITH Wedeena
Subject: Re: Public land decision Whitsunday Regional Council agenda

Dear Jason and Wedeena,

Please find our letter to Council for attention the Public Land agenda item, Whitsunday Regional Council meeting tomorrow. It is deeply disappointing to see, once again, the input of the community and the people who live and use this area, ignored.

If, as expected, council agrees with the advice from their staff, we trust the State will protect its interests and the public interest by stating as a condition, our item 2 below.

Sincerely,
sch4p4(6) P
President
Save Our Foreshore Inc
Mob: sch4p4(6) P

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For the attention of the Mayor and all Councillors,

RE: 12.6 REQUEST TO CHANGE THE PURPOSES OF PORTIONS OF RESERVE - LOT 187 SP219978 - COCONUT GROVE AIRLIE BEACH – pdf copy excerpt attached

Before a decision is made tomorrow on the above matter, SOF would draw your attention to two pertinent comments made by the council's officer in response to relevant submissions received and asks that you consider the points SOF raises in this email.

Attachment 2 – summary of Public Submission - 3rd item: Dot point 2:

SOF objects to the principle of public land being a 'grab bag' for the convenience of developers.

We strongly disagree with the apparent acceptance of loss expressed by the Council officer's statement (below) and that INEVITABLY such changes should just be taken as fait accompli.

"**that public land will inevitably come under pressure with increasing development"**

It is inevitable of course that public open space will come under pressure. BUT it is the council's responsibility to withstand such privately motivated pressure and protect the public's right to enjoy the continuing use of public lands. This is a vital part of your responsibility as councillor.

Exactly the opposite should be the principle – public land should be retained.

The more development, the more people, the more important our green urban spaces become.

440sq m excised from lot 187 might seem a small amount, but it is the cumulative effect and/or incremental losses of a finite and limited public foreshore land resource that is a loss to the community.

SOF understands the arguments made to council recommending they support the change of purposes for these lands at Port of Airlie/Coconut Grove BUT
again we would draw your attention to another comment from the attached p4

Attachment 2 – summary of Public Submission 1st item: Dot point 3:

The reporting officer has suggested that;

"the developer COULD be required to provide an equal area from within its own holdings…."

SOF considers that should council accept the recommendation to support this change of purposes then the above requirement should be a condition of councils support.

That it is not sufficient for the developer to offer to landscape their own holdings as a way of recompensing our community for the loss of our public lands, however small and inconsequential as bureaucracy and developers may view them.

As the lands the developer offers to landscape are in their control then there is no guarantee that such beautification will continue once yet another development opportunity is grasped and the land needed for other purposes.

The only protection the community has is for public open space to be just that,
PUBLIC open space.

SOF looks to you as councillor to protect public lands and vote accordingly i.e.

1. Reject this recommendation OR

2. Amend this recommendation to state that council's support is provisional upon the Minister requiring that the developer provide an equal area from within their own holdings as recompense for granting change of use for the lands requested. That such lands become public reserves under the control of the state government.

SAVE OUR FORESHORE Inc.
sch4p4(6) Per
President

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12. Development Services

12.6 REQUEST TO CHANGE THE PURPOSES OF PORTIONS OF RESERVE - LOT 187 SP219978 - COCONUT GROVE AIRLIE BEACH

AUTHOR: Doug Mackay - Manager Development Assessment

RESPONSIBLE OFFICER: Neil McGaffin - Director Development Services

OFFICER'S RECOMMENDATION

That Council supports the change of purposes of four portions of Lot 187 SP 219978 from Recreation Reserve to Road Reserve and recommends to the Minister of Natural Resources, Mines and Energy that the changes be made in terms of the Land Act 1994.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 26 August 2020.

SUMMARY

Council has been requested by the developers of Port of Airlie to support an application to the Minister of Natural Resources, Mines and Energy to change the purposes of four portions of Lot 187 SP 219978 from Recreation reserve to Road Reserve. The change will facilitate more efficient road connection to an internal road network within Lots 105 SP 232115 and Lot 106 SP172255.

PURPOSE

This report recommends that Council supports the requested change of purposes of four portions of Lot 187 SP 219978 from Recreation reserve to Road Reserve and recommends to the Minister of Natural Resources, Mines and Energy that the changes be made in terms of the Land Act 1994.

BACKGROUND

As part of Development Application 20191165, subdivision of Lot 105 SP232115 and Lot 106 SP172255 in Port of Airlie (approved by Delegation 12/02/2020), the proponents requested the conversion of parts of the adjoining open space reserve to road widening (refer plan at Attachment 1). The western portion is intended to widen Coconut Grove at the roundabout intersection with Airlie Esplanade to facilitate turning into Canal Street. The eastern portion is intended to create a larger turning circle for vehicles gaining access to Lot 105 from The Beacons roundabout.

Council sought comments about the proposed conversion of these portions of reserve from the public via its website during the month of April. Seventeen public submissions were received, and the issues are collated and summarised in Attachment 2. In response to a request, the applicant has provided additional information in support of the proposal, included as Attachment 3.

STATUTORY/COMPLIANCE MATTERS

Land Act 1994

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ANALYSIS

The proposed change of purpose of the sections of reserve to road reserve will help to facilitate the development of Lots 105 and 106 at Port of Airlie. The applicant has demonstrated that a greater area of land will be landscaped at the developer's expense, as well as a widening of Canal Street to facilitate a more attractive and safer pedestrian movement and dining experience.

The proposal will result in a safer and more efficient road system which is in the public interest and as such the request is supported.

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 3.1: Our built environment is well planned, effectively managed and protects our region's heritage and character

Outcome 3.2: Our Natural environment is valued and sustainable

Outcome 3.3: Our infrastructure supports our region's current and future needs

Financial Implications – All costs associated with the proposal will be borne by the applicant. In due course, when the road improvements are constructed, they will be included in Council's road maintenance program.

Risk Management Implications - N/A

Strategic Impacts - N/A

CONSULTATION

Neil McGaffin - Director Development Services
Matthew Fanning - Director Infrastructure Services
Suzanne Brown - McKays Solicitors

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

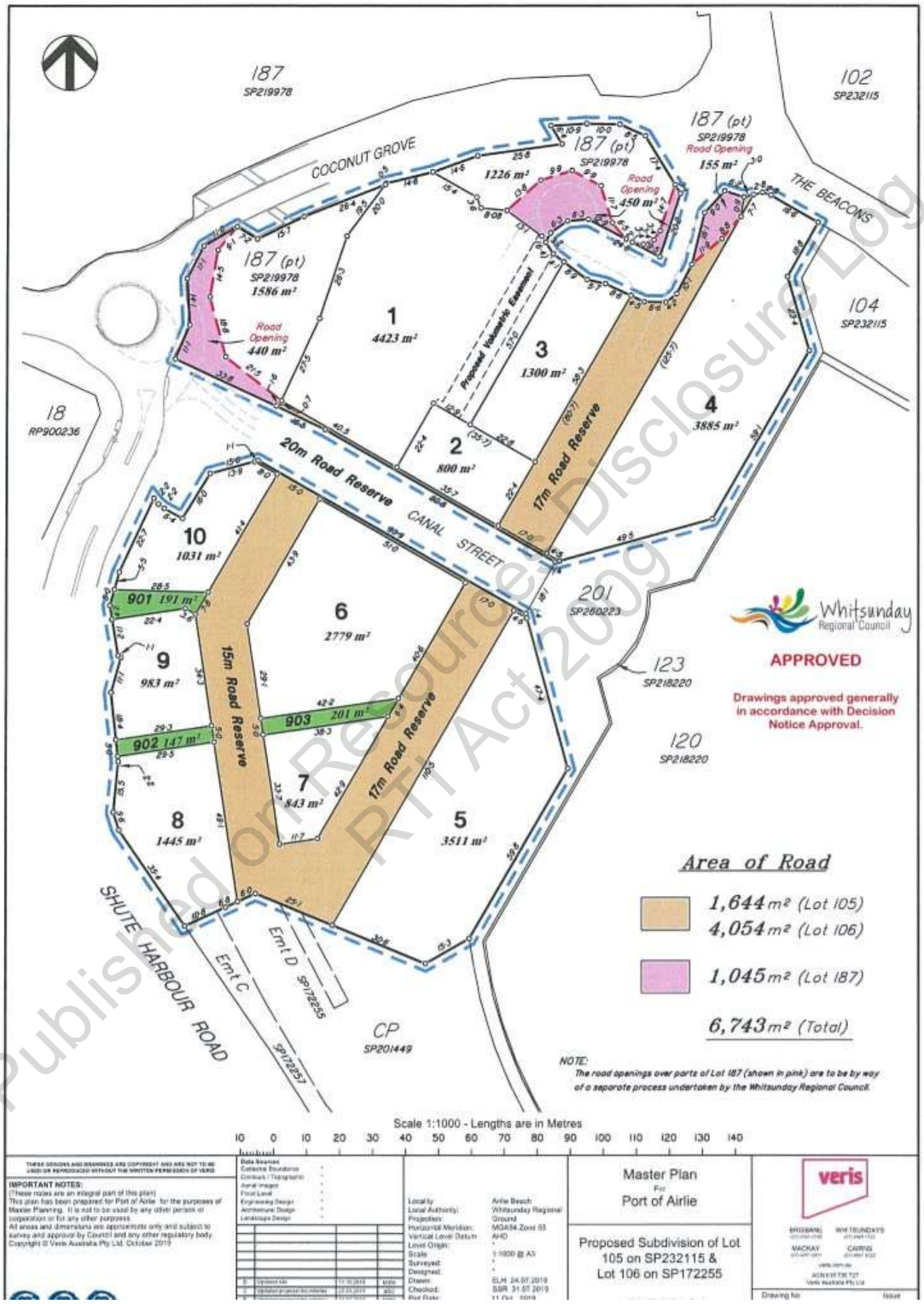
The requested change of purposes of four portions of Lot 187 SP 219978 to Road Reserve is supported and recommends to the Minister of Natural Resources, Mines and Energy that the changes be made in terms of the Land Act 1994.

ATTACHMENTS

Attachment 1 - Plan showing the proposed areas to be converted from Recreation reserve to Road Reserve.
Attachment 2 - Summary of Public Submissions
Attachment 3 - Further information in support of the proposal from the applicant

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Attachment 1 - Plan showing the proposed areas to be converted from Recreation reserve to Road Reserve. (coloured pink)



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Attachment 2 - Summary of Public Submissions

Relevant Submissions	Officer comment
• **Public space should not be 'gifted to a private developer';** • **An equal amount of land should be taken from Lot 105 to compensate for loss of 1,000m2 of reserve;** • **The land should be bought at a commercial rate.**	• The proposed road widenings will achieve safer traffic movements for the benefit of the public; • The process of selling these areas to a private developer is lengthy and uncertain and may require extinguishment of Native Title. • The developer could be required to provide an equal area from within its own holdings or provide some other form of public benefit. The development application for the Hotel and other uses proposes that the remaining areas of Lot 187 will be extensively landscaped by the developer. These applications have not been determined by Council. • While the land is public reserve, it is not embellished in any way. The shape of the land is not convenient for a range of recreational purposes.
These conversions of reserve land should be refused, thereby forcing the development of Lots 105 and 106 to take access from a proposed 4th leg on the Shute Harbour Road roundabout.	In its application for the subdivision of Lots 105 and 106, the applicant stated that this option had been examined, but was not preferred. The Department of Transport and Main Roads have been consulted and have advised that a 4th leg (or a signalised intersection) is not supported.
Loss of green space and recreation area generally, which is limited and finite.	• Public open space will inevitably come under increasing pressure as the town develops. It is relevant however to look at the quality of the land in question: • the widening of the Coconut Grove/Main St roundabout will inevitably be required to gain access to Canal Street and the only opportunity is the one proposed; • The two narrow sections of widening of the stub road from The Beacons roundabout are unusable for any practical purpose; • The widening of the cul-de-sac head could be re-located on to private land.
The proposal fails the three tests specified in the *Land Act, 1994* for revocation of a reserve.	This refers to the wrong provision of the *Land Act 1994*. Under s.31D(1)(b) of the Act, a trustee (Council) may apply to the Minister to change the purpose of a reserve to another purpose. Council is not required to meet the tests established under s33 of the Act.
Process issues: information was false and misleading and not freely available; signs not posted on the land; consultation should not have commenced during the caretaker period; Councillors phone numbers not available; the RoL should	• Submissions have confused the required notification process with that required for a development application under the Planning Act. • The public notification process did contain errors which were immediately corrected.

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not have been approved prior to consultation; community organisations were not contacted directly;	• The caretaker period is not a relevant consideration and the publication of Councillor phone numbers on consultation material is not appropriate. • The ROL application was required to be dealt with in terms of statutory timeframes specified in the *Planning Act.* It was intended that ROL process and the reserve consultation processes would run concurrently, but there were delays in the latter process. • The approval of the ROL does not fetter Council's or the Minister's decision to convert the use of reserve land.
Submissions not directly relevant to the proposed change of reserve use	Officer comment
Various comments and observations in relation to the Reconfiguring of Lots 105 and 106 outside of the proposed two areas proposed for change of reserve use. Issues include: • **Design of the subdivision and roads do not meet standards;** • **Traffic congestion at the Main St roundabout;** • **A 4th leg should be added to the Shute Harbour Road roundabout;** • **Canal Street should not be for cars, only for pedestrians, cyclists and landscaping;** • **Canal Street is not yet on Council's road register;** • **The ROL should have been impact assessible because the 3 pedestrian linkages are sub-minimum lot sizes;** • **References to numerous external policy documents, previous planning scheme proposals and submissions**	These comments relate to the broader subdivision of Lots 105and 106 and not directly to the proposed change purposes of public reserve.
Various comments about the proposed future development of the subdivided lots in Port of Airlie including: • **Objection to a 12 storey building.** • **Added traffic in the area will pose a safety conflict with pedestrians;** • **Storm surge immunity** • **Car parking in the future developments**	(Note: these applications have been lodged but are still in the "Request for Information Stage" and are yet to be publicly advertised).

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Lot 187 should have had money spent on it during the foreshore revitalisation project.	For noting
Obesity is killing Australians, so more parks are needed. Airlie Beach should have a water park	For noting
Port of Airlie land reclamation project should not have been approved (by State Government)	For noting
Not enough car spaces in Airlie Beach. Gate the Beacons road to prevent caravans. Build more parking behind Woolworths.	For noting
Retail development at PoA has failed – why should Council approve more development	For noting

Attachment 3: Further information in support of the proposal from the applicant

In relation to your query as to what public benefit is being given in exchange for the road openings (which total **1,571m²**), we advise as follows:

- As clearly stated in the subdivision development application, and in other written communications, the applicant has undertaken to landscape the balance areas of the two severed parts of Lot 187, resulting in the landscaping of a total of 2,770m² of public land, at no cost to the council. The proposed landscaping is shown on the approved landscaping plan for the subdivision. This landscaping work, including one years' maintenance is valued at $1.9m
- In addition to the above-mentioned landscaping, the applicant has undertaken to landscape that portion of road reserve adjacent to proposed Lot 10, again at no cost to Council. Again, the proposed landscaping of this area is shown on the approved landscaping plan. This additional area of public landscaping is estimated to be approximately 500m² in extent, giving a total area of public landscaping of approximately 3,270m².
- The above-mentioned landscaping will add substantial amenity to the area by converting currently unused public land into significant and passive recreational visual assets for the area.
- In addition, the proposed development will provide a community focus within Lot 201 on SP260223, where Canal Street meets the marina boardwalk. Details of the proposed treatment of this area, including the provision of public art as a focal point, are contained in the approved landscaping plan.
- Canal Street is to be widened on both sides, to accommodate the landscaping and wider, activated footpath area needed to facilitate footpath dining and ease of pedestrian movement. The dedication of freehold land to road reserve in this case will involve approximately 140m².
- Areas of land, totaling 539m² in extent, are to be provided to Council for landscaped active transport linkages.

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eLVAS Client Interaction Report
For Interaction id: 1792544

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	1-Jun-2020 5:19 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Incoming email	E_WRC advise submissions being discussed @Meeting	1-Jun-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	1-Jun-2020
Details:	Parties included in CC: McKays Solicitors / Mackay

Assignment History

Published on Resources Disclosure Log
RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1792543

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	1-Jun-2020 4:56 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Council can Proceed with Northern Case	1-Jun-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	1-Jun-2020
Details:	Parties included in CC: Whitsunday Regional Council / Proserpine

Assignment History

Published on Resources Disclosure Log
RTI Act 2009

eLVAS Client Interaction Report
For Interaction id: 1792542

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	1-Jun-2020 4:21 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Incoming email	e_Update on Community Consultation	1-Jun-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	1-Jun-2020
Details:	Parties included in CC: McKays Solicitors / Mackay

Assignment History

Published on Resources Disclosure Log
RTI Act 2009

Date : 1/06/2020 4:59:54 PM
From : "Neil McGaffin"
To : "WARRENER Megan" , sch4p4(6) Pe | McKays Solicitors"
Cc : "Billie Davis" , sch4p4(6) Perso
Subject : RE: Whitsunday Regional Council - Application for Road Openings - Ref: 2020/010400 - Update on Community Consultation
Attachment :
image001.png;image002.jpg;image473871.png;image570396.jpg;image441225.png;image996664.png;image588526.png;image380002.png;image038997.png;

Hi Megan et al

I am happy to separate north and south and start the ball rolling on the north while we process the south.

We have received about a dozen submissions on the south, one being nearly 30 pages long so it is taking us some time to process. Also, we have sought advice from DTMR on the south side matter.

Cheers Neil

Neil McGaffin
Director Development Services

Phone: 0749450215 **Fax:** 0749450222 **Mobile:** sch4p4(6) **Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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Customer Centres: Bowen - 67 Herbert Street | Cannonvale - Whitsunday Plaza | Collinsville - Cnr. Stanley and Conway Streets | Proserpine - 52 Main Street



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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 1 June 2020 4:56 PM
To sch4p4(6) P McKays Solicitors sch4p @mckayslaw.com>
Cc: Billie Davis <billie.davis@whitsundayrc.qld.gov.au>; Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>
Subject: RE: Whitsunday Regional Council - Application for Road Openings - Ref: 2020/010400 - Update on Community Consultation

Hi sch4p4(

Thank you very much for the update on the matter, if Council would like to proceed with the application for the northern road openings that won't be a problem as the areas within that application have already been addressed in the Land Management Plan.

If you could advise me on how Council would like to proceed with 2020/010676 I will be able to continue with my assessment of the case and submit my findings to the Ministers Delegate for a decision.

sch4p4(6) Personal information for any urgent matters please contact Carey Gabriel on 07 4999 6808 otherwise I will attend to any questions/concerns upon my return to work.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From sch4p4(6) | McKays Solicitors sch4p4 @mckayslaw.com>

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Sent: Monday, 1 June 2020 4:21 PM
To: WARRENER Megan
Cc: 'Billie Davis'; 'Neil McGaffin'
Subject: RE: Whitsunday Regional Council - Application for Road Openings - Ref: 2020/010400 - Update on Community Consultation

Hi Megan,

By way of further update, Council has advised me that they are still preparing the report outlining the final outcomes of the community consultation and at this stage, expect the final report to be considered at the Ordinary Meeting on 24 June, 2020.

Am I correct in saying that the application for the northern road openings (2020/010676) cannot progress any further until we can progress further with the application for south road openings (2020/010400), as they are being processed simultaneously?

Kind regards

sch4p4(6) Pe **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus
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From: sch4p4(6) F McKays Solicitors
Sent: Wednesday, 6 May 2020 11:22 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: 'Billie Davis' <billie.davis@whitsundayrc.qld.gov.au>; 'Neil McGaffin' <Neil.McGaffin@whitsundayrc.qld.gov.au>
Subject: Whitsunday Regional Council - Application for Road Openings - Ref: 2020/010400 - Update on Community Consultation

Hi Megan,

By way of update and further to our telephone discussions last week, the community consultation period ended on **1 May, 2020** in relation to this application for road openings (for the "south areas").

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Should you have any queries, please do not hesitate to contact me.

Kind regards

sch4p4(6) Pe **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus
McKays NQ Pty Ltd ABN 85 604 643 709
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www.mckayslaw.com

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Date : 1/06/2020 4:55:30 PM
From : "WARRENER Megan"
To : "sch4p4(6) Perso McKays Solicitors'"
Cc : "'Billie Davis'" , "Neil McGaffin"
Subject : RE: Whitsunday Regional Council - Application for Road Openings - Ref: 2020/010400 - Update on Community Consultation
Attachment : image002.png;image003.jpg;

Hi sch4p4(6)

Thank you very much for the update on the matter, if Council would like to proceed with the application for the northern road openings that won't be a problem as the areas within that application have already been addressed in the Land Management Plan.

If you could advise me on how Council would like to proceed with 2020/010676 I will be able to continue with my assessment of the case and submit my findings to the Ministers Delegate for a decision.

sch4p4(6) Personal information for any urgent matters please contact Carey Gabriel on 07 4999 6808 otherwise I will attend to any questions/concerns upon my return to work.

Kind Regards

Queensland Government

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6) Pe McKays Solicitors sch4p4@mckayslaw.com>
Sent: Monday, 1 June 2020 4:21 PM
To: WARRENER Megan
Cc: 'Billie Davis'; 'Neil McGaffin'
Subject: RE: Whitsunday Regional Council - Application for Road Openings - Ref: 2020/010400 - Update on Community Consultation

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Am I correct in saying that the application for the northern road openings (2020/010676) cannot progress any further until we can progress further with the application for south road openings (2020/010400), as they are being processed simultaneously?

Kind regards

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Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

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From sch4p4(6) Pe McKays Solicitors
Sent: Wednesday, 6 May 2020 11:22 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>

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Cc: 'Billie Davis' <billie.davis@whitsundayrc.qld.gov.au>; 'Neil McGaffin' <Neil.McGaffin@whitsundayrc.qld.gov.au>
Subject: Whitsunday Regional Council - Application for Road Openings - Ref: 2020/010400 - Update on Community Consultation

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Date : 1/06/2020 4:20:33 PM
From : sch4p4(6) Perso **McKays Solicitors"**
To : "WARRENER Megan"
Cc : "'Billie Davis'" , "'Neil McGaffin'"
Subject : RE: Whitsunday Regional Council - Application for Road Openings - Ref: 2020/010400 - Update on Community Consultation
Attachment : image001.jpg;

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sch4p4(6) Personal information

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Ref MO/20/7572
CTS 09495/20

1 William Street Brisbane
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3719 7360
Email nrm@ministerial.qld.gov.au
www.dnrme.qld.gov.au

28-MAY-2020

sch4p4(6) Personal information

Dear sch4p4(6) Personal in

I refer to your email dated 6 May 2020 addressed to the Honourable Dr Anthony Lynham MP, Minister for Natural Resources, Mines and Energy concerning an application to excise land from a community purpose reserve in Airlie Beach to allow for the construction of council roads. The Minister has asked me to respond on his behalf.

I am advised that the Department of Natural Resources, Mines and Energy (the department) is currently assessing the road opening applications and your concerns have been passed onto a department assessing officer to be considered in the process. Once the department receives the results of the community consultation undertaken by Whitsunday Regional Council, it will complete its assessment in accordance with current legislation and policy before the delegate of the Minister makes a decision.

As the concerns you raise regarding the development application fall within the portfolio responsibilities of the Honourable Cameron Dick MP, Treasurer and Minister for Infrastructure and Planning, I have forwarded a copy of your correspondence to his office for consideration and direct reply.

If you have any questions, please contact Ms Wedeena Smith, Principal Land Officer, Land Services, Central Region, Department of Natural Resources, Mines and Energy who will be pleased to assist you and can be contacted on 4999 6914.

Yours sincerely

sch4p4(6) Personal informatic

Simon Zanatta
Chief of Staff

CC Chief of Staff to the
Honourable Cameron Dick MP
Treasurer and Minister for Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

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Ref MO/20/7509
CTS 09126/20

1 William Street Brisbane
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Queensland 4002 Australia
Telephone +61 7 3719 7360
Email nrm@ministerial.qld.gov.au
www.dnrme.qld.gov.au

26-MAY-2020

sch4p4(6) Personal inf

President
Save Our Foreshore Inc

saveourforeshore@whitsunday.net.au

Dear sch4p4(6) P

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President
Save Our Foreshore Inc

saveourforeshore@whitsunday.net.au

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Treasurer and Minister for Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

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Print only if required by next signatory

CTS 09126/20

Prepared by: Carey Gabriel Title: Senior Land Officer Division/Region: SLAM Telephone: 07 4999 6808 Date Prepared: 08/05/2020	Endorsed by: Errol Sander Title: Manager, Land Management & Use Division/Region: Central Region Telephone: 4999 6969 Date Endorsed: 12/05/2020	Endorsed by: Jason Riethmuller Title: Regional Manager, Land Services Division/Region: Central Region Telephone: 4837 3449 Date Endorsed: 12/05/2020	Endorsed by: Darren Moor Title: Executive Director Division/Region: Central Region Telephone: 4837 3451 Date Endorsed: 18/05/2020

Name: Linda Dobe
Title/Business Group: DDG, NR
Telephone: 3166 0132
Date:19/05/2020

~~Name: Linda Dobe~~
~~Title/Business Group: DDG, NR~~
~~Telephone: 3166 0132~~
~~Date:19/05/2020~~

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Ref [Min Office No.]
CTS 09495/20

1 William Street Brisbane
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3719 7360
Email nrm@ministerial.qld.gov.au
www.dnrme.qld.gov.au

sch4p4(6) Personal information

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Prepared by: Carey Gabriel Title: Senior Land Officer Division/Region: SLAM Telephone: 07 4999 6808 Date Prepared: 15/05/2020	Endorsed by: Wedeena Smith Title: Principal Land Officer Division/Region: Central Region Telephone: 4999 6914 Date Endorsed: 18/05/2020	Endorsed by: Jason Riethmuller Title: Regional Manager, Land Services Division/Region: Central Region Telephone: 4837 3449 Date Endorsed:	Endorsed by: Title: Division/Region: Telephone: Date Endorsed:

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eLVAS Client Interaction Report
For Interaction id: 1786307

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	6-May-2020 9:05 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_Community Consultation Ended 1 May 2020	6-May-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	7-May-2020
Details:	

Assignment History

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Date : 6/05/2020 11:21:50 AM
From : sch4p4(6) Pers **McKays Solicitors"**
To : "WARRENER Megan"
Cc : "'Billie Davis'" , "'Neil McGaffin'"
Subject : Whitsunday Regional Council - Application for Road Openings - Ref: 2020/010400 - Update on Community Consultation
Attachment : COUNCIL WEBSITE Invitaiton for community consultation [south areas].pdf;VERIS Master Plan of Subdivision - Drawing No. 432289-P02 [south areas].pdf;image001.jpg;

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Airlie Beach - Proposed road access changes

Whitsunday Regional Council is seeking public comment on the draft Plan for changes to the proposed road reserve on Lot 187 on SP219978 - near Coconut Grove in Airlie Beach. Community consultation will be open for 1 month from Wednesday 1 April 2020 to Friday 1 May 2020.

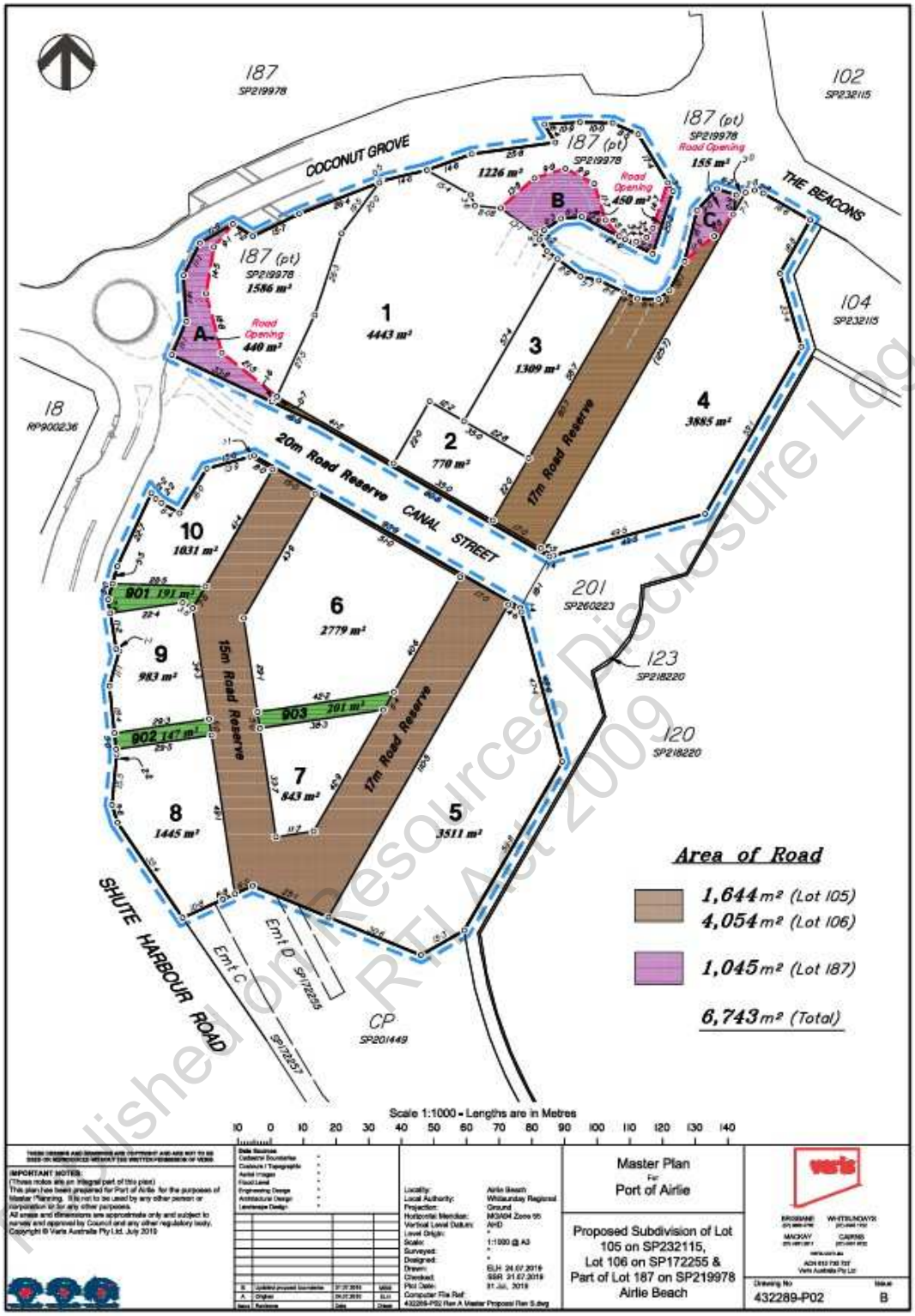
To lodge a submission, please complete the form below by 5pm, Friday 1 May 2020.

The purpose of this consultation is to allow public submissions to be made regarding an application to the Department of Natural Resources, Mines and Energy (DNRME) for part of the land at Lot 187 SP219978 to be converted from reserve (for recreational purposes) to road reserve (areas A, B & C of the below Plan).

The proposed road reserve will provide road access off the existing roundabout at Canal Street, Airlie Esplanade and Coconut Grove and ensure safe traffic management to the proposed development of Canal Street (Lot105 SP232115 and Lot106 SP172255). The Plan has been developed in accordance with the Reconfiguration of a Lot approval 20191165 (http://eplanning.whitsundayrc.qld.gov.au/Common/Common/terms.aspx).

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Release



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The parts are highlighted in pink on the above proposal plan (A B & C) and are all needed to form road reserves, as described below and in reference to the application 20191165:

A.

This part of Lot 187 is required to accommodate the realignment of Canal Street to form a fourth leg to the existing Coconut Grove/Airlie Esplanade roundabout.

Release

This is necessary as the existing intersection of Canal Street and Coconut Grove is offset to the south of the roundabout and is close to an existing indented bus stop bay. The operation of Canal Street under this existing, offset arrangement would not result in a safe and functional intersection configuration from a traffic engineering point of view, and its proximity to the bus stop would interfere with the latter's safe operation.

To overcome these traffic engineering issues, it is proposed to realign Canal Street, and to reconfigure the existing roundabout, to achieve a safe, four-way roundabout configuration, and to achieve a safe separation distance to the indented bus stop. This solution will require the conversion of Part A of Lot 187 from recreation reserve to road reserve.

B.

The cul-de-sac at the intersection of The Beacons Road, Coconut Grove and Ocean Grove also needs redesigning to enable safe and efficient private and service vehicle access. However, this cul-de-sac is poorly configured as it stands, with no turning facility, inconsistent widths and non-compliant horizontal geometry. As such, this cul-de-sac needs to be reconfigured as shown on the subdivision plan, to comply with Council's development manual and good engineering practice. Again, this solution will require the conversion of Part B of Lot 187 to road reserve.

C.

This small part of Lot 187 will need to be converted in its entirety to road reserve, as its inclusion in the proposed internal road is required to ensure that the roundabout intersection at The Beacons Road, Coconut Grove and Ocean Grove will not be offset and that the new road will achieve the road reserve width required by Council's development manual and good engineering practice.

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SURVEY

Submission Form

Please complete the short form below to submit your feedback on Council's proposed changes to the road reserve. Your input is appreciated and will be considered by Council.

Take Survey

Photos

Release


Aerial - Port of Airlie.jpg

Key Dates

Community Consultation
01 April → 01 May 2020



Airlie Beach Entry Statement.jpg

Draft Plan

Draft Plan - Reserve to Road Reserve.pdf (4.77 MB) (pdf)

Important Links

Whitsunday Regional Council's e-planning portal

Photos


Port of Airlie.jpg

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Lifecycle

Open

Submissions can be received until 5pm, Friday 1 May 2020.

Under Review

Contributions to this consultation are closed for evaluation and review.

Final report

The final outcomes of the consultation will be documented here on this webpage.

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Area of Road

1,644 m² (Lot 105)
4,054 m² (Lot 106)

1,045 m² (Lot 187)

6,743 m² (Total)

Scale 1:1000 - Lengths are in Metres

10 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140

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IMPORTANT NOTES:
(These notes are an integral part of this plan)
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All areas and dimensions are approximate only and subject to survey and approval by Council and any other regulatory body.
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Data Sources

Cadastral Boundaries	*
Contours / Topographic	*
Aerial Images	*
Flood Level	*
Engineering Design	*
Architectural Design	*
Landscape Design	*

Issue	Revisions	Date	Drawn
B	Updated proposal boundaries	31.07.2019	MSM
A	Original	24.07.2019	ELH

Locality:	Airlie Beach
Local Authority:	Whitsunday Regional
Projection:	Ground
Horizontal Meridian:	MGA94 Zone 55
Vertical Level Datum:	AHD
Level Origin:	*
Scale:	1:1000 @ A3
Surveyed:	*
Designed:	*
Drawn:	ELH 24.07.2019
Checked:	SSR 31.07.2019
Plot Date:	31 Jul, 2019
Computer File Ref:	432289-P02 Rev A Master Proposal Rev B.dwg

Master Plan
For
Port of Airlie

Proposed Subdivision of Lot 105 on SP232115, Lot 106 on SP172255 & Part of Lot 187 on SP219978 Airlie Beach

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Drawing No: 432289-P02
Issue: B
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NEWS

Faye Chapman, Peter Jennings and Suzette Pelt from Save our Foreshore

Group calls for help to put brakes on council proposal

ANNA WALL, LAURA THOMAS

30th Apr 2020 5:04 PM

Subscriber only

Published on Whitsunday Times 2020-05-02 Page 1 of 2

A PROPOSAL to change the use of land on the Airlie Foreshore has sparked a battle between the Whitsunday Regional Council and Save Our Foreshore members, who object to the council's application.

Whitsunday Regional Council is proposing to expand the existing Coconut Grove/Airlie Esplanade roundabout and redesign of the cul-de-sac at the intersection of The Beacons Road, Coconut Grove and Ocean Grove, with both proposals using public land.

Save Our Foreshore president Suzette Pelt was concerned about the loss of important public land, which she said should be available for community use and enjoyment.

"We are concerned with the public land aspect and the assumption that it can be used by council," she said.

"They've done this application on the assumption they'll be able to just take the public land. It's all these little bits of public land being taken for private use.

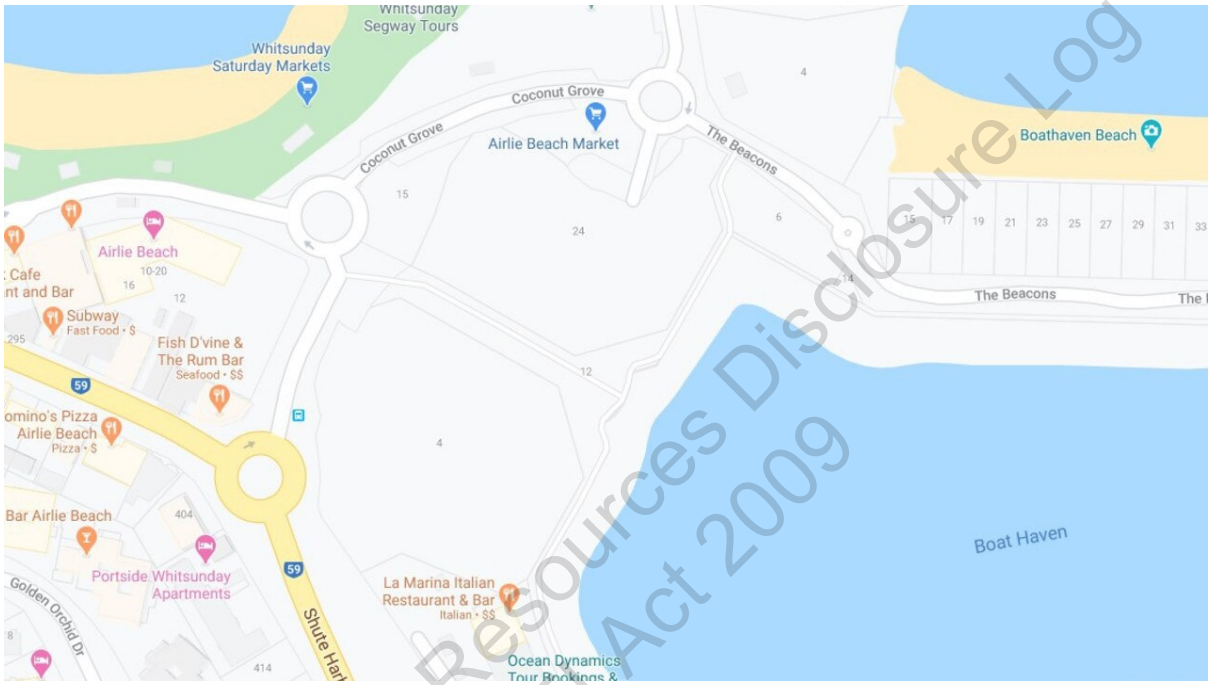
"What these developments are doing is incrementally taking away bits and pieces of public land. It is the incremental loss of an important resource for our community and tourists. It is greenery and parkland being turned into bitumen.

"People are losing the parkland so that service vehicles can use it."

However, Whitsunday Regional Council Director of Development Neil McGaffin said the transfer of land use was not from public use to private use.

"This isn't about taking public land and giving it to private landowners, it's to change effectively one public function to another public function, in this case, from a recreation reserve into a road reserve," he said.

Mr McGaffin said following public consultation, council would consider all submissions received and decide whether the proposal should be referred to the Minister for Natural Resources, Mines and Energy Dr Anthony Lynham to decide whether the reserve would be repurposed.



Whitsunday Regional Council is proposing to expand the existing Coconut Grove/Airlie Esplanade roundabout and redesign of the cul-de-sac at the intersection of The Beacons Road, Coconut Grove and Ocean Grove, with both proposals using public land.

Ms Pelt was also concerned about the redesign of the road would be used "to service a private and commercial hotel development" application for a 12-storey hotel.

"The 12-story development is currently with council, and to their credit they are asking a lot of tough questions," she said.

"People in Airlie don't want anything much higher than Coconut Grove, 12 stories plus the roof infrastructure means it's basically 13 stories, that's massive."

Mr McGaffin acknowledged that council had received an application for a 12-storey, 50-metre-high development, but that it had been returned to the developers for further detailed information to be provided.

When the additional information is submitted, Mr McGaffin said it would be open for public consultation before being presented to council.

Mr McGaffin said regardless of whether the land was repurposed, the proposal for the hotel development could still go ahead if approved by council.

"If the Minister resolves not to agree to the change from recreational reserve to road reserve, there will be more design work needed to make sure access is up to an acceptable standard," he said.

"The development application for the hotel can continue regardless, but council will be asking for some rework to see how they would provide suitable, safe access."

Ms Pelt's concerns were also raised at an ordinary council meeting yesterday via a written submission, with the Department of Planning addressing her questions in length.

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Daily Mercury

"Council is aware that the process to change the purposes of a reserve require public consultation, which is currently underway," the department statement read.

"To counter for the disparity in the time to processing this application, council specifically included addition 1.7 in the development approval to ensure that the subdivision cannot go ahead unless the minister agrees to change the purpose of the reserve.," he said.

References of the submitted plan to road opening were prepared by the applicant as was the subdivision layout. Those notations do not bide council or the state to the creation of the road without first obtaining approval by the minister under the Land Act 1994.

"Should the minister not agree to change the purpose of the reserve the areas that are shown in pink on the subdivision plan, will remain as public, recreational and open space reserve. If this occurs the subdivision will need a redesign."

The details of the development application can be viewed here, and submissions must be lodged by 5pm, Friday May 1.

Whitsunday Times "Serving the Whitsunday Region"

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s.73 Irrelevant information

Native title

- Should it be determined that native title continues to exist, Council/the Lessee of 333 SP145063 would be required to address native title prior to the dealing proceeding.
- Council/Lessee should conduct the appropriate enquiries in this regard.
- Costs for addressing native title are the responsibility of Council/Lessee.

-
-
-

s.73 Irrelevant information

Please call if you wish to discuss the matter further.

Regards

Kelly Scott
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6864 (QNET 23864)
E: Kelly.Scott@dnrme.qld.gov.au
A: 22-30 Wood Street, Mackay Q 4740 | PO Box 63, Mackay, Q 4740
W: www.dnrme.qld.gov.au

DNRME

From: Billie Davis [mailto:billie.davis@whitsundayrc.qld.gov.au]
Sent: Monday, 16 September 2019 2:56 PM
To: SCOTT Kelly <Kelly.Scott@dnrme.qld.gov.au>
Cc: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>; SMITH Wedeena <Wedeena.Smith@dnrme.qld.gov.au>
Subject: RE: s.73 Irrelevant inform Airlie Beach Foreshore

Good Afternoon,

Could you please provide an update on these matters as we are wanting to briefing Council ASAP.

I look forward to hearing from you.

Kind Regards
Billie

Billie Davis
Senior Commercial Officer

Phone: 0749450210**Fax:** 0749450222**Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

Whitsunday Regional Council

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From: Billie Davis
Sent: Tuesday, 10 September 2019 11:55 AM
To: 'SCOTT Kelly' <Kelly.Scott@dnrme.qld.gov.au>
Cc: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Subject: RE: s.73 Irrelevant inform Airlie Beach Foreshore

Good Morning Kelly,

Just following up on these matters, do you have an update at all?

Kind Regards

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Billie.

From: SCOTT Kelly <Kelly.Scott@dnrme.qld.gov.au>
Sent: Friday, 30 August 2019 2:13 PM
To: Billie Davis <billie.davis@whitsundayrc.qld.gov.au>
Cc: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Subject: RE: s.73 Irrelevant inform Airlie Beach Foreshore

Hi Billie,

s.73 Irrelevant information

Once we have considered all of the available information, we will provide our advice.

Regards

Kelly Scott
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6864 (QNET 23864)
E: Kelly.Scott@dnrme.qld.gov.au
A: 22-30 Wood Street, Mackay Q 4740 | PO Box 63, Mackay, Q 4740
W: www.dnrme.qld.gov.au

From: Billie Davis [mailto:billie.davis@whitsundayrc.qld.gov.au]
Sent: Friday, 30 August 2019 1:19 PM
To: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Subject: s.73 Irrelevant inform Airlie Beach Foreshore

Hello Carey,

Can you please advise me on the process and what Council is required to do from here in relation to two matters being the s.73 Irrelevant inf and Airlie Beach Foreshore.

s.73 Irrelevant information

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RTI Act 2009

s.73 Irrelevant information

Billie Davis
Senior Commercial Officer

Phone: 0749450210**Fax:** 0749450222**Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800





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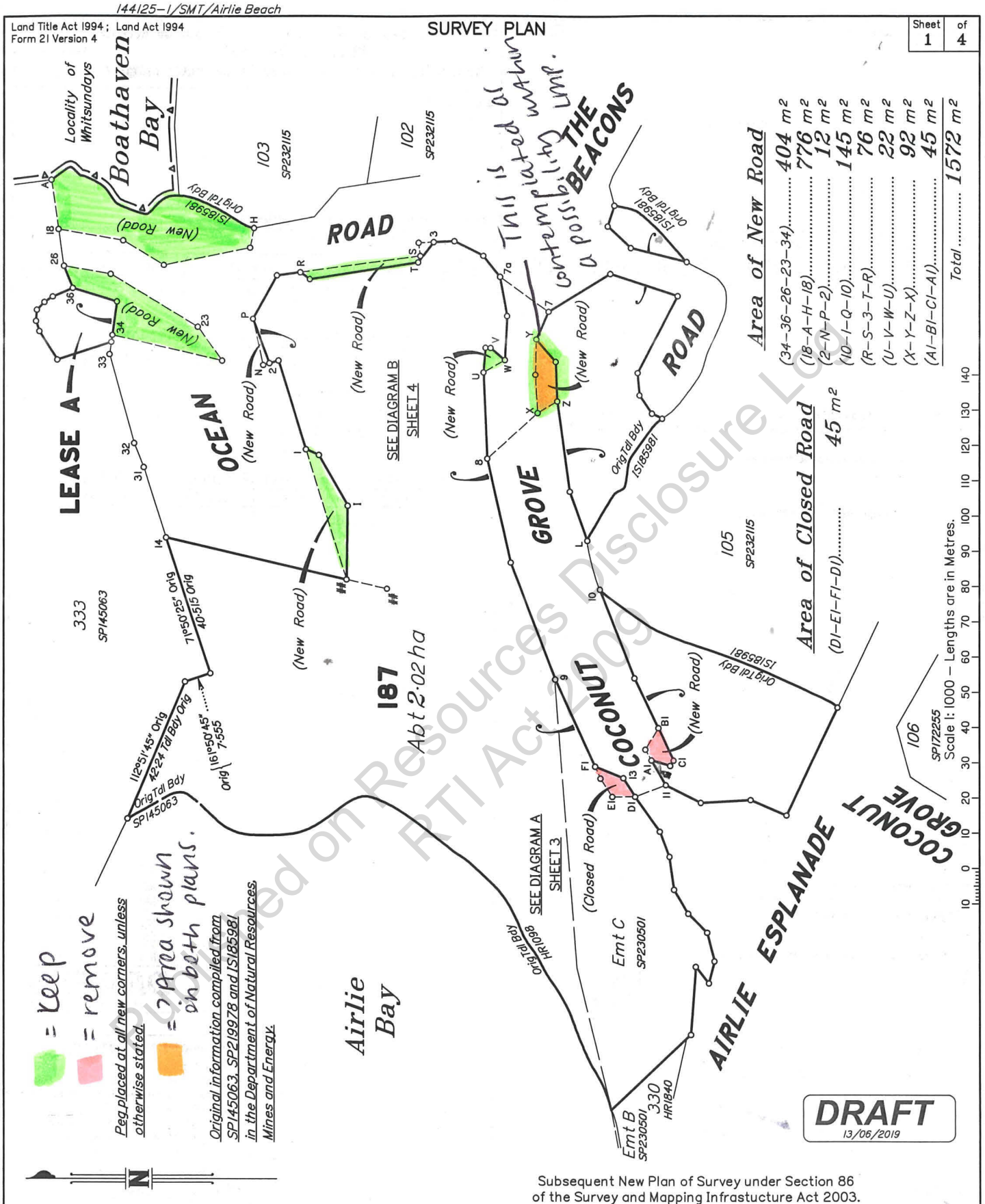
NORTHERN ROAD OPENINGS

144125–1/SMT/Airlie Beach

Land Title Act 1994; Land Act 1994
Form 21 Version 4

SURVEY PLAN

Sheet 1 of 4



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DRAFT
13/06/2019

Subsequent New Plan of Survey under Section 86 of the Survey and Mapping Infrastucture Act 2003.

RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by Cornelius Jakob BOSHOFF, surveyor, for whose work the corporation accepts responsibility, under the supervision of Paul Alan JACKSON, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on ##/06/2019.

Authorised Delegate

Date

0 50 mm 100 mm 150 mm

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Plan of Lot 187 and Lease A

Cancelling Lot 187 on SP219978 and Part of USL being Closed Road

LOCAL GOVERNMENT: WHITSUNDAY REGIONAL COUNCIL

LOCALITY: AIRLIE BEACH

Meridian: MGA 94 Zone 55 Vide SP219978

Survey Records: No

Scale: 1:1000

Format: STANDARD

SP309417

Release



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Release

SAVE OUR FORESHORE INC.

P O Box 59, Airlie Beach QLD 4802 Tel: sch4p4(6) Personal int
saveourforeshore@whitsunday.net.au
www.saveourforeshore.com.au

28 April 2020

The Honorable Anthony Lynham MP
Minister for Natural Resources, Energy & Mines
1 William Street
BRISBANE QLD 4000

By email: nrm@ministerial.qld.gov.au

RE: Urgent Ministerial intervention request to keep public land from private development.

Dear Minister Lynham,

We respectfully draw your attention to an apparently improper Major Development Application in Airlie Beach. We request your urgent attention to intervene in the matter. The legislation and bylaws prohibit this development.

The issues are:

1. Airlie Beach foreshore public reserve Lot187 SP219978 for recreation and open space uses must be retained in full and not excised for council road reserve to service a private commercial development DA20191165
2. Whitsunday Regional Council: Development Application DA20191165 has been incorrectly categorised as Code Assessable and should be Impact Assessable

Save our Foreshore Inc (SOF) has followed the development of Port of Airlie, initially a State Significant development, approved with conditions by the Coordinator General in 2003. Port of Airlie (in receivership) then progressed, under its own "State Significance development code", within the Whitsunday Regional Town Plan (2009). Since then, it has been incorporated into the Whitsunday Regional Council area. This development has radically altered from the conditions of approval set by the Coordinator General. Port of Airlie received $1.48 million from the Queensland Government for public infrastructure (2007). And $2,128,096 of Whitsunday ratepayers contributions to upgrades of water and sewerage infrastructure for their development (2009).

1. Public reserve Lot187SP219978, long zoned for recreation and open space uses must be maintained in full with no net loss of public land excised for council road reserves to service a private commercial development

We refer you to Lot 187 SP219978 part of which includes 2.17 hectares of limited and irreplaceable Crown land Reserve for Recreation and Open space linking the beachfront reserve on the one side to Port of Airlie on the other.

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Airlie Beach is a growing town squeezed between the coast and hillsides with limited space for expansion. It has only a small strip of foreshore Crown Land, zoned as parkland (recreation and open space) which has been an ongoing target of developer land grabs. The SOF group formed in 2004 in response to one particular land grab case and was successful in its bid to save public land from private development.

Public land along Airlie's foreshore is already limited and the community and tourism strongly support its use as public land as more units and apartments are built on the hillsides. SOF, its members & supporters have been consistent in this through every council community consultation process.

Whereas mixed use housing/commercial property is not a coastal dependent land use, the proposal to further fragment, reduce and modify this already limited coastal public recreation and open space reserve to provide road access to a private commercial housing/commercial subdivision in no way can be said to meet the state interest policies for Coastal Environment Protection. Including 1) c) – maintaining or enhancing the scenic amenity and aesthetic values for important natural coastal landscapes, views and vistas. **** The hillsides and coastal views were singled out to be maintained in the development criteria set by the Coordinator General in the Port of Airlie's approvals 2003.**

We are asking that you use your powers under the Land Act for urgent intervention on the basis that the Whitsunday Regional Council's approval of DA20191165 is predicated on the assumption - repeated many times in the DA and shown on multiple planning diagrams - that public land from the public reserve for recreational and open space Lot187SP219978 'TO BE TAKEN ' (the DA's words in 1.3 master plan below) and for expanded road access to the development, effectively to service only private commercial development.



Loss of 1045m2 of public open space reserve in the context of limited and irreplaceable land to access a private commercial development is unacceptable and not in the public interest.

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Below is the plan generally accepted in the community consultation process leading up to construction, although not without great and clamorous community opposition and controversy over lack of disclosure and transparency by the "community reference group'. Included for reference only.

Lots 105 & 106 as shown on the public communication documents by the Community Reference Group Edition 2 (condition of the EIS)



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Furthermore, it appears to be a long standing assumption by Port of Airlie that parts of Crown Land public reserve SP187 for recreation/open space is theirs regardless of any process under Law.
Below - Port of Airlie masterplan graphic 2019: https://portofairlie.com.au/buy/development-opportunities/ Note: Crown Land Reserve 187 SP219978 Public Open Space & Recreation is missing



The plan clearly assumes that Crown Land has been taken into Port of Airlie- Masterplan 2019.This is seen as nothing less than a public land grab using a re-design of road and a non-compliant roundabout to access a private commercial property.

The single note in the DA that refers to the public land reserve being 'dealt with in a separate process' is clearly token only. They consider it 'a done deal' and the Whitsunday Regional Council is complicit.

Was development approval given on the assumption that it was a fait accompli that public land was already theirs for the taking? In what way has the State's interests been served?

We are asking you as Minister to intervene on the basis that the application is:

- an inconsistent use of the reserve's purpose
- that there should be no net loss of public open space – incremental losses of limited public land along the coast are not consistent with the guiding principles of its use
- that its proposed change of use is not going through due process under legislation
- Whitsunday Regional Council's public notices are deceptive and misleading in that they do not fully disclose that this is public open space/recreation reserve to road reserve effectively for private commercial development access
- nor are there public notices on the site
- that this proposal is not in the public interest - which overrides private commercial interests
- that alternative road access exists that is supported by DMR but require the developer's own land whereas they would rather take public land
- the proposed re-design does not meet Council specifications for roundabouts and MORE public parkland will be needed than is being disclosed
- that its proposed change of use is not open and transparent
- inconsistent with Whitsunday Regional Council planning scheme Part 6 – 6.2.15
- the additional traffic generated by the proposed access is not consistent with the pedestrian focus of the re-designed Main Street and Esplanade.

Lot 187SP19978 comprises 2.17 hectares zoned as parkland reserve and is part of a very limited Airlie Beach public resource. The area is not just an important linkage within the public open space/parkland/recreational land network, but also visual and cooling shade contribution to a site that is proposed for future intensive development.

2. Development Application DA20191165 has been incorrectly categorised as Code Assessable and should be Impact Assessable

Over the past 14 years, with legal advice and support from many members of the public, community group Save Our Foreshore can piece together a picture of vested interests, conflicts of interest and inconsistencies throughout the many development application processes. This appears to be another.

We are not town planners, but simply a dedicated community group that even recently (2019) discovered serious Whitsunday town planning errors. Although vigorously denied by Council, following SOF reports of the matter to your department, Council was subsequently required to make major planning amendments to rectify their mistakes. Reference Whitsunday RC Agenda 28 August 2019 Item 12: Planning scheme major amendment – DNRME Zone amendments.

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With such recent evidence of Council oversights it is not unreasonable that we challenge the decisions and recommendations made by Council in processing the development application subject of this letter.

We believe that this DA needs further investigation as, according to our examination of the town plan there are inconsistencies with lots sizes, easements, specifications for roundabouts and possibly more that indicate it should be Impact Assessible.

This is simply an application that in no way complies with the designated usages on crown reserve land. There is only one response - Public open space and parkland must remain as is - for low key recreational use by the community.

Fragmentation and loss of public open space along the coast is a concern for all as development and increasing populations add more pressure. And it would be inappropriate for the Department to be an accomplice in further robbing the Whitsunday community of their valued parkland reserve.

We ask for your most urgent and diligent intervention in the matter and look forward to hearing from you.

Sincerely,

sch4p4(6) Personal information

President

Attachments:
Whitsunday Regional Council public notice
Port of Airlie Master Pan - further details & notes on preferred access Shute Harbour Rd roundabout

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Save Our Foreshore is an association registered under the Incorporated Association Act. It is a community organisation created by citizens of the community of Whitsunday in 2004 having a particular interest in ensuring that public access to the coast and amenity of coastal public lands are preserved and enhanced for the long term benefit of their ecological, scenic and recreational values as enjoyed by the Whitsunday community and visitors to the area

eLVAS Client Interaction Report
For Interaction id: 1784192

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	27-Apr-2020 2:09 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_Conflicting Road Areas on Plans	27-Apr-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	27-Apr-2020
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

Date : 27/04/2020 2:08:57 PM
From : sch4p4(6) Perso **McKays Solicitors"**
To : "WARRENER Megan"
Subject : Airlie Foreshore - Whitsunday Regional Council
Attachment : image001.jpg;

Hi Megan,

Thanks for your time on the phone before.

I am just shooting you this quick email as discussed so that you have my direct email. I have had a quick look at the lodgement emails for the southern areas and northern areas and can see what you mean regarding the overlap with the plans.

Let me look into this further for you and liaise with Council this afternoon. I will give you a call tomorrow morning.

Have a great afternoon!

Kind regards

sch4p4(6) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)
sch4p4(6) Personal information

McKays Solicitors Unique.Focus
McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay Qld 4740 Australia
PO Box 37, Mackay Qld 4740 Australia
P +61 7 4963 0839 F +61 7 4963 0889 E sch4p4 mckayslaw.com

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eLVAS Client Interaction Report
For Interaction id: 1775744

Contact Details

Business unit:	State Land Asset Management
Business context:	Verbal (Inwards) Case
Interaction method:	Telephone
Interaction date:	17-Mar-2020 12:24 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	17-Mar-2020
Details:	Neil McGaffin called to advise that he had received my email regarding consultation. He advised that he now understands that consultation is required and wanted to know how long the community consultation needed to go for. I asked Neil to review the information that Council have in their communications plan and what they would normally do when consulting the community. I advised Neil that we would need to be provided with evidence that the community had been consulted and given an opportunity for the community to respond to the proposal. Neil said that he would check with his staff to see if Council have a communications plan and get back to me.

Assignment History

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eLVAS Client Interaction Report
For Interaction id: 1775735

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	17-Mar-2020 12:00 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Community Consultation Required	17-Mar-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	17-Mar-2020
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

Date : 17/03/2020 12:00:18 PM
From : "WARRENER Megan"
To : sch4p4(6)| McKays Solicitors"
Cc : "Neil McGaffin" , sch4p4(6) P McKays Solicitors" , "'Billie Davis'"
Subject : RE: Further Information (plans) - Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area
Attachment :
image001.jpg;image002.png;image003.png;image004.png;image005.jpg;image006.jpg;image007.png;image008.png;image009.png;image010.png;image011.png;image012.jpg;image013.jpg;

Hi sch4p4

After reviewing the Proposed Subdivision Plan of Lot 105 on SP 232115 & Lot 106 on SP 172255, it appears that the majority of the proposed road opening is to benefit Freehold land, therefore; community consultation will be required.

The department will require evidence that the wider community has been consulted inline with Council's Communications Plan. The Council should consider the needs and expectations of the community when determining the appropriate level of community consultation under this plan. It is the departments position that the community should be given the opportunity to respond to the proposal. When Council determines the level of community consultation needed, or if Council believe that community consultation is not required, the department requires justification to support the decision.

I note the previous justification from Council in relation to the "road reserve" and would like to reconfirm the department's advice that a road is not a reserve, consequently this action is not amending one reserve to another.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Megan Warrener
Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: sch4p4(6 McKays Solicitors sch4p@mckayslaw.com>
Sent: Tuesday, 17 March 2020 9:43 AM
To: WARRENER Megan
Cc: Neil McGaffin; sch4p4(6 McKays Solicitors; 'Billie Davis'
Subject: RE: Further Information (plans) - Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area

Hi Megan

Thanks for that.

Sounds good – we (and Council) eagerly await your advices on consultation – so if any is needed, Council can attend to it urgently.

Hi Billie and Neil – fyi below from DNRME.

Regards

sch4p4(6) **McKays Solicitors**
Senior Solicitor

McKays Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay QLD 4740
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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Tuesday, 17 March 2020 8:52 AM
To: sch4p4(6 McKays Solicitors sch4p mckayslaw.com>
Subject: RE: Further Information (plans) - Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area

Thanks sch4p

Much appreciated, I have forwarded the Northern road opening application to our lodgement team as they process all applications, once the case has been created it will be sent back to our office for assessment.

I will now assess the attached plans and be in contact regarding the level of consultation required.

Kind Regards

Megan Warrener
Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

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From: sch4p4(6 McKays Solicitors sch4p@mckayslaw.com>
Sent: Monday, 16 March 2020 4:56 PM
To: WARRENER Megan
Cc: Billie Davis; sch4p4(6 McKays Solicitors; Neil McGaffin
Subject: Further Information (plans) - Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area

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Please let me know if you need anything further. We look forward to hearing from you regarding the level of community consultation you require (if any) in light of the circumstances.

Have a lovely evening.

Regards

sch4p4(6 **McKays Solicitors**
Senior Solicitor

McKays Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709
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Cheers Neil

Neil McGaffin
Director Development Services

Phone: 0749450215 **Fax:** 0749450222 **Mobile:** sch4p4(**Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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Queensland Government

Megan Warrener
Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

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Cc: WARRENER Megan; GABRIEL Carey; sch4p4(McKays Solicitors
Subject: RE: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area

sch4 et al

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Regards

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Carey

Queensland Government

Carey Gabriel
Senior Land Officer
State Land Asset Managment | Land Services
Department of Natural Resources, Mines and Energy (DNRME)

P: 07 49996808
E: carey.gabriel@dnrme.qld.gov.u
A: Level 1, 44 Nelson St, Mackay QLD 4740 | PO Box 63, Mackay Qld 4740

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eLVAS Client Interaction Report
For Interaction id: 1775734

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	16-Mar-2020 4:56 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_DA Plans and Overlay	16-Mar-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	17-Mar-2020
Details:	

Assignment History

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Date : 16/03/2020 4:55:39 PM
From : sch4p4(6) McKays Solicitors"
To : "WARRENER Megan"
Cc : "Billie Davis" , "sch4p4(6) McKays Solicitors" , "Neil McGaffin"
Subject : Further Information (plans) - Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area
Attachment : Pages from IN - Development Application for Reconfiguration of Lots 102 on SP232115 & 106 on SP172255 - 2 The Beacons & 2-10 Coconut Grove, Airlie.pdf;Pages from IN - Development Application for Reconfiguration of Lots 102 on SP232115 & 106 on SP172255 - 2 The Beacons & 2-10 Coconut Grove, Airlie.pdf;image016.png;image017.png;image018.png;image019.png;image020.png;image021.png;image022.jpg;image023.jpg;image001.png;image004.jpg;image005.png;image006.jpg;image007.jpg;

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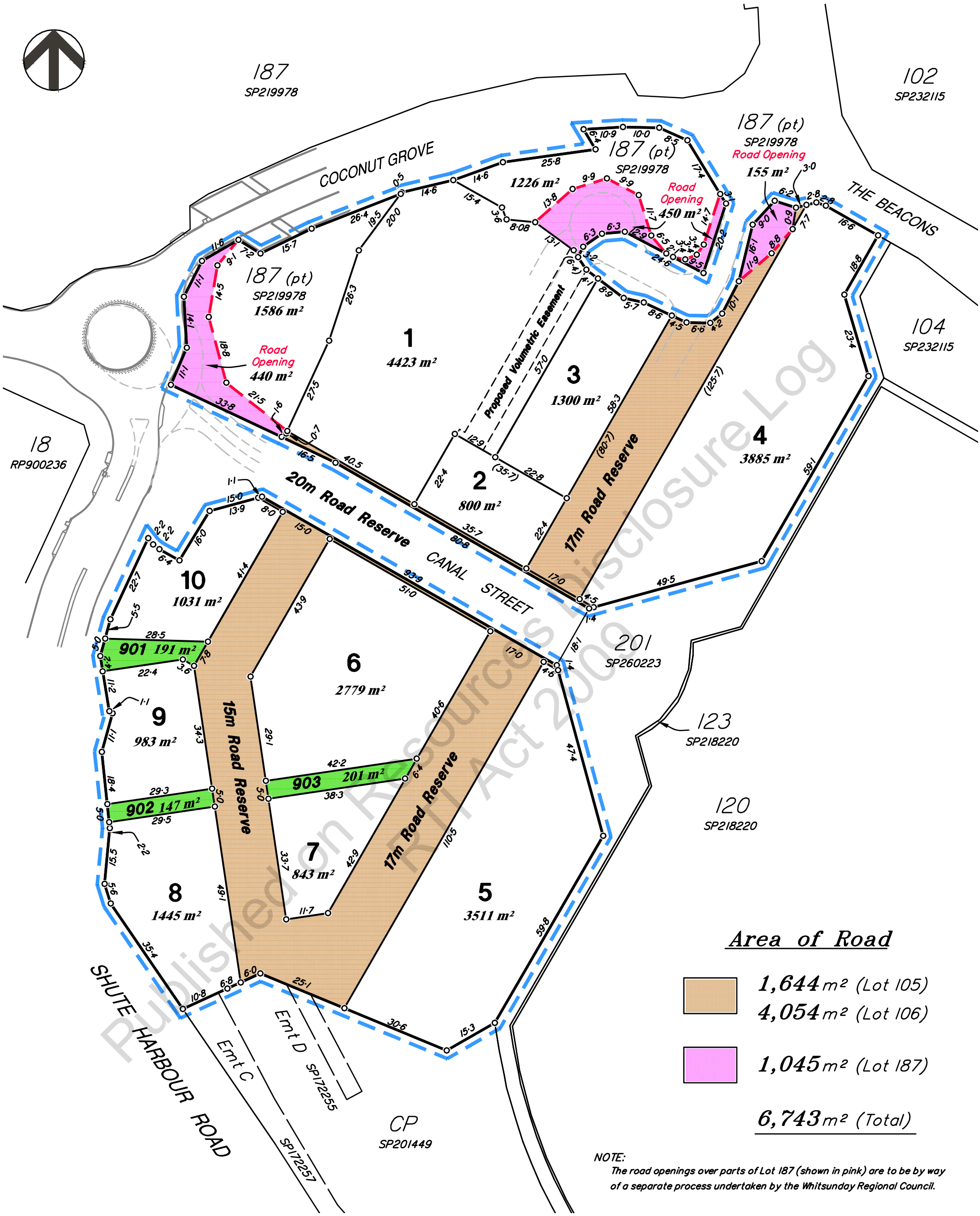
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W: www.accesstpc.com.au

AERIAL PLAN

(Queensland Globe)

Client: Meridien Airlie Beach Pty Ltd and Meridien AB Pty Ltd
Project: Port of Airlie, Lot 105/6 Reconfiguration
Dwg No: 19.008/Aerial Plan/Rev. A (15.10.19)

Public Records Act 2002 Disposal Log



Area of Road

1,644 m² (Lot 105)	
4,054 m² (Lot 106)	
1,045 m² (Lot 187)	
6,743 m² (Total)	

NOTE:
The road openings over parts of Lot 187 (shown in pink) are to be by way of a separate process undertaken by the Whitsunday Regional Council.

Scale 1:1000 - Lengths are in Metres

10 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140

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IMPORTANT NOTES:
(These notes are an integral part of this plan)
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All areas and dimensions are approximate only and subject to survey and approval by Council and any other regulatory body.
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Data Sources	
Cadastral Boundaries	*
Contours / Topographic	*
Aerial Images	*
Flood Level	*
Engineering Design	*
Architectural Design	*
Landscape Design	*

Issue	Revisions	Date	Drawn
D	Updated title	11.10.2019	MSM
C	Updated proposal boundaries	25.09.2019	BSC
B	Updated proposal boundaries	31.07.2019	MSM
A	Original	24.07.2019	ELH

Locality:	Airlie Beach
Local Authority:	Whitsunday Regional
Projection:	Ground
Horizontal Meridian:	MGA94 Zone 55
Vertical Level Datum:	AHD
Level Origin:	*
Scale:	1:1000 @ A3
Surveyed:	*
Designed:	*
Drawn:	ELH 24.07.2019
Checked:	SSR 31.07.2019
Plot Date:	11 Oct, 2019
Computer File Ref:	432289-P02 Rev D Master Proposal.dwg

Master Plan
For
Port of Airlie

Proposed Subdivision of Lot 105 on SP232115 & Lot 106 on SP172255

AIRLIE BEACH

veris
BRISBANE (07) 3666 4700
WHITSUNDAYS (07) 4945 1722
MACKAY (07) 4951 2911
CAIRNS (07) 4051 6722
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Release

Drawing No	Issue
432289-P02	D

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eLVAS Client Interaction Report
For Interaction id: 1775247

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	14-Mar-2020 11:22 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Incoming email	e_Neil organising Overlay & DA Plan	14-Mar-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	16-Mar-2020
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009

Date : 14/03/2020 11:21:54 AM
From : "Neil McGaffin"
To : "WARRENER Megan"
Cc : sch4p **mckayslaw.com" , "Billie Davis"**
Subject : RE: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area
Attachment :
image001.png;image002.png;image003.jpg;image004.jpg;image005.png;image006.png;image007.png;image008.png;image009.jpg;image514542.png;image927712.jpg;image224287.jpg;image397648.png;image091239.

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Neil McGaffin
Director Development Services
Phone: 0749450215 **Fax:** 0749450222 **Mobile:** sch4p4 **Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

Customer Centres: Bowen - 67 Herbert Street | Cannonvale - Whitsunday Plaza | Collinsville - Cnr. Stanley and Conway Streets | Proserpine - 52 Main Street



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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Friday, 13 March 2020 9:18 AM
To: Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>
Cc: sch4 mckayslaw.com; Billie Davis <billie.davis@whitsundayrc.qld.gov.au>
Subject: RE: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area

Good Morning Neil,

Just wondering if you had received my message from Stacey on Wednesday? I have been allocated your road opening case for assessment and would like a little bit more information to help with the assessment process.

I asked Stacey if it would be possible to send me some information relating to the Development Application, specifically the drawings of the proposal and an overlay on an aerial map of the proposed road opening areas.

Once I have received this information, I will assess and be in contact with you to arrange a meeting to discuss.

I also wanted to discuss with you the existing road area that has not been formalised on Ocean Road, it would make sense to include on preliminary plan SP316921.

In regards to the Community Consultation, previous emails had been sent to Billie Davis from Kelly Scott on the 17 September 2019 and forwarded to yourself on 20 September 2019 from Rhiannan Vassallo. I have attached the email trail for your reference.

If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Megan Warrener
Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740|PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>
Sent: Tuesday, 10 March 2020 10:19 AM
To: sch4p4(McKays Solicitors; Billie Davis
Cc: WARRENER Megan; GABRIEL Care sch4p4(6 McKays Solicitors
Subject: RE: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area

sch4et al

The LMP does not cover any community consultation associated with the application by WRC regarding the Port of Airlie rec reserve to road reserve. No community consultation has been undertaken for this. I was not aware that any was needed. Given the priority of this application and what it means to the local area, either the consultation needs to be done yesterday or not all if possible.

What is needed?

Cheers Neil

Neil McGaffin
Director Development Services
Phone: 0749450215 **Fax:** 0749450222 **Mobile:** sch4p4(**mail:** info@whitsundayrc.qld.gov.au
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From: sch4p4(| McKays Solicitors sch4p mckayslaw.com>
Sent: Tuesday, 10 March 2020 10:12 AM
To: Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>; Billie Davis <billie.davis@whitsundayrc.qld.gov.au>
Cc: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>; 'GABRIEL Carey' <Carey.Gabriel@dnrme.qld.gov.au>; sch4p4(| McKays Solicitors sch4@mckayslaw.com>
Subject: RE: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area

Hi Neil and Billie,

I have reviewed the Land Management Plan (LMP) and spoken with Megan – we both agree that the LMP does not cover the "southern (Meridien) area" which is the current application being assessed by DNRME. Megan will speak with Wedeena and see if there is a way to get around the community consultation – but thinks this is highly unlikely, but is trying as much as she can to expedite the application. Accordingly we need to proceed on the basis that DNRME will need community consultation to have occurred. Has any community consultation been undertaken? If so, can you please advise details of same to Megan, Carey and myself – so that Megan and Carey can progress the application. Megan mentioned that Carey is currently away yesterday and today, so if you have already sent the email to Carey with the details, can you please forward it to Megan and myself urgently.

Megan has advised that this application is a priority case for her and has put this "at the top of the list"– so can you please advise as soon as possible, so the application can progress.

Regards

sch4p4(McKays Solicitors
Senior Solicitor

McKays Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay QLD 4740
PO Box 37, Mackay QLD 4740
P 07 4968 5452 F +61 7 4963 0889 E sch4 mckayslaw.com

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From: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Sent: Thursday, 5 March 2020 1:46 PM
To: Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>; sch4p4(| McKays Solicitors sch4@mckayslaw.com>
Cc: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Subject: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400)

Further to my telephone conversation with Neil earlier today, this application has now been assigned for assessment.

The Action Officer will be in touch with an estimate of a timeframe to get an approval and offer (if appropriate) for council once they have had a chance to have a look at the application.

In the interim, are you able to advise if the proposed road opening/s from reserve are reflected in the Land Management Plan or has any community consultation been undertaken in relation to the effect on the community purpose reserve, which I note from the application that council consider to be minimal effect.

Regards

Carey

Queensland Government

Carey Gabriel
Senior Land Officer
State Land Asset Managment | Land Services
Department of Natural Resources, Mines and Energy (DNRME)

P: 07 49996808
E: carey.gabriel@dnrme.qld.gov.u
A: Level 1, 44 Nelson St, Mackay QLD 4740 | PO Box 63, Mackay Qld 4740

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eLVAS Client Interaction Report
For Interaction id: 1774974

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	13-Mar-2020 9:18 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Asking Neil for DA plans and overlay on Aerial	13-Mar-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	13-Mar-2020
Details:	

Assignment History

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Date : 13/03/2020 9:17:35 AM
From : "WARRENER Megan"
To : "Neil McGaffin"
Cc : sch4p4 **@mckayslaw.com" , "billie.davis@whitsundayrc.qld.gov.au"**
Subject : RE: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area
Attachment : s.73 Irrelevant information **and Airlie Beach**
Foreshore;Aerial.png;image009.png;image010.png;image011.png;image012.png;image013.jpg;image014.png;image004.png;image006.jpg;image008.jpg;

Good Morning Neil,

Just wondering if you had received my message from Stacey on Wednesday? I have been allocated your road opening case for assessment and would like a little bit more information to help with the assessment process.

I asked Stacey if it would be possible to send me some information relating to the Development Application, specifically the drawings of the proposal and an overlay on an aerial map of the proposed road opening areas.

Once I have received this information, I will assess and be in contact with you to arrange a meeting to discuss.

s.73 Irrelevant information

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If you require any further information, please do not hesitate to contact me via this email or at the number listed below.

Kind Regards

Megan Warrener
Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)
E: Megan.Warrener@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740| PO Box 63, Mackay, Q4740
W: www.dnrme.qld.gov.au

From: Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>
Sent: Tuesday, 10 March 2020 10:19 AM
To sch4p4(6) P McKays Solicitors; Billie Davis
Cc: WARRENER Megan; GABRIEL Carey; sch4p4(6) I McKays Solicitors
Subject: RE: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area

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What is needed?

Cheers Neil

Neil McGaffin
Director Development Services

Phone: 0749450215 **Fax:** 0749450222 **Mobile:** sch4p4(6) **Email:** info@whitsundayrc.qld.gov.au
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Megan has advised that this application is a priority case for her and has put this "at the top of the list"– so can you please advise as soon as possible, so the application can progress.

Regards

sch4p4(6) P | **McKays Solicitors**
Senior Solicitor

McKays Solicitors Unique.Focus

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Sent: Thursday, 5 March 2020 1:46 PM
To: Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>; sch4p4(6) | McKays Solicitors sch4p4 mckayslaw.com>
Cc: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
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Regards

Carey

Queensland Government

Carey Gabriel
Senior Land Officer
State Land Asset Managment | Land Services
Department of Natural Resources, Mines and Energy (DNRME)

P: 07 49996808
E: carey.gabriel@dnrme.qld.gov.u
A: Level 1, 44 Nelson St, Mackay QLD 4740 | PO Box 63, Mackay Qld 4740

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Date : 20/09/2019 10:40:09 AM
From : "VASSALLO Rhiannan"
To : "Neil.McGaffin@whitsundayrc.qld.gov.au"
Subject : FW: s.73 Irrelevant infor and Airlie Beach Foreshore
Attachment : SmartMap .pdf;state-land-form-la00.pdf;state-land-form-la17.pdf;image001.png;image002.jpg;image003.png;image004.jpg;image005.jpg;image006.png;image007.png;image008.png;image009.png;image010.jpg;image011.jpg;image012.jpg;image013.jpg;

Hello,

Your application for road opening must include:

- these completed forms
  - Form LA00 Part A (PDF, 160KB) – contact and land details
  - Form LA17 Part B (PDF, 112KB) – application to dedicate state land as a road
    - Guide - https://www.qld.gov.au/environment/land/state/roads/dedicate
- a drawing (minimum size A4) which includes the following information
  - general location including your land
  - area of road to be opened
  - lot on plan information
  - a north point
  - scale
  - dimensions

Note: The Queensland Globe may assist you in compiling this drawing.

- payment of the application fee. (Currently - $286.70 excl. GST)

Pleases see below email from Kelly Scott with the road actions.

Regards,

Queensland Government

Rhiannan Vassallo
Administration Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6988 or 23988
E: rhiannan.vassallo@dnrme.qld.gov.au
A: 22-30 Wood Street, Mackay Qld 4740 | PO Box 63
W: www.dnrme.qld.gov.au
Working Days: Monday, Thursday & Friday



From: SCOTT Kelly
Sent: Friday, 20 September 2019 10:25 AM
To: 'Billie Davis' <billie.davis@whitsundayrc.qld.gov.au>
Cc: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Subject: RE: s.73 Irrelevant infor and Airlie Beach Foreshore

Hi Billie,

Just to clarify, my advice below doesn't include a reference to road opening from freehold land which is an external action not considered under the *Land Act 1994*.

Please discuss with a surveyor to establish whether the freehold road opening is able to be shown on the same plan as the reserve actions.

Regards

Queensland Government

Kelly Scott
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6864 (QNET 23864)
E: Kelly.Scott@dnrme.qld.gov.au
A: 22-30 Wood Street, Mackay Q 4740 | PO Box 63, Mackay, Q 4740
W: www.dnrme.qld.gov.au



From: SCOTT Kelly
Sent: Tuesday, 17 September 2019 3:59 PM
To: 'Billie Davis' <billie.davis@whitsundayrc.qld.gov.au>
Cc: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Subject: RE: s.73 Irrelevant infor and Airlie Beach Foreshore

Billie,

With reference to your request.

- Please note, the following advice does not pre-empt a decision/s of the Ministers Delegate, nor is this an indication of any approvals.
- All land actions under the *Land Act 1994* are subject to the provisions of section 16 Deciding appropriate tenure.
- This is preliminary advice, additional information may be required.
- Consent of parties with a registered interest is generally required for Land Act dealings.
- After appropriate enquiries have been made, the Council/Lessee/Permittee should contact this department prior to lodging any applications.

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Airlie Foreshore Reserve

- In relation to the Reserve lot 187 on SP219978, being a reserve for recreation under the trusteeship of Whitsunday Regional Council.
- Currently, there are no registered trustee leases appearing on the title.

Road Actions

- I note Council has a Land Management Plan (LMP) showing a number of the proposed works and that public consultation has been conducted while preparing the LMP. However, it appears that draft SP309417 shows additional areas that were not subject to the LMP.
- The proposed permanent road closure area between DI-EI-FI-DI would require public advertising and the additional road opening areas are proposed to be revoked from the reserve and as such, community consultation is required. Alternatively, if any community consultation/public advertising has been conducted for this area, please confirm.
- If the permanent road closure within stations DI-EI-FI-DI is proposed to be subject to easement C on SP230501, according to the provisions of section 370 of the *Land Act 1994*, an easement cannot be amended to change the location, increase or decrease the area or change a party to the easement. This effectively means that if this area is to be included into the existing easement it should be surrendered and a new easement registered to include this site, **or** a new proposed easement granted over the permanent road closure area only after its inclusion into the adjoining reserve.
- Council should lodge Land Act applications for a road opening and permanent road closure within the reserve (this does not meet the definitions of a simultaneous road opening and closure) accompanied by evidence of community consultation & advice in relation to native title.
- Alternatively, Council should consider if it has the ability to manage the realignment of the use of the road areas under their local laws or the Local Government Act.

Lease A

- Council propose to revoke Lease A from the reserve for inclusion into the adjoining Whitsunday Sailing Club Term lease 0/232700 over Lot 333 on SP145063.
- evidence is required to establish how the lessee meets the priority criteria under the provisions of section 16, 121 & 123 of the *Land Act 1994*.
- Evidence of community consultation is required for the revocation of this area from the reserve.

Native title

- Should it be determined that native title continues to exist, Council/the Lessee of 333 SP145063 would be required to address native title prior to the dealing proceeding.
- Council/Lessee should conduct the appropriate enquiries in this regard.
- Costs for addressing native title are the responsibility of Council/Lessee.

-
-
-

s.73 Irrelevant information

Please call if you wish to discuss the matter further.

Regards

Kelly Scott
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6864 (QNET 23864)
E: Kelly.Scott@dnrme.qld.gov.au
A: 22-30 Wood Street, Mackay Q 4740 | PO Box 63, Mackay, Q 4740
W: www.dnrme.qld.gov.au

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From: Billie Davis [mailto:billie.davis@whitsundayrc.qld.gov.au]
Sent: Monday, 16 September 2019 2:56 PM
To: SCOTT Kelly <Kelly.Scott@dnrme.qld.gov.au>
Cc: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>; SMITH Wedeena <Wedeena.Smith@dnrme.qld.gov.au>
Subject: RE: Mount Coolon Cemetery and Airlie Beach Foreshore

Good Afternoon,

Could you please provide an update on these matters as we are wanting to briefing Council ASAP.

I look forward to hearing from you.

Kind Regards
Billie

Billie Davis
Senior Commercial Officer

Phone: 0749450210 **Fax:** 0749450222 **Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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From: Billie Davis
Sent: Tuesday, 10 September 2019 11:55 AM
To: 'SCOTT Kelly' <Kelly.Scott@dnrme.qld.gov.au>
Cc: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Subject: RE s.73 Irrelevant infor and Airlie Beach Foreshore

Good Morning Kelly,

Just following up on these matters, do you have an update at all?

Kind Regards
Billie.

From: SCOTT Kelly <Kelly.Scott@dnrme.qld.gov.au>
Sent: Friday, 30 August 2019 2:13 PM
To: Billie Davis <billie.davis@whitsundayrc.qld.gov.au>
Cc: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Subject: RE s.73 Irrelevant infor and Airlie Beach Foreshore

Hi Billie,

s.73 Irrelevant information

Regards

Kelly Scott
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6864 (QNET 23864)
E: Kelly.Scott@dnrme.qld.gov.au
A: 22-30 Wood Street, Mackay Q 4740 | PO Box 63, Mackay, Q 4740
W: www.dnrme.qld.gov.au

From: Billie Davis [mailto:billie.davis@whitsundayrc.qld.gov.au]
Sent: Friday, 30 August 2019 1:19 PM
To: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Subject: s.73 Irrelevant infol and Airlie Beach Foreshore

Hello Carey,

Can you please advise me on the process and what Council is required to do from here in relation to two matters being s.73 Irrelevant informa and Airlie Beach Foreshore.

s.73 Irrelevant information

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s.73 Irrelevant information

Airlie Beach Foreshore

As you are aware, the Airlie Foreshore (Trustee Land) underwent a major upgrade with the project completion just recently occurring.

As a result of this a few areas that have been changed around in the car parking space and need to be identified. On the attached survey plan they are identified as closed road and new road, therefore a simultaneous road closure/opening process would probably need to occur, if you could please what the next step will be to finalise. Further the reference on the survey plan to Lease A is an area of land which the Whitsunday Sailing Club would like to take over as part of their lease at Lot 333 on SP145063 which they hold with the State. Ideally, it would be that this parcel of land be incorporated into their current lease plan rather than Council and the WSC entering into a trustee lease agreement over this tiny section; however please review and let me know your thoughts.

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Thank you for taking the time to review these two matters and I look forward to hearing from you.

Billie Davis
Senior Commercial Officer

Phone: 0749450210 **Fax:** 0749450222 **Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

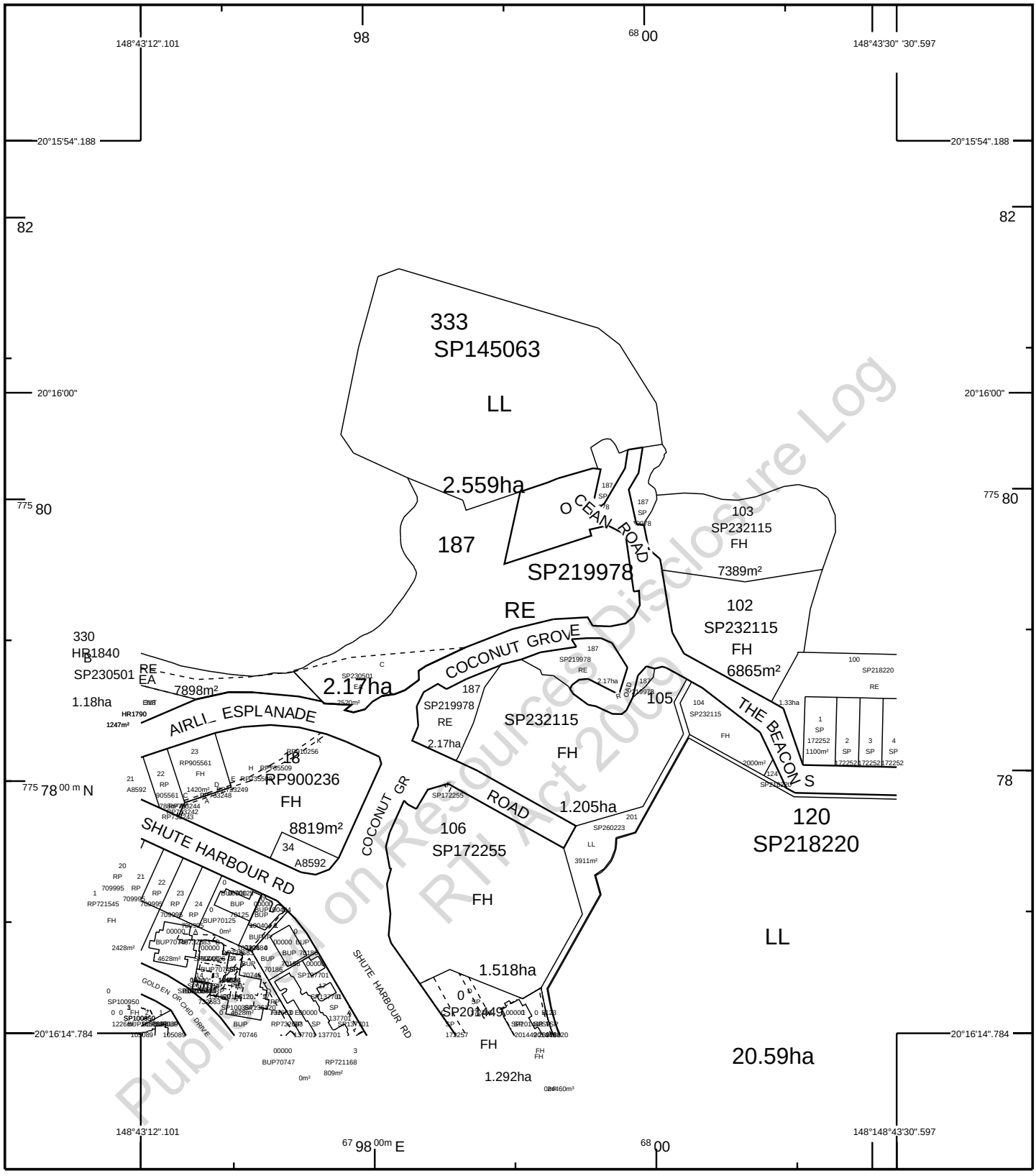
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Based upon an extraction from the
Digital Cadastral Data Base

MAP WINDOW POSITION &
NEAREST LOCATION

148°43'21".349
20°16'04".486
AIRLIE BEACH
0.78 KM

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) 20/09/2019

DCDB 19/09/2019

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Queensland Government

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DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY

Application form
Contact and Land Details
Part A

Application form requirements

1. **Part A:** Contact and land details will need to be completed.
2. **Part B:** Application specific form will need to be completed.
3. Payment of the prescribed application fee, if relevant. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources, Mines and Energy (DNRME) website at <https://www.dnrme.qld.gov.au> or from a regional DNRME business centre).
4. If the application is not lodged by a solicitor, bank or consultant on behalf of the applicant, then all applicants must sign the declaration on the appropriate Part B application form.
5. All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.
6. Prior to lodging your application, the Department encourages the applicant to have a pre-lodgement meeting with a DNRME officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

Important information

7. All applications will be processed having regard to the requirements of the Land Act 1994 and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
8. All completed applications can be lodged with DNRME by sending information to the following email or postal addresses or in person at your local DNRME business centre.
9. **Email:**

   SLAMlodgement@dnrme.qld.gov.au

10. If lodging an application, all relevant Part B application forms must be signed and supporting documentation must be scanned and then emailed.
11. **Post:**

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

12. In terms of the *Right to Information Act 2009* interested parties may seek access to DNRME records and view relevant documents.
13. Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

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RTI Act 2009

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Contact details

Lodger Details and Mailing Address
A lodger is only required when a solicitor, bank, consultant lodges the application on behalf of the applicant.

Full Name(s)

Title	First name	Surname

Company name(s)

If a Corporation then record ☐ **ACN** ☐ **ARBN** ☐ **ABN**

Postal Address

Phone number

Mobile phone

Email

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Applicant(s) Details and Mailing Address

If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

Full Name(s)

Title	First name	Surname

Company name(s)

If a Corporation then record ☐ **ACN** ☐ **ARBN** ☐ **ABN**

Postal Address

Phone number **Mobile phone**

Email

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Future correspondence should be sent to ☐ Lodger ☐ Applicant

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

For further information refer to the Queensland Government website to determine if the applicant/s are a foreign person (acquirer) for AFAD >.
https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the *Duties Act 2001*? ☐ Yes **go to 3** ☐ No **go to 4**

Note – Under the *Duties Act 2001* an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD. For further details, please refer to the information on the Queensland Government website for Additional Foreign Acquirer Duty:-
https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad

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

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

4. Are the Applicant/s registered for GST **AND** acquiring the land for a creditable purpose? ☐ Yes ☐ No **go to 5**

Under the *Tax Administration Act (Cth) 1953* certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or refer to the ATO website https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/ or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

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

☐ Permit ☐ Lease

☐ Licence ☐ Unallocated State Land (USL) **go to 6**

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

☐ Dealing Number (refer to **Item 6)** ☐ Other

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

Schedule 1
You **must** enter either the Lot on Plan or Title Reference of the land for which the application is being lodged.

Lot	Plan	Title Reference

go to 7

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

7. Enter additional details of the land

Dealing number

Tenure type | Tenure number

Local Government

Other details of land location (optional)

go to 8

8. Have you participated in a pre-lodgement meeting with the department? ☐ Yes **go to 9** ☐ No

Please provide name of officer you spoke with and this department's associated reference.

DNRME Contact Officer | Prelodgement ID (eLVAS CI Ref)

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

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

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

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DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY

Application to dedicate state land as road

Part B

Application form requirements

1. This application is to dedicate state land as road.

2. Read the respective Roads - Application to dedicate state land as road – Guide which includes the application requirements.

3. Payment of the prescribed application fee, if relevant. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources, Mines and Energy (DNRME) website at <https://www.dnrme.qld.gov.au> or from a regional DNRME business centre).

4. A drawing showing the information listed in the "application requirements" that are included in the Applying for a road closure guide.

5. Any additional information to support application.

6. **Part A:** Contact and land details form will need to be completed and submitted with your application.

7. Your application will not be considered as having been properly made unless all parts of this application form have been completed accurately, otherwise your application may be returned to you to complete.

Important information

8. When a road is set aside and dedicated as road, the land is open as a road for public use.

9. You may also be required to pay a purchase price for the dedication of state land as road and provide a plan of survey.

10. For opening and closing of road simultaneously refer to application form 'LA20 - Simultaneous Road Closure and Opening'.

11. If you require the dedication of freehold land as road your application should be made with the relevant local government.

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

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RTI Act 2009

1.	The application is for dedication of road over:	☐ State Forest/National Park	**go to 3**
		☐ Reserve	**go to 2**
		☐ Lease	**go to 2**
		☐ Occupation Licence	**go to 2**
		☐ Unallocated State Land	**go to 3**
		☐ Freehold	**An application cannot be considered**

If you require the dedication of freehold land as road your application should be made with the relevant local government.

2.	Has the consent of the lessee, licensee or trustee been obtained?	☐ Yes	**go to 3**	☐ No	**go to 3**

Consent of the trustee, lessee or licensee must be attached to this application.

3.	Has the consent of the local government (who will manage the road) been obtained?	☐ Yes	**go to 4**	☐ No	**go to 4**

Consent of the local government must be attached to this application.

4.	Has a survey plan or other plan been prepared?	☐ Yes	**go to 5**	☐ No	**go to 5**

Copy of plan must be attached to this application, if already prepared.

5. Provide details of the reason the road dedication is required. **go to 6**
(If there is insufficient space, please lodge as an attachment)

Whitsunday Regional Council
Reserve for Recreation

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6. Provide details of any additional information to support the application. (optional)
(If there is insufficient space, please lodge as an attachment) **go to 7**

Attachments

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

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

- ☐ Part A
- ☐ Application fee
- ☐ A drawing showing the information listed in the "application requirements" that are included in the Applying for a road closure guide
- ☐ Consent of trustee, lessee, licensee
- ☐ Consent of the local government

Declaration

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

Signature of applicant (or their legal representative)

Date: / /

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

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Relea


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eLVAS Client Interaction Report
For Interaction id: 1774401

Contact Details

Business unit:	State Land Asset Management
Business context:	Verbal (Outwards) Case
Interaction method:	Telephone
Interaction date:	11-Mar-2020 3:32 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	11-Mar-2020
Details:	Called WRC to speak with Neil McGaffin, he was in a meeting so I left a message with Stacey. I advised her that I was calling in relation to the road opening application and was wondering if I could get a copy of the development application or the plans relating to the DA so that I can get a better understanding of the concept. I also asked If I could get an overlay of the proposal over aerial imagery. Stacey advised that she would get Neil to email or call me when he is available.

Assignment History

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eLVAS Client Interaction Report
For Interaction id: 1774971

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	10-Mar-2020 10:19 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Incoming email	e_Neil McGaffin response to sch4p4(e Consultation	10-Mar-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	13-Mar-2020
Details:	

Assignment History

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eLVAS Client Interaction Report
For Interaction id: 1774970

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	10-Mar-2020 10:12 AM
Entered by:	Warrener, Megan
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_sch4p4(6) Persasking WRC Community Consultation	10-Mar-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	13-Mar-2020
Details:	

Assignment History

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Date : 10/03/2020 10:19:08 AM
From : "Neil McGaffin"
To : sch4p4(6) Pe McKays Solicitors" , "Billie Davis"
Cc : "WARRENER Megan" , "GABRIEL Carey" , sch4p4(6) Pe McKays Solicitors"
Subject : RE: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area
Attachment :
image001.jpg;image002.png;image131208.png;image543889.jpg;image976638.jpg;image786631.png;image014816.png;image797522.png;image082839.png;

sch4p et al

The LMP does not cover any community consultation associated with the application by WRC regarding the Port of Airlie rec reserve to road reserve. No community consultation has been undertaken for this. I was not aware that any was needed. Given the priority of this application and what it means to the local area, either the consultation needs to be done yesterday or not all if possible.

What is needed?

Cheers Neil

Neil McGaffin
Director Development Services

Phone: 0749450215 **Fax:** 0749450222 **Mobile** sch4p4(6) **Email:** info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800

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Customer Centres: Bowen - 67 Herbert Street | Cannonvale - Whitsunday Plaza | Collinsville - Cnr. Stanley and Conway Streets | Proserpine - 52 Main Street



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From sch4p4(6) P McKays Solicitors <sch4p mckayslaw.com>
Sent: Tuesday, 10 March 2020 10:12 AM
To: Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>; Billie Davis <billie.davis@whitsundayrc.qld.gov.au>
Cc: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>; 'GABRIEL Carey' <Carey.Gabriel@dnrme.qld.gov.au>; sch4p4(6) P McKays Solicitors sch4p4(mckayslaw.com>
Subject: RE: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area

Hi Neil and Billie,

I have reviewed the Land Management Plan (LMP) and spoken with Megan – we both agree that the LMP does not cover the "southern (Meridien) area" which is the current application being assessed by DNRME. Megan will speak with Wedeena and see if there is a way to get around the community consultation – but thinks this is highly unlikely, but is trying as much as she can to expedite the application. Accordingly we need to proceed on the basis that DNRME will need community consultation to have occurred. Has any community consultation been undertaken? If so, can you please advise details of same to Megan, Carey and myself – so that Megan and Carey can progress the application. Megan mentioned that Carey is currently away yesterday and today, so if you have already sent the email to Carey with the details, can you please forward it to Megan and myself urgently.

Megan has advised that this application is a priority case for her and has put this "at the top of the list"– so can you please advise as soon as possible, so the application can progress.

Regards

sch4p4(6) P **McKays Solicitors**
Senior Solicitor

McKays Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay QLD 4740
PO Box 37, Mackay QLD 4740
P 07 4968 5452 F +61 7 4963 0889 E sch4p@mckayslaw.com

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From: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Sent: Thursday, 5 March 2020 1:46 PM
To: Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>; sch4p4(6) F McKays Solicitors sch4p4@mckayslaw.com>
Cc: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Subject: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400)

Further to my telephone conversation with Neil earlier today, this application has now been assigned for assessment.

The Action Officer will be in touch with an estimate of a timeframe to get an approval and offer (if appropriate) for council once they have had a chance to have a look at the application.

In the interim, are you able to advise if the proposed road opening/s from reserve are reflected in the Land Management Plan or has any community consultation been undertaken in relation to the effect on the community purpose reserve, which I note from the application that council consider to be minimal effect.

Regards

Carey

Queensland Government

Carey Gabriel
Senior Land Officer
State Land Asset Managment | Land Services
Department of Natural Resources, Mines and Energy (DNRME)

P: 07 49996808
E: carey.gabriel@dnrme.qld.gov.u
A: Level 1, 44 Nelson St, Mackay QLD 4740 | PO Box 63, Mackay Qld 4740

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Date : 10/03/2020 10:11:39 AM
From : sch4p4(6) Pers **McKays Solicitors"**
To : "Neil McGaffin" , "Billie Davis"
Cc : "WARRENER Megan" , "GABRIEL Carey" , sch4p4(6) Perso **McKays Solicitors"**
Subject : RE: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area
Attachment : image003.png;image001.jpg;

Hi Neil and Billie,

I have reviewed the Land Management Plan (LMP) and spoken with Megan we both agree that the LMP does not cover the southern (Meridien) area which is the current application being assessed by DNRME. Megan will speak with Wedeena and see if there is a way to get around the community consultation but thinks this is highly unlikely, but is trying as much as she can to expedite the application. Accordingly we need to proceed on the basis that DNRME will need community consultation to have occurred. Has any community consultation been undertaken? If so, can you please advise details of same to Megan, Carey and myself so that Megan and Carey can progress the application. Megan mentioned that Carey is currently away yesterday and today, so if you have already sent the email to Carey with the details, can you please forward it to Megan and myself urgently.

Megan has advised that this application is a priority case for her and has put this at the top of the list so can you please advise as soon as possible, so the application can progress.

Regards

sch4p4(6) Per | **McKays Solicitors**
Senior Solicitor

McKays Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709
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From: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Sent: Thursday, 5 March 2020 1:46 PM
To: Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>; sch4p4(6) Pe McKays Solicitors sch4p4@mckayslaw.com>
Cc: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Subject: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400)

Further to my telephone conversation with Neil earlier today, this application has now been assigned for assessment.

The Action Officer will be in touch with an estimate of a timeframe to get an approval and offer (if appropriate) for council once they have had a chance to have a look at the application.

In the interim, are you able to advise if the proposed road opening/s from reserve are reflected in the Land Management Plan or has any community consultation been undertaken in relation to the effect on the community purpose reserve, which I note from the application that council consider to be minimal effect.

Regards

Carey

Queensland Government

Carey Gabriel
Senior Land Officer
State Land Asset Managment | Land Services
Department of Natural Resources, Mines and Energy (DNRME)

P: 07 49996808
E: carey.gabriel@dnrme.qld.gov.u
A: Level 1, 44 Nelson St, Mackay QLD 4740 | PO Box 63, Mackay Qld 4740

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eLVAS Client Interaction Report
For Interaction id: 1773085

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	5-Mar-2020 1:55 PM
Entered by:	Warrener, Megan
Reference:	
Contact with:	Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Land Management Plan or Community Consultation	5-Mar-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Warrener, Megan
Date:	5-Mar-2020
Details:	Email sent to sch4p4(@mckayslaw.com also.

Assignment History

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Case Note Report

Case id:	2020/010400	**Service Centre:**	Mackay	**Assigned to:**	Warrener, Megan (Action Officer)
Category:	Roads	**Local Government:**	Whitsunday Regional Council	**Applicant:**	Whitsunday Regional Council
Note id:	83382				

Case Note Revision History

Revision: 0 **Revision Date:** 05/03/2020 12:46:55

Summary: Allocataion priority changed to P1.

Details: allocation priority changed to P1 as upon further review, the application is considered that the road opening is required to address a public safety issue and public land redevelopment/community infrastructure project criteria. Neil McGaffin advised of change of priority 05/03/2020.

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Date : 5/03/2020 1:46:13 PM
From : "GABRIEL Carey"
To : "Neil McGaffin" , sch4p4(**mckayslaw.com"**
Cc : "WARRENER Megan"
Subject : Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400)
Attachment : image001.png;

Further to my telephone conversation with Neil earlier today, this application has now been assigned for assessment.

The Action Officer will be in touch with an estimate of a timeframe to get an approval and offer (if appropriate) for council once they have had a chance to have a look at the application.

In the interim, are you able to advise if the proposed road opening/s from reserve are reflected in the Land Management Plan or has any community consultation been undertaken in relation to the effect on the community purpose reserve, which I note from the application that council consider to be minimal effect.

Regards

Carey

Queensland Government

Carey Gabriel
Senior Land Officer
State Land Asset Managment | Land Services
Department of Natural Resources, Mines and Energy (DNRME)

P: 07 49996808
E: carey.gabriel@dnrme.qld.gov.u
A: Level 1, 44 Nelson St, Mackay QLD 4740 | PO Box 63, Mackay Qld 4740

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eLVAS Client Interaction Report
For Interaction id: 1769322

Contact Details

Business unit:	State Land Asset Management
Business context:	Verbal (Outwards) General
Interaction method:	Post-Lodgement
Interaction date:	20-Feb-2020 4:28 PM
Entered by:	Gabriel, Carey
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Post-lodgement	PLO record of conversation with sch4p4(sch4p4(	20-Feb-2020

Interaction Record History

Service Centre:	Mackay
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Gabriel, Carey
Date:	20-Feb-2020
Details:	

Assignment History

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eLVAS Client Interaction Report
For Interaction id: 1769113

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Outwards) Case
Interaction method:	Email
Interaction date:	20-Feb-2020 11:19 AM
Entered by:	Major, Tracy sch4p
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

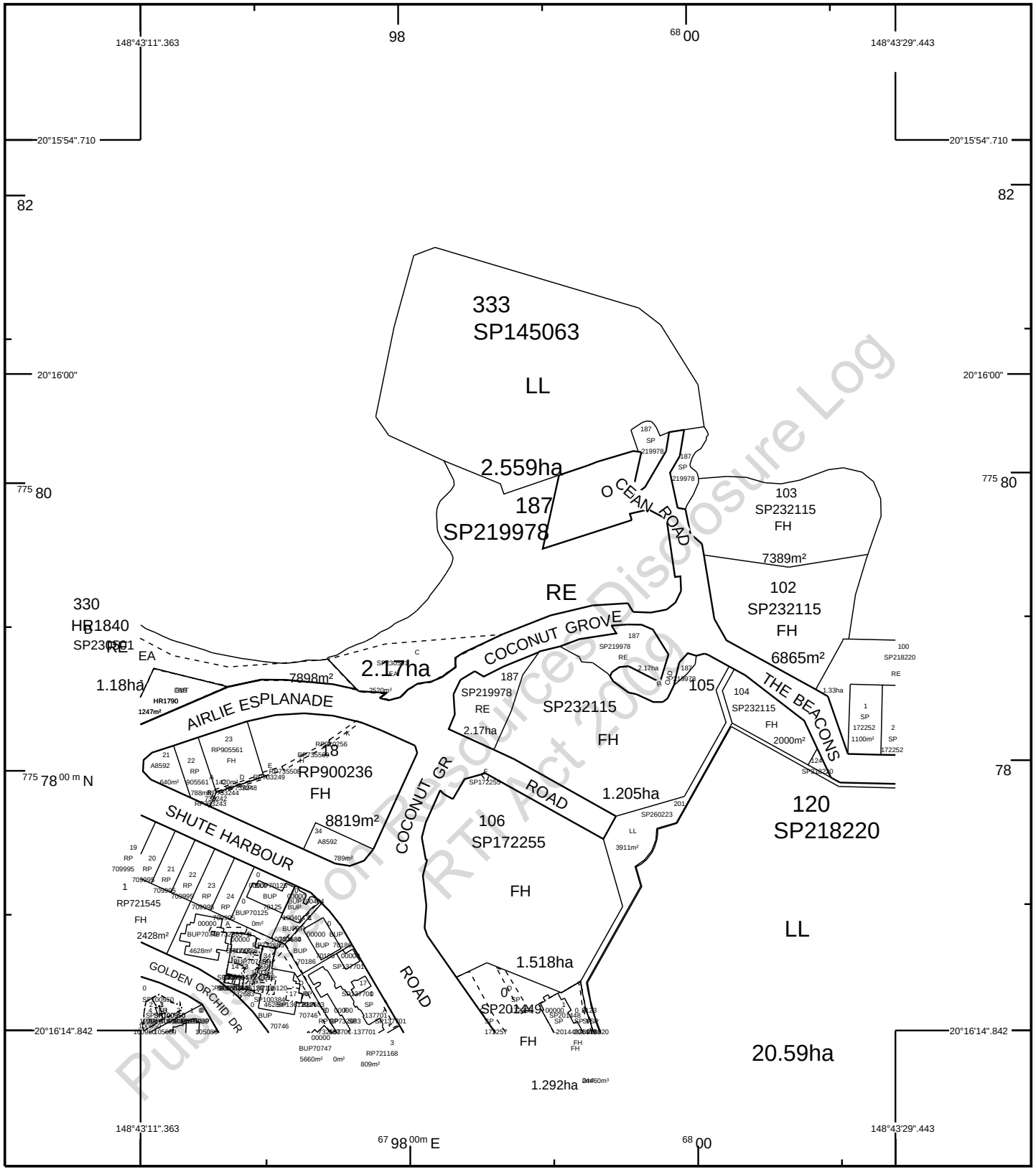
Document Type	Title	Received/Sent
Outgoing email	Acknowledgement Letter	20-Feb-2020

Interaction Record History

Service Centre:	Townsville
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Major, Tracy sch4p
Date:	20-Feb-2020
Details:	

Assignment History

Published on Resources Disclosure Log RTI Act 2009



Public Search of Resources Disclosure Log
RTI Act 2009

STANDARD MAP NUMBER
8657-31113

0 75 150 226 301 377 m

HORIZONTAL DATUM:GDA94 ZONE:55 SCALE 1 : 3773

MAP WINDOW POSITION & NEAREST LOCATION

148°43'20".403
20°16'04".776
AIRLIE BEACH
0.75 KM

SUBJECT PARCEL DESCRIPTION

DCDB

Lot/Plan	187/SP219978
Area/Volume	2.17ha
Tenure	RESERVE
Local Government	WHITSUNDAY REGIONAL
Locality	AIRLIE BEACH
Segment/Parcel	61453/277

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 20/02/2020

DCDB 19/02/2020

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SmartMap

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Based upon an extraction from the Digital Cadastral Data Base

Queensland Government

(c) The State of Queensland, (Department of Natural Resources, Mines and Energy) 2020.

GDA

INTERNAL CURRENT RESERVE SEARCH
NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Search Date: 20/02/2020 10:33 Title Reference: 49022965
Date GAZETTED: 01/11/1947
PAGE: 1340

Opening Ref: SG 47-33896
Purpose: RECREATION
Sub-Purpose:
Local Name:
Address: AIRLIE
County (R) No: R281
File Ref: RES 7830

TRUSTEES

WHITSUNDAY REGIONAL COUNCIL GAZETTED ON 01/11/1947 PAGE 1340

LAND DESCRIPTION

LOT 187 SURVEY PLAN 219978 AMENDED on 25/11/2008
Local Government: WHITSUNDAY

Area: 2.170000 Ha. (ABOUT)

EASEMENTS AND ENCUMBRANCES

1. EASEMENT IN GROSS No 712950229 21/12/2009 at 12:02
burdening the land
WHITSUNDAY REGIONAL COUNCIL
over
EASEMENT C ON SP230501
Lodged at 12:02 on 21/12/2009 Recorded at 10:07 on 18/01/2010

2. EASEMENT IN GROSS No 712984486 11/01/2010 at 13:49
burdening the land
ERGON ENERGY CORPORATION LIMITED A.C.N. 087 646 062
over
EASEMENT C ON SP230501
Lodged at 13:49 on 11/01/2010 Recorded at 10:07 on 18/01/2010

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status	Location
719058011	LAND NOTICE SEC 48 (2) LAND ACT 1994	22/10/2018 11:36	CUR	MY-GEN -00

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **

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eLVAS Client Interaction Report
For Interaction id: 1769083

Contact Details

Business unit:	State Land Asset Management
Business context:	Verbal (Outwards) General
Interaction method:	Email
Interaction date:	20-Feb-2020 10:32 AM
Entered by:	Major, Tracy sch4p4
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	Who to contact for application fee	20-Feb-2020

Interaction Record History

Service Centre:	Townsville
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Major, Tracy sch4p4(
Date:	20-Feb-2020
Details:	

Assignment History

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eLVAS Client Interaction Report
For Interaction id: 1769080

Contact Details

Business unit:	State Land Asset Management
Business context:	Written (Inwards) Case
Interaction method:	Email
Interaction date:	20-Feb-2020 10:29 AM
Entered by:	Major, Tracy sch4p
Reference:	
Contact with:	McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Application	Application forms + plan	20-Feb-2020

Interaction Record History

Service Centre:	Townsville
Associated to Case:	2020/010400
Revision No.:	0
Updated by:	Major, Tracy sch4p4
Date:	20-Feb-2020
Details:	

Assignment History

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Date : 20/02/2020 3:44:05 PM
From : "SMITH Wedeena"
To : "GABRIEL Carey" , "SCOTT Kelly"
Cc : "SANDER Errol"
Subject : FW: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Attachment : image001.jpg;image002.jpg;image003.jpg;

Ladies

As discussed I called sch4p4 back and advised him that there was no possibility that an offer could be sent out in the requested timeframe. I let him know that it would normally be 12 to 18 months before we get an offer out on an application like this. I indicated I was aware from previous discussions from Council of the priority of the action (dating from a few years ago when the Land Management Plan for the Airlie Foreshore has been negotiated and signed off). I let sch4p4 know that if Council had any additional information that we should consider to prioritise the case to please let us know ASAP.

Regards
Wedeena Smith
Principal Land Officer, State Land Asset Management
Telephone (07) 4999 6914 or 23914
Email wedeena.smith@dnrme.qld.gov.au
www.dnrme.qld.gov.au
Department of Natural Resources, Mines and Energy
Level 1, 44 Nelson Street, PO Box 63 MACKAY QLD 4740



From: sch4p4(6) P | McKays Solicitors <sch4p4@mckayslaw.com>
Sent: Thursday, 20 February 2020 10:30 AM
To: SCOTT Kelly
Cc: sch4p4(6) Pe | McKays Solicitors
Subject: RE: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921

Hi Kelly

I know you have heavy workloads and this might be almost impossible (and we are practically asking for you to pull a rabbit out of your hat)…… Council have advised they ideally need an answer on the application by 26 February, 2020 prior to the next Council meeting. I presume by this that they mean the application acceptance from DNRME ……..and that the actual titling process for road opening can follow thereafter (and they don't expect the matter to be fully finalised & road opened in a week).

Any chance on this happening ?

Regards

sch4p4(6) Per **McKays Solicitors**
Senior Solicitor

McKays Solicitors Unique Focus

McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay QLD 4740
PO Box 37, Mackay QLD 4740
P 07 4968 5452 F +61 7 4963 0889 E sch4p4@mckayslaw.com

www.mckayslaw.com

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From: SCOTT Kelly <Kelly.Scott@dnrme.qld.gov.au>
Sent: Thursday, 20 February 2020 10:19 AM
To: sch4p4(6) P | McKays Solicitors sch4p4(@mckayslaw.com>
Subject: RE: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921

sch4p4

Please advise the timeframe that Council requests the matter to be finalised.

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The survey plan will form part of a formal offer should the application be approved.

Regards

Kelly Scott
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6864 (QNET 23864)
E: Kelly.Scott@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740 | PO Box 63, Mackay, Q 4740
W: www.dnrme.qld.gov.au



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RTI Act 2009

From: sch4p4(6) P| McKays Solicitors <sch4p4 mckayslaw.com>
Sent: Thursday, 20 February 2020 9:43 AM
To: GABRIEL Carey; SCOTT Kelly
Cc: sch4p4(6) Pe| McKays Solicitors; 'Neil McGaffin'; Billie Davis
Subject: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Importance: High

Good morning Carey & Kelly,

We act on behalf of Whitsunday Regional Council ("Council") and are lodging this application to dedicate state land as a road on their behalf. We note that the land is currently held by Council as trustee for recreation purposes. We also further note that the area in question has been severed from the majority of the recreational reserve Lot 187 by Coconut Grove and take the view that the impact on the reserve is minimal. Council have advised that this road opening is urgently required to give effect to planning approval requirements for the vital economic development of the Airlie Beach Precinct. Whilst Council are conscious of the workloads of your department, Council hereby request that this matter be urgently considered and expedited, so that the road opening can occur as a matter of priority.

Please find **attached**:

1) Form LA00 – Contact and Land Details – Part A;
2) Form LA17 – Application to dedicate state land as road – Part B;
3) Annexure to LA17 (due to insufficient space within form);
4) Copy of Title search for the current recreational reserve Lot 187; and
5) Preliminary survey plan SP316921 depicting the areas of new road (subject to minor amendment for surveying purposes).

Items 1 to 3 are in the single attachment.

We will arrange for payment of the **$286.70** application fee by credit card over the phone by Council. We understand Billie Davis from Council will call you direct on 07 4999 6864 to make payment.

Please do not hesitate to contact sch4p4(6) P or sch4p4(6) P of our office if you require any additional information.

We look forward to finalising this matter with you and Council urgently, so that the registration of SP316921 for road opening can occur in the immediate future.

If there is anything our office or Council can do to expedite the road opening process, please kindly advise. Whilst you are progressing the application, we will continue to liaise with Council in relation to the execution of the final survey plan, which we will then present to DNRME for processing and registration

Kind Regards

sch4p4(6) Pers **McKays Solicitors**
Senior Solicitor

McKays Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay QLD 4740
PO Box 37, Mackay QLD 4740
P 07 4968 5452 F +61 7 4963 0889 E sch4p@mckayslaw.com

www.mckayslaw.com

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Date : 20/02/2020 11:19:16 AM
From : "SLAM Lodgement"
To : "sch4p4(6) Per| McKays Solicitors'" , "'Jessica.Yuskan@whitsundayrc.qld.gov.au'"
Cc : "GABRIEL Carey" , "SCOTT Kelly"
Subject : RE: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Attachment : image003.jpg;image004.jpg;image005.jpg;

Thank you for lodging your application under *the Land Act 1994* with the Department of Natural Resources, Mines & Energy.

Your application has been received and the department has commenced assessing it.

The case reference number is 2020/010400.

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

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

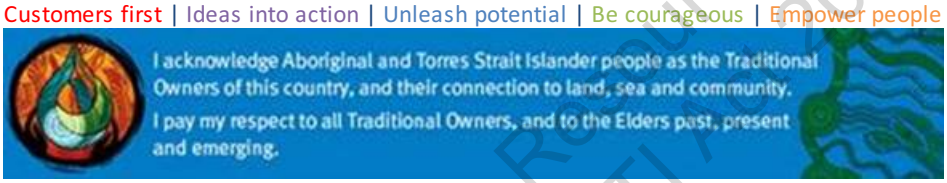
The department encourages the use of electronic correspondence and any hard copy correspondence received is electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps are no larger than 4MB and A3-sized.

For more information about land tenure applications please contact your nearest DNRM business centre or call 13 QGOV (13 74 68)

Tracy Major
CPL Co-Ordinator | Central Point of Lodgement (CPL)
State Land Asset Management | North Region
Department of Natural Resources, Mines and Energy

P 07 4447 9167
9th Floor Verde Tower, 445 Flinders Street, Townsville
PO Box 5318, TOWNSVILLE QLD 4810
Email: Tracy.Major@dnrme.qld.gov.au
General Enquiries: Townsville.SLAMS@dnrme.qld.gov.au
CPL- State Land Applications: SLAMlodgement@dnrme.qld.gov.au

Customers first | Ideas into action | Unleash potential | Be courageous | Empower people



From: sch4p4(6) Pe McKays Solicitors <sch4p4@mckayslaw.com>
Sent: Thursday, 20 February 2020 10:21 AM
To: SCOTT Kelly; SLAM Lodgement; 'Jessica.Yuskan@whitsundayrc.qld.gov.au'
Cc: Billie Davis; sch4p4(6) Per McKays Solicitors; GABRIEL Carey
Subject: RE: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921

Thanks Kelly – appreciated.

Hi SLAM Lodgement,

Further to below and attached, can you please call Jessica Yuskan of Council on 07 4945 0258 in relation to payment of the application fee.

Regards

sch4p4(6) Per| **McKays Solicitors**
Senior Solicitor

McKays Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay QLD 4740
PO Box 37, Mackay QLD 4740
P 07 4968 5452 F +61 7 4963 0889 E sch4p4 mckayslaw.com

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From: SCOTT Kelly <Kelly.Scott@dnrme.qld.gov.au>
Sent: Thursday, 20 February 2020 10:02 AM
To: SLAM Lodgement <SLAMlodgement@dnrme.qld.gov.au>
Cc: sch4p4(6) P | McKays Solicitors sch4p4(mckayslaw.com>; Billie Davis <billie.davis@whitsundayrc.qld.gov.au>; sch4p4(6) Pe | McKays Solicitors sch4p4(mckayslaw.com>; GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Subject: FW: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Importance: High

Morning SLAM lodgement,

Please find attached an application for case creation, noting the urgency below.

Please contact the applicant for payment.

Regards
Kelly Scott
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6864 (QNET 23864)
E: Kelly.Scott@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740 | PO Box 63, Mackay, Q 4740
W: www.dnrme.qld.gov.au



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From sch4p4(6) Per McKays Solicitors < >
Sent: Thursday, 20 February 2020 9:43 AM
To: GABRIEL Carey; SCOTT Kelly
Cc: sch4p4(6) Pe | McKays Solicitors; 'Neil McGaffin'; Billie Davis
Subject: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Importance: High

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Please find **attached**:

1) Form LA00 – Contact and Land Details – Part A;
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3) Annexure to LA17 (due to insufficient space within form);
4) Copy of Title search for the current recreational reserve Lot 187; and
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Please do not hesitate to contact sch4p4(6) P or sch4p4(6) P of our office if you require any additional information.

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Kind Regards

sch4p4(6) Per **McKays Solicitors**

Senior Solicitor

McKays Solicitors Unique.Focus

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ORIGINAL NRM-LAIS

Queensland Government ABN: 59 020 847 551

Department of Natural Resources, Mines & Energy

RECEIPT

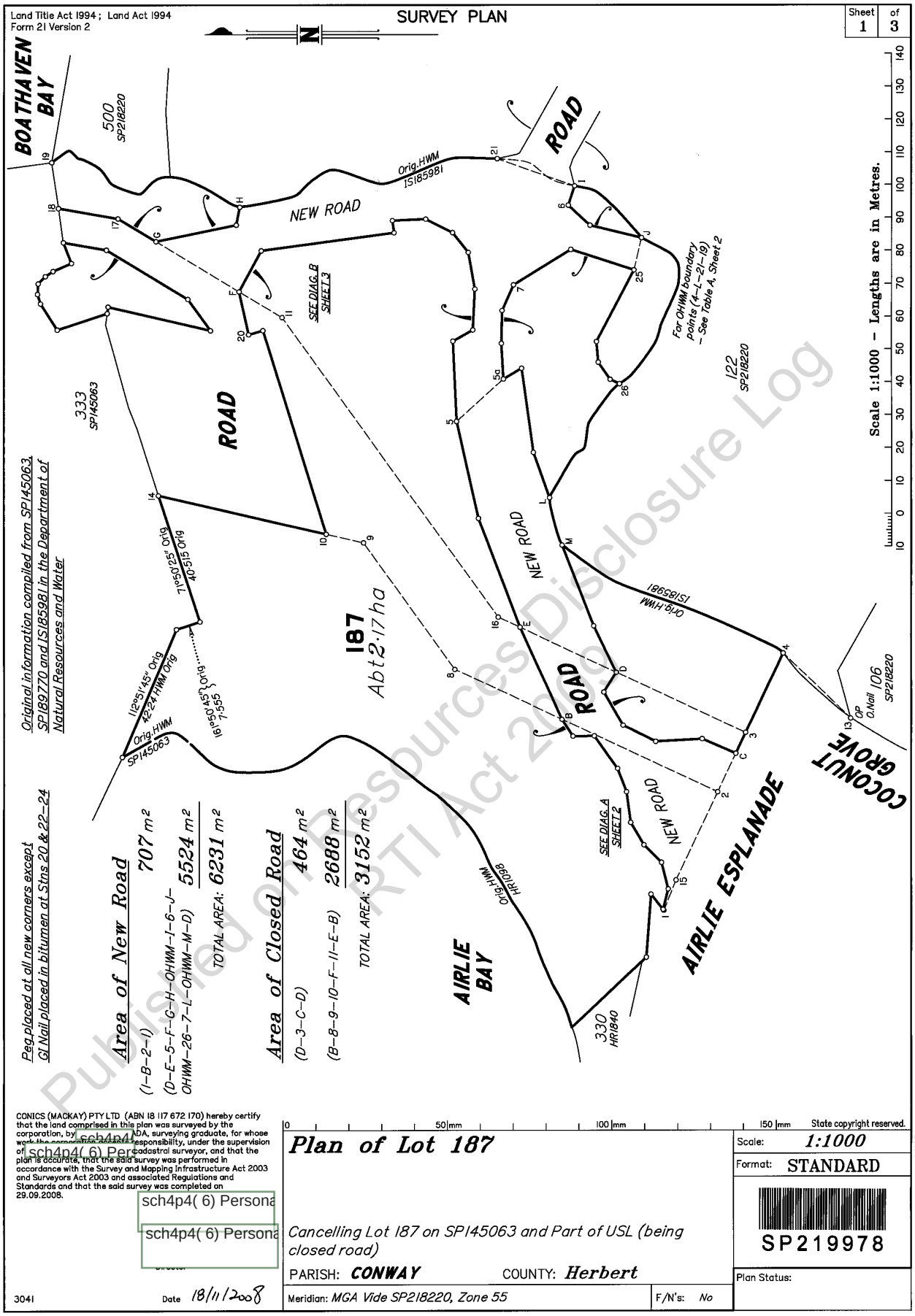
Received from: McKays Solicitors No.: 2526200
ABN/Address: 2020/010400

Description	Qty	Unit Val	Extended	Discount	Ext Value	GST	Total Price
APPLICATION OPEN/CLOSE ROAD-LA20	1	286.70	286.70	0.00	286.70		286.70

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Date: 20/02/20	Time: 10:53	DVISA	286.70	Tot Value:	286.70
				GST:	0.00
Brch: nrmtown	SPer: tzm			Tot Price:	286.70
				Tendered:	286.70
CYC: 65242	Reg: 36	Tendered	286.70	Change:	0.00

Cheques or other negotiable instruments accepted subject to clearance.



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712060806

NO FEE
20/11/2008 15:26

BE 495

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

Registered

5. Lodged by
DEPT OF NATURAL RESOURCES & WATER
LYNETTE McDOUGALL
BE2268
(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We .....

.....

.....

.....

.....

(Names in full)

*as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

*as Lessees of this land agree to this plan.

.....

Signature of *Registered Owners *Lessees

* Rule out whichever is inapplicable

6.

Existing		Created				
Title Reference	Description	New Lots	Road	Emts	Cov.	Profit a prendre
49022965	Lot 187 on SP145063	187	New Road	——	——	——

2. Local Government Approval.

*.....

hereby approves this plan in accordance with the :

%

Dated this..... day of .....

..... #

..... #

* Insert the name of the Local Government.
Insert designation of signatory or delegation
% Insert Integrated Planning Act 1997 or Local Government (Planning & Environment) Act 1990

Lots	Orig

7. Portion Allocation :

8. Map Reference :
8657-31113

9. Locality :
Airlie Beach

10. Local Government :
WHITSUNDAY R.C.

11. Passed & Endorsed :
CONICS (MACKAY) PTY LTD
By : ABN 18 117 672 170
Date : 18/11/2008
Signed : sch4p4(6) Pers
Designation : Cadastral Surveyor/Director

12. 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

13. Lodgement Fees :

Survey Deposit	$269.90
Lodgement	$.....
.....New Titles	$.....
Photocopy	$.....
Postage	$.....
TOTAL	$269.90

CAIS RECEIPT 3721884

14. Insert Plan Number **SP219978**

3. Plans with Community Management Statement :
CMS Number :
Name :

4. References :
Dept File : 2008/002096
Local Govt :
Surveyor : 3041

Published on Resources Disclosure Log RTI Act 2009

Land Title Act 1994; Land Act 1994
Form 21A Version 1

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST	
1	O.Nail in bit gone	8/SP145063	188°15'45"	0·205	
1	O.Nail in kb	8/SP145063	39°47'45"	4·85	
3	O.Nail in kb	35/SP218220	243°28'	27·995	(New Conn)
4	Nail in conc. drain		194°22'20"	188.79	
4	Screw in conc. path		178°22'	304.895	
5	Screw in conc		298°46'	18·975	
8	OIP	16/SP145063	222°21'45"	1·21	
8	GI Nail in pavers		355°44'	9·628	
9	OIP gone	29/SP145063	12°58'45"	10·305	
11	OIP	22/SP145063	236°55'45"	1·755	
12	O.Nail in kb	9/SP145063	264°46'45"	1·847	
12	Screw in conc.		294°45'20"	31.41	
13	O.Nail in kb	32a/SP218220	303°22'20"	35·252	
14	O.Spike in kb	30/SP145063	224°58'45"	4·035	
14	OIP gone	30/SP145063	252°58'45"	6·16	
16	O.Nail in conc gone	17/IS185981	88°07'30"	26·305	
17	OIP	25/SP145063	251°20'45"	2·45	
17	O.Nail in boat ramp	25/IS185981	202°0'	20·635	
18	OIP	27/IS185981	340°33'	11·605	
18	O.Nail in rock	27/IS185981	358°06'	15·105	
21	OIP	25/SP218220	257°52'	1·49	
25	Pin		124°08'	7·325	
26	Pin		275°27'	2·38	

PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO	
12–OPM	IS87910	271°25'20"	314·185	96453	New Conn.
14–OPM	32/SP145063	47°55'25"	30·505	27960	New Conn.
15–OPM	34/SP218220	326°52'10"	33·785	176569	
21–OPM	3/DP144391	167°10'50"	960.255	138198	New Conn.
21–OPM	5/SP172260	160°03'	1203.86	96448	New Conn.

DIAGRAM A
Scale 1:500

AIRLIE BAY

Orig.HWM HR1098

187

330 HR1840

3/IS185981 HWM Orig 316°44'05" Orig

No O.Mk

19·292 274°15'05"

51°46'05" 5·925

No O.Mk 0.Nail gone 0.Nail

O.GI.Nail at stn O.Nail OPM (New Conn)

284°01'25" 6·436

225°16'50" 7·59

7·923 239°28'50"

9·422 262°15'25"

7·63 249°05'10"

12·186 234°29'20"

255°52'50" 8·362

O.GI.Nail at stn OPM

NEW ROAD

No O.Mk 2

AIRLIE ESPLANADE

No O.Mk 8 OIP

No O.Mk 0.Nail gone 16

35·545 249°10'

SEE DIAG. B SHEET 3

NEW ROAD

30·852 245°32'40"

237°15'35" 6·176

179°17'10" 6·485

ROAD

68°40'35" 26·417 OHWM

64°04'55" 15·725

121°45'20" 7·172

59°48'55" 11·645

28°47'55" 11·1

356°48'05" 14·125

239°16'40" 11·13

7·0

No O.Mk 0.Nail (New Conn) 4–C

4–C (33·83) OHWM 295°08'45"

No O.Mk Peg pld

Orig.HWM IS185981

122 SP218220

ADDITIONAL SHEET

N

Scale 1:500 – Lengths are in Metres.

5 0 5 10 15 20 25 30 35 40 45 50 55 60 65 70

TABLE A

	ORIG HWM POINTS		
(4)	53°37'15"	1·565	
	24°48'41"	28·221	
	18°10'18"	26·303	
	36°34'53"	19·466	(M)
(M)	36°34'53"	0·54	
	76°38'48"	14·582	(L)
(L)	119°17'38"	15·45	
	159°19'05"	3·561	
	95°21'29"	7·979	
	126°06'56"	13·119	
	146°57'30"	2·3	(26)
(26)	146°57'30"	4·142	
	127°12'43"	12·969	
	102°27'13"	5·685	
	115°05'11"	13·026	
	91°01'33"	6·574	
	52°28'28"	4·187	
	27°05'05"	10·072	(J)
(J)	49°32'04"	11·924	
	40°51'08"	8·843	
	9°01'51"	5·996	(I)
(I)	9°01'51"	7·357	
	47°19'40"	9·265	
	2°17'27"	10·012	(21)
(21)	2°17'27"	12·324	
	346°01'15"	4·607	
	336°14'59"	19·767	
	22°06'28"	15·28	
	343°09'05"	3·659	
	324°30'16"	6·172	
	310°18'15"	5·591	
	350°05'59"	17·422	(H)

TABLE A (CONTINUED)

	ORIG HWM POINTS		
(H)	18°34'52"	2·757	
	32°31'38"	8·977	
	23°36'03"	8·864	
	359°57'20"	5·593	
	330°15'19"	3·167	
	310°34'52"	5·511	
	19°38'35"	9·395	
	59°15'11"	6·132	
	25°55'29"	6·749	
	352°36'45"	0·935	
	48°10'47"	3·856	
	323°54'49"	6·736	(19)

TRAVERSES ETC

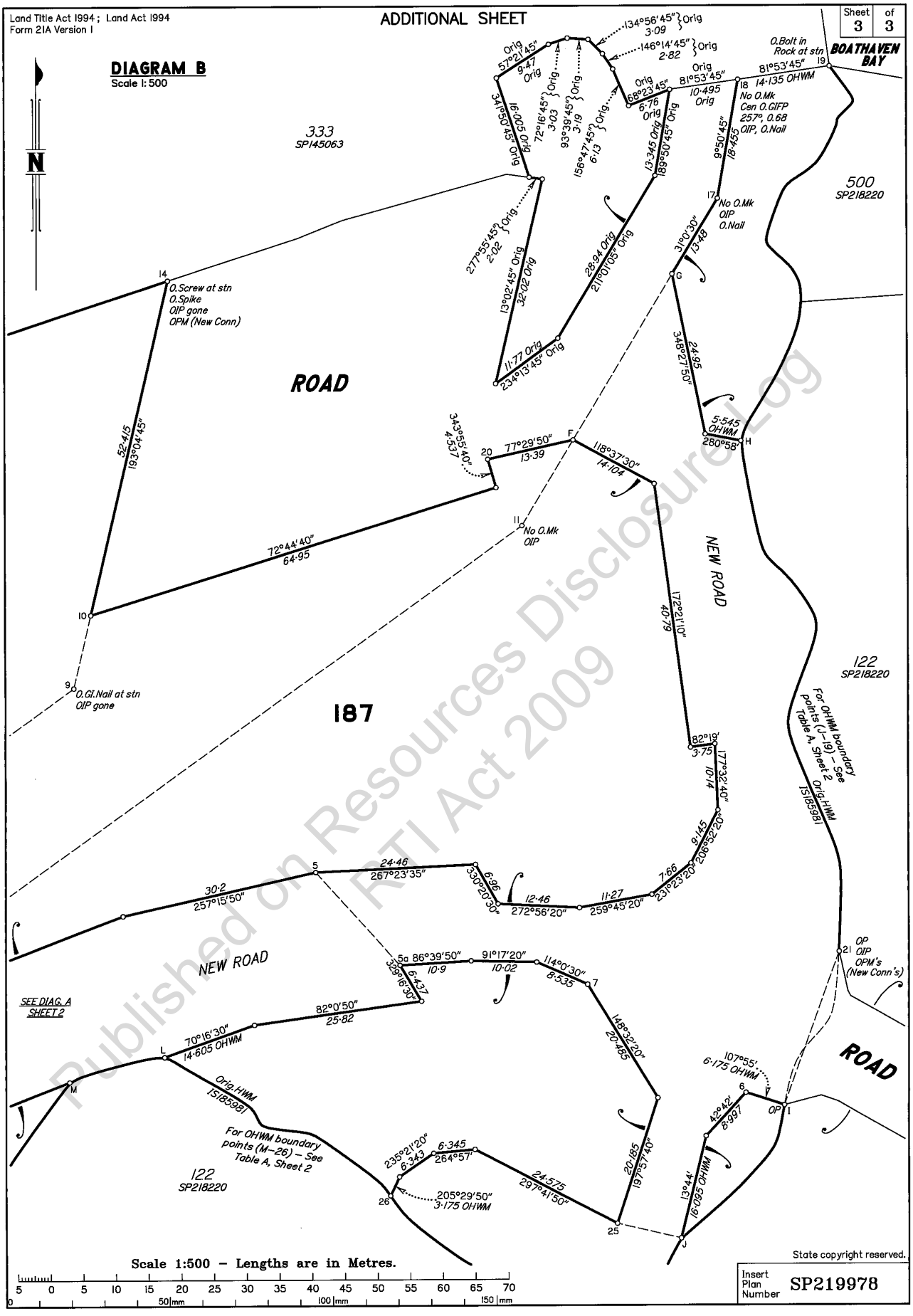
LINE	BEARING	DISTANCE
1–15	111°52'45"	9·94
1–24	51°46'05"	0·37
2–B	25°09'	52·26
2–C	115°08'45"	13·0
2–15	295°08'45"	29·74
3–D	25°08'45"	43·4
4–13	224°08'35"	28·57
5–5a	137°56'40"	19·2
8–B	205°09'	36·025
8–9	54°13'45"	47·515
9–10	13°04'45"	11·65
11–16	234°13'45"	112·49
11–F	31°0'30"	15·27
16–E	205°08'45"	7·33
21–1	199°33'40"	24·99
25–J	103°07'30"	10·09
D–E	25°08'45"	32·36
F–G	31°0'30"	29·5

Insert Plan Number SP219978

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Uncontrolled on Resources Disclosure Log RTI Act 2009

Sheet 2 of 3



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Date : 20/02/2020 10:21:18 AM
From : sch4p4(6) Perso **McKays Solicitors"**
To : "SCOTT Kelly" , "SLAM Lodgement" , "'Jessica.Yuskan@whitsundayrc.qld.gov.au'"
Cc : "Billie Davis" , sch4p4(6) Perso **McKays Solicitors" , "GABRIEL Carey"**
Subject : RE: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Attachment : QLD Title 49022965.pdf;200207 SP316921 Preliminary.pdf;20022020092727-0001.pdf;image001.jpg;image002.jpg;
Thanks Kelly ☺ appreciated.

Hi SLAM Lodgement,

Further to below and attached, can you please call Jessica Yuskan of Council on 07 4945 0258 in relation to payment of the application fee.

Regards

sch4p4(6) Per **McKays Solicitors**
Senior Solicitor

McKays Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay QLD 4740
PO Box 37, Mackay QLD 4740
P 07 4968 5452 F +61 7 4963 0889 E sch4p@mckayslaw.com

www.mckayslaw.com

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From: SCOTT Kelly <Kelly.Scott@dnrme.qld.gov.au>
Sent: Thursday, 20 February 2020 10:02 AM
To: SLAM Lodgement <SLAMlodgement@dnrme.qld.gov.au>
Cc sch4p4(6) Per McKays Solicitors sch4p4(mckayslaw.com>; Billie Davis <billie.davis@whitsundayrc.qld.gov.au>; sch4p4(6) Pe McKays Solicitors sch4p4(mckayslaw.com>; GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Subject: FW: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Importance: High

Morning SLAM lodgement,

Please find attached an application for case creation, noting the urgency below.

Please contact the applicant for payment.

Regards
Kelly Scott
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6864 (QNET 23864)
E: Kelly.Scott@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740 | PO Box 63, Mackay, Q 4740
W: www.dnrme.qld.gov.au

DNRME

From: sch4p4(6) Pe McKays Solicitors < >
Sent: Thursday, 20 February 2020 9:43 AM
To: GABRIEL Carey; SCOTT Kelly
Cc sch4p4(6) Pers McKays Solicitors; 'Neil McGaffin'; Billie Davis
Subject: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Importance: High

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Good morning Carey & Kelly,

We act on behalf of Whitsunday Regional Council (Council) and are lodging this application to dedicate state land as a road on their behalf. We note that the land is currently held by Council as trustee for recreation purposes. We also further note that the area in question has been severed from the majority of the recreational reserve Lot 187 by Coconut Grove and take the view that the impact on the reserve is minimal. Council have advised that this road opening is urgently required to give effect to planning approval requirements for the vital economic development of the Airlie Beach Precinct. Whilst Council are conscious of the workloads of your department, Council hereby request that this matter be urgently considered and expedited, so that the road opening can occur as a matter of priority.

Please find **attached**:

1. Form LA00 – Contact and Land Details – Part A;
2. Form LA17 – Application to dedicate state land as road – Part B;
3. Annexure to LA17 (due to insufficient space within form);
4. Copy of Title search for the current recreational reserve Lot 187; and
5. Preliminary survey plan SP316921 depicting the areas of new road (subject to minor amendment for surveying purposes).

Items 1 to 3 are in the single attachment.

We will arrange for payment of the **$286.70** application fee by credit card over the phone by Council. We understand Billie Davis from Council will call you direct on 07 4999 6864 to make payment.

Please do not hesitate to contact sch4p4(6) P or sch4p4(6) P of our office if you require any additional information.

We look forward to finalising this matter with you and Council urgently, so that the registration of SP316921 for road opening can occur in the immediate future.

If there is anything our office or Council can do to expedite the road opening process, please kindly advise. Whilst you are progressing the application, we will continue to liaise with Council in relation to the execution of the final survey plan, which we will then present to DNRME for processing and registration

Kind Regards

sch4p4(6) Pe | **McKays Solicitors**
Senior Solicitor

McKays Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay QLD 4740
PO Box 37, Mackay QLD 4740
P 07 4968 5452 F +61 7 4963 0889 sch4p4(mckayslaw.com

www.mckayslaw.com

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CURRENT RESERVE SEARCH
NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 33270779
Search Date: 17/02/2020 10:11 Title Reference: 49022965
Date GAZETTED: 01/11/1947
PAGE: 1340

Opening Ref: SG 47-33896
Purpose: RECREATION
Sub-Purpose:
Local Name:
Address: AIRLIE
County (R) No: R281
File Ref: RES 7830

TRUSTEES

WHITSUNDAY REGIONAL COUNCIL GAZETTED ON 01/11/1947 PAGE 1340

LAND DESCRIPTION

LOT 187 SURVEY PLAN 219978 AMENDED on 25/11/2008
Local Government: WHITSUNDAY

Area: 2.170000 Ha. (ABOUT)

EASEMENTS AND ENCUMBRANCES

1. EASEMENT IN GROSS No 712950229 21/12/2009 at 12:02
burdening the land
WHITSUNDAY REGIONAL COUNCIL
over
EASEMENT C ON SP230501

2. EASEMENT IN GROSS No 712984486 11/01/2010 at 13:49
burdening the land
ERGON ENERGY CORPORATION LIMITED A.C.N. 087 646 062
over
EASEMENT C ON SP230501

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
719058011	LAND NOTICE SEC 48 (2) LAND ACT 1994	22/10/2018 11:36	CURRENT

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **

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Requested By: D-ENQ GLOBAL X

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Land Title Act 1994; Land Act 1994
Form 21 Version 4

SURVEY PLAN

VERIS AUSTRALIA PTY LTD (ACN 615 735 727) hereby certify that the land comprised in this plan was surveyed by the corporation, by [S] [S] Graduate Surveyor, for whose work the corporation accepts responsibility, under the supervision of Gregory Kenneth Walker, [S] Registered Surveyor and Cadastral Surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 4/02/2020.

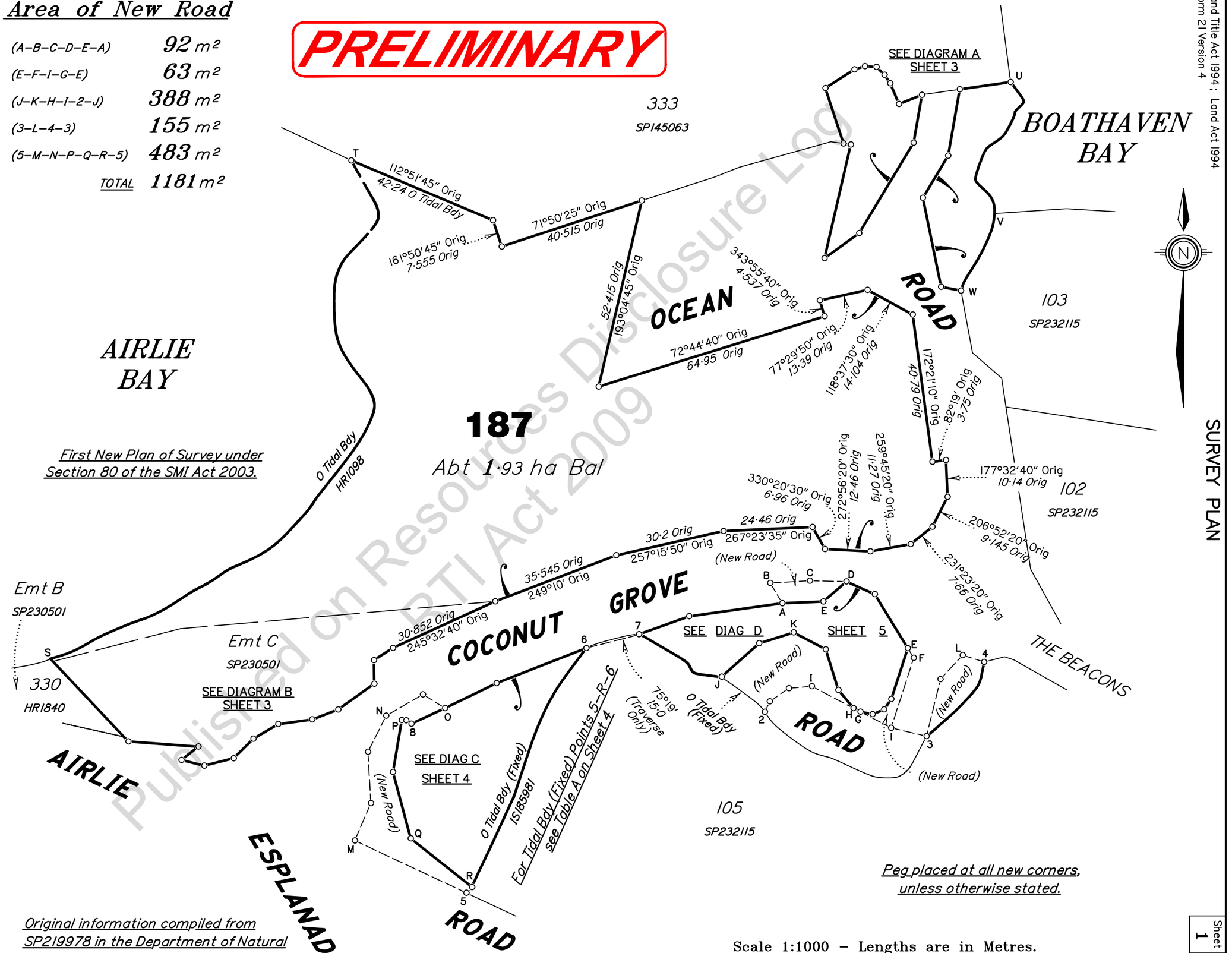
.....
Delegate

.....
Date

Area of New Road

(A–B–C–D–E–A)	92 m²
(E–F–I–G–E)	63 m²
(J–K–H–I–2–J)	388 m²
(3–L–4–3)	155 m²
(5–M–N–P–Q–R–5)	483 m²
TOTAL	1181 m²

PRELIMINARY



AIRLIE BAY

First New Plan of Survey under Section 80 of the SMI Act 2003.

Peg placed at all new corners, unless otherwise stated.

Original information compiled from SP219978 in the Department of Natural Resources, Mines & Energy.

Scale 1:1000 – Lengths are in Metres.

10 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140

Cancelling Lot 187 on SP219978

LOCAL GOVERNMENT: REGIONAL COUNCIL — LOCALITY: AIRLIE BEACH — WHITSUNDAY

Meridian: MGA Zone 55 wide SP232115

Survey Records: No

Scale: 1:1000

Format: STANDARD

0 50 mm 100 mm 150 mm

State copyright reserved.

Plan of Lot 187

SP316921
EN 16:43 13/2/18

Sheet 1 of 5

Published on Resources Disclosure Log RTI Act 2009

Land Title Act 1994 ; Land Act 1994
Form 21B Version 1

(Dealing No.)

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

5. Lodged by

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

1. Certificate of Registered Owners or Lessees.

I/We WHITSUNDAY REGIONAL COUNCIL .....

.....

.....

.....

.....

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

* as Lessees of this land agree to this plan.

.....
Signature of *Registered Owners *Lessees

PRELIMINARY

* Rule out whichever is inapplicable

2. Planning Body Approval.

* .....
hereby approves this plan in accordance with the :

%

Dated this ..... day of .....

..... #

..... #

* Insert the name of the Planning Body.
Insert designation of signatory or delegation
% Insert applicable approving legislation.

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :

Local Govt :

Surveyor : 400725

6.

Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
49022965	Lot 187 on SP219978	187	New Rd	———

ENCUMBRANCE EASEMENT ALLOCATIONS

Easement	Lots to be Encumbered
712950229 (Emt C on SP230501)	187
712984486 (Emt C on SP230501)	187

EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS

Administrative Advice	Lots to be Encumbered
719058011 (LAND NOTICE)	187

PHYSICAL FEATURE BOUNDARY REPORT SP316921

First Plan of Survey of a Tidal Watercourse Boundary under Sections 80 of the SMI Act 2003 .

The purpose of the survey is to open new road in five new locations around Coconut Grove.

Two new right line boundaries intersect the Original Tidal boundary at Stns R and J.

Definition of the Tidal Watercourse Boundary.

The natural feature at locations 5–R–6, 7–J–2, 3–4, and U–W was defined as HWM on ISI85981. Similarly the natural feature between stations S–T was defined as HWM on HR1098.

The natural feature at locations 5–R–6, 7–J–2, 3–4, and W–V has been affected by sudden change due to land reclamation and is now fixed.

The location of the boundary is consistent with section 108(4) and section 108(5) as the original feature is adopted and therefore in accord with the feature adopted on C124185.

Compiled Plan

The location of the boundary at law between stations S–T and U–V is consistent with the location of the boundary depicted on HR 1098 and ISI85981 respectively. The position of the original tidal boundary has been inspected on site and compared to rectified imagery and no significant differences have been found.

The location of the boundary between stations 5–R–6, 7–J–2, and 3–4 has been subject to sudden change. Therefore its position has been compiled based on its last reliable known position.

REINSTATEMENT REPORT SP316921

- *Original reference marks found at Stns 2, 4, 5 & 6.*
- *All original corners have been reinstated by original bearings and distances as shown on SP219978 based.*

Lots	Orig

7. Orig Grant Allocation :

8. Passed & Endorsed :

By : VERIS AUSTRALIA PTY LTD
Date :
Signed :
Designation : Delegate

9. 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

10. Lodgement Fees :

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

11. Insert Plan Number SP316921

400725

Published on Resources Disclosure Log RTI Act 2009

Land Title Act 1994 ; Land Act 1994
Form 21 Version 4

SURVEY PLAN

Sheet 3 of 5

DIAGRAM A
Scale 1:500

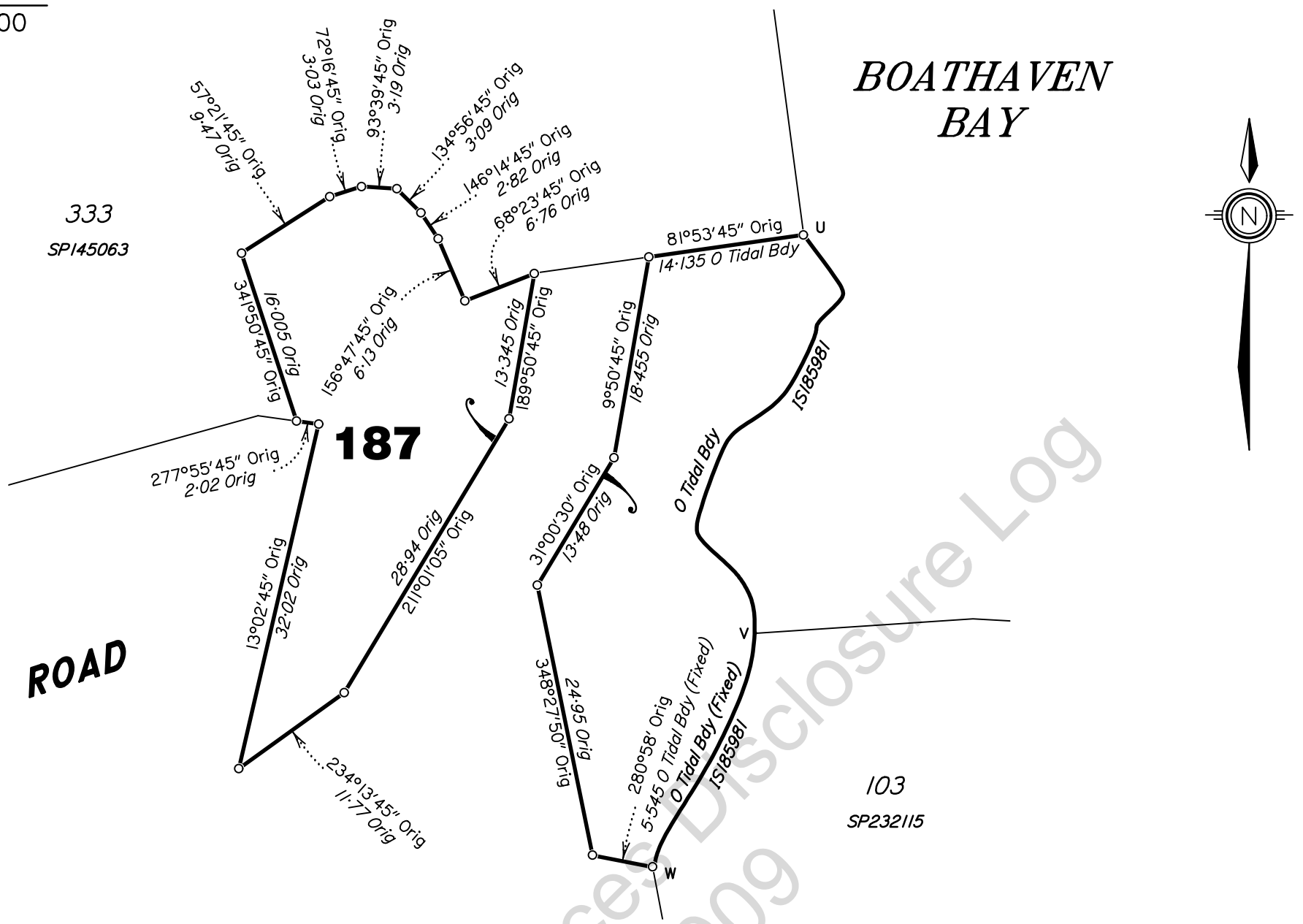
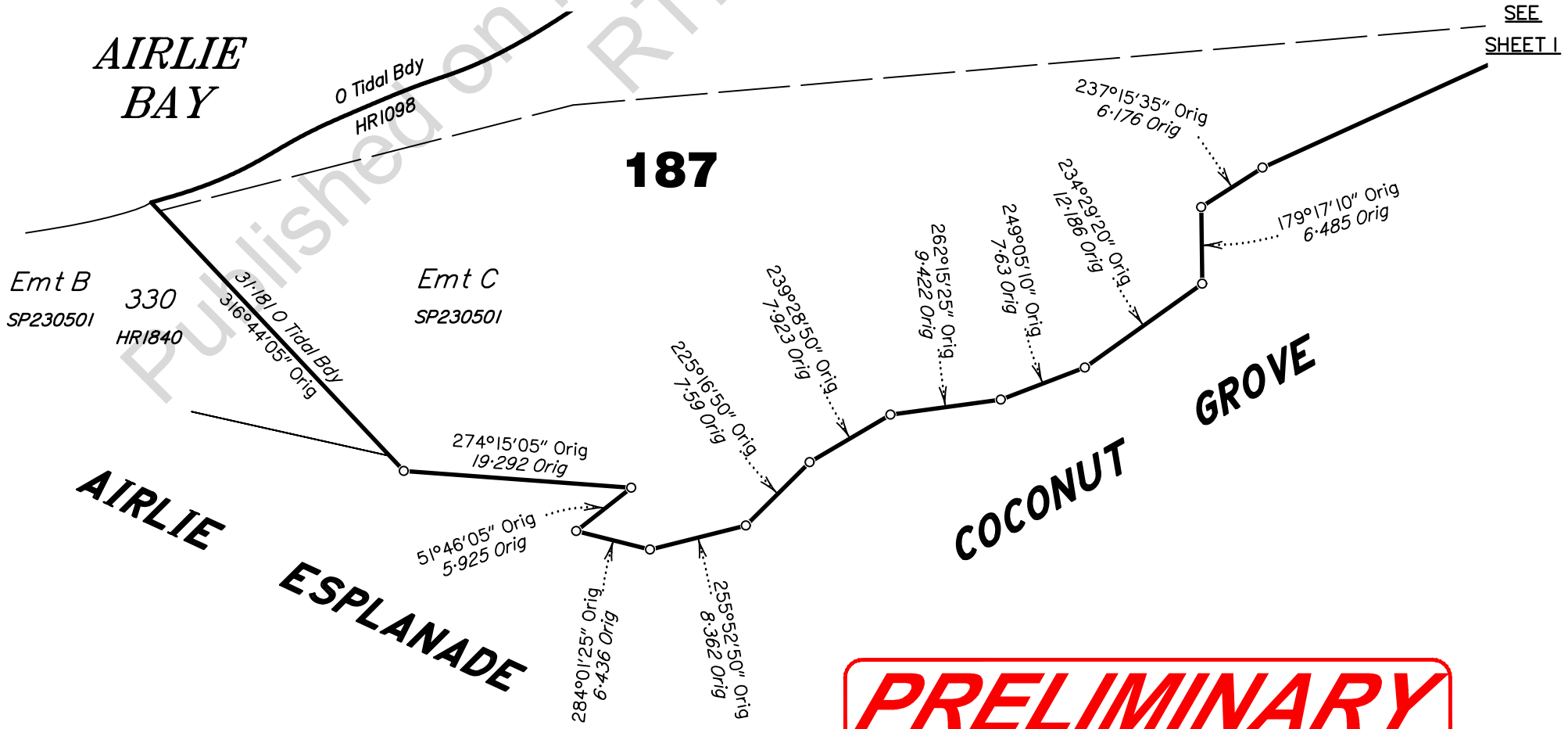


DIAGRAM B
Scale 1:500



PRELIMINARY

Scale 1:500 – Lengths are in Metres.

5 0 5 10 15 20 25 30 35 40 45 50 55 60 65 70
0 50mm 100mm 150mm

Insert Plan Number SP316921

400725

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SURVEY PLAN

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST	
1	OIP gone	25/SP219978	124°08′	7·325	
2	OIP	26/SP219978	275°27′	2·38	
3	O Screw in Kb gone	6/DP172251	7°40′	17·288	
4	O Screw in Kb gone	26/DP172251	6°53′	4·965	
4	O Screw in Conc	21a/SP260223	156°28′	49·265	New Conn
5	O Screw in Sew M/H	32/DP172251	93°22′	4·762	
6	Screw Fd in Conc Path		75°43′20″	6·415	
8	Screw in Conc		199°29′30″	3·52	

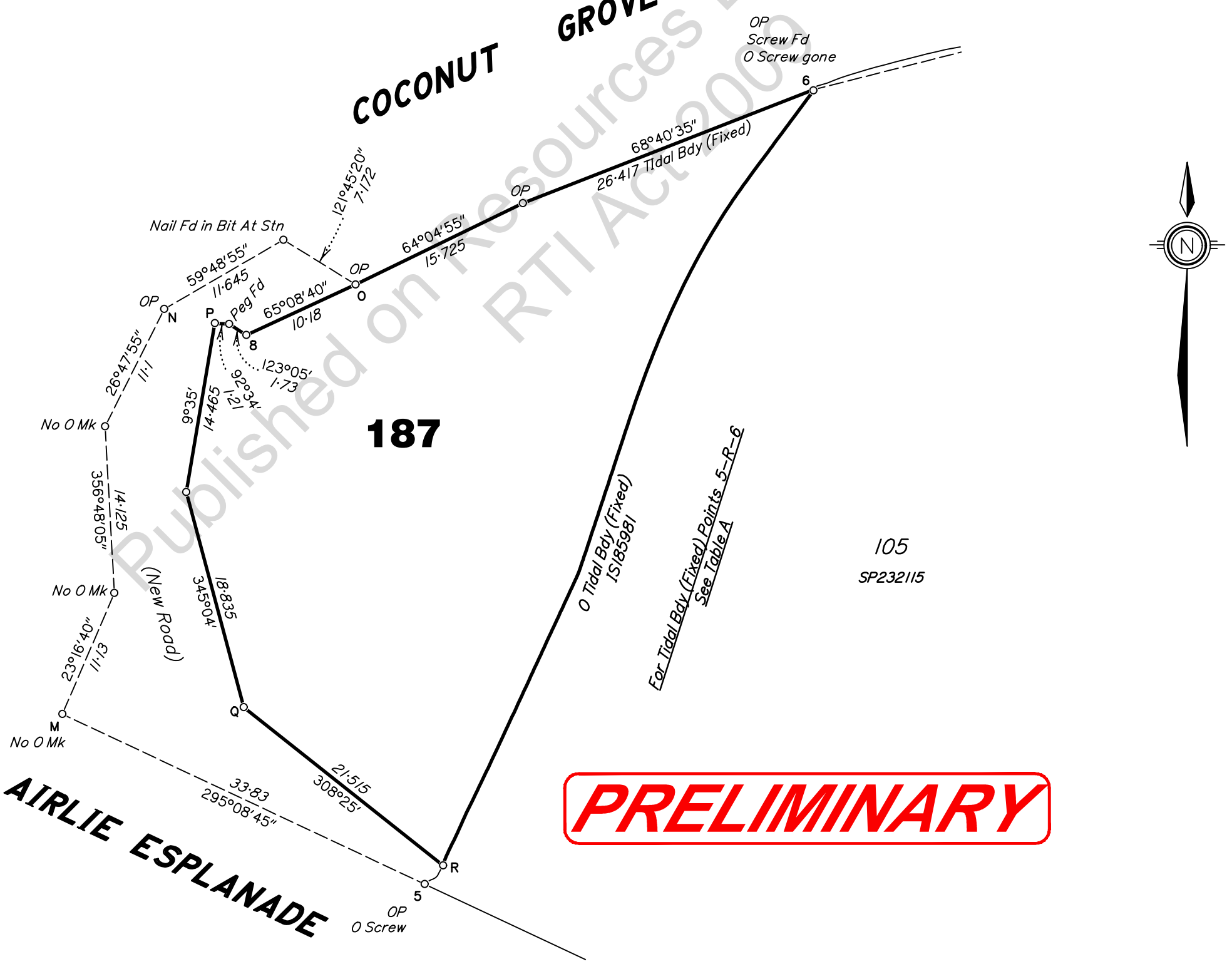
PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO
26–OPM	30/DP172251	342°57′50″	28·865	180749

TABLE A

	ORIGINAL TIDAL BOUNDARY (FIXED) POINTS		
(2)	326°57′30″	2·3	
	306°06′56″	13·119	(J)
(J)	275°21′29″	7·979	
	339°19′05″	3·561	
	299°17′38″	15·45	(7)
(6)	216°34′53″	19·466	
	198°10′18″	26·303	
	204°48′41″	27·506	(R)
(R)	204°48′41″	0·715	
	233°37′15″	1·565	(5)

DIAGRAM C
Scale 1: 400



PRELIMINARY

Scale 1:400 – Lengths are in Metres.

5 0 5 10 15 20 25 30 35 40 45 50 55
0 50 mm 100 mm 150 mm

Insert Plan Number SP316921

400725

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DIAGRAM D

Scale 1: 300

SURVEY PLAN

COCONUT GROVE

187

105
SP232115

ROAD

SEE DIAG C
SHEET 4

Screw Fd in Conc at Stn
7
70°16'30"
14·605 Tidal Bdy (Fixed)
OP
82°00'50"
25·82
A
OP
87°37'20"
11·26
E Peg Fd
49°16'20"
8·39
D
OP
114°00'30"
8·535
OP
17·375
148°32'20"
OP Renwd
E
3·11
F No O Mk
No O Mk
B
86°39'50"
10·9
C
No O Mk
91°17'20"
10·02
329°16'30"
6·437
(New Road)

O Tidal Bdy (Fixed)
IS185981

For O Tidal Bdy (Fixed) Points 7–J–2
See Table A on Sheet 4

13·78
228°19'
9·94
252°41'50"
K
9·94
297°41'50"
342°41'50"
11·7
(New Road)
OP Renwd
J
O Tidal Bdy (Fixed)
IS185981
No O Mk
6·343
235°21'20"
No O Mk
6·343
264°57'
I
12·927
320°12'
6·465
2·133
H
G
297°41'50"
9·515
281°04'30"
3·433
247°49'40"
3·433
214°35'
3·433
197°57'40"
14·685
20·185
197°57'40"
(New Road)
No O Mk
OIP gone
I
103°07'30"
10·01
3
OP
No O Mk
Peg Pld
OIP
2
205°29'50"
3·175
13°44'
16·095
O Tidal Bdy (Fixed)
IS185981
For Tidal Bdy (Fixed) Points
3–4 See Table A on Sheet 4
OP
L
107°55'
6·175
No O Mk
Screw Pld in conc at Stn
OPM
O Screw
4
42°42'
8·997
No O Mk
(New Road)

PRELIMINARY

Scale 1:300 – Lengths are in Metres.

5 0 5 10 15 20 25 30 35 40 45

Insert Plan Number
SP316921

Sheet 5 of 5

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RTI Act 2009

Queensland Government

DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY

Application form
Contact and Land Details
Part A

Application form requirements

1. **Part A:** Contact and land details will need to be completed.
2. **Part B:** Application specific form will need to be completed.
3. Payment of the prescribed application fee, if relevant. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources, Mines and Energy (DNRME) website at <https://www.dnrme.qld.gov.au> or from a regional DNRME business centre).
4. If the application is not lodged by a solicitor, bank or consultant on behalf of the applicant, then all applicants must sign the declaration on the appropriate Part B application form.
5. All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.
6. Prior to lodging your application, the Department encourages the applicant to have a pre-lodgement meeting with a DNRME officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

Important information

7. All applications will be processed having regard to the requirements of the Land Act 1994 and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
8. All completed applications can be lodged with DNRME by sending information to the following email or postal addresses or in person at your local DNRME business centre.
9. **Email:**

   SLAMlodgement@dnrme.qld.gov.au

10. If lodging an application, all relevant Part B application forms must be signed and supporting documentation must be scanned and then emailed.
11. **Post:**

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

12. In terms of the *Right to Information Act 2009* interested parties may seek access to DNRME records and view relevant documents.
13. Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

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Contact details

Lodger Details and Mailing Address

A lodger is only required when a solicitor, bank, consultant lodges the application on behalf of the applicant.

Full Name(s)

Title	First name	Surname
sch4p4(6) Personal information		

Company name(s)

McKays NQ Pty Ltd

If a Corporation then record ☐ ACN ☐ ARBN ☑ ABN 85 604 643 709

Postal Address 34 Wood Street

Phone number (07) 4968 5452 **Mobile phone**

Email sch4p4(6 @mckayslaw.com

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Applicant(s) Details and Mailing Address

If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

Full Name(s)

Title	First name	Surname

Company name(s)

Whitsunday Regional Council

If a Corporation then record ☐ **ACN** ☐ **ARBN** ☑ **ABN** 63 291 580 128

Postal Address

52 Main Street, Proserpine

QLD 4800

Phone number (07) 4945 0275 **Mobile phone**

Email info@whitsundayrc.qld.gov.au

Future correspondence should be sent to ☑ Lodger ☐ Applicant

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

For further information refer to the Queensland Government website to determine if the applicant/s are a foreign person (acquirer) for AFAD >.
https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the *Duties Act 2001*? ☐ Yes **go to 3** ☑ No **go to 4**

Note – Under the *Duties Act 2001* an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD. For further details, please refer to the information on the Queensland Government website for Additional Foreign Acquirer Duty:-
https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad

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

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

4. Are the Applicant/s registered for GST **AND** acquiring the land for a creditable purpose? ☐ Yes ☑ No **go to 5**

Under the *Tax Administration Act (Cth) 1953* certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or refer to the ATO website https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/ or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

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

☐	Permit	☐	Lease
☐	Licence	☐	Unallocated State Land (USL)
☑	Trust Land Reserve/ Deed of Grant in Trust (DOGIT)	☐	Road
☐	Dealing Number (refer to **Item 6)**	☐	Other

go to 6

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

Schedule 1
You **must** enter either the Lot on Plan or Title Reference of the land for which the application is being lodged.

Lot	Plan	Title Reference
187	SP219978	49022965

go to 7

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

7. Enter additional details of the land

Dealing number

Tenure type: Reserve (Recreation) Tenure number

Local Government: Whitsunday Regional Council

Other details of land location (optional): County (R) No: R281
File Ref: RES 7830

go to 8

8. Have you participated in a pre-lodgement meeting with the department? ☐ Yes **go to 9** ☑ No

Please provide name of officer you spoke with and this department's associated reference.

DNRME Contact Officer

Prelodgement ID (eLVAS CI Ref)

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

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

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

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Queensland Government

DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY

Application to dedicate state land as road

Part B

Application form requirements

1. This application is to dedicate state land as road.

2. Read the respective Roads - Application to dedicate state land as road – Guide which includes the application requirements.

3. Payment of the prescribed application fee, if relevant. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources, Mines and Energy (DNRME) website at <https://www.dnrme.qld.gov.au> or from a regional DNRME business centre).

4. A drawing showing the information listed in the "application requirements" that are included in the Applying for a road closure guide.

5. Any additional information to support application.

6. **Part A:** Contact and land details form will need to be completed and submitted with your application.

7. Your application will not be considered as having been properly made unless all parts of this application form have been completed accurately, otherwise your application may be returned to you to complete.

Important information

8. When a road is set aside and dedicated as road, the land is open as a road for public use.

9. You may also be required to pay a purchase price for the dedication of state land as road and provide a plan of survey.

10. For opening and closing of road simultaneously refer to application form 'LA20 - Simultaneous Road Closure and Opening'.

11. If you require the dedication of freehold land as road your application should be made with the relevant local government.

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

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1.	The application is for dedication of road over:	☐ State Forest/National Park	**go to 3**
		☑ Reserve	**go to 2**
		☐ Lease	**go to 2**
		☐ Occupation Licence	**go to 2**
		☐ Unallocated State Land	**go to 3**
		☐ Freehold	**An application cannot be considered**

If you require the dedication of freehold land as road your application should be made with the relevant local government.

2.	Has the consent of the lessee, licensee or trustee been obtained?	☑ Yes	**go to 3**	☐ No	**go to 3**

Consent of the trustee, lessee or licensee must be attached to this application.

3.	Has the consent of the local government (who will manage the road) been obtained?	☑ Yes	**go to 4**	☐ No	**go to 4**

Consent of the local government must be attached to this application.

4.	Has a survey plan or other plan been prepared?	☑ Yes	**go to 5**	☐ No	**go to 5**

Copy of plan must be attached to this application, if already prepared.

5. Provide details of the reason the road dedication is required. **go to 6**
(If there is insufficient space, please lodge as an attachment)

(see Annexure)

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6. Provide details of any additional information to support the application. (optional)
(If there is insufficient space, please lodge as an attachment) **go to 7**

(see Annexure)

Attachments

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

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

- ☑ Part A
- ☑ Application fee
- ☑ A drawing showing the information listed in the "application requirements" that are included in the Applying for a road closure guide
- ☑ Consent of trustee, lessee, licensee
- ☑ Consent of the local government

Declaration

I certify that I have read the information which forms part of sch4p4(6) Personal informati information I have provided is true and accurate.

Signature of applicant (or their legal representative)

Whitsunday Regional Council by its duly authorised delega _____ *Signature*

Neil McGaffin *(Full name)*

Director Development Services *(Position)*

Date: 20 / 02 / 2020.

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

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Annexure to LA17 – Application to dedicate state land as road (Part B)

5. Provide details of the reason the road dedication is required

The road dedication/ opening is required to give effect to the widening of the road as the existing road reserve do not provide adequate access to bordering Lot 105 on SP 232115 ("Site") to the required engineering standards. The existing road reserve creates significant conflict at the current roundabout and does not have adequate space for 2 way access over the road area. The current access road widths are insufficient to allow room for vehicular access and infrastructure and servicing requirements. This deficiency in design standard was not rectified at the earlier subdivision stage. A development application has been received which, if approved by Council, will see the potential further development of the Site. Consequently, unless the road reserve is created, significant costs relating to construction and easements for the full range of services will be required over the current reserve Lot 187 on SP 219978. The road opening using part of the reserve Lot 187 on SP219978 will ensure the design of relevant infrastructure and roads conforms with all required legal and engineering standards, the Council standards for access and services, Agency standards and standards of service to other lots within the immediate vicinity. It will also ensure easier service testing, maintenance and repair for service agencies in the future. In the event the application for road opening is unsuccessful, it is likely further applications for necessary servicing easements over the same areas of land will be required.

6. Provide details of any additional information to support the application

Current use of Land being dedicated

The area of land being dedicated as road reserve as per this application is currently not used, is simply vacant land and is currently severed from the majority of the recreation reserve Lot 187 by existing road reserve for Coconut Grove. The impacts on the use of the reserve by this application for road opening are seen to be extremely minimal due to these factors.

Grounds to support urgent application

The intended development will represent a timely and significant economic injection into the local economy when the Whitsunday Region is currently suffering significantly from both local (tourism market decline) and international pressures (coronavirus, loss of tourism market). An approval for this application will see substantial and likely costly issues becoming effectively and efficiently solvable. Accordingly, it is important for the local economy that the road opening can be finalised urgently, so that the necessary approvals for the development are determined expeditiously.

Consent of Trustee and Local Government (Items 2 and 2 of LA17)

As the applicant is Whitsunday Regional Council (which is both the local government which manages the road and the trustee of the current reserve), it is clear that Council consent to this application in its capacity as trustee and local government. As such no additional consent documents have been attached. If DNRME require a separate consent, please urgently advise so as not to delay the application.

Sign[redacted] sch4p4(6) Personal informatio

Signed

Whit[redacted]il by its duly authorised delegate

[redacted] *(Full name)*

Director Development Services. *(Position)*

TNH:TNH:WHIT-REG_190032613_002.DOCX

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Date : 20/02/2020 10:01:58 AM
From : "SCOTT Kelly"
To : "SLAM Lodgement"
Cc : "sch4p4(6 mckayslaw.com" , "Billie Davis" , sch4p4(@mckayslaw.com" , "GABRIEL Carey"
Subject : FW: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Attachment : QLD Title 49022965.pdf;200207 SP316921 Preliminary.pdf;20022020092727-0001.pdf;image001.jpg;image002.jpg;

Morning SLAM lodgement,

Please find attached an application for case creation, noting the urgency below.

Please contact the applicant for payment.

Regards
Kelly Scott
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy

P: 07 4999 6864 (QNET 23864)
E: Kelly.Scott@dnrme.qld.gov.au
A: Level 1, 44 Nelson Street, Mackay Q 4740 | PO Box 63, Mackay, Q 4740
W: www.dnrme.qld.gov.au



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From: sch4p4(6) Pe McKays Solicitors < >
Sent: Thursday, 20 February 2020 9:43 AM
To: GABRIEL Carey; SCOTT Kelly
Cc: sch4p4(6) Per McKays Solicitors; 'Neil McGaffin'; Billie Davis
Subject: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Importance: High

Good morning Carey & Kelly,

We act on behalf of Whitsunday Regional Council ("Council") and are lodging this application to dedicate state land as a road on their behalf. We note that the land is currently held by Council as trustee for recreation purposes. We also further note that the area in question has been severed from the majority of the recreational reserve Lot 187 by Coconut Grove and take the view that the impact on the reserve is minimal. Council have advised that this road opening is urgently required to give effect to planning approval requirements for the vital economic development of the Airlie Beach Precinct. Whilst Council are conscious of the workloads of your department, Council hereby request that this matter be urgently considered and expedited, so that the road opening can occur as a matter of priority.

Please find **attached**:

1) Form LA00 – Contact and Land Details – Part A;
2) Form LA17 – Application to dedicate state land as road – Part B;
3) Annexure to LA17 (due to insufficient space within form);
4) Copy of Title search for the current recreational reserve Lot 187; and
5) Preliminary survey plan SP316921 depicting the areas of new road (subject to minor amendment for surveying purposes).

Items 1 to 3 are in the single attachment.

We will arrange for payment of the **$286.70** application fee by credit card over the phone by Council. We understand Billie Davis from Council will call you direct on 07 4999 6864 to make payment.

Please do not hesitate to contac sch4p4(6) Pe r sch4p4(6) Pe of our office if you require any additional information.

We look forward to finalising this matter with you and Council urgently, so that the registration of SP316921 for road opening can occur in the immediate future.

If there is anything our office or Council can do to expedite the road opening process, please kindly advise. Whilst you are progressing the application, we will continue to liaise with Council in relation to the execution of the final survey plan, which we will then present to DNRME for processing and registration

Kind Regards

sch4p4(6) Pe | **McKays Solicitors**
Senior Solicitor

McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay QLD 4740
PO Box 37, Mackay QLD 4740
P 07 4968 5452 F +61 7 4963 0889 E sch4p@mckayslaw.com

www.mckayslaw.com

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