

eLVAS Client Interaction Report

For Interaction id: 1871073

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 12-Apr-2021 9:52 PM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_sch4p4(6) Perso Wanting update on Case	12-Apr-2021

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 22-Apr-2021
Details:

Assignment History

Date : 12/04/2021 9:51:51 PM

From : [sch4p4(6) Perso] McKays Solicitors"

To : "WARRENER Megan"

Cc : [sch4p4(6) Perso] McKays Solicitors"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : image001.jpg;image002.png;

Good afternoon Megan

I refer to the above road opening. Can you please provide us with an update with respect to the registration of SP309417?

We look forward to hearing from you.

Kind regards

[sch4p4(6) Perso] 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

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From: WARRENER Megan <Megan.Warrener@resources.qld.gov.au>

Sent: Friday, 12 March 2021 1:19 PM

To: [sch4p4(6) Perso] McKays Solicitors [sch4p4] [@mckayslaw.com](mailto:[sch4p4]@mckayslaw.com)>

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Afternoon [sch4p4(6)]

[sch4p4(6)] has advised me that [sch4p4(6) Perso] has been into the office today to amend the plan, once the plan has been passed in the system by our Surveyors I will be able to proceed with the next step and lodge the plan in titles registry.

I will keep you updated once all actions have been finalised.

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

From: [sch4p4(6) Perso] McKays Solicitors

Sent: Thursday, 11 March 2021 11:42 AM

To: WARRENER Megan

Cc: [sch4p4(6) Perso] McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

I refer to the above road opening application and wish to request an update as to registration of SP309417.

I note that the surveyor ([sch4p4(6) Perso]) contacted me on 22 January, 2021 to query whether I had possession of the survey plan as DNRME required some amendments to be made prior to lodgement. At the time I notified him that I had already sent the survey plan to DNRME on 8 December, 2020 and he said he would liaise with you accordingly.

I have not heard further since and had a reminder in my diary to check the status of same.

Could you please advise the current status and whether you require any further assistance.

Look forward to hearing from you.

Kind regards

[redacted] McKays Solicitors

Solicitor - LLB Hons (1st Class)
[redacted] Personal information



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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>

Sent: Thursday, 14 January 2021 2:02 PM

To: [redacted] McKays Solicitors [redacted]@mckayslaw.com

Cc: [redacted] McKays Solicitors [redacted]@mckayslaw.com

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

H [redacted] P

I apologise for the lengthy delay in responding to you [redacted] Personal information

I can confirm that the Department has received the Survey Plan for this case.

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: [redacted] McKays Solicitors

Sent: Friday, 18 December 2020 1:57 PM

To: WARRENER Megan

Cc: [redacted] McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

The survey plan (SP309417) was sent to you directly on 8 December, 2020. I just wanted to touch base to confirm this had been received?

Thanks

Kind regards

[redacted] McKays Solicitors



McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay Qld 4740 Australia
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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) Per

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: Monday, 7 December 2020 12:12 PM

To: sch4p4(6) Per McKays Solicitor sch4p4(@mckayslaw.com>

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(6)

I confirm that Council has signed and returned the Agreement to Offer and the Offer account has been paid and settled.

The survey plan needs to be sent to the Department where we will lodge with Titles.

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: Monday, 7 December 2020 11:40 AM

To: WARRENER Megan

Cc: sch4p4(6) Perso McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

We confirm we are now in receipt of the final survey plan (SP309417) from the surveyor. Please find **attached**.

As below, Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Could you please confirm whether the survey plan is required to be lodged for registration in the usual way with the Titles Office?

We look forward to your response.

Kind regards

sch4p4(6) Per **McKays Solicitors**

Solicitor - LLB Hons (1st Class)

sch4p4(6) Personal information

www.mckayslaw.com

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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, 5 November 2020 4:28 PM

To: [sch4p4\(6\) Per](#) McKays Solicitors [sch4p4\(6\) Per](#) [mckayslaw.com](mailto:sch4p4(6)@mckayslaw.com)

Cc: [sch4p4\(6\) Per](#) McKays Solicitors [sch4p4\(6\) Per](#) [mckayslaw.com](mailto:sch4p4(6)@mckayslaw.com)

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi [sch4p4\(6\) Per](#)

Thank you very much for the update on this case, as the area hasn't changed significantly from the draft plan and is in line with the Agreement to Offer this won't be a problem.

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

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

Sent: Thursday, 5 November 2020 4:17 PM

To: WARRENER Megan

Cc: [sch4p4\(6\) Per](#) McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Council is in the process of finalising SP309419 for the purposes of this road opening application.

As below, you will note that Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Council has obtained **attached** final survey plan from the surveyor but I point out that the total area for area 18-A-H-18 is noted as 777m2, but on the draft plan it was noted as 776m2. This means the total area of new road will be 1436m2 as opposed to the 1435m2 noted within the Agreement to Offer.

I presume this will be fine as the Agreement to Offer states approximately 1435m2 but I just wanted to clarify this before Council proceeds to lodging the plan for registration.

Please feel free to call to discuss.

Kind regards

[sch4p4\(6\) Per](#) | **McKays Solicitors**

Solicitor - LLB Hons (1st Class)

[sch4p4\(6\) Personal information](#)



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: [sch4p4\(6\) Pers](#) McKays Solicitors
Sent: Tuesday, 29 September 2020 8:37 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: [sch4p4\(6\) Pers](#) McKays Solicitors [sch4p4](#) mckayslaw.com
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** updated Agreement to Offer with the relevant position of each signatory.

I look forward to hearing from you in relation to Lease A.

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](#)



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From: WARRENER Megan
Sent: Monday, 28 September 2020 4:36 PM
To: [sch4p4\(6\) Pers](#) McKays Solicitors
Cc: [sch4p4\(6\) Pers](#) McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi [sch4p4\(6\)](#)

Thank you for providing me with a copy of the Agreement to Offer, unfortunately the declaration has not been executed correctly. We require the details (Position within Council) noted under the name of each person signing on behalf of Council.

If you could please have those details added to the Agreement and then returned to the Department.

I have forwarded your email to a colleague in regards to Lease A on preliminary SP309417, I will also seek clarification from our Senior Surveyor to ensure that I am providing you with the correct details.

Once I have received feedback in relation to the Lease A area I will be in contact with you to advise how to proceed.

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) Perso] McKays Solicitors
Sent: Thursday, 24 September 2020 4:56 PM
To: WARRENER Megan
Cc: [sch4p4(6) Perso] McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** signed Agreement to Offer and confirmation of payment of the offer amount of \$419.00 with respect to Application 2020/010676.

We acknowledge the extension of time we had obtained on behalf of our client, but clarify that we are now able to proceed to comply with the conditions.

Our client will now proceed to having preliminary SP309417 finalised by the surveyor for registration with titles. In this regard, we wish to again raise our query in relation to Lease A which is noted on this plan. For your ease, we have **attached** previous email correspondence to you in relation to this. You will recall that this involves a small part of the reserve (noted as Lease A on SP309417) that the Whitsunday Sailing Club would like to take over as part of their Term Lease 0/232700 over Lot 333 on SP145063 which they hold with the State.

Following this email, we engaged in a telephone discussion with you on 30 April, 2020 whereby you advised that Carey Gabriel had directed that the Department would first process the road opening application first, and then deal with the excision/revocation of Lease A as a separate case. Now that an Agreement to Offer has been provided for the road opening, and Council is taking steps to comply with the conditions, we were of the understanding that this process can now be started.

We acknowledge that Council would only be responsible for the application to excise/revoke the area of land from the reserve, and that it would be the responsibility of the Whitsunday Sailing Club to liaise with the Department and meet the priority criteria under the Land Act 1994 with respect to taking over this area as part of their Term Lease 0/232700.

The reason we wish to clarify the above at this stage is due to the fact that Lease A is currently noted on SP309417 associated with this application. Could you please advise whether Council needs to have Lease A removed from SP309417 i.e. will it be a matter of lodging a separate survey plan, as part of the excision/revocation application, at a later date? Or can Council keep Lease A noted on SP309417 and lodge the required separate application and ultimately have the survey plan lodged to cover both actions. We presume the answer to this will depend on what is involved with the application for the excision/revocation, including how long such an application will take (as we only have until 9 January 2021 under this application to lodge the survey plan, as per the extension).

We would appreciate your prompt response to this query so that Council can take steps to finalising SP309417 for the purposes of this road opening application, and to also enable Council to communicate to Whitsunday Sailing Club the process that will be involved regarding Lease A moving forward.

We look forward to your response. Should you have any queries, please do not hesitate to call myself, [sch4p4(6) Perso] [sch4p4(6) Perso] of this office.

Kind regards

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

McKays
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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>

Sent: Friday, 7 August 2020 9:57 AM

To: [sch4p4\(6\) Per](#) McKays Solicitors [sch4p4\(mckayslaw.com](#)>; [sch4p4\(6\) Per](#) McKays Solicitors [sch4p4\(mckayslaw.com](#)>

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

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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eLVAS Client Interaction Report

For Interaction id: 1862289

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 12-Mar-2021 1:24 PM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Plan now amended waiting for plan to be passed	12-Mar-2021

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 12-Mar-2021
Details:

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1862162

Contact Details

Business unit: State Land Asset Management
Business context: Verbal (Outwards) Case
Interaction method: Telephone
Interaction date: 12-Mar-2021 9:34 AM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
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Interaction Record History

Service Centre: Mackay

Associated to Case: 2020/010676

Revision No.: 0

Updated by: Warrener, Megan

Date: 12-Mar-2021

Details: Called sch4p4(6) Person to advise that I have received her email and followed up her query with sch4p4(6) Principal Surveyor who had advised that he would look into whether the plan has been amended and what the hold up with the case is. I advised sch4p4(6) that I would send her an email once I receive a response from sch4p4(6) sch4p4(6) also advised that she would follow up with sch4p4(6) Person from RPS to see if he had actioned from his end.

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1862158

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 12-Mar-2021 9:26 AM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_McKays asking for Update on Case	11-Mar-2021

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 12-Mar-2021
Details:

Assignment History

Date : 12/03/2021 1:19:16 PM
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;
Good Afternoon [sch4p4(6) Perso]

[sch4p4(6) Perso] has advised me that [sch4p4(6) Perso] has been into the office today to amend the plan, once the plan has been passed in the system by our Surveyors I will be able to proceed with the next step and lodge the plan in titles registry.

I will keep you updated once all actions have been finalised.

Kind Regards

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

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From: [sch4p4(6) Perso] McKays Solicitors <[sch4p4(6) Perso]@mckayslaw.com>
Sent: Thursday, 11 March 2021 11:42 AM
To: WARRENER Megan
Cc: [sch4p4(6) Perso] McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

I refer to the above road opening application and wish to request an update as to registration of SP309417.

I note that the surveyor ([sch4p4(6) Perso] RPS) contacted me on 22 January, 2021 to query whether I had possession of the survey plan as DNRME required some amendments to be made prior to lodgement. At the time I notified him that I had already sent the survey plan to DNRME on 8 December, 2020 and he said he would liaise with you accordingly.

I have not heard further since and had a reminder in my diary to check the status of same.

Could you please advise the current status and whether you require any further assistance.

Look forward to hearing from you.

Kind regards

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



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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>
Sent: Thursday, 14 January 2021 2:02 PM
To: [sch4p4(6) Perso] McKays Solicitors <[sch4p4(6) Perso]@mckayslaw.com>
Cc: [sch4p4(6) Perso] McKays Solicitors <[sch4p4(6) Perso]@mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(

I apologise for the lengthy delay in responding to you, s.73 Irrelevant information

I can confirm that the Department has received the Survey Plan for this case.

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

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From: sch4p4(6) Pers | McKays Solicitors
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To: WARRENER Megan
Cc: sch4p4(6) Pers | McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

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Thanks

Kind regards

sch4p4(6) Pers | McKays Solicitors
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 <Megan.Warrener@dnrme.qld.gov.au>
Sent: Monday, 7 December 2020 12:12 PM
To: sch4p4(6) Pers | McKays Solicitors sch4p4(6) mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

H sch4p4(6)

I confirm that Council has signed and returned the Agreement to Offer and the Offer account has been paid and settled.

The survey plan needs to be sent to the Department where we will lodge with Titles.

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: Monday, 7 December 2020 11:40 AM
To: WARRENER Megan
Cc: sch4p4(6) Pers | McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

We confirm we are now in receipt of the final survey plan (SP309417) from the surveyor. Please find **attached**.

As below, Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Could you please confirm whether the survey plan is required to be lodged for registration in the usual way with the Titles 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

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

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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) Pers
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, 5 November 2020 4:28 PM
To: sch4p4(6) Pers | McKays Solicitors <sch4p4@mckayslaw.com>
Cc: sch4p4(6) Pers | McKays Solicitor <sch4p4@mckayslaw.com>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(

Thank you very much for the update on this case, as the area hasn't changed significantly from the draft plan and is in line with the Agreement to Offer this won't be a problem.

Kind Regards

Megan Warrener
Senior Land Officer
State Land Asset Management | Land Services

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: [redacted] McKays Solicitors
Sent: Thursday, 5 November 2020 4:17 PM
To: WARRENER Megan
Cc: [redacted] McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Council is in the process of finalising SP309419 for the purposes of this road opening application.

As below, you will note that Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Council has obtained **attached** final survey plan from the surveyor but I point out that the total area for area 18-A-H-18 is noted as 777m2, but on the draft plan it was noted as 776m2. This means the total area of new road will be 1436m2 as opposed to the 1435m2 noted within the Agreement to Offer.

I presume this will be fine as the Agreement to Offer states "approximately 1435m2" but I just wanted to clarify this before Council proceeds to lodging the plan for registration.

Please feel free to call to discuss.

Kind regards

[redacted] McKays Solicitors

Solicitor - LLB Hons (1st Class)

[redacted] 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: [redacted] McKays Solicitors
Sent: Tuesday, 29 September 2020 8:37 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: [redacted] McKays Solicitors [redacted] [\[redacted\]@mckayslaw.com](mailto:[redacted]@mckayslaw.com)>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** updated Agreement to Offer with the relevant position of each signatory.

I look forward to hearing from you in relation to Lease A.

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

Kind regards

[redacted] McKays Solicitors



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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: Monday, 28 September 2020 4:36 PM
To: [sch4p4\(6\) Per](#) McKays Solicitors
Cc: [sch4p4\(6\) Perso](#) McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi [sch4p4\(](#)

Thank you for providing me with a copy of the Agreement to Offer, unfortunately the declaration has not been executed correctly. We require the details (Position within Council) noted under the name of each person signing on behalf of Council.

If you could please have those details added to the Agreement and then returned to the Department.

I have forwarded your email to a colleague in regards to Lease A on preliminary SP309417, I will also seek clarification from our Senior Surveyor to ensure that I am providing you with the correct details.

Once I have received feedback in relation to the "Lease A" area I will be in contact with you to advise how to proceed.

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
Sent: Thursday, 24 September 2020 4:56 PM
To: WARRENER Megan
Cc: [sch4p4\(6\) Perso](#) McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** signed Agreement to Offer and confirmation of payment of the offer amount of \$419.00 with respect to Application 2020/010676.

We acknowledge the extension of time we had obtained on behalf of our client, but clarify that we are now able to proceed to comply with the conditions.

Our client will now proceed to having preliminary SP309417 finalised by the surveyor for registration with titles. In this regard, we wish to again raise our query in relation to "Lease A" which is noted on this plan. For your ease, we have **attached** previous email correspondence to

you in relation to this. You will recall that this involves a small part of the reserve (noted as "Lease A" on SP309417) that the Whitsunday Sailing Club would like to take over as part of their Term Lease 0/232700 over Lot 333 on SP145063 which they hold with the State.

Following this email, we engaged in a telephone discussion with you on 30 April, 2020 whereby you advised that Carey Gabriel had directed that the Department would first process the road opening application first, and then deal with the excision/revocation of Lease A as a separate case. Now that an Agreement to Offer has been provided for the road opening, and Council is taking steps to comply with the conditions, we were of the understanding that this process can now be started.

We acknowledge that Council would only be responsible for the application to excise/revoke the area of land from the reserve, and that it would be the responsibility of the Whitsunday Sailing Club to liaise with the Department and meet the priority criteria under the Land Act 1994 with respect to taking over this area as part of their Term Lease 0/232700.

The reason we wish to clarify the above at this stage is due to the fact that "Lease A" is currently noted on SP309417 associated with this application. Could you please advise whether Council needs to have "Lease A" removed from SP309417 – i.e. will it be a matter of lodging a separate survey plan, as part of the excision/revocation application, at a later date? Or can Council keep "Lease A" noted on SP309417 and lodge the required separate application – and ultimately have the survey plan lodged to cover both actions. We presume the answer to this will depend on what is involved with the application for the excision/revocation, including how long such an application will take (as we only have until 9 January 2021 under this application to lodge the survey plan, as per the extension).

We would appreciate your prompt response to this query so that Council can take steps to finalising SP309417 for the purposes of this road opening application, and to also enable Council to communicate to Whitsunday Sailing Club the process that will be involved regarding "Lease A" moving forward.

We look forward to your response. Should you have any queries, please do not hesitate to call myself, [redacted] [redacted] of this office.

Kind regards

[redacted] McKays Solicitors

Solicitor - LLB Hons (1st Class)

[redacted] Personal information



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PO Box 37, Mackay Qld 4740 Australia

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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: Friday, 7 August 2020 9:57 AM

To: [redacted] McKays Solicitors [redacted] <[\[redacted\]@mckayslaw.com](mailto:[redacted]@mckayslaw.com)>; [redacted] McKays Solicitors [redacted] <[\[redacted\]@mckayslaw.com](mailto:[redacted]@mckayslaw.com)>

Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning [redacted] 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

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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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.

Date : 11/03/2021 11:42:29 AM

From : "[sch4p4(6) Pers] McKays Solicitors"

To : "WARRENER Megan"

Cc : [sch4p4(6) Pers] McKays Solicitors"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : image002.png;image001.jpg;

Hi Megan,

I refer to the above road opening application and wish to request an update as to registration of SP309417.

I note that the surveyor [sch4p4(6) Pers] (RPS) contacted me on 22 January, 2021 to query whether I had possession of the survey plan as DNRME required some amendments to be made prior to lodgement. At the time I notified him that I had already sent the survey plan to DNRME on 8 December, 2020 and he said he would liaise with you accordingly.

I have not heard further since and had a reminder in my diary to check the status of same.

Could you please advise the current status and whether you require any further assistance.

Look forward to hearing from you.

Kind regards

[sch4p4(6) Pers] McKays Solicitors

Solicitor - LLB Hons (1st Class)

[sch4p4(6) Personal information]

McKays
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P +61 7 4963 0839 F +61 7 4963 0889 E [sch4p4(6) Pers]@mckayslaw.com

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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>

Sent: Thursday, 14 January 2021 2:02 PM

To: [sch4p4(6) Pers] McKays Solicitors [sch4p4(6) Pers]@mckayslaw.com>

Cc: [sch4p4(6) Pers] McKays Solicitors [sch4p4(6) Pers]@mckayslaw.com>

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi [sch4p4(6) Pers]

I apologise for the lengthy delay in responding to you, [sch4p4(6) Personal information]

I can confirm that the Department has received the Survey Plan for this case.

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) Pers] McKays Solicitors

Sent: Friday, 18 December 2020 1:57 PM

To: WARRENER Megan

Cc: [sch4p4(6) Pers] McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

The survey plan (SP309417) was sent to you directly on 8 December, 2020. I just wanted to touch base to confirm this had been received?

Thanks

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) Pers

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: Monday, 7 December 2020 12:12 PM

To: sch4p4(6) Per McKays Solicitors sch4p4(mckayslaw.com>

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(6)

I confirm that Council has signed and returned the Agreement to Offer and the Offer account has been paid and settled.

The survey plan needs to be sent to the Department where we will lodge with Titles.

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: Monday, 7 December 2020 11:40 AM

To: WARRENER Megan

Cc: sch4p4(6) Pers McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

We confirm we are now in receipt of the final survey plan (SP309417) from the surveyor. Please find **attached**.

As below, Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Could you please confirm whether the survey plan is required to be lodged for registration in the usual way with the Titles 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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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, 5 November 2020 4:28 PM

To: sch4p4(6) Per | McKays Solicitors sch4p4(mckayslaw.com>

Cc: sch4p4(6) Per | McKays Solicitor sch4p4(@mckayslaw.com>

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(6)

Thank you very much for the update on this case, as the area hasn't changed significantly from the draft plan and is in line with the Agreement to Offer this won't be a problem.

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

Sent: Thursday, 5 November 2020 4:17 PM

To: WARRENER Megan

Cc: sch4p4(6) Personal McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Council is in the process of finalising SP309419 for the purposes of this road opening application.

As below, you will note that Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Council has obtained **attached** final survey plan from the surveyor but I point out that the total area for area 18-A-H-18 is noted as 777m2, but on the draft plan it was noted as 776m2. This means the total area of new road will be 1436m2 as opposed to the 1435m2 noted within the Agreement to Offer.

I presume this will be fine as the Agreement to Offer states approximately 1435m2 but I just wanted to clarify this before Council proceeds to lodging the plan for registration.

Please feel free to call to discuss.

Kind regards

[redacted] McKays Solicitors

Solicitor - LLB Hons (1st Class)

[redacted] 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: [redacted] McKays Solicitors

Sent: Tuesday, 29 September 2020 8:37 AM

To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>

Cc: [redacted] McKays Solicitors [redacted]@mckayslaw.com>

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** updated Agreement to Offer with the relevant position of each signatory.

I look forward to hearing from you in relation to Lease A.

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

Kind regards

[redacted] McKays Solicitors

Solicitor - LLB Hons (1st Class)

[redacted] 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: Monday, 28 September 2020 4:36 PM

To: [redacted] McKays Solicitors

Cc: sch4p4(6) Perso McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(

Thank you for providing me with a copy of the Agreement to Offer, unfortunately the declaration has not been executed correctly. We require the details (Position within Council) noted under the name of each person signing on behalf of Council.

If you could please have those details added to the Agreement and then returned to the Department.

I have forwarded your email to a colleague in regards to Lease A on preliminary SP309417, I will also seek clarification from our Senior Surveyor to ensure that I am providing you with the correct details.

Once I have received feedback in relation to the Lease A area I will be in contact with you to advise how to proceed.

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

Sent: Thursday, 24 September 2020 4:56 PM

To: WARRENER Megan

Cc: sch4p4(6) Perso McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** signed Agreement to Offer and confirmation of payment of the offer amount of \$419.00 with respect to Application 2020/010676.

We acknowledge the extension of time we had obtained on behalf of our client, but clarify that we are now able to proceed to comply with the conditions.

Our client will now proceed to having preliminary SP309417 finalised by the surveyor for registration with titles. In this regard, we wish to again raise our query in relation to Lease A which is noted on this plan. For your ease, we have **attached** previous email correspondence to you in relation to this. You will recall that this involves a small part of the reserve (noted as Lease A on SP309417) that the Whitsunday Sailing Club would like to take over as part of their Term Lease 0/232700 over Lot 333 on SP145063 which they hold with the State.

Following this email, we engaged in a telephone discussion with you on 30 April, 2020 whereby you advised that Carey Gabriel had directed that the Department would first process the road opening application first, and then deal with the excision/revocation of Lease A as a separate case. Now that an Agreement to Offer has been provided for the road opening, and Council is taking steps to comply with the conditions, we were of the understanding that this process can now be started.

We acknowledge that Council would only be responsible for the application to excise/voke the area of land from the reserve, and that it would be the responsibility of the Whitsunday Sailing Club to liaise with the Department and meet the priority criteria under the Land Act 1994 with respect to taking over this area as part of their Term Lease 0/232700.

The reason we wish to clarify the above at this stage is due to the fact that Lease A is currently noted on SP309417 associated with this application. Could you please advise whether Council needs to have Lease A removed from SP309417 i.e. will it be a matter of lodging a separate survey plan, as part of the excision/revocation application, at a later date? Or can Council keep Lease A noted on SP309417 and lodge the required separate application and ultimately have the survey plan lodged to cover both actions. We presume the answer to this will depend on what is involved with the application for the excision/revocation, including how long such an application will take (as we only have until 9 January 2021 under this application to lodge the survey plan, as per the extension).

We would appreciate your prompt response to this query so that Council can take steps to finalising SP309417 for the purposes of this road opening application, and to also enable Council to communicate to Whitsunday Sailing Club the process that will be involved regarding Lease A moving forward.

We look forward to your response. Should you have any queries, please do not hesitate to call myself, sch4p4(6) Perso or sch4p4(6) Perso 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: Friday, 7 August 2020 9:57 AM

To: sch4p4(6) P4 McKays Solicitors sch4p4@mckayslaw.com; sch4p4(6) Pe McKays Solicitors sch4p4@mckayslaw.com>

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

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: 1842120

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 9-Dec-2020 9:57 AM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming Offer Requirement	Offer Requirement - Survey Plan	9-Dec-2020

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 9-Dec-2020
Details: Incoming Offer Requirement, Survey Plan

Assignment History

09 DEC 2020

MINES & ENERGY
- MACKAY -

Your Ref: 2020/010676
Our Ref: SKB:TNH:190032613
Reply To: Mackay Office - sch4p4(6) Personal information
Direct Line: 4963 0820 / 4963 0839
Email: sch4p4(6)@mckayslaw.com / sch4p4(6)@mckayslaw.com

8 December, 2020

Attn: Megan Warrenner
Department of Natural Resources Mines & Energy
PO Box 63
MACKAY QLD 4740
Express Post

Dear Megan

Road Opening Application 2020/010676

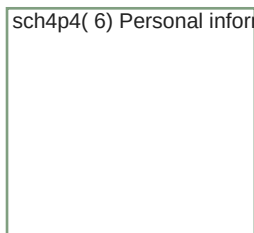
We refer to the above application and **enclose** survey plan (SP309417) for lodgment with the Registrar of Titles.

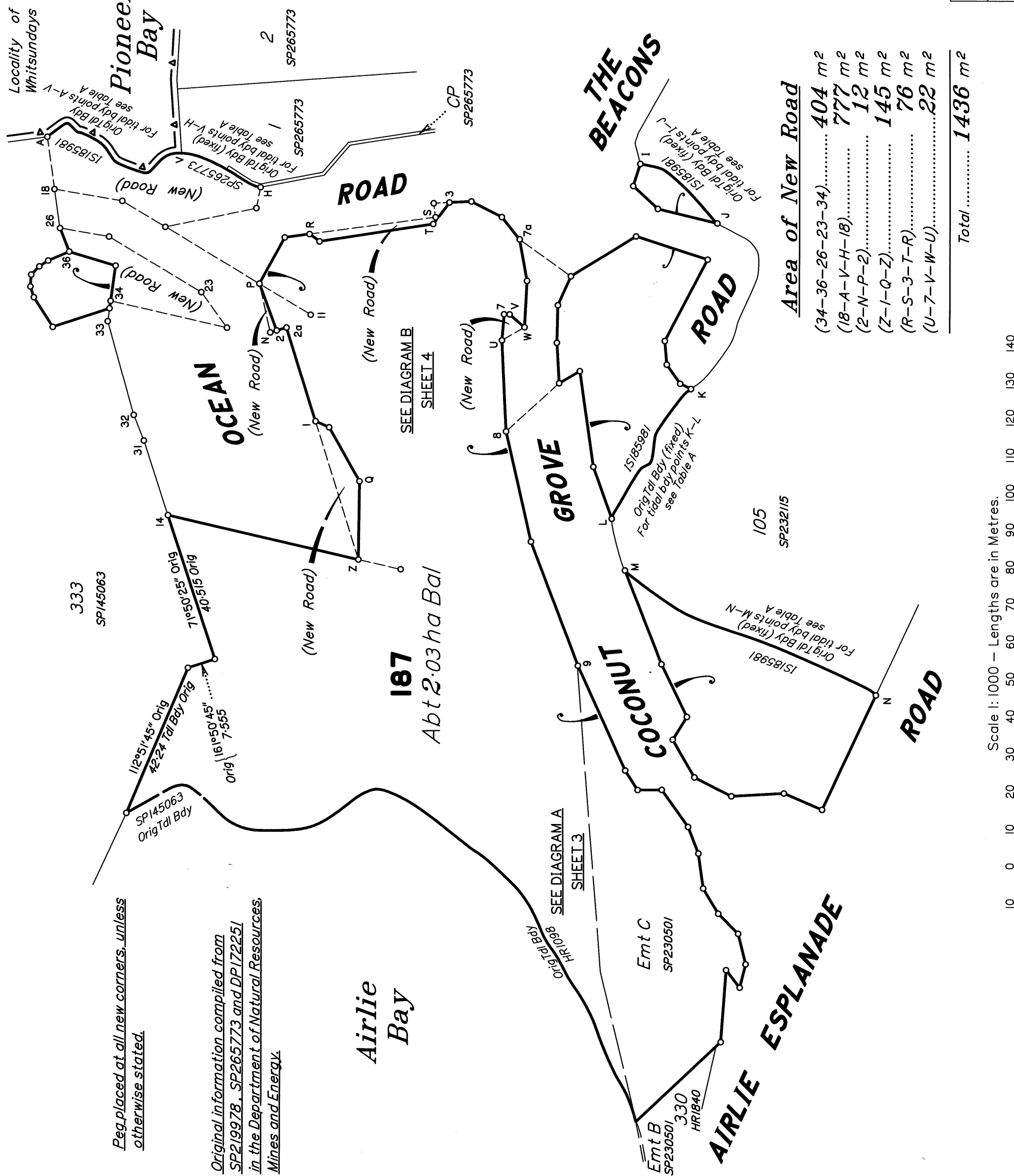
We look forward to receipt of the Registration Confirmation Statement in due course.

Should you have any queries or concerns, please do not hesitate to contact the writer.

Yours faithfully
McKAYS

Per: sch4p4(6) Personal information





Scale 1: 1000 - Lengths are in Metres.

Peg placed at all new corners, unless otherwise stated.

Original information compiled from SP219978, SP265773 and DP172251 in the Department of Natural Resources, Mines and Energy.

Reserved Plan of Survey under Section 65(4) (a)(i) of the Survey and Mapping Infrastructure 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 sch4p4(6) Personal info surveyor, for whose work the corporation accepts responsibility, under the supervision of sch4p4(6) Personal 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 29/10/2020.

sch4p4(6) Personal info

Auth
Date 30/11/2020

0 50mm 100mm 150mm State copyright reserved.	
Plan of Lot 187	
Cancelling Lot 187 on SP219978	
LOCAL GOVERNMENT: WHITSUNDAY REGIONAL COUNCIL	LOCALITY: AIRLIE BEACH
Meridian: MGA Zone 55 Vide SP219978	Survey Records: No
Scale: 1:1000	
Format: STANDARD	
SP309417	

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

(Dealing No.)

4. Lodged by

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

I. 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	187

6. Building Format Plans only.

I certify that :
* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;
* Part of the building shown on this plan encroaches onto adjoining * lots and road

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

7. Lodgement Fees :

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

8. Insert Plan Number
SP687354

Lots	Orig

2. Orig Grant Allocation :

3. References :
Dept File :
Local Govt :
Surveyor : 144125-1

5. Passed & Endorsed :
By : RPS Australia East Pty Ltd
(ACN 140 292 762)
Date : 30/11/2020
Signed : sch4p4(6) Personal
Designa Surveyor

Airlie
Bay

187

No O Mk
Screw pld in Conc path

DIAGRAM A
Scale 1: 500

SEE DIAGRAM B
SHEET 4

GROVE

Emt C
SP230501

Emt B
SP230501

330
HR1840

AIRLIE

ESPLANADE

COCONUT

ROAD

105
SP232115

TABLE A
ORIGINAL TIDAL BOUNDARY
POINTS

	BEARING	DIST	
A	143°54'49"	6.736	
	228°10'47"	3.856	
	172°36'45"	0.935	
	205°55'29"	6.749	
	239°15'11"	6.132	
	199°38'35"	9.395	
	130°34'52"	5.511	
	150°15'19"	3.167	
	179°57'20"	2.742	V
V	179°57'20"	2.851	
	203°36'03"	8.864	
	212°31'38"	8.977	
	198°34'52"	2.757	H
I	189°01'51"	5.996	
	220°51'08"	8.843	
	229°32'04"	11.924	J
K	326°57'30"	2.3	
	306°06'56"	13.119	
	275°21'29"	7.979	
	339°19'05"	3.561	
	299°17'38"	15.45	L
M	216°34'53"	19.466	
	198°10'18"	26.303	
	204°48'41"	28.221	
	233°37'15"	1.565	N

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	Nail in Bit		245°49'50"	12.38
2	Screw in Kerb		263°00'50"	4.225
3	Screw fd in Kerb		358°45'10"	7.005
7a	O Screw in Kerb	7a/DPI72251	61°26'	3.833
8	O Screw in conc gone	5/SP2199278	298°46'	18.975
9	O Screw in Kerb	9/DPI72251	70°58'20"	18.99
11	OIP gone	22/SP145063	236°55'45"	1.755
14	Screw fd in Kerb		139°26'10"	1.92
14	O Spike in Kerb gone	30/SP145063	224°58'45"	4.035
18	OIP	27/IS185981	340°33'	11.605
18	O Nail in Rock	27/IS185981	358°06'	15.105
23	OIP	23/SP145063	310°15'45"	1.615
23	O Rivet in Boat Ramp gone	23/SP145063	82°45'05"	16.835
26	O Bolt in Rock	26/SP145063	206°14'45"	0.035
32	Nail fd in Kerb		126°04'50"	2.8
32	O Nail in Conc	32/SP145063	355°44'45"	4.875
32	O Rivet in M/Hole	32/SP145063	305°08'45"	6.709
34	OIP	34/SP145063	193°04'45"	1.38
36	OIP	36/SP145063	167°14'45"	1.46

PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO
7a-OPM (new conn)	30/DPI72251	112°06'10"	12.63	180749
14-OPM	14/SP219978	47°55'25"	30.505	27960
32-OPM	32/SP145063	339°53'05"	12.03	27960

Survey Report

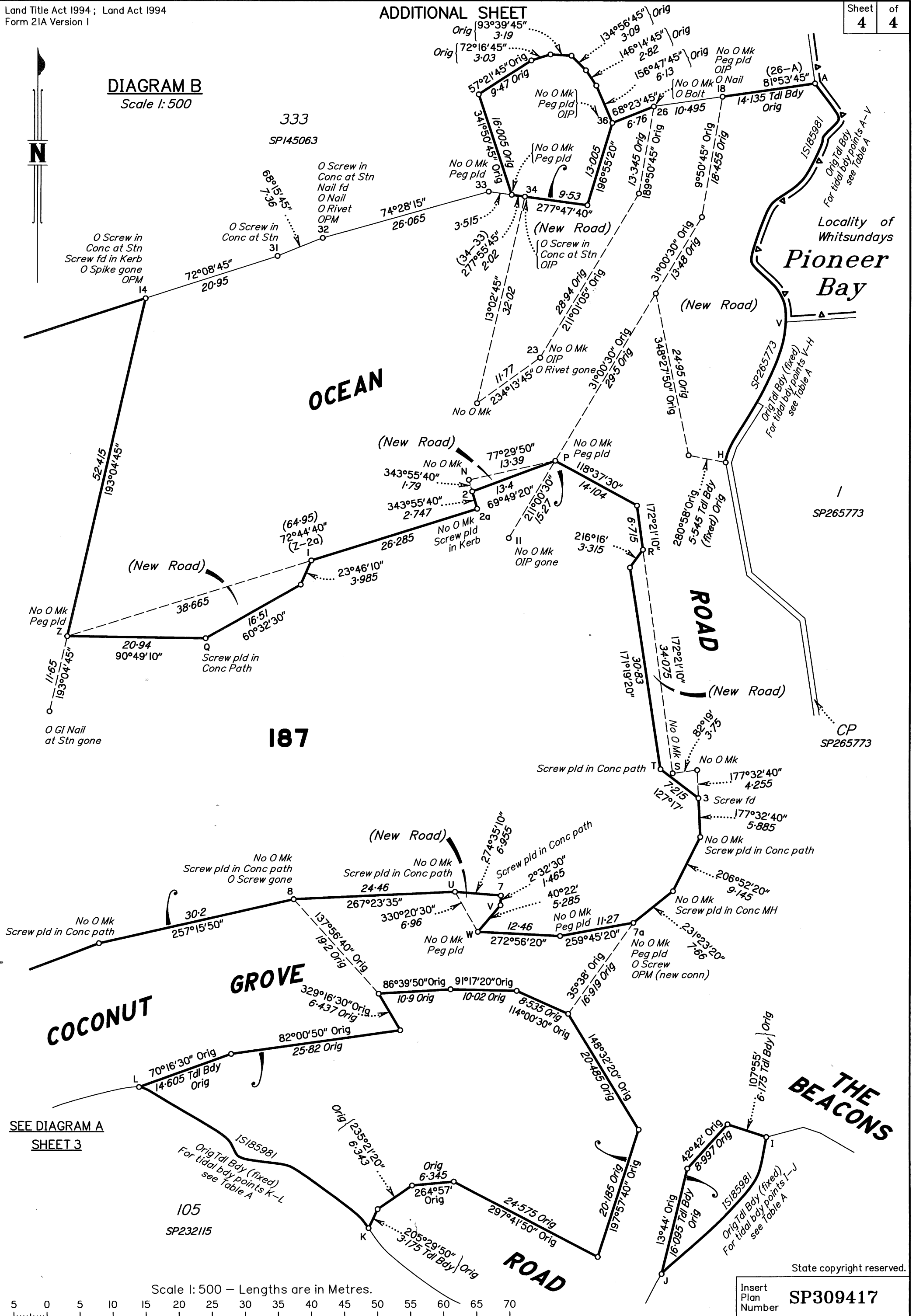
Due to the upgrade of the Airlie Beach foreshore only a few original marks remained. Boundary 14-Z-2a-N-P-S-7a-W-U-8-9 was reinstated from original marks and monuments found at stations 14, 7a and 9. Measurements between these marks agree with original plans and all original corners were reinstated from these marks.

Boundary 31-32-33-34-23 was reinstated from original reference marks and monuments found at stations 31, 32 and 23. Measurements between these marks agree with original plans. Boundary 36-26-18 was reinstated from original reference marks found at all three stations. No mark was placed at station 26 as the O Bolt found is only 35mm from the station.

Original tidal boundaries A-V, V-H, I-J, K-L and M-N were surveyed on IS185981 with section V-H fixed on SP265773. Original tidal boundaries I-J, K-L and M-N are now also shown as fixed due to extensive reclamation as noted on plan SP232115.

Scale 1: 500 - Lengths are in Metres.

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



eLVAS Client Interaction Report

For Interaction id: 1841531

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 7-Dec-2020 12:17 PM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Agreement Received Offer Account Settled	7-Dec-2020

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 7-Dec-2020
Details:

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1841530

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 7-Dec-2020 12:15 PM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e sch4p4(6) Perso confirming Survey Plan is ready	7-Dec-2020

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 7-Dec-2020
Details:

Assignment History

Date : 7/12/2020 12:12:16 PM

From : "WARRENER Megan"

To : [sch4p4(6) Pers] | McKays Solicitors"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : image002.png;image003.jpg;

Hi [sch4p4(

I confirm that Council has signed and returned the Agreement to Offer and the Offer account has been paid and settled.

The survey plan needs to be sent to the Department where we will lodge with Titles.

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(6) Pers]@mckayslaw.com>

Sent: Monday, 7 December 2020 11:40 AM

To: WARRENER Megan

Cc: [sch4p4(6) Pers] McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

We confirm we are now in receipt of the final survey plan (SP309417) from the surveyor. Please find **attached**.

As below, Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Could you please confirm whether the survey plan is required to be lodged for registration in the usual way with the Titles 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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> 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) Pers]
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, 5 November 2020 4:28 PM

To: [sch4p4(6) Pers] McKays Solicitors [sch4p4(6) Pers]@mckayslaw.com>

Cc: [sch4p4(6) Pers] McKays Solicitor [sch4p4(6) Pers]@mckayslaw.com>

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi [sch4p4(

Thank you very much for the update on this case, as the area hasn't changed significantly from the draft plan and is in line with the Agreement to Offer this won't be a problem.

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
Sent: Thursday, 5 November 2020 4:17 PM
To: WARRENER Megan
Cc: [sch4p4(6) Pers] McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Council is in the process of finalising SP309419 for the purposes of this road opening application.

As below, you will note that Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Council has obtained **attached** final survey plan from the surveyor but I point out that the total area for area 18-A-H-18 is noted as 777m2, but on the draft plan it was noted as 776m2. This means the total area of new road will be 1436m2 as opposed to the 1435m2 noted within the Agreement to Offer.

I presume this will be fine as the Agreement to Offer states "approximately 1435m2" but I just wanted to clarify this before Council proceeds to lodging the plan for registration.

Please feel free to call to discuss.

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: [sch4p4(6) Pers] McKays Solicitors
Sent: Tuesday, 29 September 2020 8:37 AM
To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>
Cc: [sch4p4(6) Pers] McKays Solicitor [sch4p4]@mckayslaw.com
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** updated Agreement to Offer with the relevant position of each signatory.

I look forward to hearing from you in relation to Lease A.

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

Kind regards

[redacted] McKays Solicitors

Solicitor - LLB Hons (1st Class)

[redacted] Personal information



McKays NQ Pty Ltd ABN 85 604 643 709

34 Wood Street, Mackay Qld 4740 Australia

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P +61 7 4963 0839 F +61 7 4963 0889 [redacted] mckayslaw.com

www.mckayslaw.com

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From: WARRENER Megan

Sent: Monday, 28 September 2020 4:36 PM

To: [redacted] McKays Solicitors

Cc: [redacted] McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi [redacted]

Thank you for providing me with a copy of the Agreement to Offer, unfortunately the declaration has not been executed correctly. We require the details (Position within Council) noted under the name of each person signing on behalf of Council.

If you could please have those details added to the Agreement and then returned to the Department.

I have forwarded your email to a colleague in regards to Lease A on preliminary SP309417, I will also seek clarification from our Senior Surveyor to ensure that I am providing you with the correct details.

Once I have received feedback in relation to the "Lease A" area I will be in contact with you to advise how to proceed.

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: [redacted] McKays Solicitors

Sent: Thursday, 24 September 2020 4:56 PM

To: WARRENER Megan

Cc: [redacted] McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** signed Agreement to Offer and confirmation of payment of the offer amount of \$419.00 with respect to Application 2020/010676.

We acknowledge the extension of time we had obtained on behalf of our client, but clarify that we are now able to proceed to comply with the conditions.

Our client will now proceed to having preliminary SP309417 finalised by the surveyor for registration with titles. In this regard, we wish to again raise our query in relation to "Lease A" which is noted on this plan. For your ease, we have **attached** previous email correspondence to you in relation to this. You will recall that this involves a small part of the reserve (noted as "Lease A" on SP309417) that the Whitsunday Sailing Club would like to take over as part of their Term Lease 0/232700 over Lot 333 on SP145063 which they hold with the State.

Following this email, we engaged in a telephone discussion with you on 30 April, 2020 whereby you advised that Carey Gabriel had directed that the Department would first process the road opening application first, and then deal with the excision/revocation of Lease A as a separate case. Now that an Agreement to Offer has been provided for the road opening, and Council is taking steps to comply with the conditions, we were of the understanding that this process can now be started.

We acknowledge that Council would only be responsible for the application to excise/revoke the area of land from the reserve, and that it would be the responsibility of the Whitsunday Sailing Club to liaise with the Department and meet the priority criteria under the Land Act 1994 with respect to taking over this area as part of their Term Lease 0/232700.

The reason we wish to clarify the above at this stage is due to the fact that "Lease A" is currently noted on SP309417 associated with this application. Could you please advise whether Council needs to have "Lease A" removed from SP309417 – i.e. will it be a matter of lodging a separate survey plan, as part of the excision/revocation application, at a later date? Or can Council keep "Lease A" noted on SP309417 and lodge the required separate application – and ultimately have the survey plan lodged to cover both actions. We presume the answer to this will depend on what is involved with the application for the excision/revocation, including how long such an application will take (as we only have until 9 January 2021 under this application to lodge the survey plan, as per the extension).

We would appreciate your prompt response to this query so that Council can take steps to finalising SP309417 for the purposes of this road opening application, and to also enable Council to communicate to Whitsunday Sailing Club the process that will be involved regarding "Lease A" moving forward.

We look forward to your response. Should you have any queries, please do not hesitate to call myself, [sch4p4(6) Perso] or [sch4p4(6) Perso] of this office.

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: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>

Sent: Friday, 7 August 2020 9:57 AM

To: [sch4p4(6) Perso] McKays Solicitors [sch4p4(6) Perso]@mckayslaw.com; [sch4p4(6) Perso] McKays Solicitors [sch4p4(6) Perso]@mckayslaw.com>

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

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 : 7/12/2020 11:39:45 AM

From : [sch4p4(6) Perso] McKays Solicitors"

To : "WARRENER Megan"

Cc : [sch4p4(6) Perso] McKays Solicitors"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : Final SP309417.pdf;image002.png;image001.jpg;

Hi Megan,

We confirm we are now in receipt of the final survey plan (SP309417) from the surveyor. Please find **attached**.

As below, Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Could you please confirm whether the survey plan is required to be lodged for registration in the usual way with the Titles Office?

We look forward to your response.

Kind regards

[sch4p4(6) Perso] 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

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P +61 7 4963 0839 F +61 7 4963 0889 E [sch4p4] mckayslaw.com

www.mckayslaw.com

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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, 5 November 2020 4:28 PM

To: [sch4p4(6) Perso] McKays Solicitors <[sch4p4(mckayslaw.com)>

Cc: [sch4p4(6) Perso] McKays Solicitor [sch4p4(mckayslaw.com)>

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

H [sch4p4(6)

Thank you very much for the update on this case, as the area hasn't changed significantly from the draft plan and is in line with the Agreement to Offer this won't be a problem.

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) Perso] McKays Solicitors

Sent: Thursday, 5 November 2020 4:17 PM

To: WARRENER Megan

Cc: [sch4p4(6) Perso] McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Council is in the process of finalising SP309419 for the purposes of this road opening application.

As below, you will note that Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Council has obtained **attached** final survey plan from the surveyor but I point out that the total area for area 18-A-H-18 is noted as 777m², but on the draft plan it was noted as 776m². This means the total area of new road will be 1436m² as opposed to the 1435m² noted within the Agreement to Offer.

I presume this will be fine as the Agreement to Offer states approximately 1435m² but I just wanted to clarify this before Council proceeds to lodging the plan for registration.

Please feel free to call to discuss.

Kind regards

sch4p4(6) Pers McKays Solicitors

Solicitor - LLB Hons (1st Class)

sch4p4(6) Personal information



McKays NQ Pty Ltd ABN 85 604 643 709

34 Wood Street, Mackay Qld 4740 Australia

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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: Tuesday, 29 September 2020 8:37 AM

To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>

Cc: sch4p4(6) Pers McKays Solicitors sch4p4@mckayslaw.com

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** updated Agreement to Offer with the relevant position of each signatory.

I look forward to hearing from you in relation to Lease A.

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



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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: Monday, 28 September 2020 4:36 PM
To: sch4p4(6) Person McKays Solicitors
Cc: sch4p4(6) Person McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(6)

Thank you for providing me with a copy of the Agreement to Offer, unfortunately the declaration has not been executed correctly. We require the details (Position within Council) noted under the name of each person signing on behalf of Council.

If you could please have those details added to the Agreement and then returned to the Department.

I have forwarded your email to a colleague in regards to Lease A on preliminary SP309417, I will also seek clarification from our Senior Surveyor to ensure that I am providing you with the correct details.

Once I have received feedback in relation to the ♦Lease A♦ area I will be in contact with you to advise how to proceed.

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) Person McKays Solicitors
Sent: Thursday, 24 September 2020 4:56 PM
To: WARRENER Megan
Cc: sch4p4(6) Person McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** signed Agreement to Offer and confirmation of payment of the offer amount of \$419.00 with respect to Application 2020/010676.

We acknowledge the extension of time we had obtained on behalf of our client, but clarify that we are now able to proceed to comply with the conditions.

Our client will now proceed to having preliminary SP309417 finalised by the surveyor for registration with titles. In this regard, we wish to again raise our query in relation to ♦Lease A♦ which is noted on this plan. For your ease, we have **attached** previous email correspondence to you in relation to this. You will recall that this involves a small part of the reserve (noted as ♦Lease A♦ on SP309417) that the Whitsunday Sailing Club would like to take over as part of their Term Lease 0/232700 over Lot 333 on SP145063 which they hold with the State.

Following this email, we engaged in a telephone discussion with you on 30 April, 2020 whereby you advised that Carey Gabriel had directed that the Department would first process the road opening application first, and then deal with the excision/revocation of Lease A as a separate case. Now that an Agreement to Offer has been provided for the road opening, and Council is taking steps to comply with the conditions, we were of the understanding that this process can now be started.

We acknowledge that Council would only be responsible for the application to excise/revoke the area of land from the reserve, and that it would be the responsibility of the Whitsunday Sailing Club to liaise with the Department and meet the priority criteria under the Land Act 1994 with respect to taking over this area as part of their Term Lease 0/232700.

The reason we wish to clarify the above at this stage is due to the fact that ♦Lease A♦ is currently noted on SP309417 associated with this application. Could you please advise whether Council needs to have ♦Lease A♦ removed from SP309417 i.e. will it be a matter of lodging a separate survey plan, as part of the excision/revocation application, at a later date? Or can Council keep ♦Lease A♦ noted on SP309417 and lodge the required separate application ♦ and ultimately have the survey plan lodged to cover both actions. We presume the answer to this will depend on what is involved with the application for the excision/revocation, including how long such an application will take (as we only

have until 9 January 2021 under this application to lodge the survey plan, as per the extension).

We would appreciate your prompt response to this query so that Council can take steps to finalising SP309417 for the purposes of this road opening application, and to also enable Council to communicate to Whitsunday Sailing Club the process that will be involved regarding Lease A moving forward.

We look forward to your response. Should you have any queries, please do not hesitate to call myself, [sch4p4(6) Person] or [sch4p4(6) Person] of this office.

Kind regards

[sch4p4(6) Person] 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: Friday, 7 August 2020 9:57 AM

To: [sch4p4(6) Person] McKays Solicitors [sch4p4(6) Person]@mckayslaw.com>; [sch4p4(6) Person] McKays Solicitors [sch4p4(6) Person]@mckayslaw.com>

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

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: 1834130

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 5-Nov-2020 4:35 PM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Ok to proceed 1m2 isnt significant increase	5-Nov-2020

Interaction Record History

Service Centre: Mackay

Associated to Case: 2020/010676

Revision No.: 0

Updated by: Warrener, Megan

Date: 5-Nov-2020

Details: Email sent to sch4p4(6) Person (McKays Solicitors) advising that the area isn't a significant increase and inline with the ATO, ok to proceed.

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1834127

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 5-Nov-2020 4:31 PM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_New Road area changed by 1m2	5-Nov-2020

Interaction Record History

Service Centre: Mackay

Associated to Case: 2020/010676

Revision No.: 0

Updated by: Warrener, Megan

Date: 5-Nov-2020

Details: Email received from sch4p4(6) Person (McKays Solicitors) advising that Council has obtained final survey plan from the surveyor advising that the total area for area 18-A-H-18 is noted as 777m2, but on the draft plan it was noted as 776m2. This means the total area of new road will be 1436m2 as opposed to the 1435m2 noted within the Agreement to Offer.

sch4p4(6) wanting to know if this is ok as the Agreement to Offer states #approximately 1435m2# but wanted to clarify this before Council proceeds to lodging the plan for registration.

Assignment History

Date : 5/11/2020 4:27:56 PM
From : "WARRENER Megan"
To : [sch4p4(6) Perso] McKays Solicitors"
Cc : [sch4p4(6) Perso] McKays Solicitors"
Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676
Attachment : image002.png;image003.jpg;
Hi [sch4p4(6)]

Thank you very much for the update on this case, as the area hasn't changed significantly from the draft plan and is in line with the Agreement to Offer this won't be a problem.

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: Thursday, 5 November 2020 4:17 PM
To: WARRENER Megan
Cc: [sch4p4(6) Perso] McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Council is in the process of finalising SP309419 for the purposes of this road opening application.

As below, you will note that Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Council has obtained **attached** final survey plan from the surveyor but I point out that the total area for area 18-A-H-18 is noted as 777m2, but on the draft plan it was noted as 776m2. This means the total area of new road will be 1436m2 as opposed to the 1435m2 noted within the Agreement to Offer.

I presume this will be fine as the Agreement to Offer states "approximately 1435m2" but I just wanted to clarify this before Council proceeds to lodging the plan for registration.

Please feel free to call to discuss.

Kind regards

[sch4p4(6) Perso] 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: [sch4p4(6) Pe] McKays Solicitors
Sent: Tuesday, 29 September 2020 8:37 AM
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 - 2020/010676

Hi Megan,

Please find **attached** updated Agreement to Offer with the relevant position of each signatory.

I look forward to hearing from you in relation to Lease A.

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

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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: Monday, 28 September 2020 4:36 PM

To: sch4p4(6) Pers | McKays Solicitors

Cc: sch4p4(6) Pers | McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(6)

Thank you for providing me with a copy of the Agreement to Offer, unfortunately the declaration has not been executed correctly. We require the details (Position within Council) noted under the name of each person signing on behalf of Council.

If you could please have those details added to the Agreement and then returned to the Department.

I have forwarded your email to a colleague in regards to Lease A on preliminary SP309417, I will also seek clarification from our Senior Surveyor to ensure that I am providing you with the correct details.

Once I have received feedback in relation to the "Lease A" area I will be in contact with you to advise how to proceed.

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

Sent: Thursday, 24 September 2020 4:56 PM

To: WARRENER Megan

Cc: sch4p4(6) Pers | McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** signed Agreement to Offer and confirmation of payment of the offer amount of \$419.00 with respect to Application 2020/010676.

We acknowledge the extension of time we had obtained on behalf of our client, but clarify that we are now able to proceed to comply with the conditions.

Our client will now proceed to having preliminary SP309417 finalised by the surveyor for registration with titles. In this regard, we wish to again raise our query in relation to "Lease A" which is noted on this plan. For your ease, we have **attached** previous email correspondence to you in relation to this. You will recall that this involves a small part of the reserve (noted as "Lease A" on SP309417) that the Whitsunday Sailing Club would like to take over as part of their Term Lease 0/232700 over Lot 333 on SP145063 which they hold with the State.

Following this email, we engaged in a telephone discussion with you on 30 April, 2020 whereby you advised that Carey Gabriel had directed that the Department would first process the road opening application first, and then deal with the excision/revocation of Lease A as a separate case. Now that an Agreement to Offer has been provided for the road opening, and Council is taking steps to comply with the conditions, we were of the understanding that this process can now be started.

We acknowledge that Council would only be responsible for the application to excise/revoke the area of land from the reserve, and that it would be the responsibility of the Whitsunday Sailing Club to liaise with the Department and meet the priority criteria under the Land Act 1994 with respect to taking over this area as part of their Term Lease 0/232700.

The reason we wish to clarify the above at this stage is due to the fact that "Lease A" is currently noted on SP309417 associated with this application. Could you please advise whether Council needs to have "Lease A" removed from SP309417 – i.e. will it be a matter of lodging a separate survey plan, as part of the excision/revocation application, at a later date? Or can Council keep "Lease A" noted on SP309417 and lodge the required separate application – and ultimately have the survey plan lodged to cover both actions. We presume the answer to this will depend on what is involved with the application for the excision/revocation, including how long such an application will take (as we only have until 9 January 2021 under this application to lodge the survey plan, as per the extension).

We would appreciate your prompt response to this query so that Council can take steps to finalising SP309417 for the purposes of this road opening application, and to also enable Council to communicate to Whitsunday Sailing Club the process that will be involved regarding "Lease A" moving forward.

We look forward to your response. Should you have any queries, please do not hesitate to call myself, [redacted] or [redacted] of this office.

Kind regards

[redacted] McKays Solicitors
Solicitor - LLB Hons (1st Class)
[redacted] Personal information



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 [redacted]@mckayslaw.com

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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>

Sent: Friday, 7 August 2020 9:57 AM

To: [redacted] McKays Solicitors [redacted] [redacted] McKays Solicitors [redacted] [redacted] [redacted]

Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning [redacted]

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

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 : 5/11/2020 4:17:25 PM

From : sch4p4(6) Person McKays Solicitors"

To : "WARRENER Megan"

Cc : sch4p4(6) Person McKays Solicitors"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : 201105 144125-1 SP309417 (Rev D).pdf;image002.png;image001.jpg;

Hi Megan,

Council is in the process of finalising SP309419 for the purposes of this road opening application.

As below, you will note that Council has already returned the signed Agreement to Offer and paid the Offer Amount.

Council has obtained **attached** final survey plan from the surveyor but I point out that the total area for area 18-A-H-18 is noted as 777m2, but on the draft plan it was noted as 776m2. This means the total area of new road will be 1436m2 as opposed to the 1435m2 noted within the Agreement to Offer.

I presume this will be fine as the Agreement to Offer states approximately 1435m2 but I just wanted to clarify this before Council proceeds to lodging the plan for registration.

Please feel free to call to discuss.

Kind regards

sch4p4(6) Person McKays Solicitors

Solicitor - LLB Hons (1st Class)

sch4p4(6) Personal information

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From : sch4p4(6) Person McKays Solicitors

Sent: Tuesday, 29 September 2020 8:37 AM

To: 'WARRENER Megan' <Megan.Warrener@dnrme.qld.gov.au>

Cc : sch4p4(6) Person McKays Solicitors sch4p4@mckayslaw.com>

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** updated Agreement to Offer with the relevant position of each signatory.

I look forward to hearing from you in relation to Lease A.

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

Kind regards

sch4p4(6) Person McKays Solicitors

Solicitor - LLB Hons (1st Class)

sch4p4(6) Personal information

McKays

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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: Monday, 28 September 2020 4:36 PM
To: sch4p4(6) Pers | McKays Solicitors
Cc: [redacted] | McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi sch4p4(6)

Thank you for providing me with a copy of the Agreement to Offer, unfortunately the declaration has not been executed correctly. We require the details (Position within Council) noted under the name of each person signing on behalf of Council.

If you could please have those details added to the Agreement and then returned to the Department.

I have forwarded your email to a colleague in regards to Lease A on preliminary SP309417, I will also seek clarification from our Senior Surveyor to ensure that I am providing you with the correct details.

Once I have received feedback in relation to the ♦Lease A♦ area I will be in contact with you to advise how to proceed.

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
Sent: Thursday, 24 September 2020 4:56 PM
To: WARRENER Megan
Cc: sch4p4(6) Pers | McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** signed Agreement to Offer and confirmation of payment of the offer amount of \$419.00 with respect to Application 2020/010676.

We acknowledge the extension of time we had obtained on behalf of our client, but clarify that we are now able to proceed to comply with the conditions.

Our client will now proceed to having preliminary SP309417 finalised by the surveyor for registration with titles. In this regard, we wish to again raise our query in relation to ♦Lease A♦ which is noted on this plan. For your ease, we have **attached** previous email correspondence to you in relation to this. You will recall that this involves a small part of the reserve (noted as ♦Lease A♦ on SP309417) that the Whitsunday Sailing Club would like to take over as part of their Term Lease 0/232700 over Lot 333 on SP145063 which they hold with the State.

Following this email, we engaged in a telephone discussion with you on 30 April, 2020 whereby you advised that Carey Gabriel had directed that the Department would first process the road opening application first, and then deal with the excision/revocation of Lease A as a separate case. Now that an Agreement to Offer has been provided for the road opening, and Council is taking steps to comply with the conditions, we were of the understanding that this process can now be started.

We acknowledge that Council would only be responsible for the application to excise/revoke the area of land from the reserve, and that it would be the responsibility of the Whitsunday Sailing Club to liaise with the Department and meet the priority criteria under the Land Act 1994 with respect to taking over this area as part of their Term Lease 0/232700.

The reason we wish to clarify the above at this stage is due to the fact that ♦Lease A♦ is currently noted on SP309417 associated with this application. Could you please advise whether Council needs to have ♦Lease A♦ removed from SP309417 i.e. will it be a matter of lodging a separate survey plan, as part of the excision/revocation application, at a later date? Or can Council keep ♦Lease A♦ noted on SP309417 and lodge the required separate application ♦ and ultimately have the survey plan lodged to cover both actions. We presume the answer to this will depend on what is involved with the application for the excision/revocation, including how long such an application will take (as we only

have until 9 January 2021 under this application to lodge the survey plan, as per the extension).

We would appreciate your prompt response to this query so that Council can take steps to finalising SP309417 for the purposes of this road opening application, and to also enable Council to communicate to Whitsunday Sailing Club the process that will be involved regarding Lease A moving forward.

We look forward to your response. Should you have any queries, please do not hesitate to call myself, [sch4p4(6) Pers] or [sch4p4(6) Pers] of this office.

Kind regards

[sch4p4(6) Pers] | **McKays Solicitors**

Solicitor - LLB Hons (1st Class)

[sch4p4(6) Personal information]



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](mailto:[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: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>

Sent: Friday, 7 August 2020 9:57 AM

To: [sch4p4(6) Pers] McKays Solicitors [sch4p4] [@mckayslaw.com](mailto:[sch4p4@mckayslaw.com]); [sch4p4(6) Pers] McKays Solicitors [sch4p4] [@mckayslaw.com](mailto:[sch4p4@mckayslaw.com])>

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

Megan Warrener

Senior Land Officer

State Land Asset Management | Land Services

Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)

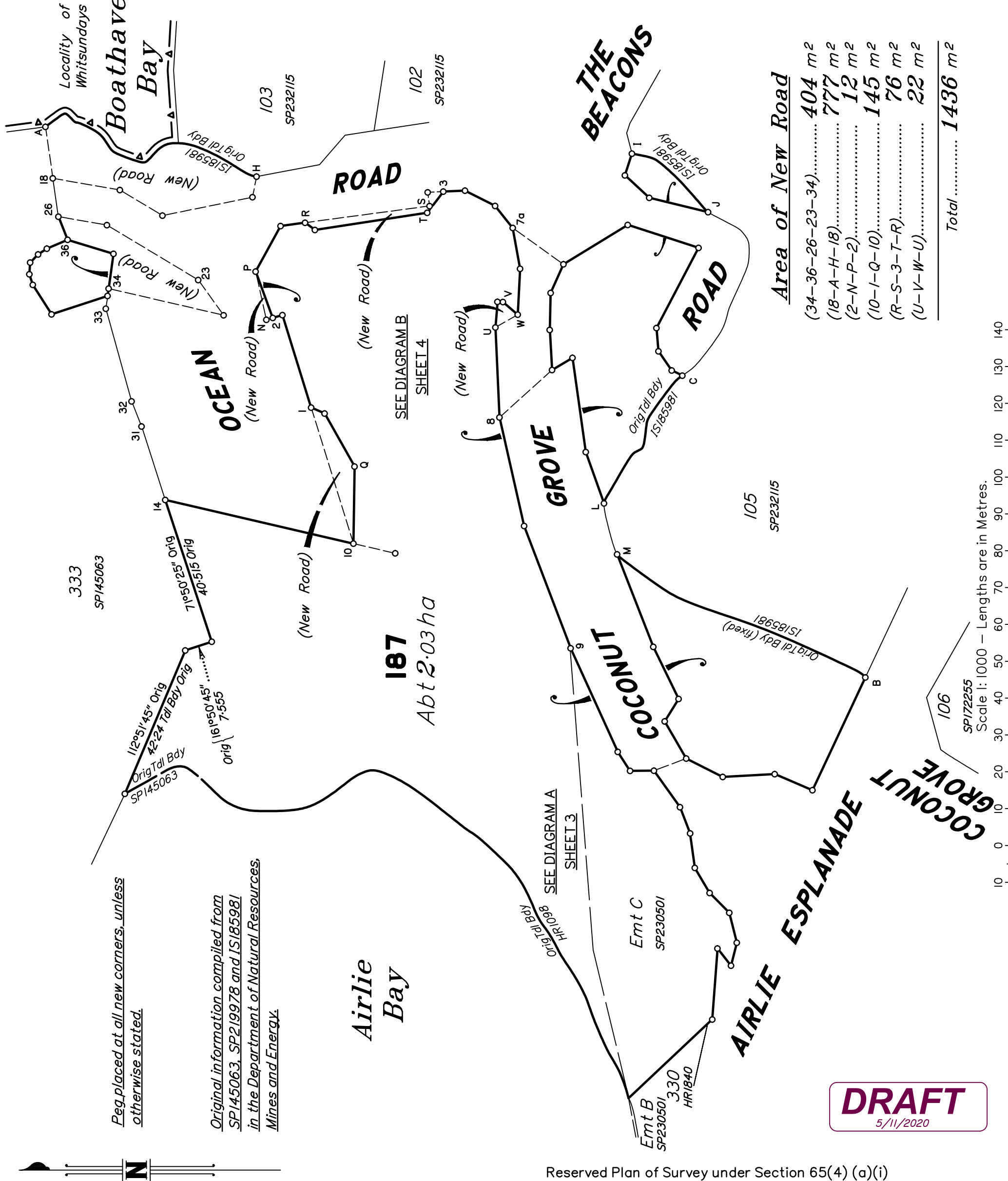
E: Megan.Warrener@dnrme.qld.gov.au

A: Level 1, 44 Nelson Street, Mackay Q 4740 | PO Box 63, Mackay, Q4740

W: www.dnrme.qld.gov.au

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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.



RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by **sch4p4(6) Personal info** surveyor, for whose work the corporation accepts responsibility, under the supervision of **sch4p4(6) Personal** 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 29/10/2020.

Authorised Delegate

Date

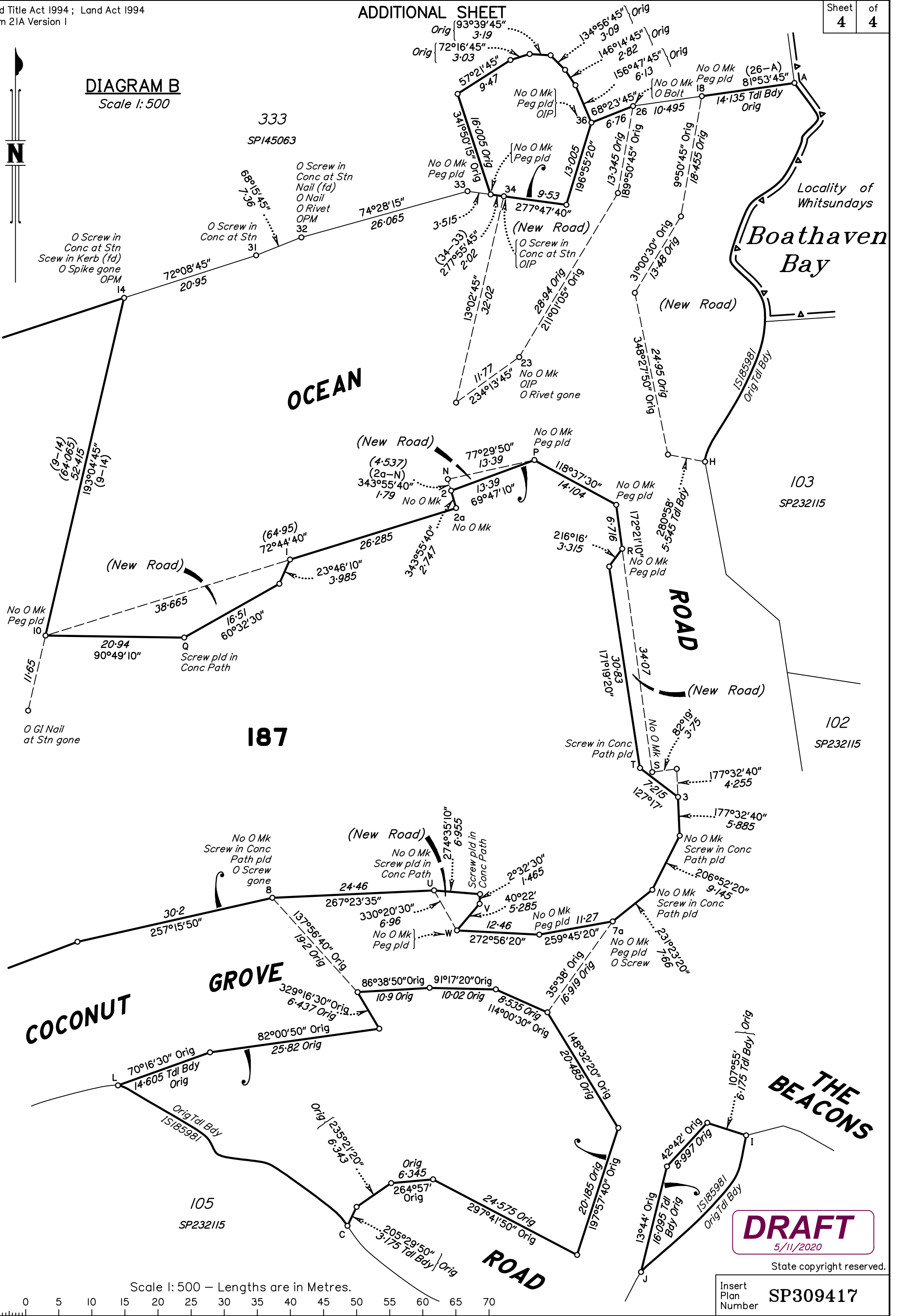
0 50mm 100mm 150mm State copyright reserved.	
Plan of Lot 187	
Cancelling Lot 187 on SP219978 and Part of USL being Closed Road	
LOCAL WHITSUNDAY GOVERNMENT: REGIONAL COUNCIL	LOCALITY: AIRLIE BEACH
Meridian: MGA 94 Zone 55 Vide SP219978	Survey Records: No
SP309417	

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



DIAGRAM B

Scale 1: 500



Scale 1: 500 — Lengths are in Metres.

DRAFT

5/11/2020

State copyright reserved.

Insert
Plan
Number

SP309417

s.73 Irrelevant information

From: sch4p4(6) Perso McKays Solicitors <sch4p4@mckayslaw.com>
Sent: Tuesday, 29 September 2020 8:37 AM
To: WARRENER Megan
Cc: sch4p4(6) Perso McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** updated Agreement to Offer with the relevant position of each signatory.

s.73 Irrelevant information

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

Kind regards

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



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

> Due to recent fraudulent activity affecting the legal industry, if you are asked to deposit sums of money into an account, please contact us on a known number to confirm these instructions.

s.73 Irrelevant information

We look forward to your response. Should you have any queries, please do not hesitate to call myself, [sch4p4(6) Pers] or [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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PO Box 37, Mackay Qld 4740 Australia
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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: Friday, 7 August 2020 9:57 AM
To: [sch4p4(6) Pers] McKays Solicitors [sch4p4(6) Pers]@mckayslaw.com <[\[sch4p4\(6\) Pers\]@mckayslaw.com](mailto:[sch4p4(6) Pers]@mckayslaw.com)> [sch4p4(6) Pers] McKays Solicitors [sch4p4(6) Pers]@mckayslaw.com <[\[sch4p4\(6\) Pers\]@mckayslaw.com](mailto:[sch4p4(6) Pers]@mckayslaw.com)>
Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Mornin [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

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: 1824193

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 29-Sep-2020 8:37 AM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming Offer Requirement	e_ATO Executed correctly	29-Sep-2020

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 29-Sep-2020
Details: Correctly signed Agreement to Offer received.

Assignment History

Date : 29/09/2020 8:37:23 AM

From : [sch4p4(6) Person] McKays Solicitors"

To : "WARRENER Megan"

Cc : [sch4p4(6) Person] McKays Solicitors"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : 29092020083512-0001.pdf;image002.jpg;image003.png;

Hi Megan,

Please find **attached** updated Agreement to Offer with the relevant position of each signatory.

I look forward to hearing from you in relation to Lease A

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

Kind regards

[sch4p4(6) Person] McKays Solicitors

Solicitor - LLB Hons (1st Class)

[sch4p4(6) Person] 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, 28 September 2020 4:36 PM

To: [sch4p4(6) Person] McKays Solicitors [sch4p4(6) Person] mckayslaw.com>

Cc: [sch4p4(6) Person] McKays Solicitor [sch4p4(6) Person] mckayslaw.com>

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi [sch4p4(6) Person]

Thank you for providing me with a copy of the Agreement to Offer, unfortunately the declaration has not been executed correctly. We require the details (Position within Council) noted under the name of each person signing on behalf of Council.

If you could please have those details added to the Agreement and then returned to the Department.

I have forwarded your email to a colleague in regards to Lease A on preliminary SP309417, I will also seek clarification from our Senior Surveyor to ensure that I am providing you with the correct details.

Once I have received feedback in relation to the ♦Lease A♦ area I will be in contact with you to advise how to proceed.

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) Person] McKays Solicitors

Sent: Thursday, 24 September 2020 4:56 PM

To: WARRENER Megan
Cc: [sch4p4(6) Perso] McKays Solicitors
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** signed Agreement to Offer and confirmation of payment of the offer amount of \$419.00 with respect to Application 2020/010676.

We acknowledge the extension of time we had obtained on behalf of our client, but clarify that we are now able to proceed to comply with the conditions.

Our client will now proceed to having preliminary SP309417 finalised by the surveyor for registration with titles. In this regard, we wish to again raise our query in relation to ♦Lease A♦ which is noted on this plan. For your ease, we have **attached** previous email correspondence to you in relation to this. You will recall that this involves a small part of the reserve (noted as ♦Lease A♦ on SP309417) that the Whitsunday Sailing Club would like to take over as part of their Term Lease 0/232700 over Lot 333 on SP145063 which they hold with the State.

Following this email, we engaged in a telephone discussion with you on 30 April, 2020 whereby you advised that Carey Gabriel had directed that the Department would first process the road opening application first, and then deal with the excision/revocation of Lease A as a separate case. Now that an Agreement to Offer has been provided for the road opening, and Council is taking steps to comply with the conditions, we were of the understanding that this process can now be started.

We acknowledge that Council would only be responsible for the application to excise/revoke the area of land from the reserve, and that it would be the responsibility of the Whitsunday Sailing Club to liaise with the Department and meet the priority criteria under the Land Act 1994 with respect to taking over this area as part of their Term Lease 0/232700.

The reason we wish to clarify the above at this stage is due to the fact that ♦Lease A♦ is currently noted on SP309417 associated with this application. Could you please advise whether Council needs to have ♦Lease A♦ removed from SP309417 ♦ i.e. will it be a matter of lodging a separate survey plan, as part of the excision/revocation application, at a later date? Or can Council keep ♦Lease A♦ noted on SP309417 and lodge the required separate application ♦ and ultimately have the survey plan lodged to cover both actions. We presume the answer to this will depend on what is involved with the application for the excision/revocation, including how long such an application will take (as we only have until 9 January 2021 under this application to lodge the survey plan, as per the extension).

We would appreciate your prompt response to this query so that Council can take steps to finalising SP309417 for the purposes of this road opening application, and to also enable Council to communicate to Whitsunday Sailing Club the process that will be involved regarding ♦Lease A♦ moving forward.

We look forward to your response. Should you have any queries, please do not hesitate to call myself, [sch4p4(6) Perso] or [sch4p4(6) Perso] 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 <Megan.Warrener@dnrme.qld.gov.au>
Sent: Friday, 7 August 2020 9:57 AM
To: [sch4p4(6) Perso] McKays Solicitors [sch4p4]@mckayslaw.com>; [sch4p4(6) Perso] McKays Solicitors <[sch4p4]@mckayslaw.com>
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

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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Agreement to Offer – Road Opening

DNRME reference number: 2020/010676

OVERVIEW

Subject to compliance with the Offer Requirements as set out in this document, approval will be sought for the Dedication of road over an about 1435m² portion of Lot 187 on SP 219978 (as shown on preliminary survey plan SP309417), on the terms and conditions stated below.

Your completion and return of this form together with payment of the attached account constitutes written agreement to the offer.

OFFER REQUIREMENTS

This offer will lapse unless the following requirements are lodged by the specified time, with the Department of Natural Resources, Mines and Energy, Mackay Office –

The following must be returned to the department by close of business on **7 September 2020**, otherwise this offer will lapse –

1. Completion and return of this Agreement to Offer – Road Opening. This agreement document must be completed by a duly authorised officer.
2. Payment of the amount of \$419.00. A copy of the account should be returned to the department along with your payment.

All other conditions of this offer must be satisfied by close of business on **9 November 2020** otherwise this offer lapses –

1. Lodgement of a survey plan suitable for registration by the Registrar of Titles.

If you believe you will be unable to comply with **any of** the conditions of this offer by the due dates, you should apply in writing for an extension of time. Any application for extension of time should be made **before** the offer lapses and must address the following –

- what action you have taken to comply with the offer conditions; **AND**
- why the conditions cannot be complied with by the due date; **AND**
- the time for which the extension is requested, including reasons for the amount of time required.

Note - if you do not apply for an extension of time the offer lapses, you will need to make a fresh application and pay the required application fee. If the new application is accepted, the application will be re-investigated and include re-assessment of all conditions and requirements applicable to the dealing. This re-investigation may also result in the application being refused.

PARTICULARS OF LAND

Tenure Type -	Proposed Road
Description -	Part of Lot 187 on SP 219978 (as shown defined on Preliminary Survey Plan SP309417 and Land Management Plan Airlie Beach Foreshore Reserve)
Area (ha) -	Approximately 1435m ²



APPLICANT DETAILS

NAME

Whitsunday Regional Council

COMPANY ACN No. (where applicable)

☐ Sole Tenant

☐ Joint Tenants

☐ Tenants in Common

If to be held as Tenants in Common, complete the following -

INTEREST

NAME

For example - ½ share For example - John Robert Smith
If insufficient space, please attach separate page.

POSTAL ADDRESS of person or Company to whom correspondence is to be addressed
C/- 34 Wood Street

Town/City: Mackay

State:

QLD

Postcode:

4740

Note - it is pointed out that the Road Licence must be issued in the same names as the land to which it attaches, in accordance with the requirements of the *Land Act 1994* and for Council rating purposes.

TAX INVOICE

A tax invoice for obtaining the Road Licence will be issued to the lessee within 28 days of the date of issue of the Road Licence.

PLAN REQUIREMENTS

The department requires a plan to be prepared at your Clients expense to satisfy the requirements of this offer and arrangements should be made with a Consulting Cadastral Surveyor to prepare the plan.

The area of road to be opened that has been approved is for the area that is included in the Land Management Plan Airlie Beach Foreshore Reserves only as defined on SP309417 being 404 square metre (34-36-26-23-34), 776 square metres (18-A-H-18), 12 square metres (2-N-P-2), 145 square metres (10-I-Q-10), 76 square metres (R-S-3-T-R) and 22 square metres (U-V-W-U).

Your Consulting Cadastral Surveyor should contact the department's Principal Surveyor or Senior Surveyor, DNRME Mackay Office, if there are any questions or concerns in relation to any survey or plan requirements.

APPROVALS AND/OR REQUIREMENTS OF THE COMMONWEALTH, STATE OR LOCAL GOVERNMENT

It should be noted that whilst the proposed Road area will be opened as road purposes, it is Whitsunday Regional Council's responsibility to ensure that all the necessary approvals and/or requirements of the Commonwealth, State or local government in respect of the use of the area are obtained and/or satisfied.

ABORIGINAL OR TORRES STRAIT ISLANDER CULTURAL HERITAGE

All significant Aboriginal and Torres Strait Islander cultural heritage in Queensland, is protected under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.

Aboriginal cultural heritage which may occur on the subject land is protected under the terms of the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* even if the Department of Aboriginal and Torres Strait Islander Partnerships has no records relating to it.

Please refer to the 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 practical measures for meeting the duty of care.

Further assistance or advice in relation to this matter please contact the Cultural Heritage Unit on 1300 378 401.

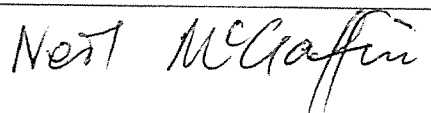
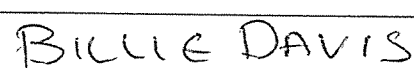
DECLARATION

The information provided in this Agreement to Offer and any attachments is authorised under the *Land Act 1994* and is being used to process your application. The department will endeavour to maintain the confidentiality of information relating to your application. However, consideration of your application may involve consultation with other parties and if so, details of your application may be disclosed to third parties. This information will not otherwise be disclosed outside of the department unless required or authorised by law such as under the *Right to Information Act 2009*. If the proposed Road Licence issues, the details of the Road Licence, including the licensee will be registered in the Land Registry which is available to the public to search.

I/We agree, subject to compliance with the Offer Requirements, to the dedication of road on terms and conditions stated in this document and note that this acceptance shall not be effective until I/We have complied with the Offer Requirements.

DECLARATION BY LOCAL GOVERNMENT ENTITY

Executed for and on behalf of:

Full Name and Signature of all Authorised Person/s	In the presence of: Full Name and Signature of Witness/es
 Neil McGaffin Director Development Services	 BILLIE DAVIS Senior Commercial officer

sch4p4(6) Personal information

Dated

24

day of

September

Year

2020

Note – Sole Directors simply insert name and sign as sole director. Other Companies require signature of two Directors or by a Director and Secretary. Where an attorney or other agent executes this Agreement on behalf of a company, the form of the execution must indicate the source of this authority and a certified copy of authority must be provided to the Department. A witness is only required for an attorney or other agent where the source of authority requires a witness.

In relation to this agreement to offer, it is recommended you seek independent legal advice.

Postal :
DNRME Mackay
PO Box 63
Mackay QLD 4740

Email: SLAM-Mackay@dnrme.qld.gov.au
Telephone : 07 4999 6862

END OF DOCUMENT

eLVAS Client Interaction Report

For Interaction id: 1824131

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 28-Sep-2020 4:52 PM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Advising that ATO not executed correctly	28-Sep-2020

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 28-Sep-2020
Details:

Assignment History

Date : 28/09/2020 4:35:43 PM

From : "WARRENER Megan"

To : "sch4p4(6) Perso| McKays Solicitors"

Cc : sch4p4(6) Perso| McKays Solicitors"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : image001.png;image002.jpg;

Hi sch4p4(6)

Thank you for providing me with a copy of the Agreement to Offer, unfortunately the declaration has not been executed correctly. We require the details (Position within Council) noted under the name of each person signing on behalf of Council.

If you could please have those details added to the Agreement and then returned to the Department.

I have forwarded your email to a colleague in regards to Lease A on preliminary SP309417, I will also seek clarification from our Senior Surveyor to ensure that I am providing you with the correct details.

Once I have received feedback in relation to the "Lease A" area I will be in contact with you to advise how to proceed.

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) Perso| McKays Solicitors sch4p4 mckayslaw.com>

Sent: Thursday, 24 September 2020 4:56 PM

To: WARRENER Megan

Cc: sch4p4(6) Perso| McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Hi Megan,

Please find **attached** signed Agreement to Offer and confirmation of payment of the offer amount of \$419.00 with respect to Application 2020/010676.

We acknowledge the extension of time we had obtained on behalf of our client, but clarify that we are now able to proceed to comply with the conditions.

Our client will now proceed to having preliminary SP309417 finalised by the surveyor for registration with titles. In this regard, we wish to again raise our query in relation to "Lease A" which is noted on this plan. For your ease, we have **attached** previous email correspondence to you in relation to this. You will recall that this involves a small part of the reserve (noted as "Lease A" on SP309417) that the Whitsunday Sailing Club would like to take over as part of their Term Lease 0/232700 over Lot 333 on SP145063 which they hold with the State.

Following this email, we engaged in a telephone discussion with you on 30 April, 2020 whereby you advised that Carey Gabriel had directed that the Department would first process the road opening application first, and then deal with the excision/revocation of Lease A as a separate case. Now that an Agreement to Offer has been provided for the road opening, and Council is taking steps to comply with the conditions, we were of the understanding that this process can now be started.

We acknowledge that Council would only be responsible for the application to excise/voke the area of land from the reserve, and that it would be the responsibility of the Whitsunday Sailing Club to liaise with the Department and meet the priority criteria under the Land Act 1994 with respect to taking over this area as part of their Term Lease 0/232700.

The reason we wish to clarify the above at this stage is due to the fact that "Lease A" is currently noted on SP309417 associated with this application. Could you please advise whether Council needs to have "Lease A" removed from SP309417 – i.e. will it be a matter of lodging a separate survey plan, as part of the excision/revocation application, at a later date? Or can Council keep "Lease A" noted on SP309417 and lodge the required separate application – and ultimately have the survey plan lodged to cover both actions. We presume the answer to this will depend on what is involved with the application for the excision/revocation, including how long such an application will take (as we only have until 9 January 2021 under this application to lodge the survey plan, as per the extension).

We would appreciate your prompt response to this query so that Council can take steps to finalising SP309417 for the purposes of this road opening application, and to also enable Council to communicate to Whitsunday Sailing Club the process that will be involved regarding "Lease A" moving forward.

We look forward to your response. Should you have any queries, please do not hesitate to call myself, sch4p4(6) Perso| sch4p4(6) Perso| of this office.

Kind regards

sch4p4(6) Perso| McKays Solicitors

Solicitor - LLB Hons (1st Class)

sch4p4(6) Personal information



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: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>

Sent: Friday, 7 August 2020 9:57 AM

To: [sch4p4\(6\) Per](#) McKays Solicitors [sch4p4@mckayslaw.com](#) <[sch4p4\(6\) Per](#) McKays Solicitors [sch4p4@mckayslaw.com](#)>

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

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: 1824126

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 24-Sep-2020 4:56 PM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_Signed ATO Not executed correctly	24-Sep-2020

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 28-Sep-2020
Details:

Assignment History

Date : 24/09/2020 4:55:45 PM

From : [sch4p4(6) Pers] | McKays Solicitors"

To : "WARRENER Megan"

Cc : [sch4p4(6) Pers] McKays Solicitors"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : Agreement of Offer - Part of Lot 187 on SP219978 - Airlie Foreshore (Northern).pdf; Department of Natural Resources, Mines and Energy payment receipt - 5720 7384 298; FW: [s.73 Irrelevant information]

[sch4p4(6)] image002.jpg; image003.png;

Hi Megan,

Please find **attached** signed Agreement to Offer and confirmation of payment of the offer amount of \$419.00 with respect to Application 2020/010676.

We acknowledge the extension of time we had obtained on behalf of our client, but clarify that we are now able to proceed to comply with the conditions.

[s.73 Irrelevant information]

[s.73 Irrelevant information]

[s.73 Irrelevant information] Now that an Agreement to Offer has been provided for the road opening, and Council is taking steps to comply with the conditions, we were of the understanding that this process can now be started.

[s.73 Irrelevant information]

We would appreciate your prompt response to this query so that Council can take steps to finalising SP309417 for the purposes of this road opening application, and to also enable Council to communicate to Whitsunday Sailing Club the process that will be involved regarding ♦Lease A♦ moving forward.

We look forward to your response. Should you have any queries, please do not hesitate to call myself [sch4p4(6) Pers] or [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

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From: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>

Sent: Friday, 7 August 2020 9:57 AM

To: [sch4p4(6) Pers] McKays Solicitors <[sch4p]@mckayslaw.com>; [sch4p4(6) Pers] McKays Solicitors [sch4p] mckayslaw.com>

Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning [sch4p4(6) Pers]

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

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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7 August 2020

Whitsunday Regional Council
C/-sch4p4(6) Person- McKays NQ Pty Ltd
34 Wood Street
Mackay QLD 4740



Department of
Natural Resources,
Mines and Energy

Dear sch4p4(

APPLICATION FOR ROAD OPENING – PART LOT 187 ON SP219978

Reference is made to your client's application dated 1 April 2020.

I refer to your client's application for the dedication and opening of a road described as a portion of Lot 187 on SP219978 and wish to advise that it has been approved to excise the area of approximately 1435m² from the Reserve that is included in the Land Management Plan Airlie Beach Foreshore Reserves and shown on preliminary survey plan SP309417 (DP309417) being 404 square metre (34-36-26-23-34), 776 square metres (18-A-H-18), 12 square metres (2-N-P-2), 145 square metres (10-I-Q-10), 76 square metres (R-S-3-T-R) and 22 square metres (U-V-W-U) and dedicate the area as road.

Survey at your client's expense will be necessary to maintain the fully surveyed status of the land. In this regard you should make private arrangements with a Licenced Surveyor to effect the survey.

The original plan of survey must be delivered to this Office to enable the plan to be endorsed with the approval of the Delegate of the Minister administering the *Land Act 1994*.

Your surveyor should contact the Senior Surveyor, in the Departments DNRME Mackay Office, if there are any doubts about survey or plan requirements.

This offer will lapse unless the following requirements are lodged with the DNRME Mackay Office

- Completion and return of the attached Agreement to Offer – Road Opening.
- Payment of the offer account being the total amount of \$419.00 – Plan lodgement fee. A copy of the account should be returned to this office with your payment.
- Lodgement of a plan providing for the balance of Lot 187 on SP219978 and the road to be opened.

The **Agreement to Offer** form together with payment of all required monies must be returned to the Department by close of business on **7 September 2020** otherwise this offer lapses.

Business days include those days that the Department office is normally open and excludes weekends and public holidays.

All other conditions of this offer must be satisfied by close of business on **9 November 2020**, otherwise this offer lapses.

If you believe you will be unable to comply with any of the conditions of this offer by the specified date, you should apply in writing for an extension of time. Any application for an extension of time should be made before the offer lapses and must address the following –

- what action you have taken to comply with the offer conditions; **AND**
- why the conditions cannot be complied with by the due date; **AND**
- the time for which the extension is requested, including reasons for the amount of time required.

If you **do not apply** for an extension of time and **the offer lapses**, a new application and application fee will be required. If you make a new application, the matter will be re-investigated and a new decision will be made that will include re-assessment of the land value and all conditions and requirements applicable to the dealing. This re-assessment may also result in the application being refused.

Note - Section 442 of the Land Act states that if an offer is not accepted in writing within the stated time, the offer lapses. An application to extend the stated time may be made at any time before the time passes.

Once the stated time has passed, an application may only be made within **42 days** after the time has passed. Where an application is made after the stated time has passed but within the following 42 day period, the time can only be extended where exceptional circumstances exist.

No applications for extension of time made after the 42 day period referred to in section 442 will be considered.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to SLAM-Mackay@dnrme.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

If you wish to discuss other matters in this letter, please contact Megan Warrener on 07 4999 6862.

It is recommended that you seek independent legal advice with regard to this offer.

Yours sincerely

sch4p4(6) Personal information

Megan Warrener
Senior Land Officer

Date : 24/09/2020 8:34:09 AM
From : "no-reply@bpoint.com.au"
To : "Billie Davis"
Subject : Department of Natural Resources, Mines and Energy payment receipt - 5720 7384 298

BPOINT Payment Receipt

Department of Natural Resources, Mines and Energy
ABN: 59 020 847 551
Level 7 1 William St
Brisbane, QLD, 4000
Phone: 07 3333 5201
Email: DNRME.Finance@dnrme.qld.gov.au

Payment Details

You have paid:	Department of Natural Resources, Mines and Energy
Biller Code:	928549
Reference Number:	100000006380323
Payment Amount:	AUD 419.00
Account Type:	sch4p4(6) Pe
Card Number:	
Expiry Date:	

Authorisation Result - Approved

Payment Date:	24/09/2020 08:33 AM
Time Zone:	Sydney, Australia
Receipt Number:	5720 7384 298

Thank you for your payment

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eLVAS Client Interaction Report

For Interaction id: 1820238

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 15-Sep-2020 11:46 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: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 15-Sep-2020
Details:

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1820203

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: 2020/010676

Revision No.: 0

Updated by: Warrener, Megan

Date: 15-Sep-2020

Details: Email received from sch4p4(6) Person from McKays Solicitors advising that WRC accepts that the road area X-Y-Z-X must be included within Road Opening Application 2020/010400 and would like clarification in regards to the level of community consultation required for that area of road.

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1817830

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 7-Sep-2020 10:05 AM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Asking for copy of future rendition of LMP	7-Sep-2020

Interaction Record History

Service Centre: Mackay

Associated to Case: 2020/010676

Revision No.: 0

Updated by: Warrener, Megan

Date: 7-Sep-2020

Details: Email sent to sch4p4(6) Person dvising that Area X-Y-Z-X has not been included in LMP, if there have been future renditions of the plan please provide a copy to the dept.

Assignment History

Date : 7/09/2020 10:02:43 AM

From : "WARRENER Megan"

To : [sch4p4(6) Person] McKays Solicitors"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : image001.jpg;image002.png;

Good Morning [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

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) Person] 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

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) Person] 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

[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) Pers 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 Suzanne Brown of this office.

Kind regards

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



McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay Qld 4740 Australia
PO Box 37, Mackay Qld 4740 Australia
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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) Pers McKays Solicitors sch4p4(6) Pers 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

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: 1817838

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 4-Sep-2020 2:00 PM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_EOT Approved until COB 7 Nov and 9 Jan	4-Sep-2020

Interaction Record History

Service Centre: Mackay

Associated to Case: 2020/010676

Revision No.: 0

Updated by: Warrener, Megan

Date: 7-Sep-2020

Details: Email sent to sch4p4(6) Person advising EOT Approved until 7 November 2020 and 9 January 2021 respectively.

Assignment History

Date : 4/09/2020 2:00:10 PM

From : "SLAM-Mackay"

To : [sch4p4(6) Person] McKays Solicitors", "WARRENER Megan"

Cc : [sch4p4(6) Person] McKays Solicitors", "SLAM-Mackay"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : image002.png;image003.jpg;

Hi [sch4p4(

I have just approved the extension of time to 7 November 2020 and 9 January 2021 respectively.

Megan will send you formal advice on Monday.

Regards

Carey

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: [sch4p4(6) Person] McKays Solicitors <[sch4p4(6) Person]@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

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) Person] McKays Solicitors

Solicitor - LLB Hons (1st Class)

[sch4p4(6) Person] Personal information

McKays
Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709

34 Wood Street, Mackay Qld 4740 Australia

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P +61 7 4963 0839 F +61 7 4963 0889 E [sch4p4(6) Person]@mckayslaw.com

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From: [sch4p4(6) Person] 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) Person]@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 Suzanne Brown 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(6) Pers @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: WARRENER Megan

Sent: Friday, 7 August 2020 9:57 AM

To: sch4p4(6) Pers McKays Solicitors sch4p4(6) Pers McKays Solicitors

Subject: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good Morning sch4p4(6) Pers

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

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: 1817781

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 2-Sep-2020 8:43 AM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_Request to include additional area in ATO	2-Sep-2020

Interaction Record History

Service Centre: Mackay

Associated to Case: 2020/010676

Revision No.: 0
Updated by: Warrener, Megan
Date: 7-Sep-2020
Details: Email requesting additional area of road to be added to the ATO

Assignment History

Date : 2/09/2020 8:43:16 AM

From : [sch4p4(6) Pers] McKays Solicitors"

To : "WARRENER Megan"

Cc : [sch4p4(6) Pers] McKays Solicitors" , "SLAM-Mackay"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : Letter to DNRME regarding Area X-Y-Z-X - 2 September 2020.pdf;image001.jpg;image002.png;

Hi Megan,

Further to our letter dated 27 August, 2020 and our subsequent telephone discussions, please find **attached** correspondence to you.

If you would like to discuss further, please contact myself or Suzanne Brown of this office.

Kind regards

[sch4p4(6) Pers] McKays Solicitors

Solicitor - LLB Hons (1st Class)

[sch4p4(6) Personal information]



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Sent: Thursday, 27 August 2020 11:02 AM

To: 'WARRENER Megan' <Megan.Warrender@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

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If you would like to discuss further, please contact myself or Suzanne Brown of this office.

Kind regards

[sch4p4(6) Pers] 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) Pers] McKays Solicitors ; [sch4p4(6) Pers] 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

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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Your Ref: 2020/010676
Our Ref: SKB:TNH:190032613
Reply To: Mackay Office [sch4p4(6) Personal information]
Direct Line: 4963 0820 / 4963 0839
Email: [sch4p4(mckayslaw.com / [sch4p4(@mckayslaw.com

Attn: Megan Warrener
Department of Natural Resources Mines & Energy
PO Box 63
MACKAY QLD 4740

2 September, 2020

By Email: Megan.Warrener@dnrme.qld.gov.au

Dear Megan

**Road Opening Application 2020/010676
Unapproved Area X-Y-Z-X shown on Preliminary SP309417**

We refer to your correspondence dated 7 August, 2020 enclosing an Agreement to Offer, and our subsequent telephone discussions with you on 11 August, 2020 in relation to the above application.

As discussed, whilst reviewing the Agreement to Offer provided, Council discovered that area X-Y-Z-X noted on preliminary SP309417 has not been included as an approved area.

1. Actions Sought

The purpose of this letter is to:

- 1.1. Make submissions and request that area X-Y-Z-X be included in the Agreement to Offer; or
- 1.2. If the Department is not prepared to do this, then request guidance on whether a separate application for area X-Y-Z-X is required, including whether Council needs to engage in community consultation in this regard.

2. Submissions that Area X-Y-Z-X part of LMP

2.1. Inclusion in Application

During the assessment process, you will recall that there was some confusion within the Department in relation to the preliminary SP309417. In this regard, we engaged in a telephone discussion with yourself on 30 April, 2020 on behalf of Council and confirmed the following:

- (a) Council intended to amend SP309417 to remove area DI-EI-FI-DI as an area of proposed "closed road" – and that this should be disregarded by the Department entirely in assessing the application; and

- (b) Council also intended to amend SP309417 to remove area AI-BI-CI-AI as this particular area was only intended to be included within SP316921 as part of application 2020/010400; and
- (c) Council intended for area X-Y-Z-X as shown on both SP309417 and SP316921, **to remain within SP309417 as part of application 2020/010676.**

The area had been inadvertently included within both plans as a result of each plan being prepared by different surveyors, at different times – leading to some inconsistencies.

In this regard, Council was of the belief that area X-Y-Z-X had been contemplated by the Airlie Beach Foreshore Land Management Plan dated October, 2018 (“LMP”) along with the other areas of proposed new road within application 2020/010676.

During the above discussions, we provided you with a highlighted version of SP309417 and SP316921 to clarify which areas of proposed new road Council intended to include in each application. We were advised that these highlighted plans were sufficient for the purpose of assessing the applications and that the survey plans were not required to be finalised, or at least amended, at that stage.

2.2. Land Management Plan

Council was of the belief, and remains of the belief, that the area X-Y-Z-X is practically included in the LMP, despite there being some inconsistencies. Relevantly:

- (a) Area X-Y-Z-X is only a small section – a total of 92m²;
- (b) As shown on the below current mapping of Coconut Grove, area X-Y-X-Z (as circled in **red**) has already been physically and practically converted to road as part of the carparking reconfiguration:



- (e) However, Figure 11 below (which shows the intended overall design of the realignment of Reserve R.281) clearly **shows area X-Y-Z-X (circled in red) as new road with carparking**:

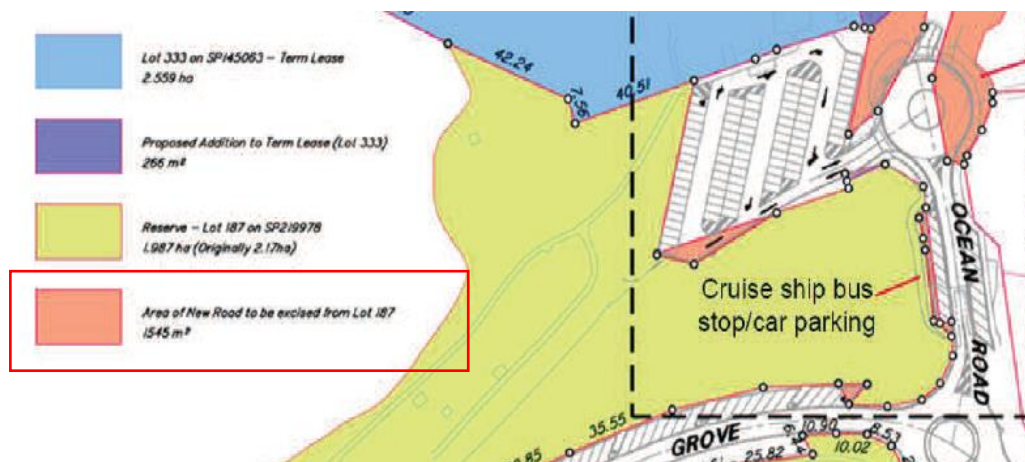
These preliminary works, including the re-alignment of Reserve R.281, will enable the creation of the Foreshore Revitalization design shown in Figure 11 below and in greater resolution within Appendix D.



Figure 11: Airlie Beach Foreshore Revitalisation Project.

It is therefore clear that area X-Y-Z-X was intended to be an area of new road as part of Council's overall vision for the realigned carparking within Reserve R281, as contemplated by the LMP.

- (f) Although Figure 10 does not show area X-Y-Z-X as being shaded orange in error, the key (outlined in red) states the total area of new road to be excised from Lot 187 as being **1545 m²**:



The total of the areas approved by the department as detailed within the Agreement to Offer is **approximately 1435m²**.

The total section of area X-Y-Z-X (**92m²**) therefore fits within the total **1545 m²** area of new road within the LMP, despite having not been shaded orange.

Accordingly, this shows that area X-Y-Z-X was contemplated to be part of this new road, per the key (despite the shading in the diagram being incorrect).

On this basis, Council requests that you reconsider the application and the inclusion of area X-Y-Z-X into the approval (and amend the current Agreement to Offer, if possible).

3. Alternative – if not part of LMP

Whilst for the above reasons, Council does consider that area X-Y-Z-X has been contemplated and included in the LMP (despite some inconsistencies), if the Department will not accept this, then please provide guidance as to how to proceed. Specifically, Council requests clarification in relation to the following:

- 3.1. Whether Council will be required to submit a separate road opening application for area X-Y-Z-X; and
- 3.2. Whether community consultation will be required.

Based on previous experience and advice of the Department, we understand that Council has the ability to determine the level of community consultation required for a particular action, or alternatively, that community consultation is not required – with sufficient justification.

In these circumstances, irrespective of whether a new application will need to be lodged or not, Council has determined that community consultation is not required.

Council submits the following to the Department as its justification to why community consultation is not required for the proposed road opening of area X-Y-Z-X:

- (a) Area X-Y-Z-X is only a small section – a total of 92m²;
- (b) As stated, the area has already been physically and practically converted to road as part of the carparking reconfiguration and now contains approximately 4 to 5 carparks. However, from a tenure perspective, the area is still part of the recreational reserve;
- (c) Council believes it is vital for the tenure of this area to be converted from recreational reserve to new road, to enable Council to be responsible for the management, control and regulation of the road as a local government under the *Local Government Act 2009* (Qld);
- (d) The area is proposed to be opened as new road for the same purpose as the other areas that have already been approved – for the purpose of “realigned carparking on Coconut Grove” outlined at page 12 of the LMP:

7. Proposed Use/s of the Trust Land

7.1 Airlie Beach Foreshore Revitalisation Project – Reserve R.281 and R.296

7.1.1 Proposal

Whitsunday Regional Council has recently undergone public consultation for the Airlie Beach Foreshore Revitalisation Project that seeks to beautify the Foreshore and better support various events that utilize the site, including the Whitsunday Lions Markets. The public consultation period for this revitalisation project lasted for 51 days and involved various workshops with key stakeholders. Proposed works as part of the Airlie Beach Foreshore Revitalisation Project will be consistent with the designated community purpose of the Reserve. **The following preliminary works are required to formalise access and car parking along Coconut Grove and Ocean Road to support the proposed revitalisation works within Reserve R.281:**

- new bus turning area on Ocean Road;
- new car parking and cruise ship bus stop on Ocean Road;
- **realigned parking on Coconut Grove; and**

The area is not being opened as new road for the purposes of benefiting freehold land, but rather for the benefit of the public who utilise Reserve R281.

In comparison, we appreciate that the proposed new road openings as part of Application 2020/010400 were in fact to benefit freehold land (and were not contemplated by the LMP) which was the department's rationale for requiring Council to undertake community consultation with respect to these road openings;

- (e) Council believes that it would be impracticable to expend significant time and resources on community consultation for area X-Y-Z-X, for the following reasons:
 - (i) The approved areas have already undergone community consultation as part of the approval of the LMP. The LMP was publicly consulted upon for a period of 30 days between 23 July, 2018 to 4 September, 2018 following in-principle support being received from State Land Asset Management on 7 July, 2018;
 - (ii) As you would be aware, no submissions were received during this period but an extension was provided to local community group, "Save our Foreshore", who lodged a submission on 4 September, 2018. The submissions made by Save Our Foreshore in relation to Reserve R281 were not in relation to the proposed road openings. No changes to the LMP were made in response to this submission, as detailed within Council's Submission Analysis and Submission Response Letter provided to the department on 26 September, 2018;
 - (iii) If area X-Y-Z-X had been shaded orange within Figure 10 of the LMP as an area of new road, Council does not believe that, as a result, it would have received any additional submissions as part of the community consultation;
 - (iv) Council does not believe that it would receive many submissions (if any) as part of any community consultation held at this stage. If Council did receive any submissions, it believes that such submissions would likely be from disgruntled members of the community in relation to the proposed private development within freehold Lot 105 on SP232115 and Lot 106 on SP172255 (who have probably already lodged submissions as part of the community consultation for Application 2020/010400). Council would therefore be able to disregard those submissions on the basis of irrelevance;
- (f) Council also believes it would be impracticable and a waste of money and resources to engage a surveyor to prepare a separate survey plan merely depicting a 92m² area of proposed new road, which has already been included within SP309417 (if it is required to submit a separate road opening application).

Noting that the due date of the first condition pursuant to the Agreement of Offer is **7 September, 2020**, we have sent separate correspondence to the department to request an

extension of time, to allow for the department to consider the submissions contained herein and clarify the action that Council is required to take.

Should you have any queries or concerns, please do not hesitate to contact sch4p4(6) Personal in or sch4p4(6) Personal of this office.

Yours faithfully
McKAYS

Per:

Reference Details

Reference No. 2020/010676
Action Type: Extension of offer requirements
Action Status: Proposed

Title Ref: 49022965
Tenure Type: Reserve

Service Centre: Mackay
Region: Central

No Interested Parties

Description of Land

Total Area (ha): 2.1700 Surveyed
Exclusions/Restrictions/Reservations: No

Lot/Plan Details

Lot/Plan	Area
187/SP219978	2.1700 ha

Local Authority
Whitsunday Regional Council

No Forestry Entitlement

No Tenant Correspondents

No Acts and Sections

No Document Recipient

No Encumbrances

No Parent Titles

No Attached Tenures

No Reserves

No Associated Tenure Groups

Land Value Information

Subdivision Parcel:

Purpose:

Category:

Sub Category:

Rental Type:

Fixed Rent Expires:

Rate:

:

Sale Price:

Improvements Value:

Deposit:

Timber Value:

Timber Installment:

No Deeds To Be Issued

Optional Conditions

Nil

Optional Reservations

Nil

Reference Details

Reference No. 2020/010676
Action Type: Road Opening no consideration
Action Status: Approved by MD

Title Ref:
Tenure Type: Untenured

Service Centre: Mackay
Region: Central

No Interested Parties

Description of Land

Total Area (ha): 0.0000

Exclusions/Restrictions/Reservations: No

Details: Road Opening out of part of reserve for recreation purposes,
described as Lot 187 on SP219978

No Lot/Plans

No Forestry Entitlement

No Tenant Correspondents

No Acts and Sections

No Document Recipient

No Encumbrances

No Parent Titles

No Attached Tenures

Reserve Title References

Title Ref

49022965

No Associated Tenure Groups

Land Value Information

Purpose:

Category:

Sub Category:

Rental Type:

Fixed Rent Expires:

Rate:

Annual Rent:

Purchase Price: \$

Sale Price: \$

Improvements Value: \$

Deposit: \$

Timber Value: \$

Timber Installment: \$

No Deeds To Be Issued

Optional Conditions

Nil

Optional Reservations

Nil

Offer Account

(This is not a Tax Invoice)

Draft



Queensland
Government

Department of
Natural Resources,
Mines and Energy

Payment Reference: 638032
Offer Account Date: 07/08/2020
Enquiry Reference: 2020/010676/2
Account No: 2002010676
Account Due Date: 07/09/2020

Applicant: Whitsunday Regional Council
PO Box 104
Proserpine QLD 4800
Australia

ABN No.

ACN/ARBN No.

Item Description	Quantity	Amount (\$)	Amount Due (\$)
Plan Lodgement Fee (Div 81)	1	419.00	419.00
Total Payable at Acceptance/Settlement:			\$419.00

Comment:

Plan Lodgement Fee - MW

Payment Methods:

Payment options are cash (in person only), EFTPOS (in person at some centres only), cheque (in person or by post), BPOINT or BPay (details below).

Cheques should be made payable to 'Department of Natural Resources, Mines and Energy' and marked 'not negotiable'.

Forward your cheque, together with a copy of this account to: DNRME PO Box 15216, City East Q 4002.



Bill Code:
Ref:
Pay By Phone:
Call 1300 276 468



Pay on line via credit card
www.bpoint.com.au or contact your
financial institution to make this
payment directly from your cheque,
savings or credit account

BPAY or BPOINT
Transaction ID

BPay only amounts greater than \$50

BPOINT amounts between \$10 and \$100,000

If applicable a Tax Invoice will be provided on completion of this dealing.

31-Aug-2020

eLVAS Submission Report

For Case id: 2020/010676

Submission Details

Type: Submission

Title: Submission - EOT

Created: 31-Aug-2020

Submitted: 31-Aug-2020

Submitted By: Warrener, Megan

Actioning Officer's Recommendation:

I recommend that in accordance with s442 of the Land Act and SLM/2013/498, an extension of time be granted until the COB 6 November 2020 for the initial offer requirements to be satisfied and COB 8 January 2021 for the remaining offer requirement to allow Whitsunday Regional Council sufficient time to satisfy all offer requirements.

Offer requirements to be satisfied by 6 November 2020:

Payment of offer account, \$419

Completion & Return of the Agreement to Offer

Offer requirements to be satisfied by 8 January 2021

Lodgement of a survey plan

Human Rights Checklist Attached, no Human Rights will be affected by granting an Extension of Time to satisfy offer requirements.

Optional Recommendation Document:

None

Documents

Component	Document Type	Title	Received/Sent
Case Action (2)	Offer Document	Issued Offer Account 638032	7-Aug-2020
	Outgoing Letter/Document	Agreement to Offer Documents	7-Aug-2020
	Incoming email	e_EOT Request 7 Nov 1st Req 9 Jan 2nd Req	27-Aug-2020
	Internal Document/Report Audit Report	HRA Checklist	31-Aug-2020
		Submission	31-Aug-2020
	Audit Report	Verification Report (Action 1) Submission	31-Aug-2020

Audit Report

Verification Report
(Action 2)
Submission
Verification Report
(Action 3)

31-Aug-2020

Case issues

No case issues

Case notes

No case notes

Applications

Application Id	Application Type	Status	Primary
1 No Decision	Opening of a Road	Approved by MD	Y

Actions

Action Id	Action Type	Status	Status Date
1 No Decision	Res Amend - no consideration	Approved by MD	7-May-2021
Action Id	Action Type	Status	Status Date
2 No Decision	Road Opening no consideration	Approved by MD	7-May-2021
Action Id	Action Type	Status	Status Date
3	Extension of offer requirements	Approved by MD	23-Apr-2021

Decision: Approved by MD

Decision Date: 4-Sep-2020

Basis for Decision:
Section 442Land Act 1994

Additional Comments:

In accordance with section 442 of the Land Act 1994, approval is given for an extension of time to 7 November 2020 for the return of the Agreement to Offer and payment of \$419 and an extension of item to 9 January 2020 for the lodgement of survey requirements. It is noted that the extension were requested

to allow time for DNMRE to consider whether area X-Y-Z-X is part of the LMP or if separate application is needed.

The objects of the Human Rights Act (Qld) 2019 have been considered in the giving of this approval however are not considered to be applicable for this approval.

Declaration:

I have considered the relevant legislation, policies and work instructions and have made my decision

Gabriel, Carey

Senior Land Officer

A duly authorised delegate of the Chief Executive

under the current Land Act (Chief Executive) Delegation

Additional comments

None

Reference Details

Reference No. 2020/010676
Action Type: Res Amend - no consideration
Action Status: Approved by MD

Title Ref: 49022965
Tenure Type: Reserve

Service Centre: Mackay
Region: Central

No Interested Parties

Description of Land

Total Area (ha): 2.1700 Surveyed
Exclusions/Restrictions/Reservations: No

Lot/Plan Details

Lot/Plan	Area
187/SP219978	2.1700 ha

Local Authority
Whitsunday Regional Council

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No Associated Tenure Groups

Land Value Information

Purpose:

Category:

Sub Category:

Rental Type:

Fixed Rent Expires:

Rate:

Annual Rent:

Purchase Price: \$

Sale Price: \$

Improvements Value: \$

Deposit: \$

Timber Value: \$

Timber Installment: \$

No Deeds To Be Issued

Optional Conditions

Nil

Optional Reservations

Nil

State Land

Human Rights Act guideline and checklist

Purpose

This guideline is to assist state land decision-makers to meet the objects and obligations of the Human Rights Act and provides a checklist for decision-makers.

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision may engage human rights under the *Human Rights Act 2019* (Human Rights Act), regard will be had to the Human Rights Act in undertaking the act or making the decision.

Check list: how to meet the human rights requirements

Step 1: All individuals in Queensland have human rights. Only individuals have human rights. A corporation does not have human rights.

Are you dealing with an individual (natural person) and not a corporation/incorporated body **or** will an individual be affected by your action or decision?

Comments – Not dealing with individuals (Whitsunday Regional Council), no individuals will be affected by this decision.

☒ If no, there's no further action required

If **yes**, go to Step 2

Step 2: Are you doing an act or making a decision?

☐ making a delegated decision under the Land Act (Chief Executive)
Delegations

☐ making a delegated decision under the Land Act (Ministerial) Delegations

☐ exercising the powers of an authorised person

☐ dealing with information provided to or held by the department about a natural person

☐ other action or decision that is relevant

☐ If no, there's no further action required.

If **yes**, go to Step 3

Step 3: It is unlawful for a public entity such as a public service employee to act or make a decision in a way that is not compatible with human rights; or in making a decision, fail to give proper consideration to a human right relevant to the decision. (see section 58(1) of the Human Rights Act in Appendix 2)

Will my action or decision limit the human rights of the person or another person?

* (you must review the human rights listed in appendix 1 of this guideline and for more detail see <https://www.forgov.qld.gov.au/file/46691>)

☐ **If no**, record in your decision/assessment that you have considered human rights and you are acting compatibly with human rights. – *no further action is required.*

☐ **If yes**, human rights are being limited, go to Step 4.

Comments

Step 4: Identify if there is an exemption, for example section 58(2) of the Human Rights Act. Section 58(1) does not apply to a public entity if the entity could not reasonably have acted differently or made a different decision because of a statutory provision, a law of the Commonwealth or another state law.

For example for Rolling Term Leases, the minister must grant an extension under section 164C of the *Land Act 1994* provided certain pre-requisites are met. In this case the minister does not have to consider human rights.

☐ **If yes**, no further action is required.

☐ **If no**, go to Step 5.

Comments

Step 5

Human rights are not absolute and may be balanced against the rights of others and public policy issues of significance. The following provides a framework for deciding when and how a human right may be limited in a way that is reasonable and demonstrably justifiable and which does not result in incompatibility.

To lawfully limit a human right, you must:

Be authorised

In making a decision under law, you can only limit human rights if it is justified and reasonable (see section 13(1) of the Human Rights Act).

What law or regulation allows you to limit a person's rights?

Be justified and reasonable

Determine whether your limitation of a person's rights is justified and reasonable in the circumstances, taking into account the following factors (under section 13(2) of the Human Rights Act).

(a) Nature of the right/s

What does the right/s identified in step 3 protect? What are the values that underpin the right?

Comments

b) The nature of the purpose of the limitation

What is your purpose for limiting human rights? What are you trying to achieve by your decision or action?

Comments

(c) The relationship between the limitation and its purpose?

Will what you are doing, or proposing to do, actually achieve your purpose?

Comments

(d) Are there less restrictive and reasonably available ways to achieve the purpose?

Is there another way to achieve your purpose that won't limit a person's human rights as much? If so, you should take the less restrictive option.

(e-g) The balance between the importance of the objective of the limitation and the importance of preserving the human right.

Consider whether the benefits gained by fulfilling the purpose of the limitation outweigh the harm caused to the human right.

Comments

Step 6: Ensure there is a record of where you have considered human rights in every decision made.

Note: where human rights do not apply you must continue to act and make decisions that comply with the principles of procedural fairness (natural justice) and anti-discrimination laws such as the *Anti-Discrimination Act 1991 (Qld)*.

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List of Human Rights

Civil and political rights

15 Recognition and equality before the law

- (1) *Every person has the right to recognition as a person before the law.*
- (2) *Every person has the right to enjoy the person's human rights without discrimination.*
- (3) *Every person is equal before the law and is entitled to the equal protection of the law without discrimination.*
- (4) *Every person has the right to equal and effective protection against discrimination.*
- (5) *Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.*

16 Right to life

Every person has the right to life and has the right not to be arbitrarily deprived of life.

17 Protection from torture and cruel, inhuman or degrading treatment

A person must not be—

- (a) *subjected to torture; or*
- (b) *treated or punished in a cruel, inhuman or degrading way; or*
- (c) *subjected to medical or scientific experimentation or treatment without the person's full, free and informed consent.*

18 Freedom from forced work

- (1) *A person must not be held in slavery or servitude.*
- (2) *A person must not be made to perform forced or compulsory labour.*
- (3) *In this section—*

court order *includes an order made by a court of another jurisdiction.*

forced or compulsory labour *does not include—*

- (a) *work or service normally required of a person who is under detention because of a lawful court order or who, under a lawful court order, has been conditionally released from detention or ordered to perform work in the community; or*

- (b) *work or service performed under a work and development order under the State Penalties Enforcement Act 1999; or*
- (c) *work or service required because of an emergency threatening the Queensland community or a part of the Queensland community; or*
- (d) *work or service that forms part of normal civil obligations.*

19 Freedom of movement

Every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave it, and has the freedom to choose where to live.

20 Freedom of thought, conscience, religion and belief

- (1) *Every person has the right to freedom of thought, conscience, religion and belief, including—*
 - (a) *the freedom to have or to adopt a religion or belief of the person's choice; and*
 - (b) *the freedom to demonstrate the person's religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private.*
- (2) *A person must not be coerced or restrained in a way that limits the person's freedom to have or adopt a religion or belief.*

21 Freedom of expression

- (1) *Every person has the right to hold an opinion without interference.*
- (2) *Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Queensland and whether—*
 - (a) *orally; or*
 - (b) *in writing; or*
 - (c) *in print; or*
 - (d) *by way of art; or*
 - (e) *in another medium chosen by the person.*

22 Peaceful assembly and freedom of association

- (1) *Every person has the right of peaceful assembly.*
- (2) *Every person has the right to freedom of association with others, including the right to form and join trade unions.*

23 Taking part in public life

- (1) Every person in Queensland has the right, and is to have the opportunity, without discrimination to participate in the conduct of public affairs, directly or through freely chosen representatives.*
- (2) Every eligible person has the right, and is to have the opportunity, without discrimination—*
 - (a) to vote and be elected at periodic State and local government elections that guarantee the free expression of the will of the electors; and*
 - (b) to have access, on general terms of equality, to the public service and to public office.*

24 Property rights

- (1) All persons have the right to own property alone or in association with others.*
- (2) A person must not be arbitrarily deprived of the person's property.*

25 Privacy and reputation

A person has the right—

- (a) not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and*
- (b) not to have the person's reputation unlawfully attacked.*

26 Protection of families and children

- (1) Families are the fundamental group unit of society and are entitled to be protected by society and the State.*
- (2) Every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.*
- (3) Every person born in Queensland has the right to a name and to be registered, as having been born, under a law of the State as soon as practicable after being born.*

27 Cultural rights—generally

All persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, to declare and practise their religion and to use their language.

28 Cultural rights—Aboriginal peoples and Torres Strait Islander peoples

- (1) *Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights.*
- (2) *Aboriginal peoples and Torres Strait Islander peoples must not be denied the right, with other members of their community—*
 - (a) *to enjoy, maintain, control, protect and develop their identity and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings; and*
 - (b) *to enjoy, maintain, control, protect, develop and use their language, including traditional cultural expressions; and*
 - (c) *to enjoy, maintain, control, protect and develop their kinship ties; and*
 - (d) *to maintain and strengthen their distinctive spiritual, material and economic relationship with the land, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition or Island custom; and*
 - (e) *to conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.*
- (3) *Aboriginal peoples and Torres Strait Islander peoples have the right not to be subjected to forced assimilation or destruction of their culture.*

29 Right to liberty and security of person

- (1) *Every person has the right to liberty and security.*
- (2) *A person must not be subjected to arbitrary arrest or detention.*
- (3) *A person must not be deprived of the person's liberty except on grounds, and in accordance with procedures, established by law.*
- (4) *A person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention and must be promptly informed about any proceedings to be brought against the person.*
- (5) *A person who is arrested or detained on a criminal charge—*
 - (a) *must be promptly brought before a court; and*
 - (b) *has the right to be brought to trial without unreasonable delay; and*
 - (c) *must be released if paragraph (a) or (b) is not complied with.*
- (6) *A person awaiting trial must not be automatically detained in custody, but the person's release may be subject to guarantees to appear—*
 - (a) *for trial; and*
 - (b) *at any other stage of the judicial proceeding; and*
 - (c) *if appropriate, for execution of judgment.*
- (7) *A person deprived of liberty by arrest or detention is entitled to apply to a court for a declaration or order regarding the lawfulness of the person's detention, and the court must—*
 - (a) *make a decision without delay; and*
 - (b) *order the release of the person if it finds the detention is unlawful.*
- (8) *A person must not be imprisoned only because of the person's inability to perform a contractual obligation.*

30 *Humane treatment when deprived of liberty*

- (1) All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.*
- (2) An accused person who is detained or a person detained without charge must be segregated from persons who have been convicted of offences, unless reasonably necessary.*
- (3) An accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.*

31 *Fair hearing*

- (1) A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.*
- (2) However, a court or tribunal may exclude members of media organisations, other persons or the general public from all or part of a hearing in the public interest or the interests of justice.*
- (3) All judgments or decisions made by a court or tribunal in a proceeding must be publicly available.*

32 *Rights in criminal proceedings*

- (1) A person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.*
- (2) A person charged with a criminal offence is entitled without discrimination to the following minimum guarantees—*
 - (a) to be informed promptly and in detail of the nature and reason for the charge in a language or, if necessary, a type of communication the person speaks or understands;*
 - (b) to have adequate time and facilities to prepare the person's defence and to communicate with a lawyer or advisor chosen by the person;*
 - (c) to be tried without unreasonable delay;*
 - (d) to be tried in person, and to defend themselves personally or through legal assistance chosen by the person or, if eligible, through legal aid;*
 - (e) to be told, if the person does not have legal assistance, about the right, if eligible, to legal aid;*
 - (f) to have legal aid provided if the interests of justice require it, without any costs payable by the person if the person is eligible for free legal aid under the Legal Aid Queensland Act 1997;*
 - (g) to examine, or have examined, witnesses against the person;*
 - (h) to obtain the attendance and examination of witnesses on the person's behalf under the same conditions as witnesses for the prosecution;*

- (i) *to have the free assistance of an interpreter if the person cannot understand or speak English;*
- (j) *to have the free assistance of specialised communication tools and technology, and assistants, if the person has communication or speech difficulties that require the assistance;*
- (k) *not to be compelled to testify against themselves or to confess guilt.*
- (3) *A child charged with a criminal offence has the right to a procedure that takes account of the child's age and the desirability of promoting the child's rehabilitation.*
- (4) *A person convicted of a criminal offence has the right to have the conviction and any sentence imposed in relation to it reviewed by a higher court in accordance with law.*
- (5) *In this section—*
- (6) *legal aid means legal assistance given under the Legal Aid Queensland Act 1997.*

33 Children in the criminal process

- (1) *An accused child who is detained, or a child detained without charge, must be segregated from all detained adults.*
- (2) *An accused child must be brought to trial as quickly as possible.*
- (3) *A child who has been convicted of an offence must be treated in a way that is appropriate for the child's age.*

34 Right not to be tried or punished more than once

A person must not be tried or punished more than once for an offence in relation to which the person has already been finally convicted or acquitted in accordance with law.

35 Retrospective criminal laws

- (1) *A person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in.*
- (2) *A penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.*
- (3) *If a penalty for an offence is reduced after a person committed the offence but before the person is sentenced for the offence, the person is eligible for the reduced penalty.*
- (4) *Nothing in this section affects the trial or punishment of any person for any act or omission that was a criminal offence under international law at the time it was done or omitted to be done.*

Economic, social and cultural rights

36 *Right to education*

- (1) Every child has the right to have access to primary and secondary education appropriate to the child's needs.*
- (2) Every person has the right to have access, based on the person's abilities, to further vocational education and training that is equally accessible to all.*

37 *Right to health services*

- (1) Every person has the right to access health services without discrimination.*
- (2) A person must not be refused emergency medical treatment that is immediately necessary to save the person's life or to prevent serious impairment to the person.*

Key extracts from *Human Rights Act 2019*

3 Main objects of Act

The main objects of this Act are—

- (f) **to protect and promote human rights**; and
- (g) **to help build a culture in the Queensland public sector that respects and promotes human rights**; and
- (h) to help promote a dialogue about the nature, meaning and scope of human rights.

4 How main objects are primarily achieved

The main objects are to be achieved primarily by—

- (a) stating the human rights Parliament specifically seeks to protect and promote; and
- (b) **requiring public entities to act and make decisions in a way compatible with human rights**; and
- (c) requiring statements of compatibility with human rights to be tabled in the Legislative Assembly for all Bills introduced in the Assembly; and
- (d) providing for a portfolio committee responsible for examining a Bill introduced in the Legislative Assembly to consider whether the Bill is compatible with human rights; and
- (e) providing for Parliament, in exceptional circumstances, to override the application of this Act to a statutory provision; and
- (f) **requiring courts and tribunals to interpret statutory provisions, to the extent possible that is consistent with their purpose, in a way compatible with human rights**; and
- (g) conferring jurisdiction on the Supreme Court to declare that a statutory provision cannot be interpreted in a way compatible with human rights; and
- (h) providing for a Minister and a portfolio committee to report to the Legislative Assembly about declarations of incompatibility; and
- (i) providing for how to resolve human rights complaints; and
- (j) providing for the Queensland Human Rights Commission to carry out particular functions under this Act, including, for example, to promote an understanding and acceptance of human rights and this Act in Queensland.

5 Act binds all persons

- (1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) **This Act applies to—**
 - (a) a court or tribunal, to the extent the court or tribunal has functions under [part 2](#) and [part 3, division 3](#); and
 - (b) the Parliament, to the extent the Parliament has functions under [part 3, divisions 1, 2 and 3](#); and

- (c) **a public entity**, to the extent the public entity has functions under [part 3, division 4](#).
- (3) Subsection (2) does not limit or otherwise affect—
 - (a) another function conferred by this Act on an entity mentioned in the subsection; or
 - (b) a function conferred by this Act on any other entity.
- (4) Nothing in this Act makes the State liable to be prosecuted for an offence.

Division 2 Interpretation

6 Definitions

The dictionary in [schedule 1](#) defines particular words used in this Act.

7 Meaning of human rights

Human rights means the rights stated in [part 2, divisions 2](#) and [3](#).

8 Meaning of compatible with human rights

An **act, decision** or statutory provision is **compatible with human rights** if the act, decision or provision—

- (a) does not limit a human right; or
- (b) limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with [section 13](#).

9 Meaning of public entity

(1) Each of the following entities is a **public entity**—

- (a) **a government entity** within the meaning of the [Public Service Act 2008, section 24](#);
- (b) **a public service employee**;
- (c) the Queensland Police Service;
- (d) a local government, a councillor of a local government or a local government employee;
- (e) **a Minister**;
- (f) an entity established under an Act when the entity is performing functions of a public nature;
- (g) a member of a portfolio committee when the committee is acting in an administrative capacity;
- (h) an entity whose functions are, or include, functions of a public nature when it is performing the functions for the State or a public entity (whether under contract or otherwise);

Example of an entity not performing functions of a public nature for the State—

A non-State school is not a public entity merely because it performs functions of a public nature in educating students because it is not doing so for the State.

- (i) a person, not otherwise mentioned in paragraphs (a) to (h), who is a staff member or executive officer (however called) of a public entity;
- (j) an entity prescribed by regulation to be a public entity.

A **public entity** includes –

- (a) a registered provider when the provider is performing functions of a public nature in the State; and
- (b) a non-State police officer, under the [Police Service Administration Act 1990](#), section 5.17, while the officer—
 - (i) is appointed as a special constable under [section 5.16\(1\)](#) of that Act; or
 - (ii) is authorised under [section 5.17\(2\)](#) of that Act to exercise the powers of a police officer; or
 - (iii) is exercising a power under another law of the State.
- (1) Also, a **public entity** includes an entity for which a declaration is in force under [section 60](#).
- (2) However, a **public entity** does not include—
 - (a) the Legislative Assembly or a person performing functions in connection with proceedings in the Assembly, except when acting in an administrative capacity; or
 - (b) a court or tribunal, except when acting in an administrative capacity; or
 - (c) an entity prescribed by regulation not to be a public entity.
- (3) In this section—

entity means an entity in and for Queensland.

registered provider means a registered provider of supports or a registered NDIS provider under the *National Disability Insurance Scheme Act 2013* (Cwlth).

10 When function is of a public nature

- (1) In deciding whether a function of an entity is of a public nature for this Act, any of the following matters may be considered—
 - (a) whether the function is conferred on the entity under a statutory provision;
 - (b) whether the function is connected to or generally identified with functions of government;
 - (c) whether the function is of a regulatory nature;
 - (d) whether the entity is publicly funded to perform the function;
 - (e) whether the entity is a government owned corporation.
- (2) Subsection (1) does not limit the matters that may be considered in deciding whether a function is of a public nature.
- (3) Without limiting subsection (1) or (2), the following functions are of a public nature—
 - (a) the operation of a corrective services facility under the [Corrective Services Act 2006](#) or another place of detention;
 - (b) the provision of any of the following—

- (i) emergency services;
- (ii) public health services;
- (iii) public disability services;
- (iv) public education, including public tertiary education and public vocational education;
- (v) public transport;
- (vi) a housing service by a funded provider or the State under the [Housing Act 2003](#).

Part 2 Human rights in Queensland

Division 1 Preliminary

11 Who has human rights

- (1) All individuals in Queensland have human rights.**
- (2) Only individuals have human rights.**

Note—

A corporation does not have human rights.

12 Human rights are in addition to other rights and freedoms

A right or freedom not included, or only partly included, in this Act that arises or is recognised under another law must not be taken to be abrogated or limited only because the right or freedom is not included in this Act or is only partly included.

Examples of another law—

- the Commonwealth Constitution
- a law of the Commonwealth
- the common law
- rights under the International Covenant on Civil and Political Rights not stated in this Act
- rights under the Universal Declaration of Human Rights not stated in this Act
- rights under other international conventions
- other international laws

13 Human rights may be limited

- (1)** A human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.
- (2)** In deciding whether a limit on a human right is reasonable and justifiable as mentioned in subsection (1), the following factors may be relevant—
 - (a)** the nature of the human right;
 - (b)** the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom;
 - (c)** the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose;
 - (d)** whether there are any less restrictive and reasonably available ways to achieve the purpose;
 - (e)** the importance of the purpose of the limitation;
 - (f)** the importance of preserving the human right, taking into account the nature and extent of the limitation on the human right;

- (g) the balance between the matters mentioned in paragraphs (e) and (f).

14 Human rights are protected

Nothing in this Act gives any person or other entity a right to limit to a greater extent than is provided for under this Act, or destroy, a human right of any person.

Part 3 Division 4 Obligation on public entities

58 Conduct of public entities

- (1) It is unlawful for a public entity –

- (a) to act or make a decision in a way that is not compatible with human rights; or
- (b) in making a decision, to fail to give proper consideration to a human right relevant to the decision.

- (2) Subsection (1) does not apply to a public entity if the entity could not reasonably have acted differently or made a different decision because of a statutory provision, a law of the Commonwealth or another State or otherwise under law.

Example –

A public entity is acting to give effect to a statutory provision that is not compatible with human rights.

- (3) Also, subsection (1) does not apply to a body established for a religious purpose if the act or decision is done or made in accordance with the doctrine of the religion concerned and is necessary to avoid offending the religious sensitivities of the people of the religion.
- (4) This section does not apply to an act or decision of a private nature.
- (5) For subsection (1)(b), giving proper consideration to a human right in making a decision includes, but is not limited to–
 - (a) Identifying the human rights that may be affected by the decision; and
 - (b) Considering whether the decision would be compatible with human rights.
- (6) To remove any doubt, it is declared that –
 - (a) an act or decision of a public entity is not invalid merely because, by doing the act or making the decision, the entity contravenes subsection (1); and
 - (b) a person does not commit an offence against this Act or another Act merely because the person acts or makes a decision in contravention of subsection (1).

eLVAS Client Interaction Report

For Interaction id: 1815544

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 27-Aug-2020 11:05 AM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Incoming email	e_EOT Request 7 Nov 1st Req 9 Jan 2nd Req	27-Aug-2020

Interaction Record History

Service Centre: Mackay

Associated to Case: 2020/010676

Revision No.: 0

Updated by: Warrener, Megan

Date: 27-Aug-2020

Details: Email from sch4p4(6) Person requesting an EOT to satisfy offer requirements.

Assignment History

Date : 27/08/2020 11:01:47 AM

From : [sch4p4(6) Person] McKays Solicitors"

To : "WARRENER Megan"

Cc : [sch4p4(6) Person] McKays Solicitors" , "SLAM-Mackay"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : Extension Request - 27 August 2020.pdf;image003.png;image001.jpg;

Good morning Megan,

Please find **attached** correspondence to you.

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

Kind regards

[sch4p4(6) Person] McKays Solicitors

Solicitor - LLB Hons (1st Class)

[sch4p4(6) Person] 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: Friday, 7 August 2020 9:57 AM

To: [sch4p4(6) Person] McKays Solicitors [sch4p4(6) Person]@mckayslaw.com>; [sch4p4(6) Person] McKays Solicitors [sch4p4(6) Person]@mckayslaw.com>

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

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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Your Ref: 2020/010676
Our Ref: SKB:TNH:190032613
Reply To: Mackay Office - [sch4p4(6) Personal information]
Direct Line: 4963 0820 / 4963 0839
Email: [sch4p4(6) mckayslaw.com] / [sch4p4(6) mckayslaw.com]

Attn: Megan Warrener
Department of Natural Resources Mines & Energy
PO Box 63
MACKAY QLD 4740

27 August, 2020

By Email: Megan.Warrener@dnrme.qld.gov.au

Dear Megan

Application 2020/010676 – Request for Extension of Time

We refer to your correspondence dated 7 August, 2020 enclosing an Agreement to Offer.

Upon the perusing the Agreement to Offer, we note that an area, being “X-Y-Z-X” has not been approved, as DNRME did not consider that it was part of Council’s Land Management Plan. We confirm that you have advised us that we can make submissions in this regard, including as to whether a separate application should be made in this regard and whether community consultation should be required. We will address this in a separate letter to you.

In the meantime, to enable this to be dealt with collectively and in a coordinated manner, and noting the possibility that DNRME may allow it to form part of this approval (hence amending the Agreement to Offer), we request the following extensions:

1. Completion and return of Agreement to Offer and payment of amount of \$419.00 – until close of business on **7 November, 2020**; and
2. Lodgement of survey plan suitable for registration by the Register of Titles – until close of business on **9 January 2020**.

As stated, our client is merely requesting the extension to allow for sufficient time for the Department to consider our separate correspondence and provide guidance, including as to whether it will require a separate application to be lodged in relation to area X-Y-Z-X.

Should you have any queries or concerns, please do not hesitate to contact [sch4p4(6) Personal information] or [sch4p4(6) Personal information] of this office.

Yours faithfully

McKAYS [sch4p4(6) Personal information]

Per:

[Redacted signature box]

eLVAS Client Interaction Report

For Interaction id: 1809989

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Letter
Interaction date: 7-Aug-2020 11:33 AM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing Letter/Document	Agreement to Offer Documents	7-Aug-2020

Interaction Record History

Service Centre: Mackay

Associated to Case: 2020/010676

Revision No.: 0
Updated by: Warrener, Megan
Date: 7-Aug-2020
Details: Friday 7 August 2020 - Original offer documents posted in the mail to McKays Solicitors.

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1809917

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 7-Aug-2020 10:00 AM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Agreement to Offer	7-Aug-2020

Interaction Record History

Service Centre: Mackay

Associated to Case: 2020/010676

Revision No.: 0

Updated by: Warrener, Megan

Date: 7-Aug-2020

Details: Friday 7 August - Agreement to Offer documents emailed to sch4p4(6) Persol & sch4p4(6) Pers at McKays Solicitors, first lot of requirements due 7 September 2020, all other requirements due 9 November 2020.

Assignment History

ABORIGINAL OR TORRES STRAIT ISLANDER CULTURAL HERITAGE

All significant Aboriginal and Torres Strait Islander cultural heritage in Queensland, is protected under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.

Aboriginal cultural heritage which may occur on the subject land is protected under the terms of the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* even if the Department of Aboriginal and Torres Strait Islander Partnerships has no records relating to it.

Please refer to the 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 practical measures for meeting the duty of care.

Further assistance or advice in relation to this matter please contact the Cultural Heritage Unit on 1300 378 401.

DECLARATION

The information provided in this Agreement to Offer and any attachments is authorised under the *Land Act 1994* and is being used to process your application. The department will endeavour to maintain the confidentiality of information relating to your application. However, consideration of your application may involve consultation with other parties and if so, details of your application may be disclosed to third parties. This information will not otherwise be disclosed outside of the department unless required or authorised by law such as under the *Right to Information Act 2009*. If the proposed Road Licence issues, the details of the Road Licence, including the licensee will be registered in the Land Registry which is available to the public to search.

I/We agree, subject to compliance with the Offer Requirements, to the dedication of road on terms and conditions stated in this document and note that this acceptance shall not be effective until I/We have complied with the Offer Requirements.

DECLARATION BY LOCAL GOVERNMENT ENTITY

Executed for and on behalf of:

In the presence of:

Full Name and Signature of all Authorised Person/s

Full Name and Signature of Witness/es

Dated

day of

Year

Note – Sole Directors simply insert name and sign as sole director. Other Companies require signature of two Directors or by a Director and Secretary. Where an attorney or other agent executes this Agreement on behalf of a company, the form of the execution must indicate the source of this authority and a certified copy of authority must be provided to the Department. A witness is only required for an attorney or other agent where the source of authority requires a witness.

In relation to this agreement to offer, it is recommended you seek independent legal advice.

Postal :
DNRME Mackay
PO Box 63
Mackay QLD 4740

Email: SLAM-Mackay@dnrme.qld.gov.au
Telephone : 07 4999 6862

END OF DOCUMENT

Release

Date : 7/08/2020 9:57:19 AM

From : "WARRENER Megan"

To : [sch4p4(6) Person] "McKays Solicitors" , [sch4p4(6) Person] "McKays Solicitors"

Subject : Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Attachment : Agreement to Offer Documents.pdf;image001.png;

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

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

Reference Details

Reference No. 2020/010676
Action Type: Road Opening no consideration
Action Status: Proposed

Title Ref:
Tenure Type: Untenured

Service Centre: Mackay
Region: Central

No Interested Parties

Description of Land

Total Area (ha): 0.0000

Exclusions/Restrictions/Reservations: No

Details: Road Opening out of part of reserve for recreation purposes,
described as Lot 187 on SP219978

No Lot/Plans

No Forestry Entitlement

No Tenant Correspondents

No Acts and Sections

No Document Recipient

No Encumbrances

No Parent Titles

No Attached Tenures

Reserve Title References

Title Ref

49022965

No Associated Tenure Groups

Land Value Information

Purpose:

Category:

Sub Category:

Rental Type:

Fixed Rent Expires:

Rate:

Annual Rent:

Purchase Price: \$

Sale Price: \$

Improvements Value: \$

Deposit: \$

Timber Value: \$

Timber Installment: \$

No Deeds To Be Issued

Optional Conditions

Nil

Optional Reservations

Nil

Offer Account

(This is not a Tax Invoice)

Draft



Queensland
Government

Department of
Natural Resources,
Mines and Energy

Payment Reference: 638032
Offer Account Date: 30/07/2020
Enquiry Reference: 2020/010676/2
Account No:
Account Due Date: 28/08/2020

Applicant: Whitsunday Regional Council
PO Box 104
Proserpine QLD 4800
Australia

ABN No.

ACN/ARBN No.

Item Description	Quantity	Amount (\$)	Amount Due (\$)
Plan Lodgement Fee (Div 81)	1	419.00	419.00
Total Payable at Acceptance/Settlement:			\$419.00

Comment:

Plan Lodgement Fee - MW

Payment Methods:

Payment options are cash (in person only), EFTPOS (in person at some centres only), cheque (in person or by post), BPOINT or BPay (details below).

Cheques should be made payable to 'Department of Natural Resources, Mines and Energy' and marked 'not negotiable'.

Forward your cheque, together with a copy of this account to: DNRME PO Box 15216, City East Q 4002.



Bill Code:
Ref:
Pay By Phone:
Call 1300 276 468



Pay on line via credit card
www.bpoint.com.au or contact your
financial institution to make this
payment directly from your cheque,
savings or credit account

BPAY or BPOINT
Transaction ID

BPay only amounts greater than \$50

BPOINT amounts between \$10 and \$100,000

If applicable a Tax Invoice will be provided on completion of this dealing.

31-Jul-2020

Reference Details

Reference No. 2020/010676
Action Type: Res Amend - no consideration
Action Status: Proposed

Title Ref: 49022965
Tenure Type: Reserve

Service Centre: Mackay
Region: Central

No Interested Parties

Description of Land

Total Area (ha): 2.1700 Surveyed
Exclusions/Restrictions/Reservations: No

Lot/Plan Details

Lot/Plan	Area
187/SP219978	2.1700 ha

Local Authority
Whitsunday Regional Council

No Forestry Entitlement

No Tenant Correspondents

No Acts and Sections

No Document Recipient

No Encumbrances

No Parent Titles

No Attached Tenures

No Reserves

No Associated Tenure Groups

Land Value Information

Purpose:

Category:

Sub Category:

Rental Type:

Fixed Rent Expires:

Rate:

Annual Rent:

Purchase Price: \$

Sale Price: \$

Improvements Value: \$

Deposit: \$

Timber Value: \$

Timber Installment: \$

No Deeds To Be Issued

Optional Conditions

Nil

Optional Reservations

Nil

eLVAS Submission Report

For Case id: 2020/010676

Submission Details

Type: Submission

Title: Submission

Created: 24-Jul-2020

Submitted: 31-Jul-2020

Submitted By: Warrener, Megan

Actioning Officer's Recommendation:

I recommend that the following decision is made, in accordance with section 16, 31A, 33 & 94 of the Land Act 1994 and relevant Departmental policy:

Partial revocation of the Recreation reserve being Lot 187 on SP219978 (about 1435m2) and consequent change in

boundary of the reserve. Section 33 and 31A Land Act 1994.

Dedication of Road (approx. 1435m2) as shown on preliminary Survey Plan SP309417. Section 94 Land Act 1994.

Full Submission attached to the case.

Optional Recommendation Document:

Submission

Documents

Component	Document Type	Title	Received/Sent
	Outgoing email	e_app for Road Opening at Airlie Beach Foreshore	20-Sep-2019
	Outgoing email	e_Email Advice Airlie Beach Foreshore	20-Sep-2019
	Internal Document/Report	CI report 1766597 (phone conversation)	11-Feb-2020
	Maps/Plans/Sketches	Plan SP219978	20-Feb-2020
	Internal Document/Report	SmartMap for 187 SP219978	16-Mar-2020
	Application	Application_Road Opening + Supporting docs	16-Mar-2020
	Internal Document/Report	Application_Receipt No. 2532700	2-Apr-2020
	Incoming email	e_McKays Conflicting Road Areas on Plans	27-Apr-2020
	Incoming email	e_sch4p4(6) Personal Lease A Revoke from	30-Apr-2020

	Internal Document/Report	Reserve Query Airlie Foreshore Article	30-Apr-2020
	Internal Document/Report (Draft)	Draft MECS Response - sch4p4(6) F	19-May-2020
	Internal Document/Report (Draft)	Draft MECS Response - sch4p4	19-May-2020
	Outgoing email	e_Council can Proceed with case if they wish	1-Jun-2020
	Incoming email	e_Neil McGaffin advises to proceed with the case	1-Jun-2020
	Outgoing email	e_Confirm continuing assessment of Case	1-Jun-2020
	Internal Document/Report	EMR - CLR Nil Result	30-Jun-2020
	Internal Document/Report	MAU Assessment	30-Jun-2020
	Internal Document/Report	Cultural Heritage Report	30-Jun-2020
	Native Title Documentation	NT Assessment - Module K	30-Jun-2020
Case Action (2)	Internal Document/Report	HRA Checklist	24-Jul-2020
	Internal Document/Report	Audit Verification Report	30-Jul-2020
Case Action (1)	Internal Document/Report	Audit Verification Report	30-Jul-2020
	Internal Document/Report (Draft)	Draft Offer Account	30-Jul-2020
	Internal Document/Report (Draft)	Draft Agreement to Offer	31-Jul-2020
	Internal Document/Report (Draft)	Draft Cover Letter	31-Jul-2020
	Internal Document/Report	Current Title 49022965 (187 SP219978)	31-Jul-2020
	Audit Report	Submission Verification Report (Action 1)	31-Jul-2020
	Audit Report	Submission Verification Report (Action 2)	31-Jul-2020

Case issues

No case issues

Case notes

No case notes

Applications

Application Id	Application Type	Status	Primary
1	Opening of a Road	Approved by MD	Y
Decision: Approved by MD		Decision Date: 4-Aug-2020	

Basis for Decision:
Section 16(1)Land Act 1994

Additional Comments:
None

Declaration:
I have considered the relevant legislation, policies and work instructions and have made my decision
Gabriel, Carey
Senior Land Officer
A duly authorised delegate of the Chief Executive
under the current Land Act (Chief Executive) Delegation

Actions

Action Id	Action Type	Status	Status Date
1	Res Amend - no consideration	Approved by MD	7-May-2021
Decision: Approved by MD		Decision Date: 4-Aug-2020	

Basis for Decision:
Section 16(1)Land Act 1994
Section 31ALand Act 1994
Section 33 (1)Land Act 1994

Additional Comments:
None

Declaration:
I have considered the relevant legislation, policies and work instructions and have made my decision
Gabriel, Carey
Senior Land Officer
A duly authorised delegate of the Chief Executive
under the current Land Act (Chief Executive) Delegation

A duly authorised delegate of the Minister
under the current Land Act (Ministerial) Delegation

Action Id	Action Type	Status	Status Date
2	Road Opening no consideration	Approved by MD	7-May-2021

Decision: Approved by MD

Decision Date: 4-Aug-2020

Basis for Decision:

Section 16(1)Land Act 1994

Section 94 (1)Land Act 1994

Section Module KNative Title Act 1993 (cth)

Additional Comments:

None

Declaration:

I have considered the relevant legislation, policies and work instructions and have made my decision

Gabriel, Carey

Senior Land Officer

A duly authorised delegate of the Chief Executive

under the current Land Act (Chief Executive) Delegation

A duly authorised delegate of the Minister

under the current Land Act (Ministerial) Delegation

Department of Natural Resources and Mines

In accordance with Land Act (1994)

Additional comments

The human rights under the Human Rights Act 2019 have been considered by the decision maker in making this decision. The decision maker has concluded that the decision is compatible with human rights.

Having given consideration to section 16 of the Land Act 1994, approval is given in accordance with sections 31A, 33 and 94(1) of the Land Act 1994 to extend an offer to Whitsunday Regional Council to excise a total area of 1435 square metres to excise from reserve (Lot 187 on SP219978) to be opened as road. The approved areas are defined on SP309417 being 404 square metre (34-36-26-23-34), 776 square metres (18-A-H-18), 12 square metres (2-N-P-2), 145 square metres (10-I-Q-10), 76 square metres (R-S-3-T-R) and 22 square metres (U-V-W-U). It is noted that the proposed road opening areas are reflected in the Airlie Beach Foreshore Land Management Plan which has been subject to public consultation. It is also noted that the proposed road opening area in this approval are already being utilised as road. The proposed road opening may progress in terms of native title in accordance with Module K. This approval is conditional upon the satisfaction of all offer requirements including the provision of a survey plan and payment of any applicable fees.

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

Search Date: 31/07/2020 10:21

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	22/10/2018 11:36	CUR	MY-GEN -00
SEC 48 (2) LAND ACT 1994				
UNREGISTERED DEALINGS - NIL				

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **

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Page 1/1

INTRODUCTION

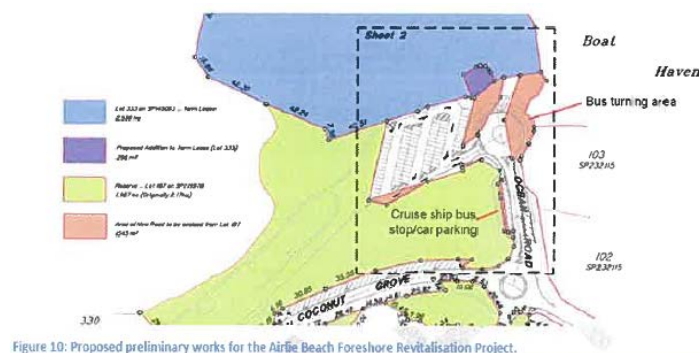
Date:	24 July 2020		
eLVAS Case Id:	2020/010676	Tenure:	Reserve
Application Type:	Opening of a Road		
Application Fee:	\$286.70 paid receipt number 2532700 – Dated 01 April 2020.		
Applicant Name	Whitsunday Regional Council		
Description of Land:	Lot 187 on SP 219978 being Reserve for Recreation R281 being an area of 2.170000 Ha. (About) – Title Reference 49022965		
Local Government:	Whitsunday Regional Council		
Proposed Action:	Partial revocation of Reserve – Section 33 of the <i>Land Act 1994</i> Changing in boundaries of a reserve – Section 31A of the <i>Land Act 1994</i> Road Opening (Dedication) Application under section 94 of the <i>Land Act 1994</i>		
Date of expiry of the Lease (where relevant):	N/A		
Current rental status:	N/A		

BACKGROUND

Application History:

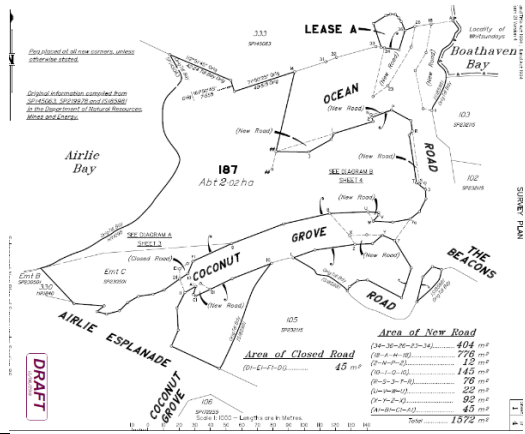
Application for road opening was received 20 February 2020 – eLVAS ID 2020/010676.

- Whitsunday Regional council have advised that the road opening is required to formalise access and car parking along Coconut Grove and Ocean Road to support the Airlie Beach Foreshore Revitalisation Project works within the reserve including:
 - New bus turning area on Ocean Road;
 - New car parking and cruise ship bus stop on Ocean Road;
 - Realigned parking on Coconut Grove; and
 - New parking and circulation within the existing adjacent carpark.
- The above is reflected within Whitsunday Regional Council's Airlie Beach Foreshore Land Management Plan (page 12-13)

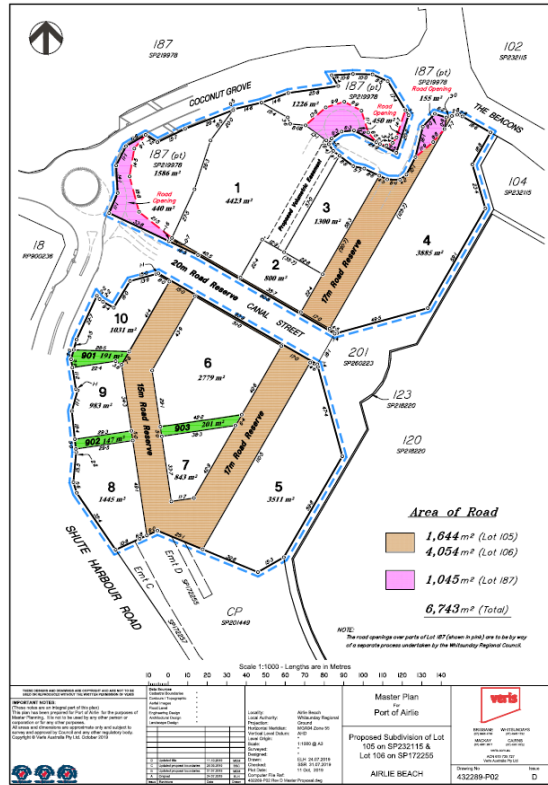




Above - Aerial Image of Recreation Reserve



Above – Preliminary Plan for Proposed RO



Above – Proposed Subdivision Plan

Tenure background:

The land applied for was dedicated as a reserve for Recreation purposes on 01/11/1947 under the trusteeship of the Shire of Proserpine now known as Whitsunday Regional Council.

Reserve R281 – Title Reference 49022965 is a reserve for Recreation purposes.

eLVAS check:

2018/003542 – Application for approval of Land Management Plan – Approved 22 October 2018 and noted in title under Administrative Advices Dealing 719058011

New Road Opening Application: eLVAS Case Id: 2020/010400 – Currently being assessed.

Pre-Lodgement:

N/A

Post Lodgement:

Post Lodgement meeting occurred on 27 April 2020 between [sch4p4(6) PersonA] (McKays Solicitors) & Megan Warrener. Advised that the proposed plan has overlapped with current road opening case 2020/010400 with some areas included in both applications and that we would only be able to assess the areas that were already included in the land management plan for this application otherwise they would be required to wait until the community consultation period has ended for the areas outside of the LMP. [sch4p4(6)] advised that she would discuss with Council.

MECS items:

No MECS items relate to this application, however; there are MECS items relating to 2020/010400 & attached to this case for reference.

Previous decision:

2018/003542 – Application for approval of Land Management Plan – Approved 22 October 2018 and noted on title under Administrative Advices – Dealing 719058011.

Checklist:

A most appropriate use assessment has been undertaken. The road opening is to formalise constructed road. The most appropriate tenure is road.

LIST OF EVIDENCE

Native Title:

Native Title assessment has been undertaken in accordance with Module K, the assessment is attached to the case.

Native Title is not considered extinguished and may proceed in accordance with section 24KA of the Native Title Work Procedures.

Cultural Heritage:

30/06/2020 – Report identified no sites listed in the dealing area.

Human Rights:

Human rights checklist completed and attached to the case, the proposed dealing is considered to be compatible with the Human Rights Act 2019.

Stock Route:

The subject area does not form part of a stock route and is not in the vicinity of a stock route network.

Contaminated Land:

30/06/2020 – Search returned NIL result.

Compliance Register:

30/06/2020 – Search returned NIL result.

Survey status:

Survey is to be undertaken at the applicant's expense and will form part of the offer.

Access:

Access is via Coconut Grove & Ocean Road.

Planning Report:

N/A

Interested Parties Views:

No views have been sought.

Natural Justice:

It is unlikely that an unfavourable decision will be recorded, therefore; natural justice may not apply.

Inspection and Valuation:

No valuation is required.

FINDINGS OF FACT

Key issues for consideration

Council have made an application for the dedication of state land as road, part of R281 being Lot 187 on SP219978 to formalise the constructed road, the areas proposed to be opened as road are included in the Land Management Plan.

Most Appropriate Tenure and Most Appropriate Use Assessment

In accordance with Sections 4, 16 and 94 of the Land Act 1994, the most appropriate tenure and most appropriate use must be considered before land is allocated. A most appropriate use assessment has found that the most appropriate use and tenure of the subject area (about 1435 m² as shown on preliminary survey plan SP309417 the additional 2 areas of proposed road to be opened on this preliminary plan were not included in the Land Management Plan) is road.

Departmental Policies and Relevant Legislation:

Land Act 1994

Section 16 – Deciding appropriate tenure – Before land is allocated under this Act, the chief executive must evaluate the land to assess the most appropriate use.

Section 31A – Changing boundaries of reserve – (1) The Minister may change the boundaries of a reserve other than a reserve dedicated for a community purpose mentioned in section 31(2). (3) The boundaries of the reserve are changed by registering an adjustment notice or plan or subdivision. (5) The change of boundaries of a reserve takes effect on the day the adjustment notice or plan of subdivision for the change is registered.

Section 33 – Revocation of reserves – (1) The Minister, may revoke the dedication of all or part of a reserve if (b) It is needed, in the public interest, for a different use.

Section 34: Applying to revoke dedication of reserve - A person may apply for the revocation of the dedication of all or part of a reserve.

Section 94: Dedication of road – (1) The Minister may dedicate unallocated State land as road for public use (4) Land may be dedicated as a road for public use by the registration of a dedication notice or a plan of subdivision. (5) On the day the dedication notice or plan of subdivision is registered – (a) The dedication of the land as a road for public use takes effect; and (b) The land is opened for public use as a road.

REASONS
• The proposed road opening is to formalise the works that have already been undertaken by Whitsunday Regional Council (Trustees of the Reserve). • The majority of the area included on preliminary plan SP309417 is included on the Land Management Plan Airlie Beach Foreshore Reserves (Only those areas already included on the Land Management Plan to be approved as public consultation has already taken place). • The State’s interest is not being affected by the road opening; the land is still being used for a community purpose.

RECOMMENDATION AND OFFER DETAILS
Recommendation:

MD to consider human rights under the *Human Rights Act 2019* as part of decision.

On the basis of the reasons set out above, I recommend that the following decision is made, in accordance with section 16, 31A, 33 & 94 of the *Land Act 1994* and relevant Departmental policy:

- Partial revocation of the Recreation reserve being Lot 187 on SP219978 (about 1435m2) and consequent change in boundary of the reserve. Section 33 and 31A Land Act 1994.
- Dedication of Road (approx. 1435m2) as shown on preliminary Survey Plan SP309417. Section 94 Land Act 1994.

Delegations: A Senior Land Officer is delegated to make a decision with regards to the Changing boundaries of a reserve and the Opening of Road in terms of the Land Act (Ministerial) Delegation (No.2) 2020.

S31A - The Minister may change the boundaries of a reserve other than a reserve dedicated for a community purpose mentioned in section 31(2).

S33(1) (b) - Revoke all or part of a reserve, if it is needed, in the public interest, for a different use.

S 94(1) - The Minister may dedicate unallocated State land as a road for public use.

Requirements of offer:

- Complete and return Notification of Acceptance of Offer
- Lodgement of the plan of Survey in respect of this offer (Areas included in the Land Management Plan)
- Payment of the offer account (plan lodgement fees)

Media Interest

Yes - There is a media interest for the Airlie Foreshore Reserve, however; the area of road to be opened has already been through the public consultation process and is included in the Land Management Plan dealing # 719058011. The works have already been undertaken; this application is to formalise the areas of road that are operational.

Submitted by:

Megan Warrener

Senior Land Officer

30 July 2020

Whitsunday Regional Council
C/- [sch4p4(6) Person] McKays NQ Pty Ltd
34 Wood Street
Mackay QLD 4740



Department of
Natural Resources,
Mines and Energy

Dear Shaun

APPLICATION FOR ROAD OPENING – PART LOT 187 ON SP219978

Reference is made to your client's application dated 1 April 2020.

I refer to your client's application for the dedication and opening of a road described as a portion of Lot 187 on SP219978 and wish to advise that it has been approved to excise the area of approximately 1435m² that is included in the Land Management Plan Airlie Beach Foreshore Reserves and shown on preliminary survey plan SP309417 (DP309417) from Reserve being Lot 187 on SP219978 and dedicate the area as road.

Survey at your client's expense will be necessary to maintain the fully surveyed status of the land. In this regard you should make private arrangements with a Licenced Surveyor to effect the survey.

The original plan of survey must be delivered to this Office to enable the plan to be endorsed with the approval of the Delegate of the Minister administering the *Land Act 1994*.

Your surveyor should contact the Senior Surveyor, in the Departments DNRME Mackay Office, if there are any doubts about survey or plan requirements.

This offer will lapse unless the following requirements are lodged with the DNRME Mackay Office

- Completion and return of the attached Agreement to Offer – Road Opening.
- Payment of the offer account being the total amount of \$419.00 – Plan lodgement fee. A copy of the account should be returned to this office with your payment.
- Lodgement of a plan providing for the balance of Lot 187 on SP219978 and the road to be opened.

The **Agreement to Offer** form together with payment of all required monies must be returned to the Department by close of business **on (Insert date response required)** otherwise this offer lapses.

Business days include those days that the Department office is normally open and excludes weekends and public holidays.

All other conditions of this offer must be satisfied by close of business on **Date????**, otherwise this offer lapses.

If you believe you will be unable to comply with any of the conditions of this offer by the specified date, you should apply in writing for an extension of time. Any application for an extension of time should be made before the offer lapses and must address the following –

- what action you have taken to comply with the offer conditions; **AND**
- why the conditions cannot be complied with by the due date; **AND**
- the time for which the extension is requested, including reasons for the amount of time required.

If you **do not apply** for an extension of time and **the offer lapses**, a new application and application fee will be required. If you make a new application, the matter will be re-investigated and a new decision will be made that will include re-assessment of the land value and all conditions and requirements applicable to the dealing. This re-assessment may also result in the application being refused.

Note - Section 442 of the Land Act states that if an offer is not accepted in writing within the stated time, the offer lapses. An application to extend the stated time may be made at any time before the time passes.

Once the stated time has passed, an application may only be made within **42 days** after the time has passed. Where an application is made after the stated time has passed but within the following 42 day period, the time can only be extended where exceptional circumstances exist.

No applications for extension of time made after the 42 day period referred to in section 442 will be considered.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to SLAM-Mackay@dnrme.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

If you wish to discuss other matters in this letter, please contact Megan Warrener on 07 4999 6862.

It is recommended that you seek independent legal advice with regard to this offer.

Yours sincerely

Megan Warrener
Senior Land Officer

OVERVIEW

Subject to compliance with the Offer Requirements as set out in this document, approval will be sought for the Dedication of road over an about 1435m² portion of Lot 187 on SP 219978 (as shown on preliminary survey plan SP309417), on the terms and conditions stated below.

Your completion and return of this form together with payment of the attached account constitutes written agreement to the offer.

OFFER REQUIREMENTS

This offer will lapse unless the following requirements are lodged by the specified time, with the Department of Natural Resources, Mines and Energy, Mackay Office –

The following must be returned to the department by close of business on **date 20 business days**, otherwise this offer will lapse –

1. Completion and return of this Agreement to Offer – Road Opening. This agreement document must be completed by a duly authorised officer.
2. Payment of the amount of \$419.00. A copy of the account should be returned to the department along with your payment.

All other conditions of this offer must be satisfied by close of business on **date 3 months** otherwise this offer lapses –

1. Lodgement of a survey plan suitable for registration by the Registrar of Titles.

If you believe you will be unable to comply with **any of** the conditions of this offer by the due dates, you should apply in writing for an extension of time. Any application for extension of time should be made **before** the offer lapses and must address the following –

- what action you have taken to comply with the offer conditions; **AND**
- why the conditions cannot be complied with by the due date; **AND**
- the time for which the extension is requested, including reasons for the amount of time required.

Note - if you do not apply for an extension of time the offer lapses, you will need to make a fresh application and pay the required application fee. If the new application is accepted, the application will be re-investigated and include re-assessment of all conditions and requirements applicable to the dealing. This re-investigation may also result in the application being refused.

PARTICULARS OF LAND

Tenure Type -	Proposed Road
Description -	Part of Lot 187 on SP 219978 (as shown defined on Preliminary Survey Plan SP309417 and Land Management Plan)
Area (ha) -	Approximately 1435m ²

APPLICANT DETAILS

NAME

Whitsunday Regional Council

COMPANY ACN No. (where applicable)

☐

Sole Tenant

☐

Joint Tenants

☐

Tenants in Common

If to be held as Tenants in Common, complete the following -

INTEREST	NAME

For example - ½ share For example – John Robert Smith

If insufficient space, please attach separate page.

POSTAL ADDRESS of person or Company to whom correspondence is to be addressed

C/- 34 Wood Street

Town/City: Mackay

State:

QLD

Postcode:

4740

Note - it is pointed out that the Road Licence must be issued in the same names as the land to which it attaches, in accordance with the requirements of the *Land Act 1994* and for Council rating purposes.

TAX INVOICE

A tax invoice for obtaining the Road Licence will be issued to the lessee within 28 days of the date of issue of the Road Licence.

PLAN REQUIREMENTS

The department requires a plan to be prepared at your Clients expense to satisfy the requirements of this offer and arrangements should be made with a Consulting Cadastral Surveyor to prepare the plan.

The area of road to be opened that has been approved is for the area that is included in the Land Management Plan Airlie Beach Foreshore Reserves only.

Your Consulting Cadastral Surveyor should contact the department's Principal Surveyor or Senior Surveyor, DNRME Mackay Office, if there are any questions or concerns in relation to any survey or plan requirements.

APPROVALS AND/OR REQUIREMENTS OF THE COMMONWEALTH, STATE OR LOCAL GOVERNMENT

It should be noted that whilst the proposed Road area will be opened as road purposes, it is Mackay Regional Council's responsibility to ensure that all the necessary approvals and/or requirements of the Commonwealth, State or local government in respect of the use of the area are obtained and/or satisfied.

ABORIGINAL OR TORRES STRAIT ISLANDER CULTURAL HERITAGE

All significant Aboriginal and Torres Strait Islander cultural heritage in Queensland, is protected under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.

Aboriginal cultural heritage which may occur on the subject land is protected under the terms of the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* even if the Department of Aboriginal and Torres Strait Islander Partnerships has no records relating to it.

Please refer to the 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 practical measures for meeting the duty of care.

Further assistance or advice in relation to this matter please contact the Cultural Heritage Unit on 1300 378 401.

DECLARATION

The information provided in this Agreement to Offer and any attachments is authorised under the *Land Act 1994* and is being used to process your application. The department will endeavour to maintain the confidentiality of information relating to your application. However, consideration of your application may involve consultation with other parties and if so, details of your application may be disclosed to third parties. This information will not otherwise be disclosed outside of the department unless required or authorised by law such as under the *Right to Information Act 2009*. If the proposed Road Licence issues, the details of the Road Licence, including the licensee will be registered in the Land Registry which is available to the public to search.

I/We agree, subject to compliance with the Offer Requirements, to the dedication of road on terms and conditions stated in this document and note that this acceptance shall not be effective until I/We have complied with the Offer Requirements.

DECLARATION BY LOCAL GOVERNMENT ENTITY

Executed for and on behalf of:

In the presence of:

Full Name and Signature of all Authorised Person/s

Full Name and Signature of Witness/es

--

--

--

--

Dated

day of

Year

Note – Sole Directors simply insert name and sign as sole director. Other Companies require signature of two Directors or by a Director and Secretary. Where an attorney or other agent executes this Agreement on behalf of a company, the form of the execution must indicate the source of this authority and a certified copy of authority must be provided to the Department. A witness is only required for an attorney or other agent where the source of authority requires a witness.

In relation to this agreement to offer, it is recommended you seek independent legal advice.

Postal :
DNRME Mackay
PO Box 63
Mackay QLD 4740

Email: SLAM-Mackay@dnrme.qld.gov.au
Telephone : 07 4999 6862
Fax: 07 4999 6904

END OF DOCUMENT

State Land

Human Rights Act guideline and checklist

Purpose

This guideline is to assist state land decision-makers to meet the objects and obligations of the Human Rights Act and provides a checklist for decision-makers.

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision may engage human rights under the *Human Rights Act 2019* (Human Rights Act), regard will be had to the Human Rights Act in undertaking the act or making the decision.

Check list: how to meet the human rights requirements

Step 1: All individuals in Queensland have human rights. Only individuals have human rights. A corporation does not have human rights.

Are you dealing with an individual (natural person) and not a corporation/incorporated body **or** will an individual be affected by your action or decision?

The application is for road opening through Reserve, the applicant is the trustee of the reserve. The applicant is Whitsunday Regional Council and there are no individuals that will be affected by this action or decision.

☒ If no, there's no further action required

If **yes**, go to Step 2

Step 2: Are you doing an act or making a decision?

☐ making a delegated decision under the Land Act (Chief Executive) Delegations

☐ making a delegated decision under the Land Act (Ministerial) Delegations

☐ exercising the powers of an authorised person

☐ dealing with information provided to or held by the department about a natural person

☐ other action or decision that is relevant

☐ If no, there's no further action required.

If **yes**, go to Step 3

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

Search Date: 30/06/2020 11:52

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	22/10/2018 11:36	CUR	MY-GEN -00
SEC 48 (2) LAND ACT 1994				
UNREGISTERED DEALINGS - NIL				

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **

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Page 1/1

Native Title Assessment Form

Assessment Section

Module AA. Proposed Dealing

Road Opening – 2020/010676

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

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

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**

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.

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		

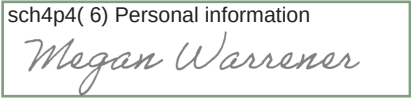
- ☐ Proceed (first providing any relevant procedural rights)
- ☐ Send to NTCO
- ☐ Send to Aboriginal and Torres Strait Islander Land Services through NTCO

Name, title and signature of officer making this assessment -

Name: Megan Warrenner

Title: Senior Land Officer

Department/Agency: DNRME

Signature: 

Date: 30/06/2020

Don't forget to:

- 1) Enter your research into QNTIME.

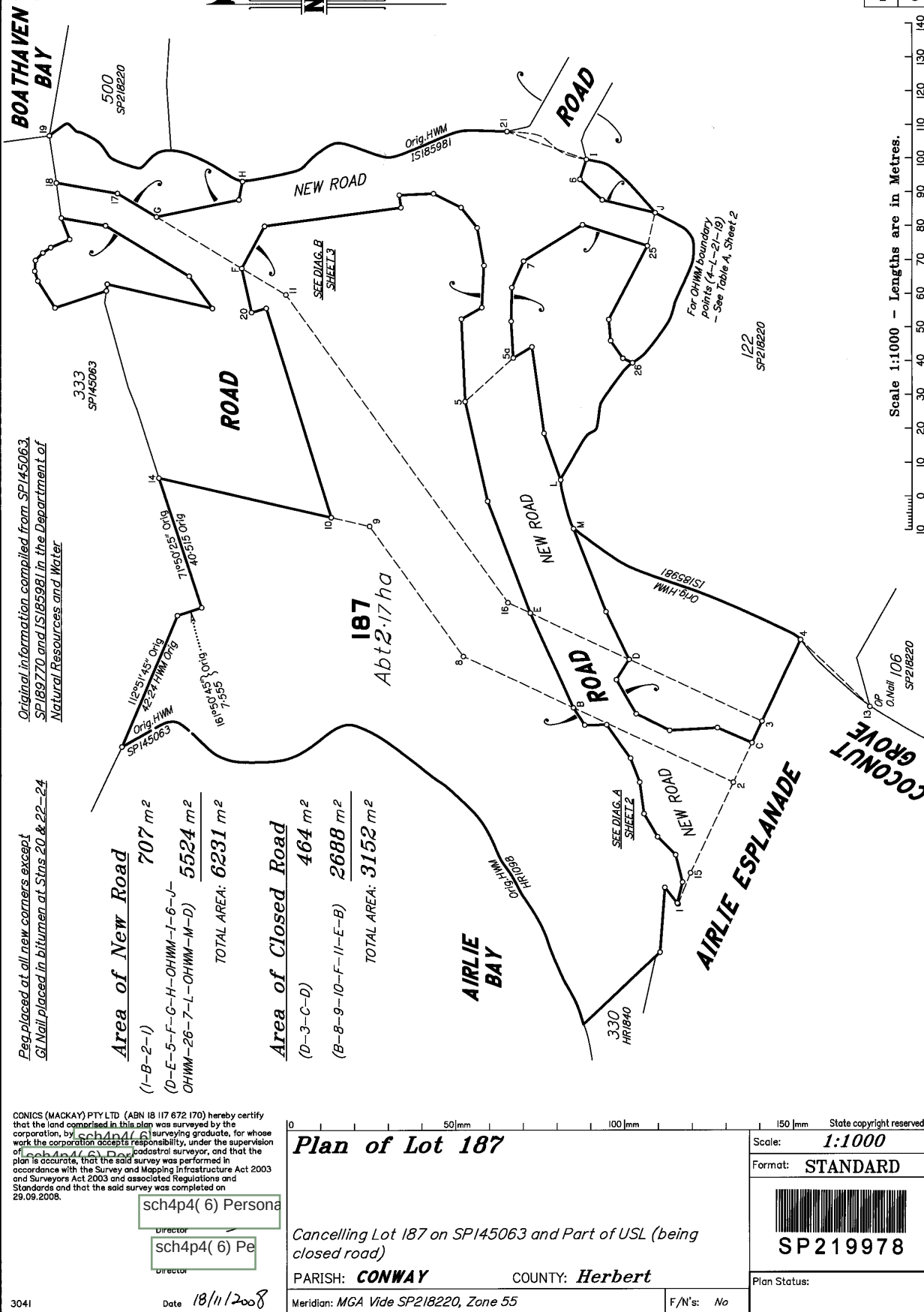
RB / 63588

RI / 48171
- 2) Request a conclusion be published where you found a PEPA.

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

SURVEY PLAN

Sheet	of
1	3

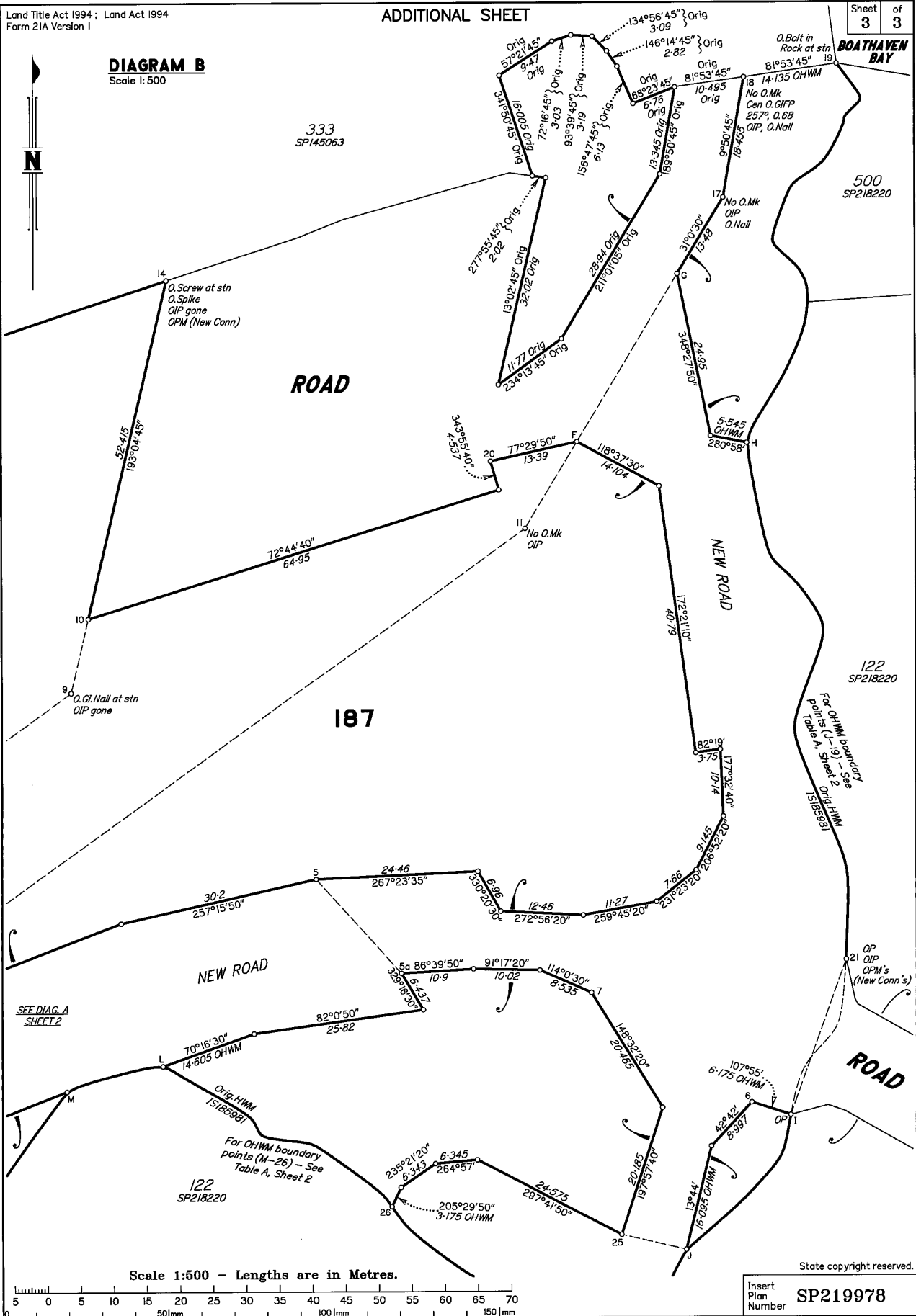


155 of 193



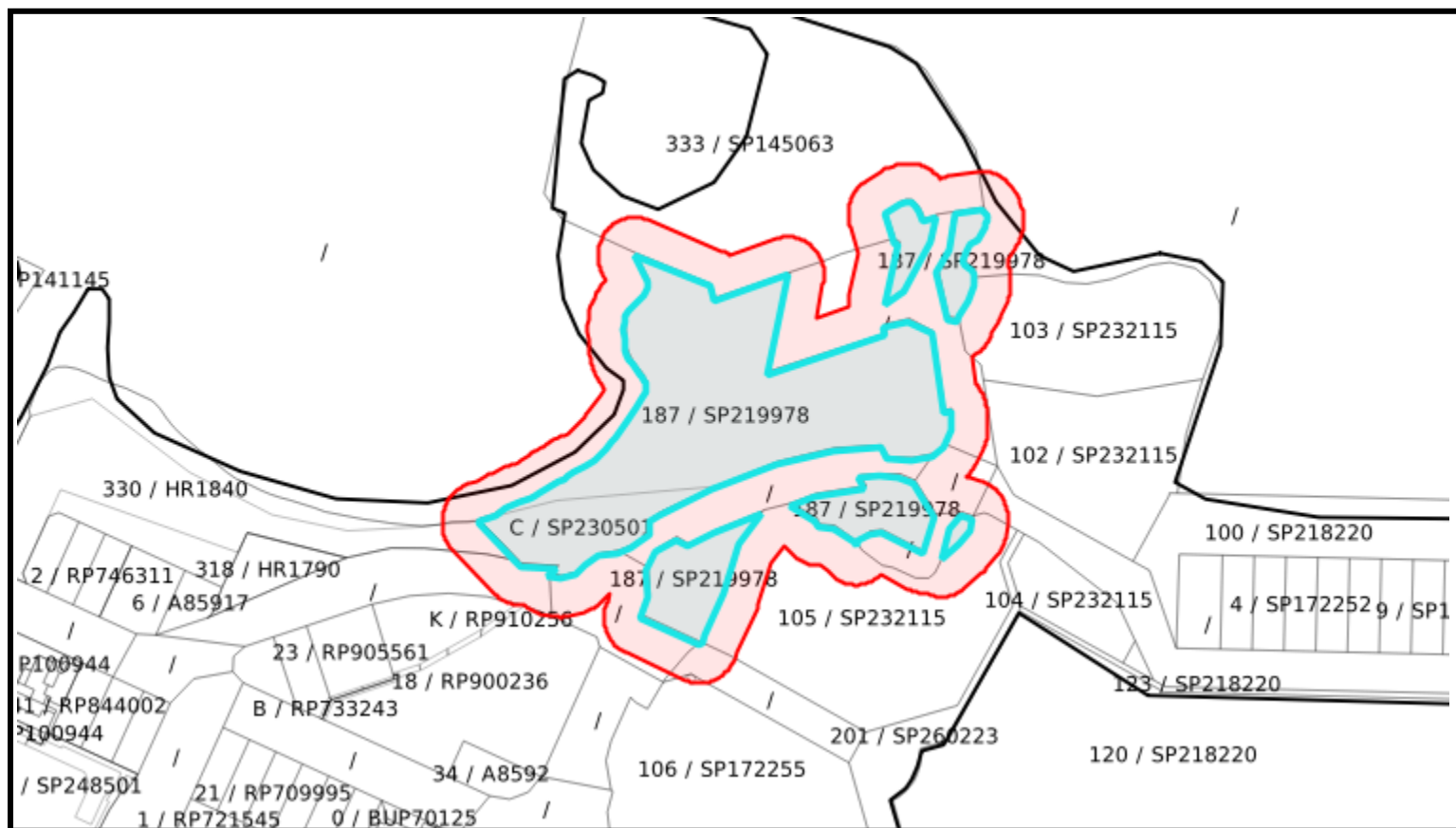


DIAGRAM B
Scale 1:500



Lot on Plan Search

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



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

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
Leigh Preston	Cultural Heritage Coordinator North Region	07 4796 7862	sch4p4(6) Person	Leigh.Preston@atsip.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)

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.



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

SLAM – Internal Document

Most appropriate use assessment checklist by SLAM Officer

SLAM details

Date:	30 June 2020	eLVAS Case id:	2020/010676
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:	Road & Reserve		

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



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

Additional information

CONCLUSION (only if Planning advice is not to be sought)

[Insert the most appropriate tenure e.g. freehold, leasehold, reserve]

Most appropriate tenure is road.

END DOCUMENT



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

eLVAS Client Interaction Report

For Interaction id: 1792538

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 1-Jun-2020 5:10 PM
Entered by: Warrener, Megan
Reference:

Contact with: Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Confirm continuing assessment of Case	1-Jun-2020

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 1-Jun-2020
Details: Parties included in CC:
McKays Solicitors / Mackay

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1792535

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 1-Jun-2020 5:08 PM
Entered by: Warrener, Megan
Reference:

Contact with: Whitsunday Regional Council, Proserpine

Documents

Document Type	Title	Received/Sent
Incoming email	e_Neil McGaffin advises to proceed with the case	1-Jun-2020

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 1-Jun-2020
Details: Parties included in CC:
McKays Solicitors / Mackay

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1792531

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 1-Jun-2020 5:03 PM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	e_Council can Proceed with case if they wish	1-Jun-2020

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 1-Jun-2020
Details: Parties included in CC:
Whitsunday Regional Council / Proserpine

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1792527

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: McKays Solicitors, Mackay

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: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 1-Jun-2020
Details:

Assignment History

Date : 1/06/2020 5:06:58 PM

From : "WARRENER Megan"

To : "Neil McGaffin", [sch4p4(6) Pers] McKays Solicitors"

Cc : "Billie Davis", "Jessica Yuskan"

Subject : RE: Whitsunday Regional Council - Application for Road Openings - Ref: 2020/010400 - Update on Community Consultation

Attachment :

image001.png;image003.png;image004.jpg;image005.png;image006.png;image007.png;image008.png;image009.png;image010.jpg;

Hi Neil,

Thank you for the update, I will continue with my assessment for the northern road opening case 2020/010676 and be in touch with more information once a decision has been made.

If you require any further information, please don't 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: Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>

Sent: Monday, 1 June 2020 5:00 PM

To: WARRENER Megan; [sch4p4(6) Pers] McKays Solicitors

Cc: Billie Davis; Jessica Yuskan

Subject: RE: Whitsunday Regional Council - Application for Road Openings - Ref: 2020/010400 - Update on Community Consultation

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) Pers] 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

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) Pd McKays Solicitors sch4p4@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

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) Pd 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

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) Pers **McKays Solicitors**
Solicitor - LLB Hons (1st Class)

sch4p4(6) Personal information



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) Pers 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").

Council has advised me that submissions were received in response and that they are in the process of reviewing such submissions (including a late submission). The final report will be drafted outlining the final outcomes of the consultation. I will keep you updated as to Council's progress in this regard and will provide you with a copy of the final report in due course.

In the meantime, please find **attached** a copy of the invitation on Council's website, as well as the master plan uploaded to the website depicting the proposed areas of new road. This can also be accessed at the link: <https://yoursay.whitsundayrc.qld.gov.au/airlie-beach-proposed-road-access-change>

Should you have any queries, please do not hesitate to contact me.

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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Ref MO/20/7509
CTS 09126/20

1 William Street Brisbane
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3719 7360
Email nrm@ministerial.qld.gov.au
www.dnrm.qld.gov.au

sch4p4(6) Person
President
Save Our Foreshore Inc

saveourforeshore@whitsunday.net.au

Dear sch4p4(6)

Formatted: Justified

I refer to your letter dated 28 April 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 (department) are currently assessing the road opening applications, and your concerns ~~have been passed onto a departmental assessing officer to will~~ be considered in the process. Once the department receives the results of the community consultation undertaken by the Whitsunday Regional Council, it will complete its assessment in accordance with current legislation and policy, before a decision is made by the delegate of the Minister.

As your concerns are—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, Natural Resources, Department of Natural Resources, Mines and Energy who will be pleased to assist you and can be contacted on 4999 6914.

Yours sincerely

Formatted: Justified

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

COMPLETE ENDORSEMENT BLOCK

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
<u>Name: Linda Dobe</u> <u>Title/Business Group: DDG,</u> <u>NR</u> <u>Telephone: 3166 0132</u> <u>Date: 19/05/2020</u>	<u>Name: Linda Dobe</u> <u>Title/Business Group: DDG,</u> <u>NR</u> <u>Telephone: 3166 0132</u> <u>Date: 19/05/2020</u>		

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eLVAS Client Interaction Report

For Interaction id: 1784190

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_McKays Conflicting Road Areas on Plans	27-Apr-2020

Interaction Record History

Service Centre: Mackay
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Warrener, Megan
Date: 27-Apr-2020
Details:

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1784187

Contact Details

Business unit: State Land Asset Management
Business context: Verbal (Outwards) Case
Interaction method: Post-Lodgement
Interaction date: 27-Apr-2020 1:05 PM
Entered by: Warrener, Megan
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
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Interaction Record History

Service Centre: Mackay

Associated to Case: 2020/010676

Revision No.: 0

Updated by: Warrener, Megan

Date: 27-Apr-2020

Details: Spoke to sch4p4(6) Perso as Shaun not available, advised I have been allocated case for Assessment and have picked up a few discrepancies within the proposed plan as it includes area of road applied for in separate road opening case 2020/010400. Advised that Council will need to review both drawings submitted and work out what roads are to be included in both applications and get back to me with an amended drawing. sch4p4(6) is going to look into the matter for me.

Assignment History

eLVAS Client Interaction Report

For Interaction id: 1779270

Contact Details

Business unit: State Land Asset Management
Business context: Written (Outwards) Case
Interaction method: Email
Interaction date: 2-Apr-2020 2:42 PM
Entered by: Dighton, Mandy
Reference:

Contact with: McKays Solicitors, Mackay

Documents

Document Type	Title	Received/Sent
Outgoing email	Acknowledgement email	2-Apr-2020

Interaction Record History

Service Centre: Townsville
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Dighton, Mandy
Date: 2-Apr-2020
Details:

Assignment History

Date : 2/04/2020 2:41:50 PM

From : "SLAM Lodgement"

To : sch4p4(6@mckayslaw.com)"

Cc : "Jessica.Yuskan@whitsundayrc.qld.gov.au"

Subject : Application for road opening over Reserve 7830 described as Lot 187 on SP219978

Attachment : SKM_C454e20040115331.pdf;image001.png;image002.jpg;

Good afternoon,

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

Council's application has been received and the department has commenced assessing it.

The case reference number is 2020/010676.

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

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

Please be advised that a refund of application fees will not be given.

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

The department encourages the use of electronic correspondence and any hard copy correspondence received is electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps are no larger than 4MB and A3-sized.

For more information about land tenure applications please contact your nearest DNRME business centre or call 13 QGOV (13 74 68).

Kind Regards

Mandy Dighton

CPL Processing Officer | Central Point of Lodgement (CPL)

State Land Assessment Management | Land and Vegetation Services

Department of Natural Resources, Mines and Energy

P: (07) 4447 9163

E: amanda.dighton@dnrme.qld.gov.au

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

W: www.dnrme.qld.gov.au

GENERAL ENQUIRIES: Townsville.SLAMS@dnrme.qld.gov.au

CPL – STATE LAND APPLICATIONS: SLAMLodgement@dnrme.qld.gov.au

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Queensland Government
Department of Natural Resources, Mines & Energy

ABN: 59 020 847 551

RECEIPT

Received from: Jessica Yukan
 ABN/Address: 2020/010676

No.: 2532700

Description	Qty	Unit	Val	Extended	Discount	Ext Value	GST	Total Price
APPLICATION FOR OPENING PUBLIC ROAD-LA17	1		286.70	286.70	0.00	286.70		286.70

Commonwealth Bank



DNRM - NR TSVLE
 TOWNSVILLE QLD

CUSTOMER COPY

CARD NO. sch4p4(6) Person
 EXPIRY DATE
 VISA CARD
 CREDIT

PURCHASE \$286.70
TOTAL AUD \$286.70

MOTO APPROVED 00

01 Apr 2020 14:54

TERMINAL ID 14104700
 REFERENCE 012590
 AUTH NUMBER 675307

THANK YOU

Date: 01/04/20	Time: 14:58	DVISA	286.70	Tot Value:	286.70
Brch: nrmtown	SPer: kpw			GST:	0.00
CYC: 66195	Reg: 36	Tendered	286.70	Tot Price:	286.70
				Tendered:	286.70
				Change:	0.00

Cheques or other negotiable instruments accepted subject to clearance.

eLVAS Client Interaction Report

For Interaction id: 1775357

Contact Details

Business unit: State Land Asset Management
Business context: Written (Inwards) Case
Interaction method: Email
Interaction date: 16-Mar-2020 11:56 AM
Entered by: Dighton, Mandy
Reference:

Contact with: McKays Solicitors, Mackay

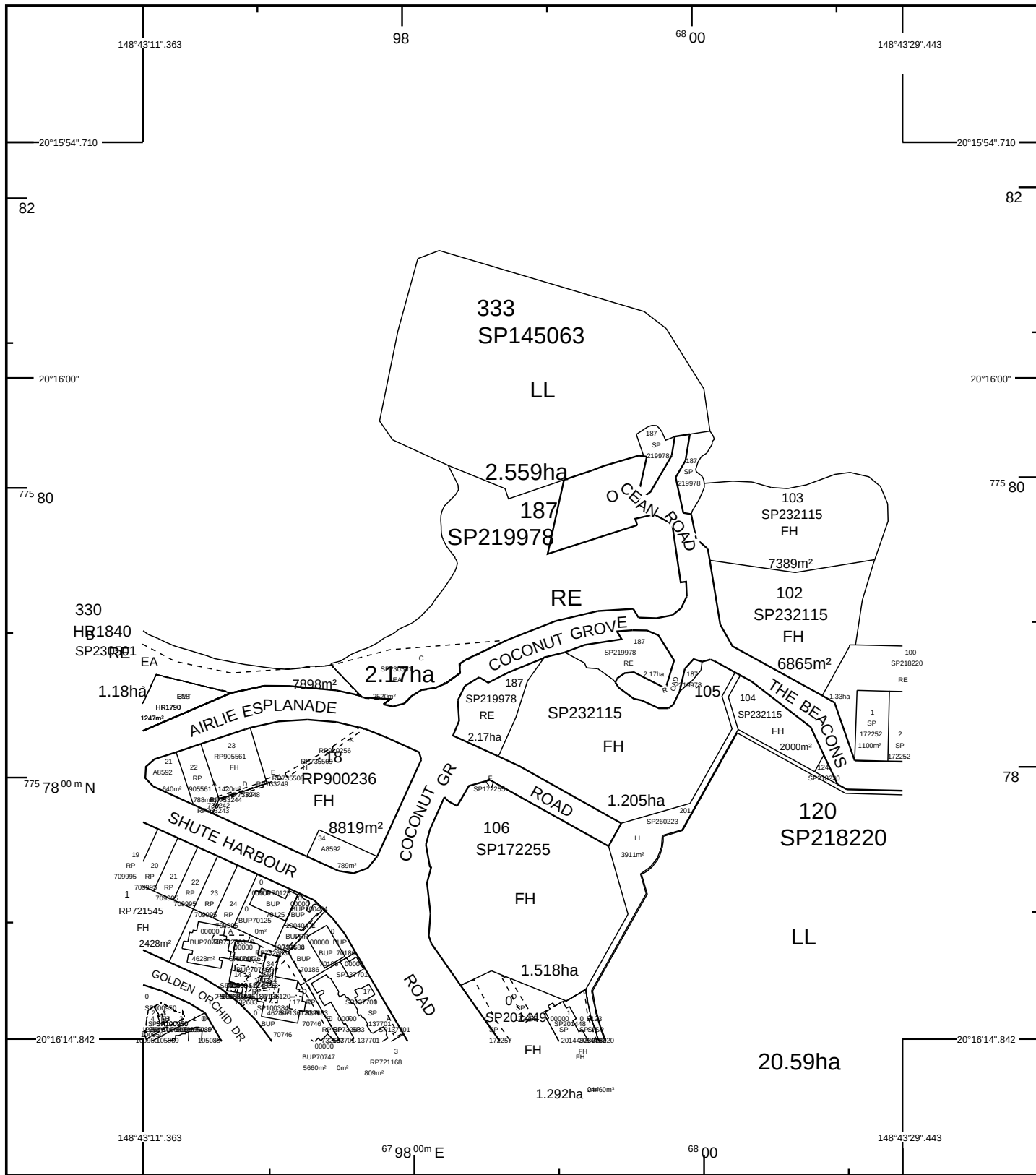
Documents

Document Type	Title	Received/Sent
Application	Application_Road Opening + Supporting docs	16-Mar-2020

Interaction Record History

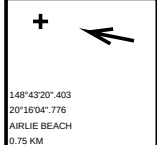
Service Centre: Townsville
Associated to Case: 2020/010676
Revision No.: 0
Updated by: Dighton, Mandy
Date: 16-Mar-2020
Details:

Assignment History



STANDARD MAP NUMBER
8657-31113

MAP WINDOW POSITION &
NEAREST LOCATION



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) 16/03/2020

DCDB 14/03/2020

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Queensland
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Date : 16/03/2020 9:07:57 AM
From : "WARRENER Megan"
To : "SLAM Lodgement"
Subject : FW: Application to open road from recreation reserve - Airlie Beach Northern Area in light of existing southern area application (Your Ref 2020/010400)
Attachment : Prelim SP309417.pdf;Application to DNRME for Road Opening - Northern Section.pdf;QLD Title 49022965.pdf;image002.png;image003.png;image004.jpg;image005.jpg;image006.png;image007.png;image008.png;image009.png;image001.jpg;

Good Morning,

New application for your action.

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) P | McKays Solicitors <sch4p4@cmckayslaw.com>
Sent: Friday, 13 March 2020 4:37 PM
To: WARRENER Megan; SCOTT Kelly
Cc: Billie Davis; sch4p4(6) P | McKays Solicitors; Neil McGaffin
Subject: Application to open road from recreation reserve - Airlie Beach Northern Area in light of existing southern area application (Your Ref 2020/010400)

Hi Megan,

Further to our discussions today and your below correspondence regarding the "northern" road openings (contemplated by the Land Management Plan), we comment as follows:

- We are lodging this application to dedicate state land as a road on Council's behalf for the Northern Road Openings.
- We note that the land is currently held by Council as trustee for recreation purposes (like the southern section which is currently being assessed).
- Council takes the view that the impact on the reserve is minimal.
- The northern section road opening has been contemplated by the Land Management Plan of which we understand you have a copy.
- Council are of the opinion that no further community consultation is required for the northern section road opening.
- Please find **attached** the following for your attention:
 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 SP309417 depicting the areas of new road (subject to minor amendment for surveying purposes).

Items 1 to 3 are in the single attachment.

- Payment of the **\$286.70** application fee is to be by way of credit card over the phone by Council. Like the southern section (Your Ref 2020/010400), we understand that you (or someone from DNRME) will call Council for payment of the application fee by contacting Jessica Yuskan of Council on 07 4945 0258.
- We note that you are considering potential simultaneous assessment of the Northern Section (this application) with the previous application for the Southern Section (Your Ref 2020/010400). We note that as the survey plans have been prepared by separate surveyors and Council have a priority on the registration of the "Southern Section" survey plan SP316921 - that it would be preferred if the survey plans could remain separate. Further, the northern section is distinct from the southern section in that the northern section is contemplated by the Land Management Plan, whereas the southern section is not. However, we will be guided by you as to whether the applications are better assessed simultaneously in light of the above and Council's urgency on the southern section.
- We have not sent this application to central processing in light of the discussions this morning so as not to confuse the issues – please forward this email to central processing if required.

We look forward to finalising this matter with you and Council, so that the registration of SP309417 for road opening can occur.

If there is anything our office or Council can do to provide further particulars or information, 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

Please do not hesitate to contact sch4p4(6) P or sch4p4(6) P of our office if you require any additional information.

Regards

sch4p4(6) P | McKays Solicitors
Senior Solicitor

McKays NQ Pty Ltd ABN 85 604 643 709
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From: [sch4p4\(6\)@mckayslaw.com](mailto:sch4p4(6)@mckayslaw.com) McKays Solicitors
Sent: Friday, 13 March 2020 9:57 AM
To: Billie Davis <billie.davis@whitsundayrc.qld.gov.au>; Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>
Cc: WARRENER Megan <Megan.Warrener@dnrme.qld.gov.au>; [sch4p4\(6\)@mckayslaw.com](mailto:sch4p4(6)@mckayslaw.com) McKays Solicitors <sch4p4@mckayslaw.com>
Subject: **Urgent** - Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area
Importance: High

Hi Neil and Billie,

I spoke with Megan this morning and she needs the below requested information to continue any work on the application (such as 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). I presume you can attend to this directly? Let me know if you need any assistance.

Once Megan has the information, they will see if they can accept a lower threshold community consultation than what is usually required. DNRME are trying their best to streamline the process.

I mentioned to Megan that the "northern" road opening is on a separate SP from another surveyor – as they are two separate issues for Council. Can you please respond to my email of Monday 9 March, 2020 5:05pm – so we can finalise and lodge the application for the northern road opening. Megan mentioned that they might deal with both simultaneously, depending on the information provided.

Megan - Thanks for the below and for this morning's discussion. We look forward to continuing to progress this with you and your team. If you think of anything else you need, please let Neil, Billie, [sch4p4](mailto:sch4p4@mckayslaw.com) and myself know.

Regards

[sch4p4\(6\)@mckayslaw.com](mailto:sch4p4(6)@mckayslaw.com) McKays Solicitors
Senior Solicitor

McKays NQ Pty Ltd ABN 85 604 643 709
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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: [sch4p4\(6\)@mckayslaw.com](mailto:sch4p4(6)@mckayslaw.com) McKays Solicitors <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

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(6) P; McKays Solicitors; Billie Davis

Cc: WARRENER Megan; GABRIEL Carey; sch4p4(6) P; McKays Solicitors

Subject: RE: Application to open road from recreation reserve - Airlie Beach (Our Ref 2020/010400) - Southern Area

sch4p4 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 at 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



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 <sch4p4@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 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: 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) P | 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

Carey Gabriel
Senior Land Officer
State Land Asset Management | Land Services
Department of Natural Resources, Mines and Energy (DNRME)

P: 07 49996808

E: carey.gabriel@dnrme.qld.gov.au

A: Level 1, 44 Nelson St, Mackay QLD 4740 | PO Box 63, Mackay Qld 4740

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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.

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.
(If there is insufficient space, please lodge as an attachment) go to 6

(see Annexure)

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 this application and the information I have provided is true and correct.

Signature

(representative)

Whitsunday Regional Council by its duly authorised delegate

Neil McGaffin - Director Development Services

Date:

10 March 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.

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 formalise access and car parking along Coconut Grove and Ocean Road to support the Airlie Beach Foreshore Revitalisation Project works within the reserve, including:

- New bus turning area on Ocean Road;
- New car parking and cruise ship bus stop on Ocean Road;
- Realigned parking on Coconut Grove; and
- New parking and circulation within the existing adjacent carpark.

The above is reflected within Whitsunday Regional Council's **Airlie Beach Foreshore Land Management Plan** [page 12-13]. See below extracts:

7. Proposed Use/s of the Trust Land

7.1 Airlie Beach Foreshore Revitalisation Project – Reserve R.281 and R.296

7.1.1 Proposal

Whitsunday Regional Council has recently undergone public consultation for the Airlie Beach Foreshore Revitalisation Project that seeks to beautify the Foreshore and better support various events that utilize the site, including the Whitsunday Lions Markets. The public consultation period for this revitalisation project lasted for 51 days and involved various workshops with key stakeholders. Proposed works as part of the Airlie Beach Foreshore Revitalisation Project will be consistent with the designated community purpose of the Reserve. The following preliminary works are required to formalise access and car parking along Coconut Grove and Ocean Road to support the proposed revitalisation works within Reserve R.281:

- new bus turning area on Ocean Road;
- new car parking and cruise ship bus stop on Ocean Road;
- realigned parking on Coconut Grove; and

Page 12 of 26



- new parking and circulation within the existing carpark adjacent.

To enable these works, Council is seeking to excise areas of State Reserve R.281 for reclamation as road reserve. The areas of State Reserve Council is seeking to excise are displayed in orange below.



Figure 10: Proposed preliminary works for the Airlie Beach Foreshore Revitalisation Project.

Council is seeking approval in accordance with Section 31A of the Land Act 1994 to change the boundaries of the Reserve for the creation of additional road reserve as shown by Figure 10. The proposal will change land tenure for the specific areas highlighted in orange from recreation reserve to road reserve.

These preliminary works, including the re-alignment of Reserve R.281, will enable the creation of the Foreshore Revitalization design shown in Figure 11 below and in greater resolution within Appendix D.



6. Provide details of any additional information to support the application

Grounds to support urgent application

To be assessed in conjunction with the application under assessment for Lot 108 on SP232115.

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.

sch4p4(6) Personal information

S

W

1

Signed

uncil by its duly authorised delegate

(Full name)

(Position)

*Director Development
Services*

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	22/10/2018 11:36	CURRENT
SEC 48 (2) LAND ACT 1994			
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

Page 1/1

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eLVAS Client Interaction Report

For Interaction id: 1766597

Contact Details

Business unit: State Land Asset Management
Business context: Verbal (Inwards) General
Interaction method: Telephone
Interaction date: 11-Feb-2020 12:09 PM
Entered by: Scott, Kelly
Reference:

Contact with: Mckays Solicitors, MACKAY

Documents

Document Type	Title	Received/Sent
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Interaction Record History

Service Centre: Mackay

Associated to File: TF49022965

Revision No.: 0

Updated by: Scott, Kelly

Date: 11-Feb-2020

Details: sch4p4(6) Persphoned to say he has a survey plan for 187 SP219978 and is ready to lodge it, does he lodge or does the surveyor, is there other paper work? I said it requires an application with us. He asked how long it would take, I said it depends on whether this has been envisaged under the land management plan and the community has commented on it. Also our priority criteria dictates how long before it is allocated so they will need to state that in their application.

Assignment History