

Date : 8/10/2020 8:47:46 AM

From : "SANDER Errol"

To : "SMITH Wedeena" , "RIETHMULLER Jason" , "WARRENER Megan" , "GABRIEL Carey"

Subject : airlie media

Attachment : (21) UNVEILED_ Plans for luxury hotel in heart of Airlie Beach_ Daily Mercury.pdf;image001.jpg;

Errol Sander

Manager

State Land Asset Management | Land Services

Department of Natural Resources, Mines and Energy

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PROPERTY

UNVEILED: Plans for luxury hotel in heart of Airlie Beach



An application for a new luxury hotel in Airlie Beach has gained momentum as developers supply more information about the plans. Photo: Contributed

MORE details about a luxury hotel development at Port of Airlie have been revealed, with developers saying it could provide hundreds of jobs and inject millions into the economy.

Plans show a four to five-star hotel with 180 suites, a spa and fitness centre, yoga deck, pool terrace and amenities.

The hotel would also include an all-day dining restaurant and lobby bar, a specialty retail area and a roof terrace and bar as well as meeting and conference facilities.

The development is earmarked for the Port of Airlie precinct on a vacant lot opposite the Airlie Beach foreshore playground.

The shop, bars and restaurant would be open to the general public while the rest of the facilities would be reserved for guests only.

Developers hoped the proposed hotel would be operated by a high-end, international brand such as Accor, Hilton, Hyatt Regency, Radisson, Sheraton or Marriott.

The original development application for the resort complex in Airlie Beach was lodged in December 2019.

However, officers at Whitsunday Regional Council requested more information about the community benefit of the project as well as clarification on the height of the building and parking considerations.

The original hotel proposal had 12 storeys, which exceeds the height outlined in the council's planning scheme.

The council sought clarification from developers on whether a 10, eight or six-storey building could be built instead.

A financial feasibility analysis conducted by Axsia found "hotel operating costs are essentially fixed and therefore to attract a quality brand and recognised hotel operator, more than 150 rooms would be critical, and some 180 rooms has been recommended".

Developers concluded "there is a clear need for the development of the hotel as a 12-storey development".

However, in the new plans that show levels for both restaurants/retail and accommodation, the developers reduced the number of accommodation levels from 10 to nine.

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Rele



Developers hope the proposed hotel will be operated by a high-end, international brand such as Accor, Hilton, Hyatt Regency, Radisson, Sheraton or Marriott.



An impression of the proposed hotel from the Airlie Beach foreshore.

This means plans still show a 12-storey hotel, however the height has been slightly reduced from 49.9m to 46.7m.

The council also sought clarification on the demand and benefit the proposal would have on Airlie Beach.

Access Town Planning Consultants, which acted on behalf of the developers, stated there was "a strong need for the proposed development" for the region's economy and community.

The proposal was pegged to draw \$77 million in direct and indirect construction, more than 800 associated jobs and \$3.6 million in visitor expenditure a year.

However, an Axsia report found there were several preconditions for the development that would be needed for it to be "viable and sustainable".

These included planned improvements to Whitsunday Coast Airport, including an expansion over time to support international arrivals, as well as improved amenities, such as restaurants and shopping, and tourism experiences in Airlie Beach.

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The development would be built within the Port of Airlie precinct on a vacant lot opposite the Airlie Beach foreshore playground.



An impression of the proposed hotel from Airlie Beach.

Questions were also raised over the "visual impact" a high-rise hotel would have on the town.

However, developers argued the building would "enhance the visual amenity of the local area through the introduction of its modern and attractive architectural design and standard of finishes, as well as the high standard of landscaping design proposed".

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The application also stated the "height variation is part of the way in which the proposed development will enhance the visual amenity of the local area and constitute an identifiable and attractive landmark within the townscape".

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Released

had received an application for a 12-storey, 50m development, but noted it [had been returned to the developers with a request for further detailed information](#).

Mr McGaffin said when the additional information was submitted, it would be open for public consultation before being presented to the council.

The application has not yet been listed on the council website for public submissions.

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Date : 29/10/2020 5:08:04 PM

From : "SMITH Wedeena"

To : "SANDER Errol"

Subject : Airlie Reserve and Road Dealing

Attachment : Document1.docx;

E – can you please cast your eyes over this and advise. Thanks, Wedeena

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

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

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

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

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Date : 5/02/2021 8:11:48 AM

From : "Doug Mackay"

To : "WARRENER Megan" , "SMITH Wedeena" , "Neil McGaffin"

Subject : Attachments this time

Attachment : Plans to

DNRME.pdf;image485283.png;image884105.jpg;image732938.png;image182222.png;image002969.png;image263870.png;image114036.png
;

Doug Mackay

Manager Development Assessment

Phone: 0749450260 Fax: 0749450222 Mobile: sch4p4(6) Email: info@wrc.qld.gov.au

Postal Address: PO Box 104, Proserpine QLD 4800



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



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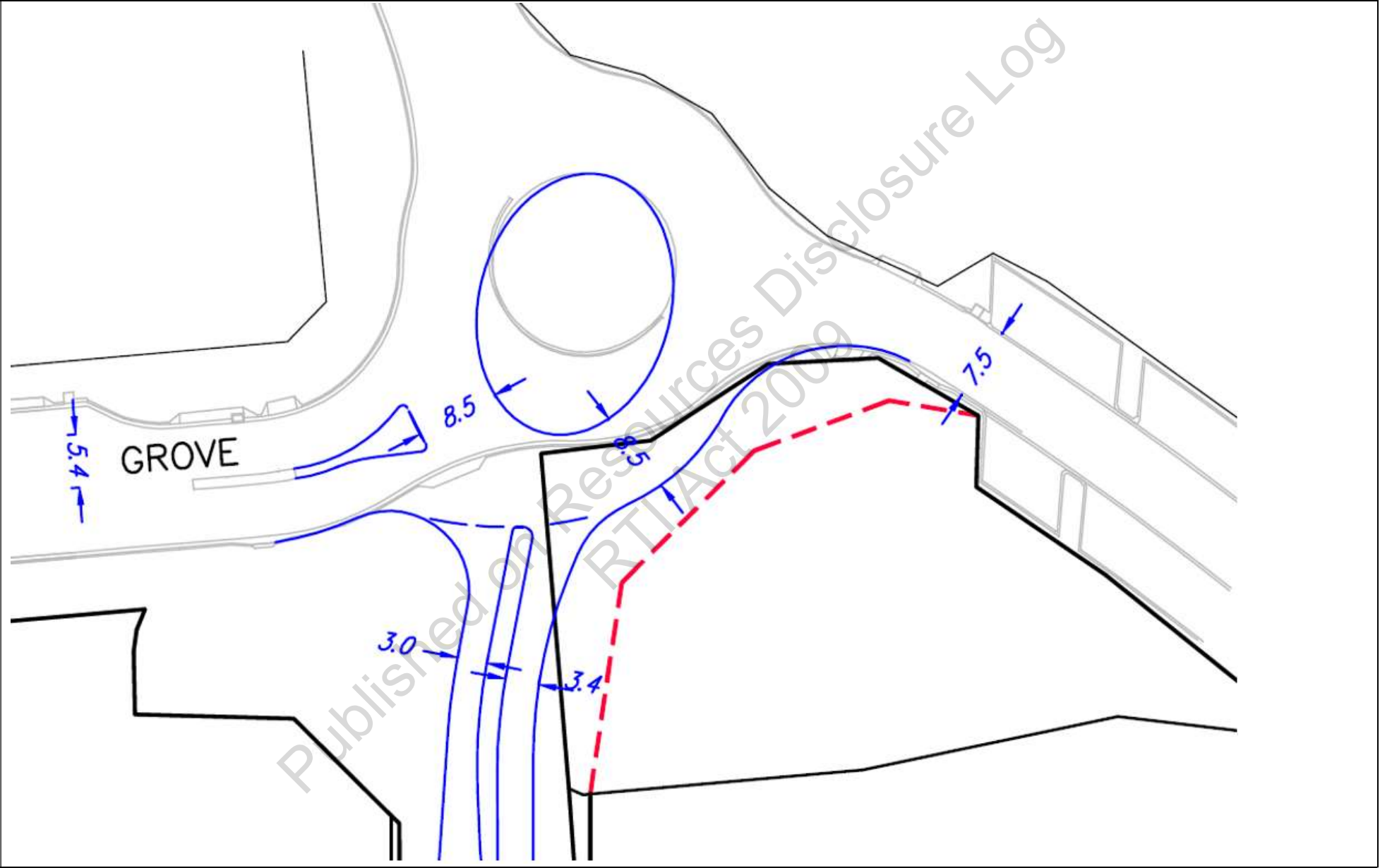
Sketch A – Existing Lot 105 and road reserves. Lot 187 in blue triangle.



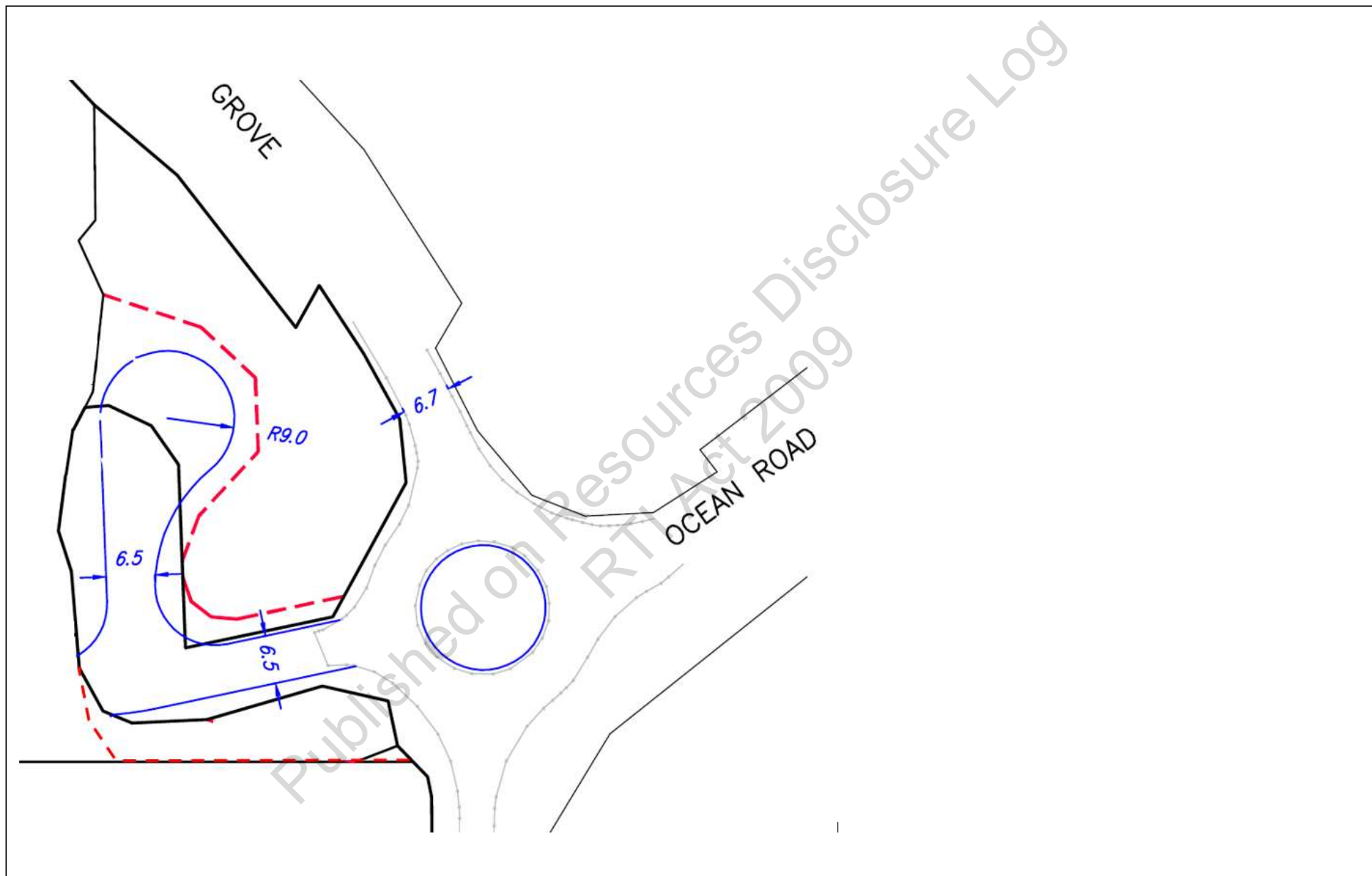
Slutch B – Alternative lawful subdivision and road frontage in red. Frontage in blue would not meet design requirements.



Sketch C – Required truncation at Coconut Grove roundabout for access to Canal Street (NTS)



Sketch D – Required widening to create compliant 4-way intersection and cul-de-sac at Beacons Roundabout



Date : 5/01/2021 9:38:07 AM

From : "SMITH Wedeena"

To : "GREGG Rebecca"

Subject : FW: Follow up to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Attachment : image001.jpg;

Becc – as discussed I think it'd be better if I respond to SOF instead of through the Ministers office. You will see that sch4p4 had already followed up on the progress of Minister's advice with me and I responded early December. Please let me know if you need anything further.
Regards, Wedeena

From: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>

Sent: Sunday, 6 December 2020 4:35 PM

To: SMITH Wedeena

Subject: RE: Follow up to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Dear Wedeena,

In response to your welcome email below, could we make a request.

Last Friday, 4 December 2020, both myself and SOF Secretary sch4p4(6) Pers met with Mayor Willcox Whitsunday Regional Council and were advised that the Port of Airlie development application for a 12 storey hotel has been re-submitted, with minimal changes, but as such the assessment process has to be restarted and subsequently, public consultation will not commence until after January or later 2021.

As the application before the Minister is obviously to provide vehicular access to this proposed hotel, and is inextricably linked to the Port of Airlie development application mentioned above, could we respectfully request that the Minister postpone any decision regarding excising public lands until the public has had a chance to express their views regarding this proposed hotel development.

Yours sincerely,

sch4p4(6) Pers

President

Save Our Foreshore

Mob sch4p4(6) Pers

----- Forwarded message -----

From: SMITH Wedeena <Wedeena.Smith@dnrme.qld.gov.au>

Date: Thu, Dec 3, 2020 at 4:50 PM

Subject: RE: Follow to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

To: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>

Afternoon sch4p4(6)

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

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

Kind regards

Wedeena Smith

Principal Land Officer, State Land Asset Management

Telephone (07) 4999 6914 or 23914

Email wedeena.smith@dnrme.qld.gov.au

www.dnrme.qld.gov.au

Department of Natural Resources, Mines and Energy

Level 1, 44 Nelson Street, PO Box 63 MACKAY QLD 4740



From: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>

Sent: Wednesday, 25 November 2020 12:40 PM

To: SMITH Wedeena

Subject: Follow to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Hello Wedeena,

This is just a follow up for any update you may have for us re: our letter to the previous Minister regarding an official objection to the Whitsunday Regional Council's decision to support a development application which states public recreation reserve 'to be taken' for road reserve. Letter attached.

We look forward to hearing from you.

Kindest regards,
sch4p4(6) Per
Save Our Foreshore

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Date : 4/02/2021 5:13:29 PM

From : "Doug Mackay"

To : "WARRENER Megan" , "SMITH Wedeena"

Cc : "Neil McGaffin"

Subject : Lot 187 Airlie Beach - Additional plans for discussion tomorrow

Attachment :

image052639.png;image169211.jpg;image911231.png;image699812.png;image271563.png;image898262.png;image680862.png;

Hi Wedeena and Megan

These are the plans we will talk to tomorrow in our catch up at 9.00am.

Kind regards

Doug Mackay

Manager Development Assessment

Phone: 0749450260 Fax: 0749450222 Mobile: sch4p4(6) Email: info@wrc.qld.gov.au

Postal Address: PO Box 104, Proserpine QLD 4800



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Date : 3/03/2020 9:52:09 AM
From : "WARRENER Megan"
To : "SMITH Wedeena"
Subject : Phone Message - Neil McGaffin
Attachment : image001.png;

Hi Wedeena,

Neil would like for you to call him in relation to the recreation reserve to road reserve for the port of Airlie.

His contact number is sch4p4(6) Per

Kind Regards



Megan Warrener

Land Officer

State Land Asset Management | Land Services

Department of Natural Resources, Mines and Energy

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

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Date : 30/10/2020 4:32:01 PM

From : "WARRENER Megan"

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

Cc : "sch4p4(6) Perso | McKays Solicitors", "sch4p4(6) Perso | McKays Solicitors", "Neil McGaffin", "Doug Mackay", "SMITH Wedeena", "GABRIEL Carey"

Subject : RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Attachment : image002.png;image003.jpg;

Good Afternoon sch4p4(

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

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

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

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

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

Kind Regards



Megan Warrener

Senior Land Officer

State Land Asset Management | Land Services

Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)

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

W: www.dnrme.qld.gov.au

From: sch4p4(6) Perso | McKays Solicitors <sch4p4(mckayslaw.com)>

Sent: Friday, 25 September 2020 4:07 PM

To: WARRENER Megan

Cc: sch4p4(6) Perso | McKays Solicitors; sch4p4(6) Perso | McKays Solicitors

Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010400

Hi Megan,

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

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

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

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

1. Council Report from Ordinary Meeting held on 26 August, 2020 whereby Council resolved to support the proposal to change part of the land from recreational reserve to road reserve, after consideration of the Community Consultation Summary – which includes the following annexures:
 - a. Annexure A - Plan showing the proposed areas to be converted to road reserve (which was uploaded to the website);
 - b. Annexure B - Summary of public submissions;
 - c. Annexure C - Further information in support of the proposal from the applicant for the development application with respect to Lot 105 on SP232115 and Lot 106 on SP172255.
2. Copy of community consultation online portal on Council's website which can also be accessed at: <https://yoursay.whitsundayrc.qld.gov.au/airlie-beach-proposed-road-access-change>.

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

Kind regards

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



Solicitors Unique Focus

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

H sch4p4(6)

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

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

Kind Regards



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

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W: www.dnrme.qld.gov.au

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

Hi Megan,

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

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

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

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

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

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

We look forward to your response.

Kind regards

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



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

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

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

Hi Megan,

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

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

We look forward to your response.

Kind regards

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



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From: sch4p4(6) 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(ckayslaw.com>; SLAM-Mackay <Slam-Mackay@dnrme.qld.gov.au>
Subject: RE: Agreement to Offer Documents - Whitsunday Regional Council - 2020/010676

Good morning Megan,

Please find **attached** correspondence to you.

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

Kind regards

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



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

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

Good Mornin | 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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RTI Act 2009

Date : 30/10/2020 2:32:36 PM
From : "SMITH Wedeena"
To : "GABRIEL Carey" , "WARRENER Megan"
Subject : RE: Airlie Beach Lot 187 parkland

Yes please send an acknowledgement note

From: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Sent: Tuesday, 27 October 2020 10:42 AM
To: WARRENER Megan
Cc: SMITH Wedeena
Subject: FW: Airlie Beach Lot 187 parkland

Megan

For your attention.

Wedeena – do we respond to sch4p4(6) Pers

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

Hi Kelly,

In the Minister's busy time I have written to you directly with a submission (attached) I have prepared on the proposed conversion of public parkland to road reserve.

Can you please advise me if this can be taken into account during your considerations.

Kind regards,

sch4p4(6) Perso

Published on Resources Disclosure Log
RTI Act 2009

Date : 14/01/2021 11:44:03 AM

From : "WARRENER Megan"

To : "SMITH Wedeena" , "GABRIEL Carey"

Subject : RE: Follow up to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Attachment : image002.png;image003.jpg;

Hi Wedeena,

I am slowly going through my emails, WRC were given until the 15 January to provide the Department with evidence to justify that the land is needed in the public interest for a different use.

[sch4p4(6) Pers] McKays Solicitors) advised the Department that Council were gathering the evidence required and would provide a response to the Department by 15 January. They may have already provided a response, I will continue to work through my emails and will update you once a response has been provided.

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: SMITH Wedeena <Wedeena.Smith@dnrme.qld.gov.au>

Sent: Tuesday, 5 January 2021 9:18 AM

To: WARRENER Megan; GABRIEL Carey

Subject: FW: Follow up to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Ladies – what's our current timing on the assessment of the application? From my memory we are waiting on Council to give us further information to support the application but I cannot remember what timeframe we gave them if any? Regards, Wedeena

From: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>

Sent: Sunday, 6 December 2020 4:35 PM

To: SMITH Wedeena

Subject: RE: Follow up to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Dear Wedeena,

In response to your welcome email below, could we make a request.

Last Friday, 4 December 2020, both myself and SOF Secretary [sch4p4(6) Pers] met with Mayor Willcox Whitsunday Regional Council and were advised that the Port of Airlie development application for a 12 storey hotel has been re-submitted, with minimal changes, but as such the assessment process has to be restarted and subsequently, public consultation will not commence until after January or later 2021.

As the application before the Minister is obviously to provide vehicular access to this proposed hotel, and is inextricably linked to the Port of Airlie development application mentioned above, could we respectfully request that the Minister postpone any decision regarding excising public lands until the public has had a chance to express their views regarding this proposed hotel development.

Yours sincerely,

[sch4p4(6) Pers]

President

Save Our Foreshore

Mob: [sch4p4(6) Pers]

----- Forwarded message -----

From: SMITH Wedeena <Wedeena.Smith@dnrme.qld.gov.au>

Date: Thu, Dec 3, 2020 at 4:50 PM

Subject: RE: Follow to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

To: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>

Afternoon [sch4p4(6) Pers]

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

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

Kind regards

Wedeeena Smith

Principal Land Officer, State Land Asset Management

Telephone (07) 4999 6914 or 23914

Email wedeeena.smith@dnrme.qld.gov.au

www.dnrme.qld.gov.au

Department of Natural Resources, Mines and Energy

Level 1, 44 Nelson Street, PO Box 63 MACKAY QLD 4740



From: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>

Sent: Wednesday, 25 November 2020 12:40 PM

To: SMITH Wedeeena

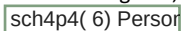
Subject: Follow to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Hello Wedeeena,

This is just a follow up for any update you may have for us re: our letter to the previous Minister regarding an official objection to the Whitsunday Regional Council's decision to support a development application which states public recreation reserve 'to be taken' for road reserve. Letter attached.

We look forward to hearing from you.

Kindest regards,

sch4p4(6) Person

Save Our Foreshore

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Date : 5/01/2021 9:24:04 AM

From : "GABRIEL Carey"

To : "SMITH Wedeena" , "WARRENER Megan"

Subject : RE: Follow up to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Attachment : image001.jpg;

Wedeena

McKays Solicitor have been instructed by council that a response will be provided to us by 15 January 2021. 15 January 2021 is the date we requested it by.

Carey

From: SMITH Wedeena <Wedeena.Smith@dnrme.qld.gov.au>

Sent: Tuesday, 5 January 2021 9:18 AM

To: WARRENER Megan; GABRIEL Carey

Subject: FW: Follow up to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Ladies – what's our current timing on the assessment of the application? From my memory we are waiting on Council to give us further information to support the application but I cannot remember what timeframe we gave them if any? Regards, Wedeena

From: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>

Sent: Sunday, 6 December 2020 4:35 PM

To: SMITH Wedeena

Subject: RE: Follow up to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Dear Wedeena,

In response to your welcome email below, could we make a request.

Last Friday, 4 December 2020, both myself and SOF Secretary [sch4p4\(6\) Pers](#) met with Mayor Willcox Whitsunday Regional Council and were advised that the Port of Airlie development application for a 12 storey hotel has been re-submitted, with minimal changes, but as such the assessment process has to be restarted and subsequently, public consultation will not commence until after January or later 2021.

As the application before the Minister is obviously to provide vehicular access to this proposed hotel, and is inextricably linked to the Port of Airlie development application mentioned above, could we respectfully request that the Minister postpone any decision regarding excising public lands until the public has had a chance to express their views regarding this proposed hotel development.

Yours sincerely,

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

President

Save Our Foreshore

Mob: [sch4p4\(6\) Pers](#)

----- Forwarded message -----

From: **SMITH Wedeena** <Wedeena.Smith@dnrme.qld.gov.au>

Date: Thu, Dec 3, 2020 at 4:50 PM

Subject: RE: Follow to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

To: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>

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

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

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

Kind regards

Wedeena Smith

Principal Land Officer, State Land Asset Management

Telephone (07) 4999 6914 or 23914

Email wedeena.smith@dnrme.qld.gov.au

www.dnrme.qld.gov.au

Department of Natural Resources, Mines and Energy

Level 1, 44 Nelson Street, PO Box 63 MACKAY QLD 4740



From: saveourforeshore@whitsunday.net.au <saveourforeshore@whitsunday.net.au>

Sent: Wednesday, 25 November 2020 12:40 PM

To: SMITH Wedeena

Subject: Follow to letter of 24 September 2020 re Whitsunday RC public reserve and Port of Airlie

Hello Wedeena,

This is just a follow up for any update you may have for us re: our letter to the previous Minister regarding an official objection to the Whitsunday Regional Council's decision to support a development application which states public recreation reserve 'to be taken' for road reserve. Letter attached.

We look forward to hearing from you.

Kindest regards,

sch4p4(6) Pers

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Date : 3/03/2020 5:19:10 PM

From : "SMITH Wedeena"

To : "GABRIEL Carey"

Cc : "WARRENER Megan"

Subject : RE: Phone Message - Neil McGaffin

Attachment : image001.png;

Carey – can you please call Neil. I won't have a chance to till the end of the week. Thanks, W

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

Sent: Tuesday, 3 March 2020 9:52 AM

To: SMITH Wedeena

Subject: Phone Message - Neil McGaffin

Hi Wedeena,

Neil would like for you to call him in relation to the recreation reserve to road reserve for the port of Airlie.

His contact number is sch4p4(6) Pers

Kind Regards



Megan Warrener

Land Officer

State Land Asset Management | Land Services

Department of Natural Resources, Mines and Energy

P: 07 4999 6862 (QNET 23862)

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

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

W: www.dnrme.qld.gov.au

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Date : 2/11/2020 8:22:23 AM
From : "Doug Mackay"
To : "GABRIEL Carey"
Cc : "SMITH Wedeena" , "Neil McGaffin"
Subject : Re: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore
Attachment :
image001.png;image009.png;image010.jpg;image011.jpg;image012.png;image013.png;image014.png;image015.png;image016.png;image017.jpg;image018.jpg;image513430.png;image003955.jpg;image450356.jpg;imx

Thanks Carey

Doug Mackay

Manager Development Assessment

Phone: 0749450260 Fax: 0749450222 Mobile: sch4n4 Email: info@whitsundayrc.qld.gov.au

Postal Address: PO Box 104, Proserpine QLD 4800



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Regional Council



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From: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Sent: Friday, October 30, 2020 4:07:50 PM
To: Doug Mackay <Doug.Mackay@whitsundayrc.qld.gov.au>
Cc: SMITH Wedeena <Wedeena.Smith@dnrme.qld.gov.au>; Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>
Subject: RE: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore

Doug

Further information request can be expected in the next few days.

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: Doug Mackay <Doug.Mackay@whitsundayrc.qld.gov.au>
Sent: Friday, 30 October 2020 11:47 AM
To: GABRIEL Carey
Cc: SMITH Wedeena; Neil McGaffin
Subject: RE: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore

Many thanks Carey.

Please advise when the information request can be expected.

Many thanks

Doug Mackay

Manager Development Assessment

Phone: 0749450260 Fax: 0749450222 Mobile: sch4n4 Email: info@whitsundayrc.qld.gov.au

Postal Address: PO Box 104, Proserpine QLD 4800



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From: GABRIEL Carey <Carey.Gabriel@dnrme.qld.gov.au>
Sent: Friday, 30 October 2020 11:12 AM
To: Doug Mackay <Doug.Mackay@whitsundayrc.qld.gov.au>
Cc: SMITH Wedeena <Wedeena.Smith@dnrme.qld.gov.au>; Neil McGaffin <Neil.McGaffin@whitsundayrc.qld.gov.au>
Subject: RE: Proposed change of reserve purposes - Lot 187 Airlie Beach foreshore

Doug

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

It is highly likely that additional information will be requested.

Regards

Carey



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

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

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

Hi Carey

I left a phone message for you on Wednesday.

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

Regards

Doug Mackay

Manager Development Assessment

Phone: 0749450260 Fax: 0749450222 Mobile: sch4p4 Email: info@whitsundayrc.qld.gov.au
Postal Address: PO Box 104, Proserpine QLD 4800



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

Hi Carey

Hope this finds you well.

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

Many thanks

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Date : 20/02/2020 10:41:56 AM

From : "SCOTT Kelly"

To : "SMITH Wedeena" , "SANDER Errol" , "GABRIEL Carey"

Subject : URGENT road opening application from WRC

Attachment : RE: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921;Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921;image001.jpg;

Hi all,

ROP out of reserve adjoining Whitsunday Sailing club.

Decision required by 26 February in time for WRC next meeting

WRC go into caretaker mode this Saturday.

Application with CPL for case creation.

Please confirm the priority.

Kelly Scott

Senior Land Officer

State Land Asset Management | Land Services

Department of Natural Resources, Mines and Energy

P: 07 4999 6864 (QNET 23864)

E: Kelly.Scott@dnrme.qld.gov.au

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

W: www.dnrme.qld.gov.au



DNRME

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Date : 20/02/2020 10:29:41 AM
From : [sch4p4(6) Perso] McKays Solicitors"
To : "SCOTT Kelly"
Cc : [sch4p4(6) Perso] McKays Solicitors"
Subject : RE: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Attachment image001.jpg;image002.jpg;

Hi Kelly

I know you have heavy workloads and this might be almost impossible (and we are practically asking for you to pull a rabbit out of your hat) Council have advised they ideally need an answer on the application by 26 February, 2020 prior to the next Council meeting. I presume by this that they mean the application acceptance from DNRME and that the actual titling process for road opening can follow thereafter (and they don't expect the matter to be fully finalised & road opened in a week).

Any chance on this happening ?

Regards

[sch4p4(6) Pe] McKays Solicitors
Senior Solicitor

McKays
Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709
34 Wood Street, Mackay QLD 4740
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P 07 4968 5452 F +61 7 4963 0889 E [sch4p4(ckayslaw.com

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From: SCOTT Kelly <Kelly.Scott@dnrme.qld.gov.au>

Sent: Thursday, 20 February 2020 10:19 AM

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

Subject: RE: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921

[sch4p4

Please advise the timeframe that Council requests the matter to be finalised.

The survey plan will form part of a formal offer should the application be approved.

Regards

Kelly Scott

Senior Land Officer

State Land Asset Management | Land Services

Department of Natural Resources, Mines and Energy

P: 07 4999 6864 (QNET 23864)

E: Kelly.Scott@dnrme.qld.gov.au

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

W: www.dnrme.qld.gov.au



From: [sch4p4(6) P] McKays Solicitors <[sch4p4(mckayslaw.com>

Sent: Thursday, 20 February 2020 9:43 AM

To: GABRIEL Carey; SCOTT Kelly

Cc: [sch4p4(6) P] McKays Solicitors; 'Neil McGaffin'; Billie Davis

Subject: Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921

Importance: High

Good morning Carey & Kelly,

We act on behalf of Whitsunday Regional Council (Council) and are lodging this application to dedicate state land as a road on their behalf. We note that the land is currently held by Council as trustee for recreation purposes. We also further note that the area in question has been severed from the majority of the recreational reserve Lot 187 by Coconut Grove and take the view that the impact on the reserve is minimal. Council have advised that this road opening is urgently required to give effect to planning approval requirements for the vital economic development of the Airlie Beach Precinct. Whilst Council are conscious of the workloads of your department, Council hereby request that this matter be urgently considered and expedited, so that the road opening can occur as a matter of priority.

Please find attached:

1. Form LA00 Contact and Land Details Part A;
2. Form LA17 Application to dedicate state land as road Part B;
3. Annexure to LA17 (due to insufficient space within form);
4. Copy of Title search for the current recreational reserve Lot 187; and
5. Preliminary survey plan SP316921 depicting the areas of new road (subject to minor amendment for surveying purposes).

Items 1 to 3 are in the single attachment.

We will arrange for payment of the \$286.70 application fee by credit card over the phone by Council. We understand Billie Davis from Council will call you direct on 07 4999 6864 to make payment.

Please do not hesitate to contact [sch4p4(6) Personal informal of our office if you require any additional information.

We look forward to finalising this matter with you and Council urgently, so that the registration of SP316921 for road opening can occur in the immediate future.

If there is anything our office or Council can do to expedite the road opening process, please kindly advise. Whilst you are progressing the application, we will continue to liaise with Council in relation to the execution of the final survey plan, which we will then present to DNRME for processing and registration

Kind Regards

sch4p4(6) Pei **McKays Solicitors**
Senior Solicitor

McKays

Solicitors Unique.Focus

McKays NQ Pty Ltd ABN 85 604 643 709

34 Wood Street, Mackay QLD 4740

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P 07 4968 5452 F +61 7 4963 0889 E sch4p4(ckayslaw.com

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Date : 20/02/2020 9:43:06 AM
From : sch4p4(6) Perso | McKays Solicitors"
To : "GABRIEL Carey" , "SCOTT Kelly"
Cc : sch4p4(6) Perso | McKays Solicitors" , ""Neil McGaffin"" , "Billie Davis"
Subject : Urgent Lodgement of Application to dedicate state recreation reserve as road at Airlie Foreshore - areas shown on SP316921
Attachment QLD Title 49022965.pdf;200207 SP316921 Preliminary.pdf;20022020092727-0001.pdf;image001.jpg;

Good morning Carey & Kelly,

We act on behalf of Whitsunday Regional Council (Council) and are lodging this application to dedicate state land as a road on their behalf. We note that the land is currently held by Council as trustee for recreation purposes. We also further note that the area in question has been severed from the majority of the recreational reserve Lot 187 by Coconut Grove and take the view that the impact on the reserve is minimal. Council have advised that this road opening is urgently required to give effect to planning approval requirements for the vital economic development of the Airlie Beach Precinct. Whilst Council are conscious of the workloads of your department, Council hereby request that this matter be urgently considered and expedited, so that the road opening can occur as a matter of priority.

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Please do not hesitate to contact sch4p4(6) Personal info of our office if you require any additional information.

We look forward to finalising this matter with you and Council urgently, so that the registration of SP316921 for road opening can occur in the immediate future.

If there is anything our office or Council can do to expedite the road opening process, please kindly advise. Whilst you are progressing the application, we will continue to liaise with Council in relation to the execution of the final survey plan, which we will then present to DNRME for processing and registration

Kind Regards

sch4p4(6) Per | 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

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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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PRELIMINARY

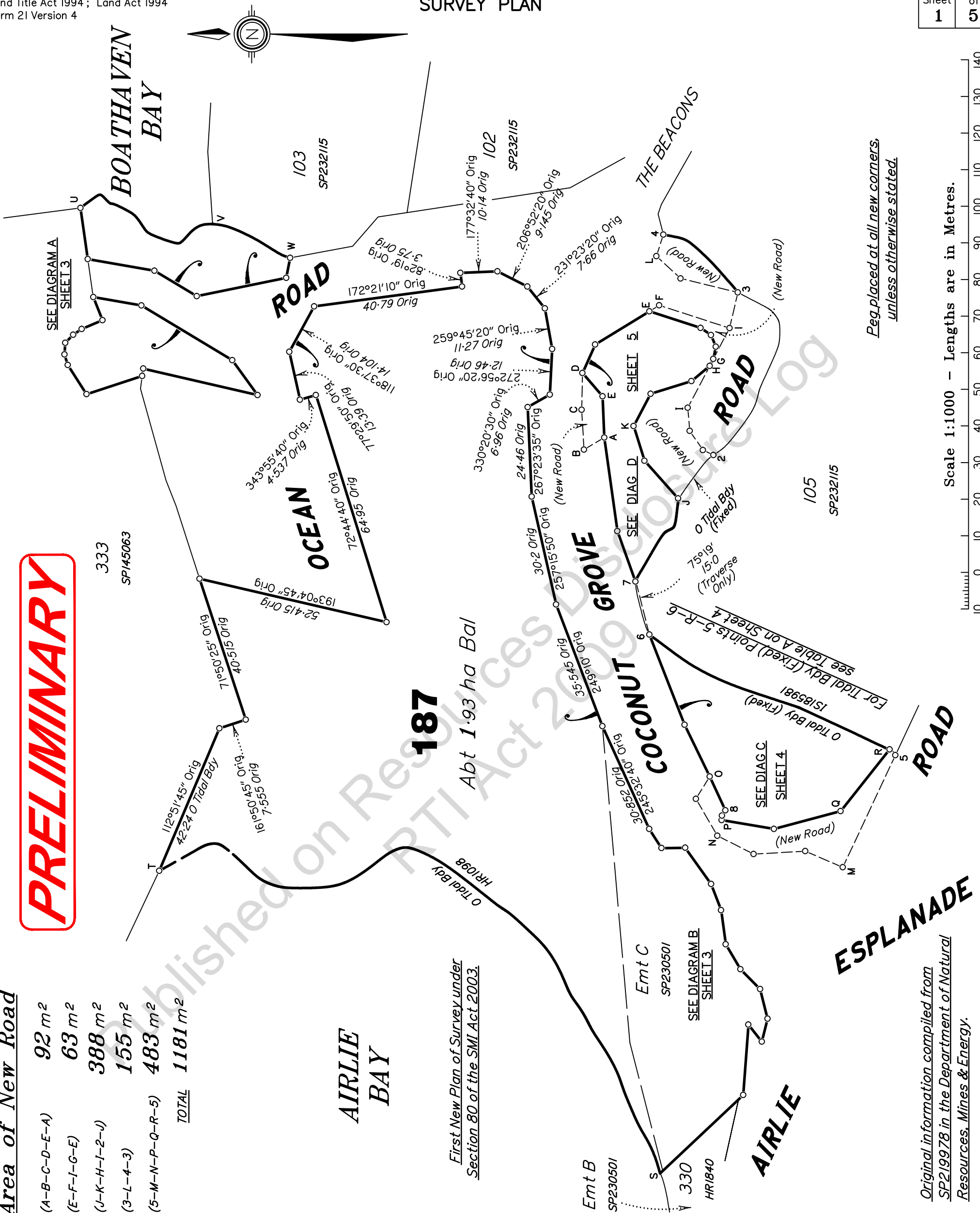
Area of New Road

(A-B-C-D-E-A)	92 m ²
(E-F-I-G-E)	63 m ²
(J-K-H-I-2-J)	388 m ²
(3-L-4-3)	155 m ²
(5-M-N-P-Q-R-5)	483 m ²
TOTAL	1181 m ²

VERIS AUSTRALIA PTY LTD (ACN 615 735 727) hereby certify that this plan was surveyed by sch4p4(6) Personal Information Registered Surveyor and sch4p4(6) Personal Information Registered Surveyor, for whose work the corporation accepts responsibility, under the supervision of sch4p4(6) Personal Information Registered Surveyor, and that the plan is accurate, and that the survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 4/02/2020.

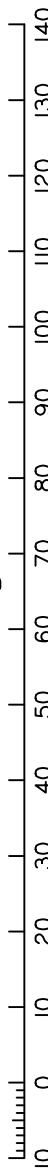
Delegate
Date

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 SP232115	Survey Records: No
Scale: 1:1000	
Format: STANDARD	
SP316921 EN 16:43 13/2/18	



Peg placed at all new corners, unless otherwise stated.

Scale 1:1000 - Lengths are in Metres.



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

(Dealing No.)

5. Lodged by

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

I. Certificate of Registered Owners or Lessees.

I/We WHITSUNDAY REGIONAL COUNCIL

(Names in full)

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

* as Lessees of this land agree to this plan.

Signature of *Registered Owners *Lessees

PRELIMINARY

* Rule out whichever is inapplicable

2. Planning Body Approval.

*
hereby approves this plan in accordance with the :
%

Dated this day of

..... #

..... #

* Insert the name of the Planning Body.

Insert designation of signatory or delegation

% Insert applicable approving legislation.

3.Plans with Community Management Statement :

CMS Number :

Name :

4.References :

Dept File :

Local Govt :

Surveyor : 400725

6. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
49022965	Lot 187 on SP219978	187	New Rd	

ENCUMBRANCE EASEMENT ALLOCATIONS

Easement	Lots to be Encumbered
712950229 (Emt C on SP230501)	187
712984486 (Emt C on SP230501)	187

EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS

Administrative Advice	Lots to be Encumbered
719058011 (LAND NOTICE)	187

PHYSICAL FEATURE BOUNDARY REPORT SP316921

*First Plan of Survey of a Tidal Watercourse Boundary under Sections 80 of the SMI Act 2003 .
The purpose of the survey is to open new road in five new locations around Coconut Grove.
Two new right line boundaries intersect the Original Tidal boundary at Stns R and J.
Definition of the Tidal Watercourse Boundary.*

The natural feature at locations 5–R–6, 7–J–2, 3–4, and U–W was defined as HWM on IS185981. Similarly the natural feature between stations S–T was defined as HWM on HR1098.

The natural feature at locations 5–R–6, 7–J–2, 3–4, and W–V has been affected by sudden change due to land reclamation and is now fixed.

The location of the boundary is consistent with section 108(4) and section 108(5) as the original feature is adopted and therefore in accord with the feature adopted on CI24185.

Compiled Plan

The location of the boundary at law between stations S–T and U–V is consistent with the location of the boundary depicted on HR 1098 and IS185981 respectively. The position of the original tidal boundary has been inspected on site and compared to rectified imagery and no significant differences have been found.

The location of the boundary between stations 5–R–6, 7–J–2, and 3–4 has been subject to sudden change. Therefore its position has been compiled based on its last reliable known position.

REINSTATEMENT REPORT SP316921

- Original reference marks found at Stns 2, 4, 5 & 6.
- All original corners have been reinstated by original bearings and distances as shown on SP219978 based.

9. Building Format Plans only.

I certify that :

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

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

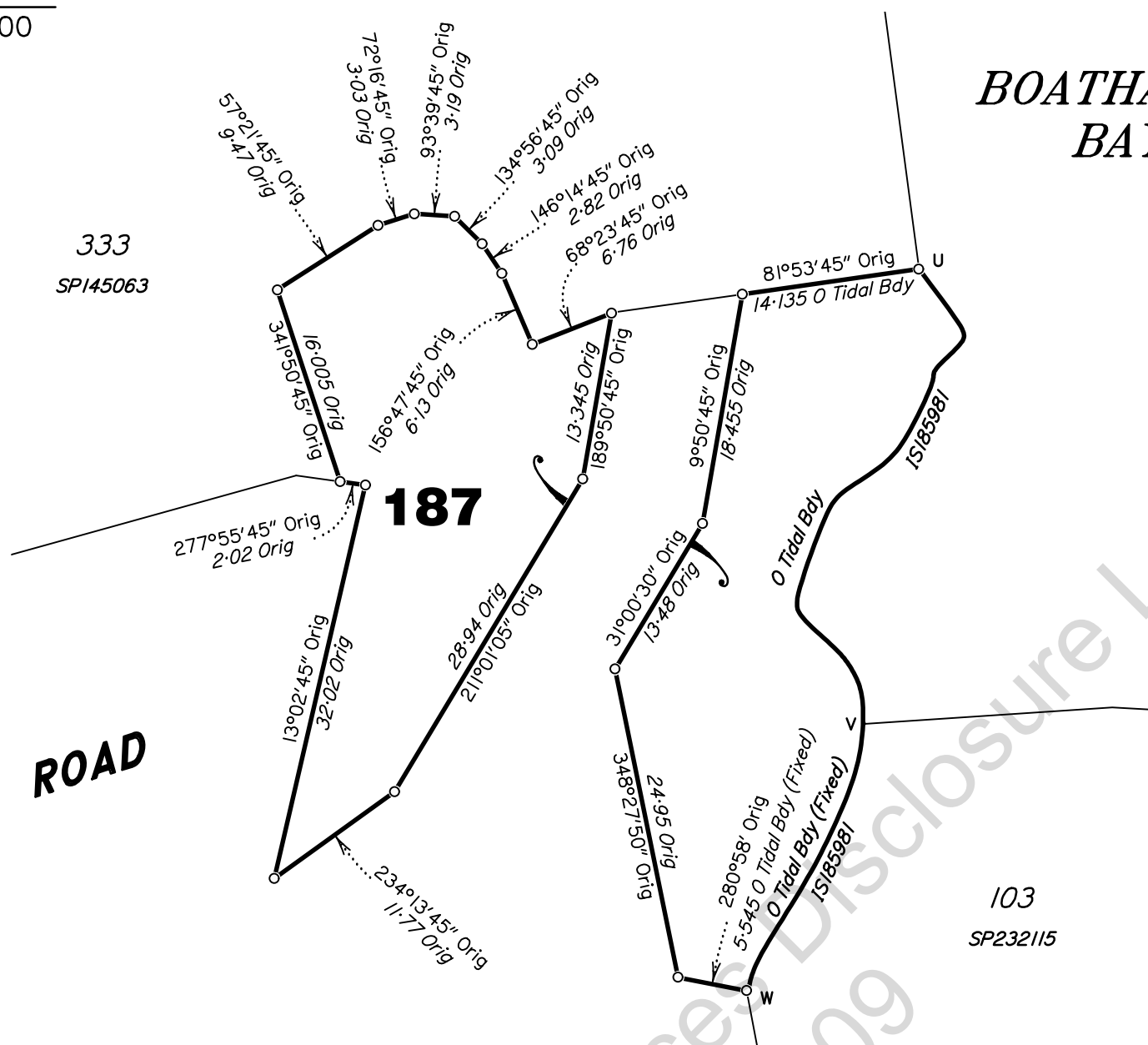
10. Lodgement Fees :

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

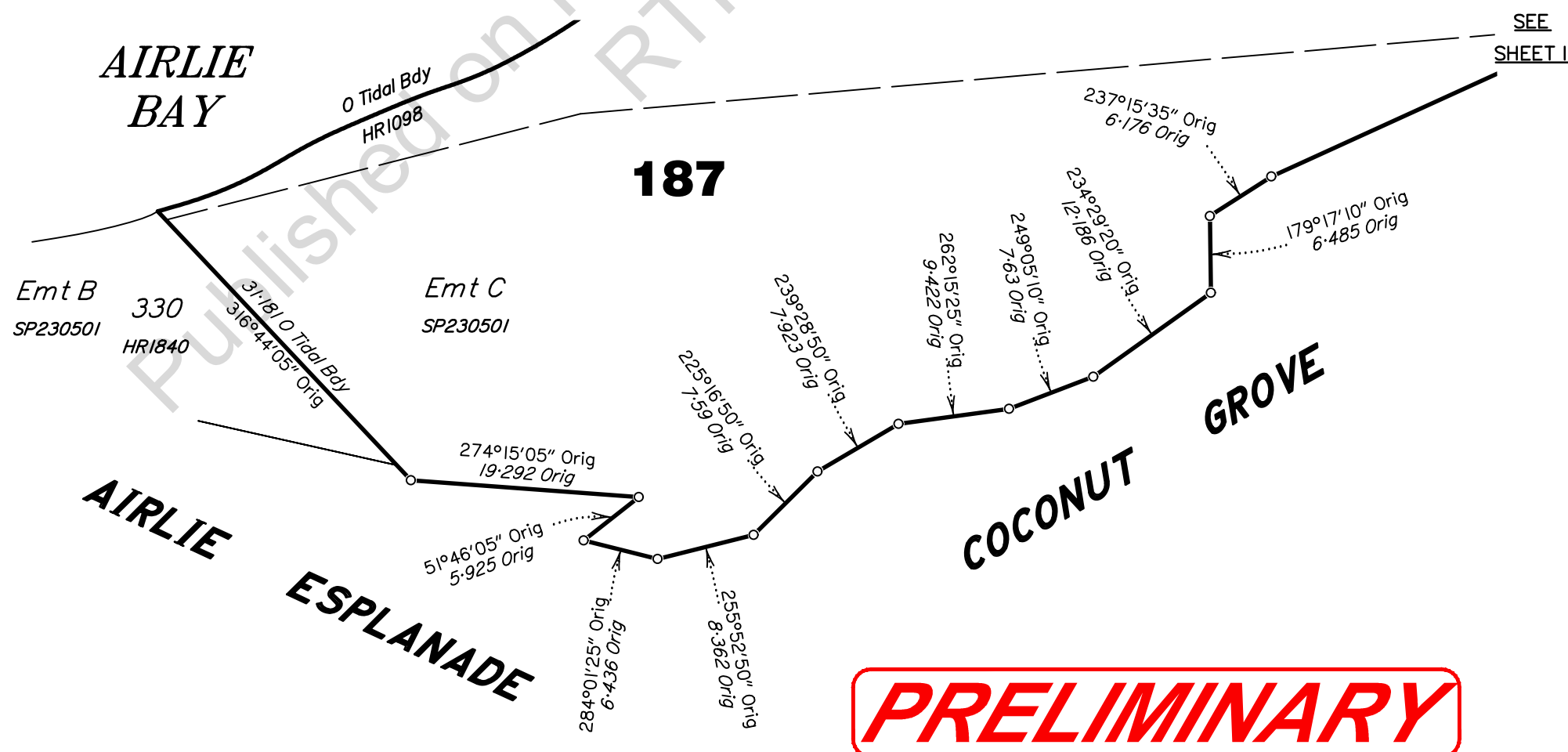
II. Insert
Plan
Number

SP316921

Scale 1: 500



Scale 1: 500



SP316921

TABLE A

ORIGINAL TIDAL BOUNDARY (FIXED) POINTS		
②	326°57'30"	2·3
	306°06'56"	13·119
①	275°21'29"	7·979
	339°19'05"	3·561
	299°17'38"	15·45
⑥	216°34'53"	19·466
	198°10'18"	26·303
	204°48'41"	27·506
④	204°48'41"	0·715
	233°37'15"	1·565

PRELIMINARY

SP316921

SURVEY PLAN

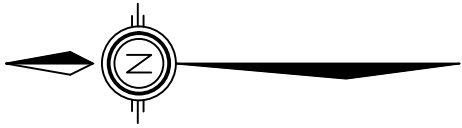


DIAGRAM D
Scale 1: 300

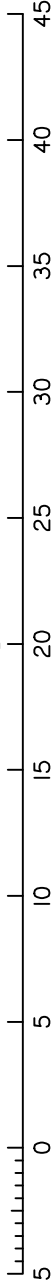
COCONUT GROVE

187

ROAD

PRELIMINARY

Scale 1:300 - Lengths are in Metres.



Application form Contact and Land Details Part A

Application form requirements

1. **Part A:** Contact and land details will need to be completed.
2. **Part B:** Application specific form will need to be completed.
3. Payment of the prescribed application fee, if relevant. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources, Mines and Energy (DNRME) website at <https://www.dnrme.qld.gov.au> or from a regional [DNRME business centre](#)).
4. If the application is not lodged by a solicitor, bank or consultant on behalf of the applicant, then all applicants must sign the declaration on the appropriate Part B application form.
5. All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.
6. Prior to lodging your application, the Department encourages the applicant to have a pre-lodgement meeting with a DNRME officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

Important information

7. All applications will be processed having regard to the requirements of the [Land Act 1994](#) and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
8. All completed applications can be lodged with DNRME by sending information to the following email or postal addresses or in person at your local DNRME business centre.
9. **Email:**
SLAMlodgement@dnrme.qld.gov.au
10. If lodging an application, all relevant Part B application forms must be signed and supporting documentation must be scanned and then emailed.
11. **Post:**
Department of Natural Resources, Mines and Energy
PO Box 5318
TOWNSVILLE QLD 4810
12. In terms of the [Right to Information Act 2009](#) interested parties may seek access to DNRME records and view relevant documents.
13. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](#). The consideration of your application may involve consultation and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

Contact details

Lodger Details and Mailing Address

A lodger is only required when a solicitor, bank, consultant lodges the application on behalf of the applicant.

Full Name(s)		
Title	First name	Surname
sch4p4(6) Personal information		
Company name(s)		
McKays NQ Pty Ltd		
If a Corporation then record ☐ ACN ☐ ARBN ☒ ABN		
		85 604 643 709
Postal Address	34 Wood Street	
Phone number	(07) 4968 5452	Mobile phone
Email	sch4p4(6)@mckayslaw.com	

Applicant(s) Details and Mailing Address

If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

Full Name(s)

Title	First name	Surname

Company name(s)

Whitsunday Regional Council

If a Corporation then record ☐ ACN ☐ ARBN ☒ ABN

63 291 580 128

Postal Address

52 Main Street, Proserpine

QLD 4800

Phone number

(07) 4945 0275

Mobile phone

Email

info@whitsundayrc.qld.gov.au

Future correspondence should be sent to

☒

Lodger

☐

Applicant

1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?

☐

Yes

go to 2

☒

No

go to 4

For further information refer to the Queensland Government website to determine if the applicant/s are a [foreign person \(acquirer\) for AFAD](#) >.

<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the [Duties Act 2001](#)?

☐

Yes

go to 3

☒

No

go to 4

Note – Under the [Duties Act 2001](#) an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD. For further details, please refer to the information on the Queensland Government website for [Additional Foreign Acquirer Duty](#):-

<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad>

3. Enter the full name/s of the foreign acquirer/s.
(If there is insufficient space, please lodge as an attachment)

go to 4

Full Name/s (If a company, also provide a contact name)	Share held

4. Are the Applicant/s registered for GST **AND** acquiring the land for a creditable purpose?

☐ Yes



No

go to 5

Under the *Tax Administration Act (Cth) 1953* certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the [Australian Taxation Office \(ATO\)](https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or refer to the ATO website <https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/> or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

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

☐

Permit

☐

Lease

☐

Licence

☐

Unallocated State Land (USL)

go to 6

☒

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

☐

Road

☐

Dealing Number (refer to Item 6)

☐

Other

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged.		
Lot	Plan	Title Reference
187	SP219978	49022965

go to 7

The details of the land can be found on a current copy of the Title, your rates notice or the Queensland Globe from the Queensland Government website can be downloaded to help access current Lot on Plan details. <<https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/maps>>.

If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number

Tenure type

Reserve (Recreation)

Tenure number

Local Government

Whitsunday Regional Council

Other details of land location (optional)

County (R) No: R281
File Ref: RES 7830

go to 8

8. Have you participated in a pre-lodgement meeting with the department?

☐

Yes

go to 9

☒

No

Please provide name of officer you spoke with and this department's associated reference.

DNRME Contact
Officer

Prelodgement ID
(eLVAS CI Ref)

9.

Provide details of pre-lodgement meeting. (optional)
(If there is insufficient space, please lodge as an attachment)

Departmental Officers contact details and any reference number should be included if known.

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM.

Published on Resources Disclosure Log
RTI Act 2009

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 sch4p4(6) Personal information information I have provided is true and accurate.

Signature of applicant (or their legal representative)

Whitsunday Regional Council by its duly authorised delegate

Neil McGaffin (Full name)

Director Development Services (Position)

Signature

Date: 20 / 02 / 2020

If applicant, section 142 of the Land Act 1994 states a person is eligible to apply for, buy or hold land under the Land Act 1994 if the person is an adult, that is, 18 years of age or over.

If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.

Annexure to LA17 – Application to dedicate state land as road (Part B)

5. Provide details of the reason the road dedication is required

The road dedication/ opening is required to give effect to the widening of the road as the existing road reserve do not provide adequate access to bordering Lot 105 on SP 232115 ("Site") to the required engineering standards. The existing road reserve creates significant conflict at the current roundabout and does not have adequate space for 2 way access over the road area. The current access road widths are insufficient to allow room for vehicular access and infrastructure and servicing requirements. This deficiency in design standard was not rectified at the earlier subdivision stage. A development application has been received which, if approved by Council, will see the potential further development of the Site. Consequently, unless the road reserve is created, significant costs relating to construction and easements for the full range of services will be required over the current reserve Lot 187 on SP 219978. The road opening using part of the reserve Lot 187 on SP219978 will ensure the design of relevant infrastructure and roads conforms with all required legal and engineering standards, the Council standards for access and services, Agency standards and standards of service to other lots within the immediate vicinity. It will also ensure easier service testing, maintenance and repair for service agencies in the future. In the event the application for road opening is unsuccessful, it is likely further applications for necessary servicing easements over the same areas of land will be required.

6. Provide details of any additional information to support the application

Current use of Land being dedicated

The area of land being dedicated as road reserve as per this application is currently not used, is simply vacant land and is currently severed from the majority of the recreation reserve Lot 187 by existing road reserve for Coconut Grove. The impacts on the use of the reserve by this application for road opening are seen to be extremely minimal due to these factors.

Grounds to support urgent application

The intended development will represent a timely and significant economic injection into the local economy when the Whitsunday Region is currently suffering significantly from both local (tourism market decline) and international pressures (coronavirus, loss of tourism market). An approval for this application will see substantial and likely costly issues becoming effectively and efficiently solvable. Accordingly, it is important for the local economy that the road opening can be finalised urgently, so that the necessary approvals for the development are determined expeditiously.

Consent of Trustee and Local Government (Items 2 and 2 of LA17)

As the applicant is Whitsunday Regional Council (which is both the local government which manages the road and the trustee of the current reserve), it is clear that Council consent to this application in its capacity as trustee and local government. As such no additional consent documents have been attached. If DNRME require a separate consent, please urgently advise so as not to delay the application.

Sig sch4p4(6) Personal information

Wh [Signature] Signed
il by its duly authorised delegate

Nest in Gropen (Full name)
Director Development Services (Position)

TNH:TNH:WHIT-REG_190032613_002.DOCX