

Kate Mylrea

From: VANDERMEER Emily
Sent: Thursday, 19 July 2018 3:54 PM
To: 'Mark Larney'
Subject: FW: Tannum Sands Land
Attachments: Survey Plans.pdf

Hi Mark

Just wondering if you would be able to follow up on this one we had been dealing with Trudi on also please? We had discussed this at the last meeting we had with you, Trudi and others so hopefully the below provides the additional information that was required following that meeting. If you'd like to discuss though, please let me know.

Thanks
Emily

Emily van der Meer
Senior Land Officer
State Land Asset Management
Telephone: (07) 4837 3398 Facsimile: (07) 4837 3421

Department of Natural Resources, Mines & Energy
PO Box 1762, Rockhampton Qld 4700

From: VANDERMEER Emily
Sent: Tuesday, 29 May 2018 3:46 PM
To: 'Trudi Smith'
Subject: FW: Tannum Sands Land

Hi Trudi

Just following up on this one and wondering if you have a new contact person for this matter as yet?

Cheers
Em

From: VANDERMEER Emily
Sent: Monday, 9 April 2018 3:41 PM
To: 'Trudi Smith'
Cc: SORENSEN Neil
Subject: Tannum Sands Land

Hi Trudi

Thanks again for your time a couple of weeks ago.

As discussed, the following land was identified as drainage areas on the original surveys for the surrounding residential subdivisions in Tannum Sands. Although the areas are shown as drainage on the surveys they were never formally dedicated as a drainage reserve.

- Lot 21 on T8289
- Lot 21 on T82810
- Lot 20 on T82813
- Lot 48-54 on T82815
- Lot 10 on T82814

Over time, some adjoining residents have sought permits to occupy to extend their yard areas or to cure encroachments onto the drainage areas. Native title has not been extinguished over the land and the recent Port Curtis Coral Coast People (PCCC) native title determination has resulted in the department now being required to cancel the existing permits to occupy as although they were valid at the time of issue, they are unable to continue following the determination. The department is now looking at the future allocation of the land once the permits to occupy are cancelled.

As discussed, it is noted that the land contains a drainage area and stormwater and sewerage infrastructure for which Council requires ongoing access to for maintenance purposes and in the case of an incident. Council currently hold not authorities under the *Land Act 1994* for the location of the infrastructure on the state land. To provide certainty for Councils infrastructure, the department may consider dedication of the above land as a reserve for drainage purposes under trusteeship of Council, to enable access, operation and maintenance of the infrastructure. Dedication of a reserve for this purpose may proceed in terms of the *Native Title Act 1993 (Cth)* without any separate resolution of native title by Council or payment for the land.

With respect to clearing, I am advised that clearing that is consistent with achieving the purposes of the trust, any clearing carried out, or authorised to be carried out, by the trustee of a reserve (Category R or Category X) is exempt as per the departments 'List of Clearing Exemptions 2017'. I note your concerns with respect to securing ongoing access to infrastructure, and should the land be reserved, a short Land Management Plan may be developed to outline detail of access points and other necessary information to provide further certainty for Council, particularly in the event of an emergency. In light of our discussions and the above, can you please confirm Council's acceptance of trusteeship of the land as a reserve as discussed?

Also as discussed, the department currently has two applications to purchase parts of this land as detailed below:

- 2016/003829 Dare – Purchase Lot 3 AP14769 being part of Lot 48 on T82815 (Council provided no objection to the purchase on 27/09/2016 provided that the land is amalgamated with the applicants adjoining Lot 9 on T82815).
- 2015/007529 Davies – Purchase of Lot C AP20983 being part of Lot 54 on T82815 (Council provided an objection to the purchase on 13/07/2016 as the land includes Council sewerage and stormwater infrastructure and overland stormwater paths. Council provided further advice regarding overland flow issues on 5/10/2016).

Can you please confirm Council's views in relation to the applications, particularly in light of your concerns raised regarding access to Council's infrastructure within the site?

If you require any further information to assist, please don't hesitate to call.

Kind regards
Emily

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