

John Kelly (495.247)

00724

QCC5.096.0012NSA

NFA

30 May 1996

Contrary to the public interest

QANTAS AIRWAYS LIMITED
QANTAS CENTRE
203 COWARD STREET
MASCOT NSW 2020

Dear Sir

RE: Noosa Airstrip

I refer to your proposal of 21 March 1996, proposing four options in order to finalise the outstanding requirements for the rezoning approval.

As its meeting held on Thursday last Council considered your proposals and decided that proposals 1, 2 and 3 were unacceptable. Detailed hereunder is a summation of Council's consideration of those proposals.

Proposal 1

The proposition that a "sunset" clause be attached to the rezoning approval is unsatisfactory given the nature of the use of the land as an airport. It is inconceivable and an impractical proposition that the use of this land as an airport would suddenly cease on a pre-determined date given the configuration of the land and its limited potential for other usage. For these reasons, this proposal is not favoured.

Proposal 2

The Esplanade has not been made or dedicated as a road. The Esplanade traverses flood prone land on the foreshore of Lake Weyba which is a declared fish habitat and has environmental significance. For these reasons, this proposal is not favoured and the Esplanade will not be approved for road construction.

Released under the RTI Act
Noosa Council

Proposal 3

Preliminary assessment suggests that a subdivision of this nature is inadvisable because of the flood prone nature of the land. This land is shown on the strategic plan as public and private open space for which subdivision is not supported. There seems little rationale for constructing a further road when there already exists a suitable road on a satisfactory alignment. For these reasons, the proposal is not favoured.

With respect to your proposal that Council continue to control the operation of the airstrip, Council is keen to pursue your offer and has requested that I investigate the feasibility of Council acquiring ownership of the Noosa Airstrip. Whilst I am aware that your Company has decided at this stage not to sell the property, Council now considers that it may be advisable for the community to have control over the Noosa Airstrip through public ownership thereby ensuring continued public access to the airstrip and control over the level of activity that can potentially occur at the airstrip.

I am presently carrying out some investigations so that I can report to Council further on this matter and I will contact you to discuss this as I proceed with these investigations.

Yours faithfully

Contrary to the public interest

John Kelly
DEPUTY CHIEF EXECUTIVE OFFICER

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Page 3 redacted for the following reason:

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Noosa Council



FACSIMILE TRANSMISSION

NOOSA COUNCIL 2 Pelican Street Tewantin
(P.O. BOX 141 Tewantin Q 4565)
Phone: (074) 49 5200 Fax: (074) 47 1062 DX 41952

File No: 00724
Date: 30/5/96.
Fax Number: 475744

To: Contrary to the public interest

Attention:

From: John Kelly

Message:
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Number of Pages (inclusive) 3 Original to Follow YES
NO

AD 0390/001 A5 NOOSA GRAPHICA 18824

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Noosa Council

John Kelly (495.247)

00724

NFA

30 May, 1996

Contrary to the public interest

P O BOX 232
NOOSA HEADS Q 4567

Dear Sir

Re: Noosa Airstrip

You will recall that in July 1993 Council sought from you a valuation of the road access to the Noosa Airstrip where it crosses the property owned by

Contrary to the public interest

Contrary to the public interest

As this matter has not been resolved Council wishes to investigate the feasibility of acquiring ownership of the Noosa Airstrip.

To enable me to report to Council on the likely costs associated with this acquisition I would be pleased if you would provide me with valuations of the Noosa Airstrip and the access road. In particular I seek your specific valuations of :

- a) The road, the land on which it is situated and all of the land between the road and the lake front. I require this valuation as a single amount however I also request that you apportion this valuation over the road and the area between the road and the lake front. I need this apportionment for funding purposes and negotiations.
- b) The Noosa Airstrip and the land upon which it is situated. I ask that you provide two valuations of the Airstrip, firstly in its present situation without a dedicated road access and secondly, in the event that the landing ground had a dedicated road access.

I am available to discuss the above with you at your convenience.

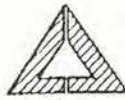
Yours faithfully,

Contrary to the public interest

John Kelly
DEPUTY CHIEF EXECUTIVE OFFICER

PRODUCTION LETTERS
Contrary to the public

Released under the RTI Act
Noosa Council



Linke & Linke Surveys
Consultant Surveyors & Engineers



FACSIMILE TRANSMISSION

Ref No :

To : MR JOHN KELLY - Deputy C.E.O

Company : NOOSA COUNCIL

Location : NOOSA Fax No. : 074-471 062

From : BOB LINKE

Fax No. : 02-303 278 Phone No. : 02-365 7336

Date : 28 MAY 1996 No. Of Pages To Follow : (2)

COMMENTS : RE: NOOSA AIRPORT.

Dear Mr KELLY attached is a copy of a fax sent to MR RAY VAWDON, Real Estate Manager Qantas.

Basically we feel that as the Road Access to Noosa AIRPORT has been such a problem to resolving the Zoning issue that perhaps it should be put to one side.

The Road Access is not a requirement for Zoning of the Airport, a proper Road Reserve exists along WEYBA ESPLANADE, evidently it has been historically accessible & used.

We are of the opinion that legally appropriate Zoning can go ahead. Road Access can be dealt with separately, can we suggest council seek advice on this issue regards Bob Linke

No. South Wales
1 A Fletcher Street
Bondi, 2026
P.O. Box 3085, Tamarama, 2026
Telephone (02) 365 7336
Facsimile (02) 30 3278
Mobile (018) 484 323

Queensland
Lot 5
Maudsland Road
Upper Coomera, 4210
Telephone (075) 32 886

FILE	00290	Victoria
	00724	392 St. Georges Road
		Fitzroy North, 3068
		Telephone (03) 482 1301
		Facsimile (03) 486 1057
OFFICER	FOR ACTION	FOR INFO
FILE		

I.I.S-W001



Linke & Linke Surveys

Consultant Surveyors & Engineers

A.C.N. 061 745 793

Mr Ray Vawdon,
Real Estate Manager,
Qantas Airways Limited,
Qantas Centre Building C5,
203 Coward Street,
MASCOT NSW 2020

28 May, 1996

By Fax: (02) 691 1853

Dear Ray,

Re: Noosa Airport

I am in receipt of your letter of 7 May 1996, thank you.

As per our telecons of yesterday (27.5.96), I would wish to confirm that I have sought independent advice as to the zoning requirements and legal access for Noosa Airport. It is obviously the sticking point in the resolving of issues and must be clarified to clear up the current situation.

I am not privy to Noosa Council's thoughts and current attitude to legal access and zoning requirements, I am somewhat removed and that suits me. Also, I would not wish to pre-empt any position that you have achieved with the Council. However, Mike Becker and others in Noosa Helicopters are still unclear as to their position and rights at the Airport. This awaits zoning, which awaits resolution of the road access etc.

The advice that I received basically is that as far as getting Noosa Airport zoned as the appropriate usage is not dependent of any resolution of the road access issues with the owner of that land, Mr. Hoffman. In fact, the proper legal access (for zoning purposes) is the road reserve (shown on the A4 section of the Noosaville plan in my letter 9.2.96) running around Lake Weyba, known as Weyba Esplanade and connecting to Lake Weyba Drive.

On 14.5.96 I was contacted by Councillor Steve Walton (Noosa Council) who stated "that historically it was possible to drive around Lake Weyba on the Weyba Esplanade". Mr. Walton has done it and recalls doing it. As such, it probably can also be regarded as the historical and original access in this location. I do not know, but expect the "other road access via private land owned by Mr. Hoffman on Lot 2 RP 160983" was probably created at the time of the creation of Noosa Airport (originally a leasehold). Why it and not Weyba Esplanade was used is unknown to me. However, after observing the current situation, it may have been part of some long term business strategy for subdivision purposes etc.

.....
New South Wales
1A Fletcher Street
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Telephone (02) 365 7336
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Victoria
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Fitzroy North, 3068
Telephone (03) 482 1301
Facsimile (03) 486 1057

1.1.S-1-004

- 2 -

However, I believe the Council's non-resolution of road access etc. with Mr. Hoffman should not preclude any application that Qantas makes for the appropriate zoning; legal access, in fact, exists on Weyba Esplanade and has, in fact, been historically used. This would enable Qantas to look at its sale and/or leasing options, independent to Council resolving the road access issues. I, nor does Noosa Helicopters have any problem with Mr. Hoffman protecting his rights over his land etc. However, it seems ridiculous that it frustrates the whole process of zoning of the Airport. Legal access does exist, zoning and road access should be treated as separate items.

These are, of course, my opinions and I am not a legal adviser. I apologise for not thinking of it earlier, it may have clarified the situation sooner. When independent legal opinion is provided to ourselves, we will send it on to you and as a matter of courtesy to Noosa Council.

I would suggest that you may wish to run it past your legal department, but I think you will find the position indicated herein is close to the mark.

The owners and operators of Noosa Helicopters offer this logic as an alternative to resolve zoning issues. This will enable Noosa Helicopters to formalise its current operational status at Noosa Airport, to complete extensions on the hangars, and seek a long term lease.

I thank you for the opportunity to have discussed this proposal with yourself. If you have any further queries, please contact the undersigned.

Yours sincerely,



R. C. Linke
Member - Australian Consulting Surveyors Association
Member - Institution of Surveyors, Australia

c.c. Mr. John Kelly
Deputy Chief Executive Officer
Noosa Council

Page 10 redacted for the following reason:

Contrary to the public interest

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Noosa Council

Adopted at the Ordinary Meeting of the Noosa Council held on Thursday, 23 May, 1996.

Page Number: 17

Folio Number: _____

13. ACCESS TO NOOSA AIRPORT

The Chief Executive Officer be authorised to proceed with action to determine the feasibility of Council ownership of Noosa Airport with reporting to Council at key points during progress of the proposal.

(File No. 00724 - DCEO)

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Noosa Council



NOOSA COUNCIL

FACSIMILE TRANSMISSION

FAX NO.: 02 691 1853

TO: Contrary to the public interest
Qantas Airways Limited

FROM: John Kelly - Deputy CEO

NUMBER OF PAGES: 6 (inclusive)
(including cover sheet)

MESSAGE:

As requested, a copy of Council's letter dated 16 September 1996 and Australian Airlines reply dated 19 September 1996, for your information.

NOOSA COUNCIL 2 Pelican Street Tewantin (PO Box 141 Tewantin Q 4565)
☎ (074) 49 5200 Fax (074) 47 1062 DX 41952

OFFICE USE ONLY

ORIGINAL - TO BE FILED

POSTED

RETURN TO SENDER

FILE NO.: 00724

FACSIMILE SENT: 24 May 1996

FOLIO
138
REFERS
REFERS

John Kelly (495 247)

7/141/3/TPT
JFK:MJC

16 September 1991

Contrary to the public interest

Australian Airlines Limited
P O Box 2806AA
MELBOURNE VIC 3001

Dear Sir,

Thank you for your letter of 23rd August, 1991, advising of your company's asking price and leasing requirements with respect to the Noosa Airstrip. Unfortunately both the asking price and the monthly rental are far beyond Council's current financial resources having regard to other community priorities.

As I previously advised, it is Council's position that the continued operation of the airstrip would be better undertaken by private or commercial interests rather than under Council's management.

However, in order to secure continued public access to the airstrip on an interim basis to enable negotiations to be finalised by other parties, Council is prepared to negotiate with your company continued public access to the Noosa Airstrip on the following basis:-

1. A lease be granted to Noosa Council over the airstrip on a Nil rental basis with a maximum term of twelve (12) months;
2. Council shall assume responsibility for public liability and maintenance of the airstrip only and;
3. The access to the airstrip shall continue to be via the existing road over the unregistered easement which Council shall continue to maintain.
4. The Council shall be responsible for lease preparation costs.
5. The Council shall agree to early determination of the lease in the event that your Company negotiates a sale or alternative lease or use of the property.

Whilst Council acknowledges that nil rental is unusual, Council believes that in these circumstances, such an arrangement would have mutual benefits both to your company and our community. A gesture of good-will of this nature by your Company to the Noosa community would be well received and widely acknowledged.

- 2 -

Given the approaching date of your foreshadowed closure of the airstrip, Council is prepared to give these negotiations priority. I await your advices at your convenience.

Yours faithfully,

Contrary to the public interest

V.B. DAVIDSON
SHIRE CLERK

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Noosa Council

AUSTRALIAN

19 September 1991

Mr John Kelly
Deputy Shire Clerk
Noosa Council
PO Box 141
TEWANTIN QLD 4565

Dear Mr Kelly,

NOOSA AIRPORT
tc:ct 0444a

In response to your letter of 16 September 1991, I advise that Australian Airlines is prepared to lease the above property to the council for a term of one year on the following conditions:

Lessor - Australian Airlines Limited.

Lessee - Noosa Council

Subject Property - The property known as Noosa Airstrip and surrounding land.

Lease Commencement - Monday 23rd September 1991.

Rental - The rental payable by the council to the Airline shall be the sum of \$1.00 if demanded.

Maintenance - Council to be responsible for all maintenance to the airport during the lease term.

Lease Term - 12 months from the commencement date.

Insurance/Indemnity - Council to provide insurance cover and indemnity to Australian Airlines as set out in Attachment A.

Access - To be via the existing road over the unregistered easement which council shall continue to maintain.

Break Clause - Australian Airlines to have the right to terminate the lease by giving one month's notice to the council in the event that Australian Airlines either sells the property or negotiates an alternative use for the property during the lease term.

Rates and Land Tax - During the lease term the council to assume full responsibility for rates and land tax payable on the property.



PLACED ON FILE
257991

FILE: 7141/3/TP0

OFFICER	FOR	FOR
DSC	✓	INFO

ACKNOWLEDGES CARD
MEETING

F138

Australian Airlines Limited
A.C.N. 008 642 886 150
50 Franklin Street
Melbourne
Victoria 3000 138
Australia
PO Box 2806AA
Melbourne
Victoria 3001
Australia
TELEPHONE (03) 665 1333
FACSIMILE (03) 666 3881
TELEX 30109
REFERS



Lease Documentation - In the circumstances, in view of the short term of the lease, I suggest that the matter be allowed to rest on the basis of this letter between us rather than go to the trouble and expense of having a formal lease document prepared.

I would appreciate if you would sign the enclosed copy of this letter as your acknowledgement that the terms and conditions outlined above are satisfactory to the council.

Yours faithfully,

Contrary to the public interest

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Noosa Council

NOOSA AIR STRIP OPERATING AGREEMENT

1. INSURANCE

1.1 The Council shall at all times, for the duration of this Agreement, at its own cost and expense maintain in full force and effect the following insurances with Insurer(s) approved by the Airline (such approval not to be unreasonably withheld) in a form satisfactory to the Airline and in such amounts as shall be satisfactory to the Airline at its sole discretion:-

1.1(a) Industrial Special Risks Insurance covering the full replacement and replacement and reinstatement value of the Airstrip, and all other buildings, equipment and assets relating to or used in connection with this Agreement.

In no event should the insured agreed value of the Airstrip be less than A\$205,000.

1.1(b) Comprehensive Aviation Liability Insurance including but not limited to aircraft third party (bodily injury/property) damage, passenger and legal liability insurance, in respect of all risks (including those risks currently enumerated in Lloyds Form AVN 48B War, Hijacking and Other Perils Exclusion Clause (Aviation)), for a combined single limit of liability of not less than Twenty million dollars (A\$20,000,000) any one accident/occurrence.

The Council shall ensure that each of the Insurances referred to in Clauses 1.1(a) and 1.1(b) above:-

- i) notes the interest of, and names as additional Names Assured, the Airline its officers, servants and employees for the respective rights and interests;
- ii) notes the Airline as sole loss payee in respect of the Airstrip.
- iii) contains a provision waiving Insurer(s) rights of subrogation and rights to set-off or counter claim against the Airline;
- iv) acknowledges that the Insurer(s) have noted and allowed the provisions of this Agreement;
- v) contains a Severability of Interest and Breach of Warranty clause;

- vi) contains a Thirty (30) day Cancellation clause;
- vii) notes such insurances are primary and without right of contribution from any other insurance.

The Council shall instruct and cause its Broker to furnish to the Airline, not less than five (5) days prior to commencement of the Agreement and upon each renewal thereafter, Certificates of Insurance in a form acceptable to the Airline.

Such Certificates shall be addressed to:-

Group Insurance and Risk Manager
Australian the Airlines Ltd
50 Franklin Street
Melbourne Vic 3000

2. INDEMNITY

The Council shall defend, hold harmless indemnify and keep indemnified the Airline its officers servants and employees from and against:-

- i) all claims, demands, summonses, actions, writs, proceedings, judgements, orders, damages, costs, losses and expenses of any nature whatsoever and howsoever arising which the Airline may suffer or incur in connection with loss of life, personal injury or damage to or loss of property, including without limiting the generality of the foregoing, damage to the Airstrip arising out of or in connection with this Agreement
- ii) consequential losses arising directly or indirectly out of or in connection with this Agreement

except to the extent such loss or damage is due to wilful misconduct on the part of the the Airline.

00724.

28

NOT FOR PUBLIC RELEASE

4. ACCESS TO NOOSA AIRPORT

Deputy Chief Executive Officer's Report

1.0 Purpose

This report addresses proposals put forward by QANTAS and contrary to the public interest to resolve access problems associated with the Noosa Airport.

It further seeks Council's consideration of utilising its powers of resumption to acquire the current access to the airport. Hence the report is listed as not for publication.

The most recent minute of reference is detailed as follows :

- Ordinary Meeting - 19 October 1995 (page no. 31, item 7)

"THE NOOSA FLYING CLUB INC.

1. It be noted that representatives from the Noosa Flying Club Inc. addressed the Committee.
2. Staff be requested to report further on the future ownership of the Noosa Airstrip once details have been received from QANTAS regarding the formal access to the airstrip."

2.0 The Problem

On 4 August 1994 Council resolved to approve the application by Australian Airlines Limited to rezone the airport land from Rural Pursuits Zone to the Special Facilities (Airport as shown on plan of development). One of the conditions attaching to that rezoning approval required that the access road leading to the site should be covered by an easement to rectify the unofficial status of the existing access road.

On 8 November 1995 QANTAS submitted to Council a draft agreement that had been negotiated with Contrary to the public interest which would grant a licence to QANTAS for a term of 5 plus 5 years to utilise the existing road for access purposes.

This draft agreement was rejected by staff because of its limited term, unlike the rezoning of the airport land which will be a permanent legal change of land use rights. The current problem would be repeated in 5 or 10 years time when the licence expired or even sooner if it was terminated by either party on the giving of 12 months notice as provided in the draft licence.

ACCESS TO NOOSA AIRPORT (continued)3.0 Proposal

By correspondence dated 21 March 1996 QANTAS submitted four proposals for Council's consideration in order to finalise the rezoning application. These are detailed hereunder.

1. Council agree to a "sunset" clause as part of the rezoning application, similar to that proposed in the draft licence for road access; or
2. Council agree to the construction of a road along the existing Esplanade with costs to be borne by QANTAS; or
3. Council agree to the relocation of the access to the airport from the existing unregistered easement to a new location as indicated on an accompanying plan; or
4. Council continue to control the operations of the airport (presumably on similar terms and conditions as currently exist).

4.0 Proposal 1

The proposition that a "sunset" clause be attached to the rezoning approval is unsatisfactory given the nature of the use of the land as an airport. It is inconceivable and an impractical proposition that the use of this land as an airport would suddenly cease on a pre-determined date given the configuration of the land and its limited potential for other usage. For these reasons, this proposal is not favoured.

Proposal 2

The Esplanade has not been made or dedicated as a road. The Esplanade traverses flood prone land on the foreshore of Lake Weyba which is a declared fish habitat and has environmental significance. For these reasons, this proposal is not favoured and the Esplanade should not be approved for road construction.

Proposal 3

The relocated access proposal by Contrary to the public interest involves a new road west of the existing road with the associated request for four titles to issue in lieu of the existing single title. The attached map details the proposed new road alignment and the four (4) new lots.

Preliminary assessment suggests that a subdivision of this nature is inadvisable because of the flood prone nature of the land. This land is shown on the strategic plan as public and private open space for which subdivision is not supported. There seems little rationale for constructing a further road when there already exists a suitable road on a satisfactory alignment. For these reasons, the proposal is not favoured.

ACCESS TO NOOSA AIRPORT (continued)

Proposal 4

The question of Council owning and operating the airport has been considered on a number of occasions by Council over the past 5 years. On each occasion Council has declined to pursue purchase of the airport from the owners.

Any continuation of the existing "exchange of letters" lease would still not solve the problems associated with access and finalisation of the rezoning approval. This proposal is not favoured and not recommended by staff on the basis that ownership and operation of the Noosa Airport would best be managed by private commercial interests.

5.0 Alternative Proposals

The Shire Solicitor has separately put to QANTAS two possible solutions.

The first is that Council might consider using its powers of resumption to acquire the land upon which the existing access is situated on the understanding that QANTAS would reimburse Council for all expenses. Secondly that QANTAS might pursue its rights to establish easement rights over the existing access as a registered easement of way.

The pursuing of registered access rights over the existing access whilst a very interesting legal challenge, may take sometime to conclude. The quicker and perhaps cheaper commercial course would be for acquisition by negotiation or resumption.

6.0 Conclusions

6.1 To date QANTAS has failed to negotiate the acquisition of the land on which the access road is situated. It is not known whether this is because of economic factors or a reluctant vendor.

6.2 It is reasonable to conclude that there is little likelihood of a satisfactory resolution to this problem emerging from current negotiations by QANTAS.

6.3 It is submitted that it is in the public interest that legal access to the Noosa Airport be secured in community ownership to guarantee on going, unimpeded and unencumbered right of way to the airport.

6.4 It is also the view of staff that it is in the public interest that the land between the existing access road and the lake frontage be held in public ownership because of its environmental significance. It would be reasonable to fund this portion of any such acquisition from Council's conservation levy fund.

ACCESS TO NOOSA AIRPORT (continued)

7.0 Consideration

- 7.1 The alternative of Council using its resumption powers to acquire the road access is a proposition that requires consideration by Council and a decision before it is pursued further.
- 7.2 In the event that Council is prepared to proceed by compulsory acquisition a number of matters would require investigation and consideration.
- 7.3 A valuation of the land on which the access road is situated and the land between this access road and the lake foreshore requires valuation by a registered valuer.
- 7.4 Discussions should take place with QANTAS following receipt of the valuation to secure their agreement to a cost sharing arrangement for the acquisition.
- 7.5 Following further consideration by Council, negotiations should take place with the land owner to explore acquisition by negotiation.
- 7.6 Separate to but relevant to this area Contrary to the public interest has made an approach to Council's Planning Department offering the sale of part of his land for conservation purposes. This land is situated to the north west of the airport but forms part of the balance of the parcel of land on which the airport access road is located. Any negotiations with Contrary to the public interest regarding the access road could also include discussions on this offer.

RECOMMENDATION

For consideration.

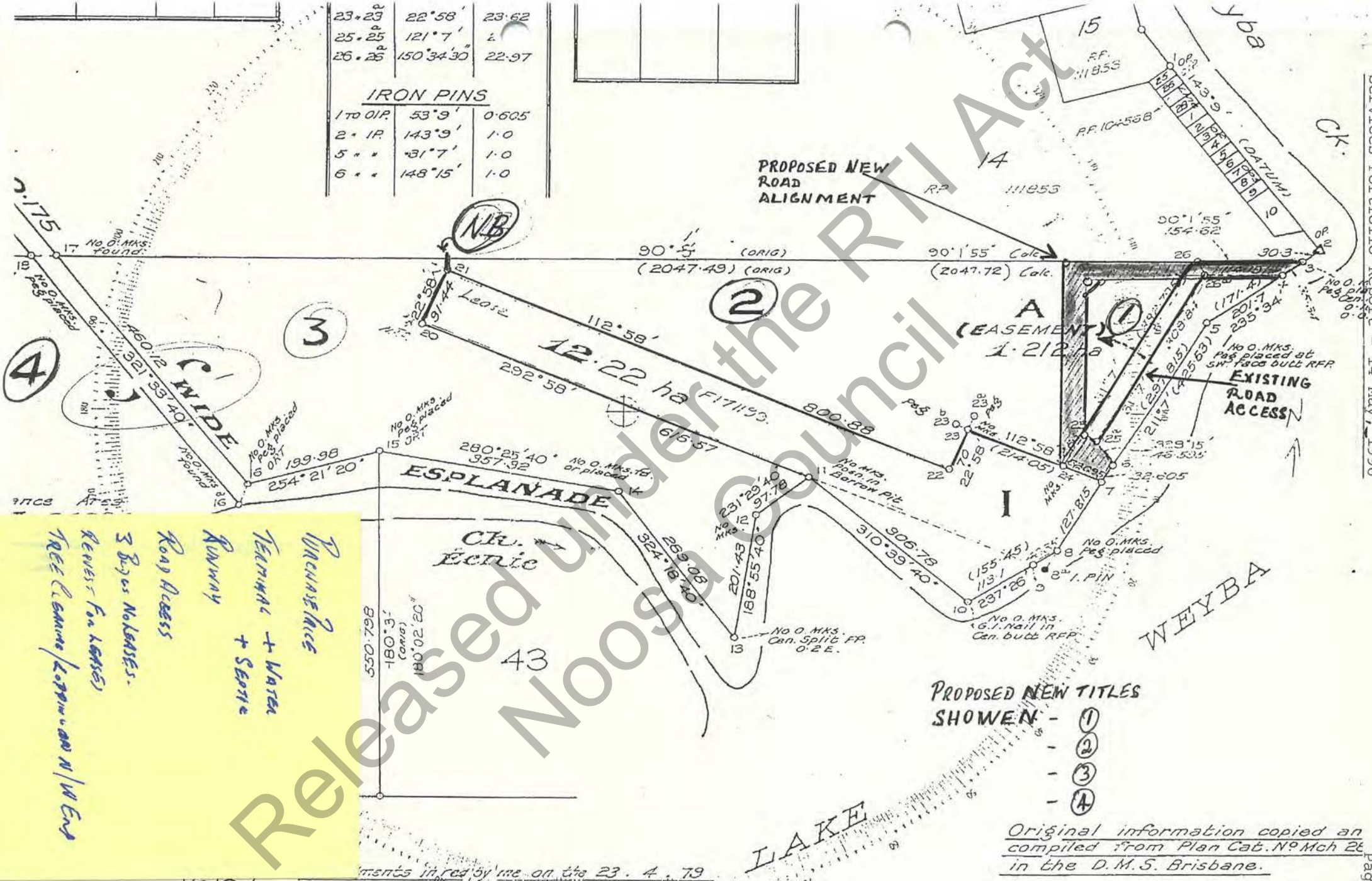
(File No. 00724 - DCEO)

Departments Consulted:

- | | | |
|--|---|-----------------------------------|
| <input checked="" type="checkbox"/> Administration | <input type="checkbox"/> Engineering | <input type="checkbox"/> Building |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Town Planning | <input type="checkbox"/> Health |

23.23	22°58'	23.62
25.25	121°7'	2
26.25	150°34'30"	22.97

IRON PINS		
1 TO O/P.	53°9'	0.605
2. IP.	143°9'	1.0
5. . .	31°7'	1.0
6. . .	148°15'	1.0



3 Bays NO LEASES -
 ROAD ACCESS
 Runway
 Terminal + Water
 + Sewer
 Purchase Price
 Tree Lease (approx 1/4 ha End)

- PROPOSED NEW TITLES SHOWN -
- ①
 - ②
 - ③
 - ④

Original information copied and compiled from Plan Cat. No Mch 26 in the D.M.S. Brisbane.

< SERVICES PORTFOLIO NOT FOR PUBLIC RELEASE

< ACCESS TO NOOSA AIRPORT

Deputy Chief Executive Officer's Report

1.0 Purpose

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5.0 Alternative Proposals

The Shire Solicitor has separately put to QANTAS two possible solutions.

The first is that Council might consider using its powers of resumption to acquire the land upon which the existing access is situated on the understanding that QANTAS would reimburse Council for all expenses. Secondly that QANTAS might pursue its rights to establish easement rights over the existing access as a registered easement of way.

The pursuing of registered access rights over the existing access whilst a very interesting legal challenge, may take sometime to conclude. The quicker and perhaps cheaper commercial course would be for acquisition by negotiation or resumption.

6.0 Conclusions

- 6.1 To date QANTAS has failed to negotiate the acquisition of the land on which the access road is situated. It is not known whether this is because of economic factors or a reluctant vendor.
- 6.2 It is reasonable to conclude that there is little likelihood of a satisfactory resolution to this problem emerging from current negotiations by QANTAS.
- 6.3 It is submitted that it is in the public interest that legal access to the Noosa Airport be secured in community ownership to guarantee on going, unimpeded and unencumbered right of way to the airport.
- 6.4 It is also the view of staff that it is in the public interest that the land between the existing access road and the lake frontage be held in public ownership because of its environmental significance. It would be

reasonable to fund this portion of any such acquisition from Council's conservation levy fund.

7.0 Consideration

- 7.1 The alternative of Council using its resumption powers to acquire the road access is a proposition that requires consideration by Council and a decision before it is pursued further.
- 7.2 In the event that Council is prepared to proceed by compulsory acquisition a number of matters would require investigation and consideration.
- 7.3 A valuation of the land on which the access road is situated and the land between this access road and the lake foreshore requires valuation by a registered valuer.
- 7.4 Discussions should take place with QANTAS following receipt of the valuation to secure their agreement to a cost sharing arrangement for the acquisition.
- 7.5 Following further consideration by Council, negotiations should take place with the land owner to explore acquisition by negotiation.
- 7.6 Separate to but relevant to this area contrary to the public interest has made an approach to Council's Planning Department offering the sale of part of his land for conservation purposes. This land is situated to the north west of the airport but forms part of the balance of the parcel of land on which the airport access road is located. Any negotiations with Contrary to the public interest regarding the access road could also include discussions on this offer.

RECOMMENDATION

For consideration.

(File No. 00724 - DCEO)
C:\PROD\WORD\REPORTS\AIRPORT.REP

Departments Consulted:

- | | | |
|--|---|-----------------------------------|
| <input checked="" type="checkbox"/> Administration | <input type="checkbox"/> Engineering | <input type="checkbox"/> Building |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Town Planning | <input type="checkbox"/> Health |

(02) 691-1853
691-1853

NOOSA COUNCIL

DATE : 29 April 1996 FILE NO: 00724
TO : Deputy Chief Executive Officer
FROM : Raul Weychardt, Shire Planner
SUBJECT : Proposals to formalise access over land owned by [redacted] the Noosa Airport.

I have reviewed the file and particularly the advice of the Shire Solicitor and the proposals outlined by Qantas and [redacted]

I note that the Shire Solicitor favours Council acquiring easement rights over the existing road location. This type of approach may be favourable, although it will ultimately become an advantage to the owner of the airport whereas Council is currently a lessee.

The Qantas letter dated 21st March 1996, advises that the airport is no longer for sale but that Qantas proposes that it be leased and that they control the tenants who may operate at the airport. Their letter also outlines 3 access proposals. The first involves a license agreement for access and a sunset clause in the rezoning approval. This would not be favoured and in any event, Qantas doubts that it would be acceptable to [redacted]. The second access proposal is to construct a new road along The Esplanade. For reasons outlined in the Solicitor's letter including the environmental significance attaching to this foreshore, this access proposal would not be supported. The third proposal, outlined by Qantas, is one proposed by [redacted] that Qantas is prepared to support. [redacted] letter dated 21st March 1996, refers and also a letter from his Solicitor, [redacted] dated 26th February, 1996, attached to the Qantas letter. This proposal involves a new road, west of the existing road and with 4 titles to issue in lieu of the existing 1. I have not researched the details of this proposal, but I am fairly certain that it will be found to be unsuitable due to the subdivision aspects. Further, I cannot see the rational for constructing a further road when there already exists a suitable road on an satisfactory alignment.

After reviewing the above matters and depending on whether further detailed assessment of the subdivision proposal is warranted, I consider the most appropriate course of action would be for Council to initiate action to acquire the existing road and all privately owned land to the east for both road and conservation purposes. The land is indicated on the attached plan. I also consider justification exists for some of the funding to be from the Conservation Levy.

I note [redacted] has prepared a valuation for the acquisition of the road. I doubt that his valuation report is sufficient to assess a value for the land identified on the attached plan. Therefore it will be necessary for him to update his report at some stage should my recommended action be adopted by Council.

I would like to discuss these matters with you when convenient.

[redacted]

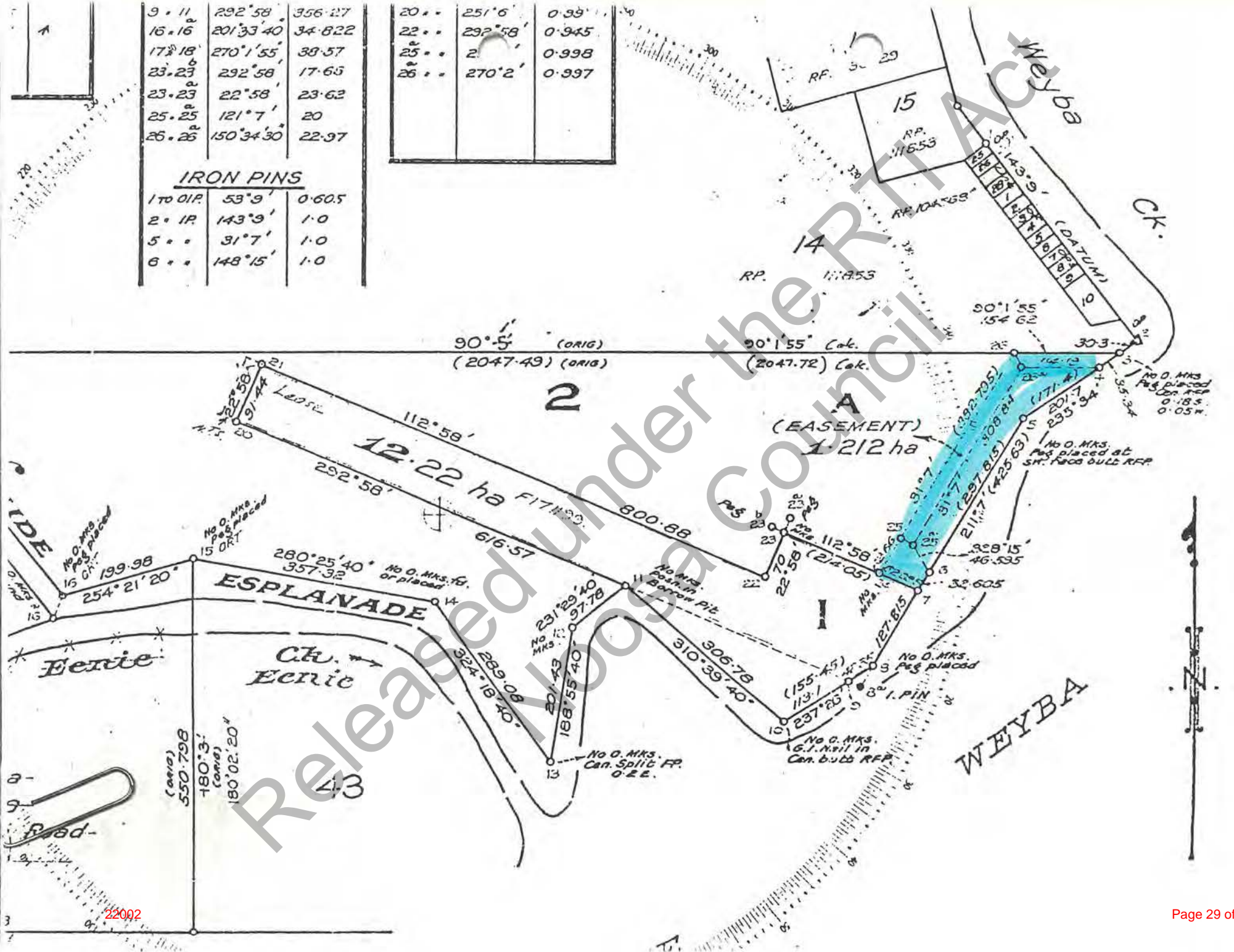
Raul Weychardt
SHIRE PLANNER

9.11	292°58'	356.27
16.16	201°33'40"	34.822
17.18	270°1'55"	38.57
23.23	292°58'	17.65
23.23	22°58'	23.62
25.25	121°7'	20
26.26	150°34'30"	22.97

20.20	251°6'	0.99
22.22	292°58'	0.945
25.25	2	0.998
26.26	270°2'	0.997

IRON PINS

1 TO OIP	53°9'	0.605
2. IR	143°9'	1.0
5. .	31°7'	1.0
6. .	148°15'	1.0



Evidences of Ownership may Lead to Refusal

25

Paul Coffey (495.236)
00724
In

17 April, 1996

Contrary to the public interest

QANTAS AIRWAYS LIMITED
QANTAS CENTRE
203 COWARD STREET
MASCOT NSW 2020

Dear Sir,

RE: NOOSA AIRSTRIP ACCESS ROAD

In regard to your letter dated 21st March, 1996 the matter is under consideration by Council staff and I'll reply to you as soon as possible.

Yours sincerely

Contrary to the public interest

Paul Coffey
ACTING DEPUTY CHIEF EXECUTIVE OFFICER
C:\PROD\WORD\DOC\W724Q.LTR

Released under the RTI Act
Noosa Council

Page 31 redacted for the following reason:

Contrary to the public interest

Released under the RTI Act
Noosa Council

FILE NFA-COPY PASSED

NOOSA COUNCIL

DATE : 01 March 1996 FILE NO: 00724
TO : ~~Property Officer - Jane Reinhold~~ Sol.
GIS Officer - Stuart MacKenzie
CC : Deputy Chief Executive Officer
FROM : ~~Wakefield Sykes, Shire Solicitor~~ Jane Reinhold.
SUBJECT : NOOSA AIRPORT

1. I recently requested General Property Enquiry for the Noosa Airport. I attach a copy of the result.
2. Actually, the registered owner is:
Australian Airlines Ltd.
3. The Council is presently the Lessee, so rates are not payable.
4. As the Airport is currently the matter of some negotiation, it is appropriate the Council records be correct.

Contrary to the public interest

Solicitor
AIRPORT.GIS

The short answer: LAIS shows Sunstate airlines, P/L as the owner of this property.

The long answer: Noosa Council is recorded as the property's ratepayer. The report you have attached should read "ratepayer" not owner.

Stuart Mackenzie has been alerted to this error.

Jane
Thank you for the advice.
Plo confirm that now owner is shown as Aust Airlines Ltd.

No. 91's currently in the name of Sunstate Airlines as I don't have any notification to the contrary.
10/4/96
Jane
1790 take this as notification of correct owner.
17/4

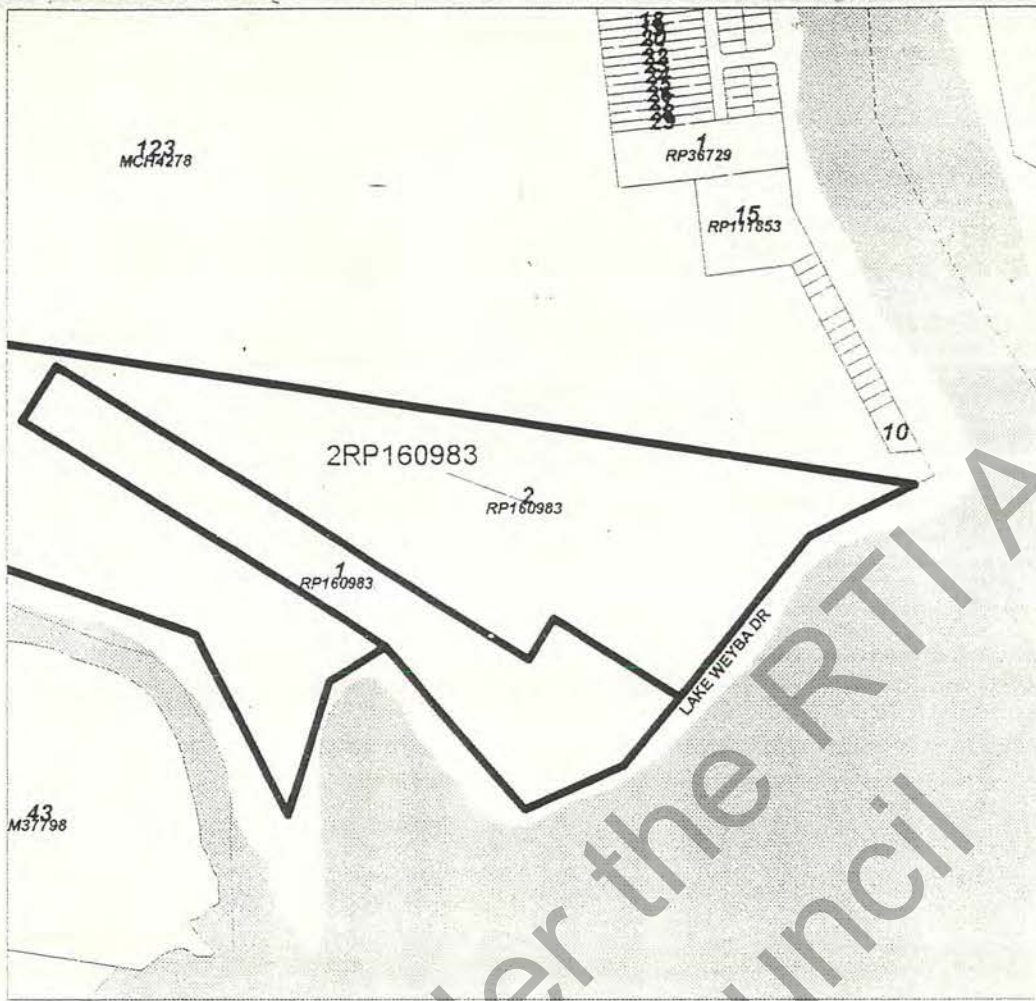
Contrary to the public interest

to the public

to the public

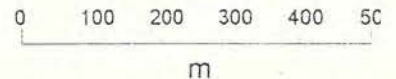
15/4/96

15 APR 1996



Property Details For General Property Enquiry

Lot/Plan Description: 1RP160983
 GTP or BUP Description:
 Property Area: 12.22H
 Property Address: ~~NONE EENIE CREEK RD~~
 Property ID: D0160983001
 Assessment No.: 5500700000009
 Sales History: REFER FILE 74441/3/TPT 00724
 Owner's Name: NOOSA COUNCIL
 Address (1): PO BOX 141
 Address (2): TEWANTIN
 Address (3):
 Address (4):
 PostCode: 4565
 Dam Catchment: No
 90 Day Detention: No
 UXO Zone: No
 UXO Clearance: No
 Sand Dune Problem: No
 Coastal Management Area: No
 Drainage Problem: No
 River Flooding: Yes
 Steeply Sloping Land: No
 Tree Preservation Area: Yes
 Contaminated Site: No
 TP Zone: RU - X
 Multiple Zones: No



Disclaimer: This plan reflects information currently held in Council's records. Locations of entities shown on the plan indicative only. Do not attempt to scale

No active Legend.

28 Feb 1996



NOOSA COUNCIL

FILE NOTE - 00724

On 3rd April 1996, contrary to the public interest of Qantas phoned GRJ and expressed appreciation for the detailed letter.

He indicated that qantas had decided not to sell and had advised Council by letter. (I later found the letter on file 00290).

Qantas will consider the matter further.

Released under the RTI Act
Noosa Council

Wakefield Sykes (495.229)
00724
QCC5.096.0012.NSA

25 March, 1996

Contrary to the public interest

QANTAS AIRWAYS LIMITED
QANTAS CENTRE
203 COWARD STREET
MASCOT 2020

Dear Contrary to the public interest

RE: NOOSA AIRPORT

I write this letter in the expectation that you will seek legal advice as to further action which might be taken by Qantas to comply with the conditions of Council's Town Planning requirements and to enable it to sell the Noosa Airport.

The Airport and surrounding land was owned by Contrary to the public interest as will be seen from the copy of Certificate of Title Volume 2957 Folio 245 (Document "A" attached). Council approved subdivision of the land in 1978 and the Airport became Lot 1 on Registered Plan 160983 (Document "B") and Certificate of Title Volume 5890 Folio 108 issued (Document "C1") to Whitaker Properties Pty Ltd, which sold a half interest to Australian National Airlines Commission in 1983 (Document "C2" and "C3"). ANA became the sole proprietor in 1988 and changed its name to Australian Airlines Ltd, (Document "C4") and Certificate of Title Volume 7209 Folio 214 was issued. A current title search of the Airport is herewith (Document "C5") and the current title reference for the Airport is 17209214.

The Esplanade shown on the Plan (Document "B") has not been made or dedicated and is unlikely to be approved by Council because it traverses flood-prone land on the shores of Lake Weyba, which is a declared fish habitat.

The Plan created Easement A over Lot 2 (which was, and is still owned by Contrary to the public interest) (Document "B") however no grant of easement was registered, as can be seen from current title searches of Lots 1 and 2 (Documents "C5" and "D1").

Unfortunately, we can not locate the Council file for the subdivision in 1978 but the endorsements by the Council on the reverse side of the Plan make no reference to

Easement A (see Document "B"). The Solicitor who acted for [redacted] and lodged the Plan is no longer in practice.

However, Easement A is constructed and has been used as a road by the public as access from the Southern end of Lake Weyba Drive to the Airport. Documents "E1" and "E2" show the dimensions of the easement more clearly. The Shire Surveyor has recently confirmed that the formed road is within the dimensions of Easement A.

I understand that Qantas has corresponded with [redacted] present Solicitors but have been unsuccessful in negotiating rights to use the Easement. Those negotiations have been initiated as a requirement of Council's Rezoning Approval - see condition 6 of Document "F".

Council is presently the Lessee of the Airport and is anxious that the terms of its Planning requirements be observed. Qantas wishes to sell the airport but can not do so before obtaining certainty of access rights to the Airport, which is otherwise land-locked.

Accordingly, I write to provide the history of the matter in the hope it will assist further consideration and negotiation.

Two possible solutions appeal to me. First, that Council might acquire Easement A as a road on the understanding that Qantas will reimburse Council for all expense. Secondly, that Qantas might pursue its rights to establish Easement A as a registered Easement of way.

I might mention in passing that legal advice on that aspect should be obtained from Queensland Lawyers because it seems from my preliminary researches, that Queensland law on Easements varies from the law in New South Wales and Victoria.

However, whilst the pursuit of registered access rights is a very interesting legal challenge, the solution may take some time and you may conclude that the quicker and perhaps cheaper commercial course will be an acquisition by the Council.

Finally, I should mention that the prospect of acquisition has been discussed by the staff but the proposal has not been discussed within Council.

I await your early advice.

Yours faithfully

[redacted]
Contrary to the public interest

[redacted]
Contrary to the public interest

Wakefield Sykes
Shire Solicitor
AIRPORT.Q

Certificate of Title.

Vol. S 2957 Fol. 245



12957245

LED

a No. 251871

(C)

QUEENSLAND.

No. 605505

Reference to Previous Volume	Folio
2911	212,213



Register Book, Vol. 2957 Folio 245

Contrary to the public interest

FULLY CANCELLED

Contrary to the public interest

pursuant to Memorandum of Conveyance No. B385213 produced the fourteenth day of December 1955, registered the second day of February 1956, is now seized of an Estate in Fee-simple, subject nevertheless to such encumbrances, liens, and interests as are by memorandum notified hereon, in All that piece of Land situated in the County of March Parish of Weyba City of containing Two hundred and sixty acres one rood: Exclusive of 6 acres 1 rood 8 perches for a surveyed road more or less, as shown on the Plan hereon, and therein edged red, Being Portion 18

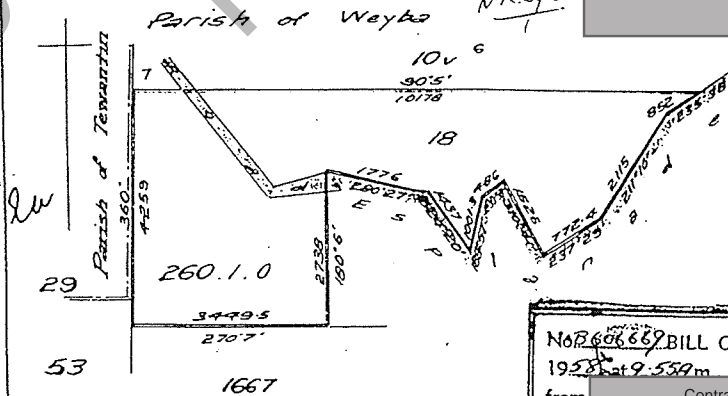
on Plan Cat. No. deposited in the Office of the Registrar of Titles, Brisbane, which said piece of Land is the whole of the portion marked 18 delineated in the Public Map of the said parish deposited in the Office of the Surveyor-General, originally granted by Deed^s of Grant No.s 136952 and 136953

Saving Always to the Crown all the rights and interests reserved to it by the said Deed^s of Grant.

In Witness whereof, I have hereunto signed my name and affixed my seal, this twenty seventh day of February One thousand nine hundred and fifty six

Signed, Sent, and Delivered, the 27th day of February 1956, in presence of

Contrary to the public interest



REGISTRAR OF TITLES

Scale, 20 chains per inch.

Bill of Mortgage produced 18 Nov 1958 at 9.55am registered 1959 from Contrary to the public interest

The Commercial Bank of Australia Limited to secure the payment of the monies and interest therein referred to.

RELEASED on 1 of 1959 No 250666

Contrary to the public interest

REGISTRAR OF TITLES

PURSUANT to Memo. of TRANSFER No. 712659 produced
16 Feb 1960 at 12.1 p.m., registered 28 June 1960
Contrary to the public interest
Contrary to the public interest
is now SEISED of an Estate IN FEE
SIMPLE in the WHOLE of the within Land.

Contrary to the public interest



REGISTRAR OF TITLES

No. 272650 BILL OF MORTGAGE produced 16 Feb
1960 at 12.1 p.m., registered 28 June 1960
from [redacted] Contrary to the public interest to [redacted]

Contrary to the public interest

to secure the payment of the principal and interest therein
referred to.
RELEASED BY [redacted] Bill of Mortgage No. 272650
Produced 16 Feb 1960 at 12.1 p.m. Registered 28 June 1960
Contrary to the public interest



REGISTRAR OF TITLES

No. 295870 BILL OF MORTGAGE produced 11 Oct
1962 at 11.10 a.m., registered 6 Nov 1962
from [redacted] Contrary to the public interest to [redacted]

Contrary to the public interest

Cambridge Municipal Council to secure the payment of the principal and interest therein
referred to.
RELEASED BY [redacted] Bill of Mortgage No. 295870
Produced 11 Oct 1962 at 11.10 a.m. Registered 6 Nov 1962
Contrary to the public interest



REGISTRAR OF TITLES

No. D. 23762 Bill of Mortgage
to Deposit [redacted] Produced 23 Feb 1962 at 11.10 a.m. Registered 23 Feb 1962
Contrary to the public interest

Contrary to the public interest



REGISTRAR OF TITLES

No. D556836 the registered proprietor having
died on [redacted] the within land is transmitted
to [redacted] Contrary to the public interest
as devise of [redacted]

Contrary to the public interest

Under Will dated 6 Feb 1962 produced 19 Feb 1962 at 12.1 p.m. Entered 19 Feb 1962
Subject to Bill of Mortgage No. 295870
Contrary to the public interest



REGISTRAR OF TITLES

Succession Duty No. 101 transmission by
deed No. 266241 produced 14 Nov 1964
No. 266241 Contrary to the public interest
Produced 14 Nov 1964 at 11.10 a.m. Registered 14 Nov 1964
Contrary to the public interest

Contrary to the public interest



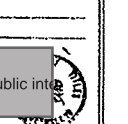
REGISTRAR OF TITLES

as joint tenants
now seized of an Estate in fee-simple in the within land.
Transfer No. 266241 produced 14 Nov 1964
Registered 14 Nov 1964
Contrary to the public interest

Contrary to the public interest

No. 266241 Bill of Mortgage
Produced 14 Nov 1964 at 11.10 a.m. Registered 14 Nov 1964
Contrary to the public interest

Contrary to the public interest



REGISTRAR OF TITLES

LEASE of part of the land - to
W. H. H. H. Properties Pty Ltd
Term from 11 Dec 1975 to 30 Nov 1985
No. 271199 PRODUCED 9 June 1976
at 11.10 a.m. REGD.
Contrary to the public interest



BY PLAN CAT. No. 160983 the within land is subdivided
into lots 1, 2 and 3 and parcel A, B & C
No. 275598 PRODUCED 19 Nov 1979
at 11.10 a.m. REGD. 29 MAY 1979
Reference to New
Vol: 5890
Fol: 100/109
Contrary to the public interest



Rec
BQS 700
4/40
BQS 701
J/D
D556836
Apptd
D556836
Register SDAP
D662239
Rel
D662240
YK
D662241
mly
D662242
head of E 1979
16
Yant 275598
160983
(lots 1/2 and lot
A & B)

FULLY CANCELLED

REFERENCE TREES

COR.	BEARING	FROM	DIST.	MARKS
15	22°10'	o. Teatree (burnt)	12.31	
16	195°30'	o. Teatree	5.43	
19	0°55'	ORT. Slp.	19.25	
20	71°6'	Teatree	8.07	A

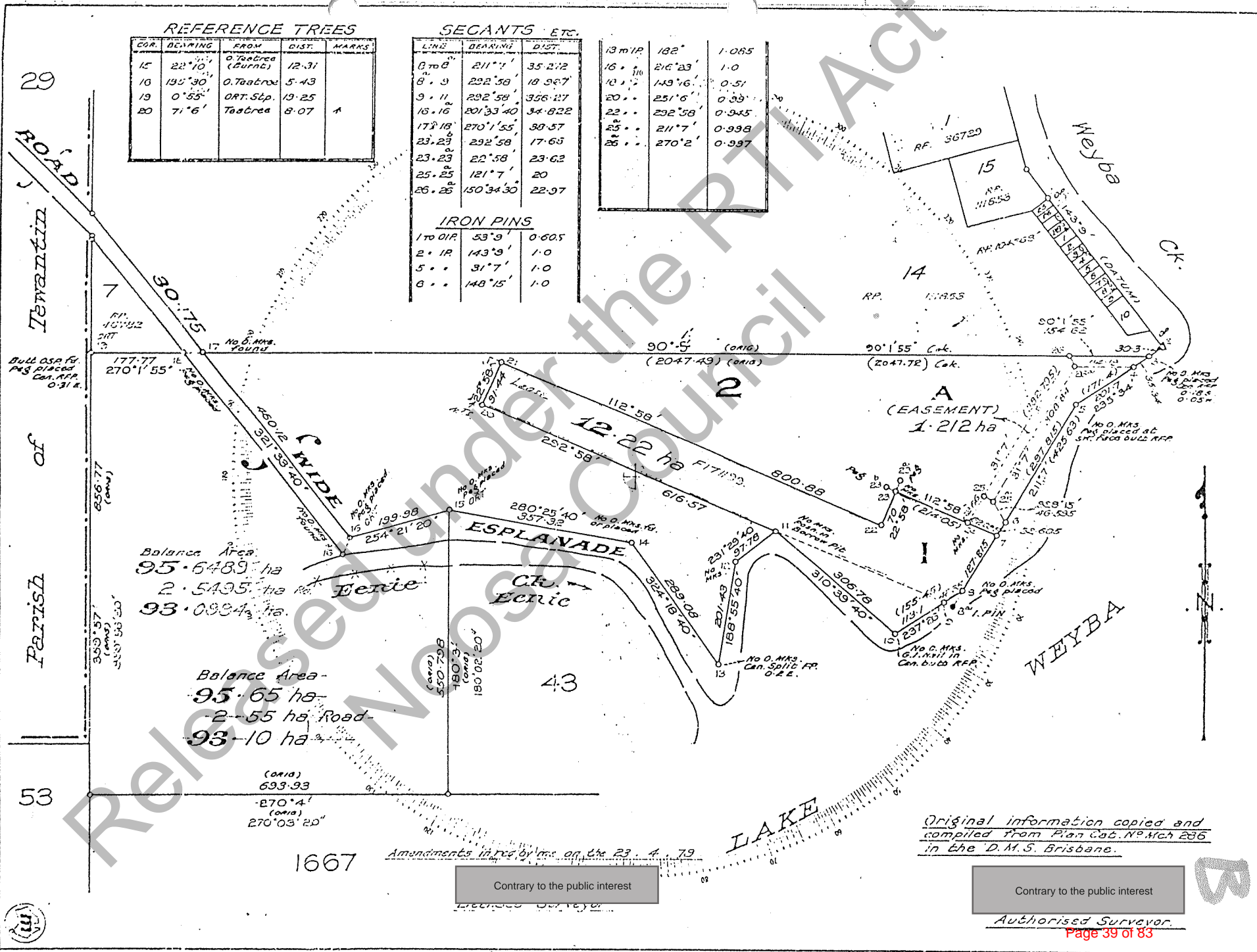
SEGANTS ETC.

LINE	BEARING	DIST.
0 to 8	211°7'	35.212
8 to 9	222°58'	18.587
9 to 11	222°58'	356.27
16 to 16	201°33'40"	34.822
17 to 18	270°1'55"	30.57
23 to 23	292°58'	17.65
23 to 23	22°58'	23.62
25 to 25	121°7'	20
26 to 26	150°34'30"	22.37

13 to 13	182°	1.065
16 to 16	216°23'	1.0
10 to 10	149°16'	0.51
20 to 20	251°6'	0.39
22 to 22	232°58'	0.945
25 to 25	211°7'	0.998
26 to 26	270°2'	0.997

IRON PINS

1 to 01R	53°9'	0.605
2 to 1R	143°9'	1.0
5 to 5	31°7'	1.0
6 to 6	148°15'	1.0



Surveyed by **[Redacted]** 1 Jul 1977
 Crown Copyright Reserved. Registrar of Titles, Queensland

Original Portion **18**
 Parish of **Weyba**
 County of **Nicklin**
 Town of **Weyba**
 SCALE 1:6000 REGISTERED PLAN 160983

1667

Amendments in red by me on the 23. 4. 79

Contrary to the public interest

Contrary to the public interest

Original information copied and compiled from Plan 208, No. 160983 in the D.M.S. Brisbane.

Authorized Surveyor. Page 39 of 83

Contrary to the public interest

Drawing of Plan must be restricted to the space inside the blue lines

FOR TITLES OFFICE USE ONLY

Contrary to the public interest

of Noosa Heads

Authorized Surveyor, do hereby solemnly and sincerely declare that I have truthfully and truly surveyed, measured and marked on the ground the parcel of land herein referred to, and that the measurements and boundaries given in this plan are correct, and do not to the best of my belief in any way interfere with the rights or property of any persons, owners or occupiers of the land adjoining the above land, and described in the said plan; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the "Oaths Acts, 1867-1960"

Contrary to the public interest

Authorized Surveyor

Made and Signed at Noosa Heads this 22nd day of November 1977, before me.

Contrary to the public interest

Council of the Shire of Noosa certifies that all the requirements of this Council, the Local Government Acts of 1936 to 1977 and all By-Laws have been complied with and approves this Plan of Subdivision subject to

Contrary to the public interest

Chairman
Shire Clerk

Contrary to the public interest

proprietor/s

of this land agree to this Plan of subdivision and dedicate the new roads shown hereon to public use.

Signature Proprietor

Contrary to the public interest

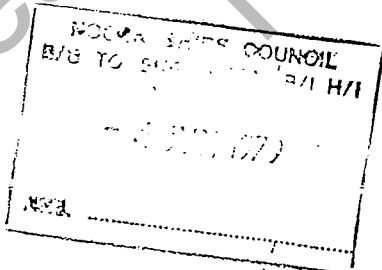
Contrary to the public interest

Contrary to the public interest

Lodged by:

Contrary to the public interest

c/- SANDS & WARDEN
M.L.C. BUILDING
GEORGE & ADELAIDE STREETS
BRISBANE.



Fees Payable

Postal fee and Postage	4.20
Lodgt. & Exam.	4.20
Entd. on Docs.	
New Title	2.60
Entd. on Deeds	
Photo Fee	3.50
Total	7.60
Short Fees Paid	

Received Registrar of Titles

Journal No. F775598
Receipt No. 422 350.50

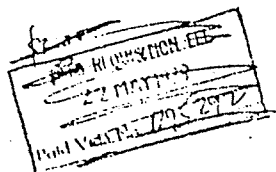
Calc. Bk. No. 22/153
Examined 22/5/77
Passed 22/5/77
Charted 11
Located

Particulars entered in Register Book Vol. 2957 Folio 225

29 MAY 1979 at 2.0 p.m.

Contrary to the public interest

REGISTRAR OF TITLES



RECEIVED
REGISTRAR OF TITLES
MAY 10 4 02 PM '79

160983

POSTAL

POSTAL

Released under the RTI Act

21

A 429876

(C)
Dealing No. F775598
Reference to previous
Volume Folio
2957 245



CERTIFICATE OF TITLE

REGISTER BOOK

VOL. 5890 FOLIO 108

VOL: 5890 FOLIO:108



15890108

[Redacted] Contrary to the public interest

his wife

as joint tenants are now seized of an Estate in Fee-simple, subject nevertheless to such encumbrances, liens, and interests as are by memorandum notified hereon, in All that piece of Land situated in the County of March Parish of Weyba City of Containing 12.22 hectares

more or less, as shown on the Plan hereon, and therein edged red, Being Lot 1 on registered Plan No. 160983

SAVING ALWAYS to the Crown all the rights and interests reserved to it by the original Deed of Grant Nos. 136952 and 136953 for portion 18

IN WITNESS whereof, I have hereunto signed my name and affixed my seal, this 11th day of June One thousand nine hundred and seventy nine

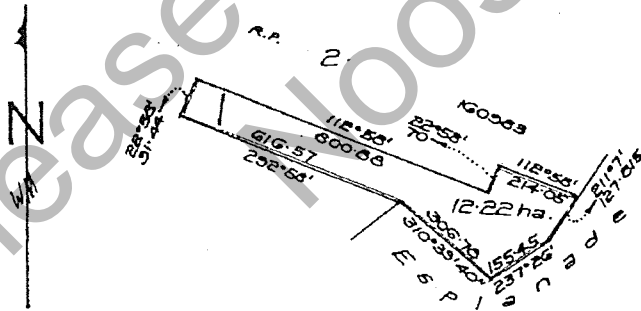
Signed, Sealed, and Delivered in presence

[Redacted] Contrary to the public interest

[Redacted] Contrary to the public interest



REGISTRAR OF TITLES.



Scale 1:15000

Whitaker Properties Pty Ltd
now seized of an Estate in fee-simple in the within land
TRANSFER No. F985209 PRODUCED 22 Jan 1980
at 10.39 am REGD.
Subject to lease No F171199 & FEB 1980
REGISTRAR [Redacted] Contrary to the public interest

LEASE of Part of the land
To Whitaker Properties Pty Ltd
Term from 1 Dec 1975 to 30 Nov 1985
No. F171199 PRODUCED 1976
at 10.39 am REGD. 118 June 1976
[Redacted] Contrary to the public interest

Whitaker Properties Pty Ltd and
Australian National Airlines Commission
as tenants in common in equal shares
now registered proprietors in fee simple
TRANSFER NO. G 997531
PRODUCED 31 May 1983
REGISTERED 7 DEC 1983
[Redacted] Contrary to the public interest
REGISTRAR OF TITLES

14/12/79
 W/DIRE (6887055)
 W/DIRE (Reg Separate C)
 W/DIRE (Spec 7902)
 Reg/Misc 2
 1997530
 TQ 6991531
 Reg/Misc 1
 6991532

REQUEST to issue Certificate of Title for the within
land

No. 6997532 PRODUCED 31 May 1983

Vol. 5556 REGD

Pat. 182 183

Contrary to the public interest

REGISTRAR OF TITLES

Released under the RTI Act
 Noosa Council

QUEENSLAND

CERTIFICATE OF TITLE

Register

Vol. 6556 Fol. 182

Original
Deed of Grant
136952 and 136953
(Por 18)

Dealing No...G997532

Reference to previous

Vol. 5890 Fol. 108



UNDIVIDED MOIETY
~~FULLY GRANTED~~

Issued: 3 January, 1984

No. A 110456

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such easements encumbrances and interests as are shown in the Second Schedule.

Witness

Contrary to the public interest

Contrary to the public interest

Registrar of Titles.



Estate and Land Referred To

Estate in Fee Simple in Lot 1 on registered Plan No. 160983 County of March Parish of Weyba
Containing 12.22 hectares

FIRST SCHEDULE

~~MITAKER PROPERTIES PTY. LTD. as tenant in common in a 1/2 part or share~~

SECOND SCHEDULE

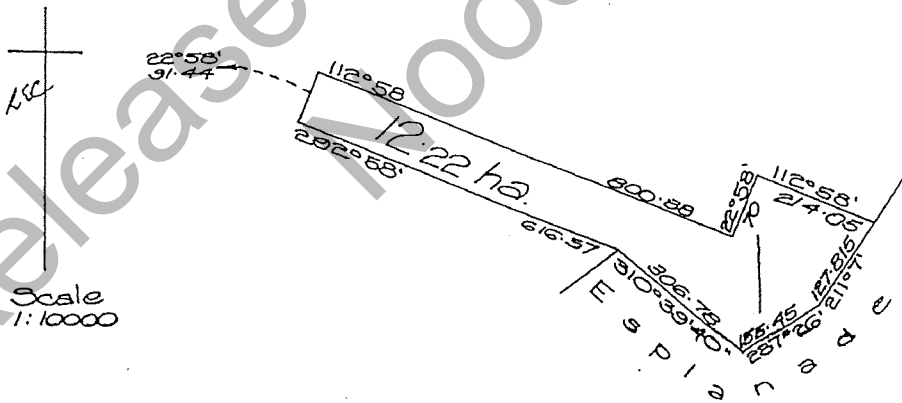
1. Rights and interests reserved to the Crown by the Deed of Grant above referred to.

VOL: 6556 FOLIO:182

PLAN OF LAND



16556182



NOTE: Entries ruled through and authenticated by the Seal of the Registrar of Titles are cancelled.

QUEENSLAND.

CERTIFICATE OF TITLE

Register

Vol. 6556 Fol. 183

C3

Original
Deed of Grant
136952 and 136953
(Por 18)



FULLY CANCELLED
UNDIVIDED MOIETY

Issued: 3 January, 1984

No. A 110457

Dealing No.. G997532
Reference to previous
Vol. 5890 Fol. 108

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such easements encumbrances and interests as are shown in the Second Schedule.

Witness

Contrary to the public interest

Contrary to the public interest

Registrar of Titles.



Estate and Land Referred To

Estate in Fee Simple in Lot 1 on registered Plan No. 160983 County of March Parish of Weyba
Containing 12.22 hectares

FIRST SCHEDULE

~~AUSTRALIAN NATIONAL AIRLINES COMMISSION as tenant in common in a 1/2 part or share~~

SECOND SCHEDULE

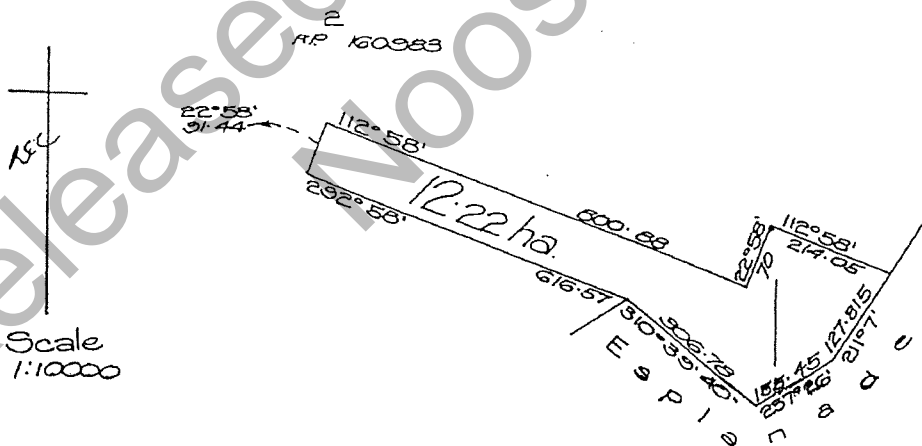
1. Rights and interests reserved to the Crown by the Deed of Grant above referred to.

VOL: 6556 FOLIO: 183



16556183

PLAN OF LAND



PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREOF

NOTE: Entries ruled through and authenticated by the Seal of the Registrar of Titles are cancelled.

16480

CERTIFICATE OF TITLE

C4

Dealing Nos.: J628802L, J628803T

Vol. 7209 Fol. 214

QUEENSLAND

VOL: 7209 FOLIO: 214



17209214

(Page 1)

Previous Titles:
Vol. 6556 Fol. 182 and 183



Issued: 4 November, 1988

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such easements encumbrances and interests as are shown in the Second Schedule.

Witness:

Contry to the public interest

Contry to the public interest



Acting Registrar of Titles.

ESTATE AND LAND

Estate in Fee Simple in Lot 1 on RP160983 County of March Parish of Weyba
Containing 12.22 hectares

FIRST SCHEDULE

AUSTRALIAN AIRLINES LIMITED

SECOND SCHEDULE

1. Rights and interests reserved to the Crown by Deeds of Grant Nos. 136952 and 136953 (Por 18).

Released under the RTI Act
Noosa Council

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR OF TITLES ARE CANCELLED
PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

Request No: 100435583
Search Date: 14/02/1996 3:44 pm

Title Reference: 17209214
Date Created: 04/11/1988

Previous Title: 16556182
16556183

REGISTERED OWNER

AUSTRALIAN AIRLINES LIMITED

ESTATE AND LAND

Estate in Fee Simple

Lot 1 REGISTERED PLAN 160983
County of MARCH Parish of WEYBA

EASEMENTS, ENCUMBRANCES AND INTERESTS

- 1. Rights and interests reserved to the Crown by
Deed of Grant No. 12911212 (POR 18)
Deed of Grant No. 12911213 (POR 18)

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - Yes Certificate No. 1

** End of Current Title Search **

Requested By: Public Access

Released under the RTI Act
Noosa Council

Request No: 100436582
Search Date: 15/02/1996 12:00 pm

Title Reference: 15890109
Date Created: 11/06/1979

Previous Title: 12957245

REGISTERED OWNER

Contrary to the public interest

ESTATE AND LAND

Estate in Fee Simple

Lot 2 REGISTERED PLAN 160983
County of MARCH Parish of WEYBA

For exclusions refer to Plan RP 160983

EASEMENTS, ENCUMBRANCES AND INTERESTS

- 1. Rights and interests reserved to the Crown by
Deed of Grant No. 12911212 (POR 18)
Deed of Grant No. 12911213 (POR 18)

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

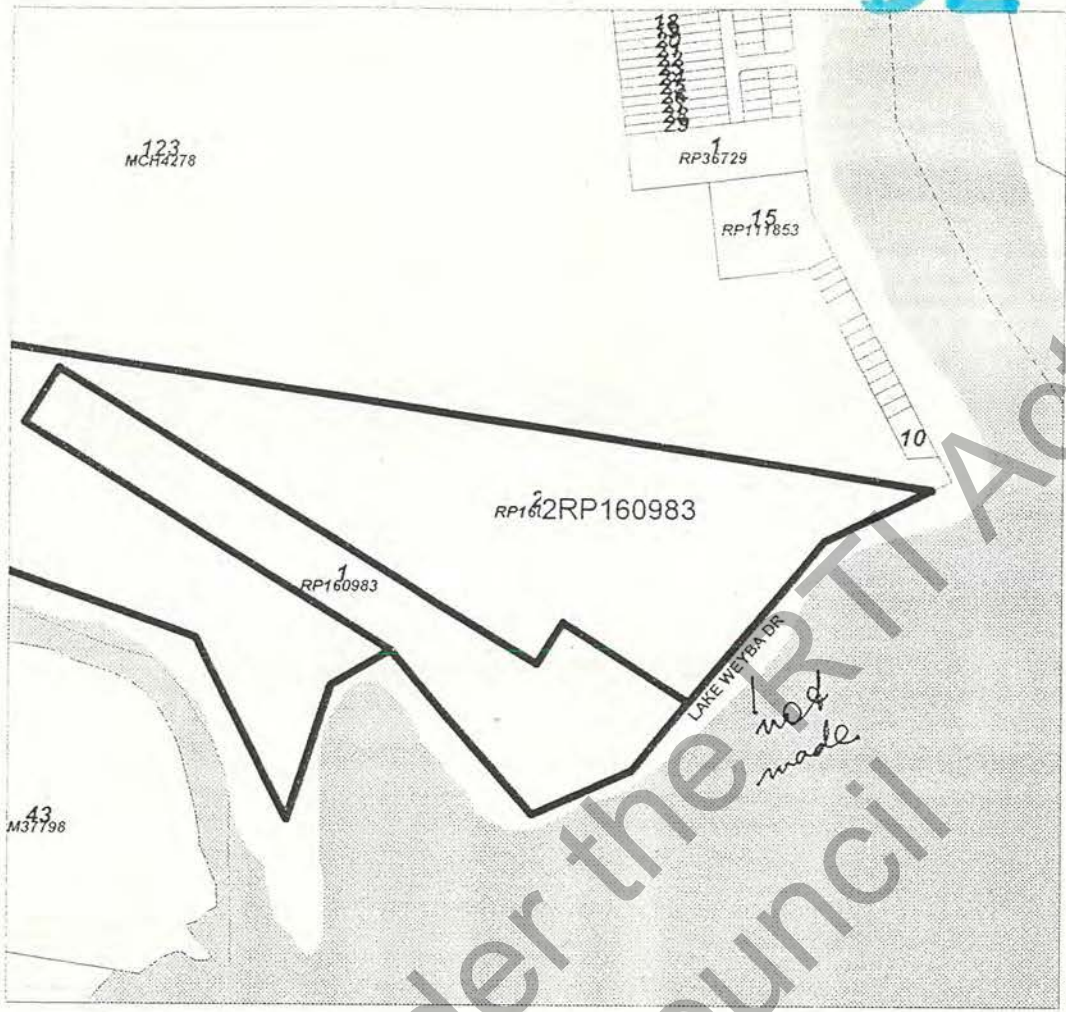
CERTIFICATE OF TITLE ISSUED - Yes

Certificate No. 1

** End of Current Title Search **

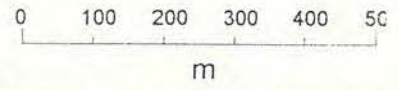
Requested By: Public Access

Released under the RTI Act
Noosa Council



Property Details For General Property Enquiry

Lot/Plan Description: **2RP160983**
 GTP or BUP Description:
 Property Area: **93.1H**
 Property Address: **NONE EENIE CREEK RD**
 Property ID: **D0160983002**
 Assessment No.: **5500900000005**
 Sales History:
 Owner's Name: **Contrary to the public interest**
 Address (1): **WEYBA RANCH**
 Address (2): **NOOSA HEADS**
 Address (3):
 Address (4):
 PostCode: **4567**
 Dam Catchment: **No**
 90 Day Detention: **No**
 UXO Zone: **No**
 UXO Clearance: **No**
 Sand Dune Problem: **No**
 Coastal Management Area: **No**
 Drainage Problem: **No**
 River Flooding: **Yes**
 Steeply Sloping Land: **No**
 Tree Preservation Area: **Yes**
 Contaminated Site: **No**
 TP Zone: **RU**
 Multiple Zones: **No**



Disclaimer: This plan reflects information currently held in Council's records. Locations of entities shown on the plan indicative only. Do not attempt to scale

No active Legend.

28 Feb 1996



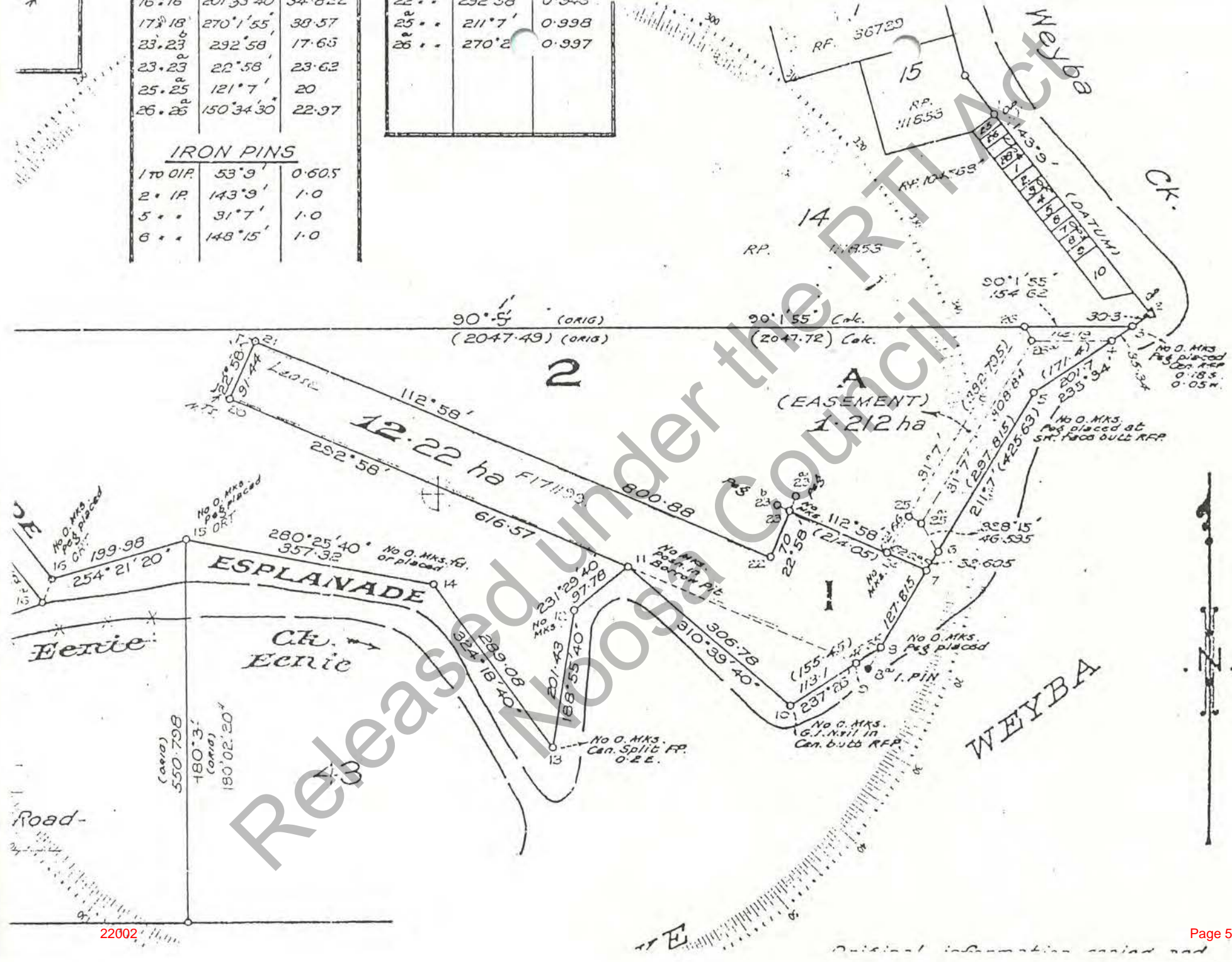
NOOSA COUNCIL

16 ^a 16	201 ^a 33 40	34.822
17 ^a 18 ^b	270° 1' 55"	38.57
23 ^a 23 ^b	292° 58'	17.65
23 ^a 23 ^b	22° 58'	23.62
25 ^a 25 ^b	121° 7'	20
26 ^a 26 ^b	150° 34' 30"	22.97

22 ^a 22 ^b	292 38	0.990
25 ^a 25 ^b	211° 7'	0.998
26 ^a 26 ^b	270° 2'	0.997

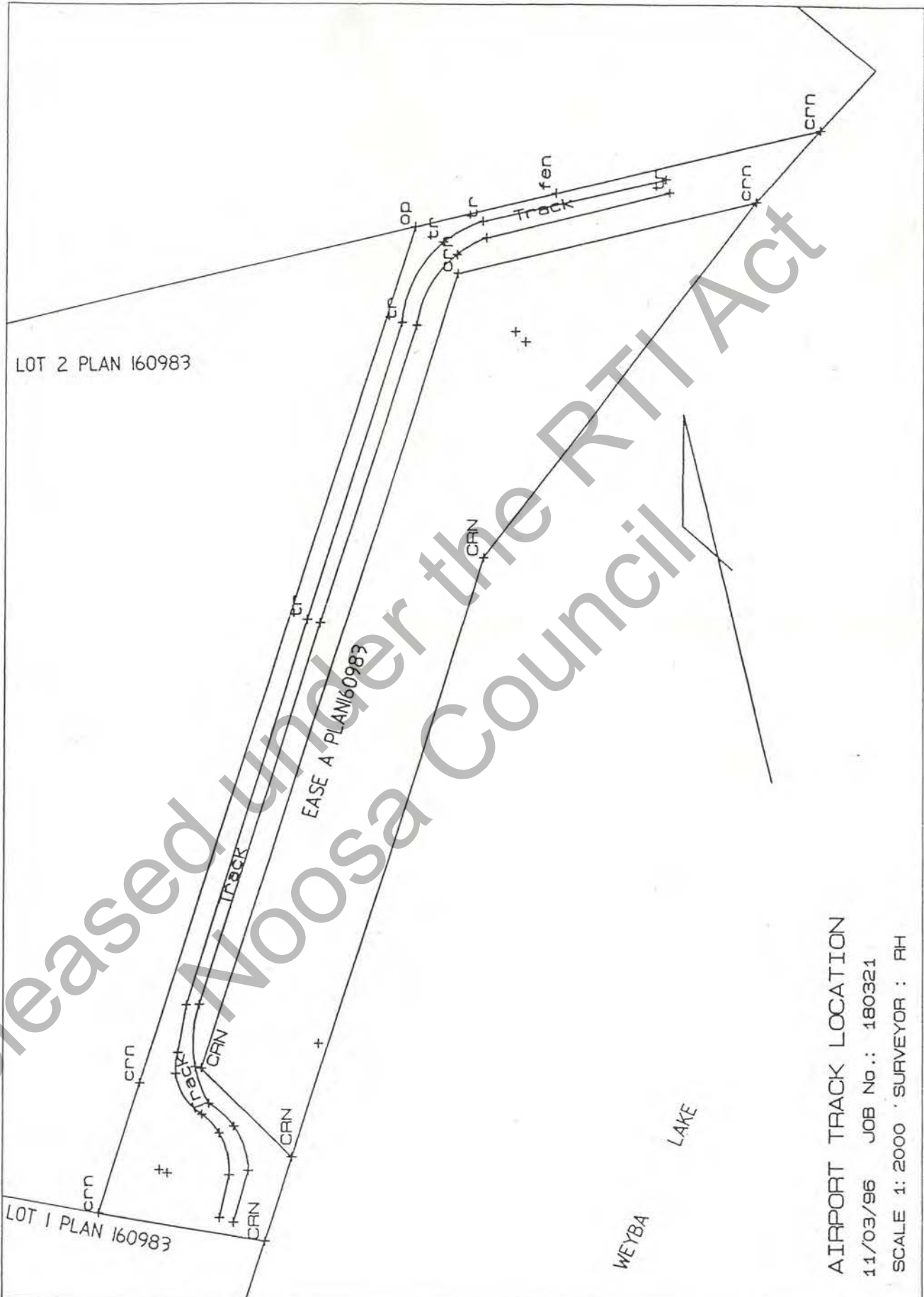
IRON PINS

1 TO DIR.	53° 9'	0.605
2 ^a 1P.	143° 9'	1.0
5 ^a 5 ^b	31° 7'	1.0
6 ^a 6 ^b	148° 15'	1.0



Folding of Map may lead to Refusal

19



Released Under the RTI Act
 Noosa Council

AIRPORT TRACK LOCATION
 11/03/96 JOB No.: 180321
 SCALE 1: 2000 SURVEYOR : RH

Fig F 16

Raul Weyhardt (495.266)
R.480

5 August 1994

AUSTRALIAN AIRLINES LTD
C/- NOOSA TOWN PLANNING PTY LTD
PO BOX 334
TEWANTIN QLD 4565

Dear Sir/Madam,

Re: Application for rezoning of land R.480 (Australian Airlines Ltd) from the Rural Pursuits Zone to the Special Facilities (Airport as shown on Plan of Development) situated at Lake Weyba Drive, Noosaville described as Lot 1 on RP 160983 and proposed Easement in Lot 2 on RP 160983, Parish of Weyba.

With reference to the above application, Council at its meeting held on the 4th August 1994, resolved to:

- A. Determine that as there are no airport works proposed pursuant to this rezoning application being gazetted, an Environmental Impact Statement is not required to accompany the application.
- B. Determine that the submitted application fee of \$2,000 is satisfactory for this application.
- C. Approve the application subject to the following conditions:-
 1. The airport shall be maintained and operated in accordance with the Plan of Development which shall comprise Plan 621/1 by Noosa Town Planning Pty Ltd dated March 1994 and as amended by pre-condition D.1 hereof.
 2. Any new buildings, filling of land or expansion of existing buildings will also comply with the approved Plan of Development.
 3. The airport is not permitted to operate aircraft or helicopters at night, except in emergency situations.
 4. The airport shall be operated in such a manner that there is no detrimental effect upon the amenity of the neighbourhood by reason of the creation of excessive noise, lighting nuisance or other emissions.

5. The open space areas on the site shall be maintained free of excessive weed growth to the reasonable satisfaction of the Shire Planner.
6. The access road leading to the site shall be covered by an easement, permitting access and maintenance of the road and shall be to the benefit of the owner of Lot 1 on RP 160983, Parish of Weyba.
7. The airport shall be operated in accordance with any relevant requirements of the Civil Aviation Authority.
8. In the event that the airport is used for regular passenger transport, the following conditions shall be complied with, prior to the commencement of such operations:-
 - (1) The access road shall be sealed from the end of the sealed section of Lake Weyba Drive to the carparking area. The roadway shall be constructed of a 6 metre bitumen seal on a 9 metre formation. Plans and specifications for these works are to be submitted to the Shire Engineer for approval, prior to their construction.
 - (2) Provision of a sealed carparking area, comprising 1 bus park, 20 carparks and 1 loading bay and access thereto which are to be provided with a sealed pavement and designed, drained, constructed and maintained in accordance with the Planning Scheme, Council's Policies and to the reasonable satisfaction of the Shire Engineer. Plans and specifications for these works are to be submitted to the Shire Engineer for approval.

- D. Advise the applicant and objectors that following expiry of the period for institution of appeals and no appeal has been instituted, application can be made to the Chief Executive of the Department of Housing, Local Government and Planning for approval of the rezoning.

Prior to application being made to the Chief Executive of the Department of Housing, Local Government and Planning for approval of the rezoning, the applicant/owner is to:-

1. Submit 10 coloured copies of the Plan of Development required pursuant to condition 1. of Recommendation C. above. A draft of the Plan of Development should be submitted for preliminary approval by the Shire Planner, prior to submission of the final coloured copies. The Plan of Development shall also indicate the following:-
 - (1) Permitted uses - airport (limited to runway and building structures as indicated on this Plan of Development).
 - (2) Permissible uses - any uses ancillary to an airport, additional hangar buildings, any expansion of existing buildings.

(3) The airport is not permitted to operate at night except in emergency circumstances.

2. Arrange for the registration of the easement required.

Please find attached, extracts from the Local Government (Planning and Environment) Act outlining appeal rights against Council's decision and the form prescribed for the institution of an appeal. A list of the names and addresses of the principal objectors pursuant to Section 4.1 (4) of the Act is also attached.

Should you wish to obtain more information, the reports, staff and Committee recommendations and Council Minutes regarding this application are available for viewing or purchase at the Level 3 counter of Council offices. It would assist Council staff if you could bring this letter with you.

Yours faithfully,

Contrary to the public interest

Raul Weyhardt
Shire Planner

Page 57 redacted for the following reason:

Contrary to the public interest

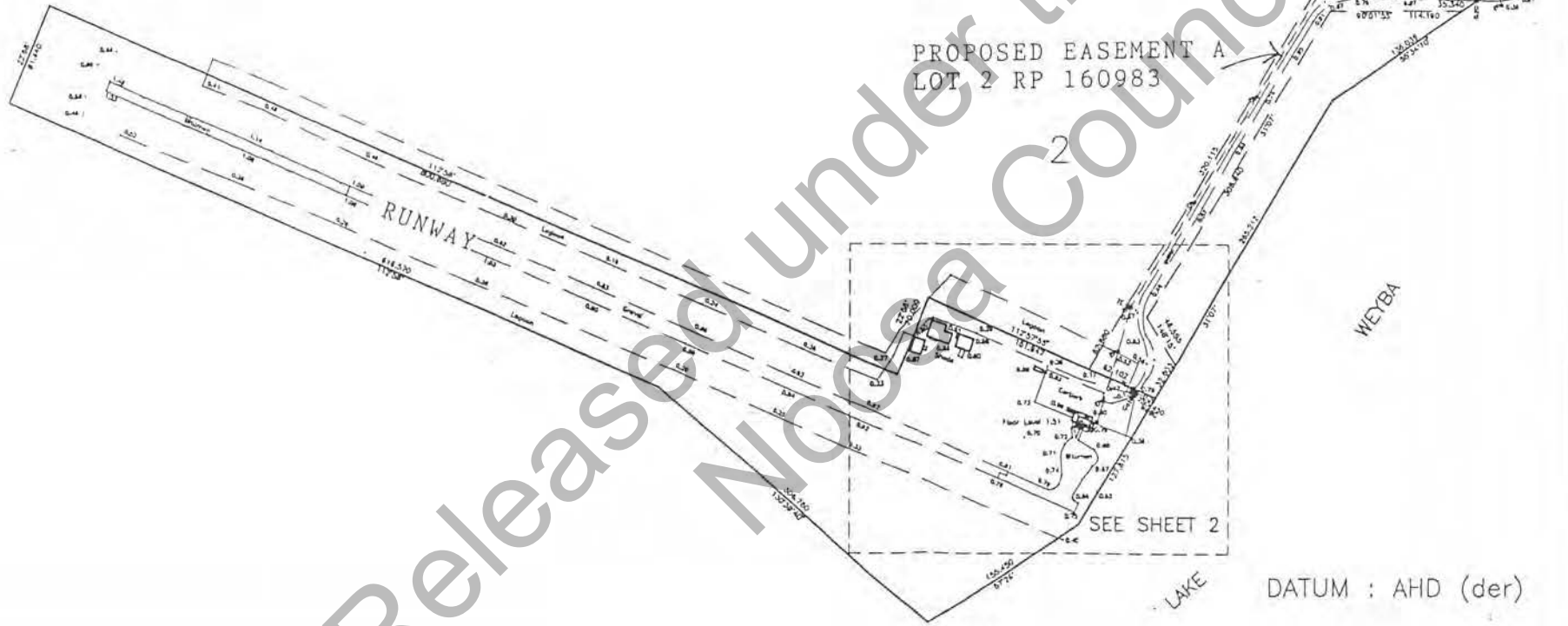
Released under the RTI Act
Noosa Council

PERMITTED
USES

PERMISSIBLE
USES

AIRPORT

ANY USE
ANCILLARY TO
AIRPORT



PROPOSED EASEMENT A
LOT 2 RP 160983

2

SEE SHEET 2

DATUM : AHD (der)

NOOSA TOWN PLANNING P/L
ACN 052 053 451

Suite 16
The Cooloola Centre
97 Poinciano Ave
TEWANTIN

P.O. Box 334
TEWANTIN 4565

Ph. 074 499929
Fax. 074 490305

MICHAEL BALL BURP, WRAP, Ass. Dip. CE

Notes.

This plan is of a development concept only and may be subject to alteration.
The author disclaims any liability if this plan should be used for any purpose other than as required by the Local Authority.
Dimensions and areas shown hereon are approximate only and subject to survey.

Project

NOOSA AIRPORT

Real Property Description
LOT 1 & Emt A
RP 160983
PARISH OF NOOSA
County of March

Scale. Date
1:4000(A3) March/1994

PLAN No. 1 of 2

JOB No.
621/1

PLACED ON FILE
26/3/96

21(11)

21 March, 1996

QCC5.096.0012.NSA

Mr John Kelly,
Deputy Chief Executive Officer,
Noosa Council,
P.O. Box 141,
TEWANTIN QLD 4565



Dear Mr Kelly,

NOOSA AIRSTRIP

I refer to our ongoing correspondence and recent discussion regarding the above matter. As discussed, we would ask that Council consider the following in order to finalise the rezoning application:-

1. Agree to a 'sunset' clause as part of the rezoning application. This would then allow for the same, or similar term, to be agreed between Qantas Airways and [redacted] in the proposed licence agreement for road access. It is our understanding, that if [redacted] were to agree to indefinite access under a licence agreement, this effectively becomes an easement and [redacted] loses his land without compensation. He is obviously not prepared to agree to this.
2. Agree to the construction of approx. 600 m² of road (as per the attached sketch. This would provide an alternative access to the airstrip and would be paid for by Qantas.
3. [redacted] has suggested the relocation of the road on the proviso that we would be responsible for the construction of the new access road and that he would then have four new Deeds created from the existing Deed (see attached sketch).
4. Council continues to control the operation of the airstrip.

We would appreciate if the above options could be put to Council and advise me of the outcome in due course.

10 APR 1996

00290
00724

Dcto

MEET 9627671

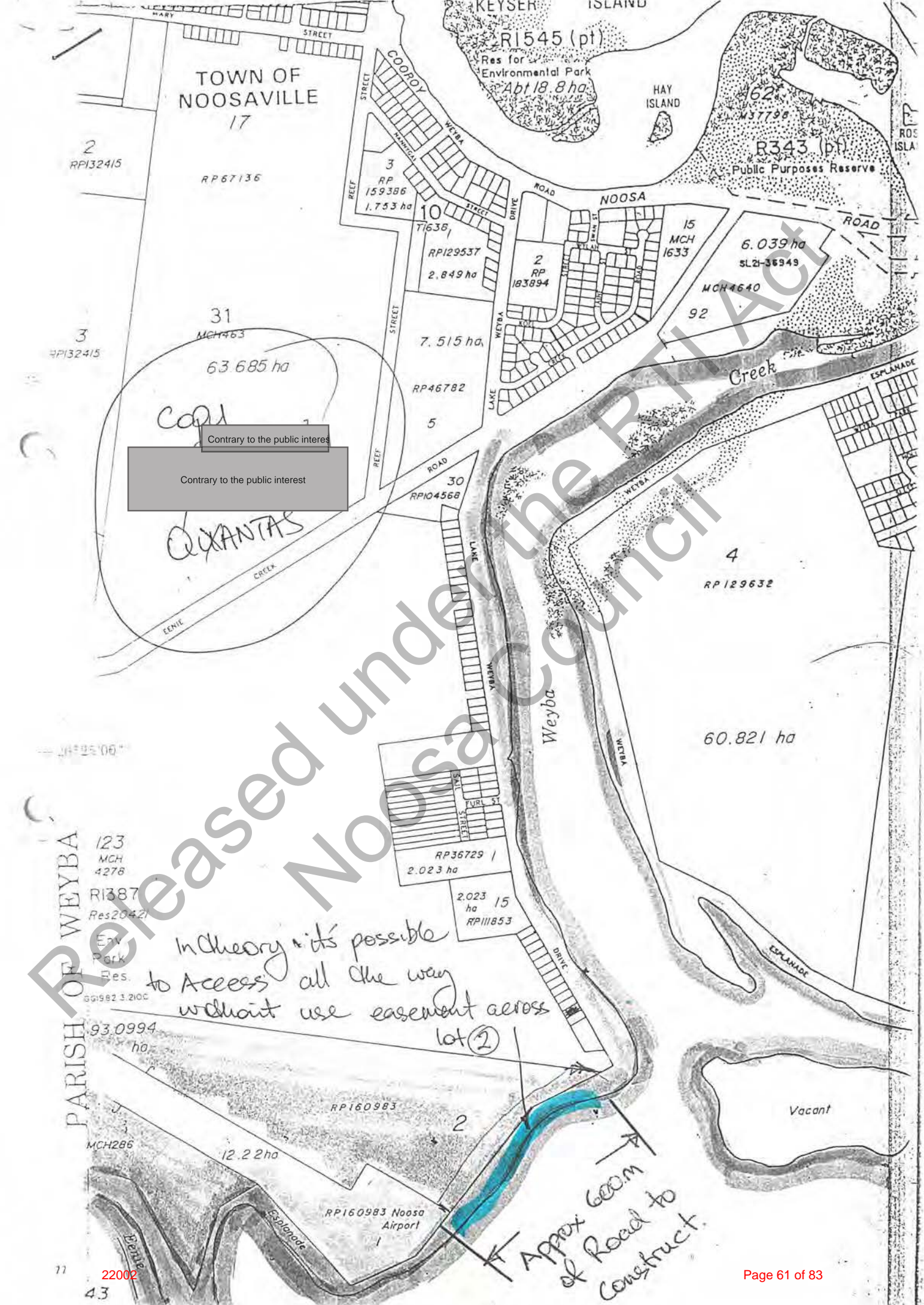


In closing we also confirm our verbal advice, that Qantas Management have made a decision at this stage not to sell the property. It is our intention to lease the property to a Head Tenant who will be responsible for the control and administration of the airport. The Head Tenant will also be responsible for the current occupants and any new occupants, as approved by Qantas.

Yours faithfully,



Released under the RTI Act
Noosa Council



TOWN OF NOOSAVILLE
17

2
RPI32415

RP67136

3
RP 159386
1.753 ha

10
T1638
RP129537
2.849 ha

2
RP 183894

15
MCH 1633
6.039 ha
SL21-36949

92

3
RPI32415

31
MCH463
63.685 ha

COAL

Contrary to the public interest

Contrary to the public interest

QXANTAS

7.515 ha
RP46782

5

30
RPI04568

4
RPI29632

60.821 ha

123
MCH 4278

R1387
Res20421

Env
Park
Res.
60982 3.200

93.0994
ha

MCH286

12.22 ha

RP160983

2

RP160983 Noosa Airport

In theory it's possible
to Access all the way
without use easement across
lot (2)

Approx 600m
of Road to
Construct.

Vacant



WARREN GARDINER & CO
S O L I C I T O R S
& N O T A R I E S

Suite 5, First Floor, Dodds Place
104-106 Currie Street, Nambour Q 4560
Postal Address:
P.O. Box 213, Nambour Q. 4560 Australia
☎ (074) 41 4844
☎ International +61-74-41 4844
Facsimile: (074) 41 2182 DX: 41899 Nambour

Principal

Contrary to the public interest

Your Ref: QCC5.096.0012.NSA

26 February, 1996

Our Ref: WG:MK:956107

Contrary to the public interest

Qantas Airways Limited
203 Coward Street
MASCOT NSW 2020

Dear Madam

RE: NOOSA AIRPORT - ROAD LICENCE

We acknowledge receipt of your letter of the 19th of December, 1995 and enclosures.

Our client instructs that he has had a conference with your representative, Contrary to the public interest on the 15th of February, 1996.

As a result of our client's further consideration of the matter and discussions with Contrary to the public interest our client would be prepared to assist you on the basis that the access to the airport is relocated from the existing unregistered easement, to a new location as offered by our client. We enclose herewith an appropriate plan. We have highlighted in blue the area that our client would be willing to dedicate at no cost to you or the Council as a public road. This would be on the following basis:-

1. You are responsible for the costs of constructions of the road;
2. You are responsible for obtaining Noosa Shire Council approval (including sub-division approval, whereby our client would have four new Deeds created from the existing Deed. One Deed we have delineated as Lot 1 to the east of the road, Lot 2 to the west of the road. You will note the small nexus of land at the end of the airport runway to the north-west. Our client would require that the Deed be severed at that point, to then create a further Lot 3 to the west of the runway. Finally, our client would also require his Lot untied where it is severed by the Esplanade. Consequently, a further Lot 4 would then be created to the west of the Esplanade.

It is respectfully submitted that this proposal is in the best interests of all parties including the Noosa Shire Council. Our client would be willing to assist in the appropriate application.

Kindly advise as to your acceptance of this proposal as soon as possible and we note that your existing consultant, Noosa Town Planning Pty Ltd could lodge the necessary application, which would then satisfy the Council's rezoning requirements.

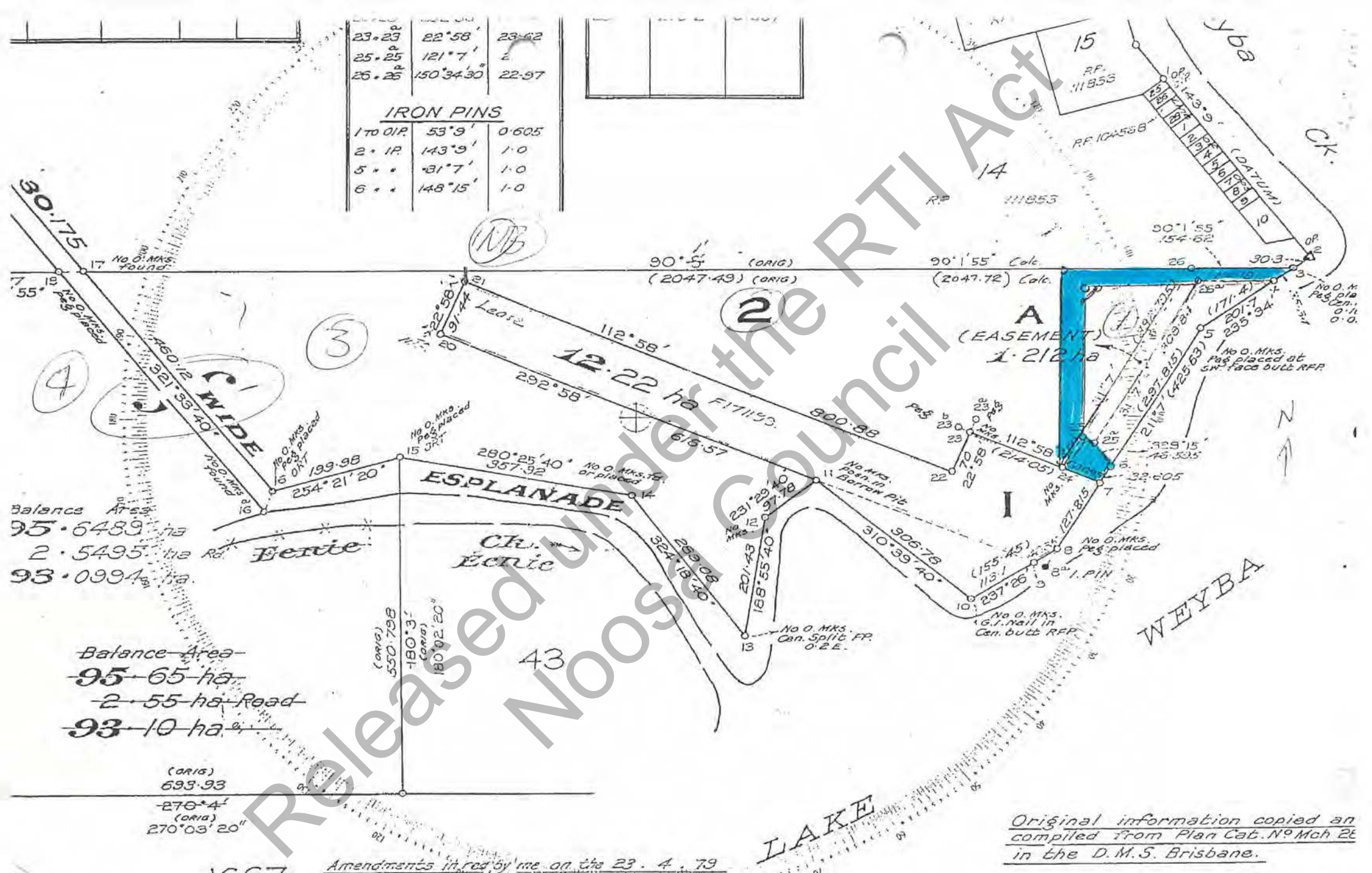
We await your early reply.

Yours faithfully
WARREN GARDINER & CO

Contrary to the public interest

23.23	22°58'	23.42
25.25	121°7'	2
26.26	150°34'30"	22.97

IRON PINS		
1 to O.P.	53°9'	0.605
2 " IP	143°9'	1.0
5 " "	81°7'	1.0
6 " "	148°15'	1.0



Balance Area
~~95.6489~~ ha
 2.5495 ha Rd
~~93.0994~~ ha

Balance Area
~~95.65~~ ha
 2.55 ha Road
~~93.10~~ ha

(ORIG)
 693.93
 -270°4'
 (ORIG)
 270°03'20"

1667

Amendments in red by me on the 23.4.79

Original information copied and compiled from Plan Cat. N° Mch 28 in the D.M.S. Brisbane.

Contrary to the public interest

Contrary to the public interest

Licensed Surveyor

Authorised Surveyor

Page 64 redacted for the following reason:

Contrary to the public interest

Released under the RTI Act
Noosa Council

Contrary to the public interest

REFERENCE TREES

COR.	BEARING	FROM	DIST.	MARKS
15	22°10'	O. Teatree (Burnt)	12.31	
16	195°30'	O. Teatree	5.43	
19	0°55'	ORT. Slp.	19.25	
20	71°6'	Teatree	8.07	↑

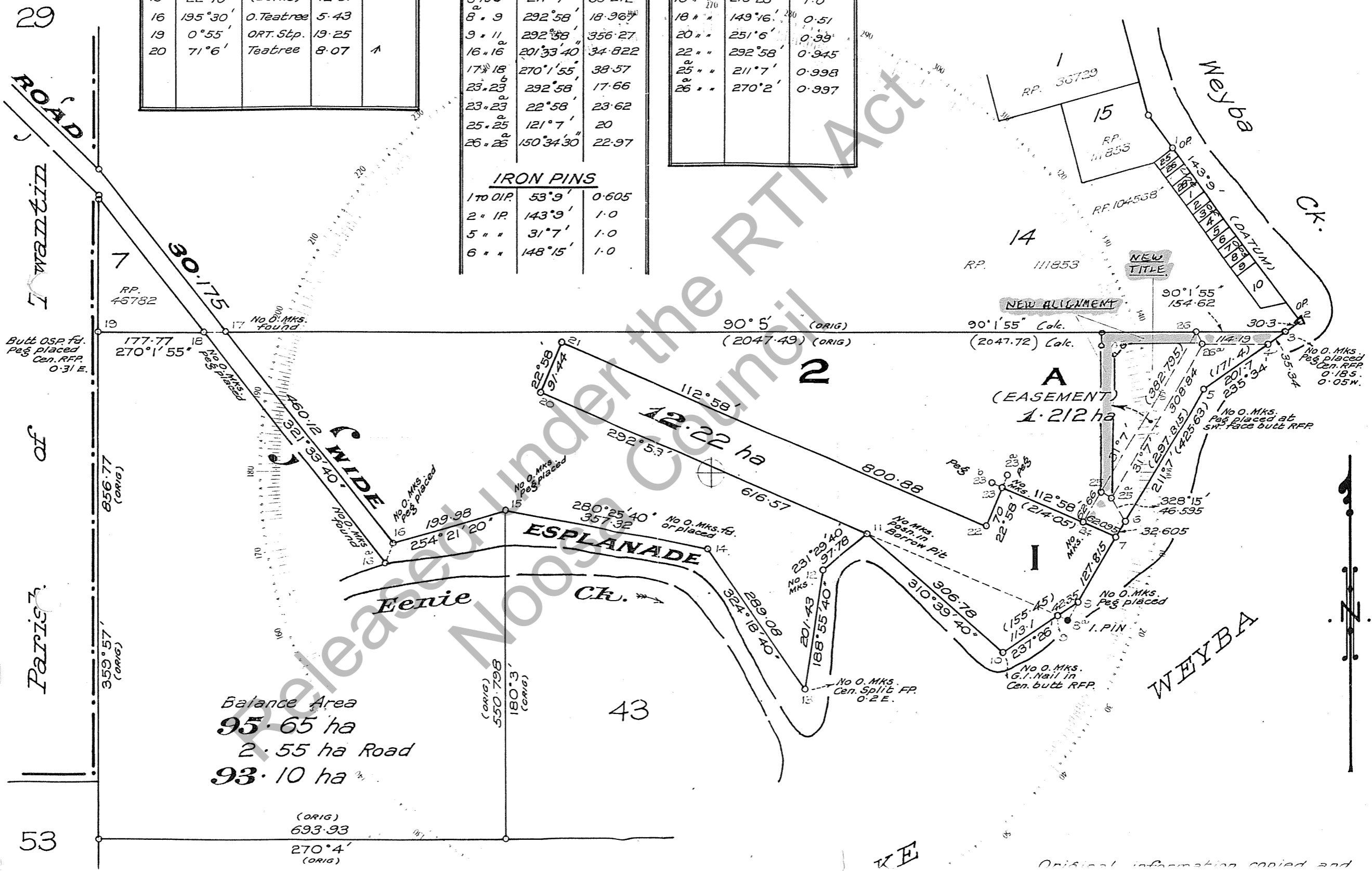
SECANTS ETC.

LINE	BEARING	DIST.
8 to 8 ^a	211°7'	35.272
8 ^a 9	292°58'	18.967
9 11	292°58'	356.27
16 16	201°33'40"	34.822
17 18	270°1'55"	38.57
23 23 ^b	292°58'	17.66
23 23 ^a	22°58'	23.62
25 25 ^a	121°7'	20
26 26 ^a	150°34'30"	22.97

13 to IP	182°	1.085
16 "	216°23'	1.0
18 "	149°16'	0.51
20 "	251°6'	0.99
22 "	292°58'	0.945
25 "	211°7'	0.998
26 "	270°2'	0.997

IRON PINS

1 to OIP	53°9'	0.605
2 " IR	143°9'	1.0
5 " "	31°7'	1.0
6 " "	148°15'	1.0



Balance Area
95.65 ha
 2.55 ha Road
93.10 ha

(ORIG)
 693.93
 270°4'
 (ORIG)

Original information copied and

DRAFT.

Wakefield Sykes (495.229)
00724
QCC5.096.0012.NSA

18 March, 1996

Contrary to the public interest

QANTAS AIRWAYS LIMITED
QANTAS CENTRE
203 COWARD STREET
MASCOT 2020

Dear Contrary to the public interest

RE: NOOSA AIRPORT

I write this letter in the expectation that you will seek legal advice as to further action which might be taken by Qantas to comply with the conditions of Council's Town Planning requirements and to enable it to sell the Noosa Airport.

The Airport and surrounding land was owned by Contrary to the public interest as will be seen from the copy of Certificate of Title Volume 2957 Folio 245 (Document "A" attached). Council approved subdivision of the land in 1978 and the Airport became Lot 1 on Registered Plan 160983 (Document "B") and Certificate of Title Volume 5890 Folio 108 issued (Document "C1") to Whitaker Properties Pty Ltd, which sold a half interest to Australian National Airlines Commission in 1983 (Document "C2" and "C3"). ANA became the sole proprietor in 1988 and changed its name to Australian Airlines Ltd, (Document "C4") and Certificate of Title Volume 7209 Folio 214 was issued. A current title search of the Airport is herewith (Document "C5") and the current title reference for the Airport is 17209214.

The Esplanade shown on the Plan (Document "B") has not been made or dedicated and is unlikely to be approved by Council because it traverses flood-prone land on the shores of Lake Weyba, which is a declared fish habitat.

The Plan created Easement A over Lot 2 (which was, and is still owned by Contrary to the public interest Document "B") however no grant of easement was registered, as can be seen from current title searches of Lots 1 and 2 (Documents "C5" and "D1").

Unfortunately, we can not locate the Council file for the subdivision in 1978 but the endorsements by the Council on the reverse side of the Plan make no reference to

Easement A (see Document "B"). The Solicitor who acted for [redacted] and lodged the Plan is no longer in practice.

However, Easement A is constructed and has been used as a road by the public as access from the Southern end of Lake Weyba Drive to the Airport. Documents "E1" and "E2" show the dimensions of the easement more clearly. The Shire Surveyor has recently confirmed that the formed road is within the dimensions of Easement A.

I understand that Qantas has corresponded with [redacted] present Solicitors but have been unsuccessful in negotiating rights to use the Easement. Those negotiations have been initiated as a requirement of Council's Rezoning Approval - see condition 6 of Document "F".

Council is presently the Lessee of the Airport and is anxious that the terms of its Planning requirements be observed. Qantas wishes to sell the airport but can not do so before obtaining certainty of access rights to the Airport, which is otherwise land-locked.

Accordingly, I write to provide the history of the matter in the hope it will assist further consideration and negotiation.

Two possible solutions appeal to me. First, that Council might acquire Easement A as a road on the understanding that Qantas will reimburse Council for all expense. Secondly, that Qantas might pursue its rights to establish Easement A as a registered Easement of way.

I might mention in passing that legal advice on that aspect should be obtained from Queensland Lawyers because it seems from my preliminary researches, that Queensland law on Easements varies from the law in New South Wales and Victoria.

However, whilst the pursuit of registered access rights is a very interesting legal challenge, the solution may take some time and you may conclude that the quicker and perhaps cheaper commercial course will be an acquisition by the Council.

Finally, I should mention that the prospect of acquisition has been discussed by the staff but the proposal has not been discussed within Council.

I await your early advice.

Yours faithfully

Wakefield Sykes
Shire Solicitor
AIRPORT.Q

*JFK gave
OK - GRJ to
discuss with M.*

*21/3
A-M to discuss
proposal. He is
in favour of this*

[redacted] ontrary to the public inte

FILE + PASS

PLACED ONE

20

NOOSA COUNCIL

DATE : 13 March 1996 FILE NO: R.480 (00724)

TO : Shire Planner

FROM : Deputy Chief Executive Officer

SUBJECT : Airport - Rezoning File

Today I had a meeting with Contrary to the public interest at his request regarding legalising an access to the airport.

He advised me that he would be prepared to dedicate a road access to the airport at no cost for the property generally along the line of the attached plan providing he gained clear title to the land between the newly created road and Lake Weyba Esplanade. He proposed that Qantas be responsible for constructing the road to Council's standards (he expected that similar gravel standard road would be satisfactory). He proposed this as a solution to the impediment that Qantas is having in satisfying the rezoning conditions associated with the Noosa Airport.

I requested him to make an approach to Council similar to the approach that he has also made to Qantas regarding this proposal and I would then seek the views of our technical officers.

Because of my pending leave, I forward this to you immediately so that you may be in a position to deal with the request when it comes in. I have requested my secretary to acknowledge his letter when it is received and to refer this matter direct to you for consideration. I have also mentioned this matter to the Shire Solicitor (Graeme Rees-Jones) and to the Mayor. The latter would like your views on what are the implications of a subdivision of this nature and what advantages would accrue to Contrary to the public interest that would otherwise not be possible through a normal subdivision of this type of land in this zone and in this situation.

Contrary to the public interest

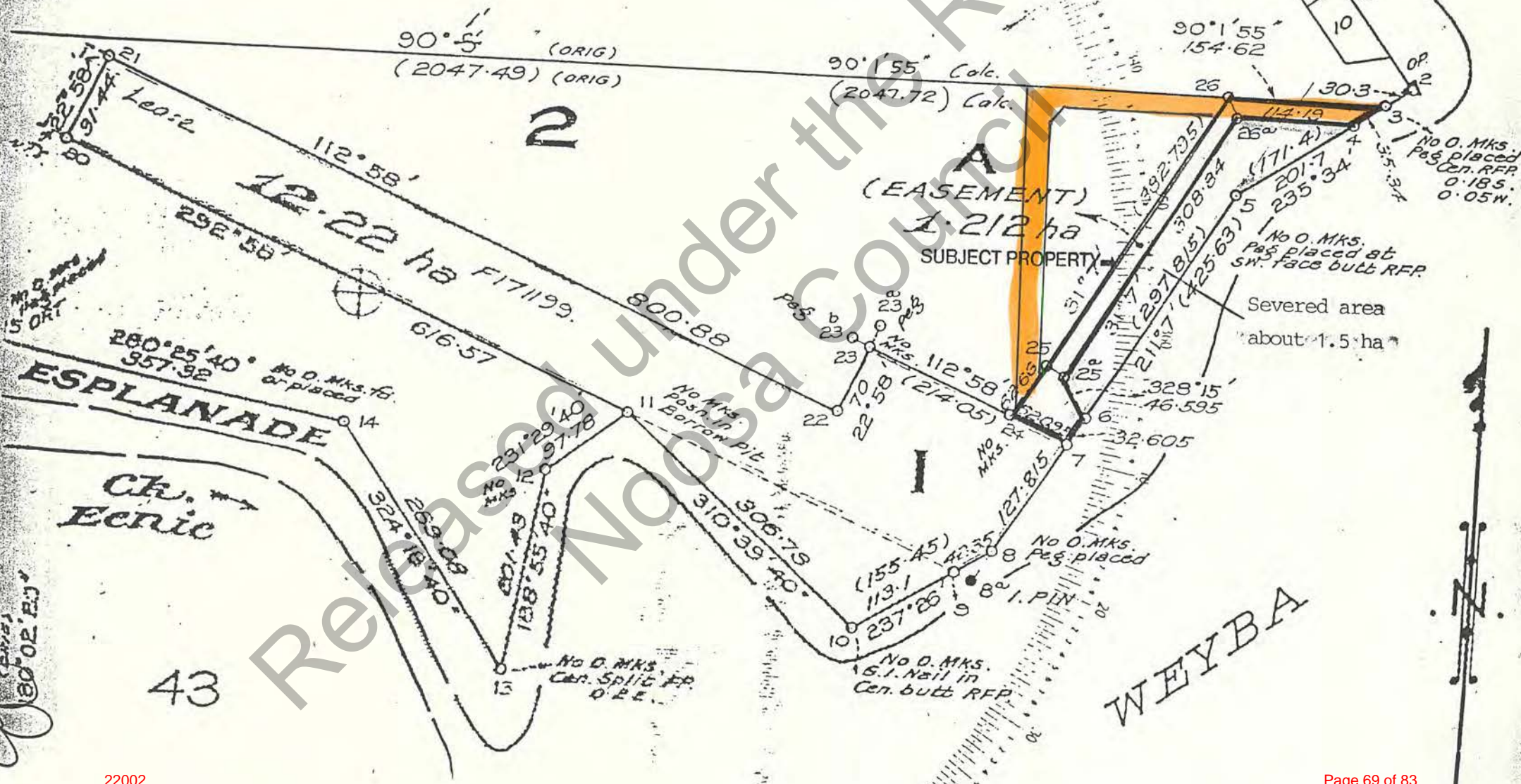
John Kelly
DEPUTY CHIEF EXECUTIVE OFFICER

Noted

I also discussed this with the Mayor and outlined my concerns about creation of the new lot. I raised the prospect of Council initiating action in response to the road access issue.

y to the pub 27-3-96

53°9'	0.605
143°9'	1.0
31°7'	1.0
148°15'	1.0



30°02' E.J.

43

WEYBA



Date 12/3/96 Time

SENDER

Name LEON LASCELLES.

Department SURVEY

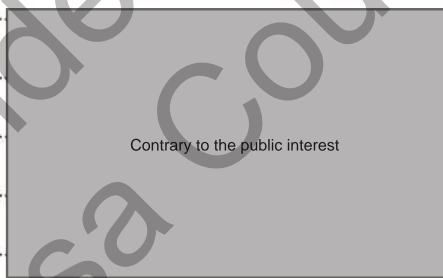
ATTENTION

Name SOL (GRJ).

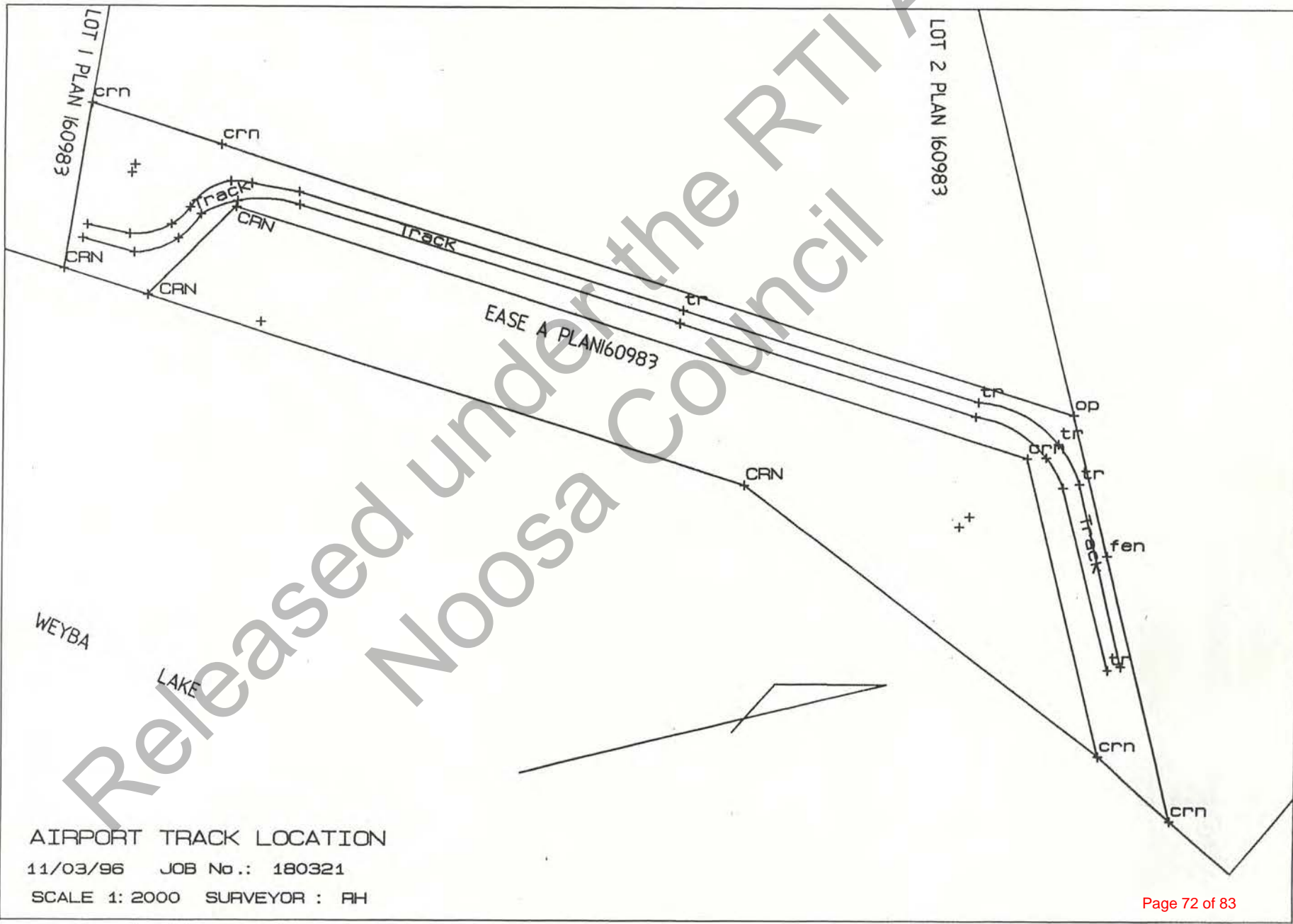
File No. 00724 (Australian Airlines)

MESSAGE

A survey reveals that the formation of the Airport access track is within the Easement on plan 160983.
See attached sketch.



- Telephone conversation
- Personal interview
- Please take action
- For your information only



AIRPORT TRACK LOCATION

11/03/96 JOB No.: 180321

SCALE 1: 2000 SURVEYOR : FH

Peter Atkinson & Company

LAW STATIONERS

G.P.O. BOX 506,
BRISBANE. 4001
DX 180, Brisbane Downtown.

22nd Floor,
Jetset Centre
288 Edward Street,
Brisbane.
Telephone: (07) 3229 2788
Fax: (07) 3229 8991



NOOSA SHIRE COUNCIL,
DX 41952,
TEWANTIN.

QLD 4565

INVOICE: 22152-0

DATE: 5/03/96

RE: AUSTRALIAN AIRLINES-NOOSA AIRP

YOUR REF: SEARCH

Ordered By: YOLANDA

DATE	DETAILS	SERVICE TYPE	DEALING NUMBER	DISBURSEMENTS	OUR FEES	TOTAL
	HISTORICAL SEARCH 5890/108 SEARCH PRIOR TO RP 160983			20.00	20.00	40.00

07 MAR 1996

00724

FOR	FOR
1996	1996
502	✓

ACCT
9626835

PLACED IN FILE
7/3/96

18

Original passed
Acers 4/3
4

TOTAL \$

40.00

PRINTING - BRISBANE PHONE (07) 3392 1200 Ref 94

FACSIMILE TRANSMISSION

NFA

FAX No.: 07. 3229 8991

To: [redacted]
Peter Atkinson & Co.

FROM: Yolanda

NUMBER OF PAGES: 1
(including cover sheet)

MESSAGE:

RE : AUSTRALIAN AIRLINES - NOOSA AIRPORT

[redacted] please continue historical search of title.

Please obtain copy of C/T Vol. 5890 Fol. 108.

We are trying to go back to the deed prior to when RP160983 was created.

Thanks.

NOOSA COUNCIL 2 Pelican Street Tewantin (PO Box 141 Tewantin Q 4565)
☎ (074) 49 5200 Fax (074) 47 1062 DX 41952

OFFICE USE ONLY

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RETURN TO SENDER

FILE No.: 00724

FACSIMILE SENT: 5 March 1996

16

NOOSA COUNCIL

DATE : 01 March 1996 **FILE NO:** 00724

TO : Property Officer - Jane Reinhold
GIS Officer - Stuart MacKenzie

CC : Deputy Chief Executive Officer

FROM : Wakefield Sykes, Shire Solicitor

SUBJECT : NOOSA AIRPORT

FILE NIA-COFT PASSED

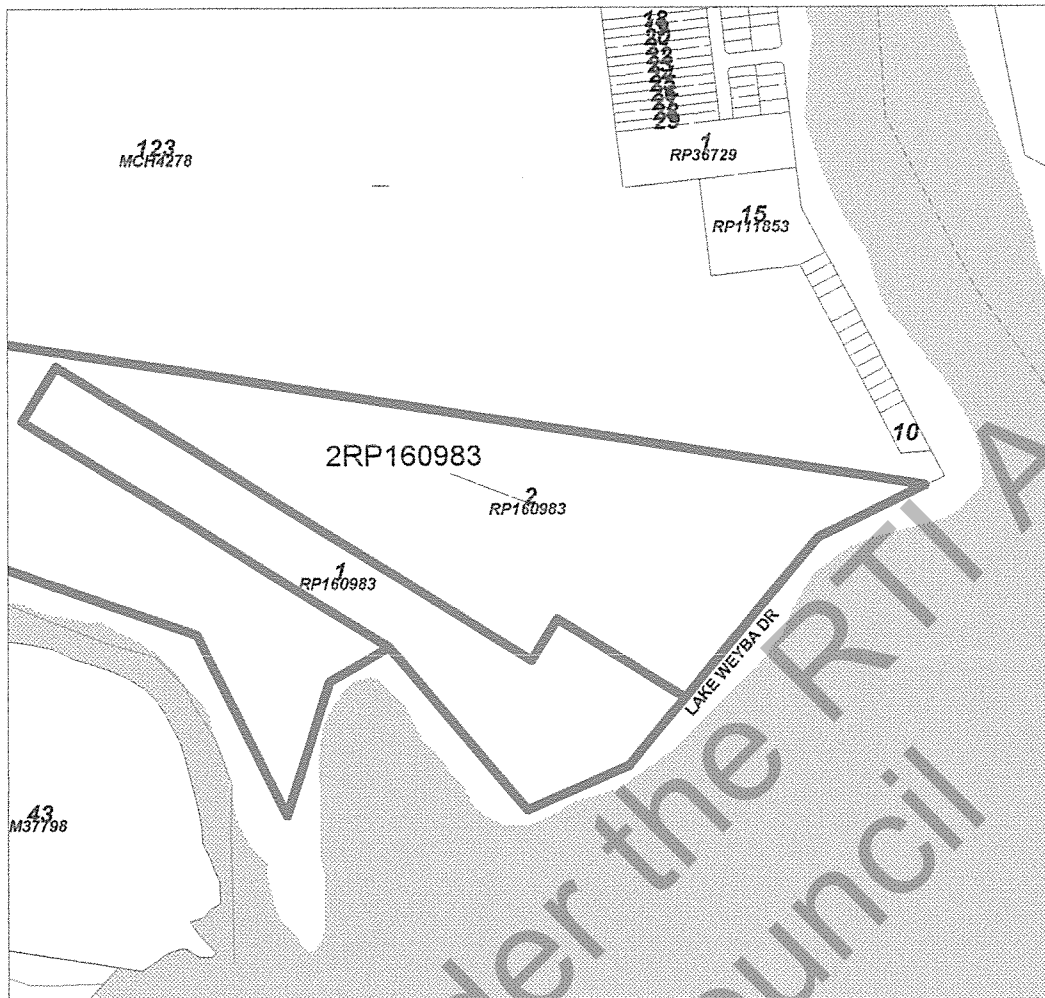
-
1. I recently requested General Property Enquiry for the Noosa Airport. I attach a copy of the result.
 2. Actually, the registered owner is:

Australian Airlines Ltd.
 3. The Council is presently the Lessee, so rates are not payable.
 4. As the Airport is currently the matter of some negotiation, it is appropriate the Council records be correct.

Contrary to the public interest

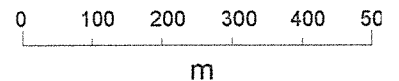
to the pu
Solicitor
AIRPORT.GIS

Released under the RTI Act
Noosa Council



Property Details For General Property Enquiry

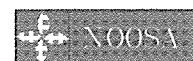
Lot/Plan Description: **1RP160983**
 GTP or BUP Description:
 Property Area: **12.22H**
 Property Address: **NONE EENIE CREEK RD**
 Property ID: **D0160983001**
 Assessment No.: **5500700000009**
 Sales History: **REFER FILE 7141/3/TPT**
 Owner's Name: **NOOSA COUNCIL**
 Address (1): **PO BOX 141**
 Address (2): **TEWANTIN**
 Address (3):
 Address (4):
 PostCode: **4565**
 Dam Catchment: **No**
 90 Day Detention: **No**
 UXO Zone: **No**
 UXO Clearance: **No**
 Sand Dune Problem: **No**
 Coastal Management Area: **No**
 Drainage Problem: **No**
 River Flooding: **Yes**
 Steeply Sloping Land: **No**
 Tree Preservation Area: **Yes**
 Contaminated Site: **No**
 TP Zone: **RU**
 Multiple Zones: **No**



Disclaimer: This plan reflects information currently held in Council's records. Locations of entities shown on the plan indicative only. Do not attempt to scale

No active Legend.

28 Feb 1996



NOOSA COUNCIL

Peter Atkinson & Company

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Jetset Centre
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Telephone: (07) 3229 2788
Fax: (07) 3229 8991

NOOSA SHIRE COUNCIL,
DX 41952,
TEWANTIN.

GLD 4565

INVOICE: 21673-0

DATE: 27/02/96

RE: NOOSA -AUSTRALIAN AIRLINE

YOUR REF: 00724H

Ordered By: YOLANDA

DATE	DETAILS	SERVICE TYPE	DEALING NUMBER	DISBURSEMENTS	OUR FEES	TOTAL
	HISTORICAL SEARCHES 7209/214, 6556/182 & 6556/183			30.00	30.00	60.00
					00724 POL ✓ 9626532 ACCT	
					Original passed ACER	
						60.00
					TOTAL \$	60.00

PLACED ON FILE
4/3/96

150

PRINTING - BRISBANE - PHONE (07) 3392 1200 Ref. No.: 94

NOTE: Entries ruled through and authenticated by use of 2311-8411/95-Govt. Printer, Cbk.



FACSIMILE TRANSMISSION

FAX No.: 07. 322 98991

To: Peter Atkinson & Co

FROM: Yolanda

NUMBER OF PAGES: 1
(including cover sheet)

MESSAGE:

RE : NOOSA AIRPORT - AUSTRALIAN AIRLINE

Would you please obtain "old" historical title deeds for the following -

- 1. C/T Vol. 7209 Fol. 214
- 2. C/T Vol 6556 Fol. 182
- 3. C/T Vol 6556 Fol. 183

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RETURN TO SENDER

FILE NO.: 00724

FACSIMILE SENT: 27 February 1996

14

NOOSA COUNCIL

DATE : 15 February 1996 FILE NO: 00290 /00724 .
TO : File
FROM : Deputy Chief Executive Officer
SUBJECT : Airport

At 9.00am on 15 February 1996 I met with [redacted] from Qantas to discuss the problems associated with access to the Noosa Airport.

They advised that they have been unable to negotiate an arrangement with the adjoining land owner [redacted] to legalise the access to the Airport which traverses his property. Apparently [redacted] is not prepared to sell the area of his land on which the road is located and is not happy with entering into any form of easement as an alternative. He was only prepared to consider a 5 plus 5 year licence arrangement. This of course has been advised to Qantas as being unacceptable.

Qantas put to me the following options :

1. Council use its powers of resumption to acquire the area of land on which the access road is currently situated from [redacted] on the basis that Qantas would meet the cost of the resumption. It was their proposal that this would be passed onto any future Lessee.
2. Council agree to the construction of a new road along the Esplanade which would then give access to the airport. Apparently they have a number of potential Lessees who are prepared to construct the road.
3. Council change the terms of the proposed rezoning to a ten or 20 year rezoning so that they would then be in a better position to negotiate a Licence Agreement with [redacted]

OR

4. The Council itself enter into a lease with Qantas over the airport land on the basis that Council would be in a better position to negotiate with [redacted] the access to the airport.

I advised them that :

1. Council has not considered the question of using its powers of resumption for this purpose and I consequently was not in a position to respond other than to say that Council would require good argument for it to become involved.

2. I was confident that Council would not be in favour of opening up a road along the Esplanade for two reasons:
 1. There already exists an access road to the airport albeit on private property;
and
 2. The area of land on the Esplanade is environmentally sensitive and would be vigorously opposed.
3. Any short term arrangement concerning the Town Planning use rights of the airport would be unsatisfactory because the problem would re-emerge when the short term arrangement expired.
4. Council has on a number of occasions considered whether it should operate the airport and on each occasion has declined that option and I would be surprised if Council were to change its views in this regard.

The Qantas Representatives advised that they would approach Council with a letter proposing the abovementioned four options.

John Kelly
DEPUTY CHIEF EXECUTIVE OFFICER

C:\PRODIWORD\MEMOS\AIRPORT.JFK

16/2/96

NOOSA COUNCIL

DATE : 12 February 1996 FILE NO: 00724

TO : Deputy Chief Executive Officer

FROM : Wakefield Sykes, Shire Solicitor

SUBJECT : NOOSA AIRPORT

FILE

Sols
* *
Re advices

1. Further to my memo of 9th February 1996 and our discussion on the same day concerning the proposed visit by Qantas representatives, there are some aspects which I might confirm.
2. I regard the Esplanade merely as a proposal. It has never been dedicated as a road. In other words, it has never been "given" by the owner as a road or has it been "accepted" by the Crown or have any steps taken to permit the use of it by the public.
3. You have already indicated that Council would not "accept" it as a road and it can not become a road (or easement) without Council consent.
4. I propose further investigating with the Titles Office, the status of Easement A, which clearly was intended to be a road and is used as a road and is, in my opinion "a road", a matter of law. It is a "a road" within the meaning of the Traffic Act. It is surprising that the Titles Office registered the subject plan without requiring that the Grant of Easement be lodged. Perhaps it was lodged for registration but has not been noted on the title. I will also inquire of the owner's Solicitor.
5. It is my understanding that you will ask if Qantas will indemnify the Council, if Council is willing to acquire the "road".
6. I emphasise "road" because an Easement is not really satisfactory and certainly any licence limited by time is quite unacceptable.
7. It is my advice that Council require a dedicated road in the area of Easement A shown on the Plan of Subdivision.

Contrary to the public interest

Contrary to the public interest

Solicitor
AIRPORT JFK

Advance copy 13/2/96

12

NOOSA COUNCIL

DATE : 09 February 1996 FILE NO: 00724

TO : Deputy Chief Executive Officer

FROM : Wakefield Sykes, Shire Solicitor

SUBJECT : NOOSA AIRPORT

FILE & PASS

1. I read your file note at folio 11 and it is clear that this matter is becoming more confused.
2. In my opinion, it would be quite proper for Council to acquire the road because it is needed for access to a facility used for a public purpose.
3. If this prolonged and complex matter is to be resolved, someone needs to take the initiative. I suggest that Qantas be asked if it will indemnify Council, then Council can be asked.
4. In the end result, it is all a matter of money and I suggest that Council should obtain another valuation.
5. The references to "easement" should be avoided and we should, in future refer to a road.
6. If my suggestion concerning acquisition does not succeed, there is another argument which I could discuss with the Qantas Lawyers.
7. I urge you to write to Qantas as soon as possible and will be pleased to draft the letter for you, if you wish to adopt my suggested course.

Note I have agreed to an appointment with Qantas reps. at 9.00 am on Thursday 15/2/96.

Contrary to the public interest

Contrary to the public interest

Contrary to the public interest

Contrary to the public interest

Sol

11

NOOSA COUNCIL

DATE : 02 February 1996 **FILE NO:** 00724
TO : File Note
FROM : John Kelly, Deputy Chief Executive Officer
SUBJECT : Noosa Airport Rezoning

On the 1st February, 1996 I spoke to Contrary to the public interest of Qantas Australia regarding the access road to the Noosa Airport. He advised that they had only sought a five (5) year plus arrangement with Contrary to the public interest for the rights to the existing road over his property to be incorporated in a license agreement because they were under the impression that the rezoning would only last for 10 years. They have drawn this conclusion allegedly because the previous approval for the Airport under the Town Planning Scheme in 1975 was for a 10 year period.

He raised with me the possibility of a road being constructed along the esplanade fronting Lake Weyba as this is a legal road.

I advised him that Council would not favour a road being constructed along this esplanade because of the environmental sensitivity of the esplanade as it is low lying and fronts Lake Weyba which is a fish habitat reserve. I also suggested that Council would have difficulty being convinced that a new road should be opened up through this environmentally sensitive area when there already existed a formed and constructed gravel road albeit on private property.

He advised that he would make a submission to Council requesting Council to consider constructing the road along the esplanade at Council cost and alternatively Qantas contributing to the cost of such a construction.

Contrary to the public interest

J.F. Kelly
DEPUTY CHIEF EXECUTIVE OFFICER