

Queensland



**TRANSPORT (GLADSTONE
EAST END TO HARBOUR
CORRIDOR) ACT 1996**

Act No. 74 of 1996

Queensland



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TO HARBOUR CORRIDOR) ACT 1996**

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Queensland



**Transport (Gladstone East End to Harbour
Corridor) Act 1996**

Act No. 74 of 1996

**An Act to authorise the acquisition of certain land for rail transport
corridor purposes, and for other purposes**

[Assented to 12 December 1996]

The Parliament of Queensland enacts—

Short title

1. This Act may be cited as the *Transport (Gladstone East End to Harbour Corridor) Act 1996*.

Acquisition of land for rail transport corridor

2.(1) The following land is taken by the State for use by a railway manager as part of a rail transport corridor under the *Transport Infrastructure Act 1994*—

- (a) alienated land described in schedule 1, part 1;
- (b) the part of the reserve under the *Land Act 1994* described in schedule 1, part 2.

(2) Land taken under subsection (1) becomes unallocated State land free of any interest or obligation.

(3) This section has effect despite any other Act.

Acquisition of land for road purposes

3.(1) The following land is taken by the State for road purposes—

- (a) alienated land described as new road on a plan mentioned in schedule 2, part 1;
- (b) the part of the reserve under the *Land Act 1994* described as new road on a plan mentioned in schedule 2, part 2.

(2) The following land that is not already unallocated State land becomes unallocated State land—

- (a) land taken under subsection (1);
- (b) land included in schedule 2, part 3.

(3) Land mentioned in subsection (2) is taken to be dedicated as a road

for public use under the *Land Act 1994*, section 94¹ and open for public use.

(4) This section has effect despite any other Act.

Acquisition of Land Act 1967

4.(1) The *Acquisition of Land Act 1967* applies to a resumption of land under this Act with any necessary changes, including those mentioned in this section.

(2) The provisions of the *Acquisition of Land Act 1967* stated in schedule 3 do not apply to the resumption of land under this Act.

(3) A person whose interest in land is taken has the right to claim compensation mentioned in the *Acquisition of Land Act 1967*, section 12(5).²

(4) The compensation is claimed in the way stated in the *Acquisition of Land Act 1967*, section 12(5A) and (5B) and part 4.³

(5) Subsection (3) applies subject to the *Native Title (Queensland) Act 1993*.

(6) A reference in a provision of the *Acquisition of Land Act 1967* that applies to a resumption of land under this Act, to a proclamation that takes land, is taken to be a reference to this Act.

(7) For the *Acquisition of Land Act 1967*, section 24(2A), a claimant refers the claim for compensation to the Land Court by filing in the office of the registrar of the court copies of the claim given by the claimant to the chief executive.

Partial closure of certain roads

5. The parts of the roads described in schedule 4 are closed on a day to be fixed by the Minister by gazette notice.

¹ Section 94 (Dedication of road by gazette notice)

² Section 12 (Effect of proclamation or notification of resumption)

³ Part 4 (Compensation)

Leasing of rail transport corridor land

6.(1) This section applies to—

- (a) land taken under section 2; and
- (b) land included in schedule 1, part 3;
- (c) land included in schedule 4.

(2) The Governor in Council must lease the land to the State under the *Land Act 1994*, section 17(b)⁴ for use by a railway manager as part of a rail transport corridor under the *Transport Infrastructure Act 1994*.⁵

(3) The lease is in perpetuity and, if demanded, for a rent of \$1 per year.

(4) The State must immediately sublease the land to Queensland Rail in the same way as for a sublease of existing corridor land under the *Transport Infrastructure Act 1994*, section 214.⁶

(5) This section applies despite the *Transport Infrastructure Act 1994*, section 131(2) and (3).⁷

Access to acquired land

7.(1) Queensland Rail is authorised to enter on land included in schedules 1 and 4 and construct rail transport infrastructure on it even though the land has not been leased to Queensland Rail before the entry is made.

(2) This section applies despite any other Act.

Recording of interests in land

8.(1) The registrar of titles or anyone else required or permitted to record particulars necessary to identify interests in land must, on the written request of the chief executive, record the particulars necessary to give effect

⁴ Section 17 (Granting land to the State)

⁵ Section 17 (Granting land to the State)

⁶ Section 214 (Existing rail corridor land)

⁷ Section 131 (Lease of land to railway managers)

to this Act.

(2) If a written request is made under subsection (1), production of the instrument of title to the land in question is not required when the request is made, and the registrar of titles or other person is authorised to make any necessary entries on the instrument of title when it is next produced to him or her.

Regulation-making power

9.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may, in relation to land specified in schedule 1, 2 or 4, for which an area is expressed as an approximate area, specify a different area.

(3) The different area specified is taken to be the area referred to in the schedule from the commencement of this Act.

(4) A regulation under subsection (2) must be made within 1 year after the commencement of this Act.

(5) The object of subsections (2) to (4) is to enable the land mentioned in those subsections to be surveyed.

Amendment of Transport Infrastructure Act 1994

10.(1) This section amends the *Transport Infrastructure Act 1994*.

(2) Section 136(1), ‘Building Code’—

omit, insert—

‘Building Act 1975’.

(3) Section 136(2), definition “**Building Code**”—

omit.

Expiry

11. This Act expires 7 years after it commences.

SCHEDULE 1

LAND FOR RAIL TRANSPORT CORRIDOR

section 2

PART 1—LAND ALIENATED FROM THE STATE

1. The area of approximately 2.27 ha of lot 31 on CP/DS 286 parish of Targinie, county of Deas Thompson shown as item 13a on plans R6-421 and R6-422 and item 13c on plan R6-423
2. The area of approximately 6.56 ha of lot 101 on RP 620971 parish of Targinie, county of Deas Thompson shown as item 16 on plans R6-423 and R6-424
3. The area of approximately 5.14 ha of lot 11 on CP/CL 40366 parish of Mount Larcom, county of Clinton shown as item 5a on plan R6-430B, item 5b on plan R6-431, and item 5c on plans R6-431 and R6-432⁸
4. The area of approximately 3.04 ha of lot 449 on CP/CL 40213 parish of Mount Larcom, county of Clinton shown as item 6 on plans R6-430B and R6-431⁹
5. The area of approximately 1.76 ha of lot 21 on CP/CTN 87 parish of Mount Larcom, county of Clinton shown as item 8 on plan R6-432
6. The area of approximately 3.66 ha of lot 22 on CP/CL 40383 parish of Mount Larcom, county of Clinton shown as item 9a on plans R6-432 and R6-433 and item 9b on plan R6-433¹⁰

⁸ The area includes approximately 276 m² of easement W on RP 836822.

⁹ The area includes approximately 87 m² of easement V on RP 836822.

¹⁰ The area includes approximately 283 m² of easement A on RP 614754.

SCHEDULE 1 (continued)

7. The area of approximately 377 m² of lot 66 on CP/CL 40338 parish of Mount Larcom, county of Clinton shown as item 10 on plan R6-433¹¹
8. The area of approximately 2.97 ha of lot 32 on CP/CTN 108 parish of Mount Larcom, county of Clinton shown as item 12a on plan R6-433 and item 12c on plans R6-433 and R6-434
9. The area of approximately 4.42 ha of lot 538 on CP/CL 40256 parish of Mount Larcom, county of Clinton shown as item 14 on plans R6-434 and R6-435
10. The area of approximately 1.37 ha of lot 2 on CP/MPH 2842 parish of Nolan, county of Deas Thompson shown as items 15a and 15c on plan R6-435
11. The area of approximately 1.75 ha of lot 1 on CP/MPH 2842 parish of Nolan, county of Deas Thompson shown as item 22a on plans R6-435 and R6-436
12. The area of approximately 1 023 m² of lot 4 on CP/MPH 14072 parish of Nolan, county of Deas Thompson shown as item 18 on plan R6-436
13. The area of approximately 2.12 ha of lot 3 on CP/MPH 14066 parish of Nolan, county of Deas Thompson shown as item 20 on plan R6-436
14. The area of approximately 4.14 ha of lot 1 on CP 895853 parish of Nolan, county of Deas Thompson shown as item 17a on plan R6-435 and item 17c on plans R6-435 and R6-436

¹¹ The area includes approximately 155 m² of easement A on RP 14755

SCHEDULE 1 (continued)

PART 2—RESERVED LAND

15. The area of approximately 3 284 m² of lot 142 on CP/CTN 2143 parish of Calliope, county of Clinton shown as item 5b on plan R6-417B

PART 3—STATE LAND

16. The area of approximately 3.30 ha of lot 96 on USL 39039 parish of Calliope, county of Clinton shown as item 1a on plan R6-416
17. The area of approximately 2.55 ha of lot 101 on USL 39039 parish of Calliope, county of Clinton shown as item 2 on plan R6-416 and items 2a and 2c on plan R6-417B
18. The area of approximately 15.08 ha of lot 1 on RP 612126 parish of Calliope, county of Clinton shown as item 4b on plans R6-417B and R6-418B, item 4c on plans R6-419, R6-420 and R6-421, and item 4e on plan R6-421¹²
19. The area of approximately 2 292 m² of lot 99 on USL 39039 parish of Calliope, county of Clinton shown as item 7a on plan R6-417B
20. The area of approximately 4.86 ha of Port Curtis shown as item 10a on plan R6-421 and item 10b on plans R6-422 and R6-423
21. The area of approximately 9.86 ha of lot 2 on RP 619805 parish of Mount Larcom, county of Clinton shown as item 1b on plans R6-425B, R6-426, R6-427 and R6-428
22. The area of approximately 5 914 m² of lot 15 on CP/CTN 104 parish of Mount Larcom, county of Clinton shown as item 2 on plan R6-428

¹² The area includes approximately 6 279 m² of easement A on RP 10582.

SCHEDULE 1 (continued)

- 23.** The area of approximately 9.41 ha of lot 268 on CP/CL 4094 parish of Mount Larcom, county of Clinton shown as item 3 on plans R6-428, R6-429 and R6-430B

SCHEDULE 2**LAND FOR ROAD PURPOSES**

section 3

PART 1—LAND ALIENATED FROM THE STATE

1. The area of approximately 3 297 m² of lot 31 on CP/DS 286 parish of Targinie, county of Deas Thompson shown as item 13b on plan R6-423
2. The area of approximately 1 027 m² of lot 22 on CP/CL 40383 parish of Mount Larcom, county of Clinton shown as item 9c on plan R6-433
3. The area of approximately 1.47 ha of lot 32 on CP/CTN 108 parish of Mount Larcom, county of Clinton shown as item 12b on plans R6-433 and R6-434
4. The area of approximately 6 619 m² of lot 2 on CP/MPH 2842 parish of Nolan, county of Deas Thompson shown as item 15b on R6-435
5. The area of approximately 9 980 m² of lot 1 on CP/MPH 2842 parish of Nolan, county of Deas Thompson shown as item 22b on plans R6-435 and R6-436
6. The area of approximately 1 334 m² of lot 1 on CP 895853 parish of Nolan, county of Deas Thompson shown as item 17b on plan R6-435

PART 2—RESERVED LAND

7. The area of approximately 677 m² of lot 142 on CP/CTN 2143 parish of Calliope, county of Clinton shown as item 5a on plan R6-417B

SCHEDULE 2 (continued)

PART 3—STATE LAND

8. The area of approximately 5 503 m² of lot 96 on USL 39039 parish of Calliope, county of Clinton shown as item 1b on plan R6-417B
9. The area of approximately 630 m² of lot 101 on USL 39039 parish of Calliope county of Clinton shown as item 2b on plan R6-417B
10. The area of approximately 1 217 m² of lot 97 on USL 39039 parish of Calliope, county of Clinton shown as item 6 on plan R6-417B
11. The area of approximately 3 128 m² of lot 1 on RP 612126 parish of Calliope, county of Clinton shown as item 4a on plan R6-417B and item 4d on plan R6-421
12. The area of approximately 7 842 m² of Port Curtis shown as item 10c on plans R6-422 and R6-423
13. The area of approximately 2 729 m² of lot 99 on USL 39039 parish of Calliope, county of Clinton shown as item 7b on plan R6-417B
14. The area of approximately 1.97 ha of lot 2 on RP 619805 parish of Mount Larcom, county of Clinton shown as item 1a on plan R6-425B

SCHEDULE 3

PROVISIONS OF THE ACQUISITION OF LAND ACT 1967 THAT DO NOT APPLY TO THE TAKING OF LAND UNDER THIS ACT

section 4

1. Sections 5 to 11
2. Section 12, other than as provided by section 4(3) and (4) of this Act
3. Section 13
4. Sections 15 to 17
5. Section 21
6. Section 36(3) and (6)¹³

¹³ Section 5 (Purposes for which land may be taken)
 Section 6 (Easements)
 Section 7 (Notice of intention to take land)
 Section 8 (Dealing with objections)
 Section 9 (Means by which land to be taken other than by Brisbane City Council or an approved local authority)
 Section 10 (Means by which land to be taken by Brisbane City Council or an approved local authority)
 Section 11 (Correction of errors etc. in proclamation or notification of resumption)
 Section 12 (Effect of proclamation or notification of resumption)
 Section 13 (Owner may require small parcel of severed land to be taken)
 Section 15 (Taking by agreement)
 Section 16 (Discontinuance of resumption before proclamation or notification of resumption)
 Section 17 (Revocation before determination of compensation)
 Section 21 (Grant of easement etc in satisfaction of compensation)
 Section 36 (Powers of entry etc.)

SCHEDULE 3 (continued)

7. Section 37, other than for section 36(7)
8. Section 41¹⁴

¹⁴ Section 37 (Temporary occupation of land)
Section 41 (Disposal of land)

SCHEDULE 4**ROADS PARTIALLY CLOSED**

section 5

1. The area of road of approximately 1 773 m² shown as item 3 on plan R6-416¹⁵
2. The area of road of approximately 1.66 ha shown as items 3a, 3b, 8a and 8b on plan R6-417B
3. The area of road of approximately 2 279 m² shown as item 17 on plan R6-418B
4. The area of road of approximately 3 324 m² shown as item 17 on plan R6-419
5. The area of road of approximately 4 698 m² shown as items 9, 11 and 12 on plan R6-421
6. The area of road of approximately 2 316 m² shown as item 14 on plan R6-422
7. The area of road of approximately 1.09 ha shown as items 15, 18a, 18b, 19a, 19b and 20 on plan R6-423
8. The area of road of approximately 3 098 m² shown as item 26 on plan R6-425B
9. The area of road of approximately 9 661 m² shown as items 4a and 4b on plan R6-430B
10. The area of road of approximately 1.74 ha shown as item 11a on plan R6-433

¹⁵ A copy of each plan mentioned in the schedule is available for inspection at the office of the Department of Main Roads, Capital Hill Building, 85 George Street, Brisbane

SCHEDULE 4 (continued)

- 11.** The area of road of approximately 2 336 m² shown as item 7 on plan R6-434
- 12.** The area of road of approximately 4 023 m² shown as items 16, 23 and 25 on plan R6-435
- 13.** The area of road of approximately 1 793 m² shown as items 19 and 21 on plan R6-436
- 14.** The area of road of approximately 236 m² located approximately between RL 6.7 and RL 14.62 shown in detail on plan R6-418B
- 15.** The area of road of approximately 651 m² located approximately between RL 59 and RL 73.889 on the north-eastern boundary and RL 59 and RL 73.482 on the south-western boundary shown in detail on plan R6-425B
- 16.** The area of road of approximately 472 m² located approximately between RL 55 and RL 70 shown in detail on plan R6-430B