

Seller disclosure statement



Queensland
Government

Property Law Act 2023 section 99

Form 2, Version 1 | Effective from: 1 August 2025

WARNING TO BUYER – This statement contains important legal and other information about the property offered for sale. You should read and satisfy yourself of the information in this statement before signing a contract. You are advised to seek legal advice before signing this form. You should not assume you can terminate the contract after signing if you are not satisfied with the information in this statement.

WARNING – You must be given this statement before you sign the contract for the sale of the property.

This statement does not include information about:

- » flooding or other natural hazard history
- » structural soundness of the building or pest infestation
- » current or historical use of the property
- » current or past building or development approvals for the property
- » limits imposed by planning laws on the use of the land
- » services that are or may be connected to the property
- » the presence of asbestos within buildings or improvements on the property.

You are encouraged to make your own inquiries about these matters before signing a contract. You may not be able to terminate the contract if these matters are discovered after you sign.

Part 1 – Seller and property details

Seller Wayne George Mulligan, Karen Maree Mulligan

Property address

(referred to as the
“property” in this
statement)

46/54 Clearwater St

Bethania, Queensland, 4205

Lot on plan description

Lot 16, Plan SP258151, Title Reference 51006367

Community titles scheme
or BUGTA scheme:

Is the property part of a community titles scheme or a BUGTA scheme:

☐ **Yes**

*If **Yes**, refer to Part 6 of this statement
for additional information*

☒ **No**

*If **No**, please disregard Part 6 of this statement
as it does not need to be completed*

Part 2 – Title details, encumbrances and residential tenancy or rooming accommodation agreement

Title details

The seller gives or has given the buyer the following—

A title search for the property issued under the *Land Title Act 1994*
showing interests registered under that Act for the property.

☒ **Yes**

A copy of the plan of survey registered for the property.

☒ **Yes**

Registered encumbrances	<p>Registered encumbrances, if any, are recorded on the title search, and may affect your use of the property. Examples include easements, statutory covenants, leases and mortgages.</p> <p>You should seek legal advice about your rights and obligations before signing the contract.</p>
Unregistered encumbrances (excluding statutory encumbrances)	<p>There are encumbrances not registered on the title that will continue to affect the property after settlement. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Note—If the property is part of a community titles scheme or a BUGTA scheme it may be subject to and have the benefit of statutory easements that are NOT required to be disclosed.</p> <p>Unregistered lease (if applicable)</p> <p>If the unregistered encumbrance is an unregistered lease, the details of the agreement are as follows:</p> <p>» the start and end day of the term of the lease: <input type="text"/></p> <p>» the amount of rent and bond payable: <input type="text"/></p> <p>» whether the lease has an option to renew: <input type="text"/></p> <p>Other unregistered agreement in writing (if applicable)</p> <p>If the unregistered encumbrance is created by an agreement in writing, and is not an unregistered lease, a copy of the agreement is given, together with relevant plans, if any. <input checked="" type="checkbox"/> Yes</p> <p>Unregistered oral agreement (if applicable)</p> <p>If the unregistered encumbrance is created by an oral agreement, and is not an unregistered lease, the details of the agreement are as follows:</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>
Statutory encumbrances	<p>There are statutory encumbrances that affect the property. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, the details of any statutory encumbrances are as follows:</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>All statutory rights relating to water supply, sewerage, drainage, electricity, telephone and other services in passing through or over the property whether or not protected by registered easement.</p> </div>
Residential tenancy or rooming accommodation agreement	<p>The property has been subject to a residential tenancy agreement or a rooming accommodation agreement under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> during the last 12 months. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, when was the rent for the premises or each of the residents' rooms last increased? <i>(Insert date of the most recent rent increase for the premises or rooms)</i> <input type="text"/></p> <p>Note—Under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> the rent for a residential premises may not be increased earlier than 12 months after the last rent increase for the premises.</p> <p>As the owner of the property, you may need to provide evidence of the day of the last rent increase. You should ask the seller to provide this evidence to you prior to settlement.</p>

Part 3 – Land use, planning and environment

WARNING TO BUYER – You may not have any rights if the current or proposed use of the property is not lawful under the local planning scheme. You can obtain further information about any planning and development restrictions applicable to the lot, including in relation to short-term letting, from the relevant local government.

Zoning	<p>The zoning of the property is (<i>Insert zoning under the planning scheme, the Economic Development Act 2012; the Integrated Resort Development Act 1987; the Mixed Use Development Act 199; the State Development and Public Works Organisation Act 1971 or the Sanctuary Cove Resort Act 1985, as applicable</i>):</p> <div style="border: 1px solid black; padding: 2px;">Low Density Residential</div>		
Transport proposals and resumptions	<p>The lot is affected by a notice issued by a Commonwealth, State or local government entity and given to the seller about a transport infrastructure proposal* to: locate transport infrastructure on the property; or alter the dimensions of the property. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>The lot is affected by a notice of intention to resume the property or any part of the property. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>If Yes, a copy of the notice, order, proposal or correspondence must be given by the seller.</i></p>		
Contamination and environmental protection	<p>The property is recorded on the Environmental Management Register or the Contaminated Land Register under the <i>Environmental Protection Act 1994</i>. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>The following notices are, or have been, given:</p> <p>A notice under section 408(2) of the <i>Environmental Protection Act 1994</i> (for example, land is contaminated, show cause notice, requirement for site investigation, clean up notice or site management plan). <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>A notice under section 369C(2) of the <i>Environmental Protection Act 1994</i> (the property is a place or business to which an environmental enforcement order applies). <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>A notice under section 347(2) of the <i>Environmental Protection Act 1994</i> (the property is a place or business to which a prescribed transitional environmental program applies). <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
Trees	<p>There is a tree order or application under the <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i> affecting the property. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>If Yes, a copy of the order or application must be given by the seller.</i></p>		
Heritage	<p>The property is affected by the <i>Queensland Heritage Act 1992</i> or is included in the World Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth). <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
Flooding	<p>Information about whether the property is affected by flooding or another natural hazard or within a natural hazard overlay can be obtained from the relevant local government and you should make your own enquires. Flood information for the property may also be available at the FloodCheck Queensland portal or the Australian Flood Risk Information portal.</p>		
Vegetation, habitats and protected plants	<p>Information about vegetation clearing, koala habitats and other restrictions on development of the land that may apply can be obtained from the relevant State government agency.</p>		

Part 4 – Buildings and structures

WARNING TO BUYER – The seller does not warrant the structural soundness of the buildings or improvements on the property, or that the buildings on the property have the required approval, or that there is no pest infestation affecting the property. You should engage a licensed building inspector or an appropriately qualified engineer, builder or pest inspector to inspect the property and provide a report and also undertake searches to determine whether buildings and improvements on the property have the required approvals.

Swimming pool	There is a relevant pool for the property.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If a community titles scheme or a BUGTA scheme – a shared pool is located in the scheme.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Pool compliance certificate is given. OR	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Notice of no pool safety certificate is given.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Unlicensed building work under owner builder permit	Building work was carried out on the property under an owner builder permit in the last 6 years.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<i>A notice under section 47 of the Queensland Building and Construction Commission Act 1991 must be given by the seller and you may be required to sign the notice and return it to the seller prior to signing the contract.</i>		
Notices and orders	There is an unsatisfied show cause notice or enforcement notice under the <i>Building Act 1975</i> , section 246AG, 247 or 248 or under the <i>Planning Act 2016</i> , section 167 or 168.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	The seller has been given a notice or order, that remains in effect, from a local, State or Commonwealth government, a court or tribunal, or other competent authority, requiring work to be done or money to be spent in relation to the property.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<i>If Yes, a copy of the notice or order must be given by the seller.</i>		
Building Energy Efficiency Certificate	If the property is a commercial office building of more than 1,000m ² , a Building Energy Efficiency Certificate is available on the Building Energy Efficiency Register.		
Asbestos	The seller does not warrant whether asbestos is present within buildings or improvements on the property. Buildings or improvements built before 1990 may contain asbestos. Asbestos containing materials (ACM) may have been used up until the early 2000s. Asbestos or ACM may become dangerous when damaged, disturbed, or deteriorating. Information about asbestos is available at the Queensland Government Asbestos Website (asbestos.qld.gov.au) including common locations of asbestos and other practical guidance for homeowners.		

Part 5 – Rates and services

WARNING TO BUYER – The amount of charges imposed on you may be different to the amount imposed on the seller.

Rates	Whichever of the following applies—
	The total amount payable* for all rates and charges (without any discount) for the property as stated in the most recent rate notice is:
	Amount: <input type="text" value="\$ 997.78"/> Date Range: <input type="text" value="1 July to 30th September 2025"/>
	OR
	The property is currently a rates exempt lot.** <input type="checkbox"/>
	OR
	The property is not rates exempt but no separate assessment of rates is issued by a local government for the property. <input type="checkbox"/>

*Concessions: A local government may grant a concession for rates. The concession will not pass to you as buyer unless you meet the criteria in section 120 of the *Local Government Regulation 2012* or section 112 of the *City of Brisbane Regulation 2012*.

** An exemption for rates applies to particular entities. The exemption will not pass to you as buyer unless you meet the criteria in section 93 of the *Local Government Act 2009* or section 95 of the *City of Brisbane Act 2010*.

Water	Whichever of the following applies—
	The total amount payable as charges for water services for the property as indicated in the most recent water services notice* is:
	Amount: <input type="text" value="\$ 391.81"/> Date Range: <input type="text" value="07 january to 31st march 2025"/>
	OR
	There is no separate water services notice issued for the lot; however, an estimate of the total amount payable for water services is:
	Amount: <input type="text"/> Date Range: <input type="text"/>

* A water services notices means a notice of water charges issued by a water service provider under the *Water Supply (Safety and Reliability) Act 2008*.

Part 6 – Community titles schemes and BUGTA schemes

(If the property is part of a community titles scheme or a BUGTA scheme this Part must be completed)


WARNING TO BUYER – If the property is part of a community titles scheme or a BUGTA scheme and you purchase the property, you will become a member of the body corporate for the scheme with the right to participate in significant decisions about the scheme and you will be required to pay contributions towards the body corporate's expenses in managing the scheme. You will also be required to comply with the by-laws. By-laws will regulate your use of common property and the lot.

For more information about living in a body corporate and your rights and obligations, contact the Office of the Commissioner for Body Corporate and Community Management.

Body Corporate and Community Management Act 1997	<p>The property is included in a community titles scheme. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>(If Yes, complete the information below)</i></p>
Community Management Statement	<p>A copy of the most recent community management statement for the scheme as recorded under the <i>Land Title Act 1994</i> or another Act is given to the buyer. <input type="checkbox"/> Yes</p> <p>Note—If the property is part of a community titles scheme, the community management statement for the scheme contains important information about the rights and obligations of owners of lots in the scheme including matters such as lot entitlements, by-laws and exclusive use areas.</p>
Body Corporate Certificate	<p>A copy of a body corporate certificate for the lot under the <i>Body Corporate and Community Management Act 1997</i>, section 205(4) is given to the buyer. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>If No</i>— An explanatory statement is given to the buyer that states: <input type="checkbox"/> Yes</p> <ul style="list-style-type: none"> » a copy of a body corporate certificate for the lot is not attached; and » the reasons under section 6 of the <i>Property Law Regulation 2024</i> why the seller has not been able to obtain a copy of the body corporate certificate for the lot.
Statutory Warranties	<p>Statutory Warranties—If you enter into a contract, you will have implied warranties under the <i>Body Corporate and Community Management Act 1997</i> relating to matters such as latent or patent defects in common property or body corporate assets; any actual, expected or contingent financial liabilities that are not part of the normal operating costs; and any circumstances in relation to the affairs of the body corporate that will materially prejudice you as owner of the property. There will be further disclosure about warranties in the contract.</p>

Building Units and Group Titles Act 1980	<p>The property is included in a BUGTA scheme <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>(If Yes, complete the information below)</i></p>
Body Corporate Certificate	<p>A copy of a body corporate certificate for the lot under the <i>Building Units and Group Titles Act 1980</i>, section 40AA(1) is given to the buyer. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If No</i>— An explanatory statement is given to the buyer that states: <input type="checkbox"/> Yes</p> <ul style="list-style-type: none"> » a copy of a body corporate certificate for the lot is not attached; and » the reasons under section 7 of the <i>Property Law Regulation 2024</i> why the seller has not been able to obtain a copy of the body corporate certificate for the lot. <p>Note—If the property is part of a BUGTA scheme, you will be subject to by-laws approved by the body corporate and other by-laws that regulate your use of the property and common property.</p>

Signatures – SELLER



as solicitor
on behalf of the seller

Signature of seller

Signature of seller

Wayne George Mulligan

Name of seller

Karen Maree Mulligan

Name of seller

29/8/2025

Date

29/8/2025

Date

Signatures – BUYER

By signing this disclosure statement the buyer acknowledges receipt of this disclosure statement before entering into a contract with the seller for the sale of the lot.

Signature of buyer

Signature of buyer

Name of buyer

Name of buyer

Date

Date

CURRENT TITLE SEARCH
QUEENSLAND TITLES REGISTRY PTY LTD

Request No: 53172541
Search Date: 29/08/2025 12:40

Title Reference: 51006367
Date Created: 24/09/2015

Previous Title: 18782101

REGISTERED OWNER

Dealing No: 717030317 25/01/2016

WAYNE GEORGE MULLIGAN
KAREN MAREE MULLIGAN JOINT TENANTS

ESTATE AND LAND

Estate in Fee Simple

LOT 16 SURVEY PLAN 258151
Local Government: LOGAN

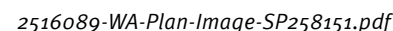
EASEMENTS, ENCUMBRANCES AND INTERESTS

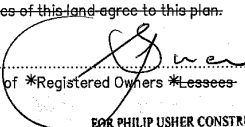
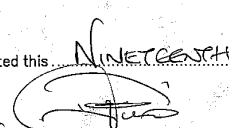
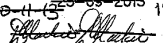
1. Rights and interests reserved to the Crown by
Deed of Grant No. 10033121 (POR 15)
Deed of Grant No. 10033122 (POR 16)

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

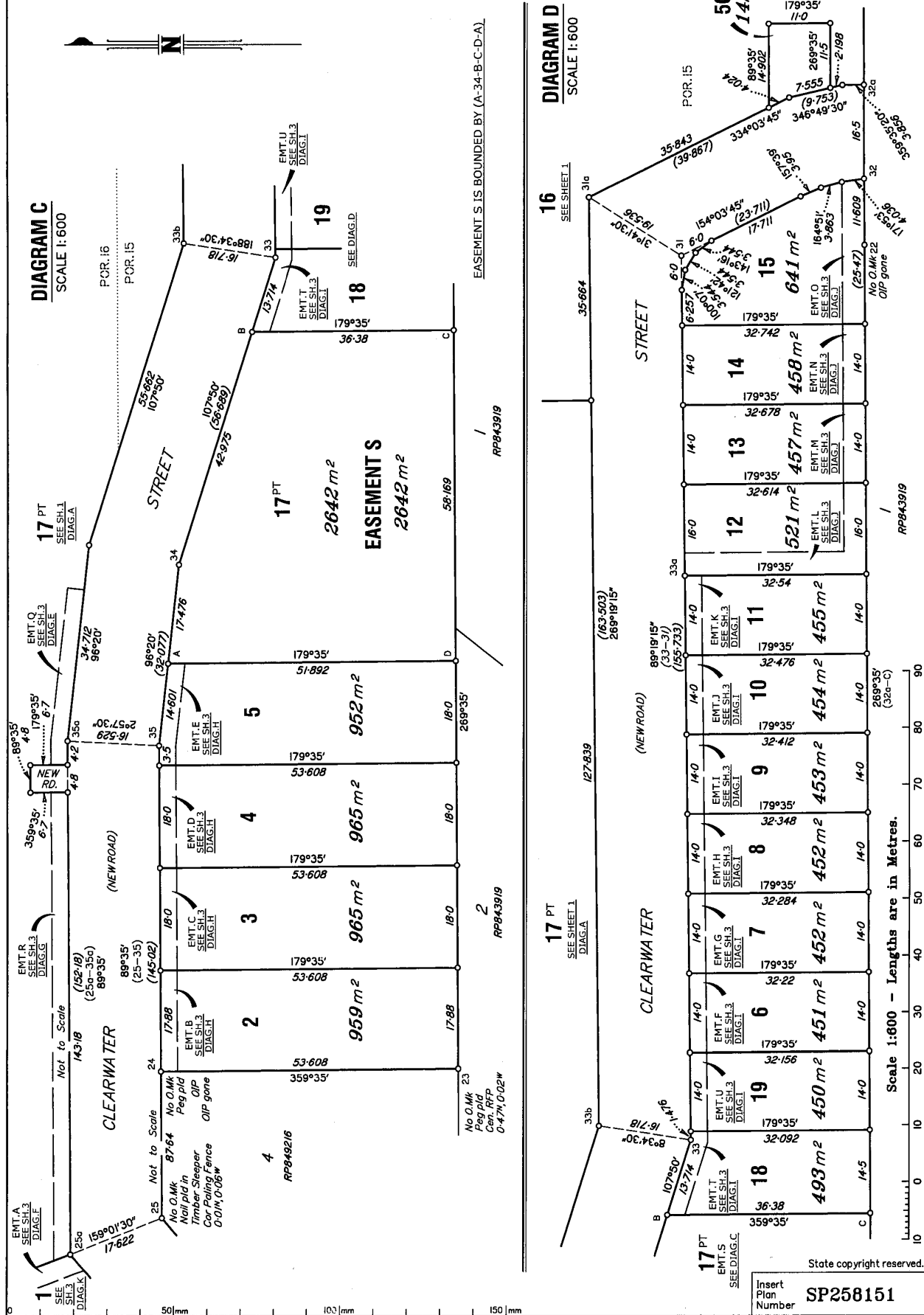
** End of Current Title Search **

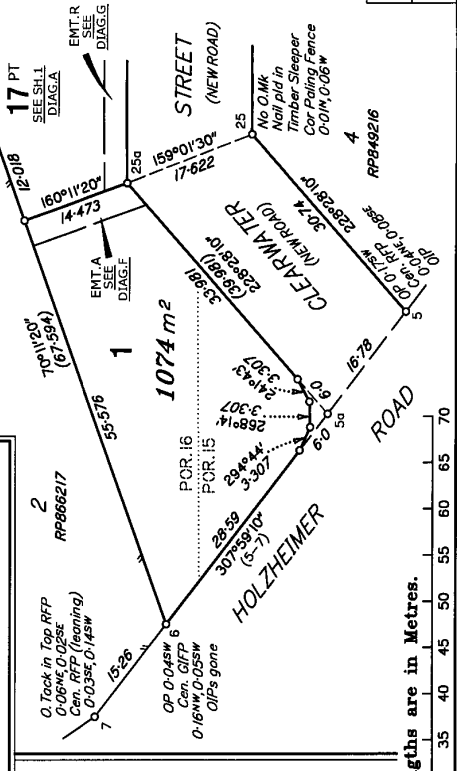
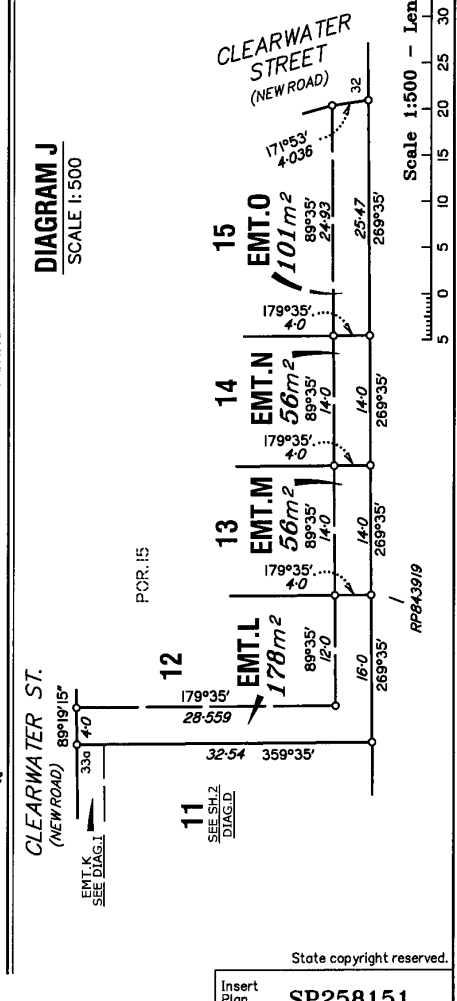
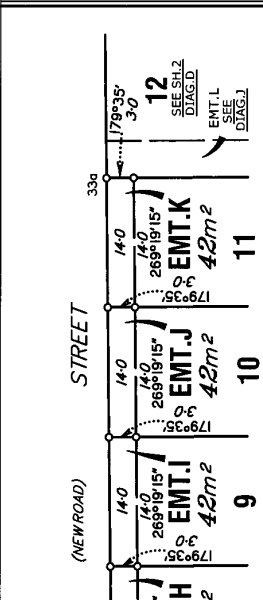
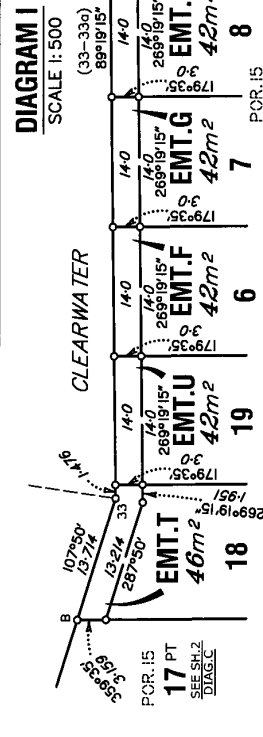
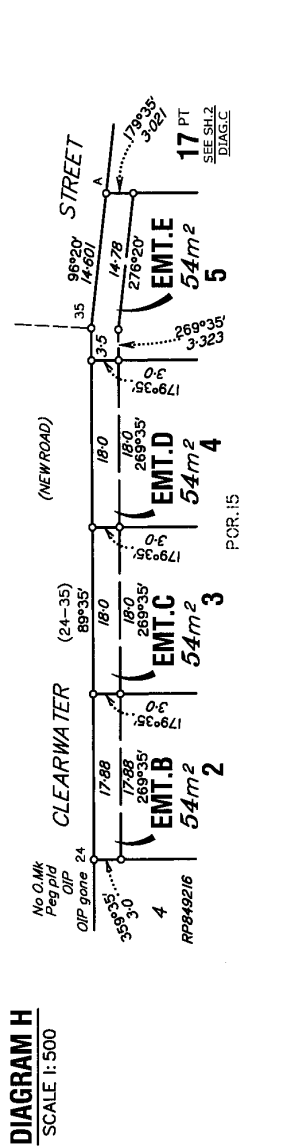
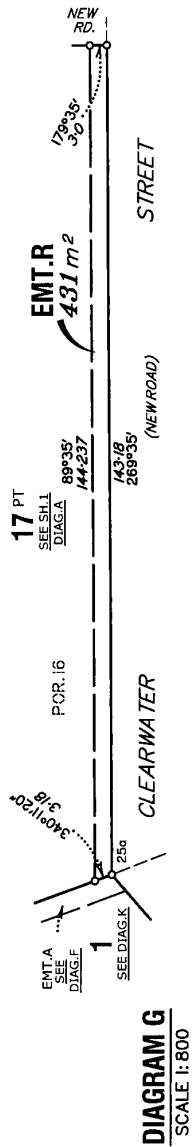
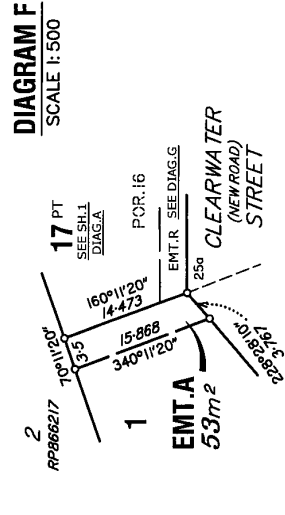
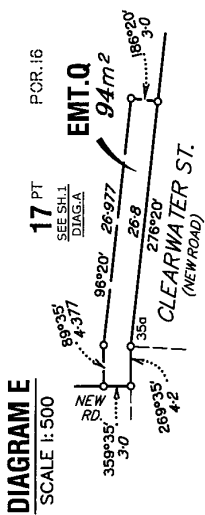
COPYRIGHT QUEENSLAND TITLES REGISTRY PTY LTD [2025]
Requested By: D-ENQ INFOTRACK PTY LIMITED

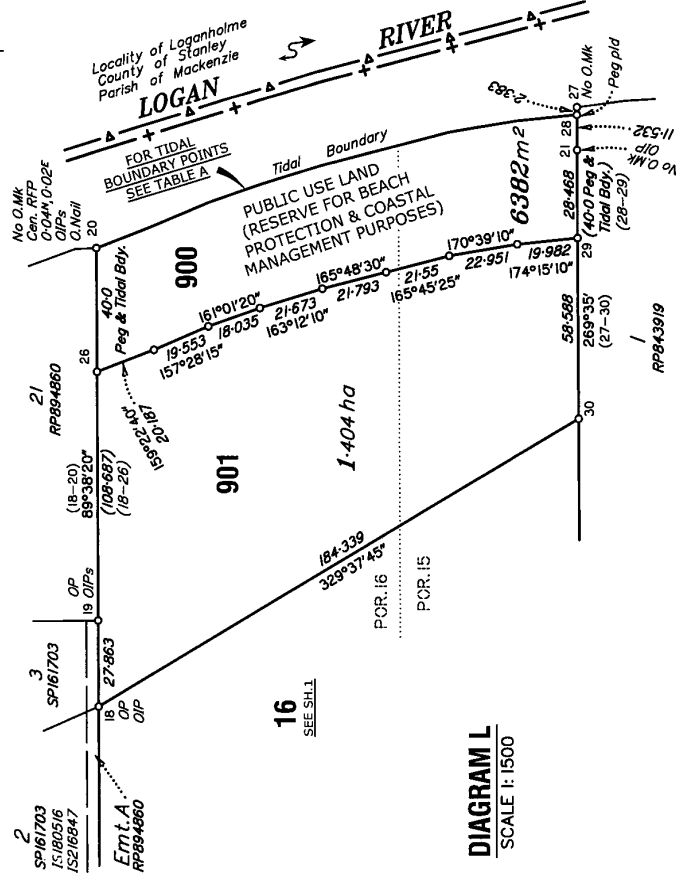


<p style="font-size: 24pt; font-weight: bold;">716756877</p> <p style="text-align: right;">\$2711.90 16/09/2015 12:22</p> <p style="font-size: 18pt; font-weight: bold;">BH 400 NT</p>		<p>WARNING : Folded or Mutilated Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.</p>																	
<p>1. Certificate of Registered Owners or Lessees.</p> <p>By/We <u>PHILIP USHER CONSTRUCTIONS PTY LTD</u> <u>ABN 38 011 008 101</u></p> <p>.....</p> <p>.....</p> <p>(Names in full)</p> <p>* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.</p> <p>* as Lessees of this land agree to this plan:</p> <p>Signature of *Registered Owners *Lessees:</p> <div style="text-align: center;">  FOR PHILIP USHER CONSTRUCTIONS PTY LTD ACN 011 008 101 ITS DULY CONSTITUTED ATTORNEY STEPHEN GEORGE TURNER UNDER POWER OF ATTORNEY No. 705047047 </div> <p>* Rule out whichever is inapplicable</p>		<p>5. Lodged by</p> <p>PHILIP USHER CONSTRUCTIONS PTY LTD P.O. BOX 1536 BROWNS PLAINS Q. 4118 PHONE 38001666 CODE 060A</p> <p>(Include address, phone number, reference, and Lodger Code)</p>																	
<p>2. Planning Body Approval.</p> <p style="text-align: center; font-weight: bold;">Logan City Council</p> <p>* hereby approves this plan in accordance with the: %</p> <p style="text-align: center; font-weight: bold;">Sustainable Planning Act 2009</p> <p>Dated this <u>NINETEENTH</u> day of <u>AUGUST 2015</u>.</p> <p> # <u>NICHOLAS BARBERIO</u> #</p> <p>* Insert the name of the Planning Body. % Insert applicable approving legislation. # Insert designation of signatory or delegation</p>		<p>6. Existing</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Title Reference</th> <th>Description</th> <th>New Lots</th> <th>Road</th> <th>Secondary Interests</th> </tr> </thead> <tbody> <tr> <td>18782101</td> <td>Lot 3 on RP866217</td> <td>1-19,500,900,901</td> <td>New Rd</td> <td>Emts A-Q-U</td> </tr> </tbody> </table> <p style="text-align: center; font-weight: bold;">MORTGAGE ALLOCATIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Mortgage</th> <th>Lots Fully Encumbered</th> <th>Lots Partially Encumbered</th> </tr> </thead> <tbody> <tr> <td>708579869</td> <td>1-19,500,901</td> <td></td> </tr> </tbody> </table>		Title Reference	Description	New Lots	Road	Secondary Interests	18782101	Lot 3 on RP866217	1-19,500,900,901	New Rd	Emts A-Q-U	Mortgage	Lots Fully Encumbered	Lots Partially Encumbered	708579869	1-19,500,901	
Title Reference	Description	New Lots	Road	Secondary Interests															
18782101	Lot 3 on RP866217	1-19,500,900,901	New Rd	Emts A-Q-U															
Mortgage	Lots Fully Encumbered	Lots Partially Encumbered																	
708579869	1-19,500,901																		
<p>3. Plans with Community Management Statement:</p> <p>CMS Number:</p> <p>Name:</p>		<p>7. Orig Grant Allocation:</p> <p>8. Map Reference:</p> <p style="text-align: center;">9542-42314</p> <p>9. Parish:</p> <p style="text-align: center;">BOYD</p> <p>10. County:</p> <p style="text-align: center;">WARD</p> <p>11. Passed & Endorsed:</p> <p>By: <u>Wolter Consulting Group Pty Ltd</u> Date: <u>20-11-2015</u> Signed:  Designation: <u>Liaison Officer</u></p>																	
<p>4. References:</p> <p>Dept File:</p> <p>Local Govt: <u>8842461</u></p> <p>Surveyor: <u>C897</u></p>		<p>12. Building Format Plans only.</p> <p>I certify that:</p> <p>* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.</p> <p>* Part of the building shown on this plan encroaches onto adjoining * lots and road</p> <p>Cadastral Surveyor/Director * Date * delete words not required</p> <p>13. Lodgement Fees:</p> <table style="width: 100%;"> <tr> <td>Survey Deposit</td> <td>\$</td> </tr> <tr> <td>Lodgement</td> <td>\$</td> </tr> <tr> <td>.....New Titles</td> <td>\$</td> </tr> <tr> <td>Photocopy</td> <td>\$</td> </tr> <tr> <td>Postage</td> <td>\$</td> </tr> <tr> <td>TOTAL</td> <td>\$</td> </tr> </table> <p>14. Insert Plan Number</p> <p style="text-align: right; font-size: 18pt; font-weight: bold;">SP258151</p>		Survey Deposit	\$	Lodgement	\$New Titles	\$	Photocopy	\$	Postage	\$	TOTAL	\$				
Survey Deposit	\$																		
Lodgement	\$																		
.....New Titles	\$																		
Photocopy	\$																		
Postage	\$																		
TOTAL	\$																		

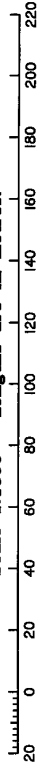
Sheet	of
2	5







Scale 1:1500 - Lengths are in Metres.



PERMANENT MARKS					
PM	ORIGIN	BEARING	DIST	NO	TYPE
5-PM		22°48'	1-465	19131	Mini Mark
9-OPM	SP159288	28°27'30"	188.915	87438	
31-PM		31°09'19"	3.9919v	L27389	Mini Mark

STN.	TO	ORIGIN	BEARING	DIST.
3	OIP	15229972	136°0'	13-833
4	OIP	15229972	277°48'	1-676
5	OIP	15229972	228°33'	0-84
5a	Pin		at	Station
6	OIP gone	RPB66217	250°0'120°	1-0
6	OIP gone	15229972	210°46'	7-122
6	OIP gone	15229972	210°43'	10-484
6	OIP in Bit gone	15229972	225°38'	15-381
7	Nail in Kerb		30°748'	1-408
8	OIP	RP117640	231°44'	3-28
8	OIP	15229972	227°948'	3-736
9	O Screw in Kerb gone	15229972	270°58'30°	25-83
9	Nail in Kerb		69°01'	2-318
9	O Star Pkt	15229972	90°17'10°	113-65
14	OIP	15229972	123°13'	2-4
16	OIP	15229972	76°25'	2-865
17	OIP	RPB94860	0°53'	0-948
17	OIP	SP161703	357°39'55°	0-778
18	OIP	RPB94860	177°24'	1-287
19	OIP	15229972	0°36'	1-77
19	OIP	RPB13487	269°38'20°	1-944
20	OIP	RPB94860	124°10'40°	10-073
20	OIP	RPB843919	179°59'40°	0-14
21	OIP	15229972	236°51'	3-7
22	OIP gone	15229972	118°01'	8-52
24	OIP		180°40'20°	13-009
24	Nail in Kerb		180°02'40°	11-714
24	Nail in Kerb		65°43'40°	10-647
31a	Nail in Kerb			
33				

TAB I F A

TABLE A		
TIDAL BOUNDARY POINTS	BEARING	DISTANCE
	159°22'40"	20.187
	157°28'15"	19.553
	161°01'20"	18.035
	163°02'10"	21.673
	165°48'35"	21.793
	165°45'25"	21.55
	170°39'10"	22.951
	174°01'30"	10.043

28

State copyright reserved.

Insert
Plan
Number

SP258151

SURVEY REPORT - SP258151

First New Plan of Survey – SMIA PART 7-Section 82

This Report is intended to support the redefinition of the Tidal Boundary of Lot 3 on RP866217, Parish of Boyd, County of Ward, (part of original portions 15 & 16), by establishing a "First New Plan of Survey". The survey is in accordance with current legislation, under Part 7 of the Survey and Mapping Infrastructure Act 2003 (SMIA).

INTRODUCTION

The intent of SP258151 is to redefine the Tidal Boundary of Lot 3 on RP866217. The land is currently owned by Philip Usher Constructions Pty Ltd. Under current Legislation we are required to determine the location of the Tidal Boundary of Logan River at law as part of the subdivision of this land. This report will address the requirements of ambulatory boundaries as per section 4.13 of the Cadastral Survey Requirements.

TENURE AND SURVEY HISTORY

The original land grants of Portions 15 and 16 as recorded on W31.2 allocated areas of 59acres (23.88ha) to portion 15 and 58acres (23.47ha) to Portion 16. This work being undertaken by surveyor W. Fryar in 1865.

The original deed describes the land as being partly bound by a tidal boundary, the Logan River.

However, due to age, fading of the drafting ink and damage/deterioration of the plan's paper/linen surface, the original plan and its scanned images are in parts illegible. Adding to the difficulty in deciphering this plan is the fact is that there is no accompanying field notes available to assist in this interpretation of the plan or field survey.

Portion 15 was subdivided into Lots (Subs) 1 to 4 by F.R. D'Arcy preparing RP8043 in March 1865. There are no field notes or ambulatory boundary resurvey other than boundary dimensions to the Logan River shown on this plan.

Lot 1 on RP8043 was re-subdivided into Lots 1 to 3 by surveyor C.J. Warner on RP8044 in December 1884. Lot 1 on this plan RP8044 has the ambulatory tidal boundary formed by the Logan River as its eastern boundary. There are no field notes/records available for this survey but it would appear that surveyor Warner defined this Logan River tidal boundary by field survey measured the with peg & traverse dimensions being shown on the plan.

Portion 16 was subdivided into Lots (Subs) 1, 2 & 3 by surveyor C.J. Warner on RP8050 in April 1884 and then Lots (Resub) 1 & 2 cancelling Lot 3 by RP8051. Again the surveyor was C.J. Warner and the plan is dated April 1884, but the plan appears to only define the Logan River as shown on RP8050 surveyed just prior. Again there are no field note/records to assist in the original ambulatory boundary definition.

Lot 2 on RP8051 and Lot1 on RP8044 have been further subdivided by RP813487 (dated 28-05-1992), RP849216 (dated 10-08-1992) respectively and finally merged and subdivided on RP866217 (dated 25-02-1994). Lot 3 on RP866217 (our subject lot) is a balance area. All 3 plans show the ambulatory tidal boundary as compiled from previous records (ie RP8044 and RP8051).

Application of Section 82 of the Survey & Mapping Infrastructure Act 2003 to the Tidal Ambulatory Boundary Definition

With no field notes/records available for the definition of the ambulatory (tidal) boundary available to suggest a particular topographic feature that was adopted during the original survey/s of the land, we can only assume but not clearly state the previous surveyor/s identified and adopted a natural feature for this Tidal Boundary.

SURVEY OF TIDAL BOUNDARY

Our Survey of Lot 3 on RP866217 has been determined based upon tidal boundary location criteria.

This plan adopts a boundary based on a well-defined, naturally occurring, stable top of bank of the Logan River.

Its location has been determined by field survey.

The adopted natural feature has been assessed against the tidal boundary location criteria in s.72, and:

1. It is not subject to tidal inundation under any combination of astronomical conditions and average meteorological conditions.
 - o This has been confirmed by a site inspection at high tide and recording of surface levels which observed that the feature adopted as the tidal boundary is situated well above the Highest Astronomical Tide.
2. It is on the landward side of any mangroves, sea grasses, salt grasses, salt marshes, saltpans, intertidal flats, tidal sand banks and other similar marine features.
 - o Mangroves (Marine Vegetation) are located approximately 7m east of the adopted tidal boundary.
3. The location of the tidal boundary is consistent with the public interest and has no adverse impact under any of the criterion listed in sec 4.14 of the Cadastral Survey Requirements.
4. The tidal boundary is in a stable location that is sustainable in the long term under normal seasonal events and does not require construction to keep it free from complete or partial inundation or obliteration.
5. The natural feature adopted is the top of a well-defined bank that is both naturally occurring and not man made.
6. At the intersection of the northern boundary and the tidal ambulatory boundary our definition of the natural feature (top of bank) is consistent with the location of the tidal ambulatory boundary defined by natural feature (top of bank) surveyed by BBH Pty Ltd on RP894860 and dated 11-04-1996.

CONCLUSION

The features are stable, clear of marine vegetation, beaches, mudflats and free from tidal inundation.

The features meet the requirements of current legislation and cadastral survey requirements.

State copyright reserved.

Insert Plan Number	SP258151
--------------------------	----------