

IDAS form 7—Reconfiguring a lot

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This form must be used for development applications or requests for compliance assessment for reconfiguring a lot.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement, unless otherwise identified on this form.

DOUGLAS SHIRE COUNCIL	
Received	
File Name	ROL SS13/2013
Document No.	
11 FEB 2014	
Assessment for reconfiguring a lot.	
Attention	
Information	

For all development applications, you must:

- complete IDAS form 1—Application details
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

For requests for compliance assessment, you must:

- complete IDAS form 32—Compliance assessment
- Provide any mandatory supporting information identified on the forms as being required to accompany your request

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form can also be completed online using MyDAS at www.dsdlp.qld.gov.au/MyDAS

Mandatory requirements

1. What is the total number of existing lots making up the premises? one

2. What is the nature of the lot reconfiguration? (Tick all applicable boxes.)

- ☒ subdivision—complete questions 3–6 and 11
- ☐ boundary realignment—complete questions 8, 9 and 11
- ☐ creating an easement giving access to a lot from a constructed road—complete questions 10 and 11
- ☐ dividing land into parts by agreement—please provide details below and complete questions 7 and 11

3. Within the subdivision, what is the number of additional lots being created and their intended final use?

Intended final use of new lots	Residential	Commercial	Industrial	Other—specify
Number of additional lots created				one (total of two) Marina & Waterfront I

4. What type of approval is being sought for the subdivision?

- ☒ Development permit
- ☐ Preliminary approval
- ☐ Compliance permit

5. Are there any current approvals associated with this subdivision application or request?
(E.g. material change of use.)

☐ No ☒ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)
MCU 3B 046/02	06/11/2007	21/11/2015

6. Does the proposal involve multiple stages?

☒ No—complete Table A ☐ Yes—complete Table B

Table A

- a) What is the total length of any new road to be constructed? (metres)
- b) What is the total area of land to be contributed for community purposes? (square metres)
- c) Does the proposal involve the construction of a canal or artificial waterway?
☒ No ☐ Yes
- d) Does the proposal involve operational work for the building of a retaining wall?
☒ No ☐ Yes

nil
not applicable

Table B—complete a new Table B for every stage if the application involves more than one stage

- a) What is the proposed estate name? (if known and if applicable)
- b) What stage in the development does this table refer to?
- c) If a development permit is being sought for this stage, will the development permit result in additional residential lots?
☐ No ☐ Yes—specify the total number
- d) What is the total area of land for this stage? (square metres)
- e) What is the total length of any new road to be constructed at this stage? (metres)
- f) What is the total area of land to be contributed for community purposes at this stage? (square metres)
- g) Does the proposal involve the construction of a canal or artificial waterway?
☐ No ☐ Yes
- h) Does the proposal involve operational work for the building of a retaining wall?
☐ No ☐ Yes

7. Lease/agreement details—how many parts are being created and what is their intended final use?

Intended final use of new parts	Residential	Commercial	Industrial	Other—specify
Number of additional parts created				Two Marine Industry

8. What are the current and proposed dimensions following the boundary realignment for each lot forming the premises?

Current lot			Proposed lot		
Lot plan description	Area (square metres)	Length of road frontage	Lot number	Area (square metres)	Length of road frontage

9. What is the reason for the boundary realignment?

10. What are the dimensions and nature of the proposed easement? (If there are more than two easements proposed please list in a separate table on an extra page and attach to this form.)

Width (m)	Length (m)	Purpose of the easement (e.g. pedestrian access)?	What land is benefitted by the easement?

Mandatory supporting information

11. Confirm that the following mandatory supporting information accompanies this application or request

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
All applications and requests for reconfiguring a lot		
<p>Site plans drawn to an appropriate scale (1:100, 1:200 or 1:500 are the recommended scales) which show the following:</p> <ul style="list-style-type: none"> the location and site area of the land to which the application or request relates (relevant land) the north point the boundaries of the relevant land any road frontages of the relevant land, including the name of the road the contours and natural ground levels of the relevant land the location of any existing buildings or structures on the relevant land the allotment layout showing existing lots, any proposed lots (including the dimensions of those lots), existing or proposed road reserves, building envelopes and existing or proposed open space (note: numbering is required for all lots) any drainage features over the relevant land, including any watercourse, creek, dam, waterhole or spring and any land subject to a flood with an annual exceedance probability of 1% any existing or proposed easements on the relevant land and their function all existing and proposed roads and access points on the relevant land any existing or proposed car parking areas on the relevant land the location of any proposed retaining walls on the relevant land and their height the location of any stormwater detention on the relevant land the location and dimension of any land dedicated for community 	<input checked="" type="checkbox"/> Confirmed	

<p>purposes</p> <ul style="list-style-type: none"> the final intended use of any new lots. 		
<p>For a development application – A statement about how the proposed development addresses the local government's planning scheme and any other planning documents relevant to the application.</p> <p>For a request for compliance assessment – A statement about how the proposed development addresses the matters or things against which the request must be assessed.</p>	<input checked="" type="checkbox"/> Confirmed	
<p>A statement addressing the relevant part(s) of the State Development Assessment Provisions (SDAP).</p>	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
<p>For an application involving assessable development in a wild river area</p>		
<p>Documentation that:</p> <ul style="list-style-type: none"> describes how the development to which the application relates is not prohibited development and demonstrates how the proposed development will meet the requirements set out in the relevant wild river declaration and any applicable code mentioned in the relevant wild river declaration under the <i>Wild Rivers Act 2005</i>. 	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
<p>A map showing the proposed location of the development in relation to any nominated waterways under the <i>Wild Rivers Act 2005</i> and wild river management areas. (a map may be produced digitally at www.ehp.qld.gov.au/wildrivers/wildrivers-map.php).</p> <p>Wild river management area means any of the following areas under the <i>Wild Rivers Act 2005</i>:</p> <ul style="list-style-type: none"> special floodplain management area preservation area high preservation area floodplain management area subartesian management area designated urban area. <p>Editor's note: A floodplain management area, subartesian management area or designated urban area may be over all or part of a high preservation area or preservation area. A subartesian management area or designated urban area may be over all or part of a special floodplain management area.</p>	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	

Notes for completing this form

- For supporting information requirements for requests for compliance assessment, please refer to the relevant matters for which compliance assessment will be carried out against. To avoid an action notice, it is recommended that you provide as much of the mandatory information listed in this form as possible.

Privacy—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

OFFICE USE ONLY

Date received

Reference numbers

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

Port Douglas Master
Fisherman's Association Inc
PO Box 47
Mossman 4873
10th February 2014

The Chief Executive Officer
Douglas Shire Council
64-66 Front Street
Mossman 4873

Dear Sir,

Proposed Reconfiguration of Lot 1 SP262338 into 2 lots Port Douglas

We refer to the above Application and to more recent discussions with Ms Elphinstone.

With reference to those discussions we provide the following advices:-

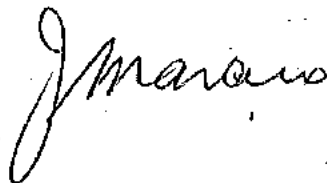
- (i) The attached advice issued by Council on 19th December 2011 contains a copy of the relevant approved plan detailing the staging of the development and the development generally. It is plan Q014043 TP1 as identified by Council and is part of a series of plans prepared for us at the time.
- (ii) An amended proposed development Plan removing proposed easement C is attached. Easement B will be registered separately by ERGON in the near future and relates to a "pad mount" transformer on the site. The plan details new areas and an amended "water line" boundary.
- (iii) The term lease for Lot 3 has now issued and is attached and as indicated the registering authority in condition U46 ties the lot to Lot 1. As indicated in the planning report we would be supportive of a DA condition which likewise maintains "waterfront access" for both of the proposed new lots.
- (iii) Revised Form 7 is attached and we note from part 2 that sections 3-6 and 11 are required to be completed and this has been done.

Included is our cheque to cover further application fees for the extra lot.

Please contact project officer Terry Melchert mob 0419741214 should you require any further information.

Yours faithfully

J Marano (Director)



ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF:
OUR REF: 8/37/149 (MCU 3B 046/02)
(3434789)

19 December 2011

Port Douglas Master Fishermen's Association Inc
PO Box 47
MOSSMAN QLD 4873

Dear Sir/Madam

**DECISION NOTICE RE CHANGES TO EXISTING APPROVAL AND REQUEST
TO EXTEND RELEVANT PERIOD FOR: DEVELOPMENT APPLICATION FOR
DICKSON INLET PORT DOUGLAS**

With reference to the abovementioned Request to Extend Relevant Approval please be advised that the Acting General Manager under Instrument of Delegation approved this request for four (4) years up to 21 November 2015. Please find attached the relevant Decision Notice relating to request To Change an Existing Approval which was also approved under Instrument of Delegation.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4099 9457.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att.

APPLICANT DETAILS

Port Douglas Master Fishermen's Association Inc
PO Box 47
MOSSMAN QLD 4873

ADDRESS

Dickson Inlet Port Douglas

REAL PROPERTY DESCRIPTION

Lot A on N808245

PROPOSAL

Marina & Waterfront Industry

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

19 December 2011

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

Environmental Health Services
Cairns Regional Council

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

None

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

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DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

That conditions on Development Permit MCU 3B 046/02 be amended as follows:

1. That condition 4.9 be amended to read:

4.9 A sewerage reticulation design incorporating pump stations, property sewers, design flows, pipe sizes, grades pump rates, catchments, and pressure main hydraulics is to be submitted to Council for Operational works approval. All works must be designed and constructed in accordance with the FNQROC Development Manual.

2. That condition 4.11 be amended to read:

4.11 Waste water generated by the proposed development must be discharged to Council's sewer in accordance with the Environmental Protection Act 1994. As-constructed details of the existing external sewer from the site to council's sewer in Wharf Street must be provided with Operational Works submission.

3. That condition 4.13 be amended to read:

4.13 The water reticulation design shall be submitted for approval at Operational Works stage. The water reticulation infrastructure including private property water mains must be designed and constructed in accordance with the FNQROC Development Manual.

4. That condition 4.15 be deleted:

~~4.15 The developer must provide a registered engineer who must be in attendance at all times when backfilling of trenches for mains outside the private property is carried out. All fittings including bends, tapping bands, etc, must all be measured by the registered professional engineer and recorded on the 'As Constructed' plan.~~

5. That condition 4.17 be deleted:

~~4.17 Mains shall be designed and constructed in accordance with Water Resources Guidelines for the Planning and Design of Urban Water Supply Schemes and to the following particular Council requirements:~~

- ~~a) All road crossings must be laid and backfilled before gravel pavement is placed.~~
- ~~b) Mains are to be laid within the road reserve of Port Street.~~
- ~~c) Hydrant indicator posts are to be in accordance with Council's specification.~~

~~All pipes, fittings and rubber rings shall be tested by Water Resources or an approved testing authority.~~

6. That the following conditions be added:

Sewerage

4.43 Precast manholes and pump station units not yet constructed at the time of this approval to extend the relevant period are not permitted for use on this development.

Sewer Easement

4.44 Create an easement in favour of Council over any Council sewerage infrastructure located within the site to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement document must be submitted to Council for the approval by Council's solicitors at no cost to Council.

The approved easement document must be lodged and registered with the Department of Environment and Resource Management prior to the Commencement of Use.

Inspection of Sewers

4.45 CCTV inspections of all constructed sewers (including property sewers) must be undertaken. An assessment of the CCTV records must be undertaken by the developer's consultant and a report along with the footage submitted to Council for approval. Identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use.

Damage to Infrastructure

4.46 In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Water & Waste, at the developer's cost, prior to the Commencement of Use.

Refuse Storage

4.47 Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from CRC Water & Waste.

Liquid Waste Disposal

4.48 Trade waste discharge to sewer must meet the requirements of CRC Water and Waste's Trade Waste Environmental Management Plan (TWEMP).

A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

The applicant must have all measures for pre-treatment installed prior to commencement of use.

FNQROC Development Manual

4.49 All construction/operational works are to be in accordance with FNQROC Development Manual requirements and are subject to the associated application procedures.

2. All other conditions of the Decision Notice for MCU 3B 046/02 dated 6 November 2007 (attached) remain unchanged.

RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1 ORIGINAL NEGOTIATED DECISION NOTICE



PREPARED BY: Louise Styrke - A/Manager
DEPARTMENT: Planning Services Section - SP (07) 4039 9416
EMAIL: planning@deh.qld.gov.au

DECISION NUMBER: MCU 3B 046/02
FOURTH

Port Douglas Master Fisherman's Association
C/- S & J Marano
PO BOX 47
MOSSMAN QLD 4873

6th November 2007

INTEGRATED PLANNING ACT
NEGOTIATED DECISION NOTICE
CHANGE OF CONDITIONS

Applicant's Name	:	Port Douglas Master Fishermans Association
Owner's Name	:	Pacific Fuel Services Pty Ltd
Proposal	:	Material Change of Use of Premises for purposes of a Marina and Waterfront Industry.
Application Number	:	MCU 3B 046/02
Site Address	:	Dickson Inlet, Port Douglas
Property Description	:	Lot A on SR808245 being part of Lot 122 on CP890172; S1.09/1821:PT Reserve 177, Parish of Salisbury, County of Sulander

This Decision Notice for Change of Conditions replaces the Negotiated Decision Notice dated 28 November 2003. Conditions 4.1, 4.4, 4.7, 4.28 and 4.41 have been amended and a new Condition 4.41 has been added. Conditions 4.3 and 4.5(c) have been deleted. All other conditions remain unchanged.

.../2

ADMINISTRATION CENTRE
(ALL DEPARTMENTS)
64-66 FRONT STREET, MOSSMAN

PHONE (07) 4099 9444 FACSIMILE (07) 4099 2902
INTERNET www.deh.qld.gov.au

ALL COMMUNICATIONS TO BE
ADDRESSED TO:
THE CHIEF EXECUTIVE OFFICER
P.O. BOX 357
MOSSMAN, QLD 4873

LIBRARY 14 MILL ST., MOSSMAN

PHONE (07) 4099 9400 FACSIMILE (07) 4099 3206

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SUSTAINABLE PLANNING ACT 2009

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1. Decision: Decision Date: 27th November 2003

Approved subject to Conditions

2. Type of Development Approval:

Material Change of Use

Development Permit

3. Referral Agency:

Douglas Shire Council
PO Box 357
MOSSMAN QLD 4873

Attn: Environmental Health Services Section

4. Conditions

Plan of Development

- 4.1 The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development:

- a) are to be generally in accordance with the plan titled "General Arrangement" Drawing No Q014043/CO1/CO2 and
- b) may be carried out in stages with the first stage of the use being generally shown on drawing No. Q014043 TPI.

Amenity

- 4.2 The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the business and so as not to adversely affect any other property.

~~Regenerative Works (deleted)~~

- 4.3 ~~The applicant shall commission a qualified environmental scientist to undertake a review of the causes of the mangrove die-back on the south east boundary of the subject lease. A report identifying the probable causes, and recommended ameliorative measures, relating to the mangrove dieback is to be submitted to Council with the landscape plan referred to in condition number 4.4 of this approval.~~

Landscaping & Fencing

- 4.4 The applicant shall prepare a detailed landscaping plan for the subject site. This landscaping plan is to be designed in accordance with the requirements of the

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Planning Scheme and Local Planning Policy No.4 - Landscaping. This plan shall be submitted to Council for consideration and approval.

- 4.5 The landscaping plan submitted with the proposed development, titled 'Landscape Concept', dated 30 July 2003 and prepared by Landscape is to be amended as follows -

- a) The following species listed on the Proposed Plant Schedule are not endemic to the Port Douglas area and should **NOT** be used in the landscape plan.

- *Carpentaria acuminata*
- *Casuarina inophloia* (*C. equisetifolia* to be used)
- *Pandorea jasminoides*
- *Pennisetum alopecuroides*

- b) Based on the species proposed in the plant schedule the following have been identified as being suitable for use in the landscape area on this site as they will tolerate the harsh conditions. These species **SHOULD** be the dominant species used in the landscape plan.

- *Crimum pandiculatum*
- *Cynometra iripa*
- *Deplanchea tetraphylla*
- *Heritiera littoralis*
- *Ipomoea pes-caprae*
- *Randia fitzlandii*
- *Scaevola sericea* (staccato)
- *Vitex ovata*

- c) ~~The landscape plan is to include regenerative measures for the mangrove die-back area as recommended in the report required in Condition number 4.3 of this approval.~~

The amended plan is to be submitted to Council for Operational Works approval

- 4.6 The landscape areas adjoining the car parking area shall be protected from vehicles by a 150mm high vertical concrete kerb or similar obstruction.
- 4.7 The landscaping shown on the approved plan is to be completed in stages. Before development in that stage may be occupied, the landscaping for that stage is to be completed and maintained thereafter.

Footpath Damage Liability

- 4.8 All damage occasioned to footpaths and roadways adjacent to the site as a result of or in connection with this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

Sewerage

- 4.9 A sewerage reticulation design incorporating pump stations, design flows, pipe sizes, grades, pump rates, catchments and pressure main hydraulics is to be submitted to Council for Operational Works approval.
- 4.10 Other than that approved, no additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.
- 4.11 First flush (first 20mm of rainfall) waste water generated by any maintenance bays, wash down bay, dry storage bays, bulk fuel delivery bay and unregulated waste storage bay of the proposed development must be discharged to Council's sewer in accordance with the Environmental Protection Act 1994 plans and specifications to be included at Operational Works stage.
- 4.12 The unregulated waste storage area must be located within the development site and be screened from the road frontage. The location of this storage area must be indicated on plans submitted for Operational Works approval.

The unregulated waste storage area must:

- (a) Contain an impervious surface for the storage of waste containers suitably screened so as not to be visible from adjoining properties or the road reserve;
- (b) Include a stop cock and stormwater diversion valve at the drainage point;
- (c) Contain two industrial waste bins of nominal capacity 1500 litres and not less than two 240 litre bins.
- (d) Drain into a sewerage inlet.

Refuse storage, removal and collection methods shall be in accordance with the *"Environment Protection (Interim Waste) Regulations 1996"* Water

- 4.13 The water reticulation design shall be submitted for approval at Operational Works stage.
- 4.14 The Council will make all connections to existing main. The developer is to prepay to the Council the estimated cost of the connection of the new main to the existing system. The applicant will be responsible for meeting the actual cost of the work.
- 4.15 The developer must provide a registered engineer who must be in attendance at all times when backfilling of trenches for mains outside the private property is carried out. All fittings including bends, tapping bands etc, must all be measured by the registered professional engineer and recorded on the 'As Constructed' plan.
- 4.16 The developer is responsible for the external works to connect the site with Council's water supply at a point specified at Operational Works stage.

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4.17 Mains shall be designed and constructed in accordance with Water Resources Guidelines for the Planning and Design of Urban Water Supply Schemes and to the following particular Council requirements:

- a) All road crossings must be laid and backfilled before gravel pavement is placed.
- b) Mains are to be laid within the road reserve of Port Street
- c) Hydrant indicator posts are to be in accordance with Council's specification.

All pipes, fittings and rubber rings shall be tested by Water Resources or an approved testing authority.

4.18 Prior to connection of the new work by the Council, the developer's Engineer shall certify that:-

- a) All mains have been satisfactorily pressure tested in accordance with the water resource guidelines.
- b) All mains have been cleared and sterilised by chlorination to his satisfaction.

4.19 The mains shall be maintained by the developer for a period of twenty four (24) months after completion of the work. In the event of urgent maintenance work being carried out by the Council at the subdivider's expense.

4.20 The Developer is to provide appropriate sized water metres for all town water entering the development.

Electrical & Telephone Services

4.21 Prior to the commencement of the use the developer must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:

- (a) an underground electrical supply to the lot; and
- (b) street lighting in accordance with Council's adopted standards.
- (c) locating of all above ground transformer cubicles clear of footpath and parkland areas.

Prior to the commencement of the use, the Applicant must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:

- (a) an underground telephone service to the lot; and
- (b) locating of all above ground switching station cubicles clear of footpath and parkland areas.

4.22 The developer shall provide underground electricity to the development in accordance with Ergon Energy requirements. It shall be the developer's

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responsibility to provide tapered tubular steel light posts within the road reserve at locations as directed by Ergon Energy.

Road Construction

- 4.23 The thickness of pavement gravel will be determined at Operational Works stage after soaked C.B.R. tests have been carried out on subgrade. The minimum depth of pavement shall be 200mm compacted.
- 4.24 The access road serving the development shall have hot mixed asphalt pavement, 30mm mix complying with Department of Transport's Hot Mixed Asphalt Pavement Specification (11.09 8/88). Port Street access handle is to be constructed to an 8.0m wide bitumen surface.
- 4.25 The developer shall upgrade the intersection of Port and Wharf streets in accordance with the requirements of *QLD Streets 1995*. The intersection is to be widened to incorporate two lanes entering and exiting the service road. Designs and specifications are to be approved by Council at Operational Works stage.
- 4.26 The developer shall undertake revegetation of road embankment batters utilising indigenous species compatible to the surrounding environment. This revegetation shall be included in the landscape plan submitted for Operational Works approval.

Traffic Management and Carparking

- 4.27 The ingress/egress to the site shall be provided with a physical means of speed control. This speed control device shall be shown on the plans submitted for Operational Works approval and shall be constructed prior to the use commencing and maintained at all times.
- 4.28 The applicant shall provide bollard lighting at the property boundary to indicate access to the site. This lighting shall be installed prior to the commencement of the use.
- 4.28 All car parking areas shall be constructed, sealed, drained and line marked to the satisfaction of Council. A minimum of 12 car parking spaces shall be provided to and constructed in stages in accordance with approved plans of development Q014043 TPI as follows:
 - Stage 1(a) - 18 car parking spaces
 - Stage 1(b) - minimum of 14 car parking spaces.Car parking shall be maintained in a safe, serviceable condition throughout the life of the use.
- 4.29 Where a refuse collection service is to be provided to collection points within the development, the internal road construction should allow for use by multi axle trucks with a total capacity of 24 tonnes. A minimum road width of 3.5 metres is required, with a minimum turning circle of 10.3 metres and an adequate corner curves are to be included suitable for the passage of such vehicles.

Drainage

- 4.30 All stormwater run-off from non-pervious surfaces occurring on the site must be collected within the lease boundary and discharge, excluding roofwater, to the legal and practical point of discharge via the storm water quality improvement devices (SQIDs) as identified on figure E3 dated 10/11/2003 (attached).
- 4.31 The subject site must be graded so that it drains freely to the storm water quality improvement devices as shown on figure E3 dated 10/11/2003 (attached).
- 4.32 Drainage easements and/or reserves as deemed necessary following submission of engineering drawings and designs are to be registered in Council's favour at no cost to the Council.
- 4.33 The calculated design frequency for all storm water drainage shall be determined on a five year recurrence interval and all relevant design data shall be submitted with the engineering drawings.

Acid Sulphate Soils

- 4.34 The developer shall dispose of acid sulphate soils or potential acid sulphate soils in accordance with the Queensland Acid Sulphate Soils Investigation Team (QASSIT) Guidelines.
- 4.35 The developer shall provide Council a certificate from a certified engineer indicating that the disposal of the acid sulphate soils or potential acid sulphate soils has been undertaken in accordance with the QASSIT guidelines prior to the commencement of the use.
- 4.36 The transport route for the disposal of the acid sulphate soils or potential acid sulphate soils shall be identified on a plan lodged with Council for approval at Operational Works stage.

Dredging

- 4.37 The developer shall gain approval from the Environmental Protection Agency for the section 86 and 67 applications referring to dredging works prior to the commencement of works onsite.

Engineering Drawings and Designs

- 4.38 Full engineering drawings, prepared and/or checked by a Registered Professional Engineer, shall be submitted for all road works, stormwater drainage and lot improvement at Operational Works Application stage. Drawings should, in general, include the following:

- (a) locality plan;
- (b) layout and staging plan, where applicable;
- (c) earthworks plan;

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- (d) layout plan for each new road;
- (e) longitudinal section of each road;
- (f) cross sections for each road, including standard cross sections;
- (g) detailed plan of each intersection and cul-de-sac head where longitudinal grades do not exceed 1%;
- (h) layout plan for each stormwater drainage;
- (i) longitudinal sections for each stormwater drain line;
- (j) details for non-standard drainage structures;
- (k) Sewerage Reticulation Plan;
- (l) Water Reticulation Plan;
- (m) Erosion and Sediment Control Strategy;
- (n) The location, extent and proposed treatment of acid sulphate soils on the site;
- (o) Service providers conduit plan, including street lighting; and
- (p) Such other details for the proper construction of the works i.e. retaining walls etc.

4.39 The developer is responsible for the external works to connect the site with Council's sewerage reticulation system at a point of discharge specified by the Director of Engineering Services.

Compliance

4.40 All works required pursuant to the above conditions shall be undertaken and completed in accordance with Council's requirements contained in the Planning Scheme Provisions/Codes and Council's engineering standards.

4.41 All conditions relevant to each stage shall be complied with prior to the occupancy of any building or the commencement of the approved use for that stage.

Security

4.42 Payment of \$150,000.00 security bond is required prior to the issue of a development permit for building work. The bond may be in the form of cash or an irrevocable bank guarantee issued by a major trading bank operating within Australia. Council will not accept a guarantee, which has a termination date. The purpose of the security is to guarantee the satisfactory completion of building, site works, landscaping, drainage works and any required works external to the land.

Currency Period

4.43 This development approval lapses 4 years after the day that this development approval takes effect, unless extended under Section 3.5.22 of the *Integrated Planning Act 1997*.

Mangrove Remediation

4.44 Within two (2) years of the issuing of the amended Decision Notice (Change of Conditions), the applicant is to demonstrate to Council in written documentation that the construction of the drainage pipes recommended in the Natural Resource

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Assessment report (dated 22/12/2003) (Attachment A) has facilitated the recolonisation of the identified mangrove dieback area to the satisfaction of the Department of Primary Industries and Fisheries. To ensure the successful recolonisation of the identified mangrove dieback area, the developer shall lodge with Council a Cash Bond or Guarantee to the value of \$7,500. Such guarantee shall be lodged prior to the commencement of the approved use if recolonisation has not been adequately demonstrated and will be returned on receipt of the required documentation.

General Advice

You are advised that the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* applies to proposed activities likely to have a significant impact on the matters of 'national environmental significance', including world heritage properties. Such activities may require approval under this Act prior to any works being undertaken. Further information on the Act can be obtained from Environment Australia's Community Information unit (1800 803 772) or from the following website www.environment.gov.au/epbc. EPBC Act Administrative Guidelines on Significance (July 2000) are available to assist people in deciding whether activities are likely to need consideration under the Act.

You are advised that the taking of water, or interfering with water from streams or groundwater sources will require a permit administered under the *Water Act 2000* and issued by the regional office of the Department of the Natural Resources and Mines. The related infrastructure will/may require an approval for operational works pursuant to the *Integrated Planning Act 1997*. Further information can be obtained from the Department of Natural Resources and Mines at Cairns, Telephone 4039 8275.

Marine Plants

Advice

1. Prior to the removal of marine plants the applicant must gain a permit to remove, destroy or damage marine plants pursuant to section 51 of the Fisheries Act 1994.

Landscaping

Advice

1. The species selected are determined by a listing defining a thorough vegetation analysis of ecological communities within a close proximity and relative to the same soil type as located at the project site. Council has this information on database and can provide this to the applicant.
2. Where possible, species of local provenance must be sought and utilised. All effort must be expended to ensure that this integrity is maintained. Where the securing of some species of local provenance is not possible, the responsible persons must liaise with Council's Technical Officer of Parks and Recreation and disclose the difficulties encountered thus ensuring that every avenue of procurement has been exhausted.

3. There are a number of other species that are suitable to be used on the site that are already growing onsite which would be preferable to use which the landscape architects have not considered. It is recommended that these be incorporated into the landscape plan as they are tolerant to the conditions

- *Melaleuca leucodendron* *
- *M. quinquenervia* *
- *M. dealbata* *
- *M. viridiflora* *
- *Paroschinus falcatus*
- *Hibiscus tiliaceus* *
- *Casuarina equisetifolia*

* Note caution should be used in planting these trees near buildings or structures. A minimum of ten meters should be maintained between the tree and the building to avoid root damage, especially if a dense row of trees is planted. However these species should still be incorporated in the landscape if possible.

Flammable Liquids

Advice

1. The storage of flammable and combustible liquids must be in accordance with the *Building (Flammable and Combustible) Liquids Regulation 1944*.
2. The storage of chemicals of more than 10m³ amounts to an environmentally relevant activity (ERA), which requires a further development approval under the *Integrated Planning Act 1997* and an environmental authority under the *Environmental Protection Act 1994*.
3. You are advised that the taking of water, or interfering with water from streams or groundwater sources will require a permit administered under the *Water Act 2000* and issued by the regional office of the Department of the Natural Resources and Mines. The related infrastructure will/may require an approval for operational works pursuant to the *Integrated Planning Act 1997*. Further information can be obtained from the Department of Natural Resources and Mines at Cairns, Telephone 4039 8273.
4. The provision of the *Integrated Planning Act 1997*, the *Building Act*, the *Fire Safety Act*, the *Health Act*, the *Food Act 1981* and all other relevant Acts and Regulations and the Local Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.

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5. The issue of this Development Approval in no way implies building approval, either in principle or in detail, of any plans or the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate Building Application in accordance with the Council's Local Laws.

Advertising Signage

Advice

1. Any on-site signage is to comply with the relevant requirements of s8.16 of the Douglas Shire Planning Scheme gazetted Dec 1996 or any amendments relating to signage from time to time.

Road Works

Advice

1. Road works involved with the development shall be maintained by the developer for a period on twenty four (24) months after the completion of work. In the event of urgent maintenance work, Council will carry out the work at the developers expense.

5. Concurrence Agency Conditions

Relevant Laws:	Environmental Protection Act and subordinate legislation and Policies
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Development Description:

Carrying out Environmentally Relevant Activities:

73(a) - Marina for less than 20 berths or moorings.

11(a) - Crude oil or petroleum storage in tanks or containers having a combined storage capacity 10,000L or more but less than 500,000L.

69 - Boat maintaining or repairing facility.

23(a) - Abrasive blasting at a permanent location.

25(a) - Metal surface coating having an annual throughput of metal products less than 2000T

At the following place:

Lot A SR808245 Parish of Salisbury, County of Solander.

Located at:

Un-named service road off Port Street, Port Douglas, Qld 4871.

Schedule A - General

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Schedule B	-	Air
Schedule C	-	Water
Schedule D	-	Noise
Schedule E	-	Fuel Storage and Handling
Schedule F	-	Acid Sulphate Soils
Schedule G	-	Waste
Schedule H	-	Definitions

Schedule A - General

Prevent and/or minimise likelihood of environmental harm.

- A1 In carrying out the environmentally relevant activities the holder of the development approval must ensure that all reasonable and practicable measures to prevent and/or to minimize the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, or negligently, may cause environmental harm in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this approval.

NOTE: This approval authorises the environmentally relevant activities. It does not authorise environmental harm. Where there is no condition or the approval is silent in manner, the lack of a condition or silence shall not be construed as authorising harm.

Maintenance of measures, plant and equipment.

- A2 You must:

- install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
- maintain such measures, plant and equipment in a proper and efficient condition; and
- operate such measures, plant and equipment in a proper and efficient manner.

Training of staff and users of facilities.

- A3 The holder of the development approval must ensure that all staff, contractors and people using this facility are trained so that they have the appropriate skills and knowledge to be able to comply with the conditions of this approval and any Environmental Management Plan or Procedures that are in place.
- A4 A record of staff, contractors and customers that have received training must be kept on site for inspection by an authorised officer.

Monitoring and measurements

- A5 All monitoring, assessments, sampling and field tests to be carried out in compliance with the conditions of the development approval and your Environmental Management Plans and Procedures must be done by a person or body possessing appropriate experience and qualifications to perform the required determinations and the required measurements.

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Notifications of Emergencies, Incidents and Exceptions

- A6 You must, as soon as practicable after becoming aware of:
- a) any emergency or incident which results in the release of contaminants not in accordance with the conditions of this development approval; or
 - b) any monitoring results that indicates an exceedance of any development approval limit, notify the administering authority of the release by telephone or facsimile.

Environmental Management Plans

- A7 The submitted Draft Environmental Management Plan (Construction), Draft Environmental Management Plan (Operational), Draft Environmental Control System and Draft Waste Management System (Operational) must be amended only where appropriate to take into account the conditions contained within this development approval or otherwise to the prior approval of the concurrence agency.
- A8 The amended Environmental Management Plans and Procedures (specified in A7) must be approved by the administering authority prior to the commencement of any work.
- A9 The approved Environmental Management Plans and Procedures must be implemented in full from the commencement of construction of the activities.
- A10 All Environmental Management Plans and Procedures must provide for the review and continual improvement in the overall environmental performance of all environmental relevant activities that are carried out.

Schedule B - Air

- B1 The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any odour sensitive place.
- B2 The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any dust sensitive place.
- B3 Exceedance of any of the following levels when measured at any dust sensitive place is an environmental nuisance for the purposes of B.2.
- a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with AS 3580.10 of 1991; or
 - b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a dust sensitive place, when monitored in accordance with:
 - (i) AS 3580.9.6 Ambient air - Particulate matter - determination of suspended particulate PM10 high volume sampler with size selective inlet - Gravimetric method; or

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- (ii) any alternative method of monitoring PM10 which may be permitted by the Air Quality Sampling Manual as published from time to time by the Environmental Protection Agency.

- B4 Any abrasive blasting, spraypainting or spray application of anti-fouling agents must be carried out in a permanent and approved enclosure (paint shed) constructed for those purposes. The enclosure shall be effectively sealed to prevent any escape of airborne contaminants and be provided with a filtered exhaust system adequate to remove airborne contaminants and to satisfy workplace health and safety requirements.
- B5 Where an abrasive medium is used as part of the abrasive blasting process, the medium that is used must be "gunnet".
- B6 Running and idling of motors and engines must be kept to a minimum and generally only occur if needed for servicing purposes or to enter and exit the marina.
- B7 No incineration or open burning is to be carried out at the site.
- B8 Only isocyanate free paints are to be used on site.

Schedule C - Water

Construction

- C1 All works must be undertaken in line with Element E3 of the Draft Environmental Management Plan (Construction).
- C2 Construction works undertaken in Dickson Inlet such as pile driving, etc, must be contained within a silt curtain.
- C3 All water quality monitoring results undertaken in line with Table E3 of the Draft Environmental Management Plan must be faxed through to Douglas Shire Council at the end of each week of construction. If any test result falls outside the parameters set in table E3 or turbidity levels exceed 20 NTU then the Douglas Shire Council must be notified as soon as is practicable.
- C4 Excavation of the proposed fuelling/loading/unloading basin shall be, as far as is practicable, undertaken using land based excavation plant, leaving a bank between the excavation and Dickson Inlet.

Operational

- C5 All surfaces of the site other than landscaped areas are to be sealed.
- C6 All areas of the facility where washdown and boat repairs will occur, or where there is potential for water to become contaminated, must be bunded or suitably graded to prevent contaminated water running offsite, except when the discharge exceeds that corresponding to a five year recurrence interval discharge.
- C7 The areas that are bunded or suitably graded to prevent stormwater runoff (C.6) must drain to a silt trap and a stormwater quality improvement device (SQID) for treatment.

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The silt trap and SQID must be capable of separating out all collected sediment, hydrocarbons and other potential toxicants such as biocides and heavy metals, using best available technology not exceeding excessive costs. Stormwater drainage from roofs may be discharged to Dickson Inlet.

- CR The silt trap and SQID must be capable of treating a flow of at least the equivalent of the catchment's first 20mm of rainfall without any bypass. Where a rainfall exceeds the capacity of the silt trap and SQID it shall not resuspend any previously captured pollutants.
- CD Contaminated water that has been treated by the SQIDS serving the washdown bay, dry storage bays, bulk fuel unloading bay, maintenance areas and any work areas where stormwater may become contaminated must then be pumped to Douglas Shire Council's saline sewage treatment plant for further treatment and disposal. This must be done to the satisfaction of Council's Engineering Services Department – for further information contact Peter Cymbala on 40999460. Water that has been treated by SQIDS serving areas other than those nominated above may be discharged to the legal point of stormwater drainage.
- C10 The SQID must be cleaned out on at least a six monthly basis or more frequently as required.
- C11 A record is to be kept on site of the date the SQID was cleaned and the name of the person/business performing the cleaning and collecting the waste.
- C12 No scraping or cleaning of hulls is to be carried out outside the nominated wash down bay or dry storage/maintenance bays.
- C13 Vessels that have any part or section coated or treated with TBT (Tributyltin) shall not be accepted at this facility. All reasonable tests and investigations must be carried out to ensure that this condition is complied with.
- C14 Roller or brush application of paints and anti-fouling agents are only to be done within the enclosed shed or hardstand bays that are drained to the SQID. In addition, groundsheets are to be used to catch spills and drips which shall be collected and stored in the waste storage area for disposal.
- C15 All uncontaminated stormwater from offsite, from roofs or from uncontaminated areas must be directed away from or around contaminated areas.
- C16 A concrete pad must be provided to the bulk fuel unloading area. The pad must be graded to inlet pits sufficient to prevent any contaminants running off site. The inlet pits are to be constructed and installed in line with drawing number QSK99C02. All discharge from the separator must be pumped to Council's sewage treatment plant.
- C17 Any vessel moored at the marina or using its facilities shall not discharge any bilge water or effluent to Dickson Inlet.
- C18 Effluent pump out facilities are to be provided at the marina. This effluent is to be pumped and discharged to Douglas Shire Council's saline sewage treatment plant to the satisfaction of Council's Engineering Services. It will be acceptable to use a mobile pump out facility of an appropriate size and construction that shall remain accessible at

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all times to vessels using the facility. Appropriateness of mobile pump out facilities will need to be assessed by the Manager of Environmental Services before operation begins.

- C19 A bilge water pump out facility is to be provided at the marine straddle carrier jetty. The bilge water shall be pumped into 10 storage drums which are to be stored in a roofed bunded waste store prior to collection. It will be acceptable to use a mobile pump out facility of an appropriate size and construction that shall remain accessible at all times to vessels using the facility. Appropriateness of mobile pump out facilities will need to be assessed by the Manager of Environmental Services before operation begins.
- C20 All regulated waste, waste oil, oil, packaged fuel, paints, solvents, chemicals, batteries, lime and other possible contaminants must be stored within sealed containers in a roofed bunded storage area. This bund must be impervious and capable of holding at least 110% of the volume of the largest container stored therein.
- C21 All waste generated by boat repairs in unroofed hardstand dry storage/maintenance bays must be cleaned up at the end of each job.
- C22 Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. All such spills must be picked up using dry absorbent material or be contained and collected through the SQID.
- C23 The site must be cleaned up to remove all waste, potential contaminants and litter at the end of each day or more frequently as required.
- C24 Materials and parts visibly contaminated with oil, grease or other contaminants must be stored undercover and in such a manner as to prevent the contamination of stormwater or land.
- C25 A spill containment kit of the appropriate size must be kept at the site in an accessible position at all times.

Water Quality Monitoring.

- C26 Water quality samples must be taken from Dickson Inlet at:
- 1) A point 5m upstream from and 5m on the waterway side of the lease boundary; and
 - 2) A point 5m downstream from and 5m on the waterway side of the lease boundary at the following frequencies:

Monthly over the first six months and then at least three monthly thereafter. The samples must be taken one hour after the low tide and wherever possible during or immediately following a rainfall event.

Samples must be taken in line with Environmental Protection Agency Guidelines and be analyzed by a NATA accredited laboratory.

Water quality testing results must be measured against:

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- a) the default trigger values for physical and chemical stressors for tropical Australia (Ecosystem type – Estuaries) contained in Table 3.3.4 of the ANZECC Guidelines for Fresh and Marine Water Quality (2000); and
- b) the turbidity trigger value - 20 NTU - for estuarine and Marine contained in Table 3.3.5 of the ANZECC Guidelines for Fresh and Marine Water Quality (2000); and
- c) trigger values for toxicants in marine water contained in Table 3.4.1 of the ANZECC Guidelines, at a 95% level of protection (toxicants tested for must reflect the types of toxicants that may be used or generated on site, and must include Copper, Zinc, Tributyltin as Sn, oils and petroleum hydrocarbons).
- d) any water quality objectives set for Dickson Inlet under Schedule 1 of the Environmental Protection (Water) Policy 1997.

If the results of the water quality monitoring carried out in C.26 exceed the default trigger values then the Douglas Shire Council must be notified as soon as is practicable.

All water quality testing results must comply with recreational water quality guidelines for general chemicals, contained in Table 5.2.3 of the ANZECC Guidelines for Fresh and Marine Water Quality (2000). Those that do not must be brought to the attention of Douglas Shire Council as soon as is practicable.

Schedule D – Noise

- D1 During the construction phase all work must be carried out in line with Australian Standard AS 2436-1981 (Guide to Noise Control of Construction, Maintenance and Demolition Sites).
- D2 Operation of activities likely to generate significant noise, such as abrasive blasting, construction work, the use of power tools, etc, shall be limited to the hours of 7am to 7pm on a business day or Saturday and 8am to 12noon on a Sunday or public holiday.
- D3 Noise from activities must not cause an environmental nuisance at any noise affected premises.
- D4 All noise from activities other than short term construction activities such as pile driving must not exceed the levels specified in Schedule D - Table 1 at any noise affected premises.

Schedule D – Table 1

Noise Level dB(A)	Monday to Saturday			Sundays and public holidays		
	7am – 6pm	6pm – 10pm	10pm – 7am	9am – 6pm	6pm – 10pm	10pm – 9am
Measured as	Noise measured at noise sensitive place					
LA10,adj,10mins	45	40	30	45	40	30
LA1,adj,10mins	50	45	35	50	45	35
	Noise measured at a Commercial place					
LA10,adj,10mins	50	45	35	50	45	35
LA1,adj,10mins	55	50	40	55	50	40

Schedule E – Fuel Storage and Handling

- E1 The construction and operation of the fuel facility must comply with AS 1940 – 1993 "The storage and handling of flammable and combustible liquids".
- E2 Monitoring wells constructed in line with submitted drawing number SGR51014(A) shall be installed at each corner of the tank excavation. The wells are to be checked on a weekly basis to monitor the integrity of the underground fuel tanks.
- E3 Any fuel package storage areas that are classed as minor storage under AS 1940 must at all times comply with the precautions contained in section 2.2 of that standard.
- E4 The operator of the fuel facility must acquire and maintain a license under the Dangerous Goods Safety Management Regulation 2001.

Schedule F – Acid Sulphate Soils

- F1 Wherever possible the disturbance of potential acid sulphate soils on the site shall be avoided.
- F2 All works on the site shall be carried out in line with the Queensland Acid Sulphate Soil Technical Manual (Version 3.7) and Element E3 of your Draft Environmental Management Plan (Construction).
- F3 Stockpiles of actual and potential acid sulphate soil (A&PASS) must be effectively bunded at all times to ensure that leachate does not escape the bunded area.
- F4 All leachate must be collected and treated prior to release. Settlement ponds must have a volume capacity capable of containing all run-off and leachate from the A&PASS stockpiles after a 20mm rainfall event.
- F5 During times of discharge from the treated settlement ponds pH must be monitored on an hourly basis to ensure that the pH range is between 6.0 and 8.2. Where this range is breached the discharge must be stopped immediately.
- F6 All stockpiled A&PASS that is to be removed offsite must be done so within 48 hours of excavation.
- F7 Vehicles transporting the A&PASS offsite must be constructed to ensure that no leachate or A&PASS material escapes during transport.
- F8 The A&PASS that is to be treated offsite must be done so at an approved location. The location and bunded area provided must be inspected and given approval by an authorised officer of the Douglas Shire Council before any A&PASS is taken in at the site.
- F9 All A&PASS material to be lime neutralised must receive a liming rate calculated and specified by an appropriately qualified person. Records of volumes of A&PASS, liming rates and pH tests must be provided to council on a weekly basis when treatment is underway.

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- M10 Treated A&PASS can only be removed for reuse or disposal once a qualified person is satisfied that neutralisation is complete.

Schedule G - Waste

- G1 The site must be operated at all times in line with your Draft Waste Management System (Operational).
- G2 Whenever possible the waste management hierarchy principles of waste avoidance, waste re-use and waste recycle must be applied in the operation of this site.
- G3 An area must be set aside for the segregation and storage of recyclable solid wastes.
- G4 Where a recycling collection service is available, recyclable material must not be deposited in the general waste stream.
- G5 All waste oil enclosures and waste storage areas must be supervised by trained staff that must ensure that all people using the facility do so as directed.
- G6 A sign must be placed on the waste oil enclosure that clearly and legibly states that – "All waste oil and waste oil containers are to be placed inside the bunded compound".
- G7 You must ensure that all regulated waste is collected by an operator licensed to carry such waste by the Environmental Protection Agency.

Schedule H – Definitions

Words and phrases used throughout this development approval are defined below:

Where a definition for a term used in this approval is sought and the term is not defined within this approval the definitions provided in the Environmental Protection Act 1994, its regulations, and Environmental protection Policies shall be used.

"Administering authority" means the Douglas Shire Council or its successor.

"AHD" means Australian Height Datum.

"ANZECC" means the Australia and New Zealand Environment and Conservation Council.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

"Authorised officer" means an officer of the Douglas Shire Council authorized under the Environmental Protection Act 1994.

"commercial place" means a place used as an office or for business or commercial purposes.

"dist sensitive place" means –

- a dwelling, mobile home or caravan park, residential marina or other residential place;
- a motel, hotel or hostel;

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- a kindergarten, school, university or other educational institution;
- a medical center or hospital;
- a protected area;
- a park or gardens; or
- a place used as an office or for business or commercial purposes and includes the curtilage of any such place.

"dwelling" means any of the following structures or vehicles that is principally used as a residence –

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

" $LA_{10,adj,10min}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

" $LA_{1,adj,10min}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response.

" $LA_{max,adj,T}$ " means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

"leachate" means a liquid that has passed through or emerged from, or is likely to have passed through or emerged from, a stockpile of actual or potential acid sulphate soil and is therefore likely to have a pH value less than seven.

"maximum" means that the measured value of the quality characteristic or contaminant must not be greater than the release limit stated.

"minimum" means that the measured value of the quality characteristic or contaminant must not be less than the release limit stated.

"noise affected premises" means a "noise sensitive place" or a "commercial place"

"noise sensitive place" means –

- a dwelling, mobile home or caravan park, residential marina or other residential premises; or
 - a motel, hotel or hostel; or
 - a kindergarten, school, university or other educational institution; or
 - a medical center or hospital; or
 - a protected area; or
 - a park or gardens
- and includes the curtilage of such place.

"NTU" means nephelometric turbidity units.

"odour sensitive place" has the same meaning as a "dust sensitive place".

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"offensive" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

"plant and equipment" includes:

- plant and equipment used to prevent and/or minimise the likelihood of environmental harm being caused;
- devices and structures to contain foreseeable escapes of contaminants and waste;
- fuel burning equipment;
- devices and structures used to store, handle, treat and dispose of waste;
- monitoring equipment and associated alarms; and
- backup systems that act in the event of failure of a primary system.

"recyclable material" means material that can be used or recycled for a beneficial reuse including energy recovery.

"regulated waste" means non-domestic waste mentioned in Schedule 7 of the Environmental Protection Regulation 1998 (whether or not it has been treated or immobilised), and includes:

- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

"site" means the place to which this environmental authority relates or the premises to which this development approval relates.

"tank" means any individual container for holding a waste, hydrocarbon or chemical and having a capacity of more than 250 litres.

"the Act" means the *Environmental Protection Act 1994*.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

"you" means the holder of this Environmental Authority or owner / occupier of the land which is the subject of this Development Approval.

5. Further Development Approvals Required:

Building Work
Plumbing & Drainage Permit
Environmentally Relevant Activity Permit



Paul Trotman
General Manager - Development & Environment

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"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

"you" means the holder of this Environmental Authority or owner / occupier of the land which is the subject of this Development Approval.

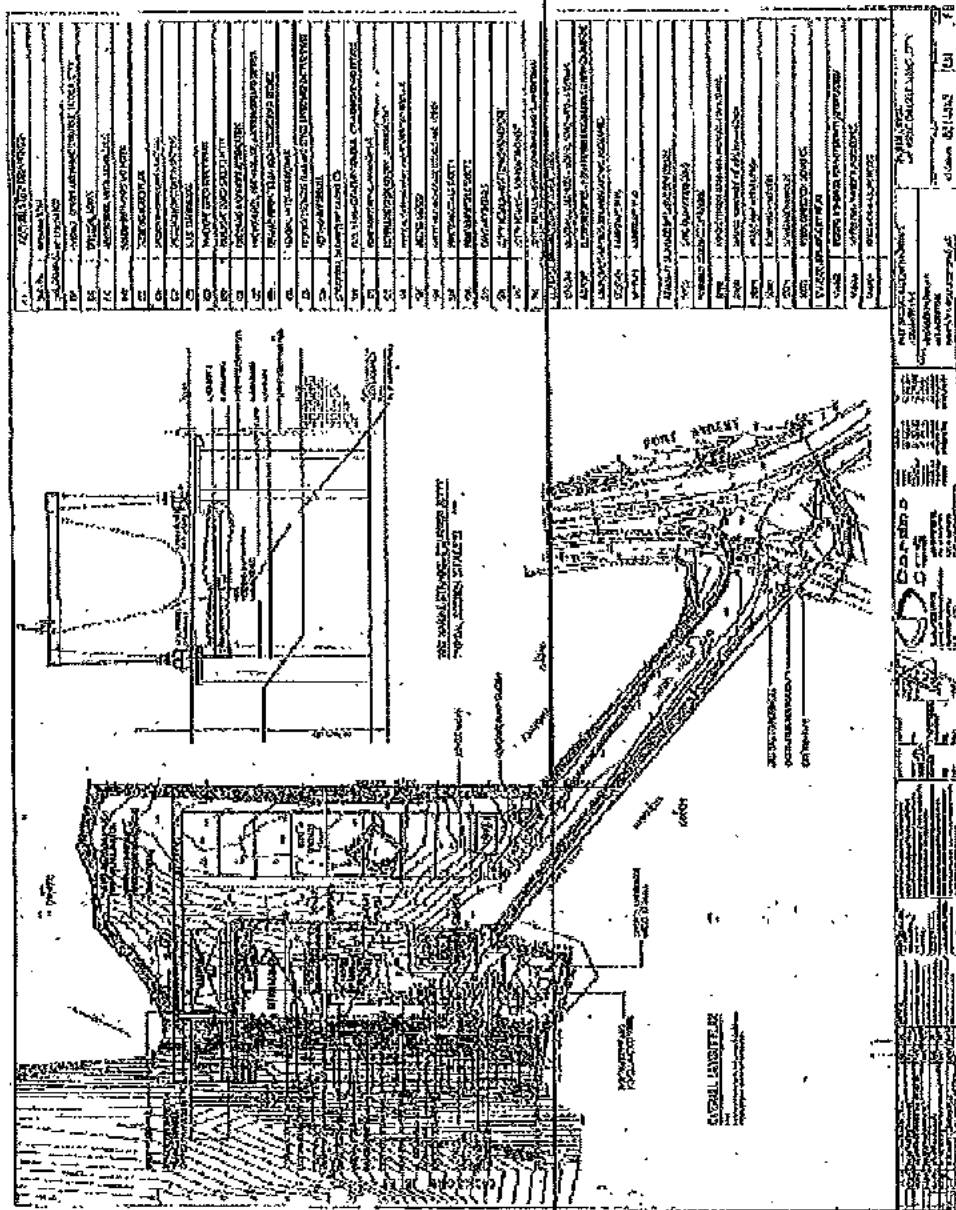
3. Further Development Approvals Required:

Building Work
Plumbing & Drainage Permit
Environmentally Relevant Activity Permit



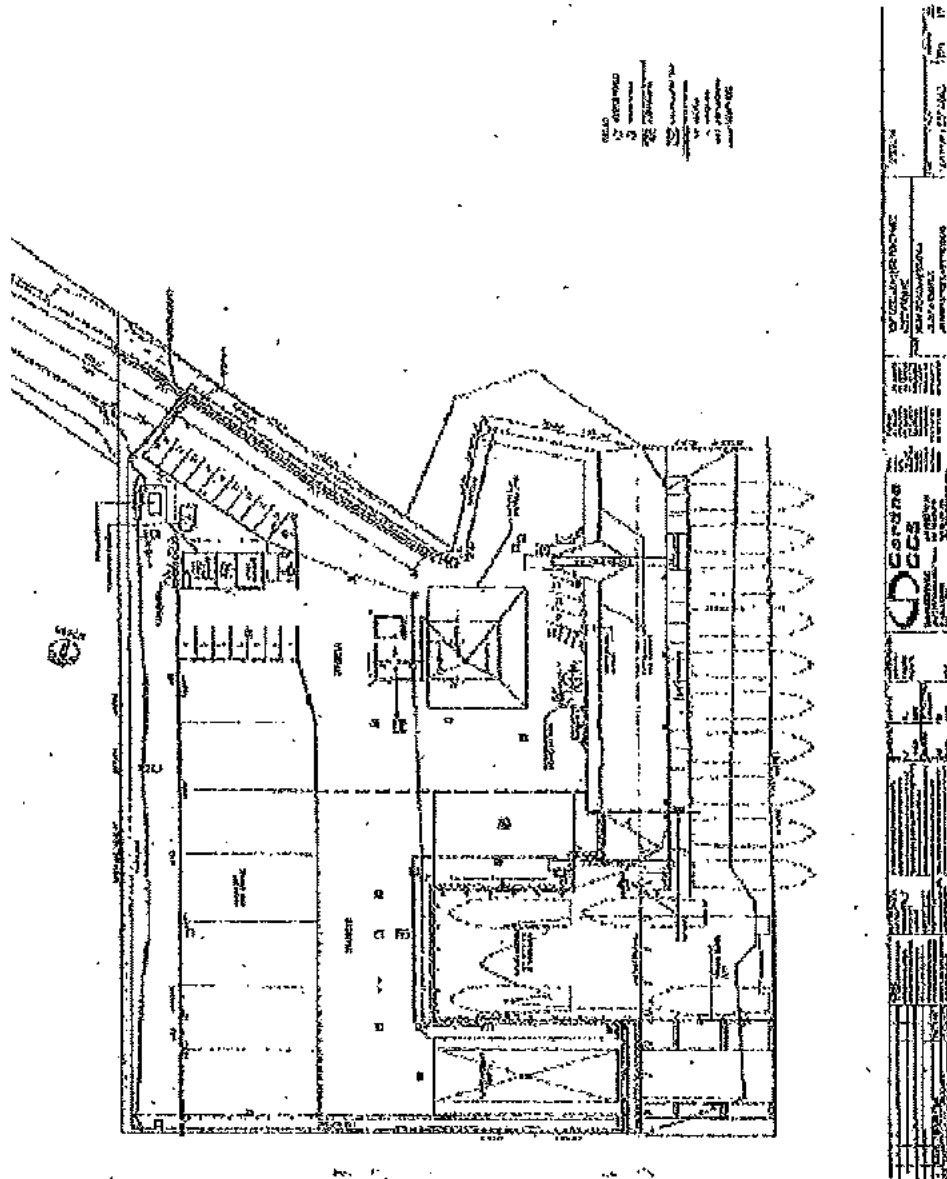
Paul Trotman
General Manager - Development & Environment

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ATTACHMENT 1(a) General Arrangement - Drawing No QB14043/CO1 C

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ATTACHMENT 1 (b) Staged Development (stage 1(a) and stage 1(b)) – Drawing No. Q014043 TFL.

s4.1.27

147
Integrated Planning

s 4.1.28
No. 69, 1997

Division 8 – Appeals to court relating to development applications

Appeals by applicants

- 4.1.27.** (1) An applicant for a development application may appeal to the court against any of the following:-
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under Section 3.1.6;66
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within twenty (20) business days (the “applicant’s appeal period”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

s 4.1.36

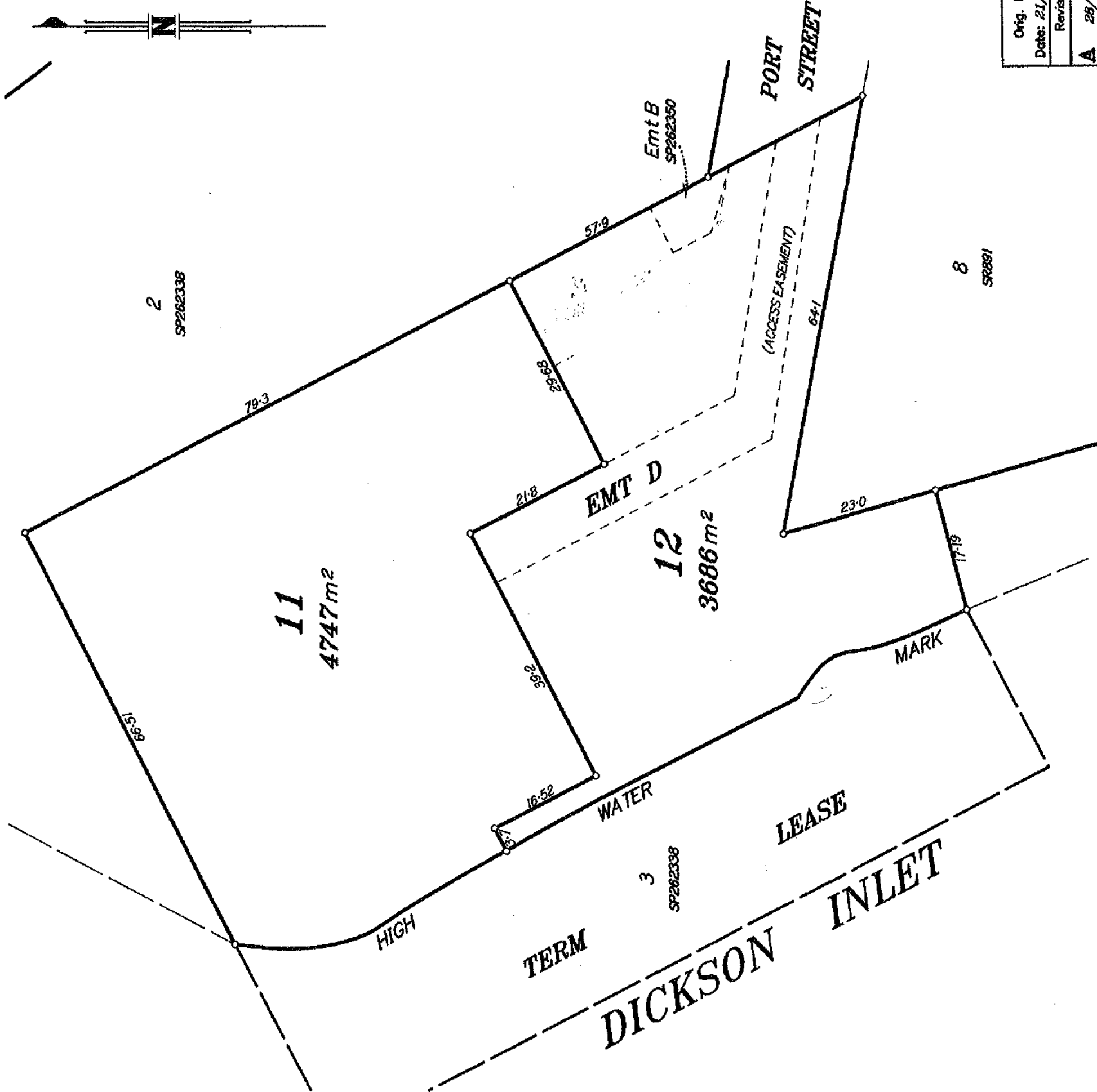
151
Integrated Planning

s 4.1.39

Division 10 -- Making an appeal to court

How appeals to the court are started

- 4.1.39
- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
 - (2) The notice of appeal must state the grounds of the appeal.
 - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
 - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).



DISCLAIMER:

(i) This plan was prepared for the purpose and exclusive use of Marano Enterprises (Mileo Pty Ltd) to accompany an application to the CAIRNS REGIONAL COUNCIL for approval to subdivide the land described in the plan and is not to be used for any other purpose or by any other person or corporation. Charles O'Neill Pty. Ltd. accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii) to (vi) hereof.

(ii) The contours shown on this plan are derived from preliminary field work, or other sources and are suitable only for the purposes of this application. The accuracy of the contours has not been verified and no reliance should be placed upon such contours for any purpose other than for the purpose of this application.

(iii) The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.

(iv) Unless stated otherwise, no investigations have been carried out by Charles O'Neill Pty. Ltd. in to whether or not any of the land has been filled, and it is recommended that such investigation be undertaken by a suitably qualified person.

(v) Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.

(vi) This plan may not be photocopied unless this note is included.

Scale 1:600 - Lengths are in Metres.

Orig. Issue
Date: 21/6/13
Revisions
A 28/11/13
Layout revised in accordance with SP262338

Charles O'Neill Pty. Ltd.
Consulting Surveyors

Pentagon Office 20 - 25 Grafton Street
P O Box 5246 CAIRNS 4870
Phone (07) 4051 6722 Fax (07) 4031 1446
Email: manager@oneillsurveyors.com.au
ACN 010 329 174

Plan of Proposed Lots 11, 12 & Emt C & D in Lot 12

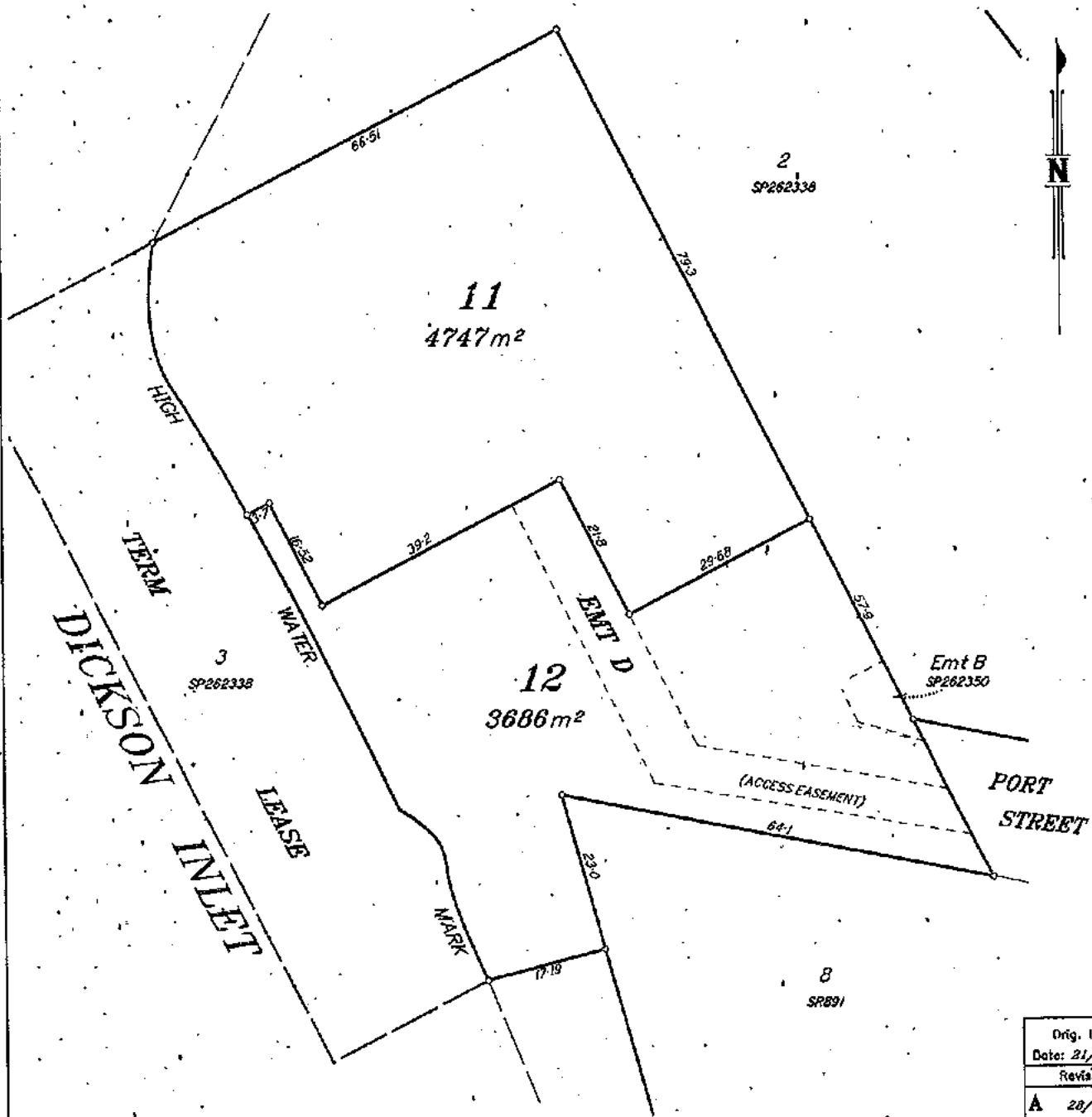
Cancelling Lot 1 on SP262338

Scale: 1:600 - A3
Drawn: MAT
Checked: GHP
Cad Ref: 69788P-04A.dwg
Orig. Issue: 21/6/13
PASSED & ENDORSED:
By: G. Phillips
Date: 28/11/13
Signed: <i>G. Phillips</i>
Cadastral Surveyor

Plan No. 6978MAR-04A

PARISH: **SALISBURY** COUNTY: **Solander**





DISCLAIMER:

(i) This plan was prepared for the purpose and exclusive use of Marano Enterprises (Malia Pty Ltd) to accompany an application to the CAIRNS REGIONAL COUNCIL for approval to subdivide the land described in the plan and is not to be used for any other purpose or by any other person or corporation. Charles O'Neill Pty. Ltd. accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii) to (vi) hereof.

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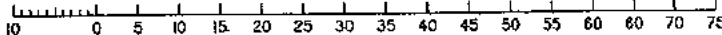
(iii) The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.

(iv) Unless stated otherwise, no investigations have been carried out by Charles O'Neill Pty. Ltd. into whether or not any of the land has been tiled, and it is recommended that such investigation be undertaken by a suitably qualified person.

(v) Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.

(vi) This plan may not be photocopied unless this note is included.

Scale 1:600 - Lengths are in Metres.



Orig. Issue
Date: 21/6/13
Revisions
A 28/11/13
Layout revised in accordance with SP262338



**Charles O'Neill Pty. Ltd.
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P O Box 5246 CAIRNS 4870
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Plan of Proposed Lots 11, 12 & Emt C & D in Lot 12

Cancelling Lot 1 on SP262338

PARISH: **SALISBURY**

COUNTY: **Solander**

Scale: **1:600 - A3**

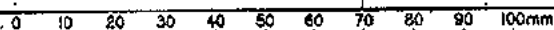
Drawn: MAT Checked: GHP

Cad Ref: 6978BP-04A.dwg Orig. Issue: 21/6/13

PASSED & ENDORSED: By: G. Phillips Date: 28/11/13

Signed: *G. Phillips* Cadastral Surveyor

Plan No. **6978MAR-04A**





Queensland
Government

Department of
Natural Resources and Mines

20 December 2013

Enquiries to: Bauld, Natasha
Telephone: (07) 4222 5427

RECORDING ADVICE - NEW DOCUMENT

Case: 2010/001487 Action: 1 DG 1.1 USL (Sect 122 or 127) Purchase Only

Service Centre: Cairns

Deed of Grant issued on 19 December 2013.

Other details relating to the new tenure are as follows:

Title Reference: 40067520

Lot	Plan	Parish
1	SP262338	Salisbury

Area (ha): 0.8433 (ha) Surveyed

Tenancy: SOLE TENANT

Grantee
PORT DOUGLAS MASTER FISHERMAN'S ASSOCIATION INC

Tenant Correspondent:
Correspondence Address:

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 17858782

Search Date: 31/01/2014 09:54

Title Reference: 50935943

Date Created: 20/12/2013

Previous Title: 40067520

REGISTERED OWNER

Dealing No: 715507124 20/12/2013

PORT DOUGLAS MASTER FISHERMAN'S ASSOCIATION INC

ESTATE AND LAND

Estate in Fee Simple

LOT 1 SURVEY PLAN 262338

County of SOLANDER

Parish of SALISBURY

Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 40067520 (Lot 1 on SP 262338)
2. SUB LEASE No 602809169 (L182238X) 01/10/1992
PACIFIC FUEL SERVICES PTY. LTD.
OVER THE WHOLE OF THE LEASE
FROM: 1.11.1991 TO 29.4.2021
3. CHANGE OF NAME No 708283796 10/12/2004 at 10:46
SUB LEASE: 602809169 (L182238X)
PORT DOUGLAS SLIPWAYS PTY LTD A.C.N. 010 893 295
4. MORTGAGE No 708351637 11/01/2005 at 10:02
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005
357 522
over
SUB LEASE: 602809169 (L182238X)
5. AMENDMENT No 708507735 15/03/2005 at 12:35
SUB LEASE: 602809169 (L182238X)
6. COVENANT No 715553281 21/01/2014 at 09:24
restricts dealings over
LOTS 1 AND 3 ON SP262338

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND MINES) [2014]
Requested By: External Supervisor



11 December 2013

Enquiries to: Bauld, Natasha
Telephone: (07) 4222 5427

Department of
Natural Resources and Mines

RECORDING ADVICE - NEW DOCUMENT

Case: 2010/001487 Action: 6 NT - Term Lease

Service Centre: Cairns

Lease for a Term of Years No.237298 commenced on 13 November 2013.

Other details relating to the new tenure are as follows:

Title Reference: 40067519

Lot	Plan	Parish
3	SP262338	Salisbury

Area (ha): 0.3017 (ha) Aboul

Term of Lease: 50 years

Tenancy: **SOLE TENANT**

Lessee
PORT DOUGLAS MASTER FISHERMAN'S ASSOCIATION INC

Tenant Correspondent: Port Douglas Master Fisherman's / Mossman
Correspondence Address: PO Box 47
MOSSMAN QLD 4873

Conditions:

A78

- (1) The lessee must use the leased land for marina facility purposes namely the temporary mooring of recreational; fishing and commercial vessels; minor boat maintenance in line with current environmental legislation; pontoon based marine re-fuelling station/s; the unloading of fish and marine product and reprovisioning; travel lift.
- (2) This lease may be forfeited if not used for the purpose stated above.
- (3) The annual rent must be paid in accordance with the Land Act 1994.
- (4) The Parties acknowledge that GST may be payable in respect of a supply made under this lease. Where GST becomes payable in respect of a supply made under this lease, the State (lessor) may recover the GST from the lessee by increasing the consideration payable by the lessee to the State by an amount equal to that which the State is obliged to remit to the Commonwealth as GST on the supply and that amount may be recovered from the lessee as part of the money payable to the State under this lease. The State will upon request by the lessee, issue to the lessee a valid GST tax invoice in respect of any taxable supply made under this lease. (NOTE: For the purposes of this condition "GST" means the goods and services tax which results from the enactment of A New Tax System (Goods and Services Tax) Act 1999 and the related Acts which constitute the Commonwealth

taxation reform (as amended from time to time)).

- (5) The lessee must pay the cost of any required survey or re-survey of the leased land.
- (6) The lessee must control pest plants and animals, on the leased land, in accordance with the Land Protection (Pest and Stock Route Management) Act 2002 and the Local Laws and requirements of the Cairns Regional Council.
- (7) The lessee has the responsibility for a duty of care, to take all reasonable and practicable measures to sustainably manage the leased land by conserving the physical, biological, productive and cultural values, either on the leased land or in areas affected by the management of the leased land.
- (8) The lessee must ensure that the use and development of the leased land conforms to the Planning Scheme, Local Laws and requirements of the Cairns Regional Council, binding on the lessee.
- (9) The lessee must give the Minister administering the Land Act 1994, information about the lease, when requested.
- (10) The lessee must not clear any vegetation on the leased land, unless in accordance with the Sustainable Planning Act 2009.
- (11) No compensation for improvements or developmental work is payable by the State at the forfeiture, surrender or expiry of the lease, but the lessee has the right to remove any moveable improvements within a period of three (3) months from the forfeiture, surrender or expiry of the lease, provided all money due by the lessee to the State on any account whatsoever has been paid, or be required to remove those improvements as specified in any further condition of lease.
- (12) This lease is subject to the Land Act 1994 and all other relevant State and Commonwealth Acts.

A90 Further to Condition A78(11), the lessee must remove any moveable improvements and rehabilitate the area to the satisfaction of the Minister administering the Land Act 1994 three (3) months from the date of forfeiture, surrender or expiry of the lease.

A91 If the lessee fails to remove the improvements and rehabilitate the area as detailed in Condition A90 above, the Minister administering the Land Act 1994, can remove the improvements and rehabilitate the area and is hereby authorised to do whatever is necessary to effect the said removal and rehabilitation. The said Minister may recover from the lessee the total cost incurred in the said removal and rehabilitation.

C342 The lessee must comply with any lawful requirements of the Cairns Regional Council and any other relevant legislative Authority as required from time to time.

C343 The lessee must from the commencement of the lease and to the satisfaction of the Regional Harbour Master, Department of Transport and Main Roads, ensure that vessels are moored at the facility in a manner that does not obstruct safe navigation in the adjacent channel.

C344 The lessee must not under any circumstances allow any vessel moored at the marina berths, or using its facilities, to discharge any bilge water or effluent into Dickson Inlet on the leased land.

C344 The lessee must not under any circumstances allow the scraping or cleaning of hulls, or any form of major repair or maintenance to a moored vessel, to occur on the leased land on the leased land.

C345 The Minister administering the Land Act 1994 may resume the whole or any part of the leased land, provided the said Minister gives the lessee six (6) months notice. Compensation to the lessee will be for lawful improvements only, as provided for under the Land Act 1994.

C346 The lessee must not carry out or allow to be carried out, any offensive, noxious or noisy occupation or business, upon the leased land, in accordance with Cairns Regional Council requirements and any other relevant legislative Authority as required.

C408 If, as a result of carrying out works or any other cause attributable to the lessee any bank or revetment wall within the lease area is damaged or displaced, the lessee must, at the

lessees' expense, restore the bank or revetment wall to its former condition and take such other action as is necessary to ensure the stability of the the bank or revetment wall to the satisfaction of the the Cairns Regional Council.

- E22 The lessee must, by means of suitable retaining walls, revetments or other approved works, protect the leased land from erosion and effect such works as are considered necessary.
- E23 The lessee must ensure that each and every activity undertaken on the leased land which has the potential to pollute and/or contaminate Dickson Inlet is carried out in such a manner as to prevent this from occurring.
- G61 The lessee of this lease is not allowed to make an application for conversion in terms of the Land Act 1994.
- I66 The lessee indemnifies and agrees to keep indemnified the Minister administering the Land Act 1994, and the State of Queensland, (the "Indemnified parties") against all actions, suits, proceedings, claims, demands, costs, losses, damages and expenses ("Claim") arising out of or in any way connected to or resulting from the granting of this lease to the lessee or which is connected to or resulting from the lessees' use and occupation of the leased land (all of which are referred to as "the indemnified acts or omissions") save to the extent that the Claim arises as a result of any negligent act or omission of the Indemnified parties, however, any negligent act or omission of one of the Indemnified parties does not negate the indemnity to any of the other Indemnified party/ies.
The lessee hereby releases and discharges the Indemnified parties from any Claim relating to the Indemnified acts or omissions which may be made against the Indemnified parties.
- I74 The lessee must provide to the Minister administering the Land Act 1994 a Performance Guarantee Bond issued by a trading bank or other financial institution approved by the said Minister in the amount of \$32,000.00 (as has been determined by an engineer) and in a form approved by the said Minister unconditionally guaranteeing to pay the amount of the Bond to the said Minister on demand as surety for demolition and removal as may occur or be required by the terms and conditions hereof. The amount of the Bond may be reviewed at any time at the discretion of the said Minister, or upon application being made to the department administering the Land Act 1994 by the lessee.

Assessment of the Bond amount must be undertaken by an engineer and all costs leading to the establishment of the Bond and any review of the Bond must be borne by the lessee.

Notwithstanding the above, the said Minister has the discretion to approve any other form of security offered by the lessee in substitution for the Bond. If the said Minister approves any other form of security offered by the lessee (the substituted security), then the said Minister will determine, in the Minister's absolute discretion, the amount of, the form of, and the terms upon which the substituted security must be provided.

- M543 The lessee must not keep, store or permit to be kept or stored on the leased land any materials of a dangerous, flammable or explosive nature unless all statutes, local laws and regulations applicable to the keeping and storage of such materials have been complied with in every respect.
- T34 The lessee must supply, install and maintain, at the lessees' expense, any navigation lights, buoys, marks and warning signs which the Regional Harbour Master, Department

- of Transport and Main Roads, considers necessary.
- T35 All works constructed in, on, over, through or across and below high water mark within the leased land must be maintained.
 - T36 The lessee must at all times take the necessary precautions to ensure that all lights on or above the leased land are shielded to prevent glare or reflection which may interfere with safe navigation of surrounding waterways or with reasonable enjoyment of neighbouring properties.
 - T37 The lessee must, at the lessees' expense and to the satisfaction and requirements of Cairns Regional Council, provide facilities for the disposal and collection ashore of human wastes and other litter and dry or wet refuse or waste materials from vessels. The lessee in line with Cairns Regional Council development approvals, shall install an external system to enable the connection to vessels of a line through which sewerage may be pumped to a shore based receival station to enable collection.
 - T38 The lessee must, take all reasonable action to ensure that all vessels attached to moorings within the boundaries of the leased land must be moored wholly within such boundaries and that such vessels or any part/s thereof must not encroach beyond the boundaries of the leased land.
 - U44 The leased land must only be used in conjunction with adjoining freehold, being Lot 1 on plan SP262338.
 - U46 The lease is tied to adjoining freehold, being Lot 1 on plan SP262338 and separate transfers are not allowed.

CURRENT STATE TENURE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 17858897

Search Date: 31/01/2014 09:58

Title Reference: 40067519

Date Created: 11/12/2013

DESCRIPTION OF LAND

Tenure Reference: TL 0/237298

LOT 3 SURVEY PLAN 262338

County of SOLANDER

Parish of SALISBURY

Local Government: DOUGLAS

Area: 0.301700 Ha. (ABOUT)

No Land Description

No Forestry Entitlement Area

No Future Conservation Area

Purpose for which granted:

MARINE FACILITY

TERM OF LEASE

Term and day of beginning of lease

Term: 50 years commencing on 13/11/2013

Expiring on 12/11/2063

REGISTERED LESSEE

PORT DOUGLAS MASTER FISHERMAN'S ASSOCIATION INC

CONDITIONS

CURRENT STATE TENURE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 17858897

Search Date: 31/01/2014 09:58

Title Reference: 40067519

Date Created: 11/12/2013

CONDITIONS

- A78 (1) The lessee must use the leased land for marine facility purposes namely the temporary mooring of recreational, fishing and commercial vessels; minor boat maintenance in line with current environmental legislation; pontoon based marine re-fuelling station/s; the unloading of fish and marine product and reprovisioning; travel lift.
- (2) This lease may be forfeited if not used for the purpose stated above.
- (3) The annual rent must be paid in accordance with the Land Act 1994.
- (4) The Parties acknowledge that GST may be payable in respect of a supply made under this lease. Where GST becomes payable in respect of a supply made under this lease, the State (lessor) may recover the GST from the lessee by increasing the consideration payable by the lessee to the State by an amount equal to that which the State is obliged to remit to the Commonwealth as GST on the supply and that amount may be recovered from the lessee as part of the money payable to the State under this lease. The State will upon request by the lessee, issue to the lessee a valid GST tax invoice in respect of any taxable supply made under this lease. (NOTE: For the purposes of this condition "GST" means the goods and services tax which results from the enactment of A New Tax System (Goods and Services Tax) Act 1999 and the related Acts which constitute the Commonwealth taxation reform (as amended from time to time)).
- (5) The lessee must pay the cost of any required survey or re-survey of the leased land.
- (6) The lessee must control pest plants and animals, on the leased land, in accordance with the Land Protection (Pest and Stock Route Management) Act 2002 and the Local Laws and requirements of the Cairns Regional Council.
- (7) The lessee has the responsibility for a duty of care, to take all reasonable and practicable measures to sustainably manage the leased land by conserving the physical, biological, productive and cultural values, either on the leased land or in areas affected by the management of the leased land.
- (8) The lessee must ensure that the use and development of the leased land conforms to the Planning Scheme, Local Laws and requirements of the Cairns Regional Council, binding on the lessee.
- (9) The lessee must give the Minister administering the Land Act 1994, information about the lease, when requested.
- (10) The lessee must not clear any vegetation on the leased land, unless in accordance with the Sustainable Planning Act 2009.
- (11) No compensation for improvements or developmental work is payable by the State at the forfeiture, surrender or expiry of the lease, but the lessee has the right to remove any moveable improvements within a period of three (3) months from the forfeiture, surrender or expiry of the lease, provided all money due by the lessee to the State on any account whatsoever has been paid, or be required to remove those improvements as specified in any further condition of lease.

CURRENT STATE TENURE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 17858897

Search Date: 31/01/2014 09:58

Title Reference: 40067519

Date Created: 11/12/2013

CONDITIONS

- (12) This lease is subject to the Land Act 1994 and all other relevant State and Commonwealth Acts.
- A90 Further to Condition A78(11), the lessee must remove any moveable improvements and rehabilitate the area to the satisfaction of the Minister administering the Land Act 1994 three (3) months from the date of forfeiture, surrender or expiry of the lease.
- A91 If the lessee fails to remove the improvements and rehabilitate the area as detailed in Condition A90 above, the Minister administering the Land Act 1994, can remove the improvements and rehabilitate the area and is hereby authorised to do whatever is necessary to effect the said removal and rehabilitation. The said Minister may recover from the lessee the total cost incurred in the said removal and rehabilitation.
- C342 The lessee must comply with any lawful requirements of the Cairns Regional Council and any other relevant legislative Authority as required from time to time.
- C343 The lessee must from the commencement of the lease and to the satisfaction of the Regional Harbour Master, Department of Transport and Main Roads, ensure that vessels are moored at the facility in a manner that does not obstruct safe navigation in the adjacent channel.
- C344 The lessee must not under any circumstances allow any vessel moored at the marina berths, or using its facilities, to discharge any bilge water or effluent into Dickson Inlet on the leased land.
- C344 The lessee must not under any circumstances allow the scraping or cleaning of hulls, or any form of major repair or maintenance to a moored vessel, to occur on the leased land on the leased land.
- C345 The Minister administering the Land Act 1994 may resume the whole or any part of the leased land, provided the said Minister gives the lessee six (6) months notice. Compensation to the lessee will be for lawful improvements only, as provided for under the Land Act 1994.
- C346 The lessee must not carry out or allow to be carried out, any offensive, noxious or noisy occupation or business, upon the leased land, in accordance with Cairns Regional Council requirements and any other relevant legislative Authority as required.

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DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 17858897

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- C408 If, as a result of carrying out works or any other cause attributable to the lessee any bank or revetment wall within the lease area is damaged or displaced, the lessee must, at the lessees' expense, restore the bank or revetment wall to its former condition and take such other action as is necessary to ensure the stability of the the bank or revetment wall to the satisfaction of the the Cairns Regional Council.
- E22 The lessee must, by means of suitable retaining walls, revetments or other approved works, protect the leased land from erosion and effect such works as are considered necessary
- E23 The lessee must ensure that each and every activity undertaken on the leased land which has the potential to pollute and/or contaminate Dickson Inlet is carried out in such a manner as to prevent this from occurring.
- G61 The lessee of this lease is not allowed to make an application for conversion in terms of the Land Act 1994.
- I66 The lessee indemnifies and agrees to keep indemnified the Minister administering the Land Act 1994, and the State of Queensland, (the "Indemnified parties") against all actions, suits, proceedings, claims, demands, costs, losses, damages and expenses ("Claim") arising out of or in any way connected to or resulting from the granting of this lease to the lessee or which is connected to or resulting from the lessees' use and occupation of the leased land (all of which are referred to as "the indemnified acts or omissions") save to the extent that the Claim arises as a result of any negligent act or omission of the Indemnified parties, however, any negligent act or omission of one of the Indemnified parties does not negate the indemnity to any of the other Indemnified party/ies. The lessee hereby releases and discharges the Indemnified parties from any Claim relating to the indemnified acts or omissions which may be made against the Indemnified parties.

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CONDITIONS

- I74 The lessee must provide to the Minister administering the Land Act 1994 a Performance Guarantee Bond issued by a trading bank or other financial institution approved by the said Minister in the amount of \$32,000.00 (as has been determined by an engineer) and in a form approved by the said Minister unconditionally guaranteeing to pay the amount of the Bond to the said Minister on demand as surety for demolition and removal as may occur or be required by the terms and conditions hereof. The amount of the Bond may be reviewed at any time at the discretion of the said Minister, or upon application being made to the department administering the Land Act 1994 by the lessee. Assessment of the Bond amount must be undertaken by an engineer and all costs leading to the establishment of the Bond and any review of the Bond must be borne by the lessee. Notwithstanding the above, the said Minister has the discretion to approve any other form of security offered by the lessee in substitution for the Bond. If the said Minister approves any other form of security offered by the lessee (the substituted security), then the said Minister will determine, in the Minister's absolute discretion, the amount of, the form of, and the terms upon which the substituted security must be provided.
- M543 The lessee must not keep, store or permit to be kept or stored on the leased land any materials of a dangerous, flammable or explosive nature unless all statutes, local laws and regulations applicable to the keeping and storage of such materials have been complied with in every respect.
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- T36 The lessee must at all times take the necessary precautions to ensure that all lights on or above the leased land are shielded to prevent glare or reflection which may interfere with safe navigation of surrounding waterways or with reasonable enjoyment of neighbouring properties.

CURRENT STATE TENURE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 17858897

Search Date: 31/01/2014 09:58

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- U44 The leased land must only be used in conjunction with adjoining freehold, being Lot 1 on plan SP262338.
- U46 The lease is tied to adjoining freehold, being Lot 1 on plan SP262338 and separate transfers are not allowed.

ENCUMBRANCES AND INTERESTS

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PACIFIC FUEL SERVICES PTY. LTD.
OVER THE WHOLE OF THE LEASE
FROM: 1.11.1991 TO 29.4.2021
3. CHANGE OF NAME No 708283796 10/12/2004 at 10:46
SUB LEASE: 602809169 (L182238X)
PORT DOUGLAS SLIPWAYS PTY LTD A.C.N. 010 893 295
4. MORTGAGE No 708351637 11/01/2005 at 10:02
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005 357 522
over
SUB LEASE: 602809169 (L182238X)
5. AMENDMENT No 708507735 15/03/2005 at 12:35
SUB LEASE: 602809169 (L182238X)
6. COVENANT No 715553281 21/01/2014 at 09:24
restricts dealings over
LOTS 1 AND 3 ON SP262338

CURRENT STATE TENURE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 17858897

Search Date: 31/01/2014 09:58

Title Reference: 40067519

Date Created: 11/12/2013

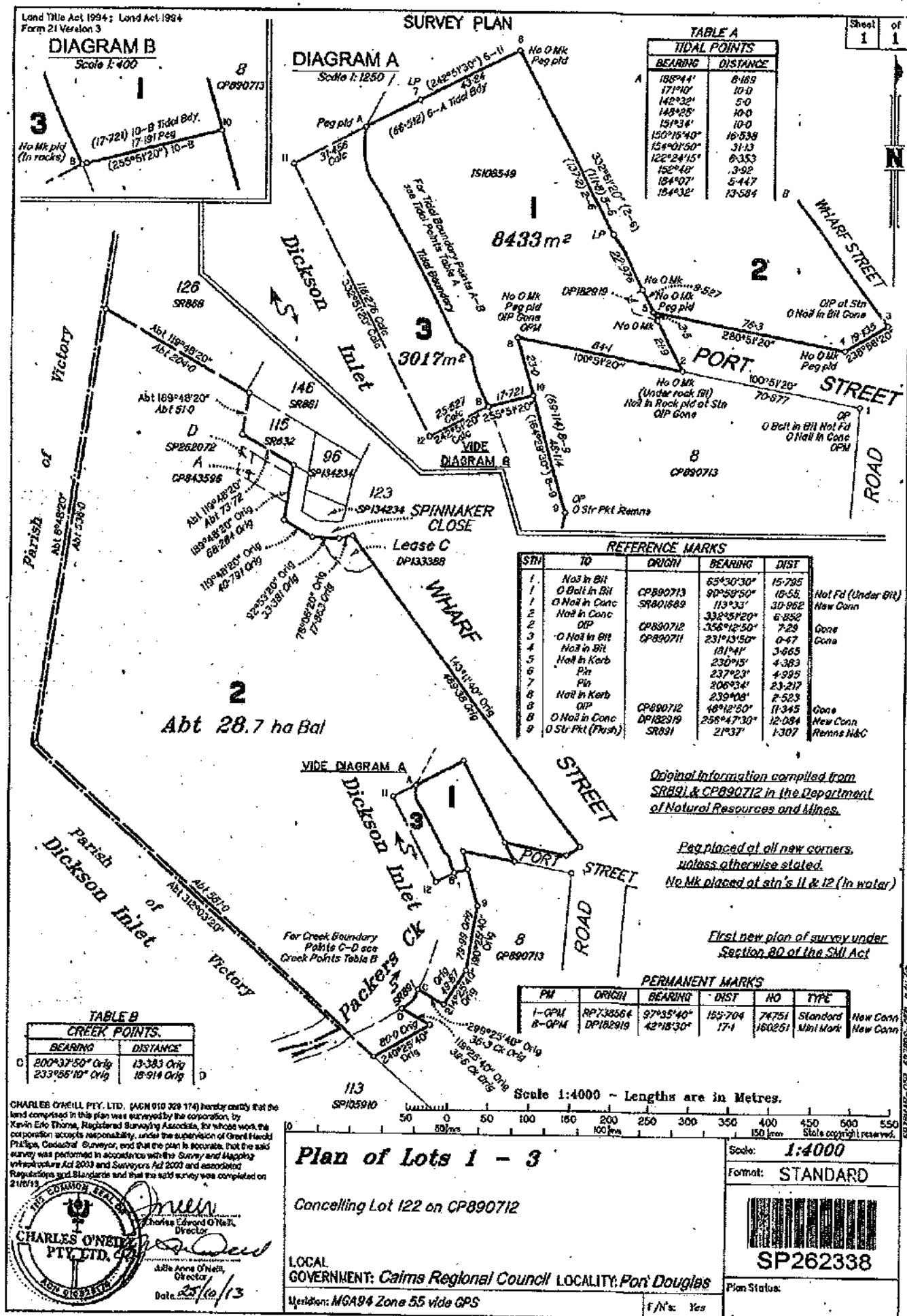
ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current State Tenure Search **

Information provided under section 34 Land Title Act(1994) or
section 281 Land Act(1994)

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Requested By: External Supervisor



<p>715427789</p> <p>CS 495</p> <p>NO FEE 14/11/2013 13:27</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>Registered</p>		<p>Lodged by Natasha Bould 2340 DNRN PO Box 987 Cairns Qld 4870 CLV45: 2010/001487 <small>(Include address, phone number, reference, and Lodger Code)</small></p>	

<p>1. Certificate of Registered Owners or Lessees.</p> <p>I/We</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>					<p>5. 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>49013035</td> <td>Lot 122 on CP890712</td> <td>1-3</td> <td></td> <td></td> </tr> </tbody> </table>					Title Reference	Description	New Lots	Road	Secondary Interests	49013035	Lot 122 on CP890712	1-3		
Title Reference	Description	New Lots	Road	Secondary Interests															
49013035	Lot 122 on CP890712	1-3																	

<p>ADMINISTRATIVE ADVICES</p>		
Dealing No.	Lots Fully Encumbered	Lots Partially Encumbered
713803885	1-3	
713803811	1-3	

<p>LEASE ALLOCATIONS</p>		
Dealing No.	Lots Fully Encumbered	Lots Partially Encumbered
705733731 (Lease C on DP133388)	2	
704664725 (Lot A on CP843586) (and Lot D on SP262072)	2	

Lot A on SR808245 to be surrendered prior to lodgement of this plan

Amendments by Charles O'Neill Pty Ltd (ACN 010 329 174)

Director *[Signature]* Date 8/11/13

Passed and Endorsed:
[Signature] 8/11/13
Cadastral Surveyor

<p>2. Local Government Approval.</p> <p>* hereby approves this plan in accordance with the:</p> <p>%</p>		<p>6. Building Format Plans only.</p> <p>I certify that:</p> <ul style="list-style-type: none"> * As far as it is practicable to determine, no part of the building shown on this plan encroaches onto adjoining lots or roads; * Part of the building shown on this plan encroaches onto adjoining lots and roads 					
<p>3. Plans with Community Management Statement:</p> <p>CMS Number: _____</p> <p>Name: _____</p>		<p>7. Portion Allocation:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Lot</th> <th>Orig</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		Lot	Orig		
Lot	Orig						
<p>4. References:</p> <p>Dept File: 2010/001487</p> <p>Local Govt: _____</p> <p>Surveyor: 6978MAR</p>		<p>8. Map Reference:</p> <p>7965-22232</p>					
<p>9. Parish:</p> <p style="text-align: center;">SALISBURY</p>		<p>10. County:</p> <p style="text-align: center;">SOLANDER</p>					
<p>11. Passed & Endorsed:</p> <p>By: CHARLES O'NEILL PTY LTD ACN 010 329 174</p> <p>Date: 05/10/2013</p> <p>Signed: <i>[Signature]</i></p> <p>Designation: Cadastral Surveyor</p>		<p>12. Lodgement Fees:</p> <p>Survey Deposit \$ _____</p> <p>Lodgement \$ 377.80</p> <p>New Titles \$ _____</p> <p>Photocopy \$ _____</p> <p>Postage \$ _____</p> <p>TOTAL \$ 377.80</p> <p>LAIS receipt 2038407 and 01676249</p> <p>SP262338</p>					

DEVELOPMENT ASSESSMENT - RECEIPT SHEET

APPLICATION NO: _____ DATE: 11/2/14 RECEIPT NO: 1993
 APPLICANT: Port Douglas Master Fishermans Assoc CONTACT NAME: John Marano
 ADDRESS OF APPLICANT: Po Box 47 Mossman 4873
 PHONE: _____ EMAIL: 8/13/1772
 SITE LOCATION: Refer 8/3/14 (MCU 38 046/00)
 LOT & PLAN: Lot 1 SP262338 into 2 lots

RECEIPT CODE	TYPE OF APPLICATION	AMOUNT PAID
1894	• Planning and Development Certificates	
1811	• Consideration of Alternative Acceptable Measure / Report to Council • Prelodgement Enquiry / Report to Council / Compliance Check for Self Assessable Development	
1852	• Application for Material Change of Use and Preliminary Approvals for Building Work -- Code and Impact • Extension of Currency Period / Reconsider Lapsed Approval for Material Change of Use • Request for Superseded Scheme application • Signage under DSC Scheme (Op Works)	
1806 <u>749</u>	• Application for Reconfiguring a Lot • Extension of Currency Period / Reconsider Lapsed Approval for Reconfiguring a Lot	<u>447-</u>
1852/1806	Combined application (Split fee: Code: 1840 for MCU and Code: /1814 for ROL)	1840 MCU 1814 ROL
1896	Modification or Cancellation of Application or Consent Order	
1898	Landscape Plan Assessments	
1801	• Vegetation Protection • Permit to Damage Protected Vegetation	
1816	Applications for Operational Works/Re-assessment (Excludes Signage -- DSC Scheme)	
1816	Works/Final Works Inspections, Re-inspections	
1803	Bonds for Outstanding Works, Construction Security, Defects Liability, EPS	
1814	Endorsement of Survey Plans	
SALES		
1805	Public Notification Signs	
1807	Sale of Planning Documents (Including Hard Copies of Douglas Shire Planning Scheme)	
1809	• CDs of Douglas Shire Planning Scheme and superseded schemes • CDs - copy of application • C-Data Manipulation • CD supplied to customer <input type="checkbox"/>	
1852	Copies of Development Application,	
1811	Letter of Enquiry to determine land use history	

CSO NAME

M. J. J. J.

DATE 11/2/14