

Howard Judi

From: [s.73 Irrelevant information]@portbinnli.com]
Sent: Thursday, 26 July 2012 11:11 AM
To: Howard Judi
Subject: RE: Application for a Term Lease adjoining Lot 8 on CP895066
Attachments: Information_Request_Response.pdf

Hi Judi,

Please find attached a digital copy of the information request response relating to the application for a term lease adjoining Lot 8 on CP895066. I will send hard copies in today's mail.

Kind Regards,

[s.73 Irrelevant inf

Port Binnli Pty Ltd

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**Application for a Term Lease
Adjoining Lot 8 on CP895066**

Supplementary Information



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Summary

The information contained within this document has been prepared in response to questions raised following the submission of an application for Term Lease adjoining Lot 8 on CP895066 by Port Binnli Pty Ltd.

The information request sought additional information on the nature of construction intended for the proposed lease area, public benefit of the proposal, amenity impacts and potential operational issues.

This document addresses each of the queries raised, demonstrating that the proposal for a new lease area for an additional 16 berths within the Raby Bay Marina is appropriate for the location and should be approved.

Response to Question 1

What is planned for construction in the lease area, what height the construction will be etc.

Construction proposed within the lease area is limited to improvements necessary to provide berthing for up to 16 vessels as indicated on drawing JSP-SM-1160. This includes;

- A secure access gangway
- Piling work
- Pontoons

Detailed design specifications and plans will be developed following acquisition of the lease area. This information will be included within material submitted in a future application for operational works. At this time, relevant authorities (being those triggered under the IDAS process) will have the opportunity to assess this higher level of detail.

However, the intended form of the three elements identified above, is demonstrated by existing infrastructure within the Raby Bay Marina and elsewhere in the canal. The intended form for these elements are further discussed below;

Secure Access Gangway

The access gangway will be of a design consistent with existing gangways providing access to boats in the canal, such as;

- The existing Council owned temporary mooring facilities (photo 3 – pictured on right)
- The existing Raby Bay Marina berthing facilities (photo 4 – pictured on left)

Security of access to the gangway will be provided utilising a design consistent with the self closing gate / numbered swipe card system that is currently in operation at the existing Raby Bay Marina facilities (photo 4 – pictured on left).

Note that the access point proposed for the new berths is via freehold lot 1 on plan RP897334. No access from public land or the boardwalk is required. The security gate is proposed to be located approximately halfway along the gangway, consistent with existing secure access arrangements within Raby Bay Marina.

Piling

The piles will be the highest component of construction within the lease area. As indicated by photos 3, 4 and 5, existing piles are of a similar height to the concrete and metal fencing at the edge of the boardwalk. Piles to secure the pontoons will extend out of the water to;

- A similar height to the piles already in place for the Council owned temporary mooring facility, as shown by the black piles with white caps in photo 3 (centre of picture) and photo 5 (background, right of picture).
- A similar height to piles already existing within the Raby Bay Marina, as shown in photo 4 (black piles with red caps, right of picture) and photo 5 (black piles with white caps, foreground, centre - right of picture).

Pontoons

Floating pontoons will be of a similar design and construction as those already existing within the Raby Bay Marina. An example can be seen in Photo 5 (foreground, right of picture).

Images

Photo 1 –Taken from park looking towards boardwalk (foreground), Raby Bay Marina (left - centre), lease application site (centre – right) and Council owned temporary mooring facilities (right)



Photo 2 –Taken from commercial precinct looking towards boardwalk (foreground), lease application site (midground), Raby Bay Marina (background) and park (background on left)



Photo 3 – Taken from park looking towards boardwalk (foreground) council owned temporary mooring facilities (midground) and site of proposed lease (water in background)



Photo 4 – Taken from private land (Lot 1 RP897334) looking towards Raby Bay Marina fuel docks



Photo 5 – Taken from private land (Lot 1 RP897334) looking towards Raby Bay Marina berths (foreground), Council owned temporary mooring facilities (midground) and park (background)



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Response to Question 2

What public benefit would there be if the new lease area is approved

Potential exists for significant public benefit to result from this proposal. As outlined below, costs currently borne by ratepayers of Redland City for tidal works within Raby Bay could be reduced by \$473,670.

In addition to this significant injection of funding towards public works, Port Binnli proposes to deliver infrastructure to council for public use in the form of a fishing pontoon.

Additional Private Funding for Public Benefit

The inclusion of additional marina berths in the Raby Bay Marina will increase revenue obtained by Council through the *Raby Bay Marina Special Charge*. This charge contributes funding towards the maintenance of public facilities and is charged “per berth” through the Rate Notices of Lot 1 RP897334. The charge was levied at \$815.66 per berth in the 2011/2012 financial year.

The increased contributions payable by Raby Bay Marina following construction of an additional 16 berths could significantly reduce the contributions to be paid by Council to meet the budget for the Works Plan. Table 1 below summarises the revenue component of the works budget and projects the additional revenue that could be raised through the addition of the proposed berths.

Table 1 – Raby Bay Tidal Works Special Charge – Works Plan

	Total Across Works Plan Budget
Revenue from Raby Bay Marina Berth Special Charge (As per Works Plan)	2,701,318
Council Contributions (As per Works Plan)	675,330
Projected Additional Revenue from 16 more Berths in the Raby Bay Marina	473,670
Adjusted Council Contributions required to meet Works Plan budget	201,660

Table 1 demonstrates that with the additional revenue payable via the Raby Bay Marina Special Charge, the Redland City Council could reduce contributions payable by Redland ratepayers into this works program by \$473,670. This is a 70% reduction from contributions

currently payable, with the adjusted contributions required from Council budgets over the term of the works program reduced to \$201,660.

Alternatively, Council may elect to continue with their contributions as outlined in the budget, and use the additional revenue to pay down the loan required for the works (\$900,000 borrowed over the first three years of the works plan). This could reduce the 15 year term of the loan and the interest payable.

Detailed spreadsheets are attached at Appendix B, outlining;

- Council's budget for the *Raby Bay Tidal Works Marina Special Charge – Works Plan*
- Calculations undertaken by Port Binnli in determining the figures in Table 1

Provision of a Public Fishing Pontoon for Public Benefit

At a meeting held with Council officers prior to the finalisation of this information request response, Council concerns regarding public benefit were clarified. Specifically this concern was the perceived loss of utility of an area of the canal adjoining part of the public boardwalk that otherwise has the potential to be used for public enjoyment.

To mitigate Council concerns over the perceived loss of public access to the waterfront, Port Binnli / Raby Bay Marina is agreeable to constructing a public fishing pontoon in the canal adjoining the existing public temporary mooring facilities (refer to plan at Appendix C). Upon completion, this fishing pontoon will be handed over to Council.

The development of the fishing pontoon facilities will require a separate application process for operational works (prescribed tidal works). It is suggested that Council deal with this application concurrently with the Port Binnli / Raby Bay Marina operational works application required to construct the marina infrastructure once the term lease has been approved. Port Binnli / Raby Bay Marina will construct the public fishing pontoon concurrently with construction of the infrastructure for the new marina berths.

The likely process for completion will involve;

- Port Binnli preparing the engineering design drawings and construction information, in consultation with;
- Council, providing the site with approval for construction
- Council will authorise Port Binnli to undertake the construction work in accordance with the operational works approval
- Port Binnli and sub contractors will construct the fishing pontoon

The Department of Natural Resources and Mines may also have involvement in providing resource entitlement and/or advice on the application. To clarify the application requirements it is proposed that representatives of the three organisations meet following acquisition of the term lease by Port Binnli.

Response to Question 3

Provide information on what impact there would be on the amenity of foreshore views (from the reserve and adjoining Freehold land).

Development proposed within the lease application area will result in negligible impact upon the amenity of foreshore views. The proposal maintains the existing look and feel that visitors to the park and commercial precinct experience.

In addition, documents that consider scenic amenity in a planning and development context identify that amenity is not a relevant consideration in this location as a result of the highly urbanised landscape.

Primary Purpose of the Raby Bay Canal Estate

The Raby Bay Canal Estate was built in the 1980's specifically as a development featuring the construction of canals for boating purposes. More than 950 berths currently occupy the Raby Bay canals.

The following plan entitled "*Raby Bay Canal Estate – Aerial Photo Overview*" demonstrates the extent of existing moorings in the canals, and development in the harbour precinct. The harbour precinct (around the end of Endeavor Canal) was planned to be a high density area of the estate, both on land and in water. The canal is now flanked by high density residential and commercial buildings, a railway station and has facilities for up to 150 boats. The addition of a further 16 berths into the harbour precinct is entirely appropriate for the surroundings.

Existing Use within Endeavor Canal in proximity to Raby Bay Marina

Currently, views across the canal are dominated by the yachts in existing berths;

- 75 within the existing Raby Bay Marina
- 66 associated with adjoining multi-unit residential properties
- 6 temporary mooring facilities associated with docking for fuel
- 3 temporary mooring facilities attached to the public boardwalk

With facilities already in place for up to 150 yachts to berth within the canal, the existing views from the foreshore are already heavily dominated by moored yachts. The addition of further 16 berths will not significantly impact on the amenity of foreshore views.

Coastal Amenity in a Planning Context

The Queensland Coastal Plan and associated State Planning Policy (SPP) guide the assessment of scenic amenity impacts resulting from coastal development. The following extracts provide valuable insight into the purpose of these documents and the intentions towards preserving amenity values.

Annex 4 – Queensland Coastal Plan;

The Queensland Coastal Plan and SPP aim to preserve the scenic amenity of the coast by retaining undeveloped coast in a manner that maintains its natural character.

Policy 4.1, Part C (4) - State Planning Policy 3/11: Coastal Protection;

The dominance of the natural character of the coast is to be maintained or enhanced when viewed from the foreshore...

The Raby Bay Canal Estate development was achieved through extensive reclamation works on tidal lands. The view from the foreshore has no natural character and the canals bear no resemblance to the former natural state of the coastline, or any natural waterway.

The addition of a further 16 berths into a view from the foreshore which already encompasses approximately 150 berths will not result in a negative impact upon amenity. As demonstrated in Photos 1 and 2 (above), it is the view of the boats on the water that gives the foreshore view at Raby Bay Harbour its character. The inclusion of up to 16 more yachts in the foreground or midground (depending on the vantage point) does not alter this character.

Assessing Scenic Amenity – Implementation Guideline No. 8

Question 3 asks for information about the impact on foreshore views from the park and freehold land. Foreshore views have been assessed for the percentage of evident built development that is currently observed from both the park and the adjoining commercial precinct. This assessment demonstrates that the current foreshore views are heavily dominated by existing built development. The addition of a further 16 berths will not alter the character of foreshore views already dominated by built development.

Implementation Guideline No. 8 of the South East Queensland Regional Plan 2005 – 2026 provides strategies for local governments to consider towards protecting areas with high scenic amenity. Within *Section 5 – Protecting areas with high scenic amenity*, Tables 2 and 3

document maximum percentages of evident built development for scenic amenity and scenic preference ratings from 5 – 10 (from a 1 – 10 scale). In these tables, the highest level of built development is 30% of a viewpoint with a scenic preference of 5 in an area with an amenity rating of 6.

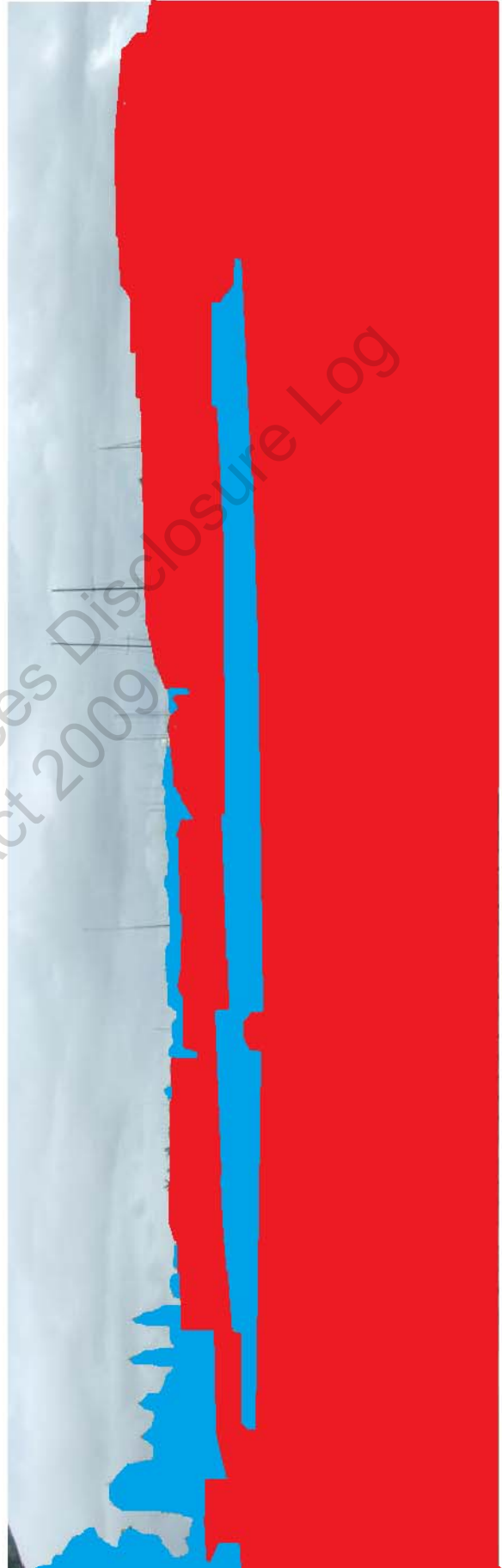
Photos 1 and 2 have been assessed to determine the percentage of evident built development on the following pages. This assessment reveals that the current foreshore views are dominated by existing built development. From both viewpoints assessed, built development accounts for approximately 70% to 80% of the view. This indicates one of two things.

EITHER;

- The views in this location are far too developed to be considered as high or locally important scenic amenity. In this case, the proposal for a term lease for a further 16 berths should not be objected to on scenic amenity grounds.

OR

- The views in this location are valued specifically because of the marine / boating character of the harbour precinct. In this case, the proposal for a term lease for a further 16 berths is compatible with the character in the area and does not pose a threat to the scenic amenity of the location.





Response to Question 4

What actions will be taken to ensure access to the public foreshore facility (boardwalk) is not blocked

The proposed improvements will not block access to the boardwalk. Consideration has been given to ensuring ongoing public access to allow;

- Movement along the boardwalk without interruption.
- Movement along the waterfront adjoining Raby Bay Marina, involving the access easement along private freehold land (Lot 1 Plan RP897334).
- Use of the public temporary mooring facility, including movement from the boardwalk on to vessels tied up (and vice versa).

Please refer to the following plan “Raby Bay Marina Access Diagram” and the associated commentary below for further information.

Movement along the boardwalk

The proposal has been designed to avoid any conflict between uses arising from the existing boardwalk and the new lease area. Despite the close proximity of the proposed improvements to the boardwalk, no avenue for pedestrian or vehicular movement between the boardwalk and the new berths exists under the design proposed.

The access arrangements proposed are the same as the existing arrangements for the 75 berths currently within the Raby Bay Marina. These access arrangements have been demonstrated to work well on an ongoing basis and there is no reason that such arrangements will not also suit public access to the boardwalk following construction of the additional 16 berths in the new lease area.

Movement along the waterfront adjoining Raby Bay Marina

Access to berths within the new lease area is proposed via freehold lot 1 on plan RP897334. The access arrangements proposed are the same as the existing arrangements for the 75 berths currently within the Raby Bay Marina. These access arrangements have been demonstrated to work well on an ongoing basis and there is no reason that such arrangements will not also suit public access to the waterfront following construction of the additional 16 berths.

Use of the public temporary mooring facility

As indicated by plan JSP-SM-1160, sufficient width has been retained alongside the temporary mooring facility (10.79m) to allow vessels to manoeuvre alongside the facility.

Response to Question 5

Please demonstrate how future access for maintenance to the boardwalk is to occur

The proposed improvements will not inhibit access to the foundations and underside of the boardwalk for maintenance purposes. Indeed, the placement of floating pontoons in the configuration proposed is likely to improve ease of access and access flexibility to conduct maintenance checks and minor works in the adjoining section of the boardwalk.

Following construction of proposed improvements as indicated on drawing JSP-SM-1160, access to the adjoining section of the boardwalk could be achieved in one of two ways;

- Accessing the Boardwalk using the pontoons
- Accessing the Boardwalk by boat

These alternatives are expanded upon below.

The Port Binnli Group is agreeable to working with Local and State authorities to ensure that the required access arrangements are in place. To this end, Port Binnli has instructed Klooger Phillips Lawyers to develop a draft legal clause to be inserted into the lease agreement, which provides for entry by local government authorities. The draft clause is attached at Appendix A.

Boardwalk access using the pontoons

It is anticipated that much of the inspections and general maintenance work required on the boardwalk could be achieved by enabling council staff and contractors to access the pontoons alongside the boardwalk. Suitable working arrangements for access will be made directly with the Raby Bay Marina manager.

Boardwalk access by boat

Should work required to be undertaken on the boardwalk necessitate access by boat, such access will be achieved in consultation with the Raby Bay Marina manager. Pontoons will be unhitched from pilings and floated out of the way while the work is being undertaken, and replaced once work has been completed. Such logistics will be managed by the Raby Bay

Marina manager to meet the access requirements, following notice from Council as set out in the draft lease clause.

Detailed design to be conducted prior to construction will further demonstrate how access involving temporary relocation of pontoons will be achieved.

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Appendix A

Draft Clause for inclusion in the proposed Term Lease, granting access to Local Government for the purposes of inspection and maintenance of the boardwalk.

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1. Council Right of Entry

1.1 Definitions

1.1.1 In this clause where the context permits the following definitions shall apply:

- 1.1.1.1 "Authorized Persons" means any Council officer, employee, agent or contractor or any other person authorized by the Council in writing;
- 1.1.1.2 "Boardwalk" means the Boardwalk and other improvements erected on Council Land;
- 1.1.1.3 "Council" means the Mackay Regional Council;
- 1.1.1.4 "Council Land" means the land adjoining the Demised Land owned by the Council or held by it in its capacity as trustee;
- 1.1.1.5 "Pontoon" means a Pontoon located in the Demised Land;
- 1.1.1.6 "Vessel" means a vessel located in the Demised Land.

1.2 The Lessee shall at all times permit the Council and its Authorized Persons to enter the Demised Land to:

- 1.2.1 carry out inspections of the Boardwalk;
- 1.2.2 carry out repairs of a minor nature to the Boardwalk;
- 1.2.3 have access to a Pontoon to carry out inspections;
- 1.2.4 carry out major repairs to the Boardwalk from barges or other vessels.

1.3 The Council must give to the Lessee the written notification of its intention to enter the Demised Land as follows:

- 1.3.1 Nil if the Council does not require access to a Pontoon or Vessel or the relocation of a Pontoon or Vessel;
- 1.3.2 48 hours notice if the Council requires access to a Pontoon or Vessel to carry out inspections or minor repairs to the Boardwalk;
- 1.3.3 14 days notice if the Council requires the Lessee to relocate a Pontoon or Vessel so that the Council can carry out major repairs to the Boardwalk.

1.4 If the Council wishes to carry out major repairs to the Boardwalk which cannot be reasonably carried out without the relocation of a Pontoon or Vessel or Pontoons or Vessels then:

- 1.4.1 the Council must give to the Lessee written notice referred to in the previous clause;
- 1.4.2 the written notice must specify the period in which a Pontoon or Vessel is to be relocated;
- 1.4.3 the Council must only require the relocation of a Pontoon or Vessel where it is not reasonably possible to carry out the major repairs without its relocation;
- 1.4.4 the Council must carry out the major repairs without undue delay and as expeditiously as reasonably possible;
- 1.4.5 the Council must give to the Lessee written notification when the repairs have been completed and a Pontoon or Vessel can be returned to its original position.

1.5 The Council must pay for costs of repairing any damage caused to a Pontoon or Vessel or other improvements owned by the Lessee or other persons on the Demised Land arising from or incidental to the Council's exercise of its rights under this clause, except in the event of any negligent act or omission by the Lessee.

1.6 The Council indemnifies and keeps indemnified the Lessee from any claims demands costs expense or liability whatsoever arising from or incidental to the Council's exercise of its rights under this clause, except in the event of any negligent act or omission by the Lessee

Appendix B

- Raby Bay Tidal Works Marina Special Charge – Works Plan
- Spreadsheet calculating adjustments to the revenue requirements of the Works Plan based on the inclusion of an additional 16 berths into the Raby Bay Marina

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RABY BAY TIDAL WORKS MARINA SPECIAL CHARGE - WORKS PLAN

	Year 1 2011/12	Year 2 2012/13	Year 3 2013/14	Year 4 2014/15	Year 5 2015/16	Year 6 2016/17	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Year 12 2022/23	Year 13 2023/24	Year 14 2024/25	Year 15 2025/26	Year 16 2026/27	Year 17 2027/28	Year 18 2028/29
Revenue																		
Type	Units																	
Raby Bay Marina Berth Special Charge	70,388	76,196	82,483	89,288	96,655	104,630	113,264	122,609	132,725	143,677	155,531	168,364	182,256	197,294	213,573	231,194	250,270	270,920
20% - Council Contribution	17,597	19,049	20,621	22,322	24,164	26,158	28,316	30,652	33,181	35,919	38,883	42,091	45,564	49,323	53,393	57,799	62,568	67,730
Site Valuation Increase	10,777	11,316	11,882	12,476	13,100	13,755	14,442	15,164	15,923	16,719	17,555	18,432	19,354	20,322	21,338	22,405	23,525	24,701
	98,762	106,561	114,985	124,086	133,919	144,543	156,022	168,426	181,829	196,314	211,969	228,888	247,174	266,939	288,304	311,398	336,363	363,351
Expenditure																		
Capital																		
New																		
20 Blocks (rating 1)	-	216,760	296,721															
Existing																		
46044 - Masthead Dve. (95-105) 6 blocks																		
40065 - Seahaven (12) 1 block	113,307																	
40138 - 42 - Raby Bay Boulevard	48,000																	
46045 - Seacrest Crt. (24,25,26) 3 blocks	68,577																	
42092 - Mainroyal Crt. (4) 1 block		123,647																
45365 - Raby Bay Revetment Walls (2016-17)	229,884	340,408	296,721	75,529	84,592	94,743	106,113	118,846	133,108	149,081	166,970	187,007	209,448	214,500	240,240	267,269	293,280	321,270
	229,884	340,408	296,721	75,529	84,592	94,743	106,113	118,846	133,108	149,081	166,970	187,007	209,448	214,500	240,240	267,269	293,280	321,270
Reserve																		
Opening Balance	-	168,878	207,031	270,715	235,795	202,226	167,569	131,463	93,407	52,795	8,892	240,817	193,677	146,357	111,576	70,509	21,365	2,266
Revenue	98,762	106,561	114,985	124,086	133,919	144,543	156,022	168,426	181,829	196,314	491,969	228,888	247,174	266,939	288,304	311,398	336,363	363,351
Interest	81,527	3,091	7,602	9,795	10,378	8,817	7,257	5,638	3,939	2,136	199	4,252	8,227	6,053	4,142	-	-	-
Loan	300,000	300,000	300,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Expenditure	229,884	340,408	296,721	75,529	84,592	94,743	106,113	118,846	133,108	149,081	166,970	187,007	209,448	214,500	240,240	267,269	293,280	321,270
Loan Repayment	-	31,091	62,182	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273
Reserve Loan Payt	1,399,094	31,091	62,182	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273	93,273
Difference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Opportunity Cost	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Closing Balance	168,878	207,031	270,715	235,795	202,226	167,569	131,463	93,407	52,795	8,892	240,817	193,677	146,357	111,576	70,509	21,365	2,266	13,256

Port Binnli Pty Ltd

Assessment of Potential Revenue Adjustments to the Tidal Works Program in the vicinity of Raby Bay Marina (Redland City Council)

Based on the addition of 16 more berths to the Raby Bay Marina

	Year 1 2011/12	Year 2 2012/13	Year 3 2013/14	Year 4 2014/15	Year 5 2015/16	Year 6 2016/17	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Year 12 2022/23	Year 13 2023/24	Year 14 2024/25	Year 15 2025/26	Year 16 2026/27	Year 17 2027/28	Year 18 2028/29	Total Across Works Plan Budget
Revenue from Raby Bay Marina Berth Special Charge (As per Works Plan)	70,388	76,196	82,483	89,288	96,655	104,630	113,264	122,609	132,725	143,677	155,531	168,364	182,256	197,294	213,573	231,194	250,270	270,920	2,701,318
Council Contributions (As per Works Plan)	17,597	19,049	20,621	22,322	24,164	26,158	28,316	30,652	33,181	35,919	38,883	42,091	45,564	49,323	53,393	57,799	62,568	67,730	675,330
Projected Additional Revenue from 16 more Berths in the Raby Bay Marina *			15,293	16,555	17,921	19,399	21,000	22,733	24,608	26,639	28,837	31,216	33,792	36,580	39,598	42,866	46,402	50,231	473,670
Adjusted Council Contributions required to meet Works Plan budget	17,597	19,049	5,328	5,767	6,243	6,759	7,316	7,919	8,573	9,280	10,046	10,875	11,772	12,743	13,795	14,933	16,166	17,499	201,660

* Projected Additional Revenue calculations are based on proportional % increases in revenue as per the Works Program budget outlined by Redland City Council.

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Appendix C

- Plan showing proposed location of Public Fishing Facility

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Date : 28/10/2013 2:58:05 PM
From : "Howard Judi"
To : [s.73 Irre@portbinnli.com]"
Subject : 2011/006548
Attachment : Signed Letter of Offer.pdf;
Hi [s.73 Irre]

Please find attached letter of offer for the amendment of TL 0/234415, the original is in the mail

Regards

Judi Howard

Land Administration Officer
Land Management Beenleigh
Department of Natural Resources and Mines
PO Box 1164 Beenleigh 4207
phone: 07 3884 8047 facsimile: 07 3884 8079
judi.howard@dnrm.qld.gov.au
www.dnrm.qld.gov.au

Work Safe, Home Safe

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RTI Act 2009

Author: Judi Howard
File / Ref number 2011/006548
State Land Asset Management
Phone (07)3884 8047



Queensland
Government

Department of
Natural Resources and Mines

28 October 2013

Port Binnili Pty Ltd
PO Box 71
ARANA HILLS QLD 4054

Attention: s.73 Irrelevant information

Dear Mr s.73 Irrelevant

Proposed Amendment of Area of Term Lease 0/234415 being Lot 8 on CP895066 within Endeavour Canal, Cleveland as shown on DWG 11/280

Reference is made to your application dated 13 October 2011 regarding the proposed amendment of area of term lease 0/234415 within Endeavour Canal, Cleveland as shown on DWG 11/280.

I wish to advise that in principle approval has been granted to seek the Governor in Councils approval for the amendment of Term Lease 0/234415 for the inclusion of about 6370m² adjoining Lot 8 on CP895066 as shown on Departmental drawing 11/280.

This offer is subject to the following requirements:-

Requirements: Prior to the amendment of Term Lease 0/234415, the applicant must:

FIRST STAGE:

1. This approval is subject to the Development Application lodged with Redland City Council being finalised, and conditions imposed by Council's investigation of the Material Change of Use (MCU) application will be included as the term lease conditions, as per council letter dated 3 June 2013.
2. Ensure the completion of the attached Agreement by all proposed tenure holders or their authorised representatives and submit to the writer

Once the MCU application and prescribed tidal works application for the amended lease area has been approved by the Redland City Council, supply additional comments to this office from the Redland City Council in relation to any additional conditions to be included in the lease and also the final lease area.

At this stage the department will formally advise you of any lease condition amendment necessary, and also determine the final lease area as a result of the MCU application.

SECOND STAGE:

3. Lodge in this office (Not the titles office) a survey plan providing for the subject area as a new lot adjoining Lot 8 on CP895066 as illustrated on the attached departmental drawing 11/280. A cheque for the lodgement fees for the survey plan (currently \$355.40) will be required to be lodged in this office also.

Private arrangements should be made with a licensed surveyor for preparation of the plan. Should the surveyor have any doubts as to plan requirements he should contact the Department's Senior Surveyor on 07 3884 8078.

Note: The amendment of Term Lease 0/234415 may be liable for rates, which are charged by the Local Authority. Furthermore, it will still be necessary for you to comply with all the requirements of the Local Authority including zoning and building permits etc. in respect of your proposed use of the area.

This offer will lapse unless:

- The **Agreement to Amend a Term Lease** must be returned to the department by close of business on 22 November 2013, otherwise this offer will lapse.
- Compliance with the "first stage" of this offer must be satisfied by close of business on 24 January 2014 otherwise this offer will lapse.

NOTE: If the abovementioned requirements are not met, this offer will lapse and if at a future date you wish to proceed with the amendment of Term Lease 0/234415, namely Lot 8 on CP895066, a fresh application for will be required to be lodged.

If you believe you will be unable to comply with **any** of the conditions of this offer by the specified date, you should apply in writing for an extension of time. Any application for an extension of time should be made **before** the offer lapses and must address the following -

- what action you have taken to comply with the offer conditions; **AND**
- why the conditions cannot be complied with by the due date; **AND**
- the time for which the extension is requested, including reasons for the amount of time required.

If you do not apply for an extension of time and the offer lapses a new application and application fee will be required. If you make a new application, the matter will be re-investigated and a new decision will be made that will include re-assessment of the land value and all conditions and requirements applicable to the dealing. This re-assessment may also result in the application being refused.

If you wish to discuss this matter please contact Judi Howard on (07)3884 8047. Please quote reference number 2011/006548 in any future correspondence.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to judi.howard@dnrm.qld.gov.au . Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

You may wish to seek your own legal advice with regard to this offer.

Yours sincerely

sch4p4(6) Personal inform

Judi Howard
Land Administration Officer
Beechleigh

Agreement to Amend a Term Lease - Requirements and notification of acceptance of offer

DNRM reference number: 2011/006548

OVERVIEW

Subject to compliance with the Offer Requirements as set out in this document, in principle approval will be sought to amend Term Lease 234412, over Lot 8 on CP895066, by inclusion of an additional area as shown on DWG 11/280.

Your completion and return of this form together with payment of the attached account constitutes written agreement to the offer and the subsequent amendment of Term Lease 234412.

OFFER REQUIREMENTS

This offer will lapse unless the following items are lodged by the specified time, with the DNRM Beenleigh Office –

FIRST STAGE:

1. This approval is subject to the Development Application lodged with Redland City Council being finalised, and conditions imposed by Council's investigation of the Material Change of Use (MCU) application will be included as the term lease conditions, as per council's letter dated 3 June 2013.
2. Ensure the completion of the attached Agreement by all proposed tenure holders or their authorized representatives and submit to the writer.

Once the MCU application and prescribed tidal works application for the amended lease area has been approved by the Redland City Council, supply additional comments to this office from the Redland City Council in relation to any additional conditions to be included in the lease and also the final lease area.

At this stage the department will formally advise you of any lease condition amendment necessary, and also determine the final lease area as a result of the MCU application.

SECOND STAGE:

3. Lodge in this office (Not the titles office) a survey plan providing for the subject area as a new lot adjoining Lot 8 on CP895066 as illustrated on the attached departmental drawing 11/280. A cheque for the Lodgement fees for the survey plan (currently \$355.40) will be required to be lodged in this office also.

Private arrangements should be made with a licensed surveyor for preparation of the plan. Should the surveyor have any doubts as to plan requirements he should contact the Department's Senior Surveyor on 07 3884 8078.

Postal:
DNRM Beenleigh
PO Box 1164
Beenleigh Qld 4207

Telephone : 3884 8047
Fax: 3884 8079



Queensland
Government

Great state. Great opportunity.

The **Agreement to Amend a Term Lease** must be returned to the department by close of business on 22 November 2013, otherwise this offer will lapse.

Compliance with the "first stage" of this offer must be satisfied by close of business on 24 January 2014 otherwise this offer will lapse.

If you believe you will be unable to comply with **any of** the conditions of this offer by the due dates, you should apply in writing for an extension of time. Any application for extension of time is to be made **before** the offer lapses and must address the following -

- what action you have taken to comply with the offer conditions; **AND**
- why the condition/s cannot be complied with by the due dates; **AND**
- the time for which the extension is requested, including reasons for the amount of time required.

Note - if you do not apply for an extension of time the offer lapses, you will need to make a fresh application and pay the required application fee. If the new application is accepted, the application will be re-investigated and include re-assessment of all conditions and requirements applicable to the dealing. This re-investigation may also result in the application being refused.

PURPOSE AND CONDITIONS

The existing purpose and conditions for Term Lease 234412 will remain unchanged, but may be subject to amendment based upon the outcome of the Material Change of Use application with the Council.

PARTICULARS OF LAND

Tenure Type - Existing Term Lease to be amended

Description - Area to be added as shown on DWG 11/ 280

RENT

Rental periods for a Term Lease are annual (1 July – 30 June). Invoices for payment of the rent are usually sent out by the department before the last week of July each year.

Unless the rent is set, the rent for a Term Lease is calculated by multiplying the valuation of the land for rental purposes by the percentage rate for the category of the Term Lease, as prescribed in the current Land Regulation.

The rental valuation is subject to reassessment each year in accordance with the *Land Valuation Act 2010*.

PLAN REQUIREMENTS

**** PLEASE NOTE** - The plan is a second stage requirement to the offer, and should not be prepared until after the MCU application is finalized, and you are further advised by the department to proceed.**

The department requires a plan to be prepared at your expense to satisfy the requirements of this offer and arrangements should be made with a Registered Consulting Surveyor to prepare the plan. A cheque for the lodgement fees for the survey plan (currently \$355.40) will be required to be lodged in this office also.

The plan must show the subject area included as a new Lot adjoining Lot 8 on CP895066 as illustrated on the attached departmental drawing 11/280.

Private arrangements should be made with a licensed surveyor for preparation of the plan. Should the surveyor have any doubts as to plan requirements he should contact the Department's Senior Surveyor on 07 3884 8078

APPROVALS AND/OR REQUIREMENTS OF THE COMMONWEALTH, STATE OR LOCAL GOVERNMENT

It should be noted that whilst the Term Lease will issue for marine facility purposes, it is the lessee's responsibility to ensure that all other necessary approvals and/or requirements of the Commonwealth, State or local government in respect of the use of the area are obtained and/or satisfied.

A Term Lease may be subject to rates which are charged by the local government.

FOREIGN OWNERSHIP

Your attention is drawn to the requirements of the *Foreign Ownership of Land Register Act 1988* that a foreign person (as defined in that Act) or a trustee of a foreign person or foreign trust, must lodge a Notification of Ownership Form for each interest acquired. No fee is payable and further enquiries should be directed to the Foreign Ownership of Land Registry on (07) 3227 7262.

If you are a permanent resident of Australia, an Australian Citizen or wholly owned Australian Company, there is no requirement for you to take further action in this matter.

CONTAMINATION

Landowners and occupiers of land have a responsibility under section 371(1) of the *Environmental Protection Act 1994* to notify the administering authority within 22 business days if they become aware that a notifiable activity is being carried out on the land.

There are penalties for landowners under section 371 of the *Environmental Protection Act 1994* for not complying with the responsibility to notify.

For more information visit the EHP website: www.ehp.qld.gov.au; or contact Waste and Land Contamination Assessments, Department Environment and Heritage Protection - email: WLCA@ehp.qld.gov.au

ABORIGINAL OR TORRES STRAIT ISLANDER CULTURAL HERITAGE

All significant Aboriginal and Torres Strait Islander cultural heritage in Queensland, is protected under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.

Aboriginal cultural heritage which may occur on the subject land is protected under the terms of the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* even if DATSIMA has no records relating to it.

Please refer to the website -

<http://www.datsima.qld.gov.au/atsis/aboriginal-torres-strait-islander-peoples/indigenous-cultural-heritage> for a copy of the gazetted Cultural Heritage Duty of Care Guidelines which set out reasonable and practical measures for meeting the duty of care.

Further assistance or advice in relation to this matter please contact the Cultural Heritage Unit on (07) 3405 3050.

DECLARATION

The information provided in this Agreement to Offer and any attachments is authorised under the *Land Act 1994* and is being used to process your application. The department will endeavour to maintain the confidentiality of information relating to your application. However, consideration of your application may involve consultation with other parties and if so, details of your application may be disclosed to third parties. This information will not otherwise be disclosed outside of the department unless required or authorised by law such as under the *Right to Information Act 2009*. If the proposed Term lease issues, the details of the Term Lease, including the lessees will be registered in the Land Registry which is available to the public to search.

I/We agree, subject to compliance with the Offer Requirements, to the amendment of the Term Lease 234412 on terms and conditions stated in this document and note that this acceptance shall not be effective until I/We have complied with the Offer Requirements.

DECLARATION BY A CORPORATION

Executed for and on behalf of:

Corporation name

A.C.N or A.R.B.N No.

In accordance with section 127 of the *Corporations Act 2001*,

Dated

day of

Year

Name and Signature of authorised person/s

Note – Sole Directors simply insert name and sign as sole director. Other Companies require signature of two Directors or by a Director and Secretary. Where an attorney or other agent executes this Agreement on behalf of a company, the form of the execution must indicate the source of this authority and a certified copy of authority must be provided to the Department. A witness is only required for an attorney or other agent where the source of authority requires a witness.

In relation to this agreement to offer, it is recommended you seek independent legal advice.


Postal :
DNRM Beenleigh
PO Box 1164
Beenleigh QLD 4207

Email: SLAM-beenleigh@dnrm.qld.gov.au
Telephone : (07)3884 8047
Fax: (07)3884 8079

END OF DOCUMENT




 Prepared by
 IPSWICH OFFICE
 PLANNING & ASSESSMENT
 SOUTH EAST REGION
 DEPT OF ENVIRONMENT and
 RESOURCE MANAGEMENT
 LEVEL 1
 TOWER CENTRAL
 IPSWICH Q 4305

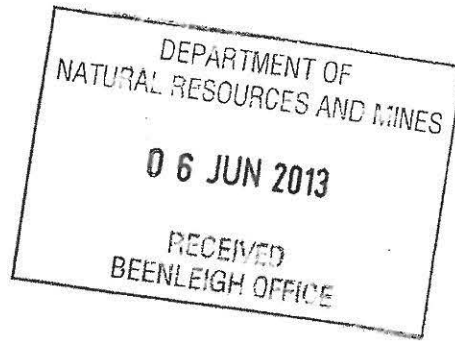
LAND REFERRED TO SHOWN 

PARISH: CLEVELAND COUNTY: STANLEY
 LOCALITY: CLEVELAND LOCAL AUTH: CITY OF REDLAND

Compiled from: DCDB & Sketch on File
 File Ref: Case Id 2011/006548 Map Ref: 9542 - 14442 Date: 18/11/2011

PROPOSAL
 Scale: 1 : 1000
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DWG 11/280

©The State of Queensland (Dept of Environment & Resource Management)
 Base data extracted from the Digital Cadastral Database on the 18/11/2011



Redland City Council
ABN 46 478 929 478
Cnr Bloomfield & Middle Sts.
Cleveland Qld 4163
10 Bx 21,
Cleveland Qld 4163
Telephone 07 3829 8999
Facsimile 07 3829 8765
Email rcc@redland.qld.gov.au
www.redland.qld.gov.au

3 June 2013

Your Ref:
Our Ref: AW
File No: P55311
Contact: AW

Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

Att: Judi Howard

RE: Lease for 16 berths at 14-16 Masthead Drive Cleveland

Dear Ms Howard,

I refer to your correspondence dated 25 February 2013 relating to Council's full response for the proposed term lease adjoining Lot 8 on CP895066.

I write to advise that we have no objection to Department of Natural Resources and Mines (DNR&M) issuing consent for the 6370m² lease as indicated on DWG11/280 in your letter to Council dated 22 November 2011, plan attached.

Should DNR&M grant the lease, The Port Binnli Group will then be required to submit to Council a Material Change of Use application for Marine Services and a prescribed tidal works application to establish the marina.

We are of the understanding that the area of the lease can be changed further to the outcome of Council's determination of the application and that any conditions within any approval could be included within the terms of the lease.

Should you have any questions in relation to this matter, please feel free to contact Adam Webb on 3829 8128.

Yours sincerely,

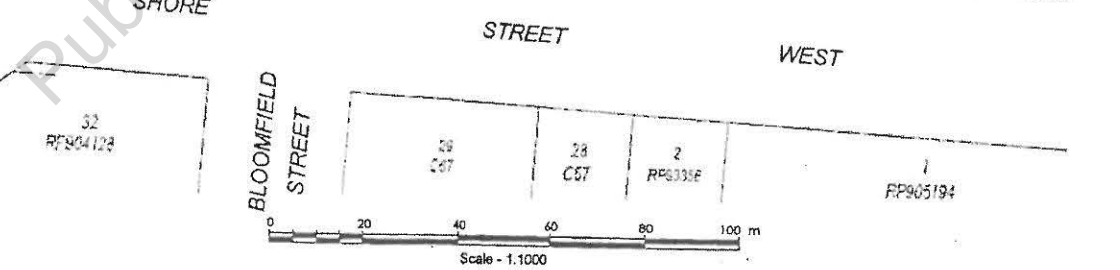
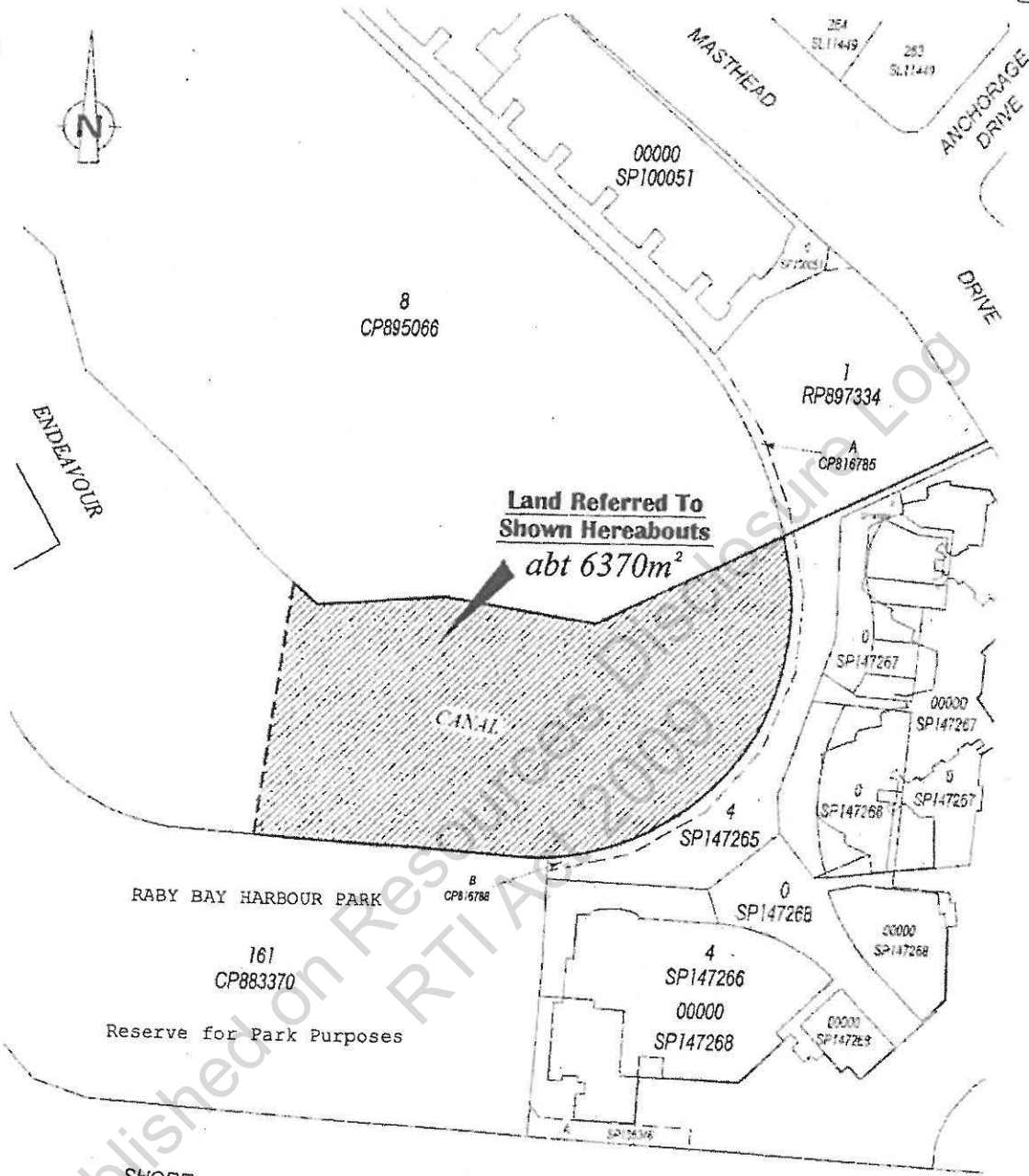
[Redacted signature: sch4p4(6) Personal inform]

David Jeanes
Service Manager
Planning Assessment

Cc: [Redacted email: s.73 Irrelevant information]@portbinnli.com

DRAWING

Sheet 1 of 1



Queensland Government
 Prepared by
 IPSMCH OFFICE
 PLANNING & ASSESSMENT
 SOUTH EAST REGION
 DEPT OF ENVIRONMENT and
 RESOURCE MANAGEMENT
 LEVEL 1
 TOWER CENTRAL
 IPSMCH Q 4305

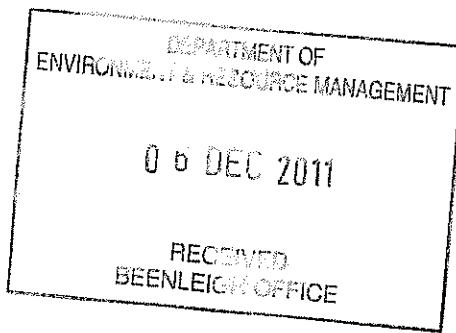
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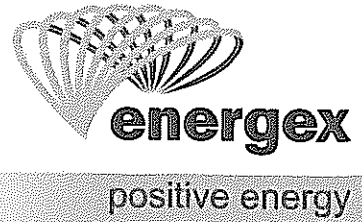
Compiled from: DCDB & Sketch on File
 File Ref: Case Id 2011/006548
 Map Ref: 9542 - 14442
 Date: 15/11/2011

PROPOSAL
 Scale: 1 : 1000
 NOTE: A4 copy is reduced

DWG 11/280



5 December, 2011



Land Administration Officer
Department of Environment & Resource Management
PO Box 1164
BEENLEIGH QLD 4207

Attention: Judi Howard

Dear Judi

Application for Term Lease adjoining Lot 8 on CP895066
Your Ref: 2011/006548

We refer to your correspondence dated the 22 November, 2011 and wish to advise that ENERGEX has no objection to the above application.

Yours faithfully
[Redacted signature box with text: s.73 Irrelevant information]
For
Network Strategy & Property Manager



Enquiries
Ross Franklin
Telephone
(07) 3664 4342
Facsimile
(07) 3664 9834
Email
rossfranklin@energex.com.au

Corporate Office
26 Reddacliff Street
NEWSTEAD QLD 4006
GPO Box 1461
Brisbane Qld 4001
Telephone (07) 3407 4000
Facsimile (07) 3407 4609
www.energex.com.au

Date : 25/02/2013 10:36:57 AM

From : "Howard Judi"

To : "'Rodney Powell'"

Subject : 2011/006548 Port Binnli Term lease in Endeavour Canal

Attachment : Signed Request for full RCC views.pdf;DWG 11_280.pdf;RCC views conditional no objection .pdf;

Hi Rod

Please find attached a request for formal full council views response for the proposed new term lease over Lot 8 on CP895066.

The original is in the mail

Regards

Judi Howard

Land Administration Officer
Land Management Beenleigh
Department of Natural Resources and Mines
PO Box 1164 Beenleigh 4207
phone: 07 3884 8047 facsimile: 07 3884 8024
judi.howard@dnrm.qld.gov.au
www.dnrm.qld.gov.au

Work Safe, Home Safe

Published on Resources Disclosure Log
RTI Act 2009



Queensland
Government

Department of
Natural Resources and Mines

Author Judi Howard
File / Ref number: 2011/006548
Your Ref: ih:RP
File No: RTT Planning – Marine General
State Land Management
Phone (07)3884 8047

25 February 2013

Redland City Council
PO Box 21
CLEVELAND QLD 4163

Attention: Rod Powell

Dear Mr. Powell

Application for a Term Lease adjoining Lot 8 on CP895066

Reference is made to Council's letter dated 15 November 2012 with regard to Council requirements for a proposed term lease over Lot 8 on CP895066.

To enable this Department to give full consideration to the application for a proposed term lease over Lot 8 on CP895066, this Department will require a formal full response from Council.

The applicants will be notified of the Department's requirement for the formal full response and that no further action will be taken on the application until the response from council is received.

If you wish to discuss this matter please contact Judi Howard on 3884 8047.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to judi.howard@dnrm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2011/006548 in any future correspondence.

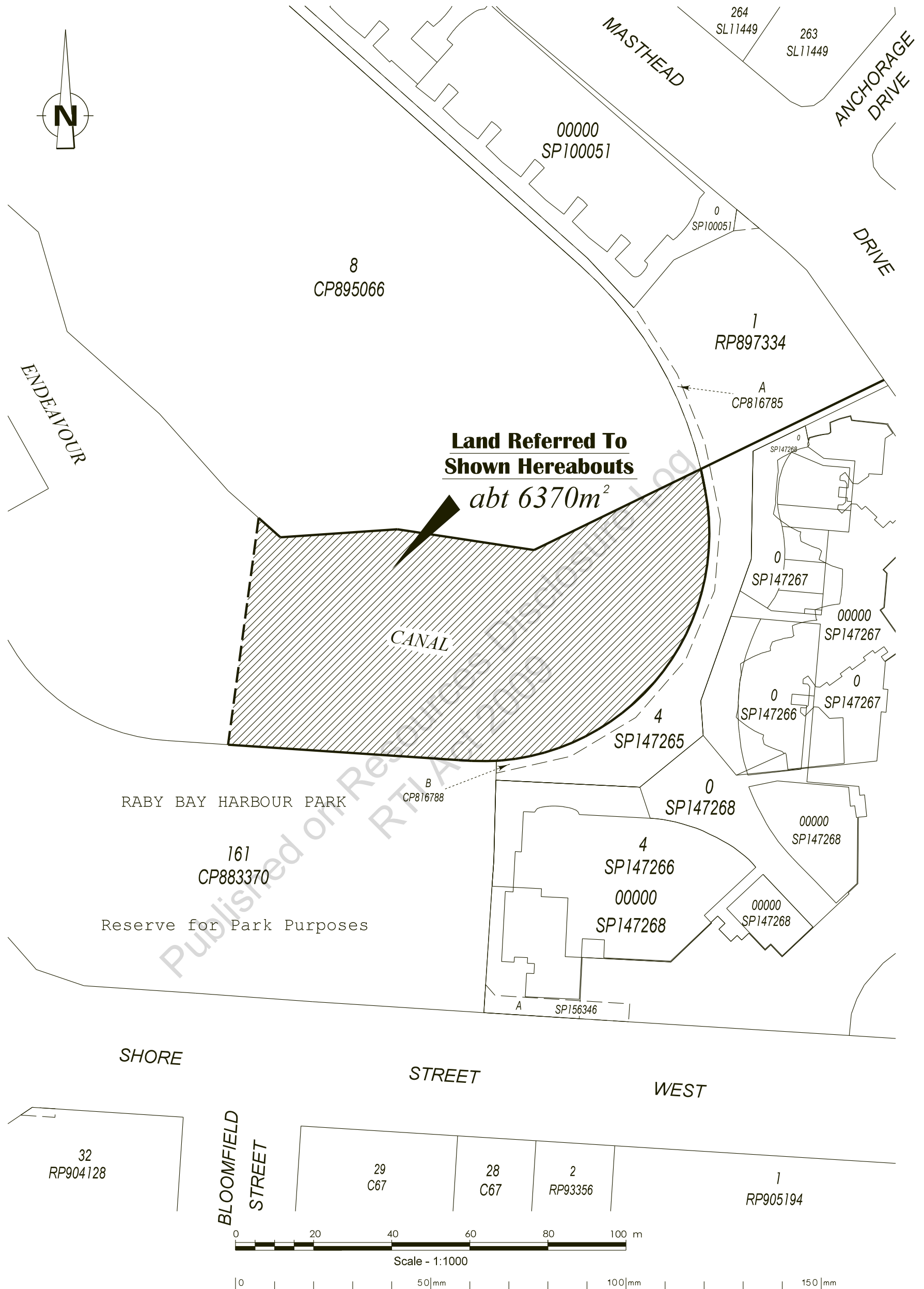
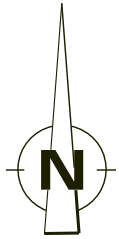
Yours sincerely

sch4p4(6) Personal informati

Judi Howard
Land Administration Officer
Beenleigh

Postal :
DNRM Beenleigh
PO Box 1164
Beenleigh QLD 4207

Telephone : (07)3884 8047
Fax: (07)3884 8079



Prepared by
IPSWICH OFFICE
PLANNING & ASSESSMENT
SOUTH EAST REGION
DEPT OF ENVIRONMENT and
RESOURCE MANAGEMENT

LEVEL 1
TOWER CENTRAL
IPSWICH Q 4305

LAND REFERRED TO SHOWN



PROPOSAL

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PARISH : CLEVELAND COUNTY : STANLEY
LOCALITY : CLEVELAND LOCAL AUTH : CITY OF REDLAND

DWG 11/280

Compiled from : DCDB & Sketch on File Drawn by : JKN
File Ref: Case Id 2011/006548 Map Ref: 9542 - 14442 Date : 18/11/2011



15 November 2012

Your Ref: DW: 6515658

Our Ref: lh:RP

File No: **RTT Planning - Marine General**

Contact: Rodney Powell T: 3829 8582

Judi Howard
Land Administration Officer
Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

Dear Ms Howard

RE: Application for a Term Lease adjoining Lot 8 on CP895066

I refer to your request for comments of the application for a term lease adjoining Lot 8 on CP895066 and can advise as follows.

Redland City Council does not have any specific intentions for the area of unallocated state land over which the term lease would apply.

It must be emphasised that the information and recommendations provided in this document are the results of a basic assessment undertaken by Council officers and do not necessarily represent the views of Redland City Council. Any development as proposed in the supplementary information which you have provided would be assessed as a Prescribed Tidal Works Application and would be assessed against the Redland City Council Planning Scheme according to the merits of any proposal.

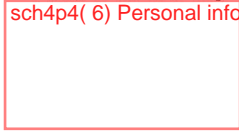
While Council officers support the proposal in principle the following issues should be considered:

- Future access to the public infrastructure for maintenance and improvements must be provided.
- Community consultation must be carried out to assess the level of community support for the development. Specifically the harbourside business and residential owners should be individually advised as they will be the ones most affected by the proposal.
- A percentage of the marina infrastructure must be set aside for public access to offset the loss of public access caused by the development.
- Amenity issues will be assessed on their merit once more detailed architectural views are available.

If you require a formal full Council response please advise Rodney Powell and the information which you have provided will be submitted to Council for consideration as "Commercial in Confidence".

Yours sincerely

sch4p4(6) Personal info



Murray Erbs
Group Manager City Infrastructure

Published on Resources Disclosure Log
RTI Act 2009

Date : 31/01/2013 11:33:26 AM

From : s.73 Irrelevant infor

To : "Howard Judi"

Subject : RE: Proposed new Term Lease for Extension to Raby Bay Marina

Attachment : Port Binnli Letter 31 Jan 2013.pdf;

Hi Judi,

Please find attached letter responding to your correspondence of 20 December 2012. A hard copy is following in the mail.

Kind Regards,

s.73 Irrelevant

Port Binnli Pty Ltd

Our office has moved! Please note our new contact details below;

Phone: (07) 3851 5300

Fax: (07) 3851 3009

Mail: PO Box 71, Arana Hills, Qld 4054

From: Howard Judi [mailto:Judi.Howard@derm.qld.gov.au]

Sent: Wednesday, 29 February 2012 9:25 AM

To: s.73 Irrelevant

Subject: 2011/006548 Extension to Raby Bay Marina

Hi s.73 Ir

Redland City Council has requested additional information to support your application for the proposed new lease area within Endeavour Canal, can you lease supply information regarding:-

- * What is planned for construction in the lease area, what height the construction will be etc
- * What public benefit would there be if the new lease area is approved
- * Provide information on what impact there would be on the amenity of foreshore views (from the reserve and adjoining Freehold land)
- * What actions will be taken to ensure access to the public foreshore facility (board walk) is not blocked
- * Please demonstrate how future access for maintenance to the board walk is to occur

If you can provide me with a response to these questions, that would be greatly appreciated, I will forward your response to Redland City Council so they can provide me with a view response to enable me to continue processing the case.

Thanks

Judi Howard

Land Administration Officer

Land Management Beenleigh

phone: 07 3884 8047 facsimile: 07 3884 8024

Email: judi.howard@derm.qld.gov.au

www.derm.qld.gov.au

Department of Environment & Resource Management

PO Box 1164 Beenleigh 4207

32 Tansey Street Beenleigh

The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. There is no waiver of any confidentiality/privilege by your inadvertent receipt of this material.

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If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

31 January 2013

Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

Attention: Judi Howard

Dear Judi,

Thank you for your letter dated 20 December 2012 regarding the application for a new term lease adjoining Lot 8 on CP895066 (your ref: 2011/006548). I have provided further information below in response to the points raised in your letter.

- ***Why Port Binnli requires the whole of the land as shown on the drawing prepared by Jetty Specialist No. JSP-SM-1160.***

The Port Binnli Group requires the whole of the land as shown on drawing JSP-SM-1160 in order to;

- Construct a facility that is economically viable
- Provide a public benefit proposed to be offered to the broader community through increased public access to the canal

Economic Viability

The Port Binnli Group requires the whole of the land as shown on drawing JSP-SM-1160 in order to construct a facility that is economically viable. Costs associated with construction of the proposed facility do not apportion equally on a pro-rata basis to a smaller facility that could be accommodated within DNRM's revised lease area.

For example, the significant costs associated with site uplift for equipment necessary to undertake the piling work are unchanged regardless of whether 16 or 8 berths are constructed. Economy of scale is applicable to all facets of the construction and ongoing management of the facility.

Preliminary discussions indicate that it would be exceedingly difficult to obtain the finance required to construct a facility smaller than the 16 berths proposed in our application.

Proposed Community Benefits

It is my understanding from your letter that public access to the canal and adjoining parkland is the central issue to DNRM's proposed changes to the lease area.

In discussions with representatives of the Redland City Council, negotiations led to the identification of contributions that could be made by Port Binnli, enabling the project to provide benefit to the broader community.

It is my understanding that these benefits were specifically intended to improve public access to the canal through the provision of new infrastructure for public use at no cost to state or local government. This is referred to within the Redland City Council response in support of the proposal;

Mackay Marina Pty Ltd ABN 47 076 840 643

Telephone +61 7 4955 6855 Fax +61 7 4955 6922

Post Mulherin Drive, Mackay Harbour, QLD 4740, Australia

Registered Office Unit 2, 6 Nelson Avenue, Arana Hills QLD 4054

www.mackaymarina.com Email info@mackaymarina.com

- *A percentage of the marina infrastructure must be set aside for public access to offset the loss of public access caused by the development.*

To provide this community benefit, under the full 16 berth proposal, Port Binnli will;

- Provide a fishing pontoon to Council at no cost
- Manage the facility in such a way that some of the berths are held in a rental pool, and not sub-leased into private ownership. This allows the general boating public to make use of the facilities (through short term berth rentals)

The lease area proposed in DNRW drawing 12/284 does not appear to take into consideration these proposed community benefits, which I feel are generous bearing in mind the scale of the proposal.

Port Binnli Group would be unable to maintain these commitments under a scenario in which the marina facility must be reduced in size.

- ***Can Port Binnli construct a marina facility with a reduced size so that the community has unfettered access to Endeavour Canal from the Reserve for Park purposes, Lot 161 on CP883370 (DNRW drawing DWG 12/284).***

As outlined above, Port Binnli is unable to construct an economically viable facility that could be accommodated within the reduced area shown on drawing DWG 12/284. Port Binnli would likely decline an offer for term lease of the area shown on drawing DWG 12/284.

RE: Western and South / Eastern Boundaries of Proposed Lease Area

I also wish to bring to your attention matters concerning the Western and South / Eastern boundaries of the proposed Lease Area as shown on DNRW drawings DWG 12/284 and DWG 11/280.

Western Boundary;

In relation to the western lease boundary proposed by DNRW (delineated on plan DWG 12/284), I am having difficulty understanding the decision making process by which the proposed lease area has been truncated.

The Department has truncated the Western lease boundary on this plan, so that it terminates at the cadastral boundary between lot 4 on SP147265 and lot 161 on CP883370. These lots are both Reserves for Park and Recreation, and they combine to make up the parkland area of the canal foreshore (please refer to tenure maps attached).

It appears to me that the waterfrontage for lot 161 is equally suitable for leasing as the waterfrontage of lot 4, particularly when taking in to consideration the proposed public access benefits to be provided by Port Binnli to the broader community at no cost to taxpayers or ratepayers. The truncation of the original proposed lease area to the area shown on DWG 12/284 therefore appears to me to be an arbitrary decision.

South / Eastern Boundary;

I would also like to raise an issue in relation to the South / Eastern boundary of the proposed lease area, as shown on DNRW drawings DWG 11/280 and DWG 12/284. These drawings have included

part of the public boardwalk within the proposed lease area. Port Binnli does not intend to lease this area of public boardwalk, as shown in the location diagram lodged with the application material.

I would like to arrange an opportunity to meet with the decision makers for this application prior to the finalisation of a decision, to discuss this issue further. Please contact me on 3851 5300 to arrange a suitable time.

Kind Regards,

s.73 Irrelevant information

Port Binnli Group

Published on Resources Disclosure Log
RTI Act 2009

Date : 6/09/2012 2:33:58 PM

From : "Rodney Powell"

To : "Howard Judi"

Subject : RE: 2011/006548 Extension to Raby Bay Marina

I have prepared a draft after a meeting with relevant council officers they are to respond by COB 6/9/2012 all going well soon after that

Rod Powell
Senior Advisor
Marine Projects
Redland City Council
07 3829 8582
[sch4p4\(6\) Pdf](#)

From: Howard Judi [mailto:Judi.Howard@dnrm.qld.gov.au]
Sent: Thursday, 6 September 2012 2:27 PM
To: Rodney Powell
Subject: RE: 2011/006548 Extension to Raby Bay Marina

Hi Rod

Can you please provide a date as to when Council will be able to provide a views response for this application for a term lease within endeavour canal at Raby Bay

Thanks

Judi Howard

Land Administration Officer
Land Management Beenleigh
Department of Natural Resources and Mines
PO Box 1164 Beenleigh 4207
phone: 07 3884 8047 facsimile: 07 3884 8024
www.dnrm.qld.gov.au

Work Safe, Home Safe

From: Rodney Powell [mailto:Rodney.Powell@redland.qld.gov.au]
Sent: Monday, 27 February 2012 4:06 PM
To: Howard Judi
Subject: 2011/006548 Extension to Raby Bay Marina

Judi,

RCC would like to provide a response on this matter but we are still waiting for some responses from other departments. Could we therefore request an extension of time until 26/3/12.

I think that it would be also beneficial if this application was supported by additional information concerning what is planned for construction in the lease area as, unless there was some public benefit to the proposal it is unlikely that it could be supported given that it will block access to a public foreshore facility (board walk) and will have an impact on the amenity of foreshore views as viewed from the neighbouring properties. Future maintenance access to the board walk would also need to be demonstrated.

Rod Powell
Senior Advisor
Marine Projects
Redland City Council
07 3829 8582
[sch4p4\(6\) Pdf](#)

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Date : 6/09/2012 2:27:28 PM
From : "Howard Judi"
To : "'Rodney Powell'"
Subject : RE: 2011/006548 Extension to Raby Bay Marina
Hi Rod

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Thanks

Judi Howard

Land Administration Officer
Land Management Beenleigh
Department of Natural Resources and Mines
PO Box 1164 Beenleigh 4207
phone: 07 3884 8047 facsimile: 07 3884 8024
www.dnrm.qld.gov.au

Work Safe, Home Safe

From: Rodney Powell [mailto:Rodney.Powell@redland.qld.gov.au]
Sent: Monday, 27 February 2012 4:06 PM
To: Howard Judi
Subject: 2011/006548 Extension to Raby Bay Marina

Judi,

RCC would like to provide a response on this matter but we are still waiting for some responses from other departments. Could we therefore request an extension of time until 26/3/12.

I think that it would be also beneficial if this application was supported by additional information concerning what is planned for construction in the lease area as, unless there was some public benefit to the proposal it is unlikely that it could be supported given that it will block access to a public foreshore facility(board walk) and will have an impact on the amenity of foreshore views as viewed from the neighbouring properties. Future maintenance access to the board walk would also need to be demonstrated.

Rod Powell
Senior Advisor
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07 3829 8582
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Please consider the environment before you print this e-mail or any attachments.

Date : 17/12/2012 11:48:37 AM

From : s.73 Irrelevant info

To : "Howard Judi"

Subject : RE: Application for new term lease (your ref: 2011/006548)

Attachment : img-Z17114443-0001.pdf;

Hi Judi,

Please find attached a letter requesting further information from the Department in relation to your correspondence dated 5 December 2012.

Kind Regards,

s.73 Irrelevant

Port Binnli Pty Ltd

Our office has moved! Please note our new contact details below;

Phone: (07) 3851 5300

Fax: (07) 3851 3009

Mail: PO Box 71, Arana Hills, Qld 4054

Published on Resources Disclosure Log
RTI Act 2009

17 December 2012

Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

Attention: Judi Howard

Dear Judi,

Further to my letter dated 10 December 2012 in relation to the application for a new term lease adjoining Lot 8 on CP895066 (your ref: 2011/006548).

I would appreciate further information to your letter dated 5 December 2012. Specifically, could you please provide a statement of reasons for the preliminary view outlined in dot point 1, that;

- *The Department is not willing to support the area under the current application as shown on the drawing prepared by The Jetty Specialist No. JSP-SM-1160.*

It is critical for the Port Binnli Group to understand the reasons that underpin the Department view, in order to make an informed decision on whether we are agreeable to processing the application for the proposed new term lease as shown on your drawing DWG 12/284.

Please contact me if you require any further information.

Kind Regards,

s.73 Irrelevant information

Port Binnli Group

Date : 18/06/2013 10:37:58 AM

From s.73 Irrelevant info

To : "Howard Judi"

Subject : RE: 2011/006548

Thanks for your email Judi, I will seek advice from my directors on their preferred option and get back to you as soon as possible.

Regards,

s.73 Irrelevant i

Port Binnli Pty Ltd

Our office has moved! Please note our new contact details below;

Phone: (07) 3851 5300

Fax: (07) 3851 3009

Mail: PO Box 71, Arana Hills, Qld 4054

From: Howard Judi [mailto:Judi.Howard@dnrm.qld.gov.au]

Sent: Tuesday, 18 June 2013 10:30 AM

To: s.73 Irreleva

Subject: 2011/006548

Hi s.73 Ir

Just an update for the new Term lease in Endeavour Canal at Cleveland, I have requested the valuation, would you be able to confirm for me please if you require a new lease for the new area or would you like the existing lease area amended (I can amend the existing lease to include the new area), I have the two options available, if you request a new lease there will be a covenant tying both lease areas together and the new lease will have the same end date as the existing lease.

Please let me know what option you would prefer.

Thanks

Judi Howard

Land Administration Officer
Land Management Beenleigh
Department of Natural Resources and Mines
PO Box 1164 Beenleigh 4207
phone: 07 3884 8047 facsimile: 07 3884 8079
judi.howard@dnrm.qld.gov.au
www.dnrm.qld.gov.au

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Queensland Government
Dept of Environment & Resource Management

ABN: 46 640 294 485

Received from: port binnli
ABN/Address:

RECEIPT

No.: 4051488

Description	Qty	Unit Val	Extended	Discount	Ext Value	GST	Total Price
APPLICATION BUY UNALLOCATED LAND-LA10	1	220.60	220.60	0.00	220.60		220.60

Published on Resources Disclosure Log
RTI Act 2009

Date: 24/10/11	Time: 10:12	CHEQUE	220.60	Tot Value:	220.60
Brch: beenl	SPer: DJT			GST:	0.00
CYC: 163170	Reg: 28	Tendered	220.60	Tot Price:	220.60
				Tendered:	220.60
				Change:	0.00

Cheques or other negotiable instruments accepted subject to clearance.

Date: 5 December 2012 **Application Type:** Term Lease

eLVAS Case Id: 2011/006548

Applicant & Fee: Port Binnli Pty Ltd, application fee of \$220.60 was paid on Lais receipt 4051488

Description of Land: An area of Endeavour Canal Raby Bay adjoining Lot 8 on CP895066 and Lot 1 on RP897334, Parish of Cleveland, County of Stanley

Local Government: Redland City Council

Tenure: Unallocated State Land

Proposed Action: New Tenure – Term Lease

Background: An application was received on 24 October 2011 from Port Binnli Pty Ltd for lease of State land (Term Lease).

The proposed lease area is for the purpose of an extension of the Raby Bay Marina. The proposal involves the construction of sixteen new wet berths for the secure berthing of private marine vessels within Endeavour Canal, Raby Bay. Port Binnli Pty Ltd have stated that the associated amenities required to service and support the new berths already exists within the current adjoining lease area and these facilities have the capacity to support the additional sixteen berths without further alterations or further improvements.

Port Binnli Pty Ltd current lease is described as Lot 8 on CP895066 being term lease 234412, the lease has a term of thirty years which commenced on 6 September 2010 and will expire on 5 September 2040. The current lease area comprises of a fuel dock for up to four vessels, marina facilities comprising three fingers of pontoon berths providing wet berthing for a total of seventy five vessels and access gangways with secure private access.

The current lease area is adjoining Port Binnli Pty Ltd freehold parcel being Lot 1 on RP897334. The adjoining freehold land provides essential operation to the marina being pathway access to the pontoon berths, electricity, sewerage, reticulated water; telephone and garbage collection services are connected to the property, as well as a single storey building providing toilets and showers for use by marina users and a carpark for marina use.

The proposed new lease area has no freehold dedicated access but access from the adjoining lease and freehold is available. Any alternative access would require access via reserve for park and recreation being Lot 4 on SP147264 and Lot 161 on CP883370

Noting database: 11N80655

Native Title: The Tenure History revealed a previous grant of exclusive possession, which covers the subject area. The subject area was part of Development Lease 9 TR: 17714191 being Lot 117 on SL9270, which was the entire basin/ canal network of Raby Bay (which was man-made) and previously constructed under Development Lease 9 pursuant to section 214 of the *Land Act 1962*. The lease was issued on the 25 September 1980.

Cultural Heritage: A search of the Cultural heritage database revealed no sites located

Interested Parties Views: Views were requested from Redland City Council (RCC), Telstra, Energex, Maritime Safety Queensland (Harbour Master) and Powerlink

RCC advised via letter dated 15 November 2012 that council does not have any specific intentions for the area of unallocated State land which the application covers.

RCC advised that it must be emphasised that the information and recommendations provided by Council are the result of a basic assessment undertaken by Council officers and do not necessarily represent the views of Council. Any development as proposed in the supplementary information provided will be assessed as a Prescribed Tidal Works application and would be assessed against the Redland City Council Planning Scheme according to the merits of any proposal.

While Council officers support the proposed in principle the following issues should be considered:

- Future access to the public infrastructure for maintenance and improvements must be provided.
- Community consultation must be carried out to assess the level of community support for the development. Specifically the harbour side business and residential owners should be individually advised as they will be the ones most affected by the proposal.
- A percentage of the marina infrastructure must be set aside for public access to offset the loss of public access caused by the development.
- Amenity issues will be assessed on their merit once more detailed architectural views are available.

Telstra advised via email dated 1 December 2011 no objection but require the applicant to be advised of "Dial Before You Dig" requirements

Energex advised via letter dated 5 December 2011 no objection

Harbour Master advised via email dated 13 February 2012 no objection

Powerlink no response has been received

Natural Justice:

- As advised by the Principal Land Officer this Department holds the preliminary view that it could not support a favourable determination on the application and is not willing to support the area under the current application as shown on the drawing prepared by The Jetty Specialist No. JSP-SM-1160.
- The Department is willing to continue processing the application for the area shown on the attached drawing DWG 12/284 for the proposed new term lease.
- Redland City Council advised via letter dated 15 November 2012, that council supports the proposal in principle but the following issues should be considered prior to any development application being lodged:
 - Future access to the public infrastructure for maintenance and improvements must be provided.
 - Community consultation must be carried out to assess the level of community support for the development. Specifically the harbourside business and residential owners should be individually advised as they will be the ones most affected by the proposal.
 - A percentage of the marina infrastructure must be set aside for public access to offset the loss of public access caused by the development.
 - Amenity issues will be assessed on their merit once more detailed architectural views are available.

Recommendation:

May approval be given to send the applicant (Port Binnli Pty Ltd) a Natural Justice letter to advise them of the requirements of this Department and Redland City Council.

Submitted by:

.....
Judi Howard
Land Administration Officer

Published on Resources Disclosure Log
RTI Act 2009

Date : 16/07/2013 10:08:11 AM

From : s.73 Irrelevant inf

To : "Howard Judi"

Subject : RE: 2011/006548

Hi Judi,

Could we please proceed with an amendment of the existing lease area to maintain the entire facility on one lease. Would you be able to outline the process and approximate timeframes that facilitates the amendment?

RE: the valuation, could you please benchmark the new proposed overall lease amount against the rate being charged by the State Government in facilities with similar uses nearby such as Wynnum Manly? The disparity in lease rates between Raby Bay Marina and other facilities nearby is of significant concern to us. I understand that the seabed lease rate at Raby Bay Marina is currently in the vicinity of 300% higher (per berth) than marina facilities we are trying to compete with nearby. I am keen to seek a resolution for this problem in conjunction with the lease amendment process.

Kind Regards,

s.73 Irrelevant

Port Binnli Pty Ltd

Our office has moved! Please note our new contact details below;

Phone: (07) 3851 5300

Fax: (07) 3851 3009

Mail: PO Box 71, Arana Hills, Qld 4054

From: Howard Judi [mailto:Judi.Howard@dnrm.qld.gov.au]

Sent: Tuesday, 18 June 2013 10:30 AM

To: s.73 Irreleva

Subject: 2011/006548

Hi s.73

Just an update for the new Term lease in Endeavour Canal at Cleveland, I have requested the valuation, would you be able to confirm for me please if you require a new lease for the new area or would you like the existing lease area amended (I can amend the existing lease to include the new area), I have the two options available, if you request a new lease there will be a covenant tying both lease areas together and the new lease will have the same end date as the existing lease.

Please let me know what option you would prefer.

Thanks

Judi Howard

Land Administration Officer
Land Management Beenleigh
Department of Natural Resources and Mines
PO Box 1164 Beenleigh 4207
phone: 07 3884 8047 facsimile: 07 3884 8079
judi.howard@dnrm.qld.gov.au
www.dnrm.qld.gov.au

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2011/006548

DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

Application form Contact and Land Details Part A

Application form requirements

1. **Part A:** Contact and land details will need to be completed.
2. **Part B:** Application specific form will need to be completed.
3. **Payment of the prescribed application fee, if relevant. A refund of application fees will not be given.** (Details of fees are available on the Department of Environment and Resource Management (DERM) website or from a regional DERM office)
4. **All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.**

Important information

All applications will be processed having regard to the requirements of the *Land Act 1994* and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.

Preferably applications should be lodged in the Department of Environment and Resource Management (DERM) regional office nearest to which the land is located. If this is not possible applications may be lodged at your nearest DERM office.

In terms of the Freedom of Information Act interested parties may seek access to DERM records and view relevant documents.

Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.



Contact details

Lodger Details and Mailing Address

A lodger is only required when a solicitor, bank, consultant etc lodges the application on behalf of the applicant

Port Binnli Pty Ltd			
Contact:	s.73 Irrelevant i		
Postal Address	Locked Bag 7001		
	CHERMSIDE CENTRE QLD 4032		
Phone number	3621 3288	Mobile phone	0422 148 391
Email	s.73 Irr@portbinnli.com		
Fax	3621 3277		

Applicant(s) Details and Mailing Address

If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown

Port Binnli Pty Ltd			
If a Corporation then record	<input type="checkbox"/> ACN <input type="checkbox"/> ARBN <input checked="" type="checkbox"/> ABN	99 062 169 751	
Postal Address	Locked Bag 7001		
	CHERMSIDE CENTRE QLD 4032		
Phone number	3621 3288	Mobile phone	s.73 Irrelevant inf
Email	s.73 Irr@portbinnli.com		
Fax	3621 3277		

Future correspondence should be sent to Lodger Applicant



Details of land for which the application is being lodged

1. Select the type of land for which the application is being lodged.

- Permit
- Lease
- Licence
- Trust Land Reserve/Deed of Grant in Trust (DOGIT)
- Road
- Unallocated State Land (USL) **go to 2**

2. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged.		
8	CP895066	40060948
1	RP897334	50158264

go to 3

3. Enter additional details of the land

Dealing number

Tenure type Tenure number

Local Government

Other details of land location (optional)

Application to lease land under high water mark adjoining the abovementioned lease and freehold land held by Port Binnli Pty Ltd.

Refer to attached documentation for further information

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM.

DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

Application to purchase or lease state land

Part B

Application form requirements

1. This Application is purchase or lease state land.
2. Read the respective *Application to Purchase State land* or *Application to Lease State land* Fact Sheet which include application restrictions
3. Payment of the prescribed application fee
(Details of fees are available on the Department of Environment and Resource Management (DERM) website or from a regional DERM office)
4. Any additional information to support application
5. **Part A:** Contact and details of land will need to be completed and submitted with your application.
6. Your application will not be considered as having been properly made unless all parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.

Important information

Before applying to Department of Environment and Resource Management (DERM) for a lease over a reserve an applicant should first apply to the trustee of the reserve for a trustee lease.

For a lease over a National Park or a State Forest you must apply to the Queensland Parks and Wildlife Service.

Before applying to DERM to purchase or lease State land an applicant should read DERM Policy Nos. PUX/901/315 (Criteria and Method for Disposal of Unallocated State Land) and PUX/901/316 (Allocation of Land in Terms of the Land Act 1994; State Land Asset Management).

Your application will be assessed against requirements under the *Land Act 1994* to determine the most appropriate use and tenure and whether the land may be offered with or without competition.

Your application cannot be considered if the area is already held by another person.

If you wish to purchase your existing Land Act lease you will need to apply using the Application for Conversion of a lease form. **Please note that if your lease is over a reserve, National Park or State Forest you will not be able to apply for conversion or purchase.**

If your application to purchase or lease State land is successful you may be required to provide a plan of survey at your expense, and if -

1. the most appropriate tenure is freehold, you will be required to pay a purchase price (market value) plus GST if applicable
2. the most appropriate tenure is a lease you will be required to pay an annual rental, including GST where applicable

Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.



9 311662 190093

Purchase State Land



9 311662 185259

Lease State Land

1. The Application is for:

<input type="checkbox"/>	Purchase of Unallocated State Land	go to 5
<input checked="" type="checkbox"/>	Lease of Unallocated State Land (including land below high water mark)	go to 2
<input type="checkbox"/>	Lease over a Reserve	go to 3
<input type="checkbox"/>	Purchase of Reserve Land	go to 3
<input type="checkbox"/>	acquire an area of State forest	go to 4
<input type="checkbox"/>	acquire an area of a Conservation tenure	go to 4

2. Is all or part of the area applied for below high water mark?

Yes go to 6 No go to 6

3. Have you made an application to the trustee of the reserve for a trustee lease or do you have the agreement of the trustee to purchase the land?

Yes go to 6 No go to 6

4. Has a Statement of reasons been prepared as to why an area of State forest, plantation forest or conservation tenure is required?

Yes go to 5 No Application cannot proceed

5. Indicate which of the government's following native title work procedures has native title been addressed: go to 6

Module BA Module CA Module CB Module J

Compulsory acquisition pursuant to the provisions of the *Acquisition of Land Act 1967*

Indigenous Land Use Agreement providing for the surrender of native title

6. Have you made a previous application for purchase or lease of this land?

Yes go to 7 No go to 10

7. Was this application refused?

Yes go to 8 No go to 8



8. Has there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration? Yes go to 9 No go to 10

9. Provide details of the change in circumstances from the previous application. (If there is insufficient space, please lodge as an attachment) go to 10

10. Provide details of the current use of land e.g. grazing (If there is insufficient space, please lodge as an attachment) go to 11

Unallocated State Land below high water mark.

11. Do you hold land adjoining the area applied for? Yes go to 12 No go to 13

12. Enter details of your adjoining land

Schedule 2 Schedule of adjoining land	
8/CP895066	40060948
1/RP897334	50158264

go to 13

13. List below ALL existing improvements on the current leased land eg. fencing, dams, buildings etc. (If there is insufficient space, please lodge as an attachment) go to 14

Please refer to attached letter and associated documentation

14. Which of the following do you believe supports your application:
- You are the adjoining registered owner or lessee, AND you are of the opinion that selling or leasing the land to anyone else would be considered inequitable or unfair **go to 15**
 - You held a significant interest in the land before it became unallocated State land **go to 15**
 - There is no dedicated access and the only practical access is through your adjoining land **go to 15**
 - Land is required for public infrastructure **go to 15**
 - Exposure to public competition is not appropriate (applies to application to lease only) **go to 15**
 - None of the above **go to 15**

15. Provide details of the proposed use.
(If there is insufficient space, please lodge as an attachment) **go to 16**

Please refer to attached letter and associated documentation

16. Provide details to support your application
(If there is insufficient space, please lodge as an attachment) **go to 17**

Please refer to attached letter and associated documentation

17. Provide details of any additional information to support the application. (optional)
(If there is insufficient space, please lodge as an attachment) **go to 18**

Please refer to attached letter and associated documentation

Attachments

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted, your application will be returned.

18. Tick the box to confirm the attachments for part of the application.

- Application fee
- Property sketch and /or aerial photo overlay
- Copy of response from trustee (if relevant)
- Statement of reasons for acquiring an area of State Forest or Conservation tenure (if relevant)
- A native title assessment supporting a finding that native title has been extinguished

I certify that I have read the information which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)

s.73 Irrelevant information

Date:

13 / 10 / 2011

895066

(Dealing No.)	Lodged by
	(Include address, phone number and reference)
Particulars entered in the Register on the Titles listed below,	

<p>I/We</p> <p>(Names in full)</p> <p>* As Registered Owner of this land * As Lessee/s of Miners Homestead 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>Signature of * Owner/s * Lessee/s</p>	<table border="1"> <thead> <tr> <th>Title Reference</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center;"> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> For Additional Plan & Document Notings Refer to CISP </div> </td> </tr> </tbody> </table>	Title Reference	Description	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> For Additional Plan & Document Notings Refer to CISP </div>	
Title Reference	Description				
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> For Additional Plan & Document Notings Refer to CISP </div>					

* Rule out whichever is inapplicable
 # NOTE: A Lessee of a Miners Homestead is unable to dedicate Public Use Land.

* certifies that all the requirements of this Council, the Local Government Act 1993, the Local Government (Planning and Environment) Act 1990 and all Local Laws, # and the City of Brisbane Act 1924 and all Ordinances thereunder, have been complied with and approves this plan of Subdivision, SUBJECT TO

Dated this day of 19

Mayor
 # Appointed Officer
 Chief Executive Officer

* Insert the name of the Local Government
 # Delete for Local Governments other than the City of Brisbane

SURVEY EXAMINATION Exam. Fee \$ 130.00 Receipt No. 750864 Date 21.9.95 Deposited Examined Passed 4.10.95 KGC	ORIGINAL GRANT	CHARTING Charted	LODGEMENT FEES Survey Exam \$ Lodg, Exam & Ass \$ New Titles \$ Photocopy \$ Postage \$ TOTAL \$	REFERENCES Lands File Local Government Reference Surveyors Reference 950718 <p style="text-align: right; font-weight: bold;">PLAN 895066</p>
---	-----------------------	----------------------------	---	---

895066

706027425

BH 495

NO FEE
11/10/2002 11:20

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

Registered

5. Lodged by

Peter Attwood Lodger code BH042
Dept. Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We
.....
.....
.....
(Names in full)
* 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.
* as Lessees of this land agree to this plan.
Signature of * Registered Owners * Lessees

Plan in accordance with Land Act approval, Kenneth William Rogers, Senior Land Officer, as delegate of the Minister for Natural Resources and Minister for Mines.
Kenneth Rogers
11/10/02

* Rule out whichever is inapplicable

6. Existing			Created		
Title Reference	Lot	Plan	Lots	Emts	Road
50197630	3	SP100056	3 and 4	-	-
49020907	4	SP100056	3 and 4	-	-

2. Local Government Approval.
*
hereby approves this plan in accordance with the :
%

Dated this day of
..... #
..... #

* Insert the name of the Local Government. % Insert Integrated Planning Act 1997 or # Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990

Lot 978 on CP816788
Orig 3 and 4
Lots
7. Portion Allocation :
a. Map Reference : 9542-14442
9. Locality : RABY BAY
10. Local Government : REDLAND S.C.
11. Passed & Endorsed :
By :
Date : 26/7/02
Signed :
Designation : Licensed Surveyor

12. Building Format Plans only.
I certify that :
* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;
* Part of the building shown on this plan encroaches onto adjoining * lots and road
Licensed Surveyor/Director * Date
*delete words not required
13. Lodgement Fees :
Survey Deposit \$ 140.25
Lodgement \$
..... New Titles \$
Photocopy \$
Postage \$
TOTAL \$

3. Plans with Community Management Statement :
CMS Number :
Name :
4. References :
Dept File : RES 26929
Local Govt :
Surveyor : 2320

14. Insert Plan Number
SPI47265

DEPARTMENT OF
NATURAL RESOURCES AND MINE

11 DEC 2012

RECEIVED
BEENLEIGH OFFICE

10 December 2012

Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

Attention: Judi Howard

Dear Judi,

Thank you for your letter dated 5 December 2012 in relation to our application for a new term lease adjoining Lot 8 on CP895066 (your ref: 2011/006548).

I note that the letter includes a deadline of 20 days for consideration of the proposal by the Port Binnli Group, and the submission of further representations (if applicable).

With the Christmas / New Year period upon us, the Port Binnli Group will not be able to suitably consider the proposal within the 20 day timeframe. It would be most appreciated if you could extend the period for consideration and further submission, until Friday February 1st 2013.

Please also note that the contact details for our organisation have recently changed. Please use the contact details at the bottom of this page to update your records for all future correspondence.

Kind Regards,

s.73 Irrelevant information

Port Binnli Group



3 June 2013

Your Ref:
Our Ref: AW
File No: **P55311**
Contact: AW

Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

Att: Judi Howard

RE: Lease for 16 berths at 14-16 Masthead Drive Cleveland

Dear Ms Howard,

I refer to your correspondence dated 25 February 2013 relating to Council's full response for the proposed term lease adjoining Lot 8 on CP895066.

I write to advise that we have no objection to Department of Natural Resources and Mines (DNR&M) issuing consent for the 6370m² lease as indicated on DWG11/280 in your letter to Council dated 22 November 2011, plan attached.

Should DNR&M grant the lease, The Port Binnli Group will then be required to submit to Council a Material Change of Use application for Marine Services and a prescribed tidal works application to establish the marina.

We are of the understanding that the area of the lease can be changed further to the outcome of Council's determination of the application and that any conditions within any approval could be included within the terms of the lease.

Should you have any questions in relation to this matter, please feel free to contact Adam Webb on 3829 8128.

Yours sincerely,

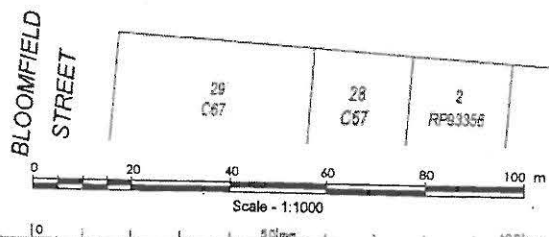
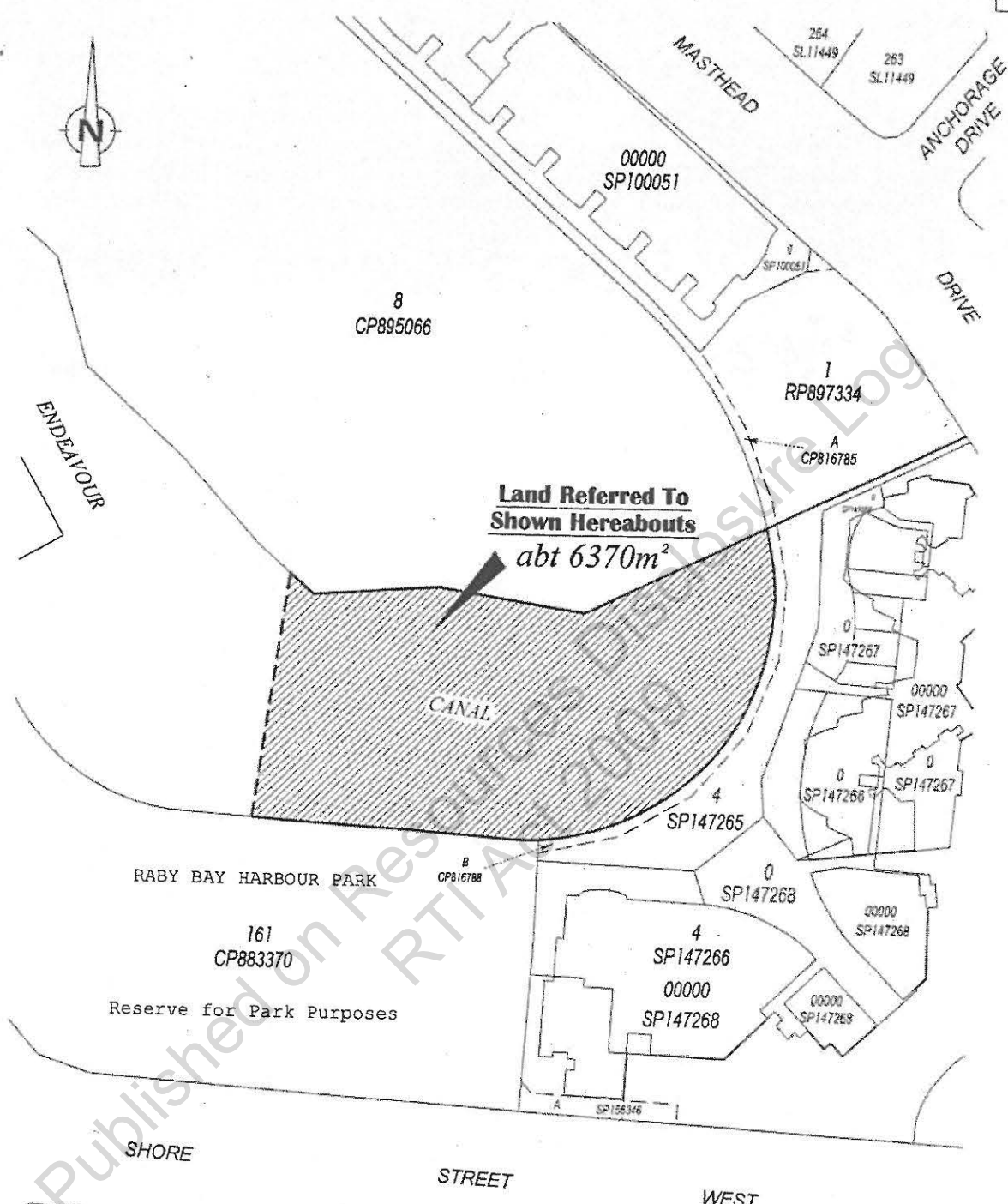
sch4p4(6) Personal inform

David Jeanes
Service Manager
Planning Assessment

Cc: s.73 Irrelevant information @portbinnli.com

DRAWING

Sheet 1 of 1



Prepared by
IPSMCH OFFICE
PLANNING & ASSESSMENT
SOUTH EAST REGION
DEPT OF ENVIRONMENT and
RESOURCE MANAGEMENT
LEVEL 1
TOWER CENTRAL
IPSMCH Q 4305

LAND REFERRED TO SHOWN



PARISH: CLEVELAND COUNTY: STANLEY
LOCALITY: CLEVELAND LOCAL AUTH: CITY OF REDLAND

PROPOSAL

Scale: 1 : 1000
NOTE: A4 copy is reduced

DWG 11/280

©The State of Queensland (Dept of Environment & Resource Management)
Base data extracted from the Digital Cadastral Database on the 19/11/2011

Compiled from: DCDB & Sketch on File
File Ref: Case Id 2011/006548
Map Ref: 9542 - 14442
Date: 18/11/2011



15 November 2012

Your Ref: DW: 6515658

Our Ref: lh:RP

File No: **RTT Planning - Marine General**

Contact: Rodney Powell T: 3829 8582

Judi Howard
Land Administration Officer
Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

Dear Ms Howard

RE: Application for a Term Lease adjoining Lot 8 on CP895066

I refer to your request for comments of the application for a term lease adjoining Lot 8 on CP895066 and can advise as follows.

Redland City Council does not have any specific intentions for the area of unallocated state land over which the term lease would apply.

It must be emphasised that the information and recommendations provided in this document are the results of a basic assessment undertaken by Council officers and do not necessarily represent the views of Redland City Council. Any development as proposed in the supplementary information which you have provided would be assessed as a Prescribed Tidal Works Application and would be assessed against the Redland City Council Planning Scheme according to the merits of any proposal.

While Council officers support the proposal in principle the following issues should be considered:

- Future access to the public infrastructure for maintenance and improvements must be provided.
- Community consultation must be carried out to assess the level of community support for the development. Specifically the harbourside business and residential owners should be individually advised as they will be the ones most affected by the proposal.
- A percentage of the marina infrastructure must be set aside for public access to offset the loss of public access caused by the development.
- Amenity issues will be assessed on their merit once more detailed architectural views are available.

If you require a formal full Council response please advise Rodney Powell and the information which you have provided will be submitted to Council for consideration as "Commercial in Confidence".

Yours sincerely

sch4p4(6) Personal in

Murray Erbs
Group Manager City Infrastructure

Published on Resources Disclosure Log
RTI Act 2009

REGISTRATION CONFIRMATION STATEMENT

ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND

Title Reference : 40060948

This is the current status of the title as at 12:24 on 07/10/2010

DESCRIPTION OF LAND

Tenure Reference: TL 0/234412

LOT 8 CROWN PLAN 895066
 County of STANLEY Parish of CLEVELAND
 Local Government: REDLAND

Area: 1.852000 Ha. (SURVEYED)

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: 30 years commencing on 06/09/2010

Expiring on 05/09/2040

REGISTERED LESSEE

PORT BINNLI PTY LTD A.C.N. 062 169 751

CONDITIONS

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RTI Act 2009

REGISTRATION CONFIRMATION STATEMENT**ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND**

Title Reference : 40060948

CONDITIONS (Continued)

- A78
- (1) The lessee must use the leased land for marine facility purposes namely a commercial marina.
 - (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 Redland City 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 Redland City 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 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.

REGISTRATION CONFIRMATION STATEMENT**ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND**

Title Reference : 40060948

- A89 (1) The lessee must allow any person authorised under the Forestry Act 1959 access to the leased land for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the leased land.
- (2) Except as hereinafter provided the lessee must not interfere with any forest products or remove any quarry material (including any stone, gravel, sand, earth, soil, rock, guano or clay which is not a mineral within the meaning of the Mineral Resources Act 1989) or other material upon the leased land without the permission of the Minister administering the Land Act 1994 except under the authority of and in compliance in every respect with the requirements or a permit, licence, agreement or contract granted or made under the Forestry Act 1959.
- A90 Further to Condition A78 clause (11), the lessee must remove and rehabilitate the area to the satisfaction of the Minister administering the Land Act 1994 within a period of three (3) months from the date of expiration, forfeiture or surrender 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.
- C343 The lessee must from the commencement of the lease and to the satisfaction of the Minister administering the Land Act 1994, ensure the good conduct of all persons within the leased area.
- 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 the requirements of the Redland City Council.

REGISTRATION CONFIRMATION STATEMENT**ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND**

Title Reference : 40060948

CONDITIONS (Continued)

- C354 If, as a result of carrying out works or any other cause attributable to the lessee any bank is 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 bank or revetment wall to the satisfaction of the Minister administering the Land Act 1994.
- E22 The lessee must, during the currency of the lease protect the leased land from erosion and effect such works as are considered necessary by the Minister administering the Land Act 1994.
- E23 The lessee must ensure that each and every activity undertaken on the leased land which has the potential to pollute and/or contaminate 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.
- H123 The provision of further access to the leased land will not be the responsibility of the Redland City Council or the State.
- H126 The lessee must, at all times during the currency of the lease, allow officers of the Department of Environment and Resource Management, their employees and their servant, free and unrestricted access to, from and across the leased land.
- 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.

REGISTRATION CONFIRMATION STATEMENT

ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND

Title Reference : 40060948

CONDITIONS (Continued)

- I69 (1) The lessee must effect a public liability insurance policy with an insurer authorised under the Insurance Act 1973 (Commonwealth) or, in any other case, to the satisfaction of the Minister administering the Land Act 1994, naming the lessee as the insured covering legal liability for any loss of, or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the leased land or any improvements thereon and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof subject to the terms and conditions of the insurance policy. Such policy must:
- (a) be for an amount of not less than twenty million dollars (\$20,000,000.00) in respect of all claims arising out of a single event or such higher amounts as the Minister may reasonably require;
 - (b) be effected on a "claims occurring" basis so that any claim made by the lessee under the policy after expiration of the period of policy cover but relating to an event occurring during the currency of the policy will be covered by the policy subject to the claim meeting the policy's other terms and conditions;
 - (c) be effected on such other reasonable terms and conditions as may be required by the Minister; and
 - (d) be maintained at all times during the currency of the lease.
- (2) The lessee must, as soon as practicable, inform the Minister administering the Land Act 1994, in writing, of the occurrence of any event that the lessee considers is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister administering the Land Act 1994 is kept fully informed of subsequent actions and developments concerning the claim.
- (3) The lessee must renew such policy, at the lessees' expense, each year during the currency of this lease and forward a certificate of currency to the Minister administering the Land Act 1994 within 14 days of the commencement of each respective renewal period.
- (4) Upon receipt of a Notice of Cancellation, the lessee must immediately effect another public liability policy in accordance with the provisions of this condition.
- (5) Clause (1) of this condition will be satisfied if the lessee is the State of Queensland or a statutory authority eligible for cover under the Queensland Government Insurance Fund and is insured and continues to be insured by the Queensland Government Insurance Fund.
- (6) Clause (1) of this condition will be satisfied if the lessee is the Commonwealth of Australia or a statutory authority eligible for cover under the Comcover Insurance Fund and is insured and continues to be insured by Comcover.

REGISTRATION CONFIRMATION STATEMENT**ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND**

Title Reference : 40060948

CONDITIONS (Continued)

- I70 The lessee hereby covenants and agrees with the Minister administering the Land Act 1994, that by virtue of the execution of this lease, no liability is stated or implied or will attach to the said Minister in respect of any loss or damage to the leased land or to any improvements thereon caused by the effects of inundation by seawater through storm surge, other forms of tidal or other result or consequence caused by global climatic change.
- L110 The lessee must, to the satisfaction of the Minister administering the Land Act 1994 and the Redland City Council, maintain improvements on the leased land in a good and substantial state of repair.
- L116 The lessee must not effect any improvements on the leased land, without the approval of the Minister administering the Land Act 1994 and any other relevant authority, having been first obtained.
- 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.
- T31 The lessee must not in any way interfere with any navigation mark or light erected on the leased land.
- T32 The lessee must, to the satisfaction of the Department of Transport, keep the sight line of any navigation leads which cross the leased land clear of obstructions. However, with the prior approval of the Department of Transport, the lessee may make alternative arrangements for relocating any of the said leads.
- T33 The lessee must not allow any vessel moored within the leased land to be used as a permanent place for human habitation without the prior approval of the Department of Environment and Resource Management and the Redland City Council.
- T34 The lessee must supply, install and maintain, at the lessees' expense, any navigation lights, buoys, marks and warning signs which the Department of Transport considers necessary.
- T35 All works constructed in, on, over, through or across and below high water mark within the leased land must be maintained.

REGISTRATION CONFIRMATION STATEMENT**ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND**

Title Reference : 40060948

CONDITIONS (Continued)

- 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 the Redland City 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 lesseemay and if required to 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.
- T39 The lessee must, at the lessees' expense, maintain a depth of water within the leased land including the basin area and access channels, sufficient to allow such waters to be freely navigated at the developed depths at all stages of the tide by the classes of the vessels using the facilities situated therein and should any dredging be required to maintain such depth of water, then the lessee must, at the lessees' expense, be responsible for obtaining the relevant statutory approvals required to permit the carrying out of such dredging and disposal of dredge spoil from the Department administering the Coastal Protection and Management Act 1995.
- U44 The leased land must only be used in conjunction with the adjoining commercial development.

ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Lease No. 40060948
2. SUB LEASE No 713500091 05/10/2010 at 14:07
RABY BAY MARINA PTY LTD A.C.N. 065 024 688
OF THE WHOLE OF THE LAND
TERM: 12/03/1997 TO 22/12/2026 OPTION NIL

ADMINISTRATIVE ADVICES - NIL

REGISTRATION CONFIRMATION STATEMENT

ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND

Title Reference : 40060948

UNREGISTERED DEALINGS

Dealing	Type		Lodgement Date	Status
713502347	SURVEY PLAN	SP/231779	06/10/2010 11:41	UNVERIFIED

DEALINGS REGISTERED

713500091 SBLSE CR LSE

Caution - Charges do not necessarily appear in order of priority

** End of Confirmation Statement **

M G Locke

Registrar of Titles and Registrar of Water Allocations

Published on Resources Disclosure Log
RTI Act 2009

Lodgement No: 2918953
Email: titles@mcw.com.au
MCINNES WILSON LAWYERS
Office: BRISBANE
Box: 234

Published on Resources Disclosure Log
RTI Act 2009

Registered Post



Delivery Confirmation – Advice Receipt

Registered Post No. 492800058013	Sender's Reference SLM 2011/006548 port Binnli
-------------------------------------	--

Receipt is acknowledged of the Registered Post item, the number of which appears above.



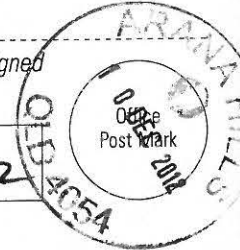
Signature of Addressee* or Agent

sch4p4(6) Personal information

*Registered Post articles sent **Person to Person** must be signed by the **addressee only**.

Signature: s.73 Irrelevant information

Date delivered: 10/12/12



883517 Nov 2005

Published on Resources Disclosure Log
RTI Act 2009

Date : 29/02/2012 9:25:22 AM

From : "Howard Judi"

To : s.73 Irrel portbinnli.com"

Subject : 2011/006548 Extension to Raby Bay Marina

Attachment : DWG 11_280.pdf;

Hi s.73 Irf

Redland City Council has requested additional information to support your application for the proposed new lease area within Endeavour Canal, can you please supply information regarding:-

- * What is planned for construction in the lease area, what height the construction will be etc
- * What public benefit would there be if the new lease area is approved
- * Provide information on what impact there would be on the amenity of foreshore views (from the reserve and adjoining Freehold land)
- * What actions will be taken to ensure access to the public foreshore facility (board walk) is not blocked
- * Please demonstrate how future access for maintenance to the board walk is to occur

If you can provide me with a response to these questions, that would be greatly appreciated, I will forward your response to Redland City Council so they can provide me with a view response to enable me to continue processing the case.

Thanks

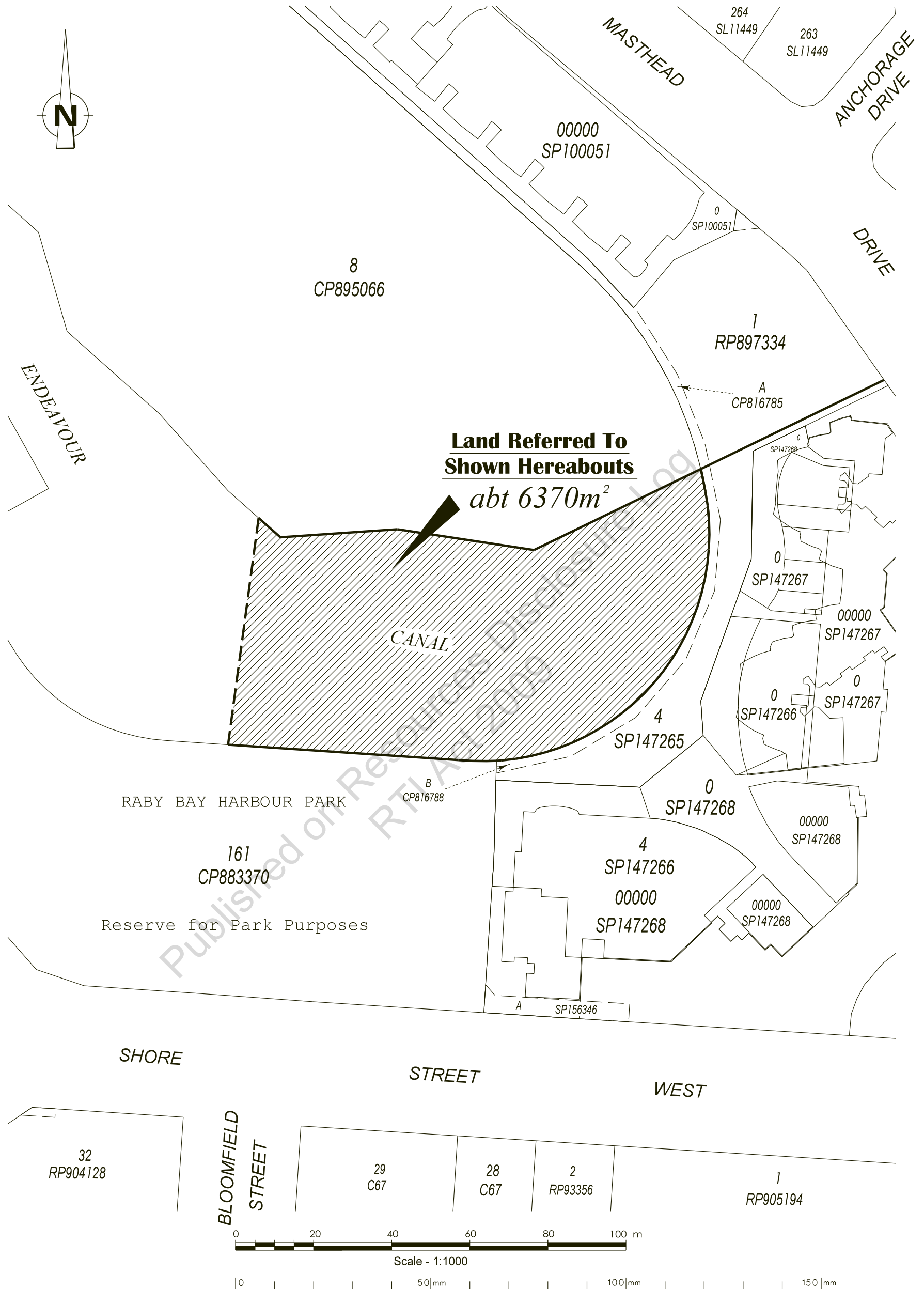
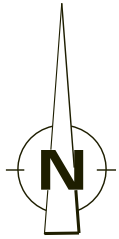
Judi Howard

Land Administration Officer
Land Management Beenleigh
phone: 07 3884 8047 facsimile: 07 3884 8024

Email: judi.howard@derm.qld.gov.au
www.derm.qld.gov.au

Department of Environment & Resource Management
PO Box 1164 Beenleigh 4207
32 Tansey Street Beenleigh

Published on Resources Disclosure Log
RTI Act 2009



Prepared by
 IPSWICH OFFICE
 PLANNING & ASSESSMENT
 SOUTH EAST REGION
 DEPT OF ENVIRONMENT and
 RESOURCE MANAGEMENT

LEVEL 1
 TOWER CENTRAL
 IPSWICH Q 4305

LAND REFERRED TO SHOWN



PARISH : CLEVELAND
 LOCALITY : CLEVELAND

COUNTY : STANLEY
 LOCAL AUTH : CITY OF REDLAND

PROPOSAL

Scale: 1 : 1000
 NOTE: A4 copy is reduced

DWG 11/280

Compiled from : DCDB & Sketch on File

Drawn by : JKN

File Ref: Case Id 2011/006548

Map Ref: 9542 - 14442

Date : 18/11/2011

Date : 27/02/2012 4:06:00 PM
From : "Rodney Powell"
To : "Howard Judi"
Subject : 2011/006548 Extension to Raby Bay Marina
Judi,

RCC would like to provide a response on this matter but we are still waiting for some responses from other departments. Could we therefore request an extension of time until 26/3/12.

I think that it would be also beneficial if this application was supported by additional information concerning what is planned for construction in the lease area as, unless there was some public benefit to the proposal it is unlikely that it could be supported given that it will block access to a public foreshore facility(board walk) and will have an impact on the amenity of foreshore views as viewed from the neighbouring properties. Future maintenance access to the board walk would also need to be demonstrated.

Rod Powell
Senior Advisor
Marine Projects
Redland City Council
07 3829 8582
[sch4p4\(6\) Pdf](#)

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Please consider the environment before you print this e-mail or any attachments.

Date : 9/07/2012 1:59:43 PM

From : s.73 Irrelevant info

To : "Howard Judi"

Subject : Application For Term Lease: Raby Bay Marina

Dear Judi,

As discussed last week, Port Binnli has completed a draft response to the information request in relation to our application for a term lease adjoining Lot 8 on CP895066.

I spoke to Rod Powell from Council this morning now that he has returned from leave. We are arranging to meet next Tuesday (17 July) to talk through the issues prior to finalising and formally submitting our response.

Previous correspondence identifies that Port Binnli are due to supply the requested information to you by 16 July. As discussed last week, would you be amenable to extending this deadline to 31 July? This would allow us to meet with Council to discuss the issues, and make revisions or additions to our information prior to formally lodging the response.

Kind regards,

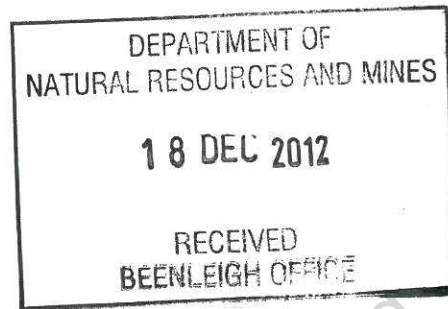
s.73 Irrelevant

Project Officer
Port Binnli

Published on Resources Disclosure Log
RTI Act 2009

17 December 2012

Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207



Attention: Judi Howard

Dear Judi,

Further to my letter dated 10 December 2012 in relation to the application for a new term lease adjoining Lot 8 on CP895066 (your ref: 2011/006548).

I would appreciate further information to your letter dated 5 December 2012. Specifically, could you please provide a statement of reasons for the preliminary view outlined in dot point 1, that;

- *The Department is not willing to support the area under the current application as shown on the drawing prepared by The Jetty Specialist No. JSP-SM-1160.*

It is critical for the Port Binnli Group to understand the reasons that underpin the Department view, in order to make an informed decision on whether we are agreeable to processing the application for the proposed new term lease as shown on your drawing DWG 12/284.

Please contact me if you require any further information.

Kind Regards,

s.73 Irrelevant information

Port Binnli Group

Date : 23/03/2012 2:14:35 PM
From : s.73 Irrelevant info
To : "Howard Judi"
Subject : Your Ref: 2011/006548
Attachment : DOC230312.pdf;
Dear Judi,

Please find letter attached in response to your correspondence of 19 March regarding application for a term lease adjoining Lot 8 on CP895066.

Cheers,

s.73 Irrelevant
Project Officer
Port Binnli Pty Ltd

www.portbinnli.com
www.northeastbusinesspark.com

Ph: 3621 3204
Fax: 3621 3277

Published on Resources Disclosure Log
RTI Act 2009

23 March 2012

Department of Environment and Resource Management
PO Box 1164
BEENLEIGH QLD 4207

Attention: Judi Howard

Dear Judi,

RE: Application for Term Lease, your ref 2011/006548

Thank you for your letter of 19 March 2012. I advise that I am currently investigating the issues raised in the request for further information.

However, I wish to request a longer period in which to supply the requested information. Would you be amenable to an extension until 16 July 2012?

This extension of time is necessary to engage technical consultants, brief consultants on the issues and receive input and advice, in order to suitably address and respond to the information request.

Kind Regards,

s.73 Irrelevant information

Project Officer
Port Binnli Pty Ltd

Published on Resources Disclosure Log
RTI Act 2009

31 January 2013

Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

Attention: Judi Howard

DEPARTMENT OF
NATURAL RESOURCES AND MINES

04 FEB 2013

RECEIVED
BEENLEIGH OFFICE

Dear Judi,

Thank you for your letter dated 20 December 2012 regarding the application for a new term lease adjoining Lot 8 on CP895066 (your ref: 2011/006548). I have provided further information below in response to the points raised in your letter.

- **Why Port Binnli requires the whole of the land as shown on the drawing prepared by Jetty Specialist No. JSP-SM-1160.**

The Port Binnli Group requires the whole of the land as shown on drawing JSP-SM-1160 in order to;

- Construct a facility that is economically viable
- Provide a public benefit proposed to be offered to the broader community through increased public access to the canal

Economic Viability

The Port Binnli Group requires the whole of the land as shown on drawing JSP-SM-1160 in order to construct a facility that is economically viable. Costs associated with construction of the proposed facility do not apportion equally on a pro-rata basis to a smaller facility that could be accommodated within DNRM's revised lease area.

For example, the significant costs associated with site uplift for equipment necessary to undertake the piling work are unchanged regardless of whether 16 or 8 berths are constructed. Economy of scale is applicable to all facets of the construction and ongoing management of the facility.

Preliminary discussions indicate that it would be exceedingly difficult to obtain the finance required to construct a facility smaller than the 16 berths proposed in our application.

Proposed Community Benefits

It is my understanding from your letter that public access to the canal and adjoining parkland is the central issue to DNRM's proposed changes to the lease area.

In discussions with representatives of the Redland City Council, negotiations led to the identification of contributions that could be made by Port Binnli, enabling the project to provide benefit to the broader community.

It is my understanding that these benefits were specifically intended to improve public access to the canal through the provision of new infrastructure for public use at no cost to state or local government. This is referred to within the Redland City Council response in support of the proposal;

Mackay Marina Pty Ltd ABN 47 076 840 643

Telephone +61 7 4955 6855 Fax +61 7 4955 6922

Post Mulherin Drive, Mackay Harbour, QLD 4740, Australia

Registered Office Unit 2, 6 Nepean Avenue, Arana Hills QLD 4054

www.mackaymarina.com Email info@mackaymarina.com

- *A percentage of the marina infrastructure must be set aside for public access to offset the loss of public access caused by the development.*

To provide this community benefit, under the full 16 berth proposal, Port Binnli will;

- Provide a fishing pontoon to Council at no cost
- Manage the facility in such a way that some of the berths are held in a rental pool, and not sub-leased into private ownership. This allows the general boating public to make use of the facilities (through short term berth rentals)

The lease area proposed in DNRW drawing 12/284 does not appear to take into consideration these proposed community benefits, which I feel are generous bearing in mind the scale of the proposal.

Port Binnli Group would be unable to maintain these commitments under a scenario in which the marina facility must be reduced in size.

- ***Can Port Binnli construct a marina facility with a reduced size so that the community has unfettered access to Endeavour Canal from the Reserve for Park purposes, Lot 161 on CP883370 (DNRW drawing DWG 12/284).***

As outlined above, Port Binnli is unable to construct an economically viable facility that could be accommodated within the reduced area shown on drawing DWG 12/284. Port Binnli would likely decline an offer for term lease of the area shown on drawing DWG 12/284.

RE: Western and South / Eastern Boundaries of Proposed Lease Area

I also wish to bring to your attention matters concerning the Western and South / Eastern boundaries of the proposed Lease Area as shown on DNRW drawings DWG 12/284 and DWG 11/280.

Western Boundary;

In relation to the western lease boundary proposed by DNRW (delineated on plan DWG 12/284), I am having difficulty understanding the decision making process by which the proposed lease area has been truncated.

The Department has truncated the Western lease boundary on this plan, so that it terminates at the cadastral boundary between lot 4 on SP147265 and lot 161 on CP883370. These lots are both Reserves for Park and Recreation, and they combine to make up the parkland area of the canal foreshore (please refer to tenure maps attached).

It appears to me that the waterfrontage for lot 161 is equally suitable for leasing as the waterfrontage of lot 4, particularly when taking in to consideration the proposed public access benefits to be provided by Port Binnli to the broader community at no cost to taxpayers or ratepayers. The truncation of the original proposed lease area to the area shown on DWG 12/284 therefore appears to me to be an arbitrary decision.

South / Eastern Boundary;

I would also like to raise an issue in relation to the South / Eastern boundary of the proposed lease area, as shown on DNRW drawings DWG 11/280 and DWG 12/284. These drawings have included

part of the public boardwalk within the proposed lease area. Port Binnli does not intend to lease this area of public boardwalk, as shown in the location diagram lodged with the application material.

I would like to arrange an opportunity to meet with the decision makers for this application prior to the finalisation of a decision, to discuss this issue further. Please contact me on 3851 5300 to arrange a suitable time.

Kind Regards,

s.73 Irrelevant information

Port Binnli Group

Published on Resources Disclosure Log
RTI Act 2009

23 March 2012

Department of
Environment and Resource
Management

Redland City Council
PO Box 21
CLEVELAND QLD 4163

Attention: Rod Powell

Dear Mr. Powell

Application for a Term Lease adjoining Lot 8 on CP895066

With regard to the application for a new term lease within endeavour canal at Raby Bay and Council's request for additional information. A request has been made to the applicant to provide this information.

The applicant has request an extension of time until the 16 July 2012 to provide the additional information.

Approval has been given for the extension of time until 16 July 2012.

This information will be provided to Council as soon as this department receives the information.

If you wish to discuss this matter please contact Judi Howard on 38848047.
Please quote reference numbers 2011/006548 in any future correspondence.

Yours sincerely

sch4p4(6) Personal informat

Judi Howard
Land Administration Officer
Beenleigh

Office :
DERM Beenleigh
32 Tansey Street
Beenleigh QLD 4207

Postal :
DERM Beenleigh
PO Box 1164
Beenleigh
4207 QLD

Telephone : (07)38848047
Fax: (07)38848024



Queensland
Government

Department of
Natural Resources and Mines

Author Judi Howard
File / Ref number: 2011/006548
Your Ref:
State Land Management
Phone (07)3884 8047

25 February 2013

Port Binnli Pty Ltd
PO Box 71
ARANA HILLS QLD 4054

Attention: s.73 Irrelevant infor

Dear Mr. s.73 Irrelev

Application for a New Term Lease adjoining Lot 8 on CP895066

Reference is made to your application for a proposed term lease adjoining Lot 8 on CP895066 within Endeavour Canal, Raby Bay.

Please be advised that this Department has requested a formal full views response from Redland City Council.

The Department will be unable to make a final decision until the formal full response has been received from council and no further action will be taken until the response from council has been received and considered.

If you require any further information please contact Judi Howard on (07) 3884 8047. Please quote reference number 2011/006548 in any future correspondence.

Yours sincerely

sch4p4(6) Personal information

Judi Howard
Land Administration Officer
Beenleigh Office



Queensland
Government

Department of
Natural Resources and Mines

Author: Judi Howard
File / Ref number: 2011/006548
Your Ref: AW
File No: P55311
State Land Management
Phone (07)3884 8047

28 October 2013

Redland City Council
PO Box 21
CLEVELAND QLD 4163

Attention: Adam Webb

Dear Mr. Webb

Application to Amend the Area of Term Lease 0/234415 being Lot 8 on CP895066

Reference is made to Council's letter dated 3 June 2013 with regard to Council's requirements to amend the area of term lease 0/234415 being Lot 8 on CP895066.

Please find attached a copy of the Letter of Offer and Agreement sent to Port Binnili, this copy is being provided to assist in the assessment of Port Binnili's Material Change of Use (MCU) application.

Can council please advise of any relevant information of the outcome of MCU and advise of any condition council requires to be added to the lease conditions.

If you wish to discuss this matter please contact Judi Howard on 3884 8047.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to judi.howard@dnrm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2011/006548 in any future correspondence.

Yours sincerely

sch4p4(6) Personal infor

Judi Howard
Land Administration Officer

Postal :
DNRM Beenleigh
PO Box 1164
Beenleigh QLD 4207

Telephone : (07)3884 8047
Fax: (07)3884 8079

COPY

Author: Judi Howard
File / Ref number 2011/006548
State Land Asset Management
Phone (07)3884 8047



Queensland
Government

Department of
Natural Resources and Mines

28 October 2013

Port Binnili Pty Ltd
PO Box 71
ARANA HILLS QLD 4054

Attention: s.73 Irrelevant inform

Dear Mr s.73 Irrel

Proposed Amendment of Area of Term Lease 0/234415 being Lot 8 on CP895066 within Endeavour Canal, Cleveland as shown on DWG 11/280

Reference is made to your application dated 13 October 2011 regarding the proposed amendment of area of term lease 0/234415 within Endeavour Canal, Cleveland as shown on DWG 11/280.

I wish to advise that in principle approval has been granted to seek the Governor in Councils approval for the amendment of Term Lease 0/234415 for the inclusion of about 6370m² adjoining Lot 8 on CP895066 as shown on Departmental drawing 11/280.

This offer is subject to the following requirements:-

Requirements: Prior to the amendment of Term Lease 0/234415, the applicant must:

FIRST STAGE:

1. This approval is subject to the Development Application lodged with Redland City Council being finalised, and conditions imposed by Council's investigation of the Material Change of Use (MCU) application will be included as the term lease conditions, as per council letter dated 3 June 2013.
2. Ensure the completion of the attached Agreement by all proposed tenure holders or their authorised representatives and submit to the writer

Once the MCU application and prescribed tidal works application for the amended lease area has been approved by the Redland City Council, supply additional comments to this office from the Redland City Council in relation to any additional conditions to be included in the lease and also the final lease area.

At this stage the department will formally advise you of any lease condition amendment necessary, and also determine the final lease area as a result of the MCU application.

Postal :
DNRM Beenleigh
PO Box 1164
Beenleigh QLD 4207

Telephone : (07)3884 8047
Fax: (07)38848079

SECOND STAGE:

3. Lodge in this office (Not the titles office) a survey plan providing for the subject area as a new lot adjoining Lot 8 on CP895066 as illustrated on the attached departmental drawing 11/280. A cheque for the lodgement fees for the survey plan (currently \$355.40) will be required to be lodged in this office also.

Private arrangements should be made with a licensed surveyor for preparation of the plan. Should the surveyor have any doubts as to plan requirements he should contact the Department's Senior Surveyor on 07 3884 8078.

Note: The amendment of Term Lease 0/234415 may be liable for rates, which are charged by the Local Authority. Furthermore, it will still be necessary for you to comply with all the requirements of the Local Authority including zoning and building permits etc. in respect of your proposed use of the area.

This offer will lapse unless:

- The **Agreement to Amend a Term Lease** must be returned to the department by close of business on 22 November 2013, otherwise this offer will lapse.
- Compliance with the "first stage" of this offer must be satisfied by close of business on 24 January 2014 otherwise this offer will lapse.

NOTE: If the abovementioned requirements are not met, this offer will lapse and if at a future date you wish to proceed with the amendment of Term Lease 0/234415, namely Lot 8 on CP895066, a fresh application for will be required to be lodged.

If you believe you will be unable to comply with any of the conditions of this offer by the specified date, you should apply in writing for an extension of time. Any application for an extension of time should be made **before** the offer lapses and must address the following -

- what action you have taken to comply with the offer conditions; **AND**
- why the conditions cannot be complied with by the due date; **AND**
- the time for which the extension is requested, including reasons for the amount of time required.

If you do not apply for an extension of time and the offer lapses a new application and application fee will be required. If you make a new application, the matter will be re-investigated and a new decision will be made that will include re-assessment of the land value and all conditions and requirements applicable to the dealing. This re-assessment may also result in the application being refused.

If you wish to discuss this matter please contact Judi Howard on (07)3884 8047. Please quote reference number 2011/006548 in any future correspondence.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to judi.howard@dnrm.qld.gov.au . Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

You may wish to seek your own legal advice with regard to this offer.

Yours sincerely

sch4p4(6) Personal inform

Judi Howard
Land Administration Officer
Beenleigh

COPY

Agreement to Amend a Term Lease - Requirements and notification of acceptance of offer

DNRM reference number: 2011/006548

OVERVIEW

Subject to compliance with the Offer Requirements as set out in this document, in principle approval will be sought to amend Term Lease 234412, over Lot 8 on CP895066, by inclusion of an additional area as shown on DWG 11/280.

Your completion and return of this form together with payment of the attached account constitutes written agreement to the offer and the subsequent amendment of Term Lease 234412.

OFFER REQUIREMENTS

This offer will lapse unless the following items are lodged by the specified time, with the DNRM Beenleigh Office –

FIRST STAGE:

1. This approval is subject to the Development Application lodged with Redland City Council being finalised, and conditions imposed by Council's investigation of the Material Change of Use (MCU) application will be included as the term lease conditions, as per council's letter dated 3 June 2013.
2. Ensure the completion of the attached Agreement by all proposed tenure holders or their authorized representatives and submit to the writer.

Once the MCU application and prescribed tidal works application for the amended lease area has been approved by the Redland City Council, supply additional comments to this office from the Redland City Council in relation to any additional conditions to be included in the lease and also the final lease area.

At this stage the department will formally advise you of any lease condition amendment necessary, and also determine the final lease area as a result of the MCU application.

SECOND STAGE:

3. Lodge in this office (Not the titles office) a survey plan providing for the subject area as a new lot adjoining Lot 8 on CP895066 as illustrated on the attached departmental drawing 11/280. A cheque for the Lodgement fees for the survey plan (currently \$355.40) will be required to be lodged in this office also.

Private arrangements should be made with a licensed surveyor for preparation of the plan. Should the surveyor have any doubts as to plan requirements he should contact the Department's Senior Surveyor on 07 3884 8078.

Postal:
DNRM Beenleigh
PO Box 1164
Beenleigh Qld 4207

Telephone : 3884 8047
Fax: 3884 8079



Queensland
Government

Great state. Great opportunity.

(Version – October 2013)

Page 1 of 4

The **Agreement to Amend a Term Lease** must be returned to the department by close of business on 22 November 2013, otherwise this offer will lapse.

Compliance with the "first stage" of this offer must be satisfied by close of business on 24 January 2014 otherwise this offer will lapse.

If you believe you will be unable to comply with **any of** the conditions of this offer by the due dates, you should apply in writing for an extension of time. Any application for extension of time is to be made **before** the offer lapses and must address the following -

- what action you have taken to comply with the offer conditions; **AND**
- why the condition/s cannot be complied with by the due dates; **AND**
- the time for which the extension is requested, including reasons for the amount of time required.

Note - if you do not apply for an extension of time the offer lapses, you will need to make a fresh application and pay the required application fee. If the new application is accepted, the application will be re-investigated and include re-assessment of all conditions and requirements applicable to the dealing. This re-investigation may also result in the application being refused.

PURPOSE AND CONDITIONS

The existing purpose and conditions for Term Lease 234412 will remain unchanged, but may be subject to amendment based upon the outcome of the Material Change of Use application with the Council.

PARTICULARS OF LAND

Tenure Type - Existing Term Lease to be amended

Description - Area to be added as shown on DWG 11/ 280

RENT

Rental periods for a Term Lease are annual (1 July – 30 June). Invoices for payment of the rent are usually sent out by the department before the last week of July each year.

Unless the rent is set, the rent for a Term Lease is calculated by multiplying the valuation of the land for rental purposes by the percentage rate for the category of the Term Lease, as prescribed in the current Land Regulation.

The rental valuation is subject to reassessment each year in accordance with the *Land Valuation Act 2010*.

PLAN REQUIREMENTS

**** PLEASE NOTE**** - The plan is a second stage requirement to the offer, and should not be prepared until after the MCU application is finalized, and you are further advised by the department to proceed.

The department requires a plan to be prepared at your expense to satisfy the requirements of this offer and arrangements should be made with a Registered Consulting Surveyor to prepare the plan. A cheque for the lodgement fees for the survey plan (currently \$355.40) will be required to be lodged in this office also.

The plan must show the subject area included as a new Lot adjoining Lot 8 on CP895066 as illustrated on the attached departmental drawing 11/280.

Private arrangements should be made with a licensed surveyor for preparation of the plan. Should the surveyor have any doubts as to plan requirements he should contact the Department's Senior Surveyor on 07 3884 8078

APPROVALS AND/OR REQUIREMENTS OF THE COMMONWEALTH, STATE OR LOCAL GOVERNMENT

It should be noted that whilst the Term Lease will issue for marine facility purposes, it is the lessee's responsibility to ensure that all other necessary approvals and/or requirements of the Commonwealth, State or local government in respect of the use of the area are obtained and/or satisfied.

A Term Lease may be subject to rates which are charged by the local government.

FOREIGN OWNERSHIP

Your attention is drawn to the requirements of the *Foreign Ownership of Land Register Act 1988* that a foreign person (as defined in that Act) or a trustee of a foreign person or foreign trust, must lodge a Notification of Ownership Form for each interest acquired. No fee is payable and further enquiries should be directed to the Foreign Ownership of Land Registry on (07) 3227 7262.

If you are a permanent resident of Australia, an Australian Citizen or wholly owned Australian Company, there is no requirement for you to take further action in this matter.

CONTAMINATION

Landowners and occupiers of land have a responsibility under section 371(1) of the *Environmental Protection Act 1994* to notify the administering authority within 22 business days if they become aware that a notifiable activity is being carried out on the land.

There are penalties for landowners under section 371 of the *Environmental Protection Act 1994* for not complying with the responsibility to notify.

For more information visit the EHP website: www.ehp.qld.gov.au; or contact Waste and Land Contamination Assessments, Department Environment and Heritage Protection - email: WLCA@ehp.qld.gov.au

ABORIGINAL OR TORRES STRAIT ISLANDER CULTURAL HERITAGE

All significant Aboriginal and Torres Strait Islander cultural heritage in Queensland, is protected under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.

Aboriginal cultural heritage which may occur on the subject land is protected under the terms of the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* even if DATSIMA has no records relating to it.

Please refer to the website -

<http://www.datsima.qld.gov.au/atsis/aboriginal-torres-strait-islander-peoples/indigenous-cultural-heritage> for a copy of the gazetted Cultural Heritage Duty of Care Guidelines which set out reasonable and practical measures for meeting the duty of care.

Further assistance or advice in relation to this matter please contact the Cultural Heritage Unit on (07) 3405 3050.

DECLARATION

The information provided in this Agreement to Offer and any attachments is authorised under the *Land Act 1994* and is being used to process your application. The department will endeavour to maintain the confidentiality of information relating to your application. However, consideration of your application may involve consultation with other parties and if so, details of your application may be disclosed to third parties. This information will not otherwise be disclosed outside of the department unless required or authorised by law such as under the *Right to Information Act 2009*. If the proposed Term lease issues, the details of the Term Lease, including the lessees will be registered in the Land Registry which is available to the public to search.

I/We agree, subject to compliance with the Offer Requirements, to the amendment of the Term Lease 234412 on terms and conditions stated in this document and note that this acceptance shall not be effective until I/We have complied with the Offer Requirements.

DECLARATION BY A CORPORATION

Executed for and on behalf of:

Corporation name

A.C.N or A.R.B.N No.

In accordance with section 127 of the *Corporations Act 2001*,

Dated

day of

Year

Name and Signature of authorised person/s

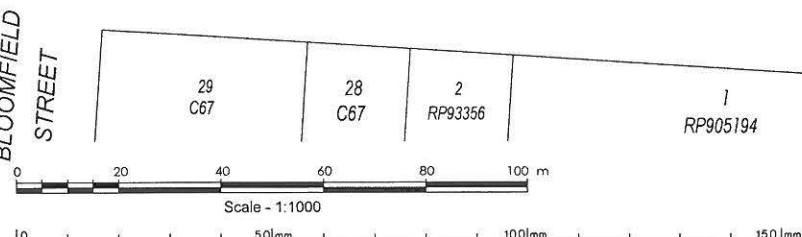
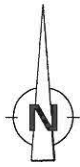
Note – Sole Directors simply insert name and sign as sole director. Other Companies require signature of two Directors or by a Director and Secretary. Where an attorney or other agent executes this Agreement on behalf of a company, the form of the execution must indicate the source of this authority and a certified copy of authority must be provided to the Department. A witness is only required for an attorney or other agent where the source of authority requires a witness.

In relation to this agreement to offer, it is recommended you seek independent legal advice.

Postal :
DNRM Beenleigh
PO Box 1164
Beenleigh QLD 4207

Email: SLAM-beenleigh@dnrm.qld.gov.au
Telephone : (07)3884 8047
Fax: (07)3884 8079

END OF DOCUMENT



Prepared by
IPSWICH OFFICE
PLANNING & ASSESSMENT
SOUTH EAST REGION
DEPT OF ENVIRONMENT and
RESOURCE MANAGEMENT

LEVEL 1
TOWER CENTRAL
IPSWICH Q 4305

LAND REFERRED TO SHOWN



PARISH: CLEVELAND COUNTY: STANLEY
LOCALITY: CLEVELAND LOCAL AUTH: CITY OF REDLAND

PROPOSAL

Scale: 1 : 1000
NOTE: A4 copy is reduced

DWG 11/280

©The State of Queensland (Dept of Environment & Resource Management)
Base data extracted from the Digital Cadastral Database on the 18/11/2011

Compiled from: DCDB & Sketch on File
File Ref: Case Id 2011/006548
Map Ref: 9542 - 14442
Date: 18/11/2011

Drawn by: JKN

Author Judi Howard
File / Ref number: 2011/006548
Your Ref:
State Land Management
Phone (07)3884 8047



Department of
**Environment and Resource
Management**

23 March 2012

Port Binnli Pty Ltd
Locked Bag 7001
CHERMSIDE CENTRE QLD 4032

Attention: s.73 Irrelevant infor

Dear Mr. s.73 Irrelev

Application for a Term Lease adjoining Lot 8 on CP895066

I refer to letter dated 23 March 2012 requesting an extension of time to provide additional information for your application for a term lease over an area of Endeavour Canal adjoining to Lot 8 on CP895066.

Please be advised approval has been given for an extension of time until 16 July 2012 to provide the additional information requested.

Please provide the requested additional information on or before the 16 July 2012.

If you wish to discuss this matter please contact Judi Howard on 38848047.
Please quote reference numbers 2011/006548 in any future correspondence.

Yours sincerely

sch4p4(6) Personal informatio

Judi Howard
Land Administration Officer
Beenleigh

Office :
DERM Beenleigh
32 Tansey Street
Beenleigh QLD 4207

Postal :
DERM Beenleigh
PO Box 1164
Beenleigh
4207 QLD

Telephone : (07)38848047
Fax: (07)38848024

Author Judi Howard
File / Ref number: 2011/006548
Your Ref:
State Land Management
Phone (07)3884 8047



10 July 2012

Department of
**Environment and Resource
Management**

Redland City Council
PO Box 21
CLEVELAND QLD 4163

Attention: Rod Powell

Dear Mr. Powell

Application for a Term Lease adjoining Lot 8 on CP895066

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The applicant has request an extension of time until the 31 July 2012 to provide the additional information.

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This information will be provided to Council as soon as this department receives the information.

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Please quote reference numbers 2011/006548 in any future correspondence.

Yours sincerely

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Judi Howard
Land Administration Officer
Beenleigh

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Department of Natural Resources and Mines
32 Tansey Street
Beenleigh QLD 4207

Postal :
DNRM
PO Box 1164
Beenleigh QLD 4207

Telephone : (07)3884 8047
Fax: (07)3884 8024

Author Judi Howard
File / Ref number: 2011/006548
Your Ref:
State Land Management
Phone (07)3884 8047



Department of
**Environment and Resource
Management**

10 July 2012

Port Binnli Pty Ltd
Locked Bag 7001
CHERMSIDE CENTRE QLD 4032

Attention: s.73 Irrelevant inform

Dear Mr. s.73 Irrele

Application for a Term Lease adjoining Lot 8 on CP895066

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Please quote reference numbers 2011/006548 in any future correspondence.

Yours sincerely

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Judi Howard
Land Administration Officer
Beenleigh

Office :
Department of Natural Resources and Mines
32 Tansey Street
Beenleigh QLD 4207

Postal :
DNRM
PO Box 1164
Beenleigh QLD 4207

Telephone : (07)3884 8047
Fax: (07)3884 8024

Author: Judi Howard
File / Ref number: 2011/006548
Your Ref:
State Land Management
Phone (07)3884 8047



Department of
Natural Resources and Mines

20 December 2012

Port Binnli Pty Ltd
PO Box 71
ARANA HILLS QLD 4054

Attention: s.73 Irrelevant inform

Dear Mr. s.73 Irrelev

Application for a New Term Lease adjoining Lot 8 on CP895066

Reference is made to your application for a proposed term lease adjoining Lot 8 on CP895066 within Endeavour Canal, Raby Bay.

Please be advised that this Department has not made a decision on the allocation of tenure or the issue of a new term lease. The Department is in the process of reviewing a number of options prior to a decision being made. A Statement of Reasons will not be provided as you have requested as a decision has not been made.

In helping the department to review options and to be able to make an informed decision on tenure allocation, one that will benefit the whole the community, can you please provide a response to the following points:

- Why Port Binnli requires the whole of the land as shown on the drawing prepared by Jetty Specialist No. JSP-SM-1160.

- Can Port Binnli construct a marina facility with a reduced size so that the community has unfettered access to Endeavour Canal from the Reserve for Park purposes, Lot 161 on CP883370 (DNRM drawing DWG 12/284).

If the decision on tenure allocation is adverse to your application you will be given the opportunity to provide further information and meet with the decision maker before a final decision is made.

Postal :
DNRM Beenleigh
PO Box 1164
Beenleigh QLD 4207

Telephone : (07)3884 8047
Fax: (07)3884 8079

If you require any further information please contact Judi Howard on (07) 3884 8047. Please quote reference number 2011/006548 in any future correspondence.

Yours sincerely

sch4p4(6) Personal informa

Judi Howard
Land Administration Officer
Beenleigh Office

Published on Resources Disclosure Log
RTI Act 2009

Author: Judi Howard
File / Ref number 2011/006548
State Land Asset Management
Phone (07)3884 8047



Queensland
Government

Department of
Natural Resources and Mines

28 October 2013

Port Binnili Pty Ltd
PO Box 71
ARANA HILLS QLD 4054

Attention: s.73 Irrelevant information

Dear Mr s.73 Irrelevant information

Proposed Amendment of Area of Term Lease 0/234415 being Lot 8 on CP895066 within Endeavour Canal, Cleveland as shown on DWG 11/280

Reference is made to your application dated 13 October 2011 regarding the proposed amendment of area of term lease 0/234415 within Endeavour Canal, Cleveland as shown on DWG 11/280.

I wish to advise that in principle approval has been granted to seek the Governor in Councils approval for the amendment of Term Lease 0/234415 for the inclusion of about 6370m² adjoining Lot 8 on CP895066 as shown on Departmental drawing 11/280.

This offer is subject to the following requirements:-

Requirements: Prior to the amendment of Term Lease 0/234415, the applicant must:

FIRST STAGE:

1. This approval is subject to the Development Application lodged with Redland City Council being finalised, and conditions imposed by Council's investigation of the Material Change of Use (MCU) application will be included as the term lease conditions, as per council letter dated 3 June 2013.
2. Ensure the completion of the attached Agreement by all proposed tenure holders or their authorised representatives and submit to the writer

Once the MCU application and prescribed tidal works application for the amended lease area has been approved by the Redland City Council, supply additional comments to this office from the Redland City Council in relation to any additional conditions to be included in the lease and also the final lease area.

At this stage the department will formally advise you of any lease condition amendment necessary, and also determine the final lease area as a result of the MCU application.

SECOND STAGE:

3. Lodge in this office (Not the titles office) a survey plan providing for the subject area as a new lot adjoining Lot 8 on CP895066 as illustrated on the attached departmental drawing 11/280. A cheque for the lodgement fees for the survey plan (currently \$355.40) will be required to be lodged in this office also.

Private arrangements should be made with a licensed surveyor for preparation of the plan. Should the surveyor have any doubts as to plan requirements he should contact the Department's Senior Surveyor on 07 3884 8078.

Note: The amendment of Term Lease 0/234415 may be liable for rates, which are charged by the Local Authority. Furthermore, it will still be necessary for you to comply with all the requirements of the Local Authority including zoning and building permits etc. in respect of your proposed use of the area.

This offer will lapse unless:

- The **Agreement to Amend a Term Lease** must be returned to the department by close of business on 22 November 2013, otherwise this offer will lapse.
- Compliance with the "first stage" of this offer must be satisfied by close of business on 24 January 2014 otherwise this offer will lapse.

NOTE: If the abovementioned requirements are not met, this offer will lapse and if at a future date you wish to proceed with the amendment of Term Lease 0/234415, namely Lot 8 on CP895066, a fresh application for will be required to be lodged.

If you believe you will be unable to comply with **any** of the conditions of this offer by the specified date, you should apply in writing for an extension of time. Any application for an extension of time should be made **before** the offer lapses and must address the following -

- what action you have taken to comply with the offer conditions; **AND**
- why the conditions cannot be complied with by the due date; **AND**
- the time for which the extension is requested, including reasons for the amount of time required.

If you do not apply for an extension of time and the offer lapses a new application and application fee will be required. If you make a new application, the matter will be re-investigated and a new decision will be made that will include re-assessment of the land value and all conditions and requirements applicable to the dealing. This re-assessment may also result in the application being refused.

If you wish to discuss this matter please contact Judi Howard on (07)3884 8047. Please quote reference number 2011/006548 in any future correspondence.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to judi.howard@dnrm.qld.gov.au . Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

You may wish to seek your own legal advice with regard to this offer.

Yours sincerely

sch4p4(6) Personal inform

Judi Howard
Land Administration Officer
Beechleigh

Agreement to Amend a Term Lease - Requirements and notification of acceptance of offer

DNRM reference number: 2011/006548

OVERVIEW

Subject to compliance with the Offer Requirements as set out in this document, in principle approval will be sought to amend Term Lease 234412, over Lot 8 on CP895066, by inclusion of an additional area as shown on DWG 11/280.

Your completion and return of this form together with payment of the attached account constitutes written agreement to the offer and the subsequent amendment of Term Lease 234412.

OFFER REQUIREMENTS

This offer will lapse unless the following items are lodged by the specified time, with the DNRM Beenleigh Office –

FIRST STAGE:

1. This approval is subject to the Development Application lodged with Redland City Council being finalised, and conditions imposed by Council's investigation of the Material Change of Use (MCU) application will be included as the term lease conditions, as per council's letter dated 3 June 2013.
2. Ensure the completion of the attached Agreement by all proposed tenure holders or their authorized representatives and submit to the writer.

Once the MCU application and prescribed tidal works application for the amended lease area has been approved by the Redland City Council, supply additional comments to this office from the Redland City Council in relation to any additional conditions to be included in the lease and also the final lease area.

At this stage the department will formally advise you of any lease condition amendment necessary, and also determine the final lease area as a result of the MCU application.

SECOND STAGE:

3. Lodge in this office (Not the titles office) a survey plan providing for the subject area as a new lot adjoining Lot 8 on CP895066 as illustrated on the attached departmental drawing 11/280. A cheque for the Lodgement fees for the survey plan (currently \$355.40) will be required to be lodged in this office also.

Private arrangements should be made with a licensed surveyor for preparation of the plan. Should the surveyor have any doubts as to plan requirements he should contact the Department's Senior Surveyor on 07 3884 8078.

Postal:
DNRM Beenleigh
PO Box 1164
Beenleigh Qld 4207

Telephone : 3884 8047
Fax: 3884 8079



Queensland
Government

Great state. Great opportunity.

The **Agreement to Amend a Term Lease** must be returned to the department by close of business on 22 November 2013, otherwise this offer will lapse.

Compliance with the "first stage" of this offer must be satisfied by close of business on 24 January 2014 otherwise this offer will lapse.

If you believe you will be unable to comply with **any of** the conditions of this offer by the due dates, you should apply in writing for an extension of time. Any application for extension of time is to be made **before** the offer lapses and must address the following -

- what action you have taken to comply with the offer conditions; **AND**
- why the condition/s cannot be complied with by the due dates; **AND**
- the time for which the extension is requested, including reasons for the amount of time required.

Note - if you do not apply for an extension of time the offer lapses, you will need to make a fresh application and pay the required application fee. If the new application is accepted, the application will be re-investigated and include re-assessment of all conditions and requirements applicable to the dealing. This re-investigation may also result in the application being refused.

PURPOSE AND CONDITIONS

The existing purpose and conditions for Term Lease 234412 will remain unchanged, but may be subject to amendment based upon the outcome of the Material Change of Use application with the Council.

PARTICULARS OF LAND

Tenure Type - Existing Term Lease to be amended

Description - Area to be added as shown on DWG 11/ 280

RENT

Rental periods for a Term Lease are annual (1 July – 30 June). Invoices for payment of the rent are usually sent out by the department before the last week of July each year.

Unless the rent is set, the rent for a Term Lease is calculated by multiplying the valuation of the land for rental purposes by the percentage rate for the category of the Term Lease, as prescribed in the current Land Regulation.

The rental valuation is subject to reassessment each year in accordance with the *Land Valuation Act 2010*.

PLAN REQUIREMENTS

**** PLEASE NOTE** - The plan is a second stage requirement to the offer, and should not be prepared until after the MCU application is finalized, and you are further advised by the department to proceed.**

The department requires a plan to be prepared at your expense to satisfy the requirements of this offer and arrangements should be made with a Registered Consulting Surveyor to prepare the plan. A cheque for the lodgement fees for the survey plan (currently \$355.40) will be required to be lodged in this office also.

The plan must show the subject area included as a new Lot adjoining Lot 8 on CP895066 as illustrated on the attached departmental drawing 11/280.

Private arrangements should be made with a licensed surveyor for preparation of the plan. Should the surveyor have any doubts as to plan requirements he should contact the Department's Senior Surveyor on 07 3884 8078

APPROVALS AND/OR REQUIREMENTS OF THE COMMONWEALTH, STATE OR LOCAL GOVERNMENT

It should be noted that whilst the Term Lease will issue for marine facility purposes, it is the lessee's responsibility to ensure that all other necessary approvals and/or requirements of the Commonwealth, State or local government in respect of the use of the area are obtained and/or satisfied.

A Term Lease may be subject to rates which are charged by the local government.

FOREIGN OWNERSHIP

Your attention is drawn to the requirements of the *Foreign Ownership of Land Register Act 1988* that a foreign person (as defined in that Act) or a trustee of a foreign person or foreign trust, must lodge a Notification of Ownership Form for each interest acquired. No fee is payable and further enquiries should be directed to the Foreign Ownership of Land Registry on (07) 3227 7262.

If you are a permanent resident of Australia, an Australian Citizen or wholly owned Australian Company, there is no requirement for you to take further action in this matter.

CONTAMINATION

Landowners and occupiers of land have a responsibility under section 371(1) of the *Environmental Protection Act 1994* to notify the administering authority within 22 business days if they become aware that a notifiable activity is being carried out on the land.

There are penalties for landowners under section 371 of the *Environmental Protection Act 1994* for not complying with the responsibility to notify.

For more information visit the EHP website: www.ehp.qld.gov.au; or contact Waste and Land Contamination Assessments, Department Environment and Heritage Protection - email: WLCA@ehp.qld.gov.au

ABORIGINAL OR TORRES STRAIT ISLANDER CULTURAL HERITAGE

All significant Aboriginal and Torres Strait Islander cultural heritage in Queensland, is protected under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.

Aboriginal cultural heritage which may occur on the subject land is protected under the terms of the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* even if DATSIMA has no records relating to it.

Please refer to the website -

<http://www.datsima.qld.gov.au/atsis/aboriginal-torres-strait-islander-peoples/indigenous-cultural-heritage> for a copy of the gazetted Cultural Heritage Duty of Care Guidelines which set out reasonable and practical measures for meeting the duty of care.

Further assistance or advice in relation to this matter please contact the Cultural Heritage Unit on (07) 3405 3050.

DECLARATION

The information provided in this Agreement to Offer and any attachments is authorised under the *Land Act 1994* and is being used to process your application. The department will endeavour to maintain the confidentiality of information relating to your application. However, consideration of your application may involve consultation with other parties and if so, details of your application may be disclosed to third parties. This information will not otherwise be disclosed outside of the department unless required or authorised by law such as under the *Right to Information Act 2009*. If the proposed Term lease issues, the details of the Term Lease, including the lessees will be registered in the Land Registry which is available to the public to search.

I/We agree, subject to compliance with the Offer Requirements, to the amendment of the Term Lease 234412 on terms and conditions stated in this document and note that this acceptance shall not be effective until I/We have complied with the Offer Requirements.

DECLARATION BY A CORPORATION

Executed for and on behalf of:

Corporation name

A.C.N or A.R.B.N No.

In accordance with section 127 of the *Corporations Act 2001*,

Dated

day of

Year

Name and Signature of authorised person/s

Note – Sole Directors simply insert name and sign as sole director. Other Companies require signature of two Directors or by a Director and Secretary. Where an attorney or other agent executes this Agreement on behalf of a company, the form of the execution must indicate the source of this authority and a certified copy of authority must be provided to the Department. A witness is only required for an attorney or other agent where the source of authority requires a witness.

In relation to this agreement to offer, it is recommended you seek independent legal advice.

Postal :
DNRM Beenleigh
PO Box 1164
Beenleigh QLD 4207

Email: SLAM-beenleigh@dnrm.qld.gov.au
Telephone : (07)3884 8047
Fax: (07)3884 8079

END OF DOCUMENT




 Prepared by
 IPSWICH OFFICE
 PLANNING & ASSESSMENT
 SOUTH EAST REGION
 DEPT OF ENVIRONMENT and
 RESOURCE MANAGEMENT
 LEVEL 1
 TOWER CENTRAL
 IPSWICH Q 4305

LAND REFERRED TO SHOWN 

PARISH: CLEVELAND COUNTY: STANLEY
 LOCALITY: CLEVELAND LOCAL AUTH: CITY OF REDLAND

Compiled from: DCDB & Sketch on File
 File Ref: Case Id 2011/006548
 Map Ref: 9542 - 14442
 Drawn by: JKN
 Date: 18/11/2011

PROPOSAL
 Scale: 1 : 1000
 NOTE: A4 copy is reduced
DWG 11/280

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 Base data extracted from the Digital Cadastral Database on the 18/11/2011



DEPARTMENT OF
NATURAL RESOURCES AND MINES
06 JUN 2013
RECEIVED
BEENLEIGH OFFICE

Redland City Council
ABN 46 478 929 478
Cnr Bloomfield & Middle Sts.
Cleveland Qld 4163
PO Box 21,
Cleveland Qld 4163
Telephone 07 3829 8999
Facsimile 07 3829 8765
Email rc@redland.qld.gov.au
www.redland.qld.gov.au

3 June 2013

Your Ref:
Our Ref: AW
File No: **P55311**
Contact: AW

Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

Att: Judi Howard

RE: Lease for 16 berths at 14-16 Masthead Drive Cleveland

Dear Ms Howard,

I refer to your correspondence dated 25 February 2013 relating to Council's full response for the proposed term lease adjoining Lot 8 on CP895066.

I write to advise that we have no objection to Department of Natural Resources and Mines (DNR&M) issuing consent for the 6370m² lease as indicated on DWG11/280 in your letter to Council dated 22 November 2011, plan attached.

Should DNR&M grant the lease, The Port Binnli Group will then be required to submit to Council a Material Change of Use application for Marine Services and a prescribed tidal works application to establish the marina.

We are of the understanding that the area of the lease can be changed further to the outcome of Council's determination of the application and that any conditions within any approval could be included within the terms of the lease.

Should you have any questions in relation to this matter, please feel free to contact Adam Webb on 3829 8128.

Yours sincerely,

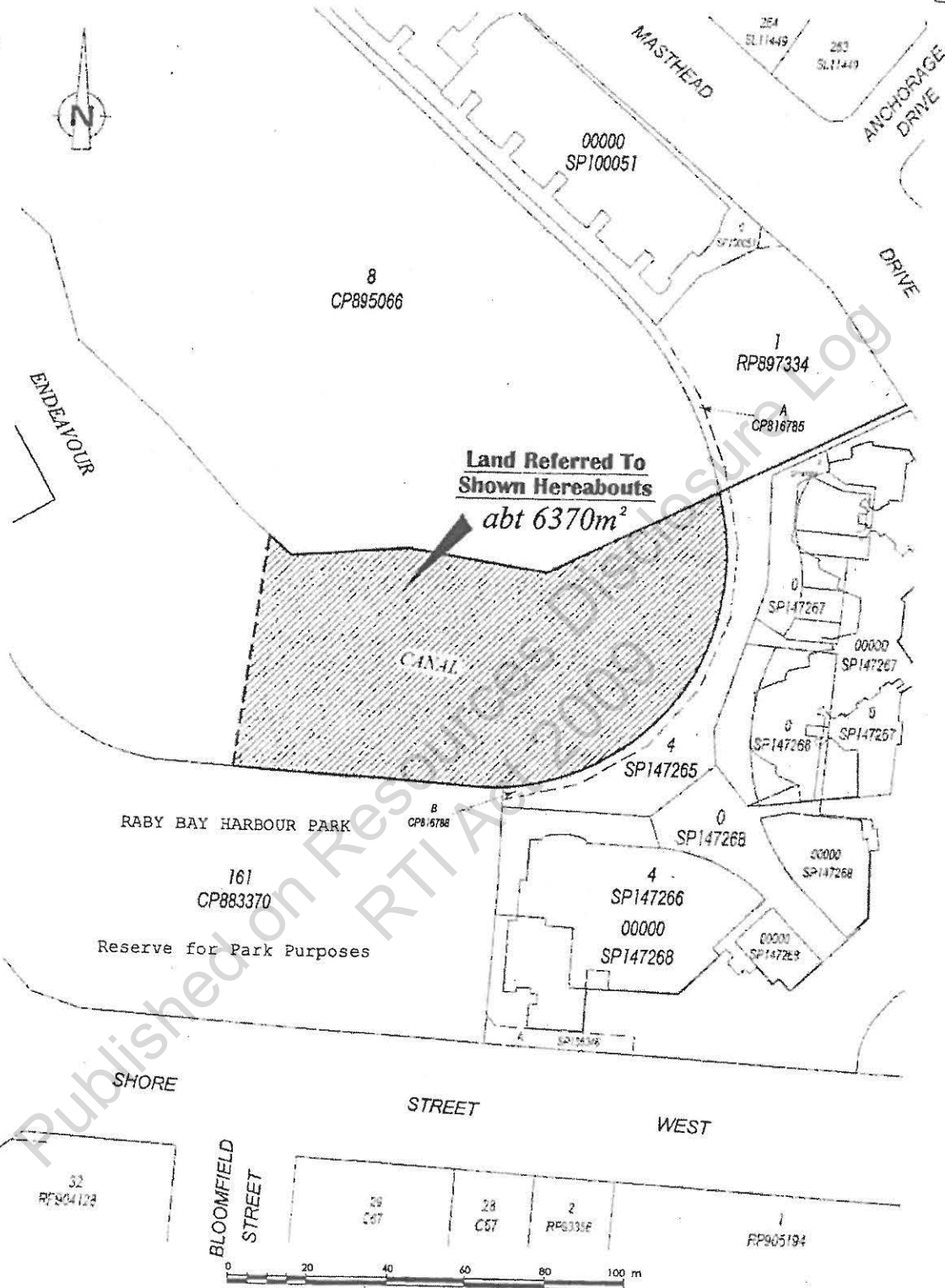
sch4p4(6) Personal inform

David Jeanes
Service Manager
Planning Assessment

Cc: s.73 Irrelevant information @portbinnli.com

DRAWING

Sheet 1 of 1



Queensland Government
 Prepared by
 IPSMCH OFFICE
 PLANNING & ASSESSMENT
 SOUTH EAST REGION
 DEPT OF ENVIRONMENT and
 RESOURCE MANAGEMENT

LEVEL 1
 TOWER CENTRAL
 IPSMCH Q 4305

LAND REFERRED TO SHOWN



PARISH: CLEVELAND
 LOCALITY: CLEVELAND

COUNTY: STANLEY
 LOCAL AUTH: CITY OF REDLAND

PROPOSAL

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DWG 11/280

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Compiled from: DCDB & Sketch on File
 File Ref: Case Id 2011/006548

Drawn by: JKN
 Date: 15/11/2011

Map Ref: 9542 - 14442



Author Judi Howard
File / Ref number: 2011/006548
Your Ref:
State Land Management
Phone (07)3884 8047

Department of
Natural Resources and Mines

5 December 2012

Port Binnli Pty Ltd
Locked Bag 7001
CHERMSIDE CENTRE QLD 4032

Attention: s.73 Irrelevant information

Dear Mr. s.73 Irrelevant information

Application for a New Term Lease adjoining Lot 8 on CP895066

Reference is made to your application for a proposed term lease adjoining Lot 8 on CP895066 within Endeavour Canal, Raby Bay.

The Department wishes to advise that investigations into your application for the above mentioned proposed new term lease is in the process of being finalised.

When evaluating applications of this nature, the Department is required under the *Land Act 1994* to undertake investigations into a range of matters including environmental, social and economic factors, as well as native title, cultural heritage, local planning schemes and the future needs of the community. This is to ensure that State Land is allocated to the most appropriate use and tenure to derive the greatest benefits to meet the current and future needs of the people of Queensland. A component of this evaluation requires the State and local authorities, and community stakeholders with a potential interest in the land be consulted.

With consideration to all of the available information acquired through the assessment process for your application, it has been determined that you be advised that the Department holds the preliminary view that it could not support a favourable determination on the application of the following grounds:

- This Department is not willing to support the area under the current application as shown on the drawing prepared by The Jetty Specialist No. JSP-SM-1160.

- The Department is willing to continue processing the application for the area shown on the attached drawing DWG 12/284.

Please advise the Beenleigh office of this Department if you agree for the processing of the application for the proposed new term lease to continue as shown on DWG 12/284.

Redland City Council advised via letter dated 15 November 2012, that council supports the proposal in principle but the following issues should be considered prior to any development application being lodged:

- Future access to the public infrastructure for maintenance and improvements must be provided.
- Community consultation must be carried out to assess the level of community support for the development. Specifically the harbourside business and residential owners should be individually advised as they will be the ones most affected by the proposal.
- A percentage of the marina infrastructure must be set aside for public access to offset the loss of public access caused by the development.
- Amenity issues will be assessed on their merit once more detailed architectural views are available.

This information is being provided on the basis of procedural fairness before a final decision is made on the application.

Prior to endorsing a final decision on the matter, and with consideration to the principles of Natural Justice, the Department extends an opportunity for you to make further representation in response to the reasons outlined above and or any other relevant information to support your case within twenty (20) days of the date of this letter.

At the expiration of this period, the Department will consider any further submission on your behalf and make a final decision in this matter.

In the event that the Department does not receive a response from you within twenty (20) days from the date of this letter, then a decision will be made on your application and a formal notice of the decision will be forwarded to you.

If you require any further information please contact Judi Howard on (07) 3884 8047. Please quote reference number 2011/006548 in any future correspondence.

Yours sincerely

sch4p4(6) Personal inform

Judi Howard
Land Administration Officer
Beenleigh Office



Prepared by
IPSWICH OFFICE
RESOURCE ASSESSMENT
and INFORMATION
SOUTH REGION
DEPT OF NATURAL RESOURCES
and MINES
LEVEL 1
TOWER CENTRAL
IPSWICH Q 4305

LAND REFERRED TO SHOWN



PROPOSAL

Scale: 1 : 1000
NOTE: A4 copy is reduced

PARISH: CLEVELAND
LOCALITY: CLEVELAND

COUNTY: STANLEY
LOCAL AUTH: CITY OF REDLAND

DWG 12/284

Compiled from: DCDB, DWG 11/280 & Sketch on File

Drawn by: JKN

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Base data extracted from the Digital Cadastral Database on the 04/12/2012

File Ref: Case Id 2011/006548

Map Ref: 9542 - 14442

Date: 04/12/2012

Author Judi Howard
File / Ref number: 2011/006548
Your Ref:
State Land Management
Phone (07)3884 8047



Department of
Environment and Resource
Management

19 March 2012

Port Binnli Pty Ltd
Locked Bag 7001
CHERMSIDE CENTRE QLD 4032

Attention: s.73 Irrelevant inform

Dear Mr. s.73 Irrelev

Application for a Term Lease adjoining Lot 8 on CP895066

I refer to email correspondence dated 29 February 2012 in which a request for additional information was requested for the continued processing of your application for a term lease over an area of Endeavour Canal adjoining to Lot 8 on CP895066.

Can you please supply to this department information regarding: -

- What is planned for construction in the lease area, what height the construction will be etc
- What public benefit would there be if the new lease area is approved
- Provide information on what impact there would be on the amenity of foreshore views (from the reserve and adjoining Freehold land)
- What actions will be taken to ensure access to the public foreshore facility (board walk) is not blocked
- Please demonstrate how future access for maintenance to the board walk is to occur

Please supply the requested information to this department at the below address on or before **16 April 2012** or if you are unable to provide the request information by the due date, please contact the author prior to the due date and request an extension of time.

If a response is not received by the due date and no alternative arrangements have been made no further action will be taken in processing this application.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to judi.howard@derm.qld.gov.au . Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Office :
DERM Beenleigh
32 Tansey Street
Beenleigh QLD 4207

Postal :
DERM Beenleigh
PO Box 1164
Beenleigh
4207 QLD

Telephone : (07)38848047
Fax: (07)38848024

If you wish to discuss this matter please contact Judi Howard on 38848047.
Please quote reference numbers 2011/006548 in any future correspondence.

Yours sincerely

sch4p4(6) Personal inform

Judi Howard
Land Administration Officer
Beenleigh

Published on Resources Disclosure Log
RTI Act 2009



Queensland
Government

Department of
Natural Resources and Mines

Author Judi Howard
File / Ref number: 2011/006548
Your Ref: ih:RP
File No: RTT Planning – Marine General
State Land Management
Phone (07)3884 8047

25 February 2013

Redland City Council
PO Box 21
CLEVELAND QLD 4163

Attention: Rod Powell

Dear Mr. Powell

Application for a Term Lease adjoining Lot 8 on CP895066

Reference is made to Council's letter dated 15 November 2012 with regard to Council requirements for a proposed term lease over Lot 8 on CP895066.

To enable this Department to give full consideration to the application for a proposed term lease over Lot 8 on CP895066, this Department will require a formal full response from Council.

The applicants will be notified of the Department's requirement for the formal full response and that no further action will be taken on the application until the response from council is received.

If you wish to discuss this matter please contact Judi Howard on 3884 8047.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to judi.howard@dnrm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2011/006548 in any future correspondence.

Yours sincerely

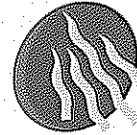
sch4p4(6) Personal informat

Judi Howard
Land Administration Officer
Beenleigh

Postal :
DNRM Beenleigh
PO Box 1164
Beenleigh QLD 4207

Telephone : (07)3884 8047
Fax: (07)3884 8079

Author Judi Howard
File / Ref number: 2011/006548
Your Ref:
State Land Management
Phone (07)3884 8047



Queensland
Government

22 November 2011

Department of
Environment and Resource
Management

Chief Executive Officer
Redland City Council
PO Box 21
CLEVELAND QLD 4163

Dear Sir / Madam

Application for a Term Lease adjoining Lot 8 on CP895066

Your views and/or requirements are requested in respect of the application for a Term Lease adjoining Lot 8 on CP895066.

The proposed lease area is for the purpose of an extension of the Raby Bay Marina. The proposal involves the construction of sixteen new wet berths for the secure berthing of private marine vessels within Endeavour Canal, Raby Bay. The applicant has stated that the associated amenities required to service and support the new berths already exists within the current adjoining lease area and these facilities have the capacity to support the additional sixteen berths without further alterations or further improvements.

The enclosed drawing 11/280 and Smartmap show the subject land and surrounding locality.

Please advise the Department of your views or requirements including any local non-indigenous cultural heritage values or if a different tenure may be considered that the department should consider when assessing this application.

Objections to the application, and any views or requirements that may affect the future use of the land should be received by close of business on **28 February 2012**. If you offer an objection to the application, a full explanation stating the reason for such an object should be forwarded to this Office.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. If a response is not received by the due date and no alternative arrangements have been made, *it will be assumed you have no objections or requirements in relation to this matter.*

This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department.

Office :
DERM Beenleigh
32 Tansey Street
Beenleigh QLD 4207

Postal :
DERM Beenleigh
PO Box 1164
Beenleigh
4207 QLD

Telephone : (07)38848047
Fax: (07)38848024

If you wish to discuss this matter please contact Judi Howard on 38848047.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to judi.howard@derm.qld.gov.au . Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

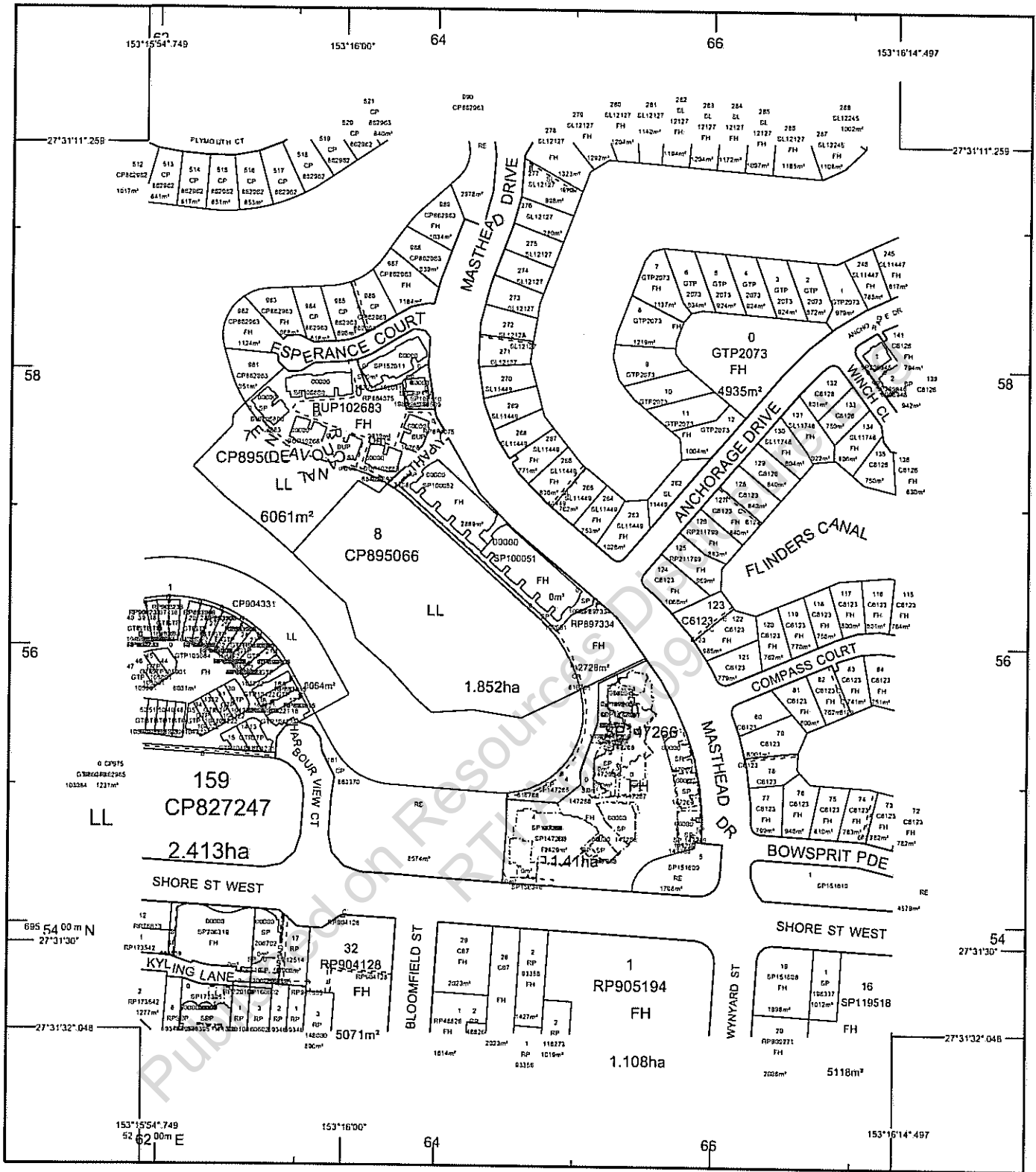
Please quote reference numbers 2011/006548 in any future correspondence.

Yours sincerely

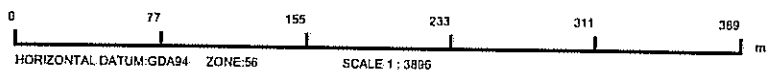
sch4p4(6) Personal info

Judi Howard
Land Administration Officer
Beenleigh

Published on Resources Disclosure Log
RTI Act 2009



STANDARD MAP NUMBER
9542-14442



MAP WINDOW POSITION & NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	1/RP897334
Area/Volume	2728m ²
Tenure	FREEHOLD
Local Government	REDLAND CITY
Locality	CLEVELAND
Parish	CLEVELAND
County	STANLEY
Segment/Parcel	54498/243

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 17/1/2011

DCDB 16/1/2011

Users of the information recorded in this document (the information) accept all responsibility and risk associated with the use of the information and should seek independent professional advice in relation to dealings with property.

Despite Department of Environment and Resource Management (DERM)'s best efforts, DERM makes no representations or warranties in relation to the information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the information.

For further information on SmartMap products visit <http://www.qld.gov.au/property/mapping/smartmap>

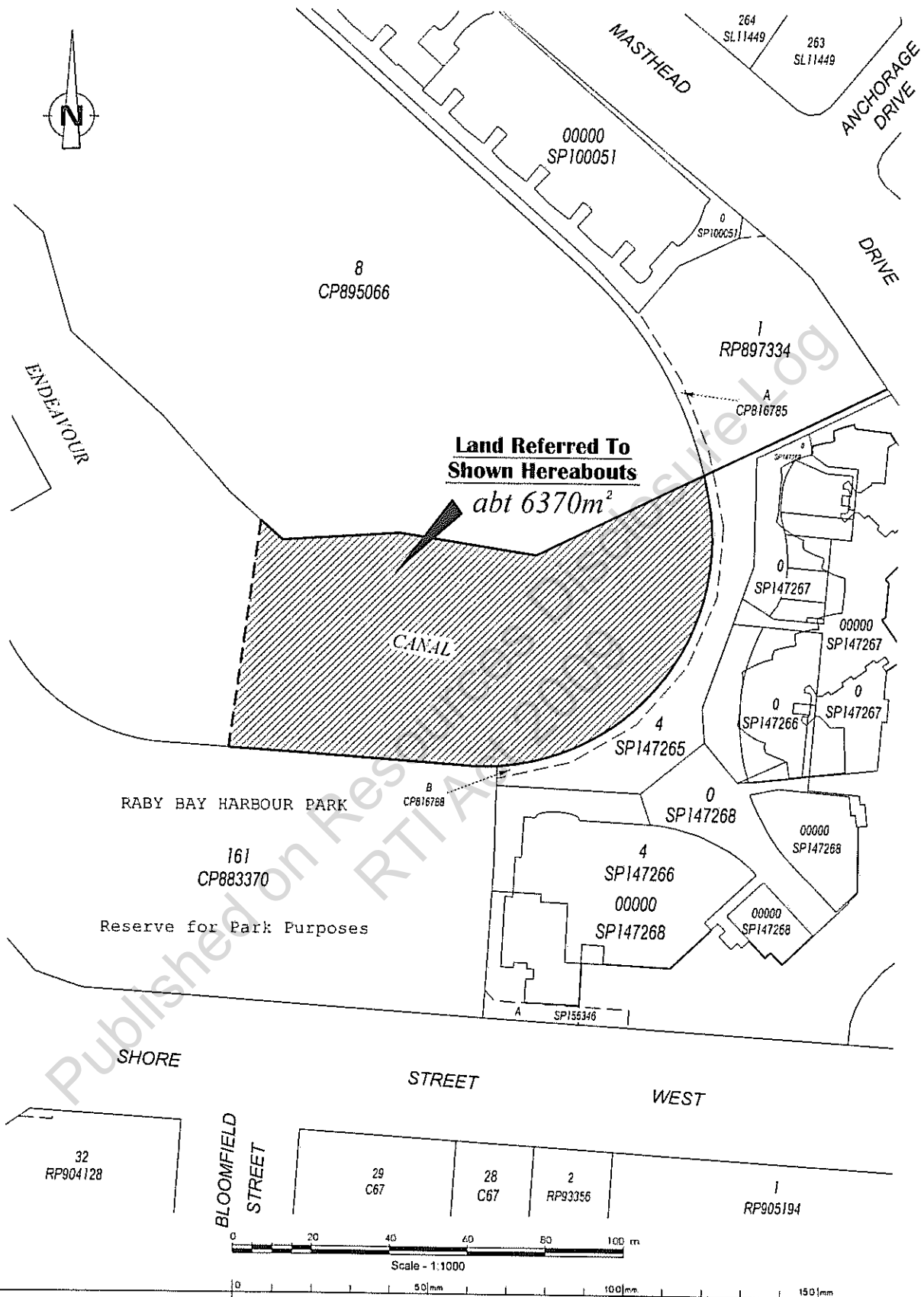
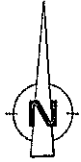
SmartMap

An External Product of SmartMap Information Services
Based upon an extraction from the Digital Cadastral Data Base



Queensland Government
(c) The State of Queensland, (Department of Environment and Resource Management) 2011.





Prepared by
IPSWICH OFFICE
PLANNING & ASSESSMENT
SOUTH EAST REGION
DEPT OF ENVIRONMENT and
RESOURCE MANAGEMENT

LEVEL 1
TOWER CENTRAL
IPSMCH Q 4305

LAND REFERRED TO SHOWN



PROPOSAL

Scale: 1 : 1000
NOTE: A4 copy is reduced

PARISH: CLEVELAND
LOCALITY: CLEVELAND

COUNTY: STANLEY
LOCAL AUTH: CITY OF REDLAND

DWG 11/280

Compiled from: DCDB & Sketch on File

Drawn by: JKN

File Ref: Case Id 2011/006548

Map Ref: 9542 - 14442

Date: 18/11/2011

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Base data extracted from the Digital Cadastral Database on the 18/11/2011

FOR OPENING NOTIFICATIONS SEE BACK

00267

I, the Chief Computer hereby certify that the Department of Mapping and Survey has made this plan pursuant to Regulation 29 of the Surveyors Regulation, 1978 and that the plan is accurate.

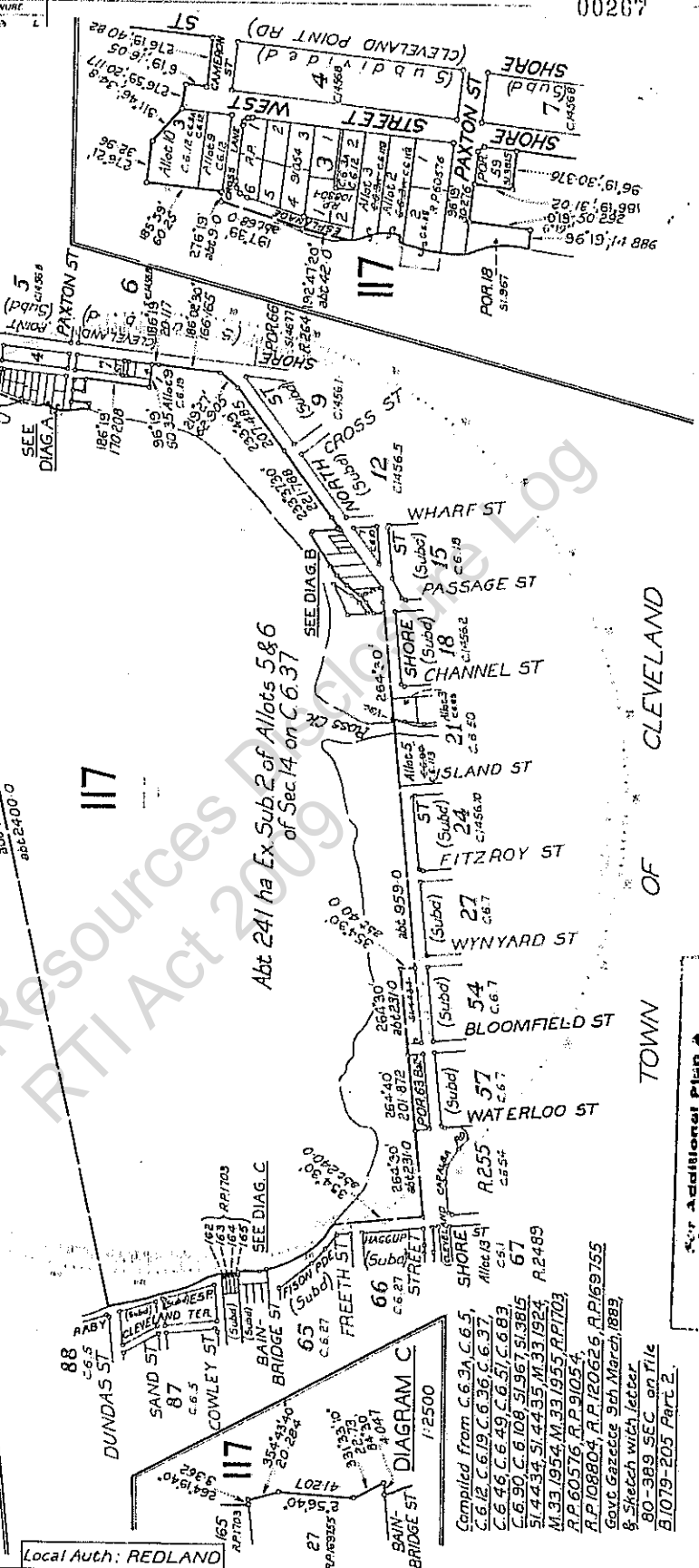
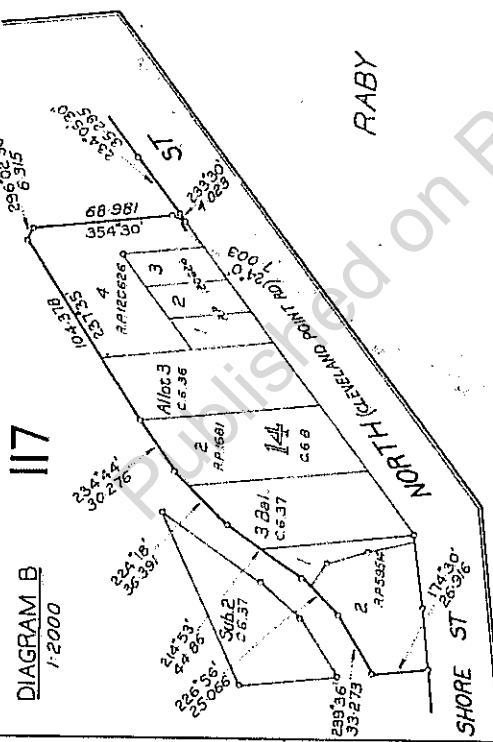
s.73 Irrelevant inf
 Licensed Surveyor
 Date 29.7.80

Portion 117 includes former Portions 52 (being R.258) & 55 (being part of R.2040, Sec.56, Alloc.1 of Sec.128 Alloc.2 of Sec.128 (being R.915), Alloc.1 of Sec.129 & Allocs.1 & 2 of Sec.130 (being R.1720), Alloc.3 of Sec.130 (being R.2809), Allocs.1 & 2 of Sec.131 (being R.1303), Alloc.12 of Sec.131 (being R.3015), Sec.26 (being R.280), R.254, R.1095, part of Portion 63 (being, part of R.2040), and areas of closed road vide G.66, 1980, 1701 & an area of Vacant Crown Land

DRAWING OF PLAN MUST BE RESTRICTED TO THE SPACE INSIDE THE BLUE LINES

DIAGRAM A
 1:3000

DIAGRAM B
 1:2000



For Additional Plan & Document Notings Refer to C118

DRAWING OF PLAN MUST BE RESTRICTED TO THE SPACE INSIDE THE BLUE LINES

MERIDIAN LINE PLAN BEARING A.M.G. BEARING of 51.4434		PLAN OF PORTION 117 SCALE 1:10,000		PARISH CLEVELAND County STANLEY L.A. District BRISBANE	
AUTHORITY B.1079-205 Part 2		D.M.S. REF. G.G.B. 15.7.80		DRAWN BY D.P. 15.7.80	
CHECKED BY P.J.A. 5.8.80		CHARTED BY P.J.A. 5.8.80		MAP REF. TOWN CLEVELAND	
PLAN SL.9270					

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eLVAS Case ID: 2011/006548

SLAM LARIE - Intersection Report

LAYER INTERSECTION SUMMARY

LotPlans found

8CP895066

LotPlans not found

Group	Layer Name	Intersected?	Details
Built Environment	Roads (All)	No	
	QLD Railways	No	
Environmental Areas	World Heritage Areas	No	
	Nature Refuge Areas	No	
	QLD Protected Area Estate Type	No	
Fish Habitat Areas	Fish Habitat Areas	No	
Forest Products	Forest entitlement area	No	
	Forest Management Areas	Yes	SOUTH EAST
	Forest Products MUIDs	No	
	Forest Products SUIDs	No	
	Plantation Licence Area	No	
Heritage Register	Heritage Places	No	
Koala	SPP Koala Habitat Value	Yes	
	SPRP Koala Habitat Value	Yes	
Mining	Qld coal seam gas wells	No	
	Exploration permits for coal	No	
	Exploration permits for petroleum	No	
	Exploration permits for minerals	No	
	Qld Mine locations	No	
	Qld mine workings	No	
	Qld Mining leases	No	
	Qld petroleum leases	No	
	Qld petroleum wells	No	
National trail	National trail	No	

Planning Scheme Zoning	State-Wide Planning Scheme (SPA)	Yes	
	State-Wide Planning Scheme (Zoning)	Yes	Major Centre, Unzoned
Regional Planning	DLGP Regional Planning Areas	Yes	South East Queensland Regional Plan
Stock Routes	Stockroute	No	
ULDA	Declared Urban Land Development Areas (ULDA)	No	
Vegetation	Essential Habitat	No	
	High Value Regrowth	No	
Water	Drainage 100K	No	
	Drainage 25K	No	
	EPP Water 2009 (SEQ)	No	
	Springs	No	
	Dams and Lakes 100k	No	
	Dams and weirs	Yes	
	Waterbodies 10M	No	
	Groundwater bores	No	
	Groundwater monitoring network	No	
	Declared Catchment Areas	No	
	Water Resource Planning Area	Yes	
	Wetlands	Wetlands - Directory of Important Wetlands	No

Published on Resources Disclosure Log
RTI Act 2009

-27.522

-27.524



153.266

153.268

SLAM LARIE INTERSECTION REPORT - INTERNAL MAP

Map Printed: 19/04/2013

Author: Judith Howard

NON STANDARD MAP

- QLD Railways
- Drainage 100K
- Cadastre
- Roads (Major)
 - Dual Carriageway
 - Principal Road
- Roads (Minor)
 - Secondary Road
 - Minor Road
 - Track

Scale 1:1773



**Queensland
Government**

All datasets are updated as they become available to provide the most current information as of the date shown on this map.

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eLVAS Case ID: 2011/006548

SLAM LARIE - Intersection Report

LAYER INTERSECTION SUMMARY

LotPlans found

8CP895066

LotPlans not found

Group	Layer Name	Intersected?	Details
Built Environment	Roads (All)	No	
	QLD Railways	No	
Environmental Areas	World Heritage Areas	No	
	Nature Refuge Areas	No	
	QLD Protected Area Estate Type	No	
Fish Habitat Areas	Fish Habitat Areas	No	
Forest Products	Forest entitlement area	No	
	Forest Management Areas	Yes	SOUTH EAST
	Forest Products SUIDs	No	
	Plantation Licence Area	No	
	Forest Products MUIDs	No	
Heritage Register	Heritage Places	No	
Koala	SPRP Koala Habitat Value	Yes	
	SPP Koala Habitat Value	Yes	
Mining	Exploration permits for coal	No	
	Qld coal seam gas wells	No	
	Exploration permits for petroleum	No	
	Exploration permits for minerals	No	
	Qld Mine locations	No	
	Qld Mining leases	No	
	Qld petroleum leases	No	

Mining	Qld petroleum wells	No	
	Qld mine workings	No	
National trail	National trail	No	
Planning Scheme Zoning	State-Wide Planning Scheme (SPA)	Yes	
	State-Wide Planning Scheme (Zoning)	Yes	Major Centre, Unzoned
Regional Planning	DLGP Regional Planning Areas	Yes	South East Queensland Regional Plan
Stock Routes	Stockroute	No	
ULDA	Declared Urban Land Development Areas (ULDA)	No	
Vegetation	Essential Habitat	No	
	High Value Regrowth	No	
Water	Drainage 100K	No	
	Drainage 25K	No	
	EPP Water 2009 (SEQ)	No	
	Springs	No	
	Dams and Lakes 100k	No	
	Waterbodies 10M	No	
	Groundwater bores	No	
	Groundwater monitoring network	No	
	Declared Catchment Areas	No	
	Water Resource Planning Area	Yes	
	Dams and weirs	Yes	
Wetlands	Wetlands - Directory of Important Wetlands	No	

Published on Resources Disclosure Log
RTI Act 2009

-27.522



-27.524

153.266









153.268

SLAM LARIE INTERSECTION REPORT - INTERNAL MAP

Map Printed: 24/10/2013

Author: Judith Howard

NON STANDARD MAP

-  QLD Railways
-  Drainage 100K
-  Cadastre
- Roads (Major)
 -  Dual Carriageway
 -  Principal Road
- Roads (Minor)
 -  Secondary Road
 -  Minor Road
 -  Track

Scale 1:1773



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eLVAS Case ID: 2011/006548

SLAM LARIE - Intersection Report

LAYER INTERSECTION SUMMARY

LotPlans found

8CP895066

LotPlans not found

Group	Layer Name	Intersected?	Details
Built Environment	QLD Railways	No	
	Roads (All)	No	
Environmental Areas	QLD Protected Area Estate Type	No	
	World Heritage Areas	No	
	Nature Refuge Areas	No	
Fish Habitat Areas	Fish Habitat Areas	No	
Forest Products	Forest Management Areas	Yes	SOUTH EAST
	Forest entitlement area	No	
	Forest Products MUIDs	No	
	Forest Products SUIDs	No	
Heritage Register	Heritage Places	No	
Koala	SPRP Koala Habitat Value	Yes	
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Mining	Qld coal seam gas wells	No	
	Exploration permits for coal	No	
	Exploration permits for minerals	No	
	Qld mine workings	No	
	Qld Mining leases	No	
	Exploration permits for petroleum	No	
	Qld petroleum leases	No	
	Qld petroleum wells	No	
	Qld Mine locations	No	
National trail	National trail	No	

Native Title	Native title activity (Claim name and number)	No	
Planning Scheme Zoning	State-Wide Planning Scheme (Zoning)	Yes	Major Centre, Unzoned
	State-Wide Planning Scheme (SPA)	Yes	
Regional Planning	DLGP Regional Planning Areas	Yes	South East Queensland Regional Plan 2009 - 2031
Stock Routes	Stockroute	No	
ULDA	Declared Urban Land Development Areas (ULDA)	No	
Vegetation	Essential Habitat	No	
	High Value Regrowth	No	
Water	Drainage 100K	No	
	Drainage 25K	No	
	Dams and weirs	No	
	Groundwater bores	No	
	Springs	No	
	Declared Catchment Areas	No	
	EPP Water 2009 (SEQ)	No	
	Groundwater monitoring network	No	
	Waterbodies 10M	No	
	Water Resource Planning Area	Yes	
	Dams and Lakes 100k	No	
	Wetlands	Wetlands - Directory of Important Wetlands	No

Published on Resources Disclosure Log
RTI Act 2009

-27.522

-27.524



153.266

153.268

SLAM LARIE INTERSECTION REPORT - INTERNAL MAP

Map Printed: 21/12/2011

Author: Judith Howard

NON STANDARD MAP

- QLD Railways
- Drainage 100K
- Cadastre
- Roads (Major)
 - Dual Carriageway
 - Principal Road
- Roads (Minor)
 - Secondary Road
 - Minor Road
 - Track

Scale 1:985



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Date : 28/02/2012 8:36:57 AM

From : "Mcquade Diane"

To : "Howard Judi"

Subject : RE: 2011/006548 Extension to Raby Bay Marina

Hi Judi

You can request further information from the client for Redland City Council to make their decision. There's no need for a submission for an extension of time for RCC views. Once you have the additional information council requires then let Council know they have 2 months to respond.

Thanks

Di

From: Howard Judi
Sent: Monday, 27 February 2012 4:42 PM
To: Mcquade Diane
Subject: FW: 2011/006548 Extension to Raby Bay Marina

Hi Di

Are we able to request additional information from the applicant to meet the requirements of the request from RCC as below? I supplied Rod with the drawing and additional info from the application from Binnli and it seems he wants more info to make a decision - What do you think?

I will do a submission for the extension of time on Wednesday

Thanks

Judi

From: Rodney Powell [mailto:Rodney.Powell@redland.qld.gov.au]
Sent: Monday, 27 February 2012 4:06 PM
To: Howard Judi
Subject: 2011/006548 Extension to Raby Bay Marina

Judi,

RCC would like to provide a response on this matter but we are still waiting for some responses from other departments. Could we therefore request an extension of time until 26/3/12.

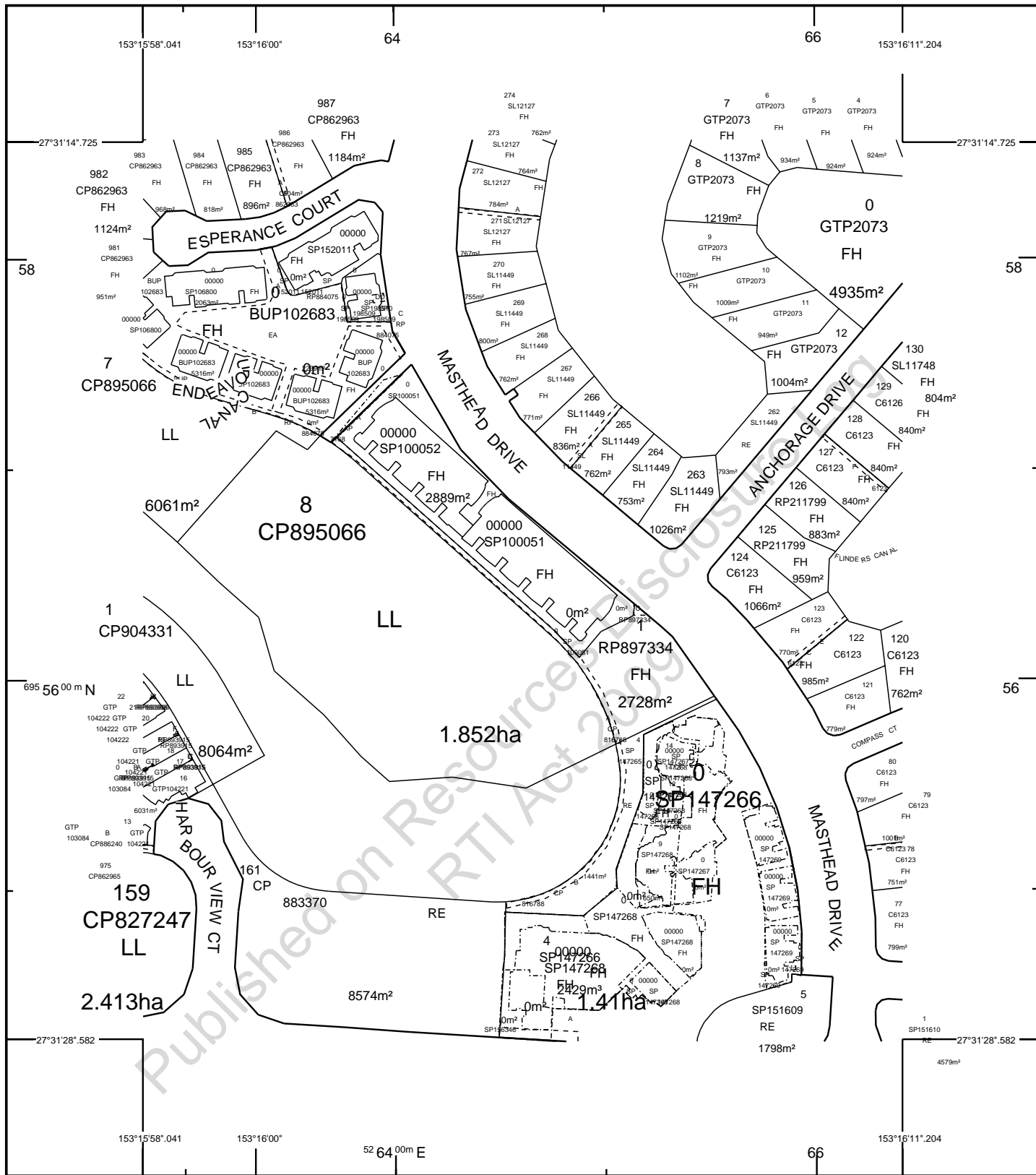
I think that it would be also beneficial if this application was supported by additional information concerning what is planned for construction in the lease area as, unless there was some public benefit to the proposal it is unlikely that it could be supported given that it will block access to a public foreshore facility (board walk) and will have an impact on the amenity of foreshore views as viewed from the neighbouring properties. Future maintenance access to the board walk would also need to be demonstrated.

Rod Powell
Senior Advisor
Marine Projects
Redland City Council
07 3829 8582
[sch4p4\(6\) P](#)

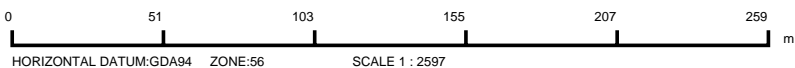
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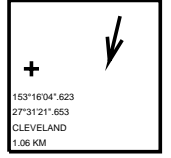
Please consider the environment before you print this e-mail or any attachments.



STANDARD MAP NUMBER
9542-14442



MAP WINDOW POSITION & NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION	
DCDB	1/RP897334
Lot/Plan	2728m ²
Area/Volume	FREEHOLD
Tenure	REDLAND CITY
Local Government	CLEVELAND
Locality	CLEVELAND
Parish	STANLEY
County	54498/243
Segment/Parcel	

CLIENT SERVICE STANDARDS	
PRINTED (dd/mm/yyyy)	25/10/2011
DCDB	24/10/2011
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For further information on SmartMap products visit http://nrw.qld.gov.au/property/mapping/blnmap	

SmartMap

An External Product of
SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base



Queensland Government
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Department of Environment
Resource Management) 2



21-305

Released

Specific Parcel Report

Lot: 8 on Plan: CP895066

Parcel: on Segment:

DCDB:

Tenure: LL

Description: LANDS LEASE

CISP:

Previous Plan Details:

Plan	Registered	Description
SP231779	07/10/2010	LEASES AA - AW, BA - BZ, BZA, BZB & CA - CX IN LOT 8 ON CP895066 & LEASES YA - YS & ZA - ZP IN LOT 7 ON CP895066
CP895066	04/10/1995	LOTS 7 AND 8 CANCELLING VCL

ATS:

Title Reference: 40060948

Registered Owner: PORT BINNLI PTY LTD

Tenure Reference: TL/0/234412/

Original Deed of Grant: 1. 40060948

Lease Purpose: MARINE FACILITY

Reserve Purpose:
Area:

Lease Conditions:

(1) The lessee must use the leased land for marine facility purposes namely a commercial marina. (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 Redland City 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 Redland City 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 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.

(1) The lessee must allow any person authorised under the Forestry Act 1959 access to the leased land for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the leased land. (2) Except as hereinafter provided the lessee must not interfere with any forest products or remove any quarry material (including any stone, gravel, sand, earth, soil, rock, guano or clay which is not a mineral within the meaning of the Mineral Resources Act 1989) or other material upon the leased land without the permission of the Minister administering the Land Act 1994 except under the authority of and in compliance in every respect with the requirements or a permit, licence, agreement or contract granted or made under the Forestry Act 1959.

Further to Condition A78 clause (11), the lessee must remove and rehabilitate the area to the satisfaction of the Minister administering the Land Act 1994 within a period of three (3) months from the date of expiration, forfeiture or surrender of the lease.

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.

The lessee must from the commencement of the lease and to the satisfaction of the Minister administering the Land Act 1994, ensure the good conduct of all persons within the leased area.

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.

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 the requirements of the Redland City Council.

If, as a result of carrying out works or any other cause attributable to the lessee any bank is 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 bank or revetment wall to the satisfaction of the Minister administering the Land Act 1994.

The lessee must, during the currency of the lease protect the leased land from erosion and effect such works as are considered necessary by the Minister administering the Land Act 1994.

The lessee must ensure that each and every activity undertaken on the leased land which has the potential to pollute and/or contaminate is carried out in such a manner as to prevent this from occurring.

The lessee of this lease is not allowed to make an application for conversion in terms of the Land Act 1994.

The provision of further access to the leased land will not be the responsibility of the Redland City Council or the State.

The lessee must, at all times during the currency of the lease, allow officers of the Department of Environment and Resource Management, their employees and their servant, free and unrestricted access to, from and across the leased land.

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.

(1) The lessee must effect a public liability insurance policy with an insurer authorised under the Insurance Act 1973 (Commonwealth) or, in any other case, to the satisfaction of the Minister administering the Land Act 1994, naming the lessee as the insured covering legal liability for any loss of, or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the leased land or any improvements thereon and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof subject to the terms and conditions of the insurance policy. Such policy must: (a) be for an amount of not less than twenty million dollars (\$20,000,000.00) in respect of all claims arising out of a single event or such higher amounts as the Minister may reasonably require: (b) be effected on a "claims occurring"

basis so that any claim made by the lessee under the policy after expiration of the period of policy cover but relating to an event occurring during the currency of the policy will be covered by the policy subject to the claim meeting the policy's other terms and conditions; (c) be effected on such other reasonable terms and conditions as may be required by the Minister; and (d) be maintained at all times during the currency of the lease . (2) The lessee must, as soon as practicable, inform the Minister administering the Land Act 1994, in writing, of the occurrence of any event that the lessee considers is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister administering the Land Act 1994 is kept fully informed of subsequent actions and developments concerning the claim. (3) The lessee must renew such policy, at the lessees' expense, each year during the currency of this lease and forward a certificate of currency to the Minister administering the Land Act 1994 within 14 days of the commencement of each respective renewal period. (4) Upon receipt of a Notice of Cancellation, the lessee must immediately effect another public liability policy in accordance with the provisions of this condition. (5) Clause (1) of this condition will be satisfied if the lessee is the State of Queensland or a statutory authority eligible for cover under the Queensland Government Insurance Fund and is insured and continues to be insured by the Queensland Government Insurance Fund. (6) Clause (1) of this condition will be satisfied if the lessee is the Commonwealth of Australia or a statutory authority eligible for cover under the Comcover Insurance Fund and is insured and continues to be insured by Comcover.

The lessee hereby covenants and agrees with the Minister administering the Land Act 1994, that by virtue of the execution of this lease, no liability is stated or implied or will attach to the said Minister in respect of any loss or damage to the leased land or to any improvements thereon caused by the effects of inundation by seawater through storm surge, other forms of tidal or other result or consequence caused by global climatic change.

The lessee must , to the satisfaction of the Minister administering the Land Act 1994 and the Redland City Council, maintain improvements on the leased land in a good and substantial state of repair.

The lessee must not effect any improvements on the leased land, without the approval of the Minister administering the Land Act 1994 and any other relevant authority, having been first obtained.

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.

The lessee must not in any way interfere with any navigation mark or light erected on the leased land.

The lessee must, to the satisfaction of the Department of Transport, keep the sight line of any navigation leads which cross the leased land clear of obstructions. However, with the prior approval of the Department of Transport, the lessee may make alternative arrangements for relocating any of the said leads.

The lessee must not allow any vessel moored within the leased land to be used as a permanent place for human habitation without the prior approval of the Department of Environment and Resource Management and the Redland City Council.

The lessee must supply, install and maintain, at the lessees' expense, any navigation lights, buoys, marks and warning signs which the Department of Transport considers necessary.

All works constructed in, on, over, through or across and below high water mark within the leased land must be maintained.

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 .

The lessee must, at the lessees' expense and to the satisfaction and requirements of the Redland City 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 lesseemay and if required to 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.

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.

The lessee must, at the lessees' expense, maintain a depth of water within the leased land including the basin area and access channels, sufficient to allow such waters to be freely navigated at the developed depths at all stages of the tide by the classes of the vessels using the facilities situated therein and should any dredging be required to maintain such depth of water, then the lessee must, at the lessees' expense, be responsible for obtaining the relevant statutory approvals required to permit the carrying out of such dredging and disposal of dredge spoil from the Department administering the Coastal Protection and Management Act 1995.

The leased land must only be used in conjunction with the adjoining commercial development.

Commencement

Date:

06/09/2010

Trustees:

Interests:

SUB LEASE 713500091 05/10/2010 14:07:31

SUB LEASE 713687684 28/01/2011 14:54:12

SUB LEASE 713758287 15/03/2011 10:08:38

SUB LEASE 713758309 15/03/2011 10:13:11

SUB LEASE 713758323 15/03/2011 10:16:32

SUB LEASE 713758335 15/03/2011 10:19:13

SUB LEASE 713758351 15/03/2011 10:21:59
SUB LEASE 713758403 15/03/2011 10:27:41
SUB LEASE 713758440 15/03/2011 10:30:19
SUB LEASE 713758452 15/03/2011 10:32:06
SUB LEASE 713758461 15/03/2011 10:33:12
SUB LEASE 713758480 15/03/2011 10:34:20
SUB LEASE 713758483 15/03/2011 10:35:26
SUB LEASE 713758503 15/03/2011 10:36:43
SUB LEASE 713758510 15/03/2011 10:37:54
SUB LEASE 713758522 15/03/2011 10:39:39
SUB LEASE 713758528 15/03/2011 10:41:20
SUB LEASE 713758533 15/03/2011 10:43:00
SUB LEASE 713758538 15/03/2011 10:44:35
SUB LEASE 713858312 18/05/2011 10:20:14
SUB LEASE 713858356 18/05/2011 10:26:01
SUB LEASE 713858378 18/05/2011 10:29:51
SUB LEASE 713858388 18/05/2011 10:32:53
SUB LEASE 713858393 18/05/2011 10:36:33
SUB LEASE 713858409 18/05/2011 10:41:09
SUB LEASE 713858428 18/05/2011 10:44:41
SUB LEASE 713858441 18/05/2011 10:47:16
SUB LEASE 713858495 18/05/2011 10:57:18
SUB LEASE 713858504 18/05/2011 11:00:53
SUB LEASE 713858511 18/05/2011 11:03:11
SUB LEASE 713858529 18/05/2011 11:06:38
SUB LEASE 713858545 18/05/2011 11:10:22
SUB LEASE 713858559 18/05/2011 11:12:44
SUB LEASE 713858570 18/05/2011 11:14:55
SUB LEASE 713858580 18/05/2011 11:17:21
SUB LEASE 713858594 18/05/2011 11:19:42
SUB LEASE 713874682 26/05/2011 14:49:12
SUB LEASE 713965817 19/07/2011 12:25:01
SUB LEASE 713965825 19/07/2011 12:26:41
SUB LEASE 713965832 19/07/2011 12:29:14
SUB LEASE 713965837 19/07/2011 12:31:19
SUB LEASE 713965846 19/07/2011 12:33:38
SUB LEASE 713965850 19/07/2011 12:35:31
SUB LEASE 713965854 19/07/2011 12:37:39
SUB LEASE 713965856 19/07/2011 12:38:57
SUB LEASE 713965863 19/07/2011 12:42:42
SUB LEASE 713965866 19/07/2011 12:45:04
SUB LEASE 713965868 19/07/2011 12:46:50
SUB LEASE 713965871 19/07/2011 12:48:29
SUB LEASE 713965876 19/07/2011 12:49:54
SUB LEASE 713996354 04/08/2011 15:05:57
SUB LEASE 713996381 04/08/2011 15:08:23

SUB LEASE 713996400 04/08/2011 15:09:33
SUB LEASE 713996404 04/08/2011 15:10:33
SUB LEASE 713996420 04/08/2011 15:11:31
SUB LEASE 714025021 24/08/2011 12:36:13
SUB LEASE 714025026 24/08/2011 12:43:16
SUB LEASE 714025032 24/08/2011 12:45:38
SUB LEASE 714027656 25/08/2011 13:51:45
SUB LEASE 714110783 13/10/2011 14:49:00
SUB LEASE 714110792 13/10/2011 14:50:39
SUB LEASE 714133095 27/10/2011 15:17:20
SUB LEASE 714135511 28/10/2011 15:41:22
SUB LEASE 714138758 01/11/2011 13:00:22
SUB LEASE 714138762 01/11/2011 13:01:39
SUB LEASE 714151406 08/11/2011 15:01:58

**Previous Title
References:**

QVAS:

Registered Owner:

PORT BINNLI PTY LTD

Address:

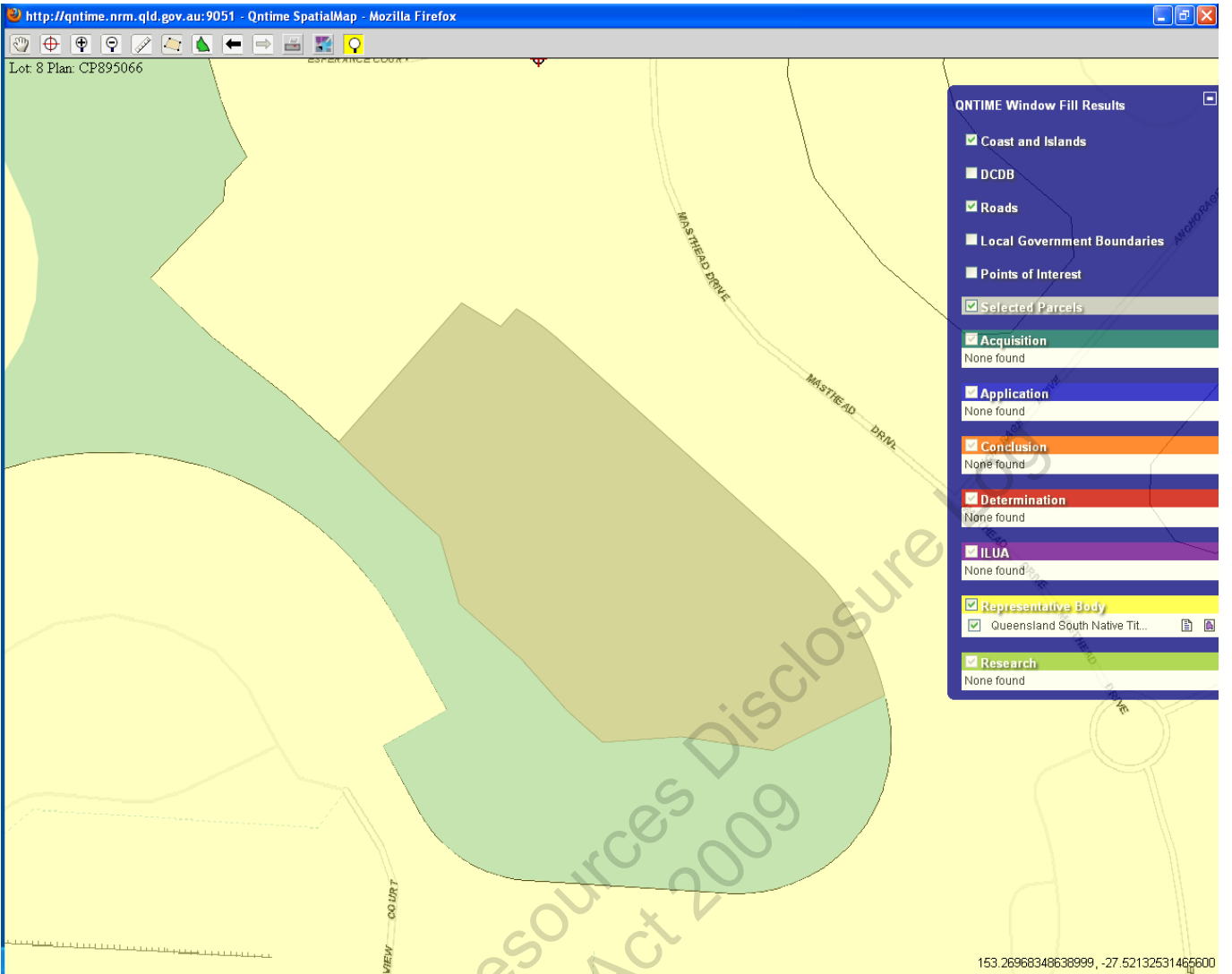
Primary Land Use Code:

Secondary Land Use Code:

TAS:

No TAS data found.

Published on Resources Disclosure Log
RTI Act 2009



Published on Resources Disclosure
RTI Act 2009

Reference Details

Reference No. 2011/006548
Action Type: Amend Lease - area inclusion
Action Status: Proposed

Title Ref: 40060948
Tenure Type: Lease for a Term of Years

Service Centre: Beenleigh
Region: South East

Interested Parties

Name: Energex Limited / Brisbane
Address: Network Information Property Off, GPO Box 1461, Brisbane, QLD, 4001
Ref:

Name: Redland City Council / Redland
Address: PO Box 21, Cleveland, QLD, 4163
Ref:

Name: Telstra Corporation Limited / Network Integrity
Address: Attention Leasing Executive, 22/275 George St, Brisbane, QLD, 4000
Ref:

Name: Powerlink Queensland / Virginia
Address: P O Box 1193, Virginia, QLD, 4014
Ref:

Name: DERM / Beenleigh - NRW
Address: PO Box 1164, Beenleigh, QLD, 4207
Ref:

Description of Land

Total Area (ha): 1.8520 Surveyed

Exclusions/Restrictions/Reservations: No

Lot/Plan Details

Lot/Plan	Area
8/CP895066	1.8520 ha
Parish	County
Cleveland	Stanley

Local Authority
Redland City Council

No Forestry Entitlement

No Future Conservation Areas

No Tenant Correspondents

No Acts and Sections

No Document Recipient

No Encumbrances

No Parent Titles

No Attached Tenures

No Reserves

Land Value Information

Purpose:

Category:

Sub Category:

Rental Type:

Fixed Rent Expires:

Rate:

Annual Rent:

Purchase Price: \$

Sale Price: \$

Improvements Value: \$

Deposit: \$

Timber Value: \$

Timber Installment: \$

No Deeds To Be Issued

Optional Conditions

Nil

Optional Reservations

Nil

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RTI Act 2009

Offer Account

This is not a Tax Invoice

Draft



Department of
Natural Resources and Mines

To ensure proper crediting of your account, please forward both copies of this account if you require a receipt, or one copy if a receipt is not required, together with your payment to:
Department of Natural Resources and Mines, (ABN 59 020 847 551)

Payment Reference:	621903	Account No:	
Offer Account Date:	24/10/2013	Account Due Date:	21/11/2013
Enquiry Reference:	2011/006548/2		

Applicant: Port Binnli Pty Ltd
PO Box 71
ARANA HILLS QLD 4054
Australia

ABN No.
ACN/ARBN No. 062 169 751

Item Description	Quantity	Amount (\$)	Amount Due (\$)
Plan Lodgement Fee (Div 81)	1	355.40	355.40
Total Payable at Acceptance/Settlement:			\$ 355.40

Comment:
Amendment to area of Term Lease 234412

A Tax Invoice will be provided on completion of this dealing.
24-Oct-2013

Date : 23/10/2013 9:37:38 AM
From : "Bein Ross"
To : "Howard Judi"
Subject : further dealing
Attachment : Redland Marina Further Dealing 2013.doc;
Judi

Attached is the report for the above dealing.

Have a good day.

Ross

Ross Bein
Principal Valuer
State Valuation Service
Telephone: 07 3884 8039
Email: Ross.Bein@dnrm.qld.gov.au
www.dnrm.qld.gov.au
Department of Natural Resources and Mines
32 Tansey Street, Beenleigh QLD 4207

Published on Resources Disclosure Log
RTI Act 2009

**NATURAL RESOURCES, MINES and WATER
OFFICE MEMO**

Your Ref.:

Author: Ross M Bein

Our Ref:

Telephone: (07) 38848039 **Facsimile:** (07)
338848024

DATE: 14th October 2013

FROM: Ross M Bein, Principal Valuer, Beenleigh

TO: Judi Howard, Slam Administration, Beenleigh

SUBJECT: Further Dealing – Marina Lease – Raby Bay.

Background:

The applicant currently has a lease over the adjoining marina under Term Lease 234412 over Lot 8 on CP895066

This has an area of 18520 square metres. The marina has a capacity of 76 berths.

The application is for an extension of the existing lease with an additional area of 6370 square metres.

The application is to add this area into the existing lease. The new lease will have a capacity of 91 berths.

The valuation for the existing marina lease is:

18520 m2 @ \$135/m2 \$2,500,000

Issues:

The application is a straight forward “further dealing” with the additional area being added to a lease. The difficulty is that the applicant has pointed out what they consider to be a discrepancy between the values applied to the present lease in comparison to valuations placed on marina leases within Brisbane City (Manly area).

The issues were detailed in an email dated 13th September 2013 a copy of the contents of this email is attached. In summary the applicant highlighted the following point in regards to rentals paid based upon the lease rentals:

Wynnum Manly Boat Harbour	\$576 per berth per annum
Raby Bay Marina Average	\$2,293 per berth per annum.

In an email dated 2/10/2013 the applicant identified the properties as:

“The Lot Plan descriptions I have are Lot 686 on SP172860 and Lot 687 on SP172860. Since drafting the letter to you I have looked through the title records via CITEC – The lease amendments from November 2012 on both of these lots identify the revised lease rates. Refer to dealing numbers 714814272 & 714814287.”

The details of the valuations held by the Department for the marinas at Manly are:

PI 40952254 – Part B L696/SP172860 – 1.855 ha - \$760,000 – listed as marina. - WMYC INC and WMYC Marina Ltd. This shows as \$41 per square metre.

PI 41168063 – Pt C L686 SP172860: PBTL 84 & PTD D L686 SP172860: PBTL 1499 – 1.8881 ha - \$1,250,000. Land use listed as Marina and Carpark.

This shows \$66 per square metre.

Both of the properties are Port of Brisbane Term Leases.

To ensure a consistency of approach all of the valuations held for marinas in Redland City, Brisbane City and the Gold Coast are tabulated at the end of this report.

This indicates that the level applied to the subject property is slightly out of line in relation to the total value and the applied rate per square metre.

It is noted that the valuations for part of one these properties, PI 41168063 was referred to arbitration for a review of the valuation and this was decided at a value of \$1,450,000. A summary of this review is attached to this report.

A comparison between the subject property and other marina properties is:

The subject property is located in a premium residential area of a developed canal estate. It is not as large as the other marinas and it does not have the major ocean, sea front exposure of the other properties and the costs associated with this type of structure.

The shape of the subject lease is also much superior to that of the other properties.

In an overall assessment the subject property is not comparable to the marinas located in the Wynnum locality but is much smaller in area.

It is a superior location.

Valuation:

Based upon the location of the subject and a comparison to the Manly area a rate of \$100 per square metre is considered to be fair value for the subject property. This results in a valuation calculation of:

24890 m2 @ \$100/m2 \$2,489,000.

Adopted value \$2,500,000.

On a rental of 6 per cent this equates to a rent per annum of approximately \$150,000. This is \$1,648 per marina berth.

The rental on the basis of “per berth” will still be higher than the properties at Wynnum but in an overall assessment it is considered to be reasonable.

Ross M Bein
Principal Valuer
State Valuation Service
Beenleigh.
23rd October 2013.

Email from Port Binnli in regards to the comparison of rentals to other properties:



13 September 2013

Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

Attention: Judi Howard

Dear Judi,

Please find below response to your email of 16 July, requesting information to be considered in determining the seabed lease rate for Raby Bay Marina.

We understand that approved seabed lease rates in Wynnum Manly Boat Harbour are approximately as follows;

Boat / Berth type	Rate per annum
Monohull up to 12 metres	\$452
Monohull 12.1 metres to 15 metres	\$515
Monohull 15.1 metres and greater	\$614
Multihull (any length)	\$715

I note that the existing seabed lease at Raby Bay Marina currently costs approximately \$172,000 per annum, accommodating a total of 75 berths in the marina.

A summary of the rates above reveals the serious disadvantage Raby Bay Marina is at with regard to the annual costs for the seabed lease;

Wynnum Manly Boat Harbour Average	\$576 per berth per annum
Raby Bay Marina Average	\$2,293 per berth per annum

Port Binnli seeks a seabed lease rate that allows a level playing field in our efforts to compete with our nearest competitors.

Accordingly, I proffer a rate of \$52,000 per annum as a revised Raby Bay Marina seabed lease rate.

This figure is based on \$576 per berth for a revised total of 91 berths (incorporating the existing 75 berths + 16 new berths proposed to be constructed in the additional area of seabed).

Thank you for your ongoing assistance and please contact me if you would like to discuss further.

Kind Regards,

s.73 Irrelevant informatio

Port Binnli Group



Port Binnli Pty Ltd ABN 99 062 169 751
Telephone +61 7 3851 5300 Fax +61 7 3851 3009
Post PO Box 71, Arano Hills QLD 4054, Australia
Head Office Unit 2, 6 Nepean Avenue, Arano Hills QLD 4054



DETAILS OF MARINA VALUATIONS – BRISBANE CITY AND GOLD COAST AND REDLAND

Property ID	Location	Area	Value	Rate
Brisbane City:				
41168063	Manly	1.8881 ha	\$1,250,000	\$66
40952254	Manly	1.855 ha	\$760,000	\$41
40952253	Manly	1.444ha	\$1,450,000	\$100

The above are all wet area leases and have no or extremely limited dry land component.

Gold Coast

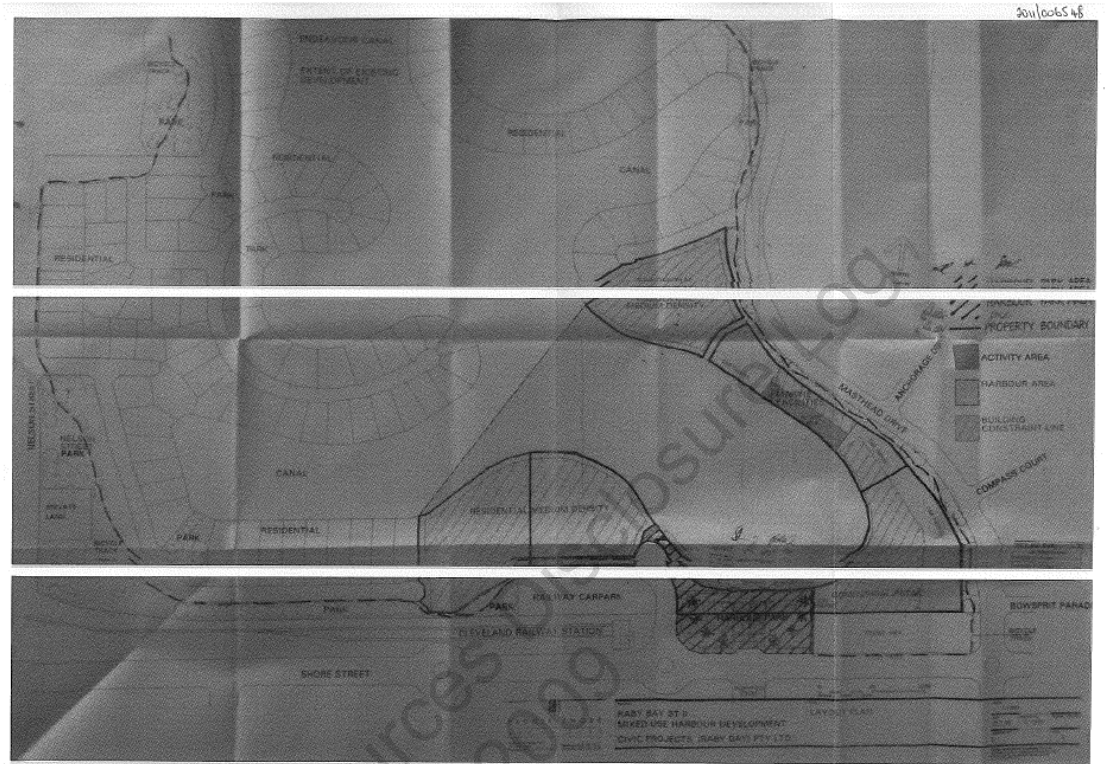
40179611	Paradise Pt	3.238 ha	\$1,600,000	\$50
41064899	Paradise Pt	2.0284 ha	\$1,250,000	\$61
40624068	Hollywell	8.0047 ha	\$11,000,000	\$137
413196	Hollywell	3.0857 ha	\$8,500,000	\$275
25001776	Runaway Bay	3.0148 ha	\$1,100,000	\$36
944683	Southport	5831m2	\$437,000	\$75

Redland

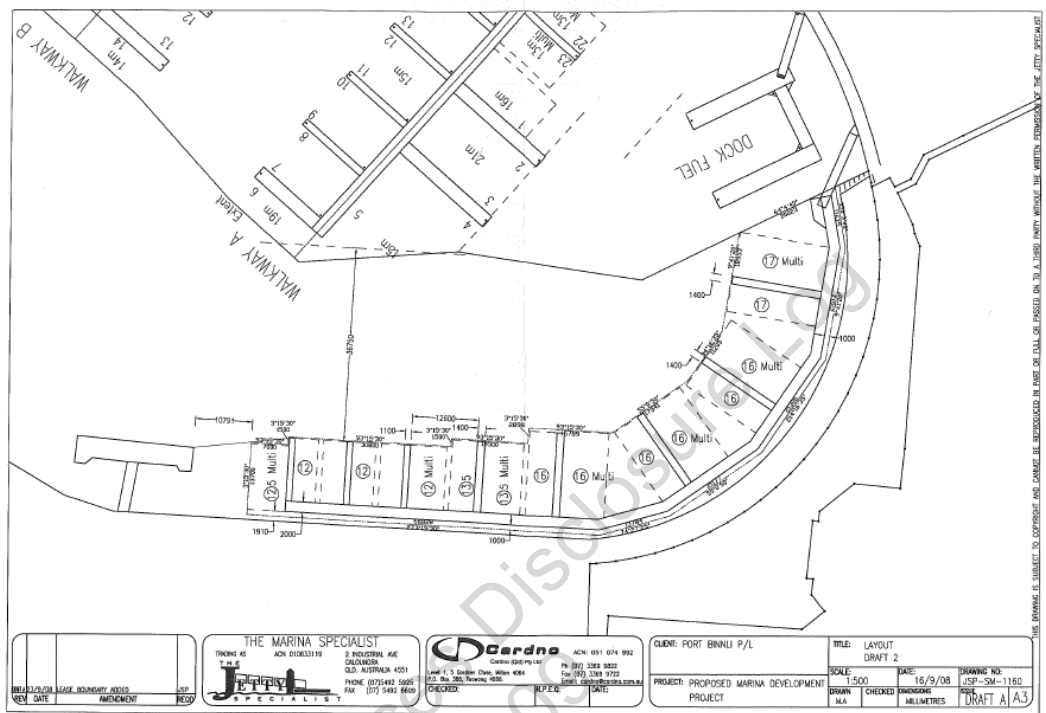
40039300	Cleveland	8064m2	\$720,000	\$89
41031001 (Subject property)	Raby Bay	1.852 ha	\$2,500,000	\$135
41031000 (Adjoins the subject property)	Raby Bay	6061m2	\$900,000	\$148
40140763 (Limited to six boats/yachts).	Sentinel Crt	2117m2	\$360,000	\$170

These Redland City properties are all “wet land leases” and have no dry land

Sketch of the existing lease and the new lease area:

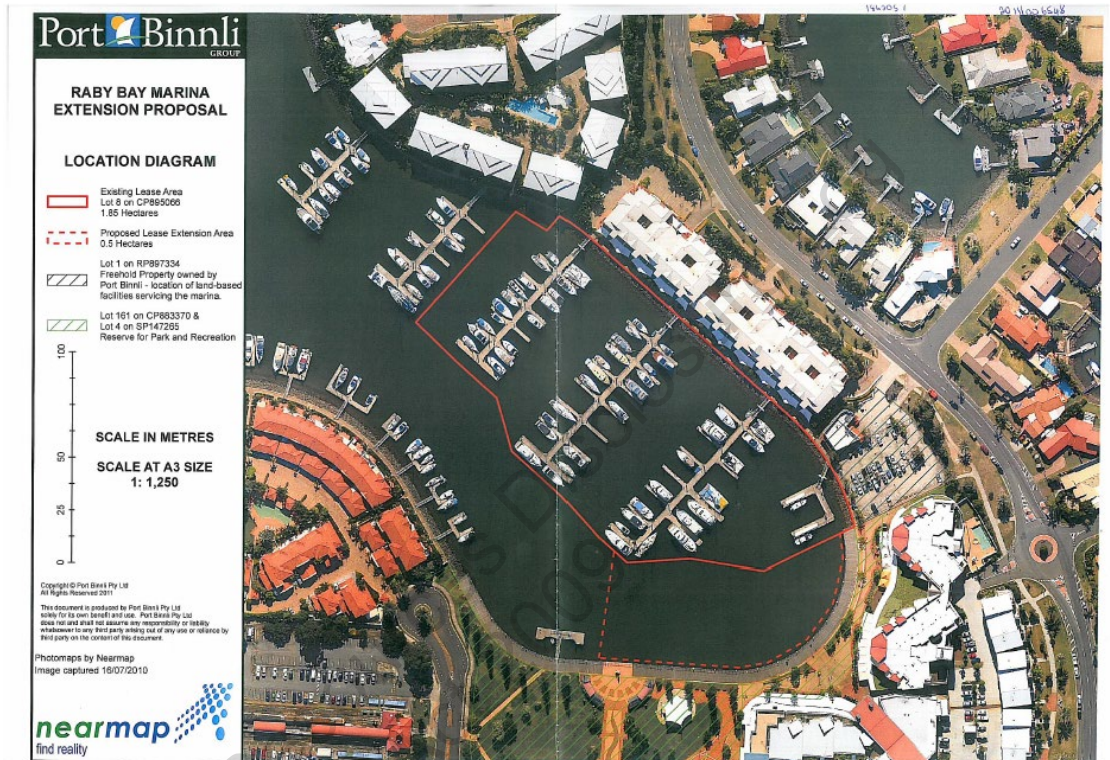


Drawing of the proposed additional area:

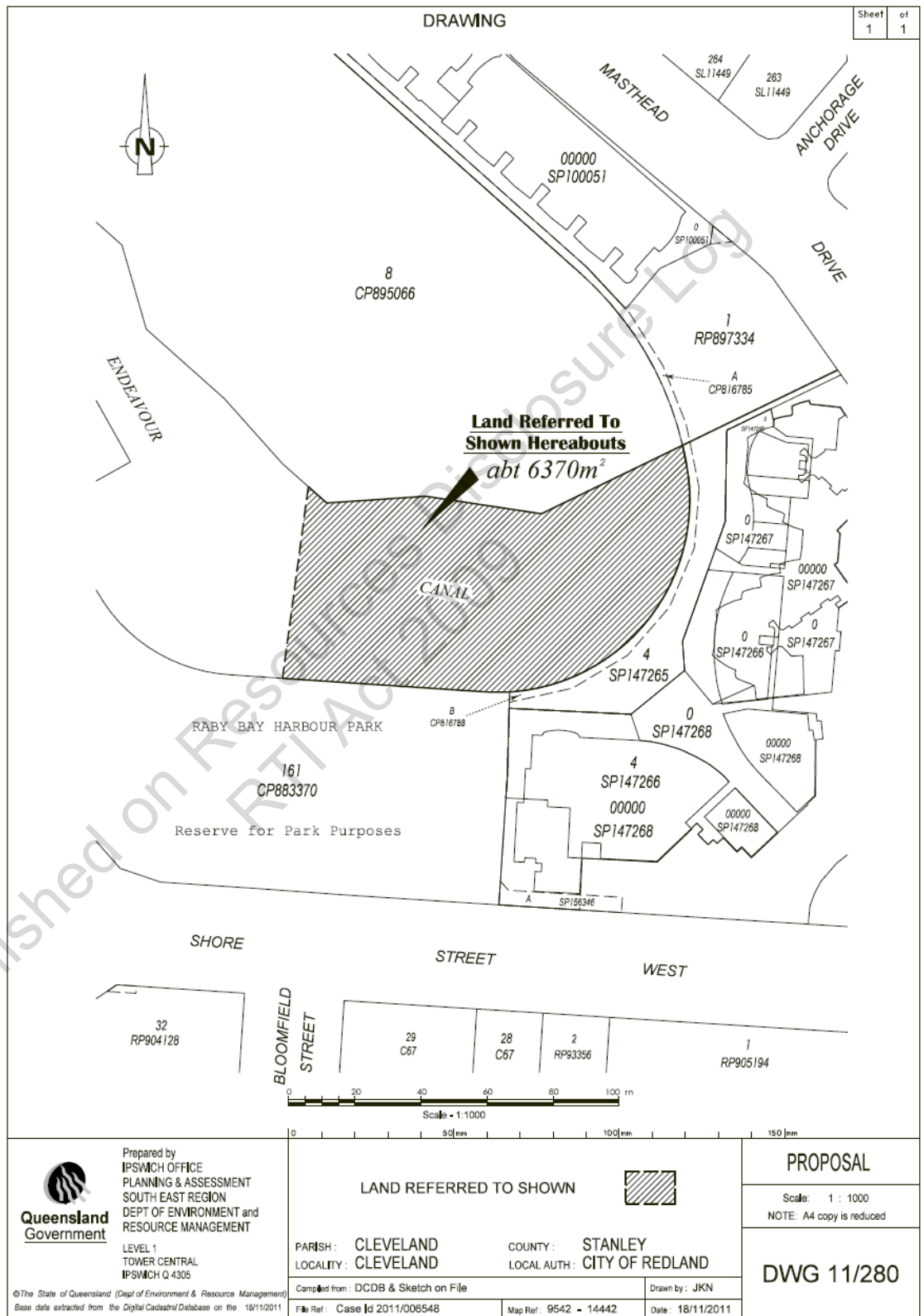


Published on Resource
 RTI Act 2008

Aerial Photograph of the existing marina and the extension area:



Plan for the extension area of subject locality:



This is an extract from a determination on the rental to be applied to marina at 570 Royal Esplanade, Manly Boat Harbour. Date of determination is the 1st January 2011.



GC:akV14772.
23 February 2012



Level 2, 145 Eagle Street
Brisbane QLD 4000
GPO Box 997
Brisbane QLD 4001
T 07 3231 9777
F 07 3831 2312
brisbane@mcgees.com.au
www.mcgees.com.au

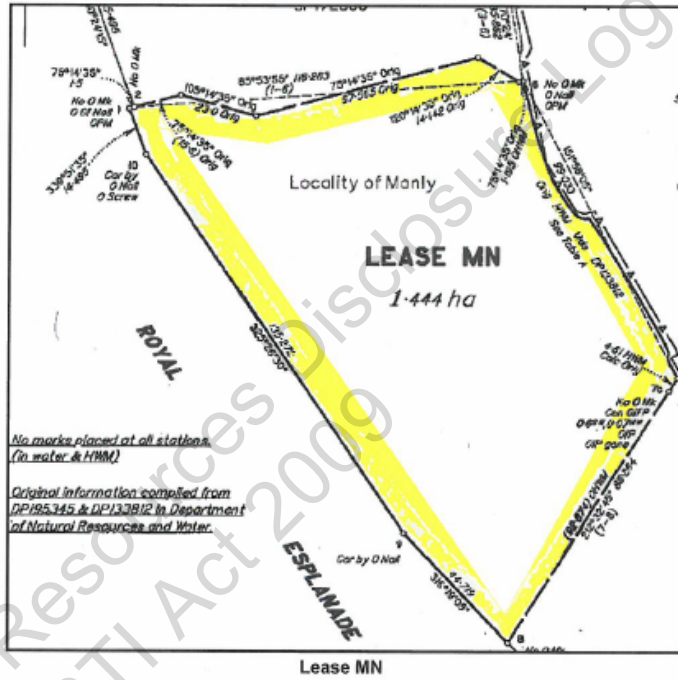


**Site Value Determination
570 Royal Esplanade
Manly Boat Harbour
Qld 4179**

As appointed by:

**The President
The Australian Property Institute – Queensland Division
PO Box 106
SPRING HILL QLD 4004**

2.0 TITLE PARTICULARS



2.1 Real Property Description

Lease MN on Survey Plan 195347
Parish of Tingalpa, County of Stanley

8.0 DETERMINATION CONSIDERATIONS

In determining the Site Value of the Premises, I have taken into consideration the written and oral submissions made by both parties Valuer's regarding.

- the valuation methodology that was applied
- an explanation of how the Site Value was assessed and
- an explanation of how the Valuation Instructions were applied during the valuation process

The Lessor assessed the Site Value by applying a rate of \$200/m² to the Premises Area, while the Lessee adopted the Pitcher Partners report philosophy of rent as a percentage of Annual Gross Revenue and then applying 7% to calculate the Site Value.

Having considered both submissions, I conclude that the Permitted Use, although prescriptive is broad enough to allow the Lessee to undertake a range of revenue generating activities on the site and that the current use of the Premises for marine industry and associated activities is its highest and best.

These two different valuation approaches have resulted in vastly different assessments of Site Value, however given the specific requirements of my Letter of Appointment, particularly the letter dated 10 November 2011 from Queensland Government, I believe the Lessees approach to be more appropriate in this instance.

Although both parties submissions had regard to

- valuation methodology
- explained how the Site Value was assessed and
- explained how the "valuation instructions" were applied

the Lessors approach displayed a lack of understanding of the marine industry by simply applying an unadjusted rate based on sales of vastly different properties.

However the Lessee's approach focused on the use to which the Premises can be put, both under the Leases and Planning restrictions. It referred to the expertise of the Pitcher Partner report on Sustainable Rent Levels and Lease Terms and had regard to relevant case law... all of which were requirements of the determination.

To ensure impartiality, I have independently made my own investigations and have consulted with other marine industry experts in Queensland, all of which agree that the level of rent proposed by the Lessor is unsustainable in the current market.

In adopting the rent as a percentage of Gross Annual Revenue approach, the Lessor will benefit as the marine industry improves in the future as the rent will continue to be linked to the optimum operation of the Premises based on its highest and best used.

For these reasons, and given the vast differences between the two valuation assessments, I believe the Lessees approach to be in accordance with the Lease and Act and have adopted \$1,325,000 in this instance.

In accordance with my appointment and any qualifications detailed herein, I determine the Site Value of 570 Royal Esplanade, Manly Boat Harbour Qld 4179 as at 1 January 2011 to be:

\$1,325,000 GST exclusive
(One Million Three Hundred and Twenty Five Thousand Dollars)

This determination is made subject to the assumptions, remarks and qualifications contained in this REPORT and is for the use only of the party to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this REPORT in isolation.

Neither the whole nor any part of this REPORT or any reference thereto may be included in any document, circular or statement without our written approval of the form and context in which it will appear.

Neither McGees Property nor the signatory to this REPORT have any interest financial, pecuniary or otherwise in, or with parties associated with the subject of this Determination that would conflict with the independent determination of the rent. We confirm that this position will be maintained until the purpose for which this Determination is being made is completed.

s.73 Irrelevant informa

Director
Certified Practising Valuer
Registered Valuer No. s.73.1r

Date: 23 February 2012

"Liability limited by a scheme approved under Professional Standards Legislation".

INSTRUCTION FROM Judi Howard

Business Unit Name (if applicable) **Contact Number 3884 8047**

SLAM

Valuation prepared by **Address**

State Valuation Services

Applicant Details

Port Binnli Pty Ltd Contact: s.73 Irrelevant info 3621 3277

Purpose of Valuation

Application to Lease State Land adjoining Lot 8 on CP895066 within Endeavour Canal

PROPERTY DETAILS

Reference **MIS Code**

2011/006548

Property Name / Address **Tenure**

Raby Bay Marina, Masthead Drive, Cleveland

Real Property Description **Property Type** **Encumbrances** **Area**

Lot	8	Plan	CP895066	Lands Lease		6370m²
------------	---	-------------	----------	--------------------	--	--------------------------

Lot		Plan		Current Use		Highest and Best Use
------------	--	-------------	--	--------------------	--	-----------------------------

Lot		Plan		Proposed Use		Local Authority
------------	--	-------------	--	---------------------	--	------------------------

Indicative Planning

Roads and Access

Brief Description of Country

Improvements

Additional Comments:

Services:
Noxious Plants:
Public Use:
Timber:
Contaminated Land:
Native Title:

Basis/Sales

Property ID	Address	Sale Date	Price	Comments (similar/superior/inferior)

Issues Identified during Inspection

VALUATION

Date of Valuation **Date of Inspection**

VALUATION

Valuers Signature **Valuers Name / Qualification**

Endorsing Officers Signature **Valuers File Ref:**

Appendix A – Locality Map

Published on Resources Disclosure Log
RTI Act 2009

Appendix B – Survey Plan

Published on Resources Disclosure Log
RTI Act 2009

Appendix C - Photographs

Published on Resources Disclosure Log
RTI Act 2009

Date : 13/02/2012 4:06:20 PM
From : Glen.N.Hale@msq.qld.gov.au
To : "Howard Judi"
Subject : Re: FW: 2011/006548 Views Request
Attachment : DWG 11_280.pdf;SmartMap for 1 RP897334.pdf;aerial view of marina[1].pdf;Proposed Marina Dev Project[1].pdf;ATT896114.gif;
Good afternoon Judi

Thank you for the additional documents. They provide a very useful indication of what development is envisaged within the lease application area.

From a navigation and marine safety perspective, this Agency has no objections to your Department issuing a term lease over the shaded area depicted on drawing 11/280 attached to your email.

We will give concurrence agency comment on the details of the proposed marina design at the time of lodgement of the development application.

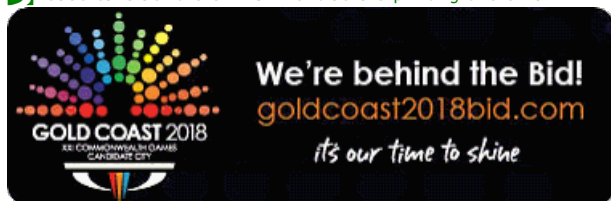
Kind regards,

Glenn Hale
Assistant Harbour Master (Brisbane) | Marine Operations (Brisbane)
Maritime Safety Queensland | Department of Transport and Main Roads

Floor 1 | Pinkenba Marine Operations Base | MacArthur Avenue East | Pinkenba Qld 4008
Macarthur Avenue East | Pinkenba Qld 4008
P: (07) 38603552 | F: (07) 38603571
E: glen.n.hale@msq.qld.gov.au
W: www.msq.qld.gov.au

Tomorrow's Queensland: strong, green, smart, healthy and fair - www.towardQ2.qld.gov.au

 Please consider the environment before printing this email



From: "Howard Judi" <Judi.Howard@dem.qld.gov.au>
To: <Glen.N.Hale@msq.qld.gov.au>
Date: 09/02/2012 08:42 AM
Subject: FW: 2011/006548 Views Request

Good Morning Glen

I hope the attached drawing will provide you with the required information, I have listed below some additional information from the application:-

The current leased area has the following existing improvements

- Fuel Dock for up to 4 Vessels
- Marina facilities comprising 3 individual fingers of pontoon berths, providing wet berthing for a total of up to 75 vessels
- Access gangways with secure private access

the improvements on the adjoining freehold property which are essential to the operation of the marina

- Pathway access to the pontoon berths
- Electricity, sewerage, reticulated water, telephone and garbage collection services are connected to the property
- Single story building providing toilets and showers for use by marina users
- Car parking for marina users

This application is for the issue of tenure (term lease), the applicant is required to have tenure before a development application can be lodged, not sure if you receive development applications as a concurrency agency in the assessment of the development application, more information is provided within the development application stage, we do not receive this information for the issue of tenure.

I hope this information helps

Regards

Judi Howard

Land Administration Officer

Land Management Beenleigh

phone: 07 3884 8047 facsimile: 07 3884 8024

Email: judi.howard@derm.qld.gov.au

www.derm.qld.gov.au

Department of Environment & Resource Management

PO Box 1164 Beenleigh 4207

32 Tansey Street Beenleigh

From: Glen.N.Hale@msq.qld.gov.au [<mailto:Glen.N.Hale@msq.qld.gov.au>]

Sent: Wednesday, 8 February 2012 11:51 AM

To: Howard Judi

Subject: Fw: 2011/006548 Views Request

Good morning Judi

MSQ will require full details of the design of the marina extension before providing comment on this proposal. There are critical standards of design for the layout of marinas that need to be assessed concurrently to the associated lease area.

Kind regards,

Glenn Hale

Assistant Harbour Master (Brisbane) | Marine Operations (Brisbane)

Maritime Safety Queensland | Department of Transport and Main Roads

Floor 1 | Pinkenba Marine Operations Base | MacArthur Avenue East | Pinkenba Qld 4008

Macarthur Avenue East | Pinkenba Qld 4008

P: (07) 38603552 | F: (07) 38603571

E: glen.n.hale@msq.qld.gov.au

W: www.msq.qld.gov.au

Tomorrow's Queensland: strong, green, smart, healthy and fair - www.towardQ2.qld.gov.au

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— Forwarded by Adrian M Hawes/cp3/qdot/au on 02/02/2012 09:27 PM —

From: Richard C Johnson/cp3/qdot/au

To: Adrian M Hawes/cp3/qdot/au@qdot

Date: 22/11/2011 03:32 PM

Subject: Fw: 2011/006548 Views Request

Sent by: Elizabeth L Van Der Hout

Regards,

Captain Richard C Johnson

Regional Harbour Master (Brisbane) | Marine Operations (Brisbane)

Maritime Safety Queensland Division | Department of Transport and Main Roads

Floor Gr | Pinkenba Marine Operations Base | MacArthur Avenue East | Pinkenba Qld 4008

Macarthur Avenue East | Pinkenba Qld 4008

P: (07) 38603552 | F: (07) 38603571

M: [sch4p4\(6\)](mailto:sch4p4(6)@msq.qld.gov.au)

E: richard.c.johnson@msq.qld.gov.au

W: www.transportandmainroads.qld.gov.au

 Please consider the environment before printing this email

— Forwarded by Elizabeth L Van Der Hout/cp3/qdot/au on 22/11/2011 03:32 PM —

From: "Howard Judi" <Judi.Howard@dem.qld.gov.au>

To: <TelstraProperty.DERM@ap.jll.com>, <property@energex.com.au>, <richard.c.johnson@msq.qld.gov.au>, <propsearch@powerlink.com.au>

Date: 22/11/2011 03:20 PM

Subject: 2011/006548 Views Request

21-305

File B

Page 169 of 188

Hello

Application for a Term Lease adjoining Lot 8 on CP895066

Your views and/or requirements are requested in respect of the application for a Term Lease adjoining Lot 8 on CP895066.

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The enclosed drawing 11/280 and Smartmap show the subject land and surrounding locality.

Please advise the Department of your views or requirements that the department should consider when assessing this application.

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If you wish to discuss this matter please contact Judi Howard on 38848047.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to judi.howard@derm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference numbers 2011/006548 in any future correspondence.

Yours sincerely

Judi Howard

Land Administration Officer
Land Management Beenleigh
phone: 07 3884 8047 facsimile: 07 3884 8024

Email: judi.howard@derm.qld.gov.au
www.derm.qld.gov.au

Department of Environment & Resource Management
PO Box 1164 Beenleigh 4207
32 Tansey Street Beenleigh

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1 ream of paper = 6% of a tree and 5.4kg CO2 in the atmosphere

3 sheets of A4 paper = 1 litre of water

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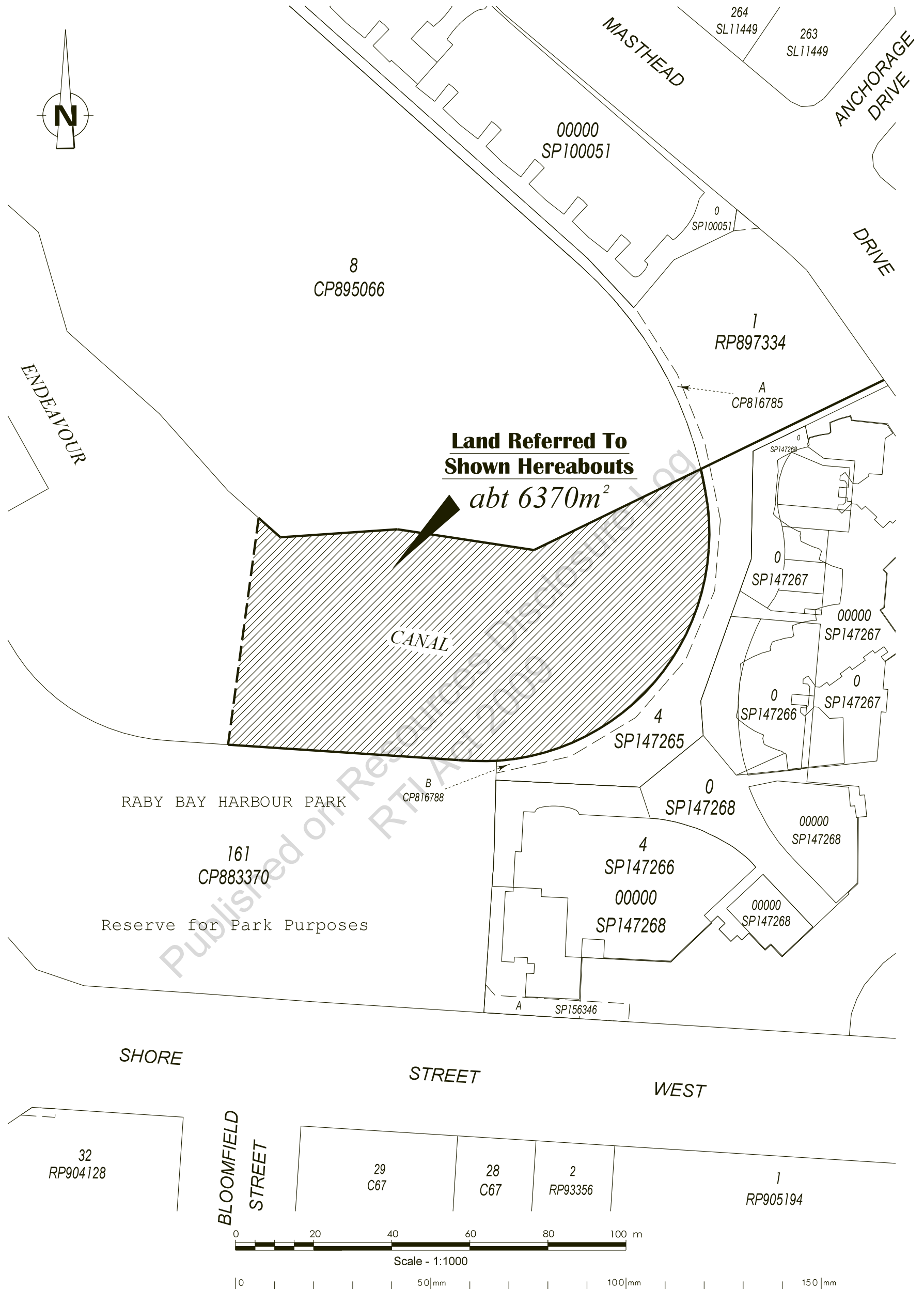
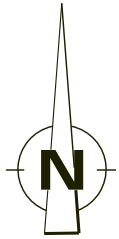
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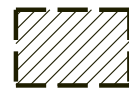
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Prepared by
IPSWICH OFFICE
PLANNING & ASSESSMENT
SOUTH EAST REGION
DEPT OF ENVIRONMENT and
RESOURCE MANAGEMENT

LEVEL 1
TOWER CENTRAL
IPSWICH Q 4305

LAND REFERRED TO SHOWN



PROPOSAL

Scale: 1 : 1000
NOTE: A4 copy is reduced

PARISH : CLEVELAND
LOCALITY : CLEVELAND

COUNTY : STANLEY
LOCAL AUTH : CITY OF REDLAND

DWG 11/280

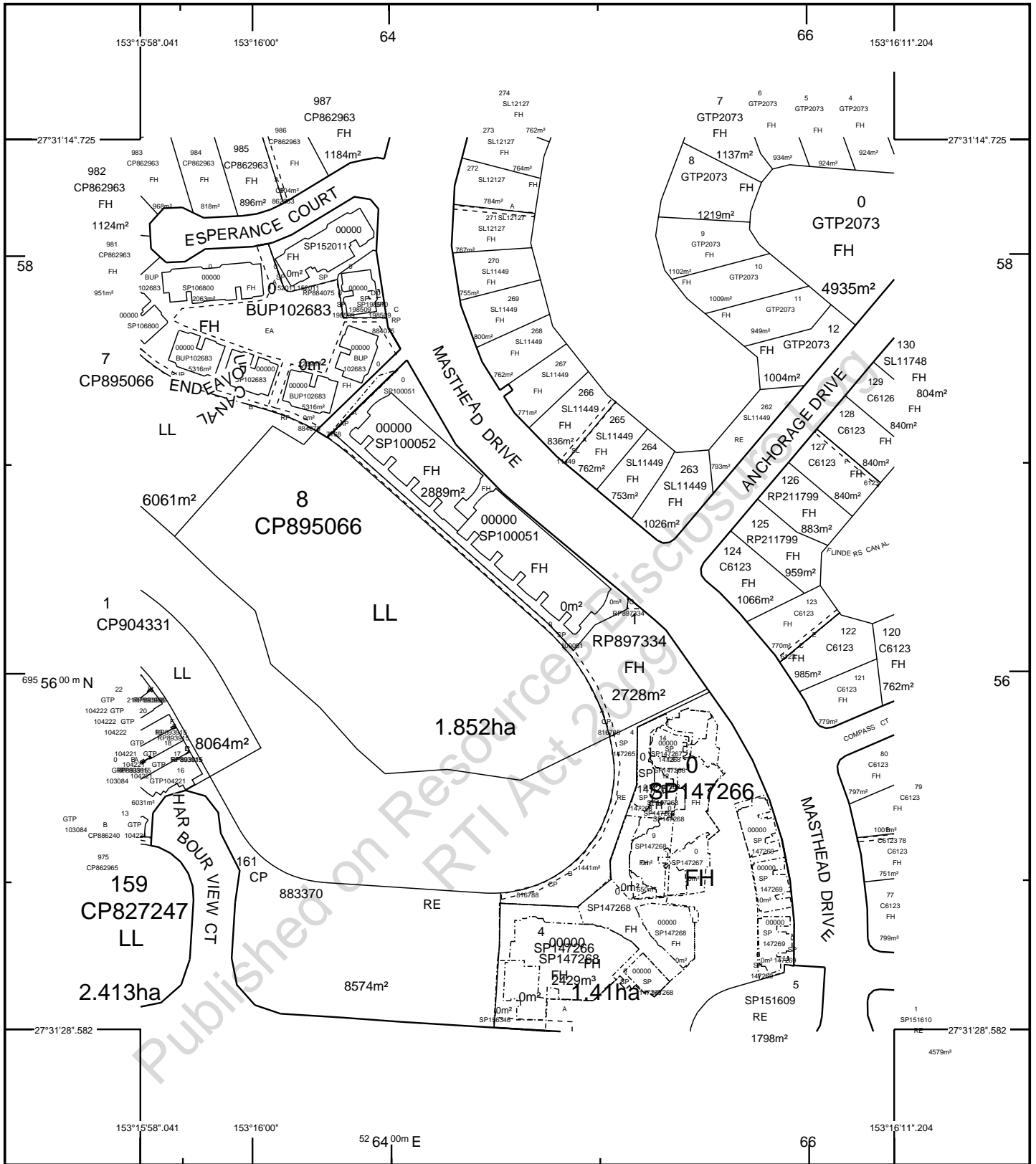
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Drawn by : JKN

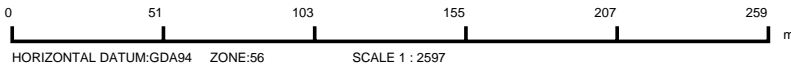
File Ref: Case Id 2011/006548

Map Ref: 9542 - 14442

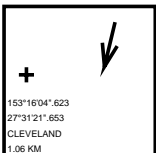
Date: 18/11/2011



STANDARD MAP NUMBER
9542-14442



MAP WINDOW POSITION & NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	1/RP897334
Lot/Plan	2728m ²
Area/Volume	FREEHOLD
Tenure	REDLAND CITY
Local Government	CLEVELAND
Locality	CLEVELAND
Parish	STANLEY
County	54498/243
Segment/Parcel	

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 25/10/2011

DCDB 24/10/2011

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Based upon an extraction from the
Digital Cadastral Data Base



**Queensland
Government**

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Department of Environment
Resource Management) 2



21-305

Released

Date : 4/06/2013 9:28:39 AM

From : "Adam Webb"

To : "Howard Judi"

Cc : s.73 Irrelevant inform

Subject : Lease for 16 berths at 14-16 Masthead Drive Cleveland

Attachment : P55311 14-16 Masthead Drive Cleveland lease 16 berths letter to DNR&M.pdf;

Hi Judi,

Please find attached Council's response to the proposed term lease.

The original is in the mail.

Regards,

Adam Webb
Senior Planner
Planning Assessment
Redland City Council
3829 8128

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Published on Resources Disclosure Log
RTI Act 2009

3 June 2013

Your Ref:
Our Ref: AW
File No: **P55311**
Contact: AW

Department of Natural Resources and Mines
PO Box 1164
BEENLEIGH QLD 4207

Att: Judi Howard

RE: Lease for 16 berths at 14-16 Masthead Drive Cleveland

Dear Ms Howard,

I refer to your correspondence dated 25 February 2013 relating to Council's full response for the proposed term lease adjoining Lot 8 on CP895066.

I write to advise that we have no objection to Department of Natural Resources and Mines (DNR&M) issuing consent for the 6370m² lease as indicated on DWG11/280 in your letter to Council dated 22 November 2011, plan attached.

Should DNR&M grant the lease, The Port Binnli Group will then be required to submit to Council a Material Change of Use application for Marine Services and a prescribed tidal works application to establish the marina.

We are of the understanding that the area of the lease can be changed further to the outcome of Council's determination of the application and that any conditions within any approval could be included within the terms of the lease.

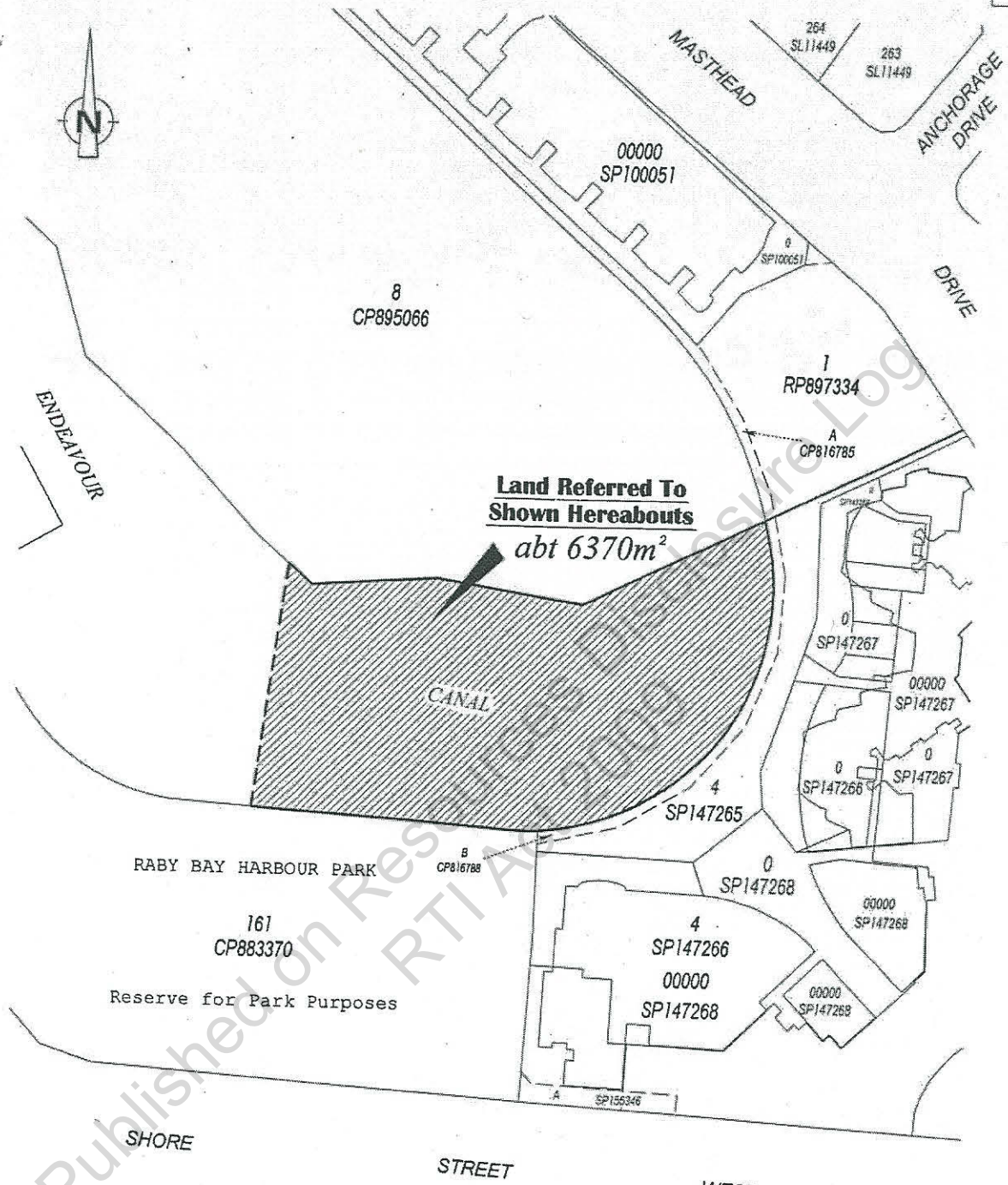
Should you have any questions in relation to this matter, please feel free to contact Adam Webb on 3829 8128.

Yours sincerely,

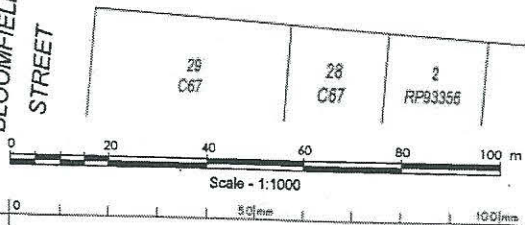
sch4p4(6) Personal informat

David Jeanes
Service Manager
Planning Assessment


Cc: s.73 Irrelevant information @portbinnli.com



Land Referred To Shown Hereabouts
abt 6370m²




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DEPT OF ENVIRONMENT and
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TOWER CENTRAL
IPSMCH Q 4305

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PROPOSAL

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DWG 11/280

PARISH: CLEVELAND COUNTY: STANLEY
LOCALITY: CLEVELAND LOCAL AUTH: CITY OF REDLAND

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Base data extracted from the Digital Cadastral Database on the 19/11/2011

Compiled from : DCDB & Sketch on File
File Ref : Case Id 2011/006548
Map Ref : 9542 - 14442
Drawn by : JKN
Date : 18/11/2011

Date : 22/11/2011 3:19:58 PM

From : "Howard Judi"

To : "'TelstraProperty.DERM@ap.jll.com'", "'property@energex.com.au'", "'richard.c.johnson@msq.qld.gov.au'",
"'propsearch@powerlink.com.au'"

Subject : 2011/006548 Views Request

Attachment : DWG 11_280.pdf;SmartMap for 1 RP897334.pdf;

Hello

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Please quote reference numbers 2011/006548 in any future correspondence.

Yours sincerely

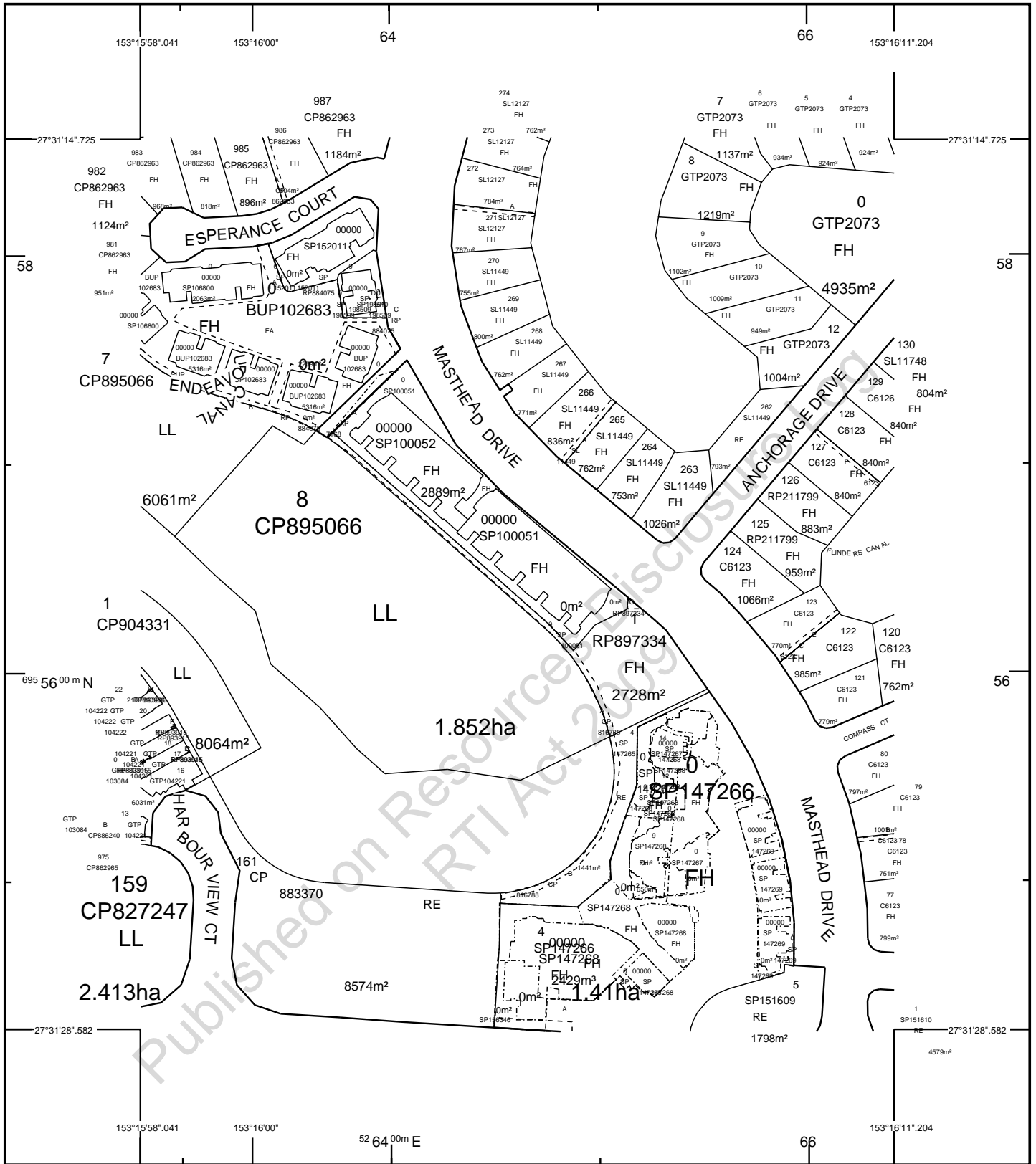
Judi Howard

Land Administration Officer
Land Management Beenleigh
phone: 07 3884 8047 facsimile: 07 3884 8024

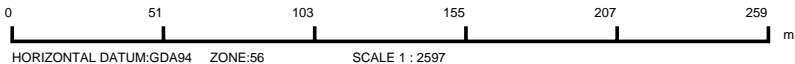
Email: judi.howard@derm.qld.gov.au

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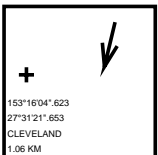
Department of Environment & Resource Management
PO Box 1164 Beenleigh 4207
32 Tansey Street Beenleigh



STANDARD MAP NUMBER
9542-14442



MAP WINDOW POSITION & NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	1/RP897334
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Area/Volume	FREEHOLD
Tenure	REDLAND CITY
Local Government	CLEVELAND
Locality	CLEVELAND
Parish	STANLEY
County	54498/243
Segment/Parcel	

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Queensland Government

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21-305

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Date : 1/12/2011 1:05:25 PM

From : "Duncan, Katrina"

To : "Howard Judi"

Subject : Application for a Term Lease adjoining Lot 8 on CP895066 2011/006548 Views Request

Attachment : FW: 2011/006548 Views Request;QF115436-1.pdf;image001.png;

Good afternoon Judi,

Attached is the original proposal for Term Lease adjoining Lot 8 on CP895066.

Also attached is Telstra's response regarding the proposal.

For future proposals, road closures and easement queries please email Network Integrity F0501488@team.telstra.com or post to Locked Mail Bag 3573 Brisbane 4001.

Please note, from the 15th April 2011, Telstra Network Integrity will no longer be providing site plans accompanying our response to your proposals.

For a detailed site plan please contact Dial Before You Dig on 1100 or www.1100.com.au.

s.73 Irrelevant info

Plan Services Officer

Network Integrity

L15, 69 Ann St Brisbane QLD 4000 Australia

T s.73 Irrelevant info



Important Information

Telstra Christmas & New Year Embargo 2011/2012 network restrictions

Embargo Period (Hard) - Sunday 18th December 2011 18:00 to Sunday 8th January 2012 18:00

Embargo periods are in place to protect Telstra's network against accidental failures which will cause an impact to customers and take some time to restore due to lower than normal staff availability. The restriction also helps protect the network against accidental failures during Telstra's busiest period.

Dial 1100 Before You Dig Network Integrity: Working with the civil construction industry to prevent damage to Telstra's underground assets

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Date : 23/11/2011 4:57:13 PM
From : "DERM, TelstraProperty (Australia)"
To : "!! NI Road Closures & Easements"
Subject : FW: 2011/006548 Views Request
Attachment : DWG 11_280.pdf;SmartMap for 1 RP897334.pdf;

Regards

s.73 Irrelevant inform Leasing Executive

Jones Lang LaSalle in partnership with Telstra Property | Procurement | Finance & Administration

PHONE 02 8576 6519 | MOBILE s.73 Irrelevant

EMAIL: TelstraProperty.DERM@ap.jll.com

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From: Howard Judi [Judi.Howard@derm.qld.gov.au]

Sent: Tuesday, November 22, 2011 4:19 PM

To: DERM, TelstraProperty (Australia); property@energex.com.au; richard.c.johnson@msq.qld.gov.au; propsearch@powerlink.com.au

Subject: 2011/006548 Views Request

Hello

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Please quote reference numbers 2011/006548 in any future correspondence.

Yours sincerely

Judi Howard

Land Administration Officer

Land Management Beenleigh

phone: 07 3884 8047 facsimile: 07 3884 8024

Email: judi.howard@derm.qld.gov.au

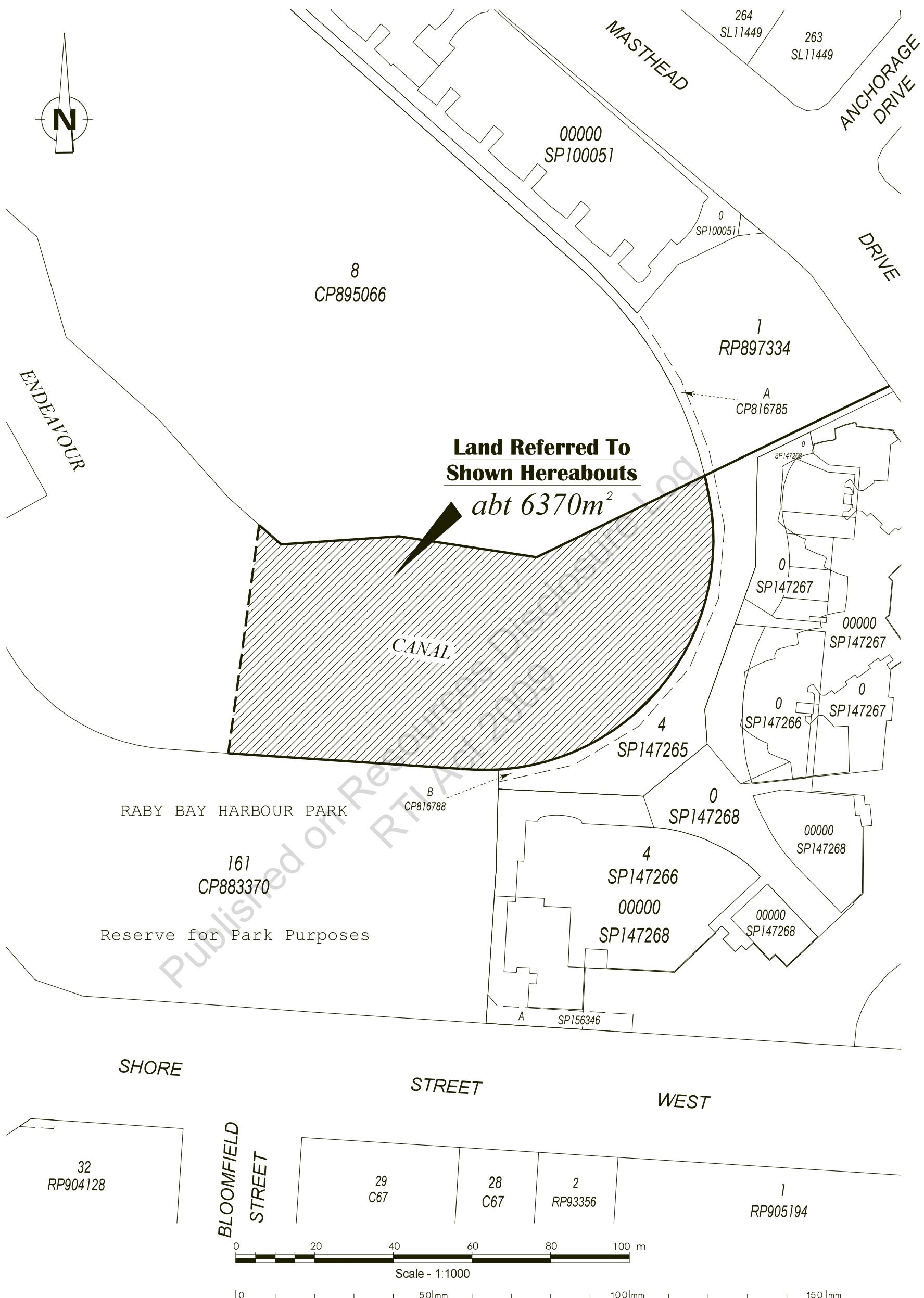
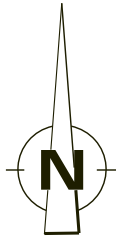
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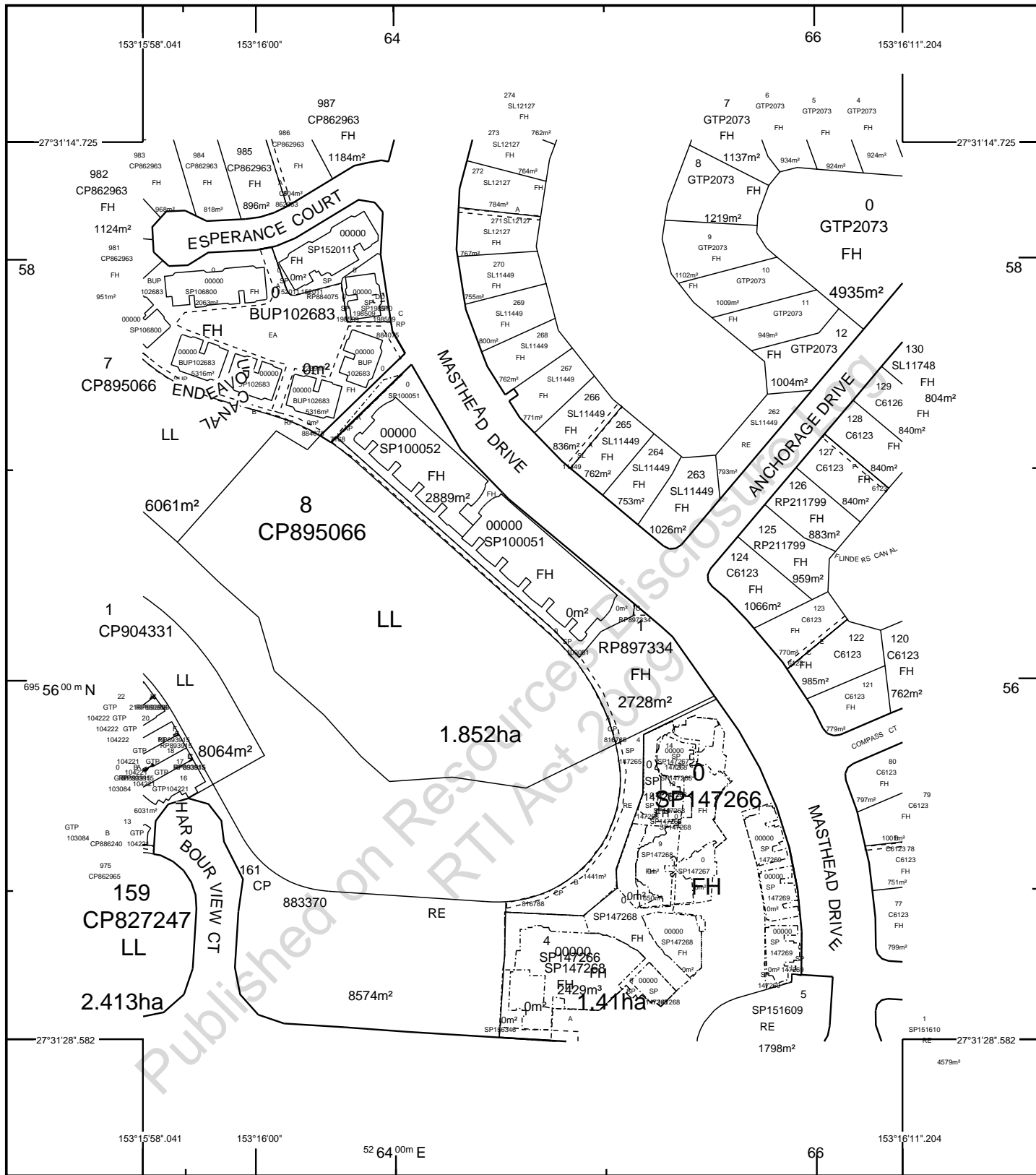
PARISH : CLEVELAND COUNTY : STANLEY
LOCALITY : CLEVELAND LOCAL AUTH : CITY OF REDLAND

PROPOSAL

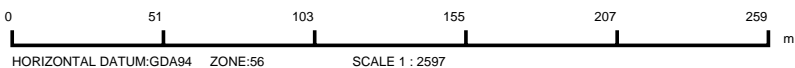
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DWG 11/280

Compiled from : DCDB & Sketch on File Drawn by : JKN
File Ref : Case Id 2011/006548 Map Ref : 9542 - 14442 Date : 18/11/2011



STANDARD MAP NUMBER
9542-14442



MAP WINDOW POSITION & NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	1/RP897334
Lot/Plan	2728m ²
Area/Volume	FREEHOLD
Tenure	REDLAND CITY
Local Government	CLEVELAND
Locality	CLEVELAND
Parish	STANLEY
County	54498/243
Segment/Parcel	

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Digital Cadastral Data Base



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Department of Environment
Resource Management) 2

Released



Network Integrity

Level 18, 275 George Street
Brisbane, QLD 4000

Postal Address:
Locked Bag 3573
Brisbane, QLD 4000

Email: F0501488@team.telstra.com

Date **01/12/11**

Your Ref: **2011/006548**

Our Ref: **QF115436-1**

Judi Howard
32 Tansey Street
Beenleigh
QLD 4207
judi.howard@derm.qld.gov.au

Dear **Judi**,

Re: Application for a Term Lease adjoining Lot 8 on CP895066

Thank you for your communication dated **22/11/11** in relation to the location specified above.

Telstra's plant records indicate that there are no Telstra assets within the area of the proposal, however, there are **Telstra assets in the near vicinity**. Subject to your compliance with the below conditions, **Telstra has NO OBJECTIONS** to the proposed works being carried out.

We note that our plant records merely indicate the approximate location of the Telstra assets and should not be relied upon as depicting a true and accurate reflection of the exact location of the assets. Accordingly, we note that all individuals have a legal "Duty of Care" that must be observed when working in the vicinity of Telstra's communication plant. It is the constructor's/land owner's responsibility to anticipate and request the nominal location of Telstra plant via **Dial Before You Dig "1100" number** in advance of any construction activities in the vicinity of Telstra's assets. **On receipt of plans, notwithstanding the recorded location of Telstra's plant, the constructor/land owner is responsible for obtaining a Telstra accredited Asset Plant Locator to perform cable location, potholing and physical exposure to confirm the actual location of the plant prior to the commencement of site civil work.** Telstra reserves all rights to recover compensation for loss or damage caused by interference to its cable network or other property.

Telstra would also appreciate due confirmation in the event that you contemplate divesting your interest or control of this land so that Telstra may update its **Cadastre** records. Information regarding acquisition of the land would be of benefit to us and should be directed to the following location:

Telstra - Cadastre Updates
PO Box 102
Toormina NSW 2452
Attention: - Sally Cameron
F1103453@team.telstra.com
F1103452@team.telstra.com

Please pass all information contained in this communication to all parties involved in this proposed process. If you have any difficulties in meeting the above conditions or if you have any questions relating to them, please do not hesitate to contact us at F0501488@team.telstra.com.

Yours sincerely,

s.73 Irrelevant information

Telstra Network Integrity

Published on Resources Disclosure Log
RTI Act 2009

Date: 24/10/2013 **Application Type:** Term Lease

eLVAS Case Id: 2011/006548

Applicant & Fee: Port Binnli Pty Ltd, application fee of \$220.60 was paid on Lais receipt 4051488

Description of Land: An area of Endeavour Canal Raby Bay adjoining Lot 8 on CP895066 and Lot 1 on RP897334, Parish of Cleveland, County of Stanley

Local Government: Redland City Council

Tenure: Unallocated State Land

Proposed Action: New Tenure – Term Lease

Background: An application was received on 24 October 2011 from Port Binnli Pty Ltd for lease of State land (Term Lease).

The proposed lease area is for the purpose of an extension of the Raby Bay Marina. The proposal involves the construction of sixteen new wet berths for the secure berthing of private marine vessels within Endeavour Canal, Raby Bay. Port Binnli Pty Ltd have stated that the associated amenities required to service and support the new berths already exists within the current adjoining lease area and these facilities have the capacity to support the additional sixteen berths without further alterations or further improvements.

Port Binnli Pty Ltd current lease is described as Lot 8 on CP895066 being term lease 234412, the lease has a term of thirty years which commenced on 6 September 2010 and will expire on 5 September 2040. The current lease area comprises of a fuel dock for up to four vessels, marina facilities comprising three fingers of pontoon berths providing wet berthing for a total of seventy five vessels and access gangways with secure private access.

The current lease area is adjoining Port Binnli Pty Ltd freehold parcel being Lot 1 on RP897334. The adjoining freehold land provides essential operation to the marina being pathway access to the pontoon berths, electricity, sewerage, reticulated water; telephone and garbage collection services are connected to the property, as well as a single storey building providing toilets and showers for use by marina users and a carpark for marina use.

The proposed new lease area has no freehold dedicated access but access from the adjoining lease and freehold is available. Any alternative access would require access via reserve for park and recreation being Lot 4 on SP147264 and Lot 161 on CP883370

After investigation of this application, Port Binnli and Redland City Council are in agreement for an area to be added to the existing lease dependant of the outcome of the development application process.

Noting database: 11N80655

Native Title: The Tenure History revealed a previous grant of exclusive possession, which covers the subject area. The subject area was part of Development Lease 9 TR: 17714191 being Lot 117 on SL9270, which was the entire basin/ canal network of Raby Bay (which was man-made) and previously

constructed under Development Lease 9 pursuant to section 214 of the *Land Act 1962*. The lease was issued on the 25 September 1980.

Cultural Heritage: A search of the Cultural heritage database revealed no sites located

Interested Parties Views: Views were requested from Redland City Council (RCC), Telstra, Energex, Maritime Safety Queensland (Harbour Master) and Powerlink

RCC advised via letter dated 15 November 2012 that council does not have any specific intentions for the area of unallocated State land which the application covers.

RCC advised that it must be emphasised that the information and recommendations provided by Council are the result of a basic assessment undertaken by Council officers and do not necessarily represent the views of Council. Any development as proposed in the supplementary information provided will be assessed as a Prescribed Tidal Works application and would be assessed against the Redland City Council Planning Scheme according to the merits of any proposal.

While Council officers support the proposed in principle the following issues should be considered:

- Future access to the public infrastructure for maintenance and improvements must be provided.
- Community consultation must be carried out to assess the level of community support for the development. Specifically the harbour side business and residential owners should be individually advised as they will be the ones most affected by the proposal.
- A percentage of the marina infrastructure must be set aside for public access to offset the loss of public access caused by the development.
- Amenity issues will be assessed on their merit once more detailed architectural views are available.

Council advised via letter dated 3 June 2013 no objection to the issue of a new term lease over the area shown on DWG 11/280 on the conditions that:

- Port Binnli will be required to submit to council a MCU application for Marine Services and a prescribed tidal works application to establish the marina
- Council also require that if the outcomes of the MCU and tidal works application require a change to the area of the lease and or conditions of the lease be amended to the mentioned outcomes

Telstra advised via email dated 1 December 2011 no objection but require the applicant to be advised of "Dial Before You Dig" requirements

Energex advised via letter dated 5 December 2011 no objection

Harbour Master advised via email dated 13 February 2012 no objection

Powerlink no response has been received

Inspection and Valuation:

Based upon the location of the subject and a comparison to the Manly area a rate of \$100 per square metre is considered to be fair value for the subject property. This results in a valuation calculation of:

24890 m2 @ \$100/m2 \$2,489,000.

Adopted value \$2,500,000.

On a rental of 6 per cent this equates to a rent per annum of approximately \$150,000. This is \$1,648 per marina berth.

Survey: A survey plan showing the area of the new lease will be a requirement of the offer.

Departmental Policies And Relevant Legislation:

Section 360A of the *Land Act 1994* – Minister may change term lease, other than State leases, or perpetual leases

(2) (d) the Minister has approved that an area of unallocated State land be included in the lease.

Recommendation:

In consideration of application made by Port Binnli Pty Ltd, may the following now be approved in terms of section 360A(2)(d) of the *Land Act 1994* and relevant Departmental policy:

- May in principle approval be given to seek the issue by the Governor in Council for the amendment of Term Lease in term of Section 360A(2)(d) to include the proposed area on shown DWG 11/280.

This offer is made subject to acceptance of the terms and conditions in the attached agreement, completion and return of the agreement for the term lease and presentation in this office of a plan of a survey showing the area of the term lease and payment of the offer account.

Submitted by:

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Judi Howard
Land Administration Officer

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