

TNS089820

August 24, 1998

11/295/98 RJ/GN
Prop. No: 1377

~~Messrs Boulton, Cleary & Kern
Solicitors,
PO Box 1899,
TOWNSVILLE Q 4810~~

RECEIVED
19 AUG 1998
DEPT OF NATURAL RESOURCES
TOWNSVILLE DISTRICT

Dear Sir/Madam,

RE DJC PTY LTD
BURDEKIN WILDERNESS LODGE
LOT 13 ON MRY 45
S.L. 11/49362 PARISH OF GRAHAM

I refer to discussions between Ramon Jayo of this office and your Mr Kern concerning outstanding rates owing with respect to the abovementioned land.

Council has now been informed by the Department of Natural Resources that the lease above referred to expired on 31 December 1997, and that moves are currently afoot to issue your client with a further Permit to Occupy over the subject land.

As you are aware, rates for the financial year commencing 1 July 1997, remain outstanding together with interest accrued and amounting to the sum of \$637.63 (as at 19 August, 1998).

Council requires payment of same forthwith and further intends notifying the Department of Natural Resources of its objection to the granting of further tenure to your client, or any derivative of your client whilst rates remain outstanding.

Section 78B(2) RTI Act

Should payment not be received within fourteen (14) days, Council will reassess its position in the matter and may be left with little option but to commence legal proceedings for recovery.

B/C

Section 78B(2) RTI Act

Yours faithfully,

Mr Bob Matzner
Department of Natural Resources
PO Box 5318,
TOWNSVILLE Q 4810

JP Gott
CHIEF EXECUTIVE OFFICER

Cr. Black

RTI DL RELEASE - DNRM

FACSIMILE TRANSMISSION



IMPORTANT NOTICE: CONFIDENTIALITY AND LEGAL PRIVILEGE

This facsimile is intended only for the addressee and may contain legally privileged and confidential information. If you are not the addressee, you are notified that any transmission, distribution, or photocopying of this facsimile is strictly prohibited. The legal privilege and confidentiality attached to this facsimile is not waived, lost or destroyed by reason of a mistaken delivery to you. If you have received this facsimile in error please immediately notify me by telephone and return the original facsimile to me at my address.

DATE: 31 - 7 - 98

TO: Mr Keith Kern
Boulton Cleary & Kern

FACSIMILE NO.: 07 4772 7033

FROM: Bob Matzner
Dept. of Natural Resources

SUBJECT: BURDEKIN WILDERNESS LODGE

NO. OF PAGES (Inc. Cover) 2

MESSAGE

As per our telephone conversation to-day, the following is a rental position for the expired Special Lease 11/49362 (Burdekin Wilderness Lodge).

This outstanding amount is required to be paid prior to the issue of a permit to the former lessee.

If you have any further queries do not hesitate to call.

RTI DL RELEASE - DNRM

*Paid: refer Rental Clearance
of 11/8/98.*

DEPARTMENT OF NATURAL RESOURCES

Enquiries to: Robert Matzner Your Ref: KRK:39215 Our Ref: SL 11/49362
State Government Building, Cnr Walker & Stanley Streets, Townsville Q 4810
PO Box 5318 MC, TOWNSVILLE Q 4820
Telephone: (07) 4722 1397 Facsimile: (07) 4722 1533
14-252 DL Documents

REGION: NORTH
DISTRICT OFFICE: TOWNSVILLE

DATE: 31/07/1998

TENURE REF: 1 SL 11/49362
TITLES REF: 17559116
LESSEE: DJC PTY.LTD.

FUNDCODE: 11

DUE DATE:

ASSOC A/C: N

RENTAL POSITION/CLEARANCE

CURRENT ANNUAL RATE:	\$	3,000.00	AS AT 07/08/1998
			FROM 01/07/1998
AMOUNT PENDING:	\$	0.00	(Amount due in the near future)
ACCOUNT BALANCE:	\$	31.60	(Negative balance means A/c in credit)
PENALTY TO 07/08/1998:	\$	3.30	(Penalty is charged for late payments)
TOTAL:	\$	34.90	

PAYOUT PARTICULARS

THIS IS NOT A FREEHOLDING TENURE.

I REFER TO YOUR REQUEST OF THE .../.../... REF:
CONFIRMING THAT YOU ARE THE REGISTERED LESSEE OR HAVE AUTHORISATION FROM THE
LESSEE TO OBTAIN THIS INFORMATION.

THE ABOVE INFORMATION IS CORRECT ONLY FOR THE DATE OF ISSUE AND MAY BE SUBJECT
TO A BACKDATED CHANGE DUE TO INFORMATION NOT PRESENTLY AVAILABLE TO THE LANDS
TENURE LEDGER.

Section 78B(2) RTI Act

FOR DISTRICT MANAGER
DEPARTMENT OF NATURAL RESOURCES

31.7.98

**** END OF REPORT ****

Paid 10/8/98

From: B LACK (LACK_B)
To: ROSS_E
Date: WEDNESDAY, MAY 15, 1996 12:10 PM
Subject: DJ COUTTS SL 11/49362

ERROL, I SPOKE TO MR COUTTS TODAY AND ADVISED HIM THAT HE SHOULD ATTEND TO ARREARS OF RENT AND IF HE CAN ADVANCE A SUITABLE PROPOSAL, APPLY FOR A NEW LEASE.
REGARDS,

BOB.

Joan,

Please place on file

no action required.

Thanks

sch4p4(6) Personal information

1575196

Kenneth Kelly

Being transferred to Tivoli.

PARTNERS
K.R. KERN • P. LOGAN
P.D. STERLING • R.C. McFADZEAN • J.K. GUY

CONSULTANT
A.J. BOULTON

ASSOCIATES
M.J. SMITH • C.J. RUTHERFORD BYRNE

30 July 1998

Attention: Mr Schy
Department of Natural Resources
P O Box 5318 MC
TOWNSVILLE QLD 4810

B C K

BOULTON CLEARY
& KERN
SOLICITORS & NOTARY

Our ref: KRK:BG:39215
Your ref: SL11/49362-DJC Pty Ltd

Dear Sir

RE: D.J.C. PTY LTD

We refer to the abovementioned matter.

We enclose Notification of Acceptance of Offer together with cheque in the sum of \$120.00.

We ask that you note that the correct name of the Company is D.J.C. Pty Ltd.

We also enclose Tenant Correspondence Details as requested.

In relation to the Tenancy details, we advise that such matters are correctly set forth in the Acceptance of Offer, namely D.J.C. Pty Ltd ACN 009 855 190.

We await your advices.

Yours faithfully
BOULTON CLEARY & KERN

Section 78B(2) RTI Act

Per: _____
K R Kern

Encls

KRK: (30 Jul. 98)/2

Queensland Government
Department of Natural Resources

Received from: mcarthur coutts

RECEIPT

No.: 1261588

Goods Description	Item Code Category	Qty	Extend	Charge	Tax	Total
POSTAGE - NORTHERN	qs098306 HL000001	1	5.00	5.00		5.00
d j c pty ltd 1/misc/99/ 981057//23			403303			40.00
d j c pty ltd 1/po/99/ 981057//12			404301			75.00

RTI DL RELEASE - DNRM

Date: 03/08/98	Time: 11:23	CHEQUE	120.00	Total :	120.00
Brch: lsctown	SPer: wjb			Tendered:	120.00
CYC: 14670	Reg: 36	Tendered	120.00	Change:	0.00

Cheques or other negotiable instruments accepted subject to clearance.

ACCOUNT

DATE: 11 May 1998

APPLICANT: ~~D J Coates Pty Ltd~~

YOUR REF: KRK:39215/CFL

sch4p4(6) Personal information

DEPT. REF:SL 11/49362

TAS REF:98/1057

	\$	c	FUND CODE
<u>1.PO.99. 981057</u>			
First Years Rent	75	00	(12)
<u>Account:</u> 1.MISC.99 981057			
LEASE FEE	40	00	(23)
<u>Retail Sales</u>			
POSTAGE	5	00	
TOTAL	\$120	00	

PLEASE FORWARD PAYMENT WITH ABOVE ACCOUNT, TO THE DEPARTMENT OF
NATURAL RESOURCES, PO BOX 5318 MC TOWNSVILLE QLD 4810 - 3RD FLOOR,
STATE GOVERNMENT BUILDING, CNR STANLEY & WALKER STREETS,
TOWNSVILLE OFFICE USE ONLY:

RECEIPT NO: 1261588DATE PAID: 3 / 8 / 98.CASHIER: WB.

NOTIFICATION OF ACCEPTANCE OF OFFER

In terms of Section 177 of the Land Act 1994

The District Manager
Department of Natural Resources
PO Box 5318 MC
TOWNSVILLE QLD 4810

I/We, D.J.C. Pty Ltd
of c/- Boulton Cleary & Kern, P O Box 1099, Townsville

being the person/s to whom an offer has been made in terms on section 177 of the Land Act 1994, and in accordance with the Department's letter of offer dated 11 May 1998.

HEREBY GIVE YOU NOTICE that I/We accept such offer.

I/We note that this acceptance shall not be effective until I/We have complied with all the conditions of the offer within the time specified.

NOTE: This document should be signed by all persons to whom the offer has been made or their authorised representative for and on their behalf. In the event of a company being offered the tenure, this document is to be executed under the Company Seal.

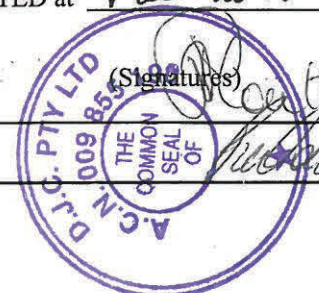
PARTICULARS OF LAND

Tenure Type: Permit to Occupy
Description: Lot 13 on Plan MRY45
Parish: Graham **County:** Murray
Area of land: 414.8 Ha
Category: 9-B (Tourism Mainland)
UCV: \$66,000.00 **Rate:** 5 %
Annual Rent: \$75.00 (Minimum Rent being applied)

DATED at Townsville this 29th day of July 1998.

(Signatures)
[Signature]
[Signature]

(Witness)
CHRIS ELLIMAN
[Signature]



TENANT CORRESPONDENCE DETAILS

Please state the address to which future correspondence regarding this tenure is to be directed:-

Name of a person or name of Company : D.J.C. Pty Ltd
 to whom correspondence is to be : Attention D J Coutts
 addressed :

Postal address of person or Company to : c/- Boulton Cleary & Kern
 whom correspondence is to be addressed : Solicitors
 P O Box 1099
 Postcode : TOWNSVILLE QLD 4810

IMPORTANT! It is in your interest to advise the Department of any change of address. This is particularly so in regard to the issue of notices for the payment of annual rent which attracts penalty for late payment.

TENANCY DETAILS

Please state the required tenancy interests in full:-

A	B	C
Type of Tenancy Interest (See Note 1)	Proportion of Interest in Tenure (See Note 2)	Surname, and Given Names (in full) or Company Name and Company Certificate Number (See Note 3)

(If space is insufficient, please continue on the back of this form)

Note 1. Type of Tenancy Interest eg. JOINT TENANTS, TENANTS IN COMMON etc.

Note 2. Insert the proportion of interest in tenure eg 1/2, 1/4, etc. Should you elect to hold the lease as Joint Tenants "B" does not apply.

Note 3. If it is intended that the proposed lease be held solely by a company columns "A" and "B" do not apply.

(JOINT TENANTS - Any number of people from two upwards may hold as joint tenants and generally speaking cannot deal with the land separately. The other distinguishing feature of joint tenancy is that surviving joint tenants automatically succeed to all the interest in the land on the death of another joint tenant).

(TENANTS IN COMMON - Registered tenants holding land as tenants in common may deal with their interests separately and on death, their interests are devised by Will. As distinct from joint tenants, their interests do not have to be equal. An interest in a tenancy in common may also be held by two or more people in a joint tenancy situation).

PLEASE RETURN THIS FORM TO THE DEPARTMENT OF NATURAL RESOURCES

Conditions Report for 98/001057

08/05/1998

A46

- (1) The permittee shall use the permit area for investigation purposes for the establishment of a tourist facility and associated development.
- (2) In the event of the permittee ceasing to use the permit area as provided for in Condition A46 clause (1) above, the permit may be forfeited or cancelled.
- (3) The annual rent shall be paid yearly in advance and shall be determined in accordance with the provisions of the Land Act 1994.
- (4) The permittee shall pay the cost of any required re-survey.
- (5) The permittee must keep any noxious plants, on the permit area, under control.
- (6) The permittee has the responsibility for a duty of care for the permit area.
- (7) The permittee shall ensure that the use and development of the permit area conforms to the Town Planning Scheme By-Laws and requirements of the Dalrymple Shire Council.
- (8) The permittee must give the Minister administering the Land Act 1994, the information the Minister administering the Land Act 1994 asks for about the permit.
- (9) The permittee shall not destroy any trees on the permit area unless in accordance with a tree clearing permit under the provisions of the Land Act 1994 or the provisions relating to the clearing for routine management purposes as prescribed in the Land Regulations 1995. (NOTE:- Routine Management provisions of the Land Act do not apply on leases over State Forests and Timber Reserves)
- (10) No compensation for improvements or developmental work shall be payable by the State at the cancellation of the permit but the permittee shall either have the right to remove the permittees moveable improvements within a period of three (3) months from the cancellation of the permit, provided all moneys due by the permittee to the State on any account whatsoever have been paid, or be required to remove those improvements as specified in any further condition of permit.

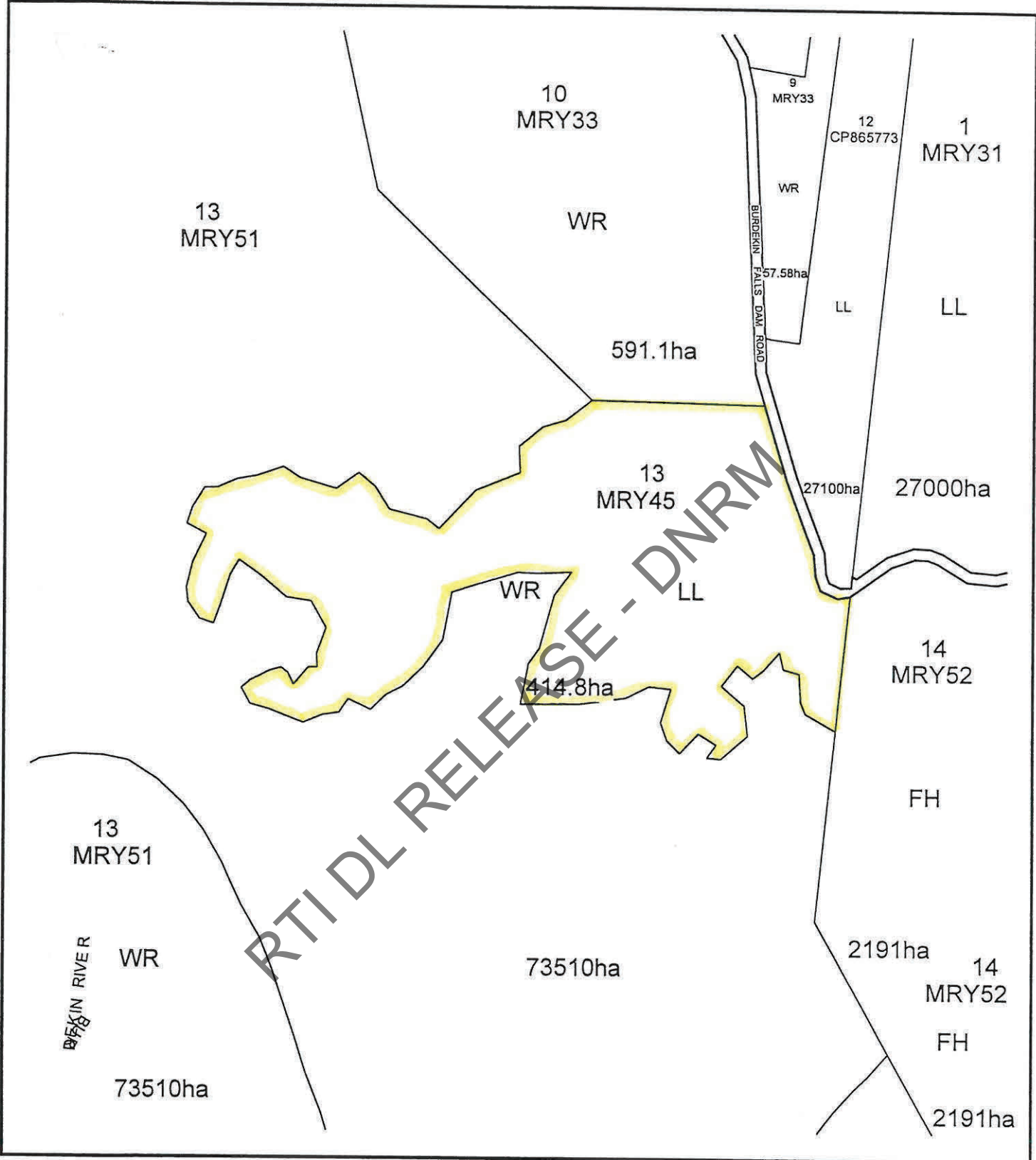
A47

- (1) The permittee shall allow any person authorised under the Forestry Act 1959 access to the permit area for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the permit area.
- (2) Except as hereinafter provided the permittee shall 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 permit area 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 of a permit, licence, agreement or contract granted or made under the Forestry Act 1959.

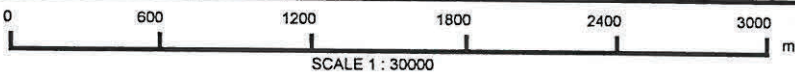
- C61 The permittee shall not under any circumstances carry out any development works on the permit area.
- C320 In all other respects, the permit shall be subject to the provisions of the Land Act 1994 and other relevant State and Commonwealth Acts.
- C322 The permittee shall comply with any lawful requirements of Dalrymple Shire Council.
- G42 The permit is not eligible for conversion to freehold tenure in terms of Section 166 of the Land Act 1994.

Continued on Next

- H115 The provision of further access or services to the permit area will not be the responsibility of the Local Government or the State.
- I48 (a) The permittee shall and does hereby indemnify and keep indemnified the State and Dalrymple Shire Council against all damages, losses, costs, and expenses which the State or Council may sustain, expend or be put to by reason or on account of any neglect or default on the part of the permittee to observe and perform any of the covenants or agreements on the part of the permittee herein contained or implied.
- (b) The permittee shall and does hereby indemnify and keep indemnified the State and Dalrymple Shire Council in respect of any accident howsoever occurring, other than through the negligent or wilful act or omission of the State or Dalrymple Shire Council or its or their servants or agents, which may occur in connection with the use by the permittee its agents, employees, invitees, licensees, servants, visitors and the public at large of any part of the permit area and in connection with the use by the permittee its, agents, employees and servants of any installation located thereon.
- M17 The permittee shall not effect any clearing of the permit area without the consent of the Minister administering the Land Act 1994 first being obtained and then only subject to such conditions as deemed necessary for the proper management of the subject land for investigation purposes.
- N29 The permittee shall consult with all Authorities from which statutory approvals will be required or which may have requirements at various stages of the development and carry out studies, investigations and planning considered necessary by those Authorities. Authorities to be consulted shall include the Department of Natural Resources, and Dalrymple Shire Council and any other Authority which may be specified by the Department of Natural Resources.
- N30 The permittee shall, within two (2) years from commencement of the permit, carry out investigations and studies in connection with the proposal by the permittee to develop a tourist facility, submit development plans and evidence of financial capability to complete the facility as requested by the Minister administering the Land Act 1994.
- U2 This permit is not transferable, including changes in ownership structure occasioned by transfer of shares in the permittee company, without the prior consent of the Minister administering the Land Act 1994.
- Z93 The permittee shall to the satisfaction of the Minister administering the Land Act keep the permit area in a clean, orderly and sanitary condition.



STANDARD MAP NUMBER
8356-44232



BLINMAP

An External Product of the Basic Land Information Network
Based upon an extraction from the Digital Cadastral Data Base

MAP WINDOW POSITION

147°04'44"
20°37'13"

NEAREST LOCALITY

UKALUNDA
28.56 KM
14-252

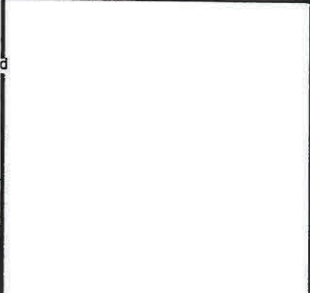
SUBJECT PARCEL DESCRIPTION CLIENT SERVICE STANDARDS

DCDB	
Lot/Plan	13/MRY45
Area	414.8ha
Tenure	LANDS LEASE
Local Government	DALRYMPLE
Locality	STRATHALBYN
Parish	GRAHAM
County	MURRAY
Parcel/Segment	3/36978

PRINTED (y/m/d) 1998/5/8
(Important Notice: The information hereon is NOT an OFFICIAL RECORD and its ACCURACY is NOT GUARANTEED)
DCDB 1998/4/27
(Lots with an area less than 10000 square metres are not shown)
For symbology see the BLIN Abbreviations Sheet.

DL Documents

LEGEND



NATURAL RESOURCES

TNS1197063

CL49362

PARTNERS
K.R. KERN • P. LOGAN
P.D. STERLING • R.C. McFADZEAN • J.K. GUY

CONSULTANT
A.J. BOULTON

ASSOCIATES
M.J. SMITH • C.J. RUTHERFORD-BYRNE

BCK

BOULTON CLEARY
& KERN
SOLICITORS & NOTARY

7th November, 1997

Manager-Compliance, Litigation
& Debt Management
Legal Services
Department of Natural Resources
G.P.O. Box 2454
BRISBANE QLD 4001

Our ref: KRK:39215/CFL
Your ref: Attention : Mr Dennis Schy

Dear Sir

Re: D J COUTTS PTY LTD - BURDEKIN WILDERNESS LODGE

We refer to our recent meeting with you and Messrs David and Bruce Coutts.

We confirm we act for the Lessees. We also confirm our advices that our clients have now procured joint venture partners to re-establish the Burdekin Wilderness Lodge.

As you will appreciate, our clients have available to them engineering, town planning and all other documentation relating to the defunct Burdekin Wilderness Lodge such that they are able to utilise such information being aware of the standard of improvements previously installed such that to a large extent the existing infrastructure can be utilised.

Our clients hereby make application for extension of the existing Lease on the following basis :

1. Our client will re-establish a resort complex comprising of the following :
 - (a) Resort building including kiosk and amenities building;
 - (b) Not less than 20 units of accommodation;
 - (c) Caravan park of at least 10 sites;
 - (d) Camping area to accommodate 20 sites.

We advise that all of such improvements will be erected in accordance with the lawful requirements of the Council of the Shire of Dalrymple. As you will appreciate the town planning scheme as it presently stands enables the lawful uses aforementioned.

.../2

KRK: (NOV06)/6

4TH FLOOR, MLC BUILDING
CNR STURT & STANLEY STREETS
TOWNSVILLE QLD 4810

P.O. BOX 1099
TOWNSVILLE QLD 4810

TELEPHONE: (077) 71 6944
FACSIMILE: (077) 72 7033

Department of Natural Resources

7th November, 1997

2. The existing use namely tourist facilities.

We advise that our clients are happy with the terms of the existing special lease, however, make application to incorporate provisions in such lease to enable our client to utilise fringe area lands to the waters edge.

In addition, our clients are happy with a term to be considered by the Department within which the tourist facility is to be established, say, 3 to 5 years and of course be operational.

The only other matter concerns term of the special lease and in this regard, request a term of 30 years subject of course to compliance of condition aforementioned in relation to re-establishment and operation of the resort. We request freeholding condition being inserted subject to compliance with the terms of the lease.

We advise that it is important from our clients perspective that the lease be extended, however, we understand that the Department may consider some other tenure term until improvements are effected, however, as you would appreciate, this will occasion difficulties with financiers, however, in this regard, we are in the Department's hands.

We advise that our clients have had discussions with Kumali Holdings Pty Ltd and in this regard, the financial interest of the writer in such entity is hereby disclosed.

Kumali Holdings is owned by the interests of Mr Kevin O'Keefe from MVO Industries Pty Ltd, a well known developer as well as electrical, mechanical and airconditioning contractor in Townsville. The other 50% interest is held by the Partners of this firm. Kumali Holdings Pty Ltd is the developer of the successful Cannon Park development incorporating the Readings cinema complex. We ask that you advise what financial particulars you would require and what additional information is required to process the application.

We enclose cheque in the sum of \$2,500 being payment of all outstanding rental.

Section 78B(2) RTI Act

Per: _____
(Keith R Kern)

KRK: (NOV06)/7

TNS0297128

Coutts Redington

Accountants Pty Ltd A.C.N 075 917 556

Directors:

Bruce Coutts B.Com ACA

Greg Redington B.Com ACA

Chartered Accountants**Taxation, Accounting & Audit Services
Professional & Small Business Advice**

First Floor
47-49 Bundock St
Belgian Gardens 4810
P.O Box 791
Townsville
Qld 4810
Phone 077 72 3744
Fax 077 72 5578

27 Thuringowa Drive
Kirwan Qld 4817
P.O Box 353
Thuringowa Central
Qld 4817
Phone 077 23 1411
Fax 077 23 1589

26 February, 1997

Attention Colleen Roper

District Manager
Natural Resources
PO Box 5318 M C
TOWNSVILLE Q 4810

Dear Sir RE: DJC PTY LTD OVERDUE ACCOUNT FOR 1/SL/11/49362/11

On behalf of the above named client we are writing to request an extension of time to pay the above overdue account.

The repayment programme is:

31/3/97	\$600
30/4/97	\$600
31/5/97	\$600
30/6/97	\$600
31/7/97	\$600
31/8/97	\$600

Your consideration in this matter would be greatly appreciated

Yours Faithfully

Section 78B(2) RTI Act

Bruce Coutts



TNS089820

August 24, 1998

11/295/98 RJ/GN
Prop. No: 1377

~~Messrs Boulton, Cleary & Kern
Solicitors,
PO Box 1899,
TOWNSVILLE Q 4810~~

RECEIVED
31 AUG 1998
DEPT OF NATURAL RESOURCES
TOWNSVILLE DISTRICT

Dear Sir/Madam,

RE DJOPTY LTD
BURDEKIN WILDERNESS LODGE
LOT 13 ON MRY 45
S.L. 11/49362 PARISH OF GRAHAM

I refer to discussions between Ramon Jayo of this office and your Mr Kern concerning outstanding rates owing with respect to the abovementioned land.

Council has now been informed by the Department of Natural Resources that the lease above referred to expired on 31 December 1997, and that moves are currently afoot to issue your client with a further Permit to Occupy over the subject land.

As you are aware, rates for the financial year commencing 1 July 1997, remain outstanding together with interest accrued and amounting to the sum of \$637.63 (as at 19 August, 1998).

Council requires payment of same forthwith and further intends notifying the Department of Natural Resources of its objection to the granting of further tenure to your client, or any derivative of your client whilst rates remain outstanding.

Section 78B(2) RTI Act

Should payment not be received within fourteen (14) days, Council will reassess its position in the matter and may be left with little option but to commence legal proceedings for recovery.

B/C

Section 78B(2) RTI Act

Mr Bob Matzner
 Department of Natural Resources
 PO Box 5318,
TOWNSVILLE Q 4810

Yours faithfully,

JP Gott
CHIEF EXECUTIVE OFFICER

Cr. Black

RTI DL RELEASE - DNRM



11 May 1998

Boulton Cleary & Kern
PO Box 1099
TOWNSVILLE QLD 4810

Ph 47716944
Keith Kern

Dear Sir/Madam,

**RE: PROPOSED PERMIT TO OCCUPY - BURDEKIN WILDERNESS LODGE
LOT 13 ON PLAN MRY45
D J COUTTS PTY LTD**

I refer to previous correspondence regarding the above and advise that approval has been given for the issue of a Permit to Occupy over the area as described above. The proposed permit will be in accordance with the terms and conditions as set out in the attached schedule and issued upon your compliance with the following requirements:

The Permit to Occupy is offered for the sole purpose of investigation into the establishment of a tourist facility, to obtain the required approvals and secure the necessary finance to complete the proposed facility. Upon compliance of the permit conditions, favourable consideration may be given for the grant of a lease for tourism with an appropriate term, conditions and rental.

REQUIREMENTS OF OFFER

- (1) Completion of the attached notification of acceptance of offer by all proposed tenure holders or their authorised representatives and lodgement of same in this Office. ✓
- (2) Payment of the sum of \$120.00 as detailed on the attached account. The account should be returned to this Office with your payment. ✓
- (3) Completion of the attached schedule of Tenant Correspondence Details and the return of same to this Office. ✓
- (4) Your attention is also drawn to the need for foreign persons as defined by the Foreign Ownership of Land Register Act 1988-1990 to complete and lodge notification of acquisition of an interest in land in terms of the said Act. The relevant form/s for completion and return to this Office are available by contacting the office of the Foreign Ownership of Land Register on (07) 3227 8274. No fee is payable. If you are a permanent resident of Australia, an Australian Citizen or a wholly owned Australian Company, there is no need for you to take further action in this matter.



D E P A R T M E N T O F N A T U R A L R E S O U R C E S

QUEENSLAND
GOVERNMENT

Enquiries to : Robert Matzner

Your Ref: KRK:39215

Our Ref: SL 11/49362

State Govt. Building, Cnr Stanley & Walker Streets, Townsville QLD 4810

PO Box 5318 MC, TOWNSVILLE QLD 4810

Telephone: (07) 4722 1397

Facsimile: (07) 4722 2553

(PLEASE NOTE THAT THIS PERMIT TO OCCUPY CAN ALSO BE SUBJECT TO RATES WHICH ARE CHARGED BY THE LOCAL AUTHORITY).

Unless all of the requirements set out above have been satisfied within **Two (2) months** from the date hereof, the Department's offer will lapse.

Should the offer lapse, the Department reserves the right to require the reinvestigation of all relevant issues in the event that you subsequently request that fresh consideration be given to the application.

Please quote reference number any future correspondence.

Yours faithfully,

Section 78B(2) RTI Act

for M CRANITCH
DISTRICT MANAGER
TOWNSVILLE

RTI DL RELEASE - DNRM

ACCOUNT

DATE: 11 May 1998

APPLICANT: D J Coutts Pty Ltd

YOUR REF: KRK:39215/CFL

DEPT. REF:SL 11/49362

TAS REF:98/1057

	\$	c	FUND CODE
<u>1.PO.99. 981057</u>			
First Years Rent	75	00	(12)
<u>Account: 1.MISC.99 981057</u>			
LEASE FEE	40	00	(23)
<u>Retail Sales</u>			
POSTAGE	5	00	
TOTAL	\$120	00	

PLEASE FORWARD PAYMENT WITH ABOVE ACCOUNT, TO THE DEPARTMENT OF
NATURAL RESOURCES, PO BOX 5318 MC TOWNSVILLE QLD 4810 - 3RD FLOOR,
STATE GOVERNMENT BUILDING, CNR STANLEY & WALKER STREETS,
TOWNSVILLE OFFICE USE ONLY:

RECEIPT NO:

DATE PAID: ___ / ___ / ___

CASHIER:

NOTIFICATION OF ACCEPTANCE OF OFFER

In terms of Section 177 of the Land Act 1994

The District Manager
Department of Natural Resources
PO Box 5318 MC
TOWNSVILLE QLD 4810

I/We,.....
of.....

being the person/s to whom an offer has been made in terms on section 177 of the Land Act 1994, and in accordance with the Department's letter of offer dated 11 May 1998.

HEREBY GIVE YOU NOTICE that I/We accept such offer.

I/We note that this acceptance shall not be effective until I/We have complied with all the conditions of the offer within the time specified.

NOTE: This document should be signed by all persons to whom the offer has been made or their authorised representative for and on their behalf. In the event of a company being offered the tenure, this document is to be executed under the Company Seal.

PARTICULARS OF LAND

Tenure Type: Permit to Occupy
Description: Lot 13 on Plan MRY45
Parish: Graham County: Murray
Area of land: 414.8 Ha
Category: 9-8 (Tourism Mainland)
UCV: \$66,000.00 Rate: 5 %
Annual Rent: \$75.00 (Minimum Rent being applied)

DATED at _____ this _____ day of _____ 199__.

(Signatures)

(Witness)

TENANT CORRESPONDENCE DETAILS

Please state the address to which future correspondence regarding this tenure is to be directed:-

Name of a person or name of Company :
to whom correspondence is to be
addressed :

Postal address of person or Company to :
whom correspondence is to be addressed

Postcode

IMPORTANT! It is in your interest to advise the Department of any change of address. This is particularly so in regard to the issue of notices for the payment of annual rent which attracts penalty for late payment.

TENANCY DETAILS

Please state the required tenancy interests in full:-

A	B	C
Type of Tenancy Interest (See Note 1)	Proportion of Interest in Tenure (See Note 2)	Surname, and Given Names (in full) or Company Name and Company Certificate Number (See Note 3)

(If space is insufficient, please continue on the back of this form)

Note 1. Type of Tenancy Interest eg. JOINT TENANTS, TENANTS IN COMMON etc.

Note 2. Insert the proportion of interest in tenure eg 1/2, 1/4, etc. Should you elect to hold the lease as Joint Tenants "B" does not apply.

Note 3. If it is intended that the proposed lease be held solely by a company columns "A" and "B" do not apply.

(JOINT TENANTS - Any number of people from two upwards may hold as joint tenants and generally speaking cannot deal with the land separately. The other distinguishing feature of joint tenancy is that surviving joint tenants automatically succeed to all the interest in the land on the death of another joint tenant).

(TENANTS IN COMMON - Registered tenants holding land as tenants in common may deal with their interests separately and on death, their interests are devised by Will. As distinct from joint tenants, their interests do not have to be equal. An interest in a tenancy in common may also be held by two or more people in a joint tenancy situation).

PLEASE RETURN THIS FORM TO THE DEPARTMENT OF NATURAL RESOURCES

Conditions Report for 98/001057

08/05/1998

A46

- (1) The permittee shall use the permit area for investigation purposes for the establishment of a tourist facility and associated development.
- (2) In the event of the permittee ceasing to use the permit area as provided for in Condition A46 clause (1) above, the permit may be forfeited or cancelled.
- (3) The annual rent shall be paid yearly in advance and shall be determined in accordance with the provisions of the Land Act 1994.
- (4) The permittee shall pay the cost of any required re-survey.
- (5) The permittee must keep any noxious plants, on the permit area, under control.
- (6) The permittee has the responsibility for a duty of care for the permit area.
- (7) The permittee shall ensure that the use and development of the permit area conforms to the Town Planning Scheme By-Laws and requirements of the Dalrymple Shire Council.
- (8) The permittee must give the Minister administering the Land Act 1994, the information the Minister administering the Land Act 1994 asks for about the permit.
- (9) The permittee shall not destroy any trees on the permit area unless in accordance with a tree clearing permit under the provisions of the Land Act 1994 or the provisions relating to the clearing for routine management purposes as prescribed in the Land Regulations 1995. (NOTE:- Routine Management provisions of the Land Act do not apply on leases over State Forests and Timber Reserves)
- (10) No compensation for improvements or developmental work shall be payable by the State at the cancellation of the permit but the permittee shall either have the right to remove the permittees moveable improvements within a period of three (3) months from the cancellation of the permit, provided all moneys due by the permittee to the State on any account whatsoever have been paid, or be required to remove those improvements as specified in any further condition of permit.

A47

- (1) The permittee shall allow any person authorised under the Forestry Act 1959 access to the permit area for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the permit area.
- (2) Except as hereinafter provided the permittee shall 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 permit area 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 of a permit, licence, agreement or contract granted or made under the Forestry Act 1959.

- C61 The permittee shall not under any circumstances carry out any development works on the permit area.
- C320 In all other respects, the permit shall be subject to the provisions of the Land Act 1994 and other relevant State and Commonwealth Acts.
- C322 The permittee shall comply with any lawful requirements of Dalrymple Shire Council.
- G42 The permit is not eligible for conversion to freehold tenure in terms of Section 166 of the Land Act 1994.

Continued on Next

- H115 The provision of further access or services to the permit area will not be the responsibility of the Local Government or the State.
- I48 (a) The permittee shall and does hereby indemnify and keep indemnified the State and Dalrymple Shire Council against all damages, losses, costs, and expenses which the State or Council may sustain, expend or be put to by reason or on account of any neglect or default on the part of the permittee to observe and perform any of the covenants or agreements on the part of the permittee herein contained or implied.
- (b) The permittee shall and does hereby indemnify and keep indemnified the State and Dalrymple Shire Council in respect of any accident howsoever occurring, other than through the negligent or wilful act or omission of the State or Dalrymple Shire Council or its or their servants or agents, which may occur in connection with the use by the permittee its agents, employees, invitees, licensees, servants, visitors and the public at large of any part of the permit area and in connection with the use by the permittee its, agents, employees and servants of any installation located thereon.
- M17 The permittee shall not effect any clearing of the permit area without the consent of the Minister administering the Land Act 1994 first being obtained and then only subject to such conditions as deemed necessary for the proper management of the subject land for investigation purposes.
- N29 The permittee shall consult with all Authorities from which statutory approvals will be required or which may have requirements at various stages of the development and carry out studies, investigations and planning considered necessary by those Authorities. Authorities to be consulted shall include the Department of Natural Resources, and Dalrymple Shire Council and any other Authority which may be specified by the Department of Natural Resources.
- N30 The permittee shall, within two (2) years from commencement of the permit, carry out investigations and studies in connection with the proposal by the permittee to develop a tourist facility, submit development plans and evidence of financial capability to complete the facility as requested by the Minister administering the Land Act 1994.
- U2 This permit is not transferable, including changes in ownership structure occasioned by transfer of shares in the permittee company, without the prior consent of the Minister administering the Land Act 1994.
- Z93 The permittee shall to the satisfaction of the Minister administering the Land Act keep the permit area in a clean, orderly and sanitary condition.

2 September, 1998

B/C
Ray Jago
Dalrymple Shire Council.

D.J.C. Pty Ltd
C/- Boulton Cleary & Kern
PO Box 1099
TOWNSVILLE QLD 4810

Dear Sir,

**RE: BURDEKIN WILDERNESS LODGE
PERMIT TO OCCUPY - PO 210793**

I refer to advice received by this Department from the Dalrymple Shire Council recently, in regard to arrears of rates in relation to the expired special lease previously over the above property.

As you would be aware, the new permit to occupy to D.J.C. has several conditions attached to it. In particular, C322 states "The permittee shall comply with any lawful requirements of the Dalrymple Shire Council." Payment of rates is considered as being a lawful requirement of Council.

I also wish to advise permits to occupy do not have an expiry date. However, in this instance, condition N30 stipulates that certain requirements must be met within two (2) years from the commencement of the permit. In effect this condition limits the term of the permit to two (2) years.

Non-compliance of any of the permit conditions could result in the cancellation of the permit. Please do not hesitate to call if you have any queries in relation to this matter.

(Please quote our reference below, in future correspondence)

Yours faithfully,

for M CRANITCH
DISTRICT MANAGER
TOWNSVILLE

Enquires to :Mr. Robert Matzner Your Ref: KRK:39215 Our Ref: PO 210793

State Govt Building, Cnr Stanley & Walker Streets, TOWNSVILLE QLD 4810

PO Box 5318 MC, TOWNSVILLE QLD 4810

Telephone:(07) 47221397

Facsimile: (07) 47221533

30 September, 1998

The Chief Executive Officer
Dalrymple Shire Council
PO Box 233
CHARTERS TOWERS QLD 4820

Dear Sir,

**RE: PERMIT TO OCCUPY - PO210793
BURDEKIN WILDERNESS LODGE
D.J.C. PTY LTD**

I refer to your letter of 24 September 1998 in regard to arrears of rates and expiry of the previous Special Lease 11/49362.

Please find enclosed for your records, a re-printed notice of expiry of SL 11/49362, which should have been sent to Council upon completion of the expiry action. Also for your information is a copy of the expired Special Lease.

I wish to advise that Council views were sought in regard to further dealing of the subject land. Councils reply in relation to this was received on 11 October 1996, in which this office was advised of the lessees outstanding rates. A further letter was received from Council outlining its desire for the area to be a future Shire tourist attraction. In a telephone conversation between Mr Ramon Jayo and Mr Robert Matzner of this Department, it was noted that rates remained outstanding, however, it was advised that further dealing with the land may still proceed if all of this Departments requirements were met. This was acknowledged by Mr Jayo. It was also advised that it would be unlikely that a further term lease would be issued at that stage, considering the non-compliance of the previous lease conditions.

In this instance it was determined that a short term permit to occupy would be suitable to achieve the ultimate aim of establishing a tourist resort at the location. It should be noted that this permit can be cancelled at any time for non-compliance of any of the permit conditions.

Please do not hesitate to call if I can be of further assistance.

(Please quote our reference below, in future correspondence)

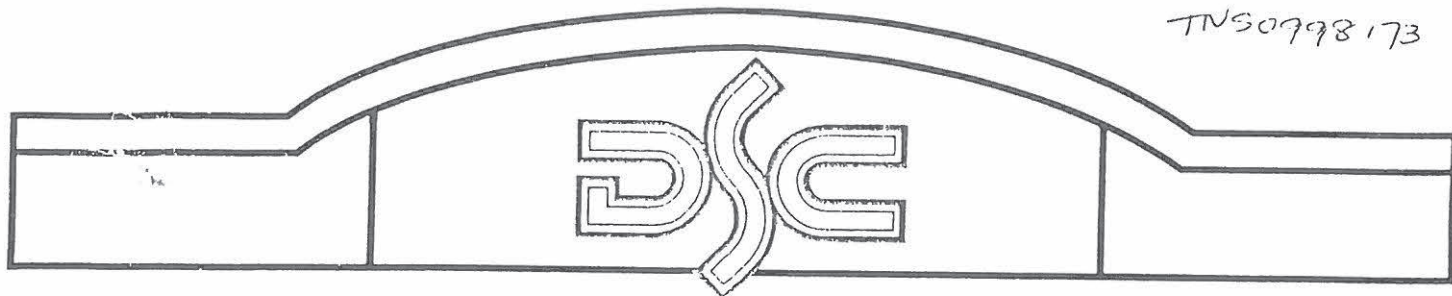
Yours faithfully,

sch4p4(6) Personal information

for M CRANITCH
DISTRICT MANAGER
TOWNSVILLE

Enquires to :Mr. Robert Matzner Your Ref: 11/374/98 RJ/GN
Stave Govt Building, Cnr Stanley & Walker Streets, TOWNSVILLE QLD 4810
PO Box 233 MC, TOWNSVILLE QLD 4810 DL Documents
Telephone:(07) 47221397 Facsimile: (07) 47221533

Our Ref: PO 210793



PO Box 233
 Telephone (07) 4787 5600
 Fax (07) 4787 3903

DALRYMPLE SHIRE COUNCIL
 MOSMAN STREET, CHARTERS TOWERS, QLD. 4820.

All communications to
 be addressed to
 Chief Executive Officer

24 September, 1998

YOUR REFERENCE:
IN REPLY PLEASE QUOTE: 11/374/98 RJ/GN Prop. No: 1377

The District Manager,
 Department of Natural Resources
 PO Box 5318 MC
 TOWNSVILLE Q 4810

RECEIVED

30 SEP 1998

DEPT. OF NATURAL RESOURCES
 TOWNSVILLE DISTRICT

Dear Sir/Madam,

RE: PERMIT TO OCCUPY - PO 210739 - 210793
BURDEKIN WILDERNESS LODGE

I refer to your letter of 2 September 1998, and note your reference to the conditions imposed upon the permittees pursuant to the abovenoted permit.

Unfortunately, the action you have taken in that regard does not assist Council in its endeavours to recover rates levied in consequence of the previous tenure. I would presume that the previous Special Lease contained a similar provision as that referred to and which may have assisted Council in its recovery procedure had Council's views been sought by your Department to the issue of the new permit prior to its actual issue.

In any event, Council must now rely upon the court process for recovery of outstanding rates and in that regard, notes that official notification of the cancellation of the previous lease as of 31 December 1998, is yet to be received.

Official notification is required so as

- (i) Council records may be amended; and
- (ii) the exact period of rateable liability can be determined for legal purposes.

Your early attention to this matter would be appreciated.

Yours faithfully,

sch4p4(6) Personal information

J.P. GOTT,
 CHIEF EXECUTIVE OFFICER

2 September, 1998

B/C
Ray Jago
Dalrymple Shire Council.

D.J.C. Pty Ltd
C/- Boulton Cleary & Kern
PO Box 1099
TOWNSVILLE QLD 4810

Dear Sir,

**RE: BURDEKIN WILDERNESS LODGE
PERMIT TO OCCUPY - PO 210793**

I refer to advice received by this Department from the Dalrymple Shire Council recently, in regard to arrears of rates in relation to the expired special lease previously over the above property.

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I also wish to advise permits to occupy do not have an expiry date. However, in this instance, condition N30 stipulates that certain requirements must be met within two (2) years from the commencement of the permit. In effect this condition limits the term of the permit to two (2) years.

Non-compliance of any of the permit conditions could result in the cancellation of the permit. Please do not hesitate to call if you have any queries in relation to this matter.

(Please quote our reference below, in future correspondence)

Yours faithfully,

for M CRANITCH
DISTRICT MANAGER
TOWNSVILLE

RTI DI RELEASE DIRM

Enquires to :Mr. Robert Matzner Your Ref: KRK:39215 Our Ref: PO 210793

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PO Box 5318 MC, TOWNSVILLE QLD 4810

Telephone:(07) 47221397

Facsimile: (07) 47221533

24 October, 1997

The Manager
DJC Pty. Ltd.
Box 5495
M.C. TOWNSVILLE Q 4810

Dear Sir

RE: OVERDUE ACCOUNT FOR 1/SL/11/49362//11

I wish to advise the amount of \$866.30 remains outstanding for the annual rent due on 31 October 1996. The annual rent of \$1512.30 for the period 1 July 1997 to 31 December 1997 was also due on 1 September 1997. Penalty interest is currently accruing on the outstanding balance at 13.0%.

Your extension of time was granted to 31 August 1997. Please forward your payment of \$2551.00 to this office by 1 December 1997.

It should be noted further dealings on this lease could be affected whilst payments remain outstanding on this account.

Yours Sincerely

Section 78B(2) RTI Act

Colleen Roper
for M F Cranitch
District Manager

DUPLICATE

062

QUEENSLAND
PERMIT TO OCCUPY
Land Act 1994

Pursuant to the provisions of Section 177(1) of the Land Act 1994 the person described in Schedule 3 is hereby permitted to occupy the area of land described in Schedule 1, beginning on the day specified in Schedule 2.

SUBJECT TO -

- (a) the payment of the annual rent under the Land Act 1994; and
- (b) the conditions specified in schedule 4; and
- (c) such other reservations and conditions as may be contained in and declared by the laws of the State.

sch4p4(6) Personal information

The delegate of the Director General
Department of Natural Resources

Date : 26 August 1998

SCHEDULE 1 - DESCRIPTION OF LAND

Permit Ref: PO 210793

Lot/Plan	County	Parish
13/MRY45	MURRAY	GRAHAM

Area 414.8 Ha.

Purpose of Permit: Tourism

Note: For details of description, dimensions and marking of boundaries refer to plan mentioned above.

SCHEDULE 2 - COMMENCEMENT OF PERMIT

Permit commencing on 1 August 1998

SCHEDULE 3 - PERMITTEE

D.J.C. PTY LTD

SCHEDULE 4 - SPECIFIED CONDITIONS

A46

- (1) The permittee shall use the permit area for investigation purposes for the establishment of a tourist facility and associated development.
- (2) In the event of the permittee ceasing to use the permit area as provided for in Condition A46 clause (1) above, the permit may be forfeited or cancelled.
- (3) The annual rent shall be paid yearly in advance and shall be determined in accordance with the provisions of the Land Act 1994.
- (4) The permittee shall pay the cost of any required re-survey.
- (5) The permittee must keep any noxious plants, on the permit area, under control.
- (6) The permittee has the responsibility for a duty of care for the permit area.
- (7) The permittee shall ensure that the use and development of the permit area conforms to the Town Planning Scheme By-Laws and requirements of the Dalrymple Shire Council.
- (8) The permittee must give the Minister administering the Land Act 1994, the information the Minister administering the Land Act 1994 asks for about the permit.
- (9) The permittee shall not destroy any trees on the permit area unless in accordance with a tree clearing permit under the provisions of the Land Act 1994 or the provisions relating to the clearing for routine management purposes as prescribed in the Land Regulations 1995. (NOTE:- Routine Management provisions of the Land Act do not apply on leases over State Forests and Timber Reserves)
- (10) No compensation for improvements or developmental work shall be payable by the State at the cancellation of the permit but the permittee shall either have the right to remove the permittees moveable improvements within a period of three (3) months from the cancellation of the permit,

provided all moneys due by the permittee to the State on any account whatsoever have been paid, or be required to remove those improvements as specified in any further condition of permit.

A47

(1) The permittee shall allow any person authorised under the Forestry Act 1959 access to the permit area for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the permit area.

(2) Except as hereinafter provided the permittee shall 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 permit area 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 of a permit, licence, agreement or contract granted or made under the Forestry Act 1959.

C61 The permittee shall not under any circumstances carry out any development works on the permit area.

C320 In all other respects, the permit shall be subject to the provisions of the Land Act 1994 and other relevant State and Commonwealth Acts.

C322 The permittee shall comply with any lawful requirements of Dalrymple Shire Council.

G42 The permit is not eligible for conversion to freehold tenure in terms of Section 166 of the Land Act 1994.

H115 The provision of further access or services to the permit area will not be the responsibility of the Local Government or the State.

I48 (a) The permittee shall and does hereby indemnify and keep indemnified the State and Dalrymple Shire Council against all damages, losses, costs, and expenses which the State or Council may sustain, expend or be put to by reason or on account of any neglect or default on the part of the permittee to observe and perform any of the covenants or agreements on the part of the permittee herein contained or implied.

(b) The permittee shall and does hereby indemnify and keep indemnified the State and Dalrymple Shire Council in respect of any accident howsoever occurring, other than through the negligent or wilful act or omission of the State or Dalrymple Shire Council or its or their servants or agents, which may occur in connection with the use by the permittee its agents, employees, invitees, licensees, servants, visitors and the public at large of any part of the permit area and in connection with the use by the permittee its, agents, employees and servants of any installation located thereon.

M17 The permittee shall not effect any clearing of the permit area without the consent of the Minister administering the Land Act 1994 first being obtained and then only subject to such conditions as deemed necessary for the proper management of the subject land for investigation purposes.

N29 The permittee shall consult with all Authorities from which statutory approvals will be required or which may have requirements at various stages of the development and carry out studies, investigations and planning considered necessary by those Authorities. Authorities to be consulted shall include the Department of Natural Resources, and Dalrymple Shire Council and any other Authority which may be specified by the Department of Natural Resources.

N30 The permittee shall, within two (2) years from commencement of the permit, carry out investigations and studies in connection with the proposal by the permittee to develop a tourist facility, submit development plans and evidence of financial capability to complete the facility as requested by the Minister administering the Land Act 1994.

U2 This permit is not transferable, including changes in ownership structure occasioned by transfer of shares in the permittee company, without the prior consent of the Minister administering the Land Act 1994.

Z93 The permittee shall to the satisfaction of the Minister administering the Land Act keep the permit area in a clean, orderly and sanitary condition.

Meeting :- 5-11-97 11.30 am.
Present - Keith Kern

Bruce & David Coutts
Denis Schy - DNR

Re : S.L. 49362

Meeting was on a without prejudice basis.

1. The lessees wished to discuss the possibilities of lease renewal.
2. I informed the lessees that the lease was due to expire in December '97 and any submissions they wished to make should be done with this date in mind.
3. I also informed them that my report of recommendation was only the first step in the process of reviewing the final outcome.
4. The lessees stated that within 7 days a written ~~propa~~ proposal will be in the hands of DNR.
5. I expressed some reservation about any new Special lease being issued but suggested a less secure tenure such as a Permit to Occupy which can be easily terminated would be more than the likely option.

The lessees left at the conclusion of the meeting and said they will provide the relevant information



26 August 1998

DISTRICT MANAGER
PO BOX 5318
TOWNSVILLE
QLD 4810

Enquiries to: MR MATZNER
Telephone: (077)221397

RECORDING ADVICE - NEW DOCUMENT

Reference No. 98/001057 Region 2 NORTH

Approval has been obtained for the issue of PERMIT TO OCCUPY No. 210793 to commence from 1 August 1998.

The Departmental File Reference for this action is SL/11/49362.

Other details relating to the new tenure are as follows:

Title Reference: 40016771

Lot/Plan Parish
13 / MRY45 GRAHAM

Area (in hectares): Surveyed 414.8

Tenancy: PERMITTEES

PERMITTEES
D.J.C. PTY LTD

Tenant Correspondent: D.J.C. PTY LTD
Correspondence Address: C/- BOULTON CLEARY & KERN
PO BOX 1099, TOWNSVILLE Q 4810

Conditions:

A46

- (1) The permittee shall use the permit area for investigation purposes for the establishment of a tourist facility and associated development.
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- (3) The annual rent shall be paid yearly in advance and shall be determined in accordance with the provisions of the Land Act 1994.
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Continued on Next

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For District Manager

To: The Senior Land Officer, Townsville.
From: Acting Senior Valuer, Denis Schy

REPORT AND VALUATION EXPIRED SPECIAL LEASE 11/49362 BURDEKIN WILDERNESS LODGE

Preamble: The subject area was a Special Lease which was developed as a tourist development on the shores of the Burdekin Dam. The original lessees L.B. and J. Coultas went into receivership and eventually the property was transferred to DJC Pty. Ltd. which has a close relationship to the original lessees. Whilst in receivership, the structures and chattels located in the tourist development were decommissioned, auctioned off and carted away, leaving a site with infrastructure insitu but with such infrastructure being mostly suitable for the previous development.

Real Property Description: The subject property is described as expired Special Lease 11/49362, being Lot 13 on Crown Plan MRY45 County of Murray Parish of Graham, having a surveyed area of 414.8 hectares. The lease expired on 31/12/1997. The actual area of the block as surveyed is 276.7 hectares.

Lessee: The lessee of the expired Special Lease was DJC Pty. Ltd. as trustee for the DJ Coultas Unit Trust (The lessee Company is under the control of one of the sons of the original lessees - L.B. and J. Coultas)

Local Authority: The expired Special Lease is located within the boundaries of the Dalrymple Shire.

Situation & Access: The subject area is situated on the foreshores of the Burdekin Dam, some 5 to 10 kilometres by road from the spillway of the Dam and the small Dam Site Village. The nearest town would be the gold mining town of Ravenswood, whilst the closest major business centres would be Townsville or Charters Towers.
 Access to the site is by good quality bitumen road, with this road giving fast, comfortable access to and from the major towns of the Region. Internally, a bitumen road of lesser quality provides access to the previous site of development.

Description of Country: The area is predominately steep to sloping, hard gravel ridge forest country, which slopes down toward the dam impoundment. This area was originally part of the old Mount Graham section of Mount Ravenswood cattle station. Part of this area has been selectively cleared to provide the sites for the previous tourist development as well as the infrastructure for same. A cut and fill operation has also been carried out in a small section of the subject area to provide a horse sports arena.

Water: There is no permanent natural water located on the subject area, and there is no reticulation water available to the block. The previous development was licensed to take water from the Burdekin Dam. If further leasing is to take place, then the respective permits required for water supply can be addressed at that time. At the present time it would appear that there would be little to no objection to the issue of such permits, but confirmation of this should first be sought.

Improvements: There are no structural improvements with the exception of fencing and a small set of horse yards on the block. Any improvements to be found on the block are the remnants of infrastructure installed to service the previous functional resort. The real worth of these improvements to a new incoming lessee would be nominal, but to a party similar to the lessee that has the plans, specifications and a proposal to develop along similar lines of the previous resort the value of these improvements would be substantial.

Present Use: The subject area is presently used to graze livestock whilst the lessees prepare to redevelop some type of tourist development on the area.

Highest & Best Use: It would appear that some type of tourist development incorporating accommodation, watersports and a wilderness experience would appear to be the best use for the subject area. This was a successful formula for the previous development which failed for reasons divorced from the original development. The lessees are of the opinion that the existing infrastructure although relatively worthless to other developers has an insitu value to them of several millions of dollars, as the lessees have the benefit of the original plans and specifications of the original resort, and plan to duplicate in part the original development.

Public Use: It would appear that there is no public use of the subject area. The public have access to the dam via the adjacent public boat ramp. In addition, accommodation and camping facilities are also located at the dam village.

Public Requirements: It would appear that at the present time there would be little public requirement for the subject area.

SECTION 159 ISSUES THE

MINISTER MUST CONSIDER: (a) the interest of the lessee; The lessees of the expired Special Lease hold a large financial interest by way of infrastructure in the subject area. As detailed earlier improvements have a special value to the previous lessees. As such favourable consideration should be given to the lessees when considering any further dealing or the issue of a Permit to Occupy.

(b) whether part of the lease should be set apart and declared as State Forest under the Forestry Act 1959; none of the subject area should be set aside for forestry purposes.

(c) whether the public interest could be adversely affected, other than for an issue mentioned in paragraph (b), if the lease were renewed; Public interest would not be adversely affected if a Permit to Occupy was to issue.

(d) whether part of the lease is needed for environmental or nature conservation purposes; No areas are required.

(e) whether a substantial part of the lease is at serious risk from land degradation; Any degradation is common to the area in general, the subject is lightly stocked and as such there is no serious risk.

(f) whether a substantial part of the lease suffers from serious land degradation; None evident,

(g) whether the lessee has complied with, or to what extent the lessee has complied with, the conditions of the lease; The previous lessees did comply with the conditions of the original lease, but eventually ran into financial difficulties which resulted in financial default, removal of structural improvements, then non compliance of lease conditions.

(h) whether part of the lease has a more appropriate use from a land planning perspective; There appears to be no more appropriate use than the eventual development of a resort.

(I) whether part of the lease is on an island or its location, topography, geology, accessibility, heritage importance, aesthetic appeal or like issues make it special; No special attributes except that the area has frontage to the Burdekin Dam.

(j) whether part of the lease is needed for a public purpose; Area not required for public purpose.

(k) whether part of the lease is needed for property build-up purposes of other properties without reducing the remaining land to less than a living area; Not required for property build up.

(l) whether the lease could be subdivided without reducing the remaining land to less than a living area. Not applicable.

General Views: DNR has canvassed several bodies to ascertain the general feeling about further dealing with the subject area. In general it would appear that there is no objection to the development of a tourist resort, although appropriate governing conditions would be required. The Dalrymple Shire Council appear to be particularly keen to see the Burdekin Falls Dam as a tourist attraction.

General Comments: There would appear to be several advantages in further leasing of the subject area especially to the previous lessees. These benefits include:

1. To assist with the establishment of the Burdekin Falls Dam as a Shire tourist attraction.
2. It would allow the lessees the opportunity to fully capitalize upon the existing infrastructure which is of significant value to them but not necessarily any other lessees.
3. It would avoid the lengthy legal battle over the declared value of improvements if any proposed lease were to be offered to anyone else but the previous lessees. This legal process is part of the requirements under the Land Act, and whilst there is no problem with defending values the process can be costly and time consuming.

Native Title: This report has been compiled without reference to Native Title. If this topic becomes an issue an addendum to this report may be required.

Background Information -The subject area was originally part of the Mount Ravenswood Pastoral Holding, and was known as the Mount Graham area. This area was at that stage fully enclosed within the Mount Ravenswood internal fencing and paddock scheme and before the construction of the dam, there was no access available except by station track to the subject area. When the area was excised from Mount Ravenswood PH, a Special Lease for Tourist Development purposes was granted to J. B. & G. G. and the development did proceed and come to fruition.

Recommendation: It is recommended that:-

1. DJC Pty. Ltd. (the previous lessee) be offered a Permit to Occupy over the subject area. This permit shall be subject to the attached conditions, and is issued on the understanding that the Permit will only remain in place for a reasonable time within which the Permittee can obtain various approvals and finance to enable the lessee company to proceed with the development of a tourist resort as per their written proposal dated 7 November 1996 (copy attached to this report).
2. If action is not taken by the Permittee within a reasonable period of time (about 2 years maximum) then the Permit will be determined. It is important that the Permittee acknowledge this point, as it would appear that the Dalrymple Shire are keen to see development around the Burdekin Falls and as such the Permit area could be offered to other financial parties for similar development. The Permit should not be allowed to run indefinitely and stifle the possibility of tourist development in the area.
3. When firm evidence can be produced by the Permittee that the development is to proceed, then the Department will issue a development Special Lease to the then Permittee on such terms and conditions as appropriate for a tourist development and subject to any conditions required by the Local Authority or any other body with a genuine interest in the area.
4. Additional Permits giving direct access to the water could be discussed and granted if required at the same time as the Special Lease is granted. These access Permits would of course be subject to Departmental conditions and requirements.
5. At all times consultation with the Dalrymple Shire and other bodies of interest would be necessary.
6. The annual rent on the Permit to Occupy shall be \$75 per annum under a Category 9.1 with the rent subject to review as required.

sch4p4(6) Personal information

Denis Schy
Act. Senior Valuer
2 March 1998

Conditions Report for 98/001057

03/03/1998

A46

- (1) The permittee shall use the permit area for tourism purposes and associated development works. *investigation for tourism develop*
- (2) In the event of the permittee ceasing to use the permit area as provided for in Condition A46 clause (1) above, the permit may be forfeited or cancelled.
- (3) The annual rent shall be paid yearly in advance and shall be determined in accordance with the provisions of the Land Act 1994.
- (4) The permittee shall pay the cost of any required re-survey.
- (5) The permittee must keep any noxious plants, on the permit area, under control.
- (6) The permittee has the responsibility for a duty of care for the permit area.
- (7) The permittee shall ensure that the use and development of the permit area conforms to the Town Planning Scheme By-Laws and requirements of the Dalrymple Shire Council.
- (8) The permittee must give the Minister administering the Land Act 1994, the information the Minister administering the Land Act 1994 asks for about the permit.
- (9) The permittee shall not destroy any trees on the permit area unless in accordance with a tree clearing permit under the provisions of the Land Act 1994 or the provisions relating to the clearing for routine management purposes as prescribed in the Land Regulations 1995. (NOTE:- Routine Management provisions of the Land Act do not apply on leases over State Forests and Timber Reserves)
- (10) No compensation for improvements or developmental work shall be payable by the State at the cancellation of the permit but the permittee shall either have the right to remove the permittees moveable improvements within a period of three (3) months from the cancellation of the permit, provided all moneys due by the permittee to the State on any account whatsoever have been paid, or be required to remove those improvements as specified in any further condition of permit.

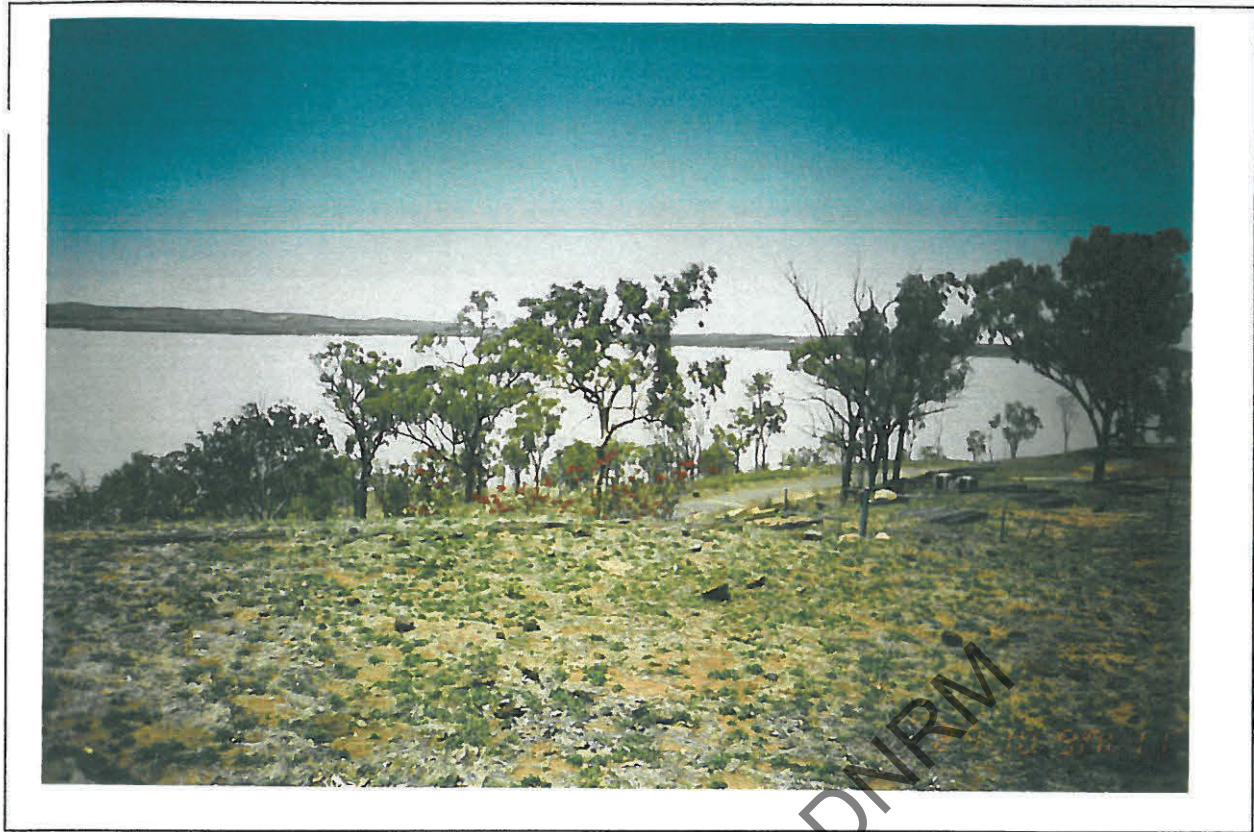
A47

- (1) The permittee shall allow any person authorised under the Forestry Act 1959 access to the permit area for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the permit area.
- (2) Except as hereinafter provided the permittee shall 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 permit area 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 of a permit, licence, agreement or contract granted or made under the Forestry Act 1959.

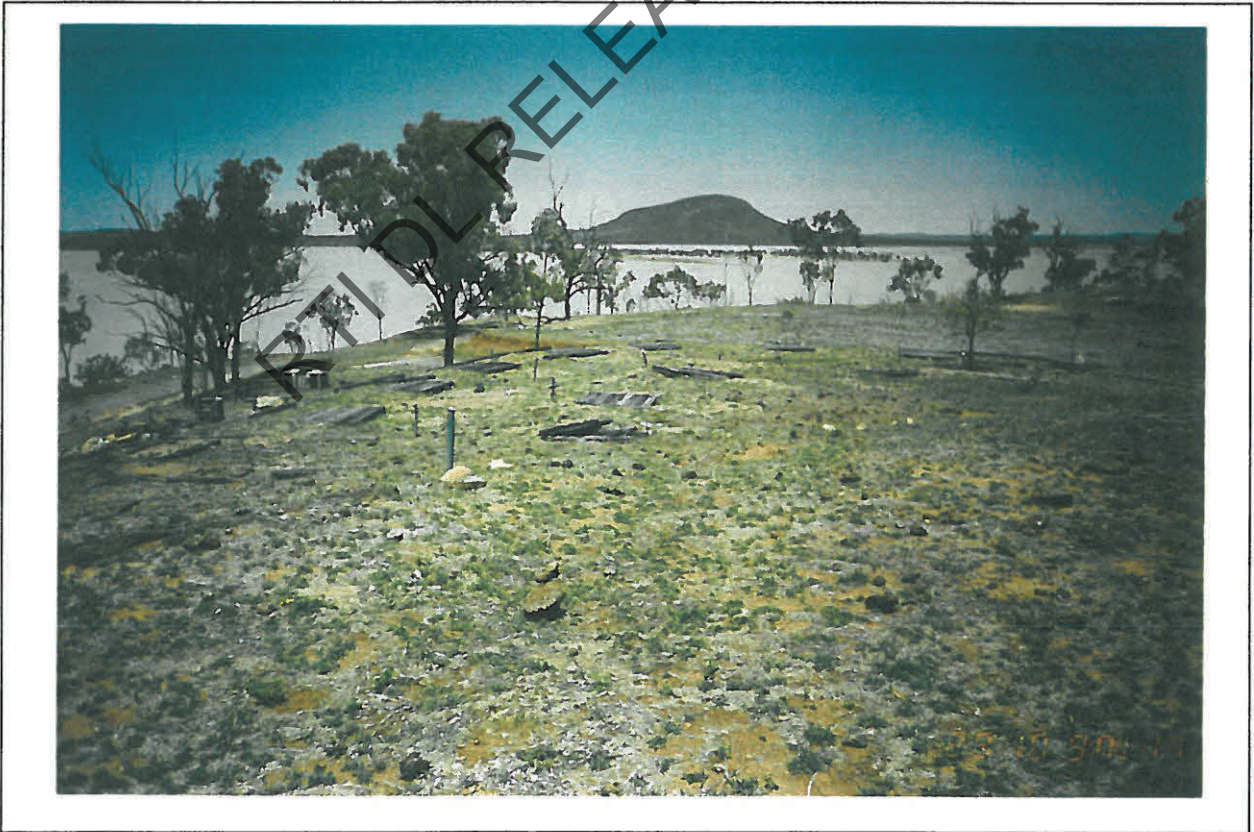
- C61 The permittee shall not under any circumstances carry out any development works on the permit area.
- C320 In all other respects, the permit shall be subject to the provisions of the Land Act 1994 and other relevant State and Commonwealth Acts.
- C322 The permittee shall comply with any lawful requirements of dalrymple shire council.
- G42 The permit is not eligible for conversion to freehold tenure in terms of Section 166 of the Land Act 1994.

Continued on Next

- H115 The provision of further access or services to the permit area will not be the responsibility of the Local Government or the State.
- I48 (a) The permittee shall and does hereby indemnify and keep indemnified the State and Dalrymple shire council against all damages, losses, costs, and expenses which the State or council may sustain, expend or be put to by reason or on account of any neglect or default on the part of the permittee to observe and perform any of the covenants or agreements on the part of the permittee herein contained or implied.
- (b) The permittee shall and does hereby indemnify and keep indemnified the State and Dalrymple shire council in respect of any accident howsoever occurring, other than through the negligent or wilful act or omission of the State or Dalrymple shire council or its or their servants or agents, which may occur in connection with the use by the permittee its agents, employees, invitees, licensees, servants, visitors and the public at large of any part of the permit area and in connection with the use by the permittee its, agents, employees and servants of any installation located thereon.
- M17 The permittee shall not effect any clearing of the permit area without the consent of the Minister administering the Land Act 1994 first being obtained and then only subject to such conditions as deemed necessary for the proper management of the subject land for investigation purposes.
- N29 The permittee shall consult with all Authorities from which statutory approvals will be required or which may have requirements at various stages of the development and carry out studies, investigations and planning considered necessary by those Authorities. Authorities to be consulted shall include the Department of Natural Resources, and Dalrymple shire council and any other Authority which may be specified by the Department of Natural Resources.
- U2 This permit is not transferable, including changes in ownership structure occasioned by transfer of shares in the permittee company, without the prior consent of the Minister administering the Land Act 1994.
- Z93 The permittee shall to the satisfaction of the Minister administering the Land Act keep the permit area in a clean, orderly and sanitary condition.

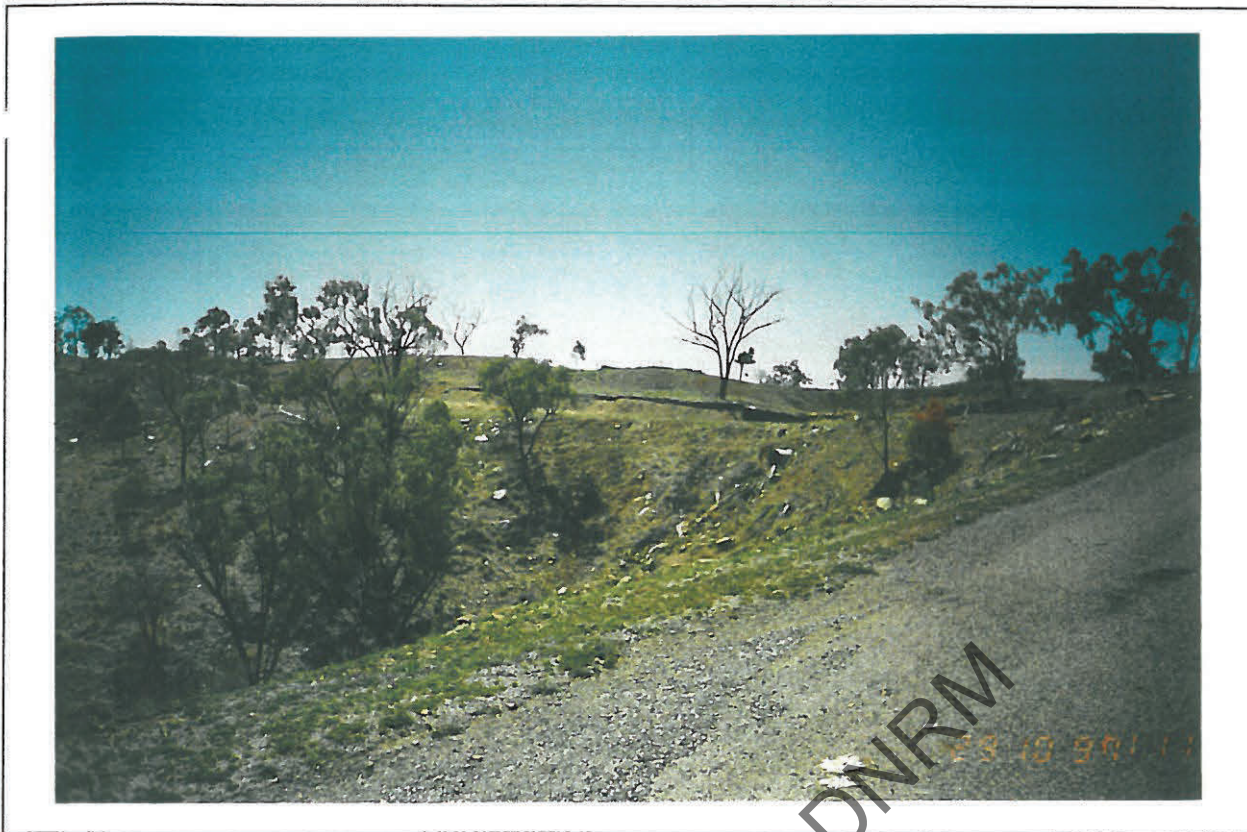


View over the dam from the old Caravan Park site

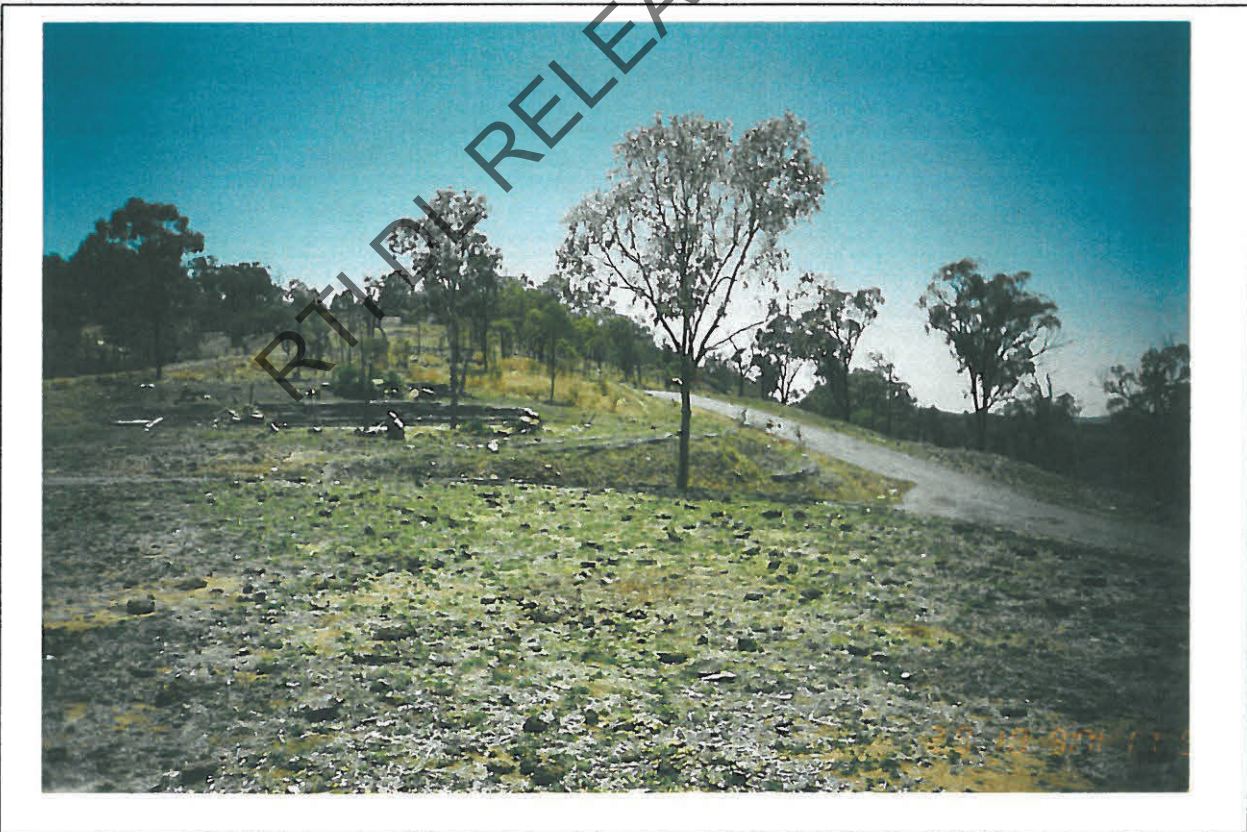


View over the dam from the old Caravan Park site

007



Looking up towards the old Van park and cabin sites. Note bitumen road and drainage infrastructure.

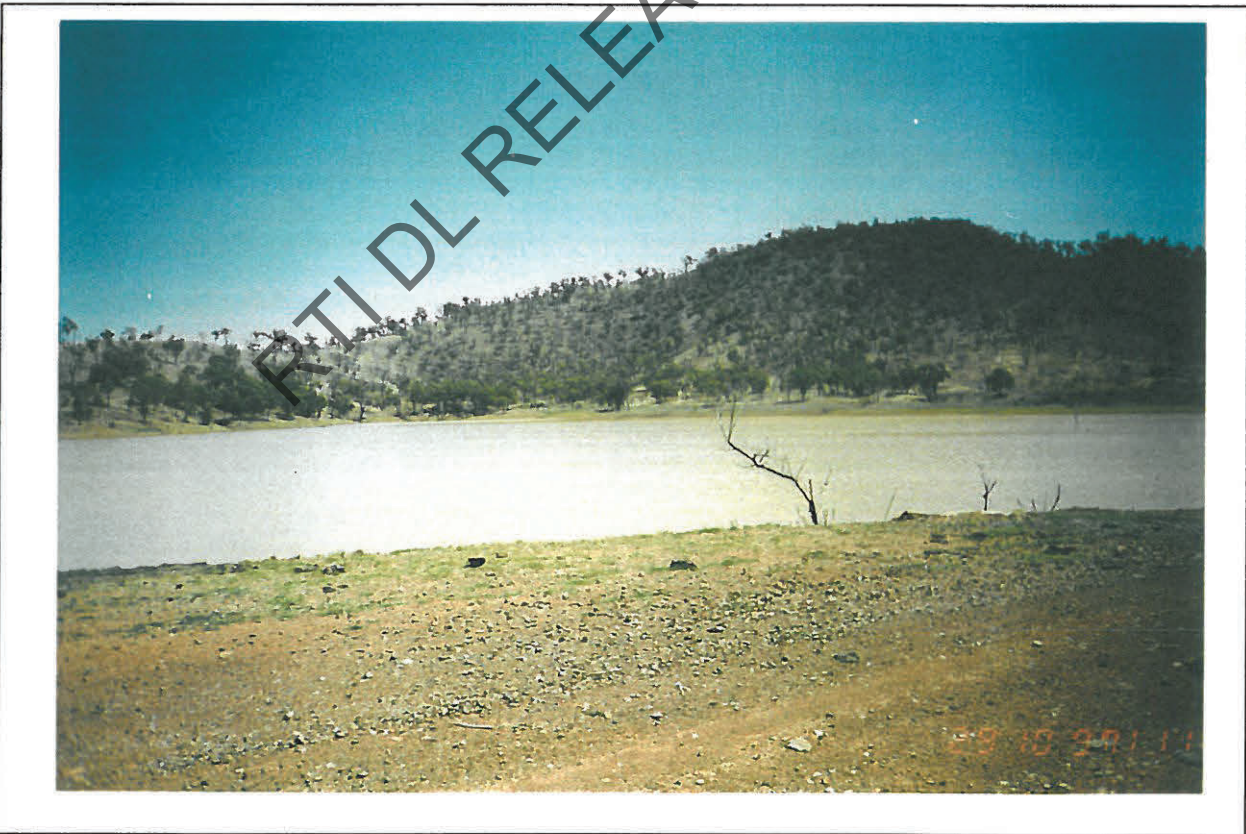


View from old Caravan Park site looking back towards the entry from the main road. Note internal road construction, terracing, etc.

006



View over bay from which water sports were operated and water intake for the resort was located.



As above