



Management Resources for Development Projects

5-10-88

THIS LETTER REPLACES OUR LETTER HANDED
TO MR. DAVID ARBON ON 4-10-88 BY OUR
MR. BILL MORRIS.

WITH COMPLIMENTS

Evandale Place, 142 Bundall Road, Surfers Paradise,
Queensland, 4217, Australia.
P.O. Box 6719, Gold Coast Mail Centre, Queensland, 4217.
Telephone: (075) 38 9577 Fax: (075) 388145 Telex: BURPAR 43326

PRODAP SERVICES

Management Resources for Development Projects

October 4, 1988

Our Ref: 69088 PS1500
ASCBUFFR WJM:MT
Your Ref: 555/12/3 (5)

Albert Shire Council,
Nerang Street,
NERANG. QLD. 4211.

Attention: Mr. David Arbon

Dear Sir,

RE: FOREST HILLS ESTATE - STAGE 5

"WITHOUT PREJUDICE"


We refer to our telephone conversation of this day, and Council's most recent requirement that a buffer area of 500 metres be established between the extractive zoning boundary (as modified in Council's Conditions) and residential development.

The report of David Kershaw dated 20 July, 1988 (page 20) which was submitted to Council's August Meeting, referred to a distance of 350 metres from the quarry blasting face as having a factor of safety of four (4) with respect to a safe quarry blasting buffer zone.

You will see from the enclosed Plan No. C1495:00:13A that this 500 metre buffer distance, when referenced to the extractive boundary, affects almost the whole of the Estate, including part of Stage 4 which has previously been approved by Council.

Will you please clarify the reference point from which this new buffer distance is based, and whether there is an opportunity to negotiate this Condition prior to the matter going to Appeal.

Yours faithfully,
PRODAP SERVICES


W.J. MORRIS,
Managing Director.

Encl: Plan No. C1495:00:13A

42

ALBERT SHIRE COUNCIL	
RECEIVED	
- 6 OCT 1988	
ASSESS No.	.....
\$
RECT. No.	T.P.
REFER TO	555/12/3 (5)
FILE No.	.....

PRODAP SERVICES

Management Resources for Development Projects

October 17, 1988

Our Ref: ASCFHE5 PS1500
71788 WJM:CV

The Shire Clerk,
Albert Shire Council,
P O Box 172,
NERANG. QLD. 4211.

ALBERT SHIRE COUNCIL	
RECEIVED	
17 OCT 1988	
ASSESS No.	
REFER TO	T-P.
FILE No.	555/12/3

ATTENTION: MR. D. ARBON

WITHOUT PREJUDICE

Dear Sir,

RE: FOREST HILLS ESTATE, OXENFORD,
SUBDIVISION APPLICATION FOR STAGE 5.

We act on behalf of Midland Credit Limited and refer to our meeting in your offices on Friday 14 October, 1988. We enclose a letter from our client's solicitor, Henderson Trout, Brisbane proposing amended conditions to the approval for Stage 5 as discussed at the meeting.

Subsequent to that meeting, we have referred the matter to our consulting geologist, Mr. David Kershaw, to comment on the positioning of the new re-zoning line and its effects on the economic viability of a possible future quarry operation.

Mr. Kershaw has advised that the line shown in red as agreed in principle at our meeting as a proposed boundary between the Extractive and Rural "B" land is restrictive for two reasons:

- i) The area now available for stockpiling of material is insufficient, after taking into consideration the other infrastructure required such as workshops, administration area, explosives compounds,
- and ii) The reduction in road length on Bench 34 will result in gradients in excess of the minimum 1 in 10 required for haulage vehicles operating at minimum noise levels.

.../2

Consequently, Mr. Kershaw has suggested an amended line to the east of the previously proposed line, shown coloured orange on the plan C1495:00:13B, enclosed. *"No plan 'B' only plan 'A' - B. Webb"*

This line represents the maximum buffer area, which in his expert opinion, allows a reasonably efficient and viable use of the extractive land for quarrying operations. Any lesser area would unacceptably impede the economic viability and practical operation of the benching, road layout and stockpiling areas.

We therefore propose that an amended boundary line between the reduced Extractive Zone and the land to be re-zoned Rural "B" be accepted by Council as a reasonable compromise which will provide adequate buffering as well as a viable quarry operation.

The "Line of Immunity", (marked in purple) outside which future subdivision applications will not be affected by quarrying considerations remains unaltered from our discussions at our Friday meeting.

We look forward to your Planning Committee's approval of this proposal, with the view to full Council approval at its October meeting, enabling the immediate commencement of Stage 5 construction.

Yours faithfully,
PRODAP SERVICES


W.J. MORRIS
Managing Director

- Encl: i) Letter from Henderson Trout.
 ii) Plan C1495:00:13B as amended.

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Your Reference SSC
Our Reference KMT:JCC
Direct Line 228-5764

Henderson Trout

Solicitors and Notaries

17th October 1988

Without Prejudice

Messrs. King & Co.,
Solicitors,
69 Ann Street,
BRISBANE Qld. 4000

Dear Sirs,

Re: Burchill Bate Parker & Partners Pty. Ltd. -v- Albert Shire Council

We refer to our without prejudice meeting with Councillor Kleinshmidt and Mr. R. Penhalligon and Mr. D. Arbon of the Albert Shire Council on 14th October, 1988. We confirm as discussed at that Council meeting that our client will be prepared to settle the appeal on the following conditions:-

- (a) deletion of conditions 1, 3, 4, 4(c) and 11 of the Conditions of Approval;
- (b) inclusion of the following conditions:-

(i) The Applicant is to enter into a Deed of Agreement with Council pursuant to which:-

- A. The Applicant agrees not to subdivide land to the west of the line of immunity shown on Plan C1495:00:13B until quarry operations have ceased (that is extraction or treatment of quarry rock from the land zoned Extractive Industry and described as part of Lot 1 on Registered Plan No. 205547;
- B. Council acknowledges and agrees that it will not take objection to any application lodged for residential subdivision in respect of the balance of the Forest Hill estate east of the "line of immunity" on grounds of proximity of the Extractive Industry zoned land or impose any conditions in respect of same;

PARTNERS
AC Fredeleagus CBE AM RFD
George W Deeb
Michael J Morrow
Ross Grainger-Smith
Ian F Holland
Geoffrey N Harley
Ian W Morrow
Jeremy C Charlston
Paul H Corbiere
Michael O Klug
John D Elliott
David G Cominos
Ralph D Fraeger
David S Ruthie
Ross G Perrett
John C Petrie
Timothy D Ferrier
Christopher T Coyne
Roger J Burrell
Randal J Dennings
Peter L Gore
Christopher L Taylor
Alan H Maguire
Archibald Fletcher
ASSOCIATES
Thomas P Drakopoulos
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Catherine R Davis
Simon W Lang
Paul G Callaghan
Sally A Pitkin
Gary I Goldman
Peter D White
Karen M Trainor
CONSULTANTS
Norman N Amos
Brian J Conrick

2.

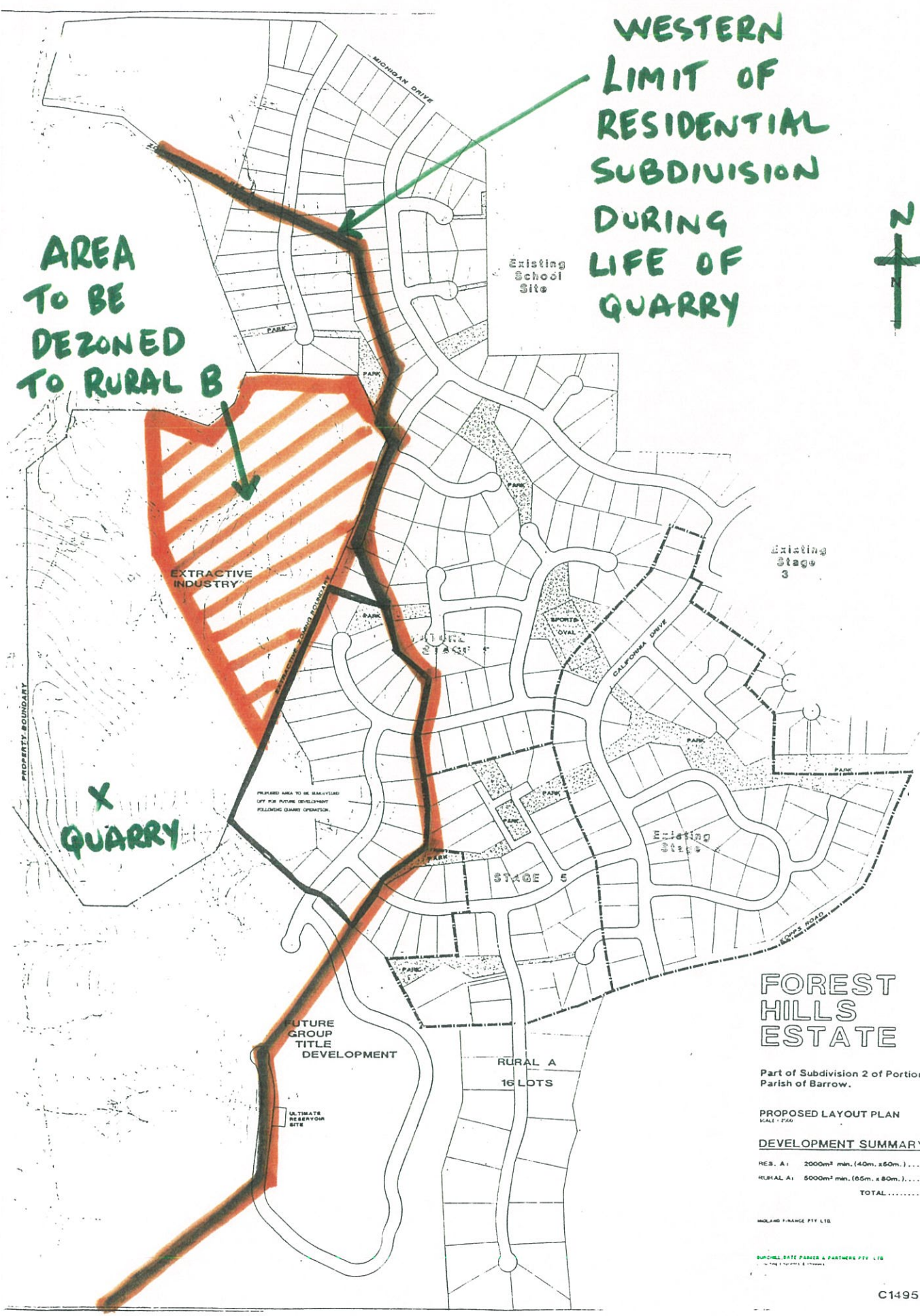
17th October 1988
Messrs. King & Co.

(ii) The Applicant will immediately apply for rezoning of land marked on Plan C1495:00:13B to the Rural B zone.

We understand that this matter will be before the Planning and Development Committee on Monday. We look forward to receiving a favourable response. If the appeal settles on this basis, we suggest that the matter be mentioned at the next possible date before the Local Government Court so that work can commence on Stage 5 immediately following.

Yours faithfully,
Henderson Trout

Henderson Trout



FOREST HILLS ESTATE

Part of Subdivision 2 of Portion 42, Parish of Barrow.

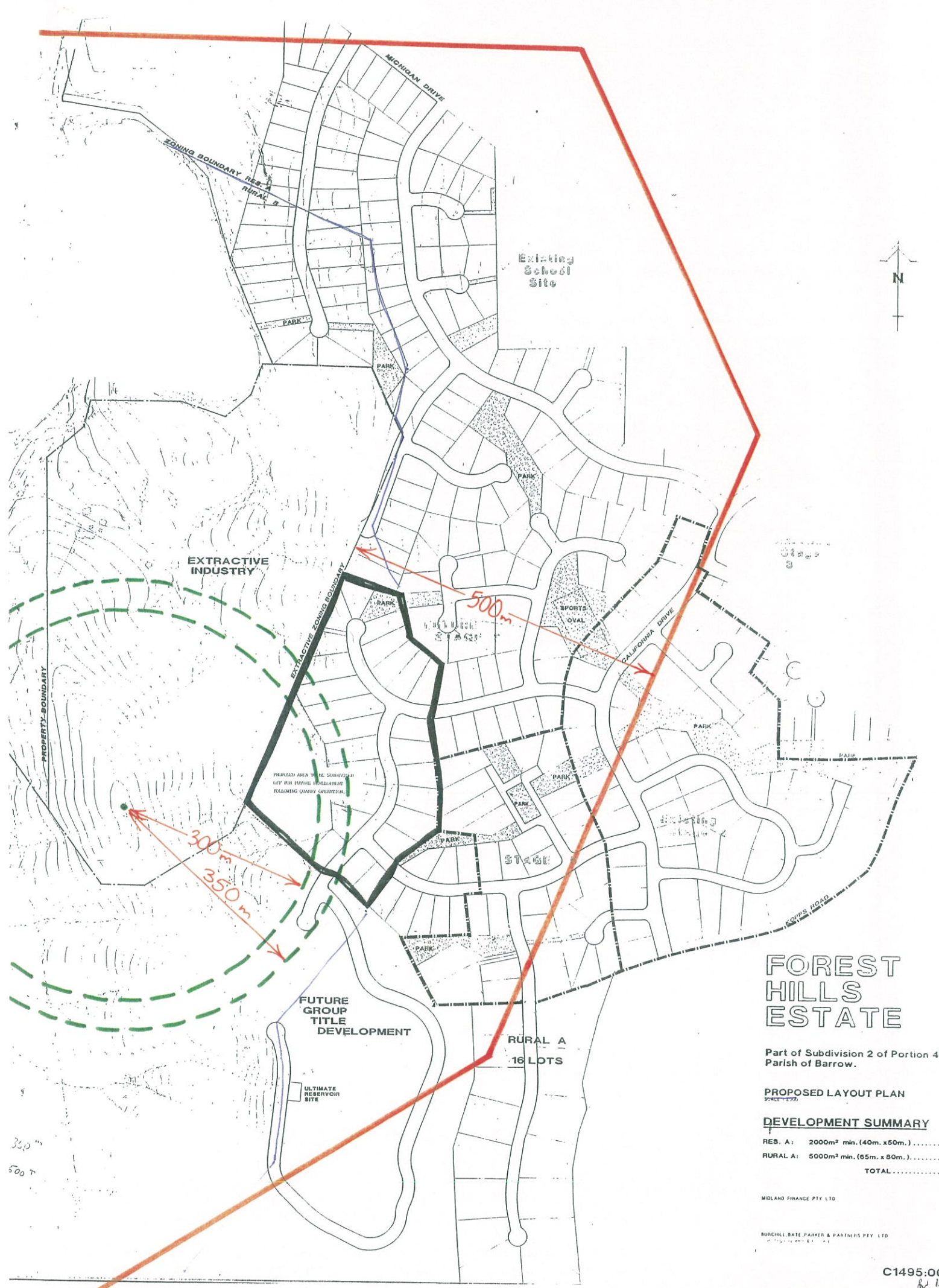
PROPOSED LAYOUT PLAN
SCALE: 1:500

DEVELOPMENT SUMMARY

RES. A1	2000m ² min. (40m. x 60m.)	273 Lots
RURAL A1	5000m ² min. (65m. x 80m.)	16 Lots
TOTAL		289 Lots

MOLAND FINANCE PTY LTD

BURCHILL, BATE, PARKER & PARTNERS PTY LTD
100 King Street, Perth, Western Australia



FOREST HILLS ESTATE

Part of Subdivision 2 of Portion 4 Parish of Barrow.

PROPOSED LAYOUT PLAN

DEVELOPMENT SUMMARY

RES. A:	2000m ² min. (40m. x 50m.)	.....
RURAL A:	5000m ² min. (65m. x 80m.)	.....
TOTAL		.....

MIDLAND FINANCE PTY LTD

BURCHILL, BATE, PARKER & PARTNERS PTY LTD

C1495:00

SCALE 1:500

PLANNING & DEVELOPMENT COMMITTEE - MINUTES

17/10/88

(4) TOWN PLANNING CORRESPONDENCEITEM 4.9Prodap ServicesForest Hills Estate - Stage 5

555/12/3 (5)

By letter dated 4th October 1988, the applicants refer to Council's requirement that a buffer area of 500 metres be established between the extractive zoning boundary (as modified in Council's conditions) and residential development.

The report of David Kershaw dated 20th July 1988, which was submitted to Council's August meeting, referred to a distance of 350 metres from the quarry blasting face as having a factor of safety of four (4) with respect to a safe quarry blasting buffer zone.

As seen by Plan No. C1495:00:13A, this 500 metre buffer distance, when referenced to the extractive boundary, affects almost the whole of the estate, including part of Stage 4 which has previously been approved by Council.

It is requested that Council clarify the reference point from which this new buffer distance is based, and whether there is an opportunity to negotiate this condition prior to the matter going to Appeal.

REPORT

The matter has been referred to Council's solicitors, and their advice is tabled for information.

Council's solicitors have engaged the services of a consultant town planner, J. Humphries, to report on the Kershaw report submitted by the applicant.

His report will be tabled for Council consideration.

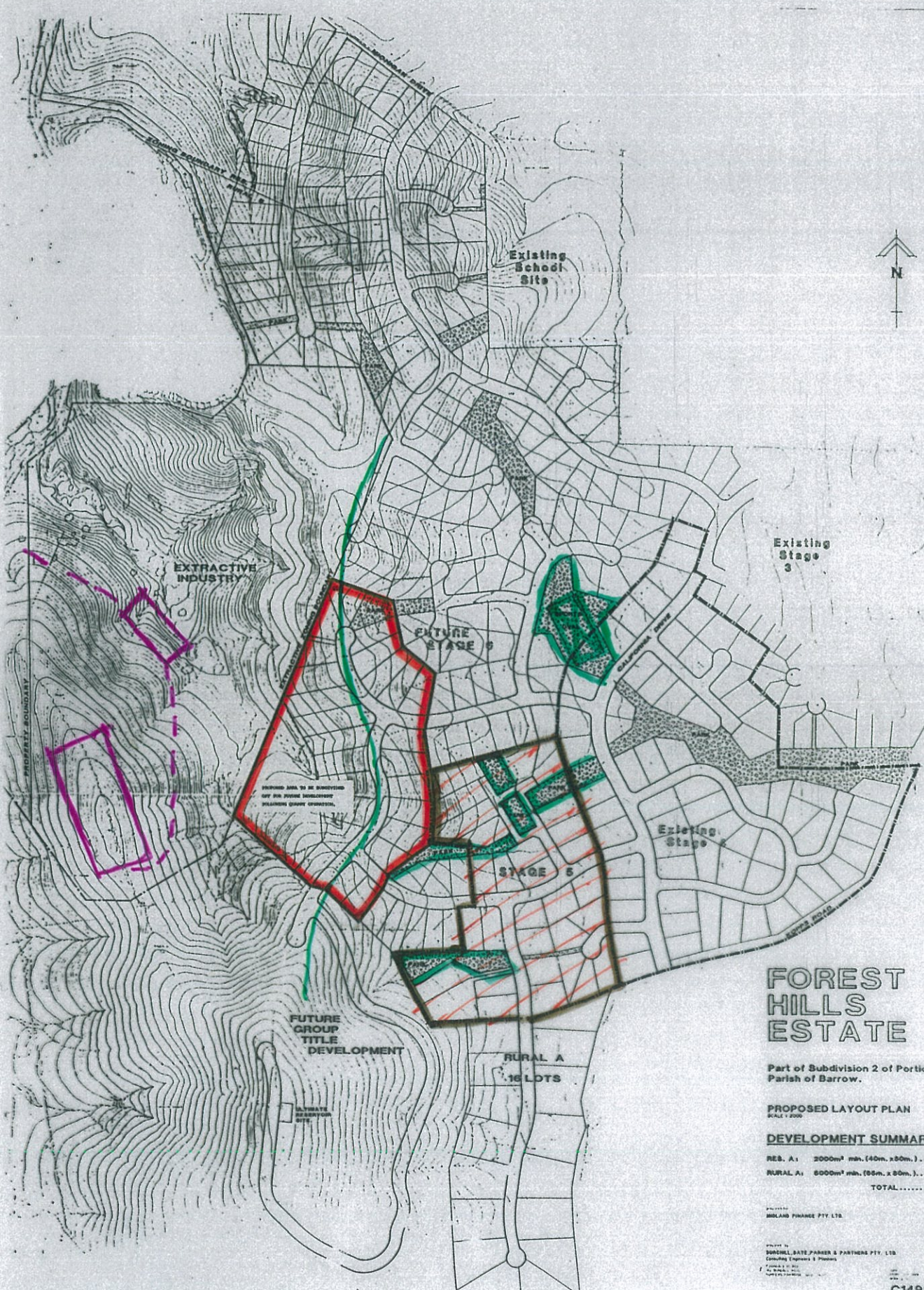
The applicant has requested a without prejudice conference with Council to discuss the matter.

RECOMMENDATION

P88 10 018 moved Cr. Kleinschmidt, seconded Cr. Costigan

THAT COUNCIL IS PREPARED TO SETTLE THE APPEAL SUBJECT TO A DEVELOPMENT AGREEMENT LIMITING QUARRY DEVELOPMENT AND SUBDIVISIONAL DEVELOPMENT IN ACCORDANCE WITH PLAN C1495:00:13B, AND SUBJECT TO COUNCIL'S NORMAL CONDITIONS OF SUBDIVISIONAL APPROVAL.

CARRIED



FOREST HILLS ESTATE

Part of Subdivision 2 of Portion 42,
Parish of Barrow.

PROPOSED LAYOUT PLAN
SCALE 1:2000

DEVELOPMENT SUMMARY

RES. A1	2000m ² min. (40m. x 50m.)	..... 273 Lots
RURAL A1	8000m ² min. (60m. x 80m.)	..... 16 Lots
TOTAL		..... 289 Lots

PREPARED BY
HIGHLAND FINANCE PTY LTD.

DESIGNED BY
BUTCHER, BATE, PARKER & PARTNERS PTY. LTD.
CONSULTING ENGINEERS & PLANNERS
100/101, 102/103, 104/105, 106/107, 108/109, 110/111, 112/113, 114/115, 116/117, 118/119, 120/121, 122/123, 124/125, 126/127, 128/129, 130/131, 132/133, 134/135, 136/137, 138/139, 140/141, 142/143, 144/145, 146/147, 148/149, 150/151, 152/153, 154/155, 156/157, 158/159, 160/161, 162/163, 164/165, 166/167, 168/169, 170/171, 172/173, 174/175, 176/177, 178/179, 180/181, 182/183, 184/185, 186/187, 188/189, 190/191, 192/193, 194/195, 196/197, 198/199, 200/201, 202/203, 204/205, 206/207, 208/209, 210/211, 212/213, 214/215, 216/217, 218/219, 220/221, 222/223, 224/225, 226/227, 228/229, 230/231, 232/233, 234/235, 236/237, 238/239, 240/241, 242/243, 244/245, 246/247, 248/249, 250/251, 252/253, 254/255, 256/257, 258/259, 260/261, 262/263, 264/265, 266/267, 268/269, 270/271, 272/273, 274/275, 276/277, 278/279, 280/281, 282/283, 284/285, 286/287, 288/289, 290/291, 292/293, 294/295, 296/297, 298/299, 300/301, 302/303, 304/305, 306/307, 308/309, 310/311, 312/313, 314/315, 316/317, 318/319, 320/321, 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2082/2083, 2084/2085, 2086/2087, 2088/2089, 2090/2091, 2092/2093, 2094/2095, 2096/2097, 2098/2099, 2100/2101, 2102/2103, 2104/2105, 2106/2107, 2108/2109, 2110/2111, 2112/2113, 2114/2115, 2116/2117, 2118/2119, 2120/2121, 2122/2123, 2124/2125, 2126/2127, 2128/2129, 2130/2131, 2132/2133, 2134/2135, 2136/2137, 2138/2139, 2140/2141, 2142/2143, 2144/2145, 2146/2147, 2148/2149, 2150/2151, 2152/2153, 2154/2155, 2156/2157, 2158/2159, 2160/2161, 2162/2163, 2164/2165, 2166/2167, 2168/2169, 2170/2171, 2172/2173, 2174/2175, 2176/2177, 2178/2179, 2180/2181, 2182/2183, 2184/2185, 2186/2187, 2188/2189, 2190/2191, 2192/2193, 2194/2195, 2196/2197, 2198/2199, 2200/2201, 2202/2203, 2204/2205, 2206/2207, 2208/2209, 2210/2211, 2212/2213, 2214/2215, 2216/2217, 2218/2219, 2220/2221, 2222/2223, 2224/2225, 2226/2227, 2228/2229, 2230/2231, 2232/2233, 2234/2235, 2236/2237, 2238/2239, 2240/2241, 2242/2243, 2244/2245, 2246/2247, 2248/2249, 2250/2251, 2252/2253, 2254/2255, 2256/2257, 2258/2259, 2260/2261, 2262/2263, 2264/2265, 2266/2267, 2268/2269, 2270/2271, 2272/2273, 2274/2275, 2276/2277, 2278/2279, 2280/2281, 2282/2283, 2284/2285, 2286/2287, 2288/2289, 2290/2291, 2292/2293, 2294/2295, 2296/2297, 2298/2299, 2300/2301, 2302/2303, 2304/2305, 2306/2307, 2308/2309, 2310/2311, 2312/2313, 2314/2315, 2316/2317, 2318/2319, 2320/2321, 2322/2323, 2324/2325, 2326/2327, 2

ASCHFHE5 PS1500 71788 WJM:CV
Town Planning Dept. 555/12/3 (5)
Minute No. P88 10 018

1 NOV 1988

The Managing Director,
Prodap Services,
P.O. Box 6719,
GOLD COAST MAIL CENTRE. Q. 4217.

Dear Sir,

re: FOREST HILLS ESTATE - STAGE 5

With reference to your letter of the 17th October, 1988, I am directed to advise that Council is prepared to settle the appeal, subject to a development agreement limiting quarry development and subdivisional development, in accordance with Plan C1495:00:13B, and subject to Council's normal conditions of subdivisional approval.


Yours faithfully,

for T.R. Moore
SHIRE CLERK

c.c. King and Company,
Solicitors,
G.P.O. Box 758,
BRISBANE. Q. 4001.

Your reference: SFC:GT:AA6224

For your information.



JOHN P. MARENDY & ASSOCIATES

CONSULTING SURVEYORS

JOHN P. MARENDY, L.S., B. SURV., M.I.S. AUST.
LICENSED QUEENSLAND AND REGISTERED N.S.W.

Telephone (075) 32 3457
(075) 32 8160
6 Bay Street,
Southport. 4215.
P.O. Box 224,
Southport. 4215.



A MEMBER FIRM OF
THE ASSOCIATION OF CONSULTING
SURVEYORS (QUEENSLAND) LIMITED

25th May 1989

your ref.

our ref. JM:FW/87/352

The Shire Clerk
Albert Shire Council
P.O. Box 72
NERANG QLD 4211

Dear Sir,

ALBERT SHIRE COUNCIL	
RECEIVED	
25 MAY 1989	
AGGREG No.	
\$	120.00
RECT. No.	491468
REFER TO	M.W.
FILE No.	555/12/3 (1-4)

RE: POR. 42 OXENFORD - COOMERA GORGE ROAD

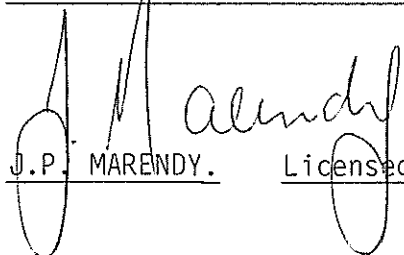
MIDLAND CREDIT LIMITED

Attached for your attention are:

1. Application for proposed subdivision.
2. Four (4) copies of plan A3-281.
3. Copy of R.P. 220690.
4. Application fees of \$120.00.

We request that Council gives due consideration to this application and advise this office of its decision in due course.

Yours faithfully,
JOHN P. MARENDY & ASSOCIATES


J.P. MARENDY. Licensed Surveyor.

FORM S.1

ALBERT SHIRE COUNCIL

OFFICE USE

APPLICATION FOR SUBDIVISION OF LAND

Application is hereby made for the approval of Council to the subdivision of land as described hereunder.

File No: 12/3 (1-4)
 Fees Payable: 140
 Fees Paid: 120.00
 Receipt No: 491468
25.5.89

APPLICANT Name: JOHN P MARENDY & ASSOCIATES
 Address: P.O. BOX 224
SOUTHPORT 4215 Phone: 323457

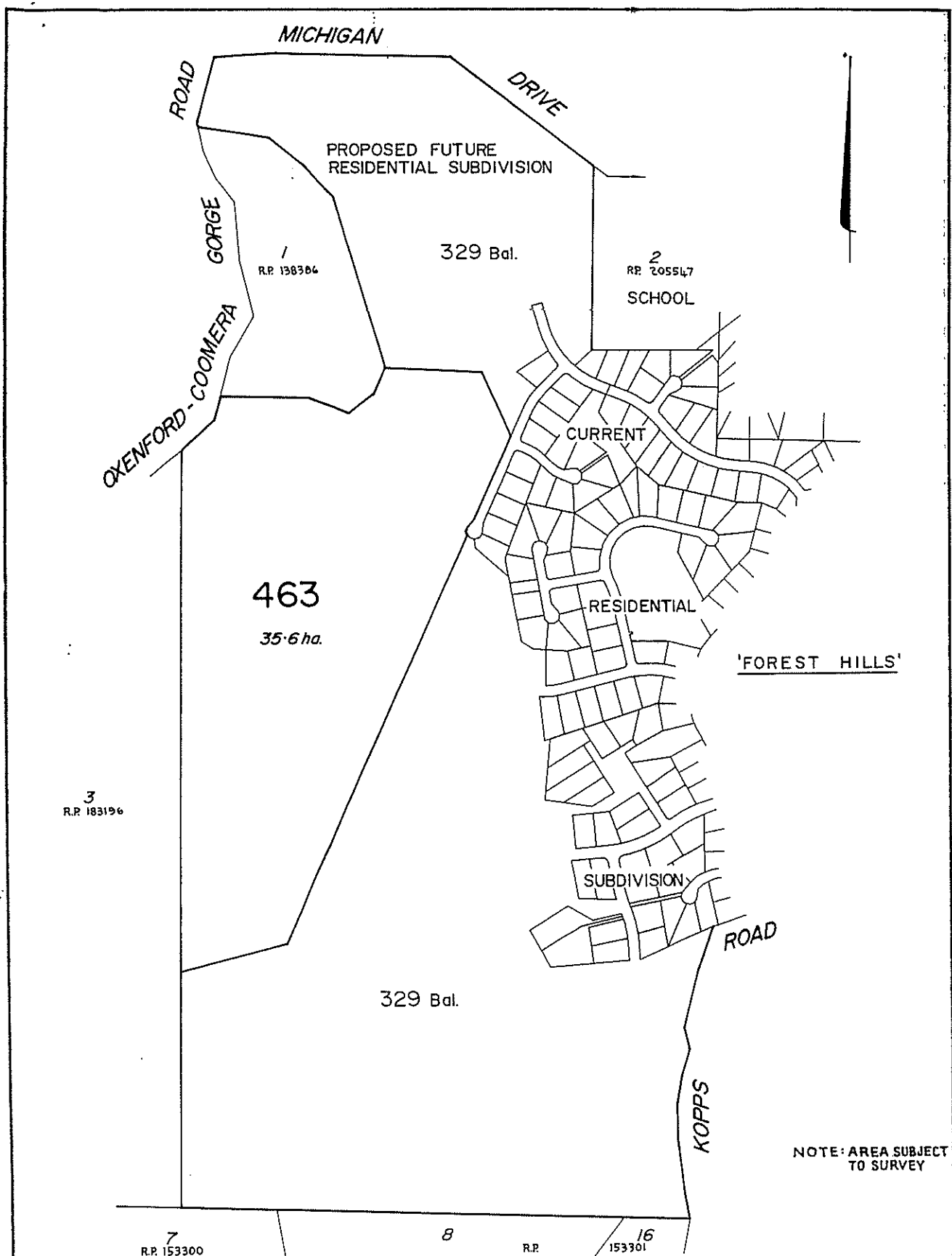
REGISTERED OWNER OF LAND Name: MIDLAND CREDIT PTY. LTD.
 Address: CI- PRODAP SERVICES
P.O. BOX 6719, GOLD COAST MAIL CENTRE Phone: 389577

CONSULTANT Name: J. MARENDY
 Address: (AS ABOVE) Phone: _____
 Qualification: LICENSED SURVEYOR
 An application for subdivision of land must be submitted through an Authorised Surveyor, Consulting Civil Engineer, or Consulting Town Planner.

LAND Complete Real Property Description of Land Proposed to be subdivided: PART LOT 329 ON RP. 222358
 Portion: 42 Parish: BARROW
 Street/Road Name: _____
 Locality: OXENFORD
 Town Plan Zoning: PART EXTRACTIVE & PART RURAL B.

SUBDIVISION Name of Proposed Subdivision, (if any): _____
 Stage No. (if applicable): N/A
 Type of Approval Requested: DETAILED
 (i.e. detailed, or in Principle only)
 If Stage Development Proposed Number of Stages: N/A
 Purpose of Subdivision: EXTRACTIVE INDUSTRY
 (i.e. Residential, Rural Residential, Industrial, Commercial or Special Use)
 Total Area of Subdivision: 35.6 ha/m²
 Total No. of Lots (not incl. Parks, etc.): 1 plus Balance Area.
 Minimum Allotment Area: 35.6 ha/m²
 Average Allotment Area: _____ ha/m²
 (total area of subdivision divided by number of lots)
 Total Area to be dedicated for Park Purposes: NIL ha/m²
 Percentage of total area of Subdivision to be dedicated for Park Purposes: NIL. %
 Length of New Road: NIL m
 Preferred Street Names: N/A
 (Indicate on Plan. If no names are nominated, will be allocated by Council.

Antony
 2- JUN 89
18.



JOHN P MARENDY AND ASSOC.
CONSULTING SURVEYORS
6 BAY ST.
SOUTHPORT. 4215
P.O. BOX 124.
SOUTHPORT. 4215
TELEPHONE (075) 323457
328160

PROPOSED LOT 463 CANCELLING
PART OF LOT 329 ON R.P.220690
PARISH OF BARROW COUNTY OF WARD

NOTE: THIS PLAN IS SUBJECT TO SURVEY AND COUNCIL APPROVAL.

JOB NO 87-352
SCALE 1:600
PLAN NO
A3-281

37

CERTIFICATES

APPLICANT

I hereby apply to approval to subdivide the land described in this application, in accordance with the details contained in this application, and in accordance with the attached proposal plan.

Date:

24/5/89

Signature of Applicant:

J. M. Almond

NOTE:-

If the application is made in the name of a Company, the name of the Company is to be stated, and also the full name and capacity of the person signing the application on behalf of the Company.

OWNER

(or Authorised Agent)

I hereby consent to the submission to Council of this application to subdivide the land described herein, of which I am the registered owner.

Date:

24.5.89

Signature of Registered Owner:
(or Authorised Agent)

J. Morris

NOTE:-

The application must be signed by the Registered Owner of the land, unless the application is accompanied by a written authority, signed by the owner, authorising the person signing this application to act as his agent.

CONSULTANT

I certify that the information contained in this application, and in the attached proposal plan, is correct and complete to the best of my knowledge.

Date:

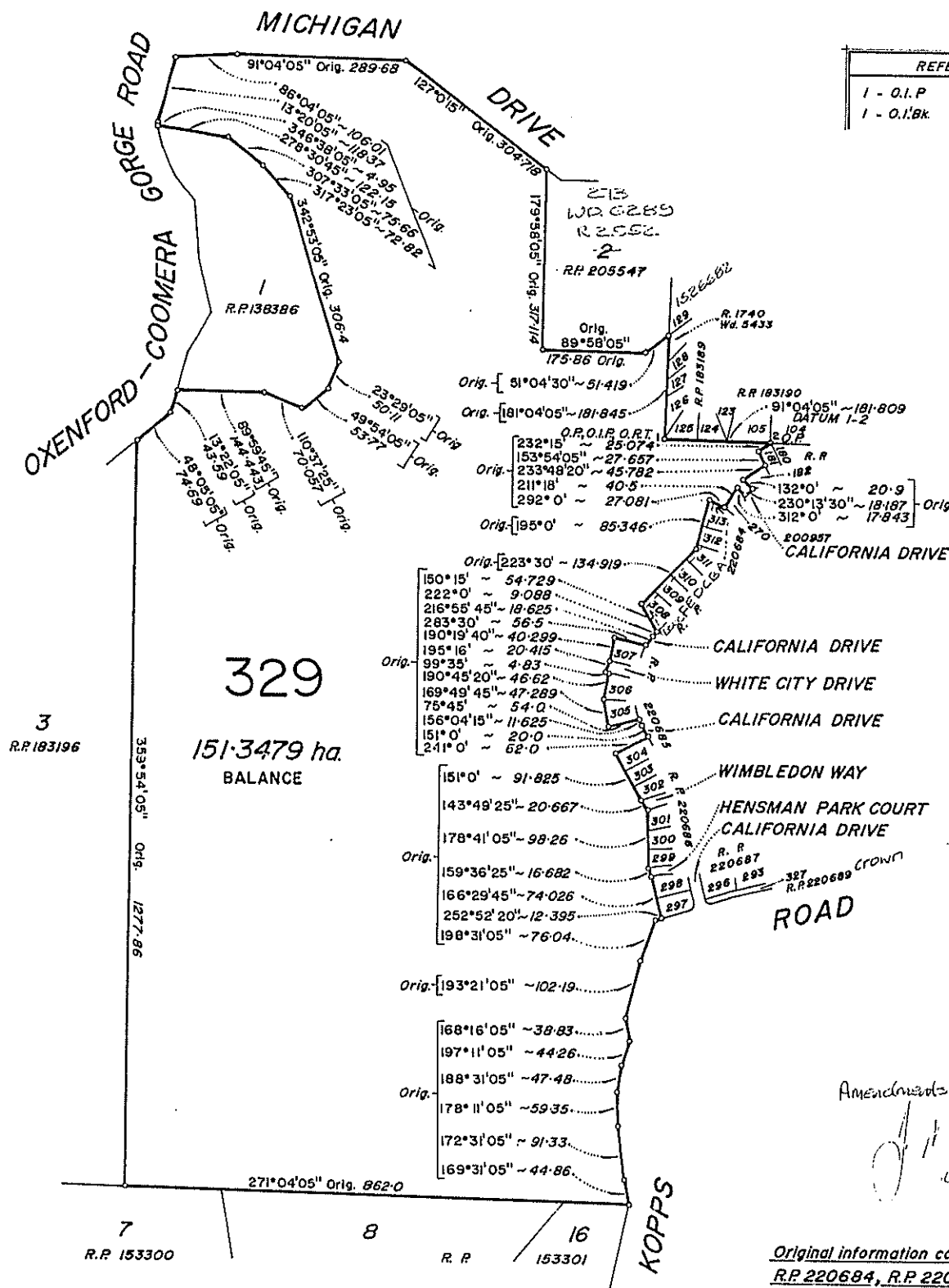
24/5/89

Signature of Authorised Surveyor:
Consulting Civil Engineer, or
Consulting Town Planner

J. Mandy

108

REFERENCE MARKS		
1 - O.I.P	246°15'40"	2-104
1 - O.I.Bk	310°51'05"	5-13



Amendments for recd by me,
J. J. Cullen
 Licensed Surveyor
 20.6.84

Original information compiled from R.P. 205547,
 R.P. 220684, R.P. 220685, R.P. 220686
 R.P. 220687, R.P. 220688 & R.P. 220689
 in Titles Office, Brisbane.

No. FIELD NOTES LOGGED		PLAN OF Lot 329		ORIG. PORTION 42	
ORIGINAL GRANT 35703		Cancelling balance of Lot 1 on R.P. 205547		TOWN	
				PARISH BARROW	
				COUNTY Ward	
MAP REF. 9542-23, TM Oxenford & Diag on Back	PROCLAIMED SURVEY AREA	SURVEYED BY J. J. MARENDY ... 21.1.3.1.88...	MERIDIAN	SCALE 1:7500	REGISTERED PLAN 220690

PLAN MUST BE DRAWN WITHIN BLUE LINES

FORM S3

ALBERT SHIRE COUNCIL

REPORT ON PROPOSED SUBDIVISION

File No. : 555/12/3 [1 - 4]
Applicant : MIDLAND CREDIT PTY LTD
Consultant : JOHN MARENDY & ASSOCS.
Location : KOPPS ROAD OXFENFORD
Cancelling : PART LOT 329 R P 222358 POR. 42 P/BARROW
Total Area : 35.6 ha.
No. of Lots : 1 + BAL AREA
Min. Lot Area : 35.6 ha.
Proposed Use : EXTRACTIVE INDUSTRY
Town Plan Zoning : PART EXTRACTIVE & PART RURAL B

REPORT:-

The proposal conforms (~~does NOT conform~~) with the Town Plan zoning, and conforms (~~does NOT conform~~) with Subdivision Bylaw requirements, and with the approved overall plan for the development.

THE PROPOSAL IS FOR THE EXCISION OF
THE EXTRACTIVE INDUSTRY AREA FROM PART OF LOT 329
R P 222358, TWO BALANCE AREAS ARE PRODUCED.

RECOMMENDATION

A. THAT THE PROPOSAL BE APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:- (See Attached)

- (1) ~~PROVISION~~ CONSTRUCTION OF ACCESSES TO LOT 463 TO THE
SATISFACTION OF THE MAIN ROADS DEPARTMENT

(2) This approval is valid for two (2) years only from this date, and unless all conditions of the approval are fully complied with to the satisfaction of Council and a satisfactory survey plan submitted for sealing within this time, the approval will lapse.

~~B. THAT THE PROPOSAL BE NOT APPROVED, BEING:-~~

- (i) ~~Contrary to Town Plan zoning.~~
(ii) ~~Not in conformity with Subdivision Bylaw requirements, in that~~
(iii)

2 - JUN 1989

RG

PLANNING & DEVELOPMENT COMMITTEE - MINUTES

20/6/89

(12) SUBDIVISION APPLICATIONS**ITEM** 12.34

File No. : 555/12/3 (1-4)
Applicant : Midland Credit Pty Ltd
Consultant : John Marendy & Associates
Location : Kopps Road, Oxenford
Cancelling : Part Lot 329 RP 222358, Portion 42, Parish of Barrow
Area : 35.6 ha.
Lots : 1 and balance area
Min. Size : 35.6 ha.
Proposed Use : Extractive Industry
Zoning : Part Extractive Industry & part Rural B

REPORT:-

The proposal conforms with Town Plan zoning, and conforms with Subdivision Bylaw requirements, and with the approved overall plan for the development.

The proposal is for the excision of the Extractive Industry area from part of Lot 329 RP 222358, two balance areas are provided.

RECOMMENDATION

P89 6 142 moved Cr Kleinschmidt, seconded Cr Handley,
THAT THE APPLICATION BE DEFERRED FOR FURTHER INVESTIGATION.

CARRIED

FR 555/12/3 (1-4)
C. Jenkins
Minute No. P89 6 142

30 JAN 1980


John P Marendy & Associates
P O Box 224
SOUTHPORT QLD 4215

Dear Sir,

RE: PROPOSED SUBDIVISION PART LOT 329 R.P. 222358,
PARISH OF BARROW
KOPPS ROAD, OXENFORD

With reference to the above application, I am directed to advise
that the application be deferred for further investigation.

Yours faithfully,


for T.R. Moore
SHIRE CLERK

Encl.

(Deferred from June meeting).

555/12/3 (1-4) Midland Credit Pty Ltd., Koppes Road, Oxford

At its June meeting, Council deferred consideration of the proposed subdivision of Lot 329 in RP 220690 to ~~the~~ exist the land zoned for extractive purposes. This existed land is represented by the proposed Lot 463.

Council originally ~~holds~~ signed a development agreement ~~for~~ with Heringe Research + Development for the development of ~~the~~ land of which this area forms a part.

A bond of \$50,000 is currently held ~~with~~ by Council in the name of Midland Credit for the construction of passing lanes at the ^{proposed} entrance to the site. A further bond of \$10,000 is required to cover satisfactory performance of the proposed works.

Res. That the proposal be approved subject to

1. Construction of access to Lot 463 to the satisfaction of the M.R.D.
2. ~~This approval is valid for 2 years only etc.~~
Payment of a bond for \$10,000 for satisfactory performance of the quarry in accordance with the development agreement.
3. ~~Transfer of the development agreement for development of the land with any~~
This approval is valid for 2 years only etc.

PLANNING & DEVELOPMENT COMMITTEE - MINUTES

17-18/7/89

(3) BUSINESS ARISINGITEM 3.9 (D1)

Midland Credit Pty Ltd
Proposed Subdivision, Koppes Road, Oxenford
555/12/3 (1-4)

(Ex. Minute No. P89 6 142 - that the application be deferred for further investigation.)

At its June Meeting, Council deferred consideration of the proposed subdivision of Lot 329 on RP 220690 to excise the land zoned for extractive purposes. This excised land is represented by the proposed Lot 463.

Council originally signed a development agreement with Herringe Research and Development for the development of land of which this area forms a part.

A bond of \$50,000 is currently held by Council in the name of Midland Credit for the construction of passing lanes at the proposed entrance to the site. A further bond of \$10,000 is required to cover satisfactory performance of the proposed works.

RECOMMENDATION

P89 7 010 moved Cr. Kleinschmidt, seconded Cr. Hughes

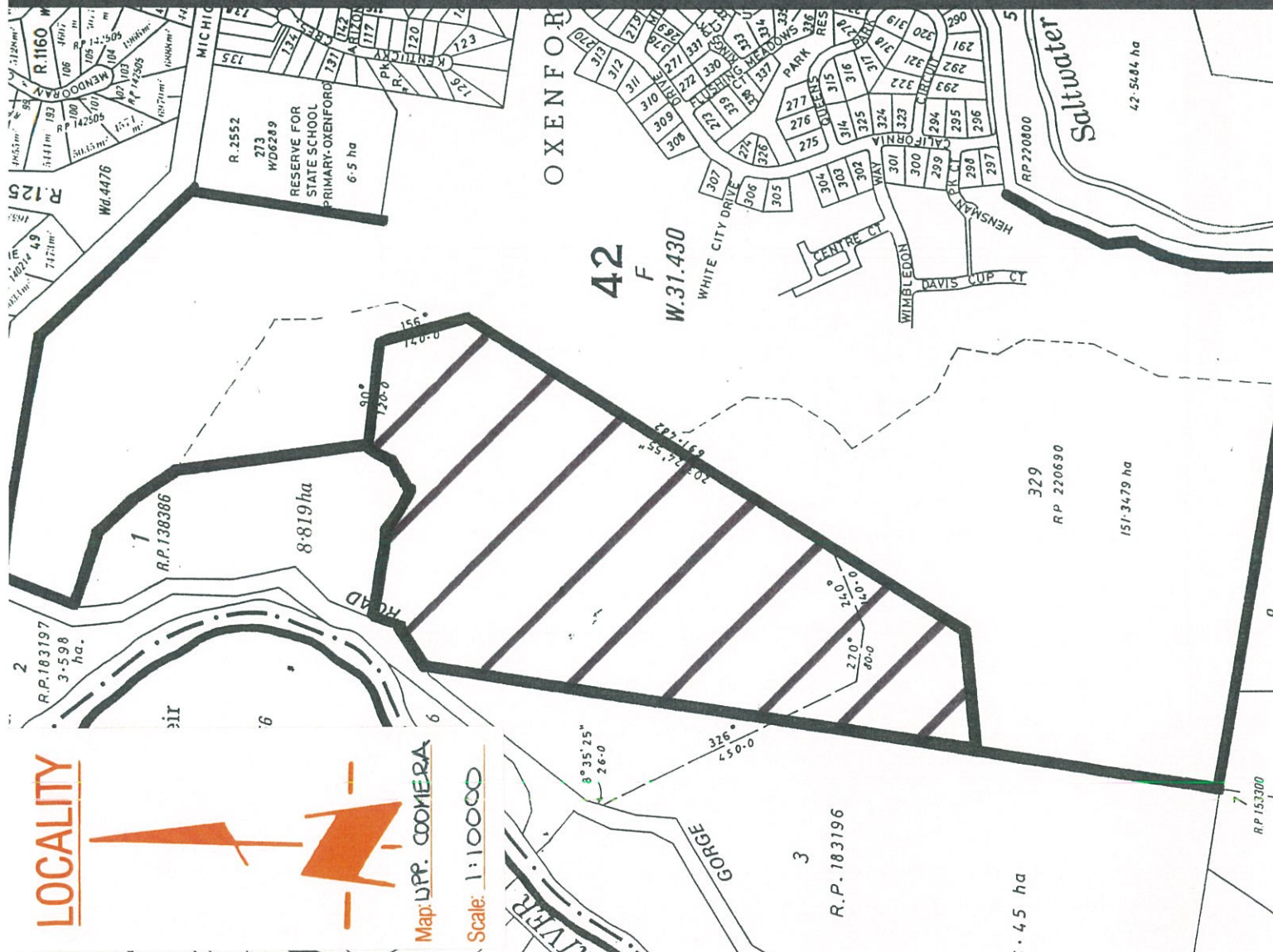
THAT THE PROPOSAL BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. Construction of access to Lot 463 to the satisfaction of the Main Roads Department.
2. Payment of a bond for \$10,000 for satisfactory performance of the quarry in accordance with the development agreement.
3. That the proposal be approved, subject to the approval being valid for two (2) years only from this date, and unless all conditions of the approval are fully complied with to the satisfaction of council, and a satisfactory survey plan submitted for sealing within this time, the approval will lapse.

CARRIED

CONFIRMED BY THE CHAIRMAN ON PAGE 247 OF THESE MINUTES

Scale: 1:10000



NOTE.



JM:FW/87/352
FR 555/12/3 (1-4)
W. Morton
Minute No. P89 7 010

John P Marendy & Associates
Consulting Surveyors
P O Box 224
SOUTHPORT QLD 4215

Dear Sir,

RE: PROPOSED SUBDIVISION - MIDLAND CREDIT PTY LTD
LOT 329 RP 220690, KOPPS ROAD, OXENFORD

With reference to the above application, I am directed to advise that the proposal is approved, subject to the following conditions:-

1. Construction of access to Lot 463 to the satisfaction of the Main Roads Department.
2. Payment of a bond for \$10,000 for satisfactory performance of the quarry in accordance with the development agreement.
3. That the proposal be approved, subject to the approval being valid for two (2) years only from this date, and unless all conditions of the approval are fully complied with to the satisfaction of Council, and a satisfactory survey plan submitted for sealing within this time, the approval will lapse.

Yours faithfully,

T.R. Moore

for T.R. Moore
SHIRE CLERK

Collected by the undersigned

R. J. Dale

PRODAP SERVICES

Management Resources for Development Projects

11 August 1989

Our Ref.: NERANG PS1500/24B
09289 WJM:MR

The Shire Clerk
Albert Shire Council
PO Box 172
NERANG OLD 4211

16

ALBERT SHIRE COUNCIL	
RECEIVED	
17 AUG 1989	
ASSESS No.	.....
\$
RECT. No.	.....
REFER TO	sub-(w.m.)
FILE No.	555/12/3(5)

ATTENTION : MR W. MORETON-SUBDIVISION ENGINEER

Dear Sir,

RE: FOREST HILLS ESTATE - SALE OF EXTRACTIVE LAND TO NERANG PASTORAL PTY. LTD.

We act for Midland Credit Limited and refer to our meeting on Thursday, 10 August when we discussed the pending transfer of title of Lot 463 on RP228371, Parish of Barrow, County of Ward from Midland Credit Limited to Nerang Pastoral Pty. Ltd.

As you are aware, the land is the subject of a previous agreement between Council and Midland Credit contained in the conditions of subdivision approval for Stage 5 (Your reference: Town Planning Dept. 555/12/3(5) Minute No. 889084, dated 4 October 1988). A draft Deed of Agreement was subsequently prepared by Council's solicitors, King & Co., a copy of which was given to you at our meeting.

The sale of the land due for settlement on 1 September 1989 requires that Midland Credit's obligations with respect to the agreement be transferred to the purchaser and equally, Midland Credit's entitlements under the agreement be preserved after settlement.

We confirm that we agreed that you would inform King & Co. of the following matters in respect to the Draft Deed of Agreement and necessary Deed of Novation:-

1. **Clause 5 - Application for Rezoning**

Discussions held on 25 July 1989 between Council's Mr Arbon and Nerang Pastoral's Mr Neumann have confirmed that this condition can be waived subject to an additional five lots (shown on plan C1495:00:13F, enclosed) being quarantined from development until after the completion of quarrying operations.

Therefore the obligation to rezone under Clause 5 should be deferred for a set time (say six months) pending settlement of the sale to Nerang Pastoral Company Pty. Ltd. Likewise Clause 21 should be deleted.

2. Clause 7 - Obligation of Applicant - Future Rezoning

Sub-clause 7.2 refers to "the division line", representing the boundary inside which there will be no future subdivision until after quarrying operations have ceased. This line was established using as a basis a quarry layout proposal contained in a report dated 20 July 1988 from consulting geologist David Kershaw, reference to which is made in Clause 11.2.

Nerang Pastoral has since purchased the adjoining property to the west, known previously as the "Barr Sisters land", which allows more flexibility in the quarry design and considerably alters the quarry plan proposed in the Kershaw Report. The new plan has the crushing plant located considerably further away from Forest Hills Estate, to the south-west. A plan showing the proposed location of the crushing plant and the associated quarry benching is to be submitted to you by 18 August 1989.

As we discussed, this could well allow the "division line" to move westward at least to the top of the ridge as shown dotted on Plan C1495:00:13G, and we agree that this be the subject of further negotiations with Council following the submission of the new quarry layout plan. Such negotiations would not necessarily need to be finalised prior to 1 September, but could be recognised as a point for future negotiation in the new agreement between Council and Midland Credit to be prepared by Council's solicitors prior to that date.

3. Clauses 9 and 10 - Obligations of the Council - Future Subdivision

It is important that Midland Credit's entitlements under these clauses be preserved and these entitlements will be contained in the new agreement with Council.


4. Clause 20 - Assignment by Applicant

The new agreement between Council and Midland Credit should acknowledge this clause and release Midland of its obligations in relation to the quarry land accordingly.

We confirm that it is Council's intention to instruct King & Co. to prepare the necessary documentation for the new agreements in conjunction with Midland Credit's solicitors, Henderson Trout, Brisbane, with the intention to complete the agreements prior to 1 September 1989 to allow settlement to proceed.

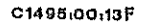
Please confirm that the above is an accurate representation of our discussions and that the matters have been forwarded to King & Co.

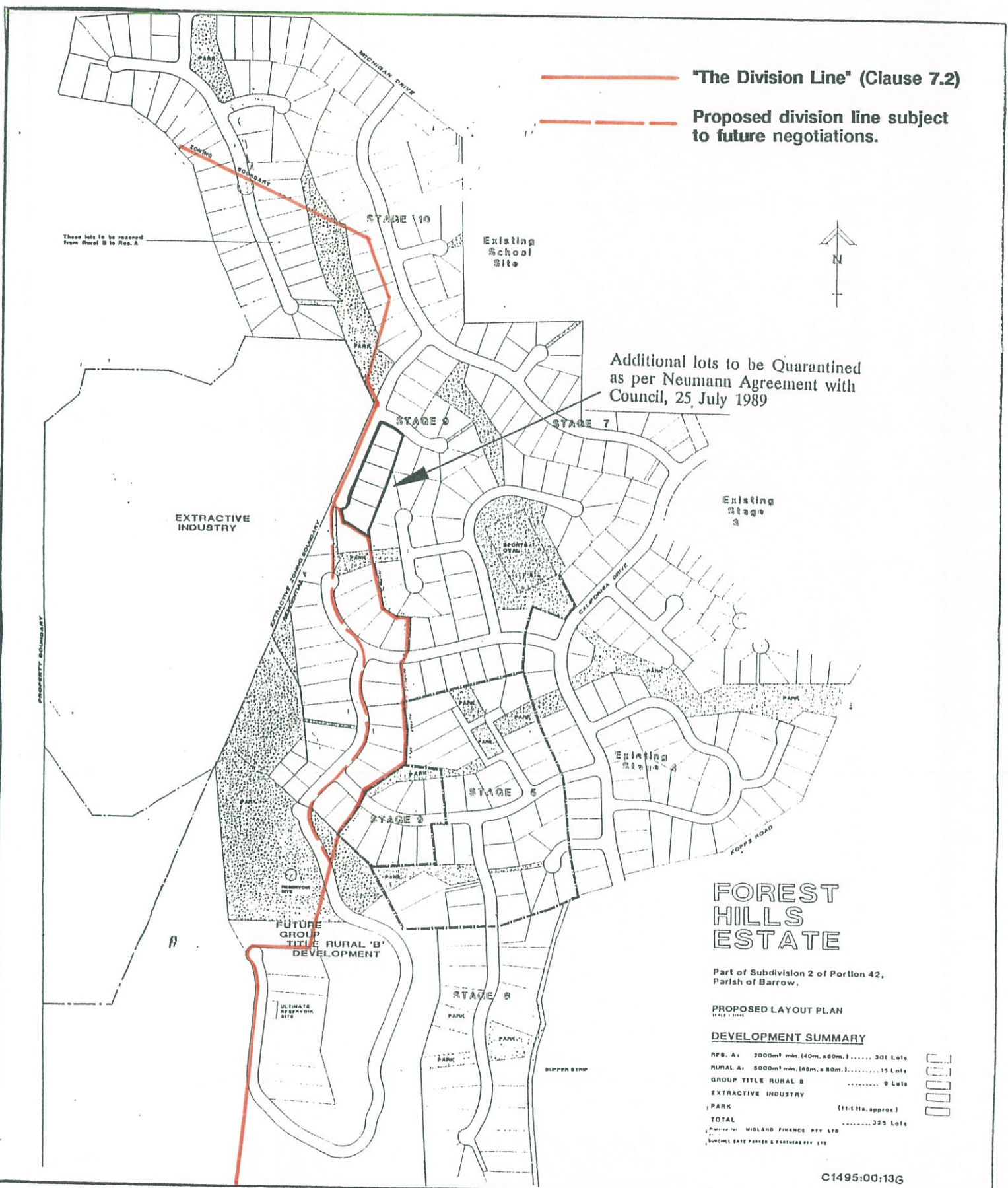
Yours faithfully,
PRODAP SERVICES


W.J. MORRIS
Managing Director

- c.c. i) Ms Cathy Davis, Henderson Trout, Brisbane
ii) Mr John Ledgerwood, MDDC P/L
iii) Mr Rob MacDiarmid, AGC

Encls. Plan C1495:00:13F
Plan C1495:00:13G





JOHN P. MARENDY & ASSOCIATES

CONSULTING SURVEYORS

JOHN P. MARENDY, L.S., B. SURV., M.I.S. AUST.
LICENSED QUEENSLAND AND REGISTERED N.S.W.



A MEMBER FIRM OF
THE ASSOCIATION OF CONSULTING
SURVEYORS (QUEENSLAND) LIMITED

your ref. 555/12/3

our ref. JM:YC/87/352

The Shire Clerk
Albert Shire Council
P.O.Box 172,
NERANG. Q.D. 4211.

ALBERT SHIRE COUNCIL
RECEIVED
- 9 AUG 1989

ASSESS No.
\$ 150 00
LOT. No. 518/85
REFER TO Sub. (T.O.)
FILE No. 555/12/3 (1-4)

9th August 1989

Attn: Warren Moreton

Dear Sir,

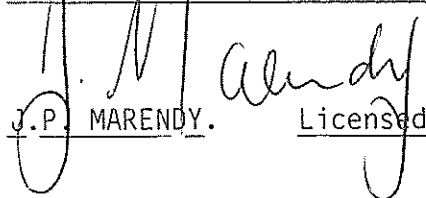
RE: PROPOSED SUBDIVISION - MIDLAND CREDIT PTY LTD.
LOT 329 R.P. 220690
KOPPS ROAD, OXFENFORD.

Attached herewith are:

- 1.) Plan of survey 228371 and seven copies.
- 2.) Application for the sealing of plan of subdivision.
- 3.) Sealing Fees of \$150.
- 4.) Copy of bank guarantee of which I believe council has the original.

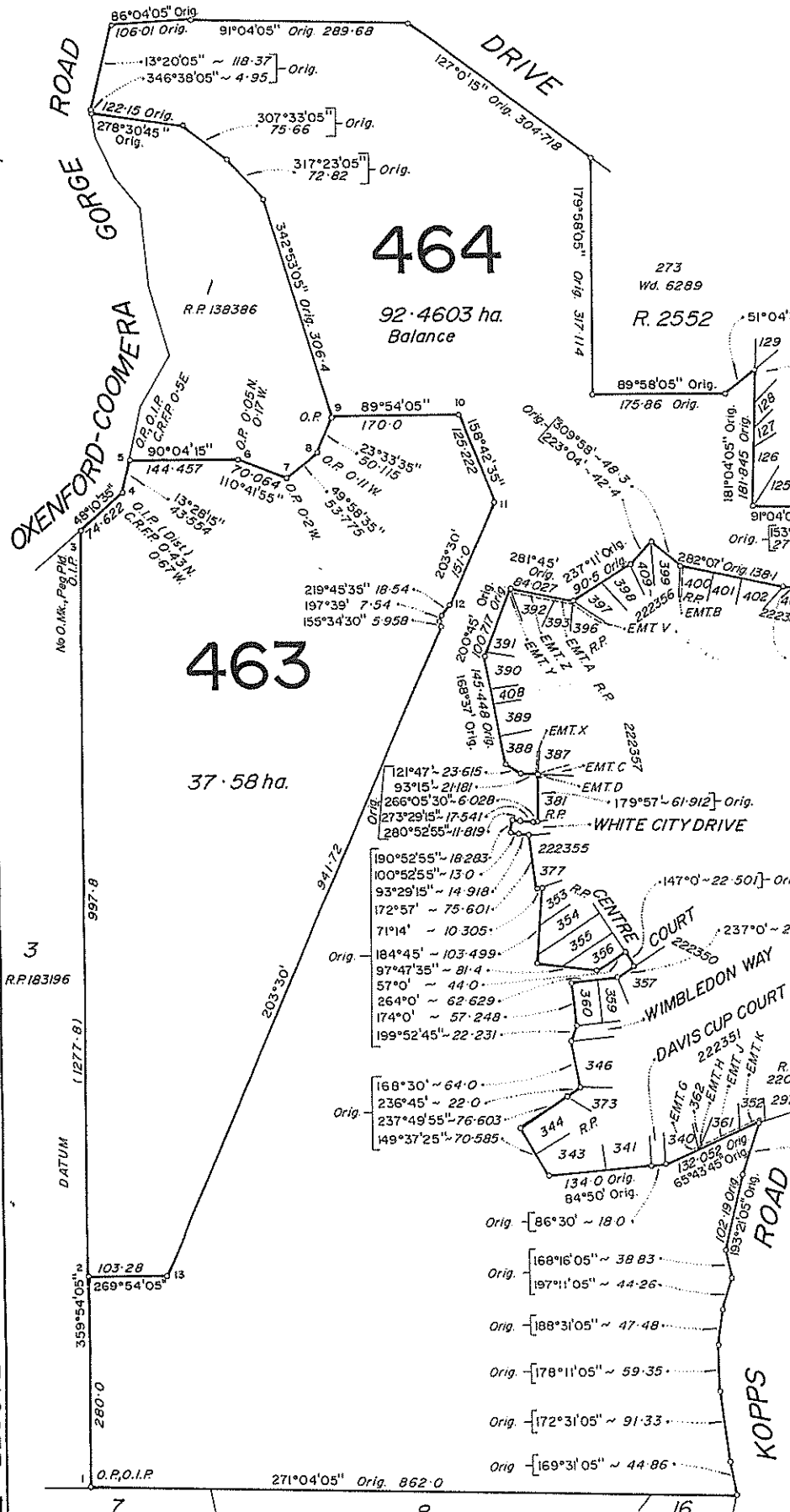
Would council kindly seal this plan at the earliest opportunity and advise this office of same for collection.

Yours faithfully,
JOHN P. MARENDY & ASSOCIATES

J.P. MARENDY.  Licensed Surveyor

PLAN 1
OF RE
BER AMENDED BY AUTHORITY
RAR OF TITLES

MICHIGAN



REFERENCE MARKS		
1 - O.I.P.	175°08'40"	0.51
2 - I.Pin	269°54'05"	1.0
3 - O.I.P.	359°54'05"	1.0
4 - "	314°04'	0.955
5 - "	66°01'15"	0.975
9 - I.Pin	89°54'05"	1.0
10 - "	89°54'05"	1.0
11 - "	23°30'	1.0
12 - "	203°30'	1.0
13 - "	89°54'05"	1.0

(New Ref.)

Original information compiled from
R.P. 220690, R.P. 222350, R.P. 222351,
R.P. 222355, R.P. 222356, R.P. 222357
and R.P. 222358 in the Dept of Freehold
Land Titles, Brisbane.

No. FIELD NOTES LODGED		PLAN OF Lots 463 and 464		ORIG. PORTION 42	
ORIGINAL GRANT		Cancelling balance of Lot 329 on R.P. 220690		TOWN	
				PARISH BARROW	
				COUNTY Ward	
MAP REF.	PROCLAIMED SURVEY AREA	SURVEYED BY J.P.MARENDY ...9...8...7...6...5...4...3...2...1...	MERIDIAN	SCALE (m) 1:6000	PLAN 228371

cancelled

228371

PLAN MUST BE DRAWN WITHIN BLUE LINES

228371

FOR TITLES OFFICE USE ONLY

hereby certify that I have surveyed the land
comprised in this plan by Alan Louis Orr, Surveying Technician
for whose work I accept responsibility

that the plan is accurate, that the said survey was performed in accordance with the Surveyors Act 1977 and the Surveyors Regulation 1978 and that the said survey was completed on 9-8-89

Date 9/8/89 Signature of Licensed Surveyor _____

Council of the of certifies
that all the requirements of this Council, the Local Government Acts of 1936 to
19 .. and all By-Laws have been complied with and approves this Plan of Subdivision

Dated this day of 19.....

Mayor on

Chairman

Town or

Shire Clerk

I / We

(Names in full)

as Proprietor / s of this land, agree to this Plan and dedicate the new roads shown hereon to public use.

Signature of
Proprietor / s

Executed

~~Executive~~ at SYDNEY in my presence by MIDLAND CREDIT LIMITED by being signed sealed and delivered by Robert John Macdarmid who is personally known to me and who certifies he is SENIOR ADMINISTRATION EXECUTIVE QUEENSLAND for the time being of the company and has no notice of revocation of Power of Attorney registered No. J153447P Miscellaneous Register under the authority of which this document is executed.

Signature of Witness

Name of Witness (BLOCK LETTERS)
A JUSTICE OF THE PEACE

JUSTICE OF THE PEACE

Qualification of witness

Previous Title

[illegible]

Lodged by

Fees Payable	Received Registrar of Titles
..... <i>Postal fee and Postage</i>	<i>Journal No.</i>
..... <i>Lodgt. Exam. & Ass.</i>	
..... <i>Entd. on Docs.</i> .....	..... <i>Receipt No.</i>
..... <i>New Title</i>	
..... <i>Entd. on Deeds</i> .....	.....
..... <i>Photo Fee</i>	
..... <i>Total</i>	
<i>Short Fees Paid</i>	

Calc. Bk. No.

Examined / /

Passed / /

Charted / /

Map Ref.

Particulars entered in
Register Book

Vol. Folio

at

REGISTRAR OF TITLES

PLAN 228371

GAVEN WAY

NERANG

FILE NO. 12/3 (1-4)

FEES PAYABLE \$150.00

FEES PAID 150.00

RECEIPT NO. 518/85

9.8.89

APPLICATION FOR SEALING OF SURVEY PLAN

Application is made for the signing and sealing by Council of Survey Plan No. 228371/3
submitted herewith

APPLICANT : Name: JOHN P. MARENDY
Address + 'phone #: P.O. BOX 224, SOUTHPORT. QLD. 4215.

SURVEYOR : Name: JOHN P. MARENDY
Address + 'phone #: P.O. BOX 224, SOUTHPORT. QLD. 4215

LAND : Full Legal Description Balance of Lot 329, on R.P. 220690

Portion: 42 Parish: Barrow

Street or Road Name: Oxenford - Coomera Gorge Road

Locality: / Sub Stage Oxenford

SUBDIVISION : Date of Approval by Council
& Council Reference #: 31/7/89 555/12/3
Total Area of Land per plan: 130.0403 ha./sq. m.
Number of Allotments: 2
Minimum Allotment Area: 37.58 ha./sq. m.
Length of New Road being dedicated NIL m.
Length of Road Constructed NIL m.
Area of Parks NIL ha./sq. m.

CERTIFICATION BY SURVEYOR OF

COMPLIANCE WITH CONDITIONS OF APPROVAL: (Delete any not applicable)

1. Filling of allotments has been carried out in accordance with the conditions of approval and approved engineering plans to a tolerance of + 0.25 m., - 0.00 m.
2. Permanent Survey Marks (total No.) have been placed and levelled to State Datum. Details of location and levels:-
(a) have been previously submitted on
(b) are submitted herewith (date)
3. All stormwater pipelines as constructed within the subdivision are completely within the easements as shown on the Survey Plan.
4. Areas required as a condition of approval to be dedicated as Park or Road, are so shown on the Survey Plan.
5. Names of new roads or streets shown on the Survey Plan conform with approved names advised by Council.

I certify that the information given herein is accurate and complete to the best of my knowledge.

John P. Marendy
(Signature of Surveyor)

CERTIFICATION BY APPLICANT OF
COMPLIANCE WITH CONDITIONS OF APPROVAL

1. Roadworks, drainage and sewerage works have been completed,
and accepted onto maintenance by Council:-

Date of Acceptance - Roads & Drainage _____

N/A

Sewerage Reticulation _____

or

These works have been bonded with Council in the amounts of:-

Roads & Drainage \$ 10,000

Sewerage Reticulation _____

2. The following cash contributions have been paid to Council:-

(i) Upgrading existing roads	- \$ _____	Rec. # _____
(ii) Internal Water Reticulation	- \$ _____	Rec. # _____
(iii) External Water Supply Works	- \$ _____	Rec. # _____
(iv) Water Supply Headworks	- \$ _____	Rec. # _____
(v) Internal Sewerage Reticulation	\$ _____	Rec. # _____
(vi) External Sewerage Works	- \$ _____	Rec. # _____
(vii) Sewerage Headworks	- \$ _____	Rec. # _____
(viii) Park Purposes	- \$ _____	Rec. # _____
(ix) Water Consumed during Const.	- \$ _____	Rec. # _____

3. An undertaking to transfer to Council, on registration of the Plan,
Lots _____ for Open Space or other purposes:-

(a) has been previously submitted on _____ N/A
(date)

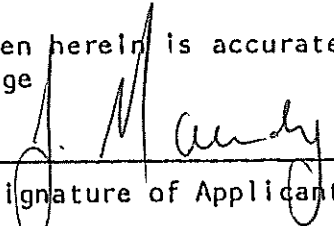
(b) is submitted herewith

4. Easement documents, in respect of all easements in Council's favour shown
on the Survey Plan:-

(a) have been previously submitted on _____ N/A
(date)

(b) are submitted herewith

I certify that the information given herein is accurate and
complete to the best of my knowledge


(Signature of Applicant)

SHIRE ENGINEER'S REPORT

Signature _____

Date _____

Copy original with
BANK GUARANTEE *Name.*



In consideration of THE ALBERT SHIRE COUNCIL (hereinafter called "the PRINCIPAL") at the request of NERANG PASTORAL CO PTY LTD (hereinafter called "the APPLICANT") and of COMMONWEALTH BANK OF AUSTRALIA (hereinafter called "the BANK") agreeing to accept this guarantee as a performance bond for:

Performance bond to cover the construction of access to Lot 463 to the satisfaction of the Main Roads Department.

In connection with the proposed subdivision of land described as:

Subdivision of Lot 329 on RP 220690

the BANK HEREBY UNDERTAKES unconditionally to pay on demand to the PRINCIPAL at Nerang, any sum which may from time to time be demanded in writing by the PRINCIPAL to an amount not exceeding SEVENTY THOUSAND SEVEN HUNDRED AND SIXTY SIX DOLLARS (\$70766-00) in the aggregate.

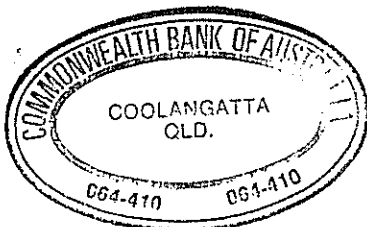
Payment will be made by the BANK to the PRINCIPAL without reference by the BANK to the APPLICANT and not withstanding any notice to the BANK by the APPLICANT not to pay to the PRINCIPAL any moneys hereunder.

This undertaking shall not be revocable by notice from "the BANK" to "the PRINCIPAL".

This undertaking shall continue in force either until notification has been received by the BANK from the PRINCIPAL that this undertaking is no longer required by the PRINCIPAL or until payment to the PRINCIPAL by the BANK of the whole of the said sum of SEVENTY THOUSAND SEVEN HUNDRED AND SIXTY SIX DOLLARS (\$70766-00).

Notwithstanding anything hereinbefore contained, the BANK reserves the right to terminate this undertaking at any time upon payment to the PRINCIPAL at Nerang of the said sum of SEVENTY THOUSAND SEVEN HUNDRED AND SIXTY SIX DOLLARS (\$70766-00) or such less sum as may be required by the PRINCIPAL in exchange for this undertaking.

DATED at COOLANGATTA QLD this twenty-second day of AUGUST one thousand nine hundred and eighty-nine.



For the
COMMONWEALTH BANK OF AUSTRALIA

[Signature]
.....Manager

COOLANGATTA QLD Branch

ALBERT SHIRE COUNCIL

12/3 (1-4)³

Midland Credit

John Marendy

MEMO TO : RATES CLERK
FROM : PLANNING & DEVELOPMENT ENG., W. MORTON
RE : SURVEY PLAN NO. 228371
GROUP TITLE

Please advise whether there are any outstanding rates on the land which is the subject of the above proposed subdivision.

YES ✓

NO ✓

G Edwards
17/8/89

This Plan was replaced by 228373

389577

King Bill Morris &
advise we cannot release
this plan until

- ① Plan of development
approved
- ② Signing at Development
Agreement.

W. W. W.

LY:TD 555/12/3 (1-4)
Mr L Yates

John P Marendy & Associates
Consulting Surveyors
P O Box 224
SOUTHPORT QLD 4215

Cancelled

Dear Sir,

RE: PLAN NO. 228371 - MIDLAND CREDIT PTY LTD

Enclosed please find the above plan signed and sealed by Council,
as requested.

Yours faithfully,

for T.R. Moore
SHIRE CLERK

Encl.

Collected by the undersigned

JP Malendy

ALBERT SHIRE COUNCIL.Council's Endorsement of Survey Plan No. ~~228371~~ 228371

Midland Credit

MEMO: SHIRE CLERK

Attached plan confirms with the provisional approval given by Council and the following tabulation details the moneys which have been lodged with Council to cover the cost of engineering services, together with other conditions necessary under the conditions of that Approval.

1. Roadworks (a) \$ _____ Rec.# _____ to cover construction of road.
 (b) \$ _____ Rec.# _____ contribution to external work.
 on _____
 (c) Roads are complete and accepted by Council _____
 (d) \$ _____ Rec.# _____ Retention money held on contract
 (e) A satisfactory bond has been arranged with Council

2. Water Supply (a) \$ _____ Rec.# _____ contribution for Headworks
 (b) \$ _____ Rec.# _____ for construction of internal work
3. Sewerage (a) \$ _____ Rec.# _____ contribution for headworks
 (b) \$ _____ Rec.# _____ for construction of internal work
4. Park (a) \$ _____ Rec.# _____ contribution to parks
 (b) Lots _____ to be transferred to Crown as Reserve.

5. Drainage (a) The endorsement of Easements _____
 _____ on lots _____
 _____ on Plan _____
6. Three Link Strip (Trust) (a) The endorsement on the Plan of Lots _____
 _____ in Trust to Council _____
7. Street Lighting (a) \$ _____ Rec.# _____
8. Other Contributions ~~ACCESS TO LOT 463 COVERED BY DEED AGREEMENT~~ BOND SUBMITTED \$70766

SUPERSEDED

228373

Lmylee
17/8/89

JOHN P. MARENDY & ASSOCIATES

CONSULTING SURVEYORS

JOHN P. MARENDY, L.S., B. SURV., M.I.S. AUST.
LICENSED QUEENSLAND AND REGISTERED N.S.W.

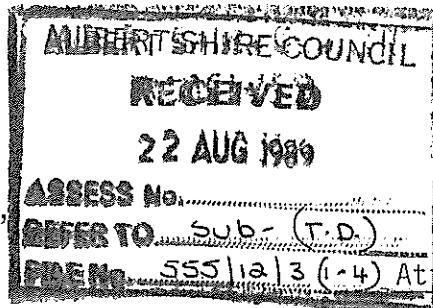


A MEMBER FIRM OF
THE ASSOCIATION OF CONSULTING
SURVEYORS (QUEENSLAND) LIMITED

Telephone (075) 32 3457
(075) 32 8160
Fax (075) 32 5268
6 Bay Street,
Southport, 4215.
P.O. Box 224,
Southport, 4215.

your ref. 555/12/3
our ref. JM:YC/87/352

The Shire Clerk,
Albert Shire Council,
P.O. Box 172,
NERANG. Q. 4211.



2nd August 1989

Attn: Warren Moreton

Dear Sir,

RE: PROPOSED SUBDIVISION - MIDLAND CREDIT PTY. LTD.
LOT 329, R.P. 220690
KOPPS ROAD, OXENFORD.

Attached herewith is a plan of survey 228373 with seven copies.

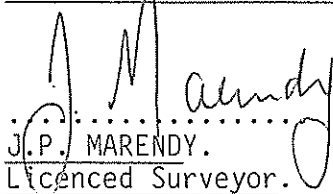
It is the intention to have this plan, replace plan of survey 228371 currently with the Council for sealing.

We have been advised by our clients' solicitors that it is intended that the registration of Lot 343 precede the registration of Stage 6 of the Forest Hills development. Plan 228371 has been drawn to follow the registration of Stage 6 and it is for this reason plan 228373 has been prepared.

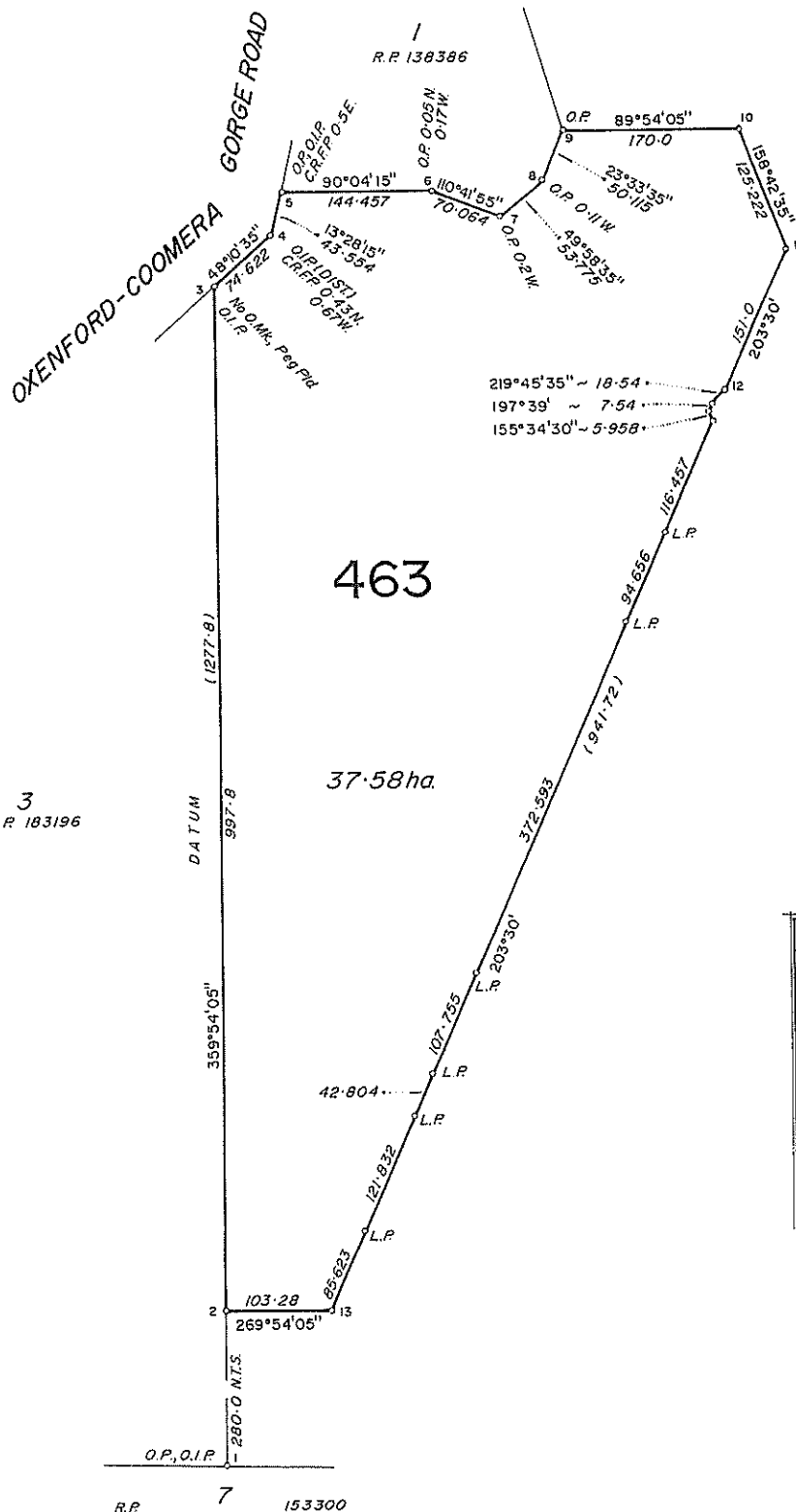
Would Council kindly dispense with the sealing of plan 228371 and seal plan 228373 in its place. Should this present some difficulty please contact me to discuss the matter.

I await your earliest reply.

Yours faithfully,
JOHN P. MARENDY & ASSOCIATES


J.P. MARENDY.
Licenced Surveyor.

PLAN NUMBER AMENDED BY AUTHORITY
OF REGISTRAR OF TITLES



329 Bal.
R.R. 220690

REFERENCE MARKS		
1 - O.I.P.	175°08'40"	0.51
2 - I.Pin	269°54'05"	1.0
3 - O.I.P.	359°54'05"	1.0
4 - "	314°04'	0.955 (New Ref.)
5 - "	66°01'15"	0.975
9 - I.Pin	89°54'05"	1.0
10 - "	89°54'05"	1.0
11 - "	23°30'	1.0
12 - "	203°30'	1.0
13 - "	89°54'05"	1.0

No FIELD NOTES LODGED		PLAN OF Lot 463		ORIG. PORTION 42	
ORIGINAL GRANT		Cancelling part of Lot 329 on R.P. 220690		TOWN	
				PARISH BARROW	
				COUNTY Ward	
MAP REF	PROCLAIMED SURVEY AREA	SURVEYED BY J.P. MARENDY	MERIDIAN	SCALE 1:5000	PLAN 228373

12/13 (1-4)⁺
J Marendy

ALBERT SHIRE COUNCIL

Council's Endorsement of Survey Plan No. 228373

MEMO: SHIRE CLERK

Midland Credit

Attached plan conforms with the provisional approval given by Council and the following tabulation details the moneys which have been lodged with Council to cover the cost of engineering services, together with other conditions necessary under the conditions of that Approval.

1. Roadworks (a) \$ _____ Rec.# _____ to cover construction of road.
(b) \$ _____ Rec.# _____ contribution to external work.
on _____
(c) Roads are complete and accepted by Council _____
(d) \$ _____ Rec.# _____ Retention money held on contract
(e) A satisfactory bond has been arranged with Council

2. Water Supply (a) \$ _____ Rec.# _____ contribution for Headworks
(b) \$ _____ Rec.# _____ for construction of internal work
3. Sewerage (a) \$ _____ Rec.# _____ contribution for headworks
(b) \$ _____ Rec.# _____ for construction of internal work
4. Park (a) \$ _____ Rec.# _____ contribution to parks
(b) Lots _____ to be transferred to Crown as Reserve

5. Drainage (a) The endorsement of Easements _____
_____ on lots _____
_____ on Plan _____
6. Three Link(a) The endorsement on the Plan of Lots _____
Strip. _____ in Trust to Council.
(Trust) _____
7. Street Lighting (a) \$ _____ Rec.# _____
8. Other Contributions _____

BOND SUBMITTED \$70766

W. J. Marendy
25/8/89

30/8

LY:TD 555/12/3 (1-4)
Mr L Yates

30 AUG 1989

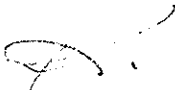
John P Marendy & Associates
Consulting Surveyors
P O Box 224
SOUTHPORT QLD 4215

Dear Sir,

RE: PLAN NO. 228373 - MIDLAND CREDIT LIMITED

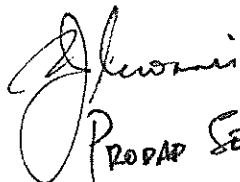

Enclosed please find the above plan signed and sealed by Council,
as requested.

Yours faithfully,


for T.R. Moore
SHIRE CLERK

Encl.

Collected by the undersigned


PRODAP SERVICES.
30/8/89.


71
The Shire Clerk,
Albert Shire Council,
Nerang/Southport Road,
NERANG Q1d 4211

BY FACSIMILE

Dear Sir,

Re: BURCHILL BATE PARKER & PARTNERS -V- ALBERT SHIRE COUNCIL

We refer to the above matter and note that Plan No. 228373 has been lodged with you on our behalf for sealing. We note further that in connection with the sealing of such plan, you have requested an undertaking from us to execute the Deed between Council and ourselves in relation to the quarry land and a Deed of Novation between Council, ourselves and Nerang Pastoral Company Pty Ltd, the Purchaser of Lot 463.

The original Deed prepared by your solicitors has been amended by our solicitors Messrs Henderson Trout to reflect the current position with respect to the sale of Lot 463 and our solicitors have also prepared a Deed of Novation which can be executed as soon as the original Deed has been signed. The amendments to the original Deed and the Deed of Novation were forwarded to your solicitors under cover of a letter dated 15th August 1989, a copy of which is enclosed.

We undertake to execute both the original Deed (as amended) and the Deed of Novation in the terms submitted to your solicitors under cover of the above letter as soon as the same are received by us and thereafter to return the documents by courier to Brisbane for execution by Nerang Pastoral Company Pty Ltd and the Council.

We request that upon receipt of this undertaking, you deliver the sealed plan for Lot 463 to Prodap Services.

Yours faithfully,
MIDLAND CREDIT LIMITED

FAX to King & Co. A.

*30/8
handed to me by
Bill Morris (Prodap).
as a sample of what will be
sent to Council in a few days
signed + signed Deed of
agreement.
[Signature]*

CRD080056/31



FACSIMILE TRANSMITTAL SHEET

TO: ALBERT SHIRE COUNCIL

ATTENTION: MR. NICK KVASSAY

FAX NO: 96 3653

FROM: MR. W.J. MORRIS

CC:

DATE: 30 August 1989

REF: FOREST HILLS ESTATE/MIDLAND CREDIT

TIME SENT: 4.15PM

NO OF PAGES
FOLLOWING
THIS PAGE: 2 (TWO)

MESSAGE:

AUTHORISED BY:

TRANSMITTED BY: JULIE

PLEASE TELEPHONE (075) 389 577 IF MESSAGE RECEIVED IS ILLEGIBLE OR INCOMPLETE.



Australian Guarantee

NSW PROPERTY FINANCE

(Incorporating Midland Credit Limited)

30th August, 1989

The Shire Clerk,
Albert Shire Council,
Nerang/Southport Road,
NERANG, QLD., 4211

<p>ALBERT SHIRE COUNCIL</p> <p>RECEIVED</p> <p>30 AUG 1989</p> <p>ASSETS No.</p> <p>REFER TO <u>D. KNASSAY</u></p> <p>FILE No. <u>555.112.13(S)</u></p>
--

Incorporated in NSW
A.G.C. (Advances) Limited
Incorporated in SA
General Credits Limited
Incorporated in Vic
A.G.C. (Finance) Limited
Incorporated in NSW
A.G.C. (General Finance) Limited
Incorporated in NSW
A.G.C. (Securities) Limited
Incorporated in SA
Ground Floor,
242-244 Baeacraft Road,
Epping, N.S.W. 2121
Phone: 868 4477

copy taken per
file
AB 309.89

Dear Sir,

RE: BURCHILL BATE PARKER & PARTNERS -V- ALBERT SHIRE COUNCIL

We refer to the above matter and note that Plan No. 228373 has been lodged with you on our behalf for sealing. We note further that in connection with the sealing of such plan, you have requested an undertaking from us to execute the Deed between Council and ourselves in relation to the quarry land and a Deed of Novation between Council, ourselves and Nerang Pastoral Company Pty. Ltd., the Purchaser of Lot 463.

The original Deed prepared by your solicitors has been amended by our solicitors Messrs. Henderson Trout to reflect the current position with respect to the sale of Lot 463 and our solicitors have also prepared a Deed of Novation which can be executed as soon as the original Deed has been signed. The amendments to the original Deed and the Deed of Novation were forwarded to your solicitors under cover of a letter dated 15th August, 1989, a copy of which is enclosed.

We undertake to execute both the original Deed (as amended) and the Deed of Novation in the terms submitted to your solicitors under cover of the above letter as soon as the same are received by us and thereafter to return the documents by courier to Brisbane for execution by Nerang Pastoral Company Pty. Ltd. and the Council.

[We request that upon receipt of this undertaking, you deliver the sealed plan for Lot 463 to Proday Services.

Yours faithfully,
MIDLAND CREDIT LIMITED

[Signature]
R.J.M. MACDONALD
STATE MANAGER NSW

New South Wales
12-22 Leppington Place
Epping NSW 2121
PO Box 100
Epping NSW 2121
Telephone (02) 862 0011

Victoria
277 William Street
Melbourne VIC 3000
GPO Box 1082R VIC 3001
Telephone (03) 608 6606

Queensland
10 Tank Street
Brisbane QLD 4002
PO Box 995
North Quay QLD 4002
Telephone (07) 228 4100

South Australia
10 Pullenby Street
Adelaide SA 5001
GPO Box 781 SA 5001
Telephone (08) 223 4485

Western Australia
165 Adelaide Terrace
Perth WA 6000
PO Box 8078
East Perth 6004
Telephone (09) 425 6222

Tasmania
101 Collins Street
Hobart TAS 7000
GPO Box 363D TAS 7001
Telephone (002) 84 8500

Levels 19, 23-28
Santos House
215 Adelaide Street
Brisbane
Australia 4000

GPO Box 55
Brisbane 4001
Telex 40762
DX 128 Brisbane

Telephone (07) 228 5611
International + 617 228 5811
Facsimile (07) 229 7466

Yours faithfully
Our Reference
Press Line

SFC:GT:AR6224
KMT:RGP

Henderson Trout

Solicitors and Notaries

15th August 1989

Messrs. King & Company,
Solicitors,
17th Level,
Brisbane Administration Centre,
69 Ann Street,
BRISBANE QLD. 4000

DELIVERY

Dear Sirs,

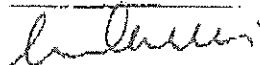
Re: Burchill Bate Parker & Partners -v- Albert Shire Council

We refer to the above matter and to previous correspondence. We enclose for your information copy letter sent from our client's agent Prodap to your client Council. We request that you contact our Miss Trainor to arrange a suitable time to discuss amendments to the Deed and a Deed of Novation.

For your convenience, we enclose herewith a schedule of amendments to the Deed together with a draft Deed of Novation which reflect the current situation in relation to the land and, as we understand, the continuing negotiations between Nerang Pastoral Company Pty. Ltd. and your client Council.

Finally, we note that settlement of the sale to Nerang Pastoral Company Pty. Ltd. is due on the 1st September, 1989. The Purchaser is required under the Contract of Sale to execute a Deed required by Council to assume our client's obligations in respect of the quarry land. This of course should be finalized prior to settlement. Accordingly, we would appreciate your urgent attention.

Yours faithfully,
Henderson Trout



Encl.

KMT080060/22

PARTNERS

AC Freeleagus CHP ASA KID
George W Deen
Michael I Morrow
Ross Gittinger-Smith
Ian F Holland
Geoffrey N Harley
Ian W Morrow
Jeremy C Charistoff
Paul H Corbiere
Michael O Klug
John D Elliott
David C Connors
Ralph B Praeger
David S Kathie
Ross G Durren
John C Petrie
Timothy D Porter
Christopher T Coyne
Roger J Barrell
Barclay J Jennings
Christopher L Taylor
Alan H Maguire
Archibald Fletcher
David S Nash
John C Noble
Catherine R Davis
Simon W Lang
Paul G Callagher
Sally A Poku
ASSOCIATES
Thomas P Protopoulos
Gary I Golden
Peter D White
Karen M Trainor
Richard B Maye Jr
Christopher G Marlow
Kevin R Bantam
Ruth A Capelin
Roger V Byrne
Mark W Waller
Lerra I Mothershead
CONSULTANTS
Norman N Amos
Brian J Connick
Dr Christopher Gilbert
Ian D Alfredson

MESSAGE

DATE Tues. 12/9/89 TIME.....

TO.....

FROM.....

MESSAGE FROM PAULA -

Mr. Bill MORRIS, OF PRODAP SERVICES
WILL BE COMING IN TOMORROW.

WILL BE BRINGING 2 COPIES OF ~~S/D~~.
~~PLAN~~ FOR S/C. TO SIGN - SAID
DAVID HAS CHECKED OUT WITH
STEPHEN CLINTON AND THERE IS
NO PROBLEM.

REFERS TO FOREST HILLS ESTATE S/D.

(SUBSIDIARY OF BURCHILLS ?)

MESSAGE

DATE. Tues. 12/9/89 TIME. 4.30 pm

TO. SHIRE CLERK

FROM. VAL

389 577

BILL MORRIS, PRODAP SERVICES,
CALLED - PLEASE REFER ATTACHED.

SAID THEY ARE ACTING FOR MIDLAND
CREDIT.

RELATES TO A DEED OF AGREEMENT FOR
DEVELOPMENT OF EXTENSIVE AREA OF
LAND AT OXENFORD.

IS AWARE THAT DAVID ARBON HAS
CHECKED WITH KING & COMPANY, WHO
HAVE INDICATED THAT COUNCIL CAN
SIGN THE AGREEMENT.

NEEDS IT TO BE SIGNED TOMORROW
FOR PURPOSE OF SETTLEMENT OF LARGE
CONTRACT ON FRIDAY.

HAVE ARRANGED FOR HIM TO COME

TOMORROW, WED. 13/9, at 1.00 p.m.

WOULD YOU PLEASE CONFIRM.



BILL MORRIS

B.E., M.Eng. Sc.; MBA: M.I.E. (Aust.), A.I.M.M.
MANAGING DIRECTOR

Zurich House, 1st Floor, 146 Bundall Rd., Surfers Paradise, Qld., 4217, Australia
P.O. Box 6719, Gold Coast Mail Centre, Qld., 4217
Home: (075) 38 0711 Fax: (075) 388145 Telex: BURPAR 43326
Telephone: (075) 38 9577



Australian Guarantee

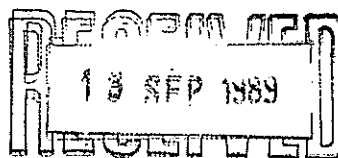
NSW PROPERTY FINANCE

Australian Guarantee Corporation Limited
Incorporated in NSW
A.G.C. (Advances) Limited
Incorporated in SA
General Credits Limited
Incorporated in Vic
A.G.C. (Finance) Limited
Incorporated in NSW
A.G.C. (General Finance) Limited
Incorporated in NSW
A.G.C. (Securities) Limited
Incorporated in SA

Ground Floor,
242-244 Beecroft Road,
Epping, N.S.W. 2121
Phone: 868 4477

12th September, 1989

Mr. Bill Morris,,
Prodap Services,
Zurich House,
146 Bundall Road,
SURFERS PARADISE, QLD., 4217



Dear Bill,

RE: MIDLAND CREDIT LIMITED - SALE TO NERANG PASTORAL COMPANY

Attached is Primary Deed between Midland Credit and Council executed in duplicate and Deed of Novation between Midland Credit, Council and Nerang also executed in duplicate.

Yours faithfully,

B. BOLTON
CREDIT OFFICER

c.c. Ms. K. Trainor, Henderson Trout, Solicitors

NOTE FOR FILE -

DEED OF AGREEMENT (IN DUPLICATE) RECEIVED 14/9/89

PRODAP SERVICES.

New South Wales
12-22 Langston Place
Epping NSW 2121
PO Box 402
Epping NSW 2121

Victoria
277 William Street
Melbourne VIC 3000
GPO Box 1882R VIC 3001
Telephone (03) 608 6666

Queensland
18 Tank Street
Brisbane QLD 4002
PO Box 395
North Quay QLD 4002

South Australia
10 Pulteney Street
Adelaide SA 5001
GPO Box 761 SA 5001
Telephone (08) 223 4455

Western Australia
165 Adelaide Terrace
Perth WA 6000
PO Box 6076
East Perth 6004

Tasmania
161 Collins Street
Hobart TAS 7000
GPO Box 363D TAS 7001
Telephone (002) 34 8500

12/3
King & Co

64

ALBERT SHIRE COUNCIL

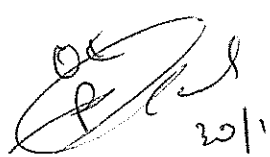
Council's Endorsement of Survey Plan No. Deed of Novation.
Midland Credit Ltd.
MEMO: SHIRE CLERK

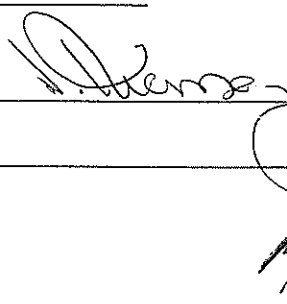
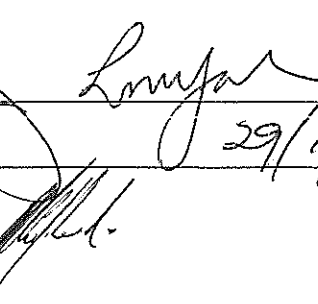
Attached plan conforms with the provisional approval given by Council and the following tabulation details the moneys which have been lodged with Council to cover the cost of engineering services, together with other conditions necessary under the conditions of that Approval.

1. Roadworks (a) \$ _____ Rec.# _____ to cover construction of road.
(b) \$ _____ Rec.# _____ contribution to external work.
on _____
(c) Roads are complete and accepted by Council _____
(d) \$ _____ Rec.# _____ Retention money held on contract
(e) A satisfactory bond has been arranged with Council

2. Water Supply (a) \$ _____ Rec.# _____ contribution for Headworks
(b) \$ _____ Rec.# _____ for construction of internal work
3. Sewerage (a) \$ _____ Rec.# _____ contribution for headworks
(b) \$ _____ Rec.# _____ for construction of internal work
4. Park (a) \$ _____ Rec.# _____ contribution to parks
(b) Lots _____ to be transferred to Crown as Reserve

5. Drainage (a) The endorsement of Easements _____
_____ on lots _____
_____ on Plan _____
6. Three Link Strip. (Trust) (a) The endorsement on the Plan of Lots _____
_____ in Trust to Council.
7. Street Lighting (a) \$ _____ Rec.# _____
8. Other Contributions _____


20/1

 
29/1/92

SFC:GT:AA6224
555/12/3 (5) Pt3
Mr L Yates:MK

1 FEB 1990

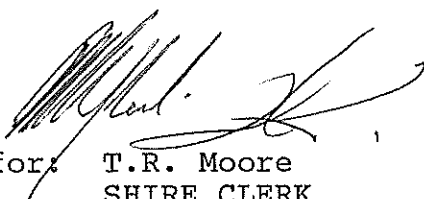
King & Company
Solicitors
G P O Box 758
BRISBANE QLD 4000

Dear Sir,

RE: MIDLAND CREDIT LIMITED - DEVELOPMENT AGREEMENT
DEED OF NOVATION

Enclosed please find the above document signed and sealed by
Council, as requested.

Yours faithfully,


for: T.R. Moore
SHIRE CLERK

Encl.

Collected by the Undersigned

Posted 1.2.90

① 