

Major Projects application



NSW GOVERNMENT
Department of Planning

Date received: ____/____/____

Project Application No. _____

1. Before you lodge

Under Section 75E of the *Environmental Planning and Assessment Act, 1979* (the Act) this form is required to apply for the approval of the Minister to carry out a Project to which Part 3A of the Act applies.

Before lodging this application, it is recommended that you first consult with the Department of Planning (the Department) concerning your Project.

Please be aware that before lodging this application you may need to conduct a Planning Focus Meeting that involves the Department, relevant agencies, Council or other groups identified by the Department. If you are required to conduct a Planning Focus Meeting, you will need to provide details on the meeting and any outcomes arising from it.

So that your application to carry out a Project is accepted as being duly made, you will need to

- complete ALL parts of this form, and
- submit all relevant information required by this form.

All applications must be lodged with the Director-General, by courier or mail.

Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001

2. Details of the Proponent

Part 3A identifies that the Proponent as the person proposing to carry out development comprising all or any part of the project.

Company/organisation/agency

Blue Dolphin Development Joint Venture

ABN

TBA

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Sam

Family name

Day

STREET ADDRESS

Unit/street no.

Level 40

Street name

The Chifley Tower, 2 Chifley Square

Suburb or town

SYDNEY

State

NSW

Postcode

2000

POSTAL ADDRESS (or mark 'as above')

as above

Suburb or town

State

Postcode

Daytime telephone

02 9238 0750

Fax

02 9238 0790

Mobile

0412 667556

Email

sday@marinerfunds.com.au

3. Identify the land you propose to develop

STREET ADDRESS

Unit/street no.

Blue Dolphin Holiday Resort.

Street or property name

YAMBA RD

Suburb, town or locality

YAMBA

Postcode

2464

Local government area

Clarence Valley

REAL PROPERTY DESCRIPTION

Lots 1 and 2 in DP 706628

OR: A detailed description of the land to which this application applies is attached: ☒

The real property description is found on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the Major Project applies to more than one piece of land, please use a comma to distinguish between each real property description.

If Clause 8F of the *Environmental Planning and Assessment Regulation 2000* applies to this Project, then this section does NOT need to be completed. However, you must ensure that the documents required by Part 4 below identify the land to which this Project applies.

4. Proposed Major Project – Description and other Requirements

Provide a brief title for your Project that includes all significant components. If the application relates to only part of a Project, include a clear title that describes the relevant part.

Blue Dolphin Redevelopment, Yamba.

Is the application related only to a part of a Project?

☐ Yes ☒ No

You are also required to provide a Preliminary Assessment and address any matters required by the Director-General in accordance with 75E of the Act. Failing to do so may lead to your application being rejected.

Is a Preliminary Assessment attached:

Hard copy:

☒ Yes ☐ No

Electronic version:

☒ Yes ☐ No

(NB: An electronic copy is required as all applications must be provided on the Department's website. You should contact the Department on the correct electronic format).

Is the Preliminary Assessment consistent with the requirements of any Guideline produced by the Department (including any draft)?

☒ Yes ☐ No

Does the Preliminary Assessment include additional matters required by the Director-General, such as evidence of a Planning Focus Meeting and consultation?

☒ Yes ☐ No

CONCEPT PLAN

Is there an existing approved Concept Plan for the Site?

☐ Yes ☒ No

If Yes, the Preliminary Assessment must provide details on the Concept Plan approval.

Does this application involve submitting a Concept Plan for the Project? ☒ Yes ☐ No

If Yes, does the Preliminary Assessment address the Department's *Concept Approval Guidelines*?

☒ Yes ☐ No

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed Major Project. This should be expressed as a proportion of full time jobs over a full year.

Construction jobs (full-time equivalent)

150

Operational jobs (full-time equivalent)

60

5. Approvals from State agencies

Does the proposed Major Project require any of the following: (tick all appropriate)

- ☐ an aquaculture permit under Section 144 of the *Fisheries Management Act 1994*
- ☐ an approval under Section 15 of the *Mine Subsidence Compensation Act 1961*
- ☐ a mining lease under the *Mining Act 1992*
- ☐ a production lease under the *Petroleum (Onshore) Act 1991*
- ☐ an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act)
- ☐ a consent under Section 138 of the *Roads Act 1993*

6. Application fee

You are required to pay a fee for the assessment of a Major Project. This fee is based on the estimated Capital Investment Value of the Major Project.

The Department requires a proportion of the total fee to be paid with this application. You should consult with the Department before lodging this application to determine the proportion to be paid.

Estimated Capital Investment Value of Project: \$ 100,000,000

7. Owner's Consent

As the owner(s) of the above property, I / we consent to the Proponent making this application on our behalf:

Signature

Lisa Mitchell
LISA MITCHELL

Name

Mark Mitchell

Date

11/4/06

Signature

Joanne Mitchell
Joanne Mitchell

Name

Paul John Mitchell
Linda Mitchell

Date

11/4/06

Note: The Department will **not** accept an application for a Major Project without having the signature of the owner of the land, **unless** the Major Project is subject to Clause 8F of the *Environmental Planning and Assessment Regulation 2000*.

8. Proponent's Signatures

As the Proponent(s) of the proposed Major Project proposing to carry out development comprising all or any part of the project and, in signing below, I / we hereby:

- have provide an accurate description of the Project and have addressed all matters required by the Director-General pursuant to Section 75E of the Act, and
- request the Director General, subject to satisfying Clause 8D of the *Environmental Planning and Assessment Regulation 2000*, to prepare Environmental Assessment Requirements pursuant to Section 75F of the Act, and
- declare that the information contained within this application is accurate.

Signature 1

Michael Shaw

Name

Michael Shaw

Date

12/4/06

Signature 2

Name

Date



13 April 2006

Attn: Director-General
Department of Planning
Ground Floor, 23-33 Bridge Street
SYDNEY NSW 2000

Dear Sir / Madame

Re: Owner's Consent for Major Projects Application for Blue Dolphin Holiday Resort being Lots 1 & 2 in DP 706628

We as owner's of the above referenced property hereby consent to the Major Projects Application which accompanies this letter.

Trust Company of Australia Limited by its attorney Simon Hindson pursuant to Power of Attorney Registered No.670 Book 4279 dated 10 July 2000 (who states by executing this document that the attorney has received no notice of revocation of the power of attorney).

.....
Signature of Attorney

Simon Hindson
Name of Attorney

Manager
Position of Attorney

.....
Signature of Witness

Evie Roazali
Name of Witness

POWER OF ATTORNEY

granted by

TRUST COMPANY OF AUSTRALIA LIMITED

(ACN 004 027 749)

704209608

\$88.00

24/07/2000 10:41

BE 804

MIDDLETONS MOORE & BEVINS

Solicitors & Attorneys

Level 6

7 Macquarie Place

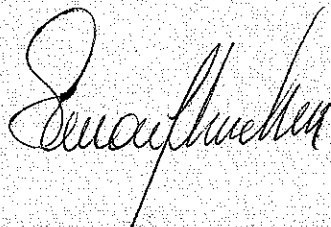
SYDNEY NSW 2000

Tel: 9390 8100

Fax: 9247 2866

D.X. 10263 SSE

Certified as a true and complete copy
of the contents of the instrument of
which it purports to be a copy



BY THIS POWER OF ATTORNEY made on the date set out in Item 1 of the Annexure the Company described in Item 2 of the Annexure (the "Grantor") appoints the persons described in Item 3 of the Annexure (the "Attorneys") as its true and lawful attorneys, jointly and/or severally, for them, and in their name, and as their act and/or deed, to execute under hand and deliver (which delivery may be conditional or unconditional), the documents described in Item 4 of the Annexure (the "Documents") and:

- (a) to complete any blanks in the Documents;
- (b) to make such amendments or additions to the Documents which, in the Attorneys' opinion, are appropriate;
- (c) to do, execute and perform any other deed, matter, act or thing which, in the opinion of the Attorneys, ought to be done, executed or performed in connection with any Document; and
- (d) to execute under hand or under seal and deliver (which delivery may be conditional or unconditional), any other instruments supplemental to or varying any of the Documents, previously approved of by the Grantor.

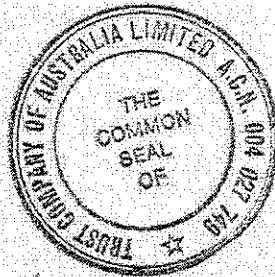
AND THE GRANTOR DECLARES THAT:

- 1. The powers and authorities conferred by this Power of Attorney shall remain in full force and effect until revoked by written notice to the attorneys.
- 2. The Grantor shall from time to time and at all times ratify and confirm whatever the Attorneys lawfully do, or cause to be done, pursuant to this Power of Attorney and shall indemnify the Attorneys from and against all actions, suits, claims, demands, damages, liabilities, losses, costs and expenses that may be made or brought against, or suffered or incurred by, the Attorneys arising out of, or in connection with, the lawful exercise of any of the powers and authorities conferred by this Power of Attorney.
- 3. The Grantor shall, promptly upon execution and delivery of this Power of Attorney, properly stamp and register this Power of Attorney as required by any applicable law and the grantor authorises any person or corporation who is a party to any documents to stamp and register this Power of Attorney on behalf of the grantor, and all reasonable costs associated with such stamping and registration shall be paid by the Grantor to such person or corporation within a reasonable time after demand for payment is made.

EXECUTED as a deed on the date specified in Item 1 of the Annexure.

**THE COMMON SEAL of
TRUST COMPANY OF
AUSTRALIA LIMITED**

was affixed by
authority of its Board of
Directors in the presence of:



Signature of Authorised Person

J Sweeney
Director

Office held

Name of Authorised Person (Print Name)

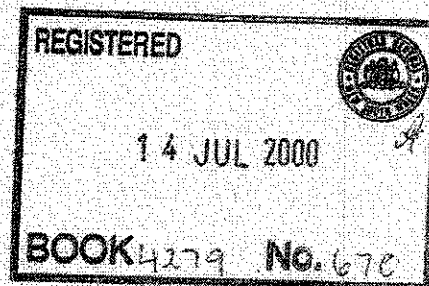
Signature of Authorised Person

M J Britton
Authorised Countersigning Officer

Office held

Name of Authorised Person (Print Name)

N1211/CC



ANNEXURE

ITEM 1 (the Date): 10th July 2000

ITEM 2 (the Grantor): TRUST COMPANY OF AUSTRALIA LIMITED (ACN 004 027 749)

ITEM 3 (the Attorney): Jonathan Westaby Sweeney;
Michael John Britton;
Geoffrey David Corderoy;
Geoffrey Funnell;
Bruce Barker;
John Dinan;
Any director of the Grantor .

Any person who holds a position with the Grantor with the title of "Manager".

ITEM 4 (the Documents): All letters, agreements, deeds and other documents whatsoever to which the Grantor is a party in its capacity as a custodian and/or agent of a responsible entity and includes, without limitation:

- (i) contracts for sale and purchase;
- (ii) transfers of real estate;
- (iii) mortgages, charges and other security documents in respect of any finance facility and deeds of priority and/or subordination;
- (iv) leases, variations of lease, transfers of lease, assignments of lease, surrenders of lease, mortgages of lease;
- (v) licences and licence agreements;
- (vi) variations of mortgages, variations of charges, discharge of mortgages and charges, deeds of release of charges, assignment of mortgages and charges;

- (vii) development applications and consents;
- (viii) proxy forms;
- (ix) acknowledgments and undertakings; and
- (x) any other documents required or contemplated by, or incidental to any of the above documents and all documentation required to be executed by the Grantor as a result of the Grantor owning or holding title to assets in its capacity as custodian or agent of a responsible entity (as that term is defined in the Corporations Law).

Registered No. 120036



30/8/2000

TAXES OFFICE,
DARWIN

ACCEPTED

344090

2 000 000 000

11.71

11.71

Lodged at Registrar General's
Office Darwin

Date 1-10-02 Time

Fees 855 Receipt 6706

Lodging Party to Complete

Lodged by

Registration to

Discharge to