

DISTRICT COURT
OF QUEENSLAND

11 OCT 2004

FILED
MAROOCHYDORE

IN THE PLANNING AND ENVIRONMENT COURT
REGISTRY: MAROOCHYDORE

P & E App. No 252 of 2004

BETWEEN: CALOUNDRA CITY COUNCIL

Applicant

AND: PELICAN LINKS PTY LTD ACN 107 914 590

First Respondent

AND: OCC HOLDINGS PTY LTD ACN 104 553 497
TRADING AS TITANIUM ENTERPRISES

Second Respondent

BEFORE HIS HONOUR JUDGE ROBERTSON

Date of Hearing: 04/10/04

Date of Order: 04/10/04

IT IS ORDERED THAT:

1. The respondents, their servants, workmen and agents be restrained from destroying, injuring or otherwise clearing any native vegetation in that area of Lot 65 on Survey Plan 166661, which is hatched on attachment A ("the subject land") until such destruction, injury and/or clearing is authorised, pursuant to any direction, or authorization of the applicant, whether pursuant to a development approval in respect of the subject land or otherwise.

ORDER

COPY

Filed on behalf of the applicant

Form PEC - 8



HEINER & DOYLE
Solicitors
2 Otranto Avenue
CALOUNDRA 4551

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IT IS FURTHER ORDERED:

2. By way of interim injunction, that in regard to the area of approximately 4.8 hectares cleared on or about 21 July 2004, to assist in the natural regeneration of the area, the respondents must:

- (i) ensure that the fallen timber is left where it presently lies;
- (ii) refrain from any works (for example, pushing the fallen timber up into windrows) which might expose the soil in the area;
- (iii) refrain from burning, poisoning or otherwise, damaging regenerating trees and vegetation in the area; and
- (iv) maintain the silt fence installed around the area in early August 2004, in accordance with "Soil Erosion and Sediment Control: Engineers Guidelines for Queensland Construction Sites, June 1996" prepared by the Institution of Engineers Australia

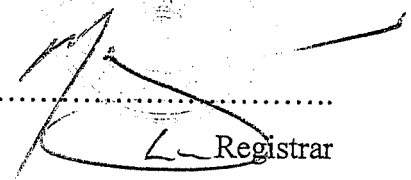
until the council's senior environment officer Growth Management gives a direction to the contrary, or until further order of the Court.

I DIRECT the parties to confer with a view to reaching agreement in relation to the issues of remediation and I will allow the parties, in relation to that issue, liberty to apply.

Filed on 11 OCT 2004

Filed by: Heiner & Doyle
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Registrar



**CALMAP
SCREEN PLOT**

Date: 16 Aug 04 Time: 09:33:00
Requested By:

Legend

- 11.7.1
- Lot 1, Plat 1
- 50' R/W
- City Block
- Plat



Lot 1, Plat 1
50' R/W

**LOT 65
SP 16661**

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LOCALITY DIAGRAM

