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Date: 14 March 2011

Messrs Herbert Geer, Lawyers
Attention: Mr Ronald Yuen
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REF: IWR:SFC:1336504FRFR

DERM
Attention: Amita Laroia
Email: amita.laroia@derm.qld.gov.au

1st Co-Respondents by Election
(J Lawler, Citizens Helping Inskip Peninsula, M
Lawler, Walter Dobkins, R & S Ruescher, E
Devereux)
Attention: Ross Lawler
By email: regl@bigpond.com

2nd Co-Respondents by Election
Fraser Island Defenders Organisation Limited
Attention: Andrew Sinclair
Email: andrew@sinclair.org.au

3rd Co-Respondent by Election
Rainbow Beach Commerce and Tourism
Association Inc
EMAIL: scott@planetelms.com

4th, 5th, 6th, 7th and 8th Co-Respondents by
Election
(Gregory David Wood, Fiona Hawthorne, Vivien
Griffin, National Parks Association of Qld, and
Cooloola Coastcare Association Inc)
Attention: Gregory David Wood
EMAIL: rainbowbeach@intermode.on.net

9th Co-Respondent by Election
Dept of Transport and Main Roads
C/- Crown Law
CONTACT: Elizabeth Scott
EMAIL: elizabethscott@crownlaw.qld.gov.au

**RAINBOW SHORES PTY LTD v GYMPIE REGIONAL COUNCIL & ANOR
PLANNING AND ENVIRONMENT COURT APPEAL NO. 2768 of 2009 (BRISBANE)**

The Respondent's issues in the appeal were outlined in its decision notice dated 9 September 2009, as supplemented by correspondence between the Respondent and the Appellant dated 9 April 2010.

Discussions about these issues between Council's nominated expert and opposing experts resulted in the following joint expert reports:

1. Joint expert report – waste management dated 2 August 2010;
2. Joint expert report - traffic engineering dated 5 August 2010;
3. Joint expert report no. 1 - water quality, water supply, sewerage and stormwater dated 12 July 2010;
4. Joint expert report no. 2 - water quality, water supply, sewerage and stormwater dated 8 October 2010;
5. Joint expert report no. 3 - water quality, water supply, sewerage and stormwater dated 8 December 2010;

Apart from a single point of disagreement in joint expert report no. 3 – water quality, water supply, sewerage and storm water dated 8 October 2010, there were no points of disagreement between experts in the joint experts reports for each of the above matters.

The point of disagreement in joint expert report no. 3 - water quality water supply, sewerage and storm water concerned the area of land available for irrigation of effluent, the type of irrigation and whether the size of the wet weather effluent storage would be sufficient to meet future state Government licence requirements.

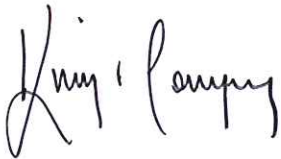
Ongoing discussions between the Respondent and the Appellant subsequent to joint expert no. 3 have resulted in a resolution of this remaining point of disagreement that will ultimately involve an infrastructure agreement between the Respondent and the Appellant.

On this basis, the Respondent's position in the appeal is that it is supportive of the proposed development subject to the imposition of appropriate approval conditions.

Pending the outcome of the hearing before the Planning and Environment Court the Respondent will remain an active party, although only to the extent required by any further changes to the proposal made by the Appellant in response to matters arising from the hearing.

Yours faithfully

KING & COMPANY



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