



Carmichael Coal Mine and Rail Project Supplementary Environmental Impact Statement

Volume 4, Appendix C4a – Planning Assessment Report Approval Application

Containing

- Planning Assessment Report
- Appendix A: Supporting Plans and Drawing
- Appendix B: Development Code
- Appendix C: Proposed s.242 variations
- Appendix D: Draft State Government Infrastructure Agreement
- Appendix E: Draft Local Government Infrastructure Agreement
- Appendix F: Statutory Forms
 - IDAS Form 1: Application Details
 - IDAS Form 31: Application for preliminary approval varying the effect of a local planning instrument
 - Schedule 3 Assessable Development Checklist 1- Various aspects of development
 - Schedule 3 Assessable Development Checklist 2- MCU
- Appendix I: SARA Code

Planning Assessment Report: Preliminary Approval

17th July 2013



“IMPORTANT NOTE”

Apart from fair dealing for the purposes of private study, research, criticism, or review as permitted under the Copyright Act, no part of this report, its attachments or appendices may be reproduced by any process without the written consent of Gassman Development Perspectives Pty Ltd.

We have prepared this report for the sole purposes of Adani Mining Pty Ltd (“Client”) for the specific purpose of providing the application material to support a Preliminary Approval Application. (“Purpose”). This report is strictly limited to the Purpose and the facts and matters stated in it and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter.

In preparing this report we have made certain assumptions. We have assumed that all information and documents provided to us by the Client or as a result of a specific request or enquiry were complete, accurate and up-to-date. Where we have obtained information from a government register or database, we have assumed that the information is accurate. Where an assumption has been made, we have not made any independent investigations with respect to the matters the subject of that assumption. We are not aware of any reason why any of the assumptions are incorrect.

This report is presented without the assumption of a duty of care to any other person (“Third Party”) other than the Client. The report may not contain sufficient information for the purposes of a Third Party or for other uses. Without the prior written consent of Gassman Development Perspectives Pty Ltd:

- a) This report may not be relied on by a Third Party; and
- b) Gassman Development Perspectives Pty Ltd will not be liable to a Third Party for any loss, damage, liability or claim arising out of or incidental to a Third Party publishing, using or relying on the facts, content, opinions or subject matter contained in this report.

If a Third Party uses or relies on the facts, content, opinions or subject matter contained in this report with or without the consent of Gassman Development Perspectives Pty Ltd, Gassman Development Perspectives Pty Ltd disclaims all risk and the Third Party assumes all risk and releases and indemnifies and agrees to keep indemnified Gassman Development Perspectives Pty Ltd from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.

In this note, a reference to loss and damage includes past and prospective economic loss, loss of profits, damage to property, injury to any person (including death) costs and expenses incurred in taking measures to prevent, mitigate or rectify any harm, loss of opportunity, legal costs, compensation, interest and any other direct, indirect, consequential or financial or other loss.


GDP Document Control

Originating Office:	Brisbane	Job Number:	5370
Physical Address:	Level 8	Job Name:	Adani Mining Pty Ltd
	97 Creek Street	Project Manager:	Gary Savins
	QLD 4000	Document Title:	Planning Assessment
Postal Address:	GPO Box 999	Report	
	BRISBANE .Q. 4001	Author:	Paul Creighton
Phone:	+61 7 3221 6732	Client:	Adani Mining Pty Ltd
Fax:	+61 7 3221 7308	Client Contact:	Melinda Bergmann
Email:	mail@gassman.com.au	Client	Reference:
Web:	www.gassman.com.au	AMPL_MINE_SO_2013_821_RO	


Revision / Checking History

No.	Author	Reviewer
V1.0 (internal DRAFT)	Paul Creighton	Gary Savins
V2.0	Gary Savins	David Hansen

Legal Review

Version	Name	Position	Company	Signature	Date
V2.0	Paul O'Dea	Partner	Clark Kann Lawyers		16 th July, 2013

Approval for Issue

Version	Name	Position	Signature	Date
V2.0	David Hansen	Director		17 th July, 2013

Final Distribution

Adani Mining Pty Ltd	1 electronic copy
----------------------	-------------------

Contents

LIST OF FIGURES.....	6
LIST OF TABLES	7
1.0 EXECUTIVE SUMMARY.....	8
2.0 SITE AND APPLICATION SUMMARY.....	9
3.0 SITE INFORMATION	11
3.1 SITE LOCATION	11
3.2 SITE CHARACTERISTICS.....	13
3.3 SITE PHOTOS	14
4.0 THE PROPOSAL	17
4.1 OVERVIEW	17
4.2 CARMICHAEL OFF - SITE INFRASTRUCTURE DEVELOPMENT CODE	17
4.2.1 Land Use Precincts.....	17
4.2.2 Sustainability and Design Guidelines	19
4.2.3 Land Use Definitions.....	19
4.2.4 Tables of Assessment	20
4.2.5 Development Code Assessment Provisions	22
4.3 SUMMARY OF SUPPORTING SPECIALIST REPORTS / DOCUMENTATION	23
5.0 STATE GOVERNMENT PLANNING ASSESSMENT	24
5.1 STATE DEVELOPMENT AND PUBLIC WORKS ACT 1971	25
5.2 SUSTAINABLE PLANNING ACT 2009	25
5.3 PUBLIC ADVERTISING	26
5.4 STATE PLANNING POLICIES	27
5.5 STATE PLANNING REGULATORY PROVISIONS	32
5.6 STATE REFERRAL TRIGGERS	32
5.6.1 Other Development Referral Triggers	33
5.6.2 Assessable Development under Planning Scheme Referral Triggers	36
5.7 CONSOLIDATED LIST OF STATE REFERRALS	38
6.0 REGIONAL PLANNING ASSESSMENT.....	39
6.1 MACKAY, ISAAC AND WHITSUNDAY REGIONAL PLAN.....	39
6.1.1 Regional Framework.....	40
6.1.2 Regional Narratives	41
6.1.3 Desired Regional Outcomes.....	41
6.1.4 Implementation	43

7.0	LOCAL GOVERNMENT PLANNING ASSESSMENT	45
7.1	DEFINITION OF DEVELOPMENT	45
7.2	ZONING.....	46
7.3	LEVEL OF ASSESSMENT	47
7.4	DESIRED ENVIRONMENTAL OUTCOMES.....	47
7.4.1	<i>The Natural Environment and Cultural Heritage</i>	<i>47</i>
7.4.2	<i>Economic Development.....</i>	<i>48</i>
7.4.3	<i>Community Wellbeing.....</i>	<i>50</i>
7.4.4	<i>DEO Summary.....</i>	<i>52</i>
7.5	PLANNING SCHEME OVERLAYS	53
7.5.1	<i>Land Characteristics Map – Features Map</i>	<i>53</i>
7.5.2	<i>Land Characteristics Map – Good Quality Agricultural Land</i>	<i>54</i>
7.6	ZONE CODE	55
7.6.1	<i>Rural Zone Intent.....</i>	<i>55</i>
7.7	FURTHER PLANNING SCHEME ASSESSMENT PROVISIONS.....	57
8.0	ECOLOGICAL CONSIDERATIONS.....	58
8.1	THREATENED ECOLOGICAL COMMUNITIES	58
8.2	THREATENED AND MIGRATORY SPECIES.....	58
8.3	REGIONAL ECOSYSTEM MAPPING.....	58
8.4	PROPERTY MAPS OF ASSESSABLE VEGETATION (PMAVs).....	59
8.5	HIGH VALUE REGROWTH AND REGROWTH WATERCOURSE VEGETATION	59
8.6	MAP OF REFERABLE WETLANDS.....	59
8.7	PMAVs AND PVMPs	60
8.8	WATERCOURSE DETERMINATIONS.....	60
8.9	VEGETATION MANAGEMENT PLANS	61
9.0	INFRASTRUCTURE REPORTING.....	62
9.1	ENGINEERING SERVICES.....	62
9.1.1	<i>Sewer.....</i>	<i>62</i>
9.1.2	<i>Water</i>	<i>62</i>
9.1.3	<i>Electrical Services</i>	<i>63</i>
9.2	STORMWATER MANAGEMENT.....	63
9.2.1	<i>Stormwater Quantity.....</i>	<i>63</i>
9.2.2	<i>Stormwater Quality</i>	<i>64</i>
9.2.3	<i>Flood Immunity.....</i>	<i>64</i>
9.3	EARTHWORKS STRATEGY	65
10.0	KEY SITE BASED CONSIDERATIONS.....	66

10.1	STRATEGIC CONSISTENCY	66
10.2	COMMUNITY TITLE SUBDIVISIONS	68
10.2.1	<i>What is a Community Title Scheme?</i>	68
10.2.2	<i>What is the difference between a Body Corporate and a Community Management Statement?</i>	69
10.2.3	<i>Overview of the Body Corporate and Community Management Act (BCCM Act)</i> 69	
10.2.4	<i>Simple land subdivision under BCCM Act</i>	69
10.2.5	<i>Layered arrangements under BCCM Act</i>	70
10.2.6	<i>Staged Development</i>	73
10.2.7	<i>Staging of a Single Body Corporate</i>	74
10.2.8	<i>Staging of Layered Bodies Corporate</i>	77
10.2.9	<i>Airspace Projects</i>	80
10.3	INFRASTRUCTURE AGREEMENTS	81
11.0	CONCLUSION	83
	APPENDIX A: PLANS AND DRAWING	84
	APPENDIX B: DEVELOPMENT CODE	85
	APPENDIX C: PROPOSED S.242 VARIATIONS	86
	APPENDIX D: DRAFT STATE GOVERNMENT IA	87
	APPENDIX E: DRAFT LOCAL GOVERNMENT IA	88
	APPENDIX F: STATUTORY FORMS	89
	APPENDIX G: SARA CODE	90

List of Figures

Figure 1: Aerial imagery, Source: Adani Mining Pty Ltd	11
Figure 2: Site Context, Source: GDP, 2013	12
Figure 3: Aerial view of subject site looking west from eastern boundary, Source: Adani, 2012	14
Figure 4: Aerial view of subject site looking east with Moray Carmichael Road in centre, Source: Adani, 2012	14
Figure 5: Aerial view of subject site looking north with Moray Carmichael Road in centre, Source: GDP, 2013	15
Figure 6: Annabranh crossing in North Eastern portion of the subject site, Source: GDP, 2012	15
Figure 7: Moray Downs Homestead, Source: GDP, 2012	16
Figure 8: View of Moray Carmichael Road, Source: GDP, 2012	16
Figure 9: Carmichael MWAV Precinct MCU Table of Assessment, Source: Development Code	21
Figure 10: Hierarchy of Assessment – State, Source: GDP, 2013	24
Figure 11: Hierarchy of assessment – Region, Source: GDP, 2013.....	39
Figure 12: MIR Regional Plan Mapping, Source: Information Atlas 2013	44
Figure 13: Hierarchy of assessment – Local, Source: GDP, 2013	45
Figure 14: Planning Scheme Zone, Source: IRC Website, 2013.....	46
Figure 15: Planning Scheme MCU Table of Assessment, Source: IRC Website, 2013.....	47
Figure 16: Land Characteristics Map - Key Features. Source: IRC Website, 2013.....	53
Figure 17: Land Characteristics Map - Good Quality Agricultural Land. Source: IRC Website, 2013.....	54
Figure 18: Hierarchy of assessment – Key Site Based Considerations, Source: GDP, 2013	66
Figure 19: Simple Land Subdivision schematic, Source: Clarke Kann, 2013.....	70
Figure 20: Land Structure for a Basic Scheme, Source: Clarke Kann, 2013.....	71
Figure 21: Management Structure for a Basic Scheme, Source: Clarke Kann, 2013.....	71
Figure 22: Land Structure for a 2-tiered Layered Scheme, Source: Clarke Kann, 2013	72
Figure 23: 2 Management Structure as a Consequence of Figure 22 Land Subdivision Pattern, Source: Clarke Kann, 2013	73
Figure 24: Subdivision Pattern Stage 1, Source: Clarke Kann, 2013	75
Figure 25: Subdivision Pattern Stage 2, Source: Clarke Kann, 2013	75
Figure 26: Subdivision Pattern Stage 3, Source: Clarke Kann, 2013	76
Figure 27: Staged Subdivision Pattern (single Body Corporate), Source: Clarke Kann, 2013... 76	
Figure 28: Single-tier Management Structure related to Figure 27 Staged Subdivision, Source: Clarke Kann, 2013.....	77
Figure 29: Staged Subdivision Pattern (3 Bodies Corporate), Source: Clarke Kann, 2013.....	78

Figure 30: Management Structure related to Figure 29 Staged Subdivision, Source: Clarke Kann, 2013	78
Figure 31: Staged Subdivision Pattern (4 Bodies Corporate), Source: Clarke Kann, 2013.....	79
Figure 32: Management Structure related to Figure 31 Staged Subdivision, Source: Clarke Kann, 2013	79
Figure 33: Airspace Subdivision Structure, Source: Clarke Kann, 2013.....	80

List of Tables

Table 1: Site Characteristics Summary	9
Table 2: Application Characteristics Summary	9
Table 3: Planning Assessment Characteristics Summary	10
Table 4: Proposal Summary	10
Table 5: Site Characteristics	13
Table 6: Relevant reporting	23
Table 7: Relevant SPPs	27
Table 8: Relevant SPRPs.....	32
Table 9: Other Development Referral Triggers	33
Table 10: Assessable Development under a Planning Scheme Referral Triggers.....	36

1.0 Executive Summary

Gassman Development Perspectives have been commissioned to complete and compile the necessary application material for inclusion within the Supplementary Environmental Impact Statement ('SEIS') for the Carmichael Coal Mine and Rail Project (the 'Project') for a number of offsite infrastructure items. The SEIS submission that is being prepared is to expand the original Environmental Impact Statement ('EIS') previously submitted for the Project. The aim of this approach is to minimise overall assessment timeframes following determination of the EIS.

This application material relates to a Preliminary Approval Affecting a Local Planning Instrument for a Material Change of Use (s.242 of the Sustainable Planning Act). The subject site is located within the Moray Downs property, which is formally known as Lot 662 on PH1491. This form of development on the subject site has been defined as 'Impact Assessable Development' by the Isaac Regional Council Planning Scheme (the Planning Scheme for Belyando) and this application material has been prepared to reflect this impact assessable nature.

The proposed Preliminary Approval will seek to establish a site and operation specific planning framework that will effectively guide future development over the site in the most efficient and practical manner offered by the Sustainable Planning Act, 2009. The proposed framework will effectively allow the applicant to navigate the approvals process in a more logical manner that responds to the wider development context on site and the extensive amount of analysis that has already been conducted on site.

This report demonstrates the extensive analysis that has been undertaken in relation to the subject site in relation to the physical characteristics of the site, the existing planning context established in relation to the site and the local area and the projected impacts the proposed development will have.

This report has coherently demonstrated how the proposed development is consistent with the planning context of the State, region and local area and represents an appropriate strategic response to the existing rural zoning over the site. The potential impact of the proposal has been assessed in terms of environmental, social and economic considerations and no reasonable constraint has been identified that could undermine the proposed development.

2.0 Site and Application Summary

Table 1: Site Characteristics Summary

Site Details	
Site Address:	5509 Elgin Road, Clermont QLD 4721
Real Property Description:	Part Lot 662 on PH1491
Real Property Area:	117,000 ha
Subject Site Area	16,586 ha
Local Authority:	Isaac Regional Council

Table 2: Application Characteristics Summary

Application Details	
Approval Type	Preliminary Approval for: <ul style="list-style-type: none"> a Section 242 Preliminary Approval of the Sustainable Planning Act 2009 to affect a local planning instrument for Off-site Infrastructure Uses and Activities
Level of Assessment	Impact Assessable
Application Form(s)	IDAS Forms 1,5 and 31
Public Notification	To be advertised in conjunction with SEIS/EIS notification. No additional IDAS public notification is required.
Applicant:	Adani Mining Pty Ltd
Contact Person(s):	Gary Savins
Application Reference:	5370

Table 3: Planning Assessment Characteristics Summary

Planning Details	
Regional Plan:	Mackay, Isaac and Whitsunday Regional Plan 2012-2031
Regional Plan Land Use Designation:	Regional Landscape and Rural Production Area
Planning Scheme:	Belyando Planning Scheme 2008
Planning Scheme Zone:	Rural Zone
Assessment Level:	Impact Assessable

Table 4: Proposal Summary

Proposal Details	
Purpose / Description of Proposal:	Preliminary Approval to establish an appropriate planning framework to manage future off-site infrastructure development within certain areas of the site Carmichael Coal Mine Operation.
Development Stages Proposed	Not Applicable – No stages are proposed.
Assessment Process	The relevant reporting relating to this proposal will be incorporated within the SEIS which will be lodged with the Coordinator General as part of the broader consideration of the Project. Subject to the determination of the EIS, an accelerated form of SPA IDAS assessment is available.

3.0 Site Information

3.1 Site Location

The location identified for the preliminary approval area has generally been guided by the chosen location for core off-site infrastructure items, including that of the mine workers accommodation village ('MWAV'); airport; industrial area and rail. The total area for the part of the site to be subject to the preliminary approval is that of approximately 16,586 ha. This area currently runs from the east of the planned mine to eastern property boundary. The preliminary approval area would best be described as being located within the north-eastern pocket of the greater Moray Downs property. Access to the area is readily gained from Elgin-Moray Road or Moray Bulliwallah Road, both which leads in to the Gregory Development Road 50km to the east.



Figure 1: Aerial imagery, Source: Adani Mining Pty Ltd

The site is located approximately (all distances and times generated from Google):

- 50 km from the Gregory Developmental Road;
- 214 km (5 hrs 19 mins) to Clermont;
- 317 km (6 hrs 22 mins) to Emerald; and
- 335 km (6 hrs 39 mins) to Charters Towers;
- 916 km (12 hrs) to Cairns (international airport)

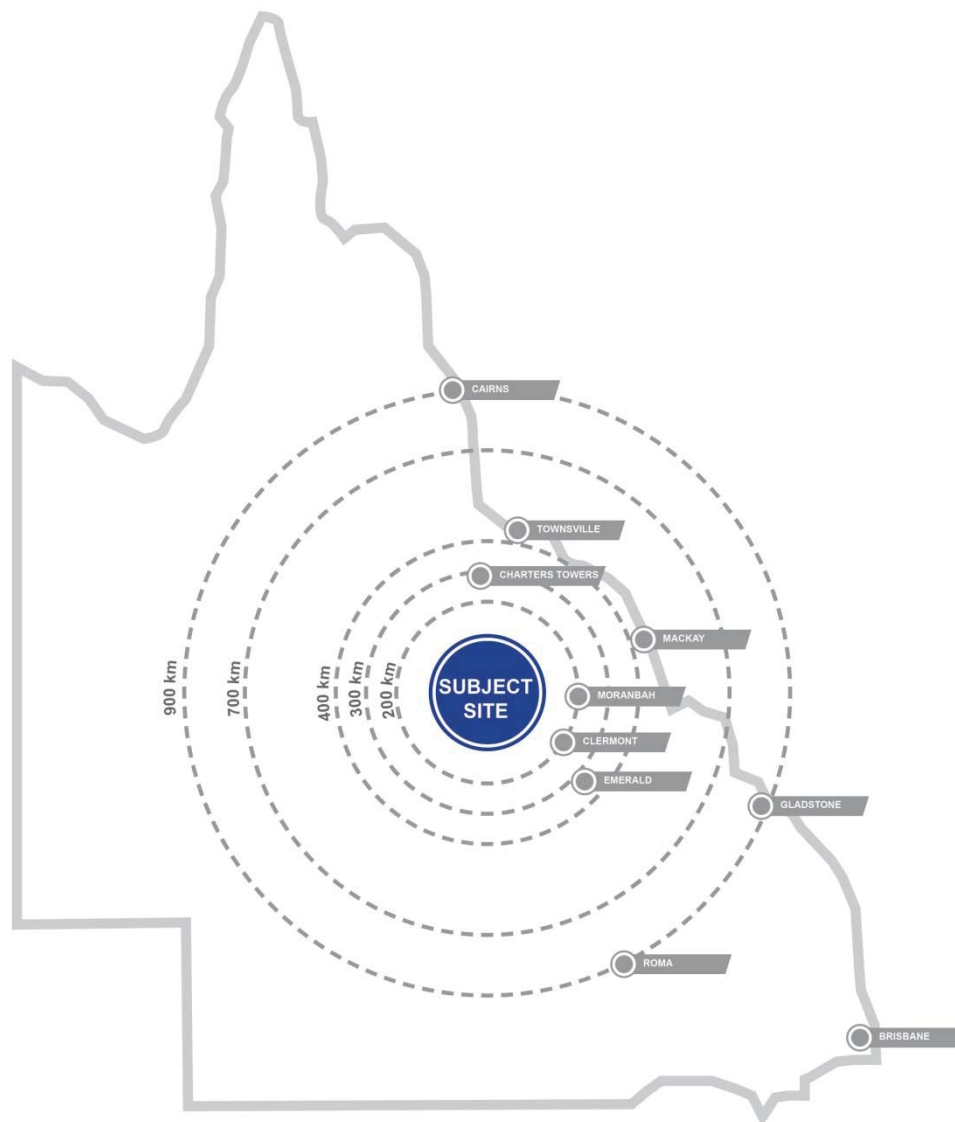


Figure 2: Site Context, Source: GDP, 2013

3.2 Site Characteristics

Table 5: Site Characteristics

Site Characteristic	Description
Land Use	The location to be subject to the PA is currently vacant reflective of its traditional use associated with agriculture.
Frontage & Access	The location to be subject to the PA is directly accessible from Moray-Elgin Moray Road and Moray Bulliwallah Road, with Moray Carmichael Road also effectively running through the location and dissecting it in to two (2) parts.
Topography	Due to the large size of the PA area the topography of it would best be described as undulating. With that being said, there are no significant high or low points.
Existing Vegetation	The subject location would best be described as comprising sporadic patches of existing vegetation, including established native vegetation. This vegetation ranges from endangered – sub dominant regional ecosystems to vegetation not classified as containing any ‘ecological’ values.
Contaminated Land	The subject location is not known to be contaminated.
Wetlands	The subject location is not in close proximity to an identified wetland.
Heritage Areas	The subject location has not been identified as containing any significant heritage assets or is adjacent to any identified heritage areas.
Conservation Areas	The subject location has not been identified as subject to any known conservation status.

3.3 Site Photos



Figure 3: Aerial view of subject site looking west from eastern boundary, Source: Adani, 2012



Figure 4: Aerial view of subject site looking east with Moray Carmichael Road in centre, Source: Adani, 2012



Figure 5: Aerial view of subject site looking north with Moray Carmichael Road in centre, Source: GDP, 2013



Figure 6: Annabranth crossing in North Eastern portion of the subject site, Source: GDP, 2012



Figure 7: Moray Downs Homestead, Source: GDP, 2012



Figure 8: View of Moray Carmichael Road, Source: GDP, 2012

4.0 The Proposal

4.1 Overview

This development application seeks approval for the following:

- Preliminary Approval affecting a local planning instrument for off-site infrastructure pursuant to s.242 of the *Sustainable Planning Act 2009 (SPA 2009)*.

The proposed Preliminary Approval ('PA') will seek to provide a tailored and appropriate planning framework to facilitate and guide the establishment and operation of core off-site infrastructure items required for the Project. Specific land use precincts, assessment tables and assessment provisions have been formulated as part of a Development Code that informs the PA to provide this tailored framework. Details of the PA code are outlined below:

4.2 Carmichael Off - Site Infrastructure Development Code

The Carmichael Off - Site Infrastructure Development Code ('Development Code') seeks to amend the existing planning framework for the subject site as defined by the Planning Scheme for Belyando Shire. The Code tailors land uses and code requirements to the features and characteristics of the site and the proposed overarching development strategy. Due to the overarching nature of the Development Code, it comprises a number of key components each included to provide necessary guidance and robustness to the planning outcome. A summary of the key components of the Development Code are further discussed below:

4.2.1 Land Use Precincts

Five (5) land use Precincts have been included within the Development Code. Each Precinct is targeted to the underlying core land use and range of activities proposed to be located within. Details of each of the Precincts within the Development Code and their unique intent statement are as follows:

- Precinct A (Carmichael MWAV): This Precinct applies to the area planned and designated to accommodate a 3,500 bed workers accommodation village and

supporting complementary activities and services. This Precinct recognizes the importance of flexibility and future site specific design challenges that may need to be overcome, whilst ensuring the integrated nature and consistent character planned for the MWAV is maintained. The reorganisation or relocation of planned MWAV elements within the Precinct is also supported and enabled.

- *Precinct B (Carmichael Airport):* This Precinct is reflective of the planned location for the private airport to be located on the site. This Precinct recognises the possibility that the airport may be constructed in phases and that additional growth and appropriate airport compatible uses may be established over time. The role that the airport will play as the key gateway to the broader project is also noted and encouraged to be embraced.
- *Precinct C (Carmichael Industrial):* This Precinct applies to the area designated for the industrial area that is to provide appropriate facilities and services to assist in servicing the planned mine and nearby workers accommodation village. This Precinct represents the first stage of a potential three (3) stage industrial land delivery program. This Precinct also encourages the appropriate use of balance areas and large super lots for low impact activities, such as vehicle set down and open storage areas that do not require permanent infrastructure servicing connections. The ability for a range of appropriate uses to be established on single allotments, as well as the ability for smaller lots to be developed responsive to end-user requirements is also supported and enabled.
- *Precinct D (Supported Areas):* This Precinct applies to the areas around the periphery of the core off-site infrastructure Precincts. This Precinct acknowledges the potential for such infrastructure items to be modified; expanded and/or relocated over time and ensures that sufficient areas are available for this to occur without impacting on the ongoing historical use of nearby areas. The possible utilisation of parts of this Precinct for “Carmichael temporary activities” is supported.
- *Precinct E (Carmichael Rural):* This Precinct applies to the remaining areas within the application extent that are not required to be permanently utilised in conjunction with the broader project and where the ongoing historical use is encouraged. A modified version of the current Rural Zone has been adapted to encourage and promote the ongoing historical use of this surplus area, namely that of agricultural and grazing activities. The utilisation of parts of this Precinct for “Carmichael temporary activities” is also supported.

4.2.2 Sustainability and Design Guidelines

Sustainability and Design Guidelines have been developed to inform the Development Code such that a desired framework of themes and outcomes were carried through the document. Good design is not just a matter of taste, it incorporates principles and parameters which future development can be shaped upon to create efficient, flexible, attractive and integrated proposals that will ultimately be sustainable in the future. The design guidelines have been heavily influenced by the principles of urban design, urban design is effectively the process of creating 'places' from space by manipulating and shaping the built environment to create sustainable and attractive places.

In order to provide clarity with regards the key influences on future development seven (7) key sustainability themes have informed this strategy, each with their own set of design guidelines that will help shape and frame future development. The defined themes include:

1. 'Identity';
2. 'Attractive Lifestyle';
3. 'Efficiency',
4. 'Safety';
5. 'Connectivity'
6. 'Adaptability'; and
7. 'Legibility'.

4.2.3 Land Use Definitions

A number of unique and tailored land use definitions were specifically drafted for inclusion and use within the Development Code. Where applicable existing definitions within the Planning Scheme for Belyando Shire ('Planning Scheme') were utilised, such as an 'Airport' use, however due to the uniqueness and broad scope of the project four (4) specific definitions were required to be generated. Details of these definitions are as follows:

“Carmichael accommodation” – means “premises” comprising primarily of “accommodation units” such as workers accommodation camps and villages. The term includes shared dining, laundry and recreation facilities which cater exclusively for the residents of the accommodation and a manager’s office and residence. The term also includes a “shop” and/or “hotel” to cater exclusively for residents of the accommodation.

“Carmichael industrial activities” – means “premises” used for activities involving the manufacture, production, servicing, storage and distribution of goods, articles, equipment or vehicles, including:

- (1) “Extractive industry”;
- (2) “Industry”;
- (3) “Noxious industry”;
- (4) “Service station”;
- (5) “Storage facility”;
- (6) “Transport terminal”;
- (7) Chemical and/or fuel storage; and
- (8) “Caretakers residence”.

“Carmichael special development” – means “premises” used for activities ordinarily associated within the Carmichael Coal Mine and Rail project not herein defined, including:

- (1) Core infrastructure items including power supply; on-site effluent disposal; water capture, conveyance and storage and any ancillary structures associated with such;
- (2) Temporary workers camps and lay down areas;
- (3) Quarries and quarrying related activities;
- (4) Railway activities;
- (5) Road freight logistics hubs and lay down areas; and
- (6) State and regional emergency facilities and services.

“Carmichael temporary activities” – means “premises” used on an irregular or infrequent basis that does not require the construction of a permanent building, the installation of permanent infrastructure or services. A temporary activity use must not exceed more than six (6) months per calendar year in relation to any given use or activity and must be ordinarily associated with the Carmichael Coal Mine and Rail project.

All other definitions applicable to the Development are those contained within the existing Planning Scheme.

4.2.4 Tables of Assessment

Following from the five (5) land use precincts subject to the Development Code, targeted and specific tables of assessment were also drafted for each Precinct. The purpose of these tables

was to ensure that ‘appropriate’ or ‘intended’ forms of development were more readily encouraged and undertaken within each of the relevant Precincts. Both material change of use and reconfiguration of a lot tables have been prepared for each Precinct. The format and structure of the tables have been adapted from those which are currently contained within the existing Planning Scheme.

An example of one of the proposed tables of assessment incorporated into the Development Code is as outlined below:

“Use”	Assessment Category	Applicable Code
“Carmichael accommodation”	Self Assessment where complying with the applicable acceptable solutions in the Development Code and not exceeding 3,500 beds Code assessment if any applicable acceptable solution is not met	Development Code Development Code
“Carmichael industrial activities”	Code assessment where the proposed use is to directly provide a service to the MWAV Impact assessment otherwise	Development Code
“Carmichael special development”	Code assessment	Development Code
“Carmichael temporary activities”	Self Assessment where complying with the applicable acceptable solutions in the Development Code Code assessment if any applicable acceptable solution is not met	Development Code Development Code
“Agriculture”	Self Assessment where: (a) complying with the acceptable solutions in the Development Code; (b) <u>not</u> involving “building work” other than “minor building work”. Code assessment otherwise	Development Code Development Code
“Grazing”	Self Assessment where: (c) complying with the acceptable solutions in the Development Code; (d) <u>not</u> involving “building work” other than “minor building work”. Code assessment otherwise	Development Code Development Code
All other “uses”	Impact assessment	

Figure 9: Carmichael MWAV Precinct MCU Table of Assessment, Source: Development Code

Importantly, the existing operational works and building works assessment table of the existing Planning Scheme have not been altered by this Development Code.

4.2.5 Development Code Assessment Provisions

A specific set of Development Code assessment provisions were also drafted and included to act essentially as an applicable 'zone code'. These assessment provisions were adapted from the format of the existing zone codes contained within the existing Planning Scheme, and included provisions relating to either specific forms of development and / or varying levels of assessment. Core outcomes and purposes of the proposed assessment provisions were also prepared to inform and assist with all levels of interrogation and assessment.

Importantly, these assessment provisions have been drafted such that the following uses are to be acknowledged and considered as appropriate uses within the proposed Precincts of the Development Code:

- "MWAV accommodation" within Precinct A (Carmichael MWAV);
- "Carmichael airport" within Precinct B (Carmichael Airport);
- "Carmichael industrial activities" within Precinct C (Carmichael Industrial);
- "Carmichael special development" within Precinct D (Supported Areas);
- permanent forms of "agriculture" and "grazing" within Precinct E (Carmichael Rural);
- interim forms of "agriculture" and "grazing" within any Precinct;
- "Carmichael special development" in any Precinct, excluding Precinct D (Carmichael Rural)
- "Carmichael temporary activities" within Precinct D (Carmichael Rural);
- ancillary "Carmichael industrial activities" within Precinct A (Carmichael MWAV);
and
- ancillary "Carmichael industrial activities" within Precinct B (Carmichael Airport).

4.3 Summary of Supporting Specialist Reports / Documentation

In support of this development application, the following specialist reports have been commissioned and accompany this planning assessment report:

Table 6: Relevant reporting

Category	Consultant	Title of Documents	Location
Plans and Drawings	Gassman Development Perspectives	Site Analysis Plan Precinct Plan	Appendix A
Development Code	Gassman Development Perspectives	Carmichael Off-site Infrastructure Development Code	Appendix B
Proposed S242 Variations	Gassman Development Perspectives	Section 242 Preliminary Approval – Comparative Analysis	Appendix C
Draft State Government IA	Clark Kann Lawyers	High Level Infrastructure Agreement – State Government	Appendix D
Draft Local Government IA	Clark Kann Lawyers	High Level Infrastructure Agreement – Local Government	Appendix E
Statutory Forms	Gassman Development Perspectives	Statutory Application Forms	Appendix F
SARA Code	Gassman Development Perspectives	SARA Code Responses	Appendix G

5.0 State Government Planning

Assessment



Figure 10: Hierarchy of Assessment – State, Source: GDP, 2013

State planning policy sits effectively at the top of the assessment hierarchy in relation to development proposals in Queensland, providing broad overarching policy that informs each of the subsequent lower levels of assessment. The following sections of this report provide discussion and comment on how the proposed development aligns with relevant state planning policies and provisions.

The proposed development requires an approval for:

- Material Change of Use: Section 242 Preliminary Approval.

As this application material is to form part of the broader SEIS submission for the project, discussion in relation to both the State Development and Public Works Act 1971 (SDPWO Act) and the Sustainable Planning Act 2009 (SPA) are required. In essence the content and form of the application material is guided by the SPA, with the SDPWO Act enabling early consideration of the applications. This early consideration then flows onto an accelerated SPA assessment

process once a SPA development application is lodged with the assessing authority (post EIS determination under the SDPWO Act).

5.1 State Development and Public Works Act 1971

The broader mine and rail project (the Project) has been declared a 'significant project' under the SDPWO Act and is currently undergoing the EIS assessment process by the Coordinator General. As this process is currently underway, alternative SPA assessment processes are applied in relation to aspects of a development requiring a SPA development permit.

Part 4 Section 37 of the SDPWO Act specifically deals with the forms of development where the application material is provided to the Coordinator General as part of the EIS/SEIS material. Importantly, accelerated forms of SPA processing and accessing stages are available due to the removal of the Information and Referral Stage, the Notification Stage and referral to any SPA referral agencies.

This application material has been prepared and submitted as part of the SEIS material in compliance with this ability for accelerated SPA assessment processes to be obtained.

5.2 Sustainable Planning Act 2009

SPA provides guidance in relation to the types of approvals required and the applicable assessment considerations. Specifically, a Material Change of Use (MCU) is defined as a number of different aspects, including that of the:

- the start of a new use of the premises; or
- the re-establishment on the premises of a use that has been abandoned; or
- a material increase in the intensity of scale of the use on the premises.

The PA application complies with this MCU aspect definition.

Part 5 Division 2 Sections 314 and 316 of the *Sustainable Planning Act 2009* (SPA 2009) specify those matters that must be addressed by the assessment manager as part of any

Impact Assessable development application including a preliminary approval under s.242 of SPA 2009. Reference items raised within these sections are summarised as follows:

- Relevant State planning regulatory provisions;
- Relevant regional plans;
- Applicable codes under IDAS or the SPA 2009;
- Relevant State planning policies;
- Any codes within relevant structure plans, master plans, temporary local planning instruments, preliminary approvals or planning schemes;
- Any development approval for, or lawful use of, premises the subject of the application or adjacent premises;
- Any referral agency's response; and
- Regarding the s.242 component the consistency the proposed variations will have with aspects of the local planning instrument and the effect the proposed variations would have on any right a submitter may be entitled to for following applications.

5.3 Public Advertising

This application for the PA, if currently lodged with Isaac Regional Council under the requirements of the Planning Scheme for Belyando Shire, would be Impact Assessable. Notwithstanding, as this application material forms part of the SEIS submission for the Project (which is to be publicly advertised), if an application is lodged post EIS determination, no additional public advertising measures are required.

5.4 State Planning Policies

The table below lists each State Planning Policy (SPP) with comments on their respective relevance to this application.

Table 7: Relevant SPPs

State Planning Policies	Relevance
SPP 1/92: Development and the Conservation of Agricultural Land	<p>Applicable –the subject site has traditionally been associated with grazing related agricultural operations and as such, any departure from this historical use requires careful consideration. On a project wide (macro scale), the land to be utilised for the mine and off-site infrastructure items is being considered as a whole and is to be dealt with on a project wide scale. This consideration includes aspects of varied land uses and applicable offsets/integration policies. It is also noted that as part of lease discussions with the State Government, similar considerations are also relevant. On a proposed application (micro) scale, the subject site area represents approximately 14% area of the current property (Moray Downs), with 90% of this area to be generally retained in its existing rural state. In this regard, it is not considered that this PA application will compromise or degrade the remaining agricultural use of the site and surrounds.</p> <p>Further, it is also noted that the PA application promotes the ongoing historical use of traditional agricultural activities both in interim forms where the land may be required for Project related activities in the future, and more permanent forms on remaining areas not considered likely to be necessary to accommodate permanent off-site infrastructure items.</p>

SPP 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities	Not Applicable – whilst the PA incorporates a Precinct created to cater for the needs of a private airport, the application of this policy relates to established and defined facilities and sensitive land uses. In this regard the proposed SPP is not relevant. Notwithstanding, the proposed Airport Precinct has been designed to cater for several of the defined constraints listed in this policy statement as a matter of best practice.
SPP 2/02: Planning and Managing Development Involving Acid Sulfate Soils	Not Applicable – the identified location of the proposal has not been identified as having the potential to contain acid sulphate soils.
SPP 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide	Applicable – whilst the proposed area to be subject to the PA is not highlighted within a natural hazard management area, there are a number of components within the PA that relate to aspects defined within Annex 1 of the SPP. This designation requires assessment against outcome 3 of the SPP and is relevant to the consideration and determination of this application. Outcome 3 states <i>‘Wherever practicable, community infrastructure to which this SPP applies is located and designed to function effectively during and immediately after natural hazard events commensurate with a specified level of risk’</i> . Sufficient design measures have been incorporated into the PA Application design and associated codes such that sufficient flood immunity will be achieved.
SPP 1/07 Housing and Residential Development	Not Applicable – the applicant is not a local government.
SPP 2/07: Protection of Extractive Resources	Not Applicable – the subject site has not been identified as being subject to a Key Resource Area designation. Notwithstanding this point, the PA is directly related to a mining operation and therefore complements the intent of this policy provision.
SPP 2/10: South East Queensland Koala Conservation	Not Applicable – the area to be subject to the PA is not identified as being subject to koala conservation policies for south-east Queensland.
SPP 3/10: Acceleration of Compliance Assessment	Not Applicable – accelerated compliance assessment under this SPP has not been sought as part of this PA application.

SPP 4/10 Healthy Waters	Applicable – Development is to be constructed so that it complies with the provisions of this policy. Appropriate provisions have been included within the Development Code in this regard.
SPP 5/10 Air, Noise and Hazardous Materials	<p>Not Applicable – whilst the area to be subject to the PA is not located within a designated management area under the SPP, it does include a number of uses that are defined within the list of sensitive land uses within this SPP. In this regard it is noted that the subject proposal is a component of a macro scale strategy over the Moray Downs which has undertaken extensive reporting to demonstrate the impacts of air, noise and hazardous materials associated with on site and off site infrastructure can be successfully mitigated utilising strategies such as design mitigation and buffering of land uses.</p> <p>Importantly, it is also noted that the proposed location and establishment of an industrial area is located a considerable distance from the planned accommodation village so as to minimise potential future adverse land use conflicts.</p> <p>Accordingly it is considered that the proposed development is compliant with the outcome of this policy provision.</p>
SPP 4/11: Protecting Wetlands of High Ecological Significant in Great Barrier Reef Catchments	Not Applicable – the area to be subject to the PA is not identified as a wetland protection area as contained within the Great Barrier Reef Catchments.
SPP 1/12: Protection of Queensland's Strategic Cropping Land	Not Applicable – the area to be subject to the PA is not identified as being strategic cropping land or as potential strategic cropping land.

Temporary SPP 2/12 Planning for Prosperity

Applicable – this temporary Policy was introduced to assist in supporting economic growth within QLD and reduce red tape. It enables policy and decision makers to utilise additional ‘tools’ to overcome conflicting issues based on the State’s economic growth.

In terms of development assessment, there are a number of competing outcomes that can be considered to balance the appropriateness of development. One such outcome is *“mineral and extractive resources development which can be shown to be complementary to an area’s primary intended land use”*.

This application relates to key off-site infrastructure items required to support extractive mining activities. Whilst the current intent of the area is generally that of rural, the broader EIS assessment may facilitate a variation to this use to include extractive mining activities. It is also noted that the location and operation of similar extractive mining operations generally occurs within rural areas.

In this regard, it is considered that this proposal will advance the purpose of this SPP through its direct relationship to the planned extractive mining operations.

Draft State Planning Policy April 2013

Applicable – This draft Policy was released for consultation in April this year and is aimed at expressing state interests in a complete and comprehensive manner. It is hoped that this SPP will lead to greater certainty, streamlined assessment and improved planning outcomes for the wider community. This SPP applies in a number of circumstances, including those in relation to making or amending planning schemes and assessment of development applications.

Five (5) themes are identified within this SPP which are the basis for the formulation of 18 state interests. Of particular relevance to this application is the state interest related to 'mining and extractive resources'. Whilst this state interest acknowledges that SPA does not regulate mining activities, it does note that it is *"important to maximise opportunities for coexistence between resource extraction and other development types where possible"*. This current application relates to core off-site infrastructure items that are intended to be appropriately located and operated 'side by side' with the planned extractive mining operation.

In this regard, it is considered that this proposal will advance the purpose of this SPP through its direct relationship to the planned extractive mining operations.

5.5 State Planning Regulatory Provisions

The table below lists each State Planning Regulatory Provisions (SPRP) with comments on their respective relevance to this application.

Table 8: Relevant SPRPs

State Regulatory Provisions	Relevance
State Planning Regulatory Provisions	
South East Queensland Regional Plan 2009-2031 (SEQRP)	Not Applicable – the area to be subject to the PA is not located within the SEQRP 2009-2031.
South East Queensland Koala Conservation State Planning Regulatory Provisions	Not Applicable – the area to be subject to the PA is not located within SEQ.
SPRP (Adult Stores)	Not Applicable – the proposal does not involve an adult store.
Off Road Motorcycling Facility on State Owned Land at Wyaralong	Not Applicable – the area to be subject to the PA is not located at Wyaralong.
State Planning Regulatory Provision (adopted charges)	Applicable: Due to the unique nature of this application and land tenure, matters in relation to infrastructure charges are considered likely to be subject to detailed and separate agreements outside the scope of any development approval.
Yeerongpilly transit Oriented Development State Planning Regulatory Provision	Not Applicable – the area to be subject to the PA is not located in the Yeerongpilly Area.
Coastal Protection State Planning Regulatory Provision	Not Applicable – the area to be subject to the PA is not located in the coastal zone or coastal management district.
Mackay Isaac & Whitsunday State Planning Regulatory Provision	Not Applicable – these provisions were repealed on the 11 th July 2012.

5.6 State Referral Triggers

The State Assessment and Referral Agency (SARA) was established on the 1st July 2013 and is the single assessment manager or referral agency for all development applications where the state has a jurisdiction. Prior to SARA being established, individual referrals had to be provided to any applicable state agency on a case by case basis.

Schedule 7 of the Sustainable Planning Regulation 2009 prescribes the applicable state agency referral triggers, with there being different triggers in relation to different 'types' of development. Due to the nature of this application and the proposed industrial uses, tables two (2) and three (3) of the regulation apply as they relate to 'other development made assessable' and 'development made assessable under a planning scheme'. If any of the triggers within these tables are triggered, then referral of the application material to SARA would generally be required. The following sections provide an outline of the assessment undertaken against both these tables.

5.6.1 Other Development Referral Triggers

The below table provides a summary of the assessment of the application material against the triggers outlined in 'Table 2 – Other development made assessable under schedule 3' of the Sustainable Planning Regulation 2009:

Table 9: Other Development Referral Triggers

Part	Area	Test	Trigger Applies	Referral Type
1	Environmentally relevant activity	MCU for an ERA	No	N/A
2	State-controlled road	ROL within proximity to State-controlled road	No	N/A
3	State-controlled road	OPW within proximity to State-controlled road	No	N/A
4	Clearing vegetation	ROL with associated native vegetation clearing	No	N/A
5	Clearing vegetation	OPW with associated native vegetation clearing	No	N/A
6	Strategic port land	MCU on strategic port land	No	N/A
7	Airports	MCU on certain airport land	No	N/A
7A	Airports	ROL on certain airport land	No	N/A
8	Major hazard facilities	MCU for major hazard facility	No	N/A
9	Taking or	OPW for taking or	No	N/A

	interfering with water	interfering with water		
10	Interfering with water and embankment areas	OPW for taking or interfering with water	No	N/A
11	Particular dams	OPA for construction of a dam	No	N/A
12	Removal of quarry material	Development for removal of quarry material	No	N/A
13	Tidal works	OPW for certain tidal or related works	No	N/A
14	Tidal works	ROL within CMD or for canal construction	No	N/A
15	Tidal works	OPW for certain tidal or related works	No	N/A
15A	Tidal works	OPW for certain tidal work	No	N/A
15B	Tidal works	OPW for certain tidal works within Gold Coast	No	N/A
16	Tidal works	Certain development within the limits of a port	No	N/A
17	Tidal works	Other development within limits of a port	No	N/A
18	Tidal works	OPW for marina works	No	N/A
19	Queensland heritage place	Development on a heritage place	No	N/A
20	Declared catchment areas	ROL in a declared catchment area	No	N/A
21	Electricity infrastructure	ROL subject to electricity easement or substation	No	N/A
22	Contaminated land	ROL on contaminated land	No	N/A
23	Contaminated land	MCU on contaminated land	No	N/A
25	Adjoining a fish	Building work in a	No	N/A

	habitat area	declared fish habitat area		
26	Adjoining a fish habitat area	OPW in a declared fish habitat area	No	N/A
27	Adjoining a fish habitat area	Development adjoining a declared fish habitat area	No	N/A
28	Certain aquaculture	MCU for aquaculture	No	N/A
29	Waterway barrier works	OPW for waterway barrier works	No	N/A
30	Marine plants	OPW for removal, destruction or damage of marine plants	No	N/A
31	Marine plants	ROL that involves removal, destruction or damage of marine plants	No	N/A
32	Marine plants	MCU that involves removal, destruction or damage of marine plants	No	N/A
33	Public passenger transport	Certain ROL close to a public passenger corridor	No	N/A
33A	Public passenger transport	Other ROL close to a public passenger corridor	No	N/A
34	Railways	ROL close to railway land	No	N/A
34A	State-controlled transport tunnels	ROL close to State-controlled transport tunnel	No	N/A
35	Oil and gas infrastructure	ROL subject to oil/gas easement	No	N/A
39	Regional plans	Certain ROL with the SEQ Region	No	N/A
41	Wild river areas	MCU for certain activities within a wild river area	No	N/A
42	Wild river areas	OPW for certain activities within a wild river areas	No	N/A
43A	Wetland	ROL in a wetland	No	N/A

		protection area		
43B	Wetland	OPW in a wetland protection area	No	N/A
47	Distributor-retailers area	ROL within a distributor-general's geographic area	No	N/A

5.6.2 Assessable Development under Planning Scheme Referral Triggers

The below table provides a summary of the assessment of the application material against the triggers outlined in 'Table 3 – Development made assessable under a planning scheme' of the Sustainable Planning Regulation 2009:

Table 10: Assessable Development under a Planning Scheme Referral Triggers

Part	Area	Test	Trigger Applies	Referral Type
1	State-controlled road	MCU within proximity to State-controlled road	No	N/A
1A	State-controlled road	OPW within proximity to State-controlled road	No	N/A
2	State transport infrastructure	Development of a certain type and scale	Yes	TMR as a concurrence agency
4	Declared catchment areas	Certain development within a declared catchment are	No	N/A
5	Coastal management district	MCU within a coastal management district	No	N/A
6	Community infrastructure	Development on land designated for community infrastructure	No	N/A
7	Electricity infrastructure	MCU on a lot subject to electricity easement or substation	No	N/A
8	Electricity infrastructure	MCU within proximity to a substation site	No	N/A

9	Electricity infrastructure	OPW on a lot subject to an electricity easement or substation	No	N/A
10	Clearing vegetation	MCU for 242 on a lot containing native vegetation or involves clearing native vegetation	Yes	DNRM as a Concurrence Agency
11	Contaminated land	MCU within a management area for unexploded ordinance	No	N/A
12	Regional plans	Certain MCU with the SEQ Region	No	N/A
14	Public passenger transport	Certain MCU close to public passenger transport corridor	No	N/A
14A	Public passenger transport	Other MCU close to public passenger transport facility	No	N/A
15	Airports	MCU on certain airport land	No	N/A
15A	Railways	MCU close to a railway or future railway land	No	N/A
15B	Railways	OPW close to a railway or future railway land	No	N/A
15C	State-controlled transport tunnels	MCU close to a state-controlled transport tunnel	No	N/A
16	Oil and gas infrastructure	MCU subject to oil/gas easement	No	N/A
17	Oil and gas infrastructure	OPW subject to oil/gas easement	No	N/A
21A	Land in or near a wetland	MCU including OPW in a wetland protection area	No	N/A
25	Marine plants	MCU that involves removal, destruction or damage of marine plants	No	N/A

26	Distributor-retailers area	Development within a distributor-general's geographic area	No	N/A
27	Strategic cropping land	MCU wholly or partly on SCL	No	N/A
28	Strategic cropping land	ROL of a lot containing SCL	No	N/A
29	Strategic cropping land	MCU in a protection area for SCL	No	N/A

5.7 Consolidated List of State Referrals

This application for the PA, if currently lodged with Isaac Regional Council would require referral to SARA based on the above triggers that require referral to DNRM and TMR as concurrence agencies. Notwithstanding, as this application material forms part of the SEIS submission for the Project, if an application is lodged post EIS determination, no subsequent referral of the application material to State agencies is required.

6.0 Regional Planning Assessment

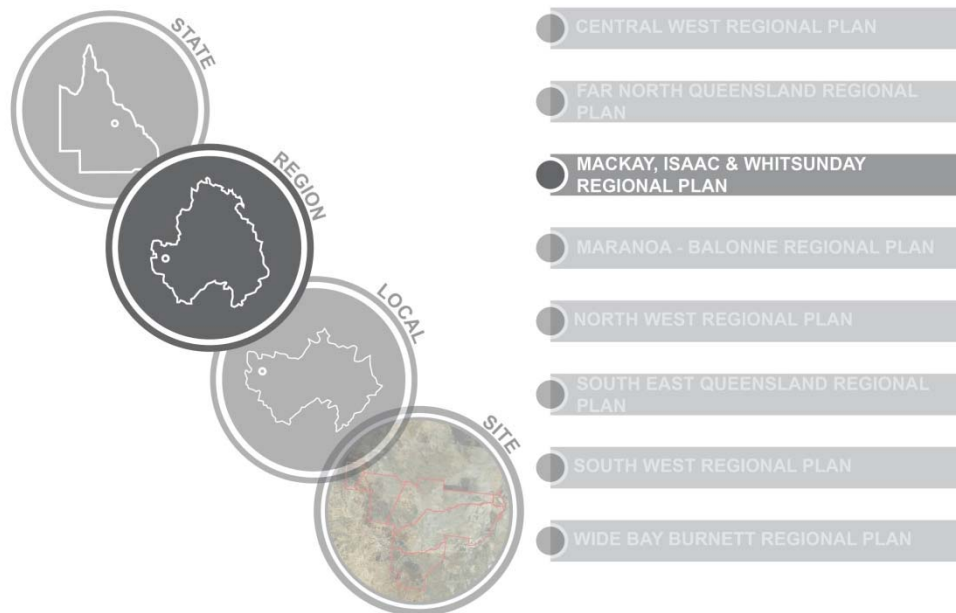


Figure 11: Hierarchy of assessment – Region, Source: GDP, 2013

Regional planning policy is positioned below state planning policy as effectively the second tier on the hierarchy of planning policy in relation to development proposals in Queensland. Regional planning policy provides region specific guidance in relation to the themes and issues that effect the region as a whole, it also provides an opportunity for the region and its constituent local authorities to work together to achieve common goals.

In this particular instance, the Mackay, Isaac and Whitsunday Regional Plan (MIW Regional Plan) applies to the subject site. Generally speaking, for applications to be favourably considered they need to be consistent and complimentary to the intent and purpose of any applicable regional plans.

6.1 Mackay, Isaac and Whitsunday Regional Plan

The MIW Regional Plan seeks to establish a vision and framework for the sustainable future of the Mackay, Isaac and Whitsunday Region from present day up until the year 2031. Given the

timeframes and size of the region, the document effectively provides strategic objectives to address future challenges and capitalise on opportunities.

The basic structure of the plan includes a 'Regional Framework' that provides location specific guidance; 'Regional Narratives' to provide more detail within specific areas; and 'Desired Regional Outcomes' that provide region wide policy objectives, finally a description of the core land use designations within the plan is provided to inform future development. The following sections assess the proposed development against the relevant sections.

Given the strategic nature of this PA application, consistency with the MIW Regional Plan is seen as one of the core measures to ascertain the appropriateness and suitability of the Development Code and requested Planning Scheme variations.

6.1.1 Regional Framework

The Regional Vision for the MIW Regional Plan states:

“The Mackay, Isaac and Whitsunday region (the region) is a vibrant, progressive region where the values of the community and industry are respected and in balance with the natural environment. The region’s natural assets and abundant resources will be responsibly managed for the benefit of residents, visitors and future generations. It achieves its potential with a range of industries, employment and learning opportunities for everyone. The region has a resilient and inclusive community that respects and offers diversity and choice, and where residents and visitors enjoy a healthy, active and safe lifestyle”.

Significantly the vision identifies the importance of resource management within the region and encourages its sustainable exploitation to the benefit of the region.

Natural resource management is defined as a core strategic direction within the plan, as its presence underpins the regions economy at present and represents a major element of potential future growth. Further, the plan states that future planning will also need to ensure opportunities for exploration and development of new resources are appropriately located in order to reinforce the sector within the region.

Significantly in terms of economic development the regional framework references the need to provide economic growth and associated employment, in this respect the proposed development is consistent with the intent of the regional plan as it seeks to provide the

appropriate strategic planning framework through the Development Code to facilitate the establishment, expansion and on-going operation of off-site resource related activities.

6.1.2 Regional Narratives

Specific Regional Narratives have been prepared for the Isaac Regional Council area. These narratives acknowledge the presence of the coal reserves within the region and its contribution to the national economy. The narratives also reference the emerging proposals for future mine operations within the region and the preference for integrated infrastructure to encourage optimal outcomes. Significantly the exploration and exploitation of reserves within the Galilee Basin is identified as providing more growth opportunities within the region.

This proposal is considered to be generally consistent with these Regional Narratives as the PA is to provide the strategic planning framework to support exploration activities within the Galilee Basin.

6.1.3 Desired Regional Outcomes

The MIW Regional Plan lists a number of Desired Regional Outcomes (DROs) underpinned by principle, policy and program statements all of which are categorised by themes. There are 10 identified DROs, with these covering matters from sustainability; regional landscapes; urban form and transport. Some of the core DEOs that it is considered this proposal will assist in promoting include those in relation to natural resource management, strong economy and transport. An outline of some of the DEO policy provisions and discussion in relation to the proposed PA use is as follows:

4.1.3 Natural resource management, planning, investment, monitoring and reporting is coordinated to improve the quality and contribution of the resource to the region’.

Comment: The proposed development relates to a consolidated strategic land use framework for a proposed new extractive industry. The framework is aimed at tailoring and targeting appropriate assessment provisions to encourage the appropriate location, establishment and on-going use of off-site mining related activities. In this regard, the proposed development is a demonstration of how appropriate planning and investment is being brought forward as part of the natural resource management strategy for the operation.

4.2.5 Natural resource management frameworks include assessment of multiple-use opportunities and associated benefit objectives for existing and future resource areas’.

Comment: The PA seeks to provide the appropriate framework for establishing off-site infrastructure required to support the planned mine. The strategy proposed provides a number of distinct land use precincts and the co-location of appropriate uses and activities. In this regard, the PA is consistent with the intent of this provision.

5.3.3 Physical activity and healthy lifestyles are supported through appropriate location and design, including facilitating the provision of active transport infrastructure such as pedestrian and bicycle paths, and appropriate sport and recreation facilities.

Comment: The proposed PA includes a direct reference and intention for the current proposed mine workers accommodation village design to be located within the desired land use precinct and to also be consistent with the masterplan that has been prepared for the village. The current masterplan proposed incorporates a range of healthy lifestyle initiatives and facilities including that of a swimming pool, football pitches, multi purpose courts, cricket nets and a gymnasium.

5.3.8 Implement best practice urban design principles to create built environments and supporting infrastructure that facilitate universal access and active transport, and that increase community safety.

Comment: A core underpinning aspect of the Development Code was the Sustainability and Design Guidelines prepared that are based on industry best practice. The purpose of these principles and guidelines is to inform the Development Code such that a desired framework of themes and outcomes were carried through the document and proposed framework. These themes and outcomes included those in relation to attractive and functional built form, active transport and community safety.

5.5.6 Support sustainable, balanced resource communities through integrated planning and delivery of land uses, infrastructure, economic development, environmental protection and housing provision.

Comment: The proposed PA has been drafted so as to provide a clear targeted planning framework for the delivery of necessary off-site infrastructure items. This targeted approach has enabled the appropriate location and / or co-location of

complimentary uses to be undertaken early on to underpin optimal site selection outcomes and minimise likely future land use conflicts.

6.2.6 Attract new rail, port and aviation service providers that support and facilitate existing and proposed industry and provide new services in the region.

Comment: The proposed PA seeks to establish an appropriate framework that will allow adjacent land to benefit from increased accessibility in terms of bulk transport. This framework includes the provision of an airport precinct as well as an industrial area with large appropriately designed allotments to provide potentially important rail siding / servicing functions. The proposed Development Code also aims to streamline the approvals process for a number of the bulk transport modes envisaged to be utilised in conjunction with the planned mine.

10.3.5 Cluster and co-locate complementary industries to minimise transport requirements and influence the development of efficient modal and intermodal links essential for the movement of freight.

Comment: The proposed PA includes appropriate provisions relating to the establishment and ongoing operation of an industrial area. Within this area it is currently envisaged that a range of uses will be established as part of the first phase, with these including that of chemical storage, concrete batching and services infrastructure provision. The Development Code that supports the PA also acknowledges the co-location of this industrial area with the planned rail and promotes the establishment of rail related uses to compliment the function and operation of the industrial area.

In this regard, the proposed PA is considered to promote a large number of the DEOs and policies contained within the Regional Plan.

6.1.4 Implementation

Within the implementation provision of the Regional Plan, areas are divided into a number of land use categories. Whilst these categories are considered more generally related and linked to the repealed Regulatory Provisions, discussion against such themes is still considered warranted and necessary. Due to the sites remote location, it is located within the Regional Production and Rural Landscape Area as indicated below:

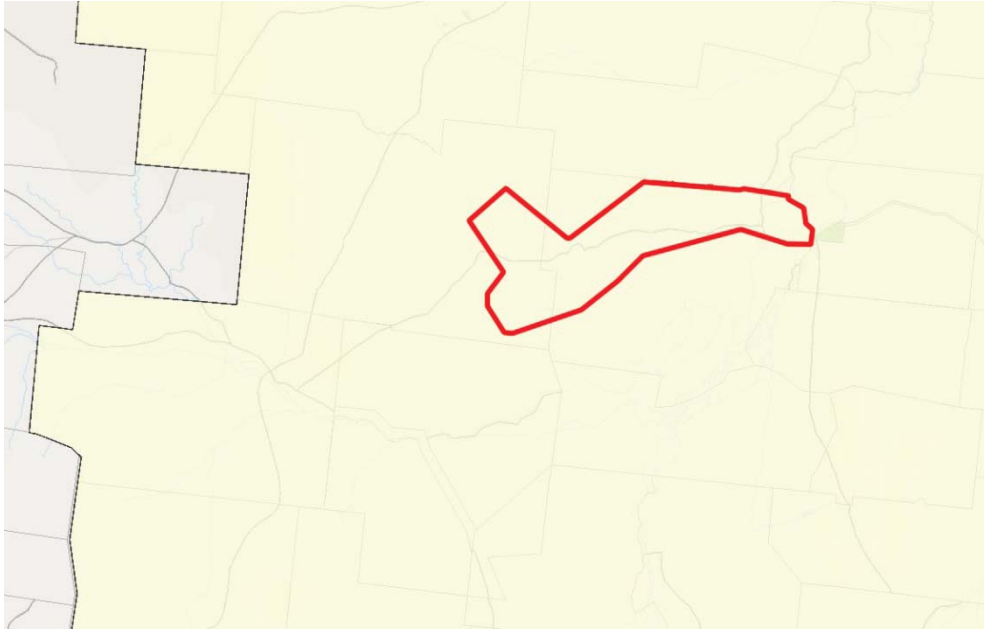


Figure 12: MIR Regional Plan Mapping, Source: Information Atlas 2013

Whilst the intent of this area is to generally identify and protect “*land with regional, rural production or other non-urban values*”, it is also noted that its purpose is not to impede significant activities including that of ‘mineral exploration’. In this regard, as this proposed PA is to support and compliment planned mineral exploration activities, it is considered to be compatible with the intent and purpose of the Regional Production and Rural Landscape Area.

7.0 Local Government Planning

Assessment



Figure 13: Hierarchy of assessment – Local, Source: GDP, 2013

As outlined earlier, the subject site is located within the jurisdictional boundaries of Isaac Regional Council. Currently there are three (3) separate planning schemes applicable within the Isaac Region, with these being that of the Belyando Scheme; Broadsound Planning Scheme and the Nebo Planning Scheme. The relevant planning scheme for the subject site is that of the Planning Scheme for Belyando Shire (the 'Planning Scheme').

7.1 Definition of Development

A preliminary approval affecting a local planning instrument pursuant to s242 of the SPA is proposed. The 'definition of development' as defined by SPA is as follows:

241 Preliminary approvals

(1) A preliminary approval-

- (a) approves development, but does not authorise assessable development to take place; and**

- (b) *approves development-*
 - (i) *the extent stated in the approval; and*
 - (ii) *subject to the conditions of the approval.*
- (2) *However, there is no requirement to get a preliminary approval for development.*

For a Preliminary Approval to affect a local planning instrument, it must state the way in which “*the application seeks to vary the effect of any local planning instrument for the land*”. The Carmichael Off-Site Infrastructure Development Code with accompanying precinct plan seeks to affect the local planning instrument.

7.2 Zoning

The subject site is located within the ‘Rural’ Zone of the Planning Scheme. The zoning designation is illustrated in the following figure:



Figure 14: Planning Scheme Zone, Source: IRC Website, 2013

7.3 Level of Assessment

Within the Rural Zone, a material change of use application for a PA for 'Off-Site Infrastructure Uses and Activities' is defined as Impact Assessable by the Planning Scheme. This use falls within the 'All other "uses"' category as outlined in the below table:

	Impact assessment otherwise	
All other "uses"	Impact assessment	

Figure 15: Planning Scheme MCU Table of Assessment, Source: IRC Website, 2013

7.4 Desired Environmental Outcomes

The Planning Scheme provides a number of Desired Environmental Outcomes (DEOs) to guide development in a strategic manner. They are communicated in a DEO statement followed by a number of strategies for achieving the outcome. To justify the suitability of the proposed changes provided below are relevant comments applicable to the DEOs of the existing Planning Scheme as they relate to the proposed development. Due to the higher order strategic nature of this application consistency with the identified DEOs was considered important with respect to demonstrating compliance with the strategic vision for the locality and broader Project.

7.4.1 The Natural Environment and Cultural Heritage

Desired Environmental Outcome

In Belyando Shire, ecological systems, the natural environment (including natural features and unique habitats such as Peak Range National Park, Mazeppa National Park, Narrien Range National Park, Epping Forest National Park, Wilandspey Conservation Park, Doongmabulla Springs Important Wetland and the declared catchment), and items and places of cultural and heritage significance are protected such that biodiversity, cultural heritage values and existing or intended landscape character are maintained.

Strategies

- Development is regulated to minimise any adverse impacts on air and water quality, to prevent land degradation, loss of unique habitat and biodiversity and to maintain the integrity of riparian areas, ridgelines and escarpments.*
- Development is regulated to be compatible with the environmental, habitat, biodiversity and landscape values and historic significance of protected areas (including Peak Range National Park, Mazeppa National Park, Narrien Range*

National Park, Epping Forest National Park, Wilandspey Conservation Park, Doongmabulla Springs Important Wetland and the declared catchment) and areas, local items and places of cultural significance (including areas along water courses).

Comment: The proposed PA application and specific Development Code has been designed in a respectful manner to the key characteristics of the area to be subject to the PA. Every effort has been made to ensure that no unreasonable adverse impacts are generated as a result of development facilitated by the PA. Importantly, the general appropriateness of the Project (in which the PA document is to provide strategic guidance for core off-site infrastructure items) is dealt with in greater detail in the complex array of material submitted as part the EIS / SEIS process. This higher level consideration and justification includes reporting on environmental and cultural heritage matters and outlines any required ameliorative measures.

With this being said however, it is not considered that the proposed PA application and any development it authorises will have any unreasonable impact on ecological systems and the natural environment. The area to be subject to the PA is not in close proximity to any identified riparian area, ridgeline or escarpment. There are also no known identified protected areas or places of cultural significance nearby to the area to be subject to the PA.

Accordingly, the proposed PA application and specific Development Code is considered to be consistent with the intent of 'Natural Environment and Local Heritage DEO', as it is generally complies with the identified outcome and derived strategy statements.

7.4.2 Economic Development

Desired Environmental Outcome

The viability of the mining industry is protected, while the economy of Belyando Shire is diversified in a manner that supports the intended land use structure and character of the urban centres of Clermont and Moranbah and the rural parts of the Shire.

Activities that do not require a rural location are consolidated within the towns of Clermont and Moranbah, so that investment in the towns is maximised.

Moranbah's role as the primary service centre for the northern Bowen Basin mining industry is enhanced.

Town centres in each of the Shire's urban communities form vibrant and compact commercial and community cores. Industrial nodes in Clermont and Moranbah are consolidated.

Natural resources (including land, water and mineral resources) are used sustainably.

Strategies

- a) The planning scheme reinforces the roles of Clermont and Moranbah as the principal places for administrative services, business, industry, retail, education and community services and transport services within the Shire.*
- b) Sufficient and suitable areas are identified for urban development, and key transport infrastructure are identified and protected.*
- c) Residential activities (with minor exceptions) are required to be located within the towns of Moranbah and Clermont.*
- d) Commercial activities are limited (with minor exceptions) to identified centres in the towns of Clermont and Moranbah.*
- e) Confidence in investment in the Shire's towns and in its major industries is maintained by identifying clear development intentions.*
- f) Urban and other sensitive forms of development are regulated to avoid or minimise potential conflicts with existing or future mining operations.*
- g) Productive rural land, rural industries and unique natural features (including mineral and extractive resources and tourist resources such as national parks, conservation parks and wetlands) are protected to preserve their continued economic potential and viability.*
- h) Industrial activities are directed to identifiable industrial nodes in the towns of Moranbah and Clermont.*

Comment: The proposed PA application and related Development Code is consistent with the Economic Development DEO as it seeks to provide the appropriate planning framework for the required off-site infrastructure items. These items are to support the planned mine operation that will provide a significant contribution to the state and regional economy.

The Development Code includes the appropriate identification and designation of areas for future aeronautical, industrial and residential activities. Areas not required for the permanent location of such aspects have been preserved and encouraged to generally be utilised for their ongoing historical agricultural use.

Whilst the chosen locations for these future activities are not located within the towns of Clermont or Moranbah, due to the sites isolation and single focus of the Project it is not considered that these established towns will be challenged as the principal locations for commerce. It is envisaged the centre of Clermont will retain its role as the service centre for the region.

Further, as all the proposed uses and activities are directly related to the planned mining operation, it is not considered that there are alternate or appropriate locations for them. In essence, the existing rural local location represents the optimum and most appropriate location for such activities to occur. Through the co-location of all these uses it will assist in providing a more compact and convenient form of development that should more efficiently contain and manage its impacts as opposed to having an adverse flow on effect on the closest established towns.

Accordingly, the proposed development is considered to be generally consistent with the intent of 'Economic Development DEO', as it is generally complies with the identified outcome and derived strategy statements.

7.4.3 Community Wellbeing

Desired Environmental Outcome

Moranbah and Clermont provide a wide range of government and community services and employment opportunities. Moranbah continues to have a significant role as the primary service centre for the northern Bowen Basin mining industry. The towns of Moranbah and Clermont accommodate strong, connected and vibrant communities, well supported by recreational and other community facilities, highly accessible by walking and cycling. Town centres provide a clear community focal point. Moranbah and Clermont are characterised by a strong and growing permanent resident population. A wide range of affordable housing types is available and all housing is designed to contribute to the quality of the urban environment. Dwelling units providing for permanent accommodation are predominant, with a significantly smaller proportion of other forms of accommodation intended for temporary residents.

The rural amenity and productive capacity of other parts of the Shire is maintained.

Strategies

- a) *The planning scheme seeks to ensure that people are connected to public spaces (including recreational areas) and community services through an appropriate land use structure and the provision of infrastructure within the towns of Clermont and Moranbah.*
- b) *Increased opportunities are created for a larger proportion of the mining (and related) workforce and their families to permanently reside in the Shire's towns through:*
 - *the designation of sufficient urban land to accommodate expected population growth;*

- *the encouragement of medium density, small lot and other forms of permanent housing to increase housing choices available within the Shire's towns; and*
 - *limitations on the size of accommodation facilities for non resident workers.*
- c) *The planning scheme seeks to ensure all residential activities (with minor exceptions) are located within the towns of Clermont and Moranbah.*
- d) *All forms of "residential activities" (including accommodation intended for visitors and temporary residents) are required to be designed to integrate with the surrounding urban environment and be of a high quality urban design.*
- e) *Development is regulated to protect the health and safety of people.*
- f) *(f) Infrastructure reflects community expectations and needs, meets appropriate engineering and environmental standards and is provided in an orderly and logical sequence to ensure cost effectiveness.*
- g) *Rural communities are protected from incompatible forms of development, and rural residential development is not supported by the planning scheme.*

Comment: The proposed PA application is considered to be partially consistent with the Community Wellbeing DEO as it seeks to provide crucial infrastructure for a community related to a significant Mine Operation.

Whilst the areas to be subject to the PA are outside the primary centres of Moranbah and Clermont, due to their direct linkage and connection with the planned mine, there are not considered to be any suitable alternate locations.

High level sustainability principles and design guidelines have been prepared and underpin the Development Code that forms part of the PA application. These guidelines are aimed at ensuring appropriate urban amenity is provided for future residents and that throughout all areas the health and safety of residents is appropriately managed. Broad strategies and information on the intended future level of infrastructure servicing has also been provided to provide a clear indication as to how these areas will be serviced and how it can be undertaken in accordance with the appropriate environmental standards.

Whilst this proposal represents a significant amount of mine related development not within the confines of the Shire's established towns, due to the remoteness of the area this location is considered justifiable and supportable. Importantly, it is considered that appropriate measures have been included within the Development Code to address the aspects of this DEO in relation

to urban design and human safety. Accordingly the proposed PA is considered consistent with the relevant provisions of this DEO when taking into consideration the remoteness of the area.

7.4.4 DEO Summary

The DEOs contained within the Planning Scheme seek to provide a strategic framework to guide the implementation of planning policies and subsequent development. Given the strategic level of assessment associated with the proposed development, an assessment against both the DEOs and relevant policy statements was undertaken. This assessment demonstrated how the proposed PA application is generally consistent with the intent of the DEOs and in many ways promotes the achievement of several strategy statements.

7.5 Planning Scheme Overlays

The following section captures the overlays contained within the Planning Scheme and their relevance to the proposed application.

7.5.1 Land Characteristics Map – Features Map

The area to be subject to the PA is not identified specifically on the 'Land Characteristics Map', the only relevant features identified in relation to the chosen location would be watercourses. Consideration and mitigation/management from any watercourses has been dealt with specifically in the engineering reporting that has been submitted as part of this proposal.

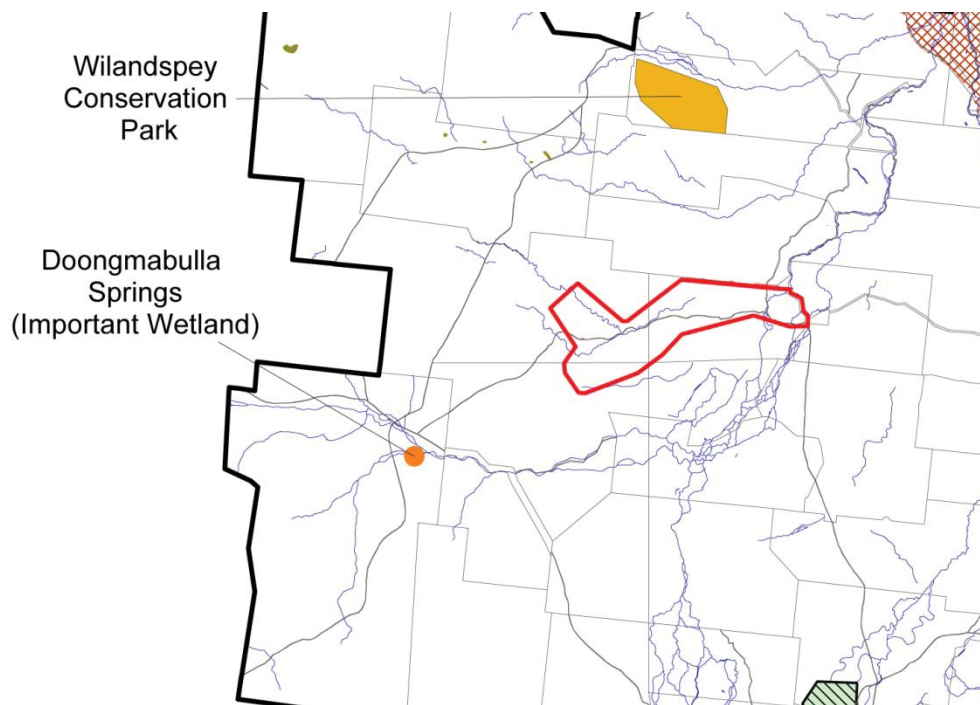


Figure 16: Land Characteristics Map - Key Features. Source: IRC Website, 2013

7.5.2 Land Characteristics Map – Good Quality Agricultural Land

The entire subject site has been identified as containing portions of Classes A, B and Class C Agricultural Land. It is also acknowledged that the subject site has traditionally been utilised for land extensive broad hectare grazing practices.

Importantly, the chosen area to be subject to the PA represents less approximately 14% area of Moray Downs, with 90% of this area to be generally retained in its existing rural state. In this regard it is not considered likely to have any meaningful impact on the agricultural (or other) use or carrying capacity of the property as a whole.

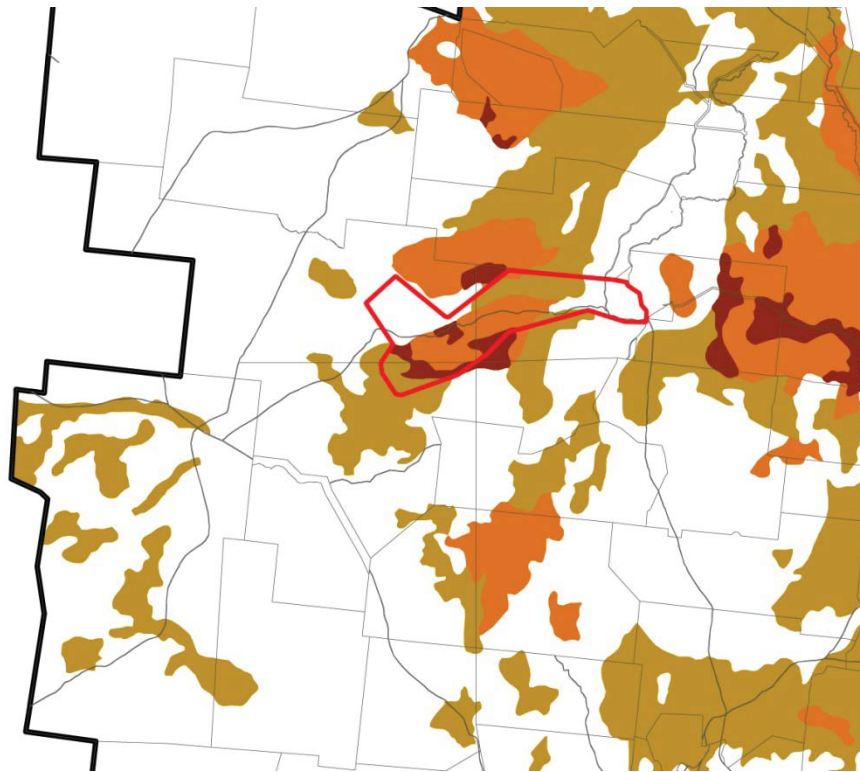


Figure 17: Land Characteristics Map - Good Quality Agricultural Land. Source: IRC Website, 2013

7.6 Zone Code

7.6.1 Rural Zone Intent

The 'Rural Zone' of the Planning Scheme seeks to provide the framework for development assessment in old Belyando Shire. The purpose of the code is defined under four key objectives, each one is detailed below in addition to an assessment of how this proposal will impact on the objective.

- 1) *The Rural "Zone" retains its viability as an area of primary production and natural resource use, including mining.*

Comment: The proposed PA application and related Development Code is part of a strategic planning framework strategy to facilitate the establishment and ongoing operation of mining related off-site infrastructure items. In this regard, due to its direct linkage to mining, it is consistent with this intent for the Rural Zone.

- 2) *"Rural activities" and mining are appropriately located within the Rural "Zone" and are not prejudiced by inappropriate development.*

Comment: The area to be subject to the PA has been specifically chosen in relation to its ability to directly relate and support the planned mining activities. In this regard, it is considered that the proposed location is the optimal location in terms of the existing context and proposed future operations for such infrastructure and will efficiently and sustainably contribute to the operation of the mine. Further, where areas under the provisions of the PA are not considered likely to be required to be permanently utilised in conjunction with the mine the ongoing historical agricultural use is encouraged and promoted.

- 3) *Within the Rural "Zone", "development":*
 - a. *maintains the environment, including soil, air and water, compatible with healthy natural systems and ensures public health and safety;*
 - b. *protects good quality agricultural land (GQAL) from fragmentation, alienation or encroachment of incompatible land "uses" in accordance with State Planning Policy 1/92 – Development and Conservation of Agricultural Land;*
 - c. *is located, designed and operated in a manner that protects and enhances the predominant rural scale, intensity, form and character;*
 - d. *maintains the rural amenity;*
 - e. *does not prejudice or impact adversely on other "uses", particularly "sensitive land uses", including those within other "zones";*
 - f. *does not prejudice or unduly impact on mineral resources or their extraction;*
 - g. *has an appropriately designed access to the road network, and traffic generated by the development does not impact adversely on the local road network;*
 - h. *does not adversely impact on areas and sites of conservation importance, including cultural and high landscape values;*

- i. is located and designed in ways that minimise the need for flood and landslide mitigation, and to protect people and premises from such natural events;*
- j. has water supply, stormwater disposal, sustainable effluent and waste disposal and power, to appropriate standards, adequate for the “use”; and*
- k. does not impact adversely on infrastructure.*

Comment: The proposed PA application and relevant Development Code have been drafted having regard to the existing context of the receiving environment.

The proposed design has been informed by the environmental features of the subject site in order to ensure no unreasonable impacts are experienced. Due to the nature of the proposed development, public health and safety has been a crucial element of the proposed framework ensuring the necessary standards are incorporated within the final design iteration.

Whilst the application acknowledges the designation of the subject lands within the ‘Good Quality Agricultural Land’ of the Planning Scheme, the chosen location represents less than 14% area of Moray Downs, with 90% of this area to be generally retained in its existing rural state. In this regard it is not considered likely to have any meaningful impact on the agricultural (or other) use or carrying capacity of the property as a whole.

The proposed PA represents the strategic planning framework proposed to support the planned mining operation of significant size and scope, in this regard the proposal is helping to facilitate sustainable resource extraction.

The area to be subject to the PA is not located on or adjacent to a site of cultural or high landscape value.

Appropriate measures in relation to flood immunity are intended to be provided so that appropriate uses are appropriately located and established within the PA area.

The Development Code has also been underpinned by ensuring that appropriate measures and strategies are implemented in terms of stormwater and servicing.

- 4) *Within the Rural “Zone”, the following are appropriate “uses”:*
- a. “agriculture” and “grazing”;*
 - b. “intensive animal industries” and “extractive industries”, where they are located and operated so as to ensure no unacceptable detrimental impact on surrounding “uses” or on the environment;*
 - c. limited industrial “uses”, where it can be demonstrated those “uses” are associated with rural production or natural resource use and cannot reasonably be established in the Industrial “Zone”;*
 - d. “bed and breakfast premises” and “home business” where they are of a small scale and are compatible with surrounding “uses”;*

- e. *“caravan or relocatable home park” for the purposes of tourist accommodation where it is: of a small scale; compatible with the amenity and character of surrounding uses; and directly and primarily associated with rural production, the natural environment or cultural resources in the surrounding area; and*
- f. *“caravan or relocatable home park” or “accommodation building” for the purposes of accommodating workers, where the use is: directly and primarily associated with rural production or a natural resource related industry on the same site or on an immediately adjoining site; compatible with the amenity and character of the surrounding uses; intended to be established only for a defined period; and cannot reasonably be located in the Urban “Zone”.*

Comment: The proposed PA application seeks to vary the appropriate uses identified for the subject area, with all these being directly linked and related to the planned mine. Importantly, a number of these uses are already identified as appropriate uses on the site including that of the mine works accommodation camp (“accommodation building”) and industrial uses associated within a natural resource use. As points 4c and 4f cater for the needs of natural resource related industry, the additional uses envisaged under the PA area considered a justifiable extension of this intent and generally consistent with this objective.

7.7 Further Planning Scheme Assessment Provisions

Generally speaking, any form of assessable development on the area to be subject to the PA would need to be considered in the context of any applicable codes, namely the Rural Zone Code. In this particular case however, due to the strategic nature of a PA application and the intention that the proposed Development Code would ‘replace’ the Rural Zone code assessment against this code is not considered warranted or necessary.

This approach is considered consistent with the strategic nature of this application as a higher level overall assessment was considered appropriate. This higher level assessment includes assessment against the MIW Regional Plan; Planning Scheme DEOs; Planning Scheme Zone Intents; and Planning Scheme Overlays.

8.0 Ecological Considerations

Searches of Commonwealth and State databases were undertaken to inform the preparation of the PA material. These searches revealed that a number of ecological considerations were mapped as occurring within the vicinity of the area to be subject to the PA. These constraints represented various levels of ecological value.

The following section discusses the ecological aspects of the development area which were considered during the preparation of the application for a preliminary approval.

8.1 Threatened ecological communities

The Environmental Protection and Biodiversity Conservation Act 1999 ('EPBC Act') Protected Matters Search revealed that three (3) Threatened Ecological Communities (TECs) are mapped as occurring within 100km of the development area. These include:

- Brigalow (Acacia harpophylla dominant and co-dominant) (Endangered)
- Natural Grasslands of the Queensland Central Highlands and the Northern Fitzroy Basin (Endangered)
- Weeping Myall Woodlands (Endangered)

8.2 Threatened and migratory species

The EPBC Act Protected Matters Search revealed that 14 threatened species, 12 migratory species and 11 listed marine species are known to occur within 100km of the subject site.

The Nature Conservation Act 1999 (NC Act) revealed that one (1) threatened flora species was recorded as occurring within the vicinity of the subject site. Details of these threatened, migratory and marine species are further discussed within the EIS and SEIS documents.

8.3 Regional ecosystem mapping

A large variety of endangered, of concern and least concern regional ecosystems (REs) occur on significant portions of the subject site. Where some RE types are removed, some offset plantings may be required under the Vegetation Management Act 1999 (VMA) and the Nature

Conservation Act 1992 (NCA). Generally speaking additional detailed third party consultant reporting has been prepared in conjunction with the broader SEIS submission (which this application material is to be included within). Any discussion or consideration of such regional ecosystems contained within this PA application has drawn guidance and been directed by this third party reporting. For further information in relation to this matter please refer to the comprehensive GHD (third party consultant) reporting included under separate cover as part of the SEIS response.

8.4 Property Maps of Assessable Vegetation (PMAVs)

The site contains several areas of Category A PMAVs. This implies that each area either:

- is a declared area;
- has been unlawfully cleared; or
- is subject to compliance or enforcement notice containing conditions about the restoration of vegetation.

The key proposed land use precincts of the PA have been located outside of areas mapped as Category A PMAVs. This avoids the need to obtain a separate permit through the Department of Natural Resources and Mines (DNRM) to remove vegetation in these areas.

8.5 High Value Regrowth and Regrowth Watercourse Vegetation

The key proposed land use precincts of the PA are located outside of high value regrowth vegetation and Regrowth Watercourse Vegetation present in other areas of the subject site.

8.6 Map of Referable Wetlands

Over the area subject to the PA application there are a number of wetland management areas and wetland protection areas which are mapped as occurring. Consequently, the proposed developments have been located away from trigger areas containing referable wetlands.

8.7 PMAVs and PVMPs

The detailed reporting that GHD undertook for the SEIS response, included detailed investigation and reporting regarding the ground-truthed accuracy of the mapped remnant vegetation within the development area. GHD has made a number of proposed corrections to this mapping and as a result has prepared a Property Map of Assessable Vegetation (PMAV) application to reflect these mapping changes.

As a result of these determinations, only two small portions of least concern Regional Ecosystems (REs) 10.4.5 and 10.3.6. Whilst this PA application does not propose any vegetation removal itself, the separate but related specific infrastructure items applications provides appropriate discussion and detail in relation to the envisaged vegetation removal within the industrial area. This request as a consequence of this proposed clearing, however, referral to DNRM will be required.

8.8 Watercourse Determinations

A request for watercourse determinations for the area subject to the preliminary approval, as well as to the broader mine and rail project areas, was made to DNRM by Adani Mining Pty Ltd.

Subsequent to this request, DNRM responded with the following watercourse determinations for the subject development area.

8.8.1 Determined Waterways

- Carmichael River
- Belyando River
- Logan Creek
- Dyllingo Creek
- Surprise Creek
- Mistake Creek

8.8.2 Determined Overland Flow Drainage Features (not Waterways)

- Laguna Creek
- Pear Gully
- Obungeena / Ogenbeena Creeks
- Unnamed Feature located to the south of MLA70441
- Unnamed Feature located to the north of MLA70441

8.9 Vegetation Management Plans

Vegetation Management Plans have been prepared in support of operational works applications for the airport precinct, industrial precinct and mine workers accommodation village precinct as part of concurrent planning applications.

These reports detail best practice methodologies for removal of vegetation to facilitate the bulk earthworks for all three areas, and also delineate the proportions of remnant and non-remnant vegetation proposed to be removed in each clearance area.

9.0 Infrastructure Reporting

Infrastructure Reporting has been undertaken to inform the assessment of the PA that will provide the planning framework over the three consolidated development areas. The following sections detail the Engineering Services, Stormwater Management and Earthworks Strategy components of the development areas and the infrastructure planning considerations associated with assessment of the preliminary approval.

9.1 Engineering Services

Through responsible planning with regards to the provision of all necessary engineering services, including sewer, water and electrical infrastructure, it can be demonstrated that the proposed development areas can be adequately serviced.

9.1.1 Sewer

The proposed sewer strategy for the development areas will involve collection of waste effluent via sewer reticulation systems and conveyance to package sewage treatment plants (STPs) to be located within each area.

It is proposed that sewage collection and reticulation for the MWAV and Industrial development areas will be through Low Pressure Sewer systems due to the flat nature of both of these sites. The proposed strategy for the Airport will involve collection of waste effluent via Gravity Sewer reticulation and conveyance to a STP.

The STPs shall be proprietary packages provided by an external supplier. The supplier shall be provided with loadings and treatment effluent quality targets they will need to meet. It is proposed that treated effluent shall be recycled and used for irrigation and non-potable re-use within the development areas. Therefore, the target of Class A+ treated effluent will need to be achieved by all of the STPs.

9.1.2 Water

It is anticipated that water for consumption purposes could be sourced from a range of various means, which may include local bore water wells, rain water capture, and external bulk water

delivery. Where necessary, water shall be treated onsite and conveyed to the various buildings within the development areas.

It is also considered likely that temporary interim solutions may need to be implemented on site until more permanent and sustainable water supply strategies are activated in accordance with the wider project. Either way, it is acknowledged that potable water will be required at each stage of development, and conditions to that effect will be accepted by the Applicant.

9.1.3 Electrical Services

It is anticipated that the occupancy across the development areas will vary throughout the day/week dependant on the split between shifts, etc. It is acknowledged that the development areas will require a continuous power supply at all times from the commencement of use, and the source of supply will likely reflect the strategies in place for the broader project supply.

The long term power supply is likely to be sourced from an electrical substation to be located within the proposed Industrial Area, however until such time as this permanent supply is available a range of interim measures, including diesel gensets, will be utilised.

9.2 Stormwater Management

The proposed development areas will incorporate water sensitive urban design measures throughout the early planning phases to ensure that all necessary stormwater quality and quantity objectives are met, along with planning considerations for flood immunity requirements.

9.2.1 Stormwater Quantity

The main objective of stormwater quantity assessment is to demonstrate that the proposed development areas will not exceed pre-development peak discharge rates for a range of storm frequencies as per Queensland Urban Design Manual (QUDM).

Preliminary hydrological assessment of the development areas has determined that there would be increases in stormwater runoff as a result of development. It is proposed that the resultant increases will be negated by the use of detention basins in each catchment area.

The on-site detention storage proposed for each development area will be sized to maintain the equivalent pre-developed condition peak flows for local catchment rainfall events up to and

including the 100 year ARI rainfall event. As such, the developed site areas will not affect the peak flows on the downstream infrastructure.

It is proposed to convey stormwater flows above ground in open channel drainage reserves.

9.2.2 Stormwater Quality

Water quality parameters and the proposed limits applicable for this development have been selected in accordance with the State Planning Policy Healthy Waterways (4/10). Modelling of the development was undertaken using the 'Model for Urban Stormwater Improvement Conceptualisation (MUSIC)' as promoted by the South East Queensland Healthy Waterways Partnership and a treatment system was assigned within the relevant modelling treatment parameters.

A combined treatment train of rainwater tanks and bio-retention systems is proposed to appropriately control the quality of the stormwater runoff from each development area. Once the areas are fully developed, stormwater run-off will be collected via a series of drainage systems and overland flow paths, eventually discharging to the bio-retention areas.

Consideration of stormwater controls has been made at this conceptual stage of the development to demonstrate:

- Compliance with QUDM;
- Compliance with the State Planning Policy 4/10 Healthy Waterways; and
- Ecological sustainability in terms of the development's impact upon receiving waters; and the viability of the proposed development.

9.2.3 Flood Immunity

The top of the proposed Carmichael Mine rail line adjacent to the proposed Industrial Area development has been set at level which achieves 100yr ARI flood immunity from Eight Mile Creek. This 100yr flood-immune level has been adopted in the proposed bulk earthworks strategy and grading layout for the Industrial Area.

Both the MWAV and Airport development areas are located on broad, natural ridge lines with proposed minimum RLs across the sites at levels approximately 7-8m above the nearest likely source of watercourse flooding (Eight Mile Creek).

Given the above, it is not envisaged that flood inundation will occur over the development areas as a result of waterway flooding. However, it is recommended that further investigations into flood levels from Eight Mile Creek are carried out at detailed design stage and that minimum habitable floor levels are set based on these findings.

9.3 Earthworks Strategy

Due to the relatively flat nature of each of the development areas and in order to incorporate the proposed stormwater catchment strategies, it is proposed that each of the development areas will be constructed mainly in fill.

It is anticipated that earthworks fill import material will be sourced locally from existing and planned quarry sites in the region.

It is envisaged that detailed bulk earthworks modelling will be undertaken as part of the detailed design stage.

10.0 Key Site Based Considerations

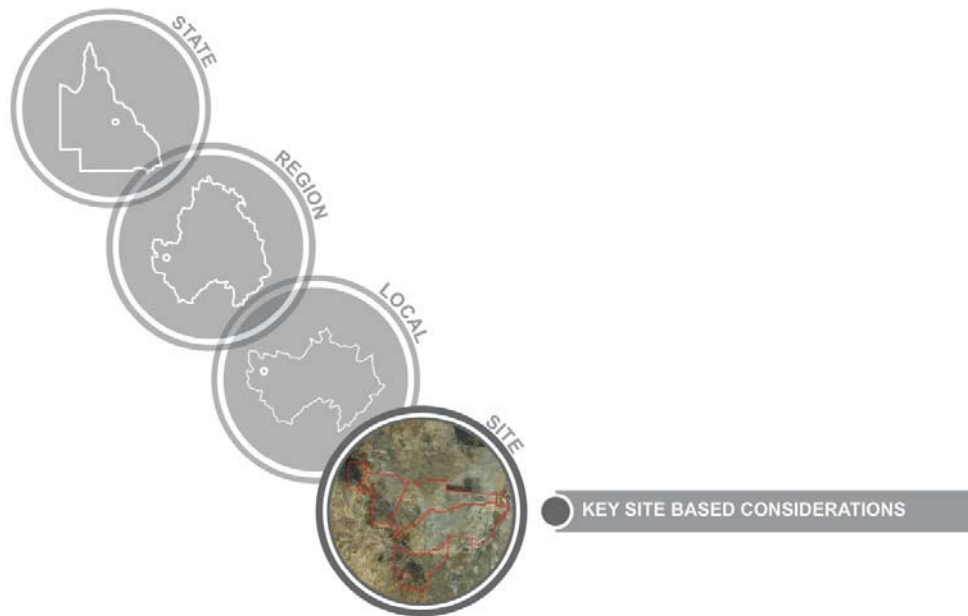


Figure 18: Hierarchy of assessment – Key Site Based Considerations, Source: GDP, 2013

The following key matters are considered relevant to the consideration and determination of this development application.

10.1 Strategic Consistency

The proposed PA affecting the local planning instrument seeks to alter the content and application of the Planning Scheme for the Shire of Belyando by:

- creating **new land use definitions** which replace the corresponding existing Planning Scheme definitions within the application area;
- replacing the existing Rural Zone with a number of **new land use precincts** which will have the effect of new zones within the application area;
- varying the **levels of assessment** for certain material changes of use, namely those new land use definitions which are tailored to the type of off-site infrastructure proposed within the application area;
- creating a **new Development Code** which will replace the existing Rural Zone Code and be used to assess self, code and impact assessable applications within the application area.

The new land use definitions are required in order that they are tailored closely to the off-site infrastructure proposed. The majority of changes made are quite subtle and merely build upon the existing Belyando Shire Planning Scheme definitions which do not accurately describe the specific type of mine-related off-site infrastructure proposed for this project. On that basis, the new definitions are considered appropriate, and their specific use within the relatively small application area will not undermine the clarity or purpose of the original Planning Scheme definitions which prevail in the balance of the Shire.

Five (5) new land use precincts have been identified to reflect the nature of off-site infrastructure proposed within the application area. These precincts will have the effect of new zones, however their spatial extent has been limited to reflect the specific location of infrastructure proposed. This will allow the Applicant some flexibility regarding the final detailed design of each infrastructure component, whilst giving decision makers the confidence that such infrastructure elements will be appropriately located, their footprint minimised and the physical impacts on the landscape can be appropriately assessed and mitigated.

Corresponding new Tables of Assessment have been prepared for each of the five (5) new land use precincts. The intent of these new tables is to ensure that where development proceeds in accordance with, or generally in accordance with the site planning and designs authorised under separate development application processes, this Preliminary Approval authorises such development to proceed on a Self Assessable basis. Likewise, where significant variations are proposed from the format or location of related approvals, the new Tables of Assessment will ensure that assessment is elevated to Code or Impact so that the consequences of the changes can be assessed and conditioned.

Finally, a proposed development code to act as an 'updated' zone code has sought to wherever possible mirror the terminology, structure and formatting of the existing Rural Zone Code under the Planning Scheme for Belyando Shire. Notwithstanding the proposed Development Code has sought to communicate its own intent and demonstrate how it may be implemented in conjunction with the Planning Scheme for Belyando Shire and in this regard for reasons of clarity the format and structure has varied in certain parts.

This new 'Carmichael Off-Site Infrastructure Development Code' will consolidate all of the proposed Planning Scheme variations so that it may act as a clear and concise tool for the ongoing regulation of development within the application area.

A comprehensive review of the proposed variations from the Planning Scheme for Belyando Shire is contained in **Appendix C – Proposed s.242 Variations**.

10.2 Community Title Subdivisions

The proposed off-site infrastructure elements to be authorised by this s242 PA and related (but separate) development permits include:

- A Mine Workers Accommodation Village for up to 3500 beds ('MWAV');
- A Private Airport; and
- An Industrial Estate.

The Applicant has confirmed that the industrial estate is the only off-site infrastructure component which may need to be titled by way of a Community Title Scheme under the Body Corporate and Community Management Act 1997 ('BCCM Act').

Both the MWAV and Airport would be held as fee simple or leasehold allotments as they would both be entirely owned by the Applicant, hence there is no requirement for a finer grain ownership structure. If the management of either of these facilities were delegated, such operational delegation could be achieved through sub lease arrangements.

On that basis, a draft Community Management Statement has been prepared only for the Carmichael Off-Site Industrial Area, and is included within the relevant application material prepared for the Industrial Area. To provide further information and inform this application material for the PA where community title subdivision under the BCCM Act is envisaged, the below sections provide further discussion on the key aspects of BCCM Act forms of subdivision.

10.2.1 What is a Community Title Scheme?

A Community Title Scheme ('CTS') comprises of jointly administered lots (scheme land) and the community management statement (CMS) that defines that administration. The scheme land must include common property.

Community Title Schemes were introduced by the BCCM Act to better administer group titles, building units and strata corporations. Four (4) regulations modules exist to meet the needs of different types of community titles schemes: Standard, Accommodations, Commercial and Small Schemes. The regulations modules set out rules relating to committees, general meetings, financial and property management and insurance.

Community title schemes allow for both land and building subdivision to occur on a single scheme whereas Building Unit and Group Title plans were separated. Community corporations are administered in a similar fashion to strata corporations (BUP and GTP body corporations) but the specifics of the administration are flexible depending on the size and purpose of the development.

10.2.2 What is the difference between a Body Corporate and a Community Management Statement?

A Body Corporate is a legal entity created when land is subdivided and registered under the Land Title Act 1994 to establish a community titles scheme. Every owner of a lot in a community titles scheme is a member of the body corporate. Owners do not have a choice as to whether or not they will be a body corporate member.

The Community Management Statement ('CMS') is a document which identifies scheme land and complies with the requirements of the BCCM Act. Particulars recorded in a CMS include the body corporate name, lot entitlements schedule and by-laws. The CMS identifies the regulation module of the scheme, and references the relevant Act (BCCM or BU and GT) for any exclusions or bylaws. Each CMS is identified by the number of the CTS to which it refers and also by a unique dealing number.

10.2.3 Overview of the Body Corporate and Community Management Act (BCCM Act)

The BCCM Act was made law in Queensland in 1994. It applies to all Projects in which there is common property vested in a body corporate. Conventional land subdivisions (i.e. those without common property) on the other hand are regulated by the Land Title Act.

The BCCM Act is capable of all types of "common-interests" subdivisions, from the simplest to the most complex mixed use Project.

10.2.4 Simple land subdivision under BCCM Act

An example of simple land subdivision is a suburban land Project where an allotment is subdivided into a number of lots and common property. At the time of subdivision the lots may have houses built on them, or the land may be vacant to allow buyers to build their own houses. The common property for the scheme may simply comprise an access road and open space

areas. However, the common property may also include recreational facilities, such as a tennis court and swimming pool.

These projects are subdivided by a standard format plan under the Land Title Act and then subjected to the management and dispute provisions of the BCCM Act.

Where the lots are to be sold as vacant land there is the ability to apply an “architectural and landscape code” to the community titles scheme. This ensures that the houses and other improvements must conform to a specified standard. This type of subdivision is easy to achieve under the BCCM Act. The following illustrates the type of Project and the subdivision pattern involved.

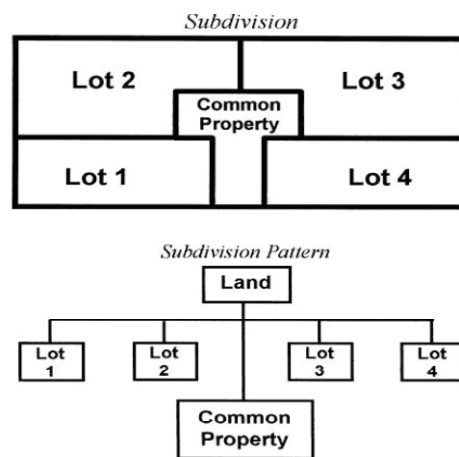


Figure 19: Simple Land Subdivision schematic, Source: Clarke Kann, 2013

10.2.5 Layered arrangements under BCCM Act

The BCCM Act has introduced the concept of a “layered arrangement” of community titles schemes. It allows significant flexibility for the structuring of community and scheme management arrangements.

A layered arrangement exists where one or more community titles schemes (a subsidiary scheme) is a “member” of another scheme (a principal scheme). In its more complex form, one subsidiary scheme can be a “member” of another subsidiary scheme, which is in turn a “member” of the principal scheme. This is a 3-tiered management structure. Each community titles scheme has its own body corporate and common property. In a 3-tiered structure, this means there are 3 bodies corporate and 3 sets of common property. Special arrangements can be made about use of common property, but in the absence of these, the common property within a particular community titles scheme can only be used by the owners of lots within that

scheme. Where one of the lots forms the basis of another community titles scheme (i.e. a subsidiary scheme), then the owners of lots in the subsidiary scheme would normally be entitled to use the common property in the higher scheme in the hierarchy.

The Body corporate for the subsidiary scheme is a member of the next body corporate up in the hierarchy. The rights obtained by the body corporate in the subsidiary scheme to use common property in the higher scheme pass directly onto the owners of lots in the subsidiary scheme. The same principles apply to community titles schemes further up in the hierarchy. Layered arrangements are intended for larger Projects. They allow management separation of different parts of a project, usually based on factors such as housing types, land use (eg residential versus commercial), common facilities, privacy or socio-economic differences. Care needs to be exercised when applying layered arrangements to a development. Such arrangements have the potential to substantially enhance the day to day operation of community. However, if not properly chosen they also have the potential to be very troublesome on an ongoing basis.

Figure 20 below illustrates the land structure for a basic scheme.

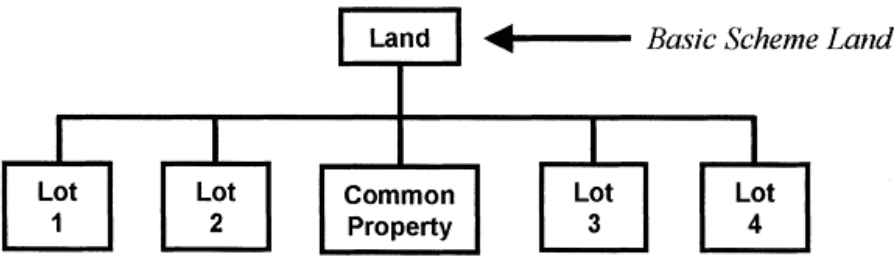


Figure 20: Land Structure for a Basic Scheme, Source: Clarke Kann, 2013

Figure 21 below illustrates the management structure for that basic scheme.

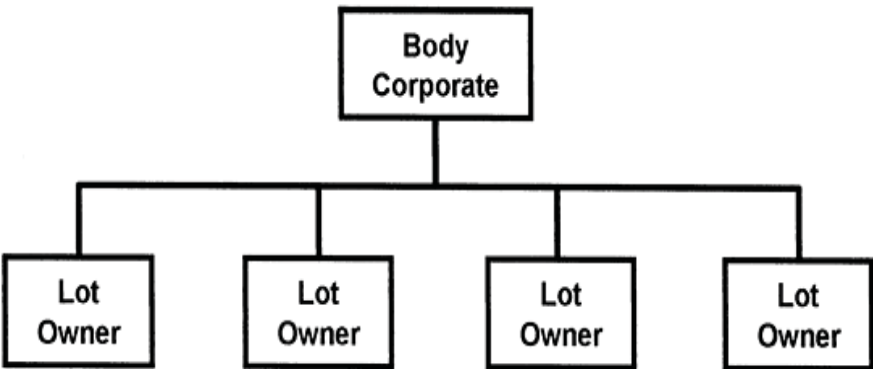


Figure 21: Management Structure for a Basic Scheme, Source: Clarke Kann, 2013

Figure 22 below illustrates the land structure for a 2-tiered layered scheme.

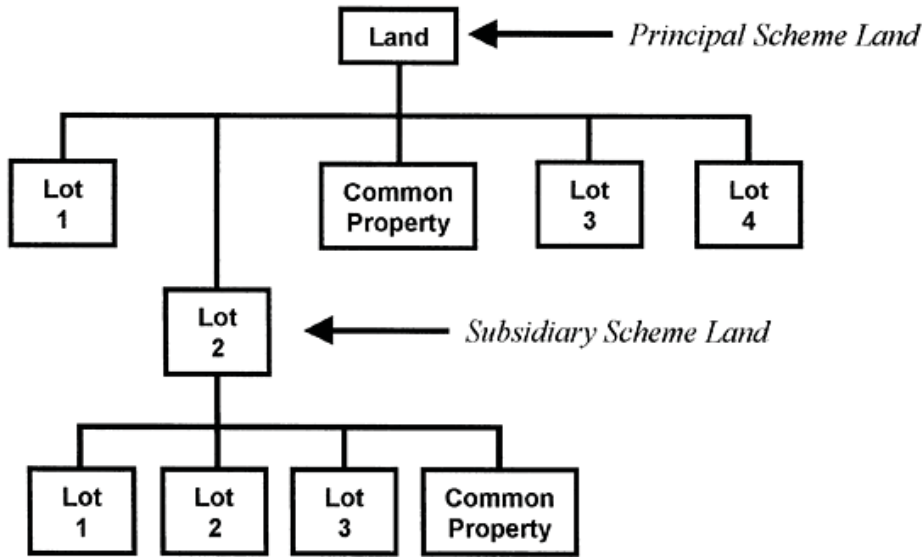


Figure 22: Land Structure for a 2-tiered Layered Scheme, Source: Clarke Kann, 2013

The subsidiary scheme based on Lot 2 in Figure 22 is a basic scheme, because no other scheme is based on any of its lots. It is the last scheme in the layered arrangement, but it is also a subsidiary scheme.

In Figure 22 the common property in the principal scheme is available for use by owners and occupiers of lots 1, 3 and 4 in the principal scheme and owners and occupiers of lots 1, 2, and 3 in the subsidiary scheme. However, the common property in the subsidiary scheme is only available for use by owners and occupiers of lots 1, 2 and 3 in the subsidiary scheme. (These entitlements can be varied if rights of exclusive use and enjoyment or special privileges are granted over any of the common property).

Figure 23 below illustrates the 2-tiered management structure that follows as a consequence of that land subdivision pattern

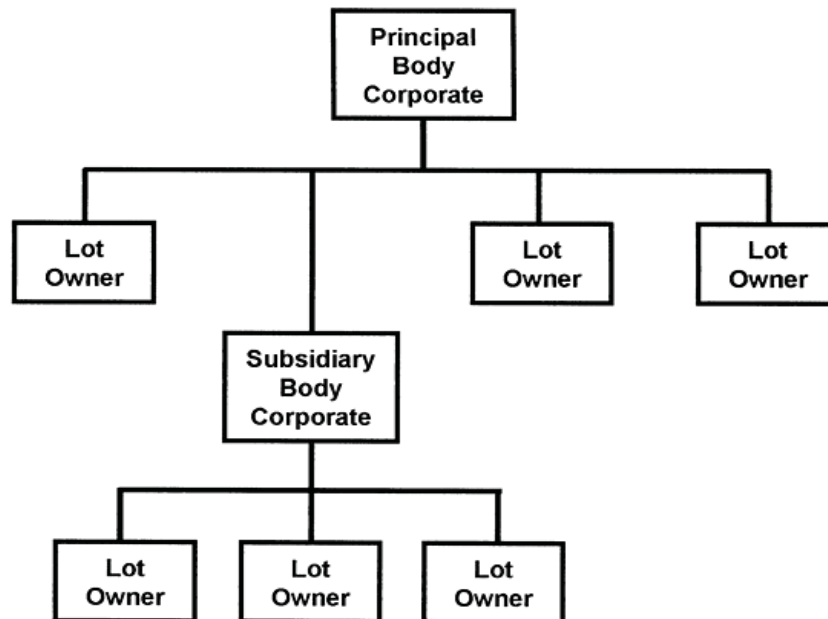


Figure 4

Figure 23: 2 Management Structure as a Consequence of Figure 22 Land Subdivision Pattern, Source: Clarke Kann, 2013

10.2.6 Staged Development

Staged development is an important feature of the BCCM Act. It enables a developer to undertake larger projects in stages so that lots are available according to demand. Staged development is also a convenient way to minimise financing costs of a project – the profit from one stage being used to fund the construction of the next stage.

Stages can be achieved in a number of ways, but the two main approaches (apart from creating a “stand alone” body corporate each stage), are:

- progressive subdivision within a single body corporate structure.
- progressive subdivision involving two or more layers (or tiers) of bodies corporate.

10.2.7 Staging of a Single Body Corporate

This approach involves the progressive subdivision of a parcel of land into lots and common property within a single body corporate structure. It is best illustrated by the following example. Twenty town houses are to be constructed on a parcel of land in 3 stages:

Stage 1 — 4 townhouses

Stage 2 — 8 townhouses

Stage 3 — 8 townhouses

The stage 1 townhouses are to be sold, built and settled before the stage 2 townhouses are built. In turn, the stage 2 townhouses are to be sold, built and settled before the stage 3 townhouses are built.

All the townhouse lots are to be in the same community titles scheme and within the same body corporate. The common property in the community titles scheme is to be created progressively with each stage.

The first step is to build the 4 townhouses in stage 1. The entire parcel of land (ie the land relating to all 3 stages) is then subdivided by means of a standard format plan into 6 lots and common property. Four of these lots comprise the townhouses and the other 2 lots comprise the land for stages 2 and 3. Those 2 lots are commonly called “reserved lots” or “development lots”.

The common property is usually restricted to that relating to the lots in the first stage. This is to avoid the need for the developer to use common property for construction purposes during the development of subsequent stages. The body corporate is constituted when that plan is registered.

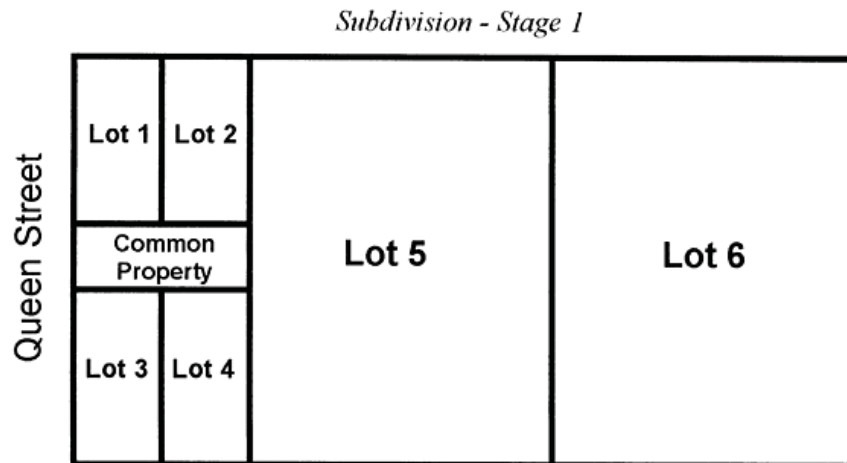


Figure 24: Subdivision Pattern Stage 1, Source: Clarke Kann, 2013

The next step is to build the 8 townhouses in stage 2 within lot 5. When the townhouses are completed, lot 5 is then further subdivided by a standard format plan into 8 lots and common property. The 8 lots comprise the townhouses and the common property is that relating to stage 2. It should be noted that no body corporate is created when the stage 2 plan is registered. Also, because stage 2 involves a new plan, the lot numbering can be maintained in consecutive order. Figure 20 below shows how the subdivision looks after stage 2.

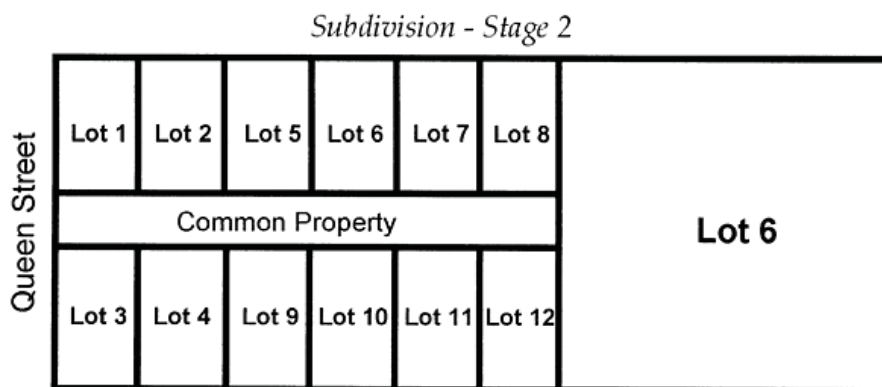


Figure 25: Subdivision Pattern Stage 2, Source: Clarke Kann, 2013

The final step is to build the 8 townhouses in stage 3 within lot 6. When the townhouses are completed, lot 6 is then further subdivided by a standard format plan into 8 lots and common property. The 8 lots comprise the townhouses and the common property is that relating to stage 3. It should again be noted that no body corporate is created when the stage 3 plan is registered. Figure 21 below shows how the subdivision looks after stage 3.

Subdivision - Stage 3

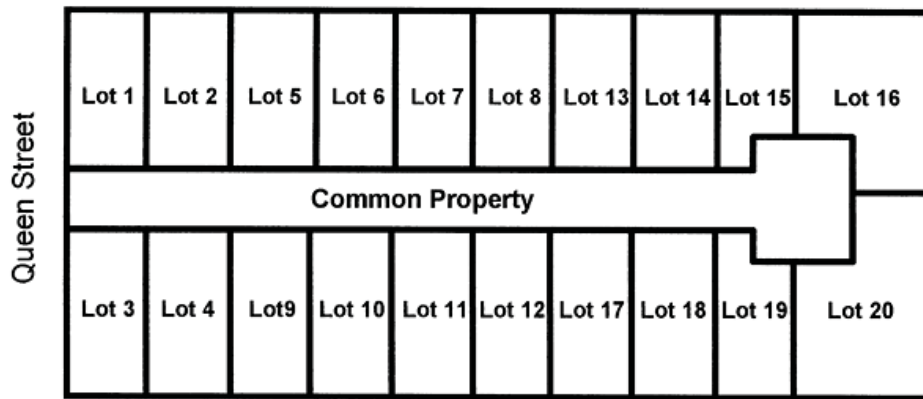


Figure 26: Subdivision Pattern Stage 3, Source: Clarke Kann, 2013

The subdivision pattern involved in this process is illustrated in the following chart.

Subdivision Pattern

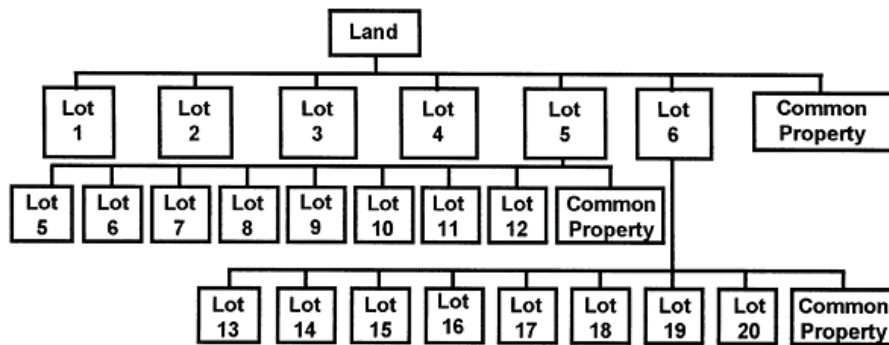


Figure 27: Staged Subdivision Pattern (single Body Corporate), Source: Clarke Kann, 2013

The management structure resulting from this process is illustrated in the following chart.

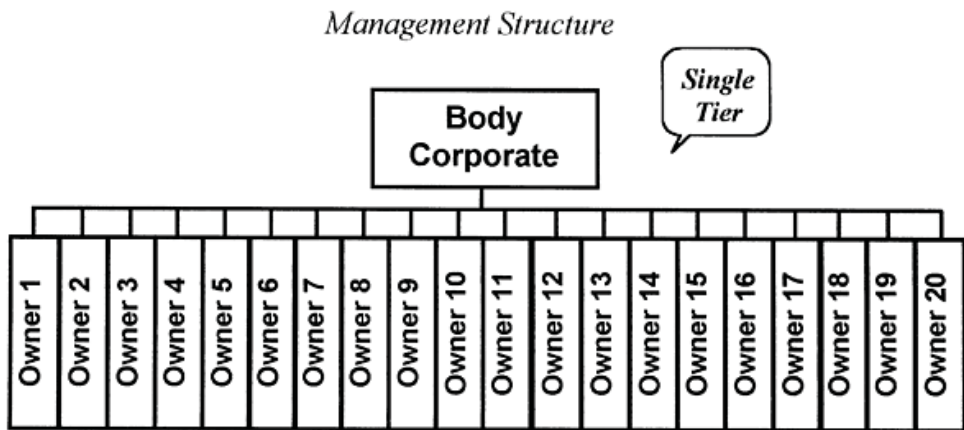


Figure 28: Single-tier Management Structure related to Figure 27 Staged Subdivision, Source: Clarke Kann, 2013

10.2.8 Staging of Layered Bodies Corporate

This approach involves the progressive subdivision of a parcel of land into lots and common property with 2 or more new bodies corporate being created when the plans are registered for a second and subsequent stages. Again, taking the same example as before. Twenty townhouses are to be constructed on a parcel of land in 3 stages:

- Stage 1 — 4 townhouses
- Stage 2 — 8 townhouses
- Stage 3 — 8 townhouses

The stage 1 townhouses are to be sold, built and settled before the stage 2 townhouses are built. In turn, the stage 2 townhouses are to be sold, built and settled before the stage 3 townhouses are built. A body corporate is constituted for each stage. The bodies corporate for stages 2 and 3 are part of the stage 1 body corporate structure. Each body corporate is to have its own common property. The subdivision process is the same as before, except that a body corporate is to be created when each of the 3 standard format plans are registered. This would result in the following subdivision pattern:

Subdivision Pattern

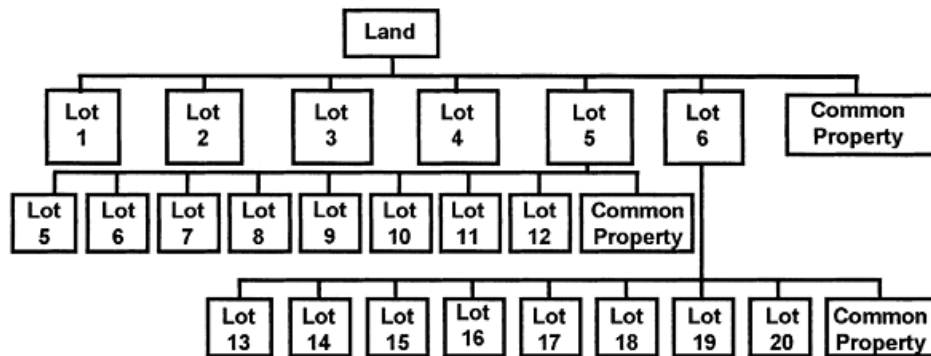


Figure 29: Staged Subdivision Pattern (3 Bodies Corporate), Source: Clarke Kann, 2013

The management structure resulting from this process is illustrated in the following chart:

Management Structure

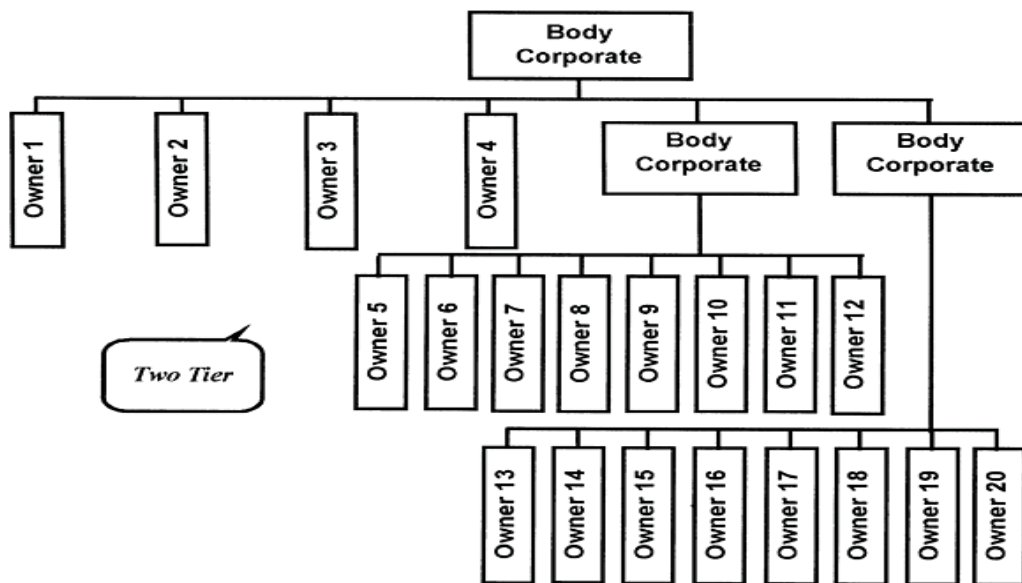


Figure 30: Management Structure related to Figure 29 Staged Subdivision, Source: Clarke Kann, 2013

An alternative would be to subdivide the parcel into 3 reserved or “development” lots and some common property by a standard format plan that creates a body corporate. Each of the 3 reserved lots would be further subdivided by a standard format plan (when the various townhouses are built). Each of these further standard format plans would create common property and a body corporate. The result would be a 2-tier body corporate structure involving 4 bodies corporate. The original (or first) body corporate would be the principal scheme body

corporate while the other 3 bodies corporate would be subsidiary scheme bodies corporate. Each body corporate would have its own common property. The subdivision involved in this process is illustrated in the following chart:

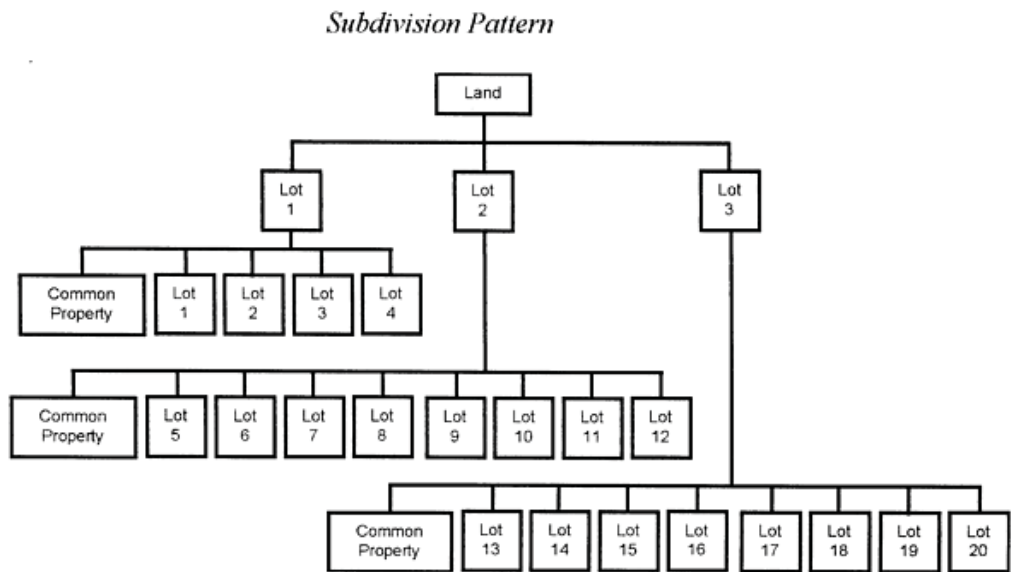


Figure 31: Staged Subdivision Pattern (4 Bodies Corporate), Source: Clarke Kann, 2013

The management structure resulting from this process is illustrated in the following chart:

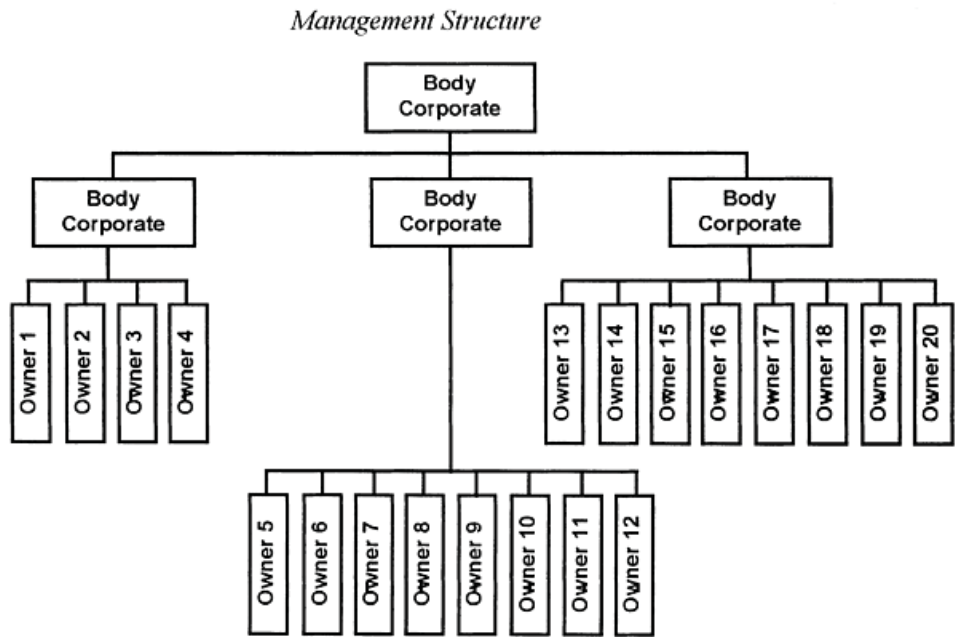


Figure 32: Management Structure related to Figure 31 Staged Subdivision, Source: Clarke Kann, 2013

The above structures illustrate how different approaches to community title land subdivision and management structures under the BCCMA Act may be applied. The choice of an approach

depends upon the objectives of the developer and the features of the particular project. A proper analysis of the project must be undertaken before any approach is decided upon, otherwise the project may carry the burden of an inappropriate subdivision pattern and consequential management structure.

10.2.9 Airspace Projects

Airspace (or volumetric) projects usually involve the subdivision of a building by means of a volumetric plan of subdivision. The subdivision occurs under the Land Title Act and has no relationship to the BCCM Act, unless one or more of the lots in the volumetric plan become subject to a community titles scheme.

The relationships among the owners of lots in a volumetric plan are regulated by a building management statement and not by a body corporate.

A body corporate may well be the “owner” of one of those lots and is therefore a party to the building management statement. Where this is the case, the owners of the lots the subject of the body corporate are regulated by a community management statement in the normal way.

The following diagram illustrates the structure described above.

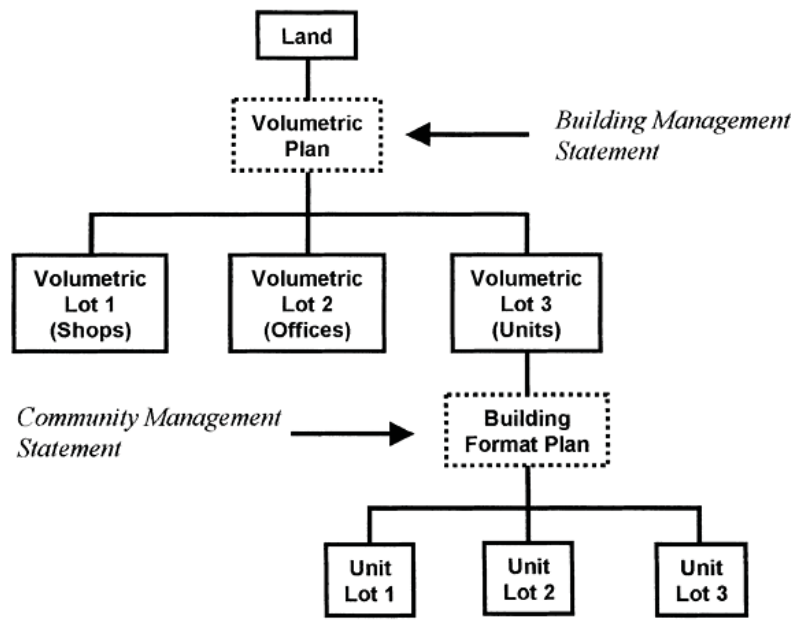


Figure 33: Airspace Subdivision Structure, Source: Clarke Kann, 2013

10.3 Infrastructure Agreements

Due to the unique and large scale nature of the proposed PA application, it is considered likely that Infrastructure Agreements will be required to be entered in to. An Infrastructure Agreement ('IA') is a written agreement between a developer and a public sector entity (Local and/or State Government) about:

- The supply or funding of infrastructure related to a development proposal;
- The payment and refund mechanisms toward the cost of supplying or funding trunk infrastructure.

An Infrastructure Agreement:

- Establishes the obligation of each Party;
- Provides the timing of the Agreement; and
- Identifies the Schedule of Works.

Section 637 of the Sustainable Planning Act 2009 provides an opportunity where an IA can be entered into between the public entity and developer as an alternative to paying infrastructure charges levied through any other infrastructure charging mechanism. Furthermore, Sections 660 to 665 define what is meant by the term IA, and include provisions relating to the content, binding of successors in title, and general legal aspects.

High-level local and state infrastructure agreements have been prepared to accompany this s242 Preliminary Approval development application. It is not a statutory requirement to prepare these draft IA's, and indeed no regard should be had to these draft documents throughout the formal development assessment process in order to avoid fettering the use or confusing the conditions which may be attached to the approval. Notwithstanding that, these draft IA's will add value to the broader process by:

- Providing a template agreement which can be used to capture discussions regarding the provision of local and state trunk infrastructure related to the Project; and
- Shortening the post-approval lead time taken to prepare a final agreement for consideration by all parties.

It should be acknowledged that the information included within these documents are for discussion purposes only, and do not reflect the final obligations on signatories, legal structure

of the agreement, or definitive schedule of works required. Information has been included simply to open a healthy dialogue, and drive discussion forward on these important infrastructure-related matters.

For further information in relation to these draft infrastructure agreements, please refer to **Appendix D** – Draft State Government IA and **Appendix E** – Draft Local Government IA.

11.0 Conclusion

The Applicant has demonstrated that the Preliminary Approval is considered the appropriate strategic mechanism to establish the planning framework for off-site infrastructure required in association with the planned Carmichael Coal Mine and Rail.

A high level assessment has been undertaken to demonstrate the suitability of the proposed Carmichael Off-site Development Code and related provisions.

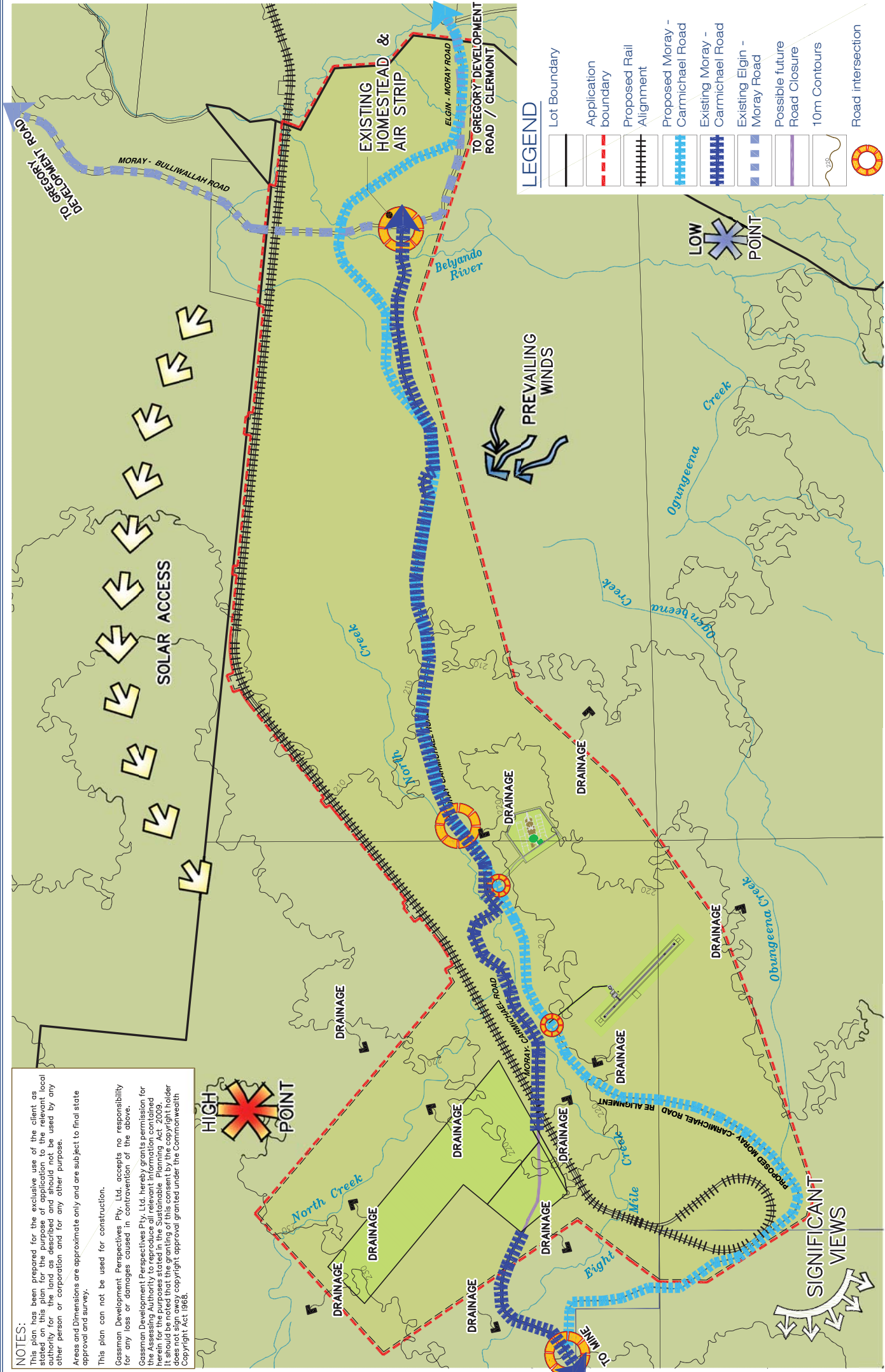
Further, the proposed development is:

- Consistent with the State and regional planning provisions applicable to the subject site, including the Mackay, Isaac and Whitsunday Regional Plan;
- Consistent with the general planning principles in the Planning Scheme;
- Consistent with the intent and content of the 'Rural Zone';
- Generally in accordance with the performance criteria of the applicable development code, with alternative solutions provided where necessary; and
- Appropriately designed so that the development integrates within the context of the site and its surrounds without adversely impacting on neighbouring uses.

The proposed Preliminary Approval is considered reasonable and appropriate within the context of the site and the planning framework for the area.

Appendix A: Plans and Drawing

NOTES:
 This plan has been prepared for the exclusive use of the client as a site analysis plan for the purpose of application for the relevant local authority for the plan and should not be used for any other purpose.
 Areas and Dimensions are approximate only and are subject to final state approval and survey.
 This plan can not be used for construction.
 Gasman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.
 Gasman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act 2009.
 It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.



LEGEND

- Lot Boundary
- Application boundary
- Proposed Rail Alignment
- Proposed Moray - Carmichael Road
- Existing Moray - Carmichael Road
- Existing Elgin - Moray Road
- Possible future Road Closure
- 10m Contours
- Road intersection

ASSESSMENT DETAILS		DATE
A	1	16-07-2013
B	2	16-07-2013
C	3	16-07-2013
D	4	16-07-2013
E	5	16-07-2013
F	6	16-07-2013
G	7	16-07-2013
H	8	16-07-2013
I	9	16-07-2013
J	10	16-07-2013

date: 16-07-13
 scale: 1:75 000 @ A3
 design: PC/IAS
 plan: 5370 P-SAP 01 A

Scale 1:75 000 Lengths in m

0 1 2 3 4 5 6

gasman
 development
 perspectives

planning
 design
 environment
 surveying

Brisbane Office
 Level 8
 97 Creek Street Brisbane Q. 4000
 t: (07) 322 7208
 e: mail@gasman.com.au
 w: www.gasman.com.au

adaniTM

Site Analysis Plan | s242 Preliminary Approval

adaniTM

Quality
 ISO 9001
 Certified System

NOTES:

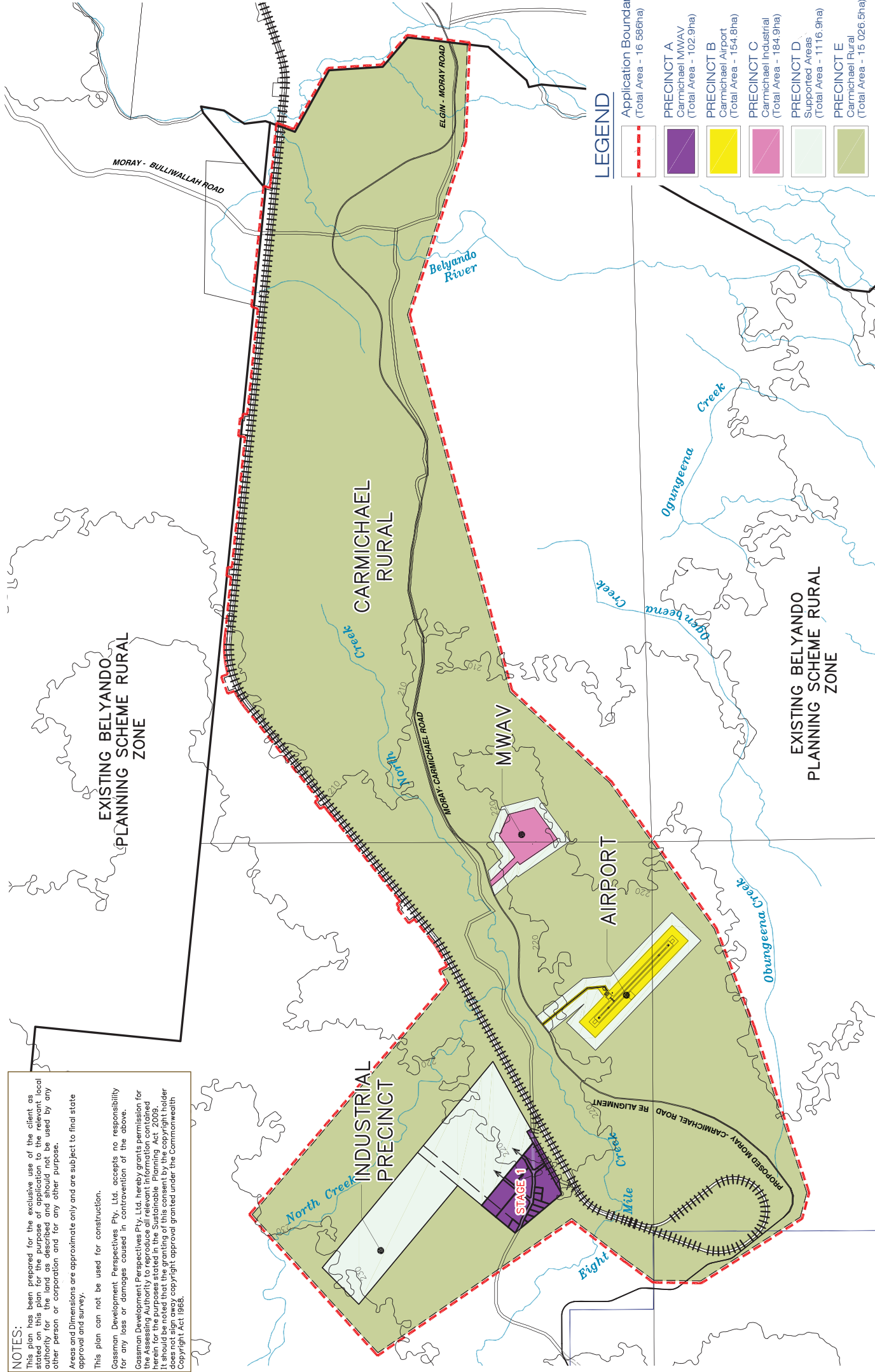
This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.

Areas and Dimensions are approximate only and are subject to final state approval and survey.

This plan can not be used for construction.

Gasman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Gasman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce the information contained in this plan for the purpose of the Survey Act 2019. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.



LEGEND

	Application Boundary (Total Area - 16 586ha)
	PRECINCT A Carmichael MWAV (Total Area - 102.9ha)
	PRECINCT B Carmichael Airport (Total Area - 154.8ha)
	PRECINCT C Carmichael Industrial (Total Area - 184.9ha)
	PRECINCT D Supported Areas (Total Area - 1116.9ha)
	PRECINCT E Carmichael Rural (Total Area - 15 026.5ha)

PRECINCT DETAILS		DATE
A		
B		
C		
D		
E		
FINAL ISSUE		16-07-2013



Brishane Office
Level 8
97 Creek Street Brishane Q. 4000
t: (07) 322 7208
e: mail@gasman.com.au
w: www.gasman.com.au

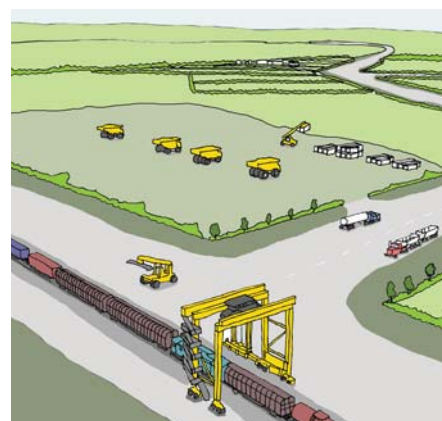
gasman
development
perspectives
planning
design
environment
surveying

Precinct Plan | s242 Preliminary Approval

date: 16-07-13
scale: 1:75 000 @ A3
design: PC/IAS
plan: 5370 P PP 01

Scale 1:75 000 Lengths in M
0 1 2 3 4 5 6

Appendix B: Development Code



Carmichael Off-Site Infrastructure Development Code

17th July 2013



project coordination
urban + regional planning
landscape + urban design
environmental management
visualisation + spatial services
surveying services
advisory services



“IMPORTANT NOTE”

Apart from fair dealing for the purposes of private study, research, criticism, or review as permitted under the Copyright Act, no part of this report, its attachments or appendices may be reproduced by any process without the written consent of Gassman Development Perspectives Pty Ltd.

We have prepared this report for the sole purposes of Adani Mining Pty Ltd (“Client”) for the specific purpose of a Preliminary Approval application (“Purpose”). This report is strictly limited to the Purpose and the facts and matters stated in it and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter.

In preparing this report we have made certain assumptions. We have assumed that all information and documents provided to us by the Client or as a result of a specific request or enquiry were complete, accurate and up-to-date. Where we have obtained information from a government register or database, we have assumed that the information is accurate. Where an assumption has been made, we have not made any independent investigations with respect to the matters the subject of that assumption. We are not aware of any reason why any of the assumptions are incorrect.

This report is presented without the assumption of a duty of care to any other person (“Third Party”) other than the Client. The report may not contain sufficient information for the purposes of a Third Party or for other uses. Without the prior written consent of Gassman Development Perspectives Pty Ltd:

- a) This report may not be relied on by a Third Party; and
- b) Gassman Development Perspectives Pty Ltd will not be liable to a Third Party for any loss, damage, liability or claim arising out of or incidental to a Third Party publishing, using or relying on the facts, content, opinions or subject matter contained in this report.

If a Third Party uses or relies on the facts, content, opinions or subject matter contained in this report with or without the consent of Gassman Development Perspectives Pty Ltd, Gassman Development Perspectives Pty Ltd disclaims all risk and the Third Party assumes all risk and releases and indemnifies and agrees to keep indemnified Gassman Development Perspectives Pty Ltd from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.

In this note, a reference to loss and damage includes past and prospective economic loss, loss of profits, damage to property, injury to any person (including death) costs and expenses incurred in taking measures to prevent, mitigate or rectify any harm, loss of opportunity, legal costs, compensation, interest and any other direct, indirect, consequential or financial or other loss.

GDP Document Control

Originating Office:	Brisbane	Job Number:	5370
Physical Address:	Level 8	Job Name:	Adani Mining Pty Ltd
	97 Creek Street	Project Manager:	Gary Savins
	QLD 4000	Document Title:	Carmichael Off-site
Postal Address:	GPO Box 999	Infrastructure Development Code	
	BRISBANE.Q. 4001	Author:	Paul Creighton
Phone:	+61 7 3221 6732	Client:	Adani Mining Pty Ltd
Fax:	+61 7 3221 7308	Client Contact:	Melinda Bergmann
Email:	mail@gassman.com.au	Client Reference:	
Web:	www.gassman.com.au		AMPL_MINE_SO_2013_821_RO


Revision / Checking History

No.	Author	Reviewer
1. V1.0 (internal DRAFT)	Paul Creighton	Gary Savins
2. V2.0	Gary Savins	David Hansen

Legal Review

Version	Name	Position	Company	Signature	Date
V2.0	Paul O'Dea	Partner	Clark Kann Lawyers		16 th July, 2013

Approval for Issue

Version	Name	Position	Signature	Date
V2.0	David Hansen	Director		17/07/2013

Final Distribution

Adani Mining Pty Ltd	1 electronic copy
----------------------	-------------------

TABLE OF CONTENTS

LIST OF TABLES	4
1.0 INTRODUCTION	5
1.1 PURPOSE OF THE DEVELOPMENT CODE	5
1.2 DEVELOPMENT CODE PRECINCTS	5
2.0 APPLICATION OF THE DEVELOPMENT CODE	7
2.1 GENERAL	7
3.0 DICTIONARY	8
3.1 APPLICATION OF DEFINITIONS	8
3.2 CARMICHAEL SPECIFIC DEFINITIONS	8
4.0 PRECINCT INTENTS	10
4.1 GENERAL	10
5.0 TABLES OF ASSESSMENT	12
5.1 GENERAL	12
5.2 CARMICHAEL MWAV PRECINCT	12
5.3 CARMICHAEL AIRPORT PRECINCT	13
5.4 CARMICHAEL INDUSTRIAL PRECINCT	14
5.5 SUPPORTED AREA PRECINCT	15
5.6 CARMICHAEL RURAL PRECINCT	16
5.7 SELF ASSESSABLE DEVELOPMENT – APPLICABLE PROVISIONS	18
6.0 DEVELOPMENT CODE PURPOSE	19
7.0 DEVELOPMENT CODE	21
SCHEDULE 1: CARMICHAEL LAND USE PRECINCTS	31
SCHEDULE 2: SUSTAINABILITY AND DESIGN GUIDELINES	32
SCHEDULE 3: MWAV MASTER PLAN	33
SCHEDULE 4: OBSTACLE LIMITATION SURFACES	34
SCHEDULE 5: AIRPORT MASTER PLAN	35

List of Tables

Table 1: Material change of use within Carmichael MWAV 12

Table 2: Reconfiguring a lot within Carmichael MWAV..... 13

Table 3: Material change of use within Carmichael Airport Precinct..... 13

Table 4: Reconfiguring a lot within Carmichael Airport Precinct..... 14

Table 5: Material change of use within Carmichael Industrial Precinct..... 14

Table 6: Reconfiguring a lot 15

Table 7: Material change of use within Supported Area Precinct 15

Table 8: Reconfiguring a lot within Supported Area Precinct..... 16

Table 9: Material change of use within Rural Precinct..... 17

Table 10: Reconfiguring a lot within Rural Precinct 18

Table 11: Applicable Self assessable development provisions 18

Table 12: Material Change of Use Requirements 21

Table 13: Reconfiguration of a Lot Requirements..... 28

1.0 INTRODUCTION

1.1 PURPOSE OF THE DEVELOPMENT CODE

The purpose of the Carmichael Off-site Infrastructure Development Code ('Development Code') is to strengthen and support the required off-site infrastructure activities required in conjunction with the Carmichael Coal Mine and Rail project (the 'Project') by providing the appropriate planning framework and guidance. This Development Code will specifically provide a clear direction for the establishment, ongoing operation and growth of supporting Mine Workers Accommodation Village (MWAV), Airport and Industrial Area on the site. This Development Code also recognises the ongoing historical use of areas not directly required to be permanently utilised in conjunction with the Project.

This Development Code is aimed at targeting relevant land use provisions for each off-site infrastructure area so as to provide clear direction and clarity for the lawful operation and enhancement of each off-site infrastructure area.

1.2 DEVELOPMENT CODE PRECINCTS

In order to provide the planning framework and guidance for the off-site infrastructure activities, a number of land use Precincts were identified. This strategy enabled tailored and targeted requirements to be produced for each Precinct. A brief description of each of the Precincts is as follows:

- Precinct A (Carmichael MWAV): Area planned and designated to accommodate a 3,500 bed mine workers accommodation village ('MWAV') and supporting complementary activities and services;
- Precinct B (Carmichael Airport): Intended location of the private airport to provide the key access gateway to the broader project;
- Precinct C (Carmichael Industrial): Designated area for the industry to provide appropriate off-mine facilities and services to assist in servicing the planned mine and nearby mine workers accommodation village;
- Precinct D (Supported Areas): Areas currently located around the periphery of the core off-site infrastructure items to accommodate any future growth or relocation of such items; and

- Precinct E (Carmichael Rural): Remaining areas not required to be permanently utilised in conjunction with the broader project and where the ongoing historical use is encouraged.

2.0 APPLICATION OF THE DEVELOPMENT CODE

2.1 GENERAL

This Development Code applies to the identified Precincts illustrated on the drawing in *Schedule 1 – Land Use Precincts*.

The Tables of Assessment indicated in Part 5.0 identifies the levels of assessment for development occurring within these Precincts. These Tables of Assessment override all other tables of assessment as contained within the *Planning Scheme for Belyando Shire*.

Self assessable development is deemed to be development that is consistent with the intent of this Development Code, and therefore need only comply with the self assessable acceptable solutions of this Development Code contained in Part 7.0.

The definitions of all relevant terms and land uses contained within this Development Code are to be found within Part 2, Definitions of the *Planning Scheme for Belyando Shire*, except as specifically defined within Part 3.0 of this document.

This Development Code only applies to the specific forms of development outlined and the Precinct Tables of Assessment in Part 5.0. All other forms of development are subject to the relevant planning provisions of the *Planning Scheme for Belyando Shire*.

This Development Code does not negate the need for environmental permits and authorisations to be obtained for any future land uses and/or activities, it merely provides guidance and regulation as to what forms of development are considered appropriate in locational aspects of the site.

3.0 DICTIONARY

3.1 APPLICATION OF DEFINITIONS

The definitions outlined in Part 3.2 below have been compiled specifically for this Development Code and have been generally adapted from the *Planning Scheme for Belyando Shire*. Where applicable, these specific uses or development definitions override those contained within Part 2, Definitions of the *Planning Scheme for Belyando Shire*.

For any proposed use that does not comply or appear within these specific definitions below, the current use or development definitions contained within the *Planning Scheme for Belyando Shire* apply.

3.2 CARMICHAEL SPECIFIC DEFINITIONS

The following use or development definitions are specifically applicable to this Development Code.

“Carmichael accommodation” – means “premises” comprising primarily of “accommodation units” such as workers accommodation camps and villages. The term includes shared dining, laundry and recreation facilities which cater exclusively for the residents of the accommodation and a manager’s office and residence. The term also includes a “shop” and/or “hotel” to cater exclusively for residents of the accommodation.

“Carmichael industrial activities” – means “premises” used for activities involving the manufacture, production, servicing, storage and distribution of goods, articles, equipment or vehicles, including:

- (1) “Extractive industry”;
- (2) “Industry”;
- (3) “Noxious industry”;
- (4) “Service station”;
- (5) “Storage facility”;
- (6) “Transport terminal”;
- (7) Chemical and/or fuel storage; and
- (8) “Caretakers residence”.

“Carmichael special development” – means “premises” used for activities ordinarily associated within the Carmichael Coal Mine and Rail project not herein defined, including:

- (1) Core infrastructure items including power supply; on-site effluent disposal; water capture, conveyance and storage and any ancillary structures associated with such;
- (2) Temporary workers camps and lay down areas;
- (3) Quarries and quarrying related activities;
- (4) “Railway activities”;
- (5) Road freight logistics hubs and lay down areas; and
- (6) State and regional emergency facilities and services.

“Carmichael temporary activities” – means “premises” used on an irregular or infrequent basis that does not require the construction of a permanent building, the installation of permanent infrastructure or services. A temporary activity use must not exceed more than six (6) months per calendar year in relation to any given use or activity and must be ordinarily associated with the Carmichael Coal Mine and Rail project.

4.0 PRECINCT INTENTS

4.1 GENERAL

In line with the purpose of the Development Code, a number of distinct land use Precincts were established to provide targeted planning framework and guidance. The provisions contained within the Development Code specifically relate to these five (5) identified Precincts which are as outlined below:

- Precinct A (Carmichael MWAV);
- Precinct B (Carmichael Airport);
- Precinct C (Carmichael Industrial);
- Precinct D (Supported Areas); and
- Precinct E (Carmichael Rural).

The spatial context of each Precinct is contained within the mapping provided in *Schedule 1 – Land Use Precincts*.

The intent of each of these Precincts is as outlined below:

- Precinct A (Carmichael MWAV): This Precinct applies to the area planned and designated to accommodate a 3,500 bed workers accommodation village and supporting complementary activities and services. This Precinct recognizes the importance of flexibility and future site specific design challenges that may need to be overcome, whilst ensuring the integrated nature and consistent character planned for the MWAV is maintained. The reorganisation or relocation of planned MWAV elements within the Precinct is also supported and enabled.
- Precinct B (Carmichael Airport): This Precinct is reflective of the planned location for the private airport to be located on the site. This Precinct recognises the possibility that the airport may be constructed in phases and that additional growth and appropriate airport compatible uses may be established over time. The role that the airport will play as the key gateway to the broader project is also noted and encouraged to be embraced.
- Precinct C (Carmichael Industrial): This Precinct applies to the area designated for the industrial area that is to provide appropriate facilities and services to assist in servicing the planned mine and nearby workers accommodation village. This Precinct represents

the first stage of a potential three (3) stage industrial land delivery program. This Precinct also encourages the appropriate use of balance areas and large super lots for low impact activities, such as vehicle set down and open storage areas. The ability for a range of appropriate uses to be established on single allotments, as well as the ability for smaller lots to be developed responsive to end-user requirements is also supported and enabled.

- Precinct D (Supported Areas): This Precinct applies to the areas around the periphery of the core off-site infrastructure Precincts. This Precinct acknowledges the potential for such infrastructure items to be modified; expanded and/or relocated over time and ensures that sufficient areas are available for this to occur without impacting on the ongoing historical use of nearby areas. The possible utilisation of parts of this Precinct for “Carmichael temporary activities” is supported.
- Precinct E (Carmichael Rural): This Precinct applies to the remaining areas within the application extent that are not required to be permanently utilised in conjunction with the broader project and where the ongoing historical use is encouraged. A modified version of the current Rural Zone has been adapted to encourage and promote the ongoing historical use of this surplus area, namely that of agricultural and grazing activities. The utilisation of parts of this Precinct for “Carmichael temporary activities” is also supported.

5.0 TABLES OF ASSESSMENT

5.1 GENERAL

Pursuant to s.242 of the *Sustainable Planning Act 2009*, the Tables of Assessment nominated below apply to the area specified within the Land Use Precincts. These Precincts are as follows:

- Precinct A (Carmichael MWAV);
- Precinct B (Carmichael Airport);
- Precinct C (Carmichael Industrial);
- Precinct D (Supported Areas); and
- Precinct E (Carmichael Rural).

The following tables are applicable, as annotated, to each of these Precincts.

5.2 CARMICHAEL MWAV PRECINCT

5.2.1 CARMICHAEL MWAV TABLE OF ASSESSMENT

The following table applies to all relevant Material Change of Use applications.

Table 1: Material change of use within Carmichael MWAV

"Use"	Assessment Category	Applicable Code
"Carmichael accommodation"	Self Assessment where complying with the applicable acceptable solutions in the Development Code and not exceeding 3,500 beds	Development Code
	Code assessment if any applicable acceptable solution is not met	Development Code
"Carmichael industrial activities"	Code assessment where the proposed use is to directly provide a service to the MWAV Impact assessment otherwise	Development Code
"Carmichael special development"	Code assessment	Development Code
"Carmichael temporary activities"	Self Assessment where complying with the applicable acceptable solutions in the Development Code	Development Code
	Code assessment if any applicable acceptable solution is not met	Development Code

"Agriculture"	Self Assessment where: (a) complying with the acceptable solutions in the Development Code; (b) not involving "building work" other than "minor building work". Code assessment otherwise	Development Code
		Development Code
"Grazing"	Self Assessment where: (c) complying with the acceptable solutions in the Development Code; (d) not involving "building work" other than "minor building work". Code assessment otherwise	Development Code
		Development Code
All other "uses"	Impact assessment	

The following table applies to all relevant Reconfiguring a Lot applications.

Table 2: Reconfiguring a lot within Carmichael MWAV

Type	Assessment Category	Applicable Code
"Reconfiguring a lot"	Code assessment	Development Code

5.3 CARMICHAEL AIRPORT PRECINCT

5.3.1 CARMICHAEL AIRPORT TABLE OF ASSESSMENT

The following table applies to all relevant Material Change of Use applications.

Table 3: Material change of use within Carmichael Airport Precinct

"Use"	Assessment Category	Applicable Code
"Airport"	Self Assessment where complying with the applicable acceptable solutions in the Development Code	Development Code
	Code assessment if any applicable acceptable solution is not met	Development Code
"Carmichael industrial activities"	Self Assessment where complying with the applicable acceptable solutions in the Development Code	Development Code
	Code assessment if any applicable acceptable solution is not met	
"Carmichael special development"	Code assessment	Development Code

“Carmichael temporary activities”	Self Assessment where complying with the applicable acceptable solutions in the Development Code	Development Code
	Code assessment if any applicable acceptable solution is not met	Development Code
“Agriculture”	Self Assessment where: (e) complying with the acceptable solutions in the Development Code; (f) not involving “building work” other than “minor building work”.	Development Code
	Code assessment otherwise	Development Code
“Grazing”	Self Assessment where: (g) complying with the acceptable solutions in the Development Code; (h) not involving “building work” other than “minor building work”.	Development Code
	Code assessment otherwise	Development Code
All other “uses”	Impact assessment	

The following table applies to all relevant Reconfiguring a Lot applications.

Table 4: Reconfiguring a lot within Carmichael Airport Precinct

Type	Assessment Category	Applicable Code
“Reconfiguring a lot”	Code assessment	Development Code

5.4 CARMICHAEL INDUSTRIAL PRECINCT

5.4.1 CARMICHAEL INDUSTRIAL TABLE OF ASSESSMENT

The following table applies to all relevant Material Change of Use applications.

Table 5: Material change of use within Carmichael Industrial Precinct

“Use”	Assessment Category	Applicable Code
“Carmichael industrial activities”	Self Assessment where complying with the applicable acceptable solutions in the Development Code	Development Code
	Code assessment if any applicable acceptable solution is not met	Development Code
“Carmichael special development”	Self Assessment where complying with the applicable acceptable solutions in the Development	Development Code

	Code Code assessment if any applicable acceptable solution is not met	Development Code
“Carmichael temporary activities”	Self Assessment where complying with the applicable acceptable solutions in the Development Code Code assessment if any applicable acceptable solution is not met	Development Code Development Code
“Agriculture”	Self Assessment where: (i) complying with the acceptable solutions in the Development Code; (j) not involving “building work” other than “minor building work”. Code assessment otherwise	Development Code Development Code
“Grazing”	Self Assessment where: (k) complying with the acceptable solutions in the Development Code; (l) not involving “building work” other than “minor building work”. Code assessment otherwise	Development Code Development Code
All other “uses”	Impact assessment	

The following table applies to all relevant Reconfiguring a Lot applications.

Table 6: Reconfiguring a lot

Type	Assessment Category	Applicable Code
“Reconfiguring a lot”	Code assessment	Development Code

5.5 SUPPORTED AREA PRECINCT

5.5.1 SUPPORTED AREAS TABLE OF ASSESSMENT

The following table applies to all relevant Material Change of Use applications.

Table 7: Material change of use within Supported Area Precinct

“Use”	Assessment Category	Applicable Code
“Airport”	Code assessment where the proposed use is located adjacent to the “Carmichael Airport Precinct” Impact assessment otherwise	Development Code
“Carmichael”	Code assessment where the proposed use is	Development Code

accommodation"	located adjacent to the "Carmichael MWAV Precinct" Impact assessment otherwise	
"Carmichael industrial activities"	Code assessment where the proposed use is located adjacent to the "Carmichael Industrial Precinct" Impact assessment otherwise	Development Code
"Carmichael special development"	Code assessment if any applicable acceptable solution is not met	Development Code
"Carmichael temporary activities"	Self Assessment where complying with the applicable acceptable solutions in the Development Code Code assessment if any applicable acceptable solution is not met	Development Code Development Code
"Agriculture"	Self Assessment where: (m) complying with the acceptable solutions in the Development Code; (n) not involving "building work" other than "minor building work". Code assessment otherwise	Development Code Development Code
"Grazing"	Self Assessment where: (o) complying with the acceptable solutions in the Development Code; (p) not involving "building work" other than "minor building work". Code assessment otherwise	Development Code Development Code
All other "uses"	Impact assessment	

The following table applies to all relevant Reconfiguring a Lot applications.

Table 8: Reconfiguring a lot within Supported Area Precinct

Type	Assessment Category	Applicable Code
"Reconfiguring a lot"	Code assessment	Development Code

5.6 CARMICHAEL RURAL PRECINCT

5.6.1 CARMICHAEL RURAL TABLE OF ASSESSMENT

The following table applies to all relevant Material Change of Use applications.

Table 9: Material change of use within Rural Precinct

“Use”	Assessment Category	Applicable Code
“Carmichael temporary activities”	Self Assessment where complying with the applicable acceptable solutions in the Development Code Code assessment if any applicable acceptable solution is not met	Development Code Development Code
“Agriculture”	Self Assessment where complying with the applicable acceptable solutions in the Development Code Code assessment if any applicable acceptable solution is not met	Development Code Development Code
“Bed and breakfast premises”	Self Assessment where complying with the applicable acceptable solutions in the Development Code Code assessment if any applicable acceptable solution is not met	Development Code Development Code
“Caretakers residence”	Self Assessment where complying with the applicable acceptable solutions in the Development Code Code assessment if any applicable acceptable solution is not met	Development Code Development Code
“Detached house”	Self Assessment where complying with the applicable acceptable solutions in the Development Code Code assessment if any applicable acceptable solution is not met	Development Code Development Code
“Grazing”	Self Assessment where complying with the applicable acceptable solutions in the Development Code Code assessment if any applicable acceptable solution is not met	Development Code Development Code
“Home business”	Self Assessment where complying with the applicable acceptable solutions in the Development Code Code assessment if any applicable acceptable solution is not met	Development Code Development Code
All other “uses”	Impact assessment	

The following table applies to all relevant Reconfiguring a Lot applications.

Table 10: Reconfiguring a lot within Rural Precinct

Type	Assessment Category	Applicable Code
"Reconfiguring a lot"	Code assessment	Development Code

5.7 SELF ASSESSABLE DEVELOPMENT – APPLICABLE PROVISIONS

Applicable acceptable solutions for self assessable development are set out in Table 11:

Table 11: Applicable Self assessable development provisions

Acceptable solutions applicable to <u>all</u> self assessable material changes of use	
Development	Applicable acceptable solutions in Development Code
All self assessable uses	AS19, AS20.1 or AS20.2, AS21.1 or AS21.2, AS22, AS23
Additional acceptable solutions applicable only to <u>certain</u> self assessable material changes of use	
Development	Applicable acceptable solutions in Development Code
Carmichael accommodation	AS1, AS2, AS3, AS4.1-AS4.2
Carmichael industrial activities	AS5, AS6, AS7.1-AS7.2, AS8.1-AS8.2
Carmichael special development	AS9
Carmichael temporary activities	AS10, AS11
Airport	AS12, AS13.1-AS13.2
Bed and breakfast	AS14.1-AS14.2
Caretakers' residence	AS15.1-AS15.2
Detached house	AS16
Home business	AS17.1-AS17.2
Grazing	AS18

6.0 DEVELOPMENT CODE PURPOSE

The following outcomes are the purpose of the Development Code:

- (1) Provision of the appropriate planning framework for the location and operation of required off-site infrastructure items for the Carmichael Coal and Rail Mine project.
- (2) Areas potentially required for future off-site infrastructure items are appropriately identified and are not prejudiced by permanent inappropriate development.
- (3) Historical “agriculture” and “grazing” uses are encouraged to continue on areas not required for off-site infrastructure items. Interim use of any areas required for off-site infrastructure items are appropriately managed and are not prejudiced by permanent inappropriate development.
- (4) Within any “Precinct” of this Development Code, “development”:
 - (a) maintains the environment, including soil, air and water, compatible with healthy natural systems and ensures public health and safety;
 - (b) protects good quality agricultural land (GQAL) within Precinct E (Rural) where possible from fragmentation, alienation or encroachment of incompatible land “uses” in accordance with State Planning Policy 1/92 – Development and Conservation of Agricultural Land;
 - (c) is located, designed and operated in a manner that protects and enhances the planned scale, intensity, form and character;
 - (d) maintains the planned amenity;
 - (e) does not prejudice or impact adversely on other “uses”, particularly “sensitive land uses”, including those within other “zones”;
 - (f) does not prejudice or unduly impact on mineral resources or their extraction;
 - (g) has an appropriately designed access to the road network, and traffic generated by the development does not impact adversely on the local road network;
 - (h) does not adversely impact on areas and sites of conservation importance, including cultural and high landscape values;
 - (i) is located and designed in ways that minimise the need for flood and landslide mitigation, and to protect people and premises from such natural events;
 - (j) has water supply, stormwater disposal, sustainable effluent and waste disposal and power, to appropriate standards, adequate for the “use”; and
 - (k) does not adversely impact on infrastructure.

- (5) Within any "Precinct" within this Development Code, the following are appropriate "uses":
- (a) "MWAV accommodation" within Precinct A (Carmichael MWAV);
 - (b) "Carmichael airport" within Precinct B (Carmichael Airport);
 - (c) "Carmichael industrial activities" within Precinct C (Carmichael Industrial);
 - (d) "Carmichael special development" within Precinct D (Supported Areas);
 - (e) permanent forms of "agriculture" and "grazing" within Precinct E (Carmichael Rural);
 - (f) interim forms of "agriculture" and "grazing" within any Precinct;
 - (g) "Carmichael special development" in any Precinct, excluding Precinct D (Carmichael Rural)
 - (h) "Carmichael temporary activities" within Precinct D (Carmichael Rural);
 - (i) ancillary "Carmichael industrial activities" within Precinct A (Carmichael MWAV);
and
 - (j) ancillary "Carmichael industrial activities" within Precinct B (Carmichael Airport).

7.0 DEVELOPMENT CODE

Table 12: Material Change of Use Requirements

“Material change of use”	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
SELF ASSESSABLE, CODE ASSESSABLE OR IMPACT ASSESSABLE DEVELOPMENT	
“Carmichael accommodation” use	
PC1 Village Design The provision of residential accommodation and residential support services with the MWAV is undertaken in a logical, integrated and commensurate manner.	AS1 The design of the MWAV is undertaken generally consistent with the layout; design and provision of items illustrated in the Master Plan contained in Schedule 3 – MWAV Master Plan.
PC2 Dwelling Yield The dwelling yield of the “development” is compatible with the provision of residential support and ancillary services.	AS2 No more than 3,500 beds are provided on the “premises”.
PC3 Height The height of “buildings” and “structures” does not impact adversely on the planned amenity of the locality and is consistent with industrial built form.	AS3 “Buildings” and “structures” are not more than: (a) 8.5 metres; or (b) Two (2) storeys.
PC4 Building Clearances “Buildings” and “structures” are sited so not to pose risk to person or property.	AS4.1 A minimum clearance of 3 metres is provided between accommodation modules/pods where there are no openings. AS4.2 A minimum clearance of 6 metres is provided between accommodation modules/pods where there are openings.
“Carmichael industrial” uses	
PC5 Height The height of “buildings” and “structures” does not impact adversely on the planned amenity of the locality and is consistent with industrial built form.	AS5 “Buildings” and “structures” are not more than: (c) 15 metres; or (d) Four (4) storeys.
PC6 Site Cover The site coverage of “buildings” will be in accordance with the planned industrial of the Precinct.	AS6 Site cover does not exceed 70% in relation to each “premises” allotted area.
PC7 Setbacks and Boundary Clearances “Buildings” and “structures” are located to ensure industrial amenity is maintained.	AS7.1 “Buildings” and “structures” have a setback not less than 10 metres from any public road frontage. AS7.2

“Material change of use”	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	No minimum boundary clearances apply to side and rear setbacks and non-public roads for “buildings” and “structures” as they will not be readily visible from the public domain.
PC8 Car Parking Location On-site vehicle parking is provided to meet expected demand, having regard to: <ul style="list-style-type: none"> (a) the size of the proposed workforce; (b) the likely number of visitors to the individual tenancies; (c) the likely size and number of service and transport vehicles to be on the individual premises at any one time; (d) on-site parking and loading/unloading activities within individual tenancies; (e) any possible future expansion, redevelopment or change of use; (f) the availability of overflow parking to be accommodated outside the individual premises boundaries and within the established Industrial Estate as to which it is located within. 	AS8.1 Car parking must be provided with two (2) spaces per individual premises. AS8.2 All car parking is designed and constructed in accordance with the applicable provisions of AUSTROADS AS 2890.1, 2890.2.
“Carmichael special development” use	
PC9 Industrial Integration The use of “premises” is compatible with the master planning undertaken for the industrial area.	AS9 The use of any “premises” does not compromise the planned stormwater and/or effluent disposal measures to be incorporated within the industrial area.
“Carmichael temporary activities” use	
PC10 Landscape Amenity The general open landscape character of the broader areas is maintained through the appropriate retention of mature landscaping.	AS10 Trees of greater than four (4) metres in height are retained where possible and the “activity” is undertaken to promote the maintenance of such trees.
PC11 Airport Safety “Buildings” and “structures” within and around the “Airport” do not compromise its’ operational safety and functioning.	AS11 The height and siting of buildings complies with the restrictions outlined on the OLS plan contained within <i>Schedule 4 – Obstacle Limitation Surfaces.</i>
“Airport” use	
PC12 Airport Development The airport development is undertaken in a logical, integrated and functional manner.	AS12 The development of the Airport is undertaken generally consistent with the layout; design and provision of items illustrated in the Master Plan

“Material change of use”	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	contained in <i>Schedule 5 – Airport Master Plan</i> .
PC13 Airport Safety “Buildings” and “structures” within and around the “Airport” do not compromise its’ operational safety and functioning.	AS13.1 Navigational guides and airport safety measures are provided on-site in accordance with the appropriate aeronautic safety and registration/licensing requirements. AS13.2 The height and siting of buildings complies with the restrictions outlined on the OLS plan contained within <i>Schedule 4 – Obstacle Limitation Surfaces</i> .
“Bed and breakfast premises” use	
PC14 “Bed and breakfast premises” “Premises” used for a “Bed and breakfast premises” are of a scale and are operated in a manner so as not to impact adversely on the amenity of the locality.	AS14.1 Provision is made for no more than six (6) paying guests to be accommodated at any one time. AS14.2 “Premises” contains not more than three (3) “accommodation units” for guest accommodation purposes.
“Caretakers premises” use	
PC15 “Caretakers premises” “Caretakers premises” remains an ancillary function to the use of the “premises” and is provided with appropriate levels of water supply.	AS15.1 No more than one (1) “caretaker’s residence” per lot. AS15.2 “Premises” are connected to a rain water tank with a minimum capacity of: (a) 45,000 litres where not in a reticulated water supply area; (b) 22,000 litres where in a reticulated water supply area.
“Detached house” use	
PC16 “Detached house” “Premises” used for a “Detached house” is provided with appropriate levels of water supply.	AS16 “Premises” are connected to a rain water tank with a minimum capacity of: (a) 45,000 litres where not in a reticulated water supply area; (b) 22,000 litres where in a reticulated water supply area.
“Home business” use	

“Material change of use”	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>PC17 “Home business”</p> <p>“Premises” used for “Home business” are of a scale and are operated in a manner so as not to impact adversely on the amenity of the locality.</p>	<p>AS17.1</p> <p>No more than one (1) person other than the residents of the “premises” is employed in the “Home business”.</p> <p>AS17.2</p> <p>No more than 150m² of “total use area” is used for the purpose of a “Home business”.</p> <p>AS17.3</p> <p>No more than two (2) clients normally attend the “premises” at any one time, unless the “premises” is used to provide home based child care.</p> <p>AS17.4</p> <p>No goods or products produced by other businesses are displayed for sale in any window or outdoor area.</p> <p>AS17.5</p> <p>Operate only between the hours of 7:00am and 6:00pm.</p> <p>AS17.6</p> <p>Loading and unloading occurs between the hours of: (a) 7:00am to 6:00pm, Monday to Friday; and (b) 7:00am and 12:00 (noon) on Saturdays.</p> <p>AS17.7</p> <p>No loading or unloading occurs on Sundays and public holidays.</p>
“Grazing” use	
<p>PC18 “Grazing”</p> <p>Separation distances are provided to ensure:</p> <ul style="list-style-type: none"> (a) the future viability of surrounding “uses”; (b) infrastructure items are protected from incompatible “development”; (c) an appropriate standard of amenity and public safety; and (d) conflict arising from incompatible “uses” is minimised. 	<p>AS18</p> <p>Pens and yards maintain a minimum separation distance of 300 metres to “sensitive land uses” not associated with the “Grazing”.</p>
All “Uses”	

“Material change of use”	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
PC19 Amenity Any proposed use must not detract from the amenity of the local area having regard to, but not limited to, to the impact of: <ul style="list-style-type: none"> a) noise; b) hours of operation; c) traffic; d) lighting; e) signage; f) visual amenity; g) privacy; h) odour and emissions. 	AS19 No acceptable solution provided.
PC20 Water Supply All “premises” have an adequate volume and supply of water for the “use”.	AS20.1 “Premises” are connected to appropriate levels of water supply. or AS20.2 “Premises” where the “use” does not require any provision of water, are not required to be connected.
PC21 Effluent Disposal All “premises” adequately provide for the treatment and disposal of effluent and other waste water for the “use”.	AS21.1 “Premises” are connected to an appropriate on-site effluent disposal system. or AS21.2 “Premises” where the “use” does not require any provision of effluent disposal, are not required to be connected.
PC22 Stormwater Stormwater is collected and discharged so as to: <ul style="list-style-type: none"> (a) protect the stability of buildings or the use of adjacent land; and (b) protect and maintain environmental values. 	AS22 Stormwater is collected and discharged in accordance with the Queensland Urban Drainage Manual and State Planning Policy 4/10 – Healthy Waters.
PC23 Power Supply “Premises” are provided with an adequate supply of electricity for the “use”.	AS23 All “premises” have a supply of electricity either through the provision of a reticulated power supply or use of generators.

“Material change of use”	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
CODE OR IMPACT ASSESSABLE DEVELOPMENT	
Urban Fabric	
PC24 Functional Spaces “Development” provides an appropriate and consistent built form fabric commensurate to the intended use area “premises” and surrounds.	AS24 “Buildings” and “structures” are designed and constructed in accordance with the guidance provided in <i>Schedule 2 – Sustainability and Design Guidelines</i> .
Amenity	
PC25 Transport Movements Transport movements associated with the use protect the amenity of the locality.	AS25 Transport movements do not occur through residential areas.
PC26 Ridgelines and Escarpments Ridgelines and escarpments are maintained in a natural state to protect landscape values and visual amenity.	No acceptable solution is prescribed.
PC27 Landscaping and External Activity Areas Landscaping and external activity areas are provided on-site to: <ul style="list-style-type: none"> (a) contribute to a pleasant and functional built form; (b) provide positive sun and breeze control; (c) make provision for recreation areas; and (d) contribute to the positive visual qualities of the locality. 	No acceptable solution is prescribed.
PC28 Lighting The design of lighting does not prejudice the amenity of the locality through poorly directed lighting, lighting overspill or lighting glare.	AS28 Direct lighting or lighting does not exceed 8.0 lux at 1.5 metres beyond the boundary of the site.
PC29 Airport Amenity and Safety “Airport” activities: <ul style="list-style-type: none"> (a) do not adversely impact on the amenity of the surrounding residents; (b) ensure the safe operation of aeronautical and support activities; and (c) ensure the safety of surrounding “Premises”. 	No acceptable solution is prescribed.
Infrastructure	
PC30 Vehicle Access Vehicle access is provided to ensure the safe and functional operation for motorists and pedestrians.	AS30 All “premises” have access to a formed road. Access is designed and constructed in accordance with the applicable provisions of AUSTROADS AS 2890.1, 2890.2 .
PC31 Roads	AS31

"Material change of use"	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
Adequate all-weather road access is provided between the "premises" and the existing road network.	Public roads are designed and constructed in accordance with Schedule 1: Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.1(1) of the <i>Planning Scheme for Belyando Shire</i> .
PC32 "Electricity transmission line easement" – Vegetation Transmission lines with an "electricity transmission line easement" are protected from vegetation.	AS32.1 Planted vegetation within an "electricity transmission line easement" has a mature height not exceeding 1.5 metres. AS32.2 No part of planted vegetation, at its mature size, is located closer than 2.5 metres to an electricity transmission line.
Environmental	
PC33 "Watercourses" and "Lakes" "Development" ensures the maintenance of riparian areas and water quality including protection from off-site transfer or sediment.	AS33 A minimum 50 metre wide buffer area is provided extending out from the "defining bank" of any "watercourse" or "lake".
PC34 Air Emissions Air emissions from "premises" do not cause environmental harm or nuisance to adjoining properties of "sensitive land uses".	No acceptable solution is prescribed.
PC35 Noise Emissions Noise emissions from "premises" do not cause environmental harm or nuisance to adjoining properties of "sensitive land uses".	No acceptable solution is prescribed.
PC36 Water Quality The standard of effluent and / or stormwater run-off from "premises" ensures the quality of surface and underground water is suitable for: (a) the biological integrity of aquatic ecosystems; (b) recreational use; (c) supply a drinking water after minimal treatment; (d) agricultural use; or (e) industrial use.	No acceptable solution is prescribed.
PC37 Construction Activities Erosion control measures and silt collection measures ensure that environmental values are protected during construction activities.	AS37 During construction soil erosion and sediment is controlled in accordance with standards contained in Schedule 1, Division 1: Standards for Construction

“Material change of use”	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	Activities, Section 1.1 of the <i>Planning Scheme for Belyando Shire</i> .
Constraint	
PC38 “Development” in the vicinity of “Airports” “Development” in the vicinity of “airports”: (a) protects the operation of the “airport”; (b) is designed and located to achieve a suitable standard of amenity for the proposed activity; and (c) does not restrict the future operational requirements of the “airport”.	AS38 The height and siting of buildings complies with the restrictions outlined on the OLS plan contained within <i>Schedule 4 – Obstacle Limitation Surfaces</i> .
PC39 Aviation Facilities Aviation facilities are protected from physical obstructions and electromagnetic emissions that may adversely affect their function.	AS39 “Buildings” and “structures” do not intersect the 3° plane extended from any NDB navigational aide.

Table 13: Reconfiguration of a Lot Requirements

“Reconfiguring a Lot”	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
“Carmichael MWAV” Precinct	
PC1 MWAV Minimum Lot Size The master planned communal nature of the MWAV is retained.	AS1 All lots have a minimum area of 100 hectares.
“Carmichael Airport” Precinct	
PC2 The secure and integrated nature of the Airport is retained.	AS2 All lots have a minimum area of 150 hectares.
“Carmichael Industrial” Precinct	
PC3 All industrial allotments are to be of sufficient size to comfortably accommodate the type of industrial development envisaged.	AS3 All lots have: (a) a minimum area of 1,000m ² ; (b) a minimum frontage of 20 metres; and (c) a minimum width to depth ratio of 1:5.
“Carmichael Supported Areas” Precinct	
PC4 The reconfiguration of lots is compatible with the nearby offsite infrastructure items.	AS4.1 All lots have a minimum area of 100 hectares where adjoining the “Carmichael MWAV” Precinct. AS4.2 All lots have a minimum area of 150 hectares where adjoining the “Carmichael Airport” Precinct.

“Reconfiguring a Lot”	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	AS4.3 All lots have a minimum area of 1,000m ² where adjoining the “Carmichael Industrial” Precinct.
“Carmichael Rural” Precinct	
PC5 The reconfiguration of lots ensures that this Precinct retains its viability as an area of primary production.	AS5 All lots have a minimum area of 500 hectares.
Layout and Design	
PC6 Layout and Design The reconfiguring of lots: <ul style="list-style-type: none"> (a) ensures safe and livable communities; (b) ensures safe and legible vehicle and pedestrian movement areas and roads; (c) integrates with adjoining land; and (d) optimises the protection of environmental values, significant features, open space areas and high conservation or landscape values. 	No acceptable solution is prescribed.
PC7 Siting of Buildings and Structures Lot size, layout and design enable future uses to comply with separation distances for buildings and structures in respect of: <ul style="list-style-type: none"> (a) Electricity transmission line easements; (b) “Watercourses” and “lakes”; (c) Ridgelines and escarpments; (d) Cultural heritage places; and (e) Protected areas. 	No acceptable solution is prescribed.
Infrastructure	
PC8 Street Lighting Street lighting is provided: <ul style="list-style-type: none"> (a) to ensure safety for vehicles, cyclists and pedestrians; and (b) to an appropriate engineering standard. 	AS8 Street lighting is designed in accordance with Schedule 1, Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.1(1).
PC9 Water Supply All “premises” have an adequate volume and supply of water for the “use”.	AS9.1 “Premises” are connected to appropriate levels of water supply. or AS9.2

“Reconfiguring a Lot”	
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	“Premises” where the “use” does not require any provision of water, are not required to be connected.
PC10 Effluent Disposal All “premises” adequately provide for the treatment and disposal of effluent and other waste water for the “use”.	AS10.1 “Premises” are connected to an appropriate on-site effluent disposal system. or AS10.2 “Premises” where the “use” does not require any provision of effluent disposal, are not required to be connected.
PC11 Stormwater Stormwater is collected and discharged so as to: (a) protect the stability of buildings or the use of adjacent land; and (b) protect and maintain environmental values.	AS11 Stormwater is collected and discharged in accordance with the Queensland Urban Drainage Manual and State Planning Policy 4/10 – Healthy Waters.
PC12 Power Supply “Premises” are provided with an adequate supply of electricity for the “use”.	AS12 All “premises” have a supply of electricity either through the provision of a reticulated power supply or use of generators.
PC13 Vehicle Access Vehicle access is provided to ensure the safe and functional operation for motorists and pedestrians.	AS13 All “premises” have access to a formed road. Access is designed and constructed in accordance with the applicable provisions of AUSTROADS AS 2890.1, 2890.2 .
PC14 Roads Adequate all-weather road access is provided between the “premises” and the existing road network.	AS14 Roads are designed and constructed in accordance with Schedule 1: Division 2: Standards for Roads, Carparking, Manoeuvring Areas and Access, Section 2.1(1) of the <i>Planning Scheme for Belyando Shire</i> .
Environmental	
PC15 Construction Activities Erosion control measures and silt collection measures ensure that environmental values are protected during construction activities.	AS15 During construction soil erosion and sediments controlled in accordance with the standards contained in Schedule 1, Division 1: Standards for Construction Activities, Section 1.1 of the <i>Planning Scheme for Belyando Shire</i> .

Schedule 1: Carmichael Land Use Precincts

NOTES:

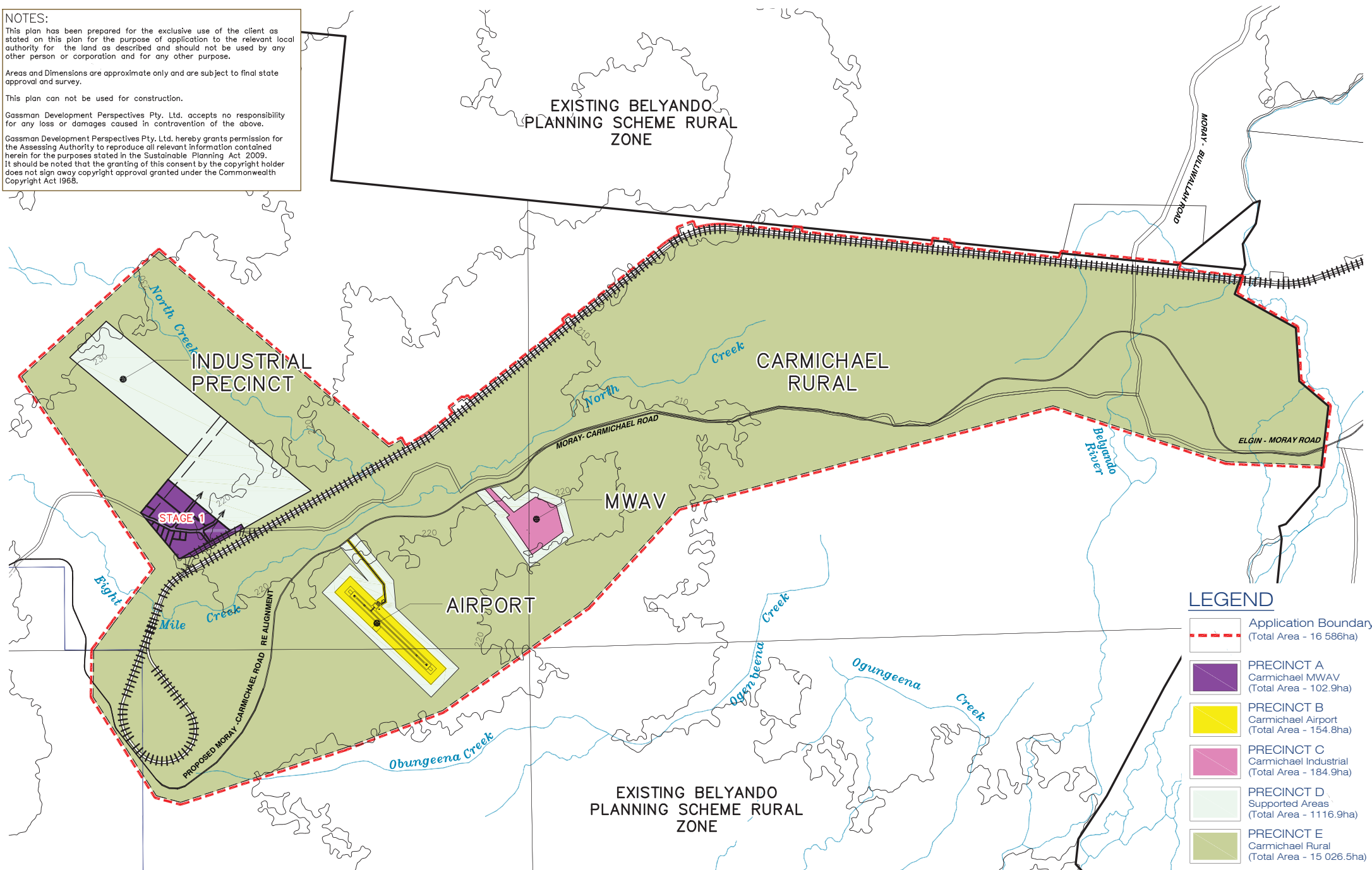
This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.

Areas and Dimensions are approximate only and are subject to final state approval and survey.

This plan can not be used for construction.

Gassman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Gassman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act 2009. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.



LEGEND

- Application Boundary (Total Area - 16 586ha)
- PRECINCT A Carmichael MWAV (Total Area - 102.9ha)
- PRECINCT B Carmichael Airport (Total Area - 154.8ha)
- PRECINCT C Carmichael Industrial (Total Area - 184.9ha)
- PRECINCT D Supported Areas (Total Area - 1116.9ha)
- PRECINCT E Carmichael Rural (Total Area - 15 026.5ha)

Schedule 2: Sustainability and Design Guidelines



Sustainability and Design Guidelines

17th July 2013

1.0 Introduction

This schedule has been prepared as part of the s.242 Preliminary Approval (PA Application) documentation to be lodged by Adani Mining Pty Ltd, over land on the Moray Downs. The intention of the schedule is to provide a framework of themes and guidelines that will shape the future design of development on site. Good design is not just a matter of taste, it incorporates principles and parameters which future development can be shaped upon to create efficient, flexible, attractive and integrated proposals that will ultimately be sustainable in the future.

There are a number of fundamental principles implicit in the creation of sustainable development. Sustainability in its widest terms, has to be the overriding guiding principle implicit in the creation of new development on the subject site. In order to provide clarity with regards the key influences on future development seven key sustainability themes have been included within this schedule, each with their own set of design guidelines that will help shape and frame future development.

The defined themes include

1. 'Identity';
2. 'Attractive Lifestyle';
3. 'Efficiency',
4. 'Safety';
5. 'Connectivity'
6. 'Adaptability'; and
7. 'Legibility'.

The design guidelines included within this document have been heavily influenced by the key principles of urban design. Urban design is effectively the process of creating 'places' from space by manipulating and shaping the built environment to create sustainable and attractive places. Accordingly the design objectives included will seek to manage elements such as permeability, variety, robustness, visual appropriateness, richness, personalisation and legibility (Bentley et al., 1985), commonly referred to as the building blocks of the built environment.

1.1 Purpose of Schedule

It has been widely acknowledged that development must be constructed and maintained in a manner that is sustainable, safe, efficient and attractive in order to achieve the wider goals of the project. This schedule seeks to establish the appropriate framework to frame future development by considering relevant sustainability themes so that each proposal can be assessed holistically in terms of its contribution to the overarching strategic goal on site.

Accordingly, this schedule will help the applicant and future designers to create coherent places, routes and uses that will complement each other in a self reinforcing manner and add value to the public realm of the future Carmichael Community.

The sustainability themes and design guidelines included in this report describe and illustrate the preferred character and nature of future development, however they are not meant to be interpreted as a definitive vision rather a structure for imaginative and innovative detailed design to be based on.

1.2 Application of Schedule

This document has been prepared as part of a s.242 Preliminary Approval Application that will seek to affect the existing Planning Scheme for Belyando Shire administered by Isaac Regional Council, and will be positioned as a schedule to the Carmichael Off Site Infrastructure Development Code (Development Code). The Development Code will determine how development will be assessed within the subject area using a variety of mechanisms such as the tables of development and code provisions.

The Development Code will require that all new development classified as either code or impact assessable development will be required to provide an assessment of the proposed development against this schedule as a response to the performance criteria of the code. Accordingly all new development, defined as code or impact, will be required to demonstrate how the development complements or is consistent with the defined themes and design objectives of this schedule in order to verify the merits of the development.

1.3 Context of Locations

The PA Application incorporates five defined precincts all contained within the 'Moray Downs' property namely:

- Precinct A (Carmichael MWAV);
- Precinct B (Carmichael Airport);
- Precinct C (Carmichael Industrial);
- Precinct D (Supported Areas); and
- Precinct E (Carmichael Rural).

Each of the defined precincts will have a specific character based on their use and location which will be fostered in the sustainability and design guidelines that follow.

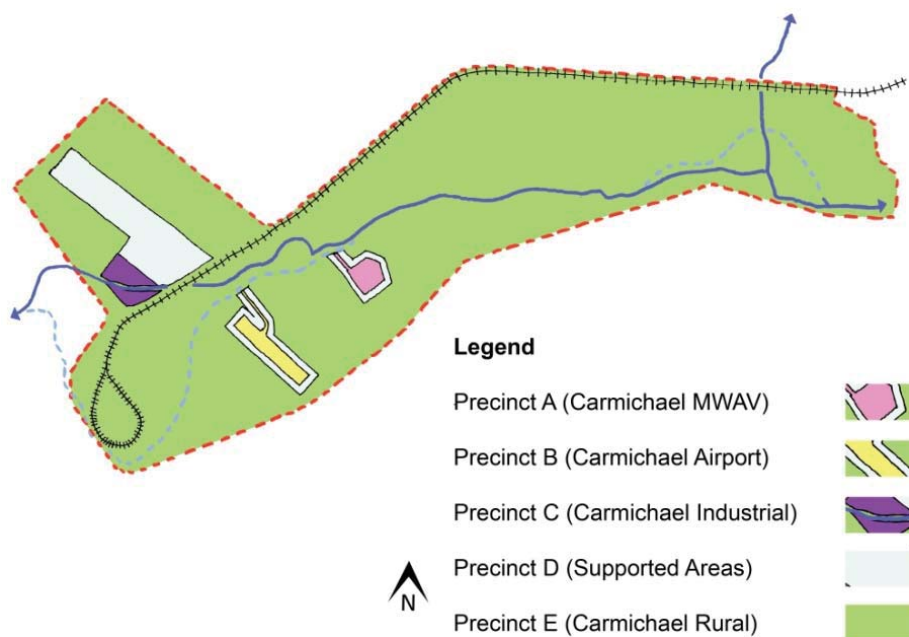


Figure 1: PA application precincts, Source: GDP, 2013

1.3.1 Precinct A (Carmichael MWAV);



The Carmichael MWAV will effectively accommodate the residential and associated facilities components of the proposal. The vision for the MWAV is based on a walkable community that provides residents with the necessary facilities and services to cater for an attractive lifestyle. Accordingly the characteristics of the built environment will be heavily influenced by pedestrian scaled facilities.

The intent for Precinct A (Carmichael MWAV) is defined as:

This Precinct applies to the area planned and designated to accommodate the 3,500 workers accommodation village and supporting complementary activities and services. This Precinct recognizes the importance of flexibility and future site specific design challenges that may need to be overcome, whilst ensuring the integrated nature and consistent character planned for the MWAV is maintained. The reorganisation or relocation of planned MWAV elements within the Precinct is also supported and enabled.



Figure 2: Conceptual perspective of the proposed MWAV, Source: GDP, 2013

1.3.2 Precinct B (Carmichael Airport);



Carmichael Airport will accommodate a private airport that will significantly help to reduce the site's isolation from urban centres. The airport will act as the primary entrance point for the majority of visitors to the subject site and therefore the built environment must reflect its importance within the local area. The character of the built environment will be defined by the operations function as a gateway into the site and maintaining safety and operational integrity within the site.

The intent for Precinct B (Carmichael Airport) is defined as:

This Precinct is reflective of the planned location for the private airport to be located on the site. This Precinct recognises the possibility that the airport may be constructed in phases and that additional growth and appropriate airport compatible uses may be established over time. The role that the airport will play as the key gateway to the broader project is also noted and encouraged to be embraced.



Figure 3: Conceptual perspective of Airport, Source: GDP, 2013

1.3.3 Precinct C (Carmichael Industrial);



The Carmichael Industrial Area is intended to provide capacity for industrial uses that will service the Carmichael Coal Mine and associated off site infrastructure such as the MWAV and Airport. Significantly there is significant future potential for this area of the site to accommodate a rail siding which could be utilised for bulky transport operations. The character of the built environment will reflect the requirements of operations , with efficiency, safety and security key influences on development.

The intent for Precinct C (Carmichael Industrial) is defined as:

This Precinct applies to the area designated for the industrial area that is to provide appropriate facilities and services to assist in servicing the planned mine and nearby workers accommodation village. This Precinct represents the first stage of a potential three (3) stage industrial land delivery program. This Precinct also encourages the appropriate use of balance areas and large super lots for low impact activities, such as vehicle set down and open storage areas that do not require permanent infrastructure servicing connections. The ability for a range of appropriate uses to be established on single allotments, as well as the ability for smaller lots to be developed responsive to end-user requirements is also supported and enabled.



Figure 4: Conceptual perspective of Industrial Area, Source: GDP, 2013

1.3.4 Precinct D (Supported Areas); and



Precinct D: Supported Areas relates to distinct areas of land located adjacent to the defined precincts of A, B and C. The defined support areas have been incorporated within the PA Application in order to ensure future capacity for expansion should the need arise in the future. The character of the built environment envisioned with Precinct D will closely reflect the character of the adjoining area.

The intent for Precinct D (Supported Areas) is defined as:

This Precinct applies to the areas around the periphery of the core off-site infrastructure item Precincts. This Precinct acknowledges the potential for such infrastructure items to be modified; expanded and/or relocated over time and ensures that sufficient areas are available for this to occur without impacting on the ongoing historical use of nearby areas. The possible utilisation of parts of this Precinct for “Carmichael temporary activities” is supported.

1.3.5 Precinct E (Carmichael Rural)



Precinct E: Carmichael Rural relates to the balance area of the subject site which for all intents and purposes will retain its current land use designation and context under the Belyando Planning Scheme. Minor exceptions include the potential for this precinct to incorporate temporary uses related to the wider project. It is envisioned that the character of Precinct E will remain largely unaffected and continue to reflect the Rural characteristics of the location.

The intent for Precinct E (Carmichael Rural) is defined as:

This Precinct applies to the remaining areas within the application extent that are not required to be permanently utilised in conjunction with the broader project and where the ongoing historical use is encouraged. A modified version of the current Rural Zone of this area has been retained to encourage and promote the ongoing historical use of this surplus area, namely that of agricultural and grazing activities. The utilisation of parts of this Precinct for “Carmichael temporary activities” is also supported.

2.0 Sustainability Themes

As discussed earlier seven key sustainability principles have informed the design guidance contained within this document. The following sections of this schedule detail the design guidance relevant to each of the defined themes that will help guide future development on site.

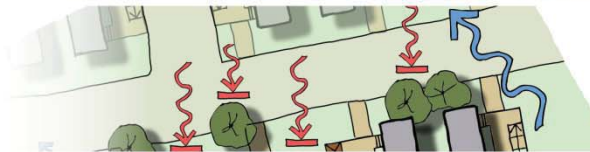
Identity



Attractive Lifestyle



Efficiency



Safety



Connectivity



Adaptability



Legibility



Figure 5: Sustainability themes, Source: GDP, 2013

3.0 Theme One: Identity

- 3.1 *The proposed development will have a distinct sense of place and identity and every element of the built environment will seek to promote and refine this sense of identity. Each element from the broad landscape character feature down to the street furniture proposed on site should reflect this identity.*

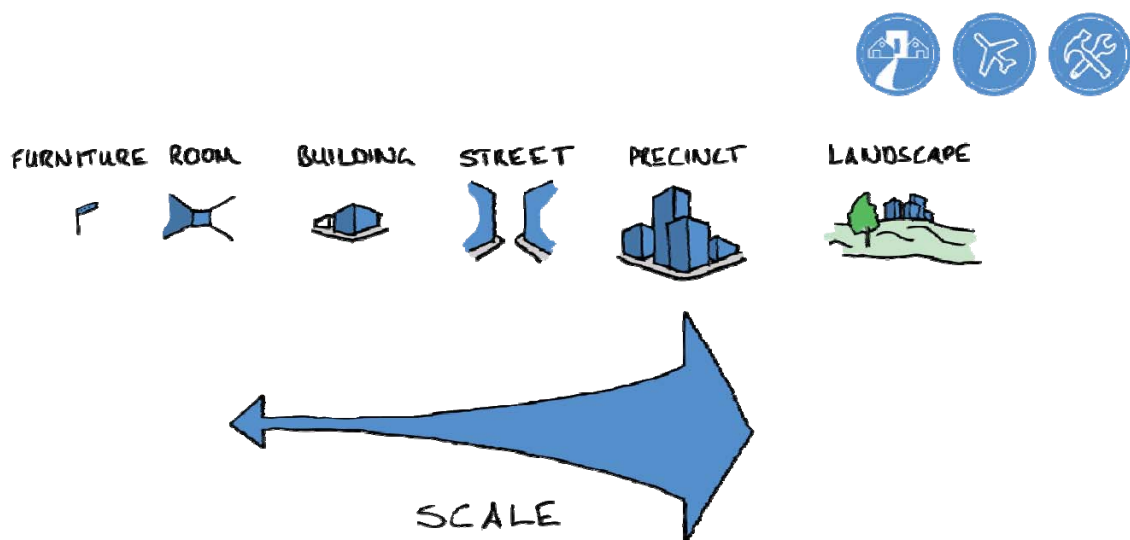


Figure 6: Scale of assessment, Source: GDP, 2013

...

- 3.2 *Each planned precinct should have a defined character that effectively reflects the nature and function of the subject area.*



...

- 3.3 *Building design and appearance should reflect the function of the building and positively contribute to the identity and character of the local area.*

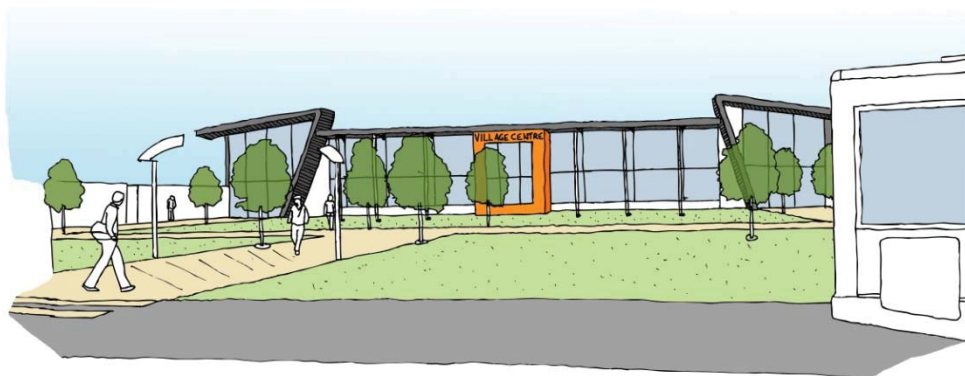


Figure 7: Conceptual perspective of Village Tavern, Source: GDP, 2013

...

- 3.4 *A high quality public realm will significantly influence the definition of identity of the local area. The hardscape, furniture and landscape elements should be selected to provide a distinctive aesthetic that is complementary to the surrounding planned character. It is essential that all elements are robust and have low maintenance requirements that will withstand the harsh conditions of the region while achieving the required aesthetic look, design and function.*



...

- 3.5 *Shared ownership of communal space should be encouraged in order to foster a sense of identity within the site. New development will ensure maintenance and management of communal areas is not jeopardised.*



...

- 3.6 *The proposed airport will be the primary entrance to the subject site for the majority of people, the importance of this entrance should be reflected in the built form of the facility and associated entry statements.*



Figure 8: Conceptual perspective of Airport arrival, Source: GDP, 2013

...

- 3.7 *New development will seek to reinforce and replenish where necessary local biodiversity values in order to integrate the built environment with the local environmental surroundings.*



...

4.0 Theme Two: Attractive Lifestyle

- 4.1 *Healthy and active lifestyles should be encouraged on site through the provision of appropriate facilities and services that broaden the recreational choices of residents.*

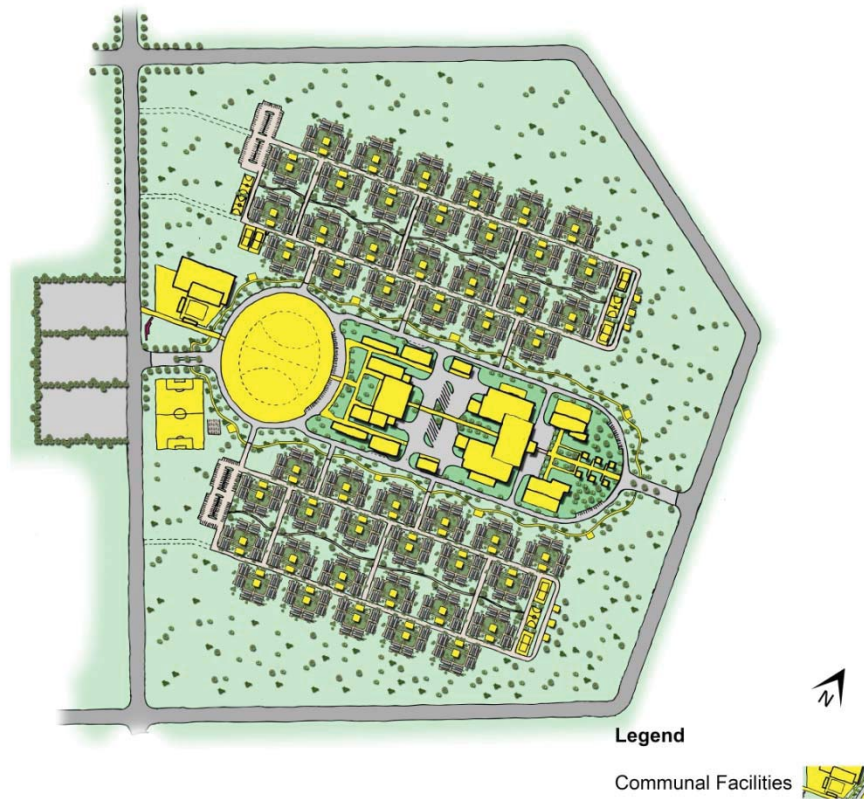


Figure 9: Communal facilities, Source: GDP, 2013

...

- 4.2 Through the application of appropriate residential densities a walkable and compact development can be achieved. In this regard all residential units should be within a 400m (5 minute walk) – 800m (10 minute walk) distance of higher order communal facilities.

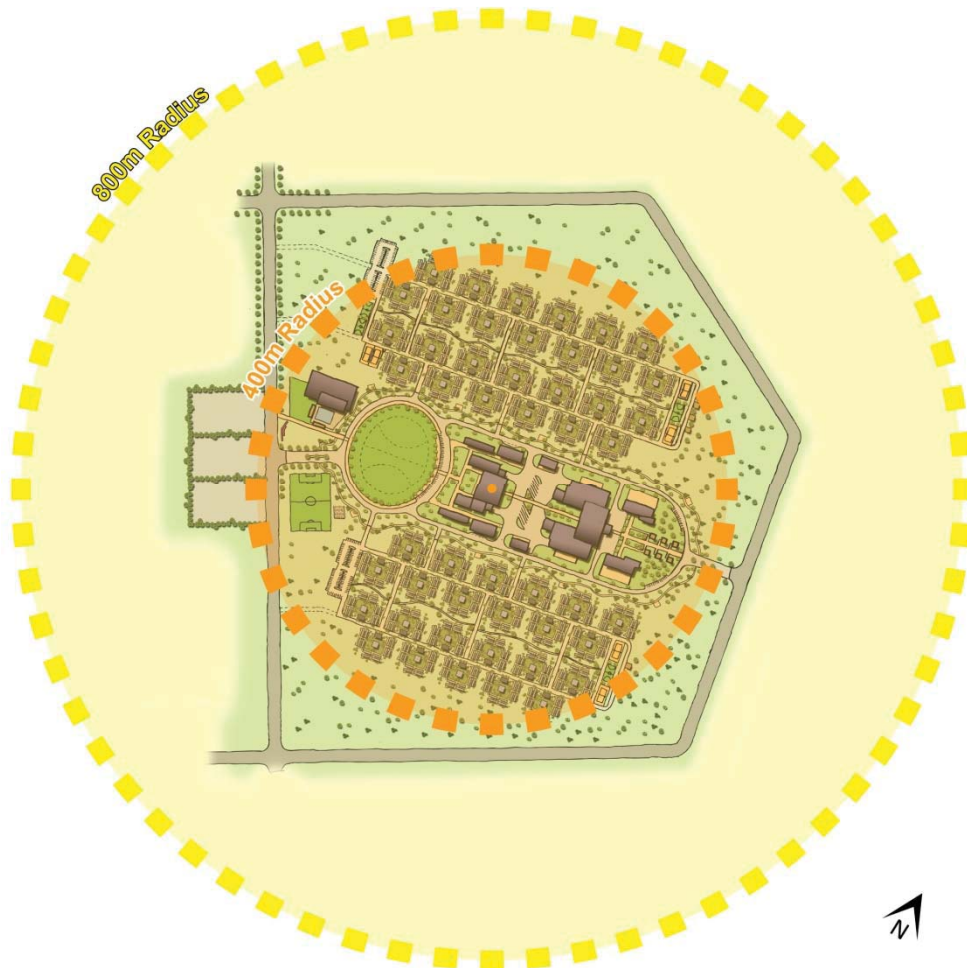


Figure 10: Walking distances within MWAV, Source: GDP, 2013

...

- 4.3 Individual accommodation units should be designed to provide an adequate and comfortable amount of internal private space to cater for individual needs in order to achieve a pleasant and healthy living environment.



...

- 4.4 *Accommodation clusters should be designed to promote a sense of community and co operation. Communal amenity space should be comfortable, safe, flexible, attractive, functional and be maintained and managed to provide convenient and direct access for residents as a respite from the wider development.*



Figure 11: Typical accommodation cluster layout, Source: GDP, 2013

...

- 4.5 *Communal open spaces both formal and informal in nature should be provided on site in order to offer respite from the built environment.*



...

- 4.6 *Communal spaces should be located in central and strategic locations in order to encourage use and social interaction amongst residents. Communal spaces will be designed with flexibility to cater for a wide variety of users.*



5.0 Theme Three: Efficiency

- 5.1 *Applying appropriate densities of development will help to reduce the need to consume additional land. Accordingly new development should seek to compliment the planned densities of development and service provision within the subject site.*

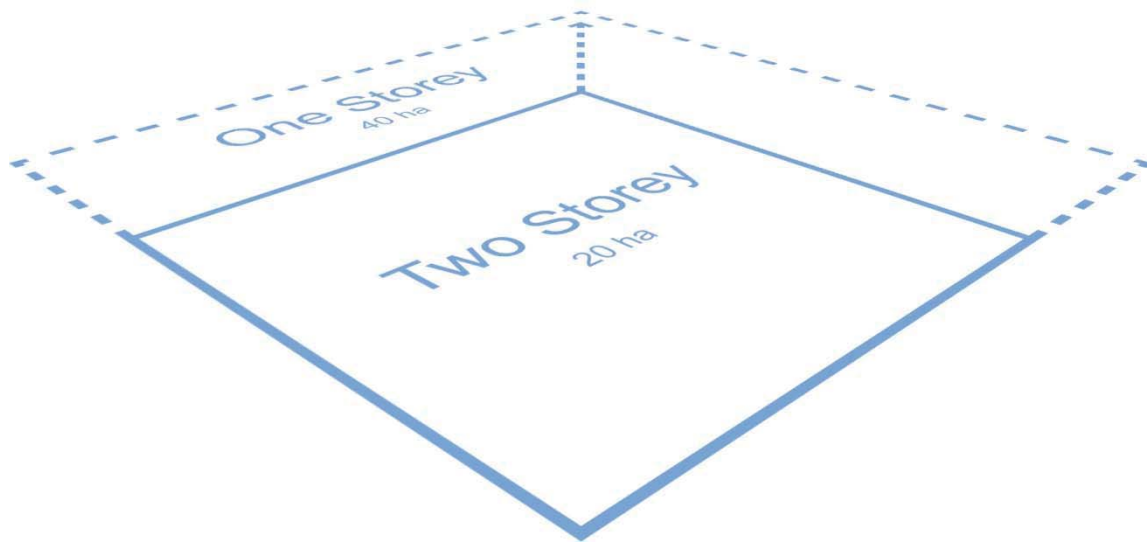


Figure 12: Residential land requirements, Source: GDP, 2013

...

- 5.2 Local climatic conditions should be harnessed wherever possible to reduce the requirement for artificial heating and cooling within new development. New development should be located and orientated in a manner that acknowledges solar paths and prevailing winds in order to utilise their potential in managing micro climates. Accordingly mitigation features should be provided to western facing facades such as landscape treatments, eaves and awnings. Hardstand areas should be located downwind of residential areas to avoid heat transfer effect and clusters should incorporate voids in the building massing to ensure wind penetration through the built form.

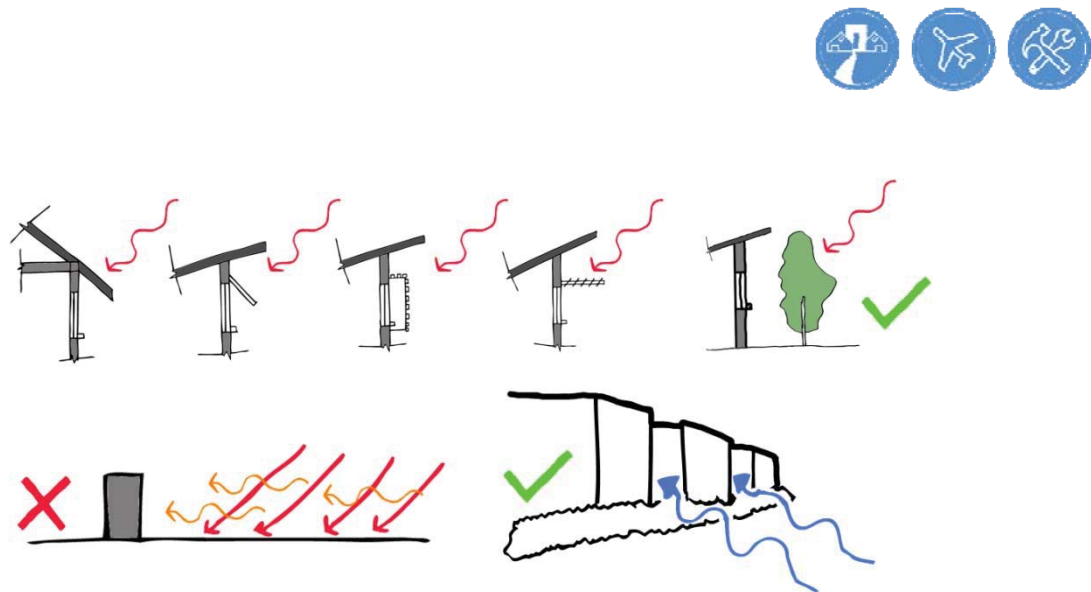


Figure 13: Building techniques to manage climate, Source: GDP, 2013

...

- 5.3 *The wind characteristics of the subject site should be utilised to manage micro climates within the subject site. Landscape and built form design should direct wind patterns through the subject site. Specifically development should seek to utilise the cooling prevailing winds and block hot northerly winds from penetrating the built form.*

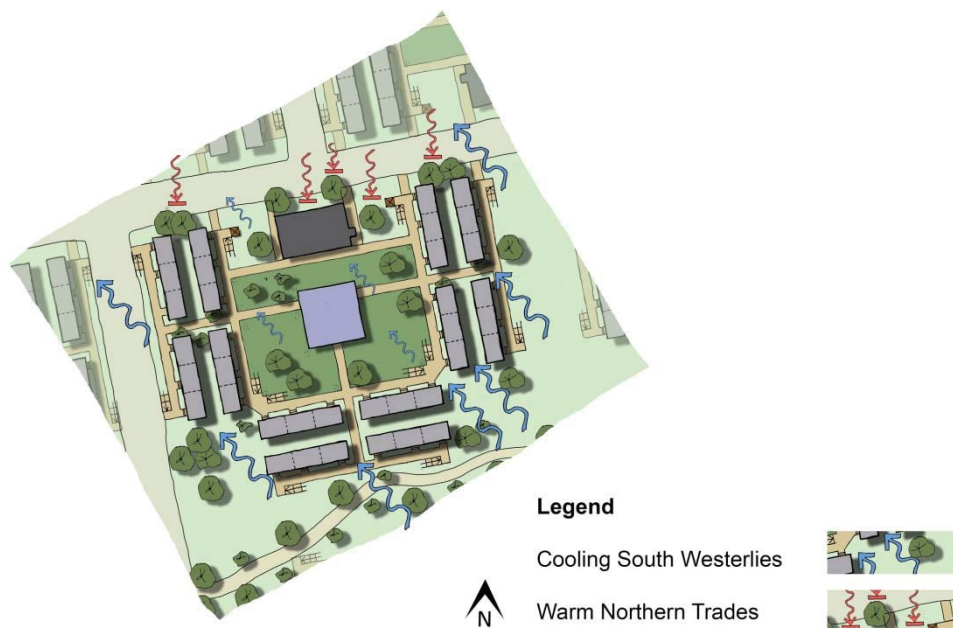


Figure 14: Managing wind exposure, Source: GDP, 2013

...

- 5.4 *The proposed design will seek to tread lightly on the subject site, thus minimising future potential rehabilitation works. Development should largely be constructed and established in a modular format that effectively sits atop the existing soil characteristics, avoiding land disturbance and disruptive foundation removal. Further fill associated with proposed development will only be required as to achieve the necessary fall for stormwater purposes.*



...

- 5.5 *Management of emissions such as noise pollution, air pollution and light pollutions should be managed to ensure no unreasonable adverse impacts are experienced by adjacent land uses.*



...

- 5.6 *Low maintenance and durability of materials and products should be a priority for all materials used on site. Maintenance and renovation of modular of facilities and accommodation units will be preferred over recurring replacement.*



...

- 5.7 *The proposed development should implement appropriate recycling strategies in order to reduce the quantity of materials going to landfill. New development should incorporate facilities to separate waste into appropriate streams for collection and disposal.*



...

6.0 Theme Four: Safety

- 6.1 *Emergency Access to all areas of the subject site must be prioritised at all times.*



...

- 6.2 *Both physical and perceived safety should be considered and encouraged in all development.*



...

- 6.3 *Passive surveillance helps ensure safety levels and the perception of safety are achieved throughout the development. By orientating development appropriately passive surveillance can help reduce the need for costly counter security measures.*



Figure 15: Orientating development to facilitate passive surveillance, Source: GDP 2013

...

- 6.4 *Development should seek to ensure that key routes and landmarks have appropriate lighting at night to foster a sense of safety and security.*



...

- 6.5 *Each distinct use or operation should provide administration, security and emergency facilities located in close proximity to the site entrance, or where this is not practical provide clear direction to the appropriate facilities.*



6.6 Entrances to building should be clearly identified from street level



Figure 16: Conceptual perspective of entrance treatment, Source: GDP, 2013

...

6.6 Appropriate fencing should be incorporated within the development in order to provide security and safety for both goods, machinery, operational requirements and personnel. The design and location of fencing will reflect its purpose.



...

6.7 The operation of the airport will be dependant on the ensuring safety and efficiency levels are maintained, in this regard no development will be permitted that interferes with the airports operational integrity.



...

- 6.8 *Water sensitive urban design features such as swales, rainwater tanks and bio-retention ponds should be utilised where possible and utilised as aesthetic features within the built environment.*



7.0 Theme Five: Connectivity

- 7.1 *A movement framework will shape how movement and transport is undertaken on the subject site incorporating a variety of different modes of transport. The movement framework should allow journeys to be made in a direct, efficient and safe manner by either personal or organised communal transport.*

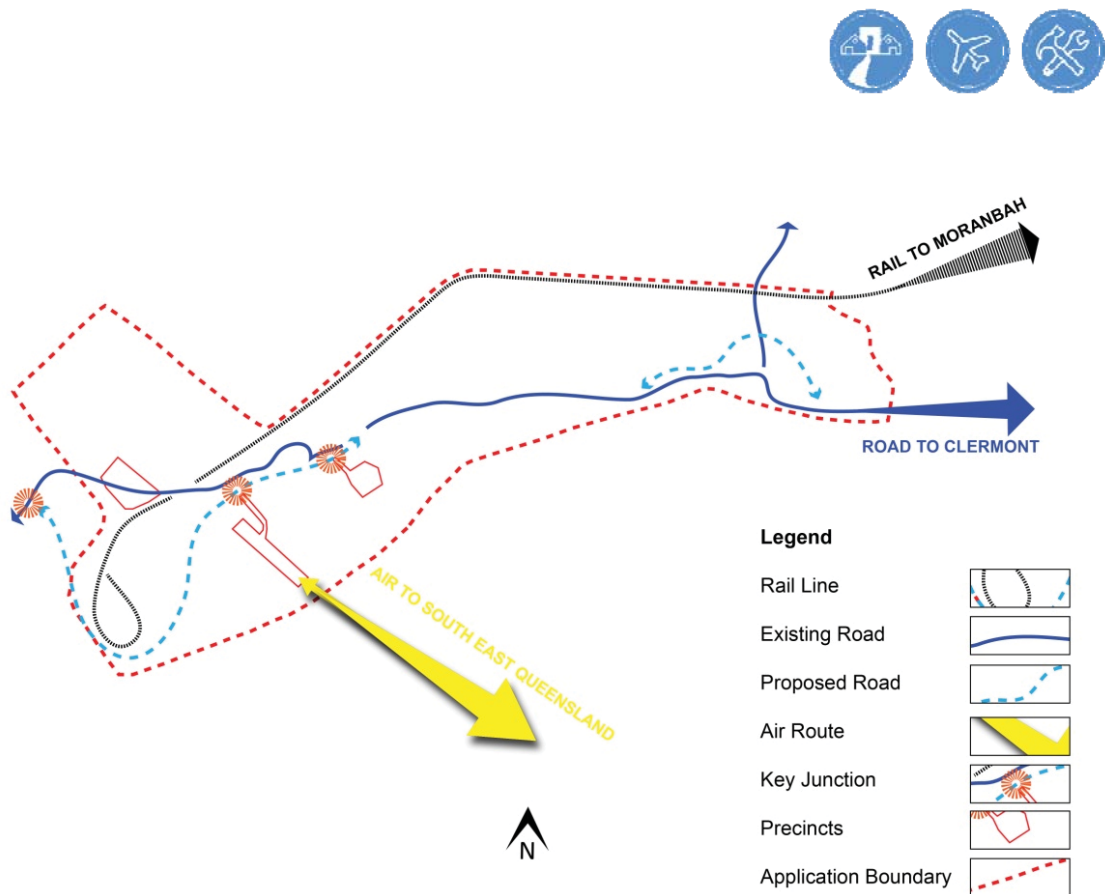


Figure 17: Site accessibility network, Source: GDP, 2013

...

- 7.2 A route hierarchy helps to define key routes within the proposed development, improving legibility and increasing efficiency. New development should respect the planned route hierarchy on the subject site and provide mitigation management features should development impact on the performance of the hierarchy.

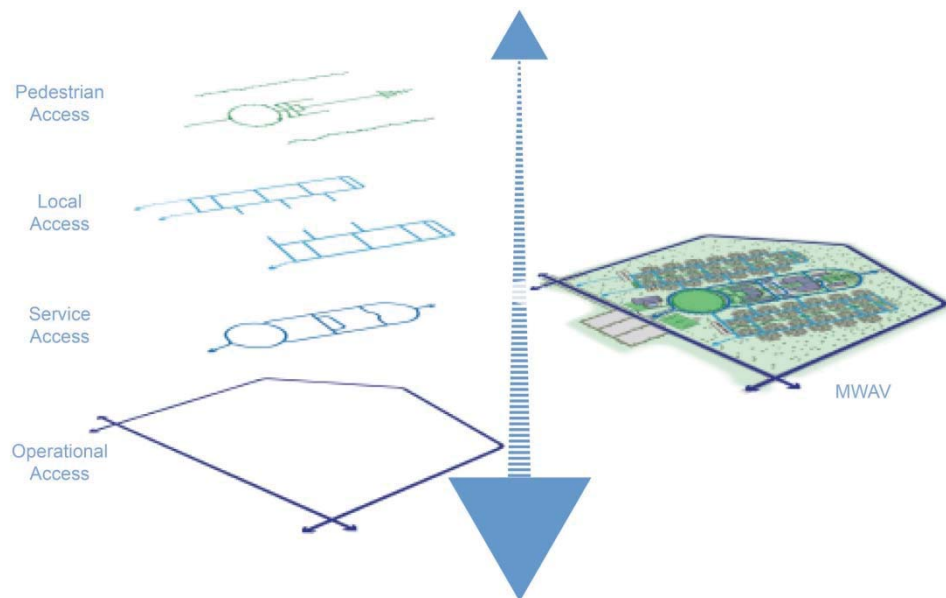


Figure 18: Route hierarchy MWAV, Source: GDP, 2013

...

- 7.3 *The interaction of defined facilities and movement networks will result in the creation of activity nodes within the subject site. Activity nodes should be acknowledged and planned for by providing appropriate facilities such as signage, street furniture or shelter in accordance with the level of use.*

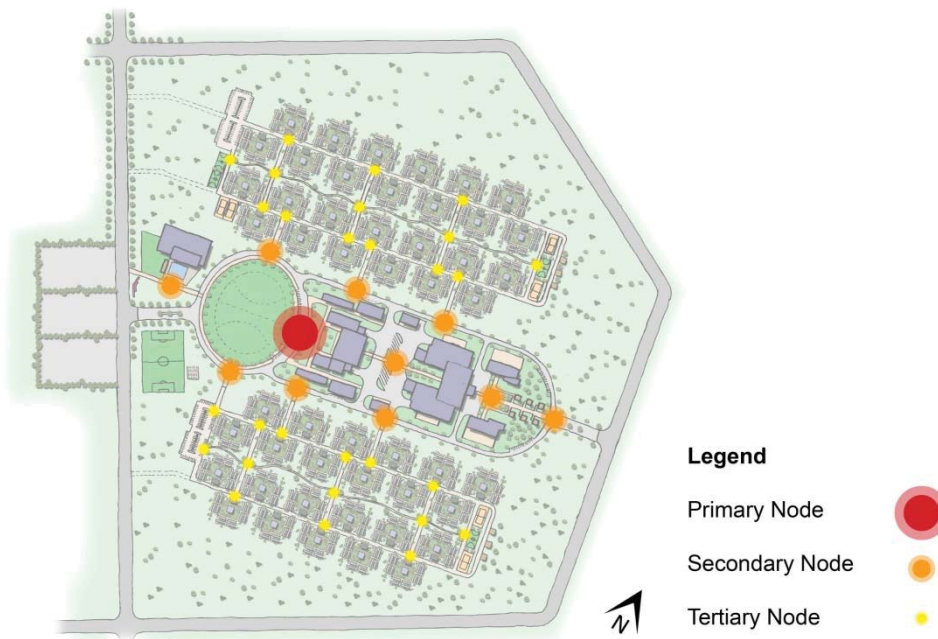


Figure 19: Activity node MWAV, Source: GDP, 2013

...

- 7.4 *Operational access should be prioritised within communal areas to ensure safe and efficient access can be achieved.*



...

- 7.5 Due to the importance of bus transport within the proposal, bus stops will become significant activity nodes within the built environment. Accordingly appropriate facilities such as shelter, seating, information boards, signage and administration facilities should all be located in close proximity to bus stop facilities.

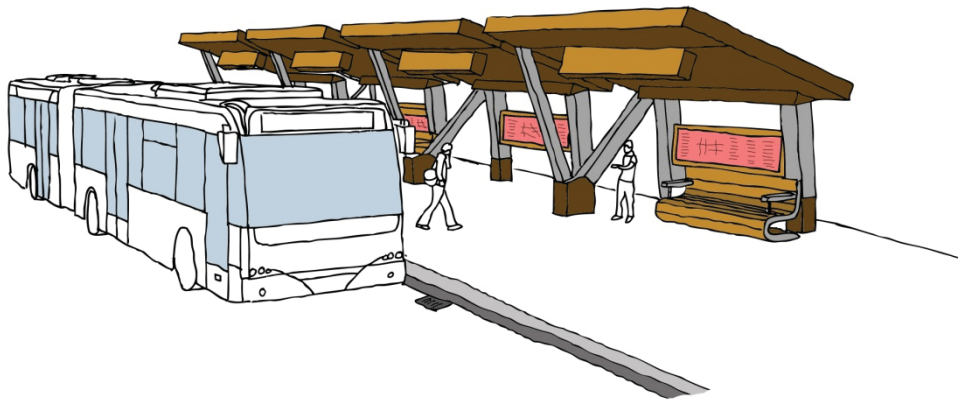


Figure 20: Conceptual perspective of bus stop facilities, Source: GDP, 2013

...

- 7.6 Servicing of communal facilities should be undertaken behind building frontages to avoid noise, lighting and air emissions that have the potential to negatively impact on surrounding uses.



...

- 7.7 *Shared access routes can integrate the needs of distinct access categories whilst also successfully reducing infrastructure costs and land consumption.*

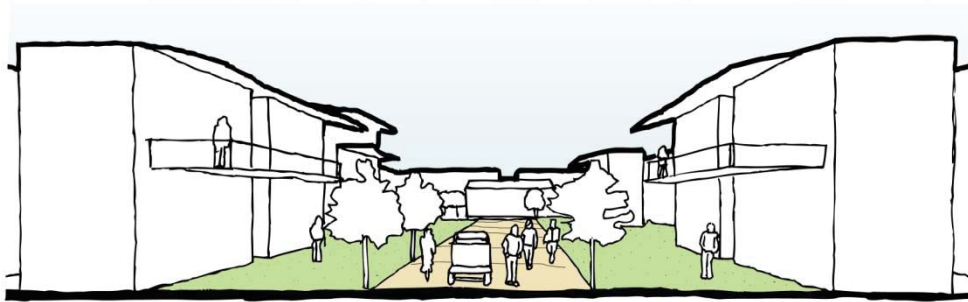


Figure 21: Conceptual section of shared route, Source: GDP, 2013

...

- 7.8 *Due to the specific operational requirements of the subject area, car parking will be clustered in distinct locations, due to the defined transport strategy on site and the potential to reduce conflict within residential and operational areas.*



...

- 7.9 *Development in the southern portion of the Precinct B: Carmichael Industrial will not restrict or jeopardise the potential for future bulk transport operations associated with a rail siding.*



...

8.0 Theme Six: Adaptability

- 8.1 *Development should be designed in a manner that will allow for its eventual closure, deconstruction and removal from the site.*



...

- 8.2 *The potential for accommodation demand to fluctuate over the lifespan of the MWAV should be acknowledged and designed for. In this regard the MWAV should be designed so that areas of the village can be decommissioned and secured over periods of time, and conversely the potential for the MWAV to expand must be maintained should such a need arise in the future.*

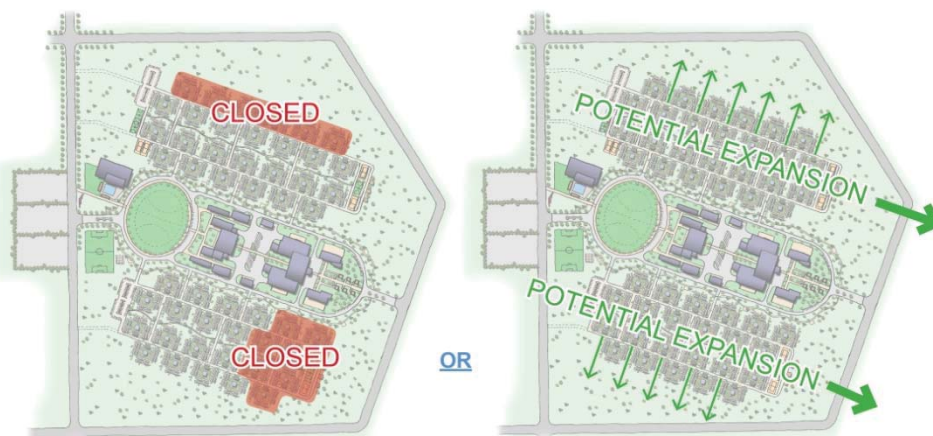


Figure 22: Capacity for expansion or contraction within MWAV, Source: GDP, 2013

...

- 8.3 *The planned level of facilities and services provision should expand and potentially decrease with population fluctuations in order to ensure adequate levels of service and carrying capacities are achieved.*



...

- 8.4 *Future development should where practical retain the planned urban structure in order to maintain consistency.*



...

- 8.5 *Given the largely modular format of construction on the subject site, opportunities to modify and adapt units in a manner that respects the overarching sustainability themes and design guidelines should be explored in order to cater for varying and evolving needs.*



...

- 8.6 *New development should be designed to consider how facilities are used and perceived both during the day and at night.*



...

- 8.7 *By encouraging a sense of ownership and engagement over the communal realm such areas can evolve and adapt to the needs of residents without significant capital investments.*



9.0 Theme Seven: Legibility

- 9.1 *Development should be designed to assist navigation within the site and its surrounds through the use of a variety of contextual cues.*



...

- 9.2 *Land use distinction should be utilised as the primary means of contributing to the legibility of the built environment.*



...

- 9.3 *Built form massing, height and scale should be used to distinguish significant communal facilities from private residential areas.*

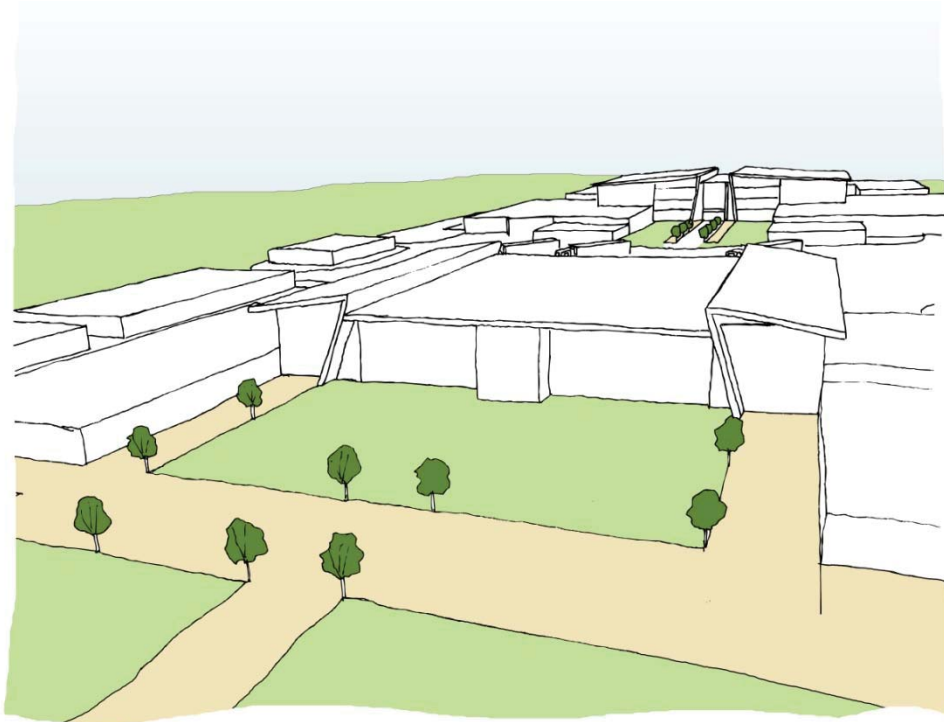


Figure 23: Effect of built form, massing and height, Source: GDP, 2013

...

- 9.4 *Gateways help to distinguish the perception of moving between two defined areas. By heightening this effect, the character of defined areas can be emphasised. Gateways and entry statements should be utilised to reinforce the perception of moving from one defined space to another.*

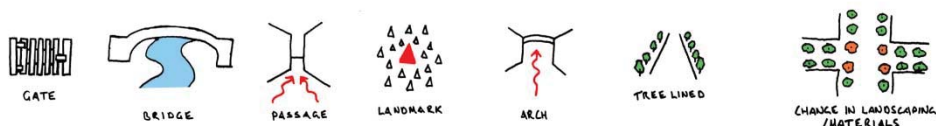


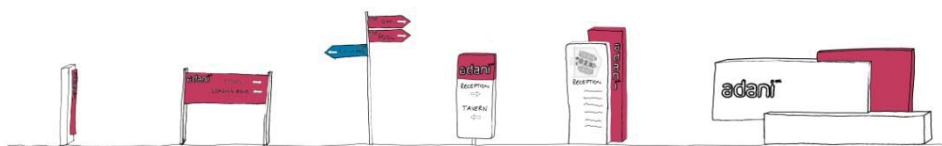
Figure 24: Gateway features, Source: GDP, 2013

- 9.5 *Defined views within the built environment contribute to ones understanding of the development. The incorporation of vistas within the built environment can provide a valuable orientating ability in addition to an aesthetic value. Accordingly new development should not compromise significant vistas.*



...

- 9.6 *Signage will play a key role in ones ability to move efficiently and intelligently through the proposed development. Legibility, consistency and ease of comprehension will be key attributes of the signage established on site. A design palette incorporating different structures, heights, materials and colours will be established over the subject site and all new development should be consistent with this palette.*



...

- 9.7 *Landmark structures offer development a tangible sense of identity in addition to making a significant contribution to legibility within the built environment.*

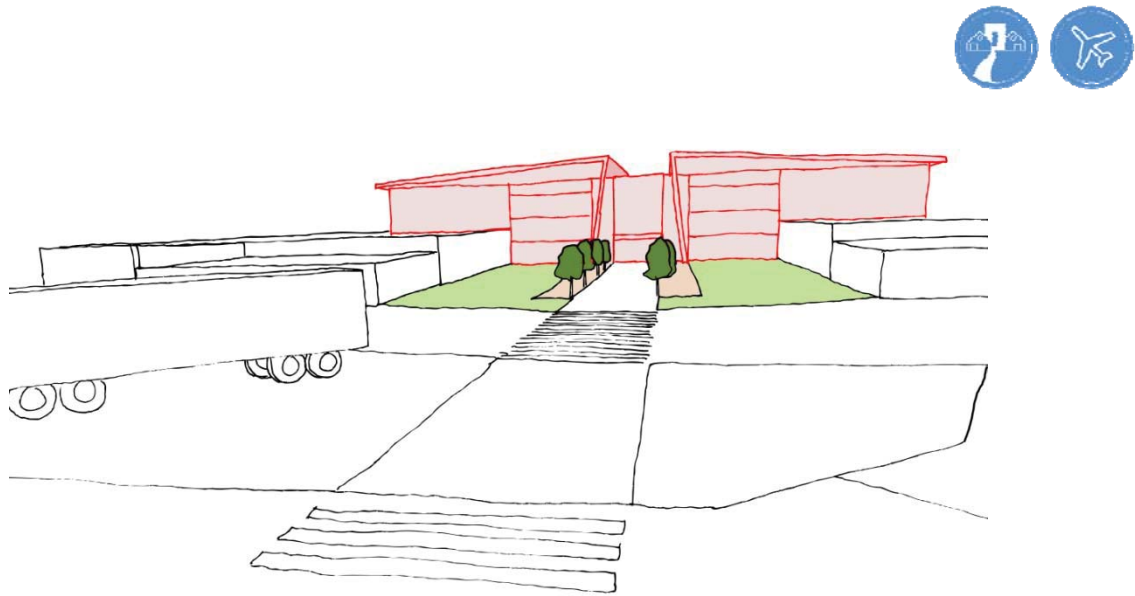


Figure 25: Landmark structure within built environment, Source: GDP, 2013

- 9.8 *The planned route hierarchy will incorporate a variety of street treatments that will differentiate each category of route. New development incorporating an extension to planned routes should be consistent with the character of the relevant route.*

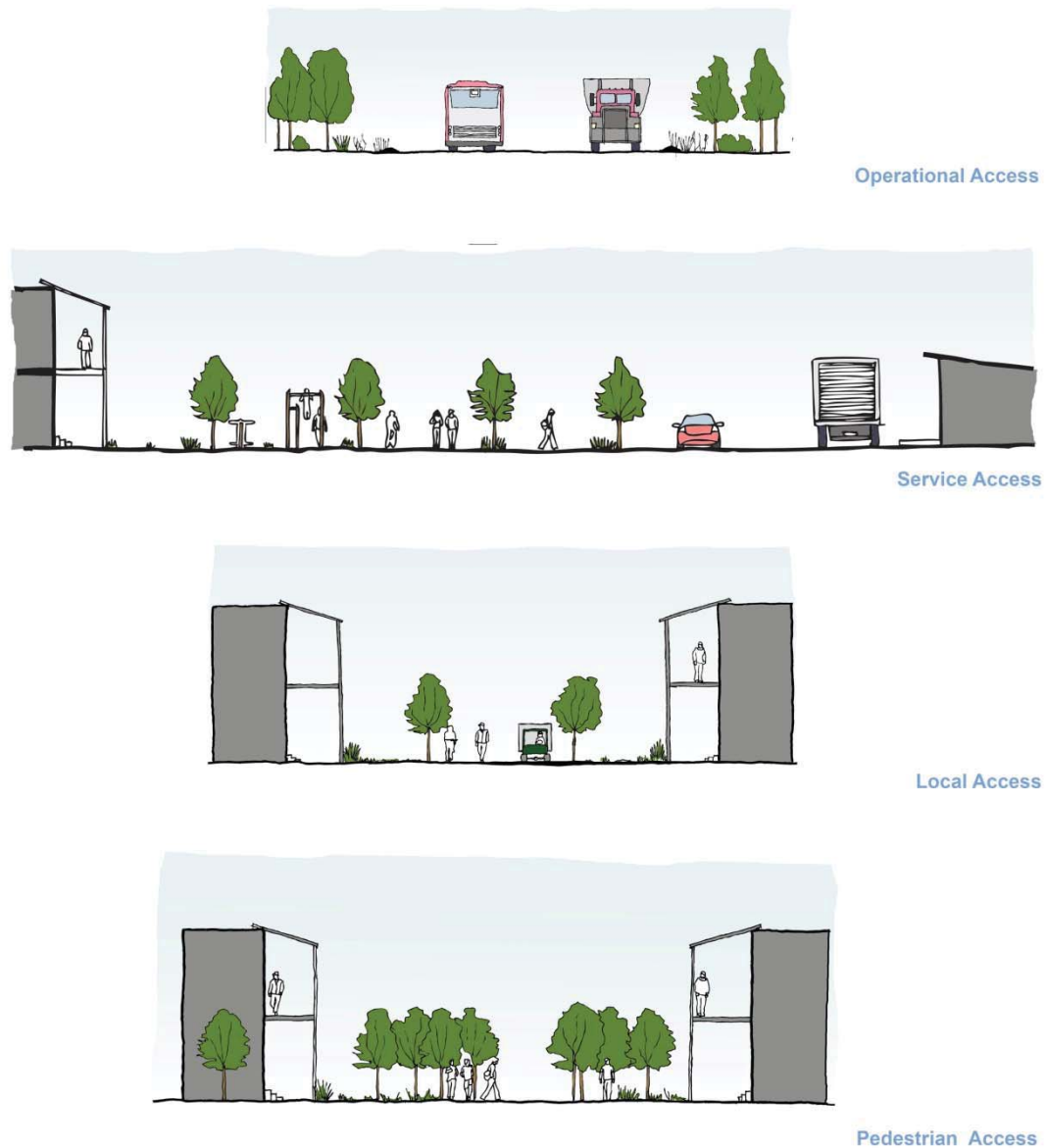


Figure 26: Route hierarchy, Source: GDP, 2013

...

10.0 Bringing the Themes Together

Development that brings together and complies with the seven themes of sustainability and design objectives will effectively achieve the desired built format over the subject site. The themes presented in this schedule have no order of priority – they each carry equal weight.

It is important to note that this schedule is not intended as a prescriptive recipe book of finished and detailed drawings ready to be implemented, it is rather a template to provide imaginative responses a structure to base their designs off whilst incorporating key principles and objectives.

The images, perspectives and plans contained within this document are not meant to be interpreted as defined blueprints for development rather a framework to inform how development may potentially look.

Schedule 3: MWAV Master Plan



NOTES:

This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.

Areas and Dimensions are approximate only and are subject to final state approval and survey.

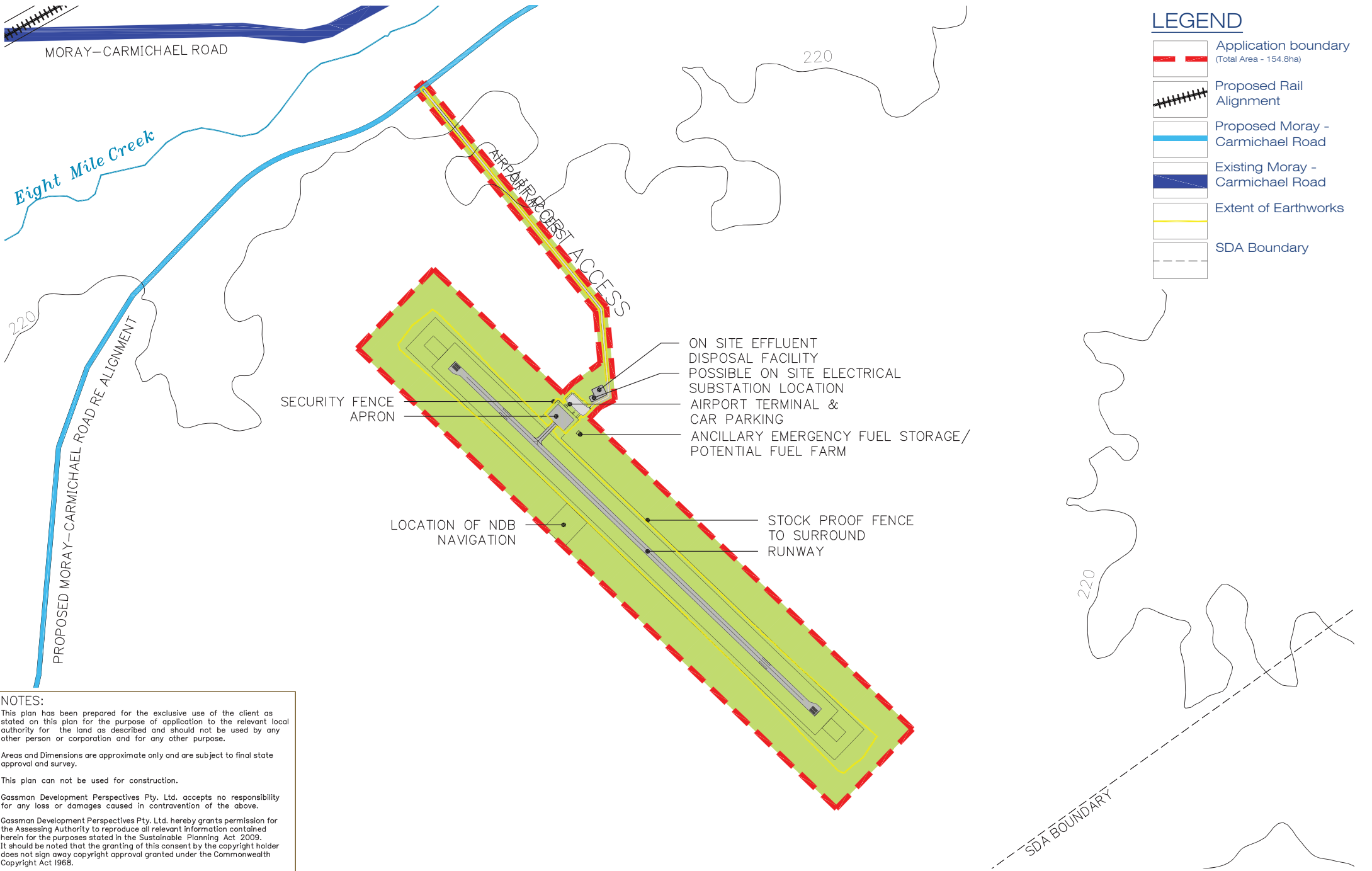
This plan can not be used for construction.

Gassman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Gassman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act, 2009. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.

Schedule 4: Obstacle Limitation Surfaces

Schedule 5: Airport Master Plan



LEGEND

- Application boundary (Total Area - 154.8ha)
- Proposed Rail Alignment
- Proposed Moray - Carmichael Road
- Existing Moray - Carmichael Road
- Extent of Earthworks
- SDA Boundary

NOTES:
This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.
Areas and Dimensions are approximate only and are subject to final state approval and survey.
This plan can not be used for construction.
Gassman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.
Gassman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act, 2009. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.



gassman development perspectives
planning design environment surveying

Brisbane Office
Level 8
97 Creek Street Brisbane Q. 4000
t: (07) 32216732
f: (07) 32217308
e: mail@gassman.com.au
w: www.gassman.com.au




adani

Quality
ISO 9001
SA GLOBAL

MCU Airport Proposal Plan | Airport

AMENDMENT DETAILS		DATE
A M E N D M E N T S	F	
	E	
	D	
	C	
	B	
S	B	
	A	16-07-2013
FINAL ISSUE		
Scale 1:15 000 - Lengths are in Metres		



date: 16-07-13
scale: 1:15 000 @ A3
design: PC/IAS
plan: 5370 P A PP 01 A

Appendix C: Proposed s.242 Variations

Preliminary Approval Comparative Analysis

This section should be read in conjunction with the Carmichael Off-site Infrastructure Development Code ('Development Code') submitted as part of this application. It is common accepted practice that s242 Preliminary Approval applications summarise the contents of their Place Code and provide, where necessary, notes relating to any intended variations to the existing planning controls of the local government planning scheme which in this case is the Planning Scheme for Belyando Shire.

Firstly, the primary change within the Development Code is the introduction of targeted land use definitions that apply to a range of activities and operations directly related to the planned mining activity. Where feasible, existing land use definitions within the Planning Scheme for Belyando Sire have been appropriately modified.

Secondly, a five (5) new Land Use Precincts have been introduced with their respective Tables of Assessment. These new tables have been drafted to reflect the intent of each of the new Precincts. These precincts include those directly related to core off-site infrastructure item uses such as the airport, industrial and mine workers accommodation village. The precincts also provided sufficient 'buffer zones' for flexibility in the future. Appropriate provisions have also been included within the balance rural zone to enable the appropriate establishment of mine related temporary activities.

Finally, an 'updated' zone code has sought to wherever possible mirror the terminology, structure and formatting of the existing Rural Zone Code under the Planning Scheme for Belyando Shire. Notwithstanding the proposed Development Code has sought to communicate its own intent and demonstrate how it may be implemented in conjunction with the Planning Scheme for Belyando Shire and in this regard for reasons of clarity the format and structure has varied in certain parts.

The intention, however, is to reflect the requirements of the Department of Local Government and Planning's Statutory Guideline relevant to the drafting of s.242 preliminary approvals. In this respect, Table 1 below identifies for Council the primary proposed changes to the Planning Scheme for Belyando Shire.

Table 1: Proposed Variations to existing Planning Scheme for Belyando Shire

Existing Planning Scheme Provision	Proposed Development Code	Discussion
Part 1 Sections 1.1 – 1.3 – Purpose, Functions and Structure of Planning Scheme	Part 1 – Introduction	This section sets the strategic context and aims of the Development Code. It also summaries the key proposed land use precincts. Due to the uniqueness of the Development Code, there are not considered any relevant changes or variations to the existing Part 1 of the Planning Scheme for Belyando Shire.
Part 1 Section 1.4 – General Assessment Provisions	Part 2 – Application of the Development Code	This section outlines how the Development Code is to be implemented and specifies the relationship of the Development Code with the existing Planning Scheme for Belyando Shire.
Part 2 - Definitions	Part 3 - Dictionary	This section of the Development Code introduces four (4) tailored and targeted ‘use and development definitions’ to override, where applicable, any existing definitions. This section also specifies the relationship of the Development Code with the existing Planning Scheme for Belyando Shire for all remaining ‘use and development’ definitions.
Part 4 – Zones	Part 4 – Precinct Intents	This section outlines the five (5) specific land use precincts applicable within the area to be subject to the Development Code. This section prevails over the existing Rural Zone provisions currently contained within the Planning Scheme for Belyando Shire.
Part 4 Section 4.1.1 – Rural “Zone” Table of Assessment	Part 5 Sections 5.1 - 5.6 – Tables of Assessment	This section provides the relevant MCU and ROL assessment tables applicable to each of the specific land use precincts. These tables prevail over the existing Rural Zone ‘Tables of Assessment’ contained within the Planning Scheme for Belyando Shire.
Part 4 Section 4.1.2.1 – Rural “Zone” Self-assessable	Part 5 Section 5.7 – Self Assessable Development –	This sections provides the relevant MCU self assessable provisions applicable to specific uses within each of the proposed land use precincts.

Development - Applicable Provisions	Applicable Provisions	This table prevails of the existing Rural Zone 'Self-assessable Development' provisions contained within the Planning Scheme for Belyando Shire.
Part 4 Section 4.1.2.2 – Code purpose	Part 6 – Development Code Purpose	The section outlines the purpose and outcomes of the Development Code. This outcome and purpose prevails over the existing Rural Zone 'Code Purpose' contained within the Planning Scheme for Belyando Shire.
Part 4 Section 4.1.2.3 – Performance Criteria and Acceptable Solutions – “Material change of Use”	Part 7 Table 12 – Development Code – Material Change of Use Requirements	This table contains the bulk of the Development Code provision applicable to all forms of MCU development as to which the Code applies. These code provisions prevail over the Rural Zone MCU Code Provisions contained within the Planning Scheme for Belyando Shire.
Part 5 – Reconfiguring a Lot Code	Part 7 Table 13 – Reconfiguring of a Lot Requirements	This table contains the bulk of the Development Code provision applicable to all forms of ROL development as to which the Code applies. These code provisions prevail over the Rural Zone ROL Code Provisions contained within the Planning Scheme for Belyando Shire.
List of Maps – Zoning Maps	Schedule 1 – Carmichael Land Use Precincts	This schedule illustrates the applicable land use precincts subject to the provisions of this Development Code. In essence, this schedule contains the 'zoning maps' of the Development Code. This schedule prevails over the current zoning maps contained within the Planning Scheme for Belyando Shire.
List of Maps - Land Characteristics	Schedule 4 – Obstacle Limitation Surfaces	This section provides relevant 'constraint' maps applicable to the Development Code above and beyond those currently contained within the Planning Scheme for Belyando Shire. Due to the intention for an airport use to be operated within the area to be subject to the Development Code, specific design and safety measures have been incorporated. This approach is similar to that which has been contained for existing airports within the Planning Scheme for Belyando Shire.

Appendix D: Draft State Government IA

Adani Mining Pty Ltd ACN 145 455 205

State of Queensland

Infrastructure Agreement

State Government



BRISBANE
LEVEL 7, 300 QUEEN STREET, BRISBANE 4000, AUSTRALIA
TEL: 61 7 3001 9222 FAX: 61 7 3001 9299

SYDNEY
LEVEL 5, 19 PITT STREET, SYDNEY 2000, AUSTRALIA
TEL: 61 2 9336 8600 FAX: 61 2 9336 8699
www.clarkekann.com.au

TABLE OF CONTENTS

1.	Definitions and Interpretation	1
2.	Infrastructure Agreement	1
2.1	Infrastructure agreement under the <i>Sustainable Planning Act 2009</i>	1
3.	Obligations of parties	1
3.1	Council's obligations	1
3.2	Owner's obligations.....	2
4.	Infrastructure Charges	2
4.1	Calculation of Infrastructure Charges	2
4.2	Infrastructure Charges Credits	2
5.	Facilities Infrastructure.....	2
6.	Security	2
7.	Council to bond Uncompleted Works to enable Early Dedication of Infrastructure.....	2
7.1	Council to bond uncompleted works	2
8.	Goods and Services Tax.....	2
8.1	Consideration is GST exclusive.....	2
8.2	Gross up of Consideration.....	2
8.3	Reimbursements	3
8.4	Tax Invoice and Registration.....	3
8.5	Interpretation.....	3
9.	Confidentiality	3
9.1	No Disclosure	3
9.2	Exceptions	3
9.3	Consent to Disclosure	3
10.	General	4
10.1	Counterparts	4
10.2	Operation of this Agreement	4
10.3	Governing Law.....	4
10.4	Costs	4
10.5	Amendment	4
10.6	Novation	4
10.7	Further Assurances.....	4
10.8	No partnership, etc.....	5
10.9	Notices.....	5
10.10	Severance.....	5
10.11	Time of the Essence	5
10.12	Waiver and Variation.....	6
10.13	Remedies Cumulative	6
10.14	Supervening Legislation.....	6
10.15	Signing by Facsimile	6
10.16	Attorney – No Notice of Revocation.....	6
10.17	Authority to Sign.....	6
10.18	Construction.....	6
	Schedule 1.....	7
	Part 1 – Definitions	7
	Part 2 - Interpretation	8
	Schedule 2.....	10
	Schedule 3.....	11
•	EXECUTED AS AN AGREEMENT	12

DATED

2010

PARTIES

ADANI MINING PTY LTD ACN 145 455 205 having its registered office at Level 30, AMP Place, 10 Eagle Street, Brisbane in the State of Queensland ("**Owner**")

STATE OF QUEENSLAND of George Street, Brisbane in the State of Queensland ("**Council**")

BACKGROUND:

- A. The Company is currently undertaking exploration work and feasibility for the Carmichael Coal Mine and Rail Line, and seeking approval from the QLD Coordinator-General to the Environmental Impact Statement which relates to this proposed development.
- B. The Project subject to this Infrastructure Agreement incorporates several pieces of critical, off-site infrastructure to be located immediately adjacent to the proposed coal mine and rail line;
- C. These Project components are located entirely within the State of Queensland, specifically the Isaac Regional Council local government area;
- D. The parties have agreed to enter into this Agreement in order to record the terms of the arrangement between themselves and their respective rights and liability in relation to each other.

OPERATIVE PROVISIONS

1. Definitions and Interpretation

In the interpretation of this Agreement, unless inconsistent with the subject or context each of the expressions defined in Part 1 of Schedule 1 shall have the meaning there assigned to it and the provisions of Part 2 of Schedule 1 shall apply.

2. Infrastructure Agreement

2.1 Infrastructure agreement under the *Sustainable Planning Act 2009*

- (a) This Agreement is an infrastructure agreement under the *Sustainable Planning Act 2009*, Chapter 8 Part 2;
- (b) For section 661 of the *Sustainable Planning Act 2009* a change in ownership of the Land (or any portion of it) will not affect an obligation under this Agreement.
- (c) It is the intention of the parties that the obligations of the Applicant under this Agreement will attach to the Land and be binding on the Applicant and the Applicant's successors in title of the Land in accordance with section 663 of the *Sustainable Planning Act 2008*.
- (d) This Agreement commences immediately after the last party executes this Agreement.

3. Obligations of parties

3.1 Council's obligations

Council will, at its own cost, comply with its obligations set out in this Agreement.

3.2 Owner's obligations

The Owner will, at its own cost, comply with its obligations set out in this Agreement.

4. Infrastructure Charges

4.1 Calculation of Infrastructure Charges

Not applicable.

The Owner will construct various public and private infrastructure to facilitate the establishment and operation of the Project, and such infrastructure will serve to offset the levying of infrastructure charges.

4.2 Infrastructure Charges Credits

Nil.

5. Facilities Infrastructure

6. Security

The Parties acknowledge and agree that:

To be advised

7. Council to bond Uncompleted Works to enable Early Dedication of Infrastructure

7.1 Council to bond uncompleted works

To enable the early dedication [insert works]. Council may bond uncompleted works in accordance with Council's Planning Scheme Policy ##.

8. Goods and Services Tax

8.1 Consideration is GST exclusive

Any consideration to be paid or provided for a supply made under or in connection with this Agreement, does not include an amount on account of GST.

8.2 Gross up of Consideration

Despite any other provision in this Agreement, if a party ("**Supplier**") makes a supply under or in connection with this Agreement on which GST is imposed (not being a supply the consideration for which is specifically described in this Agreement as "**GST inclusive**"):

- (a) the consideration payable or to be provided for that supply under this Agreement but for the application of this clause ("**GST exclusive consideration**") is increased by and the recipient of the supply ("**Recipient**") must also pay to the Supplier an amount equal to the GST payable by the Supplier on that supply; and
- (b) subject to clause 8.4 the amount by which the GST exclusive consideration is increased must be paid to the Supplier by the Recipient without set off, deduction or requirement for demand, at the same time as the GST exclusive consideration is payable or to be provided.

8.3 Reimbursements

If a payment to a party under this Agreement is a reimbursement or indemnification, calculated by reference to a loss, cost or expense incurred by that party, then the payment will be reduced by the amount of any input tax credit to which that party is entitled for that loss, cost or expense.

That party is assumed to be entitled to a full input tax credit unless it proves, before the date on which the payment must be made, that its entitlement is otherwise.

8.4 Tax Invoice and Registration

Despite any other provision of this Agreement, a party need not make a payment of any amount for GST until the party has been given by the other party:

- (a) a GST tax invoice for that payment stating the amount of GST imposed on the party in respect of the supply to which the GST tax invoice relates; and
- (b) evidence satisfactory to the party that the other party is registered for the purposes of GST.

8.5 Interpretation

Words or expressions used in this clause 8 which are defined in the GST Law have the same meaning in this clause.

9. Confidentiality

9.1 No Disclosure

Subject to clause 9.2, the contents of this Agreement and all books accounts records documents and information made available to any party for the purposes of entering into this Agreement or in the course of the performance of this Agreement shall be kept confidential and shall not be disclosed to any other person without the written consent of the other parties.

9.2 Exceptions

Clause 9.1 shall not apply to any disclosure:

- (a) required by law;
- (b) required by any applicable stock exchange listing rules;
- (c) made in good faith to officers employees legal and other advisors and auditors of any party under a duty of confidentiality;
- (d) by a party to its bankers or other financial institutions to the extent required for the purpose of raising funds or maintaining compliance with credit arrangements;
- (e) required by this Agreement or necessary for or incidental to the performance of the obligations and duties contained in this Agreement including in connection with an exercise of rights or a dealing with rights or obligations under this Agreement; and
- (f) of information in the public domain otherwise than due to a breach of clause 9.1.

9.3 Consent to Disclosure

Each party consents to disclosures made in accordance with this clause 9. This clause supersedes any pre-existing agreements between the parties about confidentiality.

10. General

10.1 Counterparts

This Agreement may be executed in counterparts.

10.2 Operation of this Agreement

- (a) This Agreement constitutes the entire agreement between the parties relating in any way to its subject matter and supersedes and merges all prior discussion and any prior agreement. Each party acknowledges that in entering into this Agreement it has not relied on any warranty, representation or other promise of any nature not contained in this Agreement.
- (b) Any right that a person may have under this Agreement is in addition to, and does not replace or limit, any other right that person may have.
- (c) Any provision of this Agreement which is unenforceable or partly enforceable is, where possible, to be severed to the extent necessary to make this document enforceable, unless it would materially change the intended effect of this Agreement.

10.3 Governing Law

This Agreement shall be governed by and construed in accordance with the law of Queensland and each of the parties hereby submits to the non-exclusive jurisdiction of courts exercising jurisdiction there.

10.4 Costs

The parties agree to pay their own legal and other costs and expenses in connection with the preparation, execution and completion of this Agreement and any other related documentation except for stamp duty.

10.5 Amendment

- (a) Despite any provision of this agreement, the parties may at any time agree to vary the terms of this Agreement.
- (b) No modification, variation or amendment of this agreement is of any force or effect unless:
 - (i) it is in the form of an amendment agreement and has been signed by the parties; and
 - (ii) where relevant the amendment agreement complies with the requirements of the *Sustainable Planning Act 2009*.

10.6 Novation

- (a) The Owner shall not sell, transfer or alienate the Land or any part thereof, except for the sale of reconfigured residential lots as part of the Project, prior to the fulfilment of the obligations of the Owner under this Agreement except subject to the condition that the purchaser, transferee or alienee must enter into a deed of novation of this Agreement with Council, whereby the purchaser, transferee or alienee becomes contractually bound to Council to perform and fulfil the provisions of this Agreement or such of them as remain unperformed or unfulfilled by the Owner so far as they relate to the Land or part thereof that is sold, transferred or alienated.
- (b) In the event that ownership of the Land is transferred in accordance with clause 10.6, the Owner is released from further obligations under this Agreement.

10.7 Further Assurances

Each party must take all steps, execute all documents and do everything necessary or desirable to give full effect to any of the transactions contemplated by this Agreement.

10.8 No partnership, etc

Nothing stated or implied in this Agreement constitutes a party as a partner, agent or legal representative of any other party for any purpose or creates any partnership, agency or trust. Except as expressly provided in this Agreement, a party has no authority to bind another party, or to act for, or to incur any obligation or assume any responsibility on behalf of another party.

10.9 Notices

(a) All notices and other communications provided for or permitted under this Agreement or otherwise shall be sent by registered mail with postage prepaid, by hand delivery or by facsimile transmission as follows:

(i) if to the Owner, to it at:

Name:	Adani Mining Pty Ltd
Address:	
Attention:	Chief Executive Officer
Fax No:	

(ii) if to Council, to it at:

Name:	State of Queensland
Address:	
Attention:	Chief Executive Officer
Fax No:	

or to the party's lawyer or to such other address or person as either party may specify by notice in writing to the other.

(b) All such notices or communications shall be deemed to have been duly given or made:

(i) 3 Business Days after being deposited in the mail with postage prepaid; or

(ii) when delivered by hand; or

(iii) if sent by facsimile transmission, on production of a report from the sending machine which indicates that the facsimile was sent in its entirety to the facsimile number of the recipient.

(c) Despite clause 10.9(b) notices received after 5.00pm in the place of receipt or on a non-Business Day are taken to be received at 9.00am on the next Business Day.

(d) Notices or other written communications by a party's lawyer (for example, varying a date for the payment of money) will be treated as given with that party's authority.

10.10 Severance

If any provision of this Agreement offends any law applicable to it in a jurisdiction and is as a consequence illegal, invalid or unenforceable in that jurisdiction then:

(a) where the offending provision can be read down so as to give it a valid and enforceable operation of a partial nature it must be read down to the extent necessary to achieve that result; and

(b) in any case the offending provision must be severed from this Agreement for that jurisdiction in which event the remaining provisions of the Agreement operate as if the severed provision had not been included.

10.11 Time of the Essence

Time shall be of the essence of this Agreement.

10.12 Waiver and Variation

- (a) A party's failure or delay to exercise a power, right or remedy pursuant to this Agreement does not operate as a waiver of that power, right or remedy.
- (b) The exercise of a power or right does not preclude:
 - (i) its future exercise; or
 - (ii) the exercise of any other power or right.
- (c) A provision of or a right created under this Agreement may not be:
 - (i) waived except in writing signed by the party granting the waiver; or
 - (ii) varied except in writing signed by the parties.
- (d) The waiver of a power or right is effective only in respect of the specific instance to which it relates and for the specific purpose for which it is given.

10.13 Remedies Cumulative

The rights and remedies provided in this Agreement are in addition to other rights and remedies given by law independently of this Agreement.

10.14 Supervening Legislation

Any legislation which operates to vary the obligations of a party in connection with this Agreement with the result that another party's rights, powers or remedies are adversely affected (including by way of delay or postponement) is excluded except to the extent that its exclusion is prohibited or rendered ineffective by law.

10.15 Signing by Facsimile

An exchange of signed counterparts of this Agreement by facsimile shall constitute a valid and binding Agreement between the parties as and from the time of receipt of the last of the facsimiles to be received. Notwithstanding the foregoing, the parties covenant that they will within a reasonable time following the formation of this Agreement by exchange of facsimiles, execute an original and counterpart of this Agreement.

10.16 Attorney – No Notice of Revocation

Each Attorney executing this Agreement acknowledges that at the time of execution of this Agreement no notice of the revocation of the power of attorney under the authority of which the Attorney executed this Agreement has been received by any of them.

10.17 Authority to Sign

Each person signing this Agreement as an authorised officer or agent of any party by doing so warrants to the other parties that, as at the date of signing, he or she has full authority to execute this Agreement on behalf of that party.

10.18 Construction

No rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of, or seeks to rely on, this Agreement or any part of it.

SCHEDULE 1

Part 1 – Definitions

In this Agreement, unless the context otherwise indicates, each of the following expressions shall have the meaning assigned to it below:

Approvals	means all consents, approvals, registrations, certificates, licences, permits or authorities from any Authority and includes Development Approvals issued under the Sustainable Planning Act 2009.
Authority	means any government or semi government authority or instrumentality, statutory or judicial authority.
Business Day	means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act is to be performed or a payment is to be made.
Final Cost	means the final contract value as certified by the Superintendent for the relevant Works based on a schedule of rates agreed to by Council at the appointment of the relevant contractor(s) for the works and any associated design or survey works, said final contract value including, where applicable, the Owner's costs of contract administration and certification of claims (whether contractors' progress claims or otherwise) by the Superintendent.
GST	(a) has the meaning given to that term in the GST Law; and (b) includes any other goods and services tax, or any tax applying to this transaction in a similar way; and any additional tax, penalty tax, fine, interest or other charge under a law for such a tax.
GST Law	has the meaning given to that term in <i>A New Tax System (Goods and Services Tax) Act 1999</i> and any associated Commonwealth legislation, regulations and publicly available rulings.
Infrastructure Charges	means Infrastructure Charges as defined in the Priority Infrastructure Plan.
Master Plan	means the Owner's master plan of the Project, as amended from time to time.
Owner	means Adani Mining Pty Ltd ACN 145 455 205
Priority Infrastructure Plan	means Council's Priority Infrastructure Plan and Infrastructure Charges Schedule or equivalent infrastructure charging regime in force from time to time.
Project	means the following three (3) components of off-site infrastructure, located on Part of Lot 662 on PH1491, required to support the establishment and operation of the Owner's Carmichael Coal Mine and Rail Project: <ul style="list-style-type: none">• A Mine Workers Accommodation Village for a population not exceeding 3500 workers;• A private Airport; and• An industrial area comprising various uses and pieces of infrastructure to support the Carmichael Coal Mine, rail line, and off site infrastructure.

The general location, extent and layout of these off site infrastructure elements are shown on the concept plans contained in Schedule 3.

Superintendent	means the superintendent appointed by the owner in respect of the Works from time to time.
Tax Invoice	has the meaning given to it under the GST Law.
Taxable Supply	has the meaning given under the GST Law.
Infrastructure Charges	means any infrastructure charges levied by Council on the Owner before or after the date of this Agreement for the purpose of transport as defined under the ##### including but not limited to trunk roads, public transport, in road reserve and off-road pedestrian systems.
Works	<p>means any of the following:</p> <ul style="list-style-type: none">(a) #####; or(b) #####; or(c) #####. <p>a copy of the draft specification for the Works is included in Schedule 2.</p>

Words or expressions that are defined in this Agreement appear throughout this Agreement with the same initial capital letters, however if the initial capital letters are omitted they have the same meaning unless the context otherwise requires.

Part 2 - Interpretation

In this Agreement:

1. headings are for convenience only and do not affect the interpretation of this Agreement;
2. reference to any statute or statutory provision shall include any modification or re-enactment of, or any legislative provisions substituted for, and all legislation and statutory instruments issued under such legislation or such provision;
3. words denoting the singular shall include the plural and vice versa;
4. words denoting individuals shall include corporations, associations, trustees, instrumentalities and partnerships and vice versa;
5. words denoting any gender shall include all genders;
6. references to Parties, Parts, clauses, Annexures and Schedules are references to Parties, Parts, clauses, Annexures and Schedules to this Agreement as modified or varied from time to time;
7. references to any document, deed or agreement shall include references to such document or agreement as amended, novated, supplemented, varied or replaced from time to time;
8. a party includes the party's representatives, administrators and permitted assigns;
9. all references to dates and times are to Brisbane time;
10. all references to "\$" and "dollars" are to the lawful currency of Australia unless otherwise expressly stated;

11. if a party consists of more than one person this Agreement binds them jointly and each of them severally;
12. “including” and similar expressions are not words of limitation;
13. where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning;
14. “related body corporate”, “subsidiary” and “holding company” have the same meaning as in the *Corporations Act 2001 (Cth)*;
15. reference to any body other than a party to this document (including, without limitation, an institute, association or authority), whether or not it is a statutory body:
- (a) which ceases to exist, or
 - (b) whose powers or function are transferred to any other body,
- refers to the body which replaces it or which substantially succeeds to its powers or functions;
16. if the day on which a person must do something under this Agreement is not a Business Day that person must do it on or by the next Business Day; and
17. recitals or background contained in this Agreement do not form part of the operative provisions of the Agreement.

SCHEDULE 2

Road Upgrade and Maintenance and Security Requirements

Road Inventory:

- Upgrade the existing Moray – Elgin Road / Gregory Developmental Road intersection.

Road Scope of Works:

General

- As part of the upgrade works for the local Government Moray-Carmichael / Elgin-Moray Road, it is recommended that the existing intersection with the State-Controlled Gregory Development Road be upgraded to include protected right turn and left movements at this intersection.

NB: This is not necessarily to satisfy traffic capacity requirements rather it is to ensure the safe operation of the intersection into the future.

SCHEDULE 3

Concept Plans

DRAFT

NOTES:

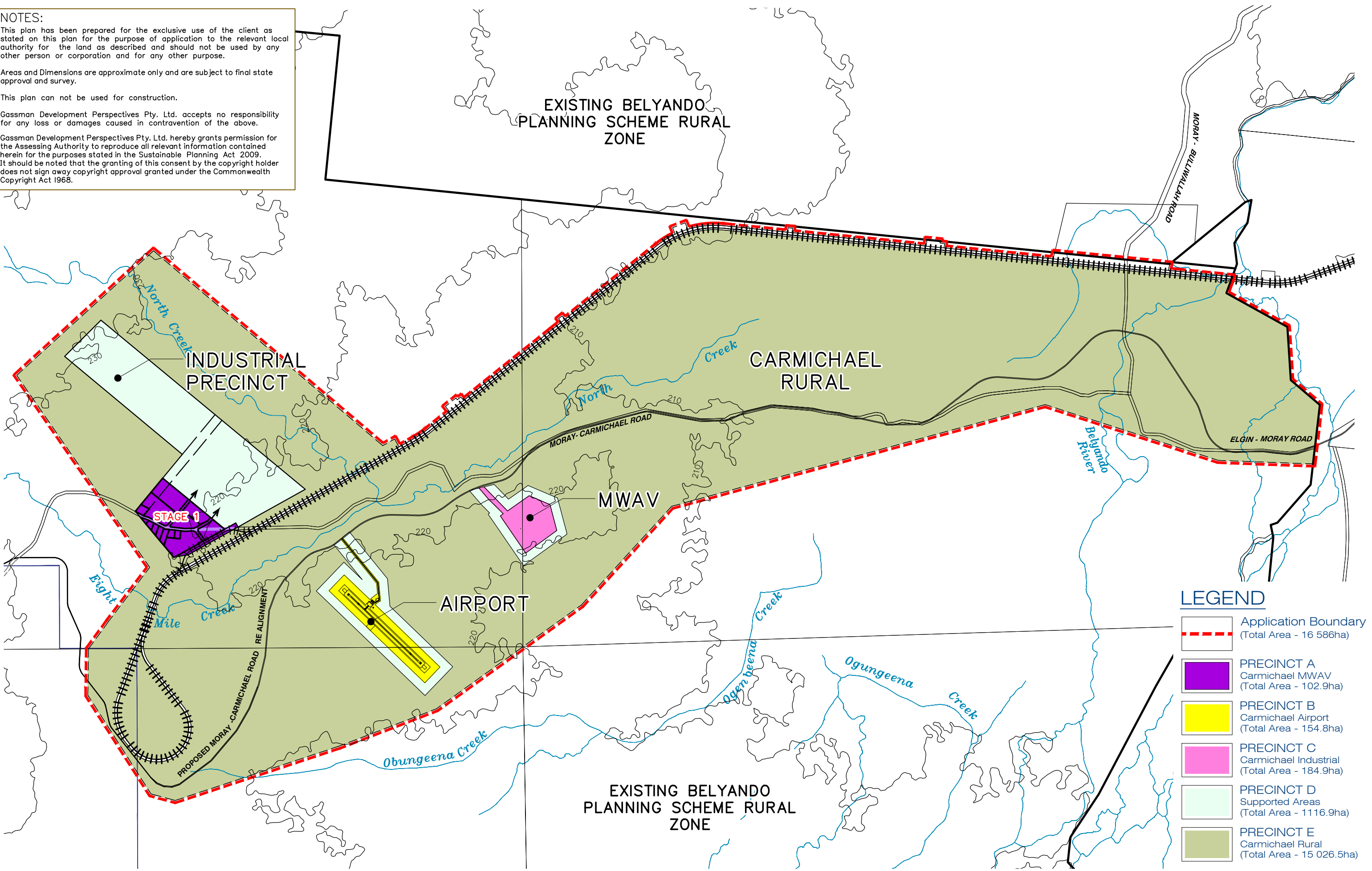
This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.

Areas and Dimensions are approximate only and are subject to final state approval and survey.

This plan can not be used for construction.

Gassman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Gassman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act 2009. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.



LEGEND

- Application Boundary (Total Area - 16 586ha)
- PRECINCT A Carmichael MWAV (Total Area - 102.9ha)
- PRECINCT B Carmichael Airport (Total Area - 154.8ha)
- PRECINCT C Carmichael Industrial (Total Area - 184.9ha)
- PRECINCT D Supported Areas (Total Area - 1116.9ha)
- PRECINCT E Carmichael Rural (Total Area - 15 026.5ha)



NOTES:

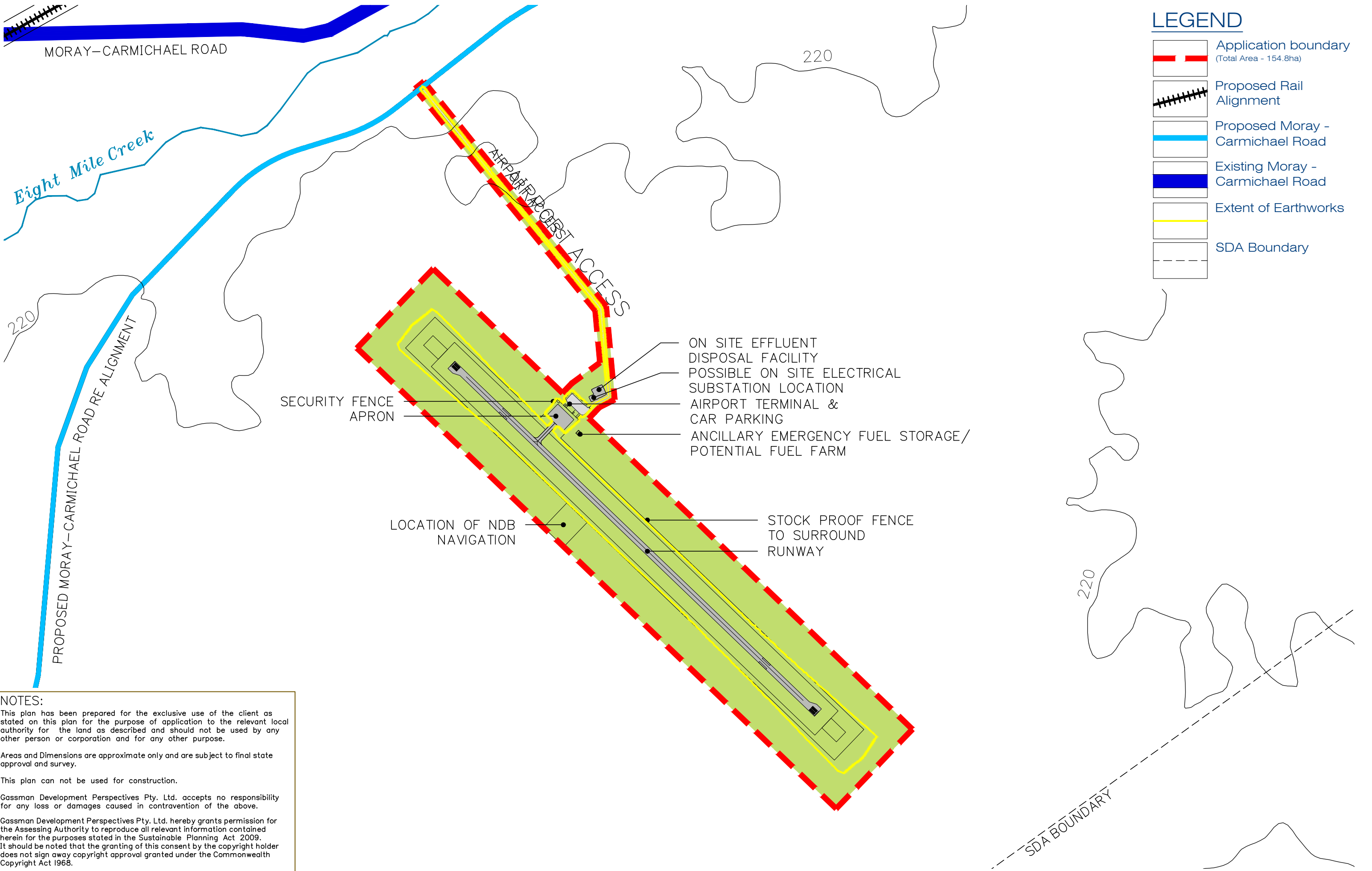
This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.

Areas and Dimensions are approximate only and are subject to final state approval and survey.

This plan can not be used for construction.

Gassman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Gassman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act 2009. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.



LEGEND

- Application boundary (Total Area - 154.8ha)
- Proposed Rail Alignment
- Proposed Moray - Carmichael Road
- Existing Moray - Carmichael Road
- Extent of Earthworks
- SDA Boundary

NOTES:

This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.

Areas and Dimensions are approximate only and are subject to final state approval and survey.

This plan can not be used for construction.

Gassman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Gassman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act 2009. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.

NOTES:

This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.

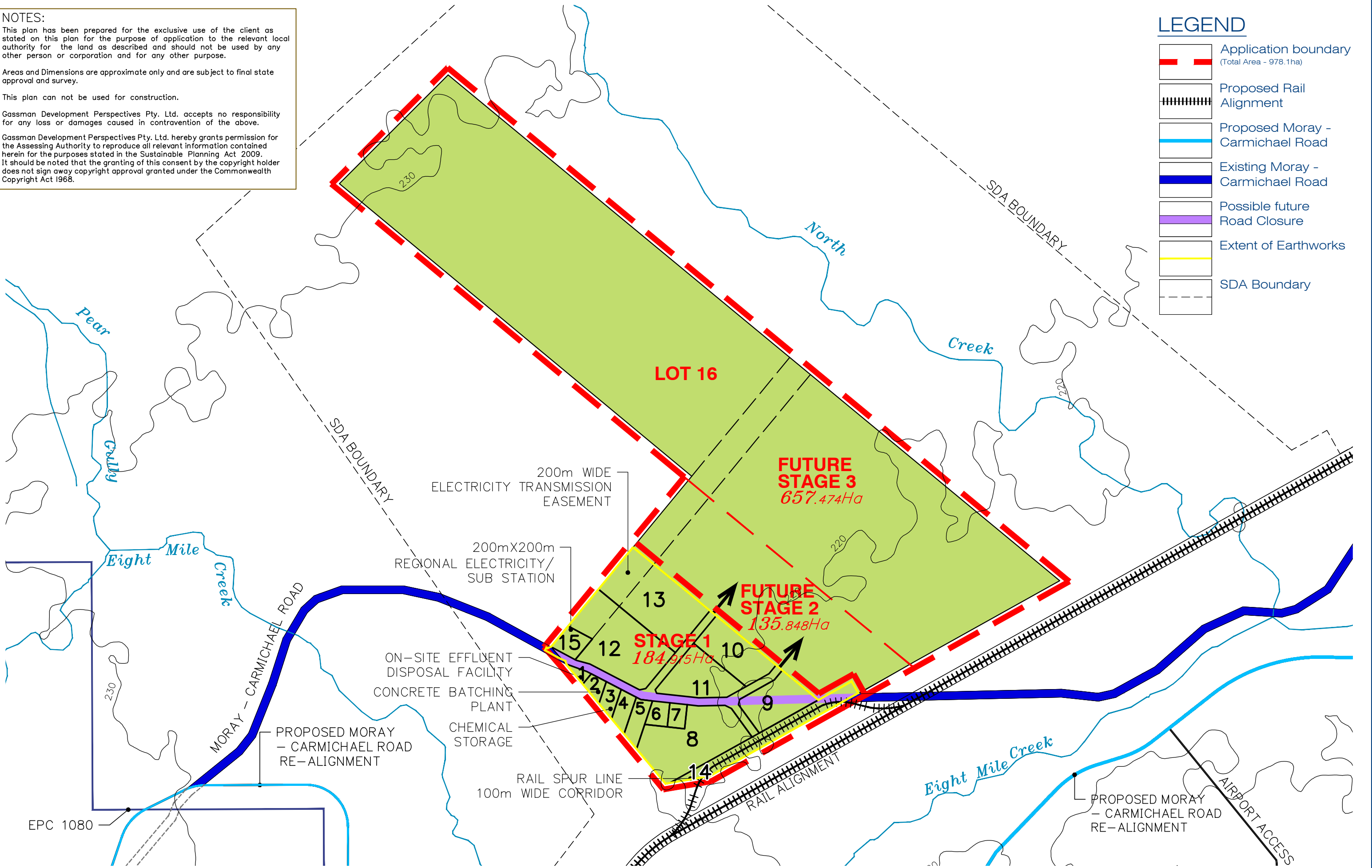
Areas and Dimensions are approximate only and are subject to final state approval and survey.

This plan can not be used for construction.

Gassman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Gassman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act 2009. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.

- LEGEND
- Application boundary (Total Area - 978.1ha)
 - Proposed Rail Alignment
 - Proposed Moray - Carmichael Road
 - Existing Moray - Carmichael Road
 - Possible future Road Closure
 - Extent of Earthworks
 - SDA Boundary



- EXECUTED AS AN AGREEMENT

SIGNED by **ADANI MINING PTY LTD ACN 145 455 205**)
by its duly constituted attorney who hereby certifies it has)
no notice of revocation of the Power of Attorney in the)
presence of:)

Witness

Attorney

Name (print)

Name (print)

THE COMMON SEAL of **STATE OF QUEENSLAND**)
was affixed by)
in the)
presence of)

Name (print)

Appendix E: Draft Local Government IA

Adani Mining Pty Ltd ACN 145 455 205

Isaac Regional Council

Infrastructure Agreement

Local Government



BRISBANE
LEVEL 7, 300 QUEEN STREET, BRISBANE 4000, AUSTRALIA
TEL: 61 7 3001 9222 FAX: 61 7 3001 9299

SYDNEY
LEVEL 5, 19 PITT STREET, SYDNEY 2000, AUSTRALIA
TEL: 61 2 9336 8600 FAX: 61 2 9336 8699
www.clarkekann.com.au

TABLE OF CONTENTS

1.	Definitions and Interpretation	1
2.	Infrastructure Agreement	1
2.1	Infrastructure agreement under the <i>Sustainable Planning Act 2009</i>	1
3.	Obligations of parties	1
3.1	Council's obligations	1
3.2	Owner's obligations.....	2
4.	Infrastructure Charges	2
4.1	Calculation of Infrastructure Charges	2
4.2	Infrastructure Charges Credits	2
5.	Facilities Infrastructure.....	2
6.	Security	2
7.	Council to bond Uncompleted Works to enable Early Dedication of Infrastructure.....	2
7.1	Council to bond uncompleted works	2
8.	Goods and Services Tax.....	2
8.1	Consideration is GST exclusive.....	2
8.2	Gross up of Consideration.....	2
8.3	Reimbursements	3
8.4	Tax Invoice and Registration.....	3
8.5	Interpretation.....	3
9.	Confidentiality	3
9.1	No Disclosure	3
9.2	Exceptions	3
9.3	Consent to Disclosure	3
10.	General	4
10.1	Counterparts	4
10.2	Operation of this Agreement	4
10.3	Governing Law.....	4
10.4	Costs	4
10.5	Amendment	4
10.6	Novation	4
10.7	Further Assurances.....	4
10.8	No partnership, etc.....	5
10.9	Notices.....	5
10.10	Severance.....	5
10.11	Time of the Essence	5
10.12	Waiver and Variation.....	6
10.13	Remedies Cumulative	6
10.14	Supervening Legislation.....	6
10.15	Signing by Facsimile	6
10.16	Attorney – No Notice of Revocation.....	6
10.17	Authority to Sign.....	6
10.18	Construction.....	6
	Schedule 1.....	7
	Part 1 – Definitions	7
	Part 2 - Interpretation	8
	Schedule 2.....	10
	Schedule 3.....	12

PARTIES

ADANI MINING PTY LTD ACN 145 455 205 having its registered office at Level 30, AMP Place, 10 Eagle Street, Brisbane in the State of Queensland ("**Owner**")

ISAAC REGIONAL COUNCIL of Batchelor Parade, Moranbah in the State of Queensland ("**Council**")

BACKGROUND:

- A. The Company is currently undertaking exploration work and feasibility for the Carmichael Coal Mine and Rail Line, and seeking approval from the QLD Coordinator-General to the Environmental Impact Statement which relates to this proposed development.
- B. The Project subject to this Infrastructure Agreement incorporates several pieces of critical, off-site infrastructure to be located immediately adjacent to the proposed coal mine and rail line;
- C. These Project components are located entirely within the Isaac Regional Council local government area;
- D. The parties have agreed to enter into this Agreement in order to record the terms of the arrangement between themselves and their respective rights and liability in relation to each other.

OPERATIVE PROVISIONS

1. Definitions and Interpretation

In the interpretation of this Agreement, unless inconsistent with the subject or context each of the expressions defined in Part 1 of Schedule 1 shall have the meaning there assigned to it and the provisions of Part 2 of Schedule 1 shall apply.

2. Infrastructure Agreement

2.1 Infrastructure agreement under the *Sustainable Planning Act 2009*

- (a) This Agreement is an infrastructure agreement under the *Sustainable Planning Act 2009*, Chapter 8 Part 2;
- (b) For section 661 of the Sustainable Planning Act 2009 a change in ownership of the Land (or any portion of it) will not affect an obligation under this Agreement.
- (c) It is the intention of the parties that the obligations of the Applicant under this Agreement will attach to the Land and be binding on the Applicant and the Applicant's successors in title of the Land in accordance with section 663 of the *Sustainable Planning Act 2008*.
- (d) This Agreement commences immediately after the last party executes this Agreement.

3. Obligations of parties

3.1 Council's obligations

Council will, at its own cost, comply with its obligations set out in this Agreement.

3.2 Owner's obligations

The Owner will, at its own cost, comply with its obligations set out in this Agreement.

4. Infrastructure Charges

4.1 Calculation of Infrastructure Charges

Not applicable.

The Owner will construct various public and private infrastructure to facilitate the establishment and operation of the Project, and such infrastructure will serve to offset the levying of infrastructure charges.

4.2 Infrastructure Charges Credits

Nil.

5. Facilities Infrastructure

6. Security

The Parties acknowledge and agree that:

To be advised

7. Council to bond Uncompleted Works to enable Early Dedication of Infrastructure

7.1 Council to bond uncompleted works

To enable the early dedication [insert works]. Council may bond uncompleted works in accordance with Council's Planning Scheme Policy ##.

8. Goods and Services Tax

8.1 Consideration is GST exclusive

Any consideration to be paid or provided for a supply made under or in connection with this Agreement, does not include an amount on account of GST.

8.2 Gross up of Consideration

Despite any other provision in this Agreement, if a party ("**Supplier**") makes a supply under or in connection with this Agreement on which GST is imposed (not being a supply the consideration for which is specifically described in this Agreement as "**GST inclusive**"):

- (a) the consideration payable or to be provided for that supply under this Agreement but for the application of this clause ("**GST exclusive consideration**") is increased by and the recipient of the supply ("**Recipient**") must also pay to the Supplier an amount equal to the GST payable by the Supplier on that supply; and
- (b) subject to clause 8.4 the amount by which the GST exclusive consideration is increased must be paid to the Supplier by the Recipient without set off, deduction or requirement for demand, at the same time as the GST exclusive consideration is payable or to be provided.

8.3 Reimbursements

If a payment to a party under this Agreement is a reimbursement or indemnification, calculated by reference to a loss, cost or expense incurred by that party, then the payment will be reduced by the amount of any input tax credit to which that party is entitled for that loss, cost or expense.

That party is assumed to be entitled to a full input tax credit unless it proves, before the date on which the payment must be made, that its entitlement is otherwise.

8.4 Tax Invoice and Registration

Despite any other provision of this Agreement, a party need not make a payment of any amount for GST until the party has been given by the other party:

- (a) a GST tax invoice for that payment stating the amount of GST imposed on the party in respect of the supply to which the GST tax invoice relates; and
- (b) evidence satisfactory to the party that the other party is registered for the purposes of GST.

8.5 Interpretation

Words or expressions used in this clause 8 which are defined in the GST Law have the same meaning in this clause.

9. Confidentiality

9.1 No Disclosure

Subject to clause 9.2, the contents of this Agreement and all books accounts records documents and information made available to any party for the purposes of entering into this Agreement or in the course of the performance of this Agreement shall be kept confidential and shall not be disclosed to any other person without the written consent of the other parties.

9.2 Exceptions

Clause 9.1 shall not apply to any disclosure:

- (a) required by law;
- (b) required by any applicable stock exchange listing rules;
- (c) made in good faith to officers employees legal and other advisors and auditors of any party under a duty of confidentiality;
- (d) by a party to its bankers or other financial institutions to the extent required for the purpose of raising funds or maintaining compliance with credit arrangements;
- (e) required by this Agreement or necessary for or incidental to the performance of the obligations and duties contained in this Agreement including in connection with an exercise of rights or a dealing with rights or obligations under this Agreement; and
- (f) of information in the public domain otherwise than due to a breach of clause 9.1.

9.3 Consent to Disclosure

Each party consents to disclosures made in accordance with this clause 9. This clause supersedes any pre-existing agreements between the parties about confidentiality.

10. General

10.1 Counterparts

This Agreement may be executed in counterparts.

10.2 Operation of this Agreement

- (a) This Agreement constitutes the entire agreement between the parties relating in any way to its subject matter and supersedes and merges all prior discussion and any prior agreement. Each party acknowledges that in entering into this Agreement it has not relied on any warranty, representation or other promise of any nature not contained in this Agreement.
- (b) Any right that a person may have under this Agreement is in addition to, and does not replace or limit, any other right that person may have.
- (c) Any provision of this Agreement which is unenforceable or partly enforceable is, where possible, to be severed to the extent necessary to make this document enforceable, unless it would materially change the intended effect of this Agreement.

10.3 Governing Law

This Agreement shall be governed by and construed in accordance with the law of Queensland and each of the parties hereby submits to the non-exclusive jurisdiction of courts exercising jurisdiction there.

10.4 Costs

The parties agree to pay their own legal and other costs and expenses in connection with the preparation, execution and completion of this Agreement and any other related documentation except for stamp duty.

10.5 Amendment

- (a) Despite any provision of this agreement, the parties may at any time agree to vary the terms of this Agreement.
- (b) No modification, variation or amendment of this agreement is of any force or effect unless:
 - (i) it is in the form of an amendment agreement and has been signed by the parties; and
 - (ii) where relevant the amendment agreement complies with the requirements of the *Sustainable Planning Act 2009*.

10.6 Novation

- (a) The Owner shall not sell, transfer or alienate the Land or any part thereof, except for the sale of reconfigured residential lots as part of the Project, prior to the fulfilment of the obligations of the Owner under this Agreement except subject to the condition that the purchaser, transferee or alienee must enter into a deed of novation of this Agreement with Council, whereby the purchaser, transferee or alienee becomes contractually bound to Council to perform and fulfil the provisions of this Agreement or such of them as remain unperformed or unfulfilled by the Owner so far as they relate to the Land or part thereof that is sold, transferred or alienated.
- (b) In the event that ownership of the Land is transferred in accordance with clause 10.6, the Owner is released from further obligations under this Agreement.

10.7 Further Assurances

Each party must take all steps, execute all documents and do everything necessary or desirable to give full effect to any of the transactions contemplated by this Agreement.

10.8 No partnership, etc

Nothing stated or implied in this Agreement constitutes a party as a partner, agent or legal representative of any other party for any purpose or creates any partnership, agency or trust. Except as expressly provided in this Agreement, a party has no authority to bind another party, or to act for, or to incur any obligation or assume any responsibility on behalf of another party.

10.9 Notices

- (a) All notices and other communications provided for or permitted under this Agreement or otherwise shall be sent by registered mail with postage prepaid, by hand delivery or by facsimile transmission as follows:

- (i) if to the Owner, to it at:

Name:	Adani Mining Pty Ltd
Address:	
Attention:	Chief Executive Officer
Fax No:	

- (ii) if to Council, to it at:

Name:	Isaac Regional Council
Address:	
Attention:	Chief Executive Officer
Fax No:	

or to the party's lawyer or to such other address or person as either party may specify by notice in writing to the other.

- (b) All such notices or communications shall be deemed to have been duly given or made:

- (i) 3 Business Days after being deposited in the mail with postage prepaid; or
- (ii) when delivered by hand; or
- (iii) if sent by facsimile transmission, on production of a report from the sending machine which indicates that the facsimile was sent in its entirety to the facsimile number of the recipient.

- (c) Despite clause 10.9(b) notices received after 5.00pm in the place of receipt or on a non-Business Day are taken to be received at 9.00am on the next Business Day.

- (d) Notices or other written communications by a party's lawyer (for example, varying a date for the payment of money) will be treated as given with that party's authority.

10.10 Severance

If any provision of this Agreement offends any law applicable to it in a jurisdiction and is as a consequence illegal, invalid or unenforceable in that jurisdiction then:

- (a) where the offending provision can be read down so as to give it a valid and enforceable operation of a partial nature it must be read down to the extent necessary to achieve that result; and
- (b) in any case the offending provision must be severed from this Agreement for that jurisdiction in which event the remaining provisions of the Agreement operate as if the severed provision had not been included.

10.11 Time of the Essence

Time shall be of the essence of this Agreement.

10.12 Waiver and Variation

- (a) A party's failure or delay to exercise a power, right or remedy pursuant to this Agreement does not operate as a waiver of that power, right or remedy.
- (b) The exercise of a power or right does not preclude:
 - (i) its future exercise; or
 - (ii) the exercise of any other power or right.
- (c) A provision of or a right created under this Agreement may not be:
 - (i) waived except in writing signed by the party granting the waiver; or
 - (ii) varied except in writing signed by the parties.
- (d) The waiver of a power or right is effective only in respect of the specific instance to which it relates and for the specific purpose for which it is given.

10.13 Remedies Cumulative

The rights and remedies provided in this Agreement are in addition to other rights and remedies given by law independently of this Agreement.

10.14 Supervening Legislation

Any legislation which operates to vary the obligations of a party in connection with this Agreement with the result that another party's rights, powers or remedies are adversely affected (including by way of delay or postponement) is excluded except to the extent that its exclusion is prohibited or rendered ineffective by law.

10.15 Signing by Facsimile

An exchange of signed counterparts of this Agreement by facsimile shall constitute a valid and binding Agreement between the parties as and from the time of receipt of the last of the facsimiles to be received. Notwithstanding the foregoing, the parties covenant that they will within a reasonable time following the formation of this Agreement by exchange of facsimiles, execute an original and counterpart of this Agreement.

10.16 Attorney – No Notice of Revocation

Each Attorney executing this Agreement acknowledges that at the time of execution of this Agreement no notice of the revocation of the power of attorney under the authority of which the Attorney executed this Agreement has been received by any of them.

10.17 Authority to Sign

Each person signing this Agreement as an authorised officer or agent of any party by doing so warrants to the other parties that, as at the date of signing, he or she has full authority to execute this Agreement on behalf of that party.

10.18 Construction

No rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of, or seeks to rely on, this Agreement or any part of it.

SCHEDULE 1

Part 1 – Definitions

In this Agreement, unless the context otherwise indicates, each of the following expressions shall have the meaning assigned to it below:

Approvals	means all consents, approvals, registrations, certificates, licences, permits or authorities from any Authority and includes Development Approvals issued under the Sustainable Planning Act 2009.
Authority	means any government or semi government authority or instrumentality, statutory or judicial authority.
Business Day	means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act is to be performed or a payment is to be made.
Council	means Isaac Regional Council.
Final Cost	means the final contract value as certified by the Superintendent for the relevant Works based on a schedule of rates agreed to by Council at the appointment of the relevant contractor(s) for the works and any associated design or survey works, said final contract value including, where applicable, the Owner's costs of contract administration and certification of claims (whether contractors' progress claims or otherwise) by the Superintendent.
GST	<p>(a) has the meaning given to that term in the GST Law; and</p> <p>(b) includes any other goods and services tax, or any tax applying to this transaction in a similar way; and any additional tax, penalty tax, fine, interest or other charge under a law for such a tax.</p>
GST Law	has the meaning given to that term in <i>A New Tax System (Goods and Services Tax) Act 1999</i> and any associated Commonwealth legislation, regulations and publicly available rulings.
Infrastructure Charges	means Infrastructure Charges as defined in the Priority Infrastructure Plan.
Master Plan	means the Owner's master plan of the Project, as amended from time to time.
Owner	means Adani Mining Pty Ltd ACN 145 455 205
Priority Infrastructure Plan	means Council's Priority Infrastructure Plan and Infrastructure Charges Schedule or equivalent infrastructure charging regime in force from time to time.
Project	<p>means the following three (3) components of off-site infrastructure, located on Part of Lot 662 on PH1491, required to support the establishment and operation of the Owner's Carmichael Coal Mine and Rail Project:</p> <ul style="list-style-type: none">• A Mine Workers Accommodation Village for a population not exceeding 3500 workers;• A private Airport; and• An industrial area comprising various uses and pieces of infrastructure to

support the Carmichael Coal Mine, rail line, and off site infrastructure.

The general location, extent and layout of these off site infrastructure elements are shown on the concept plans contained in Schedule 3.

Superintendent means the superintendent appointed by the owner in respect of the Works from time to time.

Tax Invoice has the meaning given to it under the GST Law.

Taxable Supply has the meaning given under the GST Law.

Infrastructure Charges means any infrastructure charges levied by Council on the Owner before or after the date of this Agreement for the purpose of transport as defined under the ##### including but not limited to trunk roads, public transport, in road reserve and off-road pedestrian systems.

Works means any of the following:

- (a) #####; or
- (b) #####; or
- (c) #####.

a copy of the draft specification for the Works is included in Schedule 2.

Words or expressions that are defined in this Agreement appear throughout this Agreement with the same initial capital letters, however if the initial capital letters are omitted they have the same meaning unless the context otherwise requires.

Part 2 - Interpretation

In this Agreement:

1. headings are for convenience only and do not affect the interpretation of this Agreement;
2. reference to any statute or statutory provision shall include any modification or re-enactment of, or any legislative provisions substituted for, and all legislation and statutory instruments issued under such legislation or such provision;
3. words denoting the singular shall include the plural and vice versa;
4. words denoting individuals shall include corporations, associations, trustees, instrumentalities and partnerships and vice versa;
5. words denoting any gender shall include all genders;
6. references to Parties, Parts, clauses, Annexures and Schedules are references to Parties, Parts, clauses, Annexures and Schedules to this Agreement as modified or varied from time to time;
7. references to any document, deed or agreement shall include references to such document or agreement as amended, novated, supplemented, varied or replaced from time to time;
8. a party includes the party's representatives, administrators and permitted assigns;
9. all references to dates and times are to Brisbane time;
10. all references to "\$" and "dollars" are to the lawful currency of Australia unless otherwise expressly stated;

11. if a party consists of more than one person this Agreement binds them jointly and each of them severally;
12. “including” and similar expressions are not words of limitation;
13. where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning;
14. “related body corporate”, “subsidiary” and “holding company” have the same meaning as in the *Corporations Act 2001 (Cth)*;
15. reference to any body other than a party to this document (including, without limitation, an institute, association or authority), whether or not it is a statutory body:
 - (a) which ceases to exist, or
 - (b) whose powers or function are transferred to any other body,refers to the body which replaces it or which substantially succeeds to its powers or functions;
16. if the day on which a person must do something under this Agreement is not a Business Day that person must do it on or by the next Business Day; and
17. recitals or background contained in this Agreement do not form part of the operative provisions of the Agreement.

SCHEDULE 2

Road Upgrade and Maintenance and Security Requirements

Road Inventory:

- Moray Carmichael Road and Elgin Moray Road from (but not including) the intersection of Elgin Moray Road with the Gregory Development Road to the western boundary of the Mine Site.
- Moray Bulliwallah Road.
- Doonagabulla Road including new link Road to Moray Carmichael Road

Road Scope of Works:

General

- All aspects of Road construction required for Upgrade to arterial Road standard in accordance with the requirements of the Road and Transport Standard as determined by Council together with preventative and remedial Maintenance and restorative work in accordance with the Road and Transport Standard.

Matters specified :

Flood mitigation levels

- Company to provide detailed reviews of options, volumes of materials required and specific design element
- Requirements for flood resilience of Upgraded Roads including road closure policy to be reviewed by a consultant appointed by Council at the Company's expense.

Pavement design

- Company to provide design based on heaviest loading scenarios including use by traffic from other users.
- Company to provide traffic modelling studies indicating Road use profiles.
- Road design to provide for capacity based on likely total Project Traffic and traffic from other users plus an additional capacity of 40 per cent of that total traffic.

Maintenance

- Company to develop or fund Council's development of performance standards for the Maintenance of the Roads, including preventative and remedial Maintenance. Company to maintain Roads before and after Upgrade in accordance with the Road and Transport Standard.
- Company to provide suitable residential accommodation for Road maintenance crews (approximately 6 persons) either as a standalone building or as part of the Company's provision for its or its contractor's employees.

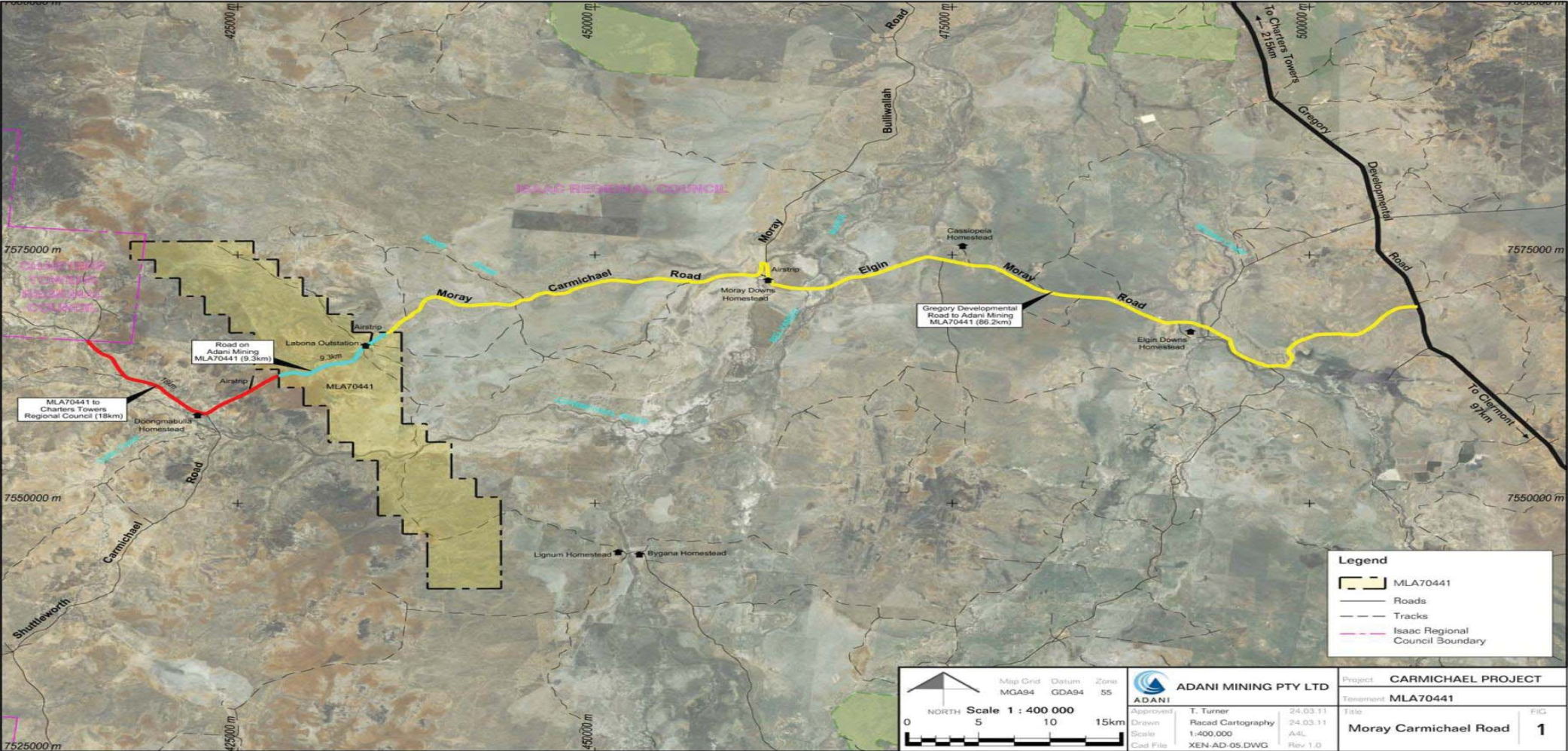
Link to Doonagabulla Road

- Company to construct and maintain link to Doonagabulla Road.
- Company to maintain Doonagabulla Road from the link from Moray Carmichael Road to the boundary of Council's area under the Local Government Act.

Moray Bulliwallah Road

- Company to maintain the Road where Council is satisfied the Road is used by Project Traffic including employees of the Company and its contractors in travelling to the Mine Site or Project construction or exploration sites.
- Council will develop a maintenance program with which the Company will comply at its cost.

Map showing Mine Site and Listed Roads



SCHEDULE 3

Project Concept Plans

DRAFT

NOTES:

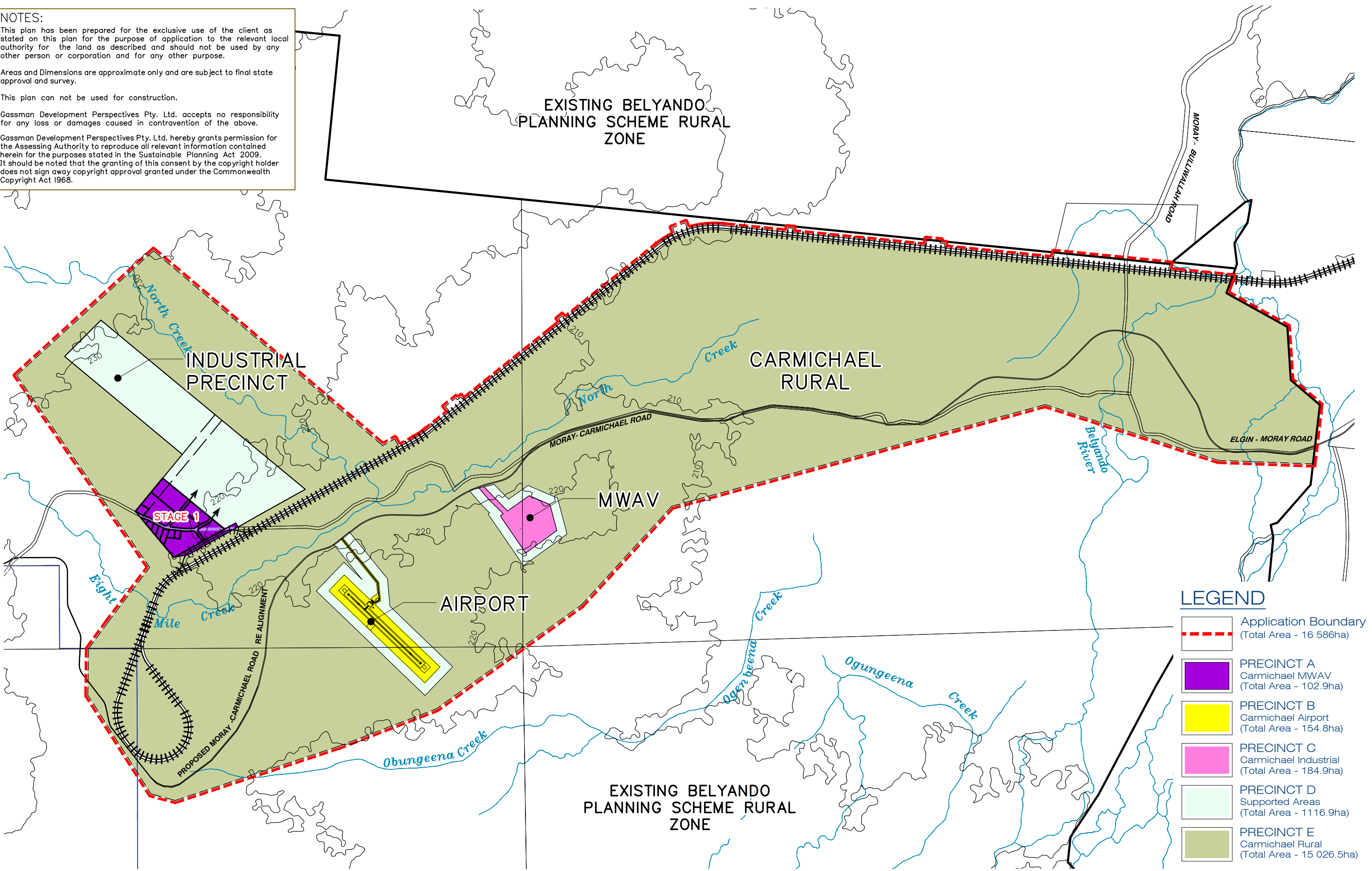
This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.

Areas and Dimensions are approximate only and are subject to final state approval and survey.

This plan can not be used for construction.

Gassman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Gassman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act 2009. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.



LEGEND

- Application Boundary (Total Area - 16 586ha)
- PRECINCT A Carmichael MWAV (Total Area - 102.9ha)
- PRECINCT B Carmichael Airport (Total Area - 154.8ha)
- PRECINCT C Carmichael Industrial (Total Area - 184.9ha)
- PRECINCT D Supported Areas (Total Area - 1116.9ha)
- PRECINCT E Carmichael Rural (Total Area - 15 026.5ha)



NOTES:

This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.

Areas and Dimensions are approximate only and are subject to final state approval and survey.

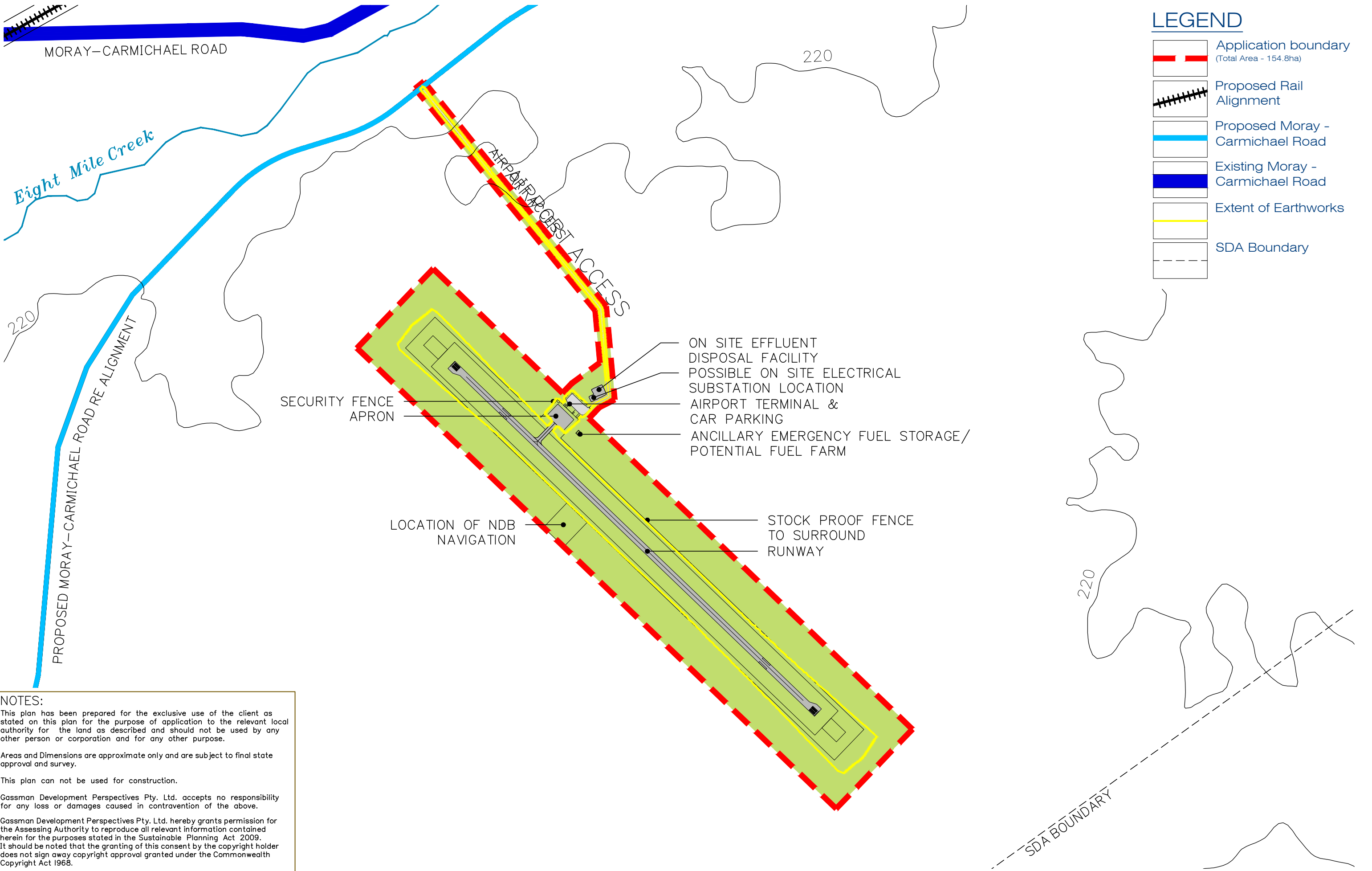
This plan can not be used for construction.

Gassman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Gassman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act 2009. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.

LEGEND

- Application boundary (Total area - 102.9ha)
- Proposed Moray - Carmichael Road
- Existing Moray - Carmichael Road
- Extent of Earthworks
- SDA Boundary



- LEGEND**
- Application boundary (Total Area - 154.8ha)
 - Proposed Rail Alignment
 - Proposed Moray - Carmichael Road
 - Existing Moray - Carmichael Road
 - Extent of Earthworks
 - SDA Boundary

NOTES:

This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.

Areas and Dimensions are approximate only and are subject to final state approval and survey.

This plan can not be used for construction.

Gassman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Gassman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act 2009. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.

NOTES:
This plan has been prepared for the exclusive use of the client as stated on this plan for the purpose of application to the relevant local authority for the land as described and should not be used by any other person or corporation and for any other purpose.

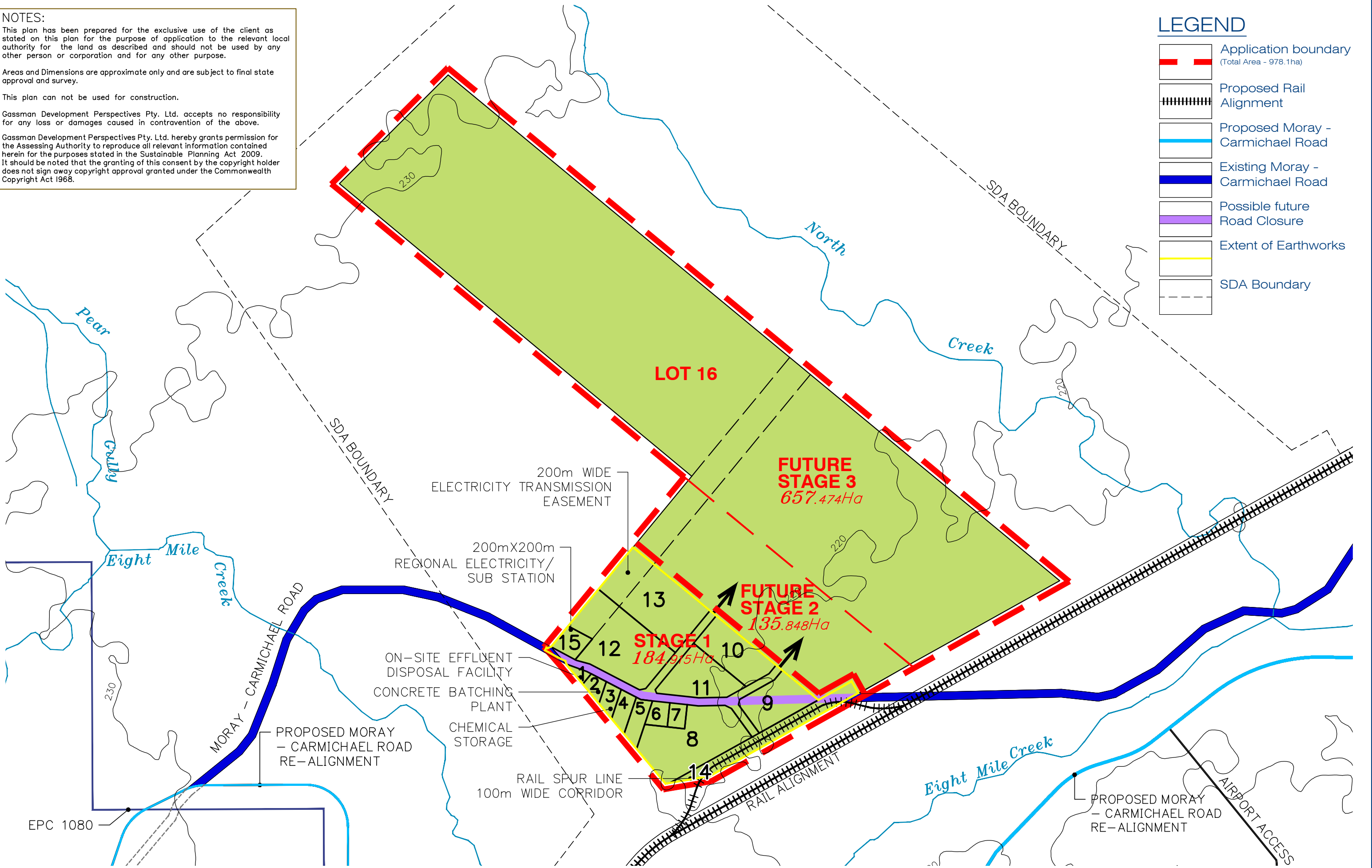
Areas and Dimensions are approximate only and are subject to final state approval and survey.

This plan can not be used for construction.

Gassman Development Perspectives Pty. Ltd. accepts no responsibility for any loss or damages caused in contravention of the above.

Gassman Development Perspectives Pty. Ltd. hereby grants permission for the Assessing Authority to reproduce all relevant information contained herein for the purposes stated in the Sustainable Planning Act 2009. It should be noted that the granting of this consent by the copyright holder does not sign away copyright approval granted under the Commonwealth Copyright Act 1968.

- LEGEND**
- Application boundary
(Total Area - 978.1ha)
 - Proposed Rail Alignment
 - Proposed Moray - Carmichael Road
 - Existing Moray - Carmichael Road
 - Possible future Road Closure
 - Extent of Earthworks
 - SDA Boundary



EXECUTED AS AN AGREEMENT

SIGNED by **ADANI MINING PTY LTD ACN 145 455 205**)
by its duly constituted attorney who hereby certifies it has)
no notice of revocation of the Power of Attorney in the)
presence of:)

Witness

Name (print)

Attorney

Name (print)

THE COMMON SEAL of **ISAAC REGIONAL COUNCIL**)
was affixed by)
in the)
presence of)

Name (print)

Appendix F: Statutory Forms

IDAS form 1—Application details

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1—Application details*)
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994* and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

This form can also be completed online using MyDAS at www.dsdip.qld.gov.au/MyDAS

Mandatory requirements

Applicant details (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)	Adani Mining Pty Ltd			
For companies, contact name	Melinda Bergmann - Manager, Approvals			
Postal address	GPO Box 2569			
	Suburb	Brisbane		
	State	Queensland	Postcode	4001
	Country	Australia		
Contact phone number	07 3037 5510			
Mobile number (non-mandatory requirement)	-			
Fax number (non-mandatory requirement)	-			

Email address (non-mandatory requirement)

melinda.bergmann

@adani.com

Applicant's reference number (non-mandatory requirement)

-

1. What is the nature of the development proposed and what type of approval is being sought?

Table A—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

- a) What is the nature of the development? (Please only tick one box.)
- ☒ Material change of use ☐ Reconfiguring a lot ☐ Building work ☐ Operational work
- b) What is the approval type? (Please only tick one box.)
- ☐ Preliminary approval under s241 of SPA ☒ Preliminary approval under s241 and s242 of SPA ☐ Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
- Preliminary Approval under Section 242 of the Sustainable Planning Act 2009 affecting the Local Planning Instrument for Off-Site Infrastructure Uses and Activities associated with the Carmichael Coal Mine and Rail
- d) What is the level of assessment? (Please only tick one box.)
- ☒ Impact assessment ☐ Code assessment

Table B—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

- a) What is the nature of development? (Please only tick one box.)
- ☐ Material change of use ☐ Reconfiguring a lot ☐ Building work ☐ Operational work
- b) What is the approval type? (Please only tick one box.)
- ☐ Preliminary approval under s241 of SPA ☐ Preliminary approval under s241 and s242 of SPA ☐ Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
-
- d) What is the level of assessment?
- ☐ Impact assessment ☐ Code assessment

Table C—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

- ☐ Refer attached schedule ☒ Not required

2. Location of the premises (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

Table D—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water). (Attach a separate schedule if there is insufficient space in this table.)

- ☒ Street address **and** lot on plan (All lots must be listed.)
- ☐ Street address **and** lot on plan for the land adjoining or adjacent to the premises (Appropriate for development in water but adjoining or adjacent to land, e.g. jetty, pontoon. All lots must be listed.)

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)		5509	Elgin Road, Clermont	4721	Part 662	PH1491	Isaac
ii)							
iii)							

Planning scheme details (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s
i)	Rural	--	Land Char. - Features / GQAL
ii)			
iii)			

Table E—Premises coordinates (Appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
		-21.948199	146.530507		<input checked="" type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

3. Total area of the premises on which the development is proposed (indicate square metres)

16,586 hectares

4. Current use/s of the premises (e.g. vacant land, house, apartment building, cane farm etc.)

Generally vacant pastoral land containing ancillary rural infrastructure including homestead, landing strip, dams, fencing, access roads and incidental buildings, and temporary coal mine exploration camp.

5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)

☒ No ☐ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)
-	-	-

6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)

☐ No
☒ Yes—complete either Table F, Table G or Table H as applicable

Table F

Name of owner/s of the land	
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	

Table G

Name of owner/s of the land	The State of Queensland (consent to be provided post EIS approval)
<input checked="" type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager.	

Table H

Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

7. Identify if any of the following apply to the premises (Tick applicable box/es.)

- ☒ Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- ☐ On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- ☐ In a tidal water area—complete Table K
- ☐ On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)

Table I

Name of water body, watercourse or aquifer
Belyando River, Carmichael River, Dyllingo Creek, Mistake Creek

Table J

Lot on plan description for strategic port land	Port authority for the lot

Table K	
Name of local government for the tidal area (if applicable)	Port authority for the tidal area (if applicable)

8. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc)

☒ No ☐ Yes—ensure the type, location and dimension of each easement is included in the plans submitted

9. Does the proposal include new building work or operational work on the premises? (Including any services)

☒ No ☐ Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

10. Is the payment of a portable long service leave levy applicable to this application? (Refer to notes at the end of this form for more information.)

☒ No—go to question 12 ☐ Yes

11. Has the portable long service leave levy been paid? (Refer to notes at the end of this form for more information.)

☐ No

☐ Yes—complete Table L and submit with this application the yellow local government/private certifier's copy of the receipted QLeave form

Table L		
Amount paid	Date paid (dd/mm/yy)	QLeave project number (6 digit number starting with A, B, E, L or P)

12. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the *Sustainable Planning Act 2009*?

☒ No

☐ Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)
-	-	-

13. List below all of the forms and supporting information that accompany this application (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application. Note: this question does not apply for applications made online using MyDAS)

Description of attachment or title of attachment	Method of lodgement to assessment manager
IDAS Form 31	Electronic
Planning - Gassman Development Perspectives' 'Planning Assessment Report'	Electronic
Planning - Carmichael Off-site Infrastructure Development Code	Electronic
Draft High Level Infrastructure Agreements (Local and State)	Electronic
Ecology - Vegetation Management Plan	Electronic

14. Applicant's declaration

☒ By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

Notes for completing this form

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

Applicant details

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

Question 1

- Schedule 3 of the Sustainable Planning Regulation 2009 identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

Question 6

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

Question 11

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the Building and Construction Industry (Portable Long Service Leave) Regulation 2002.

Question 12

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at www.qleave.qld.gov.au. For further information contact QLeave on 1800 803 481 or visit www.qleave.qld.gov.au.

Privacy—The information collected in this form will be used by the Department of State Development, Infrastructure and Planning (DSDIP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

OFFICE USE ONLY

Date received

Reference numbers

NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To

Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s

QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)

Description of the work	QLeave project number	Amount paid (\$)	Date paid	Date receipted form sighted by assessment manager	Name of officer who sighted the form

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

IDAS form 31—Application for preliminary approval varying the effect of a local planning instrument

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This form must be used for development applications for a preliminary approval under section 242 of the *Sustainable Planning Act 2009* that seek to vary the effect of any local planning instrument for the land the subject of the application.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications you must:

- complete *IDAS form 1—Application details*
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form can also be completed online using MyDAS at www.dsdip.qld.gov.au/MyDAS

Mandatory requirements

1. What type of development is proposed?

- ☐ Material change of use—complete Table A
- ☐ Development other than a material change of use—complete Table B
- ☒ Both—provide details below and complete Table A and B

Adani Mining Pty Ltd

2. How does the application seek to vary the effect of the local planning instrument?

(Tick all applicable boxes.)

Table A

- ☐ By stating that the material change of use or development relating to the material change of use is exempt development
- ☒ By stating that the material change of use or development relating to the material change of use is self-assessable development
- ☐ By stating that the material change of use or development relating to the material change of use is development requiring compliance assessment
- ☒ By stating that the material change of use or development relating to the material change of use is assessable development requiring code or impact assessment, or both code and impact assessment
- ☒ By identifying or including codes for the proposed development—provide details of the codes below

Refer to Development Code in Planning Assessment Report

Table B

- ☐ By stating that the development is exempt development
- ☐ By stating that the development is self-assessable development
- ☐ By stating that the development is development requiring compliance assessment
- ☒ By stating that the development is assessable development requiring code or impact assessment, or both code and impact assessment
- ☒ By identifying or including codes for the proposed development—provide details of the codes below

Refer to Development Code in Planning Assessment Report

Non-mandatory requirements

- 3. Please nominate the period after which the approval should lapse if the proposed development is started but not completed within the period.** (Refer to s. 343 of the *Sustainable Planning Act 2009* which sets out when a preliminary approval to which s. 242 of the *Sustainable Planning Act 2009* applies lapses if development is started but not completed.)

Melinda Bergmann - Manager, Approvals

Mandatory supporting information

- 4. Confirm that the following mandatory supporting information accompanies this application**

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
Details about the way in which the applicant seeks the approval to vary the effect of any local planning instrument.	<input checked="" type="checkbox"/> Confirmed	electronic
Written statement about the consistency of the proposed variations with aspects of the local planning instrument, other than the aspects sought to be varied.	<input checked="" type="checkbox"/> Confirmed	electronic

Notes for completing this form

- It is recommended that development applications are prepared following best practice standards provided in IDAS *Statutory Guideline 04/09—Preliminary approvals that affect a local planning instrument*.

Privacy—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

OFFICE USE ONLY

Date received

Reference numbers

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

Schedule 3 Assessable Development

Checklist 1—Various aspects of development

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This checklist applies to the carrying out of various aspects of development, as specified in the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 5.

You may complete this checklist as part of your development application. The checklist will:

- help you identify whether you need to make a development application for the proposed development
- help you identify the relevant Integrated Development Assessment System (IDAS) form you need to complete as part of your application
- assist in identifying the assessment manager or referral agency for development that is assessable development under schedule 3 of the Sustainable Planning Regulation 2009.

If your development involves a material change of use, reconfiguring a lot, operational work or building work, it is recommended you complete the relevant checklists: *Checklist 2—Material change of use*, *Checklist 3—Reconfiguring a lot*, *Checklist 4—Operational work*, or *Checklist 5—Building work*.

If you are unsure how to answer any questions on this checklist, phone or visit your local government, or go to the Department of State Development, Infrastructure and Planning's (DSDIP) website at www.dsdiip.qld.gov.au.

All terms used in this checklist have the meaning given in the *Sustainable Planning Act 2009* or the Sustainable Planning Regulation 2009.

Part 1—General questions

1.1 Does the proposal involve removing quarry material from a watercourse or lake for which an allocation notice is required under the *Water Act 2000*, other than within a priority development area or on a premises to which structure plan arrangements apply?

- | | |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.2 |
| <input type="checkbox"/> Yes | • Complete part 2 of this checklist |

1.2 Is any part of the proposed development intended to be carried out on a Queensland heritage place under the *Queensland Heritage Act 1992*?

- | | |
|------------------------------|-------------------------------------|
| <input type="checkbox"/> No | • Continue to question 1.3 |
| <input type="checkbox"/> Yes | • Complete part 3 of this checklist |

1.3 Does the proposal involve development on a local heritage place?

- | | |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.4 |
| <input type="checkbox"/> Yes | • Complete part 4 of this checklist |

1.4 Is any part of the development on strategic port land or airport land (other than development for a material change of use that is inconsistent with the land use plan for the strategic port land or airport land mentioned in the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 2, item 3 or 4)?

- | | |
|-----------------------------|--|
| <input type="checkbox"/> No | • End of checklist – A development permit is not required for this aspect of development under Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 5 |
|-----------------------------|--|

<input type="checkbox"/> Yes	<ul style="list-style-type: none"> Complete part 5 of this checklist
------------------------------	---

Part 2—Removing quarry material

2.1 Is any part of the quarry material which is intended to be removed, located within a wild river area under the *Wild Rivers Act 2005*?

<input checked="" type="checkbox"/> No	<ul style="list-style-type: none"> A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency against the <i>Sustainable Management of Water Resources State Code</i> in the State Development Assessment Provisions (SDAP). Your application must include <i>IDAS form 18—Removal of quarry material from a watercourse or lake</i>.
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> Continue to question 2.2

2.2 Will the development be carried out on land to which a property development plan under the *Wild Rivers Act 2005* applies?

<input type="checkbox"/> No	<p>A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency against the <i>Sustainable Management of Water Resources State Code</i> in the SDAP.</p> <p>Your application must include <i>IDAS form 18—Removal of quarry material from a watercourse or lake</i>.</p>
<input type="checkbox"/> Yes	Continue to question 2.3

2.3 Is the development consistent with the property development plan?

<input type="checkbox"/> Yes	<p>A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency against the <i>Sustainable Management of Water Resources State Code</i> in the SDAP.</p> <p>Your application must include <i>IDAS form 18—Removal of quarry material from a watercourse or lake</i>.</p>
<input type="checkbox"/> No	This aspect of development is prohibited development. A development application for this development cannot be made.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 5, item 1
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 12
- Sustainable Planning Act 2009*, schedule 1, item 2

Part 3—Queensland heritage place

3.1 Do any of the following apply to the proposal?

The proposed development is only ongoing maintenance or minor work permitted by a general exemption certificate issued under section 75 of the <i>Queensland Heritage Act 1992</i> .	<input type="checkbox"/> Yes	<input type="checkbox"/> No
An exemption certificate has been issued under the <i>Queensland Heritage Act 1992</i> .	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The proposed development is liturgical development under section 78 of the <i>Queensland Heritage Act 1992</i> .	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The work is being carried out by the state.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The work is being carried out in a priority development area.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The development is mentioned in schedule 4 of the Sustainable Planning Regulation 2009.	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- If you answered **no** to all of the above, a development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency against the *Queensland Heritage Place State Code* in the SDAP.
- Your application must include *IDAS form 3—Queensland heritage place*.
- If you answered **yes** to any of the above, a development permit is not required. End of part 3 of this checklist.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 5, item 2
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 19

Part 4—Local heritage place

4.1 Do any of the following apply to the proposal?

The development is building works to be carried out by or on behalf of the state, a public sector entity or a local government	<input type="checkbox"/> Yes <input type="checkbox"/> No
The development is for public housing	<input type="checkbox"/> Yes <input type="checkbox"/> No
The development is to be carried out by the state on land designated for community infrastructure under the <i>Sustainable Planning Act 2009</i> .	<input type="checkbox"/> Yes <input type="checkbox"/> No
The development is mentioned in schedule 4 of the Sustainable Planning Regulation 2009.	<input type="checkbox"/> Yes <input type="checkbox"/> No
The local heritage place is on an airport lessee's airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> .	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If you answered **no** to all of the above, a development permit is required and your application to the local government, as assessment manager, must include *IDAS form 4—Local heritage place*.
- If you answered **yes** to any of the above, a development permit is not required.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 5, item 3
- Sustainable Planning Regulation 2009, schedule 3, part 2, table 1, item 1
- *Airports Assets (Restructuring and Disposal) Act 2008*, section 54

Part 5—Strategic port land or airport land

5.1 Does the land use plan for the strategic port land or airport land state that the development is assessable development?

<input type="checkbox"/> No	<ul style="list-style-type: none"> • A development permit is not required for this aspect of development; end of this checklist.
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> • A development permit is required and your application may include, where applicable: <ul style="list-style-type: none"> • for a material change of use—<i>IDAS form 5—Material change of use assessable against a planning scheme</i> • for building or operational work—<i>IDAS form 6—Building or operational work assessable against a planning scheme</i> • for reconfiguring a lot—<i>IDAS form 7—Reconfiguring a lot</i> • The assessment manager will either be the local government or the port authority or DSDIP.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, 1part , table 5, items 6 and 7

Privacy—Please refer to your assessment manager for further details on the use of information recorded in this checklist.

Disclaimer:

While the DSDIP believes that the information contained on this checklist and provided as part of this process will be of assistance to you, it is provided on the basis that you will not rely on the information. It is your responsibility to make your own enquiries regarding the interpretation and application of the applicable legislation to your circumstances.

To the full extent permitted by law, DSDIP expressly disclaims all liability (including but not limited to liability for negligence) for errors or omissions of any kind or for any loss (including direct and indirect losses), damage or other consequence which may arise from your reliance on this process and the information contained on this checklist.

OFFICE USE ONLY

Date received

Reference numbers

The Sustainable Planning Act 2009 is administered by DSDIP. This checklist and all other required application materials should be sent to your assessment manager and any referral agency.

Schedule 3 Assessable Development

Checklist 2—Material change of use

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This checklist only applies when the development application seeks approval for a material change of use of premises. Before completing this checklist, please complete *Checklist 1—Various aspects of development*.

You may complete this checklist as part of your development application. The checklist will:

- help you identify whether you need to make a development application for the proposed development
- help you identify the relevant Integrated Development Assessment System (IDAS) forms you need to complete as part of your application
- assist in identifying the assessment manager or referral agency for development that is assessable development under schedule 3 of the Sustainable Planning Regulation 2009.

If your development involves reconfiguring a lot, building work or operational work, it is recommended you complete the relevant checklists: *Checklist 3—Reconfiguring a lot*, *Checklist 4—Operational* or *Checklist 5—Building work*, where relevant.

If you are unsure how to answer any questions on this checklist, phone or visit your local government, or go to the Department of State Development, Infrastructure and Planning's (DSDIP) website at www.dsdip.qld.gov.au

All terms used in this checklist have the meaning given in the *Sustainable Planning Act 2009* or the Sustainable Planning Regulation 2009.

Part 1—General questions

1.1 Is the proposed material change of use of premises for a brothel?

- | | |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.2 |
| <input type="checkbox"/> Yes | • Complete part 2 of this checklist |

1.2 Is the proposed material change of use of premises on strategic port land?

- | | |
|------------------------------|-------------------------------------|
| <input type="checkbox"/> No | • Continue to question 1.3 |
| <input type="checkbox"/> Yes | • Complete part 3 of this checklist |

1.3 Is the proposed material change of use of premises on airport land?

- | | |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.4 |
| <input type="checkbox"/> Yes | • Complete part 4 of this checklist |

1.4 Is the proposed material change of use of premises for a major hazard facility or proposed major hazard facility?

- | | |
|--|----------------------------|
| <input checked="" type="checkbox"/> No | • Continue to question 1.5 |
|--|----------------------------|

<input type="checkbox"/> Yes	<ul style="list-style-type: none"> A development permit is required. The chief executive of DSDIP will be assessment manager or concurrence agency for the development application. You must complete <i>IDAS form 22—Major hazard facility</i>.
------------------------------	---

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 5
- Sustainable Planning Regulation 2009, schedule 6, table 3, item 4
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 8

1.5 Is the proposed material change of use of a potentially affected premises?

<input type="checkbox"/> No	<ul style="list-style-type: none"> Continue to question 1.6
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> Complete part 5 of this checklist

1.6 Is the proposed development a potentially sensitive material change of use of premises?

<input checked="" type="checkbox"/> No	<ul style="list-style-type: none"> Continue to question 1.7
<input checked="" type="checkbox"/> Yes	<ul style="list-style-type: none"> Complete part 6 of this checklist

1.7 Is the proposed material change of use of premises for aquaculture?

<input checked="" type="checkbox"/> No	<ul style="list-style-type: none"> Continue to question 1.8
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> Complete part 7 of this checklist

1.8 Is the proposed material change of use of premises in a wild river area and is the proposed use for agricultural activities or animal husbandry activities (as defined under the *Wild Rivers Act 2005*)?

<input type="checkbox"/> No	<ul style="list-style-type: none"> Continue to question 1.9
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> Complete part 8 of this checklist

1.9 Is the proposed material change of use of premises for an environmentally relevant activity that, under the Environmental Protection Regulation 2008, section 16, is identified as a concurrence ERA (the relevant ERA)?

<input checked="" type="checkbox"/> No	<ul style="list-style-type: none"> End of part 1 of checklist
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> Complete part 9 of this checklist

Part 2—Brothel

2.1 Do any of the following apply?

More than five rooms in the proposed brothel are proposed to be used for providing prostitution.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Any land, the subject of the development, is in, or within 200 metres of the closest point on any boundary of, a primarily residential area, or an area approved for residential development or intended to be residential in character (measured according to the shortest route a person may reasonably and lawfully take, by vehicle or on foot, between the land the subject of the development and the other land).	<input type="checkbox"/> Yes <input type="checkbox"/> No

Any land, the subject of the development, is within 200 metres of the closest point on any boundary of land on which there is a residential building, place of worship, hospital, school, kindergarten or any other facility or place regularly frequented by children for recreational or cultural activities (measured according to the shortest route a person may reasonably and lawfully take, by vehicle or on foot, between the land the subject of the development and the other land).	<input type="checkbox"/> Yes <input type="checkbox"/> No
Any land, the subject of the development, is within 100 metres of the closest point on any boundary of land on which there is a residential building, place of worship, hospital, school, kindergarten or any other facility or place regularly frequented by children for recreational or cultural activities, measured in a straight line.	<input type="checkbox"/> Yes <input type="checkbox"/> No
The land, the subject of the development, is in a town with a population of less than 25 000, the local government for the local government area has required that all material changes of use for such development within the area be prohibited, and the Minister has agreed that the development should be prohibited.	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **yes** to any of the above, this aspect of the development is prohibited development and a development application cannot be made.
- If **no** to all of the above, a development permit is required. You must complete *IDAS form 9—Brothel*, and submit your application to the local government if the development is completely in a single local government area.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 2
- Sustainable Planning Regulation 2009, schedule 6, table 1, item 1(a)(iv)
- *Sustainable Planning Act 2009*, schedule 1, item 5

Part 3—Strategic port land

3.1 Do any of the following apply?

The proposed material change of use of premises is inconsistent with the land use plan approved under the <i>Transport Infrastructure Act 1994</i> .	<input type="checkbox"/> Yes <input type="checkbox"/> No
The proposed material change of use of premises is assessable development under the land use plan approved under the <i>Transport Infrastructure Act 1994</i> , but is not inconsistent with it.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

- If **yes** to either of the above, a development permit is required. The port authority may be the assessment manager for the development application (see schedule 6 of the Sustainable Planning Regulation 2009).
- If the proposed material change of use of premises is inconsistent with the land use plan, you are also required to refer the application to the Minister under the *Transport Infrastructure Act 1994* as concurrence agency.
- You must complete *IDAS Form 10—Inconsistent development on strategic port land or Brisbane core port land*.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 3
- Sustainable Planning Regulation 2009, schedule 3, part 1, table 5, item 6
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 6

Part 4—Airport land

4.1 Do any of the following apply?

The proposed material change of use of premises is inconsistent with the land use plan approved under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

The proposed material change of use of premises is assessable development under the land use plan approved under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> for the airport land, but is not inconsistent with it.	<input type="checkbox"/> Yes <input type="checkbox"/> No
---	--

- If **yes** to either of the above, a development permit is required for this aspect of development. The chief executive of DSDIP may be the assessment manager (see schedule 6 of the Sustainable Planning Regulation 2009).
- If the proposed material change of use of premises is inconsistent with the land use plan approved under the *Airport Assets (Restructuring and Disposal) Act 2008*, you are also required to refer the application to the chief executive of DSDIP as concurrence agency, if the chief executive of DSDIP is not the assessment manager.
- You must complete *IDAS Form 5—Material change of use assessable against a planning scheme*.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 4
- Sustainable Planning Regulation 2009, schedule 3, part 2, table 5, item 7
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 7

Part 5—Potentially affected premises

5.1 Do any of the following apply?

A suitability statement has been given for the premises, a site management plan has been approved in relation to the proposed use and the material change of use only involves: <ul style="list-style-type: none"> • the fit-out of a building, or • minor site excavation (e.g. post holes for open-sided non-habitable structures). 	<input type="checkbox"/> Yes <input type="checkbox"/> No
The proposed use is industrial and only involves minor site excavation (e.g. post holes for open-sided non-habitable structures).	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **no** to both of the above:
 - A development permit is required for this aspect of development
 - The development application will require assessment by the chief executive of DSDIP, as assessment manager or concurrence agency
 - You must complete *IDAS form 24—Contaminated land*
- If **yes** to either of the above, this aspect of development is not assessable development but it is recommended that you provide a copy of any suitability statement or approved site management plan to the assessment manager to support your claim for exemption if any other aspects of your proposed use are assessable development.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 6
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 23

Part 6—Potentially sensitive material change of use

6.1 Do either of the following apply?

All or part of the premises is used for, or if there is no existing use, was last used for, an industrial activity (other than a mining activity or chapter 5A activity).	<input type="checkbox"/> Yes <input type="checkbox"/> No
All or part of the premises is in an area for which an area management advice has been given for natural mineralisation or industrial activity (other than for a mining activity or a chapter 5A activity).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

- If **yes** to either of the above:
 - A development permit is required
 - The development application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency
 - You must complete *IDAS form 24—Contaminated land*
- If **no** to all of the above, this aspect of development does not require a development permit.

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 7
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 23

Part 7—Aquaculture

7.1 Will the proposed material change of use of premises for aquaculture cause discharge of waste into Queensland waters (as defined in section 36 of the *Acts Interpretation Act 1954*)?

- | | |
|------------------------------|----------------------------|
| <input type="checkbox"/> No | • Continue to question 7.2 |
| <input type="checkbox"/> Yes | • Go to question 7.3 |

7.2 Do any of the following apply?

The aquaculture is: <ul style="list-style-type: none"> • of indigenous freshwater fish species mentioned in the Fisheries Regulation 2008, schedule 10C • in a catchment listed in that schedule for that species for aquarium display or human consumption only • carried out in ponds, or using above-ground tanks, that have a total water surface area of no more than five hectares. 	<input type="checkbox"/> Yes <input type="checkbox"/> No
The aquaculture is of indigenous freshwater fish for aquarium display or human consumption only, or non-indigenous freshwater fish for aquarium display only, and is carried out using only above-ground tanks that have: <ul style="list-style-type: none"> • a floor area, excluding water storage area, of no more than 50m² • a roof impervious to rainwater. 	<input type="checkbox"/> Yes <input type="checkbox"/> No
The aquaculture is of indigenous marine fish for aquarium display only and is carried out using only above-ground tanks that have a total floor area, excluding water storage areas, of no more than 50m ² .	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **no** to all of the above, continue to question 7.3
- If **yes** to any of the above, a development permit is not required for this aspect of development, but the proposed material change of use will be self assessable development and must comply with applicable codes

7.3 Is any part of the proposed material change of use of premises for aquaculture intended to be located in a wild river area?

- | | |
|-----------------------------|--|
| <input type="checkbox"/> No | <ul style="list-style-type: none"> • A development permit is required for this aspect of development and this aspect of development requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency • You must complete <i>IDAS form 25—Aquaculture</i> • End of part 7 of this checklist |
|-----------------------------|--|

<input type="checkbox"/> Yes	<ul style="list-style-type: none"> Continue to question 7.4
------------------------------	--

7.4 Is the proposed material change of use of premises for aquaculture in a wild river high preservation area or wild river special floodplain management area?

<input type="checkbox"/> No	<ul style="list-style-type: none"> Continue to question 7.5
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> To the extent the development is in a wild river high preservation area or wild river special floodplain management area, this aspect of development is prohibited development and a development application cannot be made. If this is the only aspect of development, then that is the end of part 7 of this checklist, otherwise continue to question 7.5

7.5 Is any part of the proposed material change of use of premises on land to which a property development plan under the *Wild Rivers Act 2005* applies?

<input type="checkbox"/> No	<ul style="list-style-type: none"> A development permit is required for this aspect of development and this aspect of development requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency You must complete <i>IDAS form 25—Aquaculture</i> End of part 7 of this checklist
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> Continue to question 7.6

7.6 Is the proposed material change of use inconsistent with the property development plan under the *Wild Rivers Act 2005*?

<input type="checkbox"/> No	<ul style="list-style-type: none"> A development permit is required for this aspect of development and this aspect of development requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency You must complete <i>IDAS form 25—Aquaculture</i> End of part 7 of this checklist
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> This aspect of development is prohibited development and a development application can not be made for this aspect of development End of part 7 of this checklist

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 10
- Sustainable Planning Regulation 2009, schedule 3, part 2, table 2, item 1
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 28
- Sustainable Planning Act 2009*, schedule 1, items 2 and 6

Part 8—Agriculture and animal husbandry activities

8.1 Is the proposed material change of use of premises for animal husbandry activities in a wild river high preservation area or wild river special floodplain management area?

<input type="checkbox"/> No	<ul style="list-style-type: none"> Continue to question 8.2
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> To the extent the development is in a wild river high preservation area or wild river special floodplain management area, it is prohibited development and a development application cannot be made. If this is the only aspect of development, end of part 8 of this checklist, otherwise continue to question 8.2

8.2 Is the proposed material change of use of premises for agricultural activities in any of the following?

• A wild river high preservation area	<input type="checkbox"/> Yes <input type="checkbox"/> No
• A wild river preservation area or wild river special floodplain management area and the development involves the production of a high risk species	<input type="checkbox"/> Yes <input type="checkbox"/> No
• A wild river special floodplain management area and the development is for agricultural activities that involve irrigation	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **yes** to any of the above, this aspect of development is prohibited development and a development application cannot be made. If this is the only aspect of development, end of part 8 of checklist, otherwise continue to question 8.3
- If **no** to all of the above, continue to question 8.3

8.3 Will the development be carried out on land to which a property development plan under the *Wild Rivers Act 2005* applies?

<input type="checkbox"/> No	<ul style="list-style-type: none">• A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency• Your application must include <i>IDAS form 29—Agricultural activities in a wild river area</i> or <i>IDAS form 30—Animal husbandry activities in a wild river area</i>
<input type="checkbox"/> Yes	<ul style="list-style-type: none">• Continue to question 8.4

8.4 Is the development inconsistent with any property development plan that applies to the land?

<input type="checkbox"/> Yes	<ul style="list-style-type: none">• This aspect of the development is prohibited development and a development application cannot be made. End of part 8 of checklist
<input type="checkbox"/> No	<ul style="list-style-type: none">• A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or referral agency• Your application must include <i>IDAS form 29—Agricultural activities in a wild river area</i> or <i>IDAS form 30—Animal husbandry activities in a wild river area</i>

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 11
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 41
- *Sustainable Planning Act 2009*, schedule 1, items 1 and 2

Part 9—Environmentally relevant activities (ERA)**9.1 Has an environmental authority to carry out a concurrence ERA been approved for the premises?**

<input checked="" type="checkbox"/> No	<ul style="list-style-type: none">• Continue to question 9.4
<input type="checkbox"/> Yes	<ul style="list-style-type: none">• Continue to question 9.2

9.2 Is the relevant ERA and the concurrence ERA approved under the environmental authority to be carried out under the environmental authority?

<input type="checkbox"/> No	<ul style="list-style-type: none">• Continue to question 9.4
<input type="checkbox"/> Yes	<ul style="list-style-type: none">• Continue to question 9.3

9.3 Does the relevant ERA have a lower aggregate environmental score than the concurrence ERA approved under the environmental authority, under the Environmental Protection Regulation 2008, section 14(1)?

<input type="checkbox"/> No	• Continue to question 9.4
<input type="checkbox"/> Yes	• This aspect of development does not require a development permit. End of checklist

9.4 Do all of the following apply?

The environmentally relevant activity is to be carried out in the North Stradbroke Island Region.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The environmentally relevant activity is mentioned in the Environmental Protection Regulation 2008, schedule 2, part 4, section 16.	<input type="checkbox"/> Yes <input type="checkbox"/> No
The environmentally relevant activity involves dredging or extracting more than 10 000 tonnes of material a year.	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **yes** to all of the above, this aspect of development is prohibited development (to the extent it involves dredging or extracting more than 10000 tonnes of material a year) and a development application cannot be made. If this is the only aspect of development, end of checklist, otherwise continue to question 9.5
- If **no** to any of the above, continue to question 9.5

9.5 Is any part of the proposed material change of use of premises for an environmentally relevant activity intended to be located in a wild river area?

<input checked="" type="checkbox"/> No	• Go to question 9.14
<input type="checkbox"/> Yes	• Continue to question 9.6

9.6 Does the proposed development involve development in waters in a wild river area that is for an extraction ERA?

<input checked="" type="checkbox"/> No	• Go to question 9.8
<input type="checkbox"/> Yes	• Continue to question 9.7

9.7 Will the development application for the proposed development be accompanied by an allocation notice?

<input type="checkbox"/> No	• This aspect of development is prohibited development and a development application cannot be made. If this is the only aspect of development, end of checklist, otherwise continue to question 9.8
<input type="checkbox"/> Yes	• Continue to question 9.8

9.8 Does the proposed development involve development in a wild river high preservation area or a wild river special floodplain management area?

<input checked="" type="checkbox"/> No	• Go to question 9.10
<input type="checkbox"/> Yes	• Continue to question 9.9

9.9 Is the proposed development any of the following?

A sewage ERA under the <i>Environmental Protection Act 1994</i> , section 174(4)	<input type="checkbox"/> Yes <input type="checkbox"/> No
A water treatment ERA under the <i>Environmental Protection Act 1994</i> , section 174(4)	<input type="checkbox"/> Yes <input type="checkbox"/> No

A dredging ERA	<input type="checkbox"/> Yes <input type="checkbox"/> No
An extraction ERA, if the activity is a low impact activity carried out outside waters and is for specified works, residential complexes, or another commercial, industrial or residential purpose in a designated urban area, in the wild river high preservation area or a wild river special floodplain management area	<input type="checkbox"/> Yes <input type="checkbox"/> No
A screening ERA, if the activity is carried out outside waters and is for specified works, or residential complexes, in the wild river high preservation area or a wild river special floodplain management area	<input type="checkbox"/> Yes <input type="checkbox"/> No
A crude oil or petroleum product storage ERA, if the activity is for residential complexes in the wild river high preservation area or a wild river special floodplain management area, and is carried out outside a designated urban area	<input type="checkbox"/> Yes <input type="checkbox"/> No
An exempt prescribed ERA under the <i>Environmental Protection Act 1994</i> , section 174(4), in a designated urban area	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **yes** to any of the above, continue to question 9.10
- If **no** to all of the above, this aspect of development is prohibited development and a development application cannot be made. If this is the only aspect of development, end of checklist, otherwise continue to question 9.10

9.10 Does the proposed development involve an extraction ERA in a wild river floodplain management area?

<input checked="" type="checkbox"/> No	• Go to question 9.12
<input type="checkbox"/> Yes	• Continue to question 9.11

9.11 Is the proposed development either of the following?

A low impact activity carried out outside waters	<input type="checkbox"/> Yes <input type="checkbox"/> No
For specified works, residential complexes, or another commercial, industrial or residential purpose in a designated urban area, in the wild river floodplain management area	<input type="checkbox"/> Yes <input type="checkbox"/> No

- If **yes** to either of the above, continue to question 9.12
- If **no** to all of the above, this aspect of development is prohibited development and a development application cannot be made. If this is the only aspect of development, end of checklist, otherwise continue to question 9.12

9.12 Will the development be carried out on land to which a property development plan under the *Wild Rivers Act 2005* applies?

<input checked="" type="checkbox"/> No	• Go to question 9.14
<input type="checkbox"/> Yes	• Continue to question 9.13

9.13 Is the development inconsistent with any property development plan that applies to the land?

<input type="checkbox"/> Yes	• This aspect of the development is prohibited development and a development application cannot be made. End of checklist
<input type="checkbox"/> No	• Continue to question 9.14

9.14 Is the concurrence ERA devolved to local government under the *Environmental Protection Regulation 2008*?

<input checked="" type="checkbox"/> No	<ul style="list-style-type: none"> A development permit is required and this application requires assessment by the chief executive of DSDIP as assessment manager or concurrence agency Your application must include <i>IDAS form 8—Environmentally relevant activity</i> End of checklist
<input type="checkbox"/> Yes	<ul style="list-style-type: none"> A development permit is required and this application requires assessment by the local government as assessment manager or concurrence agency End of checklist

Section reference:

- Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, item 1
- Sustainable Planning Regulation 2009, schedule 6
- Sustainable Planning Regulation 2009, schedule 7, table 2, item 1
- Sustainable Planning Act 2009*, schedule 1, items 2, 9, 10, 11 and 13

Privacy—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

Disclaimer:

While DSDIP believes that the information contained on this checklist and provided as part of this process will be of assistance to you, it is provided on the basis that you will not rely on the information. It is your responsibility to make your own enquiries regarding the interpretation and application of the applicable legislation to your circumstances.

To the full extent permitted by law, DSDIP expressly disclaims all liability (including but not limited to liability for negligence) for errors or omissions of any kind or for any loss (including direct and indirect losses), damage or other consequence which may arise from your reliance on this process and the information contained on this checklist.

OFFICE USE ONLY

Date received	<input type="text"/>	Reference numbers	<input type="text"/>
---------------	----------------------	-------------------	----------------------

The Sustainable Planning Act 2009 is administered by DSDIP. This checklist and all other required application materials should be sent to your assessment manager and any referral agency.

Appendix G: SARA Code

19.3 Transport infrastructure and network design state code

Response column key:

- ☒ Achieved
- P/S Performance solution
- N/A Not applicable

Table 19.3.1: All development

Performance outcomes	Acceptable outcomes	Response	Comment
All state transport infrastructure – except state-controlled roads			
PO1 Development does not compromise the safe and efficient management or operation of state transport infrastructure or transport networks.	AO1.1 Any impact from the development on the safe and efficient management and operation of the state transport corridor or transport network is identified and mitigated. Editor's note: A traffic impact assessment will assist in addressing this acceptable outcome. A traffic impact assessment should identify any upgrade works required to mitigate impacts on the safe and efficient management and operation of the state transport corridor.	<input checked="" type="checkbox"/>	The proposed development is located a significant distance away from the state controlled transport infrastructure in the state transport corridor, and will therefore not prejudice any planned upgrades of same..
PO2 Development does not compromise planned upgrades to state transport infrastructure or the development of future state transport infrastructure in future state transport corridors.	AO2.1 Written advice has been provided by DTMR that there are no planned upgrades of state transport infrastructure or future state transport corridors which will be compromised by the development. OR both of the following acceptable outcomes apply	N/A	
	AO2.2 The layout and design of the proposed development accommodates planned upgrades to adjacent state transport infrastructure in the state transport corridor. AND	<input checked="" type="checkbox"/>	The proposed development is located a significant distance away from the state controlled transport infrastructure in the state transport corridor, and will therefore not prejudice any planned upgrades of same.
	AO2.3 The layout and design of the development does not compromise the delivery of state transport infrastructure in future state transport corridors. Editor's note: A traffic impact assessment will assist in addressing this acceptable outcome.	<input checked="" type="checkbox"/>	The proposed development is located a significant distance away from the state controlled transport infrastructure and any future state transport corridor, and will therefore not prejudice any planned upgrades of same.
State-controlled roads			
PO3 Development does not compromise the safe and efficient management or operation of state-controlled roads. Editor's note: A traffic impact assessment will assist in addressing this performance outcome.	A03.1 Any impact from the development on the safe and efficient management and operation of the state-controlled road is identified and mitigated. Editor's note: A traffic impact assessment will assist in addressing this acceptable outcome.	<input checked="" type="checkbox"/>	The potential impacts from the proposed development have been assessed as both a stand-alone development, and also in the context of the broader Carmichael Coal Mine and Rail Project. None of the identified potential impacts are of a scale which would compromise planned state road upgrades or delivery.

Performance outcomes	Acceptable outcomes	Response	Comment
			Brown Consulting have completed the ' <i>Carmichael Coal Mine add Rail Project – Traffic Impact Assessment</i> ' which addresses the impact of the Project on State Controlled Roads. This report is included in the SEIS documentation
PO4 Development does not compromise planned upgrades of the state-controlled road network or delivery of future state-controlled roads.	AO4.1 Written advice has been provided by DTMR that there are no planned upgrades of state-controlled roads or future state-controlled roads which will be compromised by the development. OR	N/A	
	AO4.2 Any impact from the development does not compromise planned upgrades of the state-controlled road network or the delivery of future state-controlled roads. Editor's note: A traffic impact assessment will assist in addressing this acceptable outcome.	<input checked="" type="checkbox"/>	The potential impacts from the proposed development have been assessed as both a stand-alone development, and also in the context of the broader Carmichael Coal Mine and Rail Project. None of the identified potential impacts are of a scale which would compromise planned state road upgrades or delivery. Brown Consulting have completed the ' <i>Carmichael Coal Mine add Rail Project – Traffic Impact Assessment</i> ' which addresses the impact of the Project on State Controlled Roads. This report is included in the SEIS documentation
PO5 Upgrade works on or associated with the state-controlled road network are undertaken in accordance with applicable standards.	AO5.1 Upgrade works for the development are consistent with the requirements of the <i>Road planning and design manual – interim guide to road planning and design practice</i> , Department of Transport and Main Roads, 2010. AND	<input checked="" type="checkbox"/>	Brown Consulting have completed the ' <i>Carmichael Coal Mine add Rail Project – Traffic Impact Assessment</i> ' which addresses the impact of the Project on State Controlled Roads. This report is included in the SEIS documentation
	AO5.2 The design and staging of upgrade works on or associated with the state-controlled road network are consistent with planned upgrades.	<input checked="" type="checkbox"/>	Brown Consulting have completed the ' <i>Carmichael Coal Mine add Rail Project – Traffic Impact Assessment</i> ' which addresses the impact of the Project on State Controlled Roads. This report is included in the SEIS documentation
PO6 Development does not impose traffic loadings on the state-controlled road network which could be accommodated on the local road network.	AO6.1 New roads proposed as part of the development are consistent with the road hierarchy adopted by the relevant local government, and new lower order roads do not connect directly to a state-controlled road. AND	N/A	No new public roads are proposed as part of this development application.

Performance outcomes	Acceptable outcomes	Response	Comment
	AO6.2 Where the opportunity is available, development provides for road access locations to lower order roads. AND	<input checked="" type="checkbox"/>	<p>Proposed new private access roads will intersect with Moray-Carmichael Road, a local government controlled road.</p> <p>Brown Consulting have completed the '<i>Carmichael Coal Mine add Rail Project – Traffic Impact Assessment</i>' which addresses the impact of the Project on State Controlled Roads. This report is included in the SEIS documentation</p>
	AO6.3 Where possible, the layout and design of the development encourages traffic generated by the development to use lower order roads.	<input checked="" type="checkbox"/>	<p>Proposed new private access roads will intersect with Moray-Carmichael Road, a local government controlled road.</p> <p>Brown Consulting have completed the '<i>Carmichael Coal Mine add Rail Project – Traffic Impact Assessment</i>' which addresses the impact of the Project on State Controlled Roads. This report is included in the SEIS documentation</p>