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# **Dyno Nobel Asia Pacific Limited**

## **Moranbah Ammonium Nitrate Project**

**Miscellaneous Documentation**

**September 2006**



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Queensland Environmental Management Register and Contaminated Land  
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Native Title Claims QC01/25 Barada Barna Kabalbara and Yetimarla People #4  
and Wiri People #3 (notification shows Wiri #2)

Statement of Code Compliance



## **QLD Environmental Management Register and Contaminated Land Register Results**

**QLD ENVIRONMENTAL PROTECTION AGENCY****ENVIRONMENTAL MANAGEMENT REGISTER (EMR)  
CONTAMINATED LAND REGISTER (CLR)**

Transaction ID: 828879 EMR Site Id: 16 May 2006  
This response relates to a search request received for the site:

Lot: 10 Plan: SP175258

**EMR RESULT**

The above site is NOT included on the Environmental Management Register.

**CLR RESULT**

The above site is NOT included on the Contaminated Land Register.

**ADDITIONAL ADVICE**

**Note: Searches may be conducted online through the State Government Website [www.smartservice.qld.gov.au](http://www.smartservice.qld.gov.au) or Citec Confirm [www.confirm.com.au](http://www.confirm.com.au).**

**Alternatively, searches may be posted to Smart Service Queensland (Contaminated Land Search, PO Box 10817, Brisbane Adelaide Street, Queensland 4001) or fax (07) 3 405 0965 or 1300 300 768.**

**If you have any queries in relation to this search please phone (07) 3227 7370.**

**Lindi Bowen  
Registrar, Contaminated Land Unit**



## **Historical Title 10SP175258**

# HISTORICAL STATE TENURE SEARCH

## NATURAL RESOURCES & MINES, QUEENSLAND

Request No: 115824904  
Search Date: 06/04/2006 3:48 pm

Title Reference: 17658079  
Date Created: 25/10/1995

### DESCRIPTION OF LAND

Tenure Reference: GHPL 30/4123

LOT 10            SURVEY PLAN 175258  
County of GROSVENOR            Parish of BROADMEADOW  
Local Government: BELYANDO SHIRE

Area: 24500.000000 Ha. (ABOUT)

No Land Description

No Forestry Entitlement Area

Purpose for which granted:  
NO PURPOSE DEFINED

### TERM OF LEASE

Day of beginning of lease

Lease in perpetuity commencing on 01/01/1989

### REGISTERED LESSEE

JUDITH FLORA CAMM

### CONDITIONS

M80    The Lessee shall within five (5) years from the date of the commencement of the lease and to the satisfaction of the Minister develop a further area of about 1500 hectares of scrub and a further area of about 750 hectares of forest on the subject holding by:-

(a) Destroying by ringbarking or otherwise in accordance with a Permit granted by the Land Commissioner, in equal proportions during each year of such period and thereafter maintaining such areas free from all regrowth, suckers and undergrowth;

(b) Burning all scrub and forest destroyed in the performance of this condition as soon as it shall be practical and prudent to do so;

(c) Sowing such areas to improved pastures.

The Lessee shall within one month from the commencement of the term of the lease apply to the Land Commissioner for a Permit to Destroy trees on the holding so that performance of this condition can be undertaken.

## HISTORICAL STATE TENURE SEARCH NATURAL RESOURCES & MINES, QUEENSLAND

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- M76 The Lessee shall during the whole term of lease maintain the parts of the holding on which trees and scrub were previously destroyed in the improvement of the land, free from all suckers and undergrowth as well as all seedling growth of which a Permit to Destroy is not required.
- M76 The Lessee shall during the whole term of the lease maintain all improvements on the holding existing at the commencement thereof, together with the improvements effected in compliance with condition 1 hereof, in a good and substantial state of repair.
- M76 In all other respects the conditions of the lease, including fencing, agistment and occupation, shall be such as are provided by the Land Act 1962-1988.

### ENCUMBRANCES

1. CORRECTION No 708904274  
OF THE LAND DESCRIPTION FROM LOT 3390 ON CP907952  
EFFECTIVE FROM 4 JULY 2005.  
Produced at 13:17 on 17/08/2005
2. EASEMENT IN GROSS No 708797454  
burdening the land  
ENERTRADE (NQ) PIPELINE NO 1 PTY LTD A.C.N. 100 946 281  
ENERTRADE (NQ) PIPELINE NO 2 PTY LTD A.C.N. 100 946 263  
over  
EASEMENT AA ON SP175258  
Produced at 12:13 on 05/07/2005
3. SURVEY PLAN No 708797371  
subdivides the land into  
LOTS 10 & 11 ON SP175258  
AND EASEMENT AA IN LOT 10  
Produced at 11:58 on 05/07/2005
4. CORRECTION No 703632263  
to remove  
EASEMENT A1356 (602805569)  
Produced at 14:30 on 14/10/1999
5. TRANSFER No 703437140  
RESUMPTION EASEMENT: 602812053 (R1162)  
QUEENSLAND ELECTRICITY TRANSMISSION CORPORATION LIMITED  
A.C.N. 078 849 233  
Produced at 08:20 on 07/07/1999
6. EASEMENT No 702476916  
burdening the land to  
LOT 1 ON CP907952  
OVER EASEMENTS H AND J ON CP907969  
Produced at 09:49 on 29/01/1998

## HISTORICAL STATE TENURE SEARCH NATURAL RESOURCES & MINES, QUEENSLAND

Request No: 115824904  
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Title Reference: 17658079  
Date Created: 25/10/1995

7. SURVEY PLAN No 702476901  
surveys part of the land into  
PROPOSED EASEMENTS H AND J ON CP907969  
Produced at 09:47 on 29/01/1998
  
8. CORRECTION No 702333931  
OF THE STATUS OF DEALING 702033513 CANCELLED  
INCORRECLTY ON ISSUE OF LEASE  
Produced at 15:16 on 13/11/1997
  
9. CORRECTION No 702333925  
OF THE STATUS OF DEALING 602812053 CANCELLED  
INCORRECLTY ON ISSUE OF LEASE  
Produced at 15:15 on 13/11/1997
  
10. CORRECTION No 702333916  
OF THE STATUS OF DEALING 602812052 CANCELLED  
INCORRECLTY ON ISSUE OF LEASE  
Produced at 15:13 on 13/11/1997
  
11. CORRECTION No 702333907  
OF THE STATUS OF DEALING 602812050 CANCELLED  
INCORRECLTY ON ISSUE OF LEASE  
Produced at 15:12 on 13/11/1997
  
12. CORRECTION No 702333894  
OF THE STATUS OF DEALING 602812049 CANCELLED  
INCORRECLTY ON ISSUE OF LEASE  
Produced at 15:11 on 13/11/1997
  
13. CORRECTION No 702333884  
OF THE STATUS OF DEALING 602812048 CANCELLED  
INCORRECLTY ON ISSUE OF LEASE  
Produced at 15:09 on 13/11/1997
  
14. CORRECTION No 702333874  
OF THE STATUS OF DEALING 602805569 CANCELLED  
INCORRECLTY ON ISSUE OF LEASE  
Produced at 15:08 on 13/11/1997
  
15. AMENDMENT No 702256807  
OF THE LAND DESCRIPTION AND AREA TO:  
LOT 3390 ON CP907952  
AND ABOUT 24500 HECTARES AS FROM 29/09/1997.  
Produced at 08:56 on 07/10/1997
  
16. CORRECTION No 702249165  
  
Produced at 12:30 on 02/10/1997



## HISTORICAL STATE TENURE SEARCH NATURAL RESOURCES & MINES, QUEENSLAND

Request No: 115824904  
Search Date: 06/04/2006 3:48 pm

Title Reference: 17658079  
Date Created: 25/10/1995

### ENCUMBRANCES (Continued)

17. CORRECTION No 702249162

Produced at 12:28 on 02/10/1997

18. SURVEY PLAN No 702246245

subdivides the land into

LOTS 1 AND 3390 ON CP907952

Produced at 11:48 on 01/10/1997

19. EASEMENT IN GROSS No 702033513

burdening the land

BHP MITSUI COAL PTY LTD A.C.N. 009 713 875

over

EASEMENT F ON CP 904435

Produced at 10:03 on 16/06/1997

20. SURRENDER No 702033508

EASEMENT: 602812051 (A1806)

Produced at 10:02 on 16/06/1997

21. RESUMPTION EASEMENT No 602812053 (R1162)

EASEMENT PURSUANT TO PROCLAMATION DATED 30TH APRIL, 1987,

UNDER SECTION 306 OF THE LAND ACT 1962-1986 OVER AN AREA OF

16.19 HECTARES AS SHOWN AS EASEMENT N ON PLAN GV 290

DEPOSITED IN THE DEPARTMENT OF MAPPING AND SURVEYING FOR THE

PURPOSE OF ELECTRICAL WORKS (TRANSMISSION LINE) IS HEREBY

RESUMED AND SHALL BE VESTED IN THE

QUEENSLAND ELECTRICITY COMMISSION

AS FROM 2.5.1987.

Produced at 00:00 on 07/09/1987

22. MORTGAGE No 602812052 (M213314)

NATIONAL AUSTRALIA BANK LIMITED

Produced at 00:00 on 20/11/1986

23. EASEMENT No 602812051 (A1806) CANCELLED BY 702033508

EASEMENT IN PURSUANCE OF AN AGREEMENT DATED THE 16TH DAY OF

JULY, 1982 BETWEEN THE LESSEE OF THE WITHIN-DESCRIBED

HOLDING AND

THIESS DAMPIER MITSUI COAL PTY. LTD.

FOR PURPOSES AS DEFINED IN SUCH AGREEMENT.

Produced at 00:00 on 16/07/1984

## HISTORICAL STATE TENURE SEARCH NATURAL RESOURCES & MINES, QUEENSLAND

Request No: 115824904  
Search Date: 06/04/2006 3:48 pm

Title Reference: 17658079  
Date Created: 25/10/1995

### ENCUMBRANCES (Continued)

24. EASEMENT No 602805569 (A1356)  
EASEMENT IN PURSUANCE OF AN AGREEMENT DATED THE 29TH DAY OF  
MARCH, 1980 BETWEEN THE LESSEE OF THE WITHIN-DESCRIBED  
HOLDING AND  
JOHN WENTWORTH SWEET  
FOR PURPOSES AS DEFINED IN SUCH AGREEMENT.  
Produced at 00:00 on 06/05/1980
25. EASEMENT No 602812050 (A1057)  
EASEMENT IN PURSUANCE OF AN AGREEMENT DATED THE 25TH DAY OF  
JANUARY, 1977 BETWEEN THE LESSEE OF THE WITHIN-DESCRIBED  
HOLDING AND  
UTAH DEVELOPMENT COMPANY  
AND  
MITSUBISHI DEVELOPMENT PTY. LTD.  
FOR PURPOSES AS DEFINED IN SUCH AGREEMENT  
Produced at 00:00 on 21/04/1977
26. EASEMENT No 602812049 (A1056)  
EASEMENT IN PURSUANCE OF AN AGREEMENT DATED THE 25TH DAY OF  
JANUARY, 1977 BETWEEN THE LESSEE OF THE WITHIN-DESCRIBED  
HOLDING AND  
MITSUBISHI DEVELOPMENT PTY. LTD.  
AND  
UTAH DEVELOPMENT COMPANY  
FOR PURPOSES AS DEFINED IN SUCH AGREEMENT  
Produced at 00:00 on 21/04/1977
27. EASEMENT No 602812048 (A424)  
EASEMENT IN PURSUANCE OF AN AGREEMENT DATED THE EIGHTH DAY  
OF OCTOBER, 1969 BETWEEN THE LESSEE OF THE WITHIN-DESCRIBED  
HOLDING AND  
QUEENSLAND ELECTRICITY COMMISSION  
FOR PURPOSES AS DEFINED IN SUCH AGREEMENT.  
Produced at 00:00 on 29/10/1970
28. TRANSFER No 703443153 FULLY WITHDRAWN ON 16/07/1999  
Produced at 16:06 on 08/07/1999
29. SURRENDER No 703436487 FULLY WITHDRAWN ON 26/07/1999  
Produced at 14:46 on 06/07/1999

ADMINISTRATIVE ADVICES - NIL  
UNREGISTERED DEALINGS - NIL

ORIGINAL LEASE IN EXISTENCE - No

**HISTORICAL STATE TENURE SEARCH  
NATURAL RESOURCES & MINES, QUEENSLAND**

Request No: 115824904

Search Date: 06/04/2006 3:48 pm

Title Reference: 17658079

Date Created: 25/10/1995

Caution - Charges do not necessarily appear in order of priority

**\*\* End of State Tenure Search \*\***

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Requested By: CITEC CONFIRM



**Native Title Claims  
Barada Barna Kabalbara & Yetimarla People #4  
and Wiri #2**



## NATIONAL NATIVE TITLE TRIBUNAL

### Application Information and Extract from the Register of Native Title Claims

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#### Application Information

**Application numbers:** Federal Court number: QUD6023/01  
NNTT number: QC01/25

**Application name:** Barada Barna Kabalbara & Yetimarla People #4

**Registration history:** Registered from 05/04/2002.

NNTT map attached.

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#### Register Extract (pursuant to s.186 of the *Native Title Act 1993*)

**Application filed with:** Federal Court of Australia

**Date application filed:** 31/07/2001

**Date claim entered on Register:** 05/04/2002

**Applicants:** Ms Harriet Tanna, Mr Gibson Gela, Ms Alison Douglas, Ms Celeste Walsh, Mr Les Budby, Mr Norman Brown, Ms Lynette Brown, Mr Albert Brown, Mr Frank Budby, Ms Nicole Muller, Ms May James

**Address for service:** Legal Officer  
Gurang Land Council (Aboriginal Corporation)  
PO Box 1551  
BUNDABERG QLD 4670  
Phone: (07) 4153 3990  
Fax: (07) 4153 3615

#### Area covered by the claim:

1. The boundaries of the area covered by the application are described in Attachment B1. Attachment B1 provides 77 pages of geographic coordinates and specifically excludes all areas covered by the Native Title Claimant application QC97/59 (QG6224/98) Barada Barna Kabalbara & Yetimarla as registered on 24 November 1997.

2. Subject to paragraphs 4 and 5, the area covered by the application exclude any land or waters which is presently or was previously covered by -

- (a) a scheduled interest;
- (b) a freehold estate (including any right in land or waters taken to be the vesting of a freehold estate by virtue of subsection 23B(3));
- (c) a commercial lease that is neither an agricultural lease nor a pastoral lease;
- (d) an exclusive agricultural lease or an exclusive pastoral lease;
- (e) a residential lease;
- (f) a community purpose lease;
- (g) a lease dissected from a mining lease referred to in subparagraph 23B(2)(c)(vii) of the Native Title Act 1993 (Cth);
- (h) any lease (other than a mining lease) that confers a right to exclusive possession over particular land or waters;

which was validly granted or vested on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, the land and waters the subject of the application excludes any area covered by the valid construction or establishment of any public work (as defined by the Native Title Act 1993 (Cth), where the construction or establishment of the public work commenced on or before 23 December 1996.

4. Where the act specified in paragraph 2 or 3 falls within the provisions of -

- (a) section 23B(9) - Exclusion of acts benefiting Aboriginal peoples or Torres Strait Islanders
- (b) section 23B(9A) - Establishment of a national park or a state park;
- (c) section 23B(9B) - Acts where legislation provides for non-extinguishment;
- (d) section 23B(9C) - Exclusion of Crown to Crown grants; or
- (e) section 23B(10) - Exclusion by regulation,

the land and waters affected by the act is not excluded from the application.

5. Where an act referred to in paragraph 2 or 3 affects or affected land or waters referred to in -

- (a) section 47 - pastoral leases held by or on behalf of as trustees for any of the members of the native title claim group;
- (b) section 47A - reserves etc. covered by claimant applications; or
- (c) section 47B - vacant Crown land covered by claimant applications,

the land and waters affected by the act is not excluded from the application.

### **Persons claiming to hold native title:**

The native title claim group comprises -

1. The descendants of George "Saltbush" Budby and Flora Dillingham;
2. The descendants of Eddie Budby and Connie Fox;
3. The descendants of George Barker and Connie Fox;
4. The descendants of Rosie Budy, Lucy Budby, Arthur Miles and Nulko Budby;
5. The descendants of Daisy (Smith) Wilson;
6. The descendants of Henry "Blokey" Wilson and Lorna Adams;
7. The descendants of Henry "Blokey" Wilson and Margaret Ryan;
8. The descendants of Erica Wilson (Fulford);
9. The descendants of Albert and Kitchener Brown/Budby;
10. The descendants of Norman Barker/Brown;
11. The descendants of Bob Lotus;

12. The descendants of Tom Iffley;
13. Edgar Hatfield;
14. The descendants of Topsy Barren and Alick Smith Snr; and
15. The descendants of Tippo Powder and Ivy (Wharton) Powder.

Persons who may be included in the above but who are not part of the native title claim group because they have opted out of involvement with this native title claim group and/or primarily identify as members of another native title claim group, can be identified as follows:

1. Clary Smith and descendants;
2. Alick Smith Jnr and descendants;
3. Amy Smith (Lester) and descendants;
4. Mona Smith (Kielly) and descendants;
5. Ethel Smith and descendants;
6. The descendants of Ruby Smith (Mitchell);
7. The descendants of Edgar Smith;
8. The descendants of Daisy Smith (Lloyd);
9. The descendants of Percy Smith;
10. The descendants of Cora (Powder) Bloomfield and Norman Bloomfield; and
11. The descendants of Roy Bowman (Bauman).

#### **Registered native title rights and interests:**

The following Native Title Rights & Interests were entered on the Register on 05/04/2002:

The claimed rights and interests are subject to the following qualifications:

3. The native title rights and interests claimed in relation to the land and waters are always subject to and in accordance with:
  - (a) the laws of the State and the Commonwealth; and
  - (b) the traditional laws acknowledged and traditional customs observed by the native title claim group.
4. To the extent that any area of the claim area is or has been the subject of a previous non-exclusive possession act, as defined by the Native Title Act 1993 (Cth), the native title claim group does not claim possession, occupation, use and enjoyment of the area to the exclusion of all others.
5. The native title claimed -
  - (a) does not operate exclusive of the Crown's valid ownership of any minerals, petroleum or gas;
  - (b) is not exclusive rights or interests if they relate to waters in an offshore place; and
  - (c) is not claimed by the native title claim group in relation to any part of the claim area that have been validly extinguished by operation of the laws of the State or the Commonwealth.

N.B. "Country" denotes the traditional country of the native title claim group, of which the claim area forms part.

The native title rights and interests claimed are as follows:

1. The right to possession, occupation, use and enjoyment of the land and waters covered by the application (the claim area), to the exclusion of all others.
2. The native title rights and interests which are derived from and exercisable by reason of the existence of the native title, include the following rights, duties and responsibilities:

- (a) The right to hunt, fish, harvest, collect and in general use, take and enjoy natural resources of the claim area.
- (b) The right to use the claim area for all social, ritual and economic purposes including the right to rear socialize and educate their children on the claim area.
- (d) The right to inherit native title rights and interests.
- (e) The right to bestow and acquire native title rights and interests.
- (f) The right to resolve amongst themselves any dispute concerning the claim area.
- (i) The right to negotiate, where the members of the native title claim group deem appropriate, joint management arrangements with non-indigenous parties to assist the future care, protection and controlled use of the claim area.
- (j) The right to negotiate, where they deem appropriate, on any other land use proposal, including the proposal to extract resources of any kind, from the claim area.
- (k) The right to move freely about the claim area.
- (p) The right to manage, conserve and care for the claim area.
- (r) The right to visit, protect and manage cultural heritage and other sites of religious, cultural and historic significance to the native title claim group in the claim area.

**Register attachments:**

1. Geographic Coordinates, Attachment B1 of the Application, 77 pages - A4, Attached 04/04/2002.
2. Map of application area, Attachment C of the Application, 1 page - A3, Attached 04/04/2002.

*Note: The Register may, in accordance with s.188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.*



**Birri Enterprises Pty. Ltd.**  
Adaluma on Urannah Station  
C/- Post Office, Walkerston Q 4751  
Phone/Fax 07 49 584 761, Mobile: 0439 527 850  
ABN: 27010 877 371 - ACN: 010 877 371

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## Facsimile Sheet Cover

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To Mr David Mclean, Fax: 07 3316 3333  
Address GHD Pty Ltd Date: 26 / 05 / 2006  
201 Charlotte St,  
Brisbane, Qld, 4000.

From Norman A Johnson  
Wiri 2 NT Claim Group No of pages including Cover: 2

=====

**Message:**

Firstly, I do apologise for this late response to your notice, although we have spoken about this matter a number of times, I, now officially advise you;

- 1 That we, that is, the Wiri 2 NT Claim Group, wish to participate in the development of the Cultural Heritage Management Plan.
- 2 That, we have provided a draft indicative budget, attached, for your consideration.
- 3 That, we are ready to commence work on this project, as soon as, the Archaeologist, Ms Lis Hatte, is available.

I have spoken to Ms Lis Hatte and I understand that dates have already been set for the CH survey to take place, I, would like you to confirm, the date and time, that the Survey is to commence, etc.

Secondly, I have to also advise you, that to have your Cultural Heritage Management Plan, signed, that we should undertake the following process;

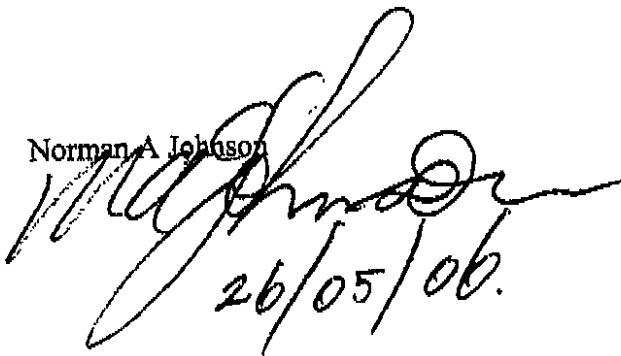
- 1 I have referred the draft Cultural Heritage Management Plan to our lawyers, Susan Gilmour at D and G Lawyers, 2 - 296 Ross River Road, Townsville, Q 4814, phone; Office 07 47753833, fax; 07 47753303. We do need legal advice, we need to have confidence that our cultural heritage is appropriately protected and that this CHMP will do this.
- 2 We need to have an Authorisation Meeting of the members of the Wiri Group, to give authority to the Native Title Applicants, all eleven of us, to sign the document, or organise with Susan Gilmour, our lawyer about how this can be achieved.

- 3 Because of the type of project that this is, we also want to ensure, that the mitigation process, includes the requirement for a Cultural Officer to be on duty while any clearing and/or ground disturbance is taking place.

Your early response would be greatly appreciated.

Thank You,

Norman A. Johnson



26/05/06.

#### Appendix 7.2.1

### Statements of Code Compliance

Strategic Plan – Rural Preferred Dominant Land Use;

Development of Ammonium Nitrate Plant – Car Parking,  
Industrial Uses and Landscaping;

Development of Workers Camp – Residential Uses, Car  
Parking and Landscaping;

Development of On Site Sewerage Treatment Plant; and

Development of a Power Station

**Table 1** provides the aims, objectives and the implementation of these objectives for the Rural Preferred Dominant Land Use. A comment of compliance has been provided for each objective.

**Table 1 Strategic Plan - Rural Preferred Dominant Land Use**

Objective	Implementation	Compliance
<b>Aim 1: To protect and encourage beef production and agriculture in the planned area and to provide for the needs of people supported by Primary Industry.</b>		
(a) To prevent fragmentation of farming and grazing land into uneconomic allotment sizes.	(i) Council will not support any rezoning of land zoned Rural 'A' to a zone to which a lower minimum allotment area defined in Part 10 applies, other than in accordance with the provisions for Rural Residential of the Strategic Plan and State Planning Policy No. 1/92.	In accordance with section 10.14.1 the minimum area for allotments in the Rural A zone is 100 Ha.  The proposed lot size for the plant is approximately 270 Ha and therefore complies with the minimum allotment area for the Rural A zone.
	(ii) Notwithstanding the provisions of Part 10.15, Council will consider applications to subdivide land in a 'Rural' zone into allotments lesser in area than two hectares only in the case of limited circumstances, namely:-  a. Subdivision of an allotment for the purpose of increasing the area of an adjoining allotment by consolidation.  b. Subdivision of an allotment for a public purpose or utility service.  c. Subdivision for residential purposes as provided in Part 10.  d. Subdivision for specified agricultural, horticultural or pastoral use, requiring specific, locational and dimensional characteristics and land capabilities.	The proposed lot size for the plant is approximately 270 Ha.
(b) To discourage clearing of natural vegetation in and adjoining watercourses.	(i) Council may require the provision of adequate vegetated buffer areas as a condition of approval in any rezoning, consent or subdivision application in those areas designated as Rural on the Strategic Plan Map.	Not applicable. No watercourses traverse the subject site.
(c) To ensure that adequate drainage is provided on land and roads in those areas designated as Rural.	(i) Council shall keep under review soil erosion problems and may require the construction of agricultural drains in rural areas and also, if Council considers drains in	Adequate drainage will be provided on the subject site as required.

Objective	Implementation	Compliance
	an area to be of general benefit, it may assist in the design and construction of such drains.	
(d) To encourage the retention of water on land (via damming techniques) where this is deemed to benefit the rural use of the land.	(i) Council supports farm management practices, which utilise water resources available to the subject land and will have regard to such water resources in any consideration of rezoning, consent and subdivision applications in the areas designated as rural on the Strategic Plan Map.	Although the proposed development is not an agricultural activity, management practices such as water reuse, will be employed in the design of the proposed plant to achieve water retention.
(e) To ensure that the road and rail network within the planned area is of a sufficient standard to provide for easy access to markets or delivery point for beef and grain produced within the planned area.	(i) Council shall maintain high priority for the construction and maintenance of Shire roads used for the transportation of beef and grain within the Shire of Belyando.	Not applicable. The proposed development will not require the transportation of such products.
<b>Aim 2: To ensure certain rural uses within the planned area do not detrimentally affect the health and amenity of residential neighbourhoods in the vicinity of such land uses.</b>		
(a) To ensure that stable development does not cause a proliferation of unsightly and untidy development within precinct 3.	(i) Council will strictly enforce the provisions of the Building Act and Council By-Laws for all future stable development and with regard to existing structures Council will provide an amnesty period of eighteen months after the commencement date of this document in which minor building approvals are sought on the structures brought up to standard by the lessees.	Not applicable. The proposed development does not involve the construction of a stable.
	(ii) Council may consider the establishment of stable development to the north of the racecourse reserve.	Not applicable. The proposed development does not involve the construction of a stable.

## Requirements in Relation to Development of Ammonium Nitrate Plant

**Table 2** below provides requirements in relation to development, relevant to the proposed ammonium nitrate plant. These include provisions for parking, industrial uses and landscaping. A comment of compliance has been provided for each requirement.

**Table 2 Requirements in Relation to Development of Ammonium Nitrate Plant**

Requirement	Compliance
<b>Parking</b>	
7.2.1 A person shall not erect or cause to be erected a building or other structure or use land or cause land to be used for any purpose set out in Column 1 of the Table hereunder unless it complies with the minimum parking space requirements shown in Column 2 of the said Table opposite that purpose.	<p>In accordance with the Table, Industry (all classes) requires one space for every two workers at the time of peak accumulation (two heaviest overlapping shifts) or two spaces for 100m<sup>2</sup> or part thereof of the gross floor area, whichever is the greater. Alternatively, a Noxious or Hazardous Industry requires one space for each 100m<sup>2</sup> of gross floor area.</p> <p>The proposed development including the plant, evaporation ponds and access roads will cover an area of approximately 53 ha, with the plant covering an area of 9 ha. In addition, it is proposed that there will be approximately 35 workers per shift.</p>
	In light of this, an adequate number of car parking spaces will be provided to accommodate for the shift workers and any associated visitor spaces. In accordance with Belyando Shire Transitional Planning Scheme.
7.2.2 The requirements of this Division shall not apply to any dwelling house wherein any home occupation is conducted or carried on unless the area upon which the home occupation is conducted or carried on is more than 30m <sup>2</sup> .	The proposed development does not involve the construction of a dwelling house. Therefore, the requirements of Division 7 are not applicable to the proposed development.
7.2.3 Notwithstanding the requirements of provision 7.2.1, the Council may –	It is predicted that an ammonium nitrate plant is unlikely to generate more than normal peak parking demand.
a. Require the provision of a greater number of parking spaces in respect of a development which it considers is likely to generate more than normal peak parking demand, or in which land not included in a building or other structure is to be utilised for or in association with a proposed use;	An adequate number of car parking spaces will be provided to accommodate for shift workers and visitors.
b. Where it is necessary that dispensation or modification is necessitated by the exceptional circumstances of a particular case, dispense with or modify the requirements of this clause.	
7.2.4 Where a use or proposed use involves the utilisation of land not included in a building or other structure, then for the purpose of this clause the term floor space includes land so used.	The proposed plant and evaporation pond will cover an approximate area of 9 ha and 25 ha respectively. This is inclusive of utilised land not included in a building or other structure.

Requirement	Compliance
<p>7.2.5 The parking space referred to in provision 7.2.1 hereof shall be as follows-</p> <ul style="list-style-type: none"> <li>a. A minimum area of 15 square metres;</li> <li>b. A minimum width of 2.75 metres except where the side of a space abuts a wall or similar obstruction when the minimum width of such space shall be 3.0 metres;</li> <li>c. In the case of parallel parking a minimum length of 6.2 metres</li> <li>d. Two-way aisles to have a minimum width of 6 metres for 90 degree parking;</li> <li>e. One-way aisles to have a minimum width of 4.5 metres for 60 degree or less parking.</li> </ul>	<p>The design of parking spaces and access for the proposed ammonium nitrate plant will adequately address requirement 7.2.5, paragraph (a) to (e).</p>
<p>7.2.6 Subject to provision 7.2.5 hereof a parking area shall be-</p> <ul style="list-style-type: none"> <li>a. Level or of such a gradient as in the opinion of the Council Engineer to be suitable for vehicular parking;</li> <li>b. Laid out to the satisfaction of Council in such a manner as to provide adequate access to each parking space and to permit free circulation of vehicles entering, leaving and parking;</li> <li>c. Compacted, sealed, marked and maintained to the satisfaction of Council and continue as such until such time as the Council permits or requires a modification of such parking;</li> <li>d. Readily accessible for vehicular use;</li> </ul>	<p>The design of the parking area for the proposed ammonium nitrate plant will adequately address requirement 7.2.6, paragraph (a) to (i).</p>
<ul style="list-style-type: none"> <li>e. Indicated by means of a sign or signs to the</li> <li>f. satisfaction of Council;</li> <li>g. Landscaped and maintained to the satisfaction of the Council;</li> <li>h. Not closer than 3.0 metres from the alignment of any structure, if in the Council's opinion, such space is necessary for pedestrian traffic. If directed by the Council, a concrete kerb shall be erected at the boundary of a parking area; and</li> <li>i. Kept and used exclusively for parking and for no other purpose except such incidental or occasional uses as may be permitted by the Council.</li> </ul>	
<p>7.2.7 Adequate space shall be provided within the site of the building or development for the loading, unloading of vehicles and for picking up and setting down of passengers.</p>	<p>Servicing and passenger set down/pickup areas for the proposed ammonium nitrate plant will be designed to provide adequate space for these activities.</p>
<p>7.2.8 In the case of a parking area intended to serve more than one use on the same site, the Council may modify or dispense with the requirements of subclause (h) hereof where it considers there is justification for such modification or dispensation by reason of the hours of operation of the particular use.</p>	<p>Not applicable. The parking area for the proposed ammonium nitrate plant will only be used for the purpose of parking.</p>

Requirement	Compliance
7.2.9 A parking area shall be located upon the allotment upon which the development is to be carried out unless the Council approves of the parking area being located upon an adjoining allotment or allotments so located that any part of the parking area is not more than 200 metres from the allotment of land upon which the development is to be carried out.	The parking area for the proposed ammonium nitrate plant will be located on the same allotment at the development.
7.2.10 The Council may require that access to the parking area be provided from two dedicated and constructed roads.	The northern boundary of the subject site fronts Goonyella Road. Access to the parking area will be from this road.
7.2.11 As an alternative to the provision of a parking area or part thereof as required by this clause, the Council may accept a cash payment (of such amount as the Council may from time to time determine by resolution) in lieu thereof to enable the Council to provide public car parking in such location or range of locations as may be agreed between the Council and the developer.	Not applicable. Adequate parking will be provided for the proposed development as required.
<b>Industrial Uses</b>	
Premises shall not be erected or used for any purpose within an Industrial zone unless:-	
7.5.1.1 A minimum area of fifteen (15) per centum of the site, not including any area to be used by vehicles, is provided for recreational use and to be landscaped to the satisfaction of the Council;	<p>The proposed development including the plant, retention ponds and access roads will cover an area of approximately 53 ha, with the plant covering an area of 9 Ha. The remaining land within the site, approximately 217 ha, will not be cleared or developed upon.</p> <p>As a result, more than the required 15 percent of the site will be covered in vegetation.</p>
7.5.1.2 The storage of any material or vehicle or machinery is visually screened, to the satisfaction of the Council, from any road to which it has frontage.	The proposed development (plant of approximately 9 ha) will be positioned in the centre of the lot (270 Ha), providing adequate separation distance from the road frontage.
7.5.1.3 The owner, or the applicant, in the case where Council consent is required shall, unless determined otherwise by Council –	The design of drainage works and vehicular access for the proposed ammonium nitrate plant will adequately address requirement 7.5.1.3, paragraph (a) to (d).
<p>a. Construct reinforced concrete industrial crossings from kerb and channelling to property alignment at approved locations where vehicular access to the property is required;</p> <p>b. Construct concrete kerb and channelling to meet the requirements and satisfaction of the Council for the full length of the road frontage, or if there is more than one frontage, such frontages as the Council may determine;</p> <p>c. Provide drainage works specified by the Council as necessary in connection with the work set out in paragraph (a) to (d) of this provision;</p> <p>d. Bear the cost of all alterations necessary to public utility mains, services or installations involved in the construction of the abovementioned works.</p>	



Requirement	Compliance
7.5.1.4 The applicant may at his option, if agreed upon between the applicant and the Council in lieu of carrying out the work specified in paragraphs (a) to (d) of provision 7.5.1.3 hereto, pay to the Council such sum as may be approved by the Council for the carrying out of such works by the Council; in which event the Council shall, subject to the provisions hereof, complete such works within the time agreed between the parties.	Not applicable. The requirements of provision 7.5.1.3 will be adequately addressed in the design of the proposed ammonium nitrate plant.
7.5.1.5 Such works shall be carried out before the use in question of the land or building concerned is commenced or, in the case of the erection of a building, before such building or any part thereof is occupied.	All works proposed for the ammonium nitrate plant will be completed prior to the commencement of operation.
7.5.1.6 Provision shall be made within the curtilage of the building for the loading and unloading of all vehicles in an area specifically set aside for the purpose.	A servicing area will be provided within the curtilage of the proposed ammonium nitrate plant for the loading and unloading of all vehicles.
7.5.1.7 Any two points of vehicular access from the same road to or from the one parcel of land shall be separated by a distance of at least 15 metres. The width of any such vehicular access shall not exceed six (6) metres.	The proposed two access roads will meet the requirements of 7.5.1.7.
<b>Landscaping</b>	
A building or other structure which is required to have a landscaped area shall not be used unless:-	
7.6.1.1 The landscaping requirements are met;	Pursuant to item 7.5.1.1 more than the required 15 percent of the site will be covered in vegetation.
7.6.1.2 Landscaping, including vertical and other landscaping forming part of the building, is in accordance with a landscape plan submitted and approved by the Council or its authorised officer prior to the issue of a building permit for the building or other structure. The landscaping plan shall be prepared in accordance with the Council's requirements and may include the following information:	Pursuant to item 7.5.1.1 more than the required 15 percent of the site will be covered in vegetation. It is not proposed that any additional landscaping will be provided.

Requirement	Compliance
<ul style="list-style-type: none"> <li>a. Locations and names of existing trees;</li> <li>b. Soil types and moisture conditions</li> <li>c. Location of drainage, sewerage and other underground services and overhead power lines;</li> <li>d. Details of landscape structures including areas of deep planting;</li> <li>e. Contours of spot levels if appropriate;</li> <li>f. Proposed surfaces;</li> <li>g. Where landscaping is to be carried out above a basement, podium roof or other upper level, the means of drainage;</li> <li>h. Fence sizes and materials;</li> <li>i. Locations and species of proposed plants;</li> <li>j. Schedule of plants;</li> <li>k. Any other information which Council may from time to time require;</li> </ul>	
<p>7.6.1.3 The landscaping is completed in accordance with the approved landscape plan prior to the building or other structure being occupied and thereafter is to be maintained at all times to the reasonable satisfaction of the Council.</p>	<p>Pursuant to item 7.5.1.1 more than the required 15 percent of the site will be covered in vegetation. It is not proposed that any additional landscaping will be provided.</p>

### Use Definition of Workers Camp

Pursuant to Part 2 of the *Belyando Shire Transitional Planning Scheme*, the proposed use of a workers camp falls under the definition of a 'Works Camp' as follows:

- ▶ *"Works Camp" – Any land on which any moveable dwelling is situated or on which are erected any structures or shelters as temporary abodes for persons and their families engaged on public or private works in the locality. The term includes any land on which other temporary structures, temporary installations, vehicles, plant and equipment used in connection with such works are kept, stored or maintained on a temporary basis.*

### Level of Assessment

The proposed development of a 'Works Camp' is not directly identified under the Table of Zones. The subject site is within the Rural A Zone and thus is identified as Code Assessable development, (Refer to Column 4, Section 3.3 – Table of Zones). The proposed development would therefore be assessed accordingly against the *Belyando Shire Transitional Planning Scheme*.

### Requirements in Relation to Development of Workers Camp

**Table 3** provides requirements in relation to development, relevant to the proposed Workers Camp. These include provisions for residential uses, parking and landscaping. A comment of compliance has been provided for each requirement.

**Table 3 Requirements in Relation to Development of Workers Camp**

Requirement	Compliance
<b>Parking</b>	
7.2.1 A person shall not erect or cause to be erected a building or other structure or use land or cause land to be used for any purpose set out in Column 1 of the Table hereunder unless it complies with the minimum parking space requirements shown in Column 2 of the said Table opposite that purpose.	<p>A 'Work Camp' is not specified within the Table (Section 3.3) and car parking Table 7.2.1, therefore the development requires 'sufficient spaces to accommodate the amount of vehicular traffic likely, in the opinion the Council, to be generated by the particular use.'</p> <p>An adequate number of car parking spaces will be provided to accommodate the shift workers and any associated visitor spaces in accordance with Belyando Shire Council requirements.</p>

Requirement	Compliance
<p>7.2.2 The requirements of this Division shall not apply to any dwelling house wherein any home occupation is conducted or carried on unless the area upon which the home occupation is conducted or carried on is more than 30m<sup>2</sup>.</p>	<p>Home occupation will not be conducted or carried on as part of the development.</p> <p>The proposed development of a Workers Camp will be approximately 15.75 ha in size.</p>
<p>7.2.3 Notwithstanding the requirements of provision 7.2.1, the Council may –</p> <ol style="list-style-type: none"> <li>Require the provision of a greater number of parking spaces in respect of a development which it considers is likely to generate more than normal peak parking demand, or in which land not included in a building or other structure is to be utilised for or in association with a proposed use;</li> <li>Where it is necessary that dispensation or modification is necessitated by the exceptional circumstances of a particular case, dispense with or modify the requirements of this clause.</li> </ol>	<p>It is predicted that the Workers Camp is unlikely to generate more than normal peak parking demand.</p> <p>An adequate number of car parking spaces will be provided to accommodate for the shift workers, residents of the Workers Camp and visitors to the Workers Camp.</p>
<p>7.2.4 Where a use or proposed use involves the utilisation of land not included in a building or other structure, then for the purpose of this clause the term floor space includes land so used.</p>	<p>The proposed development of a Workers Camp will cover an approximate area of 15.75 ha and will include a total of 34 buildings on site.</p>
<p>1. 7.2.5 The parking space referred to in provision 7.2.1 hereof shall be as follows-</p> <ol style="list-style-type: none"> <li>A minimum area of 15 square metres;</li> <li>A minimum width of 2.75 metres except where the side of a space abuts a wall or similar obstruction when the minimum width of such space shall be 3.0 metres;</li> <li>In the case of parallel parking a minimum length of 6.2 metres</li> </ol> <p>2.</p>	<p>The design of parking spaces and access for the proposed Workers Camp will adequately address requirement 7.2.5, paragraph (a) to (e).</p>
<ol style="list-style-type: none"> <li>Two-way aisles to have a minimum width of 6 metres for 90 degree parking;</li> <li>One-way aisles to have a minimum width of 4.5 metres for 60 degree or less parking.</li> </ol>	

Requirement	Compliance
<p>7.2.6 Subject to provision 7.2.5 hereof a parking area shall be-</p> <ol style="list-style-type: none"> <li>Level or of such a gradient as in the opinion of the Council Engineer to be suitable for vehicular parking;</li> <li>Laid out to the satisfaction of Council in such a manner as to provide adequate access to each parking space and to permit free circulation of vehicles entering, leaving and parking;</li> <li>Compacted, sealed, marked and maintained to the satisfaction of Council and continue as such until such time as the Council permits or requires a modification of such parking;</li> <li>Readily accessible for vehicular use;</li> <li>Indicated by means of a sign or signs to the satisfaction of Council;</li> <li>Landscaped and maintained to the satisfaction of the Council;</li> <li>Not closer than 3.0 metres from the alignment of any structure, if in the Council's opinion, such space is necessary for pedestrian traffic. If directed by the Council, a concrete kerb shall be erected at the boundary of a parking area; and</li> <li>Kept and used exclusively for parking and for no other purpose except such incidental or occasional uses as may be permitted by the Council.</li> </ol>	<p>The design of the parking area for the proposed Workers Camp will adequately address requirement 7.2.6, paragraph (a) to (h).</p>
<p>7.2.7 Adequate space shall be provided within the site of the building or development for the loading, unloading of vehicles and for picking up and setting down of passengers.</p>	<p>Servicing and passenger set down/pickup areas for the proposed Workers Camp will be designed to provide adequate space for these activities.</p>
<p>7.2.8 In the case of a parking area intended to serve more than one use on the same site, the Council may modify or dispense with the requirements of subclause (h) hereof where it considers there is justification for such modification or dispensation by reason of the hours of operation of the particular use.</p>	<p>Not applicable. The parking area for the proposed Workers Camp will only be used for the purpose of parking.</p>
<p>7.2.9 A parking area shall be located upon the allotment upon which the development is to be carried out unless the Council approves of the parking area being located upon an adjoining allotment or allotments so located that any part of the parking area is not more than 200 metres from the allotment of land upon which the development is to be carried out.</p>	<p>The parking area for the proposed Workers Camp will be located upon the allotment upon which the development is to be located.</p>
<p>7.2.10 The Council may require that access to the parking area be provided from two dedicated and constructed roads.</p>	<p>Access to the subject site and car parking facilities will be by a main access way to and from Goonyella Road. This access way will permit vehicular traffic to enter the site and access employee and visitor parking.</p>

Requirement	Compliance
7.2.11 As an alternative to the provision of a parking area or part thereof as required by this clause, the Council may accept a cash payment (of such amount as the Council may from time to time determine by resolution) in lieu thereof to enable the Council to provide public car parking in such location or range of locations as may be agreed between the Council and the developer.	Not applicable. Adequate parking will be provided for the proposed development on the development site as required.

Residential Uses	
<p>7.3.1 Development for the purposes of Dwelling Houses on proposed allotments less than 700m<sup>2</sup> and Multiple Dwellings –Type A shall comply with the following requirements:</p> <ol style="list-style-type: none"> <li>a. Development shall be undertaken only in accordance with a Plan of Development submitted to and approved by the Council;</li> <li>b. The Plan of Development shall show a concept layout of all building areas, other structures, land uses, allotments or sites, roadways, car parking and landscaping at a scale as required by the Council. The Plan shall be identified by number and date;</li> <li>c. The Council may approve of minor amendments to the Plan of Development provided that the density of development and the use of the land are not altered;</li> <li>d. In considering a Plan of Development, Council shall take into account the following matters; <ol style="list-style-type: none"> <li>i. Topography of the site;</li> <li>ii. Availability of services;</li> <li>iii. Existing zones and subdivision in the area;</li> <li>iv. Existing or planned development intensity in the area</li> <li>v. Access to the site;</li> <li>vi. The situation, suitability and amenity of the subject development in relation to the surrounding area;</li> <li>vii. Landscaping and buffer zones</li> <li>viii. The designation of land on the Strategic Plan Map;</li> <li>ix. The fundamental objectives of AMCORD in: <ol style="list-style-type: none"> <li>A) Ensuring cost-effective residential development reflecting appropriate community standards for health safety, and amenity; and</li> </ol> </li> </ol> </li> </ol>	<p>It is acknowledged that 'Works Camp' is not identified under the Zoning table (Section 3.3), nor is directly referred to under Residential Uses (Section 7.3).</p> <p>The proposed development of a Workers Camp will be submitted to the Assessment Manager of Belyando Shire Council, which will be assessed against the appropriate provisions of the entire <i>Belyando Shire Transitional Planning Scheme</i>.</p> <p>The proposed development including rooms, laundry blocks, administration and recreation rooms, water tanks, walkways, roads will cover an area of approximately 15.75 ha.</p> <p>The development of a proposed Workers Camp will comply with the requirement 7.3.1, paragraph (a) to (h).</p>

Requirement	Compliance
<p>B) Providing for the widest possible choice of housing and residential allotments; and</p> <p>x. Any other relevant provisions of the Scheme, the Strategic Plan, Development Control Plans and Statements of Planning Policy (if applicable);</p> <p>e. The development shall comply with the Performance Criteria and/or Deemed-to- Comply Criteria as contained within Part B (Elements of Control) of AMCORD. Only those elements of control of relevance to the intensity and scale of the development shall be involved in assessing an application pursuant to the provisions of this Section. Deviations from the stated Deemed-to-Comply Criteria will only be approved where it can be demonstrated that the requirements of the relevant Performance Criteria can be met to the satisfaction of the Council;</p> <p>f. Where land is to be subdivided in accordance with the provisions of the building Units and Group Titles Act 1980-1988, as amended, Public Open Space as referred to in element B11 of AMCORD shall be substituted by the term Communal Open Space. In this context reference to the term community within this Element shall refer to the community to be served by the proposed development and no to the broader community. The provision of communal open space shall be solely in accordance with the provisions of the Performance Criteria of Element B11 of AMCORD;</p> <p>g. The development on lots between 300m<sup>2</sup>-450m<sup>2</sup> shall be constructed as an entity or in stages approved by the Council and marketed as a House/Land Package. All buildings within a stage shall be substantially completed prior to commencement of buildings within further stages of the development. All buildings within a stage shall be substantially completed prior to commencement of buildings within further stages of the development. All buildings shall be designed and constructed in accordance with the approved Plan of Development;</p> <p>Where the land is to be subdivided, all buildings shall obtain building approval and be substantially commenced, prior to the release of survey plans. Any building not in accordance with the Plan of Development shall not be approved by Council; and</p> <p>h. Where land is to be subdivided in accordance with the provisions of the Real Property Act, the minimum allotment size shall not be less than 300m<sup>2</sup> for a Dwelling House</p>	
<p>7.3.2 requirements shall apply with respect to every building to be erected or used for the purposes of accommodation units; aged and disable persons' home, motels or Multiple Dwelling – Type B:-</p>	<p>The following Not applicable. The proposed development of a Workers Camp is not identified in provision 7.3.2.</p>
<p>Site Coverage</p> <p>7.3.2.1 site coverage shall not be more than –</p> <p>a. 50 per centum of the site if all parts of it are one storey;</p> <p>b. 40 per centum of the site if any part of it is two storeys in height and no part of it is higher than two storeys;</p> <p>c. 30 per centum of the site if any part of it is three storeys or more in height;</p>	<p>The</p>

Requirement	Compliance
<p>Site Population Density</p> <p>7.3.2.2 The site population density in respect of accommodation units and multiple dwellings shall not exceed the maximum specified in Column 2 opposite the Lot Size specified in Column 1 of Table (Refer to Appendix F), but shall not apply to motels-</p> <p>7.3.2.3 The site population density shall be based as follows -  1 bedroom unit = 2 persons  2 bedroom unit = 3 persons  3 bedroom unit = 4 persons  4 and more bedroom unit = 5 persons</p>	<p>The development of a Workers Camp will not exceed the site population density outlined in provision 7.3.2.2 Table (Appendix F).</p> <p>The total area of the proposed Workers Camp will be approximately 15.75 ha, and will accommodate up to 400 - 560 people at a given time.</p> <p>The proposed development will not exceed the site population density specified in provision 7.3.2.3. Each 1 bedroom unit will accommodate 1 person.</p>
<p>Boundary Clearances</p> <p>7.3.2.4 Except as provided in the Building Act 1975-1988, no building shall be constructed closer than 6.0 meters from any remaining street frontages other than corner allotments where a minimum setback of 4.5m is required for each corner frontage except in accordance with an approved plan for development.</p>	<p>The boundary of the proposed Workers Camp will be a minimum of 200m from Goonyella Road, providing adequate distance from the street frontage.</p>
<p>Landscaping</p> <p>7.3.2.5 The site shall be landscaped to the satisfaction of the Council provided that this requirement will not apply to dwelling houses; this landscaping shall include-</p> <ul style="list-style-type: none"> <li>a The exclusion of car parking spaces <ul style="list-style-type: none"> <li>i. Between the building and the frontage</li> <li>ii. Closer than 1.5 meters to a side or rear boundary measured along horizontal plane from the outermost projection;</li> </ul> </li> <li>b The provision on the site of a landscaped open space area</li> </ul>	<p>The natural vegetation of the site will be predominately retained. Landscaping of the proposed Workers Camp will adequately satisfy provision 7.3.2.5 (a) and (b).</p>
<ul style="list-style-type: none"> <li>i. Of at least 10m<sup>2</sup> per habitable room of which not more than 5% of the total area required has a dimension of less than 5.0 meters in width or less is in an isolated parcel of less than 50m<sup>2</sup></li> <li>ii. To be kept clear of all obstacles such as clothes hoists, driveways, parking spaces and receptacles.</li> </ul> <p>For the purposes of this clause a habitable room shall not include a kitchen bathroom or laundry but shall include all other rooms.</p>	



Requirement	Compliance
<p>Relative's Apartment</p> <p>7.3.2.6</p> <p>a A building or other structure or part thereof shall not be erected or used and land shall not be used for the purposes of a relatives apartment where-</p> <p>i. The gross floor area of the relative's apartment exceeds forty (40) square meters;</p> <p>ii. More than one (1) bedroom is contained therein;</p> <p>b One (1) relative's apartment only shall be annexed to any dwelling-house;</p> <p>c Upon completion of a relative's apartment and upon certification that the work has been carried out in accordance with the Council's consent approval and the approved building permit, the relative's apartment shall be recorded with the Council for the purpose of annual inspection;</p> <p>d The Council shall cause premises at which a relatives apartment has been erected to be inspected annually to determine whether such apartment is being occupied in accordance with the provisions of the town planning scheme;</p> <p>e The Council may levy a charge on the owner of the premises containing a relative's apartment for the carrying out of inspections referred to in paragraph (d) hereof and where it decides so to do it shall determine the amount of such charge by resolution and may vary such charge from time to time in the same manner.</p>	<p>Not applicable. The proposed development does not involve the construction of a 'Relative's Apartment'.</p>
<b>Landscaping</b>	
<p>7.6.1 A building or other structure which is required to have a landscaped area shall not be used unless:-</p> <p>7.6.1.1 The landscaping requirements are met;</p> <p>7.6.1.2 Landscaping, including vertical and other landscaping forming part of the building, is in accordance with a landscape plan submitted and approved by the Council or its authorised officer prior to the issue of a building permit for the building or other structure.</p>	<p>All landscaping requirements will be met for the proposed development of a Workers Camp.</p> <p>A landscape plan will be submitted to Belyando Shire Council in accordance with relevant provisions of the <i>Belyando Shire Transitional Planning Scheme</i>.</p> <p>The landscape plan will provide information outlined in item 7.6.1.2 (a) to (k).</p>

Requirement	Compliance
<p>The landscaping plan shall be prepared in accordance with the Council's requirements and may include the following information:</p> <ul style="list-style-type: none"> <li>a. Locations and names of existing trees;</li> <li>b. Soil types and moisture conditions</li> <li>c. Location of drainage, sewerage and other underground services and overhead power lines;</li> <li>d. Details of landscape structures including areas of deep planting;</li> <li>e. Contours of spot levels if appropriate;</li> <li>f. Proposed surfaces;</li> <li>g. Where landscaping is to be carried out above a basement, podium roof or other upper level, the means of drainage;</li> <li>h. Fence sizes and materials;</li> <li>i. Locations and species of proposed plants;</li> <li>j. Schedule of plants;</li> <li>k. Any other information which Council may from time to time require;</li> </ul>	
<p>7.6.1.3 The landscaping is completed in accordance with the approved landscape plan prior to the building or other structure being occupied and thereafter is to be maintained at all times to the reasonable satisfaction of the Council.</p>	<p>Landscaping of the proposed Workers Camp will be completed in accordance with an approved landscape plan. Landscaping within the camp will be maintained at all times to reasonable satisfaction of the Council.</p>

## Requirements in Relation to the development of sewage services.

Table 4 below provides requirements in relation to the proposed development of the sewerage treatment plant. A comment of compliance has been provided for each requirement for Water Supply and Sewerage Services.

**Table 4 Requirements in Relation to Development of Sewerage Treatment Plant**

Requirement	Compliance
<b>Water Supply and Sewerage Services</b>	
10.20.1 Design and Construction of Water Supply and Sewerage Services is to be undertaken in accordance with good Engineering practice and within the current guideline of Water Resources, Department of Primary Industries.	The On Site Sewerage Treatment Plant will be designed and constructed in accordance with the <i>Effluent Disposal Sustainability Assessment</i> and the <i>Waste Water Management Report</i> . (Refer to the Waste Water Management Report).
10.20.2 The provisions of Section 10.20 shall apply to every application for approval of subdivision of land which is included in an area designated by Council as being suitable for connection to water supply and/or sewerage service, and which is being used or will, if the subdivision is effected, be used for residential, business or industrial purposes.	The proposed Workers Camp will not be subject to an application for subdivision. However, an On Site Sewerage Treatment Plant will service the site. It will not require connection to water(?) and sewerage services from the town of Moranbah.
10.20.3 In the case of every application made for the approval to subdivide land to which Section 10.20 applies, the application shall not be approved except subject to the following conditions (unless the Council in its discretion shall consider that by reason of any prior works or contributions that such condition should not be imposed) namely:-	
a That the application shall provide for water supply works internal, by supplying all necessary materials and performing all necessary works at the expense of the applicant, or at the applicant's option and with the approval of the Council, that the applicant may enter into a written agreement with the Council for the supply of materials and performance of works by the Council at the expense of the applicant;	Bore water investigations and water tank proposals will provide the Workers Camp with an internal water supply.
b That the applicant shall provide for sewerage works internal, by supplying all necessary materials and works including structures and equipment and performing all necessary works at the expense of the applicant or, at the applicant's option with the approval the Council, that the applicant may enter into a written agreement with the Council for the supply of materials and works including structures and equipment and performance of work by the Council at the expense of the applicant;	The proposed On Site Sewerage Treatment Plant will accommodate the proposed Workers Camp, and will provide internal sewerage works. All necessary materials and works will be included in the development of the Sewerage Treatment Plant.  The requirements of provision 10.20.3(b) will be met and no agreement with Council for the supply of materials and works will be required.
c That the applicant shall contribute towards the cost of provision of water supply works external, by way of paying to the Council a contribution in accordance with Council's Policy Statement on developer contributions for water supply and sewerage services;	A contribution will be made towards the cost of provision of water supply works external.

Requirement	Compliance
<p>services;</p> <p>d That in the case of Rural Residential subdivisions the applicant may be permitted as an alternative to the requirements of Section 10.20.3(c), to establish on each allotment a separate bore of proven capacity and water quality, to the satisfaction of the Shire Engineer.</p> <p>Where the town water and alternative bore supplies have been fully investigated and found not to be feasible and where the Council is satisfied that the areas of land involved are large enough to obviate the likelihood of pollution, a dam water supply (minimum capacity 1,000,000 litres) or tank storage supply (minimum capacity 68,000 litres) may be permitted;</p> <p>e That the applicant shall contribute towards the cost of the provision of sewerage headworks and/or sewerage works external, by way of paying to the Council a contribution in accordance with Council's Policy Statement on developer contributions for water supply and sewerage services.</p>	<p>Not applicable. The proposed development is not for a Rural Residential subdivision.</p> <p>Bore water investigations and water tank proposals will provide the Workers Camp with an internal water supply.</p> <p>Not applicable. The development of an On Site Sewerage Treatment Plant will service the Workers Camp, therefore a contribution towards sewerage headworks will not be required.</p>
<p>f That in the case of rural residential subdivisions the applicant may be permitted as an alternative to the requirements of Section 10.20.3(e), to install septic systems, in conjunction with the construction of dwelling houses.</p>	<p>Not applicable. The proposed development of the On Site Sewerage Treatment Plant does not involve subdivision of Rural Residential land.</p>
<p>10.20.4.1 If the Council imposes as a condition of approval of an application to which Section 10.20 applies that the applicant shall provide materials and perform works for water supply works internal and/or sewerage works internal, the applicant shall, within three (3) months from the date of notification of such approval, lodge with the Council for examination by the Shire Engineer such plans, specifications and other information as the said Shire Engineer may reasonable require and an estimate of cost of such materials and work proposed by a Consulting Engineer and shall amend such plans and specifications as reasonable required by the Shire Engineer in accordance with good engineering practice.</p> <p>Within the said period of three months of such longer period as the Council may allow, the applicant shall enter into a written agreement with the Council whereby the applicant agrees works in accordance with the approved plans and specifications.</p> <p>If the applicant shall fail so to do, the aforesaid approval shall lapse and be of no force or effect whatsoever provided that, of the application shall be for the subdivision of a parcel of and in stages and the Council shall approve the subdivision in stages, the Council shall also state in the relevant condition of approval the date on which the aforesaid period three (3) months shall commence in respect of each approved stage of subdivision and that date shall, for the purposes of Section 10.20.4.1, be deemed to be the date of notification of approval;</p>	<p>Plans for the On Site Sewerage Treatment Plant and internal works will be provided to Belyando Shire Council within the three (3) month time limit. A written agreement will be entered into with Council ensuring that works will be completed in accordance with the approved plans and specifications.</p>

Requirement	Compliance
10.20.4.2 The Council shall not endorse its approval on and seal any plan intended for registration by the Registrar of Titles in respect of land to which Section 10.20.4.1 applies unless and until the applicant shall have carried out his obligation to supply materials and perform works to the entire satisfaction of the Council.	Materials will be provided by the DN Group for the development of the On Site Sewerage Treatment Plant to ensure works will be provided to Council's satisfaction.
10.20.5 If the Council shall require an applicant to contribute towards the cost of the provision of a water supply service and/or the provision of a sewerage service to the land to be subdivided in accordance with Sections 10.20.3(c) and 10.20.3(d), and the applicant shall fail to make payment at the due time or give security as required by the Council, then the approval of the subdivision shall be deemed to have lapsed and shall be of no force or effect whatever.	Not applicable. The proposed development of the On Site Sewerage Treatment Plan will provide the Workers Camp with on site sewerage services. Bore water investigations and water tank proposals will provide the Workers Camp with an internal water supply.
10.20.6 Where the applicant shall enter into a written agreement pursuant to Section 10.20.4.2, such agreement additionally may provide that, if the applicant fails to carry out any works as agreed by him or otherwise defaults in his obligations under the agreement, the Council may carry out such works or perform such obligations, and recover the costs of so doing from the applicant.	In accordance with Council, all written agreements will be abided by.
10.20.7 Where the Council has imposed as a condition of approval that the applicant shall contribute towards the cost of the provision of a water supply service and/or a sewerage service as hereinbefore provided, the Council shall not endorse its approval on and seal any plan of subdivision intended for registration by the Register of Titles to which such condition of approval applies until the applicant shall have complied with such condition in the manner hereinbefore provided.	Not applicable. The proposed development of the On Site Sewerage Treatment Plan will provide the Workers Camp with on site sewerage services. Bore water investigations and water tank proposals will provide the Workers Camp with an internal water supply.
10.20.8 All materials supplied and work performed by the applicant or by the council pursuant to Section 10.20 shall be to the reasonable satisfaction of the Shire Engineer and shall comply, in all respects, with the provisions of all relevant statutes, statutory regulations and by-laws. The Shire Engineer may, by himself or his nominate delegate, supervise and test and generally may inspect all materials and work but no supervision testing or inspection shall relieve an applicant of any obligation undertaken by the applicant pursuant to Section 10.20 or imposed on the applicant by an agreement entered into pursuant to Section 10.20	All engineering work will be undertaken to the reasonable satisfaction of Council and will meet the requirements of the Shire Engineer and will comply with all provisions, regulations and by-laws applicable to the development (Refer to .....Report)
10.20.9 Every agreement entered into pursuant to Section 10.20 shall provide (inter-alia) for maintenance of materials and works at the expense of the applicant for such period or periods as the Shire engineer may see fit (provided that no such period shall exceed twelve (12) months) and for the payment by the applicant to the Council of a cash deposit equal to five (5) per centum of the total cost of the works to cover such maintenance or, at the option of Council, the giving by the applicant to the Council of security to the entire satisfaction of the Council for payment to the Council of the cost of all maintenance works.	All engineering work for maintenance will be undertaken at the expense of the applicant.

Requirement	Compliance
10.20.10 Every agreement entered into between an applicant and the Council pursuant to Section 10.20 shall be prepared and stamped by the Council. The applicant shall pay to the Council on demand all stamp duties and shall also pay to the Council on demand its solicitors costs in respect of the agreement.	All stamp duties and solicitors costs in respect of the agreement will be paid to Council on demand.

### Requirements in Relation to the Development of an On Site Power Plant

Table 5 below provides requirements in relation to the proposed development of the Power Plant. A comment of compliance has been provided for each requirement of Electricity within the *Belyando Shire Transitional Planning Scheme*.

**Table 5 Requirements in Relation to Development of an on site Power Plant**

Requirement	Compliance
<b>Electricity</b>	
10.35 The applicant shall be responsible for providing by arrangement with the relevant electricity authority, electricity supply to each separate parcel of land in any new subdivision and for the underground reticulation of such supply and shall give the Council, if so required by the Council, proof that they have made such an arrangement provided that in any case in which in the opinion of the Council special circumstances exist it may dispense wholly or in part with the underground reticulation of such electricity supply and/or may agree to pay some or all of the costs of the underground reticulation of such supply.	<p>The Power Plant will consist of two (2) gas fired turbines to produce 16 MW of electricity. The development will consume 15MW, with the excess 1MW being sold back to the National Electricity Grid. The DN Power Plant in coordination with Ergon Energy Power Plant will supply the Ammonium Nitrate Plant, Workers Camp and the on site Sewerage Treatment Plant with electricity.</p> <p>Council will be supplied with sufficient documentation to support the arrangement between DN and Ergon Energy.</p>