

Client: 257302



6 December 2021

Department of  
Regional Development,  
Manufacturing and Water

sch4p4( 6) Personal information

'DISNEY'

CLERMONT QLD 4721

THE COORDINATOR-GENERAL  
DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE & PLANNING  
LAND AND PROPERTY MANAGEMENT BRANCH  
PO BOX 15517  
CITY EAST  
BRISBANE QLD 4002

Dear (Sir/Madam)

**Land dealings affecting Water Licence 620909**

The Department of Regional Development, Manufacturing and Water (the department) has received advice that you are now the owner of the land to which the above water licence attaches.

Water Licence **620909** has been amended in accordance with section 132 of the *Water Act 2000* as the land to which the water licence relates has changed. Following the amendment, the registered owner of the land becomes the new licensee, and the chief executive of the department must transfer and update the licence in accordance with the Water Regulation 2016 to this effect.

A water licence is an entitlement to take water and generally attaches to land. As a result, water licences can be affected by land dealings if part of the land to which a water licence attaches is disposed of. It has come to our attention that part of the land to which Water Licence 620909 attaches, namely **Lot 35 on SP320296 and Lot 40 on SP320296 and Lot 41 on SP320296 and Lot 42 on SP320296 and Lot 43 on SP320296** has been disposed of to **The Coordinator-General** on **10 September 2021**.

Level 1, 44 Nelson Street  
PO Box 63, Mackay  
Queensland 4740 Australia  
**Telephone** +61 1800 822 100  
**Website** [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)  
**ABN** 51 242 471 577

In accordance with the *Water Regulation 2016* a water licence is taken to be jointly held by all the owners of the land to which the water licence attaches on the day the owner disposed of part of the land. Water Licence 620909 is taken to be held jointly by **The Coordinator-General and** sch4p4( 6) Personal information from **10 September 2021**. A copy of the licence is enclosed for your records.

If you wish to amend or subdivide the water licence, application forms are available on the Queensland Government Business and Industry Portal at <https://www.business.qld.gov.au/> . Please note that application fees apply.

Each application must be made with the consent of all the other landowners. I encourage you to negotiate the proposed change of the jointly held water licence with the other landowners and to submit a single application form.

If you have any further enquiries, please contact your local office.

Yours sincerely

sch4p4( 6) Personal information

Melissa Giannangelo  
**Senior Water Officer**



**WATER LICENCE**  
**Water Act 2000**



<b>Reference</b>	620909	<b>Expiry Date</b>	30/06/2111
<b>Licensee</b>	THE COORDINATOR-GENERAL sch4p4( 6) Personal information		
<b>Authorised Activity</b>	The taking of watercourse water from Mistake Creek with the point of take on or adjacent to Lot 4 on SP320296.		
<b>Authorised Purpose</b>	Any		
<b>Description of Land</b>	Attached to the land described as Lot 40 on SP320296, Lot 35 on SP320296, Lot 4 on SP320296, Lot 41 on SP320296, Lot 42 on SP320296 and Lot 43 on SP320296.		
<b>Nominal Entitlement</b>	10000 Megalitres		
<b>Maximum Rate</b>	561.6 Megalitres Per Day		

This water licence is subject to the conditions endorsed hereon or attached hereto.

**Given at Emerald this THIRTIETH day of NOVEMBER 2021.**

**Delegate of the Chief Executive**  
**Department of Regional Development, Manufacturing and Water**

**Water Licence:** 620909  
**Expiry Date:** 30/06/2111

**Conditions: Schedule A**

**2.44**

The taking of water under this authorisation is permitted only when the flow of water in Mistake Creek downstream of the diversion channel exceeds 432 megalitres per day.

# Water licence information and requirements

This information will help you understand the requirements that may apply to your water licence under the Water Act 2000 (the Act). It also outlines how the chief executive may deal with your water licence under the Act.

## Complying with licence conditions

The chief executive may grant or grant in part a licence with or without conditions.

The licensee must comply with the terms and conditions of a licence. A regulation may also prescribe conditions in addition to those listed on a licence.

Water licences are usually issued with an expiry date of 30 June 2111, unless otherwise specified on the licence or in a water plan.

The licensee must pay any fee or charge associated with the licence as prescribed by a regulation. The licensee will be invoiced annually for the water licence fee while the licence is in force. Prescribed fees are subject to adjustment from periodic reviews and Consumer Price Index (CPI) movements.

If a water licence contains a condition relating to a payment plan, the chief executive may cancel the licence if the licensee defaults on a payment.

If a water licence contains a condition requiring the installation of works to take water, the chief executive may cancel the licence if the works are not installed within the specified timeframe.

Water taken under a licence may only be used within the boundaries of the land identified on the licence as 'attached land', except where:

- A regulation or water plan allows water to be seasonally assigned or relocated to other land.
- A water facility agreement is in place.
- Underground water is being taken under the water licence for stock and domestic purposes.

The maximum area or nominal volume specified on a licence is the quantity of water that may be taken in a water year. Water use in excess of this authorised amount is an offence. The water year is from 1 July to 30 June the following year, unless otherwise specified in a water plan or regulation.

For a licence that states a maximum area to be irrigated, the specified area is:

- the maximum area, in whole or as the aggregate of part areas, that may be irrigated in anyone growing season.
- measured in whole or in aggregate parts, as the 'fence to fence' area of the crop to which water is applied.

Water use on an area of land in excess of any authorised area or in excess of any authorised volume is an offence under the Act.

During times of water shortage, the chief executive may, by notice, limit the time, purpose and volume of water that may be taken.



## Land dealings

If the land attached to the licence changes ownership, the new owner of the land will become the licensee.

Should the registered owner dispose of part of the land to which the licence attaches, the licence becomes jointly held by all owners of the land to which the licence related before the disposal.

If you do not want the licence to change ownership upon part disposal of the land to which the licence attaches, you should contact your local business centre to discuss available options prior to disposal.

## Metering

If your licence contains a condition requiring the installation of a meter, you must install and validate a meter prior to commencing the take of water.

If you identify a fault with your meter, you must notify the department within 3 business days. Tampering with a meter or approved measuring device is an offence under the Act.

Upon the sale of a property, the seller is responsible for the payment of any outstanding metering charges for the meter.

## Dealings with water licences

The chief executive may amend, cancel or repeal a licence.

The licensee may apply for one or more dealings with a licence. Dealings include amending, renewing, reinstating, relocating, transferring, surrendering, amalgamating, subdividing and seasonal water assignments of a licence. A water licence may only be seasonally assigned or relocated to other land where a water plan, water management protocol or regulation allows.

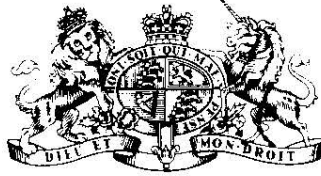
Before submitting any application for a dealing on the licence, it is suggested that you contact your nearest business centre to obtain details of what dealings can be applied for, the application process and current fees.

## More information

Further information on water licences, dealings and metering requirements is available on the Business Queensland website at [www.business.qld.gov.au](http://www.business.qld.gov.au) or by contacting your local business centre.

[Form 1.1]

Title Reference:40079038



QUEENSLAND  
**DEED OF GRANT OF LAND**

Land Act 1994

**Elizabeth the Second, by the Grace of God, Queen of Australia,  
and Her other Realms and Territories, Head of the Commonwealth:-**

**TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:**

WE, with the advice of the Executive Council, under the Land Act 1994 and the State Development and Public Works Organisation Act 1971, grant in fee simple all that parcel of land described in Item 2 to the person described in Item 3,

SUBJECT TO the reservations and conditions specified, and such other reservations and conditions as may be contained in and declared by the laws of the State.

## Specified Reservations -

- (a) All minerals (as defined by the Mineral Resources Act 1989) on and below the surface of the land
- (b) The right of access for the purpose of searching for and working any mines (as defined by the Mineral Resources Act 1989) in any part of the land
- (c) All petroleum (as defined by the Petroleum Act 1923) on and below the surface of the land
- (d) All rights of access for the purpose of searching for and for the operations of obtaining petroleum in any part of the land, and all rights of way for access and for pipelines and other purposes requisite for obtaining and conveying petroleum in the event of petroleum being obtained in any part of the said land.
- (e) All quarry material (as defined by the Forestry Act 1959) on and below the surface of the land

## Specified Conditions - Nil

IN TESTIMONY WHEREOF, WE have caused this OUR grant to be sealed with the Seal of the State of Queensland.

Witness our Trusty and Well-beloved His Excellency the Honourable Paul de Jersey, Companion of the Order of Australia, Commander of the Royal Victorian Order, Governor in and over the State of Queensland and its Dependencies, in the Commonwealth of Australia, this 9th day of September in the 70th Year of Our Reign and in the year of Our Lord 2021

**ITEM 1 - TERMINOLOGY**

- 'The Act' means the *Land Act 1994* (Q), as amended from time to time and if that Act is repealed, any Act which replaces that Act
- 'Approval' means any approval, consent or permission required by law, including under the Act

**ITEM 2 - PARTICULARS OF LAND**

Lot /Plan  
35/SP320296  
40/SP320296  
41/SP320296  
42/SP320296  
43/SP320296

Area: Surveyed 612.1960 Ha.

sch4p4( 6) Personal information

Note: For details of description, dimensions and marking of boundaries refer to plan mentioned above.

**ITEM 3 - GRANTEE DETAILS**

The holders of the Deed of Grant are to be recorded as:-

THE COORDINATOR-GENERAL

Department of Resources Reference: 2021/001651-4  
Previous Title Reference: 47052488

Page 1 of 1

**From:** Kristy Meacle  
**Sent:** Wednesday, 12 January 2022 12:53 PM  
**To:** Melissa Giannangelo  
**Subject:** RE: Reconfiguration of WL 620909 [sch4p4( 6) P] and CG

Hi Mel,

Thank you for that research. I will now contact CG office to see what they can provide from their end. I think we would need evidence to support the process under s43 of the regulation.

I will let you know how I go.

Kristy.

---

**From:** Melissa Giannangelo <Melissa.Giannangelo@rdmw.qld.gov.au>  
**Sent:** Wednesday, 12 January 2022 12:47 PM  
**To:** Kristy Meacle  
**Subject:** RE: Reconfiguration of WL 620909 [sch4p4( 6) P] and CG

Hi Kristy

The lots held by the CG weren't transferred as such and were created in accordance with s37 of the Land Act, creation of an indefeasible title.

### **37 Creation of indefeasible title**

An indefeasible title for a lot is created on the recording of the particulars of the lot in the freehold land register.

### **38 Meaning of *indefeasible title***

The *indefeasible title* for a lot is the current particulars in the freehold land register about the lot.

From googling what indefeasible means it relates to how a title is held eg.:

What is Indefeasibility of title Australia?

If your title is indefeasible it means **there is an inability to challenge a claim over your land.**

The immediate indefeasibility of your title occurs when you have registered your title with the NSW Land Registry. This title has the highest priority of ownership above all others.<sup>7 Mar 2019</sup>

Looking at the deed of grant for the lots held by the CG (Attached) it states that the executive council of the Land act, State development and public works organisation act grant in Fee simple (freehold) to parcels listed in the deed. This was granted 9/09/2021.

I cant find any evidence of an acquisition with the documents lodged. I searched the Acquisition of land act for indefeasible title and its not in there however the minister for State development can take land for purposes under the State development and public works organisation act.

Summary:

I cant find any evidence that the land was acquired through acquisition however it seems likely and plausible. If we can get some evidence from either party that the land was acquired by the CG through acquisition I can complete an event to that effect and remove the CG from the licence. Happy to hear your thoughts.

Mel



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**From:** Kristy Meacle <[Kristy.Meacle@rdmw.qld.gov.au](mailto:Kristy.Meacle@rdmw.qld.gov.au)>  
**Sent:** Wednesday, 12 January 2022 10:16 AM  
**To:** Melissa Giannangelo  
**Subject:** RE: Reconfiguration of WL 620909 [sch4p4( 6) P] and CG

Thank you

---

**From:** Melissa Giannangelo <[Melissa.Giannangelo@rdmw.qld.gov.au](mailto:Melissa.Giannangelo@rdmw.qld.gov.au)>  
**Sent:** Wednesday, 12 January 2022 10:15 AM  
**To:** Kristy Meacle  
**Subject:** Reconfiguration of WL 620909 [sch4p4( 6)] and CG

Hi Kristy,

WL 620909 was previously attached to Lot 4 on SP116046.

Lot 4 on SP116046 was reconfigured into Lot 4 on SP320296, Lot 35 on SP320296, Lot 40 on SP320296, Lot 41 on SP320296, Lot 42 on SP320296, and Lot 43 on SP320296.

**Lots 35 on SP320296 and Lot 40 on SP320296 and Lot 41 on SP320296 and Lot 42 on SP320296 and Lot 43 on SP320296** has been disposed of to **The Coordinator-General** on **10 September 2021**.

Lot 4 on SP320296 remained with [sch4p4( 6) Personal information]

As per s41 of the Water Reg a water licence is taken to be jointly held by all the owners of the land to which the water licence attaches on the day the owner disposed of part of the land. Water Licence 620909 is taken to be held jointly by **The Coordinator-General** and [sch4p4( 6) Personal information] from **10 September 2021**.

If you wish to amend or subdivide the water licence, application forms are available on the Queensland Government Business and Industry Portal at <https://www.business.qld.gov.au/> . Please note that application fees apply.

Each application must be made with the consent of all the other land owners. I encourage you to negotiate the proposed change of the jointly held water licence with the other land owners and to submit a single application form.



**Melissa Giannangelo**  
Senior Water Officer

**Water Management and Use | Water Services**

Department of Regional Development, Manufacturing and Water

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**P:** 1800 822 100

**E:** [melissa.giannangelo@rdmw.qld.gov.au](mailto:melissa.giannangelo@rdmw.qld.gov.au)

**A:** Level 1, 44 Nelson Street, Mackay QLD 4740 | PO Box 63, Mackay QLD 4740

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**Sent:** Wednesday, 12 January 2022 12:47 PM  
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**Subject:** RE: Reconfiguration of WL 620909 [sch4p4( 6) P] and CG  
**Attachments:** Deed of grant CG.pdf

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**Melissa Giannangelo**  
Senior Water Officer

**Water Management and Use | Water Services**

Department of Regional Development, Manufacturing and Water

---

**P:** 1800 822 100

**E:** [melissa.giannangelo@rdmw.qld.gov.au](mailto:melissa.giannangelo@rdmw.qld.gov.au)

**A:** Level 1, 44 Nelson Street, Mackay QLD 4740 | PO Box 63, Mackay QLD 4740



# INTERNAL CURRENT TITLE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:48

Title Reference: 51262095

Date Created: 10/09/2021

Previous Title: 40079038

## REGISTERED OWNER

Dealing No: 721082906 10/09/2021

THE COORDINATOR-GENERAL

## ESTATE AND LAND

Estate in Fee Simple

LOT 35	SURVEY PLAN 320296 Local Government: ISAAC
LOT 40	SURVEY PLAN 320296 Local Government: ISAAC
LOT 41	SURVEY PLAN 320296 Local Government: ISAAC
LOT 42	SURVEY PLAN 320296 Local Government: ISAAC
LOT 43	SURVEY PLAN 320296 Local Government: ISAAC

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 40079038 (Lot 35 on SP 320296)  
(Lot 40 on SP 320296)  
(Lot 41 on SP 320296)  
(Lot 42 on SP 320296)  
(Lot 43 on SP 320296)

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

\*\* End of Current Title Search \*\*

# INTERNAL CURRENT STATE TENURE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:47

Title Reference: 17665231

Date Created: 21/10/1995

## DESCRIPTION OF LAND

Tenure Reference: PDH 12/5189

Lease Type: ROLLING TERM LEASE

LOT 4 SURVEY PLAN 320296  
Local Government: ISAAC

Area: 47000.000000 Ha. (ABOUT)

No Land Description

No Forestry Entitlement Area

Purpose for which granted:  
NO PURPOSE DEFINED

## TERM OF LEASE

Term and day of beginning of lease

Term: 30 years commencing on 01/10/1973

Expiring on 30/09/2003

Extended to 30/09/2053

## REGISTERED LESSEE

Dealing No: 718114707 27/06/2017

sch4p4( 6) Personal information

## CONDITIONS

# INTERNAL CURRENT STATE TENURE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:47

Title Reference: 17665231

Date Created: 21/10/1995

## CONDITIONS

A126 SPECIFIED CONDITIONS FOR: Term Lease  
PURPOSE: Rolling term lease - pastoral

### ----- STATUTORY CONDITIONS: -----

Statutory conditions are the general mandatory conditions of a lease and binds the lessee in accordance with Part 2 Division 1 of the Land Act.

1. Permitted Use: The lessee must use the land only for the purpose for which the tenure was issued under the Land Act 1994.
2. Duty of Care: The lessee has the responsibility for a duty of care, for the land under the Land Act 1994.
3. Rent/Instalment: The lessee must pay the annual rent/instalment in accordance with the Land Act 1994 and the Land Regulation 2009.

For further information on how annual rent is determined, refer to the department's website at [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au).

4. Noxious plants: The lessee must keep noxious plants on the land under control. If the lessee does not comply with this condition, the Minister may bring the noxious plants under control, the cost of which will be recovered from the lessee.
5. Information to Minister: The lessee must give the Minister administering the Land Act 1994, information the Minister asks for about the tenure.
6. Monies for Improvements: No money for improvements is payable by the State on the forfeiture, surrender or expiry of this lease but money may be payable if the State receives payment from an incoming lessee or buyer for the improvements on the land. However, the previous lessee may apply to the Minister to remove the improvements that belong to the lessee, within a period of 3 months from the date of the forfeiture, surrender, or expiry of this lease. The lessee may only undertake the removal of the improvements in the presence of an authorised representative of the department, if required by the Minister. The lessee may only remove those improvements if all monies due from the lessee to the department under this lease have been paid.

### REGULATORY-CONDITIONS:----- -----

A regulatory condition relates to a lease, in accordance with the Land Regulation.

1. Indemnity: The lessee indemnifies and agrees to keep indemnified the Minister, and the State of Queensland and its Representatives, (the "Indemnified parties") against all liability, costs, loss and expenses including claims in negligence (including any claims, proceedings or demands brought by any third party, and any legal fees, costs and disbursements on a solicitor and client basis) ("Claim") arising from or incurred in connection with:
  - a. the granting of this lease to the lessee;
  - b. the lessee's use and occupation of the land; or
  - c. personal injury (including sickness and death) or property damage or loss in connection with the performance (or attempted purported performance or non-performance) of the

# INTERNAL CURRENT STATE TENURE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:47

Title Reference: 17665231

Date Created: 21/10/1995

## CONDITIONS

- lease or a breach of the lease by the lessee .
- The lessee hereby releases and discharges to the full extent permitted by law, the Indemnified parties from all actions, claims, proceedings or demands and in respect of any loss, death, injury, illness or damage (whether personal or property and whether special, direct, indirect or consequential financial loss) arising out of the use and occupation of the lease. To the full extent permitted by law, the Minister, the State of Queensland and their Representatives will not be liable to the lessee for any special, indirect or consequential damages, including consequential financial loss arising out of the use and occupation of the lease.
2. Public Liability: The lessee must effect a public liability insurance policy with an insurer authorised under the Insurance Act 1973 (Commonwealth) or, if not so authorised then only with the Minister's approval, which can be given or withheld in the Minister's sole discretion, naming the lessee as the insured covering legal liability for any loss of, or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the land or any improvements thereon and against all claims, demands, proceedings, costs, charges, and expenses whatsoever (including claims in negligence) Such policy must:
- a. be for an amount of not less than \$20,000,000.00 and have no per event sublimit or such higher amounts as the Minister may reasonably require.
  - b. be effected on a "claims occurring" basis; and
  - c. be maintained at all times during the currency of the lease, and upon receipt of any notice of cancellation, the lessee must immediately effect another public insurance policy in accordance with the terms of the lease .
- The lessee must, as soon as practicable, inform the Minister, in writing, of the occurrence of any event that the lessee considers is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister is kept fully informed of subsequent actions and developments concerning the claim.
- The lessee must renew such policy, at the lessee's expense, each year during the currency of this lease.
- The condition will be satisfied if the lessee is the State of Queensland or a statutory authority eligible for cover under the Queensland Government Insurance Fund and is insured and continues to be insured by the Queensland Government Insurance Fund.
- This condition will be satisfied if the lessee is the Commonwealth of Australia or a statutory authority eligible for cover under the Comcover Insurance Fund and is insured and continues to be insured by Comcover.
3. Access: The provision of access, further access or services to the land will not be the responsibility of the State.
4. Survey Costs: If the land needs to be surveyed or re-surveyed the lessee must do this at their own cost under the Survey and Mapping Infrastructure Act 2003. This survey plan must be lodged in the land registry within the specified time.
5. Extension: The lease is subject to the extensions of rolling term



# INTERNAL CURRENT STATE TENURE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:47

Title Reference: 17665231

Date Created: 21/10/1995

## CONDITIONS

leases provision of the Land Act 1994 and the Minister must grant an extension of the term of a rolling term lease if the lessee makes an application in the approved form. The extension will be for the original term of the lease and may be given subject to condition changes.

6. Jurisdiction: The lessee is subject to the Land Act 1994 and all other relevant Queensland and Commonwealth legislation.
7. Compliance with Laws - the lessee must comply with all lawful requirements of the -
  - a. Local Government; and
  - b. any department within the Queensland or Commonwealth governments (including the department administering the Land Act 1994), local authority or statutory instrumentality having jurisdiction over the land, or the development, use and occupation of the land, in regard to its use, occupation and development of the land.

SPECIAL-CONDITIONS:-----

-----  
These conditions relate to this lease.

Improvements or development on or to the land

1. The lessee must, to the satisfaction of the relevant authorities, maintain existing improvements on the land in a good and substantial state of repair.

Quarry material

1. The lessee must allow any person authorised under the Forestry Act 1959 access to the leased land for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the leased land.  
Except as hereinafter provided the lessee must not interfere with any forest products or remove any quarry material (including any stone, gravel, sand, earth, soil, rock, guano or clay which is not a mineral within the meaning of the Mineral Resources Act 1989) or other material upon the leased land without the permission of the Minister administering the Land Act 1994 except under the authority of and in compliance in every respect with the requirements of a permit, licence, agreement or contract granted or made under the Forestry Act 1959.

## ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Lease No. 17665231
2. AMENDMENT OF LEASE CONDITIONS No 715962551 20/08/2014 at 05:00  
THE CONDITIONS OF THE WITHIN TENURE ARE HEREBY AMENDED.  
Lodged at 05:00 on 20/08/2014 Recorded at 05:00 on 20/08/2014
3. MORTGAGE No 718114708 27/06/2017 at 15:26  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.B.N. 11  
005 357 522  
Lodged at 15:26 on 27/06/2017 Recorded at 16:50 on 10/07/2017

**INTERNAL CURRENT STATE TENURE SEARCH**  
QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:47

Title Reference: 17665231

Date Created: 21/10/1995

**ADMINISTRATIVE ADVICES**

Dealing	Type	Lodgement Date	Status	Location
715721873	VEG NOTICE VEGETATION MANAGEMENT ACT 1999	16/04/2014 16:08	CUR	MY-GEN -00
717302848	ADMIN NOTING SEE DEALING FOR RELEVANT LEGISLATION	09/06/2016 08:45	CUR	RN-GEN -00
718205086	NT DETERM NATIVE TITLE ACT 1993 (CTH)	10/08/2017 14:18	CUR	EC-GEN -00
719259237	VEG NOTICE VEGETATION MANAGEMENT ACT 1999	13/02/2019 14:28	CUR	AA-GEN -00
719767646	EXEMPT CONS SEC 322AA LAND ACT 1994	02/12/2019 08:28	CUR	BE-ATS -99

**UNREGISTERED DEALINGS - NIL**

Corrections have occurred - Refer to Historical Search

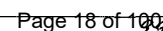
Caution - Charges do not necessarily appear in order of priority

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

Information provided under section 34 Land Title Act (1994) or  
section 281 Land Act (1994)

10000      HILLYWOOD  
10000      HOLLYWOOD

Sheet	of
/	/



703614719

BE 400

NO FEE  
08/10/1999 10:52

WARNING : Folded or Mutilated Plans will not be accepted.

Plans may be rolled.

Information may not be placed in the outer margins.

Registered

5 Lodged by

TOM PATTERSON (3062825)  
Transition Sales  
Bryd Natural Resources  
London, New South Wales 4102  
Lodger Code 471

(Include address, phone number, reference, and Lodger Code)

## 1 Certificate of Registered Owners or Lessees.

I/We

(Names in full)

\*as Registered Owners of this land agree to this plan and dedicate the Public Use  
Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

\*as Lessees of this land agree to this plan.

Signature of \*Registered Owners \*Lessees

Approved Signature:

Name: MICHAEL FRANCIS SHINE,  
Delegate of the Minister for Natural Resources

sch4p4( 6) Personal in

\* Rule out whichever is inapplicable

## 2. Local Government Approval.

hereby approves this plan in accordance with the :  
%

Dated this ... day of

#

#

\* Insert the name of the Local Government.  
# Insert designation of signatory or delegation% Insert Integrated Planning Act 1997 or  
Local Government (Planning & Environment) Act 1990

## 3. Plans with Community Management Statement :

CMS Number :

Name :

## 4. References :

Dept File : MKV/4509

Local Govt :

Surveyor : 99035

## 6. Existing

Title Reference

Lot

Plan

## Created

Lots

Emts

Road

17665231

4

8LS9

4

Orig

Lots

## 7 Portion Allocation :

8. Map Reference : 8254  
8354

9 Locality : DISNEY

10 Local Government :  
BELYANDO SHIRE

## 11 Passed &amp; Endorsed :

By :

Date :

Signed :

Designation : ACCREDITED SURVEYOR

## 12 Building Format Plans only.

I certify that :

- \* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;
- \* Part of the building shown on this plan encroaches onto adjoining \* lots and road

Licensed Surveyor/Director \* Date  
\* delete words not required

## 13 Lodgement Fees :

Survey Deposit \$ 2095666

Lodgement \$ 115.00

New Titles \$

Photocopy \$

Postage \$

TOTAL \$ 115.00







14 Insert  
Plan  
Number SPI16046

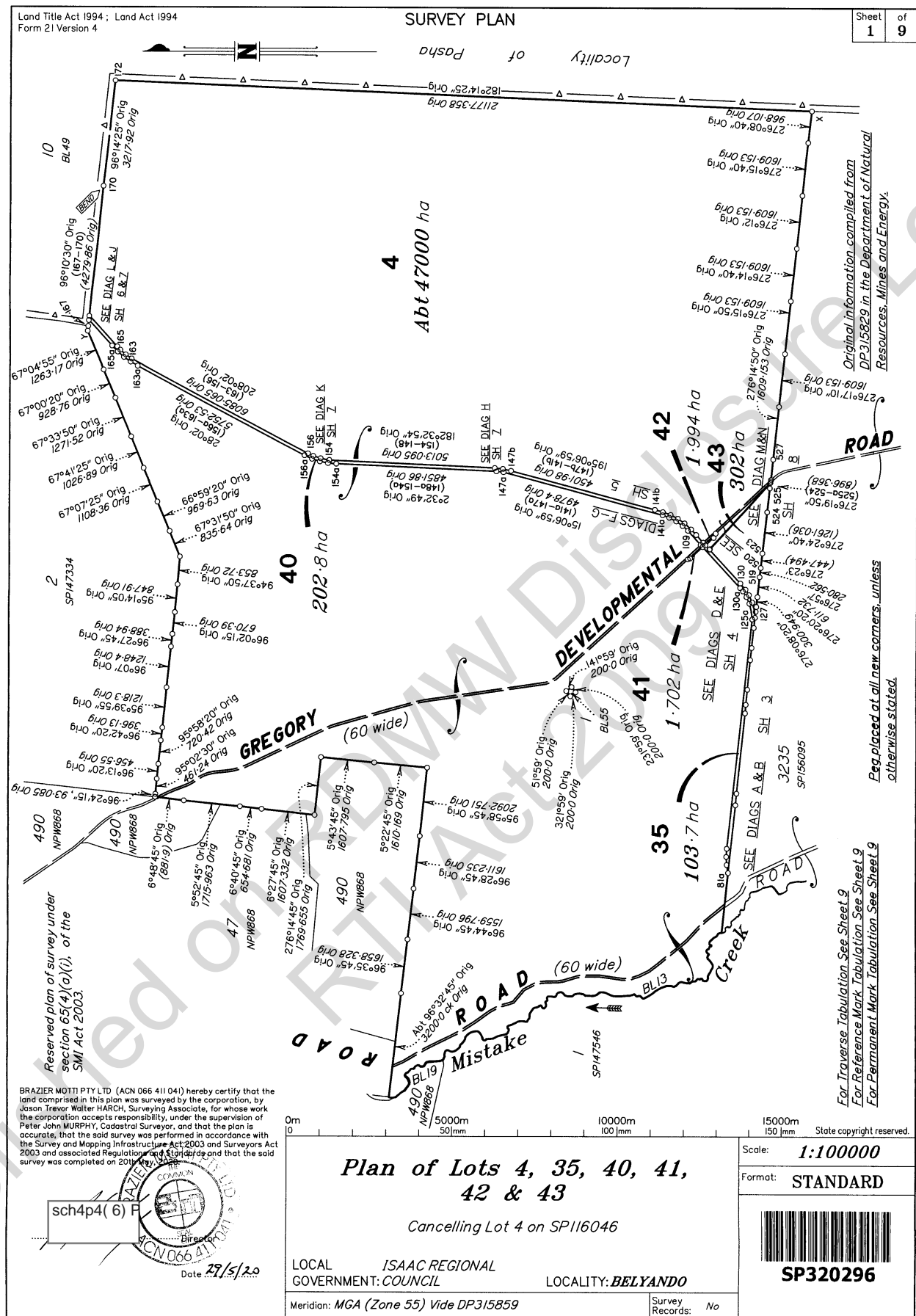




## Additional Information Page

### Shading Rules

-  Lot Number = 35 and Plan Number = SP320296
-  Lot Number = 40 and Plan Number = SP320296
-  Lot Number = 41 and Plan Number = SP320296
-  Lot Number = 42 and Plan Number = SP320296
-  Lot Number = 43 and Plan Number = SP320296
-  Lot Number = 4 and Plan Number = SP320296



**WARNING : Folded or Mutilated Plans will not be accepted.**  
**Plans may be rolled.**  
**Information may not be placed in the outer margins.**

Sheet **2** of **9**

**720616097**

**BE 495**

**NO FEE**  
**26/02/2021 10:45**

5. Lodged by

Ellem Warren Lawyers (Lodger Code - 2512)  
Level 23, 333 Ann Street  
Brisbane QLD 4000  
(07) 3854 4100

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We *The Coordinator-General*

(Names in full)

\* as Registered Owners of this land agree to this plan and dedicate the Public Use  
Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

\* as Lessees of this land agree to this plan.

**sch4p4( 6) Personal information**

Signature of \*Registered Owners \*Lessees

*as delegate of the Coordinator-General  
under s11 of the State Development and  
Public Works Organisation Act 1971*

\* Rule out whichever is inapplicable

2. Planning Body Approval.

\*

hereby approves this plan in accordance with the:

%

*THIS PLAN IS EXEMPT FROM LOCAL  
GOVERNMENT APPROVAL PURSUANT  
TO SCHEDULE 6, PART 5, SECTION 25  
OF THE PLANNING REGULATION 2017*

Dated this ..... day of .....

..... #

..... #

\* Insert the name of the Planning Body.

% Insert applicable approving legislation.

# Insert designation of signatory or delegation

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :

Local Govt :

Surveyor : 42172/001-01 SLR  
42172\_030A 05/20

6. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
17665231	Lot 4 on SP116046	4, 35, 40, 41, 42 & 43		

**MORTGAGE ALLOCATIONS**

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
718114708	4, 35, 40, 41, 42 & 43	

**EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS**

Administrative Advice	Lots to be Encumbered
715721873	4, 35, 40, 41, 42 & 43
717302848	4, 35, 40, 41, 42 & 43
717916164	4 & 43
718205086	4, 35, 40, 41, 42 & 43
719259237	4, 35, 40, 41, 42 & 43
719767646	4, 35, 40, 41, 42 & 43

NIR 717916164 is partially satisfied by this plan.

9. Building Format Plans only.

I certify that :

\* As far as it is practical to determine, no part  
of the building shown on this plan encroaches  
onto adjoining lots or road.

\* Part of the building shown on this plan  
encroaches onto adjoining \* lots and road

Cadastral Surveyor/Director\* Date

\*delete words not required

10. Lodgement Fees :

Survey Deposit	\$ .....
Lodgement	\$ .....
..... New Titles	\$ .....
Photocopy	\$ .....
Postage	\$ .....
TOTAL	\$ .....

11. Insert  
Plan  
Number

**SP320296**

Lots	Orig
------	------

7. Orig Grant Allocation :

8. Passed & Endorsed :

By : BRAZIER MOTTL PTY LTD

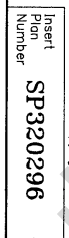
Date : *27/4/20* *27/6/20*

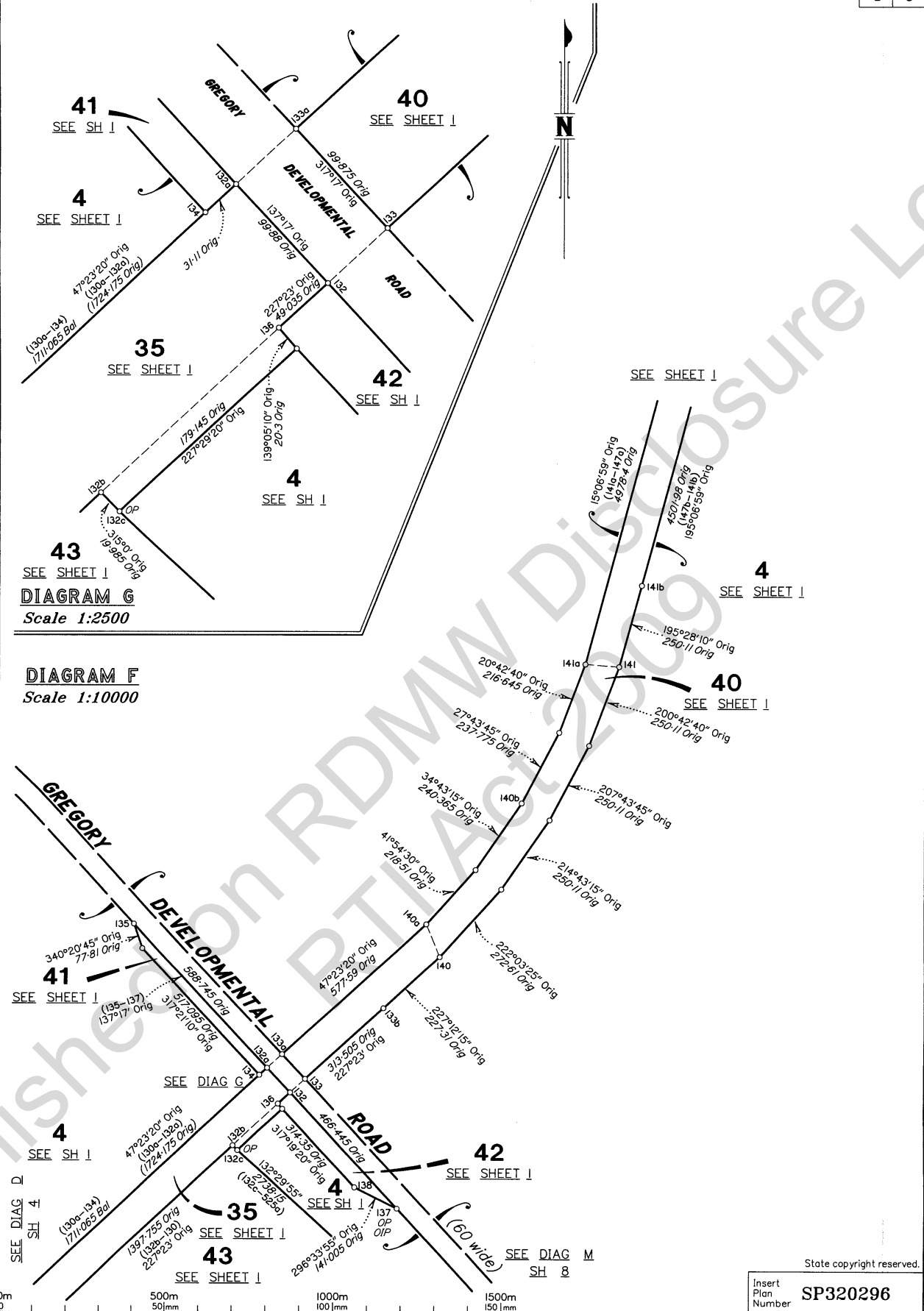
Signed **sch4p4(**

Design **Liaison Officer**





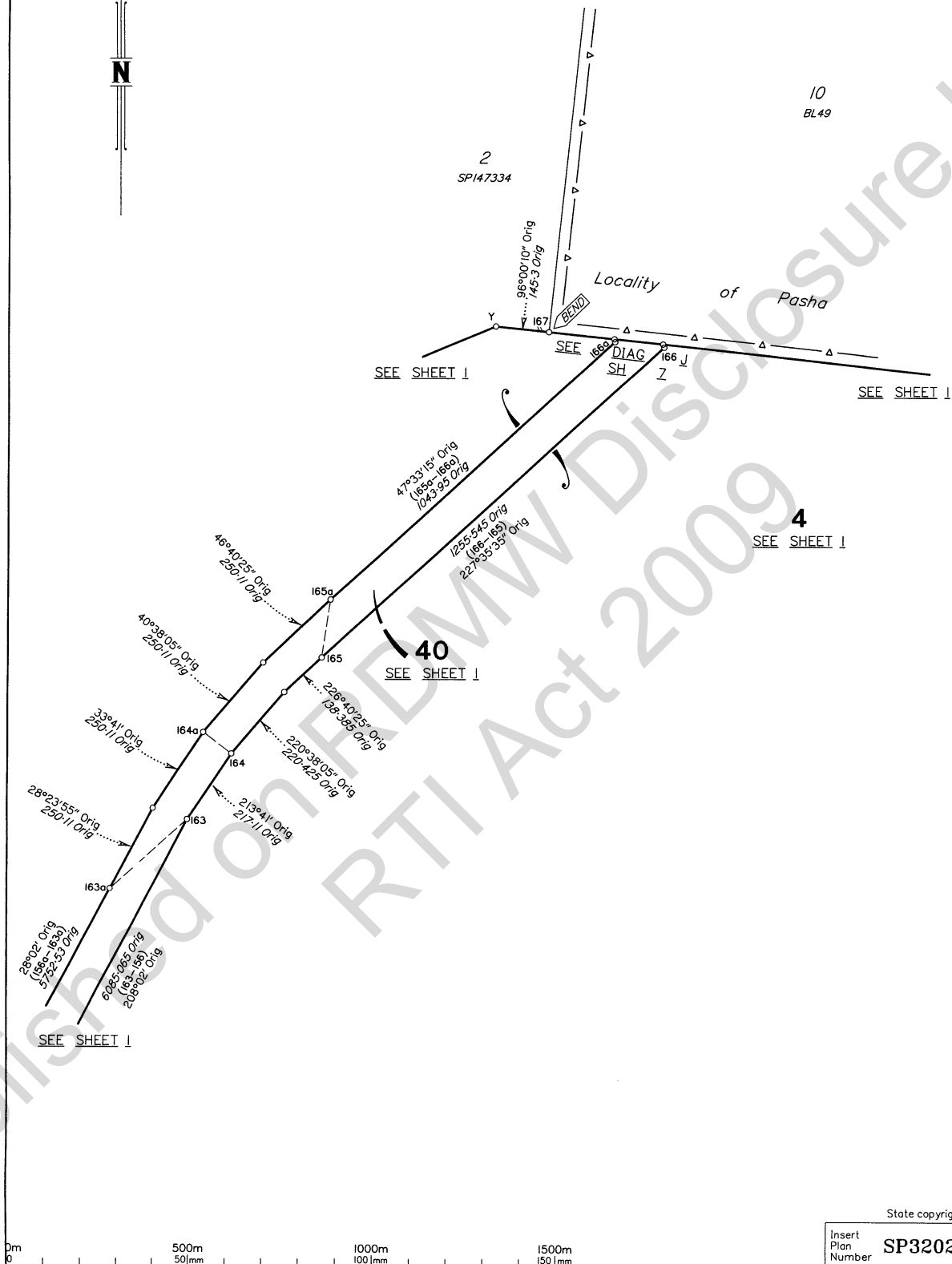




42172 / 030 SLR

**DIAGRAM L**

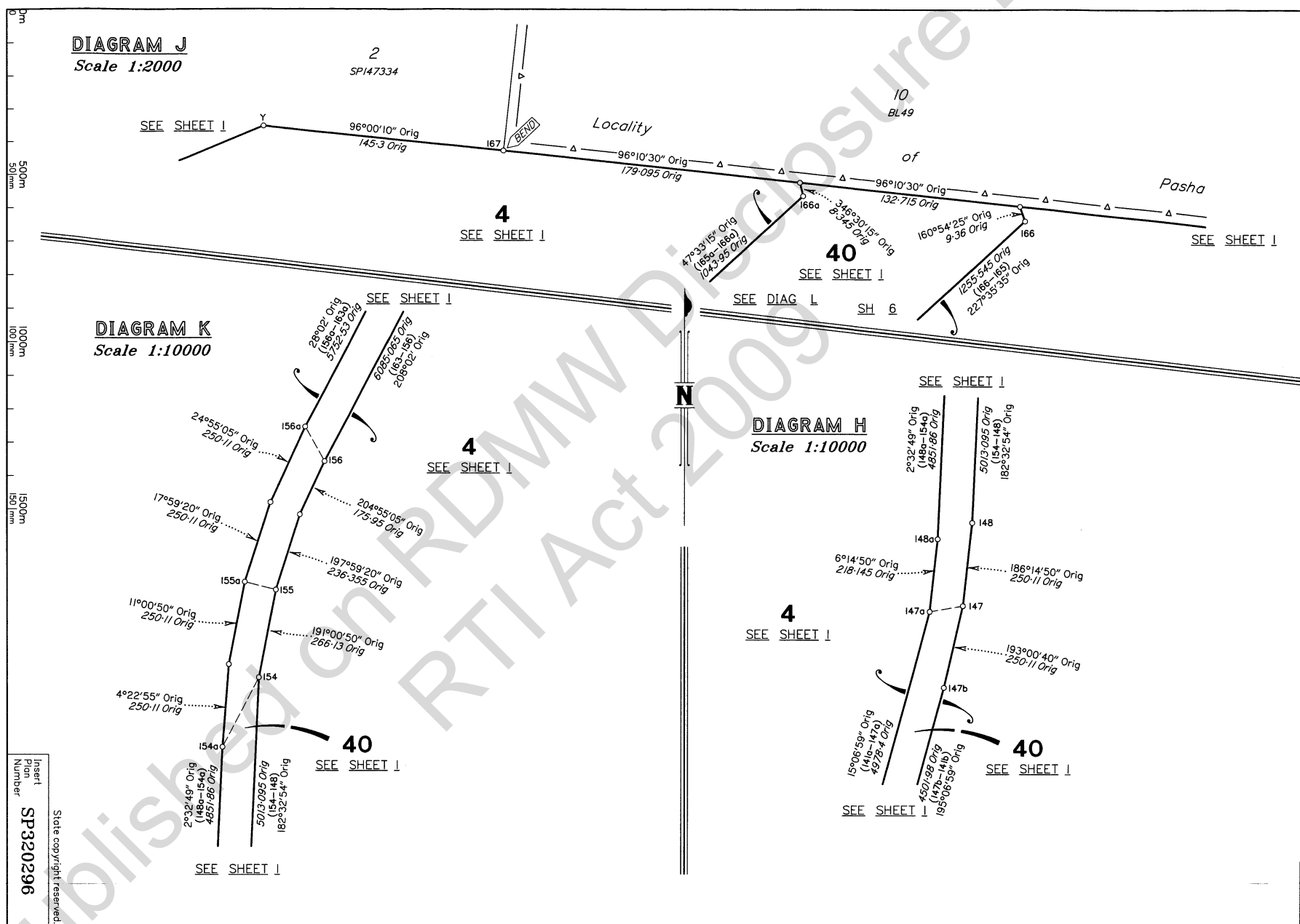
Scale 1:10000



State copyright reserved.

Insert Plan Number **SP320296**







Insert  
Plan  
Number **SP320296**

## PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO	TYPE
526-OPM	26/1S235122	317°13'30"	8866.04	22014	S.Pkt

## TRAVERSES ETC

LINE	BEARING	DISTANCE
125-125a	329°49'15" Orig	101.59 Orig
128-128a	340°23' Orig	95.325 Orig
129-129a	328°00'55" Orig	97.055 Orig
132-133	47°23'20" Orig	60.0 Orig
132a-133a	47°23'20" Orig	60.0 Orig
136-132b	227°23' Orig	180.58 Orig
140-140a	337°39'20" Orig	105.65 Orig
141-141a	274°24'25" Orig	100.25 Orig
154-154a	207°32'30" Orig	236.78 Orig
155-155a	284°14'25" Orig	96.395 Orig
156-156a	330°53'25" Orig	119.095 Orig
163-163a	228°30'35" Orig	285.985 Orig
164-164a	307°00'15" Orig	96.38 Orig
165-165a	8°33'05" Orig	158.96 Orig

## REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
127	OS.Pkt	16/1S235122	6°38'20"	0.59
137	OIP	137/DP315829	223°44'	6.32
518	I.Pin		312°10'05"	5.74
520	I.Pin		3°15'40"	6.64
522	OS.Pkt	22/1S235122	6°23'	0.37
523	OIP	23/1S235122	332°44'	1.6
525	OS.Pkt	25/1S235122	186°19'50"	0.125
525a	I.Pin		277°27'35"	33.735
526	OSpk in Bit	26/1S235122	300°30'40"	14.32
526	OIP	26/1S235122	96°57'40"	45.02

## SURVEY REPORT

Purpose of survey is to create a corridor for future Railway and road widening on Gregory Development Road. It is noted that this survey does not fully satisfy NIR 71791616.

The boundary between Lot 3235 on SP156095 and Lot 4 on SP116046 was defined using the reference marks on 1S235122. The surveyed angles and distances agree with 1S235122 and therefore agree with deed.

Stations 525a and 526a have been placed to facilitate the 60 metre wide Gregory Developmental Road.

The Gregory Developmental Road was fixed by adapting the centreline of the road formation and applying

State copyright reserved.

 Insert  
Plan  
Number  
SP320296

0 50 | mm 100 | mm 150 | mm

# WATER LICENCE

## Water Act 2000



Reference	620909	Expiry Date	30/06/2111
Licensee	sch4p4( 6) Personal information		
Authorised Activity	The taking of watercourse water from Mistake Creek with the point of take on or adjacent to Lot 4 on SP320296.		
Authorised Purpose	Any		
Description of Land	Attached to the land described as Lot 40 on SP320296, Lot 35 on SP320296, Lot 4 on SP320296, Lot 41 on SP320296, Lot 42 on SP320296 and Lot 43 on SP320296.		
Nominal Entitlement	10000 Megalitres		
Maximum Rate	561.6 Megalitres Per Day		

This water licence is subject to the conditions endorsed hereon or attached hereto.

Given at Emerald this EIGHTEENTH day of NOVEMBER 2021.

Delegate of the Chief Executive  
Department of Regional Development, Manufacturing and Water

**Water Licence: 620909**  
**Expiry Date: 30/06/2111**

**Conditions: Schedule A**

**2.44**

The taking of water under this authorisation is permitted only when the flow of water in Mistake Creek downstream of the diversion channel exceeds 432 megalitres per day.

# WATER LICENCE

## Water Act 2000



<b>Reference</b>	620909	<b>Expiry Date</b>	30/06/2111
<b>Licensee</b>	sch4p4( 6) Personal information		
<b>Authorised Activity</b>	The taking of watercourse water from Mistake Creek with the point of take on or adjacent to Lot 4 on SP320296.		
<b>Authorised Purpose</b>	Any		
<b>Description of Land</b>	Attached to the land described as Lot 4 on SP320296, Lot 35 on SP320296, Lot 40 on SP320296, Lot 41 on SP320296, Lot 42 on SP320296 and Lot 43 on SP320296.		
<b>Nominal Entitlement</b>	10000 Megalitres		

This water licence is subject to the conditions endorsed hereon or attached hereto.

**Given at Emerald this EIGHTEENTH day of NOVEMBER 2021.**

**Delegate of the Chief Executive**  
**Department of Regional Development, Manufacturing and Water**

**Water Licence: 620909**  
**Expiry Date: 30/06/2111**

**Conditions: Schedule A**

**2.44**

The taking of water under this authorisation is permitted only when the flow of water in Mistake Creek downstream of the diversion channel exceeds 432 megalitres per day.





Our ref: DGBN17/196  
GBSDA10

Office of the  
Coordinator-General

7 MAR 2017

sch4p4( 6) Personal information

Dear sch4p4( 6) Person

**Galilee Basin State Development Area  
Notice of Intention to Resume  
Lot 4 on Survey Plan 116046**

I refer to previous correspondence with respect to the Galilee Basin State Development Area (GBSDA).

The GBSDA was declared in June 2014 under the *State Development and Public Works Organisation Act 1971* over land for the purpose of an infrastructure corridor. A purpose of the GBSDA is to support the establishment of an infrastructure corridor to service the southern area of the Galilee Basin and an infrastructure corridor to service the central area of the Galilee Basin to transport coal to the Port of Abbot Point.

The Coordinator-General proposes to acquire part of Lot 4 on Survey Plan 116046 (Land) for the purpose of providing for the establishment of an infrastructure corridor and any purpose incidental to the infrastructure corridor within the GBSDA pursuant to section 82(1)(b) of the *State Development and Public Works Organisation Act 1971*.

By way of service, I **enclose** a Notice of Intention to Resume (NIR). This is the first step in the process under the *Acquisition of Land Act 1967* which is used by the Coordinator-General for taking land under the *State Development and Public Works Organisation Act 1971*. The plan attached to the NIR identifies the Land that the Coordinator-General proposes to acquire. The NIR also attaches a Background Information Document with relevant information about the project.

1 William Street  
PO Box 15517 City East  
Queensland 4002 Australia  
Telephone +61 7 3452 7100  
[www.statedevelopment.qld.gov.au](http://www.statedevelopment.qld.gov.au)  
ABN 29 230 178 530

It is my preference that the acquisition is by agreement. Schedule 4, Part 3, Item 2 - Private, business, professional, commercial, or financial

Schedule 4 I have **enclosed a Resumption Agreement** where you agree not to object to the acquisition Schedule 4, Part 3, Item 2 - Private, business, professional, commercial, or financial I encourage you to seek your own independent advice regarding this agreement.

Throughout the process of land acquisition, a representative of the Coordinator-General will be available to answer your questions and assist you with the process.

### **Assessment of compensation**

The Coordinator-General will engage an independent valuer to assess compensation for the taking of the Land and any improvements located on the Land. The valuer will have experience in compensation assessments in your geographic area. The valuer will seek a mutually convenient time to inspect the area and discuss with you the attributes of the Land and improvements.

### **Your costs**

As part of your claim for compensation, you are entitled to claim for legal costs and valuation or other professional fees that are reasonable and have been or will be reasonably incurred by you in relation to the preparation and filing of your claim for compensation. You should note that professional fees cannot be reimbursed for matters which are not related to a claim for compensation, such as objections to the NIR.

### **Other Registered Interests in Your Land**

As required under the *Acquisition of Land Act 1967*, similar correspondence has been sent to any other known interest holders in the Land (such as mortgagees) which are affected by the area of the proposed acquisition

### **Contact**

Please contact Mr Scott Taylor, Land Liaison Manager, Land Acquisition and Project Delivery Division, Office of the Coordinator-General, by phone on 3452 7541 or by email [Scott.Taylor@coordinatorgeneral.qld.gov.au](mailto:Scott.Taylor@coordinatorgeneral.qld.gov.au) if you have any queries. Mr Taylor will be pleased to assist.

Yours sincerely

sch4p4( 6) Personal information

Barry Broe  
**Coordinator-General**

Our ref: DGBN17/196  
GBSDA10

## NOTICE OF INTENTION TO RESUME

### *STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION ACT 1971* *ACQUISITION OF LAND ACT 1967*

Date: 7 MAR 2017

To:

sch4p4( 6) Personal information

Secretary  
Australia and New Zealand Banking Group Limited  
ANZ Centre Melbourne  
Level 9, 833 Collins Street  
DOCKLANDS VIC 3008

NOTICE is given under the *Acquisition of Land Act 1967*, that the Coordinator-General proposes under section 82 of the *State Development and Public Works Organisation Act 1971* to take part of the land described in **Schedule 1 (Land)** for the purpose of providing for the establishment of an infrastructure corridor and any purpose incidental to the infrastructure corridor within the Galilee Basin State Development Area.

The location of the Land is substantially identified on the plan at **Schedule 2** to this Notice.

A Background Information Document which explains why the Coordinator-General proposes to take the Land is at **Schedule 3**.

#### **Objection**

If you wish to object to the taking of the Land, you may do so by serving a written objection on the Coordinator-General at the address below on or before the close of business on 10 APR 2017

Address for service:



Land Acquisition and Project Delivery Division  
Office of The Coordinator-General  
PO Box 15517  
City East QLD 4002

Attention: Steven Bailey

The objection must state:

- (a) the grounds of the objection; and
- (b) the facts and circumstances relied on by you in support of those grounds; and
- (c) whether you wish to be heard in support of the grounds of the objection.

**Note:** Any matter pertaining to the amount or payment of compensation is not a ground of objection.

If you state in your objection that you wish to be heard in support of the grounds of your objection, you may appear before, and be heard by, the Coordinator-General or his delegate. You may appear at the hearing in person or be represented by counsel, solicitor or agent. Unless otherwise mutually agreed, the hearing is to be held at an agreed location and date.

#### **Acquisition by Agreement and Compensation**

The Coordinator-General is willing to negotiate with you to acquire the Land by agreement, or failing agreement, to treat as to the compensation to be paid and all consequential matters.

Please note that if the Land is taken using the process in the *Acquisition of Land Act 1967* a claim for compensation may be served on the Coordinator-General only **within three years** after the publication of the taking of land notice in the Queensland Government Gazette. If a taking of land notice is published you will be sent a copy.

The Coordinator-General may accept a late claim for compensation if it is satisfied it is reasonable in the circumstances to do so. If a late claim is not accepted by the Coordinator-General you may apply to the Land Court for a determination as to whether it is reasonable in the circumstances for the Coordinator-General to accept the claim.

#### **Relevant Instrument**

**Note:** if you enter into a contract, licence, agreement or other arrangement (Relevant Instrument) in relation to the Land after this Notice has been served on you, section 20(2A) of the *Acquisition of Land Act 1967* provides that the Relevant Instrument must not be taken into consideration when assessing compensation if the sole or dominant purpose of the Relevant Instrument is to enable you or another person to obtain compensation for an interest in the Land created under the Relevant Instrument.

sch4p4( 6) Personal information

Barry Broe  
**Coordinator-General**

## Schedule 1

### Description of the Land

Real property description	Title reference	Area of land required
Lot 4 on Survey Plan 116046	17665231	About 294.98 Ha for proposed infrastructure corridor; About 299.6 Ha for construction and maintenance yard; and About 2.81 Ha for road.

### Registered lessee:

sch4p4( 6) Personal information

### Affected leases, easements, mortgages and other encumbrances (if any)

Mortgage No 602805560 to Australia and New Zealand Banking Group Limited

Mortgage No 716049487 to Australia and New Zealand Banking Group Limited

ABN 11 005 357 522

## **Schedule 2**

### **Plan identifying the location of the Land**

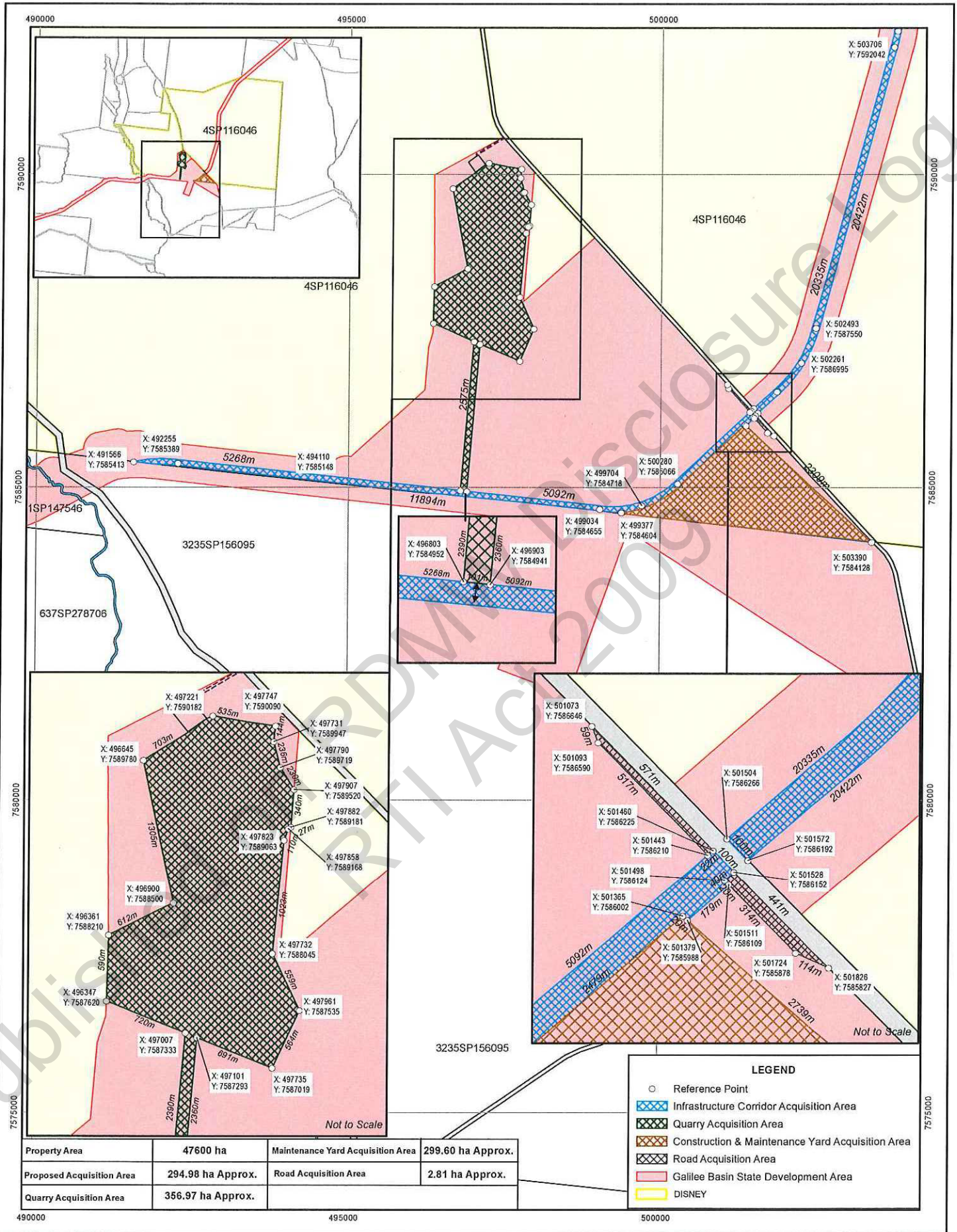
(Attached)

Published on RDMW Disclosure Log  
RTI Act 2009









**DISCLAIMER**  
Based on or contains data provided by Department of Natural Resources and Mines, Queensland 2014 which gives no warranty in relation to the data (including accuracy, reliability, completeness or suitability) and accepts no warranty in relation to the data (including accuracy, reliability, completeness or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data.

(i) The Coordinator-General accepts no responsibility for any loss or damage suffered however arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii) & (iii)  
22-061  
(ii) The dimensions, areas, boundaries, lots, size & location of the proposed acquisition are approximate only and may vary  
(iii) This plan may not be copied unless this note is included

**DATA SOURCES:**  
GBSDA: Department of State Development, Infrastructure and Planning  
Cadastral: State of Queensland (Department of Natural Resources and Mines)  
Rail Corridor: Adani Mining



File A Projection: MGA94 Zone 55

**TITLE** PROPOSED ACQUISITION AREA IN GALILEE BASIN STATE DEVELOPMENT AREA

**PROPERTY** DISNEY  
LOT 4 ON SP116046

**MAP** 2 OF 3

**DATE** FEBRUARY 2014

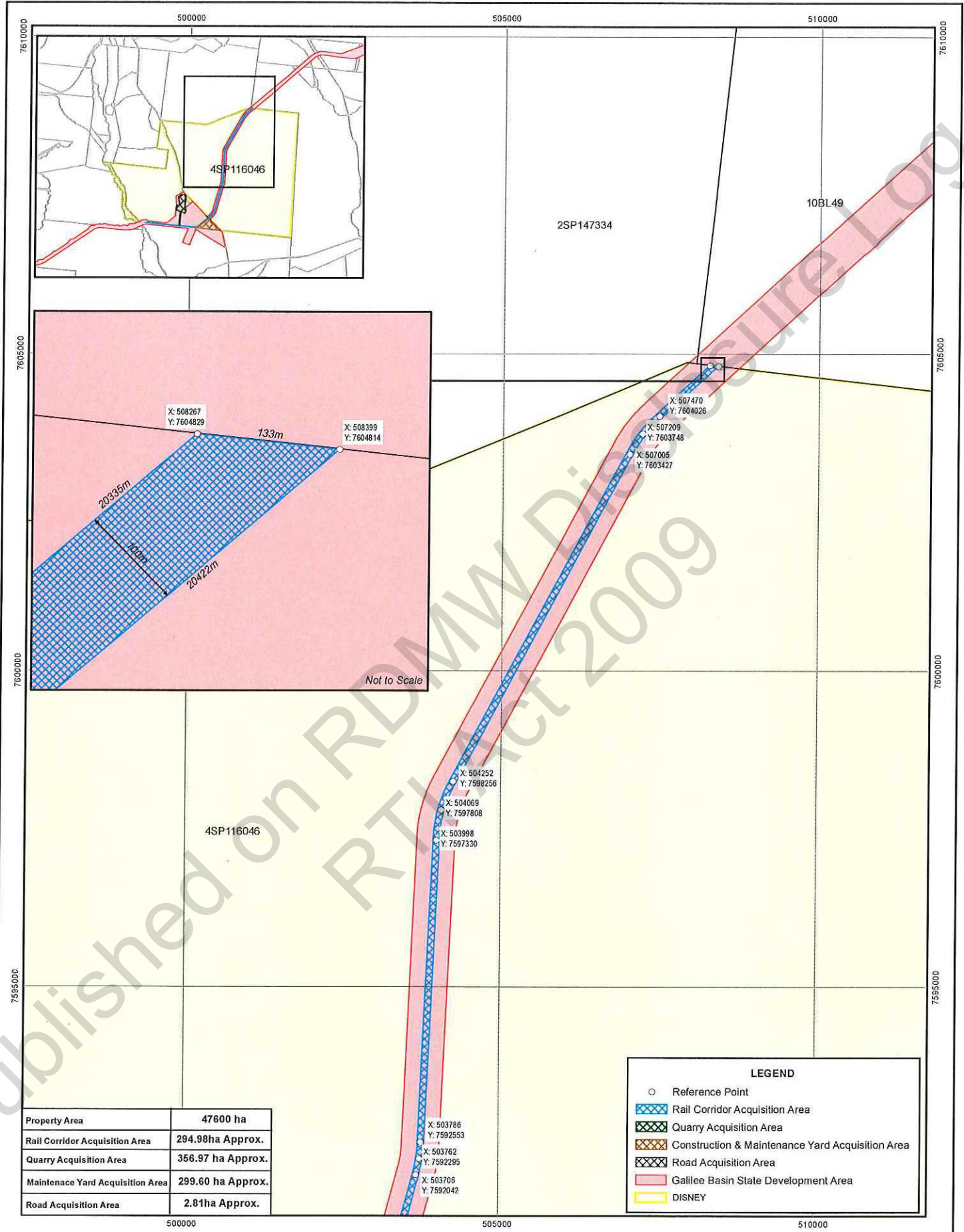
REF: CR\_NIR\_LADD\_4SP116046\_DISNEY\_Rev9



Queensland Government

Relax





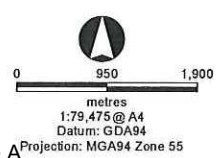
**DISCLAIMER**  
Based on or contains data provided by Department of Natural Resources and Mines, Queensland 2014 which gives no warranty in relation to the data (including accuracy, reliability, completeness or suitability) and accepts no warranty in relation to the data (including accuracy, reliability, completeness or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data.

(i) The Coordinator-General accepts no responsibility for any loss or damage suffered however arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii) & (iii)

(ii) The dimensions, areas, bearings, size & location of the proposed acquisition are approximate only and may vary

(iii) This plan may not be copied unless this note is included

**DATA SOURCES:**  
GBSDA: Department of State Development, Infrastructure and Planning  
Cadastral: State of Queensland (Department of Natural Resources and Mines)  
Rail Corridor: Adani Mining



**TITLE** PROPOSED ACQUISITION AREA IN GALILEE BASIN STATE DEVELOPMENT AREA

**PROPERTY** DISNEY  
LOT 4 ON SP116046

**MAP** 3 OF 3

**DATE** FEBRUARY 2009

**Page 43 of 100**

**Queensland Government**

REF: CR\_MIR\_LADD\_4SP116046\_DISNEY\_Rev9

Released

**Schedule 3**

**Background Information Document**

(Attached)

Published on RDMW Disclosure Log  
RTI Act 2009

## Land Resumptions in the Galilee Basin State Development Area and Abbot Point State Development Area

### Background Information – North Galilee Basin Rail and Carmichael Coal Mine and Rail Project

#### 1. INTRODUCTION

The Galilee Basin State Development Area (**GBSDA**) was declared to maximise the potential for project proponents to develop, construct and operate rail infrastructure within common rail corridors whilst minimising impacts on landholders and the environment within the Galilee Basin. The Abbot Point State Development Area (**APSDA**) was declared to facilitate large-scale industrial and port-related development of regional, state and national significance.

##### 1.2 The Galilee Basin State Development Area

On 13 June 2014, the GBSDA was declared by regulation.

In June 2014, the Governor in Council approved the development scheme for the GBSDA prepared by the Coordinator-General. The development scheme was amended in November 2014.

The GBSDA comprises a geographic area of approximately 103,904 hectares of land between the Galilee Basin and the Port of Abbot Point for the purpose of developing proposed rail infrastructure and promoting the development of the Galilee Basin's coal resources.

The declaration ensures development in the GBSDA will occur in a logical sequence and is focused on both the short and long term economic benefits to the region and State.

The GBSDA will serve to protect the land from incompatible land uses and to maximise the potential for project proponents to develop, construct and operate rail infrastructure within common rail corridors whilst minimising impacts on landholders and the environment within the Galilee Basin. The GBSDA comprises two 500 metre-wide corridors. One corridor is designed to service the central Galilee Basin and a second corridor is designed to service the southern Galilee Basin.

The boundaries of the GBSDA must be wider than proposed rail alignments to accommodate re-arrangements of roads and stock routes, to incorporate ancillary works (such as drainage culverts) and to allow engineering flexibility in some areas where there are topographical challenges to railway construction. However, the 500 metre width of the corridor may be reduced in size once detailed rail designs are finalised.

##### 1.3 The Abbot Point State Development Area

On 19 June 2008, the APSDA was declared by regulation.

In June 2008, the Governor in Council approved the development scheme for the GBSDA prepared by the Coordinator-General. The current version of the development scheme is dated November 2014.

The APSDA comprises a geographic area of approximately 16,885 hectares of land located approximately 20 km north-west of Bowen. The APSDA takes advantage of an existing deep-water port facility and remoteness from major urban areas.

Within the APSDA, the proposed railway is approximately 32 km in length from near Splitters Creek to the terminus at the unloader at Abbot Point.



## 2. PROJECT DESCRIPTION

### 2.1 Overview of Project

Adani Mining Pty Ltd (**Adani**) is the proponent of coal mine and rail projects in the Galilee Basin.

Adani's Carmichael Coal Mine and Rail Project involves developing a new open-cut and underground coal mine with an anticipated yield of 60 million tonnes per annum at Carmichael in the North Galilee Basin in central Queensland. This new coal mine is located approximately 190km west of Moranbah. The project also includes a proposed 189 kilometre railway line from the mine to Moranbah.

The North Galilee Basin Rail Project (**NGBR Project**) is a proposed new, approximately 310 kilometre standard gauge, greenfield rail line connecting the northern Galilee Basin to the Port of Abbot Point. It is proposed the NGBR line will have the capacity to transport initially up to 40 million tons of coal per annum potentially increasing to 100 million tonnes of coal per annum, providing rail capacity for use by third parties within the Galilee Basin and thus contribute to the Queensland Government's objective of developing the Galilee Basin.

The southern end of the rail line will connect with rail infrastructure proposed as part of the Carmichael Coal Mine and Rail Project in the vicinity of Mistake Creek west of Moranbah.

The Adani Rail Project comprises a loop to loop standard gauge greenfield railway line made up of part of the Carmichael Coal Mine and Rail Project and the whole of the North Galilee Basin Rail Project (**Adani Rail Project**). The Adani Rail Project has the potential to advance the purposes of the GBSDA and APSDA declarations by delivering the essential infrastructure required to transport coal from the Galilee Basin to export ports.

### 2.2 Status of Project

The Coordinator-General's evaluation reports on the environmental impact statements for the NGBR Project and Carmichael Coal Mine and Rail Project were released on 12 August 2014 and 7 May 2014 respectively. The Coordinator-General approved the NGBR Project and the Carmichael Coal Mine and Rail Project subject to the conditions and recommendations set out in the reports.

The Commonwealth Minister for Environment approved the NGBR Project and Carmichael Coal Mine and Rail Project, on 23 September 2014 and 24 July 2014 respectively, as "controlled actions" under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) to proceed subject to conditions set out in the approvals.

It is intended that the Adani Rail Project will be delivered by Carmichael Rail Network Pty Ltd, another company in the Adani group.

## 3. LAND REQUIREMENTS

### 3.1 Factors to determine land requirements

The permanent rail corridor has been planned to ensure the railway can be safely constructed, operated and maintained for the life of the railway. As part of the planning process for the Adani Rail Project, Adani has identified the land required for the proposed rail corridor route within the GBSDA and APSDA. Factors influencing the requirements for land include:

- the land conditions, geology, topography and the environment;
- impacts on land owners and existing businesses and resource interests within the proposed rail corridor route;
- impacts on utility providers within the proposed rail corridor route;
- the design and width of the proposed rail corridor;

- the need for bridges over, and underpasses and level crossings along the rail corridor route;
- access and construction requirements;
- the intersections with the existing road network and stock routes and need for re-alignments;
- the proposed location of construction work sites and associated rail infrastructure including rolling stock and track maintenance yards; and
- the proposed location of quarry areas required to support construction and maintenance of the railway.

The Adani Rail Project passes through roads, creek crossings and freehold and leasehold land.

The proposed rail corridor is nominally 60 to 100 metres wide depending on site constraints such as topography and existing infrastructure, with wider areas generally in the proximity of deep cuts and fills and/or existing infrastructure crossings. The corridor width has been increased beyond the nominal widths at specific locations to allow for specific construction, operation and maintenance activities and infrastructure.

The width of the corridor in some places includes an allowance to ensure there is sufficient land for future users of the corridor. In some places, land is also required for road widening and realignment and watercourse diversions.

### 3.2 Proposed acquisition of land

The Coordinator-General has given consideration to the land required for the Adani Rail Project. The Coordinator-General has determined that the proposed land requirements for the Adani Rail Project are justified and are not more than what is required for the establishment of an infrastructure corridor and for incidental purposes in the GBSDA and APSDA.

## 4. Related Project Documents

For a comprehensive understanding of the scope of the NGBR and Carmichael Coal Mine and Rail Projects, the following documents should be read:

Coordinator General's Report on the North Galilee Basin Rail Project (August 2014)	<a href="http://www.dsdip.qld.gov.au/resources/project/north-galilee-basin-rail/ngbr-cg-eis-evaluation-report.pdf">http://www.dsdip.qld.gov.au/resources/project/north-galilee-basin-rail/ngbr-cg-eis-evaluation-report.pdf</a>
North Galilee Rail Project Environmental Impact Statement (2013)	<a href="http://statedevelopment.qld.gov.au/assessments-and-approvals/north-galilee-basin-rail-projects-environmental-impact-statement.html">http://statedevelopment.qld.gov.au/assessments-and-approvals/north-galilee-basin-rail-projects-environmental-impact-statement.html</a>
Coordinator General's Report on the Carmichael Coal Mine and Rail Project (May 2014)	<a href="http://www.dsdip.qld.gov.au/resources/project/carmichael/carmichael-coal-mine-and-rail-cg-report-may2014.pdf">http://www.dsdip.qld.gov.au/resources/project/carmichael/carmichael-coal-mine-and-rail-cg-report-may2014.pdf</a>
Carmichael Coal Mine and Rail Project Environmental Impact Statement (2013)	<a href="http://www.statedevelopment.qld.gov.au/assessments-and-approvals/carmichael-coal-environmental-impact-statement.html">http://www.statedevelopment.qld.gov.au/assessments-and-approvals/carmichael-coal-environmental-impact-statement.html</a>

# Resumption Agreement for the taking of Land under section 15 of the Acquisition of Land Act 1967

## The Coordinator-General

ABN 29 230 178 530

Coordinator-General

sch4p4( 6) Personal information

Interest Holder

**Re: Lot 4 on Survey Plan 116046**



## **NOTICE to INTEREST HOLDER**

**You should seek independent legal, valuation or other expert advice in relation to the agreement.**

**You should not sign this agreement if you do not completely understand the agreement, including your rights and obligations in the agreement or if you feel pressured in any way into signing the agreement.**

**I/We, ....., have read this Notice and acknowledge by signing this Agreement that I / we have been advised to seek independent advice in relation to this Agreement.**

.....  
sch4p4( 6) Personal information

.....  
sch4p4( 6) Personal information

.....  
sch4p4( 6) Personal information

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## Resumption Agreement made on

2017

### Parties

**The Coordinator-General ABN 29 230 178 530**, a corporation sole constituted under section 8 of the *State Development and Public Works Organisation Act 1971*, of 1 William Street, Brisbane in the State of Queensland.

(Coordinator-General)

**The Interest Holder identified in Item 1 of the Reference Schedule**

(Interest Holder).

### Background

- A. The Coordinator-General may take land under the *State Development and Public Works Organisation Act 1971* that is situated in a State development area for the purpose of providing for the establishment of an infrastructure corridor and for any purpose incidental to the infrastructure corridor.
- B. The Coordinator-General requires the Land for the establishment of an infrastructure corridor in the Galilee Basin State Development Area, which was declared in June 2014.
- C. The Parties have agreed to enter into this Agreement for the Coordinator-General to take the Land under and in accordance with section 15 of the ALA.
- D. The Parties have agreed that the amount of compensation payable for the taking of the Interest in the Land is to be fixed under Part 4 of the ALA.

### Operative provisions

---

## 1. Definitions and interpretations

### 1.1 Definitions

In this Agreement:

**Agreement** means this agreement.

**ALA** means the *Acquisition of Land Act 1967*.

**Interest in Land** means the Interest Holder's interest in the Land identified in Item 2 of the Reference Schedule.

**Land** means the land identified in Item 3 of the Reference Schedule.

**Parties** means the Coordinator-General and the Interest Holder, and includes each Party's executors, administrators, successors and permitted assigns, including any person taking by way of novation.

### 1.2 Interpretation

In this Agreement:

(a) headings are for convenience only and do not affect interpretation;

and unless the context indicates a contrary intention:



- (b) an obligation or liability assumed by, or a right conferred on, two or more parties binds or benefits all of them jointly and each of them severally;
- (c) the expression "**person**" includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
- (d) a reference to any document (including this Agreement) is to that document as varied, novated, ratified or replaced from time to time;
- (e) a reference to legislation, or to a provision of legislation, includes any statutory modification, re-enactment or replacement of that legislation or provision, and any statutory instruments made or in force under that legislation or provision (as they may have been modified, re-enacted or replaced);
- (f) words importing the singular include the plural (and vice versa), and words indicating a gender include every other gender;
- (g) references to clauses, annexures or attachments are references to clauses of, or annexures or attachments to, this Agreement, and a reference to this Agreement includes any annexure or attachment to this Agreement;
- (h) where a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning; and
- (i) the word "**includes**" in any form is not a word of limitation.

---

## **2. Agreement to Take**

The Parties agree that the Coordinator-General can take the Land in accordance with section 15 of the ALA.

---

## **3. No Objection to Taking**

The Interest Holder does not object to the Coordinator-General taking the Land under section 15 of the ALA.

---

## **4. Delay in procedure for taking**

If the Coordinator-General:

- (a) does not apply to the relevant Minister under section 15C of the ALA to take the Land within 12 months after the date of this Agreement; or
- (b) does not declare that the Land is taken under section 15D of the ALA within 12 months after the date of this Agreement,

this Agreement will automatically terminate and will cease to be of any force or effect.

---

## **5. Payment of Compensation**

The Parties agree that the amount of compensation for the taking of the Interest in Land is to be fixed under Part 4 of the ALA.

---

## **6. Warranty**

The Interest Holder warrants to the Coordinator-General that:

- (a) it is able to bind itself to this Agreement and its terms without the consent or authority of any other person or party; or
- (b) if it requires consent or authority, such consent or authority has been unconditionally obtained prior to the execution of this Agreement, or
- (c) if it has an obligation to disclose, it has made such disclosure; and
- (d) except for any mortgage, and any estates or interests set out in Item 4 of the Reference Schedule, the Land is free of all trusts, charges, liens and encumbrances of any kind whatsoever, whether registered or unregistered, and whether existing at law or in equity.

---

## **7. General**

### **7.1 No representation or reliance**

Each Party acknowledges that:

- (a) no Party (nor any person acting on a Party's behalf) has made any representation or other inducement to it to enter into this Agreement; and
- (b) it does not enter into this Agreement in reliance on any representation or other inducement by or on behalf of any other Party;

except for representations or inducements expressly set out in this Agreement.

### **7.2 Entire agreement**

- (a) To the extent permitted by law, in relation to its subject matter, this Agreement:
  - (i) embodies the entire understanding of the Parties;
  - (ii) constitutes the entire terms agreed by the Parties; and
  - (iii) supersedes any prior written or other agreement of the Parties.
- (b) There are no representations, undertakings, covenants or agreements between the parties, express or implied, except as set out in this Agreement.

### **7.3 Governing law**

The Parties agree that this Agreement is governed by and must be construed according to the law applying in the State of Queensland, Australia.

## Reference Schedule

<p><b>Item 1</b></p> <p>Interest Holder name, ABN and address</p>	<p>sch4p4( 6) Personal information</p>
<p><b>Item 2</b></p> <p>Interest in Land</p>	<p>Rolling Term Lease</p>
<p><b>Item 3</b></p> <p>Land</p>	<p>Part of Lot 4 on Survey Plan 116046 the location of which is substantially identified on the plan at Annexure A as about 294.98 Ha for proposed infrastructure corridor; about 299.6 Ha for construction and maintenance yard; and about 2.81 Ha for road.</p>
<p><b>Item 4</b></p> <p>Any other registered or unregistered estates or interests of any kind whatsoever over the area of the Land</p> <p><b>Note to Interest Holder if they are the owner of freehold or the registered lessee: insert all unregistered estates or interests in the Land and then initial in front of witness who must also initial</b></p>	<p>Mortgage No 602805560 to Australia and New Zealand Banking Group Limited</p> <p>Mortgage No 716049487 to Australia and New Zealand Banking Group Limited ABN 11 005 357 522</p> <p>Interest Holder: _____</p> <p>Witness: _____</p>

**Signed as an agreement.**

**Executed** for and on behalf of **The Coordinator-General ABN 29 230 178 530** by

\_\_\_\_\_, a person  
duly authorised to act in that behalf in the presence  
of:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Witness in full

**Signed** by  
presence of:

sch4p4( 6) Personal information

in the

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Witness in full

**Signed** by  
presence of:

sch4p4( 6) Personal information

in the

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Witness in full



sch4p4( 6) Personal information

**Signed by** \_\_\_\_\_ **in the**  
**presence of:** \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Witness

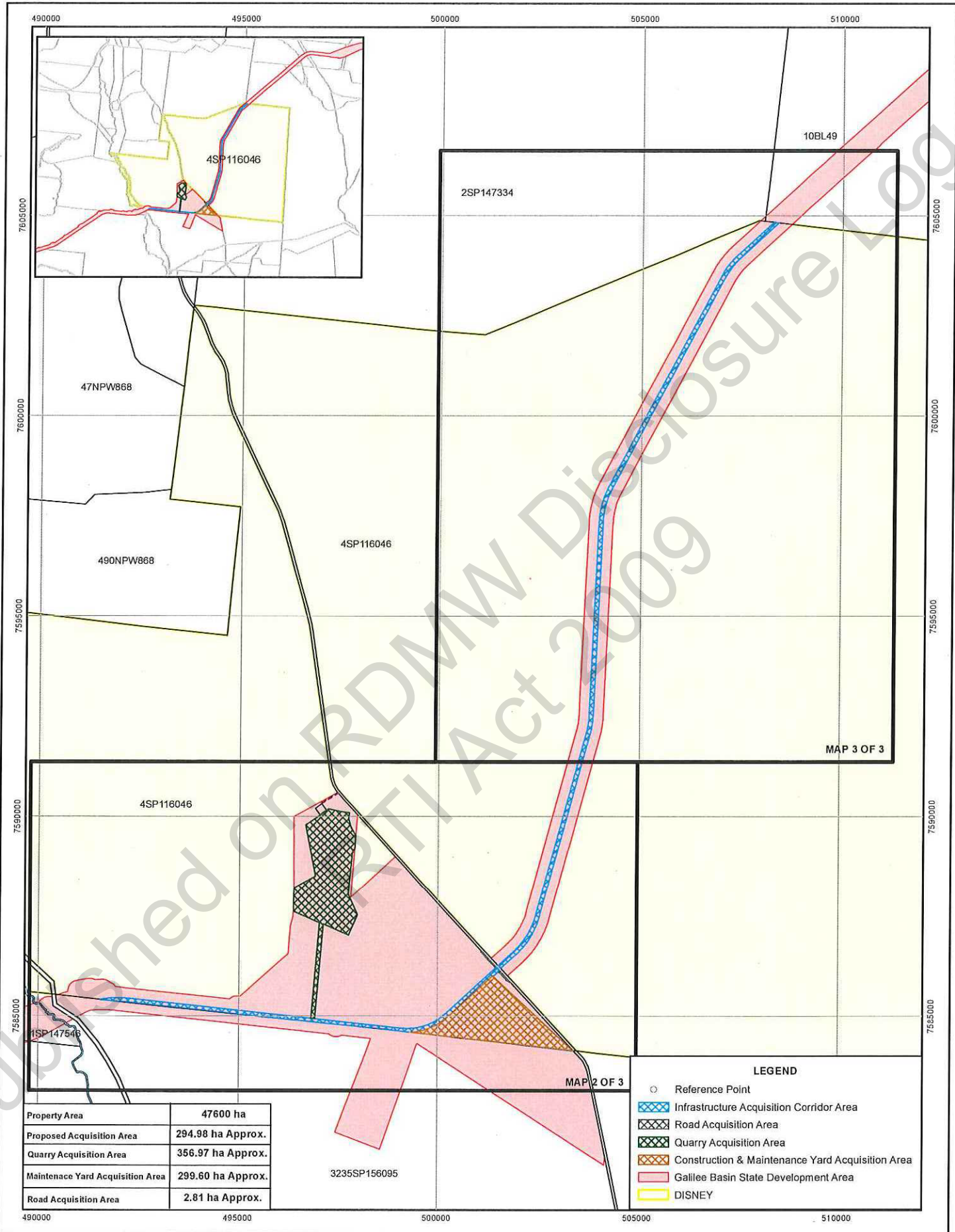
\_\_\_\_\_  
Name of Witness in full

Published on RDMW Disclosure Log  
RTI Act 2009

**Annexure A**

**Plan of Land**

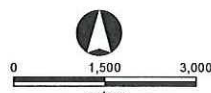
Published on RDMW Disclosure Log  
RTI Act 2009



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(i) The Coordinator-General accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii) & (iii)  
(ii) The dimensions, area, location, size & location of the proposed acquisition are approximate only and may vary  
(iii) This plan may not be copied unless this note is included

**DATA SOURCES:**  
GBSDA: Department of State Development, Infrastructure and Planning  
Cadastral: State of Queensland (Department of Natural Resources and Mines)  
Rail Corridor: Adani Mining



File A

**TITLE** PROPOSED ACQUISITION AREA IN GALILEE BASIN STATE DEVELOPMENT AREA

**PROPERTY** DISNEY  
LOT 4 ON SP116046

**MAP** 1 OF 3

**DATE** FEBRUARY 2017

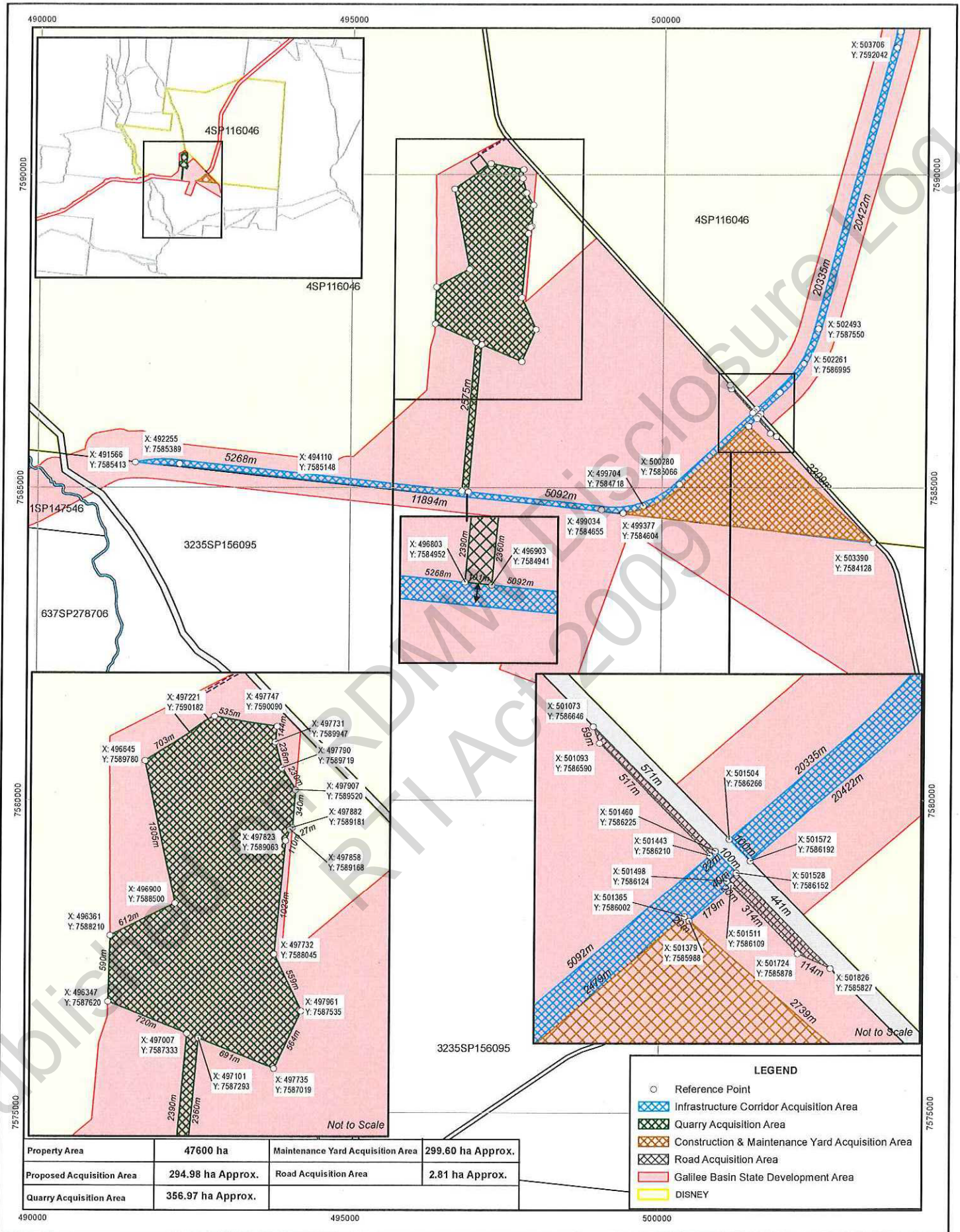


Queensland Government

REF: CR\_NIR\_LADD\_4SP116046\_DISNEY\_Rev9

Releas





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(ii) The dimensions, area, volume, points, size & location of the proposed acquisition are approximations and may vary  
(iii) This plan may not be copied unless this note is included

**DATA SOURCES:**  
GBSDA: Department of State Development, Infrastructure and Planning  
Cadastre: State of Queensland (Department of Natural Resources and Mines)  
Rail Corridor: Adani Mining



File A

Projection: MGA94 Zone 55

**TITLE** PROPOSED ACQUISITION AREA IN GALILEE BASIN STATE DEVELOPMENT AREA

**PROPERTY** DISNEY  
LOT 4 ON SP116046

**MAP** 2 OF 3

**DATE** FEBRUARY 2017

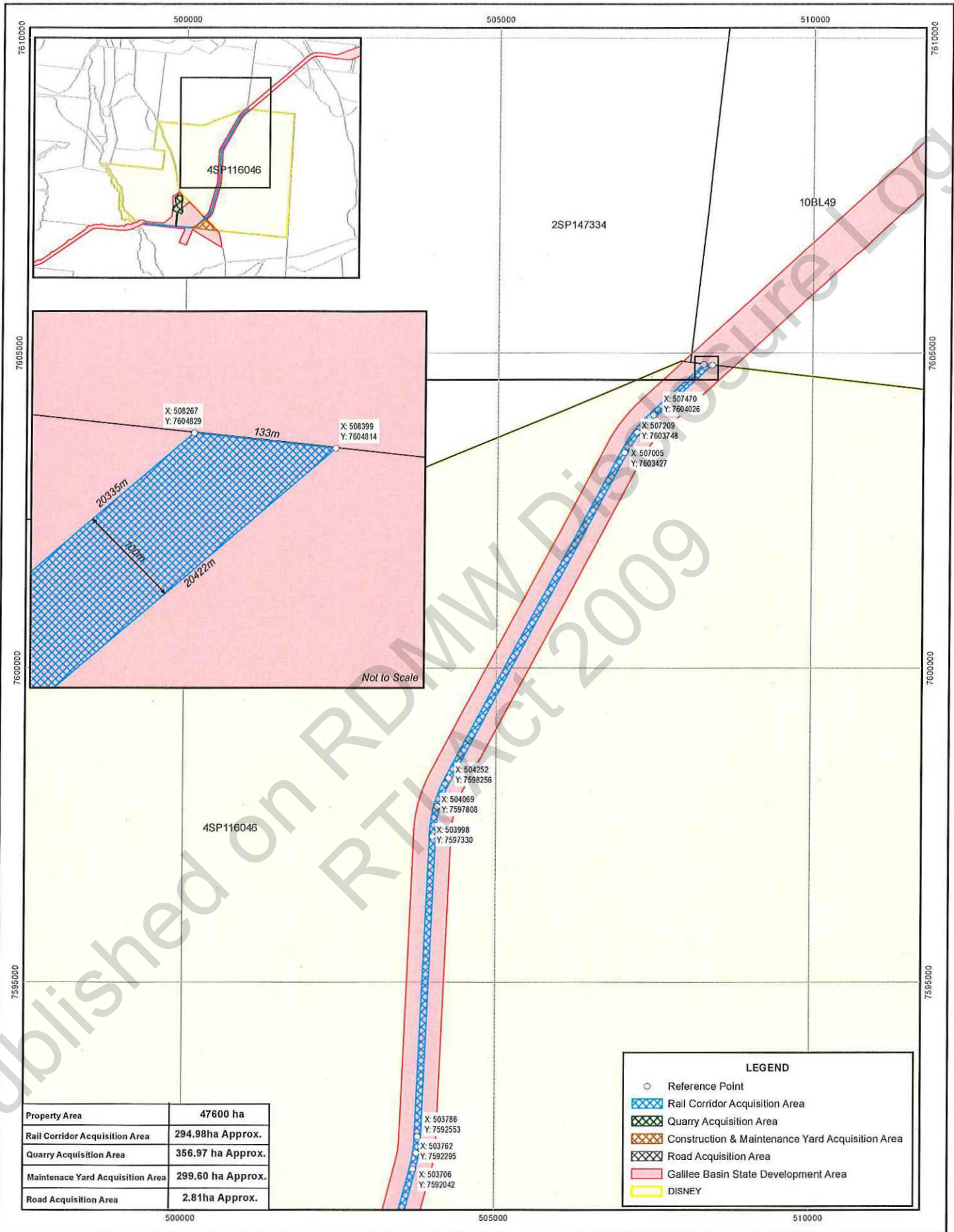
Page 59 of 100



REF: CR\_NIR\_LADD\_4SP116046\_DISNEY\_Re-9

Release





**DISCLAIMER**  
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(i) The Coordinator-General accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii) & (iii)  
(ii) The dimensions, areas, number of lots, size & location of the proposed acquisition are approximations and may vary  
(iii) This plan may not be copied unless this note is included

**DATA SOURCES:**  
GBSDA: Department of State Development, Infrastructure and Planning  
Cadastre: State of Queensland (Department of Natural Resources and Mines)  
Rail Corridor: Adani Mining



File A

**TITLE** PROPOSED ACQUISITION AREA IN GALILEE BASIN STATE DEVELOPMENT AREA

**PROPERTY** DISNEY  
LOT 4 ON SP116046

**MAP** 3 OF 3

**DATE** FEBRUARY 2017

Page 60 of 100



REF: CR\_HIR\_LADO\_4SP116046\_DISNEY\_Rev9

Release

Client: 257302



6 December 2021

Department of  
**Regional Development,  
Manufacturing and Water**

sch4p4( 6) Personal information

'DISNEY'  
**CLERMONT QLD 4721**

THE COORDINATOR-GENERAL  
DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE & PLANNING  
LAND AND PROPERTY MANAGEMENT BRANCH  
PO BOX 15517  
CITY EAST  
**BRISBANE QLD 4002**

Dear (Sir/Madam)

**Land dealings affecting Water Licence 620909**

The Department of Regional Development, Manufacturing and Water (the department) has received advice that you are now the owner of the land to which the above water licence attaches.

Water Licence **620909** has been amended in accordance with section 132 of the *Water Act 2000* as the land to which the water licence relates has changed. Following the amendment, the registered owner of the land becomes the new licensee, and the chief executive of the department must transfer and update the licence in accordance with the Water Regulation 2016 to this effect.

A water licence is an entitlement to take water and generally attaches to land. As a result, water licences can be affected by land dealings if part of the land to which a water licence attaches is disposed of. It has come to our attention that part of the land to which Water Licence 620909 attaches, namely **Lot 35 on SP320296 and Lot 40 on SP320296 and Lot 41 on SP320296 and Lot 42 on SP320296 and Lot 43 on SP320296** has been disposed of to **The Coordinator-General** on **10 September 2021**.

Level 1, 44 Nelson Street  
PO Box 63, Mackay  
Queensland 4740 Australia  
**Telephone** +61 1800 822 100  
**Website** [www.rdmw.qld.gov.au](http://www.rdmw.qld.gov.au)  
**ABN** 51 242 471 577

In accordance with the *Water Regulation 2016* a water licence is taken to be jointly held by all the owners of the land to which the water licence attaches on the day the owner disposed of part of the land. Water Licence 620909 is taken to be held jointly by **The Coordinator-General and** sch4p4( 6) Personal information from **10 September 2021**. A copy of the licence is enclosed for your records.

If you wish to amend or subdivide the water licence, application forms are available on the Queensland Government Business and Industry Portal at <https://www.business.qld.gov.au/> . Please note that application fees apply.

Each application must be made with the consent of all the other landowners. I encourage you to negotiate the proposed change of the jointly held water licence with the other landowners and to submit a single application form.

If you have any further enquiries, please contact your local office.

Yours sincerely

sch4p4( 6) Personal information

Melissa Giannangelo  
**Senior Water Officer**



**WATER LICENCE**  
**Water Act 2000**



<b>Reference</b>	620909	<b>Expiry Date</b>	30/06/2111
<b>Licensee</b>	THE COORDINATOR-GENERAL sch4p4( 6) Personal information		
<b>Authorised Activity</b>	The taking of watercourse water from Mistake Creek with the point of take on or adjacent to Lot 4 on SP320296.		
<b>Authorised Purpose</b>	Any		
<b>Description of Land</b>	Attached to the land described as Lot 40 on SP320296, Lot 35 on SP320296, Lot 4 on SP320296, Lot 41 on SP320296, Lot 42 on SP320296 and Lot 43 on SP320296.		
<b>Nominal Entitlement</b>	10000 Megalitres		
<b>Maximum Rate</b>	561.6 Megalitres Per Day		

This water licence is subject to the conditions endorsed hereon or attached hereto.

**Given at Emerald this THIRTIETH day of NOVEMBER 2021.**

**Delegate of the Chief Executive**  
**Department of Regional Development, Manufacturing and Water**



**Water Licence:** 620909  
**Expiry Date:** 30/06/2111

**Conditions: Schedule A**

**2.44**

The taking of water under this authorisation is permitted only when the flow of water in Mistake Creek downstream of the diversion channel exceeds 432 megalitres per day.

# Water licence information and requirements

This information will help you understand the requirements that may apply to your water licence under the Water Act 2000 (the Act). It also outlines how the chief executive may deal with your water licence under the Act.

## Complying with licence conditions

The chief executive may grant or grant in part a licence with or without conditions.

The licensee must comply with the terms and conditions of a licence. A regulation may also prescribe conditions in addition to those listed on a licence.

Water licences are usually issued with an expiry date of 30 June 2111, unless otherwise specified on the licence or in a water plan.

The licensee must pay any fee or charge associated with the licence as prescribed by a regulation. The licensee will be invoiced annually for the water licence fee while the licence is in force. Prescribed fees are subject to adjustment from periodic reviews and Consumer Price Index (CPI) movements.

If a water licence contains a condition relating to a payment plan, the chief executive may cancel the licence if the licensee defaults on a payment.

If a water licence contains a condition requiring the installation of works to take water, the chief executive may cancel the licence if the works are not installed within the specified timeframe.

Water taken under a licence may only be used within the boundaries of the land identified on the licence as 'attached land', except where:

- A regulation or water plan allows water to be seasonally assigned or relocated to other land.
- A water facility agreement is in place.
- Underground water is being taken under the water licence for stock and domestic purposes.

The maximum area or nominal volume specified on a licence is the quantity of water that may be taken in a water year. Water use in excess of this authorised amount is an offence. The water year is from 1 July to 30 June the following year, unless otherwise specified in a water plan or regulation.

For a licence that states a maximum area to be irrigated, the specified area is:

- the maximum area, in whole or as the aggregate of part areas, that may be irrigated in anyone growing season.
- measured in whole or in aggregate parts, as the 'fence to fence' area of the crop to which water is applied.

Water use on an area of land in excess of any authorised area or in excess of any authorised volume is an offence under the Act.

During times of water shortage, the chief executive may, by notice, limit the time, purpose and volume of water that may be taken.



## Land dealings

If the land attached to the licence changes ownership, the new owner of the land will become the licensee.

Should the registered owner dispose of part of the land to which the licence attaches, the licence becomes jointly held by all owners of the land to which the licence related before the disposal.

If you do not want the licence to change ownership upon part disposal of the land to which the licence attaches, you should contact your local business centre to discuss available options prior to disposal.

## Metering

If your licence contains a condition requiring the installation of a meter, you must install and validate a meter prior to commencing the take of water.

If you identify a fault with your meter, you must notify the department within 3 business days. Tampering with a meter or approved measuring device is an offence under the Act.

Upon the sale of a property, the seller is responsible for the payment of any outstanding metering charges for the meter.

## Dealings with water licences

The chief executive may amend, cancel or repeal a licence.

The licensee may apply for one or more dealings with a licence. Dealings include amending, renewing, reinstating, relocating, transferring, surrendering, amalgamating, subdividing and seasonal water assignments of a licence. A water licence may only be seasonally assigned or relocated to other land where a water plan, water management protocol or regulation allows.

Before submitting any application for a dealing on the licence, it is suggested that you contact your nearest business centre to obtain details of what dealings can be applied for, the application process and current fees.

## More information

Further information on water licences, dealings and metering requirements is available on the Business Queensland website at [www.business.qld.gov.au](http://www.business.qld.gov.au) or by contacting your local business centre.

**From:** Belinda Keogh  
**Sent:** Thursday, 20 January 2022 1:36 PM  
**To:** Kristy Meacle  
**Cc:** Shana Engelhart; Sam Redman; Melissa Giannangelo  
**Subject:** FW: Water Licence query  
**Attachments:** D17 73256 [sch4p4( 6) Pers] GBSDA10 - NIR - 7.3.17(2).pdf; DRDMW Advice - Amendment of Licence - Water Licence 620909.pdf

Hi Kristy,

Apologies for the delay. Further to our discussions last week, our office has considered the application of s43 of the *Water Regulation* and does not agree with [sch4p4( 6) Pers] position. The grounds for the OCG's position is detailed below.

Notwithstanding, the OCG would like to prepare and submit an application to amend the Water Licence to remove the Coordinator-General's interest only over Disney Station (including incurring payment of the fee). Our office will make contact with [sch4p4( 6) Personal inform]s legal representatives shortly to arrange the relevant form to be signed and submitted to you.

For your records, attached letter from our office to [sch4p4( 6)] dated 7 March 2017 providing notice of intention to resume pursuant to section 82(1)(b) of the *State Development and Public Works Organisation Act 1971* (SDPWOA). To facilitate the take under the SDPWOA, the process under the *Acquisition of Land Act 1967* (ALA) is used, however the land was strictly taken under the SDPWOA. In this instance, the Coordinator-General has taken the land in its own capacity and not as a constructing authority.

For comparison only, the CG also has the power to take land under s125 of the SDPWOA for a purpose under the ALA. In this instance, the taking of land under s125 applies as if it was a taking by a constructing authority (s125(4)). On this basis, we consider s43 of the *Water Regulation* may apply in this situation where land is taken by the CG pursuant to s125 of the SDPWOA (not s82).

We trust this resolves your query. Please advise if you require any additional information.

Kind Regards,



**Belinda Keogh**

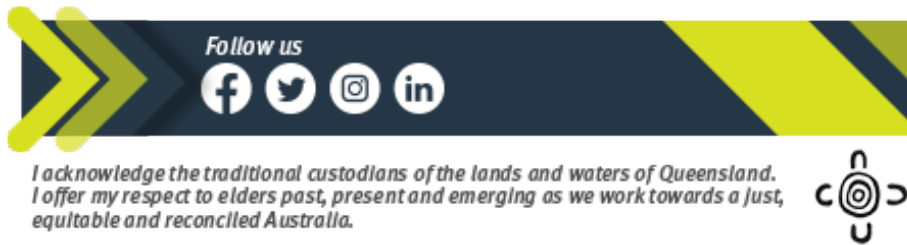
Principal Project Officer  
Project Evaluation and Facilitation  
**Office of the Coordinator-General**  
Department of State Development, Infrastructure,  
Local Government and Planning

*Microsoft teams – meet now*

---

P (07) 3452 7515  
Level 17, 1 William Street, Brisbane QLD 4000  
PO Box 15517, City East QLD 4002

[statedevelopment.qld.gov.au](http://statedevelopment.qld.gov.au)



**From:** Kristy Meacle <[Kristy.Meacle@rdmw.qld.gov.au](mailto:Kristy.Meacle@rdmw.qld.gov.au)>  
**Sent:** Wednesday, 12 January 2022 2:40 PM  
**To:** Belinda Keogh <[Belinda.Keogh@coordinatorgeneral.qld.gov.au](mailto:Belinda.Keogh@coordinatorgeneral.qld.gov.au)>  
**Cc:** Melissa Giannangelo <[Melissa.Giannangelo@rdmw.qld.gov.au](mailto:Melissa.Giannangelo@rdmw.qld.gov.au)>  
**Subject:** Water Licence query

Hi Belinda,

I am chasing a contact within the office of the coordinator general that I am able to call in relation to a water licence query and the acquisition of land associated with the Carmichael Coal and Rail Project. Last year you assisted us with a similar query.

I have tried to contact you via phone, however I was advised email was the best option.

Just wondering if you could please give me a call on [sch4p4( 6) Person] or if you have another contact within the OCG please let me know.

Thanks



**Kristy Meacle**  
**A/Director**  
**Water Services**  
**Northern Region**  
Department of Regional Development, Manufacturing and Water

**P:** 4837 3478 M: [sch4p4( 6) Person]  
**E:** [Kristy.Meacle@rdmw.qld.gov.au](mailto:Kristy.Meacle@rdmw.qld.gov.au)  
**A:** Level1, 209 Bolsover Street, ROCKHAMPTON, QLD 4700 | PO Box 1762, ROCKHAMPTON, QLD 4700

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RTI Act 2009

## Annette Vassalini

---

**From:** Kristy Meacle  
**Sent:** Thursday, 20 January 2022 3:41 PM  
**To:** Melissa Giannangelo  
**Subject:** FW: [sch4p4( 6)] water licence

Hi Mel,

I have contacted [sch4p4( 6) Personal inform] legal representative) and advised that based on the information from the OCG that section 43 of the Water Regulation did not apply for the acquisition of land for water licence 620909. I have recommended that the contact the OCG in relation to questions on how the land was acquired in the SDPWOA and potential amendment of the water licence.

Thanks

Kristy

---

**From:** Kristy Meacle  
**Sent:** Thursday, 20 January 2022 3:35 PM  
**To:** [sch4p4( 6) Personal inf]  
**Subject:** RE: [sch4p4( 6)] water licence

Hi [sch4p4( 6)]

As discussed, please find below contact details for Belinda Keogh within the Office of the Coordinator General. If you have any further questions in relation to the [sch4p4( 6) Pers] water licence or an application process for the water licence, please give me a call on [sch4p4( 6) Persona]

### Belinda Keogh

Principal Project Officer  
Project Evaluation and Facilitation  
**Office of the Coordinator-General**  
Department of State Development, Infrastructure,  
Local Government and Planning

---

P (07) 3452 7515  
Level 17, 1 William Street, Brisbane QLD 4000  
PO Box 15517, City East QLD 4002

Thanks



**Kristy Meacle**  
A/Director  
**Water Services**  
**Northern Region**  
Department of Regional Development, Manufacturing and Water

---

P: 4837 3478 M: [sch4p4( 6) Persd]  
E: [Kristy.Meacle@rdmw.qld.gov.au](mailto:Kristy.Meacle@rdmw.qld.gov.au)



A: Level1, 209 Bolsover Street, ROCKHAMPTON, QLD 4700 | PO Box 1762,  
ROCKHAMPTON, QLD 4700

From: [sch4p4( 6) Personal information] <[sch4p4( 6) Personal information]@mccullough.com.au>

Sent: Thursday, 20 January 2022 1:28 PM

To: Kristy Meacle

Subject: [sch4p4( 6) Personal information] water licence

Hi Kristy,

I hope you are well.

I just wanted to touch base to see if the Department has received the necessary information from the Coordinator-General's office yet about how [sch4p4( 6) Personal information]'s land was taken.

Kind regards,

[sch4p4( 6) Personal information]

[sch4p4( 6) Personal information]

**Lawyer**

T [sch4p4( 6) Personal information]

E [sch4p4( 6) Personal information]@mccullough.com.au

**McCullough Robertson**

Lawyers

Level 11, 66 Eagle Street, Brisbane QLD 4000

**Brisbane Sydney Melbourne Newcastle Canberra**

www.mccullough.com.au



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## Annette Vassalini

---

**From:** Kristy Meacle  
**Sent:** Thursday, 20 January 2022 3:31 PM  
**To:** Belinda Keogh  
**Cc:** Shana Engelhart; Sam Redman; Melissa Giannangelo  
**Subject:** RE: Water Licence query

Hi Belinda,

Thank you for the information below regarding the acquisition of land in relation to water licence 620909. This information supports the application of section 41 of the Water Regulation. I will contact [sch4p4( 6) Person]'s legal representative ([sch4p4( 6) Personal info] f McCullough Robertson Lawyers) and provide your contact details, should they wish to speak with the OCG about the acquisition of land or the possible amendment of the water licence.

In relation to the proposed amendment of the water licence, application forms are available on the Queensland Government Business and Industry Portal at <https://www.business.qld.gov.au/>. Please note that all licensees must sign the application form. This application requires to be accompanied by written advice that the applicants have given notice of the application to any entity that has an interest in the description of land to be added or removed from the licence and within 10 days of the notice being given, provide a copy of the notice to the chief executive. An application fee will apply (currently \$137.90).

If you have questions in relation to the application form or process, please contact Melissa Giannangelo, Senior Water Officer on 49996827.

Regards,



**Kristy Meacle**  
A/Director  
**Water Services**  
**Northern Region**  
Department of Regional Development, Manufacturing and Water

---

**P:** 4837 3478 **M:** [sch4p4( 6) Person]  
**E:** [Kristy.Meacle@rdmw.qld.gov.au](mailto:Kristy.Meacle@rdmw.qld.gov.au)  
**A:** Level1, 209 Bolsover Street, ROCKHAMPTON, QLD 4700 | PO Box 1762, ROCKHAMPTON, QLD 4700

---

**From:** Belinda Keogh <Belinda.Keogh@coordinatorgeneral.qld.gov.au>  
**Sent:** Thursday, 20 January 2022 1:36 PM  
**To:** Kristy Meacle  
**Cc:** Shana Engelhart; Sam Redman; Melissa Giannangelo  
**Subject:** FW: Water Licence query

Hi Kristy,

Apologies for the delay. Further to our discussions last week, our office has considered the application of s43 of the *Water Regulation* and does not agree with [sch4p4( 6)]'s position. The grounds for the OCG's position is detailed below.

Notwithstanding, the OCG would like to prepare and submit an application to amend the Water Licence to remove the Coordinator-General's interest only over Disney Station (including incurring payment of the fee). Our office will make contact with [sch4p4( 6) Personal inform]s legal representatives shortly to arrange the relevant form to be signed and submitted to you.

For your records, attached letter from our office to Kirkwood dated 7 March 2017 providing notice of intention to resume pursuant to section 82(1)(b) of the *State Development and Public Works Organisation Act 1971* (SDPWOA). To facilitate the take under the SDPWOA, the process under the *Acquisition of Land Act 1967* (ALA) is used, however the land was strictly taken under the SDPWOA. In this instance, the Coordinator-General has taken the land in its own capacity and not as a constructing authority.

For comparison only, the CG also has the power to take land under s125 of the SDPWOA for a purpose under the ALA. In this instance, the taking of land under s125 applies as if it was a taking by a constructing authority (s125(4)). On this basis, we consider s43 of the *Water Regulation* may apply in this situation where land is taken by the CG pursuant to s125 of the SDPWOA (not s82).

We trust this resolves your query. Please advise if you require any additional information.

Kind Regards,



**Belinda Keogh**

Principal Project Officer  
Project Evaluation and Facilitation  
**Office of the Coordinator-General**  
Department of State Development, Infrastructure,  
Local Government and Planning

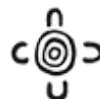
*Microsoft teams – meet now*

P (07) 3452 7515  
Level 17, 1 William Street, Brisbane QLD 4000  
PO Box 15517, City East QLD 4002

[statedevelopment.qld.gov.au](http://statedevelopment.qld.gov.au)



*I acknowledge the traditional custodians of the lands and waters of Queensland.  
I offer my respect to elders past, present and emerging as we work towards a just,  
equitable and reconciled Australia.*



---

**From:** Kristy Meacle <[Kristy.Meacle@rdmw.qld.gov.au](mailto:Kristy.Meacle@rdmw.qld.gov.au)>  
**Sent:** Wednesday, 12 January 2022 2:40 PM  
**To:** Belinda Keogh <[Belinda.Keogh@coordinatorgeneral.qld.gov.au](mailto:Belinda.Keogh@coordinatorgeneral.qld.gov.au)>  
**Cc:** Melissa Giannangelo <[Melissa.Giannangelo@rdmw.qld.gov.au](mailto:Melissa.Giannangelo@rdmw.qld.gov.au)>  
**Subject:** Water Licence query

Hi Belinda,

I am chasing a contact within the office of the coordinator general that I am able to call in relation to a water licence query and the acquisition of land associated with the Carmichael Coal and Rail Project. Last year you assisted us with a similar query.

I have tried to contact you via phone, however I was advised email was the best option.

Just wondering if you could please give me a call on [sch4p4( 6) Person] or if you have another contact within the OCG please let me know.

Thanks



**Kristy Meacle**

**A/Director**

**Water Services**

**Northern Region**

Department of Regional Development, Manufacturing and Water

---

**P:** 4837 3478 **M:** [sch4p4( 6) Person]

**E:** [Kristy.Meacle@rdmw.qld.gov.au](mailto:Kristy.Meacle@rdmw.qld.gov.au)

**A:** Level1, 209 Bolsover Street, ROCKHAMPTON, QLD 4700 | PO Box 1762,  
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## Annette Vassalini

---

**From:** Kristy Meacle  
**Sent:** Friday, 21 January 2022 9:43 AM  
**To:** Belinda Keogh  
**Cc:** Melissa Giannangelo  
**Subject:** RE: Water Licence query

Hi Belinda,

As discussed, please find [sch4p4]s contact details below:

[sch4p4( 6) Personal informatio

**Lawyer**

**T** [sch4p4( 6) Persor

**E** [sch4p4( 6) @mccullough.com.au

**McCullough Robertson**

Lawyers

Level 11, 66 Eagle Street, Brisbane QLD 4000

**Brisbane Sydney Melbourne Newcastle Canberra**

www.mccullough.com.au



Thanks

Kristy.

---

**From:** Belinda Keogh <Belinda.Keogh@coordinatorgeneral.qld.gov.au>

**Sent:** Thursday, 20 January 2022 1:36 PM

**To:** Kristy Meacle

**Cc:** Shana Engelhart; Sam Redman; Melissa Giannangelo

**Subject:** FW: Water Licence query

Hi Kristy,

Apologies for the delay. Further to our discussions last week, our office has considered the application of s43 of the *Water Regulation* and does not agree with [sch4p4( 6)]s position. The grounds for the OCG's position is detailed below.

Notwithstanding, the OCG would like to prepare and submit an application to amend the Water Licence to remove the Coordinator-General's interest only over Disney Station (including incurring payment of the fee). Our office will make contact with [sch4p4( 6) Personal inform]s legal representatives shortly to arrange the relevant form to be signed and submitted to you.

For your records, attached letter from our office to [sch4p4( 6)] dated 7 March 2017 providing notice of intention to resume pursuant to section 82(1)(b) of the *State Development and Public Works Organisation Act 1971* (SDPWOA). To facilitate the take under the SDPWOA, the process under the *Acquisition of Land Act 1967* (ALA) is used, however the land was strictly taken under the SDPWOA. In this instance, the Coordinator-General has taken the land in its own capacity and not as a constructing authority.

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We trust this resolves your query. Please advise if you require any additional information.

Kind Regards,



**Belinda Keogh**

Principal Project Officer  
Project Evaluation and Facilitation  
**Office of the Coordinator-General**  
Department of State Development, Infrastructure,  
Local Government and Planning

*Microsoft teams – meet now*

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*I acknowledge the traditional custodians of the lands and waters of Queensland.  
I offer my respect to elders past, present and emerging as we work towards a just,  
equitable and reconciled Australia.*



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**Sent:** Wednesday, 12 January 2022 2:40 PM  
**To:** Belinda Keogh <[Belinda.Keogh@coordinatorgeneral.qld.gov.au](mailto:Belinda.Keogh@coordinatorgeneral.qld.gov.au)>  
**Cc:** Melissa Giannangelo <[Melissa.Giannangelo@rdmw.qld.gov.au](mailto:Melissa.Giannangelo@rdmw.qld.gov.au)>  
**Subject:** Water Licence query

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I have tried to contact you via phone, however I was advised email was the best option.

Just wondering if you could please give me a call on sch4p4( 6) Person or if you have another contact within the OCG please let me know.

Thanks



**Kristy Meacle**  
A/Director  
**Water Services**  
**Northern Region**  
Department of Regional Development, Manufacturing and Water

P: 4837 3478 M: sch4p4( 6) Person  
E: [Kristy.Meacle@rdmw.qld.gov.au](mailto:Kristy.Meacle@rdmw.qld.gov.au)

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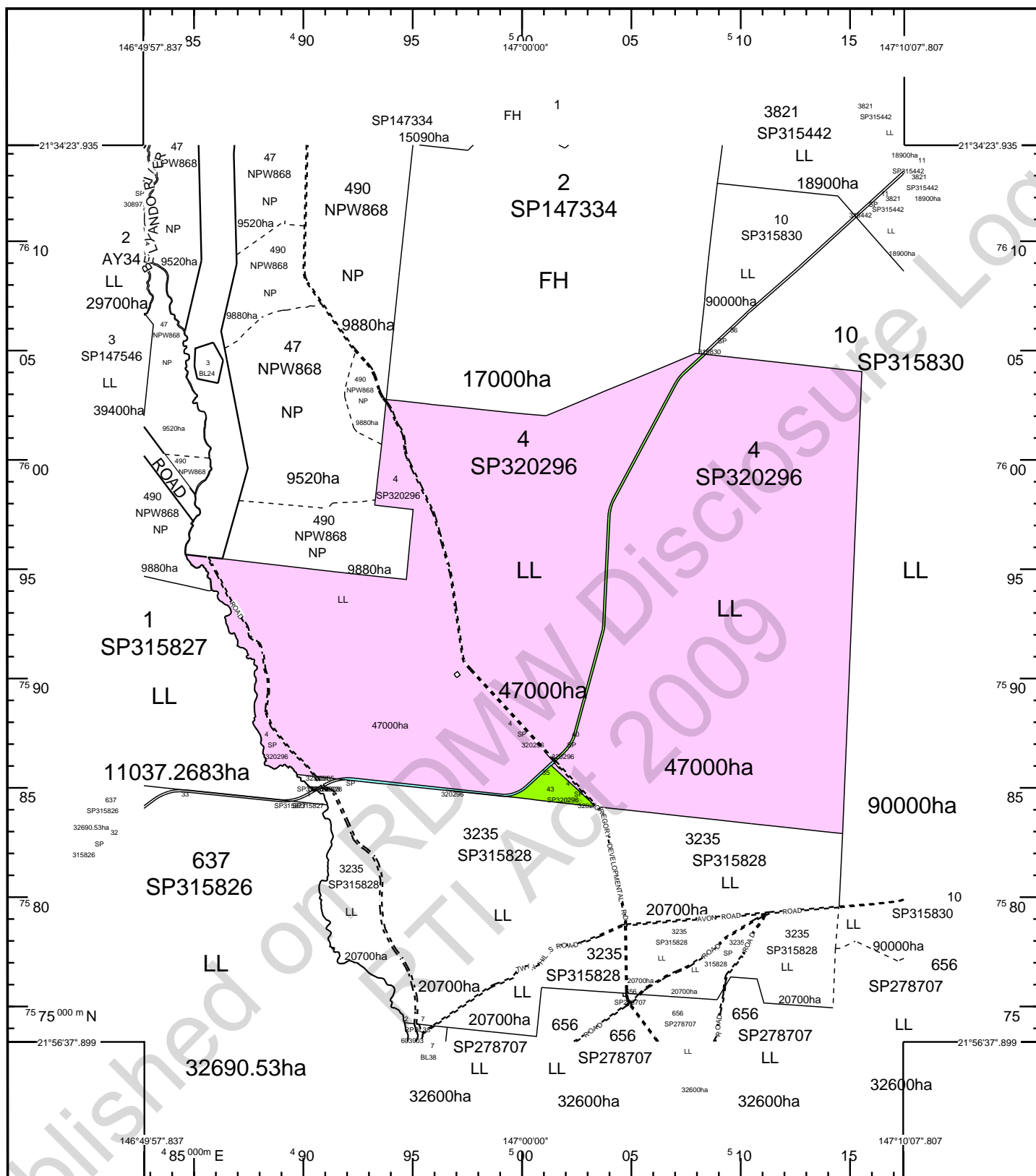
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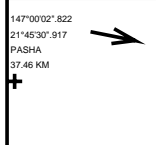
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STANDARD MAP NUMBER

8354-34444

MAP WINDOW POSITION &  
NEAREST LOCATION



#### SUBJECT PARCEL DESCRIPTION

DCDB  
Lot/Plan 4/SP320296  
Area/Volume 47000ha  
Tenure LANDS LEASE  
Local Government ISAAC REGIONAL  
Locality BELYANDO  
Segment/Parcel 43585/36

#### CLIENT SERVICE STANDARDS

PRINTED 21/10/2021  
For additional information regarding this SmartMap see page 2.  
Shading Rules have been applied.

DCDB 20/10/2021 (Lots with an area less than 5.000ha are not shown)

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**SmartMap**

An External Product of  
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Based upon an extraction from the  
Digital Cadastral Data Base



**Queensland  
Government**







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(Department of Resources) 2021.



22-061

Additional Information Page

Shading Rules

-  Lot Number = 35 and Plan Number = SP320296
-  Lot Number = 40 and Plan Number = SP320296
-  Lot Number = 41 and Plan Number = SP320296
-  Lot Number = 42 and Plan Number = SP320296
-  Lot Number = 43 and Plan Number = SP320296
-  Lot Number = 4 and Plan Number = SP320296

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# INTERNAL CURRENT STATE TENURE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:47

Title Reference: 17665231

Date Created: 21/10/1995

## DESCRIPTION OF LAND

Tenure Reference: PDH 12/5189

Lease Type: ROLLING TERM LEASE

LOT 4 SURVEY PLAN 320296  
Local Government: ISAAC

Area: 47000.000000 Ha. (ABOUT)

No Land Description

No Forestry Entitlement Area

Purpose for which granted:  
NO PURPOSE DEFINED

## TERM OF LEASE

Term and day of beginning of lease

Term: 30 years commencing on 01/10/1973

Expiring on 30/09/2003

Extended to 30/09/2053

## REGISTERED LESSEE

Dealing No: 718114707 27/06/2017

## CONDITIONS



# INTERNAL CURRENT STATE TENURE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:47

Title Reference: 17665231

Date Created: 21/10/1995

## CONDITIONS

A126 SPECIFIED CONDITIONS FOR: Term Lease  
PURPOSE: Rolling term lease - pastoral

### ----- STATUTORY CONDITIONS: -----

Statutory conditions are the general mandatory conditions of a lease and binds the lessee in accordance with Part 2 Division 1 of the Land Act.

1. Permitted Use: The lessee must use the land only for the purpose for which the tenure was issued under the Land Act 1994.
2. Duty of Care: The lessee has the responsibility for a duty of care, for the land under the Land Act 1994.
3. Rent/Instalment: The lessee must pay the annual rent/instalment in accordance with the Land Act 1994 and the Land Regulation 2009.

For further information on how annual rent is determined, refer to the department's website at [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au).

4. Noxious plants: The lessee must keep noxious plants on the land under control. If the lessee does not comply with this condition, the Minister may bring the noxious plants under control, the cost of which will be recovered from the lessee.
5. Information to Minister: The lessee must give the Minister administering the Land Act 1994, information the Minister asks for about the tenure.
6. Monies for Improvements: No money for improvements is payable by the State on the forfeiture, surrender or expiry of this lease but money may be payable if the State receives payment from an incoming lessee or buyer for the improvements on the land. However, the previous lessee may apply to the Minister to remove the improvements that belong to the lessee, within a period of 3 months from the date of the forfeiture, surrender, or expiry of this lease. The lessee may only undertake the removal of the improvements in the presence of an authorised representative of the department, if required by the Minister. The lessee may only remove those improvements if all monies due from the lessee to the department under this lease have been paid.

### REGULATORY-CONDITIONS:----- -----

A regulatory condition relates to a lease, in accordance with the Land Regulation.

1. Indemnity: The lessee indemnifies and agrees to keep indemnified the Minister, and the State of Queensland and its Representatives, (the "Indemnified parties") against all liability, costs, loss and expenses including claims in negligence (including any claims, proceedings or demands brought by any third party, and any legal fees, costs and disbursements on a solicitor and client basis) ("Claim") arising from or incurred in connection with:
  - a. the granting of this lease to the lessee;
  - b. the lessee's use and occupation of the land; or
  - c. personal injury (including sickness and death) or property damage or loss in connection with the performance (or attempted purported performance or non-performance) of the

# INTERNAL CURRENT STATE TENURE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:47

Title Reference: 17665231

Date Created: 21/10/1995

## CONDITIONS

- lease or a breach of the lease by the lessee .
- The lessee hereby releases and discharges to the full extent permitted by law, the Indemnified parties from all actions, claims, proceedings or demands and in respect of any loss, death, injury, illness or damage (whether personal or property and whether special, direct, indirect or consequential financial loss) arising out of the use and occupation of the lease. To the full extent permitted by law, the Minister, the State of Queensland and their Representatives will not be liable to the lessee for any special, indirect or consequential damages, including consequential financial loss arising out of the use and occupation of the lease.
2. Public Liability: The lessee must effect a public liability insurance policy with an insurer authorised under the Insurance Act 1973 (Commonwealth) or, if not so authorised then only with the Minister's approval, which can be given or withheld in the Minister's sole discretion, naming the lessee as the insured covering legal liability for any loss of, or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the land or any improvements thereon and against all claims, demands, proceedings, costs, charges, and expenses whatsoever (including claims in negligence) Such policy must:
- a. be for an amount of not less than \$20,000,000.00 and have no per event sublimit or such higher amounts as the Minister may reasonably require.
  - b. be effected on a "claims occurring" basis; and
  - c. be maintained at all times during the currency of the lease, and upon receipt of any notice of cancellation, the lessee must immediately effect another public insurance policy in accordance with the terms of the lease .
- The lessee must, as soon as practicable, inform the Minister, in writing, of the occurrence of any event that the lessee considers is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister is kept fully informed of subsequent actions and developments concerning the claim. The lessee must renew such policy, at the lessee's expense, each year during the currency of this lease.
- The condition will be satisfied if the lessee is the State of Queensland or a statutory authority eligible for cover under the Queensland Government Insurance Fund and is insured and continues to be insured by the Queensland Government Insurance Fund. This condition will be satisfied if the lessee is the Commonwealth of Australia or a statutory authority eligible for cover under the Comcover Insurance Fund and is insured and continues to be insured by Comcover.
3. Access: The provision of access, further access or services to the land will not be the responsibility of the State.
4. Survey Costs: If the land needs to be surveyed or re-surveyed the lessee must do this at their own cost under the Survey and Mapping Infrastructure Act 2003. This survey plan must be lodged in the land registry within the specified time.
5. Extension: The lease is subject to the extensions of rolling term

# INTERNAL CURRENT STATE TENURE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:47

Title Reference: 17665231

Date Created: 21/10/1995

## CONDITIONS

leases provision of the Land Act 1994 and the Minister must grant an extension of the term of a rolling term lease if the lessee makes an application in the approved form. The extension will be for the original term of the lease and may be given subject to condition changes.

6. Jurisdiction: The lessee is subject to the Land Act 1994 and all other relevant Queensland and Commonwealth legislation.
7. Compliance with Laws - the lessee must comply with all lawful requirements of the -
  - a. Local Government; and
  - b. any department within the Queensland or Commonwealth governments (including the department administering the Land Act 1994), local authority or statutory instrumentality having jurisdiction over the land, or the development, use and occupation of the land, in regard to its use, occupation and development of the land.

SPECIAL-CONDITIONS:-----

-----  
These conditions relate to this lease.

Improvements or development on or to the land

1. The lessee must, to the satisfaction of the relevant authorities, maintain existing improvements on the land in a good and substantial state of repair.

Quarry material

1. The lessee must allow any person authorised under the Forestry Act 1959 access to the leased land for the purpose of cutting and removing timber or removing other forest products, or quarry material, or other material from the leased land.  
Except as hereinafter provided the lessee must not interfere with any forest products or remove any quarry material (including any stone, gravel, sand, earth, soil, rock, guano or clay which is not a mineral within the meaning of the Mineral Resources Act 1989) or other material upon the leased land without the permission of the Minister administering the Land Act 1994 except under the authority of and in compliance in every respect with the requirements of a permit, licence, agreement or contract granted or made under the Forestry Act 1959.

## ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Lease No. 17665231
2. AMENDMENT OF LEASE CONDITIONS No 715962551 20/08/2014 at 05:00  
THE CONDITIONS OF THE WITHIN TENURE ARE HEREBY AMENDED.  
Lodged at 05:00 on 20/08/2014 Recorded at 05:00 on 20/08/2014
3. MORTGAGE No 718114708 27/06/2017 at 15:26  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.B.N. 11  
005 357 522  
Lodged at 15:26 on 27/06/2017 Recorded at 16:50 on 10/07/2017

# INTERNAL CURRENT STATE TENURE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:47

Title Reference: 17665231

Date Created: 21/10/1995

## ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status	Location
715721873	VEG NOTICE VEGETATION MANAGEMENT ACT 1999	16/04/2014 16:08	CUR	MY-GEN -00
717302848	ADMIN NOTING SEE DEALING FOR RELEVANT LEGISLATION	09/06/2016 08:45	CUR	RN-GEN -00
718205086	NT DETERM NATIVE TITLE ACT 1993 (CTH)	10/08/2017 14:18	CUR	EC-GEN -00
719259237	VEG NOTICE VEGETATION MANAGEMENT ACT 1999	13/02/2019 14:28	CUR	AA-GEN -00
719767646	EXEMPT CONS SEC 322AA LAND ACT 1994	02/12/2019 08:28	CUR	BE-ATS -99

UNREGISTERED DEALINGS - NIL

Corrections have occurred - Refer to Historical Search

Caution - Charges do not necessarily appear in order of priority

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

Information provided under section 34 Land Title Act (1994) or  
section 281 Land Act (1994)

# INTERNAL CURRENT TITLE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 16/09/2021 14:48

Title Reference: 51262095

Date Created: 10/09/2021

Previous Title: 40079038

## REGISTERED OWNER

Dealing No: 721082906 10/09/2021

THE COORDINATOR-GENERAL

## ESTATE AND LAND

Estate in Fee Simple

LOT 35	SURVEY PLAN 320296 Local Government: ISAAC
LOT 40	SURVEY PLAN 320296 Local Government: ISAAC
LOT 41	SURVEY PLAN 320296 Local Government: ISAAC
LOT 42	SURVEY PLAN 320296 Local Government: ISAAC
LOT 43	SURVEY PLAN 320296 Local Government: ISAAC

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 40079038 (Lot 35 on SP 320296)  
(Lot 40 on SP 320296)  
(Lot 41 on SP 320296)  
(Lot 42 on SP 320296)  
(Lot 43 on SP 320296)

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

\*\* End of Current Title Search \*\*



## Amendment of a Water Licence Section 132 of the *Water Act 2000*

### EVENT DETAILS

Event:	619990
Water Licence:	620909
Licensee/s	sch4p4( 6) Personal information
Reason for minor amendment	Update description and activity parcels due to land reconfiguration
File Reference	083/0030759
Native Title 101 assessment completed	Module AB

### ACT PROVISIONS

Under section 132(1)(a) of the *Water Act 2000* (the Act), a water licence can be amended to correct a minor error or to make another change that is not a change of substance.

**BACKGROUND** – See attached report

#### Reconfiguration of land (delete if not required)

A reconfiguration of land has occurred to land associated with the above listed water licence. Lot 4 on SP116046 (Abt 47600 ha) was reconfigured into Lot 4 on SP320296 (47000 ha) and Lot 35 on SP320296 (103.7 ha), Lot 40 on SP320296 (202.8 ha), Lot 41 on SP320296 (1.702 ha), Lot 42 on SP320296 (1.994 ha) and Lot 43 on SP320296 (302 ha).

#### Transfer to Jointly Held

Subsequent to the reconfiguration, part of the land to which the licence attaches Lot 35 on SP320296 (103.7 ha), Lot 40 on SP320296 (202.8 ha), Lot 41 on SP320296 (1.702 ha), Lot 42 on SP320296 (1.994 ha) and Lot 43 on SP320296 (302 ha) have been disposed by the licensee. The result is that a section 41 of the Water Regulations 2016, transfer event **620539** is to follow, with the licence to become jointly held (refer to table below for details) this event.

### RECOMMENDATION

The recommended amendment to the water licence can be seen in the table below.

	Current water licence details	Recommended amendment to water licence
Activity Location	Lot 4 on SP116046	Lot 4 on SP320296
Ownership of Activity Location	sch4p4( 6) Personal information	sch4p4( 6) Personal information
Attached Land	Lot 4 on SP116046	Lot 4 on SP320296 Lot 35 on SP320296 Lot 40 on SP320296 Lot 41 on SP320296 Lot 42 on SP320296 Lot 43 on SP320296
Ownership of Attached Land	sch4p4( 6) Personal information	sch4p4( 6) Personal information The Coordinator-General
Has part disposal occurred?	Yes	.
Is transfer of licence required?	Yes – Part Disposal	

## Works location

Changes to the works location in the department's water management system is required to reflect the correct land description, which is outlined in the table below.

Works number	12670
Maintain works event	620541
Previous works location description	Lot 4 on SP116046
New works location description	Lot 4 on SP320296

Works number	12671
Maintain works event	620542
Previous works location description	Lot 4 on SP116046
New works location description	Lot 4 on SP320296

Works number	12672
Maintain works event	620544
Previous works location description	Lot 4 on SP116046
New works location description	Lot 4 on SP320296

Works number	12673
Maintain works event	620546
Previous works location description	Lot 4 on SP116046
New works location description	Lot 4 on SP320296

Works number	57819/1F
Maintain works event	620558
Previous works location description	Lot 4 on SP116046
New works location description	Lot 4 on SP320296

Works number	57820/1F
Maintain works event	620575
Previous works location description	Lot 4 on SP116046
New works location description	Lot 4 on SP320296

Works number	57847/1F
Maintain works event	620576
Previous works location description	Lot 4 on SP116046
New works location description	Lot 4 on SP320296

## Human Rights Act 2019

For the purposes of the *Human Rights Act 2019* (HR Act), a delegate of the Chief Executive (CE) is considered to be a public entity. Part 3 Division 4 of the HR Act sets out obligations of public entities in making a decision. Generally, the public entity is required to give proper consideration of and act compatibly with human rights relevant to the decision and document in the records of decisions that these obligations have been met. However, under section 58 (2) this does not apply where no other decision can be made under the relevant statutory provision.

Under section 132 of the *Water Act 2000*, the CE may amend a water licence to make a change that is not a change of substance. The decision is consistent with the relevant regulation, water plan or water management protocol. As such, in this instance section 58 of the HR Act does not apply and the decision is to proceed as required under the *Water Act 2000*.

## COVERING LETTER

### Land dealings affecting Water Licence 620909

The Department of Regional Development, Manufacturing and Water (the department) has received advice that you are now the owner of the land to which the above water licence attaches.

Water Licence **620909** has been amended in accordance with section 132 of the *Water Act 2000* as the land to which the water licence relates has changed. Following the amendment, the registered owner of the land becomes the new licensee, and the chief executive of the department must transfer and update the licence in accordance with the Water Regulation 2016 to this effect.

A water licence is an entitlement to take water and generally attaches to land. As a result, water licences can be affected by land dealings if part of the land to which a water licence attaches is disposed of. It has come to our attention that part of the land to which Water Licence 620909 attaches, namely **Lot 35 on SP320296 and Lot 40 on SP320296 and Lot 41 on SP320296 and Lot 42 on SP320296 and Lot 43 on SP320296** has been disposed of to **The Coordinator-General** on **10 September 2021**.

In accordance with the *Water Regulation 2016* a water licence is taken to be jointly held by all the owners of the land to which the water licence attaches on the day the owner disposed of part of the land. Water Licence 620909 is taken to be held jointly by **The Coordinator-General and** sch4p4( 6) Per sch4p4( 6) Personal info from **10 September 2021**. A copy of the licence is enclosed for your records.

If you wish to amend or subdivide the water licence, application forms are available on the Queensland Government Business and Industry Portal at <https://www.business.qld.gov.au/> . Please note that application fees apply.

Each application must be made with the consent of all the other land owners. I encourage you to negotiate the proposed change of the jointly held water licence with the other land owners and to submit a single application form.

If you have any further enquiries please contact your local office.

### ACTIONS FOR DELEGATE

- Approve amendment to licence as specified above

### ACTIONS FOR PROCESSING TEAM

- Withhold final communication and combine at completion of transfer event 620539
- Proceed with transfer event 620539
- Send generated WMS Water Licence
- After Transfer event 620539- generate above manual general correspondence letter
- Email centralwater to create JIRA to remove generated correspondence

<b>Recommended By:</b> Julie Bishop	Approved by delegated officer under section 132 of the <i>Water Act 2000</i> in accordance with the current <i>Water Act 2000</i> Delegation.
<b>Position:</b> Water Officer	
<b>Date:</b> 25/10/2021	

# Queensland Government Native Title Work Procedures

## Annexure 7.1

Native Title Assessment Form

March 2018

## Version history

Version	Comments	Date published
1		August 2017
2	Edited Module AB section	March 2018

This publication has been compiled by Aboriginal and Torres Strait Islander Land Services, Department of Natural Resources, Mines and Energy.

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# Annexure 7.1

## Native Title Assessment Form

This annexure provides a template Native Title Assessment Form to record your native title assessment for a proposed dealing.

To help you complete this Native Title Assessment Form, some of the Modules (eg. Module BA) contain example extracts of this form.

If you have any queries in relation to using this form, please contact your Native Title Contact Officer (NTCO). If your NTCO is unsure how to proceed, Aboriginal and Torres Strait Islander Land Services should be contacted for advice.

### QNTIME

Remember to -

- record your tenure and use findings as **research items** in the research layer in QNTIME; and
- request a **conclusion** be published in QNTIME for any research item you have assessed to be a previous exclusive possession act (PEPA).

# Native Title Assessment Form

Information about this Form -

1. This form is mainly based upon the *Path through Native Title Assessment*.
2. To correctly complete this form, you will need to have read the relevant Modules of the Procedures.
3. Complete each part of the **Assessment Section** until you reach a **Go to Reason for Decision**, and then complete the **Decision Section** at the end of this form.
4. Where there is a check box, make your selection by clicking on the box. Insert all relevant information in the appropriate table field.
5. Where a Module only applies to part of your proposed dealing area, ensure you have ticked the 'Part of the proposed dealing area' box. Proceed through the form for the balance of your proposed dealing area. In this instance, a diagram should be attached to identify and to distinguish between the different areas.

Please ensure this assessment is still correct at the time you do the dealing.

## Assessment Section

### Module AA. Proposed Dealing

#### Amendment of Water Licence

Process Application No. 619990 to Amend Water Licence No. 620909 to update the authorised activity parcels and description of land parcels. under section 132 of the *Water Act 2000*. The licence authorises the Take of Water from Mistake Creek for Any with an entitlement of 10000 Megalitres per water year.

### Proposed Dealing Area

**Lot(s)/Plan(s):** Lot 4 on SP320296

**Current Status:** Rolling Term Lease

**Locality Description:** Isaac

**Attached Plan/Map:** Yes – Event 619990

### Module AB. Is this a dealing that can proceed without further reference to native title?



Yes



Dealing is within a QNTIME conclusion boundary

[C/ ]. Go to Module BB (if conclusion based on Module BA).

- ☐ Dealing is not a future act.
- ☒ Activities done in accordance with a valid lease, licence, permit or authority
- ☐ Emergency action

Go to **Reason for Decision**

☐ **No**

**Module AC. Is there a registered ILUA that covers the proposed dealing?**

- ☐ **Yes - Go to Reason for Decision** ☐ Part of the proposed dealing area
- ☐ **No**

**Module AD. Is there a determination of native title that covers the proposed dealing area?**

- ☐ **Yes - Go to Reason for Decision** ☐ Part of the proposed dealing area
- ☐ **No**

**IF YES**, does the determination state that native title does **not** exist over the proposed dealing area?

- ☐ **Yes - Go to Reason for Decision**
- ☐ **No - Go to Modules F to N** section of this Form as native title exists over the proposed dealing area unless subsequently extinguished by a later act.

**Module BA. Is there or has there been a valid grant or vesting of exclusive possession over the proposed dealing area?**

- ☐ **Yes - Go to Module BB** ☐ Part of the proposed dealing area
- ☐ **No - Go to Module CA**

**Module BB. Can the extinguishing effect of the PEPA / QNTIME Conclusion be relied upon?**

- ☐ **Yes - Go to Reason for Decision**
- ☐ **No**

**Module CA. Is there or has there been a valid public work over the proposed dealing area?**

- ☐ **Yes** - Go to **Reason for Decision** ☐ Part of the proposed dealing area
- ☐ **No**

**Module CB. Is there or has there been an area dedicated or declared as road over the proposed dealing area?**

- ☐ **Yes** ☐ Part of the proposed dealing area
- ☐ **No**

**IF YES**, can the dedication/declaration be relied upon to carry out the proposed dealing?

- ☐ **Yes** - Go to **Reason for Decision**
- ☐ **No**

**Module D. Is the area subject to other works that were done under the authority of the Crown, ie. (private works)?**

- ☐ **Yes** ☐ Part of the proposed dealing area
- ☐ **No**

**IF YES**, can I proceed with my dealing on the basis of the works?

- ☐ **Yes** - Go to **Reason for Decision**
- ☐ **No**

**Module E. Information Module ONLY regarding past and intermediate period acts**

Proceed to Modules F to N.

**Modules F to N. Do the future act sections apply to your proposed dealing?**

- ☐ **Yes** ☐ Part of the proposed dealing area

Which future act provision and Module applies

Section/s:

Modules:

Go to **Reason for Decision**

- ☐ **No** Your only options now are -
- an ILUA (Module Q); or
  - a non-claimant application (Module R).

Can a non-claimant application be made?

- ☐ **Yes**
- ☐ **No** - Your only option is an ILUA.

Go to **Reason for Decision**



# Decision Section

## Reason for Decision

### Reasons

Dealing may proceed without further reference to native title - Water Mod AB

### Native Title Parties & Procedural Rights (if relevant)

Types of native title parties	Names of native title parties	Procedural rights to be provided to the native title parties
Registered Native Title Body Corporate		
Registered Native Title Claimants		
Native Title Representative Body		

- ☐ Proceed (first providing any relevant procedural rights)
- ☐ Send to NTCO
- ☐ Send to Aboriginal and Torres Strait Islander Land Services through NTCO

Name, title and signature of officer making this assessment -

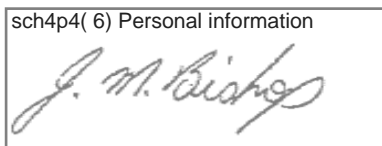
**Name:** Julie Bishop

**Title:** Water Officer

**Department/Agency:** DRDMW

**Signature:**

sch4p4( 6) Personal information



**Date:** 25/10/2021

Don't forget to:

- 1) Enter your research into QNTIME.  
  
RB /  
  
RI /
- 2) Request a conclusion be published where you found a PEPA.

**WATER LICENCE**  
**Water Act 2000**



**Reference** 620909 **Expiry Date** 30/06/2111

**Licensee** THE COORDINATOR-GENERAL  
sch4p4( 6) Personal information

**Authorised Activity** The taking of watercourse water from Mistake Creek with the point of take on or adjacent to Lot 4 on SP320296.

**Authorised Purpose** Any

**Description of Land** Attached to the land described as Lot 40 on SP320296, Lot 35 on SP320296, Lot 4 on SP320296, Lot 41 on SP320296, Lot 42 on SP320296 and Lot 43 on SP320296.

**Nominal Entitlement** 10000 Megalitres

**Maximum Rate** 561.6 Megalitres Per Day

This water licence is subject to the conditions endorsed hereon or attached hereto.

**Given at Emerald this THIRTIETH day of NOVEMBER 2021.**

**Delegate of the Chief Executive**  
**Department of Regional Development, Manufacturing and Water**

**Water Licence:** 620909  
**Expiry Date:** 30/06/2111

**Conditions: Schedule A**

**2.44**

The taking of water under this authorisation is permitted only when the flow of water in Mistake Creek downstream of the diversion channel exceeds 432 megalitres per day.

## Investigation Report- Transfer - s41 Water Regulation 2016

<b>ATS Dealing Number:</b> 721082906		<b>Lodgement Date:</b> 10/09/2021		
<b>ATS Received Date:</b> 10/09/2021		<b>Event:</b> 620539		
<b>Licence No:</b> 620909				
<b>From:</b> sch4p4( 6) Personal information client number: 248502		<b>To:</b> sch4p4( 6) Personal information The Coordinator-General client number: 257302		
<b>Native Title</b> assessment completed under module AB				
<b>Human Rights Act 2019 (HR Act) consideration-</b> Under section 41 of the Water Regulation 2016, the water licence that attaches to land is to be held by the new registered owner/s of land upon change of ownership. As there is no other decision that could be made consistent with the <i>Water Act 2000</i> and Water Regulation 2016, section 58 of the HR Act does not apply. No other considerations under the HR Act area required for this decision				
<b>Attached land</b>				
Attached land parcel/s	Lot 4 on SP320296 Lot 35 on SP320296 Lot 40 on SP320296 Lot 41 on SP320296 Lot 42 on SP320296 Lot 43 on SP320296			
Has part disposal occurred?	Yes			
<b>Source and location details of licence</b>				
<b>Water source name:</b>	Mistake Creek			
<b>Water Code</b>	120.01.06.26.02			
<b>Activity location</b>	Lot 4 on SP320296			
Does the lot/plan and watercode(s) of the works match the licence activity location lot/plan and watercode(s)?			Yes	
<b>Works details</b>				
add row/s to table if required, or "no works" if there aren't works associated with this licence				
<b>Works No:</b> 12670	<b>DP No:</b> 176755	<b>Type:</b> Pump	<b>Reg Number:</b> N/A	<b>Lot/Plan:</b> L4/SP320296
<b>Works No:</b> 12671	<b>DP No:</b> 176755	<b>Type:</b> Pump	<b>Reg Number:</b> N/A	<b>Lot/Plan:</b> L4/SP320296
<b>Works No:</b> 12672	<b>DP No:</b> 176755	<b>Type:</b> Pump	<b>Reg Number:</b> N/A	<b>Lot/Plan:</b> L4/SP320296
<b>Works No:</b> 12673	<b>DP No:</b> 176755	<b>Type:</b> Pump	<b>Reg Number:</b> N/A	<b>Lot/Plan:</b> L4/SP320296
<b>Works No:</b> 57819/1F	<b>DP No:</b> 111206	<b>Type:</b> Pump	<b>Reg Number:</b> N/A	<b>Lot/Plan:</b> L4/SP320296
<b>Works No:</b> 57820/1F	<b>DP No:</b> 111209	<b>Type:</b> Pump	<b>Reg Number:</b> N/A	<b>Lot/Plan:</b> L4/SP320296

<b>Works No:</b> 57847/1F	<b>DP No:</b> 154894	<b>Type:</b> Channell – Gravity Diversion	<b>Reg Number:</b> N/A	<b>Lot/Plan:</b> L4/SP320296
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## Decision

### Approved by: Water Officer – Julie Bishop

Delegated officer under section 41 of the *Water Regulation 2016* in accordance with the current Water Act (Burdekin basin Chief Executive) Delegation

### General Correspondence – Manually generate a cover letter

## COVERING LETTER

### Land dealings affecting Water Licence 620909

The Department of Regional Development, Manufacturing and Water (the department) has received advice that you are now the owner of the land to which the above water licence attaches.

Water Licence **620909** has been amended in accordance with section 132 of the *Water Act 2000* as the land to which the water licence relates has changed. Following the amendment, the registered owner of the land becomes the new licensee, and the chief executive of the department must transfer and update the licence in accordance with the *Water Regulation 2016* to this effect.

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Each application must be made with the consent of all the other land owners. I encourage you to negotiate the proposed change of the jointly held water licence with the other land owners and to submit a single application form.

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