

Application for coverage revocation
Dawson Valley Pipeline:
Response to Draft Recommendation

Attachment A

QNL Letter dated 20 June 2014



Queensland Nitrates Pty Ltd
ABN 63 079 889 268 ACN 079 889 268

P O Box 322
Moura QLD 4718
Australia

(+61) 07 4997 5100
(+61) 07 4997 1409

Commercial-in-Confidence

QNP-PP-LO-012

20 June 2014

Mr Garth Borgelt
Commercial Manager
WestSide CSG A Pty Ltd and WestSide CSG D Pty Ltd
GPO Box 1211
BRISBANE QLD 4001

Via email: garth.borgelt@westsidecorporation.com

Dear Mr Borgelt

QNP Pipeline Project – Strategic Cropping Land Validation Application

Queensland Nitrates Pty Ltd (QNP) QNP is proposing to construct a gas transmission pipeline from the Queensland Gas Pipeline to the QNP facility, to provide certainty of gas supply. The QNP Pipeline Project is a priority project for QNP, and represents a major investment in maintaining a consistent supply of gas to the QNP Ammonium Nitrates facility.

The proposed QNP Pipeline alignment runs to the west of the Theodore–Baralaba Road from the existing Moura Meter Station for approximately 15km before crossing the Theodore–Baralaba Road approximately 1km to the north of the Dawson Highway. The preferred alignment continues south, crossing the Dawson Highway and currently unused rail line, to run along the eastern side of Three Chain Road reserve, until it reaches the private access road to the Queensland Nitrates plant, where it runs adjacent to the eastern side of the access road.

The proposed alignment currently traverses a short section of land within the Three Chain Road reserve that is mapped as potential Strategic Cropping Land (SCL) by the Queensland Government. QNP has recently lodged an Application for an SCL Cropping History Decision over the Three Chain Road reserve, between the Dawson Highway and the QNP facility access road.

You have been identified as having an interest in the land subject to this application, and as required under Section 54 of the Strategic Cropping Land Act 2011, a copy of the application is provided at **Attachment 1**.

Should you have any questions or require further information please contact Mr Gerard Coggan, QNP Pipeline Project – Approvals Manager, or Mr Trent Arend, QNP Pipeline Project – Land Manager at IDM Partners Pty Ltd on (07) 3229 9232 or via email qnpipeline@idmpartners.com.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dave Armstrong', with a stylized flourish at the end.

Dave Armstrong
General Manager

enclosure



Queensland Nitrates Pty Ltd
ABN 63 079 889 268 ACN 079 889 268

Attachment 1 – Application for an SCL Cropping History Decision

Application form

Strategic Cropping Land Act 2011 (section 40)

Part A—Strategic cropping land validation—All applications

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DATE:

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GUIDE FOR APPLICANTS

If you have any queries about how to complete this form correctly, please contact the Strategic Cropping Land Unit using the contact details provided at the end of this form.

Part A of this form is to be completed by all applicants seeking a cropping history decision, zonal criteria decision or both. Applicants then need to complete Part B for cropping history and/or Part C for zonal criteria depending on what decision(s) is sought.

Specific information requirements

1. Applicant details

NAME: Queensland Nitrates Pty Ltd		ABN (if applicable): ACN (if applicable): 079 889 268
ADDRESS: PO Box 322		
SUBURB: Moura		POSTCODE: 4718
PHONE: 07 4997 5100	FAX: 07 4997 1409	EMAIL: cameron.levitzke@qnp.com.au

- There is more than one applicant for this application and the additional applicant(s) details have been identified in Appendix 1 of the Form.

Part A—Strategic cropping land validation—All applications

Question 2

The contact person may be a consultant or some other person acting on behalf of the applicant. If a contact person is nominated, all dealings and correspondence with the applicant will be through the contact person.

2. Contact person for this application

NAME: Mr Cameron Levitzke		ABN (if applicable): ACN (if applicable): 079 889 268	
ADDRESS: PO Box 322			
SUBURB: Moura		POSTCODE: 4718	
PHONE: 07 4997 5172	FAX: 07 4997 1409	EMAIL: cameron.levitzke@qnp.com.au	

Application form

Part A—Strategic cropping land validation—All applications

Question 3

Generally, a **legal interest** means a right in or over land. For example, an entity holding land in freehold. An **equitable interest** means an interest in property less than that.

Resource authority and resource Act are defined under s. 17 of the SCL Act.

3. Please confirm that you are an eligible person for the land

Please indicate which type of eligible person you are for the application:

<input type="checkbox"/>	I am the owner, or one of the owners, of the land	OR		
	<input type="checkbox"/> Evidence attached			
<input type="checkbox"/>	I have a legal or equitable interest in the land	OR		
	<input type="checkbox"/> Evidence attached			
<input checked="" type="checkbox"/>	I have made an application or a tender for a resource authority under a resource Act	OR		
	Resource authority number(s): PSL 88			
<input type="checkbox"/>	I have written consent from at least one of the land owners for each lot on plan to make the application:			
	Owner's name	Owner's signature	Date	Land parcels owned (e.g. 1 on RP12345)

Please attach additional sheets if required.

Question 4

List the names and contact details of all other known eligible persons for the land subject to the application. For guidance on who is an eligible person for the land please refer to s. 41 of the *Strategic Cropping Land Act 2011*.

4. Other eligible persons for the land who are not applicants for this application

- There are no other eligible persons for the land
- All other eligible persons for the land are listed in Appendix 2

Question 5

A validation application can only be made if the land is located in a protection area and/or the management area.

Refer to Department of Natural Resources and Mines (DNRM) website to determine where the land subject of the application is located.

5. The land the subject of this application is located in (tick all that apply):

- Protection area → Southern protection area Central protection area
- Management area

Part A—Strategic cropping land validation—All applications

Question 6

To have land recorded in the decision register as strategic cropping land (SCL) in a protection area, the land must be zonal criteria compliant and meet the minimum size requirement (s. 61). If land does not meet these requirements it will be recorded in the decision register as decided non-SCL (s. 63).

To have land recorded in the decision register as SCL in the management area, the land must be zonal criteria compliant and meet the minimum size requirement AND have the required cropping history. If land does not meet these requirements, it will be recorded in the decision register as decided non-SCL (see ss. 65 - 68). Cropping history and zonal criteria applications may be lodged concurrently or separately.

Question 7

A map which identifies earlier validation decisions for land can be downloaded for free from DNRM's website.

You cannot lodge a validation application if the land subject of this application has already been decided to be SCL or decided non-SCL (s. 40 (2)).

You cannot lodge a validation application for a decision that has already been made. For example, if the cropping history of a property has already been determined, you cannot lodge another cropping history application for the same property, but you may lodge an application to have land assessed against the zonal criteria (s. 40 (2)).

Question 8

The applicable fee can be found on the DNRM website or in the Strategic Cropping Land Regulation 2011.

6. What type of assessment are you seeking?

- Cropping history assessment only (SCL management area only)
→ You will need to complete the form Part B – SCL Validation – Cropping History
- Zonal criteria assessment only → You will need to complete the form Part C – SCL Validation – Zonal Criteria
- Both a cropping history and a zonal criteria assessment (SCL management area only) → You will need to complete both form Part B and C

7. Other validation decision (management area only)

Has there been a previous cropping history or zonal criteria decision made for the land the subject of this application?

- Yes → Attach a copy of the information notice for the decision or a map.
- No

8. Application fee

The application fee is: \$2,089.00

You may pay your application fee via cheque, money order or credit card.

Select the payment method below:

- Payment by cheque or money order made payable to DNRM (attached); or
- Please contact me (the applicant) for credit card payment
Phone Number: 0418 318 928

Application form

Question 9

If an application is made for land or property with more than one owner, and not all of the owners are applicants, you must give all owners a copy of the application.

If a validation application is made by someone other than an owner of the land or the property, you must give all of the owners of the land or property a copy of the application.

9. Copy of this application to land owners

- I, the applicant, am the sole owner of the land subject to this application
- All owners of the land subject to this application are also applicants
- I, the applicant, will give all owners of the land subject to this application, who are not applicants, a copy of the application as per the requirement under section 54 of the *Strategic Cropping Land Act 2011*.

Question 10

You will receive a notice from DNRM with a public notification template once your application is complete. Please wait to receive this notice before proceeding with public notification.

10. Application notice

- I, the applicant, will publish an application notice as per the requirements under section 55 of the *Strategic Cropping Land Act 2011*.




Declaration

Where the applicant is a company, this form is to be signed by a person authorised (in writing) to sign for that company and in doing so declares that the corporation will be bound by the conditions associated with the granting of a licence or permit.

Declaration

I declare that the information contained in this document, including all appendices, is true and correct to the best of my knowledge, information and belief. I understand that it is an offence under section 229 of the *Strategic Cropping Land Act 2011* to give an authorised person information, or a document containing information that I know is false or misleading in a material particular.

APPLICANT'S SIGNATURE 

APPLICANT'S NAME <i>David Armstrong</i>	APPLICANT'S POSITION & COMPANY (IF APPLICABLE) <i>General Manager - QNP</i>
--	--

DATE <i>5 / 6 / 14</i>

Privacy statement

The Department of Natural Resources and Mines is collecting the information on this form for the purposes of assessing an application. The collection of this information is required under the *Strategic Cropping Land Act 2011*. All information supplied on or with this application form may be disclosed publicly in accordance with the *Strategic Cropping Land Act 2011*, *Right to Information Act 2009* and the *Evidence Act 1977*. Your personal details will not be disclosed to any other third party without your consent unless required to do so by law.

YOU MUST ATTACH 'PART B—STRATEGIC CROPPING LAND VALIDATION—CROPPING HISTORY' AND/OR 'PART C—STRATEGIC CROPPING LAND VALIDATION—ZONAL CRITERIA' TO THIS FORM.

Please return your completed application form, together with all required information to:

**Strategic Cropping Land Unit
Department of Natural Resources and Mines**

Note: Applications for land north/north-west of (but not including) the Wide Bay-Burnett area are to be sent to SCL North

SCL North (Central Region and North Region)	SCL South (South Region)
Email: SCLNorth@dnrm.qld.gov.au	Email: SCLSouth@dnrm.qld.gov.au
Regular Post: PO Box 63 MACKAY QLD 4740	Regular Post: PO Box 318 TOOWOOMBA QLD 4350
Courier or Registered Post: Level 1, 22-30 Wood Street MACKAY QLD 4740 <i>(Hours: 8:30 am – 4:30 pm business days)</i>	Courier or Registered Post: 203 Tor Street TOOWOOMBA QLD 4350 <i>(Hours: 8:30 am – 4:30 pm business days)</i>
Phone: (07) 4999 6962 Facsimile: (07) 4999 6904	Phone: (07) 4529 1400 Facsimile: (07) 4529 1532

Appendix 1—Additional applicants

NAME:		ABN (if applicable):	
		ACN (if applicable):	
ADDRESS:			
SUBURB:		POSTCODE:	
PHONE:	FAX:	EMAIL:	

NAME:		ABN (if applicable):	
		ACN (if applicable):	
ADDRESS:			
SUBURB:		POSTCODE:	
PHONE:	FAX:	EMAIL:	

NAME:		ABN (if applicable):	
		ACN (if applicable):	
ADDRESS:			
SUBURB:		POSTCODE:	
PHONE:	FAX:	EMAIL:	

Application form
Part A—Strategic cropping land validation—All applications

Application form

Strategic Cropping Land Act 2011 (section 40)

Part B—Strategic cropping land validation—Cropping history

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Question 1

Managed as a single agricultural unit means that there is one business structure that covers the day-to-day operation across several parcels of land. For example, there is one decision-maker or decisions are made collectively.

Part B of the form is to be completed by applicants seeking a decision on whether the property or properties have the required cropping history.

Separate forms should be completed for each property over which an application is being made. A single application fee will apply to applications for multiple properties provided they form part of a single validation application.

Specific information requirements

IMPORTANT:

To be classed as one property the land must be either:

- lot or lots owned by the same person or have one or more common owners
- or
- managed as a single agricultural unit

AND

- for such abovementioned land that consists of more than one lot, the lots are contiguous other than for any road or watercourse between any of them.

1. Property details

Property name (if applicable)	Lot and plan description (all lots)
	Road reserve (Segment No. 39999, Parcel No. 46) adjacent Lot on Plan 4SP101809 and 2RP619502 on BIM Block BRIS433M. (Refer Supporting Information: Attachment One)



Part B—Strategic cropping land validation—Cropping history

The following documentation may provide support for your case that multiple parcels of land meet the requirements to be classed as one property—titles search, ASIC search, internal company documents (e.g. governance policy) and annual reports.

Please provide details on how the nominated lots meet the requirements to be classed as one property:

The potential SCL is wholly located within State Government owned Road Reserve located on Three Chain Road Moura, Queensland.

Please attach additional sheets if required.

Question 2

For further guidance on cropping history requirements, please refer to the cropping history test guidelines on the Department of Natural Resources and Mines (DNRM) website at <www.dnrm.qld.gov.au>

2. Cropping history

- I am seeking to demonstrate a history of cropping and have provided evidence that three or more cropping events **did** take place on the property between 1 January 1999 and 31 December 2010.
- I am seeking to demonstrate no history of cropping and have provided evidence that three cropping events **did not** take place on the property between 1 January 1999 and 31 December 2010.

3. Cropping history case and supporting evidence

Provide a brief overview of the cropping history case for the property and the evidence that supports that case. The applicant should clearly specify the time period(s) when cropping or no cropping is believed to have taken place. Please make specific reference to any attached information and set out how it supports the case.

Refer attached Supporting Information Question 3: Cropping History Case and Supporting Evidence.

Please attach additional sheets if required.

4. Attachments

Please list the evidence that is attached to support the case.

Attachment reference	Details of evidence (e.g. source and date of imagery)	Comments
2	Google Imagery 2005 and 2012	Refer attached Supporting Information Question 4: Attachments
3	Banana Shire Council (email)	Refer attached Supporting Information Question 4: Attachments
4	QNP Statutory Declaration	Refer attached Supporting Information Question 4: Attachments

Please attach additional sheets if required.

Part B—Strategic cropping land validation—Cropping history

Declaration

Where the applicant is a company, this form is to be signed by a person authorised (in writing) to sign for that company and in doing so declares that the corporation will be bound by the conditions associated with the granting of a licence or permit.

Declaration

I declare that the information contained in this document, including all appendices, is true and correct to the best of my knowledge, information and belief. I understand that it is an offence under section 229 of the *Strategic Cropping Land Act 2011* to give an authorised person information, or a document containing information that I know is false or misleading in a material particular.

APPLICANT'S SIGNATURE



 APPLICANT'S NAME
 DAVID ARMSTRONG

 APPLICANT'S POSITION & COMPANY (IF APPLICABLE)
 GENERAL MANAGER
 QUEENSLAND NITRATES PTY LTD

 DATE
 5 June 2014
Privacy statement

The Department of Natural Resources and Mines is collecting the information on this form for the purposes of assessing an application and all personal information provided will be managed in accordance with the *Information Privacy Act 2009*. The collection of this information is required under the *Strategic Cropping Land Act 2011*. All information supplied on or with this application form may be disclosed publicly in accordance with the *Strategic Cropping Land Act 2011*, *Right to Information Act 2009* and the *Evidence Act 1977*. Your personal details will not be disclosed to any other third party without your consent unless required to do so by law.

YOU MUST ATTACH THIS FORM TO 'PART A—STRATEGIC CROPPING LAND VALIDATION—ALL APPLICATIONS'.

Question 3: Cropping History Case and Supporting Evidence

Queensland Nitrates Pty Ltd (QNP) is proposing to build a pipeline (approximately 18 km in length) from the Queensland Gas Pipeline (owned by Jemena) to facilitate the supply of gas to their Ammonium Nitrate Facility located on Lot 4 on Plan SP101809 in the Banana Shire Council area of Queensland. The majority of the proposed pipeline will be located in private land to west of the Theodore - Baralaba Road following the existing Dawson Valley Pipeline (DVP) route, crossing the Theodore - Baralaba Road adjacent the Moura Pipeline crossing, then along private land to the east of the Theodore - Baralaba Road adjacent the Moura Pipeline at the southern end, across the highway and then up the eastern side of Three Chain Road to the QNP Facility.

Within the eastern side of the Three Chain Road reserve between the Dawson Highway and the QNP access road, the pipeline route traverses approximately 200 m mapped Potential Strategic Cropping Land (SCL). The SCL is shown on the SCL Trigger Mapping as being located in the Western Cropping Management Zone.

It is worth noting that two existing gas pipelines are located within the western side Three Chain Road reserve, namely the Moura Pipeline and the Westside Lateral (PPL 26 and PPL 61 respectively), while the eastern side of the Three Chain Road reserve has a water pipeline and Telstra telecommunication cable. All these pipelines and cables traverse the area currently mapped as Potential SCL within the Three Chains Road reserve (between the Dawson Highway and the QNP access road).

A desktop assessment of the cropping history of the area in question has revealed that the Three Chain Road reserve does not have a history of cropping events between 1 January 1999 and 31 December 2010. Findings of this assessment are presented in the following attachments:

- ~ A Locality Map showing Potential SCL and the proposed pipeline alignment (Attachment One);
- ~ Satellite imagery from 2005 and 2012 showing a continuity of vegetation (grasses with a few scattered trees and shrubs) in the road reserve over time (Attachment Two);
- ~ An email from the Banana Shire Council citing local knowledge and indicating there have been no cropping activities in the road reserve in more than twenty years (Attachment Three);
- ~ A statutory declaration from a long term QNP representative (working on site for the past 15 years) stating that the road reserve has not been used for cropping during this time (Attachment Four); and
- ~ Site photographs of the road reserve showing vegetation consists primarily of grasses with a few scattered trees and shrubs (Attachment Five).

Question 4: Attachments

Attachment One: Locality Map showing Potential SCL

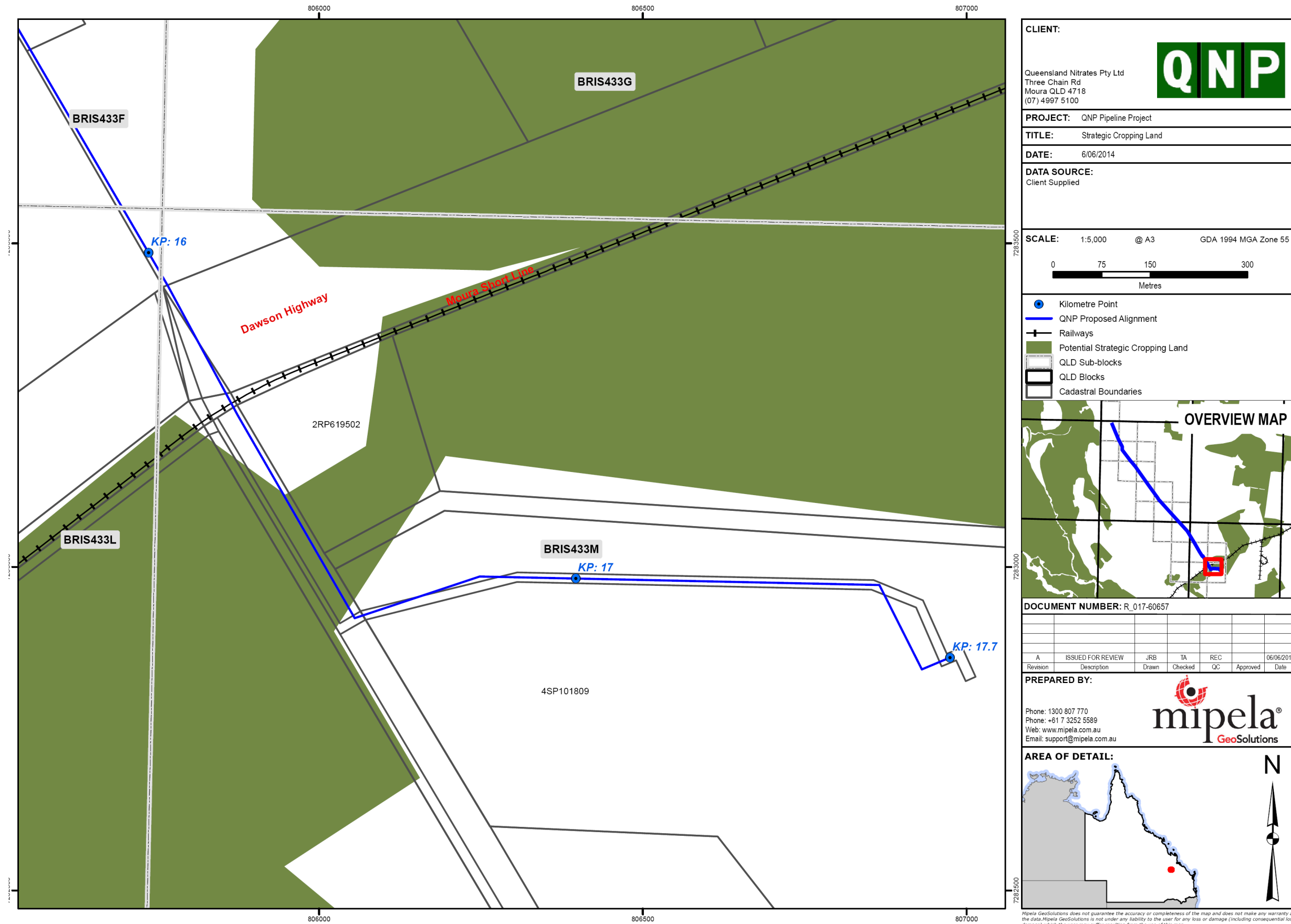


Figure One: Locality Map Showing Potential SCL and Proposed QNP Pipeline Alignment

Attachment Two: Satellite Imagery

Source: Google Earth, 2005 and 2012

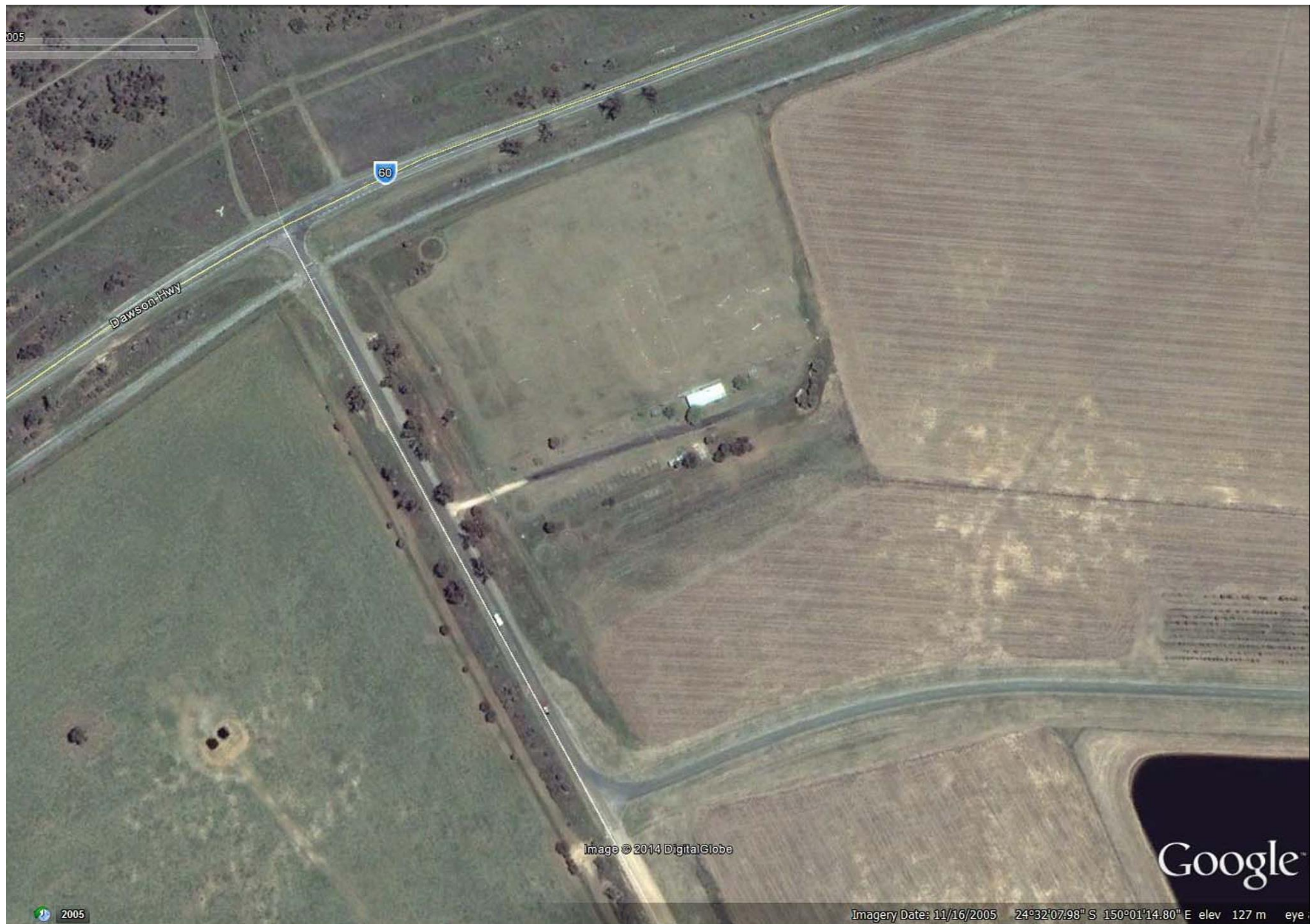


Figure One: 2005 Satellite Imagery showing Road Reserve Comprising Grasses and a Few Scattered Trees and Shrubs



Figure Two: 2012 Satellite Imagery showing Road Reserve Comprising Grasses and a Few Scattered Trees and Shrubs, and Indicating a Continuity of Vegetation over Time

Attachment Three: Banana Shire Council Email

Source: Michael Ball (Banana Shire Council) *Pers comms.* 30 May 2014

From: <Ball>, Michael <Michael.Ball@banana.qld.gov.au>
Date: Friday, 30 May 2014 10:00 AM
To: 'David Armstrong' <David.Armstrong@qnp.com.au>, "Carige, Ron (Mayor)" <Mayor@banana.qld.gov.au>
Cc: Gerrard Coggan <gerard.coggan@idmpartners.com.au>, "Geraghty, Ray" <Ray.Geraghty@banana.qld.gov.au>, "Phelan, Vicki" <Vicki.Phelan@banana.qld.gov.au>
Subject: QNP - Three Chain Road - Strategic Cropping Land

Hello Dave

The Three Chain Road as road reserve is alienated for road purposes and in our view couldn't now be used for cropping purposes.

Our Rural Lands Coordinator Gordon Twiner has been working Banana Council for 21 years and can't recalled that land (Three Chain Road near Dawson Highway south side) being used for cropping purposes in that time.

Gordon advises that the land may have been formerly owned by the Luhrs family who reside on the balance land towards Moura; maybe they can assist with your inquiry.

I hope that this is of assistance and if you need more please let me know.

Regards

Michael Ball

Vicki dws

Michael Ball

Director Planning, Strategy & Sustainability

07 4992 9500 | enquiries@banana.qld.gov.au | www.banana.qld.gov.au



Biloela Office
62 Valentine
Plains Road

Taroom Office
18 Yaldwyn
Street

Moura Office
34 Gillespie
Street

Postal
PO Box 412
Biloela QLD
4715

Please consider the environment before printing

Attachment Four: QNP Statutory Declaration

Oaths Act 1867

STATUTORY DECLARATION

QUEENSLAND
TO WIT

}

I, Jim Affleck

of 51 Tognolini-Baldwin Rd, Biloela, in the State of Queensland

do solemnly and sincerely declare that,


I have been working as an employee of Queensland Nitrates Pty Ltd (QNP) located on Three Chain Road just outside Moura since May 1999.

During this time I have routinely accessed the QNP facility via Three Chain Road from the Dawson Highway to the QNP access road.

Since my commencement at QNP in May 1999 until 31 December 2010, I have not observed, nor are aware of, the Three Chain Road reserve between the Dawson Highway and the QNP access road being used for cropping purposes.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1867.

Taken and Declared before me, at QNP site office this 05-Jun-2014


Justice of the Peace
JASON DUNNE



James Affleck


Declarant

Attachment Five: Site Photographs



Plate One: Looking North up Three Chain Road (eastern side) from QNP towards the Dawson Highway



Plate Two: Looking North up Three Chain Road (western side) from QNP towards the Dawson Highway



Plate Three: Looking North up Three Chain Road (western side) from QNP towards the Dawson Highway



Plate Four: Looking North up Three Chain Road (eastern side) from QNP towards the Dawson Highway



Plate Five: Looking South down Three Chain Road (western side) towards QNP



Plate Six: Looking South down Three Chain Road (eastern side) towards QNP