

Queensland



# **TOWNSVILLE ZINC REFINERY ACT 1996**

**Act No. 57 of 1996**

# Queensland



## TOWNSVILLE ZINC REFINERY ACT 1996

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Queensland



## **Townsville Zinc Refinery Act 1996**

**Act No. 57 of 1996**

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**An Act to facilitate the establishment of a zinc refinery at Townsville**

*[Assented to 20 November 1996]*

## The Parliament of Queensland enacts—

### Short title

1. This Act may be cited as the *Townsville Zinc Refinery Act 1996*.

### Proclamation

2. This Act commences on a day to be fixed by proclamation.

### Objects of Act

3. The objects of this Act are—
  - (a) to ensure particular land at Townsville is appropriately zoned under the planning scheme applying to the land to enable a zinc refinery to be established on it; and
  - (b) to provide for dealings in land necessary for the refinery's establishment; and
  - (c) to ensure land of cultural heritage significance is protected.

### Definitions

4. In this Act—

**“column 1 purposes”** means the purposes mentioned in the planning scheme, section 13.2, table of development, column 1, for the particular development zone.

**“column 3 purposes”** means the purposes mentioned in the planning scheme, section 13.2, table of development, column 3, for the particular development zone.

**“council”** means the Council of the City of Townsville.

**“particular development zone”** means the particular development zone in the planning scheme.

**“planning Act”** means the *Local Government (Planning and Environment) Act 1990*.

**“planning scheme”** means the planning scheme that, under the planning Act, is the planning scheme for the City of Townsville.

**“site”** means lot 132 on EP1524 County of Elphinstone, Parish of Beor and the area of the closed roads passing through that lot, but does not include the land shown on the plan in schedule 2.

**“surrendered land”** means land surrendered under section 5.

**“the company”** means Sun Metals Corporation Pty Ltd (ACN 074 241 982), its successors in title and permitted assigns.

### **Surrender of land**

**5.(1)** The company is taken to have surrendered to the State the following land in the County of Elphinstone, Parish of Beor—

- (a) lot 132 on EP1524;
- (b) lot 25 on EP5;
- (c) lot 3 on E124232.

**(2)** Compensation is not payable to the company because of the surrender of the land.

### **Roads closed**

**6.(1)** The roads shown hatched on the plan in schedule 1 are closed.

**(2)** An undefined reserve of 3.845 ha for road purposes excluded from lot 132 on EP1524 County of Elphinstone, Parish of Beor in the deed of grant of the land is revoked.

### **Protection of land under Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987**

**7.(1)** The purpose of this section is to protect the land shown on the plan in schedule 2 because the land is of cultural heritage significance to Aboriginal people.

(2) The land may be acquired by private agreement between the State and the company.

(3) On purchase, the land is taken to have been acquired by purchase under the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*, section 26 for the preservation of Landscapes Queensland.

(4) The land vests in the State.

### **Amalgamation and grant of land**

**8.(1)** The following areas of land in the Parish of Elphinstone, County of Beor are amalgamated—

- (a) lot 132 on EP1524 (other than land shown on the plan in schedule 2);
- (b) lot 25 on EP5;
- (c) lot 3 on E124232;
- (d) the closed roads shown hatched on the plan in schedule 1.

(2) The amalgamated area is granted to the company in fee simple.

(3) To give effect to this section, the company must lodge in the land registry a plan of survey and any other document necessary for registration of the company's interest in the amalgamated area.

### **Continuation of certain interests**

**9.(1)** This section applies to lot 132 on EP1524 County of Elphinstone, Parish of Beor (the "**land**").

(2) Despite the surrender of the land, the Commonwealth's lease of the part of the land described in registered lease number 601952348 continues in force until it expires or otherwise ends.

(3) Also, easement number 701448617 over the land continues to have effect despite the surrender.

**Recording of interests in land**

**10.(1)** The registrar of titles or anyone else required or permitted to record particulars necessary to identify interests in land must, on the written request of the company, record the particulars necessary to give effect to this Act.

**(2)** If a written request is made under subsection (1), production of the instrument of title to the land concerned is not required when the request is made, and the registrar of titles or other person is authorised to make any necessary entries on the instrument of title when it is next produced to the registrar or other person.

**Exemption from fees and charges**

**11.** No fee or charge under an Act, and no duty under the *Stamp Act 1894*, is payable by the company for anything done under this Act.

**Site zoned for refinery**

**12.(1)** The site is included in the particular development zone.

**(2)** For the site—

- (a) the column 1 purposes are taken to include the purposes stated in schedule 3, part 1; and
- (b) the column 3 purposes are taken to include the purposes stated in schedule 3, part 2.

**Effect of zoning under this Act**

**13.(1)** This section is enacted to avoid any doubt about the matters dealt with in it.

**(2)** For the planning Act, section 12 is taken to operate as an amendment of the planning scheme under the planning Act.

**(3)** This Act does not prevent—

- (a) the council or an owner of the site from taking action under the planning Act to change its zoning; or
- (b) a person from making an application a person may otherwise



make under the planning Act in relation to the site or a part of the site.

(4) Despite any changes to the planning scheme, development of the site for the purposes included in—

- (a) schedule 3, part 1—remains lawful; and
- (b) schedule 3, part 2—remains development that may be carried out with the council's consent.

(5) The council and the department may do anything necessary or convenient to be done to carry out or give effect to this Act.

*Example for subsection (5)—*

The zoning of the rezoned site under this Act may be noted on the planning scheme maps.

### **Expiry**

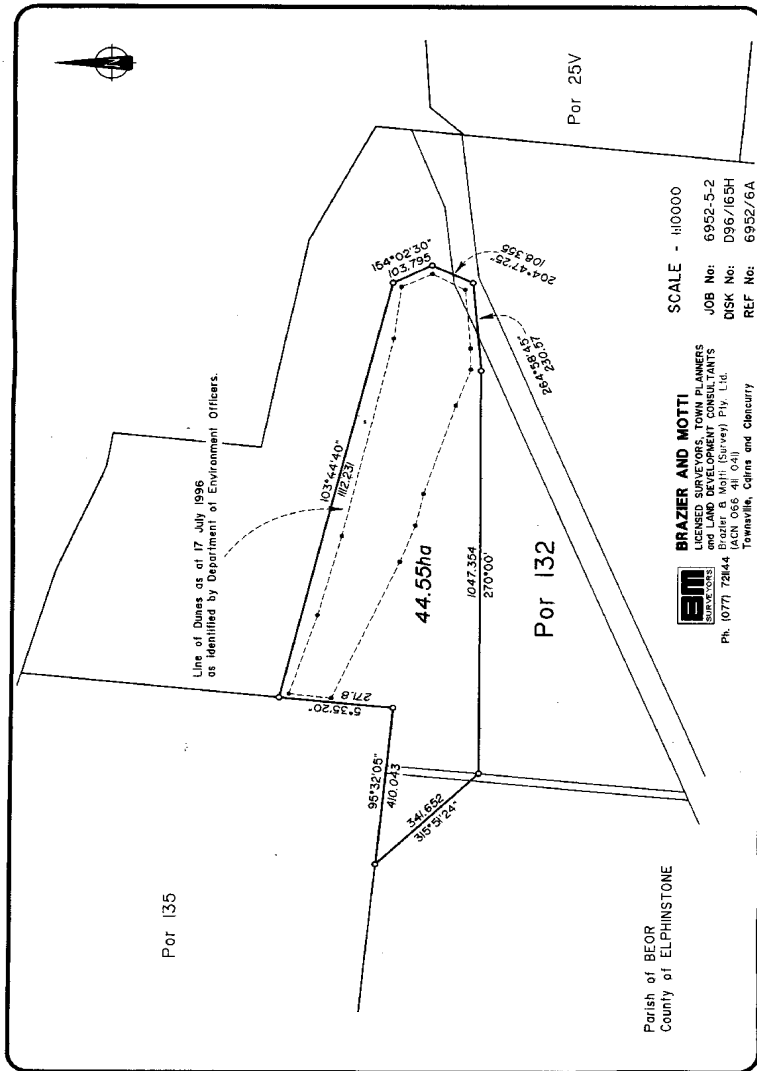
**14.** Sections 5 to 8, 10 and 11 expire 1 year after this section commences.



### SCHEDULE 2

# LAND PROTECTED AS PART OF QUEENSLAND ESTATE

section 7



## **SCHEDULE 3**

### **PURPOSES FOR PARTICULAR DEVELOPMENT ZONE**

section 12

#### **PART 1—COLUMN 1 PURPOSES**

Refinery for the production of zinc, including the following ancillary uses—

- smelting, refining or alloying zinc, ores or semi-processed ores containing zinc (including reclaiming metals from scrap)
- manufacture and sale of slag products, metal sulphates, metal oxides, metal chlorides, zinc powder, acids, gases, steam and other industrial chemicals that are by-products of the production of refined zinc
- recycling and reprocessing the products, by-products and waste from the production of refined zinc
- power generation predominantly for zinc smelting and refining operations
- hot-dip galvanising, sherardising, casting, electroplating, electrostatic coating with metals or similar processes.

#### **PART 2—COLUMN 3 PURPOSES**

Refinery for the production of non-ferrous metals other than zinc, including the following—

- smelting, refining or alloying metals, ores or semi-processed ores (including reclaiming metals from scrap)

## SCHEDULE 3 (continued)

- manufacture and sale of slag products, metal sulphates, metal oxides, metal chlorides, zinc powder, acids, gases, steam and other industrial chemicals
- recycling and reprocessing the products, by-products and waste from the production of refined metals
- power generation predominantly for smelting and refining operations
- hot-dip galvanising, sherardising, casting, electroplating, electrostatic coating with metals or similar processes.