



AGENDA

Wednesday, 18 March 2020

Ordinary Council Meeting

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Wednesday, 18 March 2020

Time: 9:00am

Location: Council Chambers

**Peter Franks
Chief Executive Officer**

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1 MEMBERS IN ATTENDANCE

2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

3 BEREAVEMENTS/CONDOLENCES

4 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST

5 CONFIRMATION OF MINUTES

Ordinary Council Meeting - 19 February 2020

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

7 DEPUTATIONS AND DELEGATIONS

8 CORPORATE AND COMMUNITY SERVICES

8.1 APPLICATION FOR PERMIT TO OCCUPY OVER LOT 1 ON AP19863, LOCALITY OF DIMBULAH

Date Prepared: 12 February 2020

Author: Senior Planner

Attachments: 1. DNRME email of 10 February 2020 [↓](#)

EXECUTIVE SUMMARY

An application has been made to the Department of Natural Resources, Mines and Energy (DNRME) for a permit to occupy over unallocated State land described as Lot 1 on AP19863, located off Davenport Road, Dimbulah.

The land has an area of 6.85 hectares and the purpose of the proposed permit is grazing.

DNRME seeks Council's views on the issue of the permit to occupy and whether Council has knowledge of any local non-indigenous cultural heritage values.

RECOMMENDATION

That Council offer no objection to the issue of a permit to occupy for grazing purposes over land described as Lot 1 on AP19863, located off Davenport Road, Dimbulah and advise the Department of Natural Resources, Mines and Energy that Council does not have knowledge of any local non-indigenous cultural heritage values associated with the land.

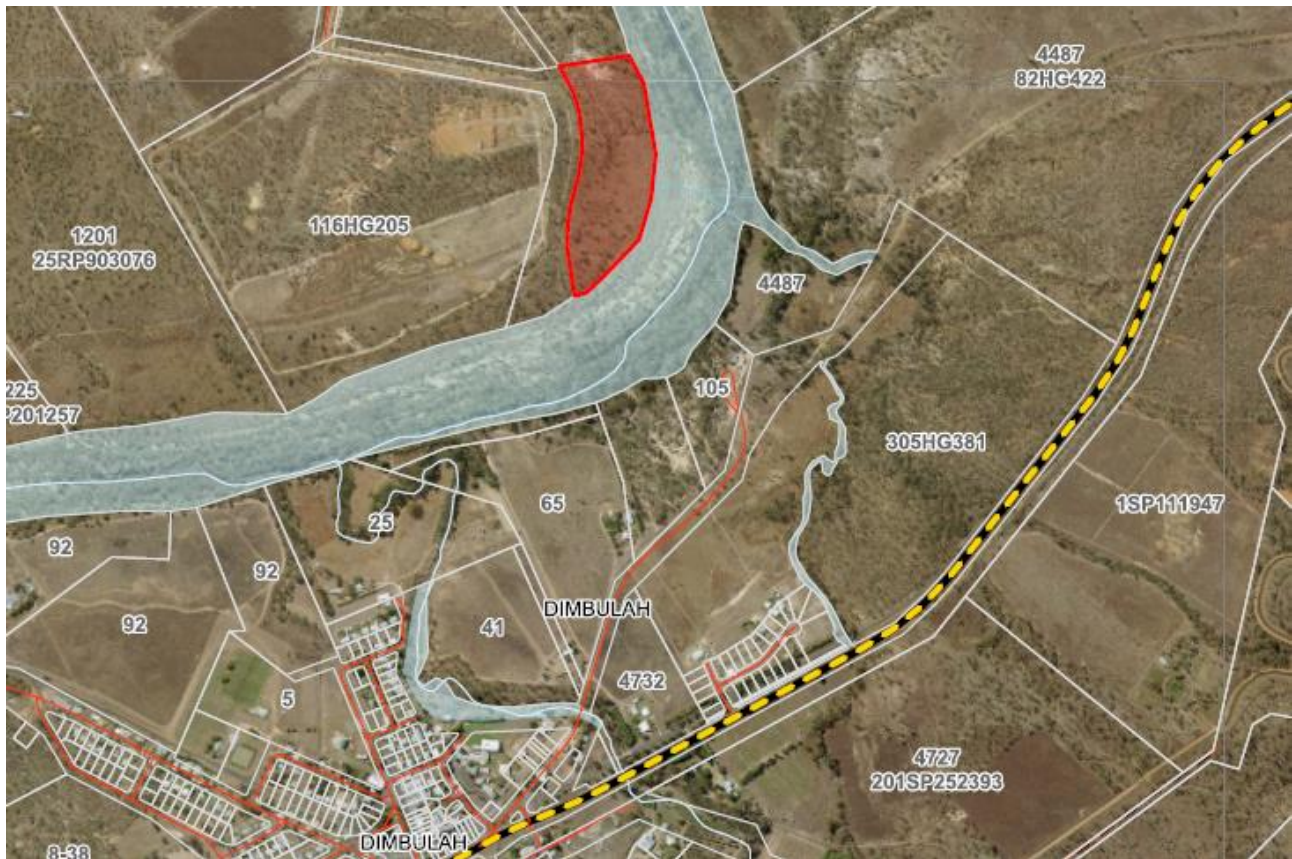
BACKGROUND

DNRME is currently considering an application for the issue of a permit to occupy over unallocated State land described as Lot 1 on AP19863, located off Davenport Road, Dimbulah.

Lot 1 on AP19863 has an area of 6.85 hectares and adjoins the Walsh River at the southern end of Davenport Road. The land is vacant and retains a good coverage of native vegetation.

The proposed purpose of the permit to occupy is grazing.

DNRME seeks Council's views on the issue of the permit to occupy and whether Council has knowledge of any local non-indigenous cultural heritage values.

**Map Disclaimer:**

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RISK IMPLICATIONS**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The land is vacant and its use for grazing purposes is consistent with the rural zone.

The land adjoins the route of the former Mount Mulligan rail line, however there is no known local non-indigenous cultural heritage values associated with the land itself.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

The Department of Natural Resources, Mines and Energy will be informed of Council's decision by letter.

Brian Millard

From: SHORE Janelle <Janelle.Shore@dnrme.qld.gov.au>
Sent: Monday, 10 February 2020 2:52 PM
To: Info (Shared)
Subject: DNRME submit request for Council view/requirements for permit to occupy application over unallocated State land -Lot 1 AP19863 locality of Dimbulah
Attachments: Smartmap - L1AP19863 Coloured.pdf; Qld Globe Map - L1AP19863.pdf
Categories: Added to ECM

Good Afternoon

Re: Application for permit to occupy over unallocated State land, described as Lot 1 on AP19863, locality of Dimbulah

The department has received an application for a permit to occupy over unallocated State land, described as Lot 1 on AP19863. The proposed use of the land is grazing purposes. The attached Smartmap and Queensland Globe map shows the subject land and the surrounding locality.

Please advise the department of your views and/or requirements, including any local non-indigenous cultural heritage values, that the department should consider when assessing this application.

Objections to the application, and any views or requirements that may affect the future use of the land should be received **by close of business on 23 March 2020**. If you offer an objection to the application, a full explanation stating the reason for the objection should be forwarded to this Office.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. An extension to this due date will only be granted in exceptional circumstances.

If a response is not received by the due date and no alternative arrangements have been made, it will be assumed you have no objections or requirements in relation to this matter.

This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

If you wish to discuss this matter please contact Janelle Shore, Land Administration Officer, State Land Asset Management on (07)40285624.

All future correspondence relative to this matter is to be referred to the department at the address below or by email to Townsville.SLAMS@dnrme.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2019/004347 in any future correspondence.

Yours sincerely



Janelle Shore
Land Administration Officer
State Land Asset Management, Land Services
Service Delivery - North Region
Department of Natural Resources, Mines and Energy

P: 07 40285624

E: Townsville.SLAMS@dnrme.qld.gov.au

A: 25 Mabel Street, Atherton Qld 4883 | PO Box 5318, Townsville Qld 4810

W: www.dnrme.qld.gov.au

All applications to change tenure or for use of State land administered under the Land Act are to be forwarded to the central point of lodgement. The central point of lodgement email address is SLAMLodgement@dnrme.qld.gov.au. For more information, please refer to [Application forms](#) on the department's webpage.

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Lot 1 on AP19863



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Legend located on next page



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0 100 metres
 Scale: 1:5106

Printed at: A4
 Print date: 10/2/2020
 Datum: Geocentric Datum of Australia 1994
 Projection: Web Mercator EPSG 102100

For more information, visit:
<https://qldglobe.information.qld.gov.au/help-Info/Contact-us.html>



**Queensland
Government**

Department of Natural Resources, Mines and Energy

Lot 1 on AP19863

Legend

Natural parcel boundary



Land parcel



Parcel

Easement parcel



Strata parcel



Volumetric parcel



Land parcel label

Road crossing



Bridge

Tunnel

Road



Highway



Main



Local



Private

Railway



Attribution

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Additional Information Page

Shading Rules

 Lot Number = 1 and Plan Number = AP19883

8.2	CHANGE OF DEVELOPMENT APPROVAL - BORAL RESOURCES (QLD) PTY LTD - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY - LOT 273 ON SP235252 & OTHER - 47 DAVIES CREEK ROAD, MAREEBA - MCU/10/0029
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Date Prepared: 13 February 2020

Author: Senior Planner

Attachments:

1. MCU/10/0029 Decision Notice dated 10 August 2011 [↓](#)
2. Boral Resources (Qld) Pty Ltd Change Application [↓](#)

APPLICATION		PREMISES	
APPLICANT	Boral Resources (Qld) Pty Ltd	ADDRESS	47 Davies Creek Road (Kennedy Highway), Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	30 January 2020	RPD	Lot 273 on SP235252, Lot 4 on RP738588, Lot 3 on RP735873 and Emt A in Lot 31 on USL21043
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Extractive Industry		
FILE NO	MCU/10/0029	AREA	82.9 hectares
LODGED BY	Boral Resources (Qld) Pty Ltd	OWNER	Boral Resources (Qld) Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	One (1) submission in support		

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 3 August 2011, subject to conditions.

The application was impacted assessable and one (1) properly made submission was received in response to public notification of the application.

The applicant has subsequently lodged an application to change the development approval with regard to the approved plans. It is proposed to delete the multiple staging/rehabilitation plans and replace them with a single Rehabilitation Plan and a single Approved Extraction Limit Plan.

Schedule 1: Substantially different development of the Development Assessment Rules (Planning Act 2016) provides assistance to the assessment manager (Council) in determining if a proposed change/s would result in substantially different development. It is considered that the proposed change/s will not result in substantially different development and therefore constitute a 'minor change'.

It is recommended that the change be approved in full.

OFFICER'S RECOMMENDATION

It is recommended that:

1. "In relation to the application to change the following development approval:

APPLICATION		PREMISES	
APPLICANT	Boral Resources (Qld) Pty Ltd	ADDRESS	47 Davies Creek Road (Kennedy Highway), Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	30 January 2020	RPD	Lot 273 on SP235252, Lot 4 on RP738588, Lot 3 on RP735873 and Emt A in Lot 31 on USL21043
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Extractive Industry		

and in accordance with the Planning Act 2016:

- (a) The approved plan/s of Council's Decision Notice issued on 10 August 2011 (amended 2 December 2015) be amended as follows:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
<i>7801/17 7801/17Rev3</i>	<i>5 Year Staging Plan Stage 1 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
<i>7801/17 7801/17Rev3</i>	<i>10 Year Staging Plan Stage 2 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
<i>7801/17 7801/17Rev3</i>	<i>15 Year Staging Plan Stage 3 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
<i>7801/17 7801/17Rev3</i>	<i>20 Year Staging Plan Stage 4 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
<i>7801/17 7801/17Rev3</i>	<i>25 Year Staging Plan Stage 5 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
<i>7801/17 7801/17Rev3</i>	<i>30 Year Staging Plan Stage 6 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
Project No AWE200117	Approved Extraction Limit	Cardno	20 November 2019
Project No AWE200117	Rehabilitation Plan	Cardno	20 November 2019

2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant advising of Council's decision".

THE SITE

The subject site is situated at 47 Davies Creek Road (corner with Kennedy Highway) approximately 12.5 kilometres east of Mareeba. The site has a total area of 85.07 hectares and is comprised of the following four (4) allotments:

- Lot 3 on RP735873;
- Lot 4 on RP738588;
- Easement A in Lot 31 on USL21043; and
- Lot 273 on SP235252.

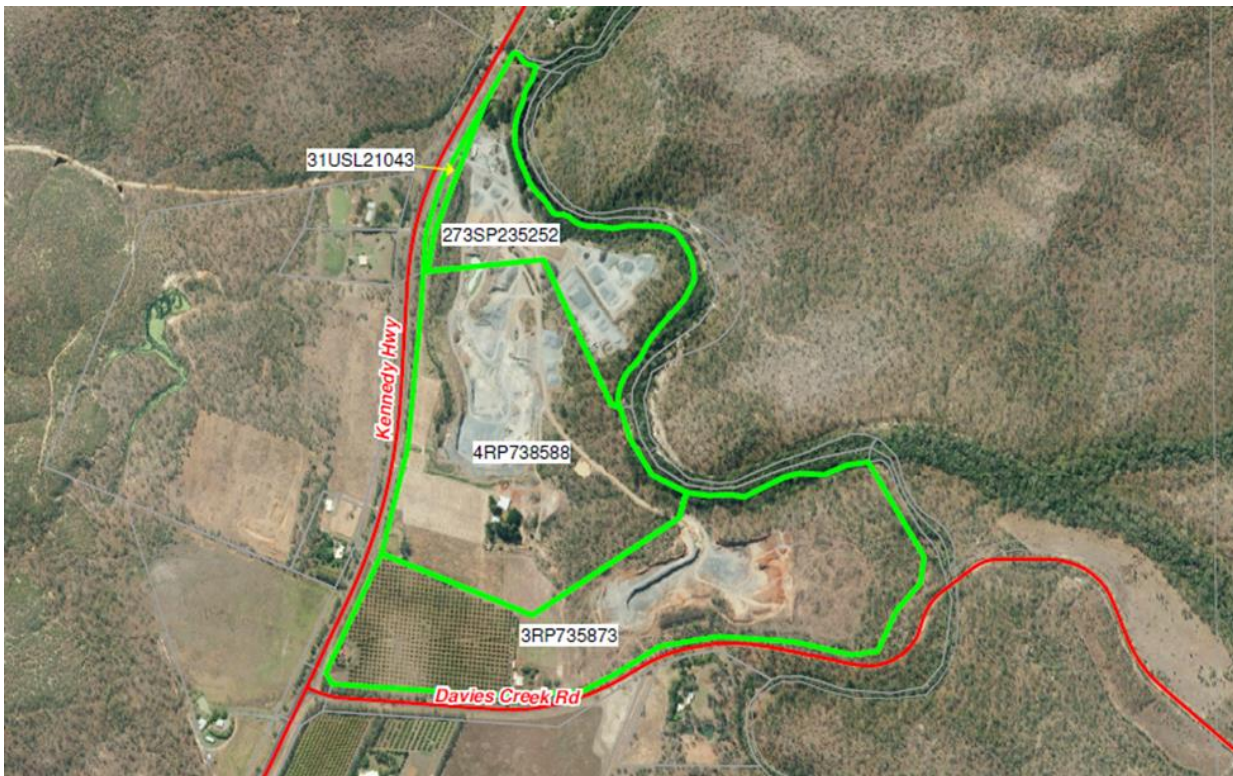
The applicant currently operates the Tichum Creek Quarry on the site for the extraction and processing of hard rock (basalt). The established quarry operations comprise:

- The processing (crushing, screening, etc.), treatment, storage, sale and transport of materials, along with the situation of the quarry office, access and weighbridge, on Lot 273 on SP235252;
- A quarry pit for the extraction of basalt on Lot 4 on RP738588 (along with the haulage of material extracted from Lot 3 on RP735873 to the processing plant on Lot 273 on SP235252);
- A quarry pit for the extraction of basalt on Lot 3 on RP735873.

Lots 3 and 4 both contain established dwelling houses. The dwelling on Lot 3 is occupied by tenants and the dwelling on Lot 4 is vacant. The dwelling on Lot 3 will continue to be occupied until such time as the land is required to be developed for extractive purposes. Limited agriculture/horticulture remains in the south-west corner of Lot 3.

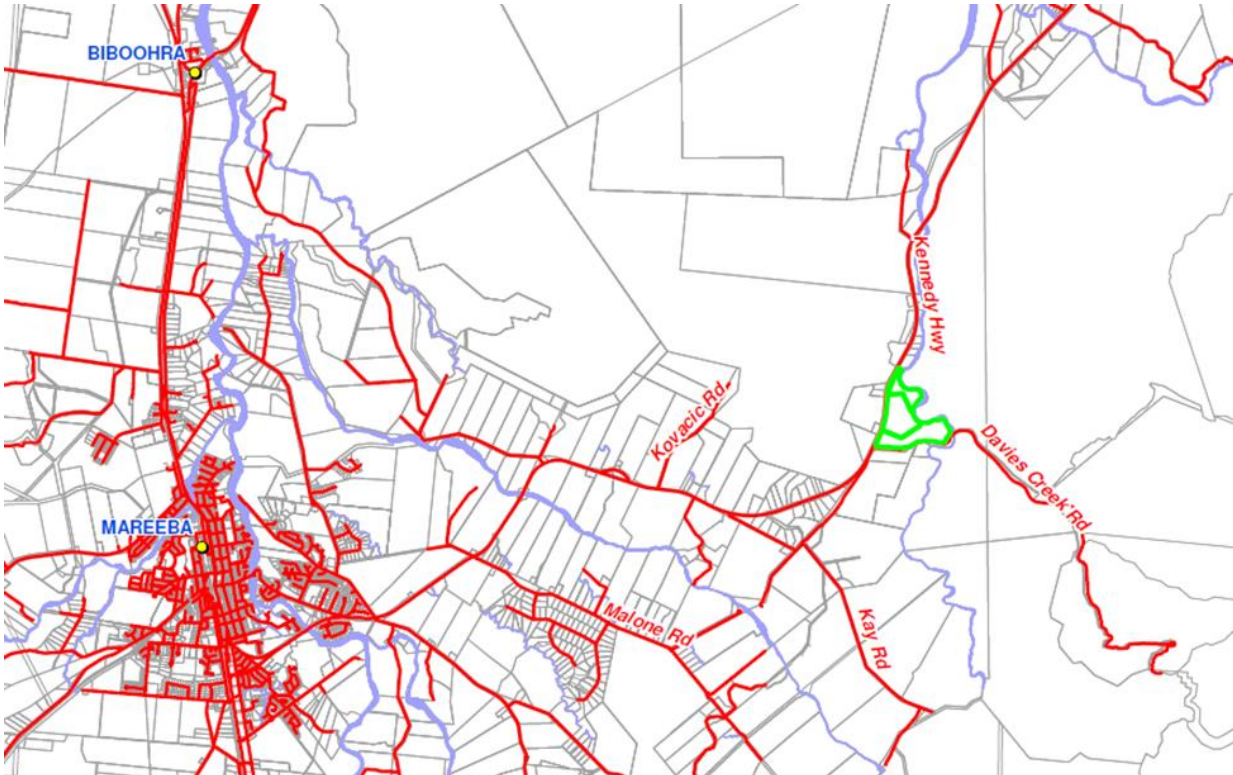
The subject site has frontages of approximately 1,200 metres to the Kennedy Highway and 1,500 metres to Davies Creek Road. The Kennedy Highway is constructed to two (2) lane sealed standard for the entire site frontage. Acceleration and deceleration lanes are provided at the access into the quarry. The quarry is accessed from the Kennedy Highway through Easement A in Lot 31 on CP USL21043.

Davies Creek Road is constructed to bitumen standard for the initial 750 metres of frontage. The remainder of the frontage is formed to a gravel standard. An access off Davies Creek Road is provided to the existing dwelling on Lot 3. No quarry access is obtained via Davies Creek Road.



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BACKGROUND AND CONTEXT

On 3 August 2011, Council approved an application made by Cardno HRP on behalf of Boral Resources (Qld) Pty Ltd for a development permit for Material Change of Use - Extractive Industry over land described as Lot 273 on SP235252, Lot 3 on RP735873, Lot 4 on RP738588 and Easement A in Lot 31 on CP USL21043, situated at 47 Davies Creek Road (Kennedy Highway), Mareeba.

The decision notice was issued on 10 August 2011 (**Attachment 1**).

In December 2015, an approved change was made to the decision notice to vary the approved plans (extraction area and staging).

Boral Resources (Qld) Pty Ltd have subsequently lodged a further application to change the development approval with regard to the approved plans (**Attachment 2**). To simplify ongoing development compliance, Boral Resources (Qld) Pty Ltd propose to delete the multiple staging/rehabilitation plans and replace them with a single Rehabilitation Plan and a single Approved Extraction Limit Plan.

There will be no change to on-site operations, the change will only simplify the decision notice.

Schedule 1: Substantially different development of the Development Assessment Rules (Planning Act 2016) provides assistance to the assessment manager (Council) in determining if a proposed change/s would result in substantially different development. It is considered that the proposed change/s will not result in substantially different development and therefore constitute a 'minor change'.

ASSESSMENT AND DECISION REQUIREMENTS

Minor change for a development approval - Planning Act 2016

Schedule 1: Substantially different development (Development Assessment Rules)

1. *An assessment manager or responsible entity may determine that the change is a minor change to a development application or development approval, where - amongst other criteria - a minor change is a change that would not result in 'substantially different' development.*

Schedule 2 - Dictionary of the Planning Act 2016 defines a minor change as follows:

Minor change means a change that—

- (a) *for a development application* (not applicable).
- (b) *for a development approval—*
 - (i) *Would not result in substantially different development; and*
 - (ii) *If a development application for the development, including the change, were made when the change application is made would not cause—*
 - (A) *the inclusion of prohibited development in the application; or*
 - (B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) *referral to extra referral agencies, other than the chief executive; or*
 - (D) *a referral agency to assess the application against, or have regard to, matter prescribed by regulation under section 55(2), other than matters the referral*

agency must have assessed the application against, or have regard to, when the application was made; or

(E) public notification if public notification was not required for the development application.

- 2.** *An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change—*
 - (a) made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*
 - (b) made to a development application in accordance with part 6;*
 - (c) made to a development application after the appeal period.*
- 3.** *In determining whether the proposed change would result in substantially differed development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.*
- 4.** *A change may be considered to result in a substantially different development if any of the following apply to the proposed change:*
 - (a) involves a new use; or*
 - (b) result in the application applying to a new parcel of land; or*
 - (c) dramatically changes the built form in terms of scale, bulk and appearance; or*
 - (d) change the ability of the proposed development to operate as intended; or*
 - (e) removes a component that is integral to the operation of the development; or*
 - (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
 - (g) introduces new impacts or increase the severity of known impacts; or*
 - (h) removes and incentive or offset component that would have balanced a negative impact of the development; or*
 - (i) impacts on infrastructure provisions.*

Comment

The proposed change to the development approval constitutes a *minor change* to the approval.

Assessing and deciding application for minor changes

Section 81(2) of the Planning Act 2016 requires that Council must assess the proposed change having regard to:

- *The information the applicant included with the application*

Comment

The details of the request to change the approval were provided by the applicant in application received on 23 January 2020 (**Attachment 2**). The proposed changes are addressed in the body of this report.

- *if submissions were made about the original application – the submissions*

Comment

The original development application was Impact Assessable and one (1) submission was received during the public notification. The submission was in support of the development.

- *Any pre-request response notice or response notice given in relation to the change application.*

Comment

No pre-request response notice or response notice was received.

- *All matters the responsible entity (Council) would or may assess against or have regard to, if the change application were a development application.*

Comment

The requested changes are addressed in the body of this report.

- *Another matter that the responsible entity (Council) considers relevant.*

Comment

No other matter is considered relevant.

REQUEST TO CHANGE THE DEVELOPMENT APPROVAL

Approved Plan/s

The approved plans and/or documents for this development approval area listed in the following table.

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7801/17 7801/17Rev3	5 Year Staging Plan Stage 1 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	10 Year Staging Plan Stage 2 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	15 Year Staging Plan Stage 3 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	20 Year Staging Plan Stage 4 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	25 Year Staging Plan Stage 5 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	30 Year Staging Plan Stage 6 Plan	Cardno	9 June 2010 1 October 2015

Request by Applicant

Boral seeks a minor change to the approval to remove the requirement to:

- *develop the site in stages;*
- *rehabilitate the site in stages.*

Geological investigations are not exact and resource type and quality varies across a site. Furthermore, market demand for various quarry products varies and quarry operators need to

extract different resources from a site at different rates depending upon the demand for certain quarry products.

For this reason, the requirement to strictly comply with staged development and staged rehabilitation plans imposes a significant operational constraint on quarries. Furthermore, it is our view that the staged extraction and staged rehabilitation plans provide no net environmental benefit for the site provided the site is progressively rehabilitated as per the requirements of the Environmental Authority Conditions of Approval.

For this reason, we propose removing the conditions requiring the development of a site in accordance with staged extraction and staged rehabilitation plans and including a condition requiring the development to occur within a final extraction footprint Plan and a revised Rehabilitation Plan as per the amended Environmental Authority.

Response

There is no objection to the amendment of the approved plans by deleting the multiple staging/rehabilitation plans and replacing them with a single Rehabilitation Plan and a single Approved Extraction Limit Plan.

It is recommended that the table of approved plan/s be amended to reflect the new proposal plan as follows:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7801/17 7801/17Rev3	5 Year Staging Plan Stage 1 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	10 Year Staging Plan Stage 2 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	15 Year Staging Plan Stage 3 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	20 Year Staging Plan Stage 4 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	25 Year Staging Plan Stage 5 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	30 Year Staging Plan Stage 6 Plan	Cardno	9 June 2010 1 October 2015
Project No AWE200117	Approved Extraction Limit	Cardno	20 November 2019
Project No AWE200117	Rehabilitation Plan	Cardno	20 November 2019

Tablelands Regional Council

Atherton Service Centre
PO Box 573, Atherton QLD 4883
Telephone: 1300 362 242

Urban & Regional Planning Department
Brian Millard, Senior Planner
Telephone: (07) 4043 4371
Facsimile: (07) 4030 3978
Email: info@trc.qld.gov.au

File Ref: MCU/10/0029
Our Ref: BN:BM/ke

10 August 2011

Boral Resources (Qld) Pty Limited
C/- Matthew Schneider
Humphreys Reynolds Perkins Planning Consultants
Level 20
344 Queen Street
BRISBANE QLD 4000

Decision Notice Approval

Sustainable Planning Act 2009 s334 and s335

Dear Sir

APPLICATION FOR MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY AND MATERIAL CHANGE OF USE FOR ENVIRONMENTALLY RELEVANT ACTIVITIES ERA 8(3)(A), ERA 16(2)(C), ERA 16(3)(B) AND ERA 21 LOT 273 ON SP235252, LOT 3 ON RP735873, LOT 4 ON RP738588 AND EASEMENT A ON SP224695 IN LOT 31 ON CP USL21043, PARISHES OF FORMARTINE AND DINDEN SITUATED AT KENNEDY HIGHWAY, MAREEBA

I wish to advise that, at Council's Ordinary Meeting held on 3 August 2011, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in **section 4** of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

Approval under Section 331

This application **has not** been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

1. Details of the approval –

Material Change of Use - Extractive Industry and Material Change of Use for environmentally relevant activities ERA 8(3)(a), ERA 16(2)(c), ERA 16(3)(b) and ERA 21

2. Other approvals required from Council

Nil

Public Office: 45 Mabel Street, Atherton QLD 4883. Postal address: PO Box 573, Atherton QLD 4883
Service Centres: Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe www.trc.qld.gov.au

DECISION NOTICE - APPROVAL

²
10 August 2011

DECISION NOTICE - APPROVAL3
10 August 2011**3. Submissions -**

There **were one (1)** properly made submissions about the application. In accordance with s 335(l) of the SPA, the name and address of the principal submitter for each properly made submission are as follows —

Name of principal submitter	Address
1. F & K Buchgraber	3462 Kennedy Highway, Mareeba 4880

4. Conditions –**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
 - 2.3 Prior to the commencement of use, the applicant must provide letters from the Department of Environment and Resource Management and Department of Transport and Main Roads confirming that the conditions of each Department required to be complied with prior to commencement of the use have been complied with to the Departments satisfaction.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by the condition(s) of this approval.
 - 3.2 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
 - 3.3 Hours of Operation

The operating hours shall be between 6:00am and 5:00pm Monday to Friday and 6:00am to 12:00pm Saturdays. No operations shall occur on Sundays or public holidays.
 - 3.4 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.

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- 3.5 The applicant shall ensure that no declared plants are transported from the site during the operation of the extractive industry.
- 3.6 Operations pursuant to the extractive industry must be carried out in accordance with the proposal report and following sections of the supporting technical assessments submitted to Council, except where conditions of approval require otherwise:
- Section 5 Recommendations of the Landscape Rehabilitation and Visual Impact Assessment Report by Chenoweth EPLA dated 28 June 2010
 - Tichum Creek Quarry Extension - Stormwater Management Plan prepared by Cardno (Qld) Pty Ltd dated 30 March 2011
 - Section 7 Recommendations of the Assessment and Control of Environmental Noise Emission report (Report No. 08-037-R01) by Acoustics RB.
 - Section 6 Conclusions of the Ecological Assessment Report prepared by Chenoweth EPLA.
 - Section 5 Future Blasting Practices and Section 6 Monitoring Program of the Assessment of Blasting Impacts at Boral Tichum Creek Quarry report prepared by the Saros Group.
4. Prevention of Environmental Harm
- 4.1 Prevent and /or minimise likelihood of environmental harm
- 4.1.1 In carrying out the activity, the applicant must take all reasonable and practicable measures to prevent and/or to minimise the likelihood of environmental harm being caused. Any activity, that, if carried out incompetently, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this approval.
- 4.1.2 NOTE: This approval authorises the activity. It does not authorise environmental harm unless a condition contained within this approval explicitly authorises that harm. Where there is no condition or the approval is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.
- 4.2 Dust Minimisation
- 4.2.1 Stockpiling and all mechanical operations (including haul road) shall be so located and maintained as to minimise to the greatest extent practicable, dust, sand or soil blowing onto a road or land that is not being used for the extractive industry.
- 4.2.2 The applicant must ensure that trucks hauling material are in a condition, which prevents the deposition of material on any sealed public road, prior to leaving the site.
- 4.2.3 The applicant must ensure trucks transporting material from the subject land are covered as soon as practicable after loading to prevent wind blown releases and spillage. The covering must be maintained until unloading the trucks.

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10 August 2011**4.3 Waste Management****4.3.1 Solid Waste**

All domestic and industrial solid waste shall be removed from the subject land and disposed of at a licensed landfill.

4.3.2 Liquid waste

No oil, grease or solvents shall be discharged to waters. All waste grease, solvents and oil will be taken off the subject land for recycling, treatment or disposal at an approved facility.

4.4 Erosion and Sediment Control

An Erosion and Sediment Control Plan must be prepared and implemented to protect the adjacent waterways and to ensure that no erosion occurs as a result of the extractive industry outside the approved extraction areas indicated by gray shading on the approved staging plans.

The plan shall be submitted to Council prior to the commencement of the use.

4.5 Stormwater management

Stormwater must be managed generally in accordance with the Tichum Creek Quarry Extension - Stormwater Management Plan prepared by Cardno (Qld) Pty Ltd dated 30 March 2011 and to the satisfaction of Council's delegated officer.

4.6 Site Rehabilitation

All disturbed areas will be revegetated as soon as practicable after operations cease on each particular area in accordance with the Landscape Rehabilitation and Visual Impact Assessment Report by Chenoweth EPLA dated 28 June 2010. All revegetation processes will be maintained until vegetation cover is re-established.

4.7 Vegetated Earthen Bund

The applicant shall progressively provide vegetated earthen bunding in accordance with the approved staging plans and the Landscape Rehabilitation and Visual Impact Assessment Report by Chenoweth EPLA dated 28 June 2010.

(D) ASSESSMENT MANAGER'S ADVICE**(a) Environmental Protection and Biodiversity Conservation Act 1999**

The applicant is advised that the referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.deh.gov.au.

(b) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care

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guidelines and cultural heritage search forms, may be obtained from www.derm.qld.gov.au

- (c) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(E) CONCURRENCE AGENCY CONDITIONS

Department of Transport and Main Roads conditions dated 27 May 2011.

~~Department of Environment and Resource Management conditions dated 4 April 2011 and 25 July 2011.~~

At Council's Ordinary Meeting held on 2 December 2015, the Concurrence Agency Condition was amended to the extent below:

Department of Infrastructure, Local Government and Planning conditions dated 17 November 2015.

5. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of referral agency	Status	Address
MATERIAL CHANGE OF USE			
For an environmentally relevant activity (ERA) , other than a mining activity, petroleum activity, mobile and temporary ERA or an ERA for which a code of environmental compliance has been made under the EP Reg	Environmental Protection Agency	Concurrence	Administration Officer Implementation & Support Unit Department of Environment & Resource Management GPO Box 15155 CITY EAST QLD 4002
On land involving the consideration of contaminated land matters if – (i) The land is on the environmental management register or contaminated land register under the <i>Environmental Protection Act 1994</i> ; (unless exemptions included in schedule 7, table 2, item 23 and schedule 3, part 1, table 2, item 6 apply) (ii) The existing or most recent use of the land was a notifiable activity; or (unless exemptions included in schedule 7, table 2, item 23 and schedule 3, part 1, table 2, item 7 apply) (iii) The proposed use of the land is for a child care, educational, recreational, residential, including caretakers accommodation on industrial land) and the existing or most recent use of the land was an industrial activity; or (iv) The land is wholly or partly within an area for which an area	Department of Environment and Resource Management	Concurrence	Administration Officer Implementation & Support Unit Department of Environment & Resource Management GPO Box 15155 CITY EAST QLD 4002

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For an application involving	Name of referral agency	Status	Address
management advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, education, recreation, residential including caretakers accommodation on industrial land); or (v) The land is wholly or partly within an area for which an area management advice for unexploded ordnance has been issued.			
For urban purposes if any part of the lot is situated in, or within 100 m of, any of the following— (i) a <u>protected area, forest reserve, critical habitat or area of major interest</u> under the <i>Nature Conservation Act 1992</i> (ii) a <u>State forest or timber reserve</u> under the <i>Forestry Act 1959</i> (iii) a <u>recreation area</u> under the <i>Recreation Areas Management Act 2006</i> (iv) a <u>world heritage area</u> listed under the World Heritage Convention	Department of Environment and Resource Management	Advice	Administration Officer Implementation & Support Unit Department of Environment & Resource Management GPO Box 15155 CITY EAST QLD 4002
On land contiguous to a <u>State-controlled road</u>	Department of Main Roads	Concurrence	Department of Transport and Main Roads Peninsula District PO Box 6185 CAIRNS QLD 4870
The lot involves any lot with an area of 2 ha or larger AND the land contains— (i) A category A or B area shown on a property map of assessable vegetation; or (ii) if there is no property map of assessable vegetation, vegetation shown as remnant vegetation on a regional ecosystem or remnant map. AND The application is not for a preliminary approval under s242 of <i>Sustainable Planning Act 2009</i> . OR The proposed use is not for a sole or community residence clearing only (as defined in Schedule 26 of the <i>Sustainable Planning Act 2009</i>) OR Involves vegetation clearing that is operational works made assessable under schedule 3, part 1, table 4, item 1 of the Sustainable Planning Regulation 2009, other than operational work that is only the clearing of regulated regrowth vegetation?	Department of Environment and Resource Management	Concurrence	Administration Officer Implementation & Support Unit Department of Environment & Resource Management GPO Box 15155 CITY EAST QLD 4002

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For an application involving	Name of referral agency	Status	Address
OR Will the reconfiguring enable additional exempt operational works as defined in schedule 26 of the Sustainable Planning Regulation 2009, other than operational work that is only the clearing of regulated regrowth vegetation.			
For other than a domestic housing activity, if any part of the lot is situated in, or within 100m of, a wetland	Department of Environment and Resource Management	Advice	Administration Officer Implementation & Support Unit Department of Environment & Resource Management GPO Box 15155 CITY EAST QLD 4002

6. Approved Plans

The approved plans and/or documents for this development approval area listed in the following table:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7801/17	5-Year Staging Plan	Cardno	9 June 2010
7801/17	10-Year Staging Plan	Cardno	9 June 2010
7801/17	15-Year Staging Plan	Cardno	9 June 2010
7801/17	20-Year Staging Plan	Cardno	9 June 2010
7801/17	25-Year Staging Plan	Cardno	9 June 2010
7801/17	30-Year Staging Plan	Cardno	9 June 2010

At Council's Ordinary Meeting held on 2 December 2015, the Approved Plans were amended to the extent below:

The approved plans and/or documents for this development approval area listed in the following table:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7801/17 7801/17Rev3	5-Year Staging Plan Stage 1 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	10-Year Staging Plan Stage 2 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	15-Year Staging Plan Stage 3 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	20-Year Staging Plan Stage 4 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	25-Year Staging Plan Stage 5 Plan	Cardno	9 June 2010 1 October 2015
7801/17 7801/17Rev3	30-Year Staging Plan Stage 6 Plan	Cardno	9 June 2010 1 October 2015

7. When approval lapses if development not started (s341)

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This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

- Material Change of Use – four (4) years (starting the day the approval takes effect);

If there is one (1) or more subsequent related approvals' for a development approval for a Material Change of Use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

8. Appeal rights –

Applicant may make representations about decision

The applicant may make written representations to the assessment manager about: -

- (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- (b) the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

Attachment 3 is an extract from SPA which contains details regarding making representations about the decision.

Appeals by applicants

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Appeals by submitters

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Attachment 4 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

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9. When the development approval takes effect –

This development approval takes effect –

- if there is a submitter and the applicant does not appeal the decision, the earlier date of either:
 - when the submitter's appeal period ends; or
 - the day the last submitter gives the Assessment Manager written notice that the submitter will not be appealing the decision.

OR

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

Should you require any further information please contact Council's **Senior Planner, Brian Millard**, on the above telephone number.

Yours faithfully

BRETT NANCARROW
MANAGER URBAN & REGIONAL PLANNING

Enclosures: Attachment 1 - Approved Plans of Development
Attachment 2 - Concurrence Agency Conditions
Attachment 3 - SPA Extract - Making Representations about Decision
Attachment 4 - SPA Extract on Appeal Rights

Copy: Mr Malcolm Hardy
Department of Transport Main Roads
Far North Region (Cairns)
PO Box 6185
CAIRNS QLD 4870

Administration Officer
Implementation and Support Group
Department of Environment and Resource Management
GPO Box 15155
CITY EAST QLD 4002

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ATTACHMENT 1 - AMENDED APPROVED PLANS OF DEVELOPMENT



Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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SUPERSEDED PLANS OF DEVELOPMENT



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Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Tablelands Regional Council:

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Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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10 August 2011**ATTACHMENT 2 - AMENDED CONCURRENCE AGENCY CONDITIONS**Department of Infrastructure,
Local Government and Planning

Our reference: SPD-1015-021819
 Council reference: MCU/10/0029
 Your reference: Tichum Creek Quarry

17 November 2015

Boral Resources (QLD) Pty Ltd
 PO Box 125
 Kelvin Grove DC QLD 4059

Attn: Andrew Lyndon
 Email: andrew.lyndon@boral.com.au

Dear Sir / Madam

Notice of decision—changed approval (responsible entity)

Development permit for a material change of use – extractive industry and material change of use for environmentally relevant activities ERA 8(3)(A), ERA 16(2)(C), ERA 16(3)(B) and ERA21 on land situated at Kennedy Highway, Mareeba and more particularly described as Lot 273 on SP235252, Lot 3 on RP735873, Lot 4 on RP738588 and Easement A on SP224695 in Lot 31 on CP USL21043

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 12 October 2015 for the original decision described below.

Applicant details

Applicant name: Boral Resources (QLD) Pty Ltd

Site details

Lot on plan: Lot 273 on SP235252, Lot 3 on RP735873, Lot 4 on RP738588 and Easement A on SP224695 in Lot 31 on CP USL21043

Local government area: Mareeba Shire Council

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Far North Queensland Regional Office
 Ground Floor, Cairns Port Authority
 PO Box 2358
 Cairns QLD 4870

Tablelands Regional Council: Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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SPD 1015 021849

Application details

Proposed development: Development permit for a material change of use – extractive industry and material change of use for environmentally relevant activities ERA 8(3)(A), ERA 16(2)(C), ERA 16(3)(B) and ERA21

Original decision

Date of original decision: 10 August 2011
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Bec Turner, A/ Planning Officer, SARA Far North QLD on 4037 3208, or email CairnsSARA@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Robin Clark
Manager (Planning)

enc: Changed decision notice
Attachment 1—Changed Concurrence agency conditions
Attachment 2—Further advice
Attachment 3—SPA appeal provisions
Attachment 3—Approved plans and specifications

Department of Infrastructure, Local Government and Planning

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DECISION NOTICE - APPROVAL

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10 August 2011

SPD-1015-021849

Our reference: SPD-1015-021849
Your reference: Tichum Creek Quarry

Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

Applicant details

Applicant name: Boral Resources (QLD) Pty Ltd
Applicant contact details: PO Box 125
Kelvin Grove DC QLD 4059

Application details

Level of assessment: Code assessment
Original application properly made date: 27 August 2010
Date of request for change: 12 October 2015

Site details

Street address: Kennedy Highway, Mareeba
Lot on plan: Lot 273 on SP235252, Lot 3 on RP735873, Lot 4 on RP738588 and Easement A on SP224685 in Lot 31 on CP USL21043
Name of owner: Mareeba Shire Council

Nature of the changes

The nature of the changes agreed to are:

1. Minor realignment to the quarry, resulting in an increase in size of approved quarry footprint of less than 15%; and
2. Updated staging plans to reflect the realignment of the extraction boundary.

Original decision

Date of original decision: 10 August 2011
Original decision details: Approved subject to conditions

Department of Infrastructure, Local Government and Planning

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10 August 2011

SFD-1015-021849

Changed decision

Date of changed decision: 17 November 2015

Changed decision details: Approved subject to conditions

Conditions

This approval is subject to:

- the changed concurrence agency conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

Aspects of development and development approval granted

Development permit for a material change of use (extractive industry)

Further development permits or compliance permits

Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

1. Not applicable

Self-assessable codes

Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

1. Not applicable

Compliance assessment

Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

Properly made submissions

Not applicable—No part of the application required impact assessment.

Conflicts with relevant instruments

This decision does not conflict with a relevant instrument.

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SPD-1015-021849

Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

Native title considerations

Notification for native title was not required.

Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material change of use (extractive industry)				
5-Year Staging Plan	Cardno	9 June 2010	7801/17	N/A
10 Year Staging Plan	Cardno	9 June 2010	7801/17	N/A
15 Year Staging Plan	Cardno	9 June 2010	7801/17	N/A
20 Year Staging Plan	Cardno	9 June 2010	7801/17	N/A
25 Year Staging Plan	Cardno	9 June 2010	7801/17	N/A
30 Year Staging Plan	Cardno	9 June 2010	7801/17	N/A
Referral Agency Response (Vegetation) Plan Plan of Area A (Parts A1-A3) in lot 273 on SP235252, Lot A on SP224695, lot 3 on RP735873 and Lot 4 on RP738588	Department of Environment and Resource Management	15 November 2010	RARP 2010/007761	N/A
Referral Agency Response (Vegetation) Plan Plan of Area A in Lot 273 on SP235252, Lot 3 on RP735873, Lot 4 on RP738588 and Emt A on SP224695 in Lot 31 on USL21043	Department of Natural Resources and Mines	30 October 2015	RARP SPD-1015-021849	N/A

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SPD-1015-021049

Tichum Creek Proposed Extension - Existing / Approved & Proposed Quarry Footprint Plan 2	Saunders Havill Group	21/08/2015	N/A	N/A
Stage 1 Plan	Cardno	1 October 2015	Project No 7801/17	3
Stage 2 Plan	Cardno	1 October 2015	Project No 7801/17	3
Stage 3 Plan	Cardno	1 October 2015	Project No 7801/17	3
Stage 4 Plan	Cardno	1 October 2015	Project No 7801/17	3
Stage 5 Plan	Cardno	1 October 2015	Project No 7801/17	3
Stage 6 Plan	Cardno	1 October 2015	Project No 7801/17	3
Rehabilitation Plan	Cardno	September 2015	Project No 7801/17	1

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SPD-1015-021849

Our reference: SPD-1015-021849
Your reference: Tichum Creek Quarry

Attachment 1—Changed concurrence agency conditions

No.	Conditions of development approval	Condition timing
Development permit for a material change of use (extractive industry)		
Schedule 7, Table 3, Item 1 – State-controlled road—Pursuant to section 265D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
In accordance with approved plans		
1.	<p>Layout</p> <p>Unless otherwise approved in writing by TMR the development site layout must generally comply with the Cardno plans numbered 7801/17 “5-Year Staging Plan”, “10-Year Staging Plan”, “15-Year Staging Plan”, “20-Year Staging Plan”, “25-Year Staging Plan” & “30-Year Staging Plan”, dated 9 June 2010.</p> <p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Tichum Creek Proposed Extension - Existing / Approved & Proposed Quarry Footprint Plan 2 prepared by Saunders Havill Group, dated 21/08/2015. • Stage 1 Plan prepared by Cardno, dated 1 October 2015, Project No 7801/17, Rev 3. • Stage 2 Plan prepared by Cardno, dated 1 October 2015, Project No 7801/17, Rev 3. • Stage 3 Plan prepared by Cardno, dated 1 October 2015, Project No 7801/17, Rev 3. • Stage 4 Plan prepared by Cardno, dated 1 October 2015, Project No 7801/17, Rev 3. • Stage 5 Plan prepared by Cardno, dated 1 October 2015, Project No 7801/17, Rev 3. • Stage 6 Plan prepared by Cardno, dated 1 October 2015, Project No 7801/17, Rev 3. • Rehabilitation Plan prepared by Cardno, dated September 2015, Project No 7801/17, Figure 4A, Rev 1. 	At all times
Land Requirement for Road Purposes		
2.	TMR Plans Nos PD 541, 419B & 460 (copies attached) identify the portions of the Subject Land required to accommodate future upgrading of Kennedy Highway. These areas are hereafter referred to as the ‘Exclusion Area’.	At all times
3.	The applicant/landowner shall not construct any structure/s nor commence any development under, on or over the ‘Exclusion Area’, or within 10m of the ‘Exclusion Area’, other than approved	At all times

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SPD-1016 021649

No.	Conditions of development approval	Condition timing
	stormwater treatment infrastructure and landscape rehabilitation, without the written consent of TMR.	
Permitted Road Access Location		
4.	The permitted road /vehicular access between the state-controlled road (Kennedy Highway) and the Subject Land subject site shall be via the existing access in Easement A on SP224695 in Lot 31 on CPUSL21043, located about 250m from the northern side boundary of the Subject Land subject site, only. The existing direct access between Kennedy Highway and the dwelling house on Lot 4 on RP738588 shall be permanently closed concurrent with the removal of the dwelling house as indicated in the "5-Year Staging Plan" in condition 4.	At all times
5.	No additional direct vehicular access between the state-controlled road (Kennedy Highway) and the Subject Land is permitted. Direct access is not permitted between the Kennedy Highway and the subject site at any location other than the permitted road access location.	At all times
Intersection Works		
6.	The applicant/landowner shall upgrade the existing vehicular access in condition 4. The applicant/landowner shall design and construct a Channelised Right Turn treatment with a Short Turn Slot [CHR(S)] generally in accordance with Figure 13.59 in Chapter 13 of TMR the Department of Transport and Main Roads's Road Planning and Design Manual, in conjunction with TMR the Department of Transport and Main Roads' Interim Guide to Road Planning & Design Practice. The design shall include: <ul style="list-style-type: none"> • access curve radii 20m, • an acceleration lane of 500m minimum length and with 100m long taper for Mareeba-bound traffic exiting the Subject Land subject site and entering the Kennedy Highway, • 4.0m shoulder widening of the opposite side of Kennedy Highway to accommodate CHR(S) and provide additional safety for exiting trucks, through traffic and cyclists, • sight distance benching/ vegetation clearing either side of the vehicular access at least 300mm below the line of sight to allow for grass growth, • 2.0m sealed shoulders on both sides through the extent of intersection works for cyclists, • any necessary relocation of Telstra and Ergon services to the satisfaction of the service providers, • appropriate pavement sealing, pavement marking and raised reflectorised pavement markers. 	Prior to the commencement of use and to be maintained at all times

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10 August 2011

SPD 1015 021549

No.	Conditions of development approval	Condition timing
	<p>To this end:</p> <ul style="list-style-type: none"> (i) The applicant/landowner shall obtain TMR approval prior to commencing any works within the state-controlled road reserve. (ii) The applicant/landowner shall submit to TMR for approval engineering drawings, certified by a Registered Professional Engineer of Queensland (RPEQ), of the proposed works. (iii) Subject to TMR approval of the engineering designs the applicant/landowner shall construct the works. (iv) All required access works must be completed prior to the commencement of the approved use. (v) All completed works within the state-controlled road reserve must have TMR written approval and submission of "As Constructed" plans to TMR. 	
Barrier Fence		
7.	<p>The applicant/landowner shall provide and maintain at all time, a barrier fence, similar to an industrial security fence, along the Subject Land subject site's full frontage to Kennedy Highway, to prevent vehicles and pedestrians moving directly between Kennedy Highway and the Subject Land.</p> <p>The barrier fence shall be erected prior to, or in conjunction with the commencement of the approved use to the written approval of TMR.</p>	Prior to the commencement of use and to be maintained at all times
Visual Amenity Treatments		
8.	<p>The applicant/landowner shall provide landscape bunding between the excavated areas and the Subject Land subject site's frontage to the Kennedy Highway, except for the access driveway, in accordance with <i>Landscape Rehabilitation and Visual Impact Assessment Report</i> 088098 by Chenoweth Environmental Planning & Landscape Architecture, dated 26 June 2010 and the addendum correspondence prepared by Cardno dated 25 September 2015.</p>	At all times
Advertising		
9.	<p>No advertising device for the proposed development is permitted within the state-controlled road reserve (Kennedy Highway).</p>	At all times
Development permit for a material change of use (extractive industry)		
<p>Schedule 7, Table 3, Item 10 – Clearing vegetation—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		

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9.	No clearing of assessable vegetation as a result of the Material Change of Use is to occur within 'Area A' as identified on the Referral Agency Response (Vegetation) Plan 2010/007761, dated 18 November 2010. Clearing of assessable vegetation is not permitted in the area identified as Area A on the attached Referral Agency Response Plan (RARP) SDA-1015-021849 dated 30 October 2015.	At all times
10.	No clearing of assessable vegetation is to occur as a result of the Material Change of Use, unless the clearing can already be undertaken as an exemption under Schedule 24 of the Sustainable planning Regulation 2009 without the Material Change of Use application being approved.	At all times
Development permit for a material change of use (extractive industry)		
Schedule 7, Table 2, Item 1 – Environmentally relevant activities AND Schedule 7, Table 2, Item 23 – Contaminated land—Pursuant to section 256D of the Sustainable Planning Act 2009, the chief executive administering the Act nominates the Director-General of the Department of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
Environmentally Relevant Activities		
General		
11.	Prevent and/or minimise likelihood of environmental harm. In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.	
12.	Maintenance Of Measures, Plant and Equipment. The operator of an ERA to which this approval relates must: (a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and (b) maintain such measures, plant and equipment in a proper and efficient condition; and (c) operate such measures, plant and equipment in a proper and efficient manner.	
13.	Site Based Management Plan. From commencement of an ERA to which this approval relates, a site-based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.	

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No.	Conditions of development approval	Condition timing
	<p>The SBMP must address the following matters:</p> <ul style="list-style-type: none"> (a) Environmental commitments – a commitment by senior management to achieve specified and relevant environmental goals; (b) Identification of environmental issues and potential impacts; (c) Control measures for routine operations to minimise likelihood of environmental harm; (d) Contingency plans and emergency procedures for non-routine situations; (e) Organisational structure and responsibility; (f) Effective communication; (g) Monitoring of contaminant releases; (h) Conducting environmental impact assessments; (i) Staff training; (j) Record keeping; (k) Periodic review of environmental performance and continual improvement; 	
14.	The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.	
15.	Records.	
	Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.	
16.	All records required by this approval must be kept for 5 years.	
17.	Notification.	
	Telephone the DERM's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.	
18.	Information About Spills.	
	<p>A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition G7:</p> <ul style="list-style-type: none"> a) the name of the operator, including their approval / registration number; b) the name and telephone number of a designated contact person; c) quantity and substance released; d) vehicle and registration details; e) person/s involved (driver and any others); f) the location and time of the release; g) the suspected cause of the release; h) a description of the effects of the release; i) the results of any sampling performed in relation to the release; j) actions taken to mitigate any environmental harm caused by the release; and k) proposed actions to prevent a recurrence of the release. 	
19.	Spill Kit.	
	An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the	

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No.	Conditions of development approval	Condition timing
	management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.	
20.	Spill Kit Training. Anyone operating under this approval must be trained in the use of the spill kit.	
21.	Complaint Response. The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request: a) Time, date, name and contact details of the complainant; b) reasons for the complaint; c) any investigations undertaken; d) conclusions formed; and e) any actions taken.	
22.	Area of Extraction The only areas permitted to be extracted under this approval are those shown in the document "Proposed Extension to Tichum Creek Quarry Application in Appendix A – Proposal Plans" prepared by Humphreys Reynolds Perkins Planning Consultants dated August 2010 following approved staging plans: <ul style="list-style-type: none"> 5 Year Staging Plan, Rev:1 prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010; 10 Year Staging Plan, Rev:1 prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010; 15 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010; 20 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010; 25 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010; and 30 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010. 	
Air		
23.	Dust Control Stockpiles must be maintained using all reasonable and practicable measures necessary to minimise the release of wind blown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to: (a) use of waterspray as required during winds likely to generate such releases; (b) use of dust suppressant shielding; (c) storage in bunkers; and (d) covering with tarpaulins.	
24.	Trafficable areas must be maintained using all reasonable and practicable measures necessary to minimise the release of wind blown dust or traffic generated dust to the atmosphere.	

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No.	Conditions of development approval	Condition timing
	Reasonable and practicable measures may include but are not limited to: (a) keeping surfaces clean; (b) sealing with bitumen or other suitable material; (c) using water sprays; (d) adopting and adhering to speed limits; and (e) using dust suppressants and wind-breaks.	
25.	The holder of this development approval must take all reasonable and practicable measures necessary to prevent spillage and/or loss of particulate matter or windblown dust from trucks used for transporting extracted material from the premises to which this development approval relates. The entire load must be covered with a tarpaulin or similar material for the duration of transport. Other, reasonable and practicable measures may include but are not limited to: (a) wetting down the load prior to transport; and (b) clearing of spillage from side rails, tail gates and draw bars of trucks prior to departure from the premises to which this development approval relates and prior to departure from the premises to which this development approval relates to which the load has been delivered.	
26.	Dust Nuisance. The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.	
27.	Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place: a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3560.10.1 of 2003 (or more recent editions); OR b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with: i. Australian Standard AS 3560.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method'; or ii. any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.	
28.	When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include: a) for a complaint alleging dust nuisance, dust deposition; and	

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No.	Conditions of development approval	Condition timing
	b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere over a 24hr averaging time.	
29.	Nuisance. The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.	
Land		
30.	Land Rehabilitation. The site (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that: (a) suitable native species of vegetation are planted and established; (b) potential for erosion of the site is minimised; (c) the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm; (d) the likelihood of environmental nuisance being caused by release of dust is minimised; (e) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm; (f) the final landform is stable and not subject to slumping and similar to that of the surrounding undisturbed area; and (g) any actual and potential acid sulphate soils in or on the site are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.	
31.	Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.	
32.	Rehabilitation of the site must be undertaken in accordance with the rehabilitation plan illustrated as "Figure 4 Rehabilitation Plan dated 16 Feb 06" within the "Tichum Creek Quarry Extension Landscape Rehabilitation and Visual Impact Assessment Report" dated 28 June 2010 by Chenoweth Environmental Planning & Landscape Architecture or any revised plan version approved by the administering authority.	
33.	Financial Assurance. Provide financial assurance in the amount and manner detailed below: a) Prior to commencing each stage of the development identified in condition G12, the applicant must provide the Administering Authority with a schedule of costs associated with each stage of the proposed rehabilitation works identified in the "Tichum Creek Quarry Extension Landscape Rehabilitation and Visual Impact Assessment Report" dated 28 June 2010. The schedule of costs must be based on	

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	<p>three quotes from appropriately qualified third parties for the rehabilitation and remediation of the site.</p> <p>b) Within 30 days of completion of rehabilitation works in each of the stages outlined in condition G12, the Applicant is required to provide the Administering Authority with a written statement in relation to compliance with condition L3 of this approval and the rehabilitation works associated with the completed stage.</p> <p>c) For the purposes of this condition of the approval, a bond may take form of cash, a bank guarantee or such other form acceptable to the Administering Authority.</p>	
34.	<p>Buffer Areas:</p> <p>Existing remnant vegetation along Davies Creek and Brindie Creek is to be maintained. Development must not further disturb remnant vegetation and ensure it is in accordance with the approved staging development plans in condition G12.</p>	
Noise		
35.	<p>Noise Nuisance.</p> <p>Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.</p>	
36.	<p>Noise Monitoring.</p> <p>When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:</p> <ul style="list-style-type: none"> - airblast overpressure (dB (Lin) Peak); - $L_{Amax, 0.5-2s}$ - $L_{A10, 10 \text{ min}}$ - $L_{A50, 0.5-10 \text{ min}}$ - $L_{Aeq, 0.5-10 \text{ min}}$ - $L_{A10, 0.5-10 \text{ min}}$ - the level and frequency of occurrence of impulsive or tonal noise; - atmospheric conditions including wind speed and direction; - effects due to extraneous factors such as traffic noise; and - location, date and time of recording. 	
37.	The method of measurement and reporting of noise levels must comply with the latest edition of the Department of Environment and Resource Management's Noise Measurement Manual.	
38.	All noise from the licensed activities must not exceed the levels specified in Table 2—Noise limits at a nuisance sensitive or commercial place.	
39.	<p>Vibration Nuisance:</p> <p>Vibration emitted from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.</p>	
40.	<p>Airblast Overpressure and Ground Vibration Monitoring.</p> <p>When requested by the administering authority for the purposes of investigating complaints of noise and vibration annoyance, monitoring must be undertaken (and results notified within 14</p>	

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	days to the administering authority) and at least the following descriptors, characteristics and conditions determined: (1) maximum instantaneous charge (MIC) in kg; (2) location of the blast within the quarry (including which bench level); (3) airblast overpressure level, dB (linear) peak; (4) peak particle velocity (mm/s); (5) location, date and time of recording; (6) meteorological conditions (including temperature, relative humidity, temperature gradient, cloud cover, wind speed and direction); and (7) distance/s from the blast site to noise-affected building/s, structure/s, or the boundary of any noise sensitive place.	
41.	For vibration monitoring the ground-borne vibration transducer (or array) must be attached to a mass of at least thirty (30) kg to ensure good coupling with the ground where the blast site and the measurement site cannot be shown to be on the same underlying strata. The mass must be buried so that its uppermost surface is at the same level as the ground surface.	
42.	The ground borne vibration transducer (or array) must be placed at a distance of at least the longest dimension of the foundations of a noise-affected building or structure away from such building or structure and between that building or structure and the site of the blasting.	
43.	Air Blast Over pressure Level, Vibration limits and blast timings must comply with the levels specified in Table 3.	
Water		
44.	Contaminants must only be released to surface waters at the following discharge locations: Release points: 1 - Sediment Basin A; 2 - Sediment Basin B & 3 - Release Point 3 (Pit B Catchment) located on approved plan Figure 10 - Proposed Stormwater Measures (30 Year), Rev. Orig and dated February 2011.	
45.	Contaminants must only be released to surface waters in compliance with release limits specified in Table 1 - Contaminant release limits to water.	
46.	The release of contaminants to surface waters must not result in the receiving water standards being exceeded as specified in Table 1 - Contaminant release limits to water.	
47.	Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the quality characteristics and not less frequently than specified in Table 1 - Contaminant release limits to water. All determinations of the quality of contaminants released must be: a) made in accordance with methods prescribed in the latest edition of the Agency's Water Quality Sampling Manual; and b) carried out on samples that are representative of the discharge.	
48.	Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment and be in accordance with the "Tichum Creek Quarry Extension - Stormwater Management Plan" prepared by Cardno (Qld) Pty Ltd dated 30 March 2011. Sediment released to	

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	the bed of the receiving waters, effected by process water and stormwater contaminated by activities, can only be released when in compliance with the limits in (Table 1) – Sediment release limits to water.	
49.	An Erosion and Sediment Control Plan must be prepared and implemented within 30 days from the date of this approval for all land disturbances associated with the extractive industry.	
Waste		
50.	General Waste Management. All waste generated must be lawfully transported and disposed of to a facility which can lawfully accept such waste.	
51.	Waste Records. A record of all waste, including trackable wastes must be kept detailing the following information: a) date of pick-up of waste; b) description of waste; c) quantity of waste; d) origin of the waste; and e) destination of the waste.	
Contaminated land		
General		
52.	If during any site earthworks or excavation, offensive or noxious odours and/or evidence of gross contamination not previously detected is observed, site works are to cease in that area and action taken to immediately abate the potential environmental harm. The administering authority is to be notified in writing within two (2) business days of detection and advised of appropriate remedial action. Any remedial action is to be developed by an appropriate qualified and experienced person in accordance with Section 364 of the EP Act.	

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Our reference: SPD-1015-021849
Your reference: Tichum Creek Quarry**Attachment 2—Further advice**

General advice	
Ref.	Advertising Device
1.	<p>Under section 43 of the <i>Transport Infrastructure Act 1994</i>, a local government must obtain approval from the Department of Transport and Main Roads if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: The Department of Transport and Main Roads has powers under section 111 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2005</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>

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Our reference: SPD-1015-021849
Your reference: Tichum Creek Quarry

Attachment 3—SPA Appeal Provisions

Sustainable Planning Act 2009—Representation and appeal provisionsThe following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.**Chapter 6 Integrated development assessment system (IDAS)****Part 8 Dealing with decision notices and approvals****Division 1 Changing decision notices and approvals during applicant's appeal period****360 Application of div 1**

This division applies only during the applicant's appeal period.

361 Applicant may make representations about decision

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 Assessment manager to consider representations

The assessment manager must consider any representations made to the assessment manager under section 361.

363 Decision about representations

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—

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- (i) the decision notice previously given; or
 - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 Giving new notice about charges for infrastructure

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

366 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
 - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

Chapter 7 Appeals, offences and enforcement

Part 1 Planning and Environment Court

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.

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- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) development for an aquacultural ERA; or
 - (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

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465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Division 11 Making and appeal to Court**481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or

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- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and
 - (iv) the applicant; or
 - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
 - (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and
 - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
 - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
- (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
- (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and

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- (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 365—the person asking for the extension the subject of the appeal is a co-respondent; and
 - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
 - (b) if the responsible entity is the assessment manager—
 - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
 - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

490 Lodging appeal stops particular actions

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 3, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

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SPD-1015-021849

Our reference: SPD-1015-021849
Your reference: Tichum Creek Quarry

Attachment 4—Approved plans and specifications

Department of Infrastructure, Local Government and Planning

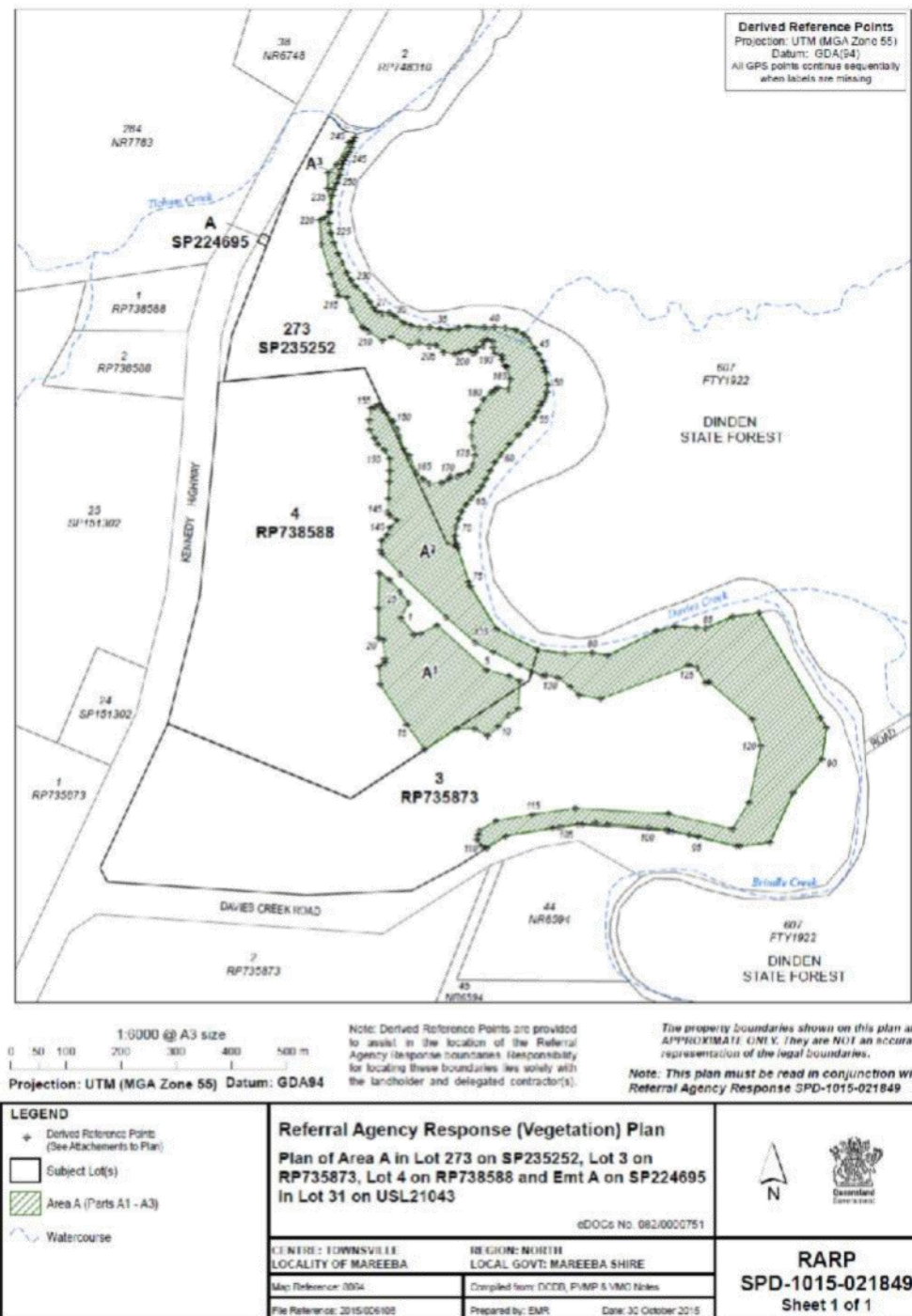
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Tablelands Regional Council: Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Attachment to Plan: SDA-1015-021849

Derived Reference Points for GPS

Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 94 Zone 55

Note: Derived Reference Points are provided to assist in the location of the permitted boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
This attachment must be read in conjunction with the accompanying plan and the Referral Agency Response SDA-1015-021849
Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing
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A1	7	344549	8122658	A2	67	344452	8122980	A2	127	344657	8122633
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A1	13	344435	8122572	A2	73	344434	8122906	A2	133	344549	8122686
A1	14	344377	8122533	A2	74	344437	8122900	A2	134	344501	8122711
A1	15	344344	8122579	A2	75	344457	8122838	A2	135	344468	8122728
A1	16	344296	8122652	A2	76	344459	8122830	A2	136	344416	8122774
A1	17	344294	8122685	A2	77	344507	8122753	A2	137	344332	8122853
A1	18	344305	8122691	A2	78	344582	8122715	A2	138	344299	8122889
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A2	60	344515	8123069	A2	120	344987	8122540	A2	180	344484	8123170

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Attachment to Plan: SDA-1015-021849

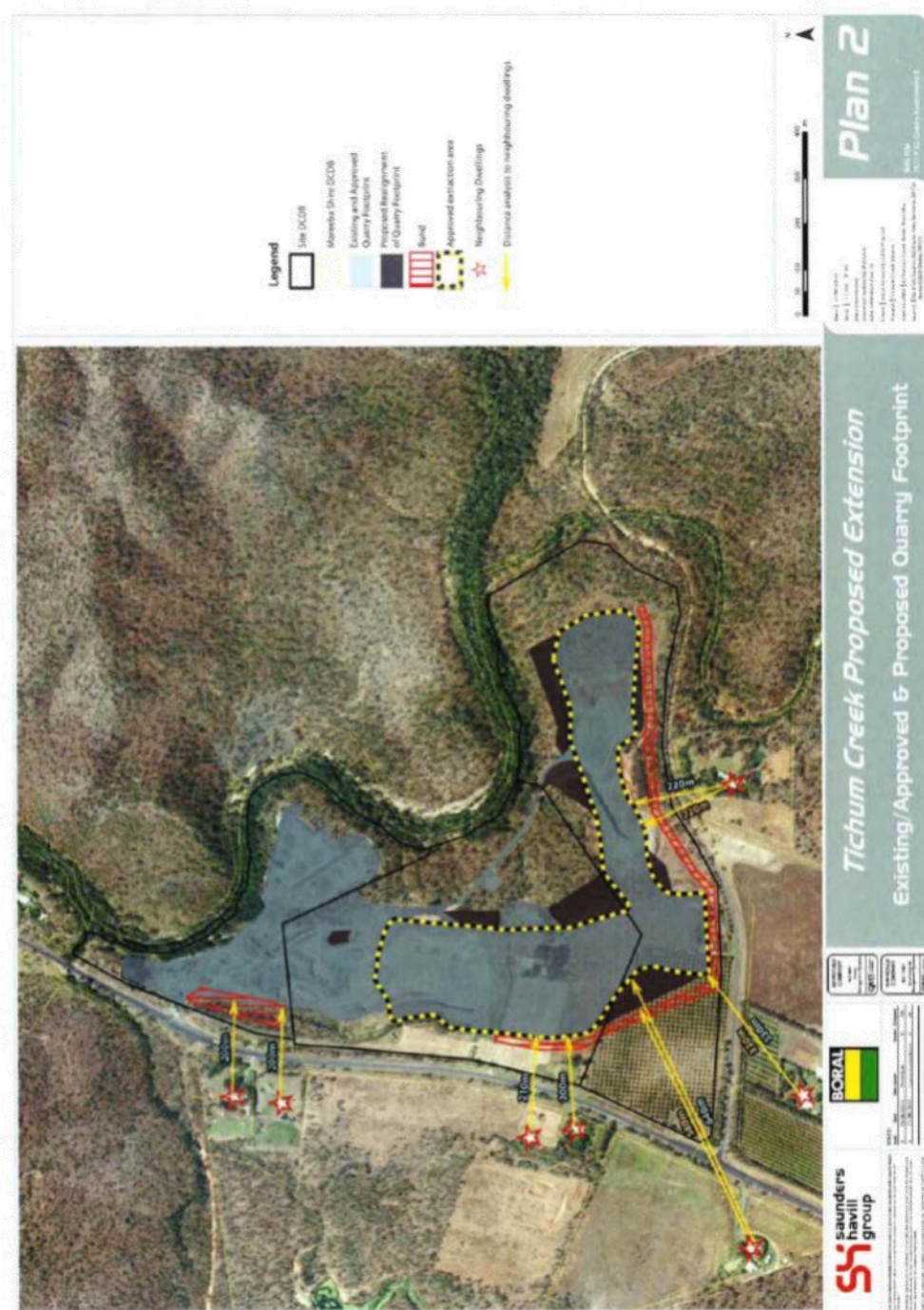
Derived Reference Points for GPS

Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 94 Zone 55

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Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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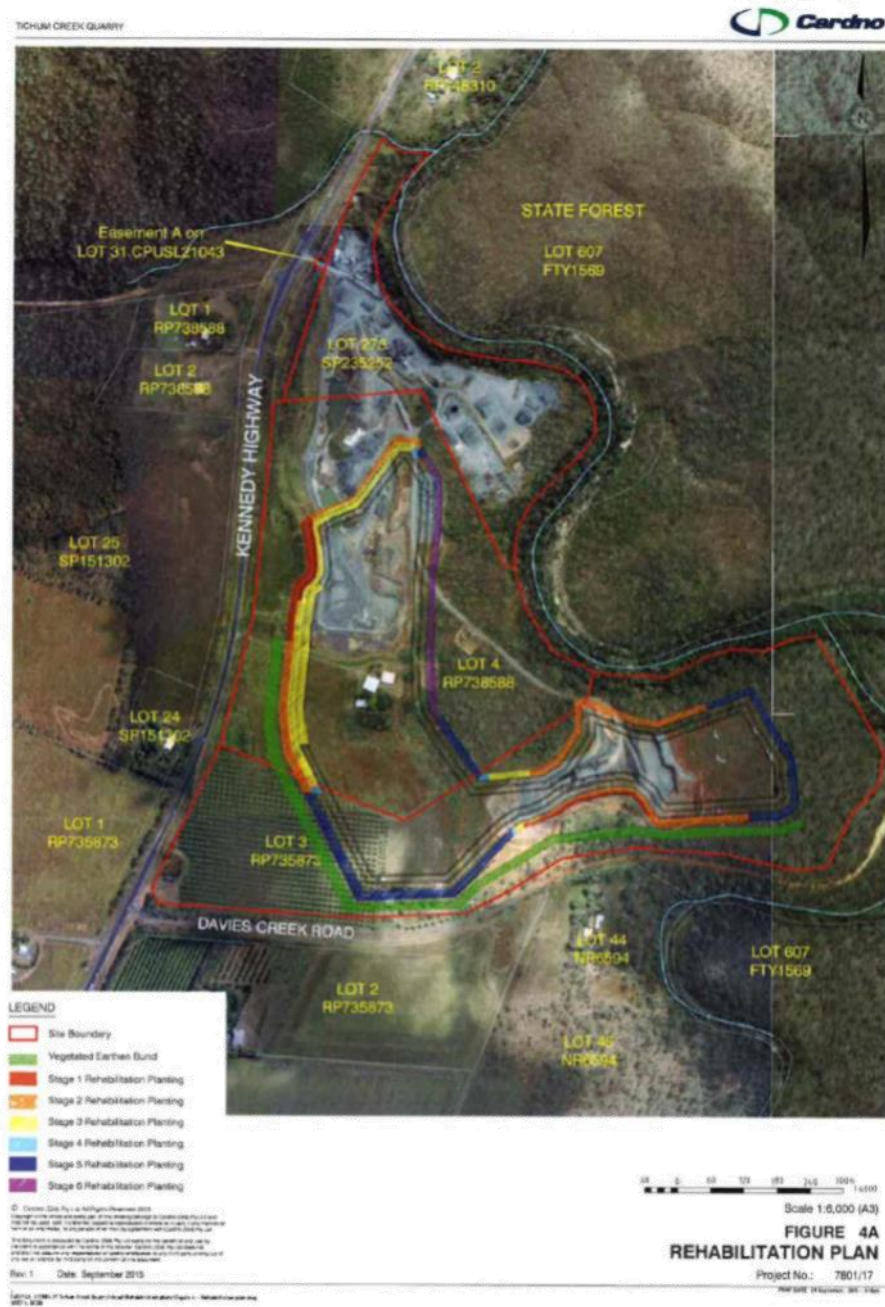


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SUPERSEDED CONCURRENCE AGENCY CONDITIONS

URP-MCU
B.MDepartment of Environment
and Resource Management

Notice

Concurrence Agency Response

*This notice is issued by the Department of Environment and Resource Management pursuant to section 287
(concurrence agency response) of the Sustainable Planning Act 2009 ("the Act").*

Boral Resources (QLD) Pty Ltd
C/- Humphreys Reynolds Perkins Planning
Consultants
Level 20
344 Queen Street
BRISBANE QLD 4000
Att: Matthew Schneider
Fax: 3221 0278
Email: matthew.schneider@hrppc.com.au
Ref: 060150

cc. Tablelands Regional Council
PO Box 573
ATHERTON QLD 4883
Att: Brian Millard
Fax: 4030 3978
Email: info@trc.qld.gov.au
Ref: MCU/10/0029 URP-MCU

THE ORIGINAL OF THIS DOCUMENT
CAN BE FOUND ON PHYSICAL FILE
MCU/10/0029
LOCATION: Meca Planning

Our reference: CNS/022974

Re: Concurrence Agency Response

1. Application Details

Assessment Manager ref.: MCU/10/0029

Date application referred to DERM:

6 October 2010

Development approval applied for:

Development permit



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Department of Environment and Resource Management
www.derm.qld.gov.au ABN 45 646 254 485

Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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10 August 2011Notice
Concurrence Agency Response

Aspects of development:

Material change of use - Clearing vegetation	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 10</i>	DERM ref. no. – Ecotrack-242393 DERM Permit no. SPCE1086710 Trackjob no. IC1010CNS0007
Material change of use - Contaminated land	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 23</i>	DERM ref. No. Ecotrack 242393 DERM Permit No. SPCL01086610 Trackjob no. IC1010CNS0007
Material change of use - Environmentally relevant activities	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 1</i>	DERM ref. no. – Ecotrack-242393 DERM Permit no. SPCE01086410 Trackjob no. IC1010CNS0007
Material change of use - Land in or near a conservation estate	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 22</i>	DERM ref. no. – Ecotrack-242393 DERM Permit no. SPAR01086510 Trackjob no. IC1010CNS0007
Material change of use - Land in or near a wetland	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 21</i>	DERM ref. no. – Ecotrack-242393 DERM Permit no. SPAR01086510 Trackjob no. IC1010CNS0007

Development descriptions:

Material Change of use and Operational Works – Extension of Existing Quarry

Property/Location description:

Lot 273 on SP235252, Lot 3 on RP735873, Lot 4 on RP738588, Lot 31 on USL21043 at Tichum Creek Quarry, Kennedy Highway, Mareeba

2. The Chief Executive, Department of Environment and Resource Management (DERM) concurrence agency response for each of the concurrence agency referral jurisdictions for the aspects of development involved with the application is to tell the assessment manager as follows.

Material change of use - Clearing vegetation	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 10</i>	DERM ref. no. – Ecotrack-242393 DERM Permit no. SPCE1086710 Trackjob – IC1010CNS0007
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Conditions must attach to any development approval, and those conditions are stated in the attached part of this Notice for the above referral jurisdiction as Attachment 1.

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Concurrence Agency Response

Material change of use - Contaminated land	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 23</i>	DERM ref. No. Ecotrack 242393 DERM Permit no. SPCL01086610 Trackjob IC1010CNS0007
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Conditions must attach to any development approval, and those conditions are stated in the attached part of this Notice for the above referral jurisdiction as Attachment 2.

Material change of use - Environmentally relevant activities	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 1</i>	DERM ref. no. – Ecotrack-242393 DERM Permit no. SPCE01086410 Trackjob – IC1010CNS0007
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Conditions must attach to any development approval, and those conditions are stated in the attached part of this Notice for the above referral jurisdiction as Attachment 3.

3. The Chief Executive, Department of Environment and Resource Management (DERM) advice agency response for each of the advice agency referral jurisdictions for the aspects of development involved with the application is to recommend to the assessment manager as follows.

Material change of use - Land in or near a conservation estate	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 22</i>	DERM ref. no. – Ecotrack-242393 DERM Permit no. SPAR01086510 Trackjob – IC1010CNS0007
Material change of use - Land in or near a wetland	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 21</i>	DERM ref. no. – Ecotrack-242393 DERM Permit no. SPAR01086510 Trackjob – IC1010CNS0007

Conditions should attach to any development approval, and those conditions are stated in the attached part of this Notice for the above referral jurisdiction as Attachment 4.

4. General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at the address below and an electronic copy to eco.access@derm.qld.gov.au.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

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**Notice
Concurrence Agency Response**

Andrew Harnden

Delegate
Andrew Harnden
Senior Natural Resource Officer
Regional Planning & Coordination
North Region

4 April 2011

Enquiries:
Andrew Harnden
Department of Environment and Resource
Management
Level 4, 5b Sheridan Street
PO Box 937
Cairns Queensland 4870 Australia
Telephone + 617 4222 5443
Facsimile + 617 4222 5493
Email andrew.harnden@derm.qld.gov.au

Attachments:

- Attachment 1 – Vegetation Management concurrence agency conditions of approval
- Attachment 2 – Contaminated Lands concurrence agency conditions of approval
- Attachment 3 – Environmentally Relevant Activity concurrence agency conditions of approval
- Attachment 4 – Conservation Estate and Wetlands advice agency conditions of approval

DECISION NOTICE - APPROVAL

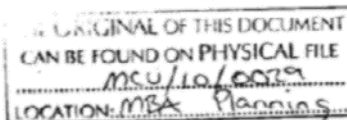
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10 August 2011

Attachment 1

DECISION NOTICE - APPROVAL

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10 August 2011

Department of Environment
and Resource Management



OFF-MCU
BM

Notice

Amended Concurrence Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to section 287 (concurrence agency response) of the Sustainable Planning Act 2009 ("the Act").

Boral Resources (Qld) Pty Ltd
Cl- Humphrey Reynolds Perkins
Level 20 Queen Street
Brisbane QLD 4000

Attention: Matthew Schneider

cc. Tablelands Regional Council
Atherton Service Centre
PO Box 573,
Atherton QLD 4883

Attention: Brian Millard

Our reference: 242393 (IC1010CNS0007)

Re: Concurrence Agency Response

1. Application Details

Assessment Manager Reference:

MCU/10/0029

Date application referred to DERM:

6 October 2010

Development approval applied for:

Development Permit

Aspect of development:

DERM referral agency jurisdictions:

Material change of use - Clearing vegetation under the Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 10.

Development description:

Material Change of Use - Extractive Industry Expansion

Property/Location description:

3 RP735873 & 4 RP735888 & 273 SP235252 & 31 USL21043 -
Tablelands Regional Council



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Department of Environment and Resource Management
www.derm.qld.gov.au ABN 46 646 294 485



Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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10 August 2011Notice
Concurrence Agency Response

2. The Chief Executive of the Department of Environment and Resource Management (DERM) has imposed conditions on this development. Conditions are attached to this Notice.

3. **Approved plans / specifications**

Document No.	Document Name	Date
2010/007761	Referral Agency Response (Vegetation) Plan Plan of Area A (Parts A1 – A3) in Lot 273 on SP235252, Lot A on SP224695, Lot 3 on RP735873 and Lot 4 on RP738588	18 November 2010

4. **General advice to assessment manager**

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at

Administration Officer
Vegetation Management and Use
Department of Environment and Resource Management
PO Box 5318
TOWNSVILLE QLD 4810
and an electronic copy to eco.access@derm.qld.gov.au.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

5. **Additional comments or advice about the application**

This notification relates to remnant vegetation only. If any clearing of regulated regrowth vegetation will be required as a result of the proposed activities, the Department must be notified and the clearing must be conducted in accordance with the *Regrowth Vegetation Code - October 2009* unless the activity can be undertaken as an exemption under Schedule 24 of the *Sustainable Planning Regulation 2009*. If you have any queries in relation to the clearing of vegetation on your property, please contact your local DERM office.

6. **Additional information for applicants**

This notification refers to the provisions of the *Vegetation Management Act 1999* and *Sustainable Planning Regulation 2009* only and is based on the information you have provided regarding the proposed activities on the land. Should any issue subsequently emerge on site that requires further consideration by DERM, it is the responsibility of the landholder to contact DERM. Other legislation, including the acts listed below may affect clearing activities. You should contact the business units below to determine if your clearing activity will be affected.

It should be noted that all native plants in Queensland are protected under the *Nature Conservation Act 1992*. You must contact the nature conservation area of DERM on the details below before clearing vegetation.

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10 August 2011Notice
Concurrence Agency Response

Act(s)	Agency	Contact details
<ul style="list-style-type: none"> Water Act 2000 Wild Rivers Act 2005 Soil Conservation Act 1986 Aboriginal Cultural Heritage Act 2003 Torres Strait Islander Cultural Heritage Act 2003 	Department of Environment and Resource Management	Ph: 1300 368 326
<ul style="list-style-type: none"> Nature Conservation Act 1992 Environmental Protection Act 1994 Coastal Protection and Management Act 1995 Queensland Heritage Act 1992 	Department of Environment and Resource Management	Ph: 1300 368 326 Email: eco.access@derm.qld.gov.au
<ul style="list-style-type: none"> Fisheries Act 1994 	Department of Employment, Economic Development and Innovation	Ph: 13 25 23 Email: callweb@dpi.qld.gov.au
<ul style="list-style-type: none"> Environment Protection and Biodiversity Conservation Act 1999 	Australian Government's Department of the Environment, Water, Heritage and the Arts	Ph: (02) 6274 1111
<ul style="list-style-type: none"> Local Government Act 1993 Sustainable Planning Act 2009 	Local Government	Contact your nearest local government office.

mtb
25/7/2011.

Delegate

Paul Horrocks
Manager, Property Planning & Assessment
Department of Environment and Resource Management
25 July 2011

Enquiries:

Rebecca Silcock
Department of Environment and Resource Management
Level 4, 5b Sheridan Street, CAIRNS QLD 4870
PO Box 937, CAIRNS QLD 4870
Phone: (07) 4222 5473
Fax: (07) 4222 5493
Email: rebecca.silcock@derm.qld.gov.au

Attachment(s)

DERM Permit Number: SPCE01086710

DECISION NOTICE - APPROVAL

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10 August 2011Department of Environment
and Resource Management**Sustainable Planning Act 2009****DERM Permit¹ number: SPCE01086710**

Assessment manager reference:	MCU/10/0029
Date application received:	6 October 2010
Permit type:	Concurrence Agency Response
Date of decision:	3 December 2010
Decision:	The application satisfies the <i>Concurrence Agency Policy for Material Change of Use (MCU) 21 October 2009</i> - subject to the conditions set out in Schedule 1
Relevant laws and policies:	<i>Vegetation Management Act 1999</i>
Jurisdiction(s):	Material change of use - Clearing vegetation under the <i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 3, item 10.

Development Description(s)

Property/Location		Development
Kennedy Highway, Tichum Creek	3 RP735873, 4 RP738588, 273 SP235252 & 31 USL21043	Material Change of Use – Extractive Industry Expansion

Reason(s) for inclusion of conditions:

Refer to Schedule 2 – Statement of Reasons

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalents/similar as required by legislation administered by the Department of Environment and Resource Management.

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DERM Permit number: SPCE01086710

SCHEDULE 1 – CONDITIONS

- No clearing of assessable vegetation as a result of the Material Change of Use is to occur within 'Area A' as identified on the Referral Agency Response (Vegetation) Plan 2010/007761, dated 18 November 2010.
- No clearing of assessable vegetation is to occur as a result of the Material Change of Use, unless the clearing can already be undertaken as an exemption under Schedule 24 of the *Sustainable Planning Regulation 2009* without the Material Change of Use application being approved.

END OF CONDITIONS

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Department of Environment and Resource Management

Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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DERM Permit number: SPCE01086710

SCHEDULE 2 – STATEMENT OF REASONS**Statement of Reasons
Concurrence Agency Response
Application for Material Change of Use
Boral Resources (Qld) Pty Ltd**The following Statement of Reasons is provided pursuant to Section 269 of the *Sustainable Planning Act 2009***Introduction**

1. The Department of Environment and Resource Management (DERM) received an application from Boral Resources (Qld) Pty Ltd on 6 October 2010.
2. The application is for a Material Change of Use – Extractive Industry Expansion on lots 3 RP735873 & 4 RP738588 & 273 SP235252 & 31 USL21043, Tablelands Regional Council.
3. An Assessment Report was sent to the Delegate of the Chief Executive, Senior Vegetation Management Officer, on 18 November 2010.
4. The Delegate determined the Referral Agency Response on 3 December 2010
5. The applicants requested to amend conditions of the Whole of Department Referral Agency Response on 22 June 2011
6. The Delegate determined the Amended Referral Agency Response on 25 July 2011

Evidence

1. Application – MBA/000865; 2010/007761 (6 October 2010)
2. *Vegetation Management Act 1999*
3. *Sustainable Planning Act & Regulation 2009*
4. Concurrence Agency Policy for Material Change of Use (MCU) – 21 October 2009 (MCU Policy)
5. Regional Ecosystem Mapping (Version 6)
6. Essential Habitat Mapping (Version 6)
7. 2006 & 2008 Ortho Photos
8. Tablelands Regional Council Planning Scheme
9. Development Permit Plan AP12331

Findings of Fact

1. The application is for a Material Change of Use (MCU) – Extractive Industry Expansion on lots 3 RP735873 & 4 RP738588 & 273 SP235252 & 31 USL21043, Tablelands Regional Council.
2. Criteria Table A of the MCU Policy is applicable to this application as clearing of assessable vegetation will not occur as a result of the MCU.
3. The areas proposed to be cleared for the extractive industry expansion that are mapped as remnant least concern vegetation have either been cleared under a vegetation clearing permit previously issued by DERM or do not contain vegetation that would comprise a remnant regional ecosystem. Therefore, clearing of assessable vegetation as a result of the MCU will not occur.
4. The application satisfies Performance Requirement (PR) A1 of Criteria Table A as clearing as a result of the MCU will not occur within assessable vegetation.

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Decision & Reasons

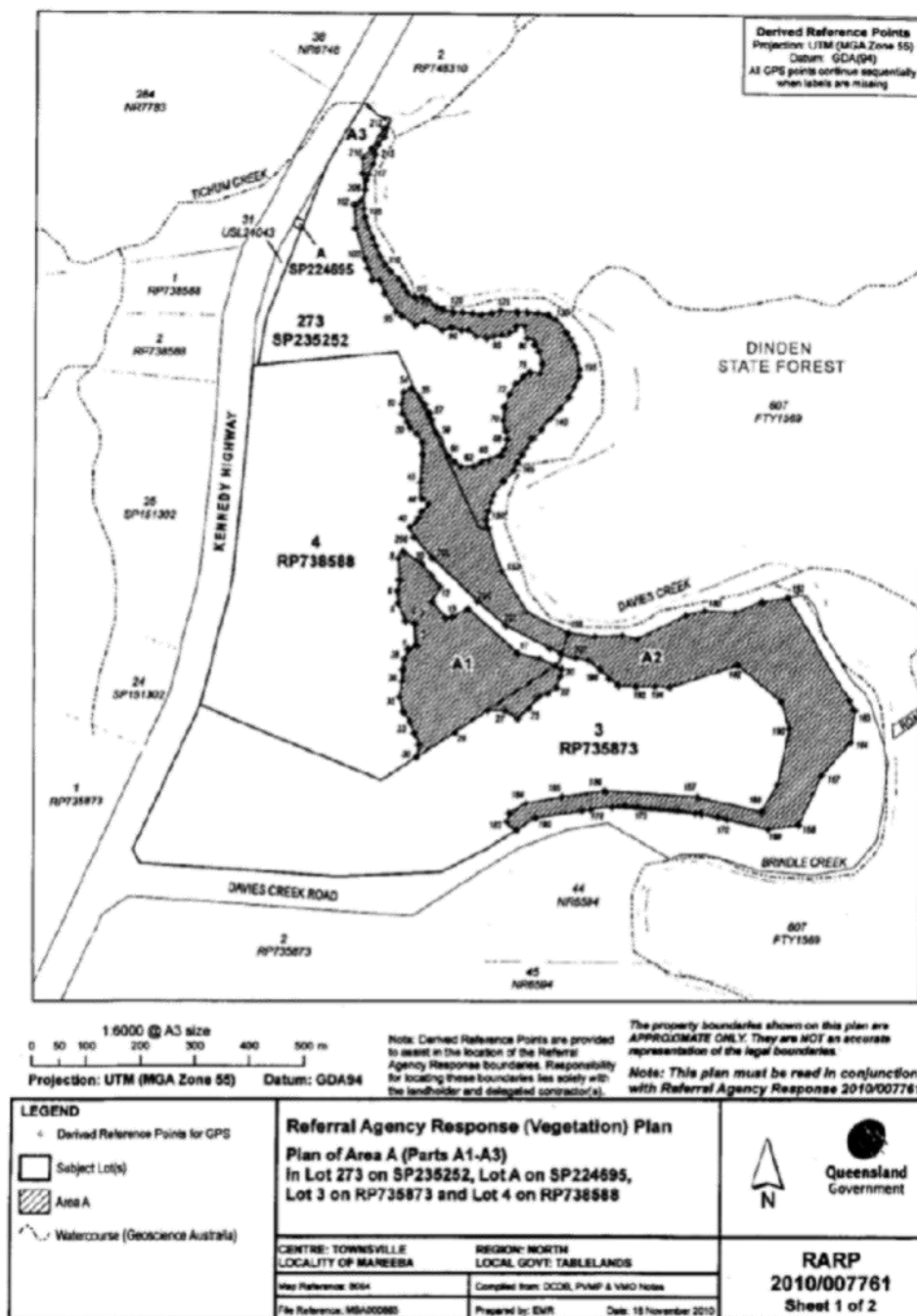
The assessing officer is satisfied that the application meets the Performance Requirements of **Criteria Table A: Performance requirements where clearing as a result of the MCU will not occur within assessable vegetation** of the *Concurrence Agency Policy for Material Change of Use – 21 October 2009* and therefore recommends the application be approved.

 25/7/2011.

Delegate
Paul Horrocks
Manager, Property, Planning and Assessment
Vegetation Management Act 1999
Department of Environment and Resource Management
25 July 2011

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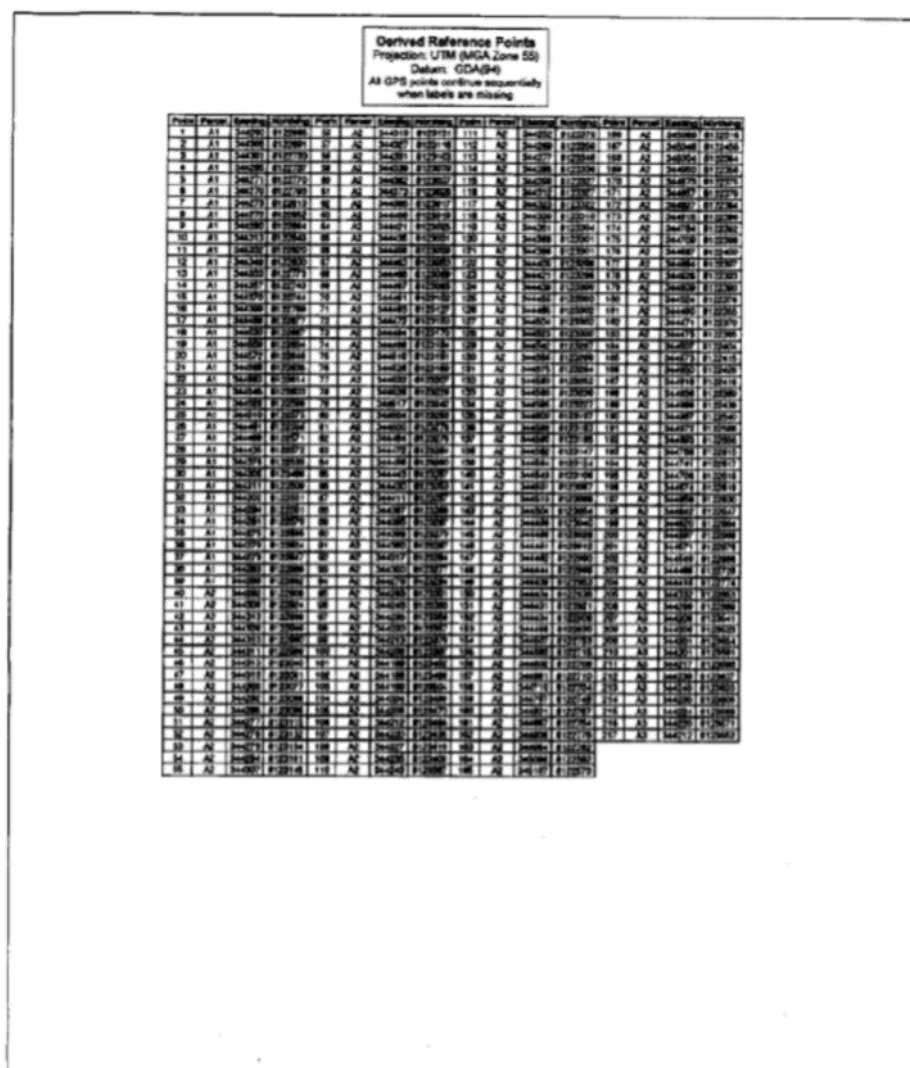
Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe




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Datum: GDA94
Projection: UTM (MGA Zone 55)

<p><i>Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).</i></p> <p><i>The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.</i></p> <p><i>Note: This plan must be read in conjunction with Referral Agency Response 2010/007761</i></p>	<p>Referral Agency Response (Vegetation) Plan</p> <p>Plan of Area A (Parts A1-A3)</p> <p>In Lot 273 on SP235252, Lot A on SP224695, Lot 3 on RP735873 and Lot 4 on RP738588</p>	
	<p>CENTRE: TOWNSVILLE LOCALITY OF: MARESSA</p>	<p>REGION: NORTH LOCAL GOVT: TABLELANDS</p>
	<p>Map Reference: 0084</p>	<p>Compiled from: DDC, PMAP & VMO Notes</p>
	<p>File Reference: 3654-00000005</p>	<p>Prepared by: S&P Date: 18 November 2010</p>

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10 August 2011

Attachment 2

DECISION NOTICE - APPROVAL

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10 August 2011Department of Environment
and Resource Management**Sustainable Planning Act 2009****DERM Permit¹ number: SPCL01086610 (MCU)**

Assessment manager reference:	MCU/10/0029
Date application received:	6 October 2010
Permit type:	Development Permit
Date of decision:	20 October 2010
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	Environmental Protection Act 1994 and any related statutory instruments and subordinate legislation
Jurisdiction(s):	Material change of use - Contaminated land - Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 23

Development Description(s)

Property/Location	Development
Lot 273 on SP236262, Lot 3 on RP35873 and Lot 41 on RP38588 and Lot 31 on USL21043	Boral - Tichum Creek Quarry, Kennedy Highway, Mareeba
	The proposal seeks approval for material change of use (MCU) – extractive industry ERA 8(3)(A), ERA16(2)(C), ERA16(3)(B) and ERA 21.

Reason(s) for inclusion of conditions

In accordance with section 269 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalents/similar as required by legislation administered by the Department of Environment and Resource Management.

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DERM Permit number: SPCL01086610 (MCU)

The Department of Environment and Resource Management is recognised as a concurrence agency under the *Sustainable Planning Regulation 2008* for the protection of the environment by the management of contaminated land. The Department of Environment and Resource Management concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.


Delegate
Kim Barry
Delegate, Chief Executive administering the
Environmental Protection Act 1994
Department of Environment and Resource Management

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DERM Permit number: SPCL01086610 (MCU)**CONDITIONS**

1. If during any site earthworks or excavation, offensive or noxious odours and/or evidence of gross contamination not previously detected is observed, site works are to cease in that area and action taken to immediately abate the potential environmental harm. The administering authority is to be notified in writing within two (2) business days of detection and advised of appropriate remedial action.

Any remedial action is to be developed by an appropriate qualified and experienced person in accordance with Section 381 of the EP Act.

Advice

Under section 371 (1) of the Environmental Protection Act, if the owner or occupier of land becomes aware a notifiable activity is being carried out on the land, the owner or occupier must, within 22 business days after becoming aware the activity is being carried out, give notice under the subsection to the administering authority in the approved form.

END OF CONDITIONS

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Attachment 3

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Department of Environment
and Resource Management

Sustainable Planning Act 2009

DERM Permit ¹ number: SPCE01086410

Assessment manager reference:	MCU/10/0029
Date application received:	06-OCT-2010
Permit type:	Concurrence Agency Response
Date of decision:	1-APRIL-2011
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	<i>Environmental Protection Act 1994</i> and any subordinate legislation.
Jurisdiction(s):	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, Table 2, Item 1

Development Description(s)

Property/Location	Development
Tichum Creek Quarry, Kennedy Highway, Mareeba	Lot 3 on RP735673, Lot 4 on Plan RP738588, Lot 31 on CPUSL21043, Lot 273 on SP235252
	ERA 16-2(c) Extracting other than by dredging, in a year, more than 100,000t to 1000000t ERA 15-3(b) Screening, in a year more than 100,000t to 1000000t.

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows:

- 1) The Department of Environment and Resource Management is a concurrence agency under the *Sustainable*

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalents/similar as required by legislation administered by the Department of Environment and Resource Management.

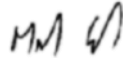
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Planning Regulation 2009 for the purposes of the Environmental Protection Act 1994.

2) Any development conditions placed on this permit for an environmentally relevant activity are in accordance with section 73B of the *Environmental Protection Act 1994*.



Mark Cavicchiolo
Delegate, Chief Executive administering the *Environmental Protection Act 1994*
Environmental Services - North Region
Department of Environment and Resource Management, North Region

1-APRIL-2011

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CONDITIONS OF APPROVALAgency Interest – General**G1 Prevent and/or minimise likelihood of environmental harm.**

In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.

G2 Maintenance Of Measures, Plant and Equipment.

The operator of an ERA to which this approval relates must:

- (a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and
- (b) maintain such measures, plant and equipment in a proper and efficient condition; and
- (c) operate such measures, plant and equipment in a proper and efficient manner.

G3 Site Based Management Plan.

From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.

The SBMP must address the following matters:

- (a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
- (b) Identification of environmental issues and potential impacts.
- (c) Control measures for routine operations to minimise likelihood of environmental harm.
- (d) Contingency plans and emergency procedures for non-routine situations.
- (e) Organisational structure and responsibility.
- (f) Effective communication.
- (g) Monitoring of contaminant releases.
- (h) Conducting environmental impact assessments.
- (i) Staff training.
- (j) Record keeping.
- (k) Periodic review of environmental performance and continual improvement.

G4 The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.**G5 Records.**

Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.

G6 All records required by this approval must be kept for 5 years.

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Department of Environment and Resource Management

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G7 Notification.

Telephone the DERM's Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.

G8 Information About Spills.

A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition G7:

- a) the name of the operator, including their approval / registration number;
- b) the name and telephone number of a designated contact person;
- c) quantity and substance released;
- d) vehicle and registration details;
- e) person/s involved (driver and any others);
- f) the location and time of the release;
- g) the suspected cause of the release;
- h) a description of the effects of the release;
- i) the results of any sampling performed in relation to the release;
- j) actions taken to mitigate any environmental harm caused by the release; and
- k) proposed actions to prevent a recurrence of the release.

G9 Spill Kit.

An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site, and in each vehicle used if the activity is a mobile ERA.

G10 Spill Kit Training.

Anyone operating under this approval must be trained in the use of the spill kit.

G11 Complaint Response.

The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:

- a) Time, date, name and contact details of the complainant;
- b) reasons for the complaint;
- c) any investigations undertaken;
- d) conclusions formed; and
- e) any actions taken.

G12 Area of Extraction

The only areas permitted to be extracted under this approval are those shown in the document "Proposed Extension to Tichum Creek Quarry Application in Appendix A – Proposal Plans" prepared by Humphreys Reynolds Perkins Planning Consultants dated August 2010 following approved staging plans:

- 5 Year Staging Plan, Rev.1 prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010;

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- 10 Year Staging Plan, Rev:1 prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010;
- 15 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010;
- 20 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010;
- 25 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010; and
- 30 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010.

Agency Interest – Air**A1 Dust Control**

Stockpiles must be maintained using all reasonable and practicable measures necessary to minimise the release of wind blown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to:

- (a) use of waterspray as required during winds likely to generate such releases;
- (b) use of dust-suppressant shielding;
- (c) storage in bunkers; and
- (d) covering with tarpaulins.

A2

Trafficable areas must be maintained using all reasonable and practicable measures necessary to minimise the release of wind blown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:

- (a) keeping surfaces clean;
- (b) sealing with bitumen or other suitable material;
- (c) using water sprays;
- (d) adopting and adhering to speed limits; and
- (e) using dust suppressants and wind breaks.

A3

The holder of this development approval must take all reasonable and practicable measures necessary to prevent spillage and/or loss of particulate matter or windblown dust from trucks used for transporting extracted material from the premises to which this development approval relates. The entire load must be covered with a tarpaulin or similar material for the duration of transport.

Other, reasonable and practicable measures may include but are not limited to:

- (a) wetting down the load prior to transport; and
- (b) clearing of spillage from side rails, tail gates and draw bars of trucks prior to departure from the premises to which this development approval relates and prior to departure from the premises to which this development approval relates to which the load has been delivered.

A4 Dust Nuisance.

The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.

A5

Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place:



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- a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR
- b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with:
 - i. Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet -Gravimetric method', or
 - ii. any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority

- A6 When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:
- a) for a complaint alleging dust nuisance, dust deposition; and
 - b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere over a 24hr averaging time.

A7 Nuisance.

The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.

Agency Interest – Land

L1 Land Rehabilitation.

The site (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that:

- (a) suitable native species of vegetation are planted and established;
- (b) potential for erosion of the site is minimised;
- (c) the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;
- (d) the likelihood of environmental nuisance being caused by release of dust is minimised;
- (e) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;
- (f) the final landform is stable and not subject to slumping and similar to that of the surrounding undisturbed area; and
- (g) any actual and potential acid sulphate soils in or on the site are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.

- L2 Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.



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- L3 Rehabilitation of the site must be undertaken in accordance with the rehabilitation plan illustrated as "Figure 4 Rehabilitation Plan dated 16 Feb 09" within the "Tichum Creek Quarry Extension Landscape Rehabilitation and Visual Impact Assessment Report" dated 28 June 2010 by Chenoweth Environmental Planning & Landscape Architecture or any revised plan version approved by the administering authority.
- L4 **Financial Assurance.**
- Provide financial assurance in the amount and manner detailed below:
- Prior to commencing each stage of the development identified in condition G12, the applicant must provide the Administering Authority with a schedule of costs associated with each stage of the proposed rehabilitation works identified in the "Tichum Creek Quarry Extension Landscape Rehabilitation and Visual Impact Assessment Report" dated 28 June 2010. The schedule of costs must be based on three quotes from appropriately qualified third-parties for the rehabilitation and remediation of the site.
 - Within 30 days of completion of rehabilitation works in each of the stages outlined in condition G12, the Applicant is required to provide the Administering Authority with a written statement in relation to compliance with condition L3 of this approval and the rehabilitation works associated with the completed stage.
 - For the purposes of this condition of the approval, a bond may take form of cash, a bank guarantee or such other form acceptable to the Administering Authority.
- L5 **Buffer Areas.**
- Existing remnant vegetation along Davies Creek and Brindie Creek is to be maintained. Development must not further disturb remnant vegetation and ensure it is in accordance with the approved staging development plans in condition G12.
- Agency Interest- Noise**
- N1 **Noise Nuisance.**
- Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place
- N2 **Noise Monitoring.**
- When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:
- airblast overpressure (dB (Lin) Peak);
 - $L_{A, max, eq, 1'}$;
 - $L_{A, 10, 10 min}$;
 - $L_{A, 90, eq, 10 min}$;
 - $L_{A, eq, 10 min}$;
 - $L_{A, 1, eq, 10 min}$;
 - the level and frequency of occurrence of impulsive or tonal noise;
 - atmospheric conditions including wind speed and direction;
 - effects due to extraneous factors such as traffic noise; and
 - location, date and time of recording.



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- N3 The method of measurement and reporting of noise levels must comply with the latest edition of the Department of Environment and Resource Management's Noise Measurement Manual.
- N4 All noise from the licensed activities must not exceed the levels specified in Table 2 – Noise limits at a nuisance sensitive or commercial place.
- N5 **Vibration Nuisance.**
Vibration emitted from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.
- N6 **Airblast Overpressure and Ground Vibration Monitoring.**
When requested by the administering authority for the purposes of investigating complaints of noise and vibration annoyance, monitoring must be undertaken (and results notified within 14 days to the administering authority) and at least the following descriptors, characteristics and conditions determined:
(1) maximum instantaneous charge (MIC) in kg;
(2) location of the blast within the quarry (including which bench level);
(3) airblast overpressure level, dB (linear) peak;
(4) peak particle velocity (mm s^{-1});
(5) location, date and time of recording;
(6) meteorological conditions (including temperature, relative humidity, temperature gradient, cloud cover, wind speed and direction); and
(7) distances from the blast site to noise-affected building/s, structure/s, or the boundary of any noise sensitive place.
- N7 For vibration monitoring the ground-borne vibration transducer (or array) must be attached to a mass of at least thirty (30) kg to ensure good coupling with the ground where the blast site and the measurement site cannot be shown to be on the same underlying strata. The mass must be buried so that its uppermost surface is at the same level as the ground surface.
- N8 The ground borne vibration transducer (or array) must be placed at a distance of at least the longest dimension of the foundations of a noise – affected building or structure away from such building or structure and between that building or structure and the site of the blasting.
- N9 Air Blast Over pressure Level, Vibration limits and blast timings must comply with the levels specified in Table 3.

Agency Interest – Water

- W1 Contaminants must only be released to surface waters at the following discharge locations: Release points: 1 - Sediment Basin A; 2 - Sediment Basin B & 3 - Release Point 3 (Pit B Catchment) located on approved plan Figure 10 - Proposed Stormwater Measures (30 Year), Rev: Orig and dated February 2011.
- W2 Contaminants must only be released to surface waters in compliance with release limits specified in Table 1 – Contaminant release limits to water.

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Department of Environment and Resource Management



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- W3 The release of contaminants to surface waters must not result in the receiving water standards being exceeded as specified in Table 1 – Contaminant release limits to water.
- W4 Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the quality characteristics and not less frequently than specified in Table 1 – Contaminant release limits to water. All determinations of the quality of contaminants released must be:
- made in accordance with methods prescribed in the latest edition of the Agency's Water Quality Sampling Manual; and
 - carried out on samples that are representative of the discharge.
- W5 Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment and be in accordance with the "Tichum Creek Quarry Extension – Stormwater Management Plan" prepared by Cardno (Qld) Pty Ltd dated 30 March 2011. Sediment released to the bed of the receiving waters, effected by process water and stormwater contaminated by activities, can only be released when in compliance with the limits in (Table 1) – Sediment release limits to water.
- W6 An Erosion and Sediment Control Plan must be prepared and implemented within 30 days from the date of this approval for all land disturbances associated with the extractive industry.

Agency Interest – Waste**WA1 General Waste Management.**

All waste generated must be lawfully transported and disposed of to a facility which can lawfully accept such waste.

WA2 Waste Records.

A record of all waste, including trackable wastes must be kept detailing the following information:

- date of pick up of waste;
- description of waste;
- quantity of waste;
- origin of the waste; and
- destination of the waste.

Agency Interest – Maps/ Plans

Approved staging plans:

- 5 Year Staging Plan, Rev:1 prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010;
- 10 Year Staging Plan, Rev:1 prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010;
- 15 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010;
- 20 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010;
- 25 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010; and
- 30 Year Staging Plan, Rev: Orig prepared by Cardno (Qld) Pty Ltd and dated 9 June 2010.

Figure 10 - Proposed Stormwater Measures (30 Year), Rev: Orig and dated February 2011 in the Tichum Creek Quarry Extension – Stormwater Management Plan prepared by Cardno (Qld) Pty Ltd dated 30 March 2011.

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Table 1 – Contaminant release limits to water

Release Point ¹ and/or Water Quality Monitoring Point ²	Parameter	Release limit ³ or Receiving Water Standard ⁴	Monitoring frequency
1 – Sediment Basin A Discharge 2 – Sediment Basin B Discharge 3 – Release Point 3	pH	³ 6.0 – 8.5	Monthly monitoring during any discharge off-site of waters from the sediment basins
1 - Upstream of Sediment Basin A in Brindle Creek 2 - Downstream of release point 3 in Brindle Creek	pH	⁴ 6.0 - 7.5	Monthly monitoring during any discharge off-site of waters from the sediment basins
1 – Sediment Basin A Discharge 2 – Sediment Basin B Discharge 3 – Release Point 3	Suspended solids	³ 50mg/L	Monthly monitoring during any discharge off-site of waters from the sediment basins
1 - Upstream of Sediment Basin A in Brindle Creek 2 - Downstream of release point 3 in Brindle Creek	turbidity	⁴ Background + 10 NTU	Monthly monitoring during any discharge off-site of waters from the sediment basins
1 - Upstream of Sediment Basin A in Brindle Creek 2 - Downstream of release point 3 in Brindle Creek	hydrocarbons	^{3,4} No visible hydrocarbons, oil and grease nor should they be detectable by odour	Monthly monitoring during any discharge off-site of waters from the sediment basins
1 – Sediment Basin A Discharge 2 – Sediment Basin B Discharge 3 – Release Point 3	hydrocarbons	^{3,4} No visible hydrocarbons, oil and grease nor should they be detectable by odour	Monthly monitoring during any discharge off-site of waters from the sediment basins

¹ Release Points relate to discharge from 1 - Sediment Basin A; 2 - Sediment Basin B & 3 - Release Point 3 (Pit B Catchment)

² Water Quality Monitoring Points relate to the site Upstream of Sediment Basin A in Brindle Creek and the site Downstream of release point 3 in Brindle Creek

³ Release Limit relates to parameters pH, suspended solids, hydrocarbons

⁴ Receiving Water Standard relates to parameters pH, turbidity, hydrocarbons

The reference for Table 1 is Figure 10 - Proposed Stormwater Measures (30 Year), Rev: Orig and dated February 2011 in the Tichum Creek Quarry Extension – Stormwater Management Plan prepared by Cardno (Qld) Pty Ltd dated 30 March 2011.

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Table 2 - Noise limits at a nuisance sensitive or commercial place.

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
Noise measured at a 'nuisance sensitive place'						
L _{A10} , eq, 10 mins	55	50	40	55	50	40
L _{A1} , eq, 10 mins	60	55	45	60	55	45
Noise measured at a 'Commercial place'						
L _{A10} , eq, 10 mins	60	55	45	60	55	45
L _{A1} , eq, 10 mins	65	60	50	65	60	50

Table 3 - Air Blast Overpressure Level & Vibration limits at a nuisance sensitive place

Location	Monday to Friday 9am - 3pm Saturday 9am - 1pm	Sundays and public holidays
Air Blast Overpressure Level		
Nuisance sensitive Place – Houses and low rise residential buildings	The air blast overpressure must not be more than 115dB(linear) peak for nine out of any ten consecutive blasts initiated, regardless of the interval between blasts.	No blasting to occur
Nuisance sensitive Place – Commercial and industrial buildings or structures of reinforced concrete or steel construction.	The airblast overpressure must not exceed 120dB(linear) peak for any blast.	
Vibration limits		
Nuisance sensitive Place – Houses and low rise residential buildings	The ground-borne vibration must not exceed a peak particle velocity of 5mm per second for nine out of any 10 consecutive blasts initiated.	No blasting to occur
Nuisance sensitive Place – Commercial and industrial buildings or structures of reinforced concrete or steel construction.	The ground-borne vibration must not exceed a peak particle velocity of 10mm per second for any blast.	

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DEFINITIONS

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provided in the relevant legislation shall be used.

"administering authority" means the Department of Environment and Resource Management or its successor.

"annual return" means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

"authorised place" means the place authorised under this development approval for the carrying out of the specified environmentally relevant activities.

"commercial place" means a place used as an office or for business or commercial purposes.

"dwelling" means any of the following structures or vehicles that is principally used as a residence –

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

"Department of Environment and Resource Management" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration –

- is clearly audible to, or can be felt by, an individual; and
 - annoys the individual.
- In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 – 1997 Acoustics – Description and Measurement of Environmental Noise Part 2 – Application to Specific Situations.

" $L_{A, 10, \text{adj}}, 10 \text{ mins}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

" $L_{A, 1, \text{adj}}, 10 \text{ mins}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response.

" $L_{A, \text{max}}, \text{adj}}, 1$ " means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

" $L_{Aeq}, \text{adj}}, 10$ " means an A-weighted sound pressure level of a continuous steady sound, adjusted for tonal character, that within a 10 minute period has the same mean square sound pressure of a sound that varies with time.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

"noxious" means harmful or injurious to health or physical well being.

"NTU" means nephelometric turbidity units.

"nuisance sensitive place" includes –

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises, or
- a motel, hotel or hostel, or

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- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

"offensive" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"regulated waste" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* (whether or not it has been treated or immobilised), and includes -

- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

"site" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

"works" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

END OF CONDITIONS



NOTE: Approved Staging Plans as per plans in ATTACHMENT 1.

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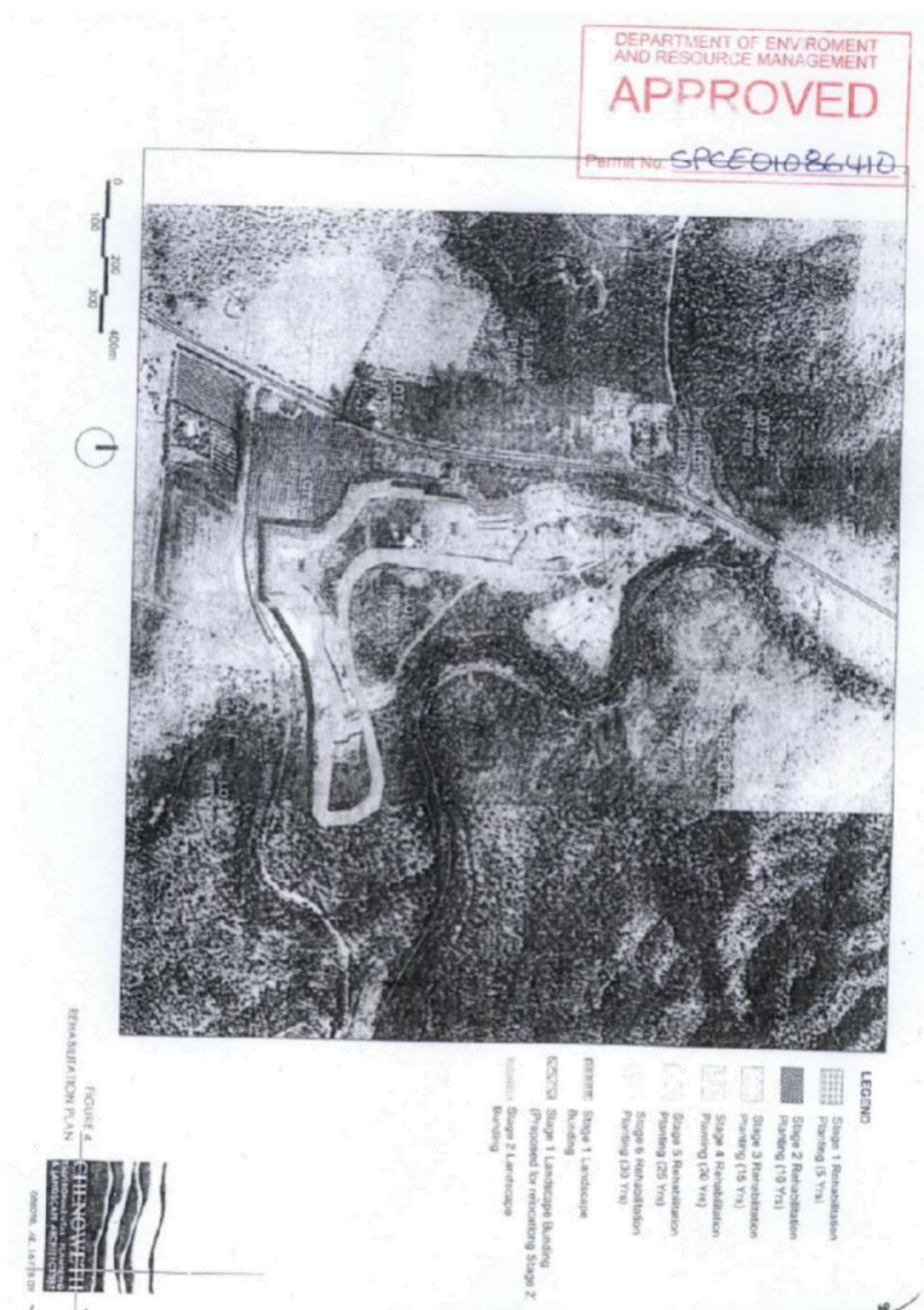
Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Attachment 4

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10 August 2011Department of Environment
and Resource Management

Notice

Advice Agency Response - Referable Wetland and Conservation Estate

This notice is issued by the Department of Environment and Resource Management pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 (the Act).

Tablelands Regional Council
PO Box 573
Atherton QLD 4883cc: Boral Resources (QLD) Pty Ltd
C/- Matthew Schneider
Humphreys Reynolds Perkins Planning
Consultants
Level 20, 244 Queen Street
Brisbane QLD 4000

DERM Project Number:: 242393

Application Details

Assessment Manager Reference: MCU/10/2010/0029 ATTN: Brian Millard

Date application referred to DERM: 06 October 2010

Development approval applied for: Development permit

Aspect of development: Material Change of Use, other than for a domestic housing activity, if any part of the land is situated in a wetland management area
Sustainable Planning Regulation 2009 - Schedule 7, Table 3, Item 21
AND
Material Change of Use for urban purposes if any part of the lot is situated in, or within 100m of, any of the following –

- (a) a protected area, forest reserve, critical habitat or area of major interest under the *Nature Conservation Act 1992*;
- (b) a State forest or timber reserve under the *Forestry Act 1959*;
- (c) a marine park under the *Marine Parks Act 2004*;

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www.derm.qld.gov.au ABN 46 540 234 485

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- (d) a recreation area under the *Recreation Areas Management Act 2006*;
 - (e) a world heritage area listed under the World Heritage Convention;
 - (f) Brisbane Forest Park under the *Brisbane Forest Park Act 1977*
- Sustainable Planning Regulation 2009 - Schedule 7, Table 3, Item 22*

Development description:

Material Change of Use – Extension of existing quarry
Operational Works – Extension of existing quarry

Property/Location description:

Lot273 on SP235252, Lot3 on RP735873, Lot4 on RP738588,
Lot31 on USL21043, Tichum Creek Quarry, Kennedy Highway,
Mareeba QLD 4880

Recommendation

The Chief Executive, Department of Environment and Resource Management (DERM), makes the following recommendation to the assessment manager:

Wetland:

The Assessment Manager should consider the potential impacts of the proposed development on wetland values, including the water quality, natural hydrological flows and ecological functioning of the wetland. Development should meet the following outcomes:

- **Maintain ecological values of the wetland.** There is no loss of wetland habitat and adverse impacts on the functioning and integrity of a wetland from development are avoided. A report prepared and certified by an appropriately qualified professional may assist the Assessment Manager to consider the impacts of the development on the ecological values and functioning of the wetland. If adverse impacts are unavoidable, the Assessment Manager is encouraged to ensure that the values lost are offset in order to achieve an environmental outcome equal or better than the wetland values that are impacted.

Where a wetland management area is mapped as a 'significant coastal wetland' under a *Regional Coastal Management Plan* it should be assessed against the policy for areas of state significance (natural resources). An Implementation Guideline should be consulted:

http://www.derm.qld.gov.au/services_resources/item_details.php?item_id=202304&topic_id=54

For areas where a regional coastal management plan does not exist, where the wetland management area is also defined as a 'significant coastal wetland' under the *State Coastal Management Plan – Queensland's Coastal Policy 2001 (SCMP)*, any approval is consistent with SCMP policy 2.8.1, Areas of state significance (natural resources).

- **Maintain wetland water quality.** The water quality of any waters in and linked to the wetland is maintained and managed to protect the environmental values of the wetland, and to ensure that the

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water quality objectives listed under Schedule 1 of the *Environmental Protection (Water) Policy 2009* are achieved.

- **Maintain wetland water regime.** The existing water regime (including surface and groundwater) within and linked to the wetland is maintained and managed to protect existing natural hydrological processes within the wetland ecosystem. This includes safeguarding natural fluctuations in size and location of the wetland, and retaining and allowing for regeneration of native vegetation.

To ensure that the proposed development is able to meet the above outcomes, the Assessment Manager is encouraged to consider the requirement for a buffer area between any proposed works and the wetland. A wetland buffer has two components:

- a support area adjacent to the wetland that maintains and supports the environmental values of the wetland; and
- a separation area around the support area that protects the wetland from external threats such as sediment and nutrient discharge from surrounding landuse.

Buffer distances should be maximised in order to maintain existing biodiversity values, habitat connectivity and to minimise edge effects. Unless otherwise determined by a suitably qualified professional, the following buffer widths are accepted by DERM as precautionary buffer widths likely to absorb impacts from external uses.

- within urban areas, a minimum 50m buffer to wetland
- outside of urban areas a minimum 200m buffer to wetland
- for 'significant coastal wetlands', a buffer width of 200m to wetland

Where required, revegetation of the buffer is recommended using native species representative of the pre-clearing regional ecosystem, with preference given to endemic species. Plants should be of local provenance where possible. A rehabilitation/ revegetation management plan including weed management strategies may assist in determining the rehabilitation requirements for the development. Conditioning of any approval with building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.

The Assessment Manager should consider requiring applicants to provide a Stormwater Management Plan to demonstrate how stormwater, sediment and other run-off from the site (associated with the construction and operational phases of development) will be effectively managed to prevent adverse impacts on wetland values. Potential impacts are to be addressed through water sensitive urban design including compliance with *South East Queensland Regional Plan 2009-2031 Implementation Guideline No. 7: Water sensitive urban design – design objectives for urban stormwater management*. For areas outside of the South-east Queensland Regional Plan area any approval should recognise the requirements of the *Draft Urban Stormwater – Queensland Best Practice Environmental Management Guidelines 2009*¹.

Conservation Estate:

The Assessment Manager should consider the potential impacts of the proposed development on both the habitats and environmental values contained within the conservation estate, as well as to the management intent of the conservation estate. Development should ensure the following outcomes:

¹ The Draft Urban Stormwater – Queensland Best Practice Environmental Management Guidelines 2009, is available at: http://www.derm.qld.gov.au/environmental_management/water/environmental_values_environmental_protection_water_policy/draft_urban_stormwater_qbsem_guideline_2009.html

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- **Maintain habitat and biodiversity values:** development avoids or minimises and mitigates adverse impacts on the functioning and integrity of habitats and environmental values contained within the conservation estate
- Development demonstrates there will be **no adverse impacts on the ecological values** and functioning of the conservation estate. An ecological report prepared by a suitably qualified professional may be one way that the Assessment Manager may choose to assess this outcome.
- Development **maintains, conserves and enhances the current extent and connectivity** within and between conservation estate areas
- Development **does not compromise the management intent** of the conservation estate.

The Assessment Manager should ensure that there is a sufficient buffer distance between any proposed works including access tracks and roads and the conservation estate boundary in order to maintain the ecological functioning and integrity of the conservation estate. Buffer distances should be maximised in order to maintain existing biodiversity values, habitat connectivity and to avoid edge effects. The buffer may also assist in ensuring that stormwater, wastewater, dust and erosion from the development site can be appropriately managed to avoid adverse impacts on the conservation estate. A stormwater and wastewater management plan may be one way the assessment manager may choose to ensure off-site impacts of development are ameliorated. Revegetation of buffer zones using native species representative of the pre-clearing regional ecosystem is recommended.

Establishing building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.

Neighbours to the conservation estate have a responsibility to keep dwellings and other infrastructure near Queensland Parks and Wildlife Service (QPWS) managed lands in a condition that minimises fire risk to themselves and their property as well as the protected estate and to appropriately ameliorate light and noise issues. Consultation with QPWS officers is recommended to ensure management objectives of the conservation estate including fire management, emergency services access and pest controls are met. A QPWS 'Good Neighbour Policy' may be of assistance and is available on the web at: <http://www.derm.qld.gov.au/register/p01658aa.pdf>

General information for assessment managers

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

Additional information for applicants

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware of a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Resource Management.

Aboriginal Cultural Heritage

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage

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(the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website www.derm.qld.gov.au/cultural_heritage



Delegate
Andrew Harnden
Delegate, Chief Executive Administering the *Environmental Protection Act 1994*
Department of Environment and
Resource Management

10 December 2010

Enquiries:
Andrew Harnden
Department of Environment and
Resource Management
Regional Planning & Coordination
Address: Level 4 William McCormack Place
5b Seridan Street
CAIRNS QLD 4870
Telephone: 4222 5443
Facsimile: 4222 5493
Email: andrew.harnden@derm.qld.gov.au

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10 August 2011OFF-MCU
B.M.Queensland
Government

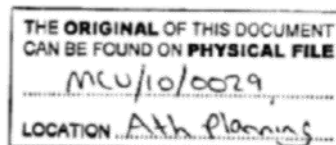
Council Ref: MCU/10/0029

27 May 2011

Chief Executive Officer
Tablelands Regional Council
PO Box 573
Atherton Qld 4883

Attention: Mr Brian Millard

Dear Mr Millard

Amended Referral Agency Response — s. 290 of the *Sustainable Planning Act 2009 (Qld)*Applicant: **Boral Resources (Qld) Pty Ltd**Application: **Material Change of Use (Extractive Industry & ERAs)**Location: **Lot 273 on SP235252, Lot 3 on RP735873, Lot 4 on RP738588 & Easement A on SP224695 in Lot 31 on CPUSL21043, Parishes of Formartine & Dinden Kennedy Highway, Tichum Creek**

I refer to:

- the above application received at the Department of Transport & Main Roads (TMR) on 23 September 2010 and 24 December 2010 requesting consideration of the above development,
- TMR letter 11 February 2011 of conditions of development, and
- Request to change conditions 3, 6 and 8 received at TMR on 26 May 2011.

Pursuant to section 290 of the *Sustainable Planning Act 2009 (Qld)*, the Department, as a Concurrence Agency, has reviewed the impact of the proposed development on the state-controlled road network and requires that Council include the attached **amended** conditions of development for the subject application.

Should you have any queries regarding the response please contact Malcolm Hardy on 4050 5511.

Council is requested to reflect the conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

The Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely

Malcolm Hardy

Senior Planner (Assets & Operations) Far North

Department of Transport and Main Roads
Assets and Operations
Far North Region / Cairns Office
Floor 5 Cairns Corporate Tower
15 Lake Street Cairns Queensland 4870
PO Box 6185 CAIRNS Queensland 4870
ABN 39 407 090 291

Enquiries MALCOLM HARDY
Our Ref: 264/32A/102 (1867 04)
Telephone - 4050 5511
Facsimile - 4050 5429
Website - www.tmr.qld.gov.au
Email - malcolm.hardy@tmr.qld.gov.au

Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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Conditions of Development and Statement of Reasons Concurrence Agency Response – Development impacting on a state-controlled road

Council Ref: MCU/10/0029 Date: 27 May 2011

State-controlled road: Kennedy Highway (Cairns-Mareeba)

Proposal: Material Change of use (Extractive Industry & ERAs)

Real property description: Lot 273 on SP235252, Lot 3 on RP735873, Lot 4 on RP735858 & Easement A on SP224695 in Lot 31 on CPUSL21943, Parishes of Farnham & Dinden

Site locality: Kennedy Highway, Tichum Creek

Applicant: Boral Resources (Qld) Pty Ltd

Conditions of Development	Reasons	Condition Basis
<p>Layout</p> <p>1. Unless otherwise approved in writing by TMR the development site layout must generally comply with Cardio plans numbered 7801/17's Year Staging Plan", "10 Year Staging Plan", "15 Year Staging Plan", "20 Year Staging Plan", "25 Year Staging Plan" & "30 Year Staging Plan", dated 9 June 2010.</p> <p>Land Requirement for Road Purposes</p> <p>2. TMR Plans Nos PD 541, 419B & 460 (copies attached) identify the portions of the Subject Land required to accommodate future upgrading of Kennedy Highway. These areas are hereafter referred to as the 'Exclusion Area'.</p> <p>3. The applicant/landowner shall not construct any structure's nor commence any development under, on or over the 'Exclusion Area', or within 10m of the 'Exclusion Area', other than approved stormwater treatment infrastructure and landscape rehabilitation, without the written consent of TMR.</p>	<p>To ensure the development proceeds in accordance with the proposal</p> <p>TMR has determined the land described in the condition as being within a proposed future land requirement area</p>	<p>s. 25 Transport Planning and Coordination Act 1994 Qld</p> <p>s. 25 Transport Planning and Coordination Act 1994 Qld</p>

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Conditions of Development	Reason	Condition Basis
<p>Permitted Road Access Location</p> <p>4. Vehicular access between the state-controlled road (Kennedy Highway) and the Subject Land shall be via the existing access in Easement A on SP2246095 in Lot 31 on CPUSL21043, located about 250m from the northern side boundary of the Subject Land, only. The existing direct access between Kennedy Highway and the dwelling house on Lot 4 on RP738588 shall be permanently closed concurrent with the removal of the dwelling house as indicated in the "5 Year Staging Plan" in condition 1.</p> <p>5. No additional direct vehicular access between the state-controlled road (Kennedy Highway) and the Subject Land is permitted.</p> <p>Intersection Works</p> <p>6. The applicant/landowner shall upgrade the existing vehicular access in condition 4. The applicant/landowner shall design and construct a Channelised Right Turn treatment with a Short Turn Slot (CHRS) generally in accordance with Figure 13.59 in Chapter 13 of TMR's <i>Road Planning and Design Manual</i>, in conjunction with TMR's <i>Interim Guide to Road Planning & Design Practice</i>. The design shall include:</p> <ul style="list-style-type: none"> • access curve radii 20m, • an acceleration lane of 500m minimum length and with 100m long taper for Mareeba-bound traffic exiting the Subject Land and entering the Kennedy Highway, • 4.0m shoulder widening of the opposite side of Kennedy Highway to accommodate CHRS(S) and provide additional safety for exiting trucks, through traffic and cyclists, • sight distance benching/ vegetation clearing either side of the vehicular access at least 300m below the line of sight to allow for grass growth, • 2.0m sealed shoulders on both sides through the extent of intersection works for cyclists, • any necessary relocation of Telstra and Ergon services to the satisfaction of the service providers, • appropriate pavement sealing, pavement marking and raised reflective pavement markers. 	<p>TMR must ensure that access between to the Subject Land does not adversely impact the safe and efficient operation of the state-controlled road</p>	<p>s. 62 Transport Infrastructure Act 1994 (Qld)</p>
	<p>Access works at the permitted access location are required to mitigate the impacts of development generated traffic onto the state-controlled road.</p>	<p>s. 33 Transport Infrastructure Act 1994 (Qld) TMR's <i>Road Planning and Design Manual</i>, in conjunction with TMR's <i>Interim Guide to Road Planning & Design Practice</i></p>

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Conditions of Development	Reasons	Condition Basis
<p>To this end:</p> <p>(i) The applicant/landowner shall obtain TMR approval prior to commencing any works within the state-controlled road reserve.</p> <p>(ii) The applicant/landowner shall submit to TMR for approval engineering drawings, certified by a Registered Professional Engineer of Queensland (RPEQ), of the proposed works.</p> <p>(iii) Subject to TMR approval of the engineering designs the applicant/landowner shall construct the works.</p> <p>(iv) All required access works must be completed prior to the commencement of the approved use.</p> <p>(v) All completed works within the state-controlled road reserve must have TMR written approval and submission of "As Constructed" plans to TMR.</p>	<p>Any works within the state-controlled road reserve must have the written approval of the Chief Executive Officer</p>	<p>s. 50 Transport Infrastructure Act 1994 (Qld)</p>
<p>Barrier Fence</p> <p>7. The applicant/landowner shall provide and maintain at all time, a barrier fence, similar to an industrial security fence, along the Subject Land's full frontage to Kennedy Highway, to prevent vehicles and pedestrians moving directly between Kennedy Highway and the Subject Land.</p> <p>The barrier fence shall be erected prior to, or in conjunction with the commencement of the approved use to the written approval of TMR.</p>	<p>To prevent vehicles and pedestrians moving directly between the state-controlled road and the Subject Land.</p>	
<p>Visual Amenity Treatments</p> <p>8. The applicant/landowner shall provide landscape bunding between the excavated areas and the Subject Land's frontage to the Kennedy Highway, except for the access driveway, in accordance with <i>Landscape Rehabilitation and Visual Impact Assessment Report</i> 088098 by Chesworth Environmental Planning & Landscape Architecture, dated 28 June 2010.</p>	<p>To screen visual impacts of the quarry operation from state-controlled road traffic.</p>	<p>Main Roads Road Landscape Manual</p>
<p>Advertising</p> <p>9. No advertising device for the proposed development is permitted within the state-controlled road reserve (Kennedy Highway).</p>	<p>Advertising devices may obscure signage and distract motorists.</p>	<p>s. 50 Transport Infrastructure Act 1994 (Qld)</p>

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Appeals

Section 482 of the *Sustainable Planning Act 2009* requires that an appellant give notice of an appeal to a referral agency in certain circumstances. Where notice of an appeal is required to be given to the Department of Transport and Main Roads that notice may be given by any of the methods mentioned below:

By prepaid mail:

Planning Legislation Unit
Integrated Transport Planning
The Department of Transport and Main Roads
GPO Box 213
Brisbane Qld 4001

By email:

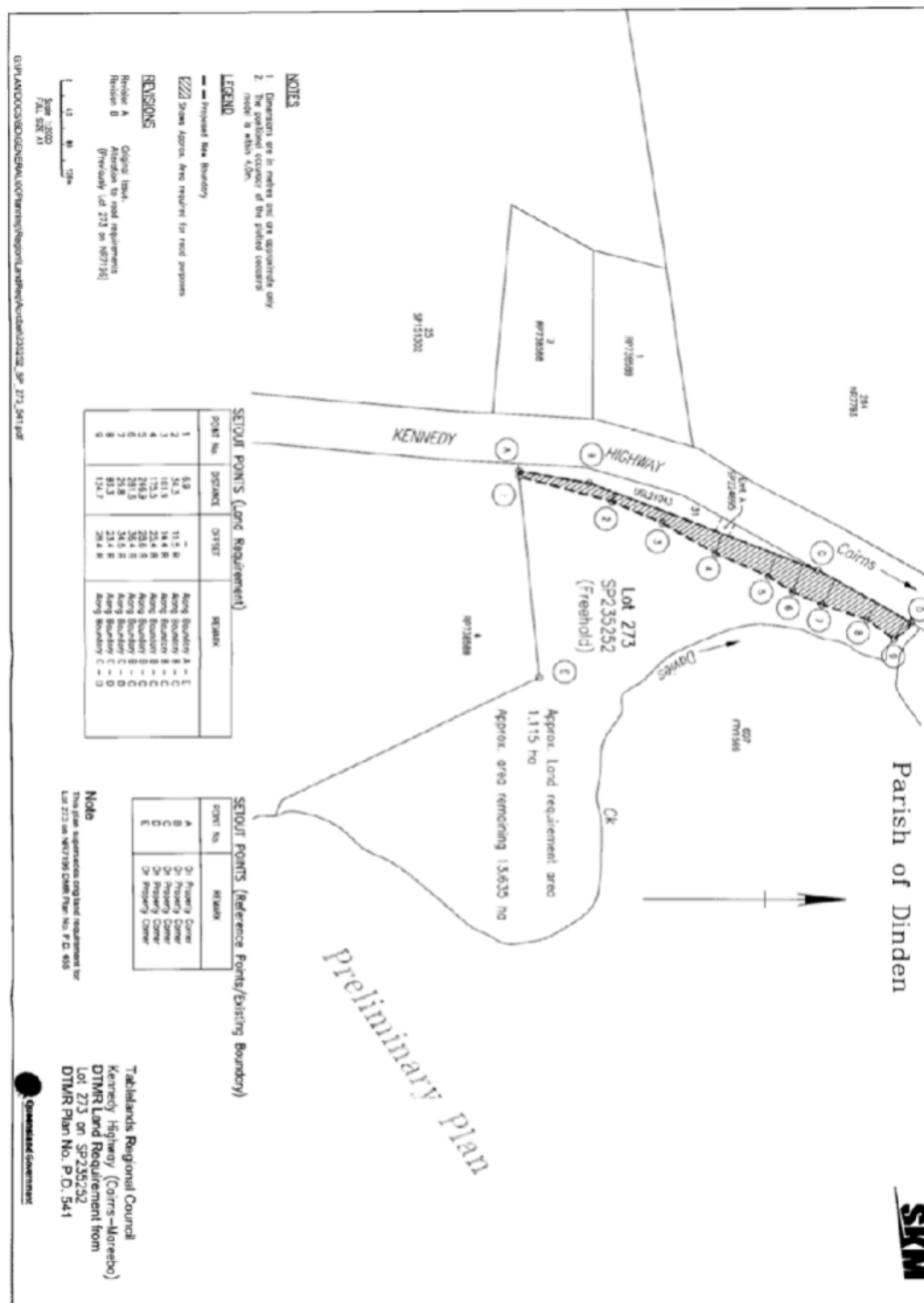
TMR.Appeals@dtmr.qld.gov.au

In person:

Level 3
Terra Place
140 Creek Street
Brisbane Qld 4000

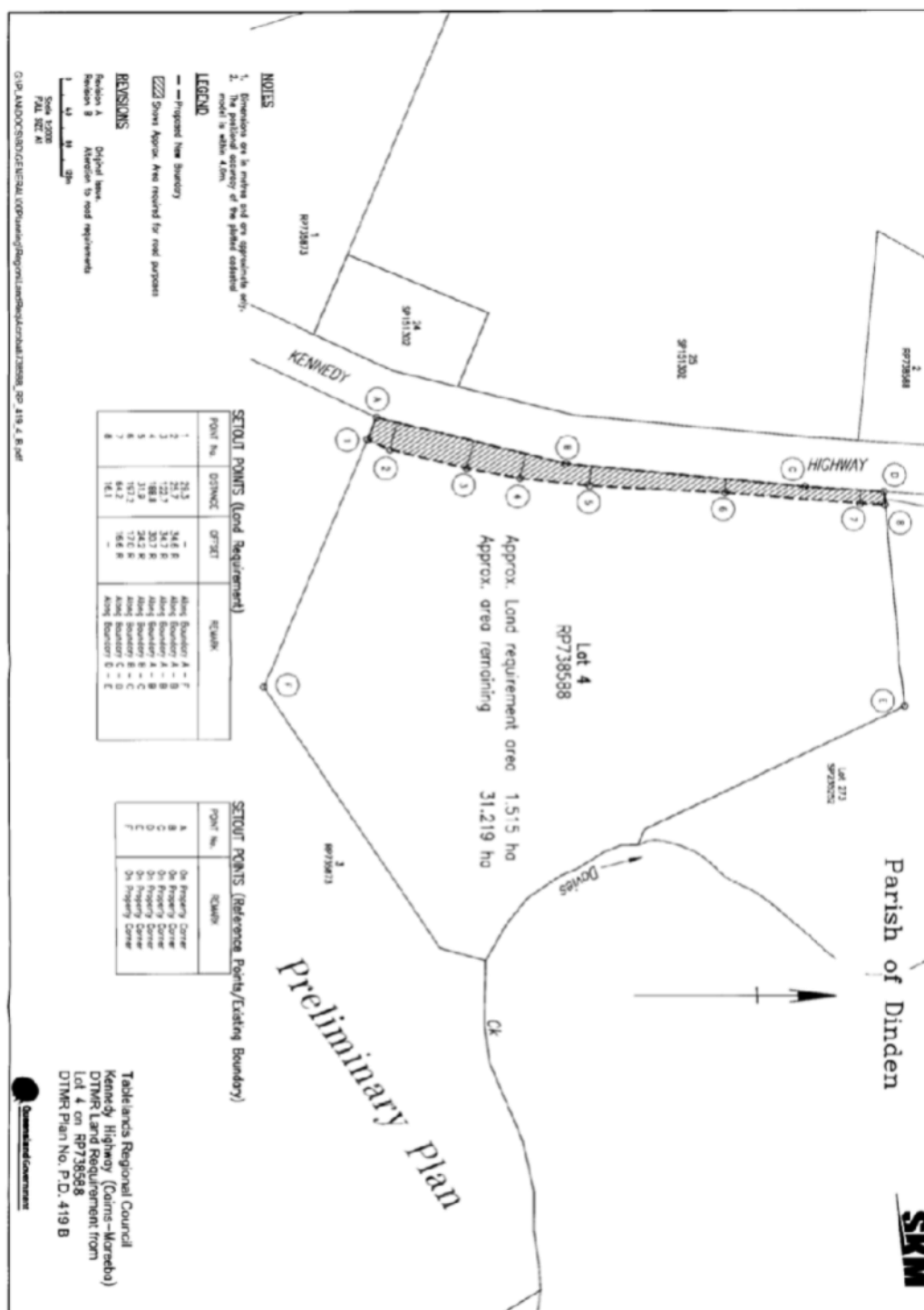
DECISION NOTICE - APPROVAL

105
10 August 2011



DECISION NOTICE - APPROVAL

106
10 August 2011



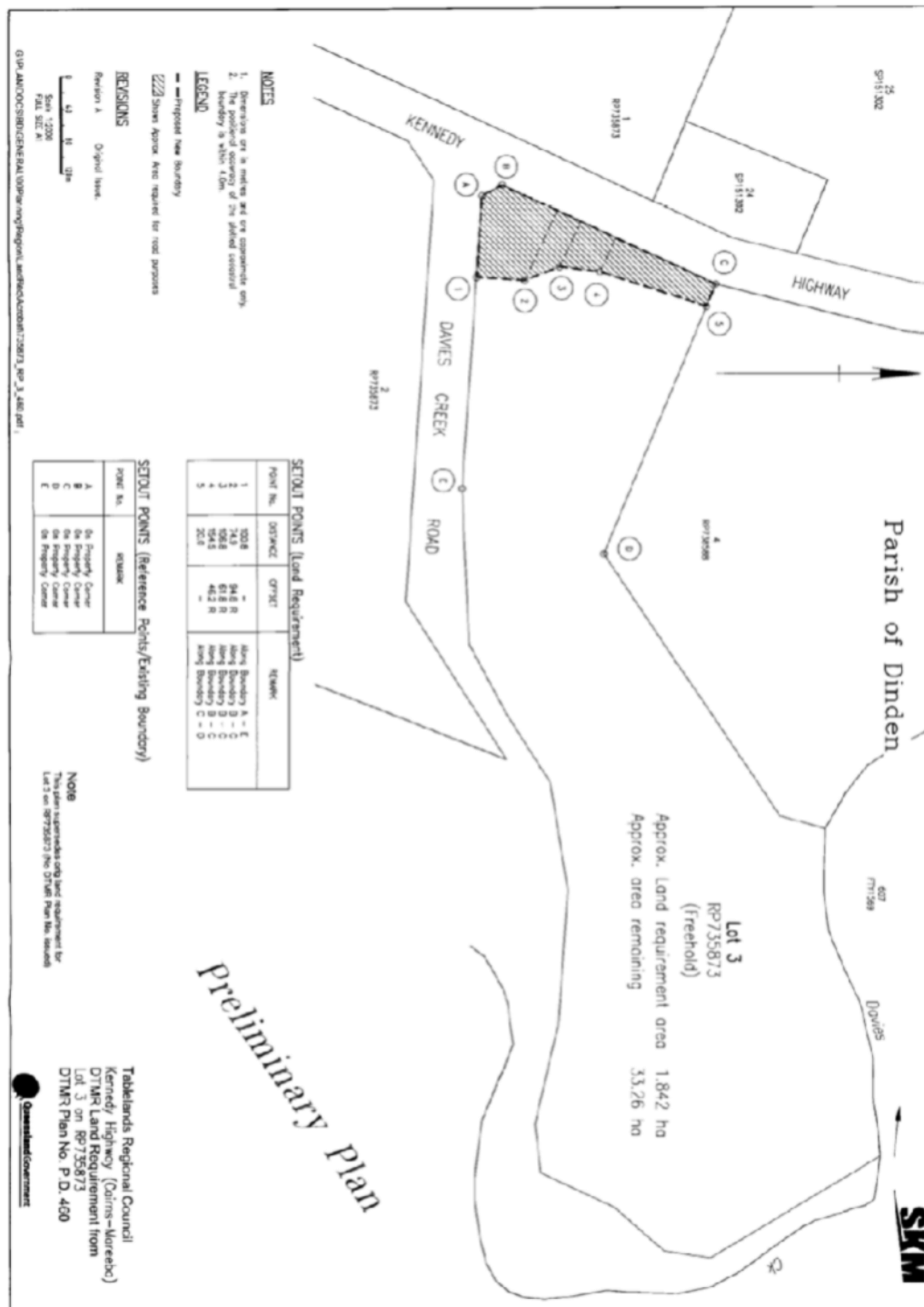
Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



DECISION NOTICE - APPROVAL

107
10 August 2011



Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



DECISION NOTICE - APPROVAL

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10 August 2011

ATTACHMENT 3 - MAKING REPRESENTATIONS ABOUT DECISION

PART 8 - DEALING WITH DECISION NOTICES AND APPROVALS

DIVISION 1 CHANGING DECISION NOTICES AND APPROVALS DURING APPLICANT'S APPEAL PERIOD

360 APPLICATION OF DIV 1

This division applies only during the applicant's appeal period.

361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS

The assessment manager must consider any representations made to the assessment manager under section 361.

363 DECISION ABOUT REPRESENTATIONS

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (***the negotiated decision notice***) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—

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- (i) the decision notice previously given; or
 - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 GIVING NEW INFRASTRUCTURE CHARGES NOTICE OR REGULATED INFRASTRUCTURE CHARGES NOTICE

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.

365 GIVING NEW REGULATED STATE INFRASTRUCTURE CHARGES NOTICE

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.
- (2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.

366 APPLICANT MAY SUSPEND APPLICANT'S APPEAL PERIOD

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
 - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

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10 August 2011**ATTACHMENT 4 - APPEAL RIGHTS****DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS****461 APPEALS BY APPLICANTS**

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 APPEALS BY SUBMITTERS—GENERAL

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).

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- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).

464 APPEALS BY ADVICE AGENCY SUBMITTERS

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

Change application form

Planning Act Form 5 (version 1.1 effective 22 JUNE 2018) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an 'other' change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Boral Resources (QLD) Pty Limited
Contact name (only applicable for companies)	Andrew Lyndon
Postal address (P.O. Box or street address)	PO Box 1278
Suburb	STAFFORD
State	QLD
Postcode	4053
Country	Australia
Email address (non-mandatory)	Andrew.lyndon@boral.com.au
Mobile number (non-mandatory)	0401893232
Applicant's reference number(s) (if applicable)	

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application <input checked="" type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or <input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
			Kennedy Highway	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		Lot 273	SP735873	Mareeba Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Kennedy Highway	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		Lot 3	RP735873	Mareeba Shire
c)	Unit No.	Street No.	Street Name and Type	Suburb
			Kennedy Highway	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		Lot 4	RP738588	Mareeba Shire

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)				
Note: Place each set of coordinates in a separate				
<input type="checkbox"/> Coordinates of premises by longitude and latitude				
Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)	

		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:		
<input type="checkbox"/> Coordinates of premises by easting and northing				
Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	
3.3) Additional premises				
<input type="checkbox"/> Additional premises relevant to the original development approval and their details have been attached in a schedule to this application <input type="checkbox"/> Not required				

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Mareeba Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit	MCU10/0029	10 August 2011	Mareeba Shire Council
<input type="checkbox"/> Preliminary approval			
<input type="checkbox"/> Development permit			
<input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Remove reference to staged extraction and rehabilitation plans

6.2) What type of change does this application propose?

- ☒ Minor change application – proceed to Part 5
☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application

☒ No – proceed to Part 7

☐ Yes – list all affected entities below and proceed to Part 7

Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.

Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No	

	<input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No	
	<input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: to complete this part it will be necessary for you to complete parts of DA Form 1 and in some instances parts of DA Form 2, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?

- ☐ No
☐ Yes – complete Part 2 (Location details) of DA Form 1 as it relates to the additional premises is completed and provided with this application.

9) Development details

9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?

- ☐ No – proceed to 11)
☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 as these sections relate to the new or changed aspects of development are provided with this application.

9.2) Does the change application involve building work?

- ☐ No
☐ Yes – the completed Part 5 (Building work details) of DA Form 2 as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?

Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.

- ☐ No
☐ Yes – the completed Part 5 (Referral details) of DA Form 1 as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the [Referral checklist for building work](#) is also completed.

11) Information request under Part 3 of the DA Rules

- ☐ I agree to receive an information request if determined necessary for this change application
☐ I do not agree to accept an information request for this change application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties. Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of DA Form 1 is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) change application checklist

I have identified the:
 responsible entity in 4); and
 for a minor change, any affected entities; and
 for an 'other' change all relevant referral requirement(s) in 10)

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

For an 'other' change application, the relevant sections of DA Form 1 – Development application details have been completed and is attached to this application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
For an 'other' change application, where building work is associated with the change application, the relevant sections of DA Form 2 – Building work details have been completed and is attached to this application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is attached to this application Note: This includes any templates provided under 23.6 and 23.7 of DA Form 1 that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning report template .	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see DA Forms Guide: Relevant plans .	<input checked="" type="checkbox"/> Yes

14) Applicant declaration

☒ By making this change application, I declare that all information in this change application is true and correct.

☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application. All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or

required by other legislation (including the *Right to Information Act 2009*); or

otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR OFFICE USE ONLY

Date received: Reference number(s):

QLeave notification and payment*Note: For completion by assessment manager if applicable*

Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	



16 January 2020

Chief Executive Officer
Department of State Development, Manufacturing, Infrastructure and Planning
State Assessment and Referral Agency
Via Email: cairnssara@dsdmip.qld.gov.au
Attention: Development Assessment Planners

Boral Resources (Qld) Pty Ltd
ABN 46 009 671 809
Level 6, 88 Musk St,
Kelvin Grove QLD 4059
PO Box 125, Kelvin Grove QLD 4059
Telephone (07) 3867 7603
Facsimile (07) 3867 7488
Mobile 0401 893 232
Email andrew.lyndon@boral.com.au
www.boral.com.au

Dear SARA

RE: Pre Request Response Notice - Request for Minor Change to Existing Approved Material Change of Use for Extractive Industry and Environmentally Relevant Activities ERA 8(3) A, ERA 16(2) (c) and ERA 21 – Tichum Creek Quarry SARA Ref: SPD_1015_021849

We refer to our recent telephone conversation regarding the abovementioned matter. As discussed and in accordance with Section 78 of the *Planning Act 2016* find enclosed a copy of an application for a Pre Request Response Notice for a request for minor change to the Tichum Creek Quarry Approval (SARA Ref: SPD_1015_021849 & Mareeba Shire Council Ref: MCU10/0029). A copy of the Application Form is included as **Attachment 1 – Application Form**.

1.0 Summary of the Proposal

Boral seeks a minor change to the Approval to remove the requirement to:

- development the site in stages
- Rehabilitate the site in stages.

Amended Plans are included for Approval.

Department of Environment and Science (DES) recently amended the Environmental Authority (EA) for the Site under the Environmental Protection Act to remove the requirement to develop and rehabilitate the site in predefined stages. A copy of the current EA is included as **Attachment 2**.

As the proposal involves changes to Assessment Manager Conditions of the Approval, we intend to lodge an application for Minor change with Mareeba Shire Council once SARA issue the Pre Request Response Notice.

2.0 Background

Geological investigations are not exact and resource type and quality varies across a site. Furthermore market demand for various quarry products varies and quarry operators need to extract different resources from a site at different rates depending upon the demand for certain quarry products.

For this reason the requirement to strictly comply with staged development and staged rehabilitation plans imposes a significant operational constraint on quarries. Furthermore it is our view that the staged extraction and staged rehabilitation plans provide no net environmental benefit for the site provided the site is progressively rehabilitated as per the requirements of the Environmental Authority Conditions of Approval.

For this reason we propose removing the conditions requiring the development of a site in accordance with staged extraction and staged rehabilitation plans and including a condition requiring the development to occur within a final extraction footprint Plan and revised Rehabilitation Plan as per the amended EA. The amended Rehabilitation Plan and final Extraction Plan referenced in the amended EA is included for reference as **Attachment 3 – Amended Rehabilitation Plan and Final Extraction Plan**.

3.0 Proposed Changes to Approval

Boral seeks changes to the following conditions.

Approved Plans (overarching condition; DTMR Condition 1)

Drawing Report Title	Prepared by	Date	Reference No.	Version / Issue
Referral Agency Response (Vegetation) Plan of Area A(in Lots 273 on SP235252, Lot 3 on RP735873, Lot 4 on RP738588 and EMt A on SP224695 in Lot 31 on USL21043	Department of Natural Resources and Mines	30 October 2015	RARP SPD-1015- 021849	N/A
Tichum Creek Proposed Extension – Existing / Approved & Proposed	Saunders Havill Group	21/08/2015	NA	NA

Quarry Footprint Plan 2				
Stage 1 Plan	Cardno	1 October 2015	Project No 7801/17	3
Stage 2 Plan	Cardno	1 October 2015	Project No 7801/17	3
Stage 3 Plan	Cardno	1 October 2015	Project No 7801/17	3
Stage 4 Plan	Cardno	1 October 2015	Project No 7801/17	3
Stage 5 Plan	Cardno	1 October 2015	Project No 7801/17	3
Stage 6 Plan	Cardno	1 October 2015	Project No 7801/17	3
Rehabilitation Plan	Cardno	September 2015	Project No 7801/17	4
Approved Extraction Limit	Cardno	20 November 2019	Project No 7801/17	
Rehabilitation Plan	Cardno	20 November 2019	Project No 7801/17	

4.0 Minor Change Provisions under Section 81 and Schedule 2 of the Planning Act

In accordance with the provisions of Section 81 and Schedule 2 of the Planning Act, the request to change the approval is considered to a "Minor Change" for the reasons provided below.

Table 1: Assessment of Proposed Change

Planning Act Provision	Assessment of Proposed Change
Minor Change, for a development approval, is a change that would not	
i) result in substantially different development	Complies - As identified below the proposed amendments to the conditions do not result in substantially different development. Refer to the table below.
ii) if a development application for the development, including the change, were made when the change application is made would not cause— (A) the inclusion of prohibited development in the application; or	Complies - Prohibited development is not proposed.

<p>(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</p> <p>(C) referral to extra referral agencies, other than to the chief executive; or</p>	<p>NA – the original application included referral agencies.</p> <p>Complies - If the application was to be remade with the Proposed Change then the application would not require referral to additional referral agencies to those already triggered for the original application.</p>
<p>(D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or</p>	<p>Complies – Referral agencies assessment matters remain the same.</p>
<p>(E) public notification if public notification was not required for the development application.</p>	<p>NA – the original Development Application required public notification.</p>

5.0 Minor Change - “Substantially different development” test

The proposed change to approval would not result in a ‘substantially different development’ as defined in the Development Assessment Rules.

Table 2: Assessment of the Proposed Change against Substantially Different Development Test

A change may result in a substantially different development if the proposed change:	Assessment of proposed changes
<i>Involves a new use</i>	Complies - The proposed change does not involve a new use rather the existing approved use is maintained as Extractive Industry.
<i>Results in the application applying to a new parcel of land</i>	Complies -There are no additional parcels of land included in the subject site.
<i>Dramatically changes the built form in terms of scale, bulk and appearance</i>	Complies – The proposed extraction footprint remains the same, Boral are only seeking to remove the internal staged extraction plans (nominated by Boral). There are no other changes to the other operational aspects of the quarry.
<i>Changes the ability of the proposal to operate as intended.</i>	Complies – The proposed changes will not adversely affect the functionality of the quarry. The site will continue to function as Extractive Industry.
<i>Removes a component that is integral to the operation of the development</i>	Complies -The proposed change does not result in the removal of a component that is integral to the operation of the quarry.
<i>Significantly impacts on traffic flow and the</i>	Complies -The proposed change to remove staged extraction and rehabilitation

A change may result in a substantially different development if the proposed change:	Assessment of proposed changes
<i>transport network, such as increasing traffic to the site</i>	plans has no impact on traffic movement.
<i>Introduces new impacts or increases the severity of known impacts</i>	Complies – The proposed change does not involve new impacts or increase the severity of impacts.
<i>Removes an incentive or offset component that would have balanced a negative impact of the development</i>	Complies – The proposed change does not involve the removal of an incentive or offset component that would have balanced a negative impact of the development. There were no offsets conditioned in the original approval.
<i>Impacts on infrastructure provision, location or demand.</i>	Complies – The proposed changes will not impact on infrastructure provision, location or demand.

The proposed changes therefore do not represent substantially different development and as outlined above the proposal is considered to be a Minor Change to a development approval as per the Act.

6.0 Owner's Consent

Section 79(1A) of the Planning Act states:

“... a change application must be accompanied by the written consent of the owner of the premises the subject of the application to the extent— (a) the applicant is not the owner; and ...”

Land owners details for the site are outlined in **Table 3** below:

Table 3 – Landowners Details

Lot Description	Landowners Details
Lot 273 SP235252	Boral Resources (QLD) Pty Limited
Lot 3 RP735873	Boral Resources (QLD) Pty Limited
Lot 4 RP738588	Boral Resources (QLD) Pty Limited

The applicant, Boral Resources (QLD) Pty Limited, is the owner of Lot 273 SP235252, Lot 3 RP735873, Lot 4 RP738588 and therefore consent is not required. Boral's directors have signed this letter.

7.0 Summary

Boral operates the Tichum Quarry in accordance with the Development Approval and Environmental Authority issued in 2011 (Council reference MCU 10/0029) and amended in 2015. Boral is seeking approval for a Minor Change to the Existing Approval to remove the

requirement to develop the site in accordance with staged extraction and rehabilitation plans. The assessment above demonstrates that the proposed development complies with the provisions of the Planning Act.

The proposed changes to the quarry footprint are important so that Boral can continue to support local jobs and so that the quarry can continue to supply construction materials to the local construction industry and the community. We therefore recommend the application for Council's approval.



Planning and Development Manager
Boral Property Group



Anthony P. Joyce
Director
Boral Resources (QLD) Pty Limited



Jason A Maki Neste
Director
Boral Resources (QLD) Pty Limited

Attachment 1 – Application Form.

Change application form

Planning Act Form 5 (version 1.1 effective 22 JUNE 2018) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an 'other' change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Boral Resources (QLD) Pty Limited
Contact name (only applicable for companies)	Andrew Lyndon
Postal address (P.O. Box or street address)	PO Box 1278
Suburb	STAFFORD
State	QLD
Postcode	4053
Country	Australia
Email address (non-mandatory)	Andrew.lyndon@boral.com.au
Mobile number (non-mandatory)	0401893232
Applicant's reference number(s) (if applicable)	

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application <input checked="" type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2, and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or <input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
			Kennedy Highway	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		Lot 273	SP735873	Mareeba Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Kennedy Highway	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		Lot 3	RP735873	Mareeba Shire
c)	Unit No.	Street No.	Street Name and Type	Suburb
			Kennedy Highway	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		Lot 4	RP738588	Mareeba Shire

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)				
Note: Place each set of coordinates in a separate				
<input type="checkbox"/> Coordinates of premises by longitude and latitude				
Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)	

		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:		
<input type="checkbox"/> Coordinates of premises by easting and northing				
Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	
3.3) Additional premises				
<input type="checkbox"/> Additional premises relevant to the original development approval and their details have been attached in a schedule to this application <input type="checkbox"/> Not required				

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

SARA

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit	MCU10/0029	10 August 2011	Mareeba Shire Council
<input type="checkbox"/> Preliminary approval			
<input type="checkbox"/> Development permit			
<input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Remove reference to staged extraction and rehabilitation plans

6.2) What type of change does this application propose?

- ☒ Minor change application – proceed to Part 5
☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application

☐ No – proceed to Part 7

☒ Yes – list all affected entities below and proceed to Part 7

Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.

Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
SARA	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No	

	<input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: to complete this part it will be necessary for you to complete parts of DA Form 1 and in some instances parts of DA Form 2, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?

- ☐ No
☐ Yes – complete Part 2 (Location details) of DA Form 1 as it relates to the additional premises is completed and provided with this application.

9) Development details

9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?

- ☐ No – proceed to 11)
☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 as these sections relate to the new or changed aspects of development are provided with this application.

9.2) Does the change application involve building work?

- ☐ No
☐ Yes – the completed Part 5 (Building work details) of DA Form 2 as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?

Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.

- ☐ No
☐ Yes – the completed Part 5 (Referral details) of DA Form 1 as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules

- ☐ I agree to receive an information request if determined necessary for this change application
☐ I do not agree to accept an information request for this change application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties. Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the DA Forms Guide: Forms 1 and 2.

12) Further details

- ☐ Part 7 of DA Form 1 is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) change application checklist

I have identified the:

responsible entity in 4); and
 for a minor change, any affected entities; and
 for an 'other' change all relevant referral requirement(s) in 10)

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

For an 'other' change application, the relevant sections of DA Form 1 – Development application details have been completed and is attached to this application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
For an 'other' change application, where building work is associated with the change application, the relevant sections of DA Form 2 – Building work details have been completed and is attached to this application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is attached to this application <i>Note: This includes any templates provided under 23.6 and 23.7 of DA Form 1 that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning report template.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see DA Forms Guide: Relevant plans.</i>	<input checked="" type="checkbox"/> Yes

14) Applicant declaration	
<input checked="" type="checkbox"/> By making this change application, I declare that all information in this change application is true and correct. <input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i> . <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
Privacy – personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application. All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website. Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i> , <i>Planning Regulation 2017</i> and the <i>DA Rules</i> except where: such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i> , and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i> ; or required by other legislation (including the <i>Right to Information Act 2009</i>); or otherwise required by law. This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i> .	

PART 8 – FOR OFFICE USE ONLY

Date received:	<input type="text"/>	Reference number(s):	<input type="text"/>
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QLeave notification and payment	
<i>Note: For completion by assessment manager if applicable</i>	
Description of the work	<input type="text"/>
QLeave project number	<input type="text"/>
Amount paid (\$)	<input type="text"/>
Date paid	<input type="text"/>
Date receipted form sighted by assessment manager	<input type="text"/>
Name of officer who sighted the form	<input type="text"/>

Attachment 2 – Amended EA

Permit

Environmental Protection Act 1994

Environmental authority EPPR02722714

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: EPPR02722714

Environmental authority takes effect on 19-12-2019

Environmental authority holder(s)

Name(s)	Registered address
BORAL RESOURCES (QLD) PTY. LIMITED	Level 18 15 Blue St NORTH SYDNEY NSW 2060 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 16 - Extraction and Screening 3: Screening, in a year, the following quantity of material (b) more than 100,000t but not more than 1,000,000t	Lot 273 on SP235252, Lot 3 on RP735873, Lot 31 on CPUSL21043, Lot 4 on RP738588
ERA 16 - Extraction and Screening 2: Extracting, other than by dredging, in a year, the following quantity of material (b) more than 100,000t but not more than 1,000,000t	

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

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Permit

Environmental authority

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days);

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise-on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the *Planning Act 2016* or an SDA Approval under the *State Development and Public Works Organisation Act 1971*), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Permit

Environmental authority

Clancy Mackaway
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 19 December 2019

Enquiries:
Extraction, Energy and Chemical Industries
Assessment
Department of Environment and Science

Phone: 1300 130 372
Email: palm@des.qld.gov.au



Permit

Environmental authority

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Permit

Environmental authority**Conditions of environmental authority**

The environmentally relevant activities conducted at the locations as described above must be conducted in accordance with the following conditions.

Agency interest: General	
Condition number	Condition
G1	Activities under this environmental authority must not be conducted in accordance with the following limitations: <ul style="list-style-type: none"> Extraction must only occur within the boundary of Approved Extraction Limit specified on the site plan entitled 'Approved Extraction Limit', Rev 3, dated 20 November 2019 provided in Attachment 1.
G2	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.
G3	Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.
G4	Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur.
G5	All information and records that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. Environmental monitoring results must be kept until surrender of this environmental authority. All information and records required by the conditions of this environmental authority must be provided to the administering authority upon request.
G6	An appropriately qualified person(s) must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.
G7	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) certification, or an equivalent certification, for such analyses. The only exception to this conditions for <i>in situ</i> monitoring of pH.
G8	When required by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority, to investigate a complaint that is not considered by the administering authority to be frivolous or vexatious, of environmental nuisance arising from the activity. The monitoring results must be provided to the administering authority upon request.
G9	The activity must be undertaken in accordance with written procedures that: <ol style="list-style-type: none"> identify potential risks to the environment from the activity during routine operations, closure and an emergency establish and maintain control measures that minimise the potential for environmental harm ensure plant, equipment and measures are maintained in a proper and effective condition ensure plant, equipment and measures are operated in a proper and effective manner



Permit

Environmental authority

	5. ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i> 6. ensure that reviews of environmental performance are undertaken at least annually.
Agency interest: Air	
Condition number	Condition
A1	Odours or airborne contaminants which are noxious or offensive or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any sensitive place or commercial place.
A2	Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place: a) Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions), OR b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM_{10}) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with: i. Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air Particulate matter – Determination of suspended particulate PM_{10} high-volume sampler with size-selective inlet-Gravimetric method'; or ii. Any alternative method of monitoring PM_{10} which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.
A3	When requested by the administering authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days from receipt of monitoring results to the administering authority following completion of monitoring. Monitoring must be carried out at the a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include: a) for a complaint alleging dust nuisance, dust deposition; and b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM_{10}) suspended in the atmosphere over a 24hr averaging time.
Agency interest: Water	
Condition number	Condition

Permit

Environmental authority

WT1	<p>The only contaminant to be released to surface waters is stormwater runoff to waters described as Davies Creek in accordance with <i>Table 1 – Surface water release limits</i> and the associated monitoring requirements.</p> <p>Table 1 – Surface water release limits</p> <table><tr><th>Release points*</th><th>Quality characteristics</th><th>Limit</th><th>Limit type</th><th>Monitoring frequency</th></tr><tr><td>Sediment Basin A discharge</td><td>pH (pH units)</td><td>6.0 to 8.5</td><td>Range</td><td rowspan="3">Not less than once every calendar month in which water is released from the sediment basins</td></tr><tr><td>Sediment Basin B discharge</td><td>Suspended solids</td><td>50mg/L</td><td>Maximum</td></tr><tr><td>Release point 3</td><td></td><td></td><td></td></tr></table> <p>Associated monitoring requirements</p> <p>a) Monitoring must be in accordance with the methods prescribed in the current edition of the administering authority's Water Quality Sampling Manual.</p> <p>b) Samples must be taken using representative samples.</p> <p>c) All determinations must employ analytical practical quantification limits sufficiently low enough to enable comparisons to be made against water quality objectives/limits relevant to the particular water quality characteristic.</p> <p>d) Monitoring must be undertaken during a release as per the frequency stated.</p> <p>e) All monitoring devices must be correctly calibrated and maintained.</p> <p>*Release point descriptions</p> <table><tr><th>Release point name</th><th>Easting (E) (UTM – Zone 55 K)</th><th>Northing (S) (UTM – Zone 55 K)</th></tr><tr><td>Sediment Basin A discharge</td><td>344170.14</td><td>8123621.87</td></tr><tr><td>Sediment Basin B discharge</td><td>344493.39</td><td>8123255.78</td></tr><tr><td>Release point 3</td><td>344651.55</td><td>8122648.58</td></tr></table>	Release points*	Quality characteristics	Limit	Limit type	Monitoring frequency	Sediment Basin A discharge	pH (pH units)	6.0 to 8.5	Range	Not less than once every calendar month in which water is released from the sediment basins	Sediment Basin B discharge	Suspended solids	50mg/L	Maximum	Release point 3				Release point name	Easting (E) (UTM – Zone 55 K)	Northing (S) (UTM – Zone 55 K)	Sediment Basin A discharge	344170.14	8123621.87	Sediment Basin B discharge	344493.39	8123255.78	Release point 3	344651.55	8122648.58
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WT2	Monitoring of contaminant releases to waters must be undertaken in accordance with condition WT1 and records of the results must be kept.																														
WT3	<p>In addition to WT1, the release to waters must not:</p> <p>a) have any other properties at a concentration that is capable of causing environmental harm</p> <p>b) produce any slick or other visible evidence of oil or grease, nor contain visible floating oil, grease, scum, litter or other visually objectionable matter.</p>																														
WT4	Erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.																														

Permit

Environmental authority

Agency interest: Noise																																																													
Condition number	Condition																																																												
N1	<p>When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days of receipt of monitoring results to the administering authority. Monitoring must include:</p> <ul style="list-style-type: none"> a) airblast overpressure (dB (Lin) Peak); b) LA max, adj. T; c) LA 10, adj 10 mins; d) LA 90, adj 10 mins; e) LA eq, adj 10 mins; f) LA 1, adj 10 mins; g) the level and frequency of occurrence of impulsive or tonal noise; h) atmospheric conditions including wind speed and direction; i) effects due to extraneous factors such as traffic noise; and j) location, date and time of recording. 																																																												
N2	The method of measurement and reporting of noise levels must comply with the latest edition of the administering authority's Noise Measurement Manual.																																																												
N3	<p>All noise from the licensed activities must not exceed the levels specified in <i>Table 2 – Noise Limits at a nuisance sensitive or commercial place</i>.</p> <p>Table 2 – Noise limits at a nuisance sensitive or commercial place.</p> <table border="1"> <thead> <tr> <th rowspan="2">Noise level dB(A) measured as</th><th colspan="3">Monday to Saturday</th><th colspan="3">Sunday and Public Holidays</th></tr> <tr> <th>7am–6pm</th><th>6pm–10pm</th><th>10pm–7am</th><th>7am–6pm</th><th>6pm–10pm</th><th>10pm–7am</th></tr> </thead> <tbody> <tr> <td colspan="7">Noise measured at the 'nuisance sensitive place'</td></tr> <tr> <td>LA10 adj 10 mins</td><td>55</td><td>50</td><td>40</td><td>55</td><td>50</td><td>40</td></tr> <tr> <td>LA1 adj 10 mins</td><td>60</td><td>55</td><td>45</td><td>60</td><td>55</td><td>45</td></tr> <tr> <td colspan="7">Noise measured at the 'commercial place'</td></tr> <tr> <td>LA10 adj 10 mins</td><td>60</td><td>55</td><td>45</td><td>60</td><td>55</td><td>45</td></tr> <tr> <td>LA1 adj 10 mins</td><td>65</td><td>60</td><td>50</td><td>65</td><td>60</td><td>50</td></tr> </tbody> </table>						Noise level dB(A) measured as	Monday to Saturday			Sunday and Public Holidays			7am–6pm	6pm–10pm	10pm–7am	7am–6pm	6pm–10pm	10pm–7am	Noise measured at the 'nuisance sensitive place'							LA10 adj 10 mins	55	50	40	55	50	40	LA1 adj 10 mins	60	55	45	60	55	45	Noise measured at the 'commercial place'							LA10 adj 10 mins	60	55	45	60	55	45	LA1 adj 10 mins	65	60	50	65	60	50
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Permit

Environmental authority

N4	<p>Blasting activities must not exceed the limits for peak particle velocity and air blast overpressure in <i>Table 3 – Blasting noise limits</i> when measured at any sensitive place or commercial place in accordance with the associated monitoring requirements.</p> <p>Table 3 – Blasting noise limits</p> <table> <tr> <th>Blasting criteria</th><th>Blasting Limits</th></tr> <tr> <td>Airblast overpressure</td><td>115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 dB (Linear) Peak at any time.</td></tr> <tr> <td>Ground vibration peak particle velocity</td><td>5mm/second peak particle velocity for 9 out of 10 consecutive blasts not greater than 10mm/second peak particle velocity at any time.</td></tr> </table> <p>Associated monitoring requirements</p> <p>a) Monitoring must be in accordance with the most recent editions of the administering authority's 'Noise and Vibration from Blasting' guideline and Noise Measurement Manual and any relevant Australian standard.</p> <p>b) All monitoring devices must be correctly calibrated and maintained.</p>	Blasting criteria	Blasting Limits	Airblast overpressure	115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 dB (Linear) Peak at any time.	Ground vibration peak particle velocity	5mm/second peak particle velocity for 9 out of 10 consecutive blasts not greater than 10mm/second peak particle velocity at any time.
Blasting criteria	Blasting Limits						
Airblast overpressure	115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 dB (Linear) Peak at any time.						
Ground vibration peak particle velocity	5mm/second peak particle velocity for 9 out of 10 consecutive blasts not greater than 10mm/second peak particle velocity at any time.						
N5	Blasting must be carried out in accordance with the current edition of the administering authority's 'Noise and vibration from blasting guideline' and with Australian Standard 2187.						
N6	<p>Unless prior approval is obtained from the administering authority:</p> <p>a) blasting is only permitted during the hours of 9am to 3pm Monday to Friday, and from 9am to 1pm on Saturdays.</p> <p>b) blasting is not permitted at any time on Sundays or public holidays.</p>						
N7	When required by the administering authority, a blast monitoring program must be developed and implemented to monitor compliance with <i>Table 3 – Blasting noise limits</i> at any sensitive place or commercial place.						
Agency interest: Land							
Condition number	Condition number						
L1	Treatment and management of acid sulfate soils must comply with the current edition of the <i>Queensland Acid Sulfate Soil Technical Manual</i> .						
L2	<p>Land that has been disturbed for activities conducted under this environmental authority must be rehabilitated in a manner such that:</p> <p>a) suitable native species of vegetation for the location are established and sustained for</p>						



Permit

Environmental authority

	earthen surfaces b) potential for erosion is minimised c) the quality of water, including seepage, released from the site does not cause environmental harm d) potential for environmental nuisance caused by dust is minimised e) the water quality of any residual water body does not have potential to cause environmental harm f) the final landform is stable and protects public safety.
L3	Rehabilitation of disturbed areas required under condition L2, must take place progressively as works are staged and new areas of extraction are commenced.
L4	Rehabilitation of the site must be undertaken in accordance with the plan entitled 'Rehabilitation Plan', Rev 1, dated 20 November 2019 provided in Attachment 2.
L5	Prior to commencement of the activity, a financial assurance must be provided to the administering authority in accordance with the <i>Environmental Protection Act 1994</i> .
L6	The financial assurance for condition L3 must cover the maximum cost for rehabilitation of significantly disturbed areas for a nominated period (stage), which may vary due to progressive rehabilitation.
L7	If the financial assurance is provided in stages in accordance with condition L3, the works associated with that stage must not commence until the financial assurance has been provided for that stage.
Agency interest: Waste	
Condition number	Condition
WS1	All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.

Permit

Environmental authority

Definitions

Note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Science or its successors or predecessors.

Airblast overpressure is the energy transmitted from the blast site within the atmosphere in the form of pressure waves. As these waves pass a given position, the pressure of the air rises very rapidly then falls more slowly then returns to the ambient value after a number of oscillations. The pressure wave consists of both audible (noise) and inaudible (concussion) energy. The maximum excess pressure in this wave is known as the peak air overpressure, generally measured in decibels using the linear frequency-weighting.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills or experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirement using the relevant protocols, standards, methods or literature.

Blasting is the use of explosives to fracture:

- a) rock, coal and other minerals for later recovery; or
- b) structural components or other items to facilitate removal from a site or for reuse.

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

LA 10, adj, 10mins means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

LA 1, adj, 10 mins means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response.

LA max, adj, T means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute measurement period, using Fast response.

LAeq adj, 10mins means an A-weighted sound pressure level of a continuous steady sound, adjusted for tonal character, that within a 10 minute period has the same mean square sound pressure of a sound that varies with time.

Measures has the broadest interpretation and includes plant, equipment, physical objects, bunding, containment systems, monitoring, procedures, actions, directions and competency.

Noxious means harmful or injurious to health or physical well-being.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

- a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel or hostel; or
- c) a kindergarten, school, university or other educational institution; or
- d) a medical centre or hospital; or
- e) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
- f) a public thoroughfare, park or gardens; or

Permit

Environmental authority

- g) for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2019.

Vibration is the oscillating or periodic motion of a particle group of particles, or solid object about its equilibrium position.

Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and **groundwater** and any part thereof.

Permit

Environmental authority

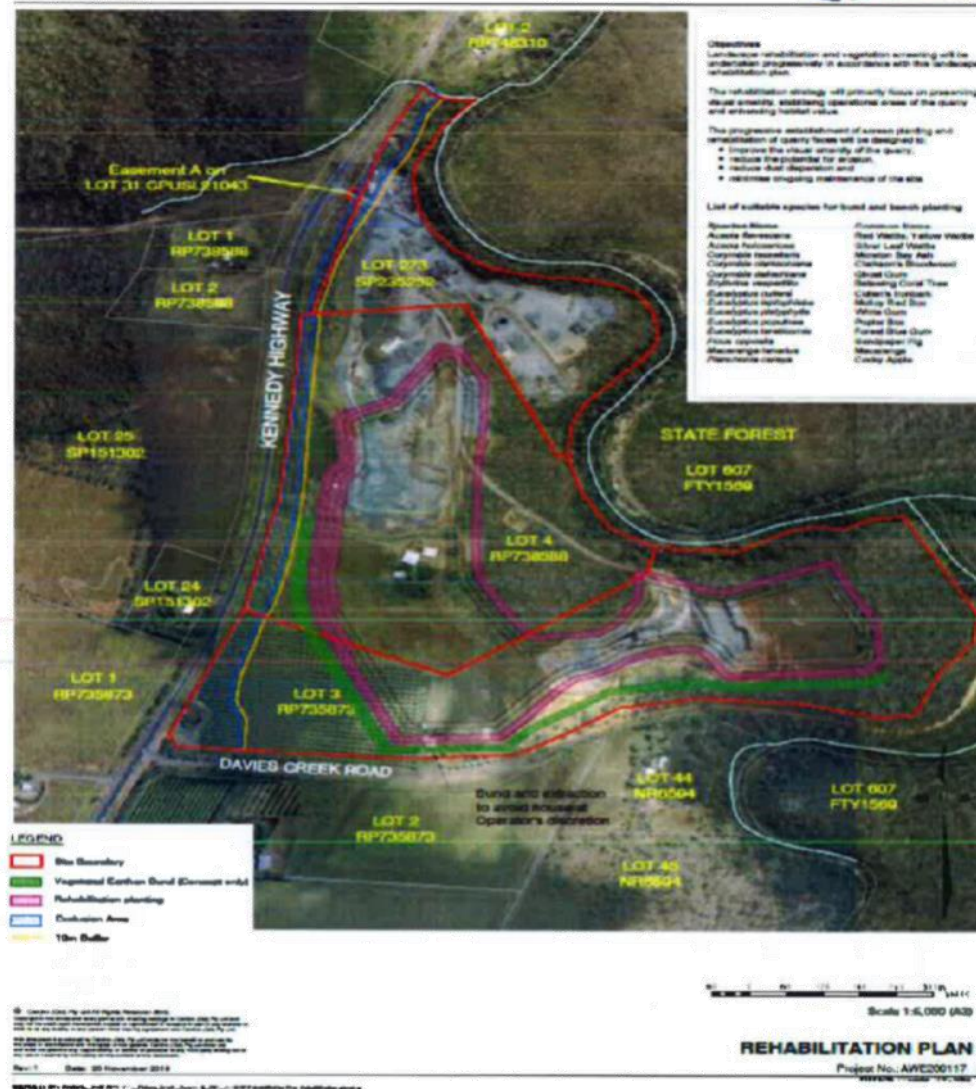
Attachments

Attachment 1 – Approved Extraction Limit, Rev 3, dated 20 November 2019



Environmental authority

TOPHAM CREEK QUARRY

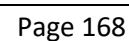


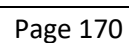
END OF ENVIRONMENTAL AUTHORITY



Attachment 3 – Amended Rehabilitation Plan and Final Extraction Limit







8.3 PIONEER NORTH QUEENSLAND PTY LTD - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY - LOT 108 ON SP188692 & LOT 6 ON RP910469 - 65625 & 65773 BURKE DEVELOPMENTAL ROAD, DIMBULAH - MCU/19/0014

Date Prepared: 28 February 2020

Author: Senior Planner

Attachments:

1. Proposal Plan - Drawing PR143442-4 [↓](#)
2. Department of State Development, Manufacturing, Infrastructure and Planning letter 21 January 2020 [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Pioneer North Queensland Pty Ltd	ADDRESS	65625 & 65773 Burke Developmental Road, Dimbulah
DATE LODGED	9 September 2019	RPD	Lot 108 on SP188692 & Lot 6 on RP910469
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Extractive Industry		
FILE NO	MCU/19/0014	AREA	Lot 108 - 20.96ha Lot 6 - 68.02ha
LODGED BY	RPS Australia East Pty Ltd	OWNER	Lot 108 - F, S, L & S Tosoni Lot 6 - F & S Tosoni
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

Council is in receipt of a development application described in the above application details.

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant planning instrument.

Draft conditions were provided to the Applicant / care of their consultant and have been agreed.

It is recommended that the application be approved in full with conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Pioneer North Queensland Pty Ltd	ADDRESS	65625 & 65773 Burke Developmental Road, Dimbulah
DATE LODGED	9 September 2019	RPD	Lot 108 on SP188692 & Lot 6 on RP910469
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Extractive Industry		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Extractive Industry

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
PR143442-4	Site Layout Plan	RPS	21-1-2020

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.5 Hours of Operation

All operations pursuant to the extractive industry, or in any way connected with the extractive industry will, for site operations and for removal of material, be limited to the hours between 7.00 am and 6.00 pm Mondays to Friday and 7:00am to 12:00 noon Saturdays (except Public Holidays), PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like, nor remove any materials from the said land on any Sunday or Public Holiday, or at any time outside the hours mentioned or such other hours as will be fixed by Council.

- 3.6 The Applicant shall provide Council with records of quantities of material extracted from the site on a monthly basis.
- 3.7 All operations pursuant to the extractive industry must be carried out in accordance with an Environmental Management Plan, except where modifications are required by the conditions of this approval. A copy of the Environmental Management Plan must be provided to Council prior to the commencement of extraction.
- 3.8 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end

of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.

3.9 Scale and Intensity

The extraction volume must not exceed 100,000 tonnes per annum.

3.10 No extractive industry operations, other than access, are to occur within 10 metres of:

- Burke Developmental Road;
- any property boundary;
- any waterway; and
- any mapped remnant vegetation.

3.11 Rehabilitation

A Site Rehabilitation Management Plan is to be prepared by a suitably qualified and experienced person detailing the timing/staging of vegetation removal, method of removal and the sequence of operations and rehabilitation works.

Site rehabilitation works must be provided in a progressive manner in accordance with extraction sequences and staging. The method of rehabilitation needs to be detailed with appropriate revegetation strategies indicated including the species list to be used including plant source. The plan is to be submitted to Council and operations are not to commence prior to receipt of Council's approval of the plan.

All site rehabilitation is to occur in accordance with the approved Site Rehabilitation Management Plan.

4. Infrastructure Services and Standards

4.1 Access

A Commercial access crossover/s, for the extractive industry access, must be constructed and maintained, to the property boundary in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

5. Additional Payment Condition – Note: The applicant's obligations under this condition are waived whilst Council continues to levy the special charge for extractive industries in accordance with Council's adopted annual budget.

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay \$11,898.81 for each 3,333 haul truck movements from the site towards trunk transport infrastructure, with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk transport infrastructure servicing the land - specifically the upgrading of Leafgold Weir Road to rural road (8 metres wide) bitumen sealed standard.
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to the commencement of the use.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

- (b) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

- (c) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

- (d) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the Environmental Protection and Biodiversity Conservation Act 1999 if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au.

(e) Cultural Heritage

In carrying out the activity, the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the “cultural heritage duty of care”). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 21 January 2020.

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

THE SITE

The subject site comprises land described as Lot 6 on RP910469 and Lot 108 on SP188692, situated at 65625 & 65773 Burke Developmental Road, Dimbulah. It is located at the intersection of Burke Developmental Road and Leafgold Weir Road, approximately 5.5km south-west of Dimbulah.

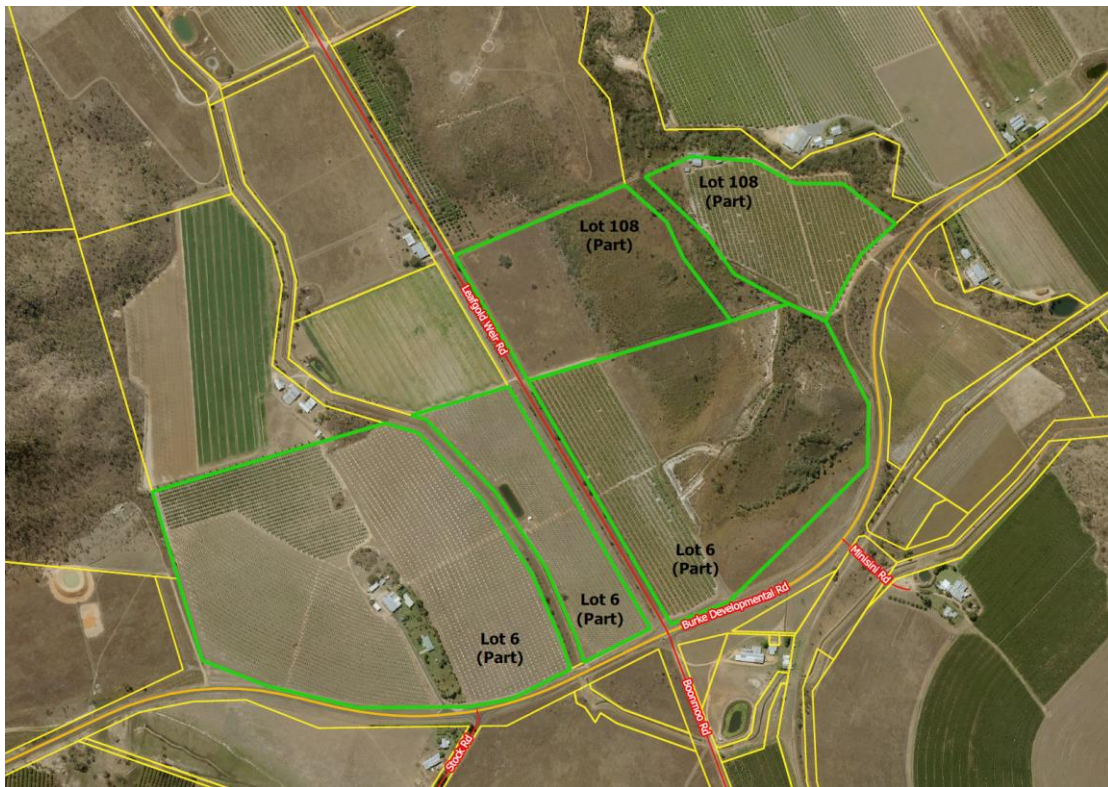
The site has a combined area of 88.98 hectares with frontages of approximately 850 metres to Leafgold Weir Road and approximately 1.8 kilometres to the Burke Developmental Road. Access to the site is obtained off both road frontages.

Leafgold Weir Road is constructed to a bitumen sealed width of approximately 5 metres for its frontage with the subject site. The Burke Developmental Road is constructed to a dual lane bitumen sealed standard.

A dwelling house and multiple farm sheds are established on both lots. The closest residence on adjoining land is located approximately 110 metres south of the extraction area on the opposite side of the Burke Developmental Road. Other residences on adjoining land are in excess of 200 metres from the proposed extraction area.

The site is located within the Planning Scheme’s Rural zone and is generally surrounded by cropping activities.

The area proposed for sand extraction gently slopes to the north and a minor unmapped waterway passes through the proposed extraction area generally in a northerly direction.

**Map Disclaimer:**

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency 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. Data must not be used for direct marketing or be used in breach of the privacy laws.

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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Extractive Industry in accordance with the plans shown in **Attachment 1**.

The proposed development would involve the extraction and screening of up to 100,000 tonnes of fine sand per year from a total area of approximately 24.1 hectares. No buildings/improvements are proposed as part of the sand extraction proposal.

The sand extraction operation is to be established on the northern portion of the subject land and over a period of 2-3 years, move into the southern portion of the site.

The sand extraction operation and associated haul access is to maintain a minimum separation distance of 10 metres from the area mapped as Regulated Vegetation.

The sand extraction operation will include the removal and storage of topsoil in earthen bunds, extraction of the sand resource, and screening of the material into stockpiles prior to haulage off-site via Leafgold Weir Road and the Burke Developmental Road.

Sand extraction will commence in the lower parts of the site where a sediment retention pond is to be established and progress upslope. Where possible, the sand extraction void is to be established as a farm water supply dam and the topsoil shall be re-spread on areas outside of the water supply dam area to promote rehabilitation.

The sand extraction proposal, intended to extract not more than 100,000 tonne of material per year, does not constitute a Concurrence ERA. An application has been made to the Department of Environment and Science (DES) for a site specific Environmental Authority over the subject land, for the following:

- ERA 16 2(a) extracting, other than by dredging, in a year, 5,000t to 100,000t of material; and
- ERA 16 3(a) screening, in a year, 5,000t to 100,000t of material.

Potential environmental impacts associated with the proposed extraction and screening activity shall be managed in accordance with the conditions of an Environmental Authority to be issued by DES and the Environmental Management Plan that is to be reviewed and approved by DES as part of the Environmental Authority approval process.

To facilitate the commencement of sand extraction operations, the extraction and processing of up to 5,000 tonne of material per year may be established on the site, prior to the issue of the Environmental Authority.

The initial extraction pit/s are anticipated to form the sediment retention ponds in the larger scale sand extraction operation.

A new farm access, from Leafgold Weir Road, will be constructed along the northern boundary of Lot 108. This will be the haul access for the extraction operation.

The applicant further advises:

- The extraction activities and rehabilitation will be staged which will limit visual amenity impacts;
- Extractive industry activities are common within the general locality and as such comprise part of the rural landscape; and
- Any adverse impacts related to the extractive industry activity will be addressed in accordance with the Environmental Authority and the site's Environmental Management Plan.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Rural Agricultural Area • Rural Other
Zone:	Rural zone
Overlays:	<ul style="list-style-type: none"> • Agricultural Land Overlay • Bushfire Hazard Overlay • Environmental Significance Overlay • Hill and Slope Overlay • Regional Infrastructure Corridors and Substations Overlay • Transport Infrastructure Overlay

Planning Scheme Definitions

The proposed use is defined as:

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Extractive industry	Premises used for the extraction and/or processing of extractive resources and associated activities, including their transportation to market.	Quarry	

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:

(A) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(B) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(C) Mareeba Shire Council Planning Scheme 2016**Strategic Framework****3.7 Economic development****3.7.1 Strategic outcomes**

- (7) The geological diversity and rare mineral occurrence of Mareeba Shire provide the basis for the establishment of mixed mining activities of varying scales, supporting increased employment and wealth within the shire, while ensuring ecological and amenity values are not negatively impacted. Support services and infrastructure to existing and future mineral exploration, including workers accommodation, are encouraged in appropriate locations.
- (8) *Key resource areas* (of local, regional and state significance) and associated haul routes are buffered from incompatible development. New resource operations establish in *rural areas* where impacts on surrounding land are manageable and environmental values can be protected.

3.7.11 Element - Extractive resources**3.7.11.1 Specific outcomes**

- (1) *Key resource areas* of local, regional and state significance and their associated haul routes are protected from development that might prevent or constrain current or future extraction.
- (2) Extractive industries:
 - (a) mitigate impacts relating to air, noise, water and waste on local ecological and environmental values and the amenity of residential areas, and surrounding rural dwellings;
 - (b) avoid areas of ecological significance and values;
 - (c) progressively rehabilitate disturbed land on site and ensure ecological values are rehabilitated (where relevant).

- (3) Sand extraction in watercourses maintains and restores the environmental and hydrological values of the site, and does not impede community recreational usage and public access points to waterways.

Comment

The subject site is not within a key resource area.

The proposed extractive industry is of an equivalent nature and scale to the multitude of sand extractive industry operations established between Dimbulah and Mareeba. The applicant has undertaken testing to confirm the existence of the sand resource.

The proposed extractive industry will be operated in accordance with a site specific environmental management plan and rehabilitation plan. On the completion of extraction, the land will revert to agricultural use.

The proposed development would comply.

Relevant Developments Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.9 Regional infrastructure corridors and substations overlay code
- 9.3.5 Industrial activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcomes where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Agricultural land overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Regional infrastructure corridors and substations overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Industrial activities code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

Where relevant, conditions will be attached to any approval requiring all development works be designed and constructed in accordance with the FNQROC Development Manual.

(E) Additional Trunk Infrastructure Condition

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

The applicant's roadworks contribution for each 100,000 tonnes would be as follows:

Length of road traversed by the applicant is 850 metres (shortest route to State controlled road).

Truck and dog = 30 tonnes / load = 6 ESA * / load
(* ESA - Equivalent Standard Axles)

Truck loads = tonnes (100,000) ÷ load of truck (30t)
= 100,000 ÷ 30
= 3,333

Number of axles	=	No. of loads (3,333 x ESA / Load (6))
	=	3,333 x 6
	=	19,998
Present road investment	=	\$1.40 / ESA
Future road maintenance cost	=	\$2.10 / ESA
	=	Difference in maintenance and present cost
	=	\$2.10 - \$1.40
	=	\$0.70
	=	\$0.70 x ESA (19,998)
	=	\$13,998.60

Therefore, total contribution sought	=	cost x distance (km)
	=	\$13,998.60 x 0.85
	=	\$11,898.81

Based on Council's standard contribution calculation method, the applicant would be required to pay a roadworks contribution of \$11,898.81 for each 100,000 tonnes of material extracted.

Council's recent budgets have applied a special charge for extractive industries.

Council acknowledges that certain quarries already contribute towards road infrastructure through a condition of their development approval. In such cases, the applicant's obligation under the relevant road infrastructure condition would be waived whilst Council continued to levy the special charge for extractive industries.

Accordingly, it is proposed to apply a road infrastructure condition on this extractive industry, however the applicant will not have to comply with this condition whilst Council continues to levy the special charge for extractive industries.

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Concurrence Agency for State transport infrastructure.

That Department advised in a letter dated 21 January 2020 that they require the conditions to be attached to any approval (**Attachment 2**).

The Department has conditioned upgrade works for the intersection of Leafgold Weir Road and the Burke Developmental Road.

Internal Consultation

Technical Services

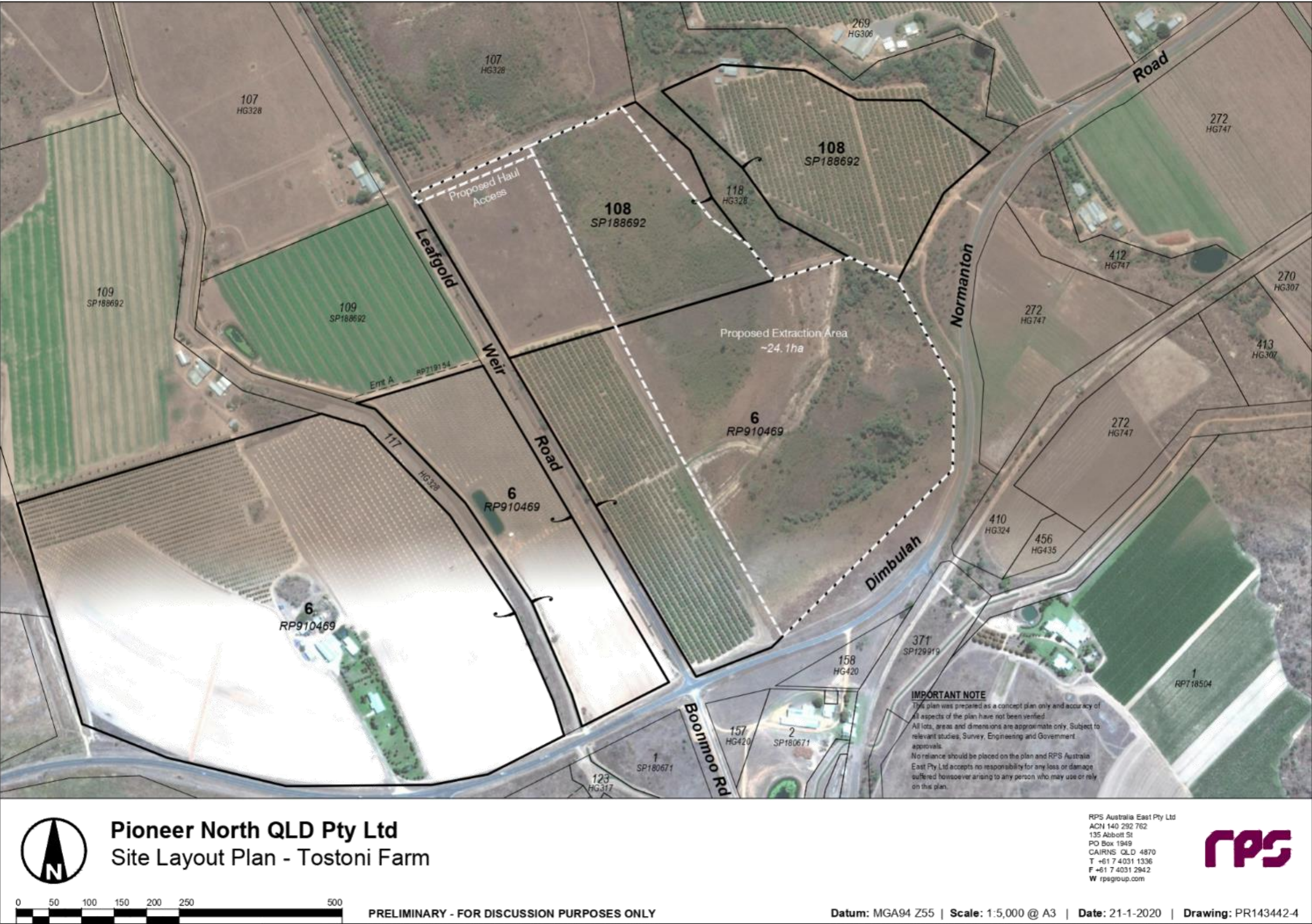
PUBLIC NOTIFICATION

The development proposal was placed on public notification from 30 January 2020 to 21 February 2020. The applicant submitted the notice of compliance on 25 February 2020 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Nil



RA6-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 1909-13187 SRA
Council reference: MCU/19/0014
Applicant reference: 9369-11

21 January 2020

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880
planning@msc.qld.gov.au

Attention: Brian Millard

Dear Sir/Madam

SARA response—65773 and 65625 Burke Developmental Road, Dimbulah – Material Change of Use for Extractive Industry

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 26 September 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	21 January 2020
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for an Extractive Industry including the extraction and processing of sand at a scale of not greater than 100,000t of material per year.
SARA role:	Referral Agency.	

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Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

1909-13187 SRA

SARA trigger: **Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1**
(Planning Regulation 2017) – Development impacting on state transport infrastructure (Extractive industry over 10,000t/year)

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
(Planning Regulation 2017) - Material change of use near a state-controlled road and state-controlled road intersection

SARA reference: 1909-13187 SRA

Assessment Manager: Mareeba Shire Council

Street address: 65773 and 65625 Burke Developmental Road, Dimbulah

Real property description: Lot 108 on SP188692 and Lot 6 on RP910469

Applicant name: Pioneer North Queensland Pty Ltd

Applicant contact details: **C/- RPS Australia East Pty Ltd**
135 Abbott Street
Cairns QLD 4870
owen.caddick-king@rpsgroup.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Anthony Westbury, Planning Officer, on 0740373215 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Pioneer North Queensland Pty Ltd, owen.caddick-king@rpsgroup.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

1909-13187 SRA

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 – State transport infrastructure generally and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Heavy vehicles as defined in the <i>Transport Operations (Road Use Management Act) 1995</i> associated with the proposed development must use the haulage route via Leafgold Weir Road via the Burke Developmental Road / Leafgold Weir Road / Boonmoo Road intersection.	At all times.
2.	<p>(a) Road works comprising of intersection widening works, must be provided at the Burke Developmental Road / Leafgold Weir Road / Boonmoo Road intersection generally in accordance with TMR Layout Plan (89B – 648.98km) prepared by Queensland Government Transport and Main Roads, dated 17/01/2020, Reference TMR19-28403 (500-1431), Issue A.</p> <p>(b) The road works must be designed and constructed in accordance with the Road Planning and Design Manual, 2nd edition, Department of Transport and Main Roads, 2016. The road access works must be designed and constructed in accordance with Austroads Guide to Road Design, Part 4: Intersections and Crossings – General, Figure 7.4 (rural property access specifically designed for articulated vehicles on a two-way road).</p>	Prior to the commencement of use.
3.	Stormwater and flooding management of the development must ensure no worsening or actionable nuisance to the state-controlled road.	At all times.

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Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.5]. If a word remains undefined it has its ordinary meaning.
2.	<p>Roads Works Approval</p> <p>In accordance with section 33 of the Transport Infrastructure Act 1994 (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the <i>Transport Infrastructure Act 1994</i> to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

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Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

- The department carried out an assessment of the development application against the State Development and Assessment Provisions (SDAP), State Code 1: Development in a state-controlled road environment and State code 6: Protection of state transport networks, and has found that, with conditions, the proposed development complies with the relevant assessment benchmarks as follows:
 - o No direct access to the state-controlled road is required.
 - o Potential stormwater, flooding or drainage impacts to the state-controlled road are appropriately managed.
 - o The extraction area does not encroach beyond the property boundary, and it is unlikely that any filling, excavation or retaining structures will impact the state-controlled road.
 - o The haul access is far enough away to ensure vehicle queueing does not impact the state-controlled road intersection.
 - o Intersection widening works will ensure a truck and dog combination can safely enter and exit the state-controlled road intersection without crossing the centre line or veering onto the unsealed road shoulder.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.5]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

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Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

1909-13187 SRA

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

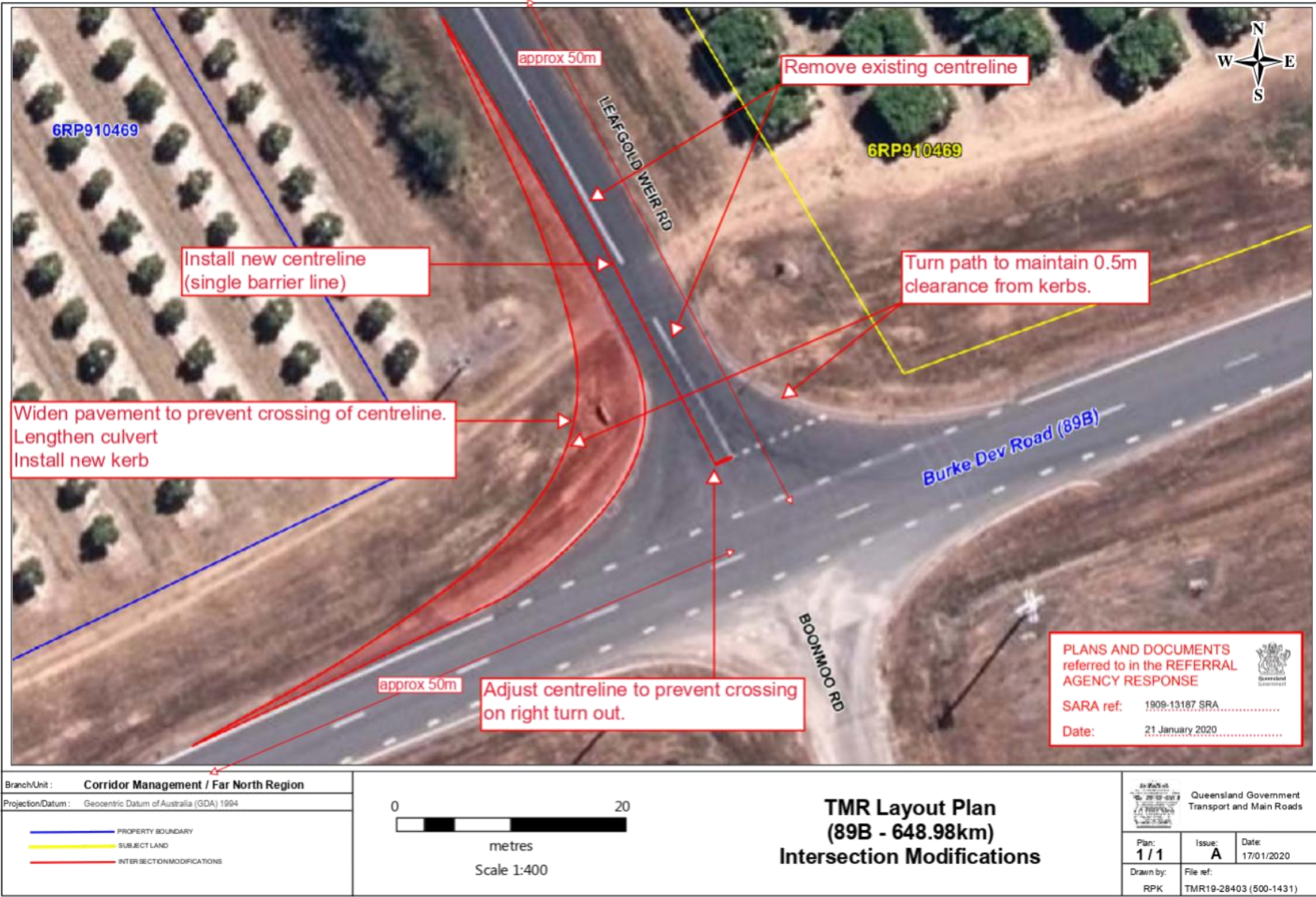
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



8.4 REGULATORY FEES AND CHARGES 2020/2021

Date Prepared: 14 February 2020

Author: Manager Development and Governance

Attachments:

1. Animal Management Fees and Charges 2020/2021 [↓](#)
2. Environmental Health Fees and Charges 2020/2021 [↓](#)
3. Local Laws Fees and Charges 2020/2021 [↓](#)

EXECUTIVE SUMMARY

This report presents the recommended 2020/21 cost recovery fees for Animal Management, Environmental Health and Local Laws Activities for Council's consideration and endorsement.

RECOMMENDATION

That Council adopt the proposed 2020/21 fees as listed for Animal Management, Environmental Health and Local Law Activities effective 1 April 2020.

BACKGROUND

The basis for the cost recovery fees has been to calculate actual costs to provide the service.

Section 97 of Local Government Act 2009 prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost-recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged.

Section 52 of the Animal Management (Cats & Dogs) Act 2008 requires local governments to include a de-sexing incentive when setting fees for animal registration. Although not achieving cost recovery for entire animals, the proposed fee for de-sexed animals is significantly lower to encourage de-sexing.

The 2020/21 fees for Animal Management, Environmental Health and Local Law Activities have not been increased this upcoming financial year. No CPI increase has also been applied to the fees. This will allow for continued affordable fees provided to the Community.

RISK IMPLICATIONS**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Council must be able to demonstrate that the cost recovery fees are no more than the cost of providing the service. Council is able to set a fee that is lower than the calculated cost where it is deemed appropriate.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

The cost recovery fees will be included in the schedule of cost recovery fees 2020/21 and will be published on Council's Website.

Category	SubCategory	Title	Unit	Fee	GST	Cost Recovery Fee	Legislation	Notes
Animal Management	Registration	Pups under 6 months	animal	No charge	FALSE	No		
Animal Management	Registration	Desexed male/female	animal/annum	\$20.00	FALSE	(a)	AM(CD)A 2008 44 & 46	
Animal Management	Registration	Replacement Tag	tag	\$4.00	FALSE	(d)	AM(CD)A 2008 44 & 46	
Animal Management	Registration	Entire male/female	animal/annum	\$120.00	FALSE	(a)	AM(CD)A 2008 44 & 46	
Animal Management	Registration	Entire Dog (owned member of a recognised kennel club)	animal/annum	\$52.00	FALSE	(a)	AM(CD)A 2008 44 & 46	
Animal Management	Registration	Assistance Dogs	animal/annum	No charge	FALSE	No		
Animal Management	Registration	Working Dogs	animal/annum	No charge	FALSE	No		
Animal Management	Registration	2nd Qtr: 1 July to 30 September	animal	No fee reduction	FALSE	No		Pro rata calculations to apply to initial dog registration fees (first time registering the dog in the Shire)
Animal Management	Registration	3rd Qtr: 1 October to 31 December	animal	25 % fee reduction	FALSE	No		Pro rata calculations to apply to initial dog registration fees (first time registering the dog in the Shire)
Animal Management	Registration	4th Qtr: 1 January to 31 March	animal	50 % fee reduction	FALSE	No		Pro rata calculations to apply to initial dog registration fees (first time registering the dog in the Shire)
Animal Management	Registration	1st Qtr: 1 April to 30 June	animal	Pay full fee but maintain the 15 month registration	FALSE	No		Pro rata calculations to apply to initial dog registration fees (first time registering the dog in the Shire)
Animal Management	Desexed Animal Refund (Entire Dog desexed during the year)	1st Period: 1 April to 30 September	animal	\$300.00	FALSE	No		
Animal Management	Desexed Animal Refund (Entire Dog desexed during the year)	2nd Period: 1 October to 31 December	animal	\$75.00	FALSE	No		
Animal Management	Desexed Animal Refund (Entire Dog desexed during the year)	3rd period: 1 January to 31 March	animal	\$50.00	FALSE	No		
Animal Management	Registration for Regulated Dogs (Dangerous, Menacing)	Initial fee	animal	\$415.00	FALSE	(a)	AM(CD)A 2008 44 & 46	
Animal Management	Registration for Regulated Dogs (Dangerous, Menacing)	Renewal fee	animal	\$215.00	FALSE	(a)	AM(CD)A 2008 44 & 46	
Animal Management	Registration for Regulated Dogs (Dangerous, Menacing)	Replacement Regulated Dog Tag	tag	\$15.00	FALSE	(d)	AM(CD)A 2008 44 & 46	
Animal Management	Registration for Regulated Dogs (Dangerous, Menacing)	Additional regulated sign (1 required at each entry point)	sign	\$46.00	FALSE	(a)		
Animal Management	Approvals Animal Keeping	Approval to Keep Excess Dogs - Initial Application	application	\$300.00	FALSE	(a)	L12	
Animal Management	Approvals Animal Keeping	Approval to Keep Excess Dogs - Renewal Application	application	\$26.00	FALSE	(a)	L12	
Animal Management	Approvals Animal Keeping	Approval to Keep Excess Stock - Initial Application	application	\$300.00	FALSE	(d)	L12	
Animal Management	Approvals Animal Keeping	Approval to Keep Excess Stock - Renewal Application	application	\$26.00	FALSE	(a)	L12	
Animal Management	Approvals Animal Keeping	Amendment of Approval	application	\$26.00	FALSE	(a)	L12	
Animal Management	Approvals Animal Keeping	Regulated Dog Permit (Restricted Breed) Initial Fee	application	\$415.00	FALSE	(a)	L12	
Animal Management	Approvals Animal Keeping	Regulated Dog Permit (Restricted Breed) Renewal Fee	application	\$215.00	FALSE	(a)	L12	
Animal Management	Impounding of Animals	Cats & Dogs - Subtenance fee for care of animal (after 24 hours)	animal	\$22.00	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Cats & Dogs - Subtenance fee for unregistered dogs per day	animal	\$22.00	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Dogs (Unregistered upon impounding) - First Impoundment	animal	\$92.00	FALSE	(d)	L12	Must be registered prior to release
Animal Management	Impounding of Animals	Dogs (Registered upon impounding) - First Impoundment	animal	\$92.00	FALSE	(d)	L12	Registered dogs will be returned for free the first time they are picked up by Council
Animal Management	Impounding of Animals	Dogs (Registered upon impounding) - Second & Subsequent Impoundments in 12 months	animal	\$230.00	FALSE	(d)	L12	Registered dogs will be returned for free the first time they are picked up by Council
Animal Management	Impounding of Animals	Cats - Cat or kitten with microchip 1st release	animal	\$92.00	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Cats - Cat or kitten with no microchip or 2nd or subsequent release of microchipped cat	animal	\$174.00	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Stock - One animal	animal	\$384.00	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Stock - Second and subsequent animals	animal	\$184.00	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Stock - Subtenance fee for care of animal (after 24 hours)	animal	Cost	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Stock - Contractors, Driving and Transport (per movement)	impoundment	Cost	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Stock - Advertising	impoundment	Cost	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Poultry and Small Stock - One bird	bird	\$77.00	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Poultry and Small Stock - Second and subsequent bird	bird	\$15.00	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Poultry and Small Stock - One small stock	animal	\$77.00	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Poultry and Small Stock - Subtenance fee for care of animal	animal	Cost	FALSE	(d)	L12	
Animal Management	Impounding of Animals	Hire of stock yards - Up to 7 head	day	\$102.00	TRUE	(d)	L12	
Animal Management	Impounding of Animals	Hire of stock yards - More than 7 head	animal/day	\$16.00	TRUE	(d)	L12	
Animal Management	Impounding of Animals	Hire of stock yards - Subtenance	at cost	TRUE	(d)	L12	L12	
Animal Management	Impounding of Animals	Hire of stock yards - Labour hire	hour/person	\$72.00	TRUE	(d)	L12	
Animal Management	Impounding of Animals	Loan of Dog/Cat Traps		No charge	FALSE			

Category	SubCategory	Title	Unit	Fee	GST	Cost Recovery Fee	Legislation	Notes
Environmental Health	Searches	Record Search	search	\$80.00	FALSE	(a)	FA2006/LL1	
Environmental Health	Searches	Physical Inspection (Sale Search)	inspection	\$325.00	FALSE	(a)	FA2006/LL1	
Environmental Health	Food Act	Design & Fit out (with plan assessment)	application	\$320.00	FALSE	(a)	FA2006	
Environmental Health	Food Act	Design & Fit out (with plan assessment)	application	\$440.00	FALSE	(a)	FA2006	
Environmental Health	Food Act	Temporary Food Business (1 event)	application	\$139.00	FALSE	(a)	FA2006	
Environmental Health	Food Act	Application High Risk Food Business	application	\$780.00	FALSE	(a)	FA2006	Based on the Priority Classification System for Food Business
Environmental Health	Food Act	Application Medium Risk Food Business	application	\$626.00	FALSE	(a)	FA2006	Based on the Priority Classification System for Food Business
Environmental Health	Food Act	Application Low Risk Food Business	application	\$302.00	FALSE	(a)	FA2006	Based on the Priority Classification System for Food Business
Environmental Health	Food Act	Application Renewal High Risk Food Business	application	\$642.00	FALSE	(a)	FA2006	Based on the Priority Classification System for Food Business
Environmental Health	Food Act	Application Renewal Medium Risk Food Business	application	\$342.00	FALSE	(a)	FA2006	Based on the Priority Classification System for Food Business
Environmental Health	Food Act	Application Renewal Low Risk Food Business	application	\$236.00	FALSE	(a)	FA2006	Based on the Priority Classification System for Food Business
Environmental Health	Food Act	Application for Restoration of Food Licence	application	\$309.00	FALSE	(a)	FA2006	
Environmental Health	Food Act	Application for Amendment of Food Licence	application	\$113.00	FALSE	(a)	FA2006	
Environmental Health	Food Act	Application for Replacement of Food Licence	application	\$76.00	FALSE	(a)	FA2006	
Environmental Health	Food Act	Inspections - for non compliance, improvement	inspection	\$325.00	FALSE	(a)	FA2006	
Environmental Health	Food Act	Inspections - by request	inspection	\$303.00	FALSE	(a)	FA2006	
Environmental Health	Food Act	Food Safety Program Accreditation of Program by a Council Food Safety Auditor	premise	\$755.00	FALSE	(a)	FA2006	
Environmental Health	Food Act	Non-Conformance Audit of a Food Safety Program by a Council Food Safety Auditor	premise	\$409.00	FALSE	(a)	FA2006	
Environmental Health	Food Act	Amendment of Accredited Food Safety Program	premise	\$345.00	FALSE	(a)	FA2006	
Environmental Health	Personal Appearance Services	Design & Fit out (with plan assessment)	application	\$462.00	FALSE	(a)	PHO CPASJA 2001	
Environmental Health	Personal Appearance Services	Application for Licence	application	\$455.00	FALSE	(a)	PHO CPASJA 2001	
Environmental Health	Personal Appearance Services	Application for Renewal of Licence	licence	\$274.00	FALSE	(a)	PHO CPASJA 2001	
Environmental Health	Personal Appearance Services	Re-inspection non higher risk	licence	\$137.00	FALSE	(a)	PHO CPASJA 2001	
Environmental Health	Personal Appearance Services	Application to Transfer Licence	licence	\$237.00	FALSE	(a)	PHO CPASJA 2001	
Environmental Health	Personal Appearance Services	Inspection non higher risk	licence	\$229.00	FALSE	(a)	PHO CPASJA 2001	
Environmental Health	Personal Appearance Services	Replacement Licence	licence	\$76.00	FALSE	(a)	PHO CPASJA 2001	
Environmental Health	Personal Appearance Services	Application for Amendment of Licence	licence	\$247.00	FALSE	(a)	PHO CPASJA 2001	

Category	SubCategory	Title	Unit	Fee	GST	Cost Recovery Fee	Legislation	Notes
Local Laws	Accommodation Facilities	Caravan parks - initial	application	\$425.00	FALSE	(a)	LL1	
Local Laws	Accommodation Facilities	Caravan parks - renewal	application	\$307.00	FALSE	(a)	LL1	
Local Laws	Accommodation Facilities	Camping Grounds - initial	application	\$425.00	FALSE	(a)	LL1	
Local Laws	Accommodation Facilities	Camping Grounds - renewal	application	\$307.00	FALSE	(a)	LL1	
Local Laws	Accommodation Facilities	Transfer of ownership	application	\$307.00	FALSE	(a)	LL1	
Local Laws	Operation of temporary entertainment events	Operation of temporary entertainment events	application	\$600.00	FALSE	(a)	LL1	
Local Laws	Remedial Notices	Overgrown Properties	notice	Cost + \$200.00	FALSE	(a)	LL1	
Local Laws	Commercial Use of Local Government Controlled Areas and Roads (LGCA) schedule 6	Outdoor dining application	application	\$282.00	FALSE	(a)	LL1	
Local Laws	Commercial Use of Local Government Controlled Areas and Roads (LGCA) schedule 6	Outdoor dining renewal	year	\$389.00	FALSE	(a)	LL1	
Local Laws	Commercial Use of Local Government Controlled Areas and Roads (LGCA) schedule 6	Goods on footpath application	application	\$282.00	FALSE	(a)	LL1	
Local Laws	Commercial Use of Local Government Controlled Areas and Roads (LGCA) schedule 6	Goods on footpath renewal	year	\$389.00	FALSE	(a)	LL1	
Local Laws	Commercial Use of Local Government Controlled Areas and Roads (LGCA) schedule 6	Approved Furniture application	Application	No charge	FALSE	(a)	LL1	
Local Laws	Commercial Use of Local Government Controlled Areas and Roads (LGCA) schedule 6	Approved Furniture renewal	Year	No charge	FALSE	(a)	LL1	
Local Laws	Commercial Use of Local Government Controlled Areas and Roads (LGCA) schedule 6	Application for Approval - Commercial use LGCA	application	\$282.00	FALSE	(a)	LL1	
Local Laws	Commercial Use of Local Government Controlled Areas and Roads (LGCA) schedule 6	Application for Renewal of Approval - Commercial use LGCA	year	\$389.00	FALSE	(a)	LL1	
Local Laws	Commercial Use of Local Government Controlled Areas and Roads (LGCA) schedule 6	Parks, roads & reserves application	application	POA	FALSE	(a)	LL1	
Local Laws	Commercial Use of Local Government Controlled Areas and Roads (LGCA) schedule 6	Parks, roads & reserves renewal	Year	POA	FALSE	(a)	LL1	
Local Laws	Commercial Use of Local Government Controlled Areas and Roads (LGCA) schedule 6	Amendment of Commercial Use of Roads Approval	application	\$308.00	FALSE	(a)	LL1	
Local Laws	Installation of advertising device - Schedule 8	Advertising Device Application	application	\$277.00	FALSE	(a)	LL1	
Local Laws	Installation of advertising device - Schedule 8	Advertising Device Renewal Application	year	\$154.00	FALSE	(a)	LL1	
Local Laws	Striking	Application (annual)	application	\$120.00	FALSE	(a)	LL1	
Local Laws	Striking	Application to renew	year	\$94.00	FALSE	(a)	LL1	
Local Laws	Striking	Application (3 monthly)	3 monthly	\$36.00	FALSE	(a)	LL1	
Local Laws	Striking	Public Liability Strikers Insurance	person	\$15.00	FALSE	(a)	LL1	
Local Laws	Recovery of Abandoned Vehicles	Recovery of abandoned vehicles	vehicle	cost + \$170	FALSE	(d)	LL1	
Local Laws	Temporary Parking Permit	Temporary Parking Permit	application	\$184.00	FALSE	(a)	LL1	
Local Laws	Release of impounded items	Release of impounded sign	sign	\$67.00	FALSE	(d)	LL1	
Local Laws	Release of impounded items	Release of second and subsequent impounded signs	sign	\$26.00	FALSE	(d)	LL1	
Local Laws	Release of impounded items	Release of miscellaneous impounded items	item	\$67.00	FALSE	(d)	LL1	
Local Laws	Hoarding, Scaffolding or Gantry	Application for approval hoarding, scaffolding or gantry	application	\$277.00	FALSE	(a)	LL1	
Local Laws	Hoarding, Scaffolding or Gantry	Bond (if applicable - refundable)	application	\$1000.00	FALSE	(a)	LL1	

8.5 COUNCIL POLICY REVIEW

Date Prepared: 25 February 2020

Author: Manager Development and Governance

Attachments:

1. Use of Council Land for Agistment Purposes Policy [↓](#)
2. Code of Conduct for Councillors [↓](#)
3. Closed-Circuit Television (CCTV) System Policy [↓](#)
4. Closed-Circuit Television (CCTV) System Procedure [↓](#)
5. Standing Orders (Meeting Procedures) for Council Meetings [↓](#)

EXECUTIVE SUMMARY

As part of the ongoing organisation-wide compliance policy review work, amended and newly created instruments along with instruments marked for repeal are presented to Council for consideration

RECOMMENDATION

That Council:

1. Repeal the following policies and procedures:
 - (i) Use of Council Land for Agistment Purposes Policy adopted December 2019;
 - (ii) Code of Conduct for Councillors adopted 21 November 2018;
 - (iii) Closed-Circuit Television (CCTV) System Policy adopted 21 March 2013;
 - (iv) Standing Orders (Meeting Procedures) for Council Meetings adopted 18 September 2019; and
2. Adopt the following policies and procedures:
 - (i) Use of Council Land for Agistment Purposes Policy (revised);
 - (ii) Code of Conduct for Councillors (reviewed);
 - (iii) Closed-Circuit Television (CCTV) System Policy (reviewed) and associated Procedure (new);
 - (iv) Standing Orders (Meeting Procedures) for Council Meetings (reviewed).

BACKGROUND**Use of Council Land for Agistment Purposes**

The policy adopted in December of 2019 included a section 3 clause declaring that all permits will be issued for a default term of 12 months. It has been determined that circumstances may exist that warrant issue of a permit for longer periods due to the initial establishment investment outlay required by the applicant for installation of fencing and other facilities. The revised policy amends this section 3 clause to accommodate a longer permit term as assessed by Council on a case-by-case basis.

Additionally, a requirement exists for insertion of a minimum value statement to ensure that the best market rate is applied to the calculation of the annual permit rental payable by the permittee. Research was conducted into industry methods and found the 'percentage of market value method' to be the best fit. The percentage of market value method is based upon the leasing of land for grazing principles relevant to dry land farming operations. Council will use an estimated valuation based on the state valuations. In circumstances where the land has not been valued, Council may use the square meter valuation of the neighbouring properties to determine the estimated valuation. An Estimated Land Valuation (ELV) may be obtained from valuation applied by the state or an estimate using the neighbouring freehold lots per square meter. The amount of 5% of the unimproved ELV is then applied as a minimum rental amount payable. Section 3 of the policy will be updated to accommodate this minimum value.

Code of Conduct for Councillors

The instrument has been revised with the following inclusions/deletions:

- Inclusion of an additional point in section 3.2.1 (at 3) dealing with requirements for use of official electronic communication accounts;
- minor generic wording amendments to sections 3.2.1 (at 1);
- Removal of section 3.4 example point series of unsuitable meeting conduct
- Removal of section 3.5 example point series of inappropriate conduct
- Removal of section 3.6 example point series of misconduct and inclusion of a revised descriptive series
- Removal of section 3.7 example point series of corrupt conduct and inclusion of a revised descriptive series

Management and Operation of Closed Circuit Television (CCTV) System

An extant amalgamated administration policy rebranded in 2014 with no content amendment, the instrument has now been comprehensively reviewed and revised; salient actions as follows:

- Reformatted in line with Council's current policy template.
- The document has been split into two separate instruments:
 - Closed-Circuit Television (CCTV) System Policy
 - Closed-Circuit Television (CCTV) System Procedure
- Extension of policy Objectives to include an explicit reference to the monitoring of water levels at dams.
- Removal of any reference to Queensland Police Service having direct access to recorded CCTV data. Such access is now controlled via an application process as per the Office of the Information Commissioner Queensland guidelines.
- Summarisation of the disclosure process, whereby external entities apply for and may be granted access to CCTV data, to remove redundant or duplicated procedures.
- Inclusion of a schedule listing Council's fixed CCTV sites.

Standing Orders (Meeting Procedures) for Council Meetings

The extant instrument was due for review in September of 2019 and has now been extensively reviewed and updated.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

The above reviewed policies and any accompanying procedure and guideline instruments are to be published on Council's website for community reference with repealed instruments to be removed from publication.



Use of Council Land for Agistment Purposes Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	18/03/2020
Review Officer:	Manager Development and Governance	Review Due:	18/03/2024
Author:	Senior Compliance Officer	Commencement:	18/03/2020

1. PURPOSE

To provide a framework for the equitable assessment of requests received from members of the community for the use of Council owned or controlled vacant land for agistment purposes. An additional purpose is to assist Council with land management of vacant land parcels.

2. SCOPE

This Policy applies across Council.

3. POLICY STATEMENT

The following principles will apply to the assessment of requests under this policy:

- Applications for the use of vacant land for agistment must be made in writing and include a proposal for management of the land, fencing of the land and a rental consideration;
- Applications will be considered for the use of vacant land under this policy only where such land is not subject to an existing lease or permit under a current statutory instrument;¹
- Council assessment of applications will have regard to the level of demand expressed by the community for the use of the subject land and any resulting escalated requirement for calling of expressions of interest by the wider community;²
- Applications may be subject to approval by resolution of Council;
- Assessment of applications will have regard to the impact upon the subject vacant land to ensure that agistment is not likely to:
 - a) Introduce a declared pest onto the land;
 - b) Spread a declared pest on the land;
 - c) Degrade the land;
 - d) Adversely affect road safety; and that
 - e) Stock to be agisted are not affected by a notifiable disease.
- Priority consideration will be afforded to landowners adjoining the subject vacant land who are affected by drought, fire or flood;
- Where the vacant subject land is a local government controlled Reserve, the intended use must be consistent with the formally gazetted Reserve purpose;

¹ As may exist for example under the *Land Act 1994*.

² In accordance with requirements under the *Local Government regulation 2012* s 236.

Use of Council Land for Agistment Purposes Policy

- Where the vacant subject land is freehold land, the assessment will be subject to any requirements under Council's current Planning Scheme and any applicable statutory requirements governing use of the land;
- Any administrative costs associated with permit issue will be borne by the applicant;
- Tenure for use of vacant land will be offered via issue of a Land Occupy Permit;
- Permits will be issued for a default term of 12 months however may be issued for a longer term as determined by Council on a case-by-case basis;
- annual permit rental payment minimum amounts will be calculated using the 'percentage of land valuation method' to determine fair rental amounts. The minimum percentage will be five percent (5%) of unimproved usable land value as applied following the determination of current Estimated Land Valuation/Appraisal;
- Annual permit rental applicable to a twelve-month period will be payable to Council in advance.

4. REPORTING

Nil reporting required

5. DEFINITIONS

Council - means all elected representatives, officers, employees, contractors and volunteers of the Mareeba Shire Council as well as committee members and to all Council activities, including entities which Council has direct ownership, management, sponsorship or financial control.

Council owned or controlled land - means land for which Council is either assigned as Trustee by the State of Queensland or land that is owned by Council under freehold title.

Vacant subject land/vacant land - means the land which is the subject of the application for tenure and use and which holds no structures and no or minimal infrastructure upon the land surface.

Reserve Land (Council Controlled) - Land for which Council is Trustee and which holds a defined gazetted purpose under the *Land Act 1994* (Qld).

Council Freehold Land - Land owned by Council under freehold title.

6. RELATED DOCUMENTS AND REFERENCES

Land Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.



Code of Conduct for Councillors

Policy Type	Governance Policy	Version	1.0
Responsible Officer	Manager Development and Governance	Date Approved	18 March 2020
Review Officer	Manager Development and Governance	Review Due	1 March 2024
Author	Manager Development and Governance	Commencement	18 March 2020

1. PURPOSE

The Code of Conduct sets out the principles and standards of behaviour expected of the Mayor and Councillors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, Councillors will increase public confidence in Local Government and Local Government decisions.

2. SCOPE

This policy applies to the Mayor and Councillors.

3. POLICY STATEMENT

Under section 150D of the *Local Government Act 2009* (the Act), the Minister for Local Government must make a Code of Conduct stating the standards of behaviour for Councillors in the performance of their responsibilities as elected representatives. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, Councillors must understand and commit to complying with the Local Government principles and obligations of Councillors in accordance with section 169 of the Act, as well as the standards of behaviour set out in this Code of Conduct. All Councillors are required to make a declaration of office under section 169 of the Act. As part of that declaration, Councillors must declare that they will abide by this Code of Conduct.

3.1 THE LOCAL GOVERNMENT PRINCIPLES AND VALUES

The Act is founded on five Local Government principles with which Councillors must comply while performing their roles as elected representatives. These principles are listed below:

1. Transparent and effective processes, and decision-making in the public interest
2. Sustainable development and management of assets and infrastructure, and delivery of effective services
3. Democratic representation, social inclusion and meaningful community engagement
4. Good governance of, and by, Local Government
5. Ethical and legal behaviour of Councillors and Local Government employees

This Code of Conduct provides a set of values that describe the types of conduct Councillors should demonstrate under each principle. These values are listed below:

1. In making decisions in the public interest, Councillors will:
 - make decisions in open council meetings
 - properly inform relevant personnel of all relevant information

Code of Conduct for Councillors

- make decisions in accordance with law and policy
- commit to exercising proper diligence, care and attention
- 2. To ensure that the effective and economical delivery of services, Councillors will:
 - manage rate payer resources effectively, efficiently and economically
 - achieve excellence in service delivery
- 3. In representing and meaningfully engaging with the community, Councillors will:
 - show respect to all persons
 - clearly and accurately explain Council's decisions
 - accept and value differences of opinion
- 4. In exercising good governance, Councillors are committed to:
 - the development of open and transparent processes and procedures
 - keeping clear, concise and accessible records of decisions
- 5. To meet the community's expectations for high level leadership, Councillors will:
 - be committed to the highest ethical standards
 - uphold the system of Local Government and relevant laws applicable

This Code of Conduct also sets out standards of behaviour aimed at helping Councillors understand how the principles and values are put into practice while performing their official duties as elected representatives.

Each standard of behaviour is not intended to cover every possible scenario however they provide general guidance about the manner in which Councillors are expected to conduct themselves.

It is important to note that the principles, values and standards set out in the Code of Conduct are of equal importance.

3.2 STANDARDS OF BEHAVIOUR

This Code of Conduct sets out the standards of behaviour applying to all Councillors (excluding Councillors who are governed under the *Brisbane City Act 2010*) in Queensland. The behavioural standards in the Code of Conduct relate to, and are consistent with, the Local Government principles and their associated values.

The standards of behaviour are summarised as the three Rs, being:

1. **RESPONSIBILITIES**
2. **RESPECT**
3. **REPUTATION**

Each standard of behaviour includes, but is not limited to, several examples to guide Councillors in complying with the Code of Conduct when carrying out their role as elected officials. Councillors are to understand and comply with the following standards of behaviour as set out in the Code of Conduct listed below.

3.2.1 *Carry out RESPONSIBILITIES conscientiously and in the best interests of the Council and the community*

For example, Councillors will at a minimum:

1. Attend and participate meaningfully in all Council meetings, briefings, relevant workshops and training opportunities to assist Councillors in fulfilling their roles unless it meets exceptional circumstances and/or prior leave is given.
2. Respect and comply with all policies, procedures and resolutions of Council
3. Use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business

Code of Conduct for Councillors

4. Report any suspected wrongdoing to the appropriate entity in a timely manner
5. Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances)
6. Cooperate with any investigation being undertaken by the Local Government or other entity

3.2.2 Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way

For example, Councillors will at a minimum:

1. Show respect for fellow Councillors, Council employees and members of the public
2. Not bully, harass, intimidate or act in a way that the public would reasonably perceive a Councillor's behavior to be derogatory towards other Councillors, Council employees and members of the public
3. Be respectful of other people's rights, views and opinions

3.2.3 Ensure conduct does not reflect adversely on the REPUTATION of Council

For example, Councillors will at a minimum:

1. When expressing an opinion dissenting with the majority decision of Council, respect the democratic process by acknowledging that the Council decision represents the majority view of the Council
2. When making public comment, clearly state whether they are speaking on behalf of Council or expressing their personal views
3. Avoid making unnecessary or irrelevant comments or accusations about Councillors or Council employees in order to undermine them or their position
4. Ensure behaviour and presentation is appropriate to maintain the dignity of the office of Councillor

3.3 CONSEQUENCES OF FAILING TO COMPLY WITH THE CODE OF CONDUCT

Failure to comply with the standards of behaviour in this Code of Conduct, or other conduct prescribed in this Code of Conduct may give rise to a complaint against a Councillor's conduct and subsequent disciplinary action under the Act.

A complaint about the conduct of a Councillor must be submitted to the Independent Assessor who will assess the complaint and determine the category of the allegation.

In order of most to least serious, the categories of complaint are **corrupt conduct, misconduct, inappropriate conduct** and then **unsuitable meeting conduct**.

3.4 UNSUITABLE MEETING CONDUCT

Under section 150H of the the Act, any conduct by a Councillor, that is contrary to the standards of behavior in the Code of Conduct that occurs within a meeting of Council, (including standing committee meetings), is dealt with as **unsuitable meeting conduct**.

Unsuitable meeting conduct by a Councillor is dealt by the Chairperson of the meeting. It is important that the Chairperson deal with matters of unsuitable meeting conduct locally, and as efficiently and effectively as possible so that Council can continue with their business of making effective decisions in the public interest.

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Code of Conduct for Councillors

Note: Chairpersons of meetings are carrying out a statutory responsibility under the Act to manage and lead the meeting. As such, where a Chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct (see below).

3.5 INAPPROPRIATE CONDUCT

Under section 150K of the Act, any conduct by a Councillor that is contrary to standards of behaviour in the Code of Conduct or a policy, procedure or resolution of a Council and is not unsuitable meeting conduct, misconduct or corrupt conduct (i.e. occurs outside of a meeting of Council) is dealt with as **inappropriate conduct**.

The conduct of a Councillor is also inappropriate conduct if the conduct contravenes an order by the Chairperson of a meeting of Council for the Councillor to leave the meeting, or is conduct at Council meetings that leads to orders for the Councillor's unsuitable meeting conduct being made on three occasions within a period of one year.

The Independent Assessor is responsible for assessing allegations of suspected inappropriate conduct. If the Independent Assessor chooses to refer the matter to the Council to deal with, the Council must deal with the matter as quickly and effectively as possible.

3.6 MISCONDUCT

Councillors are required to comply with all laws that apply to Local Governments. This includes refraining from engaging in **misconduct**.

The Independent Assessor is responsible for assessing and investigating instances of suspected misconduct. The Independent Assessor may then refer the matter to the Councillor Conduct Tribunal to be heard and determined.

The conduct of a Councillor is misconduct if the conduct:

- adversely affects, directly or indirectly, the honest and impartial performance of the Councillor's functions or exercise of powers, or
- is, or involves:
 - a breach of trust placed in the Councillor
 - failure to discharge their responsibilities per the Local Government Act, including making lawful decisions in meetings.
 - misuse of information or material acquired by the Councillor, whether the misuse is for the benefit of the Councillor or for the benefit or to the detriment of another person
 - a Councillor giving a direction to any Council employee (other than the Mayor giving direction to the Chief Executive Officer and senior executive employees)
 - a release of confidential information outside of the Council
 - failure by a Councillor to report a suspected material personal interest, conflict of interest or perceived conflict of interest of another Councillor, or
- is a failure by the Councillor to comply with:
 - an order made by the Council or Tribunal
 - any acceptable request guidelines of the Council made under section 170A of the Act
 - the reimbursement of expenses policy of the Council.

Code of Conduct for Councillors

The conduct of a Councillor is also misconduct if the conduct leads to the Councillor being disciplined for inappropriate conduct on three occasions within a period of one year, or is conduct that is identified in an order of Council that will be dealt with as misconduct if the Councillor engages in the conduct again.

3.7 CORRUPT CONDUCT

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001* and must be referred to the Crime and Corruption Commission. For a Councillor, corrupt conduct involves behaviour that:

- adversely affects or could adversely affect the performance of the Councillors responsibilities, and
- involves the performance of the Councillors responsibilities in a way that:
 - is not honest or impartial, or
 - involves a breach of the trust placed in the Councillor, or
 - involves the misuse of information acquired by the Councillor, and
- is engaged in for the purpose of providing a benefit or a detriment to a person, and
- if proven would be a criminal offence.

4. REPORTING

No additional reporting is required

5. DEFINITIONS

Assessor means the Independent Assessor appointed under section 150CV of the LGA

conduct includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

inappropriate conduct see section 150K of the LGA

investigation policy, refers to this policy, as required by section 150AE of the LGA

LGA means the *Local Government Act 2009 (the Act)*

local government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government.

misconduct see section 150L of the LGA

unsuitable meeting conduct see section 150H of the LGA

6. RELATED DOCUMENTS AND REFERENCES

Councillors Conduct Register
Crime and Corruption Act 2001
Investigations Policy
Local Government Act 2009
Social Media Policy

Code of Conduct for Councillors

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.



Closed-Circuit Television (CCTV) System Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Systems and Customer Service	Date Approved:	18/03/2020
Review Officer:	Manager Systems and Customer Service	Review Due:	18/03/2022
Author:	Manager Systems and Customer Service	Commencement:	18/03/2020

1. PURPOSE

To set out the principles governing the establishment and management of Council's Closed-Circuit Television (CCTV) systems. This policy should be read in conjunction with Council's *Closed-Circuit Television (CCTV) System Procedure*.

2. SCOPE

This policy applies across Council:

- to any CCTV system installed and owned and operated by Council at any location within the Mareeba Shire Council local government jurisdiction, whether as one fully integrated system linking all towns across the shire or as separate individual stand-alone systems, and includes both mobile and fixed CCTV equipment, however
- does not apply to the administration and operation of BWC (Body Worn Camera) systems.

3. POLICY STATEMENT

3.1 OBJECTIVES

The objective of the CCTV System is to:

- Assist in the prevention of crime by acting as a possible deterrent to potential offenders.
- Assist in the prosecution of incidents of illegal and/or inappropriate behaviours/activities that occur within the Mareeba Shire Council local government jurisdiction by making it easier for Council and law enforcement agencies to identify perpetrators.
- Obtain reliable information that may be used as evidence in court proceedings.
- Contribute to an integrated multi-agency approach to crime prevention and community safety.
- Obtain road/traffic data for use in future road network/traffic management planning.
- Obtain information in relation to road conditions, for example, the monitoring of water levels at river and creek crossings to determine if roads remain traversable.
- Monitor water levels at dams for public safety purposes.

Closed-Circuit Television (CCTV) System Policy

- Enable Council to manage security at remote locations or sites that are unmanned outside of normal business hours, for example, at landfills and transfer stations.

3.2 PARTNERSHIP APPROACH

Subject to discussion and negotiation with relevant Queensland Police Service (QPS) personnel at the time of installation of CCTV equipment within nominated Mareeba Shire towns, the partnership arrangement between Council and QPS may involve the housing of monitoring equipment at local Police Stations.

Any such arrangements entered into with QPS will be documented in a formal Memorandum of Understanding (MOU).

3.3 GENERAL PRINCIPLES

Data recorded on Council's CCTV system shall only be used for the purposes outlined in this policy and access to that information shall only take place in accordance with this policy.

Cameras will not be used to intentionally monitor adjacent or nearby premises or buildings, although it is acknowledged that data captured by the cameras will generally include some exterior vision of business or other premises.

Any person who uses the equipment for any reason other than as outlined in this policy will be subject to disciplinary and/or legal action.

The management and operation of the Mareeba Shire Council CCTV system will:

- Be undertaken by authorised and appropriately trained Council officers.
- Be in accordance with applicable privacy and recordkeeping legislation.¹
- Comply with the principles of impartiality and integrity and operational and procedural efficiency.²
- Acknowledge that personal protection has priority over property protection.
- Have due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.³
- Ensure the disclosure of data is coordinated and controlled through a centralised point which accords with the provisions of current legislation⁴ and this policy.
- All data will be managed in accordance with relevant ICT information access instruments.
- Upon activation of any new fixed CCTV device, Council will immediately update the schedule list of Council fixed CCTV sites appended to the related procedure document.⁵

¹ See especially *Information Privacy Act 2009* (Qld), *Right to Information Act 2009* (Qld), *Public Records Act 2002* (Qld).

² See *Local Government Act 2009* (Qld) s 13. See also *Public Sector Ethics Act 1994* (Qld) ss 4-9.

³ See especially *Human Rights Act 2019* (Qld).

⁴ See especially *Information Privacy Act 2009* (Qld), *Right to Information Act 2009* (Qld).

⁵ See *Closed-Circuit Television (CCTV) System Procedure* (MSC).

Closed-Circuit Television (CCTV) System Policy
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3.4 PUBLIC TO BE NOTIFIED

Council will comply with privacy legislation⁶ with respect to making individuals generally aware of:

- the purpose for the collection of their personal information
- any lawful authority for the collection
- to whom Council may pass the information onto
- as appropriate, to whom the information may, in turn, be passed on to

3.5 MONITORING OF CAMERAS

Except where monitoring equipment associated with permanently fixed CCTV cameras is installed at a QPS facility under an MOU with QPS, such equipment will normally be installed at a secure Council administration centre or other available Council facility such as a library, depot or visitor information centre which meets the required security standards.

Where possible, mobile cameras (vehicle or trailer mounted) will be connected directly to their own NVR, which will be locked securely within the vehicle or in a lockable box attached permanently to the trailer.

Where data is being *recorded*,⁷ live monitoring of any installed CCTV system will not typically be undertaken by Council and, with the exception of data captured for road/traffic management and water level monitoring purposes, recorded data will only be viewed by Council in response to a valid disclosure application.⁸

Where monitoring equipment is installed at a QPS facility under an MOU between Council and QPS, it is acknowledged that authorised QPS officers may undertake live monitoring of cameras.

3.6 RETENTION OF CAMERA SURVEILLANCE DATA

Where possible, recording equipment attached to any Council CCTV system will be set to a maximum 30 day overwrite cycle, meaning that data recorded (the primary image) will be available for retrieval and viewing for a period of up to 30 days after it has been initially captured and after that period will then be overwritten (erased) by new data captured by the CCTV cameras. This period may be reduced, based on the capacity of the system's storage device. In some instances, this period may not be user configurable and will default to the setting defined by the system.

The exception to the above is:

- where the recorded data contains images relevant to an incident in respect of which a Police investigation has been, or is to be, undertaken and the surveillance data is, or may be, required for evidentiary purposes in a Court proceeding.
- where the recorded data contains images relevant to a breach of Council's local laws, or any other incident that requires further investigation, and Council may institute legal proceedings against the person/s who committed the breach.

⁶ See *Information Privacy Act 2009* (Qld) sch 3(2)—Information Privacy Principle 2.

⁷ As opposed to where data is not being recorded—where a CCTV device is being used to assist with performance of a work function only and where the device holds no capability to record data.

⁸ See *Closed-Circuit Television (CCTV) System Procedure* (MSC).

Closed-Circuit Television (CCTV) System Policy

- where a valid application has been received for disclosure of data that is still within the applicable retention period and additional time is required to process the application and/or having processed the application, it is deemed appropriate to disclose the requested data to the applicant.
- Where data captured for the purpose of road/traffic management is required for future planning and design of Council's road network and traffic management systems.
- Where Council has made the decision to disclose data to an external entity, such as the media.

Where data is required to be kept for the purposes outlined above, it will be transferred from the NVR onto Council's approved evidence management system or, should the data size exceed the practical capacity to transfer/store the data on this system, retained on an appropriately secured storage device, and thereafter dealt with in accordance with the relevant current retention and disposal schedule issued by the State Archivist.

Where practical and possible, data that is retained shall only include that section of the NVR recording which shows the incident occurring with only those images prior to and after the incident necessary to show the incident as a whole.

3.7 MANAGEMENT OF ACCESS TO RECORDED DATA

Persons involved in the operation of the CCTV system shall not use data from the system:

- for voyeuristic purposes
- to gain advantage for themselves or any other person or body
- in ways which are inconsistent with their obligation to act impartially
- to improperly cause harm, detriment or embarrassment to any person, body or to Council
- to improperly influence others in the performance of their duties or functions

Data recorded on the NVRs and/or stored on other storage devices shall only be accessed by persons duly authorised by the CEO to do so. The recorded data is to be viewed in a controlled environment so that only authorised persons can see the images.

3.8 DISCLOSURE OF PERSONAL INFORMATION TO OTHER AGENCIES/LEGALLY AUTHORISED PARTIES

Other than where disclosure is required by law, on application and with the prior written approval of the CEO or an authorised delegate, Council may permit the controlled disclosure of CCTV data that contains personal information to relevant agencies or legally authorised parties for the purposes of:

- providing evidence in criminal proceedings
- providing evidence in civil proceedings
- the prevention of crime and disorder
- the investigation and detection of crime (includes identification of offenders)
- identification of witnesses
- research, or the compilation or analysis of statistics, in the public interest such as providing information on road usage data
- individual or public health, safety or welfare concerns
- the individual has expressly or impliedly agreed to the disclosure

Closed-Circuit Television (CCTV) System Policy
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3.9 SPECIFIC RESPONSIBILITIES - APPOINTED PERSONS

The following responsibilities have been assigned by Council's Chief Executive Officer in relation to the CCTV system:

3.9.1 CCTV system management—system integrity and statutory compliance

Council's Manager Systems and Customer Service is responsible for ensuring that at all times, the system is operated in accordance with this policy and relevant legislation and will be the initial point of contact for requests to access data captured by the system.

The Manager Systems and Customer Service will also be responsible for ensuring the integrity of the system and in this regard may request the services of an external agency to audit the application of this policy and operating procedures.

Council's Senior Compliance Officer will process and endorse any data for release as requested under the information privacy and access legislation. That endorsement will ensure that the provisions of the aforementioned Acts have been met.

Viewing of recorded data to locate requested data of a reported incident will initially be undertaken by an appropriately trained staff member, appointed by the Manager Systems and Customer Service with the approval of the CEO.

Any requests for access to data that do not fall within the principles outlined in this policy will be referred to Council's legal advisers.

Record keeping associated with the operation of the CCTV system will be the responsibility of the authorised operational staff under the supervision of the Manager Systems and Customer Service to ensure that at all times, the requirements of the current recordkeeping legislation and associated standards are complied with.⁹

3.9.2 Technical Support Services

The Manager Systems and Customer Service is the person appointed to assume responsibility for in-house technical support to the CCTV system.

3.9.3 System Maintenance

Maintenance of the CCTV system network will be the responsibility of an appointed external contractor with the required technical qualifications and knowledge of CCTV systems. In general, this will be the contractor who supplied and installed the CCTV equipment.

3.10 COMPLAINTS

All complaints in relation to the CCTV system will be dealt with through the Council's adopted complaints management policy and investigated by the delegated Complaints Officer.

⁹ See especially *Public Records Act 2002* (Qld); *Records Governance Policy v1.0.1* (QSA).

Closed-Circuit Television (CCTV) System Policy
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4. REPORTING

Nil additional reporting required

5. DEFINITIONS

CCTV System – means the totality of arrangements for closed-circuit television including, but not limited to, the technological system, staff and operational procedures.

Council – means the Mareeba Shire Council including all elected representatives, employees, contractors, volunteers, a Standing or Joint Standing Committee, committee members and any entity under direct Council ownership, management, sponsorship or financial control.

NVR (Network Video Recorder) and DVR (Digital Video Recorder) – are interchangeable and relate to the storage device utilised by the relevant CCTV system.

6. RELATED DOCUMENTS AND REFERENCES

Employee Code of Conduct (MSC)
Code of Conduct for Councillors (MSC)
Administrative Action Complaints Management Policy (MSC)
Administrative Access Scheme Policy (MSC)
Closed-Circuit Television (CCTV) System Procedure (MSC)
Evidence Act 1977 (Qld)
Human Rights Act 2019 (Qld)
Information Privacy Act 2009 (Qld)
Local Government Act 2009 (Qld)
Public Sector Ethics Act 1994 (Qld)
Right to Information Act 2009 (Qld)

7. REVIEW

It is the responsibility of the Manager Systems and Customer Service to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required from time to time.



Closed-Circuit Television (CCTV) System Procedure

Policy Type	Governance Procedure	Version:	1.0
Responsible Officer	Manager Systems and Customer Service	Date Approved:	18/03/2020
Review Officer:	Manager Systems and Customer Service	Review Due:	18/03/2022
Author:	Manager Systems and Customer Service	Commencement:	18/03/2020

1. PURPOSE

To provide a framework for the management and operation of Council's Closed-Circuit Television (CCTV) system. This procedure should be read in conjunction with Council's *Closed-Circuit Television (CCTV) System Policy*.

2. SCOPE

This procedure applies across Council:

- to any CCTV system installed and owned and operated by Council at any location within the Mareeba Shire Council local government jurisdiction, whether as one fully integrated system linking all towns across the shire or as separate individual stand-alone systems, and includes both mobile and fixed CCTV equipment, however;
- does not apply to the administration and operation of BWC (Body Worn Camera) systems.

3. PROCEDURE STATEMENT

3.1 SCHEDULE OF FIXED CCTV SITES

The Schedule appended to this procedure contains a listing of sites where fixed CCTV is currently in use.

3.2 DISCLOSURE OF PERSONAL INFORMATION TO EXTERNAL AGENCIES/LEGALLY AUTHORISED PARTIES

Other than where disclosure is required by law, on application and with the prior written approval of the CEO or an authorised delegate, Council may permit the controlled disclosure of CCTV data that contains personal information to relevant agencies or legally authorised parties in accordance with Council's *Closed-Circuit Television (CCTV) System Policy*.

Council is deemed to have disclosed CCTV data when it either:

- provides a secondary copy of the data to the applicant or,
- permits the applicant to view the data on Council premises.

Council is cognisant that the premature disclosure of data concerning a criminal incident may compromise Police capacity to investigate and/or prosecute a crime. Unless otherwise required under a specific statutory instrument, a decision about the disclosure of information to a third party other than QPS concerning a

Closed-Circuit Television (CCTV) System Procedure

criminal incident will be made only after consultation has occurred with the District Inspector of Police. This will assist in determining if the release of the information will likely compromise a QPS investigation.

3.2.1 Requests for Disclosure

Where an agency or legal representative requests the disclosure of CCTV data, the following provisions will apply:

- Requests must be made on the prescribed application form.
- Prior to disclosing any data, the releasing officer shall ensure that all relevant provisions of information privacy and access legislation and Council information release policies have been met.¹
- Prior to taking possession of or viewing any data, the requesting officer/s shall complete and sign the relevant prescribed application form.
- The application form will include a statement stipulating the intended usage of the disclosed data and cite the Information Privacy Principle² that permits such release:

Restriction on use of disclosure: In accordance with Information Privacy Principle 11(3) in Schedule 3 of the Information Privacy Act 2009 (Qld), Mareeba Shire Council requires that you must not use or disclose the information disclosed to you for a purpose other than {applicable reason}.

- Where applicable, personal information that is not the subject of a request should not be included in the images released.
- Where the applicant requests to view CCTV data on Council premises, such viewing will take place in a controlled environment.

Whilst every precaution is taken to ensure the integrity of those requesting the disclosure of data recorded by the CCTV system, Mareeba Shire Council will not be held liable for the inappropriate use of released data.

3.2.2 Disclosure of information under information access legislation

Entities can apply to access CCTV data under the Right to Information or the Information Privacy Acts.

Such requests will be processed through a formal access application under relevant information privacy and access legislation.³

Applications received will be dealt with in accordance with the requirements set out in the relevant legislation and will be assessed and managed by Council's appointed Right to Information officer.

¹ Information Privacy Act 2009 (Qld); Right to Information Act 2009 (Qld); Administrative Access Scheme Policy (MSC).

² See Information Privacy Act 2009 (Qld) schedule 3 IPP 11 Limits on disclosure.

³ See Right to Information Act 2009 (Qld) s 24.

Closed-Circuit Television (CCTV) System Procedure

3.2.3 Administrative access to data by the media

Council may consider informal disclosure of data to the media under the following conditions:

- where it is reasonably necessary for the gaining of public information with respect to the safety or welfare of an individual or the identity of a person/s wanted in connection with a criminal investigation.
- Where consultation has occurred with the District Inspector of Police to determine if release would compromise an active investigation.
- Where the data has been assessed against the relevant Information Privacy Principles.⁴
- Where the information has been assessed against the relevant privacy legislation provisions and forms the basis of an exemption.⁵

3.2.4 Record of disclosure

Where CCTV data is disclosed by Council in accordance with the above, a record shall be kept which details:

- camera location
- date the data (primary image) was captured by the camera
- brief description of the incident that is represented
- time period covered by the data, for example, between 9.57pm and 10.15pm on 16 August 2012
- purpose for which data is disclosed, for example, evidentiary purposes in Court proceedings; RTI request
- recipient of the data

Typically, these records will be maintained in Council's Customer Request Management (CRM) system.

3.3 PUBLIC NOTIFICATION SIGNAGE

Signage will be erected in the vicinity of any fixed CCTV camera which advises as follows:

IMPORTANT NOTICE

Mareeba Shire Council is collecting your personal information on a closed-circuit television (CCTV) system in this area. The personal information collected may be used for the purposes of public safety, crime prevention and detection. Your personal information will only be accessed by persons who have been authorised to do so. This information may be provided to the Queensland Police Service or other government agencies for law enforcement purposes, public safety, disaster management and road network/traffic management. Your information will not be given to any other person or agency unless required by law. Your personal information is handled in accordance with the Information Privacy Act 2009. Enquiries in relation to this notice may be directed to Mareeba Shire Council by calling 1300 308 461.

⁴ See Information Privacy Act 2009 (Qld) schedule 3

⁵ See, eg, Information Privacy Act 2009 (Qld) s 28.

Closed-Circuit Television (CCTV) System Procedure

4. REPORTING

Nil additional reporting is required

5. DEFINITIONS

CCTV System – means the totality of arrangements for closed-circuit television including, but not limited to, the technological system, staff and operational procedures.

Council – means the Mareeba Shire Council including all elected representatives, employees, contractors, volunteers, a Standing or Joint Standing Committee, committee members and any entity under direct Council ownership, management, sponsorship or financial control.

NVR (Network Video Recorder) and DVR (Digital Video Recorder) – are interchangeable and relate to the storage device utilised by the relevant CCTV system.

6. RELATED DOCUMENTS AND REFERENCES

Employee Code of Conduct (MSC)

Code of Conduct for Councillors (MSC)

Administrative Access Scheme Policy (MSC)

Closed-Circuit Television (CCTV) Policy (MSC)

Information Privacy Act 2009 (Qld)

Right to Information Act 2009 (Qld)

7. REVIEW

It is the responsibility of the Manager Systems and Customer Service to monitor the adequacy of this procedure and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

SCHEDULE
List of Council fixed CCTV sites

Town	Facility	Coverage areas
Mareeba	Mareeba Library	Front door Footpath Side alley
Mareeba	Mareeba Landfill	
Kuranda	Kuranda Community Precinct	Circulation desk
Kuranda	Kuranda Waste Transfer Station	



Standing Orders (Meeting Procedures) for Council Meetings

Policy Type	Governance Policy	Version	6.0
Responsible Officer	Manager Development and Governance	Date Approved	18 March 2020
Review Officer	Manager Development and Governance	Review Due	17 March 2024
Author	Director Corporate and Community Services	Commencement	18 March 2020

1. PURPOSE

The purpose of the Standing Orders (meeting procedures) for Council Meetings is to provide written rules for the orderly conduct of Council Meetings.

As required under section 150F of the *Local Government Act 2009* (LGA) this policy also sets out:

- the process for how a Chairperson of a Local Government meeting may deal with instances of unsuitable conduct by Councillors in Local Government meetings and Local Government committee meetings; and
- the process for how suspected inappropriate conduct of a Councillor referred by the Independent Assessor is to be dealt with at a Local Government meeting.

It is intended that these procedures will help strengthen public confidence in Local Government to deal with the conduct of Councillors in meetings.

2. SCOPE

This policy applies to all meetings of the Mareeba Shire Council, other than statutory meeting.

3. POLICY STATEMENT

3.1 STANDING ORDERS

1. These Standing Orders apply to all meetings of Council and any standing Committees.
2. Any provision of these Standing Orders may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
3. Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

3.2 PROCEDURES FOR MEETINGS OF COUNCIL – INCLUDING REFERRALS FROM THE INDEPENDENT ASSESSOR

3.2.1 Presiding Officer

1. The Mayor will preside at a meeting of Council.

Standing Orders for Council Meetings

2. If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
3. If both the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.
4. In specified circumstances the Mayor is delegated to give leave to a Councillor in relation to paragraph 162 (1)(d)(ii) Local Government Act 2009;
5. The Mayor may give approval for attendance via teleconferencing for Councillors in certain circumstances.

3.2.2 Order of Business

1. Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by the Council
2. The order of business shall be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.
3. Unless otherwise altered, the order of business shall be as follows:
 - Attendances
 - Apologies and granting of leaves of absence
 - Confirmation of Minutes
 - Officers Reports
4. The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed shall be taken into consideration, at every ordinary meeting of Council, in order that such minutes may be confirmed and no discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.

3.2.3 Agendas

1. Council Reports shall be made available to Councillors, if practical, two (2) days prior to meetings.
2. The Agenda may contain:
 - Apologies / leave of absence / absence on Council business
 - Bereavements / condolences
 - Declaration of any material personal interests / conflicts of interest
 - Confirmation of minutes of previous meetings
 - Business arising out of minutes of previous meetings
 - Deputations and delegations
 - Mayoral minutes
 - Notified motions
 - Consideration of officers' reports to Council
 - General business
 - Consideration of closed session matters
 - Notice of next meeting
3. Business not on the Agenda or not fairly arising from the Agenda shall not be considered at any Meeting unless permission for that purpose is given by Council at such meeting.

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Standing Orders for Council Meetings

4. Matters considered under General Business shall only include non-substantive issues ie requests for a report to be prepared or leave of absence.
5. In terms of transparency and good governance, the items that Council should be making substantive decisions about should be contained in the public agenda and as such, General Business should not allow for making of decisions on matters of public interest.

3.2.4 Mayoral Minute

The Mayor may move that a matter be introduced to the Agenda for consideration at a meeting. This motion does not require to be seconded but requires a majority vote.

3.2.5 Petitions

1. Any petition presented to a meeting of Council shall:
 - be in legible writing or typewritten and contain a minimum of 10 signatures;
 - include the name and contact details of the Principal Petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue);
 - include the postcode of all petitioners; and
 - have the details of the specific request/matter appear on each page of the petition.
2. A petition must be forwarded or handed to the CEO, who shall take reasonable steps to check the validity of the petition, and include it on the agenda for the next ordinary meeting of Council. Noting that the agenda closes seven (7) days prior to a meeting.
3. A petition may be presented to a meeting of Council by a Councillor who, before presenting the petition, shall, as far as practicable, become acquainted with the subject matter of the petition. A Councillor, on presenting a petition to a meeting, shall:
 - (a) state the nature of the petition; and
 - (b) read the petition.
4. Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that the petition be received; or received and referred to a committee or officer for consideration and a report to Council; or not be received because it is deemed invalid.
5. Council will respond to the Principal Petitioner in relation to all petitions deemed valid.

3.2.6 Deputations

1. A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than seven (7) clear days before the meeting.
2. The CEO, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The CEO shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed.
3. For deputations comprising three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. For

Standing Orders for Council Meetings

each deputation, a nominated spokesperson shall be appointed to address Council. A deputation shall be given adequate opportunity to explain the purpose of the deputation.

4. If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may finalise the deputation.
5. The Chairperson may terminate an address by a person in a deputation at any time where:
 - the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting
 - the time period allowed for a deputation has expired, or
 - the person uses insulting or offensive language or is derogatory towards Councillors or staff members.
6. The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

3.3 MOTIONS

3.3.1 *Motions*

1. A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.
2. When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.
3. If a motion is not moved and/or seconded it is deemed lost unless a procedural motion is proposed
4. Other Councillors can propose amendments to the original motion after it has been moved and seconded. The original motion must be voted on before voting on the final motion.
5. A motion brought before a meeting of Council in accordance with the *Local Government Act 2009* or these Standing Orders shall be received and put to the meeting by the Chairperson. The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
6. The Chairperson may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.
7. Where a Councillor wishes to propose a specific motion this must be submitted to the CEO for inclusion in the Agenda seven (7) days prior to the meeting.

3.3.2 *Absence of Mover of Motion*

1. Where a Councillor who has given notice of a motion is absent from the meeting of Council at which the motion is to be considered, the motion may be:
 - moved by another Councillor at the meeting; or
 - deferred to the next meeting.

Standing Orders for Council Meetings**3.3.3 Motion to be seconded**

1. A motion or an amendment to a motion shall not be debated at a meeting of Council unless or until the motion or the amendment is seconded, with the exception of Procedural Motions.
2. Notwithstanding item 1, where there is no seconder, a Councillor who moves a motion or an amendment to a motion may request permission of the Chairperson to speak in support of that motion or amendment in an attempt to have the motion seconded.

3.3.4 Amendment of Motion

1. An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.
2. Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
3. Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
4. Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

3.3.5 Speaking to motions and amendments

1. The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
2. The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for or against the motion as available, until all Councillors who wish to speak have had the opportunity.
3. A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
4. A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
5. The mover of a motion or amendment shall have the right to reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
6. Each speaker shall be restricted to not more than three (3) minutes unless the Chairperson rules otherwise.
7. Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
8. In accordance with Section 273 of the *Local Government Regulation 2012*, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of the

Standing Orders for Council Meetings

Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

Where a decision is made at a meeting involving either or both of the following:

(a) entering into a contract the total value of which is more than the greater of:

- \$200,000 (ex GST) or;
- 1% of the net rates and utility charges (or such other amounts as may be specified by legislation from time to time); and/or

(b) is inconsistent with the policy or approach:

- ordinarily followed by the local government for that type of decision or;
- previously adopted by the local government and which is still in force

and that decision is also inconsistent with a recommendation or advice given to Council by officers, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice. (reference S273 *Local Government Regulation 2012*).

3.3.6 Method of taking vote

1. A resolution is determined by a vote on a motion. A resolution is the formal adoption by Council of a position or an action.
2. Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read again. The Chairperson shall, in taking the vote on a motion or amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
3. Abstaining from voting is a negative vote.
4. The Chairperson has a deliberative vote and can exercise this right as a member of Council. If the votes on a matter are equal, legislation provides for the Chairperson to have a 'casting vote' to break the deadlock and bring resolution on the matter before Council.
5. Unless otherwise directed by the Chairperson, voting shall be by a show of hands.
6. Any Councillor may call for a division on a question before the Chairperson calls for a vote. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The vote for a division shall be taken by a show of hands.
7. The Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection. A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. A call for a division must be made before the Chairperson calls for the vote. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The Chairperson shall declare the result of a vote or a division as soon as it has been determined.
8. Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division at the time the vote is taken.
9. Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.

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Standing Orders for Council Meetings

10. If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

3.3.7 Repealing or amending resolutions

1. A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the *Local Government Act 2009* or the *Local Government Regulation 2012*.
2. Where a motion to rescind or alter a resolution is lost, a motion of the same or like effect shall not be moved until at least three (3) months after the date on which the first mentioned motion to rescind or alter was lost.
3. Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three months.

3.3.8 Procedural motions

1. A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:
 - that the question/motion be now put
 - that the motion and amendment now before the meeting be adjourned
 - that the meeting proceed to the next item of business
 - that the question lie on the table
 - a point of order
 - a motion of dissent against the Chairpersons decision
 - that this report/document be tabled
 - to suspend the rule required that (insert requirements)
 - that the meeting stand adjourned
2. A procedural motion, that the question be put, may be moved and where such a procedural motion is carried, the Chairperson shall immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.
3. The procedural motion, that the motion and amendment now before the meeting be adjourned, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified,
 - a further motion may be moved to specify such a time or date; or
 - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
4. Where a procedural motion, that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
5. A procedural motion, that the question lie on the table, shall only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper. The motion, that the matter be taken from the table,

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Standing Orders for Council Meetings

may be moved at the meeting at which the procedural motion was carried or at any later meeting.

6. Any Councillor may ask the Chairperson to decide on a 'point of order' where it is believed that another Councillor:
 - has failed to comply with proper procedures,
 - is in contravention of the Local Government Act/Regulations, or
 - is beyond the jurisdiction power of Council.

Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended subject to Item 2 as outlined above. The Chairperson shall determine whether the point of order is upheld.

Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and thereupon the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or order at any time arising shall, until decided, suspend the consideration and decision of every other question.

7. A Councillor may move 'a motion of dissent' in relation to a ruling of the Chairperson on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
8. The motion, 'that this report/document be tabled', may be used by a Councillor to introduce a report or other document to the meeting only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
9. A procedural motion, "to suspend the rule requiring that", may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
10. A procedural motion, that the meeting stands adjourned, may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and shall be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment.
11. Any other procedural motion is required to be seconded.

3.3.9 Conduct during Meetings

1. Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behavior set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.

Standing Orders for Council Meetings

2. After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.
3. Councillors shall speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official or departmental title, and shall confine their remarks to the matter then under consideration.
4. No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
5. When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.
6. Councillors shall ensure there is no audible noise from mobile devices during a formally constituted meeting except with permission of the Chairperson.
7. Councillors may sit or stand and address the Chairperson while moving any motion or amendment, seconding any motion or amendment or taking part in any discussion, placing or replying to any question, or addressing the Council for any other purpose.
8. Councillors shall remain seated and silent while a vote is being taken.
9. No Councillor shall make personal reflections on or impute improper motives to any other Councillor.

3.4 QUESTIONS

1. A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next Meeting.
2. A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
3. The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson shall allow such question.

3.5 MAINTENANCE OF GOOD ORDER

3.5.1 Disorder

1. The Chairperson may adjourn the meeting of Council, where disorder arises at a meeting other than by a Councillor. On resumption of the meeting, the Chairperson shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed. Where such a motion is lost, the Chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

Standing Orders for Council Meetings**3.5.2 Business of Objectionable nature**

1. If, at a meeting of Council, the Chairperson or a Councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of Council, the Chairperson or another Councillor may move a motion to declare a point of order that the matter not be considered further.

3.6 ATTENDANCE AND NON-ATTENDANCE**3.6.1 Attendance of public and the media at meeting**

1. An area shall be made available at the place where any meeting of Council is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
2. When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.
3. The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 275 *Local Government Regulation 2012*. The Chairperson may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in Closed Session.

3.6.2 Public Participation at meetings

1. A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson.
2. In each Meeting, time may be required to permit members of the public to address the Council on matters of public interest related to local government. The time allotted shall not exceed fifteen minutes and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.
3. If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
4. For any matter arising from such an address, Council may take the following actions:
 - refer the matter to a committee
 - deal with the matter immediately
 - place the matter on notice for discussion at a future meeting
 - note the matter and take no further action.
5. During a debate on a motion, the Chairperson may invite submission, comments or questions from members of the public.
6. Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.

Standing Orders for Council Meetings

7. Any person who is considered by the Council or the Mayor to be unsuitably dressed may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.
8. Any person who is considered by the Council or the Mayor to be conducting themselves in an unsuitable manner, may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Should any person fail to adhere to this direction, they may be forcibly removed from the premises.
9. Audio and/or video recording of a Council meeting by a member of the public is not permitted unless approved by the Chairperson.

3.7 PROCESS FOR DEALING WITH UNSUITABLE MEETING CONDUCT BY A COUNCILLOR IN A MEETING

While Councillors generally will conduct themselves in accordance with the principles of the LGA, the Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.

When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

1. The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
2. If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature, refer to section 3.7, item 7 for the steps to be taken.
3. If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - Apologising for their conduct
 - Withdrawing their comments.
4. If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
5. If the Councillor fails to comply with the Chairperson's request for remedial action, the Councillor may warn the Councillor that failing to comply with the request may result in an order being issued.
6. If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
7. If the Councillor still continues to fail to comply with the Chairperson's request of remedial action, the Chairperson may make one or more of the orders below:
 - an order reprimanding the Councillor for the conduct
 - an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.

Standing Orders for Council Meetings

8. If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed
9. Following the completion of the meeting, the Chairperson must ensure:
 - (a) details of any order issued is recorded in the minutes of the meeting;
 - (b) if it is the third (3rd) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Local Government and treated as inappropriate conduct pursuant to the LGA;
 - (c) the Local Government's Chief Executive Officer is advised to ensure details of any order made must be updated in the Local Governments Councillor Conduct Register pursuant to the LGA.

Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 1, 7 and 8 above.

3.8 MEETING PROCESS FOR DEALING WITH SUSPECTED INAPPROPRIATE CONDUCT WHICH HAS BEEN REFERRED TO A LOCAL GOVERNMENT

Pursuant to section 150AF of the LGA, after receiving a referral by the Independent Assessor or under section 3.7, item 9(b) of this document of an instance of suspected inappropriate conduct, the Local Government must complete an investigation into the alleged conduct.

After the completion of the investigation, the Local Government must decide whether the Councillor has engaged in inappropriate conduct in a Council meeting, unless it has delegated responsibility for this decision under section 257 of the LGA.

When dealing with an instance of suspected inappropriate conduct which has been referred to a Local Government by the Independent Assessor, the Local Government must:

1. Be consistent with the Local Government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. However, where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the *Local Government Regulation 2012* (the LGR).
2. When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in Section 3.8.2.
3. The Local Government should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
4. If the Local Government decides that the subject Councillor has engaged in inappropriate conduct, the Local Government is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
 - an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
 - an order reprimanding the Councillor for the conduct

Standing Orders for Council Meetings

- an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
 - an order that the Councillor be excluded from a stated Local Government meeting
 - an order that the Councillor is removed, or must resign, from a position representing the Local Government, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the Local Government on a State board or committee
 - an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
 - an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
5. When making an order, the Local Government can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the Local Government is reasonably satisfied is true.
 6. The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made.
 7. The Local Government must ensure the meeting minutes reflect the resolution made.

3.8.1 Material Personal Interest

Councillors are ultimately responsible for informing of a material personal interest on matters to be discussed at a Council or committee meeting. When dealing with a material personal interest, Councillors must abide by the following procedures:

1. A Councillor with a material personal interest must inform the meeting of the Local Government of their material personal interest and set out the nature of the interest, including:
 - The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting
 - How a person or other entity stands to gain the benefit or suffer the loss
 - If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor's relationship to the person or entity.
2. The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
3. Once the Councillor has left the area where the meeting is being conducted, the Local Government can continue discussing and deciding on the matter at hand.
4. If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
5. The Chairperson then should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from Item 1.

Standing Orders for Council Meetings

6. In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:
 - the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
 - if the matter cannot be delegated under the section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
7. Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
 - The name of the Councillor who has a material personal interest in the matter
 - The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest
 - Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

3.8.2 Conflict of Interest

Councillors are ultimately responsible for informing of any personal interest where they have a real or perceived conflict of interest on matters to be discussed at Council or committee meetings. When dealing with a conflict of interest, Councillors must abide by the following procedures:

1. A Councillor with a real or perceived conflict of interest must inform the meeting of the Local Government of their conflict of interest and set out the nature of the interest, including:
 - The nature of the interests
 - If the Councillor's personal interest arises because of the Councillor's relationship with, or receipt of a gift or benefit from, another person, then:
 - the name of the other person
 - the nature of the relationship or value and date of receipt of the gift or benefit received, and
 - the nature of the other persons interests in the matter
2. The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.
3. The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E(4) as to whether another Councillor may stay in the meeting.
4. If the other Councillors decide there is no conflict of interest or a perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
5. If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the

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Standing Orders for Council Meetings

Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way

6. When deciding whether a Councillor may stay in a meeting and vote following declaration of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
 - The size or significance of the benefit the subject Councillor stands to receive or benefit
 - The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision
 - The closeness of any relationship the subject Councillor may have with a given person or group
7. In making the decision under part 6, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
8. If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
9. The Chairperson then should ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from item 1.
10. In the event the majority of Councillors inform of a personal interest in a matter:
 - the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
 - if the matter cannot be delegated under section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to conditions the Minister for Local Government may impose.
11. Where a Councillor informs a meeting of a personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
 - The name of the Councillor who has declared the conflict of interest
 - The nature of the personal interest, as described by the Councillor
 - The decisions made under 3 and 5 above
 - Whether the Councillor participated in the meeting under an approval by the Minister
 - If the Councillor voted on the matter, how they voted
 - How the majority of Councillors voted on the matter.

3.8.3 Closed Meetings

Local Government and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:

- Appointment, dismissal or discipline of employees
- Industrial matters affecting employees
- Local Government's budget

Standing Orders for Council Meetings

- Rating concessions or contracts proposed to be made by the Local Government or starting or defending legal proceedings involving the Local Government
- Any action to be taken by the Local Government under the Planning Act 2009 (PA), including applications made to it under the PA
- Business for which a public discussion would be likely to prejudice the interests of the Local Government or someone else or enable a person to gain a financial advantage.

A Local Government or committee must not make a resolution (other than procedural) in a closed session meeting. If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation.

1. To take an issue into a closed session, the Local Government must first pass a resolution to do so.
2. In the interests of accountability and transparency, the Local Government must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.
3. If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.
4. The minutes of a Local Government must clearly detail the matter discussed and reasoning for discussing the matter in closed session. The Local Government must also ensure they comply with the statutory obligations associated with recording of passed resolutions.

3.9 AMENDMENT OF STANDING ORDERS

Standing Orders are a Council policy and can be amended by resolution of Council at any time.

4. REPORTING

No additional reporting is required

5. DEFINITIONS

Assessor means the Independent Assessor appointed under section 150CV of the LGA

conduct includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

inappropriate conduct see section 150K of the LGA

investigation policy, refers to this policy, as required by section 150AE of the LGA

LGA means the *Local Government Act 2009 (the Act)*

local government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government.

Standing Orders for Council Meetings

misconduct see section 150L of the LGA

unsuitable meeting conduct see section 150H of the LGA

6. RELATED DOCUMENTS AND REFERENCES

Code of Conduct for Councillors
Councillors Conduct Register
Investigations Policy
Local Government Act 2009

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

8.6 DELEGATIONS UPDATE MARCH 2020

Date Prepared: 27 February 2020

Author: Manager Development and Governance

Attachments: 1. Instrument of Delegation [↓](#)

EXECUTIVE SUMMARY

As part of the monthly delegations update service provided by MacDonnells Law, Council is advised of amendments to various pieces of legislation that require amendments to existing delegations or new delegations to be made by Council.

On 18 December 2019, Council adopted Local Law No. 7 (Aerodromes) 2019. This report also provides Council with a list of powers that have been identified as requiring delegation to the Chief Executive Officer further to the adoption of this new local law.

RECOMMENDATION

That:

1. Council delegates the exercise of the powers contained in the attached Instrument of Delegation, with such powers to be exercised subject to any limitations; and
2. Any prior delegations of power relating to the same matters are revoked.

BACKGROUND

Council has delegated to the Chief Executive Officer (CEO) the necessary statutory powers under various pieces of legislation to enable him to effectively perform the requirements of the role and efficiently manage the operations of the Council. All delegations are made subject to the limitations on the attached documentation.

This report and the recommended delegations of power to the CEO if executed by resolution of Council, will provide a base for good decision making and accountability while maintaining statutory compliance by the Mareeba Shire Council.

The attached Instrument of Delegation displays the list of powers that have been identified as requiring delegation to the Chief Executive Officer.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

There are legal implications for local government if management is not aware of the delegated powers and powers of authorised persons that are required for their sections to operate efficiently.

The statutory powers of employees, whether delegated to their position by the CEO or obtained as a result of an appointment as an authorised person under particular statutes, will be invalid if they cannot be supported by an instrument documenting the particulars.

In the case where Council is challenged on an action taken or a decision made by its employees, there needs to be proof that the employee held the powers required to do so. Such documentation is known as the instrument and is required for delegations, sub-delegations and appointments. Section 260 requires the CEO to establish and maintain a register of delegations and make it available to the public.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

INSTRUMENT OF DELEGATION

Mareeba Shire Council **Local Law No. 7 (Aerodromes) 2019**

Under section 257 of the *Local Government Act 2009*, **MAREEBA SHIRE COUNCIL** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1 Powers Conferred	
Section of LL7	Description
5(1)	Power to regulate the use and operation of an aerodrome by means of signs, notices or markers.
6(1)	Power to, by means of signs, notices or markers: <ul style="list-style-type: none"> (a) Designate a part of the aerodrome to be an area for the parking of aircraft; (b) If the part is not to be used for the parking of aircraft – specify the kind of aircraft that that may be parked in the part; (c) Specify the conditions (if any), including conditions relating to the times and periods during which aircraft may be parked in the part.
7(1)	Power to determine and include or notify areas in which a person is, or is not, permitted to: <ul style="list-style-type: none"> (a) Park a vehicle or cause a vehicle to stand; (b) Place plant or equipment, or cause plant or equipment to stand.
11(4)	Power to declare a part of the aerodrome as a non-smoking part, and power to post a sign or notice indicating the matters referred to in section 9(4).
13	Power to, on any special occasion, special event or other event of public interest at an aerodrome: <ul style="list-style-type: none"> (a) Make particular arrangements for the control of the aerodrome; (b) Charge fees for participation and admission to the occasion or event; (c) Impose conditions for the use of the aerodrome for the occasion or event as the local government considers appropriate for the circumstances.
14(1)	Power to impose fees and charges for each and every right of use of an aerodrome.
14(4)	Power to permit an owner of aircraft to furnish on a monthly basis, particulars of the number of passengers carried on each flight of an aircraft together with the fee or charge imposed by the local government.

Schedule 1 Powers Conferred	
Section of LL7	Description
14(7)	Power to waive or partially remit a fee or charge imposed by the local government, in an appropriate case.
16(4)	Power to give a compliance notice in certain circumstances.
18	Power to: <ul style="list-style-type: none"> (a) Enter land to perform work specified in a compliance notice; and (b) In the case of a vehicle, remove the vehicle or carry out work on the vehicle to the extent necessary so that no part of the vehicle penetrates the OLS.
21(1)	Power to permit a temporary structure or a part of a vehicle to penetrate the OLS in certain circumstances.
21(2)	Power to form a view about the imposition of reasonably necessary conditions on a permit given under section 21(1), and power to impose those conditions.
22(2)	Power to deal with seized object in accordance with this Local Law and <i>Local Law No. 1 (Administration) 2018</i> .
26	Power to take steps to recover the cost of repairing any damage in a court of competent jurisdiction.
27(3)	Power to deal with seized aircraft in accordance with this Local Law and <i>Local Law No. 1 (Administration) 2018</i> .

Schedule 2 Limitations to the Exercise of Power	
1.	The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2.	Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated subject to the provisions of Council's Procurement Policy.

8.7 FINANCIAL STATEMENTS PERIOD ENDING 29 FEBRUARY 2020**Date Prepared:** 3 March 2020**Author:** Manager Finance**Attachments:** 1. Budgeted Income Statement by Fund 2019/20 Budget [↓](#)**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2019 to 29 February 2020.

RECOMMENDATION

That Council:

1. Note the financial report for the period ending 29 February 2020; and
2. Authorise the write off for outstanding rates and charges on the following two (2) properties, Lot 1 ML20388 and Lot 135 C5041.

BACKGROUND

Each month, year to date financial statements are prepared in order to monitor actual performance against budgets.

For the period ending 29 February 2020, the actual results are in line with the year to date budget.

The budgeted figures reflect the 2019/20 Budget as adopted by Council at the 19 June 2019 meeting. There are no issues or concerns to discuss or highlight at this stage. The large surplus is due to the rates income for the period January to June 2020 having been levied in February.

February 2020 - Snapshot

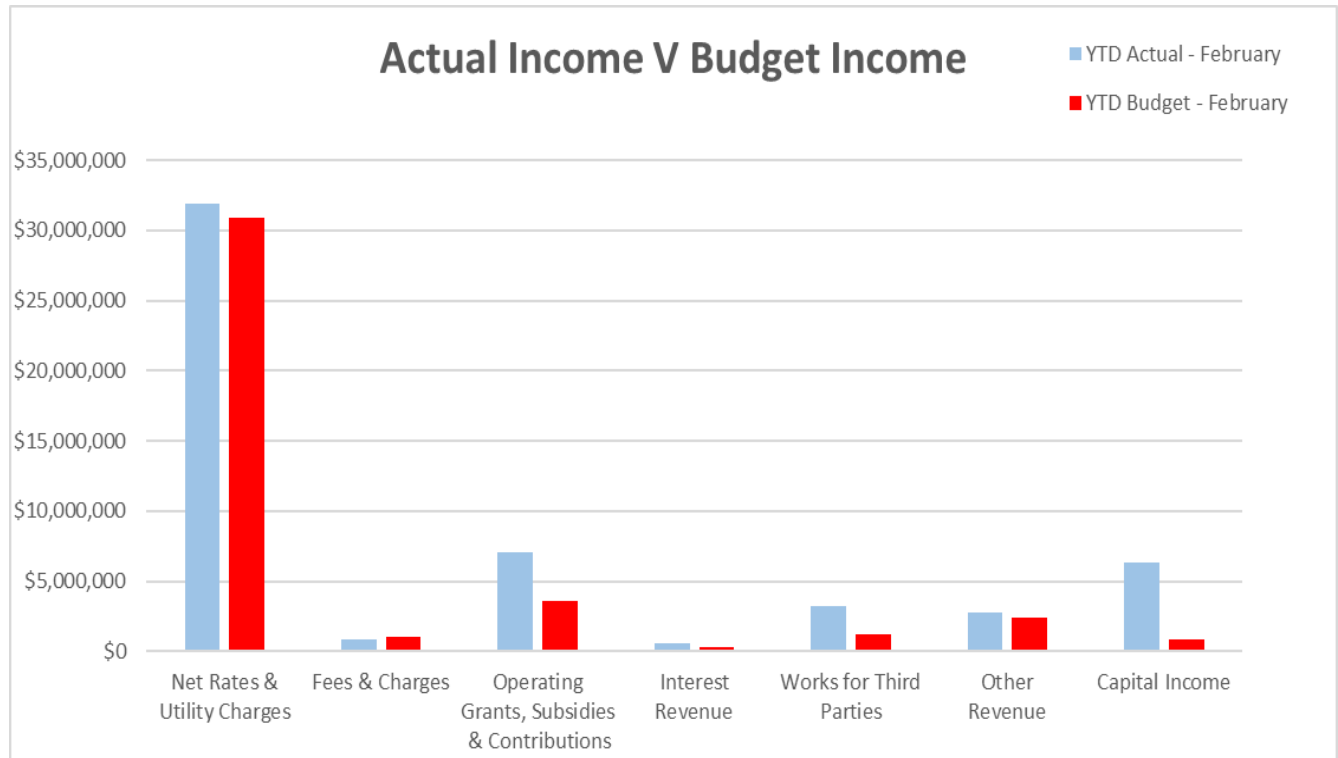
Total Operating Income	\$	46,503,158
Total Operating Expenditure	\$	33,840,561
Operating Surplus/(Deficit)	\$	12,662,597
Total Capital Income (grants, developer contributions)	\$	6,346,751
Net Result - Surplus/(Deficit)	\$	19,009,348

Council Officers have reviewed the operational budget and there are no major variances or issues to report. Any areas that may exceed the budget will be compensated with savings in other areas, and Officers will continue to monitor to find savings. It is anticipated that Council should still come in line with the anticipated budget result at 30 June 2020.

Income Analysis

Total income (including capital income of \$6,346,751) for the period ending 29 February 2020 is \$52,849,909 compared to the YTD budget of \$40,443,798.

The graph below shows actual income against budget for the period ending 29 February 2020.



	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	31,940,948	30,934,914	1
Fees & Charges	898,680	1,054,965	
Operating Grants, Subsidies & Contributions	7,065,426	3,616,291	2
Interest Received	568,261	333,673	
Works for Third Parties	3,253,303	1,194,000	3
Other Revenue	2,776,540	2,416,158	4
Capital Income	6,346,751	893,798	5

Notes:

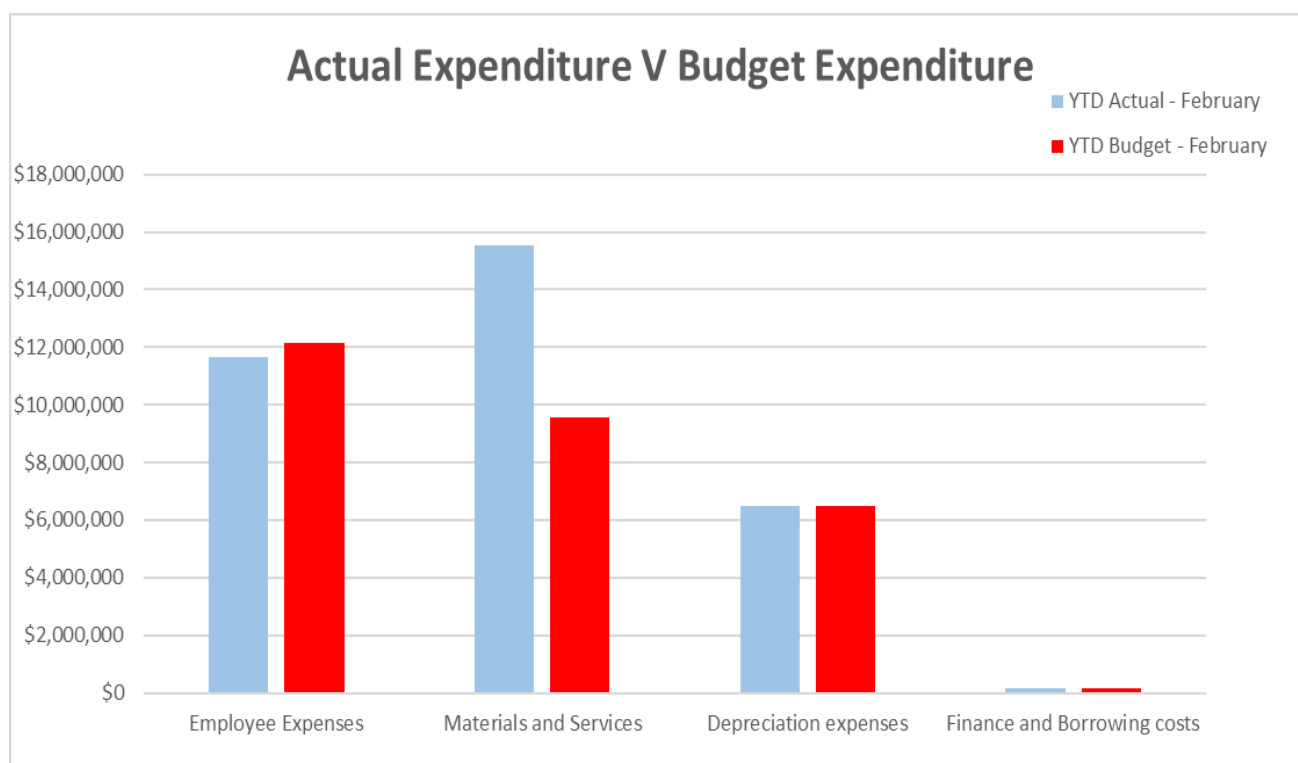
1. Rates for the half year 1 January 2020 to 30 June 2020 were issued 10 February 2020. The favourable variance relates to the rates discount, which is recorded when rate payments are made. As more rate payments are received before discount date, this variance will reduce.
2. Favourable variance is in relation to NDRRA income received for the 2018 event. This is not budgeted but will be completely offset with expenditure.

3. Favourable result due to 3rd party works which were not budgeted for. The associated costs form part of the operational expenses which were also not budgeted. The net impact of these additional works is likely to result in a small surplus.
4. Favourable variance due to the balance of payments through settlement of land sales at the Mareeba Industrial and Chillagoe Industrial Estate (\$510k).
5. Council has received \$4.6M in capital grants (Ootann Road, Barang Street pump station, Cedric Davies Community Hub, Airport upgrade, Dimbulah Pool filtration system, Road to Recovery, Rail Trail Feasibility Study grant and Stronger Communities Program), and an additional \$182k in developer contributions which are not reflected in the budget. Donated assets of \$1.5M have been recognised, of which \$1M relates to the Mareeba Community Hub.

Expenditure Analysis

Total expenses for the period ending 29 February 2020 is \$33,840,561 compared to the YTD budget of \$28,360,322.

The graph below shows actual expenditure against budget for the period ending 29 February 2020.



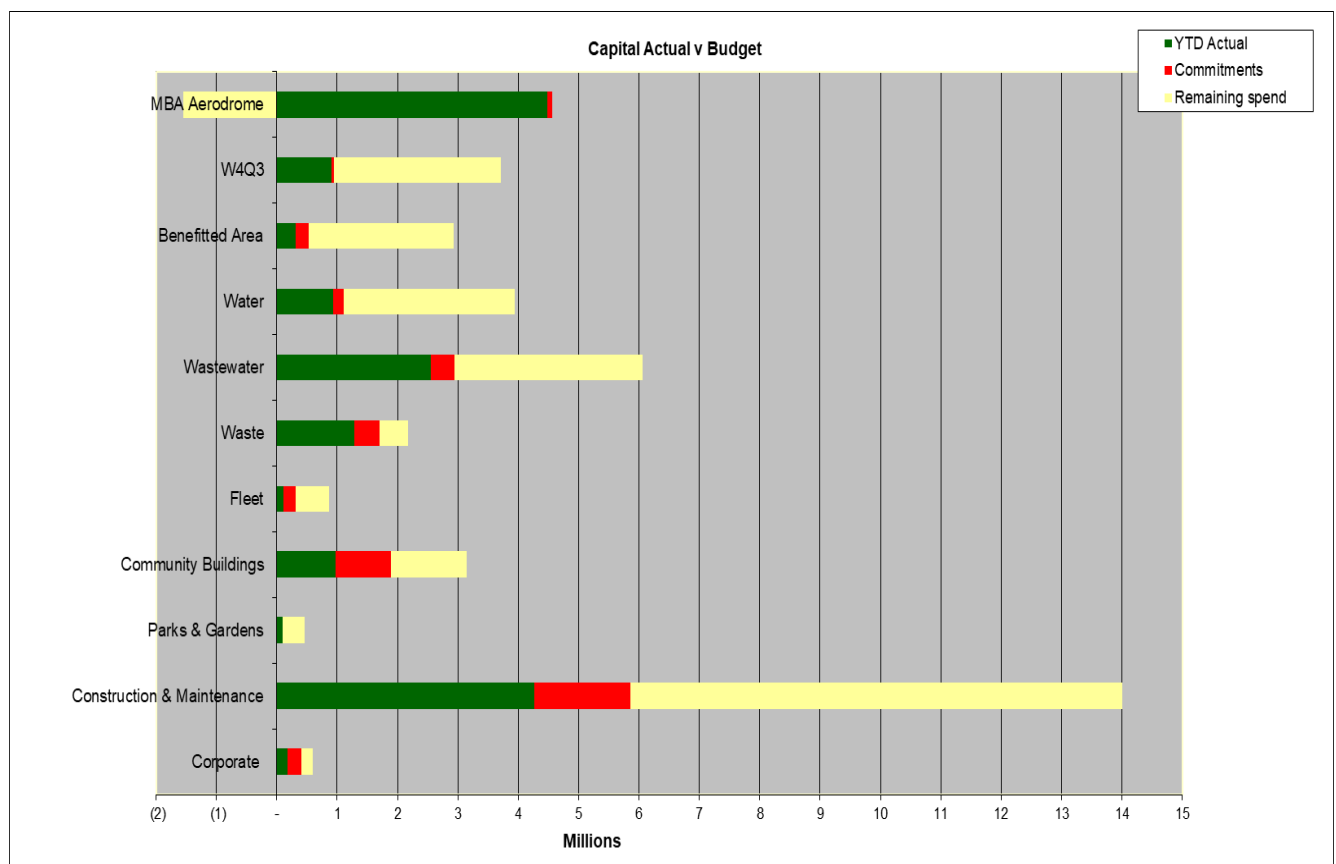
	Actual YTD	Budget YTD	Note
Employee expenses	11,648,251	12,131,041	
Materials & Services	15,540,853	9,569,115	1
Depreciation expenses	6,493,346	6,486,585	
Finance & Borrowing costs	158,111	173,582	

Notes:

1. The majority of this variance relates to NDRRA expenditure and additional 3rd party works. This will be offset by additional income.

Capital Expenditure

Total capital expenditure of \$20,341,057 (including commitments) has been spent for the period ending 29 February 2020 against the 2019/20 adjusted annual capital budget of \$40,404,497. This budget figure includes carry overs from 2018/19 of \$8,373,114 and new and additional funds required for 2019/20 capital projects of \$4,574,655. The figures have been updated as Council was successful in securing an additional \$40k in grants to be allocated 50/50 towards the Kuranda Recreation Centre refurbishment and Chillagoe Hall external refurbishment.

Loan Borrowings

Council's loan balance is as follows:

QTC Loan - Mareeba Sewerage Treatment Plant \$4,355,632

Rates and Sundry Debtors AnalysisRates and Charges

The total rates and charges payable as at 29 February 2020 are \$13,973,362 which is broken down as follows:

Status	29 February 2020		28 February 2019	
	No. of properties	Amount	No. of properties	Amount
Valueless land	18	1,055,766	17	639,516
Payment Arrangement	95	159,546	66	91,598
Collection House	217	955,427	256	990,505
Exhausted – awaiting sale of land	10	143,551	10	118,602
Sale of Land	4	48,694	2	28,850
Other (includes current rates) *	7,083	11,610,378	7,775	12,156,919
TOTAL	7,427	13,973,362	8,126	14,025,990

* Of this total, there are 191 properties with a rates balance of less than \$20.

The Rate Notices for the period ending 30 June 2020 were issued on 10 February 2020 with the discount due date being 13 March 2020. Total Gross Rates and Charges levied for this six (6) month period totalled \$17,998,668.35.

Collection House collected \$75,432 for the month of February 2020.

There are two (2) properties that Council is unable to recover outstanding rates and charges from. All recovery processes have been exhausted and officers are recommending they be written off as there is no property that can be sold. The first property was a mining lease which has now been cancelled. Council is unable to recoup the monies outstanding due to the owner currently listed as Strike Off Action in process.

Property	60631
Legal Description	Lot 1 ML20388
Total Outstanding Charges	\$19,880.49

The second property was a valueless land property, waiting for the three-year time lapse for Council to acquire. In the meantime, the State took possession of this property via a Land Resumption dealing. This will not affect the budget as the rates for the valueless land category are excluded from the budget.

Property	14712
Legal Description	Lot 135 C5041
Total Outstanding Charges	\$88,272.75

Sundry Debtors

The total outstanding for Sundry Debtors as at 29 February 2020 is \$395,833 which is made up of the following:

Current	30 days	60 days	90 + days
\$331,886	\$15,594	\$4,711	\$43,642
84%	4%	1%	11%

Procurement

There were no emergency orders for the month.

RISK IMPLICATIONS

Nil

Legal/Compliance/Policy Implications

Section 204 of the *Local Government Regulation 2012* requires the financial report to be presented to local government if the local government holds its ordinary meetings more frequently (than once per month) - to a meeting in each month.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

Budgeted Income Statement by Fund 2019/20 Budget

Consolidated

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	33,358,529	32,928,414	32,928,414
Less Discounts and Pensioner Remissions	(1,417,581)	(1,993,500)	(1,993,500)
Net Rates and Utility Charges	31,940,948	30,934,914	30,934,914
Fees and Charges	898,680	1,054,964	1,465,547
Operating Grants and Subsidies	6,192,141	3,158,960	7,215,763
Operating Contributions	873,285	460,331	920,662
Interest Revenue	568,261	333,673	500,509
Works for Third Parties	3,253,303	1,194,000	1,791,000
Other Revenue	2,776,540	2,416,158	3,628,870
Total Operating Revenue	46,503,158	39,550,000	46,457,265
Expenditure			
Employee Expenses	11,648,251	12,131,041	18,329,611
Materials and Services	15,540,853	9,569,115	13,652,363
Depreciation expense	6,493,346	6,486,585	9,729,879
Finance and Borrowing costs	158,111	173,582	317,163
Total Operating Expenses	33,840,561	28,360,323	42,029,016
Operating Surplus/(Deficit)	12,662,597	11,189,677	4,428,248
Capital Income			
Capital Contributions	181,967	-	-
Capital Grants and Subsidies	4,617,178	893,798	10,428,798
Donated Assets	1,547,606	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	6,346,751	893,798	10,428,798
Net Result	19,009,348	12,083,475	14,896,578

Budgeted Income Statement by Fund 2019/20 Budget

General

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	18,089,848	17,944,951	17,944,951
Less Discounts and Pensioner Remissions	(1,417,581)	(1,993,500)	(1,993,500)
Net Rates and Utility Charges	16,672,267	15,951,451	15,951,451
Fees and Charges	891,582	908,412	1,245,717
Operating Grants and Subsidies	6,189,641	3,155,960	7,215,763
Operating Contributions	3,451	-	-
Interest Revenue	290,491	193,333	290,000
Works for Third Parties	3,165,166	1,162,000	1,743,000
Other Revenue	1,830,450	1,229,758	1,860,270
Total Operating Revenue	29,043,048	22,600,913	28,306,201
Expenditure			
Employee Expenses	10,628,269	10,903,763	16,494,992
Materials and Services	9,605,250	3,340,005	4,407,198
Depreciation expense	4,363,028	4,323,347	6,485,022
Finance and Borrowing costs	90,969	107,500	185,000
Total Operating Expenses	24,687,516	18,674,615	27,572,212
Operating Surplus/(Deficit)	4,355,532	3,926,298	733,989
Capital Income			
Capital Contributions	122,817	-	-
Capital Grants and Subsidies	4,286,112	893,798	8,626,298
Donated Assets	1,547,606	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	5,956,535	893,798	8,626,298
Net Result	10,312,067	4,820,096	9,360,287

Budgeted Income Statement by Fund 2019/20 Budget

Waste

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	3,835,207	3,806,598	3,806,598
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	3,835,207	3,806,598	3,806,598
Fees and Charges	-	146,553	219,830
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	59,545	33,333	50,000
Works for Third Parties	35,000	-	-
Other Revenue	833,888	1,113,067	1,669,600
Total Operating Revenue	4,763,640	5,099,551	5,526,198
Expenditure			
Employee Expenses	312,680	268,058	393,821
Materials and Services	2,754,954	3,085,419	4,624,787
Depreciation expense	228,151	136,857	205,285
Finance and Borrowing costs	-	-	-
Total Operating Expenses	3,295,785	3,491,334	4,964,532
Operating Surplus/(Deficit)	1,467,855	1,608,217	561,666
Capital Income			
Capital Contributions	14,075	-	-
Capital Grants and Subsidies	54,314	-	190,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	68,389	-	190,000
Net Result	1,536,244	1,608,217	751,666

Budgeted Income Statement by Fund 2019/20 Budget
<u>Wastewater</u>

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	4,995,984	4,954,374	4,954,374
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	4,995,984	4,954,374	4,954,374
Fees and Charges	7,098	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	92,044	56,667	85,000
Works for Third Parties	681	2,000	3,000
Other Revenue	40,963	30,000	45,000
Total Operating Revenue	5,136,770	5,043,041	5,087,374
Expenditure			
Employee Expenses	284,544	356,638	536,235
Materials and Services	1,076,740	1,113,730	1,635,815
Depreciation expense	989,877	987,805	1,481,708
Finance and Borrowing costs	67,142	66,082	132,163
Total Operating Expenses	2,418,303	2,524,255	3,785,921
Operating Surplus/(Deficit)	2,718,467	2,518,786	1,301,453
Capital Income			
Capital Contributions	21,574	-	-
Capital Grants and Subsidies	225,000	-	462,500
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	246,574	-	462,500
Net Result	2,965,041	2,518,786	1,763,953

Budgeted Income Statement by Fund 2019/20 Budget

Water

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	6,096,185	5,887,316	5,887,316
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	6,096,185	5,887,316	5,887,316
Fees and Charges	-	-	-
Operating Grants and Subsidies	2,500	-	-
Operating Contributions	-	-	-
Interest Revenue	64,439	16,667	25,000
Works for Third Parties	52,456	30,000	45,000
Other Revenue	40,7333	21,333	32,000
Total Operating Revenue	6,256,313	5,955,316	5,989,316
Expenditure			
Employee Expenses	363,339	542,204	815,254
Materials and Services	1,952,780	1,833,866	2,712,759
Depreciation expense	863,130	981,262	1,471,893
Finance and Borrowing costs	-	-	-
Total Operating Expenses	3,179,249	3,357,332	4,999,906
Operating Surplus/(Deficit)	3,077,064	2,597,985	989,410
Capital Income			
Capital Contributions	23,500	-	-
Capital Grants and Subsidies	51,752	-	1,150,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	75,252	-	1,150,000
Net Result	3,152,316	2,597,985	2,139,410

Budgeted Income Statement by Fund 2019/20 Budget			
<u>Benefited Area</u>			

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	341,305	335,175	335,175
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	341,305	335,175	335,175
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	869,834	460,331	920,662
Interest Revenue	61,742	33,673	50,509
Works for Third Parties	-	-	-
Other Revenue	30,506	22,000	22,000
Total Operating Revenue	1,303,387	851,179	1,328,346
Expenditure			
Employee Expenses	59,420	59,378	89,309
Materials and Services	151,130	196,095	271,804
Depreciation expense	49,160	57,316	85,972
Finance and Borrowing costs	-	-	-
Total Operating Expenses	259,710	312,789	447,085
Operating Surplus/(Deficit)	1,043,677	538,390	881,261
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	-
Net Result	1,043,677	538,390	881,261

8.8 RADF 2018/19 COMMUNITY GRANT OUTCOMES

Date Prepared: 26 February 2020

Author: Senior Community Wellbeing Officer

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to present the outcomes from seven (7) community projects funded through the RADF 2018/19 Community Grant Round.

RECOMMENDATION

That Council receives and notes the outcomes from seven community projects funded through the RADF 2018/19 Community Grant Round.

BACKGROUND

Community projects funded through RADF Community Grant round were approved in April 2019 and projects commenced from May 2019. The objective of RADF is to build local cultural capacity, cultural innovation and community pride through a range of arts, cultural and heritage activities. Council's local priorities for RADF 2018/19 were cultural tourism and youth arts engagement.

Overall the 2018/19 RADF community grant round:

- resulted in 163 residents participating in arts and cultural activities;
- resulted in more than 1230 attendees at events and performances;
- contributed to the employment of 17 arts and cultural workers;
- activated 32 volunteers in arts and cultural projects;
- leveraged over \$7,000 in funding from other sources.

1. Youth Cre8 Pride Music Productions

Recipient: **Youth Link Kuranda**

RADF Grant: \$6,560

Youth Link Kuranda engaged 26 disadvantaged and at-risk young people in music production workshops during the June/July 2019 school holiday break. Facilitated by four local artists, the electronic and hip-hop music workshops gave youth the opportunity to develop skills such as song writing, beat making, dancing, singing, computer mixing and filming. Participants also had the opportunity to play drum kit and electric guitar. Using the latest music technology, youth worked as a team to create a professionally produced and recorded music video. Equipment and instruments will increase capacity of Youth Link to continue to provide positive, developmental activities for disadvantaged youth into the future.



2. Growing our Community - Sculptural Installations

Recipient: **Mt Molloy State School**

RADF Grant: \$6,039

Mt Molloy State School students, community members, a local ceramist and steel fabricator collaborated to create three large, mixed media sculptural installations. The installations, which were created from clay, plaster, recycled metal and found objects, will depict the school's kitchen garden program, local history and local environment in Mt Molloy. Students learnt skills in collaborative planning, designing and producing a large-scale artwork, using a variety of art techniques. Students undertook interviews with residents and researched local history to inspire one of the installations.

The project has helped to strengthen connections between the school and the local community. The installations are permanently displayed at the front entrance of the Community Hub a space that is used frequently by the wider community for workshops and events.



3. #SUP? - Performance Lab

Recipient: **Centre for Australasian Theatre**

RADF Grant: \$4,994

In June/July 2019, the Centre for Australasian Theatre delivered a series of theatre workshops in Julatten for youth to explore and build awareness of their life and future. Young people were encouraged to tell their story through contemporary, non-text based, physical theatre performance. The workshops enhanced the wellbeing and personal development of young people through creativity and storytelling. Based on this pilot program, CfAT will continue to develop and document their "performance lab" theatre processes, as demand for these workshops has been expressed by residents from other communities.



4. Mareeba Military Muster

Recipient: **Mareeba Military Muster**

RADF Grant: \$3,000

Held on 10-12 August 2019, the Mareeba Military Muster is a weekend of military vehicles, uniforms and historical displays to honour and pay tribute to veterans of all conflicts and to increase community understanding of our local military history. The event attracted over 1200 attendees, including 55 veterans from throughout the region, 20 re-enactors in historic military uniforms and numerous private collectors. In 2019, additional military vehicles were transported to the event for display and educational presentations / discussions were scheduled. The event is an important social event for veterans to connect with friends and the wider community.



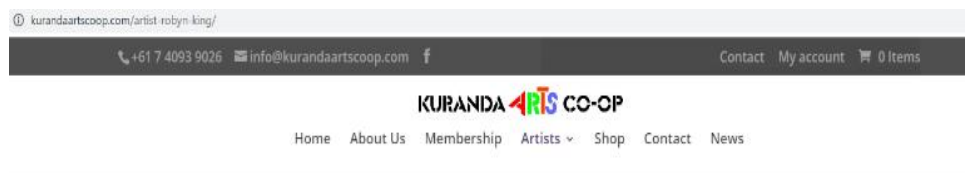


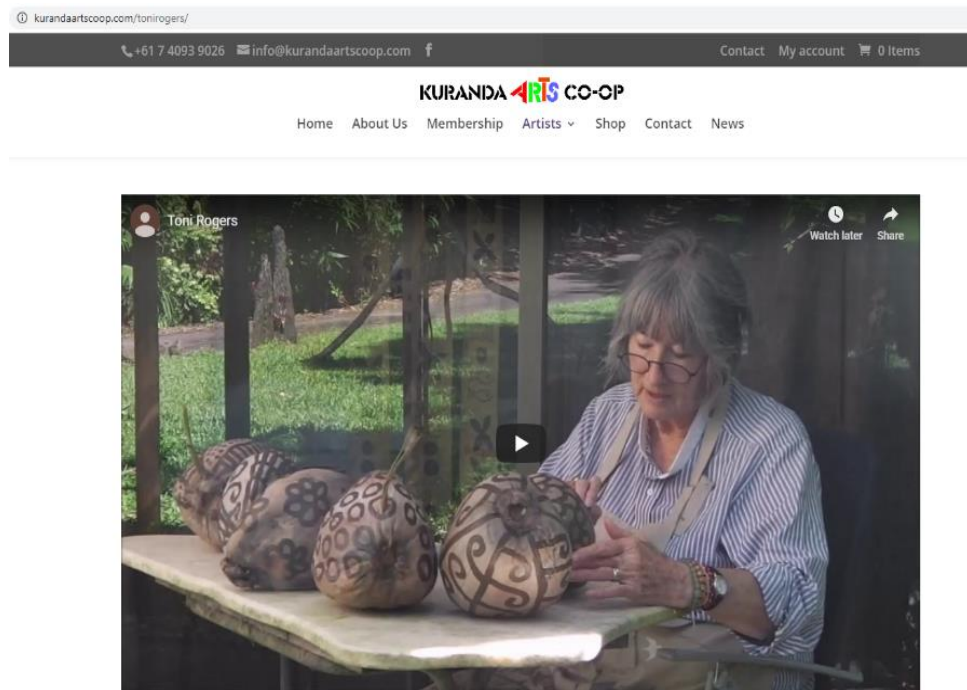
5. Kuranda Arts Cooperative Video Documentation

Recipient: **Kuranda Arts Cooperative**

RADF Grant: \$2,460

The Kuranda Arts Cooperative has created 14 high quality, short video vignettes of Kuranda artists demonstrating their artistic techniques in their studios. Filmed within each artist's studio, a professional video technician was employed to film and edit the videos. The videos can be viewed on YouTube or on the Kuranda Arts Cooperative website by accessing the biography of member artists. The videos are also run on loop within the Kuranda Gallery which has been found to draw the attention of visitors looking for "the story behind the artwork" or a connection with the artist. Each artist involved is able to use their personal video for their professional promotional purposes.





6. Mareeba History through Film and Voice

Recipient: **Mareeba Historic Society**

RADF Grant: \$2,185

Maintaining historical collections is a constant and challenging activity for the Mareeba Historic Society with items collected over many years from different sources. This RADF project enabled the group to have 3 film reels and 33 cassette tapes converted into a digital format. This project has facilitated the preservation of Mareeba history records into the future. The conversion to digital format also means that the collection is more accessible to local historians and visitors to the region. Volunteers of the Mareeba Historic Society were very happy with the quality of the outcome.



7. Roscommon Park Mural

Recipient: **Frances and Tony Every**

RADF Grant: \$1,000

Frances and Tony Every engaged Kuranda based artist Andres Colinopiongo to paint a mural which reflects the flora and fauna of the local rainforest. Painted in a realistic but slightly whimsical style, the 8m x 1.8m art work includes a wallaby, kookaburra and cassowary and the image blends into the plant life behind the fence. The mural is highly visible from Speewah Road and will encourage the local community and visitors to stop and use the facilities and increase community pride.

The artist and Mr and Mrs Every are very happy with the artwork and they have received positive feedback from the community, including many positive responses on the public Speewah face book page. There is scope to extend the mural in the future if desired.



RISK IMPLICATIONS

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Not applicable

FINANCIAL AND RESOURCE IMPLICATIONS

Not applicable

LINK TO CORPORATE PLAN

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

IMPLEMENTATION/COMMUNICATION

Not applicable

8.9 TOURISM PROMOTION ACTIVITIES

Date Prepared: 9 March 2020
Author: Manager Community Wellbeing
Attachments: Nil

EXECUTIVE SUMMARY

Council has been requested to contribute to the 'Drive North Queensland' campaign, which is an additional destination marketing opportunity for the Shire. The proposal is presented for Council's consideration.

RECOMMENDATION

That Council provide \$2,500 to Tropical Tablelands Tourism in addition to the annual donation of \$25,000, to participate in the 'Drive North' campaign conducted by Tropical North Queensland Tourism to enable further marketing and promotion of Mareeba Shire.

BACKGROUND

Tropical Tourism North Queensland (TTNQ) is implementing a reinvigorated 'Drive North' campaign and is asking Councils to support their Local Tourism Organisations (LTO's) to be involved. Consequently, Tropical Tablelands Tourism, which is our LTO, has requested Tablelands Regional Council and Mareeba Shire Council provide \$2,500 respectively to allow the Tablelands Region and Mareeba Shire to be included in the campaign. This funding is in addition to the annual 2019/20 donation of \$25,000 already provided by Council.

Further commitment to this campaign can be considered following assessment of the campaign's impacts.

FINANCIAL AND RESOURCE IMPLICATIONS

Is the expenditure noted above included in the current budget?

Yes

LINK TO CORPORATE PLAN

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

Media release.

9 INFRASTRUCTURE SERVICES

9.1 JOHN DOYLE BRIDGE UPGRADE

Date Prepared: 10 March 2020

Author: Director Infrastructure Services

Attachments: 1. John Doyle Bridge Upgrade - Temporary Pedestrian Management Options During Construction [↓](#)

EXECUTIVE SUMMARY

The purpose of this provide an option for pedestrian traffic and to provide an update on the John Doyle Bridge Upgrade project.

RECOMMENDATION

That Council:

1. Approves the provision of a temporary pedestrian footbridge across the Barron River downstream of the existing John Doyle Bridge; and
2. Receives the report and notes the implications for the 2020/21 budget.

BACKGROUND

The initial scope of works and budget estimate for the project excluded the provision of access for pedestrians during the works, however following the concerns raised by the Councillors various options for pedestrian management have been prepared for consideration.

A detailed assessment of these options for pedestrian management during construction is provided in Attachment 1 and impacts on the project budget are summarised below:

Option	Additional Cost to Project	Revised Funding Shortfall
Option 1 - No pedestrian access	Nil	\$564,000
Option 2 - Provision of footbridge for all-abilities access	\$190,000	\$744,000
Option 3 - Provision of bus	\$90,000	\$644,000
Option 4 - Hastie Road - Hospital Low Level Bridge Crossing	>\$120,000	>\$684,000
Option 5 - Provision of taxi vouchers	\$60,000	\$624,000
Option 6 - Provision of footbridge with stair access only and taxi vouchers for mobility-impaired customers	>\$140,000	>\$704,000

The provision of a temporary pedestrian footbridge across the Barron River downstream of the existing John Doyle Bridge (Option 2) presents the lowest risk to Council and the community in terms

of providing safe and appropriate access for pedestrians, cyclists and mobility scooters during construction. However, this option represents an additional cost to the project and will result in a funding shortfall. While some of this cost can be accommodated through savings in current programs, any further costs will be needed to be funded from reserves or from the upcoming 2020/21 Capital Works program.

A Level 2 Condition Report for the John Doyle Bridge was received by Council in March 2017 recommending that a temporary load restriction of 5T and a speed limit of 50km/hr be implemented immediately until the superstructure of the bridge was repaired or upgraded. At that time, the work was estimated to cost approximately \$1,079,000.

In October 2017, Council received confirmation of a grant of \$539,000 (50% of the estimated cost) from the Department of Infrastructure and Regional Development under their Bridges Renewal Program to assist with the cost of the upgrading work. These funds remain intact. Council allocated the matching funding of \$540,000 under Works for Queensland Round 2, of which \$402,769.56 was expended on design and materials purchased prior to 30 June 2019. An additional allocation of \$235,000 was made under Work for Queensland Round 3 for the project, a portion of which has been expended on materials purchased and stored.

The project scope includes pier and abutment widening, concrete/steel composite deck, asphalt deck wearing surface, balustrading and guardrail required for replacement of the superstructure. The existing bridge piers and abutments will be retained. The project will reinstate like-for-like access for vehicles and pedestrians across the Barron River and return the bridge to a 44-tonne load limit at the completion of construction.

Project schedule

Prior to commencing construction work at the end of the 2020 wet season, the height of the Barron River must have reduced to approximately three (3) metres below bridge height to allow for scaffolding erection and the potential inclusion of a pedestrian bridge on the downstream side of the bridge. A tentative construction start date of 5 May 2020 has been proposed but the actual date will be dependent on the river height.

It is anticipated that the project will take approximately 95 working days to complete with the bridge being closed to all traffic from 28 May 2020 to 25 September 2020, a total of 124 calendar days.

Project budget

A cost estimate has been prepared for the project based on the expenditure to date and remaining costs to complete the project. There is an estimated funding shortfall of approximately \$564,000 for the project based on the original scope of work (i.e. excluding provision for pedestrians during construction). The original estimate was based on an estimate prepared by an external contractor, which did not make adequate allowance for traffic management, provision of temporary services (water and wastewater) and roadworks to the approaches.

Traffic management

During the bridge closure, all vehicular traffic will be detoured via the state-controlled road network. Council is required to prepare a corridor management permit application and provide a full traffic management plan (TMP) to the Department of Transport and Main Roads for approval prior to the works.

As part of the project planning process, it was identified that pedestrian traffic needs to be adequately considered as part of the TMP. There is no provision for pedestrians to travel across the

Barron River Bridge on the Kennedy Highway, with John Doyle bridge providing the only means for pedestrians to travel between Mareeba CBD and the eastern part of the town.

RISK IMPLICATIONS

Infrastructure and Assets

John Doyle Bridge provides critical pedestrian and vehicular access between the eastern side of Mareeba and the CBD. A Level 2 Condition Report for the John Doyle Bridge was received by Council in March 2017 recommending that a temporary load restriction of 5T and a speed limit of 50km/hr be implemented immediately until the superstructure of the bridge was repaired or upgraded. The project will reinstate like-for-like access for vehicles and pedestrians across the Barron River and return the bridge to a 44-tonne load limit at the completion of construction.

Health and Safety

The bridge will be closed to all pedestrian and vehicular traffic during construction to ensure the works can be carried out safely and vehicular traffic will be detoured via the state-controlled road network. As part of the project planning process, it was identified that pedestrian traffic needs to be adequately considered as part of the TMP.

The provision of a temporary pedestrian footbridge across the Barron River downstream of the existing John Doyle Bridge (Option 2) it presents the lowest risk to Council and the community in terms of providing safe and appropriate access for pedestrians, cyclists and mobility scooters during construction. However, this option represents a substantial additional cost to the project.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

This project is funded through Works for Queensland and the Bridges Renewal Program. A cost estimate has been prepared for the project based on the expenditure to date and remaining costs to complete the project. There is an estimated funding shortfall of approximately \$564,000 for the project based on the original scope of work, or up to \$744,000 if temporary pedestrian access is provided during construction.

The shortfall will need to be funded in the 2020/21 Budget.

Operating

Nil

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

IMPLEMENTATION/COMMUNICATION

The proposed traffic management arrangements during construction will be communicated through various means prior to commencement.

John Doyle Bridge Upgrade - Temporary Pedestrian Management Options During Construction

Option	Additional Cost	Description	Advantages	Disadvantages
Option 1 - no pedestrian access	Nil	No pedestrian access provided during the project. Customers to make alternative arrangements to travel between eastern and western side of Mareeba	<ul style="list-style-type: none"> Cheapest option Straightforward to administer and communicate 	<ul style="list-style-type: none"> Potential community dissatisfaction as this mode of transport will be unavailable for 4 months (~500 dwellings impacted; school children, mobility scooter users, recreational users). Potential safety risk to people who may attempt to use Kennedy Highway for cycle and pedestrian access during the work.
Option 2 - Provision of footbridge for all-abilities access	\$ 190,000	Footbridge access will be from the existing footpath on the eastern side of the Barron River on Anzac Avenue to the western bank of the Barron River approximately 35m downstream from the bridge. Entry & exit ramps are provided to enable disability access although some further investigation is required to assess compliance with AS1428.1 (Access and Mobility Australian Standards)	<ul style="list-style-type: none"> Maintains current level of service Fully caters for pedestrians, cyclists & disability scooters Provides 24hr access Keeps pedestrian, cycle & disabled traffic off the Kennedy Highway Far enough from the project footprint to not interfere with construction Relatively short distance of unsealed path (western bank to Herberton St footpath) Would create the least amount of complaints should some kind of method for moving non-vehicular traffic from the eastern side of town to the CBD, schools & other areas be considered paramount. 	<ul style="list-style-type: none"> Will add significant cost to the project.
Option 3 - Provision of bus	\$ 90,000	25-seater bus operating continuously from the Mareeba Bowls Club to Arnold Park bus stop, 7 days per week from 7am to 7pm	<ul style="list-style-type: none"> Is a much cheaper option than the footbridge 	<ul style="list-style-type: none"> No storage available for bicycles, mobility scooters etc on the bus No security for bicycles, mobility scooters etc left at the Bowls Club or Arnold Park A taxi or similar service may still be required from Arnold Park bus stop to other parts of town for people with mobility issues Would only provide 12hr access Will not stop non-vehicular traffic on highway due to limitations May lead to expectation of ongoing town bus service
Option 4 - Hastie Road - Hospital Low Level Bridge Crossing	>\$ 120,000	Install a temporary low level bridge at a narrow section of the Barron River at the end of Hastie Road to below the hospital and link to existing pedestrian footpath network.	<ul style="list-style-type: none"> May cater for pedestrians, cyclists & disability scooters (depending on pathway to be provided) Provides 24hr access Keeps pedestrian, cycle & disabled traffic off the Kennedy Highway Far enough from the project footprint to not interfere with construction 	<ul style="list-style-type: none"> River crossing at this location would likely be unsuitable due to the limited accessibility via Hastie Road There is currently no footpath on Hastie Rd (which is long - 3.3km) The northern end of the road is very narrow with no lighting Major earthworks would be required to get people with mobility issues from Hastie Road to the Barron River and from the river up to Lloyd Street Low level bridge supply, freight, hire and installation would be in excess of \$120,000 (using estimates from "Provision of Footbridge") Will not stop non-vehicular traffic on highway due to limitations May lead to expectation of being retained long-term
Option 5 - Provision of taxi vouchers	* \$ 60,000 (based on assumptions)	Provide taxi vouchers so residents (and potentially their visitors/guests) can access western side of river and return	<ul style="list-style-type: none"> Users make their own arrangements Potentially cheaper than other options 	<ul style="list-style-type: none"> Very difficult to cost Waiting time for users who have set time appointments may be lengthy and are beyond Council's control Relies on third-party transport provider outside Council control - i.e. only one taxi company in Mareeba Insufficient taxi availability for peak times Project will likely monopolise taxi service Complex and large administrative task for Council (not costed) - eg. who will vouchers be provided to, will there be travel limitations in terms of customer eligibility, travel times and locations? At risk of being misused Will not stop non-vehicular traffic on highway due to limitations
Option 6 - Provision of footbridge with stair access only and taxi vouchers for mobility-impaired customers	** >\$140,000 (based on assumptions)	Provide footbridge with stair access (reduces earthworks cost compared with Option 2) and provide taxi vouchers for mobility-impaired customers	<ul style="list-style-type: none"> Caters for majority of users Users make their own arrangements Potentially cheaper than Option 2 for full footbridge 	<ul style="list-style-type: none"> Difficult to cost Relies on third-party transport provider outside Council control - i.e. only one taxi company in Mareeba Complex and large administrative task for Council (not costed) At risk of being misused

9.2 APPLICATION FOR PERMIT TO OCCUPY OVER PART OF ROAD BEING LOT A AND LOT B ON PLAN AP19775, KOAH ROAD, KOAH

Date Prepared: 20 February 2020

Author: Manager Technical Services

Attachments:

1. Initial Views-Request [↓](#)
2. SmartMap for A,B on AP19775 [↓](#)
3. Lot A and Lot B on AP19775 [↓](#)

EXECUTIVE SUMMARY

Correspondence has been received on 17 December 2019 from the Department of Natural Resources, Mines and Energy seeking Council's views on an Application for Permit to Occupy over part of road being Lot A and Lot B on Plan AP19775, Koah Road, Koah.

RECOMMENDATION

That Council as the Road Manager, advise the Department of Natural Resources, Mines and Energy that Council has no objection to the Permit to Occupy over Lot A and B being granted and attached to Lot 1 on RP747562, with consideration to the following conditions:

1. Surrender of the current Permit to Occupy over Lots A and B on AP19775 by the relevant landowners is undertaken prior to granting the new Permit to Occupy.
2. Adequate fencing of the Koah Road boundary to secure the proposed area for grazing purposes, including the installation of a gate suitable for vehicle access should the need arise.
3. No permanent structures are to be built within the Lot A and B areas.
4. If the proposed Permit to Occupy application is not granted and the current Permit to Occupies are surrendered, any and all structures are to be removed by the relevant occupant/s at their cost and to the satisfaction of Council prior to surrender.
5. If the proposed Permit to Occupy is surrendered in the future, any and all structures are to be removed by the occupant at their cost and to the satisfaction of Council prior to surrender.
6. Any and all costs involved are borne by the relevant permit holder.

BACKGROUND

Correspondence received on 17 December 2019 (refer attachment 1) from the Department of Natural Resources, Mines and Energy (DNRME) seeking Council's views on an Application for Permit to Occupy over part of road being Lot A and Lot B on Plan AP19775 (refer attachment 2), Koah Road, Koah.

As part of the DNRME Permit to Occupy process, DNRME requires a submission from the Road Manager (Council) prior to any decision being finalised.

Lot A on AP19775 (refer attachment 3) is currently leased as Permit to Occupy by the landowner of Lot 3 on SP188101 (RA 442 Koah Road).

Lot B on AP19775 (refer attachment 3) is currently leased as Permit to Occupy by the landowner of Lot 1 on RP747562 (RA 436 Koah Road).

DNRME advise that both landowners are wanting to surrender their current Permit to Occupy, with the landowner of Lot 1 on RP747562 applying for Permit to Occupy over the entire Lot A and B areas with the proposed use of the land being grazing.

FINDINGS:

Abutting Lot A and B areas (refer attachment 2) is a section of temporarily closed road leased by the landowner of Lot 163 on N157493 (RA 438). The section is located between Lot 1 and Lot 163 with both lots having the same landowner.

Legal access to Lot 163 is via the subject area and the temporarily closed road. A Permit to Occupy does not convey exclusive use, with the public still able to utilise the underlying function of the road. Potential does exist for access grievances in the future, should a change of ownership occur.

RISK IMPLICATIONS

Legal and Compliance

Council is delegated with the authority of Road Manager for local (Council) roads, therefore the needs of the transport network are considered prior to DNRME providing a final position to Permit to Occupy applications.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Council is delegated with authority as Road Manager and is therefore required to consider the needs of the future transport network.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Following resolution, Council Officers will notify the DNRME of the outcome.

File / Ref number 2019/003511

17 December 2019

Mareeba Shire Council
PO Box 154
Mareeba QLD 4880
E: info@msc.qld.gov.au



Dear Sir/Madam,

Application for a Permit to Occupy over part of road being Lot A and Lot B on Plan AP19775.

The department has received the above application. The proposed use of the land is Grazing.

Copies of documents supporting the application are enclosed for your information. The enclosed Smartmap shows the subject land and the surrounding locality.

Please advise the department of your views or requirements including any local non-indigenous cultural heritage values that the department should consider when assessing this application.

Objections to the application, and any views or requirements that may affect the future use of the land should be received by close of business on **28 January 2020**. If you offer an objection to the application, a full explanation stating the reason for the objection should be forwarded to this Office.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. An extension to this due date will only be granted in exceptional circumstances.

If a response is not received by the due date and no alternative arrangements have been made, it will be assumed you have no objections or requirements in relation to this matter.

This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

Postal :
DNRME Cairns
PO Box 5318
Townsville
4810 QLD

Telephone : (07) 4222 5427
Fax: (07) 4799 7533

If you wish to discuss this matter please contact Zoe Tasker on (07) 4222 5427.

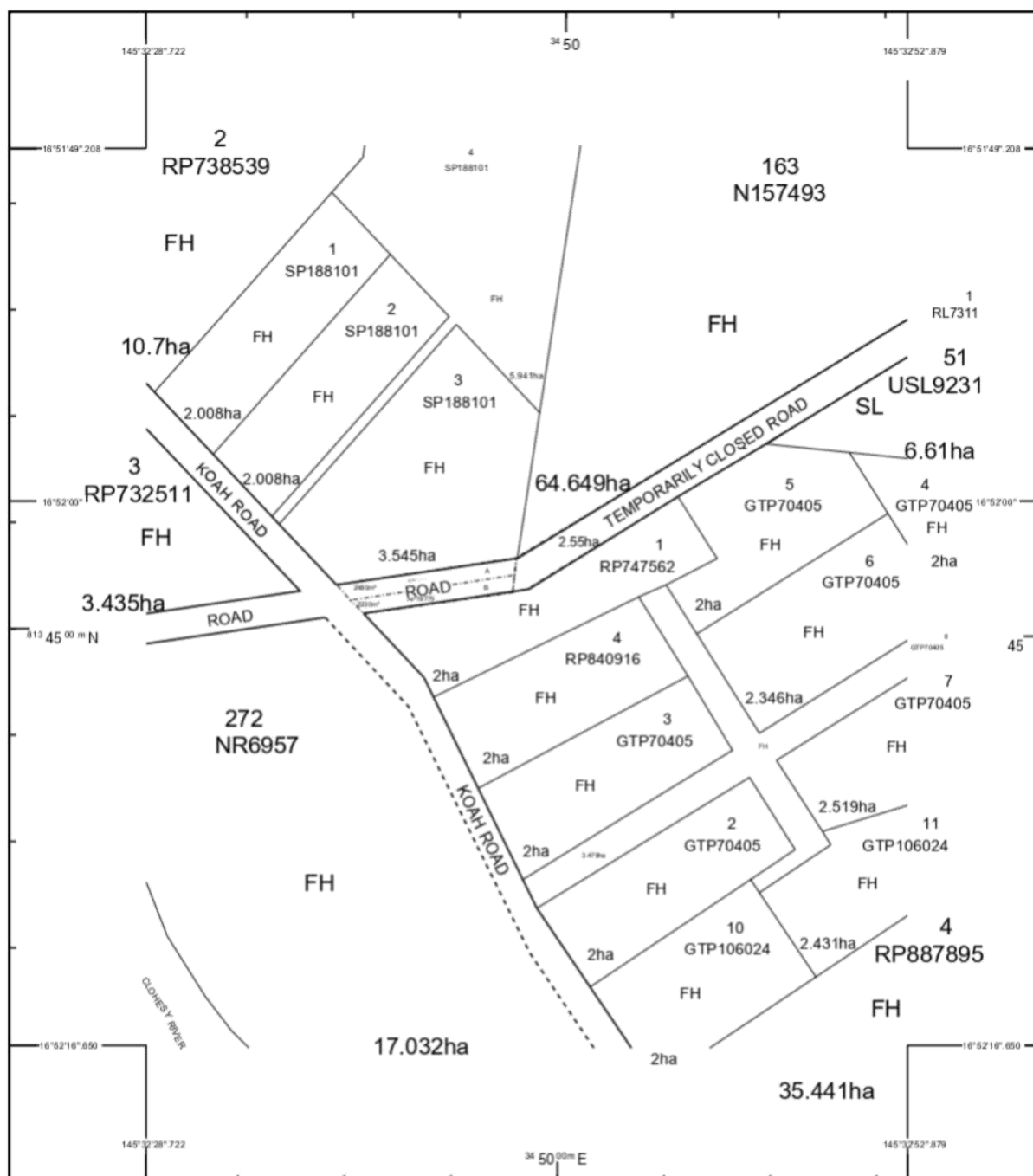
All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Townsville.SLAMS@dnrme.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2019/003511 in any future correspondence.

Yours sincerely

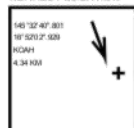
A handwritten signature in dark ink, appearing to read 'Zoe Tasker', is positioned above the printed name.

Zoe Tasker
Land Administration Officer



STANDARD MAP NUMBER
8064-34323

MAP WINDOW POSITION &
NEAREST LOCATION



GDA

SUBJECT PARCEL DESCRIPTION

DCDB
Lot/Plan
Area/Volume
Tenure
Local Government
Locality
Segment/Parcel

No Lot/Plan Selected.
No Lot/Plan Selected.
No Lot/Plan Selected.
No Lot/Plan Selected.
No Lot/Plan Selected.
No Lot/Plan Selected.

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 12/08/2019 ::

DCDB 09/08/2019

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SmartMap

An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base



**Queensland
Government**
(c) The State of Queensland,
(Department of
Natural Resources,
Mines and Energy) 2019.



Lot A and Lot B on AP19775

© 2020 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and the State of Queensland Department of Natural Resources, Mines & Energy (DNRME) [2020]. In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



9.3 PERMANENT ROAD CLOSURE APPLICATION, STOCK ROUTE AND ROAD RESERVE, LOT 5154 ON PH713, RA 2933 ALMADEN-GINGERELLA ROAD (OOTANN ROAD), ALMADEN, LOCALITY OF BARWIDGI

Date Prepared: 8 January 2020

Author: Manager Technical Services

Attachments:

1. DNRME Correspondence - March 2019 [↓](#)
2. Council Resolution - May 2019 [↓](#)
3. DNRME Correspondence - November 2019 [↓](#)
4. DNRME - Smart Map [↓](#)
5. Gravel Pits and Water Supply [↓](#)
6. Ootann-01 and 02_Gravel-01 [↓](#)
7. Flora Survey Trigger Map [↓](#)

EXECUTIVE SUMMARY

Correspondence was received 5 November 2019 from the Department of Natural Resources, Mines and Energy (DNRME) seeking Council's views on the permanent closure of a stock route and the unformed, unused road reserves that traverse Lot 5154 on PH713. The property is situated on Ootann Road with the tenure being 'Lands Lease' and having the address of 2933 Almaden-Gingerella Road, Almaden, Locality of Barwidgi.

RECOMMENDATION

That Council advises DNRME that;

1. Council objects to the closure of the existing stock route.
2. Council has no objection to the permanent closure of the road reserves that traverse Lot 5154 on PH713 with the following conditions;
 - a. Almaden-Gingerella Road (Ootann Road), Section One:
 - i. To enable any future realignment of Ootann Road, approximately 138,756 m² be added to the existing road reserve as per Council drawing: 'OOTANN-01'.
 - ii. Fencing either side of the new road reserve alignment is required.
 - b. Almaden-Gingerella Road (Ootann Road), Section Two:
 - i. Simultaneously open approximately 70,542 m² of road reserve, 30 metres either side of the Ootann Road centre line as per Council drawing 'OOTANN-02'.
 - ii. Close approximately 65,654 m² of the existing road reserve as per Council drawing 'OOTANN-02'.
 - c. Gravel Pits:
 - i. The road reserve be reconfigured by approximately 187,096 m² to adequately cover the three (3) existing gravel pits to enable continued access for Council as per Council drawing 'GRAVEL-01'.
3. The proponent is wholly responsible for all costs associated with finalising the process.

BACKGROUND

As part of the DNRME road closure application process, the department requires a submission from the Road Manager (Council) prior to any decision being finalised.

In March 2019, correspondence (attachment 1) was received from DNRME seeking Council's views regarding an "Assessment of further dealing of Pastoral Holding PH 9/5154 described as Lot 5154 on Plan PH713". DNRME considered several options, namely the renewal of the pastoral holding lease and the conversion to freehold.

Council's Senior Planner's report was presented to the Ordinary Meeting of Council on 15 May 2019, resolution (attachment 2) from this meeting being;

"That Council advise the Department of Natural Resources, Mines and Energy that Council has no objection to the renewal of Pastoral Holding PH9/5154 over land described as Lot 5154 on PH713, situated at Ootann Road, Locality of Barwidgi or the conversion of Lot 5154 on PH713 to freehold."

Further correspondence was received from DNRME on 5 November 2019 (attachment 3) "Application for an Extension of a Rolling Term Lease over Lot 5154 PH713". Contained within this correspondence DNRME advise they are seeking Council's views on the permanent closure of one (1) stock route and the three (3) unformed, unused roads that exist across the property (attachment 4). DNRME advise that as a requirement of offer the lessee will need to undertake a survey of the proposed dealing area.

DNRME confirm they are seeking to permanently close the abovementioned stock route and road reserves and not the landholder.

ASSESSMENT

Other than Ootann Road, there are two (2) stock routes and three (3) road reserves traversing Lot 5154. Given that the road reserves and stock routes could potentially be used by various groups, careful consideration should be given to their closure. The stock route connects the Almaden reserve to the Burlington reserve and onwards to Mount Surprise, this offers potential users a safe passage away from heavy vehicles.

Approximately 10kms of Ootann Road corridor is located within the subject property and has an approximate width of 60 metres. Ootann Road is a gazetted Type 2 (road train) route and a major agricultural and mining freight link which connects the Burke Development Road to the Kennedy Highway. Type 2 vehicles represent the design vehicle considered when the road is designed and upgraded, currently five sections have been upgraded to sealed standard. Council continue to seek funding opportunities to progressively upgrade the road.

There are three (3) existing gravel pits and one (1) water storage dam located along the road (attachment 5).

Council access the water storage dam on Lot 5154 for use in road maintenance, this is secured under the existing Access and Water Supply easement, being Lot A on CP898465.

Council utilise the gravel pits when needed for road maintenance and they are authorised by the Department of Agriculture and Fisheries (DAF) for use by Council now and/or in the future. The extremities of Gravel Pit 1 do not extend to the road reserve and this would need to be amended by adding approximately 13,917m² to the existing road reserve.

FINDINGS

Upon assessment, officers identified three (3) potential reconfigurations that could secure Council's interest in relation to road reserve alignment and gravel pit access.

Ootann Road - Section One;

The section (attachment 6) is located between a recently sealed section of Ootann Road and ends approximately 1.1kms south of the Etheridge railway crossing. This 2.3km section consists of three (3) sweeping curves that officers believe would need to be realigned in the future to achieve correct road geometry.

Following the upgrade/realignment of Ootann Road, the road reserve can be reduced to maintain the 60 metre width over the new alignment and the landholder given the opportunity to acquire the surplus road reserve, to be amalgamated into Lot 5154.

Widening the road reserve would consist of adding approximately 138,756 m² to the existing road reserve.

Fencing by the proponent either side of the new road reserve alignment would be required.

Ootann Road - Section Two;

Located approximately 10kms north of the Fossilbrook Road intersection, Gingerella, approximately 1.3 kms of Ootann Road is not contained within road reserve (attachment 6). At its furthest point it is approximately 150 metres 'off alignment'.

Reconfiguring the road reserve would enable the current alignment of Ootann Road to be contained within road reserve.

To achieve the 60 metre wide road reserve, a simultaneously road opening and closure of the road would be required. The proposed road opening contains an area of approximately 70,542 m² with the proposed road closure containing an area of approximately 65,654 m².

Gravel Pits;

If the tenure of Lot 5154 is converted to freehold, Council's ability to source nearby gravel materials suitable for maintenance activities may be impacted. It is proposed to reconfigure the road reserve (attachment 6) to incorporate the three gravel pits into the road reserve in order to enable suitable access. This would require the road reserve to be reconfigured by an area of approximately 187,096 m².

Road reserve tenure is beneficial to securing access, particularly for pits that have protected flora or vegetation high risk mapping.

The Flora Survey Trigger Map (attachment 7) obtained from the Queensland Department of Environment and Science (DES) shows there are currently no active protected flora high risk areas contained within Lot 5154.

NOTE

During the closure process and to limit potential impacts to Council, there is an opportunity to have the road reserve reconfigured to;

1. Enable the future realignment of Ootann Road,
2. Have the off-alignment section of Ootann Road incorporated into road reserve,
3. Reconfigure the road reserve to cover the existing gravel pits.

It is the officer's opinion that during the closure process all the above be undertaken to achieve a suitable outcome for all involved.

RISK IMPLICATIONS

Financial

The future needs of the transport network may be compromised if Council had to compulsory acquire freehold land for road upgrades.

Infrastructure and Assets

Suitable access to maintain Council infrastructure is required.

Legal and Compliance

Council is delegated with the authority of Road Manager for local (Council) roads, therefore the needs of the transport network are considered prior to DNRME providing a final position to road closures.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Council is delegated with authority as Road Manager and is therefore required to consider the needs of the future transport network.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Following resolution, Council Officers will notify the DNRME of the outcome.

File / Ref number 2018/006570

25 March 2019

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba QLD4880



Department of
Natural Resources,
Mines and Energy

Dear Sir/Madam

Assessment of further dealing of Pastoral Holding PH 9/5154 described as Lot 5154 on Plan PH713

The abovementioned lease expires on 30/06/2021, and the department is considering further dealing with this land. The following information may help you in providing your views and/or requirements regarding further dealing with this land.

Pastoral Holding PH 9/5154 commenced on 01/07/1971 for a term of 30 years and extended a further 20 years until 30/06/2021

Please advise if Council has any issues that the department should consider when assessing the most appropriate use and tenure of the land in terms of Sections 159(1), 159A and 167(1) of the *Land Act 1994*. Particular attention in your reply should be given to the following:-

- (c) whether the public interest could be adversely affected if the lease was renewed;
 - (e) the condition of the lease land;
 - (h) whether part of the lease land has a more appropriate use from a land planning perspective;
 - (j) whether part of the lease land is needed for a public purpose;
 - (k) whether a new lease is the most appropriate form of tenure for the lease land.
- Consideration should be given to whether freehold is considered a more appropriate tenure.

Your Council's views or requirements that may affect the future use of the land should be received by close of business on **Monday 20th May 2019**. If you offer an objection to renewal or freeholding of this lease, a full explanation stating the reason for such an objection should be forwarded to this Office. Similarly, if you have any particular requirements you would like the department to consider, please also provide a full explanation for such requirements.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. If a response is not received by the due date and no alternative arrangements have been made, it will be assumed you have no objections or requirements in relation to this matter.

Postal :
DNRME
PO Box 5318
Townsville QLD 4810

Telephone : (07) insert phone number

This information has been provided in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

If you wish to discuss this matter please contact Jacqui Davies, A/Land Officer on telephone no. 07 4222 5427.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Townsville.SLAMS@dnrme.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2018/006570 in any future correspondence.

Yours sincerely



Jacqui Davies
A/Land Officer

Attached: Title Search
Smartmap

8.3 FURTHER DEALING OF PASTORAL HOLDING 9/5154 OVER LOT 5154 ON PH713, LOCALITY OF BARWIDGI

RESOLUTION 2019/28

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Angela Toppin

That Council advise the Department of Natural Resources, Mines and Energy that Council has no objection to the renewal of Pastoral Holding PH9/5154 over land described as Lot 5154 on PH713, situated at Ootann Road, Locality of Barwidgi or the conversion of Lot 5154 on PH713 to freehold.

Ref number 2018/006570

5 November 2019

Mareeba Shire Council
PO Box 154
Mareeba QLD 4880



Department of
Natural Resources,
Mines and Energy

Dear Sir/Madam,

APPLICATION FOR an Extension of a Rolling Term Lease over Lot 5154 on Plan PH713

The department has received the above application. The proposed use of the land is pastoral.

Copies of documents supporting the application are enclosed for your information. The enclosed Smartmap shows the subject land and the surrounding locality.

Reference is made to a views request sent from the department on the 25 March 2019 and Council's response of no objections on the 16 May 2019. As a requirement of offer the lessee will need to undertake a survey of the proposed dealing area. It is noted that there are dedicated, unformed, unused roads that exist across the property which the department would like your views on. Could you please advise if council have any objections to the closure of the roads highlighted on the attached smart map and if so provide an explanation of the reasons for the objections.

Objections to the application, and any views or requirements that may affect the future use of the land should be received by close of business on **6 January 2020**. If you offer an objection to the application, a full explanation stating the reason for the objection should be forwarded to this Office.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. An extension to this due date will only be granted in exceptional circumstances.

If a response is not received by the due date and no alternative arrangements have been made, it will be assumed you have no objections or requirements in relation to this matter.

This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

Postal :
DNRME Cairns
PO Box 5318
Townsville 4810 QLD

Telephone : (07) 4222 5427
Fax: (07) 4799 7533

If you wish to discuss this matter please contact Zoe Tasker on (07) 4222 5056.

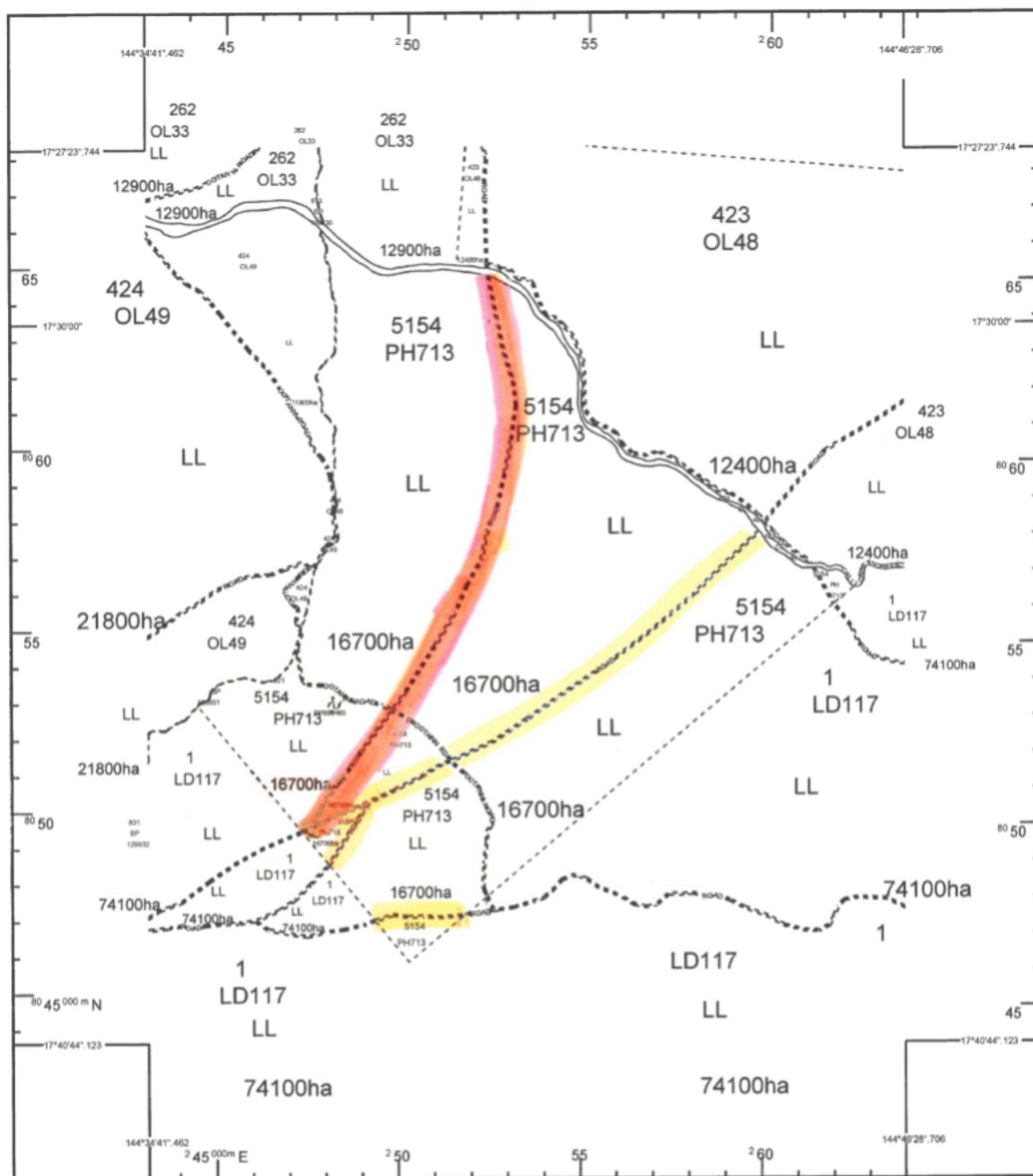
All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Townsville.SLAMS@dnrme.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2018/006570 in any future correspondence.

Yours sincerely

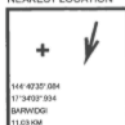


Zoe Tasker
Land Administration Officer



STANDARD MAP NUMBER
7862-41311

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB
Lot/Plan
Area/Volume
Tenure
Local Government
Locality
Segment/Parcel

5154/PH713
16700ha
LANDS LEASE
MAREESA SHIRE
BARWIDGI
21573/1

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 05/11/2019

DCDB 04/11/2019 (Lots with an area less than 5,000ha are not shown)

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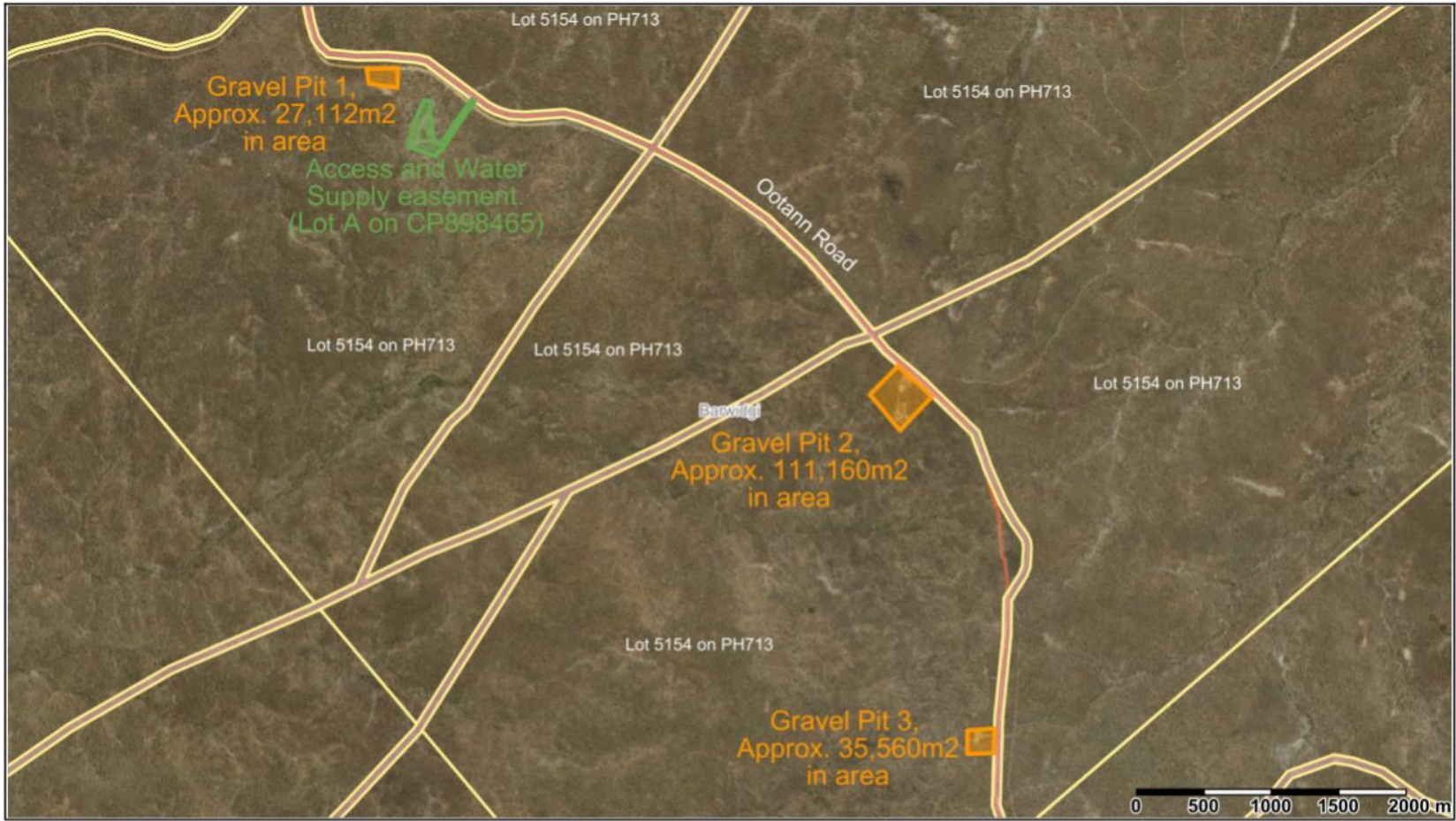
SmartMap

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Based upon an extraction from the
Digital Cadastral Data Base



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Government**
(c) The State of Queensland,
(Department of
Natural Resources,
Mines and Energy) 2019.

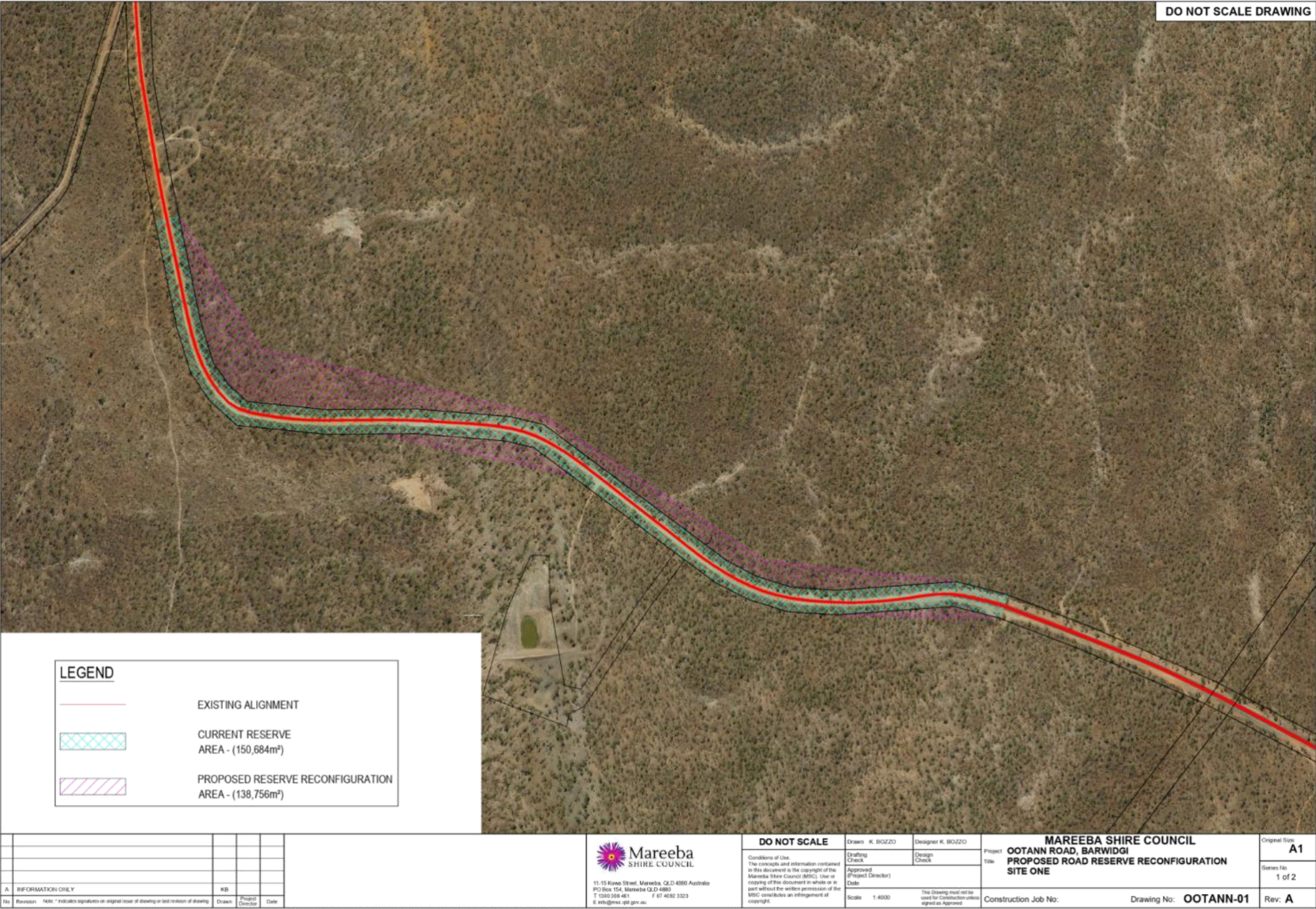
Dedicated, unformed, unused road Stock Route (unused)

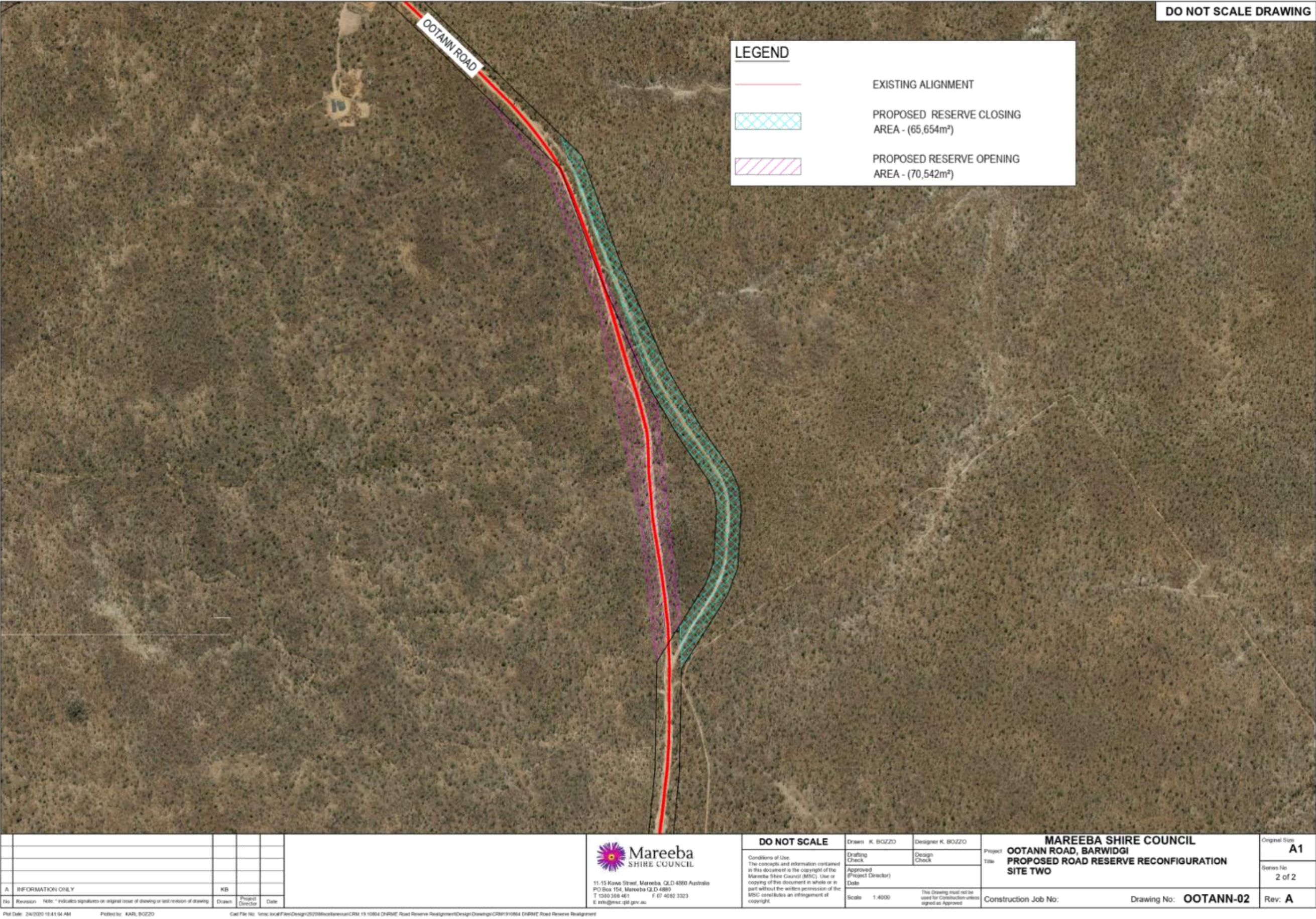


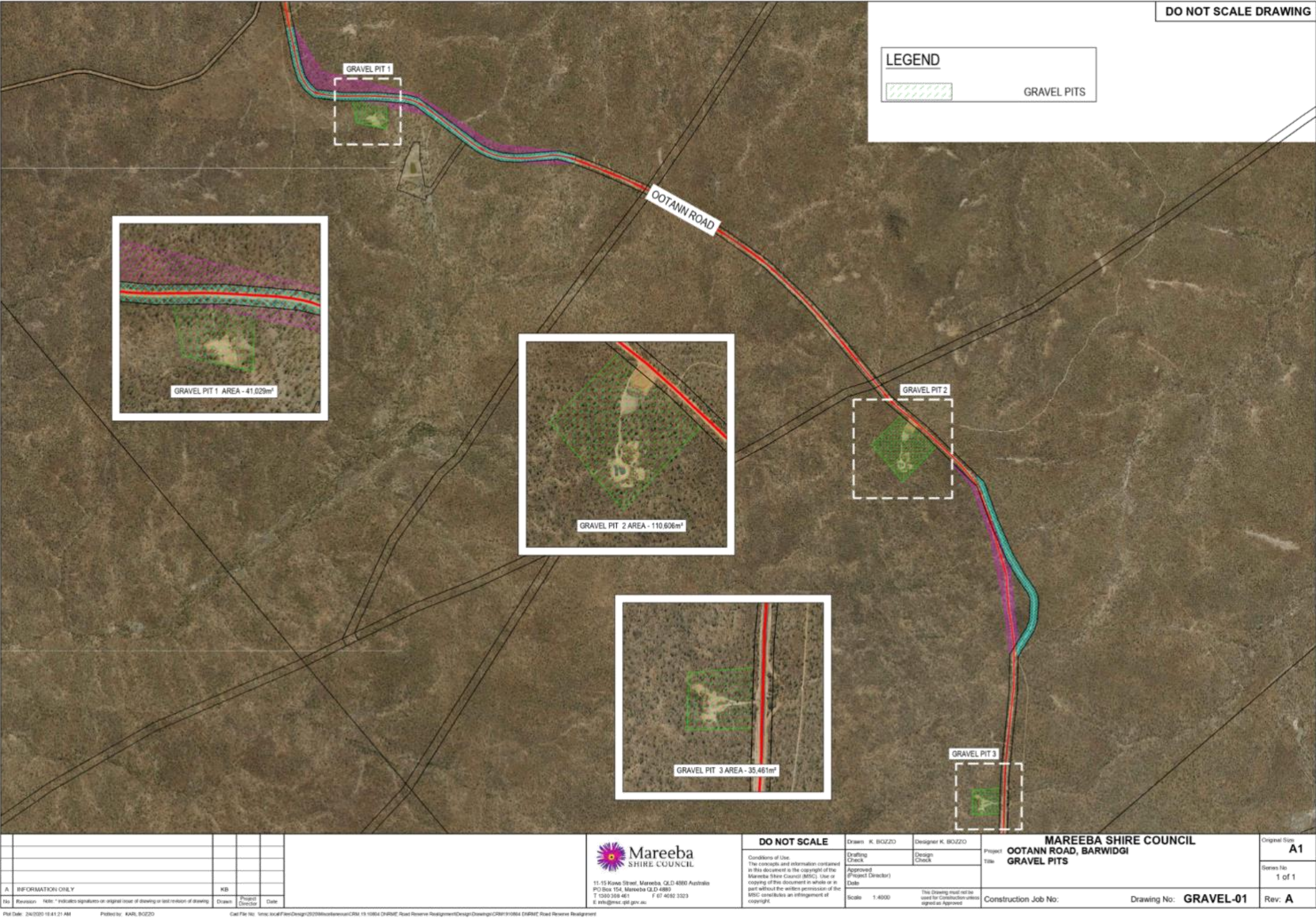
Gravel Pits and Water Supply

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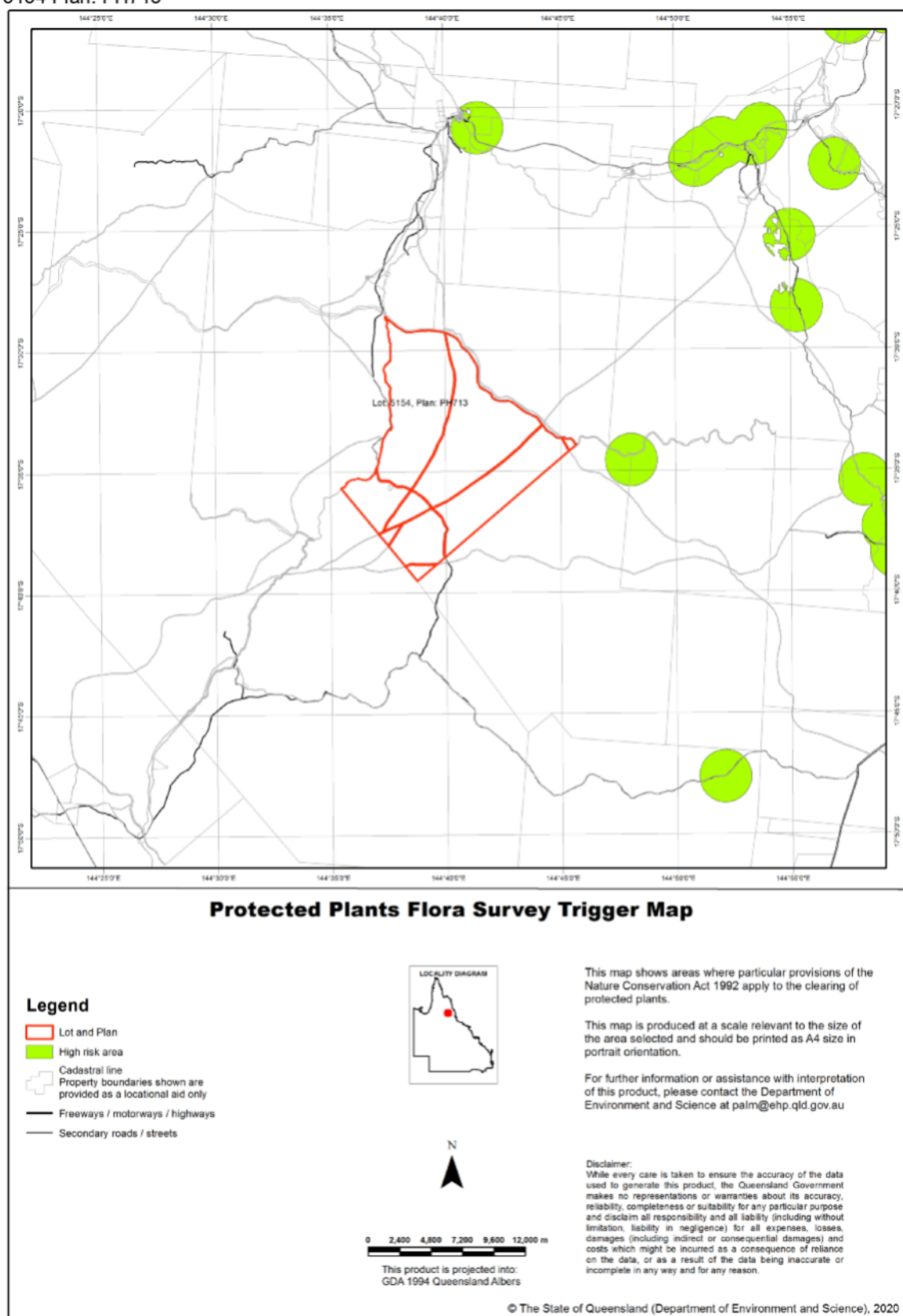






29/01/2020 10:56:09

Lot: 5154 Plan: PH713



Protected plants flora survey trigger map

The protected plants flora survey trigger map identifies 'high risk areas' where endangered, vulnerable or near threatened plants are known to exist or are likely to exist. Under the *Nature Conservation Act 1992* (the Act) it is an offence to clear protected plants that are 'in the wild' unless you are authorised or the clearing is exempt, for more information see [section 89](#) of the Act.

Please see the Department of Environment and Science webpage on the [clearing of protected plants](#) for information on what exemptions may apply in your circumstances, whether you may need to undertake a flora survey, and whether you may need a protected plants clearing permit.

Updates to the data informing the flora survey trigger map

The flora survey trigger map will be reviewed, and updated if necessary, at least every 12 months to ensure the map reflects the most up-to-date and accurate data available.

Species information

Please note that flora survey trigger maps do not identify species associated with 'high risk areas'. While some species information may be publicly available, for example via the [Queensland Spatial Catalogue](#), the Department of Environment and Science does not provide species information on request. Regardless of whether species information is available for a particular high risk area, clearing plants in a high risk area may require a flora survey and/or clearing permit. Please see the Department of Environment and Science webpage on the [clearing of protected plants](#) for more information.



9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - FEBRUARY 2020

Date Prepared: 6 March 2020

Author: Manager Technical Services

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management, Facilities and Investigation Services activities undertaken by Infrastructure Services during the month of February 2020.

RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Monthly Report for the month of February 2020.

BACKGROUND

Below is a summary of the activities undertaken by the Technical Services section for the month of February 2020:

DESIGN	
Works for Queensland Rd 3	<ul style="list-style-type: none"> • Lerra Street, Mareeba - Design plans being finalised • Anzac Avenue, Mareeba, Pedestrian Crossing - Design plans being finalised • John Doyle Bridge Upgrade - working with AECOM to finalise Traffic Guidance Scheme and lodge traffic permit with TMR. • Pickford Road, Bibbohra - Design plans being finalised • Mareeba CBD Byrnes Street East Landscaping - Detailed design being undertaken
2019/20 Capital Works	<ul style="list-style-type: none"> • Railway Avenue, Mareeba - Concept plan for Council review • Kanervo Road Bridge - Consultancies awarded, design in progress. • Hales Siding Bridge - Consultancies awarded, design in progress.
2019/20 TIDS	<ul style="list-style-type: none"> • Chettle Road Rehab Ch 2.243 - 4.003 - 'For Construction' plans issued • Chettle Road Rehab Ch 5.5 - 7.21 - 'For Construction' plans issued
Miscellaneous	<ul style="list-style-type: none"> • Investigations - Provide technical assistance as required • Traffic Counter Program - Data collection • GIS Rural Address installation • DBYD Plans • As Constructed information plans for internal and external customers • MSC Evacuation Plans

	<ul style="list-style-type: none"> • Mareeba Stormwater Plan
SURVEY	
2018/19 Capital Works	<ul style="list-style-type: none"> • Mareeba Industrial Estate (Stage 16B) Keegan and Effley Street Extension - Lot Setout
2019/20 Capital Works	<ul style="list-style-type: none"> • Anzac Avenue, Mareeba / Ceola Drive Intersection - Construction setout
2020/21 TIDS	<ul style="list-style-type: none"> • Chewko Road, Mareeba - Detailed Survey pick-up
Works for Queensland Rd 3	<ul style="list-style-type: none"> • Lerra Street, Mareeba - Construction setout • Bailey Street, Mareeba - Pavement Marking Setout
Miscellaneous	<ul style="list-style-type: none"> • Mareeba Landfill - Survey volume pick-up • Mt Mulligan Cemetery Road Opening - Boundaries • Chillagoe Bore Sites - Detailed Survey setout for various locations • Mareeba Aerodrome - Tree removal survey pick-up
SUBDIVISIONS AND INVESTIGATIONS	
Subdivisions (Under Construction)	<ul style="list-style-type: none"> • 3 Hilltop Close, Kuranda <ul style="list-style-type: none"> ○ Ergon to relocate pillar box • Clean Choices Car Wash, Mareeba <ul style="list-style-type: none"> ○ Road edge widening constructed on northern side of Lerra Street (waiting for as constructed information to be presented)
On-Maintenance (Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset)	<ul style="list-style-type: none"> • Bundanoon Stage 2 • Mareeba Roadhouse and Accommodation Park, Williams Close • The Edge Stage 2A (Antonio Drive, Mareeba) • 10 James Street, Mareeba - Road widening • Amaroo Stage 10
Off-Maintenance	<ul style="list-style-type: none"> • Mt Emerald Wind Farm Portion B (Private entrance repairs)
Operational Works	<ul style="list-style-type: none"> • 112 Barnwell property, on-going monitoring of; <ul style="list-style-type: none"> ○ Dam construction completed and being monitored ○ Access completed and monitoring underway ○ Nature Base Tourism Works (MCU/17/0012) completed and being monitored
PROJECT MANAGEMENT	
Civil	<p><u>2019/20 Asphalt Program</u></p> <ul style="list-style-type: none"> • Contract awarded to NQ Asphalt, works completed. <p><u>2019/20 FNQROC Reseals Program</u></p> <ul style="list-style-type: none"> • MSC programmed for mid-February 2020, weather permitting <p><u>Chettle Road, Arriga</u></p> <ul style="list-style-type: none"> • Construction contracts for both sections signed. • Works anticipated to commence April 2020, weather permitting

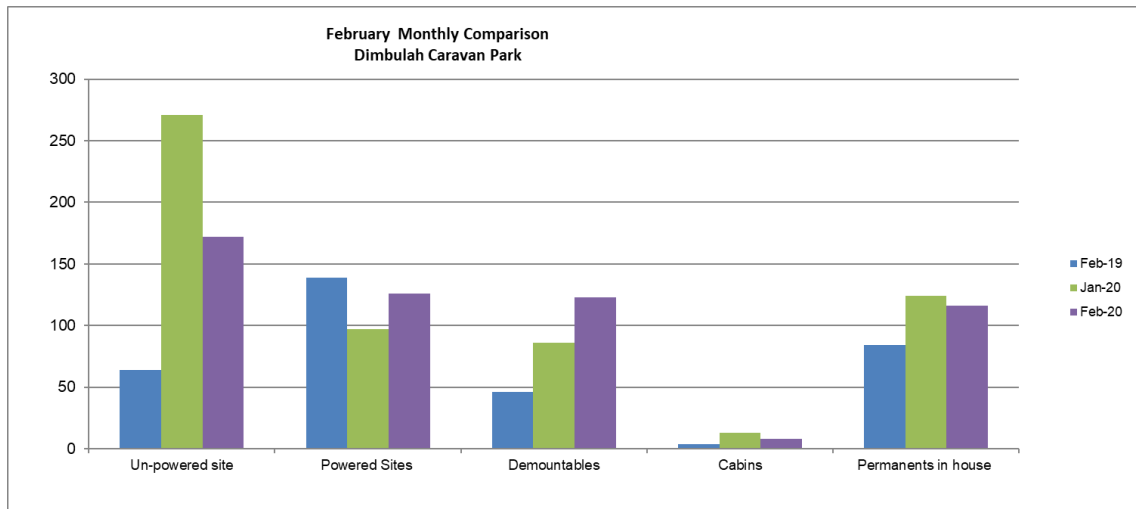
	<p><u>KIAC Therwine Street Redevelopment</u></p> <ul style="list-style-type: none"> • Defect liability period underway • Irrigation of maintenance <p><u>KIAC Kuranda Wayfinding Signage</u></p> <ul style="list-style-type: none"> • Quotes released and closed • Review underway with awarding scheduled mid-March <p><u>KIAC Kuranda Barron Falls Walking Trail</u></p> <ul style="list-style-type: none"> • Construction contract awarded • Program to commence after wet season to avoid environmental impacts • Amended program to be submitted for QPWS and WTMA approval • Bridge design and pre-delivery construction underway <p><u>Jum Rum Walking Trail Rehab</u></p> <ul style="list-style-type: none"> • Out to tender closing in March <p><u>Jungle Walk Track Rehabilitation</u></p> <ul style="list-style-type: none"> • Finalising quantities (tender Scheduled March 2020) <p><u>Chapmans Road - Bushy Creek Timber Bridge Replacement</u></p> <ul style="list-style-type: none"> • Tender Awarded
Building	<p><u>PCYC - Exterior Repaint</u></p> <ul style="list-style-type: none"> • Painting contract awarded commencing in March <p><u>Chillagoe Hub:</u></p> <ul style="list-style-type: none"> • Painting contract awarded commencing in March <p><u>Chillagoe Hall:</u></p> <ul style="list-style-type: none"> • Extended scope out for quotation after receipt of Grant Funding <p><u>Barang Street Unit Renewals:</u></p> <ul style="list-style-type: none"> • Contract executed • Residents individual meetings held • Works to commence 9 March 2020 <p><u>Mareeba Mausoleum Wall:</u></p> <ul style="list-style-type: none"> • Second level of Crypts 80% complete <p><u>Kuranda Recreation Centre:</u></p> <ul style="list-style-type: none"> • Roofing works completed- on-maintenance • Building works underway <p><u>Mareeba and Dimbulah Filtration Contract:</u></p> <ul style="list-style-type: none"> • Ergon have upgraded Mareeba power supply • Defects liability period underway, with minor defects addressed • Funding agreement finalised <p><u>Depot - Various:</u></p> <ul style="list-style-type: none"> • Chillagoe <ul style="list-style-type: none"> ◦ Shed completed - on maintenance • Mareeba

	<ul style="list-style-type: none"> ○ Repainting of Kowa Street administration building completed • Mareeba <ul style="list-style-type: none"> ○ Parks and Gardens shed revised location on site agreed to reduce cost ○ Quotations received and under review • Mareeba - Airconditioning administration building <ul style="list-style-type: none"> ○ Rankin Street, Engineering review being undertaken to balance temperatures and air flows ○ Kowa Street report and outcomes submitted to PPT for funding of future work. • Mt Molloy <ul style="list-style-type: none"> ○ Roof Repair (Ridge capping etc) ○ Works completed <p><u>Kuranda Aquatic Centre:</u></p> <ul style="list-style-type: none"> • Waterproof pump/filter shed complete • Fence replacement complete • On maintenance
<p>NDRRA/DRFA</p>	<p><u>2018 NDRRA - 6-10 March 2018 GEOTECH</u></p> <ul style="list-style-type: none"> • Mt Haren Road <ul style="list-style-type: none"> ○ Works completed • Green Forest Road <ul style="list-style-type: none"> ○ Works completed <p><u>2019 DRFA - 25 Jan - 14 Feb 2019</u></p> <p>Funding applications considered by QRA, with Tenders presented for consideration of award at January Meeting of Council.</p> <ul style="list-style-type: none"> • Roads Contracts <ul style="list-style-type: none"> ○ Awaiting QRA approval prior to award of contracts • Bowers Street <ul style="list-style-type: none"> ○ Contract awarded and works commenced. <p><u>2019 Betterment Submissions</u></p> <ul style="list-style-type: none"> ○ Awaiting outcome of QRA assessments

FACILITIES

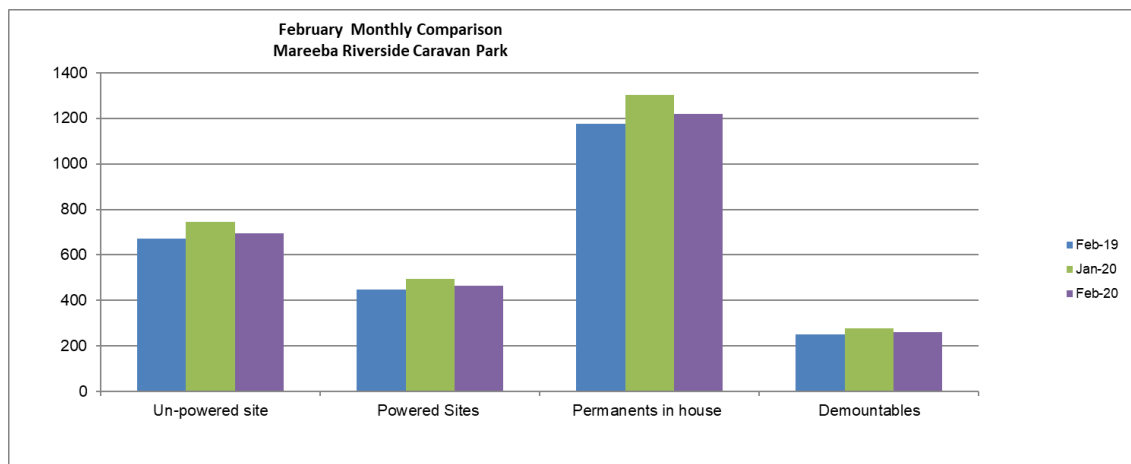
Dimbulah Caravan Park

Total of bookings for February 2020 - 545



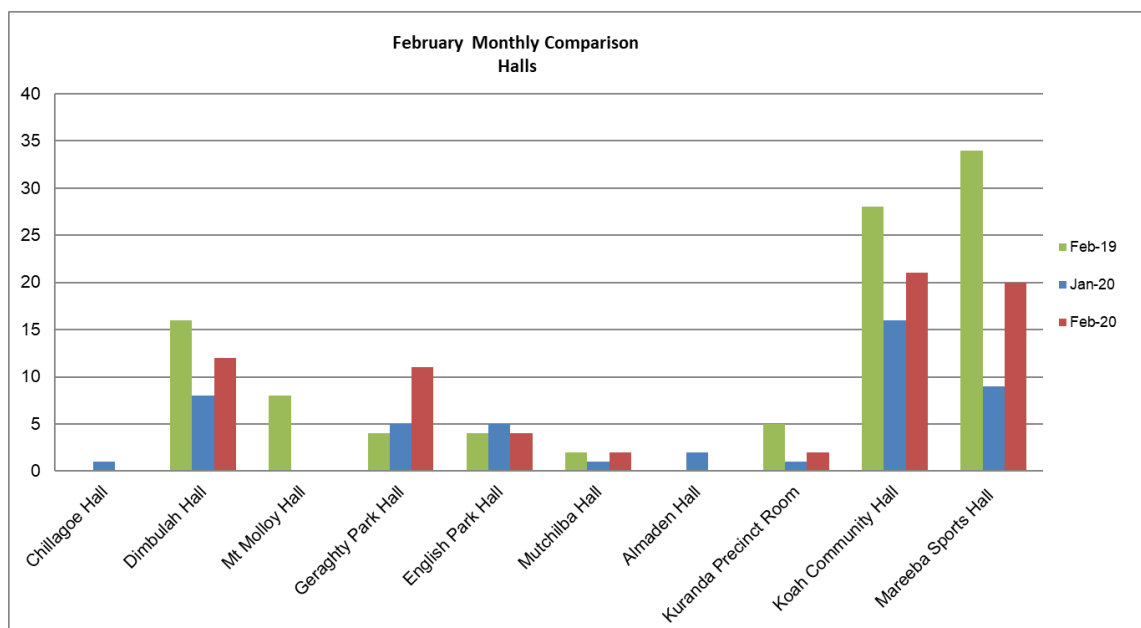
Mareeba Riverside Caravan Park

Total of bookings for February 2020 - 2,639



Public Halls

Total of hall bookings for February 2020 - 72



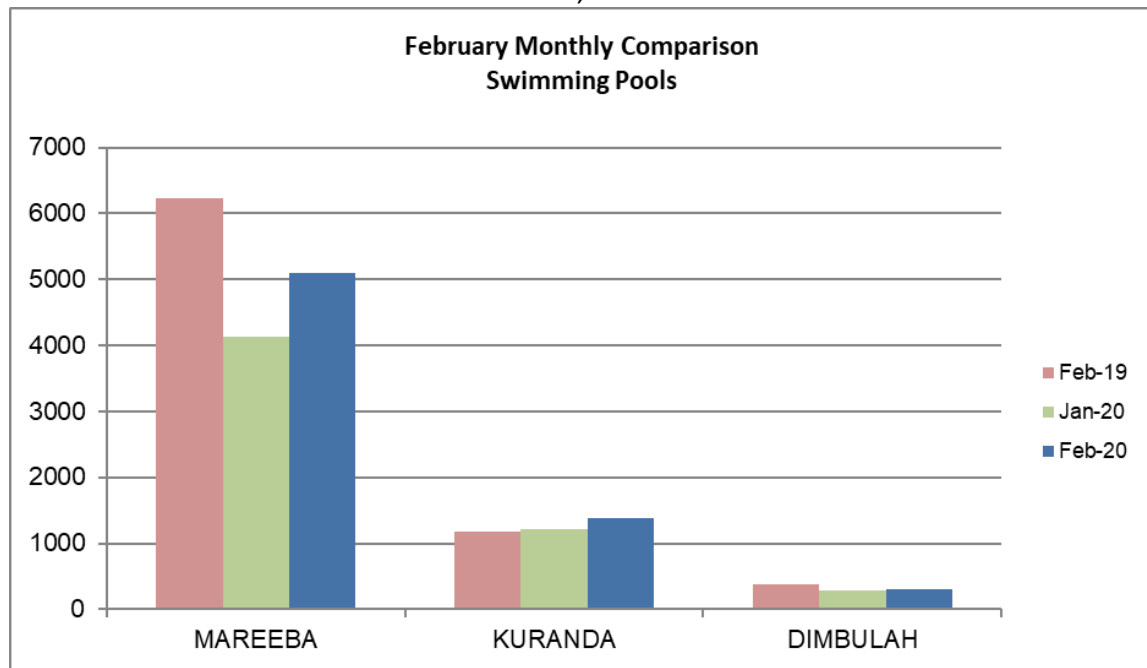
Swimming Pools

Total of patron entries for February 2020

Kuranda Aquatic Centre - 1,388

Dimbulah Pool - 310

Mareeba Pool - 5,099



VANDALISM & GRAFFITI		
Financial Year	Actuals	Comments
2015/16	\$ 2,134.00	During February three (3) reports of vandalism were recorded <ul style="list-style-type: none">• Mareeba Leagues Club• Mt Molloy Hall• Kuranda Centenary Park
2016/17	\$ 16,546.00	
2017/18	\$ 23,948.00	
2018/19	\$ 14,851.00	
2019/20	\$ 16,897.00	
Currently there is no allocated budget for graffiti and vandalism; these costs are being funded within existing operational budgets.		

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Additional costs associated with graffiti and vandalism

Is the expenditure noted above included in the current budget?

No, however will be covered under existing operational budgets

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

IMPLEMENTATION/COMMUNICATION

Nil

9.5 RAILWAY AVENUE CAR PARK LAYOUT

Date Prepared: 11 March 2020

Author: Manager Technical Services

Attachments: 1. Railway Avenue Carpark Concept [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the successful grant application under Round 2 of the Transport and Tourism Connections (TTC) Program and provide update on the proposed layout for the expansion of the Railway Avenue Carpark, Mareeba.

The Railway Avenue Car Park will provide additional parking for conventional and dedicated parking for recreational vehicles at the southern end of Railway Avenue, Mareeba.

RECOMMENDATION

That Council receives the report and endorses the proposed layout for the Railway Avenue Carpark, Mareeba.

BACKGROUND

Council is developing an off-street parking precinct on Railway Avenue in the Mareeba central business district (CBD) to provide all-day parking for vehicles, including dedicated parking for recreational vehicles (RVs). The car park is to be developed within the existing Railway Avenue road reserve and in a portion of the rail corridor (formerly the Aurizon freight depot) for which Council holds a licence from Queensland Rail to use for public car parking.

Council allocated funding for this project in the 2018/19 Capital Works program and has secured further funding from the Department of Transport and Main Roads (TMR) under Round 2 of the Transport and Tourism Connections (TTC) Program towards the project. This additional grant will be used to deliver the full scope of work proposed which includes demolition of fencing, reconfiguration of the existing car parking, new works to provide additional recreational vehicle (RV), car and motor cycle parking, new lighting and traffic flow improvements along Railway Avenue.

The objective of the project is to support the existing 2-hour parking on Byrnes Street by providing all-day parking for a variety of vehicles close to the CBD. It is anticipated that this will encourage increased spending and longer stays as travelling visitors pass through the Mareeba gateway into the Atherton Tablelands, Savannah Way, Gulf of Carpentaria and Cape York Peninsula.

A concept layout plan has been developed based on the available funding and site constraints and is attached to this report..

RISK IMPLICATIONS**Infrastructure and Assets**

Expansion of the carparking facilities will meet a growing need for easily accessible parking close to the Mareeba CBD to provide all-day parking for employees and the travelling public.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Funding allocated within current capital program with additional funding award under Round 2 of the TTC Program.

Is the expenditure noted above included in the current budget?

Yes

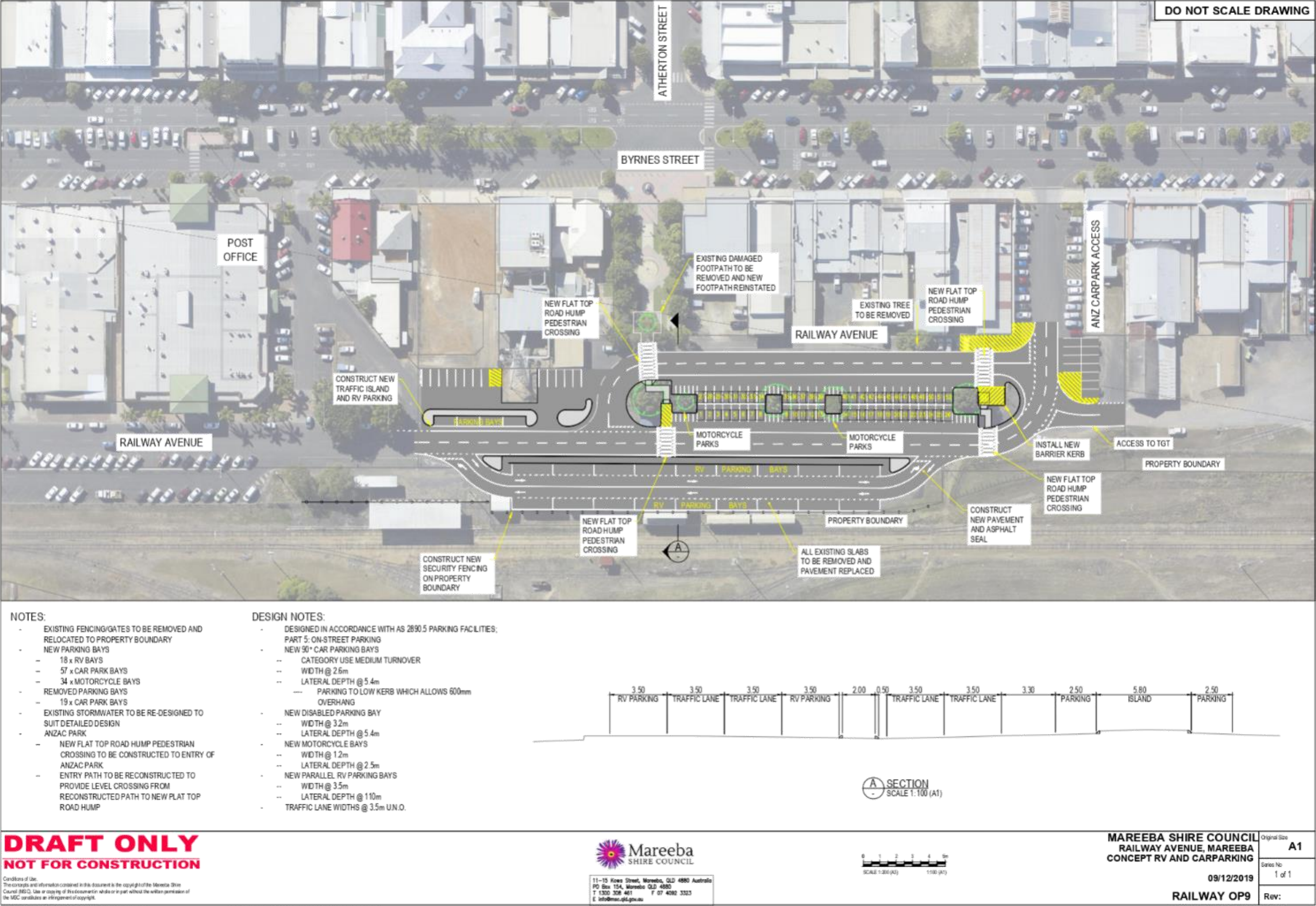
LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

IMPLEMENTATION/COMMUNICATION

Expansion of the Railway Avenue Carpark will significantly increase the number of off-street parks for both conventional and recreational vehicles. Construction is programmed to commence in late April 2020 and will take approximately two (2) months to complete. Residents and businesses impacted by the works will be notified prior to commencement.



9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - FEBRUARY 2020

Date Prepared: 20 February 2020

Author: Manager Works

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens, Bridge and Pest Management activities undertaken by Infrastructure Services during the month of February 2020.

RECOMMENDATION

That Council receives the Infrastructure Services, Works Progress Report for the month of February 2020.

BACKGROUND**Works Group**

Works resumed or commenced in February were;

- Eastern shire unsealed road grading program
- Anzac Avenue/Ceola Drive channelised intersection upgrade
- MIP Keegan Street extension
- Line marking of W4Q3 Bailey Street following completion of widening last year



Anzac Avenue - before and after kerb and channel works

Capital Works**Mareeba Industrial Park Stage 16B**

Construction works continued on Stage 16B at the Mareeba Industrial Park during February. Wet weather has impacted on the project and at least a week of continued fine conditions is required to dry the existing unsealed pavement to allow for the installation of the primer seal and subsequent asphalt overlay. Preventative works have been done to repair and alleviate minor scouring at drainage outlets.

2019/20 Reseal Program

In February resealing of rural roads in the shire commenced on:-

Tinaroo Creek Road
Euluma Creek Road
Jacana Crescent
Gilmore Road
Mt Molloy Depot

Cater Road
Hastie Road
Maria Close
Leotta Road

Rains Street
Kilpatrick Street
Grace Court
Marinelli Drive



Euluma Creek Road - Before and After Reseal



Hastie Road - Before and After Reseal



Bailey Street Line Marking

Maintenance Activities

Maintenance activities accruing more than \$1,000 in expenditure were carried out in February at the following locations:

Description	Activity
Bower Road, Arriga	Clean inlet/outlets culverts, grading unsealed roads, road furniture, spraying
Chettle Road, Arriga	Slashing, spraying
Vallely Road, Bibbohra	Culvert repairs, road furniture
Paglietta Road, Chewko	Slashing, spraying
Maniopota Road, Chillagoe	Clean inlet/outlets culverts
Raleigh Street, Dimbulah	Slashing
Wolfram Road, Dimbulah	Clean inlet/outlets culverts, road furniture, slashing
Hales Siding Road, Irvinebank	Clean inlet/outlets culverts, slashing,
Euluma Creek Road, Julatten	Bitumen patching, prep work for reseals, road furniture, slashing
Pinnacle Road, Julatten	Clean inlet/outlets culverts, slashing
Black Mountain Road, Julatten	Grading unsealed roads, slashing
Koah Road, Koah	Bitumen patching, grading unsealed roads, prep work for reseals, road inspections, slashing
Barron Falls Road, Kuranda	Bitumen patching, grading unsealed roads, slashing, tree clearing / vegetation management
Black Mountain Road, Kuranda	Illegal waste disposal, pavement repairs, road furniture, slashing, tree clearing / vegetation management
Kuranda Heights Road, Kuranda	Bitumen patching, clean inlet/outlets culverts, slashing, tree clearing / vegetation management
Myola Road, Kuranda	Bitumen patching, culvert repairs, slashing
Oak Forest Road, Kuranda	Bitumen patching, grading unsealed roads, prep work for reseals, road inspections, slashing
Rob Veivers Drive, Kuranda	Bitumen patching, general repairs and maintenance, mowing, road furniture, slashing
Warril Drive, Kuranda	Bitumen patching, slashing
Abbott Street, Mareeba	Prep work for reseals
Cater Road, Mareeba	Prep work for reseals
Chewko Road, Mareeba	Bitumen patching, clean inlet/outlets culverts, Illegal waste disposal, slashing, spraying
Davies Creek Road, Mareeba	Grading unsealed roads
Emerald End Road, Mareeba	Slashing, spraying
Fraser Street, Mareeba	Grading unsealed roads
Hastie Road, Mareeba	Grading unsealed roads, prep work for reseals, slashing, tree clearing / vegetation management
McElhinney Street, Mareeba	Grading unsealed roads
McIver Road, Mareeba	Clean inlet/outlets culverts, culvert repairs
Ray Road, Mareeba	Administration and supervision, spraying, tree clearing / vegetation management
Smith Street, Mareeba	Grading unsealed roads
Spena Road, Mareeba	Grading unsealed roads
Tinaroo Creek Road, Mareeba	Prep work for reseals, road furniture, slashing, spraying

Description	Activity
Bakers Road, Mt Molloy	Grading unsealed roads, slashing
Fraser Road, Mt Molloy	Grading unsealed roads, slashing
Main Street, Mt Molloy	General repairs and maintenance, mowing, road furniture, slashing
Mitchellvale Road, Mt Molloy	Grading unsealed roads
Norris Road, Mt Molloy	Grading unsealed roads
Wetherby Road, Mt Molloy	Bitumen patching, road furniture, slashing, spraying
Mount Molloy Depot Access, Mt Molloy	Grading unsealed roads, prep work for reseals, slashing
Springs Road, Paddys Green	Slashing, spraying

The table below shows the current budget position of Transport Infrastructure operations for Mareeba Shire Council at the end of February.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,541,417	\$2,105,936	\$2,268,130

The current budget overrun is due to the grading of the unsealed western roads completed in late 2019 and committed costs for the next round of slashing which is underway. The monthly operational spend will continue to decrease and gradually come back into line with budget forecasts in the last quarter of the 2019/20 financial year.

TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during February 2020 at the following locations:

Primary Location	Activity Name
89B-Burke Developmental Road	Edge repair min 1 Tonne; includes traffic control
	Herbicide Spraying includes traffic control
	Medium Formation Grading (Western) with extras and 2 water carts excludes traffic control
	Other bituminous surface work
32A-Kennedy Highway	Rest area servicing
664-Mareeba - Dimbulah Road	Herbicide spraying; includes traffic control
	Other surface drain work
	Tractor slashing, rural includes traffic control x2
653-Mossman - Mt Molloy Road	Herbicide spraying; includes traffic control
	Other bituminous surface work
	Other vegetation control works
	Other formation work
	Other roadside work
	Other surface drain work
	Pothole patching includes traffic control
	Tractor slashing, rural includes traffic control x2
34A-Mulligan Highway	Emergency call out / traffic accident
	Herbicide spraying; includes traffic control
	Edge repair min 1 Tonne includes traffic control
	Culvert, pipe and pit work

34B-Mulligan Highway	Tractor slashing, rural includes traffic control x2
	Herbicide spraying includes traffic control
	Other surface drain work
	Repair or replace guide markers
	Rest area servicing
	Roadside litter collection; rural
	Tractor slashing, rural includes Traffic Control x2
6632-Herberton -Petford Road	Repair guide signs
	Repair signs (excluding guide signs)

The claim to TMR for the month of February 2020 was still being finalised at the time of preparing this report but is estimated to be approximately \$248,000.00.

Parks and Gardens Section

Maintenance Activities

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in February at the following locations:

1. Location
2. Street Mowing, Mareeba
3. Parks, Library, CBD and Streets - Kuranda
4. Basalt Gully and Bi-Centennial Lakes, Mareeba
5. Gregory Terrace Park, Kuranda
6. Centenary Park, Mareeba
7. Vains Park, Mt Molloy
8. Eales Park, Mareeba
9. Margeritha English Park/Highland Drive, Julatten
10. Davies Park, Mareeba
11. Mowing and Maintenance, Irvinebank
12. Arnold Park, Mareeba
13. Sunset/Sunbird Park, Mareeba
14. Mary Andrews Gardens, Mareeba
15. Furniture and Playground Equipment, Mareeba
16. Molloy Road Approaches, Mareeba
17. Raleigh Street Park, Dimbulah
18. Geraghty Park, Julatten
19. Borzi Park, Mareeba
20. Wetherby Park, Mt Molloy
21. Pool & Carpark, Kuranda
22. Anzac Avenue, Mareeba
23. Drainage Easements, Mareeba

The table below shows the current budget position of Parks and Gardens operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$1,945,559	\$1,315,694	\$1,191,756

Bridge Section**Maintenance Activities**

Bridge inspection and maintenance activities were carried out in February at the following locations:

Structure	Road	Chainage	Area
Bridge	Barron Street	273	Koah
Bridge	Hodzic Road	8040	Bibbohra
Bridge	Oak Forest Road	7285	Kuranda
Bridge	Leadingham Creek Road	2591	Dimbulah
Causeway	Springs Road	5320	Paddy's Green
Major Culvert	Leadingham Creek Road	8316	Dimbulah
Bridge	Leadingham Creek Road	642	Dimbulah
Major Culvert	Pin Road	806	Mutchilba
Major Culvert	Blacks Road	114	Mareeba
Bridge	Ericson Road	435	Dimbulah
Major Culvert	Bowers Street	388	Mareeba
Bridge	Ericson Road	435	Dimbulah
Major Culvert	Bowers Street	388	Mareeba
Causeway	Emerald Falls Road	4327	Mareeba
Major Culvert	Wolfram Road	15096	Dimbulah
Major Culvert	Sandy Creek Road	1318	Dimbulah
Causeway	Henry Hannam Drive	3398	Mareeba
Major Culvert	Pin Road	1515	Mutchilba
Causeway	Mclver Road	1320	Mareeba
Major Culvert	Saddle Mountain Road	238	Kuranda
Bridge	Anzac Ave	0	Mareeba
Major Culvert	Springmount Road	7238	Mutchilba
Major Culvert	Algoma Road	234	Mutchilba
Major Culvert	Veivers Drive	982	Speewah
Major Culvert	Boonmoo Road	1856	Dimbulah
Major Culvert	Hodzic Road	1910	Bibbohra
Bridge	No Name Road 136	34	Arriga
Major Culvert	Douglas Track	1000	Speewah
Major Culvert	Tinaroo Creek Road	5017	Mareeba
Bridge	Cedar Park Road	1310	Speewah
Bridge	Springmount Road	7450	Mutchilba
Bridge	Barron Street	343	Koah
Major Culvert	Leadingham Creek Road	6915	Dimbulah
Bridge	Mt Kooyong Road	614	Julatten
Major Culvert	Boonmoo Road	7180	Dimbulah
Major Culvert	Boonmoo Road	4193	Dimbulah
Bridge	Hodzic Road	13523	Bibbohra
Major Culvert	Price Creek Road	457	Mutchilba
Causeway	Selby Road	425	Mutchilba
Major Culvert	Mutchilba Road	302	Mutchilba
Major Culvert	Springmount Road	9830	Mutchilba
Bridge	Chewko Road	3035	Mareeba
Major Culvert	Ray Road	5850	Mareeba
Major Culvert	Top Eureka Road	34	Dimbulah
Causeway	Piemonte Road	5210	Mutchilba
Causeway	Springs Road	3922	Paddy's Green

Structure	Road	Chainage	Area
Bridge	Randazzo Road	1915	Paddy's Green
Bridge	North Walsh Road	725	Arriga
Bridge	Chettle Road	3346	Arriga
Major Culvert	Springmount Road	17176	Arriga
Bridge	Springmount Road	10530	Mutchilba
Major Culvert	Piemonte Road	64	Mutchilba
Major Culvert	Schincariol Road	973	Dimbulah
Bridge	Mutchilba Road	3347	Mutchilba
Major Culvert	Fumar Road	3128	Mutchilba
Major Culvert	Boonmoo Road	5995	Dimbulah
Major Culvert	Wolfram Road	4786	Dimbulah
Major Culvert	Kingfisher Drive	220	Kuranda
Bridge	Mt Lewis Road	715	Julatten
Bridge	Chapmans Road	600	Julatten
Major Culvert	McDougal Road	990	Julatten
Major Culvert	Springmount Road	3365	Mutchilba
Bridge	Minisini Road	111	Dimbulah
Causeway	Metzger Road	1820	Dimbulah
Major Culvert	Kenneally Road	793	Mareeba
Major Culvert	Wolfram Road	11882	Dimbulah
Major Culvert	Wolfram Road	2508	Dimbulah
Major Culvert	Wolfram Road	6692	Dimbulah
Major Culvert	Raleigh Street	350	Dimbulah
Major Culvert	Searry Road	465	Mareeba
Bridge	McLeod Road	568	Mutchilba
Bridge	No Name Road 86	57	Mutchilba
Major Culvert	Fumar Road	2033	Mutchilba
Causeway	McIver Road	1320	Mareeba

The table below shows the current budget position of Bridge operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$633,064	\$421,428	\$359,534

Land Protection Section

The table below shows the current budget position for Land Protection operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$516,878	\$311,373	\$344,284

Sickle Pod and Kesters Curse: Land Protection officers have engaged with the scientists who are developing biological controls on these two (2) pest plant species. Samples of the plant have been collected in various growth stages as well as viable seeds which have been sent onto their laboratories.

Gamba Grass: The annual Gamba Grass roadside spray program has commenced. This program is aimed at removing plants that will come into seed over the next couple of months. This will prevent seeds and plant fragments being picked up by Council slashers and road plant and moved onto clean areas. It also prevents weeds on Council land spreading onto private land parcels.

Contractors are currently removing Gamba from Main Roads corridors for the same reasons. This work has been funded by the Department of Transport and Main Roads.

Transport Main Roads Weeds Audit: A Land Protection officer has met with TMR at proposed road works sites, identifying invasive weeds present on these sites and agreed on protocols that will be implemented to prevent weeds and seeds from being exported from these areas.

Yellow Crazy Ants: A Land Protection team member attended the YCA review meeting providing details of the work Council have been engaged in on this project.

Wild Dog Work: A baiting service has been provided to station properties in the Petford, Almaden and Mt Carbine areas.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2018/19 and 2019/20 Capital Works Program.

Operating

All operational works are funded by the Section specific 2019/20 maintenance budgets.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

Nil

9.7 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - FEBRUARY 2020

Date Prepared: 5 March 2020
Author: Manager Water and Waste
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Waste activities undertaken by the Infrastructure Services Department during the month of February 2020.

RECOMMENDATION

That Council receives the Infrastructure Services, Waste Operations Progress Report for February 2020.

BACKGROUND

The following is a 'snapshot' of the waste activities undertaken during the month of February 2020.

1. Waste Operations

- 4,104 vehicles entered Mareeba Waste Facility (to drop off or pick up waste)
- 449 vehicles deposited waste to Mareeba Landfill (total)
- 214 Suez vehicles deposited waste to Mareeba Landfill, this is a 206% increase in SUEZ vehicles for this month
- 31 Suez vehicles removed waste from Mareeba Waste Transfer Station (WTS) to ARRF facility in Cairns
- 15m³ of mulch was purchased from Mareeba WTS (all sales)
- All transfer stations and Mareeba landfill are currently operational

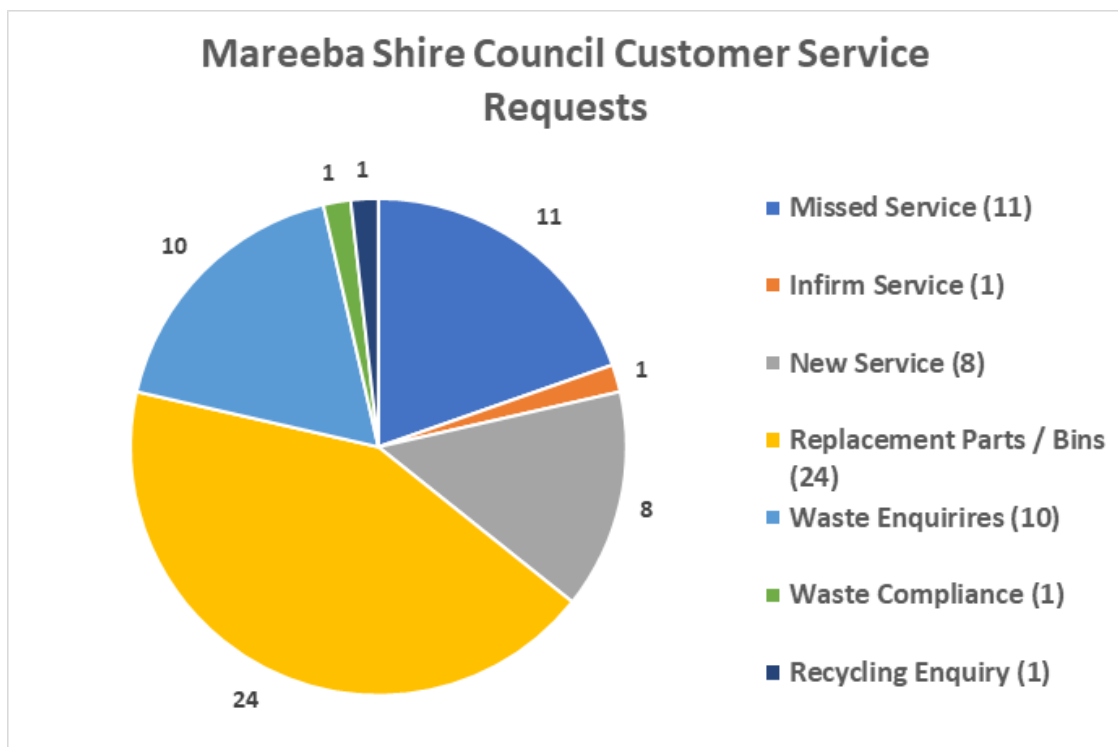
2. Mareeba Waste Transfer Station Upgrade project

The Mareeba Transfer Station Upgrade has been completed and is open to the public ahead of schedule. Council is communicating the upgrade through various media.



3. Customer Service Waste Statistics

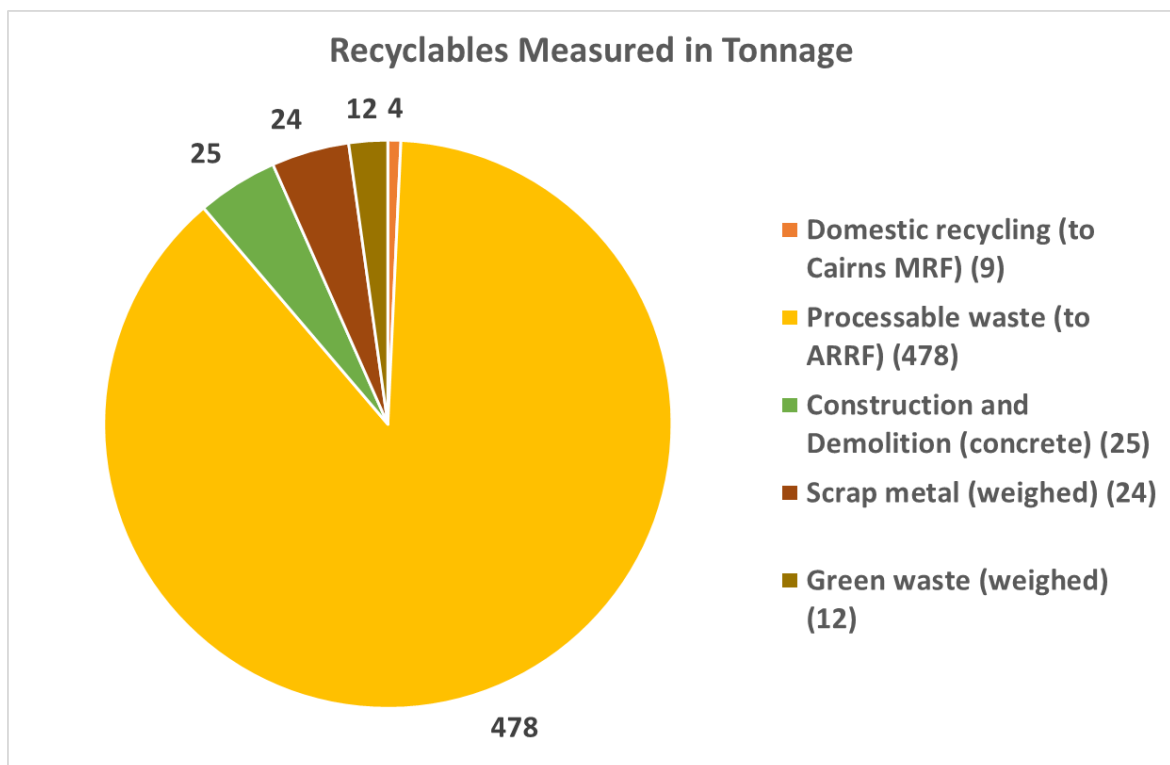
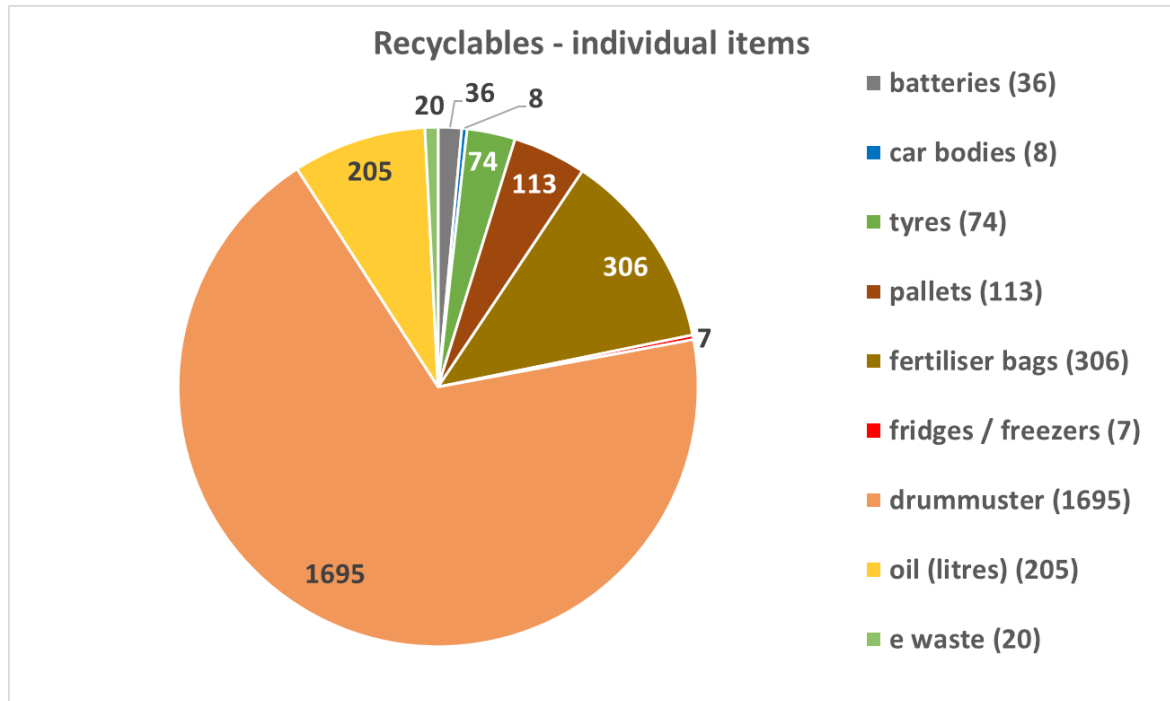
The below figure shows customer requests logged in the Customer Request Management (CRM) system during the month of February 2020.



4. Waste to Mareeba Resource Recovery Area - Recycling

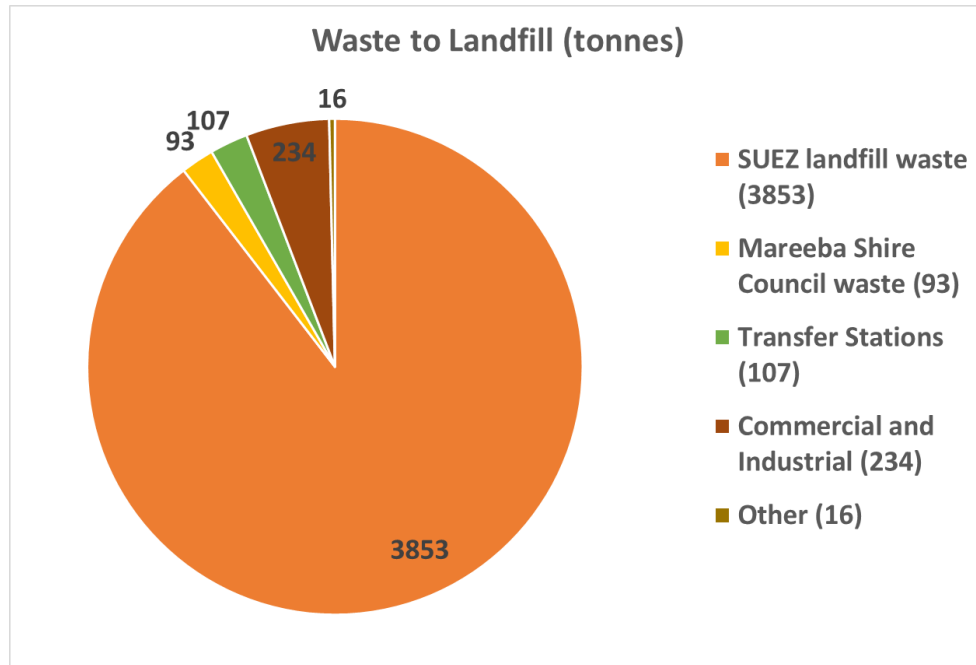
Waste material collected at each of the waste transfer stations is either deposited directly to the Mareeba landfill, recycled or transported to the SUEZ Advanced Resource Recovery Facility (ARRF) in Cairns for processing.

The following pie charts are separated into recyclables recovered as whole units and recyclables in tonnages.



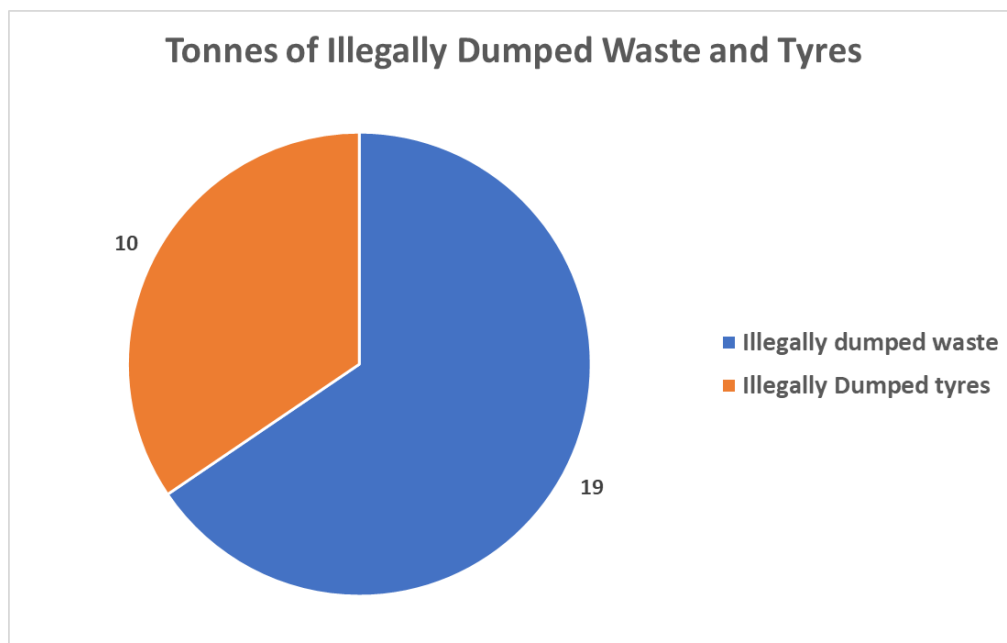
5. Waste to Mareeba Landfill

The pie chart below is the tonnage of waste directed to Mareeba landfill from particular sources. It shows the bulky waste from the waste transfer stations (Mareeba included), commercial and industrial waste, by-product waste from the SUEZ Bedminster plant in Cairns, and the waste that Mareeba Shire Council produces as a result of its own activities.



6. Illegally Dumped Waste

10 tonnes of illegally dumped tyres and 19 tonnes of illegally dumped general waste was received at Mareeba Resource Recovery Area and Landfill.



RISK IMPLICATIONS**Environmental**

- Council holds an Environmental Authority issued under the *Environmental Protection Act 1994* to operate landfill facilities.
- The Environmental Authority amendment process is underway.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS**Capital**

Nil. Capital works are underway and funded as per 2019/20 capital works program.

Operating

Nil

LINK TO CORPORATE PLAN

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

- The capital upgrade works to the Mareeba Waste Transfer Station have now been completed. The site is open to the public.
- Council has received the signed deed to amend the "Right of Renewal" clause in the Second Waste Disposal Agreement with SUEZ. Negotiations will commence in relation to the contract extension and discussed with the incoming elected Council.
- SUEZ increased the number of waste deliveries by 206% in February due to the pending end of term date of the Second Waste Disposal Agreement and the remaining airspace within the Mareeba Landfill.
- Reports of illegal dumping should be raised through the CR system to enable appropriate investigation by Council officers

9.8 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - FEBRUARY 2020

Date Prepared: 20 February 2020

Author: Manager Water and Waste

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Infrastructure Services Department during the month of February 2020.

RECOMMENDATION

That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of February 2020.

BACKGROUND

1. Capital Projects and Maintenance Works

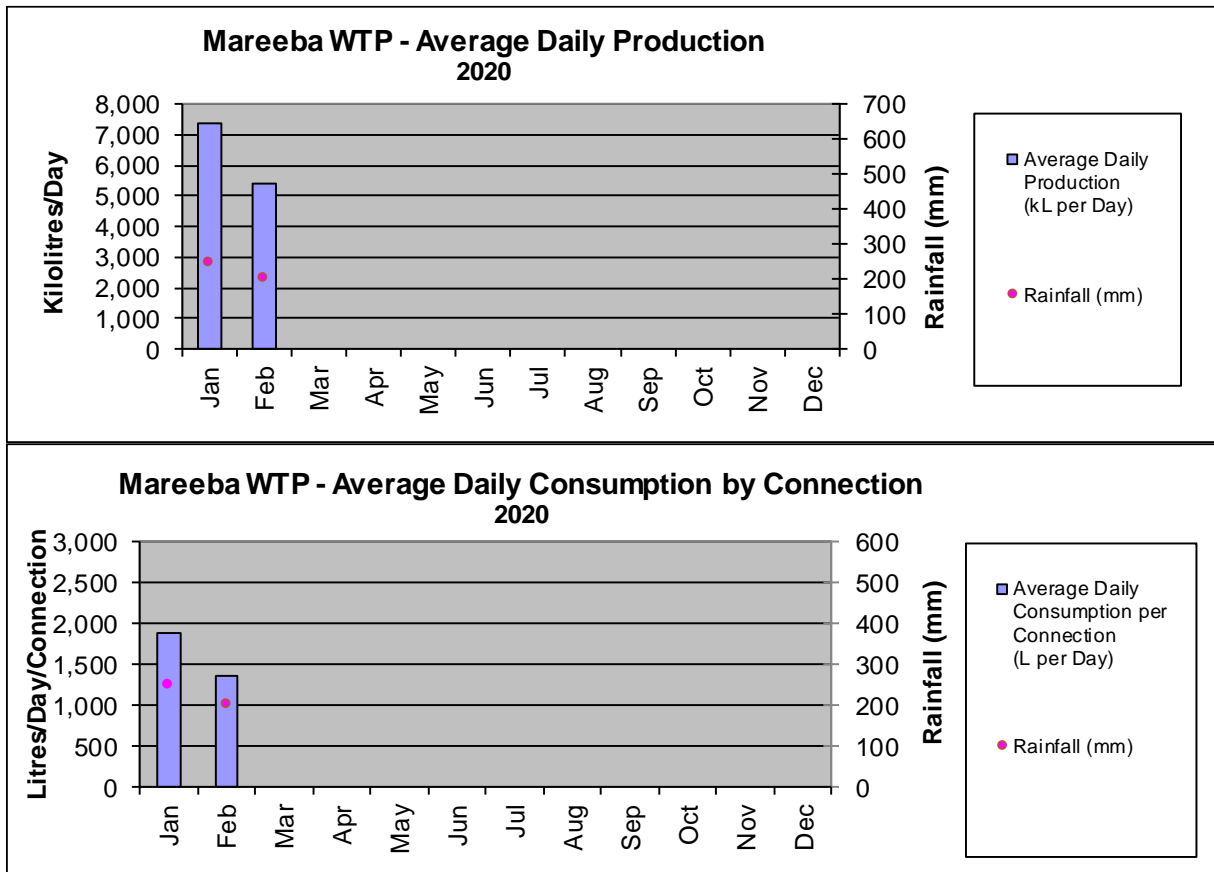
New bulk flow meters have been installed at Centenary Park Booster Station and the Wylandra Booster Station. The flow meters will be used for monitoring and recording bulk water supplies throughout various areas of the water reticulation network. This information will be used to help identify water losses in the network in conjunction with volumes produced by the treatment plans and consumption by connected properties.



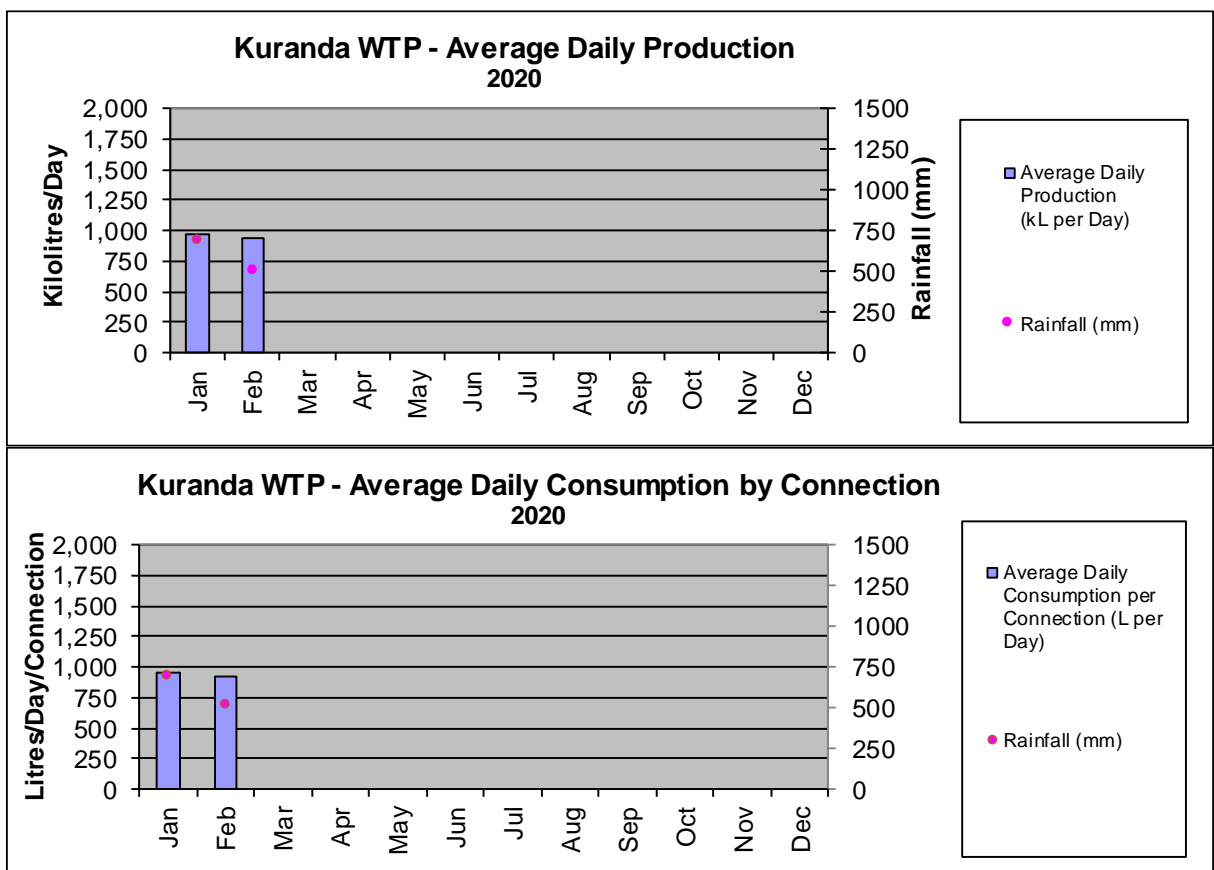
2. Chlorine Residual Readings

February 2020	Chlorine Residual Readings 2020											
	Australian Drinking Water Guidelines Maximum 5mg/L											
	Mon 3rd	Wed 5th	Fri 7th	Mon 10th	Wed 12th	Fri 14th	Mon 17th	Wed 19th	Fri 21st	Mon 24th	Wed 26th	Fri 28th
	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)
Mary Andrews Park Mareeba	1.06	0.90	1.05	1.05	1.13	1.12	1.28	1.25	1.42	1.35	1.32	1.26
Wylandra Drive Mareeba	0.54	0.35	0.36	0.45	0.39	0.25	0.26	0.26	0.36	0.60	0.58	0.44
Gregory Terrace Kuranda	0.88	0.90	0.84	1.23	1.06	0.83	0.82	0.60	0.90	0.79	1.04	1.05
Mason Rd PS Kuranda	1.16	0.95	0.94	1.26	1.18	1.00	0.88	0.50	0.81	0.63	1.07	1.02
Chillagoe	0.85	0.60	1.02	1.01	0.64	1.00	1.02	0.74	0.72	0.83	0.65	1.25
Dimbulah	0.68	0.65	0.66	1.16	0.76	0.75	0.80	0.79	0.69	0.66	0.65	0.68

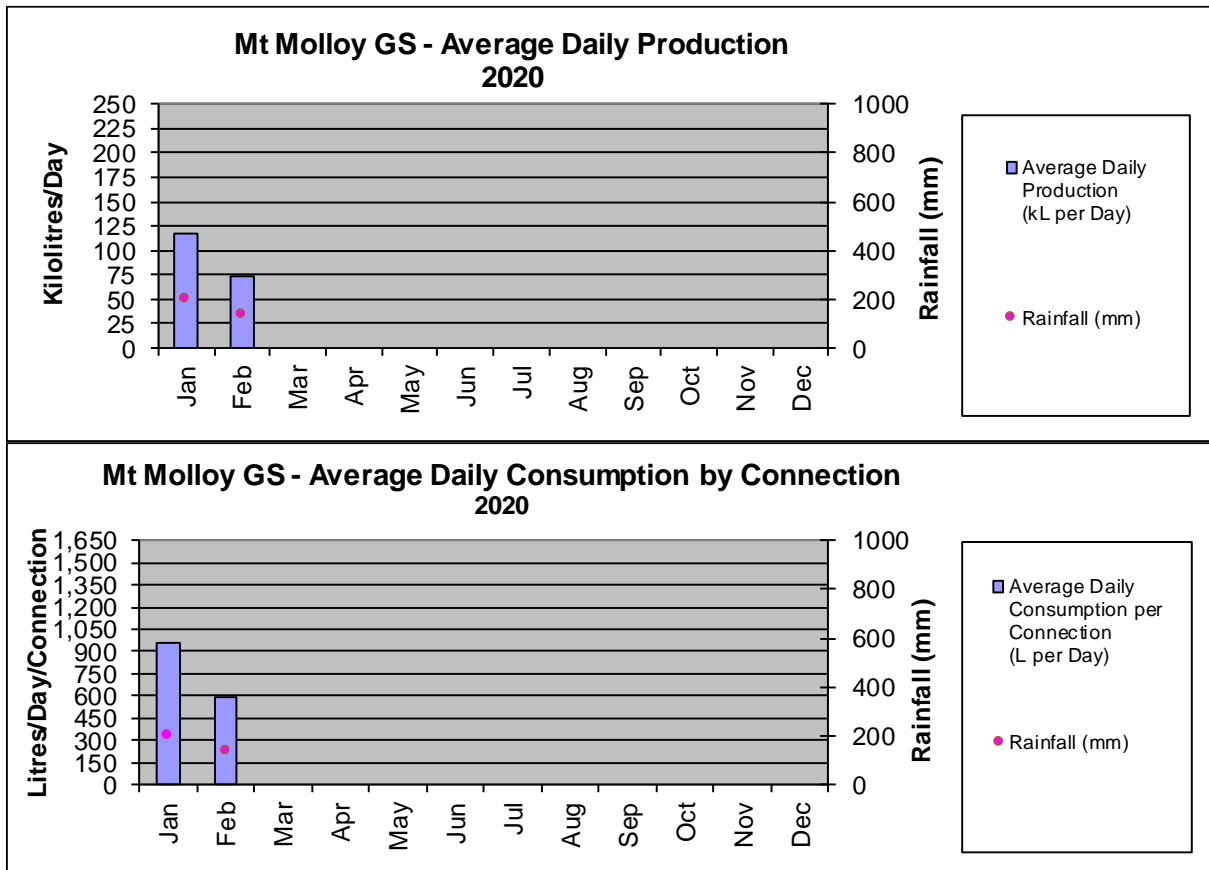
3. Mareeba Water Supply Scheme – Operations Data



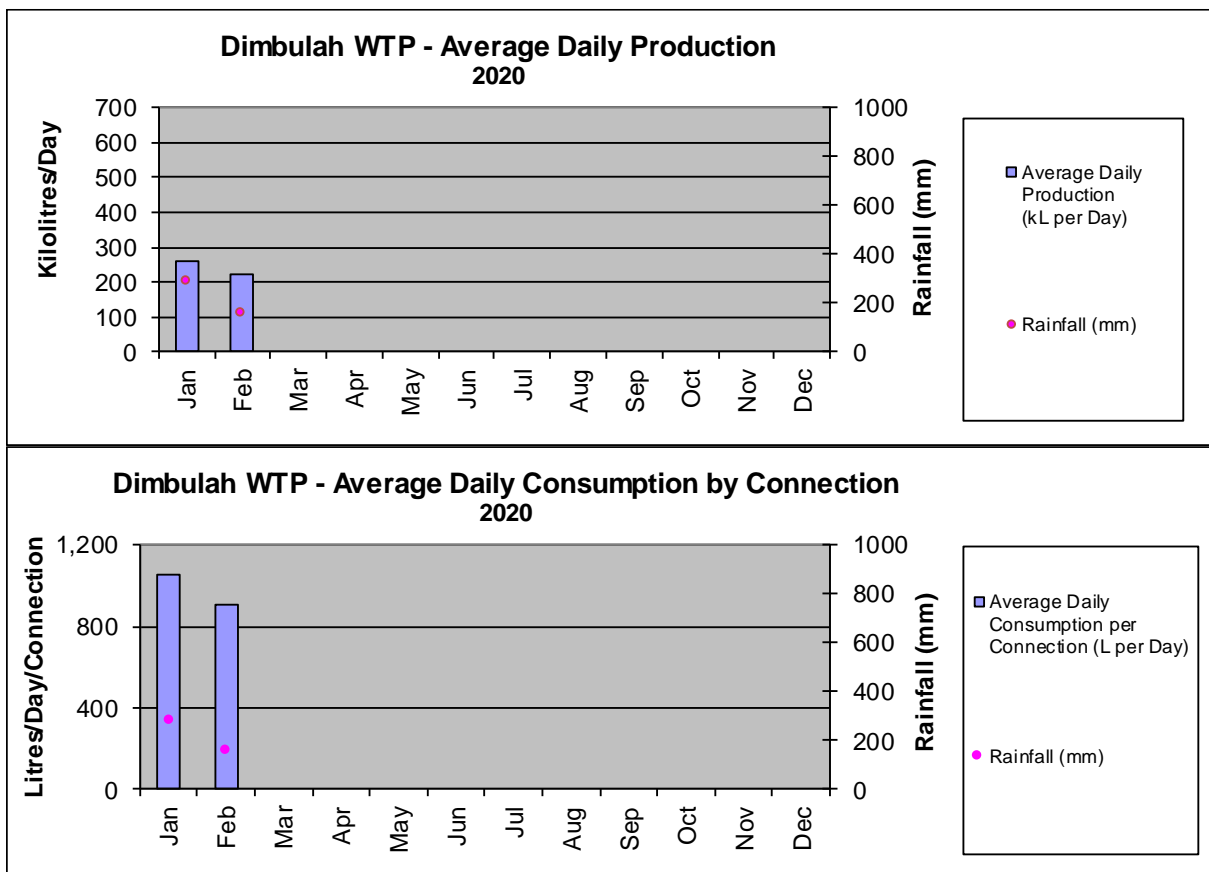
4. Kuranda Water Supply Scheme - Operations Data



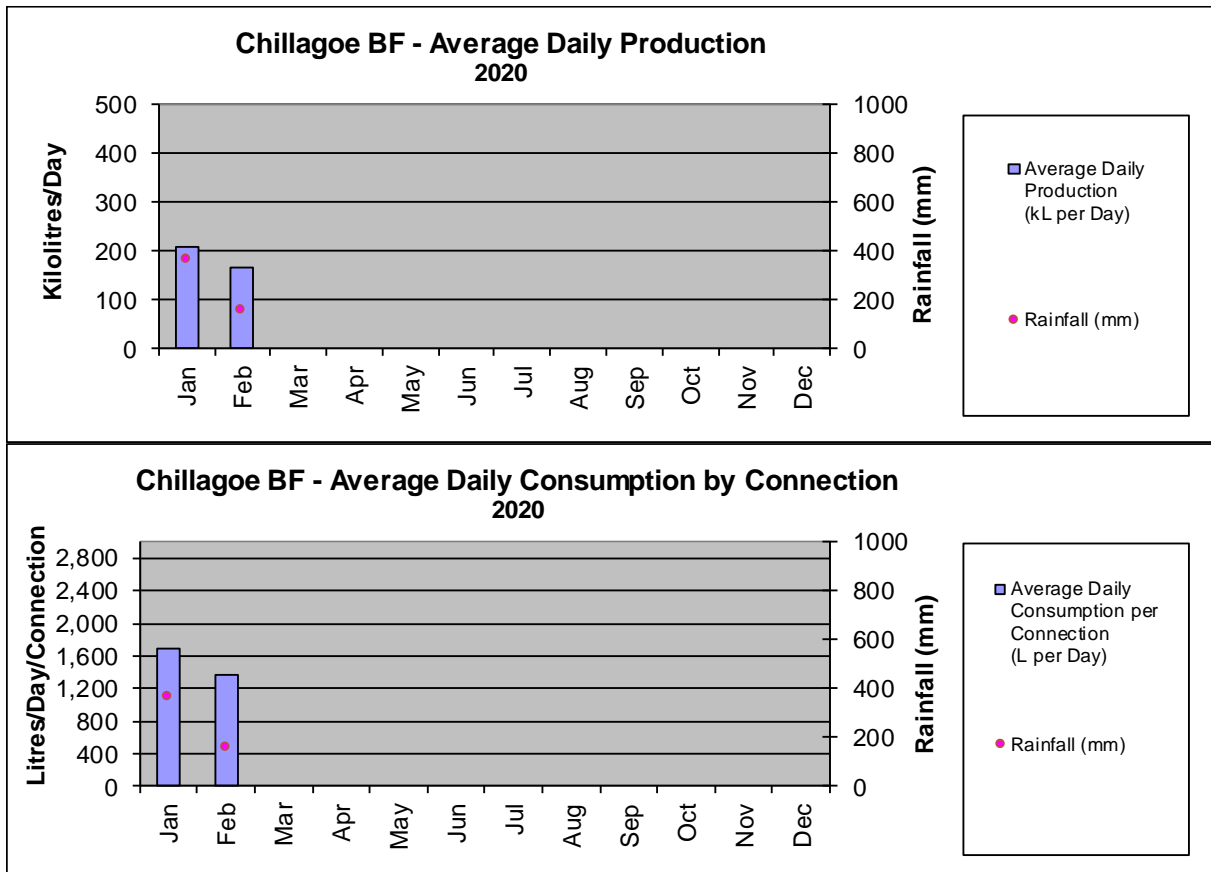
6. Mount Molloy Water Supply Scheme - Operations Data



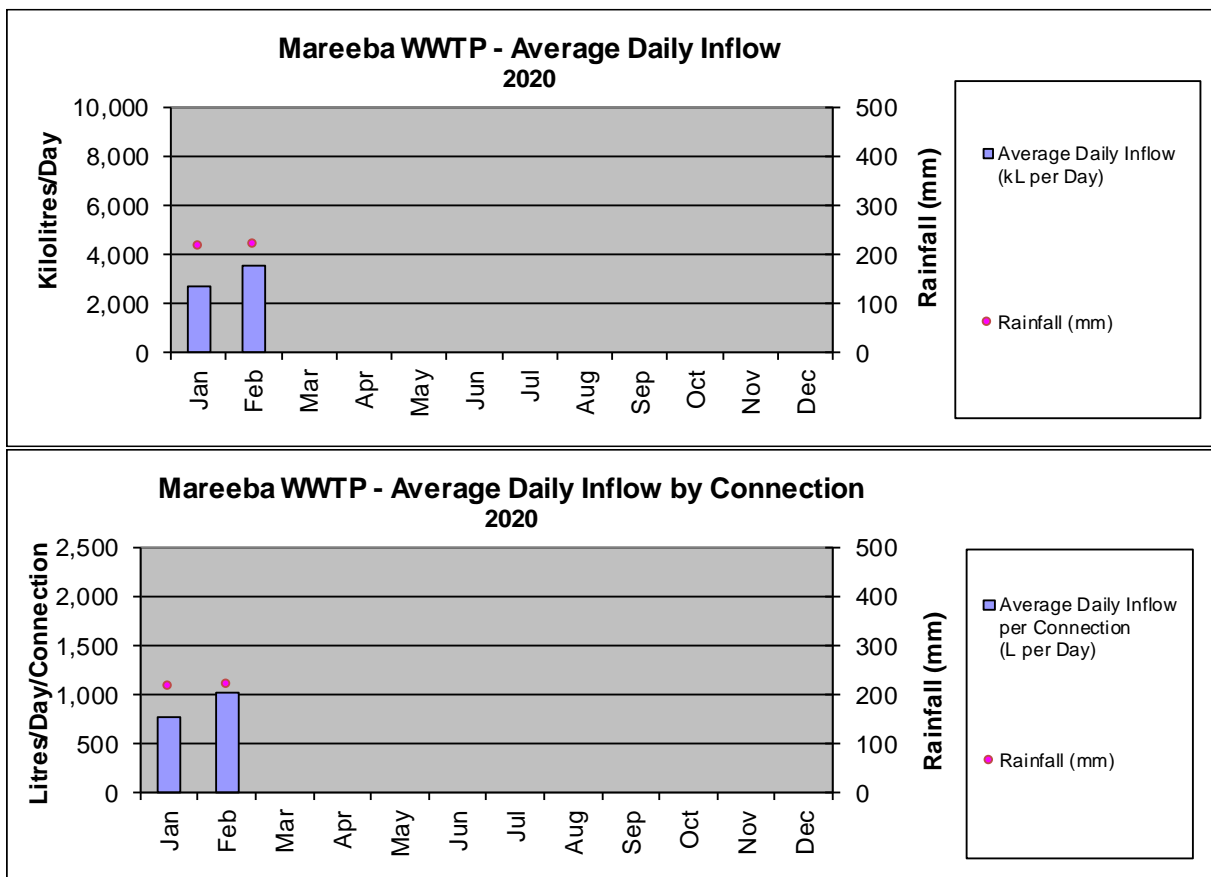
7. Dimbulah Water Supply Scheme - Operations Data



8. Chillagoe Water Supply Scheme - Operations Data

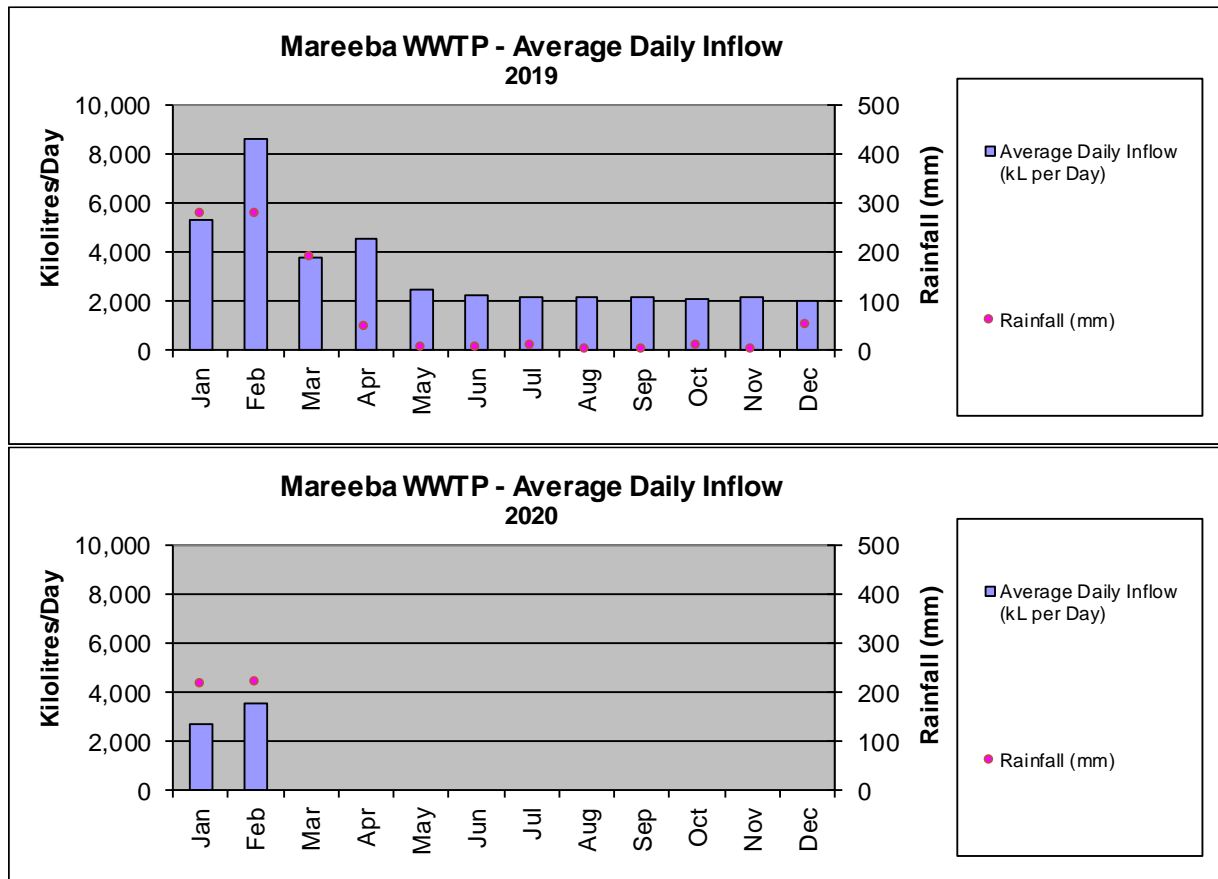


9. Mareeba Wastewater Treatment Plant - Operations Data

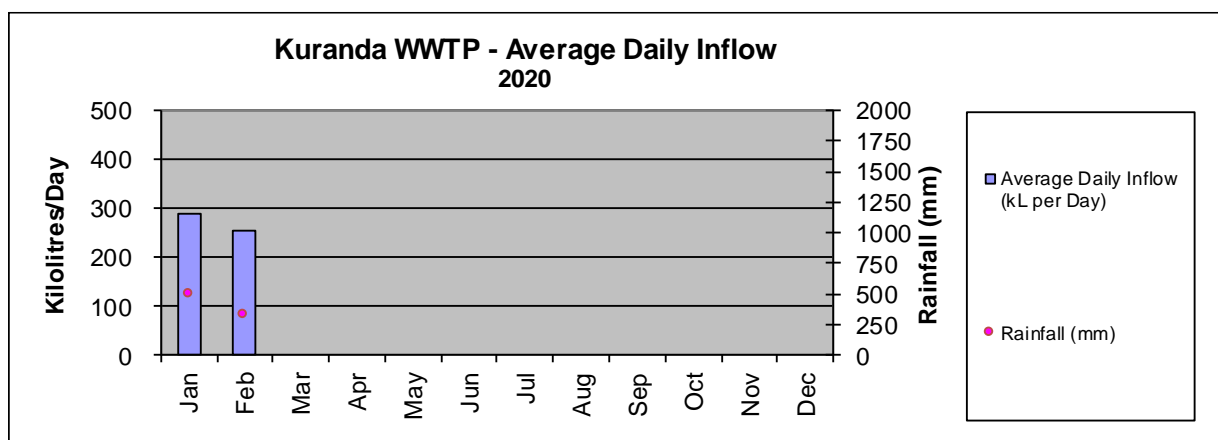


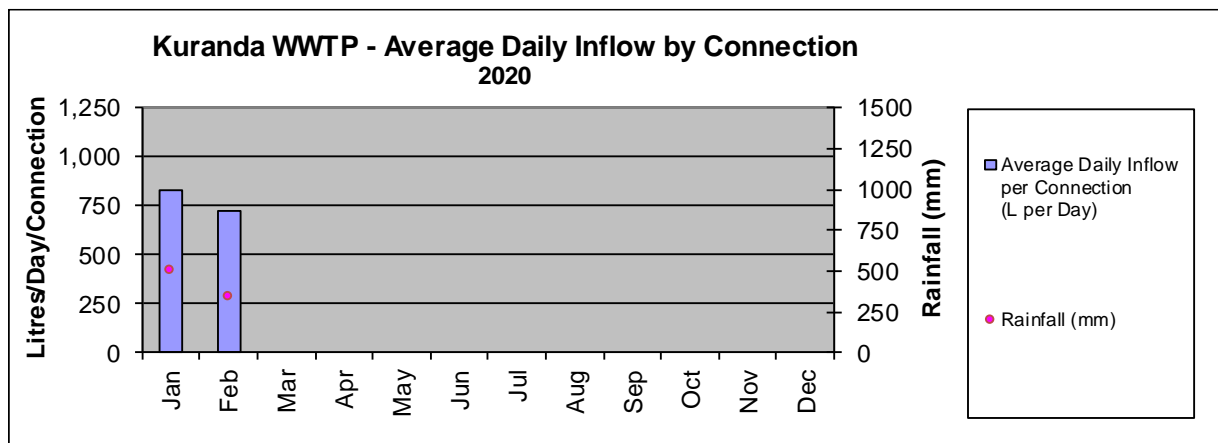
To highlight the difference to the inflow during rainfall periods a comparison between 2019 and 2020 is provided below. While the rainfall in January and February 2020 has been slightly less than the rainfall for the same period in 2019, there has been a significant reduction in inflows to the Mareeba WWTP in 2020.

This can be largely attributed to reduced infiltration as a result of successful sewer relining works which were completed in 2019. The 2020/21 relining program will be issued as a regional tender through FNQROC in the coming months.



10. Kuranda Wastewater Treatment Plant - Operations Data





RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

As a drinking water service provider, Mareeba Shire Council is required under the *Water Supply (Safety and Reliability) Act 2008* to comply with various legislative and statutory requirements. Council holds an environmental authority issued under the *Environmental Protection Act 1994* to operate water and wastewater treatment facilities.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2019/20 Capital Works Program.

Operating

All operational works are funded by the Section specific 2019/20 maintenance budgets.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

10 OFFICE OF THE CEO**10.1 CHANGE IN COUNCIL MEETING DATE - APRIL 2020**

Date Prepared: 9 March 2020
Author: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

This report is presented to Council to consider changing the date of the Ordinary Meeting scheduled to be held on Wednesday 15 April 2020 to Wednesday 22 April 2020. The reason for the proposed change is to accommodate the fact that the new Council are due to be sworn in on 15 April 2020. Delaying the Ordinary Council Meeting by one (1) week will provide the incoming Councillors with the opportunity to become familiar with Council Meeting proceedings prior to the meeting being conducted.

RECOMMENDATION

That Council hold its April 2020 Ordinary Council meeting on Wednesday 22 April 2020.

BACKGROUND

Council has resolved that its Ordinary Meetings are held on the third Wednesday of every month, with the deadline for Council Reports the week before. By moving the Council Meeting back one (1) week there is a greater opportunity to ensure the incoming Councillors are familiar with Council Meeting proceedings prior to the meeting being conducted.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

If approved, the change in Council Meeting Date for April 2020 to be advertised in local newspapers, website and via and social media.

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

13 NEXT MEETING OF COUNCIL

14 FOR INFORMATION**14.1 SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF FEBRUARY 2020**

Date Prepared: 3 March 2020

Author: Senior Planner

Attachments: Nil

Please see below information.

Summary of new Planning Development Applications and Delegated Decisions for February 2020

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/20/0002	6/02/2020	A & D Tudini C/- Emergent Building Approvals 4 McElhinney Street, Mareeba	Lot 11 on NR808322	MCU - Low Impact Industry	In confirmation stage
MCU/20/0003	28/02/2020	Reever and Ocean Pty Ltd C/- wildPLAN Pty Ltd 112 Bamwell Road, Kuranda	Lot 17 on SP296830 & Lot 22 on SP304952	MCU - Nature-based tourism (natural environment, culture and heritage appreciation)	Decision Notice issued 2/03/2020
MCU/20/0004	27/02/2020	GAG Crystalbrook Station Pty Ltd C/- Urban Sync Crystalbrook Road, Crystalbrook	Lot 738 on CP892331 & Lot 2 on LD157	MCU - Short-term Accommodation	In referral stage
RAL/20/0001	6/02/2020	Carolyn Cooper 220 Boyles Road, Kuranda	Lot 1 on RP737789 & Lot 2 on RP748772	ROL - Boundary Realignment	In confirmation stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

Negotiated Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

February 2020 (Regional Land Use Planning)

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
MCU/17/0013	27/02/2020	Pioneer North QLD Pty Ltd C/- RPS Australia East Pty Ltd	1506 & 1506 Mareeba-Dimbulah Road, Arriga	Lot 2 on RP745859 & Lot 12 on HG387	MCU - Extractive Industry (expansion)

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/20/0001	3/02/2020	M & L Archer C/- GMA Certification Group	15 Mount Perseverance Road, Julatten	Lot 10 on SP196284	Referral agency response for building works (dwelling) assessable against the Hill and slope overlay code

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
Nil					

February 2020 (Regional Land Use Planning)