LOCALITY PLAN

RECOMMENDATION:

1. That Council approve the conditions of Extractive Industry Permit No 54256-13-5A.

2. That Permit No 54256-13-5A is issued to Norman & Rhonda & Andrew Webster for a period of 5 years ending on 30 June 2014, with the option to seek an extension of the permit provided the application is made no later than 13 weeks prior to the expiry date on the permit.

3. That the permit is transferred from Norman Webster to Norman & Rhonda & Andrew Webster.
INTRODUCTION:

Mr Norman Webster holds an extractive industry permit (54256-13-5) over land described as Part of Lot 2 on RP862626. The permit expires on the 30 June 2009 and the operator has requested an extension of the permit to allow extractive operations to continue for another 8-10 years.

BACKGROUND:

Since 1986 the Mr Norman Webster has conducted a small scale extractive industry operation on the family’s cane farm to the south of Greer Road Miriwinni.

The operation involves the extraction of colluvium and alluvium materials mainly in the form of granite boulders and course grained sands by means of an excavator. Automated screening and crushing does not occur on site.

Development approval was granted over the operation under the Planning and Environment Act and an extractive industry permit was subsequently issued in accordance with Chapter 18 of the former Mulgrave Shire Council Bylaws. The permit was issued for a 5 year period with the option for renewal. The permit was designated as permit number 54256.

In 2004 during the renewal process a new permit was issued in accordance with former Cairns City Council Local Law 13, this permit was designated as permit number 54256-13-5. The original consent conditions still form the “backbone” of this permit. This permit expires on the 30 June 2009

Mr Webster has requested that the permit be reissued in the name of his family partnership, Norman & Rhonda & Andrew Webster. Council should note that the partnership is considering expanding the operation onto another portion of the property that adjoins the existing quarry. This matter will be dealt with in a separate application.

CONCLUSION:

The operation has been run in accordance with the consent approval and extractive industry permit conditions. Council has not received any complaints in regards to the operation.
It is recommended that the permit be extended until the 30 June 2014, and transferred to Norman & Rhonda & Andrew Webster, and that the permit be designated as Extractive industry Permit number 54256-13-5A.

A copy of the permit is shown in appendix 1

Mark Dillon
*Technical Officer*

Simon Clarke
*Manager Development Assessment*
CAIRNS REGIONAL COUNCIL

PERMIT TO CARRY ON EXTRACTIVE INDUSTRY

PERMIT NO. 54256-13-5

OPERATOR: NORMAN & RHONDA & ANDREW WEBSTER

LOCATION: GREER ROAD, MIRIWINNI, QUEENSLAND

PROPERTY: PART OF LOT 2 ON RP862626

PERMIT NUMBER: THIS PERMIT IS NUMBER 54256-13-5A

PERMIT PERIOD: FIVE YEARS FROM THE FIRST DAY OF 30 JUNE 2009, UP TO AND INCLUDING 30 JUNE 2014, UNLESS SUPERSEDED BY ANOTHER PERMIT PRIOR TO THE SAID EXPIRY DATE

PERMITTED ACTIVITIES: EXTRACTIVE INDUSTRY, INCLUDING THE STOCKPILING, TREATMENT AND CARTAGE OF ROCK, GRAVEL AND SAND.

NORMAN & RHONDA & ANDREW WEBSTER of GREER ROAD, MIRIWINNI in the state of QUEENSLAND (hereinafter called "the Operator") has made application for the issue of an Extractive Industry Permit under Local Law No. 13 (Extractive Industry) of the CAIRNS REGIONAL COUNCIL, a Local Authority (hereinafter called "the Council") duly constituted under the provisions of the Local Government Act of Queensland and has deposited with the Council a Bank Guarantee for the sum of five thousand dollars ($5,000.00)

Now therefore the Council hereby grants to the Operator permission to carry on an Extractive Industry namely the stockpiling, treatment and cartage of rock, gravel and sand on and from that part of the land described as Lot 2 on RP862626 Miriwinni (which said part is hereinafter called the ‘permit area’). The geographic extent of the ‘permit area’ is described by the attached ‘metes and bounds’ and is shown on the attached property plan.
This Permit is subject to the following terms and conditions, including the conditions of the Consent Use:

1. Council’s Local Laws for the time being and from time to time in force and;

2. The conditions of the Town Planning Consent Approval issued to Norman Owen Stanley Webster and;

3. The terms and conditions in this permit:
   Part A lists the Administrative management conditions and terms;
   Part B lists the Environmental management conditions and terms.

**PART A**

Administrative management conditions and terms

4. Without prejudice to the generality of anything hereinafter mentioned, the Operator shall comply with any legislation, regulations, policies and Council’s Local Laws that are relevant to this extractive industry operation and to this permit.

5. This permit shall remain in force and be effective up to and including the 30 June 2014. Should the Operator wish to continue operating on the site after that date, a written application to extend the permit should be submitted to the Council at least 6 months before the expiry date of the permit.

6. This permit does not include any rights of extension or renewal.

7. This permit is not transferable without the Council’s consent in writing first had and obtained, which consent (if given) may be subject to such amended, altered or additional conditions as the Council may see fit to impose at the time of giving any such consent.

8. Prior to the commencement of operations pursuant to this permit, the Operator shall :-

   a. submit to Council, details of existing and proposed levels of the permit area and obtain Council’s approval to such proposed levels;

   b. comply with all requirements of the Department of Main Roads in relation to access from the Highway to the permit area;

   c. pave and seal the haul road from its junction with Greer Road in a manner satisfactory to the Council for a minimum distance of fifty (50) metres with a minimum width of five (5) metres.
9. The Operator must pay to the Council a “Road maintenance contribution” fee as the Council may determine annually in accordance with Council's *Schedule of Fees and Charges* for each and every cubic metre of material (loose) carted from the said permit area as a contribution to increased maintenance and any necessary upgrading of Council roadways (external to the permit area) over which material is carried. On or before the seventh day of each calendar month the Operator shall make payment to the Council for every cubic metre of material removed up to the last day of the preceding calendar month and the Operator shall deliver to the Council on the seventh day of each calendar month particulars of the volume of material removed on the form required by the Council.

10. The Operator must, unless otherwise directed by the Council, provide the Council with a plan prepared by a Surveyor showing the surface levels of the worked area and a calculation of the quantity of material removed and in stockpile on the first day of January each year. This plan is to be lodged with the Council by the first day of February of the same year. Further, a plan showing the expected method of working for the next twelve (12) months shall be lodged at the same time. If during the year the method of working the permit area is changed, a revised plan shall be submitted to the Council forthwith.

11. The Operator must within two (2) weeks after the cancellation or termination (for whatever reason) of this permit carry out such works as shall, in the absolute discretion of the Council, be necessary to leave the permit area in a satisfactory state and condition.

12. The Operator must pay to the Council on demand the Council's legal costs of and incidental to the preparation, issue and stamping of this permit.

13. If in the opinion of the Council, operations at the permit area do not or will not comply with the requirements of this permit, the Council may upon written notice to the Operator, suspend the operation of this permit and upon service of the said notice this permit shall be suspended and the conduct of the Extractive Industry shall cease until guarantees acceptable to the Council are given or the Council is otherwise satisfied that the extraction's and/or operations do or will comply with the requirements of the Council.

14. Upon any breach of the terms and conditions hereof or of any Local Laws of the Council or upon failure to comply Council's requirements, the Council may upon written notice to the Operator cancel this permit and upon written notice this permit shall be cancelled and the conduct of the Extractive Industry shall cease.

15. In case the Operator shall fail to comply with any of the terms and conditions hereof, then the Council without prejudice to any other right or remedy under this permit or its Local Laws, shall be at liberty to enter upon the permit area or any part thereof and remedy such default and the costs and expenses involved in so doing shall be payable by the Operator to the Council.
16. In the event that the Operator shall become liable to the Council for any costs or expenses or other moneys payable hereunder the Local Laws of the Council, then the Council without prejudice to any other right or remedy or hereunder or under the Local Laws, may demand and recover the same from the Bank under or in pursuance of the aforesaid Bank Guarantee for the sum of five thousand dollars ($5,000.00). If such costs or expenses or other moneys or any other part thereof shall not be recovered from the said bank, the Operator shall forthwith upon demand, pay to the Council the amount of such expenses or other moneys payable by the Operator to the Council.

If the Council shall recover from the Bank, under or in pursuance of the aforesaid Bank Guarantee, any costs or expenses or other moneys for which the Operator shall become liable hereunder or under the Local Laws of the Council, then the Operator must within fourteen (14) days of demand by the Council deposit with the Council a further Bank Guarantee (in substitution for the aforesaid Bank Guarantee) for such amount as the Council shall, in its discretion, determine.

17. In this permit, unless the context otherwise indicates or requires, the term Council shall mean and include any Officer of the Council with the relevant and required delegation at the time.

PART B

Environmental management conditions and terms

18. Excavation, stockpiling and treatment operations must be restricted to the said permit area, a metes and bounds description of which is attached to this permit.

19. The Operator must ensure that all steps necessary and satisfactory to the Council are taken to minimise the amount of dust emanating from the site. In particular, the haul road and permit area are to be continuously moist.

20. Loads upon vehicles removing material from the permit area, must be kept covered during transit, in accordance with the directions of the Council so as to prevent the escape of or spillage of material. The Operator must ensure that the trucks are only loaded to the capacity in accordance with the registration of each vehicle.

21. The Operator must take every precaution to avoid spillage on any public road. Any such spillage must be removed at the end of each working day, or within four (4) hours of any verbal requirement by the Council, whichever is sooner.

22. The hours of operation for the extraction and hauling of materials shall be limited to 7.00am to 5.00pm Monday to Friday and 8.00am to 4.00pm Saturdays. No operations shall be undertaken on Sunday or public holidays except with the permission of Council. Council may vary the hours of operation from time to time.
23. No extraction or incidental work is to take place within a distance of ten (10) metres from any property boundary or twenty (20) metres of any road reserve.

24. At no time is any part of the permit area to be left in condition that allows the ponding of storm water or the scouring of the land in such a way that material is washed into natural watercourses or beyond the boundaries of the land.

25. The depth of excavation within the permit area shall not at any time be greater than three (3) metres.

26. The Council may require any or all of the permit area to be fenced off in the event that due to future development of lands in the locality, it is deemed by the Council, warranted for public safety or for other reasons.

This Extractive Industry Permit becomes valid upon signature of the two parties involved.

The Applicant.

NORMAN & RHONDA & ANDREW WEBSTER agrees to and accepts the conditions of this permit and undertakes to carry out such conditions in the performance of the Extractive Industry permitted herein.

PER (print name): ______________________

SIGNATURE: ______________________

DATE: ______________________

The Council.

P M Tabulo
General Manager
Planning & Environment Department

For N Briggs,
Chief Executive Officer
Cairns Regional Council

DATE: ______________________
METES & BOUNDS — PERMIT AREA.

bearing of 216°52' for 400 metres from the
north east corner of Lot 2 on RP 40204,

Thence 180° for 80 metres,
Thence 225° for 300 metres along the
western side of a tributary of Pugh's Creek.
Thence 0° for 292 metres
Thence 90° for 212 metres back to the
point of commencement.

AREA 3.94 h.a.

GREER ROAD
MIRIWINNI: PART OF
LOT 2 RP 862626.