

#### NOTICE OF COUNCIL MEETING

In accordance with Section 254C of the *Local Government Regulation 2012* this notice is to advise that the Trustee Council and Ordinary Council Meetings for the month of February 2025 will be held by *Microsoft (TEAMS)* as follows:

#### Wednesday, 19 February 2025

(Trustee Meeting – 9.00am to 10.30am) (Ordinary Meeting – 10.30am to 5.00pm)

[Microsoft TEAMS]: Meeting ID: 467 626 923 866 | Passcode: W6Fe3XE7

The attendance of each Councillor is requested.

Agenda papers for the meetings are attached. Agenda papers for both meetings (excluding Closed Business papers) will shortly be available on Council's website and can be accessed by clicking on the link below:

Meetings | Torres Strait Island Regional Council

Please note that both meetings will also be is live streamed on Council's YouTube Channel.

James William Chief Executive Officer 14 February 2025



# AGENDA

**Time:** 9.00am to 10.30am

Venue: [Microsoft TEAMS]: Meeting ID: 467 626 923 866 | Passcode: W6Fe3XE7

		ORDER OF BUSINESS
9.00am		A. WELCOME & QUORUM CONFIRMATION   ACKNOWLEDGEMENTS       OPENING PRAYER   OBSERVANCES
		B. NOTING OF APOLOGIES
		C. CONFLICT OF INTEREST DECLARATIONS
		D. LIVE STREAM. This meeting is live streamed on Council's YouTube Channel.
	1.	CONFIRMATION OF MINUTES (29 January 2025)
		1.1. Update on Action Items from Previous Meetings
	2.	Trustee Consent – Transfer of an <i>Aboriginal and Torres Strait Islander Land Holding Act 2013</i> (LHA) Lease: Hammond Island
	3.	Trustee Consent – Transfer of an <i>Aboriginal and Torres Strait Islander Land Holding Act 2013</i> (LHA) Lease: St. Pauls
	4.	Owner's Consent – Development Application for the Upgrade and Installation of Equipment at Telstra's Telecommunications Facility at Moa Banks Peak
	5.	ITEMS ARISING
	6.	NEXT MEETING – 18 March 2025 (Poruma)
10.30am	7.	CLOSE OF MEETING



**DIRECTORATE:** Corporate Services

**AUTHOR**: Executive Director Corporate Services

#### **CONFIRMATION OF MINUTES (29 JANUARY 2025)**

#### **OFFICER RECOMMENDATION:**

Council (as Trustee) confirms the Minutes of the Trustee Meeting held on 29 January 2025.

#### **EXECUTIVE SUMMARY:**

Section 254F(4) of the *Local Government Regulation 2012* requires that at each local government meeting, the minutes of the previous meeting must be confirmed by the councillors or committee members present.

#### **Interested Parties/Consultation:**

N/A

#### **Background / Previous Council Consideration:**

The previous Trustee meeting was held on 29 January 2025.

Section 254(6) of the *Local Government Regulation 2012* requires that a copy of the minutes of each local government meeting must be made publicly available by 5pm on the tenth day after the meeting is held. To meet these compliance requirements, a copy of the draft Minutes from the last meeting were circulated to the Executive Leadership Team for input prior to being posted on the Council website.

Following confirmation of the Minutes by the Council, the confirmed Minutes will replace the draft Minutes on the Council website.

#### **COMPLIANCE / CONSIDERATIONS:**

Statutory:	Section 254F(4) of the <i>Local Government Regulation 2012</i>
Budgetary:	N/A
Policy:	N/A
Legal:	N/A
Risk:	Council breach of its Statutory requirements above.
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (Bisnis Plan)  Delivery Pillar One – People (Bisnis – Pipol)  Outcome 4: We are a transparent, open and engaging council.  > 4.2 Evolve Council's communication channels and community's access to information.
Masig Statement:	N/A
Standing Committee Consultation:	N/A
Timelines:	Standard Procedure at each Monthly Trustee Meeting

Oth	er	Con	nm	ents:

Nil.

Recommended: Approved:

S. Andres

Susanne Andres Executive Director Corporate Services

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Chief Executive Officer

#### **ATTACHMENTS:**

Draft Minutes of the Trustee Meeting held on 29 January 2025.



## **MINUTES**

**Time:** 9.00am

Venue: [Microsoft TEAMS]: Meeting ID: 440 941 261 663 | Passcode: cxhNpo

#### PRESENT:

MayorCr Phillemon MosbyDivision 1 – BoiguCr Dimas TobyDivision 2 – DauanCr Torenzo ElisalaDivision 3 – SaibaiCr Chelsea AnibaDivision 4 – MabuiagCr Keith Fell

Division 5 – Badu / **Deputy Mayor**Cr Ranetta Wosomo

Division 6 – Arkai

Cr Iona Manas

Division 8 – Kirirri (Hammond Island)

Cr Seriako Dorante

Cr Aggie Hankin

Cr Kabay Tamu

Division 11 – Poruma

Cr Francis Pearson

Division 11 – Poruma

Cr Francis Pearsor

Division 12 – Masig

Cr Ted Mosby

Cr Rocky Stephen

Division 14 – Erub

Cr Nixon Mye

Division 15 – Mer Cr Bob Kaigey – joined meeting at 9.45am

#### **APOLOGIES**:

Division 7 – Wug (St. Pauls), Mua Island Cr John Levi

#### **OFFICERS:**

Chief Executive Officer Mr James William **Executive Director Building Services** Mr Wayne Green **Executive Director Community Services** Mr Dawson Sailor **Executive Director Corporate Services** Ms Susanne Andres Executive Director Engineering Services Mr David Baldwin **Executive Director Financial Services** Ms Hollie Faithfull DOGIT Transfer, Land Tenure and Native Title Advisor Ms Joanne Bryant Manager Governance & Risk Ms Kim Kerwin

Preston Law Mr Julian Bodenmann

Executive Assistant to the Mayor Ms Trudy Lui
TSIRC Secretariat Mr Darryl Brooks

#### WELCOME & QUORUM CONFIRMATION | ACKNOWLEDGEMENTS | OPENING PRAYER | OBSERVANCES

At 9.05am the Mayor formally opened the January 2025 Trustee Council meeting, noting that a quorum of members was present.

The Mayor welcomed attendees and made the following acknowledgements:

- Our Heavenly Father for His awesome wisdom, knowledge, understanding, favour and blessings upon our lives, our families, our region and people and our Council and staff;
- The Traditional Custodians throughout the length and breadth of Zenadth Kes and the communities and constituents that Council serves;
- The Traditional Custodians of Kaurareg and Cairns who host elements of the TSIRC footprint.

The Mayor also conveyed to those members of the Torres Strait Islander community throughout the homelands and on the Australian mainland who may be observing Sorry Business at this time, the thoughts, prayers and well wishes of Council.

Cr Keith Fell delivered the opening prayer and the Council observed a moment of silence as a gesture of respect and reflection to honour the memory of deceased loved ones.

#### **NOTING OF APOLOGIES** В.

The following apology was noted and accepted by Council:

Division	Councillor/Reason	Mover/Seconder
Division 7 – Wug (St. Pauls), Mua Island	Cr John Levi – personal leave	CR FELL / CR WOSOMO

#### **CONFLICT OF INTEREST (COI) DECLARATIONS**

The Mayor invited Councillors to advise if they had any COI declarations to disclose in relation to items listed on the agenda. No declarations were made by Councillors.

#### D. **LIVE STREAM**

The Mayor advised Council that this meeting is being LIVE STREAMED on Council's YouTube Channel and welcomed those members of the general public who may be viewing proceedings.

#### 1. CONFIRMATION OF MINUTES (11 December 2024)

#T24-28/2025-1/1

CR PEARSON / CR ANIBA

Council (as Trustee) confirms the Minutes of the Trustee Meeting held on 11 December 2024.

**CARRIED UNANIMOUSLY** 

#### 1.1. UPDATE ON ACTION ITEMS FROM PREVIOUS MEETINGS

The Chief Executive Officer (Mr James William) spoke to this item and the update was noted by Council.

#### 2. FIREARMS LICENCE APPLICATION - LANDOWNER CONSENT

#T24-28/2025-1/2

CR ANIBA / CR MANAS

Council (as Trustee) grants landowner consent in accordance with section 13 of the *Weapons Act 1990* to Mr Stewart Sabatino for the purposes of his firearms licence application.

CARRIED UNANIMOUSLY

#### 3. ARMY AILAN COMMUNITY ASSISTANCE PROGRAMME (AACAP) 2025 - PORUMA

#T24-28/2025-1/3

CR HANKIN / CR STEPHEN

#### Council (as Trustee):

- (a) approves the scope of works proposed to be undertaken by the Australian Army under the Army Ailan Community Assistance Programme 2025 (AACAP) at Poruma Island which include:
  - Basketball court roof construction of a new roof over the existing basketball court; and
  - Change rooms refurbishment of existing change rooms.
- (b) notes that the programme also includes the delivery of community skills training and a Health Program for the period the Army is in community; and
- (c) delegates to the Chief Executive Officer the power to execute the necessary documents to give effect to this resolution.

**CARRIED UNANIMOUSLY** 

#### 4. ARMY AILAN COMMUNITY ASSISTANCE PROGRAMME (AACAP) 2025 - ERUB

#T24-28/2025-1/4

CR PEARSON / CR HANKIN

#### Council (as Trustee):

- (a) approves the scope of works proposed to be undertaken by the Australian Army under the Army Ailan Community Assistance Programme 2025 (AACAP) at Erub Island which includes:
  - Community Hall and ablutions (new construction);
  - Kemus Road Culvert –replacement; and

- **Erub Airfield Road localised pavement repair and enhancement;**
- (b) consents to the construction of the community hall in accordance with the church lease terms (lease over Lot 100 SP270873 to The Corporation of The Diocesan Synod of North Queensland);
- (c) consents to the partial surrender of the church lease over Lot 100 SP270873, following construction of the community hall;
- (d) notes that the AACAP programme includes the delivery of community skills training and a Health Program for the period of time the Army is in community; and
- (e) delegates to the Chief Executive Officer the power to execute the necessary documents to give effect to this resolution.

**CARRIED UNANIMOUSLY** 

The Mayor left the room at 10.03am and returned at 10.08am. The Deputy Mayor assumed Acting Chairperson role during his absence.

#### 5. ARMY AILAN COMMUNITY ASSISTANCE PROGRAMME (AACAP) 2025 - WARRABER

#T24-28/2025-1/5

CR STEPHEN / CR ANIBA

#### Council (as Trustee):

- (a) approves the scope of works proposed to be undertaken by the Australian Army under the Army Ailan Community Assistance Programme 2025 (AACAP) at Warraber Island which include:
  - Outdoor cooking area (Kup-Murri and food preparation area) new construction;
  - Oval outbuildings toilet block refurbishment and repurpose of the old kiosk as a storage shed; and
  - Road paving for identified roads;
- (b) notes that the programme also includes the delivery of community skills training and a Health Program for the period of time the Army is in community; and
- (c) delegates to the Chief Executive Officer the power to execute the necessary documents to give effect to this resolution.

**CARRIED UNANIMOUSLY** 

#### **Action Required:**

Executive Director Building Services to discuss out-of-session with Cr Tamu arrangements for the removal of building waste from demolished buildings in relation to AACAP project.

#### 6. ITEMS ARISING

Education/Awareness of the work of Council (as Trustee) across the TSIRC footprint

The Mayor requested that work commence on a quarterly report about the business of Council (as Trustee) for the benefit of TSIRC constituents and to prevent misinformation across the community. Cr Bob Kaigey supported the request and emphasised that a greater presence of Council (possibly the Mayor) on Mer will benefit his community's knowledge and understanding of Council's

#### **Action Required:**

Executive Director Corporate Services to implement quarterly reporting about the business of Council (as Trustee) for the benefit of TSIRC constituents and to prevent misinformation across the community

#### 7. NEXT MEETING - 19 FEBRUARY 2025 (Microsoft TEAMS)

Noted by Council (as Trustee).

#### 8. CLOSE OF MEETING

The Mayor closed the Trustee Council meeting at 10.20am.

MINUTES CONFIRMED – 19 February	2025	
Cr Phillemon Mosby		James William
Mayor		Chief Executive Officer
Torres Strait Island Regional Council		Torres Strait Island Regional Council
Date: 19 February 2025		Date: 19 February 2025

#### **TRUSTEE COUNCIL MEETING ACTION ITEMS**

(Updated as at 14 Feb 2025)

1.1

Agenda Item	Action Area / Completion Date	Current Status
Jan 2025 Mtg   Al 5   <b>ARMY AILAN COMMUNITY ASSISTANCE PROGRAMME</b> (AACAP) 2025 - WARRABER	ED Building Services	
Action Required: Executive Director Building Services to discuss out-of-session with Cr Tamu arrangements for the removal of building waste from demolished buildings in relation to AACAP project.		
Jan 2025 Mtg   AI 6   Items Arising   Education/Awareness of the work of Council (as Trustee) across the TSIRC footprint  Action Required:	ED Corporate Services	
Executive Director Corporate Services to implement quarterly reporting about the business of Council (as Trustee) for the benefit of TSIRC constituents and to prevent misinformation across the community		
Sept 2024 Mtg   Al 3.2   Items Arising   Medivac Helicopter Issues at the St Paul's Community (Cr John Levi)	Cr Levi / ED Community Services	Ongoing. No update from Cr Levi at this stage.
Action Required: Cr Levi and the Executive Director Community Services to discuss alternative landing sites for the Medivac Helicopter on St Pauls Community.		

## TRUSTEE Action Items Page 2 of 4

Sept 2024 Mtg   Al 3.4   Items Arising   New/Expanded Cemetery on Mer (Cr Bob Kaigey)  Action Required: Letter from TSIRC to the Mer PBC advising that the Mer Cemetery has reached (or is close to reaching) full capacity and seek advice from the PBC on leasing options available for Council.	DOGIT Transfer, Land Tenure and Native Title Advisor	CEO, Cr Kaigey, the DOGIT Transfer, Land Tenure and Native Title Advisor and the Mer PBC met recently with the Mer Community and received direction in relation to a potential site. A site has been identified and TSIRC Engineers are required to assess it for access etc. DOGIT Transfer, Land Tenure and Native Title Advisor liaising with ED Engineering Services about this matter.
Sept 2024 Mtg   Al 3.7   Consideration of Matters Discussed in Closed Session  Action Required:  1. Cr Aniba to convene a meeting of the Culture, Arts, Land and Heritage (CALH)  Advisory Committee as soon as possible to discuss a way forward for Council to  consider in relation to DOGIT Transfer matters.	1. Cr Aniba	CALH Advisory Committee has met and is progressing this matter.  A consultation/feedback process with local PBCs is recommended in relation to the proposed TSIRC/GBK MOU.
2. Chief Executive Officer to expedite the preparation a draft Memorandum of Understanding between TSIRC and GBK (to be considered at the November 2024 Council Workshop) covering:	2. CEO	Draft MOU developed by CALH Advisory Committee to be brought to SARG SC.
<ul> <li>Regional Governance/Regional Assembly matters</li> <li>the Masig Statement</li> <li>Treaty</li> <li>Regular Roundtable Meetings (i.e. SARG and GBK Executive)</li> <li>other matters identified by the CALH Advisory Committee</li> </ul>		

## TRUSTEE Action Items Page **3** of **4**

Aug 2024 Mtg   Al 5   Iama DOGIT Transfer  Action Required: Cr Aniba (through Council's Culture, Arts, Land and Heritage Advisory Committee) to progress the development of a clear policy position in relation to responsibility for DOGIT matters/land tenure (TSIRC or PBCs) in the context of a Torres Strait Regional Assembly arrangement.	Cr Aniba / ED Corporate Services	Cr Aniba advised the Dec 2024 Trustee meeting that the CALH A/C has met and will provide an update at the next SARG SC meeting in 2025.  Amendments proposed to be added to the Trustee Policy. Amendments to be endorsed by CALH and SARG prior to consideration by the Trustee.
Aug 2024 Mtg   Al 6   Native Title Consent Process for New Housing  Action Required:	ED Corporate Services / DOGIT Transfer, Land Tenure and Native Title Advisor	In progress for updated Trustee Policy. Currently engaging with individual Divisions.
Council's Trustee Policy to provide clear consultation processes that must be undertaken prior to the submission of requests to the Trustee Council for decisions on matters requiring Native Title consent		Policy to be endorsed by CALH Advisory Committee and SARG prior to consideration by Council.

## TRUSTEE Action Items Page **4** of **4**

Nov 2023 Mtg   AI 6   Action Items from Previous Meetings  Action Required:  1. CEQ Matters - Chief Executive Officer to liaise with Cr Dimas Toby in relation to CEQ Board engagement (particularly in relation to Seaswift matters, leasing, fuel matters and general pricing).	Chief Executive Officer	1. Remains in progress. Discussions with Seaswift and CEQ CEOs have been held and will be a regular occurrence.  Cr Toby advises that Boigu IBIS has been operating without a lease for at least 3 years. (Perhaps the same situation with Iama). CEO to organise a deputation to the Trustee Council of the CEQ CEO to discuss.
Saibai Island Church/options to assist in the maintenance and/or restoration of heritage-listed sites and buildings to be considered at the December 2023 meeting.	Community Services	<ol> <li>Ongoing work. The Saibai Island Church matter (as it unfolds) is being treated as a model to use right across the TSIRC footprint.</li> <li>ED BSU; ED Community Services and the consultant engaged with Anglican Bishop 5/11/24 to discuss funding and lease appetite.</li> </ol>

**DIRECTORATE:** Corporate Services

AUTHOR: DOGIT Transfer, Land Tenure and Native Title Advisor

TRUSTEE CONSENT - TRANSFER OF AN ABORIGINAL AND TORRES STRAIT ISLANDER LAND HOLDING

ACT 2013 (LHA) LEASE: HAMMOND ISLAND

#### **OFFICER RECOMMENDATION:**

#### Council (as Trustee):

- (a) consents to the transfer of LHA lease (Lease No. 723155721) over Lot 7 on SP248418, from Patricia Sabatino to Marissa Sabatino and Massie Zamiak; and
- (b) delegates to the Mayor and the Chief Executive Officer each the power to execute the General Consent form.

#### **EXECUTIVE SUMMARY:**

This report seeks Trustee consent to the transfer of an *Aboriginal and Torres Strait Islander Land Holding Act 2013* (LHA/Katter) lease over 7 Waterfront Road, Hammond Island (described as Lot 7 on SP248418).

#### **Interested Parties/Consultation:**

- Cr Seriako Dorante (Division 8 Kirirri).
- Holding Redlich Lawyers.
- Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism.

#### **Background / Previous Council Consideration:**

Council received a request from Holding Redlich Lawyers on behalf of Patricia Sabatino, seeking consent to the transfer of the lease (Katter Lease No. 723155721).

Patricia Sabatino is the current lessee and has requested that the lease is transferred to her daughter Marissa Sabatino and Marissa's partner Massie Zamiak. The dwelling on the land is a private dwelling and is currently vacant, therefore the transfer will not affect tenancy in the community. Holding Redlich Lawyers advised that the proposed lessees accept all responsibilities of home ownership, that will come with the lease transfer.

- Council, as Trustee of the DOGIT is the Lessor of the lease.
- Under the Trustee Policy 2019 and the terms of the lease, the Lessor must consent to the transfer.
- The LHA also states that the Lessor must not unreasonably withhold its consent to the transfer of a
- Additionally, Section 64 of the LHA states that a lease may be transferred, with the Lessor's prior written consent, to;
  - a. An Aboriginal or Torres Strait Islander; or
  - b. a person who is not an Aboriginal or Torres Strait Islander if the person is the spouse, or former spouse, of an Aboriginal or Torres Strait Islander, or the spouse, or former spouse of an Aboriginal or Torres Strait Islander who is deceased.
- Councillor Seriako Dorante confirmed that the proposed lessees are eligible to hold the lease, however due to a conflict of interest, he will not participate in the Trustee decision.
- The transfer will result in a home ownership outcome for the new lessees.

#### **COMPLIANCE / CONSIDERATIONS:**

Statutory:	Torres Strait Islander Land Act 1991
<u> </u>	Aboriginal and Torres Strait Islander Land Holding Act 2013
Budgetary:	N/A
Policy:	Trustee Policy 2019
	Relevant provisions of the LHA explained under 'background".
Legal:	Report prepared by Council's DOGIT Transfer, Land Tenure and Native Title Advisor.
Risk:	No identified risks.  No impact on tenancy and proposed lessees accept the responsibilities of home ownership.
	TSIRC Corporate Plan 2020–2025 (Bisnis Plan)
	<ul> <li>Delivery Pillar Two – Sustainability (Bisnis – Mekem las long)</li> </ul>
Links to Strategic Plans:	Outcome 8: We manage council affairs responsibly for the benefit of our communities  8.1: Effective management of DOGIT Land as a Trustee
Masig Statement:	N/A
Standing Committee Consultation:	N/A
Timelines:	N/A

Other Comments:	Other	<b>Comments:</b>
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Nil.

**Endorsed:** 

**Recommended:** 

Joanne Bryant

DOGIT Transfer, Land Tenure and

Native Title Advisor

Jame Engat

Susanne Andres

S. Andres

**Executive Director Corporate Services** 

Approved:

James William

Chief Executive Officer

ATTACHMENTS: Nil



**DIRECTORATE:** Corporate Services

AUTHOR: DOGIT Transfer, Land Tenure and Native Title Advisor

TRUSTEE CONSENT - TRANSFER OF AN ABORIGINAL AND TORRES STRAIT ISLANDER LAND HOLDING ACT

2013 (LHA) LEASE: ST PAULS

#### **OFFICER RECOMMENDATION:**

#### Council (as Trustee):

- (a) consents to the transfer of LHA lease (Lease No. 719480489) over Lot 24 on SP256048, from Richard Newie to Michael Gayai Newie; and
- (b) delegates to the Mayor and the Chief Executive Officer each the power to execute the General Consent form.

#### **EXECUTIVE SUMMARY:**

This report seeks Trustee consent to the transfer of an *Aboriginal and Torres Strait Islander Land Holding Act 2013* (LHA/Katter) lease over 58 Anu Namai Road, St Pauls Community (described as Lot 24 on SP256048).

#### **Interested Parties/Consultation:**

- Cr John Levi (Division 7 Wug St Pauls Community).
- Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism.

#### **Background / Previous Council Consideration:**

Council received a request from Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism seeking consent to the transfer of the lease (Katter Lease No. 719480489).

Richard Newie wishes to transfer the lease to his son Michael Gayai Newie. Mr Newie is the current resident of the private dwelling, and his son intends to reside at the property, therefore the transfer will not affect tenancy in the community. The proposed lessee accepts all responsibilities of home ownership, that will come with the lease transfer.

- Council, as Trustee of the DOGIT is the Lessor of the lease.
- Under the Trustee Policy 2019 and the terms of the lease, the Lessor must consent to the transfer.
- The LHA states that the Lessor must not unreasonably withhold its consent to the transfer of a lease.
- Additionally, Section 64 of the LHA states that a lease may be transferred, with the Lessor's prior written consent, to;
  - i. An Aboriginal or Torres Strait Islander; or
  - ii. a person who is not an Aboriginal or Torres Strait Islander if the person is the spouse, or former spouse, of an Aboriginal or Torres Strait Islander, or the spouse, or former spouse of an Aboriginal or Torres Strait Islander who is deceased.
- Councillor John Levi has been consulted, confirms that the proposed lessee is eligible to hold the lease and supports the transfer.
- The transfer will result in a home ownership outcome for the new lessee.

#### **COMPLIANCE / CONSIDERATIONS:**

Statutory:	Torres Strait Islander Land Act 1991
•	Aboriginal and Torres Strait Islander Land Holding Act 2013
Budgetary:	N/A
Policy:	Trustee Policy 2019
	Relevant provisions of the LHA explained under 'background".
Legal:	Report prepared by Council's DOGIT Transfer, Land Tenure and Native Title Advisor.
Risk:	No identified risks.  No impact on tenancy and proposed lessee accepts the responsibilities of home ownership.
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (Bisnis Plan)  Delivery Pillar Two – Sustainability (Bisnis – Mekem las long)  Outcome 8: We manage council affairs responsibly for the benefit of our communities  8.1: Effective management of DOGIT Land as a Trustee
Masig Statement:	N/A
Standing Committee Consultation:	N/A
Timelines:	N/A

Other Comments: Nil.

Jame Boret

**Endorsed:** 

**Recommended:** 

Joanne Bryant

DOGIT Transfer, Land Tenure and

Native Title Advisor

**Susanne Andres** 

S. Andres

**Executive Director Corporate Services** 

Approved:

James William

**Chief Executive Officer** 

ATTACHMENTS: Nil



**DIRECTORATE:** Corporate Services

**AUTHOR:** DOGIT Transfer, Land Tenure and Native Title Advisor

OWNER'S CONSENT – DEVELOPMENT APPLICATION FOR THE UPGRADE AND INSTALLATION OF EQUIPMENT AT TELSTRA'S TELECOMMUNICATIONS FACILITY AT MOA BANKS PEAK

#### **OFFICER RECOMMENDATION:**

#### Council (as Trustee):

- (a) grants owner's consent to the proposed Development Application for the upgrade and installation of equipment at Telstra's Telecommunications Facility within the Telstra lease (Lease T in Lot 5 SP248095) at Moa Banks Peak; and
- (b) delegates to the Chief Executive Officer, the power to sign the Trustee consent form.

#### **EXECUTIVE SUMMARY:**

Acquirecomm Pty Ltd has been engaged by Telstra to act on its behalf to undertake the required planning approval for the upgrade and installation of equipment at Telstra's Telecommunications Facility within the Telstra lease (Lease T in Lot 5 SP248095) at Moa Banks Peak.

This report is to seek Trustee consent to the lodgement of a proposed Development Application for the upgrade works at the site.

#### **Interested Parties/Consultation**

- Councillor Manas Division 6 Arkai.
- Acquirecomm Pty Ltd.
- Council's Governance and Risk Manager.

#### **Background:**

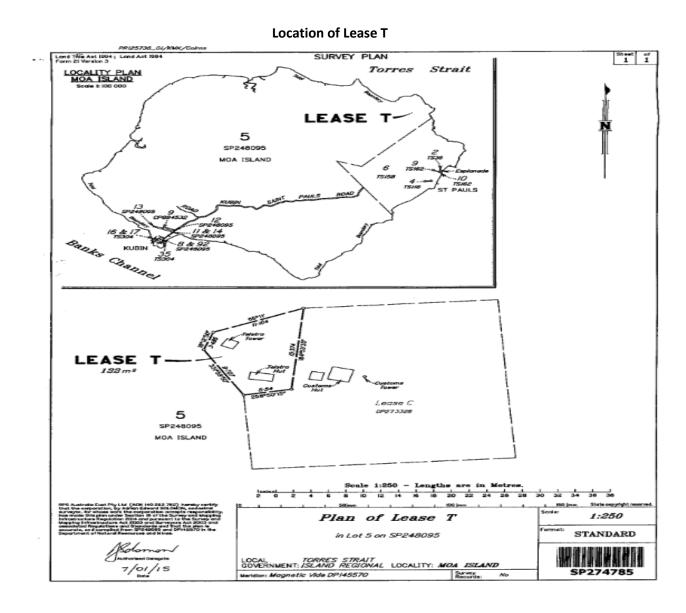
Maritime Safety QLD (MSQ) provides maritime radio services for coastal shipping in Queensland. Telstra allows MSQ the use of the radio network in the area. The network at the Banks Peak site is at "End of Life" and needs to be upgraded to enhance the Reef Vessel Traffic Services (VTS) network. To continue to provide reliable services and to meet rapidly advancing technological requirements, Telstra proposes to undertake upgrade and maintenance works to their equipment at the site.

There is a registered lease to Telstra at the site which expires in January 2032. Telstra is permitted under the terms of the lease to upgrade and install new infrastructure within the lease area. The proposed works are within the lease boundary and include the installation a 1.2m Satellite Dish on a new mounting pole, installation of a 6.3m Dipole Antenna, and replacement of the existing equipment cabinets, solar panel array and ancillary equipment. The proposed works will take place within the existing development footprint and no additional vegetation is required to be removed.

Due to the area's Cultural Heritage place listing and classification as an Area of Environmental Significance, the proposed redevelopment requires planning approval, as it cannot be determined as a 'Low Impact Facility' and exempted from State and Local Government approval under the Commonwealth *Telecommunications Act* 1997, *Telecommunications (Low Impact Facilities) Determination 2018* and *Telecommunications (Low Impact Facilities) Amendment Determination 2021.* Acquirecomm has been advised they must ensure a Cultural Heritage Monitor is onsite at the time of the works. Engagement with the Mualgal PBC on Cultural Heritage monitoring has commenced.

Under the Zenadth Kes Planning Scheme the proposed works are defined as a telecommunications facility which is code assessable development in the Environmental Management and Conservation Zone. An application for a material change of use seeking a development permit for the proposed development is required to be lodged with Council. Council, as Trustee must provide owner's consent for the application to be validly made.

Subject to Council, as Trustee providing owner's consent, Council's consultant planner can be engaged to assess the application on behalf of Council. Council has delegated to the Chief Executive Officer the power under section 60 of the *Planning Act 2016* to decide a development application, and under section 63 to issue a decision notice.



It is recommended that the Trustee grant owner's consent to the proposed development application.

#### **COMPLIANCE / CONSIDERATIONS:**

Statutory:	<ul> <li>Torres Strait Islander Land Act 1991 (Qld)</li> <li>Planning Act 2016 (Qld)</li> <li>Land Title Act 1994 (Qld)</li> </ul>		
Budgetary:	Acquirecomm Pty Ltd are required to pay planning fees as prescribed by Council's fees and charges schedule.		
Policy:	Trustee Policy 2019		
Legal:	The Report has been developed by Council's DOGIT Transfer, Land Tenure and Native Title Advisor.		
	The planning report was submitted by Acquirecomm Pty Ltd and reviewed by Council's Governance and Risk Manager.		
Risk:	Trustee risks will be managed by ensuring Telstra's compliance with the lease terms and Zenadth Kes Planning Scheme.		
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (Bisnis Plan)  > Delivery Pillar – Sustainability  Outcome 8: We manage council affairs responsibly for the benefit of		
	our communities  > 8.1: Effective management of DOGIT Land as a Trustee		
Masig Statement:	N/A		
Standing Committee Consultation:	N/A		
Timelines:	N/A		

Other Comments: Nil.

**Endorsed:** 

Recommended:

Joanne Bryant

DOGIT Transfer, Land Tenure and

Native Title Advisor

Lane Borest

Susanne Andres

S. Andres

**Executive Director Corporate Services** 

Approved:

James William

**Chief Executive Officer** 

**ATTACHMENTS:** 

Att A- Planning Report ACQ Telstra Radio Banks Pea Moa Island



December 2024

### PLANNING PERMIT APPLICATION

Upgrade of Telecommunications Facility

Maritime Safety Queensland (MSQ) Upgrade Project Telecommunications facility at Banks Peak Moa Island LOT 5 SURVEY PLAN 271019 TITLE REFERENCE 51089383

Site Ref: MSQ04 BANKS PEAK MOA ISLAND







## **Document Control**

Prepared by Emily Wardlaw

Acquirecomm Pty Ltd Date 11 December 2024

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Version	Date	Author	Reason
1	10/12/2024	Emily Hart	Initial Draft
2	11/12/2023	Emily Wardlaw	Final Review
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## **Executive Summary**

This report has been prepared by Acquirecomm Pty Ltd on behalf of Telstra Limited in support of a planning permit application to upgrade an existing Maritime Safety Queensland (MSQ) telecommunication facility at Banks Peak Moa Island (managed by Telstra). The proposed wors are to install a 1.2m Satellite Dish on a new mounting pole, a new 6.3m Dipole Antenna on the existing Telstra Mast and upgrade works to the existing Telstra telecommunications facility.

The land is legally described as LOT 5 SURVEY PLAN 271019, TITLE REFERENCE 51089383.

#### Refer to copy of Title at Appendix A.

The proposal is a Code Assessable Material Change of Use under the Zenadth Kes Planning Scheme (planning scheme for the Torres Strait Island Regional Council).

This report outlines the purpose and demand for the development at Moa Island and addresses the planning merits of the proposal and its consistency with the relevant planning controls and codes of the Zenadth Kes Planning Scheme. It is supported by the accompanied plans which show the proposed layout and design of the facility.

The proposed development of the site represents the upgrade and provision of essential telecommunications infrastructure to the area. The proposed facility will have an acceptable impact on the amenity of the area in terms of its use of materials and siting. The facility is designed to have regard to its surrounds and represents an appropriate balance between the net community benefit from the provision of essential telecommunications services and the protection of the environment from any adverse impacts.





# Site and Proposal Details

Address of Site	TELSTRA COMMUNICATIONS FACILITY
	BANKS PEAK MOA ISLAND QLD 4875
	GDA94 -10.14713 , 142.32164
Legal Property Description	LOT 5 SURVEY PLAN 271019
	TITLE REFERENCE 51089383
ILUA	Existing ILUA between Telstra and Mualgal (Torres Strait Islanders) Corporation
	NNTT number QI2001/005
	ILUA type Body Corporate
	Date registered 23/01/2002
Local Authority	Torres Strait Island Regional Council
Use	Telecommunication Facility
Zoning	Environmental Management and Conservation Zone
Codes and Overlays	Kubin (on Moa Island) – local plan code
	Infrastructure and Works Code
	Water Quality and Acid Sulphate Soils Code
Heritage	Aboriginal Intangible Place – Moa Island (Mualgal People)
Permit Type	Development Permit for Material Change of Use
Level of Assessment	Assessable Development (Code Assessment)
Owner	Torres Strait Island Regional Council
Applicant	Telstra Corporation Limited ABN 051 775 556
	C/- Acquirecomm PO Box 586 Elsternwick, Vic, 3185
Contact Person	Emily Wardlaw
	Director Planning Services 0422685472
	emily@acquirecomm.com.au
Our Reference	MSQ04 BANKS PEAK MOA ISLAND





# 1 Purpose and Demand

Maritime Safety QLD (MSQ) provides maritime radio services for the coastal shipping in Queensland. Telstra supplies the radio network as a managed service to MSQ. The network is at "End of Life" and needs to be refreshed with a focus on enhancing the Reef VTS network.

In order to continue to provide reliable services and to meet rapidly advancing technological requirements, Telstra proposes to undertake upgrade/maintenance activities to their equipment facility at Banks Peak Moa Island as part of the Maritime Safety QLD (MSQ) Project.

## 2 Proposed Development

The proposed development at the existing Telstra facility at, BANKS PEAK, MOA ISLAND QLD 4875, comprises the following:

#### Code Assessable Activity:

- ➤ The installation of one (1) 6.3m Dipole Array Omni Antenna (RFI OA2020-41-P) mounted on the top of the existing Lattice Mast giving a total structure height of 18.8m (inclusive of antennas).
- > Ancillary items including cabling and mounts in relation to the Dipole Array Omni Antenna.
- ➤ The recovery of the existing corroded mounting pole and face mount.
- > The recovery of one (1) MIMOMAX Multi Element Yagi Antenna
- ➤ The recovery of two (2) RFS SV1-2C Folded Dipole 1x2 Array
- The installation of one (1) 1.2 Satellite Dish on mounting pole on a slab footing (approx. 1.29m by 1.29m)
- The recovery of the existing cabinets and replacement with two (2) Siemens GE Type Outdoor Cabinets.
- The recovery of the existing Solar Frame and Panels and replacement with a 12 Panel Solar Array on proposed slab footing (approx. 4m by 4m by 1m).
- > The recovery of the existing power cabinet and solar cubes and replacement with two (2) Battery Energy Helipods, one (1) Enatel EM4X Controller, one (1) Enatel Controller block and one (1) Solar Distribution Block.
- Access the site is via helicopter
- > All works are contained within the existing lease area

#### Refer to Plans attached at Appendix B.





# 3 Subject Site and Locality

The existing Telstra facility is located on Banks Peak Moa Island within the Torres Strait Regional Council Area. Moa Island is a part of the Torres Strait's western island group and has two towns, Kubin located on the south west coast and St Paul on the east coast. The site is located 40km north of Thursday Island and 2,230km north west of Brisbane.

The land is legally described as LOT 5 SURVEY PLAN 271019, TITLE REFERENCE 51089383 and is owned by The Torres Strait Island Regional Council. An ILUA between Telstra and Mualgal (Torres Strait Islanders) Corporation exists over the site. The whole of Moa Island was listed an Aboriginal Intangible Place in 2020.

The subject site currently accommodates an Amplitel 9m Mast with 3m extension with equipment cabinets and a solar panel array located at its base within a 122 meter square lease area. Also accommodated on the site is an ACS facility accommodating a 20m guyed mast and associated solar panel array and equipment shelter, directly adjacent to the Telstra facility.

Access is to the site is via Helicopter

The subject site in the Environmental Management and Conservation Zone and is well distanced from any sensitive uses. The land surrounding the existing facility is heavily forested providing screening from public and private views with nearest dwellings located over 3.9km to the south in the township of St Pauls.

The works are limited to the existing leased area and there will be minimal impact to visual amenity with the recovery of (2) Dipole Antennas from the top of the structure, the recovery of one (1) Multi Element Yagi Antenna and the installation of one (1) 6.3m Dipole Array Omni Antenna at the top of the structure, providing modernised telecommunications equipment and improved radio services for Maritime Safety Queensland (MSQ).

The tower is located on the north eastern side of the island. It has been a long established and visible presence in the surrounding area.

Refer to photos of the site and surrounds below.







FIGURE 1 ARIAL VIEW OF SUBJECT SITE (SITE MARKED WITH BLUE AND WHITE PIN)

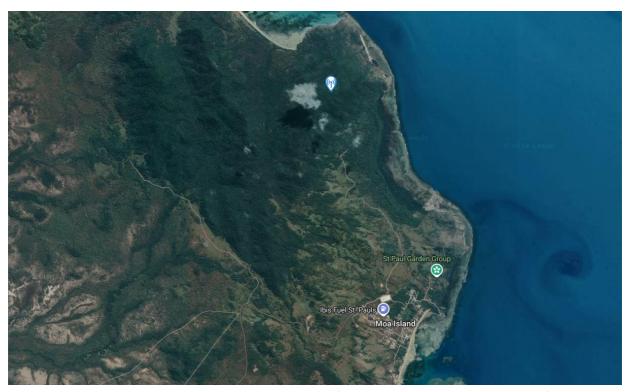


FIGURE 2 ARIAL VIEW OF SITE AND BROADER REGIONAL CONTEXT (SITE MARKED WITH BLUE AND WHITE PIN)







FIGURE 3 VIEW LOOKING SOUTH WEST SHOWING SITE COMPOUND ENTRY AND GROUND LEVEL EQUIPMENT AND BASE OF COMMUNICATIONS TOWERS, TELSTRA FACILITY TO THE REAR OF THE IMAGE



FIGURE 3 VIEW LOOKING SOUTH WEST SHOWING HELICOPTER LANDING PAD AND EXISTING AMPLITEL MAST







FIGURE 4 INTERNAL VIEW OF SITE LOOKING SOUTH WEST SHOWING EXISTING TELSTRA CABINETS TO BE REPLACED



FIGURE 5 INTERNAL VIEW OF SITE LOOKING NORTH EAST SHOWING EXISTING ACS EQUIPMENT SHELTER AND SOLAR ARRAY AND APPROXIMATE LOCATION OF THE PROPOSED POLE MOUNTED SATELLITE DISH (RED ARROW)







FIGURE 6 INTERNAL VIEW OF SITE LOOKING EAST SHOWING TELSTRA SOLAR ARRAY AND CABINET TO BE REPLACED (CIRCLED YELLOW)



FIGURE 7 VIEW LOOKING SOUTH EAST FROM TOP OF THE EXISTING AMPLITEL TOWER SHOWING THE ADJACENT 20M ACS LATTICE TOWER





# 4 Regulatory Framework & Assessment

#### 4.1 Federal Legislation

Telecommunications Act 1997

The Telecommunications Act 1997 (the Act) came into operation on 1<sup>st</sup> July 1997. The Act provides a system for regulating telecommunications and the activities of carriers and service providers.

Under the Act, telecommunications carriers are no longer exempt from State and Territory planning laws except in three limited instances:

- There are exemptions for inspection of land, maintenance of facilities, installation of "low impact facilities", subscriber connections and temporary defence facilities. These exemptions are detailed in the *Telecommunications (Low Impact Facilities) Determination 2018 and Telecommunications (Low Impact Facilities) Amendment Determination 2021* and these exceptions are subject to the *Telecommunications Code of Practice 1997*;
- ➤ A limited case-by-case appeals process exists to cover installation of facilities in situations of national significance; and
- ➤ There are some specific powers and immunities from the previous *Telecommunications Act* 1991.

Telecommunications (Low Impact Facilities) Determination 2018 and Telecommunications (Low Impact Facilities) Amendment Determination 2021

The Telecommunications Low-impact Facilities Determination came into effect on 1<sup>st</sup> July 1997 and has been superseded by the *Telecommunications Low-impact Facilities Determination 2018* and more recently by the *Telecommunications Low Impact Facilities 2018, Amendment Determination 2021* (The Determination).

The Determination contains a list of Telecommunications (and Radiocommunications) Facilities that the Commonwealth will continue to regulate. These are facilities that are essential to maintaining telecommunications networks and are unlikely to cause significant community disruption during their installation or operation. These facilities are therefore considered to be 'Low-impact' and do not require planning approval under State or territory laws.

Due to the Aboriginal Intangible Place listing, the location is considered an Area of Environmental Significance (AOES) as defined by the Determination and therefore the proposed works do not meet





the provisions of the Determination. As such, a Code Assessable Development Application is therefore required to be assessed under the relevant state and local planning provisions.

#### Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act* commenced on 16<sup>th</sup> July 2000. It introduced a new role for the Commonwealth Government in the assessment and approval of development proposals where those proposals involve actions that have a significant impact on matters of National Environmental Significance, the environment of Commonwealth owned land and actions carried out by the Commonwealth Government.

This proposal is not of National Environmental Significance, as it will not impact on:

- World Heritage Areas;
- Wetlands protected by International Treaty (The RAMSAR Convention);
- Nationally listed threatened species and communities;
- Nationally listed migratory species;
- > All nuclear actions; or
- > The environment of Commonwealth Marine area.

The EPBC Protected Matters report identifies no threatened ecological communities and 29 threatened species in the region. The proposed works are located at the existing Telstra Facility and will be contained to the small lease area of 122 square meters. The works require minimal ground work to install the pole mounted satellite antenna and foundation to support the proposed solar panel array. There is no removal of vegetation required. Access to the site is via helicopter. Due to the limited nature of the proposed works in terms of ground disturbance and duration there is no undue threat to flora and fauna in the area.

#### Refer to EPBC Act Protected Matters Report at Appendix C.

#### Electromagnetic Energy and Health

EMF is sometimes known as electromagnetic radiation (EMR) or electromagnetic energy (EME). Electromagnetic fields are present everywhere in our environment – the earth, sun and ionosphere are all natural sources of EMF.

Telstra rely on the expert advice of international and national health authorities including the World Health Organization (WHO) and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) for overall assessments of health and safety impacts.

The International Commission on Non-Ionizing Radiation Protection (ICNIRP) has issued guidelines on levels of allowable public exposure to Radio Frequency (RF) fields, including guidelines on RF from mobile phones and base stations that Telstra adheres to. These guidelines have a large safety margin built into them.





Telstra confirms that the proposed facility will comply with the mandated standard (RPS-S1) for EMF set by ARPANSA, which is based on the safety guidelines recommended by the WHO. The safety standard works by limiting the network signal to a level low enough to protect all people, in all environments, 24 hours a day. The safety limit itself has a significant safety margin built into it.

Further information about EMF can be sourced at:

- Commonwealth Department of Health (ARPANSA) www.arpansa.gov.au
- Australian Communications and Media Authority (ACMA) www.acma.gov.au
- World Health Organisation (WHO) www.who.int/en/

#### 4.2 State Planning Policies

State Planning Policy (SPP) commenced in July 2017 and is a key component to Queensland's land use planning system, which enables development to occur while protecting the natural environment and allows communities to grow and prosper.

The SPP outlines 17 state interests arranged under five broad themes which have been incorporated in the Zenadth Kes Planning Scheme.

#### 4.3 Zenadth Kes Planning Scheme

The Strategic framework sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs in the Planning Scheme area for the life of the Planning Scheme.

The policy intent is guided by six themes:

- (i) Gogobithiay (land, sea and sky)
- (ii) Natural hazards
- (iii) Torres Strait people and townships
- (iv) Ailan kastom and cultural heritage
- (v) Getting around
- (vi) Town Infrastructure

The proposal is for an upgrade to Telstra's existing radiocommunications infrastructure which will support MSQ in providing maritime radio services for coastal shipping in Queensland whist conserving the Shire's natural environment, biodiversity and cultural heritage values.

The proposed development supports the themes of the strategic framework via the provision of modern and reliable communications infrastructure:

The proposed upgrade will provide new and extended coverage for the MSQ radio network to area of Moa Island and the surrounding waters.





- > The proposal will ensure that modern radiocommunications are accessible in this region and will assist in meeting the communication needs of MSQ and the state's coast guard and marine rescue organisations.
- The proposed upgrade of the existing equipment MSQ equipment at Moa Island which include the replacement of the existing equipment cabinets, solar panel array, recovery of three (3) antennas, and the installation of one (1) Satellite Dish on a proposed new mounting pole and the installation of one (1) 6.3m Dipole Array Omni Antenna on the existing mast will not have any significant impacts on EPBC protected matters. There will be no significant impacts on native vegetation.
- A Mualgal representative will be invited to be on site during construction works due the high Cultural Heritage significance of the area.

#### 4.4 Requirement for a planning permit

Pursuant to the *Zenadth Kes Planning Scheme*, the proposal is defined as a Telecommunications Facility. In accordance with the relevant tables of assessment, the proposed Telecommunications Facility is Code Assessable development – Material change of use.

The site is located within the Environmental Management and Conservation Zone under the Zenadth Kes Planning Scheme.

The following codes are applicable and are assessed below:

- > Environmental management and conservation zone code
- ➤ Kubin (on Moa Island) local plan code
- Infrastructure and works code
- Water Quality and acid sulphate soils code

#### 4.5 Zenadth Kes Planning Scheme Zone and Code Assessment

#### Environmental Management and Conservation Zone Code

The purpose of the Environmental Management and Conservation Zone code is to Provide for the protection of areas identified as supporting biological diversity and ecological integrity, as well as ailan kastom and traditional practices.

The purpose of the environmental management and conservation zone code will be achieved through the following overall outcomes:

(a) Land within the zone is conserved to protect significant water resources, environmental and cultural heritage values, while providing for rural activities, some recreation activities and waterfront activities.





- (b) In limited circumstances, land within the zone can be developed for urban purposes if the development:
  - (i) needs to be separated from where people live; or
  - (ii) needs to be located in a particular place or near a particular resource to be able to function; or
  - (iii) requires a large area of land that cannot physically fit within the township zone; or
  - (iv) is for the purpose of a utility installation (sewage treatment plant or water supply infrastructure) or renewable energy facility; or
  - (v) is required to support ailan kastom or traditional practices.
- (c) Possible future housing investigation areas have been identified on a number of islands. These areas are not intended to be utilised for township purposes prior to substantive investigations of constraints (including vulnerability to natural hazards), servicing options and development feasibility, as well as negotiation with traditional owners. Parts or all of these areas may prove to be unsuitable for development as a result. Some represent very long term options that may accommodate relocation of housing and facilities in response to the increased risks associated with sea level rise.
- (d) Development occurs in the manner intended in each local plan.

The proposed facility generally accords with the purpose and objectives of the Environmental Management and Conservation Zone. Telecommunications structures by their nature need to be at elevated heights to carry out their purpose and function. Due care was taken to design and position the existing facility so as to minimise impacts on the surrounding natural environment.

The proposed works will be contained within the existing Telstra leased area at Banks Peak Moa Island which has an established use for telecommunications and will support the Maritime Safety QLD (MSQ) radio network which provides maritime radio services for the coastal shipping in QLD.

In this instance Telstra have been able to propose an upgrade to its existing facility rather than proposing a new site avoiding impacts to less disturbed areas on Moa Island. The proposal does not require the removal of native vegetation ensuring the development will not adversely affect any biological or ecological values. Minor ground works are required to install the proposed pole mounted Satellite Dish and concrete slab footing to accommodate the new solar frame.

The existing facility is unmanned and only requires maintenance visits 1-2 times per year. A Mualgal representative will be on site during the construction works to ensure no impacts to ailan kastom or traditional practices.

#### Kubin on Moa Island Local Plan Code

The following table provides an assessment against 7.2.7.3 Specific benchmarks for assessment in the Kubin on Moa Island Local Plan Code

Table 7.2.7.3 Assessable development Benchmarks for accepted and assessable development





Performance Outcomes	Acceptable Outcomes	Assessment of Proposal
Gogobithiay (land, sea and sky)		
In limited circumstances, land within the environmental management and conservation zone can be developed for urban purposes provided that the development:  (1) needs to be separated from where people live; or (2) needs to be located in a particular place or near a particular resource to be able to function; or (3) requires a large area of land that cannot physically fit within the township zone; or (4) is for the purpose of town infrastructure; or (5) is required to support ailan kastom or traditional practices.	No acceptable outcome is nominated.	Complies.  Telecommunications structures by their nature need to be at elevated heights to carry out their purpose and function. The Telstra Facility is existing and has an established use for telecommunications.  The propped 18.8m height of the proposed omni antenna is the minimum height required to ensure reliable service.  There will be minimal visual change the existing infrastructure on the site as a result of the proposed works.
PO2  Development does not occur within the environmental management and conservation zone unless it:  (1) minimises and mitigates impacts to areas of high and moderate environmental value;  (2) maintains connectivity of habitat and fauna movement corridors; and  (3) connects tracts of fragmented habitat by vegetating rehabilitation areas where possible.	No acceptable outcome is nominated.	Complies.  There is no change to the existing foot print of the existing Telstra Facility. The proposal will not significantly intensify the use. The works will be contained within the existing small, leased area.  The compound area is cleared of vegetation to ensure the safe and efficient operation of the facility.
PO3  Development is separated from waterways and wetlands to help maintain habitat values, water quality and natural ecological and hydrological processes.	AO3.1  Development:  (1) provides a minimum buffer of 40m to high value waterways, low value waterways,	Complies.  The Telstra Facility is existing and has an established use for communications. The proposed upgrade works will not impact on the natural water resources of the area.





	wetlands and marine habitats; or (2) is no closer to these areas than existing buildings on the site.	Complian
	AO3.2	Complies.
	Within these buffer areas, vegetation is retained, no infrastructure is established and no earthworks are carried out.	The proposal does not require the removal vegetation. There will be no change to the footprint of the existing facility.
PO4		Complies.
Development does not introduce or spread known or potential pest or weed species by:  (1) removing existing weed or pest infestations; and	No acceptable outcome is nominated.	Weed and hygiene measures will be adopted to mitigate the potential spread of weed seeds or plant material, chytrid and other pathogens from machinery or soil
(2) adopting measures to control the introduction of new pests, such as cane toads, and weeds.		embedded on/within machinery arriving at the works area (including being washed down with Phytoclean, Trigene or acceptable equivalents.
PO5		Complies.
Development does not occur within the water catchment area.	No acceptable outcome is nominated.	The development site not located within the water catchment area.
PO6	AO6.1	Not applicable.
For development near the outer extent of the township zone that adjoins an area of high or moderate environmental value, vegetation is buffered and rehabilitated wherever possible.	A vegetated buffer of 10m is provided within the township zone.	The development site is not located within the township zone.
P07	No acceptable outcome is	Complies.
All landscaping and revegetation is done using plants native to Kubin.	nominated.	The compound area is cleared of vegetation to ensure the safe and efficient operation of the facility.
		There is no landscaping or revegetation proposed.
Natural Hazards – Coastal Hazards		





PO8	No acceptable outcome is	Not applicable.
Essential community infrastructure, community facilities and accommodation activities (excluding dwelling houses and dual occupancies) are located outside of the coastal hazard area unless involving:  (1) coastal-dependent development; or (2) development that is temporary or readily relocatable; or  (3) the upgrade or replacement of existing essential community infrastructure, community facilities or accommodation activities.	nominated.	The proposed development is not located within a coastal hazard area.
PO9	A09.1	Not Applicable.
New lots are not created within a coastal hazard area unless the purpose of the subdivision is to create a lot over a lease area or house site established before the planning scheme was adopted.	New lots are not created within the erosion prone area or storm tide inundation area.	The proposal is not for the creation of new lots.
PO10	No acceptable outcome is	Not applicable.
Unless development is coastal dependent development, temporary or readily relocatable, development within a coastal hazard area is:  (1) sited to lessen potential risk of erosion and storm tide inundation by locating in a landward position of adjacent buildings or, where there are no adjacent buildings, the most landward position on the lot;  (2) designed to withstand erosion and storm tide inundation hazard; and  (3) designed to minimise susceptibility to erosion and storm tide inundation by ensuring floor levels are above defined flood level.	nominated.	The proposed development is not located within a coastal hazard area.
PO11 Essential community infrastructure is able to function effectively during and immediately after a coastal hazard.	No acceptable outcome is nominated.	Not applicable.  The proposed development is not located within a coastal hazard area and will continue to function effectively during and immediately after a coastal hazard.





PO12	No acceptable outcome is	Not applicable.
Community facilities, accommodation activities and coastal dependent development provide for an evacuation route that is available at all times.	nominated.	The proposal is not for community facilities, accommodation activities or coastal dependent development.
PO13	AO13.1	Not applicable.
Development involving hazardous materials manufactured or stored in bulk is not located on land subject to coastal hazard.	The manufacture or storage of hazardous materials in bulk does not occur within the erosion prone area or storm tide inundation area.	There will be no hazardous materials manufactured or stored in bulk on the site.
PO14	No acceptable outcome is	Complies.
(1) maintains vegetation on coastal landforms where its removal or damage may: (a) destabilise the area and increase the potential for erosion; or (b) interrupt natural sediment trapping processes or sand dune or land building processes; and (2) maintains the sediment volumes of sand dunes and near shore coastal landforms; and (3) maintains physical coastal processes outside the development, including longshore transport of sediment along the coast	nominated.	The proposal does not require the removal vegetation and is not located in proximity to the coast.
PO15	No acceptable outcome is	Complies.
Development does not result in a worsening of coastal hazards outside of the development site.	nominated.	There will be no worsening of coastal hazards outside of the development site as a result of the proposal.
Natural Hazards - Flooding		
PO16	AO16.1	Not applicable.
Essential community infrastructure, community facilities and accommodation activities (excluding dwelling houses and dual occupancies)	Essential community infrastructure and community facilities are not established or	The proposed development is not located within a Flood Hazard Area.





are located outside of a flood hazard area unless involving:  (1) development that is temporary or readily locatable; or  (2) the upgrade or replacement of existing essential community infrastructure, community facilities or accommodation activities.	expanded within a flood hazard area.	
PO17	AO17.1	Not Applicable.
New lots are not created within the flood hazard area unless the purpose of the subdivision is to create a lot over a lease area or house site established before the planning scheme was adopted, or a suitable building envelope can be provided outside the flood hazard area.	New lots are not created within the flood hazard area.	The proposal is not for the creation of new lots.
PO18	AO18.1	Complies.
Essential community infrastructure is able to function effectively during and immediately after a flood.	Essential community infrastructure and community facilities are not established or expanded within a flood hazard area.	The proposed development is not located within a flood hazard area and will continue to function effectively during and immediately after a flood.
PO19	AO19.1	Complies.
Development involving hazardous materials manufactured or stored in bulk is not located on land subject to flood hazard.	The manufacture or storage of hazardous material in bulk does not occur in the flood hazard area.	There will be no hazardous materials manufactured or stored in bulk on the site.
PO20	No acceptable outcome is	Not applicable.
Community facilities and accommodation activities provide for an evacuation route that is available at all	nominated.	The proposal is not for community facilities or accommodation activities.
times.		The site is an unmanned telecommunications facility. Access is via helicopter.
PO21  Development for urban purpose within a flood hazard area is designed to minimise susceptibility to flood impacts	No acceptable outcome is nominated.	Not applicable.  The proposed development is not located within a Flood Hazard Area.





by ensuring floor levels are above the defined flood level.		
PO22	No acceptable outcome is	Complies.
The extent of filling utilised to achieve the necessary floor levels, evacuation routes and flood immunity for infrastructure is minimised	nominated.	There are only minor ground works proposed to install the pole mounted satellite dish and foundation work for the proposed equipment. No filling is required to achieve floor levels, evacuation routes or flood immunity for infrastructure.
PO23  Development does not change flooding characteristics outside the site in a manner that results in:  (1) loss of flood storage; (2) loss of, or changes to flow paths; (3) acceleration or retardation of flows; (4) any reduction in flood warning times; or (5) any other worsening of flood hazards on other properties or town infrastructure.	No acceptable outcome is nominated.	Complies.  The small foot print of the development consisting of the installation of a pole mounted satellite dish and replacement of the existing cabinets and solar panel array will not significantly change the free passage of storm water run-off and will not result in a change to flooding characteristics outside the site.
PO24  Town infrastructure is designed to prevent the intrusion of flood waters.	No acceptable outcome is nominated	Not applicable.  The proposal is not for town infrastructure.
PO25	AO25.1	Not applicable.
In areas other than the township expansion area, subdivision does not intensify the number of people living or working within a flood hazard area.	New lots are not created within the flood hazard area.	The proposed development is not located within a Flood Hazard Area and does not require subdivision.
PO26  Development contributes to effective and efficient disaster management response and recovery capabilities.	No acceptable outcome is nominated	Complies.  The proposed works will provide modernised equipment and improved radio services for Maritime Safety Queensland which will contribute to effective and efficient disaster management response and recovery capabilities.





PO27	AO27.1	Complies.
Essential community infrastructure and community facilities are not established or materially intensified within a bushfire hazard area (bushfire prone area) unless there is an overriding need or other exceptional circumstances.	Essential community infrastructure and community facilities are not established or expanded within a bushfire hazard area.	The Telstra facility is existing and there is an established use for Telecommunications on the site.  The proposal will not significantly intensify the use.  The site does not appear to be located within a bushfire hazard area pursuant to the Local Area Plan Maps in schedule 2 of the Planning Scheme.
PO28	AO28.1	Complies.
Essential community infrastructure are able to function effectively during and immediately after a bushfire.	Essential community infrastructure is not established or expanded within a bushfire hazard area (bushfire prone area) unless underground.	The proposed equipment will be located within the existing lease area which has been cleared of vegetation.  The facility is unmanned and can continue to operate in times of emergency such as bushfire.
PO29	AO29.1	Complies.
Development involving hazardous materials manufactured or stored in bulk is not located within a bushfire hazard area (bushfire prone area).	The manufacture or storage of hazardous material in bulk does not occur within the bushfire hazard area (bushfire prone area).	Hazardous materials are not manufactured or stored in bulk on the site.
PO30	AO30.1	Complies.
Development is located and designed to ensure proposed building achieve a radiant heat flux level at any point on the building of:	Buildings are separated from hazardous vegetation by a distance that:	The site does not appear to be located within a bushfire hazard area pursuant to the Local Area Plan Maps in schedule 2 of the
<ul><li>(1) 10kW/sqm where involving essential community infrastructure or community facilities; or</li><li>(2) 29kW/sqm for all other uses.</li></ul>	(1) achieves a radiant heat flux level at any point on the building of 10kW/sqm, where involving essential community infrastructure or community facilities,	Planning Scheme.  There is no change to the existing foot print of the site which has been cleared of vegetation to ensure the safe and efficient operation of the facility.





		Γ
PO31 All premises are provided with vehicular access that enables safe evacuation for	or 29kW/sqm for all other uses; and (2) is contained wholly within the development site.  No acceptable outcome is nominated	Not Applicable  The site does not provide for accommodation or residential
occupants and easy access by fire fighting appliances.		uses.  The site is accessed via helicopter.
PO32	AO32.1	Not Applicable.
Development outside reticulated water supply areas includes a dedicated static supply that is available solely for fire fighting purposes and can be accessed by fire fighting appliances.	A water tank is provided within 10m of each building (other than a class 10 building) which:  (1) is either below ground level or of nonflammable construction;  (2) has a take off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters;  (3) is provided with fire brigade tank fittings – 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines.	The existing facility consists of class 10b structures.  Access is via helicopter and is not accessible by fire fighting appliances.
PO33  Landscaping uses species that are less likely to exacerbate a bushfire and does not increase fuel loads within separation areas.	No acceptable outcome is nominated	Not Applicable.  There is no landscaping proposed.
PO34	No acceptable outcome is nominated	Not applicable.





Bushfire risk mitigation treatments do not have a significant impact on the natural environment or landscape character of the locality.		There are no bushfire risk mitigation treatments proposed.		
Natural Hazards – Bushfire (Reconfiguration of a Lot)				
PO 35 to PO37 – Not applicable the propo	osal is not for the reconfigura	tion of lots		
Natural Hazards – Landslide				
PO38	No acceptable outcome is	Complies.		
Development does not result in an increase in risk to people and buildings	nominated	The existing site is not located in a landslide hazard area.		
from landslide hazard.		The proposed development does not result in an increase in risk to people and buildings from landslide hazard.		
PO39 Access is available to the site during and after a landslide.	No acceptable outcome is nominated	Complies.  Access to site is via helicopter		
PO40	No acceptable outcome is	Not applicable.		
Landslide control structures or works are contained wholly within the development site.	nominated	There are no landslide control structures or works proposed.		
PO41  Landslide risk mitigation treatments do not have a significant impacts are area of high environmental value and medium environmental value.	No acceptable outcome is nominated	Not applicable.  There are no landslide risk mitigation treatments proposed.		
PO42	AO42.1	Complies.		
Development involving hazardous materials manufactured or stored in bulk is not located on land subject to landslide hazard.	The manufacture or storage of hazardous material in bulk does not occur in the landslide hazard area.	The existing site is not located in a landslide hazard area.  No hazardous materials will be manufactured or stored onsite.		
PO43	AO43.1	Complies.		
Essential community infrastructure and community facilities are able to function effectively during and immediately after a landslide.	Essential community infrastructure and community facilities are not established or expanded within a landslide hazard area.	The existing site is not located in a landslide hazard area.  The facility is unmanned and can continue to operate in times of emergency such as landslide.		





Torres Strait People and Townships		
PO44  New commercial and government uses, other than home based businesses, industrial activities, community facilities and waterfront activities, are consolidated within the township centre core area.	No acceptable outcome is nominated	Not applicable.  The Telstra facility is existing and has an established use for telecommunications.
PO45 Industrial activities minimise any noise, odour or other emissions and do not impact on the community's ability to enjoy their lifestyle.	No acceptable outcome is nominated	Complies.  The existing facility does not emit any noise, odour or other emissions that could impact on the community's ability to enjoy their lifestyle.
Multiple dwellings occur within the township zone and are located, designed and oriented to create pleasant, safe and attractive living environments, including through:  (1) interspersing with lower density forms of accommodation activities; (2) provision of generous outdoor open space suited to tenant needs; (3) creation of privacy within individual dwellings; (4) provision of an attractive outlook from individual dwellings; (5) optimum access to cooling breezes to dwelling; (6) provision of main building entrances, verandahs and windows that allow overlooking of the street; and (7) screening along site boundaries or dwelling openings to obscure any undesirable views.	No acceptable outcome is nominated	Not applicable.  The site does not provide for accommodation or residential uses.
PO47  Accommodation activities and community facilities are located and sited so that visual, lighting, noise and other impacts do not unduly affect residents and visitors to the site.	ACCOMMODITION AC	Not applicable.  The site is existing and does not provide for accommodation or community facilities.





PO48	minimum distance of 50m; and (2) existing and future sea and air transport infrastructure by a minimum distance of 100m.  No acceptable outcome is	Not applicable.
Upgrading or replacement of a substation (electricity infrastructure) involves the relocation of the infrastructure to an alternative site further separated from existing accommodation activities and community facilities	nominated.	The proposal does not require the upgrading or replacement of a substation.
PO49	No acceptable outcome is	Not applicable.
Development within the township expansion precinct:	nominated.	The proposed development is not located with the township expansion precinct.
(1) is primarily for the purpose of accommodation activities;		
(2) connects to surrounding streets and parks to allow easy movement for pedestrians and vehicles between older and newer parts of town;		
(3) minimises runoff, wastage of water and negative impacts on water quality by retaining natural drainage lines, maximising permeable surfaces and, where possible, maximising opportunities for reuse of water;		
(4) provides for building orientation that maximises access to cooling breezes;		
(5) includes a local park in a central location that caters to the needs of future residents of the new development and can be easily seen from residential areas;		
(6) is sequenced to allow efficient connections or upgrades to town infrastructure such as roads, waste water, drainage and electricity; and		





(7) includes landscaping in streets and public areas		
PO50  Prior to development occurring within the township expansion precinct, consultation with the Kubin community is undertaken to decide on the appropriate design response to ensure the land is adequately drained	No acceptable outcome is nominated.	Not applicable.  The proposed development is not located with the township expansion precinct.
PO51  Community facilities, particularly those accommodating child care, educational, training and health services are located within the township zone.	No acceptable outcome is nominated.	Not applicable.  The proposal is not for community facilities.
PO52  Development that may be incompatible with or compromise the ongoing operation or expansion of community facilities does not occur near these uses.	No acceptable outcome is nominated.	Complies.  The existing Telstra facility is well distanced from community facilities and does not compromise their ongoing operation or expansion.
PO53  Where possible, community facilities are co-located, multi-pupose and flexible to be able to respond to the changing needs of the community over time.	No acceptable outcome is nominated.	Not applicable.  The proposal is not for community facilities.
Ailan Kastom and Cultural Heritage	1	
PO54  The continued practice of Ailan Kastom is facilitated and not impeded by development.	No acceptable outcome is nominated.	There will be no change in foot print to the existing Telstra facility.  The proposal will not intensify the use and will not generate any additional need to visit the site with maintenance visits typically only required 1-2 times per year.  A Mualgal representative will be invited to be present on site during construction to ensure there is no impact to the practice of Ailan Kastom.





PO55	No acceptable outcome is	Complies.
Development does not cause run off, soil erosion or other impact that may lessen the significance of use of nearby cultural heritage places and sacred sites.	nominated.	The proposed development will not cause run off, soil erosion or other impact that may lessen the significance of use of nearby cultural heritage places and sacred sites.
Getting Around		
PO56  Development does not impact on Kubin's air and sea transport infrastructure, including the airstrip, helicopter, landing pad, barge ramp, finger pier and associated facilities, or the efficient and safe operation of services from these facilities.	No acceptable outcome is nominated.	Complies.  The proposed development will not impact on Kubin's air and sea transport infrastructure.  The provision of modernised telecommunications equipment and improved radio services for MSQ will assist in the efficient and safe operation of Kubin's maritime facilities.
Where upgrading existing, or establishing new, barge ramps or piers, development:  (1) is designed to minimise noise, lighting and other disturbances to residents and users of accommodation activities and community facilities; and  (2) provides for nearby set down or storage areas to avoid congestion around the facility	No acceptable outcome is nominated.	Not applicable.  The proposed development is not for the upgrading of existing, or establishing new, barge ramps or piers.
PO58  Roads and associated culverts do not increase the concentration and flow of water through the township zone and contribute to problems of coastal erosion.	No acceptable outcome is nominated.	Not applicable.  There are no roads or culverts proposed.
Town Infrastructure		
PO59  Waste materials generated from construction activities are reused or	No acceptable outcome is nominated.	Complies.  Constructors will manage  Construction waste in accordance





recycled, wherever possible, to minimise reliance on local waste facilities.		with the Telstra Environmental Handbook.
PO60  The visual impact of town infrastructure is minimised.	No acceptable outcome is nominated.	Not applicable.  The proposal is not for town infrastructure.
PO61  Town infrastructure is located and designed to avoid or minimise impacts on the community resulting from noise, odour and other emissions.	No acceptable outcome is nominated.	Not applicable.  The proposal is not for town infrastructure.
PO62  New development increases or maintain separation to major drainage channels.	No acceptable outcome is nominated.	Not applicable.  The proposal is not located in the Township Zone.

## *Infrastructure Works Code*

The following table provides an assessment against 8.2.1.3 Specific benchmarks for assessment in the Infrastructure and Works Code

Table 8.2.1.3 Specific Benchmarks for assessment – Assessable development		
Performance Outcomes	Acceptable Outcomes	Assessment of Proposal
General		
PO1	AO1.1	Not applicable.
All lots are provided with access to services including:  (1) waste water disposal;	The lot is connected to reticulated water supply, sewerage service,	The telecommunications facility is existing and is unmanned.  The site is solar powered with
(2) water supply services;	electricity and telecommunications	battery backup.
(3) electricity services; and		There is no demand for potable water or wastewater disposal.
(4) telecommunications services		
Earthworks		
PO2	AO2.1	Complies.
The design and construction of site earthworks is undertaken in a safe and efficient manner while minimising impacts to adjoining properties and environmental values	Design of site earthworks is undertaken in accordance with:  (1) FNQROC Operational Works Design Guideline D2, Site Regrading;	The telecommunications facility is existing. There are only minor ground works required to install the pole mounted satellite dish and foundation for the replacement solar panel array.





	(2) FNQROC Operational	There will be no impact to
	Works Design Guidelines	adjoining properties or
	D5, Storm Water Quality; and	environmental values.
	(3) Department of Transport & Main Roads Technical Standard MRTS04, General Earthworks.	
	AO2.2	As above.
	Construction of site earthworks is undertaken in	
	accordance with:	
	(1) FNQROC Operational Works Specification S1, Earthworks; and	
	(2) Department of Transport & Main Roads Standard Specification MRS04, General Earthworks.	
Roadways, pathways and Cycleways		
PO3	No acceptable outcome is	Not applicable.
New roads are designed and constructed	nominated.	There are no new roads proposed.
to be able to:  (1) accommodate walking, cycling and vehicle movements;		Access to the site is via helicopter.
(2) provide on street parking; and		
(3) incorporate services and drainage.		
PO4	A04.1	Not applicable.
Where roadways, pathways and	Design of roadways,	There are no roadways, pathways
cycleways are to be provided, design and construction is undertaken in a safe, costeffective, coordinated and efficient manner.	pathways and cycleways is undertaken in accordance with:	or cycleways proposed.
	(1) FNQROC Operational Works Design Guideline D1, Road Geometry;	





(2) FNQROC Operational
Works Design Guidelines
D3, Road Pavements;

(3) FNQROC Operational Works Design Guidelines D4

Stormwater Drainage

- (4) Department of Transport & Main Roads Technical Standard MRTS05, Unbound Pavements;
- (5) Department of Transport & Main Roads Technical Standard MRTS11, Sprayed Bituminous Surfacing; and
- (6) Department of Transport & Main Roads Technical Standard MRTS22, Supply of Cover Aggregate.

#### AO4.2

Construction of roadways are undertaken in accordance

with:

- (1) FNQROC Operational Works Specification S2, Road Pavements;
- (2) FNQROC Operational Works Specification S3, Segmental Paving;
- (3) FNQROC Operational Works Specification S4, Storm Water Drainage;
- (4) Department of Transport & Main Roads Standard Specification MRS05, Unbound Pavements;

### Not applicable.

There are no roadways, pathways or cycleways proposed.





Where lots are intended to be provided with reticulated sewerage, the design and construction is undertaken in a safe cost-effective, coordinated and efficient	Design and construction of sewerage systems is undertaken in accordance with FNQROC Operational	The telecommunications facility is existing and is unmanned.  There is no demand for wastewater disposal.
PO8	A08.1	Not applicable.
Sewerage Infrastructure		
and construction is undertaken in a safe cost-effective, coordinated and efficient manner that supports sustainable development practices.	undertaken in accordance with FNQROC Operation Works Design Guidelines D6, Water Reticulation.	There is no demand for potable water.
Where lots are intended to be connected to a water supply, the design	Design and construction of water supply systems is	The telecommunications facility is existing and is unmanned.
PO7	A07.1	Not applicable.
Water Supply	Standard Drawings.	
Driveways are provided to a standard that protects community safety and the safe and efficient operation of transport networks.	A driveway crossover to each lot is designed and constructed in accordance with the FNQROC Regional Development Manual,	The site is accessed via helicopter. There are no driveways proposed.
PO6	AO6.1	Not applicable.
Sites are managed during construction to minimise negative traffic impact to existing roads.	All site works are managed in accordance with Manual of Uniform Traffic Control Devices (MUTCD) Part 3, Works on on Roads.	Access to the site is via helicopter.  A temporary helicopter staging area for materials will be established at the Kubin International airport minimising any impact to existing roads.
PO5	AO5.1	Complies.
Traffic and Driveway Crossovers		
	MRS11 Sprayed Bituminous Surfacing; and and (6) Department of Transport & Main Roads Standard Specification MRS22, Supply of Cover Aggregate.	
	(5) Department of Transport & Main Roads Standard Specification	





manner that supports sustainable	Works Design Guidelines	
development practices.	D7, Sewerage System.	
Service Conduits		
PO9	A09.1	Not applicable.
The design and construction of the service conduits is undertaken in a safe, cost effective, coordinated and efficient manner that supports sustainable development practices.	The design of service conduits is undertaken in accordance with FNQROC Operational Works Design Guidelines D8, Utilities.	The telecommunications facility is existing and is unmanned.  The site is solar powered with battery backup.

## Water Quality and Acid Sulfate Soils Code

The following table provides an assessment against Specific Benchmarks for assessment in the Water Quality and Acid Sulphate Soils Code

Performance Outcomes	Acceptable Outcomes	Assessment of Proposal
Water Quality		
PO1	A01.1	Complies.
Development contributes to the protection of environmental values of receiving waters and meets the water quality objectives nominated for the Torres Strait region during both construction and operation.	For development involving a site area of 2,500sqm or more, six or more residential lots, or six or more dwellings:  Stormwater run-off leaving the development site complies with the stormwater quality objectives set out in table 8.2.3.3(b) and 8.2.3.3(c)	The Telstra facility is existing and is accommodate on a small lease area of 122sqm.  The small area of development will have no significant impact on storm water run-off.
PO2 The entry and transport of contaminants in storm water or waste water is avoided or minimised.	No acceptable outcome is nominated.	Complies.  The proposed development will maintain the quality of storm water run-off and will not contribute to the entry and transport of contaminant.
PO3  During construction and operation, development does not discharge wastewater into waterways unless:	No acceptable outcome is nominated.	Complies.  There will be no discharge of water from the site during construction or operation.





retained PO6	No acceptable outcome is nominated.	result of the proposed works.  Complies.
Wherever practicable, natural drainage lines and associated natural hydraulic capacity are	AO5.1  All existing natural waterways are overland flow paths are retained.	Complies.  There will be no impact to natural drainage lines and associated natural hydraulic capacity as a
Storm Water Drainage Design	AOF 1	Complies
	metals; (2) holding times of neutralised wastewaters ensures the flocculation and removal of any dissolved iron prior to release; (3) visible iron floc is not present in any discharge; (4) precipitated iron floc is contained and disposed of; and (5) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trafe waste and another lawful method	
recycling, recovery and treatment for disposal to sewer, surface water and groundwater;  (3) ecological processes, riparian vegetation, wateray intergrity and downstream ecosystem health are maintained.  PO4  Acid, iron, aluminium and other metals are not released into waterways through wastewater discharge.	AO4.1  Wastewaters are managed so that:  (1) the pH of any wastewater discharged is maintained between 6.5 and 8.5 to avoid mobiliation of acid, iron, aluminium and	Complies.  The telecommunications facility is existing and does not generate any wastewater.
<ul><li>(1) it cannot practicably be avoided;</li><li>(2) the wastewater discharge is minimised through reuse,</li></ul>		





The stormwater drainage system		There will be no change to existing
maintains the pre-development velocity and quantity of run-off outside of the site and does not otherwise worsen or cause nuisance to adjacent upstream or downstream land		conditions for storm water drainage.
PO7	No acceptable outcome is	Not applicable.
The stormwater drainage system is designed to function in the event of a minor system blockage.	nominated.	There will be no change to existing conditions for storm water drainage.
PO8	No acceptable outcomes are	Complies.
Roof and surface run-off is managed to prevent stormwater flows from entering buildings and to be directed to a lawful point of discharge	nominated	The telecommunications facility is existing and the small area of development will have no significant impact on storm water run-off.
PO9	No acceptable outcomes are	Not applicable.
Where located within open space, stormwater devices or functions do not reduce the utility of that space for its intended recreational or ecological functions.	nominated	There will be no change to existing conditions on site.  There are no stormwater devices or functions proposed.
PO10	No acceptable outcomes are	Not applicable.
The full extent of maintenance requirements and costs associated with devices used within the stormwater sysem are minimised.	nominated	There will be no change to existing conditions on site.  There are no stormwater devices or functions proposed.
Port Services		
PO11  Development involving port services provides facilities for the handling and disposal of shipsourced pollutants by:  (1) providing common user facilities for the handling and disposal of ship-sourced pollutants including oil, garbage and sewage;	No acceptable outcomes are nominated	Not applicable.  The proposed development does not involved port services.





(2) designing and operating the facilities to ensure the risk of spillage from operations is minimised; (3) storing appropriate equipment to contain and remove spillages in a convenient position near the facility that is available for immediate use; and (4) allowing for boats visiting the		
facility to make use of ship- sourced pollutants reception facilities.		
Erosion Prevention and Sediment (	Control	
PO12  Development does not increase:  (1) the concentration of total suspended solids or other contaminants in stormwater flows during site construction; and	No acceptable outcomes are nominated	Complies.  The quality of storm water will be maintained on the site during construction and operation.
(2) run-off which causes erosion either on site or off site.		
PO13  Development avoids unnecessary disturbance to soil, waterways or drainage channels.	No acceptable outcomes are nominated	Complies.  The proposed works require minimal ground works to install the pole mounted satellite and foundation for the replacement solar panel array.  The will be no unnecessary disturbance to soil, waterways or drainage channels.
DO14	No accentable outcomes are	
PO14  All soil surfaces are effectively stabilised against erosion.	No acceptable outcomes are nominated	Complies.  Soil surfaces will effectively stabilised against erosion in accordance with the Telstra Environmental Handbook.
PO15  The functionality of stormwater infrastructure is protected from the impacts of erosion, turbidity	No acceptable outcomes are nominated	Not applicable.  There is no proposal for storm water infrastructure.





and sedimentation, both within and external to the development site  PO16  Areas outside the development site are not adversely impacted by erosion or sedimentation.	No acceptable outcomes are nominated	Complies.  The telecommunications facility is existing and areas outside the site are not adversely impacted by erosion or sedimentation.
Acid Sulphate Soils	l .	l .
PO17	AO17.1	Not applicable.
For development within an area identified as potentially affected by acid sulfate soils on the local plan maps in Schedule 2, the generation or release of acid and metal contaminants into the environment from acid sulfate soils is avoided by:  (1) avoiding the disturbance of acid sulfate soils when excavating or otherwise removing soil or sediment, draining or extracting groundwater, excluding tidal water or filling land; or  (2) where disturbance of acid sulfate soils can not be avoided, development:  (a) neutralises existing acidity and prevents the generation of acid and metal contaminants; and  (b) prevents the release of surface or groundwater flows containing acid and metal contaminants into the environment.	Development does not involve:  (1) excavating or otherwise removing 100 cubic meters or more of soil or sediment at or below 5m AHD;  (2) permanently or temporarily extracting groundwater resulting in the aeration of previously saturated acid sulfate soils; or  (3) filling in excess of 500 cubic meters with an average depth of 0.5m or greater that results in:  (a) actual acid sulfate soils being moved below the water table; or  (a) previously saturated acid sulfate soils being aerated.	The existing facility is not located on land identified as potentially affected by acid sulfate soils on the local plan maps in Schedule 2.





# 5 Conclusion

The proposed upgrade of the existing Telecommunications Facility at Banks Peak Moa Island is required to support the Maritime Safety Queensland (MSQ) radio network, which provides maritime radio services for the coastal shipping in Queensland. The results will be a more reliable and resilient network enabling the provision of better services to the Queensland community.

The proposed development complies with the provisions of the Zenadth Kes Planning Scheme and meets the development standards of the relevant overlays and codes.

Acquirecomm on behalf of Telstra, have undertaken an assessment of the relevant matters as required by the *Telecommunications Act 1997*, the *Zenadth Planning Scheme 2018*, and the *Environment Protection and Biodiversity Conservation Act 2000*. The proposal is considered appropriate in light of the relevant legislative, environmental, technical, radio coverage and public safety requirements.

This assessment demonstrates that the proposal achieves a reasonable balance between the provision of essential telecommunication services and the need to protect the environment from adverse impacts from such development.

It is respectively requested that permission is granted for this permit application.





# **Appendix A Certificate of Title**





#### Queensland Titles Registry Pty Ltd ABN 23 648 568 101

Title Reference:	51089383
Date Title Created:	13/04/2017
Previous Title:	51089019

#### **ESTATE AND LAND**

Estate in Fee Simple

LOT 5 SURVEY PLAN 271019

Local Government: TORRES STRAIT ISLAND

For exclusions / reservations for public purposes refer to Plan SP 271019

#### **REGISTERED OWNER**

Dealing No: 717945770 05/04/2017

TORRES STRAIT ISLAND REGIONAL COUNCIL DEED OF GRANT IN TRUST

THE GRANTEE TO HOLD THE SAID LAND IN TRUST FOR THE

BENEFIT OF ISLANDER INHABITANTS AND FOR NO OTHER PURPOSE

WHATSOEVER

#### **EASEMENTS, ENCUMBRANCES AND INTERESTS**

- Rights and interests reserved to the Crown by Deed of Grant No. 21296132 (Lot 5 on SP 248095)
- TRUSTEE LEASE No 716688153 13/08/2015 at 12:10
  TELSTRA CORPORATION LIMITED A.C.N. 051 775 556
  OF LEASE T ON SP274785
  TERM: 21/08/2014 TO 22/01/2032 OPTION NIL
- TRANSFER No 723464154 15/08/2024 at 13:54 TRUSTEE LEASE: 716688153 AMPLITEL PTY LTD A.C.N. 648 133 073
- COVENANT No 717945773 05/04/2017 at 16:22 restricts dealings over THE LAND IDENTIFIED AT ITEM 2 OF THIS DOCUMENT

#### ADMINISTRATIVE ADVICES

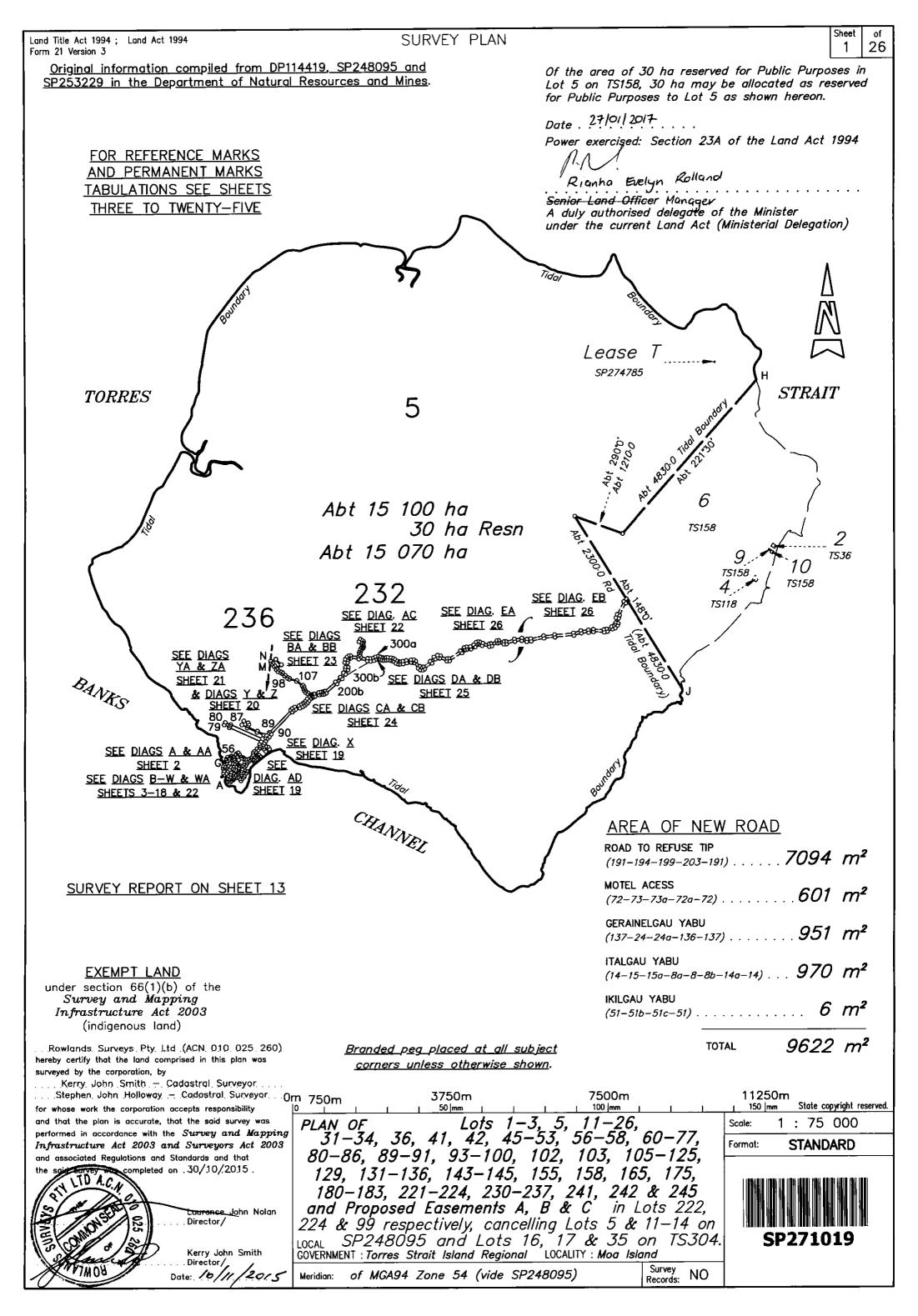
Dealing	Туре	Lodgement Date	Status
709885365	VEG NOTICE	28/08/2006 10:19	CURRENT
	VEGETATION MANAGEMENT ACT 1999		
713412367	RT NOTING	17/08/2010 14:39	CURRENT
	LAND TITLE ACT 1994		

#### UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

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



# 05-04-2017 WITHDRAWN + RE-ENTERED

## <del>717808790</del> 717945770

NO FEE 05/04/2017 16:22

CS 400

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

5. Lodged by K. GAULO - SLAM

C52340

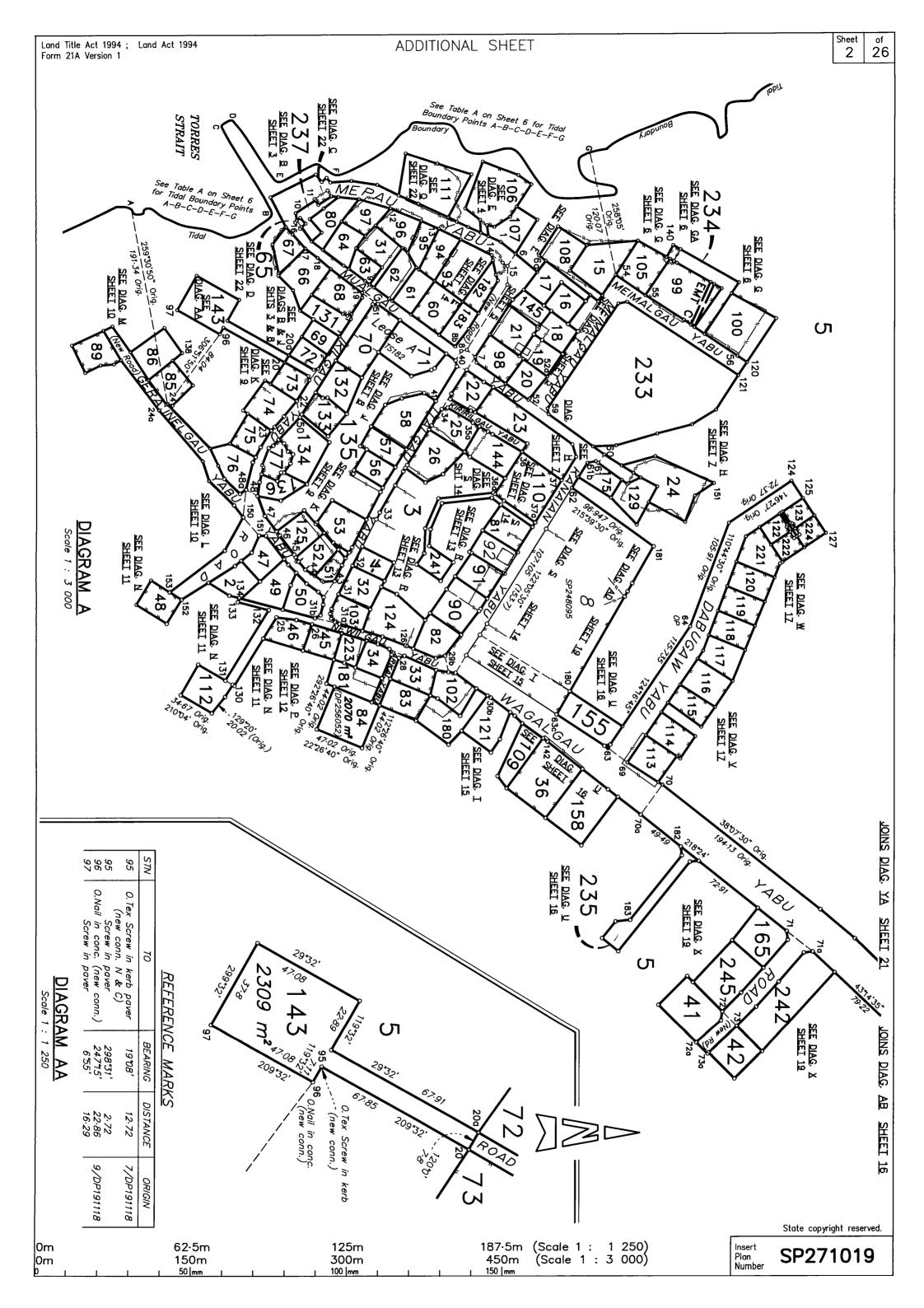
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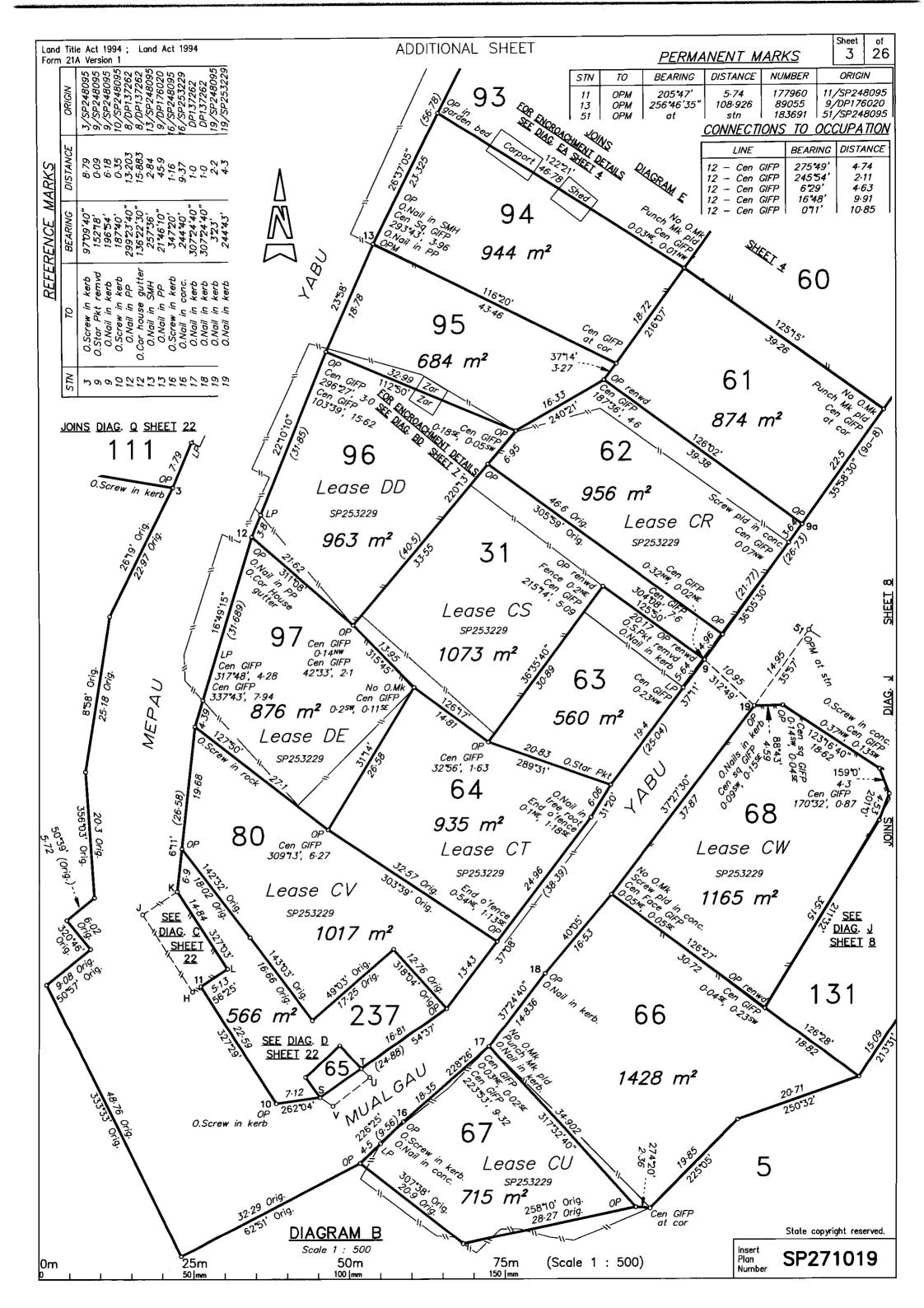
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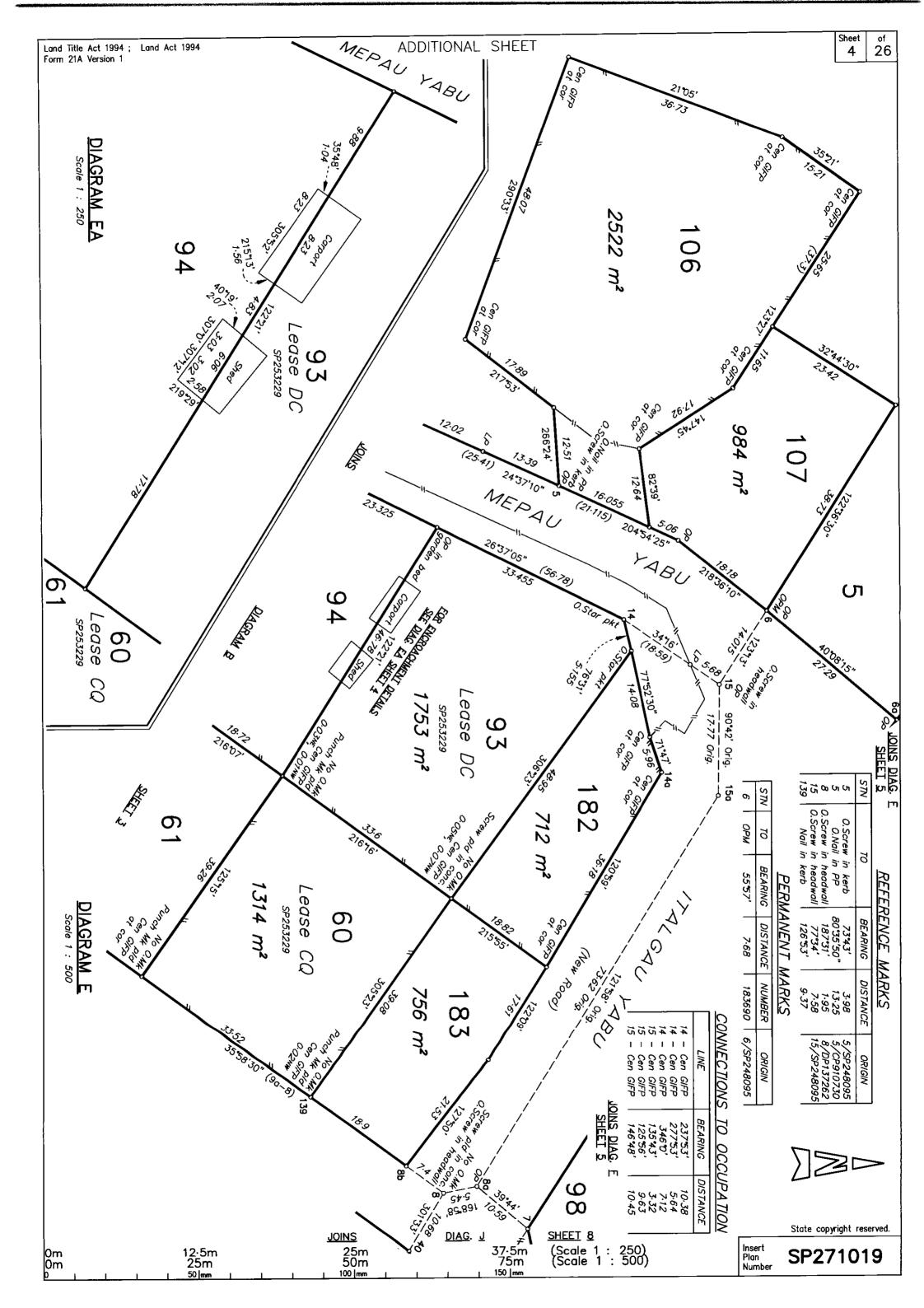
CAIRMS 4870

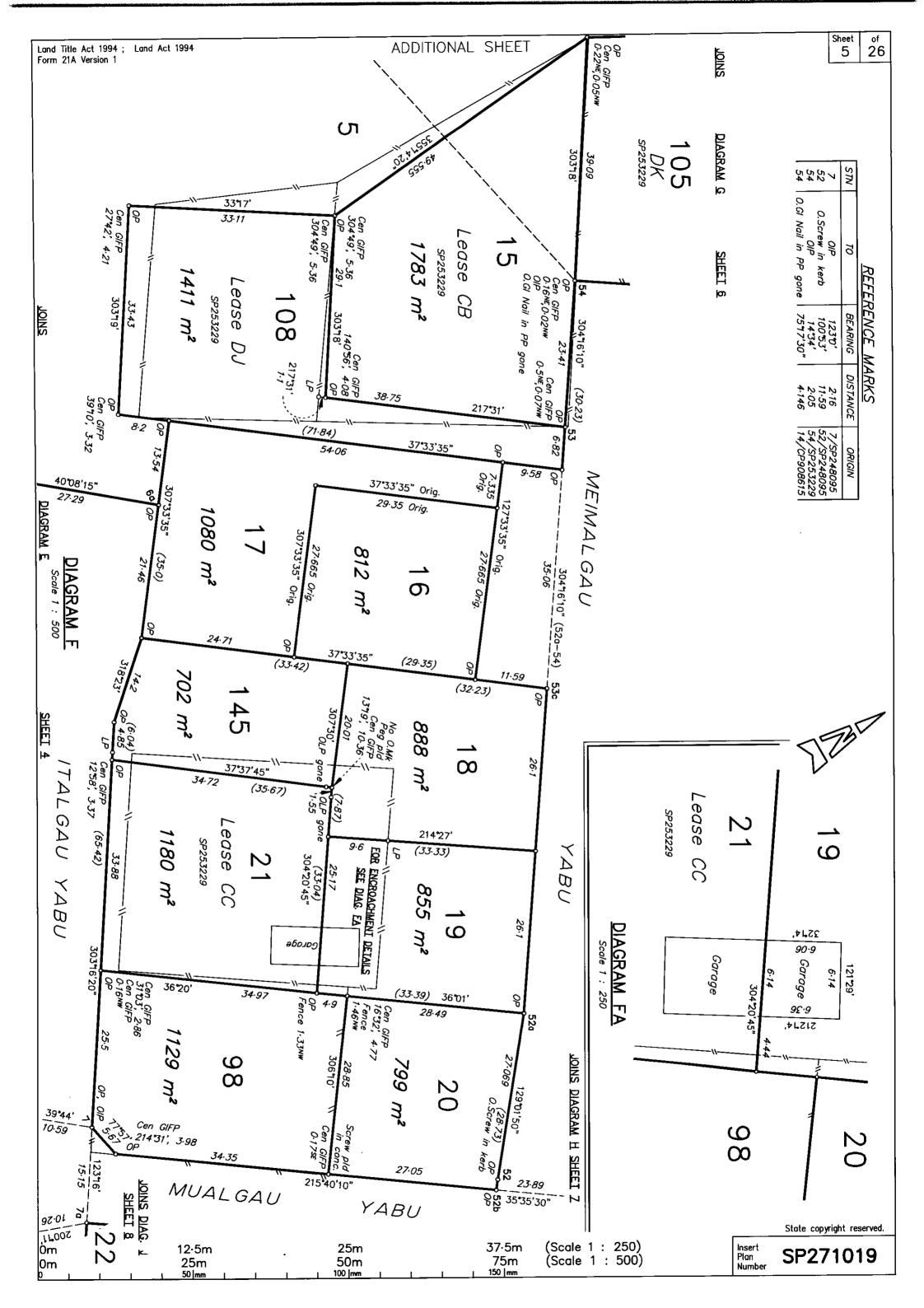
REF: 2016/000 736

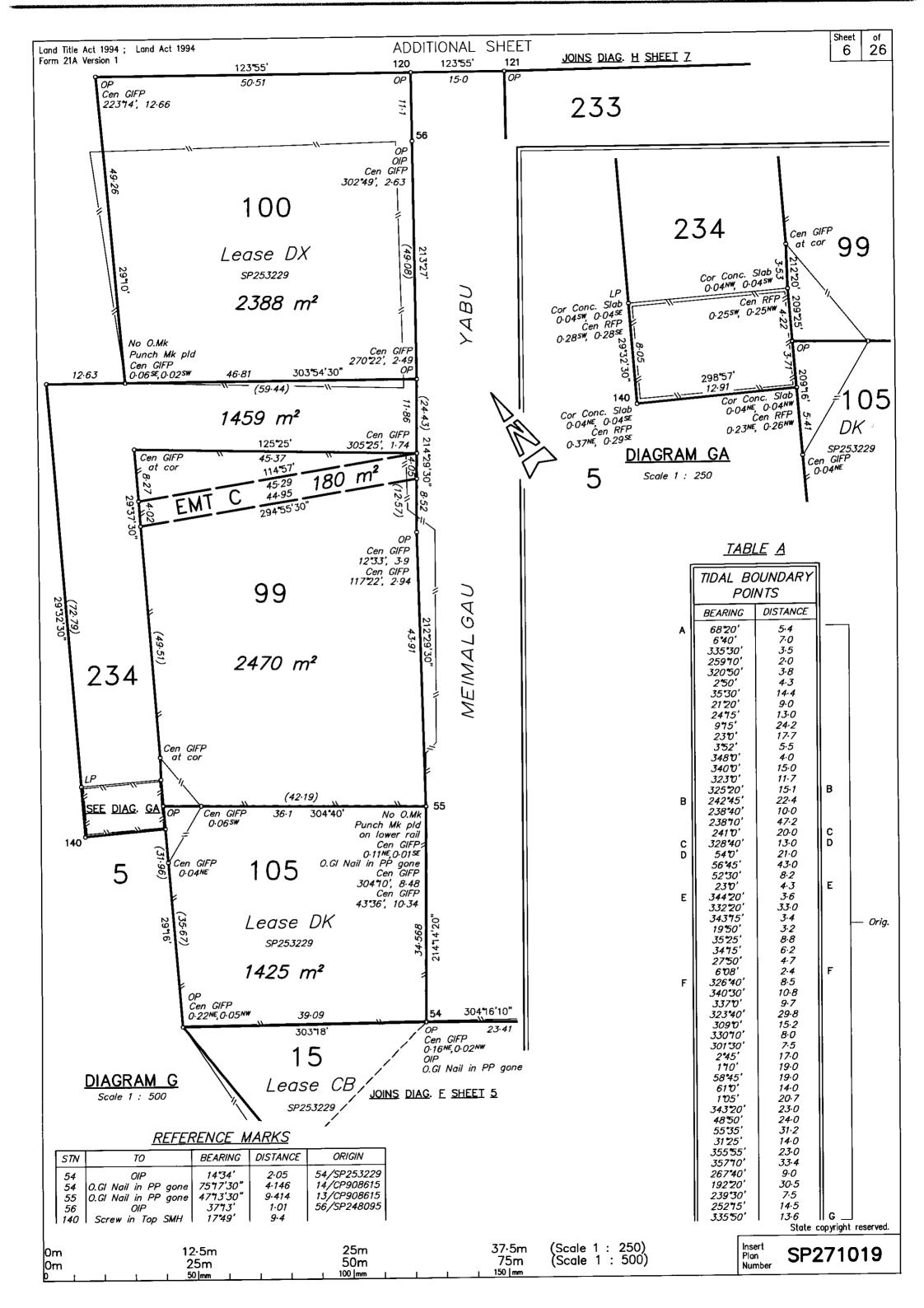
	(Include address, pho	ne number, referen	ce, and Lodger Code)						
1. Certificate of Registered Owners or Lessees	6.	Existing		Created					
I/WETORRES STRAIT ISLAND REGIONAL COUNCIL - DEED OF GRANT IN TRUST		Title Reference	Description	New Lots	Road	Secondary Interests			
THE GRANTEE TO HOLD THE SAID LAND IN TRUST FOR THE BENEFIT.  OF ISLANDER INHABITANTS AND FOR NO OTHER PURPOSE WHATSOEVER.  (Names in full)  * as Registered Owners of this land agree to this plan and dedicate the Public Use			Lot 5 on SP248095	1-3,5,12,15,18- 26,31-34,36,41, 42,45-53,56-58, 60-77,80-83, 85,86,89-91, 93-100,102,103, 105-125,129,131- 136,143-145,155, 158,165,175,180- 183,221-224,230-	_	Emts A, B & C			
Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.  * as Lessees of this land agree to this plan.  Signature of * Registered Owners *Lessees			Lot 11 on SP248095 Lot 12 on SP248095 Lot 13 on SP248095 Lot 14 on SP248095 Lot 16 on TS304 Lot 17 on TS304	5 12 5 13 6 14 16 17		i.			
Christophen Neil Unchaughlin		Lot 35 on TS304   84							
Meting Chief Executive Officer		Administrative Lots Fully Encumbered Lots Partially Encumbered							
			Advice  709885365 ALL SUBJECT LOTS 713412367 ALL SUBJECT LOTS LEASE ALLOCATION  Lease Lots to be Encumbered  601189727 70 & 71  715740603 2,15,21,24,25,26,31,32,34,45,46,47,49,52,56,58,60,62,64,67,68,75,76,80,82,83,91,93,96,97,100,102,103,105,108,111,						
									112,116,118,119,120,122,123,124,125,221,222,223 & 224   716688153   51   1   1   1   1   1   1   1   1
			* Rule out whichever is inapplicable		<u>in regard to</u> 1-3,5,11-20	_	ng onto and/or from a and onto ro		op <u>erties</u>
* PROPES STRAIT ISLAND ENGINEER COUNCIL			8, 3, 1, 1, 5, 6, Lot 5 on TS 6, 5,	158					
		158,165,175 180-183, 221-224, 230-237,24 242 & 245	1		is practical	to determine, no part			
Milagra		Lots 7. Orig Grant	Orig Allocation :	onto adjoining lo  * Part of the beneroaches onto	ts or coad; uilding show				
Dated this 215t day of December 2016			8. Map Reference :  7377-13344, 7377-42223, 7377-42224 & 7377-42231  * delete words not required			Date			
Acting Chief Executive #			9. Parish: 13. L  DUNCAN St			<u>২</u> ০৭০ •			
Officer #			10. County:  TORRES  Lodgement  New Titles			\$11627.00 \$			
* Insert the name of the Planning Body. % Insert applicable approving legislation.  # Insert designation of signatory or delegation			: Endorsed :	Photocopy		\$			
3. Plans with Community Management Statement :  CMS Number :  4. References :  Dept File :  Local Govt :		Row	lands Surveys Pty Ltd N 010 025 260)	TOTAL		\$ 111627.a			
Name :	Surveyor : 43391/02	Designation :	Cadastral Surveyo	// Plon	SP2	71019			

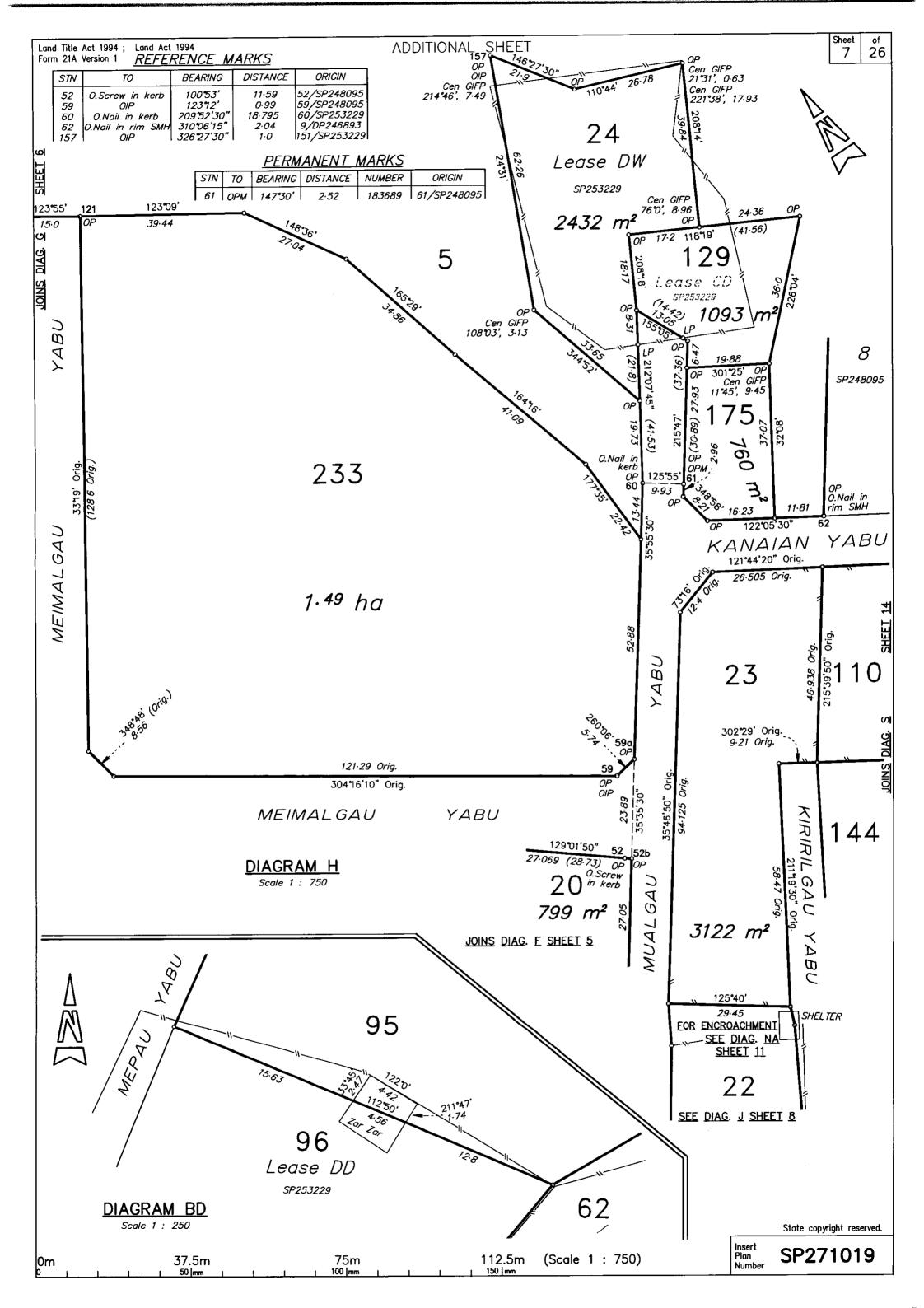


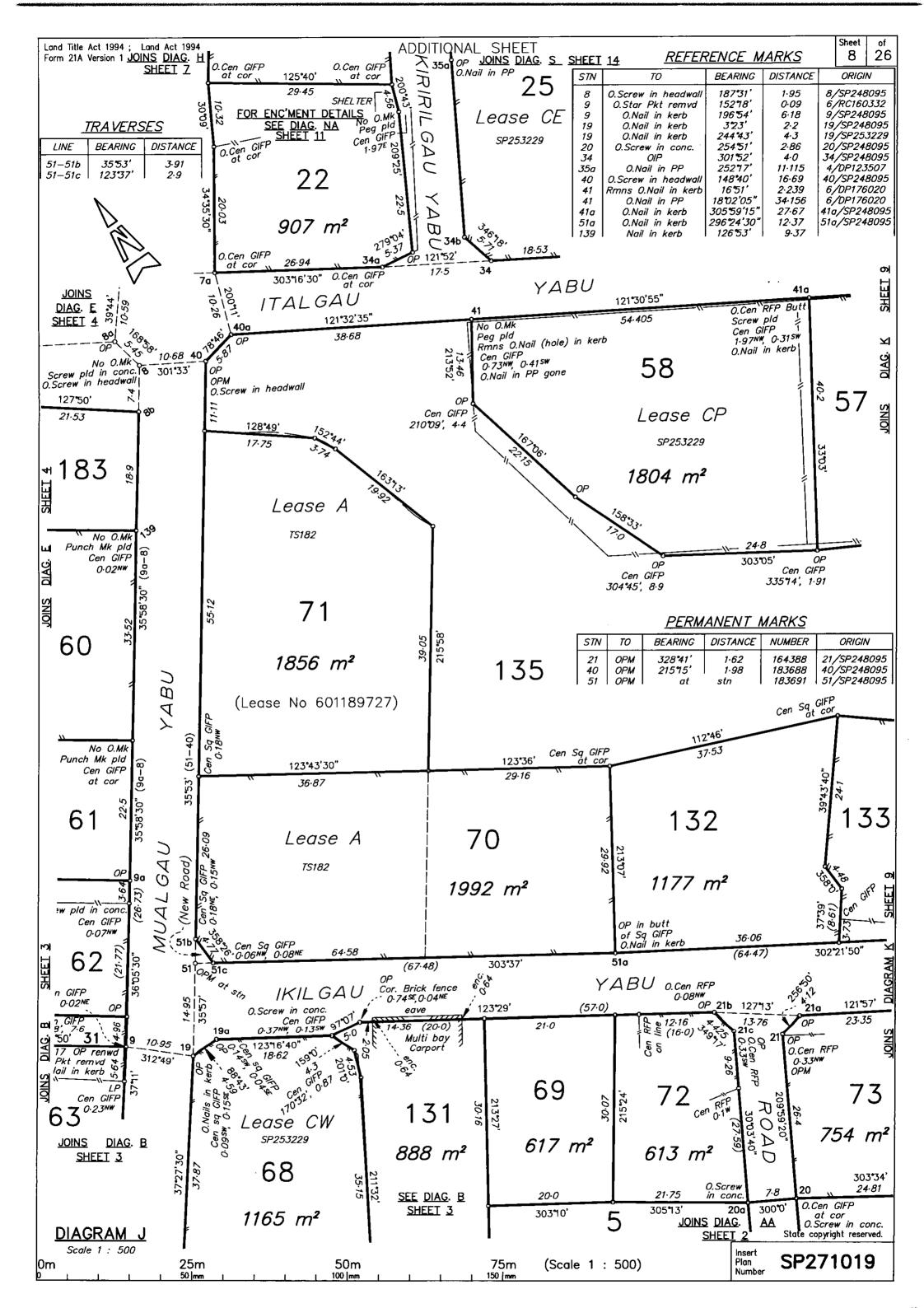


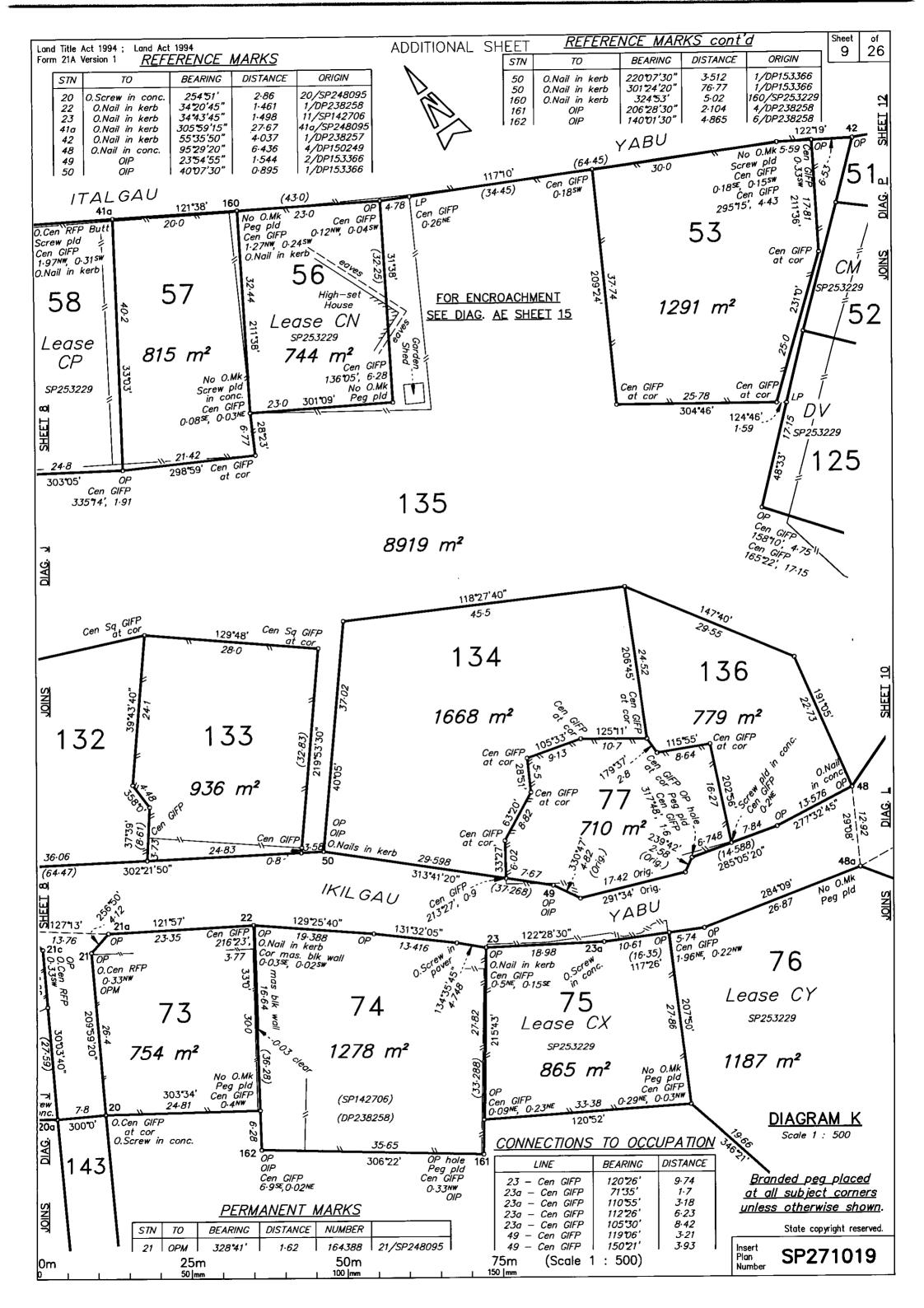


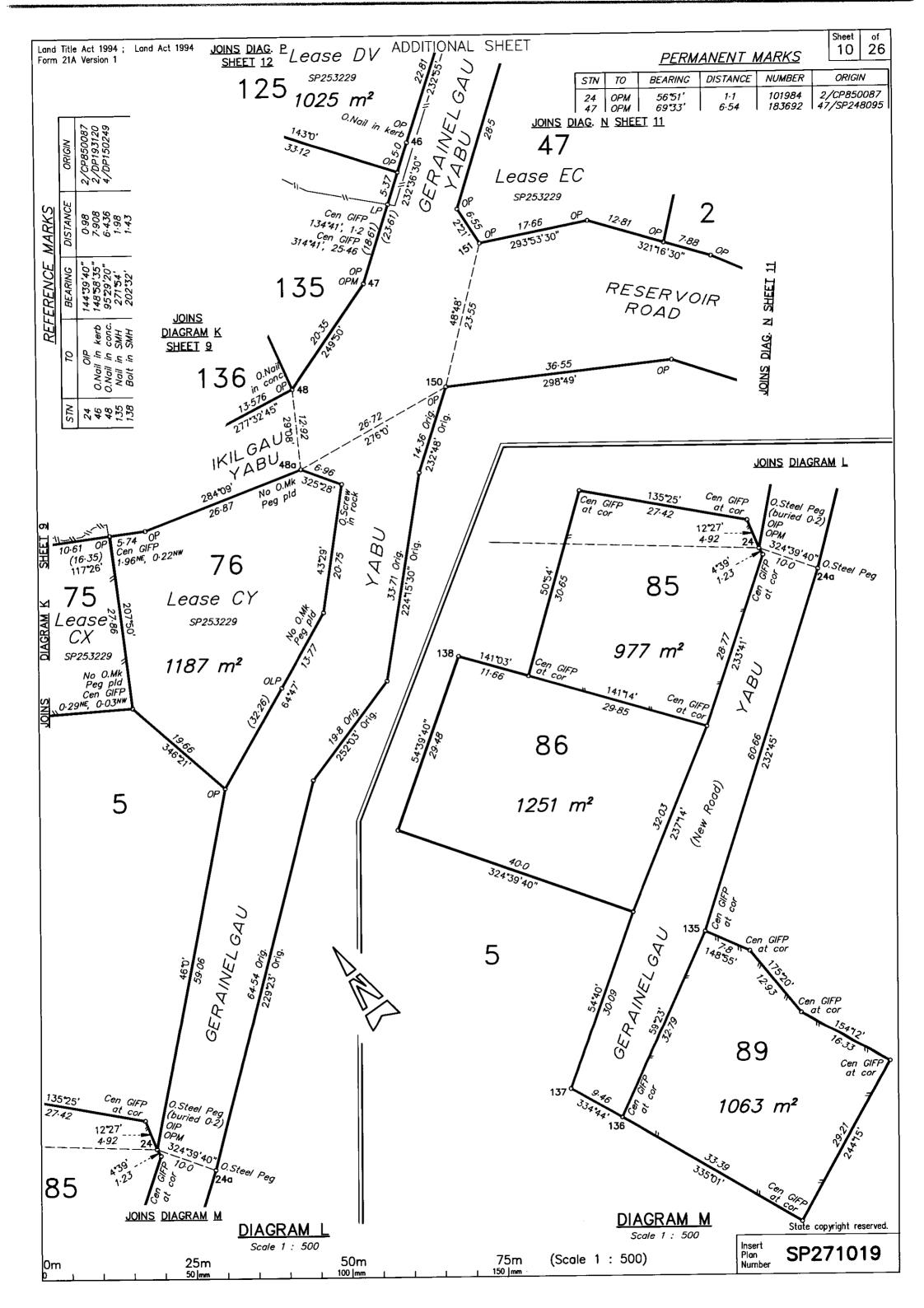


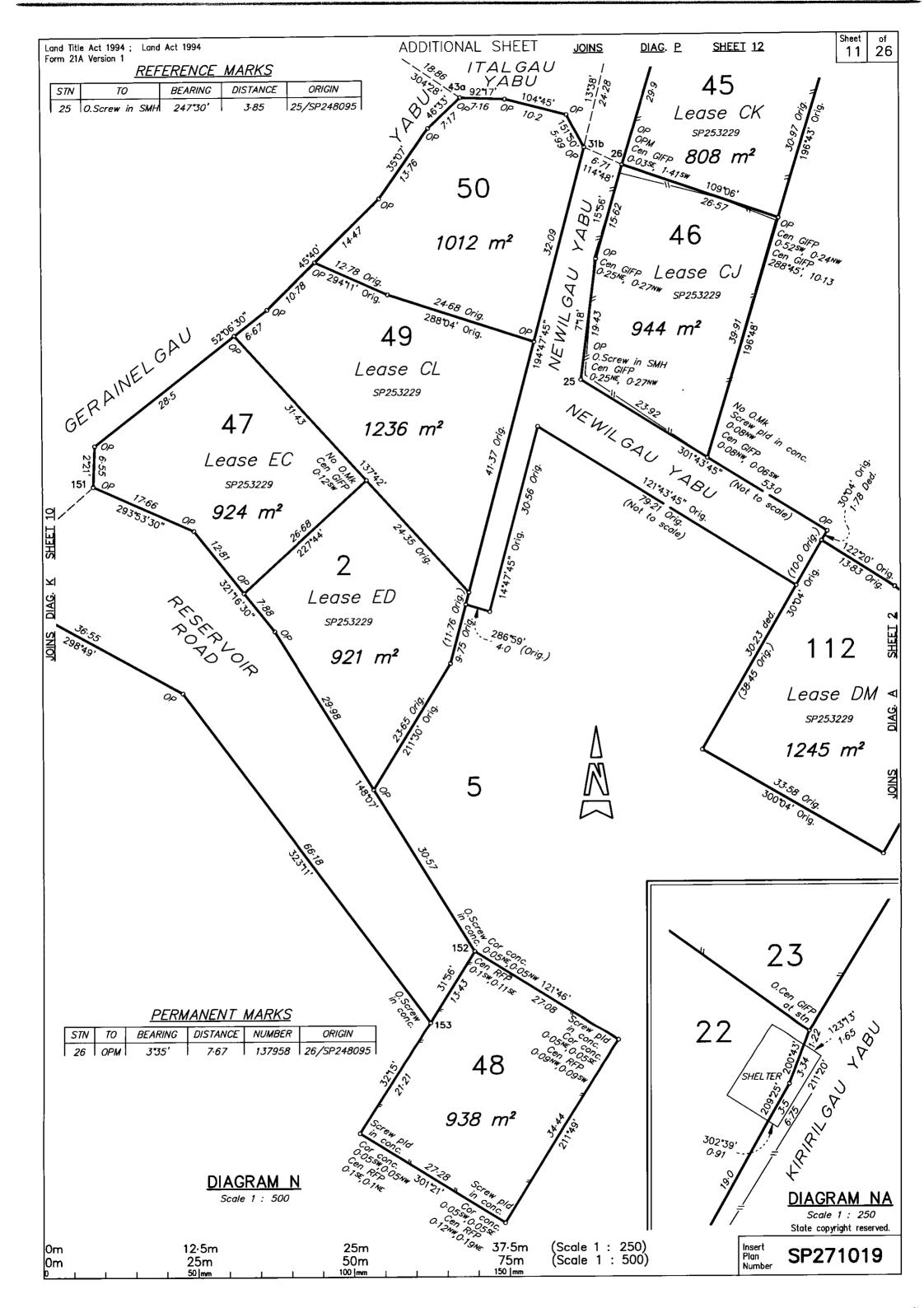


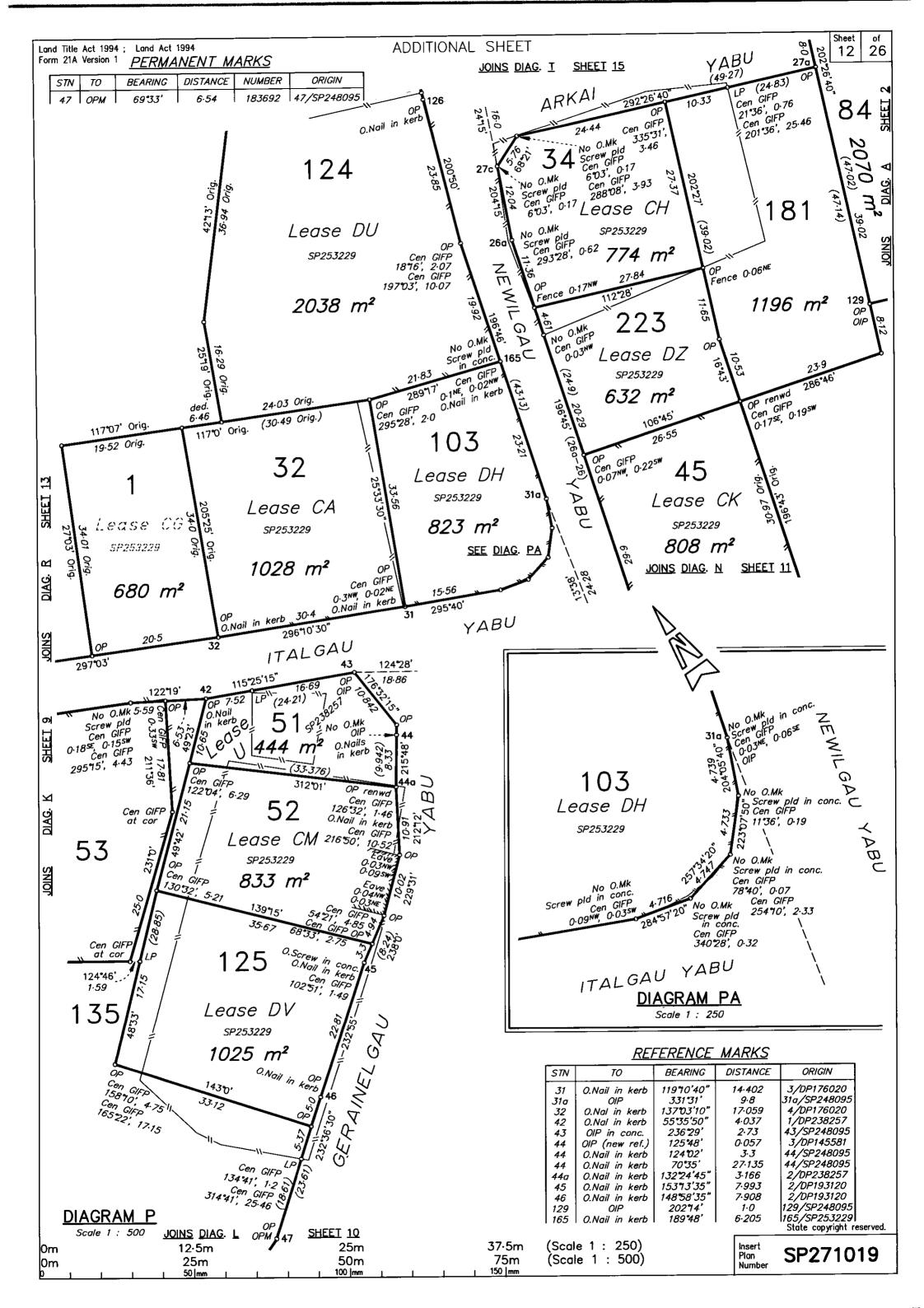


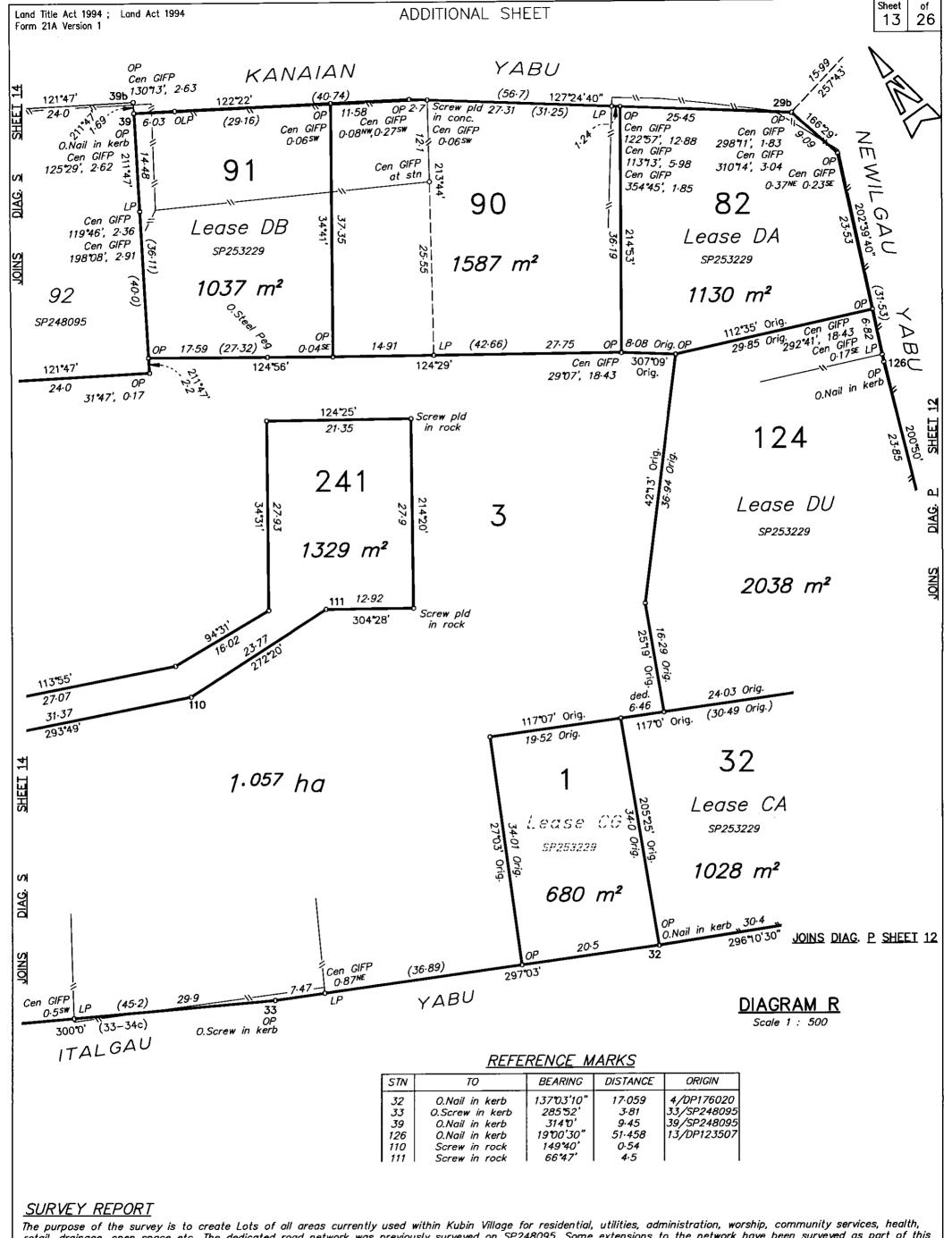












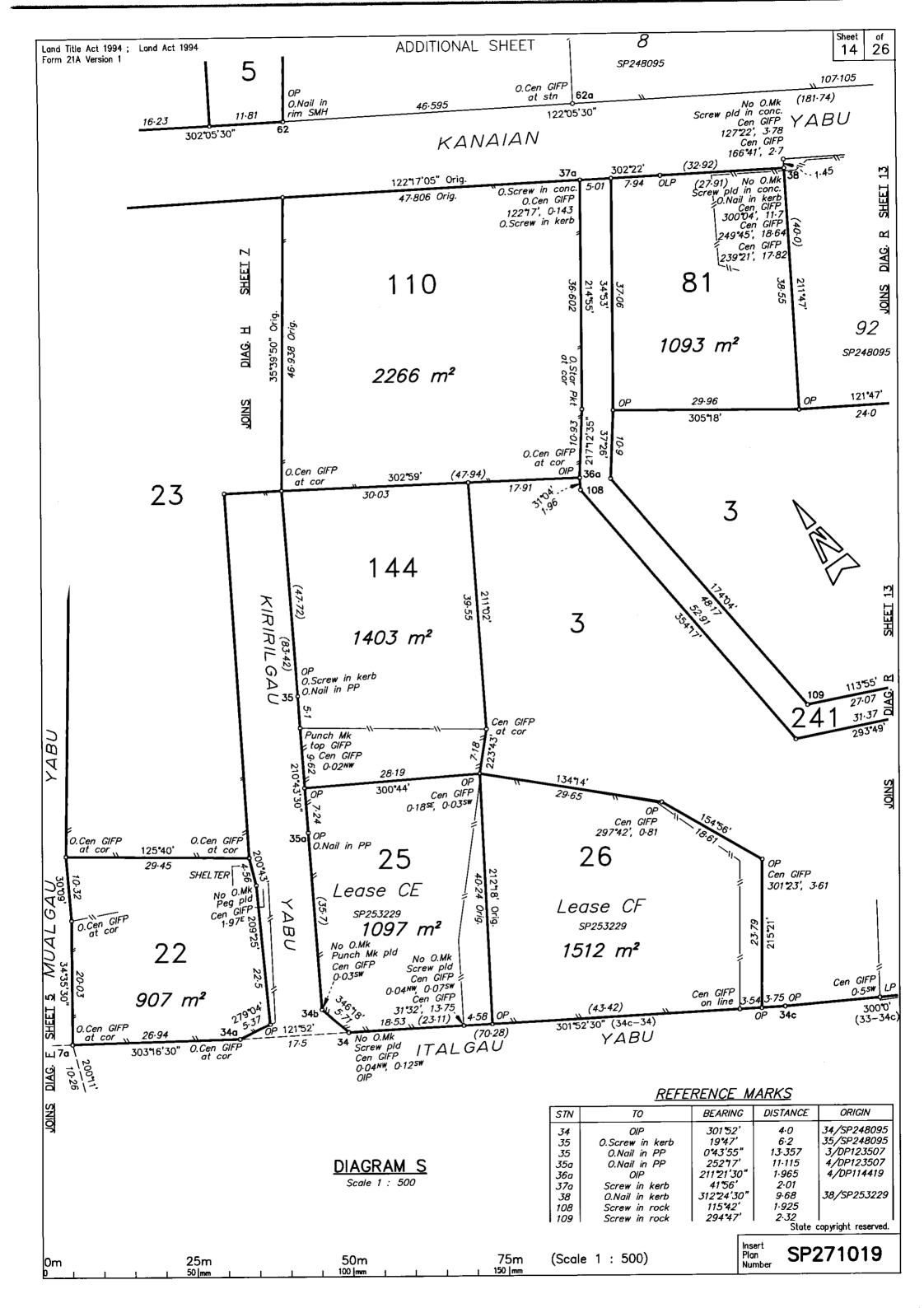
The purpose of the survey is to create Lots of all areas currently used within Kubin Village for residential, utilities, administration, worship, community services, health, retail, drainage, open space etc. The dedicated road network was previously surveyed on SP248095. Some extensions to the network have been surveyed as part of this exercise and these will be dedicated following registration of this plan. Survey of forty—nine leases over residential parcels, was undertaken following dedication of the road network with registration of SP248095. Forty—six of the leases, shown on SP253229, have been registered. On this survey, Lots will be created over each of these On this survey, Lots will be created over each of these leases generally, however with regard to Leases DS and DT on SP253229, four new Lots, 122, 123, 222 and 224, will be created, which will be affected by these Leases. Generally most Permanent Survey Marks and Reference Marks emanating from the previously registered plans, have been connected too, and there have been no material differences in any dimensions found between this survey and those on

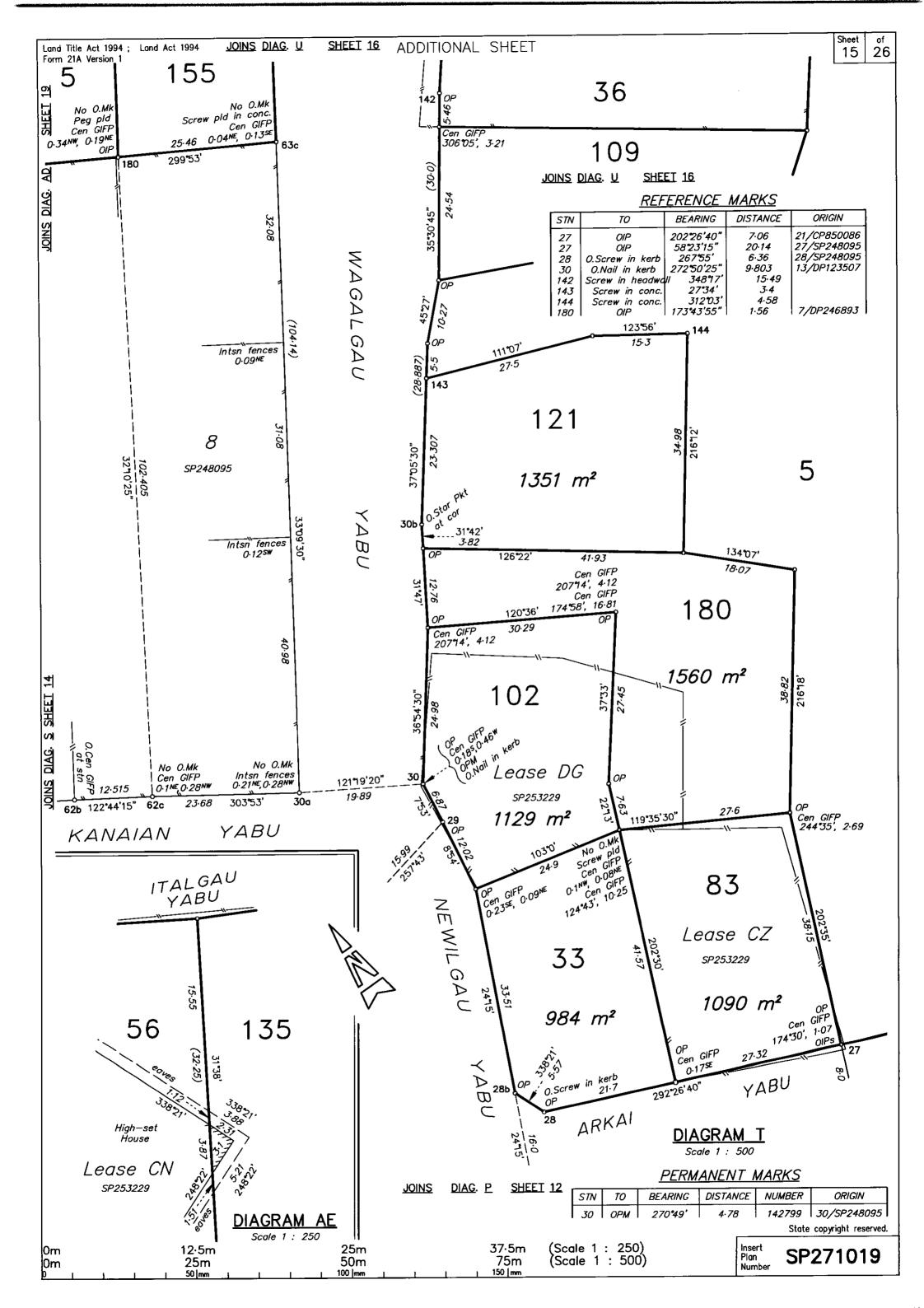
State copyright reserved.

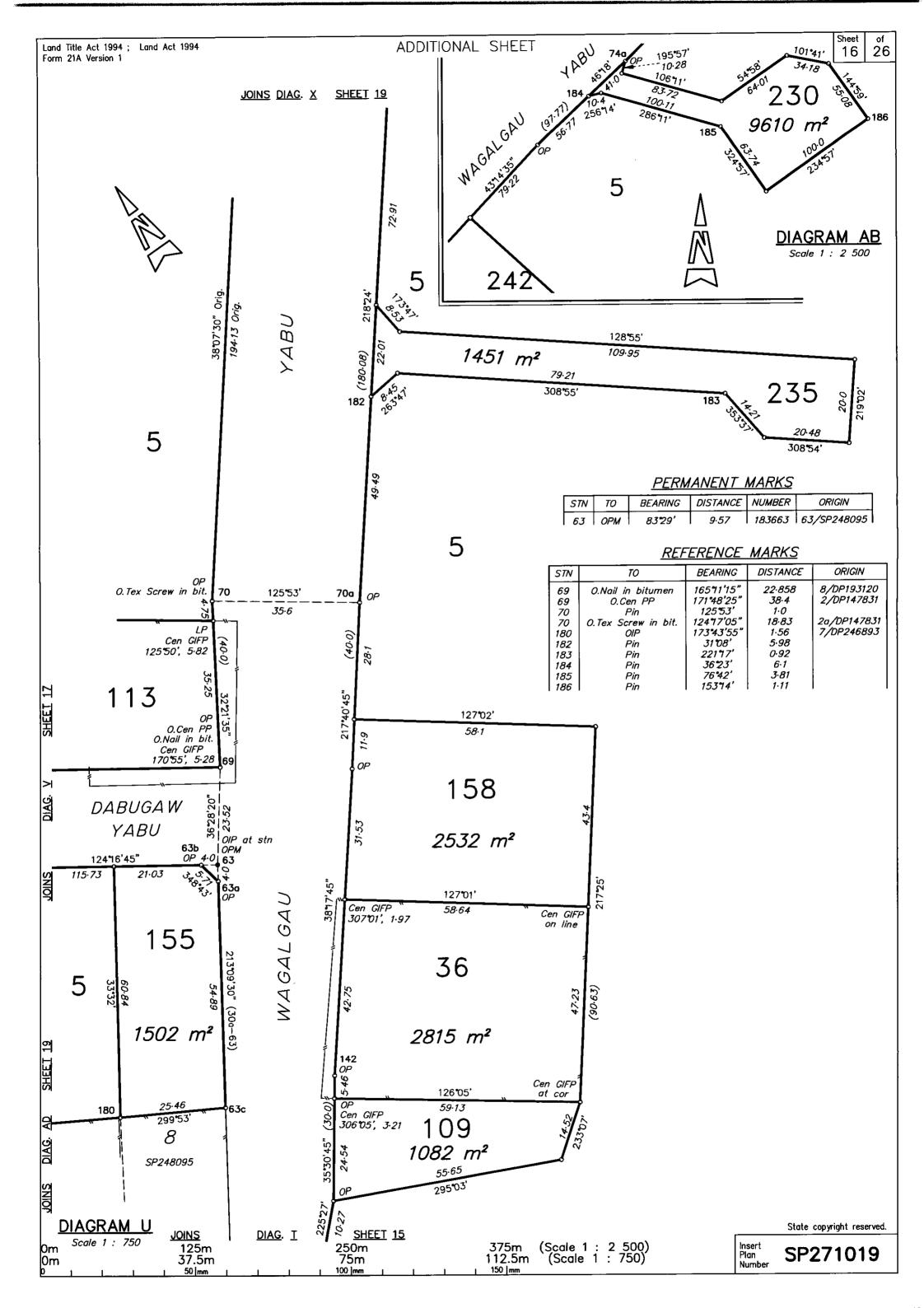
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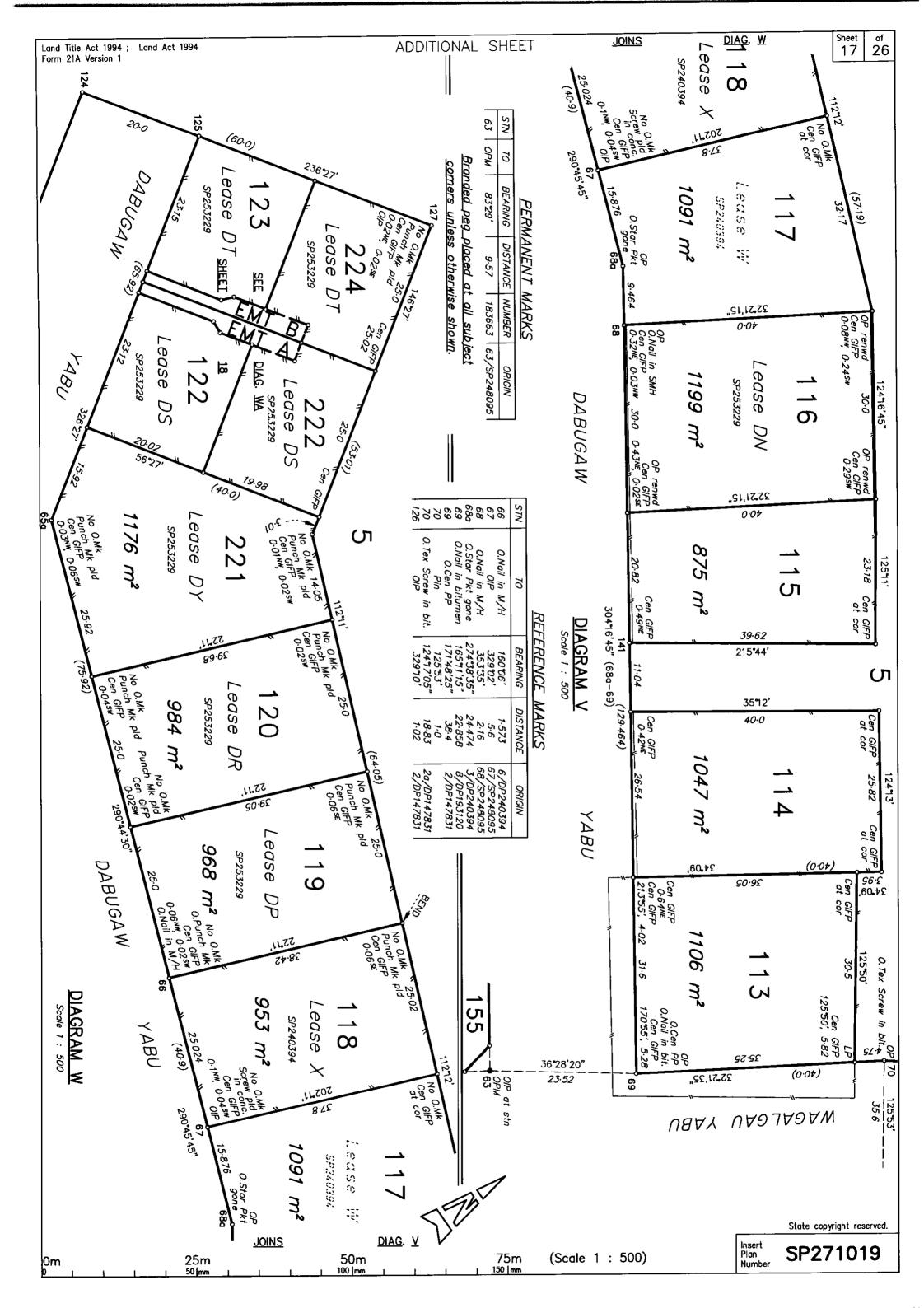
75m 150 | mm (Scale 1 : 500)

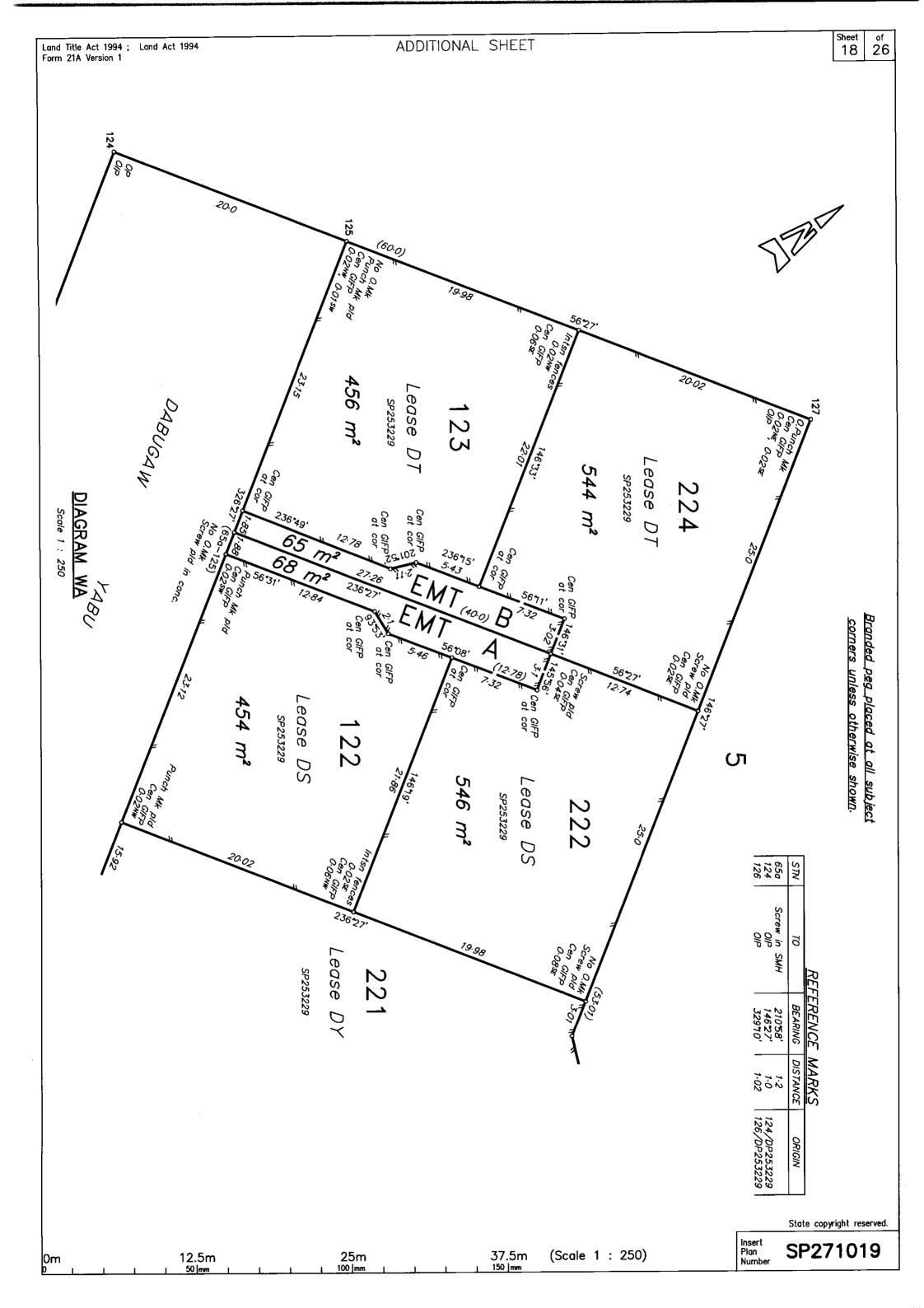
Insert Plan SP271019

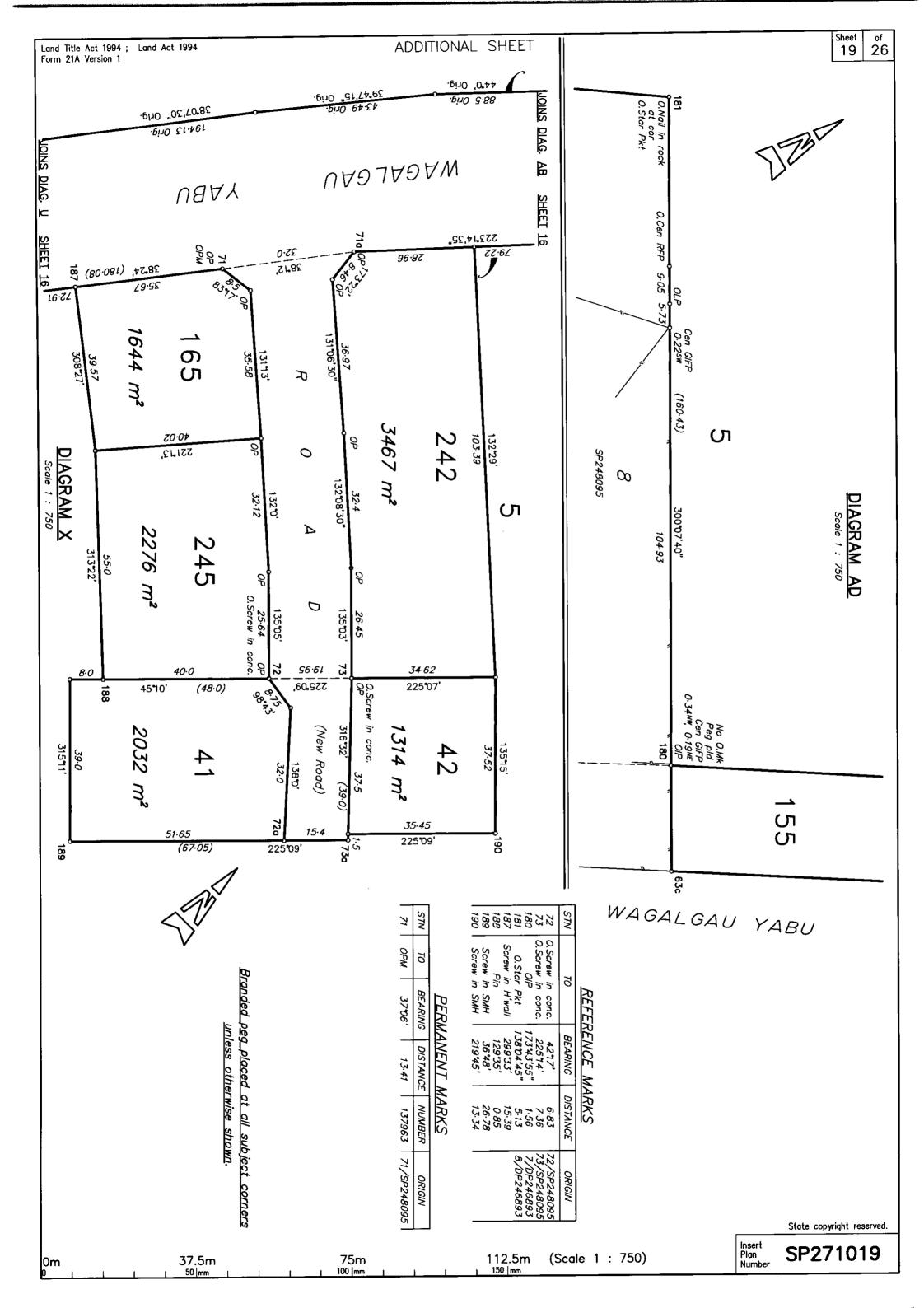


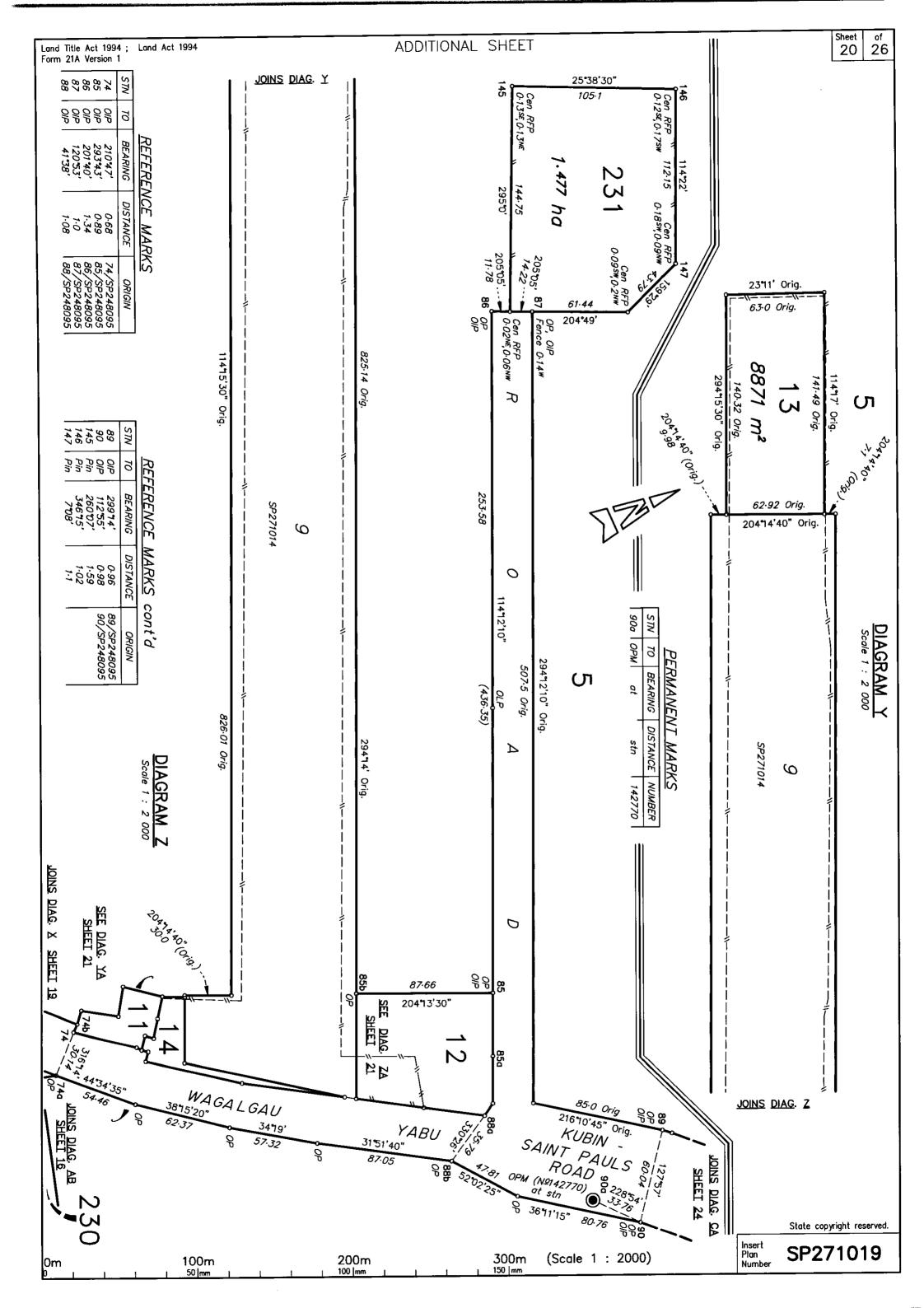


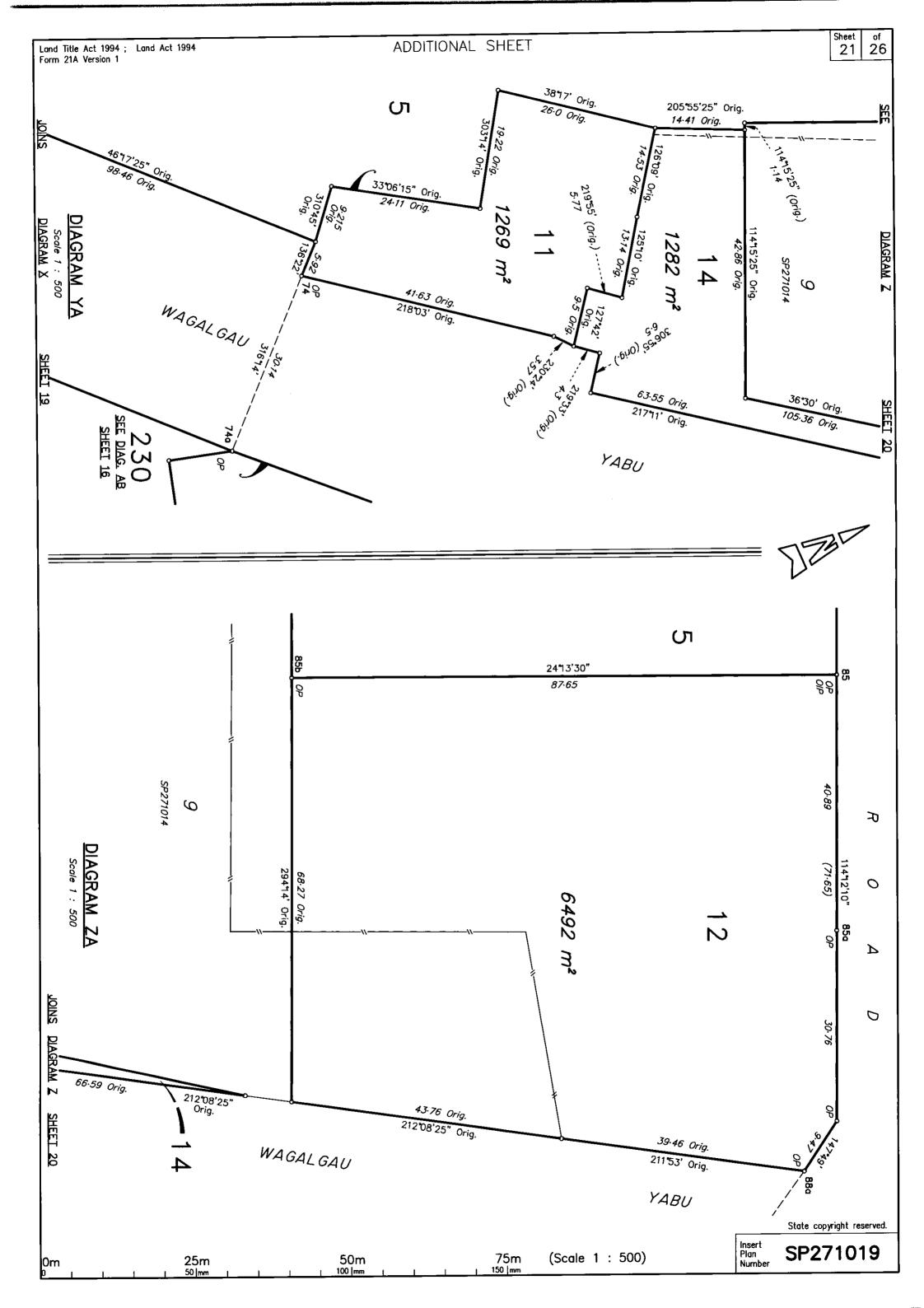


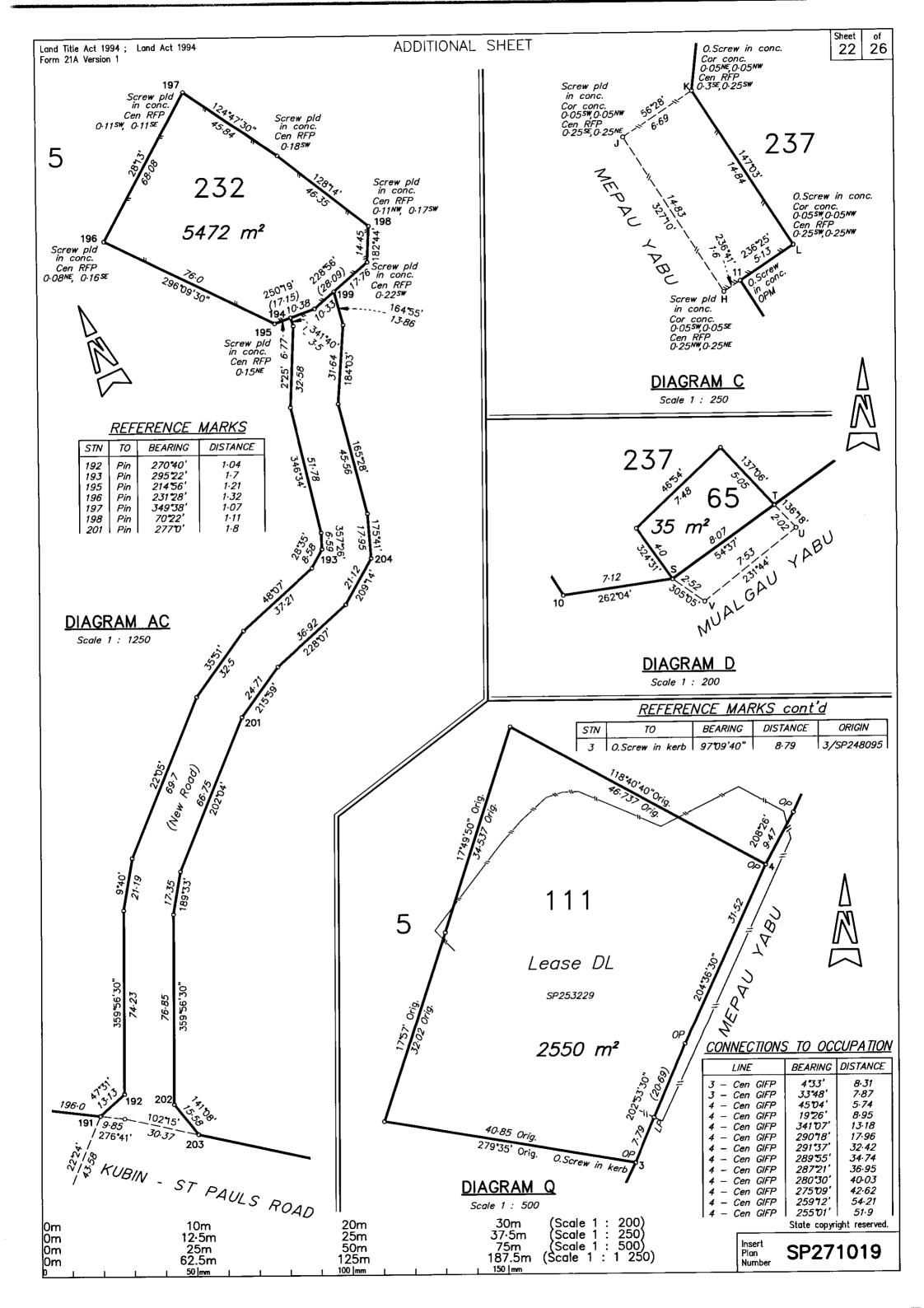


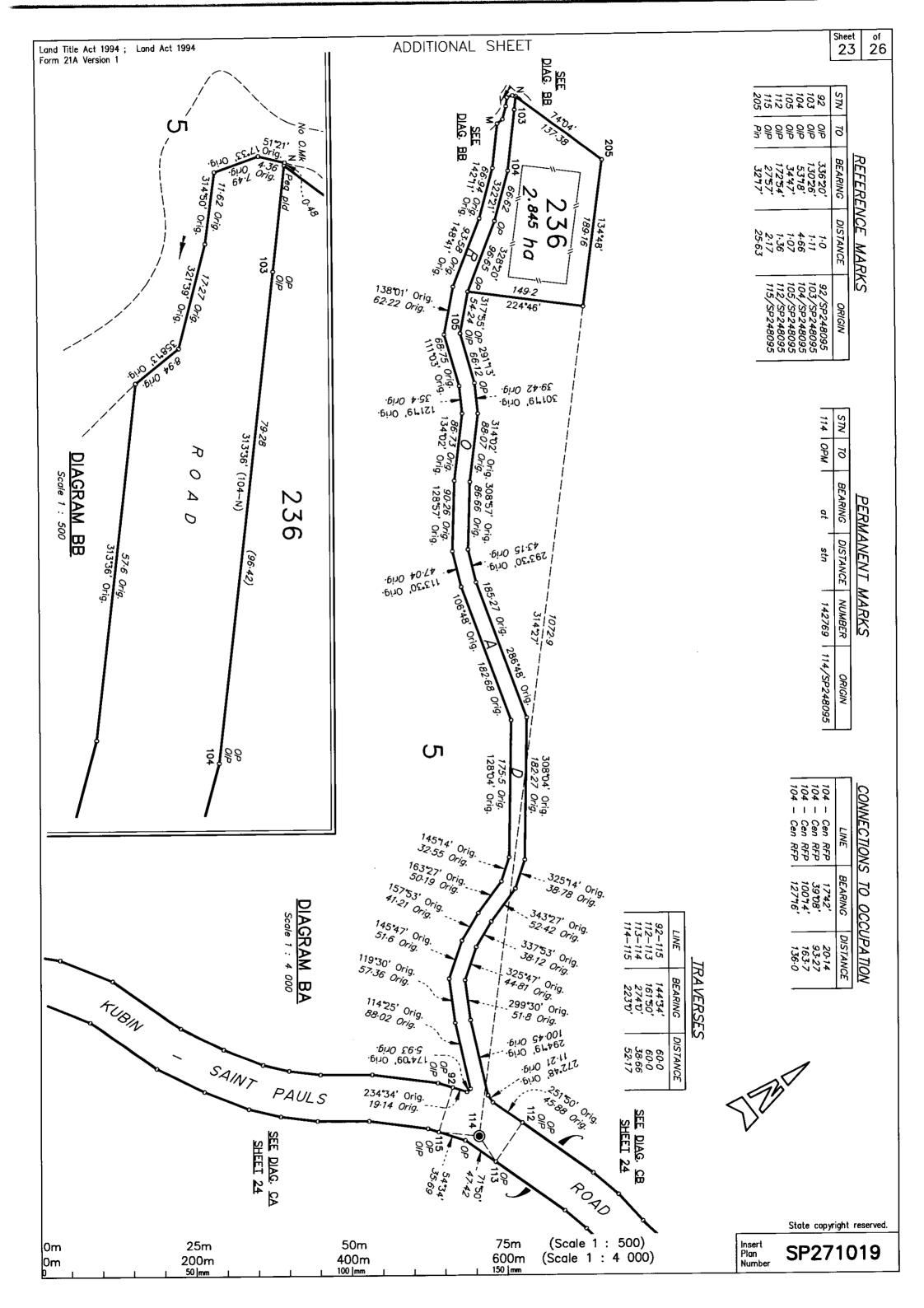


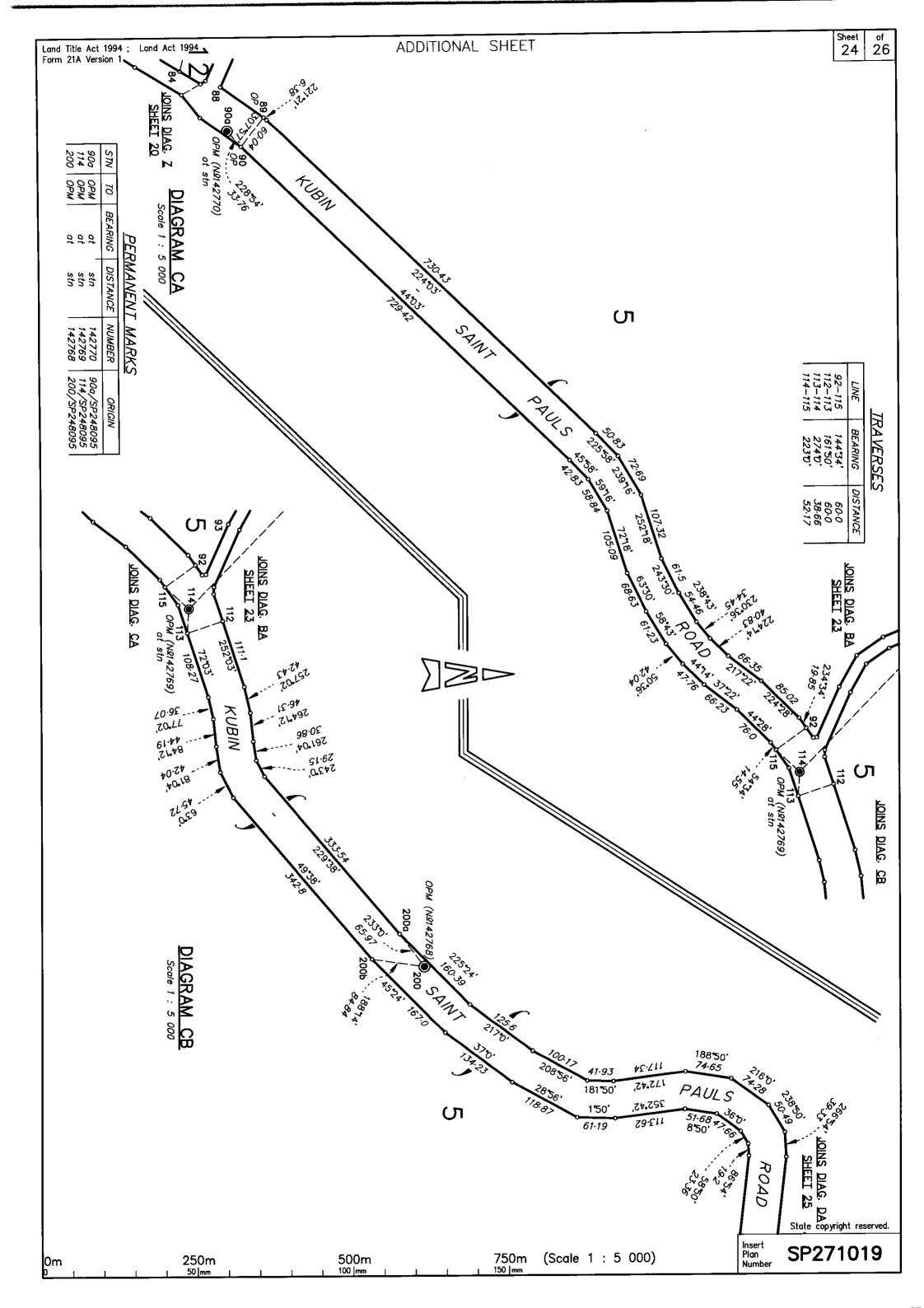


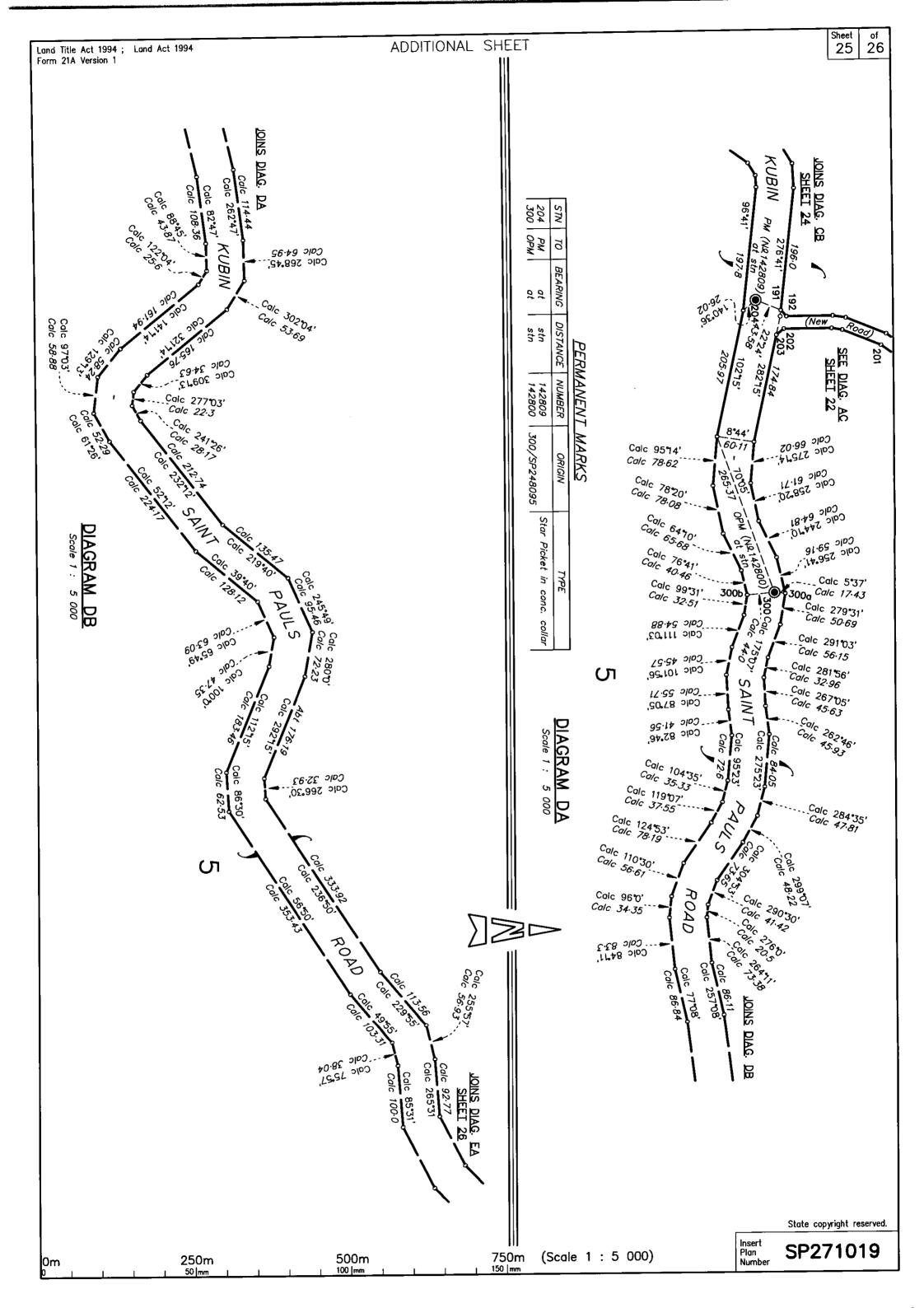


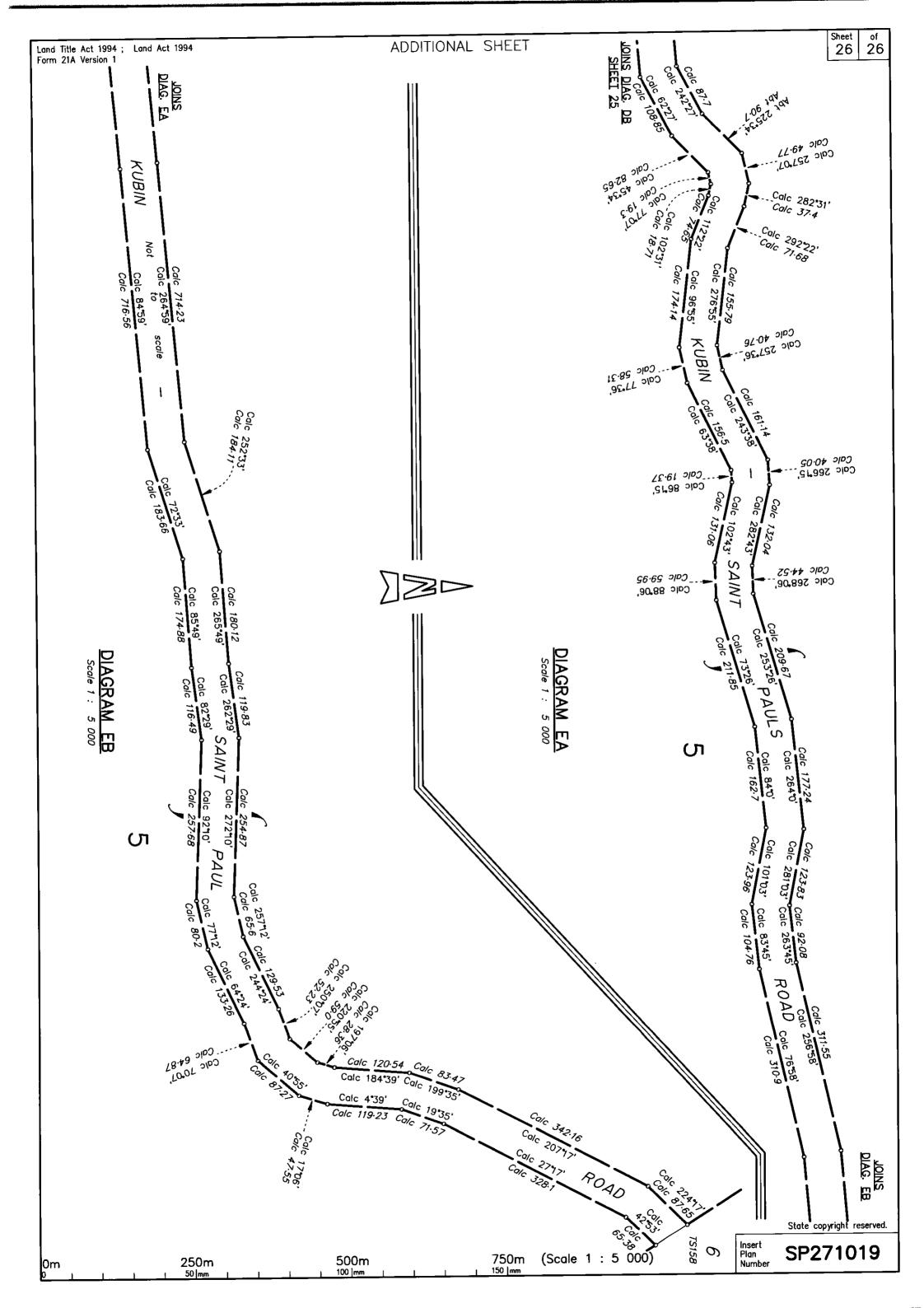








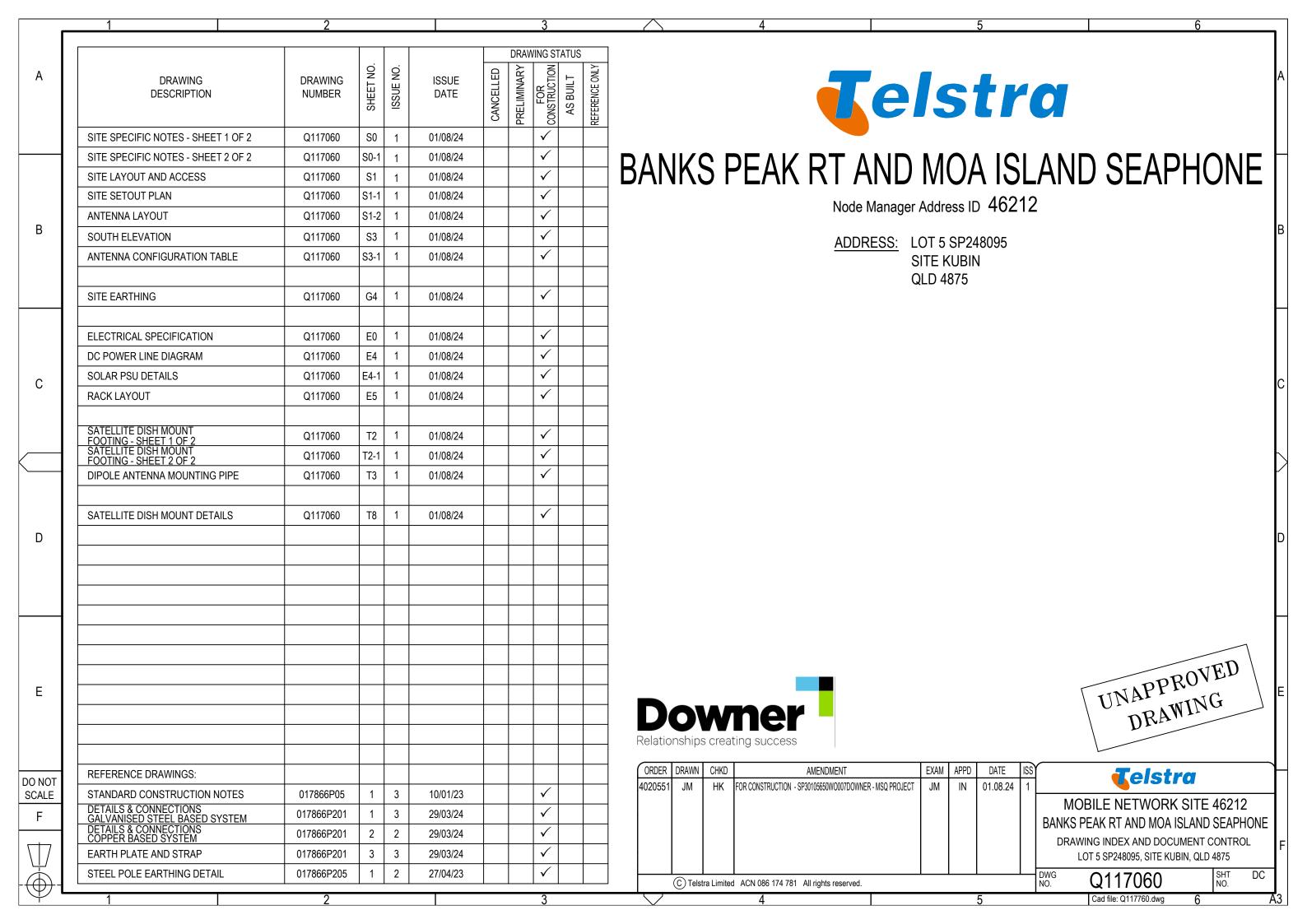


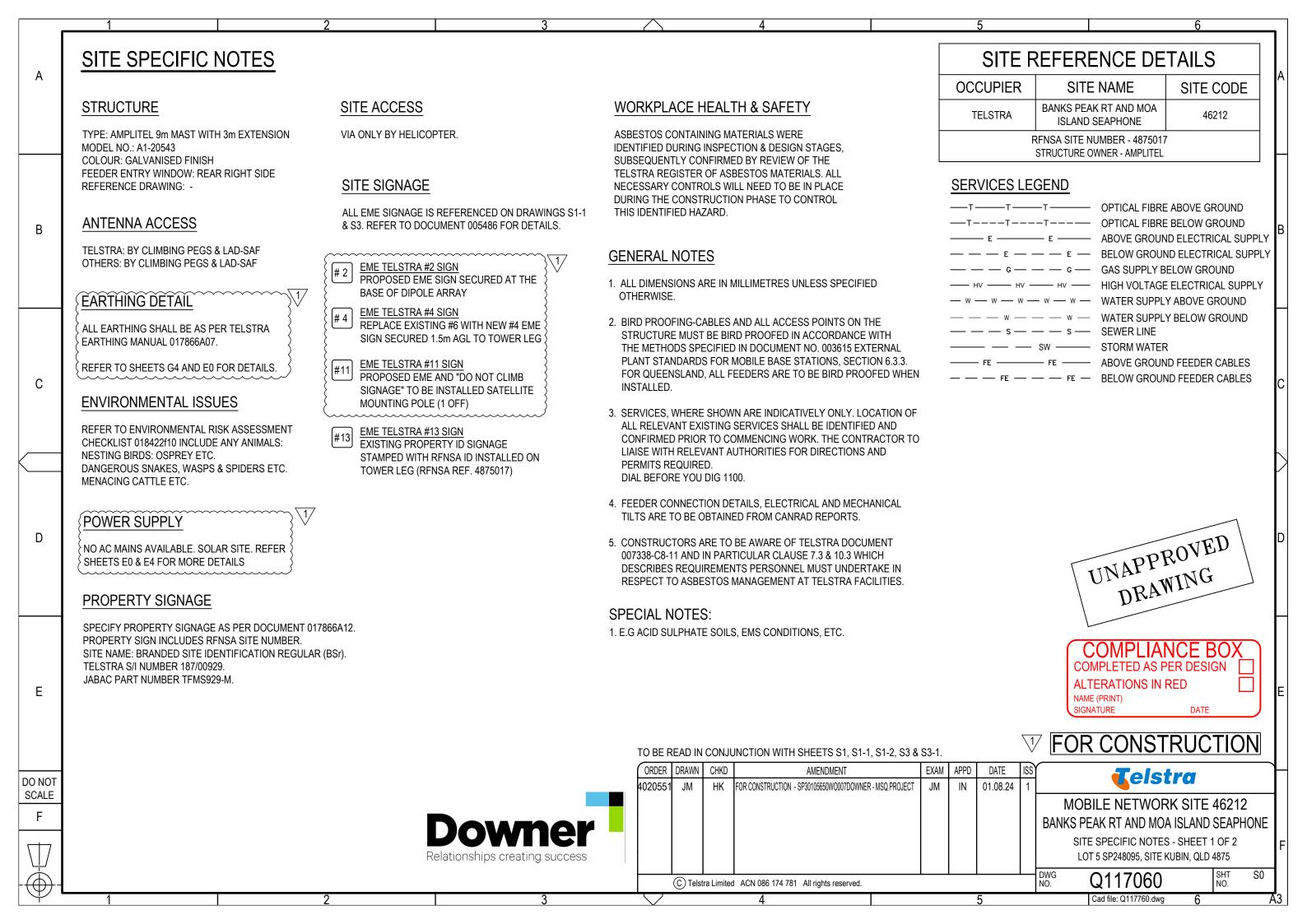


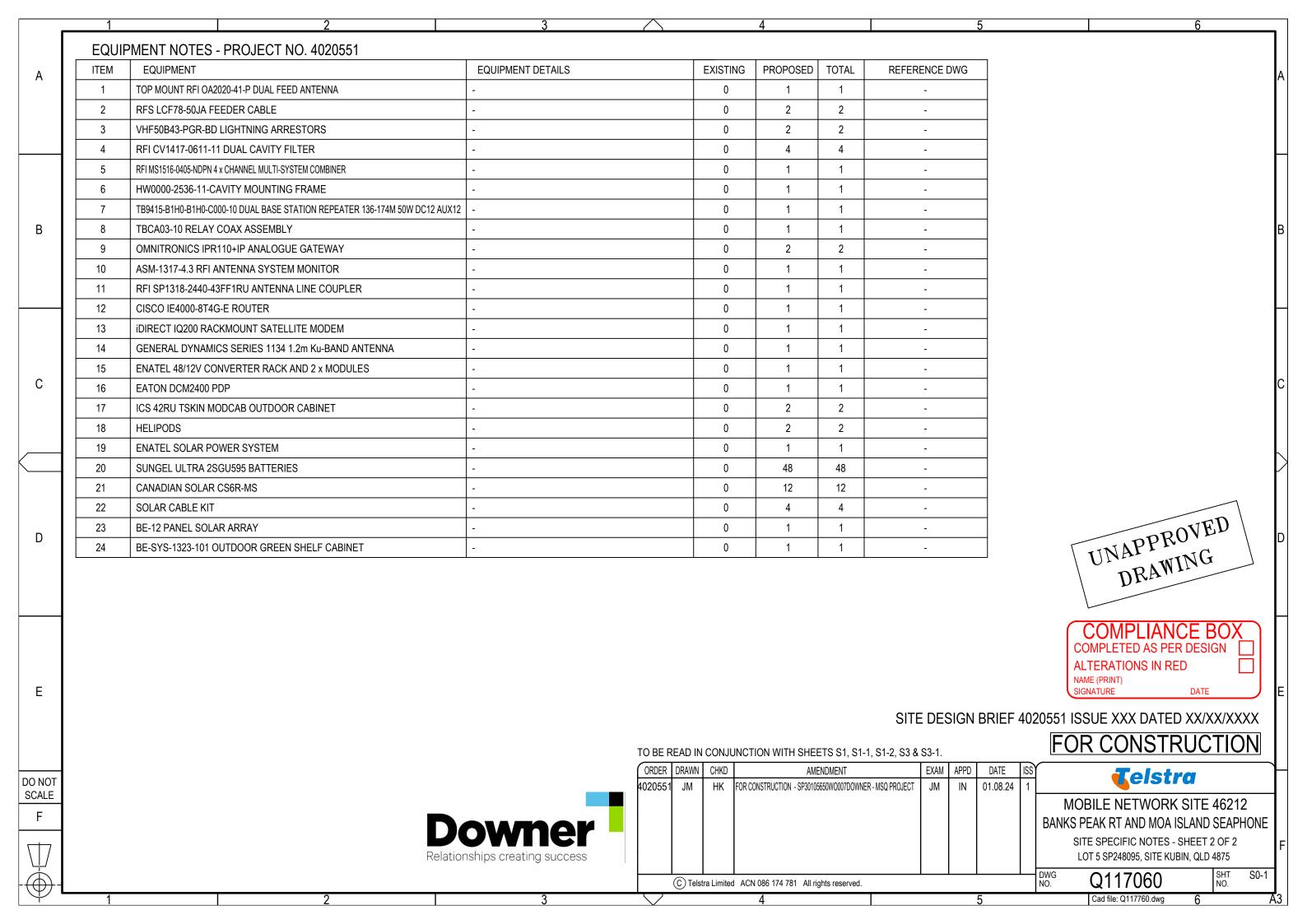


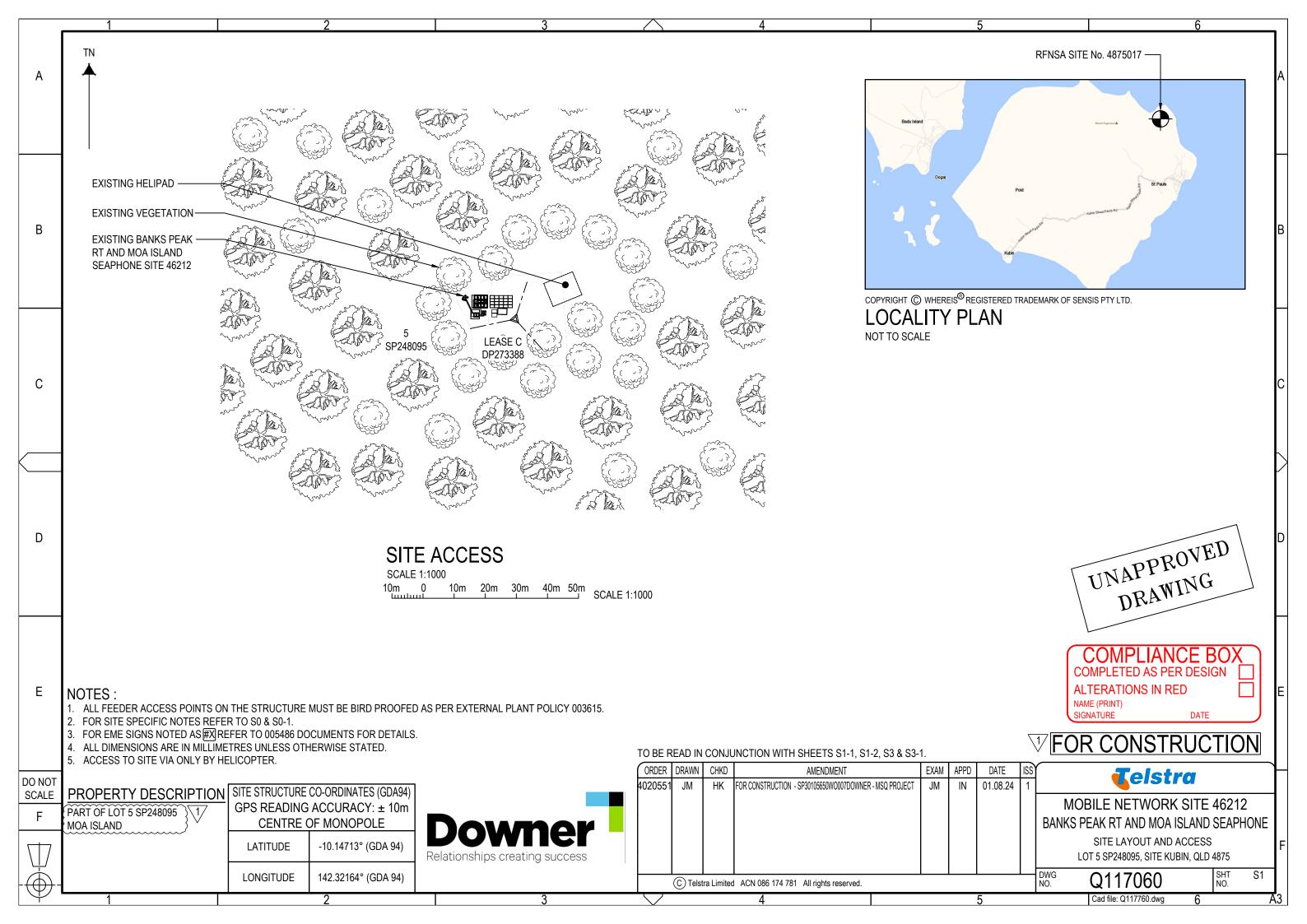


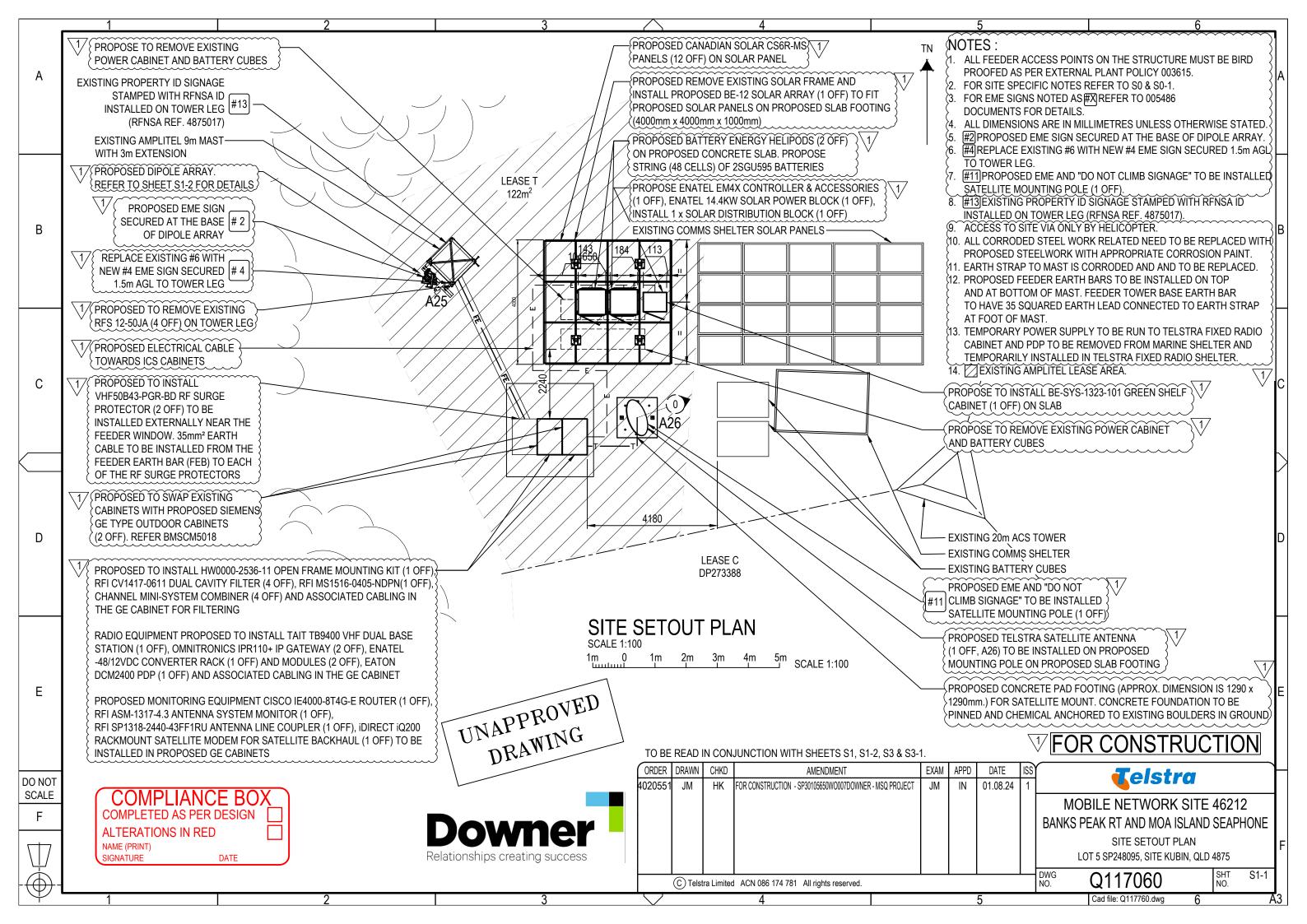
## **Appendix B Plans and Elevations**

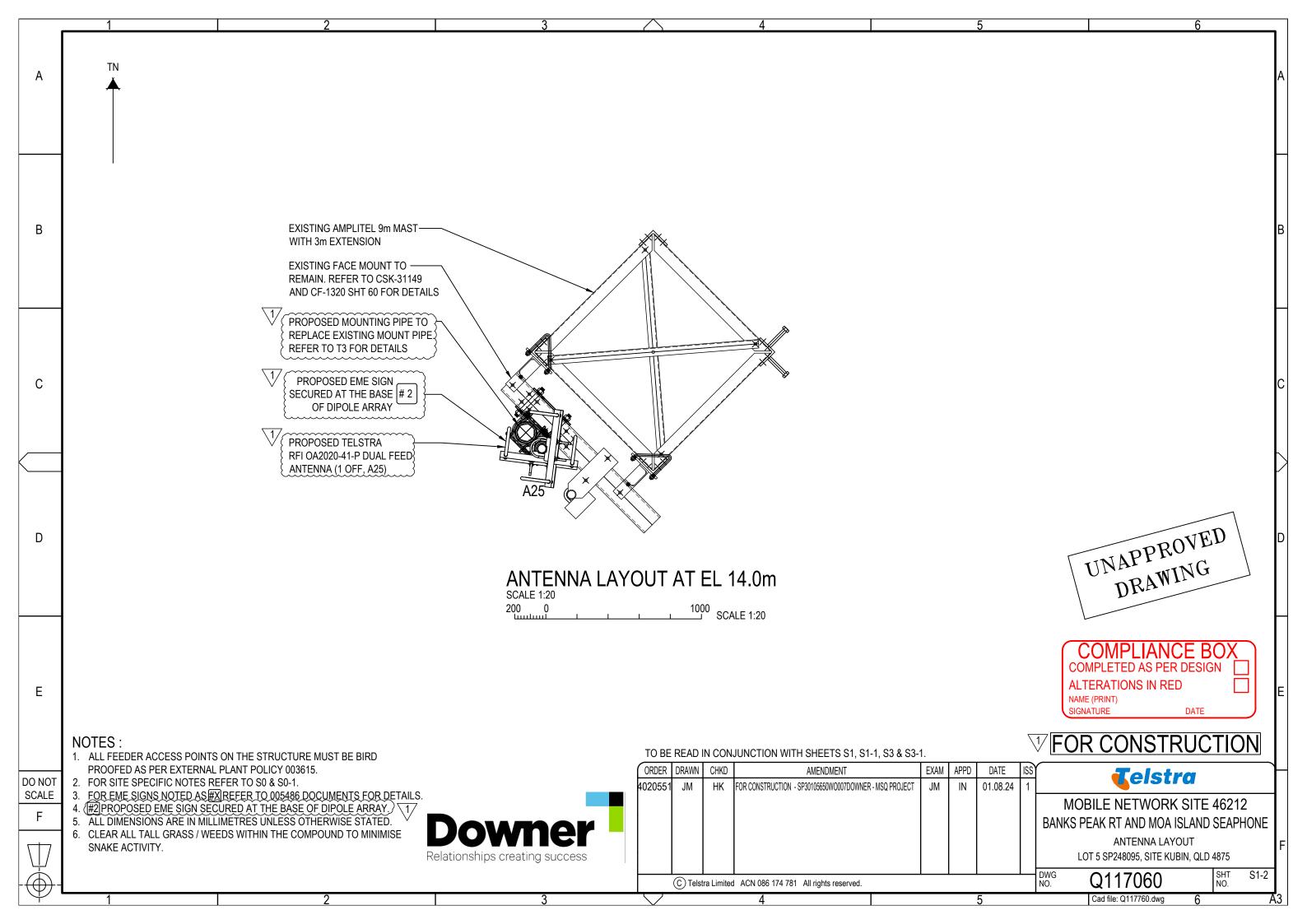


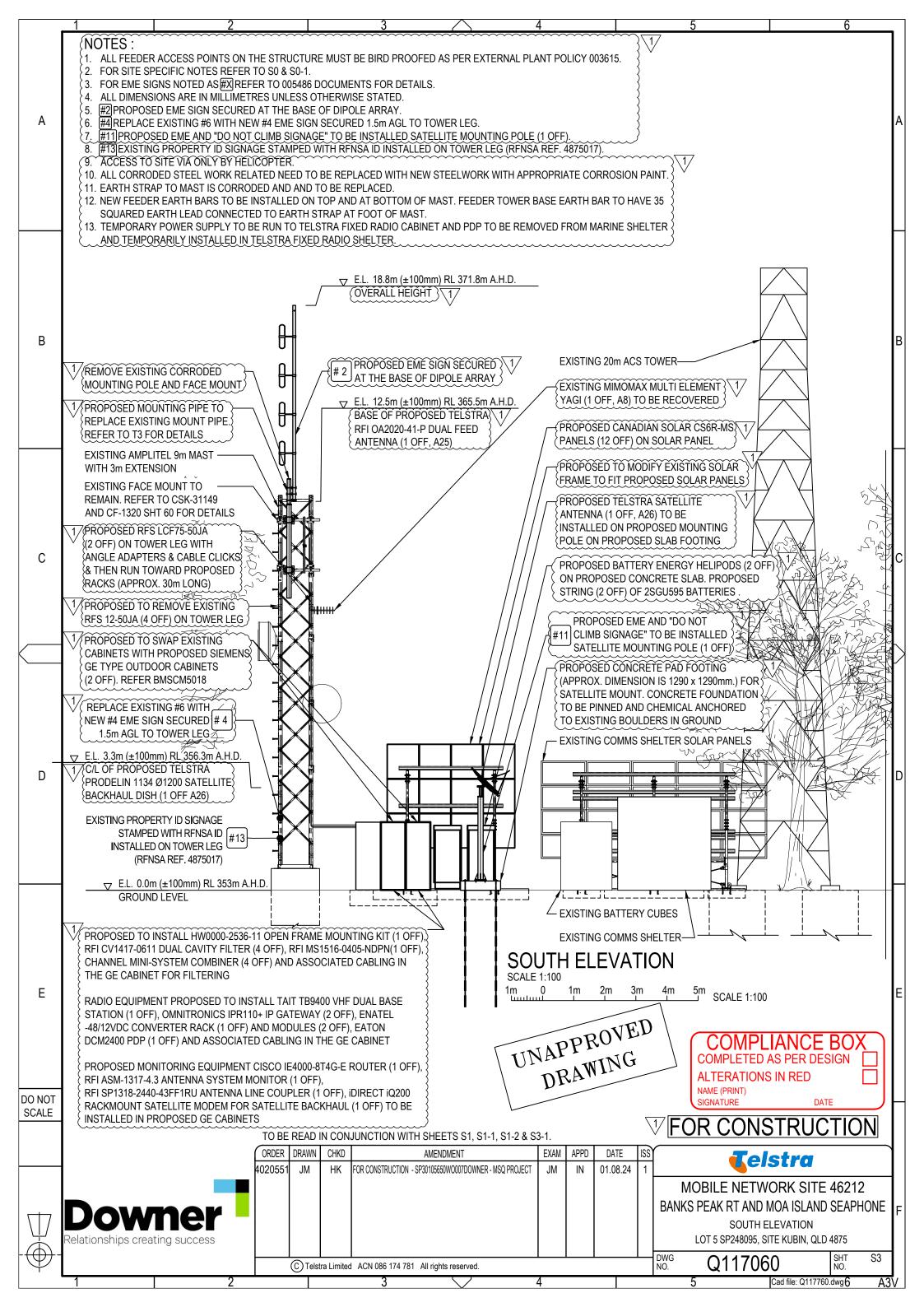


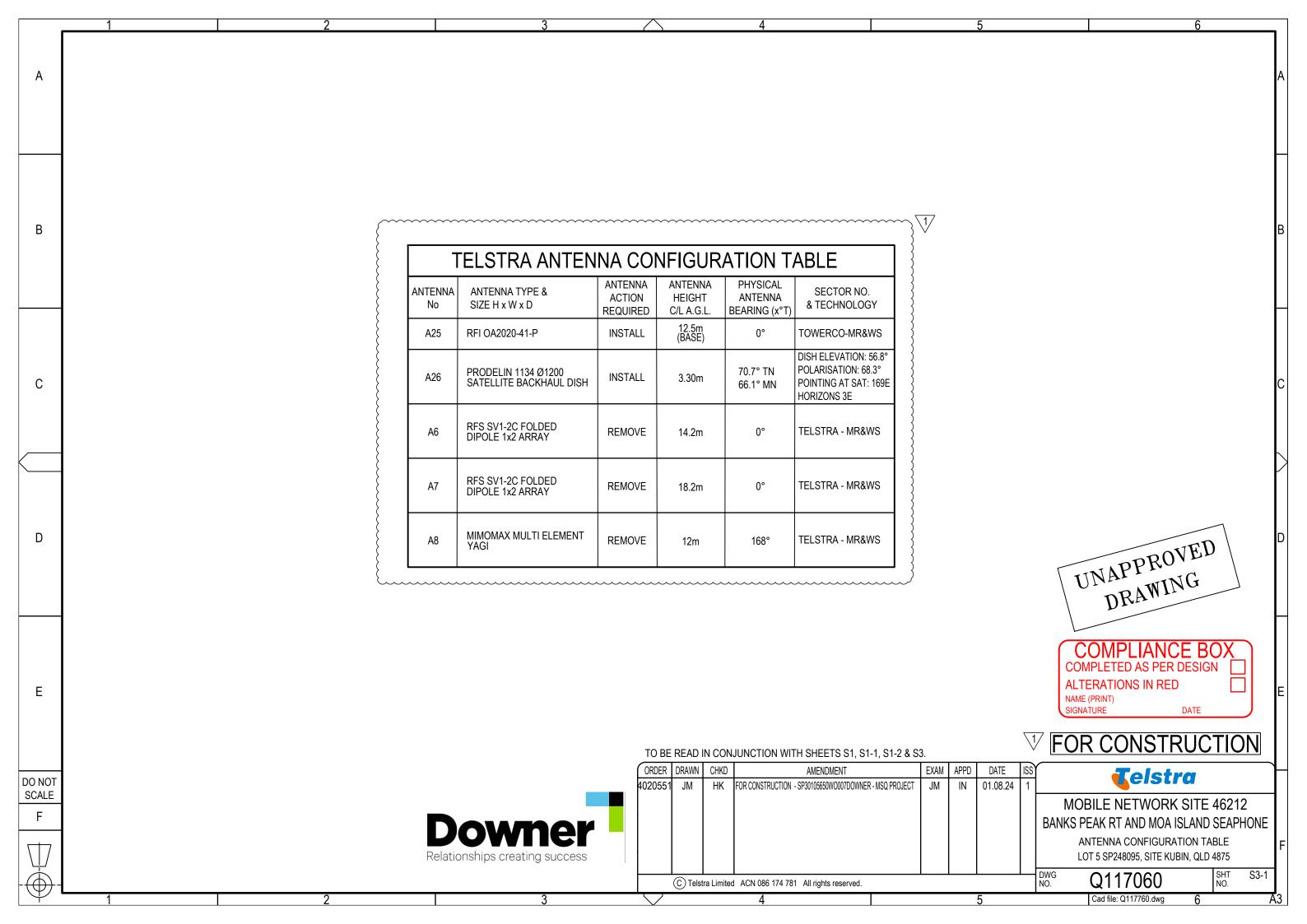


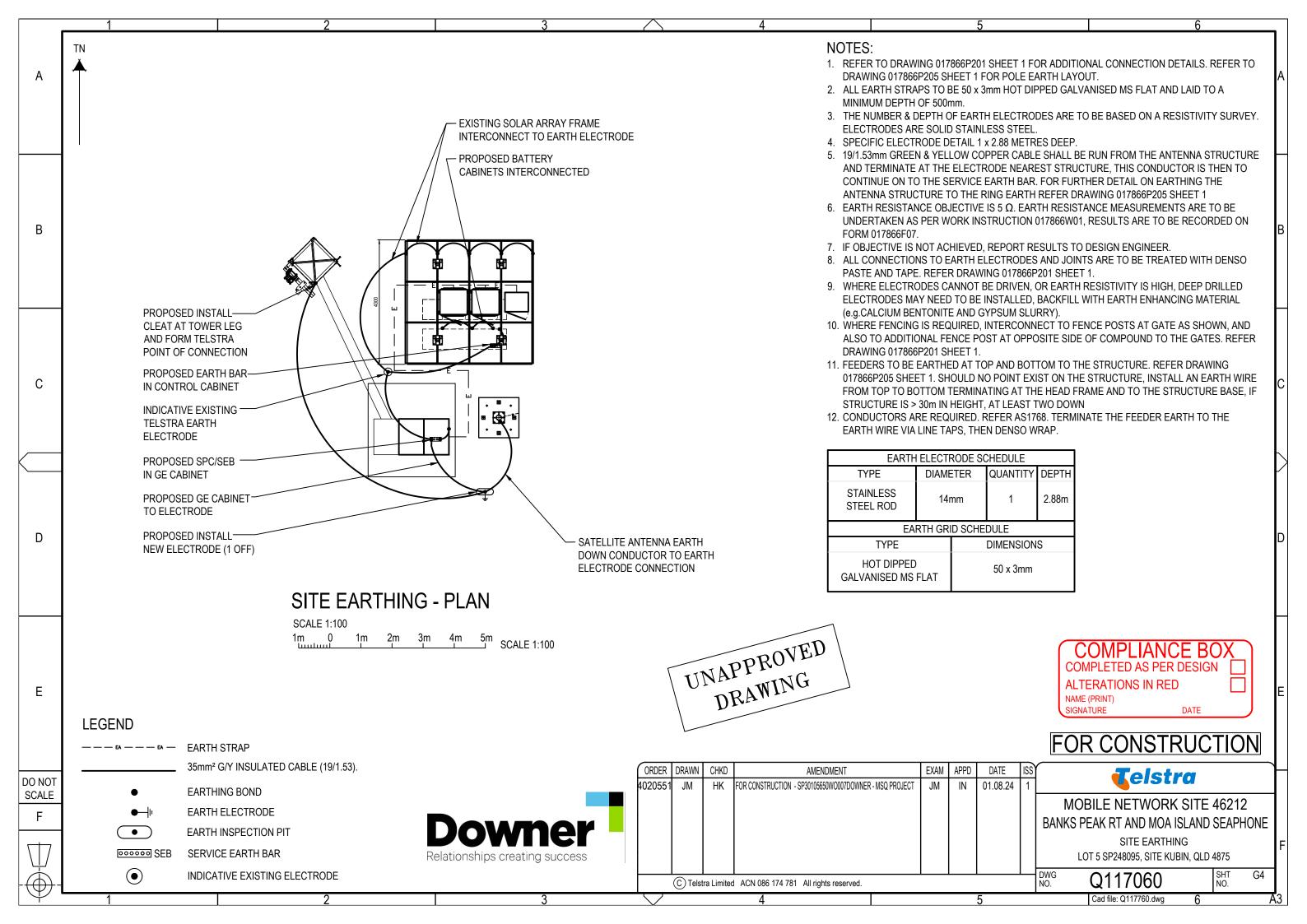




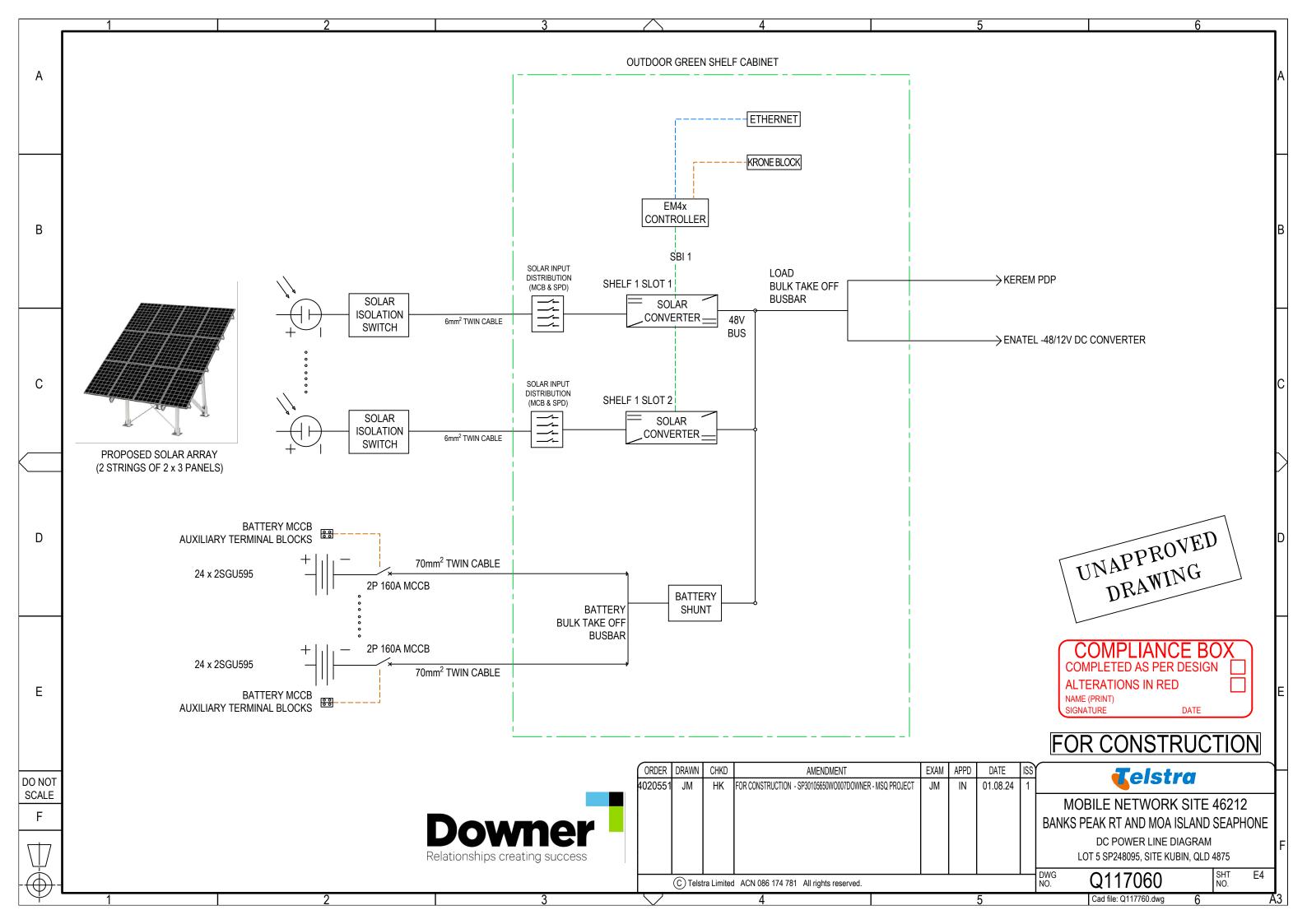


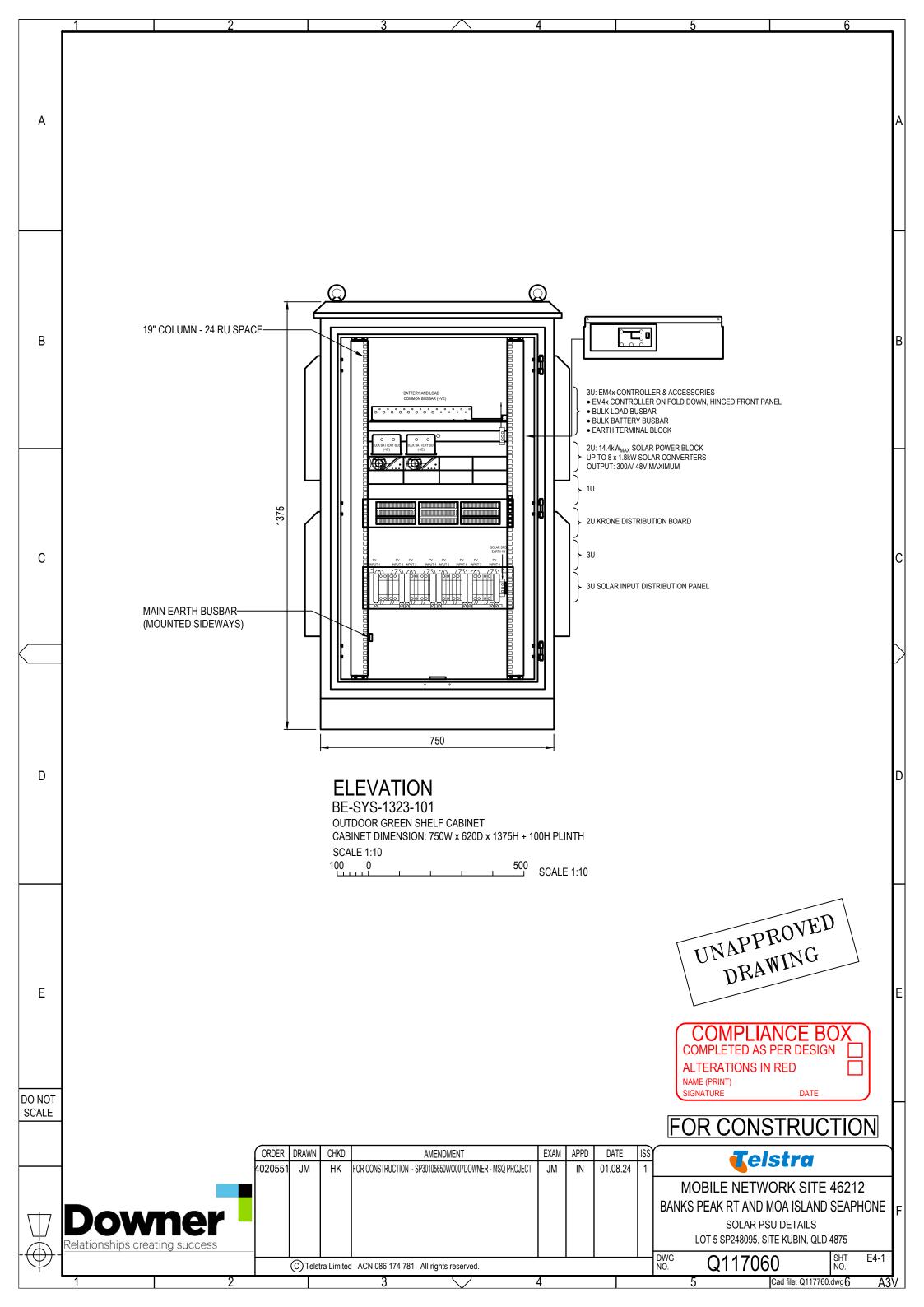


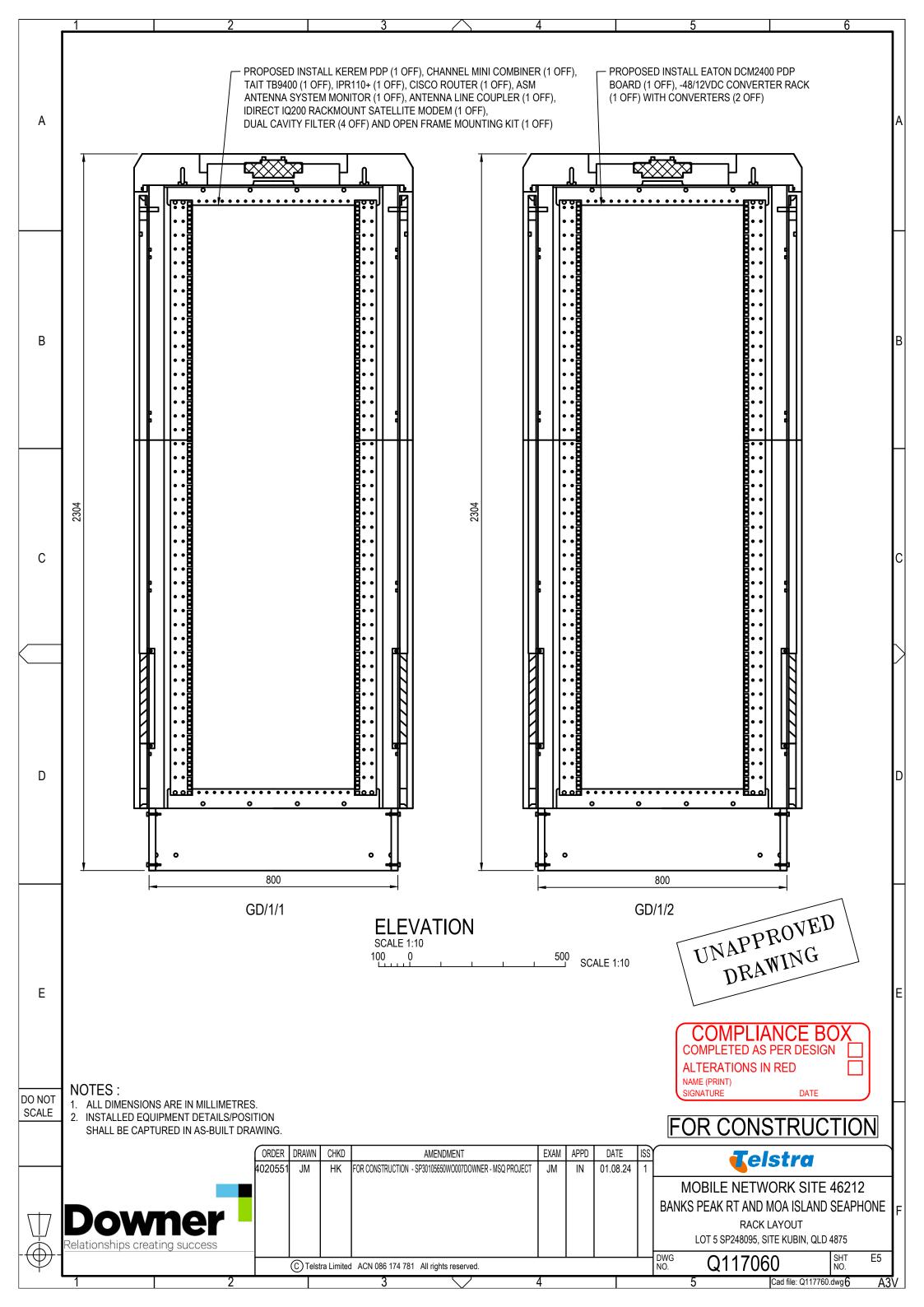


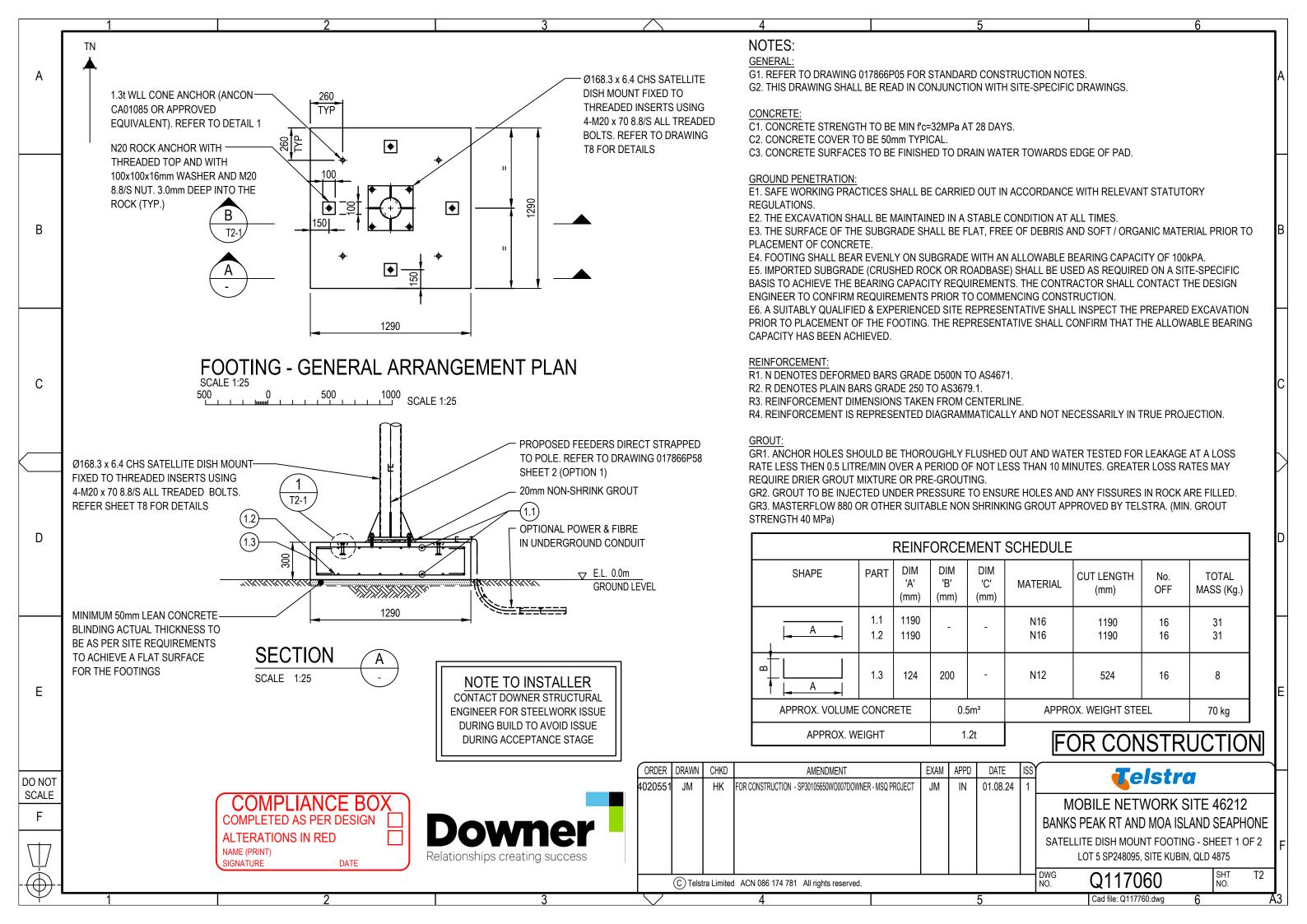


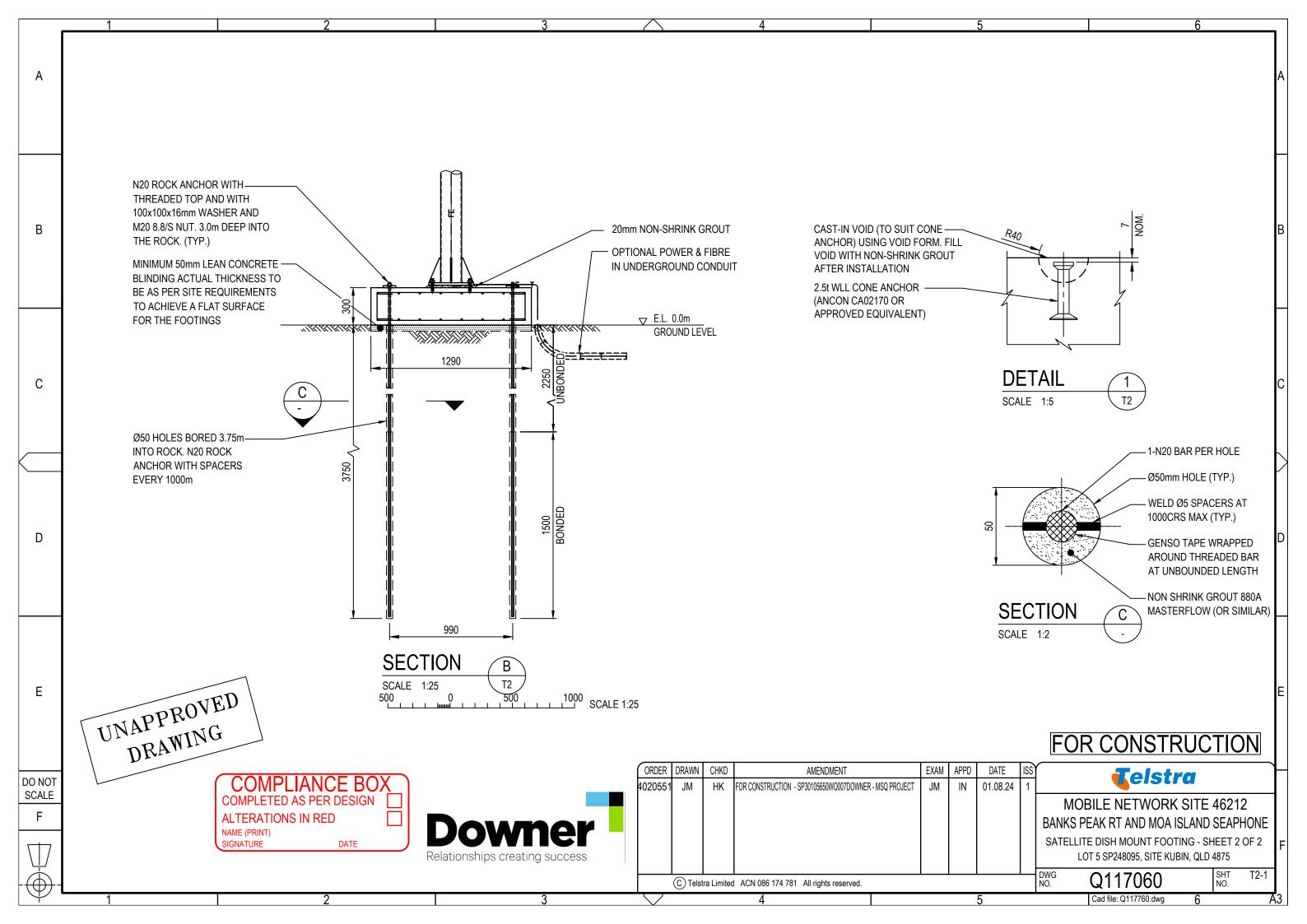
**ELECTRICAL SPECIFICATION** Α GENERAL DC SUPPLY TO GE CABINET ELECTRICAL INSTALLATION SHALL BE IN ACCORDANCE WITH: PROPOSED DC LOAD OF THE SITE IS 473W. THESE SPECIFICATION PROPOSED 42RU TSKIN MODCAB CABINET SHALL BE INSTALLED WITH EATON DCM2400 PDP BOARD (1 OFF), -48/12VDC TELSTRA CIVIL DESIGN MANUAL CONVERTER RACK (1 OFF) WITH CONVERTERS (2 OFF), KEREM PDP (1 OFF) AND SHALL BE POWERED FROM 32A/1P CB IN DC TELSTRA EARTHING MANUAL DISTRIBUTION PANEL OF SOLAR SYSTEM CABINET. ALL REFERENCED TELSTRA STANDARD DOCUMENTATION PROPOSED INSTALL 6mm<sup>2</sup> DC CABLES UNDERGROUND FROM SOLAR SYSTEM CABINET TO 42RU TSKIN MODCAB CABINET AS/NZS3000 REFER TO SHEETS E4 AND E5 FOR DETAILS. AS/NZS3008 AS/NZS3015 7. RBS AS/NZS3017 PROPOSED INSTALL CHANNEL MINI COMBINER (1 OFF), TAIT TB9400 (1 OFF), IPR110+ (1 OFF), CISCO ROUTER (1 OFF), ASM AS/NZS1768 ANTENNA SYSTEM MONITOR (1 OFF), ANTENNA LINE COUPLER (1 OFF), IDIRECT IQ200 RACKMOUNT SATELLITE MODEM (1 OFF), AS/ACIF S006 DUAL CAVITY FILTER (4 OFF) AND OPEN FRAME MOUNTING KIT (1 OFF). RELEVANT STATE/TERRITORY SPECIFIC INSTALLATION RULES AND ALL OTHER RELEVANT AUSTRALIAN STANDARDS AS APPLICABLE TO PROPOSED WORKS 8. LABELLING CONTRACTOR SHALL MAKE THEMSELVES AWARE OF ALL SITE CONDITIONS AND SAFETY REQUIREMENTS PRIOR TO ALL LABELLING SHALL BE AS PER MSQ REQUIREMENTS COMMENCING ANY WORK ON SITE. 9. EARTHING 2. STANDARD OF WORK & WORKMANSHIP ALL EARTHING AND BONDING IS TO BE IN ACCORDANCE WITH THE TELSTRA EARTHING MANUAL 017866A07. ALL LOW VOLTAGE AC POWER WORKS SHALL BE COMPLETED BY LICENSED ELECTRICIAN IN ACCORDANCE WITH INSTALLATION RULES AND RELEVANT SAFETY PRACTICES APPLICABLE TO SITE. ALL CABINETS SHALL BE CONNECTED TO EARTHING SYSTEM AS PER TELSTRA REQUIREMENTS. ALL WORKS SHALL BE LIAISED AND COORDINATED WITH RELEVANT PERSONNEL, SITE REPRESENTATIVES, LANDOWNER, SITE ALL BONDING CONDUCTORS ARE TO BE LABELLED AT BOTH ENDS IN ACCORDANCE WITH THE TELSTRA EARTHING MANUAL C PROVIDER AND/OR POWER AUTHORITY AS APPLICABLE. SECTION 3.5. ALL UNDERGROUND CABLING SHALL BE AS DEFINED IN AS/NZS3000 AS UNDERGROUND WIRING SYSTEM. TELSTRA EQUIPMENT AND STRUCTURE EARTHING IS TO BE INSTALLED IN ACCORDANCE WITH AS/NZS1768, 017866P205 SHEET 1. 017866P201 SHEET 2 AND ALL REFERENCED TELSTRA STANDARD DOCUMENTATION. 3. OUTAGES AND PERMITS CONTRACTOR TO VALIDATE ALL APPROVALS AND OUTAGES REQUIRED TO CONDUCT PROPOSED WORKS. THIS INCLUDES BUT PROPOSED EARTH GRID ELECTRODES: 1 OFF IS NOT LIMITED TO ANY DONOR SITES AND/OR FAR END SITES WHICH MAY BE IMPACTED DUE TO PROPOSED WORKS. PROPOSED EARTH GRID ELECTRODE LENGTH: 2.88m INSTALLATION METHOD: DRIVEN ALL CONTRACTORS WORKING ON TELSTRA FACILITIES SHALL BE TELSTRA ACCREDITED AS PER TELSTRA PROTOCOLS. REFER TO SHEET G4 FOR SITE SPECIFIC EARTHING DETAILS. 4. MAINS SUPPLY/OFF GRID SOLAR ARRAY UNAPPROVED
DRAWING NO MAINS SUPPLY AVAILABLE ON SITE, SITE SHALL BE POWERED VIA SOLAR ARRAY, PROPOSED OFF-GRID SOLAR ARRAY D SYSTEM SHALL INCLUDE: 1 x OUTDOOR GREEN SHELF CABINET 1 x ENATEL EM4x CONTROLLER & ACCESSORIES 1 x ENATEL 14.4kW SOLAR POWER BLOCK 1 x SOLAR DISTRIBUTION BLOCK 2 x SM1848 SOLAR CONVERTER MODULES 6 x BLANKING PANEL MODULES 12 x PANELS SOLAR ARRAY MOUNTING STRUCTURE COMPLIANCE BO 12 x CANADIAN SOLAR CS6R-MS 415W PANELS COMPLETED AS PER DESIGN 48 x SUNGEL ULTRA 2SGU595 BATTERIES 2 x HELIPODS FOR BATTERY ENCLOSURE **ALTERATIONS IN RED** Ε NAME (PRINT) 5. HEAT LOAD SIGNATURE GE CABINET HAS PASSIVE COOLING AND ASSOCIATED FANS TO CATER FOR PROPOSED HEAT LOAD. FOR CONSTRUCTION AMENDMENT APPD DATE **Telstra** DO NOT 1020551 FOR CONSTRUCTION - SP30105650WO007DOWNER - MSQ PROJECT IN 01.08.24 **SCALE MOBILE NETWORK SITE 46212** F BANKS PEAK RT AND MOA ISLAND SEAPHONE **ELECTRICAL SPECIFICATION** Relationships creating success LOT 5 SP248095, SITE KUBIN, QLD 4875 DWG SHT NO. E0 Q117060 (C) Telstra Limited ACN 086 174 781 All rights reserved. Cad file: Q117760.dwg

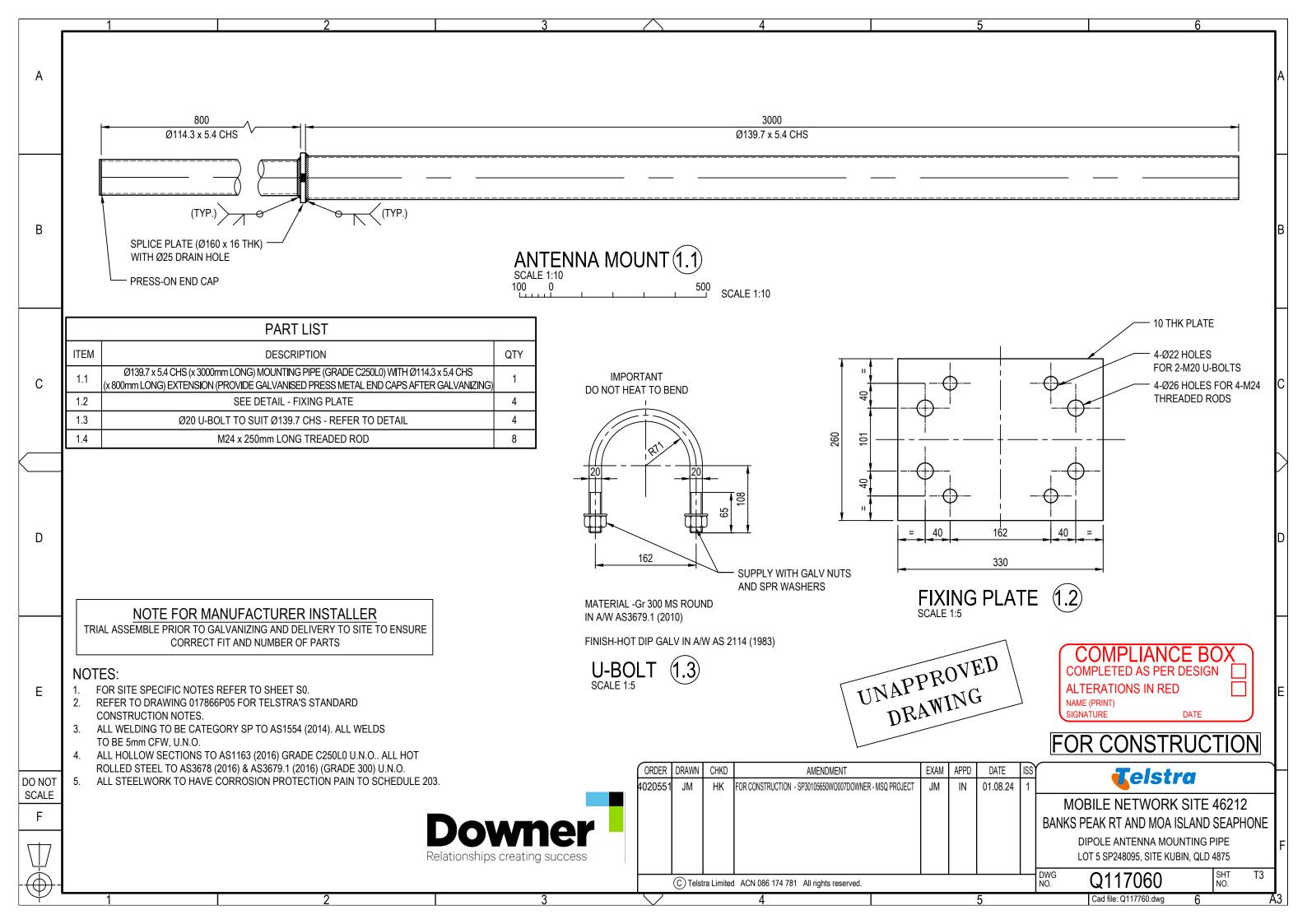


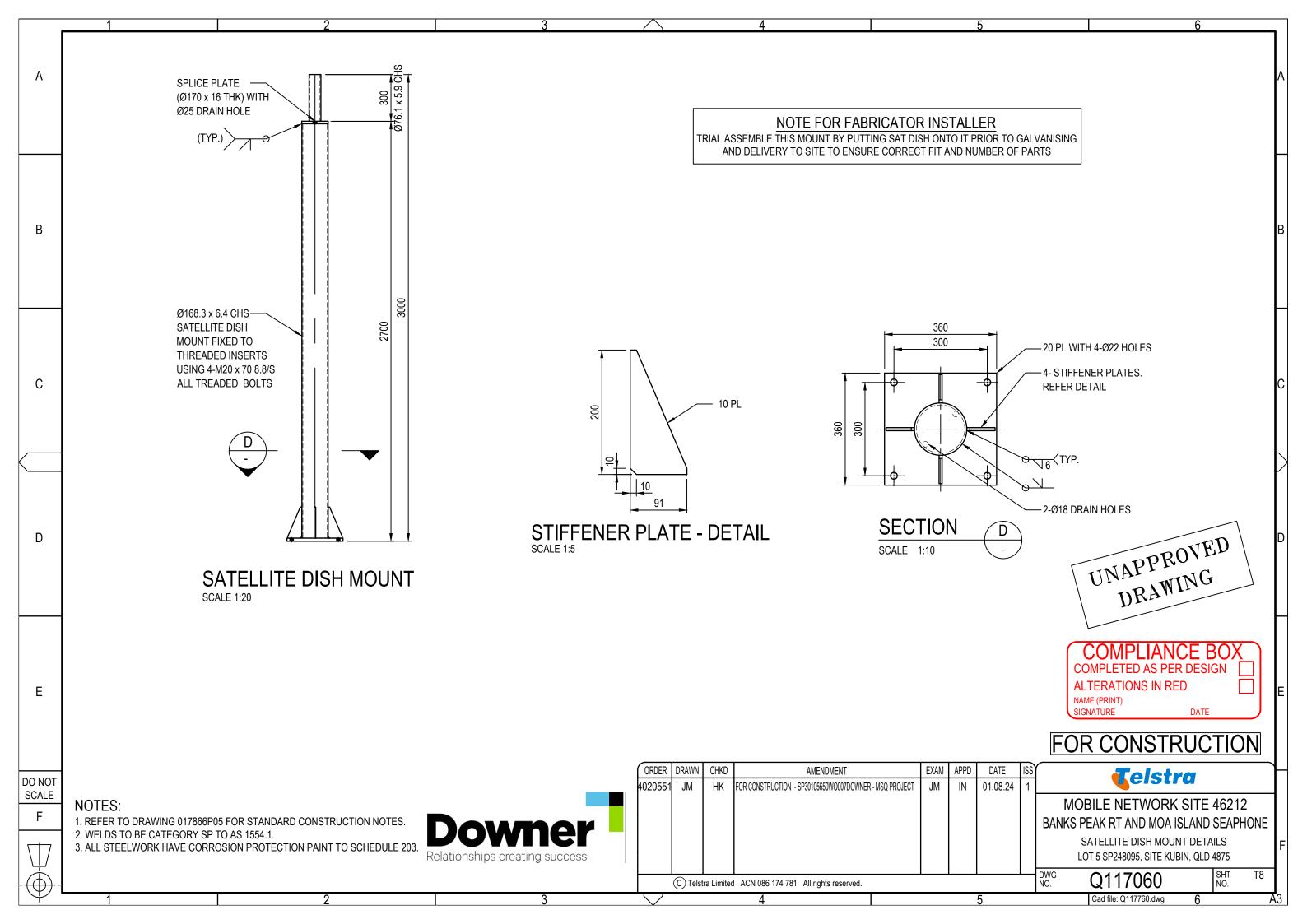








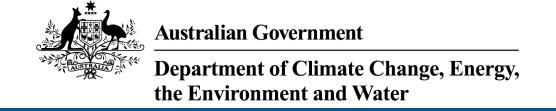








## **Appendix C EPBC Report**



## **EPBC Act Protected Matters Report**

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Report created: 06-Dec-2024

**Summary** 

**Details** 

Matters of NES
Other Matters Protected by the EPBC Act
Extra Information

**Caveat** 

**Acknowledgements** 

# **Summary**

## Matters of National Environment Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the <u>Administrative Guidelines on Significance</u>.

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance (Ramsar	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	None
Listed Threatened Species:	29
Listed Migratory Species:	41

## Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <a href="https://www.dcceew.gov.au/parks-heritage/heritage">https://www.dcceew.gov.au/parks-heritage/heritage</a>

A <u>permit</u> may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

None
None
89
10
None
None
None
None

## Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	None
Regional Forest Agreements:	None
Nationally Important Wetlands:	None
EPBC Act Referrals:	None
Key Ecological Features (Marine):	None
Biologically Important Areas:	3
Bioregional Assessments:	None
Geological and Bioregional Assessments:	None

# **Details**

Listed Threatened Species

# Matters of National Environmental Significance

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act. Number is the current name ID.			
Scientific Name	Threatened Category	Presence Text	
BIRD			
Calidris acuminata Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat known to occur within area	
Calidris canutus			
Red Knot, Knot [855]	Vulnerable	Species or species habitat may occur within area	
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area	
Charadrius leschenaultii Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat may occur within area	
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat may occur within area	
Limosa lapponica baueri Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit [86380]	Endangered	Species or species habitat may occur within area	
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area	

[Resource Information]

Scientific Name	Threatened Category	Presence Text
Rostratula australis		
Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
Tringa nebularia Common Greenshank, Greenshank [832]	Endangered	Species or species habitat may occur within area
MAMMAL		
Balaenoptera musculus		
Blue Whale [36]	Endangered	Species or species habitat may occur within area
Saccolaimus saccolaimus nudicluniatus		
Bare-rumped Sheath-tailed Bat, Bare- rumped Sheathtail Bat [66889]	Vulnerable	Species or species habitat may occur within area
Xeromys myoides		
Water Mouse, False Water Rat, Yirrkoo [66]	Vulnerable	Species or species habitat likely to occur within area
PLANT		
Dendrobium johannis		
Chocolate Tea Tree Orchid [13585]	Vulnerable	Species or species habitat likely to occur within area
Dendrobium mirbelianum		
Dark-stemmed Antler Orchid, Mangrove Orchid [14310]	Endangered	Species or species habitat likely to occur within area
<u>Dischidia litoralis</u>		
[82026]	Vulnerable	Species or species habitat known to occur within area
Germainia capitata		
[14069]	Vulnerable	Species or species habitat likely to occur within area
REPTILE		
Caretta caretta		
Loggerhead Turtle [1763]	Endangered	Species or species habitat known to occur within area
Chelonia mydas		
Green Turtle [1765]	Vulnerable	Breeding known to occur within area

Scientific Name	Threatened Category	Presence Text
Dermochelys coriacea		
Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Breeding likely to occur within area
Eretmochelys imbricata		
Hawksbill Turtle [1766]	Vulnerable	Congregation or aggregation known to occur within area
Lepidochelys olivacea		
Olive Ridley Turtle, Pacific Ridley Turtle [1767]	Endangered	Species or species habitat known to occur within area
Natator depressus		
Flatback Turtle [59257]	Vulnerable	Breeding known to occur within area
SHARK		
Carcharodon carcharias		
White Shark, Great White Shark [64470]	Vulnerable	Species or species habitat may occur within area
Glyphis glyphis		
Speartooth Shark [82453]	Critically Endangered	Species or species habitat may occur within area
Pristis pristis		
Freshwater Sawfish, Largetooth Sawfish, River Sawfish, Leichhardt's Sawfish, Northern Sawfish [60756]	Vulnerable	Species or species habitat may occur within area
<u>Pristis zijsron</u>		
Green Sawfish, Dindagubba, Narrowsnout Sawfish [68442]	Vulnerable	Species or species habitat known to occur within area
Rhincodon typus		
Whale Shark [66680]	Vulnerable	Species or species habitat may occur within area
Sphyrna lewini		
Scalloped Hammerhead [85267]	Conservation Dependent	Species or species habitat likely to occur within area
Listed Migratory Species		[ Resource Information ]
Scientific Name	Threatened Category	Presence Text
Migratory Marine Birds	<u> </u>	

Scientific Name	Threatened Category	Presence Text
Anous stolidus Common Noddy [825]		Foraging, feeding or related behaviour likely to occur within area
Calonectris leucomelas Streaked Shearwater [1077]		Species or species habitat likely to occur within area
Fregata ariel Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat likely to occur within area
Fregata minor Great Frigatebird, Greater Frigatebird [1013]		Species or species habitat likely to occur within area
Phaethon lepturus White-tailed Tropicbird [1014]		Species or species habitat may occur within area
Migratory Marine Species		
Anoxypristis cuspidata Narrow Sawfish, Knifetooth Sawfish [68448]		Species or species habitat likely to occur within area
Balaenoptera edeni Bryde's Whale [35]		Species or species habitat may occur within area
Balaenoptera musculus Blue Whale [36]	Endangered	Species or species habitat may occur within area
Carcharhinus longimanus Oceanic Whitetip Shark [84108]		Breeding may occur within area
Carcharias taurus Grey Nurse Shark [64469]		Species or species habitat may occur within area
Carcharodon carcharias White Shark, Great White Shark [64470]	Vulnerable	Species or species habitat may occur within area

Scientific Name	Threatened Category	Presence Text
Caretta caretta Loggerhead Turtle [1763]	Endangered	Species or species habitat known to occur within area
<u>Chelonia mydas</u> Green Turtle [1765]	Vulnerable	Breeding known to occur within area
Crocodylus porosus Salt-water Crocodile, Estuarine Crocodile [1774]		Species or species habitat likely to occur within area
<u>Dermochelys coriacea</u> Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Breeding likely to occur within area
Dugong dugon Dugong [28]		Species or species habitat known to occur within area
Eretmochelys imbricata Hawksbill Turtle [1766]	Vulnerable	Congregation or aggregation known to occur within area
Lepidochelys olivacea Olive Ridley Turtle, Pacific Ridley Turtle [1767]	Endangered	Species or species habitat known to occur within area
Mobula alfredi as Manta alfredi Reef Manta Ray, Coastal Manta Ray [90033]		Species or species habitat may occur within area
Mobula birostris as Manta birostris Giant Manta Ray [90034]		Species or species habitat may occur within area
Natator depressus Flatback Turtle [59257]	Vulnerable	Breeding known to occur within area
Orcaella heinsohni Australian Snubfin Dolphin [81322]		Species or species habitat may occur within area
Orcinus orca Killer Whale, Orca [46]		Species or species habitat may occur within area

Scientific Name	Threatened Category	Presence Text
Pristis pristis Freshwater Sawfish, Largetooth Sawfish, River Sawfish, Leichhardt's Sawfish, Northern Sawfish [60756]	Vulnerable	Species or species habitat may occur within area
Pristis zijsron Green Sawfish, Dindagubba, Narrowsnout Sawfish [68442]	Vulnerable	Species or species habitat known to occur within area
Rhincodon typus Whale Shark [66680]	Vulnerable	Species or species habitat may occur within area
Sousa sahulensis as Sousa chinensis Australian Humpback Dolphin [87942]		Species or species habitat likely to occur within area
Migratory Terrestrial Species		
Cecropis daurica Red-rumped Swallow [80610]		Species or species habitat may occur within area
Cuculus optatus Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat may occur within area
Hirundo rustica Barn Swallow [662]		Species or species habitat may occur within area
Migratory Wetlands Species		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat known to occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat known to occur within area
Calidris canutus Red Knot, Knot [855]	Vulnerable	Species or species habitat may occur within area

Scientific Name	Threatened Category	Presence Text
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Calidris melanotos Pectoral Sandpiper [858]		Species or species
		habitat may occur within area
Charadrius leschenaultii		
Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area
Gallinago hardwickii		
Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat may occur within area
Limosa lapponica		
Bar-tailed Godwit [844]		Species or species habitat may occur within area
Numenius madagascariensis		
Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Tringa nebularia		
Common Greenshank, Greenshank [832]	Endangered	Species or species habitat may occur within area

# Other Matters Protected by the EPBC Act

Listed Marine Species		[ Resource Information ]
Scientific Name	Threatened Category	Presence Text
Bird		
Actitis hypoleucos		
Common Sandpiper [59309]		Species or species habitat known to occur within area
Anous stolidus		
Common Noddy [825]		Foraging, feeding or related behaviour likely to occur within area

Scientific Name	Threatened Category	Presence Text
Calidris acuminata Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat known to occur within area
Calidris canutus Red Knot, Knot [855]	Vulnerable	Species or species habitat may occur within area overfly marine area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area overfly marine area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area overfly marine area
Calonectris leucomelas Streaked Shearwater [1077]		Species or species habitat likely to occur within area
Cecropis daurica as Hirundo daurica Red-rumped Swallow [80610]		Species or species habitat may occur within area overfly marine area
Charadrius leschenaultii Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area
Fregata ariel Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat likely to occur within area
Fregata minor Great Frigatebird, Greater Frigatebird [1013]		Species or species habitat likely to occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat may occur within area overfly marine area

Scientific Name	Threatened Category	Presence Text
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat may occur within area
Hirundapus caudacutus White-throated Needletail [682]	Vulnerable	Species or species habitat may occur within area overfly marine area
Hirundo rustica Barn Swallow [662]		Species or species habitat may occur within area overfly marine area
Limosa lapponica Bar-tailed Godwit [844]		Species or species habitat may occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat may occur within area overfly marine area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat likely to occur within area overfly marine area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Phaethon lepturus White-tailed Tropicbird [1014]		Species or species habitat may occur within area
Rostratula australis as Rostratula bengha Australian Painted Snipe [77037]	<u>alensis (sensu lato)</u> Endangered	Species or species habitat may occur within area overfly marine area

Scientific Name	Threatened Category	Presence Text
Tringa nebularia Common Greenshank, Greenshank [832]	Endangered	Species or species habitat may occur within area overfly marine area
Fish Acentronura tentaculata		
Shortpouch Pygmy Pipehorse [66187]		Species or species habitat may occur within area
Campichthys tricarinatus Three-keel Pipefish [66192]		Species or species habitat may occur within area
Choeroichthys brachysoma Pacific Short-bodied Pipefish, Short-bodied Pipefish [66194]		Species or species habitat may occur within area
Choeroichthys suillus Pig-snouted Pipefish [66198]		Species or species habitat may occur within area
Corythoichthys amplexus Fijian Banded Pipefish, Brown-banded Pipefish [66199]		Species or species habitat may occur within area
Corythoichthys flavofasciatus Reticulate Pipefish, Yellow-banded Pipefish, Network Pipefish [66200]		Species or species habitat may occur within area
Corythoichthys intestinalis Australian Messmate Pipefish, Banded Pipefish [66202]		Species or species habitat may occur within area
Corythoichthys ocellatus Orange-spotted Pipefish, Ocellated Pipefish [66203]		Species or species habitat may occur within area
Corythoichthys schultzi Schultz's Pipefish [66205]		Species or species habitat may occur within area
Cosmocampus maxweberi Maxweber's Pipefish [66209]		Species or species habitat may occur within area

Scientific Name	Threatened Category	Presence Text
Doryrhamphus dactyliophorus		
Banded Pipefish, Ringed Pipefish [66210]		Species or species habitat may occur within area
Doryrhamphus excisus Bluestripe Pipefish, Indian Blue-stripe Pipefish, Pacific Blue-stripe Pipefish [66211]		Species or species habitat may occur within area
Doryrhamphus janssi Cleaner Pipefish, Janss' Pipefish [66212]		Species or species habitat may occur within area
Festucalex cinctus Girdled Pipefish [66214]		Species or species habitat may occur within area
Halicampus brocki Brock's Pipefish [66219]		Species or species habitat may occur within area
Halicampus dunckeri Red-hair Pipefish, Duncker's Pipefish [66220]		Species or species habitat may occur within area
Halicampus grayi Mud Pipefish, Gray's Pipefish [66221]		Species or species habitat may occur within area
Halicampus macrorhynchus Whiskered Pipefish, Ornate Pipefish [66222]		Species or species habitat may occur within area
Halicampus spinirostris Spiny-snout Pipefish [66225]		Species or species habitat may occur within area
Haliichthys taeniophorus Ribboned Pipehorse, Ribboned Seadragon [66226]		Species or species habitat may occur within area
Hippichthys cyanospilos Blue-speckled Pipefish, Blue-spotted Pipefish [66228]		Species or species habitat may occur within area

Scientific Name	Threatened Category	Presence Text
Hippichthys heptagonus  Madura Pipefish, Reticulated Freshwater Pipefish [66229]		Species or species habitat may occur within area
Hippichthys penicillus Beady Pipefish, Steep-nosed Pipefish [66231]		Species or species habitat may occur within area
Hippichthys spicifer Belly-barred Pipefish, Banded Freshwater Pipefish [66232]		Species or species habitat may occur within area
Hippocampus angustus Western Spiny Seahorse, Narrow-bellied Seahorse [66234]		Species or species habitat may occur within area
Hippocampus histrix Spiny Seahorse, Thorny Seahorse [66236]		Species or species habitat may occur within area
Hippocampus kuda Spotted Seahorse, Yellow Seahorse [66237]		Species or species habitat may occur within area
Hippocampus planifrons Flat-face Seahorse [66238]		Species or species habitat may occur within area
Hippocampus spinosissimus Hedgehog Seahorse [66239]		Species or species habitat may occur within area
Hippocampus trimaculatus Three-spot Seahorse, Low-crowned Seahorse, Flat-faced Seahorse [66720]		Species or species habitat may occur within area
Hippocampus zebra Zebra Seahorse [66241]		Species or species habitat may occur within area
Micrognathus brevirostris thorntail Pipefish, Thorn-tailed Pipefish [66254]		Species or species habitat may occur within area

Scientific Name	Threatened Category	Presence Text
Microphis brachyurus		
Short-tail Pipefish, Short-tailed River		Species or species
Pipefish [66257]		habitat may occur within area
		within area
Solegnathus hardwickii		
Pallid Pipehorse, Hardwick's Pipehorse		Species or species
[66272]		habitat may occur
		within area
Solenostomus cyanopterus		
Robust Ghostpipefish, Blue-finned Ghost	•	Species or species
Pipefish, [66183]	•	habitat may occur
1 / 1		within area
Syngnathoides biaculeatus		
Double-end Pipehorse, Double-ended Pipehorse, Alligator Pipefish [66279]		Species or species habitat may occur
riperiorse, Alligator riperistr [002/9]		within area
		Within area
Trachyrhamphus bicoarctatus		
Bentstick Pipefish, Bend Stick Pipefish,		Species or species
Short-tailed Pipefish [66280]		habitat may occur
		within area
Trachyrhamphus longirostris		
Straightstick Pipefish, Long-nosed		Species or species
Pipefish, Straight Stick Pipefish [66281]		habitat may occur
		within area
Mammal		
Mammal <u>Dugong dugon</u>		
Dugong [28]		Species or species
		habitat known to
		occur within area
D (') -		
Reptile Aipysurus duboisii		
Dubois' Sea Snake, Dubois' Seasnake,		Species or species
Reef Shallows Sea Snake [1116]		habitat may occur
• •		within area
Aipysurus laevis		
Olive Sea Snake, Olive-brown Sea Snake [1120]		Species or species habitat may occur
Shake [1120]		within area
Aipysurus mosaicus as Aipysurus eydoux	<u>xii</u>	
Mosaic Sea Snake [87261]		Species or species
		habitat may occur
		within area
Caretta caretta		
Loggerhead Turtle [1763]	Endangered	Species or species
	<del>-</del>	habitat known to
		occur within area

Scientific Name	Threatened Category	Presence Text
Chelonia mydas Green Turtle [1765]	Vulnerable	Breeding known to occur within area
Crocodylus porosus Salt-water Crocodile, Estuarine Crocodile [1774]		Species or species habitat likely to occur within area
<u>Dermochelys coriacea</u> Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Breeding likely to occur within area
Eretmochelys imbricata Hawksbill Turtle [1766]	Vulnerable	Congregation or aggregation known to occur within area
Hydrophis atriceps Black-headed Sea Snake [1101]		Species or species habitat may occur within area
Hydrophis elegans Elegant Sea Snake, Bar-bellied Sea Snake [1104]		Species or species habitat may occur within area
Hydrophis hardwickii as Lapemis hardwickii Spine-bellied Sea Snake [93516]	<u>ckii</u>	Species or species habitat may occur within area
Hydrophis kingii as Disteira kingii Spectacled Sea Snake [93511]		Species or species habitat may occur within area
Hydrophis macdowelli as Hydrophis mcdo MacDowell's Sea Snake, Small-headed Sea Snake, [75601]	<u>owelli</u>	Species or species habitat may occur within area
Hydrophis major as Disteira major Olive-headed Sea Snake [93512]		Species or species habitat may occur within area
Hydrophis melanosoma Black-banded Robust Sea Snake [1109]		Species or species habitat may occur within area
Hydrophis ornatus Spotted Sea Snake, Ornate Reef Sea Snake [1111]		Species or species habitat may occur within area

Scientific Name	Threatened Category	Presence Text
Hydrophis pacificus	Threatened Category	1 reserved rext
Pacific Sea Snake, Large-headed Sea		Species or species
Snake [1112]		habitat may occur
		within area
Hydrophia poropii aa Aaalystophia poropi	:	
Hydrophis peronii as Acalyptophis peroni Horned Sea Snake [93509]	<u>I</u>	Species or species
Tiorrica oca oriake [55505]		habitat may occur
		within area
The decorate and a transport of Delegation and a transport		
Hydrophis platura as Pelamis platurus Yellow-bellied Sea Snake [93746]		Species or species
reliow-bellied Sea Strake [93740]		habitat may occur
		within area
Hydrophis stokesii as Astrotia stokesii		Crasica arangias
Stokes' Sea Snake [93510]		Species or species habitat may occur
		within area
Hydrophis vorisi		
Estuarine Sea Snake [25927]		Species or species habitat may occur
		within area
Hydrophis zweiffei as Enhydrina schistos	<u>a</u>	
Australian Beaked Sea Snake [93514]		Species or species habitat may occur
		within area
Laticauda colubrina		
Yellow-lipped Sea Krait [1092]		Species or species
		habitat may occur within area
Laticauda laticaudata		
a sea krait [1093]		Species or species
		habitat may occur within area
Lepidochelys olivacea		
Olive Ridley Turtle, Pacific Ridley Turtle	Endangered	Species or species
[1767]		habitat known to occur within area
		occur within area
Microcephalophis gracilis as Hydrophis g	<u>racilis</u>	
Graceful Small-headed Sea Snake,		Species or species
Slender Sea Snake [87375]		habitat may occur within area
		within area
Natator depressus		
Flatback Turtle [59257]	Vulnerable	Breeding known to
		occur within area
Whales and Other Cetaceans		[ Resource Information ]
Current Caiantifia Nama	Ctotus	Type of Dresence

Status

Type of Presence

Current Scientific Name

Mammal

Current Scientific Name	Status	Type of Presence
Balaenoptera edeni Bryde's Whale [35]		Species or species habitat may occur within area
Balaenoptera musculus Blue Whale [36]	Endangered	Species or species habitat may occur within area
Delphinus delphis Common Dolphin, Short-beaked Common Dolphin [60]		Species or species habitat may occur within area
Grampus griseus Risso's Dolphin, Grampus [64]		Species or species habitat may occur within area
Orcaella heinsohni Australian Snubfin Dolphin [81322]		Species or species habitat may occur within area
Orcinus orca Killer Whale, Orca [46]		Species or species habitat may occur within area
Sousa sahulensis Australian Humpback Dolphin [87942]		Species or species habitat likely to occur within area
Stenella attenuata Spotted Dolphin, Pantropical Spotted Dolphin [51]		Species or species habitat may occur within area
Tursiops aduncus Indian Ocean Bottlenose Dolphin, Spotted Bottlenose Dolphin [68418]		Species or species habitat likely to occur within area
Tursiops truncatus s. str. Bottlenose Dolphin [68417]		Species or species habitat may occur within area

## **Extra Information**

Biologically Important Areas		[ Resource Information ]
Scientific Name	Behaviour	Presence
Dolphins		
Tursiops aduncus Indo-Pacific/Spotted Bottlenose Dolphin [68418]	Breeding	Likely to occur
Marine Turtles		
Natator depressus Flatback Turtle [59257]	Internesting	Likely to occur
Whales		
Megaptera novaeangliae Humpback Whale [38]	Breeding and calving	Known to occur

## Caveat

#### 1 PURPOSE

This report is designed to assist in identifying the location of matters of national environmental significance (MNES) and other matters protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) which may be relevant in determining obligations and requirements under the EPBC Act.

The report contains the mapped locations of:

- World and National Heritage properties;
- Wetlands of International and National Importance;
- Commonwealth and State/Territory reserves;
- distribution of listed threatened, migratory and marine species;
- listed threatened ecological communities; and
- other information that may be useful as an indicator of potential habitat value.

#### 2 DISCLAIMER

This report is not intended to be exhaustive and should only be relied upon as a general guide as mapped data is not available for all species or ecological communities listed under the EPBC Act (see below). Persons seeking to use the information contained in this report to inform the referral of a proposed action under the EPBC Act should consider the limitations noted below and whether additional information is required to determine the existence and location of MNES and other protected matters.

Where data is available to inform the mapping of protected species, the presence type (e.g. known, likely or may occur) that can be determined from the data is indicated in general terms. It is the responsibility of any person using or relying on the information in this report to ensure that it is suitable for the circumstances of any proposed use. The Commonwealth cannot accept responsibility for the consequences of any use of the report or any part thereof. To the maximum extent allowed under governing law, the Commonwealth will not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on the contents of this report.

#### 3 DATA SOURCES

Threatened ecological communities

For threatened ecological communities where the distribution is well known, maps are generated based on information contained in recovery plans, State vegetation maps and remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species

Threatened, migratory and marine species distributions have been discerned through a variety of methods. Where distributions are well known and if time permits, distributions are inferred from either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc.) together with point locations and described habitat; or modelled (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where little information is available for a species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc.).

In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More detailed distribution mapping methods are used to update these distributions when time permits.

### 4 LIMITATIONS

The following species and ecological communities have not been mapped and do not appear in this report:

- threatened species listed as extinct or considered vagrants;
- some recently listed species and ecological communities;
- some listed migratory and listed marine species, which are not listed as threatened species; and
- migratory species that are very widespread, vagrant, or only occur in Australia in small numbers.

The following groups have been mapped, but may not cover the complete distribution of the species:

- listed migratory and/or listed marine seabirds, which are not listed as threatened, have only been mapped for recorded breeding sites; and
- seals which have only been mapped for breeding sites near the Australian continent

The breeding sites may be important for the protection of the Commonwealth Marine environment.

Refer to the metadata for the feature group (using the Resource Information link) for the currency of the information.

# Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- -Office of Environment and Heritage, New South Wales
- -Department of Environment and Primary Industries, Victoria
- -Department of Primary Industries, Parks, Water and Environment, Tasmania
- -Department of Environment, Water and Natural Resources, South Australia
- -Department of Land and Resource Management, Northern Territory
- -Department of Environmental and Heritage Protection, Queensland
- -Department of Parks and Wildlife, Western Australia
- -Environment and Planning Directorate, ACT
- -Birdlife Australia
- -Australian Bird and Bat Banding Scheme
- -Australian National Wildlife Collection
- -Natural history museums of Australia
- -Museum Victoria
- -Australian Museum
- -South Australian Museum
- -Queensland Museum
- -Online Zoological Collections of Australian Museums
- -Queensland Herbarium
- -National Herbarium of NSW
- -Royal Botanic Gardens and National Herbarium of Victoria
- -Tasmanian Herbarium
- -State Herbarium of South Australia
- -Northern Territory Herbarium
- -Western Australian Herbarium
- -Australian National Herbarium, Canberra
- -University of New England
- -Ocean Biogeographic Information System
- -Australian Government, Department of Defence
- Forestry Corporation, NSW
- -Geoscience Australia
- -CSIRO
- -Australian Tropical Herbarium, Cairns
- -eBird Australia
- -Australian Government Australian Antarctic Data Centre
- -Museum and Art Gallery of the Northern Territory
- -Australian Government National Environmental Science Program
- -Australian Institute of Marine Science
- -Reef Life Survey Australia
- -American Museum of Natural History
- -Queen Victoria Museum and Art Gallery, Inveresk, Tasmania
- -Tasmanian Museum and Art Gallery, Hobart, Tasmania
- -Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

# Please feel free to provide feedback via the **Contact us** page.

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# Appendix D Cultural Heritage and Register Search Report and advice from Mualgal Representatives

#### Search report reference number: 153216

The Aboriginal and Torres Strait Islander Cultural Heritage Database (cultural heritage database) and Aboriginal and Torres Strait Islander Cultural Heritage Register (cultural heritage register) have been searched in accordance with the location description provided, and the results are set out in this report.

The cultural heritage database is intended to be a research and planning tool to help Aboriginal and Torres Strait Islander parties, researchers, and other persons in their consideration of the cultural heritage values of particular areas.

The cultural heritage register is intended to be a depository for information for consideration for land use and land use planning, and a research and planning tool to help people in their consideration of the Aboriginal cultural heritage values of particular objects and areas.

Aboriginal or Torres Strait Islander cultural heritage which may exist within the search area is protected under the <u>Aboriginal Cultural Heritage Act 2003</u> and the <u>Torres Strait Islander Cultural Heritage Act 2003</u> (the Cultural Heritage Acts), even if the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (the Department) has no records relating to it.

The placing of information on the database is not intended to be conclusive about whether the information is up-to-date, comprehensive or otherwise accurate.

Under the Cultural Heritage Acts, a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal or Torres Strait Islander cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located on private land.

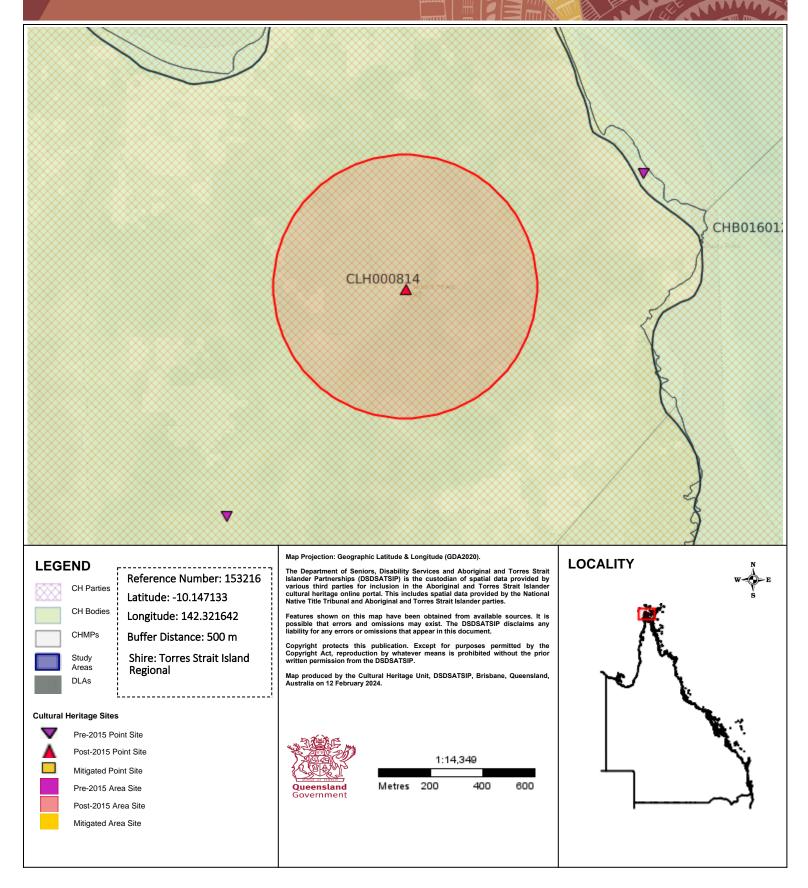
Please refer to the Department website <a href="https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care">https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care</a> to obtain a copy of the gazetted Cultural Heritage Duty of Care Guidelines, which set out reasonable and practicable measure for meeting the cultural heritage duty of care.

In order to meet your duty of care, any land-use activity within the vicinity of recorded cultural heritage should not proceed without the agreement of the Aboriginal or Torres Strait Islander Party for the area, or by developing a Cultural Heritage Management Plan under Part 7 of the Cultural Heritage Acts.

The extent to which the person has complied with Cultural Heritage Duty of Care Guidelines and the extent the person consulted Aboriginal or Torres Strait Islander Parties about carrying out the activity – and the results of the consultation – are factors a court may consider when determining if a land user has complied with the cultural heritage duty of care.

Should you have any further queries, please do not hesitate to contact the department via email: cultural.heritage@dsdsatsip.qld.gov.au or telephone: 1300 378 401.





#### Cultural heritage site points for the area:

Site ID	Latitude	Longitude	Date Recorded	Attribute	Cultural Heritage Party
CW-0011-1	-10.147167	142.32168	27/04/2020		Moa Island (Mualgal People)

There are no Aboriginal or Torres Strait Islander cultural heritage site polygons recorded in your specific search area.

#### Cultural Heritage Party/ies for the area:

Reference No.	Federal Court No.	Name	Contact Details
QCD1999/002 DET	QUD6035/1998	People)	Mualgal Torres Strait Islanders Corporation RNTBC PO Box 335 THURSDAY ISLAND QLD 4875

#### Cultural Heritage Body/ies for the area:

Departmental Reference No.	Name	Contact Details	Registration Date
CLH000814	Corporation RNTBC	Mualgal (Torres Strait Islanders) Corporation RNTBC PO Box 335 THURSDAY ISLAND QLD 4875	18/10/2010
		Mobile: 0484 278 123 Email: kanai_31@yahoo.com.au	

There are no Cultural Heritage Management Plans recorded in your specific search area.

There are no Designated Landscape Areas (DLA) recorded in your specific search area.

There are no Registered Cultural Heritage Study Areas recorded in your specific search area.

There are no National Heritage Areas (Indigenous values) recorded in your specific search area.

#### Glossary

**Cultural Heritage Body:** An entity registered under Part 4 of the Cultural Heritage Acts as an Aboriginal or Torres Strait Islander cultural heritage body for an area. The purpose of a cultural heritage body is to:

- identify the Aboriginal or Torres Strait Islander parties for an area
- serve as the first point of contact for cultural heritage matters.

Cultural Heritage Management Plan (CHMP): An agreement between a land user (sponsor) and Traditional Owners (endorsed party) developed under Part 7 of the Cultural Heritage Acts. The CHMP explains how land use activities can be managed to avoid or minimise harm to Aboriginal or Torres Strait Islander cultural heritage.

Cultural Heritage Party: Refers to a native title party for an area. A native title party is defined as:

- Registered native title holders (where native title has been recognised by the Federal Court of Australia).
- Registered native title claimants (whose native title claims are currently before the Federal Court of Australia).
- Previously registered native title claimants (the 'last claim standing') are native title claims that are no longer active and have been removed from the Register of Native Title Claims administered by the National Native Title Tribunal. Previously registered native title claimants will continue to be the native title party for that area providing:
  - o there is no other registered native title claimant for the area; and
  - o there is not, and never has been, a registered native title holder for the area.

The native title party maintains this status within the external boundaries of the claim even if native title has been extinguished.

**Cultural heritage site points (pre 2015):** Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as point data **before** 1 July 2015.

**Cultural heritage site points (post 2015):** Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as point data **after** 1 July 2015.

**Cultural heritage site points (post 2015 mitigated):** Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as point data after 1 July 2015 where the recorder has advised the department that the site has been mitigated.

**Cultural heritage site polygons:** Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as a polygon.

Designated Landscape Areas (DLA): Under the repealed *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*, an area was declared a 'designated landscape area' (DLA) if it was deemed necessary or desirable for it to be preserved or to regulate access.

Indigenous Protected Areas (IPA): Areas of land and sea managed by Indigenous groups as protected areas for biodiversity conservation through voluntary agreements with the Australian Government. For further information about IPAs visit https://www.environment.gov.au/land/indigenous-protected-areas

**National Heritage areas:** Places listed on the National Heritage List for their outstanding heritage significance to Australia and are protected under the *Environment Protection and Biodiversity Conservation Act 1999*. For further information about the National Heritage List visit <a href="https://www.environment.gov.au/heritage/about/national">https://www.environment.gov.au/heritage/about/national</a>

**National Heritage Areas (Indigenous values):** Places listed on the National Heritage list (Indigenous values) are recognised for their outstanding Indigenous cultural heritage significance to Australia and are protected under the *Environment Protection and Biodiversity Conservation Act 1999.* These areas are now included in the cultural heritage

register.

**Registered Cultural Heritage Study Areas:** Comprehensive studies of Aboriginal and or Torres Strait Islander cultural heritage in an area conducted under Part 6 of the Cultural Heritage Acts for the purpose of recording the findings of the study on the register.

Traditional Use of Marine Resources Agreement (TUMRA): Areas subject to agreement between Great Barrier Reef Traditional Owners and the Australian and Queensland governments on the management of traditional use activities on their sea country. For further information about TUMRAs visit <a href="https://www.gbrmpa.gov.au/our-partners/traditional-owners/traditional-use-of-marine-resources-agreements">https://www.gbrmpa.gov.au/our-partners/traditional-use-of-marine-resources-agreements</a>

**World Heritage Areas:** Places inscribed on the World Heritage List pursuant to the World Heritage Convention adopted by the United Nations Education, Scientific and Cultural Organisation (UNESCO) and are protected under the *Environment Protection and Biodiversity Conservation Act 1999*. For further information about World Heritage places in Queensland visit https://parks.des.gld.gov.au/management/managed-areas/world-heritage-areas

**Disclaimer:** The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships is the custodian of spatial data and information provided by various third parties for inclusion in the Aboriginal and Torres Strait Islander cultural heritage online portal. This includes spatial data provided by the National Native Title Tribunal and Aboriginal and Torres Strait Islander parties. Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships is not responsible for the accuracy of information provided by third parties or any errors in this search report arising from such information.

#### **Emily Wardlaw**

From: Emily Wardlaw

**Sent:** Wednesday, 20 March 2024 10:50 PM cassie.lang@parallaxlegal.com.au

**Cc:** Melissa Farrell; Tegan Vanderheiden; Emily Hart; Hayley Hisgrove; Nancy Francois;

'mualgal@gbk.org.au'; 'olive.tamwoy@parallaxlegal.com.au'; 'Nadja.Mack@gbk.org.au'

Subject: RE: Telstra Reference: MSQ04 Bank Peak Moa Island - Upgrade of existing equipment

by Telstra for Maritime Safety Queensland - ILUA Mualgal Corporation

Dear Cassie.

Melissa has provided me with your email below.

Thank you for your advice and feedback in relation to the proposed works at Bank Peak Moa Island. I will inform Telstra of the requirements of the Mualgal people to protect Torres Strait Islander cultural heritage.

If you can provide the details for the engagement of a Mualgal representative to be present on site, we will commence the process.

Au Esoau, Koeyma Eso,

**Emily** 



#### **Emily Wardlaw**

Director - Planning Services
Acquirecomm Pty Ltd
PO BOX 586
Elsternwick VIC 3185
Licenced Agency VIC, NSW, TAS.

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From: Melissa Farrell <melissa@acquirecomm.com.au>

Sent: Friday, March 15, 2024 4:19 PM

**To:** Emily Wardlaw <emily@acquirecomm.com.au>; Emily Hart <ehart@acquirecomm.com.au>; Tegan Vanderheiden <tegan@acquirecomm.com.au>; Hayley Hisgrove <hayley@acquirecomm.com.au>

**Subject:** Fwd: Telstra Reference: MSQ04 Bank Peak Moa Island - Upgrade of existing equipment by Telstra for Maritime Safety Queensland - ILUA Mualgal Corporation

Melissa Farrell

#### Acquirecomm Pty Ltd

#### Begin forwarded message:

From: Cassie Lang < <a href="mailto:cassie.lang@parallaxlegal.com.au">cassie.lang@parallaxlegal.com.au</a>>

Date: 14 March 2024 at 7:01:50 pm AEDT

**To:** Melissa Farrell < <u>melissa@acquirecomm.com.au</u>>

**Cc:** Nancy Francois < nancy.francois@parallaxlegal.com.au >, Iona Manas

<mualgal@gbk.org.au>, Olive Tamwoy <olive.tamwoy@parallaxlegal.com.au>, Nadja

Mack < Nadja. Mack@gbk.org.au >

Subject: Telstra Reference: MSQ04 Bank Peak Moa Island - Upgrade of existing equipment by Telstra for Maritime Safety Queensland - ILUA Mualgal Corporation

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Hi Melissa

Eso for your email and patience in our response.

Your email has been forwarded to me by the Mualgal RNTBC Chair.

I appreciate that the Telstra and Moa Island ILUA includes terms for access to the island for these types of works. I have also considered the scope of works proposed for the Bank Peak facility.

For your reference there are no duty of care guidelines gazetted under the *Torres Strait Islander Cultural Heritage Act 2003* (Qld). Any assessment and design you have undertaken under the Duty of Care Guidelines ("Guidelines") under the *Aboriginal Cultural Heritage Act 2003* (Qld) is not applicable.

Further, to bring to your attention the footnote on the bottom of page 6 of the Guidelines states the following:

Although activities such as walking through a culturally significant place are permitted under this guideline, it is important to be aware that merely being present in a culturally significant place may cause offence to Aboriginal people and, where this is known, due respect should be paid to these cultural sensitivities.

I have been instructed that Bank Peak is a "significant Torres Strait Islander area" for the purposes of the *Torres Strait Islander Cultural Heritage Act 2003* (Qld) (**TSICHA**), and that Bank Peak itself is Torres Strait Islander cultural heritage.

The PBC has significant concerns that having this work done at Bank Peak without a cultural guide present will be disrespectful to the Mualgal people and a breach of their Ailan Kastom and will cause harm to the Significant Area.

For Telstra/Acquirecomm to meet the cultural heritage duty of care under section 23(1) of the TSICHA, it will be necessary that a Mualgal representative be on site while these works are undertaken to ensure that they do not harm Torres Strait Islander cultural heritage. The representative must be resourced for his time and expertise.

Please let me know if Telstra/Acquirecomm agree to this approach. We could then make arrangements to have a Mualgal representative available.

#### Cassie



Cassie Lang
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*Individual liability limited by a scheme approved under professional standards legislation.* 

We pay our respect to the Traditional Custodians of the land on which we live and work. We acknowledge all the First Nations people of Australia and recognise their continuing connection and responsibilities for their land and waters since time immemorial. We pay our respect to Elders past, present and future.

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**DIRECTORATE:** Corporate Services

**AUTHOR**: Executive Director Corporate Services

#### **ITEMS ARISING**

#### **OFFICER RECOMMENDATION:**

For Council (as Trustee) to formally resolve to consider those items arising after the agenda for the meeting has been made public.

#### **EXECUTIVE SUMMARY:**

Section 254D(4) of the *Local Government Regulation 2012* allows for a local government or a committee of local government to discuss or deal with (at any meeting) items arising after the agenda for the meeting has been made available to Councillors.

Standard practice is that business not on the published agenda, or not fairly arising from the agenda, should <u>not</u> be considered at any local government meeting unless permission for that purpose is given by the local government at the meeting (Source: TSIRC Standing Orders Policy – July 2024)

Council will need to make a formal resolution to consider/discuss any items nominated for this agenda item.

#### **Interested Parties/Consultation:**

N/A

#### **Background / Previous Council Consideration:**

N/A

#### **COMPLIANCE / CONSIDERATIONS:**

Statutory:	Section 254D(4) of the Local Government Regulation 2012				
Budgetary:	N/A				
Policy:	TSIRC Standing Orders – July 2024				
Legal:	N/A				
Risk:	Council breach of its Statutory requirements above.				
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (Bisnis Plan)  Delivery Pillar One – People (Bisnis – Pipol)  Outcome 4: We are a transparent, open and engaging council.   4.2 Evolve Council's communication channels and community's access to information.				
Masig Statement:	N/A				
Standing Committee Consultation:	N/A				
Timelines:	Standard Procedure at each Monthly Council Meeting				

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Nil.

Recommended:

S. Andres

Susanne Andres Executive Director Corporate Services Approved:

James William

**Chief Executive Officer** 

#### **ATTACHMENTS:**

Nil.