

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at the
Bloomfield Hall, Ayton
19 August 2014**

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ATTENDANCE:

The Mayor, Cr PH Scott, Councillors A Wilson, KG Price, GC Shephard, PL Johnson, R Bowman, S Clark, Chief Executive Officer (S Wilton), Minute Officer (R Norris).

Also in attendance –

Directors – Mark Marziale, Tony Lickiss, Katrina Houghton, Martin Cookson, Land Tenure Officer, Leonie Dowding, Town Planning Officers, John Harrison and Lisa Miller.

MEETING OPENED

The Mayor, Cr PH Scott declared the meeting open at 11.05 am on 19 August 2014

APOLOGIES:

Nil

NOTICE OF BEREAVEMENT:

Advice has been received of the passing of Isabella Raymond, Patricia Giblin (wife of former Councillor R Giblin) , George Arliss.

As a mark of respect one minute silence was observed.

CONFIRMATION OF MINUTES

30805	CONFIRMATION OF MINUTES OF ORDINARY MEETING
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Cr R Bowman moved; seconded Cr K Price

That the minutes of the Ordinary Meeting of 21-22-23 July 2014 be confirmed.

CARRIED

BUSINESS ARISING:

Nil

Mr Colin Burns addressed the meeting concerning the Urban Expansion Footprint in Ayton.

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CHIEF EXECUTIVE OFFICERS MONTHLY REPORT
<i>Report No.D14/8524 from Chief Executive Officer</i>

Précis

A report from the Chief Executive Officer showing his activities and providing information regarding ongoing and emerging issues.

Meetings, Seminars, Conferences etc

FNQROC and Regional Road Group

On Monday 11th August 201 I attended the Far North Queensland Regional Organisation of Councils Annual General Meeting and General Meeting in Atherton. Cassowary Coast Mayor Cr Bill Shannon was elected Chairman and Cook Shire Mayor Cr Peter Scott was elected Deputy Chairman.

There were two presentations; The first was by Ergon Energy Executive General Manager Operations regarding changes in energy affordability The second presentation was on the need for the mountain biking community to consolidate within the region to take full advantage of the upturn in mountain biking across the region

The FNQRRG meeting elected Cr Scott as Chairman and Cr Shannon as Deputy Chair. The performance of the group was congratulated by the Roads Alliance Board for our continued meeting of program budgets and expenditures. The inclusion of Yarrabah into the FNQRRTG was discussed and approved. The Technical Groups recommendations regarding works program were also endorsed.

Following the meetings a two and half hour presentation was given by Ergon Energy on future strategies around street lighting took place. The move towards LED lighting is going ahead but there are a number of hurdles that still need to be overcome around cost, standards and supply. The audit of street lighting infrastructure across the Ergon network has been completed and the results will be distributed soon. The results showed approx. 9,000 street lights that were not owned by either Local Governments or Dept Main Roads this anomaly will be sorted out to determine ownership and cost responsibility in the near future. In short with community service obligations under review and the pricing in of alternate energy offsets I can see our cost of electricity and street lighting escalating well above inflation in the near future

Regions Q Forum

On Wednesday 30th July I attended the Regions Q Forum in Cairns presented by Deputy Premier Jeff Seeney. Regions Q is under the State Planning process and is aimed at increasing regional populations across Queensland. Each table worked through a series of questions with outcomes feeding back to the State as part of the consultation process.

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- Attracting and retaining people
- Promoting the regions potential
- Making it easier to do business in the region
- Capitalising on economic drivers
- Infrastructure services for regional growth
- Planning for development in the region

Local Government Risk Management Focus Group

On 7th and 8th August I attended the Local Government Risk Management Focus Group in Innisfail to discuss various issues around risk management including around fleet management, cyclone shelter/ evacuation centres, electrical safety hazards in the field and the legislative responsibilities for Councils to have a compliant safety system.

Of interest was a demonstration that included a computerised Risk Register and an LGAQ developed legislative compliance tool. These both appeared to provide a valuable tool in assisting Council to be across our legal requirements in relation to risk management and also compliance across all current state legislation.

Other Meetings

There are a number of meetings that occur on a regular basis. This month they have included Executive Management Team meetings, budget Economic Development Projects meeting, a meeting with potential developer and Ratepayer meetings over issues such as rates and town planning.

Councillors' Reports

Cr R Bowman

Cr S Clark

Meetings

DATE	TYPE	PURPOSE	WHERE	
21-23/8/14	Monthly meeting	C.S.C	Chambers	
23/8/14	Waterfront Meeting	C.S.C	Chambers	
8/8/14	Aged Care Units	Meeting	Chambers	
5/8/14	Economic Development	Meeting	Chambers	

Events Attended (as Councillor or part thereof)

DATE	TYPE / PURPOSE	WHO / WHERE
29/8/14	Careers Expo	Cooktown Events Centre
2/8/14	Cooktown Show Hosted by PCYC	Cooktown Events Centre

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Constituent Representation / Meetings

DATE	PHONE CALLS/ DISCUSSIONS	LETTERS
	Water Rates	

Up Coming Events

22 – 24th August 2014 Lakeland Campdraft at Lakeland
 2nd September 2014 Economic Development Meeting
 11th- 18th October 2014 Marlin Classic

Cr A Wilson

5th August Attended ED meeting Am and Waterfront Advisory meeting.
 12th, 13th, 14th & 15th August, travelled to and attended NQLGA Conference meeting held at Richmond in -company with Mayor Scott. The theme of the Conference was on Children ,Education, Welfare and wellbeing.
 Presentation by Mrs Kim Hughes, State Councillor for Isolated Children’s Parent Association QLD Inc. Spoke on the difficulties and process in educating children in isolated areas.
 Ms Hetty Johnson, Founder and Executive Director of Brave hearts Inc. Spoke on her life’s experience and case history of her group. Relating to sexuality mis-treated children.
 Mr Peter Billing Executive Manager Customers Service Ergon Energy gave an update on his departments activates.
 Mr Daniel Georgeson Executive Manager Literacy People Service QLD, spoke on the future of the State Library involvement with modern Technology playing a major part.
 Dr, Timothy Holland, Curator Kronosaurus Korner spoke on his involvement with the discovery of Dinosaur Skeleton remains found in the Richmond District.
 The Hon, Mr Andrew Cripps State Minister for Natural Resources and mining gave an update on the Governments policy.
 The majority of the speakers were Accountants and Solicitors giving update on their companies expertise in the area of Local Government.
 The Motion put forward by Cook Shire received full support from the Delegates and was passed with a Majority Decision.
 My Presentation on Waste Management and Recycling to Energy was well accepted .
 The Majority of my time over the past Month with much sadness was travelling to and attending Relatives and Friends Funerals.

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Cr G Shephard

Date	Type / purpose	Who /where
21/22 July	Council meeting-	
23 July	Waterfront Advisory Committee Meeting	
12 August	Coen Advisory Committee Meeting- Coen	

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where
30 th July	Cape York Breeder Management Day - Fairview Station	
1 st August	CYSF Open Forum held at the Laura Rodeo Ground	
3-4 August	Laura Mini School- Laura	
14 August	Mary Valley handover- Mary Valley	

Constituent Representation/Meetings

Date	Phone calls/ Discussions	Letters/ Minutes
	Numerous discussions on Live Export through Weipa	
	Numerous calls about TCY	
	Discussions on amenities building at Coen sports ground	

Cr K Price

Meetings

Date	Type / purpose	Who /where
21-22 July	Council Meeting	
23 July	Waterfront meeting	
25 July	Regional and Remote Area – EDA – Training / workshop	
29 July	Careers Expo – Event Centre	
2 August	Cooktown Show	
8 August	RADF	
16 August	Bloomfield Residents AGM and General Meeting	

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where
17 August	Animating Spaces – met with volunteers – inspected sandbagging work	

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Constituent Representation/Meetings

Phone calls/ discussions	Letters/ minutes	Councilor requests
Constituent – minimum allotment sizes in rural zone		
Constituent re: waterfront – complaint – waterpark inappropriate		

Cr P Johnson

Date	Type / purpose	Who /where	Action
23/7	Waterfront	Councilors EMT	Receive updates & progress reports against budget
24/7	“Recognise” event	“Recognise” organizers, community & available Councilors	Attend
24/7	2020 planning	Australian National Maritime Museum ; 2020 interim committee	Maintain contact with planning group – assist where required & useful
25/7	Regional and Remote Training workshop	Hope Vale Council, Wujal Wujal, Cook & Douglas Shire reps; Cooktown Chamber President	Opportunities in the region; collaboration; development; energy; primary production; tourism – suggestion of a regional development officer to work across the shires – conceptual at this stage.
1/8	Cape York Sustainable Futures open forum	Laura- members, government agencies, local residents & ratepayers	Discussion over Cape York Regional Plan- maps for Strategic Environmental Areas are flawed – recommendations on several aspects of draft plan made to be taken to Deputy Premier by member for Cook David Kempton; Discussion over PDR- funding, design work, program of work, - Tony Potter TMR; Update on CYSF activities/ projects; TCY

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			update; Lease options- perpetual & free holding- improved processes
7/8	Towards 2020	Interim steering committee; Council Chambers	Committee to progress ToR, Mission, Vision, composition of Planning committee, priority projects
11/8-13/8	Northern Gulf Resource Management Group board meeting	Board meeting & open forum; NRM planning update, web format for NRM plan; project updates & discussion on development of Northern Australia	Participate in board meeting (Local government director role), and & participate in general meeting

Events Attended (as Councillor or part thereof)

Date	Type / purpose	Who /where	Action
20/6	Small Schools Sports Carnival	Oval	Attend & assist
29/6	Careers Expo	Event Centre	Attend, participate
31/7	Party Like its New Years Eve- RV event	RV visitors; local volunteers & organizations	Opened Event in Mayor's absence; spoke to most visitors & volunteers. Positive view of Cooktown- 0 some were here last year & enjoyed so much they came back(and bought 2 new tyres while here on top of other purchases!)
16-17	Cooktown Horse sports	Race course	Attend & volunteer evening in bar; good attendance in competition & at entertainment that evening. Well organized & very well supported, Race course improvements much appreciated & well utilized.

Constituent Representation/Meetings

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Date	Phone calls/ Discussions/ meeting	Letters/emails minutes	Action
July/ August		Re Adelaide RV rest area	Receive cc'd emails for information
31/7	Turf Club – support for infrastructure improvements & seeking funding		Letter of support as & when needed; keep eye out for funding support opportunities; support Turf Club as member & resident
1/8	Rental availability- shortage of reasonable properties at reasonable price		Resident looking for rental accommodation;
5/8		Corro from S Struber	Refer to Biz manager for referral to Ombudsman
12/8	Call re panel of suppliers – different companies but same owners- getting work?		Check status & considerations at next meeting

Future activities:

August

16- 17 Cooktown Horse Sports
20 Seniors Week – lunch at RSL units
18-20 Council Meeting
22-24 Lakeland Campdraft

September

2 Economic Development meeting- Council & EMT
12 Local Marine Advisory Committee Chairs & Secretaries forum (Tsvl)
18 Northern Gulf RMG – board teleconference
19- 8 Oct School Holidays (28/9 – my 50th!)

October

30 Reef Guardian Councils Steering Committee Meeting
27-30 Local Government Association Queensland Annual Meeting
31 CYSF AGM & open forum

November

1 Quinkan Bull & Bronc Riding school & event (TBC)
3-7 Cape York Natural Resource Management – end of year board meeting- Seisia

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Date tba Northern Gulf Resource Management Group board & community meetings
17-20 Council

Cr P Scott

Date	Venue	Meeting	Issues /outcome
24/7/14	Cooktown Waterfront Bowls Club	Interagency "Recognise" BBQ Aust Maritime Museum	Strong public support Endeavour replica here 2020
28/7/14	Office	Cape York Infrastructure Plan	\$200m to PDR \$60m to ancillary
30/7/14	Hervey Bay (4 days)	Economic Dev. Conference	TIQ. Completed projects for investors
6/8/14	Office Capers	Marriot & Interbitzen YBM	Dam engineering reqmts. Archer Point reserve tenure
7/8/14	Chambers	2020	
8/8/14	Office	Korean Investor interest	Kenaf & Bio Pellets (Weipa)
9/8/14	Cameron Creek	Brett Williams memorial	
11/8/14	Atherton	FNQROC & RRG	Deputy Chair & Chair
12/8/14	Atherton	RDA	Strong support for Lakeland Dam & PDR
13/8/14	Richmond (4 days)	NQLGA	Motion on ALA & Dogit tenure

Upcoming meetings

19/8 Ayton / Bloomfield Council /community meetings
22/8 Weipa Diverse Futures Forum
30/8 Cooktown Cardiac Challenge

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ENGINEERING SERVICES

30806	NAMING UNNAMED STREET HANNAM STREET	
	<i>Report No.D14/6077 from Engineering Technical Officer</i>	

Cr S Clark moved; seconded Cr K Price

That Council resolves to name the unnamed street giving access to lot 65 on SP256597 at Finch Bay as Hannam Street and unname the part of Hannam Street shown on attached Map No1.

CARRIED

Précis

A newly dedicated unnamed street giving access to lot 65 on SP256597 at Finch Bay requires naming.

Background/History

The newly dedicated unnamed street giving access to lot 65 on SP256597 Finch Bay requires naming so that the residents of lot 65 on SP256597 can be given a street address. As this new street is an extension of the existing Hannam Street it makes sense to extend Hannam Street to include this new dedication. As can be seen on the attached Map No1, to enable this to happen, a section of Hannam that is already named will need to be unnamed. The section of Hannam Street to be unnamed is not constructed and does not give access to any blocks that do not already gain access from another street frontage.

Link to Corporate Plan

The community has access to a quality and well maintained road and transport network that meets the communities' needs.

Consultation

None

Legal Implications (Statutory, basis, legal risks)

None identified

Policy Implications

None identified

Financial and Resource Implications (Budgetary)

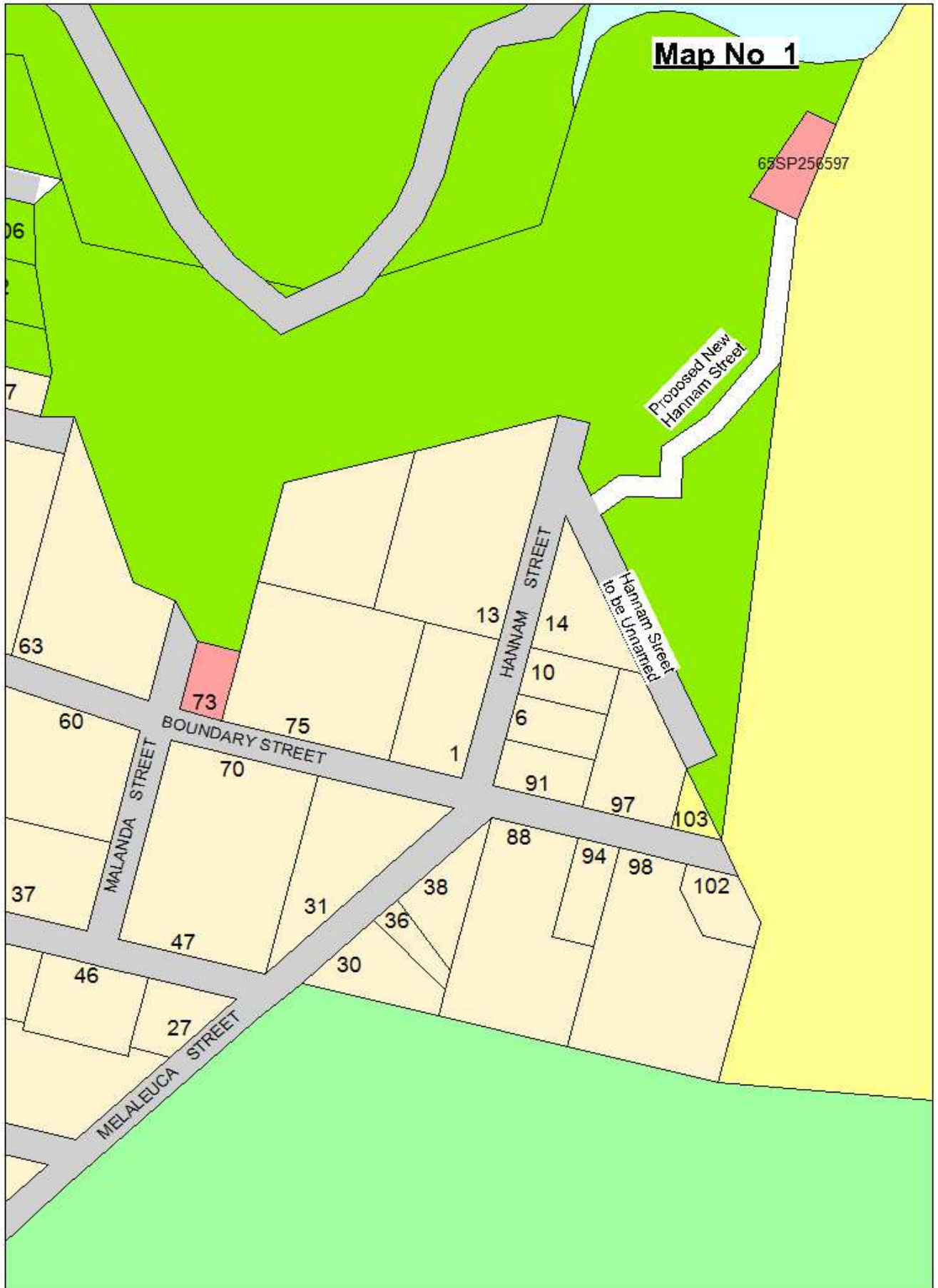
The budget will be impacted by the cost of purchase and erection of street signage.

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RECOMMENDATION

That Council resolves to name the unnamed street giving access to lot 65 on SP256597 at Finch Bay as Hannam Street and unname the part of Hannam Street shown on attached Map No1.

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PLANNING AND ENVIRONMENT

30807	APPLICATION FOR A DEVELOPMENT PERMIT – DA/3250 – RECONFIGURATION OF LOT 20 ON PLAN RP728662 LOCATED AT 2177-2199 ENDEAVOUR VALLEY ROAD, VIA COOKTOWN INTO TWO (2) LOTS.	
	<i>Report No.AD14/3747 from Director Planning and Environment</i>	

Cr P Johnson moved; seconded Cr K Price

That the application by Richard Bruce Morris, Margaret Anne Morris and John Virgil Clarke for a Development Permit for Reconfiguration of Lot 20 on Plan RP728662 located at 2177-2199 Endeavour Valley Road, via Cooktown into two (2) lots be approved subject to the conditions set out in the recommendation contained in Report No. AD14/3747.

CARRIED

Précis

Applicant:	Richard Bruce Morris, Margaret Anne Morris & John Virgil Clark 122 Rainforest Road Chevallum Qld. 4555
Owner:	Richard Bruce Morris, Margaret Anne Morris & John Virgil Clark
Location:	2177-2199 Endeavour Valley Road, via Cooktown
R.P.D:	Lot 20 on Plan RP728662
Area:	2.3230 Hectares
Zone:	Rural
Proposed Uses:	Reconfiguration into two (2) lots
Use Classification:	Reconfiguration
Referral Agencies:	State Assessment & Referral Agency (SARA) Dept. State Development & Infrastructure Planning (Is within 25metres of a State Controlled Road)

Report

Application has been made to Council for the issue of a Development Permit for the Reconfiguration of Lot 20 on Plan RP728662 located at 2177-2199 Endeavour Valley Road via Cooktown, into two (2) lots. The application is Code Assessment Development under the Cook Shire Planning Scheme.

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Proposal

The application proposes the Reconfiguration of Lot 20 on Plan RP728662, located at 2177-2199 Endeavour Valley Road, via Cooktown into two (2) lots. The areas of the proposed lots are as follows:

- Proposed Lot 1 - 1.62 Hectares
- Proposed Lot 2 - 1.62 Hectares

Both proposed lots will take access from Endeavour Valley Road via the existing accesses.

The Site

Lot 20 is located at 2177-2199 Endeavour Valley Road, approximately twenty (20) kilometres North-west of Cooktown. Lot 20 has an area of 2.323 Hectares and has two (2) houses located on it (one on each proposed lot). The site has frontage to Endeavour Valley Road which is bitumen sealed and is already connected to reticulated electricity.

Town Planning Considerations

Lot 20 on Plan RP728662 is zoned Rural under the Cook Shire Planning Scheme and Reconfiguration of the Lot is Code Assessable development.

The purpose of the Rural Zone Code is to achieve the following overall outcomes for the Rural Zone:

- *The Rural Zone incorporates a range of agriculture, animal husbandry, forestry, aquaculture and supporting uses which strengthen the rural economy and service the rural community while preserving the amenity and character of rural land;*
- *Good Quality Agricultural Land is protected and is not alienated or fragmented;*
- *Rural zoned land identified as Future Urban Land provides for the long-term expansion of the township and is protected from inappropriate subdivision or changes of use, which could jeopardise its functionality as Future Urban Land. Subdivision of Future Urban Land for urban purposes only occurs where there is a demonstrated community need;*
- *The Rural economy and community is serviced by adequate infrastructure (particularly roads);*
- *Intensive rural activities are located away from sensitive land uses and do not have a detrimental impact on the amenity of adjoining land;*
- *Scenic landscape values and the rural character of the land is preserved for enjoyment of residents, visitors, and tourists;*
- *New extractive industry operations utilise significant local resources and are appropriately located and designated to mitigate any significant environmental impacts; and*
- *Existing extractive industry operations and known resource bodies are protected from the encroachment of incompatible land uses.*

Code Requirements for Reconfiguration of a Lot in the Rural Zone

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The following Codes are identified as applicable to DA/3250, Reconfiguration of Lot 20 on Plan RP 728662 into two (2) lots:

- Rural Zone Code
- Reconfiguration of a Lot Code
- Works, Services and Infrastructure Code
- Natural Hazards Code
- Parking and Access Code

As a general overview the proposed development is acceptable from a planning point of view and complies with the performance criteria of the relevant codes.

Areas of non compliance with the given Acceptable Solutions are detailed below:

Reconfiguration of a Lot Code

PC1 States:

“Lots have adequate area and appropriate dimensions for their intended use and good quality agricultural land is not lost to production through its fragmentation into economically unviable units, unless over-riding public benefit can be demonstrated.”

AS1 States:

“Lots comply with the minimum area and dimensions for those zones listed in Schedule 1 of this Code.”

In the Rural Zone the minimum lot size requirements are as follows:

Minimum lot size (excluding access handle for hatchet lots) - 100 hectares
Minimum frontage - 100 metres
Maximum depth to frontage ratio – 5:1

While Proposed Lots 1 and 2 comply with the maximum depth to frontage ratio, and the minimum lot frontage, they don't comply with the minimum lot size. Proposed Lots 1 and 2 have an area of only 1.162 hectares instead of 100 hectares required by the above acceptable solution.

Council's position with respect to lots below the minimum lot size in the Rural Zone has, on face value, been somewhat flexible depending on the particular circumstances and subject to demonstrating compliance with the rural zone code provisions and PC1 above.

Whilst it has not rigorously enforced the minimum 100 hectares as a defined limit, every application is assessed on its merits using guiding 'first principles' criteria which are reinforced through the strategic elements of the scheme and overall outcomes of the Rural Zone Code. Decisions to approve lots under 100 hectares have only occurred when one or more of the following criteria have been met:

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- Where it could be demonstrated that there was no potential for impacts on existing rural industries (including reverse amenity impacts as a result of introducing a resident population);
- Where it was consistent with the surrounding subdivision pattern (which was often established under superseded planning instruments);
- Where the land was not identified as GQAL and was determined to be unsuitable as a viable agricultural unit;
- Where land was unconstrained by natural or man-made hazards; and
- Where subdivision was not located on the edge of existing settlements such that it constituted a departure from established and planned growth patterns.

In this case:

- Twenty plus (20+) lots of between three (3) and ten (10) hectares have been created in the immediate area;
- The development site despite consisting of red volcanic soil is not identified as GQAL, nor because of its size (2.3 hectares) is it identified as a viable agricultural unit;
- The land is not constrained by natural or man-made hazards;
- The reconfiguration is not located on the edge of existing settlements such as to constitute a departure from established and planned growth patterns;
- The existing Lot 20 already has two (2) houses constructed on it and the proposed reconfiguration will give each house its own title without creating any additional impacts on the surrounding rural area.

On this basis the departure from the acceptable solution of one hundred (100) hectares is supported.

Referral Agencies

The Department of State Development , Infrastructure and Planning is a Concurrence Agency (any part of the land is within 25m of a State-controlled road) for the purpose of this application.

Discussion

The reconfiguration of Lot 20 on Plan RP728662 into two (2) lots each with an area of 1.16 hectares is a development that would normally not be recommended for approval in the Rural Zone. However in this case Lot 20 has an area of only 2.3 hectares and already has two (2) houses constructed on it, each with its own access and rural address. These houses are currently rented out separately. The proposed reconfiguration will have no additional impact on the surrounding rural area as each proposed lot already has a house located on it.

The lot sizes are consistent with the areas of lots within the immediate area, with 17+lots having areas of between three (3) and six (6) hectares. The development is therefore recommended to Council for approval with conditions.

Recommendation

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That the application by Richard Bruce Morris, Margaret Anne Morris and John Virgil Clarke for a Development Permit for Reconfiguration of Lot 20 on Plan RP728662 located at 2177-2199 Endeavour Valley Road, via Cooktown into two (2) lots be approved subject to the following conditions:

A. Assessment Manager (Council) Conditions

Approved Plans

1. The development must be carried out generally in accordance with amended Proposal Plan 12050/ROL/01 (Appendix 'B') and relevant documentation submitted with the application and in response to Council's information request, except for minor variations required to comply with the conditions of this approval.

Access

2. Access to proposed Lots 1 and 2 must be via the existing Endeavour Valley Road accesses in accordance with the requirements of the Department of State Development, Infrastructure and Planning (see Concurrence Agency Response dated 16th June 2014).

Effluent Disposal

3. Wastewater treatment and disposal applications must include details of proposed wastewater disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS, 1547:2000 – On-site Domestic Wastewater Management. Details are to be provided at the time of lodgement of a Plumbing or Building application.

4. The applicant must ensure that all septic trenches are wholly contained within each of the relevant lots.

Water Supply

5. A separate source of domestic water supply must be provided to each of the proposed lots. This would be satisfied by the provision of rainwater tanks with a minimum capacity of 50,000 litres. Where an alternative source of supply is available within the allotment, the applicant can provide certified evidence as to the flow rates and water quality of bore water or other supply to eliminate or reduce the requirement for on-site water. Details to be provided prior to the sealing of the Plan of Survey.

6. All water supply infrastructure must be wholly contained within each applicable lot. Any cross boundary infrastructure between proposed Lots 1 and 2 must be removed.

Electricity

7. Each proposed lot must be separately connected to the reticulated electricity supply.

Fire Management

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8. Each proposed lot must be provided with a separate water storage tank with a minimum storage capacity of 5,000 litres and fitted with fire brigade tank fittings, for fire fighting purposes, prior to the sealing of the Plan of Survey.

Public Utilities

9. The developer is responsible for the cost of any alterations to public utilities as a result of complying with conditions of this approval.

Compliance

10. All relevant conditions of this development permit must be complied with prior to the Plan of Survey being submitted to Council for endorsement.

Outstanding Charges

11. All rates, service charges, interest and other charges levied on the land are to be paid prior to Council endorsement of the Plan of Survey.

Endorsement

12. The reconfiguration of a lot approval authorized by this Development Permit must be complete and the Plan of Survey submitted to Council for endorsement within two (2) years from the commencement of this approval or the approval will lapse.

B. Concurrence Agency (Department of State Development, Infrastructure & Planning) Response and Conditions (Appendix “A”)

See attached Concurrence Agency Response with Conditions from the Department of State Development, Infrastructure and Planning dated 16th June 2014.

Appendix “A”

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SDA-0614-010959



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

Our reference: SDA-0614-010959
Your reference: LM:DA/3250:AD:2014/0002288

16/06/2014

Mr Stephen Wilton
Chief Executive Officer
Cook Shire Council
PO Box 3
Cooktown QLD 4895

Att: Lisa Miller

Dear Mr Wilton

Concurrence agency response—with conditions

Reconfiguration of a lot (1 lot into 2 lots) at 2177-2199 Endeavour Valley Road, Cooktown, Cook Shire described as Lot 20 on RP728662
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 4 June 2014.

Applicant details

Applicant name: Richard & Margaret Morris and John Clarke
Applicant contact details: 122 Rainforest Road
Chevallum QLD 4555

Site details

Street address: 2177-2199 Endeavour Valley Road, Cooktown, Cook Shire
- QLD
Real property description: Lot 20 on RP728662

Port Authority Building
Cnr Grafton and Harley Streets, Cairns
PO Box 2356, Cairns
Queensland 4870 Australia

Telephone +61 7 4048 1111
Website www.dsdlp.qld.gov.au
Email: CairnsSASA@dsdlp.qld.gov.au
ABN 29 230 178 530

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SDA-0614-010969

Local government area: Cook Shire Council

Application details

Proposed development: Development permit for reconfiguration of a lot (1 lot into 2 lots)

Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger Schedule 7, Table 2, Item 2 – State-controlled road

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the conditions set out in Attachment 1 attach to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 attach to any development approval.

Drawing or document	Reference no.	Version	Date
Ausnorth Consultants Reconfiguration Design Proposed Lots 1 & 2 Cancelling Lot 20 on RP728662	1205/ROL/01	NA	24 October 2014
Infrastructure and utilities site plan depicted on Ausnorth Consultants Reconfiguration Design Proposed Lots 1 & 2 Cancelling Lot 20 on RP728662	1205/ROL/01	NA	24 October 2014

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

If you require any further information, please contact Joanne Manson, A/Principal Planning Officer, Regional Services – Far North QLD on (07) 4037 3228, or via email joanne.manson@dsdip.qld.gov.au who will be pleased to assist.

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GDA-0614-010959

Yours sincerely



Angela Foster
Manager (Planning)

cc: Richard & Margaret Morris and John Clarke, email: bruceemargaret@hotmail.com
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

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SDA-0614-010959

Our reference: SDA-0614-010959
Your reference: Morris ROL

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit for a reconfiguration of a lot (1 lot into 2 lots)		
<p>State-controlled road —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
1.	<p>Development must be carried out generally in accordance with the following plans provided with the Letter and supporting information to Cook Shire Council prepared by Bruce and Margaret Morris and dated 17 April 2014, except as modified by these concurrence agency conditions:</p> <ul style="list-style-type: none"> • Ausnorth Consultants Reconfiguration Design Proposed Lots 1 & 2 Cancelling Lot 20 on RP728662, Drawing No 1205/ROL/01, dated 24 October 2012. • Infrastructure and utilities site plan depicted on Ausnorth Consultants Reconfiguration Design Proposed Lots 1 & 2, Drawing No 1205/ROL/01, dated 24 October 2012. 	<p>Prior to submitting the Plan of Survey to the local government for approval.</p>
2.	<p>The permitted road access locations between Endeavour Valley Road and the development are via:</p> <ul style="list-style-type: none"> • the existing access location near the western side boundary of proposed Lot 1, and • the existing access location near the eastern side boundary of proposed Lot 2; <p>and generally in accordance with Site Plan depicted on Ausnorth Consultants Reconfiguration Design Proposed Lots 1 & 2, Drawing No 1205/ROL/01, dated 24 October 2012.</p>	<p>Prior to submitting the Plan of Survey to the local government for approval.</p>

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Our reference: SDA-0614-010959

Your reference: Morris ROL

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- to ensure the proposed development generally proceeds in accordance with the cited plans provided with the letter to Cook Shire Council that depicts how the development is to be carried out.
- to ensure the development achieves the relevant performance outcomes within Module 1 (Community amenity); Module 18 (State transport infrastructure protection) and Module 19 (State transport network functionality) prescribed in the State Development Assessment Provisions version 1.2 published 11 April 2014 and commenced 28 April 2014.
- to ensure that any impacts from the development are controlled and minimised; and
- to ensure that the development does not compromise the safety and efficiency or operation of the state-controlled road.

Findings on material questions of fact

- The development application was properly referred to the Department of State Development, Infrastructure and Planning on 4 June 2014.
- The proposal will formalise each residential dwelling and associated infrastructure within two newly created lots.
- The subject site is mapped within 25 metres of Endeavour Valley Road; a state-controlled road.
- The subject site has frontage and direct access to the state-controlled road.
- The subject site contains two residential dwellings, a shed and associated infrastructure, including two separate access and driveway locations.
- Vehicular access to the development will be via the existing road access locations.
- The intensity and scale of the development is considered low.
- The development impacts from the proposal are relatively minor.
- The proposed reconfiguration will not compromise the safe and efficient management and operations of the state-controlled road.
- The proposed development is considered to meet or proposes acceptable outcomes that meet with the performance outcomes specified in the State Development.

Evidence or other material on which the findings were based

- The development is made assessable under Schedule 3 of the Sustainable Planning Regulation 2009, with the chief executive of the act identified as the concurrence agency in Schedule 7.
- The department undertook an assessment in accordance with the provisions of Section 262 of the *Sustainable Planning Act 2009*.
- State Development Assessment Provisions, version 1.2 published 11 April 2014 and commenced 28 April 2014.
- State Assessment and Referral Agency mapping dated 4 June 2014
- State Planning Policy December 2013
- State Planning Policy December 2013 development assessment mapping
- *Transport Infrastructure Act 1994*

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Our reference: SDA-0614-010959
Your reference: LM-DA/3250-AD:2014/0002286

Attachment 3—Further advice

General advice	
State-controlled road access points	
1.	Direct access is not permitted between Endeavour Valley Road, a state-controlled road and the subject site at any location other than the permitted road access location as detailed in condition 2 of this concurrence agency response.
State Planning Policy 2013 – interim development assessment provisions	
2.	Cook Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy December 2013 and in particular the interim development assessment provisions, such as natural hazards, to the extent it is relevant to the proposed development.

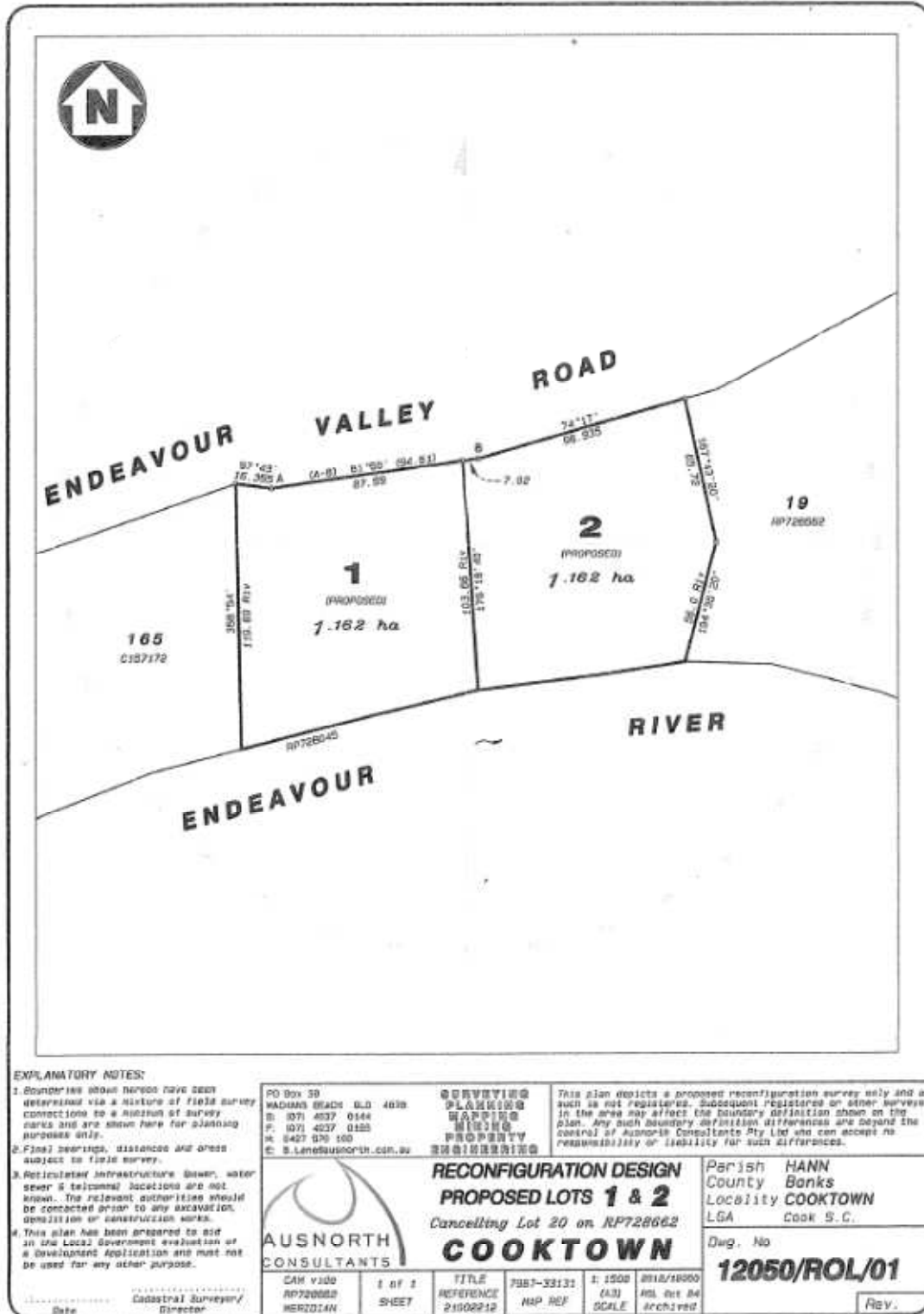
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SDA-0614-010959

Our reference: SDA-0614-010959
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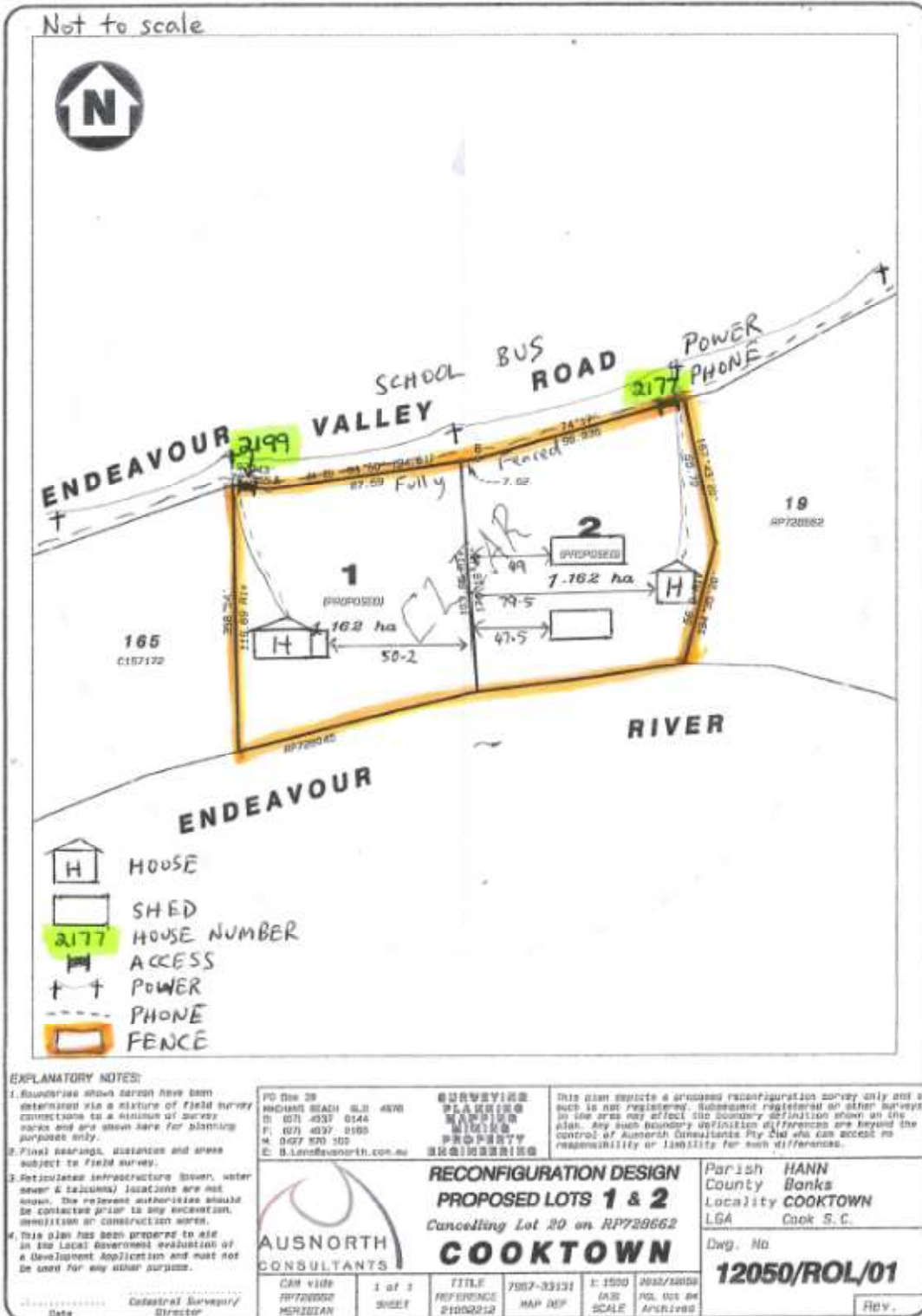
Attachment 4—Approved plans and specifications

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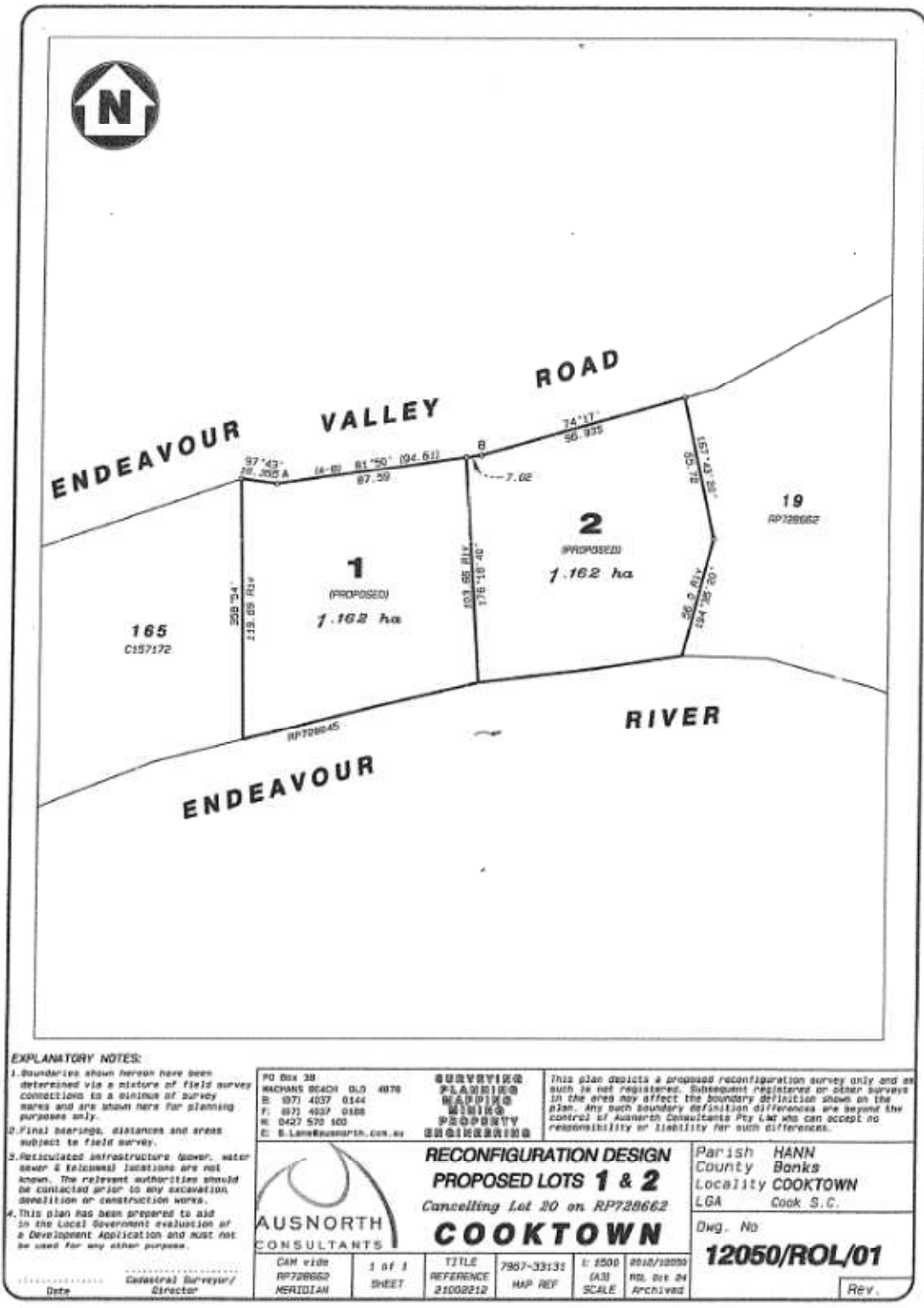
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PLAN - RE Infrastructure, Services, Veg Management, etc



Appendix "B"

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Cr S Clark declared a material personal interest in the following matter in that she was part owner of the property, the subject of the development application. Cr Clark left the Chambers at 12.20 pm and took no part in discussions and did not vote on the motion.

30808	REQUEST FOR NEGOTIATED DECISION - APPLICATION FOR A DEVELOPMENT PERMIT - DA/2844 - FOR MATERIAL CHANGE OF USE - INCREASE TO EXISTING EXTRACTIVE INDUSTRY (20,000T TO 100,000T) AND ERA16-2(B), 16-3(A) AND 33, LOCATED AT 41 MT AMOS ROAD (LOT 1 ON RP902192), COOKTOWN	
	<i>Report No.D14/8304 from Town Planning Officer</i>	

Cr A Wilson moved; seconded Cr R Bowman

That the request for a Negotiated Decision Notice by Marilyn Clark C/- PRP Planning for the issue of a Development Permit for Material Change of Use for Increase to Existing Extractive Industry and ERA 16-2(b), 16-3(a) and 33) located at 41 Mt Amos Road, Cooktown Qld 4895 be approved (in part) as follows:

- Condition 3 to be deleted
- Condition 4 to be amended
- Condition 5 to be amended
- Condition 6 to be amended
- Condition 7 to be amended
- Condition 9 to be amended
- Condition 10 to be deleted
- Condition 13 to remain unchanged
- Condition 15 to be deleted
- Condition 16 to remain unchanged
- Condition 18 to be amended.

ii) That the Applicant be issued with the Conditions of Approval within the Negotiated Decision Notice as set out in the recommendation contained in Report No. D14/8304.
CARRIED

Cr S Clark resumed her seat in the Chambers after the above resolution was carried.

Applicant: Marilyn Clark
C/- PRP Planning
PO Box 4751
CAIRNS QLD 4870

Owner: Barry, Susan, Eric and Marilyn Clark

Location: 41 Mt Amos Road, Cooktown Qld 4895

RPD: Lot 1 on RP902192

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Area: 227.8 Hectares

Zone: Rural

Proposed Use: Development Permit for Material Change of Use for Increase to Existing Extractive Industry and ERA 16-2(b), 16-3(a) and 33)

Referral Agencies: Department of Transport and Main Roads

(Concurrence – Exceeds the threshold of 10,000t per year)

Department of Environment and Resource Management
(Concurrence – Vegetation)

Department of Environment and Resource Management
(Concurrence – ERA 16-2(b), 16-3(a) and ERA 33)

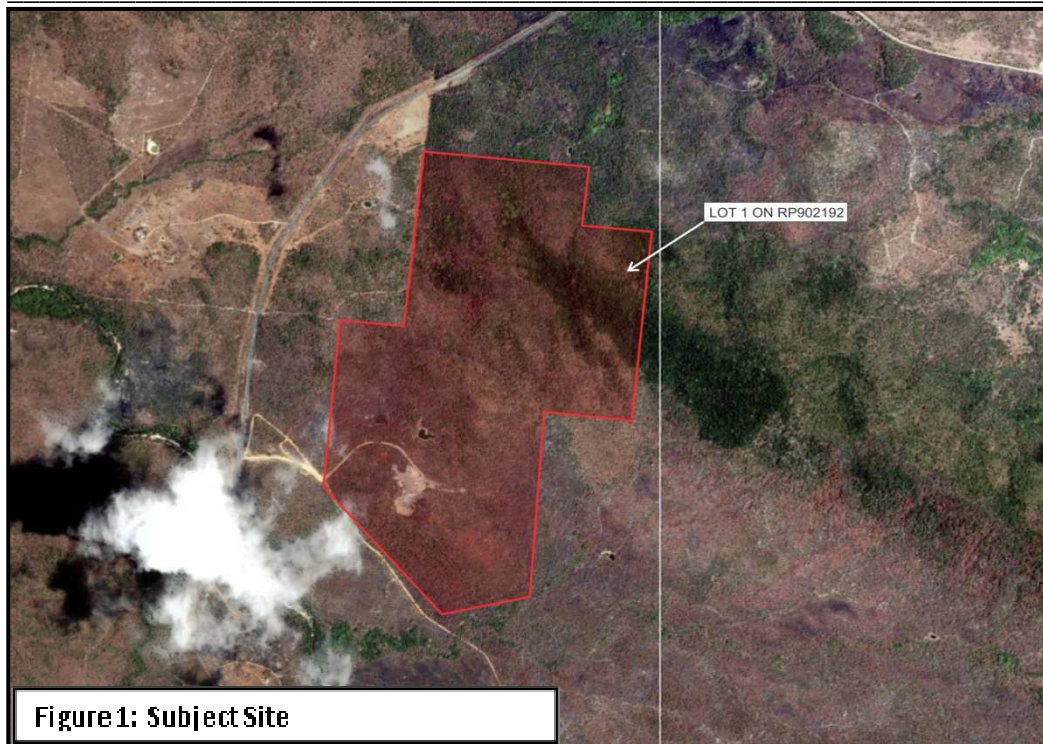
REPORT

Following Council's approval of the application for a Development Permit for a Material Change of Use for Extractive Industry and ERAs 16(2)(b), 16(3)(A) and 33 located at 41 Mt Amos Road, Cooktown (Lot 1 on RP902192) on 19 December 2012, the Applicant (via letter dated 16 January 2013 has requested a Negotiated Decision Notice. Representations have been made by the Applicant in respect of Conditions 3, 4, 7, 10, 13, 15, 16 and 18 of the Council's approval.

BACKGROUND

The application was for a Development Permit for a Material Change of Use to expand an existing Extractive Industry (hard rock quarry). The site is located on Mt Amos Road beside the Mulligan Highway approximately 22kms south of the urban area of Cooktown. It measures approximately 227.8 hectares in size. The original permit issued in about 1997 allowed for extraction up to 10,000m³ over an area of approximately 2 hectares, whereas the current application involves extraction up to 100,000 tonnes over an ultimate area of approximately 18 hectares.

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The extraction activities include quarrying, screening and crushing of hard rock as well as the sale of overburden. A detailed description of the extraction stages and methods was provided in a report prepared by PRP Planning, but in summary:

- The proposal will be developed in 4 stages each approximately 7 metres in depth, but varying in area.
- Each stage will start at the north western end and progress in a south-easterly direction, returning to the north western end at the beginning of each new stage.
- Extraction stages will not be worked concurrently as they are on top of each other and so succeed each other. Although there is enough material in each stage to fulfil the annual extraction quota, the nature of the market is such that this rate would not likely be achieved in a typical year for many decades.
- The existing pit is almost large enough to accommodate primary, secondary and tertiary crushers, a screening plant and the immediate stockpiles.

It is estimated that the capacity of the extractive resource is approximately 2 million cubic metres. The proposed maximum extraction rate is 100,000 tonnes per year (which aligns with the ERA applied for; however the Applicant does not expect to achieve this volume in the short to medium term. Primary crushing will occur on site, however while extraction volumes remain low, the Applicant will transfer material to their Cooktown depot for secondary and tertiary crushing.

Rock will be removed from the extraction areas via the existing haul road which is currently 4 metres wide; however has capacity to be upgraded to 6 metres if required. The haul road will eventually be lowered to service Stages 3 and 4.

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The conditions the Applicant is seeking to change are outlined in full below together with a summary of the representations made and our response. The matters raised are largely relating to engineering works and input has therefore been received from Council's Director of Engineering Service to guide the recommendations in this matter.

COMMENT ON CONDITIONS

Condition 3 (Operating Hours)

No operations in association with the quarry involving the movement of equipment, loading or movement of vehicles, the operation of crushing or screening equipment, shall occur outside of the hours of 7:00am to 5:00pm Mondays to Saturdays. No operations shall occur on Sundays or on public holidays.

Notwithstanding the operating hours specified above the following activities may be undertaken from within the curtilage of the subject site at any time:

- (a) Normal maintenance and repairs of a minor and incidental nature; And*
- (b) Occasional emergency maintenance and repair of onsite operating equipment.*

The Applicant argues that Condition 3 is overly onerous in the circumstances because the site is in a rural setting with no surrounding sensitive receiving environments. They also point out that noise limits throughout the day (being the primary amenity concern) are specified under the ERA permit issued by the DEHP.

This condition has previously been applied to quarries in the Shire, where it is important to limit overall hours of operation for the benefit of surrounding residents and businesses. In this scenario, where nearby land uses do not pose an immediate or long term constraint, it is reasonable to defer to the ERA permits to limit impacts from the use. This is particularly so when Council's Planning Scheme does not regulate hours of operation, and on this basis it is recommended that the condition be deleted.

Condition 4 (Fences)

The Applicant will be responsible for maintaining a 2m high fence around extraction pits and sediment basins to restrict access by unauthorised persons. The fence must be closed and locked when staff are not present on site.

Condition 4 was imposed to avoid safety and trespass concerns associated with large extraction pits and sediment basins. The Applicant argues that the remoteness of the site and lack of immediate neighbours means the condition is unreasonable and unwarranted. The Applicant has instead suggested a condition requiring the entrance of the site to be fenced, to give the appearance of a fenced site and deter a possible trespasser.

It is conceded that fences around extraction pits are more relevant in an urban fringe scenario where the likelihood of trespassers is higher. Notwithstanding this, Council's Director - Engineering Services still considers there to be a significant liability to Council if a

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trespasser, be it human or stock, is injured as a result of falling from the extraction face or into a sediment basin. It is however considered appropriate given the remoteness of the site to clarify the fencing requirement to a 3 strand barb wire agricultural fence, rather than a more substantial and expensive chain link fence. The following condition is therefore recommended.

The operator shall be responsible for erecting and maintaining a 3 strand barb wire agricultural fence around extraction pits and sediment basins to restrict access by unauthorised persons or animals. The gate giving access must be closed and locked when staff are not present on site.

Condition 5 – (Staff Amenities)

The Applicant is responsible for providing portable amenities for staff on-site at all times. The portable unit is to be replaced as necessary.

The Applicant has sought the flexibility to install permanent staff amenities if desired. Condition 5 required portable amenities due to the transient nature of activities on site, however there is no fundamental opposition to the construction of permanent facilities. On this basis the flexibility to construct permanent facilities should be included in the condition, with an advisory note that further approvals (such as plumbing and drainage) may be required. The following condition is recommended:

The Applicant is responsible for providing amenities for staff on-site at all times. If a portable unit is provided, it is to be replaced as necessary.

Note: The Applicant is responsible for obtaining the necessary permits and licenses for the installation of permanent facilities.

Condition 6 – (Open Storage)

Screening - Open storage area/s containing equipment, machinery, stockpiles or other materials associated with the approved use shall be screened from public lands, roads and adjoining properties by way of vegetation screening or by the natural topography.

The Applicant argues that the equipment and earthworks associated with the use are a normal part of the rural landscape, so there is no need to restrict the view. They also argue that the only viewing location of any significance is the lookout along the Mulligan Highway (approximately 4kms south of the site) and the workings associated with the quarry are invisible from this point due to their location on the hillside (being the northern face). The Applicant requests an amendment to the wording of the condition that requires workings to have minimal exposure to public land and unobtrusive when viewed from the lookout along the Mulligan Highway.

Council's Planning Scheme requires that extractive industry operations are screened from public roads and residential dwellings within 500m of the site. Although there are no residential dwellings within 500m from the site, it is within 500m of the Mulligan Highway. It is nevertheless considered unlikely that the workings will be visible from the Mulligan Highway due to the natural topography, a situation already anticipated by the condition. The

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only recommended change therefore is clarification that the site only needs to be screened from the Mulligan Highway and the Mulligan Highway lookout, rather than all adjoining properties. The following condition is recommended:

Screening - Open storage area/s containing equipment, machinery, stockpiles or other materials associated with the approved use shall be screened from the Mulligan Highway and Black Mountain Lookout by way of vegetation screening or by the natural topography.

Condition 7 – (External Road)

Mt Amos Road is to be upgraded from the intersection with the Mulligan Highway up to and including the intersection with the haul road into the site. The road should be upgraded to a six (6) metre wide asphalt seal (industrial standard) including ancillary drainage. Design and construction must be in accordance with the FNQROC Manual requirements. Engineering plans must be submitted for approval by Council's Director - Engineering Services as part of an Operational Works application prior to works commencing.

The Applicant argues that the condition is unreasonable for the following reasons:

- The road services multiple properties, so it is unreasonable for the Applicant to bear the entire cost of the upgrade;
- Council recently upgraded the road, so it should already be adequate for the type and volume of traffic that uses it; and
- The road is safe and servicable for the continuing use for quarry traffic

Notwithstanding the representations made by the Applicant, the road upgrading is considered appropriate for the following reasons:

- The quarry has applied for a significant upgrade in capacity from 10,000m³ to 100,000 tonnes per year. The potential traffic associated with extraction of 100,000 tonnes per year justifies the upgrade; and
- Sealing Mt Amos Road between the haul road and the Mulligan Highway intersection will ensure that rock and soil is not transported onto the Mulligan Highway and that there will not be a dust problem due to the amount of trucks entering the highway.

In the circumstances, the Director Engineering Services is willing to reduce the upgrading requirement to a two coat seal rather than an asphalt seal and it is recommended that the condition be amended as follows:

Mt Amos Road must be upgraded from the intersection with the Mulligan Highway up to and including the intersection with the haul road into the site. The road must be upgraded to a seven (7) metre wide two coat chip bitumen seal including ancillary drainage. Design and construction must be in accordance with the FNQROC Manual requirements.

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Engineering plans must be submitted for approval by Council's Director - Engineering Services as part of an Operational Works application prior to works commencing.

Condition 9 – (Operational Works)

Wording amended to reflect negotiations.

Condition 10 – (Bushfire Maintenance)

Firebreaks from hazardous vegetation (of 1.5 times the predominant mature canopy tree height or 10 m, whichever is the greater) must be maintained to the haul road and stockpile/staff areas by the owners at all times and flammable material must not be allowed to build up so as not to create a fire hazard.

The Applicant questioned the need for this condition as it is considered fire is not a danger to stock piles or staff areas. The intent of the condition was to provide a safe escape route for staff and to protect any staff facilities should a fire ever break out. Given that any staff facilities are likely to be located near the extraction areas (which would be kept clear of vegetation) and the low staff numbers required on site, it is considered that this condition is unnecessary and it is recommended it can be deleted.

Condition 13 - (Environmental Protection)

During the construction stage, sand, soil or silt runoff must not occur from the site. Erosion and sediment control plans are to be lodged for Operational Works approval by Council's Director Engineering Services prior to the commencement of works.

The Applicant requests this condition be deleted, because it potentially conflicts with the ERA permits issued by DEHP. The intent of Condition 13 is to stop soil or silt being washed off the site during construction, where soil is exposed and permanent drainage solutions may not yet be constructed.

In this case very little construction will be associated with the proposed extractive industry, however Condition 7 requires the Applicant to upgrade Mt Amos Road. It will be necessary to ensure erosion and sediment control measures are implemented for the road upgrading and the condition is therefore still relevant.

It is noted that the ERA Permits require submission and approval of a site based management plan, so the specific environmental controls are as yet unknown. The possibility of any conflict with the ERA permits is considered so remote that it is recommended the condition remains in the approval unchanged.

Condition 15 – (Performance and Rehabilitation Bond – Metes and Bounds Survey)

An independent assessment (audit) is to be arranged by the Applicant on a yearly basis and the report submitted to Council. The assessment is to include a certified survey drawing showing the extent of extraction activity, areas cleared, areas available to be rehabilitated,

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area rehabilitated (earthworks and initial plantings) and areas considered to have been successfully rehabilitated at the end of the maintenance period.

The Applicant requests that this condition be deleted on that basis it that extraction rates at the quarry have historically been far less than that allowed under the current approval, a situation unlikely to change in the foreseeable future. For this reason changes to the quarry over time will be easily apparent through inspection or via aerial photography. In addition, the applicant points out that rehabilitation obligations are outlined in the approvals and licenses from the Department of Environment and Heritage Management, so the requested auditing would be a doubling-up of reporting requirements. Council accepts that removal of this condition will not reduce the reporting or rehabilitation obligations of the applicant so recommends this condition be deleted.

Condition 16 – (Public Utilities)

The developer is responsible for the cost of any alterations to public utilities as a result of complying with the Conditions of this approval.

Utilities design must be in accordance with the FNQROC Development manual D8 Operational Works Design Guidelines “Utilities”.

The Applicant requests that this condition be deleted because there are no public utilities in the area likely to be impacted. The condition does not create additional requirements for the Applicant if there are no utilities being impacted upon. On this basis it is recommended that the condition remain in the approval unchanged.

Condition 18 – (Plant Closure and Rehabilitation)

Should the Quarry cease to operate for what ever reason during the period of this approval or the development application not be renewed, the operator will remove the plant and equipment and restore the site to the satisfaction of Council's Director - Planning and Environment. For the purpose of this Clause "cease to operate" shall mean that no quarry activities occur within the bounds of the Quarry area for a period of twelve (12) months. The removal of the plant and equipment and the final rehabilitation of the site are to be completed within a further twelve (12) months to the satisfaction of the Director – Planning and Environment.

The Applicant requests the 12 month timeframe be extended to 36 months to account for market conditions that would result long periods without production taking place. It is accepted that due to circumstances outside the control of the operator, extraction may not occur for a period greater than 12 months. On this basis it is recommended that the condition be amended to allow the flexibility to request an extension to this period. It is recommended the condition be amended as follows:

Should the quarry cease to operate for whatever reason during the period of this approval or the development application not be renewed, the operator will remove the plant and equipment and restore the site to the satisfaction of Council's Director - Planning and Environment Services. For the purpose of this Clause "cease to operate" shall mean that no quarry activities occur within the bounds of the quarry area for a period of twelve (12)

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months, or another period agreed to in writing by the Director - Planning and Environment Services. The removal of the plant and equipment and the final rehabilitation of the site are to be completed within a further twelve (12) months to the satisfaction of the Director – Planning and Environment Services.

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RECOMMENDATION

i) That the request for a Negotiated Decision Notice by Marilyn Clark C/- PRP Planning for the issue of a Development Permit for Material Change of Use for Increase to Existing Extractive Industry and ERA 16-2(b), 16-3(a) and 33) located at 41 Mt Amos Road, Cooktown Qld 4895 be approved (in part) as follows:

- Condition 3 to be deleted
- Condition 4 to be amended
- Condition 5 to be amended
- Condition 6 to be amended
- Condition 7 to be amended
- Condition 9 to be amended
- Condition 10 to be deleted
- Condition 13 to remain unchanged
- Condition 15 to be deleted
- Condition 16 to remain unchanged
- Condition 18 to be amended.

ii) That the Applicant be issued with the following Conditions of Approval within the Negotiated Decision Notice:

A. Assessment Manager (COUNCIL) Conditions

Approved Plan

1. The development must be carried out generally in accordance with the following proposal plans except for any modifications required to comply with the conditions of this approval:

- Drawing No. 10-002-05-SK06-03, Revision B – Mt Amos Quarry - Clark, Prepared by Projex North Pty Ltd, received by Council on 2 August 2012.
- Drawing No. 10-002-06-01, Revision A – Mt Amos Quarry – Clark, Prepared by Projex North Pty Ltd, received by Council on 10 June 2011.
- Drawing No. 10-002-06-02, Revision A – Mt Amos Quarry – Clark, Prepared by Projex North Pty Ltd, received by Council on 10 June 2011.

Maximum Extraction Rate

2. An ultimate maximum quantity of 100,000 tonne of material may be extracted and exported from the site per annum.

Fences

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3. The operator shall be responsible for erecting and maintaining a three (3) strand barb wire agricultural fence around extraction pits and sediment basins to restrict access by unauthorised persons or animals. The gate giving access must be closed and locked when staff are not present on site.

Staff Amenities

4. The Applicant is responsible for providing amenities for staff on-site at all times. If a portable unit is provided, it is to be replaced as necessary.

Note: The Applicant is responsible for obtaining the necessary permits and licenses for the installation of permanent facilities.

Open Storage

5. Screening - Open storage area/s containing equipment, machinery, stockpiles or other materials associated with the approved use must be screened from the Mulligan Highway and Black Mountain Lookout by way of vegetation screening or by the natural topography.

External Road

6. Mt Amos Road must be upgraded from the intersection with the Mulligan Highway up to and including the intersection with the haul road into the site. The road must be upgraded to a **seven (7) metre** wide two coat chip bitumen seal including ancillary drainage. Design and construction must be in accordance with the FNQROC Manual requirements. Engineering plans must be submitted for approval by Council's Director Engineering Services as part of an Operational Works application prior to works commencing.

Internal Driveway, Shake Down Device and Car Parking

7. Construction of the internal haul road and car parking must be to the requirements of the FNQROC Manual. Plans including stormwater drainage must be submitted for approval by Council's Director Engineering Services prior to works commencing. Access from the internal haul road to the Mt Amos Road shall be a shakedown device consisting of a shaker grid (metal bar cattle grid or crushed rock device approved by Council's Director Engineering Services) to minimise accumulation of material on the road. The shakedown device must be a minimum width of three (3) metres and a length of ten (10) metres.

The applicant must ensure that the haul road access onto the Mt Amos Road is located to achieve the required traffic visibility distances, with supporting plans and documentation to be submitted to Council's Director Engineering Services for approval prior to the upgraded use commencing.

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Operational Works

8. Prior to construction commencing, Council will require approval of an Operational Works application for the following:
- Upgrading of Mt Amos Road between the Mulligan Highway and the haul road;
 - Accesses including ancillary stormwater drainage;
 - Erosion and sediment control plan for access works;

This application will need to include plans prepared in accordance with the FNQROC Manual that are to the satisfaction of Council's Director - Engineering Services.

Council will require that one (1) copy of the design drawings be submitted to Council for preliminary assessment. Three (3) copies of the final design are to be submitted to Council for approval prior to the commencement of the works.

Landscaping and Rehabilitation

9. Landscaping and rehabilitation (ultimate rehabilitation) must be undertaken in accordance with a Property Vegetation Management Plan. Prior to carrying out rehabilitation works, a Landscape Works Plan and Specifications must be submitted to Council for approval. The land must be landscaped with suitable trees and shrubs together with grass or other ground cover. Such trees and shrubs shall be native Australian varieties particularly those indigenous to the locality, where possible, and be maintained in a sturdy and healthy condition with dead or diseased trees replaced as soon as practicable.

Existing Vegetation – Preservation

10. All existing vegetation on the site, other than in the approved extraction and processing areas or firebreaks, must be maintained as a natural vegetation buffer. The landscaping of the site must also incorporate the preservation of existing vegetation where possible.

Landscaping must be maintained at all times.

Environmental Protection

11. During the construction stage, sand, soil or silt runoff must not occur from the site. Erosion and sediment control plans are to be lodged for Operational Works approval by Council's Director - Engineering Services prior to the commencement of works.
12. No State Declared or environmental pest plants and pest animals are to be introduced onto the property.

Public Utilities

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13. The developer is responsible for the cost of any alterations to public utilities as a result of complying with the Conditions of this approval.

Utilities design must be in accordance with the FNQROC Development Manual D8 Operational Works Design Guidelines "Utilities".

Currency Period

14. The currency period for this application is four (4) years. Should the approved Extractive Industry and ERAs not be established within this time, the approval shall lapse.

Plant Closure and Rehabilitation

15. Should the Quarry cease to operate for whatever reason during the period of this approval or the development application not be renewed, the operator will remove the plant and equipment and restore the site to the satisfaction of Council's Director - Planning and Environment Services. For the purpose of this Clause "cease to operate" shall mean that no Quarry activities occur within the bounds of the Quarry area for a period of twelve (12) months, or another period agreed to in writing by the Director - Planning and Environment Services. The removal of the plant and equipment and the final rehabilitation of the site are to be completed within a further twelve (12) months to the satisfaction of the Director – Planning and Environment Services.

Appendix 'A' DERM Response

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Notice

Concurrence Agency Response

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

Chief Executive Officer
Cook Shire Council
PO Box 3
COOKTOWN QLD 4895

Attn: John Harrison
Email: mail@cook.qld.gov.au
Ref: DA/2844

cc. Marilyn Clark
c/- PRP Planning
PO Box 4751
CAIRNS QLD 4870

Attn: Lyndall Bissett
Email: prp@prouexnorth.com
Ref: Clark-Mt Amos Quarry

Our reference: 365667

Re: Concurrence Agency Response

1. Application Details

Assessment Manager Ref.: DA/2844
Date application referred to DERM: 30 July 2011
Development approval applied for: Development permit

Aspects of development:

Material change of use - Clearing vegetation	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 3, item 10	DERM Permit No. SPCE02121811 IC0711CNS0001 - CNS/023050
Material change of use - Environmentally relevant activities	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 1	DERM Permit No. SPCE02121711 IC0711CNS0001 - CNS/023050

Development descriptions: Material Change of Use – Increase to existing extractive industry (20,000t to 100,000t) and ERA's 16-2(b), 16-3(a) and 33

Property/Location description: Lot 1 on RP902192
Located 41 Mt Amos Road Cooktown

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**Notice
Concurrence Agency Response**

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

(a)

Material change of use - Clearing vegetation	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 3, item 10	DERM Permit No. SPCE02121811 IC0711CNS0001 - CNS/023050
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Conditions must attach to any development approval, and those conditions are attached to this Notice (Attachment 1) for the above referral jurisdiction.

(b)

Material change of use - Environmentally relevant activities	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 1	DERM Permit No. SPCE02121711 IC0711CNS0001 - CNS/023050
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Conditions must attach to any development approval, and those conditions are attached to this Notice (Attachment 2) for the above referral jurisdiction.

3. General advice to assessment manager

Following recent Machinery of Government changes, the *Sustainable Planning Act 2009* jurisdictions (triggers) previously administered by the former Department of Environment and Resource Management (DERM) have been transferred to the following four new departments:

- Department of Environment and Heritage Protection (EHP)
- Department of Natural Resources and Mines (DNRM)
- Department of Energy and Water Supply (DEWS) and
- Department of National Parks, Recreation, Sport and Racing (NPRSR)

Under transitional arrangements, your application has been assessed by the former DERM. Enclosed is an integrated response for the multiple jurisdictions triggered by your development. Please note that for applications lodged from 6 June 2012, Decision Notices and Referral Agency Responses will be issued separately by the respective new departments.

The four new departments will continue to provide a central lodgement service for applicants. Development applications that were previously administered by the former DERM can continue to be lodged centrally with Permit and Licence Management in the Implementation and Support Unit (PaLM-ISU). Only one copy of the application is required. Applications should be forwarded to:

Administration Officer
Permit and Licence Management
Implementation and Support Unit
Department of Environment and Heritage Protection
GPO Box 2454 Brisbane Qld 4001

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**Notice
Concurrence Agency Response**

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

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

Elizabeth Crombie

Delegate:
Elizabeth Crombie
Senior Natural Resource Officer
Regional Planning, Science & Survey – North Region

1 August 2012

Delegate:
Elizabeth Crombie
PO Box 937
CAIRNS, Q, 4870
Telephone: 07 4222 5443
Facsimile: 07 4222 5493

Attachments

Attachment 1 – Permit SPCE02121811 (Vegetation)
Attachment 2 – Permit SPCE02121711 (ERA)

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Attachment 2

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Sustainable Planning Act 2009

EHP Permit ¹ number: SPCE02121711

Assessment manager reference (if any):	DA2844
Date application received:	30 June 2011
Permit type:	concurrence agency response, development permit
Date of decision:	27 July 2012
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	<i>Environmental Protection Act 1994 and Sustainable Planning Act 2009</i> any related statutory instruments and subordinate legislation
Jurisdiction(s):	Material change of use - Environmentally relevant activities <i>Sustainable Planning Regulation 2009</i> , Schedule 7, table 2, item 1 EHP ref. no. – 365667 EHP Permit No. SPCE02121711

Development Description(s)

Property/Location		Development
41 Mount Amos Road, Cooktown, QLD 4895	Lot 1 on RP902192	16 2(b) Extractive Rock or other material 5000 to 100,000 tonnes per year
41 Mount Amos Road, Cooktown, QLD 4895	Lot 1 on RP902192	16 3(a) Screening rock or other material: 5000 to 100,000 tonnes per year
41 Mount Amos Road, Cooktown, QLD 4895	Lot 1 on RP902192	33 Crushing, Milling, Grinding or Screening > 5000 tonnes per year

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

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Reason(s) for inclusion of conditions

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

The conditions are included pursuant to section 73B of the Environmental Protection Act 1994.



Delegate

*Environmental Protection Act 1994
27 July 2012*

Attachments:

Drawing Number 10-002-05-SK06_03 Mt Amos Quarry – Clarke - Permit Area

Drawing Number 10-002-06-01 Mt Amos Quarry – Clarke – Quarry Excavation Stages.

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CONDITIONS

CONDITIONS: GENERAL	
Prevent and/or minimise the likelihood of environmental harm	
G1	In carrying out an activity to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.
Maintenance of Measures, Plant and Equipment	
G2	The operator of an activity to which this approval relates must: <ul style="list-style-type: none"> (a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; and (b) maintain such measures, plant and equipment in a proper and efficient condition; and (c) operate such measures, plant and equipment in a proper and efficient manner.
Site Based Management Plan	
G3	From the commencement of an activity to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all activities that are carried out. The SBMP must address the following matters: <ul style="list-style-type: none"> (a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals. (b) Identification of environmental issues and potential impacts. (c) Control measures for routine operations to minimise likelihood of environmental harm. (d) Contingency plans and emergency procedures for non-routine situations. (e) Organisational structure and responsibility. (f) Effective communication. (g) Monitoring of the disposal of contaminant. (h) Conducting environmental impact assessments. (i) Staff training. (j) Record keeping. (k) Periodic review of environmental performance and continual improvement.
G4	The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.
Notification	
G5	Telephone the Department of Environment and Heritage Protection (the Department) Pollution

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CONDITIONS: GENERAL	
Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.	
Complaints Management	
G6	The operator of the Environmentally Relevant Activity (ERA) must record the following details for all complaints received and provide this information to the administering authority on request: <ul style="list-style-type: none"> (a) Time, date, name and contact details of the complainant; (b) reasons for the complaint; (c) any investigations undertaken; (d) conclusions formed; and (e) any actions taken.
Records	
G7	Record, compile and keep all monitoring results required by this approval and present this information to the Department when requested.
G8	All records required by this approval must be kept for 5 years.
Information about Spills	
G9	A written notice detailing the following information must be provided to the department within 14 days of any advice provided in accordance with condition G5: <ul style="list-style-type: none"> a) the name of the operator, including their approval / registration number; b) the name and telephone number of a designated contact person; c) quantity and substance released; d) vehicle and registration details; e) person/s involved (driver and any others); (f) the location and time of the release; (g) the suspected cause of the release; (h) a description of the effects of the release; (i) the results of any sampling performed in relation to the release, (j) actions taken to mitigate any environmental harm caused by the release; and (k) proposed actions to prevent a recurrence of the release.
Monitoring	
G10	A competent person(s) must conduct any monitoring required by this approval.

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CONDITIONS: GENERAL	
Spill Kit and Training	
G11	An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site.
G12	Anyone operating under this approval must be trained in the use of the spill kit.
G13	The area of disturbance for screening, extractive and crushing activities must be within the boundaries outlined in the following drawings: Drawing Number 10-002-06-SK06_03 Mt Amos Quarry – Clarke - Permit Area; Drawing Number 10-002-06-01 Mt Amos Quarry – Clarke – Quarry Excavation Stages.
NON-STANDARD CONDITIONS: STAGES THREE AND FOUR	
C1	A Post Closure Report must be submitted to the department for comment, within 30 days after the completion of Stage two. The Post Closure Report must contain the following: a) Rehabilitation report for stages one and two; b) proposed rehabilitation plan for stages three and four; c) Sedimentation and Erosion report for stages one and two; d) Proposed Sedimentation and Erosion Control Plan for stages three and four; e) Site based management plan
CONDITIONS: LAND	
Land Disposal	
L1	Contaminants must not be released to land.
Land Rehabilitation	
L2	The site (including all disturbed areas such as slopes, borrow pits, stockpiles and screening areas) must be rehabilitated in a manner so that: (a) suitable native species of vegetation are planted and established; (b) potential for erosion of the site is minimised; (c) the quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm; (d) the likelihood of environmental nuisance being caused by release of dust is minimised; (e) the water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm;

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(f)	the actions of natural events including, but not limited to, rainfall, bushfire and wind events, may not result in environmental harm; and
(g)	the final landform is stable and not subject to slumping.
L3	Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.

Noise Nuisance	
N1	Noise from the activity must not cause an environmental nuisance at any nuisance sensitive place or commercial place
N2	All noise from the licensed activities must not exceed the levels specified in <i>Table 1 – Noise limits at a nuisance sensitive or commercial place.</i>
N3	Noise mitigation measures must be implemented where required to ensure noise emissions from all the stages of operations are within the limits set by this approval.
N4	Noise mitigation measures must be incorporated into the site based management plan.
N5	In the event of a complaint about noise that is in the opinion of an Authorised Officer a complaint, and at the request of the Department, the Registered Operator must, within two (2) weeks, develop and implement a noise management plan. The noise management plan must address at least, but not be limited to, the following matters: <ul style="list-style-type: none"> (a) identification of component noise sources and activities at the place(s) which impact on nuisance sensitive places; (b) the measured and/or predicted level of these noise sources and activities at nuisance sensitive places; (c) the control or abatement measures that can be undertaken to reduce identified intrusive noise sources; (d) the level of noise at nuisance sensitive places that would be achieved from implementing these measures. (e) the handling of future noise complaints; (f) community liaison and consultation; and (g) training of staff in noise management practices.
Noise Monitoring	
N6	When requested by the Department, noise monitoring must be undertaken by the applicant to investigate any complaint of noise nuisance, and the results notified within 14 days to the Department. Monitoring must include: <ul style="list-style-type: none"> (a) airblast overpressure (dB (Lin) Peak); (b) $L_{A,eq,adj,1hr}$ (c) $L_{A,10,adj,1hr}$

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(d)	L _A 1, eq, 1hr
(e)	L _A 90,T
(f)	the level and frequency of occurrence of impulsive or tonal noise;
(g)	atmospheric conditions including wind speed and direction;
(h)	effects due to extraneous factors such as traffic noise;
(i)	location, date and time of recording; and
(j)	background noise level
(k)	A Noise Management plan
N7	The method of measurement and reporting of noise levels must comply with the latest edition of the Department of Environment and Resource Management's Noise Measurement Manual.
Vibration Nuisance	
N8	Vibration emitted from the activity must not cause an environmental nuisance at any nuisance sensitive place or commercial place.
Vibration Monitoring	
N9	When requested by the Department, vibration monitoring and recording must be undertaken to investigate any complaint of vibration nuisance, and the results notified within 14 days to the Department. Monitoring must include:
(a)	peak particle velocity (mm/s);
(b)	location of the blast/s within the site (including which bench level);
(c)	atmospheric conditions including temperature, relative humidity and wind speed and direction;
(d)	the level and frequency of occurrence of impulsive or tonal noise;
(e)	atmospheric conditions including wind speed and direction;
(f)	effects due to extraneous factors; and
(g)	location, date and time of recording.
Blasting	
N10	Blasting is only permitted during the hours of 8am to 3pm, Monday to Friday, and from 9am to 1pm on Saturdays, and will not take place on Sundays or public holidays.
N11	All blasting will be carried out by a registered, and suitably qualified contractor, and be in accordance with a blast management plan and limits set in Table 2 - <i>Airblast Overpressure and Ground Vibration Monitoring</i>
N12	A Blast Management Plan is to be designed and implemented prior to any blasting occurring on site.
N13	When requested by the Department for the purposes of investigating complaints of noise and vibration annoyance that in the opinion of an Authorised Officer are a complaint, monitoring must be undertaken (and results notified within 14 days to the Department) and at least the following descriptors, characteristics and conditions determined:
a)	maximum instantaneous charge (MIC) in kg;

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<p>b) location of the blast within the quarry (including which bench level);</p> <p>c) airblast overpressure level, dB (linear) peak;</p> <p>d) peak particle velocity (mms^{-1});</p> <p>e) location, date and time of recording;</p> <p>f) meteorological conditions (including temperature, relative humidity, temperature gradient, cloud cover, wind speed and direction); and</p> <p>g) distance/s from the blast site to noise-affected building/s, structure/s, or the boundary of any noise sensitive place.</p>
<p>N14 Air Blast Over pressure Level, Vibration limits and blast timings must comply with the levels specified in Table 2.</p>

Table 1 – Noise limits at a nuisance sensitive or commercial place

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

Table 2 - Air Blast Overpressure Level & Vibration limits at a nuisance sensitive place

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

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CONDITIONS: WASTE	
W1	All waste generated must be lawfully transported and disposed of to a facility which can lawfully accept such waste.
W2	A record of all waste, including trackable wastes must be kept detailing the following information: a) date of pick up of waste; b) description of waste; c) quantity of waste; d) origin of the waste; and e) destination of the waste.

CONDITIONS: WATER	
WA1	Contaminants must not be directly or indirectly released to any waters, including groundwater, or to the bed or banks of any waters.
WA2	Erosion protection measures and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
WA3	An Erosion and Sediment Control Plan must be prepared and implemented within 30 days from the date of this approval for all land disturbances associated with the extractive industry.
WA4	The size of any sedimentation dam must be sufficient to contain the run-off expected from a 24 hour storm with an average recurrence interval of 1 in 5 years.

NON-STANDARD CONDITIONS: WATER	
WA5	All activities related to this Development Approval, including extraction, screening, crushing, stockpiling and any other form a site disturbance, must not occur within 25 metres of any watercourse.
WA6	The holder of this development approval, and any associated operators, must not build a sedimentation dam within any watercourse, gully or stream.

CONDITIONS: AIR	
A1	Nuisance. The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place.
A2	Dust Nuisance. The release of dust and/or particulate matter resulting from the Environmentally Relevant

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CONDITIONS: AIR	
	Activity (ERA) must not cause an environmental nuisance at any nuisance sensitive or commercial place.
A3	When requested by the Department, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the Department following the completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include: (a) for a complaint alleging dust nuisance, dust deposition measurement; and (b) for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere over a 24hr averaging time.
A4	Dust and particulate matter must not exceed a dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions), when measured at any nuisance sensitive or commercial place.
A5	Dust Controls Stockpiles must be maintained using all reasonable and practicable measures necessary to minimise the release of wind blown dust or particulate matter to the atmosphere. Reasonable and practicable measures may include but are not limited to: (a) use of waterspray as required during winds likely to generate such releases; (b) use of dust-suppressant shielding; (c) storage in bunkers; and (d) covering with tarpaulins.
A6	Trafficable areas must be maintained using all reasonable and practicable measures necessary to minimise the release of wind blown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to: (a) keeping surfaces clean; (b) sealing with bitumen or other suitable material; (c) using water sprays; (d) wetting down the load prior to transport; (e) clearing of spillage from side rails, tail gates and draw bars of trucks prior to departure from the premises to which this development approval relates; (f) adopting and adhering to speed limits; and (g) using dust suppressants and wind breaks.
A7	The holder of this development approval must take all reasonable and practicable measures necessary to prevent spillage and/or loss of particulate matter or windblown dust from trucks used for transporting extracted material from the premises to which this development approval relates.
A8	All trucks used for transporting materials must have loads covered with a tarpaulin or similar material for the duration of transport.

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DEFINITIONS

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

"administering authority" means the Department of Environment and Heritage Protection or its successor.

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

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

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

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

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

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

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

"the Department" means the Department of Environmental and Heritage Protection

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

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

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

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

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

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

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

"mg/L" means milligrams per litre.

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

"nuisance sensitive place" includes –

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

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- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

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

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

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

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

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

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

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

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

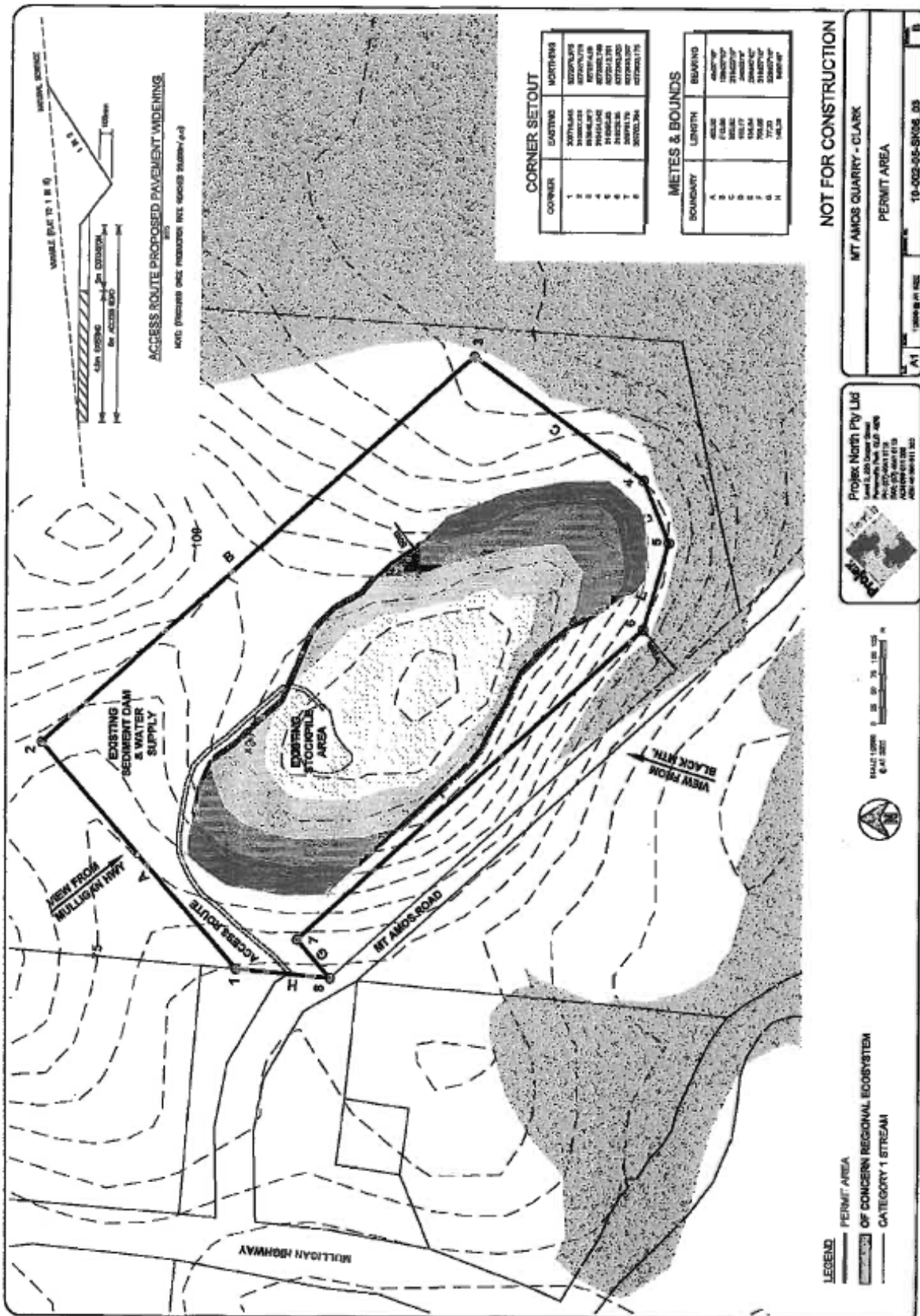
"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

"50th percentile" means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

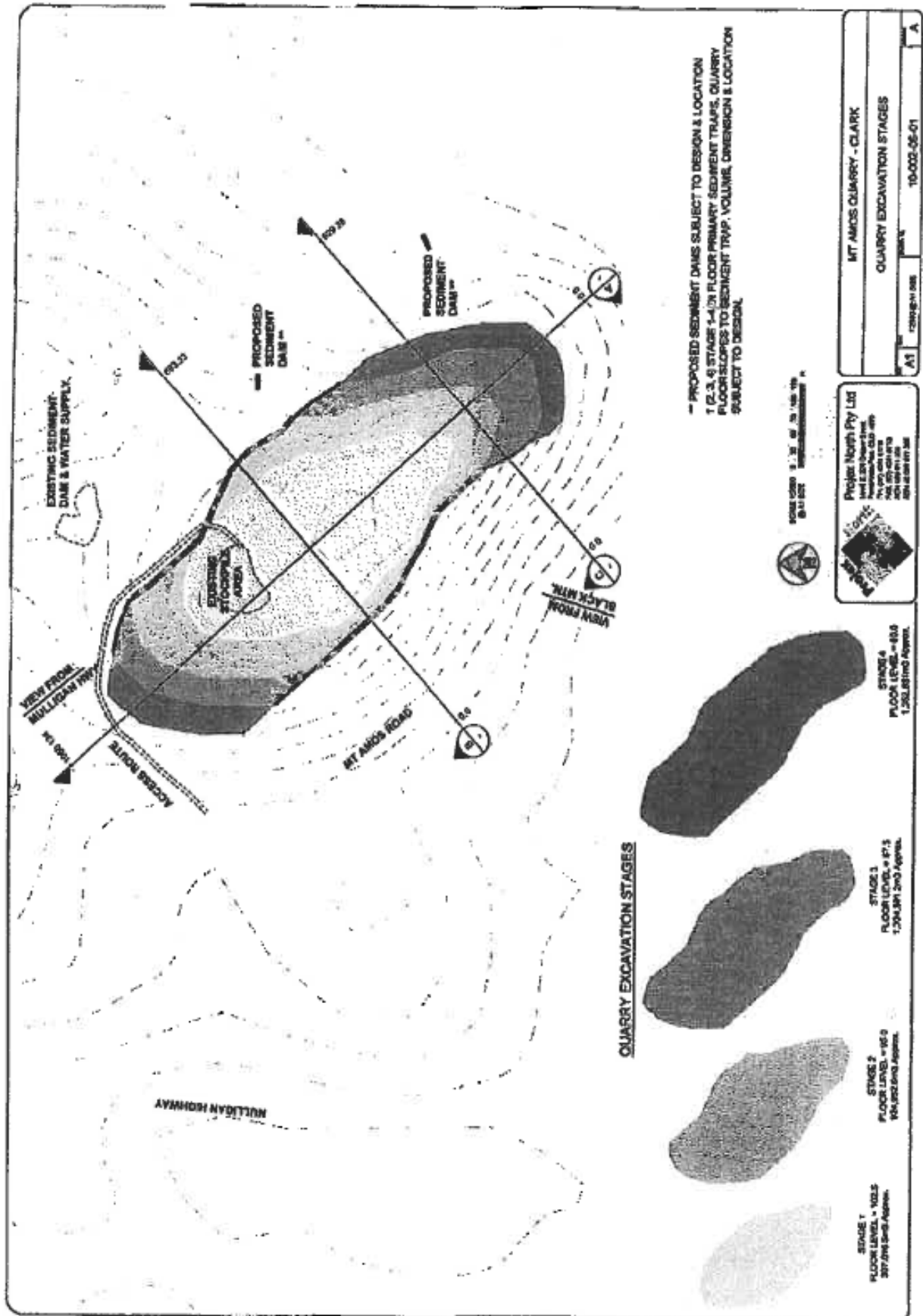
"80th percentile" means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

END OF CONDITIONS

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Notice

Amended Referral Agency Response

This notice is issued by the Department of Natural Resources and Mines (DNRM) pursuant to section 290 (amended concurrence agency response) of the Sustainable Planning Act 2009 ("the Act").

Marilyn Clark
C/- PRP Planning
PO Box 4751
Cairns QLD 4870

cc. The Chief Executive Officer
Cook Shire Council
PO Box 3
Cooktown QLD 4895

Email: prp@projexnorth.com
Attn: Lyndall Bissett

Email: mail@cook.qld.gov.au

Our reference: 2011/004024
Assessment Manager ref. DA/2844

1. Application Details

Applicant:	Marilyn Clark
Date application referred to DNRM:	30 July 2011
Development approval applied for:	development permit
Development descriptions:	Material Change of Use - Quarry
DNRM Jurisdiction(s):	Clearing Vegetation – Sustainable Planning Regulation 2009 – Schedule 7, table 3, item 10
Property/Location description:	Lot 1 on RP902192, Mt Amos Road, Cooktown

2. The Chief Executive, Department of Natural Resources and Mines (DNRM), as a referral agency for the application, advises that an amended concurrence agency response has been made for Vegetation Management and is attached.

4. General advice to assessment manager

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

Vegetation Management
Natural Resource Operations Group
PO Box 5318
Townsville QLD 4810

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Notice
Amended Referral Agency Response

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

Sfarrell

Shannon Farrell
Delegate, Chief Executive Department of Natural
Resources and Mines
Administering the *Vegetation Management Act 1999*

16/11/2012

Enquiries:
Leanne Hunter
Natural Resource Officer
Department of Natural Resources and Mines
PO Box 5318
Townsville QLD 4810
Phone: (07) 4760 7598
Email: leanne.hunter@dnrm.qld.gov.au

Attachments:

Vegetation Management – Amended Concurrence Agency Response 2011/004024
Schedule 1 – Conditions
Schedule 2 – Statement of Reasons
Schedule 2a – Supplementary Statement of Reasons dated 16 November 2012
Referral Agency Response (Vegetation) Plan 2011/004024 dated 17 October 2012

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DNRM Reference number: 2011/004024 SPCE02121811

Schedule 2a – Supplementary Statement of Reasons

Department of Natural Resources and Mines – Referral Agency Response
Application to clear for Material Change of Use
Marilyn Clark

The following Statement of Reasons is provided in addition to the response dated 24 October 2012.

Introduction

1. The Department of Environment and Resource Management (DERM) received an application from Marilyn Clark, and was properly made on 30 June 2011.
2. The application is to clear for an Extractive Activity on Lot 1 on Plan RP902192 – Cook Shire Council.
3. A site inspection was carried out on 30 April 2012 which was attended by the applicant and two departmental officers – Emma Seccull and Lisa Gale.
4. An Assessment Report was sent to the Delegate of the Chief Executive, Paul Horrocks, on 31 July 2012.
5. The Delegate determined the Decision on 31 July 2012.
6. Representations were made to the department and an amended Assessment report and Concurrence Response was sent to the Delegate of the Chief Executive, Shannon Farrell, on 24 October 2012.
7. The Delegate determined the Decision on 24 October 2012.
8. The department received correspondence from the applicant on 26 October 2012. Based on issues raised in this correspondence, the department made a supplementary statement of reasons on 16 November 2012.

Evidence

1. Application dated 30 June 2011.
 - a) Completed IDAS Form 1 and Form 11.
 - b) Property Vegetation Management Plan.
2. *Sustainable Planning Act 2009* and Sustainable Planning Regulation 2009.
3. *Vegetation Management Act 1999*.
4. Department of Environment and Resource Management *Regional Vegetation Management Code for Western Bioregions*.
5. Sustainable Planning Act Delegation (No.2) 2012.
6. Regional Ecosystem mapping (version 6.1).
7. Geoscience Australia 1:100 000 Topographic Map Sheet 7966.
8. Vegetation Information Network (VIN) Database Remnant RE Summary
9. Sirweb databases (Soils, Slope 250K, Geology 100K)
10. Referral Agency Response Plan 2011/004024.
11. Assessment Report dated 31 July 2012.
12. Representations made to the department dated 15 October 2012.
13. Assessment Report dated 24 October 2012.

Findings of fact

Watercourses

1. The development site contains two water features that have been considered in the assessment of PR Xb.4: Watercourses of the Regional Vegetation Management Code, because they meet the definition of a watercourse.
 - The features have definite channels that were observed in both desktop assessment via imagery and in the field. The Macquarie dictionary defines a channel as *the bed and banks of a river, stream, creek or gully*. The Macquarie dictionary defines a gully as *a small valley or canyon cut by running water*. There is evidence of the channel being cut by running water in the deposition of sediments in the channel. As high banks were ambiguous, the width of the watercourse was taken to be limited to the width of the channel.

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- At the field inspection on 30 April 2012 departmental officers found water present in the channel of the water features and therefore at least meets the requirements of water flowing intermittently.
 - The features are represented as a creek, stream, river or watercourse at a scale of 1:100 000 on the Vegetation Management Watercourse Map.
2. The application was found to meet performance requirement Xb.4 because the values that the performance requirement is seeking to protect do not currently exist
 - a) Bank stability – the vegetation associated with the watercourse is not currently providing stability to the bank of the watercourse. The watercourse is a feature that has in places been carved from the surrounding rocks. The banks were found to be ambiguous.
 - b) Water quality – the vegetation associated with the watercourse is unlikely to be currently contributing to water quality. The site is rocky with sediments found within the channel. It is likely that the grass layer provides nutrient filtering.
 - c) Aquatic habitat – the features are ephemeral and being high in the landscape would not contain water for long enough periods to support aquatic habitat.
 - d) Terrestrial habitat – the assessable vegetation associated with the watercourse is not demonstrably different to the vegetation located across the subject lot.
 3. The application fulfils the requirements of Performance Requirement (PR) Xb.4 of the Code because clearing will not cause land degradation, loss of biodiversity or loss of ecological processes because the presence or not of the assessable vegetation has no bearing on the maintenance of bank stability, water quality, aquatic habitat or terrestrial habitat.

Other issues

4. With conditions, the application met column 1 row (b) and column 2 row (f) of Assessment Table 1 of the *Concurrence Agency Policy for Material Change of Use, 21 October 2009*, and, as clearing will only occur within *least concern* remnant vegetation, the application was assessed against Criteria Table F-2 of this Policy.
5. No suitable alternative site for the proposal was found as the whole of the subject lot is mapped with remnant vegetation. The proposal has been designed to minimise the impacts on the environment as it is located within areas mapped as *least concern* remnant vegetation and has best access to services and utilities.
6. The application was for an extractive industry so the application was assessed against Performance Requirements Part Xb of the *Regional Vegetation Management Code for Western Bioregions, 6 November 2009* ('the Code').
7. The application fulfils the requirements of Performance Requirement (PR) Xb.1 of the Code as clearing will be limited to the extent necessary to conduct the extraction.
8. The application fulfils the requirements of Performance Requirement (PR) Xb.2 of the Code as clearing will be staged.
9. The application fulfils the requirements of Acceptable Solution (AS) Xb.3 of the Code as clearing will not occur within or near a mapped natural or significant wetland.
10. The application fulfils the requirements of AS Xb.5 of the Code as clearing will not impact on the connectivity requirements of the Code.
11. The application fulfils the requirements of AS Xb.6 of the Code as clearing will not impact on salinity.
12. With conditions, the application fulfils the requirements of AS Xb.7 of the Code as clearing is not proposed within an *endangered or of concern* regional ecosystem.
13. The application fulfils the requirements of AS Xb.8 of the Code as clearing is not proposed within an area mapped as essential habitat.
14. The application fulfils the requirements of AS Xb.9 of the Code as no clearing of vegetation within the threshold remnant regional ecosystems is proposed.
15. The application fulfils the requirements of AS Xb.10 of the Code as acid sulfate soils will not be exposed by the clearing.

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Reasons

It is considered by the assessing officer that this application meets the requirements of the *Concurrence Agency Policy for Material Change of Use (21 October 2009)* and the *Regional Vegetation Management Code for Western Bioregions 6 November 2009*, with the imposition of the conditions listed in Schedule 1.

Sfarrell

Delegate

Shannon Farrell
Chief Executive administering the *Vegetation Management Act 1999*
Department of Natural Resources and Mines

16/11/2012

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Sustainable Planning Act 2009

Vegetation Management – Amended Concurrence Agency Response

Reference number: 2011/004024 SPCE02121811

Assessment manager reference:	DA/2844
Date application received:	30 June 2011
Permit type:	Development permit
Date of decision:	24 October 2012
Decision:	The application satisfies the <i>Concurrence Agency Policy for Material Change of Use (MCU) 21 October 2009</i> - subject to the conditions set out in Schedule 1
Relevant laws and policies:	<i>Vegetation Management Act 1999</i> <i>Sustainable Planning Act 2009</i> Sustainable Planning Regulation 2009 <i>Concurrence Agency Policy for Material Change of Use (MCU) 21 October 2009</i>
Jurisdiction(s):	Material Change of Use – Clearing Vegetation Sustainable Planning Regulation 2009 – Schedule 7, table 3, item 10

Development Description

Property/Location		Development
41 Mt Amos Road, Cooktown QLD 4895	Lot 1 on RP902192	Material Change of Use for an extractive activity

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Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are detailed in Schedule 2.

Sfarrell

Delegate
Shannon Farrell
Chief Executive administering the *Vegetation Management Act 1999*
Department of Natural Resources and Mines

24/10/2012

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Schedule 1 – CONDITIONS

1. The Material Change of Use must be conducted in accordance with plan entitled "Mt Amos Quarry – Clark, Permit Area" Drawing No. 10-002-06-03, revision A. Drawn by Projex North Pty Ltd.
2. Clearing is to be staged in line with operational needs and is to occur only for the stage/bench that is currently being utilised for extraction.
3. No clearing as a result of the Material Change of Use is to occur in Area A as identified on the Referral Agency Response Plan, 2011/004024, dated 17 October 2012.
4. This permit does not authorise the clearing of any native vegetation that is on any land not nominated as being within the area approved to be cleared.
5. Land clearing debris must not be pushed into gullies, watercourses, other drainage lines or waterlogged areas.
6. Where contractors, employees, subcontractors, agents or any other person, that is not the applicant or the permittee, are to be engaged or employed to carry out the clearing of any vegetation under this permit, the permittee is to provide them with a copy of this permit, including the attached conditions and attached Referral Agency Response (Vegetation) Plan or related sketch and ensure that they are aware of what clearing is authorised by this permit.
7. The Applicant shall ensure that any and all employees, contractors, subcontractors, agents or any other person engaged or employed to carry out the clearing of any vegetation under this permit comply at all times with the requirements of this permit and do not clear any vegetation that is not approved to be cleared under this permit.
8. These conditions do not prevent vegetation being cleared for a purpose described in Schedule 24 of the Sustainable Planning Regulation 2009 or if cleared in accordance with any subsequent development approval.

Definitions

Where terms used in this decision are not specifically defined but are defined in the VMA; *Sustainable Planning Act 2009* (SPA); and the relevant Regional Vegetation Management Code, the definitions that are in these Acts and the code apply.

END OF CONDITIONS

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DNRM reference number: 2011/004024 SPCE02121811

Schedule 2 - Statement of Reasons

Department of Natural Resources and Mines – Referral Agency Response
Application to clear for Material Change of Use
Marilyn Clark

The following Statement of Reasons is provided

Introduction

1. The Department of Environment and Resource Management (DERM) received an application from Marilyn Clark, and was properly made on 30 June 2011.
2. The application is to clear for an Extractive Activity on Lot 1 on Plan RP902192 – Cook Shire Council.
3. A site inspection was carried out on 30 April 2012 which was attended by the applicant and two departmental officers – Emma Seccull and Lisa Gale.
4. An Assessment Report was sent to the Delegate of the Chief Executive, Paul Horrocks, on 31 July 2012.
5. The Delegate determined the Decision on 31 July 2012.
6. Representations were made to the department and an amended Assessment report and Concurrence Response was sent to the Delegate of the Chief Executive, Shannon Farrell, on 24 October 2012.
7. The Delegate determined the Decision on 24 October 2012.

Evidence

1. Application dated 30 June 2011.
 - a) Completed IDAS Form 1 and Form 11.
 - b) Property Vegetation Management Plan.
2. *Sustainable Planning Act 2009* and *Sustainable Planning Regulation 2009*.
3. *Vegetation Management Act 1999*.
4. Department of Environment and Resource Management *Regional Vegetation Management Code for Western Bioregions*.
5. *Sustainable Planning Act Delegation (No.2) 2012*.
6. *Regional Ecosystem mapping (version 6.1)*.
7. *Geoscience Australia 1:100 000 Topographic Map Sheet 7966*.
8. *Vegetation Information Network (VIN) Database Remnant RE Summary*
9. *Sirweb databases (Soils, Slope 250K, Geology 100K)*
10. *Referral Agency Response Plan 2011/004024*.
11. *Assessment Report dated 31 July 2012*.
12. *Assessment Report dated 24 October 2012*.

Findings of fact

1. A site inspection confirmed the presence of watercourses on the site which confirmed the topographic map and departmental watercourse mapping.
2. With conditions, the application met column 1 row (b) and column 2 row (f) of Assessment Table 1 of the *Concurrence Agency Policy for Material Change of Use, 21 October 2009*, and, as clearing will only occur within *least concern* remnant vegetation, the application was assessed against Criteria Table F-2 of this Policy.
3. No suitable alternative site for the proposal was found as the whole of the subject lot is mapped with remnant vegetation. The proposal has been designed to minimise the impacts on the environment as it is located within areas mapped as *least concern* remnant vegetation and has best access to services and utilities.
4. The application was for an extractive industry so the application was assessed against Performance Requirements Part Xb of the *Regional Vegetation Management Code for Western Bioregions, 6 November 2009* ('the Code').

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5. The application fulfils the requirements of Performance Requirement (PR) Xb.1 of the Code as clearing will be limited to the extent necessary to conduct the extraction.
6. The application fulfils the requirements of Performance Requirement (PR) Xb.2 of the Code as clearing will be staged.
7. The application fulfils the requirements of Acceptable Solution (AS) Xb.3 of the Code as clearing will not occur within or near a mapped natural or significant wetland.
8. The application fulfils the requirements of Performance Requirement (PR) Xb.4 of the Code as the applicant provided further information during representations.
9. The application fulfils the requirements of AS Xb.5 of the Code as clearing will not impact on the connectivity requirements of the Code.
10. The application fulfils the requirements of AS Xb.6 of the Code as clearing will not impact on salinity.
11. With conditions, the application fulfils the requirements of AS Xb.7 of the Code as clearing is not proposed within an *endangered* or *of concern* regional ecosystem.
12. The application fulfils the requirements of AS Xb.8 of the Code as clearing is not proposed within an area mapped as essential habitat.
13. The application fulfils the requirements of AS Xb.9 of the Code as no clearing of vegetation within the threshold remnant regional ecosystems is proposed.
14. The application fulfils the requirements of AS Xb.10 of the Code as acid sulfate soils will not be exposed by the clearing.

Reasons

It is considered by the assessing officer that this application meets the requirements of the *Concurrence Agency Policy for Material Change of Use (21 October 2009)* and the *Regional Vegetation Management Code for Western Bioregions 6 November 2009*.

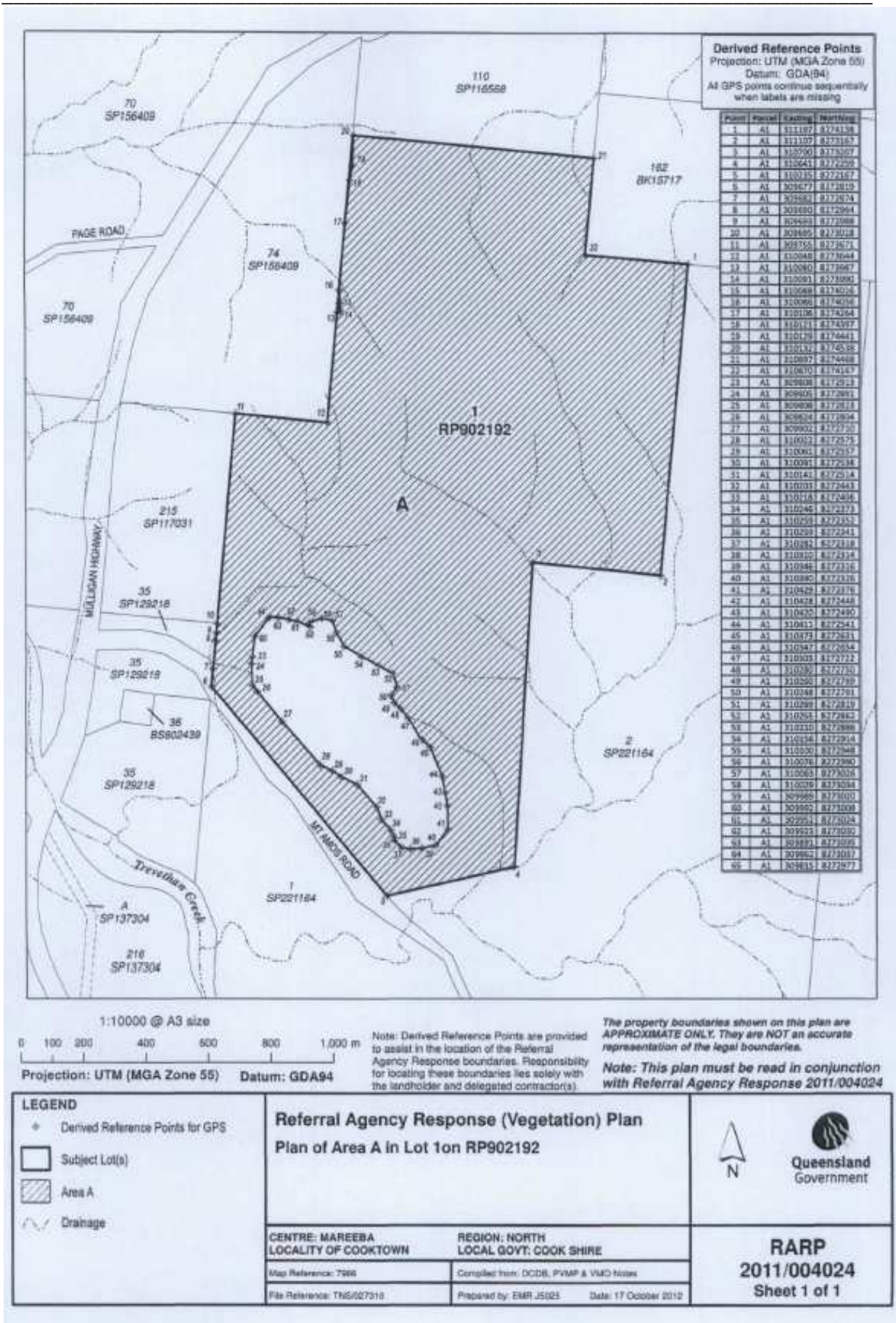
Shannon

Delegate

Shannon Farrell
Chief Executive administering the *Vegetation Management Act 1999*
Department of Natural Resources and Mines

24/10/2012

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Appendix 'B': DTMR Response

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Council Ref: DA/2844

15 July 2011

Chief Executive Officer
Cook Shire Council
PO Box 3
Cooktown Qld 4895



Attention: Mr John Harrison

Dear Mr Harrison

Referral Agency Response — s. 287 of the Sustainable Planning Act 2009 (Qld)

Applicant: Marilyn Clark

Application: Material Change of Use (Extractive Industry)

Location: Lot 1 on RP902192, Parish of Annan
Mt Amos Road, via Cooktown

I refer to the above application received at the Department of Transport & Main Roads (TMR) on 28 June 2011 and 15 July 2011 requesting consideration of the above development.

Pursuant to section 287 of the *Sustainable Planning Act 2009 (Qld)*, the Department, as a Concurrence Agency, has assessed the impact of the proposed development on the state-controlled road network and requires that Council include the attached conditions of development for the subject application.

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

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

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

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

Yours sincerely

A handwritten signature in black ink that reads "Malcolm Hardy".

Malcolm Hardy
Senior Planner (Assets & Operations) Far North

Department of Transport and Main Roads
Assets and Operations
Far North Region / Cairns Office
Floor 5 Cairns Corporate Tower
15 Lake Street Cairns Queensland 4870
PO Box 6185 CAIRNS Queensland 4870
ABN 39 407 690 291

Enquiries MALCOLM HARDY
Our Ref : 220/34C/102 (1780.05)
Telephone - 4050 5511
Facsimile - 4050 5429
Website - www.tmr.qld.gov.au
Email - malcolm.hardy@tmr.qld.gov.au

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B/c

Marilyn Clark
C/- PRP Planning
PO Box 4751
Cairns Qld 4870



For your information

A handwritten signature in black ink, appearing to read "Malcolm Hardy".

Malcolm Hardy
Senior Planner (Assets & Operations) Far North

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

Council Ref: DA/2844 **Date:** 15 July 2011 **Our Ref:** 220/34C/102 (1780.05)
State-controlled road: Mulligan Highway (Lakeland-Cooktown)
Proposal: Material Change of Use (Extractive Industry)
Real property description: Lot 1 on RP902192, Parish of Annan
Site locality: Mt Amos Road, via Cooktown
Applicant: Marilyn Clark

Conditions of Development	Reasons	Condition Basis
1. Layout Unless otherwise approved in writing by TMR the development site layout must generally comply with Projex North drawing numbered 10-002-06-03 "Permit Area", revision A.	To ensure the development proceeds in accordance with the proposal	
2. Permitted Road Access Location a) Vehicular access between the state-controlled road (Mulligan Highway) and the Subject Land shall be via Mt Amos Road only, to the satisfaction of Cook Shire Council. b) No direct vehicular access between the state-controlled road (Mulligan Highway) and the Subject Land is permitted.	TMR must ensure that access between to the Subject Land does not adversely impact the safe and efficient operation of the state-controlled road	s. 62 Transport Infrastructure Act 1994 (Qld)
3. Advertising No advertising device for the proposed development is permitted within the state-controlled road reserve (Mulligan Highway).	Advertising devices may obscure signage and distract motorists.	s. 50 Transport Infrastructure Act 1994 (Qld)

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Appeals

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

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

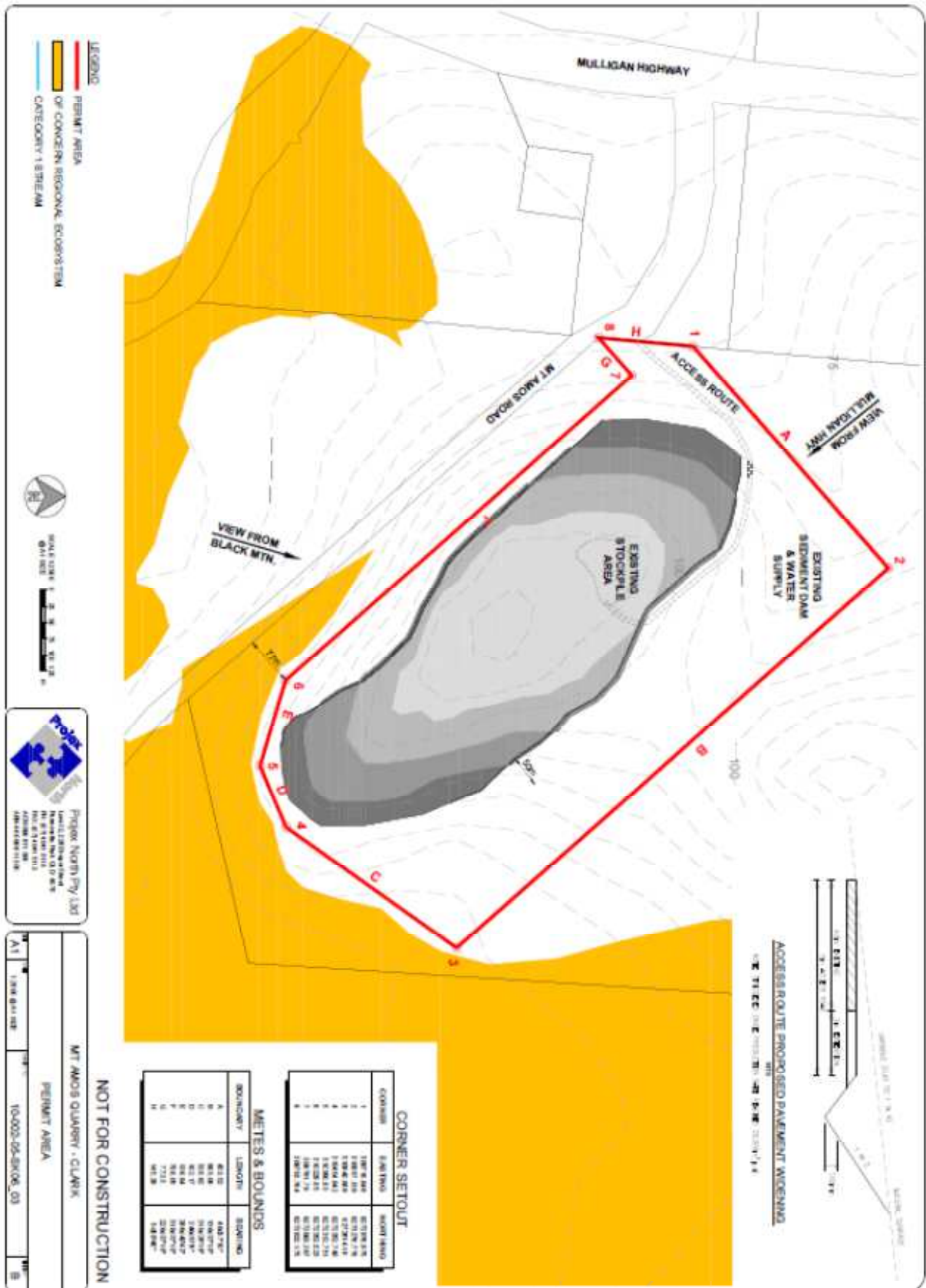
By email: TMRAppeals@tmr.qld.gov.au

In person: Level 3
 Terrica Place
 140 Creek Street
 Brisbane Qld 4000

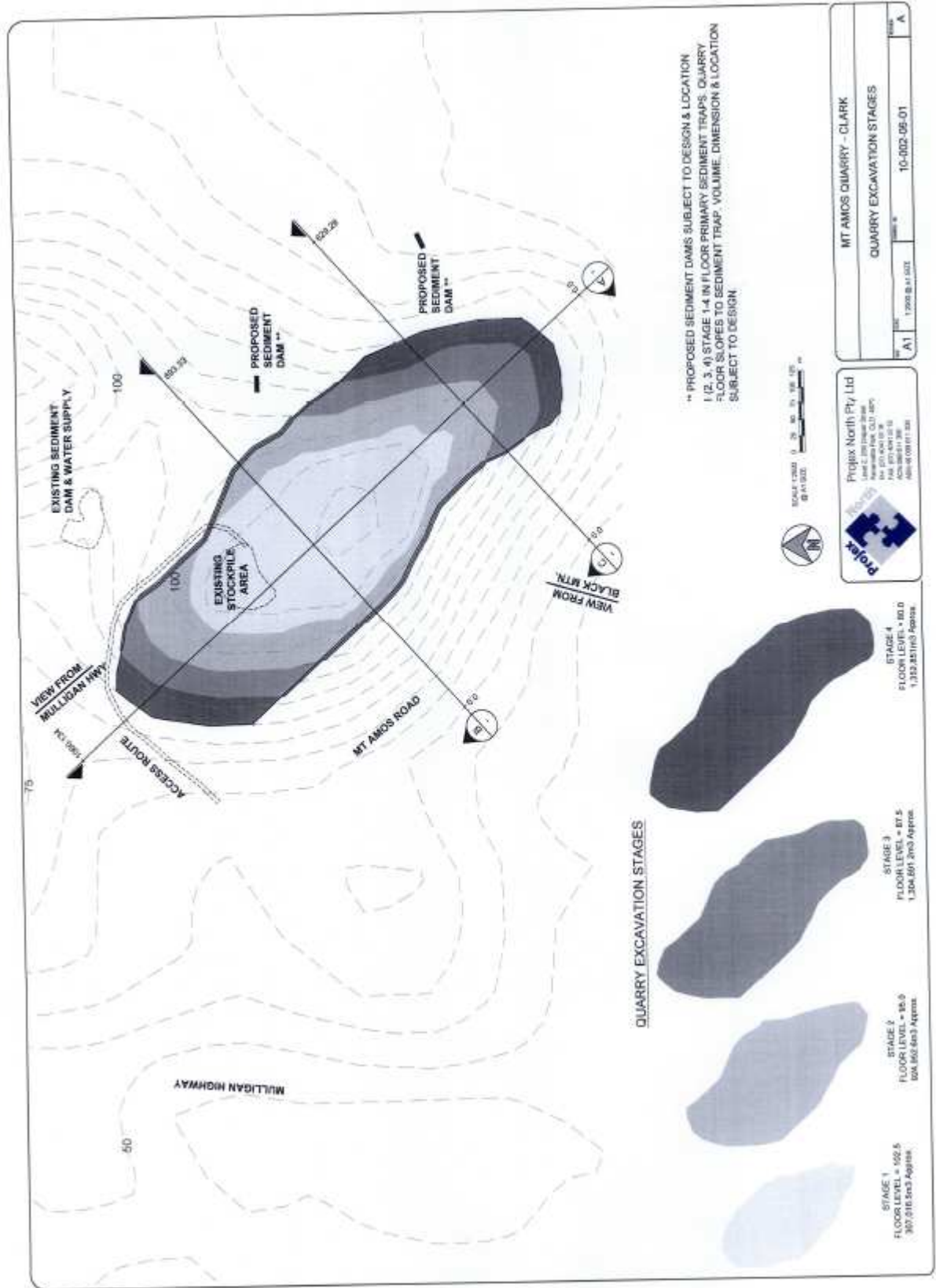
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Appendix 'C': Plans

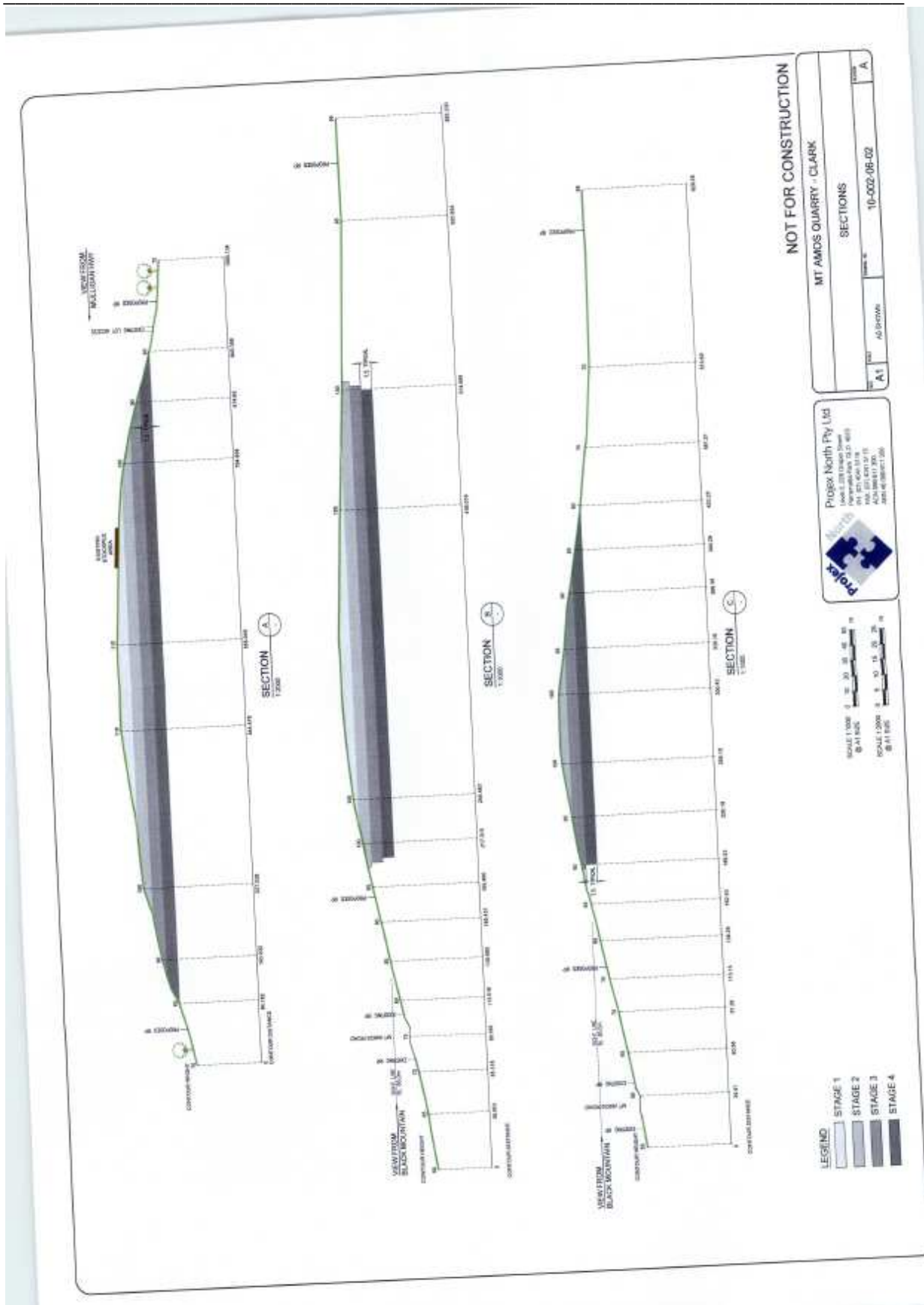
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30809	DISPOSAL OF LAND ASSET: LOT 201 / C7915 CORNER OF HARRIGAN STREET AND CHARLOTTE STREET, COOKTOWN.	
	<i>Report No. D2014/08566 from Director of Planning & Environment August 2014 File No.</i>	

Cr R Bowman moved; seconded Cr G Shephard

That Council hereby resolves that the freehold land situate lot 201 / C17915, corner of Harrigan Street and Charlotte, is surplus to requirements, and is therefore to be sold by disposal by tender, in accordance with its *Disposal of Assets Policy 2014*, subject to the following conditions, bound in caveat over the land, as set out below:

- a) That a completed development application for any proposed change of use on the land or building work, as detailed in the tender submission, be submitted within 90 days, of acceptance of the successful tender.
- b) development (planning & building) approvals be achieved within 6 months from the date of acceptance of the successful tender;
- c) Substantial commencement of development works, actual construction works, [comprising operational works and foundations/footings] commences within 18 months from the date of acceptance of the successful tender.

CARRIED

Précis

1. Council consider for a decision, the sale of the valuable non-current asset, land situate on lot 201 / C7915 in accordance with the Local Government Regulation 2012, for disposal by tender.

Background/History

2. Subject Land: lot 201 / C17915 – see below map.



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3. Tenure : Freehold
4. Area: 1.214 hectares
5. Council has identified the land as surplus, in its Land and Built Asset Review meetings held early in April 2014.
6. Interest has been expressed in the Harrigan Street block which may likely support economic development in the region, as such (and under sections in the Queensland *Local Government Act 2009*, and associated regulations, as well as in accordance with Council's Disposal of Assets Policy 2014) it is recommended that the Harrigan Street Property be put up for sale by Tender.
7. The proposed disposal by tender, must be conducted in accordance with Council's Disposal of Assets Policy June 2014, which will ensure any/all persons interested in purchase or other arrangements over the subject land will have a fair opportunity to take advantage of the site.
8. Evaluation Criteria for the Tender, should prioritise expedited development of the subject land, and which would be enforceable by means of a caveat over the land.
9. Evaluation Criteria for the Tender should also include economic, environmental and community benefits of proposed development, also enforceable by means of a caveat over the subject land.
10. In the case where Council resolves, to progress the recommended disposal by Tender, the tender process would take approximately 28 days, including the public notice period, and the outcome would therefore be ready for a decision of Council at its October 2014 Meeting.
11. Exceptions to the requirement to dispose of by Auction or Tender will only be undertaken when in accordance with the Local Government Regulations 2012.
12. The interest expressed in the subject land indicate an opportune time to be offering the land for disposal, subject to the required tender process.

Link to Corporate Plan

13. Strategic Directions:

ACTIVITIES THAT ENABLE COUNCIL TO PROGRESS LONG TERM COMMUNITY PLANNING

Provide, to a standard that ensures (at a minimum) legislative compliance:

a) Sustainable financial and administrative management of the Shire's municipal and community resources.

4.1.2 Where resources and capacity allow:

d) Match expenditure on assets against requirement for core service provision.

4.1.3 Special Projects?

a) Comprehensive review of all land and structural assets in light of municipal and community requirement, possible revenue raising capability, and sustainable use and maintenance obligations.

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Consultation

21 days notice (minimum) required for submission of Tenders.

Legal Implications (Statutory, basis, legal risks)

1. Nil- any sale of land assets to be disposed of in accordance with the Council's Disposal of Assets Policy June 2014.

Policy Implications

2. Nil.

Financial and Resource Implications (Budgetary)

3. Funds to cover the Tender Notification advertising, assessment, and reporting are allocated in the Council Budget 2015 Fyr.

RECOMMENDATION

That Council hereby resolves that the freehold land situate lot 201 / C17915, corner of Harrigan Street and Mulligan Highway, is surplus to requirements, and is therefore to be to be sold by disposal by tender, in accordance with its *Disposal of Assets Policy 2014*, subject to the following conditions, bound in caveat over the land, as set out below:

- d) That a completed development application for any proposed change of use on the land or building work, as detailed in the tender submission, be submitted within 90 days, of acceptance of the successful tender.
- e) development (planning & building) approvals be achieved within 6 months from the date of acceptance of the successful tender;
- f) Substantial commencement of development works, actual construction works, [comprising operational works and foundations/footings] commences within 18 months from the date of acceptance of the successful tender.

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30810	PROPOSED LOCAL LAWS, AND SUBORDINATE LOCAL LAWS.	
	<i>Report No. D2014/08564 from Director of Planning & Environment August 2014</i>	

Cr S Clark moved; seconded Cr R Bowman

That Council hereby resolves to propose its reviewed Local Laws , and Subordinate Local Laws as set out in the below Tables 1 and 2 respectively, for release for public consultation, for a period of 28 days:

Table 1- Proposed Local Laws (Model and Retained)

Model Local Laws
Local Law No. 1 (Administration) 2014
Local Law No. 2 (Animal Management) 2014
Local Law No. 3 (Community and Environmental Management) 2014
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014
Local Law No. 5 (Parking) 2014
Retained Local Laws
Local Law No. 6 (Aerodromes) 2014
Local Law No. 7 (Foreshores) 2014
Local Law No. 8 (Jetties, Barge Loading Ramps and Boat Ramps) 2014
Local Law No. 9 (Gates and Grids) 2014

Table 2 - Proposed Subordinate Local Laws

Subordinate Local Law No. 1 (Administration) 2014
Subordinate Local Law No. 2 (Animal Management) 2014
Subordinate Local Law No. 3 (Community and Environmental Management) 2014
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014
Subordinate Local Law No. 5 (Parking) 2014

CARRIED

Précis

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1. Council consider for a decision, the proposed Local Laws (comprising Model Local Laws) and Subordinate Local Laws, for release for Public Consultation, in accordance with the Local Government Act 2009.

Background/History

2. The *Local Government Act 2009 – chapter 3, part 1*, make clear that it is the responsibility of each local government to make their local laws and to decide what process it will use to make them, so long as the process and the laws are consistent with the provisions of the Local Government Act 2009.
3. **Powers of Local Government to Make Local Laws**
Section 28 of the *Local Government Act 2009* provides the power for local governments to make and enforce local laws that are necessary or convenient for the good rule and government of their local government area. The Local Government Acts empower local governments to make local laws that are suitable to their particular needs and resources and that achieve the purpose and principles of local government.
4. **What Local Laws cannot effect**
The Local Government Act also limits the powers of local governments to make certain local laws. Local governments cannot make local laws that contain provisions, as set out below:
 - That create an alternate system of development assessment and approval
 - with penalties of more than 850 penalty units
 - that purport to stop a local law being amended or repealed in the future
 - about a prohibited subject (i.e. network connections, specific types and distribution or placement of election advertising or development processes)
 - that are anti-competitive (unless the local government has complied with the prescribed procedure for review of the anti-competitive provision)
 - that are inconsistent with any State law.
5. Cook Shire is proposing to introduce the model local laws which were notified in the Government Gazette on 25 June 2010 and are available for adoption by local government.

The 2010 model local laws were developed in accordance with the *Local Government Act 2009*.

This set of model local laws was originally approved and released in October 2009. Since then, it was identified that amendments to the package were required to address two specific issues:

- reducing the minimum impounding period for animals before alternative arrangements can be made (e.g. sale, rehousing etc.)
- reinserting power to regulate vehicles on local government controlled areas such as parks and reserves, following amendment to state legislation to allow for this provision.

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6. Using the Model Local Laws means that a State Interest Check is not required

7. Section 29A of the Local Government Act 2009 requires local governments to consult with relevant state agencies about the overall state interest in the proposed local law before making a local law. However, Section 29A clarifies that a state interest check is not required if:

- the proposed local law is a subordinate local law
 - a local law incorporates a model local law or part of a model local law.
- However, a state interest check must be undertaken on any part of the proposed local law that is different from, or additional to, the model local law.

8. Each local government must consult with those state departments that have portfolio responsibility for the area the local law relates to and obtain their feedback and comments for consideration before a local law is made by resolution.

9. The Proposed Local Laws (Model) – Table 1

Local Law No. 1 (Administration) 2014
Local Law No. 2 (Animal Management) 2014
Local Law No. 3 (Community and Environmental Management) 2014
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014
Local Law No. 5 (Parking) 2014

10. Existing Local Laws Proposed to be Retained – Table 1A

Previous Number	Proposed Number - Retained Local Law
00	Local Law No. 6 (Aerodromes) 2014
07	Local Law No. 7 (Foreshores) 2014
10	Local Law No. 8 (Jetties, Barge Loading Ramps and Boat Ramps) 2014
18	Local Law No. 9 (Gates and Grids) 2014

All current Local Laws and Subordinate Local Laws, except those reviewed and included in the above Table 1A, are proposed to be repealed.

11. The Proposed Subordinate Local Laws - Table 2

Subordinate Local Laws
Subordinate Local Law No. 1 (Administration) 2014
Subordinate Local Law No. 2 (Animal Management) 2014
Subordinate Local Law No. 3 (Community and Environmental Management) 2014
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014
Subordinate Local Law No. 5 (Parking) 2014

12. Council has identified the land as surplus, in its Land and Built Asset Review meetings held early in April 2014.

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13. The proposed Local Laws, use the Model Local Laws, and the Subordinate Local Laws, are required for day to day efficient operation and good governance of the Shire, and therefore warrant Council's resolve to release them for public consultation.

Link to Corporate Plan

14. Strategic Direction:

**NATURAL ENVIRONMENT, ENVIRONMENTAL HEALTH SERVICES AND
SUSTAINABLE DEVELOPMENT**

**4.2.1 Undertake the management and provision of the following, to a
standard that ensures legislative compliance:**

- b) Effective and appropriate local laws and their enforcement.
- c) Animal control in all townships and localities.
- d) Environmental health initiatives and services.

Consultation

15. Notice be given for 28 days public consultation period, to enable proper consideration and inclusion of improvements and adjustments.

Legal Implications (Statutory, basis, legal risks)

16. Council, as a local government authority is responsible for the review and adoption of a current and legally viable set of Local Laws, and this is a requirement of the *Local Government Act 2009 – chapter 3, part 1*.

Policy Implications

17. As detailed in the Proposed Local Laws.

Financial and Resource Implications (Budgetary)

18. Funds to cover the Tender Notification advertising, assessment, and reporting are allocated in the Council Budget 2015 Fyr.

RECOMMENDATION

That Council hereby resolves to propose its reviewed Local Laws, and Subordinate Local Laws as set out in the below Tables 1 and 2 respectively, for release for public consultation, for a period of 28 days:

Table 1- Proposed Local Laws (Model and Retained)

Model Local Laws
Local Law No. 1 (Administration) 2014
Local Law No. 2 (Animal Management) 2014
Local Law No. 3 (Community and Environmental Management) 2014

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Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014
Local Law No. 5 (Parking) 2014
Retained Local Laws
Local Law No. 6 (Aerodromes) 2014
Local Law No. 7 (Foreshores) 2014
Local Law No. 8 (Jetties, Barge Loading Ramps and Boat Ramps) 2014
Local Law No. 9 (Gates and Grids) 2014

Table 2 - Proposed Subordinate Local Laws

Subordinate Local Law No. 1 (Administration) 2014
Subordinate Local Law No. 2 (Animal Management) 2014
Subordinate Local Law No. 3 (Community and Environmental Management) 2014
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014
Subordinate Local Law No. 5 (Parking) 2014

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LAND TENURE

30811	APPLICATION FOR RENEWAL OF TERM LEASE 0/207912 - LOT 9 ON PLAN SD18 - FOR RESIDENTIAL PURPOSES; PARISH OF MOOJEEBA; LOCALITY OF COEN.	
	<i>Report No.D14/8486 from Chief Executive Officer File No. 2.500.4; 2.501.18.</i>	

Cr G Shephard moved; seconded Cr A Wilson

That the Department of Natural Resources and Mines be advised that Council raises no objection to the renewal of Term Lease 0/207912 - Lot 9 SD18.

CARRIED

Précis

1. Raise no objection to the renewal of special lease.

Background/History

2. By letter dated 12 June 2014, the Department of Natural Resources and Mines advised that an application for renewal of Term Lease 0/207912, Lot 9 SD18 had been received – see attached plan.
3. The existing lease is for residential purposes; the renewal is for the same purpose and for a term of 20 years.
4. The Department requests Councils views/ requirements including any local non-indigenous cultural heritage values, or if a different form of tenure may be considered a more appropriate tenure that the Department should consider when assessing the application.
5. The current tenure of the land is considered to be the most appropriate.
6. There are no known local non-indigenous cultural heritage values within this lease.
7. Views/requirements were sought from Engineering Services, and Planning and Environment Services.
8. Planning and Environment advise that there are no outstanding issues, Engineering has not identified any issues.
9. The following recommendation is submitted for consideration.

Link to Corporate Plan

10. Key issues 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations.

Consultation

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11. Nil.

Legal Implications (Statutory, basis, legal risks)

12. Nil.

Policy Implications

13. Nil.

Financial and Resource Implications (Budgetary)

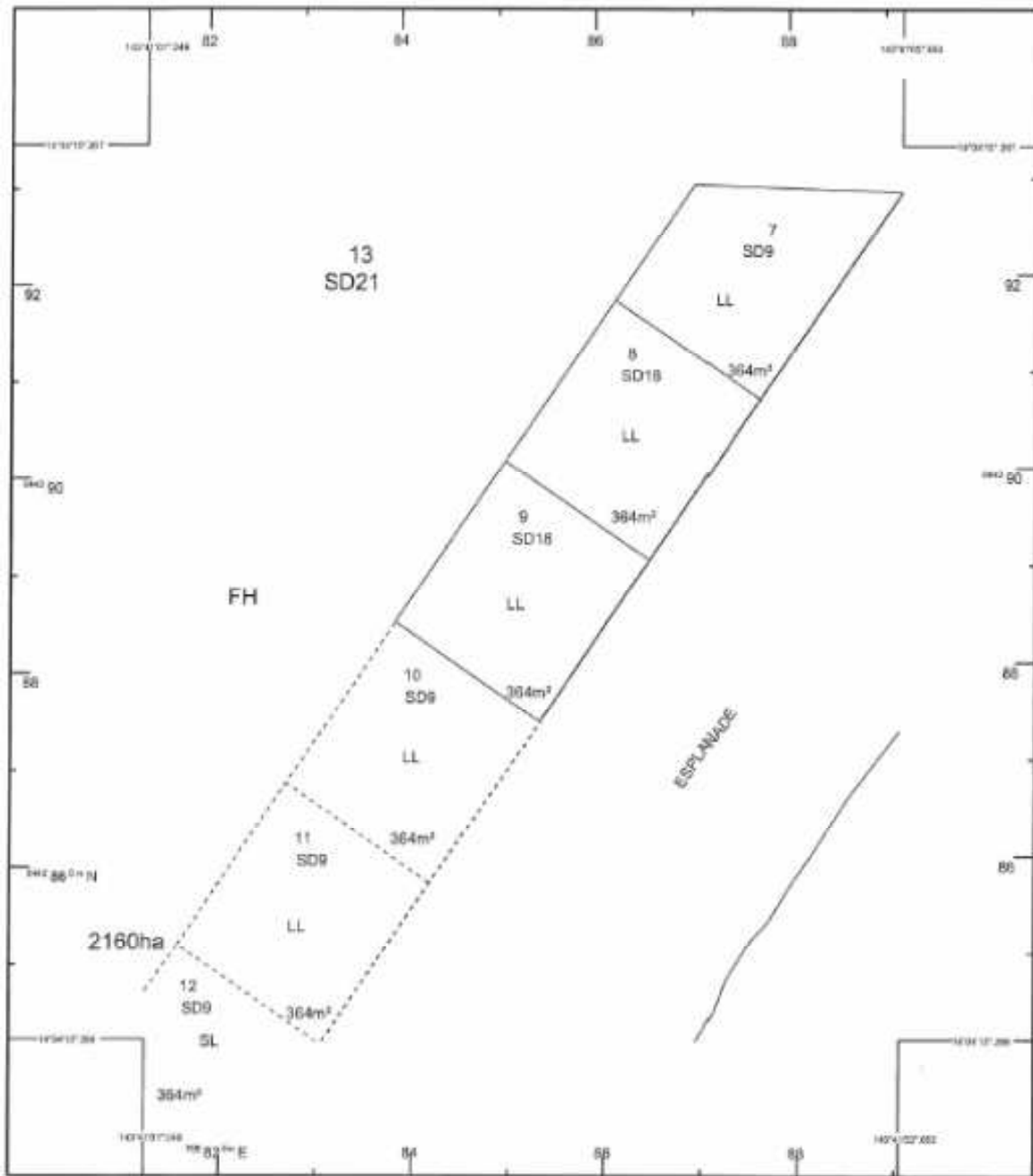
14. Nil.

RECOMMENDATION

That the Department of Natural Resources and Mines be advised that Council raises no objection to the renewal of Term Lease 0/207912 - Lot 9 SD18.

Att.
SmartMap
MapInfo area map

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STANDARD MAP NUMBER
7889-41311



MAP NUMBER POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

SD9	SL
Latitude	SL
Longitude	364m²
Tenure	LARGE LEASE
Local Government	SHIRE OF COOK
Locality	COOK
Parish	MURKIN
County	COOK
Segment Parcel	316415

CLIENT SERVICE STANDARDS

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DOB: 14/08/2014

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To further information on Shire of Cook's services visit our website at www.shireofcook.qld.gov.au

SmartMap
An Essential Product of
Geographic Information Services

Based upon an extraction from the
Digital Cadastral Data Base



**Queensland
Government**

(c) The State of Queensland,
(Department of Natural
Resources and Mines) 2014.



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ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

30812	2015 COOK SHIRE SHOW DAY PUBLIC HOLIDAY	
	<i>Report No.D14/7878 from Economic Development and Community Services Director.</i>	

Cr R Bowman moved; seconded Cr S Clark

That Council approves the date for the 2015 Cook Shire show day public holiday to be Friday, July 31, 2015

CARRIED

Précis

Appointment of a Show Day public holiday for 2015

Background/History

Council is in receipt of correspondence from the Attorney-General and Minister for Justice, requiring Council to nominate a date for a public holiday in 2015 for the purpose of holding an agricultural, horticultural or industrial show.

In 2014, Council ceased its role in the organisation of the annual Cooktown Show, facilitating the formation of a new community-led group, the Cooktown Regional Agricultural and Recreational Show Society. To retain the existing public holiday and offer a service to the local community, the Cooktown PCYC nominated to host a 2014 show event at their venue on August 1 and 2. This event was a great success.

The new show committee are planning for 2015 when they will conduct their first show as the official organisers of the event. Affiliation with the Queensland Chamber of Agricultural Societies (QCAS) puts this event in the North Queensland sub-chamber of shows and as such, the most ideal date to align with the show circuit of events is July 31, 2015.

Link to Corporate Plan

Active, Creative, Connected

4.3.1 Provide to a standard that ensures (at a minimum) legislative compliance and equitable access:

- c) Support and advocacy for community groups, clubs, societies and organisations
- d) Support and advocacy for events and festivals and arts and cultural endeavours

Consultation

Cooktown Regional Agricultural and Recreational Show Society

Legal Implications (Statutory, basis, legal risks)

Nil

Financial and Resource Implications (Budgetary)

Nil

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Recommendation

That Council approves the date for the 2015 Cook Shire show day public holiday to be Friday, July 31, 2015.

The meeting adjourned for lunch at 12.30 pm and resumed at 1.34 pm on 19 August 2014.

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CORPORATE SERVICES

FINANCE

30813	REVENUE AND EXPENDITURE – JULY 2014	
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Cr A Wilson moved; seconded Cr S Clark

That the Revenue and Expenditure Statements for July 2014 be adopted

CARRIED



Bobs July 2014.xlsx

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	DEBTORS WRITE OFF	
	<i>Report No.D14/8507 from Director Corporate Services</i>	

Report not considered and deferred.

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ADMINISTRATION

30814	ANNUAL CONFERENCE – LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND	
	<i>Report No.D14/8401 from Chief Executive Officer</i>	

Cr P Johnson moved; seconded Cr K Price

1. That Councillors P Scott and A Wilson be appointed as delegates and Cr P Johnson as an observer to attend the Local Government Association of Queensland's annual conference to be held in Mackay from 27-29 October 2014 and that all travel, accommodation and meals be met by Council
2. That the attached motion concerning the proposed Container Deposit Scheme be forwarded to the Association for inclusion in the agenda.

CARRIED

Précis

Appointment of delegates to attend the annual conference of the Local Government Association of Queensland and submission of motions.

Background/History

The Local Government Association of Queensland's 188th Annual Conference will be held at Mackay from 27 – 29 October 2014. Early Bird registration must be completed by 12 September 2014 and motions for the conference submitted by 29 August 2014.

Link to Corporate Plan

Appropriate Corporate Governance

Consultation

Nil

Legal Implications (Statutory, basis, legal risks)

Nil

Policy Implications

Nil

Financial and Resource Implications (Budgetary)/Risk Assessment

Accommodation and meals for delegates and observers.

RECOMMENDATION

1. That Councillors P Scott and Alan Wilson be appointed as delegates, and Councillor P Johnson as an observer, to attend the Local Government Association of Queensland's

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- annual conference to be held in Mackay from 27-29 October 2014 and that all travel, accommodation and meals be met by Council
2. That the attached motion concerning the proposed Container Deposit Scheme be forwarded to the Association for inclusion in the agenda.

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2014 LGAQ CONFERENCE MOTION TEMPLATE

Submitting Council / Organisation (required)	Cook Shire Council
Date of Council Resolution (required)*	19 August 2014
Title of Motion (required)	Introduction of a Container Deposit Scheme in Queensland
Motion (required)	That the Local Government Association of Queensland Inc. request the Queensland Government to introduce a Container Deposit Scheme similar to that existing in the State of South Australia and the Northern Territory
Background (required)	<p>Beverage containers are a major source of littering in Queensland. They can often be found in illegal dumpsites and along roadsides throughout the State. Each year, approximately 400 tonnes of beverage container related rubbish are collected in Queensland on Clean Up Australia Day and this is just the tip of the iceberg. Beverage containers also contribute to the volume of waste collected by Council and increase waste management costs.</p> <p>Some local governments use kerbside and public place collections to recover these containers for recycling. However, this approach is not financially viable for small and medium size local governments. The Container Deposit Legislation (CDL) provides an alternative means of collecting beverage containers for recycling.</p> <p>CDL is a self funded scheme that is used to collect beverage containers in South Australia and the Northern Territory. Under the scheme customers pay an extra 10 cents per container when they buy drinks and get a refund when they return the containers to a registered depot. The scheme is administered through agreements between the beverage manufacturers, local governments and recycling agents. These agreements are regulated by State and Territory legislation.</p> <p>South Australia recovers over 80% of their beverage containers through CDL. The rest of Australia recovers only 40% of their containers through kerbside and public place recycling. Previous opinion polls suggest that Queenslanders overwhelmingly support CDL.</p> <p>The benefits of CDL include:-</p>

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	<ul style="list-style-type: none"> • Increase in the amount of beverage containers recycled; • Reduction in local governments' waste management costs; • Reduction in littering on roads, parks and other public places; • Provision of an extra source of funding for not-for-profit organisation; • Reduction in Council's Carbon Tax liability. <p>Despite its obvious benefits, there is some opposition to CDL based on the claim that:-</p> <ul style="list-style-type: none"> • it may affect existing kerbside recycling; • it does not directly target littering; • it will have a significantly high setup cost. <p>The South Australian experience clearly disputes these claims. They have significantly reduced their littering problems since the introduction of CDL in the 1970s. Their recycling cost is \$1.14 per capita as opposed to \$32 per household for the rest of Australia. The setting up cost of the recently introduced CDL scheme in the Northern Territory was around \$1.2 M. The setup cost can be recovered from savings in the processing of recyclables and reduced waste to landfill.</p>
What are the impacts (positive or negative) on Local Government? (required)	A large quantity of waste will be taken out of the hands of local government and a recycling industry will be established and further sites will be created for the deposition of the recyclables.
What is the desired outcome sought? (required)	That the State Government will legislate for a Container Deposit Scheme similar to that which exists in South Australia and the Northern Territory.
LGAQ Comment (if applicable)	

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30815	WATERFRONT ADVISORY COMMITTEE - MINUTES	
	<i>Report No.D13/7629 from Chief Executive Officer</i>	

Cr R Bowman moved; seconded Cr S Clark

That the minutes of the Waterfront Advisory Committee meeting held on 22nd July 2014 be received.

CARRIED

Précis

Presentation of minutes of the Waterfront Advisory Committee

Background/History

Council has created a Waterfront Advisory Committee in accordance with section 265 of the *Local Government Regulation 2012*.

The last meeting of the committee was held on 22 July 2014 and the minutes of that meeting are attached.

Link to Corporate Plan

Legislation

Consultation

Nil

Legal Implications (Statutory, basis, legal risks)

Nil

Policy Implications

None identified

Financial and Resource Implications (Budgetary)/Risk Assessment

RECOMMENDATION

That the minutes of the Waterfront Advisory Committee meeting held on 22nd July 2014 be received.

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**Minutes of the meeting of Cook Shire Council's Waterfront Advisory Committee held
at the Administration Centre, 10 Furneaux Street, Cooktown
23 July 2014**

ATTENDANCE: The Mayor, Cr PH Scott, Councillors A Wilson, KG Price, PL Johnson, R Bowman, S Clark, G Shephard, Chief Executive Officer, Steve Wilton, Acting Director Planning and Environment, John Harrison, Town Planning Officer, Lisa Miller, Director Engineering Services, Tony Lickiss, Director Corporate Services, Martin Cookson, Director Economic Development, and Community Services, Katrina Houghton, Grants Office, Karen Nicolaou, Building Supervisor, Phyl Bray, Building Surveyor, Project Manager, Michael Czarnecki, Minute Officer (R Norris).

MEETING OPENED

The Mayor, Cr PH Scott declared the meeting opened at 9.32 am on 23 July 2014

APOLOGIES:
Nil

Phyl spoke on what he considered areas that he needed to be involved in as a building surveyor –

- Fishing platforms – how they were to meet the building code
- Pool fencing – there were legislative requirements. Tony was of the opinion that, as it was a lagoon, it was exempt from these requirements. He had a legal opinion to that extent.
- Gazebos, retaining walls, installation of lighting.

Amenities Block

- There was some concern about the need for screens. Phyl to check on whether there may be an exemption and have no screen or what type of screen could be erected. There was some concern with child safety, if a screen had to be erected.
- After discussion about the configuration it was decided to –
 - Remove the male urinals and install pedestals.
 - Install a pedestal in the family change room
 - Install a new family change room replacing two of the normal change rooms, thus leaving one change room.
- Doors to toilets and change rooms to open outwards.

Timeline

- Tony is talking to the dredging contractor concerning the removal of the filling hose so that Council can take possession of the reclaimed area for the purpose of forming up and pouring the bond beams.

Road Return at Powder Magazine.

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- The meeting has opted for option 3 as per drawing tabled.

Kiosk

- Walls to be extended to the east and west for one (1) metre and one (1) metre to the north
- Not to be furnished as that may restrict to whom it can be leased to.
- There will be adequate power and water for any application.
- Widow's walk and weather vane to be removed.

Art at Fishing Platform

Will consist of –

- 4 x large concrete plinths
- Aluminium to be used rather than stainless steel. Perhaps Rio Tinto may be interested in providing the aluminium.
- Blue and green crushed glass to be used in the concrete plinths.

These issues are to be presented to RADF committee to workshop and come back to this committee with recommendations.

Name Bricks

- The time line as issued to be strictly adhered to.
- Bricks to be manufactured and in Council's possession by 1 November.
- Up to 2,000 bricks can be installed. They will be installed on the Plaza side only commencing at the powder magazine end.

Waterpark Splash Pad

- Has been ordered.

Land Tenure

- Negotiations are continuing with the Bluewater Fishing Club concerning the area belonging to the lease which will have Council infrastructure on it.
- The area, when reclaimed, will be road reserve
 - CEO and LTO to ascertain what is the best tenure for what Council wishes to do in all the areas.
 - Native Title issues?
 - It was suggested that the State should be approached to grant freehold title over the whole area, except for the road. It was considered that the cost of conversion would be minimal as Council has created the area.
- Tex advised that Planning was endeavouring to make what has been done as self assessable.

Security Options – Cameras

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- Each unit will cost \$1,700.00 for which grants are available.
- Ten units to be installed if application for grants is successful for –
 - Amenities block
 - Lagoon
 - Directional core.

Solar Option

- Solar power for lighting along the ocean side and within the park.
- Solar panels will be at the pergola and the batteries in the plant room.
- Capacity is eight (8) hours.
- Floodlights will be installed at the Marina and two at the pool. They will face seaward.
- The set up for the amphitheatre will need to be looked at.

Cabling

- No real discussions have taken place with Telstra.
- Discussions are very advanced with Ergon. Another transformer will be required. It will be pad mounted but hidden by gardens.
- Ergon cabling will be underground on the northern side of the road from existing poles.

Lagoon Safety

- Legal opinion has been obtained which indicates that Council's liability is the same as if someone was using the beach. Appropriate signage needs to be erected in the area of the lagoon.
- Depth markers need to be installed
- Handrails, or something similar, need to be installed to allow swimmers somewhere to hold on to if in trouble.

Marina

- It will have three berths, four floating pontoons and be supplied with 3Ø power.

Meeting closed at 12.35 pm. Next meeting 20 August 2014 at 9.00 am.

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COMMITTEE OF THE WHOLE

30816	COMMITTEE OF THE WHOLE	
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Cr K Price moved; seconded Cr P Johnson

That the meeting resolve into Committee of the Whole at 1.47 pm on 19 August 2014 to discuss requests for concession on water charges, sale of land for arrears of rates, tenders and access to a National Park.

CARRIED

30817	COMMITTEE OF THE WHOLE	
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Cr S Clark moved; seconded Cr A Wilson

That the meeting revert to the ordinary meeting of Council at 2.32 pm after discussions concerning requests for concession on water charges, sale of land for arrears of rates, tenders and access to a National Park.

CARRIED

ENGINEERING

30818	ACCESS TO NATIONAL PARK – LOT 12 ON PLAN AP14378	
	<i>Report No.D14/8407 from Chief Executive Officer</i>	

Cr R Bowman moved; seconded Cr K Price

That Council construct a road within the existing road reserve to enable legal public access to the National Park described as Lot 12 on Plan AP14378.

CARRIED.

LAND TENURE

30819	NATIVE TITLE DETERMINATION APPLICATION QUD6022/02 – WUTHATHI PEOPLE #2; CATEGORY 1: CONSIDERATION OF REGISTERED INDIGENOUS LAND USE (AREA) AGREEMENT.	
	<i>Report No.D14/8490 from Chief Executive Officer File No. 2.660.75(193, 399, 406).</i>	

Cr G Shephard moved; seconded Cr P Johnson

Preston Law be advised that Council has no existing interests on/within the excluded land identified as; former mining leases no. 5940 & 5941, and “road 60 wide” delineated by stations “A-B-C-D-A”. See submitted Schedule 1 – Determination Area from the draft Consent Determination, and plans CP857658 and AP17648.

CARRIED

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Schedule 1 — DETERMINATION AREA

A. Description of Determination Area

The Determination Area comprises all of the land and waters on the landward side of the High-Water Mark described as:

- (a) Lot 3 on SP189937;
- (b) Lot 17 on SP189951;
- (c) Lot 18 on SP189951 excluding areas identified as:
 - (i) Former Mining Lease No. 5940;
 - (ii) Former Mining Lease No. 5941; and
 - (iii) "Road 60 Wide" delineated by stations "A-B-C-D-A" on Crown Plan 857658;
- (d) Lot 20 on SP189951 excluding an area identified as "Road 60 Wide" delineated by stations "A-B-C-D-A" on Crown Plan 857658;
- (e) Lot 4 on SP189951;
- (f) Balance part of Lot 5117 on SP 137279;
- (g) Lot 1 on AP15618;
- (h) Lot 2 on AP15618;
- (i) Lot 3 on AP15618;
- (j) Lot 4 on AP15618; and
- (k) "Road 60 Wide" delineated by stations "A-B-C-A", "D-E-F-D" and "G-H-J-Ck-K-G" on SP137279.

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FINANCE

Cr R Bowman informed the meeting of a perceived conflict of interest in that he was a tenant in the property the subject of this application. Cr Bowman left the Chamber at 2.34 pm and did not vote. The majority of persons entitled to vote on the matter voted for the motion.

30820	REQUEST FOR REBATE OF WATER CHARGES ASSESSMENT 10011138	
	<i>Report No.D14/8080 from Director Corporate Services</i>	

Cr A Wilson moved; seconded Cr P Johnson

That Council grant a concession to the owner of the property, subject to Assessment 10011138 due to hardship caused by Cyclone Ita, such concession to be calculated as the difference between the consumption of water from 8 January 2014 to 23 June 2014 and the average consumption of the previous three billing periods.

CARRIED

Cr R Bowman resumed his seat in the Chamber at 2.40 pm on 19 August 2014 after the above motion was passed.

30821	REQUEST FOR REBATE OF WATER CHARGES ASSESSMENT 10006393	
	<i>Report No.D14/8082 from Director Corporate Services</i>	

Cr K Price moved; seconded Cr S Clark

That Council grant a concession to the owner of the property, subject to Assessment 10006393 due to hardship caused by Cyclone Ita, such concession to be calculated as the difference between the consumption of water from 7 January 2014 to 24 July 2014 and the average consumption of the previous three billing periods.

CARRIED

30822	REQUEST FOR REBATE OF WATER CHARGES ASSESSMENT 10002285	
	<i>Report No.D14/8081 from Director Corporate Services</i>	

Cr K Price moved; seconded G Shephard

That Council not grant a concession on the water rates and allow the ratepayer to enter a payment arrangement to pay off the water consumption charges.

CARRIED

Cr P Johnson requested that her vote against the above motion be recorded.

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30823	RATES REPORT – ARREARS OF RATES - THREE YEARS AND OVER	
	<i>Report No.D14/8377 from Director Corporate Services</i>	

Cr S Clark moved; seconded Cr R Bowman

That Council, in accordance with the *Local Government Regulation 2012*, Section 140 - *Notice of intention to sell land for overdue rates or charges*, has decided to sell the properties listed in the table contained in the Director Corporate Services' Report No. D14/8377, for arrears of rates that have been outstanding for three years and over.

Assessment	Address	Lot on Plan
10003945	11 Flinders Street, Cooktown	Lot 10 on RP 851380
10004927	43 Helen Street, Cooktown	Lot 421 C 1791
10010601	12 Savage Street, Cooktown	Lot 16 on C 17971
10011435	1, 13 – 17 Savage Street, Cooktown	Lot 8 – 9 on C 179110, Lot 7 on C 17919, Lot 10 – 11 on RP713552
10013027	11 Sesame Street, Lakeland	Lot 24 on RP 725840
10019792	96 Hutchinson Street, Cooktown	Lot 2 on RP 867052
10022663	Oaky Creek Road, Cooktown	Lot 1 on RP 729990
10023919	Alcestis Holding PH14/3385 Peninsula Developmental Road YARRADEN QLD 4	Lot 3384 on SP 182311, Lot 3385 on CP 890152
10029262	35 Slaughter Yard Road, Marton	Lot 23 on SP 241626

CARRIED

ADMINISTRATION

30824	CLEANING TENDER – T0414 – COUNCIL REPORT	
	<i>Report No.D14/8481 from Business Services Coordinator</i>	

Cr R Bowman moved; seconded Cr P Johnson

Council resolve to accept the Tender of Biniris (Aust) Pty Ltd. Priced at \$85,183.82 (ex GST) per year.

CARRIED

The meeting closed at 3.55 pm on 19 August 2014

Mayor.