

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at the
Administration Centre, 10 Furneaux Street, Cooktown on
17-18 November 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).

MEETING OPENED

The Mayor, Cr PH Scott declared the meeting open at 9.07 am on 18 November 2014

APOLOGIES:

Nil

NOTICE OF BEREAVEMENT:

Advice has been received of the passing of Andrew James Gibson (Hope Vale), Caspian Leonardi (Rossville), Sidney Ridgeway.

As a mark of respect one minute silence was observed.

CONFIRMATION OF MINUTES

30878	CONFIRMATION OF MINUTES OF ORDINARY MEETING
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Cr K Price moved; seconded Cr S Clark

That the minutes of the Ordinary Meeting of 20 October 2014 be confirmed.

CARRIED

30879	CONFIRMATION OF MINUTES OF SPECIAL MEETING 4 NOVEMBER 2014
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Cr A Wilson moved; seconded Cr R Bowman

That the minutes of the Special Meeting of 4 November 2014 be confirmed.

CARRIED

BUSINESS ARISING:

Nil

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	CHIEF EXECUTIVE OFFICERS MONTHLY REPORT	
	<i>Report No.D14/13149 from <Enter title of author of the report></i>	

Précis

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

Meetings, Seminars, Conferences etc

Cook Shire Council Annual Inspection Tour

As Council would be aware the annual inspection tour occurred from 20th to 24th October and included the October Council meeting held in Coen. The Coen advisory Committee chaired by Councillor Sheppard was also held. Councillors and staff took opportunity to catch up with residents and business operators in Lakeland, Laura, Musgrave Roadhouse, Archer River Roadhouse and Coen before travelling to Portland Roads for a very good community meeting.

Council also met with our neighbours at Lockhart River Aboriginal Shire Council, Napranum Aboriginal Shire Council, Mapoon Aboriginal Shire Council and the Weipa Town Authority. Good discussions were held with each authority around matters of common interest particularly future tourism and development opportunities.

Economic Development Australia Annual Conference

I attended the annual Economic Development Australia Conference in Darwin from 28th to 30th October 2014. Whilst at the conference I gave a presentation in a session called “Building a Regional Economy” prepared by Director Economic Development and Community Services Katrina Houghton “Economic Development: From Policy to Practice” on the economic development activity in Cook Shire. The presentation was well received and generated a lot of interest in the growth of activity and developments that have been completed or currently in progress in Cook Shire.

Other issues discussed included Spatial Planning and Digital economics, Policy Imperatives in Economic Development, Special Economic Zones, and Regional collaboration in ED Innovation, Land Use Planning around ED, and digital economies and work hubs

Other Meetings

There are a number of meetings that occur on a regular basis. This month they have included Executive Management Team meetings, Executive Services Team meeting, The Economic Development Meeting, Waterfront Committee meeting, a meeting with Department of Local Government Officers to discuss ongoing matters and Ratepayer

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meetings over issues such as rates and town planning. I also attended the Housing Forum and Local Law consultation meetings, a briefing with CYLC regards the all of Cape York Native Title Claim and met with FNQROC officers to discuss the Gamba Grass project

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Councillors' Reports

Cr R Bowman

Meetings

Date	Type / purpose	Who /where
	General Council Meeting by Phone	
	Waterfront Meeting	
	CDCC Board Meeting AGM tonight	
	Chamber of Commerce	
	EDM	

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where
	Cooktown Races	

Constituent Representation/Meetings

Date	Phone calls/ Discussions	Letters/ Minutes
	Commercial Boats future in Cooktown	
	2020 meeting by phone	

Cr K Price

Meetings

Date	Type / purpose	Who /where
20 th October	Council Meeting – Coen (including residents meeting)	
21-24 th October	Northern Tour – Lockhart, Weipa, Napranum, Mapoon	
3 rd November	2020 Event Steering Committee	
4 th November	Extraordinary Council Meeting – tenders	
4 th November	Economic Development Meeting	
6 th November	Partners in Recovery – regional coordination mechanisms	

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where
29 th October	Hopevale Interagency	
30 th October	South Cape York Catchment - Powerhouse	
31 st October	Housing and Investment Forum – Industry Day	
1 st November	Housing and Investment Forum – Locals Day	
15 th November	Cyclone Awareness Event – Event Centre	

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Constituent Representation/Meetings

Date	Phone calls/ discussions	Letters/ minutes	Councilor requests
	Constituent		Tennis club follow-up

Upcoming:

CDCC AGM

Hopevale and Cooktown Interagencies

Bloomfield residents meeting

Working with CDU and Tropical Savanahs CFC – Jeremy Russell-Smith, ILC and MLA
around collaborative carbon trading models for Cook Shire

Work towards means of having David Attenborough champion 2020/Cpt Cook
celebrations

Cr A Wilson

- Attended the LGAQ conference in Mackay
- Attended the Cape York Sustainable Futures meeting in Laura
- Attended the Waterfront Committee meeting
- Met with officers concerning the Army Assistance Program in Laura.
- Met with representatives of Olive Vale re broad acre farming.

Cr G Shephard

- Attended Coen Advisory Committee meeting
- Attended Portland Roads Community meeting.
- Participated in Cooktown Races.
- Phone Calls – Council roads and load limits.

Cr S Clark

Meetings

DATE	TYPE	PURPOSE	WHERE	
20/10/14	Monthly Council	Cook Shire	Coen	
20/10/14	Community Meeting		Coen	
21/10/14	Community Meeting		Portland Roads	
23/10/14	Community Meeting		Mapoon	
22/10/14	Community		Napranum	

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	Meeting			
2/11/14	Economic Development	Cook Shire	Chambers	
2/11/14	Special meeting	Cook Shire	Chambers	

Events Attended (as Councillor or part thereof)

DATE	TYPE / PURPOSE	WHO / WHERE
31/10/14	Building Seminar	Events Centre
15/11/14	Disaster Awareness	Events Centre
8/11/14	Cooktown Races	Racecourse

Constituent Representation / Meetings

DATE	PHONE CALLS/ DISCUSSIONS	LETTERS
	Hope Street Foot Path/ Cycle way	Emails
	Marton Community Reserve	Emails
	Quarantine Bay Bitumen of Street	Emails

Cr P Johnson

Meetings

Date	Type / purpose	Who /where	Action
20-24	Council Monthly meeting & shire visit	Councillors, staff & visiting consultants	Monthly meeting Coen; Coen Advisory Committee meeting; Portland Roads Community meeting- managing future Tourism development; land for sale; PDR upgrade; signage; landcare activity by community; community & business development funding; Tourism Cape York & Chambers of commerce – avenues for marketing, information & support
27-29 Oct	LGAQ Annual Conference, Mackay	Mayor, Cr Wilson & self	Motion re CDS/ CDL – passed; receive Tidy Town Award on behalf of Cooktown; Participate in forums – Remote & Rural Councils ~ Feral Animal & Weed Control Co contribution likely to be channeled via the various Regional Organisation of

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			Councils(FNQROC & potentially CYTROC)Communications, Organisational Change & progress, networking
30 Oct	Reef Guardian Council Steering Committee meeting Mackay	Member Councils, and GBRMPA CEO/ Chair; Manage Stewardship & Tourism	Funding for Reef Recovery- land & marine based programs – potential delivery mechanisms- ROC’s, Councils & NRM groups; Receive Reef Guardian Council recognition certificate
31 Oct	Cape York Sustainable Futures AGM & open forum	Laura Rodeo Grounds	Amendments to Constitution; Annual reports from Chair & CEO; project updates; Presentations – David Kempton(member for Cook) – Cr Wilson & self discussed water storage & security in the region- particularly for agricultural purposes- legislation and costs are impeding development; Peter Ager & Tony Potter- Main Roads – project manager for PDR upgrade- priorities for work, bridge designs, road alignment- ; Bruce Martin- CY Live Cattle Export Group- future for Cape York G Elmes AgForce Update; Janne Crase Regional Development Australia – demystifying policy & legislation! Isha Segboer- Tourism Cape York update- support through TTNQ and TEQ plus Councils and industry members; facebook, Twitter & Instagram – successful & free mediums for marketing; website rating highly; much interest from visiting journalists & other media; famils directed to members for hosting in their area; showcasing Cooktown & Cape York at trade & travel shows; e-

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			newsletter(via Mailchimp) and Visitor Guide under production- advertising & distribution coordination; More members and supporters welcome & critical for success of the recognized Local Tourism Organisation; Freight forum in Mareeba 4/11 ; CYSF survey on priority areas for PDR work – distribute through community & get back asap.
3-8 November	Cape York Natural Resource Management- AGM & Board meeting	Board members, Staff & guests- Seisia Cape York	2 new board members- Indigenous Zones 3 & 4- Shane Gibson(Cooktown/ Hope Vale) & Marilyn Kepple(Coen area); Program updates, Strategic Planning, Regional Investment Strategy, future projects and direction. Board Governance & participation, skills & development; future funding & alternative sources to reduce reliance upon government while still delivering on government funded projects & priorities
11 Nov	Youth Network Meeting	CDCC; Karen Whipper(CDCC), Denny Otone(Ctn P-12), Petrice Higgins(DATSIMA)	Yr 13 monitoring; engaging those disconnected/ at risk; future programs; suitable & available housing- issue for all organizations; future of Careers & Jobs expo- lead agency TBC asap Youth Network to meet 8 December; contact potential agencies re Careers & Jobs expo event;

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where	Action
11Nov	Remembrance Day Ceremony	Anzac Park	Attend
14 Nov	Get ready- pre cyclone season event	Events Centre	Attend

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Constituent Representation/Meetings

Date	Phone calls/ Discussions/ meeting	Letters/emails minutes	Action
Oct/ Nov ongoing	Water security & access- legislation & costs are prohibitive; conditions difficult to meet	Lakeland landholders - water access & storage concerns	Research, receive report from Planning & Environment; receive information from local applicants; further advice on legislative impediments and costs- potential solutions to be sought; discuss with David Kempton
		Accuracy of info in Visitor Guide Ayton & Bloomfield area	Pass on to TCY & local chamber
	Recognition of Exceptional Customer Service	Suggest a program of awards/ recognition be started to recognize & encourage excellence in customer service – good for business & good for customers	Pass on to Chamber & Council – potential joint initiative to support business growth and economic development

Future activities:

2020 Advisory Group meeting; Christmas activities & events(breakfast with Santa, Carols in the park, markets) Tree Planting – SCYC 23 November- Rossville;

November

17- 19

Council meeting; Waterfront Advisory Committee meeting

19

Cape York Local Marine Advisory Committee – open to community; Council

Chambers

24-26

Northern Gulf Resource Management Group board & community meetings in Mareeba

December

18

Staff end of year recognition awards

Expenses Claimed

Date	Details	Amount

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Total		
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Payment requests for meeting travel to be submitted

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Cr P Scott

Mayoral Activity Report - October 2014

Date			
20/10/14	Nthn Shire	Council & community meeting Coen	Sports field amenities Grant pending
21/10/14	Portland Roads	Community meeting	Signage & events support
22/10/14	Lockhart River	Meeting with Council	Boundary redefinition & ED opportunity.
22/10/14	Napranum	Tour & meeting with Council	Joint ED opportunity.
23/10/14	Weipa	Meeting with Rio Tinto & Town Authority	Joint ED opportunity
	Mapoon	Meeting with Council	Tour and meeting with Council
27/10/14	Mackay	LGAQ Annual conference	Tidy Towns win Remuneration tribunal CDL motion passed Key note address by Katrina
31/10/14	Flaggy Road Cooktown	CY Family Therapy Bluecare executive	Handover to Blue care Aged care retirement village proposal
1/11/14	Events Centre	Hsg & Invstmt forum	Info gateway, prospectus
3/11/14	Chambers	Cooktown 2020	250 th anniversary of Cook
4/11/14	Chambers	Economic Development Group.	Projects update
	Ambulance stn	LAC AGM	Reelected chairman
5/11/14	Office CDCC	Vets Community Housing	Investigate regional service Gen meeting
7/11/14	Mareeba	Freight Forum	CSIRO road mgmt tool TRANSIT
11/11/14	ANZAC park	Remembrance Day	Address
12/11/14	Brisbane	ARENA, Lyon Infrastructure, Bernard Power	Lakeland Solar Farm Weipa Issues
13/11/14	PCYC Waterfront	School Awards evening Russian invasion	Address
14/11/14	RSL Units	Rentals	OSH & NRS reqmts

Upcoming meetings

15/11	Cairns	JRL End of year trip
21/11	Cairns	RDA

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22/11	Bloomfield	Community meeting
26/11	Chambers	LDMG
27/11	Chambers	Interagency Group
1/12	Mareeba	Community Cabinet
2/12	Cairns	Mayoral Round Table

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PLANNING AND ENVIRONMENT

30880	SITUATION UPDATE AND REQUEST FOR FUTURE DIRECTION FOR DA/ 2909 – MATERIAL CHANGE OF USE FOR OUTDOOR RECREATION (SPORTS OVAL AND ASSOCIATED INFRASTRUCTURE) ON LOT 772 ON PLAN SP235309, ROSSVILLE BLOOMFIELD ROAD, ROSSVILLE	
	<i>Report No.AD14/5914 from Director Planning and Environment</i>	

Cr R Bowman moved; seconded Cr S Clark

That Council not continue with Development Application DA/2909, making a Material Change of Use for Outdoor Recreation (Sports Oval and associated Infrastructure) on Lot 772 on Plan SP235309, Rossville Bloomfield Road, Rossville, and withdraws the application.

CARRIED

Précis

- Applicant:** Cook Shire Council
PO Box 3
Cooktown Qld 4895
Attention: Tina Fleming
- Owner:** Cook Shire Council (Trustee over Recreation Reserve)
Letter of Resource Entitlement from Dept. Environment & Resource Management 20th July 2011.
- Location:** Crooked Creek Reserve, Rossville Bloomfield Road
Rossville.
- RPD:** Lot 772 on SP235309
- Area:** 3.271 Hectares
- Zone:** Conservation Zone
- Proposed Use:** Sports Oval and Associated Infrastructure
- Classification:** Outdoor Recreation
- Referral Agencies:** Department of Environment & Resource Management (DERM) – within 100 metres of a Conservation Estate
- Submissions:** Two Submissions, one with an attached petition with 79 Signatures.

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Report

Council on the 27th October 2011 lodged a development application DA/2909 for Making a Material Change of Use (Impact Assessable) for Outdoor Recreation on Lot 722 on Plan SP235309 (Crooked Creek Reserve) Rossville.

Processing of the application has progressed as follows:

- An Acknowledgement Notice was issued on the 27th October 2011, identifying the Department of Environment & Resource Management (DERM) as a Concurrence Agency for vegetation and the Department of Environment & Resource Management (DERM) as an Advice Agency for development within 100 metres of a Conservation Estate. The Acknowledgement Notice also advised that the public notification period for this application was 30 business days;
- Copies of the application were sent to the relevant Referral Agencies on the 27th October 2011;
- The Department of Environment and Resource Management issued an Information Request that was received by Council on the 4th January 2012;
- Council responded to the information request on the 9th January 2012;
- Advice Agency Response – Referrable Conservation Estate – SPAR03568911 received 18th September 2012;
- Letter received from Department of Natural Resources & Mines dated 6th August 2013 advising that the application is now entirely exempt from requiring approval to clear native vegetation due to an amendment to the Sustainable Planning Act 2009 (2nd August 2013);
- The Development application DA/2909 was revived by Council (Assessment Manager) on the 13th September 2013;
- Notice of Public notification commencement dated 02/12/2013 given to Council;
- Notice of compliance for public notification received 15th January 2014;
- During the public notification period submissions were received from Gungarde Community Centre Aboriginal Corporation and Jabalbina. The Gungarde Community Centre submission had a petition attached with seventy nine (79) signatures.

Gungarde's submission states that: *"There are other environmentally friendly, less expensive alternate options, like increasing the existing oval at Rossville School, and or Upgrading the Ayton Oval, these options have been written about in the local news, which Chairman Warren Kulka and I have spoken to with Mayor Peter Scott about. The road conditions between these venues have had major improvements and the time to travel to either location is minimal, and will get even better when the upgrade is complete"*.

The attached petition stated : *"We the undersigned request that this project be terminated for the following reasons: Because the proposed site has a number of*

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significant cultural sacred sites including burial sites from Traditional Owner families and it is home to many of our native animals and plants for this area and provided Nyungkal people with the cultural materials for spear making ect. Impact of a sports oval development in this area would cause major damage and effect the wildlife also disturb sites that need to be protected under the Cultural Heritage Act 2003. With this development there is a high risk of soil erosion and rubbish/chemical runoff into the surrounding waterways which is accessed by most Rossville residents for drinking water, as they pump daily out of the creek. This area was labelled as endangered vegetation act through DERM & WET TROPICS.

We recommend that Council adopt either one or both of the options below. By doing this they will eliminate interfering with cultural protocols and considerable costs that will be a burden on the Cook Shire rate payers.

- 1. The existing oval at Rossville State School could be extended without considerable damage to the environment and with little cost. By doing this it will eliminate the need and the huge costs.*
- 2. Ayton Oval and Facilities need to be brought up to a higher standard as the existing playing field is a hazard for the players”.*

Jabalbina’s submission states: “Under the Duty of Care Guidelines (6.1 and 6.2) the geographical features of the land in question are high priority and likely to possess Anthropological and Archaeological significant values.

Jabalbina is quite concerned, and requests that a Cultural Assessment be carried out by the Bana Yarralji Rangers and the Kuku Nyungkal Traditional Owners of the area.”

- Council has extended the Decision Making Period for this application until 30 November 2014.

Given the above submissions and the length of time since the application was first lodged, Council officers now seek clarification from Council as to whether Council wishes to continue with this application (Decision Making Stage).

Recommendation

That Council not continue with Development Application DA/2909, Making a Material Change of Use for Outdoor Recreation (Sports Oval and associated Infrastructure) on Lot 772 on Plan SP235309, Rossville Bloomfield Road, Rossville, and withdraws the application.

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30881	ADVICE IN RESPECT OF APPROVAL REQUIREMENTS FOR THE CONSTRUCTION OF A DAM	
	<i>Report No.D14/13132 from Town Planning Officer</i>	

Cr R Bowman moved; seconded Cr K Price

1. That Council continue to regulate the design and construction of in-stream dams in Cook Shire as code assessable operational work under its planning scheme;
2. That Council increase the threshold of excavation to up to 100 cubic metres (from the current 10 cubic metres) to qualify for code assessable development in the Rural Zone and further, that Council make an exemption for off-stream “turkey nest” dams requiring approval. The draft planning scheme should be amended to reflect this;
3. That Council note the obligations to have an RPEQ sign off on the design and construction of assessable dams.

Further that Council request the Department of Natural Resources and Mines to provide a definition of “In-stream”

And further that Council express its serious concern at the charges imposed by the State Agencies for referral of development applications which are stifling economic development.

CARRIED

Crs A Wilson, G Shephard and S Clark requested that their vote against the motion be recorded.

Background

At its October Council meeting the issue of approval requirements for the construction of dams in Cook Shire was raised. We have been requested to outline the approval processes for construction of a dam at both the Council and State level to assist Council in making an informed decision in relation to the extent it wishes to remain involved in the regulation and approval of dams and to gain a better understanding of the role a Registered Professional Engineer of Queensland (RPEQ) plays in the design and construction of a dam.

In preparing this report we have had the benefit of reviewing the (undated) letter to Council’s Director of Engineering Services outlining professional engineering obligations for the design and construction of dams. We have also reviewed relevant State approval requirements for dams in addition to looking at a number of other regional local government planning schemes to gauge their level of consistency with the current Cook Shire approach to regulating dam approvals.

The Sustainable Planning Act

The Sustainable Planning Regulation 2009 (Schedule 3) sets criteria for the State to take on the role of assessment manager for the construction of dams as code assessable development. It introduces the concept of requiring a dam to be “failure impact assessed”. Dam impact assessments, which would have to be undertaken by a RPEQ, are required in circumstances where more than 8 metres in height and either where there is a storage capacity of more than 500ML or more than 250ML and a catchment area that is more than 3 times the dam’s maximum surface

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area at full supply level. There is an exception to this in circumstances where the Chief Executive has given written notice to have the dam assessed regardless of the size.

The State's interest does not therefore extend to regulating the design and construction of all dams. This is left to local government to consider in setting levels of assessment in its planning scheme.

With the State involved in the assessment of dams, depending on the the particular circumstances of a proposal, there is the potential for a range of referral agencies to be triggered in the assessment of a dam application including the Departments of Transport and Main Roads (proximity to a State controlled road), Natural Resources and Mines (dam safety and vegetation management), Department of Agriculture, Fisheries and Forestry (GQAL, the fishery etc). These State referrals, where applicable, through the State Assessment and Referral Agency all attract a fee for a dam proponent.

Review of other Local Government Planning Schemes

In our experience there would be very few, if any local governments in Queensland who opt out in regulating dam construction as “operational work” in their planning schemes. They do this through setting criteria around either the depth of excavation or the quantity of material removed. For example the following is a sample selected randomly:

Broadsound Planning Scheme- Carry out operational work not associated with a material change of use that involves excavation or filling : Code assessable where the site is located within an area below the 40 metre contour and involving or otherwise removing 100cubic metres or more of soil or sediment below 5 metres AHD

Nebo Shire Planning Scheme – Carry out operational work for excavating and filling, not associated with reconfiguring a lot or making a material change of use: Code assessable where the extent of cut exceeds 100 cubic metres or extent of fill exceeds 5000 cubic metres

Chinchilla Planning Scheme – Carry out operational work not associated with a material change of use: Self assessable where:

- a) less than a metre above or below natural ground level and involving less than 100cubic metres of material; or
- b) 1 metre or more above or below natural ground level and involving less than 50 cubic metres of material

and where complying with the acceptable solutions in the Rural Zone Code.

Code assessment otherwise, or if any applicable acceptable solutions are not met

Longreach Shire Plan – Same as Chinchilla

The Cook Shire Approach

Section 5.8 of the Planning Scheme requires a code assessment application in circumstances where filling and excavation involves more than 10 cubic metres of material or on a slope with a gradient of 15% or greater.

The relevant code, the Works, Services and infrastructure Code (Section 9.4.4 of the Planning Scheme) includes the following provisions against which an application must be assessed:

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Filling and Excavation	
PC 11 Filling and excavation does not result in the instability of a site or adjacent land.	<p>AS 11.1 Filling and excavation is no greater than 1.5 m in height or depth (above or below existing ground level).</p> <p>AS 11.2 Retaining walls and other structures used for the supporting of fill and excavated areas do not exceed 1.5 m in height.</p> <p>AS 11.3 Filling and excavation does not occur within 2 m of the site boundary.</p> <p>AS 11.4 Soil is not stockpiled in locations that can be viewed from adjoining properties or from a road frontage for more than 1 month.</p> <p>AS 11.5 Filling and excavation works comply with Australian Standard - AS 3798 <i>Guidelines on Earthworks for Commercial and Residential Development</i> as set out in Section D2 in the Development Manual Planning Scheme Policy.</p>
PC 12 Filling and excavation does not result in a change to the run off characteristics of a site or have a detrimental impact upon the site and nearby land.	<p>AS 12.1 Filling and excavation does not result in the ponding of water on the site or adjacent land.</p> <p>AS 12.2 Filling and excavation does not result in an increase in flow of water from the site to any other land or a transport corridor.</p> <p>AS 12.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse or overland flow paths.</p> <p>AS 12.4 Filling and excavation complies with the specifications set out in Section D2 – D7 of the Development Manual Planning Scheme Policy.</p>
PC 13 Filling and excavation does not result in a reduction of the water quality of receiving waters.	<p>AS 13.1 Filling and excavation does not occur within 20 m of any wetland and/or watercourse identified on the Watercourses and Wetlands maps.</p> <p>AS 13.2 Water quality complies with Section D5 of the Development Manual Planning Scheme Policy.</p>
PC 14 Filling and excavation is carried out so that the visual amenity of the area and the privacy of adjoining properties are not compromised.	AS 14 No Acceptable Solution specified.

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PC 15 Effective measures are put in place such that filling and excavation associated with site works and construction activity do not cause erosion.

AS 15 Filling and excavation and associated site works and construction activity are carried out as follows:

- ▶ Construction activity is timed to avoid periods of high rainfall;
 - ▶ Earth works/site regrading and rehabilitation is carried out at the completion of each stage of works;
 - ▶ Erosion/sediment control barriers/fences and drains are installed and maintained;
 - ▶ Hydro-mulching or similar treatment is applied to newly disturbed areas; and
 - ▶ Revegetation of a disturbed area commences immediately upon the completion of works on that area and is maintained for a period of at least 3 months.
-

The criteria for dealing with filling and excavation in Cook Shire have been carried through to the draft planning scheme. In light of the way other planning schemes are dealing with the extent of cut before triggering a code assessable development application, consideration should be given to increasing the threshold to 100 cubic metres in the Rural Zone.

Also, as discussed at the October meeting of Council, off-stream turkey nest dams are considered to be low risk and could be exempted from needing a code assessable application.

In our opinion, for all the reasons outlined in PC11 to PC15, above Council should continue to regulate the design and construction of in-stream dams. It is a legitimate planning and engineering function of Council in the same way that quarries are controlled as a land use but still regulated by the State.

Engineering Certification

On the issue of engineering certification for dams I have discussed this matter independently and directly with an experienced civil engineer (Will Higgins) who was the manager of engineering services in the former Atherton former Johnstone Shires in the 1990s through to mid 2000. He is currently in the employment of Toowoomba Regional Council.

He confirmed that there is no alternative to gaining RPEQ certification of dam wall construction for the obvious structural stability and public safety reasons. He also used a very recent example of the wall associated with a 1960's weir near the town of Yarraman failing during the 2011 floods in south-east QLD. Directly downstream and only 500 metres of the weir, the D'Aguilar Highway is located. The failure of the wall posed a significant public safety risk for users of that highway.

Council has the responsibility of signing off on the operational works for a dam, in compliance with the conditions in relation to its design and construction. This sign-off must be undertaken by a registered RPEQ and not through merely an administrative assessment by Council. In this regard the advice received from the Board of Professional Engineers is unequivocal.

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I note and concur with the advice of the Director of Engineering services in his email to the Honourable David Kempton MP dated 11th November 2014. It would appear that the only alternative to having the design signed off by an RPEQ is to have the design and works covered under a prescribed code, which I understand for dam construction would be near impossible.

Recommendation

1. That Council continue to regulate the design and construction of in-stream dams in Cook Shire as code assessable operational work under its planning scheme;
2. That Council increase the threshold of excavation to up to 100 cubic metres (from the current 10 cubic metres) to qualify for code assessable development in the Rural Zone and further, that Council make an exemption for off-stream “turkey nest” dams requiring approval. The draft planning scheme should be amended to reflect this;
3. That Council note the obligations to have an RPEQ sign off on the design and construction of assessable dams.

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NOTICE OF MOTION NO. 65 – WITHDRAWAL OF INFORMATION REQUESTS DAs 3307 & 3315

Motion withdrawn

NOTICE OF MOTION No. 65

I hereby give notice that, at Council's ordinary meeting to be held on 20 October 2014, I propose to move that Council,

1. in respect to Development Application No. 3307 (Lot 1 on SP147286) withdraw the request, dated 28 July 2014, to provide Council with an Engineer Certified design of the proposed dam; and
2. in respect to Development Application No. 3315 (Lot 219 on SP218120) withdraw part of the request, dated 9 September 2014, to provide Council with a re-issued plan to be checked, approved & signed by an RPEQ.

In support of this motion I offer the following –

On these applications dam safety has been addressed

- a failure impact assessment has been completed (FIA)
- a FIA is a comprehensive engineering study that is conducted and signed off by a registered Professional Engineer of Queensland (RPEQ).
- the FIA has demonstrated the proposed dams have a risk level of zero and therefore , if they were to fail, would pose no risk to people or infrastructure downstream.
- a suitably qualified and experienced person (Mr Jeff Benjamin of North Australia water strategies) has been engaged to design and oversee the construction of the dams in question.
- the dams are to be constructed by an experienced contractor (Far North Earthmoving) with an unblemished record.
- the dams in question are not on major rivers or watercourses .

The investment of these dams by the relevant applicants is an important investment to the future economical development and drought resistance of their farms. Without sufficient water storage a season failure could be devastating to their crops.

Dated this 8th day of October 2014

Alan Wilson
Councillor

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LAND TENURE

30882	PROPOSED CONVERSION OF TERM LEASE 0/207912 - LOT 9 ON PLAN SD18 - FOR RESIDENTIAL PURPOSES; PARISH OF MOOJEEBA; LOCALITY OF COEN.	
	<i>Report No.D14/12957 from Chief Executive Officer File No. 2.500.4; 2.501.18.</i>	

Cr P Johnson moved; seconded Cr G Shephard

That the Department of Natural Resources and Mines be advised that Council raise no objection to the conversion of Term Lease 0/207912 - Lot 9 on plan SD18 to freehold for residential purposes.

CARRIED

Précis

1. Raise no objection to the conversion of term lease.

Background/History

2. Council at its August 2014 meeting vide Resolution No.30811, resolved inter alia to advise the Department of Natural Resources and Mines that Council raise no objection to the renewal of Term Lease 0/207912 - Lot 9 SD18.
3. By letter dated 4 November 2014, the Department advised it was considering conversion of the term lease for residential purposes to freehold and could Council provide its views/comments that should be considered in relation to the conversion of the lease.
4. The existing lease is for residential purposes with and term a term of 20 years.
5. Planning and Environment advise that there are no outstanding issues; Engineering has not identified any issues.
6. The following recommendation is submitted for consideration.

Link to Corporate Plan

7. Key issues 4.2 Environmental Wellbeing and 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations.

Consultation

8. Nil.

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Legal Implications (Statutory, basis, legal risks)

9. Nil.

Policy Implications

10. Nil.

Financial and Resource Implications (Budgetary)

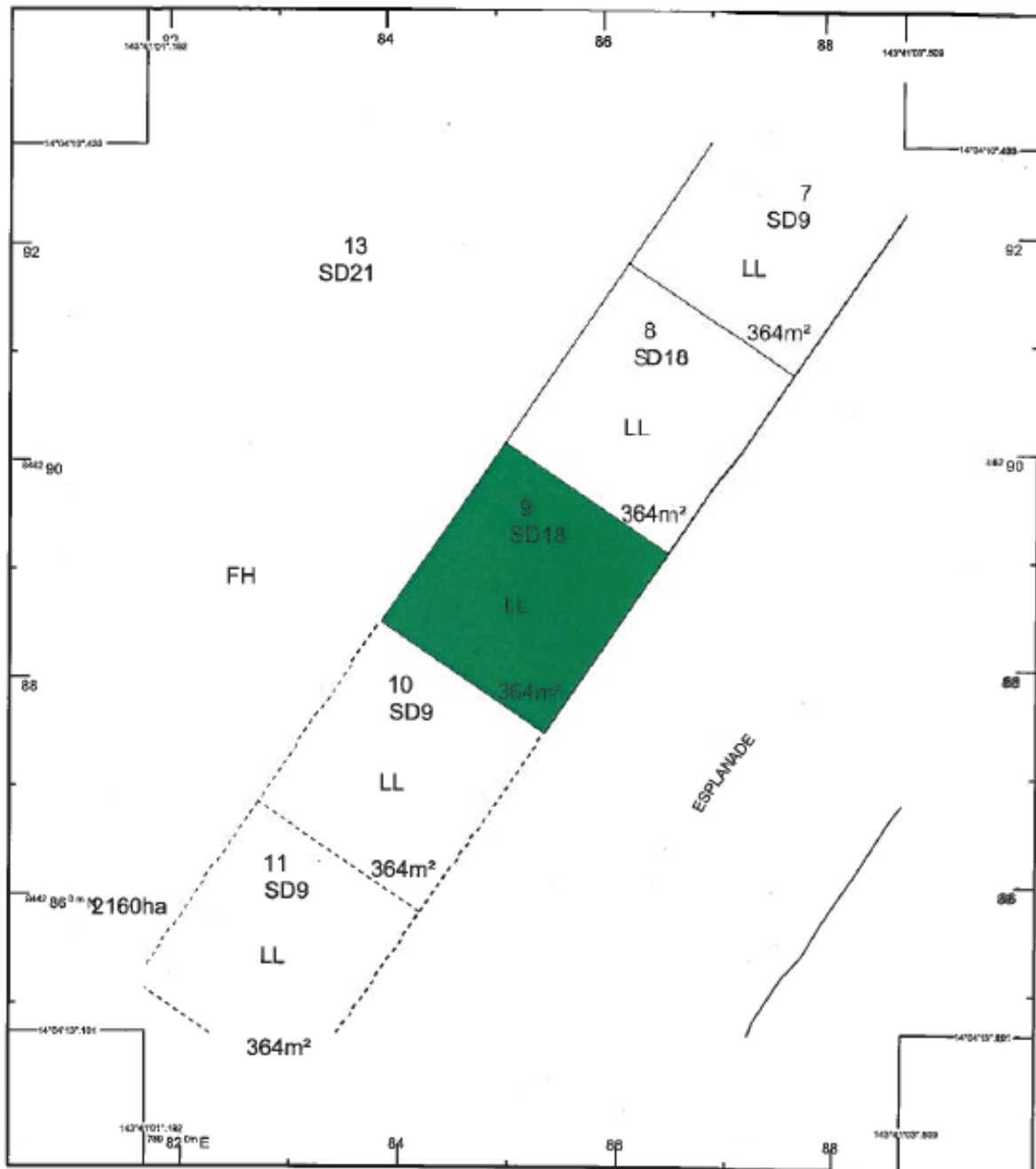
11. Nil.

RECOMMENDATION

That the Department of Natural Resources and Mines be advised that Council raise no objection to the conversion of Term Lease 0/207912 - Lot 9 on plan SD18 to freehold for residential purposes.

Att.
SmartMap
MapInfo area map

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STANDARD MAP NUMBER
7669-41311



SmartMap

An External Product of
SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	852/18
Area/Volume	364m²
Tenure	LANDS LEASE
Local Government	COOK SHIRE
Locality	COEN
Parish	MOOLEBA
County	SIDMOUTH
Segment/Parcel	8104/135

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 04/11/2014
For additional information regarding this SmartMap see page 2.
Shading Rules have been applied.

DCDB: 03/11/2014

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Resources and Mines) 2014.

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ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

30883	ECONOMIC DEVELOPMENT GRANT PROGRAM 2014-2015	
	<i>Report No.D14/12771 from Director Economic Development and Community Services</i>	

Cr R Bowman moved; seconded Cr K Price

That the recommendations set out in the table contained in report no. D14/12771 be adopted.

CARRIED.

Précis

Economic Development Grants Program 2014-2015

Background/History

Cook Shire Council operates an Economic Development Grant program subject to the allocation of funding in the annual budget. The aim of the program is to provide assistance to organisations, groups or individuals to conduct projects, activities and events that will result in a demonstrated economic benefit to the Cook Shire region.

Grants are available in the areas of: Business development or employment generating activities; New industry feasibility studies; Marketing or promotion of the region; Industry events; Projects which support investment attraction in the region; Research or collaborative projects. There is one round per year.

Assessment Process

All applications were assessed against the following criteria:

Eligible applicants:

- An organisation that has a majority of members or customers within Cook Shire and;
- is a properly constituted not for profit organisation; or
- is a properly constituted for profit organisation (where the intended project will not return a direct profit to the applicant); and
- is a charitable organisation registered or sanctioned under the Collections Act 1966;
or
- is a properly constituted organisation acting as auspice for an individual or unincorporated group.

The criteria for assessment are:

1. How well the application aligns with Council's corporate and operational plans
2. The ability of the applicant to deliver the project, activity or event

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3. The level of demonstrated need for the project, activity or event and benefits to the wider community
4. Evidence of effective consultation and partnerships, undertaken during the project development.

Applications are capped at \$5,000 per year per organisation or project.

Background/History

This is the second Economic Development Grant.

Link to Corporate Plan

4.1 Leadership and Governance: activities that enable Council to progress long term community planning

4.2 Environmental Wellbeing: natural environment, environmental health services and sustainable development

4.5 Identity and Integrity: recognising that the lifestyle and character of the people is strongly connected to the history and sense of place

4.7 Economic Wellbeing: activities that bring improvements in financial status across the whole Shire

Consultation

Nil

Legal Implications (Statutory, basis, legal risks)

Nil

Policy Implications

Nil

Financial and Resource Implications (Budgetary)

Total budget for donations 2013-2014	\$20,000.00
Total amount requested	\$41,545.45
Total recommended for funding	\$14,718.00
Balance remaining	\$ 5,282.00

The following applications to the Economic Development Grants Program 2014/2015 have been received and assessed.

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Applicants

Applicant and or Event	Amount Request	Project Summary	Recommendation considerations	Funding Recommendations
Balkanu Cape York Development Corporation	\$4,545.45	Development of promotional materials for the Cape York Dreaming Track and the North Shore Track attendance at Victoria Caravan, Camping & Touring Supershow.	The organisation is outside the Cook Shire. The project will bring a direct return of profit to the applicant and does not demonstrate adequately how the project will improve the Cook Shire regional economy.	Not recommended
Lockhart River Arts Indigenous Corporation	\$5,000.00	Development of a series of limited design T-Shirts by local artists for sale to tourists. Ceramics workshop to develop pieces for sale to tourists.	The organisation is outside the Cook Shire. The project will bring a direct return of profit to the applicant and does not demonstrate adequately how the project will improve the Cook Shire regional economy.	Not recommended
Portland Roads Property Services	\$5,000.00	Provide historical information on the community through interpretative signage at key locations.	Demonstrated need and whole of community project. Provides opportunities for business success for the Portland community.	\$5,000.00
Cooktown Chamber of Commerce & Tourism	\$5,000.00	Produce and market Cooktown Regional Booklet and internet platform	The project demonstrates need and greater regional economic benefit.	\$5,000.00
Lakeland Progress Association Inc	\$5,000.00	Establishment of a progress association to address social, cultural and economic development in the Lakeland region through community engagement activities.	Group has applied for incorporation any funding is subject to evidence of incorporation. Project demonstrates a need and greater regional economic benefit. Recommend	\$2,218.00

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			establishment costs and launch event but not forward planning workshop.	
Cooktown Re-enactment Association	\$5,000.00	Develop a PowerPoint as an educational promotional tool presented at various Melbourne Universities.	Outstanding acquittal from previous round. Project does not demonstrate regional economic benefit through presentations. Recommend development of PowerPoint only subject to detailed quote.	\$500.00 (subject to quote and acquittal)
Nature's Powerhouse Gifts and Coffee Pty Ltd	\$5,000.00	Design and installation of direction signage to the Nature's Powerhouse.	The project will bring a direct return of profit to the applicant and does not demonstrate adequately how the project will improve the Cook Shire regional economy.	Not recommended
Burrgirrku Land Trust	\$5,000.00	Upgrade and repairs to the shed on the reserve to support administration centre on country.	The project will bring a direct return to the applicant and does not demonstrate adequately how the project will improve the Cook Shire regional economy.	Not recommended
Cooktown Photo graphics & Framing	\$2,000.00	Develop a pictorial coffee book for Cooktown "10 must see places in Cooktown." Any profits to be returned to Cooktown Historical Society.	Project will enhance visitor stays in the area with a map guide. Project will support regional economic benefit.	\$2,000.00

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CORPORATE SERVICES

FINANCE

30884	REVENUE AND EXPENDITURE – OCTOBER 2014	
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Cr R Bowman moved; seconded Cr A Wilson

That the Revenue and Expenditure Statements for October 2014 be adopted

CARRIED

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30885	DEBTORS WRITE OFF	
	<i>Report No.D14/12870 from Accounts Receivable</i>	

Cr P Johnson moved; seconded Cr R Bowman
That Council write off the outstanding amount of \$236.60
CARRIED

Précis

Debtor Report – Request to write off outstanding debt.

Background/History

This debt dates back to 6/6/2012.

The overdue amount of \$236.60 is for landfill fees.

This account was referred to ARL (Australian Receivable Limited) on 6/3/2013 and despite many attempts by them to set up payment arrangements each time no payments were made. The customer was very difficult to make contact with.

The account was sent back to us on 16/12/2013

I finally made contact and arranged to meet the customer to make another payment arrangement. The arrangement was for \$10.00 per fortnight and once again no payments were forthcoming.

After a few more phone calls we received a payment of \$100.00 on 20/5/2014 but nothing since. Monthly statements have been sent but no more payments have been received.

I feel we have exhausted all avenues for recover of this debt and it is highly unlikely this debt will be recovered

Consequently the outstanding amount of \$236.60, which remains owing to Council is unlikely to be recovered and request to write off this amount.

Link to Corporate Plan

Long term financial sustainability.

Consultation

Nil

Legal Implications (Statutory, basis, legal risks)

Nil

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Policy Implications

Nil

Financial and Resource Implications (Budgetary)

Nil

RECOMMENDATION

That Council write off the outstanding amount of \$236.60

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ADMINISTRATION

30886	WATERFRONT ADVISORY COMMITTEE	
	<i>Report No. D14/12288 from Chief Executive Officer</i>	

Cr R Bowman moved; seconded Cr K Price

That the minutes of the Waterfront Advisory Committee meeting held on 16 October 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 16 October 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 16 October 2014 be received.

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MINUTES OF WATERFRONT ADVISORY COMMITTEE\

16 OCTOBER 2014

ATTENDANCE Michael Czarnecki, Leonie Dowding, Tony Lickiss, Martin Cookson, Kaz Price, Sue Clark, Penny Johnson, Peter Scott (Mayor), Steve Wilton, Russell Bowman, Karen Nicolaou, Lisa Miller, Phyl Bray, Katrina Houghton, John Harrison, Mark Marziale.

APOLOGIES Alan Wilson, Glen Shephard.

The Mayor, “Cr Peter Scott, opened the meeting at 9.49 am on 16 October 2014.

Cr Penny Johnson moved; seconded Cr S Clark

Minutes of the previous meeting of the committee held on 20 August 2014 be confirmed.

CARRIED.

BUSINESS ARISING:

- Land Tenure – Steve advised that an application has to be made to the State to issue tenure as part of the approval of the rock wall.
- Fishing Club is happy for alterations to the boundary of its lease subject to a 52 metre easement along the waterfront, however, State does not issue easements over reserves so if the tenure is an esplanade the club will have full access to the waterfront. If they want a private function they can come to Council for a permit. Native title will have to be dealt with as a non-claimant application
- Amenities block, toilet block, Pergola Tony advised that we are just on budget for these items. He advised that he had gone back to the structural engineer to reduce the amount of concrete in the footings by changing from a suspended floor to an articulated floor. This new design will save \$150,000 - \$200,000. The footings will be changed from 750 mm to 450 mm. Two tenders, one for \$890,000 and the other for \$1,100,000 have been received and Council will go back to these with the new design. Concrete will also be removed from the Pergola.

GENERAL BUSINESS:

- Time frames.
 - Next 3 weeks
 - Pricing back from tenders (3-5 months delivery)
 - ‘Bond beam completed in 6 – 7 days
 - Laying manifold and pads for water park.
 - Sand pile will be removed.

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- Dredge spoil
 - 8 – 10,000m³ remaining.
- Common Trench
 - A common trench will be used for Telstra, Ergon, Irrigation and sewerage.
 - Sewerage plant pump and pipes have been ordered.
 - Stormwater pipes ordered – will go in in next 2-3 weeks.
- Open Day
 - It was proposed to have a controlled open day for the public to view and walk the site.
 - Also the Ministers could be invited to lay pavers.
- Kid's Playground
 - This has not been looked at yet – will not until the end.
- Budget
 - Budgeted break down tabled.
- Water Park Surface Colours
 - Splash free area –
 - Burnt amber
 - Sunrise
 - Sunset Fire
 - Arctic White – small pebbles.
 - Teenage end
 - Jade Breeze
 - Juvenile area
 - Purple
 - Little kids area
 - Crystal Blue

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30887	ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS	
	<i>Report No.D14/14035 from Director Corporate Services</i>	

Cr A Wilson moved; seconded Cr R Bowman
That Council adopt the Annual Report 2013/14.
CARRIED

Précis

The 2013/14 Annual Report is presented to Council in accordance with the *Local Government Act 2009* and compliant with the *Local Government Regulation 2012*.

Background/History

Council's Annual Report outlines the activities of Council for 2013/14 and in accordance with *Sections 182 to 190* of the *Local Government Regulation 2012* contain the following:

- S 183: Financial Statements including the financial sustainability statement, the long term financial statement and auditor general's report for the current year.
- S 184: Community Financial Report – a summary of the financial statements.
- S 185: Particular resolutions – (not applicable 2013/14).
- S186: Councillor details – remuneration, expenses, meetings attended and complaints if applicable.
- S 187: A statement on Council's complaint processes.
- S 188: Details of any overseas travel – (not applicable 2013/14).
- S 189: Grants to Community organisations.
- S 190: Other contents including -CEO's assessment of Council's progress in implementing the Corporate Plan, a summary of rate concessions, a list of registers and a report on the 2013/14 internal audit.

Link to Corporate Plan

CEO's assessment of the progress Council is making towards the goals of the Corporate Plan.

Consultation

No public consultation required

Legal Implications (Statutory, basis, legal risks)

Must comply with the *Local Government Act* and the *Local Government Regulation 2012*.

Policy Implications

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Financial and Resource Implications (Budgetary)

Complies with Australian Accounting Standards.

RECOMMENDATION

That Council adopt the Annual Report 2013/14.

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COMMITTEE OF THE WHOLE

30888	COMMITTEE OF THE WHOLE	
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Cr A Wilson moved; seconded Cr S Clark
That the meeting resolve into Committee of the Whole at 11.41 am on 18 November 2014 to discuss native title.
CARRIED

30889	COMMITTEE OF THE WHOLE	
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Cr P Johnson moved; seconded Cr S Clark
That the meeting revert to the ordinary meeting of Council at 11.45 am on 18 November 2014 after discussing native title.
CARRIED

30890	PROPOSED LETTERBOX CREEK COMMUNITY PURPOSE RESERVE FOR CULTURAL, ENVIRONMENTAL AND RECREATIONAL PURPOSES - LOT 3 ON PLAN SP161903: PROPOSED ALTERNATIVE RESERVE AREA – WITHIN RUNNING CREEK – LOT 4 ON PLAN SP161903.	
	<i>Report No.D14/13028 from Chief Executive Officer File No. 2.85.150,151 & 174; 2.650.38(17, 218)</i>	

Cr G Shephard moved; seconded Cr P Johnson

1. That the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs be advised that Council agrees to the proposed alternative reserve within the Running Creek area, Lot 4 SP161903, as depicted by GPs coordinates provided by your Department on submitted plan, Map Ref.: 130627_SK_RunningCreek_LW_v4 Date: 17/09/2014.

All actions, including survey, application fees, ILUA actions, legals, etc are to be at no cost to Council.

Council further advised that it was granted sole trusteeship of the proposed Letterbox Creek Reserve (Lot 3 on Plan SP161903), and its position is that it retain sole trusteeship of the proposed alternative reserve area within Lot 4.

Council supports the proposed road closures/opening as depicted on submitted plan, Map A Proposed Road Closures/Opening Letterbox Creek Area.

2. That the letter be cc'd to Yintjingga Aboriginal Corporation

CARRIED

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The meeting closed at 3.20 am

Mayor

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	TRAFFIC COUNTER FIGURES												
	OCTOBER	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPT	OCTOBER
	2013		2013										2014
M.R.D. GAZETTALS													
PENINSULAR DEVELOPMENTAL ROAD													
Little Laura River	263	152	***	***	***	32	88	477	429	518	430	433	344
Musgrave	196	134	10	10	10	10	57	133	251	359	321	236	236
Coen Aerodrome D.P.I.	138	81	17	5	2	2	26	117	208	282	N/A	N/A	N/A
MULLIGAN HIGHWAY													
Town Grid	1409	1133	***	***	1138	1224	1358	1624	2088	2263	2055	1876	1876
Little Annan Bitumen	549	***	***	340	340	400	373	598	597	748	723	***	***
ENDEAVOUR VALLEY ROAD													
Endeavour Falls	384	381	269	368	368	331	435	378	402	499	475	484	484
COOK SHIRE COUNCIL ROADS													
Moreton	86	****	17	6	0	1	22	44	143	226	155	142	89
Portland Roads Road	61	48	26	23	18	19	22	43	69	110	80	Counter Burnt	N/A
Battlecamp Road [Old Laura Stn]	*	N/A	N/A	N/A	N/A	N/A	N/A	***	N/A	90	57	43	23
Lakefield Rd [Olivevale]	87	31	29	8	***	6	12	56	142	201	139	133	115
Lakefield Road [New Laura Stn]	85	25	7	5	1	4	4	30	**	152	116	117	163
Marina Plains Road	72	17	3	3	3	3	21	22	32	***	***	33	33
Rossville-Bloomfield Road [Blackpinch]	Roadworks	Roadworks	Roadworks	Roadworks	Roadworks	Roadworks	Counter Reinstated	***	***	***	365	***	***
Rossville-Bloomfield Road [Willie Creek]	328	310	258	197	204	191	208	231	305	408	327	296	296
Rossville-Bloomfield Road [Granite Creek]	329	326	272	122	178	121	***	188	352	456	397	333	333
Honey Dam Rd													N/A
Byerstown Lookout	63	50	51	36	36	46	70	146	195	256	148	86	86
Whites Creek Rd											27	21	18
Poison Ck Rd [Minke Rd Intersection]	243	300	***	217	217	***	334	240	283	202	***	*	*
Poison Ck Rd [500m West of Minke Rd Intersection]	141	122	135	96	123		*	*	*	REMOVED	REMOVED	REMOVED	REMOVED
Railway Avenue East [Minke Rd Intersection]	66	75	77	87	87	64	***	74	92	102	84	REMOVED	REMOVED
Isabella - Mc Ivor Rd					N/A	10	19	23	25	39	35	41	45
Charlotte Street (Seaview Motel)	2791	2814	2567	2540	2540	2507	2671	2688	2695	2888	2508	2435	2435
<p>**** Hose moved from road by mtnce gang.</p> <p>*** Hose Damaged</p> <p>** Reading Suspect</p> <p>* Counter Defective</p>													
<p>These figures are Average Daily Traffic counts.</p> <p>On 5/09/14 the Portland Rds counter was moved to the west of the Lockhart Township intersection</p> <p>Later in Sept the Portland Rds counter was burnt in a bushfire. It is being replaced.</p>													