

AGENDA AND BUSINESS PAPERS
18-19-20 May 2015

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ATTENDANCE:

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

MEETING OPENED

The Mayor, Cr PH Scott declared the meeting open at 9.05 am on 19 May 2015

APOLOGIES:

Nil

NOTICE OF BEREAVEMENT:

Advice has been received of the passing of Harold Lee.

As a mark of respect one minute silence was observed.

CONFIRMATION OF MINUTES

30991	CONFIRMATION OF MINUTES OF ORDINARY MEETING
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Cr S Clark moved; seconded Cr R Bowman

That the minutes of the Ordinary Meeting of 20-21-22 May 2015 be confirmed.

CARRIED

BUSINESS ARISING:

Nil

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COUNCILLORS' REPORTS

Cr A Wilson

23rd April Attend CYSF Meeting regarding re-election of Board
7th May Attending site inspection Laura Dance Festival
11th May Took part in Tele-conference with Working Group Thoughtful Travelling
Cape York.
The item relating to Council is their plan to create Rest Area and Information
display at Lakeland public Toilets adjacent to Lakeland Sports Reserve.
14th May Took part in Tele-conference with LAWMAC Executive re the future of the
LAWMAC working Group.

Future Meetings

23rd May CYSF
25th May Laura Dance Festival
26th May Lakeland Progress Association
28th&29th May LAWMAC General Meeting

Cr G Shephard

- Attended the Principle Business Alliance meeting at Musgrave
- Attended the Anzac Day ceremony in Coen.
- Chaired the Coen Advisory Committee meeting in Coen.

Cr S Clark

Meetings

DATE	TYPE	PURPOSE	WHERE	
20-21/4/15	Monthly Meeting	Cook Shire	Chambers	
21/4/15	State Government Rates and Infrastructure Charges	Cook Shire	Chambers	

Events Attended (as Councillor or part thereof)

DATE	TYPE / PURPOSE	WHO / WHERE
1/5/15	Partners in Recovery Workshop	Events Centre
25/4/15	ANZAC Day	ANZAC Park

Constituent Representation / Meetings

DATE	PHONE CALLS/ DISCUSSIONS	LETTERS
15/5/15	Grease Trap Waste	Person and phone calls

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Coming up Meetings and Events:

20 May CAN Meeting
 25 May Grazing best Practises in Cooktown
 3 June ED Meeting
 6 – 8 Discovery Festival Cooktown
 15 – 17 June Monthly Council Meeting Lakeland

Cr P Johnson

Usual meetings with fellow Councilors and:

Date	Type / purpose	Who /where	Action
20 Apr	Reef Guardian Council Steering Committee Meeting	GBRMPA, GBR Coastal Councils, RGC members; Brisbane	Future actions and projects, Council's action plans across all departments, land based projects to improve Water Quality and reduce erosion/sediment in to the GBR
21 Apr	Governing Councils training	LGAQ Brisbane	Complete
22 Apr	Queensland Treasury Corporation & LGAQ Finance Summit	Brisbane	Update on funding, financial position(state & federal) Lobby Minister Trad & others re NDRRA, PDR & Hann/ Kennedy routes; Better Councils Better Communities program; QTC project framework analysis tool; LGAQ Benchmarking; NDRRA issue affects all councils
23 Apr	Governing Councils Training	LGAQ Brisbane	Complete
27 Apr	Meet Garry Kerr, successful applicant Director ED & CS	Council Chambers, Councilors & staff	Commences 1 June

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28 Apr	Breakfast meeting	Damien Blunden, Helena Wright(Dept Prime Minister & Cabinet), Mayor	Federal Priorities, future programs, local issues
29 Apr	Afternoon Meeting	BLT and Damien Blunden	Guest / Observer
1 May	Partners in Recovery	Events Centre; Agencies, NGO's, Q Health, CDCC	Mental Health initiatives
4 May	Panama TR4 Regional Working Group meeting	Tablelands regional Council; DAFF, Police, Ambulance, Emergency Services, regional Councils	Containment, education & awareness, biosecurity, risk assessment,
4 May	Reef Rescue Project governance committee meeting	Cape York NRM & CYSF; joined by teleconference	Provide oversight of project management
5-7 May	Cape York NRM governance training	CSIRO Atherton; directors & staff	Participate in Governance training & Strategic Planning
7 May	TRC Community Services – community plan consultation	TRC Director Community Services & staff	Share with CSC and implement applicable initiatives here budget allows
11 May	Roads meeting- internal	Relevant Directors & staff	Ongoing
12 May	Youth Network meeting	CDCC & members	Heywire funds available for youth initiatives – Ag, Mental Health
13 May	LGAQ Audit officer	Council	Meeting on 4 June with Audit Committee

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where	Action
25 Apr	Anzac Day Dawn Service & Anzac Park Service	Grassy Hill	Honour all who have contributed to our Country (people & animals)

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Constituent Representation/Meetings

Phone calls/ Discussions/ meeting	Letters/emails minutes	Action
WTS, Sanitary Waste-pumping & storage concerns	Dump hours & Buy Back Shop closure	Follow up with Waste Coordinator
Potential civil contractors in Cook Shire	X 2; local residents working with reputable civil companies	Referred to EOI & suppliers panel processes; PDR opportunities; may present to Council at a further date
Waste collection- 3 rd St Ayton At least 3 rd report of same		Request collection truck being able to collect from residences rather than at bottom of road; Dust mitigation & whoo- boy at top of road
Weeds – Coen, Batavia Road; potential weeds on Stones Crossing route		P&G have inspected & will action in Coen; Batavia road – combined responsibility for landowner & road authority Funding dependant – limited/ virtually non-existent
Road openings – Battlecamp & Lakefield	Delayed due to funding constraints- but is critical to opening of Tourism season across Cape York	Currently no funds to pay for Cook Shire employees to supervise flood damage work- Federal & State issue affecting local governments across Queensland
Tourism development in western Cape York- Cook Shire & Aurukun	Potential collaboration & cross promotional opportunities	Maintain contact and connection with CSC Tourism officer

Future activities:

May

- 21 Cape York Local Marine Advisory Committee – 6.30pm Council Chambers
- 23 Meeting with Cape York NRM communications officer- Vision statement
- 23 Bloomfield residents meeting – cemetery; wharf; tourism
- 24 Beach clean up – North Shore, Elim Beach, Walker Bay, Archer Pt
- 25 Ag Force Grazing BMP program- Cooktown 9-4pm
- 25 Site visit Lakeland
- 25 Tourism & promo opportunity –Bondi Rescue and film crew en route to Cape York;
Miss World Australia visiting Cooktown overnight!
- 27 & 28 Rotary Field Days – Mareeba Cape York NRM & Northern Gulf Resource
Management groups; Represent Cook Shire.
- 29 Farewell Dinner- Endeavour Christian College principal& meet new Principal

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June

	CEO Tim Cronin & ED/CS Director Garry Kerr commence in their roles
1	
3	Economic Development meeting
3	Employment & training meeting
4	Queensland Treasury – meeting with Council
6-8	Cooktown Discovery Festival
10	TTNQ Board meeting in Cooktown
15-17	Council meeting – Lakeland Downs
20-21	Laura Dance Festival
26-28	Laura races, Rodeo & Campdraft
29- 1 June	Cape York NRM board meeting – Steve Irwin Reserve

Cr R Bowman

Meetings

Date	Type / purpose	Who /where
	General Council Meeting	
	CDCC Board Meeting	
	CYLMAC up coming	

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where
	ANZAC day Dawn and mid morning service	
	Drinks with Bruce & Gwen (with a session on tell us that you thought or heard)	

Constituent Representation/Meetings

Date	Phone calls/ Discussions	Letters/ Minutes
	Waste / cardboard / recommended to contact Kristina	
	Wharf / Waterfront	
	4AM radio goal to rebroadcast	
	Subdivision Clark	
	Road network to open the tourist loops to stimulate economic benefit to region	

Up Coming meetings

Cooktown Chamber of Commerce
CYLMAC

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Cr K Price

Meetings

Date	Type / purpose / venue
20-21 April	CSC March General Meeting
20 April	CEO Interviews
22 April	Rates Workshop
23 April	Home for Good – final strategic meeting

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where
20-24 April	Home for Good survey period	
25 April	Dawn and 11am ANZAC Day services	

Constituent Representation/Meetings

Date	Phone calls/ discussions	Letters/ minutes	Councilor requests/ Outcomes
		Signage at Weary Bay	Referred to Engineering
		Library Hours at Bloomfield	Sorted. Was official closure
		Bloomfield and Hinterland Aviation – advice to deal direct, rather than through Council	
		Bloomfield Radio issues	

Wrote Letter to Editor – 29 April – addressing issues raised by constituent letters to the editor over previous weeks

Coming up:

Bloomfield Residents Association – Saturday 23rd May
Treasury Meeting – 4th June

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Cr P Scott – Mayor

Mayoral Activity Report – April 2015

Date	Venue	Meeting	Issues /outcome
22/4/15	Office	rates workshop Cape Alumina	Interviews
23/4/15	Swiss Farms Teleconf PCYC	Dams Panama Branch review	Mgmt committee
24/4/15	Office teleconf	Dept Hsg Bloomfield track steering committee	State Land use for affordable hsg.
28/4/15	Sovereign	Dept PM & Cabinet	NDRRA, BLT
30/4/15	Turf Club	Tourism & Events	
1/5/15	PCYC	Partners in recovery	Address mental illness
4/5/15	Atherton	Panama TR4	Regional steering committee
5/5/15	Office	Borucca Farms	Access
6/5/15- 13//5/15	Brisbane	Wedding	
16/5/15	Kilarney	Harold Lee	

Upcoming meetings

20 May	CYIP	Teleconf
25 May	RDA	Cairns
28 May	Interagency	Chambers
1 June	FNQROC	Cairns
9 June	DDMG	Teleconf
12 June	Internal Audit	Office

The meeting adjourned for morning tea at 10.38 am and resumed at 10.59 am on 19 May 2015

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PLANNING AND ENVIRONMENT

Cr S Clark informed the meeting of her material personal interest in the following matter in that she was a part owner of the land the subject of the application. Cr Clark left the Chambers at 10.59 am on 19 May 2015 and did not take part in the meeting whilst the matter was dealt with.

30992	APPLICATION FOR A DEVELOPMENT PERMIT - DA/3379 - FOR RECONFIGURING A LOT (1 INTO 2 LOTS) LOCATED AT MT AMOS ROAD, COOKTOWN (LOT 1 ON RP902192), COOKTOWN	
	<i>Report No.D15/8570 from Planning Consultants – Reel Planning Pty Ltd</i>	

Cr A Wilson moved; seconded Cr R Bowman.

That the application by Marilyn Clark for the Reconfiguration of Lot 1 on RP902192 into two (2) lots be approved, subject to the conditions set out in the recommendation contained in Report No. D15/8570.

CARRIED

Précis

Applicant:	Marilyn Clark c/- Projex Partners PO Box 2133 CAIRNS Qld 4870
Owner:	Barry, Marilyn, Eric and Susan Clark
Location:	Mt Amos Road, Mt Amos Qld 4895
RPD:	Lot 1 on RP902192
Area:	227.8 Hectares
Zone:	Rural
Proposed Use:	Development Permit for Reconfiguring a Lot (1 into 2 lots)
Referral Agencies:	Nil

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The site is a single lot with a total area of 227.8 hectares and is irregular in shape (see figure 2 below). With the exception of the existing hard rock quarry and access road, the site is vegetated and vacant of any structures. Land in the north east of the site is steep, with a ridge running in a north-west south-east direction. Land to the south and west of the site is used for rural living purposes, with some small scale grazing activities.

Notably, land adjoining the site in the northwest corner (between the site and the Mulligan Highway), described as Lot 74 on SP156409, was subject to an application for extractive industry which was approved by Council (but later dismissed as a result of an appeal by the owners of the subject site). Work undertaken as part of the aforementioned application and appeal demonstrated that there was a workable resource on this adjoining site.

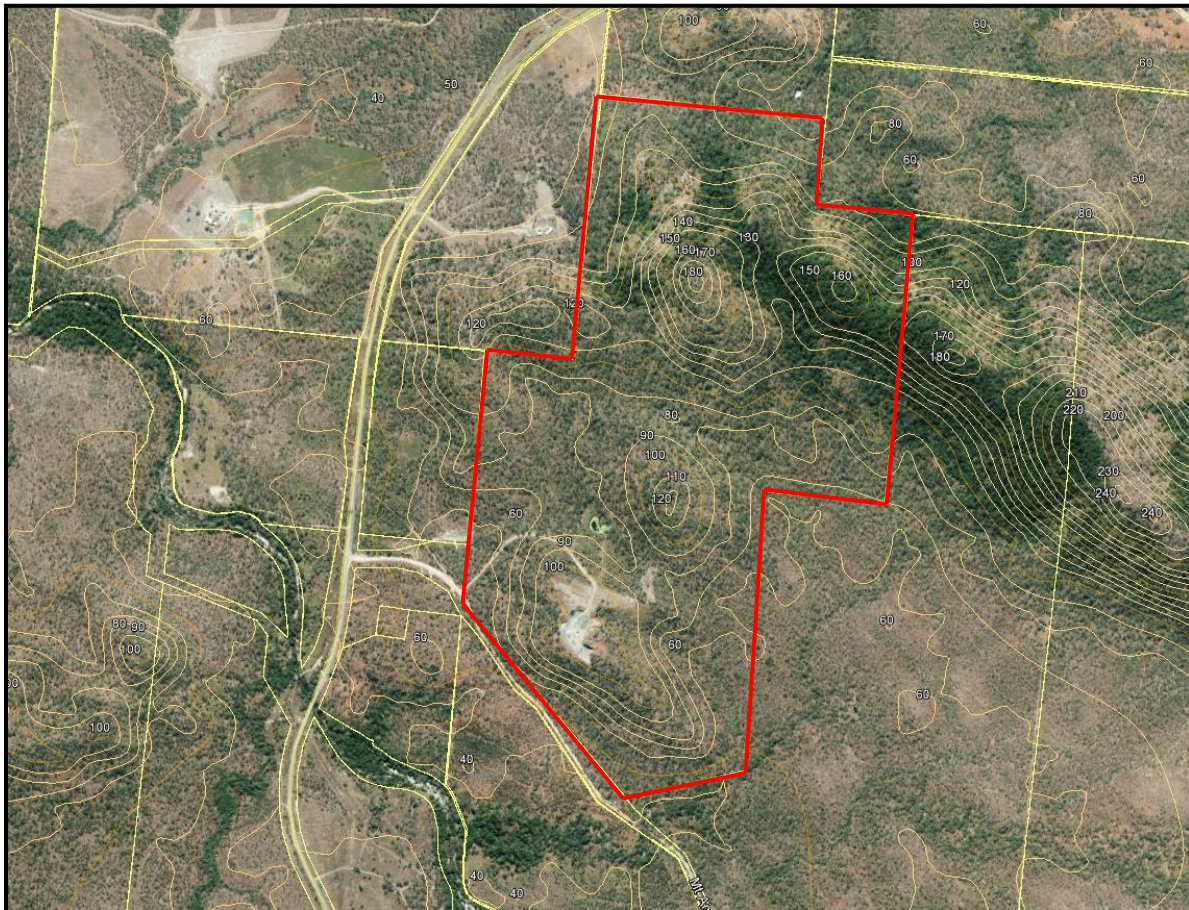


Figure 2: Site and Surrounds

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Background

During the assessment of the application Council issued an Information Request dated 18 February 2015 that asked the applicant to:

1. Provide a building location envelope outside a 500m buffer to existing and potential extraction locations or in the alternative, provide an assessment of noise, dust and vibration impacts from those locations to show that any future dwelling would be unaffected.
2. Demonstrate compliance with an overall outcome of the Rural Zone Code which seeks to strengthen the rural economy
3. Demonstrate that the proposed access to Lot 2 is able to be constructed to allow all weather access.

The applicant's response to the information request was dated 25 March 2015 in the form of a letter response and annotated aerial photos showing separation distances between the lots and various features.

Town Planning Considerations

1. Statutory

The subject lot is zoned Rural Zone under Cook Shire Council's IPA Planning Scheme. The Reconfiguring a Lot Application is Code Assessable, which means it must comply with the relevant Planning Scheme Codes including (in this case):

- Rural Code;
- Reconfiguring A Lot Code;
- Works Services & Infrastructure Code; and
- Natural Hazards Code.

2. Codes

(i) Rural Code

The overall outcomes of the Rural Code are:

- *The Rural Zone incorporates a range of agricultural, 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*

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- 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 designed to mitigate any significant environmental impacts; and*
 - ***Existing extractive industry operations and known resource bodies are protected from the encroachment of incompatible land uses.*** (Bold added)

Response

The proposal is considered to demonstrate only partial compliance with these overall outcomes:

- The site does not represent GQAL;
- The land is not identified as Future Urban Land;
- The site is serviced by adequate road infrastructure;
- The land is located away from sensitive land uses;
- The subdivision is unlikely to have any impact on the scenic landscape values or rural character of the land; and
- Intensive rural activities are not proposed.

However

- It has not been demonstrated how the proposal will strengthen the rural economy; and
- The proposed lots have the potential to restrict the future extractive industry activity on land to the north, south and east.

An assessment of the proposal against the Performance Criteria of the Rural Zone Code is provided below:

Performance Criteria	Proposal Compliance
Land Use	
PC 1 Land use is primarily rural in nature. A range of non-rural uses are also located in this zone where they are complementary to the primary rural use (eg Roadside Stall) or where they have a direct and necessary connection to the wider rural community (eg. Veterinary Facility).	<p>The proposal involves creating an additional allotment that meets the minimum lot size for the Rural Zone. The result of the proposal is nevertheless likely to be the use of the new allotment for residential purposes. Such a use has the potential to compromise legitimate resource extraction activities (existing and potential) in the immediate locality.</p> <p>This matter is discussed later in this report.</p>

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Performance Criteria	Proposal Compliance
PC 2 The land use aspirations in any Indigenous Land Use Agreement (ILUA) are recognised.	The land is not identified within or close to that identified in an ILUA.
Scale and Density	
PC 3 Buildings are of a scale and design that is appropriate for a rural area.	No buildings are proposed as part of this application.
Amenity and Setbacks	
PC 4 Buildings and structures are setback from road frontages and adjoining sensitive uses and landscaping and other measures (eg earth mounds and solid fences) are provided within this setback to: <ul style="list-style-type: none"> • Complement the character of the area; • Minimise adverse impacts on roads and adjoining properties; and • Minimise the impact of dust on residents of the rural lot. 	<p>No buildings are proposed however the lots are of a sufficient size to incorporate the necessary road setbacks.</p> <p>There is the potential for amenity impacts associated with the existing and proposed hard rock quarry located adjacent to the proposed allotment. This is discussed later in this report.</p>
Design	
PC 5 Advertising Devices: <ul style="list-style-type: none"> • Consist of a single flat panel mounted on posts; and • Are well maintained; and • Do not create visual clutter; and • Are designed so as not to impact on the amenity of the locality; and • Are designed so as not to detract from the character and amenity of the locality or to create a traffic hazard. 	No advertising devices are proposed as part of this application.

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Performance Criteria	Proposal Compliance
Protection of Extractive Resources	
PC 6 Existing extractive industry operations and known resource bodies are protected from the encroachment of incompatible land uses.	<p>There is the potential for future residents of the new allotment to be affected by dust, noise and vibration impacts from the surrounding quarries and the associated risk that existing or future extraction activities will be limited due to potential impacts on residents.</p> <p>This is discussed later in this report.</p>
Erosion Prone Land	
PC 7 In an Erosion Prone Area, there are no adverse impacts on habitat, soil cover or water quality and no significant threats to public safety, infrastructure integrity or the economic value of the Erosion Prone Area.	The site is not in an erosion prone area.
Watercourse Protection	
PC 8 Where land uses or works occur adjacent to wetlands and/or watercourses identified on the Watercourses and Wetlands maps, there are no significant adverse effects on: <ul style="list-style-type: none"> • Water quality; • Ecological and biodiversity values; or • Landscape quality. 	There are no watercourses identified on the Watercourses and Wetlands Maps over the site. There are some gullies and smaller watercourses that traverse the site, however these are unlikely to be affected by the construction of an additional house in the future.
Acid Sulfate Soils	
PC 9 Natural or built environments and human health are not harmed by the production of acid leachate resulting from disturbance of potential and/or actual acid sulfate soil by: <ul style="list-style-type: none"> • Avoiding disturbance of such areas; or • Treating and managing the disturbance to minimise the volume of acidic leachate within manageable levels, and • Treating and managing surface and groundwater flows from areas of acid sulfate soils to minimise environmental harm. 	The proposal does not affect any land at or below 5m AHD so will not have any effect on acid sulfate soils.
Pest Management	
PC 10 Movement of State Declared or	The applicant will be conditioned (as part of

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Performance Criteria	Proposal Compliance
environmental pest plants and pest animals is prevented by: <ul style="list-style-type: none">▶ Not introducing any new declared or environmental pest plants or animals on to the property; and▶ Not allowing seed or plant parts of declared or environmental pest plants to leave the property.	this application or a later application for building or operational work) so not to introduce any state declared or environmental pest plants or animals.

(ii) Reconfiguring a Lot Code

The overall outcomes of the Reconfiguring a Lot code seek to achieve the following:

- New lots are to be suitable for their intended use and appropriately designed and sited given the local landscape and topography;
- The layout represents an efficient use of the land;
- Suitable areas of public open space are provided;
- There is no impact on the Shire's water resources;
- GQAL is not compromised ; and
- The road design provides for the convenient and safe movement of people and vehicles.

Response

The proposal is considered to generally comply with these overall outcomes:

- The future location of a house can be conditioned such that the lots are suitable for their intended use and appropriately sited;
- The layout of the proposed allotments is reasonably efficient;
- A subdivision of this size does not warrant provision of public open space;
- The subdivision is unlikely to result in an impact to the Shire's water resources
- The land is not identified as GQAL; and
- Access can be conditioned to provide for the convenient and safe movement of people and vehicles.

The following performance criteria are relevant to the assessment of the application:

PC1- Land configuration – The proposal complies with the minimum lot size of 100 hectares specified as an Acceptable Solution for land in the Rural Zone.

PC2 - Subdivision Design – PC2 requires practical access to the external road system. Given the existing use of proposed Lot 1 for a hard rock quarry, it is an appropriate outcome to separate the access to proposed Lot 2. This access nevertheless needs to be both safe and convenient and the applicant has not demonstrated (either in the application or in response to Council's Information Request) that all weather practical access is available. It is recommended that a condition be

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included requiring the applicant be required to submit a design and construction methodology for the access road prior to the sealing of survey.

PC4 – Rear Lots – PC4 states that rear lots are only created in exceptional circumstances where justified by the need to protect amenity or where the sites physical characteristics make this form of subdivision more practical. In this case, the subdivision line is dictated by the existence of a hard rock quarry at the southern end of the site. To the extent the subdivision represents an appropriate use of the land, the proposed rear allotment is appropriate in the circumstances.

PC5/PC6 – Access Handle – PC5 requires that the access to a rear allotment is of sufficient width and standard to accommodate emergency vehicles. PC6 requires that an access handle minimise impacts on adjoining allotments, allow all weather practical access, prevent erosion, dust and stormwater drainage problems. As discussed in response to PC2, a condition is recommended that requires the applicant to submit a design for the proposed access to Lot 2.

PC8- Public Open Space –No dedication is required as part of this application. A monetary contribution will be required in accordance with Council’s policy.

PC12- Protection of Extractive Resources – This performance criterion reads:

PC 12 Reconfiguration does not lead to land use conflict that could compromise the operation of extractive resource deposits within the Shire

The acceptable solution states that new allotments must be 500m from extractive resource sites shown on the planning scheme overlay map.

While the current Scheme mapping (The Mineral and Extractive Resources Areas Map) showing extractive resources in the Shire is very broad brush, it would appear that the extractive resources in the vicinity of the subject site are not mapped. On that basis in a strict sense, the proposal complies with PC12. That in itself, however, does not excuse compliance with PC6 and the related overall outcome of the Rural Zone Code.

In framing the Council’s Information Request for this application Council Officers have “borrowed” from the acceptable solution (AS12) of achieving a 500 metre buffer from an extractive industry site (in the absence of any other standard in the planning scheme).

Refer to the discussion below in relation to the buffer issue with this application.

(iii) Works, Services and Infrastructure Code

This code seeks to ensure infrastructure is designed and constructed to a suitable standard and that works, services and infrastructure do not cause environmental degradation or increase the risk of natural hazards.

Specific performance criteria within this code of relevance to this application include:

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- PC1 requires a rain water tank with a minimum capacity of 50000 litres to be installed for each residential dwelling unit, as the land is outside the Council's reticulated water area. In this case the site is not within the reticulated water area however a connection may be possible. Otherwise, tanks can be provided at a later building application stage.
 - PC3 deals with sewerage disposal, however services can be provided at a later building application stage.
 - PC6 requires that land is provided with a suitable electricity supply. Connection to the electricity network is likely to be possible, however development in rural areas often takes advantage of alternative electricity generation methods such as solar.
 - PC8 deals with upgrading the road frontage and access. As indicated in response to the Reconfiguring a Lot Code, it is recommended that a condition of approval be included requiring submission of a design for the access road to ensure that suitable all weather access is available.

(iv) Natural Hazards Code

The overall outcomes for the Natural Hazards Code seeks to ensure that development is compatible with natural hazards in affected areas of the Shire, with impacts on existing developed areas to be minimised and ensuring that development does not materially increase the extent or the severity of natural hazards. In this case Bushfire is the primary threat to the site and it is recommended that a condition of approval be included that requires rainwater tanks for fire fighting purposes.

3. Referral Agencies

There were no referral agencies triggered by this application.

4. Public Notification

Public notification was not required for this application as it is code assessable and no informal objections were received by Council.

5. Discussion

Impact on Extractive Industries

As noted earlier in this report, there is an existing hard rock quarry located on proposed Lot 1 and a known resource adjoining proposed Lot 2 to the west.

Through its Information Request, to demonstrate compliance with PC6 of the Rural Zone Code, Council Officers sought for the applicant to identify a building envelope on proposed Lot 2 outside a 500m buffer to proposed Lot 1 and the adjoining Lot 74. As an alternative, Council indicated it would accept a lesser setback for a future house if the applicant was able to demonstrate through lodgement of technical reporting that a future residence would not be

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affected by noise dust and vibration impacts from existing and potential extractive industry on the land. In response, the applicant argues a 500m buffer to the approved workings of the existing quarry is all that should be applied. This was not backed with any technical supporting information such as the requested noise/dust/vibration assessments.

The applicant's position is that the future owners of Lot 2 will be aware of the existence of existing and future extractive industry in the locality and will therefore have no rights of complaint. In our experience though inevitably any future complaints will be made to (and be the responsibility of) Council, rather than the vendor of the allotment. In the opinion of Council Officers, it would be inappropriate to create the potential for such a land use conflict.

The philosophy of the 500m buffer referenced in PC12 of the Reconfiguring a Lot Code is to create a separation between extractive industry and other sensitive land uses. The purpose is twofold, firstly to protect the amenity of future residents and secondly to protect extractive industry from complaints from those future residents. On the latter point, the Shire has a limited amount of extractive resources and it would be inappropriate to compromise an existing or potential resource in circumstances where there is not a demonstrated need for additional subdivision in the rural zone.

With the exception of the 500 metre buffer issue, our assessment of the proposal indicates compliance with the relevant provisions of the Planning Scheme. For this reason, it is considered appropriate in the circumstances to approve the development subject to a condition requiring the identification of a building location envelope for a future house on proposed Lot 2. Figure 3 below provides an indication of the area of proposed Lot 2 within a 500m buffer from proposed Lot 1 and the adjoining lot with a known resource. A conservative estimate is that over 50ha remains available for a future dwelling house to be sited.

As an alternative, it is recommended that the requirement for a building location envelope be waived in circumstances where the applicant is able to demonstrate (through lodgement of appropriate supporting information) that no adverse amenity impacts will result from the operation of the existing quarry and the operation of the adjacent potential quarry, on the future residents of a dwelling on proposed Lot 2, should the owner seek to locate the house within the 500 metre buffer.

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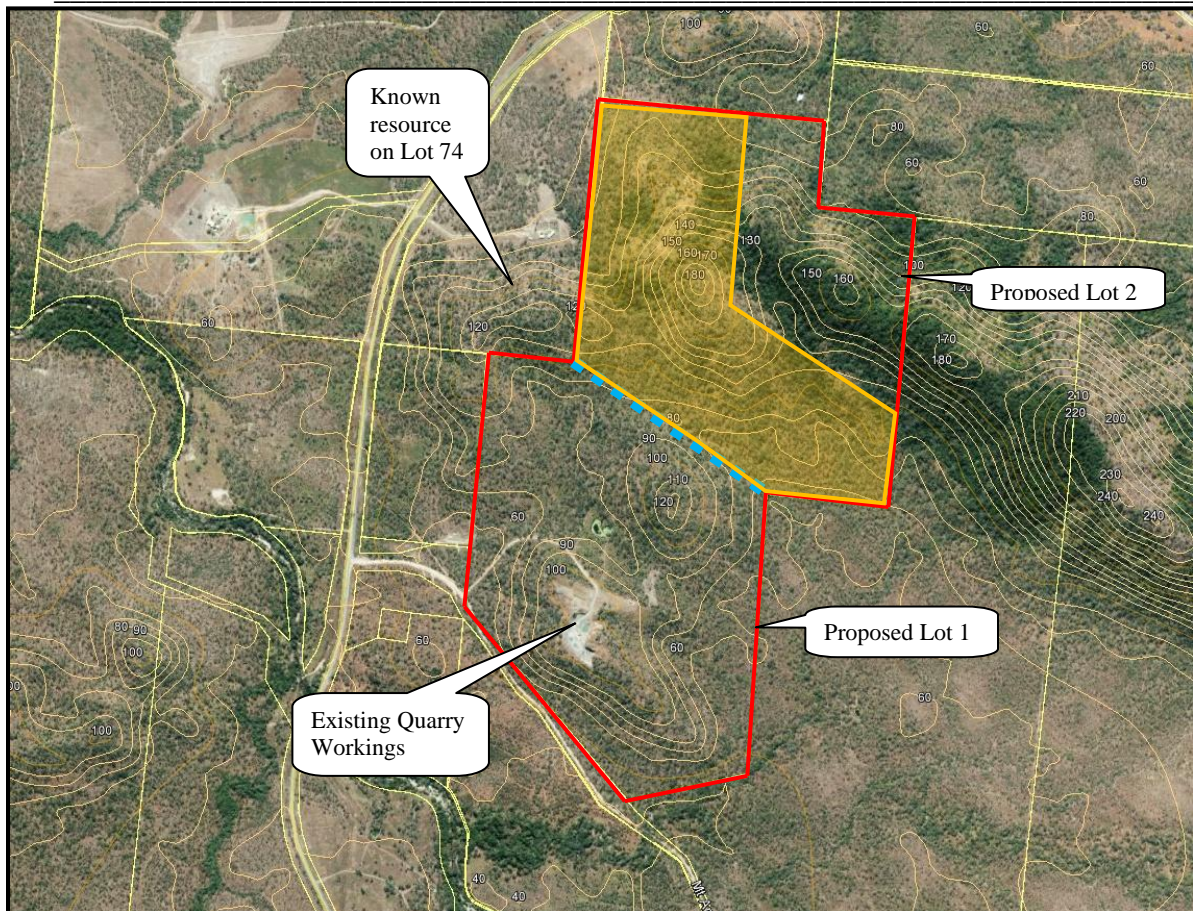


Figure 3: Approximate 500m buffer to adjoining resource lots (orange shading)

6. Recommendation

That the application by Marilyn Clark for the Reconfiguration of Lot 1 on RP902192 into two (2) lots be approved, subject to the following conditions:

A. Assessment Manger (Council) Conditions

Approved Plan

- 1) The development must be carried out generally in accordance with Plan 514-003-SK1, dated 13 January 2015, prepared by Projex Partners, except for any variation required to comply with these Conditions of approval.

Building Location Envelope

- 2) A Building Location Envelope is to be shown on proposed Lot 2. The envelope is to be a minimum distance of 500 metres from the boundary of proposed Lot 1 and the boundary of

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Lot 74 on SP156409. Prior to the issue of a Development Permit for Building work for a house on proposed Lot 2, the applicant must submit a Site Plan to the Director Planning and Environment Services, showing the siting of the proposed house within the Building Location Envelope.

In the event that the applicant/property owner wishes to locate a house on proposed Lot 2 outside of the approved Building Location Envelope, the applicant/property owner must demonstrate, to the satisfaction of the Director – Planning and Environment, that no potential adverse amenity impacts on the future residents of that house will result from extraction of existing or known quarry resources (on proposed Lot 1 and Lot 74 on SP156409). Where it has been demonstrated through supporting technical reports that there is no potential for residential amenity impacts, the house may be sited outside of the Building Location Envelope.

Access

- 3) Access to proposed Lot 1 must remain via the existing quarry access from Mt Amos Road.
- 4) Access to proposed Lot 2 must be from Mt Amos Road. Access between the road pavement and the lot boundary shall be constructed to the requirements of the FNQROC Manual prior to the endorsement of the Plan of Survey.
- 5) The applicant shall submit to the satisfaction of the Director Engineering Services, a design for the access driveway within the battle axe of proposed Lot 2, demonstrating that all weather access is available.

Effluent Disposal

- 6) Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS1547:2000 – ‘On-site domestic wastewater management’.

Water Supply

- 7) A separate source of water supply must be provided to each of the proposed allotments at the time of construction of a dwelling house. This would be satisfied by the provision of rainwater tanks with a minimum capacity of 50,000 litres of each lot. 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 the bore water or other supply to eliminate or reduce the requirement for on-site water storage.

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Fire Management

- 8) All lots must be maintained by the owners at all times so as not to create a fire hazard.
- 9) Each proposed lot must be provided with a separate water storage tank with a minimum storage capacity of 5000 litres and fitted with fire brigade tank fittings, for fire fighting purposes at the time of house construction

Electricity Supply

- 10) Each proposed lot must be provided with a reliable electricity supply at the time of construction of a house. Written evidence of such electricity supply must be provided at the time of lodgment of a building application for a house.

Public Utilities

- 11) The developer is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this approval.
- 12) Utilities design must be in accordance with the FNQROC Development Manual D8 Operational Works Design Guidelines “Utilities”.

Compliance

- 13) All conditions of this development permit are to be complied with prior to the Plan of Survey being submitted to Council for endorsement.

Outstanding Charges

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

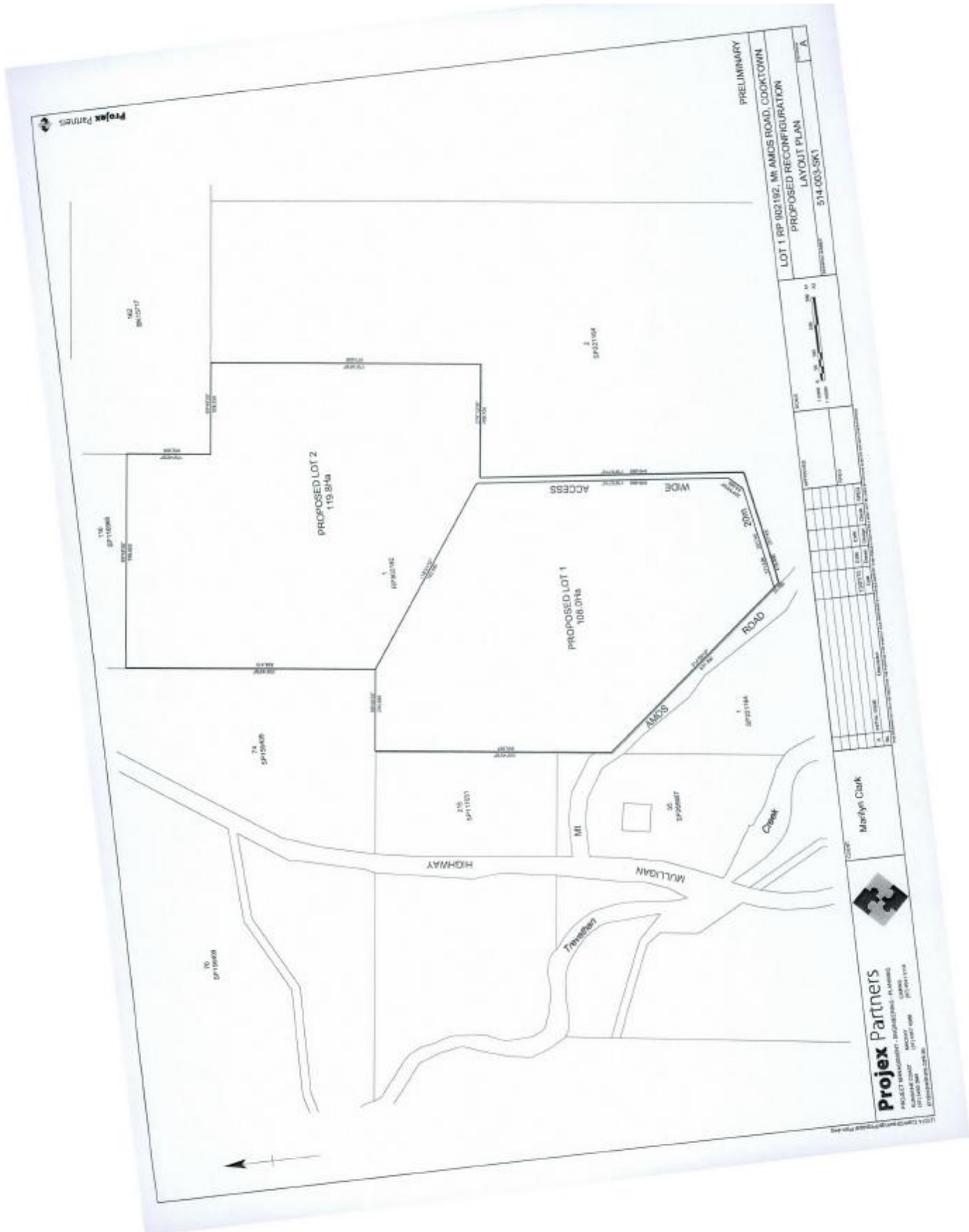
Signing and Sealing

- 15) The reconfiguration of a lot approved authorized by this Development Permit must be completed and the Plan of Survey submitted to Council for endorsement within four (4) years from the commencement of this approval or this approval will lapse.

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Appendix A: Approved Plan

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Cr S Clark resumed her seat in the Chamber after the above matter was dealt with.

30993	APPLICATION FOR A DEVELOPMENT PERMIT – DA/3401– FOR A BOUNDARY REALIGNMENT OF THE COMMON BOUNDARY (RECONFIGURATION) OF LOT 219 ON PLAN SP218120 AND LOT 142 ON PLAN RP912529 INTO TWO (2) LOTS	
	<i>Report No.AD15/1294 from Lisa Miller, Development Coordinator</i>	

Cr A Wilson moved; seconded Cr P Johnson

That the application by Thomas V Inderbitzin, Patricia S Inderbitzin, TVPS No.2 Pty Ltd, Peter J Inderbitzin, Franziska M Inderbitzin & Sharprock Pty Ltd - c/- Twine Surveys Pty Ltd for a Development Permit for Reconfiguration by way of boundary realignment of Lot 219 on Plan SP218120 and Lot 142 on Plan RP912529 located at Honey Dam Road and Peninsula Developmental Road, Lakeland into two (2) lots be approved subject to the Conditions set out in the recommendation contained in Report No. AD15/1294.

CARRIED

Précis

Applicant:	T V Inderbitzin, P S Inderbitzin and TVPS No.2 Pty Ltd and P J Inderbitzin, F M Inderbitzin & Sharprock Pty Ltd - c/- Twine Surveys Pty Ltd
Owner:	T V Inderbitzin, P S Inderbitzin and TVPS No.2 Pty Ltd and P J Inderbitzin, F M Inderbitzin & Sharprock Pty Ltd
Location:	Honey Dam Road and Peninsula Developmental Road, Lakeland
RPD:	Lot 219 on Plan SP218120 and Lot 142 on Plan RP912529
Area:	Lot 219 – 506.44 Hectares Lot 142 – 742.00 Hectares
Zone:	Rural
Proposed Use:	Realignment of the Common Boundary (Reconfiguration) of two (2) lots into two (2)
Referral Agencies:	Nil

Report

Application has been submitted to Council for the issue of a Development Permit for a Boundary Realignment (Reconfiguration) of two (2) lots, being Lot 219 on Plan SP218120 and Lot 142 on Plan RP912529 located at Honey Dam Road and the Peninsula Developmental Road via

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Lakeland. No additional lots will be created. The application is Code Assessable Development under the Cook Shire Planning Scheme.

Proposal

The Application proposes the Reconfiguration of Lot 219 on Plan SP218120 and Lot 142 on Plan RP912529 located at Honey Dam Road and the Peninsula Developmental Road via Lakeland, into two (2) lots, by way of boundary realignment of the common boundary between the subject lots. The realigned boundary will resolve issues relating to existing cultivated areas and allow expansion of a small Dam on site, giving the two (2) lots a more practical, efficient layout for rural farming activities.

- ◆ Proposed Lot 1 – 710.6 hectares
- ◆ Proposed Lot 2 – 537.9 hectares

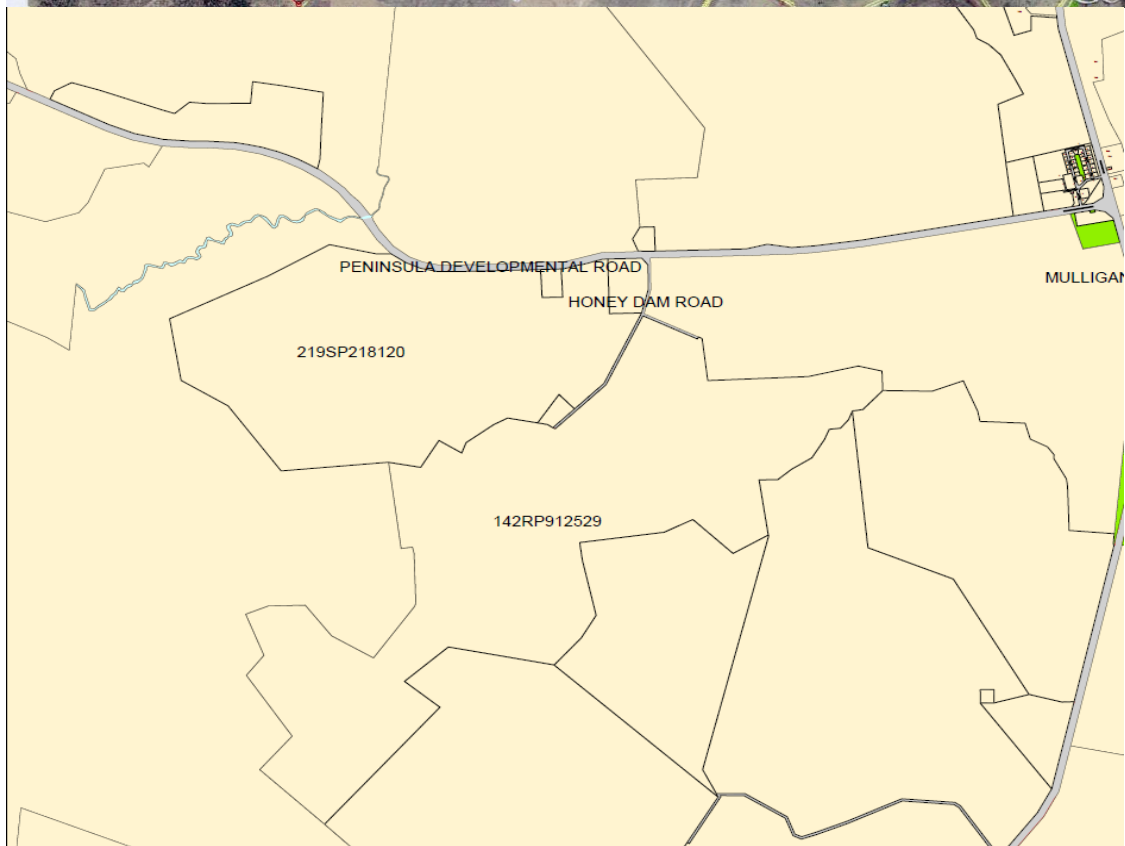
Access to all lots will be via existing accesses off Honey Dam Road, and the Peninsula Developmental Road. The proposed Reconfiguration is Code Assessable development under the Cook Shire Planning Scheme. There are no Referral Agencies for the purpose of this application.

The Site

The subject land is freehold and has frontages to Honey Dam, and Peninsula Developmental Roads and contains Honey Dam itself along with a smaller Dam. The lots are used for rural purposes with banana plantations and a variety of other commercial crops. The realigned boundaries will result in the two lots becoming more viable farming units.

The site contains two (2) existing easements for water supply purposes – Easements D and G on RP846859. Both lots are within the reticulated Electricity and Telecommunications service areas and have existing dwellings and farm infrastructure for rural purposes on the properties.

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Town Planning Considerations

Lot 219 on Plan SP218120 and Lot 142 on Plan RP912529 are zoned Rural under Cook Shire's Planning Scheme and the proposed Reconfiguration 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 agricultural, 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 the residents, visitors and tourists;*
- ◆ *New extractive industry operations utilise significant local resources and are appropriately located and designed 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 Reconfiguring a Lot in the Rural Zone

Council's Planning Scheme identifies the following Codes as being applicable to reconfiguring a lot in the Rural Zone, however not all these codes are triggered by the proposed development.

Applicable Codes (General)	Codes Relevant to DA/2685
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As a	• Cultural Features Code	Not applicable
	• Rural Zone Code	Applicable
	• Reconfiguring a Lot Code	Applicable
	• Works, Services and Infrastructure Code	Applicable
	• Natural Hazards Code	Applicable
	• Aviation Facilities and Operational Airspace Overlay Code	Not Applicable
	• Hillslopes Overlay Code	Not Applicable

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

Discussion

The proposed development is considered to be consistent with the intent of the Rural Zone and complies with the relevant Performance Criteria. This development is therefore recommended to Council for approval, subject to Conditions.

Recommendation

That the application by Thomas V Inderbitzin, Patricia S Inderbitzin, TVPS No.2 Pty Ltd, Peter J Inderbitzin, Franziska M Inderbitzin & Sharprock Pty Ltd - c/- Twine Surveys Pty Ltd for a Development Permit for Reconfiguration by way of boundary realignment of Lot 219 on Plan SP218120 and Lot 142 on Plan RP912529 located at Honey Dam Road and Peninsula Developmental Road, Lakeland into two (2) lots be approved subject to the following Conditions:

A. Assessment Manager (COUNCIL) Conditions

Approved Plan

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1. The development must be carried out generally in accordance with the proposal plan Drawing No. 7233-LL2 dated, 19.2.2015 Rev A, submitted with the application, except for any minor variations required to comply with the Conditions of this approval (see Appendix 'A').

Access

2. Access to proposed Lots 1 and 2 must be from the existing access points.

Public Utilities

3. 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".

Compliance

4. All relevant Conditions of this Development Permit are to be complied with prior to the Plan of Survey being submitted to Council for endorsement.

Outstanding Charges

5. All rates, services charges, interest and other charges levied on the land must be paid prior to Council endorsement of the Plan of Survey.

Signing

6. The Reconfiguration of a lot approval authorised by this Development Permit must be completed 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.

Appendix 'A'

<p>ASSIGNMENTS</p> <p>A - ORIGINAL</p>	<p>PROPERTY DESCRIPTION</p> <p>LOT 142 ON RP912529</p> <p>LOT 219 ON SP218120</p>	<p>REGISTERED OWNER</p> <p>P J & F M INDERBITZIN</p> <p>SHARPROCK PTY LTD</p> <p>TIPS N22 PTY LTD</p> <p>T V & P S INDERBITZIN</p>	<p>LOCAL GOVERNMENT: CSC</p> <p>LOCALITY: LAKEFIELD</p> <p>SITUATED AT :</p> <p>HONEY DAM ROAD & PENINSULA DEV RD</p>	<p>PROPOSED RECONFIGURATION OF A LOT (2 LOTS INTO 2 LOTS)</p> <p>DWG NO. 7233 - LL2 19.2.2015</p> <p>REV A</p>	<p>TS</p> <p>TWINE SURVEYS</p> <p>TWINE SURVEYS PTY LTD</p> <p>36 Mabel St, Alton 4883</p> <p>PO Box 146, Alton 4883</p> <p>P 07 40911303</p> <p>E info@twinesurveys.com.au</p>
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30994	APPLICATION FOR A DEVELOPMENT PERMIT– DA/3378 – FOR MAKING A MATERIAL CHANGE OF USE FOR AN EDUCATION ESTABLISHMENT (STAGE 3) ON LOT 27 ON PLAN C17945, LOCATED AT 12 CHARLES STREET, COOKTOWN.	
	<i>Report No.AD15/1249 from John Harrison Senior Town Planning Officer</i>	

Cr K Price moved; seconded Cr R Bowman

That the application under the IPA Planning Scheme by Christian Community Ministries Ltd for a Development Permit for making a Material Change of Use for an extension (Stage 3) to an existing Educational Establishment on Lot 27 on Plan C17945 located at 12 Charles Street Cooktown, be approved subject to the conditions set out in the recommendation contained in Report No. AD15/1249.

CARRIED

Précis

Applicant:	Christian Community Ministries Ltd PO Box 147 Kingston, Qld. 4114 Attention: Andrew Lennox
Owner:	Cook Shire Council
Location:	12 Charles Street, Cooktown
RPD:	Lot 27 on Plan C17945
Area:	11,910 sq metres
Zone:	Rural Residential
Proposed Use:	Development Permit (Stage 3) for Material Change of Use For an Educational Establishment
Referral Agencies:	Nil
Submissions:	Nil

Report

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Application has been made to Council under the current IPA Planning Scheme for the issue of a Development Permit for a Material Change of Use for an Education Establishment (Stage 3). An acknowledgement notice was issued on the 30th January 2015 and an information request was issued on the 10th February 2015. The applicant responded to Council's information request on the 18th February 2015, and the 4th March 2015.

Proposal

The current application is for a Development Permit for a material change of use for an Education Establishment. It represents Stage 3 of the Endeavour Christian College development following an approval in 2011 for Stage 1 and December 2013 for Stage 2. As part of the 2011 application the applicant also applied for a preliminary approval for Stages 2, 3 and 4 which was also approved by Council. The preliminary approval did not provide development rights but rather indicated Council's in principle support for those further stages.

The current application proposes a new building to facilitate the expansion of classes to Year 12 (the current school only caters from Prep to Year 9).

Specifically the application proposes:

- A new two story building south of the new B block (vicinity of existing oval and fronting Parkinson Street) containing Science Room, Science Preparation Room, Projects Room, Store Room, and Design and Technology Workshop, Machine Room and Material Store.

The December 2013 approval included a condition which limited the school to a maximum of 210 students and 13 staff. Following the construction of works associated with Stage 3, it is expected that the school will cater for up to 210 students and 15 staff (confirmed by Andrew Lennox).

The proposed development is Impact Assessable under the Cook Shire Planning Scheme.

The Site

The property is made up of a single lot with a total area of 11,910 sq metres and is regular in shape. The site is predominantly surrounded by rural residential properties however the existing Cooktown State School is located to the west along Charles Street.

The site has road frontage on three sides with a northern frontage to Charles Street, a western frontage to Power Street and an eastern frontage to Parkinson Street. Charles Street is a formed asphalt sealed road and although narrow at points, has passing opportunities. Parkinson Street at the end of Stage 2 will be asphalt sealed to the emergency ambulance access point for the oval including the Parkinson Street intersection.

The property rises gently from its Charles Street frontage at approximately 15 m AHD to its southern boundary at approximately 22.5m AHD. The site is heavily vegetated (where not developed for the existing school) and contains a number of rocky outcrops.

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Background

During the assessment of the application Council issued an information request dated 10th February 2015 that asked the applicant to:

- Provide an amended Site Plan showing the setback distance from the outermost projection of proposed Block D to the Parkinson Street property boundary (Acceptable Solution – 6 metres to the outer most projection of the building).
- Show the setback distance to the southern boundary from proposed Block D.
- Provide the percentage of total site coverage as per the end of Stage 3.

The applicant's response was received on the 18th February with an additional response on the 4th March 2015. The response to Council's Information is summarised below:

- The applicant submitted an amended site plan issue 'C' showing a setback distance of 6.066m from the wall to the Parkinson Street boundary. This calculates to 5.15m from the outer most projection of Block D to the Parkinson Street boundary.
- Amended plan shows a 18.743 m setback from the Southern boundary.
- The total areas of building including proposed Block D is 2,426 sq metres with an area of 1,619 sq metres for car parking. Site coverage calculates at 20.3% not 34% as shown on information request response (car parking is not included in site coverage calculations).

Town Planning Considerations

The proposed development is best defined under the Cook Shire Planning Scheme as :

“Educational Establishment – means the use of premises for a school or similar institution of learning. The term includes:

- ancillary accommodation and facilities for staff and students; and*
- the use of the establishment and its facilities by community groups or the general public.”*

1. Statutory

The subject lot is zoned Rural Residential Zone under Cook Shire Councils IPA Planning Scheme and is also covered by the Future Urban Expansion Footprint. A material change of use application for an Educational Establishment is an Impact Assessable development, allowing Council to look at the provisions of the Planning Scheme as a whole in assessing the application, including the strategic elements of the planning scheme. The following codes are also relevant:

- Rural Residential Zone Code
- Parking & Access Code

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- Works, Services & Infrastructure Code
 - Natural Hazards Code
 - Cooktown Locality Code.

2. Desired Environmental Outcomes (DEO)

The DEOs set the broad strategic direction for land use and development in the Shire and describe the desired outcomes for the land subject to this planning scheme (Cook Shire). They cover the following topics:

1. Economy
2. Environment
3. Settlement Patterns
4. Transport & Communications
5. Community
6. Rural Prosperity
7. Heritage
8. Safety

Those DEO's with particular relevance to this proposal have been addressed below:

DEO 1: A Strong Economy

“Cook Shire has a prosperous and growing economy, delivering jobs and rising living standards for all. The economy is centred around rural and extractive industries and tourism based on the Shire’s natural and cultural assets. Opportunities to diversify within and beyond these sectors are grasped and the Shire becomes more self-reliant in retailing and services.”

Response

The proposal seeks to expand a significant community facility in Cooktown and supports the Strong Economy DEO with the introduction of employment opportunities and the retention of students who might otherwise move to a regional centre for private school education.

DEO 3: Efficient Settlement

“Human settlement is consolidated in the existing towns and townships where it can be most cost effectively serviced. Cooktown functions as the largest administrative and commercial centre of the Shire, with Coen playing a significant role in the northern Cape York area. The smaller townships of Marton, Lakeland, Laura, Portland Roads, Ayton and Rossville serve their respective localities. Land and infrastructure is provided at an appropriate scale within each of these settlements, to allow adequate housing, community services, recreational space and opportunities for business and industrial activities.”

Response

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The proposal supports the Efficient Settlement DEO by virtue of promoting expansion of the existing community facility within the Urban Expansion Footprint in proximity to other community facilities in Cooktown.

DEO 5: A Proud Community

“The diversity of the Shire’s population is celebrated and community spirit is built through the provision of quality and accessible social, educational, sporting and recreational facilities. All social groups have the opportunity to participate in and make positive contributions to the growth of a strong and healthy community.”

Response

The proposal supports the Proud Community DEO by proposing an extension to an existing educational facility for the benefit of residents of the shire.

3. Overall Outcomes

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

- *Rural Residential areas provide large lots offering a high standard of residential amenity in a semi-rural setting;*
- *Rural uses are limited to low impact activities such as hobby farming, which are compatible with the rural residential nature of the surrounds and do not detrimentally impact upon local amenity via odour, chemical sprays, traffic or noise;*
- *Rural Residential 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;*
- *Where town water and sewerage are not available, domestic infrastructure is contained entirely within the boundaries of the site;*
- *Rural Residential areas do not alienate Good Quality Agricultural Land or compromise farming activities on adjoining Rural zoned land;*
- *Rural Residential areas have access to community services and facilities; and*
- *The environmental and biodiversity values of the Rural Residential zoned land are protected.*

While educational facilities are not anticipated to occur in the Rural Residential Zone it is significant to note that this application only represents an extension to an existing facility and in that respect, the potential for rural residential development to occur on this land is low. The subject site is also included in the Urban Expansion Footprint, so there is a reasonable expectation that at some point in time urban activities will occur on the land and in the locality. Grounds in support of the proposal include:

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- The use assists in achieving the DEO's for the Shire;
 - The use supports the future growth of Cooktown and surrounding localities while being located in the social and economic centre of the Shire;
 - The use represents a continuation of community facilities that currently exists along Charles Street and is an extension of an approved facility;
 - The site is surrounded by very low density residential dwellings and will have limited impacts on the amenity of the area; and
 - The site is able to be connected to Council services where required and conditions can be imposed requiring upgrading of access roads.

4. Codes

The following Codes are identified under the Cook Shire Planning Scheme as being applicable to an Educational Establishment in the Rural Residential Zone:

- Rural Residential Zone Code
- Parking and Access Code
- Works, Services & Infrastructure Code
- Natural Hazards Code

The proposed development for an Educational Establishment complies with the relevant Performance Criteria for the above Codes. Specific Performance Criteria of relevance to this application are detailed below:

Rural Residential Zone Code

- PC1 which requires that only low impact Rural Uses are developed on the land. In this case the proposal only involves the extension to an existing approved educational establishment.
- PC2 requires that the scale of new development be consistent with the low density rural neighbourhood, generally that of a single house on a lot. This proposal involves the extension of an existing educational establishment, however efforts have been made architecturally to ensure the proposed design is fitting for the area (consistent with the approved and constructed stages 1 and 2). This performance criteria must be considered in the context of the future urban expectation for development of the land.
- The proposal complies with PC3 that requires height and bulk consistent with the existing residential pattern.
- PC4 has an Acceptable Solution that buildings must be set back a minimum of 6 metres from road frontages and 1.5 metres from other boundaries. The proposed new building is set back to the Parkinson Street frontage 6.066 metres from the wall and only 5.15 metres from the outer most projection of the building. All other setbacks comply with the above requirements. The new building has eaves with a width of 900mm from the wall which is consistent with the approved setbacks distances for the class room block in Stage 2. The eaves also add to the architectural appeal of the building. In consultation with Council's Building Certifier, Council officers deem that the proposed development maintains a high

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standard of residential amenity and setback distances will not adversely impact on the residential amenity of adjoining properties or the streetscape, and therefore complies with PC4.

- PC5 specifies that buildings provide a high level of visual appeal and are in keeping with the predominant character of the area. The scale and design of the proposed building is considered consistent with the local character.
- PC6 requires landscaping of the site. Some landscaping was provided as part of Stages 1 and 2. Having regard to the type of use proposed and the vegetated nature of the site, it is considered that significant additional landscaping is unnecessary.
- PC7 requires the demonstration of safe and efficient vehicle movements. The proposed extension does not require any additional car parking and does not drastically impact on the safety or efficiency of existing vehicular arrangements.
- PC8 specifies that waste must be stored so not to be unsightly and is easily collected. In this case waste will continue to be stored in wheelie bins under a verandah , then moved to the entry of the ring road for waste collection.
- PC9 specifies the requirement for advertising devices. No new signs are proposed.

Parking and Access Code

The Parking and Access Code does not prescribe a parking rate for Educational Establishments so the applicant has adopted a rate of one (1) space for every fifteen (15) students and one (1) space per staff member. There is a maximum of 210 students proposed (upon completion of Stage 3) which will require 14 spaces and a maximum of 15 full time staff requiring fifteen (15) spaces. Accepting this parking rate, twenty nine (29) spaces are required in total and the applicant has provided fifty four (54) spaces including two (2) car parking spaces for disabled persons. This is considered satisfactory for the purpose of this application.

Works, Services and Infrastructure Code

This Code seeks to ensure infrastructure is designed and constructed to a suitable standard and that works, services and infrastructure do not cause environmental degradation or increase the risk of natural hazards.

Specific performance criteria within this Code relevant to this development application include:

- PC1 requires connection to Council's reticulated water system or provision of rainwater tanks. In this case the school was connected to reticulated water as part of Stage 1.
- PC3 deals with sewerage disposal. In this case the site is within Council's reticulated sewerage area and was connected to the system as part of Stage 1.
- PC5 seeks to ensure that there are no impacts as a result of stormwater runoff from the site. In this case (Stage 3) it is proposed to discharge storm water to Parkinson Street, to be accommodated in the upgraded road design.
- PC6 requires that the development is provided with a suitable electricity supply. This site was connected to reticulated electricity as part of Stage 1.

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- PC7 and PC8 deal with upgrading the road frontage and access. As part of Stage 1 the applicant was required to upgrade the Charles Street frontage. As part of Stage 2 the applicant was required to construct the Parkinson/Charles Street intersection as well as sealing Parkinson Street to the emergency ambulance access point to the school oval. As part of Stage 3 the applicant will be required to complete the sealing of the Parkinson Street frontage to Lot 27.

Natural Hazards Code

The overall outcomes for the Natural Hazards Code seek to ensure that development is compatible with natural hazards in affected areas of the Shire, with impacts on existing developed areas to be minimised and ensuring that development does not materially increase the extent or the severity of natural hazards. In this instance bush fire is the natural hazard of concern.

This development represents an expansion of an existing use on part of the site which is already partly cleared. While the overall site contains and is surrounded by significant vegetation (therefore some bush fire risk), it is nevertheless connected to Council's reticulated water supply, and bush fire buffers have been put in place as a condition of previous staged development. The development is considered to comply with the intent of the Natural Hazards Code.

Referral Agencies

There were no Referral Agencies for the purpose of this application.

Public Notification

The applicant fulfilled the requirements under *the Sustainable Planning Act 2009* for completing public notification. As described in the Notice of Compliance dated 21st April 2015 and received by Council on the 28th April 2015, the proposal was advertised in a paper circulated in the area (Cooktown Local News 26th March 2015), letters were sent to each adjoining land owner (25th March 2015) and signs were placed and maintained on the relevant road frontages (19th March 2015). No submissions were received during the Public Notification Period.

Discussion

The proposed development involves an extension to an existing private school (Endeavour Christian College) located at 12 Charles Street Cooktown. This development represents Stage 3 of the Endeavour Christian College's development programme and is considered generally in accordance with the Preliminary Approval granted in 2011 and the amended Master Plan reflected in the Stage 2 Plan of Development approved by Council on the 18th December 2013. This development will have a substantial community benefit to the people of Cooktown both in the provision of additional quality educational services and infrastructure upgrades (additional

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sealing of Parkinson Street). This development is recommended by Council Officers for approvals with Conditions.

Recommendation

That the application under the IPA Planning Scheme by Christian Community Ministries Ltd for a Development Permit for making a Material Change of Use for an extension (Stage 3) to an existing Educational Establishment on Lot 27 on Plan C17945 located at 12 Charles Street Cooktown, 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 the following plans (see Appendix “A”) submitted with the application in response to Council’s Information Request, except for any modifications required to comply with the conditions of this approval:

- Site Plan – Stage 3 Design Technology and Science Lab. – Drawing No.Sk01 Issue C – Dated 12/01/15
- Ground Floor Plans and Elevations – Drawing No. SK02 Issue B – Dated 17/12/14

Capacity

2. The maximum capacity of the school is capped at 210 students and 15 staff.

Services

3. The proposal must be connected to the reticulated water and sewerage systems and electricity supply at the time of construction at full cost to the applicant.
Electricity connection must be via underground power.

4. Sewerage and Water Main extensions or upgrades must be designed and constructed in accordance with the FNQROC Manual requirements at full cost to the applicant.

External Road

5. Parkinson Street must be upgraded to a six (6) metre wide asphalt seal including ancillary stormwater drainage, from the edge of the Stage 2 asphalt seal to the end of the Parkinson Street road frontage to Lot 27 prior to the use commencing. 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.

Operational Works

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6. Prior to construction commencing, Council will require approval of an Operational Works application for the following:

- Upgrading of Parkinson Street including ancillary storm water drainage (see condition 5)
- Erosion and sediment control plans for above road works

This application will need to include plans prepared by a Registered Professional Engineer Queensland 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. On completion of the works, the Council shall require a Certificate of Completion from a Registered Professional Engineer and a set of as constructed plans must be deposited at Council's Office.

Storm water

7. Storm water for Stage 3 must be directed to Parkinson Street and designed to Q5 standard in accordance with the FNQROC Manual.

Landscaping

8. The applicant must prepare and submit to Council a Landscape Plan for the Parkinson Street frontage of Stage 3 to the satisfaction of the Director Planning and Environment Services. The applicant must undertake the landscaping in accordance with the approved plan prior to the use commencing.

Construction Waste Management Plan

9. The applicant must prepare and submit to Council a Construction Waste Management Plan. The plan must be approved by Council's Director Planning and Environment Services prior to the issue of a development permit to carry out building works.

Environmental Protection

10. The applicant must ensure that no sand, soil or silt runoff occurs from the site during construction.

11. The applicant must ensure that no noise or dust nuisance is caused during construction.

Bushfire Maintenance

12. The site must be maintained to a standard so as not to create a fire hazard.

Certificate and Maintenance

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13. Upon completion of the works subject to the requirement for the Operational Works application in Condition 5 of this approval, a certificate from a qualified engineer is to be submitted to Council stating that the works have been carried out properly and in accordance with the plans and specifications approved by Council.

The certificate shall set out the full engineering details of the works as completed and shall show all relevant survey data and levels, together with a bond for 5% of the total works cost, to meet the cost of any maintenance required during a maintenance period not exceeding 12 months from the date of Council's acceptance of the Certificate of Completion of the Operational Works from a qualified engineer.

Public Utilities

14. 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".

Compliance

15. All relevant Conditions of this Development Permit are to be complied with prior to the use commencing.

Outstanding Charges

16. All rates, service charges, interest and other charges levied on the land are to be paid prior to the use commencing.

Currency Period

17. The currency period for this application is four (4) years. Should the approved Educational Establishment (Stage 3) not be established within this time, the approval shall lapse.

B. Assessment Manager (Council) Advice

- A development permit is required for carrying out Building work and a Plumbing and Drainage approval/compliance permit is required for Plumbing and Drainage work, prior to construction of any buildings associated with this development.

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Appendix "A"



The image displays a set of architectural drawings for a building, likely a laboratory or office space, showing elevations and floor plans.

Elevations:

- EAST ELEVATION:** Shows the building's profile with various materials and finishes indicated. Key features include a central entrance, a large window, and a balcony. Materials listed include Aluminum Cladding, Concrete, and Brickwork.
- WEST ELEVATION:** Shows the opposite side of the building, featuring a large window and a balcony. Materials listed include Aluminum Cladding, Concrete, and Brickwork.
- NORTH ELEVATION:** Shows the building's profile from the north, featuring a large window and a balcony. Materials listed include Aluminum Cladding, Concrete, and Brickwork.
- SOUTH ELEVATION:** Shows the building's profile from the south, featuring a large window and a balcony. Materials listed include Aluminum Cladding, Concrete, and Brickwork.

Floor Plans:

- GROUND FLOOR PLAN:** Shows the layout of the ground floor, including a central entrance, a large window, and a balcony. Rooms include a Reception Room, a Conference Room, a Meeting Room, a Design Technology Room, a Material Store, a Machine Room, and a Storage Room.
- FIRST FLOOR LEVEL:** Shows the layout of the first floor, including a central entrance, a large window, and a balcony. Rooms include a Reception Room, a Conference Room, a Meeting Room, a Design Technology Room, a Material Store, a Machine Room, and a Storage Room.

Legend:

- ALUMINUM CLADDING: ALUMINUM CLADDING AS SPECIFIED
- CONCRETE: CONCRETE AS SPECIFIED
- BRICKWORK: BRICKWORK AS SPECIFIED
- GLASS: GLASS AS SPECIFIED
- WOOD: WOOD AS SPECIFIED
- PAINT: PAINT AS SPECIFIED
- ROOF: ROOF AS SPECIFIED
- FOUNDATION: FOUNDATION AS SPECIFIED
- STRUCTURE: STRUCTURE AS SPECIFIED
- MECHANICAL: MECHANICAL AS SPECIFIED
- ELECTRICAL: ELECTRICAL AS SPECIFIED
- PLUMBING: PLUMBING AS SPECIFIED
- HEATING: HEATING AS SPECIFIED
- Cooling: COOLING AS SPECIFIED
- Lighting: LIGHTING AS SPECIFIED
- Acoustic: ACOUSTIC AS SPECIFIED
- Fire: FIRE AS SPECIFIED
- Security: SECURITY AS SPECIFIED
- Accessibility: ACCESSIBILITY AS SPECIFIED
- Other: OTHER AS SPECIFIED

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30995	CESSATION OF DISPOSAL OF GREASE TRAP WASTE AT COOKTOWN SANITARY DEPOT	
	<i>Report No.D15/8660 from Waste Management Coordinator</i>	

Cr P Johnson moved; seconded Cr A Wilson

In accordance with the advice from the Department of Environment and Heritage Protection, dated 1 May 2015, Council herein resolves to undertake the following actions, and changes, to ensure compliance in its management of regulated waste, under the *Environmental Protection Act 1994*, as set out below:

1. Ceases the disposal or storage of any regulated waste at the Cooktown Sanitary Depot;
2. Authorises the remediation works at Cooktown Sanitary Depot;
3. Authorizes amending EA to remove the waste disposal ERA at Cooktown Sanitary Depot;
4. Authorizes an interim waste disposal solution through the Cairns Contractor;
5. Authorises the trial of in-house grease trap waste treatment.
6. That the local contractors be consulted and kept informed of the process.

CARRIED

Précis

To advise Council regarding a formal warning from the Department of Environment and Heritage Protection (DEHP), dated 1 May 2015, in relation to a breach of section 430 of the *Environmental Protection Act 1994* arising through a number of non-compliances at Cooktown Sanitary Depot, and to seek a resolution of Council to endorse the required remedial actions.

Background/History

Under the *Environmental Protection Act 1994* (EP Act) Cooktown Sanitary Depot (Lot 8 on C17921) holds an environmental authority No EPPR00755213 and is licensed to accept following types of waste:

- Nightsoil;
- Bacterial Sludge; and
- Grease traps effluent and residues.

Council has been using the facility for the grease trap waste disposal only. Grease trap waste is listed as a regulated waste under the *Environmental Protection Regulation 2008* (The Regulation). Waste tracking information has been submitted to the Department in accordance with Part 9 of the Regulation.

Cook Shire Council has lodged two separate incident reports (CR55871 and CR66875) regarding the overflow of the containment ponds at the Cooktown Sanitary Depot during the TC Nathan in March 2015.

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The preliminary investigations have shown that DEHP has raised similar issues in the past. The actions that Council intended to take to address the issues were outlined in the correspondence to DEHP dated 18 November 2009 (ref 210885 SB). The proposed action for Cooktown Sanitary Depot was its closure with the completion date June 30, 2011.

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Details of non-compliance listed in DEHP's warning letter.

Condition	Detail of Non-Compliance	Recommended Action
All reasonable and practical measures must be taken to minimise the likelihood environmental harm being caused.	During the inspection departmental officers observed evidence of overflow from the sanitary depot ponds. As a result of TC Nathan the ponds were at capacity and contained a large volume of fats, oils and greases.	<ul style="list-style-type: none"> • Increase the height of the bund walls of the ponds; • Increase the perimeter bund to include the entire facility; • Arrange the installation of the liner on each of the six ponds to ensure contaminants could not leach through the soils and impact groundwater reserves.
Other than as permitted in the authority, contaminants must not be released to any waters, or the bed and banks of any waters.	DEHP officers observed and photographed evidence that fats, oils and grease has recently spilled over the wall of the ponds and entered the tidal area of a tributary of the Endeavour River Estuary. Observations included: <ul style="list-style-type: none"> • Areas of vegetation smothered in oil; • Dead vegetation; • Stained earth around the edges of the ponds and the tidal area; • Oily odour throughout the facility 	<ul style="list-style-type: none"> • Source alternative methods for grease trap waste disposal in the first instance; • Cease waste disposal at this location until compliance with the EA can be achieved; alternatively • Implement a timely strategy for remediation and rehabilitation of the site; and • Amend the EA to remove the waste disposal ERA at this location.
Stormwater run-off must be diverted away from eras containing wastes or contaminants.	The ponds have been engineered by excavation of earthen material, creating ponds that are lower than the surrounding landforms. The sides of the ponds have been raised by approximately 20cm creating a small wall around the ponds. The bund is providing some buffering from tidal flows, however during the events where high rainfall coincides with high tides, the bund is failing to stop inundation of the ponds.	<ul style="list-style-type: none"> • Source alternative methods for grease trap waste disposal in the first instance; • Cease waste disposal at this location until compliance with the EA can be achieved; alternatively • Implement a timely strategy for remediation and rehabilitation of the site; and • Amend the EA to remove the waste disposal ERA at this location.
Stormwater run-off that has been in contact with any contaminants at the site must not be released to any waters, roadside gutters or stormwater drains.	DEHP officers observed and photographed evidence that fats, oils and grease has recently spilled over the wall of the ponds and entered the tidal area of a tributary of the Endeavour River Estuary. Observations included: <ul style="list-style-type: none"> • Areas of vegetation smothered in oil; • Dead vegetation; 	<ul style="list-style-type: none"> • Source alternative methods for grease trap waste disposal in the first instance; • Cease waste disposal at this location until compliance with the EA can be achieved; alternatively • Implement a timely strategy for remediation and rehabilitation of the site; and • Amend the EA to remove the waste disposal ERA at this location

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	<ul style="list-style-type: none">• Stained earth around the edges of the ponds and the tidal area;• Oily odour throughout the facility	
All containment systems must be constructed and maintained to the relevant Australian Standard and be designed to minimise rainfall collection.	The pond system was originally installed more than 50 years ago with minimal maintenance or improvement works applied to the site in recent years. No evidence was available to identify that the site is constructed or maintained in accordance with current Australian Standards.	<ul style="list-style-type: none">• Cook Shire Council to supply evidence that this condition has been complied with.

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Until March 13, 2015 Council were under the impression that Cooktown Sanitary Depot was in compliance with its licence conditions. As we became aware of the non-compliance, the Department was contacted and the compliance inspection at Cooktown Sanitary Depot was initiated.

The disposal of the grease trap waste at Cooktown Sanitary Depot ceased since March 13, 2015. Contractors providing the grease trap waste collection services were contacted to obtain a quote for waste disposal in Cairns. Neither of the Contractors was able to take their suction trucks outside of the Shire boundaries. The servicing of the grease traps was delayed until the alternative solution was in place.

A number of solutions were considered:

- Upgrading the existing facility;
- Engineering a new compliant facility at Cooktown Waste Transfer Station;
- Grease Separation Systems for the businesses with the commercial kitchens;
- Disposal of the waste in Cairns utilizing licenced Cairns contractors;
- In-house treatment of the waste and disposal at Cooktown Sewage Treatment Plant.

First two options were deemed too expensive and not sustainable. Grease Separation Systems were deemed unsuitable by the Trade Waste Officer and the Plumber.

In-house treatment is the preferred and most cost-effective option yet due to the issues at the Cooktown Sewage Treatment Plant has been postponed.

As an interim solution a 20,000L storage tank has been set up at Cooktown Waste Transfer Station. Cooktown Towing and Waste Pumping who services majority of the grease traps in town has been consulted regarding the disposal requirements. As a result of this tank was set up in a manner where the disposal of the waste can be gravity fed.

Contractors have been instructed to dispose of the waste into the tank on the first Wednesday of the month. This allows Council to remove the waste to Cairns on Thursday without restricting public access at the facility during its opening days. The prompt waste removal is required due to the odour issues. Council's environmental authority condition P1-A1 states:

- Odours or airborne contaminants which are noxious or offensive or otherwise unreasonably disruptive to public amenity or safety must not be released to any nuisance sensitive place or commercial place.

Once Cooktown Sewage Treatment Plant is ready to accept the waste, Council will perform a trial of in-house waste treatment with two biological enzymes: Chem-Zyme Complete and Super Chem-Zyme Plus. Upon successful results, the disposal tank will be

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moved to Cooktown Sewage Treatment Plant. For successful treatment the waste will be accepted no more than once a fortnight.

Currently there are 24 active grease traps in Cooktown as per Appendix 1. One of them requires fortnightly service and remaining 14 require monthly service.

Link to Corporate Plan

NIL

Consultation

- Carrie Goldsmith, Department of Environment and Heritage Protection
- Joshua Maunder, Department of Environment and Heritage Protection
- Mark Marziale, Director of Planning and Environment
- Robert Fenn, Manager of Water and Sewerage
- Les Treloar, Supervision Cooktown Sewage Treatment Plant;
- Ash Cook, Plumber
- Robert Smith, Trade Waste Officer and Plumbing Inspector
- Ross Logan, Waste Management Officer
- Jake Thompson, Manager Cooktown Towing and Waste

Legal Implications (Statutory, basis, legal risks)

- *Environmental Protection Act 1994*
- *Environmental Protection Regulation 2008*

Policy Implications

NIL

Financial and Resource Implications (Budgetary)/Risk Assessment

- It is estimated that remediation works will cost the Council approximately \$20,000.
- The servicing of the 20,000L tank by the Cairns Contractor will cost the Council \$4,400 per service.
- It is estimated that the annual in-house treatment of the waste will cost the Council approximately \$10,000.
- It is estimated that relocation and set-up of the tank at Cooktown Sewage Treatment Plant will cost the Council approximately \$5,000.

If additional evidence becomes available, or continuation of the offence is identified, the Department will consider taking further enforcement action in accordance with its enforcement guidelines.

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Budgetary Assessment

Available Budget for Waste Management for 2014/2015	\$50,000
Remediation of the site and ongoing disposal in Cairns	\$30,800
Balance remaining	- \$19,200

RECOMMENDATION

In accordance with the advice from the Department of Environment and Heritage Protection, dated 1 May 2015, Council herein resolves to undertake the following actions, and changes, to ensure compliance in its management of regulated waste, under the *Environmental Protection Act 1994*, as set out below:

7. Ceases the disposal or storage of any regulated waste at the Cooktown Sanitary Depot;
8. Authorises the remediation works at Cooktown Sanitary Depot;
9. Authorizes amending EA to remove the waste disposal ERA at Cooktown Sanitary Depot;
10. Authorizes an interim waste disposal solution through the Cairns Contractor;
11. Authorizes the trial of in-house grease trap waste treatment.

Attachments

Appendix 1 – Active Grease Traps in Cooktown

Appendix 2 – photos of containment pits at Cooktown Sanitary Depot.

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Appendix 1 – Currently Active Grease Traps in Cooktown

PERMIT	DATE ISSUE	PROPERTY DESCRIPTION	TYPE OF BUSINESS	TOWN	WASTE TYPE	ARRESTOR TYPE	DISCHARGE TO	CAPACITY	PUMP FREQUENCY
1041		Natures power house gift & coffee	Commercial Kitchen	Cooktown	Grease	GT	ON-Site		?
1042		Cooktown Events Centre	Commercial Kitchen	Cooktown	Grease	GT	Sewer	2000	?
1001	01/10/2009	Supermarket IGA (Cornett's)	Fried chicken etc	Cooktown	Grease	GT	Sewer	1000	Fortnightly
1017	01/10/2009	Gilld'n Gutt'd & Fishermens Wharf	Fried fish etc/Restaurant	Cooktown	Grease	GT	Sewer	550	Monthly
1005	01/10/2009	Cooktown Bakery	Bakery	Cooktown	Grease	GT	Sewer	250	Monthly
1006	01/10/2009	RSL Bistro	Bistro/restaurant	Cooktown	Grease	GT	Sewer	1000	Monthly
1007	01/10/2009	Bowls Club Bistro	Bistro/restaurant	Cooktown	Grease	GT	Sewer	1000	Monthly
1008	29/09/2008	Seagrens Inn	Restaurant	Cooktown	Grease	GT	Sewer	250	Monthly
1009	01/10/2009	The Italian (ex Reef cafe)	Café/Takeaway	Cooktown	Grease	GT	Sewer	250	Monthly
1011	01/10/2009	Cooktown Hotel (Top pub)	Bistro	Cooktown	Grease	GT	Sewer	550	Monthly
1012	01/10/2009	Cooktown Hospital	Commercial kitchen	Cooktown	Grease	GT	Sewer	500	Monthly
1014	01/10/2009	Pams Place Backpackers	Commercial kitchen	Cooktown	Grease	GT	Sewer	250	Monthly
1015	29/09/2009	Hillcrest Guest House	Commercial Kitchen B&B	Cooktown	Grease	GT	Sewer	550	Monthly
1016	01/10/209	Cooks Landing	Café/Takeaway	Cooktown	Grease	GT	Sewer		Monthly
1020	01/10/2009	West Coast Hotel - currently closed	Commercial kitchen	Cooktown	Grease	GT	Sewer	550	Monthly
1033	01/10/2009	The Cooktown Café	Café/Takeaway	Cooktown	Grease	GT	Sewer	100	Monthly
1010	01/10/2009	Sovereign Resort Hotel	Restaurant/laundry	Cooktown	Grease /hot water	GT / cooling pit	Sewer	250	Monthly
1013	01/10/2009	River of Gold Motel	Restaurant	Cooktown	Grease	GT	Sewer	2x100	Three months
1022	01/10/2009	Seaview Motel	Restaurant/ kitchen	Cooktown	Grease	GT	Sewer	550	Three Months
1036	01/10/2009	Alamanda Inn	Motel Kitchen	Cooktown	Grease	GT	Sewer	550	Three Months
1038	01/10/2009	The Clover Club	Caravan Park	Cooktown	Grease	GT	Sewer	550	Three Months
1039	Closed	Cape Rivers Entoprises (Astonia)	Café/Takeaway	Cooktown	Grease	GT	Sewer	500	Three Months
1040	28/09/2010	Capers-coffee shop	coffee shop	Cooktown	Grease	GT	Sewer	550	Three Months
1027	01/10/2009	Cooktown Quality Meats	Process meat	Cooktown	Grease	GT	Sewer	1000	Two Months

Appendix 2 – Photos



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ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

30996	RADF ADVISORY COMMITTEE ASSESSMENT OF FUNDING ROUND 3 – 2014/2015	
	<i>Report No.D15/8138 from Arts and Cultural Officer</i>	

Cr P Johnson moved; seconded Cr K Price

That Council endorses and approves the RADF Advisory Committee recommendations as contained in Report No. D15/8138 for Round 3 2014/2015 RADF Funding.

CARRIED

(The allocation to Barefoot Belles is part of RADF Grant only)

Precis

The Regional Arts Development Fund (RADF) Advisory Committee met on Wednesday 29 April 2015 at the Cook Shire Council to assess Round 3 funding applications for 2014/2015. The meeting commenced at 10:00am and ended at 12:15pm.

RADF Applications

The following applications were received:

Applicant	Amount Requested	Category applied for	Project Summary
Vera Scarth-Johnson Gallery Association Inc.	\$12,656.00	Contemporary Collections/Stories	<i>Description of Project - Grant will be used towards the costs of Copper Engravings of the original Banks Florilegium from 1770s of plants that were collected by Banks and Solander on the Endeavour in June 1770 for an exhibition at Natures Powerhouse in June and to add to the historical collection of these paintings for the community of Cooktown.</i>
Barefoot Belle	\$7,849.00	Cultural Tourism/ Interest Free Arts Loan	<i>Description of Project - Grant will be used towards the costs of hiring a producer/editor to film a music clip written and performed by local musicians and to include a workshop on TV interviewing and presenting.</i>
Auspice Kalan Enterprises Aboriginal Corporation – ALLKUMO	\$4,000.00	Contemporary Collections	<i>Description of Project – Grant will be used towards the costs of digitally recording traditional practices carried out by ALLKUMO Mulkatri Dance Team</i>

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Malkutri Dance Team Our CDF Inc	\$3,525.00	Building Community Capacity	<i>and interested local members of Coen.</i> Description of Project – Grant will be used towards the costs of Workshops on costume design culminating in a night parade over the June Long Weekend.
SLSArt	\$7,800	Building Community Capacity	Description of Project – Grant will be used towards the costs of conducting a workshop for clients of the Cooktown based FNQ Mental Health and ATODS, who would benefit from the opportunity to progress their journey to full well being through art.

RADF Committee Recommendations:

Successful applications

1. Vera Scarth-Johnson Gallery Association Inc. - \$12,656.00

Description of Project – Grant will be used towards the costs of Copper Engravings of the original Banks Florilegium from 1770s of plants that were collected by Banks and Solander on the Endeavour in June 1770 for an exhibition at Natures Powerhouse in June and to add to the historical collection of these paintings for the community of Cooktown.

Benefits to the community –

- Limited edition engravings will add to an existing community collection of pieces related to our significant history and cultural heritage, specifically relevant in the lead up to 2020 celebrations.
- Enhanced collection will be used to interpret and share Cooktown's history to local residents and visitors.
- Engravings will form the basis of reoccurring cultural tourism activities including exhibitions, talks and guided tours, as well as being available for educational and research purposes.

RADF Committee comments:

The addition of these engravings will enhance a readily accessible community collection and Cooktown will see return on its investments as these rare prints will draw visitors to Nature's Power House. Potential for income streams through production of saleable merchandise such as prints.

Recommendation: Fully approved \$12,656.00

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RADF Category 5 Contemporary collections/stories

Objective — to preserve and provide access to locally held collections of significance, and collect and tell local stories from the past and the present that can demonstrate state and/or local significance. The priorities for this category are proposals for post-1960 heritage and Indigenous stories that can demonstrate strong community participation and ownership.

RADF grants can support:

- the development of a Statement of Significance.
- documentation, preservation, interpretation projects. Applicants must provide a Statement of Significance with their application.
- collection management training through community-based workshops. Applicants must provide a Statement of Significance with their application.
- community stories documentation, which may be through various forms and mediums, including plays, videos, artwork, digital exhibitions, education programs, oral histories and publications. This is open to community organisations and individuals and does not need a Statement of Significance.

2. Barefoot Belles - \$7,849.00 (\$2,014 as an Interest Free Loan)

***Description of Project** – Grant will be used towards the costs of hiring a producer/editor to film a music clip written and performed by local musicians and to include a workshop on TV interviewing and presenting.*

Arts Free Loan to purchase branded merchandise to sell at performances.

***Benefits to the community** –*

- Increased music industry skills.
- Community engagement and skill development in media artforms.
- Increased online presence of local artists.

RADF Committee comments:

Project supports local artists in increasing professionalism and workshop builds community skills in television readiness. Interest Free loan not directly related to arts outcomes or arts development and committee recommends applying for an Economic Development Grant for this purpose instead.

Recommendation: Approved \$5,835.00.

RADF Category 4 Cultural tourism

OBJECTIVE: for projects and activities that focus on communities' locally distinct arts, culture and heritage both for members of that community and for visitors.

RADF grants can support initiatives and activities that focus on:

- product development by professional artists, either as individuals or in partnership with individual community members or community groups
- marketing of professional artistic product.

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RADF Category 3 Interest-free arts loan

Objective — for arts activities that will generate an income greater than the amount of the loan, and where no other funding source is available.

- RADF Interest-free Arts Loans will support activities that can demonstrate a prior commitment from a distributor or producer, e.g. a publisher, gallery or venue that can confirm and substantiate revenue forecasts.

The total amount of the loan must be paid back at the conclusion of the activity

3. Auspice Kalan Enterprises Aboriginal Corporation – ALLKUMO Malkutri Dance Team - \$4,000.00

Description of Project – Grant will be used towards the costs of digitally recording traditional practices carried out by ALLKUMO Mulkatri Dance Team and interested local members of Coen.

Benefits to the community –

- Preservation of significant cultural heritage.
- Increased engagement in community cultural activities.

RADF Committee comments:

Committee were happy to see an application from Coen and found it was a project that would bring the community together with a good budget.

Recommendation: Fully approved \$4,000.00

RADF Category 5 Contemporary collections/stories

Objective — to preserve and provide access to locally held collections of significance, and collect and tell local stories from the past and the present that can demonstrate state and/or local significance. The priorities for this category are proposals for post-1960 heritage and Indigenous stories that can demonstrate strong community participation and ownership.

RADF grants can support:

- the development of a Statement of Significance.
- documentation, preservation, interpretation projects. Applicants must provide a Statement of Significance with their application.
- collection management training through community-based workshops. Applicants must provide a Statement of Significance with their application.
- community stories documentation, which may be through various forms and mediums, including plays, videos, artwork, digital exhibitions, education programs, oral histories and publications. This is open to community organisations and individuals and does not need a Statement of Significance.

Unsuccessful applications

4. Our CDF Inc - \$3,525.00

Description of Project – Grant will be used towards the costs of Workshops on costume

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design culminating in a night parade over the June Long Weekend.

Benefits to the community –

- Will enhance skills and arts engagement of participants, specifically youth.
- Project increases the capabilities of the Cooktown Discovery Festival as a community and cultural tourism event.

RADF Committee comments:

Committee had concerns regarding RADF funding being used to fund wages and the Discovery Festival as applicant has already been given funding for a Discovery Festival activity in Round 2. Application didn't have any accompanying letters of support or evidence of community benefit. Committee felt the application was a good project and encourages the applicant to reapply.

Recommendation: Not approved.

RADF Category 2 Building community cultural capacity

OBJECTIVE: for community groups to engage a professional artist or artsworker to work with them on developing their arts practice or to run arts development workshops or community projects.

CRITERIA: category 2

- Will support travel, accommodation and fees associated with employing professional artists or workshops in the local community.
- Assistance is available for up to 65 per cent of the totals costs of the project or workshop.
- This category is also open to councils that wish to assume a co-ordination role for projects.

5. SLSArt - \$7,800.00

Description of Project – Grant will be used towards the costs of conducting a workshop for clients of the Cooktown based FNQ Mental Health and ATODS, who would benefit from the opportunity to progress their journey to full well being through art.

Benefits to the community –

- Skill development and arts engagement for participants, specifically people with disabilities.
- Supporting equity and inclusiveness in arts activities.
- Will beautify community health facility benefiting patients and visitors.

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RADF Committee comments:

Committee felt the motivation behind the application was good as not a lot of activities happen for this section of the community. Application was considered incomplete as it did not have any evidence of support from the facility, interest from participants or support from community.

Recommendation: Not approved.

RADF Category 2 Building community cultural capacity

OBJECTIVE: for community groups to engage a professional artist or artsworker to work with them on developing their arts practice or to run arts development workshops or community projects.

CRITERIA: category 2

- Will support travel, accommodation and fees associated with employing professional artists or workshops in the local community.
- Assistance is available for up to 65 per cent of the totals costs of the project or workshop.
- This category is also open to councils that wish to assume a co-ordination role for projects.

Policy Linkages

Links to Arts and Cultural Policy:

- 1. Council recognises that arts and culture plays an important role in individual and community wellbeing and the formation and expression of identity.**

Council will encourage, facilitate and support:

- 1.1. participation;
- 1.2. diversity in arts, cultural and heritage activities; and
- 1.3. accessibility and inclusiveness.

- 2. Council recognises that arts and culture play an important role in economic diversification, growth and development.**

Council will encourage, facilitate and support:

- 2.1. cultural and heritage tourism;
- 2.2. improved standards and best practice in art form skills, organisational governance and enterprise readiness;

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3. Council will take an active role in promoting and protecting our cultural and heritage assets.

- 3.1. *Council will encourage, facilitate and support community groups assisting with the preservation of the Shire's cultural heritage.*

Links to Corporate Plan:

4.3.1 c) Support and advocacy for community groups, clubs, societies and organisations.

4.3.1 d) Support and advocacy for events and festivals and arts and cultural endeavours.

4.5.1 a) Support and advocacy for groups and statutory planning endeavours that further the preservation of the Shire's cultural heritage.

4.5.3 a) Support community management with reference to cultural heritage endeavours.

4.3.1 d) Recognition of diversity within the shire's community whilst valuing and encouraging equity and inclusiveness.

Consultation

Regional Arts Development Fund Committee

Legal Implications (Statutory, basis, legal risks)

Nil

Policy Implications

Nil

Financial and Resource Implications (Budgetary)

Funds previously allocated for public artwork in the Activity Precinct of the Cooktown Foreshore and Webber Esplanade have been reallocated, with permission from Arts Queensland, for Round 3 applications due to the public art project being placed on hold.

The available funds for Round 3 applications are \$33,263.00.

RECOMMENDATION

Vera Scarth-Johnson Gallery Inc	\$12,656.00
Barefoot Belles	\$ 5,835.00
Auspice Kalan Enterprises Aboriginal Corporation	
ALLKUMO Malkutri Dance Team	\$ 4,000.00
Our CDF Inc	Resubmit
SLSArt	Resubmit

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That Council endorses and approves the RADF Advisory Committee recommendations as contained in Report for Round 3 2014/2015 RADF Funding.

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30997	COEN ADVISORY COMMITTEE - MINUTES	
	<i>Report No.D15/8668 from Economic Development and Community Services Director.</i>	

Cr G Shephard moved; seconded Cr A Wilson

1. That Council receive the minutes of the Coen Advisory Committee meeting of 11 May, 2015.
2. That Council accept Matthew Maloney QPS replacement Sergeant Alan Dewis – Officer in Charge, Glen White as the Education Representative.
3. That Council install additional signage for Dump Ezy and Potable water.
4. That Council consider staffing for the maintenance and management of the Coen Heritage House.
5. That Council endorse the Engineer inspecting the township for drainage issues, and fire management.

CARRIED

Précis

Minutes of the Coen Advisory Committee meeting held 11 May, 2015

Background/History

The Coen Advisory Committee met in Coen on 11 May, 2015. The minutes of that meeting are attached for the information of Councillors and for any action on recommendations.

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
 - e) Community engagement across all relevant activities

Consultation

Nil

Legal Implications (Statutory, basis, legal risks)

Nil

Financial and Resource Implications (Budgetary)

Nil

Recommendations

AGENDA AND BUSINESS PAPERS
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6. That Council receive the minutes of the Coen Advisory Committee meeting of 11 May, 2015.
7. That Council accept Matthew Maloney QPS replacement Sergeant Alan Dewis – Officer in Charge, Glen White as the Education Representative.
8. That Council install additional signage for Dump Ezy and Potable water.
9. That Council consider staffing for the maintenance and management of the Coen Heritage House.
10. That Council endorse the Engineer inspecting the township for drainage issues, and fire management.

Attachments

1. Minutes of the Coen Advisory Committee

Coen Advisory Committee Meeting

MINUTES

11 May, 2015

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Meeting details:

Meeting title/group name:	Coen Advisory Committee
Date:	11 May, 2015
Start time:	5.35pm
End time:	7:00pm
Venue:	Town Hall, Coen
Chairperson:	Cr Glen Sheppard
Objective:	Group to provide advice and recommendations to Cook Shire Council regarding local government issues around the town and district of Coen
Membership:	1 Councillor representative (Chair) 1 Representative QPS 1 Representative Education 1 Representative Health 1 Representative DAFF 1 Representative Coen Regional Aboriginal Corporation Board 1 Representative Community 5 Representatives (one for each) Aboriginal Clan

Attendees:

Name	Representing
Cr Glen Sheppard	Cook Shire Council
Scott Templeton	DPI Coen Inspection Centre
Rachel Nowlan	Exchange Hotel
Billie Pratt	Ayapathu
Glen White	Cape York Partnerships
Jodi Hamilton	Community member
Allison Liddy	Lama Lama Land Trust
Alan Dewis	Queensland Police Service
Karen Nicolaou	Cook Shire Council
Sarah Greaves	Cook Shire Council
Ashley Robbins	Cook Shire Council

Apologies:

Name	Representing
Adrian Rosin	Business
Joanne Nelson	Community
Maureen Liddy	Royal Flying Doctor Service
Jodi Hamilton	Community member

Item no.	Item	Actions	Person responsible
1.	Welcome / Acknowledgements		Chair

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2.	Minutes of the previous meeting: Moved: Karen Nicolaou, Seconded: Glen Shephard		
3.	Membership and Terms of Reference Cr Shephard asked for nominations for the group. All previous members in attendance accepted their re-nomination for endorsement. New members to the group Alan Dewis – QPS and Glen White – Cape York Academy. Request to maintain membership for Adrian Rosin, Joanne Nelson, and Maureen Liddy. Terms of Reference accepted.	Council to endorse recommendation	Chair
4.	Sporting Precinct – Amenities block The building is in Cooktown. Four builders have been asked to quote without success. Barry Mulley has viewed the building and will organise for quotes from Coen. Foundations to be built prior to the building being moved. There is one Rugby League game for Coen this year with no decision for the Grand Final. No amenities have been cited as an ongoing concern.	Plans have been left with Barry Mulley.	KN
5.	Information bay and Coen entry statement The ‘Welcome to’ signage project has been postponed due to LGAQ requesting feedback from Local Governments to DTMR specifications and guidelines. A mock template was shown which generated interest for a photo competition. Concerns rose that the Dump Point and potable water signage is not clear enough for travellers when entering the township. Water is being taken from the Pub which is leading to high water rates. Request for more signage on entry to town with a map showing all the services. The Visitor Centre is open and this may be an ideal spot. Discussed Economic Development Grant may be a suitable option with management of the sign by Coen businesses.	Advisory Group to instigate a photo competition with winners submitted for approval from DTMR. Council to obtain additional signage for dump ezy and potable water. Advisory group to consider grant.	Group SG
6	Coen Event Discussion arose from the discussion for photo competition to develop an event for Coen. Early discussion was around a fete or show. Some indigenous council areas have sideshow rides passing through Coen. No amenities are available that can support an event of any size. The completion of the amenities block will enhance any events.	Investigate when they are attending and possibility of stopping in Coen. Discuss with the school to gauge level of interest in school fete.	Rachel Nowlan & Glen White
7.	Town Cleanliness Issues with the town toilets and the general cleanliness. The toilets are checked and cleaned each day but are only as clean as the last person who uses it. Dogs are getting into the bins. Consideration for budget to upgrade the Town Hall toilets with a bigger sign.	CRM for 5 bins with a swing top lid and liners for Town Hall, Heritage Centre and Bend toilet.	KN

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8.	Pot Holes In front of the Clinic on Armbrust St there are several large pot holes. On Regent St pot holes keep forming due to the water main. A longer term solution needs consideration as this will be an ongoing issue.	Repair the road.	BP
9.	Heritage House staffing See attached letter from Gail Clark. Gail and Peter are not able to maintain the grounds or the House as they previously have done and are requesting consideration for paid staffing to maintain and run the Heritage House.	Investigate staff for the Coen Heritage House	KN
10.	Coen Library See attached letter from Gail Clark. The library has had no internet for three months and power points don't work. The power drops out constantly. Considerations to have the library moved to the Ausco building next door. Telstra was to be at the library 12 May with IT attending to install ADSL. Request to reduce Wi-Fi hours to daylight only as vandalism is occurring due to attractiveness of free internet.	CRM lodged Electrician to test the power points for faults. Council to investigate option for moving of the library.	KN
11.	JS Love Building The gym is not going to renew its lease and so will close. Option for another organisation to take over the gym and/or accept the equipment. Consideration for sensor lighting for the building to prevent vandalism and assist staff returning to vehicles when dark.	Investigate cost of lighting	KN
12.	Healthy Dog, Healthy People Ashley Robbins explained the benefits of a program that he ran in previous role. Every three months dogs are treated for skin conditions, and female dogs for breeding. Benefits: No transfer of diseases, reduction in unwanted animals, reduction in bites. Costs to run the program for Lakeland, Laura and Coen.	Ashley to follow up with QLD Health, Apunipima for support and funding.	AR
13.	Drainage Each year the wet season presents significant issues in a number of areas within the township. This issue has been raised at almost every meeting. Drains are regularly unblocked but the volume pushes water up into the yards. Request for the Council Engineer to do an inspection of the township and progress remedial works.	Engineer to inspect township	Chair
14.	Fire Breaks With the wet season over the issue around fire management is paramount. The community is extremely concerned with the lack of fire breaks within the township. With the current capacity of the fire fighting equipment many homes are at risk. Fire breaks need to be installed and a fire management plan to be developed. Key concerns include the	Engineer to inspect township and recommend works.	Chair
15.	Pedestrian Crossing at School and Kindergarten The signs for the school zone do not match the hours for the school. Times need to change to reflect 7:30 – 5:00pm.	Refer to DTMR for safety considerations.	KN

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	Two entrances to the school need consideration for a pedestrian crossing as does the Kindergarten. Safety is a big concern with the high traffic and large vehicles using the road. Both are situated on the PDR and need referral to DTMR.	Send details for the Community Road Safety Grant.	
16.	Next Meeting TBA		Chair

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Coen Library

Our local library is an important part of our town.

A lot of people access the library for many reasons .

I am very concerned that our Library hasn't had any
Internet service for months and the power points don't
work, the power drops out constantly.

Obviously this has been reported to Council by the Librarian.

The Library is situated at the James Love Building which is
an old building and the wiring would be old and maybe needs
to be checked over.

I am asking Council to relocate the Library to the Ausco building next
door which isn't being used at the moment so that
these issues can be fixed.

This is an URGENT matter.

Regards

Gail Clark

Concerned citizen

Gail Clark.
11.05.15.

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To: Coen Advisory Committee

Cape York Heritage House

It is the start of the busy season and no doubt there will be lots of visitors to the Heritage House. We've just had Joanna Wills & Ewen McGregor visit us from the Qld Museum courtesy of Cook Shire. We are always glad of their assistance with displays etc. There will be a report done for Cook Shire.

Peter & I are advising the committee we won't be available to do as much volunteer work for the Heritage House from now on.

The displays are set up and ready for visitors. (I have some ongoing projects which will be finished soon)

The house will require dusting, sweeping and tidying every week, especially during the busy months of June, July, August. Eventhough the Cook Shire Town Agent should clean the toilets 3 times a week – I have found I've had to clean the toilets weekly also.

The Cook Shire Town Agent is also responsible for the mowing, watering and keeping the grounds tidy. I feel it will be up to the committee to make sure the grounds are being kept in a reasonable condition.

The mower at the House belongs to the Heritage House.

The Cook Shire Council needs to think of the long term life of this centre and create a paid position to look after this facility. A suggestion is to employ the Librarian with extra hours to do this job as well.

In the meantime a roster could be set up to do the duties.

Also a concern I do have is that the House must start to be locked every day for the security of our displays, which means someone has to lock & unlock daily!!!

This is a very important asset for the town and a lot of work has gone into getting it to the standard it is today, we don't want to lose it.

Gail Clark.
11.05.15.

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The meeting adjourned for lunch at 12.30 pm and resumed at 1.30 pm on 19 May 2015.

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LAND TENURE

Land Tenure Officer, Leonie Dowding, in attendance.

30998	APPLICATION FOR PROPOSED SIMULTANEOUS ROAD OPENING AND ROAD CLOSURE WITHIN LOT 26 ON PLAN BK157153, BARRETT'S CREEK ROAD, HOPE VALE; PARISH OF HANN; LOCALITY OF HOPE VALE.	
	<i>Report No.D15/8557 from Land Tenure Officer File No.2.38.1.</i>	

Cr S Clark moved; seconded Cr K Price

1. The Department of Natural Resources and Mines be advised that Council supports the application for proposed simultaneous road opening and closure within Lot 26 on Plan BK157153, subject to;
 - (i) area of road through Lot 35 on Plan SP232620 being placed on correct alignment in conjunction with the above proposed road dealing as depicted on submitted plan - Proposed Simultaneous Road Opening and Closure within Lot 26 on BK157153.
 - (ii) area of road within Lot 26 on Plan BK157153 being placed on the current formed alignment as depicted on submitted plan – Proposed Simultaneous Road Opening and Closure within Lot 26 on BK157153.
2. Any future use of the land, being Lot 26 on Plan BK157153 should be in accordance with Councils Planning Scheme.

CARRIED

Précis

1. Conditionally support road opening and road closure.

Background/History

2. By letter dated 23 February 2015, the Department of Natural Resources and Mines advised that an application for the simultaneous road opening and closure within freehold Lot 26 BK157153 had been received.
3. The Department further advised that this was to regularise the existing road access through the subject lot as shown on attached Drawing 12048/ROL/01, and requested Council's views/requirements in respect to this application and which may affect the future use of the land.
4. Planning and Environment Services have no issues, although, any future use of the land should be in accordance with Councils Planning Scheme.

AGENDA AND BUSINESS PAPERS

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-
5. Engineering Services advise that the area of Barretts Creek Road south of Lot 26 BK157153, through Lot 35 SP232620 (within Hope Vale DOGIT), is not on alignment.
 6. To regularise this road network, which is an alternative access route to Hope Vale, this area of road should be dealt with at the same time. See attached plan - Proposed Simultaneous Road Opening and Closure within Lot 26 BK157153.
 7. Further, the area of proposed road to be opened as shown on attached Drawing 12048/ROL/01 is not on the same alignment as the formed road – any realignment of this road should be on its formed alignment.
 8. It is noted that the area of road to be opened as depicted on attached Drawing 12048/ROL/01 seems to be in connection to a reconfiguration design proposed for Lot 26 BK157153 – no Reconfiguration of a Lot application has been lodged with Council.
 9. With the foregoing the following recommendation is submitted for Councils consideration.

Link to Corporate Plan

10. Key issues 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations and 4.6 Drainage, Stormwater, Road, Footpath and Bridge Network.

Consultation

11. Nil.

Legal Implications (Statutory, basis, legal risks)

12. Nil.

Policy Implications

13. Nil.

Financial and Resource Implications (Budgetary)

14. Nil.

RECOMMENDATION

AGENDA AND BUSINESS PAPERS
18-19-20 May2015

3. The Department of Natural Resources and Mines be advised that Council supports the application for proposed simultaneous road opening and closure within Lot 26 on Plan BK157153, subject to;
 - (iii) area of road through Lot 35 on Plan SP232620 being placed on correct alignment in conjunction with the above proposed road dealing as depicted on submitted plan - Proposed Simultaneous Road Opening and Closure within Lot 26 on BK157153.
 - (iv) area of road within Lot 26 on Plan BK157153 being placed on the current formed alignment as depicted on submitted plan – Proposed Simultaneous Road Opening and Closure within Lot 26 on BK157153.
4. Any future use of the land, being Lot 26 on Plan BK157153 should be in accordance with Councils Planning Scheme.

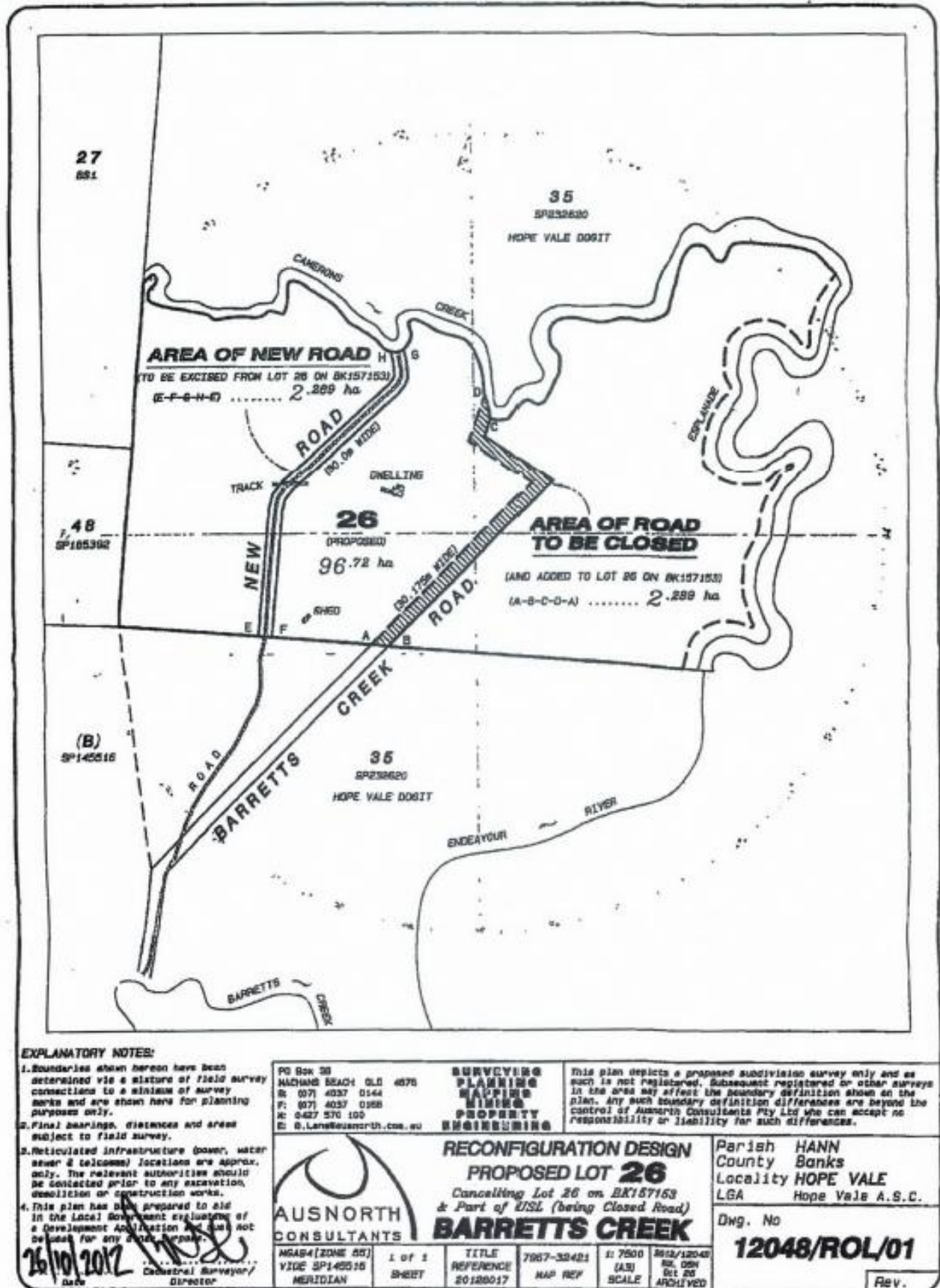
Att.

Drawing 12048/ROL/01

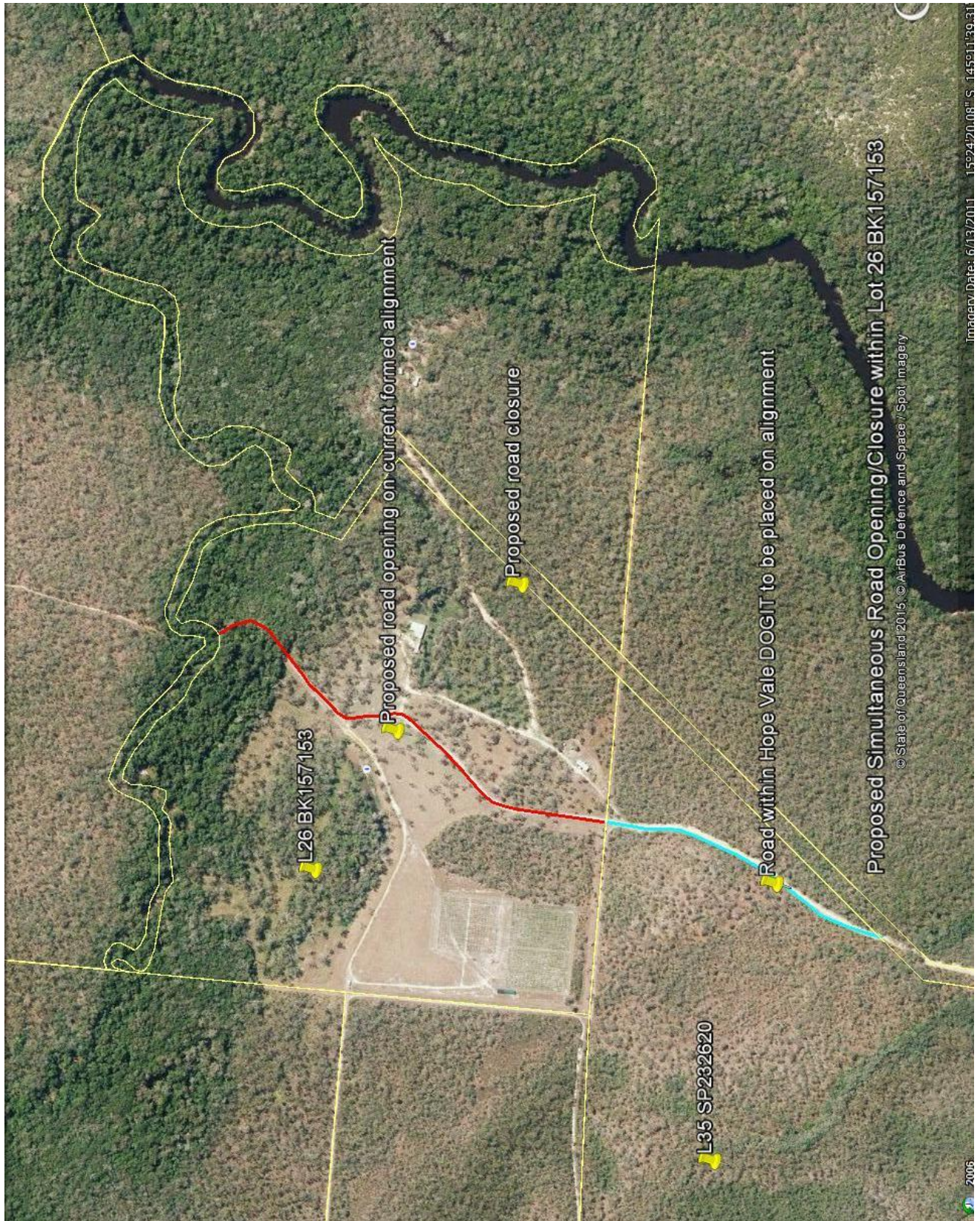
Proposed Simultaneous Road Opening and Closure within Lot 26 BK157153

Area Map of Lot 25 on Plan DK157153

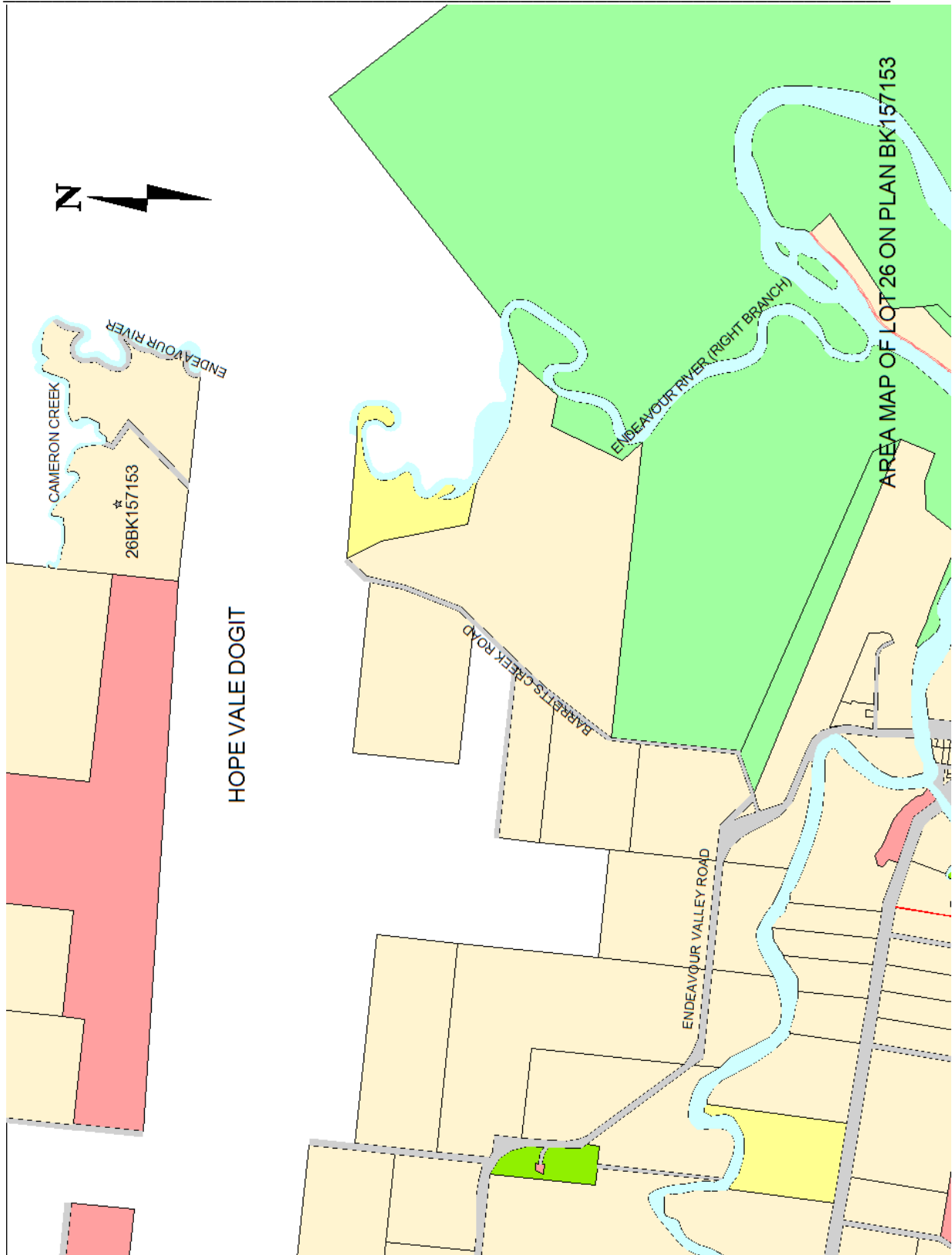
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AGENDA AND BUSINESS PAPERS
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30999	APPLICATION FOR RENEWAL OF TERM LEASE 0/209642 OVER LOT 4 ON PLAN CP844113 – TELSTRA COPORATION LTD - WITHIN OLD MAITLAND: PARISH OF BYERSTOWN; COUNTY OF CHELMSFORD.	
	<i>Report No.D15/8532 from Land Tenure Officer File No.2.650.09; 2.965.242.</i>	

Cr P Johnson moved; seconde Cr A Wilson

The Department of Natural Resources and Mines be advised that Council raises no objection to the renewal of Term Lease 0/209642 over Lot 4 on Plan CP844003, for a further term, subject to the inclusion of a condition that the provision of access will not be the responsibility of the Local Authority.

Further, the lessee must ensure that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Legislation, the Building Act 1975 and referenced legislation.

Moreover, Council is unaware of any local non-indigenous cultural heritage values that should be considered when assessing the application.

CARRIED

Précis

1. Raise no objection to renewal of lease.

Background/History

2. By letter dated 14 April 2015, the Department of Natural Resources and Mines requested Council's views on the renewal of the above lease for the same purpose as the existing lease, namely, to house telecommunications equipment.
3. The lease expires 1 July 2016 and is within Lot 3 on Plan SP102688, known as 'Old Maitland', as indicated on attached MAP 'A' and SmartMap.
4. There are no known local non-indigenous cultural heritage values within this lease.
5. Neither Engineering nor Planning and Environment have any issues with the renewal, however the lessee must ensure that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Legislation, the Building Act 1975 and referenced legislation.
6. The recommendation that Council raise no objection to the renewal of the lease, subject to the inclusion of a condition that the provision of access will not be the responsibility of the Local Government, is submitted.

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Link to Corporate Plan

7. Key issues 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations; 4.6 Drainage, Stormwater, Road, Footpath and Bridge Network.

Consultation

8. Nil.

Legal Implications (Statutory, basis, legal risks)

9. Nil.

Policy Implications

10. Nil.

Financial and Resource Implications (Budgetary)

11. Nil.

RECOMMENDATION

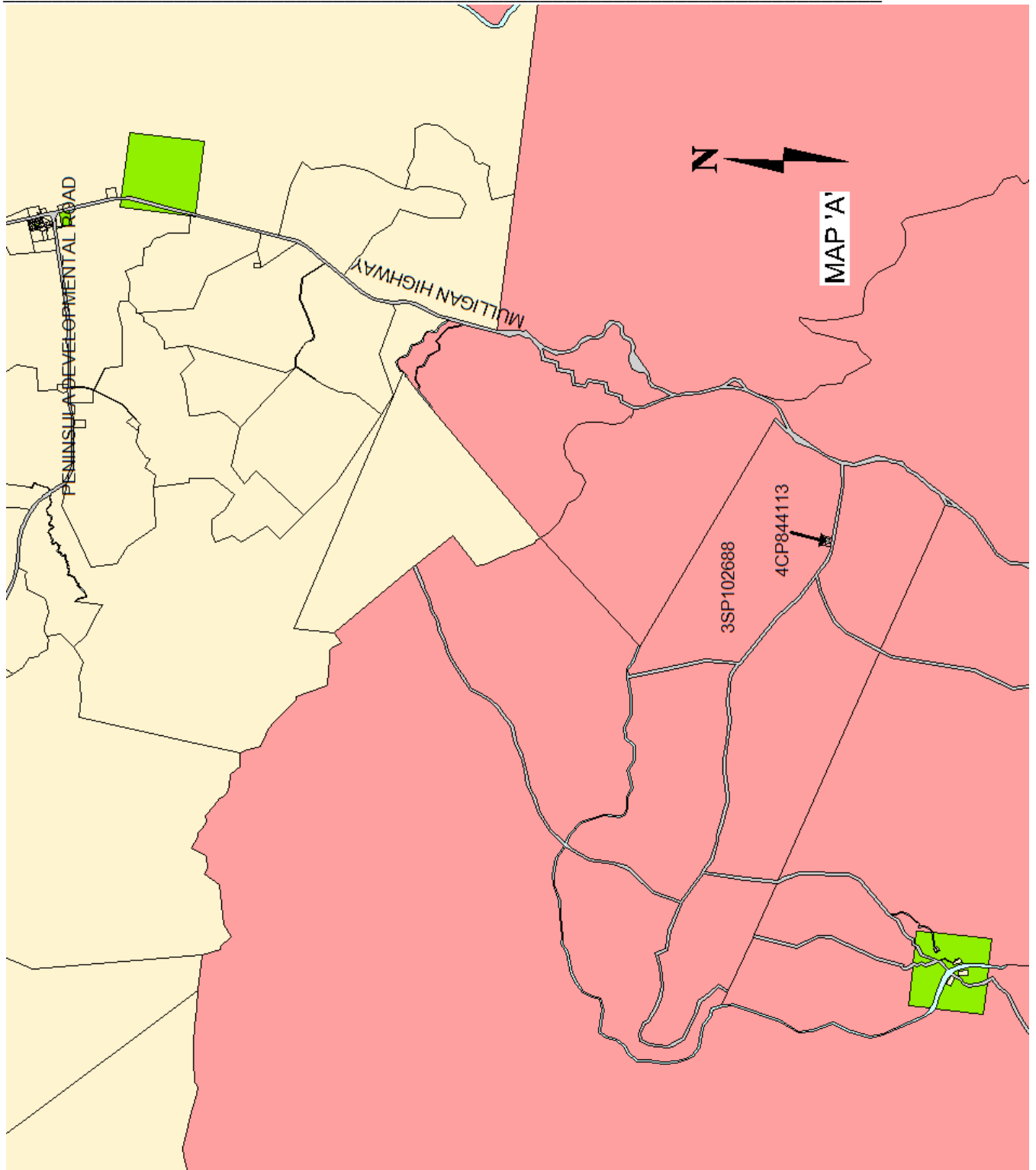
The Department of Natural Resources and Mines be advised that Council raises no objection to the renewal of Term Lease 0/209642 over Lot 4 on Plan CP844003, for a further term, subject to the inclusion of a condition that the provision of access will not be the responsibility of the Local Authority.

Further, the lessee must ensure that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Legislation, the Building Act 1975 and referenced legislation.

Moreover, Council is unaware of any local non-indigenous cultural heritage values that should be considered when assessing the application.

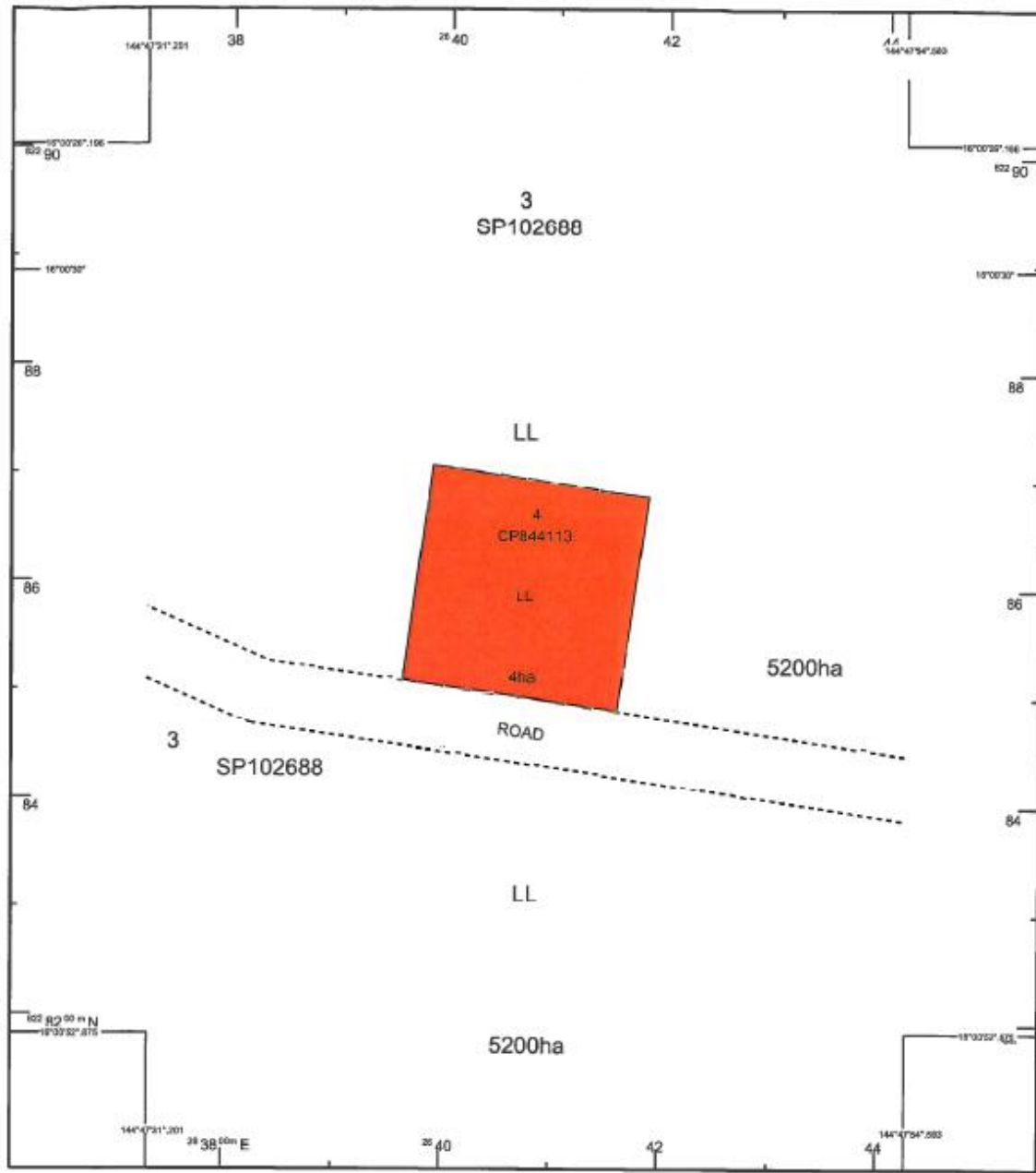
Att.
MAP 'A'
SmartMap

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AGENDA AND BUSINESS PAPERS

18-19-20 May2015



STANDARD MAP NUMBER
7865-14414

0 100 200 300 400 500 m
HORIZONTAL DATUM: GDA94 ZONE: 55 SCALE 1 : 5000

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB
Lot/Plan 4/CP844113
Area/Volume 4ha
Tenure LANDS LEASE
Local Government COOK SHIRE
Locality LAKELAND
Parish BYERSTOWN
County CHILMSPORD
Segment/Parcel 5284124

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 10/04/2015
For additional information regarding this SmartMap see page 2.
Shading Rules have been applied.

DCDB 08/04/2015

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SmartMap

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SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base



Queensland
Government
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AGENDA AND BUSINESS PAPERS
18-19-20 May2015

31000	APPLICATION FOR RENEWAL OF TERM LEASE OVER LOT 1 ON PLAN BS801685 – TELSTRA COPORATION LTD - WITHIN CALOOLA HOLDING: PARISH OF HICKS; COUNTY OF BANKS.	
	<i>Report No.D15/8530 from Land Tenure Officer File No.2.650.09; 2.965.242.</i>	

Cr K Price moved; seconded Cr G Shephard

The Department of Natural Resources and Mines be advised that Council raises no objection to the renewal of Term Lease over Lot 1 on Plan SP801685, for a further term, subject to the inclusion of a condition that the provision of access will not be the responsibility of the Local Authority.

Further, the lessee must ensure that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Legislation, the Building Act 1975 and referenced legislation.

Moreover, Council is unaware of any local non-indigenous cultural heritage values that should be considered when assessing the application.

CARRIED

Précis

1. Raise no objection to renewal of lease.

Background/History

2. By letter dated 13 April 2015, the Department of Natural Resources and Mines requested Council's views on the renewal of the above lease for the same purpose as the existing lease, namely, to house telecommunications equipment.
3. The lease expires on 30 June 2016 and is within Lot 634 on Plan SP158825, known as 'Caloola Holding', as indicated on attached MAP 'A' and SmartMap.
4. There are no known local non-indigenous cultural heritage values within this lease.
5. Neither Engineering nor Planning and Environment have any issues with the renewal, however the lessee must ensure that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Legislation, the Building Act 1975 and referenced legislation.
6. The recommendation that Council raise no objection to the renewal of the lease, subject to the inclusion of a condition that the provision of access will not be the responsibility of the Local Government, is submitted.

AGENDA AND BUSINESS PAPERS
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Link to Corporate Plan

7. Key issues 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations; 4.6 Drainage, Stormwater, Road, Footpath and Bridge Network.

Consultation

8. Nil.

Legal Implications (Statutory, basis, legal risks)

9. Nil.

Policy Implications

10. Nil.

Financial and Resource Implications (Budgetary)

11. Nil.

RECOMMENDATION

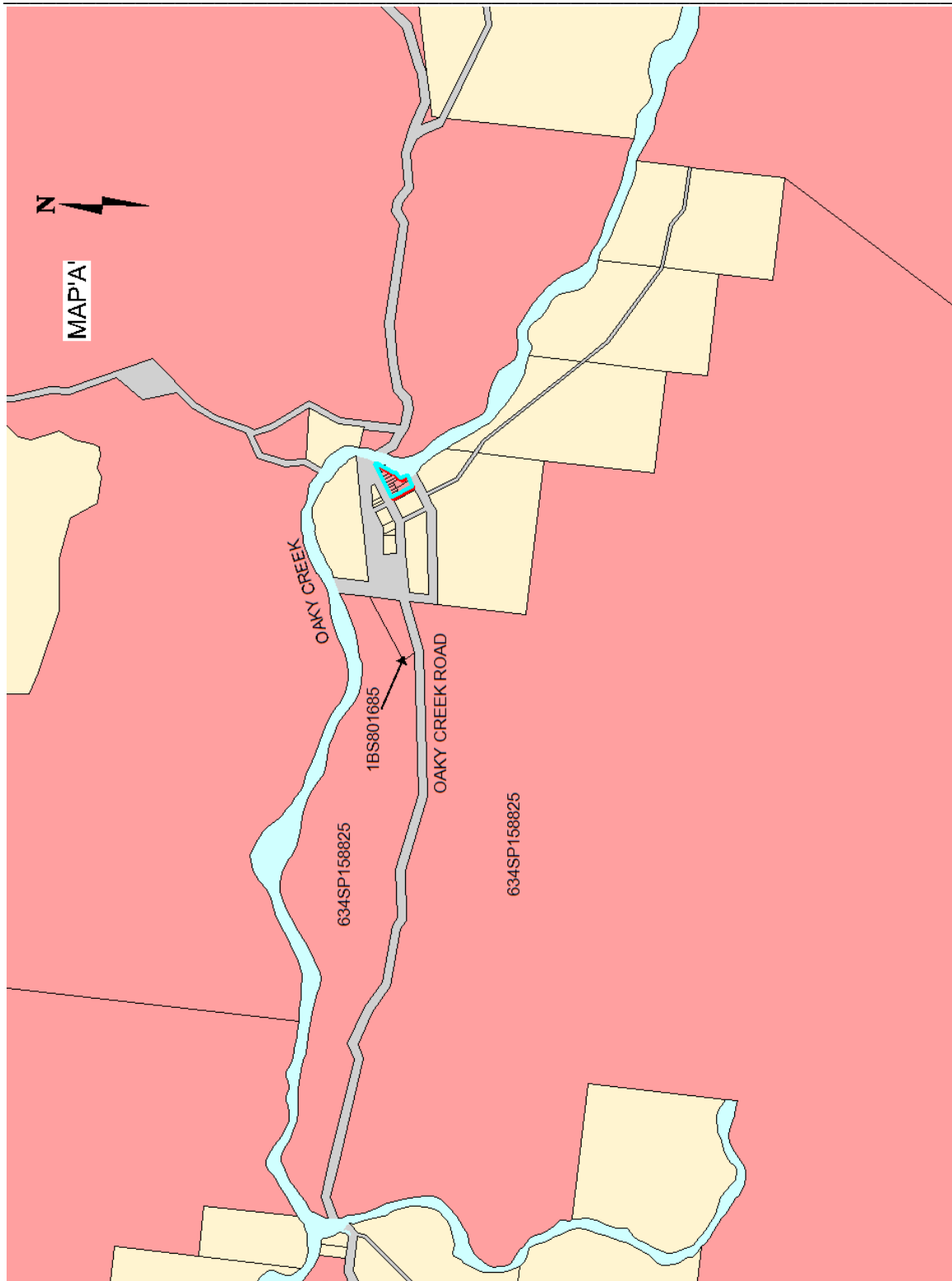
The Department of Natural Resources and Mines be advised that Council raises no objection to the renewal of Term Lease over Lot 1 on Plan SP801685, for a further term, subject to the inclusion of a condition that the provision of access will not be the responsibility of the Local Authority.

Further, the lessee must ensure that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Legislation, the Building Act 1975 and referenced legislation.

Moreover, Council is unaware of any local non-indigenous cultural heritage values that should be considered when assessing the application.

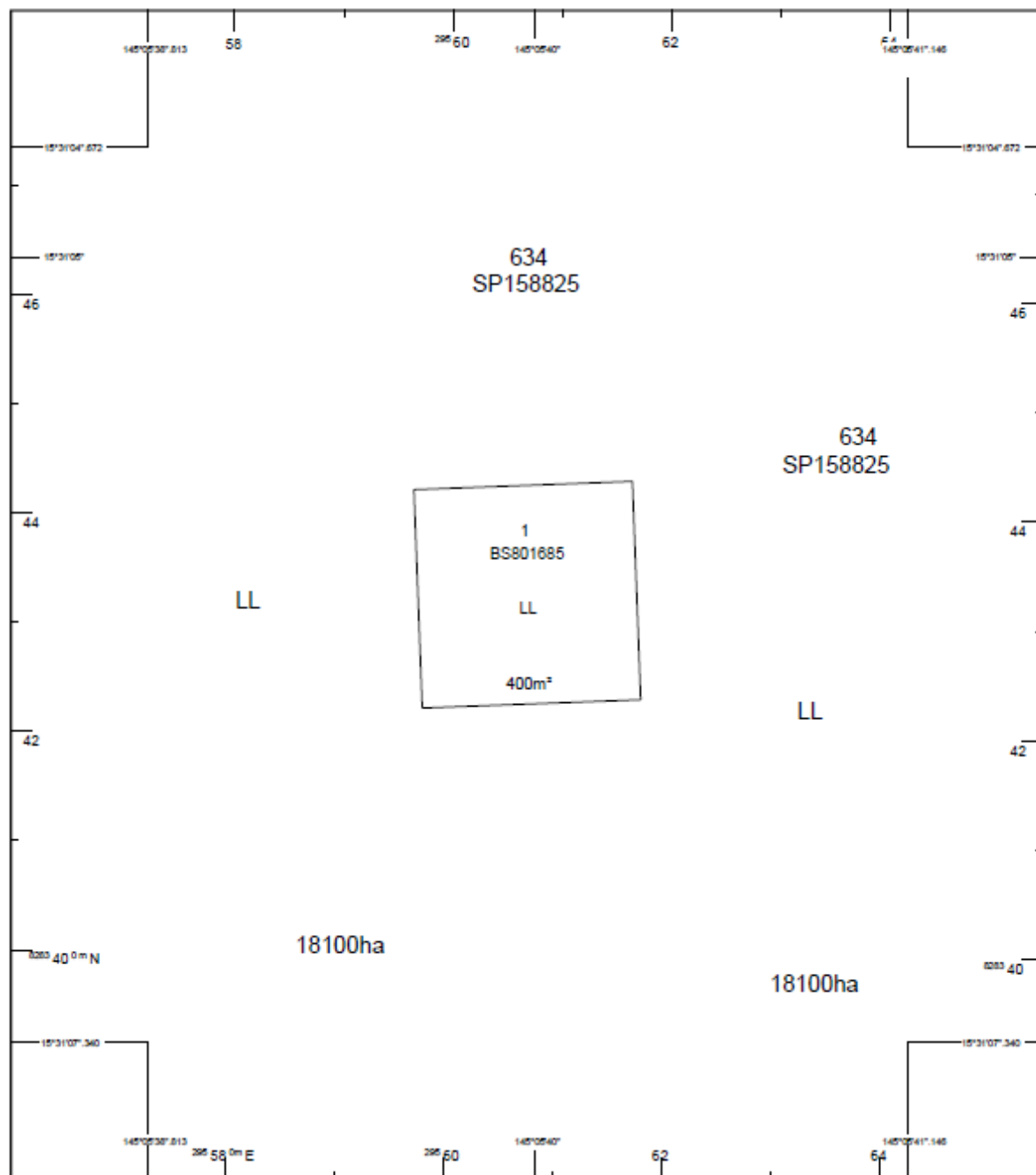
Att.
MAP 'A'
SmartMap

AGENDA AND BUSINESS PAPERS
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AGENDA AND BUSINESS PAPERS

18-19-20 May2015



STANDARD MAP NUMBER
7966-44113

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB
Lot/Plan 1/55801685
Area/Volume 400m²
Tenure LANDS LEASE
Local Government COOK SHIRE
Locality COOKTOWN
Parish HICKS
County BARKS
Segment/Parcel 045617

CLIENT SERVICE STANDARDS

PRINTED (ddmmyyyy) 05/05/2015

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AGENDA AND BUSINESS PAPERS
18-19-20 May2015

31001	APPLICATION FOR CONVERSION TO FREEHOLD OVER TERM LEASE 210213 BEING LOTS 301-311 ON PLAN H2202 - PALMER ROAD; TOWNSHIP OF HAMILTON: FOR RESIDENTIAL (WEEKENDER) PURPOSES; PARISH OF HICKS; LOCALITY OF COOKTOWN.	
	<i>Report No.D15/8529 from Land Tenure Officer File No. 2.33.8 & 2.500.9.</i>	

Cr S Clark moved; seconded Cr P Johnson

1. The Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of Term Lease 210213 over Lots 301-311 on Plan H2202 to Freehold, subject to;
 - i. the lessee applying to the State to permanently close the area of Road Licence 8141, containing the encroachment of shed and fencing and include the area into the adjoining land;
 - ii. a Material Change of Use application for a building setback relaxation being lodged with Council;
 - iii. a final certificate being obtained and the owner ensuring that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Legislation, the Building Act 1975 and referenced legislation, and
 - iv. the provision of a thirty (30) meter wide esplanade along the western bank of Oaky Creek, as depicted on Plan Google Map Proposed 30 meter wide Esplanade_Oaky Creek submitted.
2. As previously conveyed to the Department in connection with particular dealings Council reconfirms its access position is as follows:

That Councils attitude/intent regarding river/creek/beach access etc is to request/require legal public access wherever possible. Council intends to request/require esplanades/access roads plus adjacent reserves (landing, recreation, etc) wherever possible. Any Council request/application should be processed with the foregoing intent in mind.
3. Council is concerned of the encroachment of the building into the road reserve - a road licence does not give secure tenure, further – permanent structures are not listed as permissible improvements within road licences under the Act.
4. Council is unaware of any local non-indigenous cultural heritage values that should be considered when assessing the application.

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CARRIED

Précis

1. Raise no objection to the conversion of term lease to freehold, subject to Council requirements and creation of esplanade.

Background/History

2. By email dated 19 March 2015, the Department of Natural Resources and Mines advised that an application for conversion to freehold over Term Lease 210213, being Lots 301-311 on Plan H2202 had been received. See attached SmartMap.
3. The Department further advised that the current and proposed use of the land is residential (weekender), and requested Councils views/requirements including any local non-indigenous cultural heritage values that should be considered when assessing the application.
4. The lease is due to expire in September 2017.
5. Council in 1985 received an application by the lessee to build a shed; subsequently an area surrounding the shed was fenced resulting in a 15 meter wide encroachment of Garden Street - a road licence was issued in 1988. See attached BLINMAP.
6. Once the conversion to freehold of the leased lands occurs the area of encroachment would continue as a road licence.
7. As Road License 8141 is not part of the leased area the encroachment would have to be dealt with as a separate matter.
8. Road licences are issued under the *Land Act 1994* ("the Act"), section 103 states that;
 - (1) the Minister may issue a road licence over a temporarily closed road only to -
 - (a) an adjoining owner; or
 - (b) another person, if the road licence is only for allowing the person holding the licence to make structural improvements mentioned in section 104(b)(ii) or (iii).

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- (2) However, the Minister need not issue the road licence only to the person who applied for the road closure.
- 9. Under section 104 the issue of road licences is subject to the following conditions;
 - (a) it must not contain a covenant, agreement or condition to renew the road licence, or to convert it to another form of tenure, or to buy the land;
 - (b) no more structural improvement are permitted on the road temporarily closed, other than the following –
 - (i) boundary fences;
 - (ii) pipes for irrigation purposes that cross the road beneath its surface;
 - (iii) water channels for irrigation purposes that cross the road;
 - (c) if the person holding the licence transfers or sells the land for the benefit of which the road licence is issued, the person must –
 - (i) also transfer the road licence to the new registered owner or lessee of the land; or
 - (ii) surrender the road licence at the time the sale is settled;
 - (d) any other conditions the Minister considers appropriate.
- 10. Under the Act, permanent structures are not listed as permissible improvements within temporarily closed roads; neither does a road licence give secure tenure.
- 11. Both Engineering Services and Planning and Environment Services expressed concerns regarding the encroachment.
- 12. Council records show that no final inspection has been carried out on the structure. Due to the encroachment of the structure onto the road reserve, no building or plumbing final certificate can be issued; also the requirement for structural setbacks within Council's rural zoning is 100 meters from the (unsealed) road that access is gained.
- 13. For any final certificate to be issued the lessee would need to either relocate the structure within the boundary of Lot 310 H2202, or apply for a permanent road closure and include the area within the adjoining property.
- 14. Further, a Material Change of Use application would be required for a setback relaxation.

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15. With the foregoing Council should request that the lessee of Lots 301 – 311 on Plan H2202 make application to the State to permanently close the area of road containing the encroachment within Road Licence 8141 and include the area into the adjoining land.
16. In accordance with Council's Policy on the issue, reaffirmed at the October 2012 Council Meeting, a 30 meter wide esplanade should be required along the western bank of Oaky Creek in accordance with attached plan, Google Map Proposed 30 meter wide Esplanade_Oaky Creek.

Public Access

20-21 JULY 1999 RESOLUTION NO.19787

That Council's attitude/intent regarding river/creek/beach access etc is to request/require legal public access wherever possible. Council intends to request/require esplanades/access roads plus adjacent reserves (landing, recreation, etc) wherever possible. Any Council request/application should be processed with the foregoing in mind.

17. There are no known local non-indigenous cultural heritage values within this lease.
18. The following recommendation is submitted for consideration.

Link to Corporate Plan

19. Key issues 4.3 Sport and Recreation Facilities and Public Access; 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations.

Consultation

20. Departmental and internal.

Legal Implications (Statutory, basis, legal risks)

21. Nil.

Policy Implications

22. Nil – in accordance with policy position.

Financial and Resource Implications (Budgetary)

23. Nil.

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RECOMMENDATION

5. The Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of Term Lease 210213 over Lots 301-311 on Plan H2202 to Freehold, subject to;
 - v. the lessee applying to the State to permanently close the area of Road Licence 8141, containing the encroachment of shed and fencing and include the area into the adjoining land;
 - vi. a Material Change of Use application for a building setback relaxation being lodged with Council;
 - vii. a final certificate being obtained and the owner ensuring that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Legislation, the Building Act 1975 and referenced legislation, and
 - viii. the provision of a thirty (30) meter wide esplanade along the western bank of Oaky Creek, as depicted on Plan Google Map Proposed 30 meter wide Esplanade_Oaky Creek submitted.
6. As previously conveyed to the Department in connection with particular dealings Council reconfirms its access position is as follows:

That Councils attitude/intent regarding river/creek/beach access etc is to request/require legal public access wherever possible. Council intends to request/require esplanades/access roads plus adjacent reserves (landing, recreation, etc) wherever possible. Any Council request/application should be processed with the foregoing intent in mind.
7. Council is concerned of the encroachment of the building into the road reserve - a road licence does not give secure tenure, further – permanent structures are not listed as permissible improvements within road licences under the Act.
8. Council is unaware of any local non-indigenous cultural heritage values that should be considered when assessing the application.

Att.

SmartMap

BLINMAP – Road Licence 8141

Area of Encroachment

Google Map Proposed 30 meter wide Esplanade_Oaky Creek

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STANDARD MAP NUMBER
7966-44113

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB
Lot/Plan
Area/Volume
Tenure
Local Government
Locality
Parish
County
Segment/Parcel

305/12202
2089m²
LANDS LEASE
COOKSHIRE
COOKTOWN
HICKS
BANKS
848949

CLIENT SERVICE STANDARDS

PRINTED (ddmmyyyy) 18/03/2015
For additional information regarding this SmartMap see page 2.
Shading Rules have been applied.

DCDB 18/03/2015

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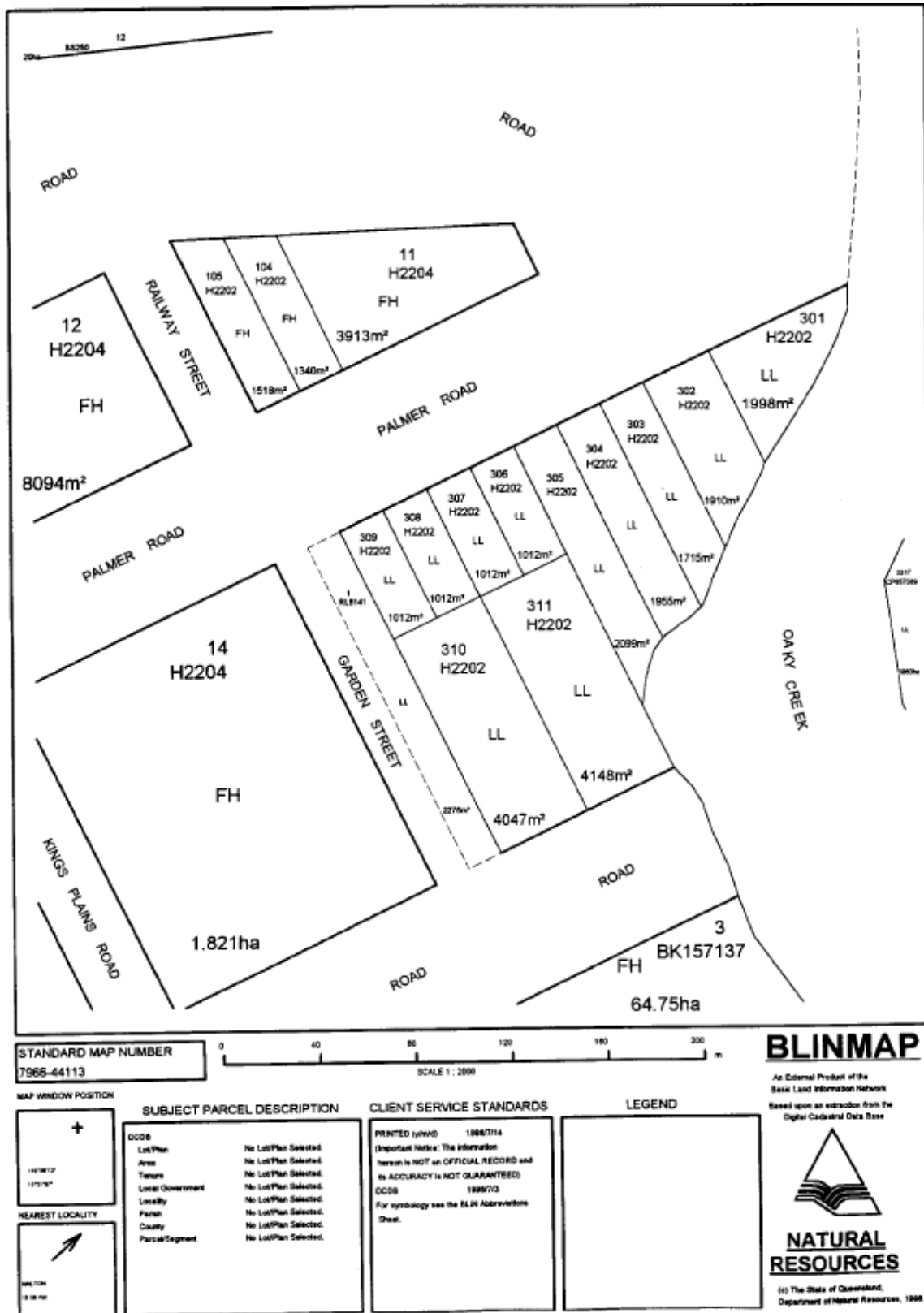
SmartMap

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



(c) The State of Queensland,
(Department of Natural
Resources and Mines) 2015.

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31002	APPLICATION FOR UPGRADE OF TENURE OVER LOT A ON PLAN AP21233 - PERMIT TO OCCUPY 235578 AND LOT C ON PLAN SP139317 - TERM LEASE 234151 WITHIN MORETON TELEGRAPH STATION; PARISH OF BERNEY, COUNTY OF DELHUNTY.	
	<i>Report No.D15/ 8657 from Land Tenure Officer File No. 2.48.01; 2.85.83; 2.85.85; 2.94.1 (162 & 566).</i>	

Cr G Shephard moved; seconded Cr A Wilson

1. The Department of Natural Resources and Mines be advised that Council;
 - (i) supports the application for upgrade of tenure over Lot A on Plan AP21233 being Permit to Occupy 234478 to a Term Lease;
 - (ii) does not support any upgrade of tenure over Lot C on Plan SP139317 being Term Lease 234051.
2. Council considers that the significant historical values and continued access by the public to Moreton Telegraph Station within Reserve for Recreation and Natural Resource Management are best dealt with under a reserve for a community purpose/s as detailed in Schedule 1 of the Land Act 1994.

CARRIED

Précis

1. Council consider tenure upgrade within Moreton Telegraph Station Reserve.

Background/History

2. By letter dated 1 April 2015, the Department of Natural Resources and Mines ('DNRM') advised that the above application by the current registered lessee/permittee – Maindevon Pty Ltd had been received.
3. DNRM further advised that the application for a more secure tenure will be focused on the areas being leased and surrounds that have been developed or used to support the low key tourism activities of the lease/permits.
4. Continuing, Council should also note that the matter of ensuring "Moreton Telegraph Station" is tenured and the use is appropriate, Council is invited to provide its view in relation to possible future community purpose allocations for the reserve or balance of the reserve depending on the outcome of the application.
5. Maindevon Pty Ltd are the permittees of Permit to Occupy ('PO') 235578 being Lot A on AP21233, PO237210 Being Lot B on AP20219 and lessee of Term

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-
- Lease ('TL') 234151 being Lot C on Plan SP139317 which are situated over Reserve for Recreation and Natural Resource Management described as Lots 3 and 6 on Plan SP241405 and Lot 12 on Plan SP241431.
6. Lots 3 and 6 on Plan SP241405 and Lot 12 on Plan SP241431 are owned by the State.
 7. Council has had a long involvement with Moreton Telegraph Station, as Caretaker and Trustee.
 8. Due to the uncertain future of Moreton Telegraph Station (native title claim and Section 16 land evaluations), Councils desire to protect the historical values, see tourism use on this site continue as well as develop part of the site for depot and airport management, at its September 2005 meeting, vide Resolution No. 24625 entered into negotiations with the State for the purchase of the fee simple of then Lot 2 SP171852, Reserve for Recreation and Natural Resource Management – Moreton Telegraph Station.
 9. However, the State felt areas that had been used for some time and were continuing to be used to cater for the travelling public, as well as the protection of historic infrastructure etc, were considered to be best dealt with under a reserve for a community purpose/s as detailed in Schedule 1 of the Land Act 1994.
 10. Moreton Telegraph Station remained a Reserve in the trusteeship of Cook Shire Council.
 11. Council at its May 2008 meeting, as set out in Report No. DW395549, resolved via Resolution No. 28305 to advise the State that due to financial considerations, the lack of assertive action by the State in relation to the resolution of outstanding issues, and the failure of the State to deal effectively and finally with the expansionist demands of the commercial operator established by the State within the Community Purpose Reserve, it relinquished its trusteeship of the Reserve for Recreation and Natural Resource Management - Moreton Telegraph Station.
 12. Further, Council advised that it no longer desired to proceed with its request for freehold tenure over the previously identified part of the reserve for the purpose of establishing a Council Depot and it would no longer maintain the airstrip within the reserve as Council would have no tenure or responsibility in that regard.
 13. Engineering Services advise that there is still an interest for a storage area within the Moreton Telegraph Reserve for minor equipment (signage material etc.), also as a possible future camp area, this is due to the future uncertainty of Bramwell Stations lease with the State or possible sale.

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14. Planning and Environmental Services advise that there are no planning issues, although the owner must ensure that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Legislation, the Building Act 1975 and referenced legislation,

15. The following recommendation is submitted for Councils consideration.

Link to Corporate Plan

16. Key issues 4.3 Sport and Recreation Facilities and Public Access; 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations.

Consultation

17. Internal

Legal Implications (Statutory, basis, legal risks)

18. Nil.

Policy Implications

19. Nil.

Financial and Resource Implications (Budgetary)/Risk Assessment

20. Nil.

RECOMMENDATION

3. The Department of Natural Resources and Mines be advised that Council;

(iii)supports the application for upgrade of tenure over Lot A on Plan AP21233 being Permit to Occupy 234478 to a Term Lease;

(iv)does not support any upgrade of tenure over Lot C on Plan SP139317 being Term Lease 234051.

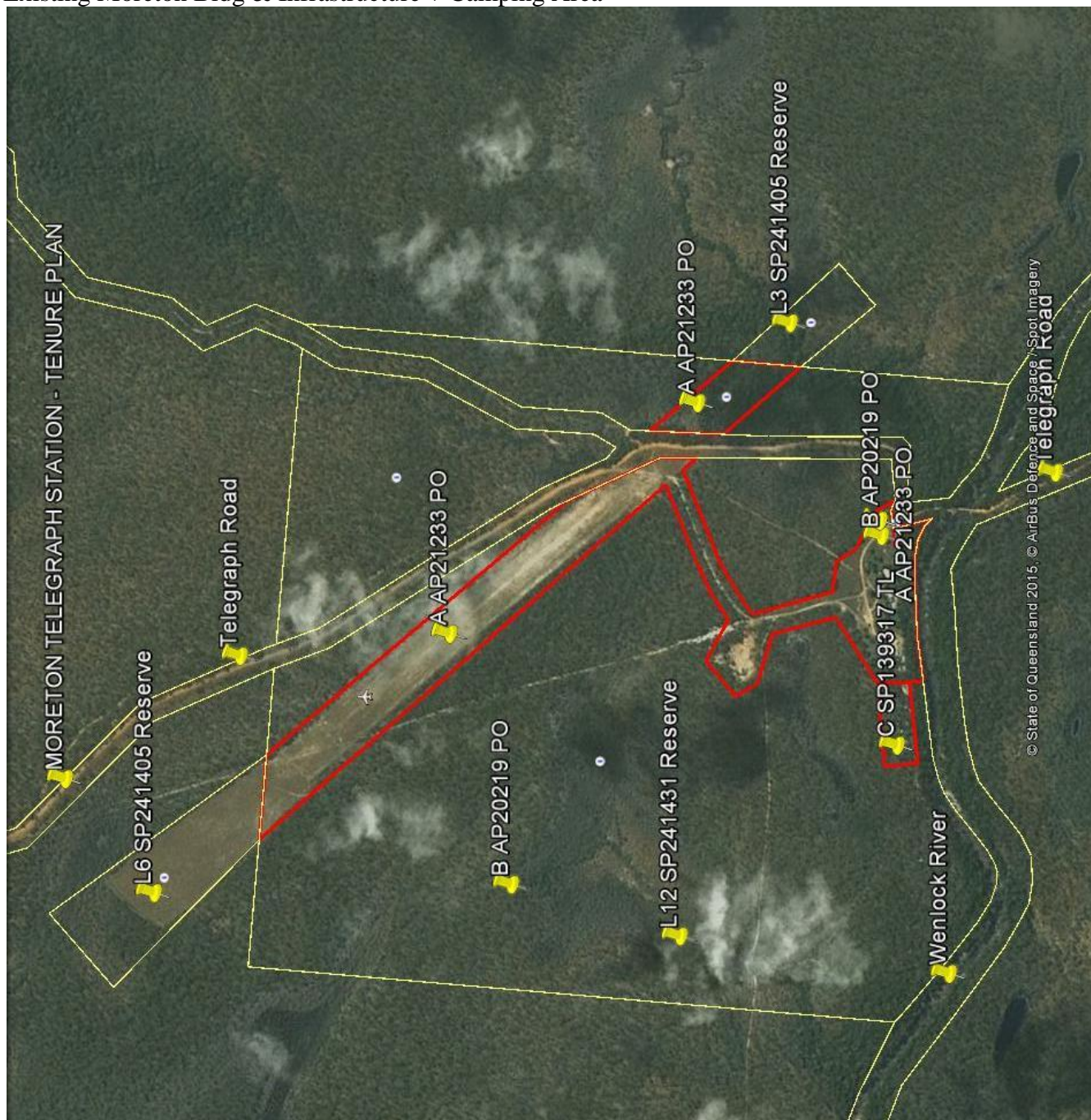
4. Council considers that the significant historical values and continued access by the public to Moreton Telegraph Station within Reserve for Recreation and Natural Resource Management are best dealt with under a reserve for a community purpose/s as detailed in Schedule 1 of the Land Act 1994.

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Att.

Moreton Telegraph Station – Tenure Plan

Existing Moreton Bldg & Infrastructure + Camping Area



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31003	CONSIDERATION OF TENURE FOR WATERFRONT RECLAMATION AREA; WEBBER ESPLANADE, COOKTOWN; COUNTY OF BANKS; PARISH OF COOK.	
	<i>Report No.D15/10392 from Land Tenure Officer File No. 2.169.07.</i>	

Cr P Johnson moved; seconded Cr K Price

Council seeks a legal opinion from Preston Law as to;

- (i) whether or not the reclaimed area is within the Native Title Determination Application Cape York United No.1
- (ii) the steps required to secure tenure (freehold, community reserve, esplanade)
- (iii) estimation of costs to Council for securing of tenure
- (iv) timeframe for resolution of tenure dealings

CARRIED

Précis

1. Council consider tenure options for waterfront reclamation area.

Background/History

2. Council in 2004 lodged a Development Application for the construction of a rock seawall and reclaim the area between Webber Esplanade and seawall for recreation purposes.
3. In providing owners consent, the then Department of Natural Resources, Mines and Energy ('NRM&E') advised that provided approval was granted by the Environmental Protection Agency for the proposed development and the reclamation works are required for the upgrade and widening of the existing esplanade, then an application under the *Land Act 1994* ('the Act') should be submitted so that once reclaimed, the area may be gazetted as road for future public use.
4. NRM&E further advised that in undertaking a native title assessment, the Department could not be satisfied that the existing esplanade ever existed to the extent of the proposed reclamation works and providing all work being undertaken are for the upgrade and management of road infrastructure, the dedication of the additional road areas may be addressed in terms of Section 24KA of the *Native Title (Cth) Act 1993* ('NTA').

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5. With the reclamation completed and development of the area being progressed Council should now consider its tenure requirements - freehold, community reserve and/or esplanade.
6. Cairns Regional Council ('CRC') carried out a similar development of its waterfront, which is made up of nine (9) parcels, all are community purpose reserves in the trusteeship of Cairns Regional Council;
 - Five (5) - Reserve for Park and Recreation purposes
 - Three (3) - Reserve for Park purposes
 - One (1) - Reserve for Local Government (car park) purposes

See attached plan – Cairns Esplanade Tenures.

7. The development of the Cairns waterfront incorporates the lagoon (swimming), amenity blocks, kiosk, BBQ areas, stage; demountable building, restaurant (Muddies); children's playground and water play area, skate park and beach volleyball, boardwalk, physical activity stations, tennis courts, bike and walk ways and parking.
8. CRC did trustee leases for muddies and the kiosk, they are inconsistent use of the reserves that do not diminish the dedicated purpose of the reserve, they are included in the land management plan for the Cairns Esplanade and as they are inconsistent they needed to be submitted for approval under the Act.
9. A trustee may authorise use and occupation of trust land by third parties (secondary use) only in accordance with the provisions of the Act (i.e. under a trustee lease or trustee permit). A trustee lease is generally consistent with the purpose of the trust land but in some cases an inconsistent use of the trust land may be approved.
10. The trustee lease must not diminish the purpose of the trust land; the inconsistent action will not diminish the purpose of the trust land, and will not have an adverse effect on any business in the area. A management plan for the trust land must identify and address this issue.
11. The development of the Webber Esplanade reclamation area seems to have two definite areas, one is of high development (tidal lagoon, water plan area, amenities, marina and proposed kiosk); tenure would be either reserve or freehold, the other is of low development (open grassed area, playground, plaza, BBQ's, parking); tenure would be either community reserve or esplanade.

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12. Esplanade would be created under Section 24KA of the NTA, notification, which would suppress native title. Any future development not consistent within esplanade/road then native title would have to be dealt with.
13. Community Reserves, Parks/Recreation, under Schedule 1 of the Act accommodates the current proposed development.
14. Freehold would require purchase of the land at current value price. There is provision in State Policy for a Local Government to purchase the fee simple of a parcel (when required for community purposes) at a discounted rate of up to 50%, to cater for a possible future claim for compensation - for the native title rights and interests acquired, currently considered to equate to (at best) 50% of the market value of the land at the date of acquisition.
15. Native title must be addressed even though the area is 'reclaimed'.
16. A native title claim for the whole of Cape York, Cape York United No.1, was registered 6 February 2015 and is in notification to 10 June 2015. Areas covered by this application comprise all the parcels of land and waters and all other land and waters above the High Water Mark which are within the external boundaries – to date no real property descriptions have been provided
17. The National Native Title Tribunal is to provide an overlap report to Council showing the area of the reclamation, if any, is within the claim area.
18. Under the NTA the waterfront development is considered a 'Future Act'. Future Act Options for Council are;
 - compulsory acquisition – where the acquisition is for a public purpose.
 - ILUA
 - Non-claimant application – only where there is no native title claim or determination over the land.
19. Once Council confirms its tenure requirements applications can then be made to the State; cost/s for application/s is approx \$250, survey plan/s would be required.
20. If Council desires freehold then a budget review meeting for the purchase component as well as for the possible compensation component (if within the claim area). It could be that a negotiated outcome (a consent determination) could remove or lessen any potential future claim for compensation.
21. With the uncertainty as to whether or not the reclaimed area is within the Native Title Determination Application Cape York United No.1 area creates uncertainty estimating costs and timeframe for resolution of tenure dealings. To this end it is felt that a legal opinion concerning Councils options should be sought.

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22. The following recommendation is submitted for consideration by Council.

Link to Corporate Plan

23. Key issues 4.3 Sport and Recreation Facilities and Public Access; 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations and 4.6 Drainage, Stormwater, Road, Footpath and Bridge Network.

Consultation

24. Departmental

Legal Implications (Statutory, basis, legal risks)

25. *Native Title (Cth) Act 1993 and Land Act 1994*

Policy Implications

26. Nil.

Financial and Resource Implications (Budgetary)/Risk Assessment

27. Budgetary requirements to be considered.

RECOMMENDATION

1. Council seeks a legal opinion from Preston Law as to;
 - (v) whether or not the reclaimed area is within the Native Title Determination Application Cape York United No.1
 - (vi) the steps required to secure tenure (freehold, community reserve, esplanade)
 - (vii) estimation of costs to Council for securing of tenure
 - (viii) timeframe for resolution of tenure dealings

OR

2. Council make application to the Department of Natural Resources to acquire freehold over the Webber Esplanade Reclamation.

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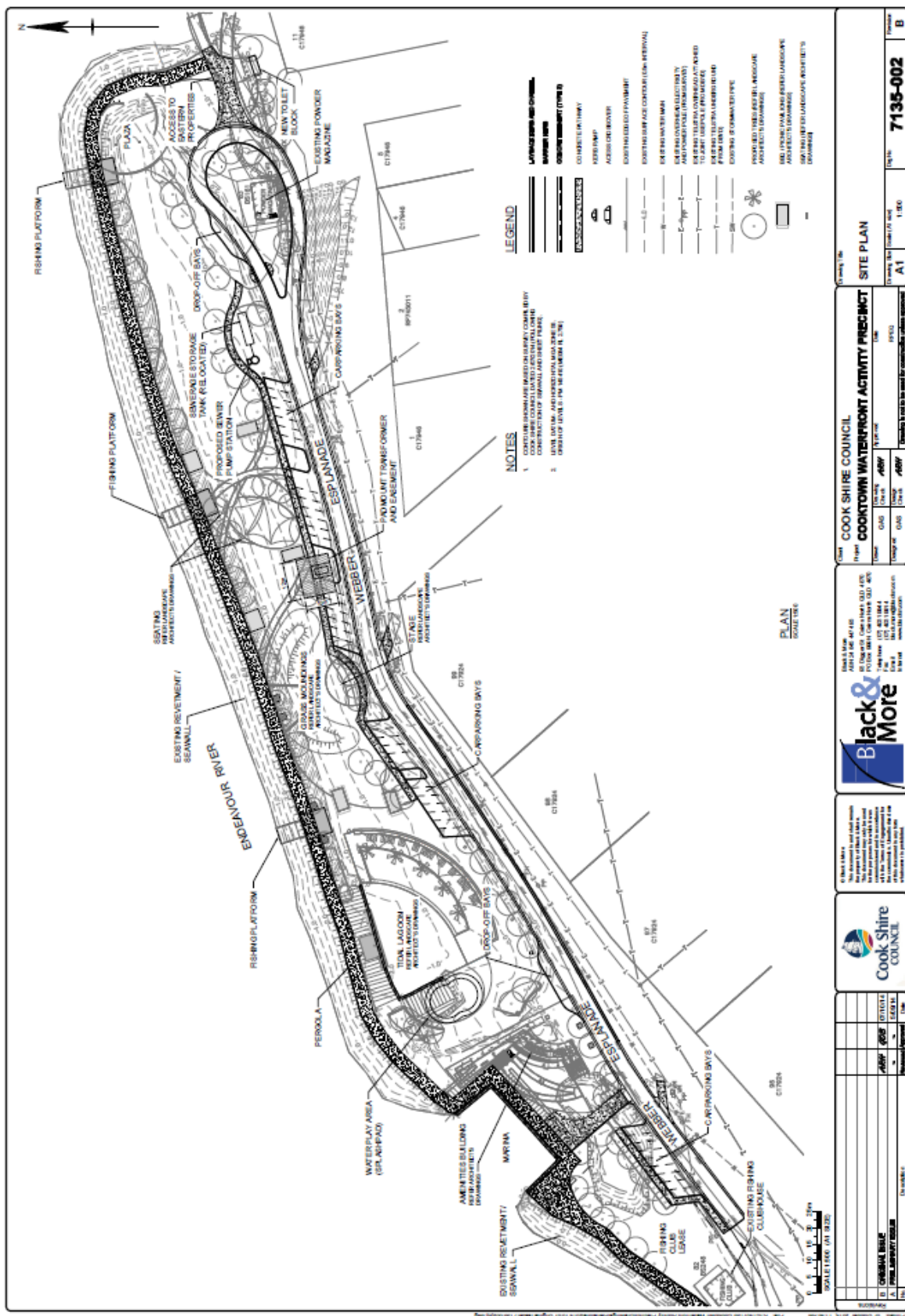
Att.

Cooktown Reclamation Concept Plan

Cairns Esplanade Tenures

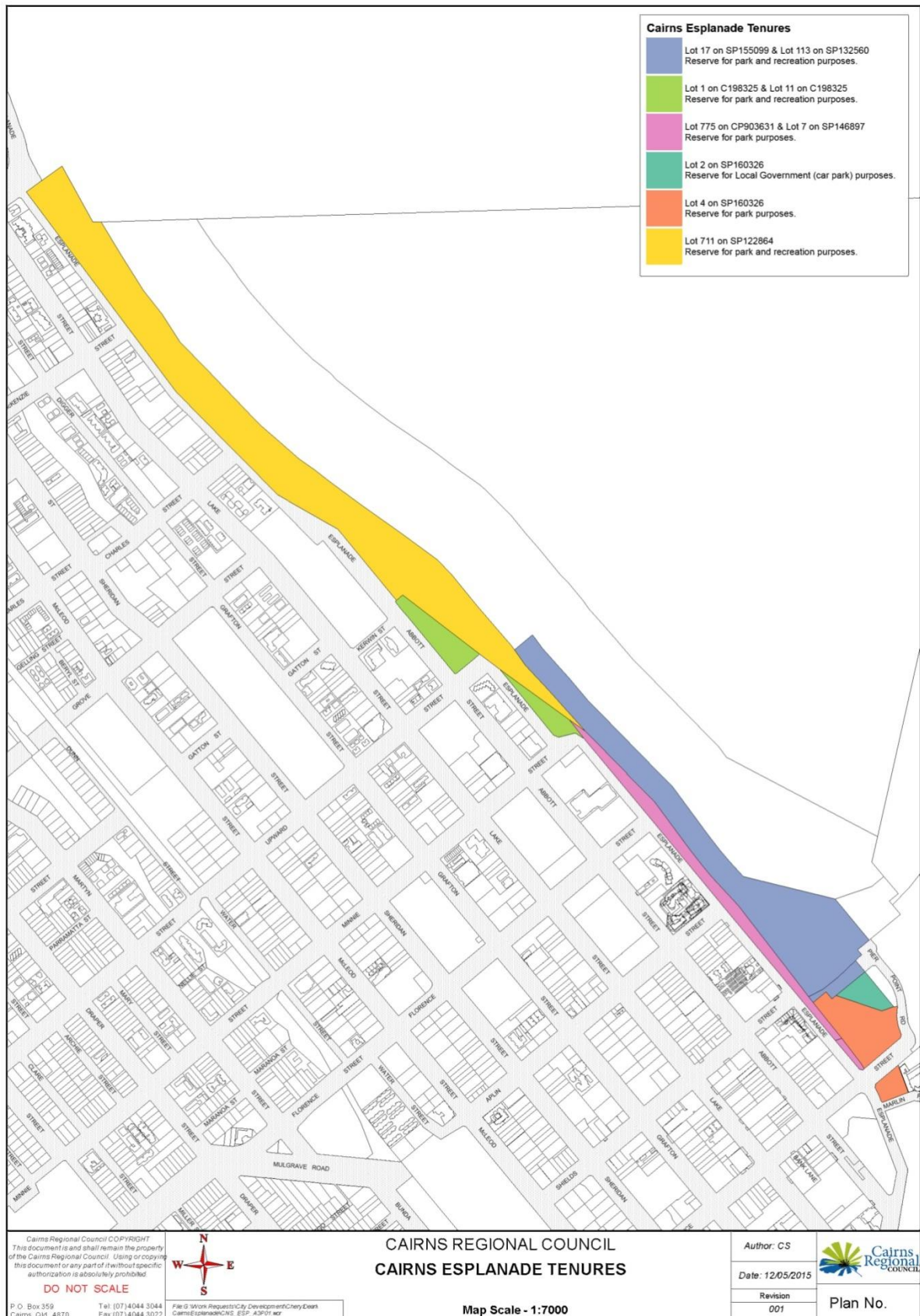
Cairns Waterfront Development

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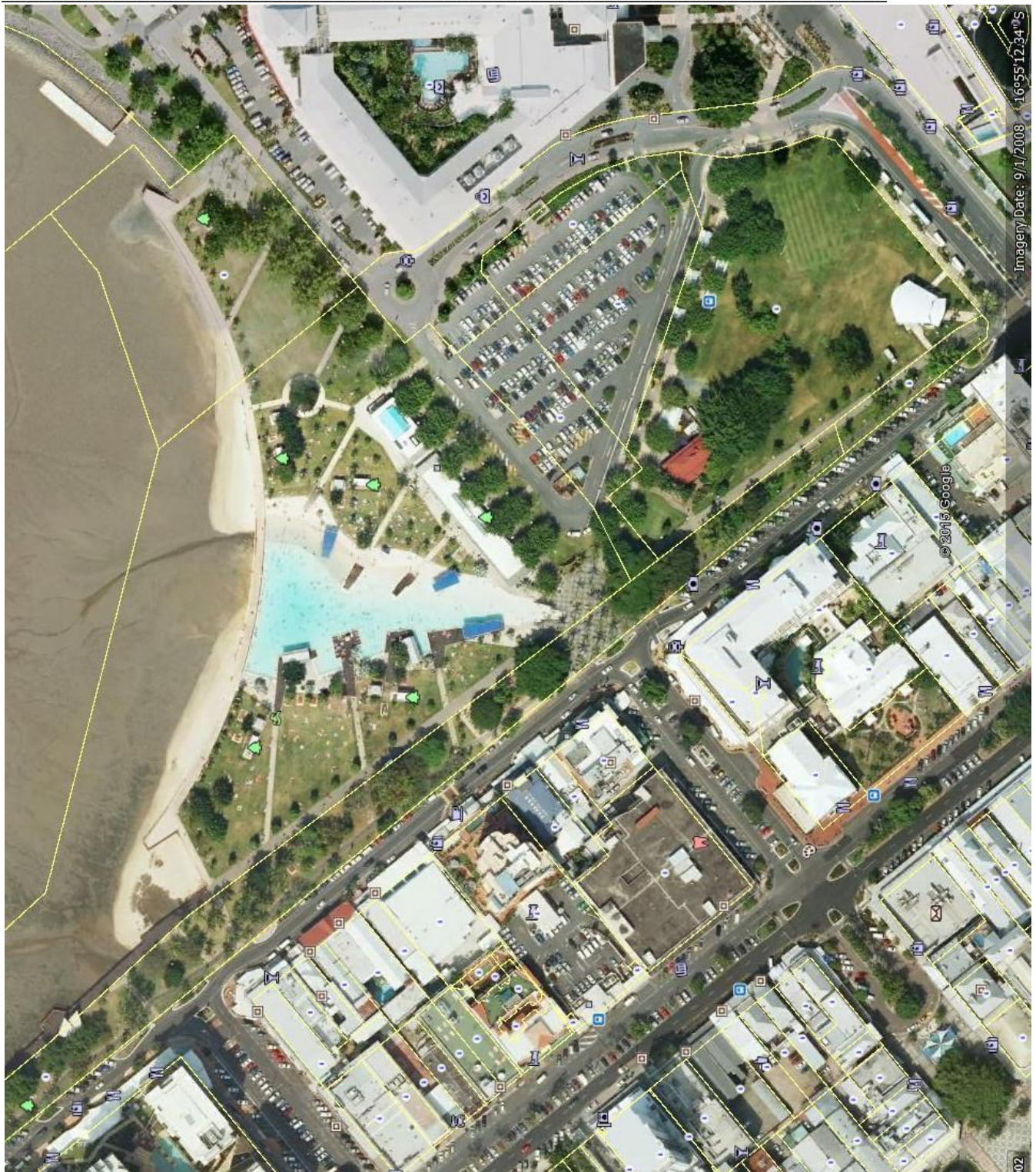
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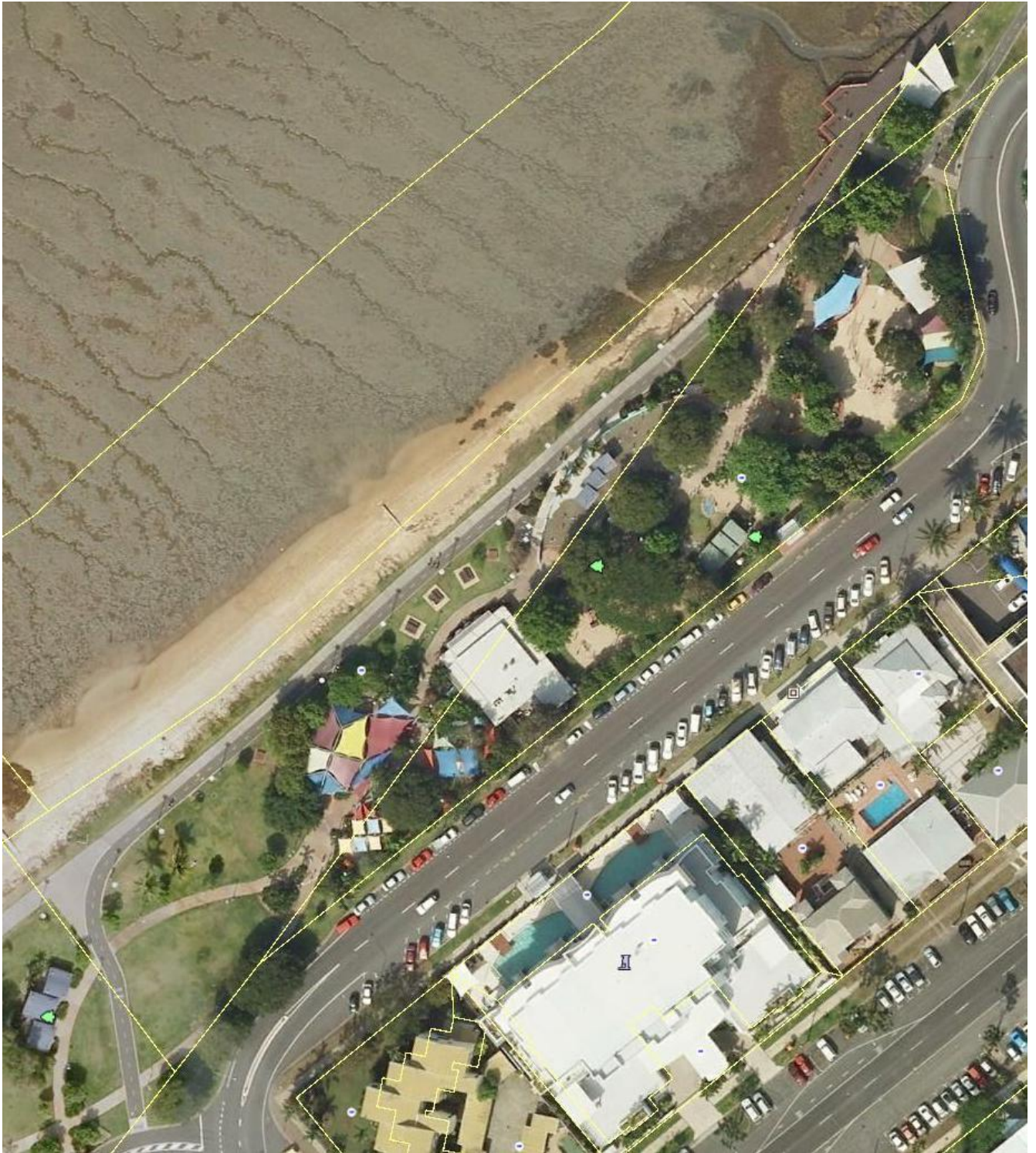
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31004	PROPOSED LAURA WASTE WATER TREATMENT PLANT - PREFERRED SITE: LOT 200 ON PLAN CP907233; PENINSULA DEVELOPMENT ROAD, LAURA; PARISH OF DEIGHTON; LOCALITY OF LAURA.	
	<i>Report No.D15/10426 from Land Tenure Officer File No. 2.75.1; 2.83.1; 2.85.46.</i>	

Cr A Wilson moved; seconded Cr P Johnson

1. Council supports the Army Aboriginal Community Assistance Project in the Laura Township.
2. Council approves consideration of the proposed Waste Water Treatment upgrade site incorporating the existing Laura landfill.
3. Council requests the Department of Natural Resources and Mines to carry out an historical search over Lot 200 on Plan CP907233.
4. Council requests a recommendation from Preston Law including time frames and costing.

CARRIED

Précis

1. Council support upgrade of Laura waste water treatment system and consider budget requirements.

Background/History

2. Through the Army Aboriginal Community Assistance Project ('AACAP'), a joint venture between the Department of the Prime Minister and Cabinet and the Australian Army, four (4) major projects have been identified;
 - Waste water treatment system upgrade ('WWS')
 - Construction of a training facility
 - New footpath
 - New roof over community basketball court

In addition to the above works, the Army may also conduct minor tasks of opportunity.

3. The Army proposes to be in Laura from April to November 2016 with construction planned to commence around May, with an expected 150 personnel setting up camp (location of camp yet to be finalised).

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4. Purchase costs of land required for projects identified/conducted by AACAP is not included within its funding.
 5. Council would therefore be responsible for the appropriation of land on which the WWS is to be constructed; Council will also be responsible for the maintenance of the new system.
 6. Native Title would have to be dealt with, also as part of the project, once the area of land has been formalised a full cultural heritage search will be carried out as to date only an informal identification of cultural heritage sites from local knowledge has been done.
 7. At this stage it is estimated that a footprint of at least 200m x 200m would be required, this is based on similar systems.
 8. Council officers and Cr Wilson have been involved with the proposed upgrade of the WWS for some time with an inspection of sites for the proposed WWS involving AACAP, Council officers, Cr Wilson, traditional owners and other stakeholders taking place Wednesday 18 March 2015; the preferred site being Lot 200 on Plan CP907233.
 9. The attached plan shows sites inspected and/or considered;
 - L194 SP253482 - Camping Reserve - CSC trustee – use inconsistent with purpose, require purchase of land – deal with native title ('NT').
 - L105 SP253483 – USL – require purchase of land – deal with NT.
 - L170 CP840897 – Reserve for Landing Ground for Aircraft - CSC trustee – site not suitable.
 - L99 SP249728 – FH – Ang-Gnarra Aboriginal Corporation – possible to purchase part of area – no NT issues.
 - L97 SP251358 – FH – Ang-Gnarra Aboriginal Corporation - possible to purchase part of area – no NT issues.
 - L194 SP115188 – Reserve for Sanitary Landfill – CSC trustee – use is consistent purpose of reserve – deal with NT – area of land too small – within residential area.
 - L193 CP843580 – Reserve for Sanitary Landfill – CSC trustee – use is consistent purpose of reserve – deal with NT – area of land would fit treatment plant and ponds – waste would have to be pumped - land is not level – close to residential – odour issues for town.
 - L200 CP907233 – USL – require purchase of land – deal with NT.
 10. Many of the above parcels are flagged as being potentially contaminated sites and would require further investigation.

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11. Lot 200 on CP907233 is currently unallocated State land. A preliminary assessment by the Department of Natural Resources and Mines of the parcel has confirmed the following –
 - a. The area is likely to be contaminated and on the Contaminated Land registry. Further investigations would determine the extent of the contamination and if the proposed use would be impeded by the contamination;
 - b. The area has significant Aboriginal interest, including Aboriginal burials on the site. Due to the amendments to the *Aboriginal Land Act 1991*, the extent of the interests of Aboriginal people particularly concerned with the land has not been finalised;
 - c. It is highly likely that native title continues to exist over the area; and
 - d. Part of the area is used for refuse purposes. This is not an authorised use of the site.
 12. The Laura landfill is situated within Lot 200 and has been for many years; Council has an Environmental Authority ('EA') for the landfill.
 13. Records available show Lot 200 CP907233 was previously R15 Camping Reserve in the trusteeship of CSC, in 1996 an area of the Camping Reserve was created as Lot 200.
 14. A Native Title Determination Application - Quinkan Region/Laura Claim QC02/01 was filed in the Federal Court in 2002, it is unsure what areas within the Laura Township, if any were within the claim area.
 15. The preference for Lot 200 for the WWS is due to;
 - (a) it does not impinge on land that other stakeholders intend to develop;
 - (b) it is downwind of the prevailing winds;
 - (c) it is downhill of all serviced properties;
 - (d) it is high enough to be relatively safe from flooding;
 - (e) the land is already used for waste disposal and therefore not appropriate for many other uses.
 16. This site, as per attached plan - Proposed Treatment Plant and existing Landfill Laura - would also enable Council to formalise the uncertainty of the use of the landfill.
 17. Advice that the AACAP are following up on the best way to address NT issues on Lot 200 has been received, also whether a NT specialist is to be retained to work through these issues.
 18. Once the 'best' site for the proposal is finalised –
 - Council to make an application for a deed in priority.

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- The assessment of the application would require further investigation (with particular attention to factors mentioned above).
- Survey would be required for the issue of any tenure.
- Native title would need to be addressed through an appropriate future act option.
- An offer of all or part of the area would be at market value; however the Department of Natural Resources and Mines can deal with the Council in priority as a constructing authority on the basis that the land is needed for a public purpose (namely 50% discount of the purchase price) if the council addresses native rights and interests.

19. A budget review meeting for the purchase component would be required; also ongoing running/maintenance costs will need to be figured in to Council's future budgets.

20. The following recommendations are submitted for Councils consideration.

Link to Corporate Plan

1. Key issues 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations and 4.6 Drainage, Stormwater, Road, Footpath and Bridge Network.

Consultation

21. Departmental and Internal.

Legal Implications (Statutory, basis, legal risks)

22. Nil.

Policy Implications

23. Nil.

Financial and Resource Implications (Budgetary)

24. Budgetary requirements to be considered.

RECOMMENDATION

1. Council supports the Army Aboriginal Community Assistance Project in the Laura Township.
2. Council approves the proposed Waste Water Treatment upgrade site incorporating the existing Laura landfill.

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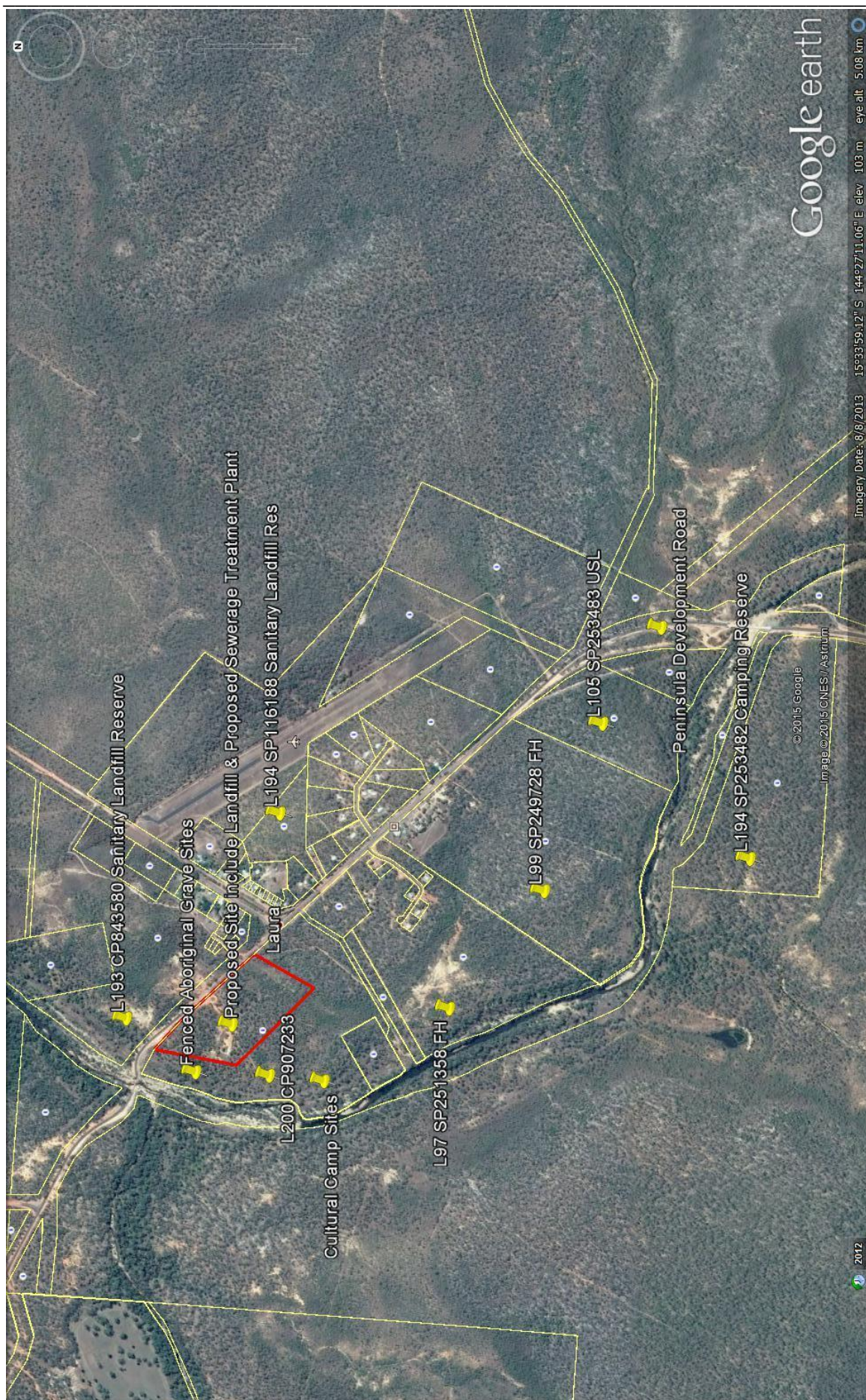
3. Council requests the Department of Natural Resources and Mines to carry out an historical search over Lot 200 on Plan CP907233.

Att.

Possible Sites for proposed Treatment Plant

Proposed Treatment Plant and existing Landfill Laura

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L193 CP843580 Sanitary Landfill Reserve

Fenced Aboriginal Grave Sites

Proposed Site include Landfill & Proposed Sewerage Treatment Plant

L194 SP116188 Sanitary Landfill Res

Laura

L200 CP907233

Cultural Camp Sites

L99 SP249728 FH

L105 SP253483 USL

Image © 2015 CNES / Airbus
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Imagery Date: 8/8/2013 15:33:44.17° S, 144°26'43.48" E elev

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CORPORATE SERVICES

FINANCE

31005	REVENUE AND EXPENDITURE –APRIL 2015	
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Cr K Price moved; seconded Cr P Johnson

That the Revenue and Expenditure Statements for April 2015 be adopted

CARRIED

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31006	DEBTORS WRITE OFF	
	<i>Report No.D15/8361 from Accounts Receivable</i>	

Cr R Bowman moved; seconded Cr K Price

That Council write off the outstanding amount of \$1270.00

CARRIED

Précis

Debtor Report – Request to write off outstanding debt.

Background/History

This debt is for unpaid Wharfage Fees for the period of January 2014 to May 2014.

The overdue amount is \$1270.00.

This account was referred to ARL (Australian Receivable Limited) on 28/7/2014, Letters of Demand were sent by ARL with no response. ARL have had several Skip Traces to locate the debtor without success and at present an address or contact number is not available

The account was sent back to us from ARL on 20/4/2015 with a final note stated “All Avenues Exhausted – Whereabouts Unknown.

Council did manage to speak to David after numerous attempts and copies of the invoices sent to him on 3/12/2014. Still no payments were forthcoming and now his mail has been returned and we are unable to contacted him by phone.

Consequently the outstanding amount of \$1270.00 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 \$1270.00

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ADMINISTRATION

31007	PROCUREMENT POLICY - DISCLOSURE OF TENDER PRICES	
	<i>Report No.D15/8354 from Chief Executive Officer</i>	

Cr P Johnson moved; seconded Cr G Shephard

That in order to improve the competitiveness , transparency and accountability of Council's Tender process , the CEO be requested to prepare for Council's consideration, revisions to Council's Procurement Policy and Procedures that provides for the public disclosure of tender prices but safeguards tenderers the release of "Commercial in confidence" information.

CARRIED

Précis

This report recommends that Council amend its procurement policies and procedures to ensure public disclosure of tender prices

Background/History

At the last Council meeting, the CEO was queried why Cook Shire Council no longer performed a public tender opening and also chose to consider tenders in closed Council "Committee of the Whole". The query was based on Council procedures being transparent and accountable .

Procurement policy and procedures are provided for under section 104 of the Local Government Act 2009 and Sections 224-228 of the Local Government Regulations 2012. The Act prescribes compliance with the following five principles:-

1. Open and effective competition
2. Value for money
3. The development of local business and industry
4. Environmental protection
5. Ethical behaviour and fair dealing

Neither the Act nor the Regulations prescribe whether tender considerations shall be conducted in open Council or in Committee. Section 275 of the Act provides that the Council meeting may be closed to the public to consider contracts proposed to be made. Council must display at its office and on its web page details of all contracts in excess of \$200,000.

In April 2012, the decisions were initially taken administratively :-

- to cease the practice of publically opening tenders
- for tender reports to be considered in committee.

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These two decisions had the consequence of negating the public disclosure of all tender prices except the winning tender as only the winning tender appeared in the Council resolution made once Council came out of Committee.

This change of process was based on advice from LGAQ and centred primarily on the fact that tender evaluation was based on more than price alone and required assessments of the tenderers that are considered “commercial in confidence”.

In April 2012 the following Notice of Motion by Cr. Martin was lost:-

“That prices for tenders for goods and services, once opened, be disclosed to all tenderers for that particular goods or service”

Council’s Procurement Policy- V9, reviewed in May 2014, contains the following two relevant clauses

- “Tenders will be **opened in public** and all tenderers whether successful or not will be advised of the outcome in writing immediately following Councils decision”

Release of Information

- “Any information release must be under Councils Right to Information or Information Privacy guidelines, or within Council’s minutes and agendas.”

What is common practice amongst Local Government?

Enquiries have been made of LGAQ Advisory Service, LGAQ Local Buy and other Councils in the region in regard to preferred practices for:-

1. public opening of tenders
2. the disclosure of all tender prices
3. Tender consideration in “open” or “closed” Council meetings

Of the six Councils consulted, 3 Councils were following the same “closed” practices as Cook Shire for the primary reason of not disclosing information of tenderers that might be classified as “commercial in confidence”.

The other 3 Councils opted for an “open” process believing it generated greater competition and was more accountable and transparent.

Preferred Process

The preferred process is a combination of the two practices - one that generates effective competition, is accountable and transparent but protects the commercial interests of the tenderers.

In consultation with LGAQ and Local Buy the following is recommended:-

- No public opening of tenders as in many cases the weighting for price may be less than 50%. The premature release of prices may prove misleading.
- Tender reports from the tender assessment panel shall be considered in open Council and shall include the assessment methodology and weighting system, the price for all tenders, the weighted score for each tender
-

Examples methodology

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Relevant Experience	15%
Key Personnel and Skills	15%
Tenderers Resources	15%
Demonstrated Understanding	15%
Price	40%

Tender Assessment Summary

Tenderer	Tender Sum (Inc GST)	Weighted Score	Ranking
ABC	\$7,603.20	7.8	1
DEF	\$21,600.00	6.8	2
GHI	\$19,008.00	5.8	3
JKL	\$32,670.00	5.5	4

- The details supporting the tender assessment panel's scoring shall not be released in open Council. For any discussion on the panel's assessment, Council would need to move into Committee in order to protect the Commercial in Confidence material

It is important that the tender documentation details the process Council intends to follow in assessing and deciding the tenders.

Link to Corporate Plan

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

Consultation

LGAQ Advisory Service, LGAQ Local Buy and other Councils

Legal Implications (Statutory, basis, legal risks)

Local Government Act 2009 and Local Government Regulation 2012

Policy Implications

Procurement Policy

Financial and Resource Implications (Budgetary)/Risk Assessment

None identified

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RECOMMENDATION

That in order to improve the competitiveness , transparency and accountability of Council's Tender process , the CEO be requested to prepare for Council's consideration, revisions to Council's Procurement Policy and Procedures that provides for the public disclosure of tender prices but safeguards tenderers the release of "Commercial in confidence" information.

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31008	REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER	
	<i>Report No.D15/8364 from Chief Executive Officer</i>	

Cr R Bowman moved; seconded Cr P Johnson

That reference to the delegation contained in Resolution No. 30921 be removed from the Register and that reference to names be altered to positions

CARRIED

Précis

Annual review of delegations to the Chief Executive Officer by Council

Background/History

Section 257 of the *Local Government Act 2009* requires a local government to review delegations of its powers to the Chief Executive Officer annually. A copy of the reviewed delegation register is attached to this report.

Resolution 30921 is now obsolete and should be removed from the Register.

Link to Corporate Plan

Legislation

Consultation

Nil

Legal Implications (Statutory, basis, legal risks)

Legislation

Policy Implications

Nil

Financial and Resource Implications (Budgetary)/Risk Assessment

Nil

RECOMMENDATION

That reference to the delegation contained in Resolution No. 30921 be removed from the Register and that reference to names be altered to positions..

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REGISTER

DELEGATION OF POWER

Meeting Date	Resolution Number.	Delegatee	Delegation	Date of Review
22/23 Aug'00	21155	Chief Executive Officer	<ol style="list-style-type: none"> 1. Delegate its power to decide variations that exceed the maximum height limits in the Cook Shire Planning Scheme. 2. Not decide an application for a variation that exceeds the height limits in the Cook Shire Planning Scheme if the application is considered sensitive or inappropriate. 	
16/18 Jul 01	22385	CEO	<p>Delegations of Authority – Standard Building Regulations 1993 and Building Act 1975. Decision for the following:</p> <ol style="list-style-type: none"> 1. Approval for heights of fences etc under Section 42(1) of the Standard Building Regulation. 2. Nomination of road frontage of a building or structure for which the road frontage is to be reduced under Section 47.2 of the Standard Building Regulation. 3. An application to vary the siting of a building under Section 48 of the Standard Building Regulation. 4. The occupation of a building other than a Class 1, 2, 3 or 4 for habitable purposes under Section 97 of the Standard Building Regulation. 5. An application to vary a swimming pool fence or gate under Part 5 of the Standard Building Regulation. 6. Issue of a Show Cause Notice under Part 4 of the Building Act. 7. Issue of an Enforcement Notice 	
15/17 Sep03	23422	CEO	Authority to allow up to \$100.00 threshold for a pro-rata rates adjustment per assessment, in any one rating period	
18/19 Jan 05	24206	CEO	That the power to authorise donations up to the sum of \$100.00 be delegated to the Chief Executive Officer pursuant to 257 of the <i>Local Government Act 2009</i>	
17/19 Oct 05	24704	CEO	That the Chief Executive Officer be delegated power pursuant to section 257 of the <i>Local Government Act 2009</i> to act on local law matters with a financial impact of less than \$100-00.	

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15/16/17 Oct 07	26008	CEO	Buy Back Shop at Cooktown Landfill - the power to set the price of items sold through the buy back shop to the Chief Executive Officer, with the Chief Executive Officer having the ability to sub-delegate this power.	
14/16 Dec 2009	29034	CEO	That Council, pursuant to section 257 of the <i>Local Government Act 2009</i> delegates its power to appoint persons as authorised persons for the purposes of the <i>Water Supply (Safety and Reliability) Act 2008</i> to the Chief Executive Officer of Cook Shire Council.	
18/20 Jan 2010	29072	CEO	Under section 257 of the <i>Local Government Act 2009</i> Council resolves to delegate the exercise of the powers contained in Schedule 1 of the Instrument of Delegation, (attached to Report No. 527745 as Appendix A), to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 (attached to Report No. 527745 as Appendix B) of the attached Instrument of Delegation. Any and all prior resolutions delegating the same powers are repealed. (Sustainable Planning Act 2009)	
19/20/Jul 2010	29319	CEO	That the authority to sign documents on behalf of the Council of the Shire of Cook be delegated to the Chief Executive Office in accordance with section 257 of the <i>Local Government Act 2009</i> .	
20/21 Sep 2010	29569	CEO	That the Chief Executive Officer be delegated to determine applications for discounts to be allowed when the request is of a value of \$100.00 or less	
15/17 Aug 2011	29958	CEO	Power to appoint qualified persons as Plumbing Inspectors under the <i>Plumbing and Drainage Act, 2002</i>	
18/19 Jun 2012	30281	Planning and Environment Standing Committee	That Council delegate, pursuant to section 257 of the <i>Local Government Act 2009</i> , to the Planning and Environment Standing Committee its power to make decisions concerning planning and development applications and enquiries.	
17/18 Sep 2012	30345	Sheils Barra	That Council delegates the powers of the Chief Executive under each of the following sections of the Waste Reduction and Recycling Act to Council's Environmental Health Officer, Assistant Environmental Health Officer and Waste Coordinator – Section 112 – Avoiding accumulations of waste Section 248 – Giving compliance notices	

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17/18 Sep 2012	30345	CEO	That Council delegates the powers of the Chief Executive of the Department under each of the following sections of the Waste Reduction and Recycling Act to the Chief Executive Officer of Cook Shire Council – Section 110 – Advice to chief executive about placing or attaching documents; Section 111 – Advice to chief executive about delivering or distributing advertising material; Section 112 – Avoiding accumulations of waste; Section 246 – Giving show cause notice; Section 249 – Restriction on giving compliance notice; and Section 253 – When waste audit required.	
17/18 Sep 2012	30345	Arnaud Gougeon	That Council delegates the powers of the Chief Executive under each of the following sections of the Waste Reduction and Recycling Act to Council’s Environmental Health Officer, Assistant Environmental Health Officer and Waste Coordinator – Section 112 – Avoiding accumulations of waste Section 248 – Giving compliance notices	
17/18 Sep 2012	30345	Kristina Kossinskaja	As an authorised person pursuant to section 183 of the Waste Reduction and Recycling Act, 2011	The delegated powers of the chief executive specified above are subject always to the limitation that an authorised person, as appointed by Cook Shire Council, can only exercise those powers in relation to: (a) Chapter 5: Parts 1, 2 and Part 3, Divisions 1 and 2 of the Act.
16/17 Apr 2013	30501	CEO	The Chief Executive Officer be authorised to write off rates debts up to the value of \$100.00.	
16/17 Apr 2013	30501	CEO	The Chief Executive Officer be authorised to write off bad debts up to the value of \$100.00.	

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16/17 Apr 2013	30501	CEO	Council resolve to appoint, for all Right of Information applications, the Director for Corporate Services, and the Business Services Coordinator, as the persons to whom Freedom of Information applications are to be directed, and actioned by.	
16/17 Apr 2013	30501	CEO	Council delegate to the Chief Executive Officer the power (under section 238 of the <i>Local Government Regulation 2012</i>) to make, amend, or discharge a contract for Cook Shire Council.	
21/22 Jan 2014	30690	CEO	Power to provide Council's views on an application for a Permit to Occupy	
19/21 Jan 2015	30921	CEO	If the reserve price is not reached at the auction of the undermentioned properties, the power to enter into negotiations with the highest bidder as provided for in section 143(2) of the <i>Local Government Regulation 2012</i> Assessment Nos 10003945, 10004927, 10010601, 10011435, 10019792, 10022663, 10023919	
16/17 Mar 2015	30948	CEO	Contract FNQ004 (FNQROC) Council delegate to the Chief Executive Officer, in accordance with section 257 of the <i>Local Government Act 2009</i> , to negotiate, finalise and execute any and all matters associated with these arrangements.	
20/21 Apr 2015	30980	CEO	Sole Supplier Register 2015 Council delegate to the Chief Executive Officer, in accordance with section 257 of the <i>Local Government Act 2009</i> , to negotiate, finalise and execute any and all matters in relation to these sole suppliers.	

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31009	ENTERPRISE BARGAINING AGREEMENTS	
	<i>Report No D2015/08672 from Human Resources Officer</i>	

Cr R Bowman moved; seconded Cr S Clark

That the report by Council's Human Resources Officer regarding changes to industrial relations legislation be received.

CARRIED

Précis

Enterprise Bargaining Agreements

Background/History

At its March 2015 meeting Council passed the following resolution based on a report from the Chief Executive Officer :-

"That the report from the Chief Executive Officer titled "EBA Strategy" be received and the recommendations contained therein be adopted as the basis of Council's approach towards the development of a new Certified Agreement for Cook Shire.

This report was based on the Local Government Industry Modern Award which was in existence at that point of time.

The new Labor Government, elected in January 2015, intends to undo the reforms to local government by remaking the modern award and deleting non-allowable and required content contained in the current legislation. It is also proposed to restore Right of Entry provisions.

The Queensland Industrial Relations Commission will also be requested by the Industrial Relations Minister, the Hon Curtis Pitt MP to review the Modern Award. It is expected that the concept of one award will be replaced by multiple awards, as existed prior to the current Modern Award being implemented. This review is expected to be completed in the latter half of this year.

Negotiations for new Enterprise Bargaining Agreements will need to be commenced in 2016. The Local Government Association of Queensland is unable, at this time, to provide advice on Employee versus Union Agreement until the legislation is rolled out.

For those Councils that have a certified agreement under the current Modern Award provisions will have three (3) months from the date of the new Modern Award is made to negotiate a new Enterprise Bargaining Agreement.

It is LGAQ's opinion that Council will have to increase pay rates in line with any future award rises as handed down by the Queensland Industrial Relations Commission.

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The new Bill entitled “*Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015*” is now before Parliament.

It is expected that the Bill will be passed in June 2015

Link to Corporate Plan

Sustainable financial and administrative management of the Shire’s municipal and community resources.

Appropriate corporate governance.

Consultation

Nil

Legal Implications (Statutory, basis, legal risks)

Industrial Relations Act and Industrial Instruments

Policy Implications

Financial and Resource Implications (Budgetary)/Risk Assessment

State wage increase handed down by the Industrial Relations Commission in September of each year.

RECOMMENDATION

That the report by Council’s Human Resources Officer regarding changes to industrial relations legislation be received.

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31010	COMMITTEE OF THE WHOLE	
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Cr R Bowman moved; seconded Cr K Price

That the meeting resolve into Committee of the Whole at 3.50 am on 19 May 2015 to discuss the Financial Sustainability and Organisational Review and Redundancies.

CARRIED

31011	COMMITTEE OF THE WHOLE	
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Cr R Bowman moved; seconded Cr K Price

That the meeting revert to the ordinary meeting of Council at 5.01 pm on 19 May 2015 after discussing the Financial Sustainability and Organisational Review and Redundancies

CARRIED

31012	FINANCIAL SUSTAINABILITY AND ORGANISATIONAL REVIEW PHASE 3- ORGANISATIONAL RESTRUCTURE & REDUNDANCIES	
	<i>Report No.D15/11625 from Chief Executive Officer</i>	

Cr R Bowman moved; seconded Cr K Price

1. That Council determines that in the absence of any discernible changes to the terms, conditions and quantum of capital and NDRRA grants to Cook Shire for 2015/16, that no other alternative now exists from a financial sustainability perspective than to proceed with further redundancies as previously outlined in the report to Council on 17th March 2015 titled Financial Sustainability and Organisational Review.
2. That Council adopt the report and attached organisational chart providing for a total of 121 fulltime and part-time positions and necessitating 15 positions being made redundant.
3. That this report whilst considered in “Committee of the Whole” be now made available to the public after appropriate notification to all staff.

CARRIED

Précis

This is the third report to Council in regard to the financial sustainability of the Council
 Report No. 1- 17th March 2015-Financial Sustainability and Organisational Review
 Report No. 2 –21st April 2015- Voluntary Redundancies
 Report No . 3-19th May 2015 -- Organisational Restructure & Redundancies

Background/History

In February 2015 Council requested the Interim CEO to undertake a review of the Organisation’s structure, performance and financial viability given Council’s concerns that they may not remain financially viable if they persist with the same level of resources and management practices.

The first financial sustainability report to the Council meeting of 17th March 2015 concluded:-

- CSC has a small rate base and relies heavily on Government grants to support its expenditure programs, especially Capital works

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- Over recent years Council's programs and expenditure has increased based on existing revenues.
- Revenues primarily from Government Grants have dried up but expenditure has remain unchanged
- If Council continues with its current level of operational and capital expenditures it will ultimately run out of money

In response to the report findings, Council implemented a range of strategies including deferring agreed capital expenditures, the rescheduling and staging of major projects, and initiating several productivity reviews.

Council also agreed to reduced its workforce through natural attrition and by a program of voluntary redundancies.

Current Position

Whilst these actions have placed Council in an improved financial position, the projected operating costs of the Council are still considered too high from a financial sustainability perspective and the critical impact of not being able to utilise our own employees for NDRRA works remains.

Council at its meeting on 21st April, in receiving a report on the outcome of the voluntary redundancy program resolved:-

“That the decision on the need for further redundancies be deferred until the May 2015 Council meeting pending the outcome of Council's representations on additional capital funding applications and NDRRA funding conditions.(day Labour).”

Despite personal representations at the highest levels of State and Federal Government and the Queensland Reconstruction Authority (QRA), the embargo on the use of Council's own labour force for NDRRA works remains and without any obvious prospect of a breakthrough in the immediate future. Further, no other capital funds have been obtained for 2015/16 projects.

Action Required

Unfortunately, there appears no other option for Council than to proceed to a further phase of redundancies. As earlier defined in the first Financial Sustainability and Organisational Report, these redundancies are based on:-

- I. Aligning the number (and cost) of our construction workforce to known available capital funds
- II. Reducing the labour component of our overall operating expenses to achieve a sustainable level of operations

The following table details the changes to staff numbers since 1st February 2015 and by Department as effected by natural attrition, voluntary redundancies, forced redundancies and internal redeployments.

	Exec.-	Corp Services	Eco. Dev. & Comm. Services	Planning & Environ.	Eng. Services Operations	Eng. Services Construct.	Total-
Org. Structure	8	17	21	19	51	38	154

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1 st Feb 2015							
Natural Attrition		-1	-2		-3		-6
Voluntary Redundancies	-1		-1			-11	-13
Proposed Forced Redundancies	-	-	-	-2	-4	-9	-15
Adjustments Internal Deployment	-2			+3 -1	+2 -1	-1	
New Positions		+1					+1
Recommended Organisation Structure	5	17	18	19	45	17	121

Details on staff and costs of proposed redundancies

Section	Employees
Engineering Services –Construction	9
Engineering Services W&S	3
Engineering Services-Workshop	1
Planning & Environment	2
Total	15

Financial Outcome	Amount
Estimated Cost of proposed Redundancies (\$252,500)and accumulated leave (\$190,000)	\$442,500
Less Costs Budgeted for June	\$96,584
Unbudgeted Impact 2014/15	\$345,916
Total Annual Cost	\$1,252,089
Less Salaries externally funded	\$486,270
Budget Impact 2015/16	-\$765,819

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Budget Impact 2015/16	
Natural attrition and Voluntary Redundancies	\$849,123
Proposed Forced Redundancies	\$765,819
Total Reduction to 2015/16 Budget	\$1,614,942

Redundancy -Process and timing

The terms and conditions for the forced redundancy payments are prescribed in Council's Enterprise Bargaining Agreements and are the same as applied to the recent voluntary redundancies. Redundancy payments are subject to concessionary taxation rates.

Redundancy payments are based on years of service commencing with 6 weeks pay for more than 1 years continuous service and capped at 20 weeks for more than 12 years continuous service.

In addition to the redundancy payments, payments will be made in lieu of the required notice periods as prescribed by the relevant Local Government awards

Years of Continuous Service	Notice required
No more than 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 year but not more than 5 years	3 weeks
More than 5 years	4 weeks
Employees 45 years and older	1 additional week

Proposed Timeframe for Implementation of Redundancies

Action	Date
Determination of Redundancies by Council	Council meeting 19 th May 2015
Union Representatives advised of Decision	Wednesday 20 th May
Meeting with and advice to effected staff members	Thursday 21 st May
General advice on decision to all staff	Friday 22 nd May and Monday 25 th May
Formal termination of service	Friday 29 th May

Note: - In the period between initial advice and formal termination, support services shall be made available and those staff directly affected will not be required to report for work.

Link to Corporate Plan

- a) Sustainable financial and administrative management of the Shire's municipal and community resources
- b) A sound annual budget which ensures adequate funding and reserved to provide for Council's future financial obligations
- c) Appropriate corporate governance.

Consultation

Senior management

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Legal Implications (Statutory, basis, legal risks)

Compliance with industrial relations legislation, industrial awards and Certified Agreements

Policy Implications

None identified

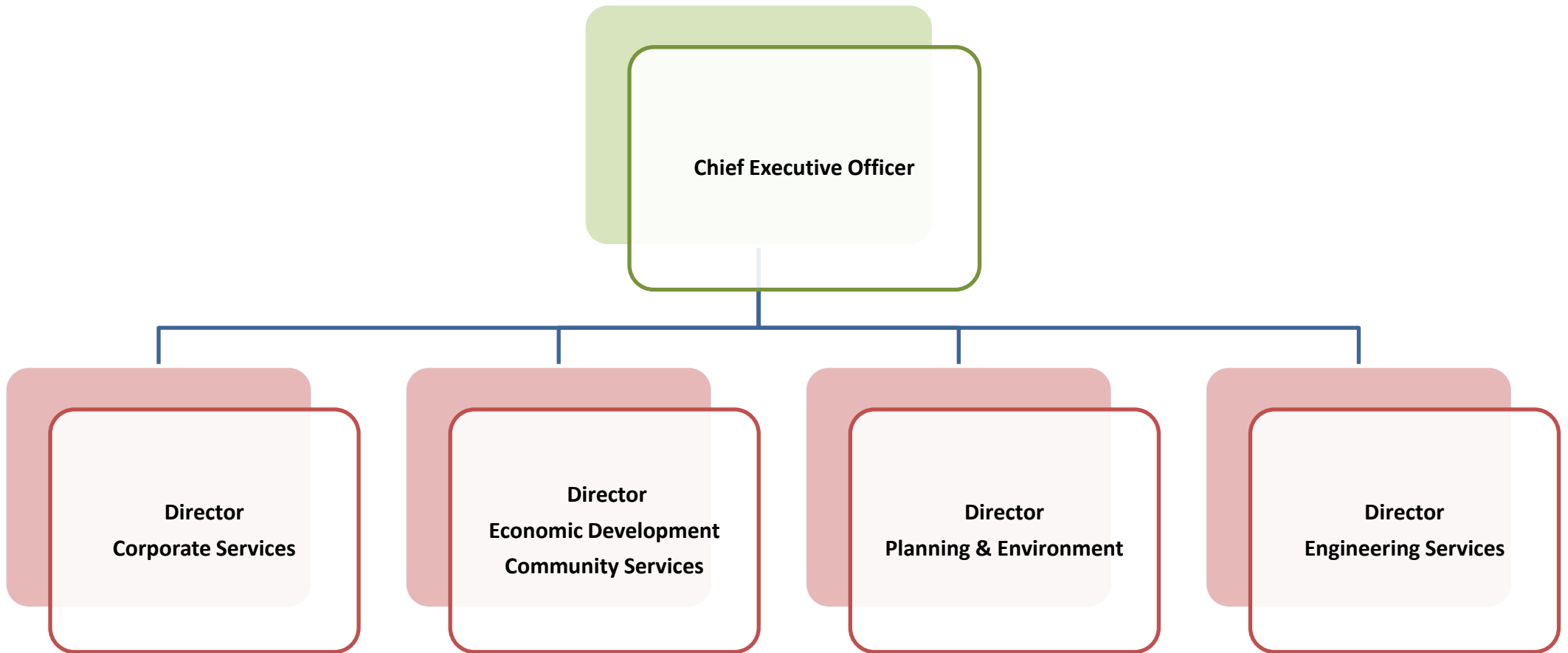
Financial and Resource Implications (Budgetary)/Risk Assessment

As per the report.

RECOMMENDATION

1. That Council determines that in the absence of any discernible changes to the terms, conditions and quantum of capital and NDRRA grants to Cook Shire for 2015/16, that no other alternative now exists from a financial sustainability perspective than to proceed with further redundancies as previously outlined in the report to Council on 17th March 2015 titled Financial Sustainability and Organisational Review.
2. That Council adopt the report and attached organisational chart providing for a total of 121 fulltime and part-time positions and necessitating 15 positions being made redundant.
3. That this report whilst considered in “Committee of the Whole” be now made available to the public after appropriate notification to all staff.

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Executive Services

HR

Executive

WHS

Project Manager

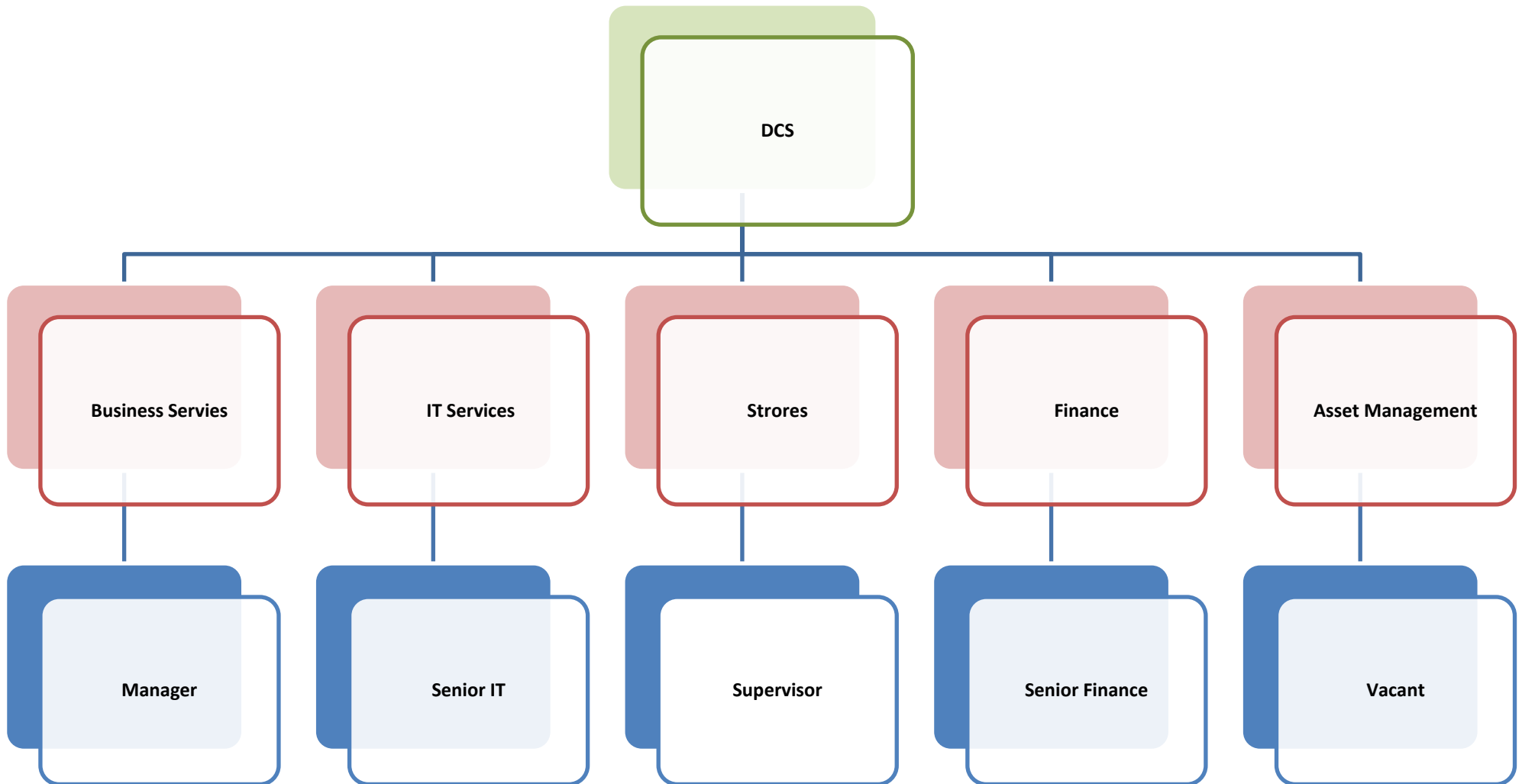
Personnel Officer

Assistant

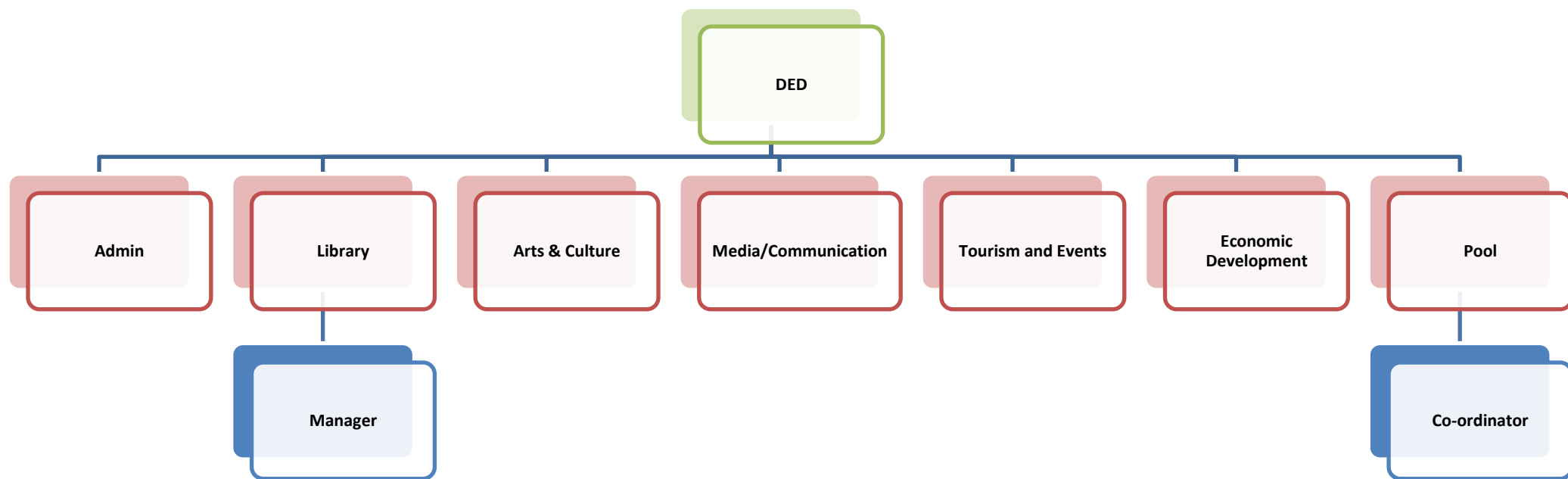
WHSO

Vacant

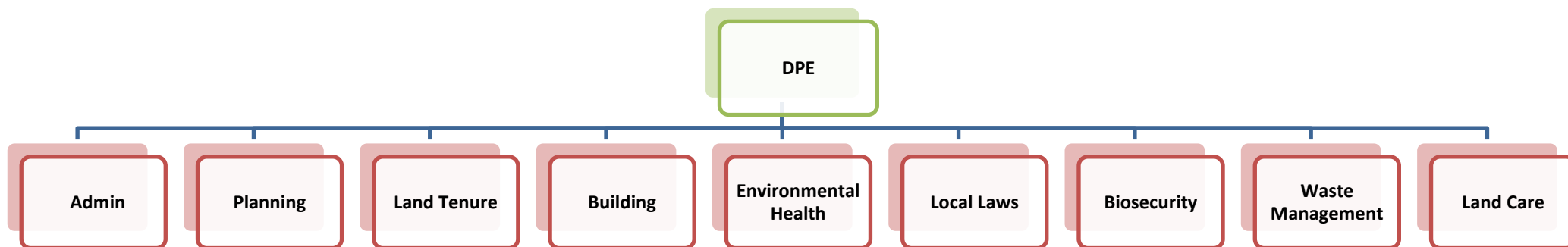
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	TRAFFIC COUNTER FIGURES												
	APRIL	MAY	JUNE	JULY	AUGUST	SEPT	OCTOBER	NOV	DEC	JAN	FEB	MAR	APRIL
	2014	2014	2014	2014	2014	2014	2014	2014	2014	2015	2015	2015	2015
M.R.D. GAZETTALS													
PENINSULAR DEVELOPMENTAL ROAD													
Little Laura River	88	477	429	518	430	433	344	272	222	67	46	48	176
Musgrave	57	133	251	359	321	236	236	153	121	25	13	19	104
Coen Aerodrome D.P.I.	26	117	208	282	227	203	143	N/A	N/A	N/A	N/A	N/A	N/A
MULLIGAN HIGHWAY													
Town Grid	1358	1624	2088	2263	2055	1876	1876	1620	1151	1555	1024	1524	1718
Little Annan Bitumen	373	598	597	748	723	***	***	557	679	465	373	477	597
ENDEAVOUR VALLEY ROAD													
Endeavour Falls	435	378	402	499	475	484	484	388	286	302	353	353	361
COOK SHIRE COUNCIL ROADS													
Moreton	22	44	143	226	155	142	89	21	36	7	5	2	
Portland Roads Road	22	43	69	110	80	Counter Burnt	N/A	N/A	49	*	*	*	*
Battlecamp Road [Old Laura Stn]	N/A	***	N/A	90	57	43	23	18	8	N/A	N/A	N/A	N/A
Lakefield Rd (Olivevale)	12	56	142	201	139	133	115	65	49	***	9	7	25
Lakefield Road [New Laura Stn]	4	30	**	152	116	117	163	28	20	5	4	5	9
Marina Plains Road	21	22	32	***	***	33	33	54	75	2	0**	0**	9
Rossville-Bloomfield Road [Blackpinch]	Counter Reinstated	***	***	***	365	***	***	308	338	86**	94**	214**	262
Rossville-Bloomfield Road [Willie Creek]	208	231	305	408	327	296	296	***	376	311	247	*	Discontinued
Rossville-Bloomfield Road [Granite Creek]	***	188	352	456	397	333	333	392	366	311	***	*	Discontinued
Honey Dam Rd							N/A	112	89	61	*	*	76
Whites Creek Rd					27	21	18	20	26	8	6	6	19
Poison Ck Rd [Minke Rd Intersection]	334	240	283	202	***	*	*	283	222	172	217	229	160
Charlotte Street (Seaview Motel)	2671	2688	2695	2888	2508	2435	2435	2175	2091	2084	1175	1904	1782
**** Hose moved from road by mtncg gang.	These figures are Average Daily Traffic counts.												
*** Hose Damaged	Willie Creek & Granit Creek counters discontinued - both counters defective.												
** Reading Suspect	Several of the old counters' displays are so faint unable to read. Replacement displays no longer available. Will price new ones												
* Counter Defective	Honey Dam road reinstated 7/4/15 Portland Roads Road counter sent back to Council Agent 7/5/15												
	Unable to contact Musgrave Roadhouse for Musgrave & Marina Plains data (phones out)												

AGENDA AND BUSINESS PAPERS
18-19-20 May 2015

The meeting closed at 5.05 pm on 19 May 2015

Mayor.