

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

**CONTENTS**

CONTENTS.....	1
ATTENDANCE:.....	1
MEETING OPENED.....	1
APOLOGIES: .....	1
NOTICE OF BEREAVEMENT:.....	1
CONFIRMATION OF MINUTES .....	1
CONFIRMATION OF MINUTES OF ORDINARY MEETING.....	1
BUSINESS ARISING: .....	2
CHIEF EXECUTIVE OFFICERS MONTHLY REPORT.....	3
NOTICE OF MOTION NO. 66 – RECSCISSION OF RESOLUTION nO. 30826 – ACQUISITION AND INSTALLATION OF HYDRO TURBINE .....	10
NOTICE OF MOTION NO. 65 – WITHDRAWAL OF INFORMATION REQUESTS DAs 3307 & 3315 .....	11
PLANNING AND ENVIRONMENT .....	12
APPLICATION FOR A DEVELOPMENT PERMIT DA/3274 – MATERIAL CHANGE OF USE FOR RESTAURANT ON LOT 405 ON PLAN SP202120 LOCATED AT 130 HOPE STREET COOKTOWN.....	12
APPLICATION FOR A DEVELOPMENT PERMIT – DA/3322 – FOR RECONFIGURATION OF LOTS 14 & 15 ON PLAN SP254691, 1 AND 5 IRONWOOD AVENUE VIA COOKTOWN – INTO EIGHT (8) LOTS .....	25
REQUEST FOR A NEGOTIATED DECISION – DA/3229 – RECONFIGURATION OF LOT 1 ON PLAN SP221164, MT. AMOS ROAD, VIA COOKTOWN INTO TWO (2) LOTS.....	36
LAND TENURE.....	40
APPLICATION FOR RENEWAL OF TERM LEASE OVER LOT 97 ON PLAN N25336 – HOLZAPFEL ROAD, COOKTOWN - FOR GRAZING PURPOSES; PARISH OF SOLANDER; LOCALITY OF COOKTOWN.....	40
APPLICATION FOR RENEWAL OF TERM LEASE OVER LOT 82 ON PLAN N25336 – HERBERT ROAD, COOKTOWN - GRAZING PURPOSES; PARISH OF SOLANDER; LOCALITY OF COOKTOWN.....	45
APPLICATION FOR PROPOSED ROAD OPENING TO LOT 1 ON PLAN WR2 – JUNGLE CREEK STATION; THROUGH LOT 1 ON PLAN KG3 (KINGVALE STATION/KING RIVER HOLDING) AND LOT 2 ON PLAN MS13 (KOOLBURRA STATION); VARIOUS PARISHES. ....	50
APPLICATION FOR PURCHASE OF UNALLOCATED STATE LAND BEING LOT 119 ON BS128 - DEIGHTON ROAD, LAURA: PARISH OF DEIGHTON; LOCALITY OF LAURA.....	55
APPLICATION FOR CONVERSION TO FREEHOLD OF PH2713 BEING LOT 713 ON CP909116 - BEESBIKE STATION – MULLIGAN HIGHWAY, ROSSVILLE: PARISH OF MONKHOUSE; LOCALITY OF ROSSVILLE. ....	59

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES .....	64
COMMUNITY DEVELOPMENT GRANT PROGRAM 2014/2015– ROUND 1 .....	64
CORPORATE SERVICES .....	71
FINANCE .....	71
REVENUE AND EXPENDITURE – SEPTEMBER 2014.....	71
ADMINISTRATION .....	73
LOCAL GOVERNMENT ELECTORAL ACT 2011 .....	73
LEASE TO CHRISTIAN COMMUNITY MINISTRIES – ADDITIONAL LAND .....	76
EXEMPTION FROM THE REQUIREMENT TO SEEK QUOTES AND TENDERS – ACQUISITION AND INSTALLATION OF HYDRRO TURBINE.....	82
LAND TENURE.....	86
COMMITTEE OF THE WHOLE .....	86
COMMITTEE OF THE WHOLE .....	86
PROPOSED LETTERBOX CREEK COMMUNITY PURPOSE RESERVE FOR CULTURAL, ENVIRONMENT AND RECREATIONAL PURPOSES - LOT 3 ON PLAN SP161903: PROPOSED ALTERNATIVE RESERVE AREA – WITHIN RUNNING CREEK – LOT 4 ON PLAN SP161903.....	86
CORPORATE SERVICES .....	87
FINANCE .....	87
REQUEST FOR REBATE OF WATER CHARGES_ASSESSMENT 10003564.....	87
REQUEST FOR REBATE OF WATER CHARGES_ASSESSMENT 10002475.....	87
REQUEST FOR REBATE OF WATER CHARGES_ASSESSMENT 10003465.....	87
ADMINISTRATION .....	87
T0914 – SALE OF HARRIGAN STREET LOT, COOKTOWN .....	88

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

**ATTENDANCE:**

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

Also in attendance – Director, Engineering Services, Tony Lickiss, Director Economic Development and Community Services, Katrina Houghton, Town Planning Officer, John Harrison.

**MEETING OPENED**

The Mayor, Cr PH Scott declared the meeting open at 1.30 pm on 20 October 2014

**APOLOGIES:**

Nil

**NOTICE OF BEREAVEMENT:**

Advice has been received of the passing of Ivy Elmes (Mother of former Mayor G Elmes)

As a mark of respect one minute silence was observed.

**CONFIRMATION OF MINUTES**

30855	<b>CONFIRMATION OF MINUTES OF ORDINARY MEETING</b>
-------	--

Cr P Johnson moved; seconded Cr S Clark

That the minutes of the Ordinary Meeting of 15-16-17 September 2014 be confirmed subject to the following amendments

Page/Reso #	Correction
<b>30837</b>	Delete “That Council make a formal application to the Local Government Change Commission” and insert “That Council request the Minister for Local Government, Community, Recovery and Resilience to make a formal application to the Local Government Change Commission”
<b>30838</b>	Delete “That Council make a formal application to the Local Government Change Commission” and insert “That Council request the Minister for Local Government, Community, Recovery and Resilience to make a formal application to the Local Government Change Commission”

CARRIED

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

**BUSINESS ARISING:**

Nil

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

	<b>CHIEF EXECUTIVE OFFICERS MONTHLY REPORT</b>	
	<i>Report No. &lt;This will be entered by the Executive Assistant&gt; from Chief Executive Officer</i>	

**Précis**

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

**Meetings, Seminars, Conferences etc**

*Far North Queensland regional Organisation of Councils*

On Sunday 12<sup>th</sup> October I travelled to Croydon to attend the FNQROC Board meeting on Monday 13<sup>th</sup>. The meeting had one presentation from Advance Cairns by CEO Mark Matthews outlining the regional projects that are currently underway or proposed.

The main topic of discussion was the approach FNQROC will take in the response/submission regarding the Productivity Commission Preliminary Report on Natural Disaster funding. There was also discussion around a joint Federal State and Local Government program to eliminate the yellow crazy ant infestations in the Cairns and Mareeba local government areas. It was agreed to commit \$25,000 over the next three years for this eradication program as further spread of this pest would be devastating to the region.

*Local Government grants Commission*

On Tuesday 30<sup>th</sup> September the Mayor, deputy Mayor and I met with Commissions Lyn McLaughlin (Chair) Brendan McNamara Kevin Wormald and Joy Leishman together with DLG Officers Michael Machan and Bill Gilmore. The make up and methodology of the Financial Assistance grant was discussed in depth and provided some useful clarification on the role of the Grants Commission. A copy of the presentation was distributed to each Councillors correspondence tray.

*New Local Government Award*

On Wednesday 15<sup>th</sup> October 2014 I attended a workshop in Cairns regarding the new Local Government Award that was released on 30<sup>th</sup> September. The Award now covers 19 previous Awards that were in use across local government in Queensland. The workshop also discussed the Enterprise Bargaining process and the expected strategies of the Unions

*Other Meetings*

There are a number of meetings that occur on a regular basis. This month they have included Executive Management Team meetings, Executive Services Team meeting, The Economic Development Meeting, Waterfront Committee meeting, a meeting

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

with Department of Local Government Officers to discuss ongoing matters and Ratepayer meetings over issues such as rates and town planning.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

Councillors' Reports

Cr R Bowman

Cr A Wilson

Cr S Clark

**Meetings**

DATE	TYPE	PURPOSE	WHERE	
15/9 – 17/9/14	Monthly Meeting	Cook Shire	Council Chambers	
7/10/14	Economic Development	Cook Shire	Council Chambers	
17/10/14	Waterfront Advisory	Cook Shire	Council Chambers	
16/10/14	CAN Group	Cooktown	Community Health Building	

**Constituent Representation / Meetings**

DATE	PHONE CALLS/ DISCUSSIONS	LETTERS
	Discussions with Property Owner on Oaky Creek Road re grading of the road	
	Phone conversions with Mrs Inderbitzin re dam at Lakeland.	
	Email to Annette Marriot regarding dam at Lakeland	

Cr P Johnson

Date	Type / purpose	Who /where	Action
17/19 Sept	Teleconference – proposed project updates	Mayor & proponents	Retain contact for information
18/9	Teleconference – NGRMG board meeting	NGRMG board, CEO, business manager & Ops manager	Send updates & info to member councils
24/9	Northern Gulf Resource Management Group Finance & Audit Committee meeting	Teleconference with Mark Rudd( Community Shares, Melbourne) & Joe Lockyer( Industry Director, Mt Surprise)	Organisational structure & employment contracts, review financial reports, make recommendations to board and CEO for action. Draft letter of invitation for Land Council &

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

			NGRMG meeting for board approval & Chair to sign & send.
24/9	Local Disaster Management Group meeting	Chambers; all agencies	Preparedness for upcoming summer
25/9	Co- Sign Cape York Natural Resource Management's QWIP contracts	Michael Goddard, Cape York NRM officer	Sign docs in order to commence contract
30/9	Queensland Local Government Grants Commission	Mayor, CEO, Commission panel; Chambers	Q& A – updates on Federal Assistance Grants, how calculated, purpose
2/10	Economic Development Meeting	Councilors and Executive Management Team	Updates on projects – current, future & proposed;
9/10	Many Rivers Microfinance	Scott Woodward( Head of Eastern Operations) Lindsay Jones- field officer	Initial meeting – discuss organizations operations & potential business enterprise development in the region
9/10	Northern Gulf Resource Management Group executive board meeting	Teleconference	Follow up organizational structure options and recommendations
13/10	Inspection flight with owners of Harkness Station	Cr Alan Wilson, Prema Paran & Sai Darshan	Provide useful industry contacts & maintain communications; seeking reliable manager
14/10	Post Ita repairs & reconstruction inspection Lizard Island	Planning & Environment, Mayor, LI manager Amanda Silk & project team	Tourism – destination marketing; seeking Naturalist Guide for March 2015 – provide industry contacts

**Events Attended (as Councillor or part thereof)**

<b>Date</b>	<b>Type / purpose</b>	<b>Who /where</b>	<b>Action</b>
1/10	Opening of Yuku Baja Muliku ranger station , Archer Point	Archer Point	
3/10	Opening of new bridge over the Bloomfield River	Wuajl Wujal	Attend
11 & 12	Cape York Local Marine Advisory Committees Chair's	Cape York LMAC member Traceylee	Present on LMAC activities, local issues and participate



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

meeting	Forester, GBRMPA, local committee members ; GBRMPLA staff & Chair Russel Reichelt, Townsville.	in discussions minutes to be received and distributed; provide NRM contacts for GBRMPA sustainability officer;
---------	--	--

**Constituent Representation/Meetings**

<b>Date</b>	<b>Phone calls/ Discussions/ meeting</b>	<b>Letters/emails minutes</b>	<b>Action</b>
6/10	Housing shortage- rental accommodation		Advise re Housing & development forum
18/10	Oakey Ck road – when being graded?		Follow up customer request again
13/10	Support for Ranger program funding application		Support & attend future meetings where appropriate
14/10	Employment opportunities at Council		Refer to website and HR

**Other:**

Around the Shire article submitted  
Cape York NRM – board communications via email  
NGRMG – board communications via teleconferences & email

**Future activities:**

**October**

20 & 21 Cape York NRM- Regional Investment Strategy workshop, PCYC  
Cooktown  
30 Reef Guardian Councils Steering Committee Meeting Mackay  
27-29 Local Government Association Queensland Annual Meeting Mackay  
31 Building & Development seminar Cooktown  
Opening of Cape York Family Centre

**November**

3- 7 Cape York Natural Resource Management – Finance & Audit Committee and end of year board meeting- Seisia  
8 Cooktown Races  
19 Cape York Local Marine Advisory Committee – open to community;  
Council Chambers  
24-26 Northern Gulf Resource Management Group board & community meetings in Mareeba

Cr G Shephard

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

- Attended Mrs Ivy Elmes' funeral
- Inspected Marina Plains Skip Bin and Boat Ramp
- Phone call regarding Lakeland Dam
- Incident at Running Creek with Police involved, guns being shot randomly and cattle being shot and parts taken.
- Council request for approximately 500 metres of bitumen in front of Lotus Bird Lodge to control the dust blowing from the road to restaurant and accommodation.

Cr K Price

Mayor

Mayoral Activity Report September 2014

Date	Venue	Meeting	Issues /outcome
11/9/14	Office	Bluecare	Aged care accommodation & retirement village
20/9/14	Endeavour Park	Animating Spaces Events	Highlight -corroboree with big screen
24/9/14	Office	IGA Cooktown	Expansion Plans
25/9/14	Chambers	Interagency Committee	Regional Training Centre
26/9/14	Office	Catholic Education Services	Special Assistance School
27/9/14	Rossville	Wallaby Creek Festival	Welcome & address
30/9/14	Office	Grants Commission	FAGS Criteria
3/10/14	Wujal	Bridge opening	
4/10/14	Cooktown	Shiyan Chinese delegation	Sister City proposal
7/10/14	Mt Cook	Inspection & crash	
15/10/14	Lizard Island	Rebuild and cyclone resilience inspection	Hope to reopen April 2015
16/10/14	Chambers	Ayton Fire Shed Waterfront Committee Airport Emergency exercise	Revised trustee reserve Detail design
17/10/14	Chambers Grassy Hill	Cairns Chamber of Commerce Naturalisation ceremony (5)	
18/10/14	Sovereign	Black Marlin Finale	Address

Upcoming meetings

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

20 /10	Nthn Tour	Coen, Portland Roads, Weipa
27/10	Mackay	LGAQ Annual Conference
31/10	PCYC	Housing / Investment forum

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

30856	<b>NOTICE OF MOTION NO. 66 – RECSCISSION OF RESOLUTION NO. 30826 – ACQUISITION AND INSTALLATION OF HYDRO TURBINE</b>
-------	--

Cr A Wilson moved; seconded Cr S Clark  
That resolution No. 30826 be rescinded.  
CARRIED

NOTICE OF MOTION NO. 66

I hereby give notice that, at Council's ordinary meeting to be held on 20 October 2014, it is my intention to move that resolution No. 30826 be rescinded.

30826	<b>ANNAN RIVER PROJECT – ACQUISITION AND INSTALLATION OF HYDRO TURBINE</b>	
-------	--	--

Cr A Wilson moved; seconded Cr S Clark  
That Council authorise the acquisition and installation of the 100kw hydro turbine from Hydroworks, New Zealand and further that the Director of Corporate Services be authorised to submit a loan application through the Department of Local Government for the sum of \$550,000.00 with the balance to be funded through the Local Government Resilience and Community Recovery Program grant of \$150,000.00 with the total project cost to be \$700,000.00.  
CARRIED

Dated at Cooktown this 8<sup>th</sup> day of October 2014.

A Wilson  
Councillor

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

<b>NOTICE OF MOTION NO. 65 – WITHDRAWAL OF INFORMATION REQUESTS DAS 3307 &amp; 3315</b>
---

Report deferred pending a full report from the Director Planning and Environment.

**NOTICE OF MOTION No. 65**

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

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

In support of this motion I offer the following –

On these applications dam safety has been addressed

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

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

Dated this 8<sup>th</sup> day of October 2014

Alan Wilson  
Councillor

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

**PLANNING AND ENVIRONMENT**

30857	<b>APPLICATION FOR A DEVELOPMENT PERMIT DA/3274 – MATERIAL CHANGE OF USE FOR RESTAURANT ON LOT 405 ON PLAN SP202120 LOCATED AT 130 HOPE STREET COOKTOWN.</b>	
	<i>Report No.AD14/4141 from Director Planning and Environment</i>	

Cr P Johnson moved; seconded Cr K Price.

That the application under the IPA Planning Scheme by R & K Wright c/- Planz Town Planning for a Development Permit for making a Material Change of Use for Restaurant (Dinning and tea room for visitors (general public) 2 to 4 days per week and a boutique function venue for one off events 4 to 6 times a year) on Lot 405 on Plan SP202120, located at 130 Hope Street Cooktown (Hillcrest Guesthouse), be approved subject to the conditions set out in the recommendation contained in report No. AD14/4141.

CARRIED

**Précis**

<b>Applicant:</b>	R & K Wright c/- Planz Town Planning Attention: Nikki Huddy
<b>Owner:</b>	Raymond L and Katrina Wright
<b>Location:</b>	130 Hope Street, Cooktown
<b>RPD:</b>	Lot 405 on Plan SP202120
<b>Area:</b>	2978 sq metres
<b>Zone:</b>	Medium Density Residential
<b>Proposed Use:</b>	Restaurant (dinning and tea room and including events catering for guests and the general public).
<b>Classification:</b>	Restaurant
<b>Referral Agencies:</b>	Nil
<b>Submissions:</b>	Nil

**Report**

Application has been made to Council under the current IPA Planning Scheme for the issue of a Development Permit for making a Material Change of Use for a Restaurant

## **Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen Town Hall on 20 October 2014**

---

(Dinning and tea room and including events catering for guests and the general public),

on Lot 405 on Plan SP202120, located at 130 Hope Street, Cooktown. Council issued an Acknowledgement Notice on the 16<sup>th</sup> June 2014 and advised on the 4<sup>th</sup> July 2014 that no Information Request would be issued. The application is Impact Assessable Development under the Cook Shire Planning Scheme and required Public Notification.

### **Proposal**

The application is for a restaurant primarily for the purpose of providing ‘high-tea’ to visitors. Dining will be in the existing ‘aviary’ pergola area adjacent to the pool. The proposed restaurant will also offer a boutique function venue for one off occasions approximately 4-6 times a year in association with events such as the recent business conference. The proposed restaurant will have an area of approximately one hundred and fifty (150) square metres, and will incorporate the use of both the existing internal kitchen and the outdoor kitchen and barbeque area.

### **Site**

The development site is Hillcrest Guest House, Lot 405 on Plan SP202120 located at 130 Hope Street, Cooktown. Lot 405 has an area of 2,978 sq metres, with frontage to Hope Street. Lot 405 is currently connected to reticulated water, sewerage and electricity.

Hillcrest Guest House currently consists of:

- A seven (7) bedroom guesthouse with a dining area, kitchen/restaurant (in house guests) and a caretaker’s studio;
- Three (3) self contained units,
- Pool area.

Access to the proposed development must be from Hope Street. Lot 405 is zoned Medium Density Residential Zone under the current Cook Shire Planning Scheme.

### **Town Planning Considerations**

The proposed Material Change of Use best fits the Cook Shire Planning Scheme’s definition of “Restaurant”.

*“Restaurant – means the use of licensed or unlicensed premises for the provision of food and/or drinks to members of the public for consumption or off the premises. This term also includes facilities commonly described as a cafe, milk bar, snack bar, coffee shop, takeaway, drive-through outlet and fast food store.”*

Lot 405 is zoned Medium Density Residential under the Cook Shire Planning Scheme and under that zoning a Material Change of Use for Restaurant is Impact Assessable. Council must consider the provisions of the Planning Scheme as a whole including the strategic elements when assessing the application.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

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

- The residential neighbourhood is medium density in scale and design and contains a mix of Houses, Dual Occupancies, and well-designed Multiple Residential and Other Residential land uses with a high standard of residential amenity;
- The residential neighbourhood is located close to services and Community Facilities and provided with an appropriate level of infrastructure; and
- Non-residential development which supports the immediate community is located and designed to maintain the amenity for adjoining residential development.

The following Codes are identified under the Cook Shire Planning Scheme as being applicable to a Restaurant in the Medium Density Residential Zone:

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

The proposed development for a Restaurant in the existing aviary pergola will reintroduce a use that was first approved by Council in July 1987 (Zoological Botanical Gardens and ancillary Refreshment Service). Issues will arise with the requirement for a change of Building Classification and the existing structure's side boundary setback in relation to fire wall requirements. The proposed development generally complies with the relevant Performance Criteria applicable to this application.

Desired Environmental Outcomes (DEOs)

The DEO's 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. They cover the following topics:

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

Each DEO is sought to be achieved to the extent practicable having regard to each of the other DEO's and the scope of the Planning Scheme. The numbering of the DEOs does not indicate a ranking of importance.



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

While each stated DEO is sought to be achieved to the extent practicable for this development application there is strong compliance with DEO 1, DEO 3 and DEO 5 of the Cook Shire Planning Scheme.

**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.”*

**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.”*

**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.”*

**Referral Agencies**

There are 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 5<sup>th</sup> August 2014, the proposal was advertised in a paper circulated in the area (Cooktown Local News 10<sup>th</sup> July 2014), letters were sent to each adjoining owner (9<sup>th</sup> July 2014) and a sign was placed and maintained on the Hope Street frontage (10<sup>th</sup> July 2014). No submissions were received during the Public Notification Period.

**Discussion**

The above proposed development for a Restaurant (dinning and tea room for visitors (general public) and a boutique function venue for one off events 4 to 6 times a year) within the existing ‘aviary’ pergola at Hillcrest Guest House is the formalisation of activities that have taken place at Hillcrest for at least the past thirty seven (37) years.

## **Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen Town Hall on 20 October 2014**

---

Council in July 1987 granted consent approval for Zoological Botanic Gardens and Ancillary Refreshment Service, however by letter dated 8<sup>th</sup> March 2006 the owners requested a change of land use in that they were not currently operating a restaurant open to the public and only wished to keep open the option of supplying meals to in house guests. Council resolved at its March 2006 meeting that the use as a restaurant open to the public for the above property be withdrawn effective from 1<sup>st</sup> January 2006.

Functions such as Christmas parties, birthdays, wedding receptions, and various one off social and community events have continued to be held at Hillcrest, continuing a tradition that has existed for as long as I can remember (37years). Hillcrest has been an integral part of Cooktown's social and community fabric for the best part of four (4) generations. Facilities have been steadily upgraded and this application is a continuation of this process. Issues in relation to changes of building classification, setbacks and fire wall requirements will need to be addressed prior to the above use commencing. The proposed development generally complies with the relevant Performance Criteria and Desired Environmental Outcomes of the Cook Shire Planning Scheme, and is recommended by Council Officers to Council for approval with conditions.

### **Recommendation**

That the application under the IPA Planning Scheme by R & K Wright c/- Planz Town Planning for a Development Permit for making a Material Change of Use for Restaurant (Dinning and tea room for visitors (general public) 2 to 4 days per week and a boutique function venue for one off events 4 to 6 times a year) on Lot 405 on Plan SP202120, located at 130 Hope Street Cooktown (Hillcrest Guesthouse), be approved subject to the following conditions:

#### **A. Assessment Manager (Council) Conditions**

##### **Approved Plan**

1. The development must be carried out generally in accordance with the following plans (see Appendix "B") and documentation submitted with the application, except for variations required to comply with the conditions of this approval:

- Site Plan 1: Hillcrest Guesthouse & Restaurant
- Site Plan 3: Hillcrest Guesthouse & Restaurant

##### **Water**

2. The development must be connected to Council's Reticulated Water Supply.

##### **Sewerage**

3. The development must be connected to Council's Reticulated Sewerage System.

##### **Access**

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

4. Vehicle access to the proposed development must be from Hope Street as shown on the approved plan '*Site Plan 1: Hillcrest Guesthouse & Restaurant*'.

5. Access from the existing Hope Street road pavement to the property boundary must be concrete or bitumen sealed and constructed to the requirements of the FNQROC Manual. Plans must be submitted to Council for approval by Council's Director Engineering Services prior to works commencing.

**Car parking and Manoeuvring Area**

6. The applicant must provide one (1) additional off street car parking space to those shown on the approved plan '*Site Plan 1: Hillcrest Guesthouse & Restaurant*'.

7. The fourteen (14) off street car parking spaces including one (1) disabled persons car parking space and manoeuvring area must be sealed with either bitumen or concrete and constructed to the requirements of the FNQROC Manual. Plans to be submitted for approval by Council's Director Engineering Services prior to works commencing. Car parking spaces must be line marked and signposted.

**Stormwater Drainage**

8. Storm water drainage must be to a legal point of discharge.

**Electricity**

9. The development must be connected to the reticulated electricity supply.

**Building Classification**

10. A change of building classification to a Class 6 must be obtained prior to the use (aviary restaurant ) commencing.

**Public Utilities**

11. The applicant is responsible for the cost of any alterations or repairs to public utilities as a result of complying with the conditions of this approval, or damage as a result of construction.

**Erosion and Sediment Control**

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

**Noise Control**

13. There must be no noise nuisance caused by the proposed development.

**Food Preparation**

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

**14.** The food preparation areas must comply with AS 4674-2004 Construction and fit out of food premises.

**15.** The Food Business must operate in compliance with the *Food Act 2006* or subsequent legislation that regulates the operation of a Food Business.

**16.** The grease arrestor must be upgraded to 1,000 litre capacity unit.

**Landscaping and Fencing**

**17.** The development must be provided with the following additional landscaping:

- A landscaped strip minimum width 1.5 metres must be provided along the southern boundary of the proposed development;
- A landscaped area must be provided on the Hope Street frontage in the unused area between the internal driveway and the car parking area (see approved plan);
- A landscaped strip minimum width 1.5 metres must be provided where practicable along the eastern boundary of the proposed development, for the length of the car parking area.

Landscaping is to consist of suitable trees and shrubs as identified in Cook Shire's Landscaping Planning Scheme Policy. Landscaped areas must be subject to regular and ongoing maintenance, including the timely replacement of damaged or dead plants. Landscaping must be provided prior to the use commencing.

**18.** The development must be provided with a solid timber paling or metal clad with neutral finishes fence, minimum height 1.8 metres along the southern boundary of the proposed development. Fence must be constructed prior to the use commencing.

**Outstanding Charges**

**19.** All rates, services charges, interest and other charges levied on the land are to be paid prior to the change of building classification.

**Infrastructure Charges**

**20.** Infrastructure Charges for water and sewerage must be paid to Council at the time of application for change of Building Classification, as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment (see Appendix 'A').

**Currency Period**

**21.** The currency period for this application is four (4) years. Should the approved Restaurant not be established within this time, the approval shall lapse.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

**Appendix 'A'**

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

Our ref: JH:lm:DA/3274:D14/

30 September 2014

R and K Wright  
c/- Planz Town Planning Pty Ltd  
17 Atherton Street  
WHITFIELD QLD 4870

Attention: Nikki Huddy

Dear Mrs Huddy

**ADOPTED INFRASTRUCTURE CHARGES NOTICE**  
**DEVELOPMENT APPLICATION DA/3274**  
**130 HOPE STREET, COOKTOWN**

**Proposal:** Restaurant

**Applicant:** R and K Wright  
c/- Planz Town Planning Pty Ltd  
17 Atherton Street  
WHITFIELD QLD 4870  
Attention: Nikki Huddy

**Location of Site:** 130 Hope Street, COOKTOWN QLD 4895

**Real Property Description:** Lot 405 on Plan SP202120

**Type of Development:** Material Change of Use

**Infrastructure Charges Calculation:**

<b>Development Class</b>	<b>Charge</b>	<b>Unit of Measure</b>	<b>No of Units</b>	<b>Amount of Charge</b>
Material Change of Use (Restaurant)	\$1,700.00 (Water)	Equivalent domestic connection	3.0	\$5,100.00
Material Change of Use (Restaurant)	\$1,420.00 (Sewerage)	Equivalent domestic connection	1.6	\$2,272.00
<b>Total Charges</b>				<b>\$7,372.00</b>

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

**Credit Calculation:**

<b>Development Class</b>	<b>Charge</b>	<b>Unit of Measure</b>	<b>No of Units</b>	<b>Amount of Credit</b>
Material Change of Use (Restaurant)	\$1,700.00 (Water)	Equivalent domestic connection	Nil (Site already developed)	\$ 0.00
Material Change of Use (Restaurant)	\$1,420.00 (Sewerage)	Equivalent domestic connection	Nil (Site already developed)	\$ 0.00
<b>Total Credit</b>				<b>\$ 0.00</b>

**Net Adopted Infrastructure Charges Summary:**

<b>Total Adopted Charge</b>	<b>Total Credit</b>	<b>Total Infrastructure Charge</b>
\$7,372.00	\$ 0.00	\$7,372.00

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

**Due Date for Payment:**

Payment of the total infrastructure charge must be made at the time of lodgement of the Building Application.

**Payment Details:**

Payment of the adopted infrastructure charge must be made to Cook Shire Council, either in person at 10 Furneaux Street, Cooktown or via mail at PO Box 3, Cooktown, Qld, 4895.

**Goods and Services Tax:**

The federal government has determined that rates and utility charges levied by a local government will be GST free. Accordingly, no GST is included in this infrastructure charge notice.

**Adopted Infrastructure Charge is Subject to Price Variation:**

The amount of the adopted infrastructure charge is subject to variations in the Consumer Price Index (C.P.I.). All groups from the reference date stated in this notice until the date the payment is made.

This notice will lapse if the development approval stops having effect.

**RIGHTS OF APPEAL:**

Pursuant to the provisions of Chapter 7 of *The Sustainable Planning Act 2009*, a person may appeal to the Planning & Environment Court against the decision of this Council.

Please refer to [www.dip.qld.gov.au/spa](http://www.dip.qld.gov.au/spa) to access the *Sustainable Planning Act 2009*. Please refer to sections 478, 535, 675 and 680 which detail your appeal rights regarding this notice.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

Should you require any further information or assistance please contact Council's Town Planning Officers, John Harrison or Lisa Miller on, (07) 4069 5444.

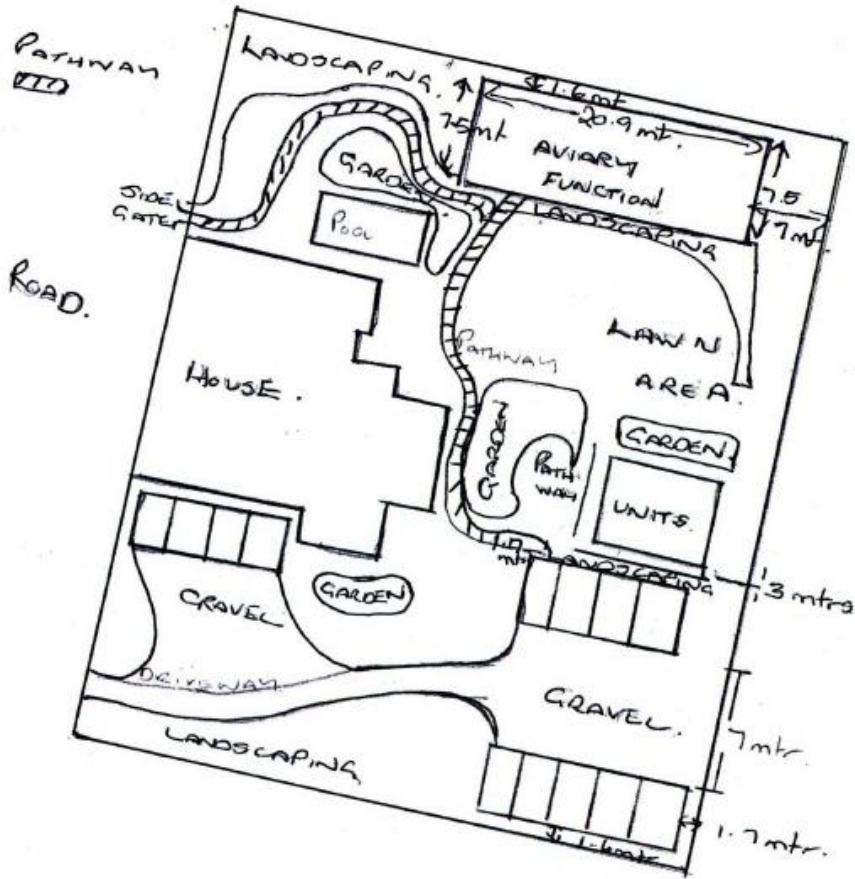
Yours faithfully

Stephen Wilton  
Chief Executive Officer



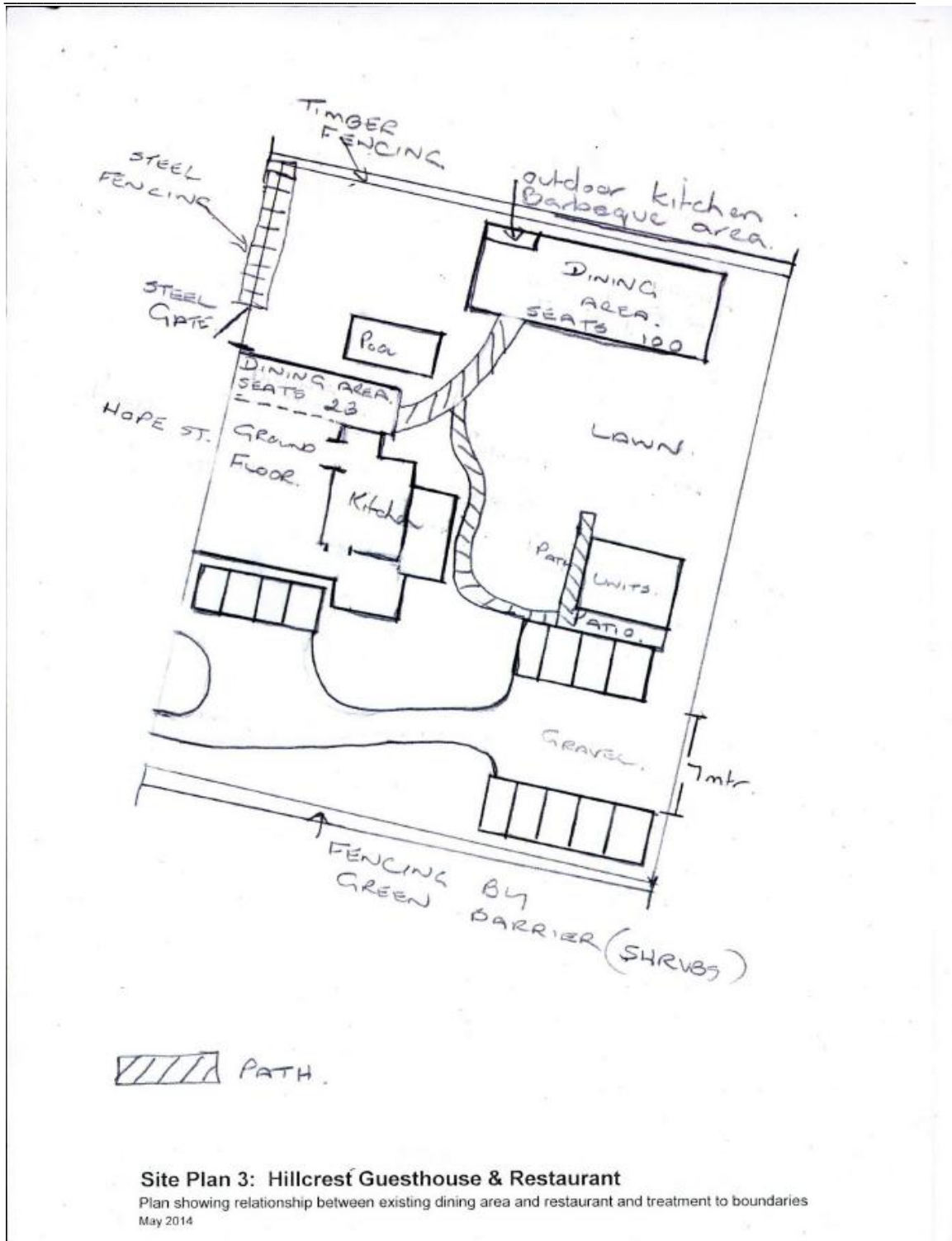
Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014

Appendix 'B'



Site Plan 1: Hillcrest Guesthouse & Restaurant  
May 2014

Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

30858	<b>APPLICATION FOR A DEVELOPMENT PERMIT – DA/3322 – FOR RECONFIGURATION OF LOTS 14 &amp; 15 ON PLAN SP254691, 1 AND 5 IRONWOOD AVENUE VIA COOKTOWN – INTO EIGHT (8) LOTS</b>	
	<i>Report No.AD14/5689 from Director Planning and Environment</i>	

Cr S Clark moved; seconded Cr A Wilson

That the Application by Cindy Wilson c/- U & i Town Plan for a Development Permit for Reconfiguration of Lots 14 and 15 on Plan SP254691, 1 and 5 Ironwood Avenue via Cooktown - into eight (8) lots be approved subject to the Conditions set out in the recommendation contained in report No. AD14/5689

CARRIED

**Précis**

- Applicant:** Cindy Wilson  
c/- U & i Town Plan (Ramon Samanes)  
PO Box 426  
COOKTOWN QLD 4895
- Owner:** John Hay
- Location:** 1 and 5 Ironwood Avenue COOKTOWN QLD 4895
- RPD:** Lots 14 and 15 on Plan SP254691
- Area:** 1.718 and 1.727 hectares
- Zone:** Rural Residential
- Proposed Use:** Reconfiguration of two (2) lots into eight (8) lots
- Minimum Lot Size:** 4000 sq metres
- Referral Agencies:** Nil

**Report**

Application has been made to Council for the issue of a Development Permit for the Reconfiguration of Lots 14 and 15 on Plan SP254691 located at 1 and 5 Ironwood Avenue via Cooktown, into eight (8) lots. The application is Code Assessable Development under the Cook Shire Planning Scheme.

**Proposal**

The application proposes the reconfiguration of Lots 14 and 15 on SP254691 into eight (8) lots. The areas of the proposed lots are as follows:

- ❖ Proposed Lot 40 – 4,000 m<sup>2</sup>



## Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen Town Hall on 20 October 2014

- ❖ Proposed Lot 41 – 4,000 m<sup>2</sup>
- ❖ Proposed Lot 42 – 4,014 m<sup>2</sup>
- ❖ Proposed Lot 43 – 4,000 m<sup>2</sup>
- ❖ Proposed Lot 44 – 4,000 m<sup>2</sup>
- ❖ Proposed Lot 45 – 4,000 m<sup>2</sup>
- ❖ Proposed Lot 46 – 4,000 m<sup>2</sup>
- ❖ Proposed Lot 47 – 4,000 m<sup>2</sup>

Lots 14 is bordered by Oaky Creek Road and Ironwood Avenue, with Lot 15 having frontage only to Ironwood Avenue. Access to the proposed new eight (8) lots will be via Ironwood Avenue and a new internal road / cul-de-sac to be constructed as part of the development.

Lots 14 and 15 are zoned Rural Residential and the proposed reconfiguration is Code Assessable Development under the Cook Shire Planning Scheme.

### The Site



The lots are situated approximately ten (10) kilometres north-west of Cooktown and 1.3 kilometres along Oaky Creek Road from the Endeavour Valley Road turn off, on the southern side of Oaky Creek Road. Lots 14 and 15 are zoned Rural Residential under the Cook Shire Planning Scheme and have areas of 1.718 and 1.727 hectares respectively. Generally, the lots are evenly vegetated, with no significant gullies or hills and generally have a gently undulating landscape.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

There is no existing infrastructure on Lots 14 and 15, reticulated electricity is located on the Ironwood Avenue road reserve, although reticulated water and sewerage is not available. The lots are within the current kerbside rubbish collection area.

**Town Planning Considerations**

Lots 14 and 15 are zoned Rural Residential under Cook Shire's Planning Scheme and the proposed Reconfiguration of the two (2) lots into eight (8) lots is Code Assessable development.

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 occur 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.*

**Code Requirements for Reconfiguring a Lot in the Rural Residential Zone**

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

- Rural Residential Zone Code
- Reconfiguration of a Lot Code

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

- Works, Services and Infrastructure Code
- Natural Hazards Code
- Parking and Access Code

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

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

Reconfiguration of a Lot Code

PC1 States:

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

AS1 States:

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

In the Rural Residential Zone the minimum lot frontage requirement *“where reticulated water not available”* is:

*Minimum lot size (excluding access handle for hatchet lots) – 4,000m<sup>2</sup>  
Minimum frontage - 40 metres  
Maximum depth to frontage ratio – 3:1*

Proposed lots 40 to 47 comply with the minimum lot size requirements of 4,000m<sup>2</sup> for the Rural Residential Zone, however, due to the layout of the proposed reconfiguration and the new proposed road, Lots 42 to 45 only provide a road frontage of approximately 16 metres each to the new cul-de-sac / road, which also causes Lots 42 to 45 to be non-compliant with the depth to frontage ratio of 3:1.

Considering these factors, the proposed lots comply with the minimum lot size for Reconfiguration in the Rural Residential Zone. The lots have adequate area and dimensions to achieve compliance with PC 1 of the above Code.

Council will require the provision of rainwater tanks of a minimum capacity 50,000 litres as a means of satisfying Performance Criteria PC 1 of the Works, Services and Infrastructure Code along with a separate water storage tank with a minimum storage capacity of 5,000 litres, fitted with fire brigade tank fittings, for fire fighting purposes to comply with PC 1 of the Natural Hazards Code in the Cook Shire Planning Scheme. These will be reflected in the recommended conditions of approval.

The proposed reconfiguration complies with the relevant Performance Criteria for the purpose of this application.

**Discussion**

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

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

**Recommendation**

That the Application by Cindy Wilson c/- U & i Town Plan for a Development Permit for Reconfiguration of Lots 14 and 15 on Plan SP254691, 1 and 5 Ironwood Avenue via Cooktown - into eight (8) lots be approved subject to the following Conditions:

**A. Assessment Manager (Council) Conditions**

**Approved Plans**

1. The development must be carried out generally in accordance with the proposal plan No.62979-3 Issue A as submitted in response to Council's Information Request 19 September 2014, except for any minor variations required to comply with the Conditions of this Approval (see Appendix 'B').

**Road Works**

2. The new internal road, including the intersection with Ironwood Avenue shown on approved Proposal Plan No.62979-3 Issue A, must be sealed with a two (2) coat bitumen seal and be designed and constructed to the requirements of the FNQROC Manual and include ancillary storm water drainage.
3. Engineered drawings for Road Works must be submitted for approval by Council's Director Engineering Services as part of an Operational Works application prior to works commencing.

**Access**

4. Access to all proposed lots must be as per the proposal plan No.62979-3 Issue A as submitted in response to Council's Information Request 19 September 2014, except for any minor variations required to comply with the Conditions of this Approval.
5. Access for all proposed lots from the property boundaries to Ironwood Avenue and the new unnamed road pavement must be sealed with either bitumen or concrete and constructed as per FNQROC Manual Standard drawing S1105 and include ancillary stormwater drainage. Engineering plans must be submitted for approval by Council's Director Engineering Services as part of an Operational Works application prior to works commencing.

**Footpath**

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

6. The footpath / nature strip along the proposed new internal road, must be formed and left in an easily mown condition. Engineered plans must be submitted for approval by Council's Director Engineering Services as part of an Operational Works application prior to works commencing.

**Stormwater Drainage**

7. All stormwater drainage must be to a legal point of discharge.

**Operational Works**

8. Prior to construction commencing, Council will require approval of an Operational Works application for the following:
  - Road works for the new internal road including the intersection with Ironwood Avenue (see Conditions 2 and 3);
  - Access to all proposed lots (see Conditions 4 and 5); and
  - Footpath (see Condition 6).

This application must include plans prepared by a Registered Professional Engineer Queensland in accordance with FNQROC Manual and are to be 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.

**Certificate and Maintenance**

9. Upon completion of the above works, 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 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 costs of any maintenance required during maintenance period not exceeding twelve (12) months.

**Effluent Disposal**

10. Wastewater treatment and disposal applications must include details of proposed wastewater disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS, 1547:2000 – On-site



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

Domestic Wastewater Management. Details to be provided at the time of lodgement of a Plumbing or Building application.

**Water Supply**

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

**Fire Management**

12. Each proposed lot must be provided with a separate water storage tank with a minimum storage capacity of 5,000 litres and fitted with Fire Brigade tank fittings, for fire fighting purposes at the time of construction of a dwelling. Lots must be maintained at all times to a standard so as not to create a fire hazard.

**Electricity**

13. Each proposed lot must be connected to the reticulated electricity supply. A Certificate of Electricity Supply from Ergon Energy must be provided to Council by the applicant, prior to Council endorsement of the Plan of Survey.

**Telecommunications**

14. The development must be connected to telecommunication services. Written evidence must be provided to Council from the relevant telecommunication provider that services can be made available to the proposed lots, prior to Council endorsement of the Plan of Survey.

**Public Utilities**

15. The developer is responsible for the cost of any alterations to public utilities as a result of complying with Conditions of this Development Permit Repairs or alterations must satisfy the relevant Design Guidelines set out in Section D8 of the FNQROC Manual.

**Infrastructure Charges**

16. Infrastructure charges for Public Open Space must be paid to Council at the time of application for Council endorsement of the Survey Plan, as indicated on the

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment (see Appendix 'A').

**Outstanding Charges**

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

**Compliance**

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

**Endorsement of Survey Plan**

19. The reconfiguration of a lot approval 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 the approval will lapse.

**Appendix 'A'**

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

Our ref: LM:DA/3322

Your ref: R1/14

14 October 2014

Cindy Wilson  
C/- U&i Town Plan  
PO Box 426  
COOKTOWN QLD 4895

Attention: Ramon Samanes

Dear Mr Samanes

**ADOPTED INFRASTRUCTURE CHARGES NOTICE**  
**DEVELOPMENT APPLICATION DA/3322**  
**1 & 5 IRONWOOD AVENUE, COOKTOWN**

**Proposal:** Reconfiguration two (2) lots into eight (8) lots

**Applicant:** Cindy Wilson  
C/- U&i Town Plan  
PO Box 426  
COOKTOWN QLD 4895  
Attention: Ramon Samanes

**Location of Site:** 1 & 5 Ironwood Avenue COOKTOWN

**Real Property Description:** Lots 14 & 15 on Plan SP254691

**Type of Development:** Reconfiguration

**Infrastructure Charges Calculation:**

Development Class	Charge	Unit of Measure	No of Units	Amount of Charge
Reconfiguration	\$900.00 (Public Open Space)	Equivalent number of Residential Units	x 8	\$7,200.00
Total Charges				\$7,200.00

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

**Credit Calculation:**

Development Class	Charge	Unit of Measure	No of Units	Amount of Credit
Reconfiguration	\$900.00 (Public Open Space)	Equivalent number of Residential Units	2	\$1,800.00
<b>Total Credit</b>				<b>\$1,800.00</b>

**Net Adopted Infrastructure Charges Summary:**

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$7,200.00	\$1,800.00	\$5,400.00

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

**Due Date for Payment:**

Payment of the total infrastructure charge must be made at the time of lodgement of the Plan of Survey for Council's endorsement.

**Payment Details:**

Payment of the adopted infrastructure charge must be made to Cook Shire Council, either in person at 10 Furneaux Street, Cooktown or via mail at PO Box 3, Cooktown, Qld, 4895.

**Goods and Services Tax:**

The federal government has determined that rates and utility charges levied by a local government will be GST free. Accordingly, no GST is included in this infrastructure charge notice.

**Adopted Infrastructure Charge is Subject to Price Variation:**

The amount of the adopted infrastructure charge is subject to variations in the Consumer Price Index (C.P.I.). All groups from the reference date stated in this notice until the date the payment is made.

This notice will lapse if the development approval stops having effect.

**RIGHTS OF APPEAL:**

Pursuant to the provisions of Chapter 7 of *The Sustainable Planning Act 2009*, a person may appeal to the Planning & Environment Court against the decision of this Council.

Please refer to [www.dip.qld.gov.au/spa](http://www.dip.qld.gov.au/spa) to access the *Sustainable Planning Act 2009*. Please refer to sections 478, 535, 675 and 680 which detail your appeal rights regarding this notice.

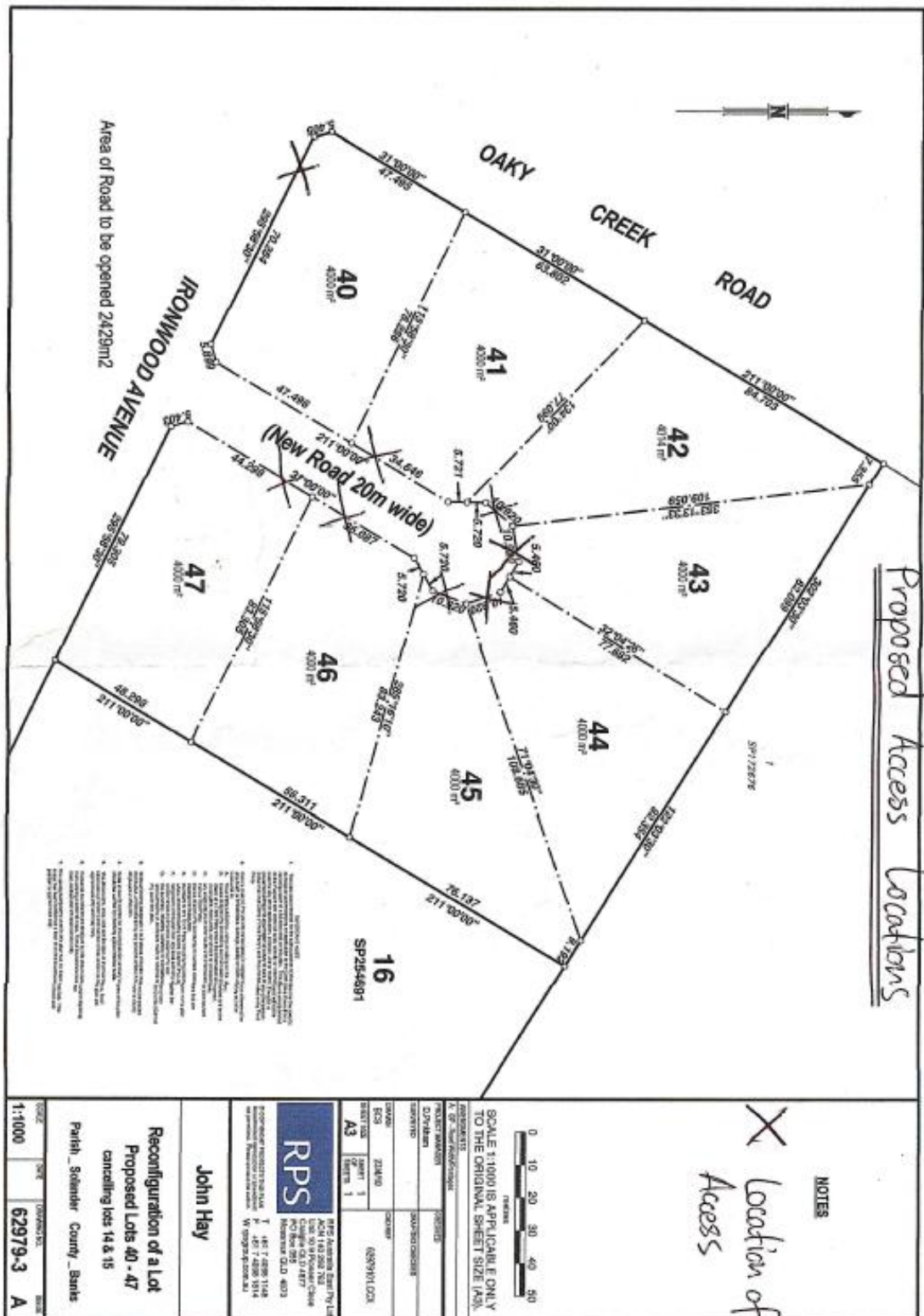
Should you require any further information or assistance please contact Council's Town Planning Officer, Mr John Harrison on, (07) 4069 5444.

Yours faithfully

Stephen Wilton  
Chief Executive Officer

**Appendix 'B'**

Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

30859	<b>REQUEST FOR A NEGOTIATED DECISION – DA/3229 – RECONFIGURATION OF LOT 1 ON PLAN SP221164, MT. AMOS ROAD, VIA COOKTOWN INTO TWO (2) LOTS</b>	
	<i>Report No.AD14/4793 from Director Planning and Environment</i>	

Cr P Johnson moved; seconded Cr K Price

That the request for a Negotiated Decision Notice by Rachael Bass relating to condition 7 of the Decision Notice for DA/3229, Reconfiguration of Lot 1 on Plan SP221164, Mt Amos Road via Cooktown into two (2) lots be refused as Council considers the existing condition 7 to be reasonable and relevant for the purpose of the application. The conditions of the 19<sup>th</sup> June 2014 Decision Notice for DA/3229 are to remain unchanged.

CARRIED

**Précis**

- Applicant:** Ms Rachel Bass  
c/- RPS Australia East Pty Ltd  
PO Box 1949  
Cairns Qld 4870.
- Owner:** David J Bass
- Location:** Mt Amos Road via Cooktown
- RPD:** Lot 1 on Plan SP221164
- Area:** 126.1 Hectares
- Zone:** Rural
- Proposed Use:** Reconfiguration into two (2) lots
- Use Classification:** Reconfiguration
- Referral Agencies:** State Assessment & Referral Agency (SARA)  
Dept.  
State Development & Infrastructure Planning  
(Vegetation Clearing)

**Report**

Council on the 17<sup>th</sup> June 2014, approved an application for a Development Permit for the Reconfiguration of Lot 1 on Plan SP221164, located at Mt Amos Road via Cooktown into two (2) lots, subject to conditions. Council on the 19<sup>th</sup> June 2014, issued the relevant Decision Notice for the above application (DA/3229).

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

The applicant by letter dated the 31<sup>st</sup> July 2014 requested a Negotiated Decision Notice. Representation was made by the applicant in respect to Condition 7 of Council's approval.

Condition 7 of Council's 19<sup>th</sup> July 2014 approval currently states:

**“Residential Setback**

*7. Any residential dwelling on proposed Lot 1 must not be constructed within five hundred (500) metres of the Mount Amos quarry property boundary (Lot 1 on Plan RP902192).*

The applicant in their representation state:

*“It is understood that there is an existing quarry located within the area in which the impacts of the quarry activities on the surrounding properties needs to be considered. However it is considered that the above mentioned condition is quite onerous and doesn't take into account the site specific characteristics of the quarry and how it relates and interacts to the subject site in relation to the topographical characteristics between the two. It is important to note that between the quarry and the subject site is a substantial hill/crest which buffers and separates the two (2) properties. As such, any potential noise, dust, and ground vibration impacts associated with the operation of the quarry located behind the hill would be considered minimal.”*

The applicant further states that:

*“The State Planning Policy (SPP) – State Interest Guideline – Mining and extractive resources provides further clarity on how to determine both the resource/processing area along with the separation area:*

- ***Resource/processing area*** – the extent of the extractive resource and any operational areas associated with the extraction and processing of the resource.
- ***Separation area*** – the area surrounding the resource/processing area that is required in order to maintain separation from people who may be affected by residual impacts such as noise, dust and ground vibrations of existing or future extractive operations within the resource/processing area. This area is designed to maintain an adequate buffer between extractive operations and incompatible uses.

*The minimum distance is 200 metres for resources that do not require blasting or crushing to extract (sand, gravel and clay) and 1,000 metres for hard rock resources as blasting and crushing of material is required. In some cases the separation area may be less than the minimum distances in consideration of local features such as topography or existing development commitments.*

*Based on the guidelines in the above SPP and the justification provided, it is respectfully requested that the condition be amended as follows:*

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

**Residential Setback**

7. Any residential dwelling on proposed Lot 1 must not be constructed within ~~five hundred (500)~~ 200 metres of the approved Mount Amos quarry resource/processing area on ~~property boundary~~ (→ Lot 1 on Plan RP902192.”

Council notes that the Mount Amos quarry is a hard rock quarry that includes both blasting and crushing as part of its operation, therefore the 200 metre residential setback is not an option.

**Discussion**

Council officers as part of the Negotiation process met with the applicant’s planning consultant. During the course of discussions the consultant was advised that approval had been given for the existing quarry on Lot 1 Plan RP902192 to increase capacity from two (2) hectares and 20,000 tonnes to eighteen (18) hectares and 100,000 tonnes. Activities to include quarrying, screening and crushing of hard rock. It was also pointed out as stated above that the quarry was a hard rock quarry that included blasting and crushing as part of its operation.

Council officers further advised that the quarry was considered to be a significant local resource that had to be protected from the encroachment of incompatible land uses. Reference was made to the following Performance Criteria and Acceptable Solutions.

**Rural Zone Code**

PC 6 States:

*“Existing extractive industry operations and known resource bodies are protected from the encroachment of incompatible land uses.”*

**Extractive Industry Code**

PC 1 States:

*“Extractive Industry sites are remote from human habitation (excluding any Caretaker’s Residences which is lawfully approved in connection with the Extractive Industry), so as not to cause significant nuisance or endanger life and property.”*

AS 1.1 States:

*“Extractive Industry sites are located no closer than 500 metres from any residential dwelling or from land in the Rural Residential or Village Zones”*

It was further brought to the consultants attention that the reconfiguration was only approved subject to compliance with the conditions of the Decision Notice dated 19<sup>th</sup> June 2014 and especially condition 7, which protects the Mount Amos quarry from encroachment by incompatible land uses (House).



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

Following this meeting the applicant's consultant was in agreement that the existing condition 7 was a reasonable and relevant condition for the purpose of this application.

It is therefore recommended by Council officers that the request for a Negotiated Decision Notice in relation to Condition 7 of Council's Decision Notice for DA/3229 dated 19<sup>th</sup> June 2014 be refused, as the condition is considered reasonable and relevant for the purpose of the application, and the conditions of the Decision Notice remain unchanged.

**Recommendation**

That the request for a Negotiated Decision Notice by Rachael Bass relating to condition 7 of the Decision Notice for DA/3229, Reconfiguration of Lot 1 on Plan SP221164, Mt Amos Road via Cooktown into two (2) lots be refused as Council considers the existing condition 7 to be reasonable and relevant for the purpose of the application. The conditions of the 19<sup>th</sup> June 2014 Decision Notice for DA/3229 are to remain unchanged.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

**LAND TENURE**

30860	<b>APPLICATION FOR RENEWAL OF TERM LEASE OVER LOT 97 ON PLAN N25336 – HOLZAPFEL ROAD, COOKTOWN - FOR GRAZING PURPOSES; PARISH OF SOLANDER; LOCALITY OF COOKTOWN.</b>	
	<i>Report No.D14/11580 from Chief Executive Officer File No. 2.37.3;2.37.12</i>	

Cr P Johnson moved; seconded Cr G Shephard

That the Department of Natural Resources and Mines be advised that Council raises no objection to the renewal of Term Lease over Lot 97 on Plan N25336, subject to the provision of a thirty (30) meter wide esplanade along the southern bank of the Endeavour River, as depicted on Plan Google Map Proposed 30 meter wide Esplanade submitted.

I draw your attention to Council's access position as previously conveyed to the Department in connection with particular dealings. Council's access position is as follows:

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 intent in mind.

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 the renewal of special lease, subject to creation of esplanade.

**Background/History**

2. By letter dated 25 September 2014, the Department of Natural Resources and Mines advised that an application for renewal of Term Lease over Lot 97 on Plan N25336 had been received – SmartMap attached.
3. Use of the term lease was grazing; the renewal was for the same purpose with 20 years term renewal.
4. The Department requested Council's views/requirements including any local non-indigenous cultural heritage values that should be considered when assessing the application.
5. There are no known local non-indigenous cultural heritage values within this lease.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

6. Neither Engineering Services nor Planning and Environment Services have any issues.
7. 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 southern bank of the Endeavour River in accordance with attached plan, Google Map Proposed 30 meter wide Esplanade.

**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.

8. The following recommendation is submitted for consideration.

**Link to Corporate Plan**

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

**Consultation**

10. Nil.

**Legal Implications (Statutory, basis, legal risks)**

11. Nil.

**Policy Implications**

12. Nil.

**Financial and Resource Implications (Budgetary)**

13. Nil.

**RECOMMENDATION**

That the Department of Natural Resources and Mines be advised that Council raises no objection to the renewal of Term Lease over Lot 97 on Plan N25336, subject to the provision of a thirty (30) meter wide esplanade along the southern bank of the Endeavour River, as depicted on Plan Google Map Proposed 30 meter wide Esplanade submitted.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

I draw your attention to Council's access position as previously conveyed to the Department in connection with particular dealings. Council's access position is as follows:

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 intent in mind.

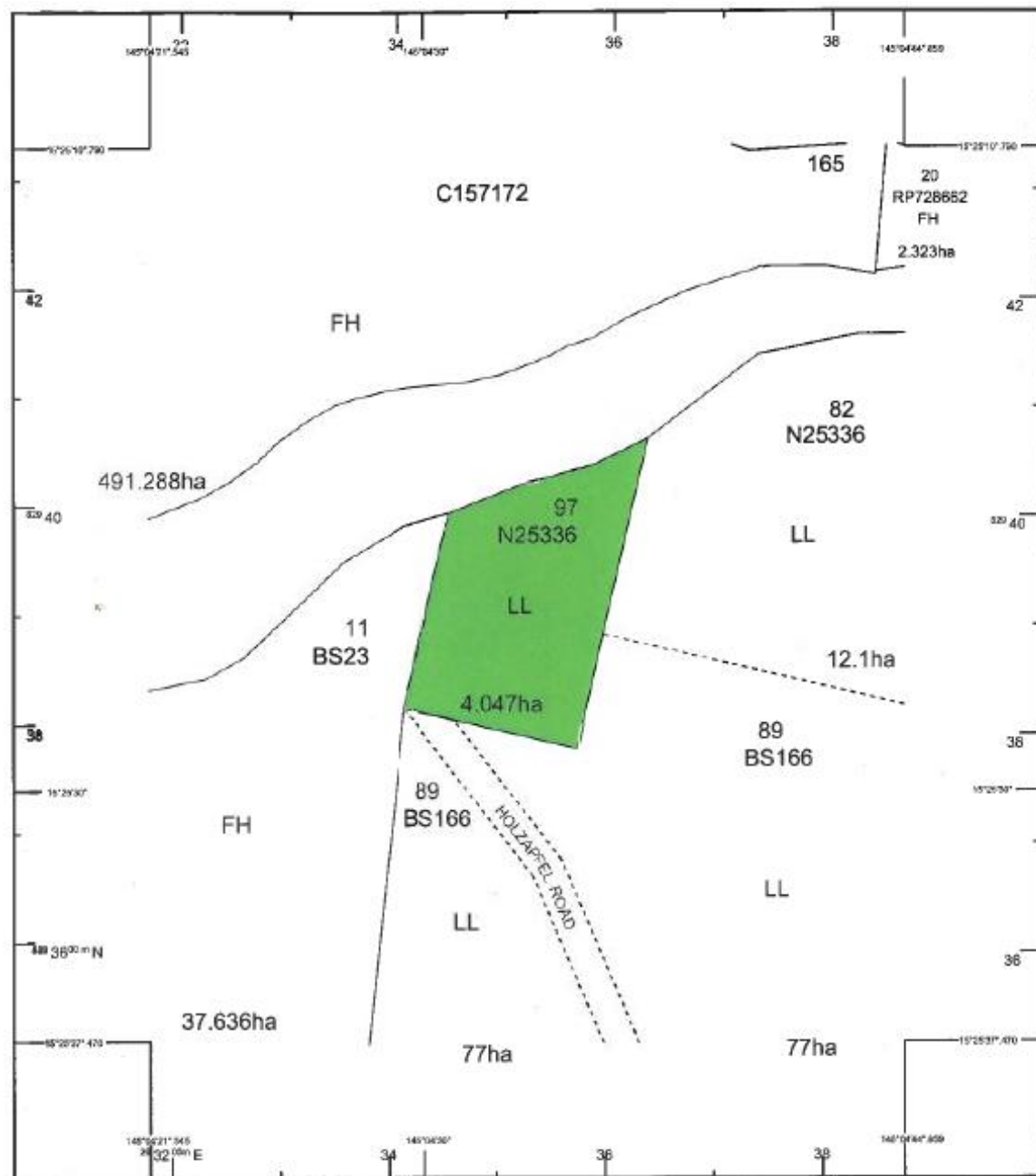
Moreover, Council is unaware of any local non-indigenous cultural heritage values that should be considered when assessing the application.

Att.

SmartMap

Google Map Proposed 30 meter wide Esplanade

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**



STANDARD MAP NUMBER  
7967-33133



**SmartMap**

An Online Product of  
SmartMap Information Services  
Based upon an extraction from the  
Digital Cadastral Data Bank

MAP WINDOW POSITION &  
NEAREST LOCATION



**SUBJECT PARCEL DESCRIPTION**

DCDB	
Lot/Plan	97N25336
Area/Volume	4.047ha
Tenure	LANES LEASE
Local Government	COCK SHIRE
Locality	COCKTOWN
Parish	SOLANDER
County	BANKS
Segment/Parcel	6283M

**CLIENT SERVICE STANDARDS**

PRINTED 05/10/2014 23:00:27:14  
For additional information regarding this SmartMap see page 2.  
Standard Rules have been applied.  
DCDB: 22/08/2014

Users of the information recorded in this document (the information) accept all responsibility and risk associated with the use of the information and should seek independent professional advice in relation to dealings with property.

Despite Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representation or warranty in relation to the information, and, to the extent permitted by law, excludes or limits all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the information.

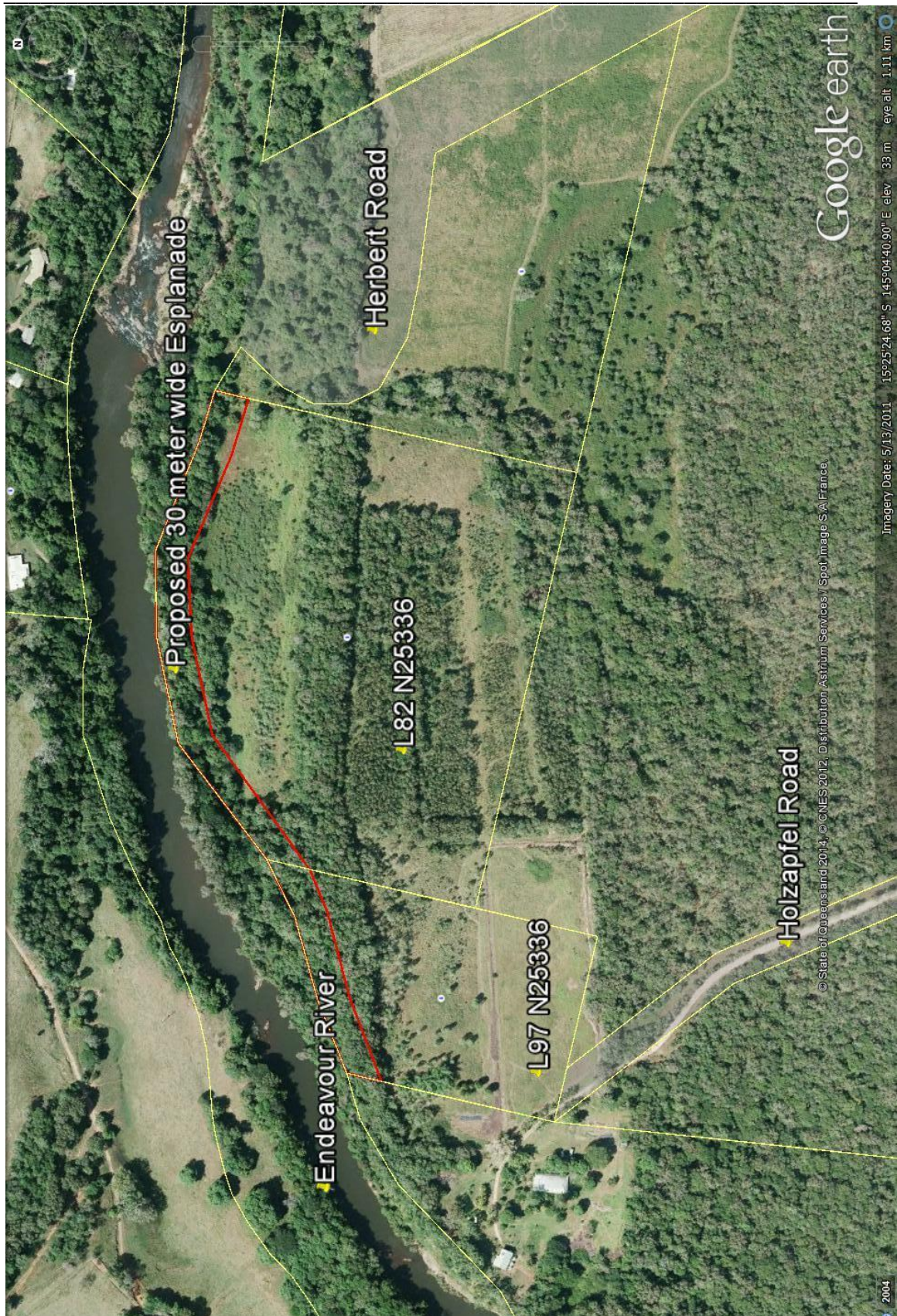
For further information on SmartMap products visit <http://www.csl.gov.au/property/mapping/SmartMap>



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



Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

30861	<b>APPLICATION FOR RENEWAL OF TERM LEASE OVER LOT 82 ON PLAN N25336 – HERBERT ROAD, COOKTOWN - GRAZING PURPOSES; PARISH OF SOLANDER; LOCALITY OF COOKTOWN.</b>	
	<i>Report No.D14/11579 from Chief Executive Officer File No. 2.37.3;2.37.12</i>	

Cr G Shephard moved; seconded Cr R Bowman

That the Department of Natural Resources and Mines be advised that Council raises no objection to the renewal of Term Lease over Lot 82 on Plan N25336, subject to;

- i. gazetted access is provided to Lot 82 on Plan N25336, and
- ii. the provision of a thirty (30) meter wide esplanade along the southern bank of the Endeavour River, as depicted on Plan Google Map Proposed 30 meter wide Esplanade submitted.

I draw your attention to Council's access position as previously conveyed to the Department in connection with particular dealings. Council's access position is as follows:

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 intent in mind.

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

CARRIED

**Précis**

14. Raise no objection to the renewal of special lease, subject to creation of esplanade.

**Background/History**

15. By letter dated 25 September 2014, the Department of Natural Resources and Mines advised that an application for renewal of Term Lease over Lot 82 on Plan N25336 had been received – SmartMap attached.
16. Use of the term lease was grazing; the renewal was for the same purpose with a 20 year term of the renewal.
17. The Department requested Council's views/requirements including any local non-indigenous cultural heritage values that should be considered when assessing the application.



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

18. There are no known local non-indigenous cultural heritage values within this lease.
19. Neither Engineering Services nor Planning and Environment Services have any issues.
20. Legal access to Lot 82 is inconclusive; report DW126313 deemed that legal access was provided via Herbert Road and the non-connection on the DCDB is due to inaccuracies in the DCDB.
21. Survey Plans associated with Lot 82 dated from 1885 are inconclusive and leave a margin of doubt.
22. Additionally, in accordance with Council's Policy in relation to Roads and Public Access, reaffirmed at the October 2012 Council Meeting, a 30 meter wide esplanade should be required along the southern bank of the Endeavour River in accordance with attached plan, Google Map Proposed 30 meter wide Esplanade.

**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.

23. With the foregoing, the following recommendations are submitted for consideration.

**Link to Corporate Plan**

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

**Consultation**

25. Nil.

**Legal Implications (Statutory, basis, legal risks)**

26. Nil.

**Policy Implications**

27. Nil.

**Financial and Resource Implications (Budgetary)**



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

28. Nil.

RECOMMENDATION

That the Department of Natural Resources and Mines be advised that Council raises no objection to the renewal of Term Lease over Lot 82 on Plan N25336, subject to;

- iii. gazetted access is provided to Lot 82 on Plan N25336, and
- iv. the provision of a thirty (30) meter wide esplanade along the southern bank of the Endeavour River, as depicted on Plan Google Map Proposed 30 meter wide Esplanade submitted.

I draw your attention to Council's access position as previously conveyed to the Department in connection with particular dealings. Council's access position is as follows:

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 intent in mind.

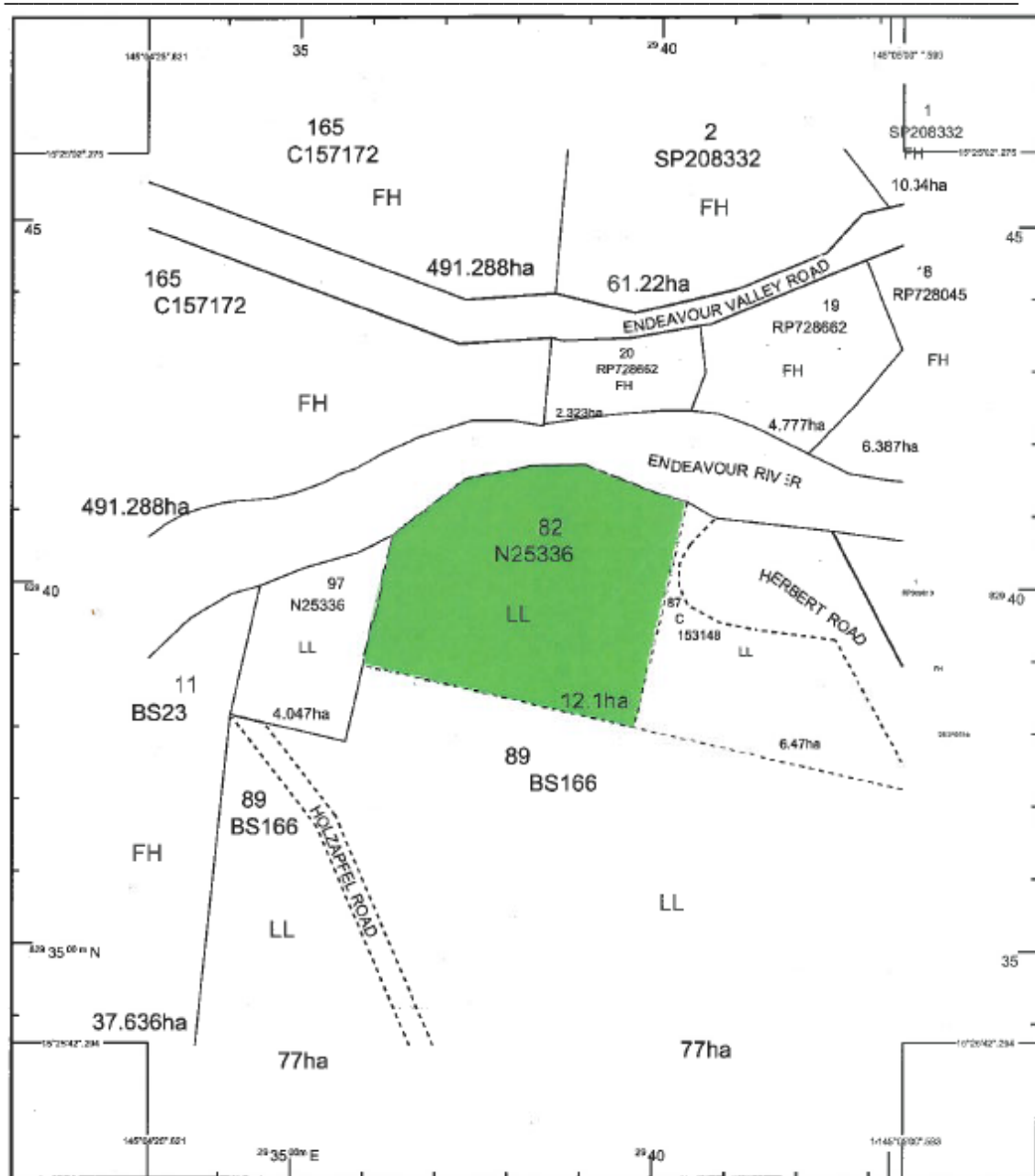
Moreover, Council is unaware of any local non-indigenous cultural heritage values that should be considered when assessing the application.

Att.

SmartMap

Google Map Proposed 30 meter wide Esplanade

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**



STANDARD MAP NUMBER  
**7967-33132**



MAP WINDOW POSITION & NEAREST LOCATION



**SUBJECT PARCEL DESCRIPTION**

OCDB	82N25336
Lot/Plan	12 1ha
Area/Volume	LANDS LEASE
Tenure	COOK SHIRE
Local Government	COOKTOWN
Locality	SOLANDER
Parish	82465
County	82597
Segment/Parcel	

**CLIENT SERVICE STANDARDS**

PRINTED (dd/mm/yyyy) 23/09/2014  
For additional information regarding this SmartMap see page 2.  
Scaling Rules have been applied.

OCDB 22092014

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

Despite Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representation or warranty in relation to the Information, and, to the extent permitted by law, excludes or limits all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect or consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the Information.

For further information on SmartMap products visit <http://dnrm.qld.gov.au/property/mapping/SmartMap>

**SmartMap**

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

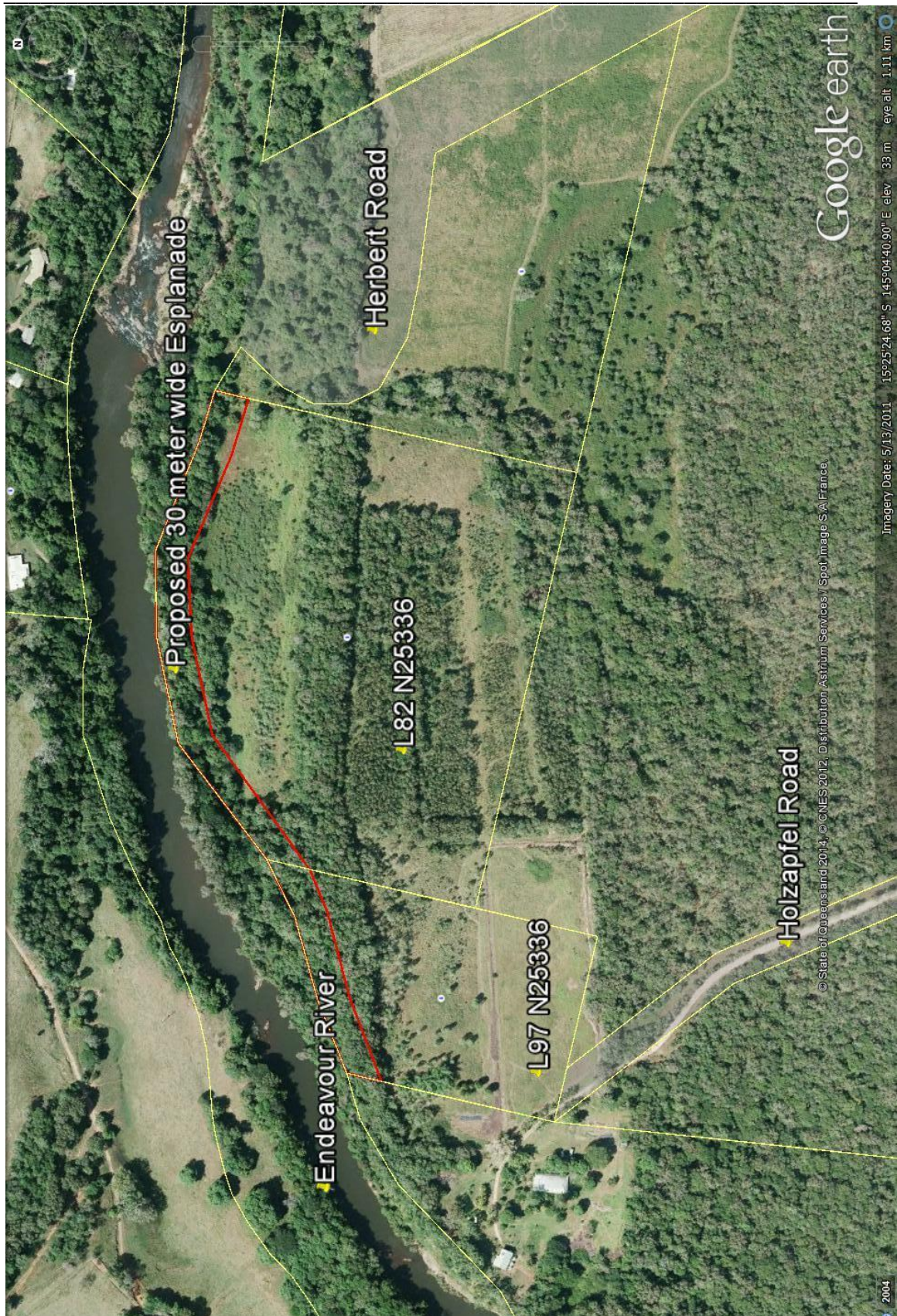


**Queensland  
Government**

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



Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014





**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

30862	<b>APPLICATION FOR PROPOSED ROAD OPENING TO LOT 1 ON PLAN WR2 – JUNGLE CREEK STATION; THROUGH LOT 1 ON PLAN KG3 (KINGVALE STATION/KING RIVER HOLDING) AND LOT 2 ON PLAN MS13 (KOOLBURRA STATION); VARIOUS PARISHES.</b>	
	<i>Report No.D14/11558 from Chief Executive Officer File No. 2.23.01; 2.650.01.</i>	

Cr A Wilson moved; seconded Cr G Shephard

That the Department of Natural Resources and Mines be advised that Council raises no objection to open as road the formed access to Lot 1 on Plan WR2 through Lot 2 on Plan MS13, and Lot 1 on Plan KG3, as depicted on submitted Plan TSV2014-52, on the condition as previously stated, it be at no cost to Council and although Council supports the proposed opening of the road to secure access, it does not obligate Council for any future construction or maintenance.

Furthermore, 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 the road opening.

**Background/History**

2. By letter dated 1 October 2014, the Department of Natural Resources and Mines ('DNRM'), advised that an application for the above proposed road opening had been received. See attached Map TSV2014-52.
3. Council at its June 2014 meeting, resolved vide Resolution No. 30760 to support an application by the owner of Jungle Creek Station to the Department to open as road the formed access from Kimba Road to the boundary of Lot 1 on Plan WR2, at no cost to Council, and although Council supports the proposed opening of the road to secure access, it does not obligate Council for any future construction or maintenance.
4. The Department referred to Council's letter of support dated 20 June 2014, and advised that the Department proposed to formalise the existing formed access to Lot 1 on Plan WR2 as the present dedicated access to the subject parcel is not constructed.
5. Neither Engineering Services nor Planning and Environment Services have any issues.
6. There are no known local non-indigenous cultural heritage values.
7. The following recommendation is submitted for Council's consideration.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

**Link to Corporate Plan**

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

**Consultation**

9. Nil.

**Legal Implications (Statutory, basis, legal risks)**

10. Nil.

**Policy Implications**

11. Nil.

**Financial and Resource Implications (Budgetary)/Risk Assessment**

12. Nil

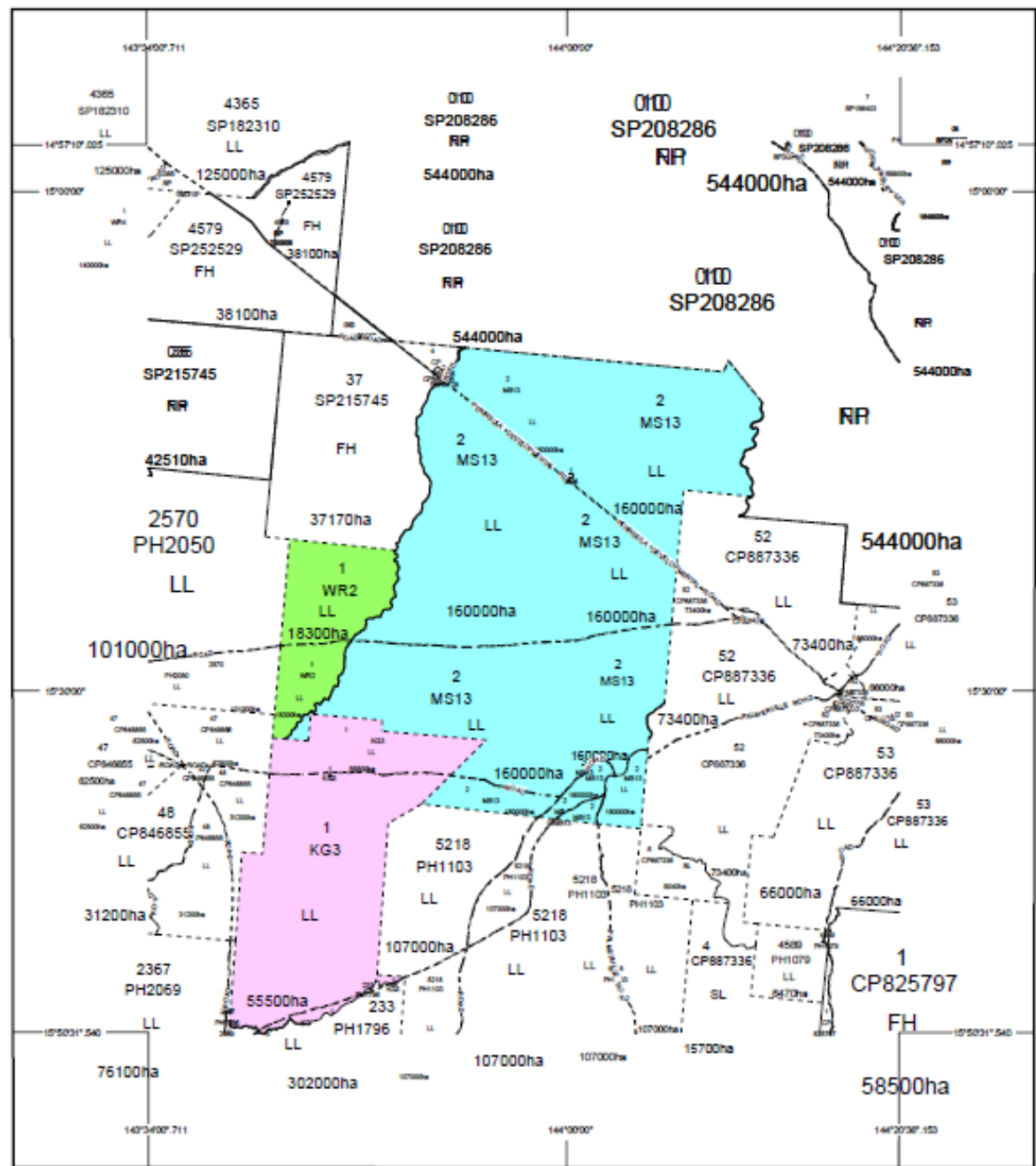
**RECOMMENDATION**

That the Department of Natural Resources and Mines be advised that Council raises no objection to open as road the formed access to Lot 1 on Plan WR2 through Lot 2 on Plan MS13, and Lot 1 on Plan KG3, as depicted on submitted Plan TSV2014-52, on the condition as previously stated, it be at no cost to Council and although Council supports the proposed opening of the road to secure access, it does not obligate Council for any future construction or maintenance.

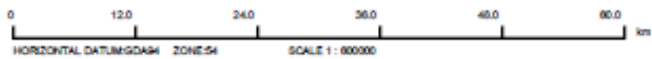
Furthermore, Council is unaware of any local non-indigenous cultural heritage values that should be considered when assessing the application.

Att.  
TSV2014-52 (Aerial Map)  
TSV2014-52 (Map)  
SmartMap

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**



STANDARD MAP NUMBER  
7667-22142



MAP WINDOW POSITION &  
NEAREST LOCATION



**SUBJECT PARCEL DESCRIPTION**

DCDB	
Lot/Plan	2/MS13
Area/Volume	160000ha
Tenure	LANDS LEASE
Local Government	COOK SHIRE
Locality	LAURA
Parish	MILLRACE
County	MOSMAN
Segment/Parcel	014912

**CLIENT SERVICE STANDARDS**

PRINTED (ddmmyyyy) 24/09/2014  
For additional information regarding this SmartMap see page 2.  
Shading Rules have been applied.

DCDB 23/09/2014 (Lots with an area less than 10,000ha are not shown)

Users of the information recorded in this document (the information) accept all responsibility and risk associated with the use of the information and should seek independent professional advice in relation to dealings with property.

Despite Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representation or warranties in relation to the information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the information.

For further information on SmartMap products visit <http://www.qld.gov.au/property/mapping/bimmap>

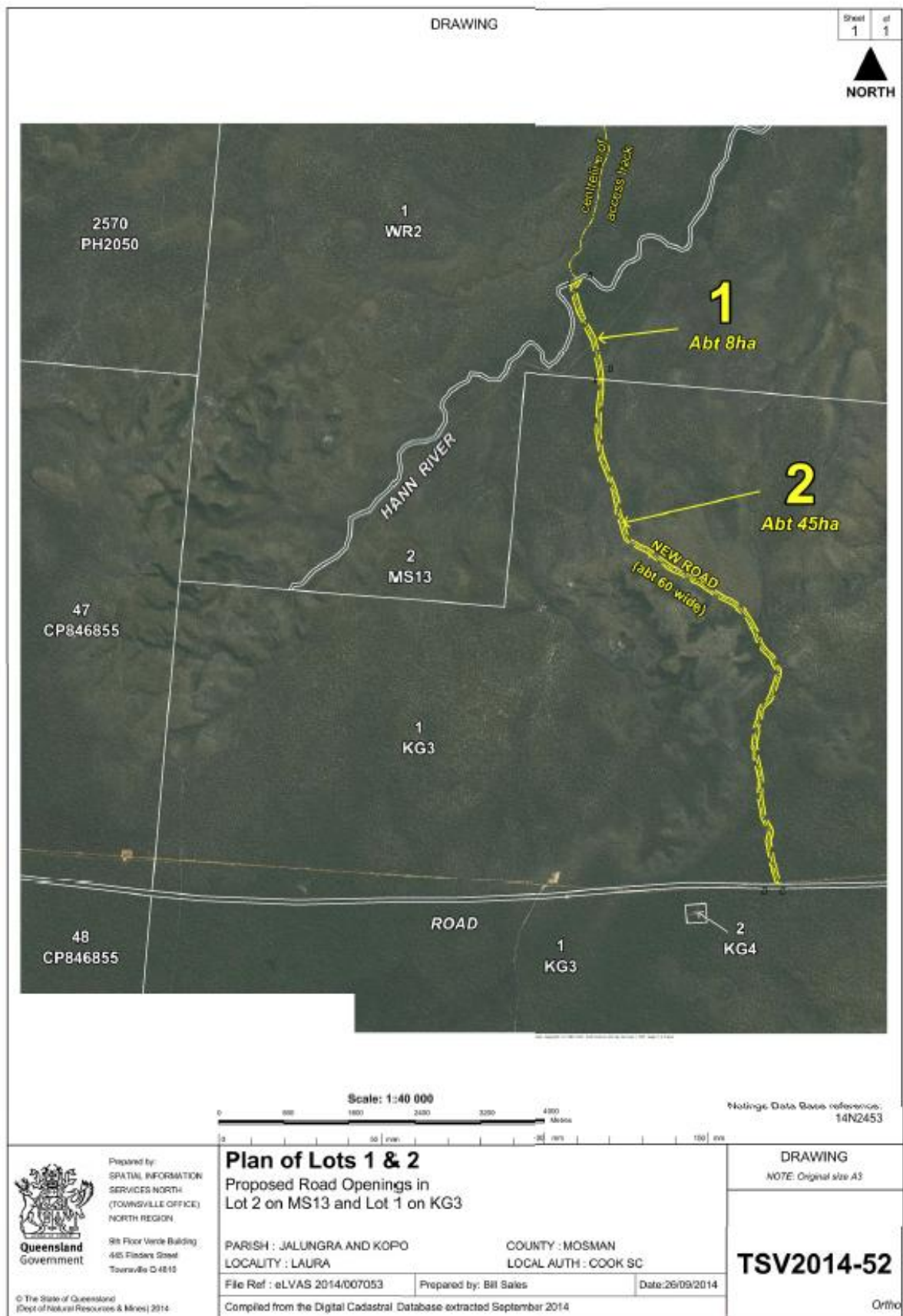
**SmartMap**

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

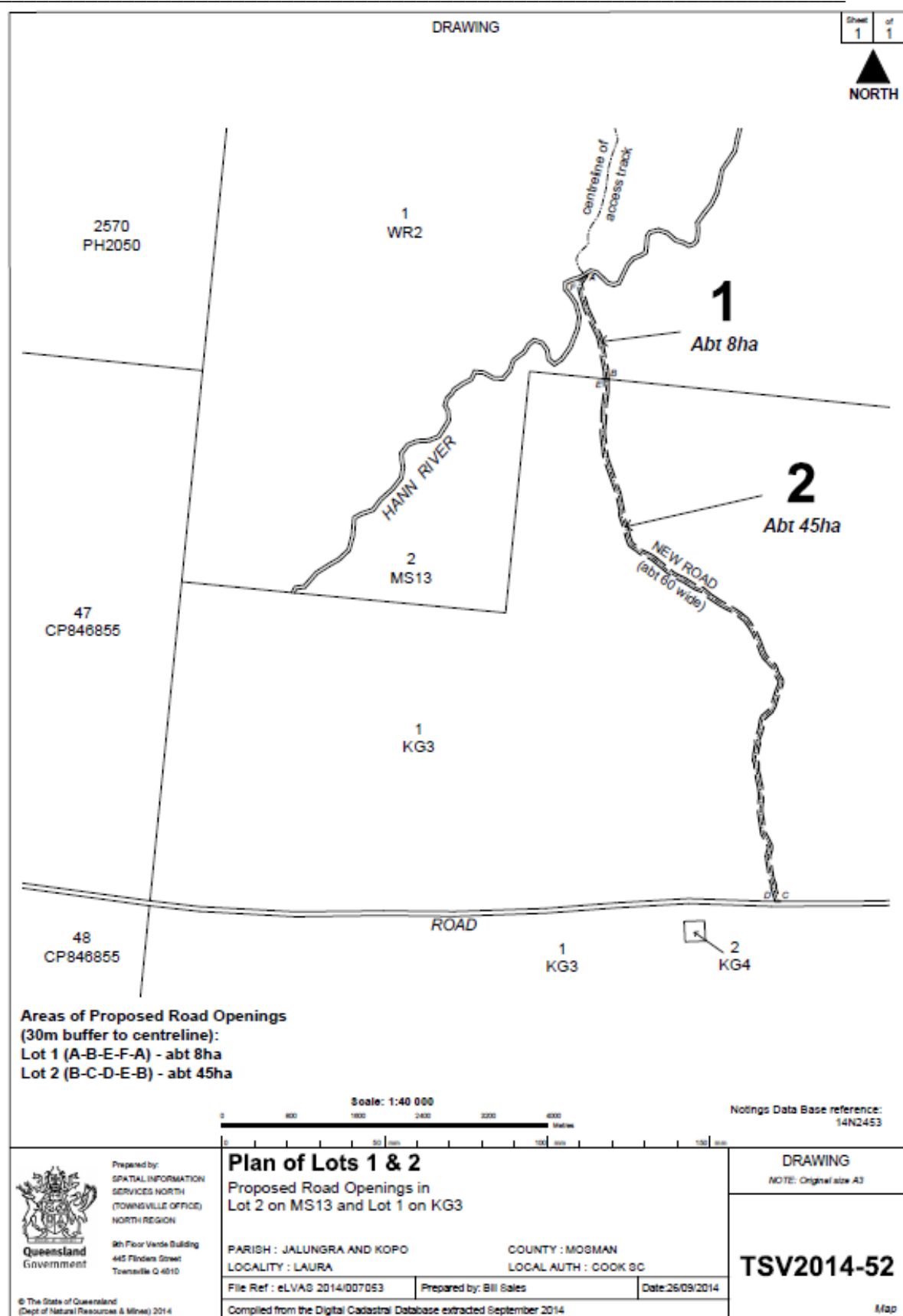


(c) The State of Queensland,  
(Department of Natural  
Resources and Mines) 2014.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**



Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014





**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

Cr A Wilson declared a material personal interest in the following matter in that he was the applicant for the purchase of the unallocated State land referred to in the report. Cr Wilson left the Chamber at 3.26 pm on 20 October 2014 and took no part in the meeting whilst the report was debated.

30863	<b>APPLICATION FOR PURCHASE OF UNALLOCATED STATE LAND BEING LOT 119 ON BS128 - DEIGHTON ROAD, LAURA: PARISH OF DEIGHTON; LOCALITY OF LAURA.</b>	
	<i>Report No.D14/11358 from Chief Executive Officer File No. 2.337.2.</i>	

Cr G Shephard moved; seconded Cr R Bowman

The Department of Natural Resource and Mines be advised that Council raises no objection to the purchase of unallocated state land being Lot 119 on BS128 for rural residential purposes.

CARRIED

**Précis**

1. Council support the purchase of unallocated state land.

**Background/History**

2. By letter dated 26 September 2014, the Department of Natural Resources and Mines advised that an application had been received for purchase of unallocated state land being Lot 119 on BS128, and requested advice as to Council's views or requirements, including any local non-indigenous cultural heritage values that the Department should consider when assessing the application – see attached SmartMap.
3. The proposed use of the land was for rural residential purposes; this lot is zoned 'rural' in Council's Planning Scheme.
4. There are no known local non-indigenous cultural heritage values.
5. Neither Engineering Services nor Planning and Environment Services have any issues.
6. The following recommendation is submitted for Council's consideration.

**Link to Corporate Plan**

7. Key issues 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations; and 4.7 Economic Wellbeing.

**Consultation**

8. Nil.

**Legal Implications (Statutory, basis, legal risks)**

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

9. Nil.

**Policy Implications**

10. Nil.

**Financial and Resource Implications (Budgetary)**

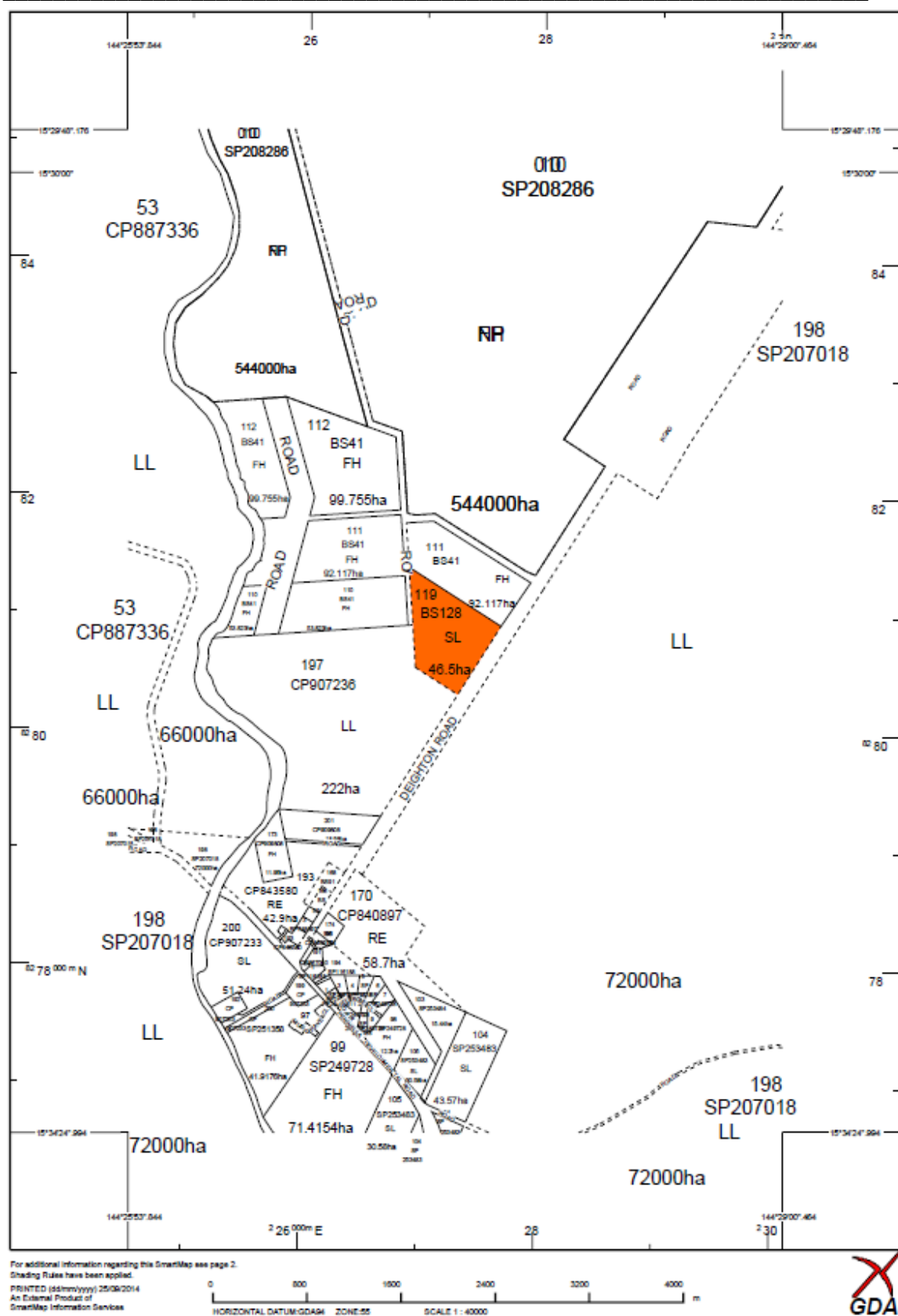
11. Nil.

**RECOMMENDATION**

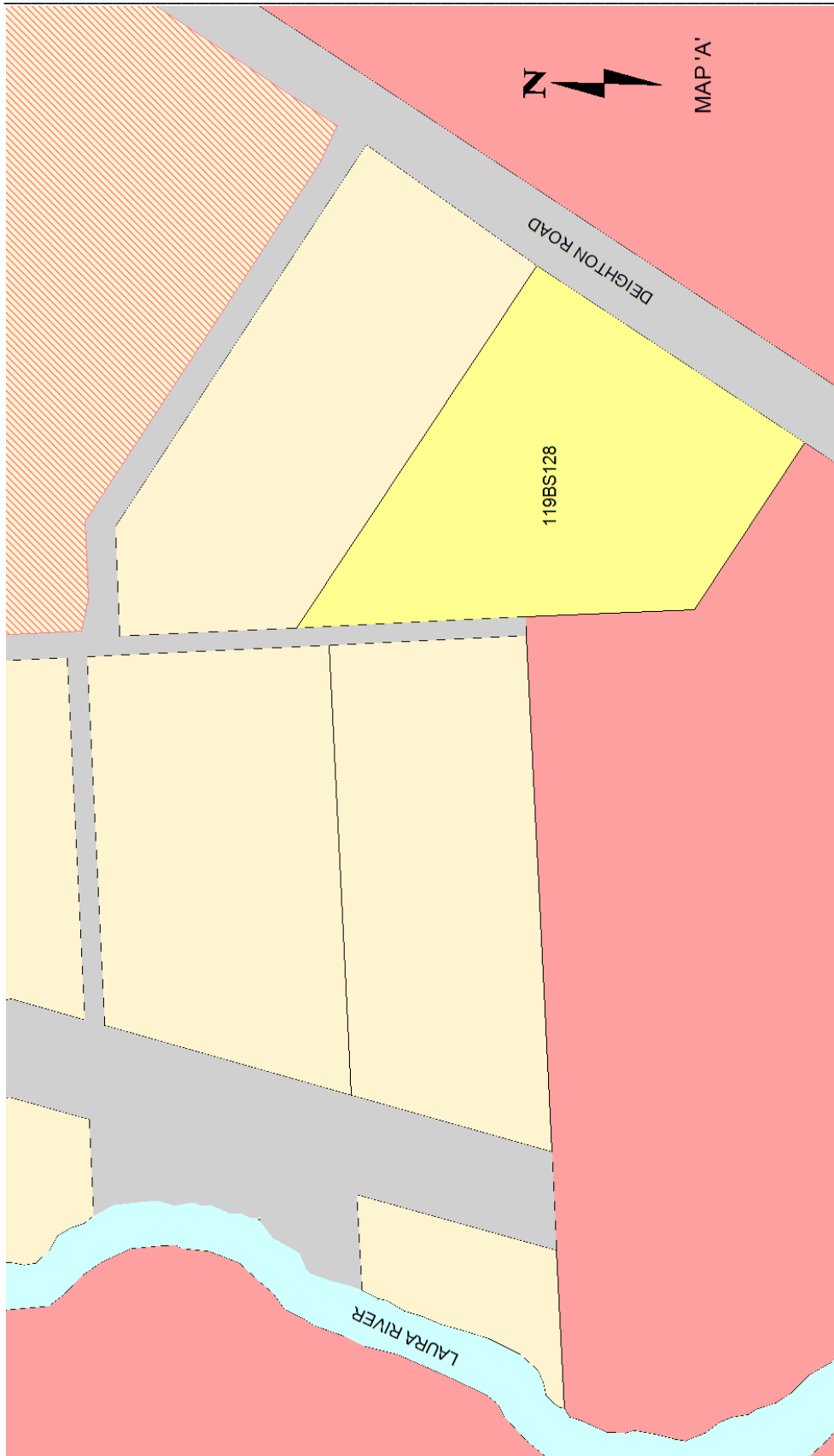
The Department of Natural Resource and Mines be advised that Council raises no objection to the purchase of unallocated state land being Lot 119 on BS128 for rural residential purposes.

Att.  
SmartMap  
MAP 'A'

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

Cr A Wilson resumed his seat in the Chamber at 3.30 pm on 20 October 2014

30864	<b>APPLICATION FOR CONVERSION TO FREEHOLD OF PH2713 BEING LOT 713 ON CP909116 - BEESBIKE STATION – MULLIGAN HIGHWAY, ROSSVILLE: PARISH OF MONKHOUSE; LOCALITY OF ROSSVILLE.</b>	
	<i>Report No.D14/11584 from Chief Executive Officer File No. 2.650.95</i>	

Cr P Johnson moved; seconded Cr K Price

The Department of Natural Resource and Mines be advised that Council raises no objection to the conversion to freehold of PH 2713 over Lot 713 on CP909116, subject to the provision of a thirty (30) meter wide esplanade along the western bank of the Annan River in accordance with attached plan, Google Map\_Proposed 30 meter wide Esplanade within L713 CP909116.

I draw your attention to Council's access position as previously conveyed to the Department in connection with particular dealings. Council's access position is as follows:

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 intent in mind.

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

CARRIED

**Précis**

1. Council support the conversion to freehold subject to creation of esplanade.

**Background/History**

1. By letter dated 2 October 2014, the Department of Natural Resources and Mines advised that an application had been received for conversion to freehold of PH2713 over Lot 713 on CP909116, and requested advice as to Council's views or requirements, including any local non-indigenous cultural heritage values that the Department should consider when assessing the application – see attached SmartMap.
2. The proposed use of the land was for grazing purposes.
3. Neither Engineering Services nor Planning and Environment Services have any issues.
4. There are no known local non-indigenous cultural heritage values.
5. 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

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

the western bank of the Annan River in accordance with attached plan, Google Map\_Proposed 30 meter wide Esplanade within L713 CP909116.

**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.

6. The following recommendation is submitted for Council's consideration.

**Link to Corporate Plan**

7. Key issues 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations; and 4.7 Economic Wellbeing.

**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 Resource and Mines be advised that Council raises no objection to the conversion to freehold of PH 2713 over Lot 713 on CP909116, subject to the provision of a thirty (30) meter wide esplanade along the western bank of the Annan River in accordance with attached plan, Google Map\_Proposed 30 meter wide Esplanade within L713 CP909116.

I draw your attention to Council's access position as previously conveyed to the Department in connection with particular dealings. Council's access position is as follows:

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

---

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.

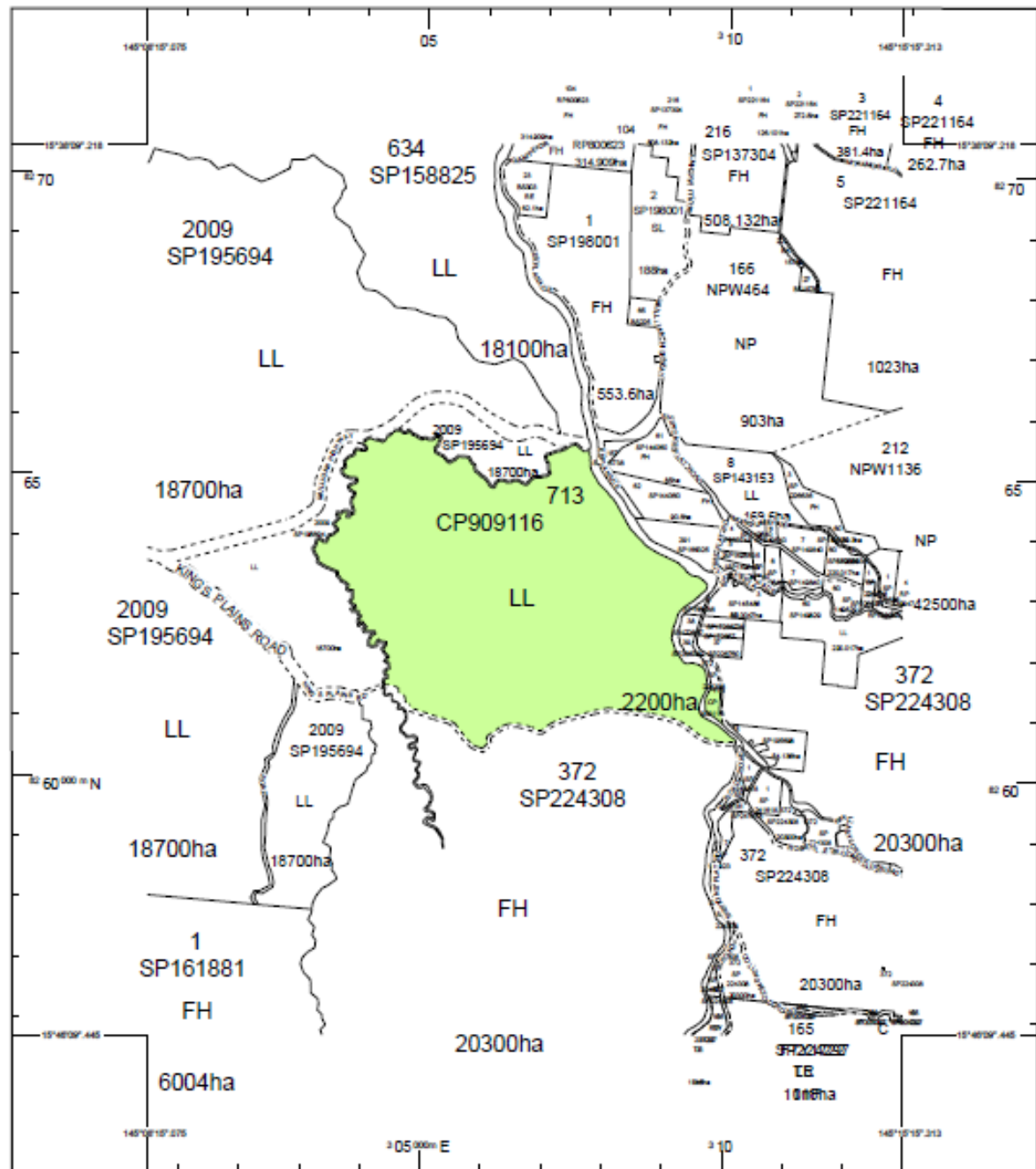
Moreover, Council is unaware of any local non-indigenous cultural heritage values that should be considered when assessing the application.

Att.

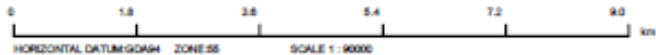
SmartMap

Google Map\_Proposed 30 meter wide Esplanade within L713 CP909116

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**



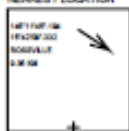
STANDARD MAP NUMBER  
7966-42244



**SmartMap**

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

MAP WINDOW POSITION &  
NEAREST LOCATION



**SUBJECT PARCEL DESCRIPTION**

DCDB  
LotPlan 713CP909116  
Area/Volume 2200ha  
Tenure LANDS LEASE  
Local Government COOK SHIRE  
Locality ROSSVILLE  
Parish MONKHOUSE  
County SARNS  
Segment/Parcel 84078

**CLIENT SERVICE STANDARDS**

PRINTED (ddmmyyyy) 02/10/2014  
For additional information regarding this SmartMap see page 2.  
Shading Rules have been applied.  
DCDB 01/10/2014 (Lots with an area less than 4.000ha are not shown)

Users of the information recorded in this document (the information) accept all responsibility and risk associated with the use of the information and should seek independent professional advice in relation to dealings with property.

Despite Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representations or warranties in relation to the information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the information.

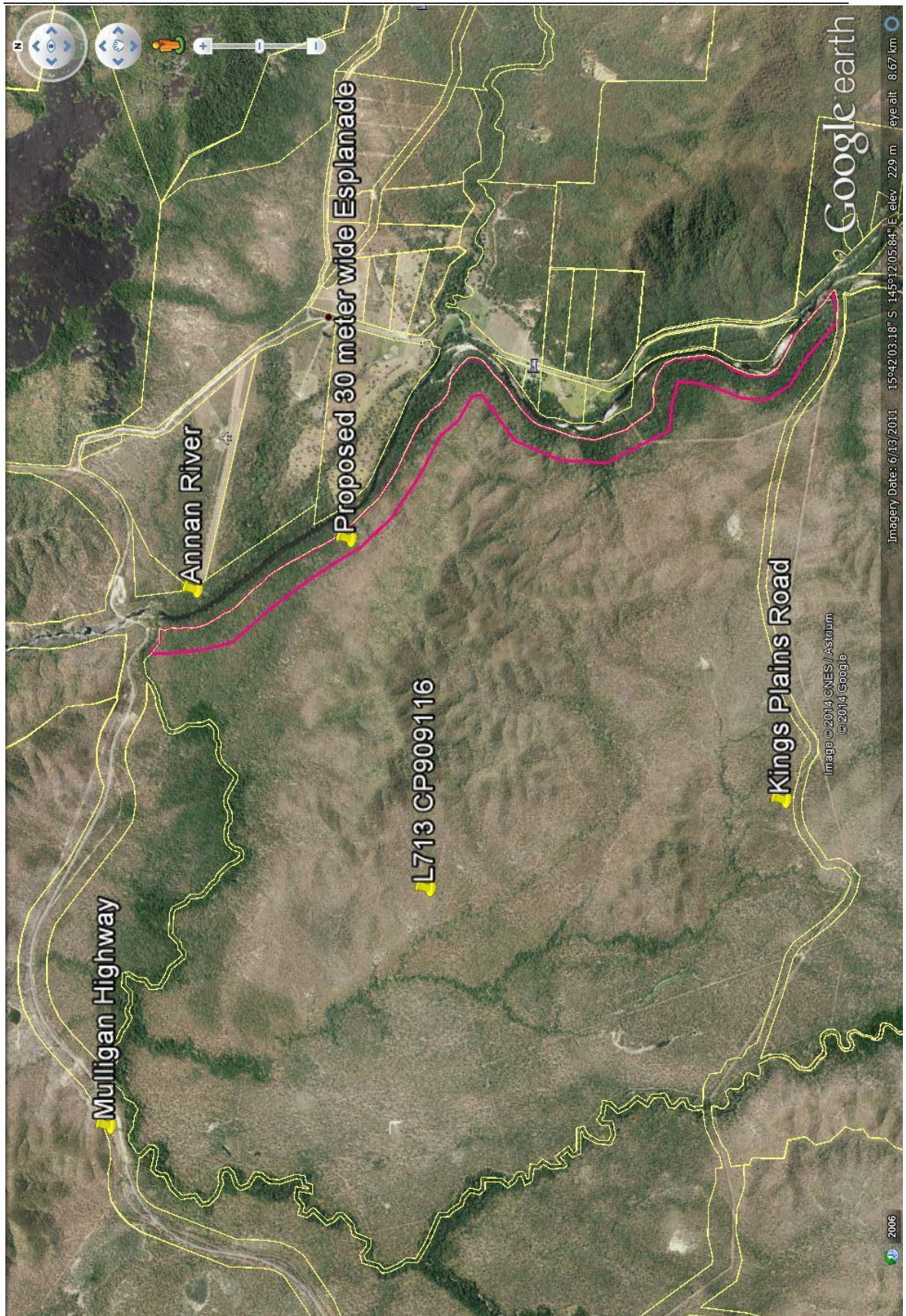
For further information on SmartMap products visit <http://www.qld.gov.au/property/mapping/smartmap>



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



Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at  
Coen Town Hall on 20 October 2014**

The meeting adjourned for afternoon tea at 3.30 pm and resumed at 3.43 pm on 20 October 2014

**ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES**

30865	<b>COMMUNITY DEVELOPMENT GRANT PROGRAM 2014/2015– ROUND 1</b>	
	<i>Report No.D14/11673 from Director Economic Development &amp; Community Services</i>	

Cr K Price moved; seconded Cr P Johnson

That Council approve the following applications to Round 1 of the Community Development Grants Program, 2014/2015:

- Cooktown Horse Sports - \$900.00
- Sporting Shooters Association of Australia, Cooktown Branch Inc. - \$450.00 in-kind
- Cooktown Kindergym Inc. - \$1,130.60
- Full Boar Thai Boxing Club Inc. - \$2,000.00

CARRIED

**Précis**

Community Development Grant Program 2014/2015 – Round 1

**Background/History**

Cook Shire Council has implemented a revised Community Development Grant Program subject to the allocation of funding in the annual budget. The aim of the program is to provide assistance to organisations, groups or individuals who make a positive contribution to the quality of life of the community or offer benefit to the Shire as a whole.

Two rounds are on offer for 2014/2015.

Five (5) applications to Round 1 of the Community Development Grants Program 2014/2015 have been received and assessed – see table below.

**Assessment Process**

All applications are assessed against the following criteria:

*Eligible applicants:*

- An organisation that has a majority of members based within, or individual who is a permanent resident of Cook Shire for at least the preceding 12 months; and
- A properly constituted not-for-profit organisation; or
- A charitable organisation registered or sanctioned under the Collections Act 1966; or
- A properly constituted not-for-profit organisation acting as auspice for an individual or unincorporated group.

## Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen Town Hall on 20 October 2014

---

*The criteria for assessment are:*

1. How well the application aligns with Council's corporate and operational plans
2. The ability of the applicant to deliver the project, activity or event
3. The level of demonstrated need for the project, activity or event and benefits to the wider community
4. The level of community support for the project, activity or event
5. Evidence of effective consultation and partnerships undertaken during the project development

Applications are capped at \$2,000 per year, per organisation or project.

### **Background/History**

Nil

### **Link to Corporate Plan**

#### ***STRATEGIC DIRECTION***

- 4.1 Leadership and Governance: activities that enable Council to progress long term community planning
- 4.2 Environmental Wellbeing: natural environment, environmental health services and sustainable development
- 4.3 Active, Creative and Connected: sports and play, cultural vitality and our clubs and organisations
- 4.4 Safe, Healthy and Inclusive: feeling safe at home and during emergencies, health and allied services, and services and facilities affecting equity groups
- 4.5 Identity and Integrity: recognising that the lifestyle and character of the people is strongly connected to the history and sense of place
- 4.6 Infrastructure, Transport and Services: hard infrastructure for communications, roads, airports, ports, our transport options and the waste management, water supply, electricity and sewerage services
- 4.7 Economic Wellbeing: activities that bring improvements in financial status across the whole Shire

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen Town Hall on 20 October 2014**

---

**ASSESSMENT OUTCOMES**

<b>Applicant organisation</b>	<b>Funding request</b>	<b>Eligibility</b>	<b>Funding recommendation</b>	<b>Project summary and comments</b>
Cooktown Horse Sports	\$900.00	Properly constituted organisation	\$900.00	<p>Purchase of three (3) gazebos for use at events to be also available for use by other groups</p> <ul style="list-style-type: none"> <li>• Supports the safety of participants and spectators to horse events</li> <li>• Supports collaboration between community groups by sharing of resources</li> </ul> <p><i>Applied for the same to the 2013/2014 CDGP exceptional funding round, however request reduced due to limited funding available.</i></p>
Sporting Shooter's Association of Australia, Cooktown Branch Inc.	\$450.00 <i>in-kind</i>	Properly constituted organisation	\$450.00 in-kind	<p>Original request is for cardboard mulch to act as a buffer on the bullet backstop on the 50m shooting range to meet Weapons Licensing requirements</p> <ul style="list-style-type: none"> <li>• Promotes healthy lifestyles</li> <li>• Supports reuse of recyclable material</li> <li>• Supports the safety of participants and spectators to shooting activities</li> </ul> <p><i>Cardboard mulch has very limited reuse options. After discussions with the Waste Management Coordinator, mulch would be</i></p>



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen Town Hall on 20 October 2014**

---

				<i>gifted if transport costs were granted. Approx. five loads at \$90/load.</i>
Cooktown Kindergym Inc.	\$1,130.60	Properly constituted organisation	<b>\$1,130.60</b>	<p>Purchase gazebos, a banner, a folding table and t-shirts for coaches and volunteers, to hold an open day to generate new memberships an increase awareness of the group.</p> <ul style="list-style-type: none"> <li>• Easily identifiable coaches and volunteers support children’s safety and ease parental concern</li> <li>• Raise awareness of opportunities for early childhood activities</li> <li>• Increase capacity for a range of early childhood learning experiences</li> </ul> <p><i>Provision of activities for preschool and toddler activities is in high demand in Cook Shire communities.</i></p>
Bloomfield River District Residents Association	\$768.73 + <i>in-kind support</i>	Properly constituted organisation	<b>Not recommended</b>	<p>Request to purchase Public Liability insurance to enable an application for a separate grant to purchase gym equipment and to operate a gym at the Bloomfield Hall. PL insurance will also allow the group to undertake other activities. Also requesting in-kind support for any Council inspections required for the gym activity.</p> <ul style="list-style-type: none"> <li>• Increased health and physical activities for Bloomfield Valley residents</li> </ul>

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen Town Hall on 20 October 2014**

---

				<ul style="list-style-type: none"> <li>• Increased use of Council-owned facilities</li> <li>• Supporting community organisations to increase the scope of activities offered to the public</li> </ul> <p><i>Recurrent costs associated with day-to-day operations of an organisation or group are ineligible for funding. There are also concerns over the lack of submitted planning for the proposed gym activity. The in-kind contribution cannot be calculated as Council has had no request relating this use of the Bloomfield Hall and are unaware of what other implications this may have (safety, building maintaining, etc). While Council agrees that this project has merit, any activity held at a Council facility must have approval by Council. Council encourages the BRDRA to submit a written request which can be delegated to the appropriate officers to determine any and all requirements for the proposed new use.</i></p>
Full Boar Thai Boxing Club	\$2,000.00	Properly constituted organisation	<b>\$2,000.00</b>	<p>Costs to PCYC Cooktown (venue hire, set up and cleaning over 1.5 days) for Legal Assault VIII</p> <ul style="list-style-type: none"> <li>• Promotes health, fitness and competitive sport</li> <li>• Increased attendance at local events</li> </ul>

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen Town Hall on 20 October 2014**

---

				<ul style="list-style-type: none"> <li>• Attracts competitors and spectators from outside the region</li> </ul> <p><i>This event will occur prior to the Council meeting however the application has been submitted within funding round guidelines. While retrospective funding is not usually eligible under this program, there will be occasions where events fall between the application close date and the next Council meeting. The recommendation that this application be considered is due to the clear community and economic benefits, absence of alternate funding options and the now known success of the event.</i></p>
Total requested	<b>\$ 5,249.33</b>		<b>\$ 4,480.60</b>	

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

**Consultation**

Applications have been assessed by the Economic Development and Community Services team, with consultation to other departments as required

**Legal Implications (Statutory, basis, legal risks)**

Nil

**Policy Implications**

Nil

**Financial and Resource Implications (Budgetary)**

Total budget for donations 2014-2015	\$ 20,000.00
Round one recommendations	\$ 4,480.60
<b>Balance remaining</b>	<b>-\$ 15,519.40</b>

**Recommendation**

That Council approve the following applications to Round 1 of the Community Development Grants Program, 2014/2015:

- Cooktown Horse Sports - \$900.00
- Sporting Shooters Association of Australia, Cooktown Branch Inc. - \$450.00 in-kind
- Cooktown Kindergym Inc. - \$1,130.60
- Full Boar Thai Boxing Club Inc. - \$2,000.00



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

**CORPORATE SERVICES**

**FINANCE**

30866	<b>REVENUE AND EXPENDITURE – SEPTEMBER 2014</b>	
-------	---	--

Cr A Wilson moved; seconded Cr R Bowman

That the Revenue and Expenditure Statements for September 2014 be adopted

**CARRIED**

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

**ADMINISTRATION**

30867	<b>LOCAL GOVERNMENT ELECTORAL ACT 2011</b>	
	<i>Report No.D14/11360 from Chief Executive Officer</i>	

Cr R Bowman moved; seconded Cr K Price

That an application be made to the Minister for Local Government Community Recovery and Resilience for Cook Shire to conduct a postal ballot for all its area for the 2016 quadrennial election.

CARRIED

**Précis**

Response to amendments to the *Local Government Electoral Act 2011*.

**Background/History**

On 27 August 2014, Parliament passed the *Local Government Legislation Amendment Act 2014* which amended the *Local Government Electoral Act 2011* (the Act) to enable local governments to make local decisions about how their elections will be conducted.

As part of the preparations for the 2016 quadrennial local government elections, Council has been invited to review its current electoral arrangements to ensure the community has the most appropriate elected representation possible on Council. Possible changes to Council's electoral arrangements include changes to the number of councillors and changing from being undivided to having electoral divisions for the 2016 elections.

In order to allow the Change Commission sufficient time to assess any proposed changes and the implementation of the Change Commissioner's recommendations by regulation before the elections, Council must submit any proposed changes to its electoral arrangements to the Hon David Crisafulli, Minister for Local Government, Community, Recovery and Resilience by 1 March 2015.

Council's formal submission will need to set out the reasons for the proposed electoral changes to the Change Commission and will need to have regard to the local government principles and be supported by evidence of meaningful community engagement on the proposal.

In addition, once the amendments to the Act are proclaimed into force the Chief Executive Officer (the CEO) will be the returning officer for Council elections including the 2016 quadrennial local government elections unless the CEO:

- is a member of a political party, or
- notifies the Electoral Commissioner that the CEO will not undertake the role.

If the CEO decides not to undertake the role of returning officer, notification must be given to the Electoral Commissioner within five business days of a councillor vacancy for a by-election or by 1 July 2015 for the quadrennial elections.

The Electoral Commissioner may also issue a removal notice on the CEO if satisfied the CEO is unable to discharge the functions of a returning officer because of illness, absence

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

or otherwise or the CEO has failed to comply with a direction issued by the Electoral Commissioner for the proper conduct of the election.

The deadline for Council to apply for its 2016 election to be conducted by way of postal ballot either for the whole of its area or for part of its area is 1 July 2015. As part of any application for the election to be conducted by postal ballot, Council will need to demonstrate that it meets the criteria of large rural sector, large remote areas or extensive island areas.

Section 45 of the Act provides -

- (1) A local government may apply to the Minister for a poll to be conducted by postal ballot if the local government's area includes a large rural sector, large remote areas or extensive island areas.
- (2) The Minister must decide to approve or not to approve the application.
- (3) The approval may be given for—
  - (a) all the local government's area; or
  - (b) 1 or more divisions of its area; or
  - (c) a part of its area marked on a map.
- (4) If the approval is given for a part of a local government's area, the local government must—
  - (a) ensure that the public may inspect the relevant map—
    - (i) at the local government's public office; and
    - (ii) on the local government's website; and
  - (b) publish details of the approval in a newspaper circulating generally in the part of the local government's area.

Cook Shire meets the criteria as it includes a large rural sector, large remote areas and extensive island areas

**Link to Corporate Plan**

Legislation

**Consultation**

Nil

**Legal Implications (Statutory, basis, legal risks)**

Legislation

**Policy Implications**

Legislation

**Financial and Resource Implications (Budgetary)/Risk Assessment**

None identified.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

RECOMMENDATION

That an application be made to the Minister for Local Government Community Recovery and Resilience for Cook Shire to conduct a postal ballot for all its area for the 2016 quadrennial election.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

Councillors S Clark and P Johnson declared a perceived conflict of interest in the following matter in that they were parents of children who attended the school the subject of the report. Such a perceived conflict of interest does not exist pursuant to section 173(3)(a)(v) of the *Local Government Act 2009*.

30868	<b>LEASE TO CHRISTIAN COMMUNITY MINISTRIES – ADDITIONAL LAND</b>	
	<i>Report No.D14/11675 from Business Services Manager</i>	

Cr R Bowman moved; seconded Cr A Wilson

Council resolve to negotiate terms for the conversion of Lot 27 on C17945 to freehold AND Council support the release of Lots 1 to 12 to CCM with terms and agreement types to be negotiated and returned to Council for further endorsement.

**CARRIED**

**Précis**

Endeavour Christian College c/o the Christian Community Ministries requests that additional land be made available for sport and recreational purposes.

**Background/History**

In 2010 Council resolved to lease Lot 27 on C17945 to the Christian Community Ministries (CCM). Endeavour Christian College was subsequently built on the lot and runs as a school for grades prep to grade 9.

CCM originally requested that Council grant the land as freehold however certain reservations were raised at the time and the site was granted by way of lease.

CCM has requested that Council consider granting freehold title to Lot 27 (detailed in red), and that Council make available additional land for sport and recreational purposes, namely lots 1 through 12 on RP703341 (detailed in blue).

As indicated in green in the map below, three lots are reserves for Parks and Recreation (Lots 6, 5 and 8). Historically the State Land Management Office have indicated that they are reluctant to offer sole possession of a reserve to any one party as reserves are allocated for the public at large and sole possession implies the right to exclude the public. The remaining lots are freehold held by Council.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**



*Image 1. Subject Lots*

**CCM Proposal**

The following has been supplied by letter from CCM for your consideration:

*"I request that Council consider granting freehold title to the existing land that we are leasing from Council, and I also request a grant of additional land (Lots 1-12 RP703341).*

*Freehold title gives us security of tenure and enables us to use the land and buildings as equity for borrowings against future development costs.*

*The additional land would accommodate an oval with a 400m track and would also enable us to provide a Sports Store, Change Rooms, Sports Office, Canteen, Covered Area(s) and car parking to make it not only very functional for the sporting needs of Endeavour but also for sporting clubs in the broader community.*

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

*The major benefit to the community of the school expanding is the educational option it provides to many families in the Shire, but a significant secondary benefit is to upgrade Parkinson Street from the Charles Street intersection through to Milman Street.*

*Preliminary capital estimates for these projects as well as the proposed works on the current site are:*

**Works on Lots 1-12 RP703341**

<b>Project</b>	<b>Amount (ex GST)</b>
Oval – design and documentation, clearing, drainage, earthworks, irrigation, landscaping, line marking, erection of sports goal posts	\$600,000
Sports Facilities – Store, Change Rooms, Office, Canteen, Covered Area(s) and car parking (30 spaces)	\$600,000
Maintenance Shed & Compound	\$100,000

**External Road Works**

<b>Project</b>	<b>Amount (ex GST)</b>
Road upgrade of Parkinson Street from Charles Street intersection to Milman Street intersection	\$1,500,000

**Works on Current Site**

<b>Project</b>	<b>Amount (ex GST)</b>
Stage 2 – Art Room, Home Economics Kitchen and Library, Covered Ball Court	\$2,300,000
Stage 3 – Design and Technology Workshop and Science Laboratory	\$1,800,000
Stage 4 – 3 General Learning Areas and Staff Room	\$1,800,000
Stage 5 – Specialist Building	\$2,000,000

*This is almost \$11M of capital investment. I have attached the 2014 BGA plans, which are the latest plans I have. If there was a Stage 5 building it would go over the existing mini-Oval.*

*The advent of Endeavour Christian College has already impacted positively on the Cooktown community and will continue to do so. There are many stories, both anecdotal and factual, of families now staying in Cooktown because of the educational choice which is now available, and of families coming to Cooktown for the same reason. This includes professionals such as police, doctors, a veterinarian, and council staff.*

*The current annual budget of Endeavour Christian College is \$1.8M and is increasing rapidly. The majority of that income is spent on wages and is therefore spent in the local community.*

*The social benefit to Cooktown is significant. Not only is there additional infrastructure being provided, but our presence is growing in the community, numerically, academically and socially. There is a very high satisfaction rate within our own school community. The high standards that*



## **Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen Town Hall on 20 October 2014**

---

*Endeavour Christian College uphold, have contributed to improved educational outcomes by other service providers, making wider education in the community the winner.*

*Our expectation is that the school turnover will continue to grow at a rate of 15 to 20% per annum for at least the next four years as we move through into Year 12, giving an annual budget in 2018 of somewhere between \$3.1M and \$3.8M in real terms, the bulk of which will be spent in the local community. Growth in the years beyond 2018 will be more modest, but we anticipate that we will input positively into the Cooktown community for many decades to come. Ours is a long term investment and we believe we have already demonstrated our bona fides to Council and we have honoured the trust that Council invested in us when land was first made available to the school.*

*I look forward to Council taking that further step in partnership with us by providing freehold title to the existing land occupied by the school and providing a further grant of land to facilitate the continued growth of Endeavour Christian College.”*

Council’s Land and Asset Donation, Sale or Release Policy sets out guidelines for the donation, sale or release of land assets (with and without improvements) where it can be established that the donation, sale or release provides maximum return to the community either by realising the strongest financial return, or by fulfilling a community service as endorsed by the Cook Shire Council Corporate Plan. The Cook Shire Corporate Plan highlights the following objectives for the period 2012 to 2017:

### **4.1 Corporate Governance, Special Projects:**

#### **Activities that enable council to progress long term community planning**

##### 4.1.3 Special Projects

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

### **4.3 Active, Creative and Connected.**

#### **Sports and play, cultural vitality and our clubs and organisations**

##### 4.3.2 Where resources and capacity allow:

- b) Increase and improve services where ‘whole of life’ costing is known, community need is demonstrated and essential, and additional expenditure does not compromise sustainable core service provision.

##### 4.3.3 Special Projects

- a) Work to fund improvements that support common Shire goals, inclusive of sport and recreation facilities and open spaces.
- b) Incorporate into land use strategy a review of standardised and equitable facilities on, and access to, public spaces, parkland and ovals.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

- c) Actively encourage and promote community engagement in all relevant Council activities.

**4.7 Economic Wellbeing**

**Activities that bring improvements in financial status across the whole shire.**

4.7.1 Advocate and support:

- a) Economic development.

The objectives itemised above correlate with the proposal as put forth by CCM. Based on Council's Land and Asset Donation, Sale or Release Policy, in the absence of any other plans for the lots, it would be reasonable and in the Shire's interest to release the land to CCM.

Should Council consider the proposal to be viable, the following needs to be addressed, negotiated and incorporated (where relevant) into any arrangement:

1. whether the property upon which the School is currently located should be converted to freehold, and if yes, on what conditions and at what (if any) cost;
2. whether Council is prepared to release the additional 9 freehold blocks, and if yes on what terms and at what, if any cost; and
3. whether Council is prepared to work with the State Land Management Office to negotiate an arrangement through which the three reserve lots can be used by the School, and if yes, under what conditions?

If Council intends to enter into negotiations with CCM, CCM will be required to absorb Council's costs dedicated to the endeavour so that the project is cost neutral during its initial phases, up to and including the execution and lodgement of any agreement that results in a transfer or release of land.

**Link to Corporate Plan**

As above.

**Consultation**

Interdepartmental.

**Legal Implications (Statutory, basis, legal risks)**

Pending.

**Policy Implications**

Nil

**Financial and Resource Implications (Budgetary)**

- Land no longer available to Council to use as an Asset.
- Revenue from development approvals.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

- Possible revenue from land sale/leasing terms.
- Revenue generated by way of works performed through the negotiations process.

**RECOMMENDATION**

Council resolve to negotiate terms for the conversion of Lot 27 on C17945 to freehold AND Council support the release of Lots 1 to 12 to CCM with terms and agreement types to be negotiated and returned to Council for further endorsement.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

30869	<b>EXEMPTION FROM THE REQUIREMENT TO SEEK QUOTES AND TENDERS – ACQUISITION AND INSTALLATION OF HYDRRO TURBINE</b>	
	<i>Report No.D14/11676 from Business Services Manager</i>	

Cr P Johnson moved; seconded Cr K Price

Council exempt the requirement to seek quotes and tenders for acquisition and installation of the 100kw hydro turbine from Hydroworks, New Zealand and further that the Director of Corporate Services be authorised to submit a loan application through the Department of Local Government for the sum of \$550,000.00 with the balance to be funded through the Local Government Resilience and Community Recovery Program grant of \$150,000.00 with the total project cost to be \$700,000.00.

**CARRIED**

**Précis**

Exemption to seek quotes and Tenders for the purchase and installation of a Hydro Turbine:

**Background/History**

At the September Council meeting it was resolved (resolution number #30826) to purchase a 100kw Hydro Turbine. Further information and justification is required in order to satisfy the requirements of Council’s legislated obligations for purchasing under the Queensland *Local Government Act 2009*, and *associated Regulations (2012)*.

At the 2014 March ordinary Council meeting, Council resolved (# 30706):

***Cr A Wilson moved; seconded Cr S Clark***

*That Council authorise the acquisition and installation of the 100kw hydro turbine from Hydroworks, New Zealand and further that the Director of Corporate Services be authorised to submit a loan application through the Department of Local Government for the sum of \$550,000.00 with the balance to be funded through the Local Government Resilience and Community Recovery Program grant of \$150,000.00 with the total project cost to be \$700,000.00.*

***CARRIED***

The above resolution is to be rescinded at the October Council meeting and replaced with this report detailing the rational for the purchase and the situational variables that allow for the purchase to be exempt from the requirement to seek quotes and tenders.

***Review of Potential Suppliers***

Tropical Energy Solutions, succeeded by Pentair Flow Technologies, Southern Cross Hyrdo Turbines, commissioned by Cook Shire Council undertook extensive analysis into the provision and installation of the required hyrdo-electric equipment needed to generate power from the Annan River Water Catchment. Whilst multiple suppliers were identified, the nature of the project and the location of those suppliers placed restrictions on who Council could reasonably expect to supply the required product (and associated services). Potential suppliers were put forth as follows:

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

<b>Company</b>	<b>Ossberger GmbH &amp; Co KG</b>	<b>Hydro Works</b>	<b>Hydro Works</b>	<b>Bella Xaio</b>
Supplying Country	Germany	NZ	NZ	China
Size KW	150	300	100	150
Price AUD	\$ 575,000.00	\$ 570,000.00	\$ 361,000.00	\$ 169,000.00
Price/KW	\$ 3,833.33	\$ 1,900.00	\$ 3,610.00	\$ 1,126.67
Freight Cost not included	Ex Germany 3-6 months	Ex NZ -(3-5months)	Ex NZ -(3-5months)	Ex China 2- 4mths
Production per year kW/H	1314000	2628000	876000	1314000
Site Consumption of production	627610	627610	627610	627610
Excess Supply for sale kW/h	686390	2000390		686390
Site Current Energy Costs PA	\$ 180,000.00	\$ 180,000.00	\$ 180,000.00	\$ 180,000.00
RevenuePA -100% Export @ 4.5 cents	\$ 59,130.00	\$ 118,260.00	To Small For PPA	\$ 59,130.00
Revenue Excess after site power PA	\$ 30,887.55	\$ 90,017.55		\$ 30,887.55

**Notes:**

1. Includes : Turn key turbine, generator, controls
2. Current power bill is expected to rise to 5-10 of current pricing structure
3. Excludes: Civil Works, Siphon, All cabling from generator, housings, grates/screens
4. Site Consumption Average based on last 12 months bills.

Factoring in the total cost of works, the pricing, down to a point where the project is cost neutral to Council are as follows:

- Germany 150kw system \$1.1 mil
- NZ 300kw system \$1.1 mil
- China 150kw system \$450k
- NZ 100kw system \$700k

**Cost Neutral End Date**

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

Supplying Country	Germany	NZ (300 kw)	China	NZ (100 kw)
Term	5.7yr	4.4yr	2.4yr	3.8yr
Life Span	30-40yr	30-40yr	???	30-40yr
Risk	3	3	7	1

Based on the recommendation of Pentair Flow Technologies, it is proposed that an exemption be granted, under the Queensland *Local Government Regulation 2012*, from the requirement to seek quotes and tenders for the acquisition and installation of the 100kw hydro turbine from Hydroworks, New Zealand and further that the Director of Corporate Services be authorised to submit a loan application through the Department of Local Government for the sum of \$550,000.00 with the balance to be funded through the Local Government Resilience and Community Recovery Program grant of \$150,000.00 with the total project cost to be \$700,000.00. The exemption is based on the reliability of the turbine as recommended by Pentair, the proximity of the supplier, the known lifespan and the anticipated reliability of support in ongoing maintenance and the supply of parts. The Chinese equivalent, whilst cheaper, is an unknown supplier with too many variables that could impact the long-term life of the project. Further, Pentair have been employed to recommend the most reasonable and appropriate solution for Council's specific requirements and have proposed Council purchase from the New Zealand firm. Legislation relevant to the exemption is as follows (in part):

*Queensland Local Government Regulation 2012*

235 *Other exceptions*

*A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if—*

- (a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or*

**Link to Corporate Plan**

4.1 Leadership and Governance

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

- c) Appropriate corporate governance

4.6 Infrastructure and Transport Services

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

- a) Investigate and progress, if financially feasible and sustainable, alternate 'green' energy creation and consumption options (hydro, wind etc).

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

**Consultation**

Interdepartmental, International, Employment of consultancy firm to provide advice and recommendations.

**Legal Implications (Statutory, basis, legal risks)**

Nil

**Policy Implications**

Nil

**Financial and Resource Implications (Budgetary)**

Creation of debt and capital outlay of \$700,000.

**RECOMMENDATION**

Council exempt the requirement to seek quotes and tenders for acquisition and installation of the 100kw hydro turbine from Hydroworks, New Zealand and further that the Director of Corporate Services be authorised to submit a loan application through the Department of Local Government for the sum of \$550,000.00 with the balance to be funded through the Local Government Resilience and Community Recovery Program grant of \$150,000.00 with the total project cost to be \$700,000.00.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

**LAND TENURE**

30870	<b>COMMITTEE OF THE WHOLE</b>	
-------	-------------------------------	--

Cr A Wilson moved; seconded Cr R Bowman

That Council resolve into Committee of the Whole at 4.21 pm on 20 October 2014 to discuss an Indigenous Land Use Agreement, requests for concessions on water charges and sale of Council land.

CARRIED

30871	<b>COMMITTEE OF THE WHOLE</b>	
-------	-------------------------------	--

Cr S Clark moved; seconded Cr P Johnson

That Council revert to the Ordinary meeting of Council at 4.56 pm on 20 October after discussing an Indigenous Land Use Agreement, requests for concessions on water charges and sale of Council land.

CARRIED

30872	<b>PROPOSED LETTERBOX CREEK COMMUNITY PURPOSE RESERVE FOR CULTURAL, ENVIRONMENT AND RECREATIONAL PURPOSES - LOT 3 ON PLAN SP161903: PROPOSED ALTERNATIVE RESERVE AREA – WITHIN RUNNING CREEK – LOT 4 ON PLAN SP161903.</b>	
	<i>Report No.D14/11593 from Chief Executive Officer File No. 2.85.150,151 &amp; 174; 2.650.38(17, 218)</i>	

Matter deferred pending a further report



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

**CORPORATE SERVICES**

**FINANCE**

30873	<b>REQUEST FOR REBATE OF WATER CHARGES ASSESSMENT 10003564</b>	
	<i>Report No.D14/11226 from Director Corporate Services</i>	

Cr G Shephard moved; seconded Cr R Bowman

That Council grant a concession to the owner of the property, subject to Assessment 10003564 due to hardship caused by Cyclone Ita, such concession to be calculated as the difference between the consumption of water from 6 January 2014 to 18 June 2014 and the average consumption of the previous three billing periods.

CARRIED

30874	<b>REQUEST FOR REBATE OF WATER CHARGES ASSESSMENT 10002475</b>	
	<i>Report No.D14/11257 from Director Corporate Services</i>	

Cr R Bowman moved; seconded Cr P Johnson

That Council not grant a concession on the water rates as the application for did not meet any of the criteria as required by section 120 of the *Local Government Regulation 2012*.

CARRIED

30875	<b>REQUEST FOR REBATE OF WATER CHARGES ASSESSMENT 10003465</b>	
	<i>Report No.D14/11546 from Director Corporate Services</i>	

Cr P Johnson moved; seconded Cr S Clark

That Council grant a concession to the owner of the property, subject to Assessment 10003465 due to hardship caused by Cyclone Ita and other matters, such concession to be calculated as 50% of the consumption for the billing period 6 January 2014 and 18 June 2014.

CARRIED

**ADMINISTRATION**

30876	<b>T0614 BITUMEN SEAL MUSGRAVE CAPE YORK</b>	
	<i>Report No.D14/11672 from Manager, Business Services</i>	

Cr K Price moved; seconded Cr A Wilson

Council ratify the decision made by the Chief Executive Officer to endorse ASPIC Infrastructure Pty Ltd as the contractor for the Bitumen Seal at Musgrave, Cape York: priced at \$991,683.00 for 103950 m<sup>2</sup>.

CARRIED

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Coen  
Town Hall on 20 October 2014**

---

30877	<b>T0914 – SALE OF HARRIGAN STREET LOT, COOKTOWN</b>	
	<i>Report No.D14/11674from Manager, Business Services</i>	

Cr S Clark moved; seconded Cr P Johnson

Council resolve to sell the Harrigan Street Lot (Lot 201 on C17915 located at the corner of Charlotte and Harrigan Street) to Cairns Hardware Company Pty Ltd for \$255,000.00 Ex GST, the deposit due straight away, the balance subject to development approval. The contractual terms to be negotiated.

**CARRIED**

The meeting closed at 5.00 pm on 20 October 2014

Mayor