

AGENDA AND BUSINESS PAPERS
19-20-21 January 2015

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ATTENDANCE:

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

MEETING OPENED

The Mayor, Cr PH Scott declared the meeting open at 12.00 noon on 19 January 2015

APOLOGIES:

Nil

| | | |
|-------|-------------------------------|--|
| 30904 | COMMITTEE OF THE WHOLE | |
|-------|-------------------------------|--|

Cr R Bowman moved; seconded Cr S Clark

That the meeting resolve into Committee of the Whole at 12.08 pm on 19 January 2015 to discuss staff issues as outlined in the Mayoral Minute dated 19 January 2015.

CARRIED

| | | |
|-------|-------------------------------|--|
| 30905 | COMMITTEE OF THE WHOLE | |
|-------|-------------------------------|--|

Cr R Bowman moved; seconded Cr P Johnson

That the meeting revert to the ordinary meeting of Council at 12.33 pm on 19 January 2015 after discussions regarding staff issues as outlined in the Mayoral Minute dated 19 January 2015.

CARRIED

| | | |
|-------|-----------------------|--|
| 30906 | MAYORAL MINUTE | |
|-------|-----------------------|--|

The Mayor, Cr P Scott, moved -

That Council authorises the Mayor to instigate the necessary process to address the issues and take action on those issues as set out in the Mayoral Minute dated 19 January 2015.

CARRIED

The meeting adjourned at 12.35 pm on 19 January 2015

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ATTENDANCE:

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

MEETING OPENED

The Mayor, Cr PH Scott declared the meeting open at 9.12 am on 20 January 2015

APOLOGIES:

Nil

BUSINESS ARISING:

Nil

NOTICE OF BEREAVEMENT:

Advice has been received of the passing of Cr Talita Nandy (Wujal Wujal Aboriginal Shire Council), Alf Pearson (Husband of Cr June Pearson of Hope Vale Council) Desley Bowen, Michelle Murphy and Frank Moran.

As a mark of respect one minute silence was observed.

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CONFIRMATION OF MINUTES

| | |
|-------|--|
| 30907 | CONFIRMATION OF MINUTES OF ORDINARY MEETING |
|-------|--|

Cr R Bowman moved; seconded Cr A Wilson

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

| Page/Reso # | Correction | | | |
|------------------------|--|--------------------|---|--|
| Mayoral Report omitted | Mayoral Activity Report – Nov Dec 2014 | | | |
| | Date | Venue | Meeting | Issues /outcome |
| | 14/11/14 | BLT Office | Land Trust | Development proposals |
| | 21/11/14 | Cairns | Regional Dev Aust. | AGM |
| | 22/11/14 | Bloomfield | Community mtg re wharf area | Steering committee formed |
| | 24/11/14 | Office | Southern Venture | Commercial moorings |
| | 25/11/14 | Office (teleconf) | District Disaster Mgmt mtg | La Nina – average activity for TC |
| | 26/11/14 | Chambers PCYC | Local Disaster Mgmt group Endeavour College Awards | Logistics over Xmas |
| | 27/11/14 | Chambers | Interagency Group | Oak Tree Rtrmt Village |
| | 30/11/14 | Mareeba | Community Cabinet | Container Deposits, Dams, road alignments, social hsg |
| | 1/12/14 | Cairns | Local Govt roundtable Ports North | Depreciation, submission template Harbor ownership |
| | 4/12/14 | Office | 4CA Wharf story | |
| | 5/12/14 | Chambers Office | Economic Dev Group DSDIP Paul Fagg | Portland Roads |
| | 6/12/14 | Sovereign | Neil Scales DG DTMR | Bloomfield Track, Port Ownershi Dams, Hopevale Road |
| | 7/12/14 | Pool | Breakfast with Santa | 500 pax |
| | 8/12/14 | Cairns | FNQROC & RRTG | Benefit \$47.70 per \$1 invested Regional advocacy |
| | 9/12/14 | Town | National Tidy Towns judging | |

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|--|---|----------|---|--|
| | 10/12/14 | PCYC | Okola Native Title handover | |
| | 11/12/14 | Office | CY Infrastructure Plan CY Health Council | Teleconf. – PDR HACC, Rural Practitioners |
| | 12/12/14 | Chambers | 2020 mtg | JCU & RDA |
| | <u>Upcoming meetings</u> 17/12 Nth Shore Dreaming Track Opening 18/12 Depot Mayoral Awards CARRIED | | | |

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Councillors' Reports

Cr P Johnson

| Date | Type / purpose | Who /where | Action |
|-------------|--|--|--|
| 17/12/14 | Waterfront | Waterfront Advisory Committee | Update as to progress within budget & timeframes; |
| 18/12/14 | Northern Gulf Resource Management –Board teleconference & induction of new board members; undertake CEO review | Board members in person & by phone ; Chair John Bethel & self; NGRMG office in Mareeba | Induct new board members; review CEO's performance; ; discuss matters relating to operations, projects(incl NRM planning, funding constraints & opportunities, organizational structure, HR issues; |
| 7/1/15 | New Year catch up | Councillors at main office | Review projects & seek updates on project management, programs, funding and budgets |
| 9/1/15 | Project team planning & review meeting | Acting CEO, Director Planning & Environment; Grants Officer Councillors Project Manager- Executive Services, Economic Development Officer; | Receive updates on current & proposed projects and initiatives. Review projects & seek updates. More information on project management, programs, funding and budgets to be provided by CEO, CFO & Director Engineering Services upon their return from annual leave(12/1 & 19/1) |
| 12/1/15 | Cooktown 2020 Planning - events and activities to mark 250 years since Cook & crew were here | Cooktown 2020 committee; Jonathon Fisher - CEO NTA(Q); ED team | Priorities & Plans for community engagement, activities, marketing, event & supporting partners; collaboration; logo design & use |
| 13/1/15 | Economic Development | Councillors, ED team | Initiatives – housing & development forums & follow up, Business Conference; other |

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| | | | |
|---------|---|--|---|
| | | | Projects, budgets, milestones, timeframes, priorities and plans |
| 14/1/15 | “Conscious Camping & Thoughtful Travelling” community initiative and campaign | CSC, QPW, GBRMPA, SCYC, CYWFAInc; Cape York LMAC; Cape York NRM, Tangaroa Blue(Heidi Taylor) YBM; | Purpose of campaign, resources; existing initiatives & material; partners, audiences, communication & engagement channels |
| 14/1/15 | Project pre start meeting | B& M consultants; MTC builders; CSC CEO & Councilors | Project requirements, budgetary constraints review to be undertaken & MTC and B&M to be advised of outcome prior to work commencing |

Events Attended (as Councillor or part thereof)

| Date | Type / purpose | Who /where | Action |
|-------------|------------------------------|--|--|
| 17/12/15 | Dreaming Track opening event | Traditional Owners & range of community and guests | Attend & support opportunities for local business development and tourism activities |
| 6/1/15 | Funeral | Alf Pearson; Hope Vale | Attended on behalf of Council with Cr Bowman & Mrs Bowman |
| 15/1/15 | Lunch meeting | Member for Cook D Kempton & guest, Mayor | Update on funding for seat of Cook- Cape York & Cook Shire |
| 17/1/15 | Funeral | Cr Talita Nandy Wujal Wujla. | Attended on behalf of Shire with Mayor & Mrs Scott |

Constituent Representation/Meetings

| Date | Phone calls/ Discussions/ meeting | Letters/emails minutes | Action |
|-------------|---|-------------------------------|---|
| | Economic climate & development opportunities in & around Cooktown | | Follow up with Director ED & CS and keep in touch with interested landowner; follow up suggested marketing & promo activities that may attract residents & potential investors. |

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|--|---|---|--|
| | Jensen's Crossing bridge- currently closed due to structural instability and damage; What options are there for repair, replacement, reopening? | | Forward to engineering for investigation & to contact resident directly. Bridge already on Councilors' list for seeking funding. |
| | Water access & security – storage & use for agriculture | | Refer to Northern Australia Water strategy, Qld Plan, Cape York Plan, Cook Shire Community plan, future initiatives & activities; support sustainable development of storage, supply & access. |
| | | By email – enquiry as to public art on waterfront revitalization & process to determine what styles/ materials/ locations will be used & what funding may be available for art/ sculpture installations | Info from Waterfront Advisory committee, CSC Planning & environment, Engineering services to advise |

Future activities:

January

19-21 Council Monthly Meeting
21 NBN co public meeting
23 NGRMG Board meeting Mareeba; NQLGA executive meeting- teleconference
24- 27 Holiday!
27/28 School commences

February

2 2020 planning
3 Economic Development meeting
9-12 Northern Gulf Resource Management Board & public meetings
12-13 Cape York NRM & NGRMG combined board meeting
25/ 26 Regen Ag- Joel Salatin workshops – regenerative farming- CSC supporting community reps to participate. <http://regenag.com/web/upcoming-courses.html>

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Cr S Clark

Meetings

| DATE | TYPE | PURPOSE | WHERE | |
|-------------|------------------------------|---------------------------------|------------------|--|
| 15-16/12/14 | Monthly Meeting | Cook Shire Council | Chambers | |
| 17/12/14 | Monthly Meeting | CAN Group | Community Health | |
| 9/01/15 | Statistical Overview Meeting | Project overview for Cook Shire | Chambers | |
| 12/01 | Councillors Meeting | HR Issues | Sue Clark's | |
| 13/01/15 | Economic Development | Cook Shire | Chambers | |
| 14/01/15 | Aged Care Units | Resident selection | Chambers | |
| 17/01/14 | Bloomfield Residents | Meeting | Bloomfield Hall | |

Events Attended (as Councillor or part thereof)

| DATE | TYPE / PURPOSE | WHO / WHERE |
|-------------|-----------------------|--------------------|
| | | |
| | | |

Constituent Representation / Meetings

| DATE | PHONE CALLS/ DISCUSSIONS | Actions Letters / Emails |
|-------------|--|-----------------------------------|
| 6/01/15 | Discussions re waterfront lease, cyclone clean up waterfront J Giese | Phone calls, raised at ED meeting |
| 8/01/15 | Jensen's Crossing Bridge D Gallop | Email, Raised at ED Meeting |
| | | |

Up Coming Events:

| | | |
|----------|-------------------|--|
| 21/01/15 | CAN Meeting | |
| 21/01/15 | NBN Presentation | Council Chambers |
| 23/01/15 | Office / Chambers | Sen Nigel Scullion Indigenous related issues |
| 26/01/15 | PCYC | Australia Day Ceremony |
| 28/01/15 | Office | Vision Management HR Issues |
| 30/01/15 | Chambers | Bendigo Bank |

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Cr G Shephard

- Discussions concerning mail service into Coen
- Discussions re concerns of a locked gate at Running Creek.

Cr A Wilson

- 17th Dec Attended Lakeland progress Association meeting
- 9th Jan 15 Attended special meeting at Council Chambers re Councils Financial Status.
- 12th Jan 15 Attended special meeting called by Major Peter Scott.
- 13th Jan 15 Attended E.D meeting at Council Chambers.
- 14th Jan 15 Attended Conscious Camping and thoughtful travelling working group meeting chaired by Cape York Natural Resource Management.
- 15th Jan 15 Attended to a request by Ang-gnarra Aboriginal Corporation re Septic System Failures in Community Housing.

Cr K Price

Meetings

| Date | Type / purpose | Who /where |
|----------------|--|-------------------|
| 15-16 December | Ordinary Council Meeting - December | |
| 9 January | Current Projects and Grant Update Meeting - Chambers | |
| 13 January | Australia Day Assessment Meeting | |
| 13 January | Economic Development Meeting | |
| 14 January | Waterfront Project Status Meeting | |
| 14 January | Project Management Meeting – Greg O'Brien / John Leggett | |
| 14 January | Pre-Meeting – Matthew Carey and Project Management | |
| 17 January | Bloomfield Residents Association Meeting | |

Events Attended (as Councilor or part thereof)

| Date | Type / purpose | Who /where |
|-------------|-----------------------|-------------------|
| 18 December | Mayoral Awards Party | |
| | | |

Constituent Representation/Meetings

| Date | Phone calls/ discussions | Letters/ minutes | Councilor requests |
|-------------|-------------------------------------|-----------------------------|---------------------------|
| | Jensen's Crossing | | |
| | Railway Avenue maintenance | | |

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Bloomfield District Assoc – Issues

Has come to my attention that the Assoc submission to the Community Cabinet highlighted that CSC had voted to close Norman and Un-named Road at Bloomfield Wharf. Minutes from the March 2013 meeting will be provided. Ongoing accusations of CSC collusion with Trailfinders were also reiterated by some members.

Actions/Requests from Meeting:

Public ramp in wharf area investigation Engineering, Planning and ED officers are requested to attend with residents to determine options for increasing safety and usage.

Radio outages – ways to deal with maintenance issues

Black spot issues –TV

Leasing options on hall – cost/benefit – leasing inclusive of Public Liability vs. handing back to Shire – implications of gym facility

Port Douglas pontoons – contact Michelle Dunn. Re: assessing suitability of available pontoons for Bloomfield applications

Rubbish collection issues for residents in Douglas Shire were flagged

Cr R Bowman

Meetings

| Date | Type / purpose | Who /where |
|------|--|------------|
| | | |
| | General Council Meeting | |
| | Waterfront Meeting | |
| | CDCC Board Meeting (Not Attended) | |
| | Projects Meeting | |
| | Councillor's Meeting at Cr Clark re budgets and Projects | |
| | EDM | |
| | | |

Events Attended (as Councilor or part thereof)

| Date | Type / purpose | Who /where |
|------|------------------------------|------------|
| | Mayoral Awards Depot | |
| | Funeral Alf Pearson Hopevale | |
| | | |
| | | |
| | | |

Constituent Representation/Meetings

| Date | Phone calls/ Discussions | Letters/ Minutes |
|------|-----------------------------|---------------------|
| | | |
| | | |
| | | |

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Mayor

| Date | Venue | Meeting | Issues /outcome |
|----------------------|-------------------------|--|---|
| 17/12/14 | Grassy Hill | Dreaming Track opening | Business development opportunities |
| 18/12/14 | Depot | Mayoral Awards | |
| 22/12/14 – 9/1/15 | Xmas Holidays | | |
| 12/1/15 | Chambers Sue Clark's | 2020 meeting Councillors meeting | Support from Qld National Trust Budget / HR review |
| 13/1/15 | Chambers Office | Economic Development Group DDMG Teleconf | Current and forward projects No current threat |
| 14/1/15 | LGAQ Office | HR Issues Cape York Partnerships | Procedural advice. Closer working relationship – Coen. |
| 15/1/15 | Bowls Club | David Kempton and LNP | With Dep Mayor – CSC issues |
| 17/1/15 | Wujal Wujal | Funeral Cr Telita Nandy | Address on behalf of CSC, FNQROC & RDAFNQTS |

Upcoming meetings

| | | |
|---------|-------------------|--|
| 21/1/15 | Office teleconf | RDAFNQTS |
| 23/1/15 | Office / Chambers | Sen Nigel Scullion Indigenous related issues |
| 26/1/15 | PCYC | Australia Day Ceremony |
| 28/1/15 | Office | Vision Management HR Issues |
| 30/1/15 | Chambers | Bendigo Bank |
| 3/2/15 | Chambers | Oak Tree retirement Villages |
| 11/2/15 | Chambers | Local Disaster Mgmt Group |

The meeting adjourned for morning tea at 10.18 am and resumed at 10.34 am on 20 January 2015.

The meeting was addressed by a representative of CSGFreeNQ group.

Mark Marziale, Director Planning and Environment, Town Planning Officers, John Harrison and Lisa Miller, Tony Lickiss, Director Engineering Services in attendance.

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PLANNING AND ENVIRONMENT

| | | |
|-------|---|--|
| 30908 | APPLICATION FOR A DEVELOPMENT PERMIT DA/3356 – MATERIAL CHANGE OF USE FOR A DUAL OCCUPANCY ON LOT 519 ON PLAN SP241633, LOCATED AT 27A HELEN, STREET, COOKTOWN | |
| | <i>Report No.AD14/6039 from Director Planning and Environment</i> | |

Cr P Johnson moved; seconded Cr S Clark

That the application under the IPA Planning Scheme by Rodney and Christine Henderson for a Development Permit for making a Material Change of Use for Dual Occupancy on Lot 519 on Plan SP 241633 located at 27A Helen Street, Cooktown, be approved subject to the conditions set out in the recommendation contained in Report No. AD14/6039.

CARRIED

Précis

Applicant: Rodney and Christine Henderson
PO Box 175
Cooktown, Qld. 4895

Owner: Mechthild I Peine

Location: 27A Helen Street, Cooktown Qld 4895

RPD: Lot 519 on Plan SP241663

Area: 1,521 sq metres

Zone: Mixed Use Zone

Proposed Use: Dual Occupancy

Use Classification: Dual Occupancy

Referral Agencies: Nil

Submissions: 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 Dual Occupancy on Lot 519 on

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Plan SP241663 located at 27A Helen Street, Cooktown. Council issued an Acknowledgement Notice on the 20th November 2014, but did not issue an Information Request. The application is Impact Assessable Development under the Cook Shire Planning Scheme and required Public Notification.

Proposal

The application is for a Dual Occupancy consisting of two detached, three bedroom, self contained dwelling units on Lot 519 on Plan SP241663 located at 27A Helen Street Cooktown. Each dwelling unit will consist of the following:

- Garden Shed = 9.0 sq metres
- Verandah = 19.0 sq metres
- Carport = 17.8 sq metres
- Dwelling = 130.0 sq metres
- Development Footprint = 197.0 sq metres

The development is to be connected to reticulated water, sewerage and electricity. Access to the development will be from Helen Street which is bitumen sealed.

The Site

The development site is Lot 519 on Plan SP 241663, located at 27A Hogg Street, Cooktown. Lot 519 is within the reticulated water and sewerage area and is zoned Mixed Use under the Cook Shire Planning Scheme. Lot 519 has an area of 1,521 sq metres with frontage to both Helen and Hogg Streets which are bitumen sealed. The development site is currently vacant.

Town Planning Considerations

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

“Dual Occupancy – means the use of premises for two self contained dwelling units (whether attached or detached) on a single lot.”

Lot 519 is zoned Mixed Use under the Cook Shire Planning Scheme and under that zoning a Material Change of Use for Dual Occupancy is Impact Assessable development and requires Public Notification. Council must consider the provisions of the Planning Scheme as a whole including the strategic elements when assessing the application.

The purpose of the Mixed Use Zone Code is to achieve the following outcomes for the Mixed Use Zone:

- *To provide for a mix of commercial and residential uses on land framing the main commercial/tourist centre of Cooktown;*
- *Commercial and entertainment facilities are provided at ground level, while residential units are located predominantly above ground level and provide for high density tourist accommodation and longer term residential living;*

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-
- *Tourist facilities and services are established within or adjacent to tourist accommodation; and*
 - *New buildings and structures complement the historic character and architectural appeal of Cooktown whilst not being obtrusive, or detracting from the vegetated backdrop of Grassy Hill.*

The following Codes are identified under the Cook Shire Planning Scheme as being applicable to a Dual Occupancy in the Mixed Use Zone:

- Mixed Use Zone Code
- Dual Occupancy Code
- Parking and Access Code
- Works, Services & Infrastructure Code

The proposed development for a Dual Occupancy complies with the relevant Performance Criteria applicable to this application. (Council notes that the proposed Dual Occupancy is a Class 1 building, the same building classification as a House, which is self assessable, stand alone development in the Mixed Use Zone).

Desired Environmental Outcomes (DEO's)

The DEOs set the broad strategic direction for land use and development in the Shire and describe the desired outcomes for the land subject to this Planning Scheme. 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 DEOs and the scope of the Planning Scheme. The numbering of the DEOs does not indicate a ranking of importance.

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 8 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

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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 8: A Safe Environment

"Human life, property and the environment are protected from the adverse effects of landslips, bushfires and flooding."

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 20 December 2014, the proposal was advertised in a paper circulated in the area (Cooktown Local News 27th November 2014), letters were sent to each adjoining land owner (24th November 2014) and signs were placed and maintained on the relevant road frontages (Helen Street and Hogg Street) (27th November 2014). No submissions were received during the Public Notification Period.

Discussion

The proposed development is for a Dual Occupancy (two (2) x three (3) bedroom dwelling units), which is a much needed residential development in Cooktown, given the current housing shortage. The development complies with the relevant Performance Criteria and Desired Environmental Outcomes of the Cook Shire Planning Scheme, and is recommended to Council by Council Officers for approval with conditions.

Recommendation

That the application under the IPA Planning Scheme by Rodney and Christine Henderson for a Development Permit for making a Material Change of Use for Dual Occupancy on Lot 519 on Plan SP 241633 located at 27A Helen Street, Cooktown, be approved subject to the following conditions:

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A. Assessment Manager (Council) Conditions

Approved Plan

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

- Site Detail Plan – Job No 415471 - Sheet No.2 – Dated 12/11/14
- Elevations – Job No 415471- Sheet No.4 – Dated 12/11/14
- Floor Plan (unit 1) – Job No 415471 – Sheet No.5 – Dated 12/11/14
- Floor Plan (unit 2) – Job No 415471 – Sheet No.7 – Dated 12/11/14
- Elevations (Amended) – Job No. 415471 – Sheet No.6A – Dated 19/11/14

Water

2. The development must be connected to Council’s reticulated water supply in accordance with section D6 of the FNQROC Manual and the requirements of the *Plumbing and Drainage Act 2002*. Internal plans to be submitted for approval by Council’s Plumbing Inspector prior to works commencing.

3. The water service connection for the development must be upgraded to either a 25mm service or two (2) 20mm services.

4. The metering of the individual units is the responsibility of the applicant.

Sewerage

5. The development must be connected to Council’s reticulated sewerage scheme in accordance with section D7 of the FNQROC Manual and the requirements of the *Plumbing and Drainage Act 2002*. Plans to be submitted for approval by Council’s Plumbing Inspector prior to works commencing.

Infrastructure Charges

6. Infrastructure Charges for water, sewerage and public open space must be paid to Council at the time of application to carry out building works, as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment (see Appendix “A”)

Electricity

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

Access

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8. Access to the proposed development must be via the existing Helen Street access.

Internal Driveways and Car Parks

9. The development must make provision for a minimum of two (2) covered off-street car parking spaces, to be located as per approved plan titled Site Detail Plan – Job No 415471 – Sheet No.2 – Dated 12/11/14. Car parking spaces must be concrete sealed.

The internal driveway must be a minimum of three (3) metres wide and located as per approved plan titled Site Detail Plan – Job No 415471 – Sheet No.2 – Dated 12/11/14. The internal driveway must be concrete sealed and constructed to the requirements of the FNQROC Manual.

Engineering drawings for the car parking and internal driveway must be submitted to Council for approval by Council's Director Engineering Services at the time of building application. Please note that the driveway slab should be 125mm thick.

Stormwater Drainage

10. Stormwater drainage must be to a legal point of discharge. Drainage plans must be submitted to Council for approval as part of the application for carrying out building work.

Landscaping

11. Landscaping must generally be in accordance with the landscaping shown on approved plan titled Site Detail Plan - Job No 415471 – Sheet No.2 – Dated 12/11/14, with the following additions:

- Provision of a minimum one (1) metre wide landscaped strip joining the retained existing natural vegetation along the Hogg Street frontage;
- Provision of a minimum one (1) metre wide landscaped strip along the Helen Street frontage from the retained existing natural vegetation, exclusive of the driveway;
- Provision of a minimum one (1) metre wide landscaped strip along the rear boundary from the retained existing natural vegetation to the boundary with Lot 518.

Additional plantings must be shown on site plan at building application stage.

Landscaping areas must be subject to regular and ongoing maintenance, including the timely replacement of damaged or dead plants.

Fences

12. The applicant must provide a minimum 1.8 metre high solid screening fence along the boundary with Lot 518 and a 1.8 metre high privacy fence between the two (2) dwelling units. The privacy fence between the two dwelling units must be located as per the approved plan titled Site Detail Plan – Job No 415471 – Sheet No.2 – Dated 12/11/14.

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Heritage Protection

13. The Heritage stone kerb and channelling must be protected from damage during construction of the development.

Noise and Dust

14. The applicant must ensure that during the construction stage, no nuisance is caused to the surrounding properties by way of noise or dust emissions.

Public Utilities

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

Compliance

16. All Conditions of the Development Permit must be complied with prior to the use commencing.

Currency Period

17. The currency period for this Development Approval is four (4) years. Should the Dual Occupancy not be established within this time, the approval shall lapse.

B. Advice (Council)

A development permit is required for carrying out Building Work and a Plumbing and Drainage approval / compliance permit is required for Plumbing and Drainage works prior to construction of the Dual Occupancy commencing.

Appendix 'A'

AGENDA AND BUSINESS PAPERS
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Our ref: JH:LM:DA/3356

20 January 2015

Rodney and Christine Henderson
PO Box 175
COOKTOWN QLD 4895

Dear Mr and Mrs Henderson

ADOPTED INFRASTRUCTURE CHARGES NOTICE
DEVELOPMENT APPLICATION DA/3356
27A HELEN STREET, COOKTOWN

Proposal: Dual Occupancy

Applicant: Rodney and Christine Henderson
PO Box 175
COOKTOWN QLD 4895

Location of Site: 27A Helen Street, COOKTOWN QLD 4895

Real Property Description: Lot 519 on Plan SP241633

Type of Development: Material Change of Use

Infrastructure Charges Calculation:

| Development Class | Charge | Unit of Measure | No of Units | Amount of Charge |
|---|-----------------------------|--|-------------|------------------|
| Material Change of Use (Dual Occupancy) | \$1,700.00 (Water) | Equivalent domestic connection | 1.75 | \$2,975.00 |
| Material Change of Use (Dual Occupancy) | \$1,420.00 (Sewerage) | Equivalent domestic connection | 1.75 | \$2,845.00 |
| Material Change of Use (Dual Occupancy) | \$900.00 (Public Open Space | Equivalent number of Residential Units | 2 | \$1,800.00 |
| Total Charges | | | | \$7,260.00 |

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Credit Calculation:

| Development Class | Charge | Unit of Measure | No of Units | Amount of Credit |
|---|------------------------------|--|-------------|--------------------|
| Material Change of Use (Dual Occupancy) | \$1,700.00 (Water) | Equivalent domestic connection | 1 | \$ 1,700.00 |
| Material Change of Use (Dual Occupancy) | \$1,420.00 (Sewerage) | Equivalent domestic connection | 1 | \$ 1,420.00 |
| Material Change of Use (Dual Occupancy) | \$900.00 (Public Open Space) | Equivalent number of Residential Units | 1 | \$900.00 |
| Total Credit | | | | \$4, 020.00 |

Net Adopted Infrastructure Charges Summary:

| Total Adopted Charge | Total Credit | Total Infrastructure Charge |
|----------------------|--------------|-----------------------------|
| \$7,260.00 | \$4, 020.00 | \$ 3,240.00 |

(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 to access the *Sustainable Planning Act 2009*. Please refer to sections 478, 535, 675 and 680 which detail your appeal rights regarding this notice.

AGENDA AND BUSINESS PAPERS
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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

AGENDA AND BUSINESS PAPERS
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Appendix 'B'

Verify dimensions at Levels on site before commencing work.
Use figured dimensions -- **DO NOT SCALE**
If in doubt, ASK.

Verify Dimensions & Levels on site before commencing work.
Use figured dimensions - DO NOT SCALE.
If in doubt ASK.



ROOF CLADDING NOTES:-

The casting pad is 0.43 mm (0.017") composed of a 0.15 mm (0.006") layer of aluminum prepolymer to be in accordance with ASTM-45. Swelling material and prepolymer resin to K131-90 (type 6200) and an A12-50 aluminum coating with an over baked film of selected color. The swelling pad will be cast first to the bottom with the 126-50mm base resin and then the 0.15 mm (0.006") layer of prepolymer will be cast on top. The casting pad will be cast on top of the prepolymer with an aluminum prepolymer A12-50, 0.15 mm (0.006") thick. Sheets shall be laid in such a manner that the approved test lay lines away from the swelling surface. A minimum of 50mm shall be provided for protection into gullies. Rollings will be supplied in comparable thickness, minimum cover of heating shall be 120mm.

At swelling pad to be fixed in a wooden base member, among the job done by the contractor. The swelling pad shall be fixed in a wooden base member, among the job done by the contractor. At thick (rolls across, through, rolls etc.) will be placed at 80%.



GLAZING NOTES (C2)

GLAZING THICKNESS TO BE DETERMINED USING A.S. 1288 2000 - Data in Building Selection & Installation

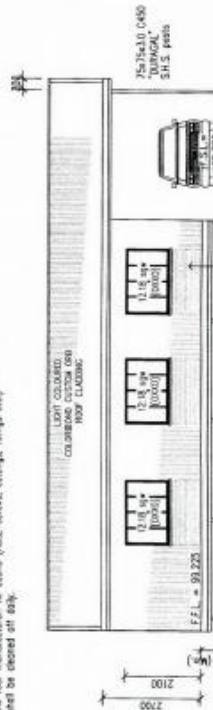
GENERALLY THICKNESS CAN BE DETERMINED FROM THE VALUES BELOW

| THICKNESS | AREA (sqm) |
|--------------|------------|
| 2mm | 0.75 |
| 3mm | 1.20 |
| 4mm ANNEALED | 1.50 |
| 5mm | 1.80 |
| 6mm ANNEALED | 2.25 |

NOTE - BETTER TEST OF A.S.1288

WHERE GLAZING IS BELOW 1200

ABOVE FLOOR LEVEL



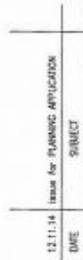
ELEVATION 1 (SOUTHERN)

— "HARDIES" —
HARD PLANK
UNDER WINDOWS SHOWN

elevations
1:100

SOFFIT LINING NOTES

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and shall not be used, copied or retained
without written permission.
Use figured dimensions in preference to Scale.
Check all dimensions on site before
excavation or building work commences.



AMENDMENTS

Robert EDWARDS (Asst. Dir. Civ. Eng.)
Chartered Member B.S.A.Q.
BDA Eco-Design Smart Building Designer
QUALIFIED "GREENSMART" PROFESSIONAL
O.B.S.A. Lic No. 061176
Building Design - Medium Rise

PROPOSED DUPLEX
 Lot 519 on SP 241633
 27A HELEN St., Cooktown.
 Parish of COOK
 County of BANKS

UNIT 1
ELEVATIONS, NOTES, etc.
CLIENT

CLIENT
Rodney & Christine Henderson

JOB No. 415471
SALES No. 4

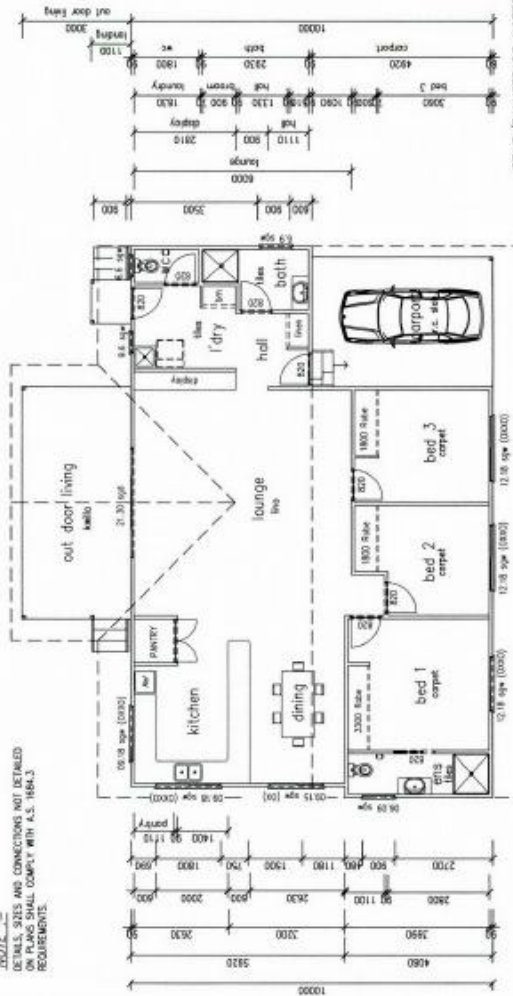
AGENDA AND BUSINESS PAPERS

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Check all dimensions on site before
commencement of building work commences.



NOTE:—
DETAILS, SIZES AND CONNECTIONS NOT DETAILED
SHALL BE IN ACCORDANCE WITH A.S. 1684.3
REQUIREMENTS.



STAR/BAULTRADE NOTES

| REMARKS | QUANTITY | REMARKS | QUANTITY |
|---|-----------|---|-----------|
| 1. REINFORCING (mm) | (mm) | 2. REINFORCING (mm) | (mm) |
| MAX. MIN. MAX. MIN. | MAX. MIN. | MAX. MIN. MAX. MIN. | MAX. MIN. |
| 190 115 355 240 700 550 | | 190 115 355 240 700 550 | |
| REFERS SECTION 3.8.1 "STAR CONSTRUCTION" | | REFERS SECTION 3.8.1 "STAR CONSTRUCTION" | |
| OF THE S.C.A. Volume 2 | | OF THE S.C.A. Volume 2 | |
| REMARKS TO HAVE DIMENSIONS TO BE CONSTANT | | REMARKS TO HAVE DIMENSIONS TO BE CONSTANT | |
| NEAR EDGE OF ROADS. | | NEAR EDGE OF ROADS. | |
| BAULTRADE 1000mm MIN. HEIGHT | | BAULTRADE 1000mm MIN. HEIGHT | |
| SLAT SPACING 125mm MAX. | | SLAT SPACING 125mm MAX. | |
| BOTTOM RAIL 125mm MAX. ABOVE DECK | | BOTTOM RAIL 125mm MAX. ABOVE DECK | |
| 2000mm MIN. ROAD CLEARANCE | | 2000mm MIN. ROAD CLEARANCE | |
| STRONG 3000 100 DEPTH 30mm T1 | | STRONG 3000 100 DEPTH 30mm T1 | |
| STRONG 2500 111 ROUSING 15mm | | STRONG 2500 111 ROUSING 15mm | |
| STRONG 700 111 | | STRONG 700 111 | |



ELEVATION
KEY

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19-20-21 January 2015

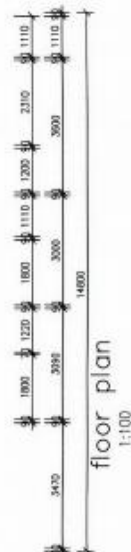
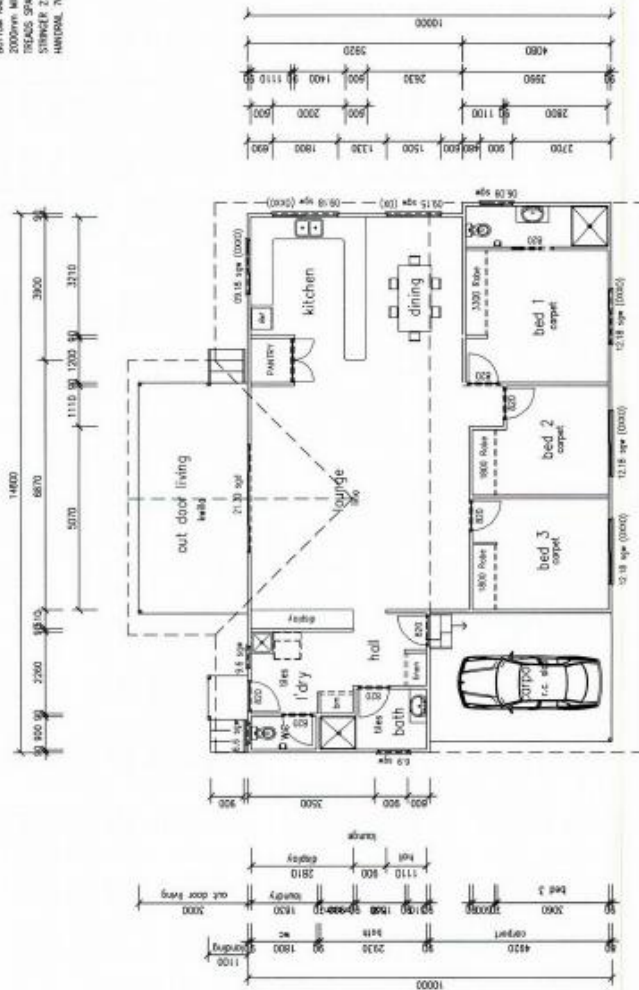
STAIR/BALUSTRADE NOTES

RISE/ RUN (mm) QUANTITY (2014)
 MAX. MIN. MAX. MIN. MAX. MIN.
 180 115 325 240 700 550
 REFER SECTION 3.6.1 "STAIR CONSTRUCTION" OF THE B.C.A. Volume 2
 RISERS & GOING DIMENSIONS TO BE CONSISTENT
 THREADS TO HAVE NON-SLIP FINISH ON STIRP
 NEAR EDGE OF NOSINGS.
 BALUSTRADE 1000mm MIN. HEIGHT
 SLAT SPACING 125mm MAX.
 BOTTOM RAIL 125mm MAX. ABOVE DECK.
 2000mm MIN. HEAD CLEARANCE.
 TRACKS SPAN 300 DEPTH 30mm
 FINISH 220x45x11 FLOORING 15mm
 HANDRAIL 70x70 F11

NOTE

These drawings and designs are Copyright and shall not be used, copied or related without written permission.
 Use figured dimensions in preference to Scale.
 Check all dimensions on site before construction or building work commences.

DETAILS, SIZES AND CONNECTIONS NOT DETAILD SHALL COMPLY WITH A.S. 1684.3 REQUIREMENTS.



floor plan
1:100

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Cathy Waldron, Senior Biosecurity Officer, in attendance.

| | | |
|-------|--|--|
| 30909 | LANDHOLDER PEST MANAGEMENT INCENTIVE SCHEME | |
| | <i>Report No.D15/365 from Senior Biosecurity Officer</i> | |

Cr P Johnson moved; seconded Cr G Shephard

That Council support:

1. a landholder pest management incentive scheme for Cook Shire residents who manage a property of 25ha or greater;
2. to be known as the Cook Shire Pest Management Incentive Scheme;
3. administered by the Biosecurity Unit; and
4. conducted under similar requirements and conditions as the CYP Pest Management Incentive Scheme.

CARRIED

Précis

This paper is placed before Council for a resolution to continue the Pest Management Incentive Scheme (the Incentive Scheme) for landholders to control weeds and feral animals on properties within Cook Shire.

Background/History

An incentive scheme providing financial assistance to landholders to control weed and feral animals on their property has operated across Cape York Peninsula since 2003. To date the scheme was funded by grants obtained through NHT and Caring for our Country programs. The Incentive Scheme entitled landholders located in the Cape York Peninsula Natural Resource Management Region to claim reimbursement for approved expenditure outlaid for control of State or locally declared and/or high priority regional weeds and feral animals on their property.

To be eligible landholders had to meet the following requirements:

- complete an application on the approved form;
- have a current approved Property Pest Management Plan (developed or reviewed within the past 12 months when making application);
- have a property pest assessment (current with last 12 months), completed by a CYWAFAP officer; and
- have an agreed and approved treatment process (by CYWAFAP and the landholder).

Landholders could claim up to \$1000 per property over 25ha in size for control of approved weeds and/or feral animals. Items such as purchase of registered herbicides, purchase of minor equipment, purchase of organic weed control products (i.e Pine Oil), outlay for contractors to undertake mechanical weed removal, ammunition, baits, traps, outlay for contractors to remove feral animals or any other expense that the assessing officer considers would achieve the desired outcomes qualified for reimbursement.

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With the winding up of CYWAFAP the Incentive Scheme is no longer available to Cook Shire landholders. As the wet season has commenced it is important that landholders still have assistance available to them to control weeds, without having to wait for the other groups to obtain funding for this purpose. It is proposed to run a Cook Shire Pest Management Incentive Scheme under similar requirements and conditions as the previous CYP Pest Management Incentive Scheme.

Link to Corporate Plan

Theme 4.2 Environmental Wellbeing:

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

f) Pest and weed management services.

4.2.2 Where resources and capacity allow:

a) Incorporate best practice management as a benchmark in all activities.

Link to Cook Shire Pest Management Plan

Objective 4: Pursuing the resources and fostering proactive stakeholder commitment necessary for implementation of effective pest management.

Action#3 – Encourage Land Managers to develop Property Pest Management Plans (PPMP) wherever possible.

Action#5 dot point 1 – Encourage participation of Land Managers in pest management through a system of incentives, including herbicide subsidies for Land Managers with an approved PPMP.

Consultation

Previous consultation with land holders identified this as a key component for landholders to be able to undertake pest management on their properties.

CYPPMAG previously supported this program.

Legal Implications (Statutory, basis, legal risks)

None identified

Policy Implications

None identified

Financial and Resource Implications (Budgetary)

Allocations of \$10,000 have been made available for the CYP Pest Management Incentive Scheme in recent years. A similar amount will be allocated for Cook Shire landholders from within the existing Biosecurity budget.

RECOMMENDATION

That Council support:

5. a landholder pest management incentive scheme for Cook Shire residents who manage a property of 25ha or greater;
6. to be known as the Cook Shire Pest Management Incentive Scheme;
7. administered by the Biosecurity Unit; and

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8. conducted under similar requirements and conditions as the CYP Pest Management Incentive Scheme.

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| | | |
|-------|--|--|
| 30910 | REQUEST TO EXTEND TOWN PLANNING CONSENT PERMIT APPROVAL C142 FOR THE ERECTION OF A DWELLING HOUSE AND CARETAKER'S RESIDENCE – CLYNDER PTY LTD – SUBLEASE 8759 OF SL39507 WITHIN NP153 ON LIZARD ISLAND. | |
| | <i>Report No.D15/422 from Director Planning and Environment</i> | |

Cr A Wilson moved; seconded Cr S Clark

That Council grants an extension of time till 14th February 2019 to the currency period for Consent Permit No.34 being for a Dwelling House and Caretaker's Residence on Sublease 8759 of SL39507 Lizard Island to enable compliance and delegates the determination of any conditions to Cook Shire Council's Town Planner.

CARRIED

Précis

A request has been made to Council under Section 383 of the *Sustainable Planning Act 2009* for a four (4) year extension until the 14th February 2019 to the currency period for Consent Permit No.34. Consent Permit No.34 being for a Dwelling House and Caretaker's Residence on Sublease 8759 of SL39507 within NP153 on Lizard Island.

The applicant has advised that the reason for requesting this additional extension is that the developer intends to proceed with the development, however requires certainty that the approval will remain current for a reasonable period in order to see the development through to commencement of the use.

Background/History

The original approval for this Consent Permit was issued by Council in February 1995 subject to Conditions. This approval was then subject to several Court actions. Council has since granted successive extensions of time to enable compliance with the Consent Permit. The Permit is current until 14 February 2015.

Report

In deciding this request under Section 383 of the *Sustainable Planning Act 2009* the assessment manager must have regard to :-

- a) The consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or infrastructure charges payable under an infrastructure charges schedule;
- b) The community's current awareness of the development approval;

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c) Whether, if the request were refused:-

- (i) further rights to make a submission may be available for a further development application; and
- (ii) the likely extent to which those rights may be exercised; and

d) The views of any Concurrence agency for the approval given under Section 385.

The applicant has requested a four (4) year extension to the currency period for Consent Permit 34 (Consent application C142) for the erection of a Dwelling House and Caretaker's Residence on Lizard Island. Council Officer's having consideration of Council's preparation of a new Planning Scheme over the next two (2) years are recommending the extension to the currency period.

The applicant has provided a letter from the Department of National Parks, Recreation, Sport and Racing (Queensland Parks and Wildlife Service) dated 4 December 2012, stating that they have no objection to the extension of the town planning consent period. They were the Referral Agency (Queensland Department of Environment and Heritage) for this application.

Council notes that a Cultural Heritage Management Plan between Clynder Pty Ltd and the Dingaal, Thanil and Nguurruumuunku Clan Groups was signed on the 14th June 2007.

The request for an extension of time is, therefore recommended to Council for approval.

RECOMMENDATION

That Council grants an extension of time till 14th February 2019 to the currency period for Consent Permit No.34 being for a Dwelling House and Caretaker's Residence on Sublease 8759 of SL39507 Lizard Island to enable compliance and delegates the determination of any conditions to Cook Shire Council's Town Planner.

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Department of
**National Parks, Recreation,
Sport and Racing**

Ref CTS 18434/12

4 December 2012

The Director
Clynder Pty Ltd
C/- Conrad Gargett Riddel Pty Ltd
GPO Box 170
BRISBANE QLD 4001

Dear Sir/Madam

RE: Clynder Pty Ltd – Application to Cook Shire Council for extension of Town Planning Consent Permit No. 34

Application to Extend Relevant Period: Consent for Erection of a Dwelling House and Caretaker's residence on Sublease 8759 of SL 39507 within National Park 153 on Lizard Island, Lot: 153, Plan Type: NPW203, Plan Number: CP856826

I refer to your letter of 3 December 2012 requesting support from the Department of National Parks, Recreation, Sport and Racing for a request by Clynder Pty Ltd to Cook Shire Council to extend the term of the above town planning consent.

The Department has previously supported this application in a letter from Mr Alan Feely on 27 May 2008 to which you refer in your correspondence. I have no objections to Clynder Pty Ltd seeking an application to extend the town planning consent. I wish to advise that the requirements and conditions outlined in the Department's letter of 27 May 2008 will continue should the town planning consent be granted.

If you would like to discuss this matter further please contact Mr Damien Head, A/Regional Director, Queensland Parks and Wildlife Service on telephone (07) 4967 7350.

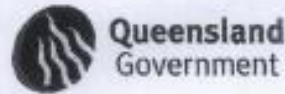
Yours sincerely

A handwritten signature in dark ink, appearing to read "Annie Moody".

Annie Moody
**Executive Director
Regional Operations East
Queensland Parks and Wildlife Service**

Level 4
400 George Street Brisbane Qld 4000
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone + 61 7 3306268
ABN 11 322 391 452

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19-20-21 January 2015



Enquiries: Lisa Wiets
Telephone: (07) 3223 1572
Fax reference: 80452308/9311
Our reference: 80451724

Queensland Parks and Wildlife Service
An entity of the
Environmental Protection Agency

27 May 2008

Mr Steven Wilson
Clynder Pty Ltd
GPO Box 669
BRISBANE QLD 4001

Dear Mr Wilson

Lizard Island National Park - Clynder Pty Ltd - Revised Proposal

I write in reference to the above matter, specifically, to your application submitted on the 28 September 2006.

Having regard to all the circumstances including the existence of the sub-lease for tourist and recreation facilities and the Cultural Heritage Management Plan with the traditional owners, I am satisfied that approval of the Application, subject to the following conditions, provides for the permanent preservation, to the greatest possible extent, of the natural condition of Lizard Island National Park.

CONDITIONS OF APPROVAL:

1. The Applicant must comply with the Application submitted to the EPA on 28 September 2006, except where otherwise provided as a condition of this approval. Where there is any inconsistency between the Application and the conditions of this approval, the conditions of this approval will prevail.
2. The Applicant must monitor and report on the performance of the EMP, which formed part of the Application, as may be requested from time to time by the Director or an agent of the Director.
3. Prior to the commencement of any works, construction, excavation or other activity impacting on the land within Lot 4, the Applicant must at the Applicant's expense and to the satisfaction of the Director:

166 Ann Street Brisbane
Queensland 4000 Australia
PO Box 15158 City East
Queensland 4002 Australia
Website: www.epa.qld.gov.au
ABN 87 221 158 790

Printed on 100% recycled paper

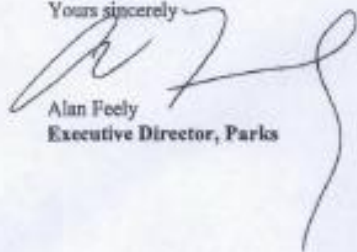
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- a) Provide the Director's delegate with a detailed survey plan of the sub-lease boundary;
 - b) Physically mark on the ground the key survey points defining the sub-lease boundary;
 - c) Provide the Director's delegate with a detailed survey plan showing the proposed alignment of the road and the footprint of the tourist accommodation house and caretaker residence;
 - d) Physically mark on the ground the key survey points of the proposed alignment of the road and the footprint of the tourist accommodation house and caretaker cottage.
4. The construction of the tourist accommodation house and caretaker cottage must be wholly within the sub-lease area.
 5. The Applicant must obtain the written permission of the Lessee of Special Lease No. 39507 prior to the commencement of any works if the works occur outside the boundary of the sub-lease but within the boundary of Special Lease No. 39507.
 6. The Applicant must comply with the Cultural Heritage Management Plan between Clynder Pty Ltd and The Dingaal, Thanil and Nguurruumuunka Clan Groups, which was signed by the Dingaal, Thanil and Nguurruumuunka Clan Groups on 14 June 2007. Should any party initiate the dispute resolution process referenced at Paragraph 13 of the Agreement, then the Director must be notified as soon as practicable and works must cease immediately.
 7. The Applicant must keep **CONFIDENTIAL** the Cultural Heritage Management Plan referred to in Condition 6 above.
 8. The proposed development must be used as a tourist and recreational facility and not as the private residence of any person.
 9. The Applicant must take reasonable steps to inform all of the Applicant's invitees and caretakers of the sub-lease that the sub-lease is within Lizard Island National Park, and of relevant conditions of this approval.
 10. The Applicant must comply with all reasonable directions of the Director or the Director's delegate concerning the construction of the tourist accommodation house, caretaker cottage and road.
 11. The Applicant must comply with all laws relevant to the proposed development.
 12. The Director reserves the right for the Director or the Director's delegate to inspect the sub-lease for compliance with the conditions of this approval.

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All material requested at conditions 3 and 5 above is to be supplied to this office prior to the commencement of works.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'A Feely', with a long, sweeping vertical line extending downwards from the end of the signature.

Alan Feely
Executive Director, Parks

27/5/08

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Town Planning Officers left the meeting at 11.55 am on 20 January 2015

ENGINEERING SERVICES

| | | |
|----|--|--|
| W1 | PURCHASE OF GRADER VIA LOCAL BUY CONTRACT | |
| | <i>Report No.D15/277 from Workshop Manager / Engineering</i> | |

Report deferred for six months

The following issues were discussed –

- Bridge over Jensens Crossing – Estimate cost \$15,500.00 to be completed by 28 February 2015
- Wharf closure during replacement works – to commence on 28 January 2015. All interested parties to be notified.

The Mayor left the meeting at 12.26 pm on other Council business and the chair was assumed by the Deputy Mayor, Cr P Johnson.

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LAND TENURE

Land Tenure Officer, Leonie Dowding, in attendance.

| | | |
|-------|--|--|
| 30911 | PROPOSED CONVERSION OF EXISTING NATIONAL PARK TO NATIONAL PARK (CAPE YORK PENINSULA ABORIGINAL LAND) FOR - JARDINE RIVER NATIONAL PARK BEING LOT 26 ON NPW404, AND DENHAM GROUP NATIONAL PARK BEING LOT 410 ON NPW603. AND SECTION 16 LAND EVALUATION PROCESS IN RELATION TO - JARDINE RIVER REGIONAL PARK BEING LOT 1 ON SO806056, AND HEATHLANDS REGIONAL PARK BEING LOT 3 ON JD8 – VARIOUS PARISHES. | |
| | <i>Report No.D15/320 from Chief Executive Officer File No. 2.46.2; 2.400.1; 2.670.2</i> | |

Cr P Johnson moved; seconded Cr S Clark

That the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs be advised in response to its correspondence of 17 October 2014:

Council's requirements prior to conversion and/or any tenure allocations are set out below;

DENHAM GROUP NATIONAL PARK – L410 NPW603

- Council has no requirements.

JARDINE RIVER NATIONAL PARK – L26 NPW404

- Proposed 60m wide Esplanade both banks of Jardine River – follow high water mark.
- Proposed 60m wide Esplanade along shoreline – follow high water mark.

JARDINE RIVER REGIONAL RESERVE – L1 SO806056

Ussher Point access road

- Dedication of the area of road (A – B – C – D) within the Jardine River Resource Reserve would legalise public access.

HEATHLANDS REGIONAL RESERVE

Bamaga Road

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Council since 1989 has endeavoured to have the Bamaga by-pass road dedicated (through what are now Bramwell Junction and Heathlands Resource Reserve); since then, the area of road from Bramwell Junction to the Captain Billy Landing access road, has been dedicated.

It is believed that Council, since prior to 1988, has been involved with the maintenance of the Bamaga Road, inclusive to the Jardine River Ferry.

A substantial portion of road within the area requiring dedication is sealed.

- Council requires the dedication of road reserve (E – F - G) - on the existing alignment – the road width to be variable to accommodate existing and future construction requirements.
- Engineering Services has identified numerous gravel pits, as indicated on the attached Plan “gravel and water 3jd8”, to which unfettered access must be maintained.
- Access to water for road works is to be maintained.

The above requirements are in keeping with letter dated 11 December 2009 from the then Department of Main Roads, endorsed and supported by Council to the Cape York Tenure Resolution Task Force .

Council draws the Departments attention to the attached letter dated 11 December 2009, from the then Department of Main Roads, endorsed and supported by Council and forwarded to the Cape York Tenure Resolution Task Force, advising of the need for tenure resolution for the Northern Peninsula Road through Heathlands Resource Reserve.

Furthermore, Council requires continued public access and camping and existing tourist tracks within the national parks and regional reserves retained.

Council strenuously opposes closure of any existing roads or esplanades.

Council requires the above areas of roads as depicted on the attached Map “csc prop rds esplanads jardine heathlands 13-1-2015”, to be dedicated, thus legalising the existing road network. This is in keeping with Council’s road policy:

“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.”

CARRIED

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Précis

1. No requirements re Denham Group National Park; road, gravel and water requirements re Jardine River National Park, Jardine River Regional Park and Heathlands Regional Park. Continued public access, camping and existing tourist tracks within national parks and regional reserves retained.

Background/History

2. By letter dated 17 October 2014, the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs advised Council of the proposed conversion of existing National Park to National Park (Cape York Peninsula Aboriginal Land) (“NP(CYPAL)”) for Jardine River National Park (Lot 26 on NPW404) and Denham Group National Park (Lot 410 on NPW603).
3. Land to be dedicated as NP (CYPAL) is to be jointly managed under the Indigenous Management Agreement (“IMA”) which is mandated by the *Cape York Peninsula Heritage Act 2007* (“CYPHA”) .
4. The Department further advised that it was undertaking a Section 16 *Land Act 1994* (“the Act”) assessment taking into account the provisions of the Act, the *Nature Conservation Act 1992* (“NCA”), the *Aboriginal Land Act 1991* (“ALA”), and the CYPHA and investigating the most appropriate tenure and use of land for Jardine River Regional Park (Lot 1 on SO806056) and Heathlands Regional Park (Lot 3 on JD8) and requested Council’s views on the most appropriate use and tenure of each of the parcels.
5. Provision for the direct conversion of Regional Park is not provided in the ALA; therefore the Chief Executive is required under section 16 of the Act to assess the most appropriate tenure and use of the land prior to allocating tenure. The evaluation must take account of the State, regional and local planning strategies and policies, the objective and principles of the Act and may also take account of commitments and undertakings given by persons under, or arising from a Cape York agreement.
6. In November 2013, the Queensland Government passed significant amendments to the NCA, one of the key areas of reform was halving the number of protected area tenure classes from 14 to 7; the majority of these amendments have been completed - under the new protected area tenure structure:
 - national parks, national parks (Aboriginal Land), national parks (Torres Strait Islander land), national parks (Cape York Peninsula Aboriginal land) and nature refuges have remained unchanged.
 - national parks (scientific) and national parks (recovery) have become “national parks”.
 - conservation parks and resources reserves have become “regional parks”.

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- coordinated conservation areas and forest reserves have been grandfathered, excluding the dedication of any new areas under this tenure.
- wilderness areas, World Heritage management areas and international agreement areas have been abolished.
- *forest reserve tenure will subsequently be abolished once the review and reclassification of all remaining forest reserves is finalised.*

Changes to the tenure structure are not intended to impact any of the activities or uses that are currently authorised or restricted under the former tenure classes.

Amendments to the NCA to introduce special management areas (SMAs) and resource use areas (RUAs) also took effect on 28 March 2014. SMAs can now be declared over a national park allowing for the manipulation of an area's natural or cultural resources for recovery purposes, or the continuation of an existing use, where the use is consistent with maintaining the area's natural and cultural values. An RUA can now be declared over a regional park at the time of gazettal to allow for the granting of a mining interest.

7. Denham Group National Park was declared in 1994 and managed by the Queensland Park and Wildlife Service ("QPWS"); it is a collection of vegetated coral and sand cays 25k off shore from the Jardine River National Park. The reef and waters surrounding the Denham Group National Park are protected within the Great Barrier Reef Marine Park
8. Six Islets and one island make up the park:
 - Sinclair Islet is a small 4.1ha vegetated sand cay rising 2m above sea level.
 - Milman Islet is a 22 ha densely wooded sand cay rising 5m above sea level.
 - Aplin Islet is a small 4.9ha shingle mangrove island rising 2m above sea level.
 - Cairncross Islets cover 20.2ha, these are three islets referred to as Cairncross A, B and C and are interconnected by a chain of sand and coral rubble spits – Cairncross A is the largest, rising 4m above sea level.
 - Cholmondeley Islet is a 0.5ha vegetated sand cay rising 2m above sea level.
 - Wallace Islet is 2.2ha cay composed of coral sand and reef rubble.
 - Boydong Island is a 10.5ha coral rubble and sand low wooded isle.

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Camping is not permitted on any of the islets/islands within Denham Group National Park, no facilities are provided – the park is open 24 hours a day with access restrictions to some of the islands.

9. Council, in 1989 requested the then Land Administration Commission to open as road the sections of the Bamaga by-pass road through Shelburne and Richardson Pastoral Holdings and Heathlands Resource Reserve.
10. Subsequently, Council requested that the road to Captain Billy Landing within the then Resource Reserve be opened as road.
11. By letter dated 22 May 2003, QPWS advised that it opposed the opening of the road to Captain Billy Landing. The Agency advised that for any revocation of the reserve (for the purpose of the road opening) to be successful, the Agency would have to demonstrate that the revocation did not conflict with the management principles of a Resource Reserve, namely:
 - Recognise and, if appropriate, protect the area's cultural and natural resources; and
 - Provide for the controlled use of the area's cultural and natural resources; and
 - Ensure that the area was maintained predominantly in its natural condition.
12. The Agency advised that in its view, the proposed road opening, to provide access to a QPWS camping area, was inconsistent with the management principles for which the area was put aside. Accordingly, the Agency was not prepared to seek the approval of the Queensland Parliament to revoke the area of the road providing access to Captain Billy Landing from the Resource Reserve.
13. Continuing, the Agency advised that on an annual basis it undertook the necessary post wet season maintenance to keep the road open and trafficable to members of the public. Furthermore, on an as needs basis, more substantial maintenance of the road was undertaken.
14. QPWS further advised that the by-pass road was a different matter, and it was prepared to address that opening as a separate issue.
15. As it would be difficult to argue against the position taken by the Agency in respect of the Captain Billy Landing road - the Agency considers that road to be an internal access road - Council at its September 2003 meeting, vide Resolution No. 23410, resolved to advise the then DNRM that Council did not intend to further pursue its request for the opening of the access road to Captain Billy Landing due to the opposition of QPWS but was desirous of pursuing the opening of the By-pass Road through Heathlands Resource Reserve.

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16. In response to correspondence of 27 May 2008 from the State regarding the proposed conversion of existing Heathlands Resource Reserve to NP (CYPAL), the then Department of Main Roads (“DMR”) produced a road planning report which with the endorsement and support of Council (November 2009 meeting, vide Resolution No. 29003), was forwarded to DERM and CYTRTF by letter dated 11 December 2009 advising of the need for tenure resolution for the Northern Peninsula Road (“NPR”) through Heathlands Resource Reserve
 17. The report included road planning matters, water and gravel requirements, environment considerations and requirements of variable road reserve widths (not less than 120m) - Council agreed to accept a wider than normal road corridor within Heathlands Resource Reserve in accordance with the plans attached to the submitted letter, and its policy position in that regard. See attached letter.
 18. It was hoped this report would provide CYTRTF with more detailed information regarding the nature of the NPR through Heathlands Resource Reserve.
 19. Council’s endorsement of DMR’s report letter supersedes Council’s correspondence of 18 June 2009 to CYTRT, which conveyed Councils policy position regarding the Rural Road Corridor, in relation to the portion of the Northern Peninsula Road within Heathlands Resource Reserve.

“That as a matter of policy, Council requires a road corridor 1 km wide wherever detailed design has not taken place and the State intends to undertake tenure resolution and include lands in either the Protected Area Estate or Aboriginal freehold tenure. Moreover, Council will require a wider corridor as necessary for any future re-alignment or to encompass other resources such as water and gravel which cannot be located within a 1 km wide road corridor.”
 20. The following Council interests/requirements have been identified – see attached maps “csc prop rds esplnds jardine heathlands 13-1-2015” and “gravel and water 3jd8”;

DENHAM GROUP NATIONAL PARK – L410 NPW603

- Considering the size and area of the islets/island, it would seem impractical requiring esplanades.

JARDINE RIVER NATIONAL PARK – L26 NPW404

- Proposed 60m wide Esplanade both banks of Jardine River – follow high water mark.
- Proposed 60m wide Esplanade along shoreline – follow high water mark.

JARDINE RIVER REGIONAL RESERVE – L1 SO806056

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Ussher Point access road

- This access road, from the Old Telegraph Track through the Jardine River National Park to the boundary of the Jardine River Resource Reserve, is dedicated on alignment.
- Ussher Point access road traverses both the Jardine River National Park, and Resource Reserve, it is not formed and is a popular serious 4 wheel drive track to Ussher Point.
- Dedication of the area of road (A – B – C – D) within the Jardine River Resource Reserve would legalise public access.

HEATHLANDS REGIONAL RESERVE

Bamaga Road

Council since 1989 has endeavoured to have the Bamaga by-pass road dedicated (through what are now Bramwell Junction and Heathlands Resource Reserve); since then, the area of road from Bramwell Junction to the Captain Billy Landing access road, has been dedicated.

It is believed that Council, since prior to 1988, has been involved with the maintenance of the Bamaga Road, inclusive to the Jardine River Ferry.

A substantial portion of road within the area requiring dedication is sealed.

- Council requires the dedication of road reserve (E – F - G) - on the existing alignment – the road width to be variable to accommodate existing and future construction requirements.
- Engineering Services has identified numerous gravel pits, as indicated on the attached Plan “gravel and water 3jd8”, to which unfettered access must be maintained.
- Access to water for road works is to be maintained.

The above requirements are in keeping with letter dated 11 December 2009 from the then Department of Main Roads, endorsed and supported by Council to the Cape York Tenure Resolution Task Force .

21. The following recommendation is submitted for Council’s consideration.

Link to Corporate Plan

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

Consultation

23. Internal.

Legal Implications (Statutory, basis, legal risks)

24. Nil identified.

Policy Implications

25. In accordance with Council's Road policy.

Financial and Resource Implications (Budgetary)/Risk Assessment

26. Nil.

RECOMMENDATION

That the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs be advised in response to its correspondence of 17 October 2014:

Council's requirements prior to conversion and/or any tenure allocations are set out below;

DENHAM GROUP NATIONAL PARK – L410 NPW603

- Council has no requirements.

JARDINE RIVER NATIONAL PARK – L26 NPW404

- Proposed 60m wide Esplanade both banks of Jardine River – follow high water mark.
- Proposed 60m wide Esplanade along shoreline – follow high water mark.

JARDINE RIVER REGIONAL RESERVE – L1 SO806056

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- Dedication of the area of road (A – B – C – D) within the Jardine River Resource Reserve would legalise public access.

HEATHLANDS REGIONAL RESERVE

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It is believed that Council, since prior to 1988, has been involved with the maintenance of the Bamaga Road, inclusive to the Jardine River Ferry.

A substantial portion of road within the area requiring dedication is sealed.

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Council draws the Departments attention to the attached letter dated 11 December 2009, from the then Department of Main Roads, endorsed and supported by Council and forwarded to the Cape York Tenure Resolution Task Force, advising of the need for tenure resolution for the Northern Peninsula Road through Heathlands Resource Reserve.

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Att.

Current Tenure of Jardine Aggregation

Gravel Pits and Water Points within 3JD8

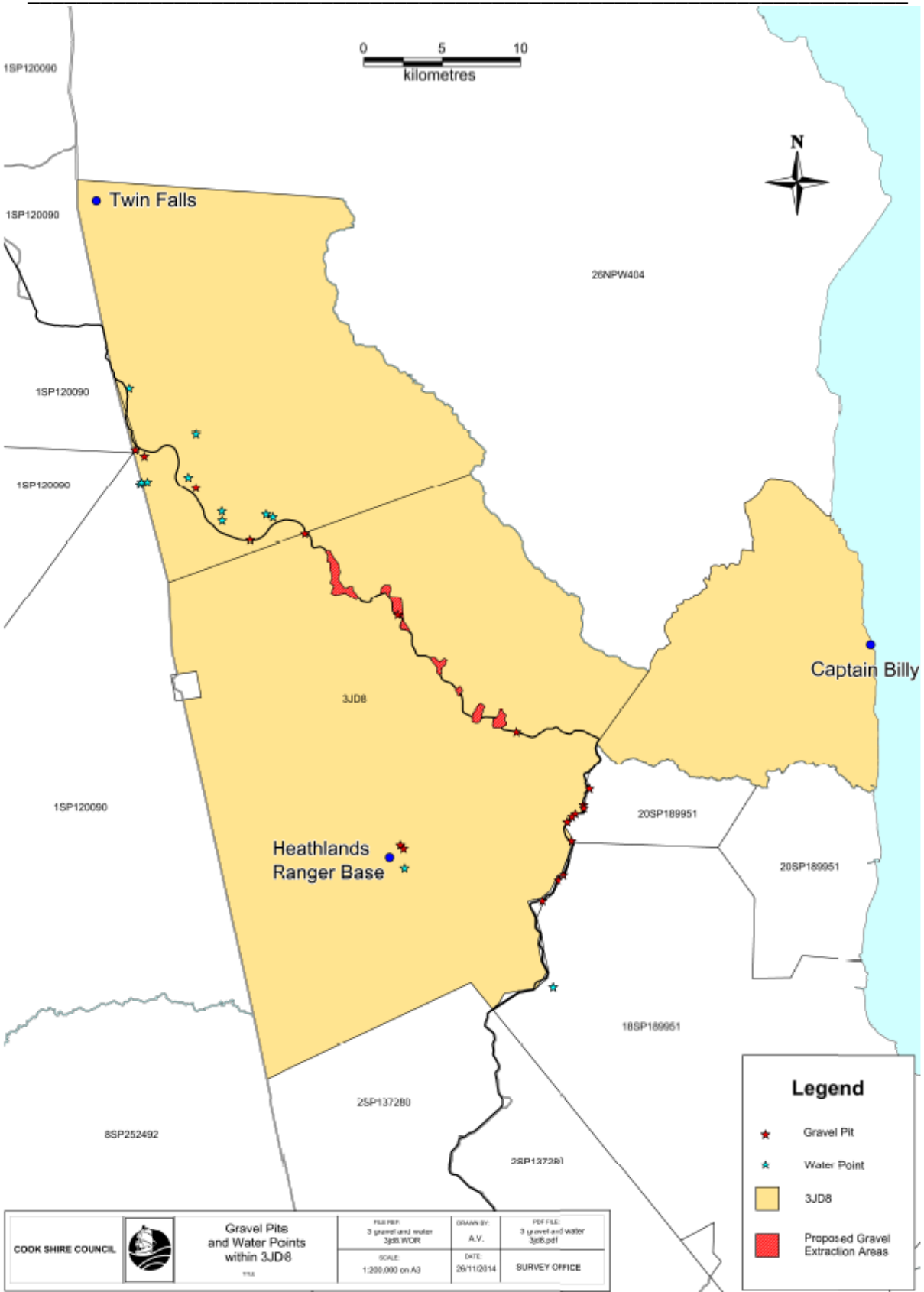
Council Road Opening and Closure requirements

Endorsed Main Roads Report dated 11 December 2009

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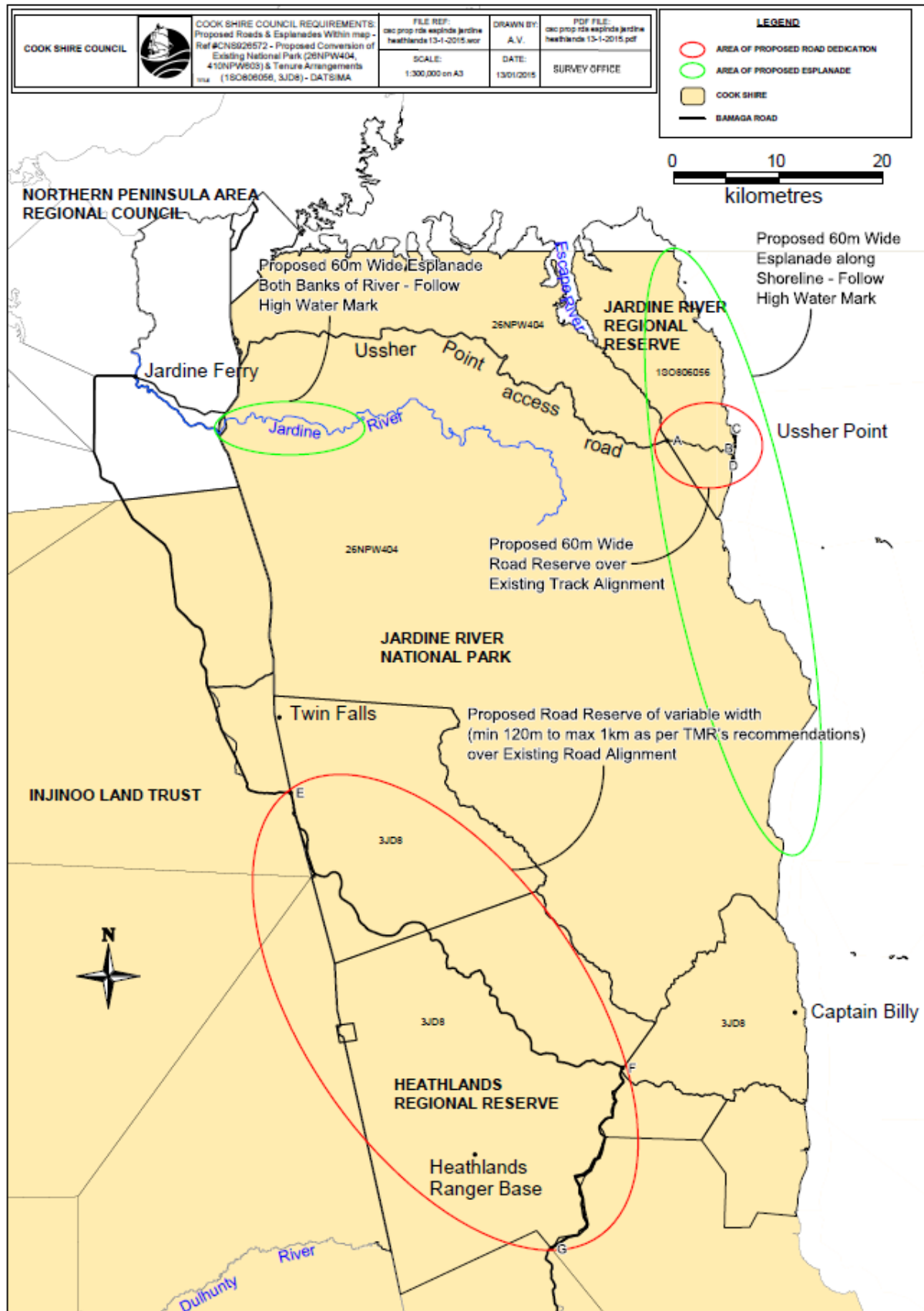


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11 December 2009

Mr Cyril Cordery
Director
Cape York Tenure Resolution Task Force
3rd Floor, William McCormack Place
5b Sheridan St, PO BOX 937
CAIRNS QLD 4870

Department of **Main Roads**

Attn: Nathalie Mlynarik

Dear Nathalie,

Re: Proposed conversion of existing Heathlands Resources Reserve to "national park (Cape York Peninsula Aboriginal Land)" – Cape York Peninsula Heritage Act 2007, Aboriginal Land Act 1991, Nature Conservation Act 1992

I refer to previous correspondence dated 27 May 2008 from the then Director (Conservation, Strategy & Planning) of the Environmental Protection Agency regarding the need for tenure resolution for the realignment of the Northern Peninsula Road through Heathlands Resource Reserve.

We apologise for the delays in clarifying the Department of Transport and Main Roads (TMR) position over the affected lands.

1. ROAD AUTHORITY

The Northern Peninsula Road (NPR) is a local government road, under the authority of Cook Shire Council (CSC).

TMR wishes to advise that Cook Shire Council has previously sent correspondence to the Cape York Tenure Resolution Taskforce on 18 June 2009 regarding local government road corridors in Cook Shire.

TMR's interest in the NPR stems from the following:

- The status of the NPR as a local road of regional significance (LRRS).
- The allocation of maintenance and upgrade funds at 100% under the State's Transport and Infrastructure Development Scheme (TIDS).
- The joint State and Federal Government funding of the NPR upgrade between Captain Billy's Landing road intersection and Sailors Hill. TMR is handling the planning and upgrade of this section on behalf of Cook Shire Council.

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It is hoped this correspondence provides the Cape York Tenure Resolution Taskforce with more detailed information regarding the nature of the NPR through Heathlands Resource Reserve. This letter supersedes the Cook Shire Council correspondence of 18 June 2009 with respect to the portion of the NPR located on the Heathlands Resources Reserve, and is endorsed by the Cook Shire Council (refer Attachment 2).

2. ROAD PLANNING CARRIED OUT FOR HEATHLANDS RESERVE

TMR is obliged to provide a transport network for the community to utilise that is both safe, and efficient. To this end, TMR has undertaken preliminary planning for the area such as can be completed within the constraints of available funds and resources. This planning allows TMR to be sufficiently confident that an adequate long-term alignment within current design standards can be constructed in the proposed road reserve. The planning recognises the following circumstances:

2.1 Planning Circumstances relating to the Road Reserve over the Heathlands Resource Reserve

- a) The existing road through the Heathlands property will remain in use for an indefinite period until such time as demand for upgrading, and available funding necessitates that TMR/CSC upgrade the existing road. The existing road will of course need to remain in service until such time as any newly constructed sections are opened to traffic.
- b) Due to the nature of the terrain and the existing road's low standard, any upgrade to the road to an appropriate standard for safety and transport efficiency will require in many instances that the upgraded road will not be on exactly the same alignment as the existing road. The future safe alignment will generally be "straighter", without unsafe sharp curves and "ups and downs". The information available was used to select probable routes for the long-term alignment. In some cases, the nature of the terrain is such that a single route can not be selected, due to the numerous unknowns that still have to be investigated. These unknowns can not be investigated and the routes finalised at this time because of prohibitive costs involved in this detailed planning, including detailed environmental investigation, drilling, geotechnical investigations of each route, detailed surveys (air survey was used for the planning, and can be very inaccurate in areas of dense vegetation or forest), drainage investigations, cultural heritage investigations, and engineering design of each possible route. Based on the available information, TMR is able to identify an envelope around the possible feasible road routes and their associated earthworks.
- c) The Heathlands Resource Reserve is in the process of transfer to NP(CYPAL) tenure. Once the transfer has been completed, under the current legislation there will be almost no possibility that any changes can be made to the road reserve boundaries to acquire additional land from the NP(CYPAL) tenure for realignment of the road.

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- d) It is therefore clear that the reserve needs to cater for both existing road usage, as well as the long-term future road purposes, notwithstanding that there may be a delay of many years in the upgrade of the road to the long-term configuration.
- e) When the road is upgraded to the final alignment, the portions of the road reserve that are no longer required for road purposes will be available for transfer to an NP(CYPAL) tenure.
- f) In the interim period during which the road reserve may be wider than the normal reserve width required for the final alignment, Council will be the steward of the land and manage it according to best practices. Any excess width of reserves will not be unnecessarily impacted on prior to construction of alignment upgrades in the future.
- g) The proposed road reserve will form the natural route across the Heathlands property in the future for minor utilities (excluding major utilities such as, but not limited to, overland electrical supplies, bulk gas pipeline, etc), and thus will preserve the NP(CYPAL) tenures from future encroachment by these minor infrastructures.
- h) Water points to be used for road construction purposes have been identified, and will be appropriately licensed (applications are currently before DERM). In order to facilitate the maintenance of the existing road, and the future construction of the upgraded road, it will be necessary for TMR/Council to access these water points, and extract water in accordance with the licensing conditions and best practices. In general, these water points are not contained within the road reserve proposed under points a) to g) above. This means that the water point and the access to the water point cannot be transferred to an NP(CYPAL) tenure, as this will effectively prevent the future use of the water point by TMR/Council. Therefore, the water point and the access from the road reserve to the water point are planned as Freehold tenure in favour of Council.

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- i) Gravel pits to be used for road construction purposes have been identified, tested for suitability, and their extents and yields investigated, and will be appropriately licensed (applications are currently before DERM). In order to facilitate the maintenance of the existing road, and the future construction of the upgraded road, it will be necessary for TMR/CSC to access these pits and work them according to approved best practices, and the licensing conditions. In general, these pits are contained wholly or partially within the road reserve proposed under points a) to g) above. In the cases where the pit extends to areas outside of the envelope required for the purposes of the road as determined by points a) to g) above, the reserve has been locally extended to include the extents of the pit. In circumstances where the pit is not contiguous with the proposed road alignment envelope, the pit and the access to the pit can not be transferred to an NP(CYPAL) tenure, as this will effectively prevent the future use of the pit by TMR/CSC. Therefore, the pit and the access from the road reserve to the pit are planned as local extensions to the road reserve. These pits will need to remain operational until the final alignment is bitumen sealed, but TMR is unable to accurately determine whether the quantities will be adequate due to future funding determining when the seal will occur. In the event that there is a very long period for which gravel surfacing is needed, further gravel resources may be required from the Resource Reserve or NP(CYPAL) area.

2.2. Planned Road Reserve

The attached drawings indicate the necessary road reserve to accommodate the above planning circumstances:

Plan No D11_134 Issue A : Overall Layout and Key Plan showing locations of detail drawings.

Plan No D11_133 Issue A (Sheets 1 to 9): Detail Plans showing Road Reserve, Waterpoints, Access Tracks, and Gravel Resource Areas.

The key on the drawings indicates the particular planning circumstances that apply over each section of the reserve, for the information of DERM. These planning circumstances are grouped into the following categories:

- **Reserve bounded by brown lines and shaded grey (refer to sheet 1 of 9):** The reserve is 120m wide and follows the existing road alignment. This width allows for the future operation of the road, and necessary maintenance activities to drainage elements (eg: diversion drains) to occur without encroachment on to NP(CYPAL) tenures.

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- **Reserve bounded by blue lines and shaded grey (refer to sheet 1 of 9):** The reserve is of variable width (not less than 120m) to accommodate both the existing road alignment and the future long-term road alignment. Planning unknowns, and constraints on preparing detailed planning preclude selection of the actual long-term alignment at this time. The reserve comprises the minimum envelope of land that contains the range of feasible alignments, and will allow TMR/CSC to construct the future safe and efficient long-term alignment without encroaching on NP(CYPAL) tenures. When the road has been constructed to the long-term alignment, and the existing route is no longer required, the reserve will in most cases be reduced to a 120m width along the finalised alignment, and the redundant portions of the reserve will be appropriately rehabilitated and available for transfer to NP(CYPAL) tenure.
- **Green lines (refer to sheet 1 of 9):** The green lines represent the reserve allocated by DERM on the Draft version SP189934 for road purposes. This previous allocation is the same as the reserve bounded by the blue as determined by TMR over significant portions of the route, on one side at least. Where the reserve bounded by the blue line is wider than the Draft SP189934 reserve, the additional width is to accommodate future road upgrades to achieve the long-term safe alignment.
- **Water point and 60m wide access (refer to sheet 7 of 9):** Water Points (currently being approved) are shown as blue dots. The land at the water point and a 60m wide access is to be transferred to CSC Freehold tenure. This is to ensure that TMR/CSC is able to source water at these points for road purposes, while at the same time allowing TMR/CSC to restrict access to the water point by the general public, and ensure appropriate management of the water point in accordance with permit conditions and accepted best practices. At this time, only the location of the water points themselves have been coordinated. Indicative extents of the water point area and access location are shown on Plan D11_133 Issue A by means of wavy line 'balloon' representation. The actual extents of land required will be available and confirmed to DERM by the end of November 2009. TMR/CSC request that location of the Freehold boundaries are noted as approximate at this time.
- **Gravel Resource Area (refer to sheet 4 of 9):** Gravel Resource Areas are indicated by means of a black dot shading within a black outline. Gravel Resource Areas are contiguous with the road reserve and included within the blue road reserve boundary. No special land tenure for the Gravel resource Areas is required and TMR/CSC will therefore be able to conduct gravel sourcing activities for road purposes within the road reserve.
- **Orange Existing Road Centreline (refer to sheet 1 of 9):** The existing road alignment is shown to clarify the reason for the extent of the reserve contained within the blue line for the purpose of ensuring the tenure of the existing alignment.

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- **Magenta Preliminary Concept Long-term Road Centreline (refer to sheet 1 of 9):**
During the engineering planning of the long-term road alignment, an envelope of the most promising alignments was determined, as contained within the blue road reserve boundary. At this time, the further planning to confirm the actual alignment can not be completed, due to cost and other constraints. To assist visualisation of the long-term alignment, the most promising alignment resulting from the preliminary concept engineering analysis is shown as the magenta line. Please note that further investigations will almost certainly reveal governing constraints that result in portions (or perhaps even the entire length) of the actual long-term alignment being different from the preliminary concept alignment. Once the land within the blue line is transferred to road reserve, TMR will be expected to engineer the Long-term Alignment within the reserve envelope encompassed by the blue line, notwithstanding constraints yet to be revealed, as encroachments on to the NP(CYPAL) tenure will be virtually impossible under current legislation.

3. MOTIVATION FOR THE ABOVE ROAD RESERVE OPENINGS

The TMR notes that section 16 of the Land Act 1994 (Deciding appropriate tenure) identifies the need for the Department of Environment and Resource Management (DERM) to broadly consider many principles in deciding appropriate tenure.

To assist DERM in the determination of the appropriate tenures, TMR presents the following facts for consideration with respect to the principles.

3.1 Project Background

a) Road Functions

The NPR is the only road to the Northern Peninsula Area communities of Bamaga, Injinoo, New Mapoon, Seisia and Umagico. The NPR also connects to the ferry service to the Islands of the Torres Strait. Traffic volumes on the NPR vary between 0 to 400 vehicles per day depending upon the time of year, with high tourism demands during the dry season (which in turn realise economic opportunities for local communities).

b) Proposed Road Improvements and involved parties

The nature of the works for the current upgrade of the NPR is detailed in the Review of Environmental Factors (Planning) Heathlands. The works generally consist of improving the NPR from a narrow road on a poor alignment, to a road on an alignment suitable for a minimum 80 km/h speed environment. However it is expected that future demand for safe, reliable access will require upgrading of the road over time to a sealed road on a higher speed alignment in order to realise the Government's objectives of viable, economically sustainable communities on Cape York.

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The project is supported by the Regional Organisation of Councils for the Cape York Regional Road Group (ROCCY RRG). The ROCCY RRG consists of the Aboriginal Shire Councils in Cape York, Cook Shire Council, and TMR.

The upgrade of the NPR is being undertaken by the Northern Peninsula Construction Alliance (NPCA). This alliance is made up of a local (indigenous) workforce from the Northern Peninsula Area. This alliance has also been engaged to undertake maintenance for a 150 km section of the NPR. This alliance was organised through TMR's Remote Communities Service Unit (RCSU) based in Cairns.

The RCSU's charter is to develop and deliver capacity building (workforce skilling) projects for remote indigenous community councils, which includes delivery of nationally accredited training programs and advice to indigenous community councils on transport infrastructure related issues.

TMR seeks both certainty and flexibility in the *Cape York Peninsula Heritage Act 2007*, such that roadworks in the affected lands may be undertaken in a timely and cost effective manner, for the betterment of communities in the Northern Peninsula Area.

3.2 Environmental Considerations

The Heathlands parcel has been identified for transfer to NP(CYPAL) tenure. The purpose of an NP(CYPAL) tenure is to conserve the land in perpetuity as an environmental reserve under local Aboriginal community management.

A common interpretation of the phrase "conserving the environment" is that this refers to the conserving of natural values such as flora, fauna, ecosystems, bio-diversity, and other values that are frequently referred to as "green" values.

TMR is a supporter of such "green" values. One of the four guiding principles of TMR's Strategic Plan is: *Environmental management to support environmental conservation.*

However, TMR notes that under the Environmental Protection Act (1994), the definition of an environmental value is:

- a) **a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety;**
- b) *another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.*

The *Environmental Protection Act (1994)* definition of environmental includes:

- a) ecosystems and their constituent parts, **including people and communities;** and
- b) all natural and **physical resources;**

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- c) the qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and
- d) the **social, economic**, aesthetic and cultural conditions that affect, or are affected by, things mentioned in paragraphs (a) to (c).

TMR is of the opinion that public roads are physical resources which have profound social and economic impacts on the people and communities of Cape York. Roads provide a connection between the community and the rest of Australia, places of residence and places of work, provide access to community and social services, but are also a significant cause of death and injury within the community.

Therefore road infrastructure per se complies with the definition of an environmental value that is worthy of protection due to the fact that the road is conducive to the public amenity, health, safety, and economic development. Any action that would limit the development of that road infrastructure to increase its contribution to public safety, amenity, health, and economic development, should therefore be considered to be contrary to the requirements of the *Environmental Protection Act (1994)*, which would seek to preserve and improve those outcomes.

3.2.1 Roads and Environmental Considerations at Heathlands

Some further facts to consider in this regard are:

- a) The existing road was never originally constructed to environmental best practices, as these best practices were unknown at that time.
- b) The upgraded future road on the long-term alignment will be environmentally superior to the existing road alignment in all of the following respects:
 - a. Environmental impacts will be minimised through use of best environmental practices, including:
 - i. Avoidance of, or offset of, any environmentally sensitive areas.
 - ii. Minimal interference with watercourses and flow regimes.
 - iii. Provision of environmental connectivity as necessary.
 - iv. Reduction of future long-term reserve widths to 120m (inclusive of drain maintenance allowance).
 - v. Reduction in length of road through efficient design, and therefore less total cleared area (after revegetation). The existing road is 72.3km long, while the long-term preliminary concept alignment is 62.4km long, a reduction of 9.9km. The non-vegetated area of the existing road (for 6.5m nominal width) is 47ha, while for the long-term road it is 56ha (for 9m seal width). However the tight curvatures of the existing route regularly require sightline clearing for safety, and this slashed area will be substantially higher for the existing road than for the long-term alignment.
 - b. Elimination of the harmful effects of a gravel road, including:
 - i. Dust smothering vegetation.

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- ii. Consumption of water and gravel resources for maintenance and associated operation of pits on a continuous basis.
 - iii. Low frictional resistance, poor visibility due to dust, poor surface condition prior to maintenance, all contributing to high safety risks, and resulting in high accident costs and trauma.
 - iv. High continuous economic cost due to continuous maintenance and severe wear and tear on vehicles, and the knock-on effects resulting in high transportation costs and leading to high cost of living for the most economically vulnerable communities in Australia.
 - v. High social and economic cost due to prevention of access in wet season by boggy conditions. This lack of road access leads to a tripling of transportation costs and raises cost of living during the wet season.
 - vi. Requirement for the most disadvantaged members of the community to utilise the most costly vehicles available (4 wheel drives).
- c) Lasting effects on water courses will be minimised as the sealed road will **not**:
- a. Require continuous consumption of maintenance water as per a gravel road.
 - b. Have erosion by rainwater runoff from the gravel surface, resulting in increased turbidity and deposition in and degradation of pristine watercourses on a continuous basis.

3.2.2 Balanced Conclusions with respect to the Road and Environment

a) Original DERM Proposal SP189934

Preserving the existing road alignment only (ie: as per the Draft SP189934 green lines on the attached drawings) causes severe and permanent environmental drawbacks to be entrenched. This is therefore an unsatisfactory approach, as TMR/CSC is prevented from ever performing the upgrade to the Long-term Alignment, and realising the environmental and economic benefits that this will bring.

b) TMR Proposal for Road Purposes Tenures of this correspondence

The TMR proposal for the road reserve to be transferred (ie: within the blue and brown lines of the attached drawings) is environmentally sound practice, as it:

- Enables the environmentally unsatisfactory aspects of gravel roads to be eliminated.
- It allows best environmental practice for road provision to occur.
- It allows the long-term road reserve footprint to be reduced to a constant 120m width and shorter length.
- It achieves the Government's and *Environmental Protection Act (1994)*'s objectives with respect to the safety, amenity, and health of the Cape York communities.
- It achieves safe and sustainable travel and freight movement.

3.3 The Objectives of the Government

TMR believes that it is important to understand the main objectives of the Government with respect to Cape York Peninsula. These are twofold:

Firstly: To reduce the gap in lifestyle and opportunities between the Cape York communities and other Qld communities; and

Secondly: To preserve the environmental values of Cape York.

The Government is very aware of the 'gap' that exists between the living standards and conditions and opportunities of the Cape York communities and the communities in other parts of Australia. The Government is aware of the inequity that this represents, and seeks to implement measures across a broad front that will be effective in reducing this gap.

In recent times, there have been numerous comments by indigenous Leaders that the indigenous communities' interests with respect to many issues have not been fairly considered, resulting in perpetuation and entrenchment of the 'gap'.

The TMR proposal seeks to reduce the 'gap' through achievable improvement of the road over time.

3.4 Sustainability

It is TMR's opinion that under the *Environmental Protection Act (1994)*, a considered balance needs to be struck with respect to sustainability of the environmental reserves, and sustainability of the indigenous communities.

3.4.1 Impact of Road Infrastructure on Sustainability of Indigenous Communities

Infrastructure Australia, the Federal Government agency responsible for prioritising national infrastructure priorities identified in its May 2009 report *National Infrastructure Priorities*, "the inadequacy of roads, public transport, communications, and electricity infrastructure provided to indigenous communities is nationally significant" in Cape York. Roads are not only essential for providing access to indigenous communities, but are the pre-cursor for any hard and soft infrastructure development within the indigenous communities. The Federal Budget for 2009 allocated \$21 million for remote community roads in Cape York over the period 2009 – 2011 where "many roads in Cape York are closed during the wet season for lengthy periods, limiting community access to employment and essential services and increasing the cost of goods".

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Roads provide opportunities for access to a range of public and private (economic) opportunities, such as access to education, health services and employment opportunities amongst others. Efficient road access to remote areas is also known to significantly reduce the cost of basic items, such as fresh foods and building materials, goods and services. These impacts of provision of good road infrastructure are vital to both the Commonwealth and State Government's objective for closing the gap in the health and wellbeing of indigenous communities.

3.4.2 Road Safety and Community Sustainability

Due to socio-economic circumstances and vehicle and human factor conditions, indigenous people living in remote communities are more likely to be affected by behavioural factors (unlicensed driving, alcohol, speeding, no fitted restraints, vehicle overcrowding, etc), more likely to be driving an older vehicle (with less safety features and potential vehicle faults), and more likely to be driving on roads of poorer conditions (unsurfaced and rough) than non-indigenous people. Furthermore due to remote location, emergency response and quality of medical services following a crash are more likely to result in poorer recovery outcomes.

These factors have resulted in indigenous people being 2.9 times more likely to die from a road accident than non-indigenous people. With respect to the NPR, the road crash history (1998 – 2007) is such that roll-over crashes represent 50% of all injury crashes. This is a particularly severe road crash type, more likely than not to result in a more severe injury outcome.

Improvement of the road infrastructure may be expected to significantly improve the road death toll on Cape York, and reduce costs and detrimental effects on the quality of life of the community that accompany any road death, or even any accident. As such, the maintenance of remote community roads such as the NPR to a safe and efficient standard will directly contribute to a reduction of the "gap" in accordance with the objective of the Government.

3.4.3 Impact of Roads on the Sustainability of Environmental Reserves

Roads are often considered to be a significant threat to an environmental reserve, and that any further development of any road in or adjacent to an environmental reserve will therefore result in increased degradation of the environmental reserve, and should be not be permitted. This premise results from observation of outdated practices with respect to road provision (which outdated practices are no longer part of TMR's methodologies).

Best practice road provision in upgrading roads to the long-term configuration may result in:

- Removal or mitigation of the bulk of the long-term harmful aspects associated with the existing road.
- A net environmental benefit, which benefit is sustainable in the long term.

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The premise results however in perpetuation of bad environmental practices, and results in increased environmental harm with time. This is counter to the Government's objective for the preservation of the environmental values of Cape York, and is also counter to the *Environmental Protection Act (1994)*.

3.4.4 Balancing the achievement of Benefits for Safety, the Environment, and the Economy in a Sustainable Fashion

From the foregoing, it is clear that a balance is required between the apparently competing objectives of the Government, namely community upliftment, and environmental preservation. Both goals need to be achieved:

- The Heathlands NP(CYPAL) tenure will preserve a significant environmental area, in accordance with the Government's objective.
- The achievement of the benefits of preservation of the reserve can not be at the detriment of the Government's other objective to uplift the communities of Cape York.
- As demonstrated above, the very same road upgrading works that will bring safety, amenity, health, and economic benefits to the communities, will also have significant benefits to the environment as well. These include the important sustainability of the environment benefits that arise from permanent removal of the significant ongoing harmful effects of a gravel road.
- Under the current NP(CYPAL) tenure legislation, there is little flexibility with respect to conversion to other land uses.
- In order to realise the permanent future benefits to the environment and the communities, it is necessary for a temporary additional allocation of land for the purposes of accommodation of road infrastructure. This allows the existing road to be formalised, and the future long-term road to be developed in stages over time as demands and funding dictate.
- The additional land allocation is temporary in nature. When the long-term road alignment is achieved, the redundant areas of the reserve will be rehabilitated and available for transfer to NP(CYPAL) tenure. The final long-term reserve will occupy a smaller cleared footprint than the existing road, and may be environmentally far superior.
- In the long term, once the upgrades to the long-term road alignment have been achieved, sustainable benefits will have been maximised for the Government:
 - The area of NP(CYPAL) will be maximised, and harmful effects minimised.
 - The safety, amenity, health, and economic benefits for the communities that arise from the improved road infrastructure will be maximised.

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- Due to the lack of flexibility in the NP(CYPAL) legislation, there is no other way of ensuring the optimal attainment of both of the Government's objectives.

The TMR proposal for land tenures for road purposes within the Heathlands Resources Reserve achieves the correct balance between the objectives of the Government in the long term.

4. DECIDING APPROPRIATE TENURE

The attached plan *Northern Peninsula Road Gravel & Water Resources & Road Reserve* identifies TMR/CSC's requirements for road through the Heathlands Resources Reserve. The plan generally provides for a road reserve width of 120 m or wider for the purposes of locating the existing and likely future road alignments, and can also accommodate minor utilities, thus alleviating further future impacts on NP(CYPAL) tenures.

The plan also identifies existing known gravel and water resources required for maintenance and capital improvements to the road. TMR/CSC wishes to advise that some water resources are located some distance from the road, as such provision needs to be provided for access to these resources.

TMR/CSC stresses that any tenure resolution should provide TMR/CSC with the ability to build and maintain roads utilising gravel resources within the road reserve, and water resources adjacent or within the reserve. As discussed under section 3.4.4, this is a temporary necessity that will largely fall away when the long-term sealed road is achieved.

It is TMR's view that the maintenance and improvement of the Northern Peninsula Road is nationally significant. Hence the TMR proposal presented above is consistent with all principles under section 4 of the Land Act, but particularly "development" and "community purpose".

5. IMPLEMENTATION OF THE TMR PROPOSAL

5.1 Cost associated with revision of the Survey Plan

TMR is aware that the above proposed reserve is significantly different from the draft SP189934 already prepared by DERM. SP189934 represents a considerable amount of work undertaken by DERM in good faith, at a significant cost.

TMR is also aware that the changes to the road reserve proposed above are in the interests the long term road provision, and the expected associated benefits to the communities of Cape York in terms of economic support, amenity, health, and road safety.

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TMR will therefore pay for all survey and plan preparation costs involved in the proposed revisions to SP189934, such that DERM does not incur any further expenditure in this regard. All work involved in the preparation of revisions to SP189934 will be done to the requirements of DERM.

5.2 Environmental practices when constructing and maintaining roads

TMR commits to developing best practices in conjunction with DERM such that net environmental benefits, and sustainable road provision, is achieved.

6. FURTHER INFORMATION

If you require any further information, please do not hesitate in calling Mr. Peter McNamara, Manager (Corridor Management) on 07 4050 5010.

Yours sincerely



Ron Michel

Regional Director (Cairns)

Attachments:

1. Northern Peninsula Road through Heathlands Resource Reserve – Gravel & Water Resources & Road Reserve Drawings
2. Endorsement of this Submission by Cook Shire Council

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COOK SHIRE COUNCIL

6 1 10 2 0 9

CM 16-17-18 November 2009
Our Ref: MJE 2.443.1; 2.85.211
Your Ref: File No. 830/535
Date 19 November 2009

FILE NO:
PROJECT NO:
P/E NO:
INITIALS:

The Regional Director (Cairns)
Department of Transport and Main Roads
PO Box 6185
CAIRNS QLD 4870

Att. Nigel P Caffyn-Parsons

Dear Sir,

**RE: ROAD CORRIDOR WITHIN HEATHLANDS RESOURCE RESERVE
(LOT 3 ON PLAN JD8 VARIOUS PARISHES).**

I refer to the email dated 10 November 2009, to Council's Land Tenure Officer, and the attached draft letter, regarding the above.

Please note that Council considered the matter at its 16-17-18 November 2009 meeting, when it resolved to advise your Department that Council agrees that the above referred to draft letter supersedes Council's correspondence of 18 June 2009 (which conveyed Council's policy position regarding the Rural Road Corridor) in relation to the portion of the Northern Peninsula Road within the Heathlands Resource Reserve.

Council further resolved to accept a wider than normal road corridor within Heathlands Resource Reserve in accordance with the plans attached to the submitted draft letter, and its policy position in that regard.

Moreover, Council resolved to accept freehold tenure from the State over the identified water points and the access thereto.

Accordingly, Council resolved to endorse the various proposals set out in the draft letter.

Furthermore, Council formally resolved to thank your Department for its assistance in this matter.

10 Furneaux Street Cooktown (cnr Hope Street)
PO Box 3 COOKTOWN QLD 4895
Phone: 07 4069 5444
Fax: 07 4069 5423
Email: mail@cook.qld.gov.au
WEB: www.cook.qld.gov.au

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Should you have any further enquiries with regard to this matter, please contact Michael Edmonds, Council's Land Tenure Officer on 0427 695 588.

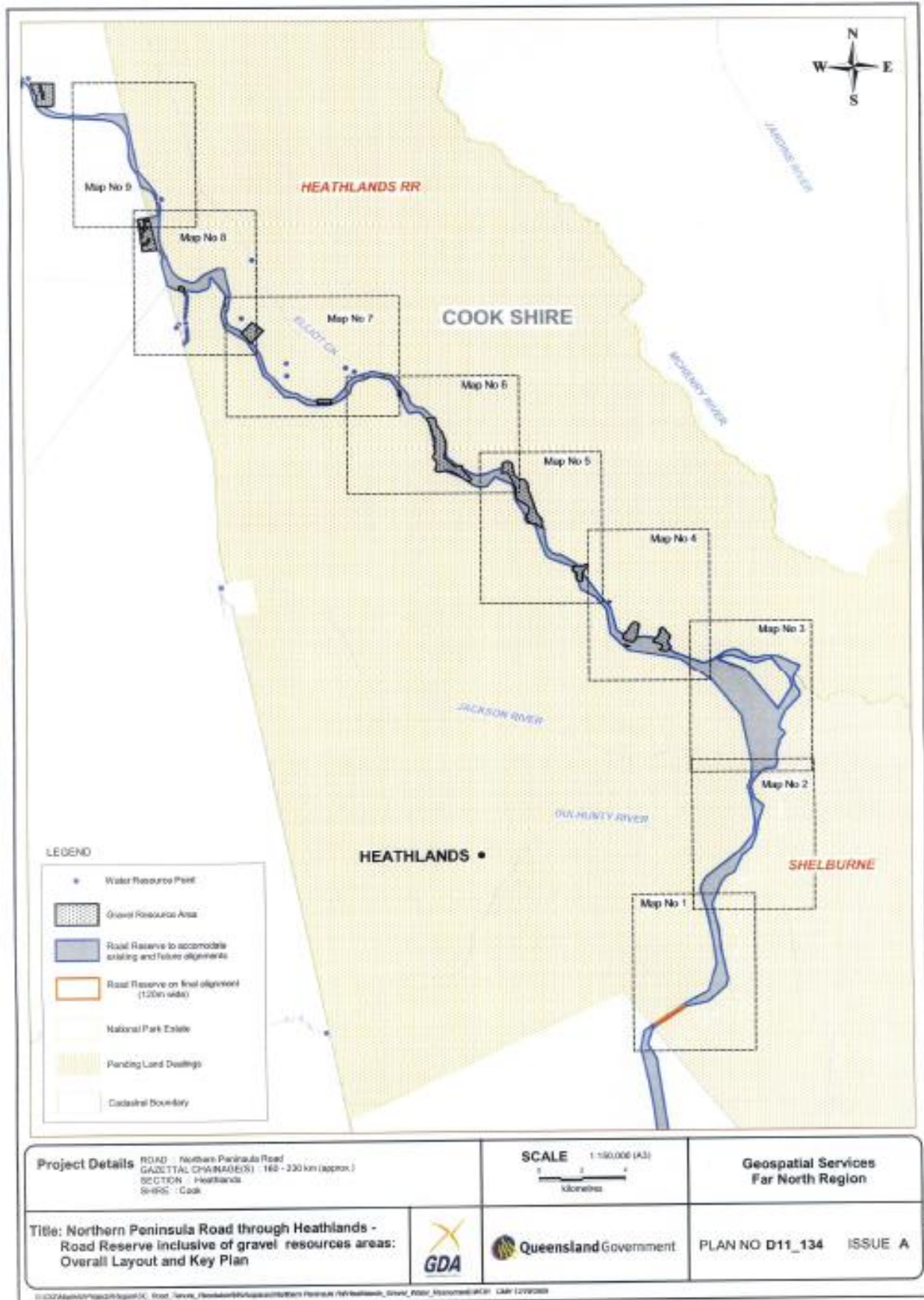
Please quote Council's file reference number in any correspondence and/or enquiry.

Regards

A handwritten signature in black ink, appearing to read 'Stephen Wilton', written over the printed name.

Stephen Wilton
Chief Executive Officer

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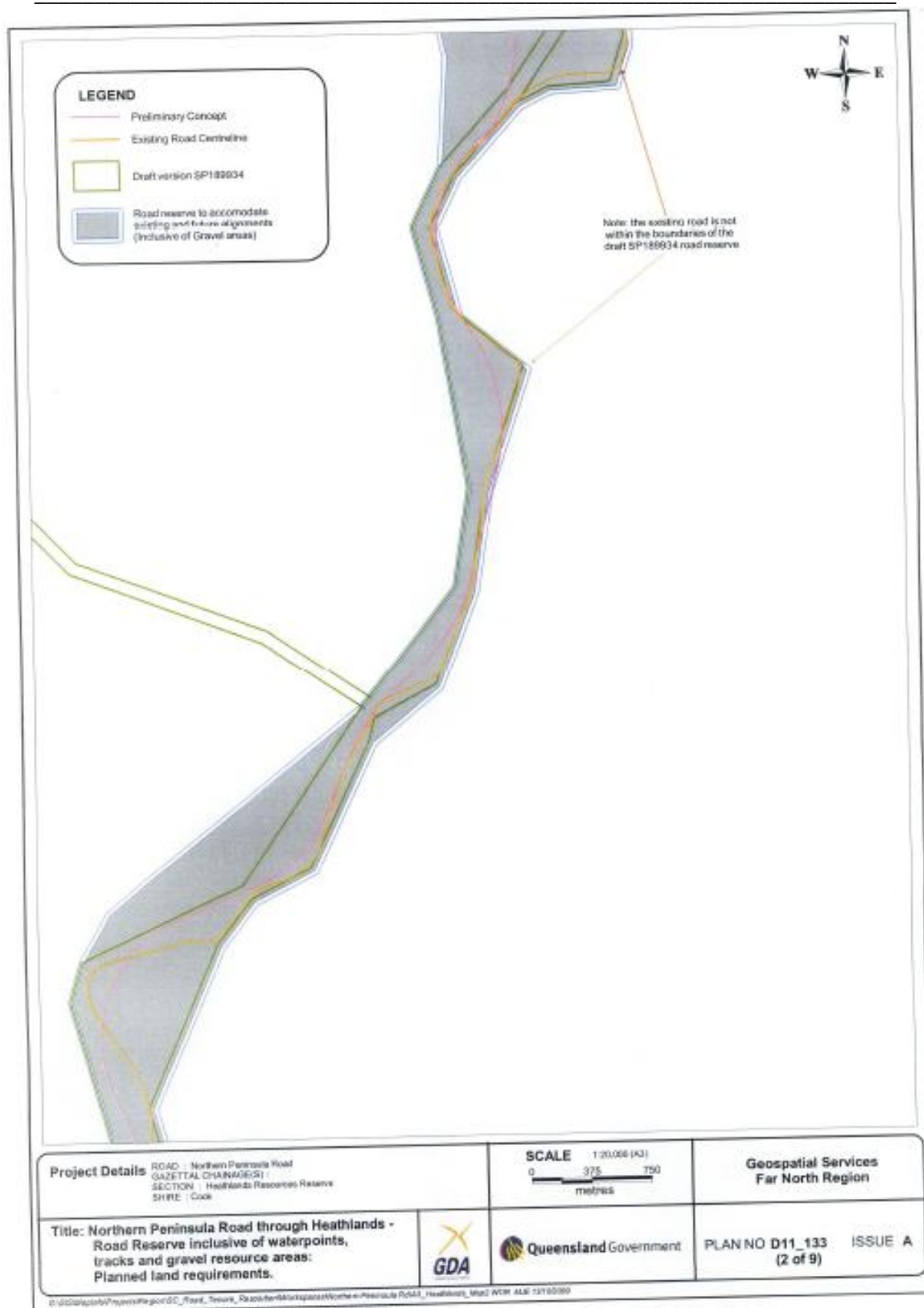


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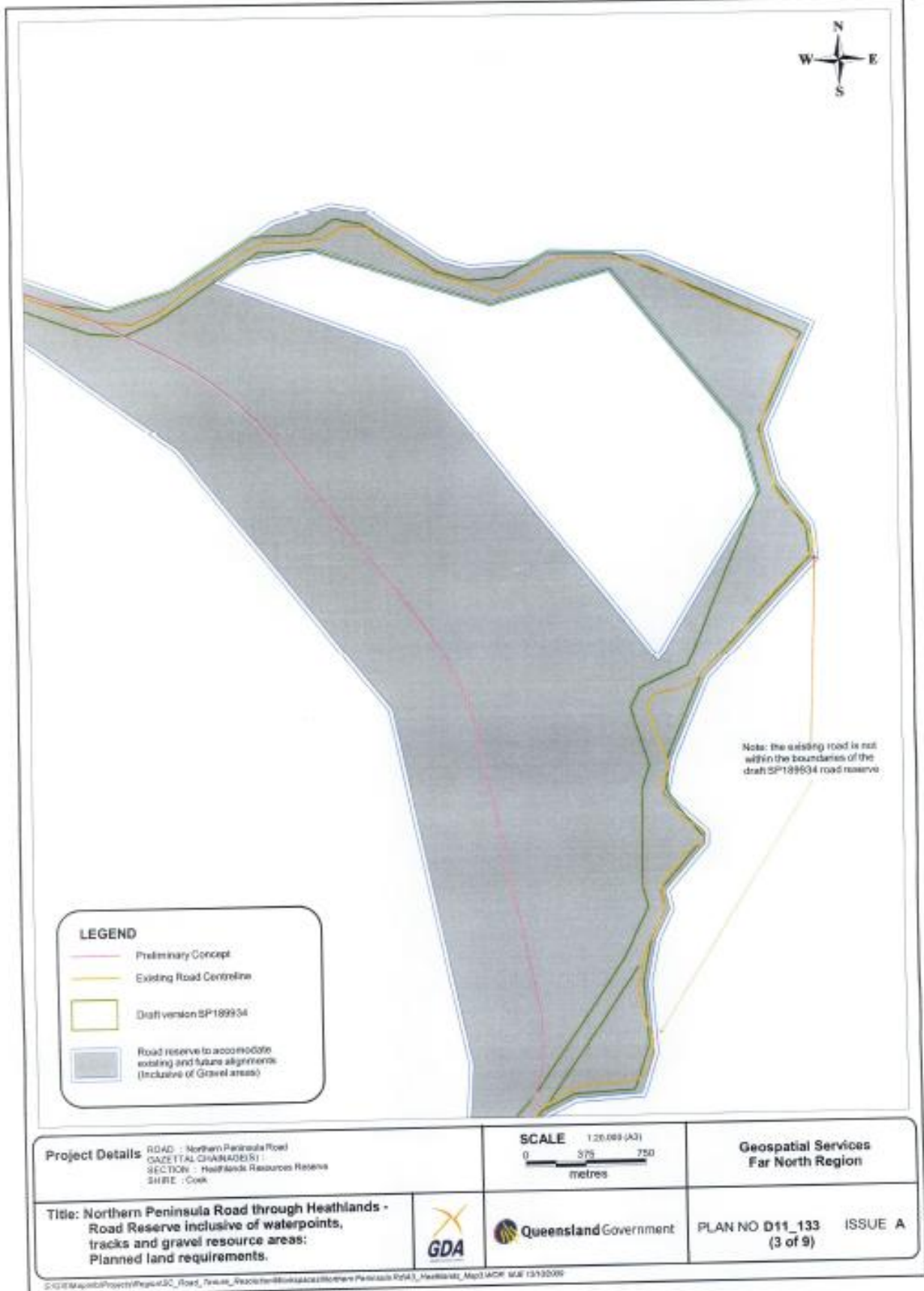
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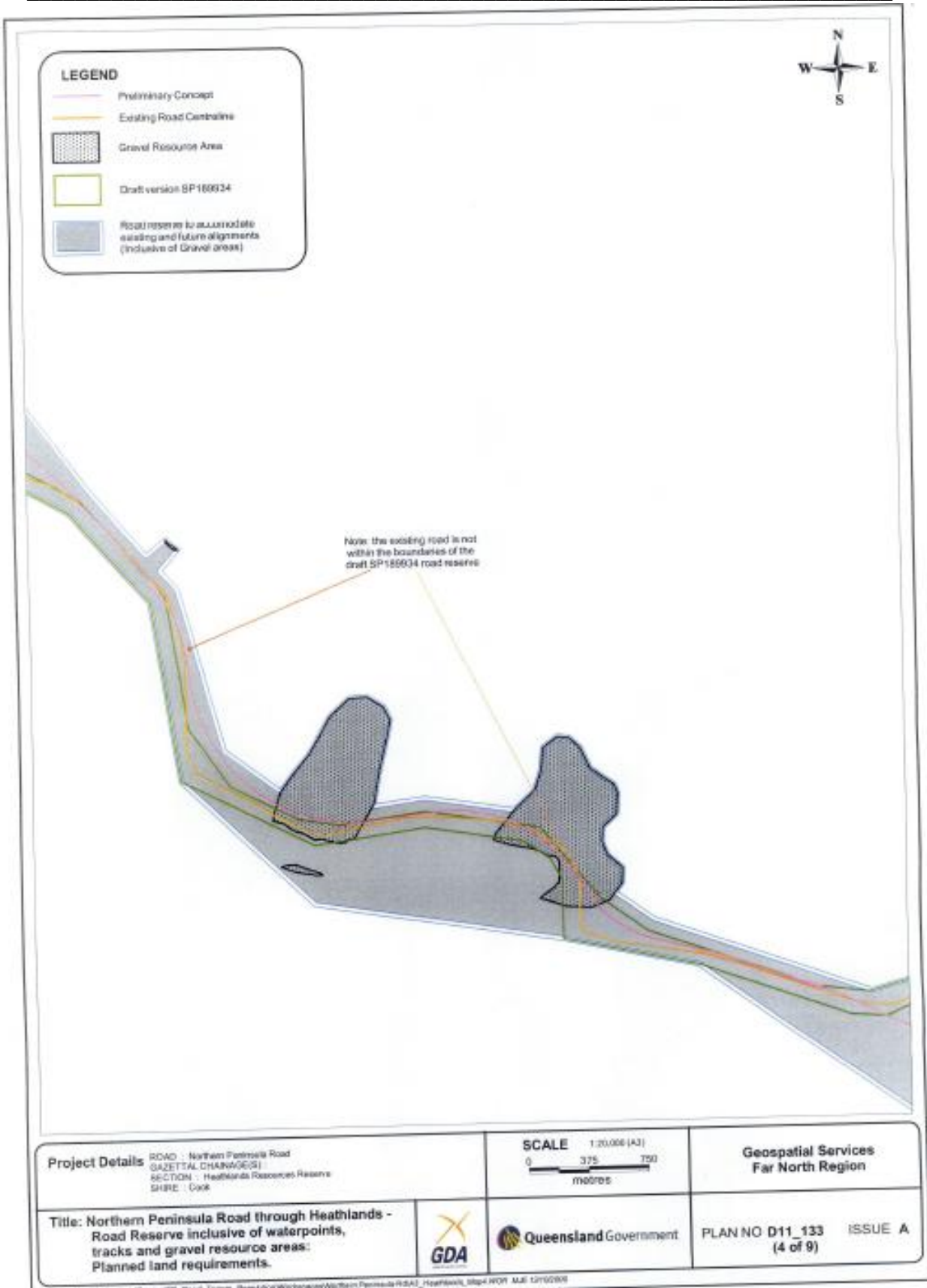
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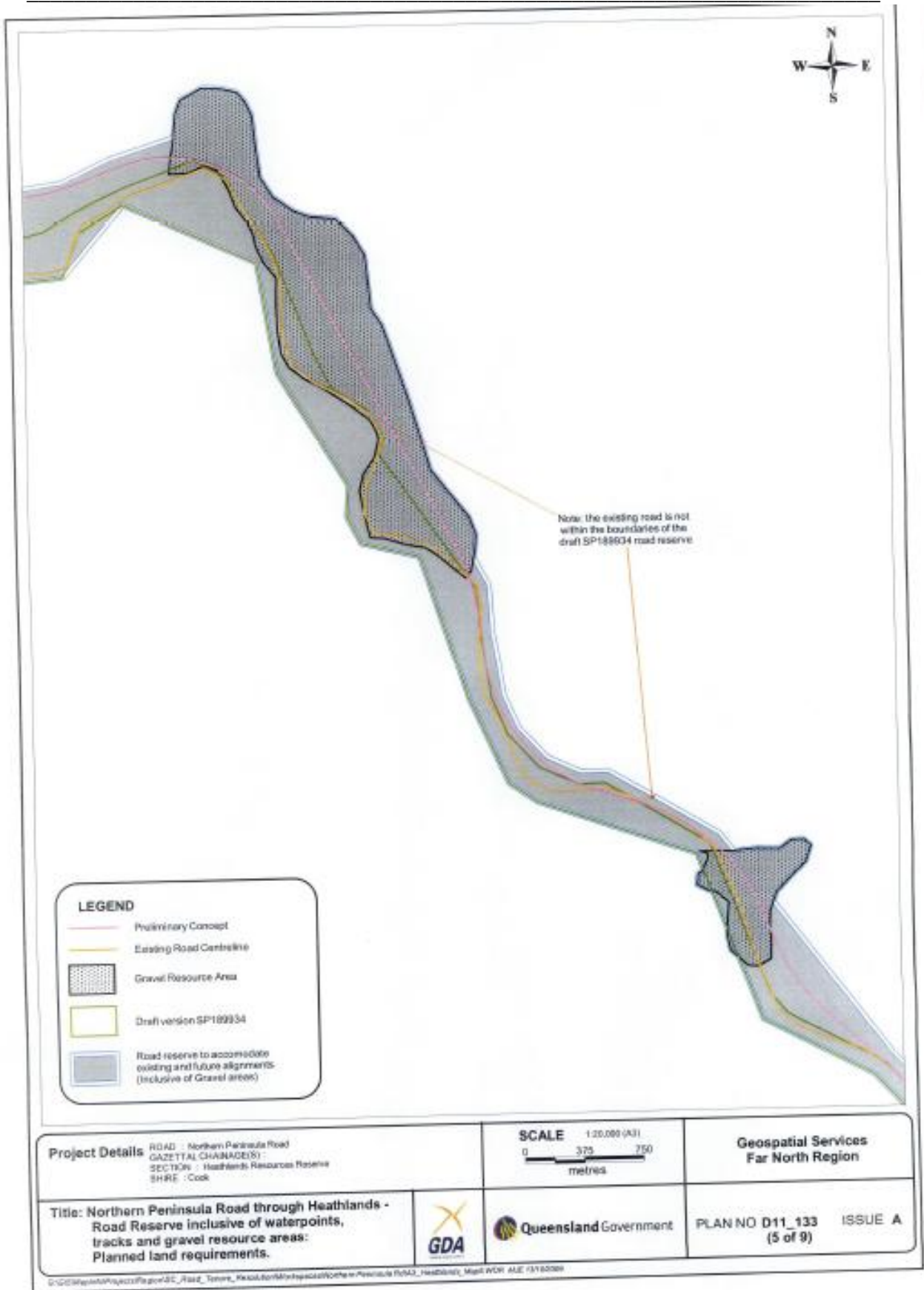


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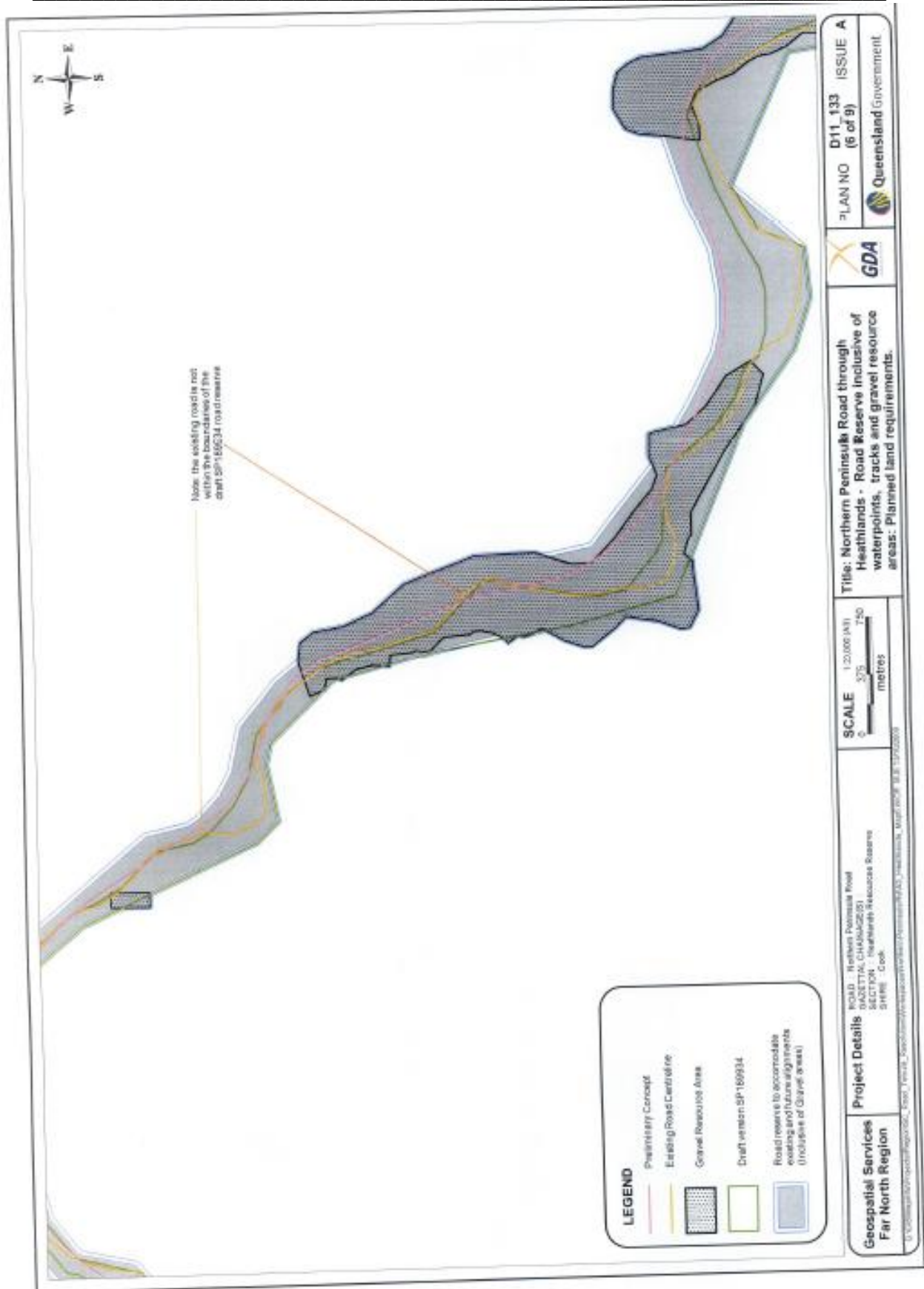
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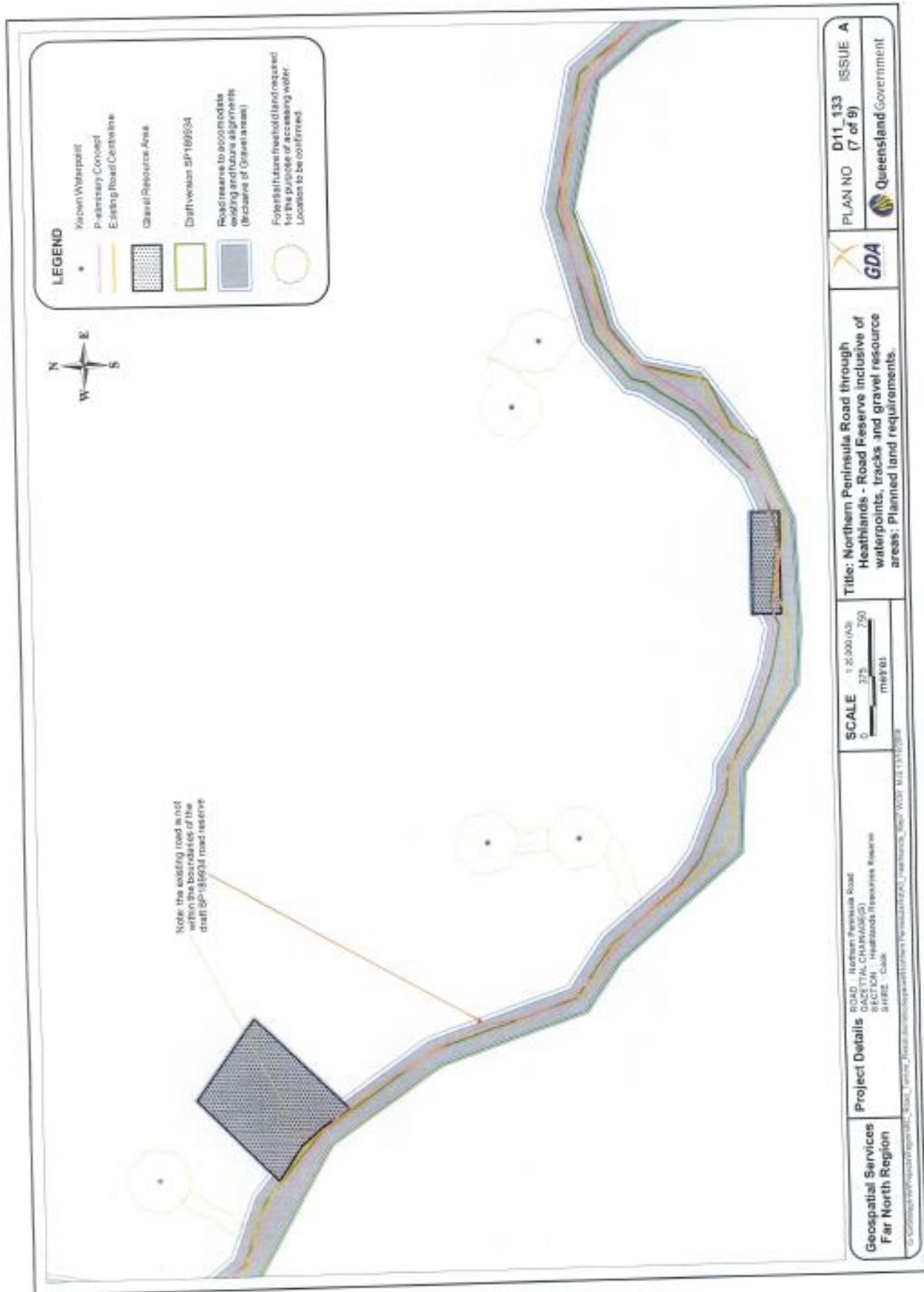


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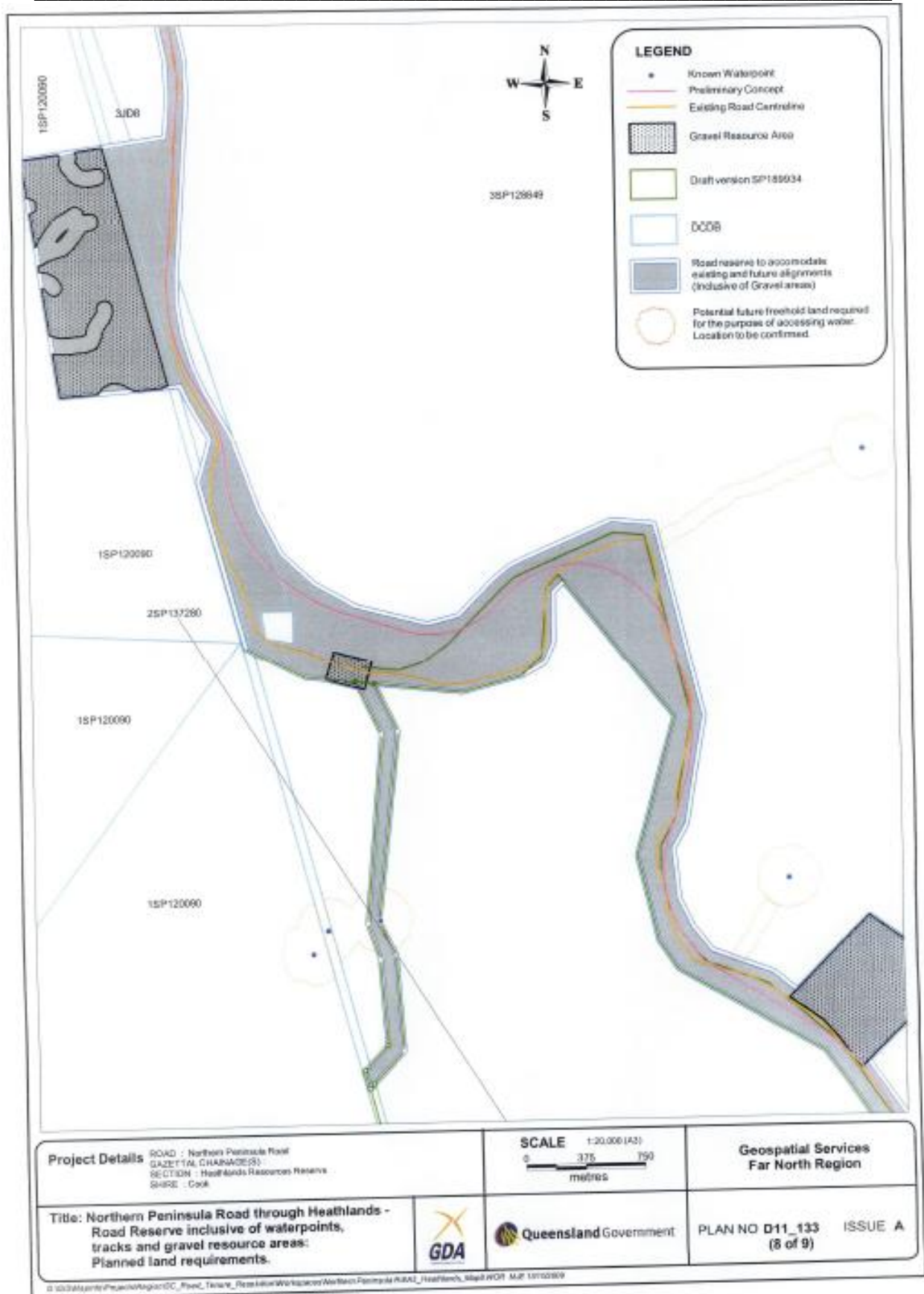


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| | | |
|-------|---|--|
| 30912 | APPLICATION FOR CONVERSION OF TERM LEASE SL14/47742 TO FREEHOLD; BEING LOT 1 ON PLAN SD11; TOWNSHIP OF EBAGoola WITHIN YARRADEN PH (LOT 10 ON PLAN SP113659) - PARISH OF EBAGoola; COUNTY OF SIDMOUTH: | |
| | <i>Report No.D15/370 from Chief Executive Officer File No.2.2.85.60; 2.650.8; 2.650.59 (639)</i> | |

Cr G Shephard moved; seconded Cr A Wilson

That the Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of Term Lease SL14/47742 over Lot 1 on SD11, subject to;

- i. the creation of Reserve for Historical and Recreational Purposes over all areas of Lot 1 on SD11, Lot 5 on E5143 and Lot 16 on AP1551 within the area shown on the Heritage Register Boundary and Features as Ebagooola Battery and Township 601858, plan submitted, in the trusteeship of Cook Shire Council thus ensuring the integrity of the township and its heritage values are conserved.
- ii. dedication of road network on existing alignments providing legal access to existing reserves; continuity of the road network from adjoining properties; providing legal access to the Cemetery Reserve, as shown on submitted plan Ebagooola Proposed Road Openings and Closures, at a width of 60m

At no cost to Council.

CARRIED

Précis

1. Raise no objection to the conversion of lease to freehold subject to reserve created to protect integrity and heritage values of township and road anomalies are dealt with at no cost to Council.

Background/History

2. By letter dated 6 November 2014, the Department of Natural Resources and Mines advised that an application had been received to convert Term Lease SL14/47742 over Lot 1 on SD11 to freehold and requested Council's views including any local non-indigenous cultural heritage values that the Department should consider. See attached SmartMap.
3. The proposed use of the land is Grazing.
4. Council at its March 2013 meeting, vide Resolution No. 30483, resolved inter alia to raise no objection to the renewal of Special Lease 17564085 over Lot 1 on SD11 situated within Lot 10 on SP113659, Yarraden PH for grazing purposes.

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5. Lot 1 SD11 is partially located within the Queensland Heritage Registered Ebagoola Township and Battery.
6. The township site was considered a place of cultural heritage significance by the then Heritage Council as it demonstrated the evolution of mining settlements on the remote Cape York Peninsula, and was permanently entered in the Queensland Heritage Register on 15 May 2006. The attached map shows the Heritage Register Boundary.
7. Within the designated heritage boundary area are several features that are situated within the parcels of Lot 1 on SD11, these are township features, miners hut, scar tree and several workings (mining, alluvial).
8. Once these parcels are converted to freehold most of the area of the Ebagoola Battery and Township including these features would not be legally accessible to the public – the township and its heritage values would be unprotected.
9. Discussion ensued with the Departments case officer, who advised Council that Native Title had been extinguished over Lot 1 on SD11 whilst the two remaining parcels, Lot 5 on E5143 and L16 on AP15551 are State owned – Native Title would have to be dealt with – this may be an issue in light of the recently registered Cape York United No. 1 claim.
10. If Council requires Lot 1 on SD11 parcels within the register boundary area to be set aside as reserve this would be part of the conversion process and would be at no cost to Council.
11. Council, if it so desires, request the Department to create a Reserve for Historical and Recreational Purposes over all areas of Lot 1 on SD11, Lot 5 on E5143 and Lot 16 on AP1551 within the area shown on the Heritage Register Boundary and Features as Ebagoola Battery and Township, in the trusteeship of Cook Shire Council at no cost to Council - thus ensuring the integrity of the township and its heritage values are conserved and public access is continued.
12. Council is the trustee of the several reserves within the township area;

| | |
|---|-------------|
| Park and Recreation Reserve | L9 SP129236 |
| Park and Recreation Reserve (Hospital Purposes) | L8 E5146 |
| School of Arts Reserve R13 | L6 E5141 |
| Cemetery Reserve R3 | L4 E5144 |
| Post and Telegraph Reserve R9 | L7 E5141 |
13. At its May 2013 meeting Council vide Resolution No. 30538, resolved to accept trusteeship of R3 for Cemetery Purposes and requested an area of road to be opened – at no cost to Council – to provide legal access to areas of historical and scenic values.

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14. Engineering advised that there are anomalies with the gazetted roads within Lot 1 on SD11 not connecting with the gazetted roads within L10 SP113659; legal access to existing reserves require dedication on the existing alignment; continuity of the road network from the north requires dedication on the existing alignment, this would also provide legal access to the Cemetery Reserve. See attached Ebagoola Township Road Opening_Closures.

15. Planning and Environment Services advise there are no outstanding issues.

16. The following recommendation is submitted for Councils consideration.

Link to Corporate Plan

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

Consultation

18. Departmental and Internal.

Legal Implications (Statutory, basis, legal risks)

19. Nil.

Policy Implications

20. Nil.

Financial and Resource Implications (Budgetary)

21. Nil.

RECOMMENDATION

That the Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of Term Lease SL14/47742 over Lot 1 on SD11, subject to;

- iii. the creation of Reserve for Historical and Recreational Purposes over all areas of Lot 1 on SD11, Lot 5 on E5143 and Lot 16 on AP1551 within the area shown on the Heritage Register Boundary and Features as Ebagoola Battery and Township 601858, plan submitted, in the trusteeship of Cook Shire Council thus ensuring the integrity of the township and its heritage values are conserved.
- iv. dedication of road network on existing alignments providing legal access to existing reserves; continuity of the road network from adjoining properties; providing legal access

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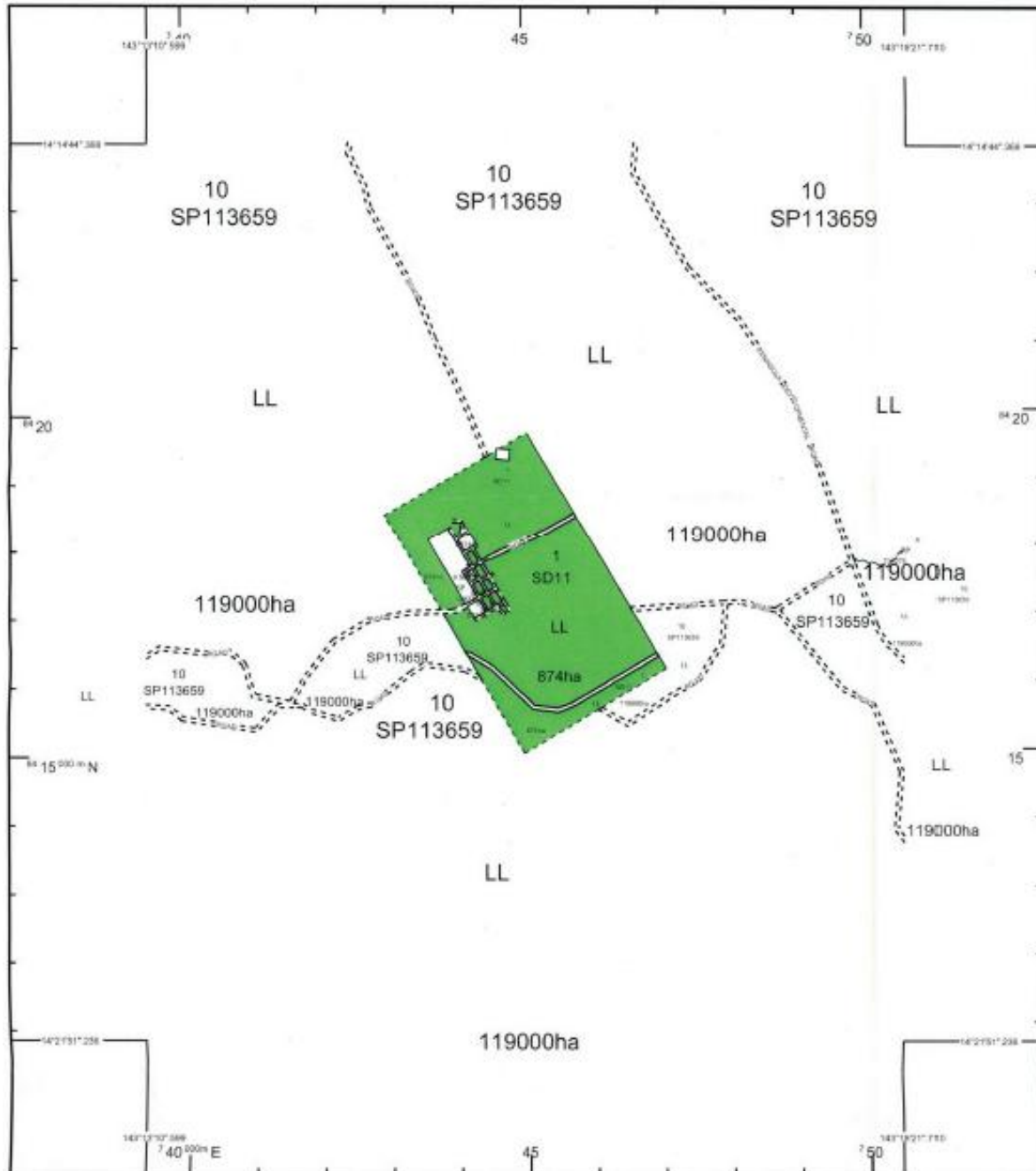
to the Cemetery Reserve, as shown on submitted plan Ebagoola Proposed Road Openings and Closures, at a width of 60m

At no cost to Council.

Att.
SmartMap
Ebagoola Battery & Township 601858
MAP 'A'
Ebagoola Proposed Road Openings and Closures

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STANDARD MAP NUMBER
7569-24432

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

| | |
|------------------|-------------|
| DCDB | 1/SD11 |
| Lot/Plan | 874ha |
| Tenure | LANDS LEASE |
| Local Government | COOK SHIRE |
| Locality | YARRAZEN |
| Parish | ESADODLA |
| County | SIDMOUTH |
| Segment/Parcel | 82768 |

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 06/11/2014

For additional information regarding this SmartMap see page 2.

Shading Rules have been applied.

DCDB: 05/11/2014 (Lots with an area less than 4.00ha 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.

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SmartMap

An External Product of
SmartMap Information Services

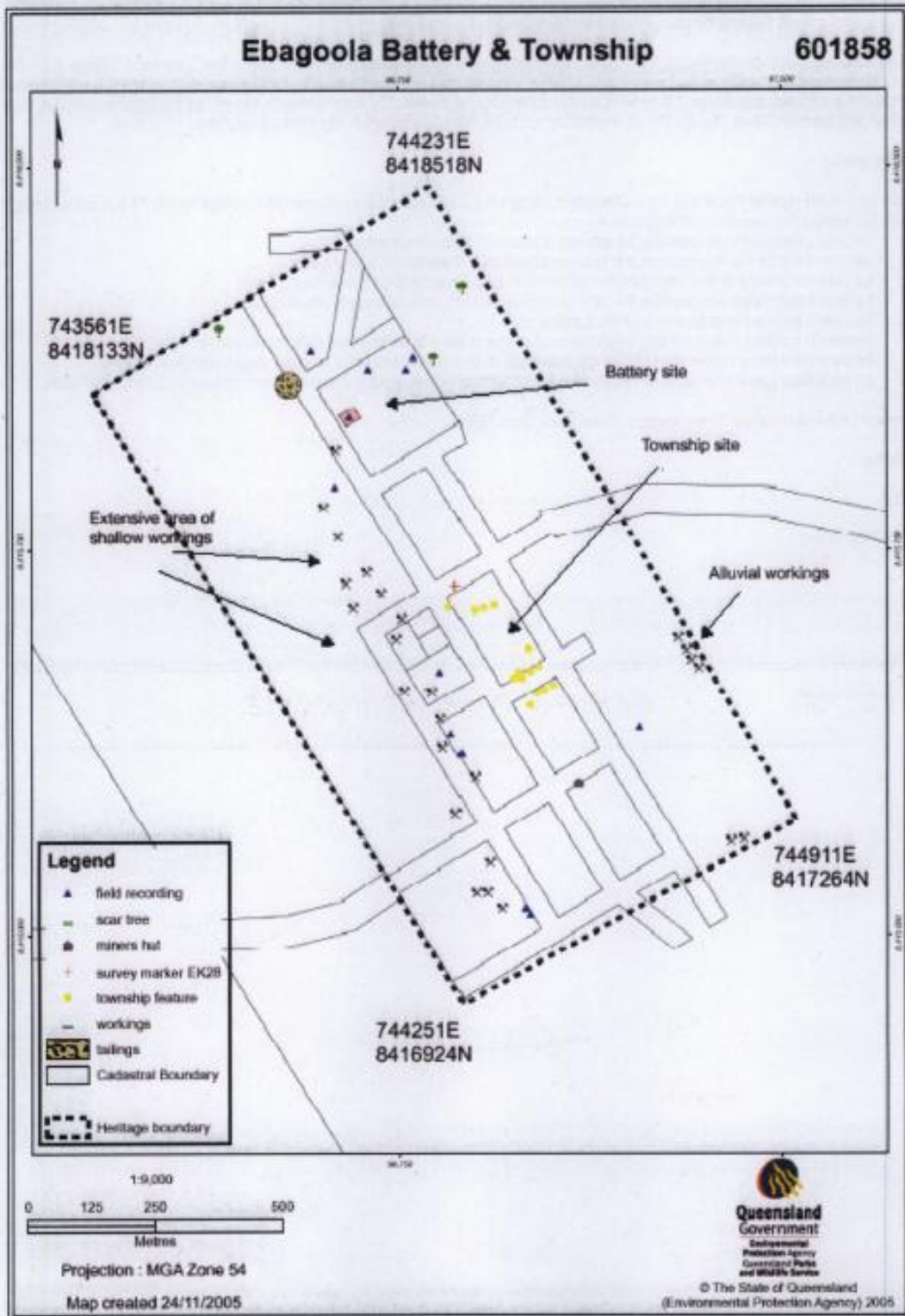
Based upon an extract from the
Digital Cadastral Data Base



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

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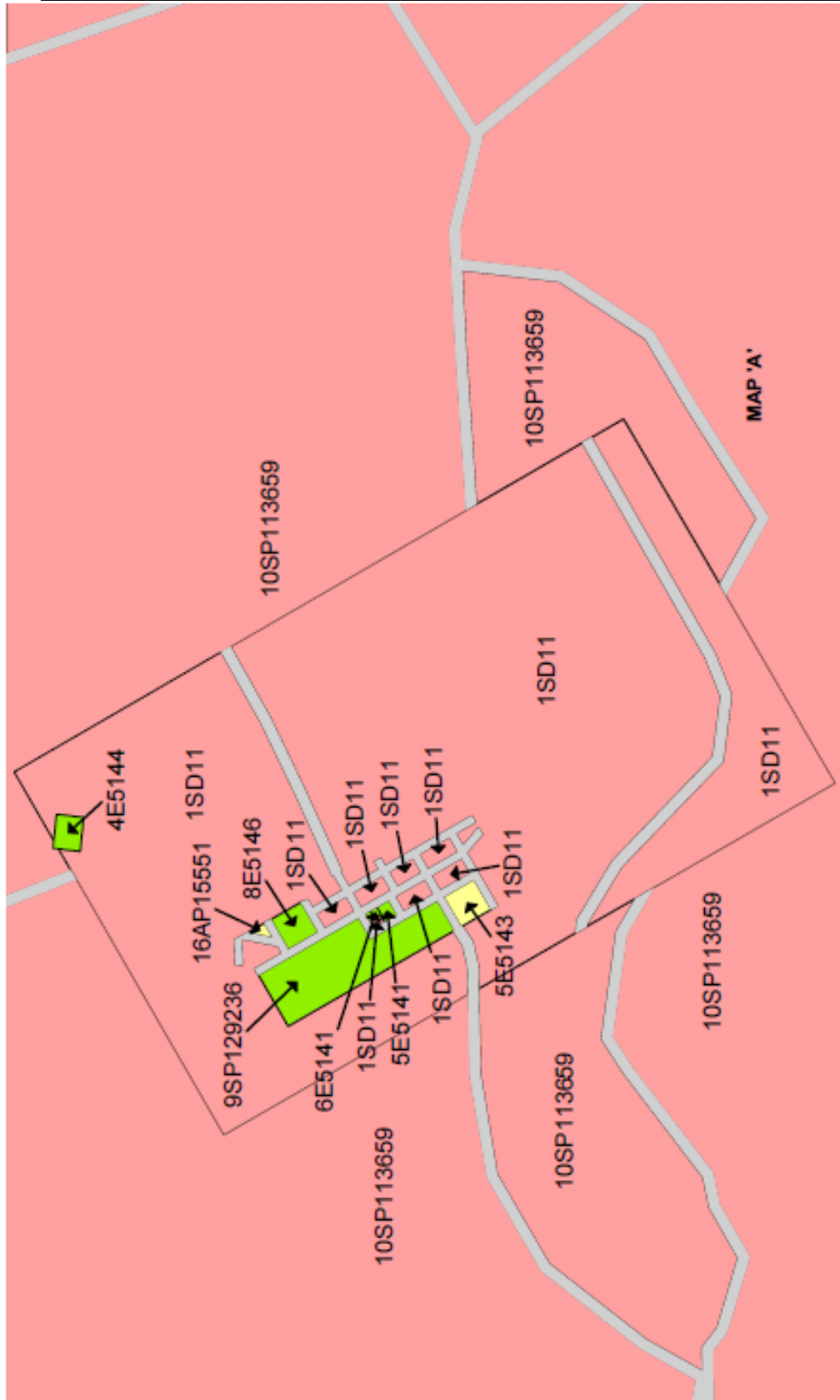
Heritage Register Boundary & Features



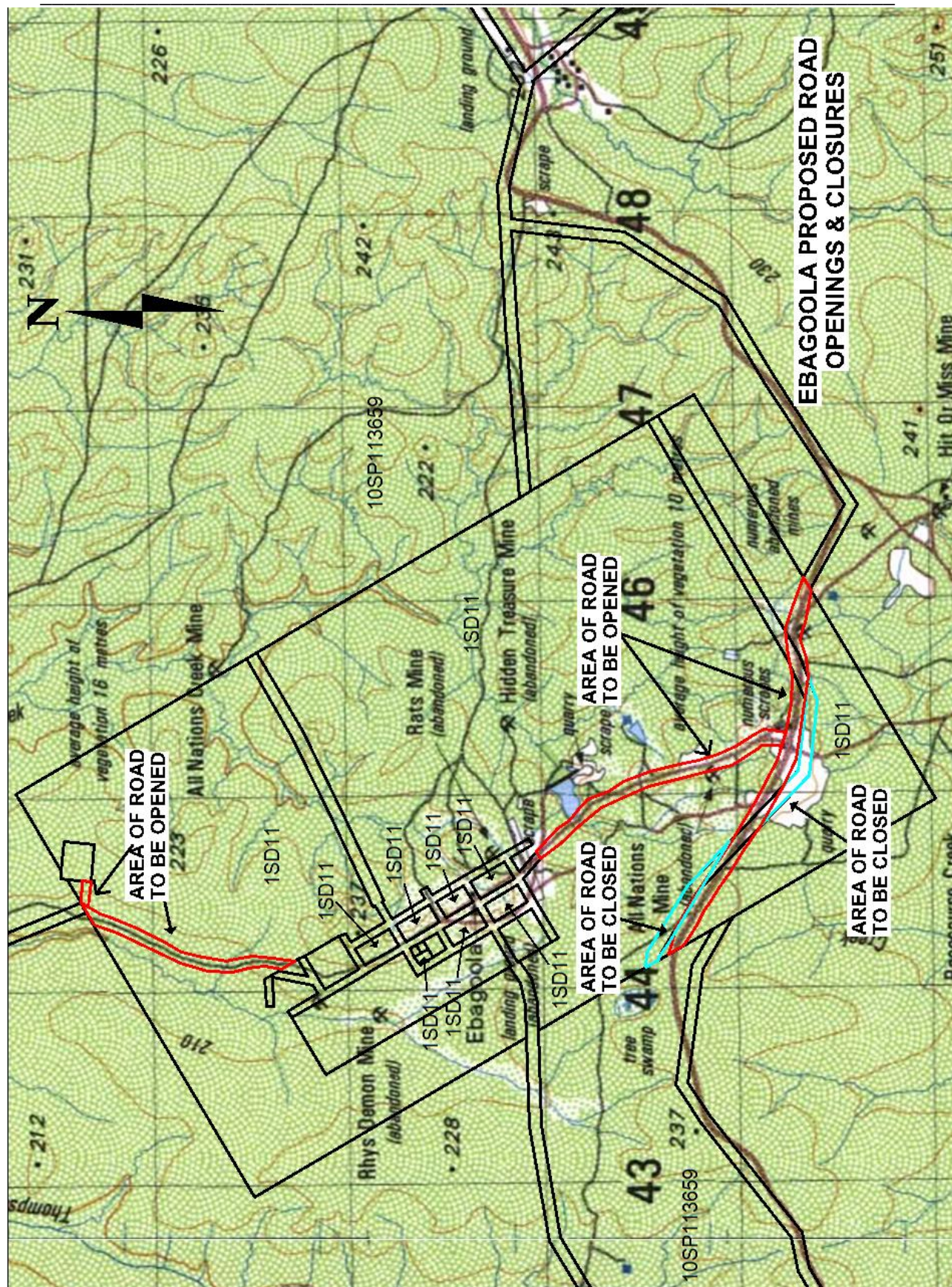
Source for heritage boundary map: ArcView GIS EPA

NB Dotted line denotes extent of Heritage Register Boundary

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The meeting adjourned for lunch at 12.41 pm and resumed at 1.52 pm on 20 January 2015.

The Mayor assumed the chair at 1.52 pm on 20 January 2015

| | | |
|-------|-------------------------------|--|
| 30913 | COMMITTEE OF THE WHOLE | |
|-------|-------------------------------|--|

Cr K Price moved; seconded Cr S Clark

That the meeting resolve into Committee of the While at 1.52 pm on 20 January 2015 to discuss native title issues.

CARRIED

| | | |
|-------|-------------------------------|--|
| 30914 | COMMITTEE OF THE WHOLE | |
|-------|-------------------------------|--|

Cr S Clark moved; seconded Cr P Johnson

That the meeting revert to the ordinary meeting of Council at 2.11 pm on 20 January 2015 after discussions concerning native title.

CARRIED.

| | | |
|-------|---|--|
| 30915 | NEW NATIVE TITLE DETERMINATION APPLICATION (QUD673/2014; QC2014/008) CAPE YORK UNITED NO. 1; VARIOUS PARISHES. | |
| | <i>Report No.D15/298 from Chief Executive Officer File No.2.660.171</i> | |

Cr R Bowman moved; seconded Cr G Shephard

That Preston Law Solicitors be instructed to monitor the Application and to join Council as a party to the proceedings once notification commences.

CARRIED

| | | |
|-------|--|--|
| 30916 | NEW NATIVE TITLE DETERMINATION APPLICATION (QUD392/2014; QC2014/003) ANKAMUTHI PEOPLE #2; VARIOUS PARISHES. | |
| | <i>Report No.D15/297 from Chief Executive Officer File No.2.660.172</i> | |

Cr P Johnson moved; seconded Cr A Wilson

That Preston Law Solicitors be advised that Council has no evidence of any interests within the Native Title Determination Application (QUD392/2014) Ankamuthi People #2 claim area described as part of the Ducie River, and therefore instruct Preston Law not to join Council as a party to the claim.

CARRIED

The Land Tenure Officer left the meeting at 2.00 pm on 20 January 2015

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Acting Director Economic Development and Community Services, Kimberley Sullivan, in attendance.

ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

| | | |
|-------|---|--|
| 30917 | ECONOMIC DEVELOPMENT MARKETING STRATEGY | |
| | <i>Report No.D15/363 from Director Economic Development and Community Services.</i> | |

Cr R Bowman moved; seconded Cr K Price

Council endorse and adopt the Economic Development Marketing Strategy.

CARRIED

Précis

Endorsement and adoption of Council's Economic Development Marketing Strategy

Background/History

The introduction of an economic development function to Council's operational structure in 2013 was a direct result of a vision to 'develop a mature and diversified economy based upon competitive business practices, a highly skilled and dynamic workforce and infrastructure which meets the needs of a wide-ranging and growing population' – as quoted in the 2013 – 2015 Cook Shire Council Economic Development Plan.

To deliver these messages to public and private stakeholders, Council's media and marketing capabilities have been strengthened through the appointment of a Manager of Marketing and Communications, Media and Communications Officer and budget allocation.

Providing a clear direction of how to support Council's economic development goals and social objectives through marketing and media opportunities, a draft Economic Development Marketing Strategy has been developed by consultancy firm One Fell Swoop in collaboration with Council's Economic Development and Community Services team.

With this strategy in place, Council hopes to provide a clear, consistent, professional and structured approach to all marketing and communications. Developing our brand and defining our product is important, before we can look at how to use best practice management of Council resources to achieve our goals.

The strategy outlines a number of strategic and operational activities to be undertaken over the next three years with new and innovative marketing tools investigated, defined and prioritised.

Link to Corporate Plan

Leadership and Governance

4.1.3 b) Review Council's community strategy for strategic and operational activities

Economic Wellbeing

4.7.1 a) Advocate and support economic wellbeing

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Consultation

Various local and regional stakeholders as outlined in the draft Economic Development Marketing Strategy

Legal Implications (Statutory, basis, legal risks)

Nil

Policy Implications

Nil

Financial and Resource Implications (Budgetary)

Nil

RECOMMENDATION

Council endorse and adopt the Economic Development Marketing Strategy

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| | | |
|-------|--|--|
| 30918 | COEN ADVISORY COMMITTEE - MINUTES | |
| | <i>Report from Acting Director Economic Development and Community Service.</i> | |

Cr R Bowman moved; seconded Cr S Clark

That Council receive the minutes of the Coen Advisory Committee meeting of 8 December 2014.

CARRIED.

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Meeting details:

| | |
|----------------------------------|---|
| Meeting title/group name: | Coen Advisory Committee |
| Date: | December 8, 2014 |
| Start time: | 5.40pm |
| End time: | 6.25pm |
| Venue: | Town Hall, Coen |
| Chairperson: | Cr Glen Sheppard |
| Objective: | Group to provide advice and recommendations to Cook Shire Council regarding local government issues around the town and district of Coen |
| Membership: | 1 Councillor representative (Chair) 1 Representative QPS 1 Representative Education 1 Representative Health 1 Representative DAFF 1 Representative Coen Regional Aboriginal Corporation Board 1 Representative Community 5 Representatives (one for each) Aboriginal Land Trusts |

Attendees:

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| Name | Representing |
|---------------------|-------------------------------------|
| Cr Glen Shephard | Cook Shire Council |
| Gail Clark | Cape York Heritage House |
| Karen Nicolaou | Cook Shire Council |
| Sally Eales | Cook Shire Council |
| Kate Eastick | Cook Shire Council |
| Kimberley Sullivan | Cook Shire Council |
| Barry Mulley | Exchange Hotel |
| Mathew Maloney | Queensland Police Service |
| Ann-Louise Mulley | Exchange Hotel |
| Dave Foster (guest) | Dept. of Prime Minister and Cabinet |

Apologies:

| Name | Representing |
|-----------------|------------------------|
| Alison Liddy | Lama Lama Land Trust |
| Scott Templeton | Coen Inspection Centre |
| Rachel Nowlan | Exchange Hotel |
| Jodi Hamilton | Community |

It should be noted that a quorum could not be reached for this meeting, however due to the time between meetings and the topics requiring discussion and updates to the community, it was decided to go ahead and carry over any recommendations to the next meeting in early 2015.

| Item no. | Item | Actions | Person responsible |
|-----------------|--|---|---------------------------|
| 1. | Welcome / Acknowledgements | | Chair |
| 2. | Minutes of the previous meeting: Moved - Matt Moloney, Seconded - Gail Clark | To be formally ratified at the next meeting | Chair |
| 3. | Sporting Precinct - Amenities block | Awaiting | KN |

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| | | | |
|----|---|--|------------|
| | Sport and Rec Queensland application was unsuccessful, however Cr Shephard contacted Council officers with the news of potentially suitable amenities block for sale at Annie River and subsequent approval by Council has lead to the purchase of this building. The building will be collected by Council and brought to Cooktown for refurbishment before being taken up to Coen and installed after the wet season. | collection of the amenities block for refurbishment in Cooktown | |
| 4. | Information bay and Coen entry statement Discussions were had around the need for a local chamber of commerce or similar organisation who can take the lead with projects like this. Ann-Louise and Gail will speak to some of the local businesses to gauge their interest. | Ongoing | KS, GC, AM |
| 5. | Town fire breaks Derick Hicks (QPS) issues fire permits in Coen. Community members would like to see a more formal fire management plan for public areas. | Ongoing | KS |
| 6. | Drainage Issues To assist with the issues around problem drainage spots and flooding on residential properties, Gail and Peter Clark will take photos this wet season. | Ongoing | KS, GC |
| 7. | Cape York Heritage House Council officers working towards a solution regarding staffing and operations, particularly during the tourist season. Barry mentioned that the order for the paint for the stairs has come through so expect this should be completed soon. Gail expressed her disappointment at the state of the garden beds and requested that the local Council staff improve the level of maintenance. | Look into staffing and management during peak and off-peak seasons Look into garden maintenance | KS, KE, SE |
| 8. | Vet visits | Ongoing | ML, Cr |

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| | | | |
|-----|---|---|----------------|
| | No update at this time | | Johnson |
| 9. | ANZAC Centenary funding Council officers spoke about what is required from the community to proceed. Gail will research the names of service men and women from the Coen area. Barry will look at a design and map for placement of the proposed monument and flag. | Liaise on details of the projects for Coen | KN, JH, GC, BM |
| 10. | Road safety funding Council officers spoke about the funding currently available for road safety projects. Suggestion for a pedestrian crossing across the PDR. | Any proposals to be sent to Council | KN |
| 11. | Guest - David Foster, Dept. of Prime Minister and Cabinet David spoke about the Indigenous Advancement Strategy (IAS) funding which has a new closing date of March 15, 2015. | | |
| 12. | Land availability Ann-Louise would like Council to look into where land can be made available for growth and development in and around Coen. Businesses cannot grow - new families to town cannot build. | Investigate how Council can support or facilitate land availability | KS |
| 13. | Matt Moloney (QPS) stated that this would be his last meeting due to his family leaving Coen and moving to Cairns. Matt expressed his thanks to Cook Shire Council, the group and to the Coen community for their support during his time here. Everyone wished Matt and his family well. | | |
| 11. | Next meeting TBA | | KS |

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CORPORATE SERVICES

FINANCE

| | | |
|-------|--|--|
| 30919 | REVENUE AND EXPENDITURE – DECEMBER 2014 | |
|-------|--|--|

Cr A Wilson moved; seconded Cr R Bowman

That the Revenue and Expenditure Statements for December 2014 be adopted

CARRIED

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ADMINISTRATION

| | | |
|-------|--|--|
| 30920 | NORTH QUEENSLAND LOCAL GOVERNMENT ASSOCIATION – 2015 CONFERENCE | |
| | <i>Report No.D15/292 from Chief Executive Officer</i> | |

Cr P Johnson moved; seconded Cr G Shephard

That Councillors P Johnson and A Wilson be nominated as delegates to the North Queensland Local Government Association Conference 2015 to be held at Palm Island.

CARRIED.

Précis

Selection of delegates and/or observers to attend the North Queensland Local Government Association conference.

Background/History

The North Queensland Local Government Conference will be held at Palm Island from the 3rd – 5th August 2015. Names of delegates and observers are not required by the association until May of this year; however, Palm Island Aboriginal Shire Council has requested they be advised of numbers of delegates and observers who will be attending the conference for the purpose of booking accommodation.

Motions for consideration at the Conference will be called for in May 2015

Link to Corporate Plan

Consultation

Nil

Legal Implications (Statutory, basis, legal risks)

Nil

Policy Implications

Nil

Financial and Resource Implications (Budgetary)/Risk Assessment

Conference fees, travel and accommodation expenses.

RECOMMENDATION

That Councillors.....

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| | | |
|-------|---|--|
| 30921 | DELEGATION OF POWER TO NEGOTIATE - | |
| | <i>Report No.D15/329 from Chief Executive Officer</i> | |

Cr P Johnson moved; seconded Cr R Bowman

That the Chief Executive Officer be delegated to, if the reserve price is not reached at the auction for the undermentioned properties, enter into negotiations with the highest bidder as provided for in section 143(2) of the *Local Government Regulation 2012*.

| Assessment | Real Property Description |
|-------------------|---|
| 10003945 | Lot 10 on RP 851380 |
| 10004927 | Lot 421 C 1791 |
| 10010601 | Lot 16 on C 17971 |
| 10011435 | Lot 8 – 9 on C 179110, Lot 7 on C 17919, Lot 10 – 11 on RP713552 |
| 10019792 | Lot 2 on RP 867052 |
| 10022663 | Lot 1 on RP 729990 |
| 10023919 | Lot 3384 on SP 182311, Lot 3385 on CP 890152 |

CARRIED

Précis

Delegation to the Chief Executive Officer to enter into negotiations.

Background/History

Council is in the process of proceeding to auction the below mentioned properties for arrears of rates and charges for more than three years. It is expected that the auctions will take place during February 2015.

Section 143(2) of the *Local Government Regulation 2012* provides that, if the reserve price is not reached at the auction, the local government may enter into negotiations with the highest bidder at the auction to sell the land by agreement.

If, on the day of the auction, the reserve price for any or all of the properties is not reached it would be impractical for the “local government” to enter into negotiation. Therefore, a delegation to the Chief Executive Office to do so is requested.

| Assessment | Real Property Description |
|-------------------|--|
| 10003945 | Lot 10 on RP 851380 |
| 10004927 | Lot 421 C 1791 |
| 10010601 | Lot 16 on C 17971 |
| 10011435 | Lot 8 – 9 on C 179110, Lot 7 on C 17919, |

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| | |
|----------|--|
| | Lot 10 – 11 on RP713552 |
| 10019792 | Lot 2 on RP 867052 |
| 10022663 | Lot 1 on RP 729990 |
| 10023919 | Lot 3384 on SP 182311, Lot 3385 on CP 890152 |

Link to Corporate Plan

Legislation

Consultation

Nil

Legal Implications (Statutory, basis, legal risks)

Local Government Act, 2009 and Local Government Regulation 2012

Policy Implications

Nil

Financial and Resource Implications (Budgetary)/Risk Assessment

Nil

RECOMMENDATION

That the Chief Executive Officer be delegated to, if the reserve price is not reached at the auction for the undermentioned properties, enter into negotiations with the highest bidder as provided for in section 143(2) of the *Local Government Regulation 2012*.

| Assessment | Real Property Description |
|-------------------|--|
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| 10023919 | Lot 3384 on SP 182311, Lot 3385 on CP 890152 |

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| TRAFFIC COUNTER FIGURES | | | | | | | | | | | | | |
|--|-----------|-----------|-----------|-----------|---------------------------|------|------|------|------|------------------|------|------|------|
| | DEC | JAN | FEB | MARCH | APRIL | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC |
| | 2013 | | | | | | | | | | | | 2014 |
| <u>M.R.D. GAZETTALS</u> | | | | | | | | | | | | | |
| PENINSULAR DEVELOPMENTAL ROAD | | | | | | | | | | | | | |
| Little Laura River | *** | *** | *** | 32 | 88 | 477 | 429 | 518 | 430 | 433 | 344 | 272 | 222 |
| Musgrave | 10 | 10 | 10 | 10 | 57 | 133 | 251 | 359 | 321 | 236 | 236 | 153 | 121 |
| Coen Aerodrome D.P.I. | 17 | 5 | 2 | 2 | 26 | 117 | 208 | 282 | 227 | 203 | 143 | N/A | N/A |
| | | | | | | | | | | | | | |
| MULLIGAN HIGHWAY | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Town Grid | *** | *** | 1138 | 1224 | 1358 | 1624 | 2088 | 2263 | 2055 | 1876 | 1876 | 1620 | 1132 |
| Little Annan Bitumen | *** | 340 | 340 | 400 | 373 | 598 | 597 | 748 | 723 | *** | *** | 557 | 679 |
| | | | | | | | | | | | | | |
| ENDEAVOUR VALLEY ROAD | | | | | | | | | | | | | |
| Endeavour Falls | 269 | 368 | 368 | 331 | 435 | 378 | 402 | 499 | 475 | 484 | 484 | 388 | 282 |
| | | | | | | | | | | | | | |
| <u>COOK SHIRE COUNCIL ROADS</u> | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Moreton | 17 | 6 | 0 | 1 | 22 | 44 | 143 | 226 | 155 | 142 | 89 | 21 | 36 |
| Portland Roads Road | 26 | 23 | 18 | 19 | 22 | 43 | 69 | 110 | 80 | Counter Burnt | N/A | N/A | 49 |
| Battlecamp Road [Old Laura Stn] | N/A | N/A | N/A | N/A | N/A | *** | N/A | 90 | 57 | 43 | 23 | 18 | 8 |
| Lakefield Rd (Olivevale) | 29 | 8 | *** | 6 | 12 | 56 | 142 | 201 | 139 | 133 | 115 | 65 | 49 |
| Lakefield Road [New Laura Stn] | 7 | 5 | 1 | 4 | 4 | 30 | ** | 152 | 116 | 117 | 163 | 28 | 20 |
| Marina Plains Road | 3 | 3 | 3 | 3 | 21 | 22 | 32 | *** | *** | 33 | 33 | 54 | 75 |
| Rossville-Bloomfield Road [Blackpinch] | Roadworks | Roadworks | Roadworks | Roadworks | Counter Reinstat ed | *** | *** | *** | 365 | *** | *** | 308 | 338 |

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| | | | | | | | | | | | | | |
|---|--|------|------|------|------|------|------|---------|---------|---------|---------|---------|---------|
| Rossville-Bloomfield Road [Willie Creek] | 258 | 197 | 204 | 191 | 208 | 231 | 305 | 408 | 327 | 296 | 296 | *** | 376 |
| Rossville-Bloomfield Road [Granite Creek] | 272 | 122 | 178 | 121 | *** | 188 | 352 | 456 | 397 | 333 | 333 | 392 | 1116** |
| Honey Dam Rd | | | | | | | | | | | N/A | 112 | 89 |
| Byerstown Lookout | 51 | 36 | 36 | 46 | 70 | 146 | 195 | 256 | 148 | 86 | 86 | 57 | *** |
| Whites Creek Rd | | | | | | | | | 27 | 21 | 18 | 20 | 26 |
| Poison Ck Rd [Minke Rd Intersection] | *** | 217 | 217 | *** | 334 | 240 | 283 | 202 | *** | * | * | 283 | 219 |
| Poison Ck Rd [500m West of Minke Rd Intersection] | 135 | 96 | 123 | | * | * | * | REMOVED | REMOVED | REMOVED | REMOVED | REMOVED | REMOVED |
| Railway Avenue East [Minke Rd Intersection] | 77 | 87 | 87 | 64 | **** | 74 | 92 | 102 | 84 | REMOVED | REMOVED | REMOVED | REMOVED |
| Isabella - Mc Ivor Rd | | | N/A | 10 | 19 | 23 | 25 | 39 | 35 | 41 | 45 | REMOVED | REMOVED |
| Charlotte Street (Seaview Motel) | 2567 | 2540 | 2540 | 2507 | 2671 | 2688 | 2695 | 2888 | 2508 | 2435 | 2435 | 2175 | 2091 |
| | | | | | | | | | | | | | |
| | <p>These figures are Average Daily Traffic counts.</p> <p>On 5/09/14 the Portland Rds counter was moved to the west of the Lockhart Township intersection</p> <p>Later in Sept the Portland Rds counter was burnt in a bushfire.</p> <p>It was replaced with a new counter on 2/12/14.</p> <p>Hose at Byerstown lookout missing (stolen/vandalism?) as at 5/1/15</p> | | | | | | | | | | | | |
| **** Hose moved from road by mtnc gang. | | | | | | | | | | | | | |
| *** Hose Damaged | | | | | | | | | | | | | |
| ** Reading Suspect | | | | | | | | | | | | | |
| * Counter Defective | | | | | | | | | | | | | |