

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at the  
Administration Centre, 10 Furneaux Street, Cooktown  
16-17-18 February 2015**

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**ATTENDANCE:**

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

**MEETING OPENED**

The Mayor, Cr PH Scott declared the meeting open at 9.00 am on 17 February 2015

**APOLOGIES:**

Cr G Shephard

**NOTICE OF BEREAVEMENT:**

Advice has been received of the passing of Rowena Whipper, Joanne McMillan, Sheamani Harrigan.

As a mark of respect one minute silence was observed.

**CONFIRMATION OF MINUTES**

30922	<b>CONFIRMATION OF MINUTES OF ORDINARY MEETING</b>
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Cr A Wilson moved; seconded Cr P Johnson  
That the minutes of the Ordinary Meeting of 19-20-21 January 2015 be confirmed  
CARRIED

**BUSINESS ARISING:**

Nil

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Councillors' Reports

Cr P Johnson

<b>Date</b>	<b>Type / purpose</b>	<b>Who /where</b>	<b>Action</b>
22/1 ( morning)	Northern Gulf Resource Management Group	Board, CEO & Ops manager + staff, Mareeba office & on phone	Organisational Structure, separation of charity & NRM entities; update on projects & funding; ToR for FAC
22/1 ( afternoon)	Nth Qld Local Govt Assoc	Executive Teleconference	Update on Annual Conference- Palm Island ASC hosting- plans well underway, excellent range of topics and speakers; Updates from member Councils, Presidents report, financial reports.
23/1	State Library QLD	Ross Duncan( executive Manager Regional Relationships, SLQ Brisbane) by ph-Update on activities and possible meeting in Cooktown;	Follow up with Ross SLQ (LGAQ Mackay conference contact)
30/1	Jabalbinna Corporation	Meet new CEO Jim Turnour & IPA manager, Rowan Shee, Mayors Office	Maintain contact.
3/2	Interim CEO	Councillors & CEO Bruce Davidson Council Chambers	Short term contract, arrangements, aims & outcomes
3/2	Waterfront Advisory Committee	Councillors , CEO& relevant team; Council Chambers	Update on project, Project management
3/2	Economic Development Projects	Councillors , CEO& relevant team; Council Chambers	Update on current projects, Future Project – potential & considerations
4/2	Oaktree Retirement	Councillors , CEO; discuss Oaktree business models, home design & development layout;need for such a development, considerations, benefits- socially, economically,; land & infrastructure requirements- Council Chambers	Oaktree to do research & get back to Council

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4/2	Employment & Training	Council, DATSIMA, Gungarde, EQ, CY Family Centre, My Pathway, Holy Spirit College, Discuss Community needs, opportunities & relevant activities by each organization in attendance	Receive minutes -My Pathway – coordinate Employment, Trades & Careers expo June 24( tbc)
6/2	Tool Box meeting- Depot	Staff, Mayor & CEO	Input from staff to be received by CEO
6/2	Northern Gulf RMG & Gulf Horizons Foundation- finance & Audit Committee teleconference	Joe Lockyer( Industry rep) Mark Rudd( Community Shares, Accountant) self( Vice Chair NGRMG & Chair FAC)	Receive & review financial docs relating to NGRMG & GHF activities; present meeting notes to board & members 9 & 10 Feb at meetings
9/2	Northern Gulf RMG & Gulf Horizons Foundation-	Board meeting + CEO Neill Newton & company secretary Norelle Ryan; Ops Manager( Dr.Richard Musgrove) Mareeba	Director updates, Company activities, financial management, project updates and future planning
10/2	Northern Gulf RMG & Gulf Horizons Foundation-	Open meeting NGRMG & GHF; organization project updates;; Dimbulah Bowls Club	Member updates, project overviews &, future activities- funding dependant; Board members reports; CEO report, Ops Manager report
11/2 ( morning)	NGRMG & Cape York NRM- combined board meeting & signing of MOU	Cape York NRM Board, CEO & staff with NGRMG board, CEO & Ops Manager; Web developer John Brisbin; Cape York NRM office CSIRO building Atherton	Introduction of attendees, organizational overviews & projects, intent, development & signing of MOU
11/2 (afternoon)	Cape York NRM - Board governance with CEO	Cape York NRM Board, CEO Cape York NRM office CSIRO building Atherton	Receive AICD package & Cape York NRM Directors Manual
12/2	Financial reporting – format, board requests & presentation	NGRMG Finance officer & Ops Manager, NGRMG office Mareeba	Follow up with CEO, Finance officer & board

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

<b>Date</b>	<b>Type / purpose</b>	<b>Who /where</b>	<b>Action</b>
30/1	Bendigo Bank	Community, Bendigo Bank reps & Council; Bowls Club meeting room	Receive information; follow up potential board members from Ravenshoe & Mt Surprise for their banks over there through NGRMG & SGL contacts

**Constituent Representation/Meetings**

<b>Date</b>	<b>Phone calls/ Discussions/ meeting</b>	<b>Letters/emails minutes</b>	<b>Action</b>
28/1	Local operator	Access to WTS	Liased with Waste Co-ordinator
30/1	Local landholder	Development considerations for residential developments in rural locations	Referred to P&E and ED& CS Director
		CSG – receive information	Read, discuss
	Local business owner	Wheelie bins on main st	Customer request sent to mail@cook-Referred to P&E; outcome- advised temporary arrangement while new housing on order

**Other**

Best Job in the World Winner Greg Snell- sent a trailer of his travelogue/ doco made about local area- focus on Indigenous businesses; see <http://travelglobalthinklocal.com/> shared with network & CSC Tourism Officer – project is seeking cloud funding support via <https://www.kickstarter.com/projects/368374715/travel-global-think-local>

**Future activities:**

February

16 AICD governance tool- training

16-18 Council meetings; EBA workshop; CEO recruitment process session

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25/ 26 Regen Ag- Joel Salatin workshops – regenerative farming- CSC supporting community reps to participate. <http://regenag.com/web/upcoming-courses.html>

**March**

1<sup>st</sup> Lakeland Progress Association – launch & BBQ  
 2<sup>nd</sup> 2020 planning meeting  
 3<sup>rd</sup> CSC Economic Development meeting  
 4<sup>th</sup> Cape York LMAC- Council Chambers  
 6 NGRMG FAC; International Womens Day luncheon  
 16 NQLGA pre conference Site inspection – Palm Island  
 16-18 Council meetings  
 18 NRM Chairs forum  
 24-26 Cape York NRM Board meeting Cairns/ Atherton  
 26 AgForce Multi Topic day - Laura

Cr S Clark

**Meetings**

DATE	TYPE	PURPOSE	WHERE	
19/1 – 21/1/15	Cook Shire	Monthly Meeting	Chambers	
23/1/15	Cook Shire	Meeting MP Aboriginal Affairs	Chambers	
3/2/15	Cook Shire	Economic Development	Chambers	
4/2/15	Cook Shire	Oak Tree Retirement	Chambers	

Cr A Wilson

30<sup>th</sup> Jan Attended Conscious Camping and Thoughtful Travelling Working Group Meeting held at Council Chambers. Discussed a broader overview on issues re what is achievable ? Relevant points: Theme activities partners timeframe, where are the resources already in place. Communicate with groups further up the Cape. Develop main issues . Where is the financial support coming from?. Who is our target audience.? These questions were discussed.

2<sup>th</sup> Feb, Tele conference with LAWMAC Executive discussed February General Meeting.

3<sup>th</sup> Feb, Attended ED meeting at Council Chambers.

3<sup>th</sup> Feb Attended Lakeland Progress Association Meeting gave an update on items relevant to Cook Shire. Organised date for promotion of the Associations Program for the Town and Regional Area and to attract more members to the Association this is to take

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place at the Lakeland Hotel at 3pm on Sunday the 1<sup>st</sup> March,2015, involving a sausage sizzle and refreshments.

5<sup>th</sup> Feb Travelled to Lakeland to assist in locating and marking corner pegs of Sports Reserve to allow clearing of area to commence.

12<sup>th</sup> Feb Attended Laura Inter-agency Working Group meeting discussed 2015 Laura Dance Festival. AACAP 2016 program for Laura Town .

1. Waste water treatment.
2. Construction of a training facility.
3. Construction of House or Duplex for Ang-gnarra Corporation.
4. New Footpath along CYPDR.
5. Roof over Town Basketball Court Complex.

Also discussed the problem of unattended Children roaming streets late at night and causing damage to buildings and town facilities. Suggested a public meeting be called with relevant Parents to discuss the issue.

Cr K Price

**Meetings**

<b>Date</b>	<b>Type / purpose</b>	<b>Who /where</b>
19-20 January	Ordinary Council Meeting - January	
21 January	NBN – Situational Analysis Meeting - Chamber	
22 January	Home for Good – initial consultations – for action 20 April 2015	
23 January	RADF Meeting	
23 January	Senator Nigel Scullion – general Cape York/Cook Shire discussions	
26 January	Cook Shire Australia Day Event at Event Centre	
3 February	Waterfront Advisory Committee Meeting	
3 February	Economic Development Meeting	
4 February	Oak Tree Retirement Village Meeting	
6 February	RADF Assessment Meeting	
11 February	Local Disaster Management Group Meeting	
12 February	Laura Interagency Meeting discussion about 2016 Army priorities (ACAP), new AnggNarra management and Dance Festival	

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

<b>Date</b>	<b>Type / purpose</b>	<b>Who /where</b>
25 January	Dinner with Mr Ron and Mrs Gitie House – Cooktown Australia Day Ambassador	



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**Constituent Representation/Meetings**

<b>Date</b>	<b>Phone calls/ discussions</b>	<b>Letters/ minutes</b>	<b>Councilor requests</b>
	On-going issues with Rubbish Dump hours for commercial operators		
	Re: Event Centre and importance of maintaining Cyclone Shelter capability		
	Thanks to Council for Jensen's Crossing Bridge		

South Cape York Catchment Meeting – 19<sup>th</sup> February  
Sheffield Tidy Town coming up last weekend in February.

Cr R Bowman

**Meetings**

<b>Date</b>	<b>Type / purpose</b>	<b>Who /where</b>
	General Council Meeting	
	Waterfront Meeting /EDM	
	CDCC Board Meeting	
	Bendigo Bank presentation	

**Constituent Representation/Meetings**

<b>Date</b>	<b>Phone calls/ Discussions</b>	<b>Letters/ Minutes</b>
	Discussion re access for commercial operators re green waste	
	Queries re Webber esplanade lease	
	Fuel over wharf (anti from commercial business )	
	Working with commercial fleet with wharf upgrade	

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Mayor

Date		Meeting	Issues /outcome
22/1/15	CDCC	Home For Good survey	CDCC lead agency
23/1/15	PCYC Chambers	FISH workshop with State School Sen Nigel Scullion Fed Indig Affairs minister	Positive workplace  CSC Indigenous Issues Funding, Tenure, NDRRA...
26-27 /1/15	Town & PCYC Office	Australia Day ceremony naturalisation, ambassador Tim Hughes	  Kings Plains, Alkoomie
29/1/15	Chambers	Interagency	See minutes
30/1/15	Bowls Club	Bendigo Bank presentation	Steering Committee
3/2/15	Chambers	Waterfront Advisory Committee Economic Development Group	.
4/2/15	Chambers / Hospital	Oak Tree Group	Interest in 35 unit retirement village
6/2/15	Depot  Office	Outdoor staff address Introduce interim CEO Jim Turnour	  CEO Jabalbina (Eastern Yalanji)
9/2/15	Cairns	FNQROC & RRG	See minutes
10/2/15	Chambers Office	Indoor staff address District Disaster Mgmt Group	 Teleconference
11/2/15	PCYC Chambers	Local Distaster Mgmt Group 2020 committee	Shire ring around Reconciliation Rocks – the concert
12/13 /2/15	Office	DDMG, media, FESQ	Possible flooding event.

Upcoming meetings

25/2/15	Cairns	Regional Development Australia
1/3/15	Lakeland	Progress Association function
5/3/15	Chambers	NBN
11/3/15	Chambers	LDMG

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Chief Executive Officer

- Met with internal and external staff and has intentions to get out and visit workplaces and, in particular, meet with middle management.
- Is looking at HR practices, particular reclassifications
- Advised that Greg Newman from LGAQ would be visiting Cooktown to discuss HR issues, reclassifications and negotiations concerning Certified Agreements.

The meeting adjourned for morning tea at 10.09 am and resumed at 10.31 on 17 February 2015.

Director, Planning & Environment, Mark Marziale, Town Planning Officers, John Harrison and Lisa Miller, in attendance.

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## **CORPORATE SERVICES**

### **ADMINISTRATION**

30923	<b>PRESENTATION BY CSGFREEHQ RE COAL SEAM AND SHALE GAS.</b>	
	<i>Report No.D15/615 from Executive Assistant</i>	

Cr P Johnson moved; seconded Cr S Clark

That Council support the aims of the CSGFreeHQ group in relation to possible negative environmental impacts and Council declares itself a CSG free shire.

**CARRIED**

Cr K Price moved that the motion be amended to

**Précis**

Request by CSGFreeHQ for Council to declare Cook Shire a CSG free shire.

#### **Background/History**

A presentation was given to Council on 20 January 2015 by a representative of the CSGFreeHQ. A copy of the presentation is attached.

At the conclusion of the presentation Council was asked to pass a resolution to become a CSG Free Shire and, by so doing, clearly state that Council is aware of the impacts of the coal seam and shale gas process known as fracking, and choose to support the health and well-being of the land and communities of Cape York.

Council, in fact, has no real control over these types of activities as coal seam and shale gas is regulated by the State in accordance with the provisions of the various Acts of Parliament relating to mining such as the *Mineral Resources Act 1989, chapter 8*, *Petroleum and Gas (Production and Safety) Act*, chapter 3, and the *Petroleum Act 1923*, part 6F.

Any such resolution complying with the request from the organisation would, therefore, be superfluous.

#### **Link to Corporate Plan**

4.2.1.(d) Environmental health initiatives and services.

#### **Consultation**

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Nil

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

Various mining legislation

**Policy Implications**

None identified

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

None identified.

**RECOMMENDATION**

That Council support the aims of the CSGFreeNQ group in relation to possible negative environmental impacts.

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PRESENTATION TO COUNCIL, 20.01.2015

Hello. My name is Sarah Matthews. Today I am very glad for this opportunity to talk with you. I'm going to talk about the coal seam and shale gas extraction process known as fracking, and particularly about the impacts of fracking. There are serious concerns shared around the globe about these impacts, and it is important that we address them, we cannot ignore them, especially, as there is an intention that gas production become an industry in Northern Queensland and Cape York.

As you may already know, there's now a branch of CSGFreeNQ for the Cook Shire. This has grown from the Lock the Gate Alliance, which itself has grown from communities experiencing the impacts of fracking, and in voicing their concerns, finding that they are not heard.

A branch has been formed in the Cook Shire in response to the gas company's movement into north Queensland.

In the Mount Mulligan Region an Indigenous Land Use Agreement was entered into on 3.10.2012 for Trafford Coal to undertake activities for the discovery, location and delineation of economic coal deposits and payable coal seam gas deposits. Protest rally's have been held in Mareeba to raise community awareness of impacts, before the process is established. For now, with the fall in coal prices, the Mount Mulligan development is on hold.

Two wells out of a proposed 34 have been drilled in the Burketown region. The indigenous group in that region have decided to work with the gas industry, styling their approach by stipulating the use of best practice. This will be of interest, as it can be argued that with unconventional gas extraction, harm cannot be avoided no matter how good the practice.

Close to home, the Laura Valley Basin has known large, and economically viable deposits of shale gas, and it is probably just a short matter of time before activity is seen to open this area as a gas field.

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they don't tell us

- that these coal seam gas initiatives will become large industrial estates
- that they will require many, many hectares,

nor,

- how many compressors they will need,
- what they will do with the gas or the water, they say nothing about the reverse osmosis treatment plant which you'll be able to hear for miles
- once the water is treated, where you'll store it, because the volume will be greater than several Sydney harbours,
- where they'll put the residue
- where the salt will go or what it will do to the soil,
- that it's a 24/7 operation
- In other words, they do not tell you what a fully blown gas field looks like."

Venting, flaring and waste water evaporation release a wide range of hazardous air pollutants. After a well is no longer viable, the ensuing clean-up is sometimes poorly done. Problems can persist as infrastructure breaks down over time. The future is left to sort itself out.

How can landowners protect themselves? Without knowledge of the impacts, without the support of the community, they are vulnerable to gas company approaches offering financial gain. Without the full story, what seemed a good idea has for many turned into their worst nightmare. Once the initial exploration is approved, it is almost impossible to overturn ongoing development.

And when the land has become a gasfield and is no longer attractive to its owners, the company is there ready to purchase the land, in exchange, for the signing of an agreement that the landowner will speak to no-one of what their experience has been. This is divisive and places a strain on communities.

Of great concern is the effect on water. Vast quantities of aquifer water are used in the fracking process, average use being between 10 and 30 million litres of water per well, when it is first drilled, and each time it is fracked, which could be up to 9 times in its lifetime. The water that is contained in shale

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It is early days for this industry in Australia and already the stories of impacts are so concerning. These are not fringe concerns. Four Corners and Sixty Minutes have given them serious coverage. Protest groups grow in numbers. We all have available to us the American and Canadian stories, where 30 years of fracking have decimated landscapes and lives. Is this our future?

At present there are 4 shires in Qld, including neighbouring Douglas Shire, and 89 Australia-wide that have declared themselves CSG Free as a statement of their intent to care for country and communities. CSGFreeNQ – Cook Shire, recommend, and request that council make a resolution to also become a CSG Free Shire, and by so doing clearly state, that they are aware of the impacts of this industry, and choose to support the health and well-being of the land and communities of Cape York. This would also show support for other communities in Australia struggling to come to terms with an industry that has been imposed upon them, and has not shown itself able to prevent harm.

Thank-you.

\*Water Reform and Other Legislation Amendment Bill 2014 (Qld), Regional Planning Interests Act 2014 (Qld), Regional Planning Interests Regulations 2014 (Qld), Mineral and Energy Resources (Common Provisions) Bill 2014



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and coal seam beds is contaminated, and it is brought to the surface. The clean aquifer water that is used to frack has chemicals added to it. Up to 40% of the chemicals that go down into the well are not retrieved. The water that is returned is placed in holding dams, which can leak, and so chemicals can pass into the aquifer. The returned water is processed and its after-life is uncertain. The placement of these holding dams does not take into account the land topography. Gas fields are typically constructed on a grid design. The effect of flooding is not taken into account. Leakage into the water-table over extended periods of time cannot be prevented by the layered casings of the well, particularly if inferior grade cement is used. Leakage also occurs by migration on the outside of the casing, and through subsurface cracks and fissures. The industry norm is that 10% of wells will fail.

The CSIRO statement *Coal seam gas developments – predicting impacts (August 2014)* contains statements of unpredictability, and the need for ongoing research. Of particular concern, is mention of impacts on the level and flows of groundwater in surrounding aquifer systems, which may influence the levels of nearby bore water. It also highlights that the contamination of deeper groundwater is not being examined. It identifies projects that exist to assess the risk posed by chemicals associated with CSG extraction, yet if this occurs simultaneously with an industry that is rapidly growing, how can these assessments help where damage is already occurring.

There are also concerns that recent changes in the Queensland legislative framework in late 2014\*, will see a reduction in the assessment and regulation of water taken by big mining projects. Also, that ecologically sustainable development and precaution will cease as a guiding principle, and that most public objection rights to the Land Court are stripped. It seems that gas is viewed as a resource of very high value at this point in time, valued above the quality of water, land and community.

These are very serious concerns for our beautiful Cape, and its communities, human, fauna and flora. Unconventional gas mining is not an industry that has a light environmental footprint

Once the damage is done, it cannot be undone, so this affects generations to come.

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There exists the possibility of the extension of a gas pipeline from New Guinea. A pipeline is already in place at the Northern Territory border, with a proposed extension through Mount Isa to Townsville.

The concerns of communities are summarised on the handout, which you have there, *Some Facts About Coal Seam Gas – Ten Good Reasons for Farmers to Lock Their Gates*. From this it can be seen that the impacts are serious. They relate to damage to country, in particular to water quality and availability, they relate to physical and mental health problems, not only of those in the immediate location of a gas well, and they relate to a negation of the value that people place in living on the land. These impacts are global, occurring wherever unconventional gas fields develop. The damage is very real. People tell their stories again and again of harm experienced from living in the proximity of gas fields. It takes just a quick visit to youtube to leave you wondering what insanity has been released amongst us. Landscapes are industrialized, accidents happen, best practise is not maintained, and even where it is, what follows is the poisoning of land, air and waterways, people are no longer able to drink the water from their taps, there are intimidating levels of surveillance and security, and the emotional and psychological impacts include anxiety, anger and depression.

A lack of transparency on the part of the gas companies when they first approach land-owners is known as a worrying issue. The gas companies, as seen in their advertising, present themselves as clean energy without detrimental impact. But there is a great deal that they do not tell.

In the words of Alan Jones, in the film *Fractured Country – An Unconventional Invasion*, produced by the Lock the Gate Alliance, about Santos approach in southern Australia, quote, “well they don’t tell you what the ads should tell us, that they’re frightened to show us;

- a map of the gas wells and what they look like,
- and of the roads that are needed to service the gas wells
- a map of the topsoil that will need to be removed for pipe construction to connect the gas wells
- where the employees will go because they will have recreational needs and there will need to be administrative quarters,

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**PLANNING AND ENVIRONMENT**

30924	<b>REQUEST TO EXTEND THE CURRENCY PERIOD OF TOWN PLANNING DEVELOPMENT PERMIT DA/2709 – MATERIAL CHANGE OF USE FOR A CARAVAN PARK - ADDITIONAL 2 CAMPSITES &amp; 3 SAFARI TENTS – (IMPACT ASSESSABLE) ON LOT 20 ON PLAN RP734468, 2869 ROSSVILLE BLOOMFILED ROAD, AYTON</b>	
	<i>Report No.AD14/6134 from Town Planning Officer</i>	

Cr K Price moved; seconded Cr P Johnson

That Council grants a four (4) year extension to the currency period applicable to the Development Permit for DA/2709 - making a Material Change of Use for a (Caravan Park) Additional two (2) campsites and three (3) safari tents until 23 February 2019 to enable compliance.

CARRIED

**Précis**

A request has been made to Council under section 383 (1)(b) of the *Sustainable Planning Act 2009*, for a four (4) year extension until the 23 February 2019 for the currency period for making a Material Change of Use for Additional two (2) campsites and three (3) safari tents. The Decision Notice for DA/2709 was issued on the 23 February 2011 (see Appendix 'A').

The applicant's are requesting a four (4) year extension of the currency period in order to be able to comply with the conditions of the Development Permit for DA/2709 - making a Material Change of Use for Additional two (2) campsites and three (3) safari tents.

Section 388 (1) of the *Sustainable Planning Act 2009* states what the assessment manager must take into account in deciding a request for an extension of a development permit;

**388 (1)** *In deciding a request under section 383, the assessment manager must only 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; and*
- (b) the community's current awareness of the development approval; and*
- (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*

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*(d) the views of any concurrence agency for the approval given under section 385.*

This Material Change of Use approval is in accordance with the provisions of the current Cook Shire Planning Scheme and complies with the above assessment requirements.

Further to this the relevant Advice Agency Department of Environment and Resource Management (now Department of Natural Resources and Mines) have advised the applicant that as an Advice Agency only, they have no Statutory role in Council's extension period decision making.

The applicants have stated that “ *..the project has not commenced as initially intended at the project inception in 2010, due to the enduring financial downturn stemming demand for the proposed development. However, the Applicant remains committed to advancing development of the site within the next four years based on recent upward trends.*”

Therefore they are requesting the four (4) year extension for the development permit.

**Recommendation**

That Council grants a four (4) year extension to the currency period applicable to the Development Permit for DA/2709 - making a Material Change of Use for a (Caravan Park) Additional two (2) campsites and three (3) safari tents until 23 February 2019 to enable compliance.

**Appendix 'A'**

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Our ref: JH:lm:DA/2709  
Your ref:

23<sup>rd</sup> February 2011

Haleys Pty Ltd ta Haleys Cabins & Camping  
c/- BT Town Planning Consultancy  
PO Box 820  
EDGE HILL QLD 4870

Attention: Ben Thrower

Dear Mr Thrower

**Re: Decision Notice for Development Application – DA/2709 - Material Change  
of Use for the purpose of Caravan Park on Lot 20 on Plan RP734468 -  
(Impact Assessable) - 2869 Rossville Bloomfield Road, Bloomfield.**

I refer to your Development Application, which was determined by Council at its Ordinary Meeting held on 22<sup>nd</sup> February 2011. Please find enclosed the relevant Decision Notice.

The currency period for this approval is four (4). Any extension to the currency period must be applied for within this period.

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

Yours faithfully

Stephen Wilton  
Chief Executive Officer

Enclosed x 1

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Enquiries: John Harrison  
Our ref: JH:lm:DA/2709  
Your ref:

23<sup>rd</sup> February 2011

**DECISION NOTICE FOR  
DEVELOPMENT APPLICATION DA/2709  
LOT 20 ON PLAN RP734468  
2869 ROSSVILLE BLOOMFIELD ROAD, BLOOMFIELD**

**Proposal:** Caravan Park

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

**Real Property Description:** Lot 20 on Plan RP734468

**Decision Date:** 22<sup>nd</sup> February 2011

**Referral Agencies:** Department of Environment and Resource Management (DERM)

**Decision:** Approved subject to conditions

**Type of Approval:** Development Permit

**Does the Decision conflict with a relevant Planning Instrument:**  
No

**Properly made Submissions made about the Application:**  
Yes one (1)

<b>NAME</b>	<b>ADDRESS</b>
E. Huddy	PO Box 143, Halifax Qld 4850

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**Further Development Permits required:**

Building Permit

**Codes to comply with for Self Assessable Development:**

Not applicable

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

**Approved Plan**

1. The development must be carried out generally in accordance with the site plan (Appendix A) received by e-mail (11/6/2010), except for any variations required to comply with the Conditions of this approval.

**Water**

2. The development must be connected to a potable water supply. The potable water supply must be tested annually, with results to be provided to Council's Environmental Health Officer.

**Effluent Disposal**

3. Any application for waste water treatment and disposal must include details of the proposed wastewater disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547 2000- "On-Site domestic wastewater management". Details must be provided at the time of application for carrying out building work.

**Landscaping**

4. Landscaping must be provided in accordance with the approved site plan, with additional screening landscaping (minimum width one metre) to be provided for the campsites and the safari tents. A detailed landscaping plan to be provided at the time of application for carrying out building works.

**Internal Driveways and Car Parks**

5. The car parking and manoeuvring area must be gravel sealed and maintained in a dust suppressed state at all times.

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6. The internal driveways must be gravel sealed and maintained in a dust suppressed state at all times.

**Stormwater Drainage**

7. Internal storm water drainage from the site must be to a legal point of discharge.

**Access**

8. Access to the proposed development must be via the existing Rossville Bloomfield Road access.

The access from the existing Rossville Bloomfield Road bitumen pavement to the property boundary must be upgraded to a bitumen seal (16/10, two coat) with ancillary drainage and constructed to the requirements of the FNQROC Manual. Engineering plans must be submitted for approval by Council's Manager Engineering Services prior to works commencing.

**Noise and Dust**

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

**Erosion Protection**

10. The applicant must ensure that during the construction stage there is no sand, soil or silt run off from the site.

**Electricity**

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

**Pathways**

12. The new development must be connected to the existing pathways. Details must be provided at the time of building application for the safari tents.

**Local Law**



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13. The caravan park must be licensed annually under Council's Local Law No. 22.

**Public Utilities**

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

**Compliance**

15. All relevant conditions of this development permit must be complied with prior to the use commencing.

**Currency Period**

16. The currency period for this development approval is four (4) years. Should the Caravan Park (Additional 2 Campsites, 3 Safari Tents and Ancillary Infrastructure) not be established within this time, the approval shall lapse.

**B. Advice (COUNCIL)**

A development permit is required for carrying out Building Works (Safari Tents) prior to the use of Caravan Park (2 Campsites, 3 Safari Tents and Ancillary Infrastructure) commencing.

**C. Advice Agency (DEPARTMENT OF ENVIRONMENT AND RESOURCE  
MANAGEMENT)**

See attached Advice Agency response from Department of Environment and Resource Management dated 13<sup>th</sup> July 2010.

**Appendix 'A'**

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Department of Environment  
and Resource Management

## Notice

### Advice Agency Response - Wetlands

This notice is issued by the Department of Environment and Resource Management pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 (the Act).

Cook Shire Council  
PO Box 3  
COOKTOWN QLD 4895  
Attention: John Hamblen

cc: Haley Pty Ltd t/a Haley's Cabins and  
Camping  
C/- BT Town Planning Consultancy  
33 Hotel Street  
WITTFIELD QLD 4870

Our reference: 349839

**Re: Advice Agency Response**

**1. Application Details**

Assessment Manager ref.: LM DA/2709

Date application referred to DERM:  
23-JUN-2010

Development approval applied for:  
Development permit

Aspect of development:  
Material change of use - Land in or near a wetland  
Sustainable Planning Regulation 2009 - Schedule 7, table 3, item  
21

Development description:  
Material Change of Use - Caravan Park (Additional 2 x Campsites  
& 3 x Safari Tents)

Property/Location description:  
Lot 20 on RPT34488, 2869 Russell Bloomfield Road,  
BLOOMFIELD 4895



- 2. The Chief Executive, Department of Environment and Resource Management (DERM) concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows**  
Not applicable

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Notice  
Advice Agency Response

3. The Chief Executive, Department of Environment and Resource Management (DERM) advice agency response for the advice agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to recommend to the assessment manager as follows.

The application is for a Material Change of Use to allow an additional two (2) campsites and three (3) safari tents on Lot 20 on RP734458 situated at 2869 Rossville Bloomfield Road, Bloomfield. The site is currently used as a caravan park and supports a restaurant/camp kitchen, cottage, ablution block, manager's residence and three cabins. Approximately 80 percent of the Lot contains remnant vegetation classified as endangered regional ecosystem under the Vegetation Management Act 1999. Areas of referable wetland are adjacent to the Lot and extend onto the property.

The applicant has previously sought advice from the Department regarding the most suitable location for additional infrastructure in the caravan park. Correspondence and maps submitted with the application indicates that the proponent has taken this advice into consideration. The campsites and safari tents are proposed for an area of the Lot previously cleared and are unlikely to impact on remnant vegetation.

The design and placement of the permanent safari tents would allow for unimpeded water flow across the Lot between wetland areas to the north and south. The development of the campsites and safari tents is relatively low impact and unlikely to significantly effect the values of the associated wetlands. As such this Department advises no additional conditions beyond those imposed by Council.

4. **Approved plans / specifications**

Nil

5. **General advice to assessment manager**

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at Department of Environment and Resource Management, PO Box 2066, CAIRNS QLD 4870 and an electronic copy to [eco\\_access@derm.qld.gov.au](mailto:eco_access@derm.qld.gov.au)

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

6. **Additional comments or advice about the application**

Nil

7. **Additional information for applicants**

**Notifiable Activities under the Environmental Protection Act 1994**

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**Notice  
Advice Agency Response**

It is a requirement of Section 371 of the Environmental Protection Act 1994 that if the owner or occupier of this site becomes aware that a Notifiable Activity (as defined under Schedule 3 of the Environmental Protection Act 1994) is being carried out on this land or that the land has been affected by a hazardous contaminant they must, within thirty (30) days after becoming aware the activity is being carried out, give notice to the Department of Environment and Resource Management. A list of Notifiable Activities is provided within Schedule 3 of the Environmental Protection Act 1994. Failure to give the required notice, except where notice has already been given, may give rise to an offence.

**Aboriginal Cultural Heritage**

Under section 23 of the Aboriginal Cultural Heritage Act 2003 a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$700,000 for a corporation and \$75,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the Aboriginal Cultural Heritage Act 2003, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the Aboriginal Cultural Heritage Act 2003.

Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3238 5838 or on the DERM website [www.derm.qld.gov.au/cultural\\_heritage](http://www.derm.qld.gov.au/cultural_heritage)



**Delegate**  
Mike Trenerry  
Fai Nuzi Rejusu  
Department of Environment and Resource  
Management  
13/07/2010

**Enquiries**  
Matt Bogart  
Department of Environment and Resource  
Management  
PO Box 2096  
Cairns QLD 4870  
Phone: (07) 4048 6590  
Fax: (07) 4048 6505  
Email: [matt.bogart@derm.qld.gov.au](mailto:matt.bogart@derm.qld.gov.au)



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**RIGHTS OF APPEAL:**

Please refer to [www.dip.qld.gov.au/spa](http://www.dip.qld.gov.au/spa) to access the *Sustainable Planning Act 2009*.  
Please refer to Sections 360 to 366 (Changing Decision Notices and Approvals during  
Applicant's Appeal Period) and Section 461 (Appeals by Applicants) which details your  
appeal rights regarding this decision.

Yours faithfully

Stephen Wilton  
Chief Executive Officer

Cc:

Department of Environment & Resource Management  
PO Box 2066  
CAIRNS QLD 4870

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30925	<b>APPLICATION FOR A DEVELOPMENT PERMIT DA/3343 – RECONFIGURATION OF LOT 133 ON PLAN BS 135 LOCATED AT 1133 ENDEAVOUR VALLEY ROAD, VIA COOKTOWN INTO THREE (3) LOTS</b>	
	<i>Report No.AD14/6183 from Town Planning Officer</i>	

Cr P Johnson moved; seconded Cr S Clark

That the application by Farlaw No 10 Pty Ltd c/- Planz Town Planning for a Development Permit for Reconfiguration of Lot 133 on Plan BS135 located at 1133 Endeavour Valley Road via Cooktown into three (3) lots be approved subject to the conditions set out in the recommendation contained in Report No. AD14/6183.

**CARRIED**

**Précis**

<b>Applicant:</b>	Farlaw No 10 Pty Ltd c/- Planz Town Planning Attention: Nikki Huddy
<b>Owner:</b>	Farlaw No 10 Pty Ltd.
<b>Location:</b>	1133 Endeavour Valley Road, via Cooktown
<b>RPD:</b>	Lot 133 on Plan BS135
<b>Area:</b>	140.52 Hectares
<b>Zone:</b>	Rural
<b>Proposed Use:</b>	Reconfiguration into three (3) lots.
<b>Use Classification:</b>	Reconfiguration
<b>Referral Agencies:</b>	State Assessment & Referral Agency (SARA) Dept. State Development & Infrastructure Planning (Vegetation Clearing & State Controlled Roads)

**Report**

Application has been made to Council for the issue of a Development Permit for the Reconfiguration of Lot 133 on Plan BS135 located at 1133 Endeavour Valley Road, via Cooktown into three (3) lots. The application is Code Assessable Development under the Cook Shire Planning Scheme.

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**Proposal**

The application proposes the Reconfiguration of Lot 133 on Plan BS135, located at 1133 Endeavour Valley Road via Cooktown into three (3) lots. The areas of the proposed lots are as follows:

- Proposed Lot 1 - 62.0 Hectares
- Proposed Lot 2 - 60.0 Hectares
- Proposed Lot 3 - 20.0 Hectares

Proposed Lots 2 and 3 will take access from the state controlled Endeavour Valley Road while proposed Lot 1 will take access from Cameron Creek Road.

**Site**

The development site Lot 133 on Plan BS 135 is located approximately 13 kilometres west of Cooktown. Proposed Lots 1 and 2 are currently vacant while proposed Lot 3 is the site of Barradise Lodge. Proposed Lot 3 also has development approval for a Caravan Park (RV Park). Lot 133 has an area of 140.52 hectares and is zoned Rural under the Cook Shire Planning Scheme. The development site is not within the reticulated water or sewerage area.

**Town Planning Considerations**

Lot 133 on Plan BS 135 is zoned Rural under the Cook Shire Planning Scheme and Reconfiguration of a Lot is Code Assessable development.

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

- *The Rural Zone incorporates a range of agriculture, animal husbandry, forestry. Aquaculture and supporting uses which strengthen the rural economy and service the rural community while preserving the amenity and character of rural land;*
- *Good Quality Agricultural Land is protected and is not alienated or fragmented;*
- *Rural zoned land identified as Future Urban Land provides for the long-term expansion of the township and is protected from inappropriate subdivision or changes of use, which could jeopardise its functionality as Future Urban Land. Subdivision of Future Urban Land for urban purposes only occurs where there is a demonstrated community need;*
- *The Rural economy and community is serviced by adequate infrastructure (particularly roads);*
- *Intensive rural activities are located away from sensitive land uses and do not have a detrimental impact on the amenity of adjoining land;*



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- *Scenic landscape values and the rural character of the land is preserved for enjoyment of residents, visitors, and tourists;*
- *New extractive industry operations utilise significant local resources and are appropriately located and designated to mitigate any significant environmental impacts; and*
- *Existing extractive industry operations and known resource bodies are protected from encroachment of incompatible land uses.*

**Code Requirements for Reconfiguration of a Lot in the Rural Zone**

The following Codes are identified as applicable to DA/3343, Reconfiguration of Lot 133 on Plan BS135 into three (3) lots:

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

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

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

*Reconfiguration of a Lot Code*

PC1 States:

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

AS1 States:

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

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

Minimum lot size (excluding access handle for hatchet lots) - 100 hectares

Minimum frontage - 100 metres

Maximum depth to frontage ratio - 5:1

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Proposed Lots 1, 2 and 3 comply with the minimum lot frontage and maximum depth to frontage ratio requirements for Rural Zone reconfiguration as stated above, but do not comply with the minimum lot size as they only have areas of sixty two (62), sixty (60) and twenty (20) hectares respectively.

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

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

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

In this case:

- Lots of between ten (10) and fifty (50) hectares have been previously approved in the surrounding Cameron Creek Road / Barretts Creek Road and Endeavour Valley Road area;
- Lot 133 is not identified as GQAL, nor is it identified as a viable agricultural unit. Council notes that proposed Lot 3 is the site of Barradise Lodge and has approval for a Caravan Park (self contained RVs only);
- The development site is currently divided by the State controlled Endeavour Valley Road, however the reconfiguration will remove this constraint;
- The reconfiguration is not located on the edge of existing settlements such as to constitute a departure from established and planned growth patterns, nor does it have the potential for impacts on existing rural industries.

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

**Referral Agencies**

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The Department of Natural Resources & Mines (Vegetation Clearing) and the Department of Transport & Main Roads (State Controlled Road), co-ordinated through the State Referral Agency (Department of State Development & Infrastructure & Planning (SARA) ) are Concurrence Referral Agencies for the purpose of this application.

**Discussion**

The proposed development is considered to be consistent with the intent of the Rural Zone Code and complies with the relevant Performance Criteria. The proposed development should have no detrimental impact on the surrounding area. The development is therefore recommended to Council for approval subject to Conditions.

**Recommendation**

That the application by Farlaw No 10 Pty Ltd c/- Planz Town Planning for a Development Permit for Reconfiguration of Lot 133 on Plan BS135 located at 1133 Endeavour Valley Road via Cooktown into three (3) lots be approved subject to the following conditions:

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

**Approved Plan**

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

**Access**

2. Access to proposed Lots 2 and 3 must be from Endeavour Valley Road, with location and construction in accordance with the requirements of the Department of State Development, Infrastructure and Planning’s Concurrence Agency Response dated 11<sup>th</sup> December 2014 (Appendix ‘A’).

3. Access to proposed Lot 1 must be from Cameron Creek Road as shown in response to Council’s information request dated 3 December 2014.

4. Access between the existing Cameron Creek Road pavement and the property boundary must be gravel sealed and constructed to the requirements of the FNQROC Manual including ancillary stormwater drainage. Plans must be submitted for approval by Council’s Director Engineering Services as part of an Operational Works application prior to works commencing.

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**Effluent Disposal**

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

**Water Supply**

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

**Electricity**

7. Each proposed lot must be provided with a reliable electricity supply at the time of construction of a dwelling house. Written evidence of such electricity supply must be provided at the time of lodgement of a building application for a house.

**Fire Management**

8. A minimum six (6) metre wide fire trail must be provided where practical along all property boundaries. Such fire trails are to provide access to fire fighting vehicles and are to be maintained by the property owners for this purpose at all times. Where riparian vegetation is involved, such fire trails are to be provided along the edge of such vegetation. Lots are to be maintained at all times so as not to create a fire hazard.

9. Each proposed lot must be provided with a separate water storage tank with a minimum storage capacity of 5,000 litres and fitted with fire brigade tank fittings, for fire fighting purposes, at the time of house construction.

**Operational Works**

10. Prior to the commencement of construction of external works, an application must be submitted for a development permit for Operational Works for the following:

- Access work Cameron Creek Road (refer Condition 4)
- Erosion and Sediment control.

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This application will need to include plans prepared by a Registered Professional Engineer Queensland in accordance with FNQROC Manual and are to be to the satisfaction of Council's Director Engineering Services.

Council will require that one (1) copy of the design drawings be submitted to Council for preliminary assessment. Three (3) copies of the final design are to be submitted to Council for approval prior to the commencement of the works. On completion of the works, the Council shall require a Certificate of Completion from a Registered Professional Engineer.

**Public Utilities**

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

**Compliance**

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

**Outstanding Charges**

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

**Endorsement**

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

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

See attached Concurrence Agency Response with Conditions from the Department of State Development, Infrastructure and Planning dated 11<sup>th</sup> December 2014.

**Appendix "A"**

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

Our reference: SDA-1014-015480  
Your reference: DA/3343

11 December 2014

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

*Attention: John Harrison / Lisa Miller*

Dear Sir/Madam

**Concurrence agency response—with conditions**

Reconfiguration of a Lot – 1 Lot into 3 Lots, on land described as Lot 133 on BS135, situated at 1133 Endeavour Valley Road, Cooktown

*(Given under section 285 of the Sustainable Planning Act 2009)*

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 30 October 2014.

**Applicant details**

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Applicant name: Farlaw No 10 Pty Ltd  
Applicant contact details: c/- Planz Town Planning  
17 Atherton Street  
Whitfield QLD 4870  
plan@planztp.com

**Site details**

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Street address: 1133 Endeavour Valley Road, Cooktown  
Lot on plan: Lot 133 on BS135  
Local government area: Cook Shire

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Far North Queensland Regional Office  
Ground Floor, Cairns Port Authority  
PO Box 2358  
Cairns QLD 4870



**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at the  
Administration Centre, 10 Furneaux Street, Cooktown  
16-17-18 February 2015**

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SDA-1014-015480

Services - Far North Queensland on 4037 3202, or email [jenny.sapuppo@dsdip.qld.gov.au](mailto:jenny.sapuppo@dsdip.qld.gov.au)  
who will be pleased to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

cc: Farlaw No 10 Pty Ltd, [plan@planztp.com](mailto:plan@planztp.com)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications



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Our reference: SDA-1014-015480  
Your reference: DA/3343

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Development Permit – Reconfiguration of a Lot</b>		
<p><b>Table 2, Item 2—State-controlled road</b>—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
<b>In accordance with approved plans</b>		
1.	<p>The development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>• Figure 2 - Proposed subdivision.</li> </ul>	At all times.
<b>Location of the direct vehicular access to the state-controlled road</b>		
2.	<p>The permitted road access locations, for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained, are to be located between Endeavour Valley Road and:</p> <ul style="list-style-type: none"> <li>• proposed Lot 2 via a new access location approximately 30 metres from the common boundary of Lot 43 on C15713 and proposed Lot 2 (opposite proposed Lot 3 existing access), and</li> <li>• proposed Lot 3 via the existing access location approximately 30 metres from the common boundary of Lot 43 on C15713 and proposed Lot 2.</li> </ul>	At all times.
3.	<p>Direct access is not permitted between Endeavour Valley Road and the subject site at any location other than the permitted road access locations (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained).</p>	At all times.
<b>Design vehicle and traffic volume</b>		
4.	<p>Road access works comprising of a rural access including a driveway to the proposed Lot 2, for which approval under section 33 of the <i>Transport Infrastructure Act 1994</i> must be obtained, at the permitted road access location, must be provided generally in accordance with Figure 2 - Proposed subdivision.</p> <p>The road access works must be designed and constructed in accordance with Department of Transport and Main Roads Road Planning and Design Manual and in particular Part 4 of Austroads Guide to Road Design: Intersection and Crossings.</p>	Prior to submitting the Plan of Survey to the local government for approval.
<b>Development Permit – Reconfiguration of a Lot</b>		
<p><b>Table 2, Item 4—Clearing vegetation</b>—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
5.	<p>The permit holder is responsible for ensuring that:</p> <ul style="list-style-type: none"> <li>(a) a full copy of the permit is held by; and</li> <li>(b) that the extent of clearing authorised by this permit is</li> </ul>	At all times.

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No.	Conditions	Condition timing
	properly understood by, any person(s) engaged or employed to carry out the clearing of vegetation under this permit.	
6.	No clearing associated with the reconfiguring of Lot 133 on BS135 is to occur within Area A on the attached Referral Agency Response (Vegetation) Plan, RARP SDA-1014-015480 dated as 17 November 2014.	At all times.
7.	No infrastructure – including, but not limited to, buildings, fences and roads – is to be established or located within the area shown as Area A on the attached Referral Agency Response (Vegetation) Plan, RARP SDA-1014-015480 dated 17 November 2014.	At all times.
8.	No infrastructure – except for fences, roads, and underground services - is to be established or located within the area shown as Area B on the attached Referral Agency Response (Vegetation) Plan, RARP SDA-1014-015480 dated 17 November 2014.	At all times.

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**Attachment 2—Reasons for decision to impose conditions**

The reasons for this decision are:

- **Condition 1** – To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- **Condition 2** – To ensure road access locations to the state-controlled road from the site do not compromise the safety and efficiency of the state-controlled road.
- **Condition 3** – To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- **Condition 4** – To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.
- **Condition 5** – To ensure the person undertaking the clearing works is aware of, and understands, all of the requirements and conditions associated with the carrying out of the works.
- **Conditions 5, 6 and 7** – To ensure that no clearing of Category B vegetation of 'of concern' status occurs on the site as a direct result of the reconfiguration.
- **Conditions 5, 6, 7 and 8** – To ensure that no clearing of Category B vegetation associated with the watercourses on the site occurs indirectly through an exemption for maintaining infrastructure or for necessary firebreaks around built infrastructure that would be enabled as a result of the reconfiguration.

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**Attachment 3—Further advice**

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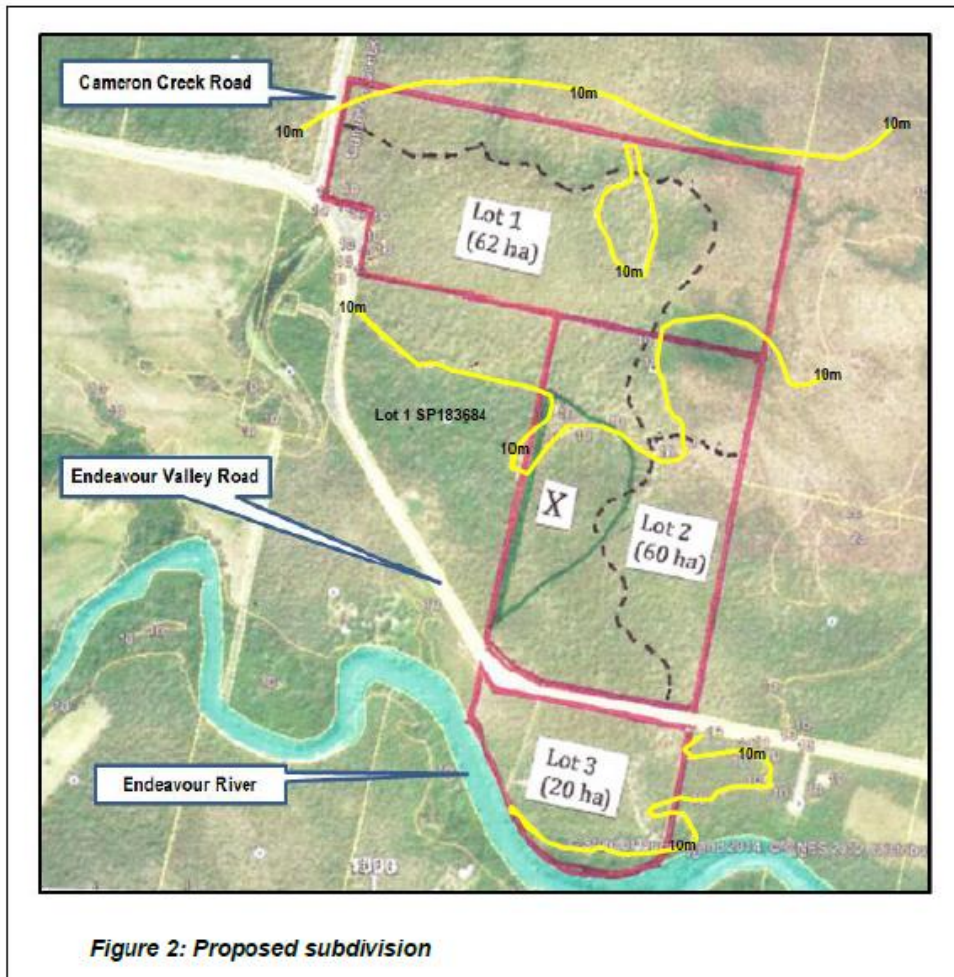
Road access works approval	
1.	Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 4045 7144 at the Cairns district office to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.
Clearing not prevented by conditions	
2.	These conditions do not prevent vegetation being cleared for a purpose described in Schedule 24 of the Sustainable Planning Regulation 2009 or if cleared in accordance with any subsequent development approval.

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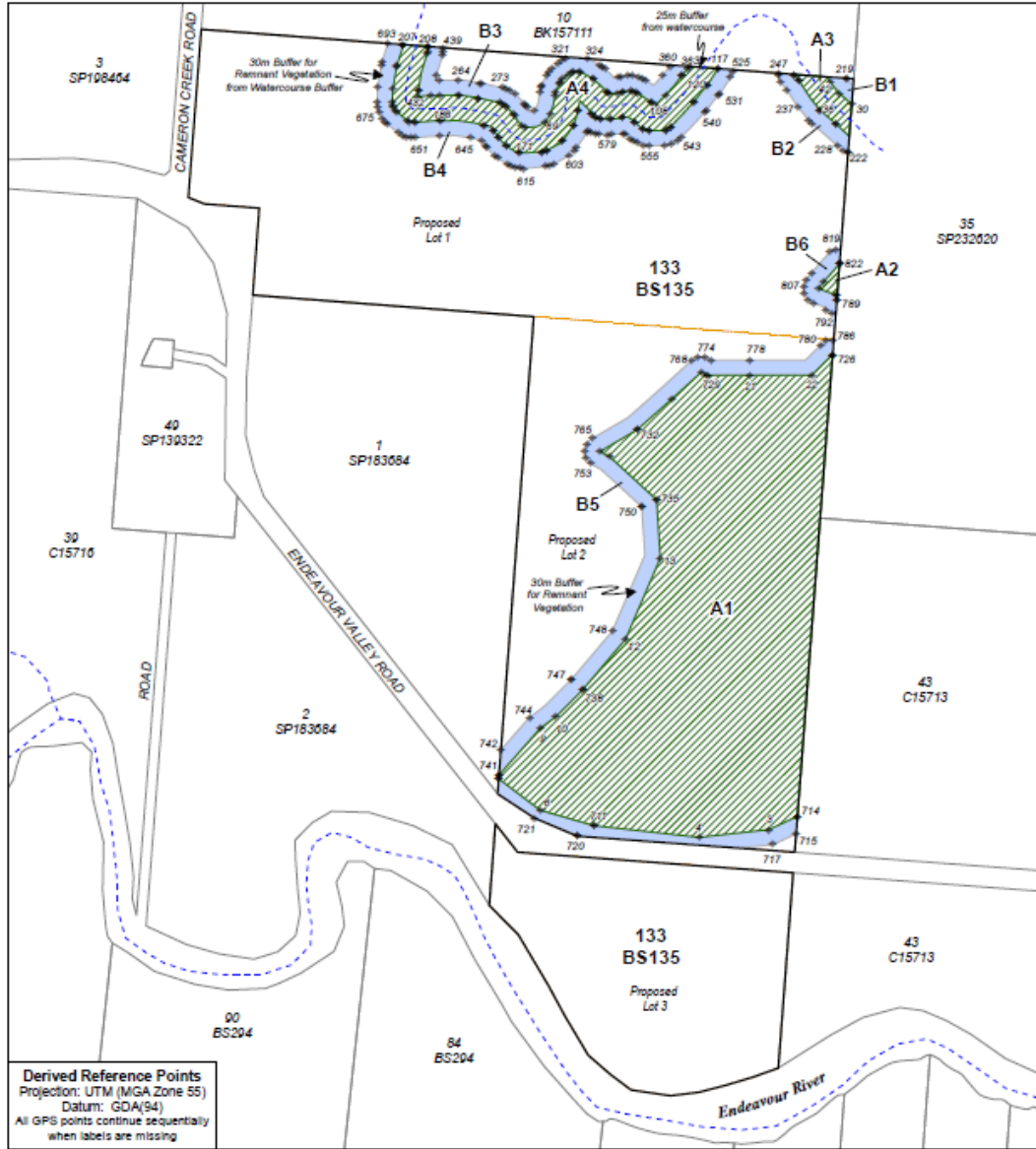
Our reference: SDA-1014-015480  
Your reference: DA/3343

**Attachment 4—Approved plans and specifications**

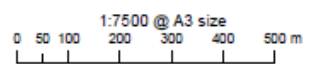




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Derived Reference Points  
Projection: UTM (MGA Zone 55)  
Datum: GDA94  
All GPS points continue sequentially  
when labels are missing



Projection: UTM (MGA Zone 55) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.  
Note: This plan must be read in conjunction with Referral Agency Response SDA-1014-015480

<b>LEGEND</b> + Derived Reference Points for GPS [Black outline] Subject Lot(s) [Grey outline] Digital Cadastre Database - Land Parcels [Orange outline] Proposed Property Boundaries [Green hatched] Area A (Parts A1 - A4) [Blue hatched] Area B (Parts B1 - B6) [Blue dashed line] Watercourse	<b>Referral Agency Response (Vegetation) Plan</b> <b>Plan of Area A (Parts A1-A4) and Area B (Parts B1-B6)</b> <b>in Lot 133 on BS135</b>  eDOCS. 082/0000309		 N Queensland Government
	CENTRE: MAREEBA LOCALITY OF COOKTOWN	REGION: NORTH LOCAL GOVT: COOK SHIRE	<b>RARP</b> <b>SDA-1014-015480</b> Sheet 1 of 3
	Map Reference: 7967	Compiled from: DCDB, P/MP & VMO Notes	
	File Reference: 2014/008177	Prepared by: SK, EMR -J5175 Date: 05 December 2014	





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Point	Parcel	Easting	Northing	Point	Parcel	Easting	Northing	Point	Parcel	Easting	Northing	Point	Parcel	Easting	Northing	Point	Parcel	Easting	Northing
411	83	302508	829999	494	84	302772	829974	577	84	302777	829944	660	84	302965	829944	743	85	302815	8292794
412	83	302500	829963	495	84	302775	829974	578	84	302774	829944	661	84	302962	829946	744	85	302817	8292796
413	83	302504	829970	496	84	302796	829977	579	84	302771	829944	662	84	302959	829947	745	85	302819	8292798
414	83	302587	829982	497	84	302798	829977	580	84	302768	829944	663	84	302958	829946	746	85	302848	8292820
415	83	302585	829985	498	84	302799	829978	581	84	302767	829944	664	84	302955	829948	747	85	302869	8292871
416	83	302584	829986	499	84	302808	829980	582	84	302763	829946	665	84	302953	829952	748	85	302780	8292946
417	83	302571	829930	500	84	302809	829980	583	84	302761	829946	666	84	302936	829967	749	85	302844	8293016
418	83	302568	829933	501	84	302824	829971	584	84	302748	829947	667	84	302935	829967	750	85	302838	8293011
419	83	302565	829936	502	84	302834	829960	585	84	302745	829947	668	84	302934	829968	751	85	302798	8293025
420	83	302561	829937	503	84	302837	829958	586	84	302743	829946	669	84	302931	829971	752	85	302741	8293034
421	83	302557	829938	504	84	302840	829956	587	84	302740	829949	670	84	302929	829974	753	85	302737	8293036
422	83	302538	829912	505	84	302844	829954	588	84	302737	829950	671	84	302928	829974	754	85	302734	8293039
423	83	302536	829917	506	84	302848	829953	589	84	302736	829951	672	84	302926	829977	755	85	302730	8293043
424	83	302534	829917	507	84	302851	829953	590	84	302732	829952	673	84	302924	829981	756	85	302728	8293048
425	83	302534	829917	508	84	302877	829953	591	84	302731	829953	674	84	302922	829985	757	85	302726	8293052
426	83	302478	829923	509	84	302881	829953	592	84	302731	829952	675	84	302920	829989	758	85	302726	8293057
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429	83	302460	829922	512	84	302892	829956	595	84	302727	829946	678	84	302917	829999	761	85	302728	8293071
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431	83	302439	829922	514	84	302921	829989	597	84	302709	829938	680	84	302916	829999	763	85	302733	8293080
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467	84	302590	829910	550	84	302892	829925	633	84	302617	829920	716	85	302951	829998	799	85	302999	8293098
468	84	302598	829909	551	84	302898	829926	634	84	302615	829920	717	85	302956	829998	800	85	302999	8293098
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473	84	302647	829912	556	84	302849	829923	639	84	302610	829922	722	85	302954	829998	805	85	302999	8293098
474	84	302650	829914	557	84	302845	829923												



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**Appendix “B”**

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Lot 133 BS 135



Dimensions approximate subject to survey.



Proposed area designated for a dwelling site. Lot 2



Approximate positions of existing tracks.

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30926	<b>APPLICATION FOR A DEVELOPMENT PERMIT – DA/3357 – RECONFIGURATION OF LOT 217 ON PLAN RP881059, PENINSULA DEVELOPMENTAL ROAD, LAKELAND INTO TWO (2) LOTS.</b>	
	<i>Report No. AD15/116 from Town Planning Officer</i>	

Cr A Wilson moved; seconded Cr S Clark

That the application by Benchmark Survey & Design for a Development Permit for Reconfiguration of Lot 217 on Plan RP881059 located at Peninsula Developmental Road, Lakeland into two (2) lots (including easements) be approved subject to the conditions set out in the recommendation contained in Report No. AD15/116

CARRIED

**Précis**

<b>Applicant:</b>	Benchmark Survey & Design c/- Wayne Storey PO Box 1285 Innisfail, Qld. 4860.
<b>Owner:</b>	Leigh R Vohland & Michelle K Vohland
<b>Location:</b>	Peninsula Developmental Road, Lakeland
<b>R.P.D.</b>	Lot 217 on Plan RP881059
<b>Area:</b>	3.7280 Hectares
<b>Zone:</b>	Village
<b>Proposed Uses:</b>	Reconfiguration into two (2) lots
<b>Use Classification:</b>	Reconfiguration
<b>Referral Agencies:</b>	State Assessment & Referral Agency (SARA) Dept. State Development, Infrastructure & Planning (Is within 25 metres of a State Controlled Road)

**Report**

Application has been made to Council for the issue of a Development Permit for the Reconfiguration of Lot 217 on Plan RP881059 located at Peninsula Developmental Road,

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Lakeland into two (2) lots. The application is Code Assessable Development under the Cook Shire Planning Scheme.

**Proposal**

The application proposes the Reconfiguration of Lot 217 on Plan RP881059, located at Peninsula Developmental Road, Lakeland into two (2) lots. The areas of the proposed lots are as follows:

- Proposed Lot 1(including Easements E & F) - 27,992 sq metres
- Proposed Lot 2 - 9,288sq metres

Both proposed lots will take access from the Peninsula Developmental Road via existing accesses.

**The Site**

The development site is located on the Peninsula Developmental Road on the south western side of Lakeland township. The site has an area of 3.728 hectares and contains water and drainage easements (Easements F&E). Lot 217 is currently connected to reticulated water and electricity but is not within a reticulated sewerage area. The existing site (proposed Lot 1) has a number of sheds located on it for which Council has issued a Storage Facility (Contractors yard) approval.

**Town Planning Considerations**

Lot 217 on Plan RP881059 is zoned Village under the Cook Shire Planning Scheme and Reconfiguration of a lot is Code Assessable development.

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

- *The Village Zone provides for a range of commercial, retail and community land uses as well as low density residential use;*
- *Employment generating activities are appropriately located to support the local community without detrimentally impacting upon the amenity of the township;*
- *Subdivision of Village zoned land only occurs where there is a demonstrated community need; and*
- *The design of buildings and structures is sympathetic to the existing character and the natural setting of the township.*

**Code Requirements for Reconfiguring a Lot in the Village Zone**

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The following Codes are identified as applicable to DA/3357, Reconfiguration of Lot 217 on Plan RP881059 into two (2) lots:

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

As a general overview the proposed development is acceptable from a planning point of view and complies with the relevant Acceptable Solutions and Performance Criteria of the relevant codes.

**Referral Agencies**

The Department of State Development, Infrastructure and Planning has provided a Concurrence Agency Response with Conditions for this application as the development site is within 25 metres of a State Controlled Road (Peninsula Developmental Road).

**Discussion**

The proposed development is considered to be consistent with the intent of the Village Zone Code and complies with the relevant Acceptable Solutions and Performance Criteria. The development will provide an additional much needed Village Zoned allotment within the Lakeland Township. The development is therefore recommended to Council for approval subject to Conditions.

**Recommendation**

That the application by Benchmark Survey & Design for a Development Permit for Reconfiguration of Lot 217 on Plan RP881059 located at Peninsula Developmental Road, Lakeland into two (2) lots (including easements) be approved subject to the following conditions:

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

**Approved Plan**

**1.** The development must be carried out generally in accordance with Proposal Plan No. VO14-035-001-02- Rev. A dated 17/09/14 (Appendix “A”), and documentation submitted with the application and in response to Council’s information request, except for minor variations required to comply with the Conditions of this approval.

**Water**

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2. Proposed Lots 1 and 2 must be connected to the Lakeland reticulated water supply at full cost to the applicant. Details of any mains extensions must be provided to Council for approval by Council's Director Engineering Services as part of an Operational Works application prior to works commencing.

**Access**

3. Access to proposed Lots 1 and 2 must be in accordance with the Department of State Development, Infrastructure and Planning's Concurrence Agency response with conditions dated 19 December 2014 (See Appendix "B").

**Effluent Disposal**

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

**Electricity**

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

**Fire Management**

6. Lots must be maintained at all times to a standard so as not to create a fire hazard.

**Telecommunications**

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

**Public Utilities**

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

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**Infrastructure Charges**

9. Infrastructure charges for Water Head works and Public Open Space must be paid to Council at the time of application for Council endorsement of the Plan of Survey, as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment (see Appendix “C”).

**Outstanding Charges**

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

**Compliance**

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

**Endorsement of Survey Plan**

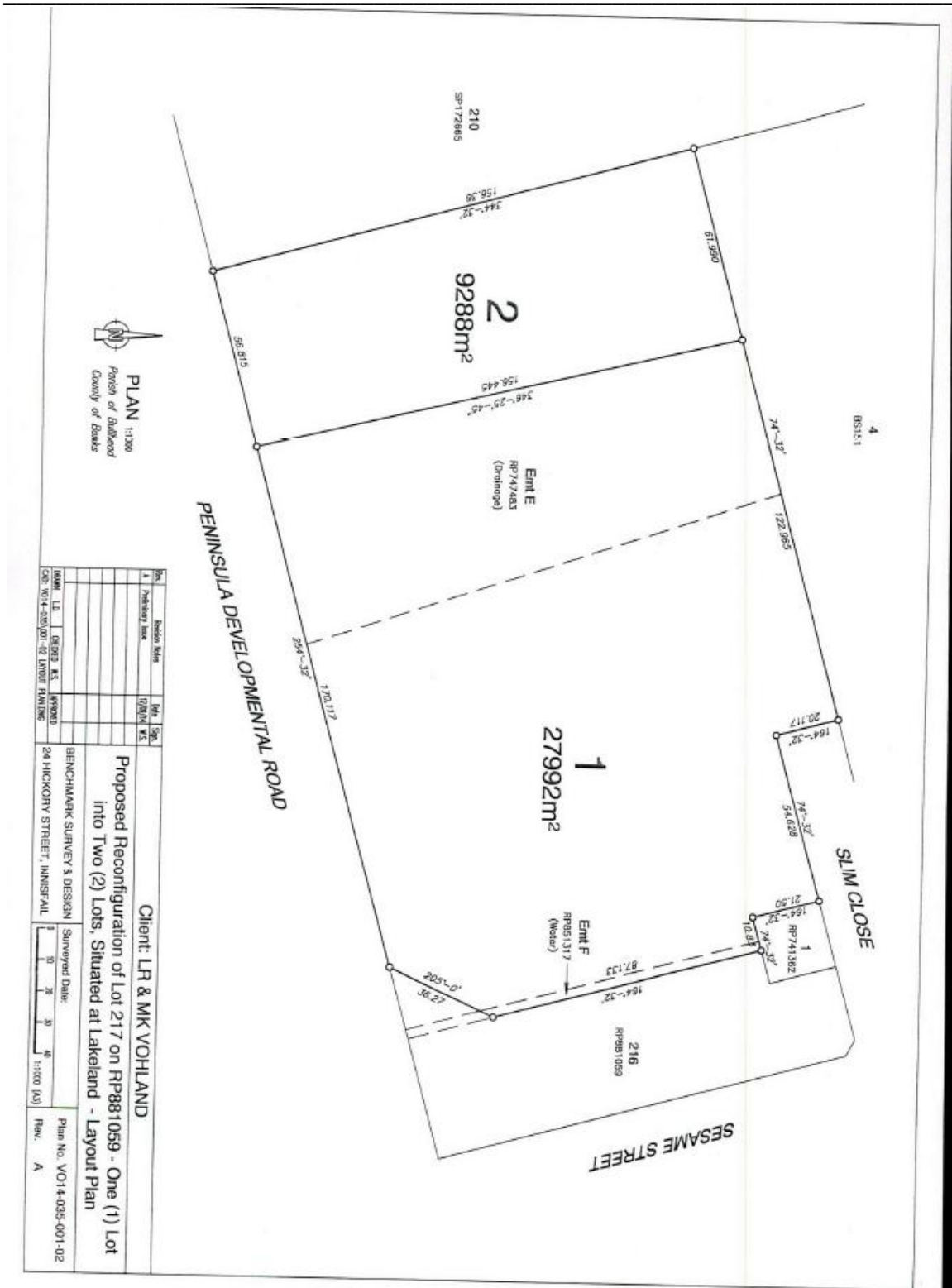
12. The reconfiguration of a lot approval authorised by this Development Permit must be completed and the Plan of Survey submitted to Council for endorsement within four (4) years from the commencement of this approval or the approval will lapse.

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

See attached Concurrence Agency Response with Conditions from the Department of State Development, Infrastructure and Planning dated 19 December 2014.

**Appendix “A”**

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**Appendix “B”**

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

Our reference: SDA-1214-016689  
Your reference: LM:DA/3357:AD2014/0006072

19 December 2014

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

Att: Lisa Miller

Dear Mr Wilton

**Concurrence agency response—with conditions**

Reconfiguration of a lot (1 lot into 2 lots) on land at Peninsula Developmental Road, Lakeland and more particularly described as Lot 217 on RP881059 in the Cook Shire  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 5 December 2014.

**Applicant details**

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Applicant name: Benchmark Survey & Design  
Applicant contact details: PO Box 1285  
Innisfail QLD 4860  
highdodd@westnet.com.au

**Site details**

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Street address: Peninsula Developmental Road, Lakeland  
Lot on plan: Lot 217 on RP881059

Page 1	Far North Queensland Regional Office Ground Floor, Cairns Port Authority PO Box 2358 Cairns QLD 4870
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SDA-1214-016689

Local government area: Cook Shire

**Application details**

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

**Aspects of development and type of approval being sought**

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Reconfiguring a Lot	Development permit	2 lot subdivision	Code Assessment

**Referral triggers**

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

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

**Conditions**

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

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

**Further advice**

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

**Approved plans and specifications**

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Reconfiguration of a lot (1 lot into 2 lots)</b>				
Site Plan	Benchmark Survey & Design	17/09/14	VO14-035-001-01	A
Layout Plan	Benchmark Survey & Design	17/09/14	VO14-035-001-02	A

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

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For further information, please contact Joanne Manson, Senior Planning Officer, SARA Far North QLD on 4037 3228, or email [joanne.manson@dndip.qld.gov.au](mailto:joanne.manson@dndip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

cc: Benchmark Survey & Design, email: [highdodd@westnet.com.au](mailto:highdodd@westnet.com.au)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications

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Our reference: SDA-1214-016689  
Your reference: VO14-035

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Reconfiguration of a lot (1 lot into 2 lots)</b>		
Schedule 7, Table 2, Item 1 – State-controlled road —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
<b>In accordance with approved plans</b>		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> <li>• Site Plan, prepared by Benchmark Survey &amp; Design, dated 17/09/14, Plan No VO14-035-001-01, Rev A.</li> <li>• Layout Plan, prepared by Benchmark Survey &amp; Design, dated 17/09/14, Plan No VO14-035-001-02, Rev A.</li> </ul>	At all times
<b>Location of direct vehicular access to the state-controlled road</b>		
2.	The permitted road access locations, for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained, are to be located generally in accordance with the Site Plan, prepared by Benchmark Survey & Design, dated 17/09/14, Plan No VO14-035-001-01, Rev A.	At all times
3.	Direct access is not permitted between the Peninsula Developmental Road and the subject site at any location other than the permitted road access locations (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained).	At all times
<b>Direct vehicle and traffic volume</b>		
4.	Road access works comprising of a sealed rural access to proposed Lot 1, for which approval under section 33 of the <i>Transport Infrastructure Act 1994</i> must be obtained, at the permitted road access location, must be provided generally in accordance with Site Plan, prepared by Benchmark Survey & Design, dated 17/09/14, Plan No VO14-035-001-01, Rev A.  The road access works must be designed and constructed in accordance with Department of Transport and Main Roads Road Planning and Design Manual and in particular Part 4 of Austroads Guide to Road Design: Intersection and Crossings.	Prior to submitting the Plan of Survey to the local government for approval.
<b>Internal and external manoeuvring associated with direct vehicular access to the state-controlled road</b>		
5.	All vehicles must enter and exit the subject site at the permitted road access locations (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained) in a forward motion.	At all times

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Our reference: SDA-1214-016689  
Your reference: VO14-035

**Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- to ensure the proposed development is carried out generally in accordance with the plans of development submitted with the development application
- to ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road
- to ensure the design of any road access maintains the safety and efficiency of the state-controlled road
- to ensure the turning movements of vehicles entering and exiting the premises via the road access maintains the safety and efficiency of the state-controlled road

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SDA-1214-016689

Our reference: SDA-1214-016689  
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**Attachment 3—Further advice**

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<b>General advice</b>	
<b>Advertising Device</b>	
1.	Under section 43 of the <i>Transport Infrastructure Act 1994</i> , a local government must obtain approval from the Department of Transport and Main Roads if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.
<b>Further development permits, compliance permits or compliance certificates</b>	
<b>Road access works approval</b>	
2.	Under sections 33 and 62 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 4045 7144 at the Cairns district office to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).  The road access works approval process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

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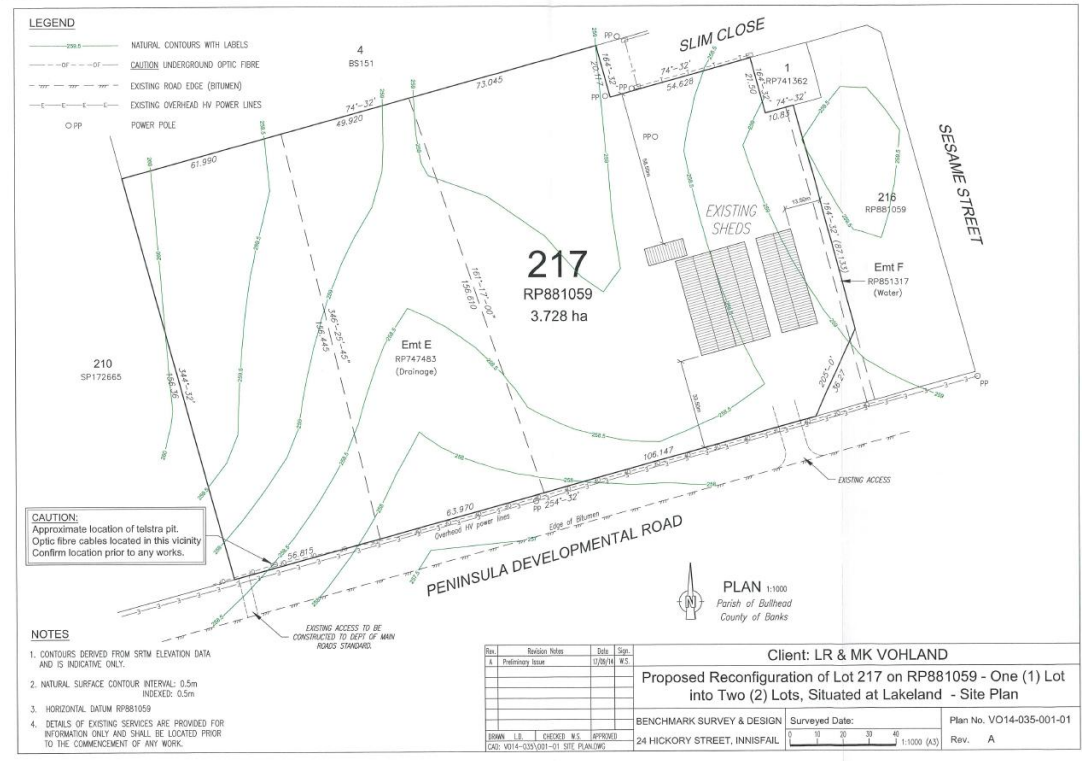
Our reference: SDA-1214-016689  
Your reference: VO14-035

**Attachment 4—Approved plans and specifications**

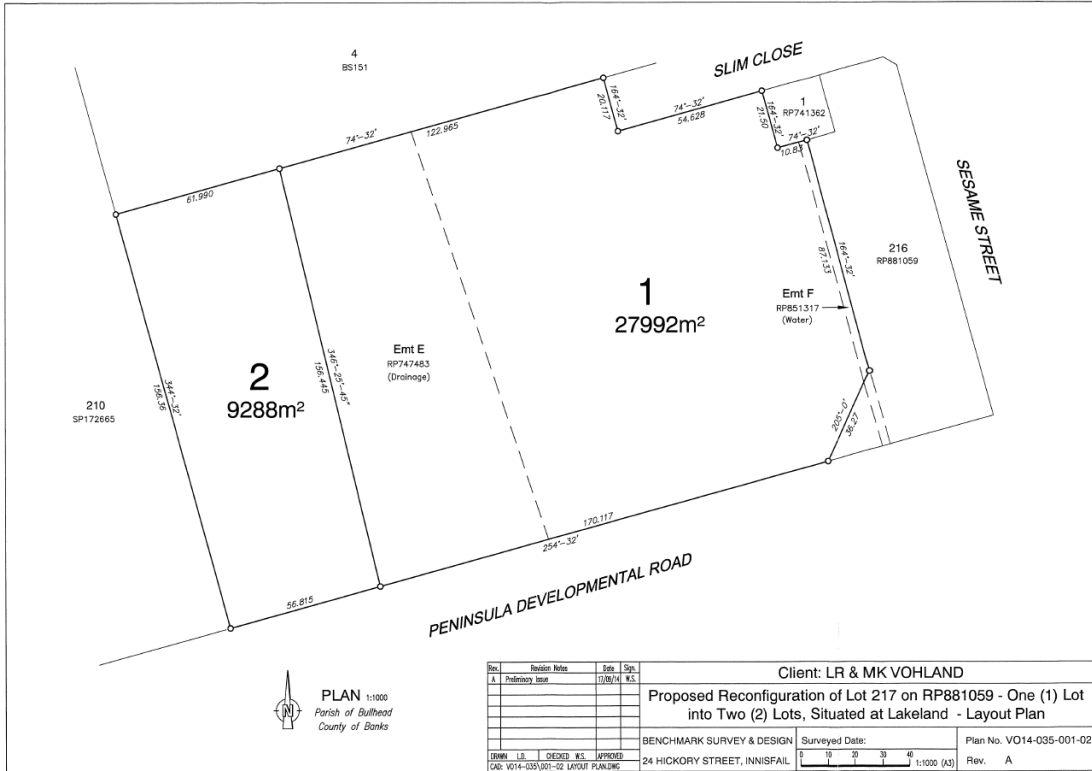
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**Appendix “C”**

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Our ref: JH:lm:DA/3357  
Your ref: VO14-035

17 February 2015

Benchmark Survey & Design  
PO Box 1285  
INNISFAIL QLD 4860

Attention: Wayne Storey

Dear Mr Storey

**ADOPTED INFRASTRUCTURE CHARGES NOTICE**  
**DEVELOPMENT APPLICATION DA/3357**  
**PENINSULA DEVELOPMENTAL ROAD, LAKELAND**

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

**Applicant:** Benchmark Survey & Design  
PO Box 1285  
INNISFAIL QLD 4860

**Location of Site:** Peninsula Developmental Road, Lakeland

**Real Property Description:** Lot 217 on Plan RP881059

**Type of Development:** Reconfiguration

**Infrastructure Charges Calculation:**

Development Class	Charge	Unit of Measure	No of Units	Amount of Charge
Reconfiguration	\$1,900.00 (water)	Equivalent domestic connection	2	\$3,800.00
Reconfiguration	\$900.00 (Public Open Space)	Village zone - lots created	2	\$1,800.00
Total Charges				\$5,600.00

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**Credit Calculation:**

Development Class	Charge	Unit of Measure	No of Units	Amount of Credit
Reconfiguration	\$1,900.00 (water)	Equivalent domestic connection	1	\$1,900.00
Reconfiguration	\$900.00 (Public Open Space)	Village zone - lots created	1	\$900.00
<b>Total Credit</b>				<b>\$2,800.00</b>

**Net Adopted Infrastructure Charges Summary:**

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$5,600.00	\$2,800.00	\$2,800.00

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

**Due Date for Payment:**

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

**Payment Details:**

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

**Goods and Services Tax:**

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

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

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

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

**RIGHTS OF APPEAL:**

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

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

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

Yours faithfully

Bruce Davidson  
Chief Executive Officer

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30927	<b>COMMITTEE OF THE WHOLE</b>	
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Cr A Wilson moved; seconded Cr K Price  
That Council resolve into Committee of the Whole at 11.04 am on 17 February 2015 to discuss legal matters and a request for relief from interest charges.  
CARRIED

30928	<b>COMMITTEE OF THE WHOLE</b>	
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Cr A Wilson moved; seconded Cr K Price  
That the meeting revert to the ordinary meeting of Council at 12.35 pm on 17 February 2015 after discussing legal matters and a request for relief from interest charges.  
CARRIED

**PLANNING AND ENVIRONMENT**

30929	<b>COMMUNITY EVENTS CENTRE BUILDING LEGAL STATUS FEBRUARY 2015</b>	
	<i>Report No. D2015/2075 from Building Surveyor/ Acting Building Maintenance Coordinator, and Director of Planning &amp; Environment , DPE</i>	

Cr A Wilson moved; seconded Cr S Clark  
That,

1. Council resolves to immediately engage a suitably qualified Structural Engineer
  - a. to assess the existing structure for its compliance against the ***Design Guidelines for Queensland Public Cyclone Shelters, September 2006***, and other current relevant standards or guidelines; and
  - b. to assess the cyclonic rating of the existing Events Centre building, in its current state with no improvements, in order that Council can make reasonable risk assessment of the use of the buildings in a cyclonic event;
  
2. Council hereby authorises the CEO and the Director of Planning and Environment to seek, and negotiate for, sufficient funds, from the State and Commonwealth Governments, to cover the expenses involved in the assessment and any required upgrade to the Events Centre.
  
3. That the Mayor and Chief Executive Officer draft a public information release to be agreed to by Councillors.

CARRIED

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**LAND TENURE**

30930	<b>CONSIDERATION OF LEASE E WITHIN LOT 1 ON PLAN CP889652 AND ADJACENT WATER TERM LEASE 235310 FOR MARINE FACILITY BEING LOT 3 ON PLAN SP154666; COOKTOWN WATERFRONT PRECINT, WEBBER ESPLANADE.</b>	
	<i>Report No.D15/2013 from Land Tenure Officer files 2.504.01; 2.510.02; 2.512.05.</i>	

Cr K Price moved; seconded Cr P Johnson

That the Chief Executive Officer liaise with all Directors to undertake a risk and business case analysis of the options associated with the Leases.

CARRIED

**FINANCE**

30931	<b>REQUEST FOR RELIEF FROM INTEREST CHARGES ON OVERDUE RATES</b>	
	<i>Report No.D15/595 from Executive Assistant</i>	

Cr A Wilson moved; seconded Cr P Johnson

That Council decline to accede to the request of the registered proprietor of the property described as Lot 3384 on Plan SP182311 and Lot 3385 on Plan CP890152 to waive the interest charged for overdue rates as the interest must apply equally to all ratepayers in accordance with section 133(2) of the *Local Government Regulation 2012*.

Further that the registered proprietor be advised that Council intends to proceed to auction of the property described as Lot 3384 on Plan SP182311 and Lot 3385 on Plan CP890252 for arrears of rates and charges unless the registered proprietor, by the 1 March 2015, enters into an agreement to pay the outstanding interest, together with the costs accrued to date for the conduct of the auction, in accordance with Council's Debt Policy.

CARRIED

The meeting adjourned for lunch at 1.00 pm and resumed at 1.56 pm on 17 February, 2015.



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**ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES**

Director, Economic Development and Community Services, Katrina Houghton, in attendance

30932	<b>RADF ADVISORY COMMITTEE ASSESSMENT OF FUNDING ROUND 2 – 2014/2015</b>	
	<i>Report No.D15/2163 from Director Economic Development &amp; Community Services</i>	

Cr K Price moved; seconded Cr P Johnson

That Council endorses and approves the RADF Advisory Committee recommendations as contained in Report D15/2163 for Round 2 2014/2015 RADF Funding.

**CARRIED**

**Precis**

The Regional Arts Development Fund (RADF) Advisory Committee met on Friday 6 February 2015 at the Cook Shire Council to assess Round 2 funding applications for 2014/2015. The meeting commenced at 1:08pm and ended at 3:00pm.

**RADF Applications**

The following applications were received:

Applicant	Amount Requested	Category applied for	Project Summary & RADF Committee Comments
<b>Cooktown Re-enactment Society</b>	<b>\$10,000.00</b>	<b>Building Community Cultural Capacity</b>	<i>Description of Project - Grant will be used for creating a permanent but moveable exhibition celebrating the uniqueness of Cook's 48 days at the Endeavour River in 1770.</i>
<b>Cooktown RSL Sub Branch</b>	<b>\$6,500.00</b>	<b>Building Community Cultural Capacity</b>	<i>Description of Project - Grant will be used for concept outdoor art and workshop acknowledging the contribution of local diggers from World War 1.</i>
<b>Jacqui Sykes</b>	<b>\$1,300.00</b>	<b>Developing Regional Skills</b>	<i>Description of Project – Grant will be used towards the costs of bringing the creator/builder of The Musical Ship, Steve Langton, from Brisbane to Cooktown to run</i>

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<b>Our CDF Inc</b>	<b>\$7,220.00</b>	<b>Building Community Cultural Capacity</b>	<p><i>up to 4 workshops for young people (and their parents!).</i></p> <p><b>Description of Project</b> – Grant will be used towards the costs of providing dance workshops that will culminate in a variety of performances over the June Long Weekend at the Cooktown Discovery Festival.</p>
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**RADF Committee Recommendations:**

**Successful applications**

**1. Cooktown Re-enactment Society - \$10,000.00**

*Description of Project* – The grant will be used for creating a permanent but moveable exhibition celebrating the uniqueness of Cook's 48 days at the Endeavour River in 1770.

*Benefits to the community* –

- Workshops will increase skill levels of participants.
- Completed works will be used to interpret and share Cooktown's history to local residents and visitors.
- Finished product is transportable and can be exhibited elsewhere for interpretation and promotional purposes.
- Project increases the capabilities of the venue as a cultural tourism attraction.

***RADF Committee comments:***

This project will be beneficial for the Cooktown Re-enactment Society which in turn is beneficial for Cooktown. Application would also be suitable for Category 4 Cultural Tourism.

***Recommendation: Fully approved - \$10,000.00***

**RADF Category 2 Building community cultural capacity**

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

**CRITERIA:** category 2

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

**RADF Category 4 Cultural tourism**

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

RADF grants can support initiatives and activities that focus on:

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

**2. Cooktown RSL Sub Branch**

*Description of Project – The grant will be used for concept outdoor art (on Anzac Park amenities block) and workshop acknowledging the contribution of local diggers from World War 1.*

*Benefits to the community –*

- Provide local amateur artists, youth and seniors opportunity to enhance skills.
- Will educate local and tourist communities about Cooktown's contribution to the World War 1 effort through listing of battalions and visual representation of military medals.
- Will refurbish amenities block, beautifying the public space and will tie together the elements of the Anzac Park Precinct.

***RADF Committee comments:***

Right timing with upcoming Gallipoli anniversary and right place, ties in with new Anzac Park arch and need to address current state of toilet block.

Projects such as these have potential to reduce vandalism and loitering by promoting community ownership.

***Recommendation: Fully approved \$6,500.00***

**RADF Category 2 Building community cultural capacity**

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

CRITERIA: category 2

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

**3. Jacqui Sykes - \$1,300.00**

*Description of Project – Grant will be used towards the costs of bringing the creator/builder of The Musical Ship, Steve Langton, from Brisbane to Cooktown to run up to 4 workshops for young people (and their parents!).*

*Benefits to the community –*

- Will enhance skills and arts engagement of participants.
- Encourages interest, understanding and capability of the Musical Ship as per the original concept.

*RADF Committee comments:*

Committee feels that RADF has a commitment to the Musical Ship including the support of ongoing musical workshops.

*Recommendation: Fully approved \$1,300.00*

**RADF Category 1 Developing Regional Skills**

OBJECTIVE: for individual professional artists and artswokers living in regional Queensland to attend professional development seminars or activities; master classes; mentorships with recognised arts and cultural peers; and placements with recognised arts and cultural organisations.

CRITERIA: Category 1

- RADF grants will support intrastate and interstate activities only.

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- Arts Queensland's Individual Professional Development grants support international activities.
- Assistance is available for up to 65 per cent of the total costs to a maximum of \$1000 for Queensland travel and \$2000 for national travel.

**4. Our CDF Inc - \$7,220.00**

*Description of Project – The grant will be used towards the costs of providing dance workshops that will culminate in a variety of performances over the June Long Weekend at the Cooktown Discovery Festival.*

*Benefits to the community –*

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

***RADF Committee comments:***

The committee had concerns about how applicant is going to engage participants and amount requested for coordination fees.

***Recommendation: \$6,220.00***

**RADF Category 2 Building community cultural capacity**

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

CRITERIA: category 2

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

**Policy Linkages**

The objectives and priorities of Council's Corporate Plan and Council's Cultural Policy:

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*1.1 Council's Role in Supporting Broad Scale Participation*

*Key Element: To demonstrate leadership to foster active participation in arts and community cultural activities, ensuring there are engaging and relevant opportunities for all residents to participate in cultural life.*

*Links to Corporate Plan: Long Term Goal: The Shire has a range of well developed arts and cultural groups and activities. (Arts and Cultural programs are supporting whole of community initiatives).*

*1.5 Council's Role in Supporting Heritage Initiatives.*

*Key Elements: Council works with relevant partners and the community to maximise the identification, conservation, interpretation, presentation and promotion of all historical and heritage assets, both material and intangible (such as stories) in a professional and sustainable manner.*

*Links to Corporate Plan: Long Term Goal*

- *A community which recognises the value of preserving the cultural heritage of the Shire.*

*4.1 Council's Role in Fostering Employment and Creative Enterprises.*

*Key Element: Council has a leadership role to play in encouraging individual employment and small creative businesses to emerge and thrive in creative industries.*

*Links to Corporate Plan:*

*Long Term Goals*

- *Best practice corporate governance.*
- *The community sustains and benefits from a strong, growing and diversified economy.*

**Consultation**

Regional Arts Development Fund Committee

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

Nil

**Policy Implications**

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Nil

**Financial and Resource Implications (Budgetary)**

2014/2015 RADF Program	Budgeted	Committed
Round 1	\$13,173.00	<i>no applications</i>
Round 2	\$13,173.00	
Round 3	\$13,173.00	
Quick response / Out of round	\$1,000.00	
Strategic Initiative 1 – Build Cultural Tourism	\$12,000.00	\$12,000.00
Strategic Initiative 2 – Arts Engagement in Cyber Space	\$6,000.00	\$6,000.00
Surplus funds from 2013/2014	\$14,797.45	\$14,797.45 *
<b>TOTAL</b>	<b>\$73,316.45</b>	<b>\$32,797.45</b>

*\*Council has received permission from Arts Queensland to utilise surplus funds from 2013/2014 of \$14,797.45 for public artwork in the Activity Precinct of the Cooktown Foreshore and Webber Esplanade. The RADF Committee are reserving the option to further support the public art for the Activity Precinct with some or all of the unallocated funds from Round 1 of \$13,173.00. The proposed artwork is being further developed so exact costs are unknown at this time.*

Allocations – Round 2	Amount requested	Amount recommended
Jacqui Sykes	\$1,300.00	\$1,300.00
Cooktown Re-enactment Association	\$10,000.00	\$10,000.00
Our CDF Inc.	\$ 7,220.00	\$6,220.00
Cooktown RSL Sub-branch	\$ 6,500.00	\$6,500.00
<b>TOTAL</b>	<b>\$25,020.00</b>	<b>\$24,020.00</b>

*\*Round 2 applications exceed the Round 2 budgeted allocation however the committee have determined all have merit and should be assessed on a first come first served basis. This will leave little funding for a third round but ensures funding will be expended and reduces the risk of having to roll over funding amounts for a third year.*

In summary, pending the unallocated Round 1 funds of \$13,173.00 being utilised for public art in the Activity Precinct, and the approval of Round 2 grant funding of \$24,020.00, the remaining balance of RADF application funds will be **\$3,326.00** (\$1,000.00 for Quick response / Out of round grants and \$2,326.00 for public RADF applications).

That Council endorses and approves the RADF Advisory Committee recommendations as contained in Report D15/2163 for Round 2 2014/2015 RADF Funding.

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**LAND TENURE**

30933	<b>APPLICATION FOR CONVERSION OF GHPL 14/234 OVER LOT 2009 ON PLAN SP195694 TO FREEHOLD – KINGS PLAINS, MULLIGAN HIGHWAY, LAKELAND; FOR GRAZING PURPOSES; PARISH OF GORE; LOCALITY OF BLOOMFIELD.</b>	
	<i>Report No.D15/2049 from Land Tenure Officer File No. 2.29.1 &amp; 2; 2.650.96 &amp; 97.</i>	

Cr R Bowman moved; seconded Cr K Price

That the Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of GHPL 14/234 over Lot 2009 on Plan SP159694 to Freehold, subject to;

- i. the owner ensures that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation, and
- ii. the creation of 30 metre wide esplanades along the eastern and southern banks of the West Normanby River and the eastern bank of the East Normanby River, in accordance with submitted plan, Google Map Proposed 30 metre wide Esplanades within Lot 2009 on Plan SP159694.

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

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

Moreover, Council has identified the Old Coach Road, gazetted as the Palmer Coach Road, as a known local non-indigenous cultural heritage of value requiring consideration by the Department in its assessment of the application.

**CARRIED**

**Précis**

1. Raise no objection to the conversion of lease to freehold, subject to compliance of all planning matters and creation of esplanades.



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**Background/History**

2. By letter dated 20 January 2015, the Department of Natural Resources and Mines advised that an application for conversion of Grazing Homestead Perpetual Lease ('GHPL') 14/234 over Lot 2009 on Plan SP195694 to Freehold had been received – SmartMap attached.
3. The Department further advised that the proposed use of the land is Grazing and requested Council's views/requirements including any local non-indigenous cultural heritage values that should be considered when assessing the application.
4. Lot 2009 on Plan SP195694 has an area of 45,600 hectares and was previously Tandewarrah Pastoral Holding.
5. Council has identified the Old Coach Road, gazetted as the Palmer Coach Road, as a known local non-indigenous cultural heritage of value requiring consideration by the Department in its assessment of the application.
6. Planning and Environment Services have no planning issues with the conversion, however, there are building applications on this property that are not finalised, the owner must ensure that any and all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation.
7. Engineering have no issues.
8. In accordance with Council's Policy in relation to Roads, Stock Routes and Public Access Issues and reaffirmed at the October 2012 Council Meeting, 30 meter wide esplanades should be required along the eastern and southern banks of the West Normanby River and the eastern bank of the East Normanby River, in accordance with attached plan, Google Map Proposed 30 meter wide Esplanades within Lot 2009 on Plan SP159694.

**Public Access**

20-21 JULY 1999 RESOLUTION NO.19787

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

9. The following recommendation is submitted for consideration.

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**Link to Corporate Plan**

1. 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**

10. Internal.

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

11. Nil.

**Policy Implications**

12. Nil– in accordance with policy position.

**Financial and Resource Implications (Budgetary)**

13. Nil.

**RECOMMENDATION**

That the Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of GHPL 14/234 over Lot 2009 on Plan SP159694 to Freehold, subject to;

- iii. the owner ensures that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation, and
- iv. the creation of 30 meter wide esplanades along the eastern and southern banks of the West Normanby River and the eastern bank of the East Normanby River, in accordance with submitted plan, Google Map Proposed 30 meter wide Esplanades within Lot 2009 on Plan SP159694.

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

That Council's attitude/intent regarding river/creek/beach access etc is to request/require legal public access wherever possible. Council intends to request/require esplanades/access roads plus adjacent reserves (landing,

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recreation, etc) wherever possible. Any Council request/application should be processed with the foregoing intent in mind.

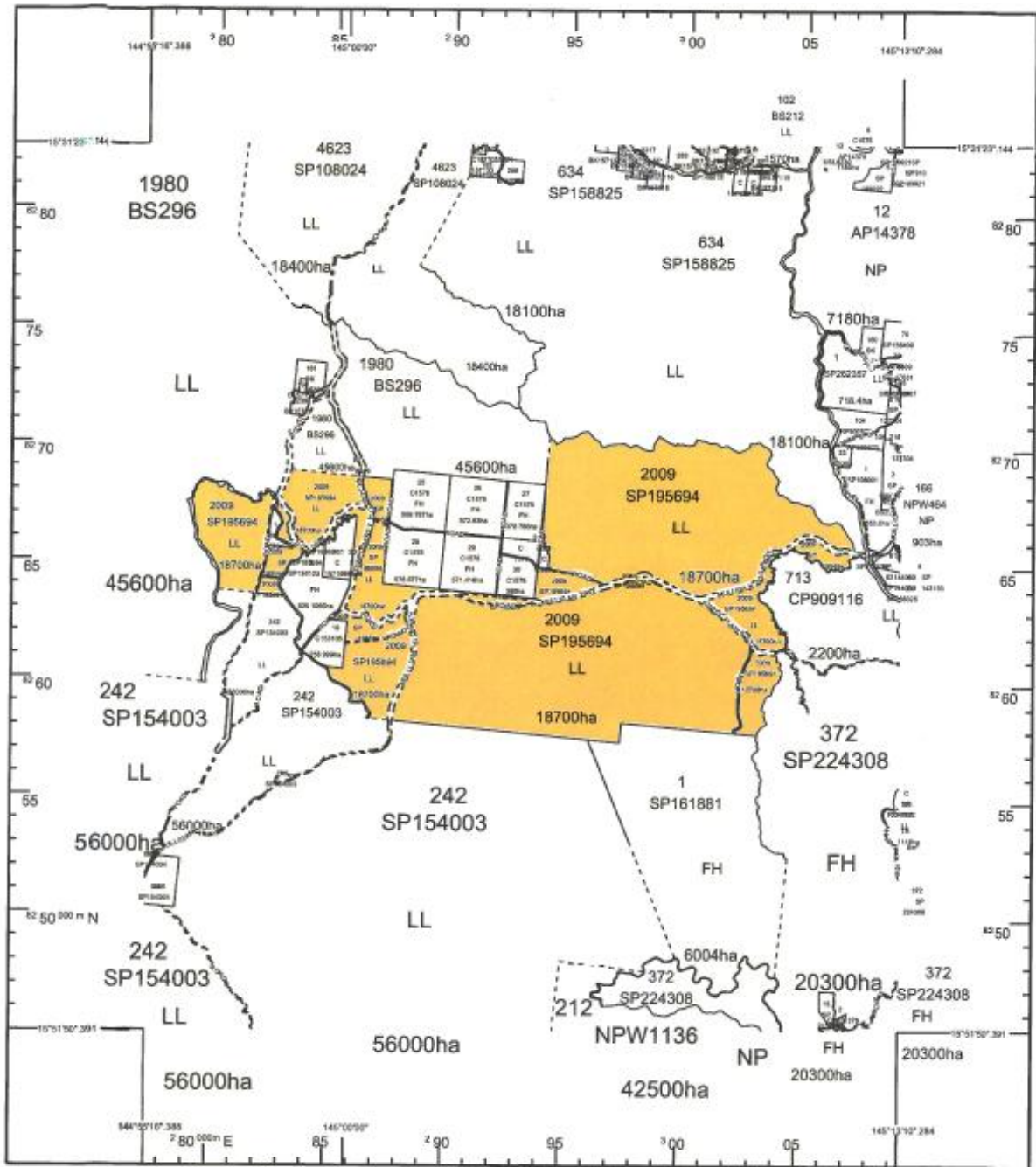
Moreover, Council has identified the Old Coach Road, gazetted as the Palmer Coach Road, as a known local non-indigenous cultural heritage of value requiring consideration by the Department in its assessment of the application.

Att.

SmartMap

Google Map Proposed 30 meter wide Esplanades within Lot2009 on Plan SP195694 along the banks of the East and West Normanby Rivers.

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**STANDARD MAP NUMBER**  
7966-43244



**SmartMap**  
An External Product of  
SmartMap Information Services

**MAP WINDOW POSITION &  
NEAREST LOCATION**

16°51'17.244  
144°50'17.760  
COOKVILLE  
22.84300

**SUBJECT PARCEL DESCRIPTION**

DCDS  
LutPlan 2009SP195694  
Area/Voluns 18700ha  
Tenure LANDS LEASE  
Local Government COOK SHIRE  
Locality LAKELAND  
Parish GORE  
County BANKS  
Segment/Parcel 8485718

**CLIENT SERVICE STANDARDS**

PRINTED (ddmmyyyy) 21/6/2015  
For additional information regarding this SmartMap see page 2.  
Shading Rules have been applied.

DCDS 20/6/2015 (Lots with an area less than 5,000ha are not shown)

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Based upon an extraction from the  
Digital Cadastral Data Base



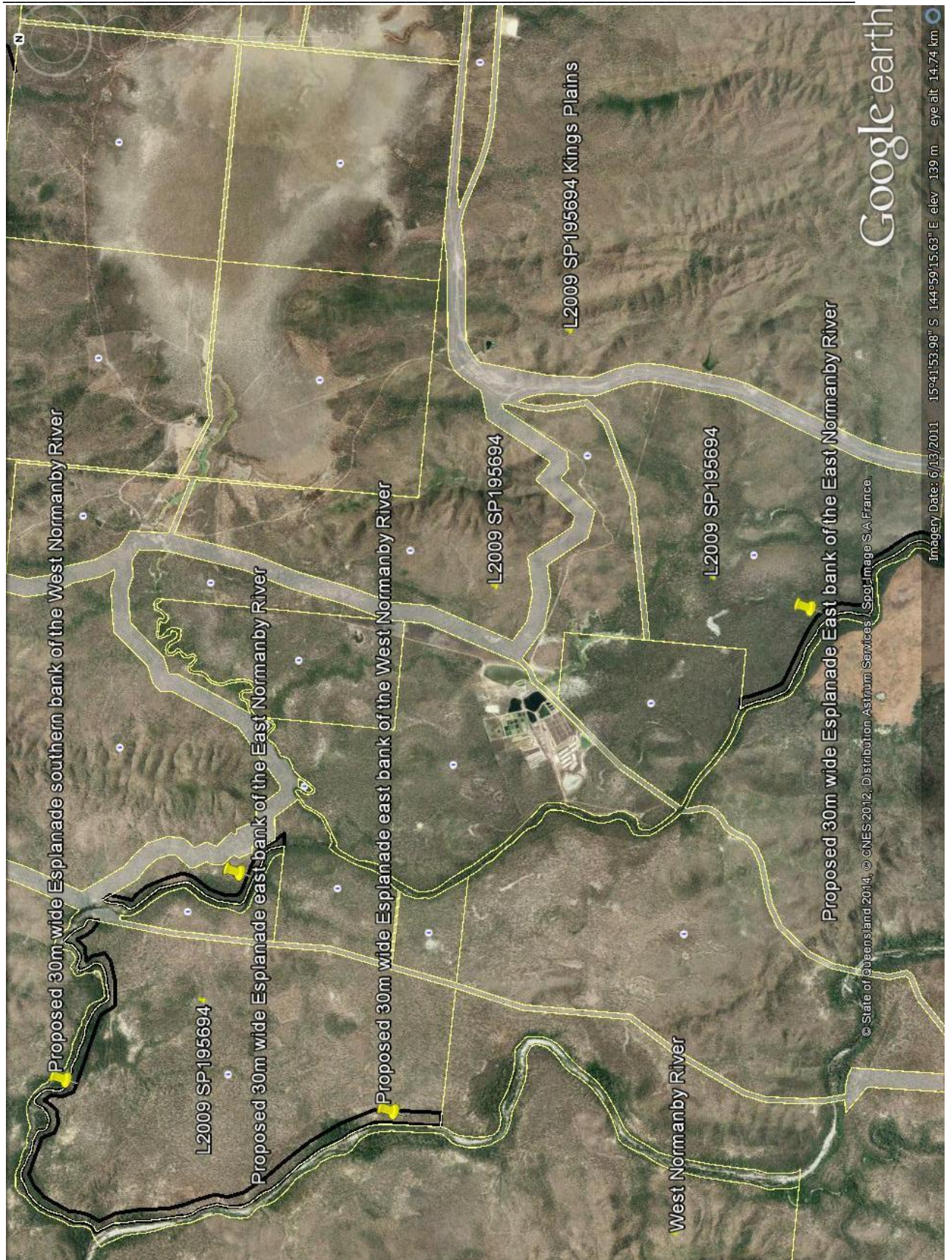
**Queensland  
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Resources and Mines) 2015.





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30934	<b>APPLICATION FOR CONVERSION OF GHPL 14/234 OVER LOT 1980 ON PLAN BS296 TO FREEHOLD – KINGS PLAINS, MULLIGAN HIGHWAY, LAKELAND; FOR GRAZING PURPOSES; PARISH OF GORE; LOCALITY OF BLOOMFIELD.</b>	
	<i>Report No.D15/2047 from Land Tenure Officer File No. 2.29.1 &amp; 2; 2.650.96 &amp; 97.</i>	

Cr A Wilson moved; seconded Cr R Bowman

That the Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of GHPL 14/234 over Lot 1980 on Plan BS296 to Freehold, subject to;

- i. gazetted access being provided to ML20562 in accordance with submitted plan, Google Map Proposed access road to Limestone Deposit ML20562 through Lot 1980 BS296 Kings Plains,
- ii. the owner ensures that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation, and
- iii. the creation of a 30 meter wide esplanade along the western and northern banks of the West Normanby River in accordance with submitted plan, Google Map Proposed 30 meter wide Esplanade.

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

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

Moreover, Council has identified the Old Coach Road, gazetted as the Palmer Coach Road, as a known local non-indigenous cultural heritage of value requiring consideration by the Department in its assessment of the application.

**CARRIED**

**Précis**

1. Raise no objection to the conversion of lease to freehold, subject to compliance of all planning matters, creation of esplanade and access road to mining lease.

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**Background/History**

2. By letter dated 20 January 2015, the Department of Natural Resources and Mines advised that an application for conversion of Grazing Homestead Perpetual Lease ('GHPL') 14/234 over Lot 1980 on Plan BS296 to Freehold had been received – SmartMap attached.
3. The Department further advised that the proposed use of the land is Grazing and requested Councils views/requirements including any local non-indigenous cultural heritage values that should be considered when assessing the application.
4. Lot 1980 on Plan BS296 has an area of 45,600 hectares and was previously Normanby River Pastoral Holding.
5. Council has identified the Old Coach Road, gazetted as the Palmer Coach Road, as a known local non-indigenous cultural heritage of value requiring consideration by the Department in its assessment of the application.
6. Large deposits of Limestone had been located within Lot 1980 on Plan BS296 (Kings Plains) and predominantly in neighbouring property Alkoomie under Mining Lease 20562.
7. These deposits have varied domestic uses including but not limited to road base, concrete and cement which the Director of Engineering has advised are of future interest to Council; access to these deposits is an ungazetted track through Lot 1980 on Plan BS296 (Kings Plains). See attached "Access" plan.
8. Planning and Environment Services have no planning issues with the conversion, however, there are building applications on this property that are not finalised, the owner must ensure that any and all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation.
9. In accordance with Council's Policy in relation to Roads, Stock Routes and Public Access Issues and reaffirmed at the October 2012 Council Meeting, a 30 meter wide esplanade should be required along the western and northern banks of the West Normanby River in accordance with attached plan, Google Map Proposed 30 meter wide Esplanade.

**Public Access**

20-21 JULY 1999 RESOLUTION NO.19787



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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.

10. The following recommendation is submitted for consideration.

**Link to Corporate Plan**

2. 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**

11. Internal.

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

12. Nil.

**Policy Implications**

13. Nil– in accordance with policy position.

**Financial and Resource Implications (Budgetary)**

14. Nil.

**RECOMMENDATION**

That the Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of GHPL 14/234 over Lot 1980 on Plan BS296 to Freehold, subject to;

- iv. gazetted access being provided to ML20562 in accordance with submitted plan, Google Map Proposed access road to Limestone Deposit ML20562 through Lot 1980 BS296 Kings Plains,



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- v. the owner ensures that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation, and
- vi. the creation of a 30 meter wide esplanade along the western and northern banks of the West Normanby River in accordance with submitted plan, Google Map Proposed 30 meter wide Esplanade.

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

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

Moreover, Council has identified the Old Coach Road, gazetted as the Palmer Coach Road, as a known local non-indigenous cultural heritage of value requiring consideration by the Department in its assessment of the application.

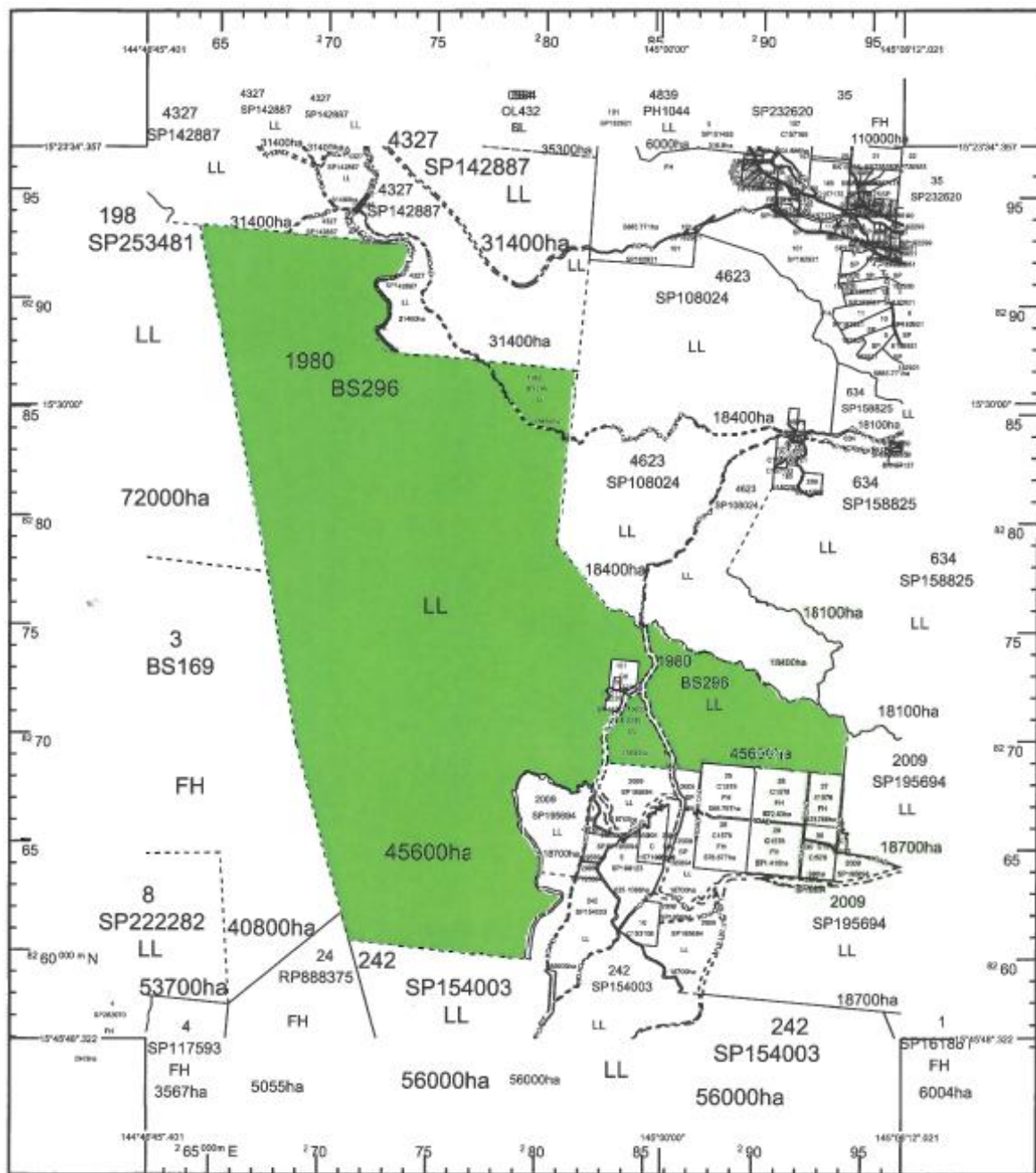
Att.

SmartMap

Google Map Proposed access road to Limestone Deposit ML20562 through Lot 1980  
BS296 Kings Plains

Google Map Proposed 30 meter wide Esplanade within Lot 1980 on Plan BS296

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STANDARD MAP NUMBER  
7866-11243



**SmartMap**

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



**SUBJECT PARCEL DESCRIPTION**

DCDB	1980/85266
Lot/Plan	45600ha
Area/Volume	LANDS LEASE
Tenure	COOK SHIRE
Local Government	LAKELAND
Locality	GORE
Patch	BANKS
County	84782
Segment/Parcel	

**CLIENT SERVICE STANDARDS**

PRINTED: 02/09/2015 10:01:02:15  
For additional information regarding this SmartMap see page 2.  
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DCDB - 1901/2015 (Lots with an area less than 5,000ha are not shown)

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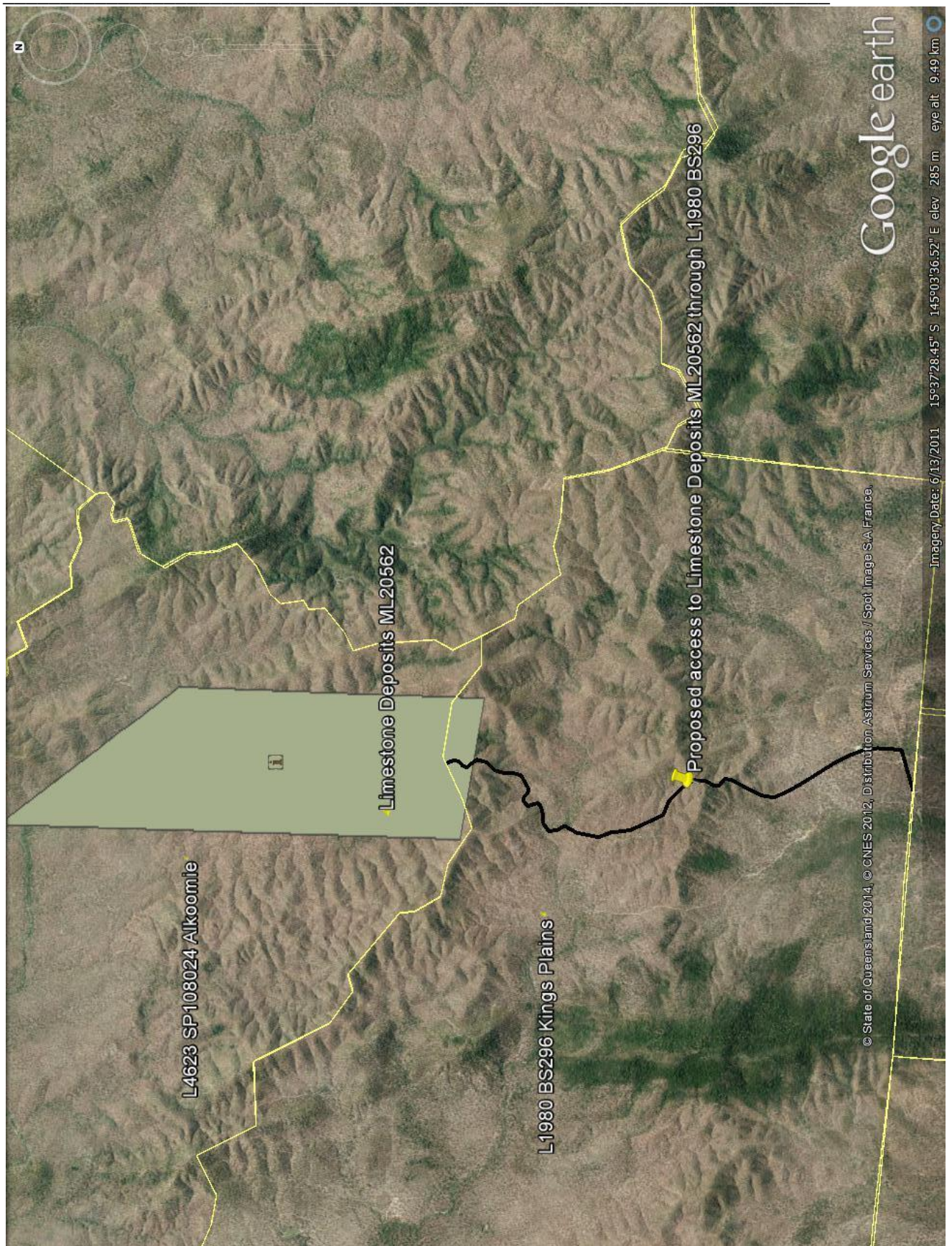
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Queenland Government  
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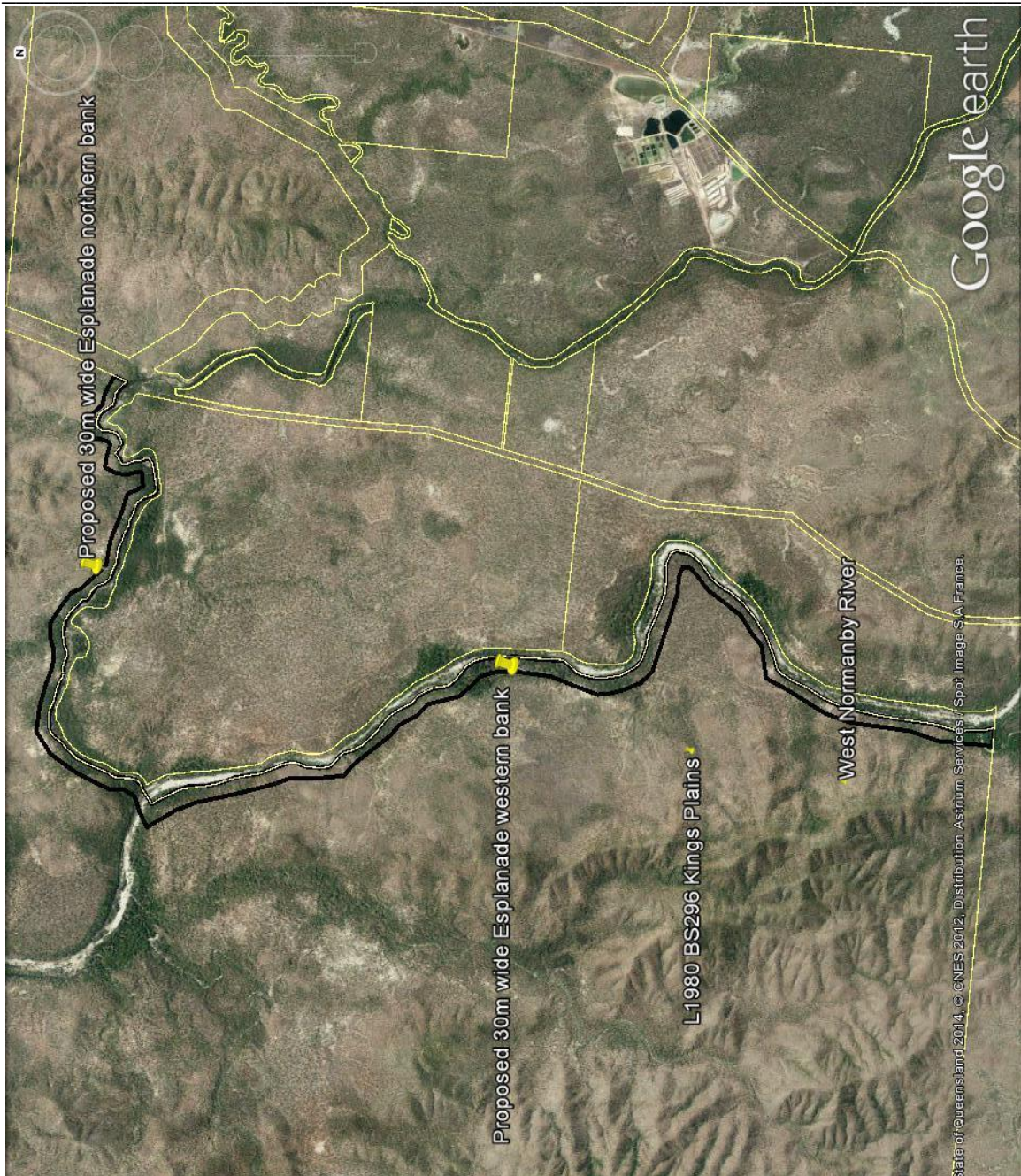


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30935	<b>APPLICATION FOR CONVERSION OF TERM LEASE OVER LOT 97 ON PLAN N25336 TO FREEHOLD – HOLZAPFEL ROAD, COOKTOWN - FOR GRAZING PURPOSES; PARISH OF SOLANDER; LOCALITY OF COOKTOWN.</b>	
	<i>Report No.D15/ 2015 from Land Tenure Officer File No. 2.37.12 &amp; 13.</i>	

Cr A Wilson moved; seconded Cr K Price

That the Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of Term Lease over Lot 97 on Plan N25336 to Freehold, subject to the owner ensuring that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation, and the provision of a thirty (30) meter wide esplanade along the southern bank of the Endeavour River, as depicted on Plan Google Map Proposed 30 meter wide Esplanade submitted.

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

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

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

**CARRIED**

**Précis**

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

**Background/History**

2. By letter dated 8 January 2015, the Department of Natural Resources and Mines advised that an application for conversion of Term Lease over Lot 97 on Plan N25336 to Freehold had been received – SmartMap attached.
3. The Department further advised that the proposed use of the land is Grazing and requested Council's views/requirements including any local non-indigenous cultural heritage values that should be considered when assessing the application.
4. There are no known local non-indigenous cultural heritage values within this lease.

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5. Engineering Services has no issues.
6. Planning and Environment Services have no issues, however, the owner must ensure that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation.
7. Council at its October 2014 meeting, vide Resolution No. 30860 resolved to advise the Department that Council raise no objection to the renewal of Term Lease over L97 on Plan N25336 subject to the provision of a thirty (30) meter wide esplanade along the southern bank of the Endeavour River.
8. This is in accordance with Council's Policy on the issue, reaffirmed at the October 2012 Council Meeting, a 30 meter wide esplanade should be required along the southern bank of the Endeavour River in accordance with attached plan, Google Map Proposed 30 meter wide Esplanade.

**Public Access**

20-21 JULY 1999 RESOLUTION NO.19787

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

9. The following recommendation is submitted for consideration.

**Link to Corporate Plan**

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

**Consultation**

11. Nil.

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

12. Nil.

**Policy Implications**

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13. Nil.

**Financial and Resource Implications (Budgetary)**

14. Nil.

**RECOMMENDATION**

That the Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of Term Lease over Lot 97 on Plan N25336 to Freehold, subject to the owner ensuring that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation, and the provision of a thirty (30) meter wide esplanade along the southern bank of the Endeavour River, as depicted on Plan Google Map Proposed 30 meter wide Esplanade submitted.

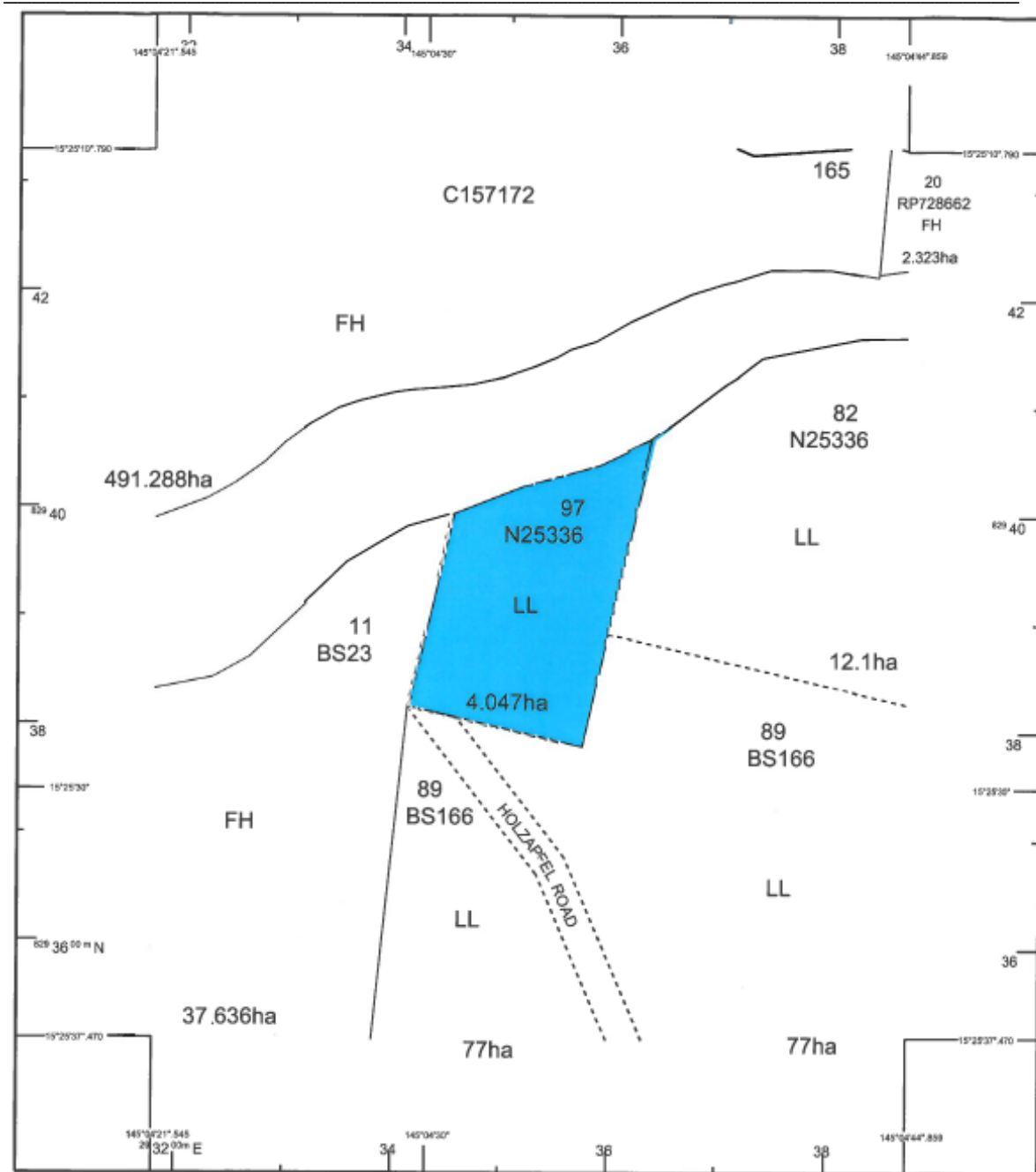
I draw your attention to Council's access position as previously conveyed to the Department in connection with particular dealings. Council's access position is as follows:

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

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

Att.  
SmartMap  
Google Map Proposed 30 meter wide Esplanade

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16-17-18 February 2015**



**STANDARD MAP NUMBER**  
7967-33133



**SUBJECT PARCEL DESCRIPTION**

DCDB	97N25336
Lot/Plan	4.047ha
Area/Volume	LANDS LEASE
Tenure	COOK SHIRE
Local Government	COOKTOWN
Locality	SOLANDER
Parish	BANKS
County	62524
Segment/Parcel	

**CLIENT SERVICE STANDARDS**

PRINTED (dd/mm/yyyy) 06/01/2015  
For additional information regarding this SmartMap see page 2.  
Stading Rates have been applied.

DCDB: 06/01/2015

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**SmartMap**

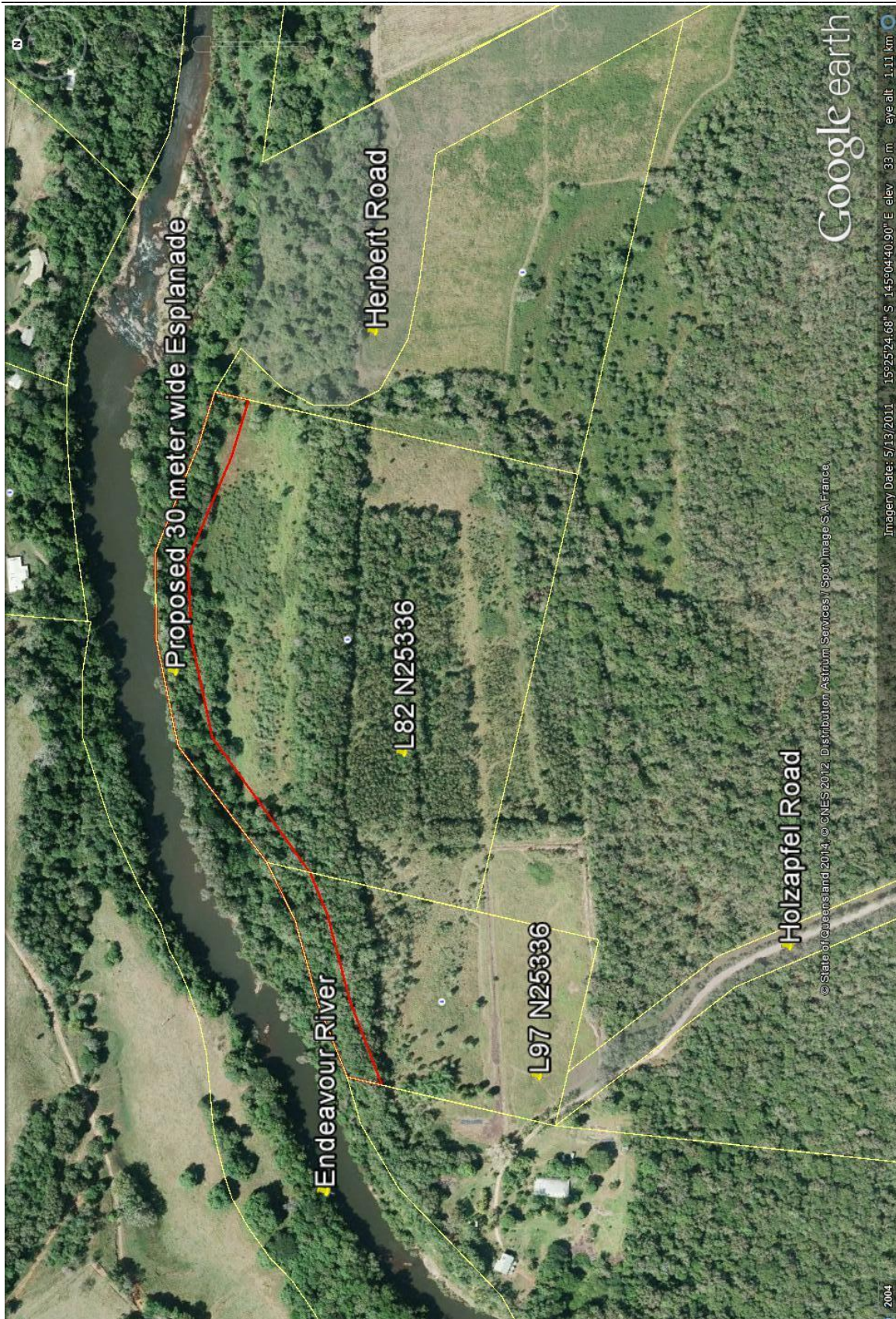
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Digital Cadastral Data Base



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30936	<b>APPLICATION FOR CONVERSION OF TERM LEASE OVER LOT 82 ON PLAN N25336 TO FREEHOLD – HERBERT ROAD, COOKTOWN - FOR GRAZING PURPOSES; PARISH OF SOLANDER; LOCALITY OF COOKTOWN.</b>	
	<i>Report No.D15/2014 from Land Tenure Officer File No. 2.37.12 &amp; 13.</i>	

Cr P Johnson moved; seconded Cr R Bowman

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

- i. gazetted access being provided to Lot 82 on Plan N25336,
- ii. the owner ensuring that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation, and
- iii. the provision of a thirty (30) meter wide esplanade along the southern bank of the Endeavour River, as depicted on Plan Google Map Proposed 30 meter wide Esplanade submitted.

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

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

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

**CARRIED**

**Précis**

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

**Background/History**



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2. By letter dated 8 January 2015, the Department of Natural Resources and Mines advised that an application for conversion of Term Lease over Lot 82 on Plan N25336 to Freehold had been received – SmartMap attached.
3. The Department further advised that the proposed use of the land is Grazing and requested Council's views/requirements including any local non-indigenous cultural heritage values that should be considered when assessing the application.
4. There are no known local non-indigenous cultural heritage values within this lease.
5. Engineering Services has no issues.
6. Planning and Environment Services have no issues, however, the owner must ensure that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation.
7. Council at its October 2014 meeting, vide Resolution No. 30861 resolved to advise the Department that Council raise no objection to the renewal of Term Lease over L82 on Plan N25336 subject to creation of gazetted access and the provision of a thirty (30) meter wide esplanade along the southern bank of the Endeavour River.
8. This is in accordance with Council's Policy on the issue, reaffirmed at the October 2012 Council Meeting, a 30 meter wide esplanade should be required along the southern bank of the Endeavour River in accordance with attached plan, Google Map Proposed 30 meter wide Esplanade.

**Public Access**

20-21 JULY 1999 RESOLUTION NO.19787

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

9. The following recommendation is submitted for consideration.

**Link to Corporate Plan**

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

**Consultation**

11. Nil.

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

12. Nil.

**Policy Implications**

13. Nil.

**Financial and Resource Implications (Budgetary)**

14. Nil.

**RECOMMENDATION**

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

- iv. gazetted access being provided to Lot 82 on Plan N25336,
- v. the owner ensuring that all structures and/or buildings have obtained compliance with the requirements of the Queensland Building Act 1975 and referenced legislation, and
- vi. the provision of a thirty (30) meter wide esplanade along the southern bank of the Endeavour River, as depicted on Plan Google Map Proposed 30 meter wide Esplanade submitted.

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

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

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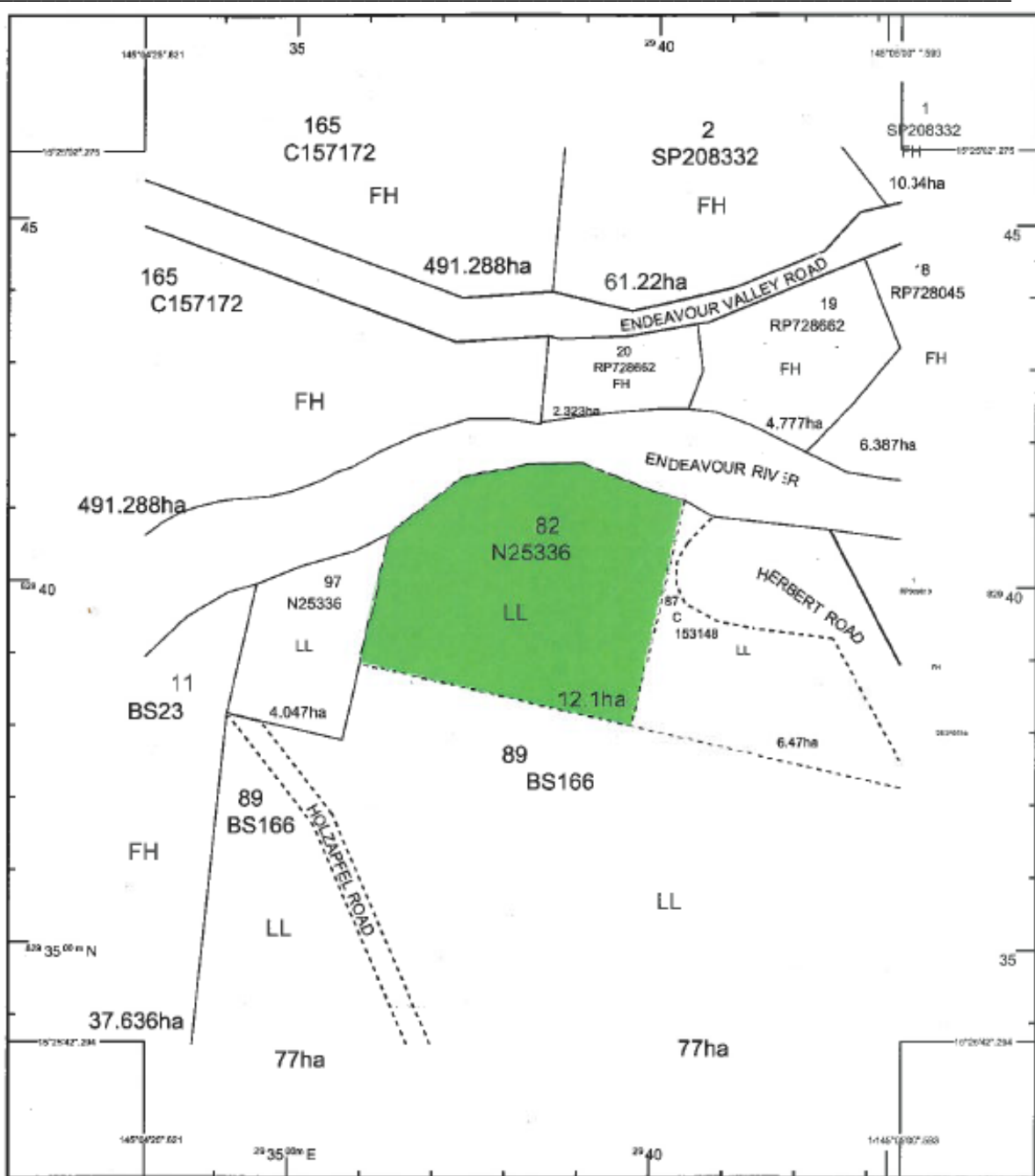
Moreover, Council is unaware of any local non-indigenous cultural heritage values that should be considered when assessing the application.

Att.

SmartMap

Google Map Proposed 30 meter wide Esplanade

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STANDARD MAP NUMBER  
7967-33132



**SmartMap**

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



**SUBJECT PARCEL DESCRIPTION**

DDCB	82N5336
Lot/Plan	12 1ha
Area/Volume	LANDS LEASE
Tenure	COOK SHIRE
Local Government	COOKTOWN
Locality	ROLANDER
Parish	BANKS
County	8267
Segment/Parcel	

**CLIENT SERVICE STANDARDS**

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

DDCB 22/09/2014

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

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

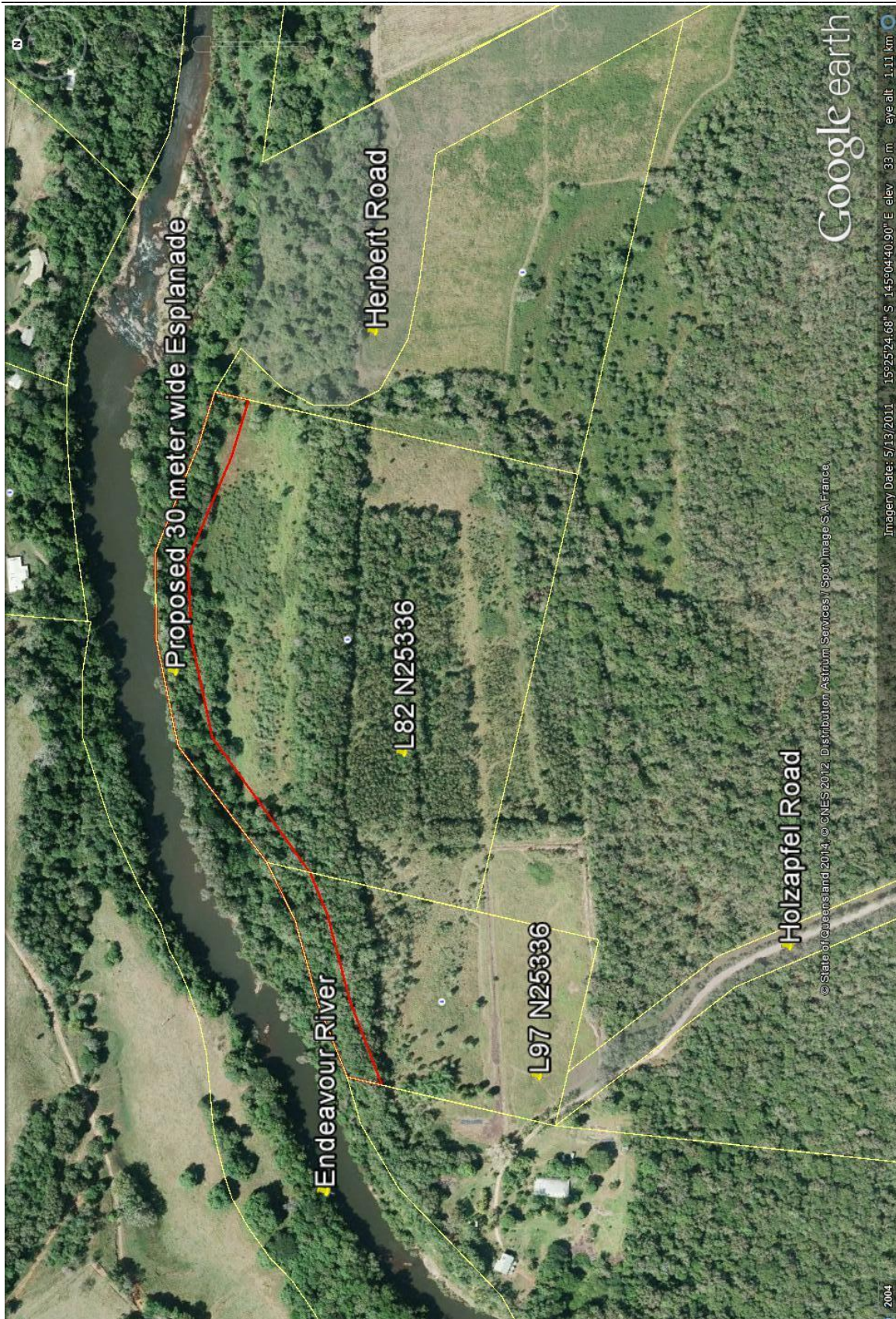
For further information on SmartMap products visit <http://www.qld.gov.au/property/insp/m/insp>



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



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**CORPORATE SERVICES**

**FINANCE**

Director of Corporate Services, Martin Cookson, in attendance.

30937	<b>REVENUE AND EXPENDITURE – JANUARY 2015</b>	
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Cr S Clark moved; seconded Cr P Johnson

That the Revenue and Expenditure Statements for January 2015 be adopted

**CARRIED**



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30938	<b>DEBTORS WRITE OFF</b>	
	<i>Report No.D15/1022 from Accounts Receivable</i>	

Cr R Bowman moved; seconded Cr P Johnson  
That Council write off the outstanding amount of \$5500.00  
CARRIED

**Précis**

Debtor Report – Request to write off outstanding debt.

**Background/History**

This debt is for unpaid ROCCY membership Fees and dates back to 13/6/2013.

The overdue amount is \$5500.00.

This account was referred to ARL (Australian Receivable Limited) on 28/5/2014.

The debtor informed us a letter had been sent stating their wish to resign from ROCCY but I was unable to locate it in TRIM. After many calls requesting a copy of the resignation letter nothing has been forthcoming.

As ROCCY stopped operating from November 2011 it is recommended this debt be written off.

**Link to Corporate Plan**

Long term financial sustainability.

**Consultation**

Nil

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

Nil

**Policy Implications**

Nil

**Financial and Resource Implications (Budgetary)**

Nil

**RECOMMENDATION**

That Council write off the outstanding amount of \$5500.00

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30939	<b>DEBTORS WRITE OFF</b>	
	<i>Report No.D15/662 from Accounts Receivable</i>	

Cr K Price moved; seconded Cr P Johnson  
That Council write off the outstanding amount of \$5858.11  
CARRIED.

**Précis**

Debtor Report – Request to write off outstanding debt.

**Background/History**

This debt is for unpaid rent for one of the Seniors Units and dates back to 2012.

The overdue amount of \$5858.11.

This account was referred to ARL (Australian Receivable Limited) on 31/1/2014 and despite many attempts by them to set up payment arrangements no payments were ever received.

The customer has been extremely difficult to make contact with. ARL have had several Skip Traces to locate the debtor without success and at present an address or contact number is not available

The account was sent back to us on 22/1/2015

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

Consequently the outstanding amount of \$5858.11, which remains owing to Council is unlikely to be recovered and request to write off this amount.

**Link to Corporate Plan**

Long term financial sustainability.

**Consultation**

Nil

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

Nil

**Policy Implications**

Nil

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**Financial and Resource Implications (Budgetary)**

Nil

**RECOMMENDATION**

That Council write off the outstanding amount of \$5858.11

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**ADMINISTRATION**

30940	<b>APPOINTMENT OF CHIEF EXECUTIVE OFFICER</b>	
	<i>Report No.D15/1656 from Executive Assistant</i>	

Cr K Price moved; seconded Cr R Bowman

That Victor Bruce Davidson be appointed as Chief Executive Officer of Cook Shire Council, such appointment to take effect from the 2 February 2015.

CARRIED

**Précis**

Appointment of interim Chief Executive Officer

**Background/History**

Section 194 of the *Local Government Act 2009* provides as follows -

- (1) A local government must appoint a qualified person to be its chief executive officer.
- (2) A person is qualified to be the chief executive officer if the person has the ability, experience, knowledge and skills that the local government considers appropriate, having regard to the responsibilities of a chief executive officer.
- (3) A person who is appointed as the chief executive officer must enter into a written contract of employment with the local government.
- (4) The contract of employment must provide for—
  - (a) the chief executive officer to meet performance standards set by the local government; and
  - (b) the chief executive officer's conditions of employment (including remuneration).

Following upon the resignation of Stephen Wilton as Chief Executive Officer, effective as at 19 January 2015, it was necessary to appoint Council's Director of Corporate Services, Martin Cookson, as Acting Chief Executive Officer pending the appointment of an interim Chief Executive Officer. This was done by Council on that date.

In consultation with the Local Government Association of Queensland, Council now wishes to appoint Victor Bruce Davidson, as interim Chief Executive Officer for such time as is necessary to obtain the services of a permanent appointment.

Mr Davidson's contract will be for 3.5 months terminating on 15th May with provision for extension or earlier termination if required.

**Link to Corporate Plan**

Legislative requirement

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**Consultation**

Councillors, in conjunction with officer of the Local Government Association of Queensland

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

Nil

**Policy Implications**

Nil

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

There will be substantial costs such as salary, accommodation and other related expenditure as per an agreed contract with the appointee.

**RECOMMENDATION**

That Victor Bruce Davidson be appointed as Chief Executive Officer of Cook Shire Council, such appointment to take effect from the 2 February 2015.

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30941	<b>STREETSCAPE STRATEGY PLAN – HOPE ST</b>	
	<i>Report No.D15/1910 from Project Manager</i>	

Cr S Clark moved; seconded Cr A Wilson

Council endorse the plastic bollards to remain in place and further more be extended to the road corners, if needed. This is to ensure adequate protection is provided to the general public and allow enforcement of parallel parking laws.

The motion was put and lost on the casting vote of the Mayor, Cr P Scott.

Cr S Clark moved; seconded Cr K present a new plan for consideration by Council incorporating trees and new layout for bollards.

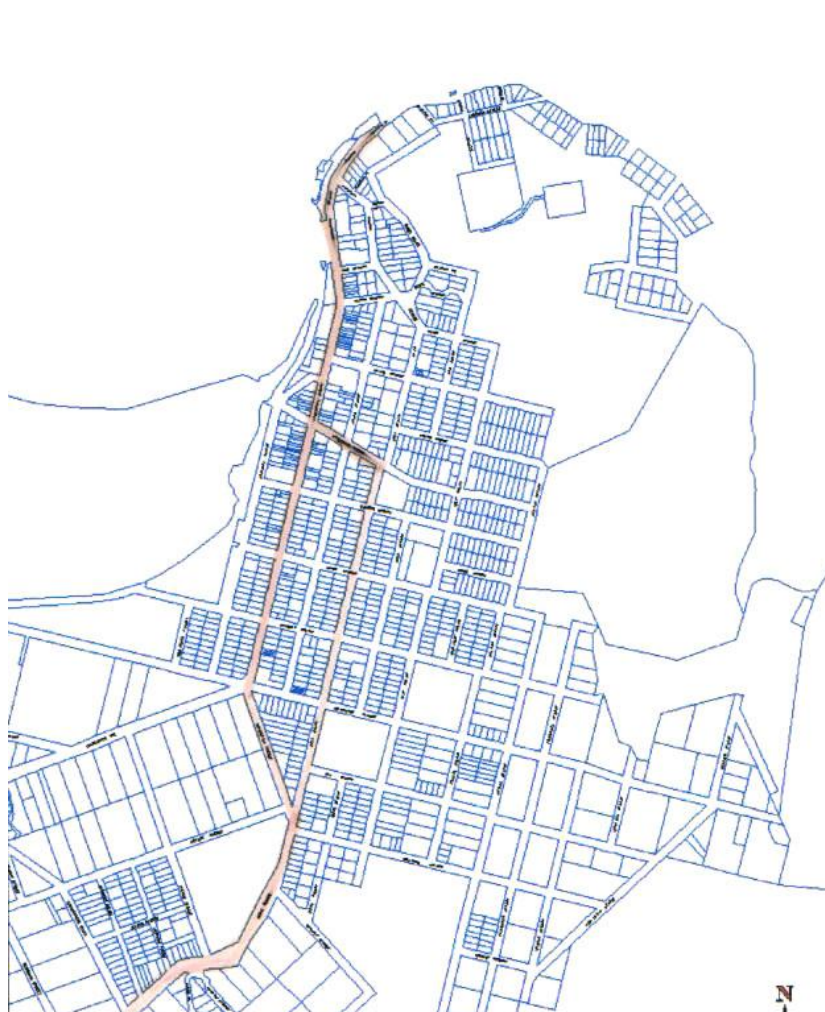
**CARRIED.**

**Précis**

Resolution is sought to allow the recycled plastic bollards to remain as a child protection barrier due to the bicycle path forming part of the road reserve.

**Background/History**

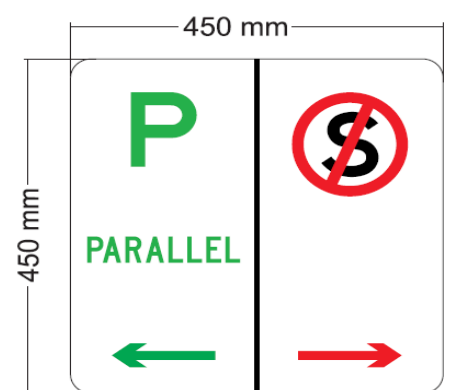
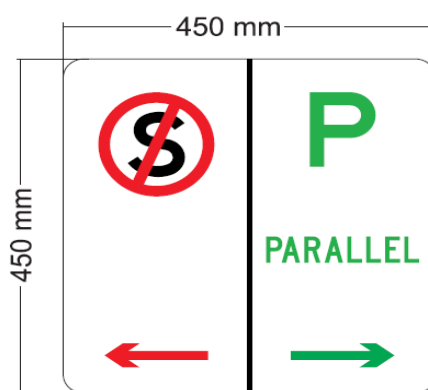
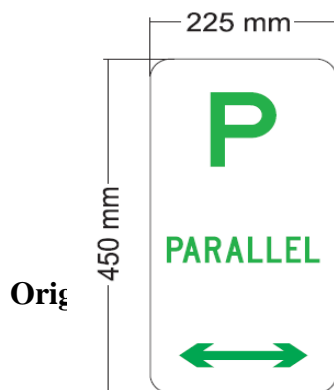
Cooktown Streetscape TOR from the ten year master plan Dated 31<sup>st</sup> July 2006 identified the primary focus area as below



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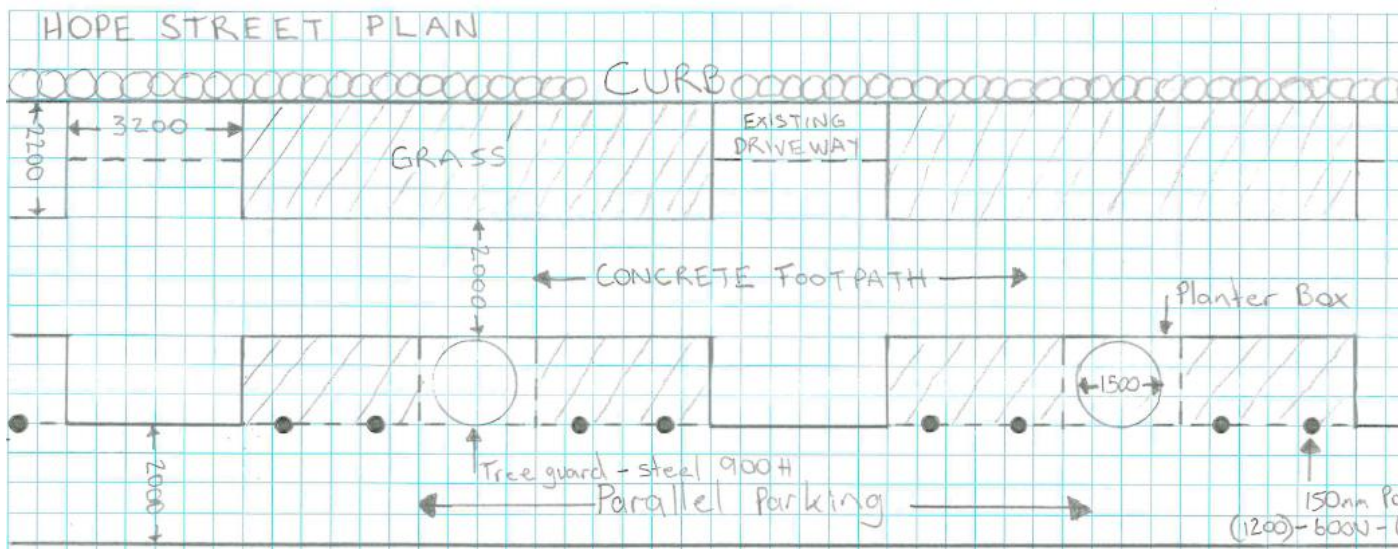
D14/7102 Dated 15<sup>th</sup> July 2014 informed the general public:

*EXTRACT: We envisage the total process to take round 65 days and intend to commence work from the corner of Walker Street continuing the length of the street to Ida Street. During this time we will be laying concrete footpaths, doing earth works preparation for tree planting, laying grass and seed, erecting signs and **bollard configurations** & running general maintenance and cleaning to the heritage kerb.*





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Email Dated 24<sup>th</sup> October 2014 to Allan Chisholm Co-ordinator Roads to Recovery

**From:** Michael Czarnecki  
**Sent:** Friday, 24 October 2014 3:37 PM  
**To:** 'allan-g.chisholm@infrastructure.gov.au'  
**Subject:** Project ID 052240-14QLD-RTR Bike Path Cook Shire Council

Hi Allan

As per our phone discussion last week re Project ID 052240-14QLD-RTR we would like you to consider our application for \$320,000 to construct more bicycle path in our current network.

I have attached a copy of our bicycling trails brochure which includes mapping of current assets, Our current project is a link between the corner of Walker St to the corner of Burkkitt St.

I also note that as per our map and current photos the bicycle path is being constructed on the road reserve only and forms a strong part of our open space plan this section has added protection with the introduction of plastic bollards

If you require further information please feel free to contact me at anytime

Regards

**Michael Czarnecki** | Project Manager | Executive Services  
**Cook Shire Council**

**Phone** | 07 4069 5444 **Fax** | 07 4069 5423 | **Direct** 07 40820552 | **Mobile**  
0427048614

**Email** | [mczarnecki@cook.qld.gov.au](mailto:mczarnecki@cook.qld.gov.au) **Website** | [www.cook.qld.gov.au](http://www.cook.qld.gov.au)

**Address** | 10 Furneaux Street (PO Box 3), Cooktown, Qld, 4895

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**Consultation**

Interdepartmental and with appropriate consultants (Funding Bodies)

**Legal Implications**

Legal risk unknown

**Policy Implications**

Nil

**Financial and Resource Implications (Budgetary)**

Nil – Project WO2339 is 100% funded 50/50 ATIDS – R2R

**Link to Corporate Plan**

4.6 Infrastructure, Transport and Services

4.6.1 Provide to a standard that ensure (at a minimum) legislative compliance and equitable access:

- (a) A maintenance and extension program (where necessary) for Council's drainage, stormwater, road footpath, and bridge network.

**Assessment**

The Cooktown streetscape strategy plan as identified by John Mongard (Landscape Architects) in 2007 showed street tree planting with timber framed heritage style enclosures, when you adapt this to our current Cooktown Streetscape TOR from the ten year master plan Dated 31<sup>st</sup> July 2006 and current legislation you are being delivered a mash up that has not had the correct community consultation. Based on this information and what was formed as a project design brief given by DES the bollards were selected.

**Purpose**

The bollards will now form part of our safety strategy as well as add amenity, they add protection to the newly formed asset of the bicycle path as it sits within the road reserve that would normally form a carriage way for general traffic. To ensure we are future proofing the 1.3km path we should also be assessing a possible bitumen seal to the bollard line so adequate line marking can be administered for parallel parking.

**RECOMMENDATION**

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Based on the information provided to the both the general public and the funding bodies one option is presented:

1. Council endorse the plastic bollards to remain in place and further more be extended to the road corners if needed. This is to ensure adequate protection is provided to the general public and allow enforcement of parallel parking laws.

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30942	<b>COUNCILLOR REMUNERATION - 2015</b>	
	<i>Report No.D15/1691 from Executive Assistant</i>	

Cr K Price moved; seconded Cr R Bowman

That Council decides that the maximum amount of remuneration is not payable to Councillors and resolves, as from 1 July 2015, to authorise the payment of remuneration to the Mayor, Deputy Mayor and Councillors to cover the cost of attendance on Council business and to cover the cost of attendance on non-Council business in the following amounts –

- Mayor – \$91,376.00
- Deputy Mayor – \$52,717.00
- Councillors – \$30461.00 and a meeting fee of \$1,270.00 for each monthly meeting

CARRIED.

**Précis**

Setting of remuneration for Councillors

**Background/History**

Section 247 of the *Local Government Regulation 2012* provides as follows -

- (1) A local government must pay remuneration to each councillor of the local government.
- (2) The maximum amount of remuneration payable to a councillor under the remuneration schedule must be paid to the councillor, unless the local government, by resolution, decides the maximum amount is not payable to the councillor.
- (3) If the local government decides the maximum amount of remuneration is not payable to the councillor, the local government must, by resolution, decide the amount of remuneration payable to the councillor.
- (4) The amount of remuneration decided under subsection (3) for each councillor must not be more than the maximum amount of remuneration payable to the councillor under the remuneration schedule.
- (5) The amount of remuneration for each councillor, other than a mayor or deputy mayor, must be the same.
- (6) The local government must make a resolution under subsection (2) within 90 days after each remuneration schedule is published in the gazette.
- (7) Subsections (4) and (5) are subject to section 248.

Remuneration for Councillors for 2015 has been set by the Local Government Remuneration and Discipline Tribunal and the decision was published in the Government Gazette of 5 December 2014

Cook Shire Council has been placed in Category 3 and the Tribunal has determined the following remuneration for this category.

Mayor	\$97,684.00
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Deputy Mayor	\$56,356.00
Councillors	\$48,842.00

Continuing its previous practice of adopting a cautious approach when reviewing levels of councillor remuneration, the Tribunal has decided to increase the maximum level of remuneration for all councillors (including mayors and deputy mayors) by 2.3% from 1 July 2015. In addition, the Tribunal has carefully considered the arguments and submissions put to it by many Councils in Category 3 about both the weighting attached to the meeting fee part of councillor remuneration in that Category as well as the administration and operation of the meeting fee payment regime.

As a result of its deliberations on this matter, the Tribunal has decided to restructure the method of remunerating Category 3 councillors to comprise a base rate of 2/3 of the determination amount for that Category, with the remaining 1/3 to be paid as meeting fees reflecting attendance at, and participation in, each of the 12 mandated Council meetings each year. In making this adjustment to the base rate and meeting fee regime, the Tribunal does not resile from its comments in 2013 to the effect that attendance at, and full participation in, Council meetings is the highest order of business required by a councillor and that, unless special circumstances exist, all councillors should attend all Council meetings.

That having been said, the Tribunal does accept that, from time to time, a particular councillor who is otherwise a regular attender at Council meetings may not be able to attend a meeting. This might be because of a bereavement, the need to attend another meeting as a representative of the Council, special leave of absence to attend an important event (e.g. an interstate or overseas wedding of a sibling), a natural disaster, a medical emergency and so on. If a councillor is absent for that type of reason they should not be deprived of payment of a meeting fee. Further, Council might also periodically permit a particular councillor or councillors to participate in the regular monthly meeting by teleconference (as permitted by section 276 of the Regulation) when there are good and cogent reasons why the councillor can only participate by that method.

It is also necessary to record that payment of the meeting fee is dependent upon an individual councillor's attendance at, and participation in, the whole of the particular Council meeting. For example, a councillor who attends a meeting for only 90 minutes, when the meeting is scheduled to run for five hours, should not expect to be, and should not be, paid the full meeting fee for that meeting unless there are real and genuine reasons for their early departure (e.g. a call-out of a volunteer fire fighter who might also be a member of Council).

A councillor who leaves a meeting early without a clearly legitimate reason would only qualify for part-payment of the meeting fee, reflecting their time of attendance. The decision as to whether a particular councillor qualifies for all, part or none of a meeting fee payment should rest with the mayor and/or chief executive officer of each Council. They are much better placed than the Tribunal to decide whether the councillor concerned qualifies for payment in accordance with the guidelines set out above. This is because local knowledge and simple common sense should enable consistent, logical and defensible decisions to be taken in each case where a question about qualification for payment of a meeting fee arises.

Should an elected representative hold a councillor position for only part of a financial year, he or she is only entitled to remuneration to reflect the portion of the year served.

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Councillors will recall that Council decided at its meeting in January 2014 not to increase the then current rate to the amounts approved by the tribunal to commence on 1 July 2014. At that time the remuneration was and, still is, as follows –

- Mayor – \$91,376.00
- Deputy Mayor – \$52,717.00
- Councillors – a base rate of \$22,844.00 and a meeting fee of \$1,904.00 for each monthly meeting with local certification of attendance required from the Mayor or Chief Executive Officer of the Council before payment of each meeting fee.

**Link to Corporate Plan**

Legislation and best practice corporate governance

**Consultation**

Legislation

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

Legislation

**Policy Implications**

Nil

**Financial and Resource Implications (Budgetary)**

Remuneration for Councillors will be provided for in the 2015/2016 Budget.

**RECOMMENDATION**

That Council decides that the maximum amount of remuneration is not payable to Councillors and resolves, as from 1 July 2015, to authorise the payment of remuneration to the Mayor, Deputy Mayor and Councillors to cover the cost of attendance on Council business and to cover the cost of attendance on non-Council business in the following amounts –

- Mayor – \$91,376.00
- Deputy Mayor – \$52,717.00
- Councillors – \$30,461.00 and a meeting fee of \$1,270.00 for each monthly meeting

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The meeting closed at 4.55 pm on 17 February 2015

Mayor

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TRAFFIC COUNTER FIGURES												
	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPT	OCTOBER	NOV	DEC	JAN
	2014										2014	2015
<b>M.R.D. GAZETTALS</b>												
<b>PENINSULAR DEVELOPMENTAL ROAD</b>												
Little Laura River	***	32	88	477	429	518	430	433	344	272	222	67
Musgrave	10	10	57	133	251	359	321	236	236	153	121	25
Coen Aerodrome D.P.I.	2	2	26	117	208	282	227	203	143	N/A	N/A	N/A
<b>MULLIGAN HIGHWAY</b>												
Town Grid	1138	1224	1358	1624	2088	2263	2055	1876	1876	1620	1151	1555
Little Annan Bitumen	340	400	373	598	597	748	723	***	***	557	679	465
<b>ENDEAVOUR VALLEY ROAD</b>												
Endeavour Falls	368	331	435	378	402	499	475	484	484	388	286	302
<b>COOK SHIRE COUNCIL ROADS</b>												
Moreton	0	1	22	44	143	226	155	142	89	21	36	7
Portland Roads Road	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	90	57	43	23	18	8	
Lakefield Rd (Olivevale)	***	6	12	56	142	201	139	133	115	65	49	***
Lakefield Road [New Laura Stn]	1	4	4	30	**	152	116	117	163	28	20	5
Marina Plains Road	3	3	21	22	32	***	***	33	33	54	75	2
Rossville-Bloomfield Road [Blackpinch]	Roadworks	Roadworks	Counter Reinstated	***	***	***	365	***	***	308	338	86**
Rossville-Bloomfield Road [Willie Creek]	204	191	208	231	305	408	327	296	296	***	376	311
Rossville-Bloomfield Road [Granite Creek]	178	121	***	188	352	456	397	333	333	392	366	411
Honey Dam Rd									N/A	112	89	61
Byerstown Lookout	36	46	70	146	195	256	148	86	86	57	***	REMOVED
Whites Creek Rd							27	21	18	20	26	8
Poison Ck Rd [Minke Rd Intersection]	217	***	334	240	283	202	***	*	*	283	222	172
Charlotte Street (Seaview Motel)	2540	2507	2671	2688	2695	2888	2508	2435	2435	2175	2091	2084
**** Hose moved from road by mtncg gang.	These figures are Average Daily Traffic counts.											
*** Hose Damaged	Unable to reach Battlecamp Road (Old Laura Station) due to river being over bridge											
** Reading Suspect												
* Counter Defective												