

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at the
Administration Building, 10 Furneaux Street, Cooktown
20-21-22 April 2015**

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ATTENDANCE:

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

MEETING OPENED

The Mayor, Cr PH Scott declared the meeting open at 9.15 am on 21 April 2015

APOLOGIES:

Cr Penny Johnson on other Council business

NOTICE OF BEREAVEMENT:

Advice has been received of the passing of Barbara McKenzie, Deanne Lee McKay and Mother of resident Scott Browning.

As a mark of respect one minute silence was observed.

CONFIRMATION OF MINUTES

30964	CONFIRMATION OF MINUTES OF ORDINARY MEETING
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Cr S Clark moved; seconded Cr K Price

That the minutes of the Ordinary Meeting of 16-17-18 March 2015 be confirmed subject to the following amendments

Page/Reso #	Correction
30960	Delete assessment number 10003564 and insert 10010718

CARRIED

BUSINESS ARISING:

Nil

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Councillors' Reports

Cr R Bowman

Meetings

Date	Type / purpose	Who /where
	General Council Meeting	
	Waterfront Meeting /EDM	
	CDCC Board Meeting	
	CYLMAC	
	CEO interview panel	

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where
	Meet and great with federal member for Leichardt	Hon Warren Entsch

Constituent Representation/Meetings

Date	Phone calls/ Discussions	Letters/ Minutes
	Wharf unload issues	Dave Ocean Wings

Cr K Price

Meetings

Date	Type / purpose / venue
16-17 March	CSC March General Meeting
18 March	Local Disaster Management Group Meeting
19 March	Local Disaster Management Group Meeting
2 April	Cooktown Interagency
7 April	CSC Economic Development Meeting
9 April	Laura Interagency
13 April	2020 Meeting
14 April	Housing Forum at Gungarde – with Minister Enoch

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where
27 March	Cooktown Business Conference	
27 March	Cooktown Business Conference Dinner	
2 April	Home for Good Information and Training	
4-5 April	Anzac Park Toilet Block mural (artist in residence ☺)	
15 April	NRM Hub Opening Event – SCYC, CYWFIInc, CY-NRM, etc	
18 April	Remembrance Walk – Lion's Den to Anzac Park	

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Constituent Representation/Meetings

Date	Phone calls/ discussions	Letters/ minutes	Councilor requests/ Outcomes
		Sewerage for Flinders Street – Pat Haggarty	Works prioritisation to Engineering
		Signage at Weary Bay	Referred to Engineering
		Library Hours at Bloomfield	Sorted. Was official closure

Cr A Wilson

- 26th March attended Ag-Force meeting Laura .Discussed Land Tenancy , Panama Disease in Banana's .
- 31st March attended Lakeland Progress Association meeting at Lakeland
- 7th April attended E.D and Water front development meeting Council Chambers .
- 9th April Attended Interagency meeting Laura . Discussed Laura Dance Festival and children roaming street at night.
- 12th April Attended FNQROC meeting at Ingham in-company with Mayor Peter Scott discussed NDRRA funding I gave a brief outline on LAWMAC activities,
- 14th April Attended Lakeland progress association meeting answered queries relating to the Solar Farm & proposed West Normanby Dam .
- 15th April Attended opening of Healthy Country Hub in Cooktown.
- 16th April Attended Laura Dance Festival meeting inspected the Festival Grounds and discussed problems with event Coordinator Tracey Ludwick.

Cr G Shephard

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Cr S Clark

Meetings

DATE	TYPE	PURPOSE	WHERE
16/3 – 19/3	Monthly Council	Monthly meeting	Chambers
7/4/15	Update	Waterfront	Chambers
16/4 15	Cook Shire Charges Resolution - Jason Natoli (Integran)	Changes to Resolution	Chambers

Events Attended (as Councillor or part thereof)

DATE	TYPE / PURPOSE	WHO / WHERE
22/3/15	Swimming Carnival	Pool
27/3/15	Business Conference	Event Centre
	Premiers Visit to Cooktown	

Constituent Representation / Meetings

DATE	PHONE CALLS/ DISCUSSIONS	LETTERS
	Road signs for Dump unreadable Cooktown, Laura and lakeland	
	Road to Archers Point	
	Tenders to be made public	

Cr P Johnson

Date	Type / purpose	Who /where	Action
18/3	State Planning	Sue Lockwood; Councillors & staff Chambers	For information re CSC Planning Scheme
19/3	LDMG	Chambers	
19/3	Northern Gulf resource Management Group Board meeting	Teleconference	Follow up actions for Finance & Audit Ccommittee at next FAC meeting
23/3	Cape York NRM Alliance Meeting	Cape York NRM Chair, CEO & Vice Chair, CYSF Chair, CEO, Treasurer & Vice Chair Cairns	Establish Reef Rescue Project governance committee; follow up milestone

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			progress
24-26/3	Cape York NRM Board meeting	Cairns	Governance training- May; RGC membership review; RPPGC; Strategic Plan workshop; Board structure review- future workshop(May)
27/3	Cooktown and Cape York Business Conference	PCYC Cooktown	Network – follow up
30/3	Solar project teleconference	Mayor, EDO & self – update on proposed project	For information
31/3	Meeting with Qld Premier & State Treasurer	Chambers	Raised issues relating to NDRRA, water security for region, resources for biosecurity (Panama disease), 2020 events
2/4	Deputy Premier & TMR GD Neil Scales	Councillors; Chambers	Water security, waste management; NDRRA issue;
10/4	Interviews- CEO applicants		
13/4	2020 planning group meeting	Chambers- members of planning group; Buurgirru Land Trust, Council staff(tourism, arts & culture) re Enactment Assoc	Logo; mission & vision; Discovery Festival; programming events – June- August; lead up events & activities over next 5 years;
14/4	Reef rescue project governance committee teleconference	By ph	Agree upon membership, terms of reference, roles & responsibilities
15/4	Shortlist – ED & CS applicants		
16/4	Infrastructure Charges workshop with Integran	Chambers;, Planning & ED staff, Greg Overden planning consultant	Review – how calculated; state requirements & legislation

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	Finance & Audit Committee teleconference	J Lockyer, P Johnson , M Rudd(accountant)	Review financial statements, processes & structure of NGRMG entities
20/4	Reef Guardian Council Steering Committee meeting	GBRMPA Acting Chair, program staff, Reef Guardian Councils; Brisbane	Reef trust; Marine Debris; Ecosystem health; Council action plans; funds for projects & programs
21-23/ 4	Queensland Treasury Finance Summit; LG training- governing councils; leadership	Brisbane	Funding Depreciation;Asset management; sustainability; tools for effective leadership; appropriate governance

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where	Action
31	Launch “ Riding for Heroes” trek on the Bicentennial National Trail Cooktown- Healsville	Garry Parker- BNT trekker & horses Chavael, Jackson & Warrior; Rachel Bass(D& R Transport, Cooktown) Danielle Matthews	Ride out to Annan river bridge; follow up fb posts & updates; promote Cooktown section of the BNT(longer than the Appalachian trail! Worth promoting to hikers, riders & support crews)

Constituent Representation/Meetings

Date	Phone calls/ Discussions/ meeting	Letters/emails minutes	Action
	Dental service in Cooktown		Support efforts to promote Cooktown as desirable location for private practice
	Road – 3 rd St Ayton- woo boy; dust		Forward concerns to engineering for response to resident

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	Waste collection- 3 rd St Ayton		Request collection truck being able to collect from residences rather than at bottom of road
	Waste in park area near “ Billy Goat “ creek; attributed to people gathering socially there but not taking their rubbish away & concern re drinking alcohol at that location		Waste coordinator to look in to this & advise residents(raised by resident from neighboring council area) Check any relevant local laws
	Pass on information to primary producers re assistance post Cyclone Nathan		Information provided by DAFF officers & forwarded

Future activities:

April

- 20 Reef Guardian Council meeting- Brisbane
- 21- 23 LGAQ/ QTC finance summit & training (Governing Councils, community leadership)
- 25 Anzac day

May

- 4 Cape York NRM Alliance meeting/ RPPGC meeting- Cairns
- 5-8 Cape York NRM governance training- Atherton

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Mayor

Date	Venue	Meeting	Issues /outcome
18/3/15	Office	District Disaster Mgmt Mtg State DMG	TC Nathan
25/3/15	Depot & Chambers	Staff addresses HR levels	
26/3/15	Office & Sovereign Bowls Club	Business conference 2020	Sponsors ANMM & Qld Heritage
27/3/15	PCYC	Business Conference	Affirmation of Corp Strategy
28/3/15	The Block	Move bldg & form single sports group	Phyl inspecting. DECS to follow up.
30/3/15	Office	Lyon Infrastructure CYIP teleconf	Heavies on board, expansion PDR local opportunities
31/3/15	Town	Premier	Issues / projects
1/4/15	Chambers John St Oval	CEO Interviews AFL Regional carnival	3 finalists
2/4/15	Office / Town	Deputy Premier, DG DTMR, Director QRA	Issues / projects NDRRA
7/4/15	Chambers	Interagency Group	Cyclone debrief
	Chambers	Waterfront Advisory Committee Bramwell	Project update
12/4/15	Ingham	FNQROC	See minutes NDRRA & Day labour
14/4/15	Gungarde	Social housing workshop Minister Enoch	Use state land, vary trustee lease use.
15/4/15	Chambers Westpac CDCC	Interviews Director ED & CS CYNRM Hub opening Cooktown Community hsg	
16/4/15	Chambers Bowls Club	Charges workshop Warren Entsch	NDRRA & Day labour
17/4/15	Turf Club Chambers	Entsch & executive Director ED & CS interviews	
18/4/15	Lions Den	ANZAC Walk	

Upcoming meetings

26 April	Park	ANZAC Day
1 May	PCYC	Partners in Recovery
6 May – 13 May	Leave	

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The meeting adjourned for morning tea at 10.05 am and resumed at 10.32 am on 21 April 2015.

Directors, Engineering Services, Michael Czarnecki, Planning and Environment, Mark Marziale, Corporate Services, Martin Cookson and Economic Development and Community Services, Karen Nicolaou, in attendance.

PLANNING AND ENVIRONMENT

30965	APPLICATION FOR A DEVELOPMENT PERMIT – DA/3390 – FOR RECONFIGURATION OF LOT 7 ON PLAN RP744503 LOCATED AT 52 HOPE STREET, COOKTOWN INTO TWO (2) LOTS.	
	<i>Report No.AD15/385 from John Harrison Planning Officer</i>	

Cr S Clark moved; seconded Cr A Wilson

That the Application by John Middleton for a Development Permit for Reconfiguration of Lot 7 on Plan RP744503 located at 52 Hope Street Cooktown, into two (2) lots be approved subject to the Conditions contained in the recommendation set out in Report No. AD15/385.

CARRIED

Précis

Applicant:	John P Middleton PO Box 998 Cooktown, Qld. 4895
Owner:	John P Middleton
Location:	52 Hope Street, Cooktown
RPD:	Lot 7 on Plan RP744503
Area:	2030 sq metres
Zone:	Medium Density Residential
Proposed Use:	Reconfiguration into two (2) lots
Minimum Lot Size:	904 sq metres
Referral Agencies:	Nil

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Report

Application has been made to Council for the issue of a Development Permit for the Reconfiguration of Lot 7 on Plan RP744503 located at 52 Hope Street, Cooktown, into two (2) lots. The application is Code Assessable Development under the Cook Shire Planning Scheme.

Proposal

The application proposes the reconfiguration of Lot 7 on Plan RP744503 into two (2) lots. The areas of the proposed lots are as follows:

- Proposed Lot 7 – 1,126 sq metres
- Proposed Lot 8 – 904 sq metres (including easement of 54 sq metres)

Access will be via Hope Street which is bitumen sealed and both lots will be connected to reticulated water, sewerage and electricity.

The Site

The development site is located at 52 Hope Street, Cooktown and is within the reticulated water, sewerage and electricity areas. Lot 7 has an area of 2030 sq metres and is zoned Medium Density Residential under the Cook Shire Planning Scheme. Proposed Lot 7 has a House and two sheds located on it, while proposed Lot 8 has a shed located on it. The existing sewer line connection for proposed Lot 8 will be protected by an easement within *proposed* Lot 7 (see easement A on the proposal plan).

Town Planning Considerations

Lot 7 is zoned Medium Density Residential under the Cook Shire Planning Scheme and the proposed Reconfiguration into two (2) lots is Code Assessable development.

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

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

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Code Requirements for Reconfiguring a Lot in the Medium Density Residential Zone.

Council's Planning Scheme identifies the following Codes as being applicable to Reconfiguring a lot in the Medium Density Residential Zone, however only the following Codes are triggered by this proposed development:

- Medium Density Residential Zone Code
- Reconfiguration of a Lot Code
- Works, Services and Infrastructure Code
- Parking and Access Code

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

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

Reconfiguration of a Lot Code

PC1 States:

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

AS1 States:

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

In the Medium Density Residential Zone the minimum lot size requirements are as follows:

Minimum lot size (excluding access handle area for hatchet lots) – 800m²

Minimum frontage – 20m

Maximum depth to width ratio – N/A

Proposed Lots 7 and 8 comply with the minimum lot size requirements of eight hundred (800) sq metres for the Medium Density Residential Zone, but proposed Lot 8 only has a frontage to Hope Street of eighteen (18) metres.

The applicant state in the application that: *"This (the smaller frontage width) is a result of the location of the existing sewer HC pipe work that connects the existing house to the sewer main. It is proposed to keep as much as possible of this pipe work within Lot 7 (the lot the existing house is located within) with the remainder of the existing sewer HC pipe work being protected by an Easement 3.0 metres wide within Lot 8 (proposed Easement A).*

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The lesser width of eighteen (18) metres will not prevent proposed Lot 8 from being developed for land uses compatible with development in the Medium Density Residential Zone. The proposed development is therefore deemed by Council Officers to comply with PC1 of the Reconfiguration of a Lot Code.

Discussion

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

Recommendation

That the Application by John Middleton for a Development Permit for Reconfiguration of Lot 7 on Plan RP744503 located at 52 Hope Street Cooktown, into two (2) lots be approved subject to the following Conditions:

A. Assessment Manager (Council) Conditions

Approved Plans

1. The development must be carried out generally in accordance with the proposal plan Drawing 20150129-01 Rev.B dated 20/01/2015 submitted with the application, except for any minor variations required to comply with the Conditions of this Approval (see Appendix 'B').

Access

2. Access to proposed Lot 7 must be via the existing Hope Street access.
3. Access to proposed Lot 8 must be via the existing Hope Street crossover. Access from the property boundary to the kerb and channel must be concrete sealed, details to be provided for approval by Council's Director Engineering Services prior to works commencing.

Water Supply

4. Both proposed lots must be connected to the Cooktown Reticulated Water Supply in accordance with the requirements of the FNQROC Manual at full cost to the applicant.
5. Both proposed lots must have a separate metered water connection.

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Sewerage

6. Proposed Lots 7 and 8 must be connected to the Cooktown Reticulated Sewerage Scheme.

Easement

7. Existing sewerage connection infrastructure for proposed Lot 7 located within proposed Lot 8 must be protected by an easement in favour of proposed Lot 7 as per the approved plan (see Easement A). Documentation to be submitted to Council at time of lodgement of the Plan of Survey.

Electricity

8. A reticulated electricity supply must be provided to each proposed lot. Council will accept the overhead reticulation of electricity for this development. 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.

Heritage Protection

9. The Heritage stone kerb and channelling must be protected from damage at all times.

Public Utilities

10. The applicant 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.

Outstanding Charges

11. All rates, service charges, interest and other charges levied on the land must be paid prior to Council's endorsement of the Plan of Survey.

Infrastructure Charges

12. Infrastructure charges for water, sewerage 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 'A').

Compliance with Conditions

13. All relevant conditions of the reconfiguration must be complied with prior to the Plan of Survey being endorsed by Council.

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Signing and Sealing

14. The reconfiguration of a lot approval authorised by this Development Permit must be completed and the Plan of Survey submitted to Council for endorsement within two (2) years from the commencement of this approval or this approval will lapse.

Appendix 'A'

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Our ref: LM:DA/3390
Your ref:

21 April 2015

John Middleton
PO Box 988
COOKTOWN QLD 4895

Dear Mr Middleton

ADOPTED INFRASTRUCTURE CHARGES NOTICE
DEVELOPMENT APPLICATION DA/3390
52 HOPE STREET, COOKTOWN

Proposal: Reconfiguration one (1) lot into two (2) lots
Applicant: John Middleton
PO Box 988
COOKTOWN QLD 4895
Location of Site: 52 Hope Street, Cooktown
Real Property Description: Lot 7 on Plan RP744503
Type of Development: Reconfiguration of a Lot

Infrastructure Charges Calculation:

Development Class	Charge	Unit of Measure	No of Units	Amount of Charge
Reconfiguration	\$900.00 (Public Open Space)	Equivalent number of Residential Lots	2	\$1,800.00
Reconfiguration	\$1,700.00 (Water)	Equivalent domestic connection	2	\$3,400.00
Reconfiguration	\$1,420.00 (Sewerage)	Equivalent domestic connection	2	\$2,840.00
Total Charges				\$8,040.00

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Credit Calculation:

Development Class	Charge	Unit of Measure	No of Units	Amount of Credit
Reconfiguration	\$900.00 (Public Open Space)	Equivalent number of Residential Lots	1	\$ 900.00
Reconfiguration	\$1,700.00 (Water)	Equivalent domestic connection	1	\$1,700.00
Reconfiguration	\$1,420.00 (Sewerage)	Equivalent domestic connection	1	\$1,420.00
Total Credit				\$4,020.00

Net Adopted Infrastructure Charges Summary:

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$8,040.00	\$4,020.00	\$4,020.00

(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 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

Mark Marziale
Director Planning & Environment Services

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Appendix 'B'

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30966	REQUEST TO EXTEND THE CURRENCY PERIOD FOR DEVELOPMENT PERMIT DA/2214 – STAGE EIGHT (8) RECONFIGURATION OF LOT 500 ON PLAN SP262376	
	<i>Report No.AD15/835 from Lisa Miller Development Coordinator</i>	

Cr K Price moved; seconded Cr R Bowman

That Council grant a two (2) year extension to the currency period for Stage Eight (8) of Development Permit DA/2214, Reconfiguration of Lot 500 on Plan SP262376 into three (3) lots (proposed Lots 71, 72 and 73) located at Rossville Bloomfield Road, Bloomfield, until the 10 March 2017 to enable compliance.

CARRIED

Précis

Applicant: Charles O’Neill Surveyors and Planners
PO Box 5246
CAIRNS QLD 4870
Attention: Michael Tessaro

Owner: Malcolm Haskell & Anne Rigg

Location: Rossville Bloomfield Road, Bloomfield

R.P.D: Lot 500 on Plan SP262376

Area: 287.7831 hectares

Zone: Rural

Use Classification: Reconfiguration

Referral Agencies: Nil

Submissions: Not applicable

Report

A request has been made to Council under section 383 (1)(b) of the *Sustainable Planning Act 2009*, for a four (4) year extension to the currency period for Stage Eight (8) of DA/2214, Reconfiguration of Lot 500 on Plan SP262376 into three (3) lots, located at Rossville Bloomfield Road, Bloomfield, until the 10 March 2019.

Council issued a Decision Notice for the above application on the 17 March 2009 and an Operational Works approval – DA/2824 for the purpose of driveway access and road

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construction – 10 March 2011. As the Operational Works approval was obtained within the initial two (2) years of the Reconfiguration currency period in accordance with section 341 of the *Sustainable Planning Act 2009*, the Development Permit for DA/2214 remains current up to and including the 10 March 2015.

The applicant has advised that they are requesting an extension to the currency period for the above development permit due to delays in obtaining approvals from the Department of Natural Resources and Mines, with regard to a permanent road closure and road opening as part of the original Conditions of approval for the development - regarding Stages 5 - 7, which has subsequently been lodged (DA/3101) approved and complied with.

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

Development application DA/2214 was lodged and approved under the Superseded Cook Shire Planning Scheme (the Planning Scheme preceding the current *Integrated Planning Act 1997* (IPA) Scheme) as part of this approval a Preliminary Approval was granted for Stages 5 – 7. A development application for Stages 5 – 7 was subsequently lodged and approved under the current IPA Planning Scheme (DA/3101) this approval has now been completed and the relevant Survey Plans endorsed by Council. There were no State Referral Agencies for this application.

Stage Eight (8) is the final stage for the development. An extension to the currency period for DA/2214 is therefore supported by Council Officers, but only for a period of two (2) years not the requested four (4), given that the original approval was issued in 2009, four (4) years would extend the application to a life of ten (10) years before potential completion.

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As the draft Cook Shire Planning Scheme may be adopted in this time along with any potential changes to relevant State and Federal Acts and the relevance of the original Conditions, Officers feel that two (2) years is sufficient, noting that the applicant has the ability to apply for a further extension to the currency period for this approval prior to this extension expiring, if need be.

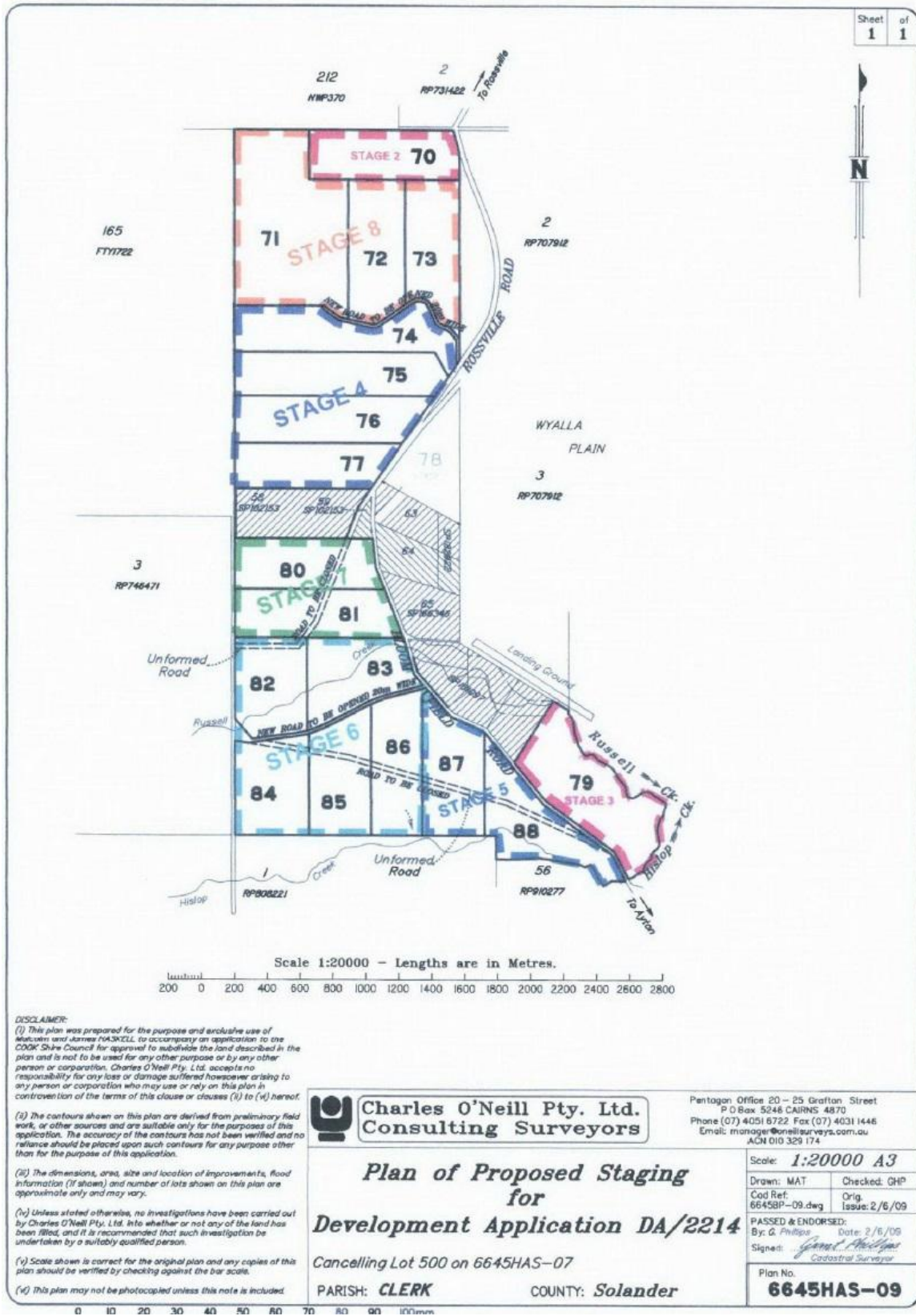
An extension to the currency period for Stage Eight (8) of DA/2214, Reconfiguration of Lot 500 on Plan SP262376 into three (3) lots (proposed Lots 71, 72 and 73) located at Rossville Bloomfield Road, Bloomfield by a period of two (2) years is recommended by Council Officers to Council for approval.

Recommendation

That Council grant a two (2) year extension to the currency period for Stage Eight (8) of Development Permit DA/2214, Reconfiguration of Lot 500 on Plan SP262376 into three (3) lots (proposed Lots 71, 72 and 73) located at Rossville Bloomfield Road, Bloomfield, until the 10 March 2017 to enable compliance.

Figure 1 – Proposal Plan with Stages

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30967	CESSATION OF DISPOSAL OF BIOSOLIDS AT FOUR MILE QUARRY SITE	
	<i>Report No.D15/5096 from Waste Management Coordinator and Director Planning and Environment</i>	

Cr A Wilson moved; seconded Cr R Bowman

In accordance with the advice of the Department of Environment and Heritage Protection, dated 30 March 2015, Council herein resolves to undertake the following actions, and changes, to ensure compliance in its management of regulated waste, under the Environmental Protection Act 1994, as set out below:

1. Ceases the disposal or storage of any regulated waste at the Four Mile Quarry site;
2. Authorises the removal of existing stockpile from Four Mile Quarry Site, to a lawful place for disposal.
3. Approves the purchase of the new compliant skip bins for storage and transport of biosolids to the place of disposal.

CARRIED

Précis

To advise Council of correspondence from Department of Environment Heritage Protection, dated 30 March 2015, advising of potential enforcement regarding the past disposal, or storage, of biosolids at Four Mile Quarry Site , and to seek a resolution of Council to endorse the required remedial actions as submitted to EHP by DPE.

Background/History

Under the *Environmental Protection Act 1994* (EP Act) Cooktown Sewage Treatment Plant (Cooktown STP) (Lot 74 on BS131) holds an environmental authority NoEPPR00755213. Biosolids are produced during the dewatering of the sewage sludge using a belt press. Cooktown STP produces approximately 250m³ of biosolids annually.

Since 2009 biosolids were transported to Four Mile Quarry Site directly from the Cooktown STP by the contractor holding the environmental authority No EPSX00453413 for regulated waste transport. An average of 3 trips per month have been undertaken to dispose of 21m³ of biosolids at the Four Mile site.

Sewage sludge and biosolids are listed as a regulated waste under the *Environmental Protection Regulation 2008* (The Regulation). Waste tracking information has been submitted to the Department in accordance with Part 9 of the Regulation.

Lot 94 on C17952 does not hold an environmental authority for the disposal of the regulated waste but the site is approved for the storage of biosolids for beneficial use. An approval No ENBU02356611 (the Notice) was issued by the Department in accordance with section 166 of the *Waste Reduction and Recycling Act 2011*. This Notice was issued on April 12, 2012 and

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extended on April 11, 2014. The EHP letter advising of the offence remains in force until April 12, 2019.

The Letter from EHP outlines a number of conditions for storage of the waste:

Resource quality monitoring

- Monitoring of the resource to determine the suitability for beneficial use in line with *New South Wales Environmental Protection Authority Environmental Guidelines: Use and Disposal of Biosolids Products 2000* must be conducted at least every 120 dry tonnes.

- All determinations of the quality of the resource must be carried out on samples that are representative of the resource to be used.
- Analysis of samples taken as a requirement of the Notice must be undertaken by a National Association of Testing Authorities (NATA) accredited laboratory.

Transportation of the resource

- Following records must be maintained for each load of the resource transported:
 - Date and time of pickup and delivery for each load of biosolids;
 - Location of pickup and delivery for each load of biosolids; and
 - Quantity of biosolids delivered.
- The resource must be transported directly to the site of use or to a temporary storage area.
- The resource is not permitted to be unloaded from any vehicle other than at the site approved for use of the resource or at a place that can lawfully accept regulated waste.
- If a delivery of the resource is rejected at the site, the driver must immediately return the resource to a place that can lawfully accept regulated waste.

Storage of the resource

- The resource must not be stored for a period exceeding 30 days.
- Storage areas must be located outside the buffer distances stated in the table below.
- All storage areas must be bunded so that overland flow is excluded from the bunded area.
- Stormwater runoff and vehicle washdown water that is collected in the bund must be recycled or irrigated to land on which crops are grown at a rate that is at or below the irrigation demand of the irrigation area in order to satisfy the soil moisture deficit within the crop root depth.
- The base of any storage area, and any dam or pond constructed to collect runoff from within the bunded area, must be constructed to minimise the potential for groundwater contamination.

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Minimum Buffer Zones to Sensitive Receptors

Sensitive Receptor	Minimum buffer distance (metres)		
	Flat (<3% or <2°)	Downslope ¹ (>3% or >2°)	Upslope ¹
Surface Waters	50	100	5
Farm Dams	20	30	5
Drinking Water Bores	250	250	250
Other Bores	50	50	50
Farm Driveways & Fence Lines	5	5	5
Native Forests & other Significant Vegetation Types	10	10	5
Animal Enclosures	25	50	25
Occupied Dwelling	50	100	50
Residential Zone	250	500	250

*Downslope refers to the situation where the sensitive receptor is below the biosolids application area.
Upslope refers to the situation where the sensitive receptor is above the biosolids application area.*

Until
March
13,
2015
Council
and
Cookto
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STP
were
under
the
underst
anding
that the
storage

of biosolids at Four Mile Quarry site was in line with the beneficial use approval.

As we became aware of the breach of Beneficial Use Approval Notice, the Department was contacted to clarify the issues and the compliance inspection at Four Mile Quarry Site was initiated.

The disposal of the biosolids at Four Mile Quarry has ceased since the compliance inspection. The newly generated waste is disposed of at Springmount Waste Management Facility which holds an environmental authority for the disposal and handling of biosolids. The regulated waste is transported by the contractor who holds the relevant environmental authority.

A number of quotes have been obtained for removal of the existing stockpile at Four Mile Quarry Site. We estimate that 500m³ of stockpiled waste will be removed by the end of the current financial year. Waste will be disposed of at Springmount Waste Management Facility in Mareeba.

The existing leachate management system will be dismantled and removed by the end of April 2015.

Meanwhile Council is exploring beneficial use options for biosolids through Arkwood Organic Recycling who holds an environmental authority for transport and handling of regulated waste. Beneficial use is subject to further sampling of contaminant levels in the biosolid.

Council is currently in the process of sourcing quotes to manufacture enough suitable skip bins to temporarily store the waste at Cooktown Waste Transfer Station (Landfill) Lots 2 and 3 on SP 132221 which is also listed on the environmental authority No EPPR00755213. Stockpiled waste will be removed from the site by the licensed contractor.

Link to Corporate Plan

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NIL

Consultation

- Carrie Goldsmith, Department of Environment and Heritage Protection
- Joshua Maunder, Department of Environment and Heritage Protection
- Mark Marziale, Director of Planning and Environment
- Robert Fenn, Manager of Water and Sewerage
- Michael Czarnecki, Acting Director of Engineering Services

Legal Implications (Statutory, basis, legal risks)

- *Environmental Protection Act 1994*
- *Environmental Protection Regulation 2008*
- *Waste Reduction and Recycling Act 2011*
- *New South Wales Environmental Protection Authority Environmental Guidelines: Use and Disposal of Biosolids Products 2000*

Policy Implications

NIL

Financial and Resource Implications (Budgetary)/Risk Assessment

Penalties associated with the offence are significant:

- . The maximum penalty for an individual is 4500 penalty units, totalling \$512,325.00 .
- The maximum penalty for a corporation is 22,500 penalty units, totalling \$2,561,625.00

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

- It is estimated that the removal of existing stockpile and leachate management system will cost the Council approximately \$100,000.
- The new skip bin bank to store the waste will cost an additional \$50,000.
- Ongoing waste transport from Cooktown Waste Transfer station to Springmount Waste Management Facility or site for beneficial use (if suitable) will cost approximately \$11,000 per annum.
- Final waste disposal at Springmount Waste Management Facility will cost approximately \$15,000 per annum unless the waste will be deemed suitable for beneficial use.
- Beneficial use of biosolids by Arkwood Organic Recycling will cost approximately \$5,000 per annum.

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Budgetary Assessment	
Available Budget for Waste Management for 2014/2015	\$212,793
Mitigation of the offence (clean-up & storage skip bins)	\$150,000
Balance remaining	- \$62,793

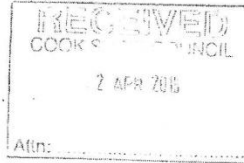
RECOMMENDATION

In accordance with the advice of the Department of Environment and Heritage Protection, dated 30 March 2015, Council herein resolves to undertake the following actions, and changes, to ensure compliance in its management of regulated waste, under the Environmental Protection Act 1994, as set out below:

4. Ceases the disposal or storage of any regulated waste at the Four Mile Quarry site;
5. Authorises the removal of existing stockpile from Four Mile Quarry Site, to a lawful place for disposal.
6. Approves the purchase of the new compliant skip bins for storage and transport of biosolids to the place of disposal.

Attachments

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Department of
**Environment and
Heritage Protection**

Ref

30 March 2015

Cook Shire Council
10 Furneaux Street
COOKTOWN

Chief Executive Officer
Mr Bruce Davidson
PO Box 3,
COOKTOWN QLD 4895

Dear Mr Davidson

This correspondence refers to the inspection by officers of the Department of Environment and Heritage Protection (the department) of Cook Shire Council (CSC) Environmentally Relevant Activities on 26 March 2015. A site visit was made at Lot 94 on C17952 (the premises) where officers observed the following:

- The storing and/or burying of bio-solids on the premises.

Based on these observations department officers have investigated the matter further and have identified that:

- Bio-solids are produced at the Cooktown STP during dewatering of the sewage sludge using a belt press
- Bio-solids are transported to the premises directly from the Cooktown STP for disposal
- Under Schedule 7 of the *Environmental Protection Regulation 2008* sewage sludge and residues are listed as a regulated waste
- Department records show that Lot 94 on C17952 is not listed on the CSC environmental authority EPPR00755213 as a site permitted to receive and store Regulated Wastes such as bio-solids

Under the *Environmental Protection Act 1994* (EP Act), operators of an environmentally relevant activity (ERA) are required to hold an environmental authority before commencing that activity. In addition, certain prescribed ERA's cannot be undertaken without a valid development approval (DA) under the *Sustainable Planning Act 2009* (SP Act).

Based on this information it appears that CSC is currently conducting an ERA without the required EA and may be in breach of Section 426(1) of the EP Act. Penalties associated with this offence are significant;

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Conducting an ERA without an EA - section 426 of the EP Act:

- The maximum penalty for an individual is 4500 penalty units, totalling \$512,325.00
- The maximum penalty for a corporation is 22,500 penalty units, totalling \$2,561,625.00

Unless evidence can be provided to the department that authorises this activity CRC is required to immediately cease the storage of regulated waste at the premises until such time as that activity has been approved.

The department will consider any submissions you wish to provide prior to making a decision in relation to potential enforcement action for this offence. You may make submissions in writing to the department as follows:

Department of Environment and Heritage Protection
Environmental Services and Regulation
Carrie Goldsmith
carrie.goldsmith@ehp.qld.gov.au
PO Box 7230,
Cairns QLD 4870

Submissions must be made to the department by **close of business 10 April 2015**. Any submissions made should at a minimum include the following points:

- How the matters identified above will be addressed by council
- What measures (including timeframes) will be implemented to cease the activity
- What measures (including timeframes) will be implemented to ensure the disposal of bio-solids is undertaken lawfully by council in the future

If additional evidence becomes available, or continuation of the offence is identified, the department will consider taking further enforcement action in accordance with its enforcement guidelines. A copy of the enforcement guidelines is available on the department's website www.ehp.qld.gov.au

Should you have any queries in relation to this matter, please contact Carrie Goldsmith of the department on telephone 42225395.

Yours sincerely



Rob Little
Compliance Delivery Manager, North Queensland Minerals
Environmental Services and Regulation
Department of Environment and Heritage Protection

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30968	LOCAL LAWS REVIEW 2014 – PUBLIC CONSULTATION PROCESS & ADDRESS ON SUBMISSIONS	
	<i>Report No.D15/4866 from Director of Planning & Environment</i>	

Cr R Bowman moved; seconded Cr K Price

That Council hereby states the terms of its position with respect to the written submission of Elisabeth Peck, Owner of the Orchid Travellers Park, Cooktown, regarding its Draft Local Laws 2014, including Draft Subordinate Local Laws, as set out in report no. D15/4866.

CARRIED

Précis

1. Council determine its position with regards to the written submission made in response to the release of the Draft Local Laws 2014 for public consultation.

Background/History

2. The *Local Government Act 2009 – chapter 3, part 1*, make clear that it is the responsibility of each local government to make their local laws and to decide what process it will use to make them, so long as the process and the laws are consistent with the provisions of the Local Government Act 2009.
3. At its Meeting held 18-20 August 2014, Council resolved to release the Draft Local Laws 2014 for public consultation.
4. The proposed Draft Local Laws 2014 were advertised/ notified for public consultation for the month of November 2014, and interested persons were permitted and encouraged to make written submissions.
5. The following submissions were received, during the public consultation period, as set out in the below table:

Submission	Type
Numerous noted by staff	Verbal during public presentations
Elisabeth Peck [Orchid Caravan Park Cooktown]	Written Objection to the proposed RV Rest Area, Adelaide Street, Cooktown

6. A copy of written submissions is attached to this Report.
7. The Proposed Local Laws (Model) – Table 1

Local Law No. 1 (Administration) 2014
Local Law No. 2 (Animal Management) 2014

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Local Law No. 3 (Community and Environmental Management) 2014
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014
Local Law No. 5 (Parking) 2014

8. Existing Local Laws Proposed to be Retained – Table 1A

Previous Number	Proposed Number - Retained Local Law
00	Local Law No. 6 (Aerodromes) 2014
07	Local Law No. 7 (Foreshores) 2014
10	Local Law No. 8 (Jetties, Barge Loading Ramps and Boat Ramps) 2014
18	Local Law No. 9 (Gates and Grids) 2014

All current Local Laws and Subordinate Local Laws, except those reviewed and included in the above Table 1A, are proposed to be repealed.

9. The Proposed Subordinate Local Laws - Table 2

Subordinate Local Laws
Subordinate Local Law No. 1 (Administration) 2014
Subordinate Local Law No. 2 (Animal Management) 2014
Subordinate Local Law No. 3 (Community and Environmental Management) 2014
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014
Subordinate Local Law No. 5 (Parking) 2014

10. A written response to those who made written submission is required, and should address the details of the comments made. Council's solicitors require council's position with regard to public comments made in writing, in order to prepare the response.

Link to Corporate Plan

11. Strategic Direction:

NATURAL ENVIRONMENT, ENVIRONMENTAL HEALTH SERVICES AND SUSTAINABLE DEVELOPMENT

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

- b) Effective and appropriate local laws and their enforcement.
- c) Animal control in all townships and localities.
- d) Environmental health initiatives and services.

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Consultation

12. Notice was given for 28 days public consultation period, November 2014, to enable proper consideration and inclusion of improvements and adjustments.

Legal Implications (Statutory, basis, legal risks)

13. Council, as a local government authority is responsible for the review and adoption of a current and legally viable set of Local Laws, and this is a requirement of the *Local Government Act 2009 – chapter 3, part 1*.

Policy Implications

14. As detailed in the Proposed Local Laws.

Financial and Resource Implications (Budgetary)

15. Funds to cover the drafting, public notice advertising, legal assessment, and reporting are allocated in the Council Budget 2015 Financial year.

RECOMMENDATION

That Council hereby states the terms of its position with respect to the written submission of Elisabeth Peck, Owner of the Orchid Travellers Park, Cooktown, regarding its Draft Local Laws 2014, including Draft Subordinate Local Laws, as set out below.

The Trial RV Rest Area, as approved by Council at its Meeting held December 2013, is herein distinguished from the proposed Adelaide Street RV Rest Area as defined in the maps and provisions detailed in the Cook Shire Draft Local Laws, Schedule 2, Subordinate Local Law No5.

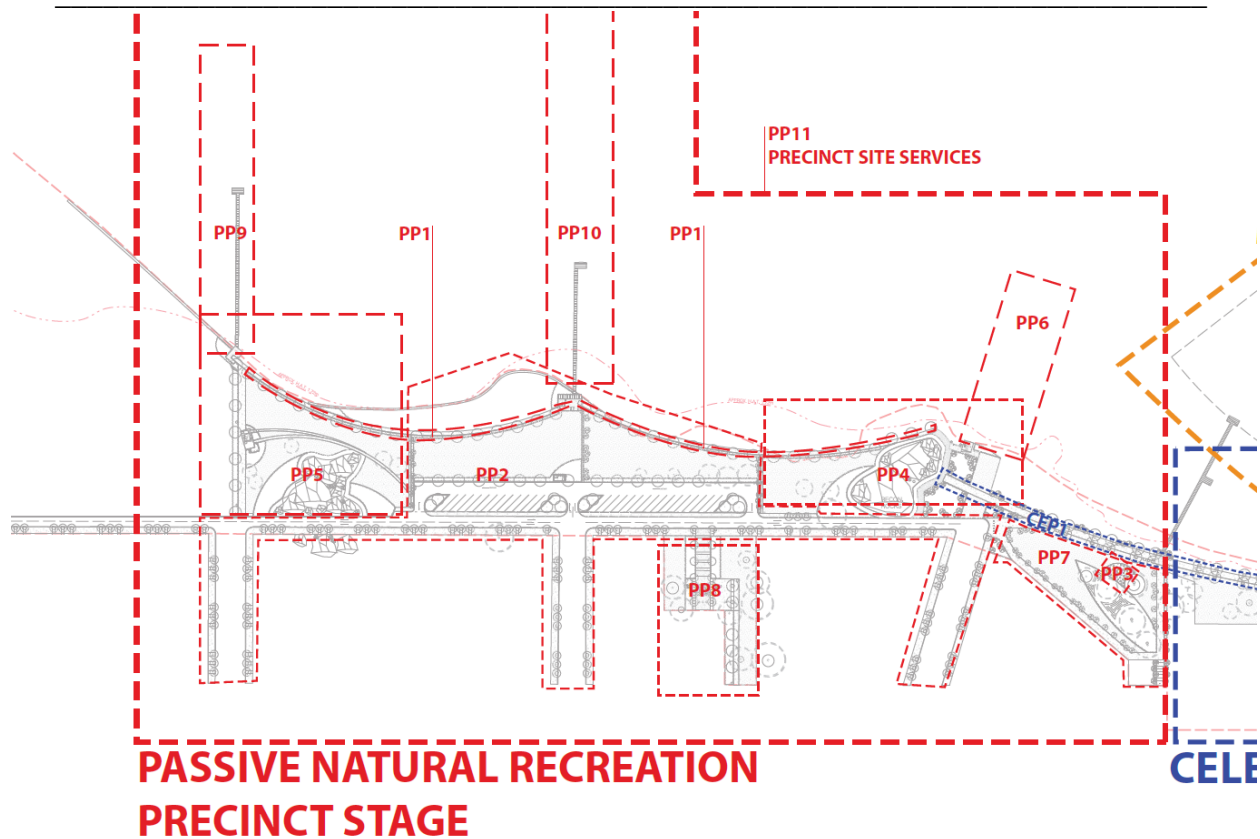
The first documented details of the a RV Rest Area (Short Term Parking for Self Contained RV), formed part of the **Cooktown Foreshore and Webber Esplanade Revitalisation, Masterplan Report Revision 4**, 04 May 2012, in the Passive Natural Recreation Precinct, pages 19 & 21. The subject Short Term Parking Area is further detailed in the section **5.2 Hardscape and Furniture Palette** drawings page 34, which contains an indicative layout of the proposed 29 oversized car parking spaces, lighting, a waterpoint, a dump point, and rubbish bins. This report, known as the Waterfront Masterplan Report, underwent extensive public consultation prior to the final version being accepted by Council.

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The Short Term Parking for Self Contained RV area, as delineated in the Waterfront Masterplan 2012, is shown as occupying the area of the reserve Lot 2 / C179109, located entirely on the western side of Adelaide Street, either side of the intersection with Walker Street.

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The establishment of the Adelaide Street RV Rest Area, is required to be undertaken as a Declared off-Street Regulated Parking Area, in schedule 1 of SLL No 5. The subject parking area is proposed over the reserve Lot 2 / C179109 which is State land, and will require an application to the Department of Natural Resources and Mines, including preparation of a Land Management Plan, as the Reserve for Recreation purposes, in the trusteeship of Cook Shire Council.

Under the draft Local Laws, Subordinate Local Law No 5 (SLL5), two (2) Maps of Parking Areas at the RV Rest Area were included, in order to give stakeholders an alternative option to comment on. No comments were made with specific regard to the location of the RV Rest Area, only that the proposed use was objected to, for a number of reasons, including operational management issues pertaining to the management of compliance over the Trial RV Rest Area.

The proposed penalty, 0.5 penalty units, for a parking offence in the proposed RV Rest Area (Declared off street regulated parking area) is contained in Schedule 3, SLL5.

The definition of a Recreational Vehicle is contained in Schedule 4, SLL5, and only complying Recreational Vehicles will be permitted to utilise the proposed parking area.

Council understands the provision of suitably located parking provisions for fully self contained Recreational Vehicles, is important for the development of tourism industry in Cooktown, and Cape York, and therefore fully supports its legal establishment in its Local Laws.

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Council believes that the regulatory definitions and provisions in its Local Laws will ensure that the Adelaide Street Recreational Vehicle Rest Area, will be restricted to use by fully self contained recreational vehicles, including trailers, for short term parking (48 hours). Therefore, Council has determined that the establishment of the Adelaide Street RV Rest Area will not adversely impact on Caravan Park businesses in the locality, when the proposed Local Laws 2014, become operational.



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Land Tenure Officer, Leonie Dowding, in attendance.

LAND TENURE

30969	APPLICATION FOR CHANGE OF CONDITIONS OF A LEASE (ADDITIONAL PURPOSE OF LOW KEY TOURISM) OVER LOT 369 ON PLAN SP136191 – BRAMWELL STATION: PARISHES OF HANSON.	
	<i>Report No.D15/4825 from Land Tenure Officer File No. 2.85.90; 2.650.29; 2.650.30</i>	

Cr G Shephard moved; seconded Cr S Clark

The Department of Natural Resources and Mines be advised that Council raises no objection to the change of conditions of a Lease over Lot 369 on Plan SP136191, to include the additional purpose of Low Key Tourism.

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

CARRIED

Précis

1. Raise no objection to the change of conditions of a lease to include the additional purpose of Low Key Tourism.

Background/History

2. By letter dated 27 February 2015, the Department of Natural Resources and Mines advised that an application had been received for change of conditions of a Lease over Lot 369 on Plan SP136191, being Bramwell Station Pastoral Holding. See attached SmartMaps.
3. The proposed application is to add condition A61 (1) on the lease to include the additional purpose of Low Key Tourism.
4. The Department further advised that an amendment of the current lease conditions may result in an intensification of use to the lease area and requested Council's views/requirements including any local non-indigenous cultural heritage values that the Department should consider when assessing the application.
5. Council at its March 2014 meeting, vide Resolution No. 30708, resolved inter alia to raise no objection to the renewal of Term Lease 215417 – Lot 369 on Plan SP136191, subject to all outstanding planning and building approvals being finalised to the satisfaction of Council.

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6. Planning and Environment advised that the current lessee is working with Council to rectify the outstanding planning and building matters and the lessee had been advised that the additional purpose of Low Key Tourism to the current term lease would be required to enable these outstanding matters to be finalised.
7. Engineering has no issues or requirements.
8. There are no known local non-indigenous cultural heritage values within the lease area.
9. The following recommendation is submitted for consideration.

Link to Corporate Plan

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

Consultation

11. Internal

Legal Implications (Statutory, basis, legal risks)

12. Nil

Policy Implications

13. Nil

Financial and Resource Implications (Budgetary)

14. Nil

RECOMMENDATION

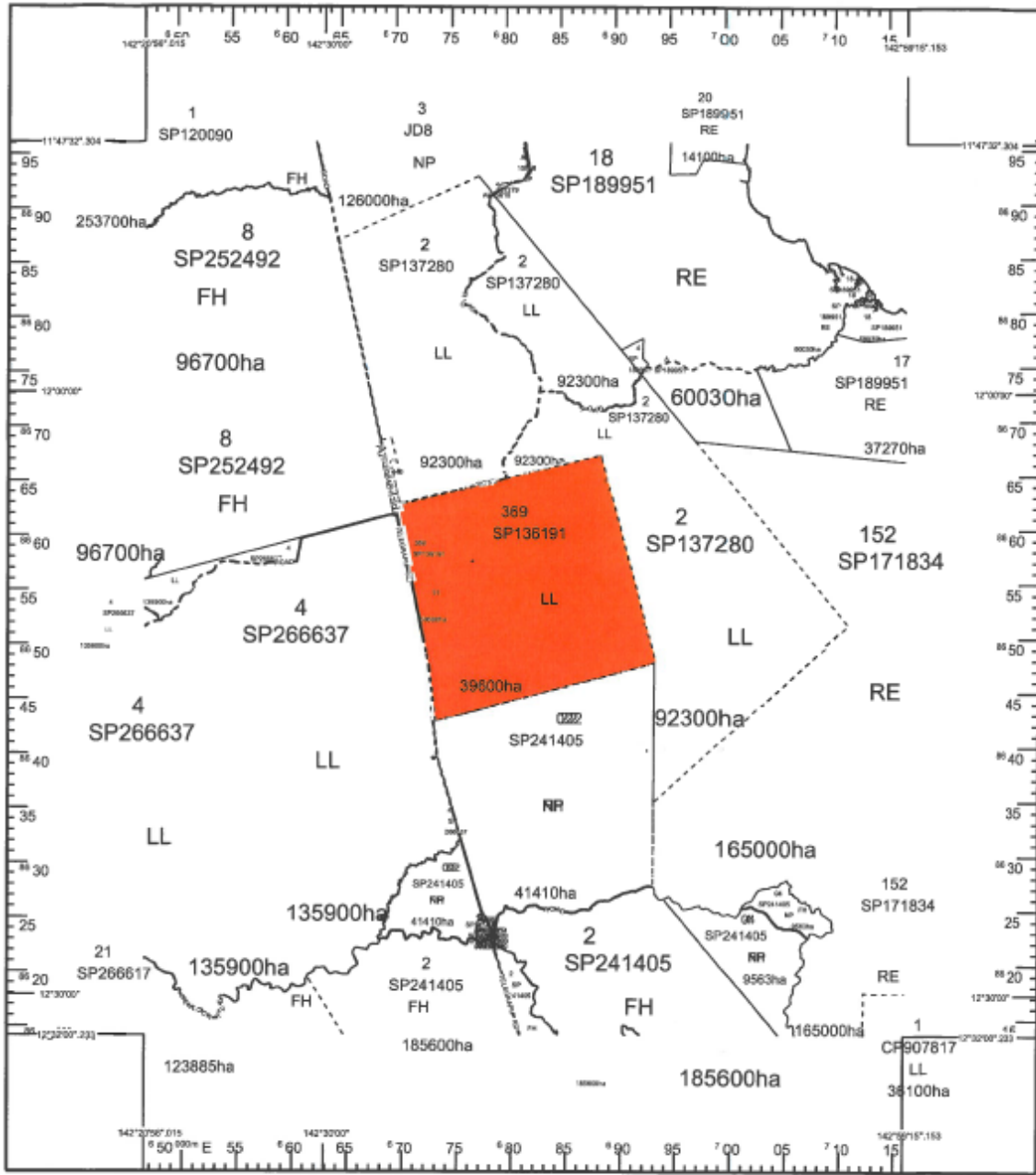
The Department of Natural Resources and Mines be advised that Council raises no objection to the change of conditions of a Lease over Lot 369 on Plan SP136191, to include the additional purpose of Low Key Tourism.

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

Att.
SmartMaps
Tourism area within Bramwell Station

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STANDARD MAP NUMBER
7473-42424

HORIZONTAL DATUM: GDA94 ZONE: 54 SCALE 1: 50000

SmartMap
An External Product of
SmartMap Information Services



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	369/SP136191
Area/Volume	39600ha
Tenure	LANDS LEASE
Local Government	COOK SHIRE
Locality	SHELburne
Parish	HANSON
County	DULHUNTY
Segment/Parcel	8021507

CLIENT SERVICE STANDARDS

PRINTED: 20/02/2015
For additional information regarding this SmartMap see page 2.
Shading Rules have been applied.

DCDB: 24/02/2015 (Lots with an area less than 0.000ha are not shown)

Users of the information recorded in this document (the information) accept all responsibility and risk associated with the use of the information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the information.

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

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

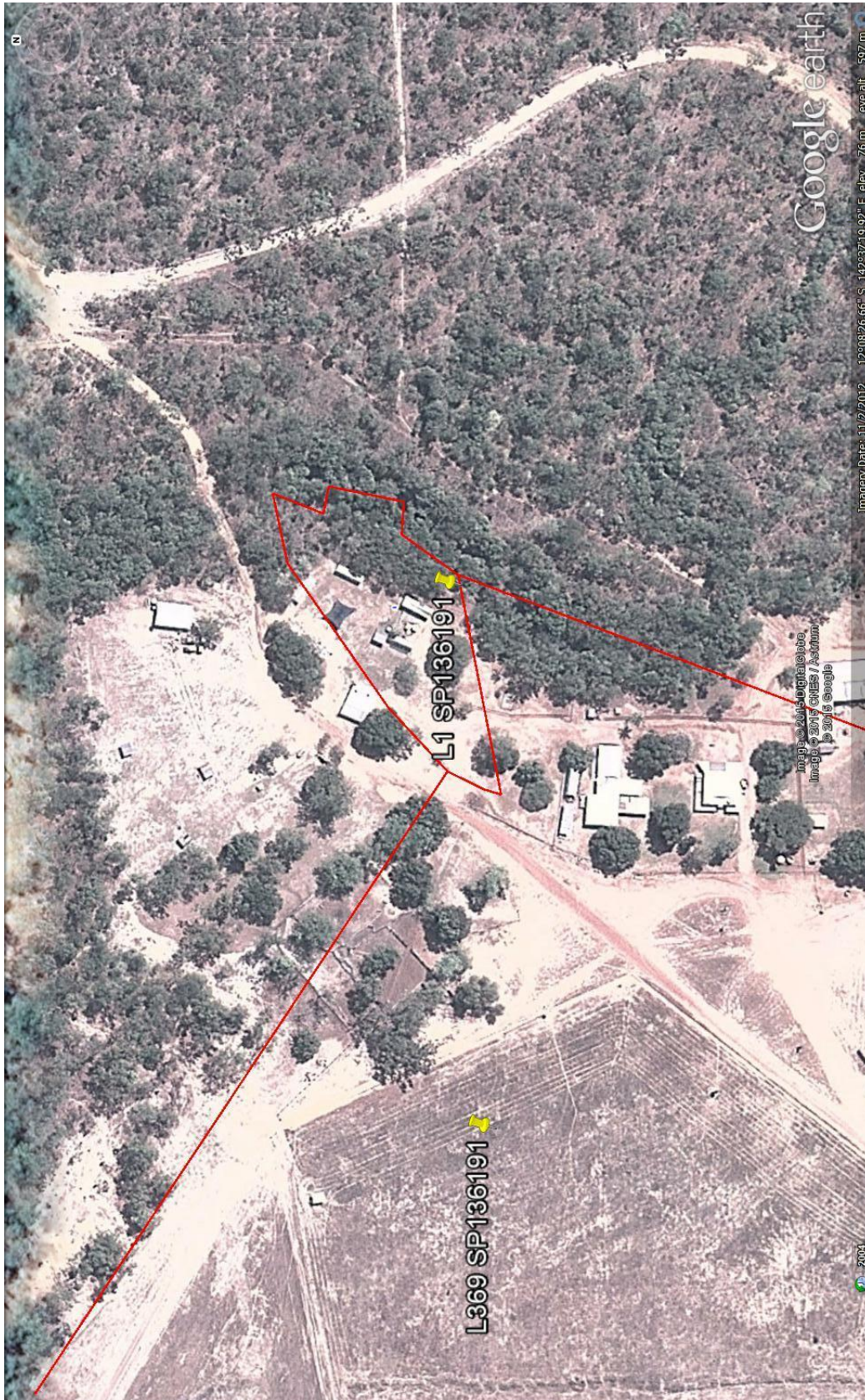
Based upon an extraction from the
Digital Cadastral Data Base



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



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30970	APPLICATION FOR CONVERSION TO FREEHOLD OF ROLLING LEASE – PASTORAL HOLDING 14/242 OVER LOT 242 ON PLAN SP154003 - SPRINGVALE STATION, MULLIGAN HIGHWAY, LAKELAND; PARISH OF KINGSDALE; LOCALITY OF LAKELAND.	
	<i>Report No.D15/4824 from Land Tenure Officer File No. 2.650.73.</i>	

Cr A Wilson moved; seconded Cr R Bowman

The Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of Rolling Term Lease, Pastoral Holding 14/242 over Lot 242 on Plan SP154003 to Freehold, subject to;

- i. the owner ensures all structures and/or buildings have obtained compliance with the requirements of the Queensland building legislation, the Building Act 1975 and referenced legislation,
- ii. any cattle dipping site be identified, listed on the contaminated register and excised from the freehold, and
- iii. the creation of 30 meter wide esplanades along the banks of the West Normanby River and the East Normanby River, as depicted on submitted plan, "Proposed 30m wide Esplanades within L242 SP154003".

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 gazetted historical roads as 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.

Background/History

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2. By letter dated 19 February 2015, the Department of Natural Resources and Mines advised that an application for conversion of Rolling Term Lease 14/242 over Lot 242 on Plan SP154003 to Freehold had been received.
3. The Department further advised that the proposed use of the land was for Grazing purposes and requested Council's views/requirements including any local non-indigenous cultural heritage values that should be considered when assessing the application.
4. Lot 242 on Plan SP154003 has an area of approx 56000 hectares. See attached Springvale Station Property Area Map.
5. Additionally, the lessees hold a special lease for grazing purposes over Reserve for Camping Purposes, Lot 201 on Plan SP154004 of which Cook Shire Council is the trustee; this lease with the State expires in 2018 and does not form part of the proposed conversion application.
6. Planning and Environment advise that there is currently an Operational Works application with Council for a dam within Springvale. Although there does not appear to be any outstanding building matters, the owners must ensure that all structures and/or buildings have obtained compliance with the requirements of the Queensland building legislation, the Building Act 1975 and referenced legislation.
7. As the property has a long history of use for cattle farming, Council's Environmental Health Officer advised that there is a strong probability that it once had or has a cattle dip and therefore should be listed on the contaminated land register and recommended that any cattle dipping sight be identified and excised from the freehold.
8. Engineering has no issues.
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, 30 meter wide esplanades should be required along the banks of the West Normanby River and East Normanby River, in accordance with attached plan, "Proposed 30m wide Esplanades within L242 SP154003".

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.

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10. Council has identified the gazetted historical roads as known local non-indigenous cultural heritage of value requiring consideration by the Department in its assessment of the application

11. The following recommendation is submitted for consideration.

Link to Corporate Plan

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

Consultation

12. Internal.

Legal Implications (Statutory, basis, legal risks)

13. Nil.

Policy Implications

14. Nil– in accordance with policy position.

Financial and Resource Implications (Budgetary)

15. Nil.

RECOMMENDATION

The Department of Natural Resources and Mines be advised that Council raises no objection to the conversion of Rolling Term Lease, Pastoral Holding 14/242 over Lot 242 on Plan SP154003 to Freehold, subject to;

- iv. the owner ensures all structures and/or buildings have obtained compliance with the requirements of the Queensland building legislation, the Building Act 1975 and referenced legislation,
- v. any cattle dipping sight be identified, listed on the contaminated register and excised from the freehold, and
- vi. the creation of 30 meter wide esplanades along the banks of the West Normanby River and the East Normanby River, as depicted on submitted plan, “Proposed 30m wide Esplanades within L242 SP154003”.

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

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

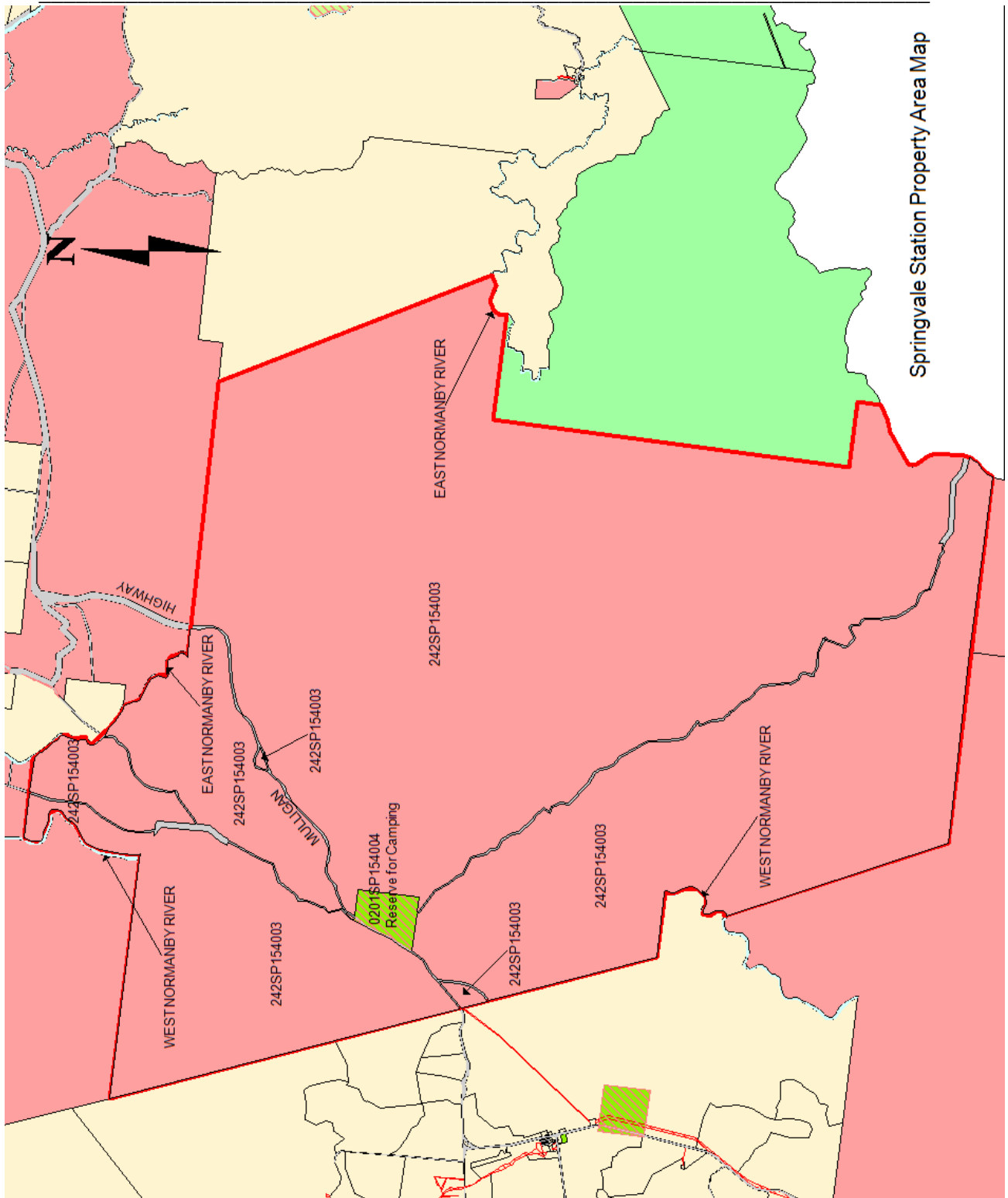
Moreover, Council has identified the gazetted historical roads as known local non-indigenous cultural heritage of value requiring consideration by the Department in its assessment of the application.

Att.

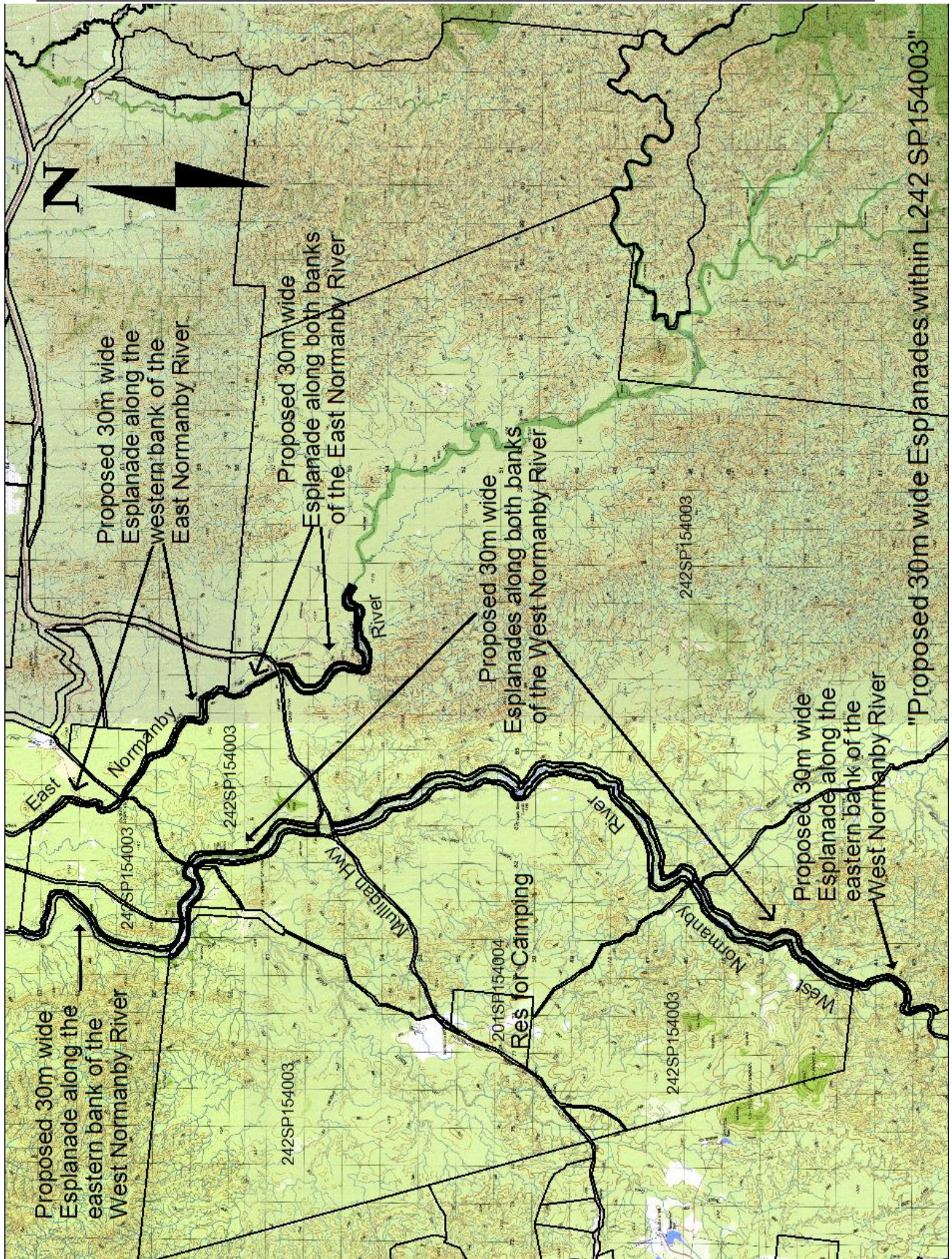
Springvale Station Property Area Map

Proposed 30 meter wide Esplanades within Lot242 on Plan SP154003

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30971	APPLICATION FOR CONVERSION TO FREEHOLD OF PASTORAL HOLDING PH219194 OVER LOT 3 ON PLAN SP9140870 - MERLUNA STATION, PENINSULA DEVELOPMENTAL ROAD, ARCHER RIVER: PARISH OF MERLUNA; LOCALITY OF ARCHER RIVER.	
	<i>Report No.D15/4823 from Land Tenure Officer File No. 2.650.11.</i>	

Cr G Shephard moved; seconded Cr A Wilson

The Department of Natural Resource and Mines be advised that Council raises no objection to the conversion to freehold of Pastoral Holding PH219194 over Lot 3 on SP140870 subject to;

- i. existing dedicated road put on its current formed alignment with the width increased to 120 – 200m to allow for access to gravel resource for road maintenance as depicted on submitted plan, csc proposed 3sp140870 31-3-2015,
- ii. any cattle dipping site be identified, listed on the contaminated register and excised from the freehold, and
- iii. the owner ensures that all structures and/or buildings have obtained compliance with the requirements of Queensland building legislation, the Building Act 1975 and referenced legislation.

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

CARRIED

Précis

1. Council support the conversion to freehold subject to realignment of road and allowing for gravel resources, contaminated sites indentified and compliance with building codes.

Background/History

2. By letter dated 26 February 2015, the Department of Natural Resources and Mines advised that an application had been received for conversion to freehold of PH219194 over Lot 3 on Plan SP140870, and requested advice as to Council’s views or requirements, including any local non-indigenous cultural heritage values that the Department should consider when assessing the application – see attached SmartMap.
3. The proposed use of the land was for grazing purposes with an area of approx 169,000 hectares.
4. Planning and Environment advise that there are no outstanding planning matters however, the owner must ensure that all structures and/or buildings have obtained

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compliance with the requirements of Queensland building legislation, the Building Act 1975 and referenced legislation.

5. As the property has a long history of use for cattle farming, Council's Environmental Health Officer advised that there is a strong probability that it once had or has a cattle dip and therefore should be listed on the contaminated land register and recommended that any cattle dipping site be identified and excised from the freehold.
6. Engineering advised that the existing dedicated road traversing Merluna Station is not on alignment and requires being placed on the existing alignment with the road increased to 120 – 200m with to allow for access to gravel resource for road maintenance as depicted on attached plan, csc proposed 3sp140870 31-3-2015.
7. There are no known local non-indigenous cultural heritage values.
8. The following recommendation is submitted for Council's consideration.

Link to Corporate Plan

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

Consultation

10. Internal.

Legal Implications (Statutory, basis, legal risks)

11. Nil.

Policy Implications

12. Nil.

Financial and Resource Implications (Budgetary)

13. Nil.

RECOMMENDATION

The Department of Natural Resource and Mines be advised that Council raises no objection to the conversion to freehold of Pastoral Holding PH219194 over Lot 3 on SP140870 subject to;

- iv. existing dedicated road put on its current formed alignment with the width increased to 120 – 200m to allow for access to gravel resource for road maintenance as depicted on submitted plan, csc proposed 3sp140870 31-3-2015,

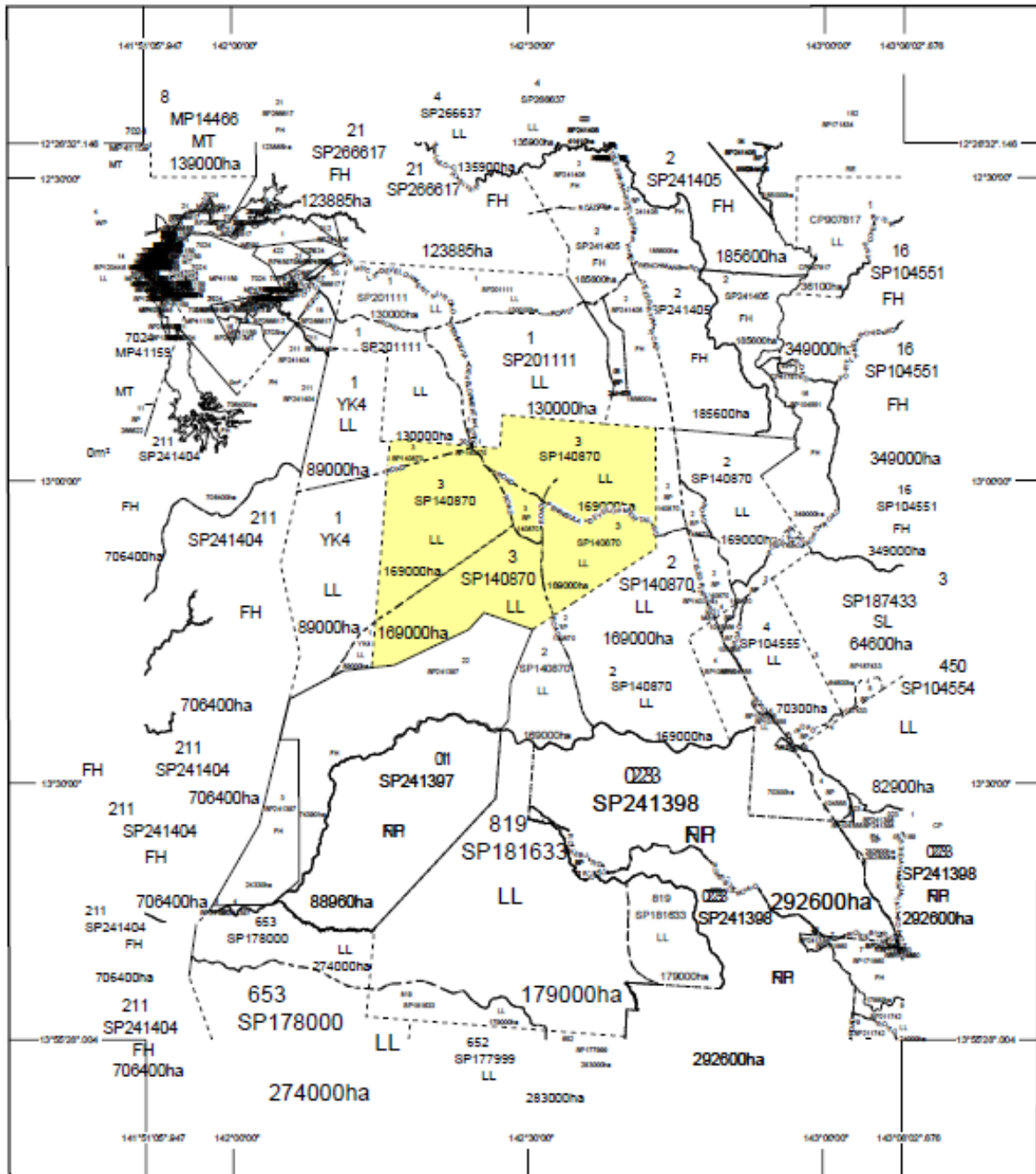
**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at the
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- v. any cattle dipping sight be identified, listed on the contaminated register and excised from the freehold, and
- vi. the owner ensures that all structures and/or buildings have obtained compliance with the requirements of Queensland building legislation, the Building Act 1975 and referenced legislation.

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

Att.
SmartMap
csc proposed 3sp140870 31-3-2015

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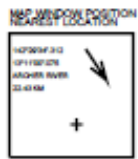


STANDARD MAP NUMBER
7371-12122



SmartMap

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



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	No Lot/Plan Selected.
Area/Volume	No Lot/Plan Selected.
Tenure	No Lot/Plan Selected.
Local Government	No Lot/Plan Selected.
Locality	No Lot/Plan Selected.
Parish	No Lot/Plan Selected.
County	No Lot/Plan Selected.
Segment/Parcel	No Lot/Plan Selected.

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 26/02/2015
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DCDB 25/02/2015 (Lots with an area less than 10,000ha are not shown)

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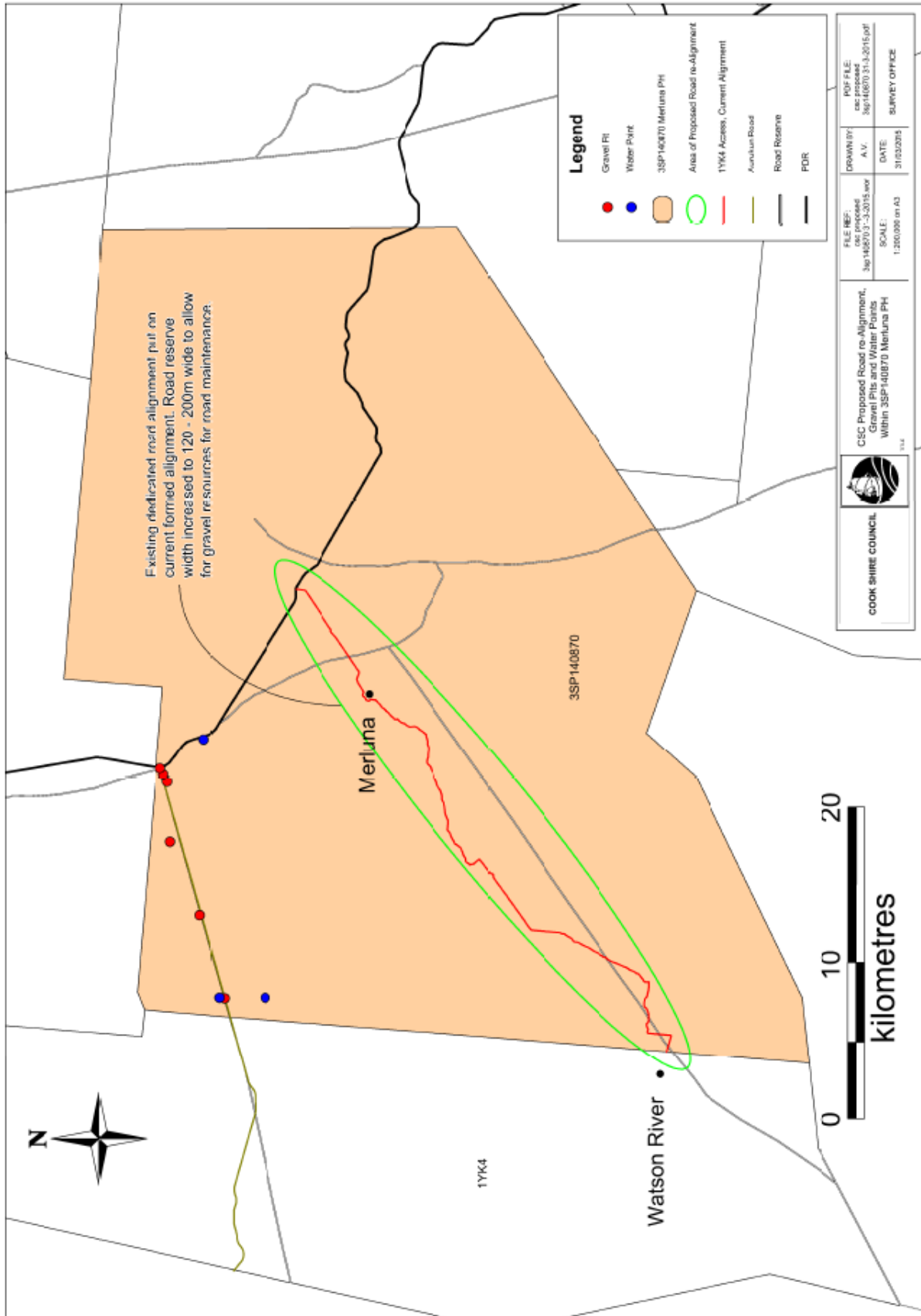
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30972	LAND EVALUATION FOR BROMLEY AND BOYNTON AGGREGATION - LOT 152 ON PLAN SP171834; PARISH OF BROMLEY.	
	<i>Report No.D15/4881 from Land Tenure Officer File No. 2.650.17; 2.650.19; 2.660.75.</i>	

Cr R Bowman moved; seconded Cr G Shephard

The Department of Aboriginal and Torres Strait Islander Partnerships be advised in response to its correspondence of 19 February 2015 that Council's requirements in respect to Bromley as conveyed to the Department by letters dated 26 May 1999, 24 August 2006 and 21 February 2008, and as set out below, be drawn to the attention of the Department, with the request that those requirements be addressed prior to "final tenure arrangements" being negotiated;

- dedication of a 60 metre wide road reserve over the existing connection and access tracks,
- creation of a community reserve for Recreation Purposes under the trusteeship of Cook Shire Council at Temple Bay.

Attached Plan "Proposed Roads and Recreation Area within Bromley" indicates the roads and proposed reserve referred to in paragraph 5 above; existing dedicated roads and existing formed (undedicated roads) which should be roads open to the public – this is in keeping with Council's road policy:

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

Further, Council strenuously opposes closure of existing roads or esplanades and requires that access to gravel resources for road construction/maintenance must be provided.

CARRIED

Précis

1. Council's previous requirements be conveyed to the State.

Background/History

2. By letter dated 19 February 2015 the Department of Aboriginal and Torres Strait Islander Partnerships advised that the Cape York Peninsula Tenure resolution Program

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(‘CYPTRP’) was investigating the future use and tenure of Bromley Station under the auspices of the *Land Act 1994* and requested Council’s views. See attached SmarMap.

3. Tenure resolution on Cape York Peninsula is subject to the provisions of the *Land Act 1994* (“the Act”), the *Nature Conservation Act 1992* (“NCA”), the *Aboriginal Land Act 1991* (“ALA”), the *Cape York Peninsula Heritage Act 2007* (“CYPHA”) and all relevant State, regional and local planning strategies and policies.
4. Before land is allocated under the Act, the Chief Executive is required to assess the most appropriate tenure and use of the land prior to allocating tenure. The evaluation must take account of the State, regional and local planning strategies and policies, the objective and principles of the Act and may also take account of commitments and undertakings given by persons under, or arising from a Cape York agreement.
5. Council has previously dealt with its requirements/interests with desk-top studies regarding the former Bromley Pastoral Holding (“PH”);
 - May 1999 – Bromley PH lease renewal – Report No. 12945; Resolution No. 19513.
 - August 2004 – Creation of Reserve for Environmental Purposes under the Trusteeship of the Environmental Protection Agency (under the Land Act 1994, as an interim measure “for management purposes only until final tenure arrangements are negotiated”) – Report No.145734; Resolution No. 23904.
 - August 2006 – Section 16 Land Act 1994 Land Act 1994 evaluation of the former Shelburne PH (Lot 5117 on SP137279 & Lot 73 on SP171835), and the former Bromley PH (Lot 152 on SP171834) – Report No.240111; Resolution No. 25275.
 - February 2008 - Section 16 Evaluation of Batavia Downs (Lot 22 on Plan SP171852 Various Parishes); Moreton Telegraph Station (Lot 2 on Plan SP171852 Parish of Berney); and (former) Bromley Pastoral Holding (Lot 152 on Plan SP171834 Parish of Bromley) – Report No. 376984; Resolution No. 28184.
6. Previously identified interests were the;
 - dedication of a 60 metre wide road reserve over the existing connection and access tracks,
 - creation of a community reserve for Recreation Purposes under the trusteeship of Cook Shire Council at Temple Bay.
7. Attached Plan “Proposed Roads and Recreation Area within Bromley” indicates the roads and proposed reserve referred to in paragraph 5 above; existing dedicated roads and

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existing formed (undedicated roads) which should be roads open to the public – this is in keeping with Council’s road policy:

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

8. Council also strenuously opposed closure of existing roads or esplanades and required that access to gravel resources for road construction/maintenance must be provided.
9. The State by letter dated 15 January 2008, clearly indicated its intention for land dealings in Bromley. See attached plan “SPA Job Ref – J151 Bromley_proposal.mxd”;
 - White - proposed National Park;
 - Yellow – proposed Aboriginal Land
 - Green – proposed Beach Protection Reserve (this area includes Esplanade)

Council’s view of the apparent intention of the State (February 2008 Council meeting) was;

APPARENT STATE INTENTION

15. Council is of the opinion, that the State’s intention in each case is the declaration of new areas of National Park, and the creation of such areas of Aboriginal freehold as are necessary to secure Traditional Owner agreement to the creation of the areas of National Park.
16. Council is further of the view, that its requirements in relation to roads are, despite the fact that Council is responsible for the road network within its jurisdiction, generally ignored in order to gain the State’s primary purpose of the declaration of new areas of National Park.
17. Similarly, Council is of the view that its requirements for the aspirations of the general public are also ignored in order to gain the State’s primary purpose of the declaration of new areas of National Park.
18. Moreover, it appears to Council that despite the requirements for public access and the policy supporting public access set out in the *State Coastal Management Plan*, the State ignores that document in order to gain the State’s primary purpose of the declaration of new areas of National Park – this despite the fact that the State Coastal Management Plan has the status of formal State Planning Policy under the *Integrated Planning Act 1997*.

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10. In 2007, the (then) Cape York Tenure Resolution Task Force had been charged with the responsibility of tenure regularization in Cape York as a priority of Government. This process is commonly referred to as the “Heads of Agreement”, Bromley was one of the priority State land dealing properties identified by Government to be dealt with under the tenure regularization process.
11. Through this program, the State is changing the tenure of identified properties to Aboriginal freehold land, allowing Traditional Owners to return to live on country and pursue employment and business opportunities in land management, grazing, and mining.
12. Areas with outstanding environmental values are being dedicated as jointly managed national parks, providing for conservation, recreation and tourism. The State is also converting existing national parks to jointly managed national parks, with Aboriginal freehold as the underlying tenure.
13. The move towards joint management of national parks on Cape York Peninsula took effect through the proclamation of the *Cape York Peninsula Heritage Act 2007*.
14. Joint management for national parks (National Park Cape York Peninsula Aboriginal Land - NP (CYPAL)) is established through an Indigenous Management Agreement which must not result in a decrease in public rights of access to the national park.
15. If the area is to be declared a National Park, it is most unlikely that any road dedication or reserve creation will take place; if tenure resolution is proposed by the State, Council should press for dedication of all the roads indicated on the relevant plan, as well as creation of the reserve – in the trusteeship of this Council.
16. Native Title Determination Application QUD6023/02 – Wuthathi, Kuuku Ya’u and Northern Kaanju is over the former Bromley Pastoral Holding. This claim has been listed by the Federal Court of Australia for consent determination hearing in Cairns on 28 April 2015.
17. The following recommendation is submitted for Council’s consideration.

Link to Corporate Plan

18. 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

19. Nil.

Legal Implications (Statutory, basis, legal risks)

20. Nil identified.

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Policy Implications

21. In accordance with Council's Road policy

Financial and Resource Implications (Budgetary)

22. Nil.

RECOMMENDATION

The Department of Aboriginal and Torres Strait Islander Partnerships be advised in response to its correspondence of 19 February 2015 that Council's requirements in respect to Bromley as conveyed to the Department by letters dated 26 May 1999, 24 August 2006 and 21 February 2008, and as set out below, be drawn to the attention of the Department, with the request that those requirements be addressed prior to "final tenure arrangements" being negotiated;

- dedication of a 60 metre wide road reserve over the existing connection and access tracks,
- creation of a community reserve for Recreation Purposes under the trusteeship of Cook Shire Council at Temple Bay.

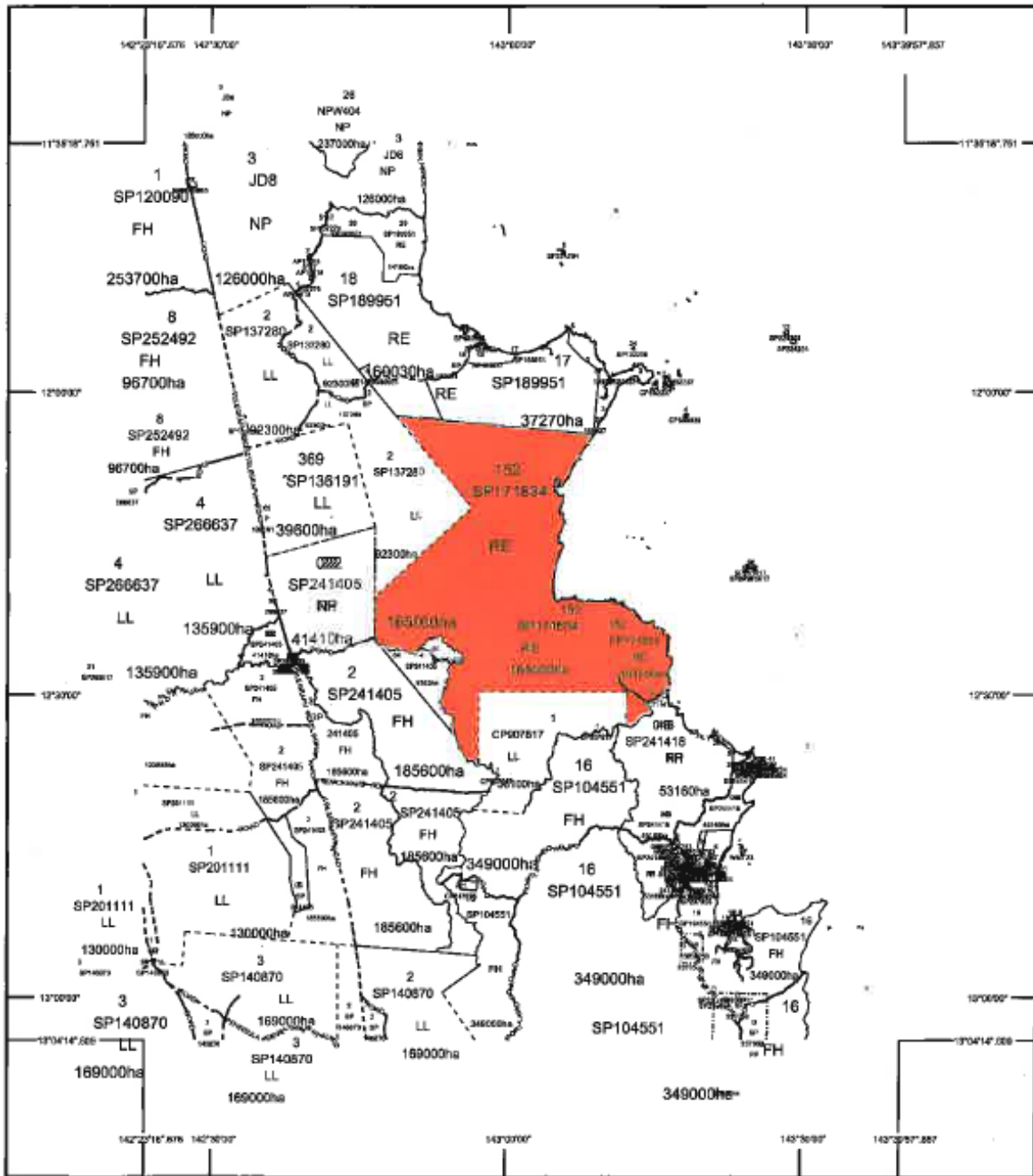
Attached Plan "Proposed Roads and Recreation Area within Bromley" indicates the roads and proposed reserve referred to in paragraph 5 above; existing dedicated roads and existing formed (undedicated roads) which should be roads open to the public – this is in keeping with Council's road policy:

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

Further, Council strenuously opposes closure of existing roads or esplanades and requires that access to gravel resources for road construction/maintenance must be provided.

Atts.
SmartMap
Topography/Tenure Plan
SPA Job Ref – J151 Bromley_proposal.mxd
Proposed Roads and Recreation Area within Bromley

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STANDARD MAP NUMBER
7573-34342



MAP WITH DOW POSITION & NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DDCR	102/SP171834
Lot/Plan	169000ha
Area/Volume	REERVE
Towns	COOK SHIRE
Local Government	SHELSBURNE
Locality	BROCKLEY
Parish	SHELSBURNE
County	602/0514
Segment/Parcel	

CLIENT SERVICE STANDARDS

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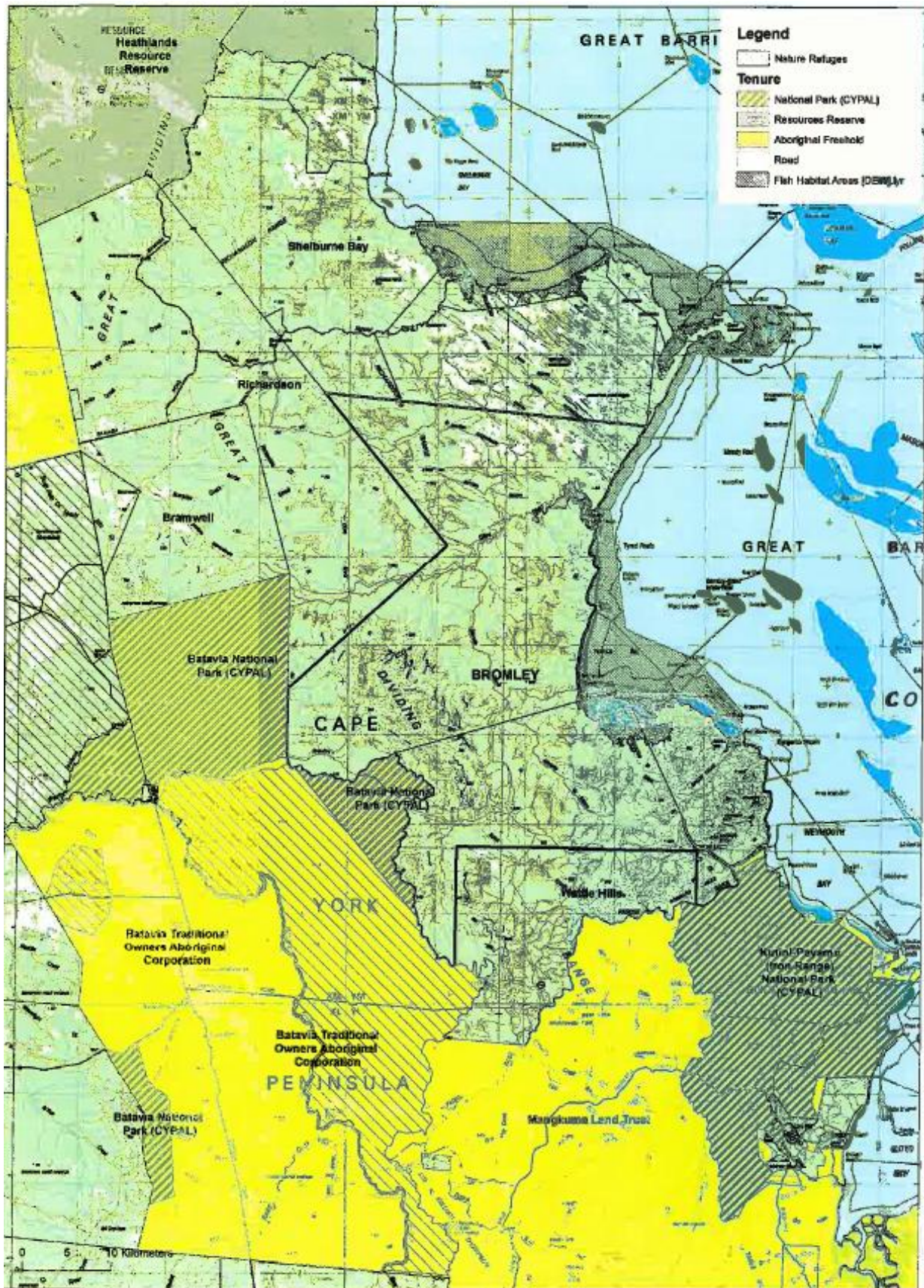
SmartMap

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

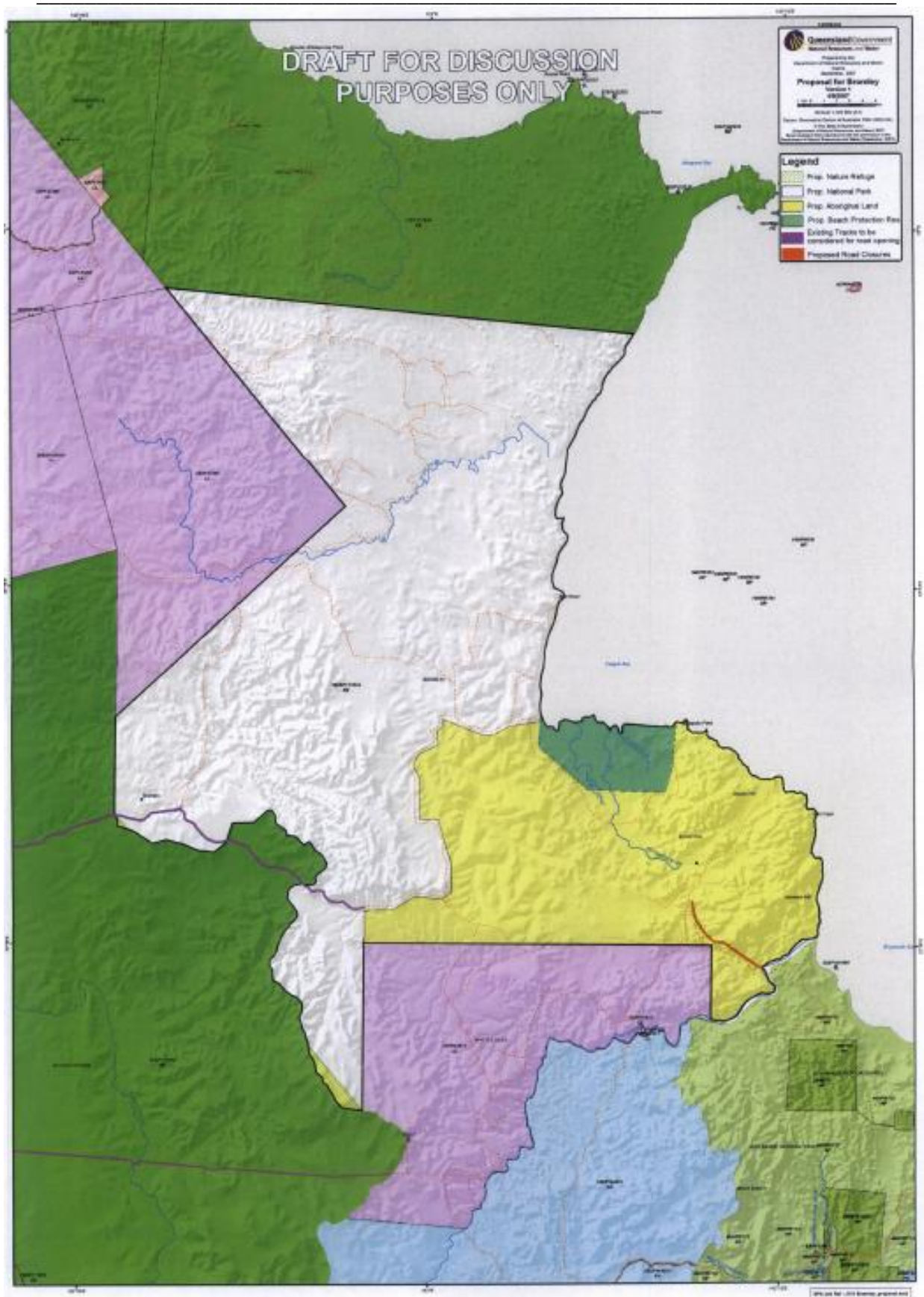


Queensland Government
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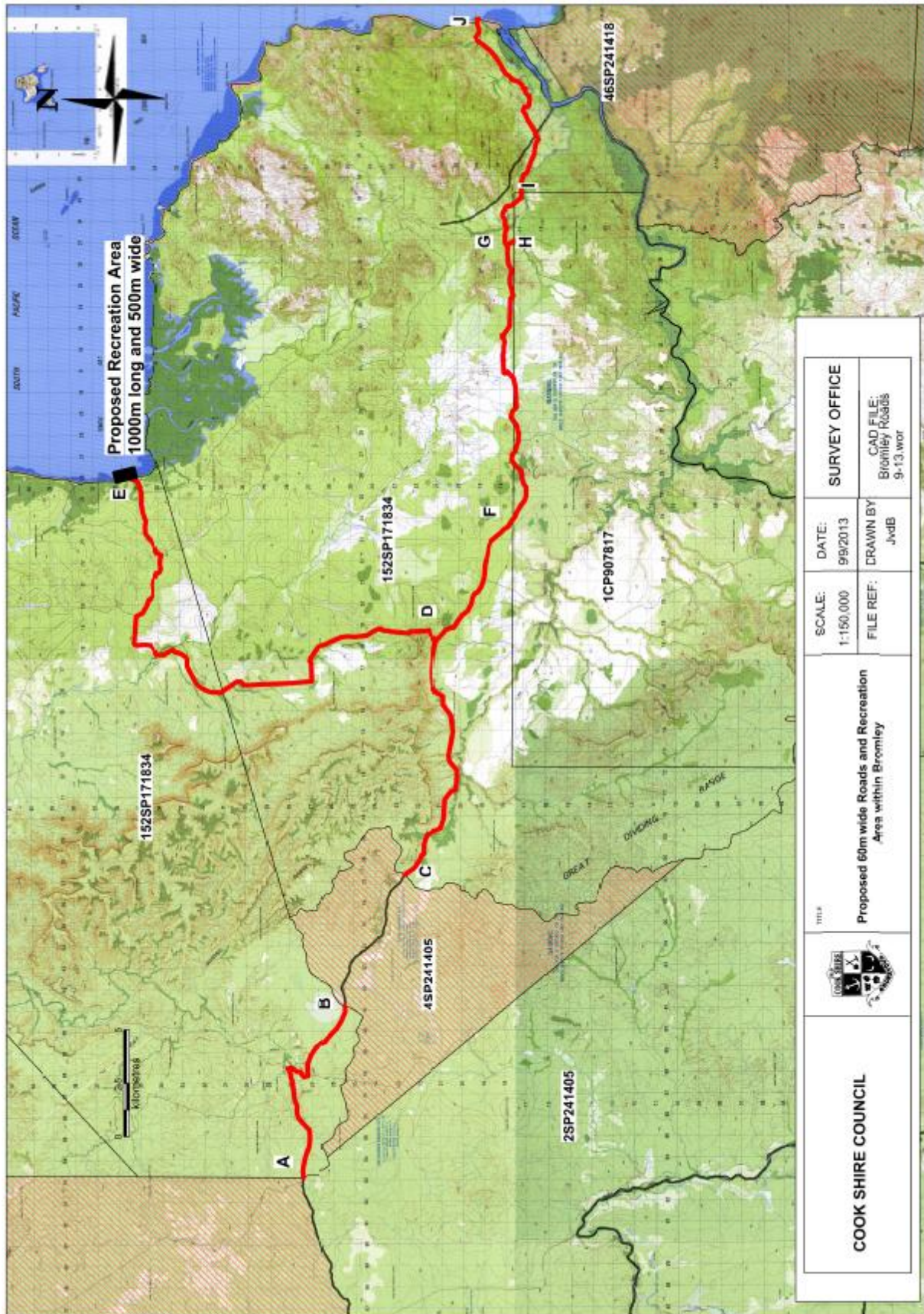
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COMMITTEE OF THE WHOLE

30973	COMMITTEE OF THE WHOLE	
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Cr A Wilson moved; seconded Cr R Bowman
That Council resolve into Committee of the Whole at 12.30 pm on 21 April 2015 to discuss
quotes and native title issues
CARRIED

30974	COMMITTEE OF THE WHOLE	
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Cr R Bowman moved; seconded Cr K Price
That Council revert to the Ordinary meeting of Council at 12.48 pm on 21 April 1015 after
discussing quotes and native title issues.
CARRIED

PLANNING AND ENVIRONMENT

30975	STREET BIN ENCLOSURES	
	<i>Report No.D15/4826 from Waste Management Coordinator</i>	

Cr G Shephard moved; seconded Cr S Clark
That Council approve the purchase of the powder coated aluminium street bin enclosures from
Unisite Street and Park Furniture.
MOTION DEFEATED.

LAND TENURE

30976	NATIVE TITLE DETERMINATION APPLICATION QUD157/2011 – NORTHERN CAPE YORK GROUP #1; DETERMINATION BY FEDERAL COURT OF AUSTRALIA THAT NATIVE TITLE EXISTS – INJINOO 30 OCTOBER 2014.	
	<i>Report No.D15/4821 from Land Tenure Officer File No. 2.660.169.</i>	

Cr R Bowman moved; seconded Cr K Price
Council notes the determination in Northern Cape York Group #1 (QUD157/2011) that native
title exists and with the entering of the determination onto the National Native Title Register
taking effect on 2 April 2015.
CARRIED

The meeting adjourned for lunch at 12.48 pm and resumed at 1.34 pm on 21 April 2014

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ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

30977	REQUEST FOR CONTINUED SPONSORSHIP OF THE COOK SHIRE AWARD	
	<i>Report No.D15/4638 from Arts and Cultural Officer</i>	

Cr R Bowman moved; seconded Cr S Clark

Council continue sponsorship of the Cook Shire Award as a non acquisitive prize and approve a budgetary line for a donation of \$1,000.00 to be reviewed in line with Council's annual operating budget.

Cr K Price moved the following amendment, seconded by Cr A Wilson

Council continue sponsorship of the Cook Shire Award as an acquisitive prize and approve a budgetary line for a donation of \$1,000.00 to be reviewed in line with Council's annual operating budget.

The Director of Economic Development and Community Services be requested to investigate an implementation of an exhibition program.

CARRIED

The Mayor put the amended motion.

CARRIED

Précis

Request for continued sponsorship by the Cooktown School of Art Society of the Cook Shire Award.

Background/History

For 36 years Council has sponsored the Cook Shire Award at the Cooktown School of Art Society annual art exhibition. It is an acquisitive award to the value of \$1,000.00. It is the only art prize to be funded by Council and its continuation is a demonstration to the community of loyalty to tradition and support for the arts.

After completing an audit, it became apparent that Council's artwork collection are not being effectively cared for or utilised. From previous audits there are currently eight paintings unaccounted for and no suitable storage for works currently not on display. Continuing sponsorship of an acquisitive prize requires a commitment to proper care and management (i.e.: storage) of current and future works.

Utilising the current collection, such as through the rotation of artworks through Council buildings, requires an ongoing financial and staff resources. As the collection grows through continuing acquisition, so does the commitment required by Council.

Link to Corporate Plan

4.3 Active, Creative and Connected

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

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

4.7 Economic Wellbeing

4.7.3 (g) Support development through the provision of advocacy, support and partnership arrangements.

Consultation

Members of Cooktown School of Art Society Inc.

Legal Implications (Statutory, basis, legal risks)

Nil.

Financial and Resource Implications (Budgetary)

\$1,000.00 annually.

RECOMMENDATION

Council continue sponsorship of the Cook Shire Award as a non acquisitive prize and approve a budgetary line for a donation of \$1,000.00 to be reviewed in line with Council's annual operating budget.

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CORPORATE SERVICES

FINANCE

30978	REVENUE AND EXPENDITURE – MARCH 2015	
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Cr A Wilson moved; seconded Cr K Price

That the Revenue and Expenditure Statements for March 2015 be adopted

CARRIED

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ADMINISTRATION

30979	COUNCIL MEETING – JUNE 2015 - LAKELAND	
	<i>Report No.D15/4467 from Executive Assistant</i>	

Cr A Wilson moved; seconded Cr G Shephard

That the meeting of Council to be held on 15-16 June 2015 be held at the Lakeland Hall, Lakeland.

CARRIED

Précis

Proposed Council meeting in Lakeland on 16 June 2015

Background/History

Section 257 of the *Local Government Regulation 2012*, requires local governments to meet at least once a month at its public office or at another place fixed by the local government, by resolution, for the meeting.

It is proposed to have the June 2015 Council meeting at Lakeland. This will give persons who live in the area a practical opportunity to attend a Council meeting.

Link to Corporate Plan

Legal requirement

Consultation

Councillors and interested parties

Legal Implications (Statutory, basis, legal risks)

Nil

Policy Implications

Nil

Financial and Resource Implications (Budgetary)/Risk Assessment

Cost has not been calculated but will mainly be restricted to travel. This will be offset by the opportunity of residents in more remote centres of Council's population to have access to all Councillors and senior staff.

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RECOMMENDATION

That the meeting of Council to be held on 15-16 June 2015 be held at the Lakeland Hall,
Lakeland.

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30980	SOLE SUPPLIER REGISTER 2015 – NEW REGISTER ENTRIES	
	<i>Report No.D15/4767 from Council's Business Services Manager</i>	

Cr S Clark moved; seconded Cr R Bowman
That Council:

1. Notes this quarterly report on sole supplier expenditure; and
2. Resolves in accordance with section 235(a) of the Local Government Regulation 2012 that it is satisfied the suppliers listed in Attachment 1 are sole suppliers and that they be added to the sole supplier register for the 2014/15 financial year; and
3. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to these sole suppliers.

CARRIED

Précis

This report identifies 'sole suppliers' for endorsement where Council cannot reasonably find alternative sources of supply for goods and services that are specialised or confidential in nature, compatible with existing products and/or services, or available within the region and supply from outside the region would be cost prohibitive.

Background/History

It is a requirement of the Local Government Regulation 2012 to invite written quotations or tenders where the carrying out of works or the supply of goods or services involves a cost greater than \$15,000 or \$200,000 respectively. Additionally, Council's Procurement Policy contains provisions regarding obtaining quotes for amounts less than \$15,000

The Regulation acknowledges that there are instances when it will not always be possible to meet this requirement and provides a number of exceptions to manage these instances.

To meet operational requirements it has been identified that there are a number of suppliers who are the only reasonable source of supply for various products and services required by Council.

Section 235(a) of the Queensland *Local Government Regulation 2012* reads as follows:

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

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

To apply this exemption a specific resolution of Council is required on the basis of the facts or circumstances relevant to the particular contract.

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Any of evaluative decisions made under section (a) (as outlined above) are matters for subjective consideration and determination by the Council. They do not involve an objective test such that a Court can substitute its own view of the facts if a decision were challenged.

The legislative requirement for a sole supplier requires a Council to prove that the supplier is the only supplier that can reasonably provide that good or service. The emphasis is on the word “reasonably” and advice from the Department of Infrastructure, Local Government and Planning is that this can be interpreted on a regional and operational basis. This means if there is only one supplier in the rate-paying region of Council and they are considered to be providing a competitive service then they can be deemed a sole supplier.

LGAQ and the Department state that the purchase of goods and services from a sole source to support existing assets in an original equipment manufacturer (OEM) situation can also be deemed a sole supplier arrangement.

LGAQ supplied commentary to section 235(a) of the Local Government Regulation 2012 also states that this section might be applied where Council wishes to upgrade a proprietary computer software program to add functionality and/or where there is generally only one possible supplier and the calling of tenders or quotes “would be a manifest waste of time and resources”. This interpretation of the legislation has been used to support and validate the inclusion of a number of sole supplier recommendations in regard to software and other like products and services

This report provides an overview of the necessary sole supply arrangements required for Council’s standard and project based operations premised on:

- the availability of products and services that are difficult to source due to their nature or Council’s remote location;
- genuine failed attempts to find multiple suppliers (by quote or tender) who can reasonably supply Council with the required products and services you;
- products and services that are specialised in nature (unique one-off providers);
- arrangements that are linked to specialty products or brands that we already have i.e. an agent that services a product under warranty and to have that service done by another company would void the warranty;
- the supplier is local and can meet immediate emergent needs i.e. local business that can supply for purchases that have not been planned for and are time critical; or
- the supplier captures the market for maintenance and replacement parts for a specific piece of specialised equipment.

In the 2013/2014 Financial Year \$3,982,296.60 was spent working with sole suppliers (8% of purchasing) and in the 2014/2015 the amount to date totals \$2,802,824.24 (5% of purchasing)*. Appendix 1 provides a breakdown of these figures by supplier and rational.

* This report excludes Council and Government preferred supplier and pre-qualified supplier arrangements.

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Legal Implications (Statutory, basis, legal risks)

Nil.

Link to Corporate Plan

4.1 Leadership and Governance

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

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

In terms of Delivering Sound Governance and Economic Management, the ongoing review of who is a sole supplier will ensure that responsible financial and professional practises are utilised to maintain a sustainable framework within procurement across Council. It also ensures that Council provides sound governance and economic management in monitoring these suppliers and the market place.

Consultation

All Council staff were consulted and asked to nominate suppliers for the report. Suppliers that have been deemed not to meet the requirements as per the definition of sole supplier in the Regulation have been excluded from this report and alternate procurement practices will be put in place to ensure legislative and policy compliance.

Council's Business Services function has researched each recommended sole supplier and has sourced the expenditure information for this report.

Policy Implications

Nil

Financial and Resource Implications (Budgetary)/Risk Assessment

No risk to Council has been identified. Any financial risk to Council is mitigated by Council officers having assessed these products as being suitable products and the suppliers as being the only reasonable option from which Council can obtain the relevant goods and services. Pricing has also (where available) been benchmarked against comparable products or suppliers to ensure commercial competitiveness factoring in transport and availability.

RECOMMENDATION

It is recommended that Council:

1. Notes this quarterly report on sole supplier expenditure; and

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2. Resolves in accordance with section 235(a) of the Local Government Regulation 2012 that it is satisfied the suppliers listed in Attachment 1 are sole suppliers and that they be added to the sole supplier register for the 2014/15 financial year; and
3. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to these sole suppliers.

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APPENDIX 1. SOLE SUPPLIER REGISTER

Product	Supplier	Rational	Expenditure 2013/2014	Expenditure 2014/2015
Local Print Advertising	Cooktown Local News	Only dedicated regular local print publication. Legislative requirements require that notices be broadcast locally.	\$42,884.90	\$31,222.01
Regional print advertising	The Cairns Post	Daily regional print publication, dedicated advertising features (eg. tenders, careers), used for advertising to the broader business/industrial/commercial/professional community. Legislative requirements require that notices be broadcast locally.	\$14,574.92	\$14,005.48
Aerial 1080 baiting	Atherton Creek Air Charters - Matthew Jennings *	Aerial baiting is a niche operation and Atherton Creek Air Charters is the only company/pilot to have made the necessary modifications that enable an aircraft to effectively drop bait. The aircraft is a Piper-Cherokee which has a chute engineered in to the underside of the cabin. A stainless steel tray can be inserted and fitted to the interior of the cabin that connects to the chute which is used to hold the baits prior to dropping. No known replacement exists. This determination supported by research undertaken within the pest management industry in the Far North Queensland region.	\$13,355.94	Pending Future Need
Coen Flights	West Wing PTY LTD pending Successor	Only airline flying into Coen *	\$6,854.88	\$5,540.47
Memcor Plant Servicing (Laura & Coen)	Aqua Manage	Goods or services purchased from the 'Original Equipment Manufacturer' (OEM)	\$14,850.00	\$17,385.50

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Product	Supplier	Rational	Expenditure 2013/2014	Expenditure 2014/2015
Parts - Belt Filter Press - Sewerage Treatment Plant	Ovivo Australia PTY LTD	OEM	\$8,944.87	\$3,996.30
Spirac Step Screen Maintenance - Sewerage Treatment Plant	Spirac PTY LTD	OEM		\$20,845.00
HACH Reagents	HACH Pacific PTY LTD	OEM	\$18,997.02	\$30,551.82
Ecoli & Coliforms Testing Products - Colisure, Antifoam, Quanti Trays, Sample Bottles -Industry Self Testing Equipment and Chemicals.	IDEXX Laboratories	OEM	\$9,464.63	\$12,078.00
Accommodation	Bramwell Station Tourist Park	Location Specific	\$2,480.00	
Local Electronics Servicing	Cape York Electronics	Only suitably qualified available	\$8,980.61	\$2,933.41
Accommodation	Hann River Roadhouse	Location Specific	\$445.44	
Accommodation	Quinkan Hotel	Location Specific	Does Not Run Accounts	
Accommodation / Fuel / Meals	Archer River Roadhouse	Location Specific	\$40,838.17	\$25,896.19
Accommodation / Fuel / Meals	Bramwell Junction Roadhouse	Location Specific	\$17,956.98	\$11,282.19
Accommodation	Exchange Hotel Coen	Location Specific	\$6,767.00	\$3,646.00
Accommodation / Fuel / Meals	Musgrave Roadhouse	Location Specific	\$58,304.30	\$99,357.79
Windscreen Repair/Replacement	Pete's Auto	Only Windscreen supplier in Cooktown	\$21,792.91	\$11,889.50
Air Fares	Hinterland	Sole Supplier	\$19,265.61	\$12,378.50
Bulk Shredding	ShredX (Australian Document Management)	Location Specific		\$5,823.66
Electricity	Ergon	Sole Supplier	\$649,153.96	\$402,257.79
Photocopier and Printer Servicing - Cannon	Brilliant Technologies	OEM	\$4,354.40	\$2,354.82
Photocopier and Printer Servicing - Kyocera	Evolve Equipment Management	OEM	\$25,546.13	\$25,324.58
Photocopier and Printer Servicing - Fuji Xerox	Fuji Xerox Business Centres	OEM	\$12,438.60	\$441.72
Enterprise Management System and Associated Functions and Hardware	Civica, Authority, TRIM & Ezyscan	OEM	\$287,786.63	\$250,416.87
Plant Parts and Service	Komatsu Australia	OEM	\$242,431.16	\$37,411.08
Plant Parts and Service	Hastings Deering	OEM	\$223,047.77	\$5,209.35

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Product	Supplier	Rational	Expenditure 2013/2014	Expenditure 2014/2015
Plant Parts and Service	Conplant Amman Aust	OEM	\$4,696.91	\$1,247.01
Plant Parts and Service	Newholland - AKC Mechanical	OEM	\$2,926.54	\$4,845.31
Plant Parts and Service	JCB	OEM	\$3,031.40	\$1,191.94
Plant Parts and Service	Bobcat/Clarke Equipment	OEM	\$83,564.79	\$9,425.99
Plant Parts and Service	Toyota/Hino - Pacific	OEM	\$1,225,643.64	\$1,171,224.92
Plant Parts and Service	Isuzu - FR Ireland	OEM	\$286,940.34	\$78,532.49
Hardware items unable to be sourced as needed through Council's Stores Function	Cooktown Hardware	Solo Regional Supplier	\$348,590.00	\$177,150.00
Survey Hardware & Consumables Leica Geosystems	C.R. Kennedy	OEM - Exclusive Australian Distributor	\$47,793.00	\$11,935.74
GIS Software - Upgrades and Maintenance.	ESRI	OEM	Licence Current.	
Sole Supplier Retail Batched Concrete	HTFU TA Cooktown Concrete	Sole Supplier - Location Specific	\$ 213,538.67	\$299,352.12
Mobile Batching Plant - Sole Supplier	Malanda Remote Concrete Services Pty Ltd	Sole Supplier in Region - Location Specific - Able to Work in Remote Areas of the Shire. Permit based works only.	Pending Future Need	
Waste Management Software	Mandalay Technologies Pty Ltd	OEM	\$14,054.48	\$14,897.69
Tyre Shredding for Reduced Transport Costs	Shark Recyclers Pty Ltd	Regional Consultation indicates Sole Supplier of On Site Shredding	\$770.00	
Biosolid Sludge Cake (was bi-product from Sewerage Treatment Plant).	Cooktown Towing & Waste Pumping.	Sole Supplier based on collection units and methodology (skip bin type).	Anticipated expenditure of \$1100 per week until more cost effective solution can be established and implemented.	
TOTAL			\$3,982,296.60	\$2,802,821.24
* Not used since 2012 - Future use scheduled.				
** Specific supplier to change when handover finalised.				

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30981	REBEL FM	
	<i>Report No.D15/4849 from Manager Corporate Services</i>	

Cr K Price moved; seconded Cr R Bowman

That Council, as a community service, continue its financial support of Rebel FM on the basis that they now intend to add a second station (Breeze FM).

CARRIED

Précis

Council has been maintaining Rebel FM equipment on Mt Tully, Rebel advised in 2014 that they wish to add a second station (Breeze FM) and are requesting Council to pay for equipment upgrades and ongoing maintenance.

Should Council not continue to service the Rebel's equipment another Cooktown organisation may take up the operation of Rebel.

Background/History

For the past 10 years Council has been maintaining the following equipment for Rebel FM on Mt Tully:-

- Satellite dish
- Combiner – shared with Classic FM
- Receiver
- Transmitter
- Computer
- Antenna – shared with Classic FM

Maintenance costs include replacement and repair of equipment due to lightning strikes and cyclone damage, the servicing has been carried out by the IT department .

For Council to take on the extra station, Rebel require Council to purchase or upgrade the following equipment:-

Conversion kit	\$ 400
Receiver	\$ 790
Satellite dish	\$2,000
Combiner	\$1,900
Transmitter	\$6,000 to \$10,000 depending on model
Computer	\$1,000

Additional costs would include cost of frequency changes by contractor, Council plant and labour costs and installation costs - a significant expense considering this is a commercial operation albeit a benefit to the Cooktown community.

Summary

While Council maintains television and Radio services throughout the Shire, the cost of hardware has generally been supplied by the broadcasting organisation.

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Cook Shire TV and Radio Maintenance Costs				
Expense	2011-12	2012-13	2013-14	2014-15
Council costs	1,632	1,184	551	322
Contractors	1,012	294	2,216	1,388
Materials	4,183	1,299	3,391	
Electricity (Ayton & L'land)	4,559	3,672	1,897	1,179
Insurances	-	504	583	420
Licences	-	120	123	123
Other	1,454	795	518	501
Total	12,840	7,868	9,279	3,933

Legal Implications (statutory, basis, legal risks)

Nil

Link to Corporate Plan

4.6.1 - Maintenance of media networks and communications infrastructure was a listed priority from the consultation process and has been a budget item for 10 years.

Consultation

Original request from Rebel was discussed at EMT and ongoing correspondence with Rebel has revolved around equipment specifications, costs and confirmation that Rebel will not contribute to infrastructure or maintenance costs.

Rebel has been seeking assistance from the Cooktown business community to take up the service should Council not proceed with the cost of the upgrade and ongoing maintenance.

Financial and Resource Implications (Budgetary)

Refer table above: the average cost of maintaining all broadcasting services across the Shire has averaged \$9,500 per annum for the past 4 years.

Approximate cost of equipment upgrades and installation for the Rebel upgrade will be \$14,000 to \$18,000

The upgrade of new equipment will provide some reduction in maintenance costs.

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RECOMMENDATION

It is recommended that:

Council inform Rebel FM that in the first instance it should pursue financial support from the Cooktown business sector.

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30982	MAJOR PROJECTS REVIEW-APRIL 2015	
	<i>Report No.D15/4916 from Chief Executive Officer</i>	

Cr A Wilson moved; seconded Cr S Clark

That the Major Projects Review of April 2015 be received and that Council adopt as their 2015/16 Budget strategy, the course of action for each of the 21 projects as detailed under the Column” Proposed Action for 2015/16”.

CARRIED

Précis

Review of Major Projects

Background/History

1. Introduction

In March 2015, Council considered a report that reviewed the Organisation’s structure, performance and financial viability. The report emanated from concerns that Council may not remain financially viable if they persisted with the same level of resources and management practices.

The report also recognised that the extensive list of major projects currently under consideration/development by Council also has the potential to impact on Council’s future financial position.

2. Scope of Report

As a financial planning document, the following Table details Council’s major projects, at their varying phases of development, and recommends how they should be progressed and prioritised as part of Council’s 2015/16 Budget process.

The following Table includes twenty-one (21) specific Projects, grouped under 5 headings:-

- Category 1 - 8 projects- Fully committed, funded and in Implementation phase.
- Category 2 –2 projects- Council Capital Works Projects –Fully Funded –but works not yet commenced
- Category 3 –3 projects - Council/Private Sector Partnerships
- Category 4 - 4 projects- Future Council projects-No Funding secured -further research required.
- Category 5 - 4 projects- Externally Focused projects –Council as facilitator –No Direct cost.

3. Financial Approach

For 2015/16 the most significant and ambitious project for Council is the completion of the waterfront project .This is a complex project involving multiple disciplines and components and as such has the potential for cost escalations despite how well it may be managed .

Whilst Council has managed to attract significant Government funding to meet more than 50% of the estimated cost of the Waterfront project, it is unlikely that further Government funding will be available for the current planned phases of the project .Any costs over the currently funded estimates will have to be met from Council’s own revenue sources.

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Given the financial circumstances of the Waterfront project, and coupled with Council's current tight liquidity and the absence of discretionary reserves, the recommended approach to Major Projects funding is wherever possible to:-

- Complete all projects that are already funded and commenced-Cat 1
- Defer commencement on other projects in 2015/16 that will have a direct call on Council funds and are considered capable of deferral. Cat 2
- Continue the planning for those projects where Council is partnering with the private sector-Cat 3
- Restrict new projects requiring Government and Council funding to the research& planning phase only-Cat 4
- Continue to advocate for those community benefit projects where Council is not a funding partner -Cat 5

Link to Corporate Plan

Incorporate best practice management as a benchmark in all activities

Consultation

Internal

Legal Implications (Statutory, basis, legal risks)

None identified

Policy Implications

None identified

Financial and Resource Implications (Budgetary)/Risk Assessment

As per the report

RECOMMENDATION

That the Major Projects Review of April 2015 be received and that Council adopt as their 2015/16 Budget strategy, the course of action for each of the 21 projects as detailed under the Column" Proposed Action for 2015/16".

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Category 1- Fully committed, funded and in Implementation phase.

Project No.	Dept.	Project Name & Project Objectives	Development Status	Budgets, Funding, Expenditure Comments	Proposed Action for 2015/16
1.1	Eng. Services	Streetscape- Hope Street Improved pedestrian and bikeway access to schools.	Works in Progress	R2R and TIDS funding of \$320,000 each. \$276,693 spent or Committed \$363,307 remaining. New reduced bollard design agreed by Council March 2015.	Work to be completed by 30/6 to comply with Grant requirements. No further action or funding required for 2015/16
1.2	Eng. Services	Graffiti Stop – Waterfront Installation of security cameras at waterfront to reduce graffiti and inappropriate behaviour	Works in Progress	Budget \$54,000 \$39,216 Grant \$14,997.00 CSC \$31,999.00 Spent to date Part of Waterfront project.	Finalisation of grant extended to Dec. 2015 to coincide with other works.
1.3	Eng. Services	Woobadda Creek Bridge Private works for Douglas/TMR as means of engaging workforce/profit	Work in Progress	Budget \$1.6m Actual \$2.532m Request to TMR for additional funds Final engineering sign-off and final claim still outstanding. 12 months contract retention -\$75,000-to be held in cash.	No further action other than finalisation of contract and funding
1.4	Eng. Services	Waterfront Project Major Community /Recreation infrastructure project	Work In progress	Budget revised to \$6.124 March 2015 Black & More and Acting DES to review project components and report to April Waterfront Advisory Committee and Council meetings.	Major capital works for 2015/16 Revised completion date - Feb/March. 2016

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1.5	Eng. Services	Wharf Replacement Restoration of major commercial and recreation waterfront facility	Work in progress	Budget \$800,000 \$600,000 TMR \$200,000 CSC Expended and committed \$704,000 Near completion Running slightly under budget	No funds required 2015/16
1.6	P&E- Building - support by PM	Coen Toilet block Facility at Coen Recreation Reserve	Work In progress	Funded by CSC from revenue. \$19,728 spent or committed \$24,000 to refurbish container off site \$20,000 for onsite installation Difficulty attracting builder	Balance of works likely to flow over into 2015/16
1.7	ED&CS Supported by PM	PCYC Electrical refit Lighting replaced with LED as ongoing energy saving	Project completed	Budget\$43,176.08 Full funded by State Grant obtained by PCYC All original light fixtures retained by CSC No cost to Council	No action or funds required for 2015/16
1.8	ED&CS	Cooktown Business Incubation Hub IT business facilities at Cooktown Library	Work in Progress	Budget \$36,906 \$31,000 State Library , balance CSC Work commenced mid April 2015.	Balance of works likely to flow over into 2015/16

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Category 2 –Council Capital Works Projects –Fully Funded –but works not yet commenced

Project No.	Dept.	Project Name & Project Objectives	Development Status	Budgets, Funding, Expenditure Comments	Proposed Action for 2015/16
2.1	PM with Corp Services as “Client”	New Store at Depot Consolidation of stock management across the organisation and under one roof	Developmental- Design completed. Need to restart DA process afresh.	Budget \$1M- Loan funds drawn \$25,279. Spent or committed. Project temporarily placed on hold due to Council’s current tight cash position. Construction to be tendered out as a turnkey project. Documentation 90% complete.	Revert to a mix of contract and day labour for project delivery. Complete detailed plans & costings. Defer commencement until 2016/17- after completion of Waterfront
2.2	PM	Council Housing Project Construction of 4 “staff” houses at 60 Garden St in response to shortage in housing supply.	Developmental - No final agreement on designs and construction methodology.	Budget \$1.3mil Loan funds to be drawn April 2015. \$8,332.34 spent-held as work in progress. Project temporarily placed on hold due to Council’s current tight cash position. Requires 85% Occupancy to break even	Given required occupancy rates, requires a re-assessment of project need relative to current housing demand and supply and to examine possible synergies with Retirement village project. Defer commencement until 2016/17- after completion of Waterfront and subject to reviews detailed above.

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Category 3 – Council/Private Sector Partnerships-

Project No.	Dept.	Project Name & Project Objectives	Development Status	Budgets, Funding, Expenditure Comments	Proposed Action for 2015/16
3.1	ED & CS P&E ES	Airport Subdivision Commercial /industrial subdivision by Council to facilitate economic development	Developmental	\$170,540 spent or Committed over life of project-held on books as Work in Progress on assumption sale price of lot will meet development costs Only one response to call for Expressions of Interest Subdivision being revised by P&E in response to EOI.	2015/16 Budget allocation \$25,000 to undertake a feasibility study. Formation of Project Committee to scope and manage project- to include one Councillor.
3.2	ED&CS P&E	Retirement Village 35 unit village to retain aging families in Cooktown	Developmental	Primarily a private sector project but on Council land- No agreed arrangements in regard to location, tenure, subdivision etc. LG Act requires Council to tender the private sector opportunity.	Formation of Project Committee to scope and manage project- to include one Councillor. Planning budget required for 2015/16- \$25,000
3.3	ED&CS	Cape York Regional Training Centre A regional employment training Centre	Developmental	Essentially a Facilitation role only for Council. No direct cost to Council, other than use of 3 rooms at Events Centre In early stage of development	Target for 2015/16- Study hub for CQU No budget allocation required

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Category 4 -Future Council projects-No Funding secured -further research required.

Project No.	Dept.	Project Name & Project Objectives	Development Status	Budgets, Funding, Expenditure Comments	Proposed Action for 2015/16
4.1	Eng Services	Cooktown Water Supply - Reservoir Development 2 mg. Back up supply in times of emergency, cyclone etc.	Conceptual	Estimated cost -\$3.8m Application to R4R based on \$95,000. CSC contribution unsuccessful. Limited research on specifics for the project-previous grant application desk top only Progress subject to a successful application in any future round of Govt. Funding	For 2015/16-No budget allocation required Further In house development of more refined/detailed specifications for possible future project.
4.2	ED &CS	Energy Conservation Reduced energy consumption for large CSC consumers through practices and technology	Conceptual No specific program.	Currently no budget or funding Dependent upon development of a Power Demand strategy Funding for renewable energy projects to be sought through Federal Govt. Emissions Reduction Fund and renewable energy target	For 15/16-Budget allowance of \$20,000 to complete a Power Demand Management strategy.
4.3	PM	Lakeland Reserve Development of recreation reserve/facilities for area.	Conceptual No project plan	No Budget/No funding Application for \$400k grant, with \$200K CSC contribution unsuccessful. Reserve surveyed. Includes a contaminated area Current -application to Gambling Fund for grant for fencing	For 2015/16' Council not in position to meet a \$200,000 CSC matching contribution. Budget for 2015/16- \$15,000 to locate and remediate contaminated area

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4.4	Eng. Services	Hydro Plant Annan Water Reduction in operating costs through alternative energy source	Developmental- No final design or costings	Funded \$150k grant towards a \$550,000 project \$18,088.97 spent \$14,300.00 in Commitments Current project lapsed as revised project costs escalated to \$1.0M+ Grant of \$150,000 less expended surrendered. March 2015-Council resolution :- Continuation of project under new arrangements referred to 2015/16 Budget deliberations	Given new cost estimates, project be deferred for 2015/16 and possibly reviewed in light of other emerging solar projects.
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Category 5 Externally Focused projects –Council as facilitator –No Direct cost.

Project No.	Dept.	Project Name & Project Objectives	Development Status	Budgets, Funding, Expenditure Comments	Proposed Action for 2015/16
5.1	P&E	Lakeland dam Water Resource for local and regional agriculture/tourism	Developmental	Budget-Nil Facilitation role only however, Council may be required to contribute to the cost of a feasibility study	Continue to facilitate and advocate 2015/16 Budget allowance sought from State's Priority Development Infrastructure
5.2	ED&CS	Cook Shire Solar project Alternative power source and industry competition	Developmental	Primarily a Facilitation and advocacy role	Continue to facilitate/Advocate For 2015/16 Small marketing and communications Budget of \$5000 available.
5.3	ED&CS	National Broadband network Improved Internet communications	Developmental	Primarily a Facilitation and advocacy role Cooktown recently announced on NBN rollout program.	Continue to facilitate/Advocate For 2015/16 Small Digital Economy and Community awareness Budget of \$5000 available.
5.4	ED&CS	Catholic Education Flexible Learning Centre Improved Education opportunities	Work in Progress	Budget-\$ Nil On Council land	Continue to facilitate/Advocate

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30983	WATERFRONT ADVISORY COMMITTEE MINUTES 3 FEBRUARY, 3 MARCH & 7 APRIL 2015	
	<i>Report No.D15/ 5052 from Chief Executive Officer</i>	

Cr A Wilson moved; seconded Cr K Price

That the minutes of the Waterfront Advisory Committee meeting held on 3 March 2015 and 7 April 2015 be received.

CARRIED

Précis

Presentation of minutes of the Waterfront Advisory Committee

Background/History

Council has created a Waterfront Advisory Committee in accordance with section 265 of the *Local Government Regulation 2012*.

Previous meetings of the committee were held on 3 March 2015 and 7 April 2015 and the minutes of those meetings are attached.

Link to Corporate Plan

Legislation

Consultation

Nil

Legal Implications (Statutory, basis, legal risks)

Nil

Policy Implications

None identified

Financial and Resource Implications (Budgetary)/Risk Assessment

RECOMMENDATION

That the minutes of the Waterfront Advisory Committee meeting held on 3 March 2015 and 7 April 2015 be received.

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MINUTES OF WATERFRONT ADVISORY COMMITTEE

3 MARCH 2015

ATTENDANCE Katrina Houghton, Russ Bowman, Alan Wilson, Penny Johnson, Lisa Miller, Sue Clark, Phyl Bray, Peter Scott, Tony Lickiss, John Harrison, Michael Czarnecki, Bruce Davidson, Martin Cookson, Mark Marziale

APOLOGIES Kaz Prtice

The Chair, Cr Peter Scott, opened the meeting at 9.07 am on 3 March 2015

Cr A Wilson moved; seconded Cr R Bowman

That the Minutes of the meeting of 3rd February 2015 be confirmed with the amendment that the entry for the “Project Signage” be removed as this did not relate to the Waterfront Project.

CARRIED

BUSINESS ARISING:

- Mound – pricing is still not available as the contractor is absent from Cooktown due to a death in the family. The contractor was scheduled to commence work on 16 February and he will take over the site when the site level required is known.
- Retaining wall – has been designed but no price has been given by the contractor as a variation to the contract. It was noted that no building application for the buildings had been received by Council.
- Amenities GANNT – has been produced but is still in draft form
- Overall GANNT – still in progress.

Review of project Scope, Costing & Budget

Tony provided a report on progress to redefine the scope of the project, the development of firm cost estimates and sources of funds.

The review process is yet to be finalised with pricing outstanding on several components of the project.

The report provided for the retention of all elements of the project with the exception of the BBQ shelters.

The proposed Project Budget has increased at this point from \$4,750,000 to \$6,020,291.

The report proposed the additional funds required (\$1,270,291) be sourced from the balance of the 2014/15 R2R allocation and part of the 2015/16 R2R allocation .

It was noted that R2R funding must be used only for “roads” project. R4R funds are being used for Fishing Platforms, Amenities Block, Splash Pad and Lagoon.

\$486,000.00 remains unallocated from 14/15 R2R funds. Allocation for 15/16 is \$1,613,095.00 and for the remaining three years \$806,548.00 for each year.

No alternative uses have so far been nominated by Council for use of the R2R excepting the Hope Street Bikeway.

The precise amounts of R2R funding cannot be determined until the Scope and costing review is completed and presented to Council for their consideration

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The Committee recommendation—That Council agree in principle to the use of portion of the 2014/15 and 2015/16 R2R allocations on road components of the Waterfront project and the specific amounts be subject to agreement of Council once Council considers and adopts the final scope, costings and budget for the project

Staff's target is to present final report to the March Council meeting.

The following explanations were provided in regard to the various components of the project costing.

- Water Park – Council is getting quotes for the slab to benchmark against Council's price.
- Sewerage – the following items have been moved to this works order – Powder Magazine retro-fit, Mains Power (50%) and Water Mains. All the material is in hand and has to be installed.
- Roadworks – okay
- Irrigation - \$45,000 moved to Works Order 2226 as design costs. Design adjusted to meet budget
- Gazebo/Shade sails – The major cost is the poles and this item is estimated at \$20,000.00
- BBQs – Includes shelters. It may be that we move to three (3) shelters with two bbqs in each. They will not be built at this time but provision will be made for water and power. This does form part of the R4R agreement.
- Amenities blocks – still do not have the total price. TO814 variations
- Landscaping – have quotes for all
- Lighting – have quotes for supply of poles and lights
- Mains Power – still awaiting quotes from Council's electrician to lay 40mm conduit all over the site. It is estimated at this stage at \$5 per metre which includes materials.
- Pool Fence – Allowance has been made for 42 metres of architect designed fence at \$350.00 per linear metre.
- Saltwater Pool fit-out – Steps and retaining wall are not included in this estimate. Once known the cost will be on top of that shown.
- Fishing Platforms – this is for all three, fully installed.
- Stage Area – this has been dropped from the project but provision will be made for power
- Concrete bikeway and drive – The 4 metre wide path on top of the wall is a structural element of the wall. This will be funded from R2R and has been priced at \$157.00 per m². No project has been put forward to R2R yet.
- Marina fit-out – dropped from this stage of project.
- CCTV – the cameras have been purchased and will be installed when poles are erected.
- General excavation – this is a new item for the removal of sludge mud (1000m³) to 4 mile. The mud is inert.
- Project Management – to be looked at to see if it includes design and management of other items.

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- Budget – Tony advised that he was still waiting on numbers which are outside of his control. The contractor for the amenities block has a lot of the information that is needed and he is expected back in Cooktown on Wednesday. Quotes for the retaining wall and stairs can be put to other guys.

Penny asked if there were clear guidelines for allocation of R2R funds. Tony advised that the funds could be applied to any roads in the Shire. Martin advised that Council normally puts up a program for allocation of the funds which are not normally rejected.

Tony advised that the final two weeks of dredging will be commenced at the end of this week and they will have their equipment off the site.

The meeting closed at 10.35 am on 3 March 2015

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MINUTES OF WATERFRONT ADVISORY COMMITTEE

7 APRIL 2015

ATTENDANCE Peter Scott, Sue Clark, Alan Wilson, Bruce Davidson, Lisa Miller, Karen Nicolau, Michael Czarnecki, Kaz Price, Russel Bowman, Mark Marziale. Greg & John (Black and Moore), by teleconference.

APOLOGIES Penny Johnson

The Chair, Cr Peter Scott, opened the meeting at 9.07 am on 7 April 2015

Michael advised that Black and Moore will be providing a report on the waterfront in the next week based on the \$M6.124 budget and design elements that were removed to get to that budget. The total of the budget doesn't work because there are too many things in the air.

Discussions took place concerning the extent of the storm water drainage. Council is looking at the removal of the intermediate pits. It was noted that the road would still be passable to the subdivision at the end of the Esplanade in the event of a large rain event.. Amenities block and kiosk would be okay as there would be sufficient drainage there.. The maximum build up of water at the kerb would be 200mm and then it would flow over the kerb. Michael advised that the road would be built by contractor.

Discussions then took place about the steps into the pool and it was decided that these steps were a requirement. The retaining wall and steps will be constructed by Mat and Greg advised that his quote for the works appears to be reasonable. Mat has made it clear that his quote is for all components of the project and will not do only parts of it. Council will be responsible for ground water.

Deck on amenities block - what colour? It was decided that it would be light grey with a grey colour for the timberwork underneath.

Stairs up the amenities block – Greg was of the opinion that if they were not built people would not walk up the ramp but would walk on the grass eventually creating a track. No quote has been received from Mat with the stairs in it. Originally Council was going to construct the stairs.

Driveway and bikepath – the depth of the concrete was to be between 90mm and 100mm. This was not sufficient to take traffic and plant. To raise it to 150mm would increase the cost of material only by \$30,000.00.

Michael to forward existing reports to Black and Moore for perusal.

Once Black and Moore's report is received it will be forwarded to Councillors with firm numbers.

It is expected that all works will be completed by 31 December 2015

Mat will be on-site on 13 or 14 April.

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Soil under the proposed eastern amenities block needs to be tested.

Karen advised that she will need some photo opportunities for the R4R grant.

The meeting closed at 10.45 am on 7 April 2015

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30984	PERFORMANCE MANAGEMENT SYSTEM	
	<i>Report No. D2015/04872 from Human Resource Officer</i>	

Cr S Clark moved; seconded Cr G Shephard

That Council accept this report and approve the engagement of an external specialist to lead, design and implement a new Performance Management System with the support and assistance of Council's key stakeholders.

CARRIED

Précis

Proposed changes to Cook Shire Council's Performance Management System PMS.

Background/History

Our current PMS is out of step with our corporate objectives because it does not drive employment engagement nor high performance. Therefore, it is imperative to redesign and implement a new and robust PMS to meet the future needs and success of Council.

Given the significant change in our operational requirements, it is an opportune time to bring in a new PMS that will be closely linked to our Corporate Plan and the new Operational Plan and Budget for the financial period 2015/2016.

A PMS is a formal process to enable management to gain higher productivity and efficiency levels from their staff and optimise Council's overall organisational performance.

Council will flourish strategically and operationally from the flow on benefits of an effective PMS. Some benefits listed below:-

- Individual performance expectations are established.
- Individual goals align with divisional and overall Council goals.
- Performance levels are enhanced.
- Accurate and consistent evaluation of the employee's overall performance.
- Strong performance is recognised and weaker performance is addressed.
- Opportunities for development and growth are identified and pursued.
- Employees are held accountable for their performance.
- Managers are held accountable for managing the process within their division.
- Employee engagement, satisfaction and retention improves.
- Council meets community expectations.

The bottom line is to ensure staff are performing well in their role and that their performance is aligned with Council's divisional goals and objectives which filter into Council's overall operations. But to achieve this, management must play a critical role in driving organisational performance.

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Council's success is not just dependent upon having the right tools and resources, but is heavily reliant on the ability of Council's management to:

- Get the best possible performance from the staff they manage.
- Lead a high performance culture within Council.
- Lead Council's direction and being accountable for achieving performance results for the community it serves; and
- Being a role model to walk the performance management talk.

Overall, management's ongoing commitment is essential in achieving improved workforce and organisational performance.

Management are responsible for assessing the performance of the staff they manage. However, management too, needs feedback on their performance and how they are meeting their work objectives. In all, management's performance is closely tied to the effectiveness of their Division.

Therefore, the introduction of a 360 degree feedback process for management staff, including CEO, Directors, and line managers be implemented to allow them to understand how their effectiveness as a manager is viewed by others. An effective 360 degree feedback process can achieve:

- Individuals get to carry out a self assessment.
- Individuals get a broad perspective of how they are perceived by others and how they impact others – both positively and negatively.
- Encourages open feedback and this feedback is often perceived as more valid and objective, leading to acceptance of results and actions required.
- Clarifies crucial performance aspects, reinforces desired competencies and identifies strengths that can be used to the best advantage of Council.
- Supports a climate of continuous improvement and focuses agenda for development, identifying key development areas for the individual, a team or Council as a whole.
- Gaps are identified between the employee's self perception versus the perception of the manager, peers or direct reports.

The design and implementation of a solid (PMS) involves a number of key elements and the success of a (PMS) relies on good design and implementation.

Due to the scope and complexity of the project, it calls for expertise that is currently not widely available within Council and recommends that Council engages an external consultant who specialises in (PMS) to lead this very important project in order to achieve excellence in performance.

Link to Corporate Plan

4.1.1 c) appropriate corporate governance

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Consultation

Consultation with members of the Executive Management Team and Councillors

Legal Implications (Statutory, basis, legal risks)

Nil

Policy Implications

Nil

Financial and Resource Implications (Budgetary)/Risk Assessment

Financial and resource implications will not be known until such time as Council seeks quotes from external service providers. However, when this is known, Council will be requested to make provision in the 2015/2016 budget.

RECOMMENDATION

That Council accept this report and approve the engagement of an external specialist to lead, design and implement a new (PMS) with the support and assistance of Council's key stakeholders.

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30985	FINANCIAL SUSTAINABILITY/ORGANISATIONAL REVIEW - REDUNDANCIES	
	<i>Report No.D15/5047 from Chief Executive Officer</i>	

Cr R Bowman moved; seconded Cr S Clark

1. That the report on the outcomes from the Voluntary redundancy process be noted
2. That the decision on the need for further redundancies be deferred until the May 2015 Council meeting pending the outcome of Council's representations on additional capital funding applications and NDRRA funding conditions (day Labour).

CARRIED

Précis

Redundancies as a result of the Financial Sustainability/Organisational Review

Background/History

Introduction

One of the key strategies agreed by Council in adopting its approach to Financial Sustainability was to offer all employees the opportunity to apply for a voluntary redundancy.

Process

Applications from employees were invited on 25th March 2015 and closed on Friday 10th April
14 applications were received

10 applications were accepted from the following areas of responsibility:-

Section	Employees
Engineering Services –Construction	6 now 7
Engineering Services -P&G	1 now 2
Engineering Services-Workshop	1
Community services	1
Executive Services-HR	1
Total	10 now 12

All applicants were advised of the outcome on Friday 17th April.

Those successful applicants will conclude their employment with Cook Shire on Friday 24th April.

Financial Outcome

Total Annual Cost	Cost for May/June	Redundancy Cost	Budget Impact
\$726,639	\$121,107	\$197,000	-\$75,893

The Need for further Redundancies

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For Council's operational works and programmes, the wages and salaries costs have been reduced through natural attrition and voluntary redundancies by \$660,000 against a targeted amount of \$1m

Through the same processes, the Construction workforce has been reduced from 40 employees to 34 employees.

Unfortunately, in respect to the Capital program there has been no breakthrough in regard to either, ATSI TIDS funding, NDRRA works or the ability to utilise day labour for NDRRA works

The Financial Sustainability and Organisational Review outlined two options available to Council should these conditions continue to prevail:-

- Option 1 –Move to further redundancies based on the known and guaranteed sources of funds available to Council for capital works for 2015/16.

- Option 2 –Given Council can carry its existing workforce to closer to 30th June, and given the very serious representations that have been made to both State and Federal Government, Council could defer any decision on further redundancies until closer to the end of the Financial year (May Council meeting) when the outcome of those two variables may be known.

Link to Corporate Plan

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

Consultation

Consultation has taken place with all employees of Council. In addition an organiser of the Australian Workers' Union attended meetings and other relevant unions were advised of Council's intention to call for voluntary redundancies.

Legal Implications (Statutory, basis, legal risks)

None identified; however the process has been governed by appropriate awards, certified agreements and the requirements of the *Industrial Relations Act 1999*

Policy Implications

Financial and Resource Implications (Budgetary)/Risk Assessment

As listed in the body of the report

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RECOMMENDATION

- I. That the report on the outcomes from the Voluntary redundancy process be noted
- II. That the decision on the need for further redundancies be deferred until the May 2015 Council meeting pending the outcome of Council's representations on additional capital funding applications and NDRRA funding conditions.(day Labour).

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30986	REVIEW OF OPERATIONAL PLAN 2014-2015 - APRIL 2015
	<i>Report No. D15/4883 from Chief Executive Officer</i>

Cr A Wilson moved; seconded Cr K Price
That the quarterly review of the Operational Plan 2014-2015 be adopted.
CARRIED

Précis

Acceptance of progress of implementing the 2014-2015 Operational Plan.

Background/History

Section 174 of the *Local Government Regulation 2012* requires that the Chief Executive Officer must present a written assessment of Council's progress towards implementing the annual operational plan at meetings of Council at regular intervals of not more than three months.

Link to Corporate Plan

Legislative requirement

Consultation

Nil – no public consultation required.

Legal Implications (Statutory, basis, legal risks)

Legislative requirement.

Policy Implications

Legislative requirement

Financial and Resource Implications (Budgetary)

Operational Plan must be consistent with the annual budget.

RECOMMENDATION

That the quarterly review of the Operational Plan 2014-2015 be adopted.

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Cr S Clark advised the meeting of a conflict of interest in the following matter in that she was a tenderer to be included in the Panel of Preferred Suppliers. Cr Clark left the Chambers at 3.50 pm on 21 April 2014 and did not vote on the matter. The majority of persons entitled to vote on the matter voted in the affirmative on the motion.

30987	HIRE OF PLANT - PANEL OF PREFERRED SUPPLIERS 2015 (T0115)	
	<i>Report No.D15/4865 from Council's Business Services Manager and Council's Records Officer.</i>	

Cr R Bowman moved; seconded Cr K Price

Council endorse the appointment of the Tenderers listed in Report No. D15/4865 (and their associated plant offerings) to the 2015 Panel of Preferred Suppliers for Plant Hire.

CARRIED

PRÉCIS

Resolution is required to adopt a panel of preferred suppliers for Council's 2015 plant hire.

OVERVIEW

Every year Council puts to Tender its Panel of Preferred Suppliers for Plant Hire, generating a list of wet hire civil works equipment from which Council can hire machinery (with an operator) at an hourly rate. Prices, as submitted under the Tender, are non-negotiable for 12 months.

Tender T0115 (Panel of Preferred Suppliers for Plant Hire) was advertised (in accordance with requirements as prescribed under the Queensland *Local Government Act 2009* and associated *Regulations 2012*):

1. Thursday February 5, 2015 in the Cooktown Local News (and in subsequent weeks);
2. Saturday February 7, 2015 in the Cairns Post; and
3. On Council's website and periodically in Council's news releases.

Based on Council's cost recovery premise, each Tender was sold for \$45.00, as the cost of Tendering is an expense for the Tenderer (it is offset against revenue in establishing profit). Tender sales generated approximately \$4680. This income is used to cover the costs of running the Tender, document production, contract management and other associated costs.

One Addenda was released on March 6, 2015, clarifying several aspects of the Tender in response to queries from potential Tenderers.

Tenders closed Thursday 2.00 PM March 19, 2015. The Tender Box was isolated from the workforce and public and remained locked until March 24, as cyclone Nathan prevented the dedication of the operational resources required to handle the opening of the large number of Tenders received.

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Three people supervised the opening of the Tenders. 93 individual Tenders were received (for single and multiple items of Plant and Equipment).

In some instances Council followed up with individual Tenderers where further information was required, but only where the absence of that information did not render the Tender non-conforming i.e. the information was ancillary to the Tender and did not impact upon or change the substance or compliance of the submission.

Clause 4.7 in the Conditions of Tender allows Council to undertake this service:

- 4.7 *If requested by the Principal the Tenderer must:*
a) *provide further information relating to the Tender*

As such, all Tenderers supplied sufficient information to be deemed conforming except where itemised below:

Tenderer	Tender Status
A & M Wakefield Machinery Hire	Conforming
All Wheels	Conforming
Al's Grader Hire	Non-conforming Handwritten Submission in unacceptable format i.e. did not comply with Council's Primary Tender Requirements.
Alvisa Pty Ltd	Conforming
Anderson Slashing and Tilt Tray Service	Conforming
Artemis Cattle Company	Conforming
Ben's Excavation & Maintenance Pty Ltd	Conforming
Bloomfield Machinery Hire	Conforming
Bowen Earthworks	Conforming
Bramwell Station Earthmoving Contractors	Conforming
Builders North Pty Ltd	Conforming
Cape York Contracting Pty Ltd	Conforming
CCC Trucking & Equipment Pty Ltd	Conforming
Cheshire Contractors Pty Ltd	Conforming
CJ & AL Guy	Conforming
CJ & MA Innes	Conforming
Coleman Contracting	Conforming
Cooktown Civil Group	Conforming

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Tenderer	Tender Status
Cooktown Earthmoving Pty Ltd	Conforming
Cooktown Excavations	Conforming
CR & MR Ballard - Col Ballard Tipper Haulage T/A	Conforming
D & D Backhoe Hire	Conforming
Delahunty Plant Hire Pty Ltd	Conforming
Dennis R Fitzgerald	Conforming
DP Truck Hire	Conforming
Dusty Roads Truck hire	Conforming
Earthmech (NT) Pty Ltd	Conforming
Ellis N.Q. Pty Ltd	Non-conforming Late: not sent with sufficient time to arrive by the closing date.
Ferguson Contracting Qld	Conforming
Flexihire Pty Ltd	Conforming
Garbold Haulage	Conforming
Geoff Bird	Conforming
GR & RL Fielding Tipper Hire	Conforming
Great Northern Haulage & Transport	Conforming
GS & SM Jones	Conforming
Harcoo Enterprises Pty Ltd	Conforming
Helenvale Truck & Tractor Hire	Conforming
Hussey Electrical	Conforming
Hydro-Vac Excavations Pty Ltd	Conforming
Ironbark Holdings Pty Ltd	Conforming
James Miles	Conforming
JM Fabrication & Plant Hire Pty Ltd	Conforming
KG & KR Robertson	Conforming
Koppen Developments Pty Ltd	Conforming
Kuranda Earthmoving	Conforming
Lockhart River	Non-conforming Late: not sent with sufficient time to arrive by the closing date.
Mareeba Crane Hire	Conforming
Marrin Pty Ltd	Conforming
Marton Mechanical Services	Conforming

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Tenderer	Tender Status
Marion Transport	Conforming
McKenna Group Construction Pty Ltd	Conforming
Meski Oasis Enterprises Pty Ltd	Conforming
Mick Newport Contracting Pty Ltd	Conforming
Millers Contractors	Conforming
MK & DA Gostelow	Conforming
Nastana Pty Ltd	Conforming
Northern Traffic Control Pty Ltd	Conforming
Northern Truck & Excavator	Conforming
Oakdare Holdings Pty Ltd	Conforming
OZ Earthmoving Pty Ltd	Conforming
Palmer Cooktown Pty Ltd	Conforming
Peninsula Bulk Haulage	Conforming
PF & PL Arkey	Conforming
RG & AM Raymond	Conforming
RM & CM Fitzgerald	Conforming
Robinson Civil Group	Conforming
Ross Andreassen Pty Ltd	Conforming
Ross Andreassen Pty Ltd	Conforming
RP & KS Wakefield	Conforming
RVH Pty Ltd	Conforming
Ryan Sperring Backhoe Hire	Conforming
S & K Civil Contracting	Conforming
SC Browning Pty Ltd	Conforming
Scott Earthmoving & Bulk Haulage Pty Ltd	Conforming
Scott Ecavation Hire Pty Ltd	Conforming
SG & S Ahlers	Conforming
Sieverding Group Pty td	Conforming
STJ Enterprises Pty Ltd Trading as STJ Earthmoving	Conforming
Supply & Resources Pty Ltd	Conforming
T & C White Grader Hire Pty Ltd	Conforming
T & L Truck Hire	Conforming
THE Mining Pty Ltd	Conforming
TMC	Conforming
Up North Building Pty Ltd	Conforming
Viv Bowyer Contracting	Conforming
W & J Truck Hire - WN Finch & JL Smith T/A	Conforming

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Tenderer	Tender Status
W & J Truck Hire - WN Finch & JL Smith T/A	Conforming
WAR (NQ) Pty Ltd	Conforming
Wayne Withers	Conforming
Wegrzyniak Haulage	Conforming
Western Auger Drilling	Conforming
William O'Donoghue	Conforming
Willman Contracting Pty Ltd	Conforming

It is recommended that all conforming Tenders be appointed to the Panel so to meet any/all potential operational needs for plant hire during the next 12 months.

It is recommended that Tenderers who submitted non-conforming Tenders not be admitted to the Panel of Preferred Suppliers. Non-conforming Tenders are Tenders that are missing either hard or soft copy information, were not submitted in the appropriate format, place conditions upon the hire that breach the General Conditions of Contract and Specification, or arrived after the closing date.

Section 104 of the Queensland *Local Government Act 2009* requires that positions on a Panel of Preferred Suppliers be awarded in accordance with the sound contracting principles, namely:

- (a) value for money; and
- (b) open and effective competition; and
- (c) the development of competitive local business and industry; and
- (d) environmental protection; and
- (e) ethical behaviour and fair dealing.

Inherent in the process of compiling a Panel of Preferred Suppliers is that the market determines the pricing offered. Individual jobs are also appointed based on the same sound contracting principles. As such, the 1750 individual plant items submitted have not been itemised within this report.

The process for work allocation will follow the following steps. This process has come about by way of communication with the CCC (the Queensland Crime and Corruption Commission), feedback from Council's foreman and Overseer, and interdepartmental communication with other relevant parties:

Work Allocation Task	Responsibility
Determination of works location	Engineering

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Comparison of transport costs to works location for all needed plant	Corporate Services Business Services Manager
Comparison of hourly rate by region by total rostered hours	Corporate Services Business Services Manager
Overall Cost per Roster & Estimated Timeframe for Works, including Transport	Corporate Services Business Services Manager
Qualitative evaluation of plant, operator and crews *	Corporate Services Business Services Manager Engineering Overseer Foremen
Generate a Works Order based on Qualitative & Quantitative Analysis	Purchasing Officer & Overseer or Director with Appropriate Financial Delegation

- * This evaluation is to be a cross-departmental exercise used to establish whether value for money comprises the cheapest option as established through preliminary costing, or whether there is a documented, reasonable, justifiable reason why a more expensive machine, operator or crew may be a better option.

The contract for the Panel will run from May 1, 2015 to April 20, 2016.

Consultation

Interdepartmental

Legal Implications (Statutory, basis, legal risks)

Statutory requirement.

Policy Implications

Nil

Financial and Resource Implications (Budgetary)

Ongoing expenditure in line with budgeted works.

Link to Corporate Plan

4.1 Leadership and Governance

4.1.1 Provide to a standard that ensure (at a minimum) legislative compliance:
(c) Appropriate Corporate Governance.

4.6 Infrastructure, Transport and Services

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

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-
- a) A maintenance and extension program (where necessary) for Council's drainage, stormwater, road, footpath and bridge network.
 - f) Support for the extension of non-Council road networks into remote communities and national parks.

RECOMMENDATION

Council endorse the appointment of the following Tenderers (and their associated plant offerings) to the 2015 Panel of Preferred Suppliers for Plant Hire.

Tenderer
A & M Wakefield Machinery Hire
All Wheels
Alvisa Pty Ltd
Anderson Slashing and Tilt Tray Service
Artemis Cattle Company
Ben's Excavation & Maintenance Pty Ltd
Bloomfield Machinery Hire
Bowen Earthworks
Bramwell Station Earthmoving Contractors
Builders North Pty Ltd
Cape York Contracting Pty Ltd
CCC Trucking & Equipment Pty Ltd
Cheshire Contractors Pty Ltd
CJ & AL Guy
CJ & MA Innes
Coleman Contracting
Cooktown Civil Group
Cooktown Earthmoving Pty Ltd
Cooktown Excavations
CR & MR Ballard - Col Ballard Tipper Haulage T/A
D & D Backhoe Hire
Delahunty Plant Hire Pty Ltd
Dennis R Fitzgerald
DP Truck Hire
Dusty Roads Truck hire
Earthmech (NT) Pty Ltd
Ferguson Contracting Qld
Flexihire Pty Ltd

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Tenderer
Garbold Haulage
Geoff Bird
GR & RL Fielding Tipper Hire
Great Northern Haulage & Transport
GS & SM Jones
Harcoo Enterprises Pty Ltd
Helenvale Truck & Tractor Hire
Hussey Electrical
Hydro-Vac Excavations Pty Ltd
Ironbark Holdings Pty ltd
James Miles
JM Fabrication & Plant Hire Pty Ltd
KG & KR Robertson
Koppen Developments Pty Ltd
Kuranda Earthmoving
Mareeba Crane Hire
Marrin Pty Ltd
Marton Mechanical Services
Marton Transport
McKenna Group Construction Pty Ltd
Meski Oasis Enterprises Pty Ltd
Mick Newport Contracting Pty Ltd
Millers Contractors
MK & DA Gostelow
Nastana Pty Ltd
Northern Traffic Control Pty Ltd
Northern Truck & Excavator
Oakdare Holdings Pty Ltd
OZ Earthmoving Pty Ltd
Palmer Cooktown Pty Ltd
Peninsula Bulk Haulage
PF & PL Arkey
RG & AM Raymond
RM & CM Fitzgerald
Robinson Civil Group
Ross Andreassen Pty Ltd
Ross Andreassen Pty Ltd

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Tenderer
RP & KS Wakefield
RVH Pty Ltd
Ryan Sperring Backhoe Hire
S & K Civil Contracting
SC Browning Pty Ltd
Scott Earthmoving & Bulk Haulage Pty Ltd
Scott Ecavation Hire Pty Ltd
SG & S Ahlers
Sieverding Group Pty td
STJ Enterprises Pty Ltd Trading as STJ Earthmoving
Supply & Resources Pty Ltd
T & C White Grader Hire Pty Ltd
T & L Truck Hire
THE Mining Pty Ltd
TMC
Up North Building Pty Ltd
Viv Bowyer Contracting
W & J Truck Hire - WN Finch & JL Smith T/A
W & J Truck Hire - WN Finch & JL Smith T/A
WAR (NQ) Pty Ltd
Wayne Withers
Wegrzyniak Haulage
Western Auger Drilling
William O'Donoghue
Willman Contracting Pty Ltd

Cr S Clark resumed her seat in the Chamber at 4.03 pm on 21 April 2014 after the above matter had been dealt with.

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30988	FLUORIDATION OF COOKTOWN WATER SUPPLY	
	<i>Report No.D15/5002 from Executive Assistant</i>	

Cr S Clark moved; seconded Cr G Shephard.

That the letter from Queenslanders For Safe Water, Air and Food (FNQ Branch – Cooktown sub-branch) be received and that Council maintain the implementation of Fluoride in the Cooktown Water Supply.

CARRIED

Cr A Wilson requested that his vote against the motion be recorded.

Précis

Letter received from Queenslanders For Safe Water, Air and Food Inc (FNQ branch – Cooktown sub-branch) - Attached

Background/History

Prior to 2007, Cook Shire was actively pursuing the addition of fluoride to the Cooktown Water Supply, and, at its February 2007, Council resolved to hold public consultation on the issue as, at that point of time, the Council as well as the community had to be in agreement about the addition. This public consultation did not take place at that time.

In March 2008, the then Queensland Government through the *Water Fluoridation Act 2008*, mandated that all local councils in Queensland which provided potable water to at least 1000 people must add fluoride to its water supply.

For Cook Shire the Queensland Government offered at 100% subsidy on the construction costs, including the first batch of chemicals and the training of two operators, provided that the fluoride scheme was commissioned and operational by 31 December 2012. At that time there was some concern that the grants would not suffice to implement the scheme in all of Queensland councils and it was decided to “go earlier”. In hindsight this is exactly what happened.

Council proceeded with the scheme and began dosing fluoride to Cooktown’s water on 17 August 2010.

In 2012, the then Premier, the Hon. Campbell Newman announced that the Queensland Government would revoke the mandatory implementation of fluoride, allowing councils the power to choose whether fluoride is included in their water supply.

A public information sessions was held on 8 October 2013 at the Cooktown Events Centre and representatives from both the pro and anti fluoride campaigns were invited to speak.

Subsequently, at its October 2013 meeting, Council passed the following resolution –

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That Cook Shire Council continues to maintain the implementation of Fluoride as per the requirements under the Water Fluoridation Act “Water Fluoridation Regulation 2008” and Water Fluoridation “Code of Practice Revision Sept 2010” as per recommendations from the World Health Organisation, Australian Dental Association and Queensland Health and that Council make application to the Queensland Electoral Commission that at the next Council election a referendum be held allowing all residents who reside in Cooktown to vote for or against fluoridation of Cooktown Water Supply.

The Electoral Commission has advised that such a referendum is outside of its charter unless directed by the Queensland Parliament or other governing body.

The only alternative, for a referendum, available to Council is to proceed by way of an advisory poll. Such a poll is authorised by section 268A of the *Local Government Act 2009*.

At its March 2014, Council resolved to continue the implementation of Fluoride to its Cooktown Water Supply.

Link to Corporate Plan

Undertake the management and provision of the following to a standard that ensures legislative compliance – d) Environmental Health initiatives and services.

Consultation

Consultation took place with the Community on 8 October 2013.

Legal Implications (Statutory, basis, legal risks)

None noted

Policy Implications

Financial and Resource Implications (Budgetary)/Risk Assessment

RECOMMENDATION

That the letter from Queenslanders For Safe Water, Air and Food (FNQ Branch – Cooktown sub-branch) be received and that Council maintain the implementation of Fluoride in the Cooktown Water Supply.

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To:- Mr Bruce Davidson
Acting CEO
Cook Shire Council
10 Furneaux Street
Cooktown 4895

PO Box 3
Cooktown 4895
2nd April 2015

Dear Mr Davidson,

We are spokespersons for Queenslanders For Safe Water, Air and Food Inc (FNQ branch - Cooktown sub- branch) an association that is opposed to mass medication of our community members through the addition of fluoride chemicals to public drinking water.

You may not be aware of this but in early 2014 Lancet Neurology (1) which is a major and well respected publication of the British Medical Assn classified fluoride as a developmental neurotoxin. In February 2015 a large UK population study (2) linked fluoridated water to higher rates of hypothyroidism and additionally a large US population study (3) linked water fluoridation to ADHD .

If you would like further information on the dangers of fluoride please visit Fluoride Action Network at www.fluoridealert.org

Most counties in the world (a majority of the member states of the World Health Organisation - some 95% of the world's population) do not fluoridate drinking water.

In relation to Cooktown we thought you might be interested in the current dialogue going on at "Cooktown Classifieds" Face Book page regarding Fluoridation and its introduction into the Cooktown water supply. We have copied and pasted verbatim the following entry from this Face Book page made by one of Cook Shire Councils employees who was until very recently the Cook Shire Council Engineer responsible for water issues.

Tony Lickiss -"it was one of my crowning achievements to get fluoride in Cooktown 3 yrs ahead of schedule. Face Book entry dated 30-3-2015.

Our independent enquiries into the fluoridation of Cook Shire Council's water supply have found that the people of Cooktown were subjected to this developmental Neurotoxin two and a half [2.5] years ahead of schedule. In the Engineering Reports tabled at some of the Cook Shire Council meetings prior to fluoridation commencing, there was no education or public meetings recorded to raise awareness of Fluoridation matters within the community. Now we have been informed by your council's previous employee in charge of water resources, that, "it was one of my crowning achievements to get fluoride in Cooktown 3 years ahead of schedule".

We have been told by previous councillors that there was no debate or vote taken at the Cook Shire Council meetings prior to Fluoridation commencing in August 2010. The councillors were told that it was mandated and a directive from the then Bligh State Labor Government and had to be introduced into the Cooktown

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water supply. No mention was made as to why it was introduced so early into our local water supply.

Local members from Queenslanders for Safe Water, Air & Food Inc, FNQ Branch, Cooktown Sub Branch, have researched and made enquires into the Bligh Government's Fluoridation Schedule and this schedule revealed that this "Neurotoxin Fluoride" did not have to be introduced into the Cooktown water supply until **December 2012**. By then the Bligh Government was out of office and the Newman Government had already made Fluoridation non mandatory. The rest is history for Cooktown residents thanks to Mr Lickiss's "**crowning achievement**" admission on Face Book recently!!

We are still waiting on a request to Mr B Norris at the Cook Shire Council to supply us with a copy of the Budget Report to do with the introduction of Fluoride into the Cooktown water supply. Mayor Peter Scott in a Letter to the Editor, Cooktown News stated that Cook Shire Council received \$360,000.00 to introduce Fluoride into our local water supply. The following questions need to be asked and answered.

* Why is this Neurotoxin Fluoride still in our local water supply? Please Explain? A whole food diet with good oral hygiene is required for healthy teeth not systemic ingestion of Fluoride. Topical application of tooth paste containing fluoride is all that is required to help maintain healthy teeth if a person chooses to apply this Neurotoxin to their teeth for added oral care.

* Cook Shire Councillors please remove this developmental neurotoxin, Fluoride from Cooktown's water supply forthwith.

* Do Cook Shire Councillors know their Commonwealth Constitutional responsibilities to the people of Cooktown when voting to "Mass Medicate" the people of Cooktown by adding Fluoride to their local drinking water supply?

* How was the \$360,000.00 allocation for Fluoridation spent in Cooktown?

* Where is the budget report in relation to Fluoridation of Cooktown's water supply?

* We have not been able to get the Engineer's Budget Report to date. Why Not?

* Why are we voting for local councillors if they have no input into such matters and not listening to the community?

* Councils who choose to Fluoridate people should supply this medication by other means eg. tablets which would provide choice.

* There is no monitoring of dosage or of peoples health after fluoridation has commenced.

* Why was Fluoridation introduced into our local water supply 2.5 years earlier than scheduled?

* Did Cook Shire Council employees receive a bonus or commission for "**crowning achievement**" to entice and enable early commencement of Fluoridation?

In late 2013 our association gathered over 545 signatures calling for the end of fluoridation, the Cook Councillors later (possibly influenced by Tony Lickiss's strong convictions) voted to keep fluoridating and weakly proffered the possibility of holding a Referendum at the next Council election in 2016 . Advice sought from the

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Electoral Commission of Queensland (ECQ) then confirmed that it was not in the remit of the ECQ to conduct a Referendum with a Council election. The petition was 78% discounted because they were not resident ratepayers on reticulated water.

The recently retired Cook Shire Council CEO Mr Wilton should have known since 2007 (when council was looking at holding a Referendum in conjunction with the 2008 Council election) that if the ECQ conducts the Council election, the ECQ cannot conduct a concurrent Referendum.

The situation has recently changed, Qld Councils can now again conduct their own elections, however Cook Council may choose not to conduct their 2016 Council election - which will mean the Cooktown residents will still be denied a Referendum.

In other enquires we have also found that Cook Shire Council received **FREE** of charge from the Tablelands Council a large quantity of their unused unwanted Fluoride after they had voted to not add this Neurotoxin to their own local water supply.

Health and Safety issues are another area of concern for our group as strict guidelines need to be adhered to when handling this Neurotoxin and regular medical check ups need to be carried out on workers handling this toxin. Not to mention other chemicals added to our water supply and pesticides added to our local environments. Other examples include, Chlorine added to our water supply and the Herbicide Glyphosate sprayed on weeds for control and management.

We are told by Labor stalwart supporters that the Bligh government lost the 2012 state election because many of their die hard supporters voted against the Labor Party for the very first time because of the mandatory fluoride issue. The new Queensland Premier has just recently stated that she will not be making Fluoridation of Queensland's water supplies mandatory. So she obviously realises by now that Fluoridation is a political issue that is not going to go away until the fluoride taps are turned off permanently. Hopefully she will continue to listening to the people of Queensland and our local councillors might also start to do the same.

Our organisation will continue to help people become aware of this developmental Neurotoxin currently in our local water supply and work to vote council candidates in who will listen to community concerns and vote accordingly to remove this Neurotoxin out of our local water supply permanently.

We would appreciate being contacted by you to discuss the matters raised in this letter further. Other members in our organisation would need to be contacted to organise a meeting with you so we can hopefully move forward on this issue. We can be contacted on the phone numbers listed below.

Regards,

Rhonda Joy Holland

Rhonda-Joy Holland 0427030242

Trisha Allen 0475269120

Sandy Jones 40695869 AH

Jan Rock 40695462

Trisha Allen

S Jones

Jan Rock

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Members of Queenslanders for Safe Water, Air & Food Inc, [QSWA&F] FNQ Branch,
Cooktown Sub Branch.

- (1) Lancet Neurology 2014: 13: 330-38, Neurobehavioral effects of developmental toxicity. Philippe Grandjean. Philip J Landrigan
- (2) Journal of Epidemiology & Community Health. Feb 2015 - Are fluoride levels in drinking water associated with hypothyroidism prevalence in England? A large observational study of GP practice data and fluoride levels in drinking water. P Peckham, D Lowery, S Spencer
- (3) Environmental Health Feb 2015 14:17 "Exposure to fluoridated water and attention deficit hyperactivity disorder prevalence among children and adolescents in the United States: an ecological association," Ashley Malin, Christine Till

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30989	STREET BIN ENCLOSURES	
	<i>Report No.D15/4826 from Waste Management Coordinator</i>	

Cr K Price moved; seconded Cr S Clark

1. That Council approve the purchase of the powder coated aluminium street bin enclosures from Cape York Engineering.
2. That Council approve the art installation on each bin enclosure.
3. That Council approve the new locations of the street bins as per attachment 2.

CARRIED

30990	MAYORAL MINUTE - APPOINTMENT OF CHIEF EXECUTIVE OFFICER FOR COOK SHIRE COUNCIL	
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Cr P Scott, Mayor, moved:

That, following an extensive recruitment process by full Council and external consultants, Mr Tim Cronin be appointed to the position of Chief Executive Officer of Cook Shire Council and that the Mayor be authorised to

- a) negotiate the remuneration package within the advertised limits and
- b) agree on a commencement date.

CARRIED

The meeting closed at 4.45 pm on 21 April, 2015

Mayor