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ATTENDANCE:

The Deputy Mayor, CR PL Johnson, Councillors A Wilson, KG Price, GC Shephard, R Bowman, S Clark, Chief Executive Officer (T Cronin), Minute Officer (K Nicolaou).

MEETING OPENED

The Deputy Mayor, Cr PL Johnson declared the meeting open at 9:05am.

APOLOGIES:

Mayor Cr PH Scott

NOTICE OF BEREAVEMENT:

Advice has been received of the passing of Lindsay Bell, Victor Lawrence, and Robert (Bob) Ross.

As a mark of respect one minute silence was observed.

CONFIRMATION OF MINUTES

	CONFIRMATION OF MINUTES OF ORDINARY MEETING
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Cr A Wilson moved; seconded Cr K Price

That the minutes of the Ordinary Meeting of 21 July 2015 be confirmed.

CARRIED

BUSINESS ARISING:

Clarification regarding Resolution 31028 Preliminary Approval for the development application submitted by Mr Charles Farrugia c/- Planz Town Planning Pty Ltd for a Material Change of Use for a Caravan Park over Lot 38 on SP172667, subject to the conditions set out in the recommendations contained in Report No. D15/14856.

The Senior Planning Officer reiterated that a Preliminary Approval was granted and will require a new development application that is Impact Assessable. The process following the decision at Council Meeting as per below:

1. Council has five (5) business days to issue a Decision Notice to the applicant;

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2. The applicant has twenty (20) business days to respond to Council and request to negotiate conditions or appeal the decision;
3. The applicant may also notify Council within the twenty (20) business days that they are satisfied with the conditions and waive their appeal rights – at which point;
4. Council then sends a copy of the Decision Notice and a cover letter notifying the submitter's that their appeal right period has commenced (they have twenty (20) business days to appeal).
5. Note that a submitter's appeal can only be done through the Planning & Environment Court.

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COUNCILLORS' REPORTS

CR P Scott

Mayoral Activity Report

July / August 2015

Date	Venue	Details	Outcome
20/7/15	Chambers	Mindventures address NBN Town Plan	
22/7/15	CDCC	Community Housing	
23/7/15	Chambers	Interagency Committee	
24/7/15	Waterfront	Hopevale Council	Shared Services and facilities
27/7/15	Office	Natures powerhouse lease	
29/7/15	PCYC	Advisory Committee	
30/7/15	Turf Club	RV Event welcome	
1/8/15	CWA Hall Sovereign	Conduct AGM Paul & Marg Scott sendoff	
3/8/15	Chambers Sovereign	2020 Mtg Sustainable Futures	
4/8/15	Office	Billy Pratt	PDR ILUA & Empowered Communities
5/8/15	Turf Club	Turf Club AGM	
6/8/15	Office	Lyon Infrastructure	CT Community Renewables
7/8/15	office	RDA FNQTS	
8/8/15	PCYC	Robert Ross funeral	
9/8/15	Douglas Shire Tour	FNQROC with CEO	
10/8/15	Port Douglas	FNQROC AGM & GM	Deputy Chair \$1 = \$20
11/8/15	Chambers	Procurement training	
13/8/15	Sovereign	Broome Air (Hinterland)	Airport opportunities

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Upcoming Meeting

18/8/15	Cooktown	Long Tan Day, Minister for Health
21/8/15	Cooktown	US Consular General
24/8/15	Cooktown	RV Review

Cr P Johnson

Meetings

Usual meetings with fellow Councilors and:

Date	Type / purpose	Who /where	Action
17/6	NGRMG FAC meeting- teleconference	Northern Gulf Resource Management Group	Take and distribute minutes
18/6	NGRMG board meeting	Teleconference	Chair
18/6	Reef Rescue Project Governance Committee	Teleconference	Oversee project -- Cape York NRM and Cape York Sustainable Futures
23/6	Cape York NRM Finance & Audit Committee	Roxy Voyce & self, CATC office Cairns	Preliminary budget review
23/6	RRPGC	teleconference	Update on progress
24/6	Audit Committee Forum with QAO	CSC Audit committee, Cairns	Participate
2/7	NGRMG & GHF	teleconference	NRM plan, project updates, GHF structure and Gulf Gold future activities
6/7	2020	Advisory Committee & staff	
8/7	Waterfront & Economic Development Meetings	Councilors & appropriate staff	Update on projects, future plans and priorities
9/7	NGRMG FAC	Teleconference	Take & distribute minutes
10/7	2020 Communications Strategy - draft	Kimberley & Loretta Sullivan	Contribute to draft
13/7	NGRMG and ANGIC combined board meeting- 2015/16 Services Agreement, development of and MOU and other relevant topics	Face to Face, Mareeba	Take and distribute notes to participants
15/7	NGRMG FAC	Teleconference	Take and distribute minutes
16/7	Budget meeting	Council Chambers	Review and update

Events Attended (as Councilor or part thereof)

6/7	Sea of Hands- part of NAIDOC	Address participants	
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Constituent Representation/Meetings

Phone calls/ Discussions/ meeting	Letters/emails minutes	Action
Mick Trout re Tourism and Agriculture development and opportunities for collaboration between Cook Shire and TTT		Follow up with Investabull; forward contact details to ED & CS director and arrange suitable meeting- by ph
Concerns re RLF hosting arrangement with Cook Shire	Locals concerned re impacts and potential reduction in access and service Advised by Circulating Minute that the recommendation "That the Regional Landcare Facilitator role be hosted by Cook Shire Council for the period 2015-2018" was defeated. Two votes for; six against.	Follow up with Council and Cape York NRM- potential meeting 21/7 between CEO's The role will be hosted by Cape York NRM.
Email – copy of open letter in CLN	Waterfront project funding sources and budget – future sources of external funding identified	Collect more information then draft response & distribute
Food production and consumption – local area, food security	Kym Kruse- RegenAg; potential to collaborate on workshops and property visits in Cook Shire; potential for increased productivity, crop diversity; improved viability; project underway on converting feral pig into agricultural input(fertilizer); potential for mobile butchery across Cape York	Follow up and assist with organizing workshop/ showing a relevant film and open forum for local producers & interested community;
NBN	Submission made on areas that could benefit	
Olive Vale project	Follow up material and information provided by Pinnacle Pocket Consulting	Distribute to Councilors

Other & future activities:

Investigating opportunity to do a horse ride to raise awareness and funds for drought affected people/ communities which will be distributed through Gulf Horizons Foundation– potential support for Cook Shire and neighboring regions in the Gulf- date in October to be decided.

June

29- 1 July Cape York NRM board meeting – Steve Irwin Reserve (unable to attend and tendered my apology)

July

2 Tropical Savannah Grazing Workshop – Mareeba – participated by teleconference
6-8 Youth in Ag Camp- Mt Molloy – explore potential for one to be held in Cook Shire
20-22 Council Meeting, Cooktown
23 Cape York Local Marine Advisory Committee- 6.30pm, Cook Shire Council Chambers
24 State budget launch & meet with DNR& M, Cairns
26-29 NGRMG board meeting- Georgetown, site visit Cobbold Gorge(land use diversification- environmental and productivity benefits; potential case study & learnings for CSC)

August

2-5 NQLGA Annual Conference, Palm Island – assisting with setup

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15/16 Cooktown Horse Sports at Lakeland horses sports ground
17-19 Cook Shire Council meeting

September

6/7 Lakeland Horse Sports – Lakeland
19/20 Equine Circle of Influence workshop – Lakeland TBC
21- 23 Cook Shire Council meeting
26/27 Lakeland Team penning TBC

Nov

4/5 Cape York NRM AGM, Coen

Regular NGMRG and Cape York NRM board and FAC meetings.

Expenses Claimed

Date	Details	Amount
Total		

Payment requests for meeting travel to be submitted

Cr A Wilson

Councillor Report July/August 2015

22nd, 23rd, July I travelled to and attended a Task Force Advisory Committee. The committee consisted of the following personal.

- Toby Hutcheon is the principle of his firm Ecomatters QLD a Consultancy Firm .
- Terrie-Annie Johnson Manager Director of the Board of Clean Up Australia Limited.
- Jeff Angel is Executive Director of Total Enviroment Centre and Convenor/Director of the Boomerang Alliance of 32 groups.
- Julie McLlellan CEO of Healthy Waterways a Company that leads the way in Monitoring Waterways throughout QLD.
- David Curtain CEO of Keep Queensland Beautiful and overseeing 74 active on-the-ground (and Marine) clean up groups across QLD.
- Trevor Ruthenberg General Manager of Scouts QLD.
- Rob Kelman Executive Officer of the Australian Tyre Recyclers Association. Assoc. Of Container Deposit System Operators.
- Rick Ralph CEO of the Waste Recycling Industry Association (QLD)
- Gregory Thomas Hoffman General Manager of LGAQ.
- Grant Musgrave National CEO of the Australian Council of Recycling.
- Tanya Barden Chair of the National Packaging Covenant Industry Association.
- Plus Myself.

The Committee was addressed by Dr Steven Miles MP Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef.

Mr Rob Kelman was the most impressive member of the Committee. He is advisory to Association of Container Deposit System Operators and provides advice to the World's largest environmental service companies such as REMONDIS with a turn-over of 7.7 Billion Aust.

30th, July Attended and Chaired Community Health Meeting at Laura Community Hall which was well attended by residents of Laura and District with Senior Staff from QLD

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Health and medical Services who discussed the future of the services to Laura and Major Events the Laura District.

1st August I attended at Lakeland on the request of Peter Inderbitzen and carried out a survey of his newly required property.

2nd, 3rd, 4th, & 5th August In company with Cr. Johnson attended the NQLGA Conference held at Palm Island by The Psalm Island Aboriginal Shire Council. Cook Shire presented one motion to the conference relating to Review of current State Legislative Policies regarding renewal and conversion of Rural Leasehold Land. The Motion was successful.

6th August Travelled from Townsville and in company with Cr. Johnson attended a meeting at Lakeland with principles of the Solar Farm project and Council Staff It appears there is light at the end of the tunnel with positive signs of the project going ahead.

13th August attended Interagency meeting at Laura.

Future meeting.

Lakeland Progress Association meeting 18th August.

LAWMAC meeting at Cairns 26th, 27th & 28th August.

Cr S Clark

Meetings

<u>DATE</u>	<u>TYPE</u>	<u>PURPOSE</u>	<u>WHERE</u>
<u>20/7 -21/7</u>	<u>Monthly Meeting</u>	<u>Cook Shire</u>	<u>Chambers</u>
<u>20/7/15</u>	<u>NBN</u>	<u>Cook Shire</u>	<u>Chambers</u>
<u>4/8/15</u>	<u>Airport Subdivision</u>	<u>Cooktown</u>	<u>Chambers</u>

Constituent Representation / Meetings

<u>DATE</u>	<u>PHONE CALLS/ DISCUSSIONS</u>	<u>LETTERS</u>
	<u>Suspicious weeds Mt Amos</u>	<u>Email to bio security</u>
	<u>Traffic stops in front of newsagency broken and a hazard to people</u>	<u>Spoke to Director of engineering</u>
	<u>Various phone calls to Lakeland residents regarding medical requirements.</u>	
	<u>Support the CAN Committee with lobbying for a new hospital</u>	

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Cr R Bowman

Meetings

<u>Date</u>	<u>Type / purpose</u>	<u>Who /where</u>
	<u>General Council Meeting</u>	
	<u>CYLMAC (re-elected as Chair)</u>	
	<u>CDCC Board Meeting (by phone)</u>	

Constituent Representation/Meetings

<u>Date</u>	<u>Phone calls/ Discussions</u>	<u>Letters/Minutes</u>
	<u>Sovereign resort hotel Barra comp 30 -31 October</u>	

Expenses Claimed

<u>Date</u>		<u>Amount</u>
<u>Nil</u>		
<u>Total</u>		

Up Coming meetings

Cooktown Chamber of Commerce

Cr G Shephard

Meetings

- Coen Advisory Group meeting
- Cape York Sustainable Futures – Roadshow
- Cape York NRM – Roundtable
- Laura Kids Mini School

Upcoming events

RFDS – Concur the Corrugation

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Cr K Price

Meetings

Date	Type / purpose / venue
20-21 July	CSC July General Meeting
20 July	NBN Co Meeting with Council
23 July	Cooktown Interagency Meeting
28 July	Cape York NRM – Small Grants Assessments
3 August	Cooktown 20/20 Meeting
5 August	Cooktown Training and Employment Committee Meeting
8 August	Bloomfield Residents Association AGM and General Meeting
13 August	Laura Interagency Meeting

Events Attended (as Councilor or part thereof)

Date	Type / purpose	Who /where
20 July	Farewell Dinner Bob Norris	
31 July – 1 Aug	Cooktown District Agricultural Show	
3 August	Cape York Sustainable Futures Roadshow / Consultation	
10 August	Cape York Water Quality Improvement Plan- working group discussions	

Constituent Representation/Meetings

Date	Phone calls/ discussions	Letters/ minutes	Councilor requests/ Outcomes
			NRM: Prepared documentation – proposed joint Cape York NRM discussion – Coen November and for CSC case re: Cook Shire continued hosting of RLF position
			Ongoing – unauthorized use of 8-Mile area as free camp

Coming up:-

Usual meetings: - 2020, ED, Waterfront
 Planning for Economic Development Program
 Meeting with US Consul General (Friday)
 Opening/unveiling of new Banks Floralegium
 RV Strategy Review
 Laura ACAP project update
 Application process - Board Torres Cape Hospital and Health Service
 Planning for November joint NRM meeting – Coen
 Beekeeping presentation for Council staff – Powerhouse
 Article for Cooktown Local News

The meeting was adjourned for morning tea at 10:05am and resumed at 10:30am on 18 August 2015.

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31046	MAYORAL MINUTE - CREATION OF A NOT FOR PROFIT ENTITY	
	<i>Report No. D15/16044 from Chief Executive Officer</i>	

Deputy Mayor Cr P Johnson moved; seconded Cr A Wilson
Council approves the creation of a Not For Profit joint venture with Lyons to be able to access funding from the Building Stronger Regions Fund and other potential funding sources.
CARRIED

Précis

Endorsement is required to establish a Not for Profit joint venture between Lyons Infrastructure and Cook Shire Council to use as a vehicle by which to apply for grants to fund renewable and alternative energy projects.

Background/History

There is potential to seek significant funding from both State and Federal Governments for renewable energy projects that will benefit Cook Shire. The funding requires that the applicant be a Local Government or a Not for Profit entity, in order to maintain council's relationship with Lyon Infrastructure and mitigate risk Lyon Council intend to apply for funding under a Not For Profit organisation – Cook Shire Communities Renewables Ltd.

Link to Corporate Plan

Legislative requirement

Consultation

No public consultation required

Legal Implications (Statutory, basis, legal risks)

Required to report under the Corporations Act and treat the Not For Profit entity as Beneficial Enterprise in accordance with Part 2 of the Local Government Act 2009.

Policy Implications

Financial and Resource Implications (Budgetary)

Access additional funding for infrastructure projects.

RECOMMENDATION

Council approves the creation of a NFP joint venture with Lyons to be able to access funding from the Building Stronger Regions Fund and other potential funding sources.

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PLANNING AND ENVIRONMENT

31047	APPLICATION FOR A DEVELOPMENT PERMIT – DA/3408 – FOR RECONFIGURATION OF LOT 3 ON PLAN C17996, 109 ENDEAVOUR VALLEY ROAD COOKTOWN INTO EIGHT (8) LOTS	
	<i>Report No. AD2015/0002470 from Senior Town Planning Officer.</i>	

Cr R Bowman moved; seconded Cr K Price

That the application by Maroko c/- U&i Town Plan (Ramon Samanes) for a Development Permit for Reconfiguration of Lot 3 on Plan C 17996, located at 109 Endeavour Valley Road, Cooktown into eight (8) lots be approved subject to the Conditions set out in the recommendations in Report AD2015/0002470.

Noted additional Conditions added under Stormwater Drainage 10 and Operational Works 11.

CARRIED

Précis

Applicant:

Maroko
c/- U&i Town Plan (Ramon Samanes)
PO Box 426
Cooktown Qld 4895

Owner:

Allan P Hickey & Maria A Hickey

Location:

109 Endeavour Valley Road, Cooktown

RPD:

Lot 3 on Plan C17996

Area:

1.9450 Hectares

Zone:

Rural Residential

Proposed Use:

Reconfiguration into eight (8) lots

Minimum Lot Size:

2,000 sq metres

**Referral Agencies:
(Concurrence)**

State Assessment & Referral Agency (SARA)
Department of Infrastructure, Local Government
and Planning (Reconfiguring a lot if any part of the
land abuts a State-controlled road within 100 metres
of the land.)

Report

Application has been made to Council for the issue of a Development Permit for Reconfiguration of Lot 3 on Plan C17996 located at 109 Endeavour Valley Road,

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Cooktown into eight (8) lots. The application is Code Assessable Development under the Cook Shire Planning Scheme.

Proposal

The application proposes the Reconfiguration of Lot 3 on Plan C17996 located at 109 Endeavour Valley Road, Cooktown into eight (8) lots. The areas of the proposed lots are as follows:

- Proposed Lot 14 – 2,000 sq metres
- Proposed Lot 15 – 2,000 sq metres
- Proposed Lot 16 – 2,000 sq metres
- Proposed Lot 17 – 2,000 sq metres
- Proposed Lot 18 – 2,000 sq metres
- Proposed Lot 19 – 2,000 sq metres
- Proposed Lot 20 – 2,000 sq metres
- Proposed Lot 21 – 2,000 sq metres

Access to all lots will be via the new internal road (see Concurrence Agency Response). The proposed Reconfiguration is Code Assessable development under the Cook Shire Planning Scheme.

The Site

The development site is located at 109 Endeavour Valley Road Cooktown, approximately nine hundred (900) metres Cooktown side of the Mobil Service Station. The site has an area of 1.9450 hectares and is within the reticulated water and electricity area. Lot 3 has frontage to the State-controlled Endeavour Valley Road and is within the Future Urban Expansion Area for Cooktown. The site currently has a house (proposed Lot 17) and a shed (proposed Lot 19) located on it. The topography of the site slopes from the rear of the property towards Endeavour Valley Road.

Town Planning Considerations

Lot 3 is zoned Rural Residential under the current Cook Shire Planning Scheme and the proposed Reconfiguration into eight (8) lots is Code Assessable development. The purpose of the Rural Residential Zone Code is to achieve the following overall outcomes for the Rural Residential Zone:

- *Rural residential areas provide large lots offering a high standard of residential amenity in a semi-rural setting;*
- *Rural uses are limited to low impact activities such as hobby farming , which are compatible with the rural residential nature of the surrounds and do not detrimentally impact upon the local amenity via odour, chemical sprays, traffic or noise;*
- *Rural residential zoned land identified as Future Urban Land provides for the long-term expansion of the township and is protected from inappropriate subdivision or changes of use, which could jeopardise its functionality as Future*

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Urban Land. Subdivision of Future Urban Land for urban purposes only occurs where there is a demonstrated community need.

- *Where town water and sewerage are not available, domestic infrastructure is contained entirely within the boundaries of the site;*
- *Rural residential areas do not alienate Good Quality Agricultural Land or compromise farming activities on adjoining Rural zoned land;*
- *Rural residential areas have access to community services and facilities; and*
- *The environmental and biodiversity values of the Rural residential zoned land are protected.*

Code Requirements for Reconfiguring a Lot in the Rural Residential Zone

Council's Planning Scheme identifies the following Codes as being applicable to DA/3408, Reconfiguration of Lot 3 on Plan C17996 into eight (8) lots:

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

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

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

Reconfiguration of a Lot Code

PC 1 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"

AS 1 States:

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

In the Rural Residential Zone the minimum area and dimensions for lots where reticulated water is available are:

Minimum lot size (excluding access handle for hatchet lots) – 2,000 sq metres

Minimum frontage – 30 metres

Maximum depth to frontage ratio – 3:1

All proposed lots comply with the above requirements except proposed Lot 18 which has a road frontage of only 21.6 metres (within the new cul-de-sac). This is considered

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adequate frontage for this proposed lot and will have no detrimental impact on its proposed Rural Residential use. The development is deemed to comply with PC 1 of the above code.

Referral Agencies

The Department of Transport and Main Roads (State Controlled Road), co-ordinated through the State Referral Agency (Department of Infrastructure, Local Government and Planning (SARA)) is a Concurrence Agency for the purpose of this application.

Discussion

The proposed development will be connected to reticulated water and electricity and be serviced by a two coat chip seal bitumen road. The proposed development is considered to be consistent with the intent of the Rural 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 Maroko c/- U&i Town Plan (Ramon Samanes) for a Development Permit for Reconfiguration of Lot 3 on Plan C 17996, located at 109 Endeavour Valley Road, Cooktown into eight (8) lots be approved subject to the following Conditions:

A. Assessment Manager (Council) Conditions

Approved Plans

1. The development must be carried out generally in accordance with the following plans submitted with the application and in response to Council's Information Request, except for any minor variations required to comply with the Conditions of this approval (see Appendix 'A'):
 - Proposed Reconfiguration – Brazier Motti – Plan No 33879/001A - Dated 24th June 2015
 - Proposed Reconfiguration – SLS – Plan No 2302A – Dated 15/12/2014 (updated above to show accesses)
 - Proposed Reconfiguration – Brazier Motti – Plan No 33879/002A - Dated 24th June 2015

Water

2. All proposed lots must be connected to the Cooktown reticulated water supply by separate metered connection at full cost to the applicant. Details of mains extensions including reticulation design plans must be submitted to Council for approval by Council's Director Engineering Services as part of an Operational

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Works application prior to works commencing. Construction and design of the water main extensions must be to the requirements of the FNQROC Manual.

Effluent Disposal

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

Road Works

4. The new internal road shown on approved Plan No 33879/001A, must be sealed with a two (2) coat chip bitumen seal and be designed and constructed to the requirements of the FNQROC Manual and include ancillary storm water drainage. The intersection of the new internal road with the State-controlled Endeavour Valley Road must be constructed to the requirements of the Department of Infrastructure, Local Government and Planning's Concurrence Agency Response dated 26th May 2015 (see Appendix 'B').
5. Engineered plans for Road Works must be submitted to Council for approval by Council's Director Engineering Services as part of an Operational Works application prior to works commencing.

Access

6. Access to all proposed lots must be from the new internal road and be located as indicated on approved Plan No 33879/001A.
7. Access for all proposed lots from the property boundaries to the new internal road bitumen pavement, must be sealed with either bitumen or concrete and constructed as per FNQROC Manual Standard drawing S1105 and include ancillary stormwater drainage. Engineered plans must be submitted for approval by Council's Director Engineering Services as part of an Operational Works application prior to works commencing.

Footpath

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

Stormwater Drainage

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

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10. A stormwater management plan must be prepared for the development with particular attention to proposed lot 14 for approval by Council's Engineering Services as part of an Operational Works application prior to work commencing.

Operational Works

11. Prior to construction commencing, Council will require approval of an Operational Works application for the following:
- Road works for the new internal road including the intersection with Endeavour Valley Road and ancillary stormwater drainage (see Condition 4);
 - Access to all proposed lots (see Condition 7);
 - Water main extensions (see Condition 2);
 - Footpath (see Condition 8)
 - Stormwater management Plan (see Condition 10)

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

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

Certificate and Maintenance

12. Upon completion of the above works, a certificate from a qualified engineer is to be submitted to Council stating that the works have been carried out properly and in accordance with plans and specifications approved by Council. The certificate shall set out the full engineering details of the works as completed and shall show all relevant survey data and levels, together with a bond for 5% of the total works cost to meet the costs of any maintenance required during maintenance period not exceeding twelve (12) months.

Electricity

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

Telecommunications

14. The development must be connected to telecommunication services. Written evidence must be provided to Council from the relevant telecommunications

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provider that services can be made available to the proposed lots, prior to Council endorsement of the Plan of Survey.

Fire Management

15. Each proposed lot must be maintained at all times to a standard so as not to create a fire hazard.

Public Utilities

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

Infrastructure Charges

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

Outstanding Charges

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

Compliance

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

Endorsement of Plan of Survey

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

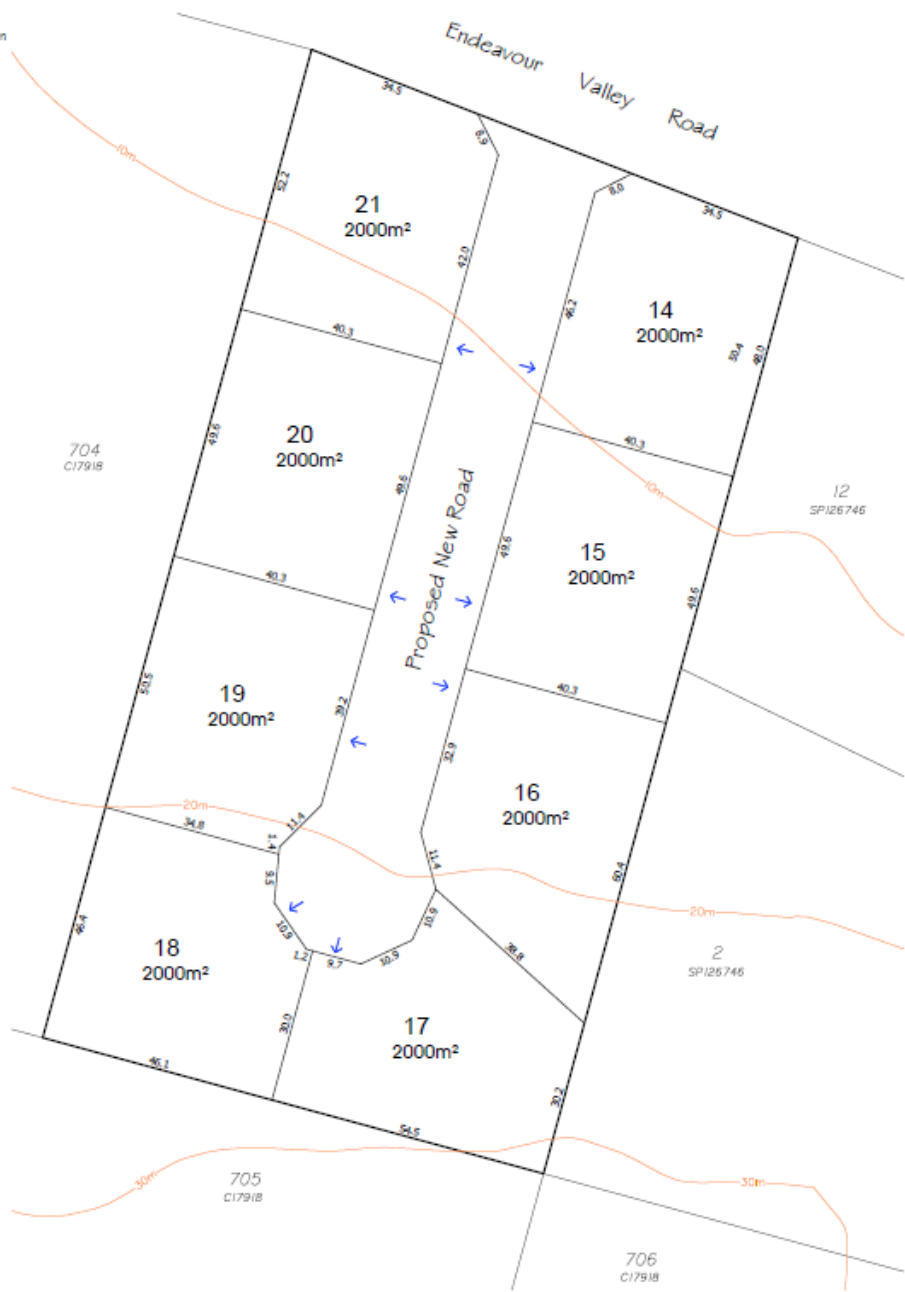
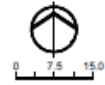
Appendix 'A'

Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at Rossville Town Hall, Rossville on 18 August 2015

**PROPOSED
RECONFIGURATION**

Lots 14 - 21
Cancelling Lot 3 on C17996

Parish of Cook,
County of Burke
City of Cooktown



The plan is conceptual and for discussion purposes only. All areas, dimensions and lot area are approximate. Subject to investigation, surveying, engineering and Local Authority and Regulatory approvals.

- Legend**
- Proposed Driveway Access
 - Contours (10m Interval)

Date: 24th June, 2015

Scale: 1:750 @ A3

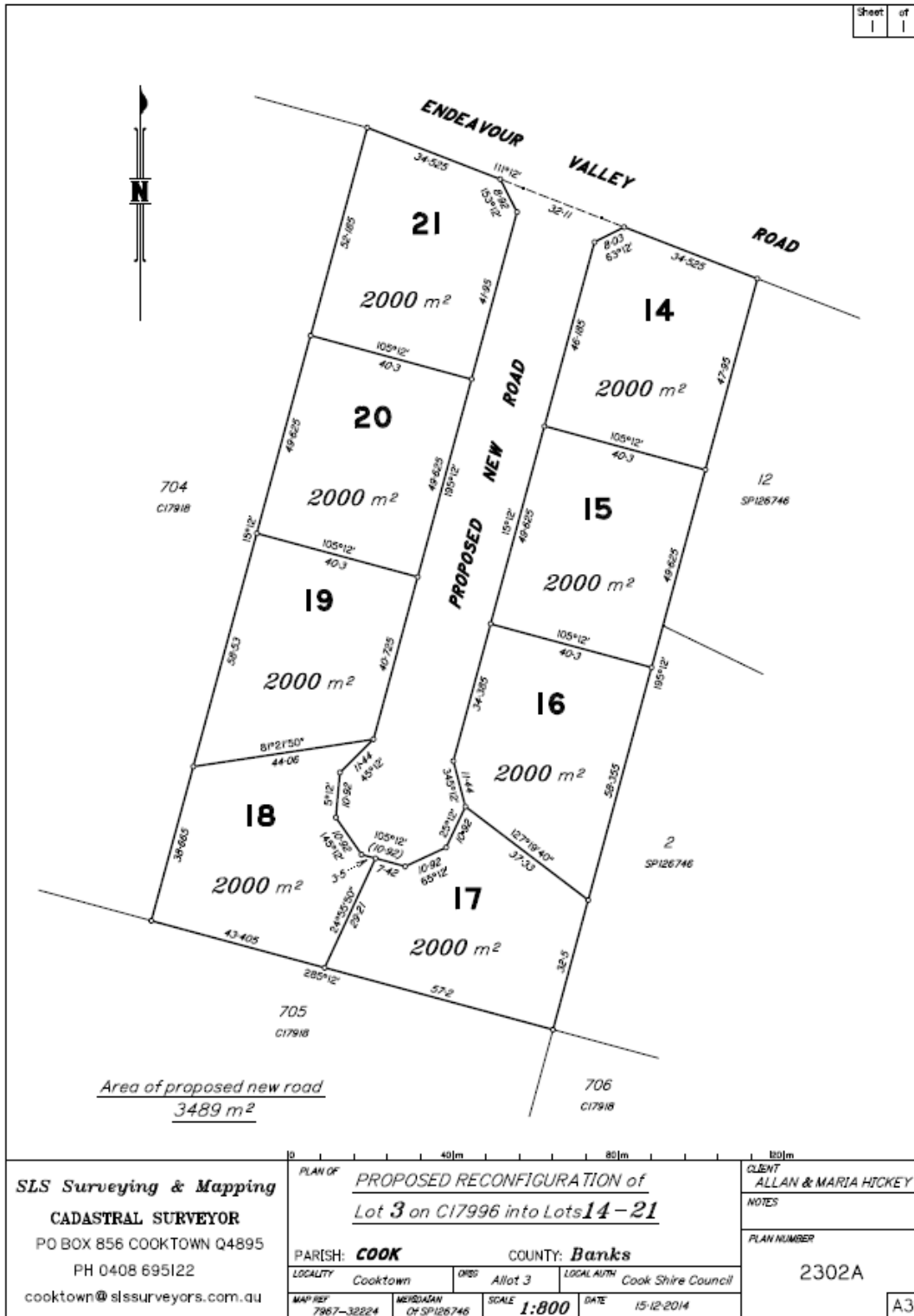
Drawn: A.L.

Job No: 33879/1-1

Plan No: 33879/001 A

strategy | town planning | project management | mapping and GIS

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**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at
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**PROPOSED
RECONFIGURATION**

Lots 14 - 21
Cancelling Lot 3 on C17996

Parish of Cook
County of Banks
City of Cooktown



The plan is conceptual and for discussion purposes only. All sizes, dimensions and lot areas are approximate. Subject to investigation, survey, engineering, and Local Authority and Agency approval.

 **brazier morn**
 Date: 24th June, 2015
 Scale: 1:750 @ A3
 Drawn: A.L.
 1300 267 878 Job No: 33670/1-1
www.braziermorn.com.au Plan No: 33670/002 A
 surveying | town planning | project management | engineering and design

Appendix 'B'

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at
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Department of
**State Development,
Infrastructure and Planning**

Our reference: SDA-0415-019895
Your reference: DA/3408
Applicant reference: R10/14

26 May 2015

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

Attn: Lisa Miller

Dear Sir

Concurrence agency response—with conditions

109 Endeavour Valley Road Cooktown, more particularly known as Lot 3 on C17996
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 05 May 2015.

Applicant details

Applicant name: Maroko
c/- U&I Town Plan
Applicant contact details: PO Box 426
Cooktown Queensland 4895
ramon.samanes@gmail.com

Site details

Street address: 109 Endeavour Valley Road Cooktown
Lot on plan: Lot 3 on C17996
Local government area: Cook Shire Council

Page 1

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

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SDA-0415-019895

Application details

Proposed development: Development application for reconfiguring a lot (1 lot into 8 lots) and access road

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Reconfiguring a Lot	Development permit	Lot Creation – One (1) into Eight (8) Rural Residential Allotments	Code Assessment

Referral triggers

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

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

Conditions

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

Reasons for decision to impose conditions

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

Relevant period

Under section 287(1)(d) of the *Sustainable Planning Act 2009*, the relevant period for any development approval is to be two years from the date the approval takes effect.

Further advice

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

Approved plans and specifications

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: reconfiguration of lot				
Proposed reconfiguration of Lot 3 on C17996 into Lots 14-21	SLS Surveying & Mapping	15.12.2014	2302	A
TMR layout plan (6601 – 1.15km)	Transport and Main Roads	12/05/2015	220/6601 (500-848)	A

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

For further information, please contact Michele Creecy, Senior Planner, SARA Far North QLD on 4037 3206, or email michele.creecy@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Robin Clark
Manager (Planning)

cc: Maroko (c/- U&I Town Plan), ramon.samanes@gmail.com

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at
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SDA-0415-019895

Our reference: SDA-0415-019895
Your reference: DA/3408

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit – reconfiguration of a lot		
Schedule 7, Table 2, Item 2—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> Proposed Reconfiguration of Lot 3 on C17996 into Lots 14-21, prepared by SLS Surveying & Mapping, dated 15-12-2014, Plan Number 2302A. TMR Layout Plan (6601 – 1.15km) prepared by Transport and Main Roads, dated 12/05/2015, File Ref: 220/6601 (500-848), Issue A. 	At all times.
2.	The permitted road access location, (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained), is to be located between Lot 3 on C17996 and Endeavour Valley Road generally in accordance with TMR Layout Plan (6601 – 1.15km) prepared by Transport and Main Roads, dated 12/05/2015, File Ref: 220/6601 (500-848), Issue A.	At all times.
3.	Direct access is not permitted between Endeavour Valley Road and the subject site at any location other than the permitted road access location (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained).	At all times.
4.	The existing vehicular property access located between Lot 3 on C17996 and Endeavour Valley Road must be permanently closed and removed.	Prior to submitting the Plan of Survey to the local government for approval.
5.	Road access works comprising of a Rural Basic Left Turn (BAL) and the installation of Flag Lighting, (for which approval under section 33 of the <i>Transport Infrastructure Act 1994</i> must be obtained), must be provided generally in accordance with: <ul style="list-style-type: none"> Proposed Reconfiguration of Lot 3 on C17996 into Lots 14-21, prepared by SLS Surveying & Mapping, dated 15-12-2014, Plan Number 2302A; and TMR Layout Plan (6601 – 1.15km) prepared by Transport and Main Roads, dated 12/05/2015, File Ref: 220/6601 (500-848), Issue A. <p>The road works must be designed and constructed generally in accordance with:</p>	Prior to submitting the Plan of Survey to the local government for approval.

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Our reference: SDA-0415-019895

Your reference: DA/3408

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- to ensure the outcomes of the State Development Assessment Provisions (SDAP) are achieved, particularly for:
 - o Module 18 – State transport infrastructure protection
 - o Module 19 – State transport network functionality
- to ensure the development is carried out generally in accordance with the plans of development submitted with the application
- to ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road
- to maintain the safety and efficiency of the state-controlled road by reducing the number of accesses
- to ensure the design of any road access maintains the safety and efficiency of the state-controlled road
- to ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor

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SDA-0415-019895

Our reference: SDA-0415-019895

Your reference: DA/3408

Attachment 3—Further advice

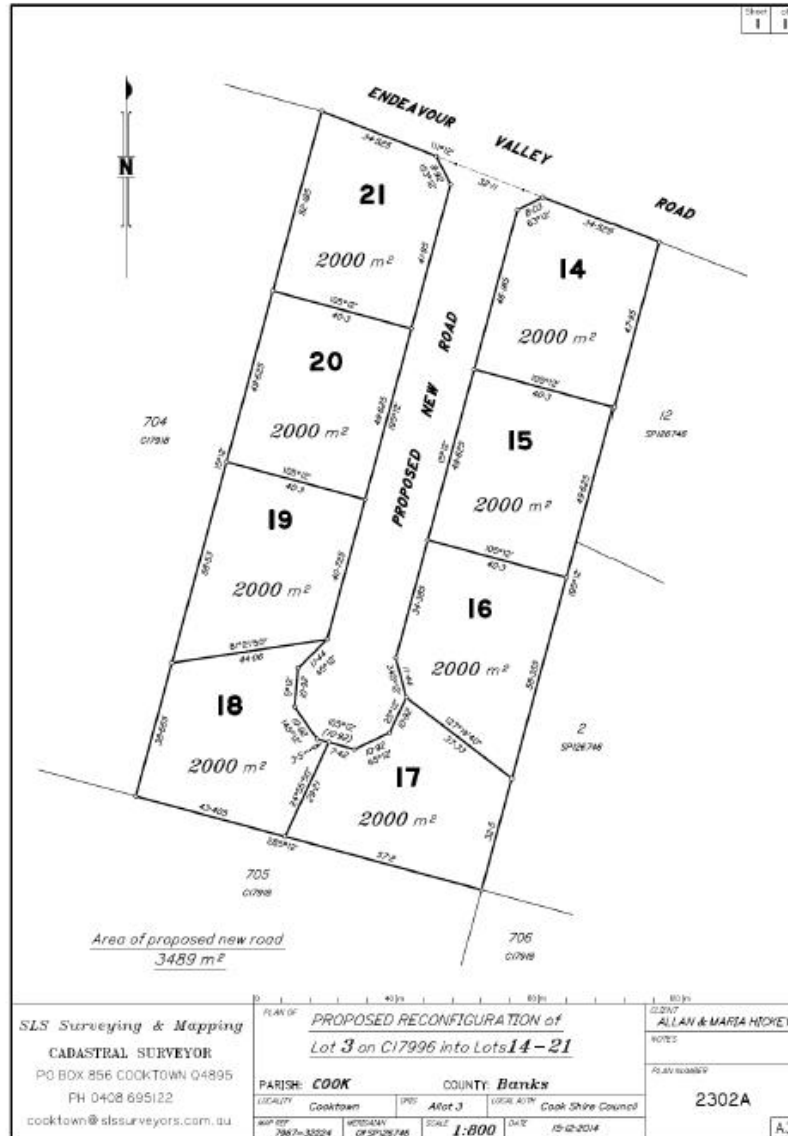
General advice	
1.	<p>State Planning Policy</p> <p>Cook Shire Council, in its role as Assessment Manager, must assess the application against the State Planning Policy July 2014, in particular the interim development assessment provisions for state transport infrastructure (in Part E), to the extent it is relevant to the development and where not appropriately reflected in council's planning scheme.</p>
2.	<p>Cook Shire Council, in its role as Assessment Manager, must assess the application against the <i>SPP code: Landuse and transport integration</i> contained within the State Planning Policy, July 2014, Appendix 4 to the extent relevant to the development proposal.</p>
3.	<p>Transport noise corridor</p> <p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a <i>transport noise corridor</i>. Information about <i>transport noise corridors</i> is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated <i>transport noise corridor</i>. This tool is available at the Department of Local Government and Planning website: http://www.dsdlp.qld.gov.au/about-planning/spp-mapping-online-system.html and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors (NAPMAP) are located under Administrative Layers.</p>
4.	<p>Advertising device</p> <p>A local government should obtain Department of Transport and Main Roads (TMR) advice if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: TMR has powers under section 111 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2005</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic</p>
Further development permits, compliance permits or compliance certificates	
5.	<p>Road access works approval</p> <p>Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 4045 7144 at the Cairns district office to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

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Our reference: SDA-0415-019895
Your reference: DA/3408

Attachment 4—Approved plans and specifications



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Appendix 'C'

Our ref: LM:DA/3408
Your ref: R10-14

18 August 2015

Maroko
c/- U&i Town Plan
PO Box 426
COOKTOWN QLD 4895

Attention: Ramon Samanes

Dear Mr Samanes

ADOPTED INFRASTRUCTURE CHARGES NOTICE
DEVELOPMENT APPLICATION DA/3408
109 ENDEAVOUR VALLEY ROAD, COOKTOWN

Proposal: Reconfiguration one (1) lot into eight (8) lots

Applicant: Maroko
c/- U&i Town Plan
PO Box 426
COOKTOWN QLD 4895

Location of Site: 109 Endeavour Valley Road, Cooktown

Real Property Description: Lot 3 on Plan C17996

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)	Rural Residential zone lots created	8	\$ 7,200.00
Reconfiguration	\$1,700.00 (Water)	Equivalent domestic connection	8	\$13,600.00
			Total Charges	\$20,800.00

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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 Rural Residential Zone Lots	1	\$ 900.00
Reconfiguration	\$1,700.00 (Water)	Equivalent domestic connection	1	\$1,700.00
Total Credit				\$2,600.00

Net Adopted Infrastructure Charges Summary:

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$20,800.00	\$2,600.00	\$18,200.00

(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 Fumeaux 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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Please contact Council's Town Planning Officer, Mr John Harrison or Development Coordinator Lisa Miller on, (07) 4069 5444 should you require any further information or assistance regarding this matter.

Yours faithfully

Mark Marziale
Director Planning & Environment Services

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31048	REQUEST TO EXTEND TOWN PLANNING DEVELOPMENT PERMIT - DA/1126, RECONFIGURATION OF LOT 7 ON PLAN BK157104 INTO SIX (6) LOTS, CAMERON CREEK ROAD, HOPEVALE	
	<i>Report No.AD2015/0002469 from Development Coordinator</i>	

Cr R Bowman moved; seconded Cr S Clark

That Council grants a two (2) year extension to the currency period for Development Permit DA/1126 being for Reconfiguration of Lot 7 on BK157104 into six (6) lots, until 21 June 2017 to enable completion of the Surveyor's work and compliance with the conditions of the approval.

CARRIED

A request has been made to Council under section 383 of the *Sustainable Planning Act 2009*, for an extension to the currency period for the Development Permit for DA/1126, Reconfiguration of Lot 7 on BK157104 into six (6) lots. The Decision Notice for DA/1126 was issued on the 21st June 2005.

The applicant has advised that they are requesting the extension of time "to allow for the Surveyor to complete his assignment." Also stating that they have progressed the development by;

- Having the power connected to the 6 allocated lots; and
- The road formation has been done and prepared for gravel to be laid.

The property owner's have asked for Council's understanding regarding this matter.

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

388 (1) *In deciding a request under section 383, the assessment manager must only have regard to –*

- (a) *the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or infrastructure charges payable under an infrastructure charges schedule; and*
- (b) *the community's current awareness of the development approval; and*
- (c) *whether, if the request were refused---*
 - (i) *further rights to make a submission may be available for a further development application; and*
 - (ii) *the likely extent to which those rights may be exercised; and*
- (d) *the views of any concurrence agency for the approval given under section 385.*

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Council has granted previous extensions to the currency period of this application due to ill health within the applicant's family and the economic climate of previous years. The applicant now considers himself in a position to finish the project and progress the development.

This Reconfiguration application is still in accordance with the provisions of the Cook Shire Planning Scheme. There are no State Referral agencies for the purpose of this application.

RECOMMENDATION

That Council grants a two (2) year extension to the currency period for Development Permit DA/1126 being for Reconfiguration of Lot 7 on BK157104 into six (6) lots, until 21 June 2017 to enable completion of the Surveyor's work and compliance with the conditions of the approval.

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31049	APPLICATION FOR A DEVELOPMENT PERMIT - DA/3423 - FOR A MATERIAL CHANGE OF USE FOR OTHER RESIDENTIAL LOCATED AT 12 FOYSTER DRIVE, LAKELAND	
	<i>Report No.D15/15721 from Reel Planning Pty Ltd</i>	

Cr A Wilson moved; seconded Cr R Bowman

That the application under the IPA Planning Scheme by Mr Eric George Myers C/- U&I Town Plan for a Development Permit for Material Change of Use for Other Residential located 12 Foyster Drive be approved subject to the Conditions set out in the recommendations contained in Report D15/15721.

CARRIED

Applicant: Mr Eric George Myers
C/- U&i Plan
PO Box 426
COOKTOWN QLD 4895

Owner: Mr Eric George Myers

Location: 12 Foyster Drive, Lakeland Qld 4895.

RPD: Lot 12 on Plan SP148758

Area: 1,941m²

Zone: Village

Proposed Use: Development Permit for a Material Change of Use for Other Residential

Referral Agencies: SARA

Submissions: None

1.0 Report

The Application was received by Council on the 28th of April 2015 under the current IPA Planning Scheme for the issue of a Development Permit for a Material Change of Use for Other Residential. An Acknowledgement Notice was issued on 12 May 2015 identifying the Department of Transport & Main Roads (DTMR) via the State Assessment & Referral Agency (SARA) as a referral agency. An information request was issued on 25 May 2015 requesting:

- A scaled floor plan of the existing dwelling;
- An indication of the parts of the existing dwelling to be used in association with the proposed use;
- A copy of the certificate of classification for both existing dwellings;

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- A site plan with setbacks to the property boundaries from existing structures; and
- An assessment against the Higher Density Accommodation Code in the current scheme.

The applicant replied via correspondence dated 3 June 2015. Public notification was undertaken between 19 June and 9 July 2015.

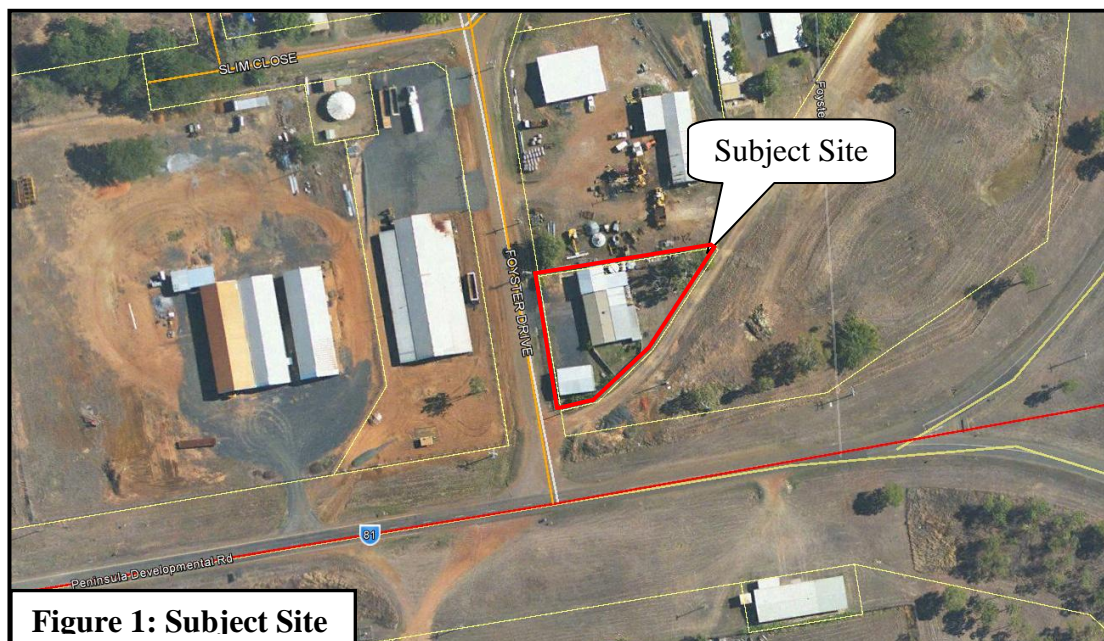
2.0 Proposal

The application is for a Development Permit for a Material Change of Use for Other Residential consisting of the conversion of an existing building for four new 1 bedroom accommodation rooms. Each room will have access to a bathroom shared by one other room (two bathrooms in total).

The new rooms will utilise existing facilities on site including cooking and recreational areas in one of the existing dwellings and parking areas at the front of the site. The building is understood to have existed and been used as accommodation for approximately 6 years. The owner is currently seeking Council approval in order to formalise the use of the use of the land prior to sale.

3.0 The Site

The property is situated at 12 Foyster Drive, Lakeland, near the intersection of Foyster Drive and the Peninsula Development Road (Refer to figure 1 for site location).



It has a frontage to Foyster Drive of approximately 55m and is irregular in shape. It currently contains an existing dwelling, covered outdoor space and ancillary storage shed as well as three storage sheds providing accommodation for 8 cars. There is some vegetation on site; however none will be affected by the proposed works.

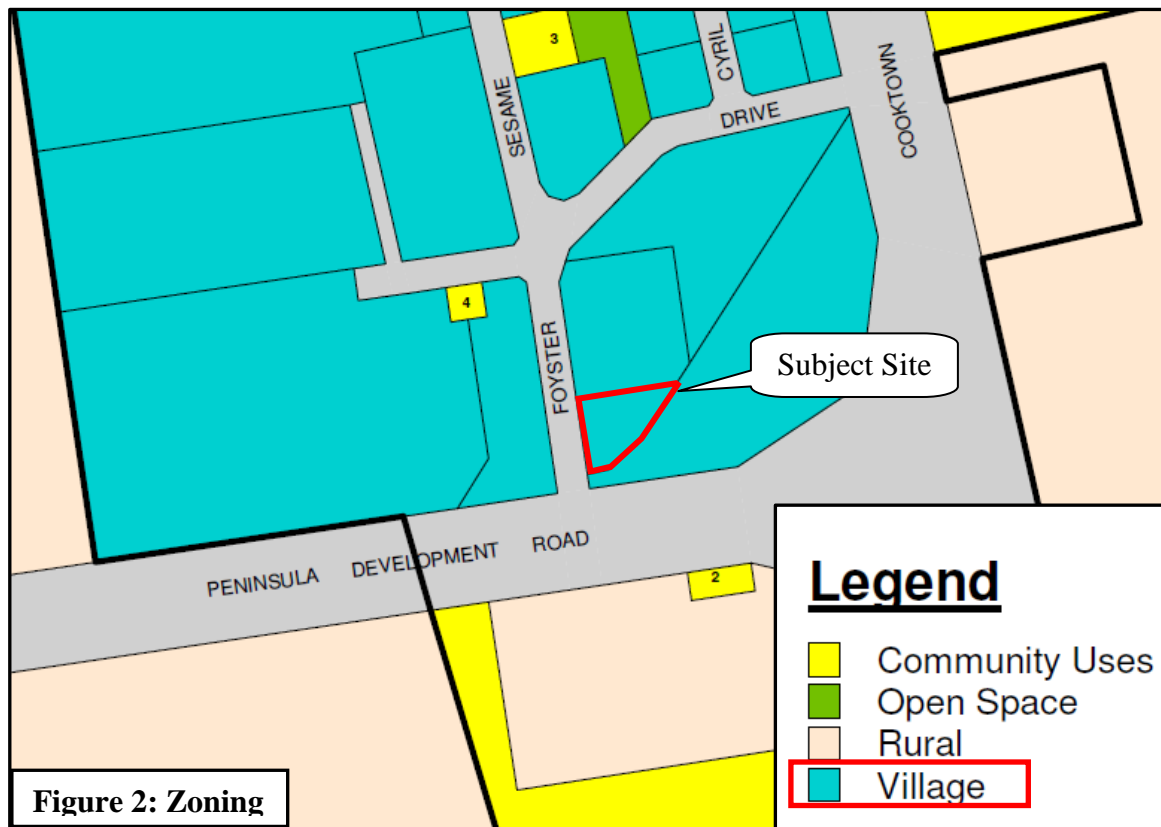
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The site adjoins light industrial type activities (taking the form of contractors' yards) to the north and across Foyster Drive, with vacant land adjoining the site to the east and south. North east of the property is the Lakeland Hotel.

4.0 Town Planning Considerations

(i) Statutory Planning Context

The site has an area of 1,941m² and is zoned Village under Council's IPA Planning Scheme (refer to figure 2).



The proposed uses fall under the definition of Other Residential as described below:

***Other Residential** – means the use of premises in the form of rooms and/or dormitories and where communal facilities for the preparation of meals may be provided. The use includes a manager's unit/office as well as entertainment facilities for the guests. This term includes a boarding house, guest house, respite care, hostel, serviced rooms, respite home and the like.*

In the Village Zone, a Material Change of Use for Other Residential is Impact Assessable which requires that Council consider the provisions of the Planning Scheme as a whole, including the strategic elements. The following codes are also relevant:

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- Village Zone Code;
- Higher Density Accommodation Code;
- Parking & Access Code; and
- Works Services & Infrastructure Code.

(ii) Desired Environmental Outcomes (DEOs)

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

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

Those DEOs with particular relevance to the proposal have been addressed below. It is considered overall that the proposal will assist with achieving the DEOs of the Planning Scheme.

3.1.1 DEO 1: A Strong Economy

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

Response

The proposed Other Residential use will assist in the expansion of the range of accommodation choice available for the region, likely to service the seasonal workers in Lakeland.

3.1.3 DEO 3: Efficient Settlement

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

Response

The proposed Other Residential use is located in the village zone at Lakeland, proximate to other services and facilities. It is therefore appropriately located.

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3.1.6 DEO 6: Rural Prosperity

The Shire's rural areas provide for a wide and diversifying range of agriculture, animal husbandry, forestry, extractive industries, aquaculture and tourism. Tourist accommodation is only encouraged where associated with one or more local, natural or cultural feature. Rural industry is managed to protect the Shire's environmental quality and biodiversity and good quality agricultural land is maintained for long-term rural production.

Response

The proposed development will likely provide accommodation for seasonal workers working on rural properties surrounding Lakeland. The proposal therefore provides the support facilities to assist with maintaining rural prosperity.

3.1.8 DEO 8: A Safe Environment

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

Response

There are no significant natural hazards, such as flooding or bushfire that affect the site.

(iii) Overall Outcomes

The overall outcomes of the Village zone are:

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

The proposal is considered to be consistent with the overall outcomes of the Village Zone in that it supports surrounding rural industries. While it is not low density in nature, it is surrounded by non-residential uses so will not appear prominent or out of character.

(iv) Village Zone Code

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

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Performance Criteria	Proposal Compliance
Land Use	
PC 1 Residential uses are supported by a mix of commercial, community, recreation and industry uses where of a nature and scale that does not undermine the residential amenity.	The proposed use is residential, but surrounded by light industrial type uses such as contractors' yards. While the Performance Criteria seeks to avoid the impacts from new non-residential uses on existing residences, there is nevertheless a reverse-amenity consideration for this application.
Scale and Density	
PC 2 The scale and design of buildings is consistent with the existing area.	The corresponding acceptable solution seeks no more than one house on a single lot. The proposed development essentially seeks approval for 5 separate accommodation units, albeit in a form that utilises communal kitchen and living facilities. The scale of residential development is considered inconsistent with the balance of residential uses in the village (which consists predominantly of houses), however the design of the proposed building is generally consistent with the existing area.
PC 3 Buildings are consistent in height and bulk with the existing pattern of construction.	The proposed height and bulk of the building is consistent with the built form of the surrounding pattern of construction.
Amenity and Setbacks	
PC 4 High standards of residential amenity and landscaping are maintained and new buildings are setback from boundaries so as to minimise adverse impacts on the amenity of adjoining sensitive uses and the streetscape.	The corresponding acceptable solution requires that buildings are set back 6m from the frontage and 3m from other boundaries. The proposed building meets these requirements.
PC 5 Privacy of adjoining residents is protected such that where windows of commercial uses look directly into a bedroom or living area of an adjoining dwelling unit, effective visual screening is provided (e.g. fixed screens or panels).	The proposal is surrounded by non residential uses so this performance criteria is of little relevance to the proposal.

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Performance Criteria	Proposal Compliance
Design	
<p>PC 6 New buildings and structures are designed to:</p> <ul style="list-style-type: none"> • Provide a high level of visual appeal; • To be in keeping with the predominate character of the area; • Ensure that walls facing the street frontage are articulated and punctuated by windows and doors (i.e. long expanses of blank and/ or flat walls are unacceptable)and • Ensure that the street frontage and internal car parking areas are well capable of surveillance from dwelling unit(s) located on the site. 	<p>The accommodation takes the form of a donga which is does not provide a high level of visual appeal. It is nevertheless separated from the street frontage and consistent in form with surrounding industrial sheds.</p>
<p>PC 7 Non-residential uses provide appropriate weather protection for pedestrians.</p>	<p>The proposal is for residential purposes.</p>
<p>PC 8 Effective landscaping is employed to provide an attractive presentation to the street.</p>	<p>The proposed accommodation is at the rear of the site so landscaping near the street frontage would be ineffective and therefore unwarranted.</p>
<p>PC 9 Safe and efficient vehicle movements are facilitated.</p>	<p>The site has an existing sealed access to Foyster Drive, with sufficient sealed area within the site to facilitate safe and efficient vehicle manoeuvring.</p>
<p>PC 10 Waste material is stored so as not to be unsightly and so as to be conveniently collected.</p>	<p>The applicant has not indicated how waste will be collected on site. This can be conditioned as part of any decision.</p>
<p>PC 11 Waste material is stored so as to ensure adequate containment and retention of waste material.</p>	<p>As above, this can be conditioned as part of any decision.</p>
Erosion Prone Land	
<p>PC 12 In an Erosion Prone Area, there are no adverse impacts on habitat, soil cover or water quality and no significant threats to public safety, infrastructure integrity or the economic value of the Erosion Prone Area.</p>	<p>The site is not in an erosion prone area</p>

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Performance Criteria	Proposal Compliance
Acid Sulfate Soils	
<p>PC 13 Natural or built environments and human health are not harmed by the production of acid leachate resulting from disturbance of potential and/or actual acid sulfate soil by: Avoiding disturbance of such areas; or Treating and managing the disturbance to minimise the volume of acidic leachate within manageable levels, and Treating and managing surface and groundwater flows from areas of acid sulfate soils to minimise environmental harm.</p>	<p>The proposal does not affect any land at or below 5m AHD so will not have any effect on Acid Sulfate Soils.</p>
Pest Management	
<p>PC 14 Movement of State Declared or environmental pest plants and pest animals is prevented by: Not introducing any new declared or environmental pest plants or animals on to the property; and Not allowing seed or plant parts of declared or environmental pest plants to leave the property.</p>	<p>The applicant will be conditioned so not to introduce any state declared or environmental pest plants or animals.</p>

(v) Higher Density Accommodation Code;

Relevant to the proposed development, the Higher Density Accommodation Code seeks to ensure that higher density accommodation uses are developed in proximity to the township areas and/or community uses such as schools. It also seeks to avoid amenity impacts on surrounding uses and that there are sufficient amenities for residents. In this case the land is predominantly surrounded by non-residential uses so the proposal will not have an impact on low density residential uses located elsewhere in the zone. The site is otherwise located close to services and facilities and the on-site amenities are adequate.

(vi) Parking and Access Code

The parking and access code seeks to ensure there is adequate parking and safe and efficient manoeuvring for vehicles. The site has access to a sealed road, has a sealed driveway and 8 under cover car parks. The code requires 1 car parking space per 2 rooms for Other Residential use so the existing car parking complies with the requirement.

(vii) Works, Services and Infrastructure Code

This code seeks to ensure infrastructure is designed and constructed to a suitable standard and that works, services and infrastructure do not cause environmental degradation or increase the risk of natural hazards. In this case the site is serviced with reticulated water, electricity and telecommunications.

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5.0 Referral Agencies

The application required referral to the DTMR (via SARA) due to the proximity to a State Controlled Road (the Peninsula Development Road). The Department responded via correspondence dated 16 June 2015 approving the proposal subject to conditions requiring the development to occur generally in accordance with the submitted plan.

6.0 Public Notification

The applicant fulfilled the requirements under SPA for completing public notification. As described in the Notice of Compliance dated 10 July 2015, the proposal was advertised in a paper circulated in the area, letters were sent to each adjoining owner and a sign was placed on the road frontage and remained there for at least 15 business days. No submissions were received by Council during this period.

7.0 Discussion

The proposal seeks to formalise the use of an accommodation donga which is understood to have been on site in the order of 6 years. The site is separated from other residential uses in Lakeland and is instead surrounded by industrial type development such as contractors' yards. The Lakeland Hotel is nevertheless located north east of the site and also contains some accommodation.

The proposal represents a sub-standard outcome having regard to surrounding land uses. There is the potential for negative amenity impacts on future residents and the associated risk of reverse amenity impacts on existing businesses. The provisions of the Planning Scheme applying to the Village Zone seek to avoid the impacts of non-residential development on existing residential uses, but do not consider the current land use circumstances applying to this development. Similarly, the Higher Density Accommodation Code provisions seek to avoid negative impacts on low density development, but do not seek to avoid negative impacts on the proposed higher density use.

The Village Zone in the planning scheme recognises the reality of residential and non-residential uses occurring in close proximity to each other in small urban areas. As a result, the zone does not provide any detailed land use compatibility guidance within the zone. For this reason the proposed development does not display conflict with the relevant planning scheme codes.

The proposal essentially represents a sub-standard built form outcome for a residential use within the urban area. In this case however the building is at the back of existing buildings and is largely screened from the road and other adjoining land. For this reason, on balance it is acceptable in the circumstances.

1. Recommendation

That the application under the IPA Planning Scheme by Mr Eric George Myers C/- U&I Town Plan for a Development Permit for Material Change of Use for Other Residential located 12 Foyster Drive be approved subject to the following Conditions:

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A. Assessment Manager (COUNCIL) Conditions

Approved Plan

1. The development must be carried out generally in accordance with the following proposal plans except for any modifications required to comply with the conditions of this approval:
 - Site Plan, undated, received by Council 03/06/15
 - Floor Plan, received by Council on 28/04/15

Setbacks

2. Setbacks must be in accordance with those shown on the approved Site Plan.

Services

3. The proposal is to be connected to the reticulated water system and electricity supply at time of construction at full cost to the applicant. Electricity connection is to be via underground power.
4. Water main extensions or upgrades should be designed and constructed in accordance with the FNQROC Manual requirements at full cost to the applicant.

Effluent Disposal

5. Wastewater treatment and disposal applications must include details of proposed wastewater disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS, 1547:2000 – On-site Domestic Wastewater Management. Details to be provided at the time of lodgement of a Plumbing or Building application and prior to the issue of a Certificate of Classification. The works are to be completed to the satisfaction of Council's Manager of Engineering Services, prior to the prior to the issue of a Certificate of Classification

Internal Access Road & Parking

6. The applicant is to provide at least two dedicated parking spaces for the approved Other Residential use, with at least 1 space dedicated for the existing dwelling.
7. The internal road and parking areas are to be maintained at all times.

Building Works

8. All structures must obtain the necessary development permits for building works and plumbing and drainage approvals.

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Storm Water

9. Storm water must be directed to a legal point of discharge and designed to Q5 standard in accordance with the FNQROC manual.

Environmental Protection

10. During any construction, sand, soil or silt runoff must not occur from the site. Erosion and sediment control plans are to be lodged for operational works approval by Council's Director Engineering Services prior to the commencement of works.
11. No State Declared or environmental pest plants and pest animals are to be introduced onto the property.

Public Utilities

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

Utilities design must be in accordance with the FNQROC Development manual D8 Operational Works Design Guidelines "Utilities".

Compliance

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

Outstanding Charges

14. All rates, service charges, interest and other charges levied on the land must be paid prior to the issue of a development permit for building works.

Infrastructure Charges

15. Infrastructure charges for water must be paid to Council within prior to the certificate of classification for building works on the subject site as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment.

Currency Period

16. The currency period for this application is four (4) years. Should the approved Other Residential use not be established within this time, the approval shall lapse.

B. Assessment Manager (COUNCIL) Advice

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

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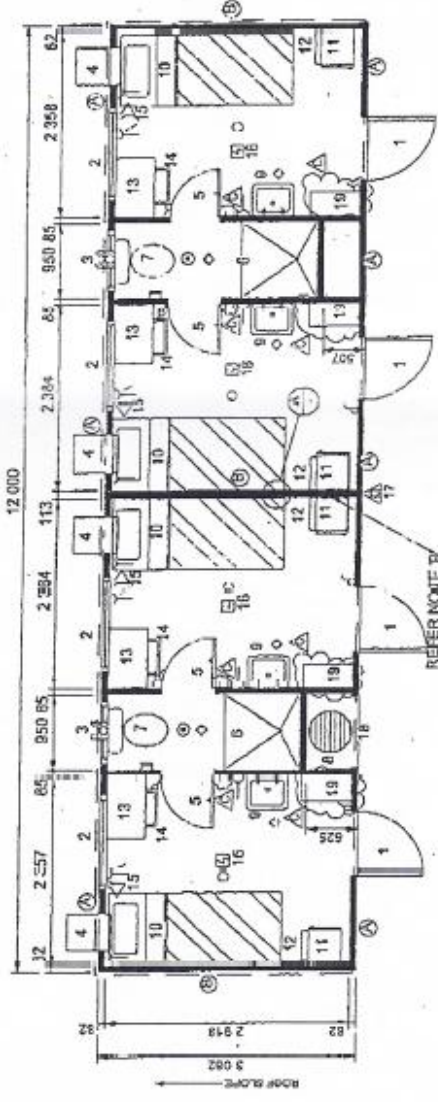
‘APPENDIX A’



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Floor Plan

X-X	→
FEOD	6.8 KN
ACHD	6.9 KN
Y-Y	↓
FEOD	25.5 KN
ACHD	38.5 KN

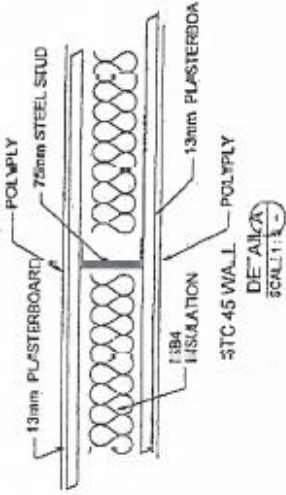


APPROVED FOR PRODUCTION

CONT.	MAN	PRO	CHA	ELECTR	PLUM	ENG.	SITE	CLIENT
1	2	2	0	2	2	2	0	0

NOTE:
 A - CHASSIS No. 843 (S&E) - SERIAL No. 21435 #01
 B - PROVIDE 75 x 75 x 3mm SHS FLOOR JOIST UNDER NOMINATED PATRIATION WALL

NO	QTY	DESCRIPTION
1	4	200 x 300 PLANK METAL DOOR
2	4	1075 x 1350 HS WINDOW W/ FLYSCREEN
3	4	150 x 750 HS WINDOW OBS F/W FLYSCREEN
4	4	FRIDGE POSITION TO SUIT REFR UNIT CO AIR COND (OUTGUT & COVE
5	4	2400 x 1200 REFR UNIT W/ TIMBER DOOR W/ ALUM FRAME
6	2	SHOWER UNIT 1200 x 900
7	2	DUAL FLUSH TOILET SUITE W/ TP
8	4	FRMS 160LTR W/ SAFE TRAY C/DR
9	4	HULLBASON SS (FRAC) W/ MINK-OR-OVER
10	4	SINGLE BED W/ INNERSPRING MATTRESS
11	4	WRITING DESK (400W x 600 x 1800H)
12	4	TOILET RAIL
13	4	WRITING DESK 750 x 450
14	4	STACK CHAIR
15	4	BUNG LIGHT W/ SWITCH
16	4	SMOKE ALARM - 240V
17	4	4 SHG DRY CHEMICAL FIRE EXTINGUISHER W/ SIGNAGE
18	1	ACCESS PANEL W/ ALUM TRIM (1500 x 300)
19	4	BOOKSHELF 600W x 300D AT 2000HIGH (BEECH)



FLOOR PLAN (W50C)

12.0 x 3.0m 4 PERSON STAFF QUARTERS (STEEL) D

LAKELAND DOWNS HOTEL MOTEL 021435 - T 1

DATE: 5.8.2000

SCALE: 1:50

LEGEND:

- 1. 200 x 300 PLANK METAL DOOR
- 2. 1075 x 1350 HS WINDOW W/ FLYSCREEN
- 3. 150 x 750 HS WINDOW OBS F/W FLYSCREEN
- 4. FRIDGE POSITION TO SUIT REFR UNIT CO AIR COND (OUTGUT & COVE
- 5. 2400 x 1200 REFR UNIT W/ TIMBER DOOR W/ ALUM FRAME
- 6. SHOWER UNIT 1200 x 900
- 7. DUAL FLUSH TOILET SUITE W/ TP
- 8. FRMS 160LTR W/ SAFE TRAY C/DR
- 9. HULLBASON SS (FRAC) W/ MINK-OR-OVER
- 10. SINGLE BED W/ INNERSPRING MATTRESS
- 11. WRITING DESK (400W x 600 x 1800H)
- 12. TOILET RAIL
- 13. WRITING DESK 750 x 450
- 14. STACK CHAIR
- 15. BUNG LIGHT W/ SWITCH
- 16. SMOKE ALARM - 240V
- 17. 4 SHG DRY CHEMICAL FIRE EXTINGUISHER W/ SIGNAGE
- 18. ACCESS PANEL W/ ALUM TRIM (1500 x 300)
- 19. 4 BOOKSHELF 600W x 300D AT 2000HIGH (BEECH)

REVISIONS:

No	Date	Description
D		20' 800 FLOOR WARETE ADDED AT PANDE/ANIK
C		20' 800' AND BORDERS/ALGATE ON BORDERS
B		91' 900' ISSUED FOR PRODUCTION
A		ISSUED ORIGINAL

AWSCO

AWSCO ENGINEERING AND ARCHITECTURE
 21435 ROSVILLE RD ROSVILLE NSW 2326
 TEL: 081 435 1111 FAX: 081 435 1112
 WWW.AWSCOE.COM.AU

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31050	APPLICATION FOR A DEVELOPMENT PERMIT – DA/3424 – MAKING A MATERIAL CHANGE OF USE FOR A COMMUNITY FACILITY (RANGER STATION) ON LOT 7 ON PLAN SP143243, ROSSVILLE BLOOMFIELD ROAD, AYTON	
	<i>Report No.D15/15446 from Senior Town Planning Officer.</i>	

Cr S Clark moved; seconded Cr K Price

1. That Council under Section 304(1) of the *Sustainable Planning Act 2009* is satisfied that any non-compliance with the public notification for DA/3424, making a Material Change of Use for Community Facilities (Ranger Station) on Lot 7 on Plan SP 143243 located at Rossville Bloomfield Road, Ayton has not:-

- (a) adversely affected the awareness of the public of the existence and nature of the application; or
- (b) restricted the opportunity of the public to make properly made submissions.

2. That the application under the IPA Planning Scheme by Jabalbina Yalanji Aboriginal Corporation RNTBC for a Development Permit for making a Material Change of Use for Community Facilities (Ranger Station) on Lot 7 on Plan SP 143243, located at Rossville Bloomfield Road, Ayton, be approved subject to the Conditions set out in the recommendations contained in Report D15/15446.

CARRIED

Précis

Applicant: RNTBC	Jabalbina Yalanji Aboriginal Corporation c/- Rowan Shee PO Box 7279 Cairns, Qld 4870.
Owner:	Jabalbina Yaianji Aboriginal Corporation
Location:	Rossville Bloomfield Road, Ayton Qld 4895
R. P. D:	Lot 7 on Plan SP 143243
Area:	26.45 Hectares
Zone:	Conservation
Proposed Use:	Development Permit for Material Change of Use Community Facilities (Ranger Station)
Referral Agency:	Nil
Submissions:	One (1)

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Report

Application has been made to Council under the current IPA Planning Scheme for the issue of a Development Permit for making a Material Change of Use for a Community Facilities (Ranger Station) on Lot 7 on Plan SP 143243 located on the Rossville Bloomfield Road, Ayton. An acknowledgement notice was issued on the 12th May 2015 with confirmation that no further information was required to assess the application.

Proposal

The proposed application is for a Community Facilities (Ranger Station) on Lot 7 on Plan SP 143243 located on the Rossville Bloomfield Road, Ayton on behalf of the Jabalbina Yalanji Aboriginal Corporation. The proposed development will consist of a four (4) bay storage shed with mezzanine floor, workshop area and inbuilt toilet/shower, as well as a demountable office building, rainwater tank, storage container and hardened parking and driveway area. The proposed development will provide a permanent ranger base for the Jabalbina Yalanji Ranger program and will provide employment for nine (9) rangers.

The Site

The subject site is located on the western edge of Ayton approximately sixty four (64) kilometres south of Cooktown. The proposed development site fronts Second Street (currently unsealed), while the land also fronts the sealed Rossville Bloomfield Road which is sealed. Access to the proposed development will be from Second Street. Lot 7 has an area of 26.45 hectares and is zoned Conservation under the Cook Shire Planning Scheme. Lot 7 is also within the Wet Tropics World Heritage Area (Zone B) and Jabalbina Yalanji Aboriginal Corporation is currently negotiating a Cooperative Management Agreement (CMA) with Wet Tropics Management Authority under the Wet Tropics Management Plan to develop the ranger base on the basis that there will be a net benefit to the Wet Tropics World Heritage Area through improved management as a result of the ranger base establishment.

Town Planning Considerations

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

“Community Facilities – means the non-commercial use of premises for community and cultural facilities, including:

- *a church or a place of worship or religious instruction or training;*
- *a community hall, neighbourhood centre, senior citizens centre or youth centre;*
- *charitable foundations for the handicapped, disabled or those in need of rehabilitation;*
- *a library, a public art gallery or museum;*
- *emergency services such as an ambulance, police or fire station;*
- *a tourist information or cultural centre; and*

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- *a scout or guide hut*

This term also includes accommodation provided in association with a community facility.

1. Statutory

The subject lot is zoned Conservation Zone under Cook Shire Council's IPA Planning Scheme. A material change of use application for a Community Facilities (Ranger Station) on Lot 7 on Plan SP143243 is an Impact Assessable development, allowing Council to look at the provisions of the Planning Scheme as a whole in assessing the application, including the strategic elements. The following codes are also relevant:

- Conservation Zone Code
- Parking & Access Code
- Works, Services & Infrastructure Code
- Natural Hazards Code
- Ayton, Rossville and Portland Roads Locality Code.

2. Desired Environmental Outcomes (DEOs)

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

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

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

DEO 1: A Strong Economy

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

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Response

This development will create a purpose built facility serving the current and future needs of the ranger program, increasing Jabalbina's management capacity (750,000 Hectares Eastern Kuku Yalanji Indigenous Protected Area) and enabling expansion of operations and providing additional employment for local Eastern Kuku Yalanji people.

DEO 2: A Healthy Environment

"The natural habitat, biodiversity and visual beauty of the Shire's terrestrial and aquatic environments are protected and the quality of its air and water is of a high standard. Human activities with significant impacts on the environment are carefully planned and managed, so that its long-term health is not diminished. Known mineral and other extractive resources are protected and used in a sustainable manner.

Response

The Jabalbina Yalanji Ranger programme operations include weed and feral animal control, fencing environmental and culturally significant areas, maintaining vehicle tracks providing access through Aboriginal land and reserves, Traditional/environmental burning, wildfire management, marine debris cleanup, monitoring sea turtles and other threatened species, patrolling and managing visitor areas, cultural heritage recording activities and cultural camps.

DEO 5: A Proud Community

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

Response

The ranger programme includes such activities as weed and feral animal control, wildfire management, marine debris cleanup, threatened species monitoring, patrolling and managing visitor areas and cultural heritage recording, all of which should have positive impacts and benefits for the surrounding community.

DEO 8: A Safe Environment

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

Response

The rangers will be engaged in traditional/environmental burning as well as wildfire management, both of which activities will help protect human life, property and the environment in the surrounding community.

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3. Overall Outcomes

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

- *Biological diversity, ecological integrity and scenic amenity are protected;*
- *Low impact recreational use and or nature based tourism may occur where there are no significant adverse impacts on ecological values or scenic amenity;*
and
- *Protection of the scenic backdrop of Cooktown.*

The applicants are entering into a Cooperative Management Agreement (CMA) with the Wet Tropics Management Authority to develop the ranger base on the basis that there will be a net benefit to the Wet Tropics World Heritage Area through improved management as a result of the ranger base. The proposed development complies with the relevant outcomes for the Conservation Zone and is supported by the Wet Tropics Management Authority.

4. Codes

The following Codes are identified under the Cook Shire Planning Scheme as being applicable to a Community Facility (Ranger Station) in the Conservation Zone:

- Conservation Zone Code
- Parking & Access Code
- Works, Services & Infrastructure Code
- Natural Hazards Code

The proposed development for a Community Facility (Ranger Station) complies with the relevant Performance Criteria for the above Codes. Specific Performance Criteria of relevance to this application are detailed below:

Conservation Zone Code

- PC1 requires land to remain largely undisturbed and uses to be achieved without significant adverse environmental impact. In this case the proposal is for a Community Facility (Ranger Station) for the Jabalbina Yalanji Ranger Programme and will be established under a Cooperative Management Agreement with the Wet Tropics Management Authority under the Wet Tropics Management Plan on the basis that there will be a net benefit to the Wet Tropics World Heritage Area through improved management.
- PC2 requires land use aspirations in any Indigenous Land Use Agreement (ILUA) be recognised. The proposal is consistent with the Eastern Yalanji ILUAs.
- PC3 requires that buildings and structures are absent or of such small scale to be unobtrusive. The proposed ranger station will be sited and designed to be unobtrusive and blend into the surrounding bushland. The ranger station will be located approximately 40 metres from Second Street at its closest point and will

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be reasonably well-screened by a curved driveway and retention of natural bushland between proposed buildings and the road.

- PC4 requires buildings and structures to be located to minimise clearing and ensure that natural environmental and scenic values are not diminished. Vegetation clearing for this development will be limited to that necessary for the buildings and driveway/parking areas. The short length and alignment of the proposed driveway will enable it to be constructed without additional clearing of mature trees.
- PC5 requires buildings and structures to be designed to be unobtrusive. The proposed development will be single story (5m) with no significant cut or fill proposed. Colours will blend with the bush land setting.
- PC6 requires that vehicular access tracks are minimised or avoided altogether – Complies.
- PC7 requires that waste material is screened from view in a location permitting easy collection – Complies.
- PC9 requires that where new uses or works occur adjacent to wetlands and/or watercourses identified on the Watercourses and Wetlands maps, there are no significant adverse effects on water quality, ecological and biodiversity values, or landscape quality. The Watercourses and Wetlands Ayton and Rossville Map does not identify any watercourses or wetlands close to the proposed development site.

Parking and Access Code

The Parking and Access Code does not prescribe a parking rate for Community Facilities (Ranger Station) so the applicant has adopted a rate of six (6) car parking spaces for the proposed development. Given the scale of the development this number of car parking spaces is acceptable to Council.

Works, Services and Infrastructure Code

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

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

- PC1 requires that an adequate, safe and reliable supply of potable and general use water be provided. The applicants propose to provide a rainwater tank with a capacity of 62,500 litres. Off takes will be located at a height to provide a general supply of 57,500 litres, while the bottom 5,000 litres will be dedicated to fire fighting and accessed by fire fighting fittings at the base of the tank.
- PC3 deals with sewerage disposal. The development will be provided with an on-site sewerage treatment facility.
- PC5 seek to ensure that there are no impacts as a result of storm water run-off from the site. The development will be provided with a reticulated drainage

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system to a legal point of discharge, and will comply with the FNQROC Manual requirements.

- PC6 requires that the development be connected to a reliable electricity supply. The development will be connected to the reticulated electricity supply.
- PC7 and PC8 deal with upgrading of the road frontage and access. Following consultation with the Acting Director Engineering Services it is not proposed to seek the upgrading of Second Street as the increase in traffic numbers should not exceed on average twelve (12) vehicle movements a day. The new access between the existing Second Street road and the property boundary must be gravel sealed with ancillary storm water drainage and constructed to the requirements of the FNQROC Manual.

Natural Hazards Code.

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

The applicant proposes to provide a water supply for fire fighting purposes and use fire breaks to mitigate any impacts of bush fires on the proposed development. The development will be for a ranger station for the Jabalbina Yalanji rangers who will be overseeing wild fire management regimes for areas under their control which includes this development area (Lot 7 on Plan SP 143243). The development is considered to comply with the intent of the Natural Hazards Code.

Referral Agencies

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

Public Notification

The applicant fulfilled the requirements under the *Sustainable Planning Act 2009* for completing public notification. As described in the Notice of Compliance dated 18th June 2015 and received by Council on the same date, the proposal was advertised in a paper circulated in the area (Cooktown Local News 21st May 2015), letters were sent to each adjoining land owner (19th May 2015) and a sign was placed and maintained on the Second Street road frontage (20th May 2015). No sign was placed on the Rossville Bloomfield Road frontage. Jabalbina Yalanji Aboriginal Corporation advised Council by e-mail that a sign was only placed on the Second Street frontage with an accompanying site plan as the Rossville Bloomfield road carriageway “ is located 20-40 metres from the subject land boundary and well below the subject land boundary and is screened from the view of motorists by vegetation, making any public notification sign located on the subject land not generally visible to passing traffic. The proposed development location is also 200-800 metres distant from the Rossville Bloomfield Road, and will not be visible or have any impacts outside of Second Street and adjoining properties”.

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Section 304 (1) of the *Sustainable Planning Act 2009* states:-

“Despite Section 301, the assessment manager may assess and decide an application even if some of the requirements of this division have not been complied with, if the assessment manager is satisfied any non-compliance has not –

(a) adversely affected the awareness of the public of the existence and nature of the application, or

(b) restricted the opportunity of the public to make properly made submissions.”

Given the reasons outlined by Jabalbina Yalanji Aboriginal Corporation above, and the fact that the remainder of the public notification process had been successfully completed in accordance with the requirements of the *Sustainable Planning Act 2009* including provision of a Site/Locality Plan with the Second Street sign, Council as assessment manager is satisfied that the public notification for DA/3424 satisfies section 304 (1) of the *Sustainable Planning Act 2009*.

One (1) submission was received during the public notification period. The submitter advised in the submission that it was not an objection to the proposal, but a request to have concerns addressed in the conditions of approval. The concerns contained in the submission are summarised and responded to below:

1. *As a “Community Facility” will the property then be “not rateable”*

Comment: While not a consideration when assessing this development application, the approval of Community Facilities (Ranger Station) does not give rate exemption.

2. *How much traffic (vehicles) will the ranger base generate? The Rural Residential Zone properties/residents opposite would be concerned with greatly increased traffic numbers and workshop noise.*

Comment: The development will generate approximately twelve (12) vehicle movements a day, while the workshop will be a purpose built workshop for the ranger programme with uses including maintenance and repair of vehicles and equipment as well as fabrication of park infrastructure (signs, pig traps and gates).

The development will have a condition relation to noise impact.

3. *The Plan on sign does not show provision for Caretaker Residence within infrastructure.*

Comment: No Caretaker Residence is proposed as part of this development.

4. *Is there any “condition” to upgrade that section of Second Street due to increased traffic? With a workshop and a small fleet of vehicles the proposed development will greatly change the section of Second Street Rural Residential properties/residents.*

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Comment: The need to upgrade Second Street has been reviewed with Council's Acting Director Engineering Services and it is recommended to Council that an upgrading of Second Street is not required due to the limited increase in traffic volume estimated at twelve (12) vehicle movements per day. Also it should be noted that the workshop is not a commercial workshop open to the public, but a workshop for ranger programme purposes only.

Discussion

The proposed Community Facilities (ranger station) on Lot 7 on Plan SP 143243 will be established as part of a Cooperative Management Agreement with the Wet Tropics Management Authority under the Wet Tropics Management Plan, on the basis that there will be a net benefit to the Wet Tropics World Heritage Area through improved management of the Eastern Kuku Yalanji Indigenous Protected Area (within the WTWHA) as a result of the ranger base. The improved management of Eastern Kuku Yalanji land within the WTWHA by implementation of wild fire management regimes, controlling weeds and feral animals, and managing visitor areas to name a few, will have a positive impact on the whole of the local area. The new ranger base by increasing Jabalbina's management capacity and enabling expansion of operations will provide additional employment opportunities for local Eastern Kuku Yalanji people. The proposed development complies with the requirements of the Planning Scheme for development of Community Facilities (Ranger Station) in the Conservation Zone and is recommended to Council by Council Officers for approval with conditions.

Recommendation

1. That Council under Section 304(1) of the *Sustainable Planning Act 2009* is satisfied that any non-compliance with the public notification for DA/3424, making a Material Change of Use for Community Facilities (Ranger Station) on Lot 7 on Plan SP 143243 located at Rossville Bloomfield Road, Ayton has not:-

- (a) adversely affected the awareness of the public of the existence and nature of the application; or
- (b) restricted the opportunity of the public to make properly made submissions.

2. That the application under the IPA Planning Scheme by Jabalbina Yalanji Aboriginal Corporation RNTBC for a Development Permit for making a Material Change of Use for Community Facilities (Ranger Station) on Lot 7 on Plan SP 143243, located at Rossville Bloomfield Road, Ayton, be approved subject to the following Conditions:

A. Assessment Manager (Council) Conditions

Approved Plans

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

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- Jabalbina - Map 3 – Site Plan
- Jabalbina – Floor Plan – Proposed Ranger Base
- Jabalbina – Elevations – Proposed Ranger Base

Water Supply

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

Effluent Disposal

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

Access

4. Access to the proposed development must be from Second Street and be located as per approved Site Plan (Jabalbina – Map 3 – Site Plan). Access between the existing Second Street road and the property boundary must be gravel sealed and include ancillary storm water drainage. Construction must be to the requirements of the FNQROC Manual. Plans to be submitted for approval by Council's Director Engineering Services prior to works commencing.

Car Parking & Internal Driveway

5. Provision must be made for a minimum of six (6) off street car parking spaces. Car parking spaces must be gravel sealed and comply to the Australian Standard. Car parking spaces must be located as per approved Site Plan (Jabalbina – Map3 – Site Plan).
6. The internal driveway and manoeuvring areas must be gravel sealed and located as per approved Site Plan (Jabalbina – Map 3- Site Plan). Construction must be to the requirement of the FNQROC Manual.
7. Car parking areas, manoeuvring areas and internal driveways must be maintained in a dust suppressed at all times.

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Electricity

8. The proposed development must be connected to the reticulated electricity supply.

Stormwater

9. Stormwater drainage must be to a legal point of discharge.

Cooperative Management Agreement

10. The Cooperative Management Agreement between Jabalbina Yalanji Aboriginal Corporation and the Wet Tropics Management Authority must be in place and a copy provided to Council prior to the issue of any building approvals for the proposed Community Facilities.

Nuisances

11. The applicants must ensure that no noise, dust or water runoff nuisance is caused to the surrounding properties by this development.

Fire Management

12. The proposed development must be provided with a fire fighting water supply with a minimum capacity of 5,000litres and fitted with fire brigade tank fittings, prior to the use commencing. The proposed rainwater tank with offtakes will satisfy this requirement.
13. The proposed development area must be maintained at all times by the owners so as not to create a fire hazard.

Landscaping

14. Landscaping must be provided for the proposed development as shown on approved Site Plan.
15. The applicants must ensure that native vegetation is retained where practical to form a vegetated screen between the proposed development and the surrounding Rural Residential properties.

Public Utilities

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

Water Course Protection

17. The proposed development must not cause any sand, soil, or silt runoff into the nearby stream (Stream Order 2) located to the west of the Ranger Station (Community Facilities).

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Environmental Protection

18. No State Declared or environmental pest plants or animals are to be introduced onto the property.

Compliance

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

Outstanding Charges

20. All rates, service charges, interest and other charges levied on the land must be paid prior to the issue of a development for building works.

Currency Period

21. The currency period for this application is four (4) years. Should the Community Facilities (Ranger Station) not be established within this time, this approval shall lapse.

B. Assessment Manager (Council) Advice

A development permit is required for carrying out Building Works and a Plumbing and Drainage approval/compliance permit is required for Plumbing and Drainage works prior to construction of this development.

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Appendix 'A'

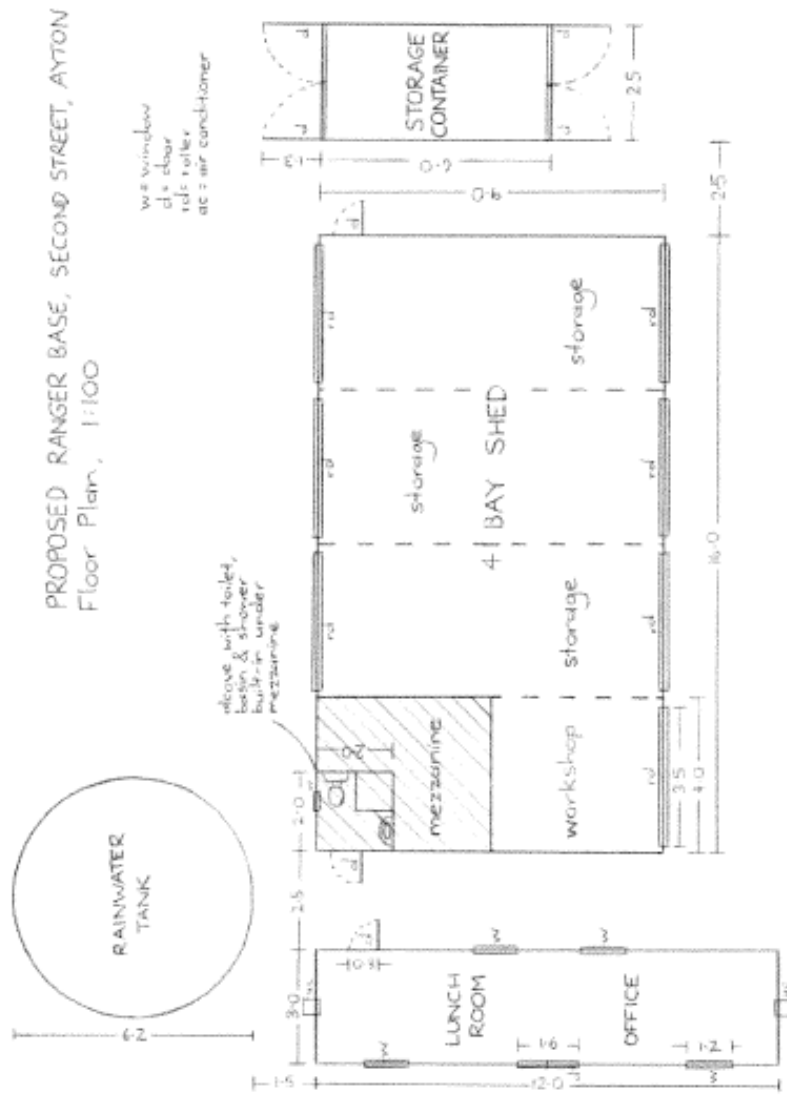


Map 3 – Site Plan

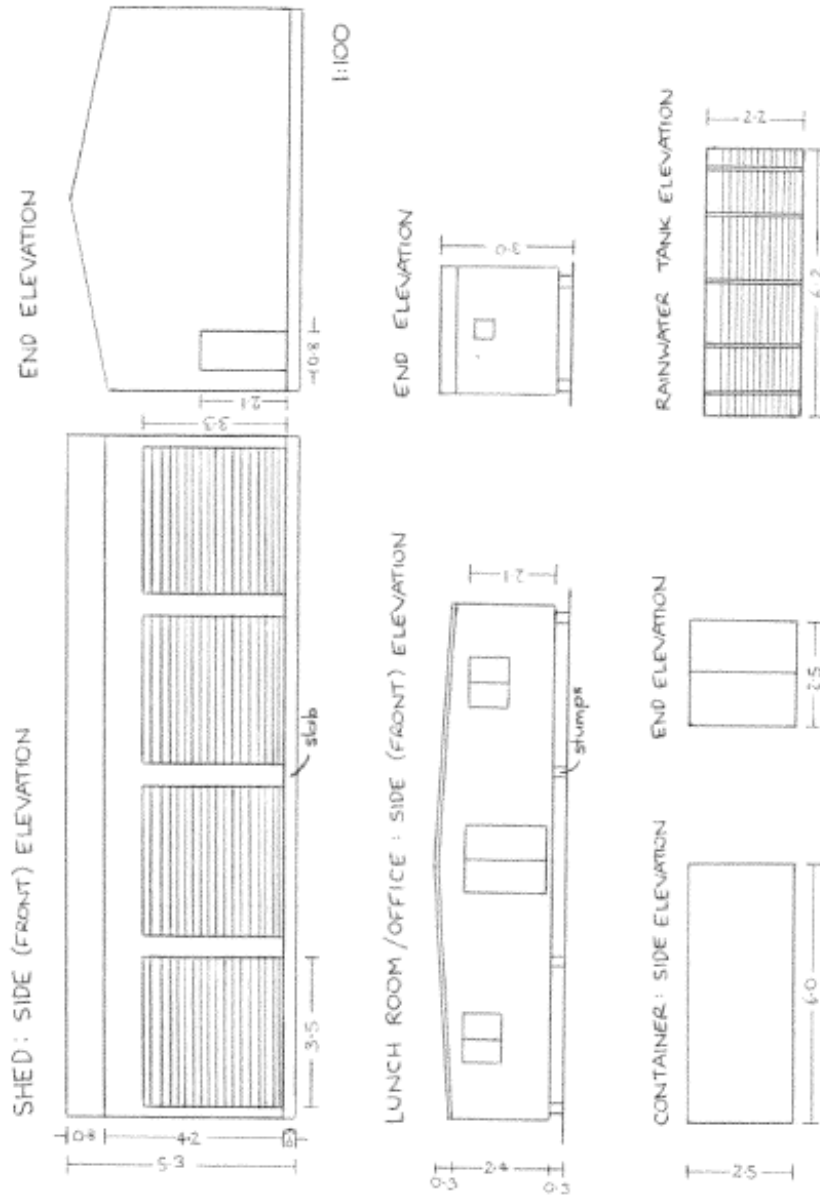
Development Application – Ranger Base (Community Facility) at Second Street, Ayton

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Appendix 1 – Floor Plans and Elevations



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17th, 18th & 19th August 2015

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31051	ADVICE IN RESPECT OF WEIPA FUTURE DEVELOPMENT OPPORTUNITIES IN COOK SHIRE	
	<i>Report No.D15/15746 from Reel Planning Pty Ltd</i>	

Cr A Wilson moved; seconded Cr G Shephard

1. That Council contact the Weipa Town Authority and formally request to be consulted in the preparation of the Weipa Town Authority planning scheme.
2. That Council contact Napranum Aboriginal Shire Council to discuss development opportunities.
3. That Council note the information provided in respect of potential rating of properties and businesses in and around the Weipa Port.

CARRIED

1. Purpose

The purpose of this report is to investigate the land tenure and development opportunities of strategically located land within Cook Shire adjoining the boundaries of the Weipa Town Authority and Napranum Aboriginal Shire Council. The areas under investigation are identified in mapping and aerial photography attached in Appendix 1. These areas have been identified as they immediately adjoin the existing or potential development growth areas within the adjoining authorities.

2. Land Tenure

The majority of the subject land is not freehold and is under the control of the State Government and subject to a mining lease, identified as ML7024. There are only two lots that are freehold within this area. These are associated with the Weipa Port and have been identified on Maps 1 and 3 in Appendix 1. It is important to realise that these freehold parcels, while in the Cook Shire local government area, are subject to the provisions of the Port of Weipa Land Use Plan (see the discussion in Section 6 below) and not the Cook Shire Planning Scheme.

The mining lease as well ML 6024 and other land within the lease areas are subject to an Indigenous Land Use Agreement (ILUA), known as the Comalco ILUA or the Western Cape Communities Co-existence Agreement which was registered on 24 August 2001. A copy of the Extract from the Register of ILUA's (Appendix 2) and a map of the agreement area (appendix 3) are attached to this report.

As the land is under the control of the State Government and Cook Shire Council has no tenure interests in this land, Cook Shire Council is not a party to the ILUA.

3. Cook Shire Council Planning Scheme (draft)

The draft planning scheme includes the subject land within the Rural zone on the Rural Locality Plan 4 and is designated Rural on the Strategic Framework map. This designation reflects the pre-dominant land uses and is considered the most appropriate for the majority of the subject land. The Rural zoning has been carried forward from the existing Planning Scheme.

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There is some port related industrial activity on the crown immediately behind the port itself which may be better suited to an industrial zoning.

4. Napranum Aboriginal Shire Council Planning Scheme (draft)

The first planning scheme for Napranum commenced in February of this year. There are implications for Cook Shire Council in relation to this Planning Scheme, particular with respect to a proposed urban growth area that falls within Cook Shire.

4.1 Strategic Framework

The Strategic Framework Map (B) identifies an area of land within the local government area of Cook Shire Council adjoining Napranum township area. The area is designated Future Urban on the Strategic Framework map and states that it is subject to negotiated repatriation from Rio Tinto. Refer attached map in appendix 4. The repatriation agreement would form part of the ILUA.

The land use strategy 3.3.2.2 within the ‘Country’ theme states:

(2) Council will continue to work with Weipa Town Authority, State authorities and Rio Tinto Alcan under the Western Cape Communities Co-Existence Agreement (WCCCA) and other agreements and legislation to negotiate:

(a) the return of rehabilitated land on which mineral extraction is complete to its Traditional Owners;

*(b) for that land to be included into the area of the Napranum Aboriginal Shire as the most appropriate local government jurisdiction for the land.
(bold added)*

The land use strategy 3.4.2.2 within the ‘Settlement’ theme states:

(2) Negotiate the inclusion of the land east of Napranum Road subject to repatriation from Rio Tinto (shown on SC2.2.1B – Strategic Framework Map) as part of the Shire to provide for urban expansion of the township in the future.

4.2 Comment

It is understood that once repatriated this land would be converted to Aboriginal Freehold. It is likely that the State would facilitate the development of this land and the amendment to Shire boundaries to have the land removed from Cook Shire and included in Napranum Aboriginal Shire.

5. Weipa Town Authority – Proposed Planning Scheme

The Weipa Town Authority (WTA) has not commenced the preparation of a Planning Scheme. Early in 2015 tenders were sought to prepare a scheme however to date the contact has not yet been awarded. The current planning control is a very basic Advisory Development Plan (refer appendix 5).

For Weipa to grow it is likely that such growth will occur within land currently within Cook Shire that surrounds the town. There are serious doubts about what meaningful role Cook Shire can play to facilitate and benefit from such development as it is all

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Crown land, subject to mining lease and subject to an ILUA that Cook Shire is not party to.

6. Port of Weipa Land Use Plan

The Port of Weipa Land Use Plan provides the planning framework for development on all Strategic Port Land at the Port of Weipa. The land use plan and precinct plan are provided in appendix 6.

There are three lots (lots 15, 29 and 17 SP116854) which are within the strategic port land and located within the local government area of Cook Shire Council ('port Industry' lots identified in the precinct plan). These lots are also shown on Map 3 (aerial photography) in Appendix 1.

Lot 15 on SP116851 is a lands lease. Lot 17 SP116853 and Lot 29 SP116854 are both freehold.

In relation to the rating of these properties and other businesses on the crown land immediately behind the Port, it is my understanding that Council can charge the property/business owners what is called a Rates equivalent. It is understood that Rates are not currently being charged on those lots. Apparently it is up to the Council but the rates get paid to the State and Council invoices the State. It would appear to be a logistical challenge. I would suspect that the reason Cook has never charged rates on these lots is that they don't really provide any services to them. It is understood that the road accessing these lots is maintained by WTA or Rio Tinto.

As outlined above Strategic Port Land is not subject to the provisions of the Cook Shire Council's Planning Scheme.

7. Conclusion

As the land within the Cook Shire Council's jurisdiction in the Weipa locality is predominately under a mining lease, is subject to an ILUA or is Strategic Port Land, Cook Shire Council has no control over the development of this land. Future changes to the tenure of the land would be subject to the provisions of the ILUA and procedural requirements under the Land Act 1994 which is administered by the Department of Natural Resources and Mines.

If future changes to the local government boundary are proposed by either the state government, Weipa Town Authority or Napranum Aboriginal Shire Council, Cook Shire Council would be consulted as a relevant stakeholder.

With the impending review of the Weipa Town Authority Council could advise WTA that it is interested in being consulted on growth options for Weipa if involving land within the Cook Shire local government boundaries.

8. Recommendation

1. That Council contact the Weipa Town Authority and formally request to be consulted in the preparation of the Weipa Town Authority planning scheme.
2. That Council note the information provided in respect of potential rating of properties and businesses in and around the Weipa Port.

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Encl.

- Appendix 1 – Aerial Photography, Local Government Areas and Land Tenure Maps
- Appendix 2 – Extract from Register of Indigenous Land Use Agreements
- Appendix 3 – ILUA Area of Agreement
- Appendix 4 – Napranum Aboriginal Shire Council Strategic Framework Map
- Appendix 5 – Weipa Town Authority Advisory Development Plan Map
- Appendix 6 – Port of Weipa Land Use Plan



REEL PLANNING
URBAN AND RURAL STRATEGIES

APPENDIX 1

**AERIAL PHOTOGRAPHY,
LOCAL GOVERNMENT
AREAS AND
LAND TENURE MAPS**

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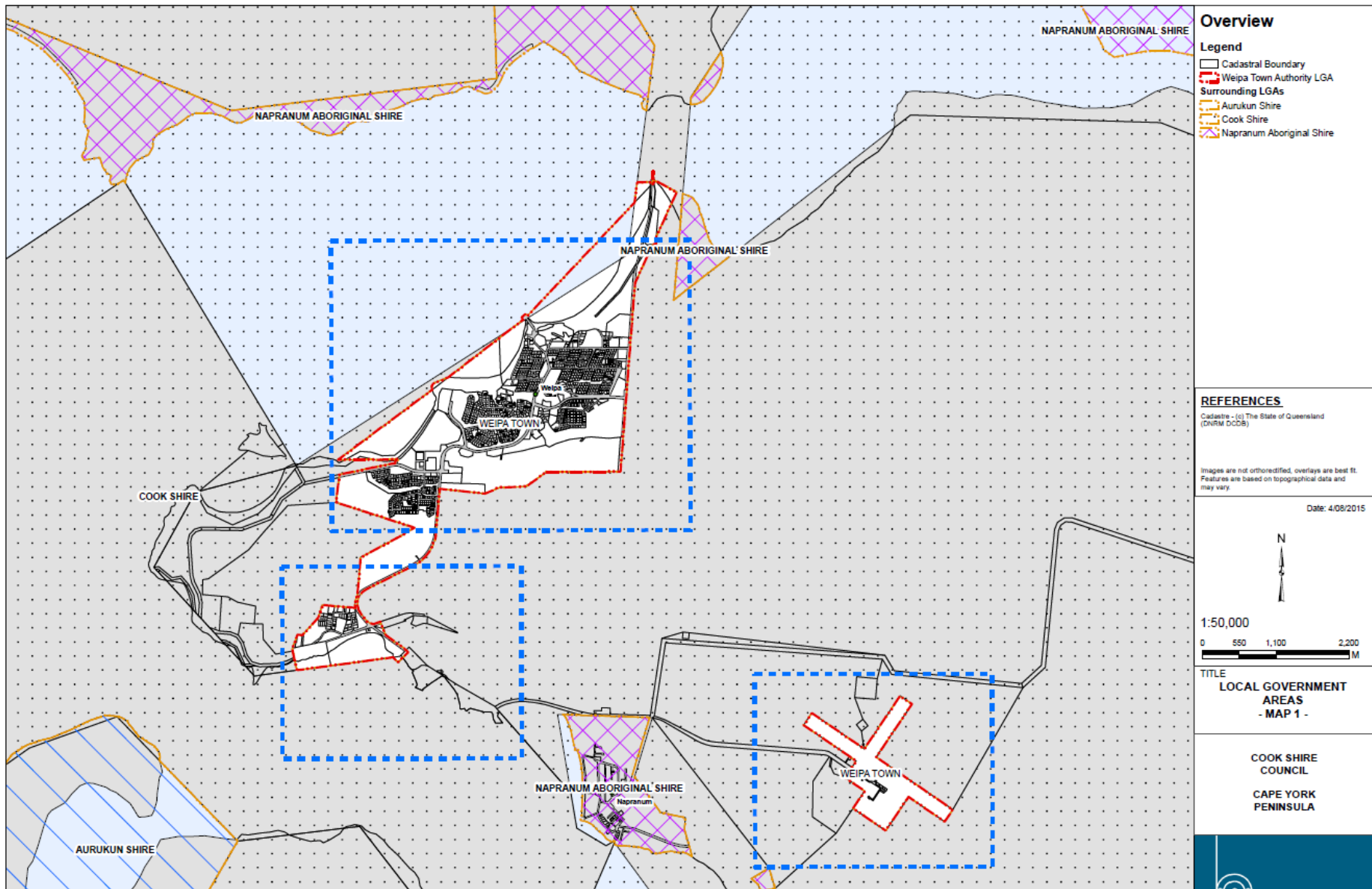
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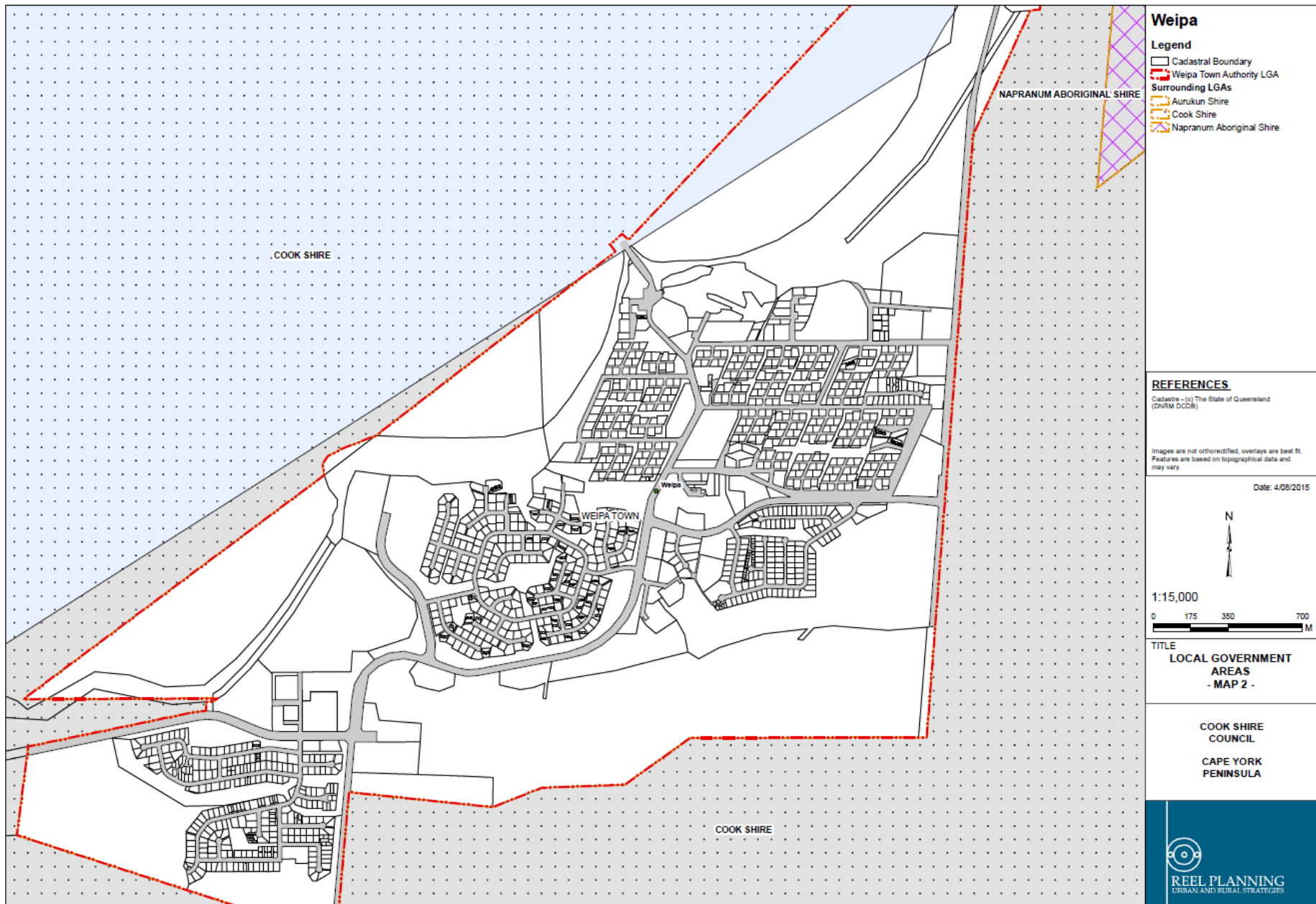
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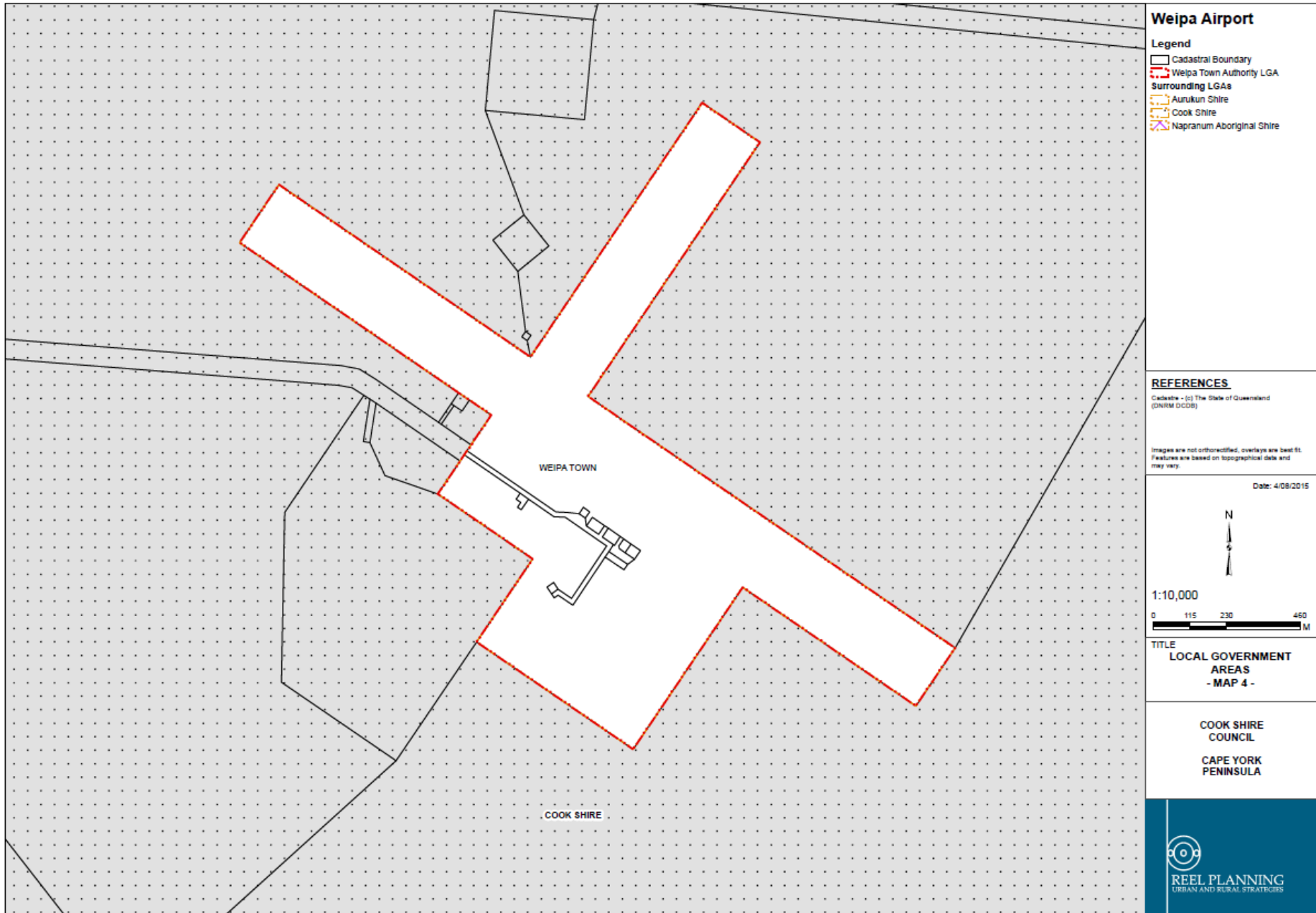
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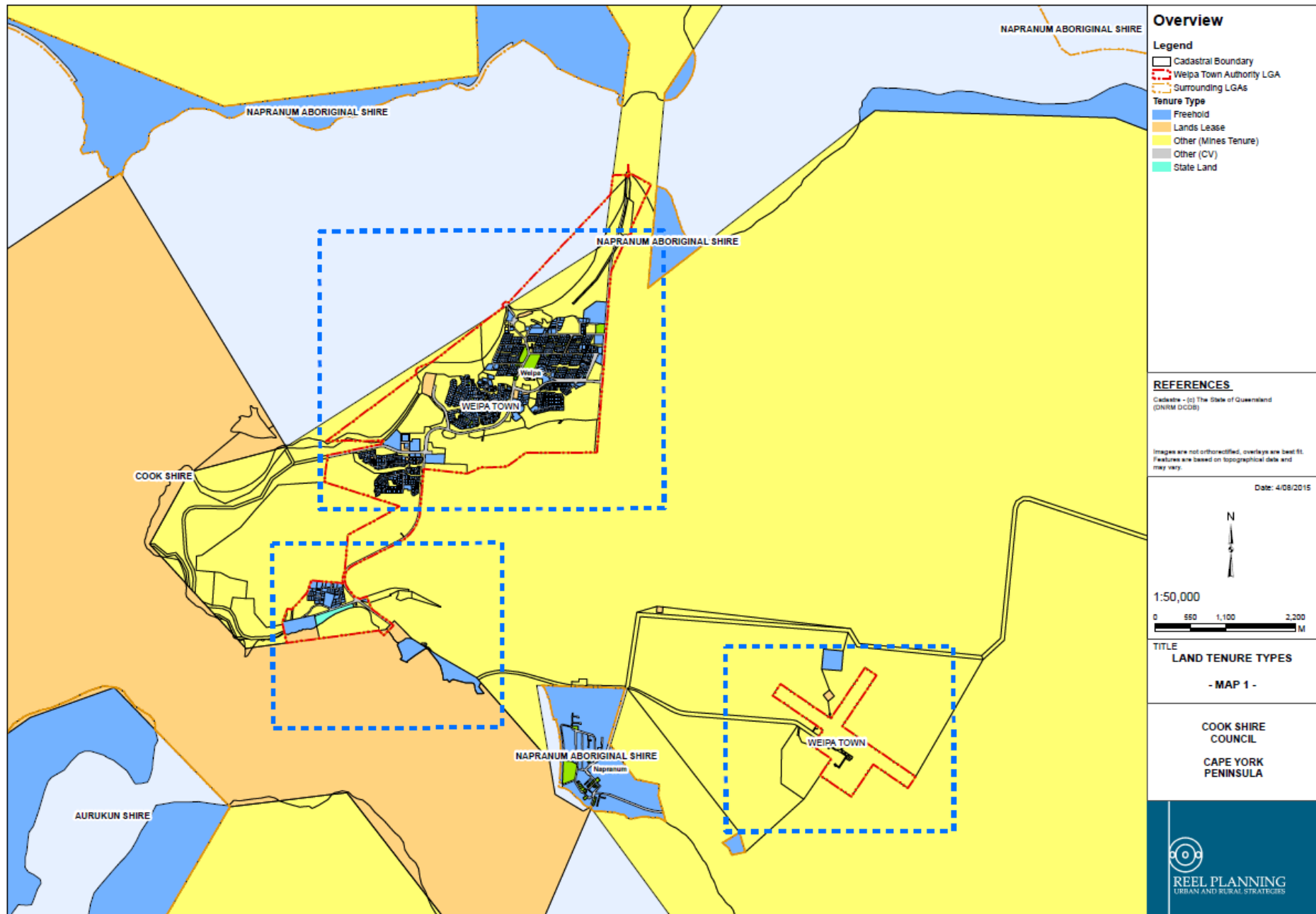
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Overview

Legend

- ▭ Cadastral Boundary
- ▭ Weipa Town Authority LGA
- ▭ Surrounding LGAs

Tenure Type

- Freehold
- Lands Lease
- Other (Mines Tenure)
- Other (CV)
- State Land

REFERENCES

Cadastral - (c) The State of Queensland (DNRM DCDB)

Images are not orthorectified, overlays are best fit. Features are based on topographical data and may vary.

Date: 4/08/2015

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0 500 1,100 2,200
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TITLE

LAND TENURE TYPES

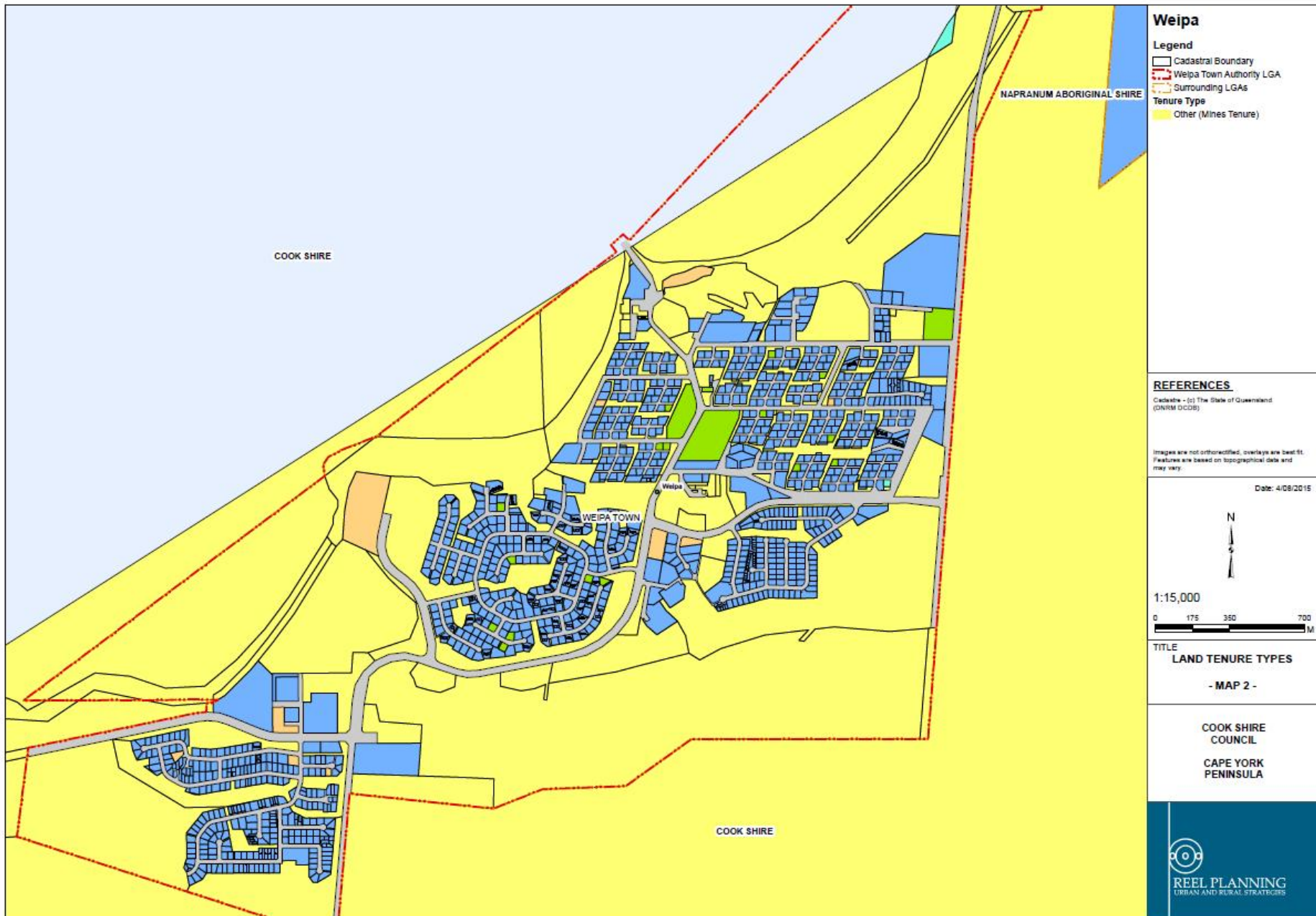
- MAP 1 -

COOK SHIRE
COUNCIL

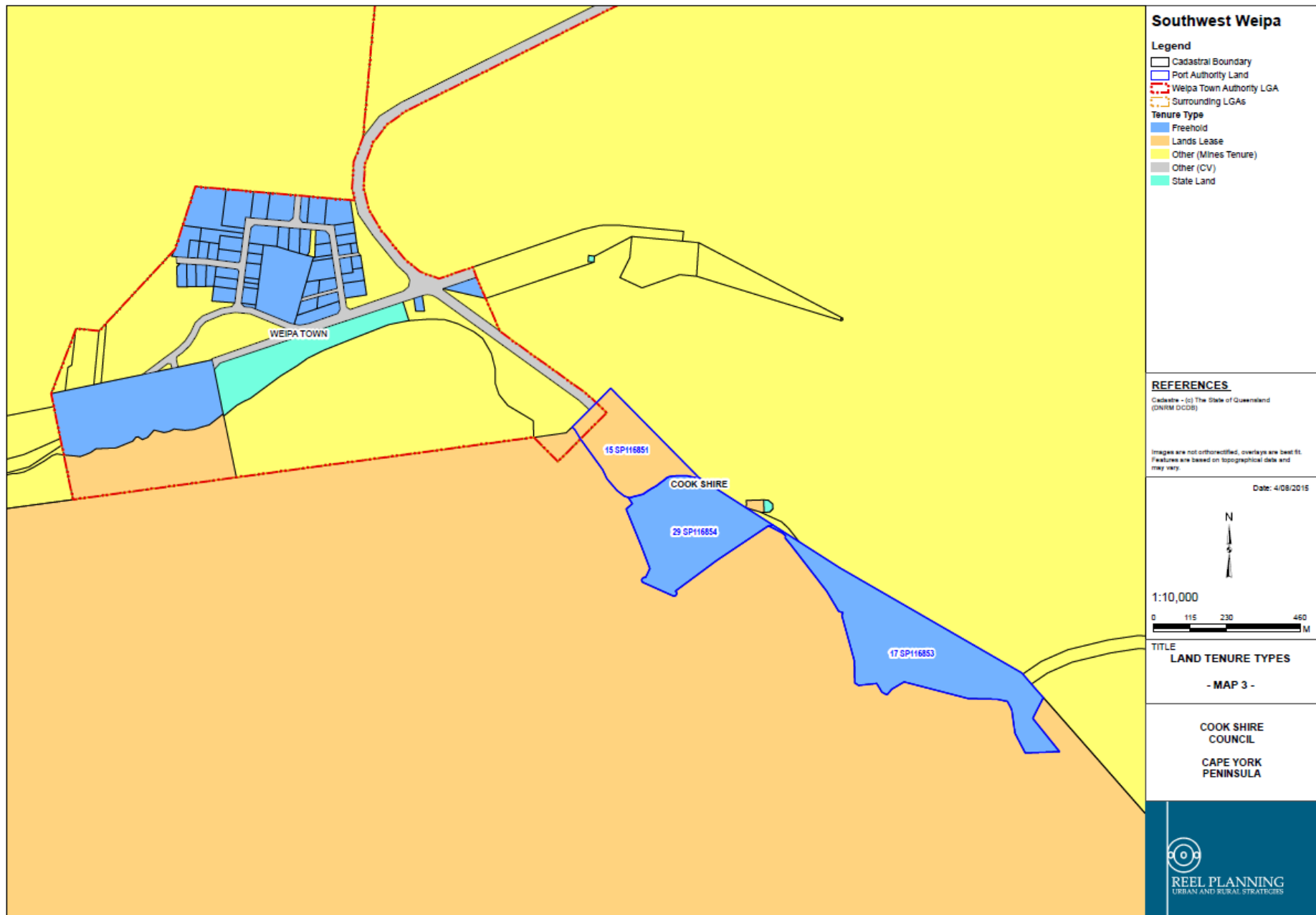
CAPE YORK
PENINSULA



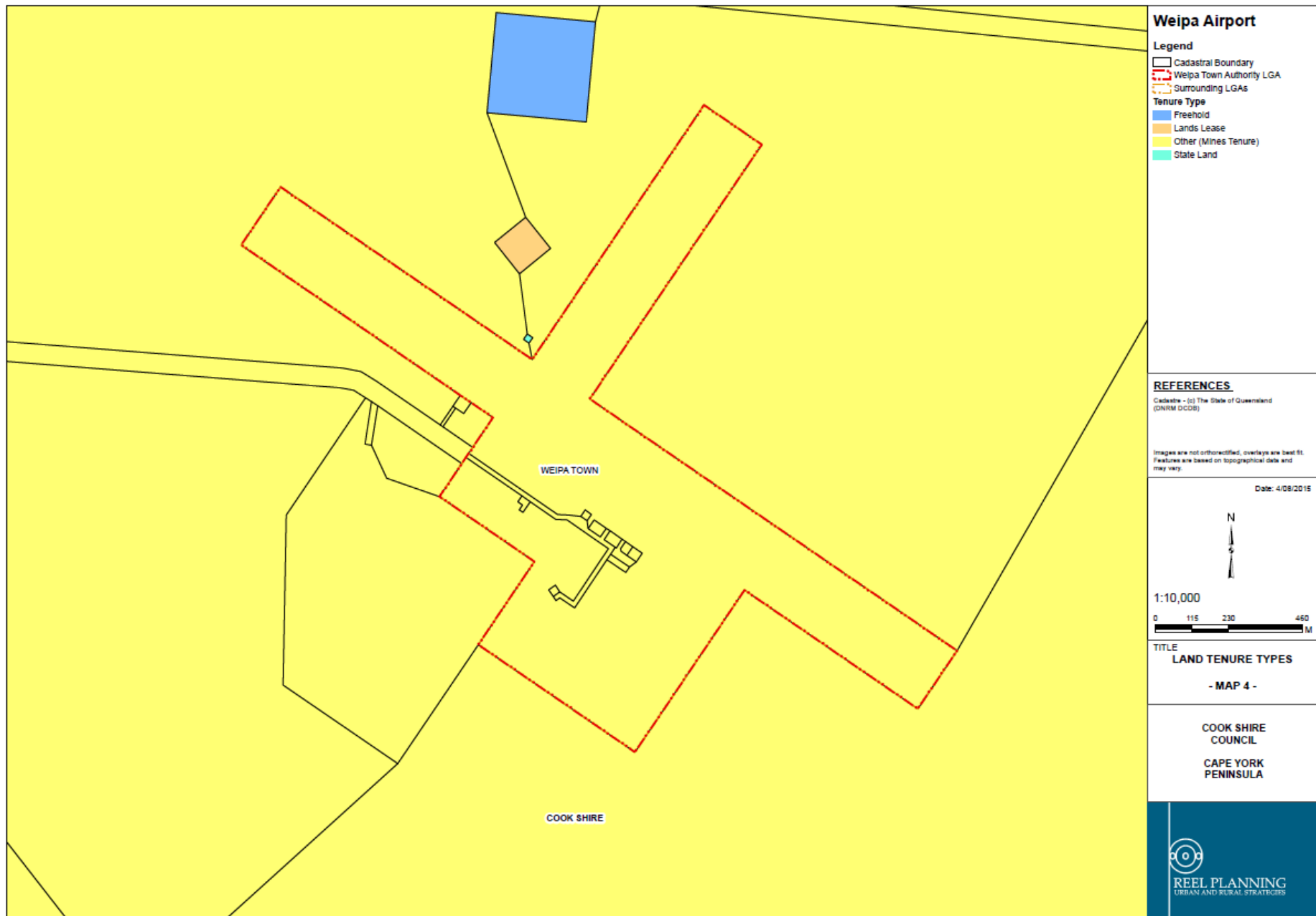
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REEL PLANNING
URBAN AND RURAL STRATEGIES

APPENDIX 2

**EXTRACT FROM
REGISTER OF
INDIGENOUS LAND USE
AGREEMENTS**

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Extract from Register of Indigenous Land Use Agreements

NNTT number	QIA2001/002
Short name	Comalco ILUA
ILUA type	Area Agreement
Date registered	24/08/2001
State/territory	Queensland
Local government region	Cook Shire Council

Description of the area covered by the agreement

1. All land and waters within the ML 6024 Area and the ML 7024 Area but subject to the removal of particular area from the ILUA Area from time to time as specifically provided in this Agreement;
2. The land and waters of Albatross Bay and the rivers and creeks running into it (below the high water mark) from the Territorial Sea Baseline of Albatross Bay eastward to the most easterly of:
 - (a) the coastline;
 - (b) the western boundary of ML 7024;
 - (c) the north-western boundary of ML 6024;
 - (d) in the Mission River, longitude 141degrees 59minutes 30.5seconds, but excluding any area within the Shire of Aurukun as shown on Plan SC211;
3. The land and waters of Port Musgrave and the rivers and creeks running into it (below the high water mark) from the Territorial Sea Baseline of port Musgrave easterly along the Ducie River to the boundary of ML 7024 and southerly along the Wenlock River to the boundary of ML 7024;
4. The land and waters within the Weipa Township boundary irrespective of whether the land and waters are also within ML 7024;
5. The following lots outside of the Weipa Township boundary which have been surrendered from ML 7024 but which are generally located within the area defined by the outer boundaries of the ML 7024 Area;
 - (a) Lot 342 on MP 36486;
 - (b) Lot 22 on MP 32268;
 - (c) Lot 15 on SP 116851 (WP 7);
 - (d) Lot 29 on SP 116854 (WP 18);
 - (e) Lot 17 on SP 116853 (WP 12);
 - (f) Lot 2 on MP 26144 (WP 6);
 - (g) Lot 25 on MP 26155 (WP 15);
 - (h) Lot 37 on MP 30227 (WP 23);
 - (i) Lot 39 on MP 30554 (WP 26); and
 - (j) Lot 30 on MP 30144 (WP 21).

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6. ILUA Area B which is the land and waters extending 3 nautical miles from the coastline or the Territorial Sea Baseline as applicable between:

- (a) latitudes 11degrees 54minutes 23.0seconds South and 11degrees 57minutes 24.2seconds South (between Port Musgrave and Cullen Point);
- (b) latitudes 12degrees 34minutes 26.2seconds South and 13degrees 11minutes 28.3seconds South (between Duyfken Point and Ina Creek); and
- (c) latitudes 11degrees 13minutes 35.3seconds South and 11degrees 18minutes 24.8seconds South (off the Vrilya Point Area),

irrespective of whether the land and waters are also within ML 7024.

Parties to agreement

Applicant

Party name Cape York Land Council Aboriginal Corporation
Contact address 32 Florence Street
CAIRNS QLD 4870

Other Parties

Party name Comalco Aluminium Limited
Contact address Level 25, Comalco Place
12 Creek Street
BRISBANE QLD 4000

Party name State of Queensland
Contact address Native Title Services
Department of the Premier and Cabinet
Level 1, 61 Mary Street
BRISBANE QLD 4000

Party name Napranum Aboriginal Council
Contact address PO Box 538
WEIPA QLD 4874

Party name Mapoon Aboriginal Council
Contact address PO Box 213
WEIPA QLD 4874

Party name New Mapoon Aboriginal Council
Contact address Post Office
BAMAGA QLD 4876

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Party name	<p>Native Title Parties</p> <p>TJUNGUNDJI William Parry, Harriet Flinders, Florence Luff, Alma Day, Violet York, Stewart Mamoose, Eddie Williams, Alistair Burnett, Graham Burnett, Marilyn Tamwoy, Lizzy Clermont, Deidre Clermont, Charlie Archie, Connie Andrews, Alexander Ling</p> <p>TAEPADHIGGI Peggy Parry, Farley Manantan, Albert Matasia, Ron Maso, Sandra Koitayo, June Charger, Jean Little (Jans), Alison Sailor, Daisy Burnett, Celia Fletcher, Theresa Warusam, Susan Kennedy, Jane Zamiak, Laurelle D' Antoine, Peo Uiduldam, Marilyn Tamwoy, Julie Mairu, Agnes Mark, Ian Burnett</p> <p>WARRANGGU John Mark, Lily York, Constance Convent, Neomi Roseblade, Hazel Miller, Delora Nixon, Edna Mark, Thomas Savo</p> <p>THANIKWITHI Thancoupie (aka Gloria Fletcher), Maryanne Coconut, Steven Hall, Gloria Hall/Madua, Ronnie Hall, Alma Motton, Audrey Motton, Bernice Mango, Laurelle D'Antonine, Cynthia Jingle, May Toby, Desmond Pitt (Snr), Rita York, Desmond Callope, Richard Barkley, Garth York</p> <p>PEPPAN Mavis Wilson, Polly anne Blowhard, Cheryl Pitt, Ethel Wapau, Sasha Parker</p> <p>WIK AND WIK WAY Anthony Kerindun, Janine Chevathun, Alison Woolla, Stella Owokran, Polly Blowhard, Lenford Matthew, Jean George, Loyla Chevathun, Robert Dick, Ina Hall</p> <p>YUPUNGATHI Caroline Toeboy, Les Flinders, Edmund Busch, Grace McLachlan, Kathleen Barkley, Peter Ahmat, Agnes Pablo, Marie Brown, Catherine Parry, Linda Cooktown, Dorothy Wheeler, Teddy Barkley, Peter Ahmat, William Busch, Adrian Luff</p> <p>ANATHANGAYTH Alice Mark, May Toby, Bernice Mango, Thelma Coconut, Aileen Heinemann</p> <p>ALNGITH Benny Madua, Ernest Madua, Robert Madua, Eileen Heinemann, Nicholas Heinemann, Pricilla Hudson, Patsy Hudson, Ronnie John, Deborah John, Johnathon Day, Herbert Jerry, Jean George</p> <p>ANKAMUTHI Arthur Woosup, Larry Woosup, Robert Dick, Beverley Tamwoy (nee Mamoose), Robbie Sallee, George Ropeyam, Douglas Gibson, Danny Salee, Robert Gibson, Charles Woosup, Ella Cawley (nee Ropeyam)</p> <p>WATHAYN Beatrice Gordon, Lorraine Coconut, William Peinkinna, Stanley Coconut, Gregory Coconut</p>
Contact address	<p>C/- Cape York Land Council Aboriginal Corporation 32 Florence Street CAIRNS QLD 4870</p>

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Party name	Council of the Shire of Aurukun
Contact address	39 Kang Kang Road AURUKUN QLD 4871

Period in which the agreement will operate

Start date	not specified
End date	not specified

Statements of the kind mentioned in ss. 24EB(1) or 24EBA(1) or (4)

Validation of Future Acts

The Comalco Interests, the Other Interests, and the performance of the Comalco Activities to the Registration Date [the date this Agreement is registered] are valid. If any of the Comalco Interests and Other Interests, or the performance of any of the Comalco Activities, have ever been invalid to any extent, the Parties agree to their validation, and that they are taken to be valid and always to have been valid.

["Comalco Interests" are defined in the Agreement and include:

- The Mining Leases and various property interests;
- Any right or interest granted under the Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957 (Qld);

["Other Interests" are defined in the agreement as any SPMPL [Special Perpetual Mining Purposes Lease] granted for any land within the Weipa Township and any title into which it may have been converted, whether held by Comalco or not.]

Right to negotiate – not intended to apply

Subdivision P, division 3 of part 2 of the Native Title Act 1993 (Cwlth) is not intended to apply, and does not apply, to any of the acts consented to or supported in this Agreement including to the renewal, regrant, extension or replacement of the Mining Leases, the grant of any Comalco Interests, or any alterations to any "right to mine" (as the term is used in subdivision P) resulting from environmental requirements, after the Registration Date.

Consent to Future Acts / Extinguishment of native title rights & interests by surrender to the State of Queensland

In relation to Other Interests and New SPMPLs native title has been, or will be, whichever is relevant, extinguished to the land the subject of the grants, and any that has otherwise survived or would otherwise have survived, is surrendered with that intention. The Communities consent to the grant of any New SPMPLs after the Registration Date.

["Communities" refers to the members of a number of Aboriginal Communities as identified in the Agreement.]

If any native title rights presently subsist to all, or a portion of, the Designated Minerals [bauxite and kaolin] either presently within, or previously taken from, the Mining Leases, those native title rights are surrendered with the intention that they be extinguished.

The Communities consent to all acts conferring upon Comalco any of the Comalco Interests listed in subparagraphs (c), (d) and (g) to (l) inclusive of the definition of "Comalco Interests" in clause 1.1 [of the Agreement] after the Registration Date and the performance of the Comalco Activities, regardless of whether those acts affect, or would but for this Agreement, affect native

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title.

In relation to the Ports Corporation [of Queensland], the Communities consent to, after the Registration Date:

- the vesting or grant of any land within the ILUA Area to the Ports Corporation; &
- the conferral on the Ports Corporation or Comalco of all rights necessary to enable:
- the grant of the Comalco Interests, including the grant of any such interest by the Ports Corporation; and
- Comalco to perform the Comalco Activities,

and nothing in this clause is intended to preclude the application of any law concerned with the protection of Aboriginal cultural heritage or environmental protection.

After the Registration Date, the Communities consent to the shipping of goods in and out of Weipa, and to any other points in the Comalco Interests near or adjacent to the sea or any waterway, but only pursuant to the Comalco Interests or for the performance of the Comalco Activities and nothing in this clause is intended to preclude the application of any law concerned with the protection of Aboriginal cultural heritage or environmental protection.

The Communities consent to:

- the construction, operation, use, maintenance or repair of; and
- the conferral of rights or interests on any person with respect to facilities (including but not limited to the facilities listed in Schedule 2) for public purposes in Weipa Township.

[Schedule 2 of the Agreement lists facilities such as roads, bridges, schools, hospitals, pipelines and communication facilities.]

If a Government proposes to do any of the things the subject of the sections referred to in s24AA(4)(e), (f) and (i) of the Native Title Act 1993 (Cwlth), in relation to the ILUA Area and those things directly relate to the Comalco Interests or the performance of the Comalco Activities, then such things are consented to, valid and permitted under and covered by this Agreement.

The [general] support contemplated in clause 3.1 [of the Agreement] includes, subject to this Agreement, requirements that the Communities will [amongst other things]:

- as an alternative to ML 6024, consent to the grant of any interests that may be necessary for Comalco for access to or to transport materials between the areas of land the subject of ML 7024 which are north and south of the Embley River and to enable the construction of any infrastructure required for that access or transportation; or
- if required, consent to any extensions, renewals or replacements of ML 7024 or ML 6024, even though such rights and interests may, notwithstanding the provisions of this Agreement, be Pre-Existing Right-Based Acts [as defined in the Agreement].

[Subject to the payment of compensation and other conditions] the Communities consent to the grant of any rights over the ILUA Area necessary to enable the supply of gas to the Weipa Operations and to lay any related gas pipelines or provide any storage installations and other facilities.

The Communities consent to the creation of any right, title or interest to Aboriginal people determined by agreement or arbitration pursuant to clauses 5.4.1, 5.4.4, or 11 [which relate to the transfer of land to the Traditional Owners subject to conditions].

The Native Title Parties consent to the inclusion of the 2 areas indicated on the map in Attachment 6 in the DOGIT Area subject to terms and conditions as may be agreed between the relevant Traditional Owner Group and the Napranum Aboriginal Council taking into account the residential buildings and rodeo ground constructed on the land. [A copy of the map is available from the Tribunal, see above.]

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Attachments to the entry

[Nil Attachments](#)

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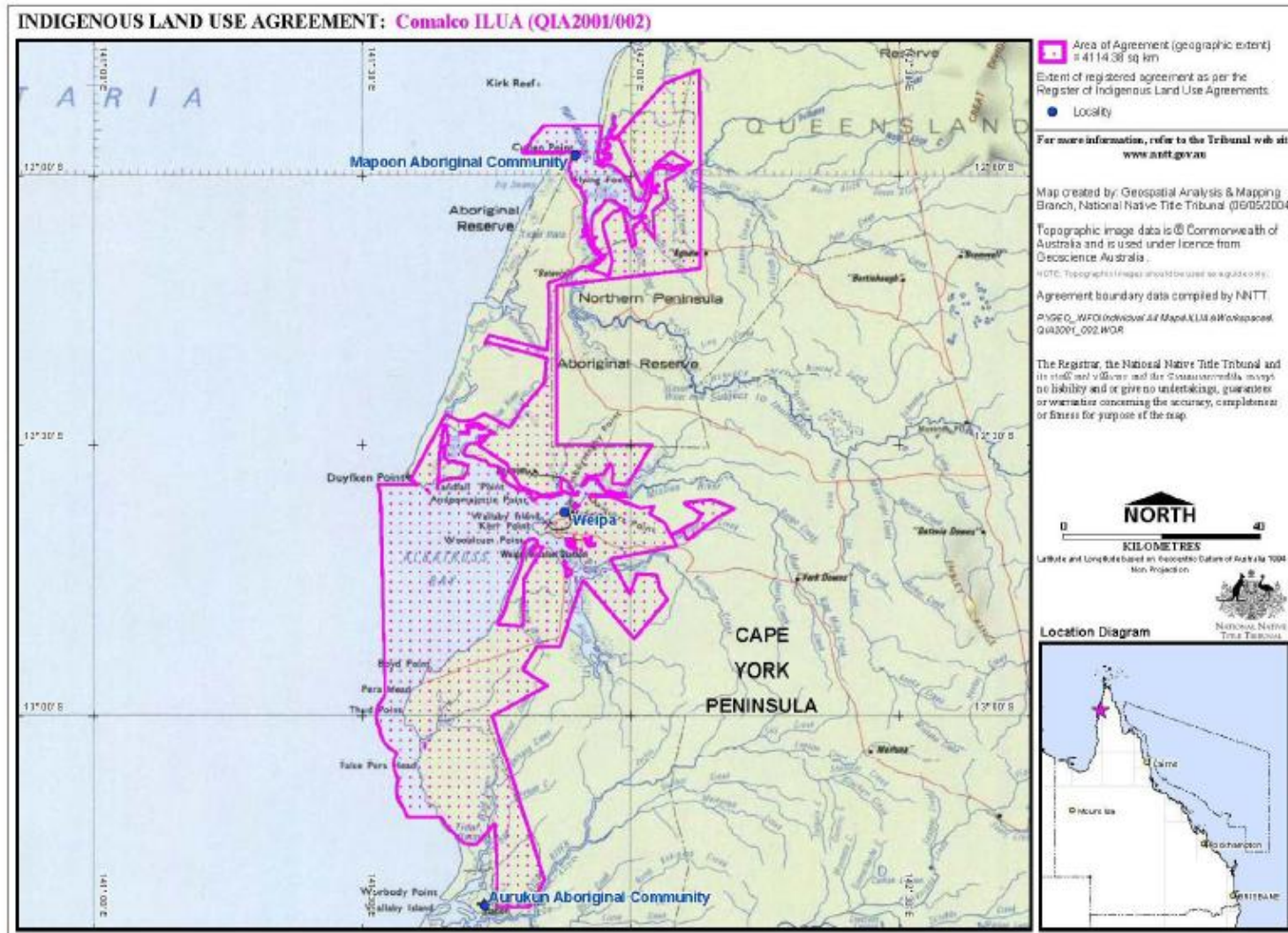


REEL PLANNING
URBAN AND RURAL STRATEGIES

APPENDIX 3

**ILUA AREA OF
AGREEMENT**

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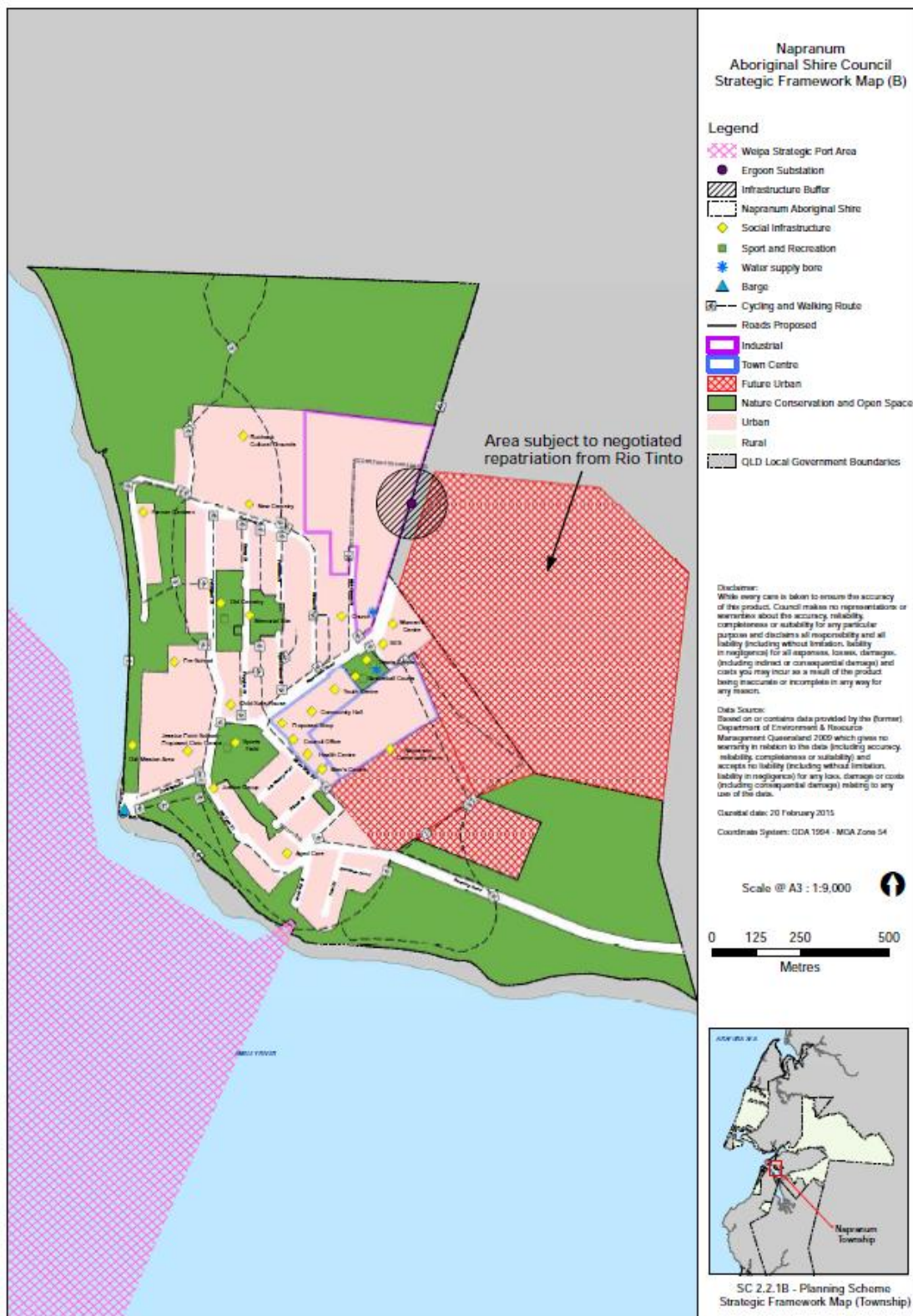


REEL PLANNING
URBAN AND RURAL STRATEGIES

APPENDIX 4

**NAPRANUM ABORIGINAL
SHIRE COUNCIL
STRATEGIC FRAMEWORK
MAP**

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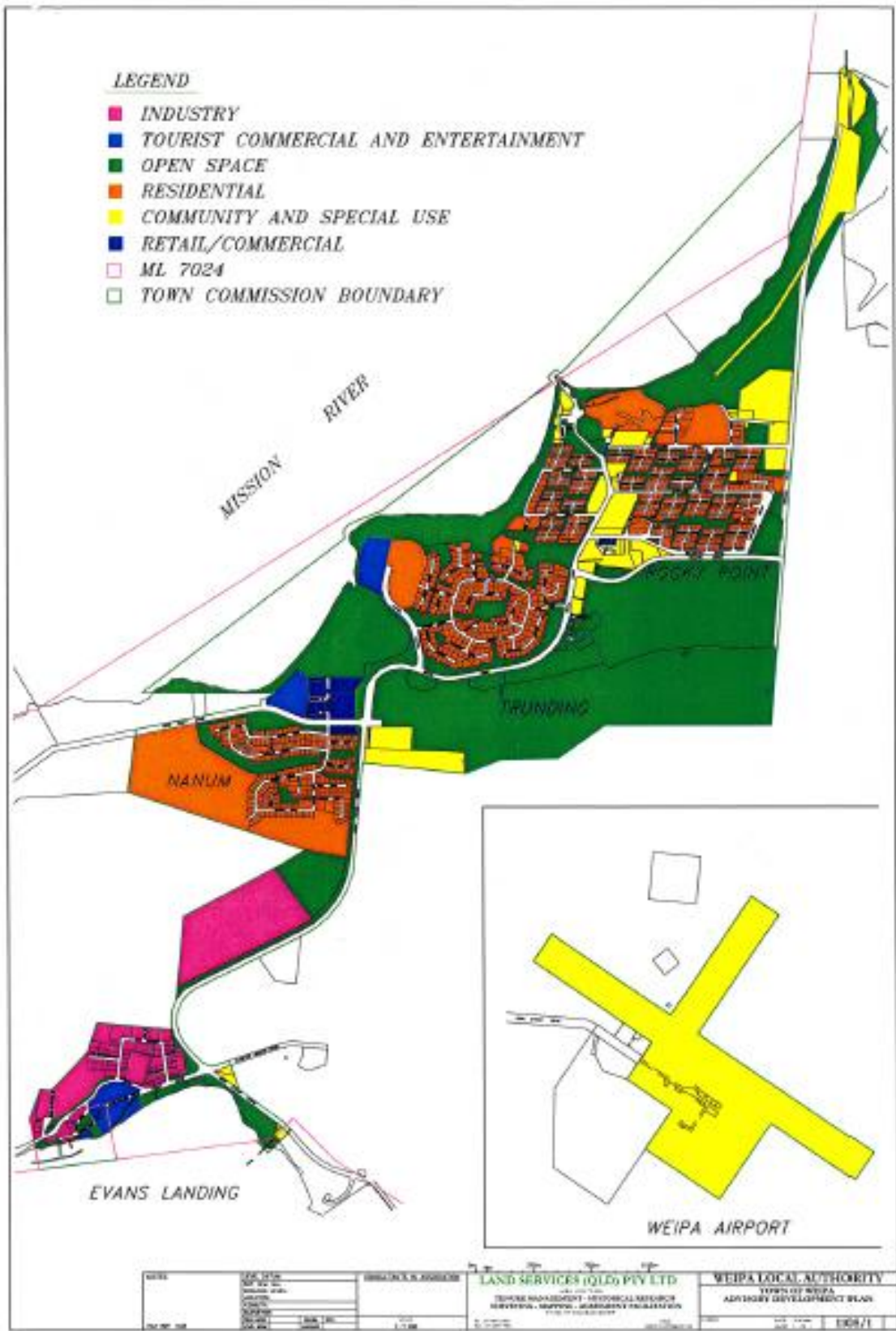


REEL PLANNING
URBAN AND RURAL STRATEGIES

APPENDIX 5

**WEIPA TOWN AUTHORITY
ADVISORY DEVELOPMENT
PLAN MAP**

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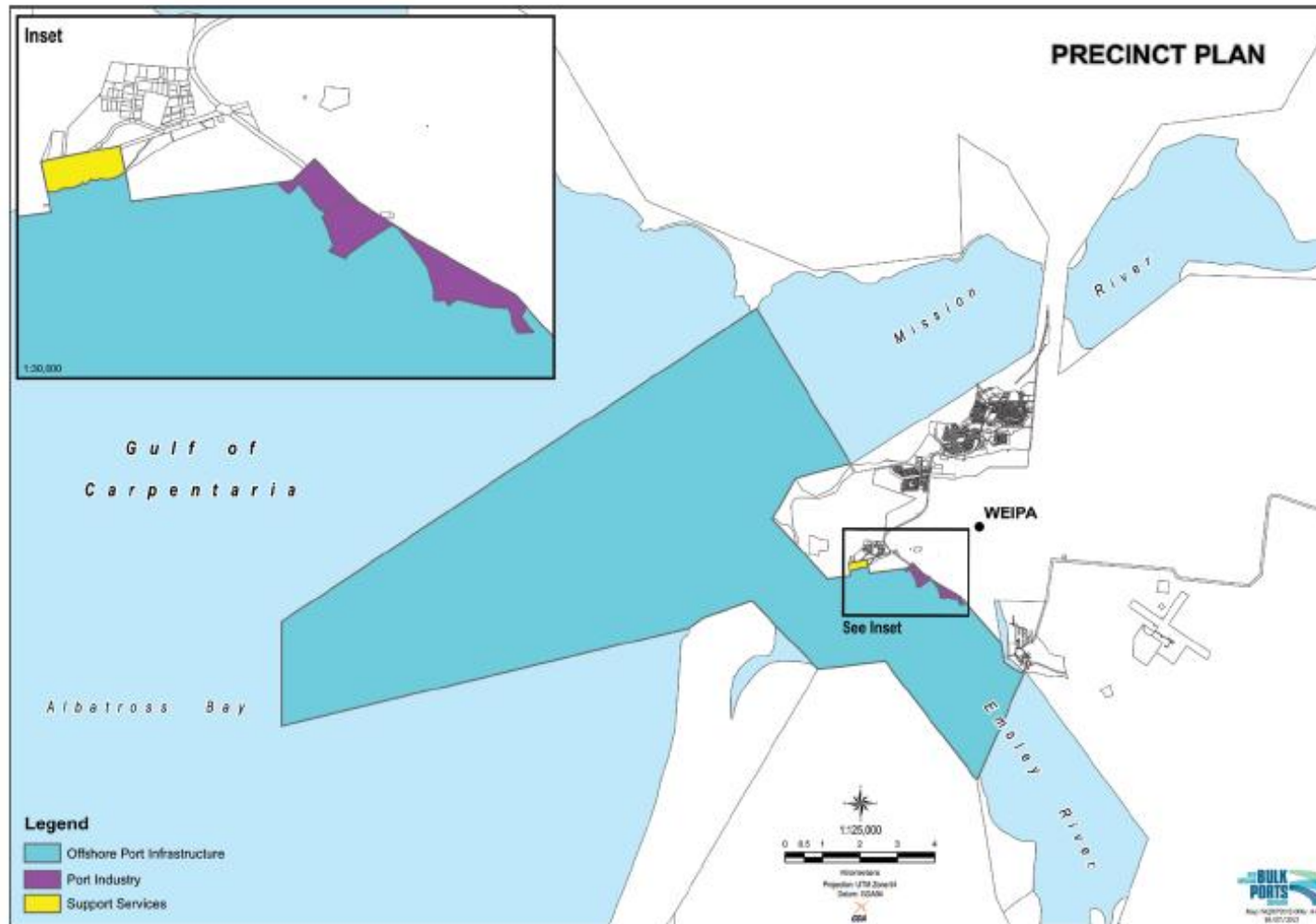
REEL PLANNING
URBAN AND RURAL STRATEGIES

APPENDIX 6

**PORT OF WEIPA LAND
USE PLAN**

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PORT OF WEIPA | LAND USE PLAN

PRECINCT PLAN

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31052	DRAFT PLANNING SCHEME FOR PUBLIC NOTIFICATION	
	<i>Report No.D15/15738 from Reel Planning Pty Ltd</i>	

Cr K Price moved; seconded Cr R Bowman

That, subject to the State endorsement of the changes to the draft planning scheme, Council adopt the draft planning scheme and proceed to public notification.

CARRIED

The draft Planning Scheme has been provisionally approved by the State for public consultation. By letter of 10 March 2015, the Minister of Infrastructure, Local Government and Planning provided a number of conditions requiring Council's attention. This letter was supported by information from the Department in the form of two tables that outlined the relevant State interest or issue, required or recommended changes and the reasons therefore.

Since March there has been significant work involved in amending the planning Scheme to reflect State Interests both in the text of the scheme and in the mapping.

At the July meeting of Council the draft planning scheme (as amended to reflect State Interests) was presented to Council. There were several suggested amendments which have been recorded and will form part of Council's own submission to the scheme when it is on public notification. These were:

- Delete "world" from 3.5.1.1
- Investigate development opportunities within Cook Shire around the town of Weipa (see the separate report on this agenda)
- Investigate introducing a Mixed-use zoning on the northern side of Endeavour Valley Road from the current Rural Residential zoning in the draft (and amend the Strategic Framework map accordingly)
- Question whether the detailed heritage/ character provisions are needed in the planning scheme. This is a matter for consultation with the chamber of commerce and the wider community when the planning scheme is on public display
- Artemis quarry to be reflected on the overlay mapping
- Incorporate interactive mapping off the legend on all scheme mapping
- Investigate Lakeland expansion onto areas mapped as GQAL but which are in reality not high quality agricultural land.

On the 11th and 12th August 2015 Council officers and Reel Planning met with the officers of the State to run through recommended changes to the scheme. This will result in some refinement of the planning scheme provisions. If there are matters of policy relevance these will be brought to the attention of Council by the Director of Planning and Environment at the August meeting.

Recommendation

That, subject the State endorsement of the changes to the draft planning scheme, Council adopt the draft planning scheme and proceed to public notification.

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31053	AYTON WASTE TRANSFER STATION OPERATIONS	
	<i>Report No.D15/15695 from Waste Management Coordinator</i>	

Cr G Shephard moved; seconded Cr A Wilson

Council herein resolves to undertake the following actions and changes:

1. Change the opening hours of Ayton WTS to one day/ week on Saturdays from 11am – 3pm; and
2. Extend kerbside waste collection services within defined collection area to everyone who has requested this irrespective of their land tenure; and
3. Write to Douglas Shire Council explaining:
 - Actual costs incurred by Cook Shire Council for waste disposal at Ayton Waste Transfer Station;
 - Cook Shire Council being unable to subsidize the waste disposal of Douglas Shire ratepayers.
4. Amend Council fees and charges to include a new waste disposal fee at Ayton Waste Transfer Station for residents of Douglas Shire based on the cost recovery options.

CARRIED

Précis

To date Ayton Waste Transfer Station (WTS) has been servicing two Shires – Douglas Shire and Cook Shire. The expenditure for running of the facility has been shared based on the usage level. With the introduction of kerbside service in Bloomfield/ Ayton region, the waste received from Cook Shire has dramatically reduced. Douglas Shire on the other hand is considering withdrawing from the Contract and leaving waste disposal fees to their ratepayers.

The decision in this matter had been deferred pending further investigation.

Background/History

In November 2013 Cook Shire Council and Douglas Shire Council (former Cairns Regional Council) formalized the utilization of Ayton Waste Transfer Station in service level agreement (SLA).

In January 2015 Cook Shire Council introduced a kerbside refuse collection service in Ayton and Bloomfield. Eight (8) ratepayers collected wheelie bins in anticipation of the service which was denied due to their land tenure. They were allowed to keep the wheelie bins. An additional two (2) ratepayers have submitted an official request for service. This has also been denied.

In June 2015 Douglas Shire Council has resolved to exclude commercial premises such as Bloomfield Lodge from this agreement. Bloomfield River Lodge became liable for their waste disposal fees in July 2015.

Douglas Shire is conducting further community consultation regarding the waste disposal options with following options being available to the ratepayers:

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- Ratepayers will continue paying a fee through their rates for waste disposal. The fee will increase if this is the preferred option;
- Ratepayers will cover their own waste disposal costs whilst utilising the facility.

This consultation is due to be completed on August 31, 2015.

Cook Shire Council has contacted Wujal Wujal Shire Council with a proposal to utilise Wujal Wujal Council's Waste Transfer Station. Wujal Wujal Shire Council doesn't operate a public waste transfer station but a local waste depot. No putrescibles waste is accepted. All of the general waste is disposed through the kerbside collection service. Tyres, construction and demolition waste as well as white goods requiring degassing are taken to Cooktown Waste Transfer Station for disposal. Only scrap metal and lead acid batteries remain on site.

Bloomfield River Lodge will close on September 1, 2015. It is unknown if and when it will reopen.

Waste delivered to Ayton WTS since January 2015

Row Labels	Values		Sum of BLOOMFIELD LODGE	Sum of VISITS
	Douglas Shire	Cook Shire		
1	4.7	5.05	3.75	42
2	1.9	2.2	3.5	23
3	1.9	2.17	5.2	22
4	4.9	4.04	5	30
5	1.6	2.5	7.25	23
6	2.6	1.8	6.75	18
7	6.2	2.65	7	28
Grand Total	23.8	20.41	38.45	186

Total Volume excl Bloomfield Lodge	44.21m ³
Proportion of Douglas Shire	~54%
Proportion of Cook Shire	~46%
Sum of Visits Excl Bloomfield Lodge	161
o Volume per visit (excl Bloomfield Lodge)	0.27m ³

Annual Expenditure to Operate Ayton Waste Transfer Station

It is estimated that after the closure of Bloomfield Lodge 88m³ of waste will be delivered to Ayton Waste Transfer Station annually. 54% of that waste will be delivered from Douglas Shire.

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	Scenario 1 – Opened 2 days/ week	Scenario 2 – Opened 1 day/ week
Annual expenditure	\$32,200	\$23,300
Fee for full cost recovery based on the above delivery details	\$365.91/ m ³	\$264.77/ m ³
Cook Shire Council approved disposal fee 2015/2016	\$50.91/ m ³	
Cook Shire Council subsidizing Douglas Shire waste/ annum	\$15,000	\$10,200

Link to Corporate Plan

Cook Shire Councils Corporate Plan 2012-2017 - 4.2 Environmental Wellbeing

4.2.2 d) Match expenditure on assets against requirement for core service provision.

Consultation

- Cook Shire Councillors
- Abbey Belcher, Technical Officer Douglas Shire Council
- Jaime Guedes, Technical Officer Wujal Wujal Aboriginal Shire Council
- Bloomfield River Lodge
- Mark Marziale, Director of Planning and Environment
- John Duncan, Independent Contractor, Ayton WTS

Legal Implications (Statutory, basis, legal risks)

NIL

Policy Implications

NIL

Financial and Resource Implications (Budgetary)/Risk Assessment

Scenario 1

	Ayton Total	Proportion of Douglas Shire	Proportion of Cook Shire
Expenditure	\$32,200	\$17,388	\$14,812
Revenue	\$4,500	\$2450	\$2,050
Subsidy/ Loss	\$27,700	\$14,950	\$12,750

Scenario 2

	Ayton Total	Proportion of Douglas Shire	Proportion of Cook Shire
Expenditure	\$23,300	\$12,852	\$10,718
Revenue	\$4,500	\$2450	\$2,050
Subsidy/ Loss	\$18,800	\$10,132	\$8,668

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Cost Recovery Options

Percentage of cost recovery	Scenario 1	Scenario 2
	Disposal fee/ m ³ (GST excl)	
100%	\$365.91	\$264.77
80%	\$289.80	\$214.20
60%	\$217.35	\$160.65
40%	\$144.90	\$107.10
20%	\$72.45	\$53.55
19%	-	\$50.91*
14%	\$50.91*	-

**Current Council approved waste disposal fee.*

Operating a facility once per week will save Cook Shire Council approximately \$8,900 annually.

Extending kerbside service to ten (10) ratepayers who have requested this will generate additional revenue of \$890.91/ annum.

RECOMMENDATION

Council herein resolves to undertake the following actions and changes:

5. Change the opening hours of Ayton WTS to one day/ week on Saturdays from 11am – 3pm; and
6. Extend kerbside waste collection services within defined collection area to everyone who has requested this irrespective of their land tenure; and
7. Write to Douglas Shire Council explaining:
 - Actual costs incurred by Cook Shire Council for waste disposal at Ayton Waste Transfer Station;
 - Cook Shire Council being unable to subsidize the waste disposal of Douglas Shire ratepayers.
8. Amend Council fees and charges to include a new waste disposal fee at Ayton Waste Transfer Station for residents of Douglas Shire based on the above cost recovery options.

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31054	TRADE WASTE DISCHARGE AND DISPOSAL IN COOK SHIRE	
	<i>Report No.D15/15744 from Waste Management Coordinator</i>	

Cr R Bowman moved; seconded Cr A Wilson

Council herein resolves to undertake the following actions and changes:

- 1) Audit all the grease traps and oil separators in Cook Shire biannually to determine their capacity and functionality;
- 2) Increase the service frequency in existing trade waste permits where required to reflect typical service requirements;
- 3) Issue show cause notices to trade waste permit holders/ applicants to obtain reasons why they have not complied with their trade waste permit requirements such as service frequency;
- 4) Issue 2015/16 trade waste permits after grease trap and oil separator audits have been conducted and service frequency has been amended;
- 5) Issue show cause notices to 16 businesses who have not applied for renewal of trade waste permit to obtain reasons why they have not complied with the conditions of *Water Supply Act 2008*.

CARRIED

Précis

In 2014/2015 Cook Shire Council has issued 28 trade waste permit renewal letters. Only 14 applications for trade waste discharge were received. This means that there are a number of businesses in the Shire discharging their trade waste without the permit. This is an offence under *Water Supply Act 2008*.

It has also come to attention that none of the trade waste permit holders comply with their licence conditions for service frequency of their grease traps.

Background/History

“*Trade Waste*” is defined in Schedule 3 of *Water Supply Act 2008* (Water Act).

“*Trade waste means water-borne waste from business, trade or manufacturing premises, other than-*

- (a) *waste that is a prohibited substance; or*
- (b) *human waste; or*
- (c) *stormwater.*”

Water Act outlines the trade waste discharge approvals and conditions. Chapter 1 Part 6 Section 193 of the Water Act states:

“*A person must not discharge trade waste or seepage water into a sewerage service provider’s infrastructure without the sewerage provider’s approval under section 180.*”

Section 181 of the Water Act outlines conditions of the approvals:

“*The sewerage service provider may give a trade waste approval or seepage water approval on conditions, including, for example, conditions about 1 or more of the following—*

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- (a) the maximum daily quantity of trade waste or seepage water that may be discharged;*
- (b) the maximum permissible rate of the discharge;*
- (c) the permissible limits for the quality of the waste or seepage water, including limits for suspended solids, biochemical oxygen demand, acidity, alkalinity and salinity;*
- (d) whether the waste or seepage water must be treated before being discharged into the sewerage service provider's sewerage;*
- (e) the appropriate management of polluted areas, including, for example, conditions requiring—*
 - (i) the building of a roof over a stated area to prevent rainwater entering a sanitary drain or sewer; or*
 - (ii) the paving of the floor of a stated area with an approved impervious material and to a stated grade to an outlet; or*
 - (iii) the installation of an arrester or pre-treatment device;*
- (f) works that must be constructed to treat or store the waste or seepage water”*

Pre-treatment equipment becomes progressively less efficient as grease, oil and sludge accumulate. The equipment requires regular cleaning and maintenance to prevent blockages, odour problems and health hazards.

Sewage plant operators have noticed layers of grease seeping into Cooktown sewage treatment plant. This is damaging already vulnerable sewage system and reducing the quality of biosolids.

All of the above resulted in further investigation of grease traps in Cook Shire.

A grease trap represents a significant investment in the pre-treatment of wastewater. The main waste it retains is grease, oils and food solids which in turn prevents it from entering the sewerage systems over the time span between each complete pump out. Failure to service grease trap correctly, or at the determined frequency is a waste of resources and effort as well as placing greater load on Council's sewerage system and the environment.

Council has set pre-treatment of trade waste as a condition for trade waste discharge. Pre-treatment equipment as well as servicing frequency is outlined in each individual Council issued trade waste permit.

Recent findings have shown that trade waste permit holders do not comply with their licence conditions. This is evident through the number of waste tracking documents received for waste disposal.

Grease trap waste is listed as a regulated waste under the *Environmental Protection Regulation 2008* (The Regulation). Waste tracking information has to be submitted to the Department of Environment and Heritage Protection (the Department) in accordance with Part 9 of the Regulation. Waste tracking certificate has 3 parts which must be completed:

- Part 1 is completed by waste generator (in this instance trade waste permit holder);
- Part 2 is completed by waste transporter who has to be licenced to transport regulated waste under the *Environmental Protection Act 1994* (the EP Act).

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- Part 3 is completed by receiving agency which in this instance is Cooktown Waste Transfer Station.

Each waste tracking certificate comes in five (5) coloured copies:

- Green copy with parts 1 and 2 completed is retained by waste generator;
- Pink copy with parts 1 and 2 completed is submitted to the Department by waste generator;
- Blue copy with all parts completed is retained by waste transporter;
- Yellow copy with all parts completed is retained by waste receiver;
- White copy with all parts completed is submitted to the Department by waste receiver.

Waste tracking certificates for grease trap waste disposal had been collated into an excel spreadsheet against each business holding (or should be holding) a trade waste permit.

The results are attached in Appendix 1.

You can observe following findings in Appendix 1:

Action	Trade Waste Permit requirement	Actual Service Provided	Difference
Capacity of grease traps (if known)	105,400L	65,825L	39,575L
Trinity Petroleum	Doesn't hold a permit	1,210L (2)	-1,210L
Collections per annum	228	81	147
Renewal letters and applications received	29	14	15

Based on the above 16 businesses are discharging their trade waste without a permit. This is an offence under Water Act. Maximum penalty for this offence under the Water Act is 1665 penalty units (PIN).

State Penalties Enforcement Regulation 2014 regulates the number of penalty units a local government officer can issue to corporation. Schedule 1 of *State Penalties Enforcement Regulation 2014* gives local governments officers an authority to issue PIN's under the Water Act. Local Government can issue an infringement to corporation under the Water act for 20 penalty units.

The PIN value in Queensland is \$117.80 (current from 1 July 2015).

147 collections have been missed throughout the year which indicates that service frequency doesn't comply with the permit requirement. This result in difference in volume collected. Be aware that volume collected includes water used to hose down the grease trap after the service.

A grease trap must be pumped out completely and the internal surfaces scraped and/or hosed off during the pump out procedure. The service of grease traps is necessary to clean the trap of coagulated grease, food solids and any other particles which could block or obstruct outlet pipe.

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In Appendix 1 it is evident that the grease traps are hosed off after the pump out as there is more waste disposed of per service than the capacity of the grease trap. It is estimated that amount of water used to hose down the grease trap is approximately 10% of the grease trap capacity.

TYPICAL GREASE TRAP SERVICE FREQUENCY TABLE

BUSINESS CATAGORY	BUSINESS TYPE	GREASE TRAP SIZE (LITRES)					W E E K L Y S E R V I C E F R E Q U E N C Y
		<550	550 - 1000	1001 - 1500	1501 - 2500	2500 >	
PLATED MEALS	Restaurants > 20 seats Cafes > 20 seats Food halls	2 weeks	4 weeks	6 weeks	6 – 8 weeks	To be assessed	
PLATED MEALS	Taverns/Hotels Function Centres Hospitals Aged Care facilities Food Manufacturing	2 weeks	4 weeks	6 weeks	6 - 8 weeks	To be assessed	
TAKE-AWAY FOOD	Lunch Bars Fish & Chips Hamburgers Delicatessen Supermarkets Butchers Bakers Restaurants <21 seats Cafes <21 seats	4 weeks	6 weeks	8 weeks	10 – 12 weeks	To be assessed	
	Quick Service Restaurant	2 weeks	2 – 4 weeks	4 weeks	4 – 6 weeks	To be assessed	

Based on the above guideline current service frequency of grease traps in some cases is insufficient. Suggested service frequency for grease traps in Cook Shire is attached in Appendix 2.

Link to Corporate Plan

- 4.2 Environmental Wellbeing;
- 4.6 Infrastructure, Transport and Services.

Consultation

- Ash Cook, Master Plumber
- Les Treloar, Sewage Plant Operator
- Mark Marziale, Director of Planning and Environment

Legal Implications (Statutory, basis, legal risks)

- *Water Supply Act 2008*
- *Environmental Protection Act 1994*
- *Environmental protection Regulation 2008*
- *State Penalties Enforcement Regulation 2014*

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Policy Implications

Trade Waste Policy (adopted May 2013)

Financial and Resource Implications (Budgetary)/Risk Assessment

Financial implications for damaging of sewage systems may be catastrophic.

Missed revenue through lack of permit applications 2014/15	\$2,832
Missed revenue through waste disposal fees in 2014/15	\$3,000
Additional revenue through disposal fees in 2015/16	\$12,100

RECOMMENDATION

Council herein resolves to undertake the following actions and changes:

- 6) Audit all the grease traps and oil separators in Cook Shire biannually to determine their capacity and functionality;
- 7) Increase the service frequency in existing trade waste permits where required to reflect typical service requirements;
- 8) Issue show cause notices to trade waste permit holders/ applicants to obtain reasons why they have not complied with their trade waste permit requirements such as service frequency;
- 9) Issue 2015/16 trade waste permits after grease trap and oil separator audits have been conducted and service frequency has been amended;
- 10) Issue show cause notices to 16 businesses who have not applied for renewal of trade waste permit to obtain reasons why they have not complied with the conditions of *Water Supply Act 2008*.

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Appendix 1 – Waste Tracking certificates Received for 2014/15

TOWN	PROPERTY DESCRIPTOR	Renewal	Application received	CAPACITY	PUMP FREQUENCY	Services/ annum	Total Volume	Volume Pumped July	Volume Pumped Aug	Volume Pumped Sept	Volume Pumped Oct	Volume Pumped Nov	Volume Pumped Dec	Volume Pumped Jan	Volume Pumped Feb	Volume Pumped Marc	Volume Pumped April	Volume Pumped May	Volume Pumped June	Total Volume Pumped 2014/15	Difference in Volume	Collections in 2014/15	Difference in Number of Collections
Cooktown	Depot				Quarterly	4														0	0	0	4
Laura	Quinkin Hotel Laura			550			0													0	0	0	0
Cooktown	Inn	D14/6419		550	Quarterly	4	2200													0	2200	0	4
Cooktown	Bistro	D14/6421	SD14/4802	1000	Monthly	12	12000	1100	1100	1100	1100	1100		1100				1500	1500	9600	2400	7	5
Cooktown	Tyres	D14/6422	SD14/3771		Monthly	12	0							1100	700			1000	1000	4900	-4900	5	7
Cooktown	coffee shop	D14/6423		550	Quarterly	4	2200					605		605						1210	990	2	2
Coen	Cultural	D14/6425		500	Quarterly	4	2000													0	2000	0	4
Cooktown	Landing	D14/6426		250	Monthly	12	3000	275	275	275	275	275		275					275	1925	1075	6	6
Cooktown	Bakery	D14/6420		250	Monthly	12	3000	750	275	275	275	275		275					275	2400	600	6	6
Cooktown	Events	D14/6405		2000			0	1100												1100	-1100	1	-1
Cooktown	Hospital	D14/6427	SD14/3662	500	Monthly	12	6000	1100	1100	1100	1100	1100		1100					1100	7700	-1700	6	6
Cooktown	Hotel (Top	D14/6428	SD14/4354	550	Monthly	12	6600					605		605				800	700	2710	3890	4	8
Cooktown	Quality	D14/6429		1000	Two Months	6	6000					1100		1100						2200	3800	2	4
Coen	Corner Café	D14/6430	SD14/4505	550			0													0	0	0	0
Coen	D&R Community			1500			0													0	0	0	0
Coen	energy	D14/6404			Quarterly	4														0	0	0	4
Cooktown	Ergon energy	D14/6404	SD14/3638																	0	0	0	0
Coen	Hotel Coen	D14/6406		550	Quarterly	4	2200													0	2200	0	4
Cooktown	Rescue	D14/6407	SD14/3480	250	Quarterly	4	1000													0	1000	0	4
CookTown	Gill'd'n	D14/6408		550	Monthly	12	6600	1100	1100	1100	1100	1100		1100					1100	7700	-1100	6	6
Cooktown	Guest	D14/6409		550	Monthly	12	6600													0	6600	0	12
Cooktown	Natures power						0													0	0	0	0
Cooktown	Backpackers	D14/6418	SD14/3741	250	Monthly	12	3000	600												600	2400	1	11
Cooktown	Gold Motel	D14/6412	D14/9253	200	Monthly	12	2400	550	550	550	550	550		550					550	3850	-1450	6	6
Cooktown	Seagrens Inn	D14/6414	SD14/3934	250	Monthly	12	3000													0	3000	0	12
Cooktown	Motel	D14/6415		550	Quarterly	4	2200	1100		1100									1100	3300	-1100	2	2
Cooktown	Resort	D14/6416	SD14/3884	250	Monthly	12	3000	275	275	275	275	275		275				320	275	2245	755	7	5
Cooktown	IGA	D14/6410	SD14/5563	1000	Fortnightly	26	26000	1100	1100	1100	1100	1100		1100				1500	1500	9600	16400	7	19
Cooktown	Club (Big 4)	D14/6424	SD14/3885	550	Quarterly	4	2200													0	2200	0	4
Cooktown	Cooktown	D14/6496	SD14/4187	100	Monthly	12	1200	275	275	275	275	275		275					275	1925	-725	6	6
Cooktown	RSL	D14/6413			Closed	N/A																	
Cooktown	Hotel	D14/6417			Closed	N/A																	
Cooktown	(ex Reef	D14/6411		250	Monthly	12	3000	275	275	275	275	275		275						1650	1350	5	7
	Petroleum						0					605		605						1210	-1210	2	-2
TOTAL				15050		228	105400	9600	6325	7425	6325	10340	0	10340	700	0	0	5120	9650	65825	37375	81	147

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Appendix 2 – Suggested Service Frequency for Grease Traps in Cook Shire

TOWN	PROPERTY DESCRIPTION	Business Type	CAPACITY	Typical Pump Frequency	Volume pumped at typical frequency	Current Pump Frequency	Volume pumped at current frequency	Difference between typical and current volumes
Cooktown	Gungarde Depot	Mechanical/ Truck Wash		unspecified		Quarterly	0	0
Laura	Quinkin Hotel Laura (on-site)	Tavern/ Hotel	550	Monthly	6600			6600
Cooktown	Alamanda Inn	Tavern/ Hotel	550	Monthly	6600	Quarterly	2200	4400
Cooktown	Bowls Club Bistro	Restaurant Seats >20	1000	Monthly	12000	Monthly	12000	0
Cooktown	Cape York Tyres	Mechanical/ Truck Wash		unspecified		Monthly	0	0
Cooktown	Capers-coffee shop	Café Seats >20	550	Monthly	6600	Quarterly	2200	4400
Coen	Coen Cultural Centre	Function centre	500	Monthly	6000	Quarterly	2000	4000
Cooktown	Cooks Landing	Fish and Chips	250	Fortnightly	6500	Monthly	3000	3500
Cooktown	Cooktown Bakery	Bakery/ Chips	250	Fortnightly	6500	Monthly	3000	3500
Cooktown	Cooktown Events Centre	Function centre	2000	8 weeks	13000			13000
Cooktown	Cooktown Hospital	Hospital	500	Fortnightly	13000	Monthly	6000	7000
Cooktown	Cooktown Hotel (Top pub)	Tavern/ Hotel	550	Monthly	6600	Monthly	6600	0
Cooktown	Cooktown Quality Meats	Butcher	1000	6 weeks	8667	Two Months	6000	2666.666667
Coen	Corner Café	Fish and Chips	550	Monthly	6600			6600
Coen	D&R. Community Services PTY. LTD	Child Care Facility	1500	unspecified				0
Coen	Ergon energy depot Coen	Electricity Depot		unspecified		Quarterly	0	0
Cooktown	Ergon energy depot Cooktown	Truck Wash		unspecified				0
Coen	Exchange Hotel Coen	Tavern/ Hotel	550	Monthly	6600	Quarterly	2200	4400
Cooktown	Fire and Rescue Cooktown	Truck Wash	250	unspecified		Quarterly	1000	-1000
Cooktown	Gill'd'n Gutt'd & Fishermens Wharf	Fish and Chips	550	Monthly	6600	Monthly	6600	0
Cooktown	Hillcrest Guest House	Tavern/ Hotel	550	Monthly	6600	Monthly	6600	0
Cooktown	Natures power house gift & coffee	Café Seats >20						0
Cooktown	Pams Place Backpackers	Tavern/ Hotel	250	Fortnightly	6500	Monthly	3000	3500
Cooktown	River of Gold Motel	Tavern/ Hotel/ Restaurant Seats >200	200	Fortnightly	5200	Monthly	2400	2800
Cooktown	Seagrens Inn	Restaurant Seats >20	250	Fortnightly	6500	Monthly	3000	3500
Cooktown	Seaview Motel	Tavern/ Hotel	550	Monthly	6600	Quarterly	2200	4400
Cooktown	Sovereign Resort Hotel	Tavern/ Hotel/ Restaurant Seats >250	250	Fortnightly	6500	Monthly	3000	3500
Cooktown	Supermarket IGA (Cornett's)	Supermarket	1000	6 weeks	8667	Fortnightly	26000	-17333.33333
Cooktown	The Clover Club (Big 4)	Caravan Park	550	unspecified		Quarterly	2200	-2200
Cooktown	The Cooktown Café	Fish and Chips, Hamburgers	100	Weekly	5200	Monthly	1200	4000
Cooktown	Cooktown RSL	Restaurant Seats >20	Closed			N/A		0
Cooktown	West Coast Hotel	Tavern/ Hotel/ Restaurant Seats >200	Closed			N/A		0
Cooktown	The Italian (ex Reef cafe)	Restaurant Seats >20	250	Fortnightly	6500	Monthly	3000	3500
	Trinity Petroleum (Mobile)	Petrol Station		unspecified				0
TOTAL (L)			15050		170133.3333		105400	64733.33333

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LAND TENURE

31055	APPLICATION FOR AMALGAMATION OF TERM LEASE 215287 (LOTS 27, 29, 30, 37, 39, 42 AND 43 ON PLAN BK808310) INTO 3 LOTS: FRONTING UNNAMED ROAD AND MINKE ROAD.	
	<i>Report No.D15/15715 from Land Tenure Officer File No. 2.16.15; 2.287.2 (629).</i>	

Cr R Bowman moved; seconded Cr G Shephard

1. The lessee of Term Lease 215287 being Lots 27, 29, 30, 37, 39, 42 and 43 on Plan BK808310 be advised that Council supports the amalgamation of these lots into three (3) lots as set out below and depicted on submitted plan "Proposed Amalgamation", subject to the provision of a thirty (30) meter wide esplanade along the northern bank of Three Mile Creek and the western bank of Eight Mile Creek as depicted on submitted Plan CAD FILE 3-8 MILE Ck 10-12.wor;
 - Lot 1 (Lots 27,29 and 30)
 - Lot 2 (Lots 39, 42 and 43)
 - Lot 3 (Lot 37)
2. Council's letter of support to the lessee is cc'd to the Department of Natural Resources and Mines.

CARRIED

Précis

1. Council support the amalgamation of term lease from seven lots to three lots.

Background/History

2. By letter dated 28 July 2015, Council was advised by the registered lessee of Term Lease 215287 ("TL") that it was applying to the Department of Natural Resources and Mines ("DNRM") to amalgamate Lots 27, 29, 30, 37, 39, 42 and 43 on plan BK808310 into three lots and requested Council provide them with a letter of non-objection to the application.
3. The attached "Proposed Amalgamation" plan indicates the amalgamation as;
 - Lot 1 (Lots 27,29 and 30)
 - Lot 2 (Lots 39, 42 and 43)
 - Lot 3 (Lot 37)
4. The lessee has verbally advised Council that currently several lots are unable to be built on due to flooding. With the amalgamation each of the proposed lots would have suitable building envelopes.

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5. Further, once the amalgamation is finalised the lessee proposes to again make application to DNRM to convert the lease to freehold.
6. DNRM advise that the amalgamation of lots would not change the lease.
7. Council has previously considered applications from the lessee to DNRM.
8. At its November 2012 meeting Council considered an application for the conversion of TL 205287, Lots 27, 29, 30, 37, 39, 42 and 43 on Plan BK808310. Vide Resolution No. 30391 and in accordance with Council's Policy on the issue, Council resolved to support the conversion of TL 215287 to freehold tenure, subject to the provision of a thirty (30) meter wide esplanade along the northern bank of Three Mile Creek and the western bank of Eight Mile Creek. See attached Plan CAD FILE 3-8 MILE Ck 10-12.wor.
9. By letter dated 30 June 2014, DNRM advised that in response to its offer to the lessees for conversion of TL 21587 to freehold tenure, the lessees had advised they would not be accepting the Departments offer as made and had proposed conversion of Lot 29 only, with retention of Lots 37, 39, 42 and 43 under leasehold tenure with the absolute surrender of Lots 27 and 30 from the lease area.
10. DNRM continued that based on Council's original view and comments relating to Lots 27 and 30 i.e. the requirement of provision of a thirty (30) metre wide esplanade within both Lots along the bank of the creek), it is considered that should Lots 27 & 30 be surrendered from the lease area, a reserve for Community purposes (e.g. 'buffer zone and/or environmental purposes) would be the most appropriate tenure for these Lots – if Council accepts trusteeship this would be at no cost to Council.
11. Council at its September 2014 meeting resolved to support the conversion of Lot 29, the amendment to exclude Lots 27 and 30 from the term lease, and accept trusteeship of the proposed reserves at no cost to Council.
12. The lessee has until 31 August 2015 to accept DNRM's latest offer – which the lessee applied for – or the offer will be withdrawn. The lessee's new application may be considered by DNRM if lodged by this date.
13. Neither Engineering Services or Planning and Environment have any objections to the amalgamation.
14. Councils requirement for the provision of a thirty (30) meter wide esplanade along the northern bank of Three Mile Creek and the western bank of Eight Mile Creek (para 8) was not considered by the State as, "TL 215287 was currently in a fully surveyed state and no further survey requirements will form part of an offer requirements to the lessee and that should Council require part of the land for road (esplanade) purposes, Council will need to acquire the land".
15. If the lessee's new application for amalgamation is approved resurvey of the lots could be required, Council's requirement for the provision of thirty (30) meter wide esplanades along both creek frontages at no cost to Council should be reiterated - this

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is in accordance with Council's Policy on the issue, reaffirmed at the October 2012 Council Meeting.

16. The following recommendations are submitted for Council's consideration.

Link to Corporate Plan

17. Key issues; 4.2 Environmental Wellbeing; 4.3 Sport and Recreation Facilities and Public Access; and 4.5 Cultural Heritage, Land Tenure, Native Title and Indigenous Land Use Negotiations.

Consultation

18. Internal and Departmental.

Legal Implications (Statutory, basis, legal risks)

19. Nil.

Policy Implications

20. Nil - in accordance with policy position.

Financial and Resource Implications (Budgetary)

21. Nil.

RECOMMENDATION

3. The lessee of Term Lease 215287 being Lots 27, 29, 30, 37, 39, 42 and 43 on Plan BK808310 be advised that Council supports the amalgamation of these lots into three (3) lots as set out below and depicted on submitted plan "Proposed Amalgamation", subject to the provision of a thirty (30) meter wide esplanade along the northern bank of Three Mile Creek and the western bank of Eight Mile Creek as depicted on submitted Plan CAD FILE 3-8 MILE Ck 10-12.wor;

- Lot 1 (Lots 27,29 and 30)
- Lot 2 (Lots 39, 42 and 43)
- Lot 3 (Lot 37)

4. Council's letter of support to the lessee is cc'd to the Department of Natural Resources and Mines.

Att.

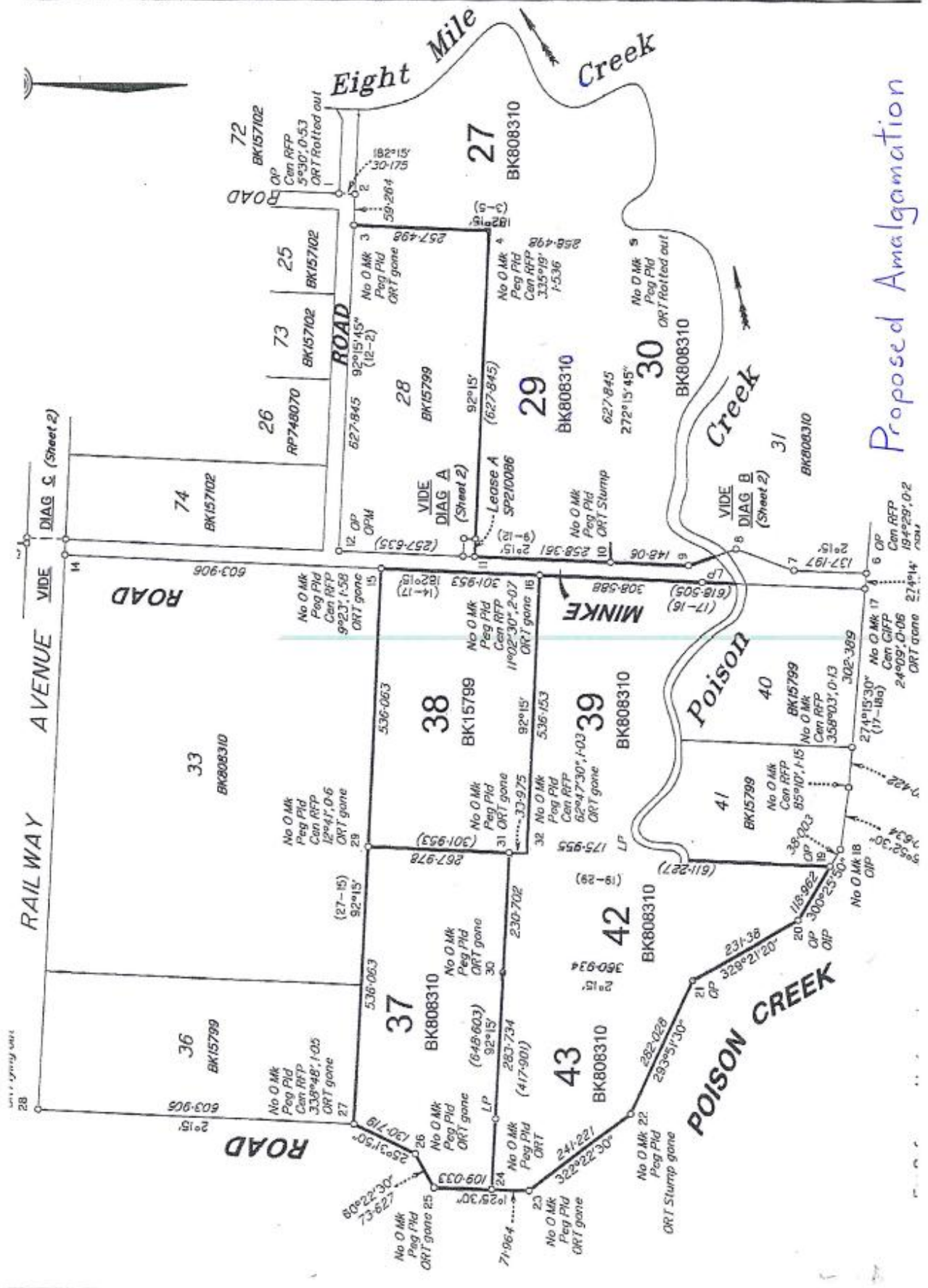
Proposed Amalgamation

SmartMap

Google Earth

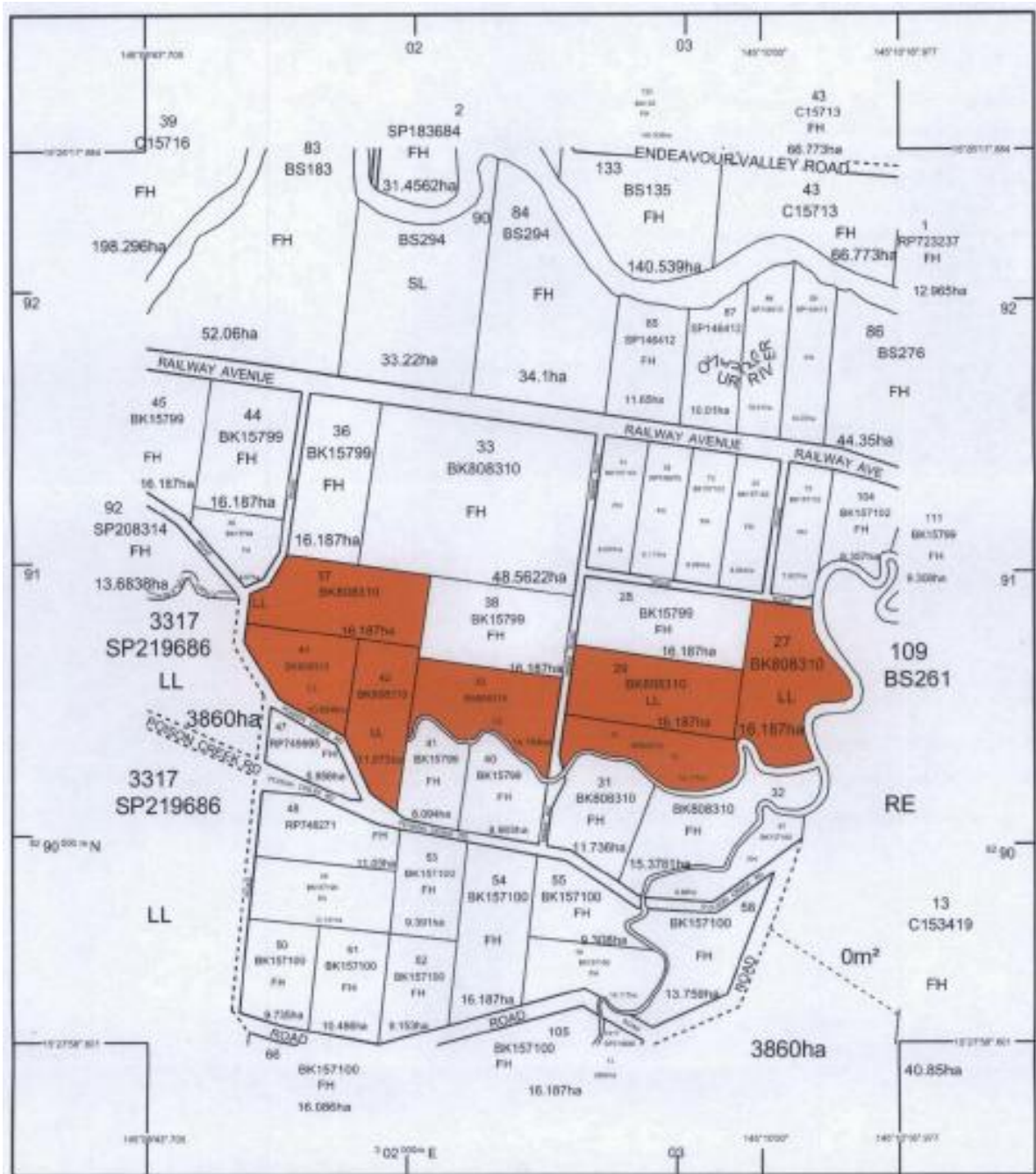
Plan CAD FILE 3-8 MILE Ck 10-12.wor

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Proposed Amalgamation

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STANDARD MAP NUMBER
7967-32314

HORIZONTAL DATUM: GDA84 ZONE: 50 SCALE: 1:28000

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

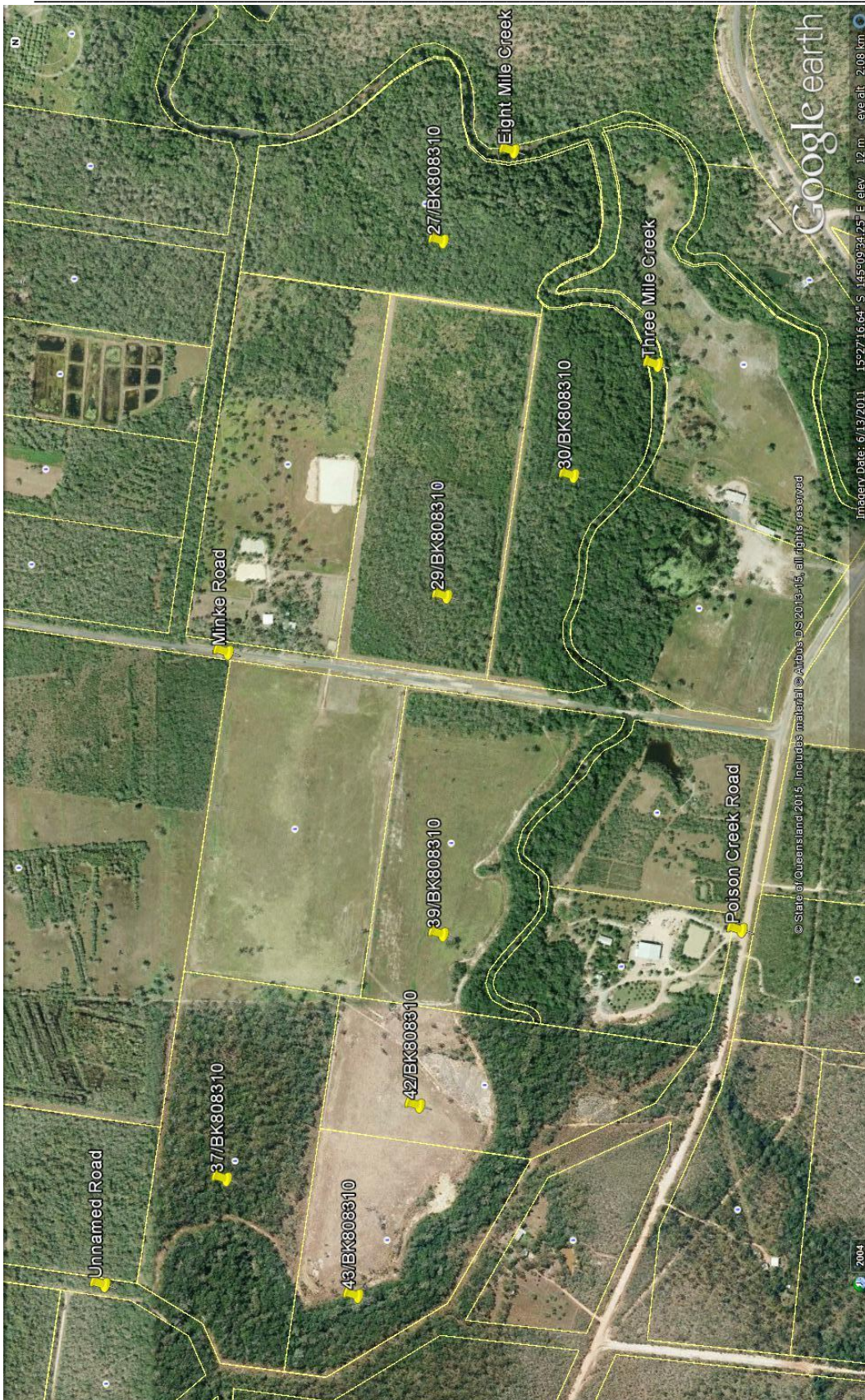
Queensland Government
(c) The State of Queensland, (Department of Natural Resources and Mines) 2012

SUBJECT PARCEL DESCRIPTION		CLIENT SERVICE STANDARDS
DCMR	No LRP/Plan Selected	PRINTED 24/08/2015 10:00:01 For additional information regarding this SmartMap see page 1 Shading Rules have been applied.
LRP/Plan	No LRP/Plan Selected	OC09 24/08/2015 LRP with an area less than 3000m ² are not shown.
Area/Volume	No LRP/Plan Selected	
Tenure	No LRP/Plan Selected	
Local Government	No LRP/Plan Selected	
Locality	No LRP/Plan Selected	
Parish	No LRP/Plan Selected	
County	No LRP/Plan Selected	
Segment/Parcel	No LRP/Plan Selected	

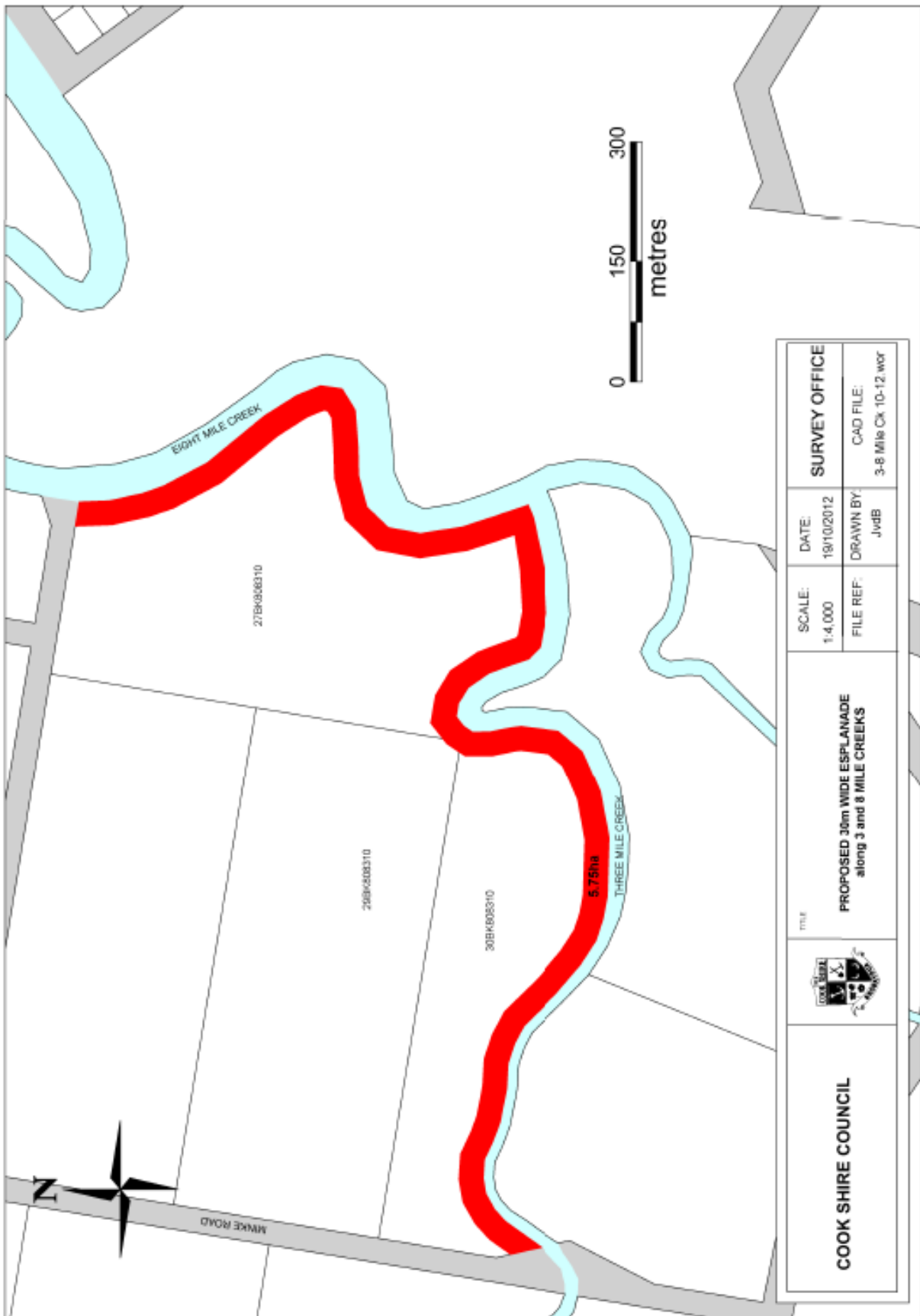
Despite Department of Natural Resources and Mines (DNRM's) best efforts, DNRM makes no representations or warranties in relation to the information, and, to the extent permitted by law, exclude or limit all liabilities relating to correctness, accuracy, reliability, completeness or currency and all liability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

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

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Cr A Wilson declared a conflict of interest or possible conflict of interest in the following matter in that his property is adjacent to the proposed easement and left the meeting at 12:04pm on 18 August 2015. Standing Orders were suspended at 12:10pm to allow Cr A Wilson to clarify easement location. Standing Orders were reinstated at 12:17pm when Cr A Wilson left the meeting. Cr A Wilson took no part in the debate on the matter, did not vote on the matter and the majority of persons entitled to vote on the matter voted in the affirmative on the motion. Cr A Wilson resumed his seat at 12:19pm on 18 August 2015.

31056	APPLICATION FOR PROPOSED EASEMENT ACCESS (LOT A) OVER STATE LAND - LOT 197 ON PLAN CP907263; BEING FOR ACCESS TO LOT 110 ON PLAN BS41.	
	<i>Report No.D15/15716 from Land Tenure Officer File No. 2.337.1.</i>	

Cr R Bowman moved; seconded Cr G Shephard.

That Council resolved to delegate authority to the Chief Executive Officer subject to site inspection and that relevant criteria meets the appropriate angle for rural access sight distances as per FNQROC guidelines.

CARRIED

Précis

1. For discussion by Council.

Background/History

2. By letter dated 28 July 2015, Preston Law advised its client had made an application to the Department of Natural Resources and Mines (“DNRM”) for a 10m wide easement over the land described as Lot 197 on Plan CP907236. See attached drawing CNS14/048.
3. Preston Law further advised that one of the conditions imposed by DNRM was that Council provide written consent that it has no concerns or requirements within the location of the proposed easement as shown as Lot A on CNS14/048.
4. The proposed easement is over State lease land.
5. Lot 110 has gazetted access which is unformed. The applicant and owner of Lot 110 advised that access to his property has always been through Lot 197. See attached Google Map.
6. No supporting documentation or details of this application was submitted.
7. Confirmation was sort from both Preston Law and the applicant on the correctness of the alignment of the proposed easement; the applicant advised that the alignment is correct and that he had the coordinates of its alignment.
8. Council has not performed an on ground inspection.

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9. Council has concerns regarding the proposed access easement. As shown on the attached Google Map –
 - (a) there is no visible constructed track within the proposed easement envelope, and
 - (b) the access of the proposed easement to Deighton Road is inappropriately angled (rural sight distances)
10. An amendment of proposed easement access to Deighton Road, as shown on the attached would be required.
11. As can be seen on the attached Google Map, there exists a well used and defined track through Lot 197 providing access to Lot 110 with an appropriately formed access from Deighton Road – this is in keeping with the rural access sight distances.
12. There are no Planning issues under the *Sustainable Planning Act 2009*.
13. With the foregoing the following recommendation is submitted for Council's consideration.

Link to Corporate Plan

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

Consultation

15. Internal

Legal Implications (Statutory, basis, legal risks)

16. Nil.

Policy Implications

17. Nil.

Financial and Resource Implications (Budgetary)/Risk Assessment

18. Nil.

RECOMMENDATION

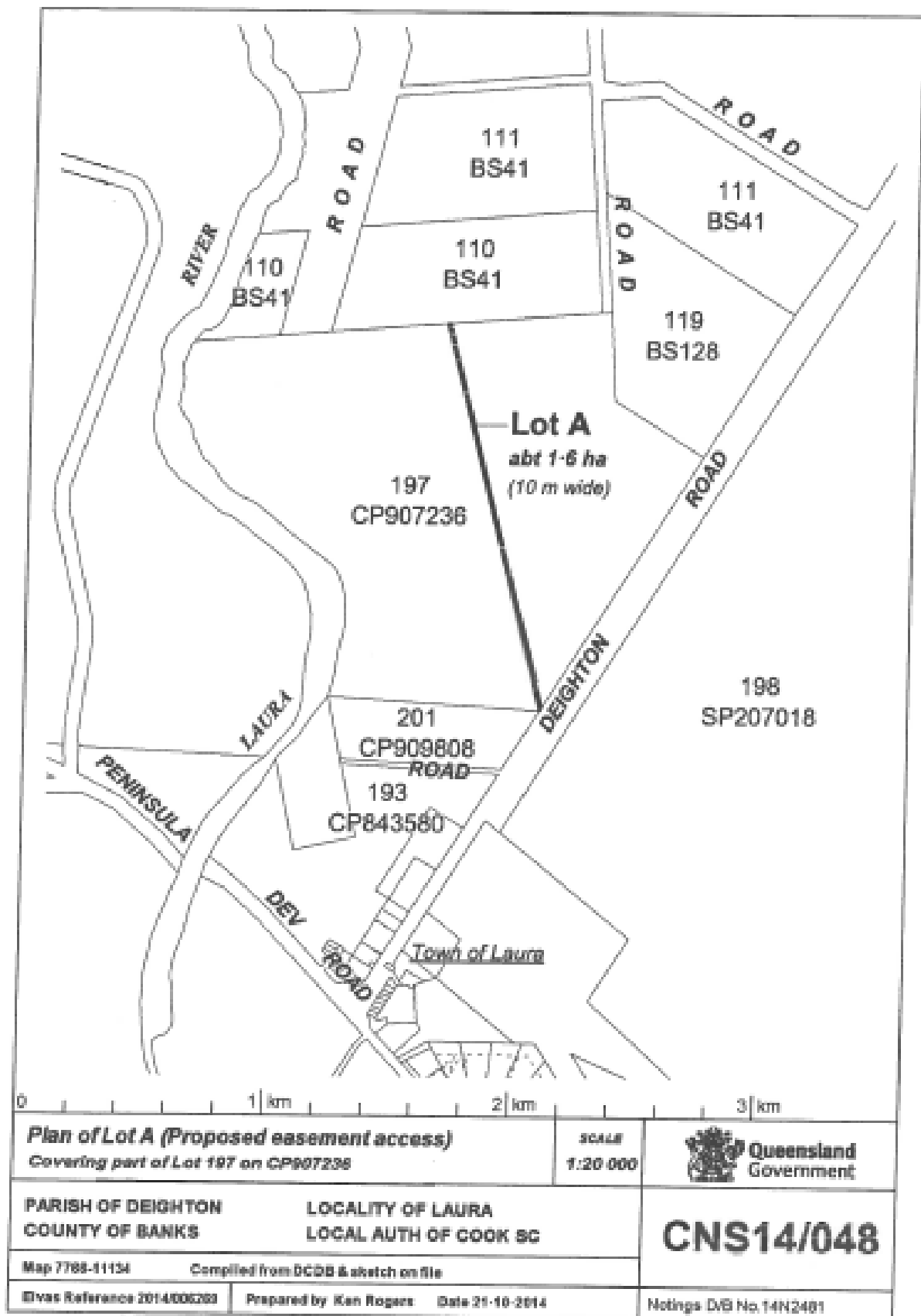
1. Preston Law be advised that Council is unable to consent to the proposed easement application, in its current form, shown as Lot A on CNS14/048 as depicted on submitted drawing CNS14/048, in view of:
 - (i) concerns relating to the alignment of the proposed easement (no visible constructed track within the proposed easement envelope), and

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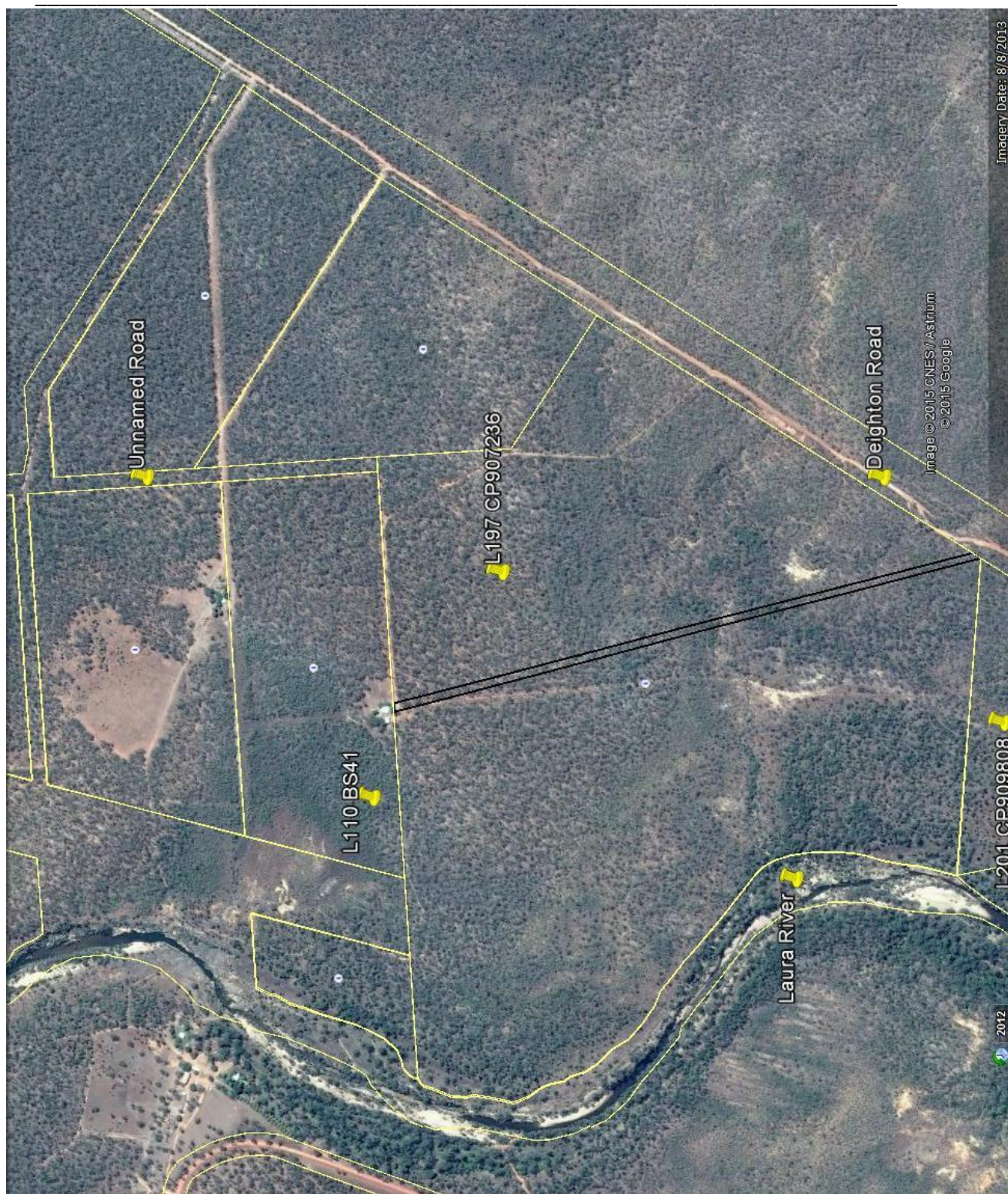
- (ii) the positioning of the entry/exit to Deighton Road (inappropriate angle for rural sight distances)
- 2. Further, Council notes that as can be seen on submitted Google Map, there exists a well used and defined track through Lot 197 providing access to Lot 110 with an existing appropriately formed access from Deighton Road – which is in keeping with the rural access sight distances.

Att.
CNS14/048
Google Map
Amended access to Deighton Road

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ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

31057	COOKTOWN AIRPORT INDUSTRIAL SUB-DIVISION	
	<i>Report No.D15/15732 from Director Economic Development and Community Services</i>	

Cr R Bowman moved; Seconded Cr S Clark

1. That Council note the ability and requirements for the disposal of assets, in this case land in Stage 1 of the Cooktown Airport Industrial Subdivision, and
2. That Council allocate \$30,000 to update the 2005 Cooktown Airport Development Plan.

CARRIED

Précis

Sale of industrial land at the Cooktown Airport other than by public tender

Background/History

The proposed creation of an industrial precinct at the Cooktown Airport has been an ongoing project for a number of years.

Expressions of interest were called 18 months ago for potential purchasers of land in the proposed 35 lot sub-division. This did not generate any material interest.

A redesign of the subdivision from 35 lots to 6 larger lots has resulted in two enquiries, one being well advanced.

There has also been a recent recognition of the opportunity of positioning the Cooktown Airport as regionally significant aviation infrastructure and the resulting enhanced opportunities for funding support for airport expansion and upgrades.

Ensuring the Cooktown Airport complies with a Code 3C rating will allow larger aircraft to utilise the facility. Consideration of CASA regulations in relation to Code 3C certification therefore needs to be integral to the potential development of the industrial estate, particularly around building heights and setbacks, location and design of taxiways and broader transitional angles and potential flight path obstacles (such as Mount Tully).

The Cooktown Airport Development Plan 2005 will therefore need to be updated to reflect the amended subdivision and requirements for complying with a Code 3C airport classification.

Link to Corporate Plan

4.7.3 Special Projects

d) Progress commercial and industrial development at the Shire's airports as a means of attracting investment

Consultation

Nil

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Legal Implications (Statutory, basis, legal risks)

Queensland Local Government Regulation 2012.

Chapter 6. Contracting

Division 4. Exceptions for Valuable Non-current Asset Contracts

236 Exceptions for valuable non-current asset contracts

(1) Subject to subsections (2) and (3), a local government may dispose of a valuable non-current asset other than by tender or auction if—

(c) for the disposal of land or an interest in land—

(v) all or some of the consideration for the disposal is consideration other than money, for example, other land given in exchange for the disposal, if—

(A) it is in the public interest to dispose of the land without a tender or auction; and

(B) the disposal is otherwise in accordance with sound contracting principles; or

(vii) the disposal is of an interest in land that is used as an airport or for related purposes if—

A) it is in the public interest to dispose of the interest in land without a tender or auction; and

(B) the disposal is otherwise in accordance with sound contracting principles; or

(2) An exception mentioned in subsection (1)(a) to (d) applies to a local government disposing of a valuable non-current asset only if, before the disposal, the local government has decided, by resolution, that the exception may apply to the local government on the disposal of a valuable non-current asset other than by tender or auction.

Policy Implications

Land & Asset Donation, Sale or Release Policy

3.2 POLICY TRIGGERS

This policy triggers in the following situations:

A) Council identifies a need to dispose of land and/or buildings;

B) Council is approached by parties interested in acquiring Council land and buildings.

Additional considerations (to be reported on) will include:

1. revenue that can be generated long and/or short term by the disposal i.e. lease
2. versus sale;
3. the land category and whether the disposal of that land is restricted by its current use and/or tenure;
4. native title considerations;
5. whether the land holds development potential in the future if retained by Council;
6. whether the land holds conservation or negotiation value i.e. as offsets to support other development opportunities;
7. will the disposal of the property increase or enhance Council's infrastructure
8. network and can that expansion or enhancement be valued;

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9. will the disposal of the property offer clear and demonstrable enhancement to the social, environmental or economic wellbeing of the Shire; and
10. does the disposal demonstrate alignment with the Cook Shire Corporate and
11. Community plans.

Financial and Resource Implications (Budgetary)/Risk Assessment

Updating the current 2005 Cooktown Airport Development Plan is required to reflect compliance requirements for a Code 3C (Embraer EMB120, Fokker F27, SAAB SF-340) rated airport, including industrial subdivision requirements (building heights, setbacks, separation distances, taxiways). It is expected that this will cost \$30,000 with the possibility that this cost will be recovered through future land sales.

RECOMMENDATION

3. That Council note the ability and requirements for the disposal of assets, in this case land in Stage 1 of the Cooktown Airport Industrial Subdivision, and
4. That Council allocate \$30,000 to update the 2005 Cooktown Airport Development Plan.

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CORPORATE SERVICES

FINANCE

31058	REVENUE AND EXPENDITURE – JULY 2015	
	<i>Report No.D15/15701 from Director Corporate Services</i>	

Cr R Bowman moved; seconded Cr K Price

That the Revenue and Expenditure Statements for July 2015 be adopted

CARRIED

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Cook Shire Council Income Statement				
For Period Ended 31st July 2015				
	Actual to		Amended Bgt	Original Budget
% of Year Completed 8.3%	31/07/2015	%	2015-16	2015-16
Income				
Recurrent Revenue				
Rates, Levies & Charges	0	0%	6,529,850	6,529,850
Sales of Goods & Major Services	1,042,065	38%	2,712,375	2,712,375
Fees & Charges	49,602	5%	924,260	924,260
Rental Income	25,874	9%	281,400	281,400
Interest Received	12,352	6%	194,400	194,400
Private Works	1,361	2%	85,000	85,000
FAG's Grant	4,241,748	48%	8,824,000	8,824,000
Other Operating Grants & Subsidies	2,511	1%	276,100	276,100
Other Income	3,822	5%	71,850	71,850
	5,379,334	27%	19,899,235	19,899,235
Capital Revenue				
Grants & Subsidies	1,000,000	14%	7,004,500	7,004,500
NDRRA Grants	3,994,844	18%	22,400,000	22,400,000
Profit on Asset Sales	0		0	0
	4,994,844	17%	29,404,500	29,404,500
Total Income	10,374,177	21%	49,303,735	49,303,735
Expenses				
Recurrent Expenses				
Employee Costs (Net of Flood)	692,518	8%	9,196,062	9,196,062
Materials & Services	664,716	8%	8,182,280	8,182,280
Finance Costs	1,247	0%	312,200	312,200
Depreciation	716,588	8%	8,599,050	8,599,050
	2,075,069	8%	26,289,592	26,289,592
Capital Expenses				
NDRRA Expenditure	6,735,498		22,400,000	22,400,000
Loss on Asset Sales	0		0	0
Total Expenses	8,810,566	18%	48,689,592	48,689,592
Net Result Surplus/(Deficit)	1,563,611		614,143	614,143
Add Back Capital Transaction	1,740,654		(7,004,500)	(7,004,500)
Operating Result (Deficit)	3,304,265		(6,390,357)	(6,390,357)

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Cook Shire Council - Revenue & Expenditure Financial Year 2015-16										
	Revenue			Expenditure			Surplus/(Deficit)			
% of year completed 8.3%	Actual to 31/7/15	Original Budget	% of Budget	Actual to 31/7/15	Original Budget	% of Budget	Actual to 31/7/15	Original Budget	% of Budget	Comment
Executive Management										
CEO's Office	0	32,000		116,946	671,200	17.4%	(116,946)	(639,200)	18.3%	
Elected Members	0	0		37,164	468,900	7.9%	(37,164)	(468,900)	7.9%	
HR & WH&S	0	0		21,414	327,900	6.5%	(21,414)	(327,900)	6.5%	
Executive Mgt Total	0	32,000		175,524	1,468,000	12.0%	(175,524)	(1,436,000)	12.2%	
Corporate Services										
Corporate Services Mgt		0		41,873	525,350	8.0%	(41,873)	(525,350)	8.0%	
Rates Operations		3,314,900	0.0%	8,863	149,250	5.9%	(8,863)	3,165,650	-0.3%	
Financial Services										
- Grants: FAGs/Operating	3,497,766	7,206,000	48.5%		0		3,497,766	7,206,000	48.5%	FAGs General Portion
- Grants: Capital	1,000,000	7,004,500	0.0%		0		1,000,000	7,004,500	14.3%	Waterfront, - R4R & State/R2R
- Interest Income	12,352	146,000	8.5%		0		12,352	146,000	8.5%	
- Profit & Loss-Asset Sales		0	0.0%		0		0	0		
- Other Income	116	40,000	0.3%		0		116	40,000	0.3%	Insurance/Workcover claims
- Insurances		0		105,583	267,000	39.5%	(105,583)	(267,000)	39.5%	Pub Liab pd July
- Interest on Loans		0			285,000	0.0%	0	(285,000)	0.0%	Quarterly payment
- Other Expenses		0		1,247	27,200	4.6%	(1,247)	(27,200)	4.6%	Bank Charges
On cost Recovery	226,507	3,420,000	6.6%	250,771	3,315,000	7.6%	(24,264)	105,000	-23.1%	W/Comp \$256 k
IT Services		0	0.0%	56,044	523,500	10.7%	(56,044)	(523,500)	10.7%	Includes Software annual cost
Business Services	1,290	10,000	12.9%	33,437	543,600	6.2%	(32,147)	(533,600)	6.0%	Tenders, Service Fees
Community Buildings	8,689	153,200	5.7%	34,955	566,700	6.2%	(26,266)	(413,500)	6.4%	Ins \$45k
Endeavour Lodge	9,775	122,400	8.0%	3,000	165,850	1.8%	6,775	(43,450)	-15.6%	D.S.
Admin & Financial Services	6,809	25,600	26.6%	27,028	440,600	6.1%	(20,219)	(415,000)	4.9%	Lease/Rent income
Stores Operations	1,439	35,000	4.1%	22,424	205,600	10.9%	(20,985)	(170,600)	12.3%	
Admin Overheads Recovery	106,850	1,398,820	7.6%	0	0	0.0%	106,850	1,398,820	7.6%	
Corporate Services Total	4,871,593	22,876,420	21.3%	585,225	7,014,650	8.3%	4,286,368	15,861,770	27.0%	
Engineering										
Mgr Engineering Services	1,110	12,000	9.3%	111,757	1,775,200	6.3%	(110,647)	(1,763,200)	6.3%	
Parks & Gardens		0	0.0%	90,935	1,501,750	6.1%	(90,935)	(1,501,750)	6.1%	
Road Infrastructure	746,493	1,618,000	46.1%	489,247	6,422,700	7.6%	257,246	(4,804,700)	-5.4%	FAGs **TIDs in Finance, Deprn \$5.5m
Water Infrastructure	1,696	1,815,300	0.1%	232,574	2,850,150	8.2%	(230,878)	(1,034,850)	22.3%	Water consumption to be charged
Sewerage Infrastructure	3,546	1,185,700	0.3%	109,596	1,454,950	7.5%	(106,050)	(269,250)	39.4%	
Airport Operations	53,897	801,000	6.7%	53,127	1,094,200	4.9%	770	(293,200)	-0.3%	
Commercial Operations	996,270	2,030,000	49.1%	89,409	556,600	16.1%	906,861	1,473,400	61.5%	Gravel Sales
Works Depot	0	0	0.0%	12,337	149,050	8.3%	(12,337)	(149,050)	8.3%	
Plant	265,619	1,986,000	13.4%	148,326	2,147,250	6.9%	117,293	(161,250)	-72.7%	
Private Works	1,361	0	0.0%	9,005	0	0.0%	(7,644)	0	#DIV/0!	
Flood Damage	3,994,844	22,400,000	17.8%	6,735,498	22,400,000	30.1%	(2,740,654)	0	#DIV/0!	
Services Functions	0	0		540	172,350	0.0%	(540)	(172,350)	0.3%	Pre cyclone Clean-up
Engineering Total	6,064,836	31,848,000	19.0%	8,082,351	40,524,200	19.9%	(2,017,515)	(8,676,200)	23.3%	

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% of year completed 8.3%	Actual to 31/7/15	Original Budget	% of Budget	Actual to 31/7/15	Original Budget	% of Budget	Actual to 31/7/15	Original Budget	% of Budget	Comment
Community Services										
Comm Serv Mgt		0		24,470	336,174	7.3%	(24,470)	(336,174)	7.3%	
Community Events	190	0	#DIV/0!	9,125	106,000	8.6%	(8,935)	(106,000)	8.4%	
Community Development		0		9,351	6,500	143.9%	(9,351)	(6,500)	0.0%	
Grants		0		11,398	96,000	11.9%	(11,398)	(96,000)	0.0%	
Economic Dev/Grants		19,000		7,713	171,001	4.5%	(7,713)	(152,001)	5.1%	
Media & Marketing		0		7,420	188,606	3.9%	(7,420)	(188,606)	3.9%	
Arts & Culture		58,000	0.0%	5,202	92,695	5.6%	(5,202)	(34,695)	0.0%	
Libraries	456	8,600	5.3%	13,831	270,846	5.1%	(13,375)	(262,246)	5.1%	
Sports & Recreation	542	43,850	1.2%	12,637	275,439	4.6%	(12,095)	(231,589)	5.2%	
Events Centre	0	10,000	0.0%	25,807	506,100	5.1%	(25,807)	(496,100)	5.2%	
Tourism & Events	894	11,000	8.1%	12,602	163,151	7.7%	(11,708)	(152,151)	7.7%	
Natures Powerhouse	0	0	#DIV/0!	3,931	207,000	1.9%	(3,931)	(207,000)	1.9%	
Community Services Total	2,082	150,450	1.4%	143,487	2,419,512	5.9%	(141,405)	(2,269,062)	6.2%	
Planning & Environment										
Manager Planning & Environ.		0		11,048	324,500	3.4%	(11,048)	(324,500)	3.4%	
Planning & Land Tenure	1,332	86,500	1.5%	22,763	557,800	4.1%	(21,431)	(471,300)	4.5%	
Building	8,201	111,500	7.4%	33,559	557,450	6.0%	(25,358)	(445,950)	5.7%	
Animal & Pest Mgt	3,466	16,625	20.8%	25,997	190,250	13.7%	(22,531)	(173,625)	13.0%	
Health & Environment	3,336	34,560	9.7%	22,644	524,470	4.3%	(19,308)	(489,910)	3.9%	Annual Fees
Waste Management	18,308	781,900	2.3%	235,647	1,545,350	15.2%	(217,339)	(763,450)	28.5%	
Environmental Levy	0	206,000	0.0%	0	0	#DIV/0!	0	206,000	0.0%	
Cemeteries	1,164	6,850	17.0%	1,966	51,750	3.8%	(802)	(44,900)	1.8%	
SES	0	22,000	0.0%	646	41,500	1.6%	(646)	(19,500)	3.3%	
Land Tenure	0	45,000	0.0%	11,476	234,430	4.9%	(11,476)	(189,430)	6.1%	Nat Title Grant
Landcare Facilitator	0	105,000	0.0%	2,208	144,050	1.5%	(2,208)	(39,050)	0.0%	
Cape York Weeds & Feral	0	380,000	0.0%	56,166	490,750	11.4%	(56,166)	(110,750)	50.7%	
Planning & Environ Total	35,807	1,795,935	2.0%	424,120	4,662,300	9.1%	(388,313)	(2,866,365)	13.5%	
Total Revenue & Exp	10,974,318	56,702,805	19.4%	9,410,707	56,088,662	16.8%	1,563,611	614,143	254.6%	
Add Back Capital Trans	(1,000,000)	(7,004,500)	14.3%	0	0		(1,000,000)	(7,004,500)		
Operating Rev & Exp	9,974,318	49,698,305	20.1%	9,410,707	56,088,662	16.8%	563,611	(6,390,357)		

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Cook Shire Council Balance Sheet				
For Financial Year 2015-16				
	Actual to	%	Amended	Budget
	31/07/2015	Diff	Budget	2015-16
Current Assets				
Cash & Cash Equivalents	211,327	-30%	301,150	301,150
Investments	8,204,733	5%	7,800,000	7,800,000
Rate Debtors (Net of Advances)	570,244	-4%	595,000	595,000
Trade Debtors	99,872	-78%	450,000	450,000
Other Receivables	63,511	0%	0	0
Inventories	583,287	4%	560,000	560,000
Total Current Assets	9,732,975	0%	9,706,150	9,706,150
Non-Current Assets				
Property, Plant & Equipment	245,718,647	-2%	249,495,948	249,495,948
Capital Works in Progress	7,882,426	17%	6,750,000	6,750,000
Total Non-Current Assets	253,601,072	-1%	256,245,948	256,245,948
Total Assets	263,334,047	-1%	265,952,098	265,952,098
Current Liabilities				
Trade Creditors	610,972	-24%	800,000	800,000
Employee Entitlements	1,176,753	27%	930,000	930,000
Other Payables (Incl GST Bal)	5,920	0%	0	0
NDRRA Rec'd in Advance	0		0	0
Borrowings	351,175	23%	285,000	285,000
Working Capital Facility (\$10mil)	0		0	0
Provision for LSL	785,730	40%	560,000	560,000
Total Current Liabilities	2,930,550	114%	2,575,000	2,575,000
Non-Current Liabilities				
Trade Creditors	0		0	0
Employee entitlements	0	0%	0	0
Other Payables	97,164	0%	150,000	150,000
Borrowings	5,019,805	-1%	5,050,000	5,050,000
Provision for LSL	275,739	-31%	400,000	400,000
Provision for Gravel Pits	1,428,674	-1%	1,440,000	1,440,000
Total Non-Current Liabilities	6,821,382	-3%	7,040,000	7,040,000
Total Liabilities	9,751,932	1%	9,615,000	9,615,000
Net Community Assets	253,582,115	-1%	256,337,098	256,337,098
Community Equity				
Retained Surplus	66,638,743	0%	66,748,203	66,748,203
Asset Revaluation Surplus	185,644,477	-1%	187,890,000	187,890,000
Other Reserves	1,298,895	-24%	1,698,895	1,698,895
Total Community Equity	253,582,115	-1%	256,337,098	256,337,098

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Cook Shire Capital Budget 2015-16										
Location	WO	Waterfront Project	Budgeted Cost 2015-16	Trade-in Revenue	Funded by approved grants	Funding Body	Funded by Council	Cost to Date	Balance to Date	Comments
Cooktown	2233	Waterfront-Sewerage	55,000				0	38,160	16,840	
	2234	Waterfront-Roadworks/Stormwater/Earthworks	1,011,418		1,066,418	R2R	0	50,699	960,719	
	2238	Waterfront-Irrigation (To Landscaping)	0				0		0	
	2316	Waterfront-Gazebo, Shade Sails	40,000				0	2,183	37,817	
	2317	Waterfront-BBQ's/Shelters					0		0	
	2318	Waterfront-Amenities/Pergola/Eastern Toilet : MTC	1,239,159		1,239,159	R4R, DLGP	0	246,486	992,673	
	2319	Waterfront-Amenities Block : Ancillary (To WO 2318)					0		0	
	2320	Waterfront-Powder Magazine Retro-fit					0		0	
	2321	Waterfront-Landscaping(Pool,Hydromulch,Trees, Soil, Bins)	808,962		848,962	R4R/R2R	0		808,962	
	2322	Waterfront-Lighting	180,921		180,921	R4R	0	2,322	178,599	
	2323	Waterfront-Mains Power	128,250		128,250	R4R	0	3,843	124,407	
	2324	Waterfront-Pool Fence	31,000		31,000		0		31,000	
	2325	Waterfront-Bond Beams & Saltwater Pool Fitout	35,517		35,517		0		35,517	
	2327	Waterfront-Fishing Platforms	422,058		422,058	R4R	0	144,409	277,649	
	2328	Waterfront-Stage Area (TO Landscaping)					0		0	
	2329	Waterfront-Concrete Works: Paths/Slabs					0		0	
	2330	Waterfront-Water Park (Grant 40%)	343,508		343,508	DLGP	0		343,508	
	2331	Waterfront-Gravel Footpaths (To Concrete Works)					0		0	
	2332	Waterfront-Marina Fitout , Fencing	25,000		25,000		0		25,000	
	2342	Waterfront-Consultancy (Prost, B & M, TPG & Michael)	271,730		271,730		0	16,512	255,218	
	2453	Waterfront-Water Mains	135,263		135,263		0		135,263	
	2462	Waterfront-CCTV Grafitti Stop	22,214		22,214	DLGP	0		22,214	
	2485	Waterfront-General Excavation	0				0		0	
		Waterfront-Retaining Wall					0		0	
		Plaza Concreting					0		0	
							0		0	
		Total Waterfront Expenditure for 2015-16	\$ 4,750,000	\$ -	\$ 4,750,000		\$ -	\$ 504,614	\$ 4,245,386	
		Plant & Infrastructure								
		Various Plant items - to be finalised	620,000	270,000	0	-	350,000		620,000	Plant items to be confirmed
Coen		Coen Toilet Block	40,000	0	0	-	40,000		40,000	Purchased requires fitout and connections
		Photocopier-Admin Office	10,000		0	-	10,000		10,000	Current copier failing too often
		Water & Sewerage infrastructure	250,000	\$0.00	0	-	250,000		250,000	Water & Waste Infrastructure under review
									0	
		Total Plant & Infrastructure Expenditure for 2015-16	920,000	270,000	0	-	650,000	0	920,000	

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Cook Shire Capital Budget 2015-16

Location		Other Capital Project requiring Funding	Budgeted Cost 2015-16	Trade-in Revenue	Funded by approved grants	Funding Body	Funded by Council			Comments
		Roadworks								
Cook Shire	2669	Sailors Hill-Bamaga Road	1,850,000		1,850,000	ATSI TIDs	0	9,267	1,840,733	
		Lukin Overflow-Strathgordon Road	150,000		150,000	ATSI TIDs	0		150,000	
Cooktown		May Street Seal								Dependent upon Grant Funding
		Cycle Path - 4 Mile								Dependent upon Grant Funding
		Sherrin Esplanade - Widen and seal for parking								Dependent upon Grant Funding
	2339	Hope Street- completion						53,678	-53,678	R2R grant received 2014-15
		Hope St - Levelling								Dependent upon Grant Funding
		Racecourse walkway								Dependent upon Grant Funding
Lakeland		Seal Town Streets								Dependent upon Grant Funding
Ayton		Broadway St Boardwalk								Dependent upon Grant Funding
		Other Structures								
Cook Shire		Starke River facilities for waste								Dependent upon Grant Funding
		Energy efficiency program council buildings								Dependent upon Grant Funding
Cooktown		Landfill rehabilitation								Environmental Levy Reserve available
		Airport Subdivision								Dependent upon Grant Funding
		Clubhouse John St oval								Dependent upon Grant Funding
Lakeland		Sports Ground								Dependent upon Grant Funding
		Town boundary fence								Dependent upon Grant Funding
Laura		Town boundary fence								Dependent upon Grant Funding
		Playground								Dependent upon Grant Funding
Portland Roads		Water supply								Dependent upon Grant Funding
		Total Other Capital	\$ 2,000,000	\$ -	\$ 2,000,000		\$ -	\$ 62,945	\$ 1,937,055	
		Total Capex Budget 2014-15	\$ 7,670,000	\$ 270,000	\$ 6,750,000		\$ 650,000	\$ 567,559	\$ 7,102,441	

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31059	END OF FINANCIAL YEAR STOCKTAKE RESULT	
	<i>Report No. D15/15547 from Director Corporate Services</i>	

Cr R Bowman moved; seconded Cr A Wilson
That Council accept the report.
CARRIED

Précis

Report to Council of a loss in inventory at 30th June 2015, net loss \$14,336.51.

Background/History

The end of year stock take 30/6/2015 resulted in a loss of \$14,336.51; this amount was the net result from all the stock lines. Total stock on hand at year end was \$585,926.

The largest loss in general goods was fuel due to a short period when the bowser was providing incorrect readings; some discrepancies have resulted from booking the incorrect stock line to a project. The stores staff conduct running stock takes throughout the year to limit losses.

The water section losses were items that have been made obsolete by changes in materials used; other items had not been correctly booked to jobs.

A review of the procedure by which materials are kept by the water section is underway by the Engineering department in conjunction with Corporate Services staff.

Stock Take Result 30/6/2015			
	General stores	Water Stores	Total
Total Losses	9,904.81	20,149.19	30,054.00
Total Gains	(5,582.62)	(10,134.87)	(15,717.49)
Net Result	4,322.19	10,014.32	14,336.51

Link to Corporate Plan

Legislative requirement

Consultation

No public consultation required

Legal Implications (Statutory, basis, legal risks)

Nil

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Policy Implications

Legislative requirement

Financial and Resource Implications (Budgetary)

Loss reported in Financial Statements 2014-15.

RECOMMENDATION

That Council adopt the report

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COMMITTEE OF THE WHOLE

31060	COMMITTEE OF THE WHOLE	
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Cr A Wilson moved; seconded Cr S Clark
That Council resolve into Committee of the Whole at 2:00pm to discuss rates and charges rebate and land acquisition.
CARRIED

31061	COMMITTEE OF THE WHOLE	
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Cr K Price moved; seconded Cr R Bowman
That Council revert to the Ordinary meeting of Council at 2:12pm after discussing rates and charges rebate and land acquisition.
CARRIED

Cr R Bowman declared a conflict of interest or possible conflict of interest in the following matter in that he is on the management committee of the association applicant and left the meeting at 2:00pm on 18 August 2015. Cr R Bowman returned at 2:07pm to discuss other matter in Committee of the Whole before leaving at 2:12pm for the vote. Cr R Bowman took no part in the debate on the matter, did not vote on the matter and the majority of persons entitled to vote on the matter voted in the affirmative on the motion. Cr R Bowman resumed his seat in the meeting at 2:13pm on 18 August 2015.

31062	REQUEST FOR REBATE OF RATES AND CHARGES ASSESSMENT 10002293	
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Cr A Wilson moved; seconded Cr K Price
Provide relief under the general hardship provision of Section 120 of the Local Government Regulations.
CARRIED

31063	ACQUIRING LAND FOR OVERDUE RATES AND CHARGES – LOTS 301-309 ON PLAN A3021	
	<i>Report No.D15/15173 from Director Corporate Services</i>	

Cr A Wilson moved; seconded Cr R Bowman
That Council resolves to acquire the land described as Lot 102 on Plan A3021 and situated at 56 Broadway Street, Ayton under the provisions of Chapter 4 Part 12 of the *Local Government Regulation 2012*.
CARRIED

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ADMINISTRATION

31064	OPERATIONAL PLAN FOR 2015-16 FINANCIAL YEAR	
	<i>Report No.D15/15576 from Chief Executive Officer</i>	

Cr R Bowman moved; seconded Cr A Wilson

That Council resolve to adopt the attached Operational Plan for the 2015-16 financial year.

CARRIED

Précis

Council has to prepare an Operational Plan each financial year in accordance with the *Local Government Regulation 2012 Part 2, Division 4, Sec 174*.

Background/History

The Operational Plan must be consistent with the Annual Budget and Corporate Plan and state how it will manage operational risks. *Local Government Regulation 2012 Part 2, Division 4, Sec 175*.

RECOMMENDATION

- (i) That Council resolve to adopt the attached Operational Plan for the 2015-16 financial year.

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31065	WASTE REDUCTION AND RECYCLING ACT 2011 – DELEGATIONS	
	Report No.D15/14958 from Executive Assistant	

Cr A Wilson moved; seconded Cr K Price

That Council sub-delegate its delegated powers under the *Waste Reduction and Recycling Act 2011* to Cook Shire Council's Chief Executive Officer subject to the limitations contained in Report D15/14958.

CARRIED

Précis

Delegation and sub-delegations of powers under the *Waste Reduction and Recycling Act 2011* (the Act).

Background/History

Under section 263(1) (b) of the Act, the chief executive administering the Act may delegate the chief executive's powers under the Act to a local government. The local government may, in turn sub-delegate the powers to an appropriately qualified entity.

In accordance with the Act, the chief executive has delegated certain powers to the local government (Cook Shire Council), subject to limitations. The sections of the Act delegated are as specified in column 1 of the below schedule, the summary of powers delegated are in column 2 and the limitations of the delegations are listed in column 3.

Column 1	Column2	Column3
110	Advice to chief executive about placing or attaching documents	As these powers relate to Chapter5, Part 2 of the Act
111	Advice to chief executive about delivering or distributing advertising material	
112	Avoiding accumulations of waste	
175	Who may apply for internal review	As these powers relate to sections 248(2) and 253(3) of the Act
176(2)	Extending the time for making an internal review application	
178	Internal review	
179	Notice of internal review	
183	Appoint authorised person	Any appointment of an authorised person must be subject to the limitation that an authorised person can only exercise the powers in section 117 and Chapter 10 of the Act in relation to the following offences: <ul style="list-style-type: none"> – Chapter 5, Parts 1, 2 and 3, Division 1 and 2 of the Act; – section 251(a); – section 251(c); – section 254; and – section 264

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187	Issue identity card to each authorised person	
246	Giving show cause notice	As these powers relate to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of the Act
248	Giving compliance notice	
249	Restriction on giving compliance notice	
253	When waste audit required	
		As this power relates to section 104 of the Act

It is envisaged that, if Council sub-delegates the powers to Council's Chief Executive Officer, that all the powers listed, except those under sections 183 and 187 of the Act will be further sub-delegated to officers who are qualified for appointment as authorised persons because the person has the necessary expertise or experience.

For Council's information –

Section 110 refers to the placing or attaching of documents in or on motor vehicles, or attached to buildings or other structures.

Section 111 refers to advertising material distributed in an area by being delivered to premises in contravention of the unlawful delivery provision or the secure delivery provisions.

Section 112 refers to the person distributing advertising material being responsible for taking reasonable steps to ensure that the advertising material does not become waste.

Section 175 refers to any person having being given a notice under the Act may apply to the delegate for an internal review of the decision.

Section 176(2) refers to the time of the review in section 175 being extended.

Section 178 refers to the time that the review referred to in section 175 must be decided.

Section 179 refers to the notice that must be given after the review referred to in section 175

Section 183 refers to the appointment of an authorised person and the qualifications required for such an appointment under the Act.

Section 117 refers to the obtainment of vehicle registry information from the chief executive of the department in which the *Transport Operations (Road Use Management) Act 1995* is administered.

Chapter 5, Part 1 refers to basic littering and illegal dumping offences

Chapter 5, Part 2 refers to material that may become waste

Chapter 5, Part 3 refers to vehicle littering and illegal dumping offences.

Section 251 refers to compliance notices

Section 254 refers to compliance with notices

Section 264 refers to general duties in relation to records and documents.

Section 187 refers to the issue of an identity card and the conditions etc. that must appear on the card.

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Sections 246, 248, 249 and 253 refer to procedures to be followed when issuing notices etc.
Sections mentioned in column 3 refer to general basic littering and illegal dumping offences, material that may become waste and vehicle littering and illegal dumping offences.

All previous delegations by the chief executive of the department have been revoked.

Link to Corporate Plan

Legislative requirement

Consultation

None required

Legal Implications (Statutory, basis, legal risks)

Legislative requirement

Policy Implications

Legislative requirement

Financial and Resource Implications (Budgetary)/Risk Assessment

It is difficult to quantify; however Council resources will be required to enforce the provisions of the Act.

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RECOMMENDATION

That Council sub-delegate its delegated powers under the *Waste Reduction and Recycling Act 2011* to Cook Shire Council's Chief Executive Officer subject to the limitations set out below

Column 1 Section of the Act containing powers delegated	Column2 Summary of Power delegated by Council	Column3 Limitations
110	Advice to chief executive about placing or attaching documents	As these powers relate to Chapter5, Part 2 of the Act
111	Advice to chief executive about delivering or distributing advertising material	
112	Avoiding accumulations of waste	
175	Who may apply for internal review	As these powers relate to sections 248(2) and 253(3) of the Act
176(2)	Extending the time for making an internal review application	
178	Internal review	
179	Notice of internal review	
183	Appoint authorised person	Any appointment of an authorised person must be subject to the limitation that an authorised person can only exercise the powers in section 117 and Chapter 10 of the Act in relation to the following offences: <ul style="list-style-type: none"> - Chapter 5, Parts 1, 2 and 3, Division 1 and 2 of the Act; - section 251(a); - section 251(c); - section 254; and - section 264
187	Issue identity card to each authorised person	
246	Giving show cause notice	As these powers relate to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of the Act
248	Giving compliance notice	
249	Restriction on giving compliance notice	
253	When waste audit required	As this power relates to section 104 of the Act

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31066	WATERFRONT ADVISORY COMMITTEE MINUTES 8 JULY 2015	
	<i>Report No.D15/ 15714 from Chief Executive Officer</i>	

Cr R Bowman moved; seconded Cr S Clark

That the minutes of the Waterfront Advisory Committee meeting held on 8 July 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 meeting of the committee were held on 8 July 2015 and the minutes of the 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 8 July 2015 be received.

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MINUTES OF WATERFRONT ADVISORY COMMITTEE

8 July 2015

ATTENDANCE Mayor Cr Peter Scott, Cr Penny Johnson, Cr Sue Clark, Cr Alan Wilson, Cr Kaz Price, Cr Russell Bowman, Tim Cronin CEO, Michael Czarnecki Acting Director of Engineering Services, Martin Cookson Director of Corporate Services, Gary Kerr Director of Economic Development and Community Services, John Harrison Senior Planning Officer, John Legett (Black and Moore)

APOLOGIES Glen Shephard

Meeting commenced with a site visit at 8:30am on 8 July 2015.

The Chair, Cr Peter Scott, reconvened the meeting at 9.40 am in Chambers.

1. Financial Summary was tabled. Estimated cost of the project is now \$8.6M. \$40,000 increase for screw piles for stabilisation of the splash pad. Cost savings in the viewing mound. Budget at \$2.5M over. New road design funded through R2R will meet most of this shortfall.
2. For consideration areas for savings:
 - a. BBQ's and BBQ Shelters
3. Project Proposal to extend works to the whole of Charlotte Street from the roundabout at Harrigan Street to the end of the waterfront development. This will include shoulder to shoulder works along the length of the street, resurface and levelling out the uneven surface. Works will include trailer parking, one way entry to businesses, two way exit from wharf area, additional parking outside wharf area, commercial boat offload. Potential concerns:
 - a. retention of Chinese monument (may require lifting)
 - b. retention of tree of knowledge (will be retained)
 - c. community concerns as there is a change to the original Masterplan
 - d. development of the project including costing (3 months)
 - e. approval from R2R
4. Fishing platform colours decided – Grey deck, brown rail with a white top rail.
5. Considerations still to be determined around water quality issues and people safety.
6. Commercial investment through an EOI or lease arrangement for the Kiosk. Formalisation required for the Fishing Club lease prior to EOI. Land use determination.
7. Opportunities for mobile vendors, who are the current licensees.
8. Art work for the whole site, community consultation has taken place. Follow up on work already progressed. Considerations with the 2020 theme.
9. Each department to calculate ongoing maintenance of the site for consideration.
 - a. General building and maintenance
 - b. Parks and gardens
 - c. Lagoon
 - d. Splash Pad
 - e. Waste Removal
 - f. Toilet cleaning
 - g. Water charges
 - h. Electricity charges
 - i. Rates

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The meeting closed at 12:15 pm.

Cr A Wilson left the Council meeting at 4:09pm on 18 August 2015.

The meeting of the Council closed at 4:25pm on 18 August 2015.