



I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 19 July 2016
Time: 9:00am
Location: Administration Centre
10 Furneaux Street
Cooktown

AGENDA AND BUSINESS PAPERS

Ordinary Council Meeting

19 July 2016

Tim Cronin
Chief Executive Officer

Order Of Business

1	Agenda Contents	5
2	Attendance	5
3	Meeting Opened	5
4	Apologies	5
5	Declarations of Interest	5
6	Mayoral Minute	5
	Nil	
7	Notice of Bereavement.....	5
8	Confirmation of Minutes	5
9	Business Arising.....	5
10	Notified Motions	5
	Nil	
11	Councillors' Reports.....	6
	11.1 Councillors Monthly Report	6
12	Executive Services - Reports.....	19
	12.1 Chief Executive Officers Activity Summary	19
	12.2 Council Delegation to CEO for negotiations for Management Agreement Cooktown Events Centre Complex.....	22
	12.3 Review of Expenses Reimbursement Policy (Councillors)	26
	12.4 Review of Reimbursement Policy for Travel Related Expenses	32
	12.5 Road Closure - Portland Roads - Lot 14 WMT60 - Radar Hill Road.....	35
	12.6 Landholder Compensation Agreements	40
13	Infrastructure Services - Reports.....	55
	Nil	
14	Corporate Services - Reports.....	56
	14.1 Revenue and Expenditure - June 2016.....	56
	14.2 T0216 - Panel of Preferred Suppliers - Asset Maintenance	65
15	Development, Environment and Community - Reports.....	68
	15.1 REQUEST FOR AN EXTENSION TO THE APPROVAL PERIOD FOR DA/2838 - STAGED RECONFIGURATION INTO TWENTY-TWO (22) LOTS - OF LOT 3 ON SP161236, 2 KELLEHAVEN ROAD, COOKTOWN	68
	15.2 Permissible Change to Development Approval - DA/3048 for Reconfiguring a Lot (1 into 2 lots) on Lot 28 on RP851359, Peninsula Developmental Road, Lakeland.....	71
	15.3 Application for a Development Permit - DA/3609 - Reconfiguration of a Lot one (1) into two (2) on Lot 29 C17945 - 16 Charles Street, Cooktown.....	85

15.4	APPLICATION FOR A DEVELOPMENT PERMIT - DA/3514 - FOR A MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY -LOCATED AT 'WOLVERTON STATION' PENINSULA DEVELOPMENT ROAD, ARCHER RIVER, QLD 4892 (LOT 4 ON SP104555).....	93
15.5	Amendment of Subordinate Local Laws	125
15.6	Cooktown 2020 Advisory Committee	141
15.7	Waymbuurr Botanic Gardens Precinct Advisory Committee.....	146
15.8	Grants Committee	150
16	Confidential Reports.....	154
16.1	Native Title Report 1	155
16.2	Native Title Report 2	155
16.3	Application for Road Closure.....	155
16.4	Expression of Interest - Term Lease	155
16.5	Request to write off excess water charges	155
16.6	T0316 - Provision of Sewer Pump Maintenanacer.....	155
16.7	Compensation Claim - Outcome	155
17	Executive Services - Information	156
	Nil	
18	Infrastructure Services - Information	157
18.1	INFORMATION REPORT FOR NDRRA.....	157
18.2	Regional Tramp Ant Response Plan	160
19	Corporate Services - Information	168
19.1	Audit - T0116 - Hire of Plant.....	168
20	Development, Environment and Community - Information	170
	Nil	

1 AGENDA CONTENTS

2 ATTENDANCE

3 MEETING OPENED

4 APOLOGIES

5 DECLARATIONS OF INTEREST

6 MAYORAL MINUTE

Nil

7 NOTICE OF BEREAVEMENT

8 CONFIRMATION OF MINUTES

Ordinary Meeting - 21 June 2016

9 BUSINESS ARISING

10 NOTIFIED MOTIONS

Nil

11 COUNCILLORS' REPORTS

11.1 COUNCILLORS MONTHLY REPORT

File Number: D16/8293

Author: Executive Assistant

Authoriser: Tim Cronin, Chief Executive Officer

Attachments:

- 1 Mayor Peter Scott - Monthly Activity Report
- 2 Deputy Mayor Alan Wilson - Monthly Activity Report
- 3 Cr Kaz Price - Monthly Activity Report
- 4 Cr John Dessmann - Monthly Activity Report
- 5 Cr John 'Chook' Giese - Monthly Activity Report
- 6 Cr Larissa Hale - Monthly Activity Report
- 7 Cr Robyn Holmes - Monthly Activity Report

PRECIS

Councillor monthly activity reports.

BACKGROUND/HISTORY

Each month Councillors report on their activities relating to their portfolios. An endorsement of the report is an endorsement of the attended and future activities. Not all activities will be listed in advance due to timing.

LINK TO CORPORATE PLAN

Leadership and Governance

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

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

Active, Creative and Connected

4.3.1 Provide, to a standard that ensures (at a minimum) legislative compliance and equitable access:

- e) Community Engagement across all relevant activities.

Identity and Integrity

4.5.1 Provide:

- a) Support and advocacy for groups and statutory planning endeavours that further the preservation of the Shire's cultural heritage.
- d) Recognition of diversity within the Shire's community whilst valuing and encouraging equity and inclusiveness.

CONSULTATION

Various groups as per individual reports.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Expense Reimbursement Policy (Councillor)

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Operational Budget

RECOMMENDATION

That the activities contained in the individual Councillor monthly report be endorsed by Council.

Monthly Activity Report
Councillor Peter Scott
July 2016

Meetings/Events/Constituent Representations

Date	Venue	Details	Outcome/Action
June 18	Darwin	Nthn Aust Economic Development	RDA, FNQROC. Roads, Comms, Power, Land Tenure, Water
24	PCYC	JCU Faculty of Planning	Cook Shire case study
27	Gungarde	Crisis accommodation	Report presented
30	Cooktown	Yadaikana Tribal Council	NPA issues
27	Laura	AACAP Army project	Sewerage system
July 1	Office	Conergy	Lakeland Solar
4	Cooktown	2020 Budget reviews	
5	Walker Bay	Car park & Beach access	Fence being erected owner
7	Laura	AACAP function	Army Chief
8	Cooktown	Waterfront Inspection Councillors meeting	DEHP
13	Brisbane	Civic Leaders Summit	

Upcoming Meetings/ Travel

July 21	Cooktown	Interagency Group
27	Cloncurry	Nth Qld Local Government Association
August 8	Cooktown	FNQROC & RRTG
9	Cairns	Regional Development Aust FNQTS

Peter H Scott

Mayor

Monthly Activity Report
Councillor Alan Wilson
June/July 2016

Meetings/Events/Constituent Representations

Date	Venue	Details	Outcome/Action
21-6-16	Lakeland Community hall	Lakeland Progress Association, Meeting	Together other Councillors and Staff gave up-date on Council activities in area.
22-6-16	Field Trip Lakeland Watermelon Farm and Abattoirs.	In company with other Councillors carried out field trip to Watermelon Farm and Boutique Abattoirs	Informative visit for Councillors.
23-6-16	Water leak in Laura Turf Club water main adjacent to PDR	Whilst travelling PDR in route to Laura Turf Club grounds observed water running in table drain.	Excavated the site and located a major leak in the main with Locals and Army personal repaired pipe
24 th ,25 th & 26 th -6-16	Attended at Laura Horse sports, Races and Rodeo	Assisted in running events and troubleshooting waste, water and other associated problems	Week-end finished with successful outcome
27-6-16	Attended at Council Office	To receive instructions in operating New Computer from IT Staff	Much better but still require further instruction.

Upcoming Meetings/ Travel

Friday 1st-July 2016 attend meeting with Solar Farm Principles.

Thursday 7th July 2016 attend NADIOC Celebrations with Ang-gnarra and Army

Friday 8th July 2016 Council meeting Cooktown

Sunday 10th July 2016 Attend football Carnival at Ang-Gnarra football field.

18th & 19th July attend Monthly Council Meeting

27th, to 29th July Travel and attend NQLGA Conference at Cloncurry

Monthly Activity Report
Councillor Kaz Price
July 2016

Meetings/Events/Constituent Representations

Date	Details	Venue	Outcome/Action
1.6.16	General Councillor Meeting	Depot	Lunch with Depot Staff Meeting with Federal Candidate - McCarthy
3.6.16	TCHHS – Committee Meetings		
3.6.16	Cooktown Annual Art Exhibition Opening	Eliz. Guszelly Gallery	
6.6.16	Proppa Solid Play – Cooktown P-12	Event Centre	
7.6.16	Councillor – Pre-budget Meeting	CSC Chambers	Budget Build commencement
10.6.16	Cooktown 2020 – Aust National Maritime Museum Meeting	Nature's Powerhouse	Minutes
11-12.6.16	Discovery Festival		
11.6.16	Opening East Coast Encounters Exhibition	Nature's Powerhouse	
15.6.16	South Cape York Catchment – General Meeting	Old Bank	Cooperative Social Enterprise Models discussed
17.6.16	Discovery Festival Debrief	Nature's Powerhouse	
18.6.16	RADF Workshop		
20.6.16	Council General Meeting	CSC Chambers	
20.6.16	Airport Precinct Public Consultation	Airport	
21.6.16	Council General Meeting	Lakeland Hall	
21.6.16	Lakeland Residents Assoc Meeting	Lakeland Hall	
22.6.16	TCHHS Committee Meeting	Cairns	
23.6.16	QTC – Financial Acumen Training	Cairns	
24.6.16	TCHHS Board Meeting		
1.7.16	Nature's Powerhouse Advisory Meeting	Nature's Powerhouse	
4.7.16	2020 Advisory Meeting	CSC Chambers	

Upcoming Meetings/ Travel

- Dept Communities (Community Services Forum - Cairns)
- TCHHS – Committee Meetings
- TCHHS Board Meeting
- Nature's Powerhouse Advisory Meeting
- 2020 Advisory Meeting
- Classical Concert – Nature's Powerhouse

Kaz Price

8th July 2016

Monthly Activity Report
Councillor John Dessmann
June/July

Meetings/Events/Constituent Representations

Date	Venue	Details	Outcome/Action
14 June	Cooktown	Meet with John Corbett re Bloomfield Residents	
15 June	Chambers	LDMG	
18 June	Lakeland	“Stop Beating the Bush Around” with Gary Kerr, Cr Holmes & Cr Giese	
20 June	Chambers	Council Meeting Chaired by Cr Wilson and Airport Public Forum chaired by Gary Kerr	
21 June	Lakeland	Council Meeting	
22 June	Lakeland Tour	Visit watermelon farm, abattoirs	
23 June	Chambers	Community Engagement Workshop	
24 June	Bloomfield	Public Forum with Bloomfield Residents.	Attended with Gary Kerr & Jenni James
27 June	Cooktown	Meet Pauline Hanson	
1 July	Cooktown	NPM Committee Meeting	
5 July	Cooktown	Cooktown Chamber of Commerce & Tourism Meeting	
8 July	Cooktown	Councilor meeting	
11-15 July	Cairns	Aust Bureau of Statistics	

Upcoming Meetings/ Travel

18 & 19 July Council Meeting

Monthly Activity Report
Councillor John (Chook) Giese
June 2016

Meetings/Events/Constituent Representations

Date	Venue	Details	Outcome/Action
15-6-16	Loins hall	Water reform meeting and consultation as to the key areas affected in the moratorium that is taking place to come up with a usable plan for the cape	Was advised that personal use and stock watering would not be affected.
18-6-16	Lakeland sports grounds	With ag-force and concerned land owners as to the new vegetation clearing laws that are being brought in by the state government	This is a very real threat to the sustainability of the shire as with the loss of farming , grazing and other industries affected in the plan can cripple our shire
20-6-16 to 21-6-16	Lakeland hall and surrounds	Monthly council meeting	Council meeting held in Lakeland with a community dinner at the pub. This was followed up by farm and business tours of the area. The tour of the new watermelon plantation was mind blowing as to the complex use of technical and safe farm (environmental) plans in use
23-6-16	CSC office	Community Stakeholders Forums	Kate put on a very interesting workshop into how we should be improving with community consultations and planning of projects.
29-6-16	CSC Office	Roads committee meeting	A breakdown of how the shire is going as to NDRAA works, maintenance and proposed upgrades.
7-6-16	PCYC events centre	PCYC and education	Informal meeting to see if there any issues or complaints that arise between

			PCYC and ED. QLD with the running of the event centre
8-6-16	CSC	Councillors and heads of departments meeting	Still not happy with the time it takes for information to get back to councillors that they have requested.

Upcoming Meetings/ Travel

Council meeting that are coming up.

Planning a trip to Coen and surrounding area in the near future to get feedback on projects in the area.

Monthly Activity Report
Councillor LARISSA HALE
JULY / 2016

Meetings/Events/Constituent Representations

Date	Venue	Details	Outcome/Action
16-06-16	Cape York Partnerships	Meet with Elemental Strategy: Dr Catherine Ball, Director of Applied Innovation.	<ul style="list-style-type: none"> - Drone technology and uses for community and community groups. - 29-09-16 changes to drone rules, will no longer require operations certificate.
20-06-16	COOK SHIRE CHAMBERS	COUNCIL MEETINGN	○
20-06-16	COOKTOWN AIRPORT	AIRPORT PLANNING MEETING	<ul style="list-style-type: none"> ○ DISCUSSION OF AIRPORT PLANS & STAGES / UPGRADES ○ AIRPORT INDUSTRIAL LOTS ○ SECURE TERMINAL FACILITIES ○ NEED TO LOOK AT FLOOD, 100YR
21-06-16	LAKELAND	COUNCIL MEETING	○
22-06-16	LAKELAND	COUNCIL VISIT	<ul style="list-style-type: none"> ○ ABATOIR VISIT. ○ WATERMELON FARM VISIT
22-06-16	POWERHOUSE	RADF CATCH UP	○ MET WITH KATE EASTICK TO DISCUSS AMENITIES PROJECT.
13-06-16	COUNCIL CHAMBERS	QLD PARKS MEETING WITH YBM TO'S	○ TRADITIONAL OWNER NEGOTIATING COMMITTEE DISCUSSIONS WITH PARKS STAFF
14-06-16 TO 17-06-16	CAIRNS GBRMPA OFFICE	COMPLIANCE TRAINING AND INFORMATION	<ul style="list-style-type: none"> ○ YBM MANAGER AND COMPLIANCE OFFICER TRAINEES TO ATTEND, PROVIDING BETTER ENFORCEMENT OPPORTUNITIES FOR COASTAL AREAS ALONG THE GBR. ○ ATTENDING WILL BE – YBM, LAMA LAMA, HOPEVALE CONGRESS, JABALIBINA, APUDTHAMA, DJUBUNJI, MANDILGALBAY YADINJI, GIRRINGUN RANGERS.
26-06-16	LAURA RODEO GROUNDS	LAURA RODEO	○ ATTENDED RODEO
27-06-16 TO 30-16-16	ARCHER POINT, RANGER BASE	YBM TRADITIONAL OWNER WORKSHOPS, WITH SCIENTISTS AND TRADITIONAL CUSTODIANS / ELDERS	○ WEEK OF WORKSHOPS AND SCIENTIFIC WORKSHOPS TO WORK IN LINE WITH FURTHER RESEARCH ON REEF, WATER QUALITY AND UPCOMING ASPIRATIONS.
1-07-16	CAIRNS	LGAQ HOLDING REEF COUNCIL ROUNDTABLE	<p>The Reef – current condition and long term trends</p> <ul style="list-style-type: none"> ○ The Reef Plan – key outcomes and targets ○ State and Australian Governments

			<p>activities to date and the role they would like to play in partnering with local governments</p> <ul style="list-style-type: none"> ○ Great Barrier Reef Marine Park Authority, it's role, current activities and possible future of the Reef Guardian Councils program ○ Reef Catchment Partnerships – a local government member's perspective ○ Local government contributions to Reef conservation – presentation by one or two mayors. <p>The morning presentations will be followed in the afternoon with a closed workshop for local governments only. The purpose of the workshop will be:</p> <ul style="list-style-type: none"> ○ Review the core themes in the Plan and identify broad policy positions for each ○ Grouped by Reef catchment, review the 39 actions involving local government and identify key actions by catchment ○ Consider the identified key actions, established partnerships and networks - identify one project that councils may collaborate on to deliver <p>Determine the preferred structure for ongoing input to the LGAQ – e.g. consultative group, informal network or steering committee.</p>
07-07-16	RIVERSIDE CAFÉ	MEET WITH LORETTA SULLIVAN	<ul style="list-style-type: none"> ○ GENERAL DISCUSSION FOR WORKING GROUP FOR 2020. ○ INDIGENOUS INVOLVEMENT IN COMMUNITY PROJECTS / EVENTS ○ REENACTMENT TENANCY AGREEMENT.
07-07-16	COOKTOWN YOUTH BLOCK	NAIDOC DAY	<ul style="list-style-type: none"> ○ ATTENDED NAIDOC AT THE YOUTH BLOCK, HOSTED BY YBM. ○ GREAT TURN OUT FROM THE COMMUNITY, LIONS CLUB PROVIDED SAUSAGE SIZZLE. ○ GUNGARDE SPORTS & REC HOLIDAY CREW ATTENDED. ○ CDCC PLAY GROUP AND SNOW CONES.
8-07-16	COOK SHIRE CHAMBERS	ALTERNATE COUNCIL MEETING	<ul style="list-style-type: none"> ○
12-07-16	POWERHOUSE	2020 WORKING GROUP CATCH UP	<ul style="list-style-type: none"> ○ DISCUSS WORKING GROUP PLANS AND STEPS FORWARD.
13-07-16	COOKTOWN	CATCH UP WITH IRAC	<ul style="list-style-type: none"> ○ MEETING WITH PHIL RIST FROM THE INDIGENOUS REGIONAL ADVISORY COMMITTEE FOR THE GREAT BARRIER REEF, AND BRIAN SINGLETON FROM THE

			GREAT BARRIER REEF MARINE PARK AUTHORITY.
--	--	--	---

Upcoming Meetings/ Travel

20-07-16	COUNCIL CHAMBERS	LMAC MEETING	<ul style="list-style-type: none"> ○ 6:00PM DINNER, 6:30PM START ○ LOCAL MARINE ADVISORY GROUP GENERAL MEETING ○ PART OF AGENDA IS HERBIVOROUS FISH PRESENTATION BY ANDREW HOEY.
20-07-16	COUNCIL CHAMBERS	REEF GUARDIAN CATCH UP	<ul style="list-style-type: none"> ○ COUNCIL BRIEFING 9AM TO 10AM
22-07-16	LAURA RANGER BASE	LAURA RANGERS / LAURA CULTURAL HERITAGE BODY GENERAL MEETING	<ul style="list-style-type: none"> ○ MARK ANNANDALE FROM QLD WATER RESOURCES WILL BE ATTENDING TO EXPLAIN THE CAPE YORK WATER MANAGEMENT PLAN, CURRENTLY UNDER DEVELOPMENT. ○ DISCUSSIONS ON WATER RIGHTS ○ SUBMISSIONS TO PLAN CLOSE 29-07-16 ○ MEETING STARTS 10AM
29-07-16	NATURES POWERHOUSE	WAYMBURR BOTANIC GARDENS PRECINCT ADVISORY COMMITTEE MEETING	<ul style="list-style-type: none"> ○ 1 TO 3PM
01-08-16	COUNCIL CHAMBERS	COOKTOWN 2020 ADVISORY COMMITTEE MEETING	<ul style="list-style-type: none"> ○
4-08-16	JUNIOR RANGERS BLOCK / COOKTOWN	STATE GOV VISIT FROM DEHP	<ul style="list-style-type: none"> ○
05-08-16	TBA	DISCOVERY FEST MEETING	<ul style="list-style-type: none"> ○
6-08-16	ARCHER POINT, RANGER BASE	YBM 10 YR ANNIVERSARY	<ul style="list-style-type: none"> ○ YBM TO HOST LUNCH FOR 10 YEAR ANNIVERSARY
08-08-16 TO 10-08-16	ARCHER POINT	CULTURAL SYSTEMS DATABASE MEETING	MEET WITH DATABASE DEVELOPER TROY MALLIE IN REGARDS TO CULTURAL SYSTEMS AND CULTURAL HERITAGE MANAGEMENT.

Monthly Activity Report
Councillor Robyn Holmes
June/July

Meetings/Events/Constituent Representations

Date	Venue	Details	Outcome/Action
15 June	Lions Hall Cooktown	Draft Water Resource Plan for Cape York – Community Meeting	
16 June	Cooktown	With Cr Giese, Cr Dessmann & Trevor Meldrum, Cape York Feral Weeds & Animals	Further discussion required
	Cooktown	Horse Sports Meeting	Discuss potential bull ride and activities
18 June	Lakeland	Public Meeting “Stop Beating the Bush Around” with Gary Kerr, Cr Dessmann & Cr Giese	
20 June	Chambers	Council Meeting	½ day attendance – sick
21 June	Lakeland	Council Meeting	Did not attend - sick
23 June	Chambers	Community & Stakeholder Engagement Workshop	
29 June	Turf Club	Turf Club & CSC meeting re RV’s	Turf Club to take self-contained RV’s to 6 th August
7 July	PCYC	With Cr Giese meet with A/Principal Cooktown P-12, PCYC Manager	Nil issues between parties. PCYC requesting guidance from Steering Committee.
8 July	Chambers	Councillor Meeting	Discussion of Councillor Topics. Lacked information and unsatisfactory outcomes. Nil progress.

Upcoming Meetings/ Travel

12 EXECUTIVE SERVICES - REPORTS**12.1 CHIEF EXECUTIVE OFFICERS ACTIVITY SUMMARY**

File Number: D16/8392
Author: Chief Executive Officer
Authoriser: Tim Cronin, Chief Executive Officer
Attachments: Nil

FIRST HEADING

CEO Update June/July

Date	Activity	Details	Outcome	Status
13 June 2016	Fraud Management Workshop	LGAQ workshop to assist Councils implement fraud management framework following QAO review	Two staff also attended. Templates received to assist in implementation of fraud management framework	In progress.
14 June 2016	Paul Fisk	Discussions in respect of Lama Lama joint venture	Agreed next stage of process	In progress
15 June 2016	Leading Roles	Review salary benchmarking project		Report finalised and forwarded to Mayor
15 June 2016	Bloomfield River District Residents Association	CSC meeting to review current issues and map out future actions	Meeting planned with BRDRA	Meeting with BRDRA and CSC held 24 June 2016
15 June 2016	Aurukun Road	Phone conference to discuss impact of Amrun on CSC roads	Further discussions to be held	In progress
15 June 2016	Rock Revetment Wall	Independent Expert conducted site visit	Report to be prepared	Final report received and forwarded to EHP
16 June 2016	ELT			
16 June 2016	EHP	Meeting between Rob Laurence Executive Director EHP for debrief from independent	EHP engineer to conduct site visit on completion of report	

		expert on rock revetment wall	
17 June 2016	QRA	Meeting with Brendan Moon Acting CEO QRA	Broad discussions around current issues in respect of CSC NDRRA activities
20 June 2016	FNQROC		
20 June 2016	RRTG		
21 June 2016	Council Meeting	CSC Meeting held in Lakeland	

Date	Activity	Details	Outcome	Status
21 June 2016	Lakeland Progress Association meeting including BBQ at Lakeland Hotel			
22 June 2016	Manager Training	Workforce Vitality conducted first of three workshops for performance management framework		
23 June 2016	Webber Foreshore Residents	Meeting to discuss current status of project	Residents to be advised as outcomes of independent review are known	
24 June 2016	DILGP	Meeting with Acting Executive Director and staff	Updates provided in respect of Event Centre grant funding, project timelines and status of independent review of rock revetment wall	On-going
28 June 2016	Kingdom Hall	Meeting to discuss current status of building and options	Council to review options	In progress
28 June 2016	Workforce Vitality	Status update on performance management project		
28 June 2016	McKenna Group	Update on current contract		

matters				
30 June 2016	Post-Council updates for depot and office			
1 July 2016	Conergy	Status report on Lakeland Solar Project		
5 July 2016	Local Buy	Presentation on Local Buy services	Council to take up offer of Local Buy procurement training. Electricity review service to be explored	
Date	Activity	Details	Outcome	Status
6 July 2016	Grants Committee			
7 July 2016	AACAP	Community Event	Review of progress of AACAP. Attended AACAP community event with Chief of Army General Angus Campbell and Mayor	
8 July 2016	Council meeting			

RECOMMENDATION

That the activity summary from the Chief Executive Officer is noted.

**12.2 COUNCIL DELEGATION TO CEO FOR NEGOTIATIONS FOR MANAGEMENT AGREEMENT
COOKTOWN EVENTS CENTRE COMPLEX**

File Number: D16/8142
Author: Executive Assistant
Authoriser: Tim Cronin, Chief Executive Officer
Attachments: Nil

PRECIS

Negotiations for the Management Agreement for the Cooktown Events Centre Complex

BACKGROUND/HISTORY

The Events Centre was designed primarily as an indoor sports venue, training and education facility for use by Cooktown State School, shire residents and local communities.

Community consultation commenced in 1997 and in 2004 the Cooktown Events Centre Advisory Committee was set up and held monthly meetings until the project objectives and design were finalised.

Project objectives included:

- to provide a multi-purpose facility offering a year round venue for indoor sports for residents and the South East Cape York community
- to provide a facility for arts/performance for the school and community
- to provide a convention, training and meeting facility for the residents and South East Cape York community
- to provide a shelter during a cyclone emergency for residents and visitors.

The Queensland PCYC recommended that Strategic Leisure Group undertake a feasibility study.

The final feasibility study presented in 2008 set out the key objectives being to “report on the requirements of an indoor sports and events centre to serve the South East Corner of Cape York Peninsula that will:

- 1 provide a community meeting and performance space to facilitate cultural, drama, musical and arts activities for the school and wider community;
- 2 provide for an indoor sports hall and other recreation space which will assist in the management of community health and well being;
- 3 provide for significant regional social, health, and economic benefits including employment and training opportunities for residents, businesses and visitors to the region. Conferences, meetings and expos are restricted by inadequate facilities;
- 4 provide diversionary activities especially for the youth of the region; and
- 5 provide a facility that can also serve as a disaster/evacuation centre for the area as no such facility exists at present.

The study identified the following range of programs, events, activities and community development programs:

- 1 indoor ball sports

- 2 theatre performances
- 3 live musical performances
- 4 youth activities
- 5 community events and functions
- 6 after school care
- 7 conventions and exhibitions
- 8 socialising and meeting place
- 9 outdoor activity spaces
- 10 Cooktown State School curriculum programs and lessons
- 11 State agency programs and occasional shared office spaces
- 12 TAFE venue/Skills Centre/Trades Training Facility
- 13 Emergency and Evacuation Centre

The Feasibility Study recommended "Council investigate entering into contract management arrangements with the Queensland PCYC to operate the new Events Centre under the direction of an appropriately structured "Cooktown Community Events Centre of Management."

It was envisaged that the membership of the committee would draw from Cook Shire Council elected officials, project committee members, Council Community Services staff, Cooktown State School, Queensland Health, Cooktown Youth and Cook Shire State Emergency Services.

Funding was received from the following:

Australian Government: Better Regions (BR 071)	\$1.5m
Australian Government: Building the Education Revolution (BER)	\$2.0m
Queensland Government: Dept of Sport & Recreation	\$3.0m
Cook Shire Council	\$3.7m
Total	\$10.2m

In return for BER funding, Cooktown State School gained access to the facilities free of charge for sporting and educational use during school hours. This has been subsequently amended to reflect new schools.

Cook Shire Council entered into a Management Agreement with Queensland Police Citizens Youth Welfare Association (PCYC) to manage and operate the Cooktown Events Centre. The term of the contract was for a period of five (5) years with an expiry date of 16 December 2016.

Clause 10.2 of the Management Agreement states:

"The Council may, no later than six (6) months prior to the Expiry Date, at its absolute discretion grant an Option to renew this Agreement for the Option Period on such terms and conditions as mutually agreed between the parties except this clause for renewal which will be deleted upon the exercise of the Option. This Option will be exercisable by notice in writing given to Council not less than three (3) calendar months prior to the Expiry Date."

Following discussions with Preston Law, legal advice was not to exercise the option. The recommended course of action was to enter into exclusive negotiations with PCYC with respect to the terms and conditions of a new contract.

LINK TO CORPORATE PLAN

Leadership and Governance

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

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

Active Creative Connected

4.3.1 Provide, to a standard that ensures (at a minimum) legislative compliance and equitable access:

a) Sport and recreation facilities and services

b) Public access to playgrounds, reserves and open spaces.

Safe, Healthy and Inclusive

4.4.1 Manage and provide, to a standard that ensures (at a minimum) legislative compliance and equitable access:

a) Disaster management facilities and services in conjunction with state government agencies.

c) Procedures and processes that ensure building comply with minimum safety and health standards.

d) Public infrastructure for equitable access to all common facilities.

4.4.2 Where resources and capacity allow:

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

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

CONSULTATION

Cr Peter Scott, Cr Robyn Holmes, Cr J Giese, Cr L Hale, Preston Law.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Local Government Regulations

S 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 –

(b) the valuable non-current asset is disposed of to –

(ii) a community organisation

Local Government Regulation 2012 Section 217 Strategic contracting procedures; Section 224 Entering into particular contracts

Whilst a Local Government may dispose of a valuable non-current asset without going to tender, it is important to understand that the Queensland *Local Government Act 2009* requires that Tenders be awarded in accordance with the sound contracting principles, namely:

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

POLICY IMPLICATIONS

Procurement Policy – Goods and Services >\$200,000.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Commitment of funds over a five (5) year budget period.

RECOMMENDATION

That Council has determined that it wishes to continue its relationship with the PCYC managing the Cooktown Events Centre.

Council delegates to the Chief Executive Officer the power to negotiate the terms and conditions of the Management Agreement with Queensland Police Citizens Youth Welfare Association.

12.3 REVIEW OF EXPENSES REIMBURSEMENT POLICY (COUNCILLORS)

File Number: D16/8415
Author: Director Corporate Services
Authoriser: Tim Cronin, Chief Executive Officer
Attachments: 1 Expense Reimbursement Policy (Councillors)

PRECIS

Review of Expenses Reimbursement Policy (Councillors)

BACKGROUND/HISTORY

The policy was prepared in accordance with the Local Government (Finance, Plans and Reporting Regulation) 2010. The policy requires alignment with the current legislation *Local Government Regulation 2012* and recently elected Council.

LINK TO CORPORATE PLAN

Leadership and Governance

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

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

CONSULTATION

Executive Leadership Team, Councillors

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Local Government Regulation 2012 Section 250

Requirement to adopt expenses reimbursement policy or amendment

(2) A local government may, by resolution, amend its expenses reimbursement policy at any time.

POLICY IMPLICATIONS

Expenses Reimbursement Policy (Councillors)

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Operational Budget

RECOMMENDATION

That Council adopt the revised Expenses Reimbursement Policy (Councillors).



Expenses Reimbursement Policy (Councillors)

PURPOSE

The purpose of the policy is to ensure that Councillors (including Mayors) can receive reimbursement of reasonable expenses and be provided with necessary facilities in performance of their role.

STATEMENT OF PRINCIPLES

An expenses reimbursement policy, including any amendment of the policy, adopted by a local government must be consistent with—

- (a) the local government principles; and
- (b) the relevant measures of financial sustainability as described in the financial management (sustainability) guideline under *Section 169 Local Government Regulation 2012*

PAYMENT OF EXPENSES

Expenses will be paid to a Councillor through administrative processes approved by Council's Chief Executive Officer subject to:

- the limits outlined in this policy and
- Council endorsement by resolution.

EXPENSE CATEGORIES

Professional development

Council will reimburse expenses incurred for:

- mandatory professional development and
- discretionary professional development deemed essential for the councillor's role.

Council may reimburse expenses to a limit of \$5,000.00 per councillor during a term in office.

Travel as required to represent Council

Council will reimburse local and in some cases interstate and overseas travel expenses (e.g. flights, car, accommodation, meals and associated registration fees) deemed necessary to achieve the business of council where:

- a councillor is an official representative of council; and
- the activity/event and travel have been endorsed by the Mayor and CEO or by the council.

Councillors are to travel via the most direct route, using the most economical and efficient mode of transport. Council will pay for reasonable expenses incurred for accommodation when a Councillor is required to stay away from home overnight.

NOTE: Any fines incurred while travelling in Council-owned vehicles or privately owned vehicles when attending to Council business, will be the responsibility of the Councillor incurring the fine.

Travel bookings

All Councillor travel approved by Council will be booked and paid for by Council. Economy class is to be used where possible although Council may approve business class in certain circumstances. Airline tickets are not transferable and can only be procured for the Councillor's travel on Council business. They cannot be used to offset other unapproved expenses. (E.g. cost of partner or spouse accompanying the Councillor.)

Travel transfer costs

Any travel transfer expenses associated with Councillors travelling for Council approved business will be reimbursed. Example: trains, taxis, buses and ferry fares.

Cab charge vouchers may also be used if approved by Council where Councillors are required to undertake duties relating to the business of Council.

Private vehicle usage

Councillor's private vehicle usage may be reimbursed by Council if the:

- travel has been endorsed by the Mayor and CEO or by the council
- claim for mileage is substantiated with log book details and
- total travel claim does not exceed the cost of the same travel using economy flights plus the cost of taxi transfers.

Councillor's domiciled outside of Cooktown and environs will be paid a mileage allowance per kilometre in accordance with the scale of such allowance as prescribed by Directive made pursuant to the provisions of Section 34 of the *Public Service Act 2008*. This will be paid only for Councillors to attend Ordinary, Special, Standing Committee or Advisory Committee meetings of Council and attending meetings of other organisations to which a Councillor has been appointed as representative of Council by resolution of Council.

Laura - 284 kilometres

Accommodation

All Councillor accommodation for Council business will be booked and paid for by Council. Council will pay for the most economical deal available. Where particular accommodation is recommended by conference organisers, Council will take advantage of the package deal that is the most economical and convenient to the event.

Meals and Incidentals

Council will reimburse costs of meals and incidentals for a councillor up to the amount stipulated below:

- Breakfast - \$20.00
- Lunch - \$20.00
- Dinner - \$40.00
- Incidentals - \$17.00 (applicable when travelling outside of Shire only)

On occasions when the cost of a meal exceeds the above allowance councillors will be reimbursed for the full amount upon the provision of a receipt.

Hospitality

Council may reimburse each councillor for up to \$500 per annum for hospitality expenses deemed necessary in the conduct of Council business.

ADDITIONAL EXPENSES FOR MAYOR

Hospitality

Council may reimburse the Mayor for up to \$2,000 per annum for hospitality expenses deemed necessary in the conduct of council business.

Fuel Allowance

Council may reimburse the Mayor an amount of \$80.00 per month for fuel for use of the Mayor's private vehicle on Council business.

PROVISION OF FACILITIES

All facilities provided to Councillors remain the property of Council and must be returned to Council when a Councillor's term expires.

Private use of Council owned facilities

Based on the principle that *no private benefit is to be gained* the facilities provided to Councillors are to be used only for Council business unless prior approval has been granted by the Mayor and CEO or by the Council. This will apply when Councillors have private use of Council owned motor vehicles and /or mobile telecommunication devices.

FACILITIES CATEGORIES

Administrative tools

Administrative tools will be provided to Councillors as required to assist councillors in their role.

Administrative tools include:

- office space and meeting rooms;
- computers;
- stationery;
- access to photocopiers;
- access to printers;
- access to facsimile machines;
- publications, copies of the Act and other legislation, books and journals considered necessary;
- use of council landline telephones and internet access in Council offices.

Secretarial support may also be provided for Mayors and Councillors.

Council will provide a Councillor with home office equipment including computer and internet access if necessary.

Use of Council vehicles on Council business

Councillors may have access to a Council vehicle for official business with the approval of the Mayor and CEO or by the Council.

Private use of vehicles

Private use of Council owned vehicles is permitted if prior approval has been granted by the Mayor and CEO or by the Council. A Councillor must reimburse Council for any private use. The Mayor and CEO or the Council will, set out the terms for the Councillor to reimburse Council for the private use.

Telecommunication needs

Council will provide, for the Mayor -

- computer equipment for Council use;
- a mobile phone for Council use;
- an ADSL telephone line for Council and private use.

Council will provide, for the Deputy Mayor and other Councillors -

- computer equipment for Council use
- an ADSL telephone line for Council and private use.
- a mobile phone for Council use

Where a Mayor or Councillor's phone exceeds their plan as a result of personal calls the Mayor or Councillor will have to reimburse the Council for any excess charges.

If a Councillor chooses to retain their personal mobile number Council will pay call costs up to 50% of total calls made from a Councillor owned landline and mobile phone and 50% of monthly plan fees. However, any international calls made from the mobile or landline telephone will only be reimbursed if a receipt and certification is provided by the Councillor.

Maintenance costs of council owned equipment

Council will be responsible for the ongoing maintenance and reasonable wear and tear costs of Council-owned equipment that is supplied to Councillors for official business use.

This includes the replacement of any facilities which fall under council's asset replacement program.

Name Badge Safety equipment for Councillors

Council may provide Councillors with:

- a name badge;
- the necessary safety equipment for use on official business e.g. safety helmet /boots;
- uniforms in accordance with Council's Uniform Policy.

Insurance cover

Council will indemnify or insure Councillors in the event of injury sustained while discharging their civic duties. Council will pay the excess for injury claims made by a Councillor resulting from conducting official council business.

Fuel costs

Fuel for a Council-owned vehicle used for official Council business, will be provided or paid for by Council.

Car parking amenities

Councils will provide councillors with:

- car parking at Council's office premises and /or
- reimbursement of parking costs paid by councillors while attending to official council business.

Reporting requirements

In accordance with the provisions of Section 186 of the *Local Government Regulation 2012* the expenses incurred by, and the facilities provided to, each councillor during the financial year under the local government's expenses reimbursement policy must be included in Council's Annual Report.

THIS POLICY IS TO REMAIN IN FORCE UNTIL OTHERWISE DETERMINED BY COUNCIL.

Officer responsible for review:	Chief Executive Officer
Current adoption:	June 2012
Version No:	V3
Date for review:	Review Annually

12.4 REVIEW OF REIMBURSEMENT POLICY FOR TRAVEL RELATED EXPENSES

File Number: D16/6336

Author: Director Corporate Services

Authoriser: Tim Cronin, Chief Executive Officer

Attachments: 1 Reimbursement Policy for Travel Related Expenses

PRECIS

Review of Reimbursement Policy for Travel Related Expenses

BACKGROUND/HISTORY

The policy was last reviewed in November 2015. At the Council meeting 21 June 2016, Council requested that this policy align with the Expenses Reimbursement Policy (Councillors).

LINK TO CORPORATE PLAN

Leadership and Governance

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

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

CONSULTATION

Executive Leadership Team, Councillors

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Reimbursement Policy for Travel Related Expenses

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Operational Budget

RECOMMENDATION

That Council adopt the revised Reimbursement Policy for Travel Related Expenses.



REIMBURSEMENT POLICY FOR TRAVEL RELATED EXPENSES (EMPLOYEES)

INTENT:

To manage the use of Council funds expended by employees working away from home and to reasonably reimburse employees for expenses incurred whilst away.

SCOPE:

This policy:

1. Applies to all employees * who travel for work related purposes;
2. Encompasses provisions for meals, incidentals and accommodation;
3. This policy does not provide for re-imburement of alcohol.

* Councillor's expenditure is regulated by Council's adopted Expenses Reimbursement Policy.

PROVISIONS:

Accommodation and meals will be reimbursed to the employee when travelling as follows:

1. Meals :
 1. Breakfast - \$20.00
 2. Lunch - \$20.00
 3. Dinner - \$40.00
 4. Incidentals - \$17.00 (Applicable when travelling outside of Shire only)

Note: On occasions when the cost of a meal exceeds the above allowance and is approved by a relevant supervisor employees will be reimbursed for the full amount by providing a receipt.

2. Accommodation in the first instance should be booked and pre-paid by Council. Under exceptional circumstances accommodation may be reimbursed upon production of a receipt.

Exceptions to above determined reimbursements.

Meals, accommodation and incidentals incurred whilst travelling away from home will be paid in accordance with the council limits listed above except where:

1. An award, Certified Agreement or other legislated agreement provides for alternative reimbursement; or
2. Meals are provided as part of the travel arrangement i.e. the workshop or conference attended by the employee provides lunch or dinner.
3. When on the shire tour the incidentals allowance is claimable.

Administration

1. Employees will, wherever possible, with reference to accommodation, source the best pricing for Council taking into account efficiency of travel time, location of any venue attended by the employee and any required travel dates;
2. Accommodation in the first instance should be booked and pre-paid by Council. Under exceptional circumstances accommodation may be reimbursed upon production of a receipt or as per the ATO determination;
3. Meals may be booked by Council or by the employee, with expenditure incurred by the employee to be reimbursed upon production of a receipt or as per the ATO determination;
4. Amounts spent in excess of the ATO determined rates will be at the employee's expense unless approved by a relevant supervisor;
5. All requests for reimbursement will be submitted on the Reimbursement of Expenses form and will be authorised at the discretion of the appropriate supervisor;
6. Amounts accrued to Council by the employee over the ATO determined rate will be charged back to the employee (by invoice).

THIS POLICY IS TO REMAIN IN FORCE UNTIL OTHERWISE DETERMINED BY COUNCIL.

Officer responsible for review: Manager, Business Services
Current adoption: November 2015
Version No: V5
Date for review: November 2018

12.5 ROAD CLOSURE - PORTLAND ROADS - LOT 14 WMT60 - RADAR HILL ROAD**File Number:** D16/8011**Author:** Preston Law**Authoriser:** Tim Cronin, Chief Executive Officer**Attachments:** 1 Request for Road Closure - Lot 14 WMT60 - Radar Hill Road - Planz Town Planning Pty Ltd**BACKGROUND**

Council has received a request from consultants acting on behalf of Mr Steve Rehn, the owner of Lot 14 on WMT 60 for the partial closure of Granite Close.

The reason for the proposed road closure is the location of a water bore and associated infrastructure which services the property being located within the road reserve.

Further information was sought from Survey Services as to land boundaries and access issues. We have received advice that there are no known survey or access issues affected by the proposed road closure.

Ultimately the owner is proposing to establish a camp ground and proposes to seek freehold over the closed road. The estimated additional area to be added is 500m². (See attached request)

RECOMMENDATION

That:

1. Council provides in principle support for the partial road closure at Granite Close as depicted in the letter from Planz Town Planning Dated 11 May 2016.
2. Council authorises the CEO to sign all necessary documentation to facilitate the partial road closure.
3. The Applicant be advised that all of Council's costs associated with the above be met by the Applicant.



✉ PO Box 181 Edge Hill
QLD 4870
📍 Suite 26 City Arcade
76-80 Grafton St, Cairns

✉ plan@planztp.com
📞 07 4041 0445
ABN: 83 128 085 870

Our Ref: 51505

11 May 2016

Cook Shire Council
PO Box 3
Cooktown QLD 4895

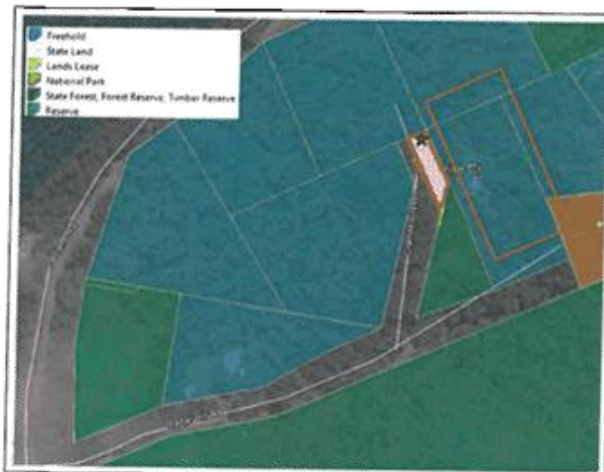
Attention: John Harrison

Dear John

**Request for Road Closure at Granite Close
Lot 14 WMT60, Radar Hill Road, Iron Range**

Planz Town Planning represents Mr Steve Rehn, who is the landowner of Lot 14 WMT60, Radar Hill Road, Iron Range. Mr Rehn is requesting a road closure of a section of Granite Close adjacent to his Lot 14 WMT60 as shown in **Figure 1**.

As you would be aware the DNRM requires Council's position on the road closure prior to the DNRM considering an application and we are requesting an indication of support or otherwise from the Council of the proposed road closure.



The applicants have purchased the site 'as is' and have discovered that their bore is located within the road reserve (shown with a star). Accordingly an application for road closure would secure the bore infrastructure into the site. Given that this section of Granite Close only serves one lot, it was considered appropriate to ask for road closure over that part of the road that adjoins the site i.e. approx. 10m (north) x 50m (west) x 20m (south) x 35m (east) and is approx. 500m² (shown as hatched).

Figure 1: Site and area of proposed road closure

The landowner does intend to apply for a camp ground in the future, the road closure will assist with the overall design (**Figure 3**). Ideally the applicants would like a permanent road closure, however a temporary road closure would be acceptable.



Site and Locality

Granite Close is located in the Rural zone and runs from its intersection with Radar Hill Road to Lot 3 CP889845 where it terminates. This section of Granite Close lies adjacent to five parcels of land, Lot 14 WMT60, Lot 9 WMT40, and Lots 3, 4 and 5 CP889845 (Figure 2), and each of these lots are accessible via alternate roads or via the section of Granite Close which is proposed to remain open.

- Lot 14 WMT60 is owned by the applicant and would remain accessible via Radar Hill Road.
- Lots 4 and 5 CP889845 are each accessible via the section of Granite Close which is proposed to remain open, as well as via Radar Hill Road.
- Lot 3 CP889845 and Lot 9 WMT40 are each accessed via Portland Road/Esplanade.

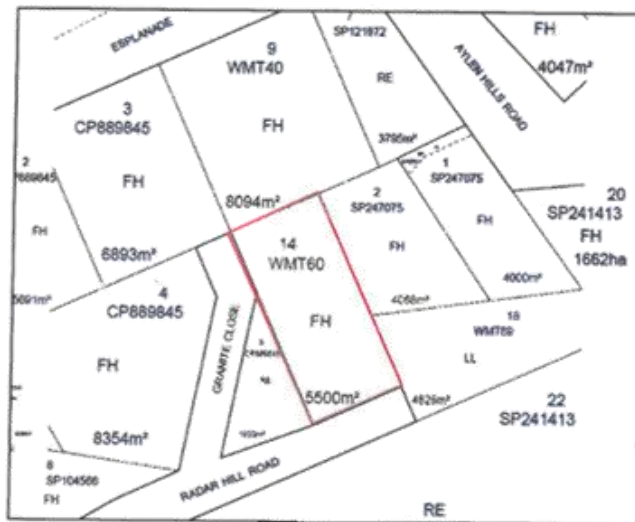


Figure 2: Locality plan

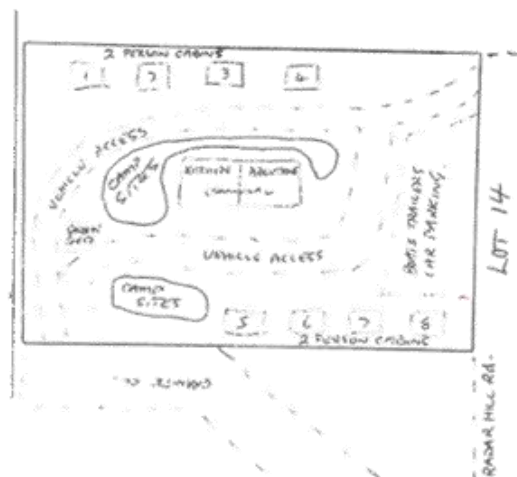


Figure 3: Possible future camp site at Lot 14 WMT60



Figure 4: Aerial view of Granite Close and Lot 14 WMT60

Statement in support of the proposed road closure

The owner of Lot 14 WMT60, Radar Hill Road is currently in the initial stages of preparing a development application for a Camp Ground for onsite bush camping. This proposed use will consist of a camping ground together with facilities which will include communal kitchen and ablution areas. This use includes private and discreet outdoor style living arrangements.

1. The road closure will allow for an additional 500m² approx. of site area to be amalgamated with Lot 14 WMT60, Radar Hill Road.
2. The area of Granite Close to be closed operates only as a minor access way, it is quite steep and does not provide a primary point of access for any adjoining lots.



3. All adjoining lots have alternate road access to the section of Granite Close which is to be closed.
4. The closure of the section of Granite Close will enable security of the existing bore on that services the site, however it is located in the road reserve and therefore greater functionality of Lot 14.
5. The road is not required to service any of the lots that it adjoins and it is more beneficial that the land be closed to meet the needs of the proposed bush camping site.
6. The proposed road closure will simply be for the amalgamation of the land into the adjoining lot.

The Landowner / Applicant understands that as part of the road closure process, the State will ask adjoining owners if they would like to purchase the land – in which case the road is split between interested parties. They also understand they will be responsible for purchasing the area of road, stamp duty, and any regulatory fees; as well as the preparation and lodgement of a plan of survey for the new lot.

Thank you for your consideration of this matter. If you require any further information please contact me via email plan@planztp.com or call me on 4041 0445.

Yours faithfully,

A handwritten signature in black ink, appearing to read "N. Huddy".

Nikki Huddy
Director

12.6 LANDHOLDER COMPENSATION AGREEMENTS

File Number: D16/8421
Author: Preston Law
Authoriser: Tim Cronin, Chief Executive Officer
Attachments: 1 Draft Mining Compensation Agreement

PRECIS

Council has received a number of requests for Landholder Compensation Agreements from Miners.

The requests generally relate to applications for mining tenements (usually Mining Leases) which include dedicated roads or reserves for which Council is a trustee.

It would appear Council does not have a standard approach and template for dealing with landholder compensation issues.

BACKGROUND/HISTORY

Miners are required to apply for a mining tenement under the Mineral Resources Act 1989 ("MRA").

In general terms, a Miner applies for a Prospecting Permit (for pegging purposes) which authorises access to land (leasehold, freehold, reserve). The Miner is then required to give notice of the issue of the Prospecting Permit and an intention to access the land for the purposes of pegging a mining lease.

Council receives these notices from time to time and no action is required.

The Miner then applies for a Mining Lease once a prospective lease area is pegged.

The MRA provides that a mining lease cannot be granted until such time as a Landholder Compensation Agreement is agreed with the Landowner and lodged with the Mining Registrar. In the event a Landholder Compensation Agreement is not lodged with the Mining Registrar within 3 months of the conclusion of the public notice and objection period, the Land Court must determine compensation.

The scope of the compensation envisaged by the MRA to be resolved a miner and landowner is set out in section 281(3) of the MRA as follows:-

"(3) Upon an application made under subsection (1), the Land Court shall settle the amount of compensation an owner of land is entitled to as compensation for—

- (i) deprivation of possession of the surface of land of the owner;*
- (ii) diminution of the value of the land of the owner or any improvements thereon;*
- (iii) diminution of the use made or which may be made of the land of the owner or any improvements thereon;*
- (iv) severance of any part of the land from other parts thereof or from other land of the owner;*
- (v) any surface rights of access;*
- (vi) all loss or expense that arises;*

as a consequence of the grant or renewal of the mining lease."

In these circumstances, it would be prudent for Council to examine each request for a Landholder Compensation Agreement on a case by case basis, however there are a few standard issues which should be addressed. These include:-

- (a) An annual compensation payment to be made;
- (b) A procedure for the Miner to notify Council of mining activities (excavations, fencing etc) in a road reserve and obtaining consent of Council prior to undertaking the activities;
- (c) A requirement to hold public liability insurance which includes Council as the road authority;
- (d) Compliance with temporary road closure or load limitations to avoid unnecessary damage to roads;
- (e) A requirement to maintain roads to an agreed standard to the extent that use of the road by the Miner damages the road above and beyond usual wear and tear;
- (f) A requirement not to transport or spread noxious weeds from the mining lease to the road;
- (g) Access to water on any dams for maintenance activities;
- (h) Costs of Council in considering and finalising compensation agreements.

We have prepared a template agreement for Council to consider.

LINK TO CORPORATE PLAN

4.1.3 Special Projects?

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

CONSULTATION

Nil

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

The MRA requires that a Miner and Landholder have a Landholder Compensation Agreement, with a Landowner or alternatively that the Land Court determines compensation. Council is an "Owner" of land for the purposes of the MRA.

POLICY IMPLICATIONS

It is desirable for Council to manage mining activities which may occur on roads and also ensure appropriate insurance is held.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

There is limited financial and resource implications with the Miner meeting Council's costs of dealing with landholder compensation

RECOMMENDATION

That

1. Council endorse the template agreement;
2. Council authorises the CEO to negotiate and finalise landholder compensation on a case by case basis with Miners.

MINING COMPENSATION AGREEMENT

ML [INSERT]

DATED

PARTIES

[INSERT]

("Miner")

Cook Shire Council

("Council")

RECITALS

- A. The Miner is the holder of the Mining Lease.
- B. Council has control over a Road within the Mining Lease.
- C. The Miner and the Council have agreed to compensation under section 279 of the *Mineral Resources Act 1989* (Qld)
- D. The Parties intend for a copy of this document to be filed in the office of the Mining Registrar.

OPERATIVE PROVISIONS

1. DEFINED MEANINGS

Words used in this document and the rules of interpretation that apply are set out and explained in the definitions and interpretation clause at the back of this document.

2. COMMENCEMENT AND TERM

- 2.1 This document commences on the Commencement Date.
- 2.2 The document operates until the Mining Lease is surrendered by the Miner or the Mining Lease is cancelled by the Mining Registrar.

3. COMPENSATION PAYMENT

3.1 Payment

The Miner will pay the Council the sum of [insert] per annum on demand for the term of the Mining Lease in full satisfaction of the Compensation Liability.

4. CONSTRUCTION OF PUBLIC ACCESS

The Miner will not conduct mining or associated activities which interfere with public access or otherwise damage the Road without obtaining the consent of the Council which may be approved subject to conditions or refused at the Council's sole discretion.

5. FENCING

The Miner will, if requested by Council, erect fencing to the satisfaction of the Council which delineates the Road from the balance of the Mining Lease.

6. ROAD CLOSURE AND LIMITATIONS

The Miner will comply with any temporary road closure or load limitation notices issued by Council.

7. MAINTENANCE

The Miner will maintain the Road to the standard nominated by Council in accordance with FNQROC.

8. WEEDS AND PESTS

The Miner will ensure that it will:-

- (a) Refrain from and take all precautions against the transportation or spread of noxious weeds and seeds in the course of undertaking mining activities to any other part of the Land;
- (b) Report the finding of any noxious weeds or declared pests on the Land to the Council and destroy such weeds or pests as soon as practicable;
- (c) Do all things necessary to prevent the spread of any noxious weeds or pests along any watercourse which runs through the Land.

9. INSURANCE

- 9.1 The Miner must keep current insurance on terms approved or required by the Council for:
- (a) public liability insurance for an amount of not less than twenty million dollars (\$20,000,000.00) per occurrence with the Council's interest noted on that policy;
 - (b) any other insurance required by law or which the Council reasonably requires.
- 9.2 If requested, the Miner must give the Council copies of each insurance policy, receipts for the last premium and certificates of currency.

10. WATER

In consultation with the Landowner, the Miner will allow the Landowner to access water pumped from any dams within the Mining Lease which have been discharged in accordance with the required discharge standards under the mining lease environmental authority.

11. CHANGED CIRCUMSTANCES

- 11.1 In the event that there is a material change in the circumstances of the Mining Lease, either the Miner or the Council may request a meeting to discuss the need to review any provision of this document.
- 11.2 The Miner and Council may confirm the terms of this document or may agree to amend the provisions of this document as part of any review conducted under clause 11.1.
- 11.3 Where the parties agree to amend this document the parties agree that the Miner is authorised to file a copy of any amended document in the office of the Mining Registrar.
- 11.4 In the event that the Parties are unable to agree on the amendment of any of the provisions of this document either party may apply for a review by the Land Court in accordance with section 283B of the *Mineral Resources Act 1989* (Qld).

12. GENERAL PROVISIONS

12.1 Costs

The Miner agrees to pay the Council's reasonable legal fees relation to the negotiation, preparation and execution of this Agreement fixed in the sum of \$500.00.

12.2 GST

If any payment made by one party to any other party under or relating to this document constitutes consideration for a taxable supply for the purposes of GST or any similar tax, the amount to be paid for the supply will be increased so that the net amount retained by the supplier after payment of that GST is the same as if the supplier was not liable to pay GST in respect of that supply. This provision is subject to any other agreement regarding the payment of GST on specific supplies, and includes payments for supplies relating to the breach or termination of, and indemnities arising from, this document.

12.3 Duties

- (a) The Miner must promptly within the initial applicable period prescribed by law pay any duty payable in relation to the execution, performance and registration of this document, or any agreement or document executed or effected under this document.
- (b) The Miner must indemnify the Council against any loss incurred by the Council in relation to any duty specified in this provision, whether through default by the Miner under this provision or otherwise.

12.4 Assignment

- (a) The Miner may assign any rights and obligations under this document in the event of the sale, transfer, assignment or disposal of the Mining Lease.
- (b) The Miner will give the other Party notice of the sale, transfer, assignment or disposal within seven (7) days of entering into a relevant agreement.

12.5 Notices

- (a) Any notice to or by a party under this document must be in writing and signed by the sender or, if a corporate party, an authorised officer of the sender.
- (b) The Parties' Initial Addresses for notices are as follows:-

Miner

Attention: [Insert]
Address: [Insert]
Phone: [Insert]
Email: [Insert]

Council

Attention: Chief Executive Officer
Cook Shire Council
Address: 10 Furneaux Street, Cooktown, Qld, 4895
Postal Address: PO Box 3, Cooktown, Qld, 4895
Phone: 07 4069 5444
Email: [Insert]

- (c) Any notice may be served by delivery in person or by post or transmission by email to the address or email address of the recipient specified in this provision or most recently notified by the recipient to the sender.
- (d) Any notice is effective for the purposes of this document upon delivery to the recipient or production to the sender of a delivery confirmation receipt before 4.00pm local time on a day in the place in or to which the written notice is delivered or sent or otherwise at 9.00am on the next day following delivery or receipt.

12.6 Governing Law and Jurisdiction

- (a) This document is governed by and construed under the law in the State of Queensland.
- (b) Any legal action in relation to this document against any party or its property may be brought in any court of competent jurisdiction in the State of Queensland.
- (c) Each party by execution of this document irrevocably, generally and unconditionally submits to the non-exclusive jurisdiction of any court specified in this provision in relation to both itself and its property.

12.7 Amendments

Any amendment to this document has no force or effect, unless effected by a document executed by the parties.

12.8 Third parties

This document confers rights only upon a person expressed to be a party, and not upon any other person.

12.9 Precontractual negotiation

This document:

- (a) expresses and incorporates the entire agreement between the parties in relation to its subject matter, and all the terms of that agreement; and

- (b) supersedes and excludes any prior or collateral negotiation, understanding, communication or agreement by or between the parties in relation to that subject matter or any term of that agreement.

12.10 Further assurance

Each party must execute any document and perform any action necessary to give full effect to this document, whether before or after performance of this document.

12.11 Continuing performance

- (a) The provisions of this document do not merge with any action performed or document executed by any party for the purposes of performance of this document.
- (b) Any representation in this document survives the execution of any document for the purposes of, and continues after, performance of this document.
- (c) Any indemnity agreed by any party under this document:
 - (i) constitutes a liability of that party separate and independent from any other liability of that party under this document or any other agreement; and
 - (ii) survives and continues after performance of this document.

12.12 Waivers

- (a) Any failure by any party to exercise any right under this document does not operate as a waiver and the single or partial exercise of any right by that party does not preclude any other or further exercise of that or any other right by that party.
- (b) Any waiver of a breach of this document must be in writing signed by the party granting the waiver, and is effective only to the extent specifically set out in that waiver.

12.13 Remedies

The rights of a party under this document are cumulative and not exclusive of any rights provided by law.

12.14 Severability

Any provision of this document which is invalid in any jurisdiction is invalid in that jurisdiction to that extent, without invalidating or affecting the remaining provisions of this document or the validity of that provision in any other jurisdiction.

12.15 Counterparts

This document may be executed in any number of counterparts, all of which taken together are deemed to constitute one and the same document.

12.16 Termination

- (a) The parties agree that a breach of this Agreement by any party will not give the other party ('Non Defaulting Party') a right to terminate this Agreement.
- (b) The Non Defaulting Party may exercise any other remedy available to it in respect of such breach.

12.17 Confidentiality

- (a) The parties must keep confidential the contents of this document and their negotiations.
- (b) No public announcement or communication about the contents of this document or the negotiations of the parties may be made or authorised by a party unless:
 - (i) the other party has given its written approval, which must not be unreasonably withheld;
 - (ii) the disclosure is to the disclosing party's employees, consultants, professional advisers, bankers, financial advisers and financiers or to a person whose consent is required under this document or for a transaction contemplated by it; or
 - (iii) the disclosure is to a bona fide potential purchaser of the Land (in the case of the Councils) or the Mining Lease (in the case of the Miner); or
 - (iv) the disclosure is made to comply with any applicable law or the requirements of any regulatory body (including any relevant stock exchange).

13. DEFINITIONS AND INTERPRETATION

13.1 Definitions

In this document unless the context otherwise requires:

"Commencement Date" means the date the last party signs this document;

"Compensation Liability" means all Compensation Liability under the *Mineral Resources Act 1989* (Qld) including the following:-

- (a) deprivation of possession of part of the surface of the Road;

- (b) diminution of the value of the Road or any improvements of the Council;
- (c) diminution of the use made or which may be made of the Road or any improvements thereon;
- (d) severance of any part of the Land from other parts thereof or from other land of the Council;
- (e) any surface rights of access; and
- (f) all loss or expense that arises;

as a consequence of the grant or renewal of the Mining Lease.

“Council” means Cook Shire Council

“Miner” means [Insert]

“Mining Lease” means Mining Lease [Insert]

“Road” means [Insert]

13.2 Interpretation

In this document unless the context otherwise requires:

- (a) clause and subclause headings are for reference purposes only;
- (b) the singular includes the plural and vice versa;
- (c) words denoting any gender include all genders;
- (d) reference to a person includes any other entity recognised by law and vice versa;
- (e) where a word or phrase is defined its other grammatical forms have a corresponding meaning;
- (f) any reference to a party to this document includes its successors and permitted assigns;
- (g) any reference to any agreement or document includes that agreement or document as amended at any time;
- (h) the use of the word **includes** or **including** is not to be taken as limiting the meaning of the words preceding it;
- (i) the expression **at any time** includes reference to past, present and future time and the performance of any action from time to time;

- (j) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally;
- (k) an agreement, representation or warranty on the part of two or more persons is for the benefit of them jointly and severally;
- (l) reference to an item is a reference to an item in the schedule to this document;
- (m) reference to an exhibit, annexure, attachment or schedule is a reference to the corresponding exhibit, annexure, attachment or schedule in this document;
- (n) reference to a provision described, prefaced or qualified by the name, heading or caption of a clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment in this document means a cross reference to that clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment;
- (o) when a thing is required to be done or money required to be paid under this document on a day which is not a Business Day, the thing must be done and the money paid on the immediately preceding Business Day; and
- (p) reference to a statute includes all regulations and amendments to that statute and any statute passed in substitution for that statute or incorporating any of its provisions to the extent that they are incorporated.

EXECUTED as an agreement

EXECUTED on behalf of the **COOK SHIRE COUNCIL** pursuant to the *Local Government Act 2009* in the presence of:

Mayor

Witness

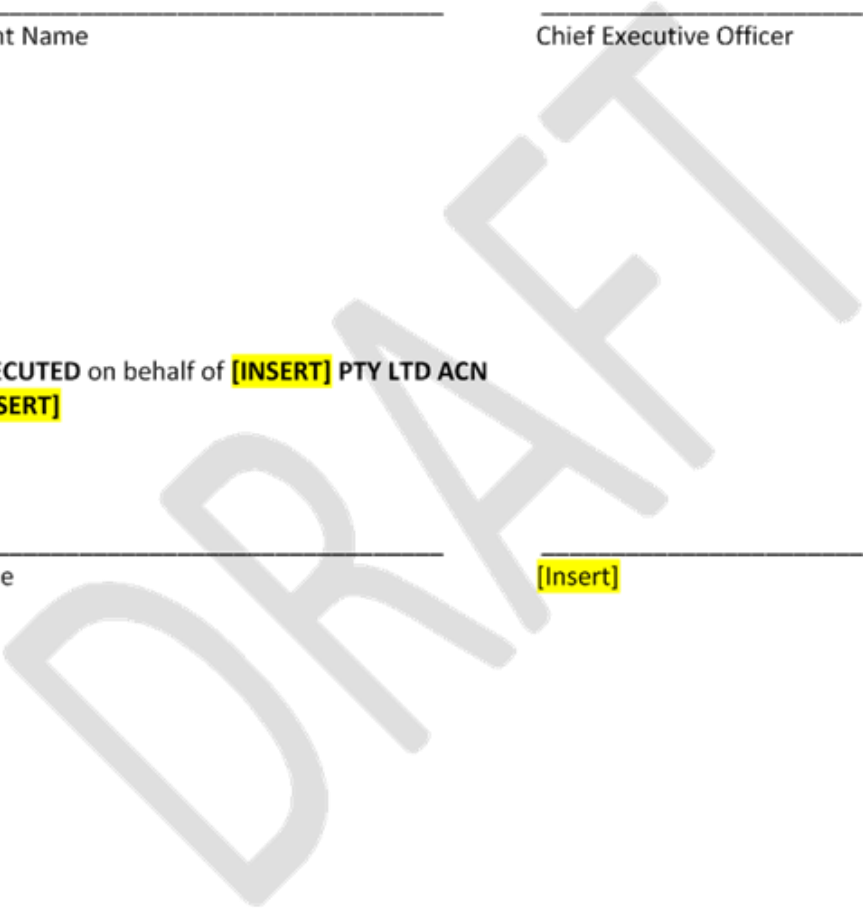
Print Name

Chief Executive Officer

EXECUTED on behalf of **[INSERT] PTY LTD ACN [INSERT]**

Date

[Insert]



MINING COMPENSATION AGREEMENT ML [INSERT]

[INSERT] ("MINER")

AND

COOK SHIRE COUNCIL

("COUNCIL")

386699

Table of Contents

RECITALS..... 1

OPERATIVE PROVISIONS 1

DEFINED MEANINGS..... 1

COMMENCEMENT AND TERM 1

COMPENSATION PAYMENT..... 2

CONSTRUCTION OF PUBLIC ACCESS..... 2

FENCING 2

ROAD CLOSURE AND LIMITATIONS 2

MAINTENANCE..... 2

WEEDS AND PESTS..... 2

INSURANCE 3

WATER 3

CHANGED CIRCUMSTANCES..... 3

GENERAL PROVISIONS..... 3

DEFINITIONS AND INTERPRETATION 6

386699

13 INFRASTRUCTURE SERVICES - REPORTS

Nil

14 CORPORATE SERVICES - REPORTS

14.1 REVENUE AND EXPENDITURE - JUNE 2016

File Number: D16/8369

Author: Director Corporate Services

Authoriser: Martin Cookson , Director Corporate Services

Attachments: 1 Finance and Expenditure June 2016
2 Finance and Expenditure - June 2016 Graphs

PRECIS

Revenue and expenditure for month ending June 2016

BACKGROUND/HISTORY

Local Government Regulation 2012 Chapter 5 S170 – A local government must adopt its budget for a financial year.

LINK TO CORPORATE PLAN

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

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

CONSULTATION

Executive Leadership Team

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Local Government Regulation 2012

Local Government Act 2009

POLICY IMPLICATIONS

Investment Policy

Debt Policy

Revenue Policy

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Operational budget.

RECOMMENDATION

That the Revenue and Expenditure Statements for June 2016 be adopted.

Cook Shire Council Income Statement				
Budget 2016-17				
	Actual to 30/06/2015	%	Amended Bgt 2015-16	Original Bgt 2015-16
% of Year Completed 100.0%				
Income				
Recurrent Revenue				
Rates, Levies & Charges	6,579,311	101%	6,529,850	6,529,850
Sales of Goods & Major Services	5,174,404	108%	4,812,000	2,712,375
Fees & Charges	698,307	76%	924,260	924,260
Rental Income	307,044	109%	281,400	281,400
Interest Received	257,788	133%	194,400	194,400
Private Works	264,424	189%	140,000	85,000
FAG's Grant	8,835,215	100%	8,824,000	8,824,000
Other Operating Grants & Subs	226,710	82%	276,100	276,100
Other Income	93,906	131%	71,850	71,850
	22,437,109	102%	22,053,860	19,899,235
Capital Revenue				
Grants & Subsidies	7,288,673	104%	7,004,500	7,004,500
NDRRA Grants	40,789,825	136%	30,000,000	22,400,000
Profit on Asset Sales	479,524		0	0
	48,558,022	131%	37,004,500	29,404,500
Total Income	70,995,131	120%	59,058,360	49,303,735
Expenses				
Recurrent Expenses				
Employee Costs (Net of Flood)	7,872,581	90%	8,746,062	9,196,062
Materials & Services	8,840,159	98%	9,022,955	8,182,280
Finance Costs	308,155	99%	312,200	312,200
Depreciation	8,898,507	101%	8,800,000	8,599,050
	25,919,402	96%	26,881,217	26,289,592
Capital Expenses				
NDRRA Expenditure	35,274,581	118%	30,000,000	22,400,000
Loss on Asset Sales	1,013		0	0
Total Expenses	61,194,996	108%	56,881,217	48,689,592
Net Result Surplus/(Deficit)	9,800,135	450%	2,177,143	614,143
Add Back Capital Transaction	(13,282,428)		(7,004,500)	(7,004,500)
Operating Result (Deficit)	(3,482,293)		(4,827,357)	(6,390,357)

Cook Shire Council - Revenue & Expenditure Financial Year 2015-16										
% of year completed 100.0%	Revenue			Expenditure			Surplus/(Deficit)			Comment
	Actual to 30/6/16	Amended Budget	% of Budget	Actual to 30/6/16	Amended Budget	% of Budget	Actual to 30/6/16	Amended Budget	% of Budget	
Executive Management										
CEO's Office	0	0		653,944	711,200	91.9%	(653,944)	(711,200)	91.9%	FNQ 65, LGAQ 49, Redund 37
Elected Members	0	0		580,423	578,900	100.3%	(580,423)	(578,900)	100.3%	
Media & Marketing	0	0		101,007	188,606	53.6%	(101,007)	(188,606)	53.6%	
HR & WH&S	69,764	27,500	253.7%	383,877	327,900	117.1%	(314,113)	(300,400)	104.6%	Trainee subsidy, HR Consultant
Land Tenure	1,781	45,000	4.0%	167,588	234,430	71.5%	(165,807)	(189,430)	87.5%	Nat Title Grant
Executive Mgt Total	71,545	72,500		1,886,839	2,041,036	92.4%	(1,815,294)	(1,968,536)	92.2%	
Corporate Services										
Corporate Services Mgt	2,921	0		514,142	447,707	114.8%	(511,221)	(447,707)	114.2%	Building Maint 73k - Air Cons, Resheet
Asset Management		0		59,087	77,643	76.1%	(59,087)	(77,643)	0.0%	
Building Maintenance				69,264	136,300	50.8%	(69,264)	(136,300)		
SFS & Disaster Mgt	21,734	22,000	98.8%	118,804	201,900	58.8%	(97,070)	(179,900)	54.0%	Pre cyclone Clean-up
TV & Radio		0		26,839	11,950	224.6%	(26,839)	(11,950)	224.6%	Rates 17k
Rates Operations	3,369,851	3,314,900	101.7%	143,635	149,250	96.2%	3,226,216	3,165,650	101.9%	Temp costs
Financial Services										
- Grants: FAGs/Operating	7,209,295	7,206,000	100.0%		0		7,209,295	7,206,000	100.0%	FAG's General Portion
- Grants: Capital	7,288,673	7,004,500	104.1%		0		7,288,673	7,004,500	104.1%	Waterfront, - R4R & State, TIDs, R2R
- Interest Income	257,788	146,000	176.6%		0		257,788	146,000	176.6%	Unused Loans/Offset by Work Cap
- Profit & Loss-Asset Sales	479,524	0	0.0%	1,013	0		478,511	0		Land and Plant Sales
- Other Income	34,418	40,000	86.0%		0		34,418	40,000	86.0%	Insurance/Workcover claims
- Insurances		0		241,458	267,000	90.4%	(241,458)	(267,000)	90.4%	Pub Liab \$105 k, M/V \$94 k, ISR \$289 k
- Interest on Loans		0		281,305	285,000	98.7%	(281,305)	(285,000)	98.7%	Quarterly payment
- Other Expenses		0		29,945	27,200	110.1%	(29,945)	(27,200)	110.1%	Bank Charges
On cost Recovery	2,588,458	3,420,000	75.7%	2,540,045	3,315,000	76.6%	48,413	105,000	46.1%	W/Comp \$256 k
IT Services		0	0.0%	543,914	523,500	103.9%	(543,914)	(523,500)	103.9%	Includes Software annual cost
Business Services	10,551	10,000	105.5%	439,117	543,600	80.8%	(428,566)	(533,600)	80.3%	Tenders, Service Fees
Community Buildings	116,868	153,200	76.3%	607,467	566,700	107.2%	(490,599)	(413,500)	118.6%	Lease Rev down, Ins \$45k
Events Centre	3,524	10,000	35.2%	548,779	506,100	108.4%	(545,255)	(496,100)	109.9%	Backpay of Mgt Fee
Natures Powerhouse	710	0	0.0%	169,700	207,000	82.0%	(168,990)	(207,000)	81.6%	
Endeavour Lodge	132,300	122,400	108.1%	206,354	165,850	124.4%	(74,054)	(43,450)	170.4%	Contract staff, Bld R & M \$58k
Admin & Financial Services	78,636	60,600	129.8%	430,169	440,600	97.6%	(351,533)	(380,000)	92.5%	Back charges and Catholic School rates
Stores Operations	30,311	35,000	86.6%	146,546	205,600	71.3%	(116,235)	(170,600)	68.1%	One staff member replaced with casual
Admin Overheads Recovery	1,175,350	1,398,820	84.0%	0	0	0.0%	1,175,350	1,398,820	84.0%	
Corporate Services Total	22,800,912	22,943,420	99.4%	7,117,583	8,077,900	88.1%	15,683,329	14,865,520	105.5%	
Engineering										
Mgr Engineering Services	13,387	12,000	111.6%	1,238,402	1,775,200	69.8%	(1,225,015)	(1,763,200)	69.5%	
Parks & Gardens	626	0	0.0%	1,329,982	1,501,750	88.6%	(1,329,356)	(1,501,750)	88.5%	
Road Infrastructure	1,650,735	1,618,000	102.0%	6,768,196	6,422,700	105.4%	(5,117,461)	(4,804,700)	106.5%	FAGs **TIDs in Finance, Deptn \$5.5m
Water Infrastructure	1,846,705	1,815,300	101.7%	2,842,670	2,850,150	99.7%	(995,965)	(1,034,850)	96.2%	Consumption charged Jan & June
Sewerage Infrastructure	1,232,812	1,185,700	104.0%	1,480,559	1,454,950	101.8%	(247,747)	(269,250)	92.0%	
Waste Mgt	596,790	781,900	76.3%	1,516,450	1,545,350	98.1%	(919,660)	(763,450)	120.5%	Reduction in skip Bin Revenue
Environmental Levy	211,321	206,000	102.6%	0	0	0.0%	211,321	206,000	102.6%	
Airport Operations	729,730	801,000	91.1%	1,070,615	1,094,200	97.8%	(340,885)	(293,200)	116.3%	
Commercial Operations	4,533,547	4,130,000	109.8%	1,381,844	996,600	138.7%	3,151,703	3,133,400	100.6%	Gravel Extract'n \$712, Roy \$132, Wharf
Works Depot	0	0	0.0%	204,586	149,050	137.3%	(204,586)	(149,050)	137.3%	Grnd Maint \$38k
Plant	2,338,681	1,986,000	117.8%	2,226,847	2,147,250	103.7%	111,834	(161,250)	-69.4%	
Private Works	190,662	100,000	0.0%	45,694	80,000	0.0%	144,968	20,000	0.0%	Woolbadda Final claim
Flood Damage	40,789,825	30,000,000	136.0%	35,274,581	30,000,000	117.6%	5,515,244	0	0.0%	
Biosecurity	349,793	380,000	1.2%	623,749	490,750	49.0%	(273,956)	(110,750)	213.0%	
Landcare Facilitator	0	0	0.0%	10,505	9,550	110.0%	(10,505)	(9,550)	0.0%	Grant funding terminated
Engineering Total	54,484,614	43,015,900	126.7%	56,014,680	50,517,500	110.9%	(1,530,066)	(7,501,600)	20.4%	

Cook Shire Council - Revenue & Expenditure Financial Year 2015-16										
% of year completed 100.0%	Revenue			Expenditure			Surplus/(Deficit)			Comment
	Actual to 30/6/16	Amended Budget	% of Budget	Actual to 30/6/16	Amended Budget	% of Budget	Actual to 30/6/16	Amended Budget	% of Budget	
Economic Dev & Comm Serv										
Comm Serv Mgt		0		275,468	316,174	87.1%	(275,468)	(316,174)	87.1%	
Community Events	4,689	0	0.0%	51,029	66,000	77.3%	(46,340)	(66,000)	70.2%	
Community Development	0			68,441	81,500	84.0%	(68,441)	(81,500)	0.0%	Reallocation of salaries
Grants	65,893	0		102,009	96,000	106.3%	(36,116)	(96,000)	0.0%	
Economic Dev/Grants	2,800	19,000	14.7%	157,299	156,001	100.8%	(154,499)	(137,001)	112.8%	
Arts & Culture	34,597	80,000	43.2%	101,381	92,695	109.4%	(66,784)	(12,695)	0.0%	Grant unspent c/fwd
Libraries	14,143	8,600	164.5%	221,532	270,846	81.8%	(207,389)	(262,246)	79.1%	
Sports & Recreation	52,309	43,850	119.3%	274,256	301,439	91.0%	(221,947)	(257,589)	86.2%	Pool donation \$17, Fence \$9
Tourism & Events	1,512	11,000	13.7%	154,596	163,151	94.8%	(153,084)	(152,151)	100.6%	
Cemeteries	5,885	6,850	85.9%	43,381	51,750	83.8%	(37,496)	(44,900)	83.5%	
Manager Planning & Environ.	235	0		101,398	324,500	31.2%	(101,163)	(324,500)	31.2%	
Planning & Land Tenure	76,932	86,500	88.9%	365,243	557,800	65.5%	(288,311)	(471,300)	61.2%	
Building	76,836	111,500	68.9%	347,686	421,150	82.6%	(270,850)	(309,650)	87.5%	
Local Laws & Animal	23,734	31,625	75.0%	419,251	228,250	183.7%	(395,517)	(196,625)	201.2%	O'time, Wharf, Legal \$54k
Health & Environment	34,864	34,560	100.9%	249,293	524,470	47.5%	(214,429)	(489,910)	43.8%	Annual Fees
Community Services Total	394,429	433,485	91.0%	2,932,263	3,651,726	80.3%	(2,537,834)	(3,218,241)	78.9%	
Total Revenue & Exp	77,751,500	66,465,305	117.0%	67,951,365	64,288,162	105.7%	9,800,135	2,177,143	450.1%	
Add Back Capital Trans	(48,558,023)	(7,004,500)	693.2%	(35,275,595)	0		(13,282,428)	(7,004,500)		
Operating Rev & Exp	29,193,477	59,460,805	49.1%	32,675,770	64,288,162	50.8%	(3,482,293)	(4,827,357)		

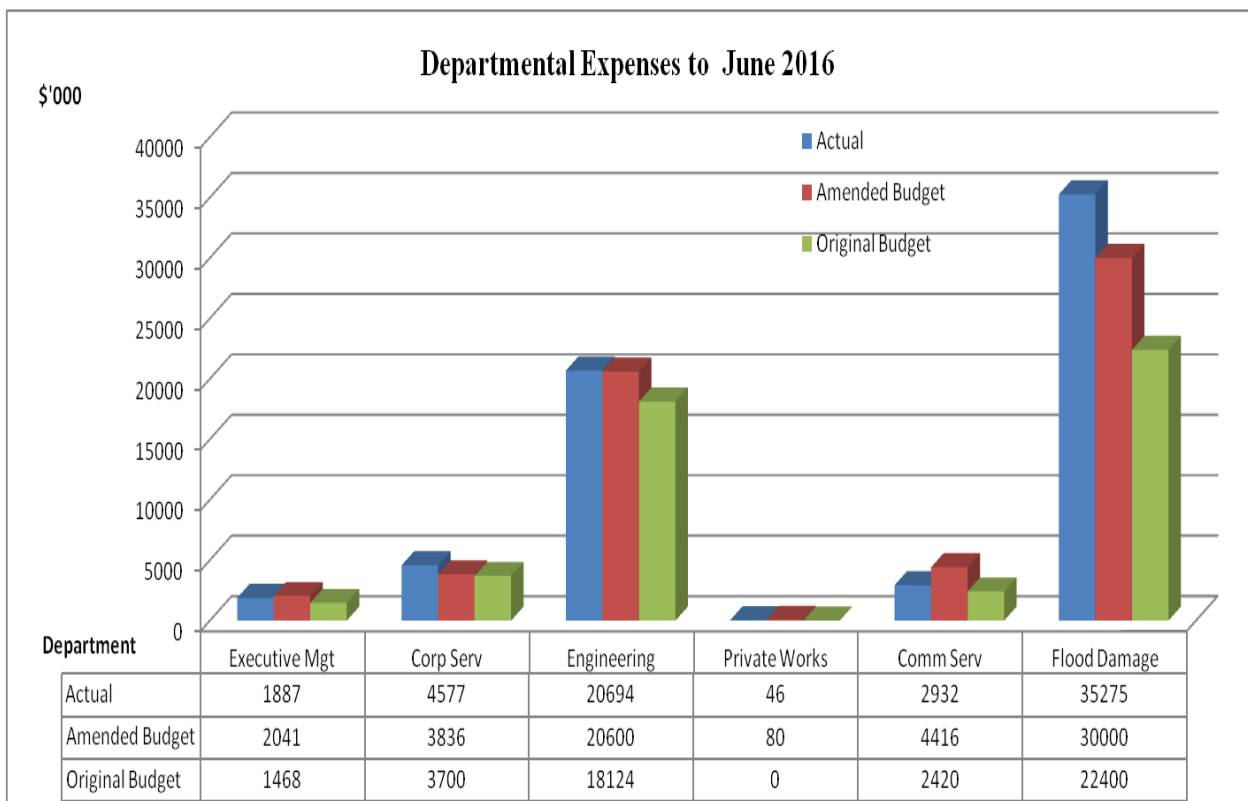
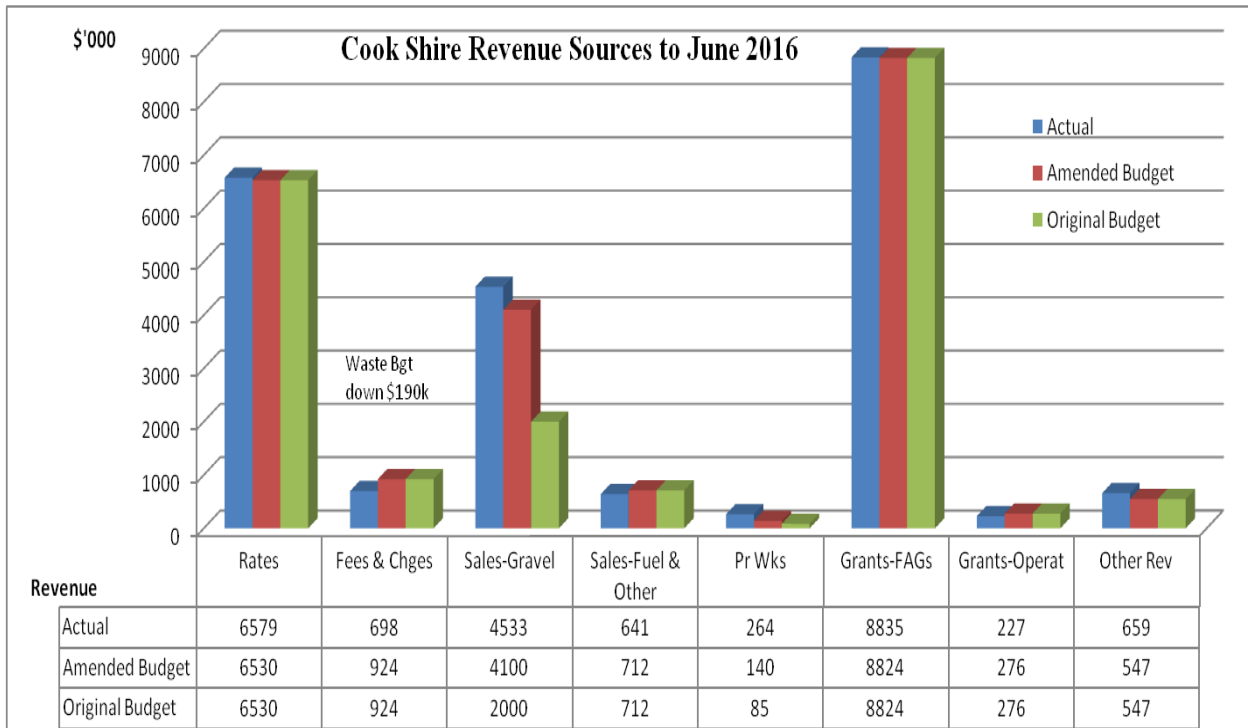
Cook Shire Council Balance Sheet				
For Financial Year 2015-16				
	Actual to 30/06/2016	% Diff	Amended Budget	Budget 2015-16
Current Assets				
Cash & Cash Equivalents	2,975,618	888%	301,150	301,150
Investments	15,428,086	75%	8,800,000	7,800,000
Rate Debtors (Net of Advances)	762,974	28%	595,000	595,000
Trade Debtors	1,373,329	205%	450,000	450,000
Other Receivables	0	0%	0	0
Inventories	473,578	-15%	560,000	560,000
Total Current Assets	21,013,585	96%	10,706,150	9,706,150
Non-Current Assets				
Property, Plant & Equipment	274,665,645	10%	249,495,948	249,495,948
Capital Works in Progress	15,784,662	134%	6,750,000	6,750,000
Total Non-Current Assets	290,450,307	13%	256,245,948	256,245,948
Total Assets	311,463,892	17%	266,952,098	265,952,098
Current Liabilities				
Trade Creditors	6,208,050	676%	800,000	800,000
Employee Entitlements	911,466	-2%	930,000	930,000
Other Payables (Incl GST Bal)	0	0%	0	0
NDRRA Rec'd in Advance	0		0	0
Borrowings	0	-100%	285,000	285,000
Working Capital Facility (\$10mil)	0		0	0
Provision for LSL	805,373	44%	560,000	560,000
Total Current Liabilities	7,924,889	308%	2,575,000	2,575,000
Non-Current Liabilities				
Trade Creditors	0		0	0
Employee entitlements	0	0%	0	0
Other Payables	152,778	0%	150,000	150,000
Borrowings	5,138,888	2%	5,050,000	5,050,000
Provision for LSL	185,056	-54%	400,000	400,000
Provision for Gravel Pits	1,547,794	7%	1,440,000	1,440,000
Total Non-Current Liabilities	7,024,516	0%	7,040,000	7,040,000
Total Liabilities	14,949,405	55%	9,615,000	9,615,000
Net Community Assets	296,514,487	15%	257,337,098	256,337,098
Community Equity				
Retained Surplus	69,596,395	3%	67,748,203	66,748,203
Asset Revaluation Surplus	225,409,684	20%	187,890,000	187,890,000
Other Reserves	1,508,408	-11%	1,698,895	1,698,895
Total Community Equity	296,514,488	15%	257,337,098	256,337,098

Cook Shire Capital Budget 2015-16 : Expenditure to June 30 2016

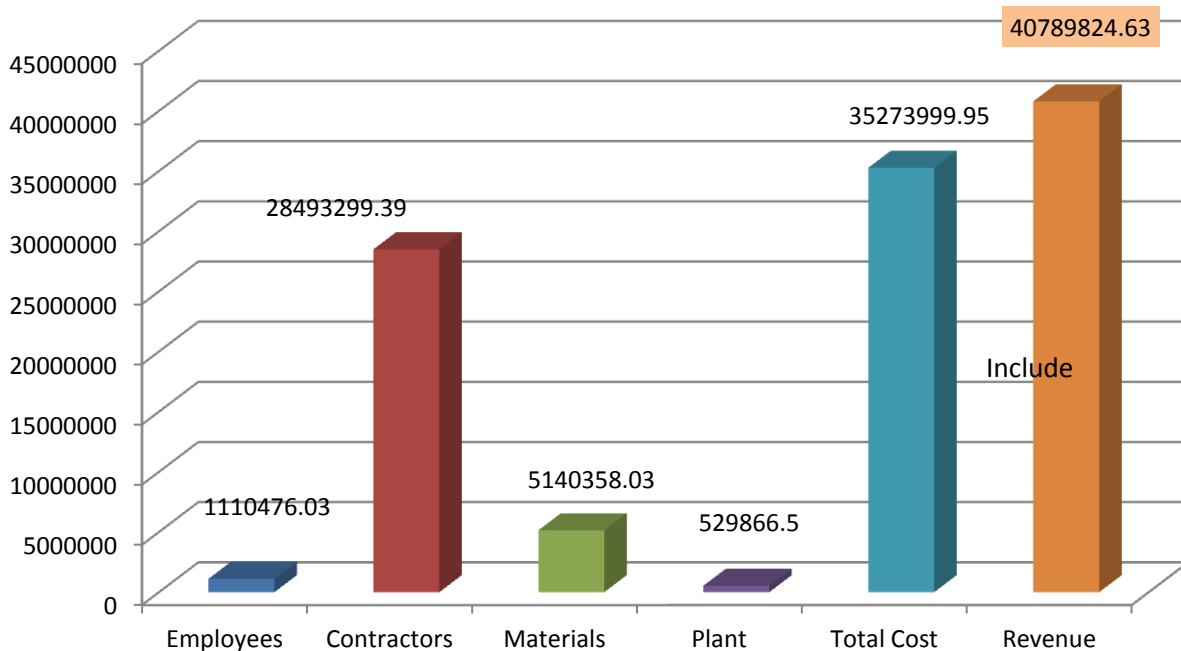
Location	WO	Waterfront Project	Budgeted Cost 2015-16	Trade-in Revenue	Funded by approved grants	Funding Body	Funded by Council	Costs Current Month	Cost to Date	Balance to Date	Comments
oktown	2233	Waterfront-Sewerage	55,000				77,259	4,943	132,259	-77,259	
	2234	Waterfront-Roadworks/Stormwater/Earthworks	1,011,418		1,066,418	R2R		1,130	285,330	726,088	
	2238	Waterfront-Irrigation (To Landscaping)	0				0	0	0	0	
	2316	Waterfront-Gazebo, Shade Sails	40,000				28,940	0	68,940	-28,940	
	2317	Waterfront-BBQ' s/Shelters					153,146	0	153,146	0	
	2318/19	Waterfront-Amenities/Pergola/ Eastern Toilet : MTC	1,239,159		1,239,159	R4R, DLGP		0	1,130,619	108,540	Includes Ancillary
	2319	Waterfront-Amenities Block : Ancillary (To WO 2318)					0	0	0	0	
	2320	Waterfront-Powder Magazine Retro-fit					0	0	0	0	
	2321	Waterfront-Landscaping(Pool,Hydromulch,Trees, Soil, Bins)	808,962		848,962	R4R/R2R		0	71,623	737,339	
	2322	Waterfront-Lighting	180,921		180,921	R4R	19,886	0	200,807	-19,886	
	2323	Waterfront-Mains Power	128,250		128,250	R4R		0	74,868	53,382	
	2324	Waterfront-Pool Fence	31,000		31,000			0	0	31,000	
	2325	Waterfront-Bond Beams & Saltwater Pool Fitout	35,517		35,517		54,384	0	89,901	-54,384	
	2327	Waterfront-Fishing Platforms	422,058		422,058	R4R	37,489	0	459,547	-37,489	
	2328	Waterfront-Stage Area (TO Landscaping)					0	0	0	0	
	2329	Waterfront-Concrete Works: Paths/Slabs					140,040	0	140,040	0	
	2330	Waterfront-Water Park (Grant 40%)	343,508		343,508	DLGP		0	319,082	24,426	
	2331	Waterfront-Gravel Footpaths (To Concrete Works)					0	0	0	0	
	2332	Waterfront-Marina Fitout , Fencing	25,000		25,000			0	0	25,000	
	2342	Waterfront-Consultancy (Prost, B & M, TPG & Michael)	271,730		271,730			0	202,500	69,230	
	2453	Waterfront-Water Mains	135,263		135,263			0	0	135,263	
	2462	Waterfront-CCTV Grafitti Stop	22,214		22,214	DLGP		0	5,700	16,514	
	2485	Waterfront-General Excavation	0				72,218	0	72,218	0	
	2809	Waterfront-Investigation of Rockwall (GHD & Other)					139,784	44,924	139,784	0	
	2811	Waterfront-Retaining Wall					142,600	0	142,600	0	
	2812	Waterfront-Legal costs					26,754	0	26,754	0	Rockwall investigation
	2819	Waterfront-Signage & Security fence					8,772	0	8,772	0	
		Plaza Concreting					0	0	0	0	
		Total Waterfront Expenditure for 2015-16	\$ 4,750,000	\$ -	\$ 4,750,000		\$ 901,272	\$ 50,997	\$ 3,724,490	\$ 1,708,824	
					\$ 4,750,000						
		Plant & Infrastructure									
oktown		Various Plant items - to be finalised	620,000	270,000	0	-	350,000	45,390	193,584	426,416	Plant items to be confirmed
	2769	Landfill - Leachate Management	0	0	0		350,000	0	32,231	317,769	Environmental Levy
	2789	Belt filter Waste Water Plant (35,000)	0	0	0		3,941	0	3,941	0	
	2576	Settling Tank-Sewerage TP	0	0	0		11,245	299	11,245	0	
	2690	Coen Airport-24,000 Fuel Tank	0	0	0	-	72,045	0	72,045	0	
	2770	Coen Airport-Bulk Diesel Tank & Bund	0				23,621	0	23,621	0	
	2821	Coen 3 x 8 M3 Hooklift Bin (Bio Solids)					43,890	0	43,890		
	2810	Standby Genset-Coen STP					14,172	0	14,172	0	
		Photocopier-Admin Office	10,000		0	-	0	0	0	10,000	Current copier failing too often
	2421	Standby Genset-Annan WTP					42,360	0	42,360	0	
	2426	Dual Disinfection Pumps					16,400	0	16,400		
	2427	Dual Disinfection Pumps					8,200	0	8,200		
							0	0	0		
		Water & Sewerage infrastructure	250,000	\$0.00	0	-	250,000	0	0	250,000	Water & Waste Infrastructure under review
		Total Plant & Infrastructure Expenditure for 2015-16	880,000	270,000	0	-	1,185,874	45,689	461,689	1,004,185	

Cook Shire Capital Budget 2015-16 : Expenditure to June 30 2016

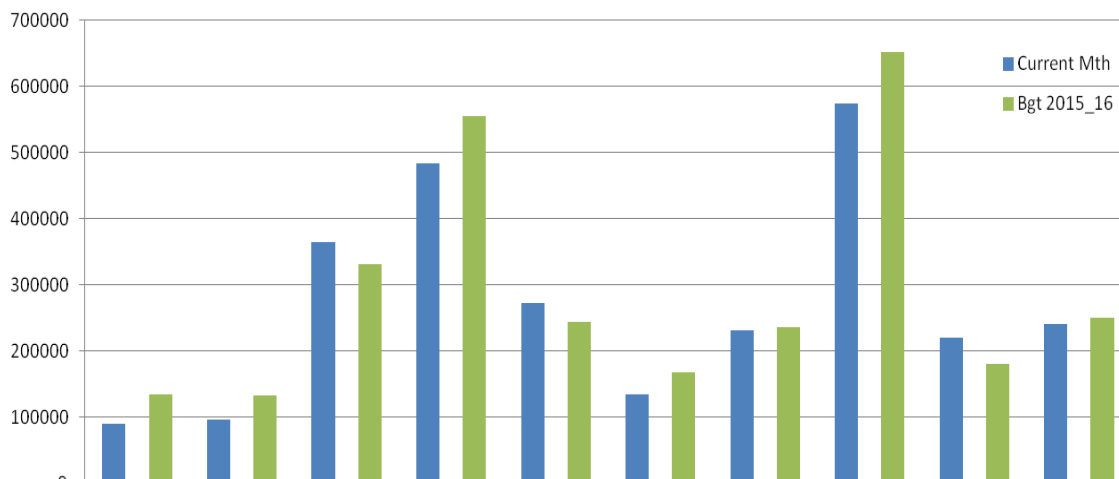
Location		Other Capital Project requiring Funding	Budgeted Cost 2015-16	Trade-in Revenue	Funded by approved grants	Funding Body	Funded by Council	Costs Current Month	Cost to Date	Balance to Date	Comments
Roadworks											
ook Shire	2669	Sailors Hill-Bamaga Road	1,750,000		1,750,000	ATSI TIDs	-324,162	0	1,425,838	324,162	
	2670	Lukin Overflow-Strathgordon Road	250,000		250,000	ATSI TIDs	63,025	0	313,025	-63,025	
	2772	Morehead Crossing-Causeway (\$225,000)	225,000		225,000	TIDs	112,500	0	204,169	20,831	
	2771	Endeavour B' camp 21.9 km to 23.7 km (\$530,000)	530,000		530,000	TIDs	265,000	0	431,531	98,469	Betterment program
	2775	Moreton Bramwell-Seal (\$270,000)	270,000		270,000	ATSI TIDs	65,255	13,432	335,255	-65,255	
	2905	Mein/Batavia (ATSI 1.6 km Sth Wenlock: \$514,000)			514,000	ATSI TIDs		402,392	402,392	111,608	
oktown		May Street Seal						0			Dependent upon Grant Funding
		Cycle Path - 4 Mile						0			Dependent upon Grant Funding
		Sherrin Esplanade - Widen and seal for parking						0			Dependent upon Grant Funding
	2339	Hope Street- completion	90,000			R2R	92,547	66,789	182,547	-92,547	R2R grant received 2014-15
	2873	Hope St - Levelling Shoulder works						102,703	144,246		Road Maint Budget
	2875	Parkinson St sealing						80,366	107,777		Road Maint Budget
	2876	Ida St P' ment reform, Drainage & Sealing						68,276	97,183		
		Racecourse walkway						0			Dependent upon Grant Funding
	2874	Staff Car Park						32,737	61,437		Road Maint Budget
	2890	Charles St - New Drainage						0	16,142		
keland		Seal Town Streets						0			Dependent upon Grant Funding
ura	2815	Sewer Scheme (Army project)						0	4,666		Army to construct - Land costs
oton		Broadway St Boardwalk						0			Dependent upon Grant Funding
Sub-total Roadworks 2015-16			\$3,115,000	\$0	\$3,539,000		\$274,165	\$766,695	\$3,726,208	\$334,243	
Other Structures											
ook Shire		Starke River facilities for waste						0			Dependent upon Grant Funding
		Energy efficiency program council buildings						0			Dependent upon Grant Funding
oktown		Landfill rehabilitation						0			Environmental Levy Reserve available
	305	Airport Subdivision	500,000		500,000		0	0	50,279	449,721	Grant approved \$500,000
		Clubhouse John St oval						0			Dependent upon Grant Funding
	2889	Storage Shed-Admin Building						11,282	11,282		
	2779	Washdown Bay-Depot (part of stores upgrade)					150,000	0	5,625	144,375	Utising Depot Loan
ssville	2891	Shade Structure (\$47,790)						8,500	32,768		
en	2691	Coen Airport-Taxiway Rescal (\$100,000)	0		0		100,000	0	56,415	43,585	
	2466	Coen Toilet Block	40,000	0	0	-	40,000	92,723	100,291	-60,291	Purchased requires fitout and connections
keland	2767	Sports Ground-Soil Test					30,000	0	30,290	-290	Dependent upon Grant Funding
	2782	Sports Ground Fence			30,000		0	0	11,552	-11,552	Dependent upon Grant Funding
		Town boundary fence						0			Dependent upon Grant Funding
ura		Town boundary fence						0			Dependent upon Grant Funding
		Playground						0			Dependent upon Grant Funding
rtland Roads		Water supply						0			Dependent upon Grant Funding
Total Other Structures 2015-16			\$ 540,000	\$ -	\$ 530,000		\$ 320,000	\$ 112,505	\$ 298,502	\$ 565,548	
Total Capex Budget 2014-15			\$ 9,285,000	\$ 270,000	\$ 8,819,000		\$ 2,681,311	\$ 975,886	\$ 8,210,889	\$ 3,612,800	



NDRRA works 2015-16 Cyclone Nathan



Expenses Actual to June 2016 vs Budget



	Advert/Media	Audit Fees	Consultants	Insurances	Legal Fees	Subscrip'ns	Travel & Accom	Utilities	Royaltys Paid	Mgt Fees
Current Mth	90335.57	96633.09	363908.88	483375.85	272024.67	134071.61	230873.93	574662.33	219787.55	240826.96
%	0.672139658	0.732068864	1.10108587	0.869459214	1.112575337	0.80018866	0.978279364	0.881992679	1.221041944	0.95946996
Bgt 2015_16	134400	132000	330500	555950	244500	167550	236000	651550	180000	251000

14.2 T0216 - PANEL OF PREFERRED SUPPLIERS - ASSET MAINTENANCE

File Number: D16/8238
Author: Administration
Authoriser: Martin Cookson , Director Corporate Services
Attachments: Nil

PRECIS

This report is to appoint a Panels of Preferred Suppliers - Asset Maintenance for all maintenance works for Council properties.

BACKGROUND/HISTORY

In order to minimise operational expenditure, in accordance with Section 235 of the Queensland *Local Government Regulation 2012* (exceptions for medium and large sized contracts), Council advertised for parties interest in participating in a Panel of Preferred Supplier – Asset Maintenance.

The Tender was divided into 4 zones, Cooktown/Marton, Ayton/Bloomfield and Rossville, Lakeland/Laura and Coen/Portland Roads. The Tenderer needed to supply the number of trade persons, mark up percentage on materials, normal hourly rate for the different zones, emergency work and after hour rates.

Council will use the hourly rates for work or request a quote from the Supplier on a need basis.

The Suppliers will be engaged for a period of 2 years.

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

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

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

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

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

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

Tender was advertised in various newspapers and on Council's website, tenders closed on June 14, 2016.

Council received the following tenders:

- J & R Electrical
- Mission Beach Constructions P/L
- Global Foliage Managers P/L
- NCH Civil Constructions
- Closedane P/L T/A JM Switchboards
- Cooktown Pest Control
- Shawn Hawkins Electrician

- Mick Murphy Painting
- Jason Cummings
- Maxi Constructions P/L
- NQ Engineering & Fabrications P/L
- UpNorth Building P/L
- Hopevale Welding
- Miller's Xtreme Diesel & Auto
- STI & Associates
- Roland Graf's Auto Centre
- KP Auto Electrics
- Mad Keen Constructions P/L
- Nambil P/L T/A All Pest & Weed Control
- Ricky Lockyer – Late Tender
- TFH Hire Services P/L – Late Tender
- Rentokil – Late Tender

LINK TO CORPORATE PLAN

4.1 Leadership and Governance

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

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

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

CONSULTATION

FNQROC discussion – Procurement Network

Interdepartmental (determination of appropriate Specifications)

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Local Government Regulation 2012 S232 Exception for register of pre-qualified suppliers.

POLICY IMPLICATIONS

Procurement Policy

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Operational Budget, procurement efficiencies.

RECOMMENDATION

That Council endorse the following Suppliers to be added to Council's Panel of Preferred Suppliers for Asset Maintenance:

- J & R Electrical
- Mission Beach Constructions P/L
- Global Foliage Managers P/L
- NCH Civil Constructions
- Closedane P/L T/A JM Switchboards
- Cooktown Pest Control
- Shawn Hawkins Electrician
- Mick Murphy Painting
- Jason Cummings
- Maxi Constructions P/L
- NQ Engineering & Fabrications P/L
- UpNorth Building P/L
- Hopevale Welding
- Miller's Xtreme Diesel & Auto
- STI & Associates
- Roland Graf's Auto Centre
- KP Auto Electrics
- Mad Keen Constructions P/L
- Nambil P/L T/A All Pest & Weed Control
- Ricky Lockyer – Late Tender
- TFH Hire Services P/L – Late Tender
- Rentokil – Late Tender

15 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - REPORTS**15.1 REQUEST FOR AN EXTENSION TO THE APPROVAL PERIOD FOR DA/2838 - STAGED RECONFIGURATION INTO TWENTY-TWO (22) LOTS - OF LOT 3 ON SP161236, 2 KELLEHAVEN ROAD, COOKTOWN**

File Number: D16/8126
Author: Reel Planning Pty Ltd
Authoriser: Gary Kerr, Director Development, Environment & Community
Attachments: Nil

PRECIS

Applicant: Elizabeth R Milne & Julius J Abrahams
7 Buhmann Street
Cooktown Qld 4895

Owner: Elizabeth R Milne & Julius J Abrahams

Location: 2 Kellehaven Road, Cooktown

RPD: Lot 3 on Plan SP161236

Area: 18.58 Hectares

Zone: Rural Residential

Proposed Use: Staged Reconfiguration into Twenty two lots;
Stage 1 – 13 lots
Stage 2 – 9 lots

Minimum Lot Size: 4,141 sq metres

Referral Agencies: The Department of Transport and Main Roads
(Land within 100 metres of a State Controlled Road) – Concurrence Agency

The Department of Environment and Resource Management (Vegetation) – Concurrence Agency

The Department of Environment and Resource Management (Land within 100 metres of a Wetland) – Advice Agency

REPORT

Council at its meeting of the 13 December 2011, resolved to approve the issue of a Development Permit for the Staged Reconfiguration of Lot 3 on Plan SP161236, located at 2 Kellehaven Road into twenty-two (22) lots, subject to conditions. This Decision Notice was issued on the 15 December 2011. On 13 January 2012 the applicant sought a Negotiated Decision Notice in relation to conditions 3, 4, 5, 7, 11 and 16. Council approved the request and a negotiated decision notice was issued on 23 April 2012.

Via correspondence received by Council on 11 March 2016, the current land owners sought an extension to the approval period for a further four (4) years. The land owners (who are the applicants for this request) stated that the subdivision has not been acted upon because it has not been possible to compete with the offered price of land around town. The applicants further state that it is expected the demand for the land (subject to the approval) will return, enabling the expenditure for infrastructure services.

Section 383 of the *Sustainable Planning Act 2009* (SPA) outlines the requirements for extending an approval period. Notably, the applicant must advise each entity that was a concurrence agency for the original application, in this case the Department of Transport and Main Roads and the (then) Department of Environment and Resource Management (now the Department of Environment and Heritage Protection). The applicant provided notice of the requested extension to both those entities (via the State Assessment and Referral Agency (SARA)) and received a response dated 7 April 2016 stating that there was no objection to the request.

Section 388 of SPA states the matters that the assessment manager must have regard to in deciding the request. These include (in summary):

- a) The consistency of the approval with current laws and policies applying to the development;
- b) The community's awareness of the development approval; and
- c) If the request were to be refused:
 - a. Further rights to make a submission may be available for a further development application; and
 - b. The likely extent to which these rights might be exercised; and
- d) The views of any concurrence agency.

In relation to the above criteria, the following observations are made:

- a) There has been no change to the Planning Scheme affecting this land in the time since the original application was made and the original (and negotiated) decisions given.
- b) The original application was subject to code assessment which means it was not subject to formal public notification. It is likely however that the lots have been advertised for sale in the years since the approval was granted and therefore likely that the public is generally aware that the land is subject to an approval for subdivision.
- c) If the request were to be refused and a new application made proposing subdivision in the same form, the application would once again be subject to code assessment. For this reason there would not be formal public notification and the public would not have the opportunity to lodge a formal submission objecting to the proposal.

- d) The applicant has fulfilled their obligations under SPA to notify the relevant concurrence agencies and those agencies responded indicating they had no objection to the requested extension.

DISCUSSION

Conditions of approval require connection to Council's reticulated water supply and upgrading of the intersection of Kellehaven Road and the Mulligan Highway. These represent reasonably costly infrastructure upgrades which mean that a certain price point must be achieved for each allotment to justify the expense. On this basis, the applicant's assertion that the inability to compete with the price of land in town is considered reasonable and it is recommended that an extension to the approval period be granted. The conditions of approval are nevertheless outdated compared to current subdivision approvals and the infrastructure charges relate to a previous infrastructure charging regime. For this reason it is recommended that only a two (2) year extension be granted rather than the four (4) years requested.

RECOMMENDATION

That a two (2) year extension to the approval period be granted for DA/2838, Staged Reconfiguration of Lot 3 on Plan SP161336, located at 2 Kellehaven Road Cooktown, into twenty two (22) lots.

15.2 PERMISSIBLE CHANGE TO DEVELOPMENT APPROVAL - DA/3048 FOR RECONFIGURING A LOT (1 INTO 2 LOTS) ON LOT 28 ON RP851359, PENINSULA DEVELOPMENTAL ROAD, LAKELAND

File Number: D16/8154
Author: Reel Planning Pty Ltd
Authoriser: Gary Kerr, Director Development, Environment & Community
Attachments: 1 Appendix A Proposal Plan Permissible Change DA/3048 Conditions
2 Appendix B - DTMR Conditions - DA/3048 Request for a Permissible Change

PRECIS

Applicant: William Reddie and Laura L Wallace
c/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Owner: L&R Collins Pty Ltd and Laura Wallace

Location: Peninsula Developmental Road, Lakeland Qld 4871

R.P.D.: Lot 28 on RP851359

Area: 453.8ha

Zone: Rural

Proposed Use: Reconfiguring a Lot (1 into 2 Lots)

Referral Agencies: Department of Transport and Main Roads

Submissions: Not applicable

REPORT

The original application was made to Council for the issue of a development permit for Reconfiguring a Lot (1 into 2 lots) at Peninsula Developmental Road, Lakeland. The application was approved by Council subject to conditions in February 2013.

On 31 May 2016 Council received a request for a Permissible Change to the aforementioned approval.

PROPOSAL

The changes seek that the common boundary between the two allotments be relocated from the southern side of Easement A on RP746792 to the northern side. It will result in Lot 100 on SP258892 reducing in size from 300.4ha to 298.8ha and Lot 101 increasing from 153.4ha to 164.0ha (refer to Figure 1 and 2). Easement A runs from the Peninsula Developmental Road

through to (and in favour of) Lot 30 to the rear of the Lot and will not be affected by the proposed change.

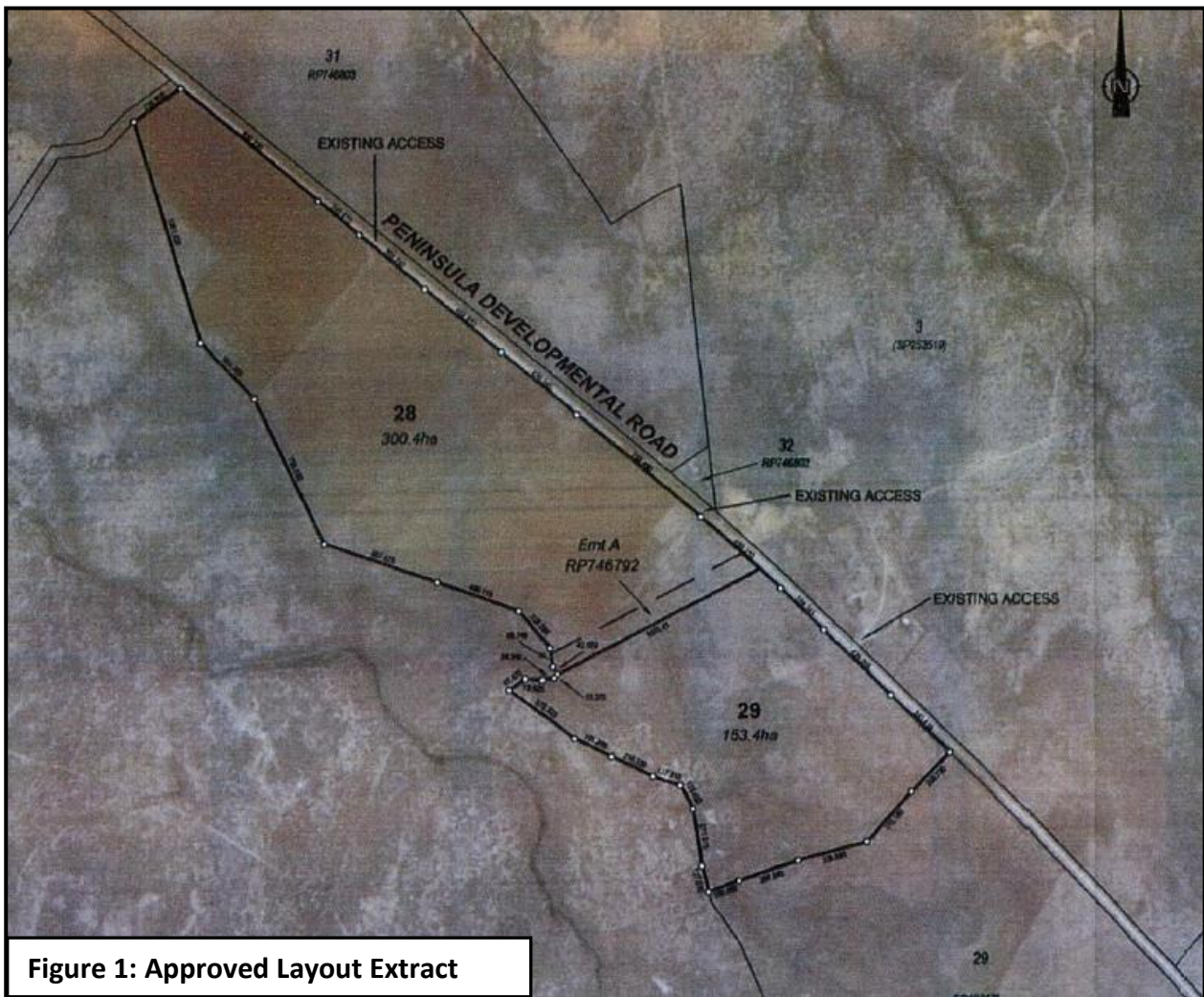


Figure 1: Approved Layout Extract

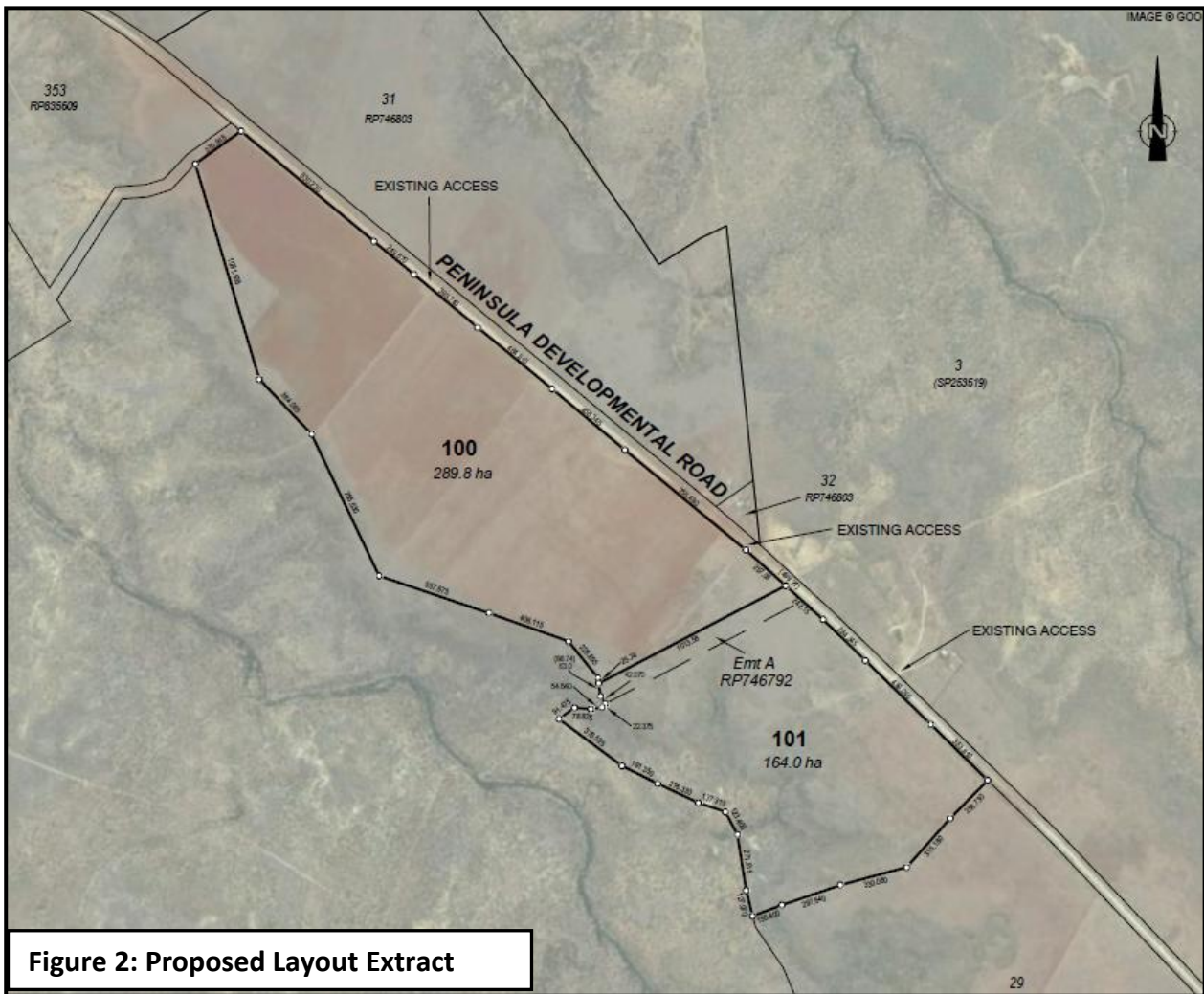


Figure 2: Proposed Layout Extract

THE SITE

The land is located approximately sixteen (16) kilometres north west of Lakeland on the Peninsula Developmental Road and has an area of approximately 453 hectares. The site is currently used for Primary Production and the topography is generally flat, with no significant waterways.

TOWN PLANNING CONSIDERATIONS

Section 367 of the *Sustainable Planning Act 2009* (SPA) sets the criteria for changes to development approvals (referred to as ‘Permissible Changes’). Under this section, a change must not:

- Result in substantially different development;
- Require referral to additional referral agencies (if the application were re-made);
- Require impact assessment where it previously did not (if the application were re-made);
- In the assessment manager’s opinion, cause somebody to object to the changes if the circumstances allowed; or
- Include any prohibited development.

In this case the changes are considered to comply with the criteria of a Permissible Change under SPA section 367 for the following reasons:

- The proposal does not involve a change to the type and/or intensity of land use nor a change to the number of allotments sought. The changes in the size of each allotment are considered insignificant.
- The change does not trigger referral to any additional referral agencies;
- The original application required code assessment and the proposed changes would not require impact assessment;
- As code assessable development the application was not subject to formal public notification and no informal submissions were made during the assessment period.
- The proposed changes will not result in any prohibited development.

In a general sense, the proposed changes have little overall effect on the town planning matters considered in the original approval. The changes do not warrant additional assessment under the planning scheme nor do they alter the level of assessment. The type of reconfiguration is the same and the changes to the size of the resultant allotments is insignificant. The changes would not affect the ability to use the allotments for the purposes originally intended.

The conditions of approval will remain largely unchanged, except to refer to the new proposal plan.

REFERRAL AGENCIES

The original application required referral to the Department of Transport and Main Roads (DTMR) as the land fronts the Peninsula Developmental Road which is a State Controlled Road. DTMR approved the application subject to conditions requiring access to the Peninsula Developmental Road to be limited to the three locations shown on the Proposal Plan. The applicant referred the proposed Permissible Change to DTMR (via the State Assessment and Referral Agency – SARA) on 21 June 2015. DTMR responded via correspondence dated 22 June 2016 stating they did not object to the change, but requesting the Department’s original response be included as part of any decision.

DISCUSSION

The proposed Reconfiguring a Lot (1 into 2 Lots) was considered to comply with the relevant sections of the Planning Scheme and approved subject to conditions. The proposed change to move the boundary will not change the end use of the allotments and does not require further assessment against the planning scheme.

RECOMMENDATION

That Council approve the application submitted by William Reddie and Laura L Wallace c/- RPS Australia East Pty Ltd for a for a Permissible Change to an approval for Reconfiguration of Lot 28 on Plan RP851359, Peninsula Developmental Road via Lakeland, into two (2) lots, be approved with amendments to conditions 1, 2, 5 highlighted in red below.

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

1. The development must be carried out generally in accordance with the amended proposal plan **Drawing No PR103282-5 B - dated, 12/05/2016**, except for any minor variations required to comply with the Conditions of this approval (see Appendix 'A').

Access

2. Access to proposed Lots **100 and 101** must be from the existing access points off the Peninsula Development Road.

Water Supply

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

4. Effluent Disposal

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 and Building application.

Fire Break

5. Practical fire breaks must be provided for all boundaries of proposed **Lots 100 and 101** must be maintained by the property owner at all times. Proposed **Lots 100 and 101** must be maintained at all times so as not to create a fire hazard.

Electricity

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

Public Utilities

7. 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".

Outstanding Charges

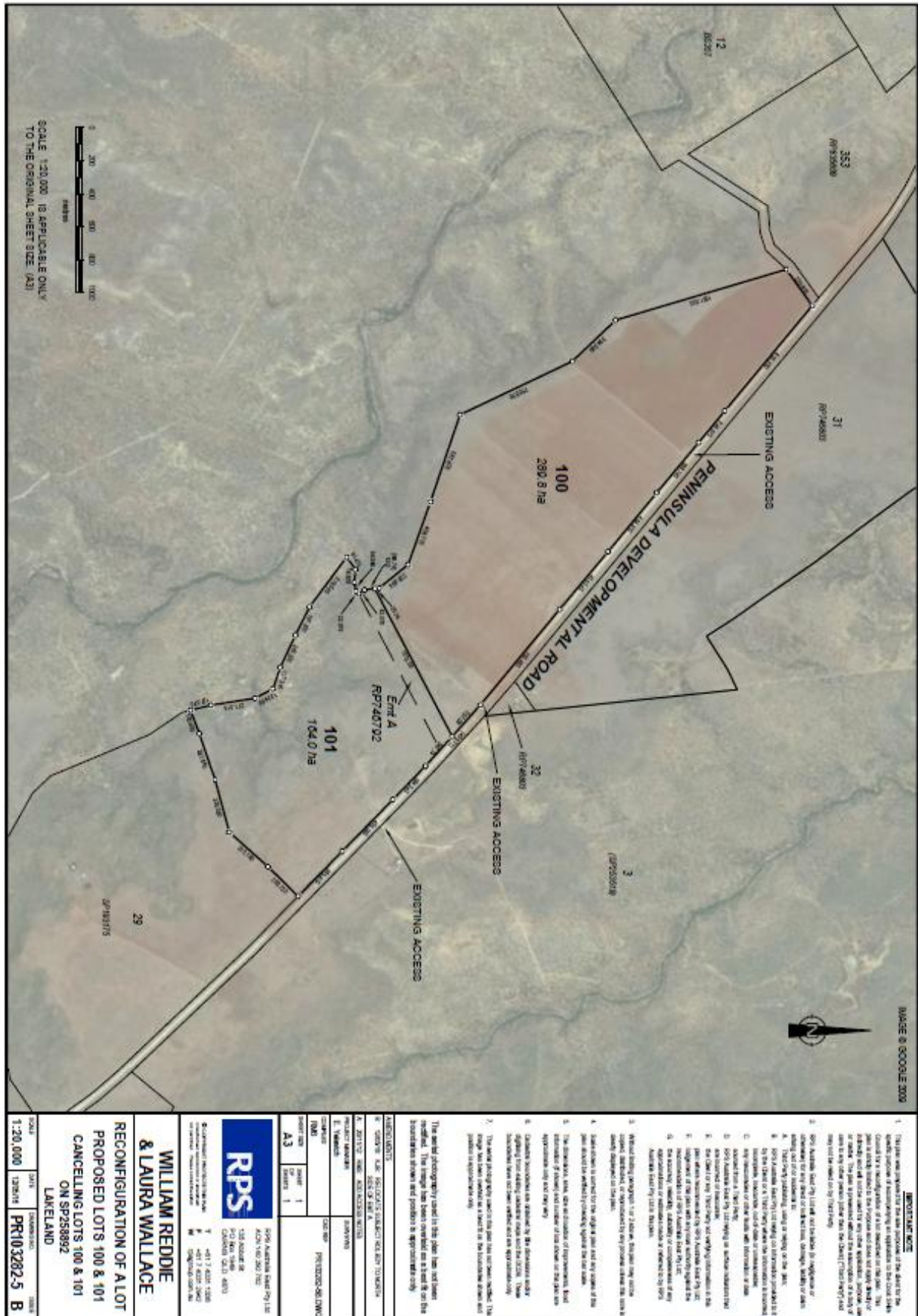
8. All rates, services charges, interest and other charges levied on the land must be paid prior to Council Endorsement of the Plan of Survey.

Compliance

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

B. Concurrence Agency Response (Department of Transport and Main Roads) Appendix 'B'

See the Amended Concurrence Agency Response from the Department of Transport and Main Roads dated 7 December 2012.



SCALE		DATE	DRAWN BY	DATE
1:20,000	12/01/15	12/01/15	PR103282-5	B

WILLIAM REDDIE & LAURA WALLACE RECONFIGURATION OF LOT PROPOSED LOTS 100 & 101 CANCELLING LOTS 100 & 101 ON SP25889Z LAKELAND		5094 Australia Road Pty Ltd ACN 160 260 702 1581 ROBERT ST QLD 4810 07 4671 9200 07 4671 9202 07 4671 9203 07 4671 9204 07 4671 9205 07 4671 9206 07 4671 9207 07 4671 9208 07 4671 9209 07 4671 9210 07 4671 9211 07 4671 9212 07 4671 9213 07 4671 9214 07 4671 9215 07 4671 9216 07 4671 9217 07 4671 9218 07 4671 9219 07 4671 9220
--	--	--

RPS 1581 ROBERT ST QLD 4810 07 4671 9200 07 4671 9202 07 4671 9203 07 4671 9204 07 4671 9205 07 4671 9206 07 4671 9207 07 4671 9208 07 4671 9209 07 4671 9210 07 4671 9211 07 4671 9212 07 4671 9213 07 4671 9214 07 4671 9215 07 4671 9216 07 4671 9217 07 4671 9218 07 4671 9219 07 4671 9220		PROJECT NO: 100 SHEET NO: 1 DATE: 12/01/15 DRAWN BY: PR103282-5 CHECKED BY: B
--	--	---

NOTICE

1. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009.

2. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009.

3. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009.

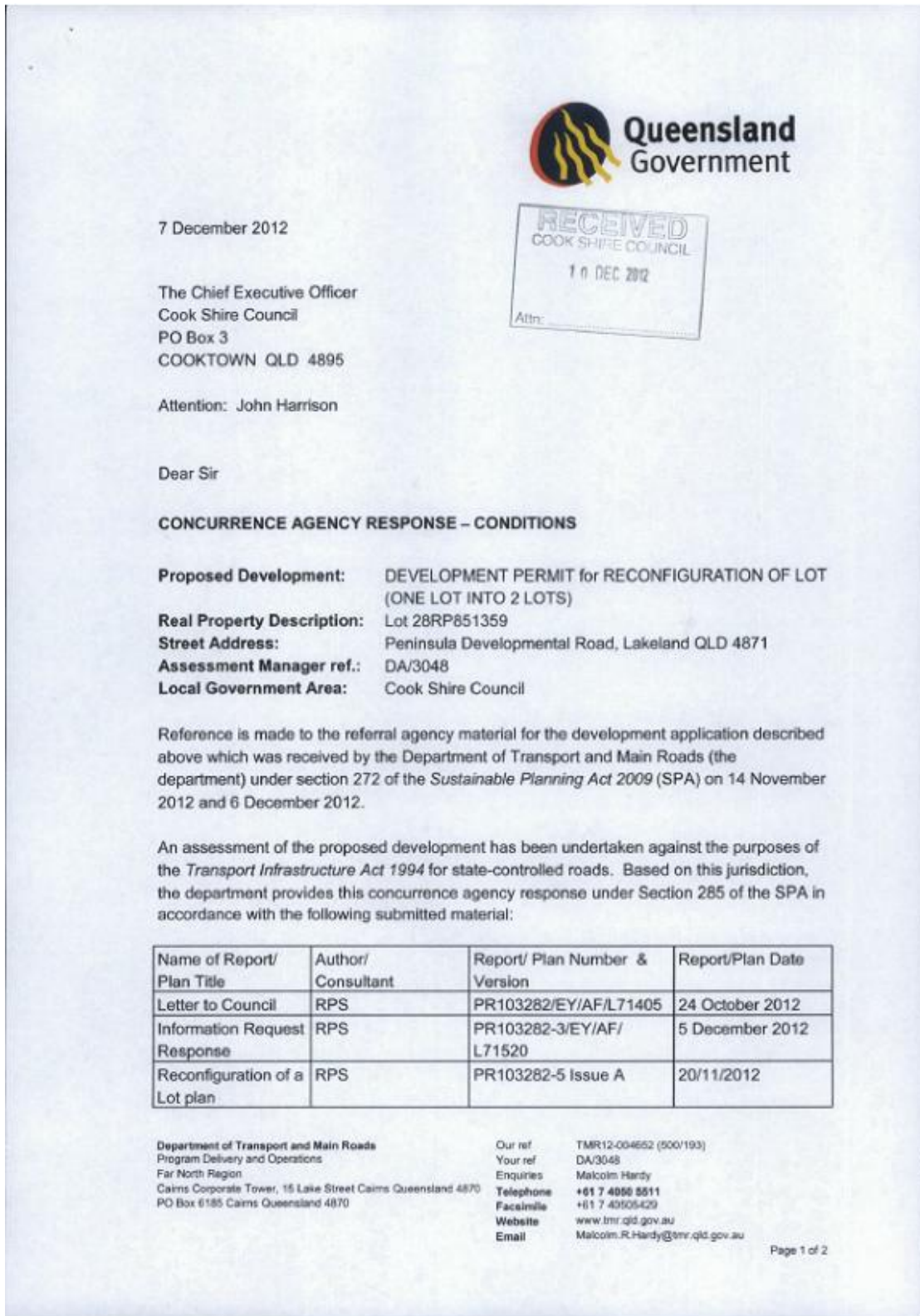
4. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009.

5. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009.

6. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009.

7. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009. The site plan and map are prepared for the purpose of the application for a development plan under the provisions of the Local Government Act 2009.

Appendix 'B'



The department advises the assessment manager that it requires conditions to attach to any development approval for the application. The department would also like to provide advice about the application to the assessment manager under Section 287(6) of the SPA.

Under Section 325(1) of the SPA, the assessment manager must therefore attach this response, including the enclosed Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons, to any approval for the application.

The department may change its concurrence agency response in accordance with Section 290(1)(b) of the SPA.

The department must be provided with a copy of the assessment manager's decision notice regarding the application within five (5) business days after the day the decision is made in accordance with Section 334 of the SPA.

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

If you have any questions or wish to seek clarification about any of the details in this response, please contact Malcolm Hardy, Senior Town Planner (Corridor Management) on 07 4050 5511.

Yours sincerely



Malcolm Hardy
Senior Town Planner (Corridor Management)

Enc. Department of Transport and Main Roads Agency Conditions and Statement of Reasons

C/c W Reddie & L Wallace
C/- RPS
PO Box 1949
Cairns QLD 4870



Our ref.: TMR12-004652 (500/193)
Your ref.: PR103282-3/EY/AF

C/c W Reddie & L Wallace
C/- RPS
PO Box 1949
Cairns QLD 4870

Attention: Evan Yelavich

Please find attached correspondence for your information and action as required. Should you wish to discuss this correspondence, please contact Malcolm Hardy, Senior Town Planner (Corridor Management) on 07 4050 5511.


Yours sincerely

A handwritten signature in black ink that reads "Malcolm Hardy".

Malcolm Hardy
Senior Town Planner (Corridor Management)

7 December 2012

Enc. Department of Transport and Main Roads Agency Conditions and Statement of Reasons




Department of Transport and Main Roads
Concurrence Agency Conditions and Statement of Reasons

Proposed Development: DEVELOPMENT PERMIT for RECONFIGURATION OF LOT (ONE LOT INTO 2 LOTS)

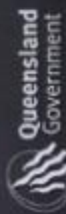
Real Property Description: Lot 28RP951359
Street Address: Peninsula Developmental Road, Lakeland QLD 4871
Assessment Manager ref.: DA/3048
Local Government Area: Cook Shire Council

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
Development Permit - Reconfiguring a Lot (One Lot into 2 Lots)			
1	Development must be carried out generally in accordance with the following plan and reports, except as modified by these concurrence agency conditions: <ul style="list-style-type: none"> • RPS Reconfiguration of a Lot plan PR103282-5 Issue A, dated 20/11/2012 • RPS letter to Council PR103282/EY/AF/L71405, dated 24 October 2012 • RPS Information Request Response PR103282-3/EY/AF/L71520, dated 5 December 2012 	Prior to submitting the Plan of Survey to the local government for approval	The purposes of the Transport Infrastructure Act 1994. The Department of Transport and Main Roads' assessment of the development application was undertaken on the basis of the cited plan/s and/or report/s which depict how the proposed development will be carried out.
2	The 3 permitted road access locations for the development are between the subject site and the Peninsula Developmental Road generally in accordance with the Reconfiguration of a Lot plan, that is: <ul style="list-style-type: none"> • For proposed Lot 28: the existing accesses located about 1.1km and 3.2km from the northern side boundary, and 	Prior to submitting the Plan of Survey to the local government for approval	The purposes of the Transport Infrastructure Act 1994 (TIA). Vehicular access at the permitted road access location minimises impacts on the safety and efficiency of the state-controlled road network.

Page 1 of 3



No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
3	<ul style="list-style-type: none"> For proposed Lot 29: the existing access located about 0.7km from the southern side boundary. <p>Direct access is not permitted between the Peninsula Developmental Road and the subject site at any location other than the permitted road access locations.</p>	<p>Prior to submitting the Plan of Survey to the local government for approval</p>	<p>The purposes of the Transport Infrastructure Act 1994.</p> <p>Vehicular access at the permitted road access location minimises impacts on the safety and efficiency of the state-controlled road network.</p>



Advice for state controlled roads

Under section 43 of the *Transport Infrastructure Act 1994*, a local government must obtain the Department of Transport and Main Roads' approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a state-controlled road; and beyond the boundaries of the state-controlled road; and reasonably likely to create a traffic hazard for the state-controlled road.

Under section 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out road works, including road access works, on a state-controlled road. Please contact the Department of Transport and Main Roads on 4050 5451 (Ron Kaden) 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).

Pursuant to Section 580 of the *Sustainable Planning Act 2009* it is a development offence to contravene a development approval, including any condition in the approval.

INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE**Representations on Referral Agency Response**

If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application. The assessment manager cannot decide the application before 10 business days after receiving the final concurrence agency response, pursuant to section 318(5) of the *Sustainable Planning Act 2009* (SPA).

The applicant will need to give the assessment manager written notice under section 320(1) of SPA to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

Planning and Environment Court Appeals

If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under Section 462(1) of the SPA. This notice should be forwarded to the Planning Law Team, Planning Management Branch, Department of Transport and Main Roads, GPO Box 213, Brisbane QLD 4001 within 2 days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.

15.3 APPLICATION FOR A DEVELOPMENT PERMIT - DA/3609 - RECONFIGURATION OF A LOT ONE (1) INTO TWO (2) ON LOT 29 C17945 - 16 CHARLES STREET, COOKTOWN**File Number:** D16/8225**Author:** Development Coordinator**Authoriser:** Gary Kerr, Director Development, Environment & Community**Attachments:** 1 Appendix 'A' Proposal Plan for DA/3609 Reconfiguration of a Lot**PRECIS****Applicant:**

Maureen Carruthers and Margaret Walls
PO Box 517
Cooktown Qld 4895

Owner:

Maureen Carruthers and Margaret Walls

Location:

16 Charles Street
Cooktown Qld 4895

Real Property Description:

Lot 29 on Plan C17945

Area:

1.191 hectares

Zone:

Rural Residential

Proposed Use:

Reconfiguration into one (1) into two (2) lots

Current Use:

Dual Occupancy – two (2) residential dwellings

REPORT

Application has been made to Council for the issue of a Development Permit for the Reconfiguration of Lot 29 on C17945 located at 16 Charles Street, Cooktown into two (2) lots. The land is 1.191 hectares in size and located in the Rural Residential Zone. The application is Code Assessable Development under the Cook Shire Planning Scheme.

PROPOSAL

The application is for a Development Permit for the reconfiguration of Lot 29 C17945, into two (2) lots. The areas of the proposed lots are:

- Proposed Lot 1 – 0.4300 ha
- Proposed Lot 2 – 0.7610 ha

Access to the proposed lots will be from Parkinson Street. Lot 29 has an existing approval for a Dual Occupancy issued by Council 18 June 2003. The property owners wish to establish each dwelling on its own parcel through this Reconfiguration application.

The proposed Lots 1 and 2 will have approximately 53.5 and 65 metre frontages respectively to Parkinson Street, with Lot 2 also have a 100.5 metre frontage to Charles Street and 118.8 metre frontage to Keable Street.

Both dwellings are currently connected to reticulated power. An Easement is proposed for the benefit of proposed Lot 1 approximately 20 metres long x 3 metres wide from the Keable Street south corner of Lot 29 where the Ergon power connection to the property is in place (see Figure 2).

SITE

Figure 1

The site is within the Cooktown urban area, it is opposite the staged development of the Endeavour Christian College and otherwise surrounded by Rural Residential lots. The Site currently has two (2) existing dwellings and the proposal will allow the dwellings to be located on their own lot (see Figure 2).

The site is within the Reticulated Water Area, but not yet in the Reticulated Sewerage Area. Reticulated Water can be accessed via the Parkinson Street boundary.

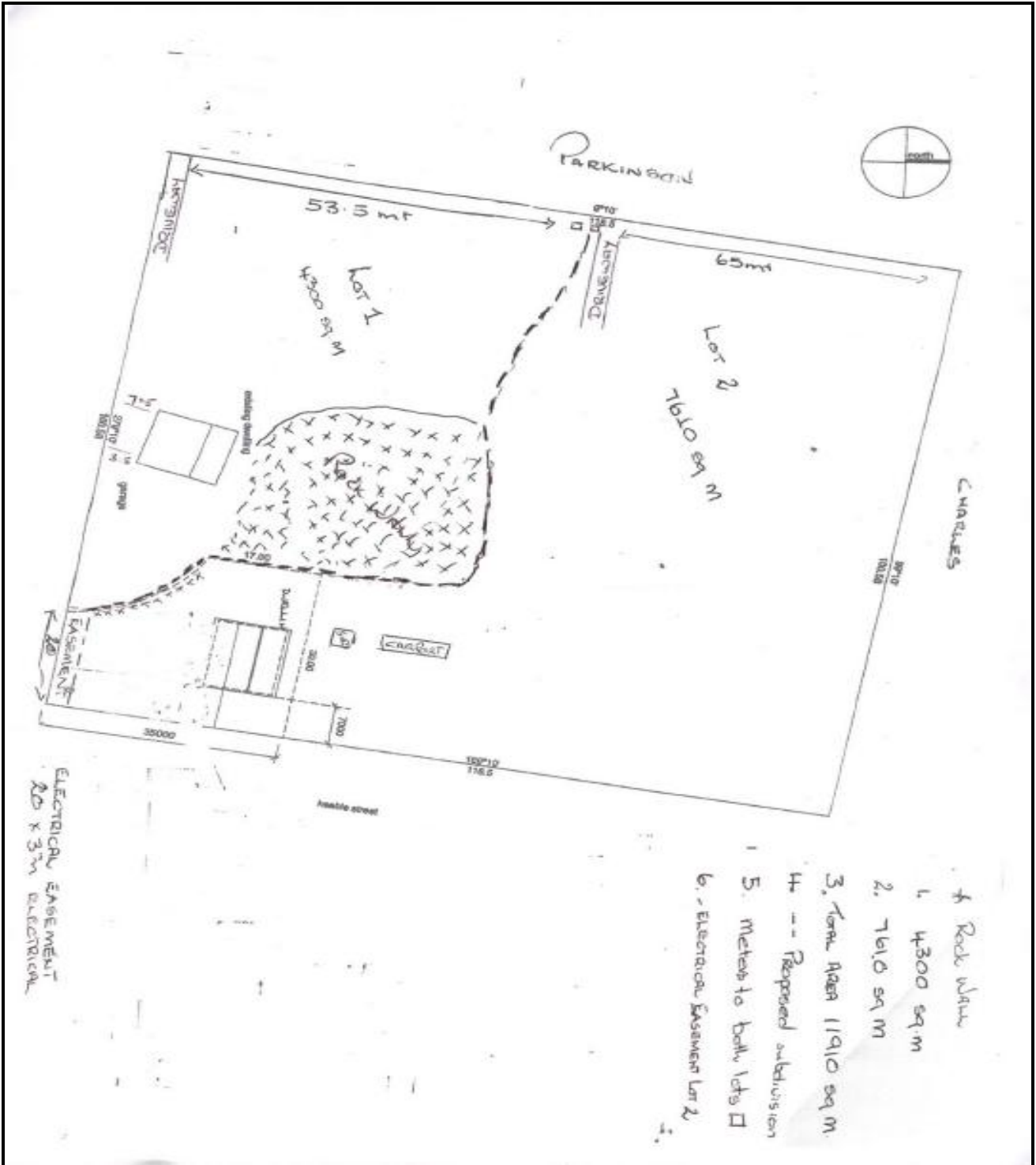


Figure 2

Parkinson Street is a constructed road along the frontage of the site with kerb, channel, swale drains and bitumen seal. These works were undertaken as part of the Staged approval for the Endeavour Christian College expansion on the opposite side of the street. Charles Street and Keable Street are unsealed. The land is zoned Rural Residential under the Cook Shire Planning Scheme and has an area of 1.191 hectares. The proposed development is within the current kerbside rubbish collection area.

TOWN PLANNING CONSIDERATIONS

Lot 29 is zoned Rural Residential under the Cook Shire Planning Scheme and the proposed Reconfiguration into two (2) lots is Code Assessable development.

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

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

The proposed development is considered to generally comply with the overall outcomes of the Zone.

CODE REQUIREMENTS

Cook Shire Council's Planning Scheme identifies the following Codes as being triggered by this proposed development:

- 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 the proposed Reconfiguration complies with the relevant Performance Criteria for the purpose of this application.

REFERRAL AGENCIES

There are no State Referral Agencies for the purpose of this application.

PREVIOUS APPROVALS

Lot 29 on C17945 has a previous Development Permit – DA/859 - issued on 18 June 2003 for a Material Change of Use for a Dual Occupancy. As part of this previous approval Water and Sewerage Headworks' charges along with a Park Contribution fee were charged to the applicants and subsequently paid. For this reason, no further infrastructure charges are proposed to be applied to this application.

DISCUSSION

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 Maureen Carruthers and Margaret Walls for a Development Permit DA/3609, Reconfiguration of Lot 29 on Plan C17945, located at 16 Charles Street Cooktown into two (2) lots be approved subject to the following Conditions:

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

1. The development must be carried out generally in accordance with the Proposal Plan (Appendix A) with the application, except for any variations required to comply with the Conditions of this approval.

Access

2. Access to the proposed lots must be from the existing access points on Parkinson Street.
3. Access for all proposed lots from the property boundary to the road pavement, must be sealed with either bitumen or concrete and constructed in accordance with the FNQROC Manual, drawing S1105 and incorporate necessary ancillary drainage. The design must be approved by Council's Director Infrastructure Services, prior to work commencing.

Services

4. The approved lots must be connected to Council's reticulated water supply by separate water meter connection, in accordance with Council's Development Standards and to the satisfaction of the Director Infrastructure Services prior to the endorsement of the Plan of Survey.

Electricity

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

Easements

6. All necessary easements required from this reconfiguration, including electricity supply over proposed Lot 2 in favour of proposed Lot 1, must be designed and documented at the applicants cost prior to the endorsement of the Survey Plan by Council.

Fire Management

7. Proposed Lots 1 and 2 must be maintained at all times to a standard so as not to create a fire hazard.

Public Utilities

8. The developer is responsible for the cost of any alterations to public utilities as a result of complying with Conditions of this approval. Utilities design must be in accordance with the relevant Design Guidelines set out in section D8 of the FNQROC Manual.

Outstanding Charges

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

Compliance

10. 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

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



15.4 APPLICATION FOR A DEVELOPMENT PERMIT - DA/3514 - FOR A MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY -LOCATED AT 'WOLVERTON STATION' PENINSULA DEVELOPMENT ROAD, ARCHER RIVER, QLD 4892 (LOT 4 ON SP104555)

File Number: D16/8312

Author: Reel Planning Pty Ltd

Authoriser: Gary Kerr, Director Development, Environment & Community

Attachments: 1 Appendix's A and B for DA/3582 - Report for Quarry MCU

PRECIS

Applicant:

David Oriel Industries Pty Ltd
C/- Kathy Hughes
18 Riverview Terrace
MAREEBA QLD 4880

Owner:

State of Queensland

Location:

'Wolverton Station' Peninsula Developmental Road
Archer River Qld 4892

Real Property Description:

Lot 4 on Plan SP104555

Area:

Approximately 70,300ha Hectares (Area subject to Application
– approximately 259 Hectares)

Zone:

Rural

Proposed Use:

Development Permit for Material Change of Use (Extractive Industry) Current Use

Referral Agencies:

Department of Transport & Main Roads
(Concurrence – Development within 25m of a State Controlled Road)

Department of Transport & Main Roads
(Concurrence – Development impacting on State Infrastructure)

REPORT

The Application was submitted to Council under the current IPA Planning Scheme for the issue of a Development Permit for Material Change of Use for an Extractive Industry. An acknowledgement notice was issued on 16 March 2016 identifying the Department of Transport and Main Roads (DTMR – via the State Assessment and Referral Agency (SARA)) as a Concurrence Agency.

PROPOSAL

The application is for a Development Permit for a Material Change of Use for an Extractive Industry. The proposal involves the screening and sale of sand and gravels which are otherwise extracted and stockpiled as part of an existing alluvial tin mining operation occurring under mining lease ML20633. The tin mining operation involves:

- Scraping the top soil;
- Scraping the non-mineral bearing gravel;
- Excavating the thin layer of mineral (cassiterite) bearing material; and
- Replacing the non-mineral bearing gravel and top soil replaced then rehabilitated.

The mineral bearing sand and gravel is taken to the plant where the mineral is removed and the clean gravel and sand stockpiled. The mine uses an existing pastoral dam as a water supply and the overall sediment control system involves a settling dam which (under the terms of the mining approval) needs to be regularly cleared of sand. Some of this stockpiled material is needed for the rehabilitation and maintenance of the operation, however it is expected that up to 100,000 tonnes will be available to be screened (sorted and/or crushed) and sold. There will be a small benefit to the existing tin mining operation in that it will partially reduce the erosion control risk through reduction in stockpiles.

The existing mining operation has established the necessary infrastructure to allow the screening and sale of sand and gravel to occur. The proposed operation will make use of the existing:

- tracks and roads for access,
- dams and rainwater tanks for water supply;
- Fuel storage, Solar Panels and generators; and
- office, workshop, accommodation, toilets, etc.

It is proposed to utilise portable crushing plant to be used in the existing plant and stockpile area close to existing water and power supplies. The material will be stockpiled and erosion control mats used in the event it remains for any considerable period.

Hours of operation are consistent with the existing mining operation, between 6am and 6pm Monday to Friday. The screening and sale of sand and gravel from the site is not intended to be a standalone use. It is to be undertaken in association with the tin mining. As mentioned above, rehabilitation of the area from which the gravels are extracted is regulated under the existing mining lease, so no added rehabilitation is required.

SITE

The subject site is Wolverton Station which covers an area of 70,300 hectares however an area of approximately 259 hectares is subject to the application. The land subject to the application is currently used for tin mining, with the remainder of the parcel used for cattle grazing.

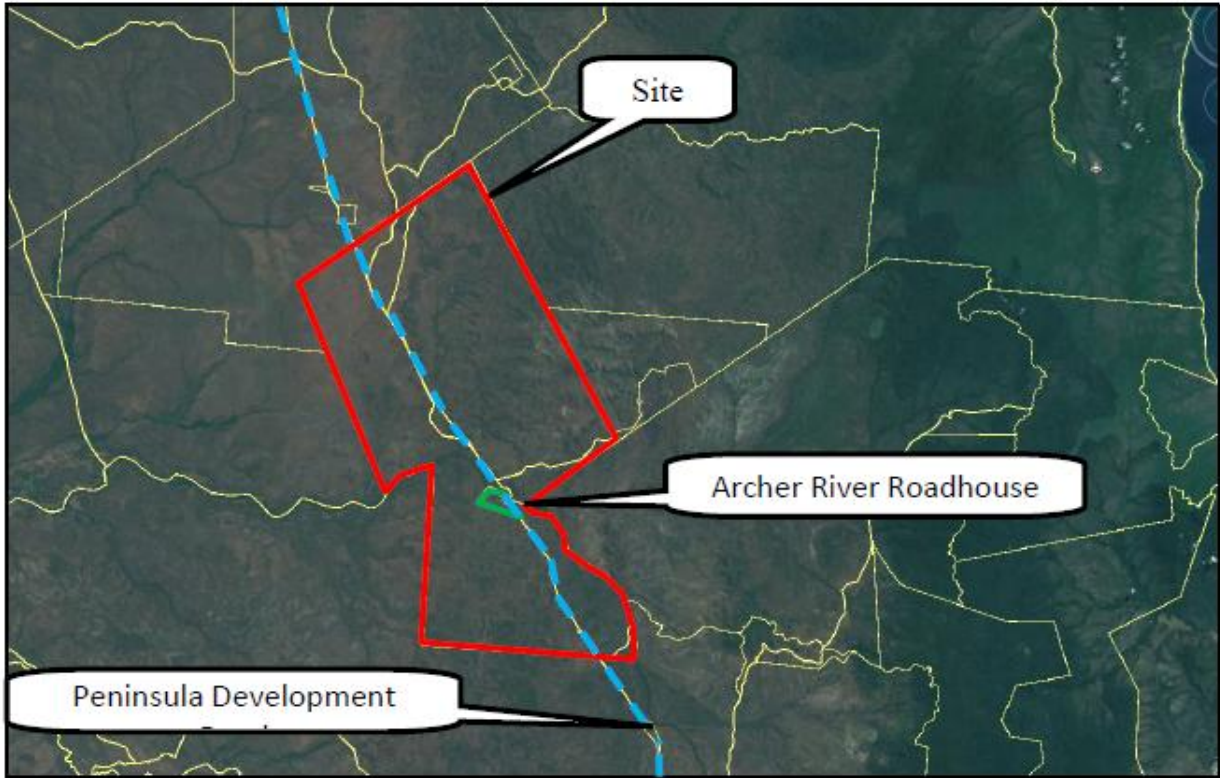


Figure 1

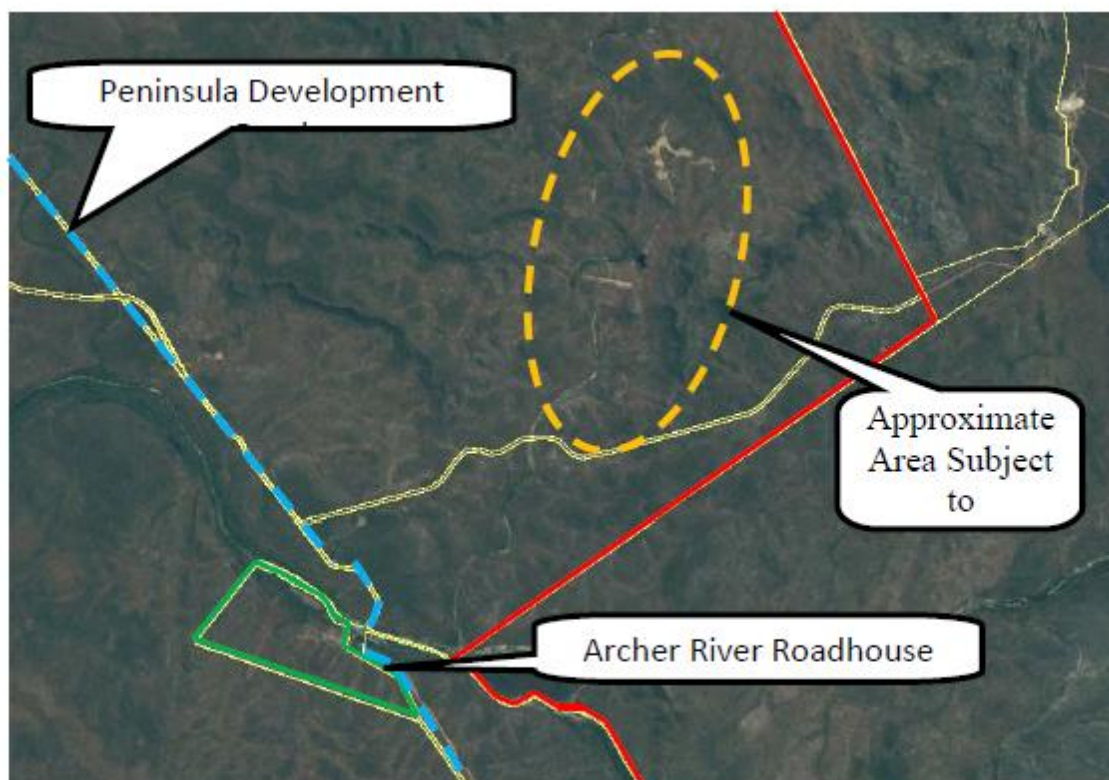


Figure 2

BACKGROUND

The application was originally lodged in about October 2015. Both Council and the referral agencies determined that no information request was necessary and public notification began in December 2015, ending in January 2016. The applicant did not provide a 'notice of commencement' as is required under section 300 of the *Sustainable Planning Act 2009* (SPA). There are no consequences for failing to provide this notice however, upon the applicant submitting a 'Notice of Compliance' stating that the public notification was complete, Council officers determined that there were some deficiencies in the public notification. As a result it was determined that the application had lapsed and it was recommended to the applicant that it be re-lodged and the process restart.

A new acknowledgment notice was issued on 16 March 2016 and the application was once again referred to the State (referral) agencies. Council and the referral agencies once again determined that no information request was necessary and the application was publicly notified between 13 May and 3 June.

TOWN PLANNING CONSIDERATIONS

This section of the report provides an assessment of the proposal in the context of the relevant planning provisions.

1. Cook Shire Planning Scheme

The proposed use falls into the definition of **Extractive Industry** under Cook Shire Council's Planning Scheme, as described below:

Extractive Industry – includes the dredging, excavating, quarrying, sluicing and any other mode of winning materials or substances from the earth whether or not submerged under water and whether or not conducted for fee or reward. The term includes the associated treatment of any such materials or substances, but does not include the extraction of material where associated with the construction of a dam on a rural lot or for similar purposes where associated with a rural use on the same site.

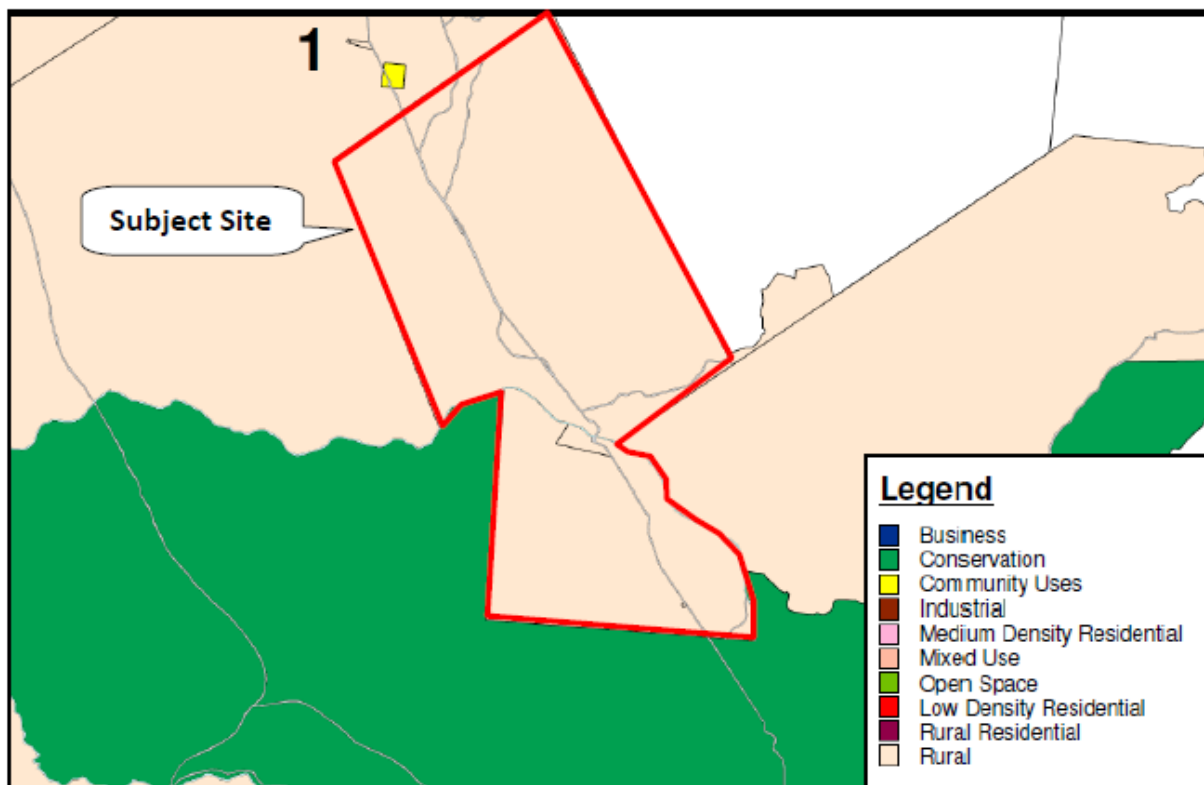


Figure 3

The subject site is zoned Rural under Cook Shire's IPA Planning Scheme (see figure 3 above). A material change of use for Extractive Industry is Impact Assessable, which requires that Council consider the provisions of the Planning Scheme as a whole in assessing the application, including the strategic elements of the planning scheme. The following codes are also relevant:

- Rural Zone Code;
- Extractive Industry Code;
- Parking & Access Code;
- Works Services & Infrastructure Code; and
- Natural Hazards 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. 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

There is a strong sustained demand in the community for high quality road base and civil construction materials. The efficient and cost effective supply of hard rock road base and course aggregate materials is of great importance to the growth of both the Cooktown and regional economy. Material from the subject site is expected to supply the upgrade and maintenance projects of the Peninsula Development Road.

3.1.2 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

Environmental impacts of the proposal are largely controlled through the relevant environmental licenses and site based management plans through the existing mining approvals. As discussed earlier, the proposal involves the processing and sale of a 'balance' product which is otherwise stockpiled around the site. From the application material it has been determined that the potential for significant impacts on the environment are low and can be managed.

3.1.4 DEO 4: Good Transport and Communications

The Shire's transport and communications network, especially its roads and telecommunications, is continuously improved to help overcome the tyranny of distance. This provides the foundation for a strong economy, with better access by remote residents to urban services and facilities and improved educational outcomes.

Response

The proposal will help provide high quality materials for the construction and maintenance of roads in the shire, in turn helping to further the intent of this DEO.

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 proposal is for extractive industry, something specifically identified in the DEO as appropriate within the rural area of the Shire and an important element to achieve rural prosperity. Notwithstanding this, the use is located in a relatively small area of a large rural parcel used for grazing. On this basis it is unlikely to permanently prejudice any serious rural activity on the land.

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

The proposed extraction is not considered to increase the risk of natural hazards. In particular, it occurs within existing cleared areas used in association with the established tin mine.

3. Overall Outcomes

The overall outcomes of the Rural Zone are:

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

- *New extractive industry operations utilise significant local resources and are appropriately located and designed to mitigate any significant environmental impacts; and*
- *Existing extractive industry operations and known resource bodies are protected from the encroachment of incompatible land uses.*

The proposed extractive industry operation is appropriately located, being undertaken as part of an established mine, close to the Peninsula Developmental Road (which is the intended receiver of the material) and surrounded by other large rural parcels. As described earlier, the potential for significant impacts on the environment is considered low.

In terms of the other Overall Outcomes the proposal satisfies these as follows:

- The site is not identified as Good Quality Agricultural Land and the use will not permanently prejudice rural activities on the wider land parcel;
- The land is not identified as future urban land;
- The proposal has limited need for infrastructure connections. Water, sewer and electricity are provided on-site, while the property has adequate access to roads;
- The use does not include intensive animal husbandry;
- The use cannot be seen from public roads or areas so will not have an impact on scenic landscape values or rural character. Notably, the use will result in the reduction of stockpiled sand and gravel and therefore potentially results in a small visual improvement.

It is noted also that the Overall Outcome seeks to preserve known resource bodies (such as the general area in which the subject site is located) from the encroachment of incompatible uses. This together with the various DEOs of the Planning Scheme highlights the importance the Planning Scheme places on protecting extractive resources and facilitating their extraction in appropriate locations.

4. Codes

Rural Zone Code

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

Performance Criteria	Proposal Compliance
Land Use	
PC 1 Land use is primarily rural in nature. A range of non-rural uses are also located in this zone where they are complementary to the primary rural use (eg Roadside Stall) or where they have a direct and necessary connection to the wider rural community (eg. Veterinary Facility).	The proposed use is necessarily located where the resource is available, in this case, a rural area. The scheme DEOs specifically envision extractive industry occurring within Rural Areas and the supporting information supplied by the applicant indicates there will not be any unacceptable impacts on the environment or surrounding very sparsely settled rural community.
PC 2 The land use aspirations in any Indigenous Land Use Agreement (ILUA) are recognised.	The land is not identified within an ILUA

Performance Criteria	Proposal Compliance
Scale and Density	
<p>PC 3 Buildings are of a scale and design that is appropriate for a rural area.</p>	<p>No new structures are proposed as part of this application with existing infrastructure associated with the tin mine expected to be used.</p>
Amenity and Setbacks	
<p>PC 4 Buildings and structures are setback from road frontages and adjoining sensitive uses and landscaping and other measures (eg earth mounds and solid fences) are provided within this setback to:</p> <ul style="list-style-type: none"> ▶ Complement the character of the area; ▶ Minimise adverse impacts on roads and adjoining properties; and ▶ Minimise the impact of dust on residents of the rural lot. 	<p>There are no new buildings associated with the proposed use and in any case it is set back approximately 5kms from the nearest gazetted road. There will be no impact on character and adjoining properties. Dust is unlikely to be an issue for surrounding rural residents given the significant separation and substantial topography that separates them from the proposed use. Some additional dust emissions are likely to occur as a result of the introduction of screening on the site, however it is considered that implementation of best practice dust control techniques will assist in preventing any significant impact.</p>
Design	
<p>PC 5 Advertising Devices:</p> <ul style="list-style-type: none"> ▶ Consist of a single flat panel mounted on posts; and ▶ Are well maintained; and ▶ Do not create visual clutter; and ▶ Are designed so as not to impact on the amenity of the locality; and ▶ Are designed so as not to detract from the character and amenity of the locality or to create a traffic hazard. 	<p>No advertising devices are proposed as part of this application</p>
Protection of Extractive Resources	
<p>PC 6 Existing extractive industry operations and known resource bodies are protected from the encroachment of incompatible land uses.</p>	<p>The proposal involves the extraction of a known resource body in this part of the Shire.</p>
Erosion Prone Land	
<p>PC 7 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 land is not within an erosion prone area.</p>
Watercourse Protection	
<p>PC 8 Where land uses or works occur adjacent to wetlands and/or watercourses identified on the Watercourses and Wetlands maps, there are no significant adverse effects on:</p>	<p>All structures and works will be adequately setback from significant wetlands and watercourses on site.</p>

Performance Criteria	Proposal Compliance
<ul style="list-style-type: none"> ▶ Water quality; ▶ Ecological and biodiversity values; or ▶ Landscape quality. 	
Acid Sulfate Soils	
<p>PC 9 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:</p> <ul style="list-style-type: none"> ▶ 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. 	The proposal does not affect any land at or below 5m AHD so will not have any effect on Acid Sulfate Soils.
Pest Management	
<p>PC 10 Movement of State Declared or environmental pest plants and pest animals is prevented by:</p> <ul style="list-style-type: none"> ▶ 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. 	The applicant will be conditioned so not to introduce any state declared or environmental pest plants or animals.

Extractive Industry Code

An assessment of the proposal against the Performance Criteria of the Extractive Industry Code is provided below:

Performance Criteria	Proposal Compliance
Location	
<p>PC 1 Extractive Industry sites are remote from human habitation (excluding any Caretaker's Residence which is lawfully approved in connection with the Extractive Industry), so as not to cause significant nuisance or endanger life and property.</p>	The nearest rural residence is approximately 5kms from the proposed extraction areas (as the crow flies) thereby complying with the associated acceptable solution. It is also separated from surrounding dwellings by significant topography. It is therefore extremely unlikely (given the nature of the proposal and separation) that the use would cause a significant nuisance on surrounding properties, nor is it likely to endanger life and property.
Access	
<p>PC 2 Entrances and exits to the site are located and constructed so as not to cause a</p>	The associated acceptable solution requires that an entrance and exit to the site is no less

Performance Criteria	Proposal Compliance
traffic hazard.	<p>than 6m wide, no more than 9m wide and at least 9m from any other entrance or exit. The point at which the access track meets Quarry Road is likely to exceed the maximum width described in the acceptable solution, however the following observations are made in relation to the access.</p> <p>The existing tin mine currently utilises Quarry Road for access. The proposed use will inevitably result in additional vehicle movements, however the existing access was considered safe at the time the mine was approved. Quarry Road is only known to regularly service this use and the nearby Archer River Quarry and there are no known safety incidents or concerns to date. The additional vehicle movements associated with the proposed use are not considered significant as to require a make the existing access unsafe.</p> <p>However, given there will be additional quarry traffic using the public road, it would be reasonable and relevant to require the applicant to maintain the entrance driveway to the tin mine from the public road to the property boundary as well as that part of the public road giving access to the existing tin mine from a distance 200 metres west of the entrance to the tin mine.</p>
Excavation Pit Safety	
PC 3 Excavation pits are adequately fenced to prevent falling or drowning accidents.	The extraction that occurs does not leave excavation pits.
Blasting Safety	
PC 4 Blasting of material does not cause significant nuisance or endanger life or property on adjoining land.	There is no blasting proposed as part of this use.
Movement and Storage of Materials on Site	
PC 5 Extracted materials, overburden and waste materials are transported and stored on site so as to avoid contamination of waterways, drainage areas and sewers or	The proposed use will directly help achieve this performance criteria in that it will reduce the amount of stockpiled material on site.

Performance Criteria	Proposal Compliance
sewerage easements.	
PC 6 Operations are conducted so as to prevent dust, sand or soil blowing onto public roads or adjoining properties.	The proposed use is separated from surrounding property boundaries by at least 2kms and from public roads by at least 3kms, noting that the nearest roads are themselves unsealed. It is therefore considered unlikely that the proposal would result in dust, sand or soil blowing onto public roads or adjoining properties. Dust mitigation is discussed later in this report.
PC 7 Appropriate erosion and sediment controls are installed.	As mentioned earlier, the proposed use will assist in reducing erosion and limiting sediment control through the reduction in stockpiled material.
Landscaping	
PC 8 Landscaping is employed to effectively screen the Extractive Industry operation from public roads and from any residential dwelling located within 500 m of the site.	There are no existing residences within 500m of the extraction operation.
Rehabilitation	
PC 9 The site is progressively rehabilitated in accordance with a plan which provides for: <ul style="list-style-type: none"> ➤ Rehabilitation of areas as soon as practicable after they have been worked; and ➤ Complete rehabilitation of the site once the Extractive Industry has ceased. 	Rehabilitation of the site is conditioned as part of existing mining activity
PC 10 Site rehabilitation provides for: <ul style="list-style-type: none"> ➤ Regrading of the site to remove excessive slopes or batters created by the excavation works; ➤ Spreading of overburden stockpiles and restoration of the soil profile; ➤ Revegetation with local endemic species and maintenance of such revegetation for a period of at least two years; and ➤ Removal of all plant, machinery and other materials brought on to the site. 	Rehabilitation of the site is conditioned as part of the existing mining activity. Additional rehabilitation is not considered to be warranted for the proposed activity.

Performance Criteria	Proposal Compliance
<p>PC 11 A monetary bond is paid to Council as necessary to secure the rehabilitation of the site. Such bond is redeemed in accordance with the progressive and satisfactory rehabilitation of the site in accordance with the rehabilitation plan.</p>	<p>A bond can be conditioned as considered necessary.</p>

Parking & Access Code

The intent of the Parking & Access Code is to ensure site access, vehicle parking and on site manoeuvring areas are appropriate for the proposed use. The primary consideration in this case is the suitability of the existing intersection giving access to the subject site from Quarry Road and the suitability of the internal haul road. Parking and manoeuvring for vehicles on site is established as part of the existing tin mining use.

As mentioned above, Quarry Road is a well maintained rural road which is in the order of 20m wide. It is only known to carry regular traffic from the existing tin mine and the nearby Archer River Quarry. It is considered that the width of the road and relatively low traffic volumes mean that the existing access is safe to accommodate extra traffic movements. The regular use by both the mine and quarry mean that most drivers will be aware of the entrance to the mine (and therefore expecting to encounter vehicles), therefore increasing the safety of the existing access.

In our view the adequacy of the existing internal haul road is self-limiting in that the applicant will be responsible for maintenance and ensuring that adequate vehicle types can safely access the quarry site.

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.

As explained earlier in this report, the proposed extractive industry utilises existing infrastructure associated with the tin mine to service the additional activities associated with the screening and sale of gravel. This includes water, sewer, electricity and telecommunications. No additional infrastructure is required for the proposed use.

Natural Hazards Code

The overall outcomes for the Natural Hazards Code seeks to ensure that development is compatible with natural hazards in affected areas of the Shire, with impacts on existing developed areas to be minimised and ensuring that development does not materially increase the extent or the severity of natural hazards. In this case the use will occur within an existing cleared area so does not introduce or increase the hazard from bushfire. There are no known flooding or land slip hazards on the site.

5. Referral Agencies

The Department of Transport and Main Roads (DTMR) did not issue an information request and issued a concurrence agency response on 3 May 2016, approving the development subject to conditions (refer to Appendix C). Conditions included:

- Layout to be generally in accordance with the proposal plans;
- Development to be in accordance with the Quarry Management Plan; and
- Signage indicating that truck movements are ahead to be installed at least 120 metres in advance on both approached to the Peninsula Development Road/Quarry Road intersection.

6. Public Notification

The public notification requirements were extensively discussed with the applicant to avoid a further lapsing of the application (refer to the background section of this report). The applicant expressed a concern that the public notification signs would need to be erected on site prior to the other activities (sending letters to adjoining owners and placing an advertisement in a local newspaper) taking place. Council officers provided advice that they would continue to assess the application in accordance with section 304 of the SPA on the basis that the non compliance has not:

- Adversely affected the awareness of the public of the existence and nature of the application; or
- Restricted the opportunity of the public to make properly made submissions.

The decision to continue to assess the application under this section was undertaken on the basis that the signs were erected on the land for longer than they needed to be and because public notification had previously been carried out in relation to the previous application (albeit incorrectly) and submissions lodged during that period indicate a general awareness of the proposal.

As described in the Notice of Compliance sent to Council on 3 June 2016, 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. Six (6) submissions were received during the public notification period.

All parties who made properly made submissions in relation to the first application also made submissions in relation to the second application, with the exception of two. Council officers recommend accepting these submissions as properly made under section 305 (3) of the SPA.

7. Response to Submissions

Six (6) submissions were made in relation to the current application, however as described previously two (2) additional submissions were made in relation to an earlier application which have been accepted by Council as properly made. One submission was supplemented by a record of an inspection of the existing mine. The issues raised in the submissions are summarised and responded to below:

- a) One of the submitters suggested that the applicant did not obtain the correct owners consent from the pastoral lease holders. Notwithstanding there is a pastoral lease over the property, the owner remains the State of Queensland.
- b) One of the submitters questions whether the products proposed for sale as a result of the application will be suitable for road maintenance purposes or whether the operator will be qualified to supply those materials to DTMR. These are obligations for the operator and are not a proper ground of objection. If the operator is not able to produce the necessary material or become a qualified supplier then they will be unable to sell the material.
- c) Some of the submitters raise the need for the additional sale of products in circumstances where nearby quarries already provide this material. Private economics are not a proper ground of objection and in any case the planning scheme encourages the protection and utilisation of resources needed for maintenance of the transport network.
- d) Some of the submitters raise the potential impacts on nearby creeks and waterways as a result of the proposed operation. The stormwater and sediment control systems approved as part of the environmental authority for the existing mine are to be utilised for the proposed extractive industry. For this reason there is not expected to be any additional impact on the creeks or waterways through sediment. In relation to dust, it is possible that some additional dust would be created as a result of the screening/crushing of gravels, however it is considered that best management practices can be conditioned as part of any approval to limit the dust to an acceptable level. It is also noted that the screening will be subject to a separate application for an Environmentally Relevant Activity (ERA) and will likely be subject to conditions in relation to prevention of environmental harm, including dust.
- e) One of the submitters raises impacts on Flora and Fauna. The proposal does not involve any additional clearing of vegetation and occurs within disturbed areas of the site. For this reason it is not expected that additional impacts on flora and fauna will occur.
- f) One of the submitters raises rehabilitation of the area subject to the application. It is noted that the gravel to be processed and sold is otherwise treated as overburden and stockpiled around the site. The approved rehabilitation method associated with the mine involves replacing the topsoil then re-seeding and watering. The proposed activities occur within existing cleared areas of the site so no further rehabilitation is considered necessary or warranted.
- g) One of the submitters raises the adequacy of the existing internal track, suggesting it should be constructed to an industrial standard. As indicated earlier in this report, it is Council's view that the adequacy of the internal access road is the risk of the applicant. Similarly, for the reasons described in response to the Parking and Access code, the existing intersection of the internal road and Quarry Rd is considered adequate.
- h) One of the submitters questions whether additional staff accommodation would be required to facilitate the proposed extractive industry. It is understood that additional capacity current exists within the existing accommodation associated with the mine, such that no new buildings are required.

- i) One of the submitters questions the need for and use of the airstrip. The application did not contemplate the use of an airstrip and there is no suggestion that the proposed activities would rely upon it.
- j) One of the submissions raises the potential for the operators to undertake works outside the 'allocated area' in order to make the track suitable for the proposed use. It is understood that the allocated area referred to is that which is subject to the mining lease and environmental authority. The applicant has not identified any upgrading of the internal access track and to the extent such an upgrading required works outside the lease, the applicant would be required to re-negotiate the terms of the lease.
- k) One of the submitters raises concerns in relation to increase trespassing. The potential for trespassing exists on any property and it is not considered that the addition of screening and sale of sand and gravel will increase this potential.
- l) Some of the submitters suggest that insufficient consultation has occurred since the original tin mine was approved. The applicant has undertaken consultation generally in accordance with the process identified in the SPA. No further consultation is required or considered warranted.
- m) One of the submitters provided to Council a record from the Mines Inspectorate relating to an inspection on the existing tin mine. The submitter seeks the application be refused based on deficiencies found during the inspection. The operator of the quarry will be subject to various legislative requirements and conditions from both Council and the State. Failure to comply with these requirements and conditions may result in closure or fines for the operator however the ability of the operator to meet these requirements is not a valid ground of objection.

8. Discussion on key Issues

Extractive Industry is Impact Assessable in the Rural Zone however it is important to note that the Cook Shire Planning Scheme does not identify uses that are inconsistent in each zone. Moreover, where a use is not identified within the level of assessment table (such as extractive industry within the rural zone), it should not be interpreted to be inconsistent in the zone, only impact assessable against the Scheme.

This operation differs from other extractive industry applications in that the resource is already extracted under the terms of an existing mining lease and environmental authority. The added impact of the proposal is therefore only as a result of the screening (which occurs in an existing cleared area making use of existing infrastructure) and additional transport from the site. Many of the potential impacts to be assessed in a conventional standalone extractive industry operation have been assessed and conditioned as part of the environmental authority for the mining. Such impacts include bushfire hazard, vegetation clearing, water supply and stormwater/erosion control, dust and traffic. In relation to this use:

- Bushfire hazard is considered low on the basis that the proposed screening will occur in existing cleared areas;

- No additional clearing is proposed as a result of the proposed use;
- The existing water supply and stormwater and erosion control systems for the mining use are proposed to be utilised for the screening of material;
- It is expected that some additional dust will be created as a result of the screening, however best practice dust control is considered an appropriate response, noting the significant separation from surrounding sensitive uses; and
- The existing intersection of Quarry Road and the internal haul road is considered appropriate given the width and standard of Quarry Road and the likely awareness of the use by other vehicles using the road. A maintenance condition could be reasonably imposed.

It also has to be considered that the applicant must also obtain an Environmentally Relevant Activity (ERA) for the screening component of the development. This ERA is designated a non-concurrence ERA which means it can be applied for separately to the application for development approval with Council. The Environmental Authority received for the ERA will establish additional conditions and criteria intended to prevent adverse impacts on the environment.

The proposal involves an extractive industry application in an area of known resources with good accessibility to the Peninsula Developmental Road which will be the likely market for materials to facilitate upgrading and maintenance. There is no area of conflict evident in assessing the proposal against the provisions of the Planning Scheme. In fact the scheme actively seeks to promote and protect extractive industry operations in the rural sector given their importance to economic growth and rural prosperity. The application is recommended for approval on this basis.

RECOMMENDATION

That Council issue an approval for the development application submitted by David Oriel Industries Pty Ltd C/- Kathy Hughes for a Development Permit for a Material Change of Use for Extractive Industry on Lot 4 on SP104555, subject to the following Conditions:

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

1. The development must be carried out generally in accordance with the following proposal plans/reports except for any modifications required to comply with the conditions of this approval:
 - Site Roads and Access – Pannikin Quarry: Quarry Site Management Plan prepared by Geology Services, Figure 2 – received by Council on 29 September 2015;
 - Site Plan – Pannikin Quarry: Quarry Site Management Plan prepared by Geology Services, Figure 3 – received by Council on 29 September 2015; and
 - Pannikin Quarry: Quarry Site Management Plan prepared by Geology Services dated 29 July 2015.

Maximum Extraction Rate

2. An ultimate maximum quantity of 100,000 tonne of material may be extracted and exported from the site per annum.

Hours of Operation

3. Hours of operation are limited to 6am to 6pm Monday to Friday.

Building Works

4. All structures must obtain the necessary development permits for building works and plumbing and drainage approvals prior to the commencement of the use.

Electricity

5. The development must be connected to a reliable electricity supply. Details to be provided prior to the commencement of the use.

Effluent Disposal

6. The on site sewage treatment system must have a design capacity of no more than 20 EP. Council notes that the installation of a larger treatment system represents assessable development under the *Environmental Protection Act 1994* and will require a separate approval.

Dust Management

7. The applicant is to apply the following dust management controls:
 - Water sprays to stockpiles to be operated during high wind speed conditions when wind-generated dust plume is visible;
 - Water sprays to crusher and dry screening plant to be operated in conditions when dust plume is visible; and
 - Covering of all loads to and from the site.

Quarry Road

8. The applicant is required to enter into an agreement with Council to establish an annual maintenance program (or contribution towards the maintenance) of a section of Quarry Road. The section subject to the maintenance agreement includes the intersection of the internal road and Quarry Road, as well as a 200m length of Quarry Road west of this intersection.

Landscaping and Rehabilitation

9. Landscaping and rehabilitation (progressive and ultimate rehabilitation) must be undertaken in accordance with the Environmental Authority associated with Mining Lease ML20633.

Bushfire Maintenance

10. Firebreaks from the site office and accommodation to hazardous vegetation (of 1.5 times the predominant mature canopy tree height or 10 m, whichever is the greater) must be maintained by the owners at all times and flammable material must not be allowed to build up around the buildings so as not to create a fire hazard.

Public Utilities

11. 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

12. All conditions of this Development Permit are to be complied with prior to the use commencing and, where relevant, maintained during operation.

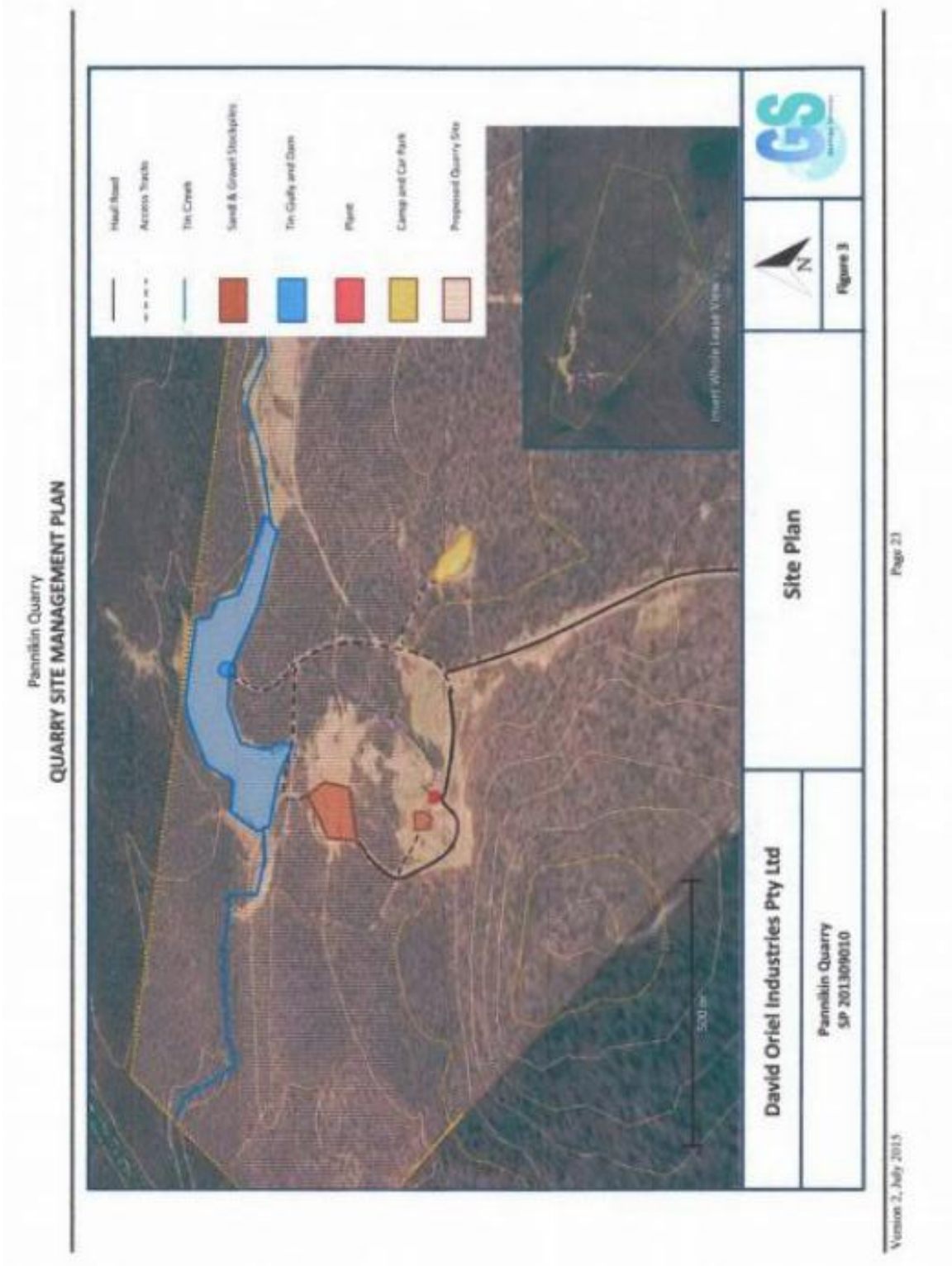
Outstanding Charges

13. All rates, service charge, interest and other charges levied on the land are to be paid prior to the use commencing

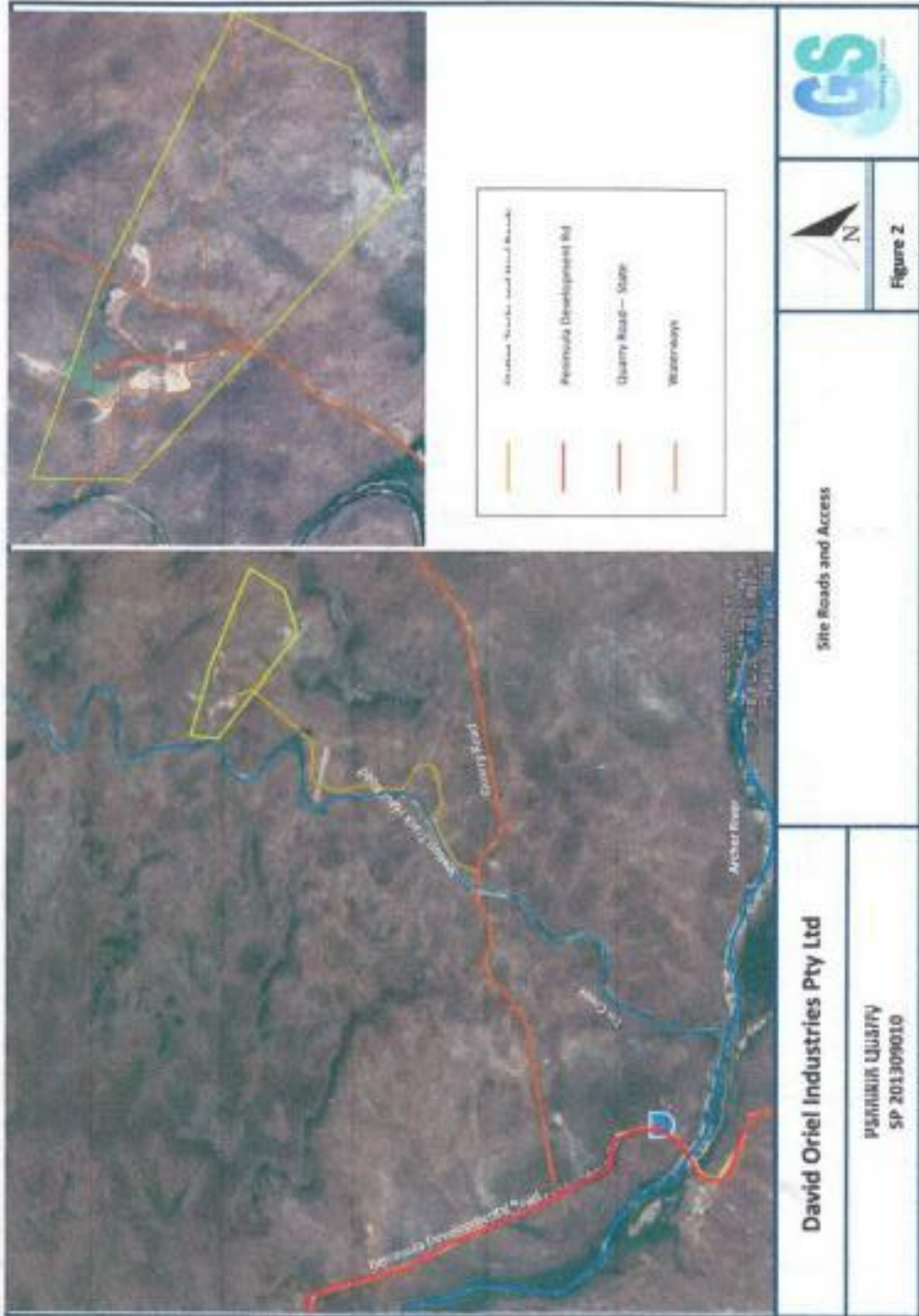
Currency Period

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

Appendix A: Plans



Fannikin Quarry
QUARRY SITE MANAGEMENT PLAN



Appendix B: DTMR Response



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0416-028333
Your reference: DA/3582

03 May 2016

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

Attn: John Harrison / Lisa Miller

Dear Sir

Concurrence agency response—with conditions
Application for development permit – Material change of use (Extractive industry) on land described as Lot 4 on SP104555 and situated at Peninsula Developmental Road, Archer River (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 Infrastructure, Local Government and Planning under section 272 of the Sustainable Planning Act 2009 on 18 April 2016.

Applicant details

Applicant name: David Onel Industries Pty Ltd
Applicant contact details: 18 Riverview Terrace
Mareeba Queensland 4880
pixie@geologyservices.com.au

Site details

Street address: Peninsula Developmental Road, Archer River
Lot on plan: Lot 4 on SP104555
Local government area: Cook Shire Council

Application details

Proposed development: Development permit for material change of use (extractive industry)

Page 1

For North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2368
Cairns QLD 4870

DDN/04/16-020333

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Sand and Gravel screening and extraction	Impact 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 3, Item 1—State-controlled roads
	Schedule 7, Table 3, Item 2—State transport infrastructure

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 285(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Further advice

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

Approved plans and specifications

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: material change of use				
Site Roads and Access – Pannikin Quarry: Quarry Site Management Plan	Geology Services	Undated	Figure 2	-
Site Plan – Pannikin Quarry: Quarry site Management Plan	Geology Services	Undated	Figure 3	-
Pannikin Quarry – Quarry Management Plan	Geology Services Kathy Hughes	29/07/2015	-	2
TMR Layout Plan (90D – 68.49km)	Queensland Government Transport and Main Roads	09/12/2015	220/90D (500-838)	A
Advance Warning Signs – Truck	Manual of Uniform Traffic Control Devices – Part 1	8 December 2015	W5-22 & W5-22-Q01	-

SDA-0416-02932

Our reference: SDA-0416-02932
 Your reference: DA/3682

Attachment 1—Conditions to be imposed

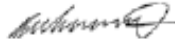
No.	Conditions	Condition timing
Aspect of development – material change of use (extractive industry)		
Pursuant to section 265D of the Sustainable Planning Act 2009, the chief executive administering the Act nominates the Director-General of Department Transport and Main Roads to be the assessing authority 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"> • Site Roads and Access – Pannikin Quarry: Quarry Site Management Plan prepared by Geology Services, Figure 2 • Site Plan – Pannikin Quarry: Quarry Site Management Plan prepared by Geology Services, Figure 3 • TMR Layout Plan (00D – 89040km) prepared by Queensland Transport and Main Roads, dated 09/12/2016, File Ref: 220/D (500-938), Issue A. 	At all times
2.	The development must be in accordance with the Pannikin Quarry – Quarry Management Plan, prepared by Geology Services Kathy Hughes dated 29/07/2015, and given reference / revision number 2, Section 2.1 Site Details and 3.4 Site access, in particular: <ul style="list-style-type: none"> • Access to the site will be via Quarry Road via the Peninsula Developmental Road / Quarry Road intersection and internal haul roads. 	At all times
3.	Signage, indicating truck movements ahead, is to be installed at least 120 metres in advance on both approaches to the Peninsula Developmental Road / Quarry Road intersection, in accordance with the Department of Transport and Main Roads' <i>Manual of Uniform Traffic Control Devices</i> .	Prior to the commencement of use

004/2416-023033

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

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

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: David Oriol Industries Pty Ltd, pixie@geologyservices.com.au
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

DDA-2416-02933

Our reference: SDA-0416-026333
 Your reference: DA/3562

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Aspect of development – material change of use (extractive industry)		
Pursuant to section 265D of the Sustainable Planning Act 2009, the chief executive administering the Act nominates the Director-General of Department 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"> • Site Roads and Access – Pannikin Quarry: Quarry Site Management Plan prepared by Geology Services, Figure 2 • Site Plan – Pannikin Quarry: Quarry Site Management Plan prepared by Geology Services, Figure 3 • TMR Layout Plan (00D – 69040km) prepared by Queensland Transport and Main Roads, dated 08/12/2016, File Ref: 220/D (500-938), Issue A. 	At all times
2.	The development must be in accordance with the Pannikin Quarry – Quarry Management Plan, prepared by Geology Services Kathy Hughes dated 29/07/2015, and given reference / revision number 2, Section 2.1 Site Details and 3.4 Site access, in particular: <ul style="list-style-type: none"> • Access to the site will be via Quarry Road via the Peninsula Developmental Road / Quarry Road intersection and internal haul roads. 	At all times
3.	Signage, indicating truck movements ahead, is to be installed at least 120 metres in advance on both approaches to the Peninsula Developmental Road / Quarry Road intersection, in accordance with the Department of Transport and Main Roads' <i>Manual of Uniform Traffic Control Devices</i> .	Prior to the commencement of use

SDA/04/16-029323

Our reference: SDA/04/16-029323
Your reference: DA/2682

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application;
- To ensure access to the site will be via Quarry Road via the Peninsula Developmental Road / Quarry Road intersection and internal haul roads;
- To ensure appropriate signage, indicating truck movements ahead, is installed to protect the safety and efficiency of the Peninsula Developmental Road.

SDA/0418/02333

Our reference: SDA-0418-02333
 Your reference: DA/3582

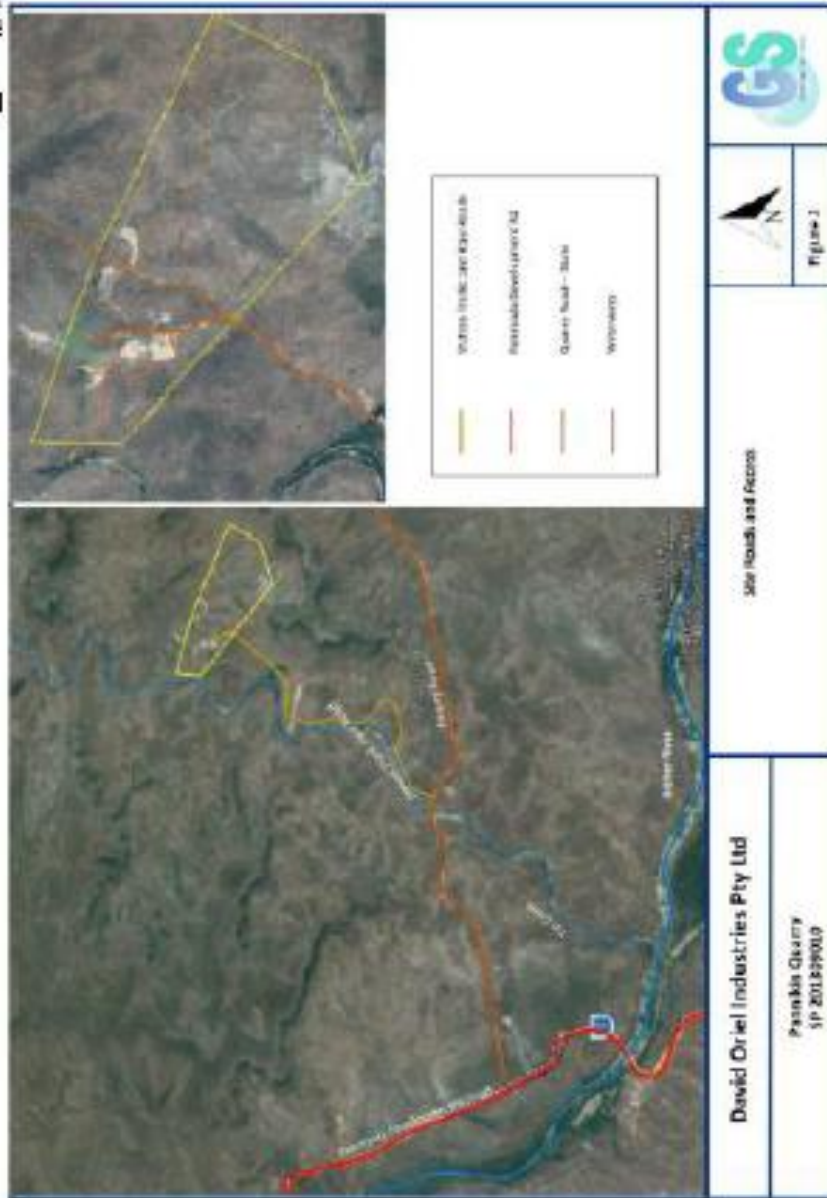
Attachment 3—Further advice

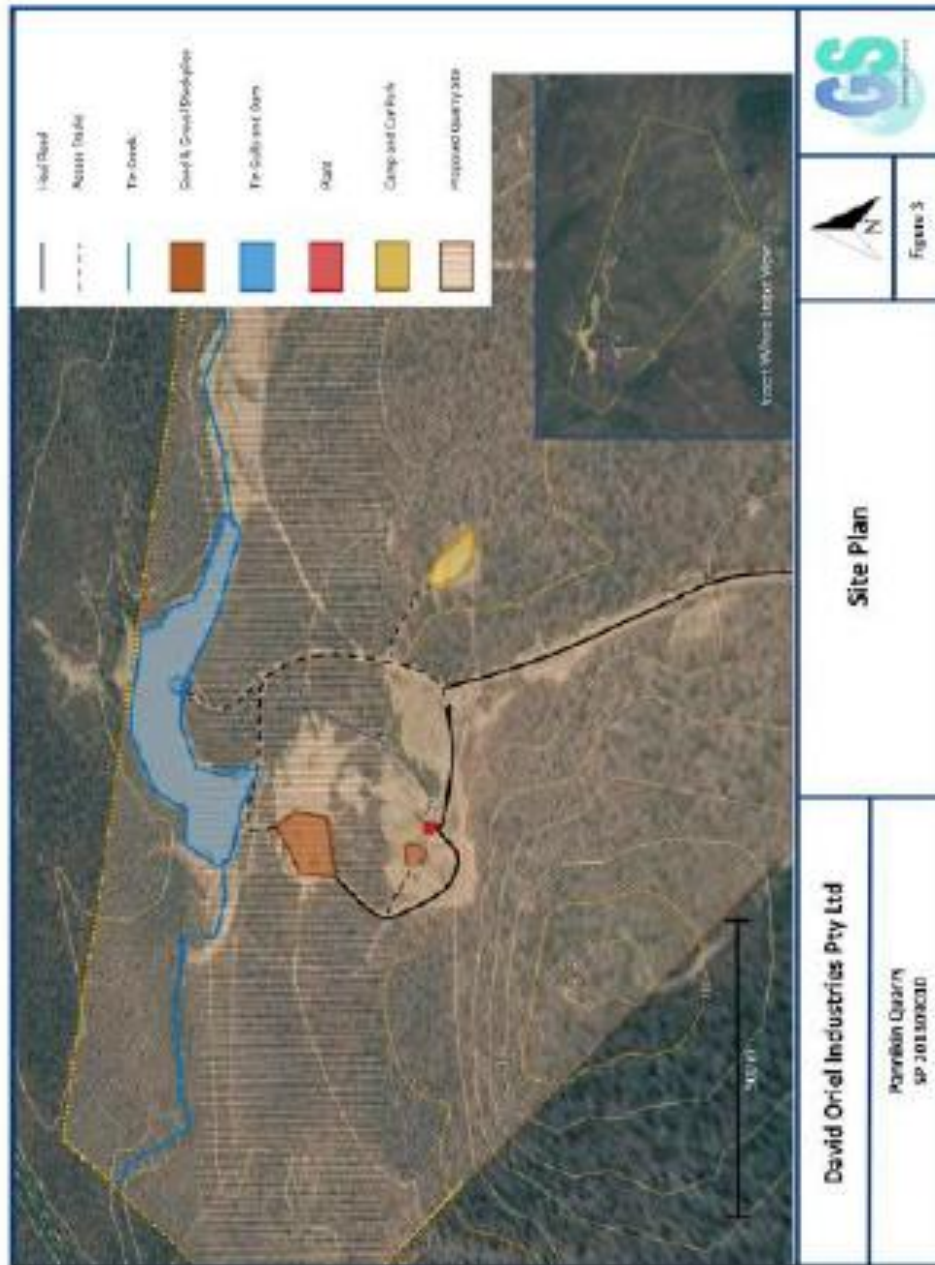
General advice	
Advertising device	
1.	A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road. Note: DTMR 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 to create a danger to traffic.
Road train operations	
2.	The applicant is required to strictly adhere to the heavy vehicle multi-combination routes designated for the Far North Region. The applicant must not use routes or heavy vehicles on state-controlled roads which are contrary to the Department of Transport and Main Roads (DTMR) mapping for multi-combination routes and zones. If the development is seeking changes to routes or heavy vehicle usage, the applicant must contact DTMR.
Ancillary works and encroachments	
3.	In accordance with section 50(2) and Schedule 8 of the <i>Transport Infrastructure Act 1994</i> (TIA) and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-controlled road) Regulation 2005</i> , an applicant must obtain Department of Transport and Main Roads (DTMR) approval to carry out ancillary works and encroachments on a state-controlled road. Please contact DTMR on 4057 7144 at the Cairns district office to make an application for a Road Corridor Permit under section 50(2) of the TIA to carry out ancillary works and encroachments. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings / shelters / structures, vegetation clearing, landscaping and planting.

SDA-3416-020303

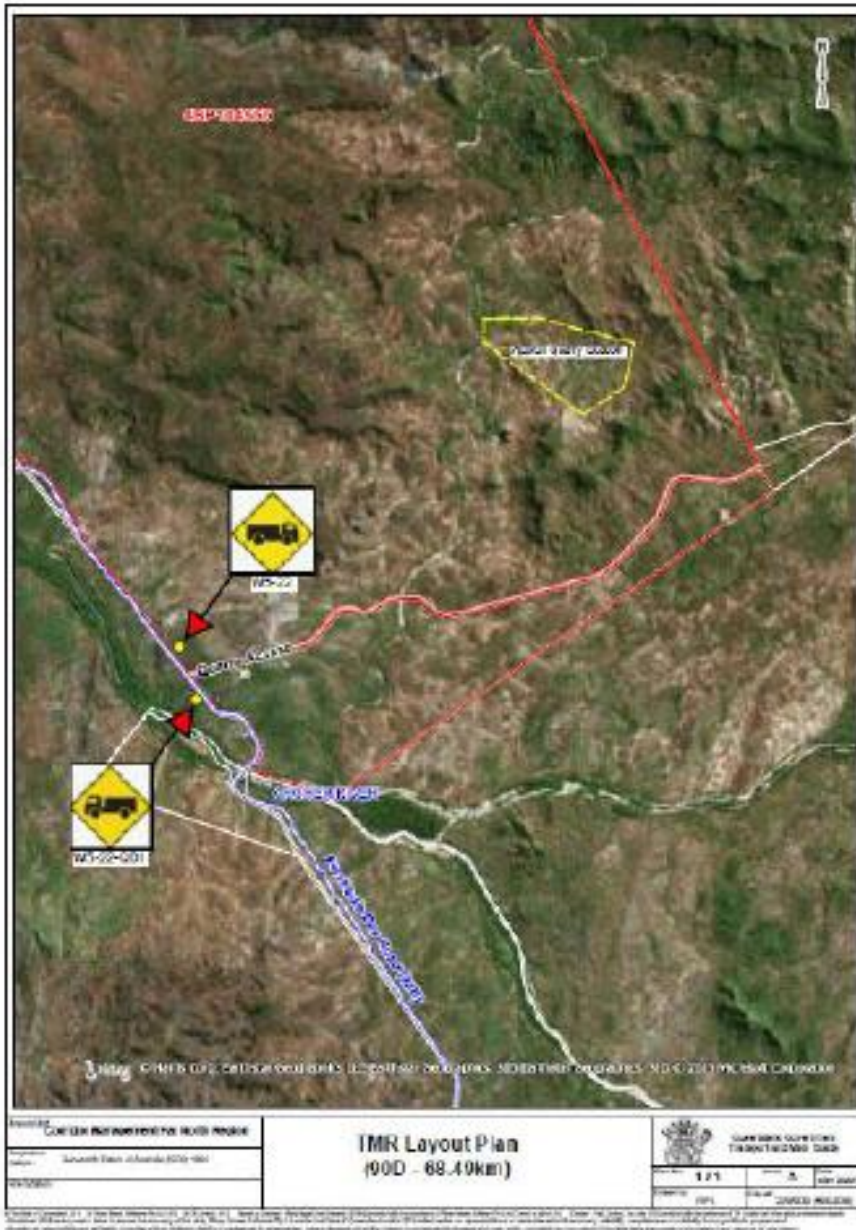
Our reference: SDA
 Your reference: DA/3

Attachment 4—A)





00A-0418-025335



00A/0416/025333

ADVANCE WARNING SIGNS - Trucks


Install (W5-22) Warning Sign- Trucks Entering from (Left)

Install (W5-22-Q01) Warning Sign- Trucks Entering from (Right)

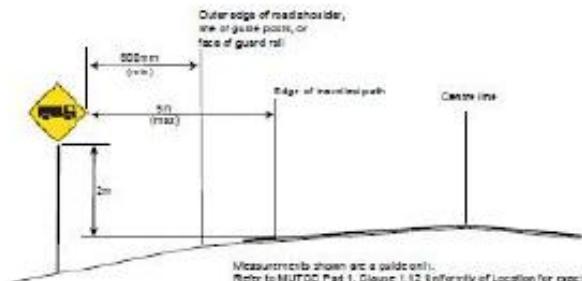
Longitudinal placement, lateral placement and orientation of signs shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) Part 1

Reference Documents:

- MRT S1d Road Furniture
- MUTCD Part 1: general introduction and sign illustrations
- MUTCD Part 2: traffic control devices for general use
- Drawing No 1368 – Traffic Sign (Single Traffic Sign Support)



W5-22 W5-22-Q01



Measurements shown are a guideline.
Refer to MUTCD Part 1, Clause 1.12 Uniformity of Location for exact requirements.

DRAWING NOT TO SCALE

15.5 AMENDMENT OF SUBORDINATE LOCAL LAWS

File Number: D16/8432
Author: Director Development, Environment & Community
Authoriser: Gary Kerr, Director Development, Environment & Community
Attachments: 1 Subordinate LL 1 - Misc

PRECIS

1. This report consists of a proposal to adopt ***Amending Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2016*** which amends *Subordinate Local Law No.1 (Administration) 2016, Subordinate Local Law No.3 (Community and Environment Management) 2016, Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2016, and Subordinate Local Law No.5 (Parking) 2016.*
2. The purpose of these amendments are to:
 - (a) exempt temporary entertainment events that occur in buildings owned or managed by Council from requiring approval under the local laws;
 - (b) designate a regulated off-street parking area for recreational vehicles at the Cooktown Racecourse;
 - (c) make the local laws regulating RV parking consistent with that proposed off-street parking area;
 - (d) allow a making of 30 people to attend an entertainment event on private property without a permit within the urban area; and
 - (e) increase the number of people that can attend an invite only event in a public place from 20 to 30.

BACKGROUND/HISTORY

3. The 5 model local laws and 5 subordinate local laws were adopted by Council in February 2016 which commenced on 4 March 2016.
4. The "Model Local Laws" were drafted by the State Government and were not altered prior to adoption. The Subordinate Local Laws were adopted with consultation with Council staff, Preston Law and public consultation which was undertaken in November 2014.
5. The Local Laws are a regulatory document that may be amended at any time and should be reviewed on an on-going basis to ensure the local laws effectively regulate community activities, and do not place unnecessary regulatory requirements on the community.
6. Local Laws are an important regulatory tool for local governments; however the effectiveness and use of those local laws should be continually monitored by Council to ensure they remain relevant and appropriate for the Cook Shire Council local government area.

7. The previously repealed local laws were not periodically reviewed and amended and became outdated; the review process initiated by Council Officers will ensure the local laws remain relevant for the changing community environment.

Exempting certain Temporary Entertainment Events from Requiring a Permit

8. The Model Local Laws requires people operating temporary entertainment events to obtain a permit under *Subordinate Local Law No.1 (Administration) 2016*. The operation of a temporary entertainment event is defined in *Schedule 2 of Local Law No. 1 (Administration) 2016* as:-

“The opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.”

9. The definition is broadly described in the Model Local Laws, however Council has the ability to exempt certain temporary entertainment events in *Subordinate Local Law No.1 (Administration) 2016*.
10. All buildings are regulated by a number of existing legislation including the *Building Fire Safety Regulation 2008* and the *Sustainable Planning Act 2009* (“SPA”).
11. Local Laws must not be inconsistent with existing legislations and should refrain from placing additional layers of regulation upon an already regulated activity.
12. Temporary entertainment events have the potential to create public nuisance and health concerns. The local law permit approval process may be used as a means of mitigating those concerns, however legislation such as the *Environmental Protection Act 1994*, the *Food Act 2006* and the *Police Powers and Responsibilities Act 2000* regulate these issues.
13. In any event, given the size and remote locations of a number of venues that operate temporary entertainment events, the facilities available at those venues, and the existing legislative regime, it is unlikely that an event at a public building will generate a public nuisance, or health concerns. There is a low risk of these activities causing any public health, safety or nuisance concerns.
14. Consistent with the objectives of local laws, the State Government recommends that where Council may regulate activities through contractual obligations, it should not provide an additional regulatory burden on those activities by requiring those people to also obtain a permit from Council under the local laws.
15. Council owns and operates and number of town halls which it may regulate temporary entertainment events through the hire agreement process.

16. The Cooktown Event Centre is currently managed by the PCYC and Council may regulate activities at the event centre through a management contract.

Considerations

Events held at the Cooktown Event Centre

17. The Cooktown Event Centre was designed for hosting community events. Council Officers have undertaken an assessment of the premises capacity to review the following factors:-
- (a) The premises fire and evacuation plan;
 - (b) Availability of sanitary facilities;
 - (c) Availability of parking spaces;
 - (d) Impact of high traffic flow in the surrounding precincts;
 - (e) The potential for environmental nuisance to neighbouring residences;
 - (f) Other public health concerns.
18. The findings of the assessment were as follows:-
- (a) The fire and evacuation plan provides that the buildings maximum occupancy should not exceed 1215 people;
 - (b) The number of toilets and showers can accommodate approximately 2000 people for short events (less than 4 hours), and 1200 people for longer events;
 - (c) The carpark has 55 parking spaces, 6 of which are dedicated disabled parking in an unsealed area at the back of the building which is used as an overflow parking area;
 - (d) Areas that generate high traffic flow may pose a risk to the adjacent schools and residential areas and therefore a traffic management plan may need to be implement;
 - (e) Loud noise, stray lights and dust has the potential to become an environmental nuisance for the surrounding residential properties.
19. Entertainment events that include the display of any livestock could pose a health risk, however Local *Law No.2 (Animal Management)* 2016 regulates the keeping of livestock within the urban area.

Events held in other Community Buildings such as Town Halls

20. There was no assessment done on any other town hall or community buildings, however the potential risk will be similar to those identified during the review for the Cooktown Events Centre. Those buildings are subject to the relevant building regulations and will be subject to hire agreement that may regulate those activities.
21. It is undesirable to cap the number of people able to attend those community centres because those buildings are regulated by other legislation that places maximum occupancy rates on such buildings.

Small Gatherings/Parties held on Private Residential Premises

22. Parties on private residences that are organised by invitation only are not “temporary entertainment events” and do not require a permit under the local laws.
23. If an invitation only gathering, party or celebration occurs in a public place, Schedule 6 of Subordinate *Local Law No.1 (Administration) 2016* relevantly provides that only those gatherings attended by more than 20 people require a permit.
24. Small gatherings and parties that occur on private residences that are open to the public currently require a permit unless they occur outside the urban area and are attended by less than 200 people or are trail rides conducted on private property during weekends.
25. Gatherings and parties open to the public that are located on private property are regulated. It is proposed that those types of gatherings and parties that are not attended by more than 30 people do not pose a significant risk to the amenity of residents and businesses in urban areas and do not require regulation.
26. To ensure consistency between of the local laws we recommend that gatherings and parties open to the public that occur on private property and in a public place within the urban township areas should not require a permit if they are attended by less than 30 people.
27. If a gathering or party is held in a commercial premises which holds a licence such as a bowling club or hotel they would not need an additional permit to operate that gathering or party as the activity is regulated under *Sustainable Planning Act 2009* and the relevant building and fire regulations.

Summary

28. It is proposed that the following amendments be made to:
 - (a) Schedule 6 of *Subordinate Local Law No. 1 (Administration) 2016*:
 - (i) amend paragraph (b) to increase the number of people that can attend a public place gathering or private function such as a wedding without requiring a permit from 20 people to 30.
 - (b) Section 2 of Schedule 18 of *Subordinate Local Law No.1 (Administration) 2016*:
 - (i) exempting events that occur at the Cooktown Event Centre Complex located at 3 Main Street Cooktown from requiring a permit to be issued under the local law.

(ii) exempting events that occur inside a building located on land zoned for community use from requiring a permit to be issued under the local law.

(iii) exempting events that occur in a private residence within an urban area from requiring a permit if the number of people attending the event not exceed 30 people.

Amendment to Subordinate Local Law No. 5 (Parking) 2016

29. It is proposed that Council declares part of a road reserve and freehold land that is held by Council at the Cooktown Racecourse an "Off-Street Regulated Parking Area" for self-contained recreational vehicles ("RV's") as shown in the attached map.
30. Council has the ability to declare an area and off-street regulated parking area in *Subordinate Local Law No.5 (Parking) 2016*. Once that area is declared an off-street regulated parking area Council may impose parking restrictions under the *Transport Operations (Road Use Management) Act 1995*.
31. Is proposed that parking in the off-street racecourse parking area be restricted to self-contained RVs for a maximum continuous stay of 7 nights, which would not exceed a total of 14 nights in a 30 day period. Parking fees would also be imposed at a nominal rate sufficient to cover any administrative costs, which shall be displayed on authorised signage at the off-street parking area.
32. It is proposed that the racecourse trustees will manage the off-street parking area and collect any fees payable to offset those management costs.
33. Council would be responsible for the maintenance of the area.
34. To make the declaration an amendment must be made to Schedule 2 of *Subordinate Local Law No.5 (Parking) 2016* to declare the area an "off-street regulated parking area".
35. To ensure consistency with other local laws, amendment is also required to schedule 2(1)(d)(iv)(C) of *Subordinate Local Law No.4 (Local Government Controlled Areas Facilities and Roads) 2016* to amend the period an RV may park in a parking area from 2 nights over a 14 day period to:

"not more than 7 consecutive nights for no more than a total of 14 nights within a 30 day period"

Subordinate Local Law Making Process

36. On August 2015, Council adopted a local law making process, which in consistent with the local law making process in the *Local Government Act 2009*. The process that was adopted to adopt subordinate local laws are as follows:

“

- Step 1 – By resolution, propose to make the proposed subordinate local law.
- Step 2 – If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.
- Step 3 – By resolution, decide whether to-
- (a) make the proposed subordinate local law; or
 - (b) make the proposed subordinate local law with amendments; or
 - (c) not proceed with the making of the proposed subordinate local law.

If the local government resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, the local government must again comply with the procedures prescribed under a regulation for a review of anti-competitive provisions for the amended provision.

- Step 4 – Let the public know that the subordinate local law has been made, by publishing a notice of making of the subordinate local law in accordance with the requirements of section 29(4) to (6) inclusive of the LGA.
- Step 5 – As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchased at the local government’s public office.
- Step 6 – Within 7 days after the notice is published in the gazette, give the Minister –
- (a) a copy of the notice; and
 - (b) a certified copy of the subordinate local law; and
 - (c) a drafting certificate.
- Step 7 – Update the local government’s register of its local laws.”

Amended Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2016

37. Attached is the proposed amending Subordinate Local Law which will amend:-
- (a) *Subordinate Local Law No. 1 (Administration) 2016:*
 - 1. To exempt temporary entertainment events from requiring a permit that are held:
 - (a) at the Cooktown Event Centre Complex; and
 - (b) in buildings on land zoned for community use; and
 - (c) on private property within the urban area that are attended by less than 30 people.
 - 2. To exempt invitation only gatherings of less than 30 people on public places from requiring a permit.
 - (b) *Subordinate Local Law No. 3 (Community and Environmental Management) 2016* to amend a typographical error;

- (c) *Subordinate Local Law No. 5 (Parking) 2016* to declare an “off-street regulated RV parking area” on freehold land held by Council and over part of a road reserve as identified in the map;
- (d) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016* to be consistent with the proposal to allow RV’s to park at the Racecourse off street RV parking area for 7 consecutive days for a maximum of 14 days in a 30 day period.

38. We recommend that Council by resolution proposes to make the **attached** Subordinate Local Law in accordance with Step 1 of the local law making process.

Anti-Competitive Provisions

Declaration of Regulated Off-Street Parking Areas

39. During the adoption of the current local laws, a review of the local laws in relation to anti-competitive provisions was conducted and the following considerations were identified in relation to designated RV parking areas which stated the following:-
- (a) The provisions are unlikely to be considered anti-competitive.
 - (b) The local government is not operating a business. The local government is offering a parking area for a limited time to all people with an RV.
 - (c) An RV parking area is a service that is offered by Council that would not be considered a business that is being run by Council that directly competes with other caravan parks.
 - (d) The provision is unlikely to be considered anti-competitive.
40. The proposed amendments regulates the behaviour of individuals, namely where an individual may or may not park an RV in Council’s local government area and for how long.
41. Local laws are excluded from a review of anti-competitive provisions if the local laws:-
- (a) regulate behaviour of individuals;
 - (b) deal solely with the internal administrative procedures of local government;
 - (c) are intended as a legitimate measure to combat the spread of pest and disease;
 - (d) ensure accepted public health and safety standards are met;
42. The proposed local law regulates the behaviour of individuals, and therefore, even if the local law declaring an off-street parking area for RV’s was anti-competitive, it is excluded from any anti-competitive review.

43. Council may resolve to adopt the proposed amending subordinate local law at this meeting which will come into full force and effect upon the gazettal of the local law in the Government Gazette.

Exempting Buildings zoned for a community purpose from obtaining a permit

44. Commercial buildings that have approval under the planning act to operate entertainment events do not require a permit to operate a temporary entertainment event. The exemption of local government buildings is not anti-competitive.

Public Consultation

45. If a Local Law does not contain any anti-competitive provisions, public consultation is not specifically required to be undertaken, however the local government principles include meaningful community engagement, and therefore Council should consider undertaking community consultation.
46. Community Consultation has been undertaken in relation to RV parking within Council's local government area during the recent adoption of the local laws. Further consultation has occurred recently with local caravan park owners and no objections have been received.

Adopting consolidated local laws

47. A consolidated version of a local law or subordinate local law is a document that accurately combines a local government's local law, as it was originally made, with all the amendments made to the local laws since the local law was originally made.
48. We recommend that the local government adopts consolidated version of the following subordinate local laws:-

- (i) *Subordinate Local Law No.1 (Administration) 2016;*
- (ii) *Subordinate Local Law No.3 (Community and Environment Management) 2016;*
- (iii) *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2016;* and
- (iv) *Subordinate Local Law No.5 (Parking) 2016.*

Options

49. Take no action.
50. Adopt the subordinate local law proposed above and authorise the consolidated versions of those local laws.

LINK TO CORPORATE PLAN

"Natural Environment, Environmental Health Services and Sustainable Development

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

- (a) Effective and appropriate local laws and their enforcement;
- (b) Animal Control in all township and localities;
- (d) Environmental health initiatives and services.”

CONSULTATION

- External-Legal Advice from Preston Law
- PCYC Staff
- Cooktown Chamber of Commerce
- Cooktown Caravan Parks Operators
- Internal-Relevant Staff

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

The validity of the local laws are subject to complying with the local law making process as adopted by Council and in accordance with Chapter 3 Part 1 Division 2 of the *Local Government Act 2009*.

An amendment of Council’s local laws must comply with the legislative standards for subordinate legislation and be appropriate regulation for the Cooktown local government area in accordance with good governance and balancing community expectations.

The relevant legislative considerations are as follows:-

1. *Local Government Act 2009* – Chapter 3, Part 1, Division 2;
2. *Local Government Regulation 2012* – Section 15 (Anti-competitive provisions and review of procedures);
3. National Competition Policy – Guidelines for conducting review of anti-competitive provisions in local laws – Version 1 2013;
4. *Sustainable Planning Act 2009*;
5. *Environmental Protection Act 1994*;
6. *Building Act 1975*;
7. *Food Act 2006*;
8. *Police Powers and Responsibilities Act 2000*

POLICY IMPLICATIONS

- The adoption of local laws are in accordance with the principles of local government.
- The adoption of the proposed amending subordinate local law will amend the regulatory environment in Council’s local government area.
- Public notification is required once local laws are adopted.

- Public consultation regarding the procedural and policy changes is recommended.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Nil

RECOMMENDATION

It is recommended that Council:-

1. Adopt *Amending Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2016*;
2. Adopt Consolidated versions of:-
 - (i) *Subordinate Local Law No.1 (Administration) 2016*;
 - (ii) *Subordinate Local Law No.3 (Community and Environment Management) 2016*;
 - (iii) *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2016*; and
 - (iv) *Subordinate Local Law No.5 (Parking) 2016*.



Cook Shire Council

Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2016

Printed as in force on date of gazettal [insert]

 Contents

Part 1	Preliminary	3
	1 Short title	3
	2 Subordinate Local Law amended.....	3
	3 Object	3
	4 Commencement	3
Part 2	Amendment of Subordinate Local Law No. 1 (Administration) 2016	
 3	
	5 Subordinate local law amended	3
	6 Amendment of Sch 18 (Operation of temporary entertainment events)	3
Part 3	Amendment of Subordinate Local Law No.3 (Community and Environment Management) 2016	4
	7 Subordinate local law amended	4
	8 Amendment of Sch 4 (Prescribed requirements for community safety hazards).4	
Part 4	Amendment to Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2016	4
	9 Subordinate local law amended	5
	10 Amendment of Sch 2 (Restricted activities for local government controlled areas or roads).....	5
Part 5	Amendment to Subordinate Local Law No. 5 (Parking) 2016	5
	11 Subordinate local law amended	5
	12 Amendment of Sch 2 (Declaration of off-street regulated parking areas).....	5

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2016*.

2 Subordinate Local Law amended

This subordinate local law is made pursuant to —

- (a) for Part 2, *Local Law No. 1 (Administration) 2016*;
- (b) for Part 3, *Local Law No. 3 (Community and Environment Management) 2016*;
- (c) for Part 4, *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016*;
- (d) for Part 4, *Local Law No. 5 (Parking) 2016*.

3 Object

- (1) The object of this subordinate local law is to amend —
 - (a) *Subordinate Local Law No.1 (Administration) 2016* to exempt activities that would otherwise require a permit;
 - (b) *Subordinate Local Law No.3 (Community and Environment Management) 2016* to amend a typographical error;
 - (c) *Subordinate Local Law No.4 (Local Government Controlled Areas and Roads) 2016* to amend activities that would require a permit.
 - (d) *Subordinate Local Law No.5 (Parking) 2016* to declare an off-street regulated parking area.

4 Commencement

This subordinate local law commences on publication of the notice of the making of the local law in the Gazette.

Part 2 Amendment of Subordinate Local Law No. 1 (Administration) 2016

5 Subordinate local law amended

This part amends *Subordinate Local Law No. 1 (Administration) 2016*

6 Amendment of Sch 18 (Operation of temporary entertainment events)

- (1) Schedule 6, (b), '20' —

Omit, insert —

30

- (2) Schedule 18, section 2, before ‘Trail rides conducted on private property during the weekend.’ —

Insert —

(1)

- (3) Schedule 18, section 2, before ‘Events that occur outside the urban area⁴ that are attended by less than 200 people.’ —

Insert —

(2)

- (4) Schedule 18, section 2, after ‘Events that occur outside the urban area⁴ that are attended by less than 200 people.’ —

Insert —

- (3) Events that occur at the Cooktown Event Centre Complex located at 3 May Street Cooktown;

- (4) Events that occur inside a building located on land zoned for community use;

- (5) Events that occur on private property within an urban area that are attended by less than 30 people.

Part 3 Amendment of Subordinate Local Law No.3 (Community and Environment Management) 2016

7 Subordinate local law amended

This part amends *Subordinate Local Law No.3 (Community and Environment Management) 2016*.

8 Amendment of Sch 4 (Prescribed requirements for community safety hazards)

- (1) Schedule 4, section 2,(d), before ‘O16’ —

Insert —

3

- (2) Schedule 3, section 4 —

renumber as section 3

Part 4 Amendment to Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2016

9 Subordinate local law amended

This part amends *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2016*.

10 Amendment of Sch 2 (Restricted activities for local government controlled areas or roads)

- (1) Schedule 2, (1), (d), (iv), (C), '2 nights or 48 hours over a 14 day period'—
Omit, insert —
 7 consecutive nights, and for no more than a total of 14 nights within a 30 day period;

Part 5 Amendment to Subordinate Local Law No. 5 (Parking) 2016**11 Subordinate local law amended**

This part amends *Subordinate Local Law No. 5 (Parking) 2016*.

12 Amendment of Sch 2 (Declaration of off-street regulated parking areas)

- (1) Schedule 2, before 'Map A' —
Insert—

PART 1

Declared Off-Street Regulated Parking Area	Map – Part 2	Location
Cooktown Aerodrome Carpark as identified in Schedule 2, Part 2	A & B	Cooktown Aerodrome, Cooktown Development Road, Cooktown, Qld, 4895
Cooktown Racecourse RV parking area as identified in Schedule 2, Part 2	C	Racecourse Road, Cooktown, Qld, 4895

PART 2 – Maps of Off-Street Parking Areas

- (2) Schedule 2, after Map B —
insert—

Map C



15.6 COOKTOWN 2020 ADVISORY COMMITTEE

File Number: D16/8357
Author: Director Development, Environment & Community
Authoriser: Gary Kerr, Director Development, Environment & Community
Attachments: 1 2020 Advisory Committee minutes 4 July 2016

PRECIS

Minutes of the Cooktown 2020 Advisory Committee held on 4 July 2016 for Council's information

BACKGROUND/HISTORY

The role of the Cooktown 2020 Advisory Committee is to develop and coordinate the Cooktown 2020 celebrations and programme of events.

LINK TO CORPORATE PLAN

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

CONSULTATION

Cooktown 2020 Advisory Committee members

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Nil

RECOMMENDATION

That the minutes of the Cooktown 2020 Advisory Committee meeting minutes held on 4 July 2016 be noted



COOKTOWN 2020 ADVISORY COMMITTEE MINUTES

Chair:	Kaz Price		
Meeting Date:	Monday 4 July 2016	Meeting Start Time:	1.51pm
Minutes Taken By:	Cassandra Ong	Meeting End Time:	2.56pm
Venue:	Council Chambers, Cook Shire Council Administration Building		
Attendees:	Mayor – Peter Scott Director of Development, Environment and Community – Gary Kerr Cooktown Re-enactment Association – Loretta Sullivan Team Leader Tourism and Community Services – Sally Eales Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) – Judy Scornis (phone-in) Councillor – Kaz Price		
Guests:	Hope Vale representative – Harold Ludwick		
Apologies:	Cooktown Discovery Festival (CDF) – Amy Martin (proxy) James Cook Museum – Jacqui Herrmann		
Member absence during meeting:	Cooktown Historical Society – Bev Shay		

1. Commencement of meeting and apologies

The meeting commenced at 1.51pm.

Apologies received from James Cook Museum representative, Jacqui Herrmann and CDF proxy, Amy Martin.

2. Acceptance of previous meetings minutes

Moved: Loretta Sullivan

That the minutes of the meeting held on Monday 6 June are accepted.

Seconded: Judy Scornis

3. Matters arising from the minutes of the previous meeting

There were no matters arising from the minutes of the previous meeting.

4. Appoint new representative for Cooktown Discovery Festival

Loretta advised Our CDF Inc. is required to provide written advice of their new representative as Bronwyn Sieverding is no longer a member of Our CDF Inc.

***Action:** Loretta Sullivan and Kaz Price to request Our CDF Inc. to appoint a new representative and their proxy by next meeting and to provide written advice to Cooktown 2020 Advisory Committee of their new representative and their proxy.*

5. Cooktown 2020 Advisory Committee Terms of Reference and Guidelines update to include 1 new committee member representing the Botanic Gardens – Gary Kerr

Gary Kerr advised that Council approved the addition of 1 new committee member to represent the Cooktown Botanic Gardens. Jim Doidge will be appointed to represent the Cooktown Botanic Gardens.

As per Cooktown 2020 Advisory Committee Terms of Reference and Guidelines, members who do not attend two consecutive meetings without apology will be deemed as a non-current member of the advisory committee. Willie Gordon has not attended two consecutive meetings and it has been recommended to remove him from the committee and to appoint Harold Ludwick as the local indigenous representative. This is to be approved at the next meeting.

6. ANMM/ECE meeting**• Festival Project Director – Function, roles and PD**

Kaz Price proposed role needs to be based in Cooktown.

Harold Ludwick recommended the inclusion of a local indigenous person in the role

***Action:** Council to draft PD and put forward to Committee at next meeting*

• Finalise business plan

Once PD is finalised, the business plan will follow

• Preparation of funding proposal

***Action:** Council to finalise funding proposal and put forward to Committee at next meeting*

• Preparation of sponsorship collateral**• Lobbying program****• Representation at National Coordinating Body**

Kaz Price proposed that two seats to be saved for the representation – one indigenous, one non-indigenous

Gary Kerr recommended the chair of committee or Mayor (or someone who is in a higher position) to be the representation at a national level

Action: Council to compose letter on behalf of Cooktown 2020 Advisory Committee requesting two seats to be requested for Cooktown and to recognise Cooktown's role in the celebrations

6. East Coast Encounter exhibition update

- Visitor numbers to date

Sally Eales advised that between 11 June and 30 June there were 797 visitors.

7. Nature's PowerHouse update – Kaz Price

Kaz Price advised that CDCC signed the contract and aims to have the cafe operating for 60 hours per week. The proposed official opening of Kindred Cafe is 30th July.

8. Sub Committee Report

Sally Eales advised that a grant application has been lodged with FRRR for the Reconciliation Rocks Concert.

Loretta Sullivan advised that 30 people participated and 8 surveys were filled out during Reconciliation Rocks Sculpture Workshop.

Action: Sally Eales to follow up with Aden re: sculptures

9. General Business

Sally Eales advised of a proposal from John Senczuk for an opera production for the Cooktown 2020 celebrations.

10. Closure of meeting

Kaz Price declared the meeting closed at 2.56pm.

Next meeting to be held Monday, 1 August 2016, 1.00pm, Council Chambers.

Agenda Item	Action	Person(s) accountable for action	Due date
Appoint new representative for Cooktown Discovery Festival	Loretta Sullivan and Kaz Price to request Our CDF Inc. to appoint a new representative and their proxy by next meeting and to provide written advice to Cooktown 2020 Advisory Committee of the new representative and their proxy.	Loretta Sullivan, Kaz Price	By next meeting
Festival Project Director – Function, roles and PD	Council to draft PD and put forward to Committee at next meeting	Council	By next meeting
Preparation of funding proposal	Council to finalise funding proposal and put forward to Committee at next meeting	Council	By next meeting
Representation at National Coordinating Body	Council to compose letter on behalf of Cooktown 2020 Advisory Committee requesting two seats to be requested for Cooktown and to recognise Cooktown's role in the celebrations	Council	By next meeting
Reconciliation Rocks Sculpture	Sally Eales to follow up with Aden re: sculptures	Sally Eales	By next meeting

15.7 WAYMBUURR BOTANIC GARDENS PRECINCT ADVISORY COMMITTEE

File Number: D16/8359

Author: Director Development, Environment & Community

Authoriser: Gary Kerr, Director Development, Environment & Community

Attachments: 1 Waymbuurr Botanic Gardens Advisory Committee minutes 1 July 2016

PRECIS

Minutes of the Waymbuurr Botanic Gardens Precinct Advisory Committee meeting 1 July for information

BACKGROUND/HISTORY

The function of the Waymbuurr Botanic Gardens Precinct Advisory Committee (formerly Natures Powerhouse Advisory Committee) is to oversee, guide and advise Council on the revitalisation of Nature's Powerhouse facility and Botanic Gardens in preparation of the 2020 celebrations.

LINK TO CORPORATE PLAN

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

CONSULTATION

Waymbuurr Botanic Gardens Precinct Advisory Committee members

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Nil

RECOMMENDATION

That the minutes of the Waymbuurr Botanic Gardens Precinct Advisory Committee held on 1 July 2016 be noted.

**WAYMBURR BOTANIC GARDENS PRECINCT
ADVISORY COMMITTEE MEETING**

Minutes July 2016

Chair:	John Dessman		
Meeting Date:	Friday 1 July 2016	Meeting Start Time:	1.05pm
Minutes Taken By:	Sally Eales	Meeting End Time:	2.25pm
Venue:	Nature's Powerhouse		

Committee Purpose:

To oversee, guide and advise Council on the revitalisation of Nature's Powerhouse facility and the Botanic Gardens precinct in preparation of the 2020 celebrations.

Attendees: Councillor – John Dessman (left the meeting at 2pm), Community member –Loretta Sullivan, Vera Scarth Johnson Association – Jean Stephan , Former curator of the Botanic Gardens – Sandy Lloyd, Community member – Jo Wynter, Current Cafe contractor – Kaz Price (joined the meeting at 1.20pm), Team Leader Tourism and Community Services – Sally Eales

Observer: Prue Mulcahy (VSJ), Liz Milne (VSJ), Les Davidson (CDCC)

Apologies: Local Indigenous Representative – Alberta Hornsby, Director of Development, Environment and Community – Gary Kerr , Cooktown Chamber of Commerce–Mick Davies, Manager Parks and Gardens – Jim Doidge, James Cook Museum - Jacqui Herrmann

Minutes of the previous meeting held on 27 May 2016 were presented.

Moved by Jean Stephan

Seconded by Loretta Sullivan

Carried

Cultural Audit

- Alberta Hornsby provided a written report prior to the meeting (see below). Loretta summarised the report and provided some extra feedback. Alberta and Ellen also walked around Walker Bay and the Burrigirku Land Trust land and found some interesting sites.

Ellen and I started work on the cultural audit in May by researching the history of the Gallop Botanic Reserve which gave us a historical view of the Botanic Gardens and the development of the stages of access and construction. We had a long conversation with Darcy Gallop, and he provided additional information about the botanical reserve. Darcy also provided information about the rock quarry and the skill of the aboriginal men who worked on the stone work. Darcy also mentioned that during construction of the gardens, he was certain that no Bama artefacts were unearthed.

We conducted research on Bama history, hoping to find historical records connecting Bama to the Cooktown area. Other than what we already knew we found records of dispossession and distress up to the 1950's.

Ellen and I participated in BGANZ and prepared an indigenous plant trail with Sandy Lloyd. We marked a trail of 10 plants and together with There were 8 visitors on the tour and although it took almost 2 hours just to talk about 10 plants, visitors asked questions and from comments, the visitors enjoyed the experience.

We went on walks through the reserve. Access to the area within the Reserve was confined to walking the existing trails to Finch Bay, Cherry Tree Bay and the trail that leads into the quarry where the heritage gutter rocks were extracted. The areas off the trails were mostly dense under growth, rocky granite outcrops and steep slopes.

- Ellen and I walked the Finch Bay trail. The path was easy to walk. We were enthralled by the natural beauty of this aged landscape, massive granite boulders, different habitats, bush tucker, calendar plants and tool manufacturing plants added to our enjoyment of the walk. We took our time returning to the Gardens via Finch Bay and the main road. The walk took us almost 3 hours.
- Ellen walked the trail to the quarry, this trail is mostly overgrown and had no signage. This is an interesting sight.
- The road back to the gardens was easy and interesting.
- We walked to Cherry Tree Beach, entering from the Grassy Hill entrance. We have not walked the trail from the Finch Bay trail to Cherry Tree as yet. The walk to Cherry tree was great, I would class it as an endurance walk and not safe for unfit persons, several parts I climbed down on by backside. The return walk was easier. The different habitats and vegetation made the agony of getting to Cherry Tree Bay worthwhile. The two ancient T'Trees standing guard to the bay was breathtaking.

Conclusion

I believe that what we have seen within the Reserve is worthy of interpretation from an Indigenous perspective. We believe that through the recommendation we make will add value to the revitalisation process. The final audit report will be completed 31/07/16.

Alberta Hornsby

Moved by Jo Wynter

Seconded by Jean Stephan

Carried

Committee Membership**Recommendation to approach the following representatives to join the committee:**

- Guugu Yimithirr Nation representative – approach Harold Ludwick
- Ranger representative – approach a representative from Yuku Baja Muliku
- Cook Shire Council’s Manager Parks and Gardens (ex-officio) – Jim Doidge

Moved: Jo Wynter Seconded: Jean Stephan Carried

Revitalisation Strategy

Loretta presented questions for Gary in regards to the Revitalisation Strategy. Requested for detailed answers to be provided to the group:

- Which department is responsible for writing the strategy
- What is the budget
- What is Gary’s role in writing the strategy
- What planning has taken place
- Who will be consulted – public, community groups
- What focus groups will be established
- What is the timeline, when will it commence and be completed
- What due process will take place to ensure we can make valid decisions and recommendations based upon the strategy

Moved: Loretta Sullivan Seconded: Jean Stephan Carried

Cafe Management

- Contract was signed on 30.06.16
- 1 Trustee Permit issued to CDCC with CDCC to enter into an MOU with the VSJ committee
- Was agreed that CDCC will meet with council on or around the 15th of each month to manage how the centre is tracking
- Must ensure that the cafe and NPH are there for community benefit
- Possibility of Food Connect markets each Wednesday
- Centre to open on 04.07.16 with anticipated hours of 9.00am – 4.00pm 5 days per week, with VSJ volunteers opening 2 days per week. Final opening hours and days to be discussed with CDCC and VSJ.

General Business

- Loretta raised the question regarding if Council had any plans to upgrade the car park at the entrance to NPH. Council to provide feedback at next meeting.
- Jo offered to Kaz that VSJ committee members would be available to train the new cafe staff about the VSJ collection, Charles Tanner and the general botanic gardens area

Meeting closed at 2.25pm

Next meeting Friday 29 July, 1.00pm, Nature’s Powerhouse

15.8 GRANTS COMMITTEE**File Number:** D16/8361**Author:** Director Development, Environment & Community**Authoriser:** Gary Kerr, Director Development, Environment & Community**Attachments:** 1 Grants Committee minutes 6 July 2016**PRECIS**

The Grants Committee has recommended that Council considers providing a budget allocation for use as Council's contributions required to support funding applications in 2016/17 as well as recommending two applications for in-kind support for two major events.

BACKGROUND/HISTORY

The Grant Committee's purpose is to:

- Oversee the maintenance of an extensive grant program database;
- Provide advice on available grants to community groups and businesses;
- Recommend appropriate grants for pre-approved projects as determined by the Project Development Committee; and
- Monitor the progress and acquittal of 'live' grant contracts

LINK TO CORPORATE PLAN

4.1.1 a) Sustainable financial and administrative management of the Shire's municipal and community resources

4.1.1 c) Appropriate corporate governance

CONSULTATION

Members of the Grants Committee

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

\$250,000 allocation for Council contributions for funding applications

\$4,000 internal cost for Cooktown Amateur Turf Club

\$2,500 internal cost for Wallaby Creek Festival

RECOMMENDATION

That Council considers and approves:

1. A budget of \$250,000 for the 2016/17 financial year for use as Council's contributions required under funding programs that may be submitted throughout the year
2. Provision of rubbish bins, free waste dumping, chairs, marquees and water truck to the value of \$4,000 be provided as in-kind support to the Cooktown Amateur Turf Club to support the 2016 race event
3. Provision of scissor lift, plastic chairs, rubbish bins, skip and compactor to the value of \$2,500 be provided as in-kind support to the 2016 Wallaby Creek Festival



Grants Committee Meeting Minutes

Chair:	Gary Kerr		
Meeting Date:	Wednesday 6 th July 2016	Meeting Start Time:	3:05pm
Minutes Taken By:	Jessica Jarmey	Meeting End Time:	4:20pm
Venue:	Councillor Room – CSC Administration Building		

Attendees:

Jenni James – Grants Officer
 Michael Czarnecki – Assets Manager
 Martin Cookson – Director Corporate Services
 Gary Kerr – Director Development, Environment and Community
 Timothy Cronin – CEO

Apologies:

Robert Uebergang – Director of Infrastructure Services

Item	Responsible Officer	Update
Objective 1: <i>Maximise the knowledge of available grant and funding programs available to Council and local community groups and businesses</i>	Grants Officer	<ul style="list-style-type: none"> ACTION: Jenni to send Newsletter quarterly with email blasts when required. TRIM location for grants spreadsheet (database) has been distributed
Objective 2: <i>Analyse and recommend budgetary allocations to support grant and funding programs identified for high priority projects</i>	Grants Officer Director Development, Environment and Community	<ul style="list-style-type: none"> Commitments on projects need to be agreed on by all members involved ACTION: Jenni J to calculate Council funding and in-kind commitments from lodged and yet to be confirmed funding applications that will require a budget allocation in 2016/17 RECOMMENDATION: That Council resolves to allocate \$250,000 in the 2016/17 budget for use as Council's contributions required under funding applications to be lodged for various projects throughout the year

<p>Objective 3: <i>Provide advice and support to grants officer and CapEx Committee in the allocation and application of grant programs</i></p>		<ul style="list-style-type: none"> • Nothing to report
<p>Objective 4: <i>Prepare and review regular project management reports that monitor the progress of 'live' grant programs, including progress reporting to grant providers and recommend remedial actions if required</i></p>		<ul style="list-style-type: none"> • Nothing to report
<p>Objective 5: <i>Oversee the acquittal of grant programs and undertake reviews of the performance of the project in relation to budget and grant program</i></p>		<ul style="list-style-type: none"> • Nothing to report
<p>Objective 6: <i>Oversee and make recommendations to Council on Council's internal grants programs (Economic Development, Community Development and Events)</i></p>	<p>Director of Development Environment and Community</p>	<ul style="list-style-type: none"> • Gary Kerr motioned for In Kind support approval – All members supported. RECOMMENDATION: That the following applications for in-kind support be approved: <ul style="list-style-type: none"> ○ Cooktown Races - Bins, free waste dumping, chairs, marquees and water truck – potential internal cost \$4,000 – Wallaby Creek Festival – Bins, Skip and compactor – potential internal cost \$2,500 • Was suggested that Council support the Turf Club to encourage contractors sponsor the event by supplying their water truck

16 CONFIDENTIAL REPORTS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2009:

16.1 Native Title Report 1

This matter is considered to be confidential under Section 275(f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving Cook Shire Council.

16.2 Native Title Report 2

This matter is considered to be confidential under Section 275(f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving Cook Shire Council.

16.3 Application for Road Closure

This matter is considered to be confidential under Section 275(g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

16.4 Expression of Interest - Term Lease

This matter is considered to be confidential under Section 275(e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by Cook Shire Council.

16.5 Request to write off excess water charges

This matter is considered to be confidential under Section 275(d) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

16.6 T0316 - Provision of Sewer Pump Maintenance

This matter is considered to be confidential under Section 275(e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by Cook Shire Council.

16.7 Compensation Claim - Outcome

This matter is considered to be confidential under Section 275(f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving Cook Shire Council.

17 EXECUTIVE SERVICES - INFORMATION

Nil

18 INFRASTRUCTURE SERVICES - INFORMATION**18.1 INFORMATION REPORT FOR NDRRA**

File Number: D16/8450
Author: Project Administration Officer
Authoriser: Robert Uebergang, Director Infrastructure Services
Attachments: 1 NDRRA Works July update

PRECIS

Report to provide status of NDRRA works.

BACKGROUND/HISTORY

Monthly report prepared for Council to outline the status of NDRRA works to reconstruct road infrastructure pursuant to weather events in December 2015, March 2016 and May 2016.

LINK TO CORPORATE PLAN

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

CONSULTATION

Roads Committee, Infrastructure Services.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Refer Capital Works budget.

RECOMMENDATION

That the information be noted.

NDRRA WORKS – July 2016 Update

NDRRA work on Cooktown streets is going on at this time under Cyclone Nathan 2015. The main work on Cooktown streets include shoulder repairs and bitumen patch work. The remaining works under Cyclone Nathan will be completed by the end of this year.

Damage restoration works under the following two events commenced May 2016 and continue on Cook Shire roads:

1. **Gulf of Carpentaria Monsoon Trough (GCMT), 20 Dec 2015 to 3 Jan 2016**
2. **Far North and North West Queensland Tropical Low (FNNWQTL), 14 – 18 March 2016**

Status of submissions under GCMT:

Submission Reference	Status	Value (\$)
Northern Roads Sub. 1	Approved	\$ 1,299,855
Northern Roads Sub. 2	Submitted to QRA	\$1,884,804
Northern Roads Sub. 3	Approved	\$ 2,984,990
Northern Roads Sub 4	Submitted to QRA	\$1,553,281
Southern Road Sub. 1	Approved	\$ 3,438,777
Southern Road Sub. 2	Approved	\$938,395
Southern Road Sub. 3	Approved	\$ 2,595,793
Southern Road Sub. 4	Submitted to QRA	\$2,000,355

Status of submissions under FNNWQTL:

Submission Reference	Status	Value (\$)
Northern Roads Sub. 1	Approved	\$3,143,315
Northern Roads Sub. 2	Approved	\$1,501,342
Southern Road Sub. 1	Approved	\$2,325,543
Southern Road Sub. 2	Approved	\$1,596,750
Southern Road Sub. 2	Submitted to QRA	\$1,512,944
Local Roads	Ready to submit	\$2,036,414
Cooktown Streets	Preparation stage	t.b.a.

The Total Value of NDRRA Submissions to till date (excluding PM & Contingencies):

Approved Value: \$19,824,760

Submitted Value: \$6,951,384

Estimated remaining Value: \$2.5M

WORK PLAN

A tentative work plan for the NDRRA works for July-August is as follows:

Months	Roads
July	Bamaga Road; Strathgordon Rd; Marina Plains; Lilyvale, Holroyd Rd, Aurukun Road; Rokeby Rd; Birthday Mountain Rd, Portland Roads Rd; Fairview-Palmerville; Mt Webb (Starke Section); Battlecamp Rd; Kimba-Gamboola Rd; Mt Webb (Kalpowar Section); Dixie Rd; Kimba Rd & Shiptons Flat Rd,
August	Mein Batavia Rd, Bamaga Road; Strathgordon Rd; Lilyvale Rd, Holroyd Rd, Aurukun Road; Birthday Mountain Rd; Portland Roads Rd; Fairview-Palmerville; Mt Webb (Starke Section); Battlecamp Rd; Lakefield; Kimba-Gamboola Rd; Drumduff Rd, Mt Webb (Kalpowar Section); Dixie Rd; Kimba Rd & Rossville and Bloomfield area Roads.

18.2 REGIONAL TRAMP ANT RESPONSE PLAN

File Number: D16/8263
Author: Senior Biosecurity Officer
Authoriser: Robert Uebergang, Director Infrastructure Services
Attachments: 1 Regional Tramp Ant Response Plan Draft V1.2

PRECIS

The FNQROC has drafted a Regional Tramp Ant Response Plan to assist local governments in the Far North Queensland deal with Electric Ants and Yellow Crazy Ant infestations and threats.

BACKGROUND/HISTORY

Tramp ants are invasive alien ant species that have, despite having a world-class quarantine and inspections system, managed to arrive in Australia. They pose a significant biosecurity threat as they can have high impacts on biodiversity due to direct predation upon or competition with native animals, or indirectly by modifying habitats and altering ecosystem processes. They also affect plant, animal and human health and have an impact on social and cultural values.

The Far North is currently impacted by two legislated tramp ant species: Electric Ants (EA) and Yellow Crazy Ants (YCA). YCA have been located in Cairns, Russet Park and Kuranda, and EA have been identified in Port Douglas, Cairns, Speewah, Koah Kewarra Beach and Smithfield. Both species are or have been managed under eradication programs funded by the State and Federal Government. Currently funding for the Electric Ant Eradication Program is expected to deliver the goal of national eradication. However in 2012 the Queensland Government deemed that it is not possible to eradicate YCA, so withdrew resources to this program. The Wet Tropics Management Authority (WTMA) secured funding to continue this program and it is expected to take 10 years to eradicate YCA from the Wet Tropics (providing funding continues).

Tramps ants are moved by human activity, including by the transport of garden materials, pot plants, building materials and green waste. Green waste monitoring has detected several new infestations and prevented them from spreading to new locations. As Government funding runs out there is concern that there will be an increased potential for new infestations to establish unless adequate monitoring, treatment and identification services are maintained.

Under the *Biosecurity Act 2014* which came into force on 1 July 2016, CYA are a Category 3 Restricted Matter and as such Local Government is the lead agency for management.

LINK TO CORPORATE PLAN

Theme 4.2 Environmental Wellbeing:

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

f) Pest and weed management services.

4.2.2 Where resources and capacity allow:

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

CONSULTATION

External consultation undertaken with the Natural Asset Management Advisory Committee of the FNQROC.

Internal consultation undertaken with Director of Infrastructure Services and Waste Coordinator.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Cook Shire Council has an obligation under the *Biosecurity Act 2014* to take all reasonable and practicable steps to minimise biosecurity risks posed by their activities as well as ensuring that invasive biosecurity matter under its authority is managed in compliance with the Act in its local government area.

Under the Act Council can authorise a biosecurity program or surveillance program for its local government area which allows Council to be proactive in identifying, confirming the presence of or determining the extent of, the invasive plant or animal, and managing invasive species in its area.

POLICY IMPLICATIONS

No policy implications.

CONSIDERATIONS

Electric Ants and Yellow Crazy Ants are present or have been present in adjoining local government areas to Cook Shire.

There is a lot of movement of goods between Cook Shire residents and Cairns, Port Douglas, and the Tablelands. It is very feasible that Yellow Crazy Ants could make their way into Cook Shire in building materials, pot plants or garden materials. Electric Ants are yet to be fully eradicated in the Far North and so also pose a risk of relocation into Cook Shire.

Local Government may be left with the sole responsibility of managing YCA if the current eradication program fails, and an outbreak in Cook Shire may require a response well beyond the scope of council resources. Many residents within Cook Shire are opposed to using pesticides and this may create a challenge for control if an outbreak were detected.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Provide operational support to YCA Taskforce – 5 days annually x 1 – 2 Council biosecurity officers.

Conduct monitoring of green waste sites at Ayton, Cooktown, Lakeland, Laura and Coen – max of 4 runs annually x 5 sites (may only do three higher risk sites of Ayton, Cooktown and Lakeland) – 1 x Council biosecurity officer + 1 x waste staff member.

Support precautionary baiting if any of our sites are identified as high risk (with assistance from Biosecurity Queensland).

These commitments can be met from existing proposed budgets for 2016/17.

PROPOSAL

The FNQROC has developed a regional response plan for the surveillance and management of tramp ants across its member Councils.

There are three key components:

- 1) Assist the transition of the national cost-shared electric ant (EA) eradication program in the process of monitoring sites through to the confirmed eradication.

- 2) Assist the ongoing delivery of the Yellow Crazy Ant (YCA) eradication program
- 3) Establish a region-wide green waste sentinel site and awareness program to conduct recurrent (quarterly) monitoring and precautionary baiting. This would include a rapid-response protocol and education component for council staff.

More details of the proposed actions and resource requirements under each component can be found in the Regional Tramp Ant Response Plan Draft V1.2 attached.

OPTIONS

Councils have been requested to consider if they will support all, some or none of the key components in the regional response plan.

RECOMMENDATION

That Council supports all three key components in the Regional Tramp Ant Response Plan to:

- 1) Assist the transition of the national cost-shared electric ant (EA) eradication program in the process of monitoring sites through to the confirmed eradication.
- 2) Assist the ongoing delivery of the Yellow Crazy Ant (YCA) eradication program
- 3) Establish a region-wide green waste sentinel site and awareness program to conduct recurrent (quarterly) monitoring and precautionary baiting. This would include a rapid-response protocol and education component for council staff.

REGIONAL TRAMP ANT RESPONSE PLAN

Versioning - Draft version 1.1, May 2016 (For review and input from BQ, WTMA and NAMAC), Draft version 1.2, June 2016, (for individual council consideration)

Key concepts for the proposal - Although we have a world-class quarantine and inspection system in place in Australia, incursions of biosecurity risks past our borders do occur. Northern shipping ports and airports and remote communities are particularly vulnerable due their proximity to Asia and the Pacific, a tropical climate and diverse traffic from aircraft, touring yachts, commercial and military transport docking on our shores. Of the six significant tramp ant species listed in the Commonwealth Threat Abatement Plan, three have entered and established in our region to date. It is likely they or others may be back in the future.

This proposed *regional tramp ant response plan* outlines a three part response plan for local governments in collaboration with state biosecurity capability to;

1. Assist the transition of the national cost-shared electric ant (EA) eradication program in the process of monitoring sites through to confirmed eradication.
2. Assist the ongoing delivery of the Yellow Crazy Ant (YCA) eradication program through relevant strategic operational and logistical contributions.
3. Establish a region wide surveillance and precautionary baiting program at green waste transfer facilities.

INTRODUCTION: As most would be familiar the Far North is currently impacted by two legislated pest ants' species, broadly termed tramp ants; **Electric Ant (EA)** and **Yellow Crazy Ant (YCA)**. Both are or have been the subject of eradication programs led by state or national agencies. The *National Electric Ant Eradication Program* is drawing to a close and is set to deliver the goal of national eradication. The yellow crazy ant was deemed ineradicable from Queensland in 2012 and hence the state withdrew its program. After a short management hiatus, the management of the issue was taken up by Wet Tropics Management Authority (WTMA) who successfully secured funding for a five year program. Although no formal announcement has been made it seems likely the program will secure ongoing funding to continue the work from both State and Federal coffers for another term of approximately 3 years. If it is to be realised, the goal of eradication from the Wet Tropics is likely to take in the order of 10 years. Current and historical distribution of tramp ants in the Far North includes YCA (Bentley Park and Edmonton-CRC, Russet Park/Kuranda – MSC) and Electric Ant (Port Douglas- DSC, Kuranda, Speewah and Koah MSC, Kewarra Beach, Smithfield-CRC).

Tramp ants by nature are most readily translocated by human activity, hitching rides in anything from garden materials and building waste to pot plants and green waste. The Electric Ant program has maintained a range of measures across green waste facilities as a key mode of detection for both ant species. Several successful detections supported by routine baiting at select green waste facilities have eliminated spread to new locations.

As the National Electric Ant Program draws to a close several elements of the operation which have provided support to local outcomes will also cease. This includes the follow up monitoring of treated sites to ensure long term eradication, ant identification services, call centre, and green waste site monitoring and treatment.

CONSIDERATIONS**Statutory:**

Both species are currently legislated under the Land Protection Act 2002 as Declared Class 1 Pests. Under the Biosecurity Act 2014 which will supersede the Land Protection Act as of July 1 2016, both species are identified as Restricted Matter (or pests which currently occur in the state).

Under the new legislation electric ants will receive the highest level of classification as a Category 1 biosecurity matter whereas yellow crazy ants are a Category 3. The main difference being the higher category requires compulsory reporting of the matter and all reasonable steps must be taken to minimise and not exacerbate the risk. In terms of lead roles in responding to the different categories Category 1 will be led by the State and Category 3 will be led by Local Government.

Positives for local government:

1. A pro-active surveillance program will assist in the early detection of known tramp ants (YCA and EA) and potential new species into the region. This will enable a much more timely response prior to wider establishment. The potential economic impacts of this group of pests are significant as are the required resources and expertise to fund eradication programs.
2. Demonstrating a strategic and cross regional commitment via a surveillance and precautionary baiting program will assist to lever state and commonwealth resources to current (and future) management if the need arises.
3. Under the provisions of the Biosecurity Act (implemented July 1, 2016), local government will become the lead agency for the management of YCA. The response plan will build the region's capacity to intervene or respond to new incursions or delivery of active programs as required.
4. Increase in awareness and skills in key operational staff in the early detection and response to tramp ants (or other invasive ants).
5. The proposed response plan is a cost effective approach with low overheads, the effectiveness rests more in coordination action and alignment of priority and use of existing resources rather than major expenditure.

Risks for local government:

1. If the Yellow Crazy Ant Program fails to deliver regional eradication then local governments may be left as the sole respondent to the issue. The incoming legislation clearly demarcates the responsibility for YCA in the future to LG.
2. Detection of new tramp ant species or outbreaks of known species in new locations may require response which is beyond the resource scope of councils.
3. The successful eradication of electric ants requires a monitoring period following final treatment and clearances of sites for a period of 2 years. If subsequent detections are made as a result of LG/BQ surveillance activities a response would have to be initiated.
4. Public perception of the periodic use of pesticide at green waste facilities may have to be justified to residents.

5. Capacity to participate may vary between councils requiring additional support to implement.
6. Unless a region-wide strategy is adopted to respond to tramp ant incursions into the future, individual councils may bear the expense of responding to the benefit of other non-contributing parties

The proposal

The key components of the Regional Tramp Ant Response Plan are;

- a) Assist the transition of the national cost-shared electric ant (EA) eradication program in the process of monitoring sites through to the confirmed eradication.
- b) Assist the ongoing delivery of the Yellow Crazy Ant (YCA) eradication program
- c) Establish a region-wide green waste sentinel site and awareness program to conduct recurrent (quarterly) monitoring and precautionary baiting. This would include a rapid-response protocol and education component for council staff.

DRAFT

Component	Key actions	Resource overview	Contributors	Frequency/ duration
a) EA program transition	Assist in final clearance surveys of EA sites & assist BQ in ongoing monitoring to eradication	One-off site inspections initially and then annual monitoring for X years (site specific staffing)	LG pest management staff, BQ and EA officers	<ul style="list-style-type: none"> • Single induction of management sites and then periodic monitoring for <= years
b) YCA program support	Provide strategic and operational support to annual YCA Taskforce	Multiple staff per operation	WTMA, BQ, QPWS, LG's, FNQROC	<ul style="list-style-type: none"> • 5 days annually • (additional days contributed by FNQROC in planning and logistics)
	Provide logistical support to program	Site and facility specific arrangements between CRC/MSD and WTMA	CRC, MSD	<ul style="list-style-type: none"> • Ongoing for duration of program
	Provide support to YCA reference group	2 LG reps., 1 FNQROC rep.	FNQROC, MSD, CRC	<ul style="list-style-type: none"> • 4 meetings annually • Ongoing for duration of program
c) Sentinel site program	Conduct quarterly/or six monthly monitoring of green waste sites	1 pest management staff, 1 green waste staff, 1 BQ staff	LG pest management staff, green waste staff (BQ)	<ul style="list-style-type: none"> • 4 (2) monitoring runs annually • Ongoing
	Conduct precautionary baiting at high risk transfer sites	1 pest management staff, 1 green waste staff Pesticide (pricing per treatment ?)	LG pest management staff, green waste staff (BQ)	<ul style="list-style-type: none"> • (2) baiting runs annually • Ongoing
d) Plan implementation and coordination	Oversight and reporting to individual councils and FNQROC Board	Regional NAM coordinator, 3-5 days annually	NAMAC, FNQROC NAM coordinator, BQ	<ul style="list-style-type: none"> • Initial intensive works to establish • Ongoing
	Develop and adopt a regional rapid response protocol and education package for operational staff	Regional NAM coordinator, 3 days to develop 1 day annually to review	NAMAC, FNQROC NAM coordinator, BQ	<ul style="list-style-type: none"> • One off initial protocol development • Annual review through NAMAC

Potential options

Proposal for all councils *or* currently impacted councils individually to

1. Adopt all three components of the proposed response plan
2. Adopt only select elements of the proposed response plan
3. Adopt no elements of the proposed response

Contact author: Travis Sydes

Regional Natural Asset Management and Sustainability Coordinator, FNQROC

t.sydes@fnqroc.qld.gov.au

Attachments: maps and other supporting material in train, will include known infestations, status and locations of LG green waste sites

19 CORPORATE SERVICES - INFORMATION

19.1 AUDIT - T0116 - HIRE OF PLANT

File Number: D16/8013

Author: Records Officer

Authoriser: Martin Cookson , Director Corporate Services

Attachments: Nil

PRECIS

Audit of T0116 documentation and criteria responses.

BACKGROUND/HISTORY

Contractors were required to demonstrate their experience within their preferred work areas to enable Council to award works in accordance with the 'encouragement of local business and industry' contracting principle.

This replaced allocation of works by nominated depot location and the 10% locality allowance.

I recently carried out an audit to determine how many locals are employed by the contractors and how many contractors (including owner/operators) who did not get awarded work are now being subcontracted. Part of the information request was a copy of driver's licenses for all contracted staff including subcontractors.

There were 68 conforming contractors, 19 contractors (with crews) were awarded works.

We have identified that 8 contractors have over 80% of local employees, the rest between 45- 79%.

An additional 25 contractors have gained work through a subcontracting arrangement. Of the 25 subcontractors, 21 of them employ 100% local.

Council also identified target groups within the T0116 Hire of Plant Tender with indigenous employment having a set target of 10%. At the time of audit 90% of contractors have met or exceeded the target.

LINK TO CORPORATE PLAN

Leadership and Governance

4.1.2 Where resources and capacity allow:

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

CONSULTATION

Contractors

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

NIL

POLICY IMPLICATIONS

Procurement Policy

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

NDRRA and other funded works.

RECOMMENDATION

That the information be noted.

20 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - INFORMATION

Nil