



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

Date: Tuesday, 24 May 2022
Time: 9.00am
Location: Council Chambers
Administration Office
10 Furneaux Street, Cooktown

AGENDA AND BUSINESS PAPERS

Ordinary Council Meeting

24 May 2022

Linda Cardew
Chief Executive Officer

GALLERY COPY

Order Of Business

1	Agenda Contents	5
2	Attendance	5
3	Meeting Opened	5
4	Apologies	5
5	Acknowledgement of Country	5
6	Declarations of Interest	5
7	Mayoral Minute	5
	Nil	
8	Notice of Bereavement.....	5
9	Leave of Absence.....	5
10	Confirmation of Minutes	5
11	Business Arising.....	5
12	Notified Motions	5
	Nil	
13	Councillors' Reports.....	6
13.1	Councillors' Monthly Reports.....	6
14	Executive Services - Reports.....	22
14.1	Chief Executive Officer's Monthly Report	22
14.2	Road Closure Application - Bertiehaugh Road	27
15	Community, Economy and Innovation - Reports.....	80
15.1	Grants Update and Endorsement of Applications	80
15.2	Application for Permanent Road Closure Adjoining Lots 215 RP747485, Lot 3 RP741357 and Lot 5 RP741356 Dawson Road Lakeland	84
16	Organisational Business Services - Reports.....	91
16.1	Elected Member Acceptable Request Guidelines.....	91
16.2	Competitive Neutrality Complaints Management Policy.....	99
16.3	Local Law Review.....	108
16.4	Coastal Hazards Adaptation Program (CHAS) QCoast 2100, Phase 8 summary report and Implementation Plan for Cook Shire - the 'Resilient Cape'	297
16.5	Financial Policies for the Financial Year 2022/2023.....	321
16.6	Monthly Financial Report - April 2022	377
17	Infrastructure - Reports	385
17.1	2021/22 Capital Works Program Amendment.....	385
18	Confidential Reports.....	387

18.1	Confidential Correspondence - Department of Resources	387
18.2	Cooktown District Community Centre LTD - Request to Purchase Part of Lot 203 Crown Plan C17949	387
18.3	Appointment of Chief Executive Officer	387

1 AGENDA CONTENTS**2 ATTENDANCE****3 MEETING OPENED****4 APOLOGIES****5 ACKNOWLEDGEMENT OF COUNTRY**

On behalf of all Councillors, the Chair acknowledges the Waymburr Warra people, Traditional Custodians of the land on which we meet today, and pay respects to all Traditional Owners, past, present and emerging throughout Cook Shire.

6 DECLARATIONS OF INTEREST**7 MAYORAL MINUTE**

Nil

8 NOTICE OF BEREAVEMENT

A minute's silence will be observed as a mark of respect for those residents who passed away during the previous month.

9 LEAVE OF ABSENCE**10 CONFIRMATION OF MINUTES**

Ordinary Meeting - 26 April 2022

11 BUSINESS ARISING**12 NOTIFIED MOTIONS**

Nil

13 COUNCILLORS' REPORTS

13.1 COUNCILLORS' MONTHLY REPORTS

File Number:	D22/10261
Author:	Executive Assistant
Authoriser:	Linda Cardew, Chief Executive Officer
Attachments:	<ol style="list-style-type: none">1 Mayor Peter Scott2 Deputy Mayor Robyn Holmes3 Cr Peter Burns4 Cr John Dessmann5 Cr Ross Logan6 Cr Marilyn Morris

PRECIS

Councillors' monthly activity reports are tabled for noting and endorsement by Council.

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

Key Strategy Priority: Governance - Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 3: Develop a clear communication plan to inform the workforce, community and elected members in order to achieve greater understanding of council decision making processes, policies, legislation and compliance requirements.

Objective 3c: The community is kept informed and is generally well satisfied with the overall leadership and strategic direction undertaken by Council.

CONSULTATION

Various groups as per individual reports.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Councillor Expense Reimbursement Policy

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Operational Budget

RECOMMENDATION

That the activities and updates contained in the individual Councillors' monthly reports tabled on 24 May 2022, including future travel requirements, be noted and endorsed by Council.



Monthly Activity Report | Councillor Peter Scott (Mayor)

UPDATES RELATING TO STRATEGIC AND GEOGRAPHIC PORTFOLIO AREAS

- *Cooktown, Marton and Endeavour Valley areas*
 - *Strategic Regional Representation*
 - *Finance, Audit and Risk*
 - *Community Wellbeing, Housing and Inter-agency Groups*
 - *Disaster Management and Mass Gatherings*
- Continued lobbying with all levels of government and key stakeholder groups regarding the housing crisis in Cooktown.
 - Led the coordination of the appointment of Council's new Chief Executive Officer.
 - Liaise with various stakeholders regarding opportunities for the redevelopment and/or relocation of the IGA Supermarket in Cooktown.

COMMUNITY ENGAGEMENT – MEETINGS, EVENTS AND ACTIVITIES

Date	Event or Meeting Name	Location	Comments
19/04/2022	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
21/04/2022	Regional Queensland Council of Mayors	Brisbane	Bi-monthly executive meeting
	Royal Historical Society of Queensland	Brisbane	Lunch with executive members
	Government House	Phone meeting	Meeting with representatives about future visit by the Governor of Queensland
22/04/2022	Local Government Association of Queensland	Brisbane	Policy Executive meeting
25/04/2022	ANZAC Day	PCYC Cooktown Events Centre	<i>Change of venue due to wet weather</i> Attended and gave Mayoral address
26/04/2022	Ordinary Monthly Council meeting	Council Chambers	Meeting as per agenda published in advance
	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
28/04/2022	Councillor Workshop	Council Chambers	Capital Works Program review
02/05/2022	CEO recruitment	Cooktown Bowls Club	Councillors dinner meeting with 1 st CEO candidate
03/05/2022	CEO recruitment	Cooktown	Tour of town with 1 st CEO candidate
	Warren Entsch MP	Cooktown SES	Federal funding announcement
	Warren Entsch MP	Botanic Gardens	Federal funding announcement
	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
	CEO recruitment	RSL Memorial Club	Councillors dinner meeting with 2 nd CEO candidate
04/05/2022	CEO recruitment	Cooktown	Tour of town with 2 nd CEO candidate


COMMUNITY ENGAGEMENT – MEETINGS, EVENTS AND ACTIVITIES

Date	Event or Meeting Name	Location	Comments
	CEO recruitment	Nature's Powerhouse	Councillors lunch meeting with 2 nd CEO candidate
05/05/2022	CEO recruitment	Chambers	Councillors debrief and review post CEO candidate visits
	Graham Cornett, Cornetts IGA	Council offices	Meeting to discuss opportunities for supermarket growth and/or relocation
10-11/05/2022	Torres and Cape Indigenous Council Alliance (TCICA)	PCYC Cooktown Events Centre	Bi-monthly board meeting in Cooktown with various Cape York Peninsula member council Mayors and CEOs in attendance
12/05/2022	Queensland Audit Office	Council Chambers	Introduction and planning meeting with new QAO Senior Director
14/05/2022	Dog's Day Out	Off leash Dog Park	
16/05/2022	Dept. Transport and Main Roads	Gungarde Community Centre	Cape York Regional Plan Combined Taskforce and Sub-Working Group meeting
	Regional Development Australia Tropical North	Sovereign Resort Hotel	Dinner meeting with Chair and CEO
17/05/2022	Audit and Risk Committee	Council Chambers	Meeting as per agenda
	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
18/05/2022	CEO recruitment	Chambers	Councillors review of draft CEO contract
	Local Disaster Management Group (LDMG)	Council Chambers and MS Teams	Meeting with various member agency representatives
19/05/2022	Dept. State Development, Infrastructure, Local Government and Planning	Videoconference	Rural and Remote Councils Policy and Legislation Committee meeting
22/03/2022	Ordinary Monthly Council meeting	Council Chambers	Meeting as per agenda published in advance
	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
07/04/2022	FNQ Regional Roads Transport Group	Cairns	Meeting hosted by FNQ Regional Organisation of Councils
	FNQROC	Cairns	Bi-monthly board meeting

UPCOMING MEETINGS AND TRAVEL FOR ENDORSEMENT

Date	Event or Meeting Name	Location	Comments
20/05/2022	qldwater Water Connections Week	Chambers	Delegates visiting Cooktown as part of Cape York Peninsula tour
21/05/2022	Cooktown Shire Hall Official Opening	Shire Hall	



UPCOMING MEETINGS AND TRAVEL FOR ENDORSEMENT

Date	Event or Meeting Name	Location	Comments
24 - 25/05/2022	Far North Queensland Regional Organisation of Councils (FNQROC)	Brisbane	Mayoral delegations with approx. 20 State Government Ministers
26/05/2022	Cooktown Interagency Meeting	Council Chambers	
	Local Government Managers Australia	Main office staff room	Attend live stream of awards event with staff; Council nominated for Expo 2021 event
30/05/2022	Small Business Commissioner	Council offices	Meeting
31/05/2022	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
31/05 – 01/06/2022	Trip to Coen	Coen	Ministerial and Government Champions visit, Coen Interagency Meeting and other events
02/06/2022	Far North Queensland Regional Organisation of Councils (FNQROC)	Cairns	Regional Roads and Transport Group meeting and bi-monthly board meeting
03/06/2022	Cooktown School of Art Society	Elizabeth Guzely Gallery	Opening of Annual Exhibition
07/06/2022	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
14/06/2022	Planning and Environment Standing Committee	Council Chambers	Meeting as per agenda
	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
17 – 18/06/2022	Cooktown Discovery Festival		
20/06/2022	Australian Local Government Association	Canberra	National General Assembly
23/06/2022	Regional Queensland Council of Mayors	Brisbane	Bi-monthly executive meeting
24/06/2022	Local Government Association Queensland	Brisbane	Bi-monthly Policy Executive meeting



Monthly Activity Report | Councillor Robyn Holmes (Deputy Mayor)

UPDATES RELATING TO STRATEGIC AND GEOGRAPHIC PORTFOLIO AREAS

- *Cooktown, Marton and Endeavour Valley areas*
 - *Lakeland, Laura and the southwest shire areas*
 - *Finance, Audit and Risk*
 - *Community Wellbeing, Housing and Youth*
 - *Biosecurity, Weeds and Feral Animals*
 - *Economic Development and Tourism*
 - *Health and Education*
 - *Disaster Management and Mass Gatherings*
- Cooktown Hospital Redevelopment Project Control Group (voting member) monthly meetings regarding planning consideration, provision of services, feedback and updates for new hospital project. Final PCG meeting scheduled for June, final project plan will move up to Steering Committee for approval before submission to State Govt in June. Proposed project build commencement September 2023.
 - Hospital Redevelopment Consumer Group (non- voting member) monthly meeting. Feedback provided on proposed planning concepts, community and cultural interests.
 - Lakeland Health Services – Qld Health planning team to meet with Council for further discussion on service provision and community need. Scheduled meeting cancelled, to follow-up and progress.
 - Regional Aged Care Services Project is progressing well with Project Business Case planned for completion in June. Region includes Wujal Wujal, Cook and Hope Vale Council's.
 - Lakeland Progress Association, quarterly meeting held. Community need around increased services is more apparent. SES points noted and progressed through LDMG. RDA work continues on the Lakeland Irrigation Area Scheme project with update provided to LPA meeting.

COMMUNITY ENGAGEMENT – MEETINGS, EVENTS AND ACTIVITIES

Date	Event or Meeting Name	Location	Comments
21/04/2022	Regional Aged Care Project	Microsoft Teams Meeting	Working Group meeting, discussion including case for change, need, options to meet need. Opportunity to include Community Care facility and providing community survey feedback
	Cooktown MPHS Redevelopment Community Forum	Sovereign Hotel Resort	Community Engagement and Feedback Forum
26/04/2022	Ordinary Council Meeting	Chambers	Agenda, available on Cook Shire Council website http://www.cook.qld.gov.au
	Councillor Workshop	Lakeland	Budget discussion including consideration and prioritisation of Capital Works Program.
	CSC Housing Selection Committee Meeting	Chambers	Allocation of 2 x Seniors units
	Housing Meeting	Chambers	Discussion with RSL Sub-Branch on fees and charges applied to CSC housing. Memorandum of Agreement for Coral Sea Units


COMMUNITY ENGAGEMENT – MEETINGS, EVENTS AND ACTIVITIES

Date	Event or Meeting Name	Location	Comments
25/04/2022	ANZAC Day	Cooktown	Attend Service with Youth Council Representatives (first year Youth Council have attended and laid a wreath)
28/04/2022	Capital Works Projects Review	Chambers	Councillor Review and prioritisation of projects.
	Community Care Discussion	Cooktown	Discussion with Cooktown Community Care service provision, funding bodies, client numbers, services and potential for space in planning for the Regional Aged Care facility
02/05/2022	CEO Candidate	Cooktown	Informal engagement and discussion
03/05/2022	CEO Candidate Interviews	Chambers	2 nd Round Interview, engagement, introduction to Federal Member for Leichhardt MP
	Member for Leichhardt, Warren Entsch MP	Botanic Gardens	Informal discussion
	Councillor Workshop	Chambers	Budget discussion
	CEO Candidate	Cooktown	Informal engagement and discussion
04/05/2022	CEO Candidate Interviews	Chambers	2 nd Round Interview, engagement & discussion
05/05/2022	CEO Candidate Debrief	Chambers	Review and selection of preferred candidate
11/05/2022	Cooktown Redevelopment DBC Project Consumer User Group Meeting	Microsoft Teams Meeting	Presentation & discussion; Community Forum feedback 35-40 guests, mortuary relocation & memorial on existing site, patient & staff parking & safety. Drop off area, not undercover – include on design register to upgrade. Landscaping, artwork, cafeteria, on-site signage, outdoor areas and dental
12/05/2022	Domestic and Family Violence Prevention Month - Presentation to Council	PCYC	DFV Prevention Council members Bob Atkinson AO APM and Lyn Anderson, on domestic and family violence prevention, during Domestic and Family Violence Prevention Month
	Cooktown MPHS Redevelopment DBC PCG Meeting	Microsoft Teams Meeting	18 May pre-lodgement of draft submission. 22 June deadline for endorsed submission to Government. Depending on approval tender scheduled for release in October
13/05/2022	Regional Aged Care Project Working Group Meeting	Microsoft Teams	Discussion around modelling, quantitative data, case for change. Considerations for type of care – high care, dementia, independent & supported living. Hope Vale to retain current aged care facility. Viability analysis to be undertaken
16/05/2022	Lakeland Progress Association Meeting	Lakeland	Attended with Director Community Economy & Innovation. RDA gave update on Dam Project.



COMMUNITY ENGAGEMENT – MEETINGS, EVENTS AND ACTIVITIES

Date	Event or Meeting Name	Location	Comments
			Discussion: town planning and essential services to meet expected growth. SES First Responders disappointed with minimal support from Qld Health in assisting volunteers who respond to road trauma incidences. Expectations of volunteers re compliance is considerable when they have no voice on local issues. Follow up through LDMG
	Dinner with RDA Tropical North – David Kempton, Chair and CEO Sonja Johnson, CEO	Cooktown	Engagement and Discussion with RDA and Councillors
17/05/2022	Audit and Risk Committee Meeting	Chambers	As per agenda
	Budget Workshop	Chambers	Consideration of Draft Capital Works Budget, Financial Management Principles applied to budget process and Financial Operating Statements
18/05/2022	Councillor Meeting	Chambers	Councillor only discussion
	LDMG Meeting	Chambers	Agenda and discussion. As per Lakeland Progress Association note 16/2/22 SES First Responder concerns raised and included as action item for LDMG
	Regional Aged Care Services Project Briefing	Chambers	Engagement and discussion with Cooktown Community Care and Cooktown MPHHS representatives around inclusion of facility for delivery of Community Care services
	TCHHS Cooktown MPHHS Community Advisory Network Meeting	Cooktown	Agenda discussion and engagement with members

UPCOMING MEETINGS AND TRAVEL FOR ENDORSEMENT

Date	Event or Meeting Name	Location	Comments
21/05/2022	Federal Election	National	
	Community Open Day	Cooktown Shire Hall	Reopening of Shire Hall
24/05/2022	Councillors Meeting	Chambers	
	Councillor Workshop	Chambers	
25/05/2022	Turf Club Meeting	Cooktown	
31/05/2022	Councillor Workshop	Chambers	

**UPCOMING MEETINGS AND TRAVEL FOR ENDORSEMENT**

Date	Event or Meeting Name	Location	Comments
07/06/2022	Councillor Workshop	Chambers	
14/06/2022	Councillor Workshop	Chambers	
	Planning & Environment Standing Committee Meeting	Chambers	Agenda, available on Cook Shire Council website http://www.cook.qld.gov.au



Monthly Activity Report | Councillor Peter Burns

UPDATES RELATING TO STRATEGIC AND GEOGRAPHIC PORTFOLIO AREAS

- Cooktown, Marton and Endeavour Valley areas
- Coen, Portland Roads and the northern shire areas
- Finance, Audit and Risk (proxy)
- Community Wellbeing, Housing and Inter-agency Groups (Coen Inter-Agency Group, Lakeland Progress Assoc.)
- Economic Development and Tourism
- Environment and Waste
- RADF Committee

COMMUNITY ENGAGEMENT – MEETINGS, EVENTS AND ACTIVITIES

Date	Event or Meeting Name	Location	Comments
19/04/22	Councillors meeting and workshop	Chambers	
26/04/22	Councillors meeting and workshop	Chambers	
	Ordinary Council Meeting	Chambers	As per agenda
28/04/22	Councillor workshop	Chambers	Budget, Capital Works projects
02/05/22	Meet and Greet	Bowls club	Meet 1 st CEO candidate
03 - 27/05/22	Personal leave	Cairns	Attending meetings online and by phone where possible
15/05/22	Rethinking Renewables	Cairns	A very interesting afternoon, wind farms are part of the “renewable gold rush” on an industrial scale and much more

UPCOMING MEETINGS AND TRAVEL FOR ENDORSEMENT

Date	Event or Meeting Name	Location	Comments
17/05/22	Audit & Risk Committee	Attend by Zoom	
	Budget Workshop	Attend by Zoom	
18/05/22	Councillor workshop	Attend by Zoom	Discuss CEO appointment and draft contract
	LDMG	Attend by Zoom	
24/05/22	Councillors meeting	Attend by Zoom	
	Ordinary council meeting	Attend by Zoom	
26/05/22	Cooktown interagency	Attend by Zoom	



Monthly Activity Report | Councillor John Dessmann

UPDATES RELATING TO STRATEGIC AND GEOGRAPHIC PORTFOLIO AREAS

- Cooktown, Marton and Endeavour Valley areas
- Ayton, Bloomfield, Rossville and the southeast shire areas
- Indigenous (Bama) Partnerships
- Climate Change and Sustainability
- Great Barrier Reef
- Economic Development and Tourism

COMMUNITY ENGAGEMENT – MEETINGS, EVENTS AND ACTIVITIES

Date	Event or Meeting Name	Location	Comments
	Anzac Day	Cooktown	Rainy day but great service as always.
26/04/2022	Ordinary Council Meeting	Chambers	Agenda, available on Cook Shire Council website http://www.cook.qld.gov.au
	Councillor Workshop	Chambers	Budget discussion
28/04/2022	Capital Works Projects Review	Chambers	Councillor Review and prioritisation of projects.
29/04/2022	Reef Guardian Meeting	Cooktown	
02/05/2022	CEO Candidate	Cooktown	Informal engagement and discussion
03/05/2022	CEO Candidate Interviews	Chambers	2 nd Round Interview
	Meet with Warren Entsch MP	Botanic Gardens	Informal discussion
	Councillor Workshop	Chambers	Budget discussion
	CEO Candidate	Cooktown	Informal engagement and discussion
04/05/2022	CEO Candidate Interviews	Chambers	2 nd Round Interview
05/05/2022	CEO Candidate Debrief	Chambers	Review and selection of preferred candidate
	Dinner with RDA Tropical North - David Kempton, Chair and CEO Sonja Johnson, CEO	Cooktown	Engagement and Discussion with RDA and Councillors.
12/05/2022	Liquor Accord Meeting	Cooktown	Alcohol in remote communities
14/05/2022	Dogs Day Out	Dog Park Cooktown	Fun day with dogs
16/05/2022	Meet with Mayor	Kingdom Hall	Tour and discussion re Kingdom Hall
17/05/2022	Audit and Risk Committee Meeting	Chambers	As per agenda.
	Budget Workshop	Chambers	Budget discussions


COMMUNITY ENGAGEMENT – MEETINGS, EVENTS AND ACTIVITIES

Date	Event or Meeting Name	Location	Comments
18/05/2022	Councillor Meeting	Chambers	Councillor only discussion
	LDMG Meeting	Chambers	Agenda and discussion.

UPCOMING MEETINGS AND TRAVEL FOR ENDORSEMENT

Date	Event or Meeting Name	Location	Comments
21/05/2022	Federal Election	National	
	Community Open Day	Cooktown Shire Hall	Reopening of Shire Hall
24/05/2022	Councillors Meeting	Chambers	
	Councillor Workshop	Chambers	
25/05/2022	Turf Club Meeting	Cooktown	
31/05/2022	Councillor Workshop	Chambers	
07/06/2022	Councillor Workshop	Chambers	
14/06/2022	Councillor Workshop	Chambers	
	Planning & Environment Standing Committee Meeting	Chambers	Agenda, available on Cook Shire Council website http://www.cook.qld.gov.au



Monthly Activity Report | Councillor Ross Logan

UPDATES RELATING TO STRATEGIC AND GEOGRAPHIC PORTFOLIO AREAS

- *Cooktown, Marton and Endeavour Valley areas*
- *Coen, Portland Roads and the northern shire areas*
- *Environment and Waste*
- *Community Wellbeing, Housing and Inter-agency Groups (Coen Inter-Agency Group, Lakeland Progress Assoc.)*
- *Economic Development and Tourism*

COMMUNITY ENGAGEMENT – MEETINGS, EVENTS AND ACTIVITIES

Date	Event or Meeting Name	Location	Comments
26/04/22	Ordinary Council meeting	Chambers	
28/04/22	Councillors Meeting	Chambers	Capital Works Projects
02/05/22	Dinner meeting with 1 st CEO candidate and partner	Bowls Club	
03/05/22	Lunch meeting with 1 st CEO candidate	Nature's Powerhouse	
	Councillor Workshop	Chambers	
	Dinner meeting with 2 nd CEO candidate and partner	RSL Club	
04/05/22	Lunch meeting with 2 nd CEO candidate	Nature's Powerhouse	
05/05/22	Councillors Meeting	Chambers	Review of CEO candidates. Both candidates impressive.
11/05/22	Torres and Cape Indigenous Council Alliance meeting – Day 1	PCYC Events Centre	Really impressed with delegates attitude, no politics or point scoring
12/05/22	TCICA meeting – Day 2	PCYC Events Centre	
12/05/22	Innovation Task Force	Chambers	
14/05/22	Markets and Dogs Day Out	Dog Park	Dogs of all shapes and colours turned up walking their humans

UPCOMING MEETINGS AND TRAVEL FOR ENDORSEMENT

Date	Event or Meeting Name	Location	Comments
17/05/22	Councillors Budget Workshop	Chambers	
18/05/22	Councillors Meeting	Chambers	Discuss appointment of CEO and contract

**UPCOMING MEETINGS AND TRAVEL FOR ENDORSEMENT**

Date	Event or Meeting Name	Location	Comments
18/05/22	Local Disaster Management Group	Chambers	Meeting
19/05/22	Gamaay Dreaming Track Official Opening	Gamaay Ranger Base	
21/05/22	Oddfellows Hall Open Day	Hall	



Councillors Monthly Activity Report | Councillor Marilyn Morris

UPDATES RELATING TO STRATEGIC AND GEOGRAPHIC PORTFOLIO AREAS

- Cooktown, Marton and Endeavour Valley areas
- Ayton, Bloomfield, Rossville and the southeast shire areas
- Finance, Audit and Risk (proxy)
- Indigenous (Bama) Partnerships
- Sport and Recreation, and the Arts
- Health and Education

CYNRM now secured land in Cooktown, for a permanent office site – as requested by members & CY community. **Recreation & the Arts** and **Bama Partnerships** - Help coordinate dance groups & choir from Rossville, Cooktown & Hope Vale for Opening of Shire Hall. Reenactment practises for the June weekend festival, practises starting weekly from 21st May. Gold Delivery coordinating of horse and riders. Assist School of Arts Society with Art Exhibition for June. Coordinate Spear Making workshop with local Hope Vale elder, in lead up week to June Weekend.

Direct and coordinate Reenactment rehearsals on 21st, 28th May / 4th, 11th June.

Sport – Attended NQ Games as small Councils representative for NQ Sport Foundation – promote talent scouting to travel to our remote locations re the 2032 Olympics. Cook now on the radar with FNQ Athletics and Qld Academy of Sport. Cook to focus on getting athletes and teams to the 2024 NQ Games in Cairns. Supported Cooktown Crocs Underwater Hockey crew in Townsville for Championships. The fantastic Cooktown teams are much loved by the general Underwater Hockey fraternity. Winners, all of them.

Health & Education – Attended morning tea at Edge Hill Bowls Club that is a Dementia Friendly Organization, with the view to inviting the Coordinators to come to Cook and hold a workshop with clubs, businesses and Council. Hoping to highlight the benefits of becoming recognized as Dementia friendly Organizations.

Personal time – 3rd May to 10th May.

COMMUNITY ENGAGEMENT – MEETINGS, EVENTS AND ACTIVITIES

Date	Event or Meeting Name	Location	Comments
27/04/2022	Volunteer shift	Boathouse	5 hour shift for Reenactment Committee
29 th April – 2 nd May	NQ Games nqgames.com.au	Townsville	NQ Sports Foundation Board member – attend events, present medals & promote Cook Shire. (Accom and food paid by CSC)
05/05/2022	Councillor Debrief	Via Zoom	Discussion re CEO appointment.
06/05/2022	CYNRM meeting	Via Zoom	FRAC committee
10/05/2022	Edge Hill Bowls Club.	Edge Hill	Dementia Friendly Morning Tea(see above info) dementiafriendly.org.au
	CYNRM Board meet	Via Zoom	Directors meeting
11/05/2022	QCWA meeting	CWA Cooktown	Members meeting re - catering for Shire Hall Opening, June Weekend, weekly Soup Kitchen. Planned garden working bee 9/10 July, in readiness for QCWA 100yr celebration on 10 th Sept. This will be a 'Garden Party' and Opening.
12/05/2022	Domestic Violence meetup	PCYC	Minister & Premiers Dept met with Council and local Services. Advised 89 new laws just passed



COMMUNITY ENGAGEMENT – MEETINGS, EVENTS AND ACTIVITIES

Date	Event or Meeting Name	Location	Comments
	Nature Pwrhouse & Barrier Reef Childcare Steering Committee meetings	Chambers	– around Coercive Behaviour. They need input regarding implementation over next 2 years. Steering Committee – discuss finances, upcoming events, operations, issues, staffing.
13/05/2022	Volunteer shift	Boathouse	5 hour shift
16/05/2022	Reenactment Executive Dinner with RDA reps	Boathouse Sovereign	Meeting re upcoming events and WB Centre.
17/05/2022	Audit Risk Committee Councillor workshops	Chambers	Audit n Risk, Budget, Land release discussion.
18/05/2022	Councillor meeting LDMG Meeting	Chambers	Discuss draft CEO Contract
19/05/2022	Gamaay Dreaming Track site Opening	Gamaay	Travel with TO's and Councillors from Cook Shire and Hope Vale, plus executive for Opening
20/05/2022	Volunteer shift	Boathouse	5 hour shift

UPCOMING MEETINGS AND TRAVEL FOR ENDORSEMENT

Date	Event or Meeting Name	Location	Comments
21/05/2022	Shire Hall Opening	Cooktown	
24/05/2022	Ordinary Council meeting	Chambers	
26/05/2022	Interagency meeting LGMA Awards	Council offices	
08 th – 9 th June 2022	CYNRM Board and Staff meeting	Atherton	(Accom, meals and travel funded by CYNRM)
10/06/2022	Opening of School of Art Society Exhibition	Eliz Gusely Gallery	
14/06/2022	Councillor workshop	Chambers	
13 th – 16 th June	Spear Making workshops	Boathouse	Coordinate four day workshop with Trevor & Dora Gibson – creating hunting spears.
17 th to 19 th June	June Weekend events	Cooktown	Reconciliation Reenactment 17 th , Gold Delivery 18 th , Reenactment 19 th .

Thankyou
Marilyn Morris



14 EXECUTIVE SERVICES - REPORTS**14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****File Number:** D22/10260**Author:** Executive Assistant**Authoriser:** Linda Cardew, Chief Executive Officer**Attachments:** 1 Chief Executive Officer's Monthly Report**PRECIS**

Chief Executive Officer's monthly report.

BACKGROUND/HISTORY

Each month the Chief Executive Officer reports on external activities. 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

Key Strategy Priority: Governance - Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 3: Develop a clear communication plan to inform the workforce, community and elected members in order to achieve greater understanding of council decision making processes, policies, legislation and compliance requirements.

Objective 3c: The community is kept informed and is generally well satisfied with the overall leadership and strategic direction undertaken by Council.

CONSULTATION

Various agencies, businesses, organisations and community members as indicated in the attached report.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

CEO's expenditure is in accordance with Council's Annual Budget.

RECOMMENDATION

That the activities contained in the Chief Executive Officer's monthly report tabled on 24 May 2022, be noted and endorsed by Council.



Monthly Activity Report | Chief Executive Officer

Date	Event or Meeting Name	Location	Comments
22/04/2022	Torres and Cape Hospital and Health Service (TCHHS)	Videoconference	Briefing from the TCHHS Chief Executive to all Mayors and CEOs regarding the latest on the COVID-19 situation across the TCHHS footprint
26/04/2022	Ordinary Monthly Council meeting	Council Chambers	Meeting as per agenda published in advance
	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
28/04/2022	Pacifica	Videoconference	Meeting to discuss the Cooktown Land Release project
	TCHHS	Videoconference	Cooktown MPHS Redevelopment Project – Project Steering Committee meeting
29/04/2022	Local Government Managers Australia (LGMA)	Videoconference	CEO Connect meeting
	TCHHS	Cairns	Meeting with Executive Director Allied Health to discuss the Regional Aged Care Services Project
03/05/2022	Dept. State Development, Local Government, Infrastructure and Planning (DSDLGIP), and Dept. Aboriginal and Torres Strait Islander Partnerships (DATSIP)	Videoconference	Meeting to discuss the Regional Aged Care Services Project
	Councillor Workshop	Videoconference	Various matters discussed with Councillors
05/05/2022	Aurukun Shire Council	Cairns	Meeting with Mayor Keri Tamwoy
06/05/2022	LGMA	Videoconference	LGMA Conference planning meeting
09/05/2022	TCHHS	Videoconference	Weekly meeting with Chief Executive to discuss various matters
	Queensland Fire and Emergency Services (QFES)	Council Chambers	QERMF Improvement Project: Risk assessment workshop
10/05/2022	Actum Solutions	Council offices	Meeting with LGW Auditor for Workplace Health and Safety
10-11/05/2022	Torres and Cape Indigenous Council Alliance (TCICA)	PCYC Cooktown Events Centre	Bi-monthly board meeting with Cape York Peninsula member council Mayors and CEOs
12/05/2022	Queensland Audit Office	Council offices	Introduction and planning meeting with new QAO Senior Director
	Pacifica	Videoconference	Meeting to discuss the Cooktown Land Release project
13/05/2022	DSDLGIP and DATSIP	Videoconference	Meeting to discuss the Regional Aged Care Services Project



Date	Event or Meeting Name	Location	Comments
	TCHHS	Videoconference	Weekly meeting with Chief Executive to discuss various matters
	TCHHS	Videoconference	Briefing from the TCHHS Chief Executive to all Mayors and CEOs regarding the latest on the COVID-19 situation across the TCHHS footprint
14/05/2022	Dog's Day Out	Off leash Dog Park	Community event
16/05/2022	TCHHS	Videoconference	Cooktown MPHS Redevelopment Project – Project Steering Committee meeting
	Chair, Audit and Risk Committee	Council offices	Meeting ahead of the Audit and Risk Committee
17/05/2022	Audit and Risk Committee	Council Chambers	Meeting as per agenda
	Pacifica, CA Architects and MacDonnells Law	Council Chambers	Discussion with Councillors re. Cooktown Land Release and Government Staff Housing Project
	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
18/05/2022	Local Disaster Management Group (LDMG)	Council Chambers and MS Teams	Meeting with various member agency representatives
	TCHHS	Council offices	Regional Aged Care Services Project meeting with representatives from Community Care Programs Team
	Sports Marketing Australia	Videoconference	Briefing about potential events in Cooktown

UPCOMING MEETINGS AND TRAVEL

Date	Event or Meeting Name	Venue	Details / Comments
19/05/2022	Gamaay Dreaming Track	Gamaay Ranger Base, Hope Vale	Official opening event
20/05/2022	TCHHS	Videoconference	Weekly meeting with Chief Executive to discuss various matters
21/05/2022	Cooktown Shire Hall	Cooktown	Official re-opening and community day
23/05/2022	Country Universities Centre (CUC)	Council offices	Meeting with CEO and Equity & Engagement Director
24/05/2022	Ordinary Monthly Council meeting	Council Chambers	Meeting as per agenda published in advance
	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
26/05/2022	Reconciliation Queensland	Brisbane	National Reconciliation Week Launch and Breakfast
	Local Government Managers Australia (LGMA)	Brisbane	LGMA Awards for Excellence
27/05/2022	LGMA	Brisbane	Bi-monthly board meeting and strategy workshop

**UPCOMING MEETINGS AND TRAVEL**

Date	Event or Meeting Name	Venue	Details / Comments
31/05/2022	Councillor Workshop	Council Chambers	Various matters discussed with Councillors
31/05 – 01/06/2022	Trip to Coen	Coen	Ministerial and Government Champions visit, Coen Interagency Meeting and other events
02/06/2022	Far North Queensland Regional Organisation of Councils (FNQROC)	Cairns	Regional Roads and Transport Group meeting and bi-monthly board meeting
03/06/2022	TCHHS	Videoconference	Weekly meeting with Chief Executive to discuss various matters

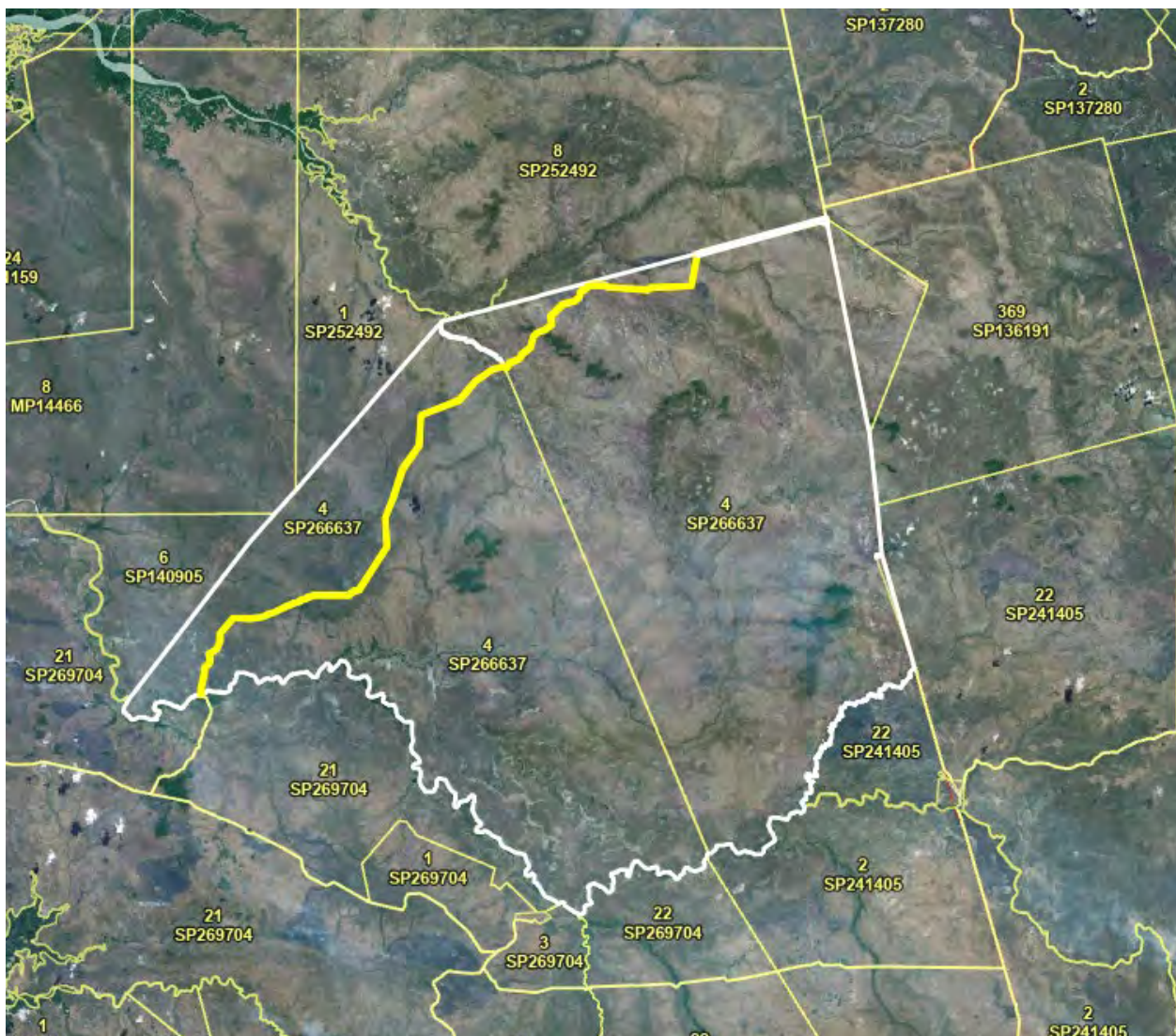
14.2 ROAD CLOSURE APPLICATION - BERTIEHAUGH ROAD**File Number:** D22/9310**Author:** Native Title, Gravel and Road Coordinator**Authoriser:** Linda Cardew, Chief Executive Officer

Attachments:

- 1 Application for Road Closure - Gazetted Road Lot 4 SP266637 - FC Lawyers on behalf of Silverback Properties Pty Ltd - 11/02/22
- 2 Annexures - Folder 1 of 2 - Application for Road Closure - Gazetted Road Lot 4 SP266637 - Silverback Properties Pty Ltd (under separate cover)
- 3 Annexures - Folder 2 of 2 - Application for Road Closure - Gazetted Road Lot 4 SP266637 - Silverback Properties Pty Ltd (under separate cover)
- 4 TCICA Ltr to Premier 17/05/2022 and previous letter and response

PRECIS

In correspondence dated 11 February 2022, Council received an application from FC lawyers acting on behalf of Silverback Properties Pty Ltd as Trustee under Instrument 710960437 and its associated entities, seeking Council support for the closure of the road locally known as the “Bertiehaugh Road” as it traverses the property which is also known as Bertiehaugh Station.



BACKGROUND/HISTORY

Lot 4 on Plan SP266637 is located North-East of Mapoon and the Bertiehaugh Road traverses the property between Stones Crossing and the Telegraph Track. The road which can only be used in the drier months of the year reduces the travel time considerably between Weipa, Mapoon and the northern towns and communities of Cape York Peninsula. It cuts approximately 300km off a round trip between Old Mapoon and New Mapoon.

This area of road was formally opened in 2014 following extensive consultation between the State, Council and Silverback Properties Pty Ltd with written consent to the opening of the road being provided by Silverback properties Pty Ltd and the relevant sub-lessees which operate a pastoral enterprise on part of the land.

The application states several reasons why Silverback is now seeking to have the road closed and these include:

- (a) It is not required for access to any person's land;
- (b) It is not fit for regular use by the public as a road or stock route;
- (c) There are alternative, safer and more cost-effective route to achieve continuity to a road network;
- (d) The CSC does not have the necessary funding or resources to develop, manage and maintain the gazetted road;
- (e) It is only accessible 6-7 months of the year due to the wet season;
- (f) It passes through the Steve Irwin Wildlife Reserve which:
 - a. Is part of the NRS Program for long –term protection of diverse ecosystems and the plants and animals they support;
 - b. Is a pristine Nature Reserve/Nature Refuge;
 - c. Is a strategic environmental area;
 - d. Supports 35 different ecosystems and there are over 40 species of conservation significance;
 - e. Is home to Critically Endangered Species; and
 - f. Australia Zoo is responsible for protecting, managing and maintaining to the highest possible environmental standards pursuant to conservation agreements with the State and Federal Government.
- (g) It is unsafe and not fit for inexperienced road users;
- (h) It is poorly regulated and not patrolled by local of State authorities;
- (i) Access for emergency services and police is limited;
- (j) In the absence of proper surveillance, maintenance and regulation, members of the public have partaken in illegal activity and caused damage to the environment and the Applicant's property; and
- (k) It does not serve the purpose for which it was intended (quick and safe access between Weipa and northern parts of Cape York).

In support of the application, Silverback provided annexures which total 671 pages including letters of support from the following:

- Kylie Fell – Business Support Services (23 July 2016)
- Shane Knuth - Member for Dalrymple (4 March 2016)
- Dr Wendy Cooper –Botanist (13 July 2021)
- Dr Robert J Raven – Queensland Museum (23 July 2021)
- Dr Miles Keighley - BSc, PhD, AFHEA (14 September 2021)
- Sally & John Witherspoon - Bertiehaugh Lessee (undated)

There are no letters of support provided by the Applicant from members of the community who currently use or intend to use the road, neighbouring landowners, Weipa Town Authority, Mapoon Aboriginal Shire Council or local Aboriginal corporations or Traditional Owners.

The annexures and the application do contain some errors and in particular, Annexure 36 is described as internal correspondence of Cook Shire Council and is not an internal Council email and the comments attributed to Council were not made by Council officers but by associated entities of the Applicant. It is Council's understanding that the email was sent to Council in error.

The road is not formed or raised and is essentially a four-wheel drive track which is only accessible through the drier months of the year.

COUNCIL HISTORY

Council is aware of substantial consultation between the State and the Applicant over many years and Council has regularly sought out any support or opposition from community members, Traditional Owners and neighbouring Councils in regards to this road.

In 2019, Council officers and Mayor Scott attended a meeting between relevant local authorities, Traditional Owners and representatives of Silverback. At that meeting, Traditional Owners made it very clear that there was support for the road and wanted more consultation with the owners of Lot 4 on Plan SP266637. Council has received no evidence that Traditional Owners position has changed or that extensive consultation has been undertaken by the land owners as was promised at that meeting.

Other than this application, Council has received no other correspondence from any local community indicating any change in their position of supporting the opening of the road.

Cook Shire Council is a member of the Torres Cape Indigenous Council Alliance (TCICA) Inc. and the issue of the Bertiehaugh Road was addressed in a formal meeting on 11 November with the result of that meeting being correspondence addressed to the State Premier.

The following resolution was also made by the TCICA.

Resolution 1-2/2022, dated 11 May 2022

That TCICA write to the State Government re-affirming its 2018 and 2020 positions on Bertiehaugh Road, that being to keep the road open.

MOVED: Cr Peter Scott, Mayor of Cook Shire Council

SECONDED: Cr Aileen Addo, Mayor of Mapoon Aboriginal Shire Council

CARRIED.

A copy of that correspondence is attached to this report which includes the 2020 correspondence from TCICA to the Premier and also the response which was received from The Hon Dr Anthony Lynham MP, the then Minister for Natural Resources, Mines and Energy.

It is noted in the response from Hon Dr Anthony Lynham the following:

My department is aware of Silverback's desire to permanently close the road and has advised Silverback to consult with the adjoining owners, local authorities and other regular users of the road prior to making an application to close the road.

As the relevant local authority, Council has received no consultation or contact from the Applicant other than a Right to Information request which was made in August 2021.

COUNCIL POLICY POSITION

When previously dealing with road closure applications, Council has consistently considered any positive or negative impact on the community with emphasis necessary on a community benefit. Cook Shire Council Corporate Plan places great emphasis on the recognition of the goals and aspirations of individual communities and those be reflected in localised strategy and planning. At all times, the local community and residents of Cape York Peninsula who regularly use this road have vocalised their support for the road to remain open. As noted above in this report, Council works closely with the councils of TCICA and the communities which reside within their respective boundaries and their need to travel safely through Cook Shire and within a timely manner.

Council has consistently considered road closure applications in the interests of the community and what benefit the closure will provide to the community. In regards to this application, Council officers have found no discernible community benefit to the closure of the road.

Council officers acknowledge the environmental submissions of the Applicant and applaud their consistent work in environmental protection. In recognition of the special environment of which the road traverses, Council officers have been working with the Western Cape Chamber of Commerce to arrange signage to assist in the prevention of environmental degradation and to help guide the public on the appropriate way to use the road. The signs which will be installed in the coming weeks are detailed in the image below.



ROAD CLOSURE PROCESS

Whilst this application is for the permanent closure of the road, the legislation does provide for an alternative of a temporary road closure and the issuing of a road licence to the Landowner. In considering this as an alternative, Council officers found that all the considerations of a permanent closure also apply to a temporary closure and there was no community benefit to a temporary

closure. A temporary closure that is subject to conditions that cannot reasonably be met including for example conditions to construct the road, will in effect be a permanent road closure and therefore unacceptable to all communities who use the road for the same reasons of a permanent road closure.

LINK TO CORPORATE PLAN

Eco 3- Undertake the management of council's assets in accordance with sound practice to ensure infrastructure networks are maintained, renewed and upgraded to maximise long term benefit to all.

CONSULTATION

Consultation has been undertaken with TCICA, neighbouring councils, Western Cape Chamber of Commerce.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

The permanent closure of the road would mean the road would be amalgamated back into the surrounding parcel of land and there would be no further public access permitted.

POLICY IMPLICATIONS

There are no policy implications as currently Council does not have a formal road closure policy document.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

There are no financial or resource implications. Council is not obligated to maintain the road to any particular standard and objecting to the closure does not obligate Council to maintain the road.

RECOMMENDATION

That Council resolves to:

1. Advise the Department of Resources and the Applicant that Council objects to the identified road known locally as Bertiehaugh Road being permanently or temporarily closed and provide this report as explanation for that objection; and
2. Delegate authority to the Chief Executive Officer pursuant to s 257 of the Local Government Act to progress the proceedings in the Council's interest.



Our Ref: GWF:211068
Email: glenn@fclawyers.com.au
Phone: 07 3035 4040
Date: 11 February 2022

Cook Shire Council
PO Box 3, Cooktown QLD 4895

BY COURIER

Dear Sir/Madam

**RE: APPLICATION FOR ROAD CLOSURE – GAZETTED ROAD LOT 4 SP266637
OUR CLIENTS: SILVERBACK PROPERTIES PTY LTD AS TRUSTEE UNDER
INSTRUMENT 710960437 & ITS ASSOCIATED ENTITIES**

We confirm that we act on behalf of Silverback Properties Pty Ltd As Trustee Under Instrument 710960437 and its associated entities ("**our clients**").

We hereby provide notice that our clients are applying for permanent road closure under the *Land Act 1994* (Qld)

Please find **enclosed** the following documents:

1. Form LA00 (Part A) Contact Land Details;
2. Form LA18 (Part B) Road Closure Application;
3. Form LA30 (Part C) Statement in relation to an application under the Land Act 1994 over State land;
4. Attachment 1: Submissions;
5. Index to Annexures and Annexures to Submissions (Part B) (2 x Black Folders); and
6. Attachment 2: Plan Drawing to Part C.

We look forward to receiving the Cook Shire Council's completed Form LA30 (Part C).

Yours faithfully
FC LAWYERS

Francois Malan
Senior Associate
Managing Director – Glenn Ferguson AM

Brisbane
Brisbane Club Tower,
Level 8, 241 Adelaide Street,
GPO Box 485, Brisbane QLD 4001

Sunshine Coast
Kon-Tiki Business Centre,
Tower 2, Level 3, Suite 310, 55 Plaza Parade,
PO Box 5851, Maroochydore QLD 4558

Sydney
80 Darling Street,
Balmain East, NSW 2041

1800 640 509
fclawyers.com.au

Liability limited by a scheme approved under professional standards legislation (personal injury work exempted)



Queensland
Government

Department of Resources

Part A – Form LA00

Contact and Land Details

Requirements

1. **Part A:** Contact and land details will need to be completed.
2. **Part B:** Application specific form will need to be completed.
3. Payment of the prescribed [Application fee](#) (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Resources website](#) at <<https://www.resources.qld.gov.au>> or from a regional [department's business office](#) or call 13 QGOV 13 74 68).
4. If the application is not lodged by a solicitor, bank or consultant on behalf of the applicant, then all applicants must sign the declaration on the appropriate Part B application form.
5. All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.
6. Your application will not be considered as having been properly made unless all parts of this application form have been completed accurately, otherwise your application may be returned to you to complete.
7. Prior to lodging your application, the Department encourages the applicant to have a pre-lodgement meeting with a departmental officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

Important information

7. All applications will be processed having regard to the requirements of the [Land Act 1994](#) <<https://www.legislation.qld.gov.au/>> and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
8. All completed applications can be lodged with the department by sending information to the following email or postal addresses.
9. **Email:** SLAMlodgement@resources.qld.gov.au
10. **Post:**
 Department of Resources
 PO Box 5318
 Townsville QLD 4810
11. If lodging an application, all relevant Part B application forms must be signed and supporting documentation must be scanned and then emailed.
12. In terms of the [Right to Information Act 2009](#) interested parties may seek access to the department's records and view relevant documents.
13. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](#). The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

Contact Details

Lodger Details and Mailing Address		
A lodger is only required when a solicitor, bank, consultant lodges the application on behalf of the applicant.		
Full Name(s)		
Title	First name	Surname
Mr	Glenn	Ferguson
Company name(s)		
FC Lawyers Pty Ltd		
If a Corporation then record <input type="checkbox"/> ACN <input type="checkbox"/> ARBN <input checked="" type="checkbox"/> ABN <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-left: 10px;">55 126 102 341</div>		
Postal Address	<div style="border: 1px solid black; padding: 2px;">PO Box 5851</div> <div style="border: 1px solid black; padding: 2px;">Maroochydore QLD 4558</div> <div style="border: 1px solid black; height: 20px; margin-top: 2px;"></div>	
Phone number	<div style="border: 1px solid black; padding: 2px;">07 5443 660</div>	Mobile phone <div style="border: 1px solid black; padding: 2px;">0412 555 018</div>
Email	<div style="border: 1px solid black; padding: 2px;">glenn@fclawyers.com.au</div>	

Applicant(s) Details and Mailing Address		
If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.		
Full Name(s)		
Title	First name	Surname
Company name(s)		
Silverback Properties Pty Ltd as Trustee Under Instrument 710960437		
If a Corporation then record <input checked="" type="checkbox"/> ACN <input type="checkbox"/> ARBN <input type="checkbox"/> ABN <div style="float: right; border: 1px solid black; padding: 2px;">067 400 088</div>		
Note: if the applicant is a Corporation, a requirement of the application is providing evidence (as at the date of application), that the Corporation is registered with the Australian Securities and Investments Commission (ASIC) at https://asic.gov.au/online-services/search-asic-s-registers/ . (company summary printout) and if applicable, also registered with the Australian Business Register (ABR) at https://www.abr.business.gov.au (ABN lookup record extract).		
Postal Address	<div>C/- Australia Zoo</div> <div>1638 Steve Irwin Way</div> <div>Beerwah QLD 4519</div>	
Phone number	07 5436 2000	Mobile phone
Email	luke@australiazoo.com.au	
Future correspondence should be sent to: <input checked="" type="checkbox"/> Lodger <input type="checkbox"/> Applicant		
1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?		
<input type="checkbox"/> Yes go to 2		
<input checked="" type="checkbox"/> No go to 4		
Note: For further information refer to the Queensland Government website to determine if the applicant/s are a foreign person (acquirer) for AFAD. Government website to Types of foreign persons for additional foreign acquirer duty:- https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons		

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the Duties Act 2001?

☐ Yes

go to 3

☐ No

go to 4

Note: Under the Duties Act 2001 an additional amount of duty applies where the land is residential land and the applicant is [a foreign person](#) (acquirer) for AFAD.

Government website for Additional Foreign Acquirer Duty:-

<<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>>.

3. Enter the full name/s of the foreign acquirer/s.
(If there is insufficient space, please lodge as an attachment). go to 4

Full Name/s (If a company, also provide a contact name)	Share held

4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?

☐ Yes

☒ No

go to 5

Note: Under the Tax Administrator Act (Cth) 1953 certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or visit the ATO website <<https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/>> or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

5. Select the type of land for which the application is being lodged:

- ☐ Permit
☐ Licence
☐ Lease
☐ Unallocated State Land (USL)
☒ Road
☐ Trust Land Reserve/ Deed of Grant in Trust (DOGIT)
☐ Dealing Number (refer to Item 6)
☐ Other

go to 6

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1 You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged.		
Lot	Plan	Title Reference
4	SP266637	40058426

go to 7

The details of the land can be found on a current title. To check this you can purchase a title search by calling 1300 255 750, visiting the [Titles Registry website](https://www.business.qld.gov.au/industries/building-property-development/titles-property-surveying/titles-property) <<https://www.business.qld.gov.au/industries/building-property-development/titles-property-surveying/titles-property>> (and search 'title searches and copies of documents') or visiting one of the department's business centres. Lot on Plan details are located on your rates notice or downloading the [Queensland Globe](https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/) <<https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/>> to help access current Lot on Plan details.

If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number

708810689; 709815947; 719767646

Tenure type

Rolling Term Lease

Tenure number

TL 0 / 233308

Local Government

Cook

Other details of land location (optional)

go to 8

8.	Have you participated in a pre-lodgement meeting with the department (strongly encouraged)?	<input type="checkbox"/> Yes	go to 9	<input checked="" type="checkbox"/> No
Please provide name of officer you spoke with and this department's associated reference.				
Department Contact Officer		<input type="text"/>	Pre-lodgement ID (eLVAS CI Ref)	<input type="text"/>

9. Provide details of pre lodgement meeting. (If there is insufficient space, please lodge as an attachment)
Note: Departmental Officers contact details and any reference number should be included if known.

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM



**Queensland
Government**

Department of Resources

Part B – Form LA18

Road Closure Application

Requirements

1. This application is for a road closure.
2. Please read the respective [Applying for a road closure guide](#), which includes application restrictions.
3. Payment of the prescribed [Application fee](#) (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Resources website](#) at <<https://www.resources.qld.gov.au>> or from a regional [department's business office](#) or call 13 QGOV 13 74 68).
4. **Part A – Form LA00: [Contact and land details](#)** will need to be completed and submitted with your application.
5. **Part C – Form 30: [Statement in relation to an application under the Land Act](#)** will need to be completed and submitted with your application.
6. You must **attach a drawing** showing the required information which is detailed in the [guide](#) under the heading "Application Requirements".
7. Any additional information to support the application.
8. Your application will not be considered as having been properly made unless all parts of this application form have been completed accurately, otherwise your application may be returned to you to complete.
9. Prior to lodging your application, the Department **strongly encourages** the applicant to have a **pre-lodgement meeting** with a departmental officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

Important information

10. A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.
11. You are encouraged to contact your nearest [department business centre](#) to arrange a pre-lodgement meeting. The pre-lodgement meeting is intended to clarify the application requirements thereby preventing any unnecessary delays. It is also intended to cover to process, timeframes, costs and the quality of information necessary to properly assess the application.
12. An adjoining landholder may apply for a permanent or temporary road closure. An adjoining owner is defined as the registered owner of the property that shares common boundary i.e. Contiguous, directly connected; or without interruption.

An adjoining owner can apply for the area of road that immediately adjoins the property boundary and not any part of the road that continues in either direction beyond the property boundary.

If a road is a "dead end" and the property boundary only adjoins on the end and does not extend along the road, the owner is not considered an adjoining owner for a road closure application. To be clear, a person who has limited frontage to the road cannot apply for closure of the entire length of the road.

13. A public utility provider as defined under the [Land Act 1994](#) <<https://www.legislation.qld.gov.au/>> may also apply for a permanent road closure. An application for temporary closure can be considered for another person for:
 - pipes for irrigation purposes that cross the road beneath its surface.
 - water channels for irrigation purposes that cross the road.

14. A road maybe closed "in strata" to provide for works such as:
 - connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings.
 - structure which will overhang a road.
 - car park or building under or over a road.
15. You may be required to pay a purchase price for the permanent closure of a road.
16. When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:
 - incorporated into the applicant's adjoining freehold or leasehold land.
 - included in an existing reserve or set apart as a new reserve.
 - retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.
17. A road may be permanently closed under the [Land Act 1994](#) if the Minister is satisfied the road is not the only dedicated access to a person's land; used regularly by the public as a road or stock route; or providing continuity to a road network.
18. Although the state owns the land in a dedicated road, a local government (section 60 of the [Local Government Act 2009](#)) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The [Department of Transport and Main Roads](#) <<https://www.tmr.qld.gov.au/>> is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.
19. Information on this form, and any attachments, is being collected to process and assess your application under section 99 of the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
20. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email stateland@resources.qld.gov.au if you do not wish for the department to contact you.
21. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
22. For further privacy information click [Privacy](#) or go to <www.resources.qld.gov.au/home/legal/privacy>.



Road Closure



Temporary Road Closure



1.	The application is for: <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Permanent road closure </div> <div style="margin-left: 20px;"> <input type="checkbox"/> Temporary road closure </div>	<div style="text-align: right;">go to 2</div> <div style="text-align: right;">go to 2</div>
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2.	If you are not the manager of the road as defined below, have you consulted with the Road Manager to determine if the road is still required? <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Yes </div> <div style="margin-left: 20px;"> <input type="checkbox"/> No </div>	<div style="text-align: right;">go to 3</div> <div style="text-align: right;">go to 3</div>
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Before submitting your application to the department, it is recommended that you discuss your proposal for closure of a local road with the local government responsible for its management, or the [Department of Transport and Main Roads](#) for a state controlled road managed under the [Transport Infrastructure Act 1994](#).

This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.

A signed '[Part C Form LA30 – Statement in relation to an application under the Land Act 1994](#) over State land' from the road manager must accompany this application.

A road may be permanently closed under the [Land Act 1994](#) if the Minister is satisfied the road is not:

- a) the only dedicated access to a person's land;
- b) used regularly by the public as a road or stock route; or
- c) providing continuity to a road network.

An application must be refused if the road is still needed in accordance with section 101(3) of the [Land Act 1994](#).

Note: A road manager has the powers to authorise various uses on roads, however neither agency is able to permanently close the dedicated road and allocate the land for another use.

Road Manager is:-

- The local government for a road that is controlled by the local council;
- For a state controlled road, the chief executive of the Queensland Government agency administering the [Transport Infrastructure Act 1994](#) such as the Department of Transport and Main Roads.

3.	Are you a public utility provider or the registered owner, lessee or trustee of the land adjoining the area of road subject to this road closure application?
	<div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Yes </div> <div style="margin-left: 20px;"> <input type="checkbox"/> No </div>
	<div style="margin-left: 100px;"> go to 4 </div> <div style="margin-left: 100px;"> Application cannot be considered unless temporary closure is for reasons listed in Question 4 </div>

Section 99(1) of the [Land Act 1994](#) states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a permanent closure of the road.

4.	Is the temporary closure to make structural improvements for: <div style="margin-left: 20px;"> <input type="checkbox"/> Pipes for irrigation purposes that cross the road beneath its surface </div> <div style="margin-left: 20px;"> <input type="checkbox"/> Water channels for irrigation purposes that cross the road </div> <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Not Applicable </div>	<div style="text-align: right;">go to 5</div> <div style="text-align: right;">go to 5</div> <div style="text-align: right;">go to 5</div>
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Section 99(3) of the [Land Act 1994](#) limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for:

- Pipes for irrigation purposes that cross the road beneath its surface; or
- Water channels for irrigation purposes that cross the road.

5. Provide details in Schedule 1 below, of any land you lease from the State or are the registered owner that adjoins or is in the vicinity of the land applied for:

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land.		
Lot	Plan	Title Reference
4	SP266637	40058426

go to 6

The description of the land can be found on a current title search or on your rates notice. To check this you can purchase a title search by calling 1300 255 750, visiting the [Titles Queensland website](https://www.titlesqld.com.au/) <https://www.titlesqld.com.au/> (and select 'Searches') or visiting one of the [regional business centres](#).

If insufficient space, please add additional description as an attachment.

6. Have you made a previous application for closure of this area of road?

☐ Yes go to 7

☒ No go to 10

7. Was this application refused?

☐ Yes go to 8

☐ No go to 10

8. Have there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?

☐ Yes go to 9

☐ No go to 10

The application maybe rejected without further consideration.

9. Provide details of the change in circumstances from the previous application. go to 10
(If there is insufficient space, please lodge as an attachment)

10. Is any use currently being made of the road area?

☒ Yes go to 11

☐ No go to 12

11. Provide details of the current use of road e.g. grazing, encroachment of building or structure. (If there is insufficient space, please lodge as an attachment)	go to 12
Public use - See Attachment 1	

12. Provide details of the proposed use of the road area. (If there is insufficient space, please lodge as an attachment)	go to 13
See Attachment 1	

13. Provide details of any additional information to support the application. (optional) (If there is insufficient space, please lodge as an attachment)	go to 14
See Attachment 1	

Attachments

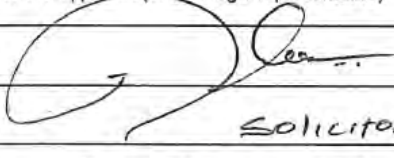
The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted, your application will be returned.

<p>14. Tick the box to confirm the attachments form part of the application:</p> <p><input type="checkbox"/> Application Fee</p> <p><input type="checkbox"/> Part A – Form LA00 – Contact and Land details</p> <p><input type="checkbox"/> Part C – Form LA30 – Statement in relation to an application under the Land Act 1994</p> <p><input type="checkbox"/> A copy of a Dial before you dig enquiry detail page for the road area applied for</p> <p><input type="checkbox"/> A drawing showing the information listed in the 'Application Requirements' in the guide</p> <p><input type="checkbox"/> Additional information in support of your application such as a correspondence from the road manager or current users of the road.</p>
<p>It is recommended that any attached drawings be A4 size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.</p>

Declaration

I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)


Solicitor - FC Lawyers

Date: 11 / 02 / 2022

If applicant, section 142 of the [Land Act 1994](#) states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or over. If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.



**Queensland
Government**

Department of Resources

Part C – Form LA30

Statement in relation to an application under the Land Act 1994 over State land

Requirements

1. Part C Form LA30 is to be used to support the following applications under the *Land Act 1994* (Land Act):
 - Part A – Form LA00 – [Contact and Land Details](#)
 - Part B – Form LA03: [Permit to Occupy application](#)
 - Part B – Form LA18: [Road Closure application](#)
 - Part B – Form LA20: [Simultaneous Road Opening and Closure application](#)
2. Please refer to the [Department of Resources website](https://www.dnrme.qld.gov.au/land-water) <<https://www.dnrme.qld.gov.au/land-water>> (and search 'State Land Forms') for the relevant Part B form for specific application requirements or by contacting a regional [department's business office](#) or call 13 QGOV 13 74 68.

Important information

3. Notice of your application must be first provided to the road manager (if application is over a road) or trustee of the reserve (if application is over a reserve) to determine the impacts of your application.
4. Road Manager is –
 - the local government for a road that is under the control of the local government; or
 - for a State controlled road – the chief executive of the Queensland Government agency administering the [Transport Infrastructure Act 1994](#) visit the [Department of Transport and Main Roads](#) website at <<https://www.tmr.qld.gov.au>>.
5. Section 68 of the [Local Government Act 2009](#) <<https://www.legislation.qld.gov.au/>> and section 74 of the [City of Brisbane Act 2010](#) requires notice of any proposed closure or opening be provided to the local government. The local government must fully state its reasons for its decision, which this department will consider.
6. The local government may have a specific local law for administering the use of local roads and reserves.
7. If the local government can authorise the proposed activity over a local road under a specific local law for administering the use of local roads, an application for a permit to occupy is not required by this department. Contact the relevant local government for authorisation of the proposed activity.
8. If the State government department administering state-controlled roads can authorise the proposed activity on a state controlled road under the *Transport Infrastructure Act 1994*, an application for permit to occupy is not required by this department. Contact Department of Transport and Main Roads for authorisation of the proposed activity.
9. A Permit to Occupy application over a reserve or road must include the support of the reserve trustee or the road manager (please see items 11 and 12 below). For reserve land, the trustee of the reserve must provide additional comments stating why a trustee lease is not supported
10. This form must be supported by a drawing (minimum size A4) which includes the following information:
 - specific location
 - area of land under application
 - Lot on Plan information
 - Scale
 - Dimensions

- a north point.
11. This form must be lodged with the application, including **Part A Form LA00: [Contact and Land Details](#)** and the relevant Part B form, within three (3) months of the authorisation by the road manager or trustee of the reserve.
 12. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](https://www.legislation.qld.gov.au/) <<https://www.legislation.qld.gov.au/>>. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

I/We , as

Please tick relevant fields –

- ☐ Road Manager; or
- ☐ Trustee of a reserve issued under the *Land Act 1994*.

Have considered information from the applicant including:

- ☐ Completed copy of the application form, namely Part A and Part B – Application under the Land Act 1994
- ☐ Copy of drawing referred to as
- (copy attached, endorsed by the road manager or trustee)

ATTACHMENT 2: PLAN DRAWING

and advise the Department of Resources that use of the land as proposed:

- ☐ Will be authorised by the road manager or trustee of the reserve land and advise that no further contact with Department of Resources is needed at this time. A formal application to the road manager will be required.
- ☐ Can be authorised by the road manager or trustee of the reserve, however it is not supported for the reasons detailed in the additional comments.
- ☐ Is unable to be authorised by the road manager or trustee of the reserve and it is not supported for the reasons detailed in the additional comments.
- ☐ Can be authorised by the road manager or trustee of the reserve, however for the reasons detailed in the additional comments, requests to Department of Resources to consider an application under the [Land Act 1994](#).
- ☐ Is unable to be authorised by the road manager or trustee of the reserve, however for the reasons detailed in the additional comments, requests Department of Resources to consider an application under the [Land Act 1994](#).

Additional Comments

Provide information or requirements that you believe should be considered when assessing this application.

(If there is insufficient space, please lodge as an attachment)

Does the road manager or trustee of the reserve require further contact from the department before a decision is made on the application?

☐ Yes

☐ No

Note – a different form of tenure may be considered a more appropriate tenure once the application has been assessed.

Authorisation

I certify that I have the authorisation to make this statement and the information I have provided is true and accurate.

I have signed a copy of the attached drawing provided by the applicant in relation to this application.

**Full name and position of person making this
declaration on behalf of the road manager or trustee**

Signature

Date: / /

This information will not otherwise be disclosed outside of the department unless required or authorised by law as under the [Right to Information Act 2009](#).

ATTACHMENT 1: SUBMISSIONS

The following information is in support of the Road Closure Application ("**the Application**")

A. Location of gazetted road

1. The gazetted road, the subject of the Application, is located on Lot 4 of Survey Plan 266637 ("**the Lot**") as described on the Title and has an area of 404.8 hectares. Annexed and marked "**Annexure 1**" a true copy of a Title Search completed 10 January 2022.
2. The road traverses the Lot as highlighted in 'purple' on a Survey Plan completed on 12 February 2014. Annexed and marked "**Annexure 2**" is a copy of the Survey Plan.
3. The Lot, through which the road traverses:
 - (a) is located in the Cook Shire locality of Wenlock and County of Dulhunty (see Annexure 1);
 - (b) is bound in the east by the Telegraph Road, in the north, southwest and west by Aboriginal Council lands and in the south by a 60 kilometre stretch of the perennial, west-ward flowing Wenlock River;
 - (c) is leased to the Applicant for a term of 30 years commencing 20 April 2009 and extended until 19 April 2069 (see Annexure 1 and Annexure 3). Annexed hereto and marked "**Annexure 3**" is a copy of Queensland Land Registry documents effecting the lease of the Lot to the Applicant; and
 - (d) forms part of the Steve Irwin Wildlife Reserve ("**SIWR**") Nature Refuge, a vast mosaic of rainforest, wetlands and savannas used for scientific research and discovery in honour of the late Steve Irwin. Annexed hereto and marked "**Annexure 4**" is a copy of the Conservation Agreement dated 6 September 2007.

B. History of Lot and road

4. With respect to the Lot:
 - (a) it was formerly known as Bertiehaugh Station, a cattle property which lies on the western side of Cape York, north of the bauxite-mining town of Weipa.
 - (b) in 2007, following the passing of the late Steve Irwin ("**Steve**"), the Australian Government purchased Bertiehaugh Station as a living memorial, in honour of Steve's commitment to conservation.
 - (c) in accordance with the Steve Irwin Wildlife Reserve Management Plan ("**Management Plan**"), the Irwin family and Australia Zoo have managed the reserve under the Australian Government's National Reserves System, which is a network of protected areas conserving natural landscapes, native plants and animals for future generations. Annexed hereto and marked "**Annexure 5**" is a copy of the Management Plan for the period 2021-2026.

Page 1 of 24

5. With respect to the road:

(a) Between 2000 and 2007:

- (i) Cook Shire Council ("**CSC**") intended to dedicate the road for public use to traverse across Stones Crossing and through Bertiehaugh Station, as it formed part of the CSC's \$1.4m road grant application. The grant application remained outstanding at the relevant time. Annexed hereto and marked "**Annexure 6**" is a copy of a CSC Memorandum Number 38540 dated 28 September 2000 and Official Minutes of Council Meeting dated 22/23 August 2000;
- (ii) the lessees of the Bertiehaugh Pastoral Holding (then known as Lot 4 on Plan DH4, Parish of Bates) made a request for an additional purpose of the lot for low-key tourism. Annexed hereto and marked "**Annexure 7**" is a copy of the Department of Natural Resources Queensland's letter to CSC dated 27 September 2000;

(b) in 2008, the Applicant was offered the lease described in paragraph 3(b) which was conditional upon an agreement with the CSC as to the alignment of the road passing through the Lot;

(c) in 2009:

- (i) the Applicant sought to remove the lease condition requiring a dedicated road to pass through the Lot for public use;
- (ii) the Applicant provided survey plans suitable for registration as part of a proposed lease renewal request, noting concerns with respect to the suitability for the road for public use in circumstances where the CSC was not in a position to develop the road. Annexed hereto and marked "**Annexure 8**" is copy of correspondence to the CSC dated 16 January 2009;
- (iii) the road was dedicated by the Department of Resources (formerly known as the Department of Natural Resources and Mines) under Survey Plan 222990, subject to a re-alignment requested by the Applicant and Cape Alumina (a mining company). Annexed hereto and marked "**Annexure 9**" is a copy of the Survey Plan 222990 and CSC correspondence dated 12 June 2009;

(d) between 2009 and 2014, the Applicant, the Department of Resources, the CSC and Cape Alumina exchanged opinions, reasons, data and preferences with respect to the alignment of the road. During this time, the Applicant requested an extension of the lease which was to expire in 2039. As a condition to providing the extension, the CSC insisted that the Applicant agree to the registration of the road on the title. Annexed hereto and marked "**Annexure 10**" are copies of correspondence relating to the alignment of the road;

- (e) on 17 February 2012, the Applicant and the State of Queensland entered into a Conservation Agreement to establish the SIWR Nature Refuge, which declared the SIWR a nature refuge ("**Conservation Agreement**") in accordance with sections 44 and 45 of the *Nature Conservation Act 1992* (Qld). Annexed hereto and marked "**Annexure 11**" is a copy of the Conservation Agreement.
- (f) on 2 October 2012, Cape Alumina's mining project, Pisolite Hills Project, of which the SIWR overlies a major part of the mine and its resource, was declared as significant by the Queensland government. Annexed hereto and marked "**Annexure 12**" is a copy of the Queensland Government Gazette stating the significance of the Pisolite Hills Project.
- (g) on 20 November 2013, the SIWR and Wenlock River was declared Queensland's first ever 'strategic environmental area', which was incorporated into the *Regional Planning Interests Act 2014* (Qld), which meant Cape Alumina could no longer mine in the area and subsequently lost interest in the Lot or road. Annexed hereto and marked "**Annexure 13**" is a copy of the Joint Statement by the Queensland Deputy Premier and Minister for Environment and Heritage Protection on 20 November 2013.
- (h) on 26 February 2014, the CSC made an application to the Department of Resources under sections 94 and 98 of the *Land Act 1994* (Qld) ("**the Act**") to open the road in accordance with the alignment reluctantly agreed to by the Applicant, and to close the existing road ("**Open/Close Application**"). Annexed hereto and marked "**Annexure 14**" is a copy of the Open/Close Application;
- (i) on 23 October 2014, the Department of Resources confirmed that the lease was amended in accordance with the Open/Close Application. Annexed hereto and marked "**Annexure 15**" is a copy of the Department of Resources' confirmation;
- (j) Between 2015 and 2021:
 - (i) the CSC has failed to fund or to obtain funding for the development of the road;
 - (ii) the CSC decided not to develop the road due to a range of approvals required and anticipated road blocks preventing progression of any construction. Annexed hereto and marked "**Annexure 16**" is an extract of the CSC's Minutes of Meeting dated 21 March 2017;
 - (iii) the CSC authorised members of the public and private organisations to act as agents of the CSC to clear a four-wheel drive ("**4WD**") track along the aligned road. Annexed hereto and marked "**Annexure 17**" are copies of correspondence between the CSC and members of public and organisations authorising clearance of road; and
 - (iv) the Applicant attended a meeting with the CSC, Weipa Town Authority, Mapoon Aboriginal Shire Council, Mokwiri, Napranum Aboriginal Shire

Council ("NASC"), Traditional Owners, Northern Peninsula Area Regional Council and the Torres & Cape Indigenous Councils Alliance, where the Applicant raised a number of objections to the development of the road which was documented in the minutes of the meeting. Annexed hereto and marked "Annexure 18" is a copy of the Minutes of Mapoon Aboriginal Shire Council Community Meeting dated 3 December 2019.

- (v) the Applicant continues to oppose the development as proposed by the CSC and interested parties for reasons outlined under subheading "C" below.
- (k) On 22 August 2018, the Australian Federal Government issued a letter to Australia Zoo stating (amongst other things):
 - (i) *"thank you for your participation in the National Reserve System (NRS) Program";*
 - (ii) *"The NRS Program focussed on securing long-term protection of diverse ecosystems and the plants and animals they support. This was achieved through land acquisitions followed by legal protection (either gazettal or covenant) and the development of a Plan of Management for the property";*
 - (iii) *"The Department of Environment and Energy appreciates your ongoing compliance with the Funding Deed and notes your property has a gazettal or covenant and satisfactory Plan of Management in place";*
 - (iv) *"Under the NRS Program the Funding Deed included a provision requiring submissions of regular annual reports. The Department no longer consider the submission of regular annual reports as an ongoing requirement";*
 - (v) **"Area protected through the NRS Program should be managed in perpetuity and not used for any purpose other than the IUCN category specified in the Funding Deed"** (emphasis added);
 - (vi) *"Please notify the Department if there are any significant changes to the legal protection or Plan of Management for your property."*

Exhibited hereto and marked "Annexure 19" is a copy of the Federal Government's letter.

C. Reasons in support of closure

6. Environmental considerations

- (a) As noted in paragraph 3(d) above, the road passes through the SIWR, a pristine parcel of land surrounded by areas abolished by mining, and acts as a haven for many species of flora and fauna.

- (b) Currently, the SIWR supports 35 different ecosystems and there are over 40 species of conservation significance which are either threatened by extinction, endemic to the area or have a restricted distribution. So far, the following have been recorded on the reserve:
- (i) 21 amphibians;
 - (ii) 48 species of fish;
 - (iii) 170 birds;
 - (iv) 20 mammals; and
 - (v) 47 reptiles.
- (c) The SIWR is not only significant to the Cape York region, the State of Queensland and Australia, but is also internationally recognised by scientists who participate in a number of research programs to study biodiversity for the purposes of continuing conservation of Australian wildlife and their unique habitats. Research programs include:
- (i) biodiversity surveys;
 - (ii) hydrology of the bauxite plateau;
 - (iii) herpetology;
 - (iv) ornithology;
 - (v) ichthyology;
 - (vi) botany;
 - (vii) pharmacology;
 - (viii) mammalogy;
 - (ix) arachnology
 - (x) fire ecology;
 - (xi) palaeontology;
 - (xii) archaeology and/or anthropology;
 - (xiii) studies of native species, including:
 - (A) estuarine crocodiles (over 200 currently tracked by the Irwin family);
 - (B) freshwater elasmobranchs (cartilaginous fish);

- (C) palm cockatoos;
- (D) microbats;
- (E) spiders;
- (F) file snakes;
- (G) terrestrial snails;
- (H) carnivorous plants;
- (I) antilopine wallaroos;
- (J) medicinal plant species; and
- (K) northern quoll.

Annexed hereto and marked "**Annexure 20**" is an index of research programs conducted on the SIWR.

- (d) The Wenlock River catchment, which creates the southern boundary of the Lot, has the richest diversity of freshwater fish of all Australian rivers.¹
- (e) The SIWR and surrounding waterways are vital for the sustainability of saltwater crocodiles in Queensland and is home to one of the largest breeding populations of crocodiles in the State.
- (f) The forests surrounding the bauxite springs are so unique that they have been classified as a new sub-ecosystem with no other similar ecosystem in the world known to exist.²
- (g) The road currently passes close to the scientifically significant bauxite springs (1 kilometre) and Orchid Swamp (200 meters). The Griffith University partaking in research of plants within Orchid Swamp which may identify pharmaceutical applications for treatment of Parkinson's Disease, malaria, Alzheimer's and various cancers. Development and/or continued misuse of the road by members of the public may endanger their sustainability and significant research benefits and put at risk such ecosystems from illegal harvesting and/or destruction, including any dependent fauna. Annexed hereto and marked "**Annexure 21**" is a copy of a publication by the Griffith University describing the potential benefits of conducting research on the SIWR.

¹ Burrows, D. 2008. In G.P. Lukacs and C.M. Finlayson (eds) 2008. A Compendium of Ecological Information on Australia's Northern Tropical Rivers. Sub-project 1 of Australia's Tropical Rivers – an integrated data assessment and analysis (DET18). A report to Land & Water Australia. National Centre for Tropical Wetland Research, Townsville, Queensland.

² Journal of Hydrology, Volume 528, September 2015, pages 668-682.

- (h) Wildfires are a consistent threat to Cape York during the dry season and are capable of destroying large tracts of vegetation within a few days. Rangers on the SIWR utilise traditional fire management techniques that have been passed down through generations of indigenous Australians. These techniques have been largely successful in recent years due to required pre-approval for entry to the SIWR. In 2014, the rangers hosted a fire workshop to assist traditional owners to pass on such knowledge to younger generations. A public road would exponentially increase the threat of wildfires, particularly in circumstances where pig hunters use fire to 'flush out' pigs from vegetation. A road would provide easy access for illegal activities such as hunting and lighting fires. Annexed hereto and marked "**Annexure 22**" is a copy of the Fire Workshop Project Summary.
- (i) Approximately 15% of the gazetted road through the SIWR is considered 'formed' whilst the remaining 85% is effectively non-existent road. Construction of the road would require bulldozing through a pristine Nature Reserve/Nature Refuge which is considered a strategic environmental area;
- (j) Stones Crossing, the southern access point to the road, is the only viable crossing for the Wenlock River. It is home to:
 - (i) the world's rarest shark, the Speartooth Shark, a Critically Endangered species inhabiting the waters at the crossing; and
 - (ii) Endangered species of sawfish.
 - (iii) crocodiles, which are particularly prevalent during the dry season (May to October). During the dry season, tracking data collected by the University of Queensland and the Irwin family has indicated that there is a 90-95% chance that a crocodile is either below or above Stones Crossing.
- (k) Building a road through the SIWR will not only have an immediate effect on biodiversity as a direct consequence of the road and its construction, but also indirectly through human activity facilitated by the access the road provides to environmentally sensitive areas. Some examples include³:
 - (i) vehicle-wildlife collisions (direct);
 - (ii) reduced reproductive capacity of sensitive species as a result of chronic road noise (direct);
 - (iii) behavioural avoidance of roads (direct);
 - (iv) illegal poaching or hunting of wildlife or vegetation (indirect);
 - (v) destruction of vegetation when individuals veer off the road, particularly 4WD tourists (indirect);

³ Current Biology 27, R1130–R1140, October 23, 2017

- (vi) transporting of pests across boundaries and territory thereby introducing unwanted species to vulnerable habitats (indirect); and
 - (vii) soil erosion and sediment inputs to water courses or reservoirs particularly in wet regions such as the SIWR (indirect).
- (l) In a review by James Cook University (Cairns) titled "Economic, Socio-Political and Environmental Risks of Road Development in the Tropics"⁴ the author acknowledges that:

"Paved [(or developed)] roads that penetrate into remote forested areas play a pivotal role in increasing forest vulnerability to human pressures because they provide year-round access to forests even during the wet season, when many unpaved roads become impassable. Illegal secondary roads can proliferate like a 'spider web' around such paved roads, greatly increasing the spatial extent of habitat disruption. For these reasons, 'avoiding the first cut' — halting the penetration of permanent roads into intact habitats — is the most urgently needed means to limit the scale and pace of environmental degradation in the tropics [1,2]. It is also among the most cost-effective of all conservation strategies."

Annexed hereto and marked "**Annexure 23**" is a copy of the review by James Cook University (Cairns).

- (m) The Minister is invited to consider the matters of environmental significance outlined in paragraphs 6(a)-(l). Should the road remain open in its current state or developed in the future, the impact of road construction, road use and human activity through an otherwise pristine strategic environment area will significantly jeopardise the sustainability and biodiversity of ecosystems unique to the Cape York Peninsula. The SIWR is not a tourist attraction but consists of protected wildlife, vegetation and ecosystems which form part of the Irwin family's conservation efforts and research to educate and preserve a significant number of rare and unique Australian fauna and flora.

7. Management and Maintenance of Road

- (a) To date, the CSC has failed to adequately manage and maintain the road.
- (b) As outlined in paragraph 5(j)(iii), the CSC has authorised members of the public and/or private organisations to clear a path through the aligned road with the only requirements being that:
 - (i) the travellers gain cultural heritage clearance for any works proposed to be undertaken across the length of the road, and that any works do not impact on native cultural heritage;
 - (ii) traditional owners of the land travel with them; and

⁴ Ibid.

- (iii) works are confined to the road reserve and preferably toward the middle of the road reserve.
- (c) On 6 October 2015, the CSC contemplated the costs involved in opening the road as dirt road. A preliminary estimate of \$600,000.00 was provided by the Director of Engineering Services of CSC to the Project/Administration Officer of Engineering Services for the CSC at the relevant time. Annexed hereto and marked "**Annexure 24**" is a copy of the correspondence.
- (d) On 21 March 2017, during an Ordinary Council Meeting, the CSC resolved not to take any further steps with respect to the development of the road due to "wide ranging approvals required and anticipated road blocks to the project progressing to construction". An outline of the agenda for the meeting revealed that the estimated costs of developing the Bertiehaugh Road would total approximately \$22m. The ongoing costs and maintenance of the road was estimated to be approximately \$600,000.00 per annum. These costs did not address costs for building a crossing at Stone's Corner or the Wenlock River. State and Federal Government approval would be required as the gazetted road terminates and/or starts at the high tide mark of the Wenlock River. Annexed hereto and marked "**Annexure 25**" is a copy of the Ordinary Council Meeting Agenda and Minutes of the Ordinary Council Meeting dated 21 March 2017.
- (e) During the meeting with the CSC and interest parties referred to in paragraph 5(j)(iv), Australia Zoo advised that it would be required to assign and/or contribute significant resources to the monitoring and maintenance of the road should it be developed. The presence of human activity and travellers through the SIWR would require Australia Zoo to employ additional rangers to ensure members of public are not veering off the road and trespassing onto the SIWR. Australia Zoo intends to assist local authorities to grow tourism within the Cape York region, however would be forced to abandon these partnership plans as resources would need to be diverted to manage the road's impact on weed infestation, rubbish (littering), wild fires, trespassing and poaching, noting Australia Zoo's responsibility to both State and Federal government to protect, manage and maintain the SIWR to the highest possible environmental standards in accordance with the Conservation Agreement.
- (f) On 20 February 2020, the CSC authorised an individual named "Chris" to push a 4WD-only track through the aligned road on the same terms outlined under paragraph 7(b) herein. In response to the CSC's terms, Chris requested that the CSC update their terms to forgo the requirement to be escorted by traditional owners of the land. It is uncertain as to whether the CSC amended its terms because the Director of Infrastructure, David Klye, responded by seeking a telephone conversation with Chris to clarify Chris' request. Annexed hereto and marked "**Annexure 26**" is a copy of the email correspondence between David Klye and Chris.
- (g) On or around 12 June 2021, the CSC authorised a group of locals to clear a track from Stones Crossing to Rocky Creek which is located south of Bramwell Junction Roadhouse. The individuals were travelling on unregistered All-Terrain Vehicles ("**ATVs**") and quadbikes causing

considerable damage to vegetation and fencing on SIWR. During this incident, a nine-year old child was injured whilst operating an ATV and was required to be medevac'd from the SIWR. A number of vehicle operators were not wearing any protective gear, including helmets. A similar expedition took place on 8 July 2021 by individuals using unregistered ATVs and quad bikes as part of the 'Ride North' tour group. Annexed hereto and marked "**Annexure 27**" is a copy of a letter issued by Australia Zoo to the CSC, social media and advertising posts by Ride North and an image of individuals on a quadbike on the road without protective gear.

- (h) On 14 June 2021, John Witherspoon, sublessee of the Lot, notified the CSC of concerns relating to the spread of weeds via vehicles along the Bamaga Road, particularly Sickie Pod, Raddle Pod and Grader Grass. Treatment of Raddle Pod appeared to be futile and the introduction of Sickie Pod is anticipated to cause "massive headaches". Annexed hereto and marked "**Annexure 28**" is a copy of correspondence issued by John Witherspoon to the CSC.
 - (i) On 15 June 2021:
 - (i) the individual named "Chris" advised the CSC that they had successfully completed a track on 13 June 2021 within 4.8 kilometres of the Wenlock River and that the "going was very slow". Chris intended to complete the 4.8 kilometres up to the point which he was stopped. The process would take approximately 2-3 weeks. Annexed hereto and marked "**Annexure 29**" is a copy of Chris' correspondence to the CSC.
 - (ii) a sublessee of the Lot forming part of the SIWR sent an email to the CSC raising concerns with respect to the opening of the road and the risks posed by travellers. Some of the concerns included:
 - (A) stock (cattle) theft and/or duffing;
 - (B) destruction of fences by a party of travellers;
 - (C) lack of notice provided by the CSC of travellers who have been granted permissions to use the road;
 - (D) spreading of weeds across the countryside;
 - (E) use of unregistered bikes, quadbikes and buggies; and
 - (F) children operating vehicles without helmets or seatbelts.
- Annexed hereto and marked "**Annexure 30**" is a copy of the email sent by the sublessee to the CSC.

- (j) On 17 June 2021, in response to the Australia Zoo's email dated 12 June 2021 referred to in paragraph 7(g), CSC provided a redacted version of the correspondence issued to the individual named "Chris" on 20 February 2020

(see paragraph 7(e)). Subsequently, Australia Zoo queried whether the individual named "Chris" gained native cultural clearance prior to their expedition on 12 June 2021 (see paragraph 7(g)). The CSC responded to Australia Zoo's query by stating that they "received no advice regarding cultural heritage clearance". Annexed hereto and marked "**Annexure 31**" is a copy of the email chain between Australia Zoo and the CSC.

- (k) On 18 June 2021, in response to the sublessee's inquiry outlined in paragraph 7(i)(ii), the CSC provided a history of the road and stated the following, amongst other things:

- (i) *"I am sure that you are aware that the State Government has enacted legislation with respect to both these issues [(stock theft and the spread of weeds)], however there are very limited resources for surveillance and enforcement";*
- (ii) *"The issue of fences were discussed with the person arranging the travel prior to their travel. My advice was that Council has no record of the issuing of any permits for the erection and maintenance of any fences along the reserve road. I did explain that in such a remote area that it may be possible that some fences could exist and that they should repair any fences that they needed to cut to complete their traverse";*
- (iii) *Licensing, registration and the operation of vehicles on roads within Queensland is governed by the Transport Operations (Road Use Management) Act 1995. There is an obligation on each road user (including on unformed roads) to ensure their compliance with all applicable laws; however compliance of this legislation is a matter for the Queensland Police and/or the Department of Transport and Main Roads and not for local government."*

Annexed hereto and marked "**Annexure 32**" is a copy of the CSC's reply to the sublessee.

- (l) On 24 June 2021:

- (i) the individual named "Chris" informed the CSC that he intended to return to the aligned road to finish pushing the 4.8 kilometre track. Chris also sought feedback from the CSC prior to revisiting the road and asked whether promotion of the road for public use would be warranted once the track is complete. In response, the CSC (amongst other things):
 - (A) mentioned concerns raised by Australia Zoo caretakers/management;
 - (B) confirmed that promotion of the use of the track is permitted; and
 - (C) suggested that Chris provide guidance as to the use of the track, including issues such as:

- i. only using the track and not veering therefrom onto private property;
- ii. cleaning vehicles of dirt and seeds; and
- iii. refraining from destroying vegetation, collecting firewood or lighting fires.

Annexed hereto and marked "**Annexure 33**" is a copy of the correspondence between the CSC and Chris.

- (ii) the individual named "Chris" responded to CSC's email of same date with respect to the concerns raised by Australia Zoo caretakers/management, admitting that quadbikes and SXS motorbikes were used, however insisted that registered vehicles were not a viable option. In response thereto, the CSC noted that they had no concerns with Chris's conduct or the conduct of Chris' travelling party. Annexed hereto and marked "**Annexure 34**" is a copy of Chris and the CSC's correspondence.

(m) On 30 June 2021:

- (i) the individual named "Chris" sent an email to the CSC which included the following (amongst other things):

(A) notice that the last 4.8km of the track was completed;

(B) the track was marked the entire length with paint and reflectors nailed to trees; and

(C) he and his travelling party are considering engaging a company to supply a backhoe to remove any blockages.

- (ii) the CSC authorised the individual named "Chris" to use heavy machinery to clear sections of the road through the SIWR where debris have blocked the road and to erect directional signage at the ends of the track and to replace any track markers. The CSC noted that Chris must comply with all relevant laws and regulations, including Workplace Health & Safety. A formal traffic management plan was not required due to the "practically unused track" and as long as the operator was aware that they were performing works on a public thoroughfare.

Annexed hereto and marked "**Annexure 35**" is a copy of the correspondence between the CSC and Chris.

- (iii) internal correspondence of the CSC received by David Klye stated the following:

"Please don't pass this on to anyone Ross. We are leaving Terri [Irwin] to work against them and, as you say, the way to go is to ask for Environmental Impact Studies, etc. Cook Shire would have done none of those"

Annexed hereto and marked "**Annexure 36**" is a copy of the CSC internal correspondence.

- (n) With respect to Stones Crossing:
- (i) the Applicant has concerns with respect to the use and safety of the crossing;
 - (ii) as outlined in paragraph 6(j)(i), it is only possible to cross in a 4WD vehicle during low tide. Individuals who have attempted to cross during the wet season or during high tide are at risk of getting stuck or swept away. As the name suggests, the crossing is littered with large rocks which form part of the riverbed. During high tide, it is extremely difficult to identify or navigate the winding path leading through the waters and rocks onto the gazetted road. The Applicant is aware of at least one incident where a 4WD vehicle was inundated by the river at Stones Crossing. Annexed hereto and marked "**Annexure 37**" is an image taken at Stones Crossing with 4WD vehicle inundated;
 - (iii) as outlined in paragraph 6(j)(ii), is a safety risk for any individuals camping next to, swimming in, or traversing the crossing during the dry season as there are likely saltwater crocodiles present;
 - (iv) to provide safe passage across the Wenlock River, Federal Government approval would be required to construct a bridge or crossing which connects to the Lot. To the Applicant's knowledge, such approval has not been sought to date;
 - (v) tidal movements during the wet season means the gazetted road can only be accessed from Stones Crossing for 6 to 7 months of the year;
 - (vi) to date, there has been little to no further discussions or development by the CSC concerning Stones Crossing to allow for safe passage.
- (o) in light of the matters raised in paragraphs 7(b)-(n), it is evident that:
- (i) the CSC has failed to properly manage and/or maintain the road for safe passage by members of the public;
 - (ii) the CSC has authorised members of the public to clear a track through the aligned road passing through the SIWR without:
 - (A) conducting the appropriate and proper screening to see if the individuals are qualified, suited or experienced to undertake the works;
 - (B) checking if the individuals obtained the requisite clearances, qualifications, licences, insurances or permissions to undertake clearing and/or maintenance of the road;

- (iii) the CSC does not have the funding, resources, infrastructure, planning and/or means to develop and maintain the road;
 - (iv) without proper management and maintenance of the road, the safety of the public and the safety and integrity of protected fauna, flora and ecosystems located in the SIWR are at risk; and
 - (v) the SIWR is not a tourist attraction but a protected strategic environmental area used for conservation and research and the presence of a public road would (and currently does) significantly impact the time and resources the Irwin family could otherwise invest in conservation and research efforts.
- (p) In addition to the matters mentioned in paragraph 7(p), it is important to note that rangers employed by Australia Zoo are tasked with conducting controlled backburning and eradication of feral pigs. This includes the use of high-powered firearms and lighting fires within the surrounds of the road. The presence of a public road makes it difficult for the rangers to know when members of the public might be present to avoid any unforeseen casualties, injuries or incidences where individuals may be trapped by backburning.

8. Illegal Activity

- (a) Since the Applicant and Australia Zoo was tasked with managing the SIWR as part of the Conservation Agreement, staff and rangers employed by Australia Zoo have witnessed and/or identified a number of illegal activities taking place along the road and by travellers who have entered the SIWR after veering off the road onto private property.
- (b) On 9 August 2021, Australia Zoo issued a letter via email to the CSC noting a number of incidents which occurred between 11 June and 8 August 2021, including the following:
 - (i) the incidents described in paragraph 7(g);
 - (ii) that an unregistered and uninsured ATV pushed through the remainder of the track along the gazetted road from Stone's Crossing;
 - (iii) 15 ATVs from the Ride North Touring Company accessed the gazetted road via Stone's Crossing and used a chainsaw to remove trees, noting that the ATVs had veered from the gazetted road onto private property and caused damage to vegetation;
 - (iv) 2 vehicles drove past the Coolibah research centre via a private access road. Australia Zoo's rangers intercepted the lost travellers and directed them to the gazetted road. The travellers believed that the gazetted road was not accessible to vehicles and decided to cross back through Stone's Crossing. Australia Zoo's rangers noted that the travellers had cut the padlocks on the gate of the private access road;

- (v) 5 unregistered and uninsured ATVs access the gazetted road via Stone's Crossing;
- (vi) vehicles had pushed a track through the SIWR to avoid the steep river bank that forms part of the gazetted road. A chainsaw was used to remove trees from the SIWR;
- (vii) 2 vehicles accessed the gazetted road via Stone's Crossing and shortly thereafter veered from the gazetted road onto private access roads, passing through 6 cattle gates and trespassing onto the SIWR and the Bertiehaugh Station; and
- (viii) 2 dirt bikes, 1 ATV and 3 quad bikes which were all unregistered and uninsured, were escorted by a white Toyota Landcruiser on the gazetted road. The travellers spray painted trees that were not on the gazetted road.

Annexed hereto and marked "**Annexure 38**" is a copy of the email enclosing the letter from Australia Zoo to the CSC.

- (c) On 25 August 2021, Australia Zoo issued a letter to the CSC noting a number of incidents since 14 August 2021, which included the following:
 - (i) four (4) unregistered vehicles and uninsured buggies were observed stopped on the side of the track and the operators consuming alcohol;
 - (ii) two (2) members of the public were clearing the riverbank with shovels and chainsaws;
 - (iii) 4 vehicles towing caravans arrived at the Applicant's research base believing they were on the road despite numerous signage informing them that they were not on a gazetted track, leading them to be charged with trespassing by Queensland Police;
 - (iv) eleven (11) buggies from Ride North were recorded on the road without any support vehicles along the track;
 - (v) Ride North guests and staff were ignoring State Government signage to not enter the water in known crocodile territory; and
 - (vi) 2 4WDs got stuck on an embankment whilst trying to use the road before turning around to leave.

Annexed hereto and marked "**Annexure 39**" is a copy of Australia Zoo's letter to the CSC concerning illegal activity.

- (d) On 26 August 2021:
 - (i) the CSC responded to Australia Zoo's concerns referred to in paragraph 8(b) stating, amongst other things that:

(A) they share their concerns regarding trespassers and that the Council is working to provide signage and better education around the road reserve;

(B) they support compliance with all legislation and regulation, however, enforcement of road rules is a matter for the police to deal with; and

(C) they are committed to developing the road reserve for use as a 4WD off road adventure experience.

Annexed hereto and marked "**Annexure 40**" is a copy of the CSC's response.

(ii) Australia Zoo advised the CSC that as legal managers of the road, the CSC has a responsibility for safety issues surrounding the use of the road by the public, which was previously discussed in 2017. Annexed hereto and marked "**Annexure 41**" is a copy of Australia Zoo's email to the CSC.

(e) Between 15 September 2021 and 16 September 2021, 2 rangers employed by Australia Zoo observed a pile of rubbish (XXXX gold box, empty cans and plastic bag with food rubbish and empty wine bladders) left near the side door of the 'Coolibah' research centre located on the SIWR. This rubbish did not belong to the rangers and was not there when rangers left the property. No other staff or individuals associated with Australia Zoo or the Applicant were present at Coolibah whilst the rangers were off-site. As a result, the rangers checked trail cameras located on all access tracks surrounding the property. Upon checking a camera situated at the gated access at Stones Crossing, the rangers observed a vehicle approach the locked gate from within the reserve at 11:57pm on the evening of 15 September 2021. The vehicle could not leave the reserve via this road as the gate was padlocked. A number of other cameras were checked and rangers were able to collate the movements of the vehicle and occupants. The trail cameras recorded 2 male persons on the reserve driving a green and silver Toyota Hilux Surf Wagon with no registration plates. The vehicle had a roof rack with canvas swags and a light bar. One of the male persons was described as a Caucasian male, approximately 50 years of age or older, proportionate build, short brown hair wearing dark knee length baggy shorts and a navy t-shirt and thongs. The other male person 2 was described as Torres Strait Islander, aged between 16 and early 20's, solid build, dark hair with undercut hairstyle, thin moustache wearing yellow polo shirt with Caterpillar motif, knee length baggy black shorts, no shoes. The offenders were observed to enter the property from the north along the gazetted road. They passed 2 highly visible 'no entry, trespass' signs and drove past the Coolibah buildings to access the Stones Crossing gates, which was locked. Unable to pass they returned through Coolibah and drove approximately 10 kilometres north on Coolibah Road where it appeared they camped the night. The rangers located a quantity of 'XXXX' beer cans scattered in the bushland. At approximately 9:54am on 16 September 2021, the offenders walked into Coolibah yard where they have searched and located a jump starter pack and battery that was stored on a workbench in an open shed. The offenders stole a blue Yamaha quadbike, registration number 2658C, parked at the Coolibah building as the keys were left in the ignition. They used the quad bike to carry the battery and jump

Page 16 of 24

starter pack and at 11:15am they were photographed riding the quadbike north on Coolibah Road. The trailcam footage revealed that at 11:30am, one of the offenders riding the quad bike back towards Coolibah closely followed by the other offender driving the vehicle. The offenders returned the quadbike and jump start kit to where they were taken from Coolibah storage shed. The battery was not returned. At 1:00pm the offenders left the property via the new gazette track at Stones Crossing. At no time did the offenders have permission to enter the reserve or to take items belonging to Australia Zoo. To access the property, they had to trespass onto the SIWR. Annexed hereto and marked "**Annexure 42**" are images relating to the incident on the SIWR. Trail camera footage is available upon request.

- (f) There have been incidences of unlawful shooting or hunting in national parks in the Cape York Peninsula. A Cape York cattle station manager expressed concerns in an article published in the Western Cape Bulletin stating that there has been a number of occurrences of individuals with firearms shooting on his property, which forms part of the Jardine River National Park. Such activities would pose a significant threat to the conservation efforts of the SIWR should similar individuals travel into the area. Given the biodiversity of endangered and rare species of wildlife and vegetation, it is not unlikely that the presence of human activity along the gazetted road could result in increased attempts to poach, shoot or destroy protected fauna, flora or habitats. Annexed hereto and marked "**Annexure 43**" is a copy of the Western Cape Bulletin article.
- (g) On 23 December 2021, individuals using the gazetted road trespassed onto the SIWR and visited the Coolibah research centre. Australia Zoo's rangers observed large cracks in a glass door presumably from damage caused by a rock, foot or heavy object striking the glass. The rangers were not present at the time which the damage was caused, and no other staff or individuals associated with the Applicant or Australia Zoo were present or permitted to enter the SIWR or attend the Coolibah research centre at the relevant time. A vehicle was observed on trail cameras driving into the camp the same day the damage was caused. Annexed hereto and marked "**Annexure 44**" is an image of the damaged door of the Coolibah research centre.
- (h) The Applicant repeats and relies on the matters outlined under paragraphs 7(g) and 8(b), particularly with respect to individuals travelling on the gazetted road with unregistered vehicles without support vehicles or wearing the appropriate protective equipment, and consuming alcohol whilst operating a vehicle on a public road.
- (i) The matters raised in paragraphs 8(b)-(g) are only those events recorded or observed by the Applicant and Australia Zoo. Given Australia Zoo's limited resources, it is impossible to monitor and manage the length of the gazetted road to ensure individuals are not trespassing, veering off the road or undertaking illegal activities, including the destructions of protected fauna, flora and ecosystems.
- (j) To date, the CSC has not taken any meaningful steps to address any issues of illegal activity along the gazetted road. The CSC maintains that such issues

are better addressed by the Queensland Police Services and/or the Department of Transport and Main Roads. Given the remoteness of the gazetted road and limited State resources to monitor and patrol the gazetted road, it would be in public interest to close the road to avoid any ongoing and future illegal activity, and to protect both members of the public and sublessees from the dangers posed by road users and trespassers, including shooting, alcohol-related incidences and destruction of property and environment. Without the appropriate funding (which is evidently not available) and commitment to maintaining, regulating or monitoring the road, it will be impossible for the CSC and sublessees to prevent any future illegal activities similar or otherwise to those described in paragraphs 8(b)-(g).

9. Legislative Considerations

- (a) Section 99 of the Act states the following:

*"(1) An entity may apply for the permanent closure of a road if the entity is—
(a) a public utility provider; or
(b) an adjoining owner for the road.*

...

*(3) A person may apply for the temporary closure of a road if the person is—
(a) an adjoining owner for the road;*

...

(4) An adjoining owner who makes a permanent road closure application may ask for the road, on its closure, to be amalgamated with the adjoining owner's adjoining land."

Annexed hereto and marked "**Annexure 45**" is a copy of section 99 of the Act.

- (b) Schedule 6 of the Act defines an "adjoining owner" as follows:

*"adjoining owner in relation to land adjoining a road, means—
(a) the registered owner of the land, other than a trustee of a deed of grant in trust; or
(b) if the land is lease land—the lessee; or
(c) if the land is trust land—the trustee of the trust land."* (Emphasis added).

Annexed hereto and marked "**Annexure 46**" is an extract from Schedule 6 of the Act.

- (c) The Applicant, being a lessee of the Lot and/or land which the gazetted road passes through, is considered an adjoining owner for the purpose of the Act and is therefore entitled to make an application for close of the road under section 99(1)(b) of the Act.

- (d) Subsection 99(7) of the Act provides that:

"The Minister may refuse a road closure application if the Minister is satisfied—

- (a) the road is the only dedicated access to a person's land; or*
- (b) the road is, or may be, used regularly by the public as a road or stock route; or*
- (c) the road provides continuity to a road network.*

(e) The Applicant submits that:

- (i) subsection 99(7)(a) is not relevant for the purposes of the Application as the Application relates to a road traversing land already accessible by the Applicant and other sublessees by private roads. Should the Minister deem it relevant, the Applicant submits that there are alternative routes available to access any parcels of land which the road joins as outlined in the Minutes of Mapoon Aboriginal Shire Council Community Meeting dated 3 December 2019 (Annexure 18). There are currently a number of formed maintenance tracks on the SIWR which provides access from the southern, northern and western boundaries of the land. Any members of the public who need legitimate access to the property may do so after contacting the Australia Zoo rangers, which is standard procedure for pastoral leases in the Cape York Peninsula. Access agreements can also be entered into once the road is closed.
- (ii) in relation to subsection 99(7)(b), although the road is, or may be, used by the public regularly, it does not suggest it should be. For reasons outlined in paragraphs 6, 7 and 8 above herein, the road:
 - (A) is currently only approximately 15% formed whilst the remaining 85% traverses pristine native bushland and therefore no public use of the road is possible on majority of the gazetted road until such time it is developed;
 - (B) the primary reason for the gazettal of the road was to provide a quick and safe loop road from Weipa northbound to the tip of Cape York for tourists and residents. However, the 4WD track supported by the CSC and Weipa Town Authority does not meet the basic requirements for a quick and safe access road to achieve it's primary purpose;
 - (C) is difficult to navigate and follow without trespassing, and is only accessible to experienced 4WD drivers;
 - (D) whilst it always existed on the land, public access north of Stones Crossing was not possible with vehicles, which was a major contributing factor in the Applicant selecting the land for conservation and research purposes;
 - (E) traverses a pristine strategic environmental area which forms part of the SIWR and is managed by the Applicant and Australia Zoo in accordance with the Conservation Agreement. Public access to such environments places cultural heritage sites and unique ecosystems at risk and would hinder conservation efforts;

- (F) is not the only means of travelling around the northern parts of the Cape York Peninsula. There are alternative routes, such as Billy's Lagoon Road, available to members of the public to travel between the northern point of the Cape York Peninsula, Bamaga Road, Napranum, Mapoon and Weipa;
- (G) Stones Crossing is dangerous and is only accessible during the dry season;
- (H) the 4WD track, as developed and cleared by authorised members of the public, could place the CSC at risk of public liability claims, reputational harm and other costs implications if not properly managed and maintained. In the CSC's Minutes of Meeting dated 21 March 2017, the CSC noted that the construction of a new road *"should be to the required standards to minimise risk to road users, Council's liability, and on-going maintenance and renewal requirements"*; and
- (I) is underdeveloped and the CSC is unlikely to fund any further development in the foreseeable future due to a lack of funding and resources. The State government does not have the resources to monitor and patrol the road to ensure members of the public are complying with public road rules and other State laws. This makes it difficult to provide safe passage along the road and to monitor illegal activity. It would be unreasonable to rely on the Applicant and Australia Zoo to monitor and patrol the gazetted road.
- (iii) in relation to subsection 99(7)(c), although the road provides continuity to a road network at the northern end, the southern end of the gazetted road (Stones Crossing) does not connect to any other gazetted roads. Current access to Stones Crossing is on formed tracks under the control of the NASC. In consultation with the NASC, the council advised that they were opposed to providing greater public access to the area because current arrangements are being abused by visitors and a "lack of respect shown to Country". Whilst the Applicant accepts that circumstances may change, current users of the maintenance tracks through the SIWR are still reliant on the permission and "goodwill" of the NASC. There are alternative routes available for development which are safer, faster, practical and easier and potentially more cost-effective to maintain. These have been outlined in the Minutes of Mapoon Aboriginal Shire Council Community Meeting dated 3 December 2019 (Annexure 18). The Billy's Lagoon Road has been gazetted as part of land tenure changes currently negotiated between the Natural Resource Management and NASC. The Billy Lagoon Road would negate problems caused by Stones Crossing as it travels in an easterly direction below the Wenlock River. The road connecting Red Road and Billy's Lagoon is a high-quality dirt road which was traversed by Australia Zoo staff in September 2016. Between Billy's Lagoon Road and Telegraph Road, the road is only suitable to 4WD, however, if upgraded to the standard of the remainder of the road the time savings would be comparable to the gazetted road through the SIWR. The NASC supports the gazetting of the Billy's Lagoon Road as it would provide economic benefits to the council through the development of pastoral and tourism

opportunities along the road's route. Furthermore, the recently upgraded Batavia Downs Road, which links Weipa to Telegraph Road, already provides access via a loop road with similar time savings provided by the gazetted road. The Batavia Downs Road provides a safer alternative with greater accessibility and is not reliant on tidal movements at Stones Crossing. The Applicant maintains that it is supportive of alternative routes such as the Billy's Lagoon Road or Batavia Downs Road.

(f) Section 101(3) of the Act provides that:

"the Minister must refuse the road closure application if the Minister is satisfied the road is still needed".

Annexed hereto and marked "Annexure 47" is a copy of section 101(3) of the Act.

(g) The Applicant submits that the road is not needed because:

- (i) as outlined in paragraph 9(e), there are viable alternative routes for tourists of locals to travel between Telegraph Road, Weipa, Napranum and/or Mapoon. In circumstances where the road is only 15% developed, the Applicant contends that an alternative, safe and more accessible route would benefit both the local councils and the environment. The gazetted road is not 'needed', but at most a convenient track to save tourists time, which can be achieved by alternative routes and methods. Should the local councils and State Government decide not to agree to any alternative arrangement proposed by the Applicant under paragraph 9(e)(iii), the closure of the road would still not impede tourists' ability to traverse between the local council areas or the Cape York Peninsula;
- (ii) during the meeting referred to in paragraph 5(j)(iv), the CSC and other interested parties stated that the road would encourage more tourists to visit Weipa. To date, the CSC has failed to provide data which supports such claims. In a 2015 Tourism Cape York visitor survey, 60% of respondents said they would visit the Western Cape (Weipa), whilst Weipa only experienced a 30% increase in visitations from 2010 to 2015.⁵ Even if development of the road attracted more tourists, Weipa and surrounding council areas do not have the capacity to accommodate extra visitors. Accommodation facilities in Weipa are regularly booked at capacity during the dry season, and during special events, such as the annual Weipa Fishing Classic, temporary camping grounds are established. Australia Zoo maintains that low-impact, controlled tourism experiences in an iconic location such as the SIWR would be a more attractive drawcard in comparison to another 4WD track in Cape York.
- (iii) as a reserve trustee for the SIWR, the Applicant seeks to close a road which passes through land which is set aside under the *Nature*

⁵ The Tourism Cape York Survey was previously accessed via <http://www.tourismcapeyork.com/wp-content/uploads/2015/11/2016-Cape-York-survey.pdf>, however the 'Tourism Cape York' website is no longer in use or accessible.

Conservation Act 1992 (Qld). The Minister is encouraged to accept that the road is only needed if the closure would leave a lot without dedicated or practical access, or would detrimentally affect the continuity of the existing road system. The Department of Resource's Guideline number SLM/2013/725 titled "Roads under the Land Act 1994" ("**the Guideline**"), states the following:

"A road is considered still needed when:

...

The road contains some historically or socially significant feature or flora and fauna that should be protected in the State's interest or where the land protects other land, or waterways (for example beachfront dunes), and no convenient alternative provision can be made for the protection of the features, the flora and fauna or other land (for example through setting aside of part of the land as a community purpose reserve, or covenant if the road was closed and included in the adjoining freehold."

Annexed hereto and makes "**Annexure 48**" is a copy of the Guideline.

The gazetted road is not needed for the purpose of protecting fauna and flora as alternative tracks and continued management of the SIWR by the Applicant and Australia Zoo ensures protection through conservation efforts. In making this request, the Applicant has considered the recreational uses of the road as well as the SIWR management and conservation needs. The Applicant submits that the need to preserve and maintain the sustainability of a strategic environmental area outweighs the need for the road to create a 'quicker' route between areas. Furthermore, the SIWR was acquired under the Commonwealth National Reserve System in 2007 under strict management conditions. In accordance with the Applicant's Management Plan (Annexure 5), the conservation area on the SIWR must be managed in accordance with the International Union for Conservation of Nature ("**IUCN**") category 1a, Strict Nature Reserve, which are "strictly set aside to protect biodiversity and also possibly geological/geomorphological features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values." The primary objective of a category 1a reserve is to:

"conserve regionally, nationally or globally outstanding ecosystems, species (occurrences or aggregations) and/or geodiversity features: these attributes will have been formed mostly or entirely by non-human forces and will be degraded or destroyed when subjected to all but very light human impact."

Annexed hereto and marked "**Annexure 49**" is a copy of the IUCN's category 1a description.

Development of the gazetted road would be considered a high human impact event and could lead to the degradation of the SIWR's conservation area.

Furthermore, the management and protection of the SIWR forms part of Australia Zoo's participation in the NRS Program. Should a gazetted road be developed or remain open for public use, it would significantly impact the Applicant's Management Plan and reporting requirements. This could lead to further unnecessary government funding being allocated to ensure the SIWR remain pristine. If the road is closed, Australia Zoo will be able to focus on research and protecting the plants and animals on the SIWR. As outlined in paragraph 5(k), any areas protected through the NRS Program should be managed with perpetuity and not for any other purpose than for that specified under the IUCN. If the gazetted road remains open, is developed, or is used frequently by members of the public, Australia Zoo will be required to make significant changes to its Plan of Management and must notify the Federal Government of such changes. Such changes could lead to unnecessary funding to maintain, protect and manage the gazetted road and its surrounds and ultimately a waste of government resources.

- (h) In addition to the matters raised in paragraph 9(g)(ii), the Minister is reminded that the SIWR:
- (i) was declared as Queensland's first strategic environmental area in order to stop any proposed or future mining;
 - (ii) was listed as a Queensland Nature Refuge under the *Nature Conservation Act 1992* (Qld) in 2012 to conserve "a number of significant biodiversity values, including and extensive array of regional ecosystems" and "known habitat for the endangered red goshawk, northern quoll, spotted cuscus and rufous owl." Under clause 4 of the Conservation Agreement (Annexure 4), the Applicant and/or Australia Zoo is required to alert the State Government of any processes which may threaten the conservation area. Threatening processes include:
 - "Any process that is capable of –
 - (a) Threatening the survival of any protected area, area of major interest, protected wildlife, community of native wildlife or native wildlife habitat; and
 - (b) Affecting the capacity of any protected area, area of major interest, protected wildlife, community of native wildlife or native wildlife habitat to sustain natural process."
 - (iii) forms part of the Cape York Peninsula's rich biodiversity areas and home to a 'one of a kind' ecosystem. In 2012, the Australian Federal Government pursued a World Heritage nomination for Cape York, noting is large pristine properties known for biodiversity. A road through the SIWR could contradict any stated claims of a World Heritage nomination in the future. Annexed hereto and marked "**Annexure 50**" is a copy of the World Heritage Nomination.

C. Support for road closure

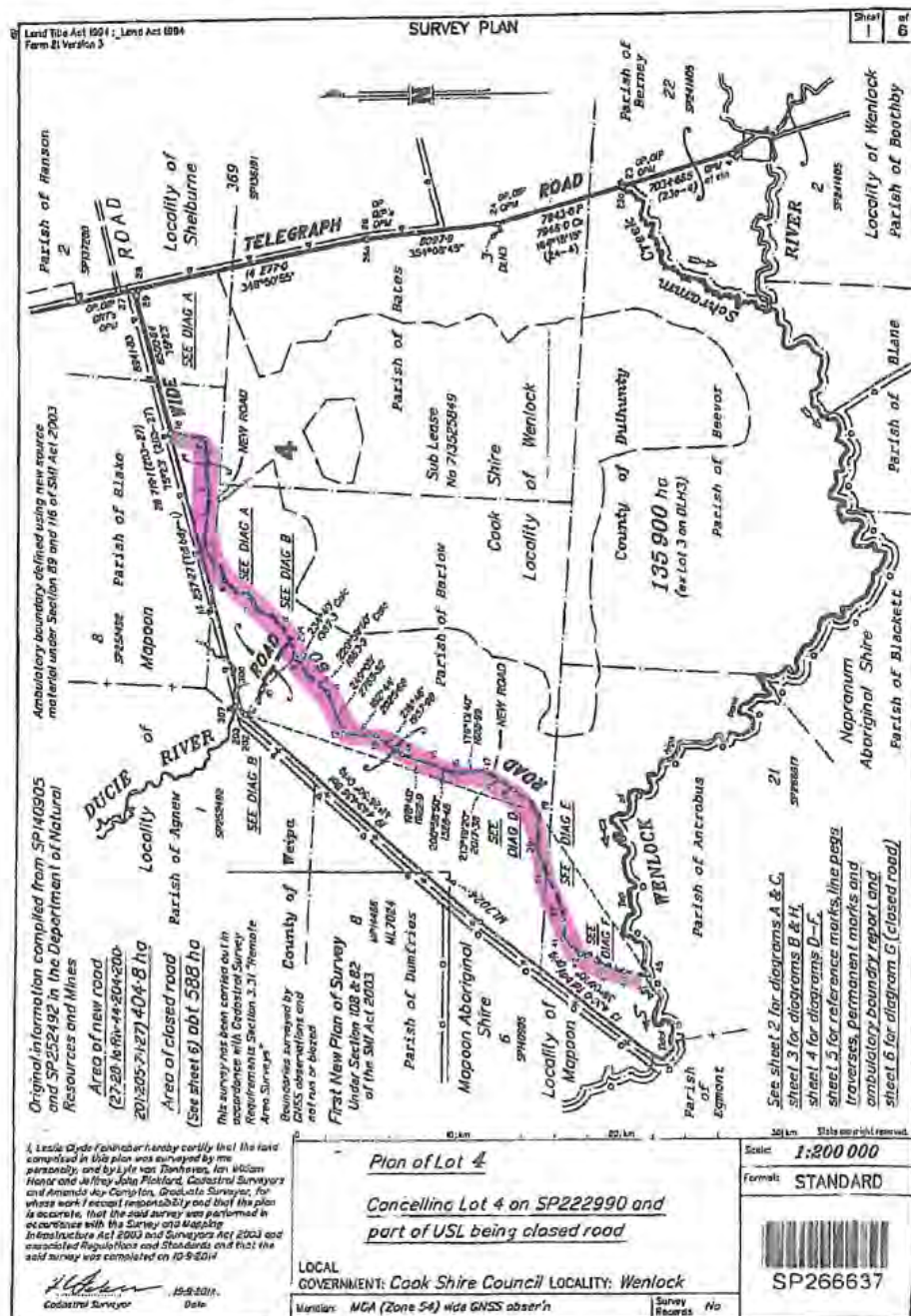
10. Annexed hereto and marked "**Annexure 51**" are copies of letters in support of the road closure application.

D. Final Remarks

11. For reasons outlined above herein, the Applicant supports the closure of the gazetted road located on Lot 4 of Survey Plan 266637 because:
- (a) it is not required for access to any person's land;
 - (b) it is not fit for regular use by the public as a road or stock route;
 - (c) there are alternative, safer and more cost-effective routes to achieve continuity to a road network;
 - (d) the CSC does not have the necessary funding or resources to develop, manage and maintain the gazetted road;
 - (e) it is only accessible 6 to 7 months of the year due to the wet season;
 - (f) it passes through the SIWR which:
 - (i) is part of the NRS Program for long-term protection of diverse ecosystems and the plants and animals they support;
 - (ii) is a pristine Nature Reserve/Nature Refuge;
 - (iii) is a strategic environmental area;
 - (iv) supports 35 different ecosystems and there are over 40 species of conservation significance;
 - (v) is home to Critically Endangered species; and
 - (vi) Australia Zoo is responsible for protecting, managing and maintaining to the highest possible environment standards pursuant to conservation agreements with the State and Federal Government.
 - (g) it is unsafe and not fit for inexperienced road users;
 - (h) it is poorly regulated and not patrolled by local or State authorities;
 - (i) access for emergency services and police is limited;
 - (j) in the absence of proper surveillance, maintenance and regulation, members of the public have partaken in illegal activity and caused damage to the environment and the Applicant's property; and
 - (k) it does not serve the purpose for which it was intended (quick and safe access between Weipa and northern parts of Cape York).

ATTCHMENT 2 - PLAN DRAWING

SP266637 V0 REGISTERED Recorded Date 21/10/2014 11:21 Page 1 of 7 Not To Scale



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17 May 2022

Hon Anastacia Palaszczuk MP
Premier of Queensland
PO Box 15185
CITY EAST QLD 4002

Dear Premier

I am writing following a recent meeting of the Torres Cape Indigenous Council Alliance where we discussed the Bertiehaugh Road reserve in Cape York and resolved to keep the road open.

Resolution 1-2/2022, dated 11 May 2022

That TCICA write to the State Government re-affirming its 2018 and 2020 positions on Bertiehaugh Road, that being to keep the road open.

MOVED: Cr Peter Scott, Mayor of Cook Shire Council

SECONDED: Cr Aileen Addo, Mayor of Mapoon Aboriginal Shire Council

CARRIED.

Bertiehaugh Road passes through a small part of the Steve Irwin Wildlife Reserve in Cook Shire. It is an important link for families travelling between Old Mapoon and New Mapoon and provides an iconic 4WD drive experience for travellers in Cape York.

This is the third time TCICA has formally resolved to keep the road open following moves by Ms Terri Irwin and Australia Zoo to close it, with resolutions passed in November 2018, February 2020, and now in May 2022. Enclosed is a letter we wrote to you in early March 2020 outlining why the road needs to be kept open, as well as the response received by the then Natural Resources Minister Anthony Lynham.

The position of the 13 local governments that make up the alliance has not changed for all of the reasons outlined in our letter of 3 March 2020. We fully support Cook Shire Council's submission on this matter and again urge your Government not to submit to pressure by Ms Irwin, Australia Zoo, and self-interested green groups with no regard for the importance of this road to the local communities it services.

Torres Cape Indigenous Council Alliance (TCICA) Inc.

PO Box 355, North Cairns Qld 4870

E: tcica@tcica.com.au P: 0436 819 001

TCICA.com.au



Please note this letter is copied to Resources Minister Scott Stewart MP and Member for Cook Cynthia Lui.

Yours sincerely



Cr Robbie Sands
Chair

Cc: Hon Scott Stewart MP, Minister for Resources
Cynthia Lui MP, Member for Cook





3 March 2020

The Hon Anastacia Palaszczuk MP
Premier and Minister for Trade
PO Box 15185
CITY EAST QLD 4002

Dear Premier

Bertiehaugh Road Reserve

The Torres Cape Indigenous Council Alliance (TCICA) met on 5 February and discussed a range of issues, including the matter of the Bertiehaugh Road reserve in Cape York.

The gazetted Bertiehaugh Road reserve traverses part of the Steve Irwin Wildlife Reserve Nature Refuge and was a necessary condition of the wildlife reserve being declared, allowing for the closure of the original Bertiehaugh Road. It is our understanding that the location of the current reserve was determined by Australia Zoo after a period of consultation with Traditional Owners and other stakeholders. Attached is a map that identifies the new reserve and the old road, which sits in the Cook Shire. Cook Shire Council is a member of TCICA.

Over the past five years, Terri Irwin and Australia Zoo have been lobbying local governments and other stakeholders in Cape York for their support to close the road reserve. This is not a position supported by TCICA. In November 2018, we formally resolved to keep the Bertiehaugh Road reserve open because we recognise the potential value of this road to Weipa and the Western Cape, and particularly to the communities of Mapoon, Napranum and New Mapoon in the Northern Peninsula Area (NPA).

A meeting in Mapoon was held in December last year between Australia Zoo and Cook Shire Council, Mapoon Aboriginal Shire Council, Napranum Aboriginal Shire Council, Weipa Town Authority, Northern Peninsula Area Regional Council, Mowiri RNTBC and Traditional Owners to maturely discuss an approach to opening the road. Despite the case put forward by councils and Traditional Owners, Australia Zoo continues to strongly oppose opening up the road due to concerns that it will lead to thousands of people trespassing on the reserve, more fires and habitat loss, and increased management costs.

Parties at the meeting indicated their willingness to work with Australia Zoo to ensure that responsibility for the appropriate protection, interpretation and maintenance aspects of Bertiehaugh Road would be shared, acknowledging also that a united approach will strengthen the case for financial support from the State and Commonwealth.

Torres Cape Indigenous Council Alliance (TCICA) Inc.
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Page

Opening up the road will cut around 360 kilometres off the return journey for people traveling between Mapoon and New Mapoon to maintain family and cultural traditions. Napranum is also home to many people from Mapoon who travel up to the NPA. Cutting hundreds of kilometres of travel and reducing travel times will help improve road safety outcomes and better facilitate family and cultural connections between communities.

Opening the road will also increase economic activity in Weipa by creating a much-needed loop road for tourists. Weipa currently misses out on thousands of adventure-seeking 4WD tourists travelling to the tip of Cape York because they do not want to travel 140 kilometres into Weipa only to have to backtrack out again.

The Cape, Torres and Gulf Opportunities Plan developed by TCICA and funded by the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) under the Remote Area Board program identifies Bertiehaugh Road as a key economic opportunity for Weipa. Work underway to develop a Western Cape Economic Strategy is also expected to focus on the benefits of opening Bertiehaugh Road. Weipa itself has plans to increase its tourism offerings to cater for more visitors as the Peninsula Development Road is progressively sealed.

It should be noted that TCICA is not proposing that the road should be an 80km per hour road. Rather, it could be formed in a way that allows safe travel for local people and provides an iconic 4WD experience for tourists.

TCICA appreciates the environmental assets of the Steve Irwin Wildlife Reserve Nature Refuge and has no issue with the need to protect its unique biodiversity. It has the potential to stand out as the jewel in the crown of Cape York, but it should not be at the expense of local people.

Traditional Owners raised their concerns about the lack of Australia Zoo's engagement with them and it was noted that not one local Indigenous person is employed on the reserve. Local people have a very long history of environmental management and a wealth of knowledge that is not being used to help engage and educate visitors to the reserve, nor provide advice to Australia Zoo on matters of cultural significance and traditional practice.

TCICA urges you not to submit to pressure by Ms Irwin and Australia Zoo to seek closure of the road reserve. In the meantime, we hope that Australia Zoo will want to work constructively with us as we work towards identifying an outcome that balances our region's economic future with the need to protect our unique environmental assets. Please note that I have also written to the Deputy Premier, the Minister for Natural Resources, Mines and Energy, and the Minister for Environment and Great Barrier Reef seeking their support for TCICA's position.

Yours sincerely



Mayor Yonda Malone
Chair

TCICA.com.au





The Hon Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy

Ref MO/20/2027
CTS 05111/20

1 William Street Brisbane
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3719 7360
Email nm@minerals.qld.gov.au
www.nrm.qld.gov.au

27-MAR-20

Councillor Vonda Malone
Chair
Torres Cape Indigenous Council Alliance Inc
225a Sheridan Street
CAIRNS QLD 4870

tcica@tcica.com.au

Dear Mayor

Thank you for your letter dated 3 March 2020, on behalf of The Torres Cape Indigenous Council Alliance Inc (TCICA), regarding the matter of the Bertiehaugh Road reserve in Cape York.

I am advised this road reserve traverses the Steve Irwin Wildlife Reserve, described as Lot 4 on SP266617, is defined as being a Rolling Term Lease.

I can assure you, any person seeking to permanently close a road must make an application to my department. Any application made to my department to permanently close the road would require significant community consultation including, the written support of the local authority in which the road is located, being the Cook Shire Council (the council). To date, no application has been made by the lessee, Silverback Properties Pty Ltd (Silverback).

My department is aware of Silverback's desire to permanently close the road and has advised Silverback to consult with the adjoining owners, local authorities and other regular users of the road prior to making an application to close the road.

Should an application be made under the *Land Act 1994* to close the road, my department will provide you with an opportunity to reiterate the effect that any road closure would have on TCICA.

This opportunity would assist in highlighting a resolution to keep the Bertiehaugh Road reserve open, primary focused on the potential value of this road to Weipa and the Western Cape and particularly to the communities of Mapoon, Napranum and New Mapoon in the Northern Peninsula Area.

To date, this road continues to be considered a local road and the day-to-day management falls under the responsibility of the local authority, being the council. I encourage you to liaise directly with the council regarding any immediate concerns you have about the current use and development of the road.

Should you have any further questions, please contact Mr Simon Zanatta, Chief of Staff who will be pleased to assist you and can be contacted on 3719 7360.

Yours sincerely

A handwritten signature in black ink, appearing to be "A. Lynham".

Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy

15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS

15.1 GRANTS UPDATE AND ENDORSEMENT OF APPLICATIONS

File Number: D22/9597

Author: Strategic Projects and Economic Development Coordinator

Authoriser: Lawrence Booth, Director Community, Economy and Innovation

Attachments:

PRECIS

This report provides an overview of the status of current grant applications for the information of and endorsement by Council. Additionally, the report seeks endorsement of applications under funding rounds currently open being the First Nations Sport and Recreation Program and the Australian Government Department of Education Skills and Employment.

BACKGROUND/HISTORY

The following project has been submitted for delivery in the 2022-23 and subsequent financial years and Council is awaiting written confirmation from the funders that its application has been approved, having been advised by the Federal Member for Leichhardt on 16 May 2022 that the application was successful:

- **2022 Regional University Centres Program - \$1.6M operating budget and \$258,900 capital**
This funding will provide for the establishment of the Country University Centre (CUC) Cape York Ltd. CUC Cape York which will be set up as a community-driven and community-owned organisation for the specific purpose of establishing a Regional University Centre study hub affiliated with the Country Universities Centre. If successful, CUC Cape York will provide dedicated study facilities with modern technology to ensure students have access to high speed internet and a quiet space to study. Students will also have access to wrap around support from the Centre Manager, Learning Skills Advisors and an Indigenous Advisor. CUC students choose to study a diverse range of courses from over 40 different Australian universities. The CUC has responded to student needs and created an innovative model that can support any student, studying any course, at any Australian university. For more information visit:

https://www.cuc.edu.au/wp-content/uploads/2022/01/The-CUC-2022_Digital.pdf

A Council contribution of \$20,000 per year for the duration of the project (three years totalling \$60,000), is required to ensure the successful establishment of the centre and encourage other financial partners to support the long-term viability of the centre. Additionally, a capital investment is required for the fit-out of the centre of \$272,400. Funding of \$258,900 has been requested, with an in-kind contribution from Council of \$13,500 for project management.

During the application development process, Council officers identified suitable accommodation in which to initially house the Country University Centre at an agreed rate, which has been factored into the grant application. The proposed location of the CUC is Shops 8, 9 & 10, 100 Charlotte Street Cooktown, also known as Carol Lovell Arcade. Council officers are proposing to enter into a 3-year lease with a 3-year option and are seeking Council's endorsement of this action.

The following project submission has been prepared for application during May 2022:

- **First Nations Sport and Recreation Program - \$139,472 operating budget**

If successful, Council will employ a Sport and Recreation Coordinator based in Cooktown to deliver sport and recreation activities and build the capacity of local sporting groups. The role, initially funded for one year, will focus on improving participation for Aboriginal and Torres Strait Islander people with target areas of Cooktown and Laura. As part of the role, the Coordinator will also supervise the Sport and Recreation Officer funded through the Deadly Active Sport and Recreation Program based in Coen. A 20% in-kind contribution of \$34,869 is required to support travel, office space and overheads during the program.

The following applications, endorsed as resolution number 2022/34 in the February Ordinary Council meeting, have progressed through the expression of interest stage to full application and will be submitted during May:

- Building Our Regions Round 6 projects totalling \$2,250,000 - no contribution from Council required.
- Queensland Resilience and Risk Reduction \$588,794 with a Council contribution of \$50,000 to support the delivery of the project.
- NQ Natural Disaster Mitigation Program \$183,525 with a Council contribution of \$29,000 for project management.

LINK TO CORPORATE PLAN

*Key Strategy Priority: **Economy*** – Locality specific economic growth, appropriate to each community and Shire as a whole.

Strategy 4: Develop and progress partnerships to help deliver common facilities and services, fostering regional economic growth and providing for jobs through construction and long-term employment by actively supporting and working on as appropriate as funding and resources become available.

*Key Strategy Priority: **Environment*** – Respect for the unique natural environment of the Cape, its history and the provision of sustainable, safe access for the enjoyment of the Cape's communities and visitors.

Strategy 2: Disaster Management facilities and services manage the risk and exposure to the adverse impacts of both natural and man-made disasters.

Objective 2a: The Shire's communities are safe through disaster management planning and response through interagency coordination, planning and action in emergency.

CONSULTATION

The projects detailed in this report have been selected on the basis of previous community consultation and needs identified in Council's Community, Corporate and Operational plans. Consultation has been undertaken with all Councillors, Council Departments and the Executive Leadership Team.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Applications for funding have been prepared with reference to the relevant Funding Program Guidelines:

Regional University Centres Program

<https://www.dese.gov.au/regional-university-centres/resources/2022-regional-university-centres-application-guide>

First Nations Sport and Recreation Program

https://www.qld.gov.au/data/assets/pdf_file/0022/252265/first-nations-program-guidelines.pdf

Building our Regions Rnd 6

<https://www.rdmw.qld.gov.au/regional-development/building-our-regions-round-6>

Queensland Resilience and Risk Reduction Fund Guidelines 2021-22

<https://www.gra.qld.gov.au/qrrrf>

North Queensland Natural Disasters Mitigation Program

<https://www.gra.qld.gov.au/NQNDMP>

POLICY IMPLICATIONS

The funding submissions have been prepared having regard to Council's:

- Risk Management Policy – Adopted March 2019
- Asset Management Policy – Adopted March 2019
- Benefits and Gifts Policy – Adopted July 2019
- Code of Conduct Policy – Adopted February 2020
- Community Engagement Policy – Adopted February 2020
- Confidential Information Policy – Adopted July 2019
- Fraud and Corruption Prevention Policy – Adopted February 2020

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Council has made appropriate allocations in its Annual Budget for 2022-23 to support these initiatives as detailed above.

RECOMMENDATION

That Council endorses the following actions, applications and contributions for the 2022-23 operational budget, if successful:

1. An Application to the 2022 Regional University Centres Program - \$1.6M operating budget and \$258,900 capital requested, with a Council contribution of \$20,000 per annum for three years totalling \$60,000 and \$13,500 in-kind support for project management of capital works.
2. Council enters into a 3-year lease with a 3-year option with the trustees for the Athena Trust for leasing part of Lot 11 RP744500, Charlotte Street, Cooktown. Further, that Council funds the costs of registering the lease with the Titles Office.
3. An Application to the First Nations Sport and Recreation Program - \$139,472 operating budget with a Council in-kind contribution of \$34,869 for travel, office space and overheads during the program.
4. Further, that Council delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009, to finalise any and all matters associated with the lodgement of the applications and execution of the lease.

15.2 APPLICATION FOR PERMANENT ROAD CLOSURE ADJOINING LOTS 215 RP747485, LOT 3 RP741357 AND LOT 5 RP741356 DAWSON ROAD LAKELAND**File Number:** D22/9937**Author:** Property and Commercial Services Coordinator**Authoriser:** Lawrence Booth, Director Community, Economy and Innovation**Attachments:**
1 Map - Proposed Extent of Road Closure
2 Dawson Road Application for Road Closure
3 Dawson Road Plan of Easements**PRECIS**

Council has received a proposal from the Malee Group on behalf of Mackay Lands Pty Ltd for the permanent road closure of Dawson Road adjacent to Lot 215 RP747485, Lot 3 RP741357 and Lot 5 RP741356 in Lakeland. If the road closure is approved by the Department of Resources (DOR), the applicant intends to amalgamate the subject area of the road reserve into their adjoining freehold property.

The owner will also create an access easement to allow access to 2 Council drainage easements which pass through Lot 3 RP741357 and Lot 215 RP747485.

When previously dealing with road closure applications, Council has consistently considered any positive or negative impact on the community with emphasis necessary on a community benefit.

BACKGROUND/HISTORY

The Mallee Group on behalf of Mackay Lands Pty Ltd is seeking Cook Shire Council's support for the permanent road closure of a portion of Dawson Road adjacent to Lot 215 RP 747485, Lot 5 RP741365 and Lot 3 RP741357.

All three properties are owned by Mackay Lands Pty Ltd and are working banana farms subject to strict quarantine protocols. With the substantial and ongoing biosecurity risks to this farm and others in the Lakeland region and particularly having regard to the road being an uncontrolled access, Mackay Farms are seeking the permanent closure of Dawson Road in this location.

The area of the proposed road closure is approximately 26,000m². As the only affected landowner, Mackay Lands Pty Ltd does not consider the proposed road closure will result in any quantifiable public impact or degradation of local access and the network functionality.

To manage the road closure process, DOR has developed a Form "LA30 Statement in relation to an application under the *Land Act 1994* over state land - Part C". In following the administrative process as detailed on the Form, Council is unable to authorise the proposed permanent road closure, as it does not have a relevant local law which empowers it to do so. This is consistent with the local government industry. As such, Council must complete the Form, indicating that it requests DOR to consider the application under the *Land Act 1994* with respect of this matter. This is achieved by Section 1 of the Recommendation.

Internal consultation with relevant Council officers has been undertaken, which highlighted that there were concerns from a planning perspective with the proposal as submitted. Details of those concerns are as follows:

- Although Mackay Lands own the three properties gaining access off Dawson Road, this may not continue to be the case in the future, which may impact on access to two of the parcels

of land (Lot 3 and Lot 5) by future owners of the property. Lot 215 could still be accessed off the Mulligan Highway.

In response to the planning concerns, it is noted that by executing the Form C, Council is not consenting to the proposed permanent road closure itself. The execution of Form C only allows the Form to be lodged with DOR. There is a statutory process to reopen a road following closure, with costs to be borne either by the vendor or the purchaser as negotiated as part of the sale process.

In addition, the executed Form Part C will ask DOR to seek Council's further views on the application. This is achieved by section 2 of the recommendation contained in this report, which will mean that when Council's CEO executes the Form, Council will choose an option that it requires further consultation from DOR, before a decision is made on the application. Consequently, a further Council report on this matter will be required at a later date.

LINK TO CORPORATE PLAN

Environment – Respect for the unique natural environment of the Cape, its history and the provision of sustainable, safe access for the enjoyment of the Cape's communities and visitors.

Env 3: Appropriate consideration is given to planning and development controls, design guidelines, traditional ownership and sustainable development principles when making planning decisions.

Env 3a: Planning outcomes demonstrate the quality of development assessment processes by achieving results consistent with Council's strategic direction.

CONSULTATION

Internal consultation has been undertaken as detailed above and the public will be able to comment on the proposal when the proposed road closure is publically advertised.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Council officers have worked diligently to ensure that the statutory processes in relation to a road closure have been and will continue to be strictly followed.

POLICY IMPLICATIONS

N/A

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

All costs associated with the lodgement of this application with DOR are borne by the applicant.

RECOMMENDATION

That Council:

1. Delegates authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009*, to execute a Form Part C as a Road Manager, advising the Department of Resources (DOR) that Council cannot authorise a proposed permanent road closure over part of Dawson Road, Lakeland adjoining Lot 215 RP747485, Lot 3 RP741357 and Lot 5 RP741356 (identified by the locality plan attached to this report). Further, that Council requests DOR to consider an application under the *Land Act 1994* in relation to this matter.
2. Advises DOR by way of the Form Part C, that Council requires further contact from the Department before a decision is made on the application.
3. Delegates authority to the Chief Executive in accordance with section 257 of the *Local Government Act 2009*, to finalise any and all matters associated with the application.





Our Ref: PR21001.11

E-mail: ben@mallee.com.au

Mobile: 0430 011 617

Date: 28 April 2022

Attention: Robert Donovan
Cook Town Shire Council
PO Box 3
COOKTOWN QLD 4895

Via: Email (mail@cooktown.qld.gov.au; lmiller@cook.qld.gov.au)

Dear Lisa

**RE: REQUEST FOR SUPPORT OF ROAD CLOSURE APPLICATION OVER PART OF
DAWSON ROAD ADJACENT TO LOT 215 RP7477485, LOT 3 RP741357 & LOT 5
RP741356, SITUATED AT 75-333 DAWSON ROAD, LAKELAND**

Mallee Group on behalf of Mackay Lands Pty Ltd is seeking Cook Shire Council's support for the permanent closure of a portion of Dawson Road adjacent to Lot 215 RP7477485, Lot 3 RP741357 & Lot 5 RP741356. The proposed closure is identified on the attached plan - *Proposed Extent of Road Closure Drawing PR21001.11*.

BACKGROUND

The Gold Tyne property through which the closure is proposed is a working banana farm and so subject to strict quarantine protocols. As the Dawson Road extension delivers access only to the Gold Tyne property it sees limited to no public use. With the substantial and ongoing biosecurity risks to this farm and others in the Lakeland region, and particularly having regard to this being an uncontrolled access through the operational centre of the farm (and immediately adjacent to the packing shed), Mack Farms Pty Ltd (landowner) is seeking the permanent closure of the road in this location.

Being the only affected landowner we do not consider the proposed closure will result in any quantifiable public impact or degradation of local access and network functionality.

APPLICATION MATERIAL

As the local administering authority we request Cook Shire Council's support for the proposed closure and attach the following for your information:

- Application Form LA00 Part A – Contact and Land Details;
- Application Form LA18 Part B – Application for Road Closure;
- Form LA30 Part C; and
- Proposal Plan PR21001.11 – *Proposed Extent of Road Closure*;



As part of the application to the Department of Natural Resources we are required to incorporate Application Form LA30 Part C, to be completed by Cook Shire Council (attached). We respectfully request Council's support for the proposed closure and assistance in completing the relevant form.

I trust this information is sufficient for your purposes, however should you require any further details or clarification please do not hesitate to contact the writer by telephone on 0430 011 617.

Yours faithfully

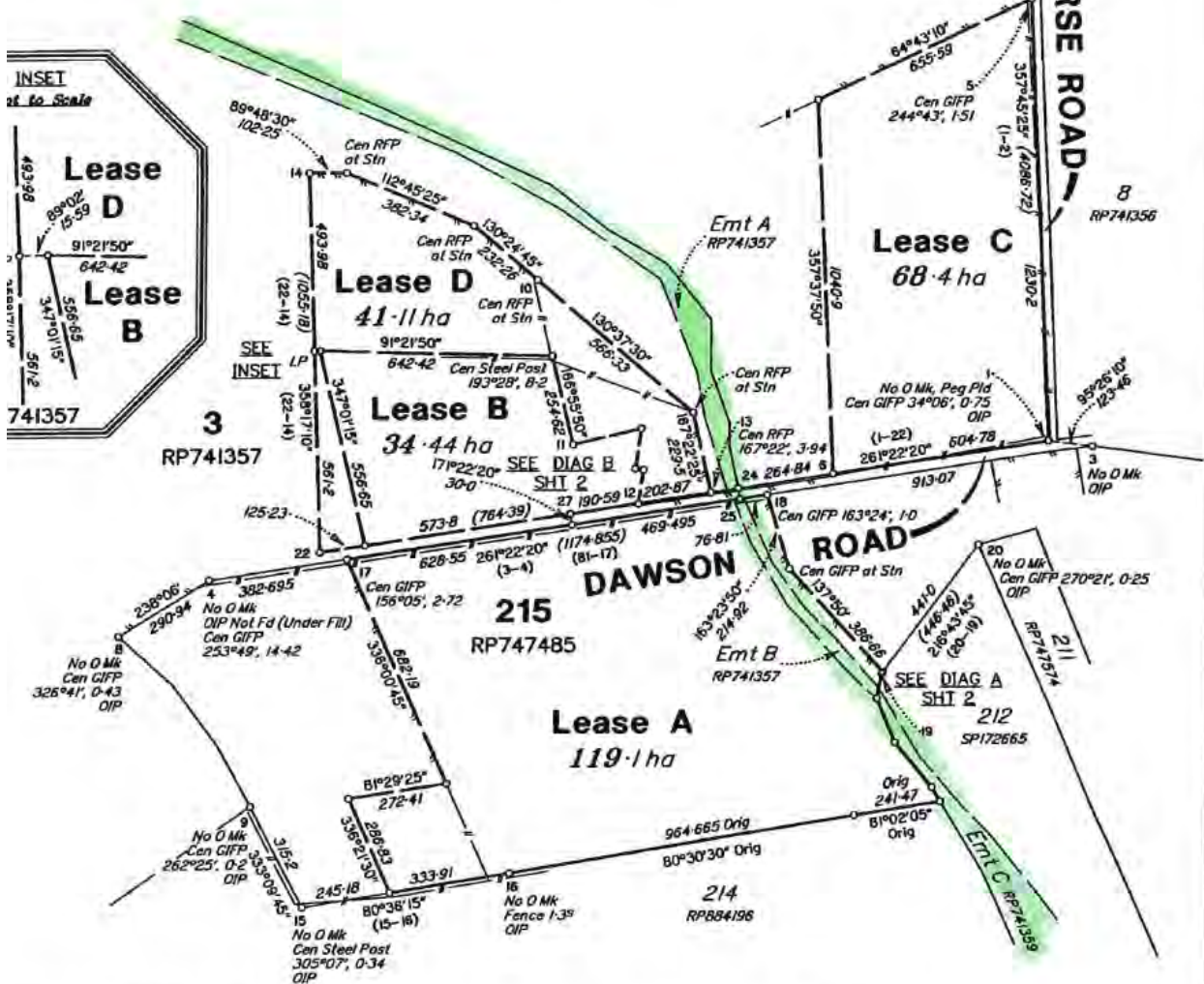
Ben Walsh
Director | Principal Planner

Original information compiled from
RP741357 & RP747485 in the Department
of Natural Resources and Mines.

Peg placed at all new corners of
Leases A, B, C & D, unless
otherwise stated.

See sheet 2 for reference mark table

PERMANENT MARKS					
PM	ORIGIN	BEARING	DIST	NO	TYPE
3-CPM Gone (Destroyed)		118°00'40"	378.18	127693	Spt in Conc Collar
3-PSM		116°42'10"	489.15	179286	Mini Bolt
3-CPM Gone (Destroyed)		81°36'40"	1136.5	127694	Spt in Conc Collar
13-PSM		145°39'	13.28	179287	Mini Bolt



ER MOTI PTY LTD (ABN 58 068 411 041) hereby certify that
not comprised in this plan was surveyed by the corporation,
in-Francois VALERO, Coastal Surveyor, for whose work
reputation accepts responsibility and that the plan is
true, that the said survey was performed in accordance with
every and Mapping Infrastructure Act 2003 and Surveyors
Act 2003 and associated Regulations and Standards and that the
survey was completed on 10th November 2012.



0m	625m	1250m	1875m
0	50mm	100mm	150mm
Scale: 1:12500			
Format: STANDARD			
SP257784			
Plan Status:			

Plan of Lease A in Lot 215 on RP747485,
Leases B & D in Lot 3 on RP741357 and
Lease C in Lot 5 on RP741356

PARISH: BULLHEAD COUNTY: Banks

16 ORGANISATIONAL BUSINESS SERVICES - REPORTS

16.1 ELECTED MEMBER ACCEPTABLE REQUEST GUIDELINES

File Number: D22/9475

Author: Governance Coordinator

Authoriser: Heather Kelly, Director Organisational Business Services

Attachments: 1 Elected Member Acceptable Request Guidelines

PRECIS

The Elected Member Acceptable Request Guidelines have been reviewed by staff and are now presented to Council for adoption. Formerly called the Councillor Staff Interaction Policy, this revision provides an updated process map of the procedures currently in place when Councillors request assistance or information in order to carry out their responsibilities.

BACKGROUND/HISTORY

In accordance with section 170A of the *Local Government Act 2009*, Council adopted the acceptable request guidelines as an inclusion within the Councillor Staff Interaction Policy in 2019. The renaming of the document aims to simplify the process of identification for all parties. The guidelines are designed to ensure all Councillor requests are dealt with consistently and at the same time providing the most efficient and effective responses in a timely manner. The attached process map reflects the current operational processes and details how the administration will progress a Councillor request for information.

Contained within the legislation are exceptions to information a Councillor may request and these exceptions are information:

- a) *that is a record of the conduct tribunal; or*
- b) *if disclosure of the information to the Councillor would be contrary to an order of a court tribunal; or*
- c) *that would be privileged from production in a legal proceeding on the ground of legal professional privilege.*

It is acknowledged that Councillors will invariably receive requests for advice and information from community members during the normal course of their duties. Councillors should in the first instance refer the community member to Council's Customer Experience Team and not use these procedures as an alternative to handle customer enquiries.

As with all information received, a Councillor must not release information that a Councillor knows, or should reasonably know, is information that is confidential to Council.

LINK TO CORPORATE PLAN

Key Strategy Priority: **Governance** – Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 4: Work management systems and procedures are reviewed and adjusted to support improved organisational service provision, compliance and efficiency.

Objective 4a: Council's workforce and culture reflect and promote Council values.

Objective 4f: Council activities comply with applicable legislation through well maintained policies, procedure and information systems that guide and facilitate good decision making.

CONSULTATION

Consultation was undertaken with relevant Council officers.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

The Elected Member Acceptable Request Guidelines have developed in accordance with Section 170A of the *Local Government Act 2009*, which details the statutory requirements to handle requests for assistance or information from Councillors. The guideline informs:

- a) the way in which a Councillor may ask a local government employee for advice to help the Councillor carry out his or her responsibilities under this Act; and
- b) the reasonable limits on requests that a Councillor may make.

POLICY IMPLICATIONS

The policy has been updated to reflect current procedures and the name has been changed to simplify the identification of the document for practical and compliance purposes.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

There are no financial implications associated with responding to reasonable requests for information from Councillors.

RECOMMENDATION

That Council adopts the Elected Member Acceptable Request Guidelines dated May 2022.



ELECTED MEMBER ACCEPTABLE REQUEST GUIDELINES

INTENT

To provide guidelines for the interaction between Councillors and staff and in particular requests from Councillors relating to the provision of information, advice and assistance to assist Councillors in carrying out their responsibilities under the *Local Government Act 2009*.

SCOPE

This policy applies to all Councillors and staff of Cook Shire Council.

DEFINITIONS

TERM	DEFINITION
Acceptable Request Guidelines	The guidelines, adopted by resolution of the local government, about: <ul style="list-style-type: none"> a) the way in which a Councillor may ask a Council staff member for information or advice to help the Councillor carry out his or her responsibilities under the <i>Local Government Act 2009</i>; and b) reasonable limits on requests that a Councillor may make.
Advice	The act of offering a professional opinion to assist a Councillor to carry out his or her responsibilities under the <i>Act</i> and may include the provision of documents or access to documents in Council's possession.
Councillors	Mayor and Councillors.
Information	Documents or records held by Council in printed or electronic form, that the Council has access to, which relate to the business of Council.
Document Number:	D22/4 544
Authorised By:	Council Resolution 2022/
Original Issue Date:	December 2012
Last Modified:	24 May 22
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Current Version:	5.0
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Page 1 of 4	

TERM	DEFINITION
Reasonable Requests	Requests which in the opinion of the Chief Executive Officer will not require excessive or un-warranted use of Council resources, including staff time.
Staff	Any person who has been an employee of Council (permanent, part-time and/or casual), volunteers, work experience, contractors or consultants either current or past.

POLICY STATEMENT

In accordance with section 170A of the *Local Government Act 2009*, a Councillor may request the Chief Executive Officer to provide information that the local government has access to, relating to the local government. The legislation does contain exceptions to information a Councillor can request access to and these exceptions applies to information:

- a) that is a record of the conduct tribunal; or
- b) if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal; or
- c) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.

To enable effective and efficient responses to Councillor requests for information, an acceptable requests guidelines framework has been included as an attachment to this policy.

These guidelines have been established to provide equity in the distribution of information, as well as accountability and transparency in the responses. Contained within these guidelines is the provision to discuss a refinement/amendment to a request for information, should the initial request place an unreasonable demand on staff resources or time.

All requests for information are to be made in accordance with attached guidelines. With the exception of the Mayor, acting in accordance with the *Local Government Act 2009*, Councillors are not to approach individual officers for information except in the case of an emergency.

In the normal course of their duties, Councillors will receive requests for advice or information from community members. This policy should not be used as an alternate procedure for dealing with customer enquiries and in the first instance, Councillors should encourage community members to contact Council's Customer Experience Team.

When in receipt of information sought, a Councillor must not release information that the Councillor knows, or should reasonably know, that is information confidential to Council. If in doubt, Councillors should refer to Council's Confidential Information Policy.

The Mayor may give direction to the Chief Executive Officer in accordance with Section 170 of the *Local Government Act 2009*, however, no Councillor, including the mayor, may give a

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Authorised By:	Council Resolution 2022/		
Original Issue Date:	December 2012		
Last Modified:	24 May 22		
Review Date:	May 2025		
Current Version:	5.0		

direction to any other local government employee, except in accordance with guidelines made under Section 170AA of the *Local Government Act 2009*.

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Mayor and Councillors	To ensure they are familiar with legislative and policy obligations when requesting advice and/or information from Council staff to assist Councillors in fulfilling their responsibilities under the <i>Local Government Act 2009</i> .
Chief Executive Officer	Must make all reasonable endeavours to comply with Councillors requests for advice and/or information pursuant to section 170A of the <i>Local Government Act 2009</i> .
Council Staff	To ensure they are familiar with legislative and policy obligations when responding to all reasonable requests for information and/or advice from Councillors.

REFERENCES, LEGISLATION AND GUIDELINES

Local Government Act 2009

Local Government Regulation 2012

Public Sector Ethics Act 1994

RELATED DOCUMENTS

Code of Conduct for Councillors in Queensland

Cook Shire Council Code of Conduct (Staff)

Cook Shire Council Confidential Information Policy

IMPLEMENTATION/COMMUNICATION

- Sent to all Councillors and staff upon adoption by Council.
- As part of the Councillor Induction Program
- Published on the Council website.

APPROVED BY

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Authorised By:	Council Resolution 2022/		
Original Issue Date:	December 2012		
Last Modified:	24 May 22		
Review Date:	May 2025		
Current Version:	5.0		

Council Resolution 2022/.

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Governance Coordinator
ADOPTION DATE:	24 May 2022
REVIEW DATE:	May 2025

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

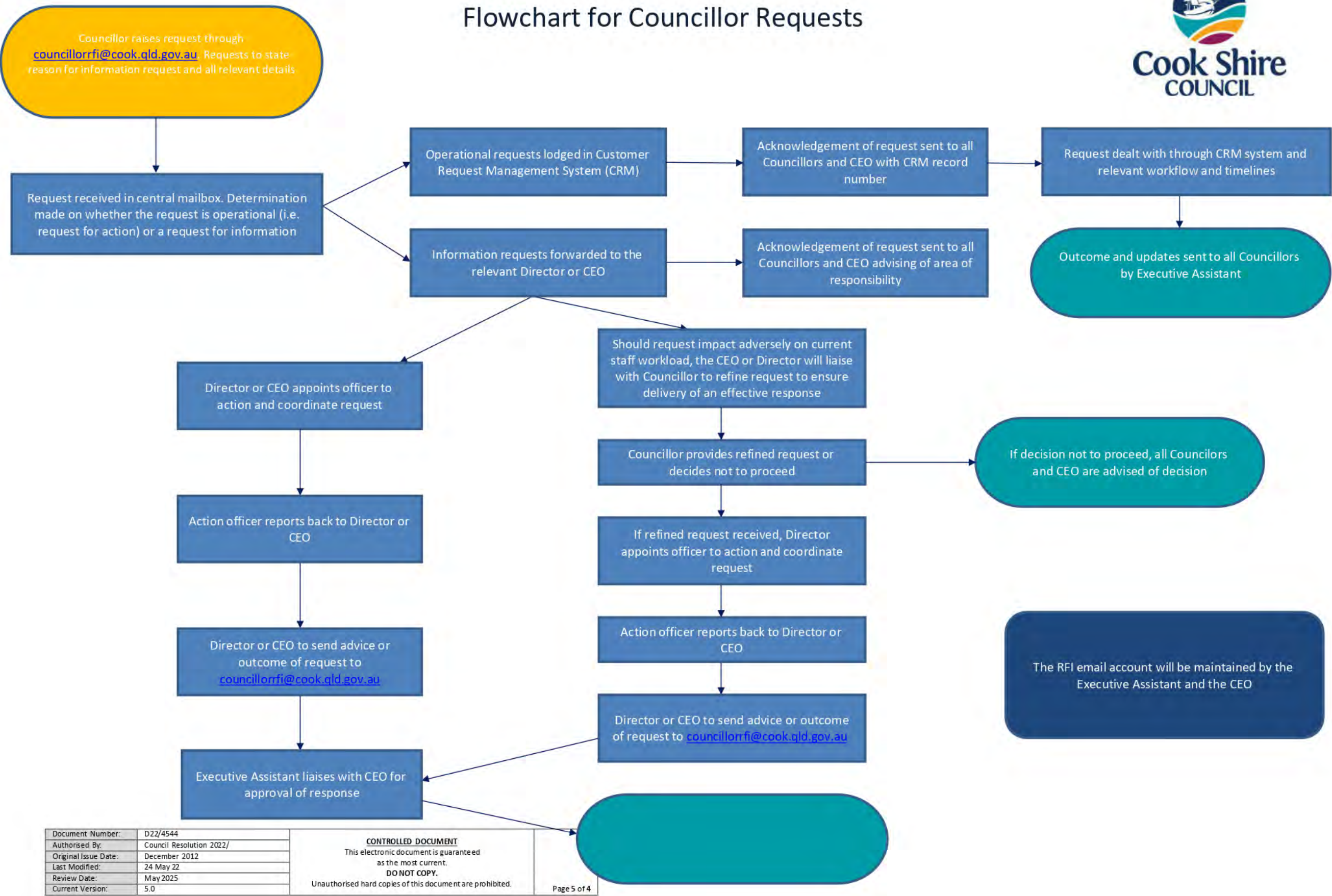
AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
1.0	New Policy – “Acceptable Request Guidelines”	December 2012	Council Resolution 30435
2.0	Amendment	21 June 2016	Council Resolution 2016/24
3.0	Amendment – “Councillor/Staff Interaction Protocol”	12 December 2017	Council Resolution 2017/232
4.0	Amendment – “Councillor/Staff Interaction Policy”	23 October 2019	Council Resolution 2019/198
5.0	Amendment – “Elected Member Acceptable Request Guidelines”	24 May 2022	

Document Number:	D22/4544	<p align="center">CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 4 of 4
Authorised By:	Council Resolution 2022/		
Original Issue Date:	December 2012		
Last Modified:	24 May 22		
Review Date:	May 2025		
Current Version:	5.0		



Flowchart for Councillor Requests



16.2 COMPETITIVE NEUTRALITY COMPLAINTS MANAGEMENT POLICY**File Number:** D22/9532**Author:** Governance Coordinator**Authoriser:** Heather Kelly, Director Organisational Business Services**Attachments:** 1 Competitive Neutrality Complaints Management Policy**PRECIS**

The Competitive Neutrality Complaints Management Policy has been reviewed by Council officers. Section 48 of the *Local Government Act 2009* (the Act) requires a local government to adopt a process for resolving competitive neutrality complaints. A competitive neutrality complaint is a complaint that relates to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle. The complaint must be made by an affected person. An affected person is someone who competes with local government in relation to a business activity and is adversely affected by a competitive advantage enjoyed by the local government.

This report recommends adopting the attached revision of the competitive neutrality complaints management policy in order to comply with Section 48 of the Act.

BACKGROUND/HISTORY

Cook Shire Council recognises that an effective complaints management system is integral to delivering good customer service. The objective of the attached policy is to ensure that Council has a proactive approach to dealing with complaints and that Council is compliant with Section 48 of the Act by adhering to the competitive neutrality principle.

The competitive neutrality principle is used when Council applies the Code of Competitive Conduct (Section 47 of the Act) to its business activity. Council must remove any competitive advantage or disadvantage where ever possible and promote efficient use of resources to ensure markets are not unnecessarily distorted. A Council business activity should compete with a private business on an equal footing and should not benefit from any net advantage due to being a local government.

Competitive neutrality 'net advantage or disadvantage' includes the areas of:

- Financial: where local government has an exemption from paying tax or is charged a different rate of interest.
- Regulatory: where local government has an exemption from complying with a requirement that is a regulation.
- Procedural: where local government business does not have to supply the same information for a government approval process as a private sector business.

An affected person is a person who competes with the local government in relation to a business activity and claims to be adversely affected by a competitive advantage enjoyed by the local government, or a person who wishes to compete with the local government in a business activity and claims to be hindered from doing so by a competitive advantage enjoyed by a local government.

Section 47 – Code of Competitive Conduct:

The Code of Competitive Conduct is prescribed and lists the business activities the code applies to. For example, 'roads activity' is a business activity that involves constructing or maintaining State roads. Council is required to apply the Code of Competitive Conduct when submitting a competitive tender for this business activity.

Complaints:

The attached policy outlines the process for an affected person to make a complaint about an alleged breach of competitive neutrality. Council will deal with the complaint as per Division 7, Part 2, Chapter 3 of the *Local Government Regulation 2012*. Council will adhere to an early resolution process and try to resolve the complaint made in writing by the affected person. If the complaint cannot be resolved Council will assist the Queensland Competition Authority (QCA) to investigate and resolve the competitive neutrality complaint.

The Queensland Competition Authority:

The QCA's role in relation to local governments, is to receive, investigate and report on complaints about alleged failures of local governments to comply with the principle of competitive neutrality. The QCA can investigate a written complaint regarding competitive neutrality if it considers the complainant has made a genuine effort to resolve the complaint with the local government but the matter has not been resolved. The QCA will provide Council with an investigation report of its findings and recommendations.

Council must allow any person to inspect the investigation report if requested to do so. Further, Council must keep a register of complaints and the outcome of any investigation.

(Note - The role of referee in matters of competitive neutrality was performed by the Queensland Productivity Commission until June 2021. This version of Councils policy has been updated to reflect the changes.)

LINK TO CORPORATE PLAN

*Key Strategy Priority: **Governance*** – Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainable and clear strategic direction built around core local government business and affordable levels of service.

Strategy 3: Develop a clear communication plan to inform the workforce, community and elected members in order to achieve greater understanding of council decision making processes, policies, legislation and compliance requirements.

Objective 3c: The community is kept informed and is generally well satisfied with the overall leadership and strategic direction undertaken by Council.

CONSULTATION

No consultation was required.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Council will be in breach of Section 48 of the Act if it does not maintain a competitive neutrality complaint management policy.

POLICY IMPLICATIONS

The policy is a public document and is currently due for review.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Nil

RECOMMENDATION

That Council resolves to adopt the attached Competitive Neutrality Complaints Management Policy dated May 2022 for dealing with competitive neutrality complaints as required by Section 48 of the Local Government Act 2009.



COMPETITIVE NEUTRALITY COMPLAINT MANAGEMENT POLICY

INTENT

The Competitive Neutrality Complaint Management Policy has been developed to meet the requirements as set out in Section 48 of the *Local Government Act 2009* to adopt a process for resolving competitive neutrality complaints. Chapter 3, Part 2, Division 7, Subdivision 2 of the *Local Government Regulation 2012* defines the complaint process.

POLICY STATEMENT

Cook Shire Council recognises that an effective complaints management system is integral to delivering good customer service and therefore values all complaints. While Council encourages a proactive approach to complaints management, the objective of the competitive neutrality complaints process is to ensure that Council is adhering to the Competitive Neutrality Principles.

The Complaints Management System governed by this policy aims to:

- Be fair and objective. All complaints are considered on their merits and the principles of justice are observed;
- Support continuous improvement. Where applicable, the outcomes from a complaints management process are applied to improve business operations, policies and procedures;
- Be open and accountable. The decisions and outcomes regarding a complaint are made available to the affected person, subject to statutory provisions;
- Be accessible and simple to understand. The process facilitates feedback from the community in a form that encourages participation.

Cook Shire Council will endeavour to ensure a commitment to a complaints management system that ensures the transparent, effective and timely resolution of complaints, and that contributes to continuous improvement of Council's services.

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	January 2016		
Last Modified:	24 May 2022		
Review Date:	May 2026		
Current Version:	2.0		

SCOPE

This policy applies to Competitive Neutrality Complaints regarding business activities undertaken by Council that are in direct competition, or have the potential to be in competition, with the private sector.

The below complaints will be managed separately from this policy. These include:

- Corruption complaints that are required to be dealt with under the *Crime and Corruption Act 2001*;
- Administrative Action Complaints;
- Public Interest Disclosures (PIDs) made under the *Public Interest Disclosure Act 2010*;
- Internal complaints relating to staff conduct (i.e. Code of Conduct matters). These will be referred to the relevant Council policies;
- Social media comments;
- Customer requests.

DEFINITIONS

The **Code of Competitive Conduct** is the code described in section 47 of the *Local Government Act 2009* and Division 7, Part 2, Chapter 3 of the *Local Government Regulation 2012*.

A **competitive neutrality complaint** is a complaint that:

- relates to the failure of Council to conduct a business activity in accordance with the competitive neutrality principle; and
- is made by an affected person.

An **affected person** is:

- a. a person who
 - i. competes with the local government in relation to the business activity; and
 - ii. claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by the local government; **or**
- b. a person who
 - i. wants to compete with the local government in relation to the business activity; and
 - ii. claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by the local government.

The **Competitive Neutrality Principle** is used when Council applies the Code of Competitive Conduct to its business activities. Council must apply the Competitive Neutrality Principle to the business activity by:

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	January 2016		
Last Modified:	24 May 2022		
Review Date:	May 2026		
Current Version:	2.0		

- removing any competitive advantage or competitive disadvantage, wherever possible and appropriate; and
- promoting efficient use of resources to ensure markets are not unnecessarily distorted.

QCA means the Queensland Competition Authority established under the *Queensland Competition Authority Act 1997*.

Significant business activity is a business activity of Council that:

- is conducted in competition, or potential competition, with the private sector; and
- meets the threshold prescribed under a regulation.

PROCESS

1. HOW TO MAKE A COMPLAINT

A complaint may be made:

- In writing by letter to:
Chief Executive Officer
Cook Shire Council
PO Box 3
COOKTOWN QLD 4895
- By email to: mail@cook.qld.gov.au

All complaints will be lodged in Council's Complaints Management System at the time of receipt and for complaints received in writing or via email, an acknowledgement will be sent within five (5) working days of receiving the complaint.

Council will deal with competitive neutrality complaints following the process set out in Division 7, Part 2, Chapter 3 of the *Local Government Regulation 2012*.

Council will assist and encourage people to make competitive neutrality complaints by providing them with information about how to contact the Queensland Competition Authority (QCA)

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	January 2016		
Last Modified:	24 May 2022		
Review Date:	May 2026		
Current Version:	2.0		

and about the steps they must take to lodge a complaint with the QCA, including that they must provide the QCA with:

- a. details of the Council's business entity's alleged failure to comply with the competitive neutrality principle in conducting the business activity the subject of the competitive neutrality complaint; and
- b. information that shows:
 - i. that the person is, or could be, in competition with the Council's business entity; and
 - ii. how the person is, or may be, adversely affected by the Council's business entity's alleged failure; and
 - iii. that the person has made a genuine attempt to resolve the complaint directly with Council.

In addition to advising a person about how to make a competitive neutrality complaint to the QCA, the Council will itself refer to the QCA as soon as practicable any details of the competitive neutrality complaint that the person has provided to the Council.

2. **EARLY RESOLUTION PROCESS**

The preliminary procedure for affected persons to raise concerns about alleged failures of any business activity to comply with the relevant competitive neutrality principles in conducting the activity. Council will follow the following early resolution process:

- a. Acknowledgement of the receipt of the concerns in writing and advising the complainant that the concerns are being investigated;
- b. In undertaking the investigation, the review officer shall seek to establish the facts relating to the expressed concerns, including meeting with affected parties and data collection;
 - i. The review officer shall prepare a proposed response to the concerns and, within a reasonable period of time, obtain the complainant's views on the proposed response;
 - ii. The review officer shall submit a report to the Chief Executive Officer on the concerns, together with a proposed response and the views of the complainant on the proposed response;
 - iii. The Chief Executive Officer shall make a response to the affected person, or direct the review officer to make a response.

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	January 2016		
Last Modified:	24 May 2022		
Review Date:	May 2026		
Current Version:	2.0		

3. **QCA AND COUNCIL**

The Council will assist the QCA to investigate and resolve each competitive neutrality complaint.

If the QCA provides a report to the Council about an investigation into a competitive neutrality complaint, the Council will make a copy of that report available as soon as practicable for inspection at the Council's public office and customer services centres.

The Council will consider any report provided by the QCA within one (1) month of receiving the report. The Council will decide by resolution whether to implement the recommendations contained in that report, stating the reasons for its decision. The Council will within seven (7) working days of making the resolution give notice about it to:

- The person who made the competitive neutrality complaint; and
- The QCA.

4. **REGISTER OF COMPETITIVE NEUTRALITY COMPLAINTS**

The Council will maintain a register of business activities to which the competitive neutrality principle applies that state:

- the business activities to which the Council has applied the competitive neutrality principle, and the date from which the competitive neutrality principle applied to each business activity;
- the business activities to which the Code of Competitive Conduct applies, and the date from which the code applied to each business activity; and
- a list of:
 - i. current investigation notices for competitive neutrality complaints; and
 - ii. the business activities to which the complaints relate; and
 - iii. the Council's responses to the QCA's recommendations on the complaints.

5. **REVIEW**

It is the responsibility of the Governance Coordinator to monitor the adequacy of this process and recommend appropriate changes. This process will be formally reviewed every four (4) years or as required by Council.

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	January 2016		
Last Modified:	24 May 2022		
Review Date:	May 2026		
Current Version:	2.0		

REFERENCES, LEGISLATION AND GUIDELINES

The relevant legislation and documentation relevant to adoption and operation of the Competitive Neutrality Complaint Management Policy includes, but is not limited to:

- *Local Government Act 2009*
- *Local Government Regulations 2012*

IMPLEMENTATION/COMMUNICATION

Through team meetings and on-going training.

APPROVED BY

Council resolution 2022/

REVIEW

SPONSOR:	Director of Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Governance Coordinator
ADOPTION DATE:	May 2022 (Council Resolution)
REVIEW DATE:	May 2026

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

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
V1.0	New Policy	January 2016	Council Resolution 2019/6
V2.0	Revision	May 2022	Council Resolution 2022/

Document Number:	D22/7353	<p align="center">CONTROLLED DOCUMENT</p> <p>This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 6 of 6
Authorised By:	Director Organisational Business Services		
Original Issue Date:	January 2016		
Last Modified:	24 May 2022 (Resolution)		
Review Date:	May 2026		
Current Version:	2.0		

16.3 LOCAL LAW REVIEW**File Number:** D22/10289**Author:** Manager, Planning & Environment**Authoriser:** Heather Kelly, Director Organisational Business Services

Attachments:

- 1 Amending Local Law No. 1 (Miscellaneous Local Laws) 2022
- 2 Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2022
- 3 Local Law No. 1 [Tracked]
- 4 Local Law No. 3 [Tracked]
- 5 Subordinate Local Law No. 1 [Tracked]
- 6 Subordinate Local Law No. 4 [Tracked]

PRECIS

The purpose of this report is for Council to consider the adoption of amendments to its Local Laws and Subordinate Local Laws, broadly for the following purposes:

- to regulate camping on private land in certain circumstances;
- to make some enhancements to the process for applying for an approval to operate temporary entertainment events;
- to make some further, generally minor, amendments aimed at enhancing the enforcement of the Local Laws and clarifying aspects of them.

This report recommends that Council resolves to propose to adopt the amendments to the Local Laws and Subordinate Local Laws, ahead of carrying out a public consultation and State interest process before the Local Laws and Subordinate Local Laws are reviewed and adopted in final.

BACKGROUND/HISTORY

Council officers have undertaken a review of Council's current Local Laws regime and, following that review, has identified a need for some amendments to enhance Council's enforcement abilities, and clarify the operation of some prescribed activities.

Summary of the process

Under the *Local Government Act 2009* ("**LG Act**") and Council's Local Law Making Process, Council is required to propose to adopt amendments to the Local Laws and Subordinate Local Laws. Once Council has proposed to adopt amendments to its Local Laws and Subordinate Local Laws, Council must then:

- carry out an Anti-Competitive Review of the Local Laws and Subordinate Local Laws. The purpose of this review is to formally identify, in accordance with the relevant legislation and National Competition Policy, any amendments to the Local Laws or Subordinate Local Laws that may have an effect on competition in the local government area;

- engage in a public consultation process on the amended Local Laws and Subordinate Local Laws. Generally, a 4-week consultation process is recommended, with advertisements placed at least on Council's website;
- carry out State interest checks in relation to the amended Local Laws and Subordinate Local Laws, which involves writing to relevant State Government Departments to invite their comments.

After the public consultation and State interest check processes have been carried out, Council will be required to consider any comments arising from those processes, including the need for any further changes to the Local Laws and Subordinate Local Laws, before resolving to adopt the amendments in final.

The amendments are recorded in two instruments:

- *Amending Local Law No. 1 (Miscellaneous Local Laws) 2022*, which shows all amendments to the Local Laws;
- *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2022*, which shows all amendments to the Subordinate Local Laws.

A consolidated version of the Local Laws and Subordinate Local Laws incorporating all of the amendments is also prepared.

For ease of consideration, this report encloses marked up versions of the Local Laws and the Subordinate Local Laws (which will reflect the consolidated versions, once the mark ups are accepted), as well as the Amending Local Law and Amending Subordinate Local Law. However, for ease of reference the marked up *Subordinate Local Law No. 2 (Animal Management) 2016* is not enclosed, given the only amendment is a technical amendment to replace references to "authorised officers" with "authorised persons".

Purpose of the amendments

The purpose of the amendments, broadly speaking, are as follows:

1. To amend *Local Law No. 1 (Administration) 2016* ("LL1") to:
 - (a) specify the circumstances in which a power to remove and cost recovery order may apply;
 - (b) specifically define the term "urban area", which has associated effects throughout the Local Law;

- (c) define a new prescribed activity of “prescribed camping activity”. This is explained further below;

2. To amend *Subordinate Local Law No. 1 (Administration) 2016* to:

- (a) specify the conditions and legislative framework surrounding the alteration or improvement of local government controlled areas and roads;
- (b) specify the requirements of laundry facilities in respect to the operation of camping grounds and caravan parks;
- (c) amend in some detail the process for obtaining an approval for a temporary event, including by:
 - (i) further specifying the material that is required to be produced in an application to seek approval for a temporary event;
 - (ii) specifying that application timeframes for temporary events are dependent upon attendance levels;
 - (iii) amending the conditions for approval of a temporary event application;
- (d) amend regulated activities on local government controlled areas and roads;
- (e) amend the conditions ordinarily imposed on approval of a prescribed public place activity;
- (f) amend the conditions ordinarily imposed on approval of a parking in a loading zone;

- (g) amend the conditions of approval for carrying out works on a road or interfering with a road or its operation;
 - (h) insert conditions of approval for prescribed camping activities. This activity is explained further below;
3. To amend *Local Law No. 3 (Community and Environment Management) 2016* to amend Council's requirements to declare an animal or plant to be a local pest;
 4. To amend *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016* to define further prohibited and restricted activities;
 5. To generally correct some formatting and numbering issues throughout Council's suite of Local Laws.

Prescribed camping activity

LL1 proposes to introduce a new prescribed activity of "prescribed camping activity". The term "prescribed camping activity" is proposed to be defined as follows:

prescribed camping activity means sleeping, cooking or performing ablutions, or attempting to do any of those things, in, under, on or next to a stationary vehicle, tent, temporary structure, hut, swag, sleeping bag or other thing capable of being used for occupying on private property (each of which being "**a Campsite**"), including but not limited to:

- (a) vacant land;
- (b) private lawns;
- (c) commercial premises;
- (d) parklands; and
- (e) other premises considered as private property;

but does not include:

- (a) where the activity is being carried out on an allotment by a person who is ordinarily a resident of that allotment at a permanent dwelling established on that allotment;
- (b) where the activity is being carried out on an allotment in circumstances where there is a permanent dwelling established on the allotment, and

where the person carrying out the activity is a guest of the allotment, but provided that there is no more than one Campsite on the allotment;

- (c) where the activity is being carried out outside an urban area;
- (d) where the activity constitutes a material change of use of premises under the Planning Act.

The purpose of the new prescribed activity is to assist Council with regulating the use of allotments, particularly vacant allotments within the Cooktown urban area, for temporary camping uses.

In practice, the regulation of the activity will be as a prescribed activity. This means any person who is carrying out the activity without an approval from Council can be issued with:

- a Penalty Infringement Notice (ie, a fine);
- a Compliance Notice directing them to either obtain an approval or remove the Campsite. Council has powers of entry and remedy under the LG Act in the event a Compliance Notice is not complied with.

However, to avoid the rule in the LG Act that prevents Council from duplicating a development process with its Local Laws, this prescribed activity must exclude uses that would fall within the scope of the Planning Scheme (and are therefore regulated under the Planning Scheme and the *Planning Act 2016*).

The definition also seeks to avoid uses such as:

- single guests of a resident camping on that resident's property;
- residents of a home on a property camping on the property (for example, children camping in a backyard).

LINK TO CORPORATE PLAN

Governance – Accountable, responsible and appropriate governance and management, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 4: Work Management Systems and Procedures are reviewed and adjusted to support improved Organisational Service Provision, compliance and efficiency.

Objective 4f: Council activities comply with applicable legislation through well maintained policies, procedure and information systems that guide and facilitate good decision making.

CONSULTATION

Public consultation and State interest checks will be carried out as set out in the "Background/History" section of this report.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

The following instruments apply to Council's decision in respect of this matter, and the implications of them are discussed in the "Background/History" section of this report:

- *Local Government Act 2009*;
- *Local Government Regulation 2012*;
- National Competition Policy: Guidelines for conducting reviews on anti-competitive provisions in local laws;
- *Legislative Standards Act 1992*, including Guidelines issued by the Parliamentary Counsel under that Act;
- Council's Local Law Making Process.

Council is obtaining legal advice in relation to the implementation of the Local Law review.

POLICY IMPLICATIONS

This Local Law review will be carried out consistently with Council's Local Law Making Process.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

All expenses related to the review of Local Laws are covered under current budget allocations.

RECOMMENDATION

That Council resolves:

- (a) to propose to adopt the amendments to Council's Local Laws and Subordinate Local Laws as shown in Amending Local Law No. 1 (Miscellaneous Local Laws) 2022 and Amending Subordinate Local Law No. 1 (Miscellaneous Local Laws) 2022, in terms of the drafts circulated at Council's meeting ("the Amending Local Laws");
- (b) pursuant to section 257 of the Local Government Act 2009 ("the Act"), to delegate to the Chief Executive Officer power to take the following steps in respect of the amendments recorded in the Amending Local Laws:
 - (i) carry out necessary anti-competitive reviews consistently with the Act and the Local Government Regulation 2012;
 - (ii) decide the process for, and carry out, public consultation for the Amending Local Laws consistently with the Act;
 - (iii) decide the process for, and carry out, consultation with the State in relation to the Amending Local Laws consistently with the Act.

Cook Shire Council

Amending Local Law No. 1 (Miscellaneous Local Laws) 2022

Contents

Part 1	Preliminary	2
1	Short Title	2
2	Local Law amended	2
3	Commencement	2
Part 2	Amendment of Local Law No. 1 (Administration) 2016	2
4	Local law amended	2
5	Amendment of section 28 (Power to remove and cost recovery)	2
6	Amendment of schedule 1 (Dictionary)	3
7	Amendment of schedule 2 (Prescribed activities).....	3
Part 3	Amendment of Local Law No. 3 (Community and Environmental Management) 2016.....	4
8	Local law amended	4
9	Amendment of part 2 (Declared local pests)	4

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Part 1 Preliminary

1 Short Title

This local law may be cited as *Amending Local Law No. 1 (Miscellaneous Local Laws) 2022*.

2 Local Law amended

This 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*.

3 Commencement

This local law commences upon publication of the notice of *Amending Local Law No. 1 (Miscellaneous Local Laws) 2022* in the Gazette.

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

4 Local law amended

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

5 Amendment of section 28 (Power to remove and cost recovery)

Section 28 (1) (a) – after ‘road’

insert –

, or left on a local government controlled area of road,

6 Amendment of schedule 1 (Dictionary)

Schedule 1, in alphabetical order –

insert –

urban area includes any parcel of land located in the Cook Shire local government area that is not zoned as rural land.

7 Amendment of schedule 2 (Prescribed activities)

(1) Schedule 2, Part 1, in alphabetical order –

insert –

prescribed camping activity

(2) Schedule 2, Part 2, in alphabetical order –

insert –

prescribed camping activity means sleeping, cooking or performing ablutions, or attempting to do any of those things, in, under, on or next to a stationary vehicle, tent, temporary structure, hut, swag, sleeping bag or other thing capable of being used for occupying on private property (each of which being “a **Campsite**”), including but not limited to:

- (a) vacant land;
- (b) private lawns;
- (c) commercial premises;
- (d) parklands; and
- (e) other premises considered as private property;

but does not include:

- (a) where the activity is being carried out on an allotment by a person who is ordinarily a resident of that allotment at a permanent dwelling established on that allotment;
- (b) where the activity is being carried out on an allotment in circumstances where there is a permanent dwelling established on the allotment, and where the person carrying out the activity is a guest of the allotment, but provided that there is no more than one Campsite on the allotment;
- (c) where the activity is being carried out outside an urban area;

- (d) where the activity constitutes a material change of use of premises under the Planning Act.

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

8 Local law amended

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

9 Amendment of part 2 (Declared local pests)

- (1) Section 5 –
omit.
- (2) Section 6 to 23 –
renumber as section 5 to 22.
- (3) Section 5 – after ‘Division’
omit, insert –
1
- (4) Section 5 (2) –
omit.
- (5) Section 5 (3) –
renumber as 2.
- (6) Section 5 (2) (a) – the words from ‘in’ to ‘area’ –
omit, insert –

Amending Local Law No. 1 (Miscellaneous Local Laws) 2022

5

on the local government's website

- (7) Section 5 (4) –
omit.

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Cook Shire Council

Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2022

Contents

1	Short Title	3
2	Subordinate Local Law amended.....	3
3	Commencement	3
Part 2 Amendment of Subordinate Local Law No. 1 (Administration) 2016		3
4	Local law amended	3
5	Insertion of part 4 (Dictionary)	3
6	Amendment of schedule 2 (Categories of prescribed activities for the purposes of maximum penalties)	4
7	Amendment of schedule 7 (Alteration or improvement of local government controlled areas and roads).....	4
8	Amendment of schedule 8 (Commercial use of local government controlled areas and roads).....	5
9	Amendment of schedule 12 (Operation of camping grounds).....	5
10	Amendment of schedule 14 (Operation of caravan parks)	5
11	Amendment of schedule 18 (Operation of temporary entertainment events)	5
12	Amendment of schedule 21 (Undertaking regulated activities on local government controlled areas and roads – (a) driving or leading of animals to cross a road).....	10
13	Amendment of schedule 23 (Undertaking regulated activities on local government controlled areas and roads – (c) holding of a public place activity prescribed by subordinate local law)	11
14	Amendment of schedule 29 (Parking in a loading zone by displaying a commercial vehicle identification label).....	12
15	Amendment of schedule 30 (Carrying out works on a road or interfering with a road or its operation)	12
16	Insertion of schedule 31 (Camping on private property)	13
Part 4 Amendment of Subordinate Local Law No. 2 (Animal Management) 2016		17
17	Local law amended	17
18	Amendment of schedule 4 (Minimum standards for keeping animals generally)	17
19	Amendment of schedule 8 (Requirements for proper enclosures for animals).....	17

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Part 5	Amendment of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016.....	17
20	Local law amended	17
21	Amendment of schedule 1 (Prohibited activities for local government controlled areas or roads)	17
22	Amendment of schedule 2 (Restricted activities for local government controlled areas or roads)	20

Part 1 Preliminary

1 Short Title

This local law may be cited as *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2022*.

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. 4 (Local Government Controlled Areas, Facilities and Roads) 2016*.

3 Commencement

This local law commences upon publication of the notice of *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2022* in the Gazette.

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

4 Local law amended

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

5 Insertion of part 4 (Dictionary)

After part 3 (Repeal Provision)

insert –

Part 4 Dictionary

13 Dictionary

***FNQROC Development Manual** means the regional development manual prepared by the Far North Queensland Regional Organisation of Councils as amended from time to time.*

6 Amendment of schedule 2 (Categories of prescribed activities for the purposes of maximum penalties)

Part 1 (5) – after “roads”

insert –

6 prescribed camping activity

7 Amendment of schedule 7 (Alteration or improvement of local government controlled areas and roads)

(1) Section 3 (d) – after “approval.”

insert –

(e) details of any impact upon traffic or pedestrian movement, and how many impacts will be managed or addressed; and

(f) details regarding compliance with relevant standards such as Australian standards, industry codes of practice and the FNQROC Development Manual.

(2) Section 6 (h) – after “carried out.”

insert –

(i) ensure unobstructed movement of vehicles and pedestrians;

(j) ensure the safety of pedestrians and vehicles including, but not limited to, the safe diversion of traffic, erection of warning lights and barricades;

(k) operate within the hours specified on the approval; and

(l) comply with the requirements of relevant legislation, Australian standards and/or the FNQROC Development Manual.

8 Amendment of schedule 8 (Commercial use of local government controlled areas and roads)

Section 6 (b) – “authorised officer”

omit, insert –

authorised person

9 Amendment of schedule 12 (Operation of camping grounds)

Section 6 (g) – after “occupier”

insert –

;and

- (h) provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 clothes washing machine and 1 clothes dryer, or suitable length of clothes line, for every 20 sites of part thereof.

10 Amendment of schedule 14 (Operation of caravan parks)

Section 6 (i) – after “occupier”

insert –

;and

- (j) provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 clothes washing machine and 1 clothes dryer, or suitable length of clothes line, for every 20 sites of part thereof.

11 Amendment of schedule 18 (Operation of temporary entertainment events)

- (1) Section 1 – after “temporary events”

insert –

Example –

Music festival

- (2) Section 2 –

omit, insert –

This section has been intentionally left blank.

(3) Section 3 –
omit, insert –

The additional documents and materials that must accompany an application for approval are –

- (a) the details of the proposed event including the type and location of the event;
- (b) the dates and times the temporary entertainment event will be open to the public;
- (c) the number of persons invited to or likely to attend the event;
- (d) details of the temporary entertainment event venue;
- (e) if the applicant is not the owner of the venue the written consent of the owner;
- (f) details about how the applicant proposes to manage the event, which must include (where relevant):
 - (i) an event management plan (including site plan);
 - (ii) a community consultation plan;
 - (iii) an alcohol management plan;
 - (iv) an emergency management plan;
 - (v) a noise management plan;
 - (vi) a traffic management plan;
 - (vii) a waste management plan;
 - (viii) a risk management strategy (including risk assessments);
 - (ix) a public safety plan;
 - (x) parking management plan;
 - (xi) a crowd management plan (including details relating to security personnel);
- (g) details of the quality and condition of equipment to be used in the activity;

- (h) details of how the event will be accessed and in particular any impact upon roads or use of roads;
 - (i) if the business or activity is to operate from a vehicle – a full description of that vehicle and its registration number.
- (4) Section 4 (e) – after ‘venue’
insert –
;and
 - (f) where multiple events are intended to be held at the venue annually, the cumulative effect of events does not negatively impact the surrounding neighbourhood or social amenity;
 - (g) the applicant has no history of non-compliance with approval conditions for the Operation of Temporary Entertainment Events;
 - (h) the application has been received:
 - (i) at least 2 months prior to the event if it is to be attended by less than 500 people;
 - (ii) at least 4 months prior to the event if it is to be attended by between 500 and 5000 people;
 - (iii) at least 6 months prior to the event if it is to be attended by between 5001 and 10000 people;
 - (iv) at least 12 months prior to the event if it is to be attended by more than 10000 people.
- (5) Section 6 (a) – after ‘activity’
omit, insert –
 - (b) the permissible noise level measured at the nearest occupied building must not exceed the following limits –
 - (i) between 7 am and midnight, 100 dB;
 - (ii) between midnight and 2 am, 80 dB;
 - (iii) all other times, no more than 10 dB above ordinary background noise.

- (c) if the sound level at the event exceeds the levels outlined above, or, if in the opinion of an authorised person the noise emitted is unreasonable, the approval holder must direct the persons controlling the volume of the sound to reduce the volume so as not to exceed these levels. The approval holder is responsible for ensuring that the person in control of sound production complies with directions on noise reduction;
- (d) amplification equipment used for the prescribed activity shall be set up so as to minimize the noise impact on residential premises;
- (e) a letter drop, outlining the dates and times of the prescribed activity, must be conducted to residents located within a radius of the venue to be determined during the approval process;
- (f) during the event, an authorised person must be able to contact the approval holder or a person acting on behalf of the approval holder by phone;
- (g) the approval holder must provide a first aid station, equipped with a defibrillator, and qualified first aid officer/s;
- (h) food shall be sold only from the temporary food stalls or mobile food vans approved by the local government;
- (i) food shall be sold only from the temporary food stalls or mobile food vans approved by the local government;
- (j) all food must be processed, prepared and packed in accordance with the provisions of the Food Act 2006;
- (k) structures including large tents, stage, lighting, sound towers and grand stands, are erected by suitably qualified persons and are approved by building certifiers where applicable;
- (l) all temporary electrical work is carried out in accordance with relevant Australian Standards or Industry Codes of Practice and a copy of any required certification is to be forwarded to the local governments;

- (m) the approval holder has in place appropriate security arrangements for the duration of the event in and around the venue;
- (n) an adequate number of toilets are to be provided to meet the needs of all attendants;
- (o) all toilets are to be kept in a sanitary state at all times during the prescribed activity;
- (p) if campfires are permitted during the prescribed activity, they must be in a designated area and all precautions must be in place to ensure the safety of patrons and festival staff. The fires must be monitored at all times and extinguished when not supervised;
- (q) for the duration of the term of the approval, the approval holder must maintain in full force and effect a public liability insurance policy –
 - (i) listing the local government as an interested party;
 - (ii) covering their respective rights, interests and liability to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
- (r) the local government is reimbursed for any cost or expense it incurs in rectifying any damage caused or contributed to by the approval holder or by the conduct of the approved use or activity;
- (s) prior to the commencement of the prescribed activity, the approval holder must provide the local government with a certificate of currency for the standard public liability insurance policy;
- (t) the approval holder must indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages

- and expenses which may be brought against or made upon the local government as a result of the prescribed activity;
- (u) if the activity involves playing live or taped performances – the approval holder must obtain a causal licence from the Australasian Performing Rights Association;
 - (v) if the activity involves use of a footpath – the approval holder must maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval;
 - (w) the approval holder must comply with relevant workplace health and safety requirements;
 - (x) ensure adequate waste receptacles are placed around the venue to meet the reasonable needs of attendees;
 - (y) all refuse generated by the use of the entertainment venue shall be disposed of the day following each use of the venue;
 - (z) action be taken to reduce dust, odour and light emissions to an absolute minimum or to a level specified in an approval; and
 - (aa) if the approval relates to an activity on a road – require the approval holder to indemnify the State.

12 Amendment of schedule 21 (Undertaking regulated activities on local government controlled areas and roads – (a) driving or leading of animals to cross a road)

- (1) Section 2 –
omit, insert –
The following activities do not require approval under the authorising local law –
 - (a) leading of horses across a road by a member of a horse or pony club;
 - (b) where no more than 2 animals are being led by a single person; and

- (c) where the animals are being led pursuant to an approval under another local law or relevant statute.

- (2) Section 3 (c) – after ‘activity’

insert -

;and

- (d) how the applicant plans to carry out the activity and the regularity and duration of the event.

13 Amendment of schedule 23 (Undertaking regulated activities on local government controlled areas and roads – (c) holding of a public place activity prescribed by subordinate local law)

Section 6 (d) – after ‘activity’

insert –

;and

- (e) conspicuously display the approval and provide it on demand to an authorised person;
- (f) maintain a defined access point for emergency vehicles;
- (g) if the activity involves use of a footpath – maintain a clear and unobstructed pedestrian corridor of not less than 1.5 metres;
- (h) remove all rubbish created by the use or activity and ensure that the area used is kept in the same condition as before the use or activity commenced;
- (i) where the local government incurs costs or expenses in rectifying any damage caused or contributed to by the approval holder or by the conduct of the approved use or activity – the approval holder must pay the amount of these costs or expenses to the local government;
- (j) ensure that no glass or glass receptacles will be used at the location during the activity;

- (k) maintain any other necessary approval, lease, licence or permit under any other local law, act or Regulation that is required for the use or activities for the duration of the activity; and
- (l) maintain responsible for the security of the venue and ensure the security and safety of any property of the local government in or around the venue.

14 Amendment of schedule 29 (Parking in a loading zone by displaying a commercial vehicle identification label)

Section 6 (g) – after ‘misused’

insert –

;

- (h) a vehicle displaying a commercial vehicle identification label may park in a commercial loading zone for the purpose of loading or unloading for up to a maximum of 20 minutes unless otherwise stated; and
- (i) the holder of a commercial vehicle approval must return the identification label to the local government within 3 days after expiration or revocation of the approval.

15 Amendment of schedule 30 (Carrying out works on a road or interfering with a road or its operation)

- (1) Section 3 (a) (iii) – after ‘approval’

insert –

- (iv) details of any impact upon traffic or pedestrian movement and how any impacts will be managed or addressed; and
- (v) details regarding compliance with Australian standards or industry codes of practice.

- (2) Section 6 (b) (v) – after ‘maintained’

insert –

- (c) For approvals for installing or operating gates or grids on a road, additional conditions that will ordinarily be imposed are –

- (i) the permitted duration or hours of operation of the works;
 - (ii) a requirement for lodgement of security for performance in an amount determined by an authorised person;
 - (iii) a deadline for completion of the works or ceasing of the activity;
 - (iv) the standards are to be observed in the carrying out of the works or activity.
- (d) For all approvals the interference, works or activity must not –
- (i) cause a nuisance or danger to any person or property;
 - (ii) obstruct access from the footway to kerbside parking;
 - (iii) affect the amenity of the area or the environment;
 - (iv) affect existing services located in, on, over or adjacent to a road; and
 - (v) be undertaken outside the nominated duration or hours of operation of the works.

16 Insertion of schedule 31 (Camping on private property)

After schedule 30 (Carrying out works on a road or interfering with a road or its operation)

insert –

Schedule 31 Prescribed camping activity

Section 11

1. Prescribed activity

Prescribed camping activity

2. Activities that do not require approval under the authorising local law

- (a) An approval under the authorising local law is not required for camping on private property for less than 2 weeks in any 52-week period if the persons camping on the site are the owners of the allotment;

- (b) However, subsection (1) only applies if no waste materials, including grey water, are deposited on site during the camp, or left on site after departure.

3. Documents and materials that must accompany applications for approval

An application for approval must be accompanied by –

- (a) the written consent of the owner of the property where the person intends to camp;
- (b) the details of the period of stay;
- (c) the number of persons camping on the site;
- (d) the details of the proposed fit out of the camp and a site plan illustrating:
 - (i) the location of the camp;
 - (ii) the location of other buildings on the site;
 - (iii) the location of any significant natural features located on the site (ie. watercourses, boulders, cliff edges); and
 - (iv) the location of neighbouring buildings.
- (e) if relevant, the intended method of water supply and waste disposal.

4. Additional criteria for the granting of approval

For all approval, the additional criteria are that:

- (a) where necessary, adequate screening of the camp is planned to ensure reduced impact of visual amenity;
- (b) separation distances are compliant with the Planning Act;
- (c) the applicant is able to demonstrate an ability and capacity to construct and compact the camp setup within the term of the approval; and
- (d) an adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene are maintained; and
- (e) an adequate source of water will be available to the camp.

5. Conditions that must be imposed on approvals

For all approvals, a conditions that must be imposed on approvals are:

- (a) the written consent of the owner of the property where the person intends to camp is obtained;
- (b) detail of the period of stay; and
- (c) the number of persons camping on the site.

6. Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on an approval:

- (a) the approval holder must construct the camp on the site within the timeframe specified in the approval;
- (b) the camp must be designed, sited, constructed and maintained to ensure that it does not adversely impact on public health and safety, and must be –
 - (i) compliant with any safety, durability or fabric requirement and codes under applicable laws; and
 - (ii) maintained in good order and repair; and
 - (iii) maintained in a clean, tidy, sanitary and hygienic condition; and
 - (iv) maintained in a state to ensure that lighting used to illuminate any areas is angled or shaded in such a manner that the light does not cause a nuisance; and
 - (v) provided with potable water suitable for consumption and with an adequate waste disposal; and
 - (vi) provided with sufficient waste containers to accommodate the collection and storage of all waste generated by and in conjunction with the use of the temporary home, and must ensure those waste containers are kept as not to attract pests,
- (c) the camp must not accommodate more than the number of persons specified in the approval;

-
- (d) the camp must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding amenities and neighbourhood.

7. Term of approval

The term of approval commences on the date the approval is granted and expires on the date specified in the approval as the Expiry Date.

8. Term of renewal of approval

The term may only be renewed in writing by an authorised person for the local government.

Part 4 Amendment of Subordinate Local Law No. 2 (Animal Management) 2016

17 Local law amended

This part amends *Subordinate Local Law No. 2 (Animal Management) 2016*.

18 Amendment of schedule 4 (Minimum standards for keeping animals generally)

- (1) Item 2 – ‘authorised officer’
omit, insert –
authorised person

19 Amendment of schedule 8 (Requirements for proper enclosures for animals)

- (2) Item 3, column 2 – ‘authorised officer’
omit, insert –
authorised person

Part 5 Amendment of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

20 Local law amended

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

21 Amendment of schedule 1 (Prohibited activities for local government controlled areas or roads)

- (3) Section 1 (Column 1) – after ‘all local government controlled areas’
omit, insert –
or roads
- (4) Section 1 (f) (Column 2) – after ‘purpose’

insert –

- (g) A person must not exercise rights of occupation unless the person has a lawful entitlement to do so, issued by the local government or another competent authority.
 - (h) A person must not deposit or dispose of domestic waste or commercial waste in waste receptacles, installed by the local government, in or on local government controlled areas or roads.
 - (i) A person must not interfere with, cause damage to or destroy and deface –
 - (i) any property owned by the local government including fixtures, fittings, appliances, signage or recreational equipment; or
 - (ii) any landscaping or vegetation.
 - (j) A person must not use any fixture, fitting or appliance for any purpose than that for which it is provided.
- (5) Section 4 (b) (Column 2) – after ‘swimming pool’
- insert –*
- (c) A person must not enter or remain in or around a public pool when in a state of intoxication or under the influence of alcohol or any drug whatsoever.
 - (d) A person must not foul or pollute a public pool.
 - (e) A person must not use aquatic equipment that causes a risk to the safety of themselves or others.
 - (f) A person must not disobey a lawful direction to leave the pool area.
- (6) Section 5 (g) (Column 2) – ‘authorised officer’
- omit, insert –*
- authorised person

- (7) Section 5(g)(i) (Column 2) – ‘authorised officer’
omit, insert –
authorised person
- (8) Section 5(g)(ii) (Column 2) – ‘authorised officer’
omit, insert –
authorised person
- (9) Section 5 (h) (Column 2) – after ‘activity’
insert –
- (i) A person must comply with the requirements of any official sign at or on any boat ramp, barge loading ramp or jetty.
 - (j) A person must not enter a boat ramp, barge loading ramp or jetty when it is closed.
 - (k) A person must not extinguish, diminish or increase any light illuminating from a boat ramp, barge loading ramp or jetty.
 - (l) A person must not fish from a boat ramp, barge loading ramp or jetty in a manner that impedes or obstructs a vessel, vehicular or pedestrian traffic.
 - (m) A person must not place anything other than a moored or fastened vessel alongside a boat ramp, barge loading ramp or jetty that may obstruct or interfere with the access to and proper berthing of ships.
 - (n) A person must not light a fire on or within 2 metres of a boat ramp, barge loading ramp or jetty.
 - (o) A person must not dispose of fish or marine life remains in a non-designated receptacle.
 - (p) A person must not moor or fasten a vessel to any part of a boat ramp, barge loading ramp or jetty except from a bollard or other fastening fixture provided for this purpose.
 - (q) A person must not sleep, camp or live on a boat ramp, barge loading ramp or jetty.
- (10) Section 5 – after ‘5’

insert –

6

- (11) Section 6 (Column 1) –

insert –

All local government owned or operated bridges and culverts

- (12) Section 6 (Column 2) –

insert –

(a) A person must not dive or jump from a bridge or culvert.

(b) A person must not throw or drop an object from a bridge or culvert.

(c) A person must not obstruct or interfere with the bridge or culvert.

22 Amendment of schedule 2 (Restricted activities for local government controlled areas or roads)

- (1) Section 1 (b) (iii) (Column 2) – ‘authorised officer’

omit, insert -

authorised person

- (2) Section 1 (c) (iii) (Column 2) – ‘authorised officer’

omit, insert –

authorised person

- (3) Section 1 (d) (iii) (Column 2) – ‘authorised officer’

omit, insert -

authorised person

- (4) Section 1 (d) (iv) (D) (Column 2) – ‘authorised officer’

omit, insert -

authorised person

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- (5) Section 1 (d) (Column 2) – after ‘road’
insert –
(e) A person must not construct, erect, setup or deposit any structure, including tents, tarpaulins, sheet iron or dongas, on a local government controlled area or road.
- (6) Section 1 (e) (Column 3) –
insert –
The activity is permitted if authorised by an authorised person.
- (7) Section 1 (e) (Column 2) – after ‘road’
insert –
(f) A person must not stand, leave or store a vessel, caravan or trailer that is not being towed by a vehicle.
- (8) Section 1 (f) (Column 3) –
insert –
The activity is permitted if—
(i) authorised under the conditions of an approval for a prescribed activity; or
(ii) approved by an authorised person.
- (9) Section 2 (d) (i) (Column 2) – ‘authorised officer’
omit, insert –
authorised person
- (10) Section 2 (e) (Column 2) – ‘authorised officer’
omit, insert –
authorised person
- (11) Section 2 (e) (Column 2) – after ‘jetty’

insert –

or pontoon for more than 15 minutes.

- (12) Section 2 – after ‘2’

insert –

3

- (13) Section 3 (Column 1) –

insert –

Cooktown Botanic Gardens with the pig exclusion fence

- (14) Section 3 (Column 2) –

insert –

A person must not bring a horse into the Botanic Gardens

- (15) Section 3 (Column 3) –

insert -

The activity is permitted if authorised by an authorised person



Cook Shire Council

Local Law No. 1 (Administration) 2016

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Contents

Part 1	Preliminary.....	4
1	Short title.....	4
2	Purposes and how they are to be achieved	4
3	Definitions—the dictionary	4
4	Relationship with other laws	4
Part 2	Approvals for prescribed activities	4
5	Meaning of <i>prescribed activity</i>	4
6	Offence to undertake local law prescribed activity without approval	5
7	Approvals for prescribed activities to be obtained under this part	6
8	Form of application	6
9	Local government's discretion in granting approvals	7
10	Conditions of approval	8
11	Compliance with conditions of approval	9
12	Third party certification	9
13	Term of approval	9
14	Renewal of approval	10
15	Transfer of approval	11
16	Amending conditions at request of approval holder	12
17	Grounds for amending, suspending or cancelling approval	12
18	Procedure for amending, suspending or cancelling approval	13
19	Procedure for immediate suspension of approval	13
Part 3	Authorised persons	14
20	Appointment	14
21	Threatening etc an authorised person	14
Part 4	Review of decisions	14
22	Application for review	14
23	Review decision	15
24	Stay of operation of original decision	15
Part 5	Enforcement	16
25	Production of records	16
26	Compliance notice for contravention of local law or approval condition	16
27	Compliance notice authorised by local law	17
28	Power to remove and cost recovery	18
29	Stop orders	18

Part 6	Legal proceedings	19
30	Defence of reasonable excuse	19
31	General defence for owners or occupiers of land	19
32	Joint and several liability	19
33	Rewards	19
Part 7	Miscellaneous.....	20
34	Maintenance of good order at meetings	20
35	Fees	20
36	Abandoned goods.....	20
37	Dealing with seized and impounded items	21
38	Repeal.....	22
Part 8	Subordinate local laws	22
39	Subordinate local laws	22
Schedule 1	Dictionary.....	24
Schedule 2	Prescribed activities	27

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2016*.

2 Purposes and how they are to be achieved

- (1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.
- (2) The purposes are to be achieved by providing for—
 - (a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and
 - (b) authorised persons for enforcing local laws; and
 - (c) review of certain decisions made under local laws; and
 - (d) enforcement of local laws; and
 - (e) matters relating to legal proceedings; and
 - (f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

- (a) an activity prescribed in part 1 of schedule 2 and defined in part 2 of schedule 2; or

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

- (b) an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in section 5(a) or (b).²
- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

- (a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or
 - (b) for a category 1 activity—50 penalty units; or
 - (c) for a category 2 activity—200 penalty units; or
 - (d) for a category 3 activity—500 penalty units.
- (3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

- A subordinate local law may declare that subsection (2) does not apply to installation of a specified type of advertising device (for example, a device prescribed as a ‘permitted advertising device’). These permitted advertising devices would not require an approval under this part but other types of advertising devices would continue to require an approval.
- A subordinate local law may declare that subsection (2) does not apply to the operation of a camping ground that meets certain criteria (for example, less than a certain size or in a particular location) or complies with certain conditions. A person operating such a camping ground would therefore not require an approval under this part.
- A subordinate local law may declare that subsection (2) does not apply to the establishment or operation of a temporary home in a particular part of the local government’s area.

- (4) In this section—

category 1 activity means a prescribed activity that is declared as a category 1 activity by a subordinate local law for this definition.

category 2 activity means a prescribed activity that is declared as a category 2 activity by a subordinate local law for this definition.

category 3 activity means a prescribed activity that is declared as a category 3 activity by a subordinate local law for this definition.

current approval means an approval that is in force and has not been suspended at the time the prescribed activity is being undertaken.

² For the offence for undertaking a prescribed activity mentioned in section 5(c) without a current approval, see the relevant Local Government Act that provides for the approval.

7 Approvals for prescribed activities to be obtained under this part

An approval required for a prescribed activity must be obtained under this part.

8 Form of application

- (1) An application for the local government's approval of a prescribed activity must be made in a form approved by the local government.

Examples of a form approved by the local government—

A written form or an online application process.

- (2) The application must be accompanied by—

- (a) documents and materials required under a subordinate local law for this paragraph; and
- (b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and
- (c) the prescribed fee.

Example for paragraph (a)—

The local government may require an application to include site plans, management plans, relevant consents, evidence of public liability insurance etc.

Example for paragraph (b)—

A prescribed activity may require approvals under another Act in relation to development, building, liquor, carriage of goods, business licensing etc.

- (3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (4) The notice under subsection (3) must state—
- (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—
- (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (6) However, the local government may extend the period for the applicant to provide the further information.
- (7) A person must not provide information in or in connection with an application that is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty for subsection (7)—20 penalty units.

9 Local government's discretion in granting approvals

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—
 - (a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
 - (b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (c) the grant of the approval would be consistent with the purpose of any relevant local law; and
 - (d) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
 - (e) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
 - (f) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the local law in relation to the approval; and
 - (g) if the application relates to a prescribed activity mentioned in section 5(c)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.

Example for paragraph (a)—

An application for commercial use of a local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

- (2) The local government may, by written notice to the applicant—
 - (a) grant the approval unconditionally; or
 - (b) grant the approval subject to conditions determined in accordance with section 10; or
 - (c) refuse to grant the approval.

Examples for paragraph (b)—

- If an application for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.
- The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.

- (3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.
- (4) The local government must give the applicant an information notice if the local government—

- (a) refuses to grant the approval; or
 - (b) grants the approval subject to a non-standard condition.
- (5) In this section—

non-standard condition means a condition that is not prescribed under section 10(3) as a condition that must be imposed on an approval or that will ordinarily be imposed on an approval.

10 Conditions of approval

- (1) An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must—
 - (a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (b) be consistent with the purpose of any relevant local law; and
 - (c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant local law in relation to the approval; and
 - (d) if the approval is for a prescribed activity mentioned in section 5(c)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval;
 - (e) not conflict with the conditions of any other relevant approval issued under an Act; and
 - (f) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.
- (4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—
 - (a) contravenes a noise standard; or
 - (b) causes an environmental nuisance.³

Example for paragraph (a)—

A condition of an approval for operation of a temporary entertainment event may authorise the operation of an amplifier device at specified times that would otherwise be a contravention of the noise standard in the *Environmental Protection Act 1994*, section 440Y.

- (5) In this section—
- environmental nuisance** see *Environmental Protection Act 1994*, section 15.
- noise standard** see *Environmental Protection Act 1994*, section 440K.

³ See *Environmental Protection Act 1994*, schedule 1, section 3(b).

11 Compliance with conditions of approval

- (1) A holder of an approval must ensure each condition of the approval is complied with.

Maximum penalty for subsection (1)—50 penalty units.

- (2) For a prescribed activity mentioned in section 5(b), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

12 Third party certification

- (1) In deciding an application under this part, the local government may accept the certificate of a third party certifier as evidence about any application requirement that is mentioned in a subordinate local law for this subsection.

Example—

A subordinate local law under section 9(1)(d) might specify that a criterion to be met by applicants for approval to operate a public swimming pool is a management plan that complies with the Royal Life Saving Society's *Guidelines for Safe Pool Operation*. A subordinate local law under the current section could state that compliance with this requirement is a matter about which a third party certifier may provide certification. In deciding an application, the local government may then accept a certificate of a third party certifier (approved under a subordinate local law pursuant to subsection (2) – e.g. the Royal Life Saving Society) as evidence that this requirement has been met.

- (2) In this section—

third party certifier means—

- (a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a subordinate local law for this paragraph as necessary to provide a certificate about particular application requirements.

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval for a prescribed activity.

13 Term of approval

Unless sooner cancelled or suspended, an approval remains in force for—

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
- (b) if there is no term provided for under a subordinate local law—one year from the date the approval is granted.

14 Renewal of approval

- (1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—
 - (a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or
 - (b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.
- (2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

Example—

The local government might give notice to the approval holder that, in order to prevent environmental harm to an endangered ecosystem, it does not intend to grant, renew or extend any approvals for the prescribed activity in a specified part of the local government area.

- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may, by written notice to the applicant—
 - (a) grant the application; or
 - (b) grant the application and amend the conditions of the approval; or
 - (c) refuse the application.
- (7) In deciding under subsection (6), the local government may have regard to—
 - (a) the matters mentioned in section 9(1); and
 - (b) whether the conditions of the approval are being complied with by the applicant.
- (8) The local government must give the applicant an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.
- (9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.
- (10) If an approval holder applies to renew or extend the approval, the approval remains in force until—
 - (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or

- (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
- (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

15 Transfer of approval

- (1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the *proposed transferee*).⁴
- (2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.
- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the approval holder and the proposed transferee—
 - (a) grant the application to transfer the approval; or
 - (b) refuse the application to transfer the approval.
- (8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.
- (9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.
- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.

⁴ See the Act, section 97, for the power of a local government to fix cost-recovery fees for approvals.

16 Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of the approval.
- (2) The application must be written and state—
 - (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

Each of the following is a ground for amending, suspending or cancelling an approval—

- (a) amendment, suspension or cancellation is necessary—
 - (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) to allow for works on roads or local government controlled areas; or
 - (v) to improve access to a road; or
 - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled;
- (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
- (d) the approval holder has failed to comply with a condition of the approval;
- (e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;
- (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the *proposed action*).
- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the *show cause notice*) stating—
 - (a) the proposed action; and
 - (b) the grounds for the proposed action; and
 - (c) an outline of the facts and circumstances that are the basis of the grounds; and
 - (d) if the proposed action is suspension of the approval, the proposed suspension period; and
 - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
 - (a) if the proposed action was to amend the approval—amend the approval; or
 - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.

- (2) The suspension—
- (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and
 - (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
 - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;
 - (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment⁵ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person⁶

A person must not threaten, insult or use abusive language to an authorised person.
Maximum penalty—20 penalty units.

Part 4 Review of decisions

22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an *original decision*) may apply to the chief executive officer⁷ for a review of the decision under this part.⁸
- (2) The application (a *review application*) must be made within 14 days of—
 - (a) if the person is given an information notice for the decision—the day the person is given the notice; or

⁵ See the Act, chapter 6, part 6, for the power to appoint authorised persons.

⁶ See also the Act, section 149, in relation to obstructing a person enforcing a local government Act and section 150 in relation to impersonating an authorised person.

⁷ See definition of *chief executive officer* in the Act, schedule 4.

⁸ Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government's complaints process, which is required by the Act, section 268.

- (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
 - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
 - (b) supported by enough information to enable the local government to decide the application.

23 Review decision

- (1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the *review decision*) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the *review notice*).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

24 Stay of operation of original decision

- (1) A review application does not stay the original decision that is the subject of the application.
- (2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.
- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

- (1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.⁹
- (2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

26 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
 - (a) a person—
 - (i) is contravening a local law or a condition of an approval; or
 - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and
 - (b) a matter relating to the contravention can be remedied; and
 - (c) it is appropriate to give the person an opportunity to remedy the matter.

Examples for paragraph (b) of matters relating to a contravention that can be remedied—

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
 - If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give¹⁰ a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.¹¹
 - (3) The compliance notice must state the following—
 - (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
 - (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and
 - (e) the maximum penalty for failing to comply with the compliance notice.

⁹ See the Act, section 132.

¹⁰ See the *Acts Interpretation Act 1954*, sections 39 and 39A, regarding the service of documents on a person.

¹¹ Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 138AA(1).

- (4) The time under subsection (3)(c) must be reasonable having regard to—
 - (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
 - Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.
 - (7) The recipient must comply with the compliance notice.¹²
- Maximum penalty for subsection (7)—50 penalty units.

27 Compliance notice authorised by local law

- (1) This section applies if—
 - (a) a local law provides that an authorised person may give a compliance notice to a person;¹³ and
 - (b) the authorised person gives¹⁴ a compliance notice to the person (the *recipient*).¹⁵
- (2) The compliance notice must state the following—
 - (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
- (5) The compliance notice must include, or be accompanied by, an information notice.

¹² See also sections 17(e) and 18 regarding the local government's power to amend, suspend or cancel an approval where a notice is not complied with, and the Act, section 142, regarding the local government's power to enter property and take action that is required under a remedial notice.

¹³ For example, see *Local Law No. 4 (Local Government Controlled Areas, Facilities & Roads) 2014*, section 9(1) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2014*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

¹⁴ See also footnote 10.

¹⁵ See also footnote 11.

- (6) The recipient must comply with the compliance notice.¹⁶

Maximum penalty for subsection (6)—50 penalty units.

28 Power to remove and cost recovery

- (1) This section applies where—
- (a) a structure or other material thing has been brought onto a local government controlled area or road, or left on a local government controlled area or road, in contravention of a local law; or
 - (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—
- (a) in the interests of public health or safety; or
 - (b) to prevent environmental harm, property damage or loss of amenity.
- (3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—
- (a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and
 - (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (5) In this section—
- thing* does not include an animal.

29 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
- (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) An order under this section—
- (a) may be given orally or in writing; and
 - (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;
 - (ii) the local government immediately suspends the approval for the prescribed activity under section 19.
- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.

¹⁶ See also footnote 12.

- (4) A person who receives an order under this section must comply with the order.
Maximum penalty for subsection (4)—50 penalty units.
- (5) This section does not affect the local government's powers under another law.
- (6) In this section—
relevant person means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed activity.

Part 6 Legal proceedings

30 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a local law, it is a defence to prove that the person had a reasonable excuse for the contravention.

31 General defence for owners or occupiers of land

In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that—

- (a) the act or omission occurred without the owner's or occupier's knowledge or consent; and
- (b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

33 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
 - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
 - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

Maximum penalty for subsection (1)—20 penalty units.

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

Maximum penalty for subsection (3)—20 penalty units.

- (4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

35 Fees

- (1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—

Suppose that a person pays an approval fee appropriate to an approval of 1 year's duration but, because of unforeseen circumstances, surrenders the approval within 3 months after it is granted. A resolution might provide that, in such a case, the former approval holder is to receive a partial reimbursement of the approval fee.

- (3) Unless specific provision to the contrary is made in the local law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

36 Abandoned goods

- (1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.
- (2) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

- (1) This section applies where—
 - (a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an *impounded item*);¹⁷ or
 - (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an *impounded item*) and the local law states that this section is to apply.
- (2) However, this section does not apply to an impounded item that is an animal¹⁸
- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).
- (4) A person may reclaim the impounded item if—
 - (a) written application is made to the chief executive officer; and
 - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
 - (c) the applicant pays the prescribed fee for the impounding of the item.
- (5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
 - (a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or
 - (b) by sale through—
 - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (ii) an agent of the local government; or
 - (iii) an enterprise owned by the local government; or
 - (c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.
- (6) The proceeds of the sale or disposal of the impounded item must be applied—
 - (a) firstly, towards the costs of the sale or disposal; and
 - (b) secondly, towards the prescribed fee for impounding the impounded item; and
 - (c) thirdly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

¹⁷ See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

¹⁸ See *Local Law No.2 (Animal Management) 2014*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

38 Repeal

This Local Law repeals—

- (a) *Cook Shire Council Local Law No. 1 (Administration)*; and
- (b) *Cook Shire Council Local Law No. 2 (Libraries)*; and
- (c) *Cook Shire Council Local Law No. 3 (Temporary Homes)*; and
- (d) *Cook Shire Council Local Law No. 8 (Extractive Industries)*; and
- (e) *Cook Shire Council Local Law No. 9 (Entertainment Venues)*; and
- (f) *Cook Shire Council Local Law No. 11 (Control of Advertisements)*; and
- (g) *Cook Shire Council Local Law No. 13 (Rental Accommodation with shared facilities)*; and
- (h) *Cook Shire Council Local Law No. 17 (Public Conveniences)*; and
- (i) *Cook Shire Council Local Law No. 18 (Gates and Grids)*; and
- (j) *Cook Shire Council Local Law No. 19 (Waste Management)*; and
- (k) *Cook Shire Council Local Law No. 20 (Domestic Water Carriers)*; and
- (l) *Cook Shire Council Local Law No. 21 (Meetings)*; and
- (m) *Cook Shire Council Local Law No. 22 (Caravan Parks and Camping)*; and
- (n) *Cook Shire Council Local Law No. 23 (Cemeteries) 2001*; and
- (o) *Cook Shire Council Local Law No. 24 (Commercial Use of Roads) 2001*; and
- (p) *Cook Shire Council Local Law No. 25 (Roads) 2001*.

Part 8 Subordinate local laws**39 Subordinate local laws**

The local government may make subordinate local laws about—

- (a) prescribed activities in respect of which the requirement for an approval does not apply;¹⁹ and
- (b) the categories of prescribed activities for the purposes of maximum penalties;²⁰ and
- (c) the documents and materials that must accompany an application for an approval;²¹ and
- (d) additional criteria for the granting of approvals for prescribed activities;²² and
- (e) the conditions that must be imposed on an approval or that will ordinarily be

¹⁹ See section 6(3).

²⁰ See section 6(4).

²¹ See section 8(2)(a).

²² See section 9(1)(d).

- imposed on an approval;²³ and
- (f) application requirements for which a third party certifier's certificate may be accepted by the local government;²⁴ and
 - (g) the individuals or organisations that are declared as third party certifiers for particular application requirements;²⁵ and
 - (h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;²⁶ and
 - (i) the term for which an approval for a prescribed activity remains in force;²⁷ and
 - (j) the further term for which an approval for a prescribed activity may be renewed or extended;²⁸ and
 - (k) categories of approvals that are non-transferable;²⁹ and
 - (l) complementary accommodation prescribed as appropriate for caravan parks;³⁰ and
 - (m) a State-controlled road to which this local law applies;³¹ and
 - (n) public place activities prescribed as regulated activities on local government controlled areas and roads.³²

²³ See section 10(3).

²⁴ See section 12(1).

²⁵ See section 12(2), definition of *third party certifier*, paragraph(a).

²⁶ See section 12(2), definition of *third party certifier*, paragraph(b).

²⁷ See section 13(a).

²⁸ See section 14(1)(a).

²⁹ See section 15(2).

³⁰ See schedule 1, definition of *complementary accommodation*, paragraph (b).

³¹ See schedule 1, definition of *road*, subparagraph (b)(i).

³² See schedule 2, part 2, definition of *regulated activities on local government controlled areas and roads*, paragraph (c).

Schedule 1 Dictionary

Section 3

amend for an approval, includes varying a condition, removing a condition or adding a condition.

approval includes a consent, permission, licence, permit or authorisation.

authorised person see the Act, schedule 4³³.

caravan see *Residential Tenancies Act 1994*, section 3A.

complementary accommodation means—

- (a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or
- (b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

compliance notice means a compliance notice given under—

- (a) section 26; or
- (b) another local law that authorises the giving of a compliance notice.

disturbance, of human remains, includes interfering with remains, removal of remains and opening of a site of burial

DOGIT land means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 13, or the *Torres Strait Islander Land Act 1991*, section 12.

entertainment includes recreation and amusement.

entertainment event means an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission.

environmental harm see *Environmental Protection Act 1994*, section 14.

goods does not include animals.

human remains means the body or part of the body of a deceased person.

information notice, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

Local Government Act see the Act, schedule 4.

local government cemetery means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.

³³ See also section 20.

local government controlled area—

- 1 A *local government controlled area* means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of local government controlled areas—

- parks, reserves and gazetted foreshores
 - camping grounds or caravan parks on land owned or controlled by the local government
 - local government swimming pools
 - cemeteries
 - Council Chambers and local government offices
 - jetties.
- 2 A *local government controlled area* includes part of a local government controlled area.
 - 3 A *local government controlled area* does not include a residential lot on DOGIT land.

network connection see the Act, section 35(2).

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act³⁴.

property see *Acts Interpretation Act 1954*, section 36.

public notice means a notice published in a newspaper circulating in the local government's area.

public place see the Act, section 125(5).

residence means human habitation on a short-term or long-term basis.

review decision see section 23(1).

road means—

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road—
 - (i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and
 - (ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

³⁴ See the Act, section 97.

shared facility accommodation means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

- (a) dormitories or bedrooms;
- (b) toilets;
- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities; (f) cooking facilities; (g) recreation facilities.

show cause notice see section 18(2).

urban area includes any parcel of land located in the Cook Shire local government area that is not zoned as rural land.

the Act means the *Local Government Act 2009*.

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of camping grounds

operation of cane railways

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

prescribed camping activity

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

alteration or improvement to local government controlled areas and roads³⁵
means—

- 1 *Alteration or improvement to local government controlled areas and roads*
means—
- (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.

³⁵ Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.

2 *Alteration or improvement to local government controlled areas and roads* does not include an alteration or improvement—

- (a) that constitutes development under the Planning Act³⁶; or
- (b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or
- (c) that involves a network connection; or
- (d) for which written approval of the local government is required under section 75 of the Act.

commercial use of local government controlled areas³⁷ and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- (d) using a road for a particular purpose if the use constitutes development under the Planning Act;
- (e) operation of a temporary entertainment event;
- (f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

installation of advertising devices means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.³⁸

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) 2016*.

operation of camping grounds means to permit access to, or use of, a commercial camping ground but does not include a caravan park.

³⁶ See the definition of *Planning Act* in the Act, schedule 4.

³⁷ See footnote 36.

³⁸ See the Act, section 37(5), regarding the relationship between a local law about advertising devices and the local government's planning scheme.

operation of cane railways means the operation of a tramway or railway—

- (a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4³⁹; and
- (b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and
- (c) that does not transport passengers or other freight for reward.

operation of caravan parks means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

operation of cemeteries means to operate a place for disposing of human remains by—

- (a) burial; or
- (b) cremation; or
- (c) placement in a columbarium, mausoleum or vault.

operation of public swimming pools means the operation of a swimming pool that is made available for use to—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

operation of shared facility accommodation means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.

operation of temporary entertainment events means 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.

prescribed camping activity means sleeping, cooking or performing ablutions, or attempting to do any of those things, in, under, on or next to a stationary vehicle, tent, temporary structure, hut, swag, sleeping bag or other thing capable of being used for occupying on private property (each of which being “a **Campsite**”), including but not limited to:

- (a) vacant land;
- (b) private lawns;
- (c) commercial premises;
- (d) parklands; and
- (e) other premises considered as private property;

but does not include:

- (a) where the activity is being carried out on an allotment by a person who is ordinarily a resident of that allotment at a permanent dwelling established on that allotment;

- (b) where the activity is being carried out on an allotment in circumstances where there is a permanent dwelling established on the allotment, and where the person carrying out the activity is a guest of the allotment, but provided that there is no more than one Campsite on the allotment;
- (c) where the activity is being carried out outside an urban area;
- (d) where the activity constitutes a material change of use of premises under the Planning Act.

undertaking regulated activities regarding human remains means undertaking one of the following activities—

- (a) disturbance of human remains buried outside a cemetery; or
- (b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or
- (c) disturbance of human remains in a local government cemetery.

undertaking regulated activities on local government controlled areas⁴⁰ and roads means undertaking one of the following activities on a local government controlled area or road—

- (a) driving or leading of animals to cross a road; or
- (b) depositing of goods or materials; or
- (c) holding of a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary entertainment event.

Example for paragraph (c)—A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.

³⁹ *Sugar Industry Act 1999*, chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

⁴⁰ See footnote 36.



Cook Shire Council

**Local Law No. 3 (Community and
Environment Management) 2016**

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Cook Shire Council Local Law No. 3 (Community and Environmental Management) 2016

2

Local Law No. 3 (Community and Environmental Management) 2016

Contents

Part 1	Preliminary.....4
1	Short title.....4
2	Purpose and how it is to be achieved.....4
3	Definitions—the dictionary.....4
4	Relationship with other laws.....4
Part 2	Declared local pests4
Division 1	Application.....4
5	Application of part.....4
Division 2	Declaration of local pests.....5
6	Declaration of local pests.....5
7	Emergency declarations.....5
8	Application of declaration.....6
Division 3	Control of local pests.....6
9	Power to search for declared local pests.....6
10	Pest control notices.....6
Division 4	Prohibition of sale and propagation.....7
11	Prohibition on sale.....7
12	Prohibition on introducing, propagating etc a declared local pest.....7
Part 3	Overgrown and unsightly allotments7
13	Overgrown allotments.....7
14	Accumulation of objects and materials on allotments.....8
Part 4	Fires and fire hazards9
15	Regulation of lighting and maintaining fires in the open.....9
16	Fire hazards.....9
Part 5	Community safety hazards.....10
17	What is a community safety hazard.....10
18	Power to enter property to inspect for community safety hazards.....10
19	Removal or reduction of community safety hazards.....11
20	Prescribed requirements.....11

cook0017_221335_033.docx

Cook Shire Council Local Law No. 3 (Community and Environmental Management) 2016 3

Part 6 Noise standards12

21 Prescribed noise standards 12

Part 7 Miscellaneous.....12

22 Repeal.....11

23 Subordinate local laws 13

Schedule Dictionary..... 14

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2016*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
 - (a) inadequate protection against animal and plant pests; and
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community safety hazards; and
 - (f) noise that exceeds noise standards.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2016*.

Part 2 Declared local pests

Division 1 Application Declaration of local pests

5 Application of part

(1) ~~This part does not apply to—~~

- (a) ~~an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*² or the *Plant Protection Act 1989*³; or~~

¹ ~~The local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.~~

² ~~See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.~~

³ ~~See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.~~

(b) ~~noxious fisheries resources or diseased fisheries resources⁴~~;

(2) ~~In this section—~~

~~declared pest see the Land Protection (Pest and Stock Route Management) Act 2002, section 8 and the Plant Protection Act 1980, section 4~~

~~diseased fisheries resources see the Fisheries Act 1994, section 94~~

~~noxious fisheries resources see the Fisheries Act 1994, schedule~~

Division 2 Declaration of local pests

6 Declaration of local pests

(1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.

(2) ~~Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.~~

(3)

(2) A declaration under this section—

(a) ~~must be published in a newspaper circulating generally in on the~~ local government's ~~are a~~ website; and

(b) comes into force on the date of publication.

(4) ~~In this section—~~

~~chief executive means the chief executive of the department in which the Land Protection (Pest and Stock Route Management) Act 2002 is administered.~~

Commented [JD1]: The section numbers will need to be corrected from here.

7 Emergency declarations

(1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.

(2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.

(3) A declaration under this section—

(a) ~~must be published in a newspaper circulating generally in the local~~ government's area; and

(b) comes into force on the date of publication; and

(c) comes to an end three months after the date of publication.

(4) In this section—

environmental harm see *Environmental Protection Act 1994*, section 14.

⁴ See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests**9 Power to search for declared local pests**

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice⁵ given to the owner of land, require the owner⁶ to take specified action to control declared local pests.
- (2) The specified action may include action to—
 - (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or
 - (b) prevent or minimise seeding or reproduction by declared local pests; or

⁵ See *Local Law No.1 (Administration) 2016*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

⁶ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier; to take action to comply with a remedial notice; and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

- (c) contain infestation by declared local pests within a localised area; or
 - (d) reduce the density or extent of infestation by declared local pests; or
 - (e) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

- (1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

Maximum penalty for subsection (1)—50 penalty units.

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

- (3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Overgrown allotments

- (1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—

- (a) has seriously affected the visual amenity of the allotment; or

- (b) is likely to attract or harbour reptiles.
- (2) The authorised person may, by compliance notice⁷ given to the responsible person for the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.
- (3) However, the notice cannot prevent a use of land authorised under the Planning Act⁸ or the *Environmental Protection Act 1994*.
- (4) In this section—
- vegetation** includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁹ of the State or Commonwealth or under the local government's planning scheme.

14 Accumulation of objects and materials on allotments

- (1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—
- (a) have seriously affected the visual amenity of the allotment; or
- (b) are likely to attract or harbour reptiles.

Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—

- Discarded or disused machinery or machinery parts.
- Broken-down or severely rusted vehicles.
- Discarded bottles, containers or packaging.
- Refuse or scrap material.

- (2) The authorised person may, by compliance notice¹⁰ given to the responsible person for the allotment, require the responsible person to—
- (a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a) or (b); or
- (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

⁷ See footnote 5.

⁸ See definition of *Planning Act* in the Act, schedule 4.

⁹ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

¹⁰ See footnote 5.

Part 4 Fires and fire hazards

15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.¹¹
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
 - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
 - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.
Maximum penalty for subsection (3)—50 penalty units.
 - (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.
Maximum penalty for subsection (4)—50 penalty units.
 - (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹² given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.¹³

¹¹ See the *Fire and Rescue Service Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

¹² See footnote 5.

¹³ See also the *Fire and Rescue Service Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

(3) In this section—

fire hazard means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)—

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

17 What is a community safety hazard

A community safety hazard is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a)—

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and

- (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
- (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹⁴ given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
 - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

¹⁴ See footnote 7.

Part 6 Noise standards

21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.¹⁵
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
 - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made),¹⁶ and
 - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁷

Part 7 Miscellaneous

22 Repeal

This local law repeals—

- (a) *Cook Shire Council Local Law No. 5 (Control of Nuisances)*; and
- (b) *Cook Shire Council Local Law No. 14 (Control of Pests)*.

¹⁵ See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

¹⁶ See, however, *Local Law No.1 (Administration) 2016*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁷ Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

23 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;¹⁸ or
- (b) lighting and maintaining of fires in the open;¹⁹ or
- (c) fire hazards;²⁰ or
- (d) community safety hazards;²¹ or
- (e) prescribed requirements relating to community safety hazards;²² or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*.²³

¹⁸ See section 6(1).

¹⁹ See section 15(2).

²⁰ See section 16(3)(b).

²¹ See section 17(c).

²² See section 20(1).

²³ See section 21(2).

Schedule Dictionary

Section 3

allotment means an individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2016*, section 27.

declared local pest means a plant or animal declared to be a pest under section 6 or 7. **plant** means vegetation of any type, including its flowers, roots, seeds and other parts. **reasonable written notice** means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

responsible person means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

the Act means the *Local Government Act 2009*.



Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

CONSOLIDATED VERSION NO. 3.4

Current as at 13 October 2020

As in force on insert day and month 2022

Adopted by Cook Shire Council on insert day and month 2022 pursuant to section 32 of the *Local Government Act 2009*.

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Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

2

Contents

Part 1	Preliminary	5
1	Short title	5
2	Purpose and how it is to be achieved	5
3	Authorising local law	5
4	Definitions	5
Part 2	Approvals for prescribed activities	5
5	Prescribed activities that do not require an approval—Authorising local law, s 6(3)	5
6	Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4)	5
7	Approvals that are non-transferable—Authorising local law, s 15(2)	6
8	Prescribed complementary accommodation—Authorising local law, schedule 1	6
10	Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2	6
11	Matters regarding prescribed activities—Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)	6
Part 3	Repeal Provision	7
12	Repeal of Subordinate Local Laws	7
Part 4	Dictionary	8
13	Dictionary	8
Schedule 1	Prescribed activities that do not require an approval under the authorising local law	9
Schedule 2	Categories of prescribed activities for the purposes of maximum penalties	10
Schedule 3	Categories of approval that are non-transferable	11
Schedule 4	Prescribed complementary accommodation	12
Schedule 5	State-controlled roads to which the local law applies	13
Schedule 6	Public place activities that are prescribed activities	14

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

3

Schedule 7	Alteration or improvement to local government controlled areas and roads.....	15
Schedule 8	Commercial use of local government controlled areas and roads.....	18
Schedule 9	Establishment or occupation of a temporary home	20
Schedule 10	Installation of advertising devices	23
Schedule 11	Keeping of animals	29
Schedule 12	Operation of camping grounds	31
Schedule 13	Operation of cane railways	35
Schedule 14	Operation of caravan parks	36
Schedule 15	Operation of cemeteries.....	39
Schedule 16	Operation of public swimming pools.....	42
Schedule 17	Operation of shared facility accommodation	45
Schedule 18	Operation of temporary entertainment events	49
Schedule 19	Undertaking regulated activities regarding human remains—(a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery.....	55
Schedule 20	Undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery.....	57
Schedule 21	Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road.....	59
Schedule 22	Undertaking regulated activities on local government	

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE[c:\p\017_201730_136.docx:0000017_131070_010.docx](#)

Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

4

	controlled areas and roads— (b) depositing of goods or materials.....	61
Schedule 23	Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law.....	63
Schedule 24	Undertaking regulated activities on local government controlled areas and roads - (c) - Film and Television Activities.....	66
Schedule 25	Bringing or driving motor vehicles onto a park or reserve	68
Schedule 26	Bringing or driving prohibited vehicles onto motor vehicle access areas	70
Schedule 27	Use of bathing reserves for training, competitions etc	71
Schedule 28	Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee	72
Schedule 29	Parking in a loading zone by displaying a commercial vehicle identification label	74
Schedule 30	Carrying out works on a road or interfering with a road or its operation	76
Schedule 31	Prescribed camping activity	82
Endnotes	85

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DATE**[c:\p\017_2017\30_136.docx: c:\p\017_2017\111070_01.pptx](#)

Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

5

Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2016* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2016* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Approvals for prescribed activities

5 Prescribed activities that do not require an approval—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the prescribed activities listed in schedule 1.

6 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4)

For section 6(4) of the authorising local law, it is declared that—

- (a) the prescribed activities listed in part 1 of schedule 2 are category 1 activities; and
- (b) the prescribed activities listed in part 2 of schedule 2 are category 2 activities; and

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Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

6

- (c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

7 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 3 are non-transferable.

8 Prescribed complementary accommodation—Authorising local law, schedule 1

For the purposes of the definition of **complementary accommodation** in schedule 1 of the authorising local law, the accommodation listed schedule 4 is prescribed as appropriate for caravan parks.

9 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of **road** in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

10 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2

For the purposes of paragraph (c) of the definition of **regulated activities on local government controlled areas and roads** in part 2 of schedule 2 of the authorising local law, the holding of a public place activity listed in schedule 6 is a prescribed activity.

11 Matters regarding prescribed activities—Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.
- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.

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- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.
- (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.
- (9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

Part 3 Repeal Provision

12 Repeal of Subordinate Local Laws

The following subordinate local laws are repealed—

- (a) *Cook Shire Council Subordinate Local Law No. 2 (Libraries) 2001*; and
- (b) *Cook Shire Council Subordinate Local Law No. 3 (Temporary Homes) 2001*; and
- (c) *Cook Shire Council Subordinate Local Law No. 4 (Commercial Recreational Activities) 2001*; and
- (d) *Cook Shire Council Subordinate Local Law No. 5 (Control of Nuisances) 2001*; and
- (e) *Cook Shire Council Subordinate Local Law No. 8 (Extractive Industries) 2001*; and

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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- (f) Cook Shire Council Subordinate Local Law No. 9 (Entertainment Venues) 2001; and
- (g) Cook Shire Council Subordinate Local Law No. 11 (Control of Advertisement) 2001; and
- (h) Cook Shire Council Subordinate Local Law No. 13 (Rental Accommodation with Shared Facilities) 2001; and
- (i) Cook Shire Council Subordinate Local Law No. 18 (Gates and Grids) 2001; and
- (j) Cook Shire Council Subordinate Local Law No. 20 (Domestic Water Carriers) 2001; and
- (k) Cook Shire Council Subordinate Local Law No. 21 (Meetings) 2001; and
- (l) Cook Shire Council Subordinate Local Law No. 22 (Caravan Parks and Camping); and
- (m) Cook Shire Council Subordinate Local Law No. 23 (Cemeteries) 2001; and
- (n) Cook Shire Council Subordinate Local Law No. 24 (Commercial Use of Roads) 2001.

Part 4 Dictionary

Commented [JB1]: We recommend the inclusion of this definition given the references to the FNQROC manual.

13 Dictionary

FNQROC Development Manual means the regional development manual prepared by the Far North Queensland Regional Organisation of Councils as amended from time to time.

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*Cook Shire Council**Subordinate Local Law No. 1 (Administration) 2016*

9

**Schedule 1 Prescribed activities that do not require an
approval under the authorising local law**

Section 5

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Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

10

Schedule 2 Categories of prescribed activities for the purposes of maximum penalties

Section 6

Part 1 Category 1 activities¹ —

- 1 establishment or occupation of a temporary home.
- 2 installation of advertising devices.
- 3 keeping of animals.
- 4 alteration or improvement to local government controlled areas or roads.
- 5 commercial use of local government controlled areas and roads.
- 55 prescribed camping activity.

Part 2 Category 2 activities²

- 1 operation of camping grounds.
- 2 operation of caravan parks.
- 3 operation of public swimming pools.
- 4 operation of shared facility accommodation.

Part 3 Category 3 activities³

- 1 operation of cemeteries.
- 2 undertaking regulated activities regarding human remains.
- 3 undertaking regulated activities on local government controlled areas and roads.
- 4 operation of temporary entertainment events.

¹ Prescribed activities for which the penalty for not having an approval will be 50 penalty units under section 6(2)(b) of the authorising local law.

² Prescribed activities for which the penalty for not having an approval will be 200 penalty units under section 6(2) of the authorising local law.

³ Prescribed activities for which the penalty for not having an approval will be 500 penalty units under section 6(2) of the authorising local law.

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Schedule 3 Categories of approval that are non-transferable

Section 7

1. approvals to operate a camping ground.
2. approvals to operate a caravan park.
3. approvals to operate a public swimming pool.
4. approval to have 3 dogs.
5. approvals to operate of accommodation with shared facilities.

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*Cook Shire Council**Subordinate Local Law No. 1 (Administration) 2016*

12

Schedule 4 Prescribed complementary accommodation

Section 8

1. converted railway carriages.
2. demountable accommodation units.

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*Cook Shire Council**Subordinate Local Law No. 1 (Administration) 2016**13***Schedule 5 State-controlled roads to which the local law applies**

Section 9

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Schedule 6 Public place activities that are prescribed activities

Section 10

The following public place activities are prescribed activities that require approval—

- (a) film and television production activities for which a development application is not required under the local government's planning scheme.
- (b) an invitation only ceremony, party or celebration attended by more than 50 people.
- (c) a cake stall, sausage sizzle, car wash, school fete or similar fundraiser held on no more than 1 day.
- (d) a training event held on no more than 1 day.
- (e) a training event held on more than 1 day without payment of a fee.
- (f) a display, demonstration or information booth.
- (g) a right of occupation and use of a specified part of a park or reserve by a sporting association.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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Schedule 7 Alteration or improvement to local government controlled areas and roads

Section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for vegetation maintenance by a person of a nature strip immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrian and vehicular traffic;

In this section—

vegetation maintenance means mowing, slashing or edging of grass, weeding or watering.

3 Documents and materials that must accompany applications for approval

The application for approval must be accompanied by—

- (a) the name and address of the applicant and, if the applicant is a body corporate or partnership, the name and address of an individual who is authorised by the applicant to act on its behalf; and
- (b) full details of the proposed alteration or improvement; and
- (c) if the applicant proposes to erect or install a structure on, over or under the road—plans and specifications of the structure; and
- (d) details of building or other work to be carried out under the approval.
- ~~(e) details of any impact upon traffic or pedestrian movement, and how many impacts will be managed or addressed; and~~
- ~~(f) details regarding compliance with relevant standards such as Australian standards, industry codes of practice and the FNQROC Development Manual.~~

4 Additional criteria for the granting of approval

The following additional criteria must be considered for the granting of approval—

- (a) the alteration or improvement must not unduly interfere with the usual use or amenity of the area.

CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

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5 Conditions that must be imposed on approvals

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6 Conditions that will ordinarily be imposed on approvals

The approval may require the holder of the approval to—

- (a) carry out additional specified works; and
- (b) give the local government a signed indemnity in the wording specified in the application form; and
- (c) maintain public liability insurance of no less than \$20,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity; and
- (d) maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (e) remove a structure erected or installed under the approval once the term of the approval has expired; and
- (f) lodge a security or performance bond in the amount specified in the approval; and
- (g) comply with safety requirements as specified in the approval; ~~and~~
- (h) regulate the time within which work must be carried out;
- ~~(i) ensure unobstructed movement of vehicles and pedestrians;~~
- ~~(j) ensure the safety of pedestrians and vehicles including, but not limited to, the safe diversion of traffic, erection of warning lights and barricades;~~
- ~~(k) operate within the hours specified on the approval; and~~
- ~~(l) comply with the requirements of relevant legislation, Australian standards and/or the FNQROC Development Manual.~~

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of September, unless otherwise specified in the approval.

8 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

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Schedule 8 Commercial use of local government controlled areas and roads

Section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads.

2 Activities that do not require approval under the authorising local law

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3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

- (a) details of the nature, time and place of the proposed activities; and
- (b) a plan showing the relevant part of the local government controlled area or road that is to be used for the prescribed activity; and
- (c) details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage; and
- (d) evidence of any necessary statutory permit, authorisation or approval; and
- (e) details of all insurances relevant to the authority held by the person who will be undertaking the activity.

4 Additional criteria for the granting of approval

The local government may grant an approval if satisfied that the activity will not—

- (a) unduly interfere with the proper use of the local government controlled area or road; and
- (b) cause nuisance, inconvenience or annoyance to the occupiers of adjoining land.

5 Conditions that must be imposed on approvals

The following conditions must be imposed on approvals—

- (a) any statutory permit, authorisation or approval required for the activity must be obtained and maintained for the currency of the approval.

6 Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on approvals—

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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- (a) maintain public liability insurance of no less than \$20,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity; and
- (b) the approval must be exhibited as specified in the approval, or if not specified, produce the approval for inspection on demand by an authorised ~~officer~~ person; and
- (c) the activity must be conducted to ensure the amenity of residences or businesses in the adjacent areas are respected by—
 - (i) only being undertaken within the days and hours specified in the approval; and
 - (ii) not causing a nuisance; and
 - (iii) not displaying or showing offensive or discriminatory material; and
 - (iv) directing amplified noise away from a noise sensitive place; and
- (d) the activity must be designed, sited, constructed and maintained to ensure the health and safety of the community by—
 - (i) complying with structural standards, specified safety requirements and codes under applicable laws; and
 - (ii) exhibiting specified warning notices where required; and
 - (iii) storing and using hazardous or dangerous materials or things in a safe manner; and
 - (iv) limiting the activities to a single specified location or to a specified area; and
 - (v) prohibiting or restricting the activities during periods of poor visibility; and
- (e) the approval holder be required pay fees to the local government as specified in the approval.

7 Term of approval

An approval commences on the date the approval is granted and expires—

- (a) in the case of an application for an approval for a single occasion—the period stated in the approval; or
 - (b) in the case of an application for an approval to continually operate a commercial activity—until the next 30 September following the grant or renewal of the approval,
- unless otherwise specified in the approval.

8 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

Schedule 9 Establishment or occupation of a temporary home

Section 11

1 Prescribed activity

Establishment or occupation of a temporary home

2 Activities that do not require approval under the authorising local law

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3 Documents and materials that must accompany applications for approval

The application for approval must be accompanied by—

- (a) details of the application including—
 - (i) the purpose for which occupation is required; and
 - (ii) the number of occupants, adults and children, to be normally accommodated; and
 - (iii) toilet, bathing, laundry, water storage and refuse facilities; and
 - (iv) a drawing showing the design, dimensions, structural details and construction materials of the proposed temporary home; and
 - (v) the location of the temporary home; and
- (b) if the applicant is not the owner of the land on which the temporary home is or is to be located, the written consent of the owner; and
- (c) details of a current building approval for the construction or renovation of a permanent residence and evidence of financial capacity and ability to construct the permanent residence.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

- (a) the applicant is able to demonstrate an ability and capacity to construct a permanent dwelling within the term of the approval; and

Example—

The applicant has a contract with a registered builder and sufficient funds are available. However this criterion may not be satisfied if a genuine application has not been made for building approval of a permanent residence or there is insufficient time remaining under the building approval to finish the relevant building work.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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- (b) an adequate source of water will be available to the proposed temporary home; and
- (c) an adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on an approval—

- (a) the approval holder shall construct or modify a permanent residence on the allotment within the timeframe specified in the approval; and
- (b) the temporary home must be designed, sited, constructed and maintained to ensure it does not adversely impact on public health or safety, and must be—
 - (i) compliant with any structural standards, specified safety requirements and codes under applicable laws; and
 - (ii) maintained in good working order and in a good state of repair; and
 - (iii) maintained in a clean, tidy, sanitary and hygienic condition (including all facilities, fixtures, fittings, equipment and furniture); and
 - (iv) provided with adequate shower, toilet, and ablution facilities; and
 - (v) provided with potable water suitable for consumption; and
 - (vi) provided with an adequate and continuous supply of water to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home; and
- (c) the temporary home must not accommodate more than the number of persons specified in the approval; and
- (d) the temporary home must be dismantled and removed by the date specified in the approval.

7 Term of approval

The term of an approval commences on the date the approval is granted and expires on the earlier of the following events—

- (a) the end of the term specified in the approval which can be no more than 18 months from the commencement date; or
- (b) the date a permanent residence on the allotment can be occupied.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

8 Term of renewal of approval

The approval may only be renewed for the term that a permanent residence on the allotment is reasonably likely to be made habitable.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DATE**

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Schedule 10 Installation of advertising devices

Section 11

1 Prescribed activity

Installation of advertising devices

2 Activities that do not require approval under the authorising local law

- (a) Approval is not required under the authorising local law for an advertising device that is regulated by the local government's planning scheme.
- (b) The following advertising devices (signs) do not require approval—
 - (i) **Tear Drop Flag** – a free standing single piece of lightweight material attached or supported by a flexible pole that allows the material to move in the wind that meets the following criteria—
 - (A) the sign may only be used when the business is open; and
 - (B) a maximum of (1) one sign per tenancy is permitted; and
 - (C) the sign must be placed on the property to which it refers or where this is not practically possible immediately adjacent to the property; and
 - (D) the maximum height permitted is 2.0 metres; and
 - (E) may be displayed instead of using an A Frame sign;
 - (ii) **Event Directional** – signs intended to provide directional information to motorists about the location of an event/facility or feature that meets the following criteria—
 - (A) Must only be displayed 7 days prior to, and on the day or days of the event; and
 - (B) Shall be removed within 24 hours of the conclusion of the event; and
 - (C) A maximum of (5) five signs per each event may be displayed, unless approval for more signs has been given in writing by an authorised person for the local government; and
 - (D) Have a maximum face area (0.54m² – 900mm x 600mm); and

CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

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- (E) Must not be placed on roundabouts, centre traffic islands, median strips, or any state-controlled road; and
- (F) Must not be nailed to trees or attached to road infrastructure, including traffic or road advisory signs; and
- (G) Shall be constructed to withstand consequent wind or other loads.

(iii) **The following Real Estate Signs.**

- (A) **"For sale signs"** that meet all of the following criteria—
 - (1) only (1) one sign per property is permitted; and
 - (2) the sign must be placed on the property that is for sale or where this is not practically possible immediately adjacent to the property; and
 - (3) the sign may be double sided or V shaped, provided it does not create a hazard for pedestrians or motorists by protruding from the property; and
 - (4) the maximum size permitted is 2.16m² in total area; - a single sided sign maximum size is 2.16m²; or
 - (5) a double sided sign maximum size each side 1.08m² = 2.16m².
- (B) **Open for Inspection & Auction** directional signs that meet the following criteria—
 - (1) signs may only be placed on the day of the auction/open for inspection and removed immediately after the auction/open for inspection; and
 - (2) a sign must not exceed 750mm x 400mm or 0.3m² in area per side; and
 - (3) only (4) four, directional signs per event are permitted including the auction/open for inspection sign erected at the property; and
 - (4) signs may not be placed on roundabouts, centre traffic islands, median strips, or any state-controlled road; and
 - (5) only (1) sign may be placed at each intersection; and
 - (6) signs shall not be illuminated or animated.

(iv) **Garage sale sign** that meets the following criteria—

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

- (A) does not exceed 750mm x 400mm or 0.3m² in area per side;
 - (B) the number of signs must not exceed (5) per event which includes the sign erected at the property; and
 - (C) signs may not be placed on roundabouts, centre traffic islands, median strips, any state-controlled road or on any road infrastructure; and
 - (D) signs must not be placed on road infrastructure including traffic or advisory signs; and
 - (E) signs must not be nailed to trees or other vegetation; and
 - (G) only (1) sign may be placed at each intersection; and
 - (H) signs may be put out on the day of the garage sale only and must be removed promptly after the garage sale ends; and
 - (I) signs shall not be illuminated or animated.
- (v) **Election signs** that meets the following criteria—
- (A) Only one election sign per candidate per allotment must be displayed; and
 - (B) Signs must not to exceed 0.6m²; and
 - (C) Signs must not be erected prior to an election date being announced; and
 - (D) Signs must removed within one week after an election; and
 - (E) Signs must be registered in writing with the local government prior to being displayed; and
 - (F) Each candidate must pay a \$100.00 deposit to the local government prior to the display of any sign which is refundable upon removal of all signs within 7 days after the election.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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3 Documents and materials that must accompany applications for approval

The application for approval must be accompanied by—

- (a) details of the advertising device including the dimensions, colour, content, materials and construction; and
- (b) details of where the device is to be located and how it is to be affixed; and
- (c) where necessary, an engineer's certification of the structural adequacy of the device with reference to wind velocity loadings; and

4 Additional criteria for the granting of approval

The additional criteria for the granting of approval are that the advertising device is—

- (a) structurally sound; and
- (b) unlikely to cause significant obstruction of or distract to vehicular or pedestrian traffic; and
- (c) unlikely to unreasonably obstruct views; and
- (d) not detrimental to the amenity of the area; and
- (e) is consistent with surrounding buildings and environment.

5 Conditions that must be imposed on approvals

- (a) The dimensions of the sign shall not exceed the following:
 - (i) Under awning sign which is securely fixed under a permanent awning— length 2.4 metres; width 200 mm; and
 - (ii) Fascia sign which is painted to the fascia of the permanent awning— the face of the fascia; and
 - (iii) Flush wall sign which is secured flat to a building or fence or painted on a building or fence: length 3 metres; depth 3 metres; and
 - (iv) Above awning sign which is securely fixed above a permanent awning— length 3 metres; width 200 mm; depth 1.5 metres; and
 - (v) Wall mounted sign which is securely fixed to a wall of a building and does not protrude more than 1.2 metres from the wall length 1.2 metres depth 600 mm; and
 - (vi) Roof sign which is securely fixed to either the roof or parapet wall at the front of a building - length 3 metres; depth 1.5 metres; and
 - (vii) Sandwich board/A Frame sign placed on a footpath or public area must not be more than 900mm x 600mm or 0.54m² on each side of the sign
- (b) All signs that protrude over a footpath by more than 50 mm shall be a minimum of 2.4 metres above the footpath measured from the underside

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

- of the sign; and
- (c) Sandwich board/A frame—a portable sign used to advertise a business or goods and services available at the business must meet the following criteria—
 - (i) The sign may only be used when the business is open; and
 - (ii) A maximum of (1) one sign per tenancy is permitted; and
 - (iii) The sign must be placed on the property to which it refers, or where this is not practically possible immediately adjacent to the property; and
- (d) the advertisement content shall not be offensive.

6 Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on approvals are that the approval holder must—

- (a) maintain public liability insurance of no less than \$20,000,000.00, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity; and
- (b) provide to the local government any certificates specified in the approval, such as—
 - (i) a certificate of structural adequacy from a qualified engineer; and
 - (ii) a certificate demonstrating no conflict with underground or overground services; and
 - (iii) public liability insurance certificate of currency; and
- (c) maintain the advertisement in good repair and sightly appearance for the duration of the approval; and
- (d) upon cessation of the business or activity to which the advertisement refers, the advertisement must be removed and the site made good within thirty (30) days of the last day on which the business or activity operated; and
- (e) the illumination of an advertisement must not cause any nuisance or distraction to traffic.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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8 Term of renewal of approval

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Schedule 11 Keeping of animals

Section 11

1 Prescribed activity

Keeping of animals

2 Activities that do not require approval under the authorising local law

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3 Documents and materials that must accompany applications for approval

An application must be accompanied by the following information—

- (a) the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (b) the number of animals to be kept; and
- (c) the area, or part of the area, in which the animal or animals are to be kept; and
- (d) the nature of the premises in which the animal or animals are to be kept; and
- (e) details of the proposed keeper's experience and qualifications to conduct the activity; and
- (f) if the applicant is not the owner of the property on which the animals are to be kept—consent in writing of the owner of the property.

4 Additional criteria for the granting of approval

Additional criteria are that the—

- (a) land is physically suitable for the keeping of the animals; and
- (b) enclosures in which the animals are to be kept are structurally suitable; and
- (c) animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
- (d) animals will not have a significant detrimental effect on the amenity of the surrounding area; and
- (e) animals will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage.

5 Conditions that must be imposed on approvals

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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder must—

- (a) care for the animals in accordance with appropriate standards; and
- (b) keep the animals in enclosures that comply with specified structural requirements; and
- (c) comply with specified standards of hygiene; and
- (d) ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the *Animal Management (Cats and Dogs) Act 2008*; and
- (e) take specified action to protect against possible harm to the local environment; and
- (f) ensure the animal/s do not cause nuisance to neighbours by barking, howling, squawking, crowing or wailing indiscriminately.

7 Term of approval

The term of an approval commences on the date the approval is granted and expires on the next 31st day of October, unless otherwise specified in the approval.

8 Term of renewal of approval

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Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

31

Schedule 12 Operation of camping grounds

Section 11

1 Prescribed activity

Operation of camping grounds

2 Activities that do not require approval under the authorising local law*This section has been intentionally left blank***3 Documents and materials that must accompany applications for approval**

An application must be accompanied by—

- (a) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner to the application; and
- (b) details of the facilities to be provided for campers; and
- (c) details of water quality, reticulation and drainage; and
- (d) an evacuation plan; and
- (e) a plan of the proposed camping ground drawn to scale showing—
 - (i) the boundaries of the premises; and
 - (ii) the location and real property description of the premises; and
 - (iii) the location, number, designation and type of sanitary conveniences; and
 - (iv) the location, number, and designation of ablutionary facilities; and
 - (v) each camp site clearly defined and bearing a distinguishing mark or number and indicating the number of persons who may occupy each site; and
- (f) a drainage plan; and
- (g) evidence of any necessary statutory permit, authorisation or approval.

4 Additional criteria for the granting of approval

Applications must also meet the following additional criteria—

- (a) the camping ground can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) the facilities are an acceptable standard or can be brought to acceptable standard; and
- (c) the applicant is a suitable person to operate a camping ground.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE][c:\p\017_2017-2018\036.docx c:\p\017_2017-2018_017.docx](#)

5 Conditions that must be imposed on approvals

An approval holder must—

- (a) keep a register, available for inspection at any time by an authorised person, containing—
 - (i) the name and address of each person who hires a camping site; and
 - (ii) an identifying number for the site; and
 - (iii) if a vehicle is brought onto the site—the registration number of the vehicle; and
 - (iv) the dates when the hiring of the site begins and ends; and
- (b) not permit a person to camp or sleep in the camping site other than in accordance with the plan approved by the local government; and
- (c) maintain all buildings, structures and facilities provided by the operator on the camping ground in good and serviceable condition; and
- (d) keep the camping ground (including all camping sites) clean and tidy.

6 Conditions that will ordinarily be imposed on approvals

An approval may require the holder of an approval to—

- (a) maintain an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene; and
- (b) ensure that, if water obtained from a particular water outlet in the camping ground may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “**Unsuitable for Drinking**”; and
- (c) maintain toilets and bathing or showering facilities for each gender and disabled persons; and
- (d) maintain facilities for disposal of wastes; and
- (e) ensure that the number of persons who may occupy a camping site is not contravened; and
- (f) maintain all bedding and bed linen supplied by the approval holder in a clean and sanitary condition; and
- (g) ensure all bed linen is changed whenever there is a change of occupier; and
- (h) provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 clothes washing machine and 1 clothes dryer, or suitable length of clothes line, for every 20 sites or part thereof.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

33

CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

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8 Term of renewal of approval

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Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

35

Schedule 13 Operation of cane railways

Section 11

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Schedule 14 Operation of caravan parks

Section 11

1 Prescribed activity

Operation of caravan parks

2 Activities that do not require approval under the authorising local law*This section has been intentionally left blank***3 Documents and materials that must accompany applications for approval**

An application for an approval authorising a person to operate a caravan park must include or be accompanied by—

- (a) if the applicant is not the owner of the land on which the caravan park is situated—the written consent of the owner to the application; and
- (b) the name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park; and
- (c) copies of statutory permits, authorisations or approvals—
 - (i) for the development and use of the relevant land as a caravan park; and
 - (ii) for the occupation and use of buildings and structures on the land in connection with the operation of the caravan park; and
- (d) a plan of the proposed caravan park drawn to scale showing—
 - (i) the location and real property description of the land; and
 - (ii) the location, number, designation and type of sanitary conveniences; and
 - (iii) the location, number, and designation of ablutionary facilities; and
 - (iv) details of each site clearly defined and bearing a distinguishing mark or number.

4 Additional criteria for the granting of approval

Applications must also meet the following additional criteria—

- (a) the caravan park can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and
- (b) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard; and
- (c) the proposed resident manager is a suitable person to operate a caravan park.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE][copy@017_231130_336.docx copy@017_171219_010.docx](#)

5 Conditions that must be imposed on approvals

An approval holder must—

- (a) ensure that the caravan park is managed and supervised by a resident manager who is resident on or near the caravan park; and
- (b) ensure that a resident manager or a representative of the resident manager is present at the caravan park at all reasonable times; and
- (c) keep a register, available for inspection by an authorised person at all times, containing—
 - (i) the name and address of each person who hires a camping site; and
 - (ii) identifying number for the site; and
 - (iii) if a vehicle is brought onto the site—the registration number of the vehicle; and
 - (iv) the dates when the hiring of the site begins and ends; and
- (d) not permit occupation of a caravan site by more persons than the limit fixed for the relevant site; and
- (e) not hire out a part of the caravan park for separate occupation unless it is a site approved by the local government for separate occupation; and
- (f) not permit a person to bring a caravan or other type of accommodation onto the caravan park that is not fit for human habitation; and
- (g) not change the sites, structures or facilities in the caravan park without the consent of the local government.

6 Conditions that will ordinarily be imposed on approvals

An approval holder may be required to—

- (a) maintain an adequate supply of water to the caravan park, including water suitable for drinking, cooking and personal hygiene; and
- (b) ensure that, if water obtained from a particular water outlet in the caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating "**Unsuitable for Drinking**"; and
- (c) maintain toilets and bathing or showering facilities for each gender and disabled people; and
- (d) maintain recreational facilities; and
- (e) maintain sewerage, drainage, refuse collection, waste disposal, electricity supply, telephone and postal services; and
- (f) provide lighting of the caravan park to specified standards during specified hours; and
- (g) ensure that the number of persons who may occupy a camping site is not contravened; and

CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

- (h) maintain all bedding and bed linen supplied by the approval holder in a clean and sanitary condition; and
- (i) ensure all bed linen is changed whenever there is a change of occupier;
and
- (j) provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 clothes washing machine and 1 clothes dryer, or suitable length of clothes line, for every 20 sites or part thereof.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DATE**

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Schedule 15 Operation of cemeteries

Section 11

1 Prescribed activity

Operation of cemeteries

2 Activities that do not require approval under the authorising local law*This section has been intentionally left blank***3 Documents and materials that must accompany applications for approval**

An application must be accompanied by—

- (a) the location and real property description of the land; and
- (b) a plan of the proposed cemetery drawn to scale showing the location of proposed grave sites and other structures, which may include—
 - (i) a columbarium; or
 - (ii) a mausoleum or vault; or
 - (iii) a garden of remembrance; and
- (c) if the applicant is not the owner of the land on which the cemetery is situated—the written consent of the owner to the application; and
- (d) soil and drilling tests verifying the allotment's suitability for use as a cemetery; and
- (e) details of the occupation and use of buildings and structures on the land in connection with the operation of the cemetery; and
- (f) details of the proposed administration and management of the cemetery including the establishment of a cemetery authority.

4 Additional criteria for the granting of approval*This section has been intentionally left blank***5 Conditions that must be imposed on approvals**

The conditions that must be imposed on all approvals are as follows—

- (a) an approval holder must not dispose of human remains in a cemetery unless authorised by an approval issued by the cemetery authority; and
- (b) an application for an approval permitting disposal of human remains in a cemetery must be accompanied by certified copies of other legal authorities that are required for the disposal of the remains; and

CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**[c:\p\017_2017\01_316.docx c:\p\017_2017_017.docx](#)

- (c) human remains brought into a cemetery must be in a coffin or other form of container of water tight construction; and
- (d) publicly available records must be kept about the disposal of human remains within the cemetery; and
- (e) have in place provision for the proper maintenance of memorials and other buildings and structures in the cemetery; and
- (f) have in place policies about matters such as the exhumation or disturbance of human remains.

6 Conditions that will ordinarily be imposed on approvals

- (a) Standards which must be met for the disposal of human remains in cemeteries are as follows—
 - (i) graves must be dug to a depth of at least—
 - (A) 1.2 metres for a child under the age of 5 years; or
 - (B) 1.8 metres for all other graves; and
 - (ii) no more than two bodies of adults or children to be buried in any grave; and
 - (iii) the upper surface of a coffin must be at least 1 metre below the natural soil surface; and
 - (iv) in no case shall a grave be sunk deeper after the first burial therein; and

Example—
No coffin once buried shall be disturbed for the purpose of deepening the grave

 - (v) grave plots must be at least—
 - (A) 2.4 metres by 1.2 metres for a single grave plot; or
 - (B) 2.4 metres by 2.4 metres for a double grave plot; or
 - (C) 2.4 metres by 3.7 metres for a family grave plot; and
 - (vi) any body interred in a mausoleum or vault must be enclosed—
 - (A) firstly, in a wooden shell; and
 - (B) secondly, in a leaden hermetically sealed shell; and
 - (C) thirdly, in a coffin on the lid of which a metal plate must be placed that has the deceased person's name stamped or inscribed.
- (b) A cemetery authority may enter into contracts—
 - (i) giving rights to burial sites or other rights relating to the placement of human remains in the cemetery; and

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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- (ii) granting an approval authorising the erection or installation of a memorial to a deceased person provided that if a development permit is required under the *Sustainable Planning Act 2009* for the erection or installation of the proposed memorial, the application must be accompanied by a copy of the relevant permit; and
- (iii) authorising a person to construct and maintain a private columbarium, mausoleum or vault in a local government cemetery, provided that—
 - (A) a contract under this section does not dispense with the need for a development permit for the proposed structure under the *Sustainable Planning Act 2009*; and
 - (B) a contract under this section must provide for the maintenance and repair of the structure and if the structure is not to be maintained by the cemetery authority under the terms of the contract—authorise the cemetery authority to demolish and remove the structure if it falls into disrepair; and
 - (C) If a party to a contract under this section dies, the cemetery authority must (subject to wishes the deceased had made known to the cemetery authority) allow relatives of the deceased whose identity and whereabouts are known to the cemetery authority a reasonable opportunity to take over the deceased's contractual rights and liabilities.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

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Schedule 16 Operation of public swimming pools

Section 11

1 Prescribed activity

Operation of public swimming pools

2 Activities that do not require approval under the authorising local law

The operation of a public swimming pool if the public swimming pool is—

- (a) on a local government controlled area; or
- (b) a swimming pool made available by the body corporate of a community titles scheme for use by the owners or occupiers of lots in the scheme or their invitees; or
- (c) a swimming pool made available by a hotel or motel for use by paying guests and visitors.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

- (a) a plan or other information identifying the swimming pool; and
- (b) details of the nature and extent of the public use that is proposed by the applicant including any training programs intended to be conducted; and
- (c) details of the proposed management and supervision of the swimming pool; and
- (d) if the applicant is not the owner of the land on which the swimming pool is situated—the owner's consent to the application; and
- (e) any necessary statutory permit, authorisation or approval—
 - (i) for the development and use of the relevant land as a public pool; and
 - (ii) for the use of buildings and structures on the land in connection with the operation of the public pool.

4 Additional criteria for the granting of approval

The additional criteria for approvals are that—

- (a) the equipment for chlorination, filtration and recirculation of swimming pool water is adequate to protect public health; and
- (b) the management and supervision of the swimming pool is adequate to protect public safety and prevent nuisance.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE][c:\p\017_011120_036.docx: c:\p\017_011120_036.docx](#)

for example:

whether the management plan complies with the Royal Life Saving Society's Guidelines for Safe Pool Operation including the qualifications and experience of proposed managers and supervisors.

5 Conditions that must be imposed on approvals

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6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on approvals are that the approval holder must—

- (a) install and maintain special equipment for filtering, purifying and recirculating the water; and
- (b) test the water daily to ensure that biological contaminants are kept within levels specified in the Australian Standards; and
- (c) maintain equipment specified in the approval for emergency medical treatment, first aid and rescue operations; and
- (d) erect and maintain and display of notices—
 - (i) providing information about basic life saving, resuscitation and first aid techniques; and
 - (ii) warning about possible dangers
- (e) maintain dressing rooms and facilities for showering and sanitation; and
- (f) erect and maintain exterior fencing of the pool in accordance with the conditions of the approval; and
- (g) give the local government at least 24 hours notice prior to emptying the water from the pool, and to comply with any directions given by an authorised person about when and how the pool is to be emptied.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

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Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Management Plan	Royal Life Saving Society	Certificate issued by the Royal Life Saving Society
Life Saving Certificate	Royal Life Saving Society	Certificate issued by the Royal Life Saving Society

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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Schedule 17 Operation of shared facility accommodation

Section 11

1 Prescribed activity

Operation of shared facility accommodation

2 Activities that do not require approval under the authorising local law

Approval is not required for the operation of shared facility accommodation in a private home in which accommodation is provided for not more than 3 holiday makers or travellers.

3 Documents and materials that must accompany applications for approval

An application must be accompanied by—

- (a) the name, location and real property description of the premises; and
- (b) a plan of the premises drawn to scale and showing—
 - (i) the location of the building on the site including location of vehicle accesses and parking, areas for clothes drying and open recreation areas; and
 - (ii) the internal layout of the building showing the proposed function of each room and in the case of bedrooms and dormitories—the maximum number of beds proposed; and
- (c) details of shared facilities including—
 - (i) number of toilets; and
 - (ii) number of bathrooms and showers; and
 - (iii) laundry facilities; and
 - (iv) dining facilities; and
 - (v) cooking facilities; and
 - (vi) vehicle parking; and
- (d) a report from an appropriately qualified professional that the fire safety provisions of the *Building Act 1975* have been complied with; and
- (e) if the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application; and
- (f) copies of any necessary statutory permit, authorisation or approval including any development permit for the premises required under the *Sustainable Planning Act 2009*.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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4 Additional criteria for the granting of approval

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

- (a) the need for a reasonable degree of uniformity between local government areas; and
- (b) the need to encourage prospective operators to enter the market for accommodation to which this local law applies as a way of promoting tourism.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed in an approval are as follows—

(a) Bedrooms and Dormitories

- (i) Sleeping accommodation and beds are not provided in any room or space except those rooms designated on the plan accompanying the application as bedrooms or dormitories.
- (ii) Every person accommodated on the premises to be provided with a clean and comfortable bed which shall be designated by a room and bed number.
- (iii) Each bedroom or dormitory shall have—
 - (A) cupboard space provided at a rate of 0.03 square metres per person; and
 - (B) one (1) towel rail per person.
- (iv) the maximum number of people to be accommodated in any bedroom or dormitory shall be eight (8).
- (v) No beds to be more than two tiers in height and the clearance between the upper and lower beds to be at least 870mm with a clearance of one (1) metre between the upper bed and the ceiling, light fittings or any other projection from the ceiling.

(b) Kitchen Facilities

- (i) A kitchen separate from all other rooms shall be provided.
- (ii) Kitchens shall be kept in a clean and hygienic manner at all times.
- (iii) All kitchen walls and ceilings shall be smooth and free of ledges, protrusions, cracks and crevices and treated with washable gloss paint or other washable surface.
- (iv) All kitchen floors to shall be covered with a smooth impervious floor covering.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

- (v) All kitchen benches, tables and shelving shall be covered in smooth impervious material.
 - (vi) Cooking appliances shall be provided at a rate of at least four (4) burners or hotplates and one (1) oven for each 15 people.
 - (vii) Refrigeration space to be provided at a rate of 15 litres per person.
 - (viii) Dishwashing facilities shall be provided at a rate of one stainless steel sink per 15 people.
 - (ix) Adequate crockery, cutlery and cooking utensils shall be provided and maintained in a sound and clean condition.
 - (x) Kitchen cupboard space shall be provided at a rate of 0.015 square metres per person.
- (c) Dining Room**
- (i) A dining room under the same roof as the kitchen shall be provided.
 - (ii) Dining room seating shall be available at the rate of 50 percent of the maximum occupancy authorised under the approval.
- (d) Common Living Rooms**
- (i) One or more common living rooms shall be required.
 - (ii) Floor area of common living rooms shall be at least two square metres per person, which may include the area of the dining room but which shall not include a—
 - (A) passage way; or
 - (B) fire access way; or
 - (C) non-habitable room.
- (e) Toilets and Ablution Facilities**
- The provision of toilet and ablution facilities shall be in accordance with the Building Code of Australia.
- (f) Laundry Facilities**
- Laundry facilities to be provided at a rate of one (1) wash tub and one (1) washing machine per 15 people.
- (g) Office**
- (i) Every premises shall have a clearly designated office.
 - (ii) An emergency telephone service shall be available when the office is closed.
- (h) Refuse Disposal**
- (i) Refuse shall be disposed of at least once in every week in an approved manner.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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- (ii) Refuse storage to be provided at the rate of one (1) 240 litre bin per six (6) people.

(i) **Maintenance**

- (i) The premises to be treated for the control of vermin at least twice per year.
- (ii) The premises, including the grounds around any building, to be maintained in a state of good repair and in a clean and sanitary condition free from accumulated refuse and waste materials at all times.

(j) **Storage**

- (i) A secure, fire proof safe shall be provided for the keeping of the occupants valuables and papers.
- (ii) A security lock up for bulky packs and luggage shall be provided which is not accessible other than by permission of the operator.

(k) **Fire Safety**

Fire prevention, fire detection and fire suppression and control devices to be installed to ensure compliance with the *Building Act 1975*.

(l) **Accommodation Register**

- (i) A register to be kept which details—
 - (A) the full name of the occupant; and
 - (B) permanent residential address of the occupant; and
 - (C) the occupant's signature; and
 - (D) dates the occupant checked in and out; and
 - (E) room and bed number allocated to the occupant.
- (ii) The operator may not allow a bed to be occupied by any person who has failed to register his/her name and address in the accommodation register.

(m) **Duties of the Operator:**

The operator or a representative of the operator shall reside on the premises and be available for emergency contact at night.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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Schedule 18 Operation of temporary entertainment events

Section 11

1 Prescribed activity

Operation of temporary entertainment events

Example –

Music festival

2 Activities that do not require approval under the authorising local law

~~Trail rides conducted on a private property during the weekend.~~

~~(a) Events that occur outside the urban area⁴ that are attended by less than 200 people.~~

~~(a) Events that occur at the Cooktown Event Centre Complex located at 3 May Street Cooktown.~~

~~(a) Events that occur inside a building located on land zoned for community use.~~

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

This section has been intentionally left blank

3 Documents and materials that must accompany applications for approval

~~An The additional documents and materials that must accompany an application for an approval must be accompanied by – are –~~

~~(a) a plan of the temporary entertainment event's venue; and~~

~~(b) the details and drawings of buildings and other structural elements of the temporary entertainment event's venue; and~~

~~(c)(a) a detailed statement of the proposed event including the nature type and location of the temporary entertainment event; and~~

~~(d)(b) the dates and times the temporary entertainment event will be open to the public; and~~

~~(c) the number of persons invited to or likely to attend the event;~~

~~(d) details of the temporary entertainment event venue;~~

~~(e) if the applicant is not the owner of the venue – the written consent of the owner; and~~

⁴ See definition of urban area in the Sustainable Planning Regulation 2009, schedule 26.

- ~~(f) if approval of anything to be done under the approval is required under another law—a certified copy or other appropriate evidence of the approval;~~
- ~~(f) details about how the applicant proposes to manage the event, which must include (where relevant):~~
 - ~~(i) an event management plan (including site plan);~~
 - ~~(ii) a community consultation plan;~~
 - ~~(iii) an alcohol management plan;~~
 - ~~(iv) an emergency management plan;~~
 - ~~(v) a noise management plan;~~
 - ~~(vi) a traffic management plan;~~
 - ~~(vii) a waste management plan;~~
 - ~~(viii) a risk management strategy (including risk assessments);~~
 - ~~(ix) a public safety plan;~~
 - ~~(x) parking management plan;~~
 - ~~(xi) a crowd management plan (including details relating to security personnel);~~
- ~~(g) details of the quality and condition of equipment to be used in the activity;~~
- ~~(h) details of how the event will be accessed and in particular any impact upon roads or use of roads;~~
- ~~(i) if the business or activity is to operate from a vehicle – a full description of that vehicle and its registration number.~~

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the design and construction of the temporary entertainment event's venue is safe and appropriate to the nature of entertainment proposed and the number of people expected to attend the event's venue; and
- (b) entertainment provided at the temporary entertainment event's venue will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
- (d) adequate provision will exist for the disposal of refuse generated by the use of the temporary entertainment event's venue; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the temporary entertainment event's venue; and
- (f) where multiple events are intended to be held at the venue annually, the cumulative effect of events does not negatively impact the surrounding neighbourhood or social amenity;
- (g) the applicant has no history of non-compliance with approval conditions for the Operation of Temporary Entertainment Events;
- (h) the application has been received:
 - (i) at least 2 months prior to the event if it is to be attended by less than 500 people;
 - (ii) at least 4 months prior to the event if it is to be attended by between 500 and 5000 people;
 - (iii) at least 6 months prior to the event if it is to be attended by between 5001 and 10000 people;
 - (iv) at least 12 months prior to the event if it is to be attended by more than 10000 people;

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that—

- (a) public liability insurance is maintained of no less than \$20,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity; and

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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- (b) all patrons the permissible noise level measured at the nearest occupied building must not exceed the following limits –
 - (i) between 7 am and midnight, 100 dB;
 - (ii) between midnight and 2 am, 80 dB;
 - (iii) all other times, no more than 10 dB above ordinary background noise.
- (c) if the sound level at the event exceeds the levels outlined above, or, if in the opinion of an authorised person the noise emitted is unreasonable, the approval holder must direct the persons controlling the volume of the sound to reduce the volume so as not to exceed these levels. The approval holder is responsible for ensuring that the person in control of sound production complies with directions on noise reduction;
- (d) amplification equipment used for the prescribed activity shall be set up so as to minimize the noise impact on residential premises;
- (e) a letter drop, outlining the dates and times of the prescribed activity, must be conducted to residents located within a radius of the venue to be determined during the approval process;
- (f) during the event, an authorised person must be able to contact the approval holder or a person acting on behalf of the approval holder by phone;
- (g) the approval holder must provide a first aid station, equipped with a defibrillator, and qualified first aid officer/s;
- (h) food shall be sold only from the temporary food stalls or mobile food vans approved by the local government;
- (i) food shall be sold only from the temporary food stalls or mobile food vans approved by the local government;
- (j) all food must be processed, prepared and packed in accordance with the provisions of the Food Act 2006;
- (k) structures including large tents, stage, lighting, sound towers and grand stands, are erected by suitably qualified persons and are approved by building certifiers where applicable;
- (l) all temporary electrical work is carried out in accordance with relevant Australian Standards or Industry Codes of Practice and a copy of any required certification is to be forwarded to the local governments;
- (m) the approval holder has in place appropriate security arrangements for the duration of the event in and around the venue;
- (n) an adequate toilet and number of toilets are to be provided to meet the needs of all attendants;
- (b)(o) all toilets are to be kept in a sanitary conveniences; and state at all times during the prescribed activity;
- (p) if campfires are permitted during the prescribed activity, they must be in a designated area and all precautions must be in place to ensure the safety

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

- of patrons and festival staff. The fires must be monitored at all times and extinguished when not supervised;
- (q) for the duration of the term of the approval, the approval holder must maintain in full force and effect a public liability insurance policy –
- (i) listing the local government as an interested party;
 - (ii) covering their respective rights, interests and liability to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
- (r) the local government is reimbursed for any cost or expense it incurs in rectifying any damage caused or contributed to by the approval holder or by the conduct of the approved use or activity;
- (s) prior to the commencement of the prescribed activity, the approval holder must provide the local government with a certificate of currency for the standard public liability insurance policy;
- (t) the approval holder must indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the prescribed activity;
- (u) if the activity involves playing live or taped performances – the approval holder must obtain a causal licence from the Australasian Performing Rights Association;
- (v) if the activity involves use of a footpath – the approval holder must maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval;
- (w) the approval holder must comply with relevant workplace health and safety requirements;
- (x) ensure adequate waste receptacles are placed around the venue to meet the reasonable needs of attendees;
- ~~(e)~~(y) all refuse generated by the use of the entertainment venue shall be disposed of the day following each use of the venue; and
- ~~(d)~~(z) action be taken to reduce noise, dust, odour and light emissions to an absolute minimum or to a level specified in an approval; and
- (aa) if the approval relates to an activity on a road – require the approval holder to indemnify the State.

7 Term of approval

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

The term of the approval must be specified in the approval.

8 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DATE**

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Schedule 19 Undertaking regulated activities regarding human remains—(a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains—(a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery.

2 Activities that do not require approval under the authorising local law

The disturbance of human remains does not require approval if it is undertaken pursuant to orders of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

- (a) details of and reasons for the proposed disturbance of human remains; and
- (b) a copy of the death certificate or medical certificate of cause of death for the deceased; and
- (c) written consent from the nearest living relative; and
- (d) evidence that there is no risk to public health; and
- (e) written confirmation from a recognised undertaker that he/she is prepared to carry out the exhumation.

4 Additional criteria for the granting of approval

The additional criteria for approvals are that—

- (a) the nearest living relative consents; or
- (b) the executor of a deceased estate is acting on instructions contained in the last will and testament of the deceased.

5 Conditions that must be imposed on approvals

It is a condition of an approval that the Registrar of Births, Deaths and Marriages must be advised.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that—

- (a) any re-interment must be carried out in accordance with an approval granted for the following prescribed activities—
 - (i) the operation of cemeteries; or
 - (ii) undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

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Schedule 20 Undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank

3 Documents and materials that must accompany applications for approval

The application for approval must be accompanied by—

- (a) the real property description and exact location of the burial site by Global positioning System (GPS) reference points; and
- (b) a description of the burial method and ongoing management of the site; and
- (c) evidence of ownership of the property, or if not the owner, the written consent of the owner; and
- (d) time and date of the proposed burial; and
- (e) details of the relevant qualifications of the undertaker organising the burial

4 Additional criteria for the granting of approval

Additional criteria are that—

- (a) the grant of the approval is justified by—
 - (i) special family, personal or historical association between the deceased person and the place in which the remains are to be buried or placed; or
 - (ii) some other special reason; and
- (b) the activity will not cause reasonable offence to others; and
- (c) the burial will be conducted by a registered undertaker or similarly qualified person.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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5 Conditions that must be imposed on approvals

Conditions that must be imposed on approvals are that—

- (a) an authorised person must inspect the grave before burial of human remains in the grave; and
- (b) the disposal of the human remains must take place at a time, or within the period specified in the approval; and
- (c) a memorial or marker to identify a site in which human remains have been buried must be erected or installed.

6 Conditions that will ordinarily be imposed on approvals

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7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DATE**

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Schedule 21 Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—

driving or leading of animals to cross a road

2 Activities that do not require approval under the authorising local law

LeadingThe following activities do not require approval under the authorising local law –

- (a) leading of horses across a road by a member of a horse or pony club;
- (b) where no more than 2 animals are being led by a single person; and
- (c) where the animals are being led pursuant to an approval under another local law or relevant statute.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by details of—

- (b)(d) the proposed use of the local government controlled area or road, including location and times; and
- (c)(e) the types and numbers of animals to be lead or driven; and
- (d)(f) how the safety of the public will be safeguarded including any traffic control, safety signage, warning notices or other means of alerting other road users of the activity; and
- (g) how the applicant plans to carry out the activity and the regularity and duration of the event.

4 Additional criteria for the granting of approval

The additional criteria for approvals are that the leading of animals would not unduly interfere with the proper use of the road or create a safety hazard.

5 Conditions that must be imposed on approvals

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CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

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6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) conduct the activity on the days and times specified in the approval; and
- (b) limit the number of stock participating in the activity to the number specified in the approval; and
- (c) comply with specified safety requirements; and
- (d) exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area; and
- (e) provide an indemnity to the State and the local government; and
- (f) maintain public liability insurance of no less than \$20,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

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Schedule 22 Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials

2 Activities that do not require approval under the authorising local law

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3 Documents and materials that must accompany applications for approval

The application for approval must be accompanied by details of the—

- (a) goods or materials to be deposited on the road; and
- (b) time date, location and duration of the activity.

4 Additional criteria for the granting of approval

The additional criteria for the granting of approval are that the activity must not—

- (a) significantly detract from the capacity of the road to provide a vehicular and where relevant pedestrian thoroughfare; and
- (b) constitute a nuisance or a danger to any person or property; and
- (c) obstruct access from the footway to kerbside parking; and
- (d) adversely affect the amenity of the area or the environment; and
- (e) adversely affect the existing services located in, along, over or adjacent to a road.

5 Conditions that must be imposed on approvals

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6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) ensure unobstructed movement of vehicles and pedestrians; and

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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- (b) maintain public liability insurance of no less than \$20,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government and any other person who has an interest in or takes a benefit from the work or activity in respect to any liability arising from the activity; and
- (c) observe standards specified by the local government in the carrying out of the works or activity; and
- (d) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades; and
- (e) lodge a security deposit with the local government in the amount specified in the approval; and
- (f) reinstate the road following completion of the works or ceasing of the activity.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

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**Schedule 23 Undertaking regulated activities on local government controlled areas and roads—
(c) holding of a public place activity
prescribed by subordinate local law**

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—(c) holding of a public place activity prescribed by subordinate local law, excluding the operation of a temporary entertainment event.

2 Activities that do not require approval under the authorising local law

A cake stall, sausage sizzle, car wash, school fete or similar fundraising activity held on no more than 1 day.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

- (a) a plan of the venue; and
- (b) a detailed statement of the nature of the activity; and
- (c) the dates and times the activity will be undertaken; and
- (d) if the applicant is not the owner of the land—the written consent of the owner; and
- (e) if approval of anything to be done under the approval is required under another law—a certified copy or other appropriate evidence of the approval.

4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the venue is safe and appropriate for the nature of the activity and for the number of people expected to attend; and
- (b) the activity will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the activity; and
- (d) adequate provision will exist for the disposal of refuse generated by the activity; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

and leave the venue.

5 Conditions that must be imposed on approvals

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6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades; and
- (b) maintain public liability insurance of no less than \$20,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity; and
- (c) lodge security bond with council in the amount specified in the approval; and
- (d) reinstate the area following the ceasing of the activity; and
- (e) conspicuously display the approval and provide it on demand to an authorised person;
- (f) maintain a defined access point for emergency vehicles;
- (g) if the activity involves use of a footpath – maintain a clear and unobstructed pedestrian corridor of not less than 1.5 metres;
- (h) remove all rubbish created by the use or activity and ensure that the area used is kept in the same condition as before the use or activity commenced;
- (i) where the local government incurs costs or expenses in rectifying any damage caused or contributed to by the approval holder or by the conduct of the approved use or activity – the approval holder must pay the amount of these costs or expenses to the local government;
- (j) ensure that no glass or glass receptacles will be used at the location during the activity;
- (k) maintain any other necessary approval, lease, licence or permit under any other local law, act or Regulation that is required for the use or activities for the duration of the activity; and
- (l) maintain responsible for the security of the venue and ensure the security and safety of any property of the local government in or around the venue.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

8 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

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Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

66

Schedule 24 Undertaking regulated activities on local government controlled areas and roads - (c) - Film and Television Activities.

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads - (c)
film and television production activities for which a development application is not required under the local government's planning scheme

Example

commercial filming/photography

2 Activities that do not require approval under the authorising local law

Filming or photography undertaken only for personal use.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany applications for approval—

- (a) details of the location where the activity will be carried out, by way of plans or otherwise; and
- (b) if an applicant for an approval is not the owner of the premises on which the activity is to be operated, the application must be accompanied by the written consent of the owner; and
- (c) details of contact person; and
- (d) details of times; and
- (e) a certificate of currency of the applicants public liability insurance for the activity.

214 Additional criteria for the granting of approval

The additional criteria are as follows—

- (a) Whether the premises or location is suitable taking into account the—
 - (i) type of activity proposed; and
 - (ii) number of people involved in the activity; and
 - (iii) means of entry and exit for attendees and or vehicles if applicable.

CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

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315 Conditions that must be imposed on approvals

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416 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades; and
- (b) maintain public liability insurance of no less than \$20,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity; and
- (c) lodge security bond with council in the amount specified in the approval; and
- (d) reinstate the area following the ceasing of the activity; and
- (e) advise residents living adjacent to the location of the time, nature and scale of the activity at least seven (7) days before the activity commences; and
- (f) obtain additional approval under the local laws to use vehicles, aircraft, vessels and non-filming equipment on local government areas; and
- (g) vegetation must not to be disturbed or damaged; and
- (h) inform the local government of any alterations to the activity schedule; and
- (i) ensure a sufficient number of sanitary conveniences are available during the activity; and
- (j) fees are to be paid in accordance with the local government's current fees and charges schedule.

517 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

618 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

68

Schedule 25 Bringing or driving motor vehicles onto a park or reserve

Section 11

1 Prescribed activity

Bringing a motor vehicle onto or driving a motor vehicle on a place that is—

- (a) within a local government controlled area; and
- (b) not within a motor vehicle access area.

(Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2016, section 6(2)).

2 Activities that do not require approval under the authorising local law

- (a) Access to a local government controlled area by an authorised contractor for the purposes of repairing or maintaining a local government facility; or
- (b) Persons holding an approval under another local law permitting the bringing or driving of motor vehicles onto local government controlled areas.

3 Documents and materials that must accompany applications for approval

An application must be accompanied by—

- (a) full details of the need and reasons for bringing the motor vehicle onto the local government controlled area; and
- (b) the date and time and duration of bringing the motor vehicle onto the area; and
- (c) the parts of the area where the motor vehicle will be driven; and
- (d) the type of motor vehicle to be driven; and
- (e) any other documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the vehicle access is required for—
 - (i) construction, repair and maintenance work within the local government controlled area; or
 - (ii) access to a temporary entertainment venue for which the applicant has received approval under another local law; or
 - (iii) holding a celebration, ceremony or competition for which the applicant has received approval under another local law.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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- (b) access by the vehicle will not—
 - (i) unduly interfere with the usual use and enjoyment of the area;
 - (ii) impact on the natural resources and native wildlife of the area;
 - (iii) cause damage to the area;
 - (iv) generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood or other users of the area.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that the approval—

- (a) will be valid only for the specific vehicle or type of vehicle specified in the approval; and
- (b) is not transferable; and
- (c) is displayed on the dashboard of the vehicle while it is within the local government controlled area; and
- (d) holder must ensure the safety of other users of the area arising from the carrying out of the activity; and
- (e) holder must pay to the local government the cost of rectifying any damage caused by the use of the vehicle in the area.

6 Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on approvals—

- (a) The approval holder must give at least 24 hours notice to neighbouring land holders that the area will be accessed under the approval.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

70

**Schedule 26 Bringing or driving prohibited vehicles onto
motor vehicle access areas**

Section 11

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CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

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*Cook Shire Council**Subordinate Local Law No. 1 (Administration) 2016*

71

**Schedule 27 Use of bathing reserves for training,
 competitions etc**

Section 11

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Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

72

Schedule 28 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

Section 11

1 Prescribed activity

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

Local Law No.5 (Parking) 2016, section 7(1)

2 Activities that do not require approval under the authorising local law

This section is not applicable for this prescribed activity.

3 Documents and materials that must accompany applications for approval

An application for a parking permit must be accompanied by the following information—

- (a) for a works zone permit—
 - (i) the name, address, telephone number and e-mail address of the applicant; and
 - (ii) the trading name, address, telephone number and email address of the business under which the permit will be issued; and
 - (iii) the registration number, make, model and colour of any vehicle nominated in the application; and
 - (iv) the address at which the vehicle/s will be parked; and
 - (v) details of the works being carried out on the premises including—
 - (A) copy of the development application and/or building works approval; and
 - (B) in the case of continuing traffic, the nature and type of the traffic and the general class of vehicle likely to be parked in the works zone; and
 - (C) the hours of operation; and
- (b) for a business parking permit—
 - (i) the name, address, telephone number and e-mail address of the applicant; and
 - (ii) the trading name, address, telephone number and e-mail address of the business under which the permit will be issued; and
 - (iii) the registration number, make, model and colour of the vehicle nominated in the application; and

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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(iv) the location for and type of permit required.

4 Additional criteria for the granting of approval

The additional criterion for a works zone permit is that the applicant is undertaking building or construction work in the local government area.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on a parking permit are that—

- (a) the permit applies to the vehicle registration and applicant nominated on the application form; and
- (b) the permit must be affixed to the lower left-hand corner of the windscreen or other highly visible location on the left-hand side of the vehicle; and
- (c) the permit is not transferable to the new owner of the vehicle if the vehicle is sold; and
- (d) in the event of a change of vehicle the permit holder is required to destroy the permit; and
- (e) in the event of a change of vehicle the permit holder is to complete a new application form with new vehicle details; and
- (f) the permit is only valid on local government roads and off-street regulated parking areas; and
- (g) damaged or defaced permits must be returned to the local government; and
- (h) a permit must not be wilfully misused; and
- (i) the permit holder must not hold a permit for more than one vehicle.

7 Term of approval

The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

74

Schedule 29 Parking in a loading zone by displaying a commercial vehicle identification label

Section 11

1 Prescribed activity

Parking in a loading zone by displaying a commercial vehicle identification label
Local Law No.5 (Parking) 2016, section 8(1)

2 Activities that do not require approval under the authorising local law

This section is not applicable for this prescribed activity

3 Documents and materials that must accompany applications for approval

An application for a parking permit must be accompanied by the following documents—

- (a) the name, home address, telephone number and e-mail address of the applicant; and
- (b) the business name, address, telephone number and e-mail address of the applicant's business; and
- (c) the registration number, make, model and colour of the vehicle nominated in the application; and
- (d) a copy of the current registration notice for the vehicle; and
- (e) the number of persons the vehicle is built to carry; and
- (f) details of the usage of the vehicle, including the—
 - (i) nature of goods carried in the vehicle; and
 - (ii) quantity of goods carried; and
 - (iii) hours that goods are carried; and
 - (iv) frequency with which goods will be loaded/unloaded.

4 Additional criteria for the granting of approval

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5 Conditions that must be imposed on approvals

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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval for a commercial vehicle identification label are that—

- (a) the approval applies to the vehicle registration and applicant nominated on the application form; and
- (b) the label must be affixed to the lower left-hand corner of the windscreen or other highly visible location on the left-hand side of the vehicle; and
- (c) the label is not transferable to the new owner of the vehicle if the vehicle is sold; and
- (d) in the event of a change of vehicle the approval holder is required to destroy the label; and
- (e) in the event of a change of vehicle the approval holder is to complete a new application form with new vehicle details; and
- (f) damaged or defaced labels must be returned to the local government; and
- (g) a label must not be wilfully misused; and
- (h) a vehicle displaying a commercial vehicle identification label may park in a commercial loading zone for the purpose of loading or unloading for up to a maximum of 20 minutes unless otherwise stated; and
- (i) the holder of a commercial vehicle approval must return the identification label to the local government within 3 days after expiration or revocation of the approval.

7 Term of approval

The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

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CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

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Schedule 30 Carrying out works on a road or interfering with a road or its operation

Section 11

1 Prescribed activity

Carrying out works on a road or interfering with a road or its operation

Local Government Act 2009, section 75(2)

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank

3 Documents and materials that must accompany applications for approval

(a) The application must be accompanied by—

- (i) full details of the proposed works on the road or interference with its operation; and
- (ii) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure; and
- (iii) details of building or other work to be carried out under the approval; ~~and~~
- ~~(iv) details of any impact upon traffic or pedestrian movement and how any impacts will be managed or addressed; and~~
- ~~(v) details regarding compliance with Australian standards or industry codes of practice.~~

(b) For approvals for installation of a gate or grid, an application must also be accompanied by—

- (i) the name, address and telephone number of the person who will be installing the gate or grid; and
- (ii) details of the gate or grid to be installed including—
 - (A) its design, dimensions and construction, including details of the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment; and
 - (B) when, where and how the gate or grid is to be installed; and
 - ~~(C) a site plan to scale and specifications of the gate or grid to be installed; and~~
 - ~~(C)~~

CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

- (iii) details of all insurances held by the person who will be installing the gate or grid

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

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4 Additional criteria for the granting of approval

- (a) The additional criteria for approvals for the installation of a vehicular access to premises are the following—
 - (i) the owner of the premises accepts the responsibility for the cost of installing and maintaining the vehicular access; and
 - (ii) unless special reasons exist, there is only one vehicular access per allotment or one every 20 metres of road frontage.
- (b) The additional criteria for approvals for the installation of a gate or grid on a road are the following—
 - (i) the gate or grid will not unduly obstruct pedestrian or vehicular traffic; and
 - (ii) the gate or grid will not prejudice the safety of pedestrian or vehicular traffic; and
 - (iii) the gate or grid will not prejudice the proper maintenance of the road; and
 - (iv) the matters which are the subject of the conditions specified in section 6(2) of this schedule which are relevant to the installation of the gate or grid can be adequately addressed by the imposition of those conditions.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

- (a) For approvals for installing a vehicular access to premises, the conditions that will ordinarily be imposed on an approval are that the approval holder must ensure that—
 - (i) if an allotment is located on a corner—the vehicular access to the premises is not constructed along the arc of the kerb return into the side street; and

Example for paragraph (a)
A vehicular access to the premises cannot lie between the tangent points of the turnout arc.
 - (ii) the vehicular access to the premises is—
 - (A) 600 millimetres clear of stormwater drainage and catchpits; and
 - (B) 800 millimetres clear of power poles or light poles; and
 - (iii) the vehicular access is not built over hydrants or other services; and
 - (iv) where a vehicular access is built over a service cover, the cover is

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

- altered and reconstructed to the level of the new driveway; and
- (v) the vehicular access is constructed in accordance with the engineering guidelines adopted by the local government.
- (b) For approvals for installing or operating gates or grids on a road, the conditions that will ordinarily be imposed are that the approval holder must ensure that—
- (i) the gate or grid, the approaches to the gate or grid and the warning signs are erected and installed in accordance with the following requirements—
- (A) a grid or gate must be erected—
- (1) at locations approved by the local government; and
 - (2) as directed by the local government; and
- (B) a grid is constructed at a skew of 1 in 12 to the centreline of the road; and
- (C) the centre of the grid or gate coincides with the centreline of the road; and
- (D) a gate is constructed at right angles to the road centreline; and
- (E) the grade of the motor grid conforms to the grade of the road unless otherwise ordered by the local government; and
- (F) the levels of the grid surface (including crossfalls) are in accordance with the directions of the local government; and
- (G) when the grid is on a curve, the crossfall conforms to the cant of the curve; and
- (H) the surface of the grid is 0.5 metres (with a tolerance of 0.1 metre) above the natural surface of the surrounding country; and
- (I) approach ramps are constructed for the full width of the running surface of the grid; and
- (J) the longitudinal grade of the approach ramps are such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%; and
- (K) the fill used in the approach ramps is thoroughly compacted and finished to the satisfaction of the local government; and
- (L) a grid is constructed of steel or concrete and is—
- (1) of dimensions not less than 3.66 metres by 1.80 metres; or

CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ **INSERT DATE**

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- (2) of such greater dimensions as may be required by the local government; and
 - (M) the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment—
 - (1) are sufficient to guarantee the safe transit of vehicles; and
 - (2) will not interfere with the natural drainage of the area; and
 - (N) the construction of the grid will allow for the movement of stock by a suitable gate erected—
 - (1) beside the grid; and
 - (2) within the road reserve; and
 - (O) sufficient guide posts and rails are provided, as shown on the drawings, to satisfy road traffic safety requirements at the specific location; and
 - (P) reflectorised grid warning signs which satisfy the requirements of the Manual of Uniform Traffic Control Devices (Queensland) are provided at the approaches to the grid in accordance with best traffic safety practice; and
 - (ii) the gate or grid, the approaches thereto and the warning signs are maintained to the standard specified in the local government's standard specification; and
 - (iii) a sign on which the words "Permitted Public Gate/Grid" are prominently and permanently displayed is exhibited on a conspicuous part of the structure so that it can be viewed by members of the public; and
 - (iv) public liability insurance in relation to the gate or grid is taken out and maintained for an amount not less than \$5,000,000 or such an amount as determined by the local government and which also indemnifies the local government in respect of any liability arising from the gate or grid; and
 - (v) a management program is maintained, which details how and when the gate or grid will be monitored and maintained.
- (c) For approvals for installing or operating gates or grids on a road, additional conditions that will ordinarily be imposed are –
- (i) the permitted duration or hours of operation of the works;
 - (ii) a requirement for lodgement of security for performance in an amount determined by an authorised person;
 - (iii) a deadline for completion of the works or ceasing of the activity;
 - (iv) the standards are to be observed in the carrying out of the

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

works or activity.

(d) For all approvals the interference, works or activity must not –

- (i) cause a nuisance or danger to any person or property;
- (ii) obstruct access from the footway to kerbside parking;
- (iii) affect the amenity of the area or the environment;
- (iv) affect existing services located in, on, over or adjacent to a road; and
- (v) be undertaken outside the nominated duration or hours of operation of the works.

7 Term of approval

The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

This section has been intentionally left blank

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

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Schedule 31 Prescribed camping activity**Section 11**

Commented [JB2]: We have included this prescribed activity and borrowed substantially from the temporary homes requirements but this is to be discussed further.

1. Prescribed activity**Prescribed camping activity****2. Activities that do not require approval under the authorising local law**

- (a) An approval under the authorising local law is not required for camping on private property for less than 2 weeks in any 52-week period if the persons camping on the site are the owners of the allotment;
- (b) However, subsection (1) only applies if no waste materials, including grey water, are deposited on site during the camp, or left on site after departure.

3. Documents and materials that must accompany applications for approval

An application for approval must be accompanied by –

- (a) the written consent of the owner of the property where the person intends to camp;
- (b) the details of the period of stay;
- (c) the number of persons camping on the site;
- (d) the details of the proposed fit out of the camp and a site plan illustrating:
 - (i) the location of the camp;
 - (ii) the location of other buildings on the site;
 - (iii) the location of any significant natural features located on the site (ie. watercourses, boulders, cliff edges); and
 - (iv) the location of neighbouring buildings;
- (e) if relevant, the intended method of water supply and waste disposal.

4. Additional criteria for the granting of approval

For all approval, the additional criteria are that:

- (a) where necessary, adequate screening of the camp is planned to ensure reduced impact of visual amenity;
- (b) separation distances are compliant with the Planning Act;
- (c) the applicant is able to demonstrate an ability and capacity to construct and compact the camp setup within the term of the approval; and

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DATE**

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- (d) an adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene are maintained; and
- (e) an adequate source of water will be available to the camp.

5. Conditions that must be imposed on approvals

For all approvals, a conditions that must be imposed on approvals are:

- (a) the written consent of the owner of the property where the person intends to camp is obtained;
- (b) detail of the period of stay; and
- (c) the number of persons camping on the site.

6. Conditions that will ordinarily be imposed on approvals

The following conditions will ordinarily be imposed on an approval:

- (a) the approval holder must construct the camp on the site within the timeframe specified in the approval;
- (b) the camp must be designed, sited, constructed and maintained to ensure that it does not adversely impact on public health and safety, and must be –
 - (i) compliant with any safety, durability or fabric requirement and codes under applicable laws; and
 - (ii) maintained in good order and repair; and
 - (iii) maintained in a clean, tidy, sanitary and hygienic condition; and
 - (iv) maintained in a state to ensure that lighting used to illuminate any areas is angled or shaded in such a manner that the light does not cause a nuisance; and
 - (v) provided with potable water suitable for consumption and with an adequate waste disposal; and
 - (vi) provided with sufficient waste containers to accommodate the collection and storage of all waste generated by and in conjunction with the use of the temporary home, and must ensure those waste containers are kept as not to attract pests.
- (c) the camp must not accommodate more than the number of persons specified in the approval;
- (d) the camp must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding amenities and neighbourhood.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DATE]

7. Term of approval

The term of approval commences on the date the approval is granted and expires on the date specified in the approval as the **Expiry Date**.

8. Term of renewal of approval

The term may only be renewed in writing by an authorised person for the local government.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DATE**

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Endnotes

1 Key

Key to abbreviations in list of amending local laws and annotations

Key	Explanation	Key	Explanation
amd	= amended	prec	= preceding
ch	= chapter	prev	= previous
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	s	= section
ins	= inserted	sch	= schedule
num	= numbered	sdiv	= subdivision
om	= omitted	sub	= substituted

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2016</i>	20 September 2016	
2	<i>Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2017</i>	14 July 2017	
3	<i>Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2020</i>	13 November 2020	
4	<i>Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2022</i>	<u>[insert day/month] 2022</u>	

CONSOLIDATED VERSION — AS AT ~~13 OCTOBER 2020~~ [INSERT DATE]

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3 List of amending local laws

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

date notified in the gazette 19 August 2016
commenced on date of notification

Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2017

date notified in the gazette 14 July 2017
commenced on date of notification

Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2020

date notified in the gazette 13 November 2020
commenced on date of notification

Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2022

date notified in the gazette insert day/month 2022
commenced on date of notification

4 List of annotations

Part 4 – Dictionary

s 13 ins 2022 No. 4 s 5

Schedule 2 – Categories of prescribed activities for the purposes of maximum penalties

pt 1 (5) amd 2022 No. 4 s 6

Schedule 6— Public place activities that are prescribed activities

s (a) amd 2016 No.1 s 6

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DATE

Cook Shire Council

Subordinate Local Law No. 1 (Administration) 2016

S7

s (b) _____ amd _____ 2020 No.3 s 6

Schedule 7 – Alteration or improvement of local government controlled areas and roads

s 3 _____ amd _____ 2022 No.4 s 7

s 6 _____ amd _____ 2022 No.4 s 7

Schedule 8 – Commercial use of local government controlled areas and roads

s 6 _____ amd _____ 2022 No.4 s 8

Schedule 9 – Establishment or occupation of a temporary home

s 2 _____ amd _____ 2017 No.12 s 6

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Schedule 12 – Operation of camping grounds

s6 _____ amd _____ 2022 No.4 s 9

Schedule 14 - Operation of caravan parks

s6 _____ amd _____ 2022 No.4 s 10

Schedule 18— Operation of temporary entertainment events

Activities that do not require approval under the authorising local law

s 1 _____ amd _____ 2022 No.4 s 11

s 2 _____ amd _____ 2016 No.1 s 7

s 2 _____ amd _____ 2022 No.4 s 11

s 3 _____ amd _____ 2022 No.4 s 11

s 4 _____ amd _____ 2022 No.4 s 11

s 6 _____ amd _____ 2022 No.4 s 11

Schedule 21 – Undertaking regulated activities on local government controlled areas and roads – (a) driving or leading of animals to cross a road

s 2 _____ amd _____ 2022 No.4 s 12

s 3 _____ amd _____ 2022 No.4 s 12

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DATE**

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Schedule 23 – Undertaking regulated activities on local government controlled areas and roads – (c) holding of a public place activity prescribed by subordinate local law

s 6 amd 2022 No.4 s 13

Schedule 29 – Parking in a loading zone by displaying a commercial vehicle identification label

s 6 amd 2022 No.4 s 14

Schedule 30 – Carrying out works on a road or interfering with a road or its operation

s 3 amd 2022 No.4 s 15

s 6 amd 2022 No.4 s 15

Schedule 31 – Camping on private property

sch 31 ins 2022 No.4 s 16

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DATE**

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Cook Shire Council

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

CONSOLIDATED VERSION NO. 23

Current as at 13 October 2020

As in force on [insert date and month] 2022

Adopted by Cook Shire Council on [insert day and month] 2022 pursuant to section 32 of the Local Government Act 2009.

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Contents

Part 1	Preliminary.....	3
1	Short title	3
2	Purpose and how it is to be achieved.....	3
3	Authorising local law	3
4	Definitions	3
Part 2	Use of local government controlled areas, facilities and roads.....	3
5	Prohibited and restricted activities—Authorising local law, s 5(1).....	3
6	Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)	4
7	Prohibited vehicles—Authorising local law, s 6(3)	4
8	Opening hours for local government controlled areas—Authorising local law, s 7(1).....	4
9	Permanent closure of local government controlled area—Authorising local law, s 8(3).....	4
Part 3	Matters affecting roads.....	4
10	Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3).....	4
Part 4	Repeal Provision	65
11	Repeal of Subordinate Local Laws.....	65
Schedule 1	Prohibited activities for local government controlled areas or roads	76
Schedule 2	Restricted activities for local government controlled areas or roads	139
Schedule 3	Motor vehicle access areas in local government controlled areas.....	192
Schedule 4	Opening hours for local government controlled areas.....	1913
Schedule 5	Permanent closure of local government controlled areas	2014
Endnotes	2216

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DAY AND MONTH] 2022

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Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016*.

2 Purpose and how it is to be achieved

- (1) ~~(1)~~ — The purpose of this subordinate local law is to supplement *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) ~~(2)~~ — The purpose is to be achieved by providing for—
- (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law unless otherwise defined in the dictionary in schedule 6 of this subordinate local law.

Part 2 Use of local government controlled areas, facilities and roads

5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DAY AND MONTH** 2022

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Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.

- (2) ~~(2)~~ For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

8 Opening hours for local government controlled areas—Authorising local law, s 7(1)

For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

9 Permanent closure of local government controlled area—Authorising local law, s 8(3)

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

Part 3 Matters affecting roads

10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DAY AND MONTH** 2022

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Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are that the fence or enclosure provided for restraining an animal to the premises must be sufficient to prevent the animal escaping the owner's land.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DAY AND MONTH] 2022

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Part 4 Repeal Provision

11 Repeal of Subordinate Local Laws

The following subordinate local laws are repealed—

- (a) *Cook Shire Council Subordinate Local Law No. 25 (Roads) 2001*; and
- (b) *Cook Shire Council Subordinate Local Law No. 12 (Parks and Reserves) 2001*.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DAY AND MONTH] 2022

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Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

Column 1 Local government controlled area or road	Column 2 Prohibited activity
1 All local government controlled areas <u>within the local government area or roads</u>	<p>(a) (a) — A person must not interfere with or wilfully misuse, deface, mark or otherwise damage a local government asset;</p> <p>(b) (b) — A person must not contravene a sign prohibiting fishing, diving or jumping from, or on, a bridge, structure or building;</p> <p>(c) (c) — A person must not park or stand any unregistered vehicle;</p> <p>(d) (d) — A person must not engage in conduct which is dangerous or creates a risk to the safety of members of the public;</p> <p>(e) (e) — A person must not cause an offensive liquid, sediment or substance to be discharged other than at a drainage point provided for that purpose;</p> <p>(f) (f) A person must not dispose of refuse other than in a container provided for that purpose.</p> <p>(g) <u>A person must not exercise rights of occupation unless the person has a lawful entitlement to do, issued by the local government or another competent authority.</u></p> <p>(h) <u>A person must not deposit or dispose of domestic waste or commercial waste in waste receptacles installed by the local government, in or on local</u></p>

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Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

		<p><u>government controlled areas or roads.</u></p> <p><u>(i) A person must not interfere with, cause damage to or destroy and deface –</u></p> <p><u>(i) any property owned by the local government including fixtures, fittings, appliances, signage or recreational equipment; or</u></p> <p><u>(ii) any landscaping or vegetation.</u></p> <p><u>(f)(i) A person must not use any fixture, fitting or appliance for any purpose than that for which it is provided.</u></p>
2	<p>All local government cemeteries¹ including the following –</p> <p>Cooktown Cemetery</p> <p>Laura Cemetery</p> <p>Aboriginal Cemetery–Coen</p> <p>European Cemetery – Coen</p> <p>Closed Cemeteries -</p> <p>Ayton / Bloomfield Cemetery</p> <p>Maytown Cemetery</p> <p>Palmer River Cemetery</p> <p>Bramwell Cemetery</p> <p>Rossville Cemetery</p>	<p>(a) (a)— A person must not interfere with a funeral or commemorative service lawfully conducted in a local government cemetery.</p> <p>(b) (b)— A person must not damage, disturb or interfere with a grave, memorial, inscription plaque, epitaph or inscription, or with any flowers or tokens on a grave or memorial unless approved by the cemetery authority.</p>

¹ See definition of *local government cemetery* in *Local Law No. 1 (Administration) 2016*, schedule 1.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 **INSERT DAY AND MONTH** 2022

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3	Designated camping areas. ²	<p>(a) (a) — A person must not use the facilities in a way that makes them unclean or unsanitary.</p> <p>(b) (b) — A person must not contravene a notice erected by the local government on or near a camping ground.</p>
4	All swimming pools operated by local government	<p>(a) A person must not take drinking glasses or glass bottles into the pool area.</p> <p>(b) A person must not contravene a sign erected by the local government on or near the swimming pool.</p> <p>(c) A person must not enter or remain in or around a public pool when in a state of intoxication or under the influence of alcohol or any drug whatsoever.</p> <p>(d) A person must not foul or pollute a public pool.</p> <p>(e) A person must not use aquatic equipment that causes a risk to the safety of themselves or others.</p> <p>(b)(f) A person must not disobey a lawful direction to leave the pool area.</p>
5	All jetties, barge loading ramps and boat ramps in the local government area.	<p>(a) (a) — A person must not use or interfere with any fitting or appliance on —any jetty, barge loading ramp or boat ramp for any purpose other than for which such fitting or appliance is provided.</p> <p>(b) (b) — A person must not drive or stand a vehicle on a boat ramp other than to launch or retrieve a vessel.</p>

² See schedule 6, definition of *designated camping areas*.

		<p>(c) (c) — A person launching or retrieving a vessel at a boat ramp must do so as quickly as is reasonable possible.</p> <p>(d) (d) — A person must not obstruct another person's use of a boat ramp, barge loading ramp or jetty.</p> <p>(e) (e) — A person must not take or drive a vehicle on to a boat ramp, barge loading ramp or jetty if the mass of the vehicle and its load, if any, together with any trailer that the vehicle is towing and its load, if any, is more than:</p> <p>(i) 5t; or</p> <p>(ii) if the local government erects on or near the boat ramp, barge loading ramp or jetty a notice displaying a greater mass—the greater mass.</p> <p>(f) (f) A person must not take or drive onto a boat ramp, barge loading ramp or jetty a vehicle, other than a vehicle that moves on wheels fitted with pneumatic or rubber tyres.</p> <p>(g) (g) — A person using a boat ramp, barge loading ramp or jetty must comply with any direction given by an authorised officer <u>person</u> if the direction is reasonably necessary for ensuring safety and security of the boat ramp, barge loading ramp or jetty, its users or the local government's employees unless the person has a reasonable excuse, and if the person fails to comply with the direction—</p> <p>(i) the authorised officer <u>person</u> must warn the person it is an offence not to comply with the</p>
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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DAY AND MONTH 2022

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	<p>direction unless the person has a reasonable excuse; and</p> <p>(ii) the authorised officer <u>person</u> must give the person a further reasonable opportunity to comply with the direction.</p> <p>(h) <u>(h)</u> — A person must not gut, clean or wash fish, shellfish or other crustacean except at an area that the local government has erected a sign authorising the activity.</p> <p><u>(i) A person must comply with the requirements of any official sign at or on any boat ramp, barge loading ramp or jetty.</u></p> <p><u>(j) A person must not enter a boat ramp, barge loading ramp or jetty when it is closed.</u></p> <p><u>(k) A person must not extinguish, diminish or increase any light illuminating from a boat ramp, barge loading ramp or jetty.</u></p> <p><u>(l) A person must not fish from a boat ramp, barge loading ramp or jetty in a manner that impedes or obstructs a vessel, vehicular or pedestrian traffic.</u></p> <p><u>(m) A person must not place anything other than a moored or fastened vessel alongside a boat ramp, barge loading ramp or jetty that may obstruct or interfere with the access to and proper berthing of ships.</u></p> <p><u>(n) A person must not light a fire on or within 2 metres of a boat ramp, barge loading ramp or jetty.</u></p> <p><u>(o) A person must not dispose of fish or marine life remains in a non-designated receptacle.</u></p>
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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DAY AND MONTH 2022

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12

Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

		<p>(p) A person must not moor or fasten a vessel to any part of a boat ramp, barge loading ramp or jetty except from a bollard or other fastening fixture provided for this purpose.</p> <p>(h)(g) A person must not sleep, camp or live on a boat ramp, barge loading ramp or jetty.</p>
6	All local government owned or operated bridges and culverts	<p>(a) A person must not dive or jump from a bridge or culvert.</p> <p>(b) A person must not throw or drop an object from a bridge or culvert.</p> <p>(c) A person must not obstruct or interfere with the bridge or culvert.</p>

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DAY AND MONTH] 2022

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13

Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1	All local government controlled areas and roads within the local government area	<p>(a) A person must not interfere with any turf, sand, clay, soil or other material on a local government controlled area or road.</p> <p>(b) A person must not repair, alter or maintain a vehicle on a local government controlled area or road.</p>	<p>The activity is permitted if being conducted—</p> <p>(i) by a person authorised by the local government for the purpose of repairing or maintaining a local government controlled area, road or facility; or</p> <p>(ii) is authorised under the conditions of an approval for a prescribed activity.</p> <p>The activity is permitted if—</p> <p>(i) the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road; or</p> <p>(ii) authorised under the conditions of an approval for a prescribed activity; or</p> <p>(iii) authorised by an authorised officerperson.</p>

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DAY AND MONTH] 2022

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14

Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

		(c) A person must not wash or clean a vehicle, boat or vessel on a local government controlled area or road.	<p>The activity is permitted if—</p> <ul style="list-style-type: none"> (i) authorised under the conditions of an approval for a prescribed activity; or (ii) the local government has allocated an area for this activity by erecting a sign and the person undertaking the activity complies with the conditions displayed on the sign; or (iii) approved by an authorised officer <u>person</u>.
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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DAY AND MONTH 2022

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Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

	<p>(d) A person must not camp, sleep, occupy or remain overnight or intend to remain overnight in a tent, vehicle, boat, ship, or otherwise in any local government controlled area or road.</p>	<p>The activity is permitted—</p> <ul style="list-style-type: none"> (i) if authorised under the condition of approval for a prescribed activity; (ii) in designated camping areas³; (iii) if approved by an authorised officerperson; (iv) in a recreational vehicle (RV) parking areas⁴ subject to the person complying with the following conditions— <ul style="list-style-type: none"> (A) (A) The vehicle used to conduct the activity is a recreational vehicle (RV)⁵; and (B) (B) The recreational vehicles (RV) waste water containment system(s) is in good repair and working order; and (C) (C) The recreational vehicle (RV) must not use a designated recreational vehicle (RV) parking area for more than 3 consecutive nights; (D) (D)—A person using a recreational vehicle (RV) parking area must comply with any direction given by an authorised officerperson if the direction is reasonably necessary to protect against the health and safety of the person or the public, the amenity of the area or to protect against environmental harm and if the person fails to comply with the direction the authorised officerperson must — <ul style="list-style-type: none"> i. warn the person it is an offence not to comply with the direction unless the person has a reasonable excuse; and ii. give the person a further reasonable opportunity to comply with the direction.
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³ See Schedule 6 for a definition of *designated camping areas*.⁴ See schedule 6 for a definition of *recreational vehicle (RV) parking areas*.⁵ See schedule 6 for a definition of *recreational vehicle (RV)*.

CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 INSERT DAY AND MONTH 2022

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16

Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

		(e) A person must not construct, erect, setup or deposit any structure, including tents, tarpaulins, sheet iron or dongas, on a local government controlled area or road.	The activity is permitted if authorised by an authorised person.
		(f) A person must not stand, leave or store a vessel, caravan or trailer that is not being towed by a vehicle.	The activity is permitted if— (i) authorised under the conditions of an approval for a prescribed activity; or (ii) approved by an authorised person.
2	All jetties, barge loading ramps and boat ramps in the local government area	(a) (a) — A person must not carry out maintenance or repairs to a vessel or vehicle on any jetty, boat ramp or barge loading ramp.	The activity is permitted only if the vessel or vehicle is temporarily disabled with a minor fault and the driver of the vessel or vehicle stops for no longer than it is necessary to allow the vehicle to be moved from the jetty or boat ramp.
		(b) (b) — A person must not use a jetty for any commercial activity.	The activity is permitted only if authorised under the conditions of an approval for a prescribed activity.

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CONSOLIDATED VERSION — AS AT 13 OCTOBER 2020 [INSERT DAY AND MONTH] 2022

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17

Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

		(c) (e) —A person must not solicit or canvass boat tickets, goods, foodstuffs, chattels, or any other thing in or on a jetty barge loading ramp or boat ramp.	The activity is permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) (d) —A person must not use, employ or permit any vessel or vehicle to deliver fuel to a vessel on or attached to a jetty, boat ramp or barge loading ramp.	The activity is permitted if — (i) the activity is not the commercial supply of fuel and is authorised by an authorised officer person; or (ii) the activity is the commercial supply of fuel and is authorised under an approval for a prescribed activity.
		(e) (e) —A person must not berth or moor a vessel at a jetty or pontoon for more than 15 minutes.	The activity is permitted if authorised by an authorised officer person.
3	Cooktown Botanic Gardens with the pig exclusion fence	A person must not bring a horse into the Botanic Gardens	The activity is permitted if authorised by an authorised person.

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18

*Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016***Schedule 3 Motor vehicle access areas in local government controlled areas**

Sections 6 and 7

Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
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Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

Schedule 4 Opening hours for local government controlled areas

Section 8

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*Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016***Schedule 5 Permanent closure of local government controlled areas**

Section 8

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Schedule 6 Dictionary

barge loading ramp means a ramp or other device or structure used or capable of use or designed or intended for use for loading or unloading goods and which is the property or under the control of the local government.

boat ramp means a ramp or other device or structure used or capable of use or designed or intended for use for the purpose of launching and retrieving trailable vessels and which is the property or under the control of the local government.

designated camping areas mean any area within the local government's controlled area that the local government has erected a sign permitting camping in that area and entered the area into the register of designated camping areas maintained by the local government and made available to the public, but does not include a commercial camping ground or caravan park.

jetty includes any wharf, quay, pier, landing place, stage or platform which is the property or under the control of the local government, and where necessary, all buildings and other works on the jetty, and the appurtenances of the jetty.

recreational vehicle (RV) means a vehicle, or trailer—

- (a) that is fully self-contained mobile accommodation which must have a toilet, shower, washing and cooking facilities within the vehicle or trailer, and
- (b) fitted with holding tanks for grey and black waste water integrated into the vehicle or trailer (external containers or buckets to collect black or grey waste are not permitted); and
- (c) with the ability to discharge all liquid waste into the designated drainage points provided at the recreational vehicle (RV) parking area or areas.

recreational vehicle (RV) parking area means any areas within the local government's controlled area that the local government has erected an authorised sign permitting a recreational vehicle (RV) to park in that area and listed the area on that register of recreational vehicle (RV) parking areas maintained by the local government and made available to the public, but does not include a commercial camping ground or caravan park.

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22

Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

Endnotes

1. Key

Key to abbreviations in list of amending local laws and annotations

Key	Explanation	Key	Explanation
amd	= amended	prec	= preceding
ch	= chapter	prev	= previous
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	s	= section
ins	= inserted	sch	= schedule
num	= numbered	sdiv	= subdivision
om	= omitted	sub	= substituted

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2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2016</i>	10 August 2016	
2	<i>Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2020</i>	13 November 2020	
4	<i>Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2022</i>	[insert day/month] 2022	

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Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

3 List of amending local laws**Amending Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2016**

date notified in the gazette 19 August 2016
 commenced on date of notification

Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2020

date notified in the gazette 13 November 2020
 commenced on date of notification

Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2022

date notified in the gazette insert day/month 2022
 commenced on date of notification

4 List of annotations**Schedule 1 – Prohibited activities for local government controlled areas or roads**

s 1 amd 2022 No.4 s 18

s 4 amd 2022 No.4 s 18

s 5 amd 2022 No.4 s 18

s 6 ins 2022 No.4 s 18

Schedule 2— Restricted activities for local government controlled areas and roads

s 1(d)(iv)(C) amd 2016 No.1 s 11

s 1(d)(iv)(C) amd 2020 No.3 s 11

s 1 amd 2022 No.4 s 19

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Cook Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2016

s 2 amd 2022 No 4 s 19

s 3 ins 2022 No 4 s 19

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16.4 COASTAL HAZARDS ADAPTATION PROGRAM (CHAS) QCOAST 2100, PHASE 8 SUMMARY REPORT AND IMPLEMENTATION PLAN FOR COOK SHIRE - THE 'RESILIENT CAPE'**File Number:** D22/10358**Author:** Manager, Planning & Environment**Authoriser:** Heather Kelly, Director Organisational Business Services**Attachments:** 1 QCoast 2100 - Cook Shire Council Coastal Hazard Adaptation Strategy and Implementation Plan**PRECIS**

Cook Shire Council has completed a Coastal Hazard Adaptation Strategy (CHAS), known as 'Resilient Cape', as part of the QCoast2100 State program. This report is to provide a summary of the Phase 8 actions and outcomes. It also includes the Implementation Plan, which contains possible change management actions.

BACKGROUND/HISTORY

In June 2016 the Queensland Government provided \$4 million per annum over three (3) years for a Coastal Hazards Adaption Program, known as QCoast2100, to be delivered by the Local Government Association of Queensland Ltd (LGAQ). LGAQ in turn provided Cook Shire Council with funding of just under \$500,000 to pursue the development of a Coastal Hazards Adaptation Strategy (CHAS) for the Cook Shire local government area.

A CHAS is a long term strategic plan to address climate change related coastal hazard risks. The QCoast2100 Minimum Standards and Guidelines guide the development of a CHAS through eight separate phases. GHD Pty Ltd were appointed by Council as consultants to complete the CHAS for all 8 stages.

Cook Shire Council has now completed Stage 8 of the 8 stage project and is required to submit the CHAS to LGQ for approval and funding acquittal.

LINK TO CORPORATE PLAN

*Key Strategy Priority: **Environment*** – Respect for the unique natural environment of the Cape, its history and the provision of sustainable, safe access for the enjoyment of the Cape's communities and visitors.

Strategy 2: Disaster management facilities and services manage risk and exposure to the adverse impacts of both natural and man-made disasters.

Objective 2a: The Shire's communities are safe through disaster management planning and response through interagency coordination, planning and action in an emergency.

Strategy 3: Appropriate consideration is given to planning and development controls, design guidelines, traditional ownership and sustainable development principles when making planning decisions.

Objective 3a: Planning outcomes demonstrate the quality of development assessment processes by achieving results consistent with Council's strategic direction.

CONSULTATION

Consultation has been undertaken extensively during the many phases of this project by GHD and Council's Planning staff with:

- Council's Infrastructure Services team;
- Executive Leadership Team
- All Council staff;
- A 28 day public comment period which included community consultation – Bloomfield Library session; Cooktown Markets; Council Administration offices; Portland Roads community (information posted and web based) and all property owners with property in potentially impacted areas.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

The CHAS will help mitigate risk of inundation caused by rising sea levels and will lead to better Planning outcomes due to the availability of updated data and mapping of areas at risk.

POLICY IMPLICATIONS

The development of a Coastal Hazard Adaptation Strategy is intended to assist Council in developing future policy to address coastal hazards, the aims of the program are stated below:

- Directed at enabling Queensland coastal local governments to progress the preparation of plans and strategies for addressing climate change related coastal hazard risks over the long term; and
- Intended to facilitate the development of high quality information enabling defensible, timely and effective local adaptive decision making.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

The development of the CHAS was externally funded. Implementation of the CHAS, outside of the actions which could be considered business as usual, such as seeking funding and information sharing, is subject to funding.

RECOMMENDATION

That the Coastal Hazard Adaptation Strategy and the Implementation Plan dated April 2022 be endorsed by Council and issued to the Local Government Association of Queensland (LGAQ) for approval and funding acquittal.



Cook Shire Council Coastal Hazard Adaptation Strategy

Implementation Plan (Post Workshop).

April 2022

This report has been prepared by GHD for Cook Shire Council and may only be used and relied on by Cook Shire Council for the purpose agreed between GHD and the Cook Shire Council as set out in this report.

GHD otherwise disclaims responsibility to any person other than Cook Shire Council arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by Cook Shire Council and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

The opinions, conclusions and any recommendations in this report are based on information obtained from, and testing undertaken at or in connection with, specific sample points. Sediment properties in other areas may be different from the conditions found at the specific sample points.

Site conditions may change after the date of this Report. GHD does not accept responsibility arising from, or in connection with, any change to the site conditions. GHD is also not responsible for updating this report if the site conditions change.

Climate change is a significant current and future issue and effects, such as sea level rise, are at this stage difficult to quantify to a high degree of certainty. The following assumptions have been made during the preparation of this report:

- i. *The sole purpose of the reports is for evaluating coastal hazard risks and developing adaptation plans associated with coastal hazards and sea level rise for the Cook Shire Council.*
- ii. *The reports are produced for use by the Cook Shire Council and are not for use by any third-party person or organisation. The information and recommendations are to be read and considered holistically, and content is not to be used selectively for purposes other than coastal hazard risk management (e.g., design) as this may misrepresent the data and processes herein and provide erroneous project or decision outcomes.*

The data and processes herein are to be used for coastal hazard risk assessment and adaptation planning purposes, approved by the Cook Shire Council, and based on Australian and state government guidelines:

- 1-1 *DEHP (2013) Coastal Hazard Technical Guide, Determining Coastal Hazards Areas, prepared by Environmental Planning, Queensland Department of Environment and Heritage Protection, April 2013.*

These guidelines have been considered as per the requirements of the brief. This information has not been independently verified. Assumptions and recommendations that need further testing are noted in the text of the report.

The establishment of the sea level rise aspects of the project uses data and scenarios based on publicly available information by the International Panel on Climate Change, summarised by the Queensland Government.

Climate change and coastal hazard assessment by its nature is a dynamic and ongoing process. As the sea level rise projections used are uncertain by nature, it is possible that the effects that actually occur may not be as assumed and stated in this exercise. Therefore, it is recommended that the Cook Shire Council routinely incorporate the latest climate change data and update inundation and erosion risk maps.



Table of contents

1.	Introduction	1
1.1	Scope and limitations	1
2.	Cook Shire- Coastal Hazard Adaption Strategy	2
2.1	Development of the Strategy and Reporting	2
2.2	Phase 8 Engagement	2
3.	Implementation Plan	4
3.1	Implementation of Adaptation Actions	4
3.2	Additional Principles for Implementation	9
3.3	Change Management	10
3.4	Funding Mechanisms	12
3.5	Monitoring, Evaluation and Review	15

Table index

Table 1	Phases and associated reports for CHAS development	2
Table 2	Adaptative management framework approach	4
Table 3	Implementation of actions EXAMPLE ONLY	5
Table 4	Adaptation responses and options	9
Table 5	Potential barriers to implementation	10
Table 6	Potential funding mechanisms (Griffith Centre for Coastal Management 2012)	12
Table 7	Monitoring and evaluation process	15

Figure index

Figure 1	Coastal Hazard Adaptation Strategy Phases (LGAQ and DEHP, 2016)	1
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1. Introduction

Cook Shire Council (CSC) has completed a Coastal Hazard Adaptation Strategy (CHAS), known as 'The Resilient Cape', as part of the QCoast2100 State program. The CHAS has been undertaken in line with the requirements outlined in 'Developing a Coastal Hazard Adaptation Strategy: Minimum Standards and Guideline for Queensland Local Government' (LGAQ and DEHP, 2016). A figure outlining the stages as sourced from the Minimum Standards and Guideline document is provided in Figure 1 as follows.

This report intends to provide a summary of the Phase 8 actions and outcomes. It also outlines an Implementation Plan, which includes possible change management actions.

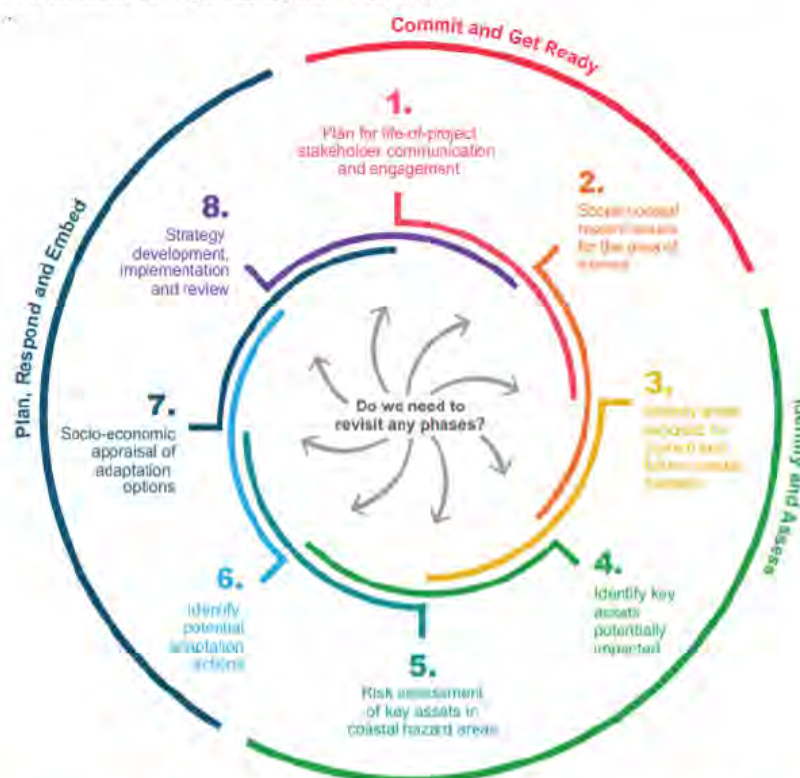


Figure 1 Coastal Hazard Adaptation Strategy Phases (LGAQ and DEHP, 2016)

1.1 Scope and limitations

This report has been prepared by GHD for Cook Shire Council and may only be used and relied on by Cook Shire Council for the purpose agreed between GHD and Cook Shire Council as set out in section 1 of this report.

GHD otherwise disclaims responsibility to any person other than Cook Shire Council arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

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The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

2. Cook Shire- Coastal Hazard Adaption Strategy

2.1 Development of the Strategy and Reporting

As outlined in Section 1, the CSC CHAS was completed in 8 phases, which have been summarised in Table 1. Where relevant, the supporting mapping outcomes (GIS compatible format) have also been noted.

Table 1 Phases and associated reports for CHAS development

Phase	Description	Document
1	Plan for life-of-project stakeholder communication and engagement	Cook Shire Council Coastal Hazard Adaptation Strategy, Phase 1 Stakeholder Communication and Engagement Plan (GHD, 2017).
2	Scope coastal hazard issues for the area of interest	Cook Shire Council Coastal Hazard Adaptation Strategy, Phase 2 Scoping Study (GHD, 2017).
3	Identify areas exposed to current and future coastal hazards	Cook Shire Coastal Hazard Adaptation Strategy (CHAS), Phase 3 (GHD, 2020). Mapping includes: Erosion Prone Area mapping (present day, 2050 and 2100) Storm tide inundation extents (present day, 2050 and 2100) Inundation extents at HAT due to Sea Level Rise (present day HAT, 2050 and 2100)
4	Identify key assets potentially impacted	Cook Shire Coastal Hazard Adaptation Strategy (CHAS), Phase 4 (GHD, 2020).
5	Undertake a risk assessment of key assets in coastal hazard areas	Cook Shire Coastal Hazard Adaptation Strategy (CHAS), Phase 5 (GHD, 2020). Mapping includes: Risk Tolerance Mapping
6	Identify potential adaptation options	Cook Shire Coastal Hazard Adaptation Strategy (CHAS), Phase 6 (GHD, 2020).
7	Socio-economic appraisal of adaptation options	Cook Shire Coastal Hazard Adaptation Strategy (CHAS), Phase 7 (GHD, 2021).
8	<i>Resilient Cape</i> - Coastal Hazard Adaptation Strategy and supplements	Resilient Cape Strategic Plan, Coastal Hazard Adaptation Strategy (CHAS), Phase 8 public document, providing an overview of findings of previous phases and outlining the completed strategy.
	Strategy development, implementation, and review	Cook Shire Coastal Hazard Adaptation Strategy (CHAS), Phase 8 summary report – this document

2.1.1 Implementation Plan

The Implementation Plan (provided in Section 3) intends to outline possible methodology for successful implementation of the CHAS, where the following elements are considered:

- Implementation approach
- How to implement actions
- Change management
- Monitoring and review

2.2 Phase 8 Engagement

2.2.1 Resilient Cape Strategic Plan

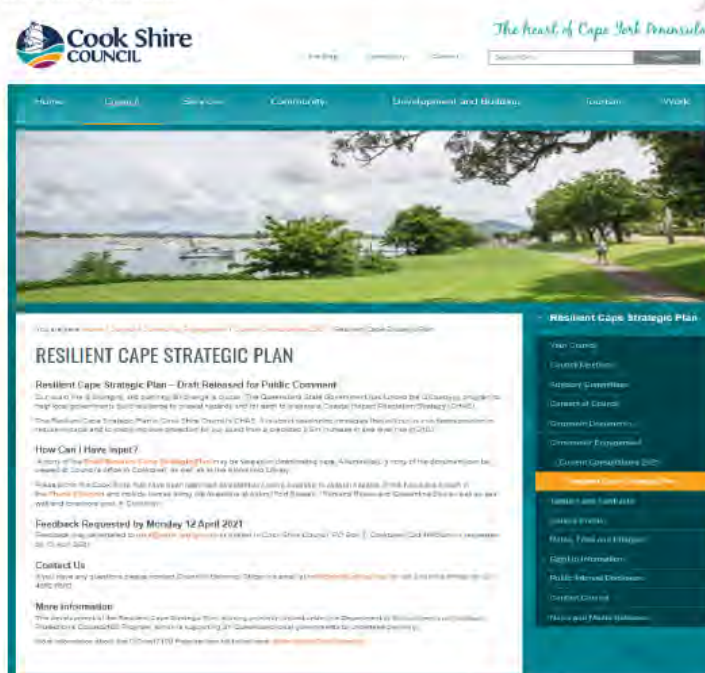
As part of the Resilient Cape program, community and key stakeholder engagement has been undertaken during various phases to inform the community of the CHAS process and to seek input into the overarching strategy. Key engagement activities have included:

- Consultation with Council, including presentations to Councillors
- Community workshops and presentations in Cooktown and Ayton (Bloomfield), allowing opportunity for potentially impacted communities to understand and have input in the CHAS process
- Public comment periods, including a 28-day public comment period for the Phase 8 strategy
- The Cook Shire community was engaged throughout the process, with a wide variety of community stakeholders taking the opportunity to provide input during workshops and comment during the public consultation periods.

2.2.1.1 Resilient Cape Strategic Plan webpage

A webpage was created on the Council website to provide an explanation of what the CHAS process was and to provide relevant details regarding on where the process was up to and advised how people could have input. Contact details were also provided for stakeholders to provide feedback or submit enquiries.

The Phase 3 report and the Phase 8 report were published on the webpage and there was a link to the QCoast2100 Program website provided.



2.2.1.2 Phase 8 Public Comment Period

The final round of engagement in the development of the coastal hazard adaptation strategy involved publishing the draft Resilient Cape Strategic Plan and allowing residents and ratepayers four weeks to ask questions and to provide comments. The public comment period ran until 12 April 2021.

The draft strategy was published online and the opportunity to provide feedback was promoted via a direct email to stakeholders and notices on social media. Residents and ratepayers within the potentially impacted areas were invited via letter to provide feedback. Where comment submissions were received during the consultation period, responses were provided as appropriate.

3. Implementation Plan

The implementation plan intends to provide detail and guidance for implementation of the CHAS priority actions over the shorter term (5 to 10 years). It includes an approach to implementation as outlined within the Minimum Standards and Guideline document (LGAQ and DEHP, 2016), provided in Table 2, and implementation actions with supporting information.

The implementation plan should be read in conjunction with the Resilient Cape Strategic Plan (Coastal Hazard Adaptation Strategy) Phase 8 public document, as well as the reports (including mapping) of Phase 1 through Phase 7.

Table 2 Adaptive management framework approach

Stage		Description / guidance (LGAQ and DEHP 2016)	Coastal Hazard Adaptation Strategy implementation
PLAN	Endorsement and adoption	Endorsement and adoption by Council and stakeholders	26/04/2022
DO	Implementation	Implementation of actions addressing existing / future risks / governance arrangements through: <ul style="list-style-type: none"> Corporate plan + Operational plan Corporate reporting Risk management framework Long term financial plan Annual budgets + Asset management Planning scheme Disaster management plan Community engagement policy Capacity building Roles and responsibilities. 	Implementation of actions is focused through embedding in existing Council processes and activities, in particular through the: <ul style="list-style-type: none"> Corporate Plan and other strategic plans Asset management Statutory planning and Planning Scheme updates Disaster management Budget and finance. In addition, new initiatives include monitoring and capacity building.
	Operational monitoring and review	Ongoing operational review and monitoring of risks and thresholds / impacts Monitoring and adjustment of 'on-ground' risk treatment actions.	Elements of operational review incorporated into Strategy monitoring, evaluation, and review process (Section 0 of this document).
CHECK	Monitoring and Evaluation	Regular and systematic monitoring and evaluation of implementation and community, scientific and legislative context including: <ul style="list-style-type: none"> Extent of change in thresholds and impacts / change risk profile New science and data and adaptation approaches Emerging best-practice and learnings Community attitudes / aspirations Implementation progress Governance effectiveness and Legislation. 	Key elements of the Coastal Hazard Adaptation Strategy monitoring and evaluation process (Section 0 of this document) including: <ul style="list-style-type: none"> Review of the Plan, recommended to be at least 2 years prior to the Planning Scheme update (a 10-year review schedule). Implementation monitoring Community perceptions Triggers to review / update the Plan linked to changes in policy environment, scientific advances, governance, and legislation changes.
RESPOND	Review	Monitoring and evaluation will inform when a review is required, and the scope and process of the review.	Review to occur every 10 years or when triggered by monitoring and evaluation process. First review would be in 2031 on a 10-year cycle.

3.1 Implementation of Adaptation Actions

Relevant information for the implementation of adaptation actions is provided in Table 3.

Table 3 Implementation of actions EXAMPLE ONLY

Theme	Adaptation action no.	Description	Priority adaptation actions	Estimated timeframe/priority	How to be implemented / mechanism	Lead agency	Supporting parties	Estimated budget requirements	Funding sources
1. Region-wide initiatives to build capacity	1.1 Community stewardship program	Develop programs and partnerships to enhance stewardship of the coastline.	Assign coastal management work program to relevant council area/staff	2022-23	Defined role/initiative to oversee the progression of Strategy implementation, lead delivery of all actions, and lead new initiatives in the Plan (including community stewardship program).	Council – Requires recruitment of Sustainability Officer position to be created ASAP.	-	Approx. \$120k p.a. (includes overheads)	Grant funded
			Establish a natural foreshore monitoring program utilising a mix of Council and volunteers' time	2023	Set up program ASAP dependent on provision of Sustainability Officer.	Sustainability Officer Council (Department TBC)	Community groups and agency stakeholders (South Cape York Catchments etc)	Approx. \$10k	Council budget
			Seek co-funding / resources for further initiatives through grants and stakeholder partnerships for CHAS related initiatives, including Landcare grants, Queensland Reconstruction Authority grants (QRRRF) and other state and federal grants	Annually	Identify relevant grant applications Identify stakeholder funding partnerships	Council (Grants Officer) & Sustainability Officer	Sustainability Officer - Agency stakeholders Community groups		
			Establish collaborative partnership in coastal hazard management with Traditional Owners and First Nations groups	By 2023	Establish agencies Working Group on coastal adaptation, meeting periodically, led by council staff.	Sustainability Officer	TBA		
			Promote coastal hazard education in schools in collaboration with external partners and providers	By 2023	Establish Working Group and meeting with external providers	Sustainability Officer	TBA	\$10k	Council budget, grants
	1.2 Knowledge sharing	Facilitate knowledge sharing and education on hazards and adaptation. Knowledge sharing includes collaborative partnerships.	Identify networks / forums for knowledge sharing (internal and external), including opportunities to share information with other Councils	Annually	Identify existing forums, host new meetings/forums	Sustainability Officer and CEI Team	Agency stakeholders		
			Establishing a collaborative partnership with Traditional Owners	Annually	Targeted meetings and projects to form and nurture partnerships	Sustainability Officer and CEI Team	TBA		
			Facilitate training for staff in coastal resilience management	Annually	Targeted training/workshops	Sustainability Officer	Agency stakeholders Community groups, Universities	\$4k p.a.	Community grants State Government
			Promote cross-sector partnerships and initiatives to enhance resilience and strategic adaptation.	Annually	Targeted meetings and projects to form and nurture partnerships, and seek joint projects and funding opportunities	Sustainability Officer	Agency stakeholders State Government Universities	-	-
			Support research collaborations with universities and research organisations through partnerships (e.g., Australian Research Council ARC Linkage, National Environmental Science Program NESP funding)	Annually	Identify research opportunities in collaboration with universities or research organisations operating in the region	Sustainability Officer and CEI Team	Agency stakeholders State Government Universities	In kind	ARC, NESP, Council contribution
			Support research in catchment management and its impact on coastal vulnerability (e.g., impact of water quality on vegetation; land loss and erosion in the catchment related to land use)	Annually	Identify research opportunities in collaboration with universities or research organisations operating in the region	Sustainability Officer and Infrastructure Team	Agency stakeholders State Government Universities	In kind	ARC, NESP, Council contribution

Theme	Adaptation action no.	Description	Priority adaptation actions	Estimated timeframe/priority	How to be implemented / mechanism	Lead agency	Supporting parties	Estimated budget requirements	Funding sources
	1.3 Monitoring	Monitor changes in coastal hazard risk and effectiveness of adaptation.	Establish partnership with Community groups to monitor shorelines and the impact of erosion and inundation	By 2023	Establish specific program, including data collection and storage mechanisms	Sustainability Officer	TBA	In kind and volunteers	Community grants State Government Council budget
			Establish a shoreline and beach condition monitoring system for 5 key locations identified in the CHAS, led by Council staff	By 2023	Design a beach condition monitoring system using a combination of photos and data collection	Sustainability Officer	TBA	\$15k set up \$2k p.a. operational	Council budget
			Establish a foreshore and riverbank condition monitoring system in collaboration with rangers	By 2023	Design a foreshore and riverbank condition and monitoring system using a combination of photos and data collection	Sustainability Officer	TBA	\$5k set up \$2k p.a. operational	Council budget
	1.4 Research	Strengthen research collaborations with universities and research organisations in exploring coastal hazards and future adaptation	Establish collaboration with key universities and research centres to progress suitable actions in the Strategy	Annually	Existing program to be expanded	Sustainability Officer and CEI Team	Universities	In kind	Council budget Research grants
			Apply for collaborative government funding grants for relevant actions	Annually	Apply for grants link to action 1.2.5	Council (Grants Officer) & Sustainability Officer	Universities, State agencies	—	Various
	2. Planning updates	2.1 Land use planning	All planning matters undertaken by Council to incorporate and have regard to the new coastal hazard information presented in the CHAS	Ongoing	Through Corporate Plan, Operational Plan, Statutory Planning, development approvals, Planning Scheme.	Council (Planning & Environment) & Sustainability Officer	—	—	—
			Consider implications (within Council) of the Strategy for future development approvals and conditions including: approval conditions for lots of un-developed land with existing approvals implications for future development approvals and conditions.	Ongoing	Through Council's statutory planning and development approvals team.	Council (Planning & Environment) & Sustainability Officer	—	—	—
			For the next scheduled Planning Scheme update, use the updated Erosion Prone Area and storm tide inundation extent and outcomes of the Strategy to inform decisions on development areas and strategic land use planning.	2024-25	Through Planning Scheme review processes.	Council (Planning & Environment) & Sustainability Officer		Approx. \$50k	Council budget

Theme	Adaptation action no.	Description	Priority adaptation actions	Estimated timeframe/priority	How to be implemented / mechanism	Lead agency	Supporting parties	Estimated budget requirements	Funding sources
	2.2 Disaster Management	Update emergency response planning	Use the updated Erosion Prone Area and storm tide mapping, assets exposure and risk assessment to update the Local Disaster Management Plan.	Ongoing	Through Council Disaster Management coordinator and processes.	Council (Disaster Management Coordinator) and Sustainability Officer	LDMG stakeholder partners	-	-
	2.3 Early warning systems	Early warning systems for erosion and storm tide inundation	Investigate potential use of early warning system service using up-to-date technologies (e.g., EWN/Weather zone)	2024	Through Council Disaster Management coordinator and processes.	Council (Disaster Management Coordinator) and Sustainability Officer	LDMG stakeholder partners	-	Council, State grants
			Provide early warning training to the community using updated technologies (e.g., organise community resilience day, use social media)	Annually	Through Council disaster and engagement officers	Council (Disaster Management Coordinator) and Sustainability Officer	LDMG stakeholder partners	-	Council, State grants
			Continue and update storm tide guide and guidance for residents	2025	Through Council disaster and engagement officers	Council (Disaster Management Coordinator) and Sustainability Officer	LDMG stakeholder partners	-	Council, State grants
3. Modifying infrastructure	3.1 Resilient infrastructure	Modifying critical infrastructure (e.g., raising levels)	Review at risk infrastructure (from the Strategy technical outputs) and embed risks into current asset management plans. This could include 'betterment' at critical asset refurbishment/ renewals points.	Ongoing	Council team to update asset management plans based on technical outputs from Phase 5 and 6.	Council (Infrastructure) & Sustainability Officer	Agency stakeholders State Government	TBC	-
			Review of road renewals and upgrades (prioritisation).	Ongoing	When undertaking maintenance or upgrades to road look for opportunities to slightly raise low lying roads.	Council (Infrastructure) & Sustainability Officer	Agency stakeholders State Government	TBC	-
			Consult with utility providers on future services and upgrades and implications of coastal hazard areas.	Ongoing	Share new coastal hazard information presented in the Coastal Hazard Adaptation Strategy with utility providers	Council (Infrastructure) & Sustainability Officer	Stakeholder partners – Utilities	TBC	-
			Consider developing specific coastal hazard overlay code in planning scheme updates linked to action 2.1	2024	Council and/or planning consultants to prepare corresponding hazard overlay code	Council (Planning), Council (Infrastructure) & Sustainability Officer	Consultants	TNC	-
	3.2 Resilient homes	Build homes following resilience guidelines and requirements.	Integrate resilient homes initiatives in the planning approvals procedures	Ongoing	Council and/or planning consultant to integrate in new planning scheme	Council (Planning)		-	-

Theme	Adaptation action no.	Description	Priority adaptation actions	Estimated timeframe/priority	How to be implemented / mechanism	Lead agency	Supporting parties	Estimated budget requirements	Funding sources
	3.3 Relocate infrastructure	Relocate critical infrastructure	When updating asset management plans, consider the long term (2100) coastal hazard risk, and consider options for relocation if needed.	Ongoing	Council to update asset management plan accordingly	Council (Infrastructure) and (Asset Coordinator)	-	-	-
4. Coastal management and engineering	4.1. Nature based foreshore protection and maintenance	Minimise foreshore disturbance, maintain dunes and riparian vegetation	In collaboration with traditional owners and community groups (see 1.1 and 1.2 above) create pilot dune and riparian vegetation protection and maintenance programs at specific locations.	2023-2025	Integrate within existing programs or create new programs	Sustainability Officer	Community groups	\$20k p.a. to implement (materials costs, fencing, vegetation, expenses)	Council budget, grants
			Extend the dune and riparian vegetation protection and maintenance program to all relevant locations.	2025 onwards	Extend program to identified priority areas, apply learnings from pilot program	Sustainability Officer	Community groups	\$50k p.a. to implement (materials costs, fencing, vegetation, expenses)	Council budget, grants
	4.3 Defence structures	Rock wall or seawalls alone or combined with nourishment and vegetated dunes to protect the shoreline from storms and erosion	Identify the need for defence structures or upgrading of existing structures based on CHAS monitoring (See 1.3 above)	2022 onwards	Apply for grants via State agencies as required	Council (Infrastructure) & Sustainability Officer	State Government, consultants	TBA	Council

3.2 Additional Principles for Implementation

3.2.1 Corporate Plan

The Corporate Plan provides a roadmap for the next five years to deliver on the community's aspirations for the Shire as documented in council's ten-year community plan. This document is currently under review for adoption 2022-2027. The CHAS will be a consideration in this process.

3.2.2 Planning and Planning Controls

Based on the output of the updated CHAS mapping, Council will explore options for creating a coastal hazard overlay as part of the next planning scheme to align with the State Planning Policy (2017).

Council will implement land use planning actions as outlined in Table 3, and will continue to review the planning approach and controls during the implementation of the CHAS and with the Strategy 10-year review (or if triggered earlier). Other relevant instruments relevant to planning in coastal areas include:

The Coastal Protection and Management Act 1995

Coastal Management Districts

The State defined Erosion Prone Areas

- Calculated erosion prone area
- HAT + 40 m landward of plan position
- HAT + 0.8 m vertical elevation

The 'temporary local planning instrument' can also be used to get priority actions implemented prior to the next Planning Scheme update if required (e.g., a development pause until Planning Scheme amendment can be completed). For existing dwellings within the coastal hazard prone areas, planning regulations can only have an impact when changes are proposed that trigger a development application.

3.2.2.1 Triggers for Change in Adaptation Response

As set out in the CHAS, adaption responses have been set out for different locations throughout the Shire for a number of planning horizons (present day, 2050 and 2100). The adaption responses follow a general pathway where the response changes depending on the changing risk profile, as outlined in Table 4.

While triggers that result in an adaptation response have been defined in the CHAS, this may change over time due to:

- A change in the policy environment, in particular the 2100 sea-level rise benchmark set by State Government
- A major coastal hazard event that exceeds damage expectations
- Amendments to the Planning Scheme
- New information on the changing risk profile and/or emerging best practice in adaptation
- If community attitudes and risk tolerance changes
- A strategic decision by Council linked to other strategic objectives.

Table 4 Adaptation responses and options

Adaptation response	Monitor / Avoid	Mitigate	Transition
	Monitor the risk of coastal hazards until trigger thresholds are reached Avoid placing new assets in identified hazard areas	Once a trigger is reached, mitigate the risk of coastal hazards by implementing adaptation options	Consider transitioning to an alternative land use if the risk due to coastal hazards becomes too high
Adaptation options	Monitoring and other initiatives to reduce coastal hazard risk (improve adaptive capacity)	Adaptation options including protect, accommodate and transition	

The CHAS aims to deliver adaptation methods that work in a progressive to mitigate coastal hazards. Council will review the effectiveness of the adaptation methods each time the CHAS is updated in future.

If a transition response is pursued in the future, there are a range of mechanisms Council may explore to facilitate this, in line with State Government recommendations.

3.2.2.2 Links to Disaster Management

The CHAS will inform updates to the Local Disaster Management Plan. This will be completed by the local disaster management co-ordinator and in consultation with the Local Disaster Management Group (LDMG).

Outputs from the CHAS that are particularly relevant to updating disaster management plans include the mapping (including storm tide mapping) produced in Phase 3, the risk assessment completed in Phase 5, and the economic analysis completed in Phase 7.

3.3 Change Management

A summary of potential barriers to implementation and associated strategies to overcome barriers is provided in Table 5 as follows.

Table 5 Potential barriers to implementation

Potential barriers to implementation	Strategies to overcome barriers	How strategies are incorporated into the Strategy	Future change / action
Financial			
Lack of funding security	— Seek innovative funding methods	Range of funding methods considered (Section 3.4)	Maintain and promote stakeholder partnerships for joint funding applications.
Receiving funding for capital works costs only (i.e., no funding for ongoing maintenance)	— Seek opportunities to partner with other agencies/organisations	Costs included in Strategy (Section 3.1)	
Lack of funding for monitoring, evaluation, and review	— Ensure ongoing maintenance costs are considered and incorporated in regular budget process	Monitoring and evaluation costs included in Strategy (Section 3.1)	
	— Ensure monitoring, evaluation and review costs are considered and incorporated in regular budget process		
Organisational culture			
Staff lack the skills/knowledge to implement strategy	Ensure that staff are provided with the appropriate training and resources to increase their knowledge and skills Consider employing staff with specialist skills or creating a dedicated position to implement the strategy	Building capacity is a key component of the Strategy. The Strategy nominates a dedicated position to implement the Strategy. Key strategies and documents to be updated. Strong staff awareness and buy-in created	Recruitment of additional specialist skills may be beneficial. Maintain dialogue across Council on the rationale for implementing the range of actions in the strategy.

Staff fail to embed strategy in their day-to-day tasks	Ensure that all council strategies, plans, and documents are updated to incorporate relevant aspects of the strategy Ensure that all staff understand the importance of and rationale for implementing the strategy	during the development of the Strategy across teams and with individual champions within Council.	
Strategy is not embedded in the day-to-day operations of the council	Ensure that staff understand any changes in their responsibilities as a result of implementing the strategy Establish change champions within the organisation to inspire change Ensure management leads by example in implementing the strategy Engage any new staff in the strategy early		
Monitoring, evaluation, and review			
Monitoring, evaluation, and review does not achieve its intended outcome	Ensure appropriate funding is allocated for monitoring, evaluation, and review	Funding allocation in Strategy	Staff member takes ownership of the process and consistency in the review.
Monitoring, evaluation, and review is not completed thoroughly	Ensure that sufficient time is provided to monitoring, evaluation and review Ensure that monitoring is appropriately designed Ensure that monitoring and review has cleared defined objectives that are not simply to fulfil legislative or other requirements	Simple and targeted monitoring, evaluation and review process developed (Section 0) for specific objectives.	
Partnerships			
Partner organisations fail to complete actions they have responsibility for	Build and maintain strong relationships with partner organisations Ensure that partner organisations are involved in and have an opportunity to comment on the strategy and its implementation	Strategic actions included in the Strategy to grow and strengthen these partnerships.	Will need a champion within Council to drive/build the partnerships through organising meetings, fostering relationships, and seeking opportunities.
Partner organisation messaging contradicts council messaging about coastal hazards			
Community			

Community opposition to strategy hinders implementation	Regular, meaningful engagement with the local community Frame communications in different ways to appeal to the community's values	Website to remain live for implementation and future communications. Inclusive dialogue on present day and future hazards is incorporated into the Plan.	Future briefings required to keep the dialogue and language going throughout implementation – new staff and stakeholders to be briefed / inducted.
Community opposition to climate change science informing the strategy hinders implementation	Ensure the dialogue is inclusive of present-day coastal hazard risk, and a precautionary risk management approach for the future (that includes sea level rise).		
Action prioritisation			
Actions are not prioritised Many actions become unattainable, especially with limited resources and/or funding	Ensure prioritisation of actions, along with details of any interdependencies between actions. Define responsibilities for resourcing and funding actions. Develop realistic and practical timeframes for implementation.	Actions prioritised by timing of implementation over the next 10 years. Number and budgeting of actions has been set with achievable targets in mind for Council	'Ongoing' / 'annual' actions will need a champion to ensure they are completed regularly.

3.4 Funding Mechanisms

Table 6 Potential funding mechanisms (Griffith Centre for Coastal Management 2012)

Funding mechanism	Description	Relevant authority
RATES, LEVEES, CONTRIBUTIONS		
Rates and charges	The use of special rates to fund a project spanning more than one year.	Council
Environmental levies	LGAs can impose environmental levies to landholders as part of annual rate collection. Funds collected from these levies are held separately from Council's general revenue. Levies could be zoned based on exposure to coastal hazard risk / distance from coast or hazard area.	Council
Developer contribution and infrastructure agreements	Developer contributions are upfront user charges for future infrastructure services, which are generally required prior to construction. These contributions are applicable only to 'trunk infrastructure', are capped at a maximum value and are controlled by the State. Infrastructure agreements are generally associated with larger developments and comprise agreements between a developer and the local government to provide necessary infrastructure in lieu of infrastructure charges. LGAs may apply for either one mechanism or the other, not both.	Council
EXTERNAL FUNDING SOURCES FOR LOCAL GOVERNMENT		

Federal Government	There are a range of federal government grants that local governments may be eligible to apply for including. <ul style="list-style-type: none"> – Solve urban challenges and improve community liability – Environment Restoration Fund – Improving your local parks and environment – Blue Carbon Ecosystems – Increasing Australia's Resilience – National Environmental Science Program – Managing Disaster Risk program. 	Commonwealth Government
Disaster Recovery Funding Arrangements (DRFA)	DRFA is a disaster response and recovery assistance program designed to assist LGAs to restore essential public assets to their pre-disaster standard. Funding for ongoing resilience projects is not typically available under standard DRFA arrangements. However, 'betterment' funding often becomes available under a specific category.	Queensland Reconstruction Authority (QRA)
Queensland Resilience and Risk Reduction Funding (QRRRF)	This funding is to help reduce, mitigate, and manage the risks of disasters and to make Queensland communities and infrastructure more resilient to disasters.	Queensland Reconstruction Authority (QRA)
Government borrowing	Government borrowing can provide LGAs with funds to undertake works in the short term, however, this would require additional revenue raising through other means.	State Government
Growth Area Bonds	Issue of bonds to finance infrastructure enhancement that are tied to a specific area and repaid through future tax revenues collected in a defined area.	Private sector
Business Improvement Districts	Stakeholders within a defined boundary make a collective contribution towards the maintenance and promotion of an area	Private sector
Local Government Grants and Subsidies Program	The Local Government Grants and Subsidies Program (LGGSP) aims to support local governments to meet the needs of their community by providing funding for the delivery of priority capital infrastructure projects, including protecting natural and built environments.	State Government
Other State Government funding	Potential funding for projects of State significance or interest.	State Government
FUNDING SOURCES AND PROGRAMS FOR COMMUNITY INITIATIVES		
Environmental stewardship and volunteering groups	Landcare	Non-for-profit groups

Australian Government programs	<p>A range of programs, updates available at https://www.grants.gov.au/</p> <p>There are a range of federal government grants for community groups and research as outlined below.</p> <p>Community Groups:</p> <ul style="list-style-type: none"> – Community Environment Program – Environment Restoration Fund – National Landcare program – Building environmental-friendly communities – Indigenous Protected Areas - Sea Country – Resources and training for Aboriginal and Torres Strait Islanders. <p>Delivery through research partnerships and shared funding arrangements:</p> <ul style="list-style-type: none"> – ARC Grants – Collaboration with ARC Centres of Excellence – CRC Grants – CRC-P Grants – Grants for innovative STEM programs. 	Commonwealth Government
Private sector grants	Many private companies/organisations provide one-off grants for environmental improvement projects.	Private sector
Queensland Climate Resilient Councils (QCRC)	The Queensland Climate Resilient Councils (QCRC) program is working with Queensland local governments to deliver services and products that will strengthen staff and leadership team skills and capacity to plan for and respond to the challenges and opportunities arising from climate change.	LGAQ / DES
QCoast ₂₁₀₀ 2.0	LGAQ QCoast ₂₁₀₀ funding for implementation and pilot projects	LGAQ / DES

3.5 Monitoring, Evaluation and Review

3.5.1 Objectives, Monitoring and Evaluation

Table 7 Monitoring and evaluation process

Objectives	Indicators of progress	Monitoring	Evaluation
Strategy actions have been integrated into Council and stakeholder plans and processes	<ul style="list-style-type: none"> Strategic plans have been updated to reference the most recent update of the CHAS Strategic Plans of key stakeholders have reference to the CHAS or synergies/actions with the CHAS 	Annual review of plans and strategies	Relevant Plans updated or in progress of being updated
Actions have been completed on-schedule	<ul style="list-style-type: none"> Number of actions in progress Number of actions completed 	Annual review of actions in progress or completed.	Greater than 50% of actions in progress or completed on-schedule
On-ground activities have been delivered	<ul style="list-style-type: none"> Number of actions delivered on ground Capital budget expended Maintenance budget expended 	Annual review of actions in progress or completed	Greater than 50% of actions in progress or delivered on-schedule and budget expended
Stakeholder partnerships continue to strengthen	<ul style="list-style-type: none"> Number of people/stakeholders/groups involved in delivery of actions New partnerships formed 	Annual review of actions and stakeholder involvement	Stakeholder partners are maintained New partnerships are formed
Actions have achieved indented outcome – e.g., increased resilience of the region to coastal hazards	<ul style="list-style-type: none"> Where on-ground actions are implemented, coastal hazard risk is reduced Capacity building results in increased awareness of coastal hazards and adaptation options (stakeholders and community) Capacity building results in increased stakeholder involvement in coastal hazard adaptation actions 	Coastal hazard risk monitoring informed by actions 1.3 (monitoring) in the Strategy. Annual poll of stakeholder awareness and involvement in implementing actions from the Strategy	Expected reduction in coastal hazard risk are achieved where on-ground actions are implemented (after establishment periods) A steady increase in the number of stakeholders aware of and involved in delivering the Coastal Hazard Adaptation Strategy.

3.5.2 Reporting and Review

A short annual report on the progress of the CHAS implementation should be produced as part of Council's regular reporting processes.

The CHAS will be reviewed every 10 years, commencing at least 2 years prior to the Planning Scheme review which is undertaken on a 10-year timeframe. The review will include consideration of:

- Any changes in the policy environment (e.g., sea level risk predictions, approach to defining coastal hazard areas)
- Updated technical information that may be available
- Any new development and landscape changes in the region, including any changes to the Planning Scheme.

As noted in Section 3.2.2.1, a review of the CHAS (and adaptation response) may also be triggered prior to the scheduled review due to:

- A change in the policy environment, in particular the 2100 sea-level rise benchmark set by State Government
- A major coastal hazard event that exceeds damage expectations
- Amendments to the Planning Scheme
- New information on the changing risk profile and/or emerging best practice in adaptation
- If community attitudes and risk tolerance changes
- A strategic decision by Council linked to other strategic objectives.



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Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
A						
B		Ryan Gray		Jim Greateorex		22/04/2022

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16.5 FINANCIAL POLICIES FOR THE FINANCIAL YEAR 2022/2023**File Number:** D22/10013**Author:** Audit and Risk Advisor**Authoriser:** Heather Kelly, Director Organisational Business Services

Attachments:

- 1 Allowing Discount On Late Rates Payment Policy
- 2 Concealed Leaks Policy
- 3 Council Pensioner Rebate Subsidy Scheme Policy
- 4 Debt Policy
- 5 Debt Recovery Policy
- 6 Environmental Levy Policy
- 7 Home Dialysis Concession Policy
- 8 Investment Policy
- 9 Rates Relief For Charitable Organisations Policy
- 10 Rates Relief For Residential Ratepayers Policy

PRECIS

Council has various financial policies to establish the overarching principles and guidelines that will be followed when dealing with these subject matters. In accordance with sound corporate governance and prudent financial management, these policies are regularly reviewed to ensure relativity and appropriateness in current times.

The review of these policies have recently been finalised and they are now presented to Council for adoption for the financial year 2022/2023.

BACKGROUND/HISTORY

To ensure a consistent and equitable approach is applied in all instances, Council has established and implemented a range of financial policies. As these policies were comprehensively reviewed last year, the only changes effected this year have been very minor grammatical changes. The overarching principles and intent have not been altered.

A list of the policies, presented for adoption, and a succinct explanation as to the purpose of each policy appears below:

1. Allowing Discount on Late Rates Payment Policy

This policy establishes the guidelines to be considered upon receipt of applications from ratepayers to have discount allowed when they have been unable to pay their rates by the due date, due to circumstances beyond their control.

2. Concealed Leaks Policy

Details the circumstances that Council will consider to provide financial assistance to ratepayers for excessive water consumption charges due to having a concealed water leak on their property.

3. Council Pensioner Rebate Subsidy Scheme Policy

This policy provides details on the eligibility criteria and quantum of rates and charges rebates available for approved pensioners.

4. Debt Policy

Council is legislatively required to have a Debt Policy to:

- Outline parameters for borrowing and debt levels within the context of Cook Shire Council's Long Term Financial Forecast (LTFF) and annual budget, and
- Comply with the Local Government Act 2009 by ensuring that Council:
 - a) specifies new borrowings planned for the financial year and the next nine (9) financial years;
 - b) identifies the purpose of the new borrowings;
 - c) specifies the time over which it is planned to repay existing and proposed borrowings.

5. Debt Recovery Policy

Establishes a policy for a consistent and timely approach for the recovery of outstanding rates and charges and other accounts receivable.

6. Environmental Levy Policy

Provides detail on how the funds raised through Council's Environmental Policy will be utilised.

7. Home Dialysis Concession Policy

This policy applies to the property owner residing in their own home or where a tenant is residing in the home and is receiving home dialysis.

8. Investment Policy

Council is legislatively required to have an Investment Policy. This Policy outlines Council's cash investment strategy and provides guidelines for the prudent investment of funds with the aim of maximising investment returns within the approved risk profile.

9. Rates Relief for Charitable Organisations Policy

This policy is to provide a guide for the provision of rates based financial assistance for Not for Profit, Recreation, Sporting, Community and Religious Organisations.

10. Rates Relief for Residential Ratepayers Policy

This policy is to provide a guide for the provision of rates based financial assistance for residential property owners, where the property is the ratepayers' principal place of residence and they are experiencing financial hardship.

LINK TO CORPORATE PLAN

Key Strategy Priority: **Governance** – Accountable, responsible and appropriate governance and management, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 4: Work management systems and procedures are reviewed and adjusted to support improved organisational service provision, compliance and efficiency.

Objective 4d: The provision of core Council services are underpinned by appropriate and accessible information, communication and technology systems.

Objective 4e: Council's organisational culture is inclusive and supports continuous improvement and customer satisfaction.

Objective 4f: Council activities comply with applicable legislation through well maintained policies, procedure and information systems that guide and facilitate good decision making.

CONSULTATION

As the only changes to these policies have been minor grammatical changes, consultation regarding the readoption of these policies was not required.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Apart from the Debt Policy and Investment Policy, there is no statutory requirement for Council to establish and implement the policies presented for adoption. However, in doing so, Council is demonstrating its commitment to the local government principles and in particular to section 4(2) (a) and (d) of the *Local Government Act 2019*, being:

- (a) transparent and effective processes, and decision-making in the public interest;*
- (d) good governance of, and by, local government;*

POLICY IMPLICATIONS

It is sound corporate governance to regularly review and update policies as required. These policies establish clear guidelines as to the processes and procedures to be followed when dealing with the relevant subject matter.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Any finance and resource implications that are the outcome of these policies have been factored into Council's annual budget.

RECOMMENDATION

That Council adopts the following policies, dated 24 May 2022 for the financial year 2022/2023:

1. Allowing Discount on Late Rates Payment Policy
2. Concealed Leaks Policy
3. Council Pensioner Rebate Subsidy Scheme Policy
4. Debt Policy
5. Debt Recovery Policy
6. Environmental Levy Policy
7. Home Dialysis Concession Policy
8. Investment Policy
9. Rates Relief for Charitable Organisations Policy
10. Rates Relief for Residential Ratepayers Policy



ALLOWING DISCOUNT ON LATE RATES PAYMENT POLICY

INTENT

This policy seeks to outline the circumstances which will be acceptable to Council to allow a rates discount, where a late payment has been received beyond the control of the ratepayer. The intent of this policy is to provide clarity around the application of section 130 (10) of the *Local Government Regulation 2012*.

SCOPE

This policy applies to those ratepayers that have intended to pay their rates by the due date, however for reasons beyond their control, have been unable to. This policy provides guidance to staff to ensure that a consistent and transparent process for determining requests for a concession is applied.

DEFINITIONS

TERM	DEFINITION
Council	Shall mean the Mayor and Councillors of Cook Shire Council.
Payment	Shall mean the full levied amount, net of the discount incentive
The Regulation	Shall mean <i>the Local Government Regulation 2012</i>

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POLICY STATEMENT

1. The allowance of discount on rates is conditional on Council receiving the full net rates payable by the due date shown on the rate notice. However, Council does recognise that there will be occasions when payment by the due date is not achieved through circumstances beyond the control of the ratepayer. In accordance with section 130(10) of the *Local Government Regulation 2012*, Council has the power to allow the discount if it is satisfied that the circumstances for not paying were out of the ratepayers' control. A discount may be allowed if the criteria explained in this policy are met.

Any ratepayer seeking to have the early payment of rates discount applied for a late payment beyond their control, shall make application on the form provided by Council for this purpose. Other evidence/documentation is to be supplied where stated. This application form, and any supporting documentation, shall be lodged with the Chief Executive Officer or delegate, for consideration.

Applications need to be received before the end of the rating period to which the rates belong. Council has two rating periods in the financial year being 1 July to 31 December and 1 January to 30 June. Therefore, the application must be received by Council within the 6 month period that the rate notice was issued.

Before the allowance of late discount is considered, the full amount owing (less discount) needs to be paid. Following consideration, the ratepayer will be advised in writing of the outcome of the request for the allowance of discount.

It is the ratepayer's responsibility to notify Council of a new address for service of notices. Where a ratepayer does notify Council of a new address for services of notices after the issue of the rate notices, Council will endeavour to issue a copy of that rate notice to the new address, however it will remain the responsibility of the ratepayer in those circumstances to ensure that payment is received by Council within the due date of the current rate notice.

2. Circumstances

The following situations will be considered acceptable reasons for discount to be allowed after the discount due date:

2.1 Agency Payments

Payment is made to any Council endorsed payment agency on or before the due date, provided that such payment is cleared by Council's bank.

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Current Version:	5.0		

2.2 Cheque / Posted Payments

Payment is made by means of a cheque and posted to Council, and the postmark on the letter indicates that it was mailed early enough to leave sufficient time for it to reach Council (except those sent by bulk postage, using a franking machine, pre-paid or not date stamped). Where payment hasn't been received by Council within the expected timeframe and has arrived after the discount date, correspondence from the applicable mail carrier must be received stating that problems existed with deliveries at the time.

2.3 Medical Reasons

2.3.1 The sole owner/all owners are hospitalised or incapacitated due to illness during the discount period, and therefore are unable to make payment of the due rates on time. Medical evidence and a statutory declaration explaining that there is no one else that could act on behalf of the ratepayer/s are to be provided for consideration.

2.3.2 Death or serious trauma (accident, life threatening illness or emergency operation) of the ratepayer/s and/or their spouse/dependent has occurred during the discount period. A death certificate or medical evidence must be provided.

2.4 Postal Issues

2.4.1 The rate notice was not received, and such claim can be supported by written concurrence of the applicable mail carrier, that problems existed with the mail delivery at this time.

2.4.2 The rate notice was not received, and the ratepayer can produce written evidence that a mail re-direction was current at that location at the time of the rate notice issue.

2.4.3 The rate notice is returned to Council although correctly addressed.

2.5 Incorrect Rates Record

Where full payment is tendered to Council after the due date for discount and any error on Council's part in the issue of the rate notice has occurred that may reasonably be expected to have contributed to the late receipt of the rate notice by the ratepayer.

2.6 Exceptional Circumstances

2.6.1 Trauma caused by a major event such as fire or flood prevents the ratepayer from paying the amount outstanding before the discount due date.

2.6.2 Where a ratepayer claims that they did not receive a copy of their rates notice and they have had an on-time payment history for a minimum period of at least three (3) years, and the ratepayer pays the net amount

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Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

when becoming aware of outstanding balance or responds to a reminder notice or letter within 14 days of issue.

- 2.6.3 Other situations where circumstances beyond the control of the ratepayer prevented payment and/or the ratepayer has made a genuine attempt to affect payment satisfactory to the Chief Financial Officer, Rates Officer or other delegated officer.

2.7 Outside Policy Guidelines

Where an application falls outside this policy, and it is determined that the application requires special consideration by Council, a report with a recommendation to the appropriate Council meeting shall be made.

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Chief Financial Officer	Ensuring that the application process, concession process and reconciliation process complies with the <i>Local Government Act and Regulation</i> .
Council	Approval of the "Allowing Discount on Late Rates Payment Policy" on an annual basis in accordance with section 130 (10) of the <i>Local Government Regulation 2012</i> . Approval of any concession requests outside of the Policy guidelines in accordance with item 2.7 of the Policy.
Rates Officer	Assessment of applications that are in line with the policy, administering the concession, applying the concession in Authority and being the first point of contact for any ratepayers.

REFERENCES, LEGISLATION AND GUIDELINES

The *Local Government Regulation 2012*, Section 130 (10)

RELATED DOCUMENTS

Revenue Statement

Application for Discount of Rates After Discount Date Form

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Original Issue Date:	27 June 2018		
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IMPLEMENTATION/COMMUNICATION

The policy will take effect from 1 July 2022 and will be displayed on Council's website. The policy will be communicated to ratepayers by staff as and where appropriate.

APPROVED BY

Adoption annually by Council.

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Chief Financial Officer
ADOPTION DATE:	24 May 2022
REVIEW DATE:	June 2023

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

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
2.0	No Amendments	20/05/2019	
3.0	Minor Amendments	20/04/2020	
4.0	Adopted by Council Resolution	11/05/21	2021/100

Document Number:	D21/12211	<p align="center">CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 5 of 5
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		



CONCEALED LEAKS POLICY

INTENT

To guide Cook Shire Council's (Council) practice and decision-making on the extent of, and the conditions under which, financial assistance will be offered to property owners who have received an unusually high water notice, resulting from a concealed leak.

SCOPE

This policy applies to Council staff delegated to consider applications to provide financial assistance with excessive water accounts due to a concealed leak.

The policy will only apply to non-profit community organisations and residential properties where the property is the ratepayer's principal place of residence and no commercial benefit is derived from the property.

DEFINITIONS

TERM	DEFINITION
Average Consumption	Shall mean where possible and/or relevant, the average of the past three (3) years' normal water consumption during the equivalent billing period, adjusted at the discretion of Council, for any relevant changes in circumstances that would impact consumption.
Billing Period	Shall mean the time between meter readings and does not refer to the issue date or the payment due date on the rate notice.
Concealed Leak	Shall mean a leak that has occurred within the owner's property in the main water supply pipe from the water meter to the primary constructed structure, either underground, under or within concrete or paving or underneath a structure where the leak was not apparent and the occupant was not

Document Number:	D21/12223	CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.	Page 1 of 7
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27/06/2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

TERM	DEFINITION
	aware of its existence and could not reasonably be expected to be aware of its existence.
Council	Shall mean the Mayor and Councillors of Council.
Policy	Shall mean this Concealed Leaks Policy.
Property	Shall mean the property within the Council area to which water is being supplied by Council for which rate notices are issued.
Property Owner	Shall mean the owner or owners of the property.
Consumption Charge Rate	Shall mean the Consumption Charge identified within the Revenue Statement as adopted by Council each financial year.
Rate Notice	Shall mean the notice issued by Council to the property owner which contains the water consumption charges.

POLICY STATEMENT

1. Principles

- The property owner is responsible for managing their water consumption. This includes monitoring water consumption and/or manually reading the water meter and carrying out overnight consumption tests on a regular basis to monitor water usage and consumption patterns.
- The property owner is responsible for repairing water leaks in the pipes carrying water from the water meter into the premises, in any internal pipes or plumbing fixtures within the premises, or in any irrigation piping or garden water systems.
- Subject to any financial; assistance under this policy, the property owner is responsible for the payment of the full water consumption charges, including consumption related to leaks.
- Where Council becomes aware of a potential water leak at a property, Council will make best efforts to notify the property owner. Such notification is provided as an added service and such notification or the lack thereof does not alter the availability or non-availability of financial assistance under this policy.

2. Eligibility

Council will only consider a request for financial assistance on rate and charges payable due to a water leak where:

- the leak was a concealed leak; and

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	27/06/2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

- the property owner took all reasonable steps to ensure that the concealed leak was repaired within a reasonable period of time; and
- the concealed leak was repaired by a licensed plumber, or
- where the property owner has effected repairs, a detailed Statutory Declaration must accompany the application.

3. Extent of Financial Assistance

A reduction in water consumption charges will be granted where consumption in a billing period exceeds one thousand kilolitres (1000kl). Only one (1) application per property owner in a five (5) year period is permitted.

The reduction of water consumption charges may be applied over two billing periods, as a single concealed leak can affect the consumption over two billing periods.

If the application for financial assistance in water consumption charges is granted, the following calculation will be applied:

Billed consumption - Average Consumption = Revised Consumption

Financial assistance will be 50% of the Revised Consumption (Average is calculated using the last three (3) normal, equivalent billing period consumption charges).

If the above method is deemed inappropriate under a given circumstance by Council, then an alternate methodology may be adopted.

The decision whether to use an alternative methodology and the alternative methodology to be used will be at the discretion of the Director Organisational Business Services, on a case by case basis.

4. Applying for Financial Assistance

The property owner must apply in writing for a reduction of water consumption charges due to a concealed leak using the *Application for a Financial Assistance on Rate Notice due to a Concealed Leak* form. The application must outline the location and circumstances of the concealed leak, including the condition to be met under Section 2 – *Eligibility* of this policy and complete all sections of the form.

The application must be made to Council, no later than the date on which payment for the consumption charge on which the financial assistance is being sought falls due for payment. Applications made after this date but before the next rate notice may be considered at the discretion of the delegated decision-maker. Where such an application is considered and approved, the financial assistance will be granted as identified in Section 3 of this policy. An application received by Council after the issuance of the next rate notice will not be considered for relief.

The application must be accompanied by a detailed plumber's report, using the *Plumber's Report on Repair of Concealed Leak* form as specified by Council, from the licensed plumber who carried out the repair work, or a Statutory Declaration if the repairs were effected by the property owner certifying:

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	27/06/2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

- the property on which the concealed leak was discovered; and
- the concealed leak was repaired by the licensed plumber; or
- the concealed leak was repaired by the property owner; and
- the date the concealed leak was repaired; and
- the details of the plumbing repairs undertaken; including:
 - that the concealed leak was in the main water supply pipe from the water meter to the *primary constructed structure* on the property; and
 - that the concealed leak was in a location and/or of a nature which contributed to it not being evident.

5. Specific Exclusions

Council will not provide financial assistance for leaks that occur in:

- internal structural pipework (under floor or within walls) water fittings, and appliances including taps, toilets, showers, sinks, hot water systems and appliances with water connections such as dishwashers, washing machines and fridges; or
- water tanks that are plumbed to the potable water supply, including solar water heaters and pipework related to such tanks; or
- external water taps, hoses, sprinklers and irrigation systems; or
- swimming pools, spas, and other water features including fittings and the pipework that supply such fixtures; or
- firefighting equipment and systems.

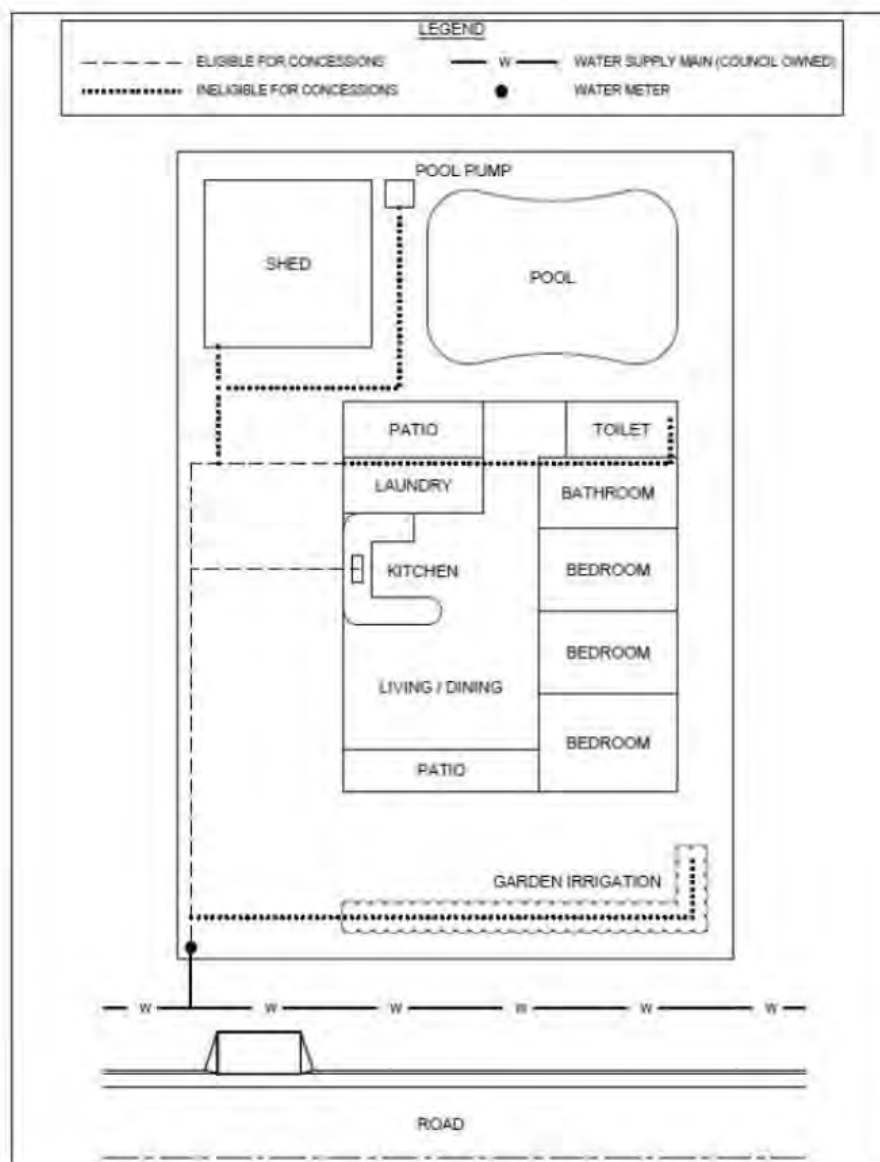
Financial assistance will also not be available for water loss:

- during construction, renovation, excavation or similar activity; or
- due to theft, vandalism, and inadvertent use (e.g. tap/hose left running due to an oversight).

6. Delegated Authority to Chief Executive Officer

Where applications are received and after assessment have been deemed to be compliant with this policy, Council pursuant to section 257 of the *Local Government Act 2009* delegates authority to the Chief Executive Officer to grant financial assistance for excessive water consumption as detailed in this policy.

Document Number:	D21/12223	<p>CONTROLLED DOCUMENT</p> <p>This electronic document is guaranteed as the most current.</p> <p>DO NOT COPY.</p> <p>Unauthorised hard copies of this document are prohibited.</p>	Page 4 of 7
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27/06/2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

Inclusions and Exclusions

Document Number:	D21/12223	<p align="center"><u>CONTROLLED DOCUMENT</u></p> <p align="center">This electronic document is guaranteed as the most current.</p> <p align="center">DO NOT COPY.</p> <p align="center">Unauthorised hard copies of this document are prohibited.</p>	<p align="right">Page 5 of 7</p>
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27/06/2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Chief Financial Officer	Ensuring that all applications received for financial assistance are considered in accordance with the approved policy. The annual review of the policy.
Council	Approval of the "Concealed Leaks Policy".
Director Organisational Business Services	The delegated decision maker with respect to minor inconsistencies/unintended consequences of the policy and determining the methodology of calculating the financial assistance on a concealed leak where the identified method would be inappropriate (for example the sale of the premises or a change in use of the premises).
Rates Officer	Assessment of applications and preparation of any associated reports where required.

REFERENCES, LEGISLATION AND GUIDELINES

Local Government Act 2009

Local Government Regulation 2012

RELATED DOCUMENTS

Revenue Policy

Revenue Statement

Application for Financial Assistance on Water Consumption due to Concealed Leaks Form

IMPLEMENTATION/COMMUNICATION

The policy will be implemented on 1 July 2022 and will be placed on Council's website.

APPROVED BY

Adoption annually by Council.

Document Number:	D21/12223	<p>CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 6 of 7
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27/06/2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Chief Financial Officer
ADOPTION DATE:	24 May 2022
REVIEW DATE:	June 2023

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

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
2.0	Section 3, para 5 – Changed from five (5) to three (3) and new template.	20/05/2019	
3.0	Minor Amendments	18/04/2020	
4.0	Adopted by Council Resolution	11/05/21	2021/100

Document Number:	D21/12223	<p align="center">CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 7 of 7
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27/06/2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		



COUNCIL PENSIONER REBATE SUBSIDY SCHEME POLICY

INTENT

To provide assistance to pensioners who reside in Cook Shire who apply for the Council Pensioner Rate Concession and to staff in administering the subsidy scheme.

SCOPE

To enable Council to process applications for concessions on Council Rates in a fair and equitable manner.

DEFINITIONS

TERM	DEFINITION
Council	Shall mean the Mayor and Councillors of Cook Shire Council.
Council Pensioner Rate Remission	Shall mean the amount in monetary terms by which a pensioner rate liability is reduced in terms of Council's Pensioner Rate Remission Policy and Annual Budget Resolution.
Pensioner	Shall mean a ratepayer who resides in Cook Shire and who is:- (a) An eligible holder of a Queensland 'Pensioner Concession Card' issued by Centrelink, on behalf of the Department of Human Services, or the Department of Veterans' Affairs, or a Queensland 'Repatriation Health Card – For All Conditions (Gold Card)' issued by the Department of Veterans' Affairs; and (b) The owner (either solely or jointly) or life tenant/s of a property which is his/her principal place of residence; and (c) Has, either solely or jointly with a co-owner, the legal responsibility for the payment of rates and charges as defined which are levied in respect of the said property by the Local Authority in whose area the property is situated.
Pensioner Concession Card	Shall mean a Queensland 'Pensioner Concession Card' issued by Department of Human Services, on behalf of the Department of Communities, or the Department of Veterans' Affairs, or a Queensland 'Repatriation Health Card – for all conditions (Gold Card)' issued by the Department of Veterans' Affairs.

Document Number:	D21/12220	<p style="text-align: center;">CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 1 of 4
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	6.0		

TERM	DEFINITION
Residence	Shall mean a Council approved structure with a classification of 'Dwelling - 1a'.

POLICY STATEMENT

1. Criteria for granting a pensioner rate remission

- 1.1 The scheme will be administered and eligibility criteria shall be on the same basis as the Queensland Government Pensioner Rate Subsidy Scheme Policy 2-5 as amended.
- 1.2 The pensioner must be a resident of Cook Shire and the owner/occupier of the property, which is his/her principal place of residence.
- 1.3 There is no income being derived from the property.
- 1.4 There is no business being carried out on the subject land.
- 1.5 The Pensioner Subsidy is not being claimed on any other property.
- 1.6 Either a Certificate of Occupancy or a Final Inspection Certificate has been issued for the residence.

2. Ownership/Co-Ownership/Tenancies/Residential Requirements and Trusteeships

Council shall apply the same requirements as the Queensland Government Pensioner Rate Subsidy Scheme.

3. Application for Rate Remission

- 3.1 The application must be made on the prescribed form available on the Council Website and from Council Administration.
- 3.2 The application must be lodged prior to the commencement of each rating period, however apportionment will be granted for new applicants from the date the application is approved.
- 3.3 Supply a photocopy of a valid Pensioner Concession Card.
- 3.4 Once an application for remission is approved it shall remain in force from year to year without further renewal whilst a person remains owner/occupier of the property in question.
- 3.5 Where an applicant's circumstances alter it is incumbent upon the applicant to notify Council.
- 3.6 Council will conduct periodic audits to verify current entitlements.

4. Lapsed Subsidy

Document Number:	D21/12220	<p style="text-align: center;">CONTROLLED DOCUMENT</p> <p style="text-align: center;">This electronic document is guaranteed as the most current DO NOT COPY.</p> <p style="text-align: center;">Unauthorised hard copies of this document are prohibited.</p>	Page 2 of 4
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	6.0		

The Council subsidy is not available where –

- 4.1 The pensioner defaults on the payment of rates on their assessment; or
- 4.2 On the death of the pensioner; or
- 4.3 Where the pensioner is in arrears or fails to pay the rates in full by the levy due date.

5. Pensioner Remission Amount

- 5.1 State Government's pensioner subsidy will be up to twenty percent (20%) to a maximum rebate of \$200 per annum and is applied to General Differential Rates, Water Service Charges, Sewerage Charges and Refuse Collection Charges; and
- 5.2 Council's pensioner subsidy will be up to twenty percent (20%) to a maximum rebate of \$200 per annum and is applied to General Differential Rates, Water Service Charges, Sewerage Charges and Refuse Collection Charges; and
- 5.3 State Government pensioner subsidy will also provide 20% of the Emergency Management Levy.

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Chief Financial Officer	Ensuring that the Council Pensioner Subsidy Scheme operates in accordance with the Council approved policy.
Council	Approval of the "Council Pensioner Rebate Subsidy Scheme Policy".
Rates Officer	Review of applications for completeness, assessment of applications, liaising with ratepayers. Administration and implementation of the policy.

REFERENCES, LEGISLATION AND GUIDELINES

The Local Government Act 2009

The Local Government Regulation 2012, Chapter 4, Part 10 (Concessions)

RELATED DOCUMENTS

Revenue Statement

Revenue Policy

Application for Council Pensioner Rebate Subsidy Scheme Form

Document Number:	D21/12220	<p style="text-align: center;">CONTROLLED DOCUMENT</p> <p style="text-align: center;">This electronic document is guaranteed as the most current. DO NOT COPY.</p> <p style="text-align: center;">Unauthorised hard copies of this document are prohibited.</p>	Page 3 of 4
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	6.0		

IMPLEMENTATION/COMMUNICATION

The policy will take effect from 1 July 2022 and will be displayed on Council's website. The policy will be communicated to ratepayers by staff as and where appropriate.

APPROVED BY

Adoption annually by Council with the Council budget.

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Chief Financial Officer
ADOPTION DATE:	24 May 2022
REVIEW DATE:	June 2023

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

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
3.0	Section 1.6 – Class 1a Structure added and new template.	20/05/2019	
4.0	No Amendments	20/04/2020	
5.0	Approved by Council resolution	11/05/21	2021/100

Document Number:	D21/12220	CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.	Page 4 of 4
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	6.0		



DEBT POLICY

INTENT

To outline parameters for borrowing and debt levels within the context of Cook Shire Council's Long Term Financial Forecast (LTFF) and annual budget.

To comply with the *Local Government Act 2009* by ensuring that Council:

- a) specifies new borrowings planned for the financial year and the next nine (9) financial years;
- b) identifies the purpose of the new borrowings;
- c) specifies the time over which it is planned to repay existing and proposed borrowings.

SCOPE

Borrowings are those funds which Council obtains from external sources by loans, overdraft or other financial arrangements that impose an obligation for repayment.

POLICY STATEMENT

Criteria for Borrowings

As a general principle, Council recognises that loan borrowings for capital works projects are an important funding source for local government and that the full cost of infrastructure should not be borne entirely by present-day ratepayers, but be contributed to by future ratepayers who will also benefit. Whilst recognising the importance of loan borrowings, Council should not place undue reliance upon loans as a source of funding.

Council will restrict all borrowings to expenditure on identified capital works projects that are considered by Council to be of the highest priority and which cannot be funded from revenue,

Document Number:	D21/14788	<p style="text-align: center;">CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 1 of 4
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	May 2022		
Review Date:	June 2023		
Current Version:	13.0		

as identified by the adopted budget. Under no circumstances should Council borrow funds for recurrent expenditure.

Council regularly assesses the long term financial sustainability of all financial decisions by undertaking 10 year financial modelling. Council's borrowing program will be based on a sustainable financial outlook and will only be undertaken where Council can demonstrate that repayments can comfortably be met.

When borrowing for infrastructure, the term of the loan shall not exceed the finite life of the related asset.

Existing Borrowings:

Purpose	Term (years)	Book Value Estimated 30/6/2022
Working Capital Facility	Overdraft	Fluctuates
Consolidated Loans	12 years	\$1,713,716.84
Housing Project	15 years	\$946,927.59
Child Care Facility	15 years	\$565,313.56

Proposed Borrowings:

At this stage, Council's 10 year financial forecast does not include any planned borrowings, however this will be reviewed on an annual basis. The repayment term of existing and new borrowings will be in accordance with the repayment schedule relevant to each loan.

Market Value and Refinancing

The loan portfolio of Council is raised solely with Queensland Treasury Corporation (QTC) primarily utilising QTC's fixed rate loan product. A fixed rate loan is a loan where the interest rate does not fluctuate for the term of the fixed period. A fixed rate loan provides rate certainty; however, an early repayment adjustment applies for any unscheduled repayments.

The amount required to extinguish a fixed rate loan at any point in time is the market value of the loan. The market value reflects the remaining cash flows required to repay the debt, valued at the current market rates of interest. An early repayment adjustment reflects the difference between the loan balance and the market value of a fixed rate loan. The adjustment can be a loss or a gain depending on whether market rates for the remaining term are lower or higher than the original fixed rate.

Document Number:	D21/14788	<p align="center">CONTROLLED DOCUMENT</p> <p align="center">This electronic document is guaranteed as the most current. DO NOT COPY.</p> <p align="center">Unauthorised hard copies of this document are prohibited.</p>	Page 2 of 4
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	May 2022		
Review Date:	June 2023		
Current Version:	13.0		

Council intends maintaining principal and interest repayment schedules consistent with the fixed rate terms of individual loans so exposures to early repayment adjustment losses are minimised. However, in circumstances where the early repayment adjustment will result in a gain to Council, consideration will be given to early repayment of the relevant loan facilities, subject to evaluation of Council's financial position at the time.

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Council	Approval of the Debt Policy each year as part of the budgeting process for the next financial year. Approval of the Long Term Financial Forecast each year.
Director Organisational Business Services	Development of the Long Term Financial Forecast and the Annual Operational budget in conjunction with the Chief Financial Officer, Executive Team and Council.
Chief Financial Officer	Development of the Long Term Financial Forecast and the Annual Operational budget in conjunction with the Director Organisational Business Services, Executive Team and Council.
Coordinator Projects and Management Accounting	Review and reconciliation of loan funding on a monthly basis.

REFERENCES, LEGISLATION AND GUIDELINES

Local government Act 2009

Local Government Regulation 2012

IMPLEMENTATION/COMMUNICATION

This policy will be communicated as part of the budget adoption process as well as being placed on Council's website.

APPROVED BY

Adoption annually by Council.

Document Number:	D21/14788	<p>CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 3 of 4
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	May 2022		
Review Date:	June 2023		
Current Version:	13.0		

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Chief Financial Officer
ADOPTION DATE:	24 May 2022
REVIEW DATE:	As required by legislation - no later than 30 June 2023 in conjunction with the budget.

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

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
2.0	Minor Amendments	20/05/2019	
3.0	Minor Amendments	25/05/2020	
12	Minor Amendments	08/06/2021	Council Resolution 2021/125

Document Number:	D21/14788	CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.	Page 4 of 4
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	May 2022		
Review Date:	June 2023		
Current Version:	13.0		



DEBT RECOVERY POLICY

INTENT

To establish a policy for a consistent and timely approach for the recovery of outstanding rates and charges and other accounts receivable.

SCOPE

This policy applies to all outstanding rates and charges and other accounts receivable due and payable to Cook Shire Council.

DEFINITIONS

TERM	DEFINITION
Accounts Receivable	An amount owed to Council in payment for supply of goods and/or services.
Debt	Amount owed to Council which can include rates and charges or accounts receivable.
Debtor	Any person or entity that owes a debt to Council.
Overdue	A debt is overdue if any portion of it is unpaid on the day after the due date for payment as stated in the original notice.
Own source revenue	Revenue that Council has a legal capacity to raise that does not include grants, subsidies or donated assets.
Repayment Arrangement	Is an arrangement that will repay overdue amounts in a timeframe that Council considers acceptable in the given circumstances.

Document Number:	D21/14784	<p style="text-align: center;">CONTROLLED DOCUMENT</p> <p>This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 1 of 6
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	May 2022		
Review Date:	June 2023		
Current Version:	9.0		

POLICY STATEMENT

A significant portion of Council's "own source" revenue is derived through rates and charges and accounts payable. Effective collection processes are vital to ensure the financial sustainability of the organisation, whilst at the same time Council will provide all due consideration and assistance to ratepayers and debtors who display genuine commitment to honouring their financial obligations to Council.

To govern the mechanisms of debt recovery, the following principles will be applied:

- a fair, consistent and accountable approach will be applied to Council's debt management and collection processes;
- all ratepayers and sundry debtors will be treated in a transparent and equitable manner;
- debtors to be clearly informed of their payment obligations and the processes utilised by Council to assist them to meet these obligations;
- consider the capacity of each debtor to pay while endeavouring to treat debtors consistently;
- demonstrate flexibility, when necessary, in response to changes in the local economy;
- recognise the importance debt recovery has on the capacity of Council to deliver services to the community;
- maximise the collection of outstanding debts through cost effective collection processes; and
- legal avenues for collection of outstanding monies to be employed as a last resort upon debtors failing to respond adequately to their obligations.

Council needs to carefully monitor the level of overdue rates and other amounts due to it, and be vigilant in the recovery function, as outstanding amounts can cause disruption to the provision of services and facilities to the community.

It is also the responsibility of a ratepayer or sundry debtor, who is unable to fulfil their financial commitments to Council by the due date, to contact Council at their earliest opportunity to make appropriate arrangements to clear their debt within a timely manner. No further debt recovery action will be taken against a debtor who has entered into a mutually acceptable repayment arrangement and is abiding by this arrangement.

Rates and Charges

In accordance with section 132 of the *Local Government Regulation 2012*, rates and charges will become overdue, should amount payable or any component thereof, remain unpaid the day after the due date for payment stated in the rate notice issued. Interest will commence accruing on any outstanding rates and charges on the day after the payment due date.

Any ratepayer who is unable to pay the full amount of their rates and charges by the due date are encouraged to make application to Council to enter into a repayment arrangement. This payment arrangement has to be mutually acceptable to both parties with the outstanding debt being paid within the approved timeframe. Interest will be applied to the

Document Number:	D21/14784	<p style="text-align: center;"><u>CONTROLLED DOCUMENT</u> This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 2 of 6
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	May 2022		
Review Date:	June 2023		
Current Version:	9.0		

outstanding debt until such times as this debt is repaid in full. The interest rate applied to outstanding rates and charges each financial year will be determined by Council resolution.

Additionally, any ratepayer who is experiencing serious financial hardship and are unable to pay their rates may apply for some form of relief as outlined in the following policies of Council:

- Rates Relief for Residential Ratepayers Policy
- Rates Relief for Charitable Organisations Policy

Failure by the ratepayer to repay the outstanding debt within the terms of the payment arrangement, may result in Council cancelling the approved arrangement and undertake any action it deems appropriate to recoup the outstanding rates and charges. This action may occur with or without notice to the ratepayer.

Recovery Action

Ratepayers who have outstanding rates and charges and have not entered into a payment arrangement will be sent a First and Final Reminder Notice. This notice will be sent no earlier than 7 days after the expiration of the due date for payment and will provide the ratepayer 14 days to action.

Further recovery action will cease with the ratepayer either paying the outstanding rates and charges in full or entering into an acceptable repayment arrangement.

Ratepayers who have not responded satisfactorily to the First and Final Reminder Notice, may become subject to further recovery action and be referred to Council's appointed debt collection agency. The debt collection agency will formally contact the ratepayer, either in writing or by telephone or a combination of both, to seek a resolution to the outstanding debt.

Failure by the ratepayer to respond satisfactorily to the preceding recovery action, may leave Council no alternative but to instigate legal action which will incur further financial impacts on the ratepayer. Although legal action is deemed as a last resort to enforce collection, it is a necessary step to ensure that all ratepayers are treated equitably and that they fulfil their payment obligations.

Legal action may include, but not limited to:

- Issue of a Claim and Statement of Claim
- Judgement filed in Court
- Other action which may result in bankruptcy or statutory demand/wind up action of a company
- Sale of land for arrears of rates

Accounts Receivable

Accounts receivable debts are created after Council makes a supply of goods and/or services to a customer. An invoice is then raised showing details of the goods and/or services provided and a due date for payment.

The amount payable will become overdue the day after the due date for payment. The recovery action undertaken to secure payment may include the following:

Document Number:	D21/14784	<p style="text-align: center;"><u>CONTROLLED DOCUMENT</u> This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 3 of 6
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	May 2022		
Review Date:	June 2023		
Current Version:	9.0		

- Issue of a statement
- A reminder letter issued if the payment remains outstanding 14 days after the issue of the statement.
- If payment is not received within 14 days of the issue of the reminder letter, the account may be suspended and overdue amount referred to Council's appointed debt collection agency.
- The debt collection agency will formally contact the customer, either in writing or by telephone or a combination of both, to seek a resolution to the outstanding debt.

Failure by the customer to respond satisfactorily to the preceding recovery action, may leave Council no alternative but to instigate legal action which will incur further financial impacts on the customer.

Bad Debts/ Write Off

Where it is determined, to the satisfaction of the Chief Executive Officer or delegate that a debt is irrecoverable or uneconomical to recover, the debt may be written off. Reasons to make this determination include, but not limited to:

- All reasonable collection action has been taken and was unsuccessful
- No possibility for collection exists now or in the future
- The debtor cannot be readily located or served Court documentation
- Legal proceedings that are statute barred or the debt is legally unenforceable
- The debtor is an inoperative corporation and without assets; or
- The debtor is a natural person who is an undischarged bankrupt.

To facilitate operational efficiency, Council pursuant to section 257 of the *Local Government Act 2009* delegates authority to the Chief Executive Officer to write off bad debts up to \$3,000. Amounts over \$3,000 can only be written off by Council resolution.

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Chief Financial Officer	To ensure that debt recovery activities are undertaken in accordance with this policy.
Financial Accountant	To actively monitor outstanding debts on at least a monthly basis and report, as required, to senior executives on the effectiveness of debt recovery activities and potential risks of bad or doubtful debts.
Rates Officer	To ensure debt recovery activities for rates and charges are undertaken in accordance with this policy.

Document Number:	D21/14784	<p style="text-align: center;">CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 4 of 6
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	May 2022		
Review Date:	June 2023		
Current Version:	9.0		

REFERENCES, LEGISLATION AND GUIDELINES

Local Government Act 2009

Local Government Regulation 2012

RELATED DOCUMENTS

Corporate Plan 2017 – 2022

Revenue Statement

Revenue Policy

Rates Relief for Residential Ratepayers Policy

Rates Relief for Charitable Organisations Policy

IMPLEMENTATION/COMMUNICATION

This policy applies from 1 July 2022 and will be displayed on Council's website.

APPROVED BY

Policy to be adopted annually by Council.

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Chief Financial Officer
ADOPTION DATE:	24 May 2022
REVIEW DATE:	June 2023

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Document Number:	D21/14784	<p align="center">CONTROLLED DOCUMENT</p> <p align="center">This electronic document is guaranteed as the most current.</p> <p align="center">DO NOT COPY.</p> <p align="center">Unauthorised hard copies of this document are prohibited.</p>	Page 5 of 6
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	May 2022		
Review Date:	June 2023		
Current Version:	9.0		

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
6.0	Minor amendments and new template	20/05/2019	
7.0	Bad Debt/Write-Off Delegations added	01/06/2020	
7.1	Minor amendments, namely changes to collection dates	26/06/2021	
8.0	Minor amendments	08/06/2021	Council resolution 2021/126

Document Number:	D21/14784	<p align="center">CONTROLLED DOCUMENT</p> <p align="center">This electronic document is guaranteed as the most current.</p> <p align="center">DO NOT COPY.</p> <p align="center">Unauthorised hard copies of this document are prohibited.</p>	Page 6 of 6
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	May 2022		
Review Date:	June 2023		
Current Version:	9.0		



ENVIRONMENTAL LEVY POLICY

INTENT

To provide clarity on how the funds from the Environmental Levy can be utilised.

SCOPE

This levy is to contribute to the rehabilitation and after-care costs of Council waste management facilities.

DEFINITIONS

TERM	DEFINITION
Council	Shall mean the Mayor and Councillors of Cook Shire Council.

POLICY STATEMENT

Council has resolved to raise and levy the Environmental Levy pursuant to the *Local Government Act 2009*, section 92 and the *Local Government Regulation 2012*, section 103.

A separate charge will be levied equally on each parcel of rateable land within Cook Shire to contribute to the rehabilitation and after-care costs of the following waste management facilities:-

- Archer River
- Ayton
- Coen
- Cooktown

Document Number:	D21/12229	<p>CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 1 of 3
Authorised By:	Director Organisational Business Services		
Original Issue Date:	9 June 2020		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	3.0		

- Lakeland
- Laura
- Moreton telegraph
- Portland Roads
- Rossville

The levy will form part of the rates notice issued twice yearly.

Concession

Where an assessment containing parcels (greater than one), can be shown to be beyond any form of development or improvement, a written application may be made for an exemption for that particular parcel of land.

Concessions will be granted by Council Resolution.

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Council	Council is responsible for the approval of the Policy each year as part of the budget process.
Chief Financial Officer	The Chief Financial Officer is responsible for the continued operation of the concession process in accordance with the policy.
Rates Officer	The Rates Officer is responsible for the processing of applications, applying the concession and dealing with applications in the first instance.

REFERENCES, LEGISLATION AND GUIDELINES

The *Local Government Act 2009*, section 92

The *Local Government Regulation 2012*, section 103

RELATED DOCUMENTS

Revenue Statement

Document Number:	D21/12229	<p style="text-align: center;">CONTROLLED DOCUMENT</p> <p style="text-align: center;">This electronic document is guaranteed as the most current. DO NOT COPY.</p> <p style="text-align: center;">Unauthorised hard copies of this document are prohibited.</p>	Page 2 of 3
Authorised By:	Director Organisational Business Services		
Original Issue Date:	9 June 2020		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	3.0		

IMPLEMENTATION/COMMUNICATION

This policy will take effect on 1 July 2022 and will be displayed on Council's website.

APPROVED BY

Adoption annually by Council.

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Chief Financial Officer
ADOPTION DATE:	24 May 2022
REVIEW DATE:	June 2023

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

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
1.0	New Policy	02/06/2020	
2.0	Adopted by Council Resolution	11/05/21	2021/100

Document Number:	D21/12229	CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.	Page 3 of 3
Authorised By:	Director Organisational Business Services		
Original Issue Date:	9 June 2020		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	3.0		



HOME DIALYSIS CONCESSION POLICY

INTENT

To provide assistance to ratepayers of Cook Shire who apply for the Council Home Dialysis Concession.

SCOPE

To enable Council to process applications for concessions on Council Water Consumption Charges in a fair and equitable manner.

DEFINITIONS

TERM	DEFINITION
Council	Shall mean the Mayor and Councillors of Cook Shire Council.
Home Dialysis Machine	Shall mean a machine used to purify the blood for persons who have kidney failure.

POLICY STATEMENT

1. Criteria for granting a home dialysis concession

A concession is available to all ratepayers residing in their own homes and property owners whose tenants are receiving home dialysis.

2. Application for Rate Remission

2.1 The application must be made on the prescribed form available on the Council Website and from Council Administration.

Document Number:	D21/12225	<p>CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 1 of 4
Authorised By:	Director Organisational Business Services		
Original Issue Date:	20 May 2019		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

- 2.2 Date of issue of machine and supplying company name must be on the application.
- 2.3 All applicants are to re-apply for assistance every three (3) years.
- 2.4 Within that 3-year period, should an eligible person change their address, an application will be required to be lodged with Council for the concession to apply at the new address.

3. Cancellation of Concession

A council concession is not available where –

- Home Dialysis is no longer required; or
- On the death of the ratepayer/tenant.

4. Home Dialysis Concession Amount

- 4.1 Assistance is available for up to a maximum of 190 kilolitres per annum. (Home Dialysis uses 126 – 323kl of water per annum, variable by treatment regime).
- 4.2 Concession will be applied as a credit allowance at the end of each annual billing period.

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Council	Council is responsible for the approval of the Policy each year as part of the budget process.
Chief Financial Officer	The Chief Financial Officer is responsible for the continued operation of the concession process in accordance with the policy.
Rates Officer	The Rates Officer is responsible for the processing of applications, applying the concession and dealing with applications in the first instance.

REFERENCES, LEGISLATION AND GUIDELINES

The Local Government Act 2009

The Local Government Regulation 2012, Chapter 4, Part 10 (Concessions)

Document Number:	D21/12225	<p>CONTROLLED DOCUMENT</p> <p>This electronic document is guaranteed as the most current.</p> <p>DO NOT COPY.</p> <p>Unauthorised hard copies of this document are prohibited.</p>	Page 1 of 4
Authorised By:	Director Organisational Business Services		
Original Issue Date:	20 May 2019		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

RELATED DOCUMENTS

Revenue Statement

Application for Home Dialysis Concession Form

IMPLEMENTATION/COMMUNICATION

The policy will be implemented as part of the 2022/2023 budget process. The policy will be communicated to the public on an ad/hoc basis and will be posted on Council's website.

APPROVED BY

Adoption annually by Council.

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Chief Financial Officer
ADOPTION DATE:	24 May 2022
REVIEW DATE:	June 2023

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

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
2.0	Minor Amendments	20/04/2020	
4.0	Adopted by Council Resolution	11/05/21	2021/100

Document Number:	D21/12225	CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.	Page 3 of 4
Authorised By:	Director Organisational Business Services		
Original Issue Date:	20 May 2019		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		



INVESTMENT POLICY

INTENT

This Policy outlines Council's cash investment strategy and provides guidelines for the prudent investment of funds with the aim of maximising investment returns within the approved risk profile.

SCOPE

This policy applies to all financial investments made by Council.

DEFINITIONS

TERM	DEFINITION
Investment Officer/s	Shall mean employees engaged in activities related to the physical investment of funds (e.g. investment placement and redemption, reconciliations, checking).
Officer	Defined as any employee up to and including all management levels.
Investments	Arrangements that are undertaken or acquired for producing income and apply to the cash investments of Council.

POLICY STATEMENT

1.0 ETHICS AND CONFLICTS OF INTEREST

1.1. Prudent Person Standard

Prudence is to be used by investment officers when managing the investment portfolio. Investments will be managed with the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons. This

Document Number:	D21/14795	<p align="center">CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 1 of 5
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

includes having in place appropriate reporting requirements that ensure the investments are reviewed regularly.

Investment officers are to manage the investment portfolio in accordance with the spirit of the Policy, and not for speculation. Investment officers are to avoid any transaction that might harm confidence in Council. They will consider the security of capital and income objectives when making an investment decision.

1.2. Ethics and Conflict of Interest

Investment officers shall refrain from personal activities that conflict with the proper execution and management of Council's investment portfolio. This includes activities that impair the investment officer's ability to make impartial decisions.

The Policy requires that investment officers disclose to the Chief Executive Officer (CEO) or delegate, any conflict of interest or any holding of investment positions that could be related to the investment portfolio.

1.3. Delegation of Authority

Authority for the implementation of the Policy is delegated by Council to the CEO in accordance with section 257 and 259 of the *Local Government Act 2009*.

Authority for the day-to-day management of Council's investment portfolio is delegated by the CEO to the Chief Financial Officer.

2. INVESTMENT OBJECTIVES

Council's overall objective is to invest funds at the most advantageous rate of interest available at the time, and in a way that it considers most appropriate given the circumstances.

In order of priority, the objectives of undertaking investment activities shall be preservation of capital, maintenance of liquidity, and return on investments.

2.1. Preservation of Capital

Preservation of capital shall be the principal objective of the investment portfolio, and investments are to be undertaken in a manner that seeks to ensure security of principal of the overall portfolio. This includes managing credit risk and interest rate risk within given risk management parameters and avoiding any transactions that would prejudice confidence in Council.

Credit Risk

Council will evaluate and assess credit risk prior to undertaking an investment. Credit risk is the risk of loss due to the failure of an investment issuer or insurer.

Interest Rate Risk

The investment officers shall seek to minimise the risk of a change in the market value of the investment portfolio due to a change in interest rates, by considering the cash flow requirements of Council and structuring the portfolio accordingly.

Document Number:	D21/14795	<p style="text-align: center;">CONTROLLED DOCUMENT</p> <p style="text-align: center;">This electronic document is guaranteed as the most current. DO NOT COPY.</p> <p style="text-align: center;">Unauthorised hard copies of this document are prohibited.</p>	Page 2 of 5
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

2.2. Maintenance of Liquidity

Pursuant to section 31 of the Statutory Bodies Financial Arrangements Act 1982, Council maintains a deposit and withdrawal account with Westpac Banking Corporation and Australia and New Zealand Banking Group for its day-to-day operating transaction requirements.

In addition to the balances held in its bank account, the investment portfolio will maintain sufficient liquidity to meet all reasonably anticipated operating cash flow requirements of Council as and when they fall due, without incurring significant transaction costs due to any need to sell an investment.

3. INTERNAL CONTROLS

Internal controls and processes have been established that will ensure investment objectives are met, and that the investment portfolio is protected from loss, theft or misuse.

The internal controls will address the following:

- Collusion;
- Separation of transaction authority from accounting and record keeping;
- Safekeeping of records;
- Clear delegation of authority to investment officers;
- Confirmation requirements for settlement;
- Compliance and oversight of investment parameters;
- Reporting of breaches of this Policy.

Internal controls shall also include an annual review of this Policy.

3.1. New Investment Products

No new investments will be allowed until a risk assessment has been undertaken by management. These assessments will be signed off by the Chief Executive Officer and reported to Council.

4. INVESTMENT PARAMETERS

Funds determined to be invested should match the cash flow needs of Council, as determined by the Chief Financial Officer with consideration to Council's budget. In this regard, it is appropriate for the Chief Financial Officer to be conservative so that where possible, investments should not be broken to meet cash flow obligations.

As a statutory body, Council's investment strategies are required to conform with:

- *Statutory Bodies Financial Arrangements Act 1982*; and
- *Statutory Bodies Financial Arrangements Regulation 2019*

Accordingly, Council has been allocated category 1 investment powers which constrains Council's investment options to the following:

- Deposits with a financial institution domiciled within Australia;
- Investment arrangements accepted, guaranteed or issued by or for the

Document Number:	D21/14795	<p style="text-align: center;">CONTROLLED DOCUMENT</p> <p style="text-align: center;">This electronic document is guaranteed as the most current. DO NOT COPY.</p> <p style="text-align: center;">Unauthorised hard copies of this document are prohibited.</p>	Page 3 of 5
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

Commonwealth or a State or a financial institution;

- Other investment arrangements secured by investment arrangements accepted, guaranteed or issued by or for the Commonwealth or a State or a financial institution;
- Investment arrangements, managed or offered by Queensland Investment Corporation (QIC) or Queensland Treasury Corporation (QTC), namely QIC Cash Fund, QTC Capital Guaranteed Cash Fund, QTC Fixed Rate Deposit (up to 12 months), QTC Working Capital Facility.

Section 44(2) of the *Statutory Bodies Financial Arrangements Act 1982* places further requirements that the investment must be at call or for a fixed time of not more than 1 year.

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Council	Approval of the "Investment Policy" each year as part of the budget setting process.
Chief Executive Officer	Approving new investments outside of the current approved list (of Council, not outside those approved for a Category 1 investment power).
Director Organisational Business Services	Oversight of the investment function within Council to ensure that it meets the requirements of the organisation and complies with the Investment Policy.
Chief Financial Officer	Day to day management of Council's investment portfolio in line with the requirements of this policy. The establishment of internal controls to ensure that adequate control exists as outlined in the policy above.
Coordinator Projects and Management Accounting	Developing monthly reporting and reconciliations of Council's investments.

REFERENCES, LEGISLATION AND GUIDELINES

Local Government Act 2009

Local Government Regulation 2012

Statutory Bodies Financial Arrangements Act 1982

Statutory Bodies Financial Arrangements Regulation 2019

RELATED DOCUMENTS

Nil

Document Number:	D21/14795	<p>CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 4 of 5
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

IMPLEMENTATION/COMMUNICATION

This policy applies for the period 1 July 2021 to 30 June 2022. The policy will be displayed on Council's website and will be incorporated in the budget setting process for the 2021/2022 financial year.

APPROVED BY

Adoption annually by Council.

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Chief Financial Officer
ADOPTION DATE:	24 May 2022
REVIEW DATE:	June 2023

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

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
2.0	Minor amendments and new template.	20/05/2019	
3.0	Minor amendments	20/05/2020	
4.0	Minor amendments	08/06/2021	Council Resolution 2021/124

Document Number:	D21/14795	CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.	Page 5 of 5
Authorised By:	Director Organisational Business Services		
Original Issue Date:	June 2009		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		



RATES RELIEF FOR CHARITABLE ORGANISATIONS POLICY

INTENT

To provide a guide for the provision of rates based financial assistance for not-for-profit Recreation, Sporting, Community and Religious Organisations.

SCOPE

This policy replaces the Rate Based Financial Assistance for Charitable Organisations Policy.

This policy will allow Council to consider applications for remissions of general rates and concessions on service charges for not-for-profit community-based organisations from recreation, sporting, community and religious groups.

Rate based financial assistance does not apply to Special charges, the Emergency Management Levy or Water Consumption charges.

Local Government Regulation 2012, section 122

- (1) The local government may grant the concession only by –
 - (a) a resolution granting the concession to a stated ratepayer; or
 - (b) if the concession is of a type mentioned in section 121(a) *a rebate of all or part of the rates or charges* or 121(b) *an agreement to defer payment of the rates or charges*, a resolution granting the concession to a ratepayer who is a member of a stated class of ratepayers.

Document Number:	D21/12226	<p style="text-align: center;">CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 1 of 7
Authorised By:	Director Organisational Business Services		
Original Issue Date:	July 2009		
Last Modified:	24 May 2022		
Review Date:	April 2023		
Current Version:	12.0		

DEFINITIONS

TERM	DEFINITION
<i>Aged Care Facility</i>	Shall mean a facility providing high care services and not independent living / lifestyle accommodation.
<i>Annual Turnover</i>	Shall mean operating revenue from all sources including grants and subsidies for the most recent reporting year.
<i>CEO</i>	Shall mean the person appointed to the position of Chief Executive Officer under the Act and anyone acting in that position.
<i>Charity</i>	The <i>Charities Act 2013</i> clarifies that to be recognised as a charity, an organisation must: <ul style="list-style-type: none"> • be not-for-profit • have only charitable purposes that are for the public benefit • not have a disqualifying purpose • not be an individual, a political party or a government entity.
<i>Council</i>	Shall mean the Mayor and Councillors of Cook Shire Council.
<i>Not for profit, non-profit</i>	Shall mean an organisation that does not operate for the profit, personal gain or other benefit of particular people (eg. its member, the people who run it or their friends or relatives).
<i>Short Term</i>	Shall mean crisis accommodation to aid persons dealing with issues such as domestic violence and homelessness and is a period of not greater than one month.
<i>Short Term Accommodation</i>	Shall mean not administered by a lease which can be renewed for greater than the crisis accommodation period.

POLICY STATEMENT

Unless otherwise determined by Council, the applicant organisation must be the owner or lessee and occupier of the land with the rate notice being issued in the organisation's name.

The land for which an application is made must be used for the purpose in which the rating concession applies. Organisations that manage premises with gaming machines or the main activity is gaming, will not be considered eligible.

Document Number:	D21/12226	<p align="center">CONTROLLED DOCUMENT</p> <p align="center">This electronic document is guaranteed as the most current.</p> <p align="center">DO NOT COPY.</p> <p align="center">Unauthorised hard copies of this document are prohibited.</p>	Page 2 of 7
Authorised By:	Director Organisational Business Services		
Original Issue Date:	July 2009		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	12.0		

In the interests of clarity, it is noted that this Rate Based Financial Assistance applies only to the proportionate area of land being used for the deemed purpose, and this Rate Based Financial Assistance does not extend to special charges, any State Government Charges that Council has a statutory obligation to charge the property owner or water consumption charges.

It is not necessary that the applicant be the registered owner of the land, however the applicant must demonstrate rights to use the land and responsibility for rates and charges for the rating period.

That Council deem the following land as being used for charitable purposes pursuant to the Local Government Regulation 2012, section 120:

(1) The local government may grant the concession only if it is satisfied—

(b) the land is owned by—

(i) an entity whose objects do not include making a profit; or

(ii) an entity that provides assistance or encouragement for arts or cultural development; or

(e) the concession will encourage land that is of cultural, environmental, historic, heritage or scientific significance to the local government area to be preserved, restored or maintained;

1. Eligibility Criteria

Category 1 – Charitable Organisations

- a. The organisation must be a non-profit community-based organisation.
- b. The organisation must not have an annual turnover (revenue) more than \$20,000 (relating to activities carried out by the organisation on the relevant property).
- c. The land owned by the community organisation is less than 20ha.
- d. The organisation must be the owner or lessee of the land and be able to demonstrate that it is responsible for payment of the rates levied.
- e. The applicant's charitable or not-for-profit organisation relies predominantly on volunteer labour.
- f. The applicant must be based in Cook Shire or associated with a membership base in the Shire.
- g. The applicant must be able to demonstrate how it would be of benefit to the public general, or a sufficient section of the public. A sufficient section of the community could be a local community, followers of a particular religion, people with a particular disability, refugees or young people.
- h. The land, or any part of the land, must not be rented or leased to a third party.

Document Number:	D21/12226	<p style="text-align: center;">CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 3 of 7
Authorised By:	Director Organisational Business Services		
Original Issue Date:	July 2009		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	12.0		

- i. The property must not be used for a residential purpose unless utilised for short-term accommodation for homeless and at-risk persons.
- j. Aged care facilities, or properties subject to the *Retirement Villages Act 1999* are excluded from the application of a remission under this policy.
- k. A liquor licence must not be held by the organisation or any affiliate relating to the property subject to the application. (This provision will not apply if the organisation can provide evidence that trading under the licence is restricted to an average 30 hours per week or less).
- l. The property must not be subject to a general rate exclusion, waiver or concession relating to a condition contained in a lease of a reserve, or other land from Council; and
- m. The applicant shall make available and be perceived to make available its membership/participation to the general community.

Level of Relief

The effect of this deeming provision will be that Council will provide 100% concessions on the following rates and charges:-

- General Rates
- Environmental Levy
- Waste Operations Levy
- Water Access Charges
- Wastewater Charges

Category 2 – Religious Organisations

- a) The land is owned by a religious entity.
- b) The land is used for religious purposes, including public worship.
- c) The land is used for the administration of the religious entity.
- d) The land owned by the religious entity is less than 20ha.
- e) The land, or any part of the land, must not be rented or leased to a third party.
- f) The property must not be subject to a general rate exclusion, waiver or concession relating to a condition contained in a lease of a reserve, or other land from Council.

Level of Relief

The effect of this deeming provision will be that Council will provide 100% concessions on the following rates and charges:-

- General Rates

2. Applications

All applications must be made on the relevant approved Council application form available on the Council website www.cook.qld.gov.au or from Council Administration Building at 10 Furneaux Street, COOKTOWN QLD 4895.

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	July 2009		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	12.0		

Application for consideration under this policy may also include the following supporting documentation:

- A copy of the applicant organisation's Certificate of Incorporation.
- Annual Financial Report.

3. Period of Relief

An applicant is required to lodge a new request for assistance at least once in every three (3) year period (or as required by the Chief Executive Officer).

4. Conflict with Terms of Council Leases

In some cases Council has entered into lease agreements with organisations eligible for concessions and the terms of those leases provide that the Lessee will bear the cost of General Rates and Charges.

It is hereby clarified that it is the intention of the Council that the provisions of this policy override those specific provisions of the lease agreement for as long as the Policy is current or the term of the lease. It is not the intention of Council that this Policy over-ride any other terms of the lease.

5. Associated Policy Procedures

Applicants are required to make an initial application and reapply for concessions when the organisation moves premises or renews leases. There is no requirement to reapply each financial/rating year.

Notwithstanding the above, Council reserves the right to regularly check the use of the land to see that it remains as it was at the time the exemption was first determined.

Council reserves the right to contact the land owner or applicant at any time seeking advice as to present land use in relation to its concession status. From the response received a determination might then be made as to whether to continue to allow the concessions.

Organisations granted exemptions under this policy are obligated to inform Council of any changes to their circumstances. eg.

- Change of Director/Manager,
- Change of Address,
- Change of Phone Number or Email Address.

In some cases, Council may have sufficient information on its records to make an assessment of the application. In other cases, Council may need to conduct a site inspection, call for further information or perhaps interview the applicants.

Authority

The Chief Executive Officer has authority to make decisions within the framework of this Policy.

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	July 2009		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	12.0		

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Council	The approval of the “Rate Relief for Charitable Organisations Policy”.
Chief Financial Officer	Overall responsibility for ensuring that the operational aspects of the policy are implemented, in particular the application of concessions and regular review of the use of land that is exempt to determine that it is still exempt.
Rates Officer	Review of data submitted, confirming completeness of submissions, liaising with applicants, preparing Council reports, all administrative duties associated with this policy.

REFERENCES, LEGISLATION AND GUIDELINES

The *Local Government Act 2009*, Section 93

The *Local Government Regulation 2012*, Section 73 and Part 10

The *Charities Act 2013*

RELATED DOCUMENTS

Revenue Statement

Application for Rate Relief for Charitable Organisations Form

IMPLEMENTATION/COMMUNICATION

The policy will take effect from 1 July 2022 and will be displayed on Council’s website. Council staff will communicate this policy to groups as and where appropriate.

APPROVED BY

Adoption annually by Council.

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	July 2009		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	12.0		

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Chief Financial Officer
ADOPTION DATE:	24 May 2022
REVIEW DATE:	June 2023

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

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
9.0	Minor amendments and new template	10 June 2019	
10.0	Minor amendments	25 May 2020	
11.0	Adopted by Council Resolution	11 May 2021	2021/100

Document Number:	D21/12226	<p>CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 7 of 7
Authorised By:	Director Organisational Business Services		
Original Issue Date:	July 2009		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	12.0		



RATES RELIEF FOR RESIDENTIAL RATEPAYERS POLICY

INTENT

To set out Council guidelines for the assessment of requests for rates and charges relief due to financial hardship for residential properties as allowed for under section 120 (c) of the *Local Government Regulation 2012*.

SCOPE

This policy replaces the Financial Hardship Policy.

This policy applies to those ratepayers who are experiencing serious financial hardship and as a result are unable to pay their rates and charges. The policy will only apply to residential properties where the property is the ratepayers' principal place of residence and no commercial benefit is derived from the property.

Local Government Regulation 2012, section 122

- (1) *The local government may grant the concession only by –*
- (a) *a resolution granting the concession to a stated ratepayer; or*
 - (b) *if the concession is of a type mentioned in section 121(a) a rebate of all or part of the rates or charges or 121(b) an agreement to defer payment of the rates or charges, a resolution granting the concession to a ratepayer who is a member of a stated class of ratepayers.*

Document Number:	D21/12227	<p style="text-align: center;">CONTROLLED DOCUMENT</p> <p style="text-align: center;">This electronic document is guaranteed as the most current. DO NOT COPY.</p> <p style="text-align: center;">Unauthorised hard copies of this document are prohibited.</p>	Page 1 of 8
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

DEFINITIONS

TERM	DEFINITION
Act	Shall mean the <i>Local Government Act 2009</i> .
Application Form	Shall mean Council's Rates Relief for Residential Ratepayers Application Form for the purpose of applying for assistance under this policy
Chief Executive Officer	Shall mean the chief executive officer of Cook Shire Council as appointed under the Local Government Act 2009.
Council	Shall mean the Mayor and Councillors of Cook Shire Council.
Chronic Illness	Shall mean an illness that is permanent or lasts longer than three (3) months.
Payment	Shall mean the full levied amount, net of the discount incentive
Death of a Partner	Shall mean the unexpected expenses (funeral costs) and reduction or loss of family income as a result of the death of a member of a couple (married, registered relationship or de facto relationship).
Financial Hardship	Shall mean unable to meet basic requirements, including food, clothing, medicine, accommodation and children's education. This hardship may occur as a result of chronic illness, long-term unemployment or death of a partner.
Long Term Unemployment	Shall mean a ratepayer who has received income support payment continuously for 26 weeks.
Panel	The financial hardship assessment panel. A panel made up of Council Officers to review and assess applications and make recommendations to Council.
Pensioner	Shall mean an elderly, invalid, disabled or disadvantaged citizen, who is:- (a) An eligible holder of a Queensland 'Pensioner Concession Card' issued by Centrelink, on behalf of the Department of Human Services, or the Department of Veterans' Affairs, or a Queensland 'Repatriation Health Card – For all conditions (Gold Card)' issued by the Department of Veterans' Affairs; and (b) The owner (either solely or jointly) or life tenant/s of a property which is his/her principal place of residence; and (c) Has, either solely or jointly with a co-owner, the legal

Document Number:	D21/12227	CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.	Page 2 of 8
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

TERM	DEFINITION
	responsibility for the payment of rates and charges as defined which are levied in respect of the said property by the Local Authority in whose area the property is situated.
Property Owner	Shall mean the 'owner of the land' as defined under the Local Government Act 2009.
Regulation	Shall mean <i>the Local Government Regulation 2012</i>
Residential Property	Shall mean property that has as its primary use 'use for residential purposes'.

POLICY STATEMENT

1. Background

In accordance with the provisions of the *Act*, Council has resolved to implement a process to provide relief to residential ratepayers experiencing hardship. Council recognises that circumstances may arise which negatively impact on a ratepayer's ability to meet their financial obligations.

Where a ratepayer can show that the payment of the full amount of rates and charges owed in the time required would entail "serious hardship" because of a loss the ratepayer has suffered, Council seeks to provide a framework for assistance deemed appropriate to the circumstances experienced.

Financial hardship exists when ratepayers are unable to meet basic requirements, including food, clothing, medicine, accommodation and children's education. This hardship may occur as a result of illness, long-term unemployment or death of a partner.

Rates relief provided under this policy does not forgo Council's normal debt recovery action, including Council's ability to sell land for arrears of rates.

Under section 120(1)(c) of the *Regulation*, Council may grant a concession if it is satisfied that "*the payment of rates or charges will cause hardship to the land owner*". Council has determined it will grant such a concession for rates relief as set out in this policy.

2. When Applications will be considered

Council will only consider an application for rates and charges relief on a property where:

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

- it is the Property Owner's principal place of residence;
- no commercial benefit is derived from the property;
- the Property Owner is experiencing genuine financial hardship due to a loss the Property Owner has suffered:
 - a. a person who has less than two (2) weeks of available funds equivalent to the maximum rate of income support payment provided by the Services Australia for Crisis Payments; and
 - b. has been unemployed and receiving payments from Services Australia continuously for twenty-six (26) weeks; or
 - c. suffers from a chronic illness that is permanent or lasts longer than three (3) months; or
 - d. has incurred unexpected expenses (funeral costs) and reduction or loss of family income as a result of total permanent disability or the death of a partner.
- an application has been received by Council for the relief of rates and charges by the Property Owner.

3. Relief Available

Council may grant relief to a Property Owner under this policy offering assistance by one or more of the following:

- repayment plans that are outside of the current Debt Recovery Policy; and/or
- interest costs either as a direct reimbursement for interest already charged or for interest that may accrue between the Council's decision and satisfactory completion of an agreed repayment plan; and/or
- court costs or other related legal expenses already charged to the ratepayer for recovery of outstanding rates and charges; and/or
- assistance to ratepayers in meeting other charges that are attached to the land (e.g. unpaid noxious weed charges or some outstanding costs which the council is entitled to attach to the land).

3.1 Council can recommend the following ranges of assistance for the listed categories of ratepayers.

Residential ratepayers

- With six (6) months or more in arrears; or
- Who have suffered a recent adverse incident leaving them unable to meet these basic needs; or
- Ratepayers experiencing serious hardship where the payment of the rates and charges would leave the ratepayer unable to meet reasonable needs for food, clothing, medicine, accommodation, education for children and other basic requirements.

Assistance that can be recommended

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

- The ratepayers may be eligible for assistance with interest, rates and charges, and/or payment terms outside the scope of the normal Debt Recovery Policy.

Pensioners and Self-funded Retirees

- Endeavouring to meet their rate account by regular instalments; or
- Part owner of the property they reside in and because of extreme hardship are unable to pay rates and/or do not qualify for full pensioner remission; or
- In serious financial hardship.

Assistance that can be recommended

- The ratepayer may be eligible for assistance with interest, rates and charges, and/or payment terms outside the scope of the normal Debt Recovery Policy.
- Review the circumstances of applicants and make recommendations as to whether certain pensioners and self-funded retirees, otherwise ineligible due to policy reasons, should be entitled to assistance as though they were a council pensioner.
- Council may recommend the deferral of payment of the rates and charges for the lifetime of a pensioner and self-funded retiree experiencing hardship under Section 125 of the *Local Government Regulation 2012* with the rates and charges to remain a charge on the land.

4. Lodging a Request for Relief

Requests for Rates Relief must be on the prescribed form, available from the Council website, www.cook.qld.gov.au, and will involve a full financial assessment undertaken by the panel.

4.1 Process for Application

The process for assessing applications will remain simple and accessible as possible in recognition that at the very least, the ratepayers are experiencing financial difficulties. All applications are assessed confidentially and on merit.

- 1) Eligible ratepayers are requested to complete and lodge application on the prescribed form.
- 2) Register of Application – Application form including attachments as to financial position under a Statutory Declaration and certified copies in Council's Records System.
- 3) Cross check of application data.
- 4) Preparation of a briefing report to the panel.
- 5) Distribution of agenda to members including applications.
- 6) The Panel will meet to consider applications and make recommendations.
- 7) The Chief Financial Officer to present recommendations to Executive Leadership Team (ELT).

Document Number:	D21/12227	<p style="text-align: center;">CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 5 of 8
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

- 8) Report submitted to Council for a resolution to decide the outcome of the application as per *Local Government Regulation 2012*, section 122.
- 9) Advice of the decision provided to the applicant.

5. Assessment of Request for Relief

Assessment by the panel is to consider applications for rates and charges relief to deter the most appropriate form of assistance to be provided to a Property Owner.

The panel will be expected to operate within the budgetary limits allocated by Council each financial year.

The panel shall meet as required.

6. Dispute or Failure to Comply

If a Property Owner:

- does not respond to the Council's offer of relief; or
- fails to wholly comply with Council's offer of relief; or
- once an agreed payment arrangement is entered, fails to comply with the requirement of that agreed payment arrangement;

Council may continue with normal debt recovery action

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Chief Financial Officer	Review of the policy on an annual basis and making recommendations to Council on the contents of the policy.
Council	Approve the "Rates Relief for Residential Ratepayers Policy" in accordance with Part 10 Concessions of the <i>Local Government Regulations 2012</i> . Consider applications under this policy in accordance with the policy position determined by Council.
Rates Officer	Assessment of application and provision of assistance to rate payers, primary point of contact. Development of Council report for consideration and secretariat to the Committee to determine applications and make recommendations to Council.

Document Number:	D21/12227	<p style="text-align: center;">CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 6 of 8
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

REFERENCES, LEGISLATION AND GUIDELINES

Local Government Act 2009, section 93 (3)(h)

Local Government Regulation 2012, sections 120 & 122

RELATED DOCUMENTS

Debt Recovery Policy

Revenue Statement

Application for Rates Relief for Residential Ratepayers Form

IMPLEMENTATION/COMMUNICATION

This policy will take effect on 1 July 2022 and will be displayed on Council's website.

APPROVED BY

Adoption annually by Council.

REVIEW

SPONSOR:	Director Organisational Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Chief Financial Officer
ADOPTION DATE:	24 May 2022
REVIEW DATE:	June 2023

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Document Number:	D21/12227	<p>CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.</p>	Page 7 of 8
Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
2.0	Minor amendments and new template.	20/05/2019	
3.0	Remove all references to Not for Profit and Charitable Organisations. Now contained within the Rates Relief for Charitable Organisations Policy.	14/04/2020	
4.0	Adopted by Council Resolution	11/05/21	2021/100

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Authorised By:	Director Organisational Business Services		
Original Issue Date:	27 June 2018		
Last Modified:	24 May 2022		
Review Date:	June 2023		
Current Version:	5.0		

16.6 MONTHLY FINANCIAL REPORT - APRIL 2022

File Number: D22/9769
Author: Chief Financial Officer
Authoriser: Heather Kelly, Director Organisational Business Services
Attachments: 1 Statement of Comprehensive Income - April 2022
2 Statement of Financial Position - April 2022
3 Statement of Changes in Equity - April 2022

PRECIS

Pursuant to section 204 of the Local Government Regulation 2012, Council must be presented with a financial report on a monthly basis that details the progress against budget for the financial year. The data contained in this report has been collated as at 30 April 2022 and shows Council progress against the adopted revised budget 2021/2022.

BACKGROUND/HISTORY

In accordance with the relevant legislation, Council has a statutory requirement to prepare and present a financial report at its monthly meeting. The legislation is not descriptive in the format or type of report presented, except to say that:

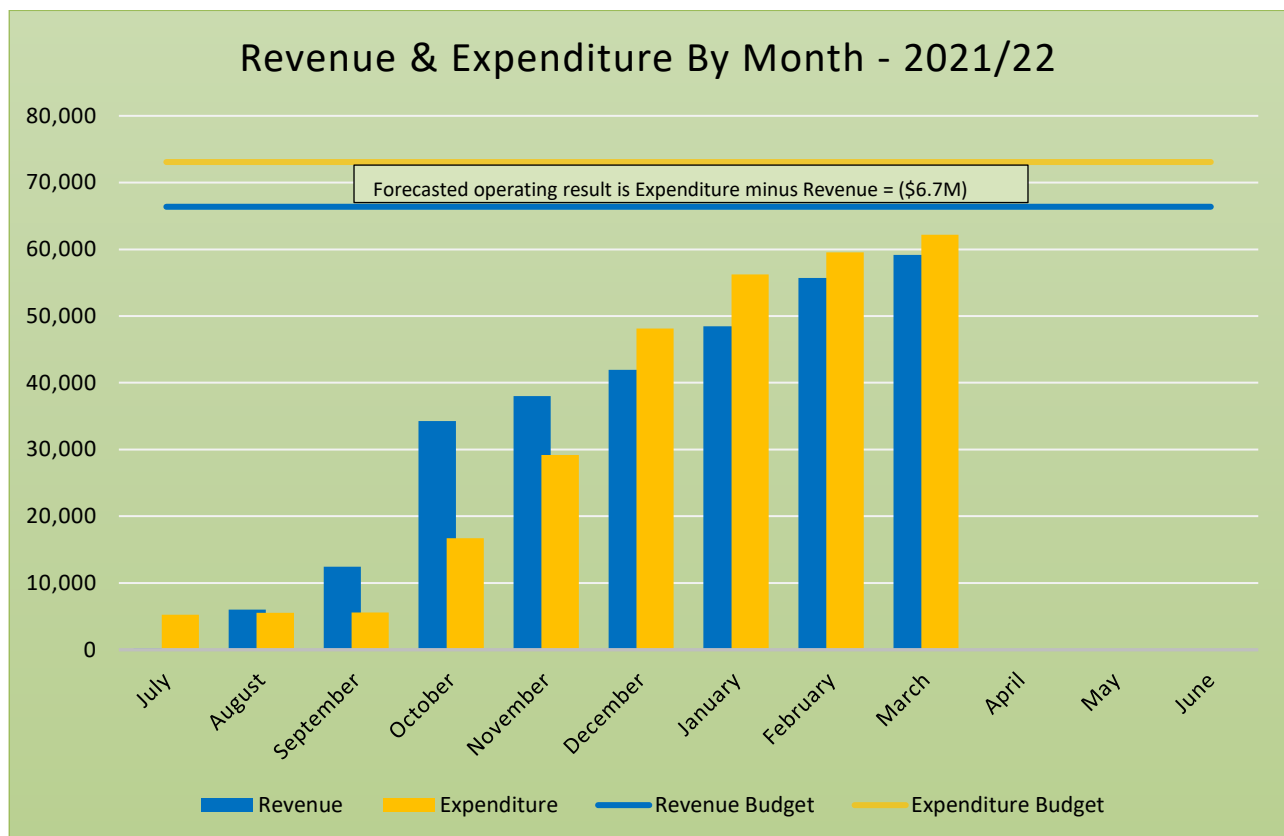
“The financial report must state the progress that has been made in relation to the local government’s budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.”

The Statement of Comprehensive Income as at 30 April 2022 is attached to this report.

Statement of Comprehensive Income

The Statement of Comprehensive Income outlines Council’s revenue and expenses for the period from 1 July to 30 April 2022.

The current status of revenue and expenditure compared to annual operating budget is depicted in the following graph:



The following breakdown of the major revenue components of the budget versus actuals is detailed below:

Revenue	Annual Budget \$,000	Actuals \$,000	Percentage	Comment
Rates and Charges				The second rates levy was raised in February 2022. The difference is partly due to water consumption for the 2 nd half of the year, this will be accrued for at reporting date.
	8,499	7,765	91%	
Fees and Charges	967	1,073	111%	Majority of revenue is in relation to Waste Management fees.
Sales Revenue	1,001	835	83%	Majority is airport fuel sales (Coen & Cooktown).
Grants, Subsidies etc.	54,998	55,471	101%	Operating Grant revenue including DRFA. In line with AASB and Council's requirements to review contract balances on a quarterly basis.
Other Income	911	756	83%	Predominantly rent, interest & investment revenue.
Total	66,376	65,900	99%	

As at the end of April, ten months into the financial year, 83% of actual expenditure to budget is acceptable. Expenditure is consistent with budget forecasts, with no major issues. The breakdown of the major expenditure components of the budget versus actuals is detailed below:

Expenditure	Annual Budget \$,000	Actuals \$,000	Percentage	Comment
Employee Benefits	15,236	12,182	80%	Wages and Salaries are less than budget.
Materials and Services	46,810	39,931	85%	Consistent with budget estimate. In line with AASB and Council's requirements to review contract balances on a quarterly basis.
Finance Costs	330	175	53%	\$150k being loan repayments to QTC.
Depreciation	10,704	8,920	83%	Consistent with budget estimate
Total	73,080	61,208	84%	
Net Operating Result	(6,704)	4,692		

Net Operating Result

The net operating result stands at a surplus of \$4.6M compared to budgeted result (deficit) for the 2021/2022 financial year of (\$6.7M). Management undertook quarterly revision of Council's revenue recognition during the month, which has resulted in increased grant revenue recognised compared to last month, bringing revenue in line with budget.

Statement of Financial Position

The Statement of Financial Position is an insight to Council's assets and liabilities at a single point in time. Please refer to the attached Statement of Financial Position as at 30 April 2022.

The following is a breakdown of the major balance sheet items:

	Annual Budget \$,000	Actuals \$,000	Comment
Current Assets			Cash and deposits-at-call \$20m. Accounts Receivable of \$4.1m. Contract assets \$7.6m.
	44,064	32,277	
Non-Current Assets	347,188	313,379	Property, Plant & Equipment assets.
Total Assets	391,252	345,656	
Current Liabilities	6,013	7,188	Borrowings of \$1.5m (Working Capital Facility & Current portion of QTC loan).

			Accounts Payable of \$824k and Provisions of \$2.7m.
			Contract liability of \$2.1m.
Non-Current Liabilities	21,046	16,472	\$13.3m is made up of provision including for restoration of refuse and gravel pits.
Total Liabilities	27,059	23,660	
Net Community Assets	364,193	321,996	

LINK TO CORPORATE PLAN

Corporate Values and Principles: 2 – Adopting honest and progressive systems of accountability and reporting.

Key Strategy Priority: Governance - Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 1: Develop an achievable long term financial, resource and infrastructure plan to ensure ongoing capacity to fund operations and capital works programs that under pin Council's long-term strategy to achieve financial sustainability.

Objective 1a: Council's Long-Term Financial Plan is compiled and linked to Council's Corporate and Operational Plans.

Strategy 4: Work management systems and procedures are reviewed and adjusted to support improved organisational service provision, compliance and efficiency.

Objective 4f: Council activities comply with applicable legislation through well maintained policies, procedure and information systems that guide and facilitate good decision making.

CONSULTATION

The purpose of report is to provide retrospective financial information. Relevant management and Finance staff have been consulted during the preparation of this report.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

This report is presented in accordance with section 204 of the Local Government Regulation 2012, which states:

- (1) The local government must prepare a financial report.
- (2) The chief executive officer must present the financial report—
 - (a) if the local government meets less frequently than monthly—at each meeting of the local government; or
 - (b) otherwise—at a meeting of the local government once a month.
- (3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

POLICY IMPLICATIONS

The following Council policies are relevant to the financial reports:

- Investment Policy
- Debt Policy
- Revenue Policy
- Procurement Policy

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

The Monthly Financial Report outlines Council's progress against its Annual Budget. This report has identified that Council is tracking satisfactorily against the adopted budget.

RECOMMENDATION

That Council resolves to note the Financial Report for April 2022 as required under section 204 of the *Local Government Regulation 2012*.

Cook Shire Council
Statement of Comprehensive Income
For the period ended 30 April 2022

	Actuals 2021-22	2021-22 Revised Budget	Prior Year Actual 2020-21
	\$'000	\$'000	\$'000
Income			
Recurrent Revenue			
Gross Rates, Levies and Charges	7,994	8,547	8,198
Less Discount and Remissions	(229)	(48)	(321)
Fees and Charges	1,073	967	1,024
Sales Revenue	835	1,001	867
Grants, Subsidies, Contributions and Donations	55,471	54,998	49,004
Contributions	-	-	-
Total Recurrent Revenue	65,144	65,465	58,772
Capital Revenue			
Grants, Subsidies, Contributions and Donations	12,559	28,263	15,780
Total Capital Revenue	12,559	28,263	15,780
Other Income			
Rental Income	413	432	566
Interest and Investment Revenue	117	244	149
Other Income	226	235	400
Capital Income	-	-	3,024
Total Other Income	756	911	4,139
Total Income	78,459	94,639	78,691
Expenses			
Recurrent Expenses			
Employee Benefits	12,182	15,236	14,427
Materials and Services	39,931	46,810	44,669
Finance Costs	175	330	66
Depreciation			
- Property Plant and Equipment	8,920	10,704	11,098
- Right of Use Assets	-	-	-
Total Recurrent Expenses	61,208	73,080	70,260
Capital Expenses			
Capital Expenses	-	-	973
Total Capital Expenses	-	-	973
Total Expenses	61,208	73,080	71,233
Net Operating Result	4,692	(6,704)	(10,373)
Net Result	17,251	21,559	7,458
Other Comprehensive Income			
Items that will not be reclassified subsequent			
Net Result			
Gain/(Loss) on Revaluation of Property, Plant	-	-	-
and Equipment	-	-	-
Total Comprehensive Income	17,251	21,559	7,458

Cook Shire Council
Statement of Financial Position
as at 30 April 2022

\$'000	Actuals 2021-22	2021-22 Revised Budget	Prior Year Actual 2020-21
	\$'000	\$'000	\$'000
ASSETS			
Current Assets			
Cash and Cash Equivalents	20,002	24,723	13,574
Receivables	4,137	9,498	3,601
Inventories	503	304	304
Contract Assets	7,634	9,252	9,105
Other Assets	1	287	287
Lease Receivable	-	-	-
Total Current Assets	32,277	44,064	26,871
Non-Current Assets			
Property, Plant and Equipment	313,379	347,188	307,204
Total Non-Current Assets	313,379	347,188	307,204
TOTAL ASSETS	345,656	391,252	334,075
LIABILITIES			
Current Liabilities			
Payables	824	2,234	3,731
Contract Liabilities	2,133	2,793	2,793
Borrowings	1,504	985	3,392
Provisions	2,727	-	2,729
Total Current Liabilities	7,188	6,013	12,645
Non-Current Liabilities			
Borrowings	2,849	4,711	3,226
Lease Liabilities	-	-	-
Provisions	13,300	16,029	13,300
Other Liabilities	323	306	306
Total Non-Current Liabilities	16,472	21,046	16,832
TOTAL LIABILITIES	23,660	27,059	29,477
Net Community Assets	321,996	364,193	304,598
COMMUNITY EQUITY			
Asset Revaluation Surplus	237,603	275,492	237,603
Retained Surplus/(Deficiency)	81,261	85,569	63,863
Reserves	3,132	3,132	3,132
TOTAL COMMUNITY EQUITY	321,996	364,193	304,598

Cook Shire Council
Statement of Changes in Equity
For the period ended 30 April 2022

\$'000	Asset Revaluation Surplus \$000	Retained Surplus \$000	Other Reserves \$000	Total Equity \$000
	\$'000	\$'000	\$'000	\$'000
Actuals 2021-22				
Unaudited Balance at 1 July 2021	237,603	64,010	3,132	304,745
Net Result		17,251		17,251
Other Comprehensive Income				
Increase / Decrease in Asset Revaluation Surplus				
Transfers to Reserves				
Transfers from Reserves				
Other Transfers Between Equity				
Equity Balance as at 28 February 2022	237,603	81,261	3,132	321,996
2021-22 Revised Budget				
Opening Balance	237,603	64,010	3,132	304,745
Net Result		21,559		21,559
Other Comprehensive Income				
Increase / Decrease in Asset Revaluation Surplus	37,889			37,889
Transfers to Reserves				
Transfers from Reserves				
Other Transfers Between Equity				
Equity Balance at end of Year	275,492	85,569	3,132	364,193
Prior Year Actual 2020-21				
Opening Balance	237,603	56,405	3,132	297,140
Net Result		7,605		
Other Comprehensive Income				
Increase / Decrease in Asset Revaluation Surplus				
Transfers to Reserves				
Transfers from Reserves				
Other Transfers Between Equity				
Unaudited Equity Balance at end of Year	237,603	64,010	3,132	304,745

17 INFRASTRUCTURE - REPORTS

17.1 2021/22 CAPITAL WORKS PROGRAM AMENDMENT

File Number: D22/9487
Author: Manager Engineering
Authoriser: Peter Tonkes, Director Infrastructure
Attachments: Nil

PRECIS

The purpose of this Council report is to request Council to amend the 2021/22 financial year (FY) Capital Works budget to include four new projects. These projects were planned and funded to commence in the 2022/23 FY however commencing planning, initial design and large item procurement now will fast track the construction in the dry season.

BACKGROUND/HISTORY

Council last reviewed the Annual budget in Feb 2022. Since then, Council has received grant funding approval for a number of new projects. Given the short timeframe for completion of construction in the dry season of 22-23 FY for those projects, this report seeks Council approval to bring a portion of the project budget (from the funding sources) forward to be able to commence planning, and procure materials and raise purchase orders. This is to follow good practices for planning and time management, and enable the project team to proactively address the milestones of the funding agreements. The project team would commence the preliminary works such as planning, design, communication, materials procurement and servicing alterations (if required) on the following projects:

- \$40,000 for Battlecamp Road Culvert Replacement CH 9.3. This project has recently received an allocation of \$10,000 from TIDS in 21/22 FY. It is planned to bring forward \$30,000 from R2R allocation of this project to complete the preliminaries such as planning and procurement of culverts and headwalls. The project has a total of \$185,000 from TIDS and R2R and will be completed in 22/23 FY.
- \$347,000 for Charlotte St Revitalisation (CH 2.309 to CH2.93), from Banks St to Waterfront. This project has \$2,801,912 from TIDS and R2R, split between the next two financial years. It is planned to bring forward \$347,000 of R2R funding to commence planning, communication tasks, design and alteration of water mains, and procurement of materials. Any saving from this R2R allocation will be carried forward to the next financial year and can be spent until Dec 2022 under the funding agreement.
- \$100,000 for Coen Airport Lighting and Runway Extension. Council has recently received confirmation that its application submitted for ATSI TIDS for \$993,000 has been successful with the strict delivery deadline of 30 June 2023. Also, Council has the opportunity to receive an additional \$73,000 in 21/22FY from ATSI TIDS for the purchase of the airport boundary fence. The \$100,000 from the ATSI TIDS allocation will be used for procurement of fence and project management.
- \$50,000 for Portland Roads Road Upgrade to Seal. Council has submitted an ATSI TIDS funding application for this project, which is in the approval process to receive \$1,500,000 to complete the upgrade works in 22/23 FY. Therefore, it is requested that Council approve

inclusion of the project in the 21/22FY budget as a multi-year project. This is to enable Council to proceed with the commitment for procurement of design and Project Managers.

LINK TO CORPORATE PLAN

Key Strategy Priority: Governance - Accountable, responsible and appropriate governance and management, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 4: Work Management Systems and procedures are reviewed and adjusted to support improved organisational service provision, compliance and efficiency.

Objective 4f: Council activities comply with applicable legislation through well maintained policies, procedure and information systems that guide and facilitate good decision making.

CONSULTATION

Discussions were held with the Project Managers and Council Chief Financial Officer as part of this review; recommended amendments were presented to the Executive Leadership Team for review and comment.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Local Government Act Section 107A Approval of budget

Local Government Regulation 2012 Section 169 & 170 Adoption and amendment of budget

POLICY IMPLICATIONS

Per s170 of the LGR, the budget must comply with the requirements outlined in s169 in order to take effect.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

The projects recommended for inclusion in the 2021/22 Capital Works budget are fully grant funded and will not require any contribution from Council.

RECOMMENDATION

That Council amend the 2021/22 FY capital works budget to bring forward a portion of the following projects as detailed in this report.

- Battlecamp Road - Culvert Replacement CH 9.3.
- Charlotte St Revitalisation (CH 2.309 to CH2.93), from Banks St to Waterfront.
- Coen Airport Lighting and Runway Extension; and
- Subject to funding approval, Portland Roads Road Upgrade to Seal (CH 9.5 to CH 12).

18 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 Regulation 2012:

18.1 Confidential Correspondence - Department of Resources

This matter is considered to be confidential under Section 254J(g) of the Local Government Regulation 2012, 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 negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

18.2 Cooktown District Community Centre LTD - Request to Purchase Part of Lot 203 Crown Plan C17949

This matter is considered to be confidential under Section 254J(g) of the Local Government Regulation 2012, 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 negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

18.3 Appointment of Chief Executive Officer

This matter is considered to be confidential under Section 254J(a) of the Local Government Regulation 2012, 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 the appointment, discipline or dismissal of the chief executive officer.