



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

**Date:** Tuesday, 17 January 2017  
**Time:** 9:00am  
**Location:** Administration Centre  
10 Furneaux Street  
Cooktown

## **AGENDA AND BUSINESS PAPERS**

### **Ordinary Council Meeting**

**17 January 2017**

**Tim Cronin**  
**Chief Executive Officer**



**Order Of Business**

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Nil

**1 AGENDA CONTENTS**

**2 ATTENDANCE**

**3 MEETING OPENED**

**4 APOLOGIES**

**5 DECLARATIONS OF INTEREST**

**6 MAYORAL MINUTE**

Nil

**7 NOTICE OF BEREAVEMENT**

**8 CONFIRMATION OF MINUTES**

Ordinary Meeting - 13 December 2016

**9 BUSINESS ARISING**

**10 NOTIFIED MOTIONS**

Nil

## 11 COUNCILLORS' REPORTS

### 11.1 COUNCILLORS MONTHLY REPORT

**File Number:** D16/17577

**Author:** Executive Assistant

**Authoriser:** Tim Cronin, Chief Executive Officer

**Attachments:**

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

#### PRECIS

Councillor monthly activity reports.

#### BACKGROUND/HISTORY

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

#### LINK TO CORPORATE PLAN

##### *4.1 Leadership and Governance*

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

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

##### *4.3 Active, Creative and Connected*

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

- e) Community Engagement across all relevant activities.

##### *4.5 Identity and Integrity*

4.5.1 Provide:

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

#### CONSULTATION

Various groups as per individual reports.

**LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)**

Nil

**POLICY IMPLICATIONS**

Expense Reimbursement Policy (Councillor)

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

Operational Budget

**RECOMMENDATION**

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

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

**File Number:** D16/17579  
**Author:** Chief Executive Officer  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** Nil

**CEO UPDATE**  
**December/January 2017**

Date	Activity	Details	Outcome	Status
7/12/2016	LDMG			
7/12/2016	Environment and Heritage Protection	Springvale Station		
8/12/2016	Safety Committee			
8/12/2016	Tony Potter	Lakeland Irrigation Update	Area	
8/12/2016	Road Committee			
8/12/2016	Malcolm McCudden	Caravan Application	Park	
9/12/2016	Customer and Market Focus Group			
10/12/2016	Councillors/ELT Christmas Function			
11/12/2016	FNQROC Dinner			
12/12/2016	FNQROC Committee			
13/12/2016	Council Meeting			
14/12/2016	ELT			
14/12/2016	Risk Management Committee			
14/12/2016	Olkola	Gravel arrangements and Strathmay fence		



Date	Activity	Details	Outcome	Status
15/12/2016	Council Christmas Function	Mayoral Awards		
15/12/2016	Post Council Meeting Updates			
18/12/2016	Lakeland Christmas Carols			
19/12/2016	Contractors Meeting	Feedback session on contracting season		
21-21/12/2016	Lakeland Irrigation Area	Review of responses to EOI		

**RECOMMENDATION**

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

**12.2 REVIEW OF OPERATIONAL PLAN FOR 2016-2017 FINANCIAL YEAR - SECOND QUARTER**

**File Number:** D16/17746

**Author:** Chief Executive Officer

**Authoriser:** Tim Cronin, Chief Executive Officer

**Attachments:** 1 Operational Plan 2016-2017 December - Quarterly Review

**PRECIS**

Review of progress for the 2016-2017 financial year Operational Plan.

**BACKGROUND/HISTORY**

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

**LINK TO CORPORATE PLAN**

Leadership and Governance

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

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

**CONSULTATION**

Executive Leadership Team

**LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)**

*Local Government Regulation 2012*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

Operational Plan must be consistent with the Operational Budget

**RECOMMENDATION**

That the second quarterly review of the Operational Plan 2016-2017 be adopted.

## 13 INFRASTRUCTURE SERVICES - REPORTS

### 13.1 FUTURE OF THE LAKELAND WASHDOWN FACILITY

**File Number:** D16/17863  
**Author:** Biosecurity Officer  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** Nil

#### PRECIS

Analysis of the effectiveness of the Lakeland wash down bay with a view to future operation.

#### BACKGROUND/HISTORY

In 2010, using a combination of external and Council funding, a fully automated vehicle weed wash down bay was constructed on road reserve in Lakeland. The purpose of the facility was to reduce the potential spread of exotic weed species north of Lakeland through Cape York Peninsula. While the proposed function of the wash down bay was undoubtedly well intentioned the experience of operational staff over ensuing years has resulted in questions being raised regarding the facilities' cost effectiveness and efficacy in performing the sole task for which it is designed, removing weed seeds from vehicles. The following is an examination of these issues in the context of the wash down bay's continued operation.

Prior to an examination of ongoing maintenance and costs it is necessary to examine the effectiveness of the existing facility in removing seeds from vehicles. A short examination of available resources indicates that while vehicle wash down manufacturers make various claims relating to reliability and compliance with environmental standards relating to waste water disposal there is little or no data cited relating to the efficacy of these facilities in removing weed seed. Additionally, while various archived documents indicate due consideration was given to matters related to cost and installation there is no record of those involved in the facilities setup seeking objective evidence as to the effectiveness of fully automated wash down bays at removing seed. To date the only information Biosecurity Services has been able to obtain relating to fully automated wash down bays, being unpublished data the authors are hoping will be published in 2017, is that when used according to standard protocols (i.e. a vehicle is exposed to flooding for 2-3 minutes) <50% of seed is removed. For near complete removal of seed from target areas, being the undercarriage, wheel arches, wheels etc., it is suggested that a vehicle be exposed to flooding for between 15 and 20 minutes (unpublished data).

The fact that the facility is less than 50% effective at removing seed from targeted areas does not take in to account the seed contamination through the rest of the vehicle, both inside and out. Various external areas of vehicles, such as radiators, engine bays, roof racks, trays etc. are affected by flooding either minimally or not at all while the interior where seeds are likely to be found on carpets, camping equipment etc. is similarly unaffected. Thus, an argument could be made that less than half of the areas on or within a vehicle capable of harbouring seeds are exposed to flooding. When examined in this context, should we accept that seed has an equal probability of being harboured on or in the vehicle outside the area subjected to flooding, it is apparent that the wash down bay is removing less than 50% of seed from less than 50% of the vehicle. If this is the case an examination of the costs and likely benefits of doing this are warranted.

With consideration to the above it is also pertinent to consider that use of the wash down bay is voluntary, a situation that has led to its own problems, but further exacerbates questions of efficacy referred to above. Unfortunately no specific data has been collected that allows calculation of the percentage of north bound traffic that utilise the facility however casual observation suggests the figure is extremely low. Perhaps those reading this report could reflect on how often they stop at the wash down bay when it is operational. For the purposes of this report an optimistic figure of 20% of northbound traffic utilising the facility has been proposed.

One means of estimating the efficacy of the facility is through a calculation of probability to establish a theoretical volume of seed that is being prevented from passing through Lakeland. If it is accepted that the facility removes 50% of seed from 50% of each vehicle and only 20% of vehicles are utilising the facility the probability that any given seed will be removed from a random vehicle entering the Cape through Lakeland is:

$$0.5 \times 0.5 \times 0.2 = 0.05 \text{ or } 5\%$$

While the above is a simplification of the issue, were enough time available to conduct a thorough analysis it is likely that various other factors may be identified that would lead to a further reduction in the calculated effectiveness of the wash down bay in removing seed entering Cape York Peninsula.

If the above calculation is accepted, an alternate means of interpreting the result is that for every 5 seeds being removed by the wash down bay 95 seeds remain on or within a vehicle with the subsequent potential to dislodge and result in an infestation. The questions that then need to be asked are:

*Is there any benefit in removing 5% of the seeds entering Cape York on vehicles?*

*If so, what is this benefit worth?*

To answer the second question, the cost of the wash down bay to the 2016/17 budget is \$56 800 and this expenditure is recurrent. Looked at objectively it may be difficult to justify this level of expenditure on a measure that has such poor efficiency. Should the facility prevent Siam weed or parthenium seed from passing through Lakeland, dislodging and resulting in an infestation then the annual cost may well be justified. However, the fact that should such a seed be present on or in a vehicle (another independent factor of low probability) there is only a 5% chance it will be removed is not reassuring and it is exceedingly difficult to provide examples of preventative measures of similar efficiency being financially supported elsewhere.

Despite the identified inadequacies of the wash down bay it is the case that various facilities of similar design exist around the state. The closest, that was examined as a prototype for Lakeland was closed approximately 8 months ago due to excessive running costs (no doubt balanced against efficacy) and the fact that many vehicles were using it to remove dust rather than seed (a point that will be returned to).

A survey of other facilities located around central Queensland reveals that the vast majority are user pays and consist of high pressure/high volume hoses as opposed to fully automated flooding systems. The benefit of this system to individual Council's is that it allows for some cost recovery however it is likely that a decreased number of vehicles would utilise the facility as it requires driver input. The benefit in terms of efficiency is that it enables the vehicle operator to target all areas of the vehicle, in accordance with the State Government's "*Vehicle and machinery checklists: Clean-down procedures 2014*", potentially leaving the vehicle seed free. This is particularly relevant given the current requirement for a vast range of commercial operators to undertake vehicle hygiene practices. Unfortunately the Lakeland wash down bay was never designed to

facilitate comprehensive seed removal. Despite this scope does exist to modify the existing wash down bay to a user pays facility using a hose that will allow commercial operators to fulfil contractual obligations.

Any examination of the Lakeland wash down bay must include the continued misuse by both domestic and commercial vehicles. Since operation commenced in 2010 there has been a widespread belief that many, if not the majority, of vehicles utilising the facility are south bound and attempting to remove dust despite existing signage advising operators this is not the facilities' purpose. In the past three months some evidence has been collected to support this assertion, including an admission from a truck operator that they were under instructions by management to use Lakeland to remove dust to prevent sediment entering storm water drains at their depot (outside the Cook Shire local government area). The result of misuse is excessive sediment build up within the tanks, more frequent removal of sludge, increased maintenance requirements and additional costs to ratepayers. A further consideration related to sediment removal is that due to an absence of suitably accredited sites within the Cook Shire local government area it is probable that in future sludge will need to be transported to the Springmount Waste Facility further increasing running costs.

Finally, at present the facility has been closed as a result of vandalism to an emergency shutdown switch. In addition, there is evidence of an attempted break in to the control room where an individual has attempted to jimmy open the door. This is an unfortunate consequence of locating a facility such as this in a remote location however future vandalism is almost assured with relevance to ongoing costs.

As is evident there are a substantial number of arguments supporting closure of the facility. Despite this it must be recognised that the wash down bay does remove some seed and that there will be those in the community that will support its continued use. While this is unavoidable the weight of evidence should sway the open minded and comprehensively rebut counter arguments.

Prior to concluding it should be noted that as a result of the timing of the request for this report it was not possible to:

- a) collect accurate data relating to the volume of northbound traffic utilising the wash down bay expressed as a ratio of total northbound traffic; or
- b) consult extensively with other local government authorities regarding their experiences and opinions regarding the various wash down bay configurations existing across Queensland.

While it is likely that the above, if undertaken, would have further endorsed the case for closure it should be noted that time did not permit an exhaustive investigation.

## LINK TO CORPORATE PLAN

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

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

## CONSULTATION

Professor Steve Adkins (Professor in Plant Physiology, University of Queensland) was consulted for information on research relating to the efficacy of wash down bays. Gordon Twiner (Rural Operations Supervisor, Banana Shire Council) was consulted in relation to the 10 wash down facilities utilised within the BSC local government area.

**LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)**

N/A

**POLICY IMPLICATIONS**

N/A

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

Permanent closure of the facility has the potential to save \$56 800 per annum. Modification of the facility has yet to be costed.

**RECOMMENDATION**

That Council resolve to:

- a. close the Lakeland vehicle wash down bay as a result of evidence indicating it plays an inconsequential role in preventing weed seed entering Cape York Peninsula; and
- b. investigate the cost of modifying the wash down bay so that the design more closely aligns with comparable facilities around the state that enable vehicle operators to treat vehicles in compliance with Queensland State Government guidelines.

**14 CORPORATE SERVICES - REPORTS****14.1 REVENUE AND EXPENDITURE - DECEMBER 2016****File Number:** D16/17580**Author:** Director Corporate Services**Authoriser:** Tim Cronin, Chief Executive Officer**Attachments:** 1 Financial Statements for December 2016

Precis

Revenue and expenditure for month ending December 2016

**BACKGROUND/HISTORY**

*Local Government Regulation 2012* Chapter 5 S204 – The local government must prepare a financial report stating the progress it has made against the adopted budget during the financial year.

**LINK TO CORPORATE PLAN**

## 4.1 Leadership and Governance

- 4.1.1 Provide, to a standard that ensures (at a minimum) legislative compliance:
- a) Sustainable financial and administrative management of the Shire's municipal and community resources.
  - b) A sound annual budget which ensures adequate funding and reserves to provide for Council's future obligations.

**CONSULTATION**

Executive Leadership Team

**LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)**

*Local Government Regulation 2012*  
*Local Government Act 2009*

**POLICY IMPLICATIONS**

Investment Policy  
Debt Policy  
Revenue Policy

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

Operational budget.

**RECOMMENDATION**

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

**15 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - REPORTS****15.1 REQUEST TO EXTEND THE CURRENCY PERIOD FOR DEVELOPMENT PERMIT DA/2214 - STAGE EIGHT RECONFIGURATION OF LOT 500 ON PLAN SP262376, ROSSVILLE BLOOMFIELD ROAD, BLOOMFIELD**

**File Number:** D16/17447  
**Author:** Development Coordinator  
**Authoriser:** Gary Kerr, Director Development, Environment & Community  
**Attachments:** 1 Staged Proposal Plan for DA/2214

**PRECIS**

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

**Owner:** Malcolm Haskell & Anne Rigg

**Location:** Rossville Bloomfield Road, Bloomfield

**R.P.D:** Lot 500 on Plan SP262376

**Area:** 287.7831 hectares

**Zone:** Rural

**Use Classification:** Reconfiguration of a Lot

**Referral Agencies:** Nil

**Submissions:** Not applicable

**REPORT**

A request has been made to Council under section 383 (1)(b) of the *Sustainable Planning Act 2009*, for a two (2) year extension to the currency period for **Stage 8** of (19 lot staged reconfiguration) DA/2214, Reconfiguration of Lot 500 on Plan SP262376 into three (3) lots, located at Rossville Bloomfield Road, Bloomfield, until the 10 March 2019.

Council issued a Decision Notice for the above application on the 17 March 2009 and an Operational Works approval – DA/2824 for the purpose of driveway access and road construction – 10 March 2011. As the Operational Works approval was obtained within the initial two (2) years of the Reconfiguration currency period in accordance with section 341 of the *Sustainable Planning Act 2009*, the Development Permit for DA/2214 remained current up to and including the 10 March 2015.

At this point – 9 March 2015 - the applicant submitted a request to extend the currency period for a further period in order to comply with the conditions of approval for Stages 5 – 7 due to delays



in obtaining approvals from the Department of Natural Resources and Mines, which involved permanent road closures and road openings over the original parcels of land which were subject to the application, placing the project behind in schedule. The request for the extension of the currency period was granted until the 10 March 2017. The Conditions of approval for the development - regarding Stages 5 - 7, relating to road openings and closures have been lodged (DA/3101) approved and complied with.

### **PROPOSAL**

The applicant advises that they are requesting a further extension to the currency period for the above Development Permit DA/2214 due to the downturn of the property market – as the sale of lots within Stages 5-7 were to create capital to finance the Conditions applying to Stage 8 which involves road construction. This downturn has contributed to the inability of the applicant to complete the development within the life of the current approval.

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

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

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

Development application DA/2214 was lodged and approved under the Superseded Cook Shire Planning Scheme (the Planning Scheme preceding the current *Integrated Planning Act 1997* (IPA) Scheme) as part of this approval a Preliminary Approval was granted for Stages 5 – 7. A development application for Stages 5 – 7 was subsequently lodged and approved under the current IPA Planning Scheme 2007 (DA/3101) this approval has now been completed and the relevant Survey Plans endorsed by Council. There were no State Referral Agencies for this application.

Stage Eight (8) is the final stage for the development. An extension to the currency period for DA/2214 is therefore supported by Council Officers, for a period of two (2) in order for the applicant to achieve compliance with the conditions of approval for Stage 8.

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

**RECOMMENDATION**

That Council grant a two (2) year extension to the currency period for Stage 8 of Development Permit DA/2214, Reconfiguration of Lot 500 on Plan SP262376 into three (3) lots (proposed Lots 71, 72 and 73) located at Rossville Bloomfield Road, Bloomfield, until the 10 March 2019 to enable compliance.

**15.2 COOKTOWN 2020 ADVISORY COMMITTEE**

**File Number:** D17/136  
**Author:** Director Development, Environment & Community  
**Authoriser:** Gary Kerr, Director Development, Environment & Community  
**Attachments:** 1 2020 Advisory Committee Minutes 5 December 2016  
2 Cooktown 2020 Festival Scope of Work 2017

**PRECIS**

Minutes of the Cooktown 2020 Advisory Committee held on 5 December 2016 recommending Council endorse the allocation of funding for a Cooktown 2020 Festival Director.

**BACKGROUND/HISTORY**

The role of the Cooktown 2020 Advisory Committee is to advise Council on the development and coordination of the Cooktown 2020 celebrations and program of events.

The successful implementation of a festival of events as significant as the proposed Cooktown 2020 schedule of events requires significant planning and capacity building.

The number of phases that are required during 2017 to develop the range of events, identify infrastructure requirements and training opportunities, secure sponsorship and funding and develop the brand and marketing collateral and programs required for a significant international event that will lay the solid foundation for the successful hosting of the Cooktown 2020 Festival. Details of the phases are in attachment 2.

To achieve this, external expertise will need to be engaged to undertake this body of work and is supported by the recommendation from the 2020 Advisory Committee *to put forward a recommendation to Council to reallocate budget for Cooktown 2020 Festival Director funding* (See attachment 1). The funding required is \$100,000

A funding application will also be lodged under the Building Better Regions program to support the ongoing resourcing of the festival development and management in 2018 and 2019. Applications close on 31 March 2017 with contracts for successful applications not expected until well into the second half of 2017.

**LINK TO CORPORATE PLAN**

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

**CONSULTATION**

Cooktown 2020 Advisory Committee members

**LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

Nil The proposed budget is a reallocation of existing budget items from within the Development, Environment and Community Department.

**RECOMMENDATION**

That Council endorse the reallocation of \$100,000 from existing Development, Environment and Community budget items to support the engagement of external expertise to deliver the outcomes of the 2017 Cooktown 2020 Festival Scope of Works.

**15.3 WAYMBURR BOTANIC GARDENS PRECINCT ADVISORY COMMITTEE**

**File Number:** D17/139  
**Author:** Director Development, Environment & Community  
**Authoriser:** Gary Kerr, Director Development, Environment & Community  
**Attachments:** 1 NPH Community Consultation Nov 16  
2 NPH Advisory Committee Minutes 15 December 2016

**PRECIS**

Minutes of the Waymburr Botanic Gardens Precinct Advisory Committee meeting 15 December 2016 for information along with four recommendations from the public consultation sessions held in November 2016

**BACKGROUND/HISTORY**

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

In November 2016 the Waymburr Botanic Gardens Precinct Advisory Committee [WBG PAC] sought input from those in the community interested in participating in the revitalisation of the Cooktown Botanic Gardens and Nature's Powerhouse Precinct.

After receiving a large amount of input from over 70 participants it became clear the Botanic Gardens Precinct was a well-loved community asset but there were problems which needed to be addressed prior to seeking input and commencing actual revitalisation projects.

The recommendations are a clear indication that we need to ensure signage, branding and some infrastructure projects such as access and parking are right before taking the next step towards future revitalisation projects in the lead up to 2020.

The strategy behind this decision is to ensure visitors and locals are made aware of the location of the VIC, the Botanic Gardens and Nature's Powerhouse as a priority.

**LINK TO CORPORATE PLAN**

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

**CONSULTATION**

Waymburr Botanic Gardens Precinct Advisory Committee members, over 70 participants at community consultation sessions

**LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

Recommendation 1 – Master Plan: An existing budget of \$50,000 has been allocated for the Botanic Gardens revitalisations strategy

Recommendation 2 – Signage: An existing unspent budget of \$12,000 for tourism signage is available with the possibility of an additional \$30,000 budget being considered at this Council meeting for a broader Cooktown and region signage audit and upgrade.

Recommendation 3 – Branding Strategy: There is currently no budget for this recommendation. It is estimated that \$20,000 would be required to develop a brand which would include extensive community engagement, graphic design and strategy document

Recommendation 4 – Infrastructure Improvements: There is currently no budget for this item however the scope and concepts could form part of the Master Plan project with technical design costs incorporated in 2017/18 Capital Works budget

## **RECOMMENDATION**

That the minutes of the Wayburr Botanic Gardens Precinct Advisory Committee held on 15 December 2016 be noted and the following recommendations from the community consultation process be considered:

### Recommendation 1

The current budget for the Botanic Gardens Revitalisation Strategy be utilised for the upgrading of the Botanic Gardens Master Plan in consultation with the WBG PAC.

### Recommendation 2

To include the Botanic Gardens and Nature's Powerhouse (excluding commercial operations) in the signage audit to be conducted in early 2017 and to upgrade signage where identified to signpost the location of the Visitor Information Centre, the Botanic Gardens and Nature's Powerhouse

### Recommendation 3

That Council allocated \$20,000 to undertake a branding strategy for the overall Gallop Reserve that includes the Botanic Gardens in collaboration with the three interested parties, the Botanic Gardens, Nature's Powerhouse and the VIC which will be used in all appropriate signage and advertising.

### Recommendation 4

That infrastructure improvements, specifically parking and disabled access be incorporated in the scope for the Botanic Gardens Master Plan.

**15.4 DA3312 EXTRACTIVE INDUSTRY (SAND EXTRACTION)**

**File Number:** D17/165  
**Author:** Director Development, Environment & Community  
**Authoriser:** Gary Kerr, Director Development, Environment & Community  
**Attachments:** 1 Appendix A - Approval Conditions  
2 Appendix B - River Maps

**PRECIS**

**Applicant:** Cook Shire Council  
c/- Reel Planning Pty Ltd  
PO Box 2088  
MILTON QLD 4064

**Owner:** State of Queensland

**Location:** Laura, Normanby, Palmer, Wenlock, Jardine, Coen, Hann, Pascoe, Kennedy, Coleman & Edward Rivers

**R.P.D.:** N/A

**Area:** N/A

**Zone:** Rural

**Proposed Use:** Extractive Industry (Sand Extraction)

**Referral Agencies:** Department of Local Government, Infrastructure & Planning (DILGP)

**Submissions:** N/A

**REPORT**

An application was made to Council on the 31<sup>st</sup> of July 2014 for the issue of a development permit for a Material Change of Use for Extractive Industry (Sand Extraction) in 11 rivers across Cape York.

An acknowledgement notice was issued on 31 July 2014 identifying the Department of Local Government, Infrastructure & Planning (then the Department of State Development Infrastructure & Planning) as a concurrence agency.

Council did not issue an information request and 11 September 2014 DILGP stated that it would not issue an information request. Public notification was required to be started within 20 business days of this date. For reasons explained elsewhere in this report, extensions to this period have been granted. On 8 October 2014, the Department of Local Government, Infrastructure & Planning issued a concurrence agency response, approving the application subject to conditions (please refer to Appendix A)

**THE SITE**

The location of the proposed extraction is within 11 rivers across Cape York, including:

- The Laura River;
- The Normanby River;
- The Palmer River;
- The Wenlock River;
- The Jardine River;
- The Coen River;
- The Hann River;
- The Pascoe River;
- The Coleman River; and
- The Edward River.

Maps of each of the rivers is contained in Appendix B. Because the extraction is to facilitate maintenance of the road network and the locations of such maintenance are not permanent, it is proposed to extract from the entire river system, except for areas where impacts on other features (such as environmental) are possible. The upstream and downstream extraction limit coordinates are detailed on the attached Quarry Material Resource Allocations.

**PROPOSAL**

The current application seeks approval for extraction of up to 100m<sup>3</sup> of material from each river, per annum in order to assist in the ongoing maintenance of the road network. Extraction will be undertaken in accordance with an Operations Plan, applicable to each river as follows:

**OPERATIONS PLAN**

1. Quarry material (sand from the eleven rivers) for which Council has quarry material allocations is only to be taken when there is no alternative resource in the area;
2. Quarry materials to be removed must be only that required for the road works. A maximum of 100m<sup>3</sup> per 12 month period is permitted. Stockpiling of quarry materials is strictly prohibited;
3. The removal of quarry material must adhere to the conditions of the Quarry Material Allocation Notices and not in any way change, divert or dam the existing flow of the river;
4. Extraction of materials is not permitted in tidal areas;
5. Wherever possible, existing tracks are to be used to access the material;
6. Should a new track to access the material be needed, the path chosen shall be the shortest practicable path, avoiding large trees and established vegetation. The path should not be in a position that may start or exacerbate erosion;
7. A thorough search on foot of the proposed track area is to be conducted prior to vehicles entering to establish the existence (if any) of items cultural heritage significance. Should there be items of cultural heritage significance, an alternative path must be sought.



8. Earthmoving equipment used to extract the quarry material should be appropriate for the job given the site circumstances;
9. Transport of quarry material from the watercourse to the road works site should be appropriate for the job given the site circumstances;
10. On completion of extraction, the site and track are to be assessed for possible rehabilitation, and such restorative works completed in a timely manner to avoid possible erosion issues.

### **BACKGROUND & PROPOSED EXTENSION TO PUBLIC NOTIFICATION**

Section 302 of the *Sustainable Planning Act 2009* (SPA) states that public notification must commence within 20 business days from when the applicant was entitled to start notification, or the further period agreed between the assessment manager and the applicant. In the event that public notification does not commence within this 20 day period, or a further agreed period, the application will lapse.

The public notification requirements are included in section 297 of SPA and (in summary) require:

- Public a notice in a newspaper circulating generally in the locality of the land;
- Place a notice on each road frontage of the land; and
- Send a notice to the owners of all land adjoining the land.

In this case the application is over 11 rivers, each covering an enormous area with each with multiple road frontages and a large number of adjoining land owners. It was considered unlikely that it would be possible to undertake public notification strictly in accordance with the act and in any case it would be extremely onerous. Various alternatives were considered including (for example) placing notices in roadhouses in the local area.

The applicant requested that Council extend the period in which to commence public notification by an additional 3 months, in order to obtain further advice about the public notification alternatives. An extension was granted until the 13<sup>th</sup> of January 2015.

Legal advice was obtained which outlined the risks to Council in undertaking such an approach, such as exposure to potential third party appeal. As an alternative, it was suggested that an amendment to the current planning scheme could be pursued such that the proposed extraction no longer required an application. Such an amendment would not normally be contemplated however in this case:

- The proposal involved a very small amount of extraction to be undertaken by Local Government;
- The extraction was proposed to facilitate road maintenance, so there was a public benefit; and
- While there would be an administration cost involved in preparing a scheme amendment, it was likely to be less than the cost of undertaking public notification in accordance with the act.

It was considered that rather than go to the expense of amending the existing planning scheme, the new planning scheme that was under preparation should be amended to facilitate this type of extraction. For this reason it was considered appropriate to put the application on hold, by

extending the period in which to commence public notification by an additional 12 months until 13 January 2016. Unfortunately the new planning scheme did not commence as quickly as hoped, such that a further extension was requested (and subsequently granted by Council) until 13 January 2017.

Council has now resolved to adopt the new planning scheme and the scheme is scheduled to commence on 1 February 2017. which makes 'Borrow Pits' exempt in the Rural Zone. A Borrow Pit is defined as:

*An extractive industry operated by a government authority or agent in or adjacent to a road reserve to provide gravel materials for road maintenance and construction*

Upon commencement of the new planning scheme, approval from Council will no longer be required. For this reason the application becomes unnecessary and could be withdrawn. The referral of the application to the State nevertheless adds a further layer of complexity because an exemption under Council's planning scheme does not remove a requirement to be assessed against the relevant State interests. In other words, even though the application would not need to be made to Council, a new application would need to be made directly to DILGP.

On the basis that DILGP has already provided a concurrence agency response approving the application subject to conditions, it is considered possible that a further application to DILGP can be avoided. For this reason it is considered warranted to provide a further extension to this application in order to facilitate further negotiations with DILGP.

#### **RECOMMENDATION**

That Council provide a further 12 month extension (until 13 January 2018) to the to the period in which to commence public notification in accordance with section 302(1)(a) if the Sustainable Planning Act 2009 for the development application submitted by Cook Shire Council c/o Reel Planning for the Material Change of Use for Extractive Industry in the Laura, Normanby, Palmer, Wenlock, Jardine, Coen, Hann, Pascoe, Kennedy, Coleman and Edward Rivers.

**15.5 NBN TOWER, 474 RAILWAY AVENUE, COOKTOWN**

**File Number:** D17/263  
**Author:** Reel Planning Pty Ltd  
**Authoriser:** Gary Kerr, Director Development, Environment & Community  
**Attachments:** 1 NBN Maps  
2 NBN DILGP Conditions

**PRECIS**

**Applicant:** NBN  
c/- Aurecon Australasia Pty Ltd  
Locked Bag 331  
BRISBANE QLD 4001

**Owner:** Yvonne Patricia Meaney

**Location:** 474 Railway Avenue COOKTOWN

**R.P.D.:** Lot 72 on BK157102

**Area:** 7.831ha

**Zone:** Rural

**Proposed Use:** Telecommunications Facility

**Referral Agencies:** Department of Infrastructure, Local Government & Planning

**Submissions:** six (6)

**REPORT**

An application was made to Council on about the 26<sup>th</sup> of July 2016 for the issue of a development permit for a Material Change of Use for Telecommunications Facility at 474 Railway Avenue, Cooktown (Lot 72 BK157102). An acknowledgement notice was issued on the 2<sup>nd</sup> of August 2016 identifying the Department Infrastructure, Local Government & Planning as a concurrence agency.

On the 16<sup>th</sup> of August 2016 Council issued an information request seeking:

- An overall site plan showing the boundaries of the allotment as well as setback distance to the front and side boundaries; and
- Advice regarding the setback distances to existing dwellings.

The applicant responded to Council's information request via correspondence dated 29 September 2016 which contained amended proposal plans and a covering letter.

The Department of Infrastructure, Local Government & Planning (DILGP) did not issue an information request and on 2 December 2016 issued a concurrence agency response approving the development subject to conditions.

Public notification was undertaken between 11 November and 5 December 2016. Six (6) submissions were received.

### **PROPOSAL**

The proposal involves the erection of a 45m 'lattice' tower to be used as part of the National Broadband Network (NBN). A 900mm dish antenna will be installed on the tower at an elevation of approximately 42m. Three panel antennas (each approximately 1m by 0.3m) will be installed at the top of the tower. A 2.4m high chain link fence will be installed at ground to provide security to the tower. The fence will form a secure 'compound' area of approximately 10m by 12m, accessible via a 3m gate. A small outdoor equipment unit is also proposed within the compound.

Access to the compound and tower will be via Railway Avenue, via a new 8m long access driveway. The compound will be centred along the front (northern) boundary of the site, approximately 100m north east of the existing dwelling and approximately 170m from the nearest structures on the adjoining land to the west (472 Railway Avenue).

### **THE SITE**

The subject land is described as Lot 72 on BK157102, is 7.831ha in size and has frontage to Railway Avenue (of approximately 165m) to the north and an unformed road reserve to the west. The site is predominantly vacant except for a house and ancillary structures along the western boundary. The site is largely covered in vegetation.

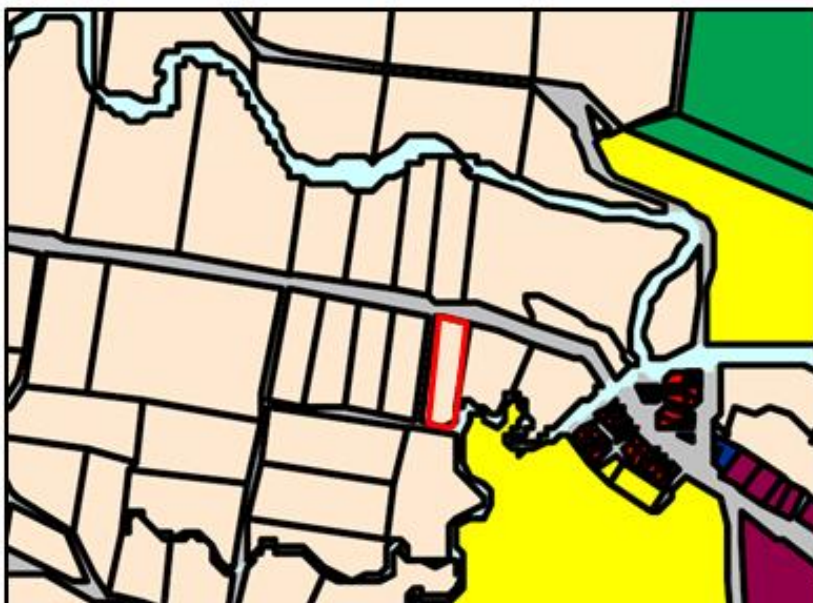
Surrounding the site to the north, east and west is similar sized allotments used for predominantly residential purposes.



**TOWN PLANNING CONSIDERATIONS**

**1. STATUTORY PLANNING CONTEXT**

The site is zoned Rural under Cook Shire Council’s Planning Scheme.



The proposal fits the definition for a Telecommunications Facility as defined below:

**Telecommunication Facility** – means the use of premises for:

- freestanding poles, towers and associated antennae;

- *telecommunication equipment cabinets in excess of 5 m<sup>2</sup> base area and/or in excess of 2.5 m in height.*

*The definition does not include low impact facilities as defined under the Telecommunications (Low-impact Facilities) Determination 1997.*

A Telecommunications Facility is identified as an impact assessable use in the Rural Zone. The application is therefore subject to impact assessment, allowing Council to consider at the provisions of the Planning Scheme as a whole in assessing the application, including the strategic elements. The following codes are also relevant:

- Rural Zone Code;
- Parking & Access Code;
- Works Services & Infrastructure Code;
- Natural Hazards Code; and
- Rural Locality Code

## **2. COMPLIANCE WITH CODES AND POLICIES**

### **(i) DEOs**

The DEOs set the broad strategic direction for the Shire and describe the desired outcomes the planning scheme is seeking to achieve across a range of environmental, economic and social themes. They cover the following topics:

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

The following DEOs are however of relevance to the proposal and the proposal is considered to generally demonstrate compliance with these higher order outcomes sought by the planning scheme:

#### **3.1.1 DEO 1: A Strong Economy**

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

#### Response

The proposed telecommunications tower is associated with the rollout of the national broadband network and in that sense has the potential to support the local economy by providing fast and reliable telecommunications and therefore achieves the DEO.

#### **3.1.2 DEO 2: A Healthy Environment**

*The natural habitat, biodiversity and visual beauty of the Shire's terrestrial and aquatic environments are protected and the quality of its air and water is of a high standard. Human*

*activities with significant impacts on the environment are carefully planned and managed, so that its long-term health is not diminished. Known mineral and other extractive resources are protected and used in a sustainable manner.*

#### Response

The proposed telecommunications tower is associated with the removal of some vegetation on site. Vegetation removal was assessed and approved by DILGP and represents a relatively small (approximately 120m<sup>2</sup>) area which might otherwise be reasonably associated with a residential use of the land. The proposal is therefore considered to achieve the DEO.

#### **3.1.3 DEO 3: Efficient Settlement**

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

#### Response

The proposed telecommunication tower has been deliberately located near the urban area of Cooktown where its coverage will be maximised among the population. The proposal therefore assists to achieve the DEO.

#### **3.1.4 DEO 4: Good Transport and Communications**

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

#### Response

The proposed telecommunication tower achieves this DEO as it represents a direct improvement in the communications network.

#### **3.1.4 DEO 6: Rural Prosperity**

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

#### Response

The subject site is identified as being in the rural zone, however the surrounding allotments are largely used for residential purposes with limited evidence of rural activities. In addition, the size of the tower and compound is such that they will not prejudice future rural activities on the land.

#### **(ii) Rural Zone Code**

The overall outcomes of the Rural Zone include the following:

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

#### Response

The proposal is considered to demonstrate compliance with these overall outcomes:

- The site does not represent GQAL;
- The land is not identified as Future Urban Land;
- The site is serviced by adequate road infrastructure;
- The use does not represent an intensive rural activity;
- The proposed tower is unlikely to have an impact on scenic landscape values and the rural character as discussed later in this report; and
- The use does not involve, nor is it located in proximity to extractive industry operations.

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

<b>Performance Criteria</b>	<b>Proposal Compliance</b>
<b>Land Use</b>	
PC 1 Land use is primarily rural in nature. A range of non-rural uses are also located in this zone where they are complementary to the primary rural use (eg Roadside Stall) or where they have a direct and necessary connection to the wider rural community (eg. Veterinary Facility).	The use is not a conventional rural use, however it is considered that large items of infrastructure, such as telecommunications towers, are a relatively common occurrence in the Rural Zone. It is also considered that the use will be complementary to existing rural industries as well as residential uses of the land by facilitating quicker and more reliable internet services. The use is therefore considered to comply with the performance criteria.
<b>PC 2</b> The land use aspirations in any Indigenous Land Use Agreement (ILUA) are recognised.	The land is not identified within or close to that identified in an ILUA



Performance Criteria	Proposal Compliance
<b>Scale and Density</b>	
<b>PC 3</b> Buildings are of a scale and design that is appropriate for a rural area.	As discussed later in this report, it is considered that telecommunication towers form a normal part of the rural landscape and in that context the proposal is of an appropriate scale and design.
<b>Amenity and Setbacks</b>	
<b>PC 4</b> Buildings and structures are setback from road frontages and adjoining sensitive uses and landscaping and other measures (eg earth mounds and solid fences) are provided within this setback to: Complement the character of the area; Minimise adverse impacts on roads and adjoining properties; and Minimise the impact of dust on residents of the rural lot.	The associated acceptable solution specifies a setback of 50m from a sealed road. In this case the road reserve (between the property boundary and the existing road pavement) is approximately 60m, so exceeds the acceptable solution).
<b>Design</b>	
<b>PC 5</b> Advertising Devices: Consist of a single flat panel mounted on posts; and Are well maintained; and Do not create visual clutter; and Are designed so as not to impact on the amenity of the locality; and Are designed so as not to detract from the character and amenity of the locality or to create a traffic hazard.	No advertising devices are proposed as part of this application
<b>Protection of Extractive Resources</b>	
<b>PC 6</b> Existing extractive industry operations and known resource bodies are protected from the encroachment of incompatible land uses.	The existing allotment is not near an existing or known extractive resource.
<b>Erosion Prone Land</b>	
<b>PC 7</b> In an Erosion Prone Area, there are no adverse impacts on habitat, soil cover or water quality and no significant threats to public safety, infrastructure integrity or the economic value of the Erosion Prone Area.	The site is not in an erosion prone area.
<b>Watercourse Protection</b>	
<b>PC 8</b> Where land uses or works occur adjacent to wetlands and/or watercourses identified on the Watercourses and Wetlands maps, there are no significant adverse effects on: Water quality; Ecological and biodiversity values; or Landscape quality.	The site is not adjacent to a wetland or watercourse identified on the Watercourses and Wetlands Map.

Performance Criteria	Proposal Compliance
<b>Acid Sulfate Soils</b>	
<p><b>PC 9</b> Natural or built environments and human health are not harmed by the production of acid leachate resulting from disturbance of potential and/or actual acid sulfate soil by:            Avoiding disturbance of such areas; or            Treating and managing the disturbance to minimise the volume of acidic leachate within manageable levels, and            Treating and managing surface and groundwater flows from areas of acid sulfate soils to minimise environmental harm.</p>	<p>The proposal does not affect any land at or below 5m AHD so will not have any effect on Acid Sulfate Soils.</p>
<b>Pest Management</b>	
<p><b>PC 10</b> Movement of State Declared or environmental pest plants and pest animals is prevented by:            Not introducing any new declared or environmental pest plants or animals on to the property; and            Not allowing seed or plant parts of declared or environmental pest plants to leave the property.</p>	<p>The applicant will be conditioned (as part of this application or a later application for building or operational work) to prepare a management plan dealing with State Declared or environmental pest plants.</p>

**(iii) Parking and Access Code**

The Parking & Access Code seeks to ensure there is adequate staff & visitor parking, as well as safe and efficient access to the site. The code does not specify a parking rate for a telecommunications facility. There is not expected to be vehicles accessing the site regularly, only during periods of construction and maintenance. There is nevertheless sufficient space within and surrounding the compound for vehicles to safely access and manoeuvre on site. There is considered to be compliance with this code.

**(iv) Works, Services and Infrastructure Code**

This code seeks to ensure infrastructure is designed and constructed to a suitable standard and that works, services an infrastructure do not cause environmental degradation or increase the risk of natural hazards. The infrastructure demands of the proposed telecommunications tower are only electricity and road access. Both are available via the existing road frontage and there is considered to be compliance with this code.

**(v) Natural Hazards Code**

The overall outcomes for the Natural Hazards Code seek to ensure that development is compatible with natural hazards in affected areas of the shire, with impacts on existing developed areas to be minimised and ensuring that development does not materially increase the extent or the severity of natural hazards. There is no known flooding or erosion problems however the site is identified as being subject to bushfire hazard on the State bushfire mapping. The proposal will not be permanently staffed, has been designed to be resilient to bushfire and will not involve the storage of flammable materials. For these reasons it is not expected that the proposal will increase the bushfire risk to persons or property and it is considered that there is compliance with the Natural Hazards Code.

**(vi) Rural Locality Code**

The overall outcomes of the Rural Locality Code include the following:

- *The Rural Locality covers the vast majority of land in the Shire and provides primarily for the continued operation and expansion of all forms of rural industry;*
- *Good quality agricultural land is not alienated from rural production or fragmented by non rural development;*
- *Industry which packs, processes and/or refines rural produce is also located in this locality where it does not adversely impact on the amenity of adjoining land;*
- *Known extractive industry deposits are protected from the encroachment of incompatible land uses which might constraint their long-term exploitation;*
- *Tourist accommodation and facilities are established to promote Aboriginal culture and prehistory (including rock art sites); European and Chinese history and the natural environment and scenery of the locality;*
- *Historic features of the gold rush settlement of Maytown are preserved, restored, maintained and presented to tourists and visitors;*
- *Areas of outstanding natural environmental value are protected;*
- *The quality of waterways, water catchments and foreshores is protected; and*
- *Transport infrastructure in the locality is continuously improved.*

The proposal is consistent with these overall outcomes in that:

- The proposed use will not prejudice existing and future forms of rural industry;
- The land is not identified as GQAL;
- The proposal does not include rural industry or prejudice surrounding rural industry;
- The proposal does not involve and is not located in proximity to extractive industries;
- The proposal does not involve tourist accommodation;
- The subject site is not located in Maytown;
- The area has not been identified as one of outstanding natural environment;
- The proposal is not located in proximity to waterways or foreshores and will not have any impact on the local water catchment.
- The proposal has adequate access to existing transport infrastructure and will not be high traffic generating use.

**REFERRAL AGENCIES**

DILGP was identified as a referral agency due to the proposed vegetation clearing. DILGP provided a concurrence agency response dated 2 December 2016, approving the application subject to a condition requiring the development to be carried out generally in accordance with the plans.

**PUBLIC NOTIFICATION**

Public notification of the proposed development was required. This applicant has provided a notice stating that the application was publicly notified in accordance with Section 297 of the *Sustainable Planning Act 2009*.

Six (6) submissions were received during the public notification period, of which three (3) were in support and three (3) were in objection.

The grounds of support for the application related to improved internet services which would assist residents and businesses in the area.

The grounds of objection are summarised and responded to below:

- a) Some of the submissions state that the tower will have an adverse impact on the health of local residents due to radiation and/or electromagnetic energy emissions.**

Response

Information provided by the applicant suggests that based on current research, there are no established health effects from exposure to NBN antennas.

- b) Some of the submissions state that the proposal will result in a devaluation of surrounding land.**

Response

The impact on property values are not a proper ground of objection.

- c) Some of the submissions indicate that the tower will be unattractive and will impact upon the existing character and amenity.**

Response

It is considered that the tower will not be immediately apparent when viewed from vehicles travelling along the public road network, noting that it is set back 60m from the road pavement. It is also noted that Railway Avenue is not a major road and only services a small number of properties.

The predominant land use in this area appears to be residential, however the land is included in the rural zone where a range of rural industries are contemplated and encouraged to occur. It is further considered that large towers, including telecommunication towers are a relatively common occurrence in rural areas. This locality is relatively closely settled compared to rural areas elsewhere in the shire, however even the current allotment sizes mean that there are hundreds of metres between residences which further limits any impact as a result of the tower. On balance, it is considered that the tower is not an uncommon occurrence in the rural zone and the existing setbacks are likely to mitigate the majority of views from public and private land.

- d) Some of the submissions raised concerns about the impact of the tower on aviation safety.**

Response

A condition of approval will require that the applicant inform the Civil Aviation Safety Authority (CASA) about the location and height of the tower – and to implement any safety measures specified.

- e) Some of the submissions indicated that the tower would be better located on another parcel of land.**

Response

Council is not in receipt of any applications for towers on any other parcels of land. The application must be assessed on its merits and for the reasons expressed elsewhere in this report, it is considered that the proposed location is suitable.

**DISCUSSION ON ISSUES*****Land Use and Amenity***

The proposed use is largely compliant with the relevant provisions of the planning scheme, however as stated in response to PC1, it cannot be said to be a conventional rural use. It is considered that large items of infrastructure, such as telecommunications towers, are a relatively common occurrence in the Rural Zone. As stated in the response to submissions, it is also expected that the proposed tower will have limited visibility given the significant setbacks to private and public spaces. The tower is also considered to be complementary to existing rural industries as well as residential uses of the land by facilitating quicker and more reliable internet services.

The use is considered to be appropriately located on this site.

**INFRASTRUCTURE CHARGES**

The application was lodged following the adoption of Council's Charges Resolution (No.1) of 2015. The resolution levies charges for water supply, sewerage, transport, public parks & community land and stormwater. The site is outside the priority infrastructure area so infrastructure charges are not applicable.

**RECOMMENDATION**

That Council issue an approval for the development application submitted by nbn C/-Aurecon Australasia Pty Ltd for the Material Change of Use for a Telecommunication Facility over at 474 Railway Avenue, Cooktown (Lot 72 on BK157102), subject to the following conditions:

**A. ASSESSMENT MANAGER (COUNCIL) CONDITIONS****Approved Plan**

1. The development must be carried out generally in accordance with the following proposal plans except for any modifications required to comply with the conditions of this approval:
  - 4CKT-51-04-COOW-C2, 'Overall Site Plan', Revision 2, prepared by Aurecon, dated 01/09/16
  - 4CKT-51-04-COOW-C3, 'Site Setout Plan', Revision 3, prepared by Aurecon, dated 01/09/16
  - 4CKT-51-04-COOW-C4, 'Site Elevation and Details', Revision 3, prepared by Aurecon, dated 01/09/16
  - 4CKT-51-04-COOW-A1, 'NBN Antenna Configuration & Setout Plan', Revision 3, prepared by Aurecon, dated 01/09/16

**Access**

2. All vehicles are to enter and exit the site in a forward gear.
3. Access shall be in the location shown on the approved plans and must be constructed prior to the commencement of the use. It is to be an all-weather (gravel) standard and constructed to the requirements of the FNQROC Manual.

**CASA Approval**

4. Prior to the commencement of the use, the applicant is advise the Civil Aviation Safety Authority (CASA) of the proposed tower and implement any safety recommendations. Evidence of the referral and response is to be provided to Council.

**Environmental Protection**

5. Prior to the commencement of the use, the applicant is to submit to the satisfaction of the Director Development, Environment and Community, a Weed Management Plan documenting best practice weed prevention

**Storm Water**

6. Storm water must be directed to a legal point of discharge to the satisfaction of Council's Director Infrastructure Services.

**Public Utilities**

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

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

**Environmental**

8. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.
9. No State Declared or environmental pest plants and pest animals are to be introduced onto the property. The applicant/owner shall be responsible for the complete removal and destruction of any noxious weed or plants existing on the land the subject of the Development Permit.

**Compliance**

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

**Outstanding Charges**

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

**Currency Period**

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

**B. ASSESSMENT MANAGER (COUNCIL) ADVICE**

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

**C. Concurrence Agency (Department of Infrastructure, Local Government & Planning) Response:**

- (i) See the attached (Appendix B) letter from the Department of Local Government, Infrastructure & Planning dated 2 December 2016.

**16 CONFIDENTIAL REPORTS****RECOMMENDATION**

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

**16.1 Adoption of Policy, Charter and Minutes of the Risk Management Committee Meeting - 14 December 2016**

This matter is considered to be confidential under Section 275(h) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.



**17 EXECUTIVE SERVICES - INFORMATION**

Nil

**18 INFRASTRUCTURE SERVICES - INFORMATION**

Nil

**19 CORPORATE SERVICES - INFORMATION**

Nil

**20 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - INFORMATION**

Nil