



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

**Date: Monday, 24 April 2017**  
**Time: 9:00am**  
**Location: Administration Centre**  
**10 Furneaux Street**  
**Cooktown**

## **AGENDA AND BUSINESS PAPERS**

### **Ordinary Council Meeting**

**24 April 2017**

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



**Order Of Business**

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Nil

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Ordinary Meeting - 21 March 2017

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**9 BUSINESS ARISING**

**10 NOTIFIED MOTIONS**

Nil

## 11 COUNCILLORS' REPORTS

### 11.1 COUNCILLORS MONTHLY REPORT

**File Number:** D17/3945

**Author:** Executive Assistant

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

**Attachments:**

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

#### 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:** D17/3946  
**Author:** Chief Executive Officer  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** Nil  
**CEO UPDATE**  
**March/April 2017**

Date	Activity	Details	Outcome	Status
15/3/2017	LDMG	Monthly meeting		
16/3/2017	ELT			
20-21/3/2017	Council Meetings			
22/3/2017	Budget	Directors Meeting		
23/3/2017	DNRM	Director Mineral Operations and Manager Assessment	Update on current issues	
23/3/2017	Executive Services	Monthly Team Meeting		
23/3/2017	DIS Safety	Informal safety meeting with DIS Managers		
23/3/2017	Safety Committee	Monthly meeting		
24/3/2017	Safety Steering Committee	First meeting.	Established TOR and function	
25/3/2017	Lakeland Get Ready	Annual Get Ready Event	Good support from CSC Firies	
27/3/2017	Corporate Plan	Vision and Values		
28/3/2017	ELT			
28/3/2017	Cape York Solar			
4/3/2017	EMU	Update for Councillors	Attendance from Tablelands, Mareeba, Douglas and Wujal Wujal	
5/3/2017	Advancing Regional Innovation			
6/3/2017	CEO Forum	LGMA Event		
7/3/2017	Council	Interim Meeting		
10/3/2017	FNQROC	Bi-monthly meeting		
11/3/2017	ELT			
11/3/2017	DDMG	Monthly meeting		
12/3/2017	DIS Safety			
12/3/2017	TMR PDR Contracting	Overview of process for next round of tenders for PDR		

**RECOMMENDATION**

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



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

**File Number:** D17/2896  
**Author:** Chief Executive Officer  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** 1 Operational Plan 2016-2017 Third Quarter 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 third quarterly review of the Operational Plan 2016-2017 be adopted.

**12.3 REVIEW OF OPERATIONAL PLAN FOR 2016-2017 FINANCIAL YEAR - THIRD QUARTER**

**File Number:** D17/3985  
**Author:** Chief Executive Officer  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** Nil

**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 CORPORATE SERVICES - REPORTS****13.1 REVENUE AND EXPENDITURE - MARCH 2017**

**File Number:** D17/3947  
**Author:** Director Corporate Services  
**Authoriser:** Martin Cookson , Director Corporate Services  
**Attachments:** 1 Monthly Report March 2017

**PRECIS**

Revenue and expenditure for month ending March 2017

**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 March 2017 be adopted.

**14 INFRASTRUCTURE SERVICES - REPORTS**

Nil

**15 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - REPORTS****15.1 APPLICATION FOR A DEVELOPMENT PERMIT - DA/3726 - RECONFIGURATION OF LOT 13 RP 742506, PENINSULA DEVELOPMENTAL ROAD LAKELAND, INTO TWO (2) LOTS.**

**File Number:** D17/5848  
**Author:** Development Coordinator  
**Authoriser:** Gary Kerr, Director Development, Environment & Community  
**Attachments:** 1 DA/3726 Appendix 'A' plans  
2 Appendix B DA/3726 Referral conditions

**PRECIS**

**Applicant:** Sharprock Pty Ltd  
c/- U&i Town Plan  
PO Box 426  
COOKTOWN QLD 4895

**Owner:** Peter Inderbitzin & Sharprock Pty Ltd TTE & Others

**Location:** Mulligan Highway, Lakeland Qld 4895

**Real Property Description:** Lot 13 on RP 742506

**Area:** 427.10 Hectares

**Zone:** Rural

**Proposed Use:** Development Permit for Reconfiguring a Lot (1 into 2 lots)

**Referral Agencies:** Department of Transport & Main Roads (via the State Assessment & Referral Agency (SARA))

**Report**

Application has been made to Council for the issue of a Development Permit for the Reconfiguration of Lot 13 on Plan RP 742506, Mulligan Highway, Lakeland into two (2) lots. The applicant has requested assessment of the proposal to be under the Superseded Cook Shire Planning Scheme 2007 under which the proposal requires a Code Assessable Application.

**Proposal**

The application proposes the Reconfiguration of Lot 13 RP 742506, into two (2) lots. The areas of the proposed lots are as follows:

- Proposed Lot 1 – 68.35 hectares; and
- Proposed Lot 2 – 358.75 hectares.

Access to proposed Lot 1 will be from Webb Road (see Department of State Development, Infrastructure and Planning (DILGP) Concurrence Agency Response) and proposed Lot 2 will also continue to take access from Webb Road and the existing access point.

### Site

Lot 13 has frontage to the Mulligan Highway and Webb Road, south of the Lakeland township. The site has an area of 427.10 hectares and is not within the reticulated water or sewerage area, but reticulated electricity services run along the Mulligan Highway. The property contains an existing dwelling with associated farm sheds and silos.



It is noted that the street address is stated to be 'Peninsula Developmental Road' in Queensland Globe (State Government mapping overlay in Google) and in Council rates, yet Lot 13 clearly fronts the Mulligan Highway and Webb Road. The Lot and Plan identification is correct, and the anomaly is believed to be from a previous reconfiguration for which the State has not correctly updated the data. This has been brought to Council's Rates and Survey departments' attention.

### Background

During the assessment of the application Council issued an Information Request dated 2 March 2017 that asked the Applicant to:

1. Show the proposed access points to proposed Lots 1 and 2; and
2. Show the setbacks from existing structures on Lot 2 and the Webb Road boundary.

The Applicant's response to the Information Request was dated 2 March 2017 in the form of a letter response and amended proposal plans. It indicated that the access to proposed Lot 1 (the new created lot) could be anywhere along Webb Road (beyond 100m from the intersection with the Mulligan Highway (as explained later) and that existing buildings on proposed Lot 2 are currently located between 13m and 55m from Webb Road.

## Town Planning Considerations

### (1) Statutory

Lot 13 on RP 742506 is zoned Rural under the Cook Shire Superseded IPA Planning Scheme 2007 and Reconfiguration of a Lot is Code Assessable Development, which means it must comply with the relevant Planning Scheme Codes including (in this case):

- ✓ Rural Zone Code;
- ✓ Reconfiguring a Lot Code;
- ✓ Works, Services & Infrastructure Code; and
- ✓ Natural Hazards Code.

### (2) Codes

#### (i) Rural Zone Code

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

- *The Rural Zone incorporates a range of agriculture, 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 be consistent with the overall outcomes of the Code in that:

- The additional lot will not have an impact on surrounding rural industries or agricultural land;
- The lot has access to sufficient levels of infrastructure for its likely intended use;
- There are no known intensive rural industries surrounding the site;

- There is no new built form associated with the proposed subdivision so it will not have any impacts on surrounding scenic landscape values; and
- There are no known extractive industries or resource bodies surrounding the site.

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

Performance Criteria	Proposal Compliance
<b>Land Use</b>	
<b>PC 1</b> 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 proposal involves creating one (1) additional allotment that is below the minimum lot size for the Rural Zone. A discussion regarding the appropriateness of the proposed development is included later in this report.
<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
<b>Scale and Density</b>	
<b>PC 3</b> Buildings are of a scale and design that is appropriate for a rural area.	No buildings are proposed as part of this application
<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: <ul style="list-style-type: none"> <li>• Complement the character of the area;</li> <li>• Minimise adverse impacts on roads and adjoining properties; and</li> <li>• Minimise the impact of dust on residents of the rural lot.</li> </ul>	No buildings are yet proposed on the new proposal lot, however the lots is of a sufficient size to incorporate the necessary road setbacks.
<b>Design</b>	
<b>PC 5</b> Advertising Devices: <ul style="list-style-type: none"> <li>• Consist of a single flat panel mounted on posts; and</li> <li>• Are well maintained; and</li> <li>• Do not create visual clutter; and</li> <li>• Are designed so as not to impact on the amenity of the locality; and</li> <li>• Are designed so as not to detract from the character and amenity of the locality or to create a traffic hazard.</li> </ul>	No advertising devices are proposed as part of this application



Performance Criteria	Proposal Compliance
<b>Protection of Extractive Resources</b>	
<p><b>PC 6</b> Existing extractive industry operations and known resource bodies are protected from the encroachment of incompatible land uses.</p>	<p>The application does not prejudice any existing extractive industry operations or potential extraction of known resource bodies.</p>
<b>Erosion Prone Land</b>	
<p><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.</p>	<p>The site is not in an erosion prone area and the subdivision itself will not create significant new opportunities for erosion.</p>
<b>Watercourse Protection</b>	
<p><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:</p> <ul style="list-style-type: none"> <li>▶ Water quality;</li> <li>▶ Ecological and biodiversity values; or</li> <li>▶ Landscape quality.</li> </ul>	<p>No wetlands are identified in proximity of the site and while some watercourses/drainage lines do exist, the lots are of a size that the proposed subdivision will not directly impact upon them.</p>
<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:</p> <ul style="list-style-type: none"> <li>▶ Avoiding disturbance of such areas; or</li> <li>▶ Treating and managing the disturbance to minimise the volume of acidic leachate within manageable levels, and</li> <li>▶ Treating and managing surface and groundwater flows from areas of acid sulfate soils to minimise environmental harm.</li> </ul>	<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:</p> <ul style="list-style-type: none"> <li>▶ Not introducing any new declared or environmental pest plants or animals on to the property; and</li> <li>▶ Not allowing seed or plant parts of declared or environmental pest plants to leave the property.</li> </ul>	<p>The applicant will be conditioned (as part of this application or a later application for building or operational work) so not to introduce any state declared or environmental pest plants or animals.</p>

**(ii) Reconfiguring a Lot Code**Response

The proposal is considered to be consistent with the overall outcomes of the Code in that:

- The new lot is an appropriate size and layout having regard to the local landscape and topography (as discussed later in this report);
- The provision of public open space is not a reasonable requirement for a subdivision of this size;
- There is no impact on water resources or GQAL; and
- The proposed access is considered suitable (as discussed later).

The following performance criteria are relevant to the assessment of the application:

**PC1- Land configuration** – The proposal does not comply with the minimum lot size of 100 hectares specified as an Acceptable Solution for land in the Rural Zone. The relevant Performance Criteria seeks:

***“PC 1 lots have adequate area and appropriate dimensions for their intended use and good quality agricultural land is not lost to production through its fragmentation into economically viable units, unless over-riding public benefit can be demonstrated.”***

The justification put forward by the applicant is that the proposed smaller Lot 1 (68.35 hectares) has been designed as such to reflect the existing fenced arrangements on-site. It is also noted that there is a hill in the middle of proposed Lot 1, which extends along the southern portion of the proposed lot and this area is vegetated providing a clear barrier separating the farming area in the northern portion of the site. Given the lay of the land terrain, it is considered that proposed Lot 1 is suitable designed to reflect the constraints that exist within the boundaries proposed.

Council’s position with respect to lots below the minimum lot size in the Rural Zone has, on face value, been somewhat flexible depending on the particular circumstances and subject to demonstrating compliance with the Rural Zone Code provisions and PC1 above.

Whilst it has not rigorously enforced the minimum 100 hectare as a defined limit, every application is assessed on its merits using guiding ‘first principles’ criteria which are reinforced through the strategic elements of the Scheme and overall outcomes of the Rural Zone Code. Decisions to approve lots under 100 hectares have only occurred when one or more of the following criteria have been met:

- Where it could be demonstrated there was no potential for impacts on existing rural industries (including reverse amenity impacts as a result of introducing a resident population);
- Where it was consistent with the surrounding subdivision pattern (which was often established under superseded planning instruments);
- Where the land was not identified as GQAL and was determined to be unsuitable as a viable agricultural unit;
- Where land was unconstrained by natural or man-made hazards; and
- Where subdivision was not located on the edge of existing settlements such that it constituted a departure from established and planned growth patterns.

In this case the proposed lot sizes are considered appropriate for the following reasons:

- The proposed lot sizes are consistent with previous subdivision patterns in the Lakeland area;
- The proposed parcel reflects the existing fenced area;
- The site has access to a gravel sealed and maintained road, can be easily connected to electricity and telecommunications and as evidenced by surrounding allotments a reliable water supply is likely available.
- The reconfiguration is not located on the edge of existing settlements such as to constitute a departure from established and planned growth patterns.

On this basis the departure from the acceptable solution of one (100) hectares is supported.

**PC2 – Subdivision Design** – PC2 requires practical access to the external road system. The existing road is a rural standard and currently provides access to no more than three allotments. As mentioned below, the Department of Transport and Main Roads (DTMR) included a condition requiring access to the new lot to be via Webb Road at a distance of at least 100m from the intersection with the Mulligan Highway.

As part of the assessment of the application it came to Council's attention that the road is not constructed within the road reserve. Council's Infrastructure Services department recommended a condition of approval requiring upgrading and realigning of Webb Road to an FNQROC standard. The upgrading/ realigning of the road was considered an unreasonable imposition of the development and this requirement was reduced to a distance of 100m from the intersection of the Mulligan Highway. Comment was sought from the applicant regarding the draft condition and it is the applicant's position that no upgrading or realigning of the road is warranted because DTMR did not raise any concerns with Webb Road and its intersection with the Mulligan Highway.

More discussion was had between Council's Planning and Infrastructure Services Officers and the conditions were amended to upgrading of Webb Road for the 100m from the Mulligan Highway intersection to a 100mm gravel thickness as it is considered that some upgrading of Webb Road is warranted due to the additional traffic movements that will likely result in the creation of the new allotment.

Also the provision of a legal access easement (previously suggested by the Applicant) for the section of Webb Road located off alignment within proposed Lot 1 to ensure access to proposed Lot 2 would continue.

### **(iii) Works, Services and Infrastructure Code**

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

Specific performance criteria within this code of relevance to this application include:

- PC1 - requires a rain water tank with a minimum capacity of 50,000 litres to be installed for each residential dwelling unit, as the land is outside the Council's reticulated water area. In this case the site is not within the reticulated water area. Tanks can be provided at a later building application stage.

- PC3 - deals with sewerage disposal, however services can also be provided at a later building application stage.
- PC6 – requires that land is provided with a suitable electricity supply. Connection to the electricity network is likely to be possible however development in rural areas often takes advantage of alternative electricity generation methods such as solar.
- PC8 – deals with upgrading the road frontage and access. As indicated in response to the Reconfiguring a Lot Code, it is recommended that a condition of approval be included requiring the upgrading of the gravel seal to 100mm on the access road to ensure that suitable all weather access is available.

#### **(iv) Natural Hazards Code**

The overall outcomes for the Natural Hazards Code seeks to ensure that development is compatible with natural hazards in affected areas of the Shire, with impacts on existing developed areas to be minimised and ensuring that development does not materially increase the extent or the severity of natural hazards. In this case Bushfire is the primary threat to the site and it is recommended that a condition of approval be included that requires rainwater tanks for fire-fighting purposes.

#### **REFERRAL AGENCIES**

A response from the Department of Transport and Main Roads via DILGP was received on 23 February 2017 recommending approval for the development subject to conditions requiring no direct access to be permitted from the State controlled road frontage and that any access from Webb Road must be located a minimum 100m from the intersection with the Mulligan Highway (see Appendix B).

#### **PUBLIC NOTIFICATION**

Public notification was not required for this application as it is Code assessable and no informal objections were received by Council.

#### **DISCUSSION**

The proposal seeks to create one (1) additional lot to be accessed via Webb Road. The new lot is below the minimum lot size but as described in response to PC1 of the Reconfiguring a Lot Code:

1. The land to be subdivided is constrained by vegetation and topography that separates it from the balance of the rural land;
2. There are no surrounding intensive rural industries or extractive industries which would conflict with the future use of this land; and
3. The land is adequately serviced with infrastructure, with frontage to the Mulligan Highway and Webb Road and a short distance from Lakeland.

On balance, it is considered that there are sufficient grounds to support the proposal.

**RECOMMENDATION**

That the application by Sharprock Pty Ltd c/- U&I Town Plan for a Development Permit for Reconfiguration of Lot 13 on Plan RP742506, Mulligan Highway via Lakeland into two (2) lots, be approved subject to the following Conditions:

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

1. The development must be carried out generally in accordance with the following Proposal Plans (Appendix A) submitted in response to Council's Information Request, except for any variations required to comply with the conditions of this approval:
  - Reconfiguration of a Lot – Webb Road; Date 17.01.2017; Plan No: R1-17(1); and
  - Reconfiguration of a Lot – Webb Road; Date 17.01.2017; Plan No: R1-17 (2b).

**Access**

2. Access driveways to proposed Lots 1 and 2 must be from Webb Road and constructed to the FNQROC Standard.
3. Access location must be to the requirements of the Department of Transport and Main Roads as stated in Concurrence Agency response Conditions from the Department of Infrastructure, Local Government and Planning dated 23 February 2017 (see Appendix B).
4. Webb Road must be upgraded for a distance of one hundred (100) metres from the intersection with the Mulligan Highway and be on the gazetted road alignment. The upgrade is to consist of a gravel re-sheet to 100mm and ancillary stormwater drainage. Works must be to the satisfaction of Council's Engineer and will be required to be inspected prior to Council endorsement of the Plan of Survey.

**Easement**

5. The applicant must provide an Access Easement over the constructed section of Webb Road located off alignment within proposed Lot 1 in favour of proposed Lot 2 to secure access for proposed Lot 2. A copy of the Easement documentation must be provided prior to endorsement of the Plan of Survey.

**Fire Management**

6. Practical fire breaks must be provided along all new boundaries of proposed Lots 1 and 2 and must be maintained by the property owner at all times so as not to create a fire hazard. Each proposed lot must be provided with a separate water storage tank with a minimum storage capacity of 5,000 litres and fitted with fire brigade tank fittings, for fire-fighting purposes at the time of house construction.

**Water Supply**

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

**Effluent Disposal**

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

**Electricity**

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

**Telecommunication Supply**

10. Evidence from the relevant telecommunication service provider that the telecommunication services can be made available to the proposed lots must be submitted to Council prior to endorsement of the Survey Plan.

**Public Utilities**

11. The developer is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this approval.
12. Utilities design must be in accordance with the FNQROC Development Manual D8 Operational Works Design Guidelines “Utilities”.

**Outstanding Charges**

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

**Compliance**

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

**B. Concurrence Agency (Department of State Development Infrastructure & Planning) Response and Conditions Appendix ‘B’**

See attached Concurrence Agency Response with Conditions from the Department of State Development Infrastructure and Planning dated 23 February 2017.

**C. Advice (Council)**

The applicant be advised that a further Development Permit is required for carrying out Building works and a Plumbing and drainage approval/compliance permit is required for Plumbing and Drainage works prior to construction of any houses associated with this development.

**15.2 GOLD COAST 2018 QUEEN'S BATON RELAY COUNCIL SELECTED BATONBEARER NOMINATION PROGRAM**

**File Number:** D17/5599  
**Author:** Grants Officer  
**Authoriser:** Gary Kerr, Director Development, Environment & Community  
**Attachments:** 1 QBR Guidelines

**PRECIS**

Council Selected Batonbearer Nomination Program - Queen's Baton Relay, Commonwealth Games

**BACKGROUND/HISTORY**

The Queen's Baton Relay will be coming to Cooktown on 5 March 2018. Nominations are being called for Batonbearers. Batonbearers will be selected from nominations received through programs including the Council Selected Batonbearer Nomination Program, Community Batonbearer Nomination Program, the Queensland Schools' Batonbearer Nomination Program, Aboriginal and Torres Strait Islander Batonbearer Nomination Program, GC2018 Sponsor Family Program, high profile personalities and the Commonwealth Games Australia Batonbearer Nomination Program.

Cook Shire Council has the opportunity to nominate a community representative to participate as a Batonbearer during the Cooktown leg of the relay. Whilst elected Mayors, local councillors or running candidates may be very worthy nominees and may meet the nomination and selection criteria for a Batonbearer, it is not permitted to put forward names of any elected local councillor, host local government worker or member/family member of the local government selection panel as your Council selected nominee. It is also advised not to nominate any family members of publically elected officials to avoid encouraging negative media and public scrutiny.

It is strongly recommended for the Council Selected Batonbearer nominee to be a 'local hero' or some unsung community member the council wish to recognise for their achievements and contributions to their local community. Every community has them.

A batonbearer is someone who meets one or more of the following criteria:

- Has achieved something extraordinary or inspired others to achieve something extraordinary
- Has made a significant contribution to either sport, education, the arts, culture, charity or within their community
- Has excelled, or aspires to excel athletically or personally
- Contributes to a fun, friendly, vibrant and inclusive community

Other eligibility rules:

- The minimum age of a Batonbearer is 10 years old as at 25 December 2017 (start date of the Relay in Australia)
- All nominees must be Australian Citizens or lawfully entitled to reside in Australia during the Relay period (25 December 2017 – 4 April 2018)
- A nominator is to explain in 100 words or less how the nominee meets one or more of the Batonbearer criteria and why they should become a Batonbearer

Please see information pack attached for further details.

### **LINK TO CORPORATE PLAN**

#### 4.3 Active, Creative, Connected

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

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

#### 4.3.3 Special projects

a) Work to fund improvements that support common Shire goals, inclusive of sport and recreation facilities and open spaces.

#### 4.5 Identity and Integrity

##### 4.5.1 Provide

d) Recognition of diversity within the Shire's community whilst valuing and encouraging equity and inclusiveness

### **CONSULTATION**

Queen's Baton Relay Organising Committee

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

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

Nil – the selected batonbearer is personally responsible for any travel, accommodation and meal costs associated with being selected as a Batonbearer and participating in the relay.

### **RECOMMENDATION**

That Council nominate a community representative for the Council Selected Batonbearer Program by

19 May 2017



## 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 Regional Arts Development Fund Committee

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.

#### 16.2 Grants Committee

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.

#### 16.3 Confidential Native Title Report

This matter is considered to be confidential under Section 275(f) and (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 starting or defending legal proceedings involving Cook Shire Council and 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.

#### 16.4 Land Tenure Officer Report

This matter is considered to be confidential under Section 275(g) and (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 any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act and 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.

#### 16.5 REQUEST TO WAIVER RATE CHARGES

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

#### 16.6 REQUEST FOR CONCESSION ON WATER CONSUMPTION CHARGES

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

#### 16.7 REQUEST FOR CONCESSION ON WATER CONSUMPTION

This matter is considered to be confidential under Section 275(d) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be

contrary to the public interest as it deals with rating concessions.

#### **16.8 WRITE-OFF RATE CHARGES FOR MINING LEASES**

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

#### **16.9 REQUEST FOR CONCESSION ON WATER CONSUMPTION CHARGES**

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

#### **16.10 REQUEST FOR CONCESSION ON WATER CONSUMPTION CHARGES**

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

#### **16.11 Appointment of Panel**

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

#### **16.12 Disposal of Assets - Biosecurity**

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

#### **16.13 DISPOSAL OF COUNCIL ASSET**

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

#### **16.14 Cooktown Events Centre Cyclone Shelter Upgrade Tender - TO317**

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

**17 EXECUTIVE SERVICES - INFORMATION**

Nil

## 18 INFRASTRUCTURE SERVICES - INFORMATION

### 18.1 REVIEW OF LAND PROTECTION FUND LOCAL GOVERNMENT CONTRIBUTION CALCULATION METHODOLOGY

**File Number:** D17/5478  
**Author:** Senior Biosecurity Officer  
**Authoriser:** Robert Uebergang, Director Infrastructure Services  
**Attachments:** Nil

#### PRECIS

LGAQ has prepared an issues paper outlining the chief concerns of councils regarding the current calculation methodology used to determine the contribution requirement of individual councils to the Land Protection Fund, and information on alternative calculation methodologies. LGAQ is seeking comment on the issues paper which will be submitted to the Department of Agriculture and Fisheries. An options paper will be developed by the Statewide Oversight Group and provided to councils in late April 2017.

#### BACKGROUND/HISTORY

Local government has raised concerns about the way the Land Protection Fund payments (precept payment) are calculated in 2014 during the development of the Invasive Plants and Animals Co-investment Model to operate under the Biosecurity Act. The main issues were the transparency on how the amounts were calculated and the fairness in the allocations, which are currently linked to agricultural production and council income.

The Department of Agriculture and Fisheries (DAF) commissioned LGAQ to review the calculation method used for the Land Protection Fund (onground and research component only) and prepare an issues paper outlining the concerns of council.

An initial Issues Investigation survey was sent to Councils in February. Cook completed the written survey. Subsequently 19 councils were contacted for individual discussions (Cook was not one of these).

Some of the issues raised from the initial consultation include:

- No link to consumers who benefit from good pest management practices – reduced food costs etc.
- Why local government had to pay the state at all as they are delivering State legislation.
- Reduced funding from State into the regions; fewer officers from BQ etc.
- Small local governments with large agricultural production penalised and areas with high population and few/small agricultural enterprises benefit.
- Current model does not account for changing nature of season weed & pest issues, i.e in drought, etc.
- No consideration for hardship cases/capacity to pay
- As industry is a major beneficiary (transport, tourism agriculture etc.) it should contribute.

This is now the second phase of the review – Contribution Calculation Review, aimed at identifying the most appropriate parameters to be considered in a revised contribution model.

Alternative methodologies have been proposed based on:

- Gross Regional Product
- Gross Added Value of Agriculture, Forestry and Fishing
- Per square kilometre of protected areas (indicating environmental significance or risk of weeds and pest animals to threatened and endangered species)
- Per square kilometre of total land area
- Payment per \$millions of rates revenue

In the current financial year Cook Shire Council's contribution to the Land Protection fund was \$13,037.

From the comparison graphs of the 2015/16 payments provide in the Review of the alternative calculation methods Cook Shire Council would pay less than the present amount under all but the payment per \$millions of rates revenue method, which appears about the same amount as for 2015/16.

#### **LINK TO CORPORATE PLAN**

4.1 & 4.2 Legislative compliance – the Land Protection Fund payment is a requirement under the Biosecurity Act and need to be incorporated into the annual budget.

#### **CONSULTATION**

FNQROC NAMAC, BQ and the Biosecurity team

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

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

The outcome of the review will impact on the amount Council has to pay to the Land Protection Fund.

#### **RECOMMENDATION**

That the information be noted.

**19 CORPORATE SERVICES - INFORMATION**

Nil

**20 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - INFORMATION****20.1 BIOSECURITY MONTHLY REPORT - APRIL 2017**

**File Number:** D17/5604  
**Author:** Biosecurity Officer  
**Authoriser:** Robert Uebergang, Director Infrastructure Services  
**Attachments:** Nil

**PRECIS**

Report on the activities of the Biosecurity Services unit including legislative changes, contracts and progress of tasks in the Biosecurity Services Operational Plan 2016/17.

**BACKGROUND/HISTORY**

Biosecurity Services undertake invasive species management in accordance with the *Biosecurity Act 2014*, the Cook Shire Council Pest Management Plan 2012-2016, and the Biosecurity Services Operational Plan 2016-17.

**LINK TO CORPORATE PLAN****Environmental Wellbeing:**

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

f) Pest and weed management services.

4.2.2 Where resources and capacity allow:

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

**CONSULTATION**

Executive Leadership Team, Inter-department consultation with Local Laws, Parks and Gardens and Roads maintenance; Community Consultation for development of new Shire Biosecurity Plan. State Government Departments and other local government authorities are also consulted on a regular basis.

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

Implementation of local government responsibilities under the *Biosecurity Act 2014*.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

As per approved budget.

**SURVEILLANCE AND CONTROL WORK**

Weeds:

The vast majority of on-ground work in March was dedicated to the control of gamba grass on the Peninsula Development Rd through York Downs Station. The Biosecurity Services team departed on the 13<sup>th</sup> March. An attempt to treat sicklepod infestations on the Lilyvale Rd enroute to Weipa on the afternoon of the 13<sup>th</sup> March was interrupted by rain. On the 14<sup>th</sup> March, in response to a customer request, sicklepod was treated on road reserve adjacent to Moreton Telegraph Station however treatment was again interrupted by rain as was the intention to survey and treat sicklepod and gamba grass on the Batavia-Sudley Rd later that day.

Work commenced on the Main Roads gamba grass treatment program on the 16<sup>th</sup> March with the job completed on the 28<sup>th</sup> March. Unfortunately weather interrupted spraying to varying degrees over six of the thirteen days with one day completely lost due to site inaccessibility. Despite complications imposed by adverse weather the job was able to be completed within a shorter time frame than previous years. Thirty five kilometres of road reserve was surveyed and treated within the central infestation and a further 70 kilometres surveyed between the Bamaga Rd turn-off and York Downs' southern boundary. Six individual outliers were identified and treated along this 70 kilometre stretch preventing expansion south from the central infestation. In total 13,500 litres of herbicide was used during the course of the program.

For the past twelve months Biosecurity Services have been conversing with the Napranum Rangers with a view to utilising their assistance as part of the gamba grass treatment program. The benefits of such an arrangement are numerous and include a reduction in the actual length of the program and associated costs (two teams theoretically could finish in half the time reducing allowance related costs) in addition to allowing the work to be undertaken when access to the site is restricted to Cooktown based crews. The rangers attended a morning training session on the 20<sup>th</sup> March that introduced the methods used by Biosecurity Services and provided familiarisation with both Nautiz X7 handheld units and ArcPad (data collection software). They commenced work on the 21<sup>st</sup> March and continued until the 24<sup>th</sup> March. An initial assessment has found the group to be both effective and efficient. A more thorough examination will be conducted following a post-treatment assessment to be held on-site with the head ranger in coming weeks. It is the intention of Biosecurity Services to continue development of this relationship and to engage the Napranum Rangers for the same purpose next year.

Following completion of the gamba program Biosecurity Services again attempted to survey and treat Batavia Rd however access was prevented by flooding along Cox Creek. In lieu of this the team treated sicklepod on the Batavia Rd immediately south of the Wenlock River, sicklepod around the dump point further south of the Wenlock River, surveyed back to the PDR and treated one isolated tussock of gamba grass next to the bitumen just south of the Batavia-Sudley Rd turn-off.

Completion of the gamba grass project represents full acquittal of the funds provided by Main Roads for roadside spraying in 2016/17. A report to Main Roads will be drafted outlining both the achievements of the current program (particularly treatment along the entire length of the northern gamba grass infestation and a major reduction in rubber vine on the Mulligan Highway and Peninsula Development Rd) while also emphasising the fact that the funds provided this financial year were vastly inadequate for the task at hand when applied across the entire road network.

#### Pest Animals:

The wet season is generally characterised by a reduction in feral animal requests however requests for feral pig traps are beginning to increase in number as is evident in the customer requests table below.



**NAVUA SEDGE**

An intra-departmental meeting was held on the 4<sup>th</sup> April with the aim of reducing the potential for Council employees and contractors to spread Navua sedge north from Ayton. The result of this meeting was that the contractor tasked with maintaining road verges between Rossville and Ayton will work north to south and wash-down thoroughly in Ayton, while Parks and Gardens will carry an air compressor to clean machinery used to slash reserves in and around Ayton. This will be conducted at a designated site to be monitored by Biosecurity Services.

**LAKELAND WASHDOWN BAY**

A formal response has been received from TMR stating they had no interest in the washdown, but indicated we would require a permit to remove it.

A verbal response has been received from BQ stating they had no interest

RoadTek requested further information on the operating costs; they are considering if they will run it while the construction works are underway on the PDR.

**BIOSECURITY ACT AND COMPLIANCE**

Following up on the process for local pest declarations it has been identified at LL No. 3 requires updating to the Biosecurity Act. Other Councils have raised the same issue and LGAQ have commenced this process. Legal advice has been sought regarding us declaring pests under Subordinate LL No 3 and it appears we can proceed and amend the listing to Invasive species later to replace the word "pest".

A report is being prepared seeking approval from Council to declare Calotrope and Navua Sedge and will come to Council once it has received legal review (anticipate May meeting).

**CUSTOMER REQUESTS**

A table summarising customer requests from the 1<sup>st</sup> March 2017 is included below.

Received	ID	Category	Requirement	Closed	Outcome
01-03-17	256/2017	Feral pig control	Request loan of pig trap	01-03-17	Resolved
01-03-17	259/2017	Feral pig control	Request loan of pig trap	07-03-17	Resolved
02-03-17	268/2017	Feral pig control	Request loan of pig trap	24-03-17	Resolved
14-03-17	348/2017	Weed control	Request to not use herbicide on Bloomfield Rd	20-03-17	Resolved
20-03-17	367/2017	Feral pig control	Request loan of pig trap	03-04-17	Resolved
21-03-17	377/2017	Feral pig control	Request loan of pig trap	31-03-17	Resolved
21-03-17	378/2017	Weed control	Request not to spread panicle joint vetch	24-03-17	Resolved
23-03-17	387/2017	Weed control	Report of Navua sedge in Rossville	24-03-17	Resolved/ confirmed
03-04-17	434/2017	Weed control	Request to control Singapore daisy		Pending
03-04-17	438/2017	Feral pig control	Request loan of pig trap	05-04-17	Resolved
05-04-17	453/2017	Weed control	Request for reimbursement for treatment and more control work	11-04-17	Resolved
10-04-17	478/2017	Feral pig control	Request loan of pig trap	11-04-17	Resolved

11-04-17	487/2017	Weed control	Request loan of spray unit	Pending
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Note: Pending requests for loan Quikspray units are due to property access problems caused by heavy rain and waterlogged ground. Customers have been advised to call Biosecurity Services once they are able to safely take the equipment onto their property and have the ability to control declared weeds.

RoadTek (Main Roads) also requested weed data on Laura section of PDR (completed).

Note: One of the Quikspray loan units is now mounted on a trailer; the other will be fitted when it comes back in.

### **OTHER WORK**

#### Firearms and Ammunition:

A Licence to sell explosives has been issued by the Department of Natural Resources and Mines. An exception from the Minister for disposal of excess ammunition and firearms is being prepared as per the resolution of last council meeting.

### **RECOMMENDATION**

That the information be noted.