



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

Date: Tuesday, 16 May 2017
Time: 9:00am
Location: Administration Centre
10 Furneaux Street
Cooktown

AGENDA AND BUSINESS PAPERS

Ordinary Council Meeting

16 May 2017

Tim Cronin
Chief Executive Officer

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1 AGENDA CONTENTS**2 ATTENDANCE****3 MEETING OPENED****4 APOLOGIES****5 DECLARATIONS OF INTEREST****6 MAYORAL MINUTE**

Nil

7 NOTICE OF BEREAVEMENT

Advice has been received of the passing of [Thomas 'Bill' Payne, Natalie Laver and Walter Komsic].
As a mark of respect one minute silence was observed.

8 CONFIRMATION OF MINUTES

Ordinary Meeting - 24 April 2017

9 BUSINESS ARISING

9.2 It is noted through the Standing Orders that Council cannot 'Rescind' a motion that has already been actioned.

RESOLUTION 2017/53 That Cook Shire Council formally rescinds resolution 2016.1, withdrawing its nomination of Cr Robyn Holmes as a Director of Cooktown District Community Centre.

RECOMMENDATION

That Cook Shire Council withdraws its nomination of Cr Robyn Holmes as a Director of Cooktown District Community Centre.

**9.2 GOLD COAST 2018 QUEEN'S BATON RELAY COUNCIL SELECTED BATON BEARER
NOMINATION PROGRAM****RECOMMENDATION**

That 'insert nominee' be nominated for the Council nominated baton bearer.

10 NOTIFIED MOTIONS

Nil

11 COUNCILLORS' REPORTS

11.1 COUNCILLORS MONTHLY REPORT

File Number: D17/6658

Author: Acting Executive Assistant

Authoriser: Tim Cronin, Chief Executive Officer

Attachments:

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

PRECIS

Councillor's 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: D17/7011
Author: Chief Executive Officer
Authoriser: Tim Cronin, Chief Executive Officer
Attachments: Nil

CEO UPDATE

April / May 2017

Date	Activity	Stakeholders	Outcome	Status
19/4/2017	Meeting	DILGP	Update status of Waterfront and Event Centre Projects	On-going
19/4/2017	Funeral	Steve Nicolaou		
20/4/2017	Meeting	Aurukun Shire Council	Attended meeting in Cairns. Discussed potential boundary changes, road works and possible sealing of Aurukun Road	Further discussions to be held DIS to contact Aurukun consulting engineer
20/4/2017	Opening	Event Centre	Official opening of PCYC 24/y Gym	Final
24/4/2017	Meeting	Cook Shire Council		
25/4/2017	Anzac Day		Dawn Service	
26/4/2017	Meeting	External Audit	Exit Interview	
27/4/2107	Meeting	AC Bolger/CS Adam Gwin	Update on current issues in Cook Shire including strategy and growth to inform QFES planning	Final
27/4/2017	Meeting	TCHHS	Lunch with Board to discuss Cooktown health matters	
27/4/2017	Meeting	TCHHS	Community Forum	
27/4/2017	Meeting	TCHHS	Dinner with Board to discuss Cooktown health matters	
28/4/2017	Meeting	Mayor/DCS	Budget overview and strategy	On-going
2/5/2017	Meeting	Mayor/DCS	Budget overview and strategy	On-going
3/5/2017	Meeting	Mayor/DCS/DIS	Budget overview and strategy	On-going
4/5/2017	Meeting	Mayor	HR Review	

4/5/2017	Meeting	Safety	Monthly Committee	Safety
5/5/2017	Meeting	Council	Alternate meeting including planning, waterfront and budget updates	Council including and

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: D17/7100
Author: Chief Executive Officer
Authoriser: Tim Cronin, Chief Executive Officer
Attachments: 1 Operational Plan 2017 Third Quarter 2017

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.

13 CORPORATE SERVICES - REPORTS

13.1 REVENUE AND EXPENDITURE - APRIL 2017

File Number: D17/6687

Author: Director Corporate Services

Authoriser: Martin Cookson , Director Corporate Services

Attachments: 1 Revenue and Expenditure - April 2017

PRECIS

Revenue and expenditure for month ending April 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 April 2017 be adopted.

14 INFRASTRUCTURE SERVICES - REPORTS

14.1 REVIEW OF WASTE MANAGEMENT FEES AND CHARGES

File Number: D17/6388

Author: Manager, Parks and Waste Operations

Authoriser: Robert Uebergang, Director Infrastructure Services

Attachments: 1 Review of Waste Management Fees and Charges 21 March 2017

BACKGROUND

At its meeting on 21 March 2017 Council considered a report titled 'Review of Waste Management Fees and Charges', and resolved:

"That council go back to get further information and investigate further through the Waste Committee, Councillors to provide further information to the CEO."

The Waste Management Committee considered the Council report at its 26 April 2017 meeting with the following outcomes:

- 1) Discussions were held around the pros and cons of reducing waste fees and charges and their impacts on illegal dumping. The Committee was not convinced that reduced fees and charges would have beneficial impact in reducing illegal dumping.
- 2) Discussions were held regarding general waste disposal charges for Laura businesses. Resolution 1 from the September 2016 Council meeting around Laura business waste was:

That Council:

1. *Undertakes analysis of general waste quantities from Laura businesses over tourist and non-tourist months and then further considers general waste disposal costs for Laura businesses.*

Subsequent Laura analysis indicated a 100% increase of waste during tourist vs non-tourist months. However, on consideration, the Committee recommended Laura businesses be charged full general waste fees in order to maintain a consistent charge for general waste across the Shire and all Shire businesses.

- 3) The previously proposed increase to the Environmental Levy (March Council meeting) was also discussed. The Committee consensus was that an increased levy be further considered after identification and quantification of waste management works applicable to this levy.

Further to discussion the Waste Committee recommended:

- That the committee recommends to Council that the current waste fees and charges remain unaltered.
- That the committee recommends that the Laura business waste disposal charges be consistent with Council's waste fees and charges (based on the rationale of consistent business waste (charges) across the shire).

Council is now asked to consider these recommendations.

The 21 March 2017 Council report titled 'Review of Waste Management Fees and Charges' forms an attachment to this report (of the same title) for reference.

RECOMMENDATION

That Council:

- 1) Leaves current waste fees and charges unaltered.
- 2) Charges fees for Laura business waste disposal in a manner consistent with Council's general waste fees and charges.
- 3) Leaves the current Environmental Levy unaltered.

14.2 REVIEW OF OPERATIONS, COOKTOWN WHARF WASTE FACILITY

File Number: D17/6445
Author: Manager, Parks and Waste Operations
Authoriser: Robert Uebergang, Director Infrastructure Services
Attachments: Nil

PRECIS

During April 2017 scheduled works commenced to revamp the Cooktown Wharf toilet block and adjacent waste collection areas. Works include enclosing and securing the waste collection areas, with the ability to control access using keys. This is an opportunity to remedy a poorly managed site.

BACKGROUND/HISTORY

The public toilet block at the wharf also houses two areas for waste collection, one at either end of the block. The area at the northern or wharf end houses 10 wheelie bins, cardboard and aluminium; the area at the southern end allows for waste oil collection. (Note that the public wharf and Cook's Landing has litter bins for public use, and is not part of this report.)

This facility was established to provide a collection point for docking commercial vessels, which would otherwise have no means of disposing of their waste. However, as it is an uncontrolled facility and free of charge, in practice it has also been used by local businesses and the public. The facility also attracts illegal dumping of white goods and/ or bulky items such as furniture, lead acid batteries, other.

It is proposed that keys be given only to owners of the following businesses: Cooktown Fisherman's Wharf, Cook's Landing, and Riverside café. Fisherman's Wharf and Cook's Landing control the commercial wharf, with their clients paying fees for this use. Riverside Café does not deal with vessels, but is a local business that uses the facility free of charge. Commercial vessels utilising the Council wharf will be charged for waste disposal by wharfinger. The arrangement is yet to be confirmed.

It is proposed that the business owners be notified of the pending changes, including the need for them to deal with contractors directly to dispose of the waste either generated or received by their businesses. Currently the cost to Council of servicing these bins is \$12,334.00 p.a. with disposal costs on top of this, at an additional cost of \$15,602.00.

These costs are incurred under the kerbside waste collection contract, which is targeted at residential waste collection, with residents paying for the service through the refuse fee on rates. These businesses do not pay the refuse fee, and are receiving the service for free.

The facility also provides for the collection of cardboard, also currently undertaken by council. These businesses have the same option as any other business: delivering it to the Waste Transfer Station or using the recycling skip bins. In 2016/17 financial year this cost Council \$8,536.00 for a weekly manual collection by council staff. The cardboard is often contaminated and hasn't been folded, all of which adds to the cost of this convenience service.

Aluminium cans are collected by Endeavour Lions Club.

Wharf oil collection costs Council an additional \$6,235.65. This figure covers the maintenance cost of the site such as emptying waste oil containers into the 1000L pod provided, collecting illegal

dumping of oil filters, oily rags, waste oil containers and lead acid batteries. Once every few years Council replaces and disposes of oil infused sand. The 1000L pod is serviced mainly by the Cairns contractor and costs Council \$400.00 for each pick-up.

The total cost to council for wharf waste collection (excluding the public wharf) is \$42,707.65 + GST per annum.

With restricted access implemented, this volume should decrease. Two options are available for future collection:

1. Continued maintenance and collection by council. This would still mean that council is effectively providing a free service to these businesses, although waste deposited by the wider community will no longer be a component.
2. Businesses required to manage their own waste oil collection directly with contractor and ensure appropriate use of the site. This option is consistent with Council's Revenue Policy.

LINK TO CORPORATE PLAN

Infrastructure, Transport and Services

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

- c) Waste management facilities and services.

4.6.2 Where resources and capacity allow:

- b) Increase and improve services where 'whole of life' costings is known, community need is demonstrated and essential, and additional expenditure does not compromise sustainable core service provision.

CONSULTATION

Staff from the Asset Management section have notified wharf business of the pending upgrade to the toilet and associated waste facilities. Impacts of the restricted access have not yet been discussed with these businesses.

A report has also been considered by the Waste Management Committee, resulting in the following recommendations:

That the Committee endorse the proposed changes to the Cooktown Wharf Waste Facility, including:

- Controlled access to the facility by authorised parties only.
- Wharf Businesses be required to manage their own refuse, cardboard and oil waste meaning that there will be no continued waste collection by council.
- Undertake a meeting with all stakeholders to outline changes.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

There are no identified legal implications. However, existing free use of the facility by businesses and locals will cease and hence impact those who currently use the facility.

POLICY IMPLICATIONS

Council's Revenue Policy states: In making and levying rates and charges, Council is required to comply with the requirements of State and Federal legislation.

Where appropriate, the principle of user pays will be applied in the making of charges so as to minimise the impact of these charges on the local economy.

Council will also have regard to the principles of:

- transparency in the making and levying of rates and charges;
- having in place a rating regime that is efficient to administer.
- equity by reference to the value or quality of land;
- the level of service provided in the various areas of the Shire;

that all landowners should make the minimum contribution towards the cost of the provision of services and administration.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Currently the cost to Council of servicing bins at the facility is \$12,334.00 p.a.

Disposal costs are on top of this, at \$134.50 per tonne (The volume of waste collected through the wharf bin network is 10 bins x 0.24m³ x 7 x 52= 873.6m³. Using EHP provided conversion rate of 133kg/m³ of waste gives a collection of 116t of waste through this network per annum). This is an additional cost of \$15,602.00.

Collection of cardboard costs \$8,536.00 p.a.

Wharf oil collection costs Council an additional \$6,235.65 p.a.

The total cost to council for wharf waste collection (excluding the public wharf): \$42,707.65 + GST per annum.

RECOMMENDATION

That Council:

- Controls access to the facility allowing use to authorised parties only
- Discontinues waste collection at the facility and requires wharf Businesses to manage their own refuse, cardboard and oil waste
- Undertakes a meeting between stakeholders, Councillors, and Council officers to discuss the impacts of these changes.

15 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - REPORTS

Nil

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 Extension to Kerbside Waste Collection Contract

This matter is considered to be confidential under Section 275(e) 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 contracts proposed to be made by 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.

16.2 Shire Hall Building Assessment

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 Contractual Matter - Contract for the transport and recycling of scrap metal and lead acid batteries

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.

16.4 Request for refund of additional application fee for Code Assessable Building Work (assessable against the Character Overlay Overlay Code of the Planning Scheme - DA/3743 construction of an Awning - 180 Charlotte Street, Cooktown

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**20.1 BIOSECURITY MONTHLY REPORT - MAY 2017**

File Number: D17/6865

Author: Biosecurity Officer

Authoriser: Robert Uebergang, Director Infrastructure Services

Attachments: 1 Weed surveys and control work on Council Roads April 2017

PRECIS

Report on the activities of the Biosecurity Services unit for period 1 April to 4 May 2017.

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.

OPERATIONAL ACTIVITIES

- Conducted post treatment assessment of gamba grass control work south of Weipa. Data indicates slow but recognisable progress towards goal of pushing established stands towards boundary and maintaining a permanent buffer. Met with owner of York Downs

Station and discussed the need for a mutually agreed strategy to prevent the potential for gamba grass spread.

- Biosecurity team conducted roadside weed survey and treatment on Cook Shire roads between the 19th and 26th April 2017. Refer to map for details.
- Met with Elaine Liddy, Ranger Coordinator for Lama Lama Rangers and discussed ongoing works, data exchange and GIS.
- Discussed joint sicklepod control works on the Mt Webb/Wakooka Rd with QPWS to be undertaken 15-17 May 2017.
- Five plant samples were collected and sent to the Queensland Herbarium for identification.

CUSTOMER REQUESTS

1 April to 4 May 2017

- 5 pig trap requests (1 outstanding)
- 3 requests for weed control (1 outstanding)
- 1 request for data by QPWS
- 3 requests for spray units
- 1 request for advice regarding feral pig exclusion fencing
- 1 request for removal of feral pig carcass
- 1 request for weed identification.

LAKELAND WASHDOWN BAY

Interest has been shown from the Department of Agriculture and Water Resources/ NAQS (Australian Government) in relocating the washdown bay to the Jardine River to be used in conjunction with other quarantine measures.

BIOSECURITY ACT AND COMPLIANCE

The General Biosecurity Obligation (GBO) applies to restricted and prohibited matter under the Biosecurity Act. Anything that council wants to enforce at a local level (and that is not included as restricted or prohibited) will require a local law. Enforcement of these weed species will be in terms of compliance with the local law. However the GBO does not apply to locally declared pests/invasive species; and so we cannot seek to enforce the GBO as it relates to local declarations i.e. it seems a bit pointless to locally declare something but then being unable to enforce this part of the Act. Advice has been sought from LGAQ how best to deal with this issue and the matter has been referred to BQ who are currently seeking legal advice whether this is the case or not.

OTHER WORK

Cathy Johnson has been appointed as the Council representative on the Lakeland Gateway Project being conducted by the Thoughtful Traveling Cape York working group.

RECOMMENDATION

That the information be noted.