



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

**Date:** Monday, 26 June 2017  
**Time:** 9.00am  
**Location:** Town Hall  
Laura

## **AGENDA AND BUSINESS PAPERS**

### **Ordinary Council Meeting**

**26 June 2017**

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

**Order Of Business**

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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**

Thomas "Bill" Payne

Jimmy Port

Brendan Poustie

**8 CONFIRMATION OF MINUTES**

Ordinary Meeting - 16 May 2017

**9 BUSINESS ARISING**

**10 NOTIFIED MOTIONS**

Nil

## 11 COUNCILLORS' REPORTS

### 11.1 COUNCILLORS MONTHLY REPORT

**File Number:** D17/7034

**Author:** Executive Assistant

**Authoriser:** Martin Cookson , Director Corporate Services

**Attachments:**

- 1 Councillors Monthly Activity Report - P Scott
- 2 Councillors Monthly Activity Report - A Wilson
- 3 Councillors Monthly Activity Report - K Price
- 4 Councillors Monthly Activity Report - L Hale
- 5 Councillors Monthly Activity Report - J Giese
- 6 Councillors Monthly Activity Report - R Holmes
- 7 Councillors Monthly Activity Report - J Dessmann

#### 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:** D17/9254  
**Author:** Chief Executive Officer  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** Nil

**CEO UPDATE****May/June 2017**

<b>Date</b>	<b>Activity</b>	<b>Stakeholders</b>	<b>Outcome</b>	<b>Status</b>
15/5/2017	Meeting	Council		
19/5/2017	Conference	LGMA	Future Leaders Forum Speaker	Final
23/5/2017	Meeting	Telstra	Update and review of current Telstra issues with CSC	Further discussions to be held
24/5/2017	Meeting	Waste Committee		Final
26/5/2017	Meeting	ADCQ		No resolution
29/5/2017	Interviews	Executive Assistant	Narelle Dukes appointed	Final
30/5/2017	Meeting	Wharf Waste	Briefing of changes to collection and billing	To be implemented
30/5/2017	Dinner	Parliamentary Committee on Financial Sustainability	Opportunity to discuss CSC issues	Final
31/5/2017	Cooktown Tour	Parliamentary Committee on Financial Sustainability		Final
31/5/2017	Committee Hearing	Parliamentary Committee on Financial Sustainability	Presentation of CSC financial sustainability and Q&A	Transcript reviewed and returned. Committee report to be prepared in future
2/6/2017	Steering Committee	Lakeland Irrigation Area	Updates from consultants, review of budget and contracts	WIP
2/6/2017	Meeting	DNRM	Current issues discussed with Kev Allan and Terry Reid	On-going
5-6/6/2017	Meeting	Aurukun Road	Discussion of issues	On-going



			in respect of Rio MOU and landholders	
<b>7/6/2017</b>	Meeting	EHP	Springvale Station update	On-going
<b>7/6/2017</b>	Community Consultation	Charlotte Street Re-vitalisation	Feedback due 10 July	On-going
<b>8/6/2017</b>	Meeting	Safety	Monthly meeting	
<b>9/6/2017</b>	Meeting	Aurukun Road	RIO MOU negotiations	On-going

**RECOMMENDATION**

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

**12.2 FRAUD PREVENTION POLICY - V1 - DRAFT FOR ADOPTION - JUNE MEETING**

**File Number:** D17/9225  
**Author:** Governance & Risk Manager  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** 1 Fraud Prevention Policy - 2017 - June Meeting - For Adoption

**PRECIS**

This report recommends Council adopt the Fraud Prevention Policy dated June 2017 as attached.

**BACKGROUND/HISTORY**

The Fraud Prevention Policy (the Policy) is presented for adoption as part of Cook Shire's overarching and legislated requirement to provide sustainable financial and administrative management of the Shire's municipal and community resources. The Policy also forms part of Council's current focus on the implementation, promotion and maintenance of sound corporate governance.

The Policy details Council's objectives for the prevention, identification, management and prosecution of acts or potential acts of fraud that might be encountered by Cook Shire.

The Policy will form part of a Fraud Management Framework (under construction) that will include fraud prevention and reporting procedures accessible to the entire workforce. The Framework will be developed in consultation with all Council departments. This collaborative methodology is to ensure the Policy and Framework are functional and implemented successfully: offering an integrated approach to the management of fraud and corruption risk, and containing prevention strategies and control measures that are accepted and used across the whole of Council.

The Policy complements the work undertaken by Council's Audit and Risk Management Committees and becomes a mechanism by which risk management objectives identified in Council's Enterprise Risk Management Policy can be achieved.

The Fraud Prevention Policy has been distributed to the workforce as a draft and will be discussed at team meetings with the intention that all levels of the organisation take ownership over the management and prevention of fraud within Council.

The Policy will be presented to Council's Risk Management Committee and Audit Committee for review and feedback.

The Policy is intended to be a live document that changes and evolves with the organisation, with consideration of fraud and corruption issues to form part of both annual and longer-term departmental operational and business planning processes.

**LINK TO CORPORATE PLAN**

## 4.1 Leadership and Governance

## 4.1.1 Provide, to a standard that ensures legislative compliance

- a) Sustainable financial and administrative management of the Shire's municipal and community resources; and
- c) Appropriate corporate governance.

**CONSULTATION**

1. LGAQ provided fraud training and templates.
2. Executive Leadership Team.
3. Interdepartmental
4. Ongoing workforce consultation and feedback to result in modification (if necessary) and implementation at an operational level of the Policy.

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

The adoption of the Fraud Prevention Policy formally acknowledges Council's existing fraud prevention measures and controls and offers the objectives and principles from which Council can implement and progress more advanced and universally adopted procedures throughout the workforce.

The Policy forms part of Council's risk management function and so plays an essential role in complying with risk management provisions mandatory under the Queensland *Local Government Act 2009* and *Regulations 2012*.

**POLICY IMPLICATIONS**

The implications of adopting the Fraud Prevention Policy include:

- a) a greater focus on fraud controls and measures;
- b) the implementation of a Fraud Prevention Framework and associated procedures; and
- c) a raised level of awareness with reference to potential fraud within the organisation.

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

The adoption of the Fraud Prevention Policy has, to date, consumed a relatively low level of resources. Training was undertaken by three employees in Cairns, from which templated information was sourced. Council specific amendments consumed approximately 8 hours of employee time (all up totalling approximately \$2500).

Future financial and resource implications will include employee training and Framework development, however it is anticipated that costs will be recovered through loss minimisation through fraud prevention and detection. Actual costs are, as yet, unknown.

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## **RECOMMENDATION**

That:

- a) Council adopt the Fraud Prevention Policy;
- b) The Policy be amended to incorporate the recommendation/s offered by the Queensland Audit Office and Council's LGAQ Internal Auditor, whereby specific fraud reporting channels and mechanisms, including a contact person and phone number, are itemised in the Policy before publication; and
- c) Council be provided with the amended Policy for Information at the next Council meeting.

**12.3 NQLGA CONFERENCE**

**File Number:** D17/9207  
**Author:** Mayor  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** Nil

Council to consider hosting Conference

NQLGA has extended an invitation to member Councils to consider nominating to host future conferences. Should you wish to nominate your Council, please let me have your nomination by *30 June also*.

Each member Council is entitled to two votes at the Annual General and General Meetings. Please also *advise me by email of the names and email addresses of your voting delegates*, so I can ensure your delegates receive a copy of the meeting agenda/s and a copy of the proposed new constitution prior to the meeting.

**RECOMMENDATION**

That Council discuss whether Cooktown is to be nominated as a host for a future NQLGA conference.

## **13 CORPORATE SERVICES - REPORTS**

### **13.1 REVENUE AND EXPENDITURE - MAY 2017**

**File Number:** D17/8332  
**Author:** Director Corporate Services  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** 1 Revenue and Expenditure - May 2017

#### **PRECIS**

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

**13.2 ASSET DISPOSAL COOKTOWN**

**File Number:** D17/8597  
**Author:** Assets Manager  
**Authoriser:** Martin Cookson , Director Corporate Services  
**Attachments:** 1 9 Adelaide St Cooktown

**PRECIS**

On 07/06/2017 a Gungarde Support Service Workshop was held in Council chambers whereby Gungarde sought commitment from Cook Shire Council for the release of a block of land suitable for construction of a Community Service Wellbeing House.

**BACKGROUND/HISTORY**

Gungarde Community Centre Aboriginal Corporation has sought Government support to establish a support service that will become a healing centre for people in the Cooktown Region. This centre will also cater for community members from our adjoining communities of Wujal Wujal and Hope Vale as resident's transit between Cooktown and their communities.

The support service will be community owned and operated offering activities developed by Aboriginal and Torres Strait Islanders communities and people in response to their own healing needs. The service will incorporate traditional and western practices and will operate with Aboriginal and Torres Strait Islander spirituality and culture at its core.

The service will also provide a safe supported accommodation program for members of the community requiring wellbeing and healing support, the facility will provide accommodation for up to 2 (two) nights and allow multi agency coordinated support.

Gungarde have been able to secure financial support for the program from both the State and Federal Government along with committing its own financial resources to get the project up and running. Gungarde now seek support from Cook Shire Council by the way of Land release for and centre to be constructed on.

**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.

**4.1.2 Where resources and capacity allow:**

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

**CONSULTATION**

Community consultation has been extensive over the past 4 years which has formed strong links with the key stakeholders, Cook Shire Interagency Group along with Council has meet with FNQ Partners in Recovery to create the Cooktown Housing Project Position Paper in June 2016. Local builder have been engaged on design and Councils own planning department has provided advice on the community residence code requirements.



**LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)****Local Government ACT 2009 s104****Financial management systems**

(1) To ensure it is financially sustainable, a local government must establish a system of financial management that—

(a) ensures regard is had to the sound contracting principles when entering into a contract for—

(ii) the disposal of assets; and

**POLICY IMPLICATIONS****DISPOSAL OF ASSETS POLICY****2.1 Disposal Methodology****2.1.1 VALUABLE NON-CURRENT ASSETS\*, LAND AND “AN INTEREST IN LAND”**

Items deemed **valuable non-current assets, land** and **“an interest in land”** \* (those leases that are lodged with the Titles Office) will be disposed in accordance with the *Local Government Regulation 2012*:

Exceptions to the requirement to dispose of by Auction or Tender will only be undertaken when in accordance with the *Local Government Regulation 2012*.

Notwithstanding

**Local Government Regulation 2012 s236****Exceptions for valuable non-current asset contracts**

(1) Subject to subsections (2) and (3), a local government may dispose of a valuable non-current asset other than by tender or auction if—

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

(i) a government agency; or

(ii) a community organisation; or

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

The disposal of asset (Lot 16 on C17927) CVR 101 will require a write down of \$80,000.00 from Councils non-current assets register.

**RECOMMENDATION**

That Council resolve to gift for the sum of \$0.00 the asset known as (Lot 16 on C17927) CVR 101 to Gungarde Community Centre Aboriginal Corporation for the construction of a wellbeing house.

This facility is to be located at 9 Adelaide St Cooktown and Council is to bear no cost including but not limited to the site being prepared for construction of a dwelling.

**14 INFRASTRUCTURE SERVICES - REPORTS**

Nil

**15 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - REPORTS****15.1 AMENDMENT OF SUBORDINATE LOCAL LAWS - REVIEW OF ANTI-COMPETITIVE PROVISIONS AND ADOPTION**

**File Number:** D17/8583  
**Author:** Senior Environmental Health Officer  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** 1 Amending Subordinate Local Law  
2 Declaration  
3 Letter to Council

**PRECIS**

This report consists of a proposal to amend the following local laws:

- I. Section 2 of Schedule 9 of *Subordinate Local Law No.1 (Administration) 2016*;
- II. *Schedule 1 of Subordinate Local Law No.3 (Community and Environment Management) 2016*.

The purpose of these amendments are to:

- (a) stop the public circumventing the local law prohibiting the public from establishing a temporary home on their premises without a permit; and
- (b) declare a plant a local pest.

**BACKGROUND/HISTORY**

The 5 model local laws and 5 subordinate local laws were adopted by Council, which commenced on 4 March 2016.

The "Model Local Laws" were drafted by the State Government and were not altered prior to adoption. The Subordinate Local Laws were adopted with consultation with Council staff, Preston Law and public consultation which was undertaken in November 2014.

The Local Laws are a regulatory document that may be amended at any time and should be reviewed on an on-going basis to ensure the local laws effectively regulate community activities, and do not place unnecessary regulatory requirements on the community.

Local Laws are an important regulatory tool for local governments, however the effectiveness and use of those local laws should be continually monitored by Council to ensure they remain relevant and appropriate for the Cook Shire Council local government area.

Council's Local Laws Review Committee has investigated issues arising out of the current local laws and, in consultation with Preston Law recommend the amendments to the local laws contained in this report.

## Amendments

### Schedule 9 of *Subordinate Local Law No. 1 (Administration)*

*Local Law No.1 (Administration) 2016* provides that to “establish or occupy a temporary home without a permit” is a “Prescribed Activity”. A Permit may be obtained from Council if a person wishes to conduct the Prescribed Activity

The ‘establishment or occupancy of a temporary home’ (the “Prescribed Activity”) is defined in *Local Law No.1 (Administration) 2016* as meaning “*the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—*

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

The term “residence” is defined in schedule 1 of *Local Law No.1 (Administration) 2016* as meaning “human habitation on a short-term or long-term basis”.

The Prescribed Activity does not prohibit parking a caravan or erecting a tent on private land, but it does prohibit parking a caravan, erecting a tent, or another structure **for the intention of** “human habitation” without a permit. The Prescribed Activity was intended to apply in situations whether a person was constructing or renovating a house and wanted to live on the land during the construction. The Local Law does not regulate camping, it regulates the use of a structure.

The Prescribed Activity should be distinguished from the operation of a caravan park. If a person is charging a fee (or receiving a commercial gain) to allow people to camp on their land Council may prosecute the owner of the land for breach of the prescribed activity of “operating caravan park” or camping ground, or under the Sustainable Planning Act if planning approval has not been obtained.

Section 2 of Schedule 9 of *Subordinate Local Law No. 1 (Administration) 2016* provides an exemption to a person to use a temporary home, for a maximum period of 2 weeks. It *currently states:*

- “2. ***Activities that do not require approval under the authorising local law***  
*Establishment or occupancy of a temporary home for less than 2 weeks”*

The public have been attempting to circumvent obtaining a Permit for undertaking the Prescribed Activity by living in caravans on land for a 2 week period, moving the caravan for 1 night, and then returning to the site to camp for a further 2 weeks. Council officers have indicated that the public have identified this exemption and consider that their actions are lawful.

Council officers seek to remove the exemption by replacing section 2 of Schedule 9 of *Subordinate Local Law No.1 (Administration) 2016* with the following:

*“This section has been intentionally left blank.”*

The removal of the exemption altogether will clarify the law for the general public. Council officers, when enforcing this local law waste a significant amount of time and resources investigating how long a person has been camping at a location. If the structure is moved to another location within Council's local government area time does not start again but enforcement becomes more difficult. Under the current exemption a person could conceivably erect a different structure every 2 weeks and live in a place indefinitely without obtaining a permit. We do not consider that a person can circumvent the need to obtain a Permit by simply moving the structure, however, enforcement of the infringement would require sufficient evidence that may be difficult to substantiate.

The removal of the exemption altogether will clarify the local law to the public. The Local Law does not make camping on private land an offence, it makes the erection or placement of a structure (e.g a tent or a caravan) for the purpose, or intended purpose of human habitation an offence.

If Council removes the restriction Council officers may:

- (a) Issue a compliance notice or an infringement notice to a person without further investigation; and
- (b) If the compliance notice was ignored, Council could take steps to remove the structure.

The removal of the existing 2 week exemption will ensure that repeat offenders can be dealt with efficiently and innocent, first –time breaches, can be dealt with by issuing a compliance notice, or a warning.

## **LINK TO CORPORATE PLAN**

### **Strategic Direction:**

“Natural Environment, Environmental Health Services and Sustainable Development

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

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

## **CONSULTATION**

- External-Legal Advice from Preston Law
- Internal-Relevant Staff

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

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

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

The relevant legislative considerations are as follows:-

1. *Local Government Act 2009* – Chapter 3, Part 1, Division 2;
2. *Local Government Regulation 2012* – Section 15 (Anti-competitive provisions and review of procedures);
3. National Competition Policy – Guidelines for conducting review of anti-competitive provisions in local laws – Version 1 2013;
4. *Sustainable Planning Act 2009*;
5. *Biosecurity Act 2014*.

### **POLICY IMPLICATIONS**

The adoption of local laws are in accordance with the principles of local government.

The adoption of the proposed amending subordinate local law will amend the regulatory environment in Council's local government area.

Public notification is required once local laws are adopted.

Public consultation regarding the procedural and policy changes is recommended.

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

NIL

**RECOMMENDATION**

That We recommend amending section 2 of Schedule 9 of *Subordinate Local Law No.1 (Administration) 2016* to remove the 2 week exemption.

Once amended Council may issue Compliance Notices for a breach of the prescribed activity pursuant to section 26 of *Local Law No.1 (Administration) 2016*, requiring offenders to remove the structure, or apply for a Permit, within 2 weeks of receiving the Compliance Notice. If a person does not comply with a Compliance Notice Council can then take steps to remove the structure.

Utilising the Compliance Notice provisions contained in section 26 of *Local Law No.1 (Administration) 2016* will have the same effect as was intended by the existing exemption in section 2 of Schedule 9 of *Subordinate Local Law No.1 (Administration) 2016*. It will be less onerous for Council officers to establish the elements of the offence if the 2 week exemption is removed and the public will be better informed.

If a person continually infringes an infringement notice could be issued immediately.

1. It is recommended that Council resolve to make *Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2017 (attached)* which:-
  - (I.) replaces section 2 of Schedule 9 of *Subordinate Local Law No. 1 (Administration) 2016* with the following:

*“this section has been intentionally left blank.”*
  - (II.) Insert the following species in schedule 1, column 2 of *Subordinate Local Law No. 3 (Community and Environment Management) 2016*;
    - (a) *Cyperus aromaticus*; and
    - (b) *Calotropis procera*.
  - (III.) Adopt Consolidate version of:-
    - (i) *Subordinate Local Law No. 1 (Administration) 2016*;
    - (ii) *Subordinate Local Law No. 3 (Community and Environment Management) 2016*.

**15.2 COOKTOWN 2020 ADVISORY COMMITTEE****File Number:** D17/8836**Author:** Administration Officer**Authoriser:** Tim Cronin, Chief Executive Officer**Attachments:** 1 Cooktown 2020 Terms of Reference  
2 Cooktown 2020 Advisory Committee Meeting Minutes - 12 June 2017**PRECIS**

Cooktown 2020 Advisory Committee Meeting Minutes, 12 June 2017 for information, along with recommendations.

**BACKGROUND/HISTORY**

The Cooktown 2020 Advisory Committee was set up in 2014 to develop and coordinate the Cooktown 2020 celebrations and programme of events.

**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

c) Actively encourage and promote community engagement in all relevant Council activities

## 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

## 4.5.3 Special Projects

b) Support community management with reference to cultural heritage endeavours

**CONSULTATION**

Cooktown 2020 Advisory Committee.

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

Nil.

**POLICY IMPLICATIONS**

Nil.



**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

A budget allocation to be considered for Cooktown 2020.

**RECOMMENDATION**

That the minutes of the Cooktown 2020 Advisory Committee meeting held on 12 June 2017 be noted and the following recommendations be considered.

1. That the Cooktown Discovery Festival representative be removed from the Terms of Reference now that the Council is operating the Discovery Festival.
2. Council consider a budget allocation for Cooktown 2020 for 2017/18 and every year going forward, up to Cooktown 2020.

**15.3 COOK SHIRE COUNCIL PLANNING SCHEME 2017 - NEW PLANNING ACT 2016 ALIGNMENT AMENDMENTS**

**File Number:** D17/9100  
**Author:** Reel Planning Pty Ltd  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** Nil

**1. PURPOSE**

The purpose of this report is to achieve a Council resolution, pursuant to section 3.1 of the Alignment amendment rules (Minister's rules under section 293 of the *Planning Act 2016*), to:

- a) make an alignment amendment to the Cook Shire Council Planning Scheme 2017; and
- b) to commence the alignment amendment upon commencement of the *Planning Act 2016* on 3 July 2017.

**2. BACKGROUND**

The new *Planning Act 2016* is due to take effect on 3 July 2017 and will govern development planning and assessment in Queensland. It replaces the current planning legislation (*The Sustainable Planning Act 2009* (SPA)) under which Council's planning scheme was drafted. The new Act includes a suite of subordinate legislation, statutory rules, guidelines and instruments, such as:

- *Planning Regulation 2017*;
- Minister's Guidelines and Rules, with associated Guidance Material;
- Alignment Amendment Rules;
- Development Assessment Rules.

Much of the subordinate legislation has only recently been finalised, now allowing for complete planning scheme alignment tasks to be undertaken.

Although the new Act contains transitional provisions that will support the continued operation of existing schemes in the new legislative environment, best practice dictates that the scheme be updated and kept at the front of these changes in the legislative regime.

The Alignment amendment rules outline the required process steps and dictate what may and may not be included in such an amendment. Importantly, while an alignment amendment does not require public consultation or State approval, it must not include:

- a) a change to a matter of State interest;
- b) a substantial change to a policy position as currently expressed in the scheme;
- c) a substantial change to a category of development or category of assessment for a particular use or activity;
- d) a change, other than a change that is in the opinion of the local government minor or inconsequential, to a person's or entity's development rights under the instrument; or

- e) a change which, in the opinion of the local government, would be likely to result in widespread public interest in the local government area and / or in multiple public submissions.

### 3. PROPOSED AMENDMENTS

It is proposed that the scope of the alignment amendments for the Cook Shire Council Planning Scheme 2017 would include the following:

- (1) Comprehensive review of the scheme pursuant to the DILGP guidance document, "Alignment amendment planning scheme template (v4)", including:
  - (a) Incorporate and reflect as much as possible the Regulated Requirements of the *Planning Regulation 2017*;
  - (b) Update all SPA terminology to new Planning Act terminology, including:
    - (i) Deleting redundant SPA references;
    - (ii) Replacing SPA references that still have a purpose with the correct Planning Act reference;
    - (iii) Using Planning Act language and terms instead of their SPA equivalents.
  - (c) Review the operation of QPP's Statewide Codes in consideration that QPP shall be repealed under the new Act. Consider the appropriate location and operation within the scheme in the context of the new *Planning Act 2016*.
- (2) Review the fundamental operational components of the planning scheme. In particular:
  - (a) Review the Level of Assessment (LOA) Tables for the purpose of removing QPP template section 5.3.2(8). This is a problematic section of QPP that creates confusion in determining levels of assessment;
  - (b) Remove the previously mandatory but redundant QPP sections with no operation, such as Part 10-Other Plans.
- (3) Refine the Acceptable Outcomes (AOs) of codes to ensure they align with the new, more restricted decision making rules for code assessment. The Biodiversity Overlay and Bushfire Overlay Codes are specifically noted.

The Alignment Amendment Rules are a statutory instrument under section 293 of the *Planning Act 2016*. Section 3 of the rules require that the local government decide to propose to make an alignment amendment to the local planning instrument (e.g. planning scheme). After the amendments are effected, rules require that the local government publish a public notice of the alignment amendment.

With the Act commencing on the 3<sup>rd</sup> July 2017 it is proposed to prepare the alignment amendments to Council's Planning Scheme over the coming weeks. However, there will not be the opportunity to have these formally adopted by Council given the time frame between meetings. As there will be no change to the policy content it is recommended that Council make a resolution to delegate the authority to make the alignment amendment and commence it on the 3<sup>rd</sup> July 2017.

**RECOMMENDATION**

1. That, pursuant to section 3.1(a) and (b) of the Alignment Amendment Rules, Council resolve to delegate the authority to the CEO to:

1. make the alignment amendment to the Cook Shire Council Planning Scheme 2017; and
2. commence the alignment amendment upon commencement of the *Planning Act 2016* on 3 July 2017.
  - (i)

**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 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.

**16.2 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.

**16.3 Confidential Native Title Report**

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

**16.4 Land Tenure Officers Report**

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.

**16.5 Confidential Report - Legal Advice**

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

**16.6 Contractual Matter - 2017/2018 Regional Bitumen Reseal**

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

**16.7 Cooktown Activity Precinct Sewer Rectification Works - Tender TO517**

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 BIOSECURITY MONTHLY REPORT - JUNE 2017

**File Number:** D17/8807  
**Author:** Biosecurity Officer  
**Authoriser:** Robert Uebergang, Director Infrastructure Services  
**Attachments:** Nil

#### PRECIS

Report on the activities of the Biosecurity Services unit for period 5 May to 13 June 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

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 joint sicklepod management program with Queensland Parks and Wildlife on Mt Webb-Wakooka Rd. It is intended that this program be scheduled annually.



- Mapped and removed seed heads from gamba grass plants near Lakeland that were not treated during earlier treatment runs.
- Hosted gamba grass workshops conducted by Dr Natalie Rossiter-Rachor of Charles Darwin University and Associate Professor Samantha Setterfield from the University of Western Australia.
- Conducted Cook Shire Council Biosecurity Services presentation at Agforce meetings held in Cooktown, Laura and Coen to update residents on local biosecurity matters, services provided and to gather comment on the Cook Shire Biosecurity Plan 2017-2021.
- Held IPAAC meeting on the 30<sup>th</sup> May 2017 to finalise draft Cook Shire Biosecurity Plan 2017-2021 to be made available for public comment from the 12 June to 9<sup>th</sup> July 2017. Re-drafted Cook Shire Biosecurity Plan 2017-2021 in response to feedback.
- Attended NAMAC meeting held in Cairns on the 25<sup>th</sup> May.
- Submitted maps, GIS data and a final report in order to conclude the Department of Main Roads and Transport roadside spraying contract for the 2017 financial year.
- Drafted quote in response to request for Biosecurity Services to provide weed control prior to bitumen seal south of Weipa.
- Met with Department of Agriculture and Fisheries' researchers Stephen and Melissa Setter who are undertaking research into *Senna obtusifolia* (sicklepod) in response to requests from the Biosecurity Services team. Research topics include seed viability, pre-emergent herbicide efficacy and low-volume/high-concentration herbicide application techniques.
- Presented Biosecurity Induction to raise awareness about weed spread and best practice techniques among gangers and foremen working on Council roads over the coming season.

#### CUSTOMER REQUESTS

- 3 requests for 1080 all of which are outstanding due to stock being on backorder
- 4 requests for pig traps (1 outstanding)
- 1 request for weed identification
- 1 request for a spray unit
- 1 request for action to be taken on gamba grass located on Roberts Rd (outstanding)
- 1 request for weed control on Council road reserve

#### RECOMMENDATION

That the information be noted.

**19 CORPORATE SERVICES - INFORMATION**

Nil

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

Nil