



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

**Date: Monday, 21 August 2017**  
**Time: 9:00am**  
**Location: Administration Centre**  
**10 Furneaux Street**  
**Cooktown**

## **AGENDA AND BUSINESS PAPERS**

### **Ordinary Council Meeting**

**21 August 2017**

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

**Order Of Business**

<b>1</b>	<b>Agenda Contents</b> .....	<b>5</b>
<b>2</b>	<b>Attendance</b> .....	<b>5</b>
<b>3</b>	<b>Meeting Opened</b> .....	<b>5</b>
<b>4</b>	<b>Apologies</b> .....	<b>5</b>
<b>5</b>	<b>Declarations of Interest</b> .....	<b>5</b>
<b>6</b>	<b>Mayoral Minute</b> .....	<b>5</b>
	Nil	
<b>7</b>	<b>Notice of Bereavement</b> .....	<b>5</b>
<b>8</b>	<b>Confirmation of Minutes</b> .....	<b>5</b>
<b>9</b>	<b>Business Arising</b> .....	<b>5</b>
<b>10</b>	<b>Notified Motions</b> .....	<b>5</b>
	Nil	
<b>11</b>	<b>Councillors' Reports</b> .....	<b>6</b>
	11.1 Councillors Monthly Report .....	6
<b>12</b>	<b>Executive Services - Reports</b> .....	<b>7</b>
	12.1 Chief Executive Officers Activity Summary .....	7
	12.2 Pre Cyclone annual collection program review .....	9
<b>13</b>	<b>Corporate Services - Reports</b> .....	<b>11</b>
	13.1 Revenue and Expenditure - July 2017 .....	11
<b>14</b>	<b>Infrastructure Services - Reports</b> .....	<b>12</b>
	14.1 Application for Partial Road Closure of Unnamed Road in Rossville .....	12
<b>15</b>	<b>Development, Environment and Community - Reports</b> .....	<b>14</b>
	15.1 REQUEST TO EXTEND THE CURRENCY PERIOD FOR DEVELOPMENT PERMIT DA/1126 - RECONFIGURATION OF LOT 7 ON PLAN BK157104 LOCATED AT CAMERON CREEK ROAD, HOPEVALE INTO SIX (6) LOTS .....	14
	15.2 AMENDMENT OF SUBORDINATE LOCAL LAWS – REVIEW OF ANTI- COMPETITIVE PROVISIONS AND ADOPTION.....	16
	15.3 Application for a Development Permit - DA/3714 Reconfiguration of Lot 6 SP270844, Lockhart River Road Lockhart River into three (3) lots. ....	18
<b>16</b>	<b>Confidential Reports</b> .....	<b>27</b>
	16.1 REQUEST FOR CONCESSION ON WATER CONSUMPTION.....	27
	16.2 Delegation to CEO for Provision of Views .....	27
	16.3 Employee Reimbursement Policy for Travel Expenses 2017 - Version 7. Expenses to be Substantiated by Receipt. ....	27

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16.4	Request for building permit extension.....	27
<b>17</b>	<b>Executive Services - Information .....</b>	<b>28</b>
	Nil	
<b>18</b>	<b>Infrastructure Services - Information .....</b>	<b>29</b>
18.1	Biosecurity Monthly Report - August 2017 .....	29
18.2	NDRRA 2017 Status Report .....	31
<b>19</b>	<b>Corporate Services - Information .....</b>	<b>32</b>
	Nil	
<b>20</b>	<b>Development, Environment and Community - Information .....</b>	<b>33</b>
20.1	Development, Environment and Community July 2017 Report .....	33
20.2	Summary Report on the history of the Bloomfield Wharf and the Community aspirations for the Wharf and surrounding area .....	36
20.3	Cooktown 2020 Advisory Committee Meeting Minutes - Terms of Reference.....	44



**1 AGENDA CONTENTS**

**2 ATTENDANCE**

**3 MEETING OPENED**

**4 APOLOGIES**

**5 DECLARATIONS OF INTEREST**

**6 MAYORAL MINUTE**

Nil

**7 NOTICE OF BEREAVEMENT**

**8 CONFIRMATION OF MINUTES**

Ordinary Meeting - 24 July 2017

**9 BUSINESS ARISING**

**10 NOTIFIED MOTIONS**

Nil

## 11 COUNCILLORS' REPORTS

### 11.1 COUNCILLORS MONTHLY REPORT

**File Number:** D17/11822

**Author:** Executive Assistant

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

**Attachments:**

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

#### 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

*Governance*

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

#### 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:** D17/11852  
**Author:** Chief Executive Officer  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** Nil

**CEO UPDATE****August 2017**

Date	Activity	Stakeholders	Outcome	Status
1/8/2017	Dinner in Support of Cape York	Governor of Queensland	Increased profile for Cape York and Cook Shire	
4/8/2017	Regional Economic Perspectives	QTC/LGAQ/FNQROC		
7/8/2017	FNQROC			
7/8/2017	DILGP		Update on Cook Shire Council	
8/8/2017	Infrastructure Services Team Meeting			
9/8/2017	Paykel	2020	Update on current 2020 focus	
9/8/2017	2020			
9/8/2017	ELT			
10/8/2017	Draft Lakeland Plan	Lakeland	Presentation of draft plan to community	Open for public comment
11/8/2017	Torres and Indigenous Councils Alliance (Formerly Torres and Cape Indigenous Mayors Alliance)	Torres and Indigenous Councils of Cape York	Cook Shire Council endorsed as a member	Review of goals and objectives
11/8/2017	Lakeland Irrigation Area Steering Committee	Lakeland	Update on progress of feasibility study	

<b>14/8/2017</b>	Draft Cape York Cook Shire Water Plan Update	Update on current status and
<b>14/8/2017</b>	DILGP	Briefing on Rob Pyne MP

Upcoming Travel			
Date	Activity	Details	Location
<b>16/8/2017</b>	Meeting	Cape York Land Council	Cairns
<b>12-14/9/2017</b>	Conference	LGMA Annual Conference	Gold Coast
<b>20-21/9/2017</b>	Conference	Telstra Vantage	Melbourne

### Annual Leave

**6 November 2017 – 10 November 2017**

### RECOMMENDATION

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



**12.2 PRE CYCLONE ANNUAL COLLECTION PROGRAM REVIEW**

**File Number:** D17/11828  
**Author:** Assets Manager  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** Nil

**PRECIS**

Resolution is sought for the removal of the pre cyclone green waste pickup, green waste is already free to dispose of at all Council's waste transfer stations and this collection activity applies unneeded financial burden on Council's limited operating funds for disaster management.

**BACKGROUND/HISTORY**

For approximately the last ten years council has conducted a free pre-cyclone collection for a number of communities within the Shire. Residents have been able to deposit green-waste at the kerbside for collection by council staff and/or contractors, and during some years other goods have also been notified as being collectable, such as white goods. Part of the process involved advice that the different materials should be separated into separate piles.

The types of material suitable for collection have been well advertised in advance. However, waste materials of many other varieties have often also been deposited at the kerb for collection, often in considerable volume. This has made collection problematic, and leaves some areas in an unsightly condition for long periods.

The materials that have been targeted in past collections, notably green-waste and white goods, can be disposed of free of charge at Council's waste facilities. It is therefore recommended that the annual cyclone clean-up be discontinued, and that residents be reminded that these materials can be deposited at no cost at their local transfer stations.

**LINK TO CORPORATE PLAN****GOVERNANCE**

*DEVELOP A CLEAR COMMUNICATION PLAN TO INFORM THE WORKFORCE, COMMUNITY AND ELECTED MEMBERS IN ORDER TO ACHIEVE GREATER UNDERSTANDING OF COUNCIL DECISION MAKING PROCESSES, POLICIES LEGISLATION AND COMPLIANCE REQUIREMENTS.*

- Gov 3b.* Development and implement a mechanism by which Council stakeholders and the community participate in the prioritisation of service delivery
- Gov 3c.* The community is kept informed and is generally well satisfied with the overall leadership and strategic direction undertaken by Council. [Type here](#)

**CONSULTATION**

A report was presented to the LDMG (Local Disaster Management Group) by Council's Waste Management Operations for the purpose of discussion and resolution, a motion was put forward and carried to discontinue the pre cyclone collection so funds could be better spent on other disaster management activities.

No public consultation has been undertaken. A media campaign to remind residents of waste material that can be taken to transfer stations free of charge will be carried out at the time that notification is given of the cessation of the free cyclone clean-up.

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

None identified.

**POLICY IMPLICATIONS**

None identified.

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

The most recent cyclone clean-up represented a cost to Council of almost \$56,000. The work was undertaken by contractors, with supervision by Council staff. Cessation of the annual program will represent a corresponding cost saving to go to other programs.

Resource implications include the utilisation of contractors to undertake the program. Council resources have been used in the past, but the pressure of other works programs saw a switch to contractors. The most recent program began on November 5<sup>th</sup> with residents putting out their green-waste and white goods, and collection starting on November 21<sup>st</sup> and continuing until complete, resulting in a period of several weeks with waste piles in the streetscape.

**RECOMMENDATION**

That Local Disaster Management Group seek resolution that.

1. Council no longer conduct an annual pre cyclone collection program.
2. Council advise the community accordingly, including a reminder of which materials are accepted at transfer stations free of charge.
3. Council support disaster management activities on planning, prevention, response and recovery to support improving community capacity.

## **13 CORPORATE SERVICES - REPORTS**

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

**File Number:** D17/11836

**Author:** Director Corporate Services

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

**Attachments:** 1 Revenue and Expenditure - July 2017

#### **PRECIS**

Revenue and expenditure for month ending July 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.

## 14 INFRASTRUCTURE SERVICES - REPORTS

### 14.1 APPLICATION FOR PARTIAL ROAD CLOSURE OF UNNAMED ROAD IN ROSSVILLE

**File Number:** D17/11651  
**Author:** Director Infrastructure Services  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** 1 Part C  
2 Map of Unnamed Road

#### PRECIS

Viola and Brad Smith of lot 1 SP154469 in Rossville have approached Council to seek agreeance to partial road closure of 3,050m<sup>2</sup> of unused road reserve adjacent to their property to allow future lease or purchase of this land from the state.

#### BACKGROUND/ HISTORY

Properties in this Rossville location are generally freehold and accessed directly from Homerule Road across lot 372 SP224308. There is a gazetted unused road reserve that if required could be used as an access route to these properties. This road reserve is necessary to keep intact to allow gazetted access to the properties if required in the future. However, the road reserve also includes a 'leg' between 1SP154469 and 3MPH22178 that is not required for lot access purposes - refer attachment Map of Unnamed Road.

This report recommends that Council:

1. Maintains management of the gazetted road alignment to enable access along this route to all lots that can be potentially serviced by this alignment in the future, and
2. Closes a 3050m<sup>2</sup> section of current unused road reserve at the corner of lot 1 SP154469 to enable potential lease or purchase of this area from the state by the landholder.

A desktop study was conducted by the Shire Surveyor with GPS measurements and photos taken that have confirmed that the closure would not adversely impact future lot access in the area.

In order to progress this matter and close the proposed section of road, Council as the road manager must complete the Department of Natural resources and Mines (DNRM) 'Statement in relation to an application under the Land Act 1994 over State land Part C' and state they have no objection to the application and consider authorisation of the use of the land be dealt with under the Land Act by DNRM – refer attached Part C.

#### CONSULTATION

The landholder making application for Council completion of the DNRM Part C has worked with Council officers to progress this matter.

#### IMPLICATIONS

There are no recognised policy or financial and resource implication resulting from the proposed action to close the section of road, with the action also being in accord with Council' Corporate Plan.

**RECOMMENDATION**

That Council complete the DNRM application *Statement in relation to an application under the Land Act 1994 over State land Part C* outlining they have no objection to partial road closure of the unnamed road in Rossville in accord with the attached *Map of Unnamed Road*.

**15 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - REPORTS****15.1 REQUEST TO EXTEND THE CURRENCY PERIOD FOR DEVELOPMENT PERMIT DA/1126 - RECONFIGURATION OF LOT 7 ON PLAN BK157104 LOCATED AT CAMERON CREEK ROAD, HOPEVALE INTO SIX (6) LOTS**

**File Number:** D17/10940  
**Author:** Development Coordinator  
**Authoriser:** Lisa Miller, Development Coordinator  
**Attachments:** Nil

**PRECIS****Applicant:**

David Thompson (for SL & KA Morgan)

**Owner:**

Shane Leslie and Kerry Ann Morgan

**Location:**

Cameron Creek Road, Hopevale

**RPD:**

Lot 7 on Plan BK157104

**Area:**

64.75 hectares

**Zone:**

Rural

**Minimum Lot Size:**

10 hectares

**Referral Agencies:**

Nil

**No. of lots:**

Six (6)

**REPORT**

A request has been made to Council under section 383 of the *Sustainable Planning Act 2009*, for a further two (2) year extension to the currency period for the Development Permit for DA/1126, Reconfiguration of Lot 7 on BK157104 into six (6) lots. The Decision Notice for DA/1126 was issued on 21 June 2005.

The applicants subsequently lodged an Operational Works application DA/2327 which was approved by Council on 19 August 2008. Works have been undertaken but not completed and the Operational Works approval has now lapsed.

The applicants have advised that to date they have progressed the application by:

- Having power connected to the six (6) lots;
- The road formation has been done and allowed to settle prior to sheeting; and
- The preliminary survey has been done.

The applicants state in their submission that it is still their intention to complete the development as per the conditions of approval.

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

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

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

Council has granted previous extensions to the currency period for this approval due to ill health within the applicant's family, the economic climate of previous years and delays caused by cyclone damage. The applicants have stated that it is still their intention to complete the development and are requesting a further two (2) year extension to the currency period to do so.

Under Council's new Planning Scheme this application would be Impact Assessable, however until 1 February 2018 the applicant has the option to lodge under the Superseded Planning Scheme and the development would still be only Code Assessable with a currency period of four (4) years. Original conditions of approval where relevant are still subject to the FNQROC Manual standards and the development is not subject to Infrastructure Charges. No State Referral agencies were identified at the time of application.

## RECOMMENDATION

That Council grants a further two (2) year extension to the currency period for Development Permit DA/1126 being for Reconfiguration of Lot 7 on Plan BK157104 into six (6) lots, until 21 June 2019 to enable compliance with the conditions of approval.

**15.2 AMENDMENT OF SUBORDINATE LOCAL LAWS – REVIEW OF ANTI-COMPETITIVE PROVISIONS AND ADOPTION**

**File Number:** D17/11813  
**Author:** Senior Environmental Health Officer  
**Authoriser:** Lisa Miller, Development Coordinator  
**Attachments:** 1 Subordinate Local Law No. 1  
2 Subordinate Local Law No. 3

**PRECIS**

This report consists of a proposal to adopt the following consolidated subordinate local laws:

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

The purpose of these consolidated subordinate local laws is to ensure the public and Council Officers have a consolidated version of the subordinate local laws that incorporates all amendments to the local laws, which include the amendments made to the local laws that were effected on 14 July 2017.

**BACKGROUND/HISTORY**

On 14 July 2017 *Subordinate Local Law No.1 (Administration) 2016 and Subordinate Local Law No.3 (Community and Environment Management) 2016* were amended in accordance with *Amending Subordinate Local Law No.2 (Miscellaneous Subordinate Local Laws) 2017*.

Section 32 of the *Local Government Act 2009* enables Council to adopt consolidated versions of the local laws to incorporate such amendments.

This report attaches the proposed consolidated Subordinate Local Laws - see Appendix 1 and 2 - and proposes that Council adopts those consolidated versions which incorporate the recent amendments.

**DISCUSSION****(i) Adopting Consolidated Local Laws**

A consolidated version of a local law or subordinate local laws is a document that accurately combines a Local Government's local law, as it was originally made, with all the amendments made to the local laws since the local law was originally made.

- (i) *Subordinate Local Law No.1 (Administration) 2016; and*
- (ii) *Subordinate Local Law No.3 (Community and Environment Management) 2016.*

This includes the amendments to the Local Laws made to date.



**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 Cook Shire Local Government area in accordance with good governance and balancing community expectations.
- The relevant legislative considerations are as follows:-
  - (a) *Local Government Act 2009* – section 32

**POLICY IMPLICATIONS**

The adoption of consolidated subordinate local laws is in accordance with the principles of Local Government.

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

NIL

**RECOMMENDATION**

It is recommended that Council resolve to Adopt Consolidated versions of:-

- (i) *Subordinate Local Law No.1 (Administration) 2016;* and
- (ii) *Subordinate Local Law No.3 (Community and Environment Management) 2016.*

**15.3 APPLICATION FOR A DEVELOPMENT PERMIT - DA/3714 RECONFIGURATION OF LOT 6 SP270844, LOCKHART RIVER ROAD LOCKHART RIVER INTO THREE (3) LOTS.**

**File Number:** D17/11906  
**Author:** Reel Planning Pty Ltd  
**Authoriser:** Tim Cronin, Chief Executive Officer  
**Attachments:** 1 Appendix A DA/3714 - Proposal Plan  
2 Appendix B - Figures 2, 3 and 4

**PRECIS**

**Applicant:** Statewide Survey Group  
Unit 3- 123 Link Road  
VICTORIA POINT QLD 4165

**Owner:** Edward Huybers

**Location:** Lockhart River Road, Lockhart River

**R.P.D.:** Lot 6 on Plan SP270844

**Area:** 91.02 Hectares

**Zone:** Rural

**Proposed Use:** Development Permit for Reconfiguring a Lot (1 into 3 lots)

**Referral Agencies:** None

**REPORT**

The application was received by Council as a valid application on 30 January 2017 with the applicants request for the issue of a Development Permit for Reconfiguring a Lot for subdivision (1 into 3 lots).

On 13 February 2017 Council issued an information request seeking an ecological assessment, noting the identification of the site on Council's Biodiversity Overlay in the 2017 Planning Scheme. The request also sought confirmation on whether there was bitumen frontage to the site.

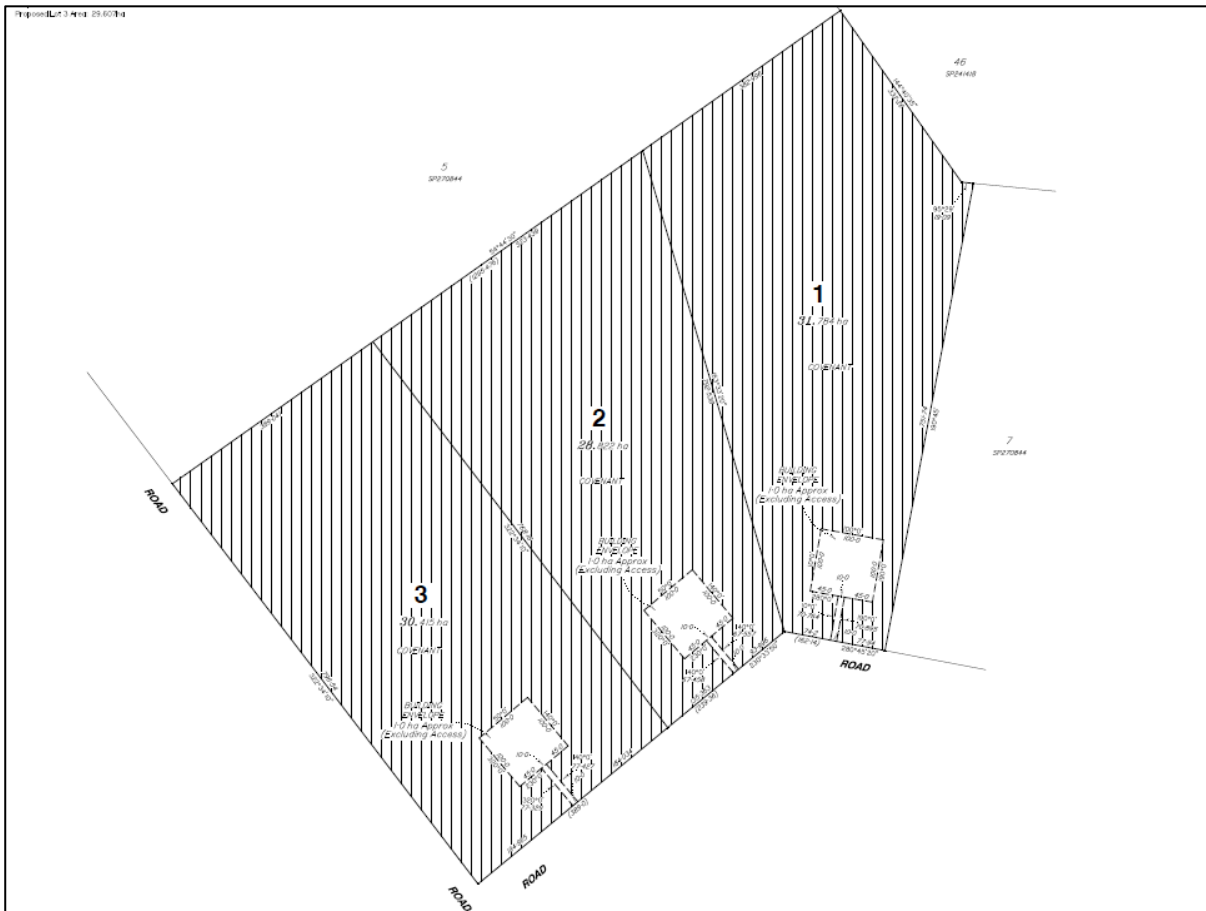
The applicant responded via a letter dated 4 April 2017 which stated:

- The Building Location Envelope for the three lots was reduced from an area of 2 hectares to 1 hectare in order to protect the site's biodiversity areas. An ecological assessment was not provided.
- The Lockhart River Road frontage is bitumen sealed.

A further Information Request letter was issued by Council on the 18 May 2017 which again requested the submission of an ecological assessment. The applicant responded via correspondence dated 9 August 2017 which included a response to the Biodiversity Overlay Code in the 2017 Planning Scheme but did not include any formal ecological assessment. This is discussed later in this report.

**PROPOSAL**

The application is for a Development Permit for Reconfiguring a Lot (1 into 3 Lots) seeking to create two (2) additional allotments. The three proposed lots have areas of 28.822 hectares, 30.415 hectares and 31.784 hectares and each contain a building envelope of approximately 1 hectare excluding the 10m wide driveways to Lockhart River Road (refer to Figure 1).



**Figure 1: Proposal Plan**

**THE SITE**

The site is a single lot with an area of 91.02 hectares in an irregular shape. Review of aerial photography reveals that the property is covered by dense vegetation and does not contain any existing built form or access points. The site has a frontage to Lockhart River Road of almost 800m which provides access through the Iron Range National Park to the north and Lockhart River to the south east.

The property is located in close proximity to the Lockhart River Airport and approximately 6.5km from the Lockhart township. The site forms part of small area of rural zoned land with lots generally ranging from 35-94 hectares in size.

**Figure 2: Site and Surrounds** (see Appendix B)

**TOWN PLANNING CONSIDERATIONS**

**1. 2007 Cook Shire Planning Scheme**

The subject lot is located within the Rural Zone under the Cook Shire Council Planning Scheme 2007. Under this scheme, an application for Reconfiguring a Lot requires Code Assessment. The following codes are applicable to this application:

- Rural Zone Code;
- Reconfiguring A Lot Code;
- Works Services & Infrastructure Code;
- Natural Hazards Code; and
- Aviation Facilities & Operational Airspace Overlay Code

**(i) Rural Zone Code**

The overall outcomes of the Rural Code are:

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

**Response**

The proposal is considered to generally comply with these overall outcomes in that:

- The subject land is not currently utilised for agricultural or rural activities;
- The site does not represent Good Quality Agricultural Land;
- The land is not identified as Future Urban Land;
- The site is serviced by adequate road infrastructure (Lockhart River Road);
- The proposal is for a residential use which is not located in close proximity to an intensive rural activity;
- The subdivision is considered to have a limited impact on the site’s scenic values as clearing of vegetation will largely be internalised or screened from the road frontage. It will also have limited impact on the rural character of the land;
- Intensive rural activities are not proposed; and
- The site is not in proximity to existing or known extractive industries.

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

Performance Criteria	Proposal Compliance
Land Use	
<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 results in allotments which do not meet the minimum lot size in the Rural zone as specified in the associated acceptable solution. The proposal conflicts with the performance criteria on the basis that the use is not primarily rural in nature, is not complementary to an existing rural use and does not have a necessary

Performance Criteria	Proposal Compliance
	and direct connection to the wider rural community.
<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 proposed as part of this application.
<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.
<b>Protection of Extractive Resources</b>	
<b>PC 6</b> Existing extractive industry operations and known resource bodies are protected from the encroachment of incompatible land uses.	The existing lot is not near an existing or known extractive resource.
<b>Erosion Prone Land</b>	
<b>PC 7</b> In an Erosion Prone Area, there are no adverse impacts on habitat, soil cover or water quality and no significant threats to public safety, infrastructure integrity or the economic value of the Erosion Prone Area.	The site is not in an erosion prone area.
<b>Watercourse Protection</b>	
<b>PC 8</b> Where land uses or works occur adjacent to wetlands and/or watercourses identified on the Watercourses and Wetlands maps, there are no significant adverse effects on: <ul style="list-style-type: none"> <li>▶ Water quality;</li> <li>▶ Ecological and biodiversity values; or</li> <li>▶ Landscape quality.</li> </ul>	The site is not located adjacent to an identified watercourse or wetland.

Performance Criteria	Proposal Compliance
<b>Acid Sulfate Soils</b>	
<p><b>PC 9</b> Natural or built environments and human health are not harmed by the production of acid leachate resulting from disturbance of potential and/or actual acid sulfate soil by:</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) to prepare a management plan dealing with State Declared or environmental pest plants.</p>

### (ii) Reconfiguring a Lot Code

The overall outcomes of the Reconfiguring a Lot code seek to achieve the following:

- New lots are to be suitable for their intended use and appropriately designed and sited given the local landscape and topography;
- The layout represents an efficient use of the land;
- Suitable areas of public open space are provided in association with new lots;
- Reconfiguration does not impact on the Shire's water resources;
- The long term productive use of good quality agricultural land is not compromised; and
- The road design provides for the convenient and safe movement of people and vehicles.

### Response

The proposal is considered to only partially comply with these overall outcomes in that:

- The proposed lots are located in an area known to be ecologically significant and the applicant has not demonstrated that the proposal can occur without causing adverse ecological impacts. The proposed lots are therefore considered inappropriate having regard to the local landscape and topography;
- The proposed subdivision represents an efficient use of land in so far as the lots are a suitable size for rural living purposes;
- A subdivision of this size does not warrant provision of public open space;
- The subdivision will not adversely impact on the Shire's water resources;
- The land is not identified as Good Quality Agricultural Land; and
- Access can be conditioned to provide for the convenient and safe movement of people and vehicles.

The following parts of the Subdivision Code are relevant to the assessment of the application:

**PC1- Land configuration – 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 unviable units, unless over-riding public benefit can be demonstrated.

The proposed lots fall below the minimum lot size of 100 hectares specified as an Acceptable Solution, so an assessment against the Performance Criteria is required.

The proposal is considered to comply with the Performance Criteria on the basis that:

1. The proposed end use of the lots is residential and they have sufficient area and dimensions to accommodate a House and associated infrastructure. They therefore have adequate area and dimensions for their intended purpose.
2. The site is not identified as GQAL, so none will be lost as a result of this application.

**PC2 - Subdivision Design** – PC2 requires practical access to the external road system. In this case proposed Lots 1, 2 and 3 are provided with a driveway access to Lockhart River Road so comply with the Performance Criteria.

**PC8- Public Open Space** –No dedication is warranted as part of this application.

#### (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 located outside of Council's reticulated water area. In this case the site is not within the reticulated water area and if approved, the decision can be conditioned to ensure that each lot provide an appropriate water tank supply.
- PC3 deals with the appropriate treatment and disposal of sewerage. As the site is located outside of Council's reticulated sewerage area, if approved a condition can be applied which ensures that each lot provides an on-site sewerage treatment facility, prior to the issue of a Plumbing and Building Works approval.
- PC6 requires that land is provided with a suitable electricity supply. Given the site's rural location, if approved, a condition of approval can be applied to ensure that each lot has an individual electricity supply.
- PC8 deals with upgrading the road frontage and access. As stated in response to the Reconfiguring a Lot code, the proposed plan provides each lot with a driveway crossover to Lockhart River Road. If approved, the provision of an appropriate access can be conditioned to ensure the relevant Council standards are achieved.

#### (iv) Natural Hazards Code

The overall outcomes for the Natural Hazards Code seek to ensure that development is compatible with natural hazards in affected areas of the Shire, with any potential impacts minimised to ensure that development does not materially increase the extent or the severity of natural hazards. In this case there are no identified landslide, flooding or storm surge hazards affecting the site. However, bushfire is considered as a potential threat to the site (given the area's high density of vegetation, notwithstanding it is a rainforest community). If approved,

conditions of approval can be applied to ensure best practice bushfire management procedures (including appropriate setbacks) can be conditioned.

**(v) Aviation Facilities & Operational Airspace Overlay Code**

The overall outcome for the Aviation Facilities & Operational Airspace Overlay Code seeks to avoid any adverse effects on the safety and efficiency of operational airspace and the function of aviation facilities. In this case, the proposed development is located outside of the Lockhart River Airport Non-Directional Beacon (NDB) 500m buffer. Furthermore, the nominated building envelope areas are situated more than 500m from any part of the Lockhart River Airport site. A full assessment against the overlay code is therefore not required.

**2. Cook Shire Planning Scheme 2017**

The application entered the decision period when the applicant responded to Council's information request on 4 April 2017. Section 317 of the *Sustainable Planning Act 2009 (SPA)* states that Council can give weight (it is satisfied is appropriate) to a planning instrument that comes into effect after the application is made but before it enters the decision stage. The Cook Shire Council Planning Scheme 2017 took effect on 1 February 2017 and accordingly is a relevant consideration in the assessment of this application.

The site is included within the Rural Zone under the 2017 Scheme. An application for Reconfiguring a Lot is Impact Assessable where it results in lots with an area of less than 100 hectares as is the case here. This means that the proposal is assessable against the entire Planning Scheme, including the strategic framework. Notably, the site is also identified on Council's Biodiversity Overlay as being within a Wildlife Habitat Area and Regulated Vegetation Area (refer Figure 3). The planning scheme mapping is based on the State Planning Policy mapping (refer figure 4).

The authors of this report have contacted an ecologist with considerable experience working on Cape York and in particular the Iron Range National Park and environs. He has confirmed that this land would be reasonably expected to contain ecosystems of high conservation value providing habitat to various threatened and rare species of flora and fauna.

**Figure 3:** 2017 Scheme – Biodiversity Overlay Extract (see Appendix B)

**Figure 4:** State Mapping Extract (see Appendix B)

The proposal seeks to create three lots for rural 'lifestyle' purposes. This concept is acknowledged in the strategic framework as follows:

- (2) *Lifestyle choice for urban living, rural living, remote rural and coastal living and Traditional Owners living on country is provided. Development respects the lifestyle and amenity of these communities and where possible improves resilience and self-sufficiency. (section 3.4.1(2))*

The importance of the environment is also acknowledged through the strategic framework as follows:

**3.5 Environmental Wellbeing**

**3.5.1 Strategic outcomes**

- (1) *Development avoids significant adverse impacts or mitigates significant impacts where they cannot be avoided.*



(2) *Areas of environmental significance are protected and enhanced. Where development occurs within or adjacent to these areas, it is designed, located and constructed to minimise disturbance to the natural landform, ecology and wildlife habitats.*

#### 3.5.1.1 Specific outcomes

(2) *Development protects and enhances other areas of environmental significance including:*

...

- (c) *Areas of known rare and threatened species; and*
- (d) *Ecological linkages and buffers for continuity of habitat.*

This theme flows through to the Rural Zone code which includes the following statement, forming part of the purpose of the code:

(1) *The purpose of the rural zone code is to:*

...

- (b) *provide opportunities for non-rural uses that are compatible with agriculture, the **environmental features**, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- (c) ***protect or manage significant natural features**, resources, and processes, including the capacity for primary production.*

The purpose of the Reconfiguring a Lot code recognises that lots must be appropriately designed having regard to the landscape and topography. PO12 of the zone code relates to Rural Lifestyle allotments and seeks that lots have a sustainable level of impact on the natural environment having regard to natural habitat.

The purpose of the Biodiversity Overlay Code seeks to avoid development in biodiversity areas and minimise the adverse impacts of development on biodiversity. These themes flow through the code.

#### **Lot Size**

The lots are below the minimum lot size for the Rural Zone under both the 2007 and 2017 Planning Schemes. Council has in the past allowed for rural subdivision at the lot sizes proposed, however each application has been assessed on its merits using a 'first principles' consideration of matters such as:

- Impacts on existing rural industries (including 'reverse amenity' considerations);
- Consistency with the surrounding subdivision pattern;
- Whether the land is identified as GQAL and whether a viable agricultural unit can be established;
- Whether the land is subject to natural or man-made hazards; and
- Whether the land has any environmental significance.

It is relevant to note that in 2012 Council permitted the subdivision of this land into 10 lots, all below the minimum lot size (refer DA/3035). The departure from the minimum lot size of 100ha was justified having regard to the existing division of the lot by Lockhart River Road and the opportunities for large residential house sites within easy driving distance of Lockhart River. It is also noted that 7 of the 10 lots were 91ha or over (so only marginally below the minimum lot size) and the remaining 3 contained existing cleared areas or were divided by Lockhart River Road.

In this case the proposal seeks to further subdivide the land into lots of approximately 30ha in size in circumstances where:

- There are no lots in proximity of the site of similar size;
- The land is on the edge of the Iron Range National Park, is heavily vegetated and is identified on Council and State mapping as having ecological significance;

- Council's 2017 Planning Scheme (which has been in force for 6 months and is a relevant consideration in the assessment of this application) seeks that important ecological areas are avoided and protected;
- The application will result in over 3ha of clearing in circumstances where only 1ha is likely to be cleared if the land is held in single ownership; and
- The applicant has been repeatedly offered the opportunity to demonstrate that the proposed development will not cause a significant environmental impact, but has declined to provide any meaningful assessment or further justification to demonstrate compliance with the relevant assessment framework.

### 3. Referral Agencies

No referrals were triggered by this application.

### 4. Public Notification

The application is code assessable and does not require public notification.

[Type here](#)

## RECOMMENDATION

That the application by Statewide Survey Group for the Reconfiguration of Lot 6 SP270844 into three (3) lots be refused based on the following grounds:

1. The applicant has not demonstrated that the proposal will avoid and/or limit adverse impacts on the known environmental values of the site;
2. The proposal conflicts with the 2007 Planning Scheme for Cook Shire, specifically:
  - (a) The Rural Zone Code; and
  - (b) The Reconfiguring a Lot Code.
3. The Proposal Conflicts with the Cook Shire Council Planning Scheme 2017, specifically:
  - (a) The Strategic Framework;
  - (b) The Rural Zone Code;
  - (c) The Reconfiguring a Lot Code; and
  - (d) The Biodiversity Overlay Code.
4. There are not sufficient grounds to overcome the conflict.

**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 Delegation to CEO for Provision of Views**

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 Employee Reimbursement Policy for Travel Expenses 2017 - Version 7. Expenses to be Substantiated by Receipt.**

This matter is considered to be confidential under Section 275(c) 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 the local government budget.

**16.4 Request for building permit extension.**

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

**17 EXECUTIVE SERVICES - INFORMATION**

Nil

**18 INFRASTRUCTURE SERVICES - INFORMATION****18.1 BIOSECURITY MONTHLY REPORT - AUGUST 2017****File Number:** D17/11753**Author:** Biosecurity Officer**Authoriser:** Robert Uebergang, Director Infrastructure Services**Attachments:** Nil**PRECIS**

Report on the activities of the Biosecurity Services unit for period 7 July to 10 August 2017.

**BACKGROUND/HISTORY**

Biosecurity Services undertake invasive species management in accordance with the *Biosecurity Act 2014*, the Cook Shire Council Pest Management Plan 2017-21, and the Biosecurity Services Operational Plan 2017-18.

**LINK TO CORPORATE PLAN**

DEVELOP STRATEGIES TO ENSURE A COORDINATED APPROACH TO THE MANAGEMENT AND CONTROL OF PESTS, WEEDS AND FERAL ANIMALS AND OTHER BIOSECURITY THREATS.

Env 4a. Biosecurity Plan goals and objectives/plan priorities are resourced and implemented  
by investigation of all available options.

**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**

- Facilitated adoption by Council of the *Cook Shire Local Area Biosecurity Plan 2017-2021*.
- Developed 2017-18 Biosecurity Services Operational Plan.
- Attended Wildlife Management and Stewardship Policy meeting
- Attended Yellow Crazy Ant taskforce in Cairns as part of commitment to FNQROC regional co-operation within the field of natural asset management.
- Inspected Hymenachne within the Annan River reservoir, currently investigating a suitable herbicide with which to treat the infestation.
- Surveyed and mapped gamba grass on the Peninsula Development Rd south of Coen with intention to incorporate within 2017-18 Main Roads contract.
- Provided advice Main Roads with advice on how to best manage weed hygiene on the Peninsula Development Rd upgrade site north of Myall Creek that is covered with gamba grass.
- Assisted Department of Agriculture and Fisheries researchers obtain sicklepod seeds for pre-emergent herbicide trials.
- Treated Giant Rat's Tail grass on road reserve approximately 2 km south of Portland Roads.
- Commenced drafting of a Cook Shire Local Area Gamba Grass Action Plan.
- Attended Orange Wingstem Daisy field day held by the Department of Environment and Heritage Protection.
- Organised IPAAC meeting to be held in Coen on the 16<sup>th</sup> August 2017.
- Provided 1080 services to Bramwell Station.
- Actively running pig trap on Hope Street on behalf of landholder with limited means to do the same.

**CUSTOMER REQUESTS**

- 2 requests for destruction of feral pigs caught in traps (completed)
- 2 requests for weed identification (completed)
- 1 request for possible parthenium infestation south of the Jeannie River to be investigated (pending)
- 1 request for weed control on Council owned road (completed)
- 1 request for possible gamba grass infestation on Roberts Rd to be investigated (completed)
- 2 requests for feral pig control in Lakeland (investigation into implementation of local 1080 program underway).

**RECOMMENDATION**

That the information be noted.

**18.2 NDRRA 2017 STATUS REPORT**

**File Number:** D17/11801  
**Author:** Project Engineer  
**Authoriser:** Robert Uebergang, Director Infrastructure Services  
**Attachments:** 1 NDRRA Aug 2017 Status Report

**PRECIS**

Report to provide status of NDRRA works.

**BACKGROUND/HISTORY**

Monthly report prepared for Council to outline the status of NDRRA works to reconstruct road infrastructure pursuant to weather events in February 2017.

**LINK TO CORPORATE PLAN**

Council's Corporate Plan 2017-22 provides link to NDRRA works under ***Eco 3. Undertake the management of Council's assets in accordance with sound practice to ensure infrastructure networks are maintained, renewed and upgraded to maximise long term benefit to all.***

**CONSULTATION**

Road Committee, Infrastructure Services.

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

Refer report attachment and 2017-18 capital works budget.

**RECOMMENDATION**

That the information be accepted.

**19 CORPORATE SERVICES - INFORMATION**

Nil



**20 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - INFORMATION****20.1 DEVELOPMENT, ENVIROMENT AND COMMUNITY JULY 2017 REPORT**

**File Number:** D17/10959  
**Author:** Administration Events Officer  
**Authoriser:** Lisa Miller, Development Coordinator  
**Attachments:** Nil

**PRECIS**

Department of Community and Economic development update and information update for the month of July 2017.

**TOURISM REPORT**

- Attended Port Douglas with Peter Scott and Kate Ham (Wujal Wujal Shire Council) for the Federal Tourism Enquiry into Developing Tourism in Northern Australia.
- Attended Queen's Baton Relay, Chamber of Commerce, Great Inland Way and VIC Advisory Committee meetings.
- Reviewed the Signage Audit and developed a plan to order new tourist attraction and direction signs for Cooktown.
- Liaised with the Bloomfield District and Resident's Association regarding their new Welcome to Ayton town signs.
- Liaised with Paykel regarding Cooktown 2020 activities for the remainder of 2017.
- Finalised the new Swimming Pool agreement with the Cooktown State School.
- Liaised with new tourism operator – Jarramali Rock Art Tours (based near Laura).
- Finalised the design for the new front counter for the Cooktown Library.

**LIBRARY REPORT**Cooktown Library:

Cooktown library is getting a facelift. New front counter plans were finalised this month and it is booked to be installed at the end of August, library will close Thursday 31 August lunchtime and re-open on Monday as usual.

Bloomfield Library:

First Five Forever story time is attracting more parents with children 0-5 to come to the library on Wednesdays.

**SWIMMING POOL REPORT**

Water temperature is still a little cool for many private swimming lessons however a brave 6 turned up this month (23 degrees as one point) as well as this swim numbers are down due to the temperature of the water.

Trialling the low patronage mode use of the pool, as per Royal Life Saving GSPO92 guidelines, patrons are starting to realise we are open longer hours Tuesday to Friday with increased attendance.

Kiosk has a new menu including cheese toasties, banana bread and raisin toast.

#### ECONOMIC AND DEVELOPMENT REPORT

- Working on a couple of project plans for upcoming grants
- Working alongside Sally and Amber on Discovery Festival 2018 and Cooktown 2020

#### EVENTS REPORT

- Attended the 2020 Advisory Committee meeting
- Working to develop both 2018 Discovery Festival and Cooktown 2020 Festival with Sally and Natalie
- In the process of finalising Event Plan for Queens Baton Relay
- Began planning and organising the Cooktown Community Swimming Pool's 25<sup>th</sup> Birthday Calibration

#### LOCAL LAWS/ ANIMAL CONTROL/ WHARFRINGER REPORT

- Registration has been ongoing this month with animals impounded and newly registered within the month.
- The Wharf has seen some new boats enter the area with expectations of returning to use the Cooktown Wharf services again.
- Several abandoned vehicles have been moved on by their owners after Notice of Impoundment were issued, saving Council Impounding and Towing Costs.
- Feedback from the community regarding the RV site, has indicated that people are pleased with the overflow RV area as a point of call until they can secure a site at the local Tourist Parks. RV owners have been reminded to keep dogs on a leash at all times and to avoid the Race / Turf Club area.

#### ENVIROMENTAL HEALTH REPORT

- Monitoring compliance at Laura Races and Rodeo and Laura Dance Festival
- Several nuisance complaints
- Updating cemetery records
- Getting quotes for Bloomfield cemetery feasibility study and the wall for cremated entombment.

#### PLANNING AND DEVELOPMENT REOPRT

Application No:	Estimated Cost	Building Type	Town	Certifier
DA/3733	\$15,000	Building Removal	Cooktown	Cook Shire Council

<b>DA/3734</b>	\$55,000	House Resite	Cooktown	Cook Shire Council
<b>DA/3793</b>	\$42,800	Shed	Cooktown	Northern Building Approvals
<b>DA/3811</b>	\$162,373	Cyclone Shelter	Lizard Island	Baker Building Certification

**Total value of approvals this period: \$275,173.00**

Total value of approvals same period last year: \$923,645.00

**Total value of approvals to date**

**(Financial year 2017/2018): \$275,173.00**

Total value of approvals to date same period last year: \$923,645.00

**Planning Development Applications lodged in July 2017**

<b>DA/3796</b>	<p><b>Reconfiguration of a Lot – 1 into 2 lots</b></p> <p>Code Assessable</p> <p><b>Referral Agencies</b></p> <p>DTMR -</p>	<p>Lot 4 on MPH22174</p> <p>25 Taylor Street, Coen</p>
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**RECOMMENDATION**

That the information be noted.

**20.2 SUMMARY REPORT ON THE HISTORY OF THE BLOOMFIELD WHARF AND THE COMMUNITY ASPIRATIONS FOR THE WHARF AND SURROUNDING AREA**

<b>File Number:</b>	<b>D17/11930</b>
<b>Author:</b>	<b>Development Coordinator</b>
<b>Authoriser:</b>	<b>Tim Cronin, Chief Executive Officer</b>
<b>Attachments:</b>	<b>1 Appendix A - Ayton's Waterfront Future</b>
	<b>2 Appendix B - Bloomfield Wharf Letters of Support</b>
	<b>3 Ayton Wharf Stage 1</b>
	<b>4 Ayton Wharf Stage 2</b>
	<b>5 Ayton Wharf Stage 3</b>
	<b>6 Ayton Wharf Stage 4</b>

**PRECIS**

The purpose of this report is to provide Council with a short summary of the history of the Bloomfield Wharf and to document the local community's aspirations for the wharf to be transferred to public ownership and its ultimate upgrading. The report is for information purposes only.

**BACKGROUND/HISTORY**

Ayton Wharf is located on freehold land described as Lot 26 on Plan SR750 with Trailfinders Pty Ltd as the registered owner of the land. This freehold tenure was issued on 1 November 1984 to Nita Susan Simms, and was previously held as Special Lease 34969 for business purposes.

Lot 26 is 3129sqm in area. It is irregular in shape and is bisected by road reserve (an un-named and un-constructed road). It is improved with a wharf, gravel boat ramp and storage shed for vehicles and equipment.

Practical access from the Rossville-Bloomfield Road to the wharf and boat ramp is achieved through Lot 1 on A3024 and across the un-named road reserve. Lot 1 is triangular in shape and 5169sqm in area. It is heavily vegetated in part and is improved with a fuel storage tank, old sheds and equipment from previous timber mill as well as two gravel driveways.

Pedestrian access to the waterfront is possible from Broadway Street via the unnamed road and "Ralph's steps" without traversing Trailfinder's property. The route is however subject to tidal influence and dangerous because of the potential crocodile threat.

Accessed via Broadway Street, adjacent to Ayton Wharf (Lot 26 on SR750) and unnamed road the wharf was, until recently, used to ferry guests, staff and goods in association with the Bloomfield Wilderness Lodge (the Lodge), located on Lot 102 on SP250034 in the Douglas Shire. The Lodge is currently in management and maintenance while it (and associated tenures (including the wharf and Lot 1) owned by Trailfinders P/L) are listed for sale. It is understood the wharf site may be listed for sale separate from the Lodge site (that is, they could be sold separately).

Trailfinders Pty Ltd has not restricted public access to the wharf; however, it is understood they do wish to restrict vehicle access to the site. It should be noted that the continued public use of this private wharf is at the discretion of the registered owner.

The Ayton Wharf Working Group was formed in 2014 following a public meeting held by Cook Shire Council in Bloomfield on 22 November 2014. The working group was tasked with formulating a proposal for Council's consideration that was representative of residents' views.

At the public meeting in Bloomfield, Trailfinders Pty Ltd representative, Clive Abbott presented a proposal regarding the future development of the Ayton Wharf area. The proposal included the registration of a covenant over Trailfinders freehold property, which would provide public pedestrian only access (not vehicular) to the wharf. This proposal was rejected by the meeting.

**THE SITE**

Set out below are maps and images showing cadastral boundaries and road reserves overlaid on aerial photography.



Figure A: The site in its context



Figure B: The two titles owned by Trailfinders P/L.

Under the Cook Shire 2017 Planning Scheme Lot 26 on SR750 is zoned Industry, reflecting its historic saw milling associated use. Lot 1 is included in the Environmental Management and Conservation Zone.

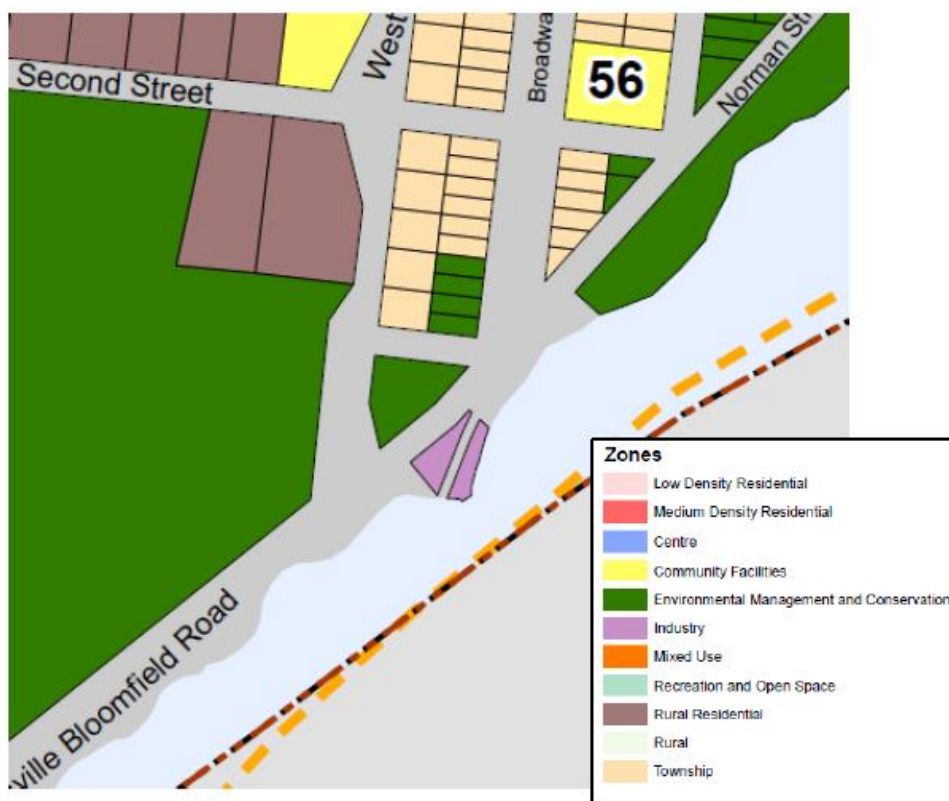


Figure C: 2017 Planning Scheme Extract

## **COMMUNITY ASPIRATIONS**

The Ayton Wharf Working Group has produced a report 'Ayton's Waterfront Future', dated August 2015. This is attached as **Appendix A**. Letters of support from the local community are included as **Appendix B**. The report details the history of the wharf, as well as identifying a number of community aspirations, including safe, all-weather boating access to Ayton from Bloomfield River and associated infrastructure (i.e. parking and vehicular access). This facility would be used by community members of three shires: Cook, Douglas and Wujal Wujal.

Specific users/activities identified in the report include:

- Bloomfield Wilderness lodge (Transfers of guests and staff and transportation of goods and waste)
- Traditional owners (recreation, culture and fishing)
- Residents from Ayton and Bloomfield – Cook Shire (fishing, recreational, access to moored vessels, mobile coverage)
- Residents in Degarra/living on the coast south of the Bloomfield – Douglas Shire (temporary mooring of boats, access to shopping facilities, access during flood and emergency events)
- Jabalbina Yalanji Corporation (Access to protected areas)
- Wujal Wujal Community Care (Access for wheelchair bound patients/ pick up point for elderly clients to do shopping)
- Emergency situations (medical evacuations, voluntary coast guard access point, maritime disasters)
- Visiting boating community community/ Tourists (Deep water landing, sheltered from currents, sightseeing and tourism opportunities)
- Commercial fishing boats, charters, cruising and barges (Unloading of larger vessels and a landing place for barges).

The working group also sees potential in a precinct being established in the immediate area that would include: signage and tourist information, toilets, etc. The precinct is seen as an opportunity to promote Ayton and surrounds, and could provide economic stimulus to the area. An access pathway from the wharf to the township of Ayton needs to be improved.

In the long term, both commercial and private uses of the area are envisaged by the working group.

The Ayton community is therefore seeking a safe, multi-purpose public wharf and boat ramp facility for boats and dinghies to moor, be launched and retrieved and for loading/unloading, etc. with unrestricted vehicle access.

The public boat ramp upstream does not provide a safe or practical alternative for many of the community's needs.

A development plan/vision needs to be created for the whole area (Ayton Wharf) including the recreation reserve which runs along the river to the boat ramp<sup>1</sup>. Basic amenities should be put in place for the area to become a vibrant hub for tourists, the general boating public and locals from across the three shires.

As a starting point, there has been some very preliminary concepts prepared for the wharf and immediate environs by a member of the Ayton community experienced in civil construction. These were requested as an outcome of a meeting with Council officers and have not necessarily been endorsed by the Ayton Wharf Working Group. These plans have been enhanced through Reel Planning's GIS capabilities. They are useful to assist in Council's appreciation of how the site could be developed as a public facility. They are included in Appendix 'C'.

#### **DEPARTMENT OF TRANSPORT AND MAIN ROADS (DTMR)**

DTMR has previously commissioned GHD to undertake a demand forecasting study for Cook Shire. The report, titled 'Queensland Recreational Boating Facilities Demand Forecasting Study 2016, Cook Shire Council Assessment' (December 2016), made the following comment in relation to facilities at Ayton:

*"The provision of a public landing at Ayton to replace the private landing is supported on safety grounds, however is not justified in demand terms, with only a small number of Douglas Shire, Wujal Wujal Shire, and Cook Shire residents using the facility. The provision of a pontoon may be considered as part of any future works at the Ayton boat ramp."*

<https://www.tmr.qld.gov.au/Projects/Name/R/Recreational-boating-facilities/Recreational-Boating-Facilities-Demand-Forecasting-Study-2016>

It would appear that this study failed to address the broader community demand for the wharf identified by the Ayton Wharf Working Group.

DTMR is currently undertaking a hydrographic study of the Bloomfield River. This study will consider the current siting of the existing boat ramp and any future maintenance or relocation (including siting and orientation) of this facility. This study would also inform the most appropriate location for a future pontoon.

On August 10 2017 DTMR confirmed that the hydrographic data has been gathered from the Bloomfield River. It is currently being processed and should be available in October. It will be provided to Council for general use, including in a potential bid for grant funding assistance. DTMR has advised they remain on schedule to do their desktop feasibility study by March 2018.

DTMR has confirmed the following in email correspondence:

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<sup>1</sup> It should be noted that the community believes the surrounding tenure of the Ayton Wharf should be Community Reserve. This is not the case. The surrounding tenure of the Ayton Wharf is road and watercourse. There is no Reserve adjacent to the Wharf.



*“ As discussed TMR is not able to assess the condition of the existing wharf in the Bloomfield as it is not owned by TMR.*

*It would be unlikely for TMR to contemplate a capital (TMR-owned) pontoon off an existing aging structure.*

*It would seem a better idea (for any party) to simply have a longer gangway coming off a new abutment somewhere along the shoreline.*

*However, if the land tenure for the existing wharf were changed back to public sector ownership (freehold to council, road, or reserve) and the existing wharf was proven to be good for 50 years as an abutment, then maybe it would be possible for a landing there.*

*TMR’s main interest in the study is to look at the future of its Ayton boat ramp. And to provide the survey/study to council for council consideration of a future pontoon.*

*You will have seen from the recent demand forecasting study (link below) that the demand in the Bloomfield area puts a pontoon at a relatively low priority for TMR capital investment vis-à-vis the rest of the state.*

*If council, after the study is completed, chooses to request TMR capital funding for a pontoon then it will certainly be put into the statewide ‘queue’ for capital funding priority over the next few years.*

*If earlier action is needed, it may be a council project – with or without grant funding assistance from TMR or other sources.*

*Not forgetting other state and federal funding programs for regional projects.”*

DTMR have advised that funding is available to local authorities for structures such as pontoons; however, assistance is only available for the recreational component of any facility. They do not fund for any commercial component. Indicative costs for a pontoon are in the vicinity of \$300,000 - \$450,000, and the facility would be Council’s asset. Council would need to submit a project proposal to DTMR for consideration. Council could engage a private company to design and install a pontoon on its behalf. However, DTMR has advised that costings should not be obtained prior to the hydrographic survey being completed, as this survey will assist with the technical requirements of the pontoon.

### **THE WAY FORWARD**

The Ayton Working Group has identified the following solutions:

1. Existing Ayton Wharf options:
  - a. The purchase of Trailfinders’ two freehold blocks of land (by either the State Government, or as a collective action by the three Councils – Cook, Douglas and Wujal Wujal).
  - b. Trailfinders could be approached to see if they would gift some of the land back to the community.
  - c. Covenants could be registered over Trailfinders freehold parcels to allow continued public access to the wharf.
2. Either the construction of a walking track / boardwalk along Broadway Street into Ayton; or an upgrade / construction of a walking track / footpath on the main road (West Street) from First Street.
3. A new wharf/pontoon could be built upstream of the present wharf.
4. A floating pontoon could be positioned in the wharf area, off Ralph’s Steps.

5. Establishment of a precinct based on the existing wharf that includes amenities (parking, toilet facilities, interpretive signage, boardwalks, etc...). The precinct could be used by commercial operators, emergency service providers as well as the general public. The area would be maintained by Council, including rubbish removal. This precinct would require both the freehold parcels of land, as well as adjoining lands (currently identified by the working groups as roads and reserves), and improved linkages to the township of Ayton.

#### Comment

A critical step in the process of acquiring the wharf and environs is confirmation on the inherent suitability of the wharf and boat ramp from the outcomes of the DTMR hydrographic study that is presently underway.

If one assumes a positive finding from this modelling process and that it can be established it is in the best interests of the community to relocate the existing boat ramp and acquire the site and establish an integrated wharf and boat ramp facility, then it would then be appropriate to undertake an assessment of the structural stability of the existing wharf (with the Trailfinder's agreement) to confirm the adequacy of existing improvements to meet the needs of a public wharf facility. This will also establish the extent of investment required to establish the overall facility.

Decision can then be made about avenues available to acquire the land. In this respect, based on the options in point 1 above, we make the following observations:

#### **a) Ayton Wharf purchased by agreement**

Freehold land needed for community purposes can be purchased by local governments or government agencies through agreement with the registered owner of the land. This would require negotiation of a purchase price, and preparation and lodgement of necessary transfer documentation.

#### **b) Ayton Wharf 'gifted' to community by freehold owner**

Freehold land may be transferred to the local government with the consent of the registered owner at a price agreed to by the parties (including a nominal amount). As per above purchase by agreement option, any terms would need to be negotiated between the parties, and necessary transfer documentation prepared and lodged. This could be an approach by the 3 local governments jointly to Trailfinders to test their altruistic ambition. It may be that subject to the full needs of Trailfinders being fulfilled including enhanced visitor facilities for their guests being incorporated into the ultimate design, conversion to a public facility may be appealing.

#### **c) Ayton Wharf purchased by acquisition**

Land needed for community purposes can be acquired by constructing authorities under the *Acquisition of Land Act 1967*.

The Department of Natural Resources and Mines (DNRM) assists agencies to acquire land needed for core business activities and to ensure constructing authorities such as local governments act in compliance with legislative requirements.

Local authorities must be able to clearly demonstrate that public infrastructure is necessary and that the site to be acquired is the most appropriate, i.e. that the service need cannot practically be met by other means or an alternative location. The local authority must also demonstrate that it has used all reasonable endeavours to negotiate by agreement. Compulsory acquisition should only be used where acquisition by agreement has been unsuccessful and it can be shown that the property need is site specific and essential.

This process involves setting a value based on the highest and best use of the land which is contestable in the Land Court.

Issues to note:

The acquisition of Ayton Wharf, by either negotiation, acquisition or gifting, may not address all the aspirations of the working group. Further consideration would be needed to address issues such as: lawful vehicular access, associated infrastructure upgrades and safe mooring for dinghies and other vessels. A staging of improvements would likely occur as funds become available.

In addition, future maintenance costs would need to be considered.

For Council's information the following are the current valuations of both Trailfinder properties:

1. The current Annual Valuation of Lot 26 on SR750 is \$92,000.00 (Date of issue: 02/06/2016).
2. The current Annual Valuation of Lot 1 on A3024 is \$75,000.00 (Date of issue: 02/03/2016).

*\*The Annual Valuation is what is used for making and levying local government rates (rating valuation). It is indicative only of what could be the purchase price (through negotiation and/or acquisition). It is reasonable to assume that any purchase price would not be less than the Annual Valuation. It could be considerably more.*

As DTMR is currently investigating future options for recreational boating infrastructure on the Bloomfield River in the Ayton area, it would be prudent to wait for the finalisation of this study. This survey could provide a basis for any potential acquisition processes, as well as ensuring the best possible siting for future facilities.

**RECOMMENDATION**

It is recommended:

That the information be noted as below

- A. That Council note the Ayton Wharf Working Group report, the letters of support and the preliminary concepts for establishing an integrated public wharf, pontoon and boat ramp facility to meet the needs of the Ayton, Bloomfield and wider community.
- B. That Council wait for the findings of the DTMR hydrographic study on the Bloomfield River before deliberating on options available for delivering an enhanced public wharf, pontoon and boat ramp facility for the area including funding options available.

Greg Ovenden

Reel Planning Pty Ltd

**20.3 COOKTOWN 2020 ADVISORY COMMITTEE MEETING MINUTES - TERMS OF REFERENCE**

**File Number:** D17/11835

**Author:** Administration Events Officer

**Authoriser:** Jenni James, Grants Officer

**Attachments:** 1 Cooktown Advisory Committee Terms of Reference V7  
2 Cooktown Advisory Committee Meeting Minutes - August 2017

**PRECIS**

Cooktown 2020 Advisory Committee Meeting Minutes 9 August 2017 for information, along with recommendations

**BACKGROUND/HISTORY**

The Cooktown 2020 Advisory Committee was established in 2014 to develop and coordinate the Cooktown 2020 celebrations and program of events.

**LINK TO CORPORATE PLAN**

Com 2. Develop and build on community engagement measures to encourage inclusiveness and partnerships within communities

2a) Community engagement measures are developed and implemented

Com 4. Encourage vibrant and active community participation in arts, culture and natural heritage activities to enrich lifestyle and encourage tourism

4a) Visitors and locals are attracted to arts, cultural and heritage destinations within the Shire

**CONSULTATION**

Cooktown 2020 Advisory Committee

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

Nil

**RECOMMENDATION**

That the minutes of the Cooktown 2020 Advisory Committee meeting held on 9 August 2017 be noted and the following recommendations be considered:

1. That one member of the Vera Scarth-Johnson Association be added to the Cooktown 2020 Advisory Committee