



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

**Date:** Tuesday, 13 July 2021  
**Time:** 9.00am  
**Location:** Council Chambers  
Administration Office  
10 Furneaux Street, Cooktown

## **AGENDA AND BUSINESS PAPERS**

### **Ordinary Council Meeting**

**13 July 2021**

**Linda Cardew  
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>Acknowledgement of Country</b> .....	<b>5</b>
<b>6</b>	<b>Declarations of Interest</b> .....	<b>5</b>
<b>7</b>	<b>Mayoral Minute</b> .....	<b>5</b>
	Nil	
<b>8</b>	<b>Notice of Bereavement</b> .....	<b>5</b>
<b>9</b>	<b>Leave of Absence</b> .....	<b>5</b>
<b>10</b>	<b>Confirmation of Minutes</b> .....	<b>5</b>
<b>11</b>	<b>Business Arising</b> .....	<b>5</b>
<b>12</b>	<b>Notified Motions</b> .....	<b>6</b>
12.1	Notice of Motion - Cr Ross Logan - Council-owned Freehold Land in Cooktown .....	6
12.2	Notice of Motion - Cr Robyn Holmes - Management of the Cooktown RV Rest Area .....	8
<b>13</b>	<b>Councillors' Reports</b> .....	<b>10</b>
13.1	Councillors' Monthly Reports .....	10
<b>14</b>	<b>Executive Services - Reports</b> .....	<b>12</b>
14.1	Chief Executive Officer's Monthly Report .....	12
14.2	Nomination of Special Holiday for Cook Shire in 2022 .....	13
<b>15</b>	<b>Community, Economy and Innovation - Reports</b> .....	<b>15</b>
15.1	Gateway to Cape York Sculpture Design Selection .....	15
15.2	Cooktown Events Centre Precinct Master Plan .....	18
<b>16</b>	<b>Organisational Business Services - Reports</b> .....	<b>22</b>
16.1	Request for an Extension to the Currency Period for Development Permit DA/3762 - Material Change of Use for a Place of Worship - Lot 2 on RP867046 - 16 Howard Street, Cooktown.....	22
16.2	Application for a Development Permit DA/4181 - Material Change of Use for a Transport Depot - 1774 Endeavour Valley Road, Cooktown - Lot 1 on SP102154 .....	24
16.3	Application for a Development Permit DA/4336 - Material Change of Use for Short Term Accommodation (Extension to existing Short Term Accommodation by 1 x 3 bedroom unit) - Lot 4 on CP866939 - Haggerstone Island, Coral Sea .....	40
16.4	Presentation of Audit and Risk Committee Minutes .....	53

---

16.5	Operational Plan 2020-21 - Quarterly Review - April to June 2021 (Final).....	55
16.6	Monthly Financial Report.....	57
<b>17</b>	<b>Infrastructure - Reports.....</b>	<b>61</b>
17.1	Capital Works Program 2020/21 - Quarterly Report - April to June 2021.....	61
17.2	Disaster Relief Funding Arrangements (DRFA) - Quarterly Report - April to June 2021.....	64
17.3	Great Barrier Reef Silt Reduction Projects.....	68
17.4	Lakeland Windfarm Transport Proposal for Marton Boat Ramp.....	70
17.5	Mackay Farms Proposed Land Swap at Lakeland.....	73
<b>18</b>	<b>Confidential Reports.....</b>	<b>76</b>
18.1	2020/21 Audit Interim Management Report.....	76

**1 AGENDA CONTENTS****2 ATTENDANCE****3 MEETING OPENED****4 APOLOGIES****5 ACKNOWLEDGEMENT OF COUNTRY**

On behalf of all Councillors, the Chair acknowledges the Waymburr Warra people, Traditional Custodians of the land on which we meet today, and pay respects to all Traditional Owners, past, present and emerging throughout Cook Shire.

**6 DECLARATIONS OF INTEREST****7 MAYORAL MINUTE**

Nil

**8 NOTICE OF BEREAVEMENT**

A minute's silence will be observed as a mark of respect for those residents who passed away during the previous month.

**9 LEAVE OF ABSENCE****10 CONFIRMATION OF MINUTES**

Ordinary Council Meeting held on 8 June 2021

Special Council Meeting held on 22 June 2021

**11 BUSINESS ARISING**

## 12 NOTIFIED MOTIONS

### 12.1 NOTICE OF MOTION - CR ROSS LOGAN - COUNCIL-OWNED FREEHOLD LAND IN COOKTOWN

**File Number:** D21/15540

**Attachments:** Nil

I, Councillor Ross Logan, give notice that at the next Ordinary Meeting of Council being held on 13 July 2021, I intend to move the following motion:

#### MOTION

1. That Cook Shire Council resolve to release onto the retail market, at current market values, those freehold blocks that are currently serviced (access, water, sewer and power) as soon as possible; and
2. That the revenue gained from sales be used to upgrade those blocks not currently serviced, within the Cooktown serviced area, to allow release to market; and
3. That expressions of interest be sought for identified larger parcels; and
4. And that approval be sought from the relevant Minister to allow Council to contract all Cook Shire based licensed real-estate agents to market said properties.

I commend this Notice of Motion to Council.

#### RATIONALE

Cook Shire Council is victim to a continually shrinking rateable property base yet maintains a considerable non-productive land bank in the town of Cooktown. There is a strong argument for releasing into the commercial market said real-estate to expand the Shire rate base as a first move towards becoming financially sustainable.

To continue to hoard land that has the potential to inject considerable revenue into our cash strapped economy makes absolutely no sense.

#### OFFICER'S COMMENT

The following comments are provided to assist in consideration of the Notified Motion:

##### Council policy and operational initiatives

- The disposal of Council owned land should be proceeded by an assessment of the strategic worth of the asset and its long term benefit to the community and other considerations identified in Council's Asset Disposal Policy adopted by Council on 13 October 2020.
- Council should undertake a due diligence process to determine what land is surplus to Councils needs and whether it would make "good business sense" to dispose of land at this time, the purpose for which the funds would be used and whether such disposal is in the long term, best interests of the community.
- Council's 2021-2022 Operational Plan adopted on 22 June 2021 provides for the completion of a Council Land Audit to define the use of all Council land with surplus land identified for disposal (ECO 3) by 30 March 2022.

**Legislative requirements**

The process for the disposal of Council-owned land is governed by the *Local Government Act 2009* and the *Local Government Regulation 2012*. In this case Part 3, Divisions 1,2 and 4 (sections 223, 224, 227, 228 and 236) of the Regulation dictates the steps Council must follow.

- Council must first conduct a tender (by inviting a written tender in accordance with the legislation) or auction, unless a ministerial exemption is obtained. Officer's advice to Council is that there are no apparent special considerations that would warrant a Ministerial exemption.

The legislation does not permit the appointment of a real estate agent in the first instance as a private vendor may do.

- Then, if the land is not sold by tender or auction, and depending on the circumstances (listed in section 236), Council must decide by formal resolution that one of the statutory exceptions listed may apply to the disposal.
- Council may then dispose of the land provided that the amount paid would be equal to or more than the market value of the land, including the market value of any improvements on the land.
- The regulation (section 236(5)) requires that the market value is to be evidenced by a written report about the market value of the land from a value registered under the *Valuers Registration Act 1992*.

**Current projects and resources**

- Council currently has three projects underway relating to the preparation or disposal of land:
  - a) Cooktown housing/land release project (2021-2022 Operational Plan ECO 2)
  - b) Subdivision of Cooktown Airport Airside Access blocks (2021-2022 Operational Plan ECO 3 – subject to funding)
  - c) Surplus Council land identified for disposal (2021-2022 Operational Plan ECO 3) as above.
- land.

**12.2 NOTICE OF MOTION - CR ROBYN HOLMES - MANAGEMENT OF THE COOKTOWN RV REST AREA****File Number:** D21/16503**Attachments:** Nil

I, Cr Robyn Holmes, give notice that at the next Ordinary Meeting of Council be held on 13 July 2021, I intend to move the following motion:

**MOTION**

That the Cooktown Amateur Turf Club be invited to enter into a management agreement of the Cooktown RV Rest Area until October 2022, which is to be transferred to and maintained within the grounds of the Cooktown Racecourse site, under the same operating conditions of the existing RV Rest Area for visitors with fully self-contained vehicles.

I commend this Notice of Motion to Council.

**RATIONALE**

The Cooktown Amateur Turf Club successfully ran a temporary camping area from 7 June to 27 June 2021, to support the increased visitor numbers to the Cooktown & Cape York Expo. An application to extend this temporary permit was granted from 28 June to 11 July 2021 to provide accommodation to the caravan and camping visitors to town, during the Queensland public school holidays.

This temporary permit will expire on 12 July and yet many caravan parks in Cooktown are at or near capacity with very few vacancies or vacancies that allow for the larger RV vehicles.

Visitors staying at the Racecourse are reporting that if they can get accommodation elsewhere in town after 11 July, it is only for one or two nights and in some cases, in sites not suitable for the travellers' RV or campervan.

Cooktown is still very busy and expected to be so for many more months to come. The Covid situations in South East Queensland and other states will result in more people will be travelling to North Queensland this year or wishing to remain in our region for extended periods.

To reopen the RV Rest Area would be at a cost to Council, far exceeding what is taken in donations for people staying overnight. To allow the Turf Club to take over the operation of the RV Rest Area would not only allow a not-for-profit local organisation to generate funds that are put back into the community, but would alleviate the need for Council staff to monitor, manage and maintain this site.

**OFFICER'S COMMENT**

The following comments are provided to assist in consideration of the Notified Motion:

**Operational Considerations**

- Independent research conducted by Council officers around the region has showed that there are vacancies currently available in multiple caravan and camping ground facilities.
- On the basis that the Turf Club's temporary approval expires on 11 July, Council's RV Rest Area adjacent to the Turf Club will be re-opened from 12 July.

- Consequently, larger, fully self-contained vehicles would be able to stay in Council's re-opened RV Rest Area (which can accommodate up to 40 vehicles) for up to 3 nights.
- Cooktown is a designated RV Friendly Town and, in terms of this designation, is expected to provide low cost accommodation options for fully self-contained RVs. There are a considerable number of self-contained RVs on the road in Australia that do not usually stay in a traditional caravan park and which do not need amenities. It is for these reasons that Council has established its RV Rest Area.
- If the Turf Club was to be allowed to operate as an RV Rest Area, Council officers would still be required to monitor compliance by visiting RVs. Inspections and enforcement cannot be undertaken by a community group.

### **Procurement**

- Any procurement activity undertaken by Council needs to comply with Council's newly adopted Procurement Policy. Important considerations include the requirement to ensure "that procurement decisions are ... socially responsible" and "ensuring fairness, integrity, transparency and competition".
- Council needs to ensure that any decisions made are consistent with the National Competition Policy, a key principle of which is that competitive markets will generally best serve the interests of consumers and the wider community. Caution needs to be exercised when pursuing an outcome which favours one group to the exclusion of others.

### **Legislative and Planning Considerations**

- Subordinate Local Law No. 4 (SLL4) defines a RV Rest Area as follows: "*... any areas within the local government's controlled area that the local government has erected an authorised sign permitting a recreational vehicle (RV) to park in that area ...*". As the Turf Club lease is not a local government controlled area, SLL4 would need to be amended in order to accommodate Cr Holmes' motion.
- The Cooktown Race Course is situated on Lot 42 on Plan C17936, which is currently zoned as a community facilities zone, the purpose of which is to provide for community-related uses, activities and facilities.
- Additionally, the reserve is a Trustee Reserve dedicated for the purpose of a racecourse. The Trustees have a responsibility to liaise with the State (Department of Resources) to ensure that any proposed use is in accordance with the purpose of the reserve.
- The responsible legal entities for the Racecourse Reserve are the State appointed Trustees, who are responsible for the management of the reserve and bear any legal responsibility for any activity on the site.
- The extended use of the site as an RV Rest Area would be likely to activate a requirement under the *Cook Shire Council Planning Scheme 2017* for the approval of a Material Change of Use application. This would require the written consent of the State, as the landowner, which would need to be satisfied that proposed use is consistent with the purpose for which the Reserve was created.
- Queensland for use of the site for purposes other than racing.

## 13 COUNCILLORS' REPORTS

### 13.1 COUNCILLORS' MONTHLY REPORTS

<b>File Number:</b>	D21/15191
<b>Author:</b>	Executive Assistant
<b>Authoriser:</b>	Linda Cardew, Chief Executive Officer
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1 Mayor Peter Scott <a href="#">?</a></li><li>2 Deputy Mayor Robyn Holmes <a href="#">?</a></li><li>3 Cr Peter Burns <a href="#">?</a></li><li>4 Cr John Dessmann <a href="#">?</a></li><li>5 Cr Larissa Hale <a href="#">?</a></li><li>6 Cr Ross Logan <a href="#">?</a></li><li>7 Cr Marilyn Morris <a href="#">?</a></li></ol>

#### PRECIS

Councillors' 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

*Key Strategy Priority: Governance* - Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

*Strategy 3: 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.*

*Objective 3c:* The community is kept informed and is generally well satisfied with the overall leadership and strategic direction undertaken by Council.

#### CONSULTATION

Various groups as per individual reports.

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

Nil

#### POLICY IMPLICATIONS

Councillor Expense Reimbursement Policy

#### FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Operational Budget

**RECOMMENDATION**

That the activities contained in the individual Councillors' monthly reports tabled on 13 July 2021, including future travel requirements, be noted and endorsed by Council.

## 14 EXECUTIVE SERVICES - REPORTS

### 14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT

**File Number:** D21/15190

**Author:** Executive Assistant

**Authoriser:** Linda Cardew, Chief Executive Officer

**Attachments:** 1 Chief Executive Officer's Monthly Report [?](#)

#### PRECIS

Chief Executive Officer's monthly report.

#### BACKGROUND/HISTORY

Each month the Chief Executive Officer reports on her external activities. 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

*Key Strategy Priority: Governance* - Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

*Strategy 3:* 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.

*Objective 3c:* The community is kept informed and is generally well satisfied with the overall leadership and strategic direction undertaken by Council.

#### CONSULTATION

Various groups and community members as indicated in the attached.

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

Nil

#### POLICY IMPLICATIONS

Nil.

#### FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

#### RECOMMENDATION

That the activities contained in the Chief Executive Officer's monthly report tabled on 13 July 2021, be noted and endorsed by Council.

**14.2 NOMINATION OF SPECIAL HOLIDAY FOR COOK SHIRE IN 2022**

**File Number:** D21/14726  
**Author:** Executive Assistant  
**Authoriser:** Linda Cardew, Chief Executive Officer  
**Attachments:** Nil

**PRECIS**

In accordance with the *Holidays Act 1983* local governments are invited to request special holidays to be observed during the following year for districts in their area.

Cook Shire Council is required to nominate a special holiday for 2022, by no later than Friday, 30 July 2021, to the Queensland Government Office of Industrial Relations.

Upon receiving Ministerial approval, confirmation of the approved special holiday will be sent to Council and appear in the Queensland Government Gazette.

**BACKGROUND/HISTORY**

Special holidays appointed in respect of an annual agricultural, horticultural or industrial show are both public holidays and bank holidays. Special holidays appointed for another type of event which has significance to a particular district are bank holidays only.

As Cook Shire does not currently have an annual show day event, Council has nominated the Cairns Show special holiday as its special holiday for the past five years (2017 to 2021). This is in line with several other neighbouring and regional local governments across Cape York Peninsula. Designating the Cook Shire Show Day special holiday with another is considered to be appropriate to align with the requirements of the *Holidays Act 1983*, allowing Cook Shire residents observe a public holiday to attend an agricultural show.

The Cairns Show special holiday 2022 is scheduled for Friday 15 July 2022.

In 2021, the following other local government areas all nominated the Cairns Annual Show as their chosen show day public holiday and it is expected that most if not all will be doing so again in 2022.

- Aurukun
- Hope Vale
- Kowanyama
- Mapoon
- Napranum
- Wujal Wujal

**LINK TO CORPORATE PLAN**

*Key Strategic Priority* | **Community** | A sense of common purpose, whilst retaining local diversity, with the goals and aspirations of individual communities reflected in localised strategy and planning.

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

**CONSULTATION**

Workshopped with Cook Shire Councillors.

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

Decision required to meet the Office of Industrial Relations deadline of 30 July 2021.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

Nil

**RECOMMENDATION**

That pursuant to s. 257 of the *Local Government Act 2009*, Council delegates authority to the Chief Executive Officer to request a special holiday nomination for Cook Shire in line with proposed Cairns Show Day holiday, Friday 15 July 2022.

## 15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS

### 15.1 GATEWAY TO CAPE YORK SCULPTURE DESIGN SELECTION

**File Number:** D21/15733

**Author:** Executive Assistant (CEI and OBS)

**Authoriser:** Lawrence Booth, Director Community, Economy and Innovation

**Attachments:** 1 [Lakeland Gateway to Cape York Sculpture Park - Cook Shire Sculpture Designs](#)

#### PRECIS

Concept designs for sculptures to be created and installed in the sculpture park at the Lakeland Gateway to Cape York visitor information park have been received from community members and artists.

Four concept designs have been received for Cooktown. Council is asked to consider and choose the best concept design which represents the culture and essence of Cooktown. Once the design has been selected, the chosen sculpture artist will be asked to develop the concept into a buildable design with appropriate engineering approvals. Designs have been received for other communities across the Shire, which require Council's endorsement.

#### BACKGROUND/HISTORY

Cook Shire Council, supported by the Queensland Government through the Building Our Regions program has developed a site in Lakeland as a tourist information park, called Gateway to Cape York. One of the key elements of the project is the development and construction of a sculpture park featuring community-designed public art.

The information park is a unique attraction that is intended to encourage passing travellers and tourists to stop and view the tourist information on display, and take time to understand more about the beauty and diversity of Cape York Peninsula.

Educational displays and artwork (yet to be installed) throughout the park are intended to inform and encourage responsible behaviour as people travel across the Peninsula. The purpose-designed shelter houses static displays with practical information for travellers beginning their Cape York journey.

There is information about the ecology of the Cape, plants, animals, birds and environmental issues such as littering, bush toilet etiquette, weed seed hygiene, fire hazards, waste disposal and the importance of respecting land owners' rights. The educational displays are aimed at influencing visitors' environmental attitudes and encouraging thoughtful behaviour during their stay on the Cape.

The sculpture park represents the many communities of Cape York, with the site mapped in the shape of the Peninsula. Pathways are being constructed to represent the roads across the Cape and information signs about each community have been installed in the sculpture park.

The following communities are represented in the sculpture park: Wujal Wujal, Cooktown, Lockhart River, Yintjingga (Port Stewart), Coen, Iron Range, Bamaga, Pajinka, Mapoon, Weipa, Napranum, Aurukun, Pormpuraaw, Kowanyama, Hope Vale and Laura.

**LINK TO CORPORATE PLAN**

*Key Strategy Priority:* | **Community** | A sense of common purpose, whilst respecting local diversity, with the goals and aspirations of individual communities reflected in localised strategy and planning.

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

**CONSULTATION**

Cook Shire Council has contracted an experienced public art project manager to work with all stakeholders on the design, development, fabrication and installation of the public art as part of this larger tourism project.

The public art will take the form of several small sculptures or other public art installations that represent each community. A promotional campaign advertising the project has been delivered through radio, social media, email and print news.

People were invited to submit their concept designs via email, post or through an online form. In order to engage as widely as possible, the submissions could be made via simple drawings or photographs. Once selected, the project manager will develop the concepts into structural designs.

The project manager has visited each of the 16 communities at least twice to engage with key stakeholders, community members and artists. Sculpture artists are being contracted to coordinate and support the fabrication of the sculptures, preferably through workshops in each community. All designs have been developed in consultation with each community and will have the final approval by the local council.

**SELECTION OF CONCEPT DESIGNS**

Four concept designs have been received for Cooktown. In accordance with Cook Shire Council's *Public Art Policy*, Council is asked to consider and choose the best concept design which represents the culture and essence of Cooktown. Once the design has been selected, the chosen sculpture artist will develop the concept into a buildable design with appropriate engineering approvals.

Only one concept design has been submitted for Coen, Laura, Portland Roads and Yintjingga (Port Stewart). Council is asked to endorse each of these concept designs for construction.

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

There are no identified legal or statutory risks associated with the installation of public art at the Gateway to Cape York Tourist Information Park.

**POLICY IMPLICATIONS**

Any risks associated with the installation of the public art will be mitigated by ensuring compliance with the following Council policies:

- Asset Management Policy
- Procurement Policy
- Public Art Policy
- Risk Management Framework and Policy
- Work Health & Safety Policy

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

The Gateway to the Cape project is funded by the Queensland State Government's Building our Regions program. Council's contribution to the project has been budgeted for in accordance with the program guidelines and has been included in Council's 2021-2022 Annual Budget.

**RECOMMENDATION**

That Council:

1. Approves the x concept design to represent Cooktown in the Lakeland Gateway to Cape York Tourism Information Park; and
2. Endorses the concept designs for Coen, Laura, Portland Roads and Yintjingga (Port Stewart).

**15.2 COOKTOWN EVENTS CENTRE PRECINCT MASTER PLAN****File Number:** D21/16134**Author:** Director Community, Economy and Innovation**Authoriser:** Linda Cardew, Chief Executive Officer**Attachments:** 1 [Cooktown Events Centre Precinct Master Plan](#)**PRECIS**

Under its adopted Operational Plan for 2020-2021, Cook Shire Council sought to develop a Master Plan to guide the future development of Cooktown Events Centre Precinct. This report presents the finalised Precinct Master Plan for adoption by Council.

**BACKGROUND/HISTORY**

The Cooktown Events Centre was officially opened on 23 July 2011. The Centre is currently managed PCYC Queensland and offers a range of spaces for hire and use by the community:

- Fully equipped gym
- Flexible meeting and conference space
- Indoor multipurpose court
- Office space for hire
- Outdoor stage
- Commercial kitchen
- Kiosk

The Events Centre is situated on land which is owned in freehold by Cook Shire Council on behalf of the local community. In terms of best practice, Master Plans are prepared to guide the future development of community assets. In order to progress the development of the Events Centre Master Plan, Council approved an Operational Plan initiative to this effect in its 2020-21 Operational Plan.

Following a procurement process, a consortium of providers lead by Otium Planning Group was appointed to assist in the development of the Master Plan.

**PROJECT AIMS AND METHODOLOGY**

The Precinct Master Plan aims to provide an overall long-term vision for the complex and surrounding open space. The Master Plan is intended to:

- Determine the functionality, configuration, usage, and capacity of the site;
- Determine a suitable character for and functionality of the landscape;
- Ensure the site meets the needs of multiple sport and recreation users, both current and future;
- Determine the site's catchment area and how this will impact what the site may offer;
- Ensure the site meets the current and future needs of the community, addresses trends and issues and establishes priorities, resources and levels of service;
- Align with Council's existing planning, including the Community Plan and corporate plan; and

- Address any site constraints.

The following steps were followed in the development of the Plan:

- Gathering of background information and analysis of that information, including a review of existing strategies and plans;
- An assessment of the site was conducted and a range of community and stakeholder engagement activities was undertaken;
- A concept design was developed and workshopped with Council and other relevant stakeholders;
- A draft report was developed and reviewed by Council subject matter experts; and
- A final report has been prepared.

The Council and stakeholder engagement, together with a detailed site and precinct review and a review of the adjoining catchment area, identified a range of challenges and opportunities for the site, which are addressed in the Master Plan and accompanying report.

### **MASTER PLAN VISION**

The Master Plan seeks to activate the site and create an active community hub, providing multiple opportunities for youth, increased use for community sport through the relocation of the existing tennis/netball courts and creating a connected and visible multigenerational precinct.

### **DESIGN PRINCIPLES**

The Master Plan is designed around a number of key principles:

- Site activation;
- Developing active recreation opportunities;
- Improving access, movement, circulation and car parking within the site;
- Establishing an appealing visual character;
- Designing for future opportunity and flexibility; and
- Parkland functionality.

### **MASTER PLAN COMPONENTS**

The Master Plan has been developed around the following features:

- Construction of an outdoor multi-purpose court;
- Improved path network;
- Redesign of the centre forecourt;
- Installation of a pump/skills track;
- Relocation of existing sports courts in the precinct's catchment;
- Improved access to the Events Centre's amenities;
- Community facility development;
- Installation of playground and parkland infrastructure; and
- Construction of a future public amenities building.

**LINK TO CORPORATE PLAN**

*Key Strategy Priority* | **Community** | A sense of common purpose, whilst retaining local diversity, with the goals and aspirations of individual communities reflected in localised strategy and planning.

**COM 1** | Develop community specific strategy that reflects the goals and aspirations of individual communities.

Com 1b | Establish and prioritise localised requirements, throughout the Shire for community facilities and services that include sports, library, child care and aged care.

**CONSULTATION**

Comprehensive stakeholder consultation was carried out by the consultants, under the guidance of Council staff. The following consultation activities were undertaken:

- A site visit to the Events Centre and surrounding precinct and engagement with PCYC staff;
- A drop-in style community workshop open to all-comers, with a specific focus on current and potential users of the site, as well as groups which have held events on the site;
- A workshop with the Mayor and Councillors;
- A workshop with Council staff;
- School visits and youth interviews were also conducted, to ascertain their vision for the site; and
- Interviews were also conducted with local tourism operators and service providers.

The outcomes of the consultations have been used to inform the development of the Master Plan.

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

It is noted that any future works undertaken on the precinct would be subject to appropriate approvals, including planning and building application processes to ensure that Council follows due process in compliance with relevant laws.

**POLICY IMPLICATIONS**

The following Council policies will help to guide any future development of the site, to ensure that any inherent and future risks are managed and mitigated:

- Asset Management Policy
- Community Engagement Policy
- Confidential Information Policy
- Crossover Policy
- Procurement Policy
- Risk Management Policy and associated framework
- Work health and Safety Policy

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

The Cooktown Events Centre Precinct Master Plan has been designed to be developed in stages and in a way to enable Council to leverage funding opportunities as they become available.

The Plan has been developed to capture features of the proposed Master Plan, with indicative priorities for staging purposes and indicative costs for budgeting purposes contained within the document.

**RECOMMENDATION**

That Council adopts the Cooktown Events Centre Precinct Master Plan dated June 2021.

**16 ORGANISATIONAL BUSINESS SERVICES - REPORTS****16.1 REQUEST FOR AN EXTENSION TO THE CURRENCY PERIOD FOR DEVELOPMENT PERMIT DA/3762 - MATERIAL CHANGE OF USE FOR A PLACE OF WORSHIP - LOT 2 ON RP867046 - 16 HOWARD STREET, COOKTOWN**

**File Number:** D21/15876  
**Author:** Manager, Planning & Environment  
**Authoriser:** Heather Kelly, Director Organisational Business Services  
**Attachments:** Nil

**PRECIS**

**Applicant:** Cooktown Community Church Ltd  
C/- Ric Ashcroft, Community Church Director  
PO Box 371  
Cooktown Qld 4895

**Owner:** Cooktown Community Church Ltd

**Location:** 16 Howard Street, Cooktown

**Real Property Description:** Lot 2 on RP 867046

**Area:** 1,007 square metres

**Zone:** Mixed Use Zone

**Development Description:** Place of Worship (Cooktown Community Church)

**Submissions:** Not applicable

**Referral Agencies:** Not applicable

**BACKGROUND/HISTORY**

A request has been made to Council under section 86(1) of the *Planning Act 2016*, to extend the currency period for Development Application DA/3762 - Material Change of Use for a Place of Worship on Lot 2 RP 867046 located at 16 Howard Street, Cooktown.

The original Decision Notice for the application was issued by Council on 21 June 2017, under the *Cook Shire Planning Scheme 2017*, imposing a four (4) year currency period ending 21 June 2021.

On 18 June 2021 prior to the expiration of the approval, the applicant submitted an extension application. The applicant advises that they are requesting an extension to the currency period for the above development permit in order to finalise ongoing building work on the property, as required by the conditions of the Development Permit.

**TOWN PLANNING CONSIDERATIONS**

Section 87(1) of the *Planning Act 2016* states the following:

**87(1)** *When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.*

It is considered relevant for Council to have regard to any changes to the planning framework that have taken place since the application was approved.

The application was lodged on 15 May 2017, under the previous *Sustainable Planning Act 2009*, and identified as a code assessable application. It is confirmed that if this application was re-lodged today under the *Planning Act 2016*, there would be no changes to the level of assessment and it would still be assessed under the current *Planning Scheme 2017*. The application remains code assessable development. Development Permit DA/3762 is therefore consistent with current law and policies which apply to the existing development approval.

At the time of the original application, the applicant successfully complied with assessment requirements. As such, if the application was to be lodged again today, the level of assessment would remain the same. It is therefore considered that the changes in the current *Planning Act 2016* would not result in a different application and subsequent approval.

#### **TIME FRAMES**

Under the *Planning Act 2016*, Council has until 16 July 2021, to decide this extension application.

#### **DISCUSSION**

Since this is the Applicant's first extension request for the development, and for the reasons mentioned above, an extension to the currency period for Development Permit DA/3762 is therefore recommended for approval for a further two (2) years to enable compliance with Conditions.

#### **RECOMMENDATION**

That Council grant a two (2) year extension to the currency period for Development Permit DA/3762 - Material Change of Use for a Place of Worship on Lot 2 on Plan RP 867046 located at 16 Howard Street, Cooktown, until 21 June 2023.

**16.2 APPLICATION FOR A DEVELOPMENT PERMIT DA/4181 - MATERIAL CHANGE OF USE FOR A TRANSPORT DEPOT - 1774 ENDEAVOUR VALLEY ROAD, COOKTOWN - LOT 1 ON SP102154**

**File Number:** D21/14836

**Author:** Reel Planning Pty Ltd

**Authoriser:** Lisa Miller, Manager, Planning & Environment

**Attachments:**

- 1 Appendix 'A' part 1 Site Plan DA/4181 PR143235-1c [?](#)
- 2 Appendix A Part 2 - DA4181 Concept Design Drawings - by Millers Contractors 220520 [?](#)
- 3 DA/4181 - Appendix B Part 1 - Referral Agency approved plans and specifications DTMR [?](#)
- 4 DA/4181 Appendix B Part 2 - DTMR Referral Agency Decision Notice [?](#)
- 5 DA/4181 - Appendix B Part 3 - Referral Agency Response Conditions [?](#)
- 6 DA/4181 - Appendix B Part 4 - Representations about a referral response [?](#)

**PRECIS**

**Applicant:** ER, MD and RW Miller trading as Miller Contractors  
C/- RPS Australia East Pty Ltd  
PO Box 1949  
Cairns QLD 4870  
Attention: Owen Caddick-King

**Owner:** ER, MD and RW Miller

**Location:** 1774 Endeavour Valley Road, Cooktown

**R.P.D.:** Lot 1 on SP102154

**Area:** 35.28 ha

**Zone:** Rural

**Proposed Use:** Transport Depot

**Referral Agencies:** State Assessment and Referral Agency (SARA) Vegetation and Transport

**Submissions:** Three (3)

**REPORT**

An application was made to Council on or about the 22 of May 2020 for the issue of a development permit for a Material Change of Use for a Transport Depot on land at 1774 Endeavour Valley Road, Cooktown (Lot 1 on SP102154). A Confirmation Notice was issued on 27 May 2020 under the Council application reference DA/4181, identifying the Department of State Development, Manufacturing,

Infrastructure and Planning as a referral agency (via the State Assessment and Referral Agency (SARA)).

Council issued an Information Request on 10 June 2020 and the applicant responded via correspondence dated 23 June 2020.

On 29 June 2020 SARA issued an approval for the application subject to conditions.

Public notification commenced on 1 July 2020 and ended on 24 July 2020. Three (3) submissions were received during the public notification period (and are discussed later in this report).

On 1 September 2020 Council issued a further information request to the applicant in relation to issues raised during public notification. The applicant responded via correspondence dated 21 September 2020.

On 13 April 2021 the applicant made a change to the application to amend the access location and change the days of operation (from 5:30am to 6:30pm) Weekdays to (5:30am to 6:30pm) Monday to Saturday. The change was not considered a minor change to the application, so the application assessment process re-started at the confirmation stage. Council issued a revised Confirmation Notice dated 27 April 2021 and confirmed that it would not be issuing an Information Request.

An amended Concurrence Agency response was received on 27 May 2021 and public notification took place between 17 May and 9 June 2021. No submissions were received during this round of public notification.

### **PROPOSAL**

The proposed development is for a Transport Depot for the storage and maintenance of road construction equipment. Specifically, an access driveway is proposed, entering along the western boundary of the site, traversing a cleared area through the middle of the site before arriving at a cleared area at the rear where a 1,536m<sup>2</sup> shed is proposed.

The applicant operates a road construction contracting business which operates the following equipment:

- 3 prime movers;
- 3 x 40-foot side tipper trailers;
- 1 x low loader trailer;
- 1 x 40-foot flat top triaxle trailer;
- 4 x fixed body tipper trucks which are used to cart material or water (using water tanks fitted into the trucks tray);
- 1 x fixed body water tanker truck;
- 2 x compaction rollers; and
- 1 x grader, excavator, front end loader and backhoe.

It is intended to store and maintain the equipment between road construction jobs and/or during the wet season. In addition to equipment arriving and departing between jobs there will be approximately five (5) vehicle movements per day for fixed body tipper trucks. It is advised that maintenance will generally occur via mobile mechanic and hours of operation are intended between 5:30am and 6:30pm.

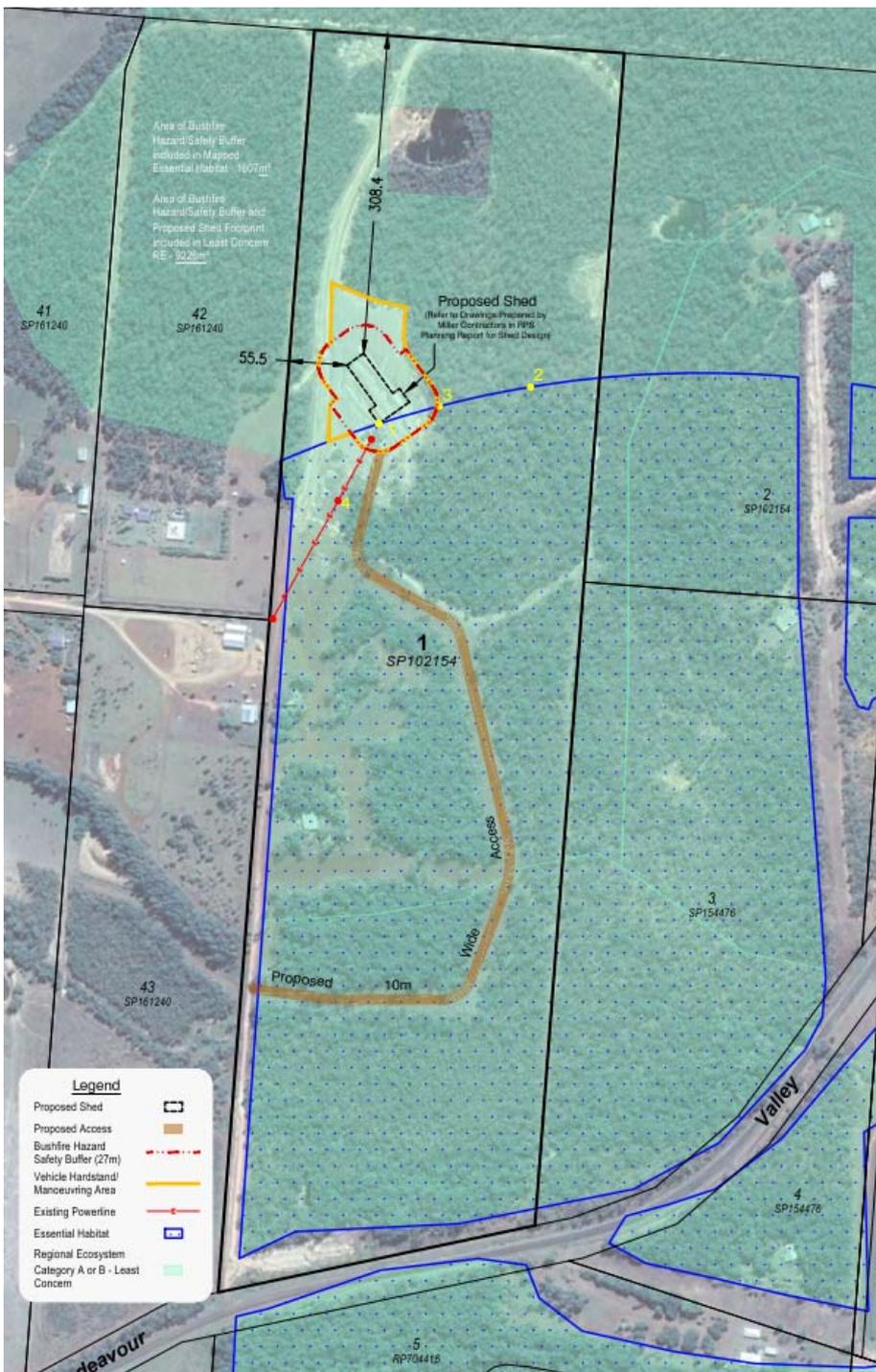
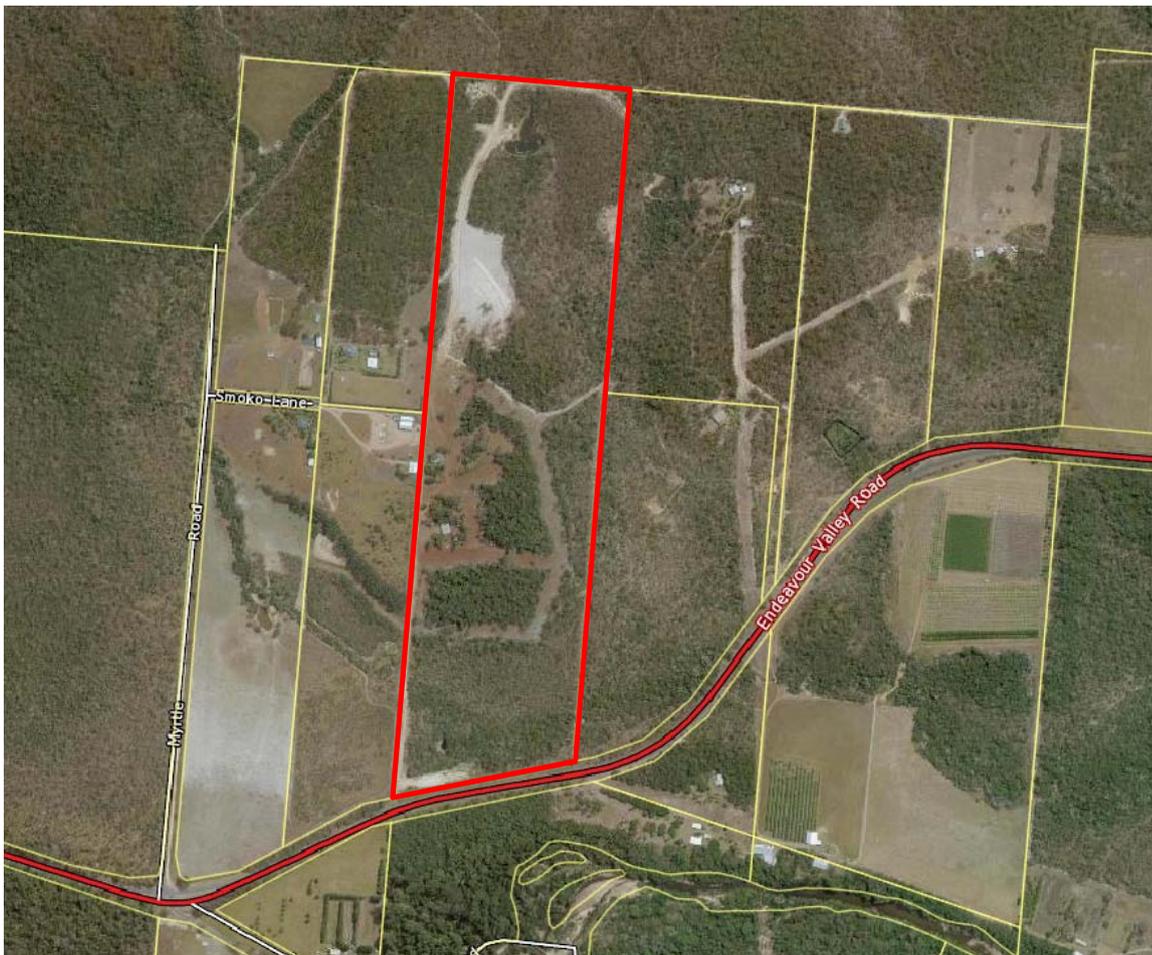


Figure 1: Proposed Site Plan Extract

**THE SITE**

The subject land is described as Lot 1 on SP102154, is 35.28 hectares in size and has frontage to the Endeavour Valley Road which adjoins the site to the south. The site is largely vegetated except for the cleared areas at the rear (where the shed is to be accommodated) and a series of access tracks, including that along the western boundary. The site is approximately 18kms west of Cooktown.



**Figure 2:** Site and Surrounds

## **TOWN PLANNING CONSIDERATIONS**

### **1. STATUTORY**

The subject lot is located within the Rural Zone under the Cook Shire Council Planning Scheme 2017. The proposal is for a Transport Depot which is defined as follows:

***transport depot*** means the use of premises for—

- (a) storing vehicles, or machinery, that are used for a commercial or public purpose; or*
- (b) cleaning, repairing or servicing vehicles or machinery, if the use is ancillary to the use in paragraph (a).*

A Transport Depot is identified as an Impact Assessable use in the Rural Zone. The application is therefore Impact Assessable and requires assessment against the entire Planning Scheme, including the strategic elements. The site is also identified on the Biodiversity and Bushfire overlays. The following codes are applicable:

- Rural Zone Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code;
- Parking & Access Code; and
- Works, Services & Infrastructure Code.

## 2. COMPLIANCE WITH THE PLANNING SCHEME

### (i) Strategic Framework

The Strategic Framework sets the policy direction for the Shire and describes the desired strategic outcomes the Planning Scheme is seeking to achieve across a range of economic, environmental and social themes. The strategic framework covers the following five themes:

- (i) Economic wellbeing
- (ii) Land use pattern
- (iii) Environmental wellbeing
- (iv) Infrastructure and servicing
- (v) Strong communities

Overall, the proposal complies with the policy intent of each Strategic Framework theme. The following strategic themes are considered relevant to the proposal:

### 3.3 Economic Wellbeing

The proposed development contributes to self-sufficiency of the Cape by providing a logistics hub for a road contracting business to ensure ongoing and timely road maintenance. The following provisions are relevant to the proposed development.

(Section 3.3)

*(7) It is recognised that future industries, infrastructure, energy and resources may not be known at the present time; however this does not limit the potential for exploration and investment into new technology to realise future opportunities in Cook Shire.*

(Section 3.3.1)

*(7) Innovative businesses which contribute to and improve community lifestyle and services, overcome remoteness, improve education and facilitate trade to wider markets are supported.*

### 3.4 Land Use Pattern

The following provisions are relevant to the proposed development, noting that the Planning Scheme anticipates industrial uses occurring outside the Industrial Zone where amenity, infrastructure and environmental impacts are managed.

(3.4.1)

*(4) Development that makes efficient use of existing infrastructure and does not place unreasonable burden on Council resources or compromise development and investment from occurring in more suitable, planned locations is supported*

*(6) Industrial uses are consolidated on land in the Industry Zone where amenity and environmental impacts can be managed. In limited circumstances, industrial activities may occur outside the Industry Zone but only where impacts on amenity, infrastructure and the environment can be managed, including:*

...

*(b) Major industry and/or infrastructure which generates community benefit through employment, but cannot reasonably be accommodated in the Industry Zone due to specific land requirements and/or potential impacts;*

### **3.5 Environmental Wellbeing**

The strategic framework recognises the importance of the environment and seeks that development avoid significant adverse environmental impacts or mitigates significant impacts where they cannot be avoided (section 3.5.1 (1)). Environmental impacts of the proposal are discussed later in this report - however it has been demonstrated that any adverse impacts have been reasonably mitigated.

### **3.6 Infrastructure and Servicing**

The Scheme identifies that efficient provision of infrastructure and services is one of the challenges across the Shire. The proposed Transport Depot can assist by supporting ongoing and timely road maintenance.

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

The purpose of the Rural Zone includes the following overall outcomes relevant to the proposal:

- (a) Agricultural land is protected from fragmentation or alienation;*
- (b) Adequate infrastructure (particularly roads) is provided to service rural communities and support the rural economy;*

...

- (g) Built form is consistent with the rural character, which is typically a single dwelling house and ancillary structures necessarily associated with the rural activity, such as sheds.*
- (h) Scenic landscape values and rural character are protected from the visual impacts of clearing, construction and intensive uses;*
- (i) Development maintains adequate separation from natural features such as prominent hills and ridges, creeks, gullies, waterways, wetlands so they are retained, managed and enhanced.*
- (j) Non-rural development is designed and located so it does not compromise the long-term use of the land for rural purposes.*

#### **Response**

The proposal is considered to comply with these overall outcomes as:

- The proposed development is on land with little to no known viability for alternative agricultural endeavours.
- The use is supported by adequate on-site infrastructure and can assist in maintaining infrastructure for the local area and broader locality.
- The proposal consists of a large shed which is a common occurrence/built form in the rural zone and is therefore consistent with rural character. There are no known scenic landscape values which would be impacted.
- The use will occur in an existing cleared area.
- There is no current or known historic use of the land for rural purposes that will be compromised by the proposed development.

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

Performance Criteria	Proposal Compliance
Section 1 – For accepted and assessable development	
Land Use	
Built Form	
<b>PO 1</b> The scale, density and height of buildings and structures is consistent with the rural built form.	The associated acceptable outcome identifies a maximum height of 8.5m and requires that buildings have a pitched roof. The proposed development complies with these requirements.
Siting	
<b>PO 2</b> Buildings and structures are sited to protect the rural amenity of the area when viewed from roads and neighbouring properties, and to minimise the impacts of noise and dust.	The associated acceptable outcome requires that buildings be set back 50m from a State controlled road or 6m from other boundaries. The proposed development complies with these requirements.
State controlled road - amenity	
<b>PO 3</b> Development achieves acceptable levels of amenity for residents and visitors	The associated acceptable outcomes relate to noise sensitive places which are not proposed as part of this application.
Cropping	
<b>PO 4</b> Agricultural land is protected for agricultural production.	The associated Acceptable Outcome seeks that permanent plantations are not located on agricultural land as mapped on overlay map OM8. No permanent plantations are proposed so the Performance Outcome is satisfied.
For assessable development	
Siting	
<b>PO 5</b> Buildings and structures are sited to protect the rural amenity of the area when viewed from roads and neighbouring properties, and to minimise the impacts of noise and dust.	The associated acceptable outcome prescribes setbacks which are met by the proposed development.
Rural land use	
<b>PO 6</b> Development ensures the following rural outcomes are achieved: (a) new or existing rural or extractive industries will not be prevented from establishing and/or expanding. (b) infrastructure critical to agricultural and extractive industry supply chains are protected and used sustainably; and (c) rural landscape values, water resources and environmental quality are protected.	The proposed development is not expected to prevent any new or existing rural or extractive industries from establishing or expanding on the basis that with the exception of noise/dust (discussed later) there are no external impacts associated with the use, while the land has no known existing or historical rural use.

Performance Criteria	Proposal Compliance
Extractive resources	
<b>PO7</b> Extractive industry operations and proven resource deposits are protected from the encroachment of incompatible land uses.	The associated acceptable outcome relates to dwelling houses near extractive industry operations. There are no existing or proposed extractive industry operations near the site.
Stock routes	
<b>PO8</b> Development must not compromise the primary use of the stock route or capacity for stock movement.	The associated acceptable outcome relates to development on sites adjoining a mapped stock route and as such the acceptable outcome (and performance outcome) is not applicable.
Visual amenity	
<b>PO9</b> Development maintains and enhances the scenic amenity of prominent hillsides, coastal landscapes, views and vistas.	There are no prominent hillsides, coastal landscapes or views and vistas near the site.

### (iii) Biodiversity Overlay Code

Under Version 2.0 of the Planning Scheme, part of the site is identified on the Biodiversity Overlay map as containing Matters of State Environmental Significance (MSES). As is indicated in the application material the proposed use is intended to occur in the cleared areas of the site (including buffers areas required for bushfire) so it is considered that the proposed use complies with the intent of the biodiversity overlay.

### (iv) Bushfire Hazard Overlay Code

The purpose of the Bushfire Hazard Overlay is (in summary) to ensure that risk to life, property, community, economic activity and the environment during bushfire events is minimised. The application material confirms that all infrastructure (including bushfire buffers) are located in cleared areas. It is considered that the combination of buffers and other bushfire mitigation requirements (recommended as conditions of approval) will ensure compliance with the overlay code.

### (vii) Parking and Access Code

The Parking and Access Code seeks to ensure there is adequate staff and visitor parking, as well as safe and efficient access to the site. The code requires that one (1) parking space be provided for every 200m<sup>2</sup> of site area. No formal parking spaces have been shown on the proposal plans however as the intent of the proposed development is for storage of vehicles and equipment, it is unlikely that there would be any shortfall of parking areas. The access from Endeavour Valley Road has been assessed and approved by SARA, while the construction standard of the new road and internal parking and manoeuvring areas can be conditioned as part of any decision. There is considered to be compliance with this code.

### (viii) Works, Services and Infrastructure Code

The Works, Services and Infrastructure 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. The site will rely on on-site water supply and sewerage disposal. There is considered to be compliance with this code.

### **REFERRAL AGENCIES**

SARA was a referral agency for the following matters as a result of the development being within 25 metres of a state-controlled road and because it involved vegetation clearing.

Via correspondence dated 27 May 2021, SARA approved the application subject to conditions. The conditions require the development be carried out in accordance with the approved plans but also that:

- Access be limited to a designated location along Endeavour Valley Road with particular access works to be undertaken;
- Signage to be installed at the road access location; and
- Clearing be limited to an area designated on an approved plan.

### **PUBLIC NOTIFICATION**

As an impact assessable application, public notification was required.

Public notification was first undertaken from 1 July 2020 to 24 July 2020. Three (3) submissions were received during this period. The objections are summarised below:

#### **Harvey Submission**

The submitter's property is one of the four lots (Lot 41) located immediately west of the subject property (accessed via smoko lane). Concerns raised in the submission include (in summary):

- Noise, particularly after dark;
- Clearing of vegetation;
- Erosion; and
- The potential for a sawmill.

#### **Delahunty and Price Submission**

The submitter's property is one of the four lots (Lot 43) located immediately west of the subject property (accessed via smoko lane). Concerns raised in the submission include (in summary):

- Noise and dust from the access road;
- Clearing of vegetation and habitat destruction;
- Hours of operation;
- Illegal works; and
- The potential for a sawmill.

On 10 September 2020 Council received an email from the submitter stating that they would not object to the approval so long as the boundary between the submitter's land and the proposed use was planted out and so long as the access road was sealed.

#### **Quick Submission**

The submitter's property is one of the four lots (Lot 42) located immediately west of the subject property (accessed via smoko lane). Concerns raised in the submission include (in summary):

- Noise and dust from the use and access road;
- Erosion;
- Hours of operation;
- Devalue of property;
- Displacement of wildlife; and
- Potential for a sawmill.

Via correspondence received on 13 August 2020 this submission was withdrawn.

The change to the application to amend the access location and extend the days of operation was not a minor change and so the application returned to the confirmation stage. For this reason, public notification was carried out again.

The applicant wrote to Council on 21 May to advise that notice to an adjoining owner (one of the statutory requirements of public notification) had been sent to the wrong person/address. This was rectified by the applicant quickly such that the correct adjoining owner had 14 days in which to make a submission (whereas the *Planning Act 2016* (PA) specifies 15 days. Section 53(3) of the PA allows the assessment manager to continue to decide the application notwithstanding a non-compliance with public notification if they are satisfied that the non-compliance has not:

- adversely affected the public's awareness of the existence and nature of the application; or
- restricted the public's opportunity to make properly made submissions about the application.

In this case it is recommended that the application continue to be decided as there was no adverse effect on the adjoining owners' awareness (e.g. they were still sent a letter) and there was no real effect on their ability to make a submission (e.g. they had 14 days instead of 15).

Section 53(7) of the PA states that submissions made about an application remain effective even if the notice is given again. Similarly, section 53(8) states that if within one (1) year after an application lapses or is withdrawn, a similar application is lodged, then a properly made submission on the original application is taken to be a properly made submission on the new application. It is recommended that the submissions lodged during the first round of consultation be considered as part of Council's assessment.

## **DISCUSSION**

### **Noise/Dust**

It is noted that Council's information request dated 11 June 2020 sought information on how the proposed development would minimise the impact of noise and dust on adjoining properties, including from the internal driveway. The response to Council's request indicated that:

- a. There is a separation between the driveway and the existing houses;
- b. There is a timber paling fence on the boundary;
- c. There is vegetation between the shed and the boundary;
- d. A speed limit is intended to be adopted on the access road;
- e. Noise will be similar to a rural activity;
- f. Vehicle movements might be infrequent.

Council Officers remained concerned that the proposed development would have an unacceptable impact on the adjoining properties, noting that:

- Noise and dust concerns were raised in each of the three submissions;

- The three submitters all live on the closely settled 'rural living' lots west of the subject site;
- Rural living is a land use which has, and continues to be, a land use outcome which is generally supported by Council where on land close to services and facilities and where there is low agricultural viability; and
- There was no technical assessment lodged with the application material that confirms that the proposed development will have an acceptable impact in terms of noise and dust.

On this basis Council Officers sent a further letter to the applicant outlining the ongoing concern and requesting a technical assessment to justify the use. In response the applicant submitted a letter from an environmental practitioner which:

1. Described the surrounding environment as *'likely to be a relatively low background noise and a high air quality'*. It is noted that no measurements of the environment were taken.
2. Observed the following:
  - a. *As a result of the increase in traffic, there is likely to a potential for increased noise and dust observed at adjoining residents, however, this is considered to be negligible given the low volume of trucks and the operations being limited to daylight hours.*
  - b. *Dust will be managed by ensuring all trafficable areas will be hardstand around the shed, and predominate winds blow dust away from the adjoining residences.*
  - c. *Noise nuisance may result from reversing beepers on heavy machinery, however, the nearest sensitive receiver is over 250m to the south east and this distance is likely to substantially reduce any potential for noise. Nonetheless, it is recommended that reversing beepers be changed to broadband reversing alarms where feasible.*
3. Recommended the following mitigation measures:
  1. *Sealing of the site access road and internal access route for a length of approximately 350m as shown in Appendix C.*
  2. *Limiting the access of vehicles to the site from 5.30am to 6.30pm.*
  3. *Limiting the speed of vehicles to 20km/hr.*
  4. *Use of broadband reversing alarms.*
  5. *Employ a complaints procedure to document and manage nuisance complaints.*

It is noted that the assessment did not include any measurement of the existing noise or air environment, nor any technical assessment (e.g. modelling or similar) of the potential impacts of the use. It's nevertheless noted that one submission was withdrawn on the basis that the use was planted out and on the basis that the access road was sealed. It is also noted that:

- the shed is located approximately 200m north east of the nearest sensitive receiver; and
- noises from the shed will be limited to the movement of vehicles and occasional maintenance.

The main noise/dust source is therefore likely to be from the access road and while the applicant maintains that vehicle movements will be occasional, it is not considered appropriate to condition a particular number of movements (as this would create a compliance burden for Council). In other words, it is considered appropriate to assess the worst case scenario.

In response to Council's ongoing concern the applicant made a change to the application (along with the extension to the operating days) the applicant realigned the access driveway via an existing cleared track on the site to provide further separation to the existing residences to the west.

## Land Use

The proposed use is listed as Impact Assessable in the Rural Zone however as identified in response to the strategic framework, the Planning Scheme cannot anticipate all uses to occur in during its lifetime. In response to Council's further issues letter the applicant also identified that:

- The strategic framework identifies limited circumstances in which industrial uses would be contemplated outside the Rural Zone, where impacts on amenity, infrastructure and the environment could be managed.
- Whilst an industrial use, the proposed transport depot is at the lower end of the scale in terms of impacts, largely confined to the movement of vehicles.
- To the extent that the built form (the shed) will be visible from surrounding properties, it has similar characteristics to other rural industries.

On balance and to the extent that amenity impacts can be adequately managed, it is considered that the proposed use is supportable in the zone. Anecdotally Council Officers also understand that there is a shortage of large industrial landholdings for sale close to Cooktown so whilst not quantified, there may be a 'need' for this use to locate outside of the industrial zone.

### Environment

As discussed earlier in response to the Biodiversity Overlay Code, the site is mapped in the Biodiversity Overlay however parts of the site, including where the shed is to be located, have been subject to clearing in the past. This clearing (and the subsequent processing of timber) was also raised in each of the submissions.

Council Officers understand that clearing of the site occurred without approval in the past and that this has been investigated by the State. Council must consider the impact of the proposed development on the current scenario and the applicant has advised that the proposed development will occur in existing cleared areas. On that basis, there is unlikely to be any impact on biodiversity values.

### INFRASTRUCTURE CHARGES

The proposed development is defined under the Infrastructure Charges Resolution as an Industry Use. The site has access to the State road network and not connected to any reticulated services. It is not considered warranted to apply infrastructure charges.

### LINK TO CORPORATE PLAN

#### **Key Strategy Priority:**

**Environment** – Respect for the unique natural environment of the Cape, its history and the provision of sustainable, safe access for the enjoyment of the Cape's communities and visitors.

*Env 3:* Appropriate consideration is given to planning and development controls, design guidelines, traditional ownership and sustainable development principles when making planning decisions.

*Env 3a:* Planning outcomes demonstrate the quality of development assessment processes by achieving results consistent with Council's strategic direction.

### CONSULTATION

- Public consultation was undertaken through the public notification process in accordance with section 53 of the Planning Act.
- Council's Building Certifier.

- Council's Infrastructure Department.

**RECOMMENDATION**

1. That Council issue an approval for the development application submitted by ER, MD and RW Miller trading as Miller Contractors C/- RPS Australia East Pty Ltd for a Material Change of Use for a Transport Depot over land described as Lot 1 on SP102154, subject to the listed conditions.
2. That the following reasons for the decision be included on the notice on Council's website (as required by section 63(4) of the *Planning Act 2016*):
  - a. An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
  - b. The proposed development, where undertaken in accordance with the conditions of approval, will have no significant detrimental impact on the surrounding land uses.
  - c. The proposed development will not have an impact on the environment of the site and will not compromise existing or future rural uses on the site or in the locality.

**A. Assessment Manager (COUNCIL) Conditions****Approved Plan**

1. The development must be carried out generally in accordance with the following proposal plans except for any modifications required to comply with the conditions of this approval (see Appendix 'A'):
  - PR143235 – 1C – Site Plan Proposed Transport Depot - prepared by RPS, dated 27/01/21; and
  - Concept Design Drawings – prepared by Millers Contractors, received by Council on 21/05/20.

**Operating Hours**

2. No operations in association with the Transport Depot involving the movement of equipment, loading of vehicles, movement of vehicles or the operation of equipment, shall occur outside of the hours of 5:30am to 6:30pm Monday to Saturday. No operations associated with the use (including vehicle movements) are to occur on Sundays or on public holidays.

**Vehicle Access and Manoeuvring**

3. The internal driveway must be constructed in the location shown on the approved plan. It is to be sealed (6m carriageway with 2m verges) between the property entrance and a point 50m past where it turns east (approximately 350m from the property boundary). Plans including stormwater drainage must be submitted for approval by Council's Director Infrastructure prior to works commencing.
4. Signage is to be erected on the driveway advising of a speed limit of 20km/hr.
5. The internal driveway and parking/manoeuvring areas (other than those covered by Condition 3) are to be constructed to an all-weather gravel standard and maintained at all times.

**Noise**

6. Vehicles entering the site must be fitted with broadband reversing alarms.
7. The applicant is to develop and operate a complaints procedure to manage any nuisance complaints.

**Effluent Disposal**

8. Wastewater treatment and disposal applications must include details of proposed wastewater disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS, 1547:2000 – On-site Domestic Wastewater Management. Details to be provided at the time of lodgement of a Plumbing or Building application and prior to the issue of a Development Permit for Building Works. The works are to be completed to the satisfaction of Council's Director of Engineering Services, prior to the commencement of the use.

**Electricity Supply**

9. The applicant is to ensure that development has a reliable electricity supply, prior to the commencement of the use.

**Bushfire**

10. The development must be maintained at all times to a standard so as not to create a fire hazard and must be provided with a source of water for fire-fighting purposes of not less than 45,000 litres. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. Details are to be provided at the time of building application.
11. Firebreaks from hazardous vegetation (of 1.5 times the predominant mature canopy tree height or 10 m, whichever is the greater) must be maintained by the owners at all times and flammable material must not be allowed to build up around the buildings so as not to create a fire hazard.

**Environmental**

12. The developer must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.
13. The developer must undertake all reasonable endeavours to ensure that during the construction stage no nuisance is caused to the surrounding properties by way of noise or dust emissions.
14. No State Declared or environmental pest plants and pest animals are to be introduced onto the property.
15. No washdown of vehicles or equipment is permitted.

16. The internal areas of the shed are to drain to a drainage pit which is to be pumped out and transported to an appropriately licensed waste disposal facility as needed.

### **Compliance**

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

### **Public Utilities**

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

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

### **Outstanding Charges**

19. All rates, service charges, interest and other charges levied on the land are to be paid prior to construction.

### **Currency Period**

20. The currency period for this application is six (6) years. Should the approved Transport Depot not be established within this time, the approval shall lapse.

## **B. Advice (Council)**

1. A development permit is required for carrying out Building Works prior to construction of any buildings associated with this development;
2. Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development;
3. Should the applicant need to obtain an ERA permit for an on-site sewerage system exceeding 21 EP, a copy of this ERA Licence must be given to Council's Manager Planning and Environment.
4. The applicant/owner must notify Council of their intention to commence the use after acceptance of and compliance with these conditions or negotiated or court determined conditions, and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council Officers.
5. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act 2003* and in particular 'the duty of care' that it imposes on all landowners.

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

See the attached (Appendix B in 4 parts) Referral Agency Response dated 27 May 2021.

**16.3 APPLICATION FOR A DEVELOPMENT PERMIT DA/4336 - MATERIAL CHANGE OF USE FOR SHORT TERM ACCOMMODATION (EXTENSION TO EXISTING SHORT TERM ACCOMMODATION BY 1 X 3 BEDROOM UNIT) - LOT 4 ON CP866939 - HAGGERSTONE ISLAND, CORAL SEA**

**File Number:** D21/16057

**Author:** Reel Planning Pty Ltd

**Authoriser:** Lisa Miller, Manager, Planning & Environment

**Attachments:**

- 1 **Appendix A - DA/4346 - Development Plan - Haggerstone Island - Short Term Accommodation** [?](#)
- 2 **Appendix B - Lease and Conservation Agreement - Haggerstone Island** [?](#)
- 3 **DA/4346 - Approved Plans - Haggerstone Island MCU Short Term Accommodation** [?](#)

**PRECIS**

**Applicant:** Haggerstone Island Holdings Pty Ltd  
Roy Leonard Turner  
Cape Grenville Holdings Pty Ltd  
C/- Gilvear Planning  
PO Box 228  
BABINDA QLD 4861

**Owner:** The State of Queensland  
Lessees: Haggerstone Island Holdings Pty Ltd, Roy Leonard Turner and AU Island Holdings Pty Ltd

**Location:** Haggerstone Island

**Lot and Plan:** Lot 4 on CP866939

**Area:** 48.5 ha

**Zone:** Environment Management and Conservation

**Proposed Use:** Material Change of Use – Short Term Accommodation

**Referral Agencies:** Nil

**Submissions:** Not applicable

**REPORT**

An application was made to Council on 21 May 2021 seeking a development approval for a Material Change of Use for Short Term Accommodation for a three (3) bedroom accommodation unit on Haggerstone Island (Lot 4 on CP866939). A confirmation notice was issued on 31 May 2021. The application did not trigger a referral to the State Assessment Referral Agency (SARA).

Council issued an informal information request for additional information which was submitted by the applicant on 14 June 2021. A further request for information was issued on 21 June 2021 seeking clarification of occupancy of existing buildings onsite. The application is Code assessable, therefore public notification was not required.

### **PROPOSAL**

The proposed development seeks Council approval for an additional one (1) x three (3) bedroom guest accommodation unit located to the north/north-east of the existing accommodation buildings on the island.

The proposed accommodation building will be a two-storey construction with storage areas, communal kitchenette, living area and fire pit on the ground level and three (3) separate accommodation rooms on an elevated timber platform above. The building will be constructed from timber and stone to complement the natural setting with a unique building design with open plan living on the ground floor and three rooms with toilet and shower amenities within dome shaped structures on the upper level.

The building has an overall height of approximately 7.6 metres. The building will be connected to the existing water and electricity network and a new on-site effluent disposal will be installed.

In addition to the new accommodation building the applicant is seeking to confirm the staff/guest occupancy of the existing buildings onsite due to changes in the primary use of buildings that has occurred over time. The current permitted occupancy approved as part of the most recent development approval issued in 2019 (DA/4008) limited the maximum patronage to fourteen (14) guests and four (4) staff. With the additional accommodation unit proposed as part of this development application, the proposed total number of persons to be accommodated at any one time will be 14 (fourteen) guests and 5 (five) staff.

The existing buildings, proposed building and occupancy are detailed in the proposed development plan provided in Appendix A.

A breakdown of use and occupancy in each building is provided in the background history section of this report.

### **THE SITE**

The subject site, Haggerstone Island (Lot 4 on CP866939) is an island of 48.5 hectares located approximately 7 km south-east of Cape Grenville.

Development on the island comprises of a small-scale short term accommodation operation promoted as a luxury boutique private island resort within a natural setting.

The development is located in the north western portion of the site comprises of the main building and eight (8) separate accommodation buildings for guests and staff.

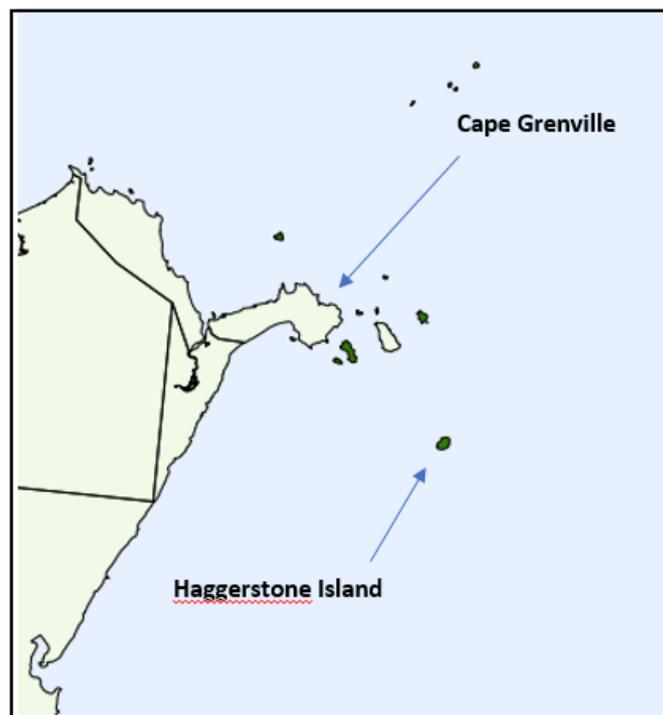
Development on the island has occurred through an original rezoning approval in 1993 and subsequent development approvals.

The site is subject to a Conservation Agreement under the *Nature Conservation Act 1992*. The Agreement provides for the use of the land for the purpose of a low-key tourist resort. Clause 8 of the agreement requires development to be limited to that area previously included in the Special Facilities zone.

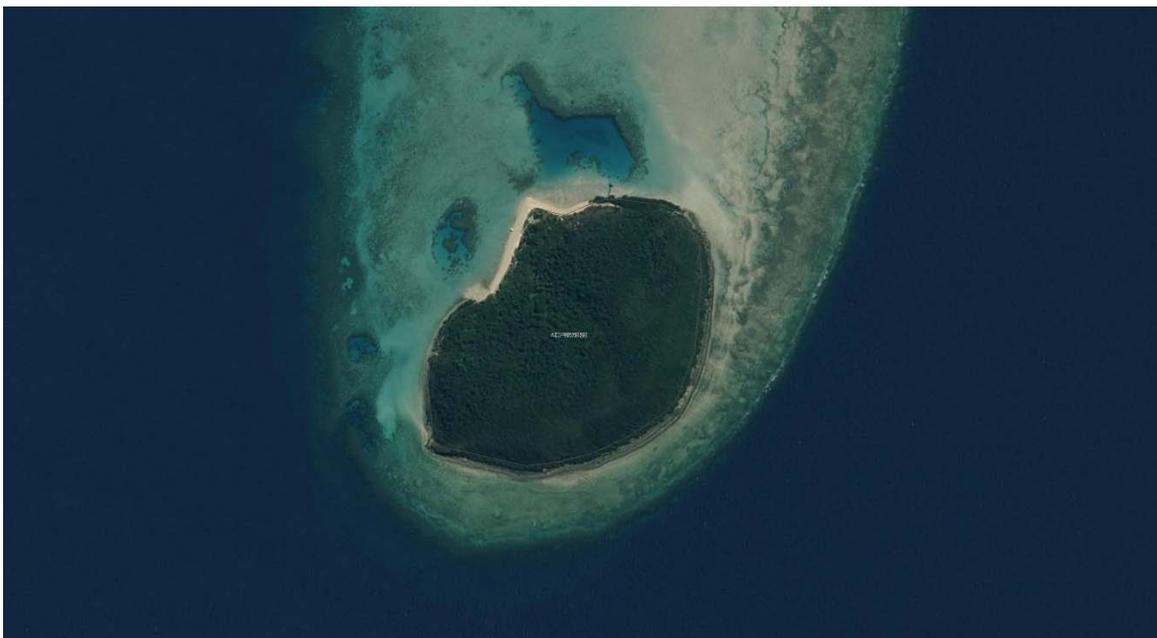
The terms of the lease require the lease to obtain necessary approvals for structural or evacuation works on the land.

Vegetation clearing is regulated under the terms of the agreement and the applicant has sought written confirmation from SARA that the application does not trigger a referral.

A copy of the current lease agreement and conservation agreement is provided in Appendix B.



**Figure 1:** Locality



**Figure 2:** Haggerstone Island (source Queensland Globe 21 June 2021)

**BACKGROUND/HISTORY**

The area subject to the development was originally approved by Council to be rezoned to the Special Facilities Zone in January 1993. The extent of the development approved was delineated in the Plan of Development D9054, which formed part of that zoning approval. This plan indicated a main building and two (2) detached guest sleeping huts. These huts were in existence at the time of approval. The rezoning approval enabled the huts to be used for tourist accommodation.

Council on the 17 November 1999 issued a Decision Notice for the erection of a viewing platform and additional sleeping area subject to conditions. This additional sleeping area was described as an extension to the 'dormitory, studio, and laundry' building which was designated as 'staff quarters' on the rezoning plan of development.

Council on the 26 October 2005 issued a Decision Notice (DA/1173) for two (2) x one (1) bedroom units (beach hut and tree house), Manager's Residence, and ancillary workshop and laundry. These buildings were constructed but building approval was not obtained prior to the currency period for the Material Change of Use lapsing.

The applicant reapplied for this approval for two (2) x one (1) bedroom units (beach hut and tree house), Manager's Residence, two (2) x one (1) bedroom staff accommodation units and ancillary infrastructure including workshop and laundry) which was approved by Council on 22 November 2012 (DA/2793). This development was considered complete in November 2016. Condition of approval limited to twelve (12) guests and four (4) staff)

On 10 February 2015, a perpetual lease was created by the then Department of Natural Resources, Mines and Energy (DNRME) for the purpose of a 'Regulated Island – Tourism'. This lease sets out the statutory, regulatory and special conditions to the property. Neither the lease or conservation agreement prescribes a maximum number of guests or staff that can be accommodated on the site.

Council on 11 March 2019 issued a development approval for one (1) additional self-contained unit (known as the Lighthouse) (DA/4008). A condition of the approval limited the maximum patronage to fourteen (14) guests and four (4) staff.

The existing and proposed development, occupancy and approval history is detailed in the following table.

Dwelling	DA Approval	Approved for	Approval – applicant	Current Occupancy	Proposed Occupancy
Main Building (central facilities and shared/common areas)	Rezoning approval		Pre 2005	0	0
Kwilla Hut	Rezoning approval		Pre 2005	< 2 guests	< 2 guests
Lagoon Hut	Rezoning approval		Pre 2005	< 2 guests	< 2 guests

Dwelling	DA Approval	Approved for	Approval – applicant	Current Occupancy	Proposed Occupancy
House Mawu	DA2793	Manager's residence	2004 & 2012	< 6 guests	< 4 guests
Tree House	DA2793	2 guests	2004 & 2012	< 2 staff	< 2 staff
Studio	DA2793	1 staff	2004 & 2012	1 staff	1 staff
Park Hut	DA2793	1 staff	2004 & 2012	1 staff	1 staff
Beach Hut	DA2793	2 guests	2004 & 2012	< 2 guests	2 staff or guest accommodation if required due to maintenance on other huts
Light House	DA4008	2 guests	2019	< 2 guests	< 2 guests
New Guest Accommodation			-	-	< 6 guests

The proposed total number of persons to be accommodated at any one time will be 14 (fourteen) guests and 5 (five) staff.

### **TOWN PLANNING CONSIDERATIONS**

#### **STATUTORY**

#### ***Cook Shire Council Planning Scheme 2017***

Short-term Accommodation under the *Cook Shire Planning Scheme 2017* is defined as:

#### ***Short-term Accommodation***

(a) Means the use of premises for –

- (i) Providing accommodation of less than 3 consecutive months to tourists or travellers;  
or
- (ii) A manager's residence, office, or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (i); but

(b) Does not include a hotel, nature-based tourism, resort complex or tourist park.

The Planning Scheme land use definition is consistent with the definition in the *Planning Regulation 2017*.

The subject site is included within the following overlays:

- Biodiversity Overlay;
- Bushfire Hazard Overlay; and

- Flood and Other Coastal Hazards Overlay.

In accordance with section 1.5 (1) (c) of the Planning Scheme, overlays override the requirements of the zone code. The Biodiversity Overlay, Bushfire Hazard Overlay and the Flood and Other Coastal Hazards Overlay do not change the level of assessment.

Short-term Accommodation is identified as code assessable development under Table 5.5.11 – Environmental Management and Conservation Zone of the Planning Scheme. The development application therefore requires assessment against the following codes:

- Environmental Management and Conservation Zone Code;
- Parking & Access Code;
- Works, Services and Infrastructure Code;
- Residential Use Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code; and
- Flood and Other Coastal Hazards Overlay Code.

In summary, the proposed development is considered acceptable and achieves compliance with either the prescribed Acceptable Outcomes (AO) or Performance Criteria (PO) as addressed below.

A detailed assessment of the development against the applicable Planning Scheme codes is provided further below.

### **Cape York Regional Plan**

The Cape York Regional Plan has been appropriately incorporated into the Planning Scheme.

### **State Planning Policies (SPP)**

State interests in the state planning policy (April 2016) have been reflected in the Planning Scheme.

As the current SPP is not reflected in the scheme an assessment against the applicable sections of the SPP is required.

The subject site is affected by the following SPP Assessment benchmark mapping:

Natural Hazards Risk and Resilience

- Coastal area – erosion prone area

The proposal complies with the assessment benchmark in that the proposed development seeks to minimise risk to people and property through coastal processes through the siting of the accommodation building approximately 25m from the high water mark, the achievement of an acceptable FFL and the protection of coastal vegetation through minimal disturbance.

### **External Referral Agencies**

The application does not trigger a referral under Schedule 10 of the *Planning Regulation 2017*. With regards to vegetation clearing the Department of Resources advised that the works may be carried out as exempt clearing work.

**COMPLIANCE WITH COOK SHIRE PLANNING SCHEME 2017 CODES****Environmental Management and Conservation Zone Code (6.2.11)**

The purpose of the **Environmental Management and Conservation Zone Code** is to provide for the protection and maintenance of areas which support biological diversity, ecological integrity, naturally occurring land forms, and coastal processes.

The proposal complies with the purpose of the code in that the tourism development of short term accommodation is contained within the designated area under the original special facilities zoning in the north western portion of the site, the development is of a low scale nature, sited and designed to minimise impacts on the ecological values of the site.

The proposed development is considered acceptable and achieves compliance with either the prescribed Acceptable Outcomes (AO) or Performance Outcomes (PO) as addressed below.

Performance Criteria	Proposal Compliance
<b>Built form</b>	
<b>PO1</b> – Buildings and structures area of such a small scale as to be unobtrusive	AO1.1 – <b>complies</b> overall building height of approx. 7.6m, less than the prescribed maximum height of 8.5m.  AO1.2 – <b>complies</b> . The proposed building is to be constructed from timber and stone. A condition of approval will be included regarding
<b>Siting</b>	
<b>PO2</b> Buildings and structures are sited to minimise clearing and ensure that natural environmental and scenic values are not diminished.	AO 2.1 – <b>complies</b> . The development has been proposed to minimise extent of cut and fill.  AO2.3 - <b>complies</b> . No additional vehicle tracks are proposed.  AO2.4 – <b>complies</b> All waste is centrally collected onsite and transferred to the mainland.
<b>Acid Sulphate Soils</b>	
<b>PO3</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 sulphate soil by:  (a) Avoiding disturbance of such areas; or  (b) Treating and managing the disturbance to minimise the volume of acidic leachate within manageable levels; and  (c) Treating and managing surface and groundwater flows from areas of acid sulphate soils to minimise environmental harms.	AO3.1 – <b>complies</b> . The development has been designed to minimise disturbance to actual or potential acid sulphate soils.
<b>Pest Management</b>	

Performance Criteria	Proposal Compliance
<p><b>PO4</b> Movement of State declared or environmental pest plants and pest animals are prevented by:</p> <p>(a) not introducing any new declared or environmental pest plants or animals onto the property; and</p> <p>(b) not allowing seed or plant parts of declared or environmental pest plants to leave the property.</p>	<p>Condition of approval will require appropriate management of pests</p>
<b>Land use</b>	
<p><b>PO5</b> Development ensures that landscape values, water resources and environmental quality are protected.</p>	<p>AO5.3 – <i>complies</i>. The proposed development does not occur within 20 m of a wetland or watercourse.</p>
<b>Stock routes</b>	
<b>PO 6</b>	Not applicable
<b>Visual amenity</b>	
<p><b>PO 7</b> – Development maintains and enhances the scenic amenity of prominent hills, coastal landscapes, views and vistas</p>	<p>The proposed development is appropriately designed and sited to minimise the impact upon the ecological and scenic amenities of the site.</p>

#### **Parking and Access Code (9.4.2)**

The Parking and Access Code is not applicable to the development as the Island is only accessible by boat and there is no need to accommodate visitor parking requirements.

#### **Works, Services and Infrastructure Code (9.4.3)**

The purpose of the Works, Services and Infrastructure Code is to ensure the development is provided with the range of infrastructure services required by the development and are of a suitable standard. The proposal demonstrates compliance with the relevant Acceptable Outcomes (AO) or Performance Outcomes (PO).

Water supply is supplied through existing rainwater tanks and backup supply from an existing dam achieving compliance with PO1 providing an adequate, safe and reliable supply of potable water.

A hydraulic services design report prepared by Gilboy Hydraulic Solutions dated 24 June 2021 submitted with the application indicated an advanced secondary wastewater treatment system will be required for the proposed new accommodation building and that the existing onsite effluent disposal systems servicing the existing development on site is sufficient achieving compliance with AO2.2.

The proposed building will be connected to the existing electricity system on the island. A condition of approval will require the implementation of an erosion control measures during the construction phase of the development.

#### **Residential Use Code (9.3.3)**

The purpose of this code is to facilitate a high standard of design and amenity for the development.

The proposal achieves compliance with the relevant Acceptable Outcomes (AO) or Performance Outcomes (PO) through appropriate siting and design of the proposed new accommodation building.

**Biodiversity Overlay Code (8.2.2)**

The subject site is designated MSES- Regulated vegetation (essential habitat).

The purpose of the **Biodiversity Overlay Code** is to protect biodiversity through:

- Avoiding development within biodiversity areas;
- Minimising the adverse impacts of development on biodiversity;
- Management of pest and invasive species;
- Strategic rehabilitation occurs through restoration of terrestrial and aquatic ecosystems;
- Encourage expansion of habitat connectivity;
- Minimise downstream impacts on biodiversity including fish habitats and the Great Barrier Reef.

The site is the subject of a Conservation Agreement under the *Nature Conservation Act 1992*. This Agreement provides for the use of the land for the purpose of a low-key tourist resort and prohibits the following:

- The interference with, destruction of, or removal of, any native plants including trees, shrubs and grasses;
- Any act or omission which may adversely affect any indigenous flora or fauna in their related habitats; and
- The removal of any timber.

The Agreement also limits development to a limited area in the north-western portion of the site that was subject to the original Special Facilities approval, and states that the Landholder does not interfere, destruct or remove any native plants including trees, shrubs and grasses. Furthermore, a Special Condition of the perpetual lease requires that the Lessee must not affect the structural or further structural or excavation improvements on the land, without the approval of the department administering the *Land Act 1994* and any other relevant authority having been first obtained.

It is considered that the Conservation Agreement protects the biodiversity of the Island and ensures that the impact on the vegetation to facilitate the development is minimised achieving compliance with the relevant Acceptable Outcomes (AO) or Performance Outcomes (PO).

**Bushfire Hazard Overlay Code (8.2.3)**

The island is mapped as a medium potential bushfire hazard area. The accommodation facility has an emergency response operational plan in the event of a disaster or emergency, including a bushfire on the island. The existing water supply from rainwater tanks and the dam are available for fire fighting purposes. The proposed development is considered to achieve compliance with the relevant Acceptable Outcomes (AO) or Performance Outcomes (PO).

**Flood and Other Coastal Hazards Overlay Code (8.2.6)**

The site is mapped as an erosion prone area.

Overall, it is considered that the proposal meets the overall purpose of the code to minimise risk to people and property through coastal processes through the siting of the accommodation building approximately 25m from the high water mark and the protection of coastal vegetation through minimal disturbance.

A review of the technical reports undertaken for the Coastal Hazard Management Strategy (CHAS) has determined that projected 1% AEP for a combined sea level rise and storm tide inundation to

year 2100 is 3.12m AHD. The plans lodged with the application indicate the ground level achieves a FFL of 3m with the first floor level of 6.6 m. The updated mapping and levels can be used for guidance only as they have not been incorporated in the Planning Scheme through a Planning Scheme amendment. The applicant was made aware of the updated mapping and has taken the projected levels into consideration in the design and siting of the accommodation building.

### **TIMEFRAMES (DEVELOPMENT ASSESSMENT RULES)**

Under the Development Assessment Rules, the decision period of this application expires on 19 July 2021.

### **INFRASTRUCTURE CHARGES**

The proposed development is located outside of any mapped PIA (Priority Infrastructure Area), therefore infrastructure charges are not imposed on the proposed development.

### **PUBLIC NOTIFICATION**

This application does not require public notification as it is subject to code assessment.

### **LINK TO CORPORATE PLAN**

#### ***Key Strategy Priority:***

**Environment** – Respect for the unique natural environment of the Cape, its history and the provision of sustainable, safe access for the enjoyment of the Cape’s communities and visitors.

*Env 3:* Appropriate consideration is given to planning and development controls, design guidelines, traditional ownership and sustainable development principles when making planning decisions.

*Env 3a:* Planning outcomes demonstrate the quality of development assessment processes by achieving results consistent with Council’s strategic direction.

### **DISCUSSION**

reasonable and relevant conditions.

**RECOMMENDATION**

1. That the following reasons for the decision be included on the notice on Council's website (as required by section 63(4) of the *Planning Act 2016*) in the event that Council decides to approve the application:
  - (a) An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
  - (b) The proposed development for additional Short term accommodation is consistent in scale with the existing development on Haggerstone Island and will have no adverse impacts on the environmental values on the island.
2. That Council issue an approval for the development application submitted by Haggerstone Island Holding Pty Ltd, Roy Leonard Turner & Cape Grenville Holdings Pty Ltd C/- Gilvear Planning for a Material Change of Use for Short term accommodation over land described as Lot 4 on CP866939, subject to the following conditions:

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

1. The development must be carried out generally in accordance with the following Proposal Plans submitted with the application, except for any variations required to comply with the conditions of this approval:
  - Site Plan – W/2021 DA
  - Ground Floor
  - First Floor
  - Elevation A
  - Elevation B

**Patronage**

2. Total patronage of the development must not exceed fourteen (14) guests and five (5) staff at any one time.

**Effluent Disposal**

3. Wastewater treatment and disposal applications must be carried out generally in accordance with the Hydraulic services design report submitted with the application. (prepared by Gilboy Hydraulic Solutions dated 24 June 2021).

**Water Supply**

4. The development must be connected to a potable water supply. This water supply must comply with the Australian Drinking Water Standards.

**Environment**

5. The applicant must ensure that the development has no adverse impacts on the functioning and integrity of habitats and environmental values contained within the conservation estate.

6. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development and appropriate erosion and sediment controls are in place.
7. No State Declared or environmental pest plants and pest animals are to be introduced onto the property.
8. Building and structures must be finished in colours that blend with the natural setting.

#### **Stormwater**

9. Stormwater must be directed to a legal point of discharge. Details are to be provided at the time of Building application.

#### **Construction and Waste Management Plan**

10. The applicant must prepare and submit to Council a Construction Waste Management Plan. The plan is to be approved by Councils Manager Planning and Environment prior to the issue of a Development Permit for carrying out building works.

#### **Electricity**

11. The development must be connected to a reliable electricity supply.

#### **Compliance**

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

#### **Outstanding Charges**

13. All rates, service charges, interest and other charges levied on the land are to be paid prior to construction.

#### **B. Assessment Manager (Council) Advice**

1. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.
2. That the Applicant be advised that the development must be in accordance with the conditions stated in Perpetual Lease No. 40069401.
3. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
4. The applicant/owner must notify Council their intention to commence the use after acceptable of and compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
5. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.



**16.4 PRESENTATION OF AUDIT AND RISK COMMITTEE MINUTES**

**File Number:** D21/13939  
**Author:** Executive Assistant (CEI and OBS)  
**Authoriser:** Heather Kelly, Director Organisational Business Services  
**Attachments:** 1 [Audit and Risk Committee Minutes 3 June 2021](#)

**PRECIS**

The purpose of this report is to present to Council the Minutes from the Audit and Risk Committee Meeting held 3 June 2021.

**BACKGROUND/HISTORY**

In accordance with the *Local Government Regulation 2012 (QLD)* as soon as practicable after a meeting of the Audit and Risk Committee, Council must be presented with a written report about matters tabled at the meeting and the associated Committee recommendations. Accordingly, the minutes from the last Committee meeting are presented for noting.

**LINK TO CORPORATE PLAN**

Council's 2017-2022 Corporate Plan captures the requirement for legislative compliance as follows:

*Key Strategy Priority: Governance* – Accountable, responsible and appropriate governance and management, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

*Strategy 4:* Work management systems and procedures are reviewed and adjusted to support improved organisational service provision, compliance and efficiency.

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

**CONSULTATION**

There is no requirement for consultation in relation to this activity.

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

Presentation of the Audit and Risk Committee Meeting Minutes to Council ensures compliance with section 211(1)(c) of the *Local Government Regulation 2012 (QLD)*.

**POLICY IMPLICATIONS**

There are no policy implications in relation to this activity.

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

All costs pertaining to the Audit and Risk Committee are included in Council's annual budget.

**RECOMMENDATION**

That Council note the minutes of the Audit and Risk Committee Meeting held 3 June 2021.

**16.5 OPERATIONAL PLAN 2020-21 - QUARTERLY REVIEW - APRIL TO JUNE 2021 (FINAL)**

**File Number:** D21/13940  
**Author:** Executive Assistant (CEI and OBS)  
**Authoriser:** Heather Kelly, Director Organisational Business Services  
**Attachments:** 1 Operational Plan 2020-2021 4th Quarter Review [?](#)

**PRECIS**

This report presents to Council the fourth and final review of Cook Shire's 2020-2021 Operational Plan.

**BACKGROUND/HISTORY**

Council's long-term strategic direction is set in the 2017-2022 Corporate Plan. In accordance with the Key Priorities outlined in the Corporate Plan, at the start of each financial year Council schedules projects and initiatives to be undertaken during the next twelve months. Those projects are captured in Council's annual Operational Plan. Budgets for each project or initiative are included in Council's adopted Annual Budget for the corresponding year.

Section 174(3) of the *Local Government Regulation 2012 (Qld)* requires Council's Chief Executive Officer to present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.

This report presents the fourth and final assessment for the 2020-2021 financial year to Council for noting.

**COMMENTS**

The reviewed Operational Plan (attached) identifies progress made by Council against approved operational initiatives undertaken throughout 2020-2021. Council had a total of 57 projects in this year's Operational Plan. As at 30 June 2021, 44 projects were completed, 9 delayed, whilst 2 remain unfunded. The delays to projects have largely arisen due to factors outside of Council's control, such as the need to resolve land tenure, and resourcing challenges, exacerbated by the Covid-19 pandemic.

Projects completed in this Quarter include the establishment of a Reconciliation Action Plan Working Group, completion of the Events Centre Precinct Master Plan, the listing of Reconciliation Rocks on the Queensland Heritage Register and finalisation of the Coastal Hazard Adaptation Program. All initiatives related to Governance have been completed.

All of the delayed projects will be included in the reporting against the 2021-2022 Operational Plan, with progress reported to Council on a quarterly basis.

The 2020-2021 Operational Plan included five projects that were subject to external funding. Of these projects two were completed, one delayed and two remain unfunded. The funded and completed projects were the Arts and Cultural Strategy and installation of solar-powered heating at the Cooktown Swimming Pool. The RV Strategy has been completed and is currently being reviewed by subject matter experts in Council, before being presented for adoption. Council officers will continue to seek funds to progress the Cemetery Restoration project and will seek to provide opportunities within Council for the employment of apprentices and trainees.

There were 13 projects deferred from the 2019-2020 Operational Plan by Council resolution due to the workload associated with the delivery of Cooktown and Cape York Expo. A majority of these projects were completed during the year, with the development of the Cooktown Airport lease areas and work on the bore fields well-advanced. Both projects are expected to be finalised during the first quarter of the 2021-2022 Financial Year.

### **LINK TO CORPORATE PLAN**

Council is required to review progress with the achievement of its Operational Plan initiatives on a quarterly basis. Ensuring compliance with local government regulations is mandated in Council's 2017-2022 Corporate Plan as follows:

*Key Strategic Priority* | **Governance** | Accountable, responsible and appropriate governance and management, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

*Gov 1:* | Develop an achievable long term financial, resource and infrastructure plan to ensure ongoing capacity to fund operations and capital works programs that underpin council's long-term strategy to achieve financial sustainability.

*Gov 1a:* | Council's long-term financial plan is compiled and linked to Council's Corporate and Operational Plans.

### **CONSULTATION**

Interdepartmental consultation, information provision and feedback was undertaken across the whole of Council during the completion of this Quarterly Review. This process critical to a successful review of the Operational Plan.

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

The quarterly review of Council's Operational Plan ensures compliance with section 174 of the *Local Government Regulation 2012* (Qld).

### **POLICY IMPLICATIONS**

Nil

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

Budget and reported to Council monthly in the Financial Statements.

### **RECOMMENDATION**

That Council note the Operational Plan 2020-21, Quarterly Review for April to June 2021.

**16.6 MONTHLY FINANCIAL REPORT****File Number:** D21/16210**Author:** Chief Financial Officer**Authoriser:** Heather Kelly, Director Organisational Business Services

- Attachments:**
- 1 **Statement of Comprehensive Income** [?](#)
  - 2 **Statement of Financial Position** [?](#)
  - 3 **Statement of Cash Flows** [?](#)
  - 4 **Statement of Changes in Equity** [?](#)
  - 5 **Operational Initiatives** [?](#)
  - 6 **Capital Expenditure** [?](#)

**PRECIS**

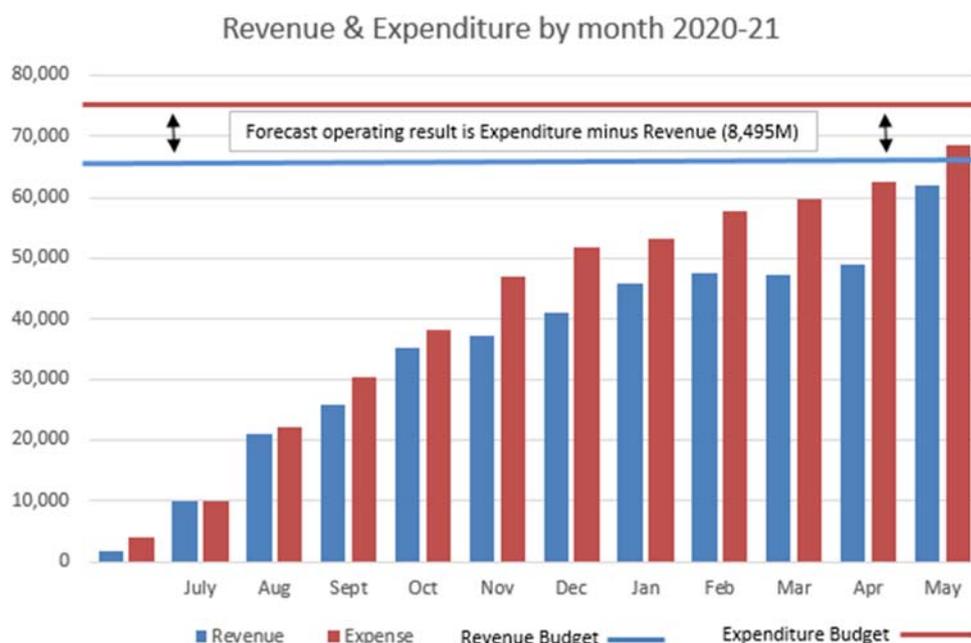
Pursuant to section 204 of the *Local Government Regulation 2012*, Council must be presented with a financial report on a monthly basis that details the progress against budget for the financial year. The data contained in this report has been collated as at 30 June 2021 and overall Council is progressing satisfactorily against the revised budget 2020/2021. It must also be noted that this report will change as End of Year (EOY) processes are completed throughout the month of July.

**BACKGROUND/HISTORY**

The attachments to this report were extracted from Council's systems relative as at 30 June 2021 to provide the most up to date data as possible for this meeting. A summary of key matters follows:

**Statement of Comprehensive Income**

The Statement of Comprehensive Income is the profit and loss statement of Council's operations at a particular point in time, which in this instance, is the 30 June 2021. The following graph details the trends for revenue and expenditure (excluding EOY adjustments) over the 12 months to the end of June 2021 with forecast budget result illustrated with straight lines.



As at 30 June 2021, Council has secured \$61.964M in operational revenue, which equates to approximately 93.6% of the budgeted revenue for the financial year. The following breakdown of the major revenue components of the budget versus actuals provides more detail on the revenue status excluding EOY adjustments at 30th June 2021.

<b>Revenue</b>	<b>Budget \$,000</b>	<b>Actuals \$,000</b>	<b>Percentage</b>	<b>Comment</b>
Rates and Charges	7,836	7,530	96.09%	Both half-yearly levies have been raised.
Fees and Charges	939	1,026	109.6%	On track to reach budget
Sales Revenue	715	867	120%	On track to reach budget
Grants, Subsidies etc.	55,644	51,438	92.44%	Attributed to the timing of receipt of grant funds. Work has to be completed and expenditure incurred prior to receipt of milestone grant payments.
Other Income	1,068	1,107	103.1%	Favourable
<b>Total</b>	<b>66,202</b>	<b>61,969</b>	<b>93.52%</b>	

As at 30 June 2021, interim total operational expenditure amounted to \$68.544M, which equates to 91.75% of the budgeted expenditure for the financial year. The following breakdown of the major expenditure components of the budget versus actuals provide more detail on the expenditure status at the date of the report (30th June) mark of the financial year.

<b>Expenditure</b>	<b>Budget \$,000</b>	<b>Actuals \$,000</b>	<b>Percentage</b>	<b>Comment</b>
Employee Benefits	14,377	14,049	97.7%	Less than anticipated, attributed to timing of EOY provision Journals and staff turnover
Materials and Services	49,042	43,597	88.89%	On track to achieve budget forecast after EOY processing.
Finance Costs	308	256	83.31%	Slightly down. Due to amounts involved, and timing of EOY journals, no great impact on budget is anticipated.
Depreciation	10,970	10,992	100%	Consistent with budget estimate
<b>Total</b>	<b>74,697</b>	<b>68,984</b>	<b>91.76%</b>	

Overall, the net operating result stands at a deficit of (\$6,926M) compared to budgeted result (deficit) for the 2020/2021 financial year of (\$8,495m). The timing of receipts of expected grant funding can be attributed to the current operating result however, the forecasted operating result for the financial year remains realistic.

### **Capital Works Program**

Council has a revised capital budget of \$29.5m, with \$27.2m expected to be grant funded and the remaining \$2.3m from cash reserves, which also includes a previously drawn loan of \$1.3M. At this stage, based on expenditure only (actual spend plus committals), Council has achieved 78% of the capital works program.

### **Operational Initiatives**

Operational initiatives reflect grant and Council funded operational projects that are in addition to the 'business as usual' operational expenditure. Operational initiatives are included in the revenue and expenditure budget, and have been highlighted in a separate report so they can be readily identified.

### **LINK TO CORPORATE PLAN**

*Corporate Values and Principles: 2 – Adopting honest and progressive systems of accountability and reporting.*

*Key Strategy Priority: Governance* - Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

*Strategy 1:* Develop an achievable long term financial, resource and infrastructure plan to ensure ongoing capacity to fund operations and capital works programs that underpin Council's long-term strategy to achieve financial sustainability.

*Objective 1a:* Council's Long-Term Financial Plan is compiled and linked to Council's Corporate and Operational Plans.

*Strategy 4:* Work management systems and procedures are reviewed and adjusted to support improved organisational service provision, compliance and efficiency.

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

### **CONSULTATION**

The information provided to Council is a "snapshot in time" of the progress against budget for the current financial year and accordingly consultation is not required or undertaken.

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

This report has been presented to Council in accordance with section 204 of the *Local Government Regulation 2012*, which states:

#### ***Financial report***

*(1) The local government must prepare a financial report.*

*(2) The chief executive officer must present the financial report—*

*(a) if the local government meets less frequently than monthly—at each meeting of the local government; or*

*(b) otherwise—at a meeting of the local government once a month.*

*(3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.*

Presentation of the monthly financial report to Council ensures compliance with statutory requirements.

**POLICY IMPLICATIONS**

There are no policy implications in preparing and presenting the monthly financial report to Council.

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

against the adopted budget for the current financial year.

**RECOMMENDATION**

That Council resolves to note the financial report, as required under section 204 of the *Local Government Regulation 2012*, for June 2021.

## 17 INFRASTRUCTURE - REPORTS

### 17.1 CAPITAL WORKS PROGRAM 2020/21 - QUARTERLY REPORT - APRIL TO JUNE 2021

**File Number:** D21/15518

**Author:** Manager Engineering

**Authoriser:** David Klye, Director Infrastructure

**Attachments:** 1 [Capital Works Program 2020/21 - Quarterly Report - April to June 2021](#)

#### PRECIS

This report seeks to inform Council of the fourth quarter progress of the Shire's 2020/21 Capital Works Program, April to June 2021.

#### BACKGROUND/HISTORY

The Shire Capital Works Program for 2020/21 financial year (FY) included 80 projects of various types:

- 1 Land/Housing Project
- 6 Community Projects
- 20 Road Projects
- 1 Bridge Project
- 2 Airport Projects
- 21 Water and Wastewater Projects
- 18 Building Projects
- 3 Recreation Projects
- 5 Lighting and Depot Upgrade Projects
- 1 Fleet Program
- 2 ICT Projects

The 2020/21 FY Capital Works Program was a large program including the delivery of projects to the value of \$31,850,527.

Attached is a list of Capital Works projects including updates, risks, and project status. A project status is shown for each project and brief comments are provided in the Project Update column in the attached spreadsheet.

From the 80 projects, the works on 63 projects have been completed. 13 projects are carry over projects with planned deadlines (initial plan or approved revised plan) in the 21-22 financial year. 4 project were unavoidably delayed due to failure of tendering processes to yield a result within budget, un-anticipated difficulties obtaining environmental approvals for stream works from DES, supply difficulties and the extended wet season that made access to Coen difficult. A brief project update follows:

- 5 Betterment projects are on track to be delivered by 31 December as per the deadline of Betterment program. Cooktown - Flaggy Rd, Bed Level Crossing Upgrade and Cooktown - Melaleuca St Upgrade to Seal Access have been completed as per the plan
- The completion deadline for the Gamaay Dreaming Track Upgrade project was extended to June 2022 (from August 2021). The Development Permit process proved challenging and took longer than initially expected.
- Council Land Release Project is delayed due to tendering and re-tendering prices being over budget. The other major factor contributing to the delay was the identification of fish passage within the works area and the timeframe to obtain approval in this matter.
- Stage 1 works of Railway Avenue Upgrade to seal were completed in August 2020. Additional culvert installation from the next stage (\$51k including TIDS & R2R) completed as per FNQROC allocation.
- The May St- Charles St Intersection and Carpark Upgrade project has been planned for design and construction in 2021/22 FY according to the funding agreement requirements.
- The Jensen's Crossing Bridge project was delayed because the price submitted by the TMR nominated contractor (Roadtek) was over budget requiring a review of the project execution strategy and because the need for an upgrade to the bridge approached was not identified until late in the project. A variation request has been sent to BRP and TMR to include upgrading of approaches as suggested by the design. TMR has now removed their funding condition that Roadtek be contracted to undertake the construction works and approved a public tender process which will now be undertaken as a design and construct project.
- The access road, carpark and associated lighting elements of the Cooktown Airport Access Realignment and Code 3 Design project have been completed. The project has a deadline of Oct 2021 and is planned to be delivered within that timeframe. A variation has been requested from the funding body to include resealing of the runway and tree clearing which is required to maintain the current Code 3 Airport designation.
- The Coen Airport Facilities project has a deadline of Oct 2021; however, an extension of time till June 2022 has been requested to address the delay caused by the extended wet season.
- For the Cooktown Reinstatement of Bore Field project, 4 pumps have been received and the electrical boards have been installed. Following the completion of the electrical upgrade, pumps and associated pipework will be installed. This project has completion date of 30 Sep 2021.
- The design has been completed for the new walkway around the sediment basin at the Annan Water Treatment Plant and the Cooktown Sewerage Treatment Plant projects. Extension of time till 29 Sep 21 has been requested to address the delay due to the identification of some design issues which was resulted in delay in the fabrication process.
- The Lions Park Playground Equipment Upgrade project was delayed due to difficulties finalizing the design of the shade structure. This project now has a completion date of Oct 2021.
- The Shire Hall Revitalization project has a revised completion date of 1 Nov 2021. The project was delayed due to significant heritage compliance issues and the unforeseen remediation works that were required.
- The Coen Depot Building Project is delayed and planned to be completed by 30 Sept. The delay was due to the shed manufacturers experiencing a high demand for steel, the national

steel price increase and unseasonal weather and subsequent road load limit which restricted the contractor's ability to provide aggregate and other raw materials for construction.

### **LINK TO CORPORATE PLAN**

Key Strategy Priority: Governance - Accountable, responsible and appropriate governance and management, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 1: Develop an achievable long term financial, resource and infrastructure plan to ensure ongoing capacity to fund operations and capital works programs that underpin council's long-term strategy to achieve financial sustainability.

Objective 1a: Council's long-term financial plan is compiled and linked to Council's Corporate and Operational Plans.

### **CONSULTATION**

Extensive consultation has been taken place with:

- Council
- Executive Leadership Team
- Infrastructure Directorate project delivery team
- Allocated Project Managers

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

There are no legal implications associated with this report. The report is prepared in accordance with the *Local Government Act 2009*.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

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

As reported the majority of Capital Works projects are on track to be completed within their allocated budgets.

Mungumby Road Culvert Upgrade Project is an exception which required an additional \$29,705 over the budget due to latent ground conditions.

St Project.

### **RECOMMENDATION**

That Council receives and notes the Capital Works Program 2020/21, Quarterly Report for April to June 2021 dated 13 July 2021.

**17.2 DISASTER RELIEF FUNDING ARRANGEMENTS (DRFA) - QUARTERLY REPORT - APRIL TO JUNE 2021**

<b>File Number:</b>	<b>D21/15676</b>
<b>Author:</b>	<b>Civil Works Assessment Officer</b>
<b>Authoriser:</b>	<b>David Klye, Director Infrastructure</b>
<b>Attachments:</b>	<b>1 Attachment 1A - 2020 DRFA Expenditure <a href="#">?</a></b>
	<b>2 Attachment 2 - DRFA Status Report 2019 Events <a href="#">?</a></b>
	<b>3 Attachment 3 - Betterment Report <a href="#">?</a></b>

**PRECIS**

This fourth quarter 2020/21 Disaster Recovery Funding Arrangements (DRFA) report, details progress to date on the restoration program for the Monsoonal Flooding Event 23 January to 3 February 2020 which caused extensive damage to existing infrastructure within the Shire. A brief summary of the close out of the 2019 DRFA program and an update on the Betterment program 2019 is also provided. Activations and current status on submissions for 2021 work season are also highlighted.

**BACKGROUND/HISTORY**2021 Season

Two event activations were submitted and approved by Queensland Reconstruction Authority (QRA). These events include Tropical Cyclone Imogen and Associated Low Pressure Systems from 2 to 21 January 2021 and Far North Queensland (FNQ) Tropical Low from 24 January 2021 to 30 January 2021. Both events caused extensive damage to Council Infrastructure, mainly roads within the Shire.

Emergent works were carried out after an extension of time was granted due to restricted access to the affected areas and temporary repair of Council's essential road assets was completed to an acceptable level of safety and serviceability for the 2021 season. A submission to recoup these cost from the QRA is currently being prepared.

Current Emergent Works Value \$675,385.73

A video pickup of the damaged road assets has been completed and the preliminary assessment estimates have been carried out on all of the road assets. These have been or are in the process of being lodged within the QRA's Management and Reporting Portal (MARS Portal) for funding approval under the Restoration of Essential Public Assets (REPA) category "B" Disaster Recovery Funding Arrangements (DRFA).

2020 Season – REPA Works

From 23 January to 3 February 2020 a recognised Monsoonal Flooding event occurred within Cook Shire. This event caused extensive damage to Council infrastructure, mainly roads within the Shire.

Cook Shire Council submitted a total 17 funding submission applications in accordance with DRFA requirements to restore the damaged infrastructure and Council was successful in securing substantial funding. Under the Cook Shire Councils Delivery of works program all works were delivered as of the 15 December 2020.

The DRFA works were delivered under the supervision by the Council Construction Team with items that require special skills or equipment delivered under fixed price contracts.

The DRFA and Asset Management Teams monitored the progress of works including damage assessment reporting and the acquittal of funding associated with the restoration of essential assets. The Finance Team assisted with monitoring and control of finances associated with this funding.

Council officers continue to work with officers from the Queensland Reconstruction Authority (QRA), consultants and contractors to ensure the successful Acquittal of all works.

A spreadsheet explanation of the expected cash flow for the 2020 DRFA works can be found in Attachment 1A – 2020 DRFA Expenditures.

#### 2019 Events – REPA Works

For 2019, the FNQ Monsoon Trough from 25 January to 14 February 2019 and Severe Tropical Cyclone (STC) Trevor from 19 to 27 March caused extensive damage to Council infrastructure, mainly roads within the Shire.

Cook Shire Council submitted a total 21 funding submission applications (13 for FNQ Monsoon Trough and 8 for STC Trevor) in accordance with DRFA requirements to restore the damaged infrastructure and Council was successful in securing substantial funding. The 2019 DRFA works are complete and currently under Acquittal review. Refer to Attachment 2 - DRFA Status Report 2019 Events

#### 2019 Events – Betterment Work

For 2019, Council was also successful with 7 betterment applications to DRFA totaling in excess of \$3M.

2019 Betterment projects were approved between May and September 2020. These projects were programmed to be completed by 30<sup>th</sup> June 2021, however an extension of time was requested as the wet season was expected to be significant and would have impacted the programed works. This request was approved by QRA on 24 March 2021 providing Council will an extension for works completion by the 31 December 2021. Note, extensions were not granted for Flaggy Road and Melaleuca Road which need to be completed by 30 June 2021. Both these projects were completed prior to the deadline.

Cherry Tree Bay Walking Track has been completed.

The financial status report in Attachment 3 – DRFA Betterment Report has been supplied by Trinity Engineering Consultants

#### Risk Mitigation

A significant risk to Council was identified where Council's implementation of the QRA process exposed Council to the potential of not receiving payment for completed DRFA works. Previously, in order to commence road reconstruction works as soon as possible, Council works crews and contractors were commencing work after the in-field QRA assessment but prior to final sign off on DRFA funding agreements by QRA on those submissions. This process has worked in the past but without final sign off by QRA, there is a risk that DRFA funds could be diverted by the Federal Government, through a change in Government policy, prior to final approval.

Council has worked to streamline its DRFA application processes to be as fast as possible and is working with QRA to secure final signoff on all submissions as soon as can be arranged to enable work on the roads to commence. This change in process by Council administration has resulted in an unavoidable delay at the start of the construction season.

As an adjunct to the approvals process, Council staff are reviewing the payment process and the payment schedules to ensure that the Council has an appropriate cash flow. This includes prudent management of risk and the amount of debit that Council carries. This is important as the DRFA cash flow is large by comparison to the Shire budget.

### LINK TO CORPORATE PLAN

This report has been prepared in accordance with the following *Corporate Plan 2017-2022*.

**Economy:** 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 for all.

**ECO 3b:** Asset management plans are completed for major infrastructure

#### **Strategy and Objectives:**

**GOV 2a:** Condition assessments are undertaken for major asset classes.

### CONSULTATION

Consultation occurs on an ongoing basis with:

- Executive Leadership Team
- Technical Development Team
- Queensland Reconstruction Authority
- Works Delivery Team
- Civil Works Contractors

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

#### Project Risk and Mitigation

- QRA assessment of works as ineligible
  - Ensure no DRFA REPA works commence without prior QRA approval

- Unapproved QRA works progressing within a submission awaiting approval.
  - Ensure that CEO and Director of Infrastructure approval obtained before commencement of unapproved works with a risk assessment attached along with substantive reasoning behind the request.

### Workplace Health and Safety

DRFA Works are conducted under the following WHS codes.

- *Workplace Health and Safety Act 2011*
- *Workplace Health and Safety Regulation 2011*
- *Australian Standards AS4801 Safety*

### Traffic Management

Traffic Management in accordance with the *Manual of Uniform Traffic Control Devices (MUTCD) Guidelines* for Traffic Control on several sites due to increased vehicle movement.

### Environmental

DRFA works conducted as per the *Environmental Protection Act 1994*, so as not to cause environmental harm nor deposit prescribed water contaminants in waterways.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report. The works referred to in this report are undertaken in accordance with Council's *Asset Management Policy* and *Procurement Policy*.

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

Closeout and acquittals for most of 2019 Event submissions are currently underway with a total Forecast Final Cost of \$60,821,464.90 fully funded by QRA. Current outstanding balanced owed \$3,759,559.29

The QRA approved Forecast Final Cost for 2019 Betterment Projects is \$3,044,171. Council Contribution in funding the Betterment Projects is total \$145,028, with the remainder funded by QRA.

Attachment 1A - Financial Summary.

## **RECOMMENDATION**

That Council receives and notes the Disaster Recovery Funding Arrangements (DRFA) Quarterly Report for April to June 2021.

**17.3 GREAT BARRIER REEF SILT REDUCTION PROJECTS**

**File Number:** D21/15957  
**Author:** Executive Assistant (Infrastructure)  
**Authoriser:** David Klye, Director Infrastructure  
**Attachments:** 1 Letter of Support GBRF Silt Reduction Projects [?](#)

**PRECIS**

This report seeks to inform Council of the CEO's letter of support for the South Cape York Catchments' grant funding application and of Council's planned participation in two silt reduction projects to reduce sediment runoff to the Great Barrier Reef.

**BACKGROUND/HISTORY**

The Great Barrier Reef Foundation (GBRF) is managing a grant round for the Eastern Cape York Integrated Catchment Management Water Quality Program. Dr Jeff Shellberg, on behalf of South Cape York Catchments and Cape York Water Partnership has requested Council support and participate in two proposed GBRF Silt Reduction Projects. Linda Cardew, Chief Executive, has endorsed a letter of support for Council participation.

The Eastern Cape York Integrated Catchment Management Water Quality Program offers local landowners and stakeholders working in the program area the opportunity to collaborate to define and deliver effective and innovative integrated catchment management projects. This is an opportunity for the Shire to collaborate with local NRM groups and to lead Queensland Local Government in sustainable ecological management of its roads.

Dr Shellberg, has requested Council support for the following silt reduction projects:

***Cape York Water Partnership - Primitive Road/Track Assessment for Erosion Control Prioritisation: Southeast Cape York***

Encompassing all dirt roads and tracks that are not regularly managed or maintained by Shire Councils (Cook, Hopevale) or the State.

***South Cape York Catchments - Council Gravel Road Erosion Control in the Anna Catchment***

Initially encompassing Cook Shire Council gravel road segments along Oaky, Archer Point, Trevethan, Mt Poverty roads which are known to be chronically prone to erosion.

The pilot projects will develop and implement Best Management Practices (BMPs) that will be implemented as a partnership between South Cape York Catchments, Cook Shire Council and Traditional Owners where engagement can be obtained for work on gazetted roads. The projects aim to develop cost effective maintenance practices to reduce detrimental road stormwater runoff to the Great Barrier Reef.

The project proposals are in the Expression of Interest stage for review by GBRF and while Cook Shire has indicated support and its willingness to participate, the project managers have been advised the Cook Shire is unable to contribute financially.

Dr Shellberg requested a letter of support from Council's CEO for the proposed projects for submission with the expressions of interest which were required to be lodged with GBRF by Monday 4 July. Linda Cardew, CEO, has provided a letter of support (attached) indicating Council support and participation.

**LINK TO CORPORATE PLAN**

*Key Strategy Priority: Environment* – Locality specific economic growth, understanding and development of potential for primary industries, including agriculture and aquaculture opportunities, appropriate to each community and the Shire as a whole.

*Strategy 6:* Develop cohesive vision and aspirations for the future of the Great Barrier Reef together with awareness, skills, knowledge and capacities.

*Objective 6a:* Minimise the impacts on the Great Barrier Reef and catchments through conservation and sustainable practices.

**CONSULTATION**

Preliminary consultation was held with the Director Infrastructure. Further consultation has taken place at executive level.

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

There are no legal implications associated with this report.

**POLICY IMPLICATIONS**

There are no Policy implications associated with this report.

**FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)**

projects. It is expected that some incidental staff time will be required for the proposed projects.

**RECOMMENDATION**

That Council;

1. Notes and supports Council's proposed participation in the silt reduction projects and,
2. Endorses the CEO's letter, Council Support and Involvement in The Proposed Great Barrier Reef Foundation Silt Reduction Projects, dated 1 July 2021.

**17.4 LAKELAND WINDFARM TRANSPORT PROPOSAL FOR MARTON BOAT RAMP**

**File Number:** D21/11841  
**Author:** Executive Assistant (Infrastructure)  
**Authoriser:** David Klye, Director Infrastructure  
**Attachments:** 1 Transport Proposal Lakeland Wind Farm [?](#)

**PRECIS**

This report seeks Council consideration of support for Windlab's Transport Proposal for the Lakeland Wind Farm via the Marton Boat Ramp. This report also serves to bring attention to Windlab's offer to the community of a legacy benefit totalling \$75,000.

**BACKGROUND/HISTORY**

As part of the Lakeland Wind Farm project, Windlab have conducted thorough consultation with all stakeholders to ensure the Marton Boat Ramp Transport Proposal meets community expectations as well as logistical and commercial requirements.

Windlab have provided Council with a copy of their transport proposal report for the transport of the heavy components for the Lakeland Wind Farm (attached). Windlab have explored multiple transport alternatives and transport to Lakeland via Marton Boat Ramp is the preferred option.

The transport proposal consists of transportation of turbine hubs and tower sections by barge to the Marton boat ramp from Cairns and then by road with necessary escorts to Lakeland. Windlab have assessed the key aspects of the barge operation and the works required to the boat ramp. Barge operations are anticipated to take place 3-5 times per week with the unloading anticipated to take 4-6 hours.

The required works to the boat ramp have changed since the provision of the report and now includes the reconstruction of the upstream rock revetment wall with a vertical internal wall and a vertical end wall together with the installation of bollards within the Ida Road reserve and the installation of two temporary mooring piles in the river directly in front of the boat ramp. These temporary piles will have some impact on the use of the boat ramp by very large vessels.

The report states at the bottom of page 7 "*Permits submitted by Council and works also to be completed by Council*" (sic). The tidal works can only be undertaken by Council (or a contractor working on behalf of Council) as the body responsible for the boat ramp. The cost of the work will be met by Windlab as part of the project.

Windlab have acknowledged that there will be some inconvenience to the community due to their project and by way of providing some compensation has resolved to leave a legacy benefit for the community. Consultation was held with Council and Community and Windlab's recommended legacy benefit option for Council consideration has been provided within their Transport Proposal report totalling \$75,000 and includes provision of, or funding for;

- A Prefeasibility study for Council's choice and for Council to manage (\$50,000)
- A safety handrail to the northern revetment wall (\$5,000)
- Inclusion of boat protection lining to the vertical walls of the northern revetment wall (\$20,000)

It should be noted that consideration of Windlab's request to use Council's boat ramp and roads was undertaken by the Infrastructure Directorate objectively, ignoring and in isolation of Windlab's

legacy offer to Council. Analysis of the request was based solely on reasonable use of the roads and ramp and will be conditioned to ensure that no Council infrastructure is impaired by the freight task.

Further, Council has obtained independent specialist probity advice on Windlab's proposed legacy benefit projects. The advice confirms that "...Council could accept the offer of legacy benefits from Windlab..." based on a number of reasons which were provided by the probity consultant.

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

*Key Strategy Priority – Economy* – Locality specific economic growth, understanding and development of potential for primary industries, including agriculture and aquaculture opportunities, appropriate to each community and the Shire as a whole.

*Strategy 4* - Develop and progress partnerships to help deliver common facilities and services fostering regional economic growth and providing for jobs through construction and long-term employment by actively supporting and working on as appropriate, prioritised and as funding and resources become available.

#### **CONSULTATION**

Consultation for the Transport Proposal began with Council in October 2020. Windlab have had ongoing communication with Council and Community and have utilised several consultation methods.

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

There are no legal implications associated with this report.

#### **POLICY IMPLICATIONS**

There are no Policy implications associated with this report.

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

There are no negative resource or budgetary implications associated with the proposed works.

**RECOMMENDATION**

That Council:

1. Provides in principle support to Windlab's windfarm transport proposal,
2. Supports Windlab's proposed application to reconstruct the upstream rock revetment wall to the Marton boat ramp to include a vertical internal wall, a vertical end wall and a hand rail,
3. Supports the use of Shire roads and intersections by Windlab to facilitate the proposed transport task for the windfarm project subject to subject to Windlab undertaking to restore the pre-task condition of the roads,
4. Acknowledges Windlab's offer to the community of legacy benefit projects totalling \$75,000
5. Delegates authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009* (QLD), the ability to apply for the permits required to facilitated the proposed works and,
6. Delegates authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009* (QLD), the ability to enter into an agreement with Windlab or another contractor to execute the works at Windlab's cost and finalise administrative or financial matters and approve any variations, if so required.

**17.5 MACKAY FARMS PROPOSED LAND SWAP AT LAKELAND****File Number:** D21/16182**Author:** Director Infrastructure**Authoriser:** Linda Cardew, Chief Executive Officer**Attachments:** 1 Proposed Air Strip Location at Lakeland [?](#)  
2 Sketch Plan of Current and Proposed Aerodrome Locations [?](#)**PRECIS**

This report seeks Council's in principle support for a land swap proposed by Mac Farms Pty Ltd (Mac Farms) at Lakeland.

**BACKGROUND/HISTORY**

Mac Farms are proposing to undertake a workers' accommodation development in Lakeland that, amongst other things, requires their use and ownership of the parcel of Council's land that is currently the Lakeland airport lot (refer to Attachment 2). The Mac Farms entire workers' accommodation development is not at issue here and will be dealt with through the formal planning process at another time. This report seeks only to address Mac Farms' request for Council's in principle position on a proposed land swap.

Mac Farms has proposed a land swap where Mac Farms gain ownership of the 24.42 ha airport lot 211 RP747574 at Lakeland by amalgamating it into the 240.6 ha lot 215 RP747485 in exchange for the creation and ceding to Council of a suitable airport lot to the north of the current location (refer to Attachment 1).

The proposal is for Mac Farms to construct a new, longer grass runway on a new lot at the new location. An indicative lot has been proposed as shown on the attached plan. The proposed airport lot is located to the north of the current location between the Mulligan Highway and Hurse Road with frontages to both roads. The proposed lot has less grade (is flatter), is better oriented for the prevailing winds and is approximately 2,300 metres long x 250 metres wide compared with the current approximately 1,400 metres long x 150 metres wide lot. Mac Farms has indicated that they are happy to provide "whatever is necessary" to facilitate a better runway to enable them to operate larger crop spraying aircraft and they are also investigating the possibility of export of produce by air direct from Lakefield.

The attached plan indicates the 57.5 ha proposed airport lot and it also indicates a number of smaller lots. These smaller lots are part of Mac Farms planning process and are not under consideration at this time.

Mac Farms has written to Council seeking the following:

- a. Secure Council's formal endorsement to enable key actions to be scheduled,
- b. Council's support for the relocation of the airstrip and,
- c. Council's formal consent to commence site specific investigations over lot 211 RP747574.

There are a number of aspects of this project that cannot be resolved now but require consideration and clarification prior to Council being in a position to provide its full consent to the proposal including but not limited to;

1. Regulatory compliance and cost to Council –

- a. Council needs to consider the requirements of the *Local Government Act 2009* with respect to the sale and acquisition of land.
- b. Council needs to consider cost to council of obtaining specialist advice on the development of a new aerodrome and the detailed planning issues involved.
2. Timing of development -
  - a. Will the new airstrip lot be created and the airstrip constructed and land transferred to council prior to the workers' accommodation being built on current airstrip land?
3. Development layout –
  - a. What assets are proposed to be transferred to Council? Just the airstrip, internal access road?
  - b. The final lot size and orientation of the proposed aerodrome.
  - c. Are there any hangars/terminals proposal to be constructed and handed to Council? Does Council require anything?
  - d. Estimates of the maintenance burden for Council following construction of the new airstrip?
  - e. Address Council's specific engineering and operational requirements regarding the lay out and development of the Proposed aerodrome.
4. Compliance with CASA and Airservices Australia, and Council, as the airstrip operator, requirements –
  - a. Applicant engagement with all relevant stakeholders, CASA, Airservices Australia and operators using the current aerodrome to ensure the alignment and size of the proposed aerodrome meets operational requirements.
  - b. Any conflict of air operations with the nearby WindLab wind farm development.
5. Road and intersection upgrades –
  - a. Consideration of a Hurse Road and the access requirements to the aerodrome.
  - b. Consideration of the Hurse Road/ Dawson Road and Dawson/Mulligan Highway intersection.
  - c. Consideration of SARA and TMR requirements regarding the proposal.
6. Development applications required –
  - a. Development applications are required for the reconfiguration of the lots and for the Material Change of Use for the airstrip.
  - b. All relevant planning matters need to be addressed, in particular the impact and alienation of agricultural land Class A and connection to services.
  - c. Mac Farms has indicated future industrial development to support the rural activity. A Development application for industrial development will need to be submitted addressing the locational requirements for industrial development in this location.

At this stage Mac Farms is seeking an indication from Council that it is supportive of the concept of the proposed land swap to enable them to be confident to invest in land survey, geotechnical survey and the next phase of the planning and design process.

Depending on the details of the final proposal, the proposed land swap would be a positive outcome for Council in the improvement of the aerodrome.

Mac Farms' request for formal consent to commence site specific investigations over the current aerodrome lot, lot 211 RP747574 can be managed administratively. For Council's information there is no reason why such consent would be withheld and it is proposed to provide the requested consent with some conditions around other users' access, safety, the restitution of the aerodrome's current condition.

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

*Key Strategy Priority – Economy* – Locality specific economic growth, understanding and development of potential for primary industries, including agriculture and aquaculture opportunities, appropriate to each community and the Shire as a whole.

*Strategy 4* - Develop and progress partnerships to help deliver common facilities and services fostering regional economic growth and providing for jobs through construction and long-term employment by actively supporting and working on as appropriate, prioritised and as funding and resources become available.

#### **CONSULTATION**

The Infrastructure Directorate has consulted with Mac Farms, Council's Executive Leadership Team and Council's Planning department.

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

There are no legal implications associated with Council's provision of in principle support for the concept of a land swap at this investigative stage of the development process by the developer.

#### **POLICY IMPLICATIONS**

There are no policy implications associated with this report. The request and the proposed response is in line with normal practice for Local Government.

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

which will be at a cost to Council.

#### **RECOMMENDATION**

That Council provides in principle support for the concept of a land swap between Mac Farms Pty Ltd and Council at Lakeland and for Mac Farms to construct a new grass runway on the new lot subject to satisfactory negotiation of the details of the land swap and the details of the broader development proposal.

**18 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 Regulation 2012:

**18.1 2020/21 Audit Interim Management Report**

This matter is considered to be confidential under Section 254J(f) of the Local Government Regulation 2012, 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 matters that may directly affect the health and safety of an individual or a group of individuals.