



# **MINUTES**

**Ordinary Council Meeting**

**24 April 2017**

**MINUTES OF COOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN  
ON MONDAY, 24 APRIL 2017 AT 9:00AM**

**1 AGENDA CONTENTS**

**2 ATTENDANCE**

Cr Peter Scott, Cr Kaz Price, Cr Alan Wilson, Cr Robyn Holmes, Cr John Giese

**3 MEETING OPENED**

9.03 am

**4 APOLOGIES**

Cr John Dessmann, Cr Larissa Hale, Cr Kaz Price

**INVITED**

Martin Cookson, Robert Uebergang, Lisa Miller

**5 DECLARATIONS OF INTEREST**

Nil

**6 NOTICE OF BEREAVEMENT**

Advice has been received of the passing of [Steven Nicolaou, Daniel DeBusch, Elsa Woibo, Martin Bowen, Cynthia Seden ].

As a mark of respect one minute silence was observed.

**7 MAYORAL MINUTE**

Nil

**8 CONFIRMATION OF MINUTES**

**RESOLUTION 2017/54**

Moved: Cr Robyn Holmes

Seconded: Cr John Giese

That the minutes of the Ordinary Meeting held on 21 March 2017 be confirmed with amendment to **RESOLUTION 2017/49**

**16.8 Disposal of Assets – Biosecurity**

That Council undertake the disposal of excess firearms and accessories by (a) requesting Ministerial exemption from an auction or tender process; and if successful in obtaining exemption, (b) selling the firearms on consignment through a broker subject to tender selection criteria.

**CARRIED**

**RESOLUTION 2017/55**

Moved: Cr John Giese

Seconded: Cr Alan Wilson

That the minutes of the Special Meeting held on 7 April 2017 be confirmed.

**CARRIED****9 BUSINESS ARISING****10 NOTIFIED MOTIONS**

Nil

**11 COUNCILLORS' REPORTS****11.1 COUNCILLORS MONTHLY REPORT****RESOLUTION 2017/56**

Moved: Cr John Giese

Seconded: Cr Robyn Holmes

That the activities contained in the individual Councillor monthly report be endorsed by Council.

**CARRIED****12 EXECUTIVE SERVICES - REPORTS****12.1 CHIEF EXECUTIVE OFFICERS ACTIVITY SUMMARY****RESOLUTION 2017/57**

Moved: Cr John Giese

Seconded: Cr Alan Wilson

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

**CARRIED****12.2 REVIEW OF OPERATIONAL PLAN FOR 2016-2017 FINANCIAL YEAR - THIRD QUARTER****RESOLUTION 2017/58**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That the third quarterly review of the Operational Plan 2016-2017 be tabled to May meeting.

**CARRIED**

**13 CORPORATE SERVICES – REPORTS**

**13.1 REVENUE AND EXPENDITURE - MARCH 2017**

**RESOLUTION 2017/59**

Moved: Cr Alan Wilson

Seconded: Cr Robyn Holmes

That the Revenue and Expenditure Statements for March 2017 be adopted.

**CARRIED**

**RESOLUTION 2017/60**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council moves into Closed Council.

**CARRIED**

**RESOLUTION 2017/61**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council moves out of Closed Council into Open Council

**CARRIED**

**13.2 REQUEST TO WAIVER RATE CHARGES**

**RESOLUTION 2017/62**

Moved: Cr Robyn Holmes

Seconded: Cr John Giese

Council grant the waiver of the rate charges for the current rating period for the amount of \$203.30.

**CARRIED**

**13.3 REQUEST FOR CONCESSION ON WATER CONSUMPTION CHARGES**

**RESOLUTION 2017/63**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

Council grant a concession on Water Consumption for the amount of \$475.83.

**CARRIED**

**13.4 REQUEST FOR CONCESSION ON WATER CONSUMPTION CHARGES**

**RESOLUTION 2017/64**

Moved: Cr John Giese

Seconded: Cr Robyn Holmes

Council grant a concession on water consumption for the amount of \$515.73.

**CARRIED**

**13.5 REQUEST FOR CONCESSION ON WATER CONSUMPTION CHARGES**

**RESOLUTION 2017/65**

Moved: Cr John Giese

Seconded: Cr Alan Wilson

Council grant a concession on water consumption for the amount of \$225.75.

**CARRIED**

**13.6 REQUEST FOR CONCESSION ON WATER CONSUMPTION**

**RESOLUTION 2017/66**

Moved: Cr John Giese

Seconded: Cr Robyn Holmes

That Council grant a concession on water consumption for the amount of \$312.38.

**CARRIED**

**13.7 WRITE-OFF RATE CHARGES FOR MINING LEASES****RESOLUTION 2017/67**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council accepts these debts as unrecoverable and can be written off for the following values:-

Assessment 10016954 - \$4,030.87

Assessment 10016970 - \$4,066.81

Assessment 10016996 - \$4,022.38

**CARRIED**

**14 INFRASTRUCTURE SERVICES - REPORTS**

Nil

**15 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - REPORTS****15.1 GOLD COAST 2018 QUEEN'S BATON RELAY COUNCIL SELECTED BATONBEARER NOMINATION PROGRAM****RESOLUTION 2017/68**

Moved: Cr Robyn Holmes

Seconded: Cr Alan Wilson

That Council with clarification from Development, Environment & Community nominate a community representative for the Council Selected Baton bearer Program by 19 May 2017.

**CARRIED**

**15.2 APPLICATION FOR A DEVELOPMENT PERMIT - DA/3726 - RECONFIGURATION OF LOT 13 RP 742506, PENINSULA DEVELOPMENTAL ROAD LAKELAND, INTO TWO (2) LOTS.****RESOLUTION 2017/69**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

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

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

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

- Reconfiguration of a Lot – Webb Road; Date 17.01.2017; Plan No: R1-17 (2b).

### Access

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

### Easement

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

### Fire Management

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

### Water Supply

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

### Effluent Disposal

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

### Electricity

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

### Telecommunication Supply

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

endorsement of the Survey Plan.

### **Public Utilities**

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

### **Outstanding Charges**

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

### **Compliance**

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

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

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

### **C. Advice (Council)**

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

**CARRIED**

## **16 CONFIDENTIAL REPORTS**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2009:

### **16.1 Confidential Native Title Report**

This matter is considered to be confidential under Section 275(f) and (h) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving Cook Shire Council and business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

### **16.2 Land Tenure Officer Report**

This matter is considered to be confidential under Section 275(g) and (h) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act and business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

### **16.3 Appointment of Panel**

This matter is considered to be confidential under Section 275(e) of the Local Government Act,



and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by Cook Shire Council.

#### **16.4 DISPOSAL OF COUNCIL ASSET**

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

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

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

#### **16.6 Regional Arts Development Fund Committee**

This matter is considered to be confidential under Section 275(h) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### **16.7 Grants Committee**

This matter is considered to be confidential under Section 275(h) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### **16.8 Disposal of Assets - Biosecurity**

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

### **RESOLUTION 2017/70**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council moves into Closed Council.

**CARRIED**

### **RESOLUTION 2017/71**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council moves out of Closed Council into Open Council.

**CARRIED**

**RESOLUTION 2017/72**

Moved: Cr John Giese

Seconded: Cr Kaz Price

That Council moves into Closed Council.

**CARRIED**

**RESOLUTION 2017/73**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council moves out of Closed Council into Open Council

**CARRIED**

**16.1 Confidential Native Title Report****RESOLUTION 2017/74**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That It is recommended that Council resolve the following:-

- 1.1. Council note that all parties are yet to reach agreement regarding the form of the Determination, however, the matters in dispute do not affect Council's rights and interests over the area.
- 1.2. Council instruct Preston Law to consent to the Determination of Native Title as proposed on behalf of Cook Shire Council and execute the Section 87 Agreement.
- 1.3. That the Mayor and Chief Executive Officer be authorised to finalise any minor amendments to the Determination.
- 1.4. That Council must re-authorise the Consent Determination if it is amended to affect Council's rights and interests over the area.

**CARRIED**

**16.2 LAND TENURE OFFICER REPORT****RESOLUTION 2017/75**

Moved: Cr Robyn Holmes

Seconded: Cr Kaz Price

That

1. **Silverback Properties** – Steve Irwin Nature Reserve - Lot 4 on SP266637 – Extension of Term  
**Recommendation:** Council note the report.
  
2. **Wolverton Station** – Lot 4 on SP 104555 – add additional purpose Low Key Tourism and Vocational training purposes to pastoral lease.  
**Recommendation:** Council defer consideration until May meeting pending DNRM information being provided and internal consultations.
  
3. **Jardine River NP** – Ussher Point Road – Simultaneous Road Opening and Closures Actions  
**Recommendation:** Council notes the road opening and closing actions.
  
4. **Broadcast Water Tower Radio Communication Site** – Lot 4 on SP117602 – Lankelly Street Coen  
**Recommendation:** Council notes the request from PBSA and authorises the CEO to negotiate terms and sign a license agreement on terms satisfactory to the CEO.
  
5. **Application for Deed of Grant** - Ergon Energy Corporation Limited – Lot 2 on CP C17980 – 76 Charlotte St Cooktown  
**Recommendation:** Council supports the conversion of the reserve to freehold subject to the regularisation of existing encroachments within a single lot and approval of the structures under the Building Act.
  
6. **Moreton Telegraph Station**  
**Recommendation:** Council would consider being appointed trustee over part/all of the reserve including lots 3 and 6 on Plan SP 241405 subject to DNRM confirming native title has been extinguished over the entirety of Lot 12 and for the State to negotiate an ILUA (if required) allowing Lots 3 and 6 to be used for landing ground purposes at no cost to Council.
  
7. **Renewal of Term Lease 0/211008** – Lot 3 on CP912615 – Telstra Corporation  
**Recommendation:** The Council does not object to the Minister renewing the Lease subject to the new lease containing conditions requiring that the lessee complies with the Planning Scheme and local laws and the requirements of Cook Shire Council and confirmation that Council is not responsible for the provision of access or maintenance of any access.

**8. Consent to entry of Reserve – John Gray**

**Recommendation:** Council notes the report.

**9. Queensland Heritage Act 1992 – Exemption Certificate – Raymond Fitzgerald Laura to Maytown Coach Road and Wild Irish Girl Mine and Battery**

**Recommendation:** Council notes the report.

**CARRIED**

**16.3 APPOINTMENT OF PANEL****RESOLUTION 2017/76**

Moved: Cr Robyn Holmes

Seconded: Cr Kaz Price

That conforming tenders be added to the Hire of Plant Panel of Preferred Suppliers for 2017.

**CARRIED**

**16.4 DISPOSAL OF COUNCIL ASSET****RESOLUTION 2017/77**

Moved: Cr John Giese

Seconded: Cr Alan Wilson

That Council approve the subdivision and transfer of 25 Taylor Street Coen to the Department of Housing & Public Works.

**CARRIED**

**16.5 COOKTOWN EVENTS CENTRE CYCLONE SHELTER UPGRADE TENDER - TO317****RESOLUTION 2017/78**

Moved: Cr Peter Scott

Seconded: Cr Alan Wilson

That Council:

1. Notes that the 2017-18 capital works budget will need to provide an allocation of \$467,000 (ex GST) to enable completion of Portion 2A of the Cooktown Events Centre Cyclone Shelter Upgrade works.
2. Enters into a contract with VIS Constructions for Portion 2A of the Cooktown Events Centre Cyclone Shelter Upgrade works in the amount of \$1,172,000 (ex GST).

**CARRIED**

**16.6 REGIONAL ARTS DEVELOPMENT FUND COMMITTEE****RESOLUTION 2017/79**

Moved: Cr Robyn Holmes

Seconded: Cr Kaz Price

That Council endorses and approves the RADF Advisory Committee recommendations as contained in the report for Round Two of 2016/17 RADF funding.

- Tess Buhman \$2,128.00
- QLD PCYC Association \$4,070.00
- Legends of Perhaps \$8,950.00
- Rebecca Payne Not approved
- 60s and Better, CDCC Not approved

**CARRIED**

**16.7 GRANTS COMMITTEE****RESOLUTION 2017/80**

Moved: Cr Kaz Price

Seconded: Cr Robyn Holmes

1 That Council endorses the recommendations from the Grants Committee to fund the following projects from the Economic and Community Development Grants Program:

**Community Grants**

- Cooktown School of Art Society – Approved for up to \$2,000.00
- Scripture Union Australia – Approved for up to \$2,000.00
- Sporting Shooters Association of Australia – Approved for \$2,000.00 equipment only
- Lakeland Progress Association – Approved for \$2,000.00
- Cooktown Creative Arts Association – Approved for laptop and programs up to \$2,000.00
- Cooktown Dive Club Inc – Approved for laptop and programs up to \$2,000.00

**Economic Development Grants**

- Coen and District Historical Society – Approved up to \$5,000.00 inc laptop with programs
- Yuku Baja Muliku Landowner and Reserves Ltd – Approved for up to \$3,928.00

2 That Council endorses the recommendations from the Grants Committee to provide the following in-kind support:

- 1 marquee and 4 rubbish bins be provided free of charge for the 2017 Lakeland Bull Ride and this to be recognised by the event organisers as sponsorship. Lakeland Horse Sports to collect and return bins clean and marquee. Rubbish truck to provide kerb side collection on the Monday following the event.
- Laura Amateur Turf Club be provided with up to 50 wheelie bins for rubbish collection at this 2017 Laura Races. These bins must be collected and returned clean to Cooktown Transfer Station. The fee for rubbish dumping will not be waived and dump hours will not be extended beyond their normal hours for the dumping of recyclable materials during the event.

**CARRIED**

**16.8 DISPOSAL OF ASSETS - BIOSECURITY****RECOMMENDATION****RESOLUTION 2017/49**

Moved: Cr John Giese

Seconded: Cr Kaz Price

1. That Council undertake the disposal of excess firearms and accessories by (a) requesting Ministerial exemption from an auction or tender process; and if successful in obtaining exemption, (b) selling the firearms on consignment through a broker subject to tender selection criteria.
2. That Council undertake the disposal of ammunition surplus to requirements by (a) requesting

Ministerial exemption from an auction or tender process; and if successful in obtaining exemption, (b) donating the ammunition firstly to significant landholders within Cook Shire who regularly undertake feral animal control (small lots only), secondly to other Government agencies or bodies, and thirdly by handing it in for destruction to a government agency; with all surplus ammunition to be disposed of within six months of obtaining Ministerial exemption.

**CARRIED**

**17 EXECUTIVE SERVICES - INFORMATION**

Nil

**18 INFRASTRUCTURE SERVICES - INFORMATION**

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

**RESOLUTION 2017/81**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That the information be noted.

**CARRIED**

**19 CORPORATE SERVICES - INFORMATION**

Nil

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

**20.1 BIOSECURITY MONTHLY REPORT - APRIL 2017**

**RESOLUTION 2017/82**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That the information be noted.

**CARRIED**

**The Meeting closed at 4.45pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 May 2017.**

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**MAYOR**