



MINUTES

Ordinary Council Meeting

26 & 27 June 2017

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE TOWN HALL, LAURA
ON MONDAY, 26 JUNE 2017 AT 9.00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

Cr Peter Scott, Cr Kaz Price, Cr Alan Wilson, Cr John Dessmann, Cr John Giese, Cr Larissa Hale

3 MEETING OPENED

9.13am

4 APOLOGIES

Cr Robyn Holmes

5 DECLARATIONS OF INTEREST

Nil

6 NOTICE OF BEREAVEMENT

Advice has been received of the passing of [Thomas "Bill" Payne, Jimmy Port, Brendan Poustie, Terry Dukes, Owen Humphries, Karen Olsen].

As a mark of respect one minute silence was observed.

7 MAYORAL MINUTE

Nil

8 CONFIRMATION OF MINUTES

RESOLUTION 2017/99

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

That the minutes of the Ordinary Meeting held on 16 May 2017 be confirmed.

CARRIED

9 BUSINESS ARISING**10 NOTIFIED MOTIONS**

Nil

11 COUNCILLORS' REPORTS**11.1 COUNCILLORS MONTHLY REPORT****RESOLUTION 2017/100**

Moved: Cr John Giese

Seconded: Cr Kaz Price

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 2017/101**

Moved: Cr Kaz Price

Seconded: Cr Larissa Hale

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

CARRIED

12.2 FRAUD PREVENTION POLICY - V1 - DRAFT FOR ADOPTION - JUNE MEETING**RESOLUTION 2017/102**

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

That:

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

CARRIED

12.3 NQLGA CONFERENCE**RESOLUTION 2017/103**

Moved: Cr Kaz Price

Seconded: Cr John Giese

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

CARRIED

13 CORPORATE SERVICES - REPORTS**13.1 REVENUE AND EXPENDITURE - MAY 2017****RESOLUTION 2017/104**

Moved: Cr John Giese

Seconded: Cr Kaz Price

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

CARRIED

13.2 ASSET DISPOSAL COOKTOWN

RESOLUTION 2017/105 Cr Kaz Price moved an amendment to the original recommendation as follows

That Council resolve to gift for the sum of \$0.00 a portion of the asset at 10 Furneaux Street to Gungarde Community Centre Aboriginal Corporation for the purpose of construction and operation of a men's wellbeing house.

This facility is to bear no cost to Council including but not limited to the site being prepared for construction of a dwelling.

The amendment was put and declared by Cr Kaz Price and Cr Alan Wilson .

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council agree that 13.2: Asset Disposal Cooktown be deferred until the meeting of the Council scheduled to be held on 27 June 2017.

Recommendation

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

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

.CARRIED

14 INFRASTRUCTURE SERVICES - REPORTS

Nil

15 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - REPORTS**15.1 AMENDMENT OF SUBORDINATE LOCAL LAWS - REVIEW OF ANTI-COMPETITIVE PROVISIONS AND ADOPTION****RESOLUTION 2017/106**

Moved: Cr John Giese

Seconded: Cr Larissa Hale

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

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

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

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

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

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

CARRIED

15.2 COOKTOWN 2020 ADVISORY COMMITTEE**RESOLUTION 2017/107**

Moved: Cr John Giese

Seconded: Cr Larissa Hale

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

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

CARRIED**15.3 COOK SHIRE COUNCIL PLANNING SCHEME 2017 - NEW PLANNING ACT 2016 ALIGNMENT AMENDMENTS****RESOLUTION 2017/108**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

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

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

CARRIED**16 CONFIDENTIAL REPORTS**

RESOLUTION 2017/109

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

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

16.1 REQUEST FOR CONCESSION ON WATER CONSUMPTION

This matter is considered to be confidential under Section 275(d) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

16.2 CONCESSION ON WATER CONSUMPTION

This matter is considered to be confidential under Section 275(d) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

16.3 Confidential Native Title Report

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

16.4 Land Tenure Officers Report

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

16.5 Confidential Report - Legal Advice

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

16.6 Contractual Matter - 2017/2018 Regional Bitumen Reseal

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

16.7 Cooktown Activity Precinct Sewer Rectification Works - Tender TO517

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

CARRIED

RESOLUTION 2017/110

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council moves into Closed Council.

CARRIED

RESOLUTION 2017/111

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council moves out of Closed Council into Open Council

CARRIED

16.1 REQUEST FOR CONCESSION ON WATER CONSUMPTION

RESOLUTION 2017/112

Moved: Cr Larissa Hale

Seconded: Cr John Giese

Council grant a concession on water consumption for the amount of \$743.58.

CARRIED

16.2 CONCESSION ON WATER CONSUMPTION

RESOLUTION 2017/113

Moved: Cr John Giese

Seconded: Cr Kaz Price

Council grant a concession on water consumption for the amount of \$488.08.

CARRIED

16.3 CONFIDENTIAL NATIVE TITLE REPORT**RESOLUTION 2017/114**

Moved: Cr Larissa Hale

Seconded: Cr John Giese

That

- (a) Council resolve to instruct Preston Law to consent to a Determination of Native Title in the Proceedings on behalf of Cook Shire Council and execute the Section 87 Agreement.
- (b) Preston Law attend the Determination in Cairns which will occur at the same time as the Ankamuthi Consent Determination.

CARRIED

16.4 LAND TENURE OFFICERS REPORT**RESOLUTION 2017/115**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That

1. Council approves in-principle the addition of low key tourism and vocational training purposes to Pastoral Holding 0/210795 – Lot 4 on SP 104555.
Council notes that the Lessee will be required, prior to commencement of use, to obtain a Development Permit under the Cook Shire Council Planning Scheme 2016.
2. **Conversion of Term Lease 213543** - Council supports the conversion of Term Lease 213543 over Lot 10 on SP 113659 to Freehold.
3. **Conversion of Pastoral Holding 34/4652** - Council supports the conversion of Pastoral Holding 34/4652 over Lot 652 on SP 177999 to Freehold.
4. **Term Lease 210238** - That Council advise the Department of Natural Resources and Mines that it is interested in the land being amalgamated into the existing Park and Gardens Reserve under the Council's Trusteeship.
5. **Subdivision** - Council resolve to support the subdivision of Kimba Station into two separate lots as depicted. That Council delegate the authority for the Chief Executive Officer to sign a letter of support.

CARRIED

16.5 CONFIDENTIAL REPORT - LEGAL ADVICE**RESOLUTION 2017/116**

Moved: Cr John Giese

Seconded: Cr Larissa Hale

That Council authorises the Governance and Risk Manager to:

1. liaise with Kalpowar Aboriginal Land Trust in relation to Magistrates Court proceeding M84/17 (Cairns), consistent with the discussions at the closed session of this meeting;
2. liaise with Kalpowar Aboriginal Land Trust in relation to the pending Settlement Conference, consistent with the discussions at the closed session of this meeting.

CARRIED**16.6 CONTRACTUAL MATTER - 2017/2018 REGIONAL BITUMEN RESEAL****RESOLUTION 2017/117**

Moved: Cr John Giese

Seconded: Cr Alan Wilson

It recommended that Council:

1. Awards Contract T0617 – 2017/2018 Regional Bitumen Reseal to FGF Bitumen Pty Ltd. Based on the indicative works program and pricing the annual contract value is estimated to be in the vicinity of \$221,550.17 ex GST, plus an initial contribution to Douglas Shire Council of \$2,083.94 ex GST.
2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contract, negotiate, finalise and execute any and all matters associated with or in relation to this contract subject to Council's procurement practices and policies.

CARRIED**16.7 COOKTOWN ACTIVITY PRECINCT SEWER RECTIFICATION WORKS - TENDER TO517****RESOLUTION 2017/118**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council enters into a contract with LDI Constructions for the Cooktown Activity Precinct Sewer Rectification Works Tender TO517 in the amount of \$283,320 (ex GST).

CARRIED

At 1:45 pm, Cr John Dessmann left the meeting.

17 EXECUTIVE SERVICES - INFORMATION

Nil

18 INFRASTRUCTURE SERVICES - INFORMATION

18.1 BIOSECURITY MONTHLY REPORT - JUNE 2017

RESOLUTION 2017/119

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

That the information be noted.

CARRIED

19 CORPORATE SERVICES - INFORMATION

Nil

20 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - INFORMATION

Nil

The Meeting closed at 3.35pm 26 June 2017

27 June 2017

The Meeting Opened at 2.43pm

The Meeting closed at 4.07pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 July 2017.

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MAYOR