



MINUTES

Ordinary Council Meeting

23 January 2019

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN
ON WEDNESDAY, 23 JANUARY 2019 AT 9.00 AM**

1 AGENDA CONTENTS

2 ATTENDANCE

Cr Peter Scott (Mayor), Cr Robyn Holmes (Deputy Mayor), Cr John Dessmann, Cr Larissa Hale, Cr Kaz Price, Cr Alan Wilson, Linda Cardew (Chief Executive Officer), Eric Brown (Director Organisational Business Services), Lawrence Booth (Director Community, Economy and Innovation), Robert Uebergang (Director Infrastructure Services)

3 MEETING OPENED

9.02 AM

4 APOLOGIES

Cr John Giese,

5 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges the Traditional Owners of the land on which we meet today and pay respect to Elders past, present and emerging.

6 DECLARATIONS OF INTEREST

Nil

7 MAYORAL MINUTE

Nil

8 NOTICE OF BEREAVEMENT

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

9 CONFIRMATION OF MINUTES

RESOLUTION 2019/1

Moved: Cr Larissa Hale

Seconded: Cr Alan Wilson

That the minutes of the Ordinary Meeting held on 11 December 2018 be confirmed.

CARRIED

10 BUSINESS ARISING

Nil

11 NOTIFIED MOTIONS

Nil

12 COUNCILLORS' REPORTS**12.1 COUNCILLORS' MONTHLY REPORT****RESOLUTION 2019/2**

Moved: Cr John Dessmann

Seconded: Cr Larissa Hale

That the activities contained in the individual Councillors' monthly reports and travel requirements be endorsed by Council. **CARRIED**

At 10:03 am Cr Peter Scott (Mayor) left the meeting.

At 10:04 am Cr Peter Scott (Mayor) returned to the meeting.

At 10.15 am Council adjourned the meeting.

At 10.30 am Council resumed the meeting.

12.2 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT**RESOLUTION 2019/3**

Moved: Cr Kaz Price

Seconded: Cr Alan Wilson

That the activities contained in the Chief Executive Officer's monthly report and travel requirements be endorsed by Council. **CARRIED**

13 EXECUTIVE SERVICES - REPORTS**13.1 COUNCILLOR REMUNERATION - LOCAL GOVERNMENT REMUNERATION AND DISCIPLINE REPORT 2018****RESOLUTION 2019/4**

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council resolves to adopt the 2.1% increase in remuneration for the Mayor, Deputy Mayor and Councillors for the 2019/20 financial year as determined by the Local Government Remuneration and Discipline Tribunal. **CARRIED**

13.2 REVIEW OF OPERATIONAL PLAN FOR 2018-2019 FINANCIAL YEAR - FIRST AND SECOND QUARTERS**RESOLUTION 2019/5**

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr Alan Wilson

That Council note the assessment and review of the progress towards the implementation of the 2018-2019 Operational Plan as at January 2019. **CARRIED**

13.3 DRAFT COMPETITIVE NEUTRALITY COMPLAINT MANAGEMENT POLICY**RESOLUTION 2019/6**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

That Council resolves to:

1. Adopt the attached draft competitive neutrality complaint management policy as Council's policy for dealing with competitive neutrality complaints as required by Section 48 of the *Local Government Act 2009*.

CARRIED**13.4 CODE OF CONDUCT FOR COUNCILLORS IN QUEENSLAND****RESOLUTION 2019/7**

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

That Council resolves:

1. Note the Code of Conduct for Queensland Councillors, which came into effect on 3 December 2018 as part of recent amendments to the *Local Government Act 2012 (QLD)*.

CARRIED**14 CORPORATE AND COMMUNITY SERVICES - REPORTS****14.1 INVASIVE PLANTS AND ANIMALS ADVISORY COMMITTEE - DECEMBER 2018 MEETING AND PROPOSED CHANGES TO TERMS OF REFERENCE****RESOLUTION 2019/8**

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

That Council resolve to:

1. Note the minutes of the Invasive Plants and Animals Advisory Committee (IPAAC) meeting held on the 5th of December 2018.
2. Support a recommendation being made to the next Invasive Plants and Animals Advisory Committee to amend the Terms of Reference of this committee to:
 - (a) Reduce the number of annual meetings from four (4) to two (2);
 - (b) Hold future IPAAC meetings in Cooktown and Lakeland;
 - (c) Schedule the Cooktown meeting during business hours in May;
 - (d) Schedule the Lakeland meeting after business hours in November;
 - (e) Move the annual review of the *Cook Shire Local Area Biosecurity Plan 2017-2021* from February to May; and,
 - (f) Include the development and approval of an annual survey as a function of the committee.

CARRIED

14.2 FINANCIAL STATEMENTS - DECEMBER 2018**RESOLUTION 2019/9**

Moved: Cr Larissa Hale

Seconded: Cr Kaz Price

That Council resolves to:

1. Note the financial report as required under section 204 of the *Local Government Regulation 2012* (QLD) for December 2018.
2. Note the revenue and expenditure statement for December 2018.
3. Note the operational plan initiatives report for December 2018.
4. Note the capital works program for December 2018. **CARRIED**

14.3 COOKTOWN 2020 ADVISORY COMMITTEE DECEMBER 2018 MEETING**RESOLUTION 2019/10**

Moved: Cr Larissa Hale

Seconded: Cr Alan Wilson

That the minutes of the Cooktown 2020 Advisory Committee meeting held on 3rd December 2018 be noted. **CARRIED**

14.4 ESTABLISHMENT OF A COOKTOWN PCYC EMERGENCY CADET PROGRAM

Moved: Cr Kaz Price

Seconded: Cr Larissa Hale

THAT Cook Shire Council enters into a Memorandum of Understanding with Cooktown State Emergency Services; Queensland Fire and Emergency Services – State Emergency Services and the Queensland Police-Citizens Welfare Association to deliver an Emergency Services Cadets Program in Cook Shire; and

THAT Council nominates a Councillor to take up one chair on the Local Cadet Advisory Committee; and

THAT, pursuant to s.257 of the Local Government Act, Council delegates authority to the Chief Executive Officer to sign the Memorandum of Understanding and correspond with the Queensland Police-Citizens Welfare Association on behalf of Council.

RESOLUTION 2019/11

Cr Robyn Holmes (Deputy Mayor) moved an amendment to the motion as follows:

THAT Cook Shire Council enters into a Memorandum of Understanding with Cooktown State Emergency Services; Queensland Fire and Emergency Services – State Emergency Services and the Queensland Police-Citizens Welfare Association to deliver an Emergency Services Cadets Program in Cook Shire; and

THAT Council nominates Cr Alan Wilson to take up a position on the Local Cadet Advisory Committee with Cr Robyn Holmes (Deputy Mayor) to stand in as his proxy; and

THAT, pursuant to s.257 of the Local Government Act, Council delegates authority to the Chief

Executive Officer to sign the Memorandum of Understanding and correspond with the Queensland Police-Citizens Welfare Association on behalf of Council.

The motion was seconded by Cr Alan Wilson.

CARRIED

15 INFRASTRUCTURE SERVICES - REPORTS

Nil

16 CONFIDENTIAL REPORTS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Regulation 2012:

16.1 Amendment for Resolution 2018/240 - Exemption of Kerbside Collection Charges

This matter is considered to be confidential under Section 275(d) 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 rating concessions.

16.2 Tender T1218 - Supply and Delivery of Bulk Fuel (Aviation, Diesel and Unleaded)

This matter is considered to be confidential under Section 275(e) and (h) 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 contracts proposed to be made by 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.

16.3 Request for input into the Racecourse Reserve (R109) Trusteeship and other matters

This matter is considered to be confidential under Section 275(g) and (h) 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 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.

16.4 Coastal Hazards Adaption Program (Qcoast2100) - Procurement approval for stages 3 to 8

This matter is considered to be confidential under Section 275(e) and (h) 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 contracts proposed to be made by 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.

16.5 Legal Matter Update

This matter is considered to be confidential under Section 275(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 starting or defending legal proceedings involving Cook Shire Council.

RESOLUTION 2019/12

Moved: Cr Larissa Hale
Seconded: Cr John Dessmann

That Council moves into Closed Council.

CARRIED

At 12:15 pm, Cr John Dessmann left the meeting.

At 12:20 pm, Cr John Dessmann returned to the meeting.

RESOLUTION 2019/13

Moved: Cr Alan Wilson
Seconded: Cr Larissa Hale

That Council moves out of Closed Council into Open Council.

CARRIED

16.1 Amendment for Resolution 2018/240 - Exemption of Kerbside Collection Charges**RESOLUTION 2019/14**

Moved: Cr Alan Wilson
Seconded: Cr Kaz Price

That Council resolves to:

1. Amend Council Resolution 2018/240 from Council's Ordinary Meeting 13 November 2018 to read: Grant a concession for waste management charges levied for the period 1 July 2018 to 31 December 2018 on Lot 41 SP 161240; and
2. Levy waste management charges for Lot 41 SP 161240 from 1 January 2019.

CARRIED

16.2 TENDER T1218 - SUPPLY AND DELIVERY OF BULK FUEL (AVIATION, DIESEL AND UNLEADED)**RESOLUTION 2019/15**

Moved: Cr Kaz Price
Seconded: Cr John Dessmann

That Council resolves to:

1. Delegate under section 257 of the *Local Government Act 2012* to the Chief Executive Officer, the authority to enter into a contract with **AIR FUEL TOWNSVILLE** for the supply and delivery of aviation fuel (AVGAS and JET A1) to both Cooktown Airport and Coen Airport as required, in accordance with the tender specification and their tender submission for an initial period of twelve (12) months.
2. Delegate under section 257 of the *Local Government Act 2012* to the Chief Executive Officer, the authority to execute extensions on the contract executed, under recommendation 1 above, with **AIR FUEL TOWNSVILLE** for a further two (2) periods of twelve (12) months each based on satisfactory performance and continued need.
3. Delegate under section 257 of the *Local Government Act 2012* to the Chief Executive Officer, the authority to enter into a contract with **MARANO'S FUEL** for the supply and delivery of

bulk fuel (DIESEL and UNLEADED) to; Cooktown and Coen Airports, Cooktown and Coen Depots and to road crews as required, in accordance with the tender specification and their tender submission for an initial period of twelve (12) months; and,

4. Delegate under section 257 of the *Local Government Act 2012* to the Chief Executive Officer, the authority to execute extensions on the contract executed, under recommendation 3 above, with **MARANO'S FUEL** for a further two (2) periods of twelve (12) months each based on satisfactory performance and continued need. **CARRIED**

16.3 REQUEST FOR INPUT INTO THE RACECOURSE RESERVE (R109) TRUSTEESHIP AND OTHER MATTERS

RESOLUTION 2019/16

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr Larissa Hale

That Council resolves to:

1. Advise the Department of Natural Resources, Mines and Energy as follows in respect of the letter received from the Department in respect to Reserve 109:
 - (a) That Council is in favour of the Cooktown Amateur Turf Club being appointed as the Trustee over Reserve R109 described as lot 42 on C17936;
 - (b) That Council is in support of the Community purpose of 'Recreation' being added to the existing racecourse purpose on Reserve R109 described as lot 42 on C17936;
 - (c) That Council will further investigate the current situation in respect of the access road to Reserve R109 prior to making a decision on how to most appropriately deal with this issue.
2. That the matters raised in this report with respect to the Go-Kart development on Reserve R109, be further pursued with the future Trustees to assist in ensuring that the Trustees comply with all requirements under the *Planning Act 2016*.
3. That the management of the Council RV park on Reserve R221, described as Lot 13 on SP142890, be considered in the broader RV strategy proposed for Council, with particular consideration given to the management of the RV park. **CARRIED**

16.4 COASTAL HAZARDS ADAPTION PROGRAM (QCOAST2100) - PROCUREMENT APPROVAL FOR STAGES 3 TO 8**RESOLUTION 2019/17**

Moved: Cr Larissa Hale

Seconded: Cr Alan Wilson

That Council resolves to:

1. Appoint GHD Pty Ltd for the completion of stages three (3) and four (4) of the funded Coastal Hazard Adaptation Strategy at a cost of \$172,215 excluding GST in line with the proposal from GHD Pty Ltd and the Council request for quotation RFQ1218.
2. That subject to the successful completion of stages three (3) and four (4) of the Coastal Hazard Adaptation Strategy project, including approval from the Local Government Association of Queensland, that GHD Pty Ltd be appointed to complete stages five (5) to eight (8) of the project in line with the GHD Pty Ltd proposal.
3. Under section 257 of the *Local Government Act 2012 (QLD)* delegate to the Chief Executive Officer the authority to negotiate and execute a contract with GHD Pty Ltd, for the completion of the Coastal Hazard Adaptation Strategy, and to finalise any minor administrative issues. **CARRIED**

16.5 LEGAL MATTER UPDATE**RESOLUTION 2019/18**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council resolves to:

1. Delegate authority to the Chief Executive Officer pursuant to Section 257 of the Local Government Act to progress the matter in Council's best interests and;
2. File a Notice of Intention to Defend on the terms outlined in the report. **CARRIED**

The Meeting closed at 12.58pm.**The minutes of this meeting will be confirmed at the Ordinary Council Meeting to be held on 20 February 2019.**.....
CHAIRPERSON