



MINUTES

Ordinary Council Meeting

17 April 2019

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN
ON WEDNESDAY, 17 APRIL 2019 AT 9.00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

Cr Peter Scott (Mayor), Cr John Dessmann, Cr John Giese, Cr Larissa Hale, Cr Alan Wilson, Linda Cardew (Chief Executive Officer), Eric Brown (Director Organisational Business Services), Lawrence Booth (Director Community, Economy and Innovation), David Klye (Director Infrastructure)

3 MEETING OPENED

9.00am

4 APOLOGIES

Cr Robyn Holmes (Deputy Mayor), Cr Kaz Price

5 ACKNOWLEDGEMENT OF COUNTRY

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

6 DECLARATIONS OF INTEREST

6.1 CONFLICT OF INTEREST (COI)

Cr John Giese declared a conflict of interest in Item 16.2, Lease - 5 Webber Esplanade - Lot 1 on CP889652 (as defined by *Local Government Act 2009*, section 175D) as follows.

My sister is a tenant in the building on the lease area under discussion.

I have determined that this personal interest is not of sufficient significance that it will lead me to making a decision on the matter that is contrary to the public interest. However, I will best perform my responsibility of serving the overall public interest of the whole of Council's area by not participating in the discussion and voting on this matter.

However, I acknowledge that the remaining councillors must now determine, pursuant to sections 175E (4) of the *Local Government Act 2009*:-

- a) Whether I have a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- b) if so whether :-
 - i) I must leave the meeting while this matter is discussed and voted on; or
 - ii) I may participate in the meeting in relation to the matter, including voting on the matter.

RESOLUTION 2019/68

Moved: Cr Larissa Hale

Seconded: Cr John Dessmann

Cr John Giese has a perceived conflict of interest in the matter and accordingly must leave the meeting room, including any place set aside for the public and stay away while this matter is discussed and voted on.

CARRIED

6.2 CONFLICT OF INTEREST (COI)

Cr John Giese declared a conflict of interest in Item [16.5], Tender T1618 – Register of Prequalified suppliers (RPQS) – Civil Works 2019 (as defined by *Local Government Act 2009*, section 175D) as follows.

I have a perceived relationship with a contractor on the register.

I have determined that this personal interest is not of sufficient significance that it will lead me to making a decision on the matter that is contrary to the public interest. I will best perform my responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on this matter.

However, I acknowledge that the remaining councillors must now determine, pursuant to sections 175E (4) of the *Local Government Act 2009*:-

- a) Whether I have a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- b) if so whether :-
 - i) I must leave the meeting while this matter is discussed and voted on; or
 - ii) I may participate in the meeting in relation to the matter, including voting on the matter.

RESOLUTION 2019/69

Moved: Cr John Dessmann

Seconded: Cr Alan Wilson

Cr John Giese does not have either a real conflict of interest or a perceived conflict of interest in this matter and is accordingly free to participate in the meeting while this matter is discussed, including voting on the matter.

CARRIED

6.3 CONFLICT OF INTEREST (COI)

Cr Larissa Hale declared a conflict of interest in Item 16.5, Tender T1618 – Register of Prequalified suppliers (RPQS) – Civil Works 2019 (as defined by *Local Government Act 2009*, section 175D) as follows.

I have a perceived relationship with two contractors on the register.

I have determined that this personal interest is not of sufficient significance that it will lead me to making a decision on the matter that is contrary to the public interest. I will best perform my responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on this matter.

However, I acknowledge that the remaining councillors must now determine, pursuant to sections 175E (4) of the *Local Government Act 2009*:-

- a) Whether I have a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- b) if so whether :-
 - i) I must leave the meeting while this matter is discussed and voted on; or
 - ii) I may participate in the meeting in relation to the matter, including voting on the matter.

RESOLUTION 2019/70

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

Cr Larissa Hale does not have either a real conflict of interest or a perceived conflict of interest in this matter and is accordingly free to participate in the meeting while this matter is discussed, including voting on the matter.

CARRIED

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 2019/71

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

That the minutes of the Ordinary Meeting held on 20 March 2019 be confirmed.

CARRIED

10 BUSINESS ARISING

Nil

11 NOTIFIED MOTIONS

Nil

12 COUNCILLORS' REPORTS**12.1 COUNCILLORS' MONTHLY REPORT****RESOLUTION 2019/72**

Moved: Cr John Dessmann

Seconded: Cr John Giese

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

13 EXECUTIVE SERVICES - REPORTS**13.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2019/73**

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

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

13.2 REVIEW OF OPERATIONAL PLAN FOR 2018-2019 FINANCIAL YEAR - THIRD QUARTER**RESOLUTION 2019/74**

Moved: Cr John Dessmann

Seconded: Cr Alan Wilson

That Council resolves to note and endorse the progress towards implementing the 2018-2019 annual Operational Plan. **CARRIED**

14 ORGANISATIONAL BUSINESS SERVICES - REPORTS**14.1 FINANCIAL STATEMENTS - MARCH 2019****RESOLUTION 2019/75**

Moved: Cr John Giese

Seconded: Cr John Dessmann

That Council resolves to:

1. Note the financial report as required under section 204 of the *Local Government Regulation 2012* (QLD) for March 2019.
2. Note the revenue and expenditure statement for March 2019.
3. Note the operational plan initiatives report for March 2019.
4. Note the capital works program for March 2019.

CARRIED

14.2 REQUEST FOR AN EXTENSION TO THE CURRENCY PERIOD FOR DEVELOPMENT PERMIT DA/3131 - MAKING A MATERIAL CHANGE OF USE FOR TOURIST ACCOMMODATION (6 X CABINS & MANAGER'S RESIDENCE & OFFICE) ON LOT 34 ON RP734468, LOCATED AT 9 WEARY BAY ROAD, BLOOMFIELD**RESOLUTION 2019/76**

Moved: Cr John Giese

Seconded: Cr Alan Wilson

1. That Council grant a four (4) year extension to the currency period for Development Permit DA/3131, making a Material Change of Use for Tourist Accommodation (6 x Cabins & Manager's Residence & Office) on Lot 34 on RP734468, located at 9 Weary Bay Road, Bloomfield, extending the currency period until 20 August 2023.

CARRIED

15 INFRASTRUCTURE - 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 Waste Water Unit Charges for Laura

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

16.2 Lease - 5 Webber Esplanade - Lot 1 on CP889652

This matter is considered to be confidential under Section 275(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 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 Concession on Water Consumption

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.

16.4 Application for Commercial Use of Council Road Reserve

This matter is considered to be confidential under Section 275(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 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 Tender T1618 - Register of Pre-qualified Suppliers (RPQS) - Civil Works 2019

This matter is considered to be confidential under Section 275(e) 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.

RESOLUTION 2019/77

Moved: Cr John Giese

Seconded: Cr Alan Wilson

That Council moves into Closed Council.

CARRIED

At 11.02 am Cr John Giese left the meeting.

At 11.15am meeting was adjourned due to a fire alarm.

Councillors and relevant officers maintained confidentiality during the building evacuation.

At 11.25am meeting was resumed.

At 11.29 am Cr John Giese returned to the meeting.

RESOLUTION 2019/78

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council moves out of Closed Council into Open Council.

CARRIED

16.1 WASTE WATER UNIT CHARGES FOR LAURA

RESOLUTION 2019/79

Moved: Cr Larissa Hale

Seconded: Cr John Dessmann

That Council resolves to:

- (a) Include the charge of \$72 per wastewater unit for Laura in the revenue policy and operational budget for the 2019/20 financial year.
- (b) Include the proposed wastewater unit table inclusive of Laura charges in the revenue policy and operational budget for the 2019/20 financial year.
- (c) Communicate the intention to introduce a new charge from 1 July 2019 as indicated in the body of this report to residents of Laura to allow them to start budgeting for this increase.

In Favour: Crs Peter Scott, John Dessmann, John Giese and Larissa Hale

Against: Cr Alan Wilson

CARRIED

At 11.49 am Cr John Giese left the meeting.

16.2 LEASE - 5 WEBBER ESPLANADE - LOT 1 ON CP889652

RESOLUTION 2019/80

Moved: Cr Larissa Hale

Seconded: Cr Alan Wilson

That Council resolves not to provide an extension of the Lease on 5 Webber Esplanade (Lot 1 on CP889652/ Lease C).

CARRIED

At 11.52 am Cr John Giese returned to the meeting.

16.3 CONCESSION ON WATER CONSUMPTION

RESOLUTION 2019/81

Moved: Cr Larissa Hale

Seconded: Cr John Giese

That Council grant a concession for Assessment 10010718 for the amount of \$762.83.

CARRIED

16.4 APPLICATION FOR COMMERCIAL USE OF COUNCIL ROAD RESERVE

RESOLUTION 2019/82

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council resolve to:

Advise the applicant that Council will not permit the use of the road reserve for the requested purpose and that any negotiations should be conducted with the Traditional Owners of the area.

CARRIED

16.5 TENDER T1618 - REGISTER OF PRE-QUALIFIED SUPPLIERS (RPQS) - CIVIL WORKS 2019**RESOLUTION 2019/83**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council authorise the Chief Executive Officer under section 257 of the Act, on behalf of Council, to approve the following suppliers under a Register of Pre-qualified Suppliers – Civil Works 2019 and subsequent contracts subject to need and availability of funds, for a period of twelve (12) months with a possible extension of twelve (12) months based on past performance and at the discretion of the Chief Executive Officer:

Part A – Plant Hire (Wet and Dry) – Primary Suppliers

BRAMWELL
SCOTT EARTHMOVING
NPA EARTHMOVING
KG & KR ROBERTSON
RP & KS WAKEFIELD
GOLD N ROADS
BUILDERS NORTH
WILLMANN CONTRACTING PTY LTD
RAYMOND MICHAEL FITZGERALD
SG & S AHLERS
MILLERS CONTRACTORS
DELAHUNTY PLANT HIRE PTY LTD
CJ INNES & MA INNES
DALLAS STRUCKEL
COOKTOWN EARTHMOVING
NQ CIVIL ENGINEERING CONTRACTING
CCC TRUCKING
PALMER COOKTOWN
G & M CIVIL CONTRACTING
SCOTT EARTHMOVING
WEGRZYNIAK HAULAGE
VIV BOWYER CONTRACTING
MARTON MECHANICAL SERVICES
ROSS ANDREASSEN
ARTEMIS CATTLE COMPANY
WAYNE WITHERS
RYAN JACKETT
PF & PL ARKEY
ALS GRADER HIRE
T&C WHITE GRADE HIRE
BANJO'S HAULAGE
BLOOMFIELD MACHINERY HIRE
CC & DR QUARTERMAINE
BUBU EXCAVATIONS
EARTHMECH (NT)
W&J TRUCK HIRE

RYAN SPERRING
RG & AM RAYMOND
GJ HAMILTON
GREAT NORTHERN HAULAGE
DAVID TRANSPORT PTY LTD
CAIRNS MULCH
JM FABRICATION & PLANT HIRE
MARRIN PTY LTD
JONES GS & SM
CIVIL TEKNIX
KILLALOE RESOURCES
HOWARD PLUMB
IRONBARK HOLDINGS
D & D BACKHOE
ANTHONY NEVEL EDMONDS
BEARD GRADER HIRE
J MILES EARTHMOVING
MCKENNA GROUP CONTRACTORS
BOWEN EARTHWORKS
PENINSULA BULK HAULAGE
SIEVERDING GROUP
SPENCE CONTRACTING
OAKDARE HOLDINGS

Part A – Plant Hire (Wet and Dry) – Secondary Suppliers

G & G MARKELL
TUTT BRYANT HIRE
COATES HIRE OPERATIONS
KING HIRE & TRAILERS
HASTINGS DEERING

Part B – Crew Hire by Contract – Primary Suppliers

BRAMWELL
SCOTT EARTHMOVING
NPA EARTHMOVING
KG & KR ROBERTSON
RP & KS WAKEFIELD
GOLD N ROADS
BUILDERS NORTH
WILLMANN CONTRACTING PTY LTD
RAYMOND MICHAEL FITZGERALD
GG & S AHLERS
MILLERS CONTRACTORS
DELAHUNTY PLANT HIRE PTY LTD
CJ INNES & MA INNES
DALLAS STRUCKEL
COOKTOWN EARTHMOVING
NQ CIVIL ENGINEERING CONTRACTING

CCC TRUCKING

Part B – Crew Hire by Contract – Secondary Suppliers

MCKENNA GROUP CONTRACTORS

BOWEN EARTHWORKS

PENINSULA BULK HAULAGE

SIEVERDING GROUP

SPENCE CONTRACTING

OAKDARE HOLDINGS

Part C – Contracted Foreperson

PENNELL ROADWORK SOLUTIONS

G&M CIVIL CONTRACTING

QUINLO PTY LTD

BUILDERS NORTH

GEOFFREY EARL BIRD

NCP CONTRACTING

OAKDARE HOLDINGS

CARRIED

17 EXECUTIVE SERVICES - INFORMATION

Nil

18 INFRASTRUCTURE SERVICES - INFORMATION

Nil

19 ORGANISATIONAL BUSINESS SERVICES - INFORMATION

Nil

The Meeting closed at 11.52am.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 22 May 2019.

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CHAIRPERSON