



MINUTES

Ordinary Council Meeting

22 July 2019

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN
ON MONDAY, 22 JULY 2019 AT 9.00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

Cr Peter Scott (Mayor), Cr Robyn Holmes (Deputy Mayor), Cr John Dessmann, Cr John Giese, Cr Kaz Price, Cr Alan Wilson, Eric Brown (Acting Chief Executive Officer), Lawrence Booth (Director Community, Economy and Innovation), David Klye (Director Infrastructure)

3 MEETING OPENED

9.00am

4 APOLOGIES

Cr Larissa Hale, Linda Cardew (Chief Executive Officer)

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

6.1 DECLARATION OF INTEREST CR PRICE

Cr Kaz Price declared a conflict of interest in Item [14.2], Land Management Plan - Lot 98/SP241470 - Gallop Botanical Reserve (as defined by *Local Government Act 2009*, section 175D) as follows.

I am Manager of Cooktown District Community Centre which is a stakeholder in Nature's PowerHouse at the Botanic Gardens.

I have determined that 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 2019/161

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr John Giese

Cr Kaz Price has a real or 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

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 2019/162**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That the minutes of the Ordinary Meeting held on 19 June 2019 and the Special Meeting held on 27 June 2019 be confirmed. **CARRIED**

10 BUSINESS ARISING

Nil

11 NOTIFIED MOTIONS

Nil

12 COUNCILLORS' REPORTS**12.1 COUNCILLORS' MONTHLY REPORT****RESOLUTION 2019/163**

Moved: Cr John Dessmann

Seconded: Cr Alan Wilson

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

At 10.30am Council adjourned the meeting.

At 10.50am Council resumed the meeting.

13 EXECUTIVE SERVICES - REPORTS**13.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2019/164**

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

At 11:00 am Cr John Dessmann left the meeting.

At 11:01 am Cr John Dessmann returned to the meeting.

14 ORGANISATIONAL BUSINESS SERVICES - REPORTS**14.1 FINANCIAL STATEMENTS - JUNE 2019****RESOLUTION 2019/165**

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 June 2019.
2. Note the revenue and expenditure statement for June 2019.
3. Note the operational plan initiatives report for June 2019.
4. Note the capital works program for June 2019.

CARRIED

At 11:19 am, Cr Kaz Price left the meeting.

14.2 LAND MANAGEMENT PLAN - LOT 98/SP241470 - GALLOP BOTANICAL RESERVE**RESOLUTION 2019/166**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council adopt the Land Management Plan for Lot 98 on SP241470 (Reserve for Botanical Gardens and Recreation).

CARRIED

At 11:30 am Cr Kaz Price returned to the meeting.

14.3 REQUEST FOR AN EXTENSION TO THE CURRENCY PERIOD FOR DEVELOPMENT PERMIT DA/3380 - MAKING A MATERIAL CHANGE OF USE FOR CARAVAN PARK (EXPANSION) ON LOT 26 ON RP725840, LOCATED AT 1 SESAME STREET LAKELAND**RESOLUTION 2019/167**

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council grant a two year extension to the currency period for Development Permit DA/3380, until 22 July 2021.

CARRIED

14.4 APPLICATION FOR A DEVELOPMENT PERMIT DA/4051 - MAKING A MATERIAL CHANGE OF USE FOR A CARETAKER'S RESIDENCE ON LOT 31 ON RP747585, LOCATED AT 137 JENSENS CROSSING ROAD COOKTOWN**RESOLUTION 2019/168**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

1. That the application by Charles Lamb C/- Ethan Taylor, All Construction Approvals for making a Material Change of Use for a Caretaker's Accommodation on Lot 31 on RP747585, located at 137 Jensens Crossing Road Cooktown, be approved subject to the reasonable and relevant conditions listed below.
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*) 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 will have no detrimental impact to the property or surrounding environment itself.

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

1. The development must be carried out generally in accordance with the Proposal Plans submitted with the application, except for any variations required to comply with the conditions of this approval. These include:
 - Site Plan – Drawing No. 2018-11-A102 – Drawn by TS Adil & Associates – 12/04/18;
 - Mezzanine Floor Plan and Ground Floor Plan – Layout Plan – Drawing No. 2018-11-A102 – Drawn by TS Adil & Associates – 12/04/18;
 - Elevations – Drawing No. 2018-11-A103 – Drawn by TS Adil & Associates – 12/04/18;
 - Sections – Drawing No. 2018-11-A104 – Drawn by TS Adil & Associates – 12/04/18;
 - Roof Plan – Drawing No. 2018-11-A105 – Drawn by TS Adil & Associates – 12/04/18;
 - Safe Design Report – Drawing No. 2018-11-A106 – Drawn by TS Adil & Associates – 12/04/18;
 - Drainage Plan – Drawing No. 2018-11-A107 – Drawn by TS Adil & Associates – 12/04/18;
 - Slab and Footing Plan – Drawing No. 2018-11-S101 – Drawn by TS Adil & Associates – 25/04/18;
 - Mezzanine and Roof Framing Plans – Drawing No. 2018-11-S102 – Drawn by TS Adil & Associates – 25/04/18;
 - Wall Elevations – Drawing No. 2018-11-S103 – Drawn by TS Adil & Associates – 25/04/18;
 - Sections – Drawing No. 2018-11-S104 – Drawn by TS Adil & Associates – 25/04/18;
 - Details – Drawing No. 2018-11-S105 – Drawn by TS Adil & Associates – 25/04/18

Water

2. A potable water supply must be provided for the development. This supply and associated infrastructure must meet the relevant Australian Codes and standards for a potable drinking water supply. Details of such water supply must be provided to Council prior to the use commencing.

Effluent Disposal

3. Any application for waste water treatment and disposal must include details of the 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 a Building application.

Environment

4. No State declared or environmental pest plants and pest animals are to be introduced onto the property.

Fire Prevention

5. The development must be maintained at all times to a standard so as not to create a fire hazard.

Access

6. Access to the Caretaker’s Accommodation must be from the existing accesses from Jensens Crossing Road.

Electricity

7. The development must be connected to a reliable electricity supply. Details are to be provided at the time of building application.

Stormwater

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

Building and Plumbing Approvals

9. All relevant building and plumbing approvals must be obtained prior to construction commencing. All Final building and plumbing Certificates for the Caretaker’s Accommodation must be obtained before the use commences.

Internal Driveways

10. The applicant must ensure that internal driveway is maintained in a safe, dust suppressed condition at all times.

Outstanding Charges

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

Compliance

12. All conditions of this Development Permit must be complied with prior to construction work commencing on site. Final certificates must be obtained prior to the use commencing.

Currency Period

13. The currency period for this application is six (6) years. Should the development not be established within this time, the approval will lapse.

Future Use

14. Should the use as a Caretaker’s Accommodation cease, the owner must contact Council’s Town Planning Department regarding its future use.

CARRIED

14.5 APPLICATION FOR A DEVELOPMENT PERMIT DA/4034 - RECONFIGURATION OF LOT 5 ON SP221164, LOCATED ON MOUNT AMOS ROAD COOKTOWN INTO SEVEN (7) LOTS**RESOLUTION 2019/169**

Moved: Cr Kaz Price

Seconded: Cr John Giese

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 strategic framework and assessment benchmarks of the *Cook Shire Council Planning Scheme 2017* and the proposed development demonstrated compliance.
 - (b) The proposed development for Reconfiguring Lot 5 on SP221164, located at Mt Amos Road, Cooktown into seven (7) rural allotments will have no detrimental impact on the surrounding land uses.
 - (c) The public was correctly notified during the public notification period under Part 4 of the *Development Assessment Rules* and no formal submissions were received by the public during this time.
2. That the application by Mahogany Plantations of Australia Pty Ltd C/- U&i Town Plan for Development Permit DA/4034, Reconfiguring Lot 5 on SP221164, located at Mt Amos Road Cooktown into seven (7) rural allotments be approved subject to the following reasonable and relevant conditions.

ASSESSMENT MANAGER (COUNCIL) CONDITIONS**Approved Plan**

1. The development must be carried out generally in accordance with the following plans, except for any variation required to comply with these conditions of approval:
 - Plan: R4-18A – Proposed Plan of Development – ROL (1 into 7 Lots) – Prepared by U&i Town Plan – Dated: 18.04.19;
 - Plan: R4-18(1) – Proposed Plan of Development – 1 into 7 Allotments (Over Lot 5 on SP221164) – Prepared by U&i Town Plan – Dated: 19.04.19.

Access

2. Access to proposed Lot 3 must be via the existing access crossover from Mt Amos Road.
3. Access to proposed Lots 1 and 2 must be via a shared six (6) metre wide access crossover from the Mount Amos Road frontage, and be constructed in accordance with the FNQROC Manual Standard Drawing S1105E – Allotment Access off Unsealed Road. Access between the property boundary and the kerb and channel must be gravel sealed and contain ancillary stormwater drainage.
4. Access to proposed Lots 4 and 5 must be via a shared six (6) metre wide access crossover from the Mount Amos Road frontage, and be constructed in accordance with the FNQROC Manual Standard Drawing S1105E – Allotment Access off Unsealed Road. Access between the property boundary and the kerb and channel must be gravel sealed and contain ancillary stormwater drainage.
5. Access to proposed Lots 6 and 7 must be via a shared six (6) metre wide access crossover from the Mount Amos Road frontage, and be constructed in accordance with the FNQROC

Manual Standard Drawing S1105E – Allotment Access off Unsealed Road. Access between the property boundary and the kerb and channel must be gravel sealed and contain ancillary stormwater drainage.

6. Engineering Plans must be submitted for approval by Council's Director Infrastructure Services prior to work commencing.

Water Supply

7. A separate source of water supply must be provided to each proposed lot at the time of construction of a dwelling house. This would be satisfied by the provision of a rainwater tank with a minimum capacity of 50,000 litres. 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 of on-site water storage.

Effluent Disposal

8. Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation 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 house.

Fire Management

10. Any new building (other than a class 10a) erected on any of the proposed lots shall:
 - Be sited in locations of lowest bushfire hazard within the lot;
 - Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is the greater;
 - Be provided with a source of water for fire-fighting purposes of not less than 5,000 litres. This must be satisfied by the provision of an accessible dam, swimming pool or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within forty (40) metres from the habitable buildings. Details are to be provided at the time of a building application.
11. The development must be maintained at all times to a standard so as not to create a fire hazard.

Environmental Protection

12. Prior to the endorsement of the Survey Plan, the applicant is to submit to the satisfaction of Council's Manager Biosecurity Services, a Weed Management Plan documenting best practice weed prevention and management of known declared weeds (such as Gamba Grass) on the property.
13. No State Declared or environmental pest plants and animals are to be introduced onto the property.

Stormwater Drainage

14. All stormwater drainage must be directed to a legal point of discharge.

Public Utilities

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

Compliance

17. All relevant conditions of this development permit must be complied with prior to the Plan of Survey being submitted to Council for endorsement.

Outstanding Charges

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

Signing and Sealing

19. 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 four (4) years from the commencement of this approval or this approval will lapse.

ADVICE (COUNCIL)

The applicant be advised that a further Development Permit is required for carrying out Building works, along with Plumbing and Drainage Approval/Compliance Permits required for any Plumbing and Drainage works, prior to any building construction associated with this development.

CARRIED

14.6 REQUEST FOR AN EXTENSION TO THE CURRENCY PERIOD FOR DEVELOPMENT PERMIT DA/1126 - RECONFIGURATION OF LOT 7 ON BK157104 INTO 6 ALLOTMENTS - LOCATED AT CAMERON CREEK ROAD, HOPE VALE

RESOLUTION 2019/170

Moved: Cr John Giese

Seconded: Cr Alan Wilson

That Council grant a further one year extension to the currency period for Development Permit DA/1126, Reconfiguration of Lot 7 on BK157104 into six allotments, located on Cameron Creek Road, Hope Vale, extending the currency period until 18 August 2020.

CARRIED

14.7 PROCUREMENT POLICY

RESOLUTION 2019/171

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council adopts the Procurement Policy (July 2019).

CARRIED

At 12.00pm Council adjourned the meeting.

At 2.00pm Council resumed the meeting.

14.8 REVISED RISK MANAGEMENT FRAMEWORK**RESOLUTION 2019/172**

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council adopt the revised Risk Management Framework.

CARRIED**14.9 RELATED PARTY DISCLOSURE****RESOLUTION 2019/173**

Moved: Cr Kaz Price

Seconded: Cr John Giese

That Council adopt the Related Party Disclosure Policy.

CARRIED**14.10 COMPLAINTS MANAGEMENT PROCESS POLICY****RESOLUTION 2019/174**

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr Kaz Price

That Council adopt the Complaints Management Process Policy.

CARRIED**14.11 CONFIDENTIAL INFORMATION POLICY****RESOLUTION 2019/175**

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council adopt the Confidential Information Policy.

CARRIED**14.12 BENEFITS AND GIFTS POLICY****RESOLUTION 2019/176**

Moved: Cr John Dessmann

Seconded: Cr Robyn Holmes (Deputy Mayor)

That Council adopt the Benefits and Gifts Policy.

CARRIED**14.13 PUBLIC INTEREST DISCLOSURE POLICY****RESOLUTION 2019/177**

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council adopt the Public Interest Disclosure Policy.

CARRIED

14.14 COOKTOWN 2020 ADVISORY COMMITTEE MEETING MINUTES JULY 2019**RESOLUTION 2019/178**

Moved: Cr John Giese

Seconded: Cr Robyn Holmes (Deputy Mayor)

That the Minutes from the Cooktown 2020 Advisory Committee meeting on 1 July 2019 be noted.

CARRIED

15 INFRASTRUCTURE - REPORTS**15.1 JENSENS CROSSING BRIDGE REPLACEMENT****RESOLUTION 2019/179**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council:

1. Amends its 2019-20 Budget to include the construction of a two lane concrete bridge at Jensens Crossing to replace the existing single lane timber bridge by contract at an estimated cost of \$1,392,250 to be funded as follows:
 - (a) Federal grant funding \$662,750;
 - (b) State contribution \$662,750; and
 - (c) Council funding of \$67,000.
2. In accordance with section 235(f) *Local Government Regulations 2012*, appoints the State Department of Transport and Main and Roads' construction agency RoadTek to undertake the bridge design and construction work.

CARRIED

15.2 CSC WASTE MANAGEMENT COMMITTEE MEETING MINUTES, MAY 2019 - COOKTOWN WASTE TRANSFER STATION AND MULTI-USE DEPOT CONCEPT MASTER PLAN.**RESOLUTION 2019/180**

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council:

1. Notes the Minutes of the Cook Shire Council Waste Management Committee meeting held on 30 May 2019; and
2. Adopts the Cooktown Waste Transfer Station and Multi-Use Depot Concept Master Plan.

CARRIED

15.3 2019 LGAQ CONFERENCE MOTION - WASTE MANAGEMENT - REMOVAL OF WASTE FROM NATIONAL PARKS FOLLOWING INTRODUCTION OF THE WASTE LEVY**RESOLUTION 2019/181**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council resolves to request the Local Government Association of Queensland to include the following motion on the Local Government Annual General Conference 2019 agenda, noting that Council's request has the support of the Far North Queensland Regional Organisation of Councils:

Title of motion proposed for inclusion on the Local Government Annual General Conference 2019 agenda:

"That the Local Government Association of Queensland lobbies the Queensland State Government to accept waste and associated waste management costs of disposal of waste generated within the Queensland National Parks network, including waste generated by Queensland Parks and Wildlife Service works, Queensland Parks and Wildlife Service staff and visitors to Queensland parks."

CARRIED

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 Endorsement of the Strategic Risk Register

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.

16.2 Quote Q5919 - Superintendent Services - DRFA

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.

16.3 Quote Q2818 - Detailed Design (Charlotte Street Revitalisation Project)

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 2019/182

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr Kaz Price

That Council moves into Closed Council.

CARRIED**RESOLUTION 2019/183**

Moved: Cr Kaz Price

Seconded: Cr John Giese

That Council moves out of Closed Council into Open Council.

CARRIED**16.1 ENDORSEMENT OF THE STRATEGIC RISK REGISTER****RESOLUTION 2019/184**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council endorse the Strategic Risk Register.

CARRIED**16.2 QUOTE Q5919 - SUPERINTENDENT SERVICES - DRFA****RESOLUTION 2019/185**

Moved: Cr John Giese

Seconded: Cr John Dessmann

That pursuant to s257 (b) of the Local Government Act, Council resolves to delegate authority to the Chief Executive Officer to enter into a contract with AECOM for Superintendent Services – DRFA 2019 for an anticipated period of six months, but to be extended as required by the DRFA project and on completion of all acquittals, and to make any minor administrative amendments to the contract as may be required.

CARRIED**16.3 QUOTE Q2818 - DETAILED DESIGN (CHARLOTTE STREET REVITALISATION PROJECT)****RESOLUTION 2019/186**

Moved: Cr Kaz Price

Seconded: Cr John Giese

That pursuant to s257 (b) of the Local Government Act, Council resolves to delegate authority to the Chief Executive Officer to enter into a contract with CARDNO QLD PTY LTD in the amount of \$252,687 (excluding GST), for the detailed design of the Charlotte Street Revitalisation Project, and to make any minor administrative amendments to the contract as may be required.

CARRIED

17 EXECUTIVE SERVICES - INFORMATION

Nil

18 ORGANISATIONAL BUSINESS SERVICES - INFORMATION

18.1 INVASIVE PLANTS AND ANIMAL ADVISORY COMMITTEE - MINUTES OF THE MEETING HELD 26TH JUNE 2019

RESOLUTION 2019/187

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That the Draft Minutes of the Cook Shire Invasive Plants and Animals Advisory Committee Meeting held on 26 June 2019 be noted.

CARRIED

19 INFRASTRUCTURE SERVICES - INFORMATION

Nil

The Meeting closed at 2.45pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 21 August 2019.

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CHAIRPERSON