



# **MINUTES**

**Ordinary Council Meeting**

**18 September 2019**

**MINUTES OF COOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN  
ON WEDNESDAY, 18 SEPTEMBER 2019 AT 9.00AM**

**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), David Klye (Director Infrastructure)

**3 MEETING OPENED**

Meeting opened at 9.00am.

**4 APOLOGIES**

Cr John Giese

**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 DECLARATION OF INTEREST - CR LARISSA HALE**

Cr Larissa Hale declared a conflict of interest in Item [16.3], Request for Concession on Water Consumption (as defined by *Local Government Act 2009*, section 175D) as follows.

I have a business association with the applicant.

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 or 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 2019/209**

Moved: Cr Kaz Price

Seconded: Cr Robyn Holmes (Deputy Mayor)

Cr Larissa Hale has declared a real or perceived conflict of interest in the confidential matter and as the matter is to be discussed in Closed Session accordingly Cr Hale 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 DECLARATION OF INTEREST - CR ROBYN HOLMES (DEPUTY MAYOR)**

Cr Robyn Holmes declared a conflict of interest in Item [16.1], Q1719 – Supply and delivery of Bulk Carbon Dioxide (CO2) (as defined by *Local Government Act 2009*, section 175D) as follows.

I am married to the Manager of the transport company.

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 or 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 2019/210**

Moved: Cr Kaz Price

Seconded: Cr Alan Wilson

Cr Robyn Holmes (Deputy Mayor) 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 2019/211**

Moved: Cr Larissa Hale

Seconded: Cr Kaz Price

That the minutes of the Ordinary Meeting held on 21 August 2019 be confirmed.

**CARRIED**

**10 BUSINESS ARISING**

Nil.

**11 NOTIFIED MOTIONS**

Nil

**12 COUNCILLORS' REPORTS**

At 9.29am, Cr Peter Scott (Mayor) left the meeting.

At 9.30am, Cr Peter Scott (Mayor) returned to the meeting.

At 9.55am, Cr Peter Scott (Mayor) left the meeting.

At 9.57am, Cr Peter Scott (Mayor) returned to the meeting.

At 9.57am, Cr Peter Scott (Mayor) left the meeting.

At 9.58am, Cr Larissa Hale left the meeting.

At 9.58am, Cr Larissa Hale returned to the meeting.

At 10.07am, Cr Peter Scott (Mayor) returned to the meeting.

At 10.08am, Cr Kaz Price left the meeting.

**12.1 COUNCILLORS' MONTHLY REPORT****RESOLUTION 2019/212**

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

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 2019/213**

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 CHANGES TO NOVEMBER 2019 ORDINARY COUNCIL MEETING DATE****RESOLUTION 2019/214**

Moved: Cr Larissa Hale

Seconded: Cr Alan Wilson

That Council resolves to:

1. Postpone the 20 November 2019 Ordinary Council Meeting until Monday 25 November 2019 and advertise the date change as required under Section 258 of the *Local Government Regulation 2012*.

**CARRIED**

At 10.22am, Council adjourned the meeting.

At 10.48am, Council resumed the meeting.

At 10.49am, Cr Kaz Price returned to the meeting.

**14 ORGANISATIONAL BUSINESS SERVICES - REPORTS****14.1 FINANCIAL STATEMENTS - AUGUST 2019****RESOLUTION 2019/215**

Moved: Cr Larissa Hale

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

**CARRIED**

At 11.15am, Cr Peter Scott (Mayor) left the meeting.

At 11.16am, Cr Peter Scott (Mayor) returned to the meeting.

**14.2 ANNUAL DELEGATION REVIEW - INSTRUMENT OF DELEGATION TO CEO BY COUNCIL RESOLUTION****RESOLUTION 2019/216**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council, under the relevant Acts and Regulations:

1. delegate under section 257 of the *Local Government Act 2009* (QLD) to the Chief Executive Officer the exercise of Council's powers as specified in the attached Delegations Register, and retain for Council those powers not delegated to the Chief Executive Officer; and

2. delegate under section 259 of the *Local Government Act 2009* (QLD) to the Chief Executive Officer the authority to further delegate those powers to Council employees and contractors that have been delegated to the Chief Executive Officer by Council or by way of Act or Regulation; and
3. revoke all prior delegations made to the Chief Executive Officer in the previous delegation register as delegated by Council in August 2018.

**CARRIED**

### **14.3 COOKTOWN 2020 ADVISORY COMMITTEE, JULY AND AUGUST MEETING MINUTES**

#### **RESOLUTION 2019/217**

Moved: Cr Larissa Hale

Seconded: Cr Alan Wilson

That the Minutes from the Cooktown 2020 Advisory Committee meetings on 1 July and 12 August 2019 be noted.

**CARRIED**

### **15 INFRASTRUCTURE - REPORTS**

#### **15.1 DRINKING WATER QUALITY POLICY**

#### **RESOLUTION 2019/218**

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council adopt the attached draft Drinking Water Quality Policy dated September 2019.

**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 Q1719 - Supply and delivery of Bulk Carbon Dioxide (CO2)**

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.

**16.2 Request for General Rate Remission**

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.

**16.3 Request for 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 Request for 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.

**16.5 Request for 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.

**16.6 Application - Permit to Occupy - Annan Road**

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 2019/219**

Moved: Cr John Dessmann

Seconded: Cr Alan Wilson

That Council moves into Closed Session.

**CARRIED**

**6.3 DECLARATION OF INTEREST - CR JOHN DESSMANN**

Cr John Dessmann declared a conflict of interest in Item [16.2], Request for General Rate Remission (as defined by *Local Government Act 2009*, section 175D) as follows.

I have an association with the applicant.

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 2019/220**

Moved: Cr Larissa Hale

Seconded: Cr Alan Wilson

Cr John Dessmann has a perceived or real 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**

At 11.33am, Cr John Dessmann left the meeting prior to the discussion of Item 16.2. Confidentiality was maintained while not in Chambers.

At 11.34am, Cr John Dessmann returned to the meeting.

At 11.34am, Cr Larissa Hale left the meeting prior to the discussion of Item 16.3. Confidentiality was maintained while not in Chambers.

At 11.35am, Cr Larissa Hale returned to the meeting.

**RESOLUTION 2019/221**

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council moves out of Closed Council into Open Session.

**CARRIED**



**16.1 Q1719 - SUPPLY AND DELIVERY OF BULK CARBON DIOXIDE (CO2)****RESOLUTION 2019/222**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council resolves that it is satisfied that **BOC Limited** is the only supplier reasonably available and it would be impractical and disadvantageous to invite tenders.

**CARRIED**

At 11.58am, Cr John Dessmann left the meeting prior to voting on Item 16.2. Confidentiality was maintained while not in Chambers.

**16.2 REQUEST FOR GENERAL RATE REMISSION****RESOLUTION 2019/223**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council grant 100% exemption for General Rates for Assessment 10002848.

**CARRIED**

At 11.59am, Cr John Dessmann returned to the meeting.

At 11.59am, Cr Larissa Hale left the meeting prior to voting Item 16.3. Confidentiality was maintained while not in Chambers.

**16.3 REQUEST FOR CONCESSION ON WATER CONSUMPTION****RESOLUTION 2019/224**

Moved: Cr Kaz Price

Seconded: Cr Robyn Holmes (Deputy Mayor)

That Council grant the concession of \$1,399.71 for Assessment 10011641.

**CARRIED**

At 12.00pm, Cr Larissa Hale returned to the meeting.

**16.4 REQUEST FOR CONCESSION ON WATER CONSUMPTION****RESOLUTION 2019/225**

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

That Council grant the concession of \$2,664.08 for Assessment 10005080.

**CARRIED**

**16.5 REQUEST FOR CONCESSION ON WATER CONSUMPTION**

**RESOLUTION 2019/226**

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr Larissa Hale

That Council grant the concession of \$5,960.50 for Assessment 10008753.

**CARRIED**

**16.6 APPLICATION - PERMIT TO OCCUPY - ANNAN ROAD**

**RESOLUTION 2019/227**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council resolves to:

1. Advise the Department of Natural Resources, Mines and Energy Council does not object to the identified permit to occupy being issued for the area identified within the report, and;
2. Delegate authority to the Chief Executive Officer pursuant to s 257 of the Local Government Act to progress the proceedings in Council's interests by completing the attached Form C.

**CARRIED**

**The Meeting closed at 12.02pm.**

**The minutes of this meeting will be confirmed at the Ordinary Council Meeting to be held on 23 October 2019.**

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**CHAIRPERSON**