



MINUTES

Ordinary Council Meeting

22 January 2020

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN
ON WEDNESDAY, 22 JANUARY 2020 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, Linda Cardew (Chief Executive Officer), Lawrence Booth (Director Community, Economy and Innovation), David Klye (Director Infrastructure),

3 MEETING OPENED

9.00am

4 APOLOGIES

Cr Larissa Hale, Tracey Boulton (Acting Director Organisational Business Services)

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 GIESE

Cr John Giese declared a perceived conflict of interest in Items 14.4 (as defined by *Local Government Act 2009*, section 175D) as follows.

I work in the industry to be discussed and am employed by another quarry owner.

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 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 2020/1

Moved: Cr John Dessmann

Seconded: Cr Kaz Price

Council considered the matter and resolved that Cr 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 DECLARATION OF INTEREST

Cr John Giese declared a perceived conflict of interest in Items 16.2 and 16.3 (as defined by *Local Government Act 2009*, section 175D) as follows.

I work in the industry to be discussed and am employed by another quarry owner.

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 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*:-

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

RESOLUTION 2020/2

Moved: Cr John Dessmann

Seconded: Cr Kaz Price

Council considered the matter and resolved that Cr 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

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - EXEMPTION AND LICENCE SUMMARY - FIRING OF CAPTAIN COOK'S CANNON

RESOLUTION 2020/3

Moved: Cr Peter Scott (Mayor)

That Council:

1. Acknowledge the directions of Weapons Licensing Queensland delegates to turn the cannon into a public monument and render it inoperable.
2. Notwithstanding that direction, apply to the Commissioner for an exemption under the provisions of the *Weapons Act 1990* for the purposes of the Cooktown Expo 2020 in July and August 2020.

CARRIED

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 2020/4**

Moved: Cr John Giese

Seconded: Cr Robyn Holmes (Deputy Mayor)

That the Minutes of the Ordinary Meeting held on 18 December 2019 be confirmed. **CARRIED**

10 BUSINESS ARISING

Nil

11 NOTIFIED MOTIONS

Nil

12 COUNCILLORS' REPORTS**12.1 COUNCILLORS' MONTHLY REPORT****RESOLUTION 2020/5**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

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

At 10.15am Council adjourned the meeting.

At 10.37am Council resumed the meeting.

13 EXECUTIVE SERVICES - REPORTS**13.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2020/6**

Moved: Cr John Giese

Seconded: Cr Kaz Price

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

13.2 COUNCIL IN FOCUS - 1 OCTOBER TO 31 DECEMBER 2019**RESOLUTION 2020/7**

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council receives and notes the 'Council in Focus' Report for the period October to December 2019.

CARRIED

13.3 COUNCILLOR REMUNERATION - LOCAL GOVERNMENT REMUNERATION COMMISSION REPORT 2019**RESOLUTION 2020/8**

Moved: Cr Kaz Price

Seconded: Cr Alan Wilson

That Council resolves to adopt the 2% increase in remuneration for the Mayor, Deputy Mayor and Councillors for the 2020/21 financial year as determined by the Local Government Remuneration and Discipline Tribunal.

CARRIED

13.4 PROPOSED AMENDMENTS TO THE FAR NORTH QUEENSLAND REGIONAL ORGANISATION OF COUNCILS (FNQROC)**RESOLUTION 2020/9**

Moved: Cr Kaz Price

Seconded: Cr Alan Wilson

That Council resolves to accept the proposed amendments of the Planning Scheme Policy, FNQROC Development Manual, to enable the proposed amended policy to proceed to public consultation.

CARRIED

14 ORGANISATIONAL BUSINESS SERVICES - REPORTS**14.1 REVIEW OF OPERATIONAL PLAN FOR 2019-2020 FINANCIAL YEAR - SECOND QUARTER****RESOLUTION 2020/10**

Moved: Cr John Dessmann

Seconded: Cr Kaz Price

That Council resolves to note and endorse the implementation and progress of the Operational Plan for the 2019-2020 Financial Year.

CARRIED

14.2 FINANCIAL STATEMENTS - DECEMBER 2019**RESOLUTION 2020/11**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council resolves to:

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

CARRIED

14.3 2019-2020 REVISED BUDGET**RESOLUTION 2020/12**

Moved: Cr John Giese

Seconded: Cr Kaz Price

That Council adopt as tabled:

Pursuant to the *Local Government Act*, section 107A and the *Local Government Regulation 2012*, Sections 169 and 170, Council's Revised Budget for the 2019/2020 financial year, incorporating:

- i. The Statement of Comprehensive Income;
- ii. The Statement of Financial Position;
- iii. The Statement of Cash Flows;
- iv. The Statement of Changes in Equity;
- v. The Long-Term Financial Forecast;
- vi. The Relevant Measures of Financial Sustainability.

CARRIED

At 11:50 am, Cr Peter Scott (Mayor) left the meeting.

At 11:52 am, Cr Peter Scott (Mayor) returned to the meeting.

At 12:10 pm, Cr John Giese left the meeting

14.4 DA/4107 - APPLICATION FOR A DEVELOPMENT PERMIT - RECONFIGURATION OF A LOT FOR THE PURPOSE OF A LEASE EXCEEDING 10 YEARS - LOT 26 ON SP287489 - 7725 MULLIGAN HIGHWAY, LAKELAND**RESOLUTION 2020/13**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

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 26 on SP287489, located at 7725 Mulligan Highway Lakeland, for the purpose of a lease exceeding 10 years, will have detrimental impact on the surrounding land uses.
2. That the application by Hastings Dhudaan Pty Ltd for Development Permit DA/4107, Reconfiguring Lot 26 on SP287489, located at 7725 Mulligan Highway Lakeland, for the purpose of a lease exceeding 10 years be approved subject to the following reasonable and relevant conditions.

A. 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:
 - ROL_Lakeland_001_Locality Plan;

- ROL_Lakeland_002_Aerial View of Leased Area;
- ROL_Lakeland_003_Area Details.

Access

2. Access to the proposed lease area must be from the existing approved access from the Mulligan Highway.

Fire Management

3. The proposed lease area must be maintained at all times so as not to create a fire hazard.

Environmental Protection

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

Compliance

5. 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

6. 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.

Endorsement of Plan of Survey (Currency Period)

7. 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.

B. CONCURRENCE AGENCY RESPONSE

See attached Concurrence Agency Response from the Department of State Development, Manufacturing, Infrastructure and Planning dated 18 December 2019. **CARRIED**

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

14.5 REQUEST FOR A MINOR CHANGE TO CONSENT PERMIT NO. 34 - DWELLING HOUSE AND CARETAKER'S RESIDENCE OVER LAND AT LIZARD ISLAND (SUBLEASE 8759 OF SL39507 WITHIN LOT 416 ON NPW609)**RESOLUTION 2020/14**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

1. That Council approve the application submitted by Clynder Pty Ltd C/- Camilla Lee, Cardno (Qld) Pty Ltd for a Minor Change to existing Consent Permit No. 34 for a Dwelling House and Caretaker's Residence over land at Lizard Island (Sublease 8759 of SL39507 within Lot 416 on NPW609). **CARRIED**

14.6 REQUEST FOR A MINOR CHANGE TO DEVELOPMENT PERMIT DA/4034 - RECONFIGURATION OF LOT 5 ON SP221164, LOCATED ON MOUNT AMOS ROAD COOKTOWN INTO SEVEN (7) LOTS**RESOLUTION 2020/15**

Moved: Cr John Giese

Seconded: Cr Alan Wilson

1. That Council approve the application submitted by Mahogany Plantation of Australia C/- U&i Town Plan for a Minor Change to Development Permit DA/4034 – Reconfiguration of Lot 5 on SP221164, Mount Amos Road Cooktown, into seven (7) lots, 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(2) – Proposed Plan of Development – 1 into 7 Allotments (Over Lot 5 on SP221164) – Prepared by U&i Town Plan – Dated: 27.11.19.

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, 5, 6 and 7 must be via their own separate three (3) metre wide access crossover from the Mount Amos Road frontage, and be constructed in accordance with the requirements of the FNQROC Development Manual; Drawing numbers S1015 and S1105, and Design Manual D1, Road Geometry, section D1.17. The crossovers shall also be designed and constructed to the requirements of Australian Standard AS2890.1:2004, in particular Section 3: Access Facilities to Off-Street Parking Areas and Queuing Areas. Culverts shall be designated and installed in accordance with Drawing S1105. The pipe size shall be a minimum of 600mm diameter. Access between the property boundary and the kerb and channel must be gravel sealed.

Operational Works

5. Engineering Plans must be submitted for approval by Council's Director Infrastructure as part of an operational works application prior to works commencing for construction of access crossovers (Conditions 3 and 4). These plans must provide evidence that the sight distance requirements as per AS2890.1:2004 will be met.

Water Supply

6. 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

7. 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

8. 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

9. 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.
10. The development must be maintained at all times to a standard so as not to create a fire hazard.

Environmental Protection

11. 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.
12. No State Declared or environmental pest plants and animals are to be introduced onto the property.

Stormwater Drainage

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

Public Utilities

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

Compliance

16. 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

17. 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

18. 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

SUSPENSION OF STANDING ORDERS

RESOLUTION 2020/16

Moved: Cr Peter Scott (Mayor)

Seconded: Cr Alan Wilson

That Council suspend Standing Orders to consider Item 18.1 - Invasive Plants and Animals Advisory Committee - minutes of the meeting held 13th November 2019, before Item 14.7 - Lakeland Sports Reserve Master Plan.

CARRIED

18.1 INVASIVE PLANTS AND ANIMALS ADVISORY COMMITTEE - MINUTES OF THE MEETING HELD 13TH NOVEMBER 2019

RESOLUTION 2020/17

Moved: Cr John Giese

Seconded: Cr Kaz Price

That the information be noted.

Cr Alan Wilson moved an amendment to the motion.

Seconded: Cr Robyn Holmes (Deputy Mayor).

That consideration of the report be deferred until the draft of the Minutes of the Invasive Plant and Animals Advisory Committee Meeting.

CARRIED

RESUMPTION OF STANDING ORDERS

RESOLUTION 2020/18

Moved: Cr Peter Scott (Mayor)

Seconded: Cr Kaz Price

That Council resume Standing Orders to consider Item 14.7.

CARRIED

At 12:35 pm, Council adjourned the meeting.

At 1:15 pm, Council resumed the meeting.

14.7 LAKELAND SPORTS RESERVE MASTER PLAN

Prior to consideration of this agenda item

Cr Alan Wilson declared a perceived conflict of interest in Items 14.7(as defined by *Local Government Act 2009*, section 175D) as follows.

I am a member of the Lakeland Progress Association. I also have an interest in the Recreation Park in that the oval in that location has been named after me.

I have determined that this perceived conflict of 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 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*:-

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

RESOLUTION 2020/19

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr John Dessmann

Council considered the matter and resolved that Cr Alan Wilson 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

At 1:17 pm, Cr Alan Wilson left the meeting.

RESOLUTION 2020/20

Moved: Cr John Giese

Seconded: Cr Robyn Holmes (Deputy Mayor)

That Council adopts the Lakeland Sports Reserve Master Plan dated January 2020.

Cr John Giese moved an amendment to the motion.

Seconded: Cr Robyn Holmes (Deputy Mayor).

That Council defer consideration of the report pending additional consultation and that the final Master Plan be brought to the next available Council Meeting.

CARRIED

At 1:32 pm, Cr Alan Wilson returned to the meeting.

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 Request for Rates Relief

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 Gravel Agreements - Ratification of Current Agreements

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 Resource Extraction - Principles for Agreement

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 2020/21

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That Council moves into Closed Session.

CARRIED

At 2:01 pm, Cr John Giese left the meeting.

RESOLUTION 2020/22

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council moves out of Closed Session into Open Session.

CARRIED

At 2:05 pm, Cr John Giese returned to the meeting.

16.1 REQUEST FOR RATES RELIEF**RESOLUTION 2020/23**

Moved: Cr Kaz Price

Seconded: Cr Alan Wilson

That Council grant the following concessions for Assessment 10005304:-

- a) Interest to be turned off from 1st January 2019 until the current debt paid in full; and
- b) Extended Payment Arrangement to 48 months for \$55 per week.

CARRIED

At 2:06 pm, Cr John Giese left the meeting.

16.2 GRAVEL AGREEMENTS - RATIFICATION OF CURRENT AGREEMENTS**RESOLUTION 2020/24**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

1. That Council ratify the following lease agreements.
 - (a) *Olkola Aboriginal Corporation;*
 - (b) *Binthi Land Holding Group;*
 - (c) *Waarnthuurr-in Aboriginal Corporation; and*
 - (d) *Jabalbina Yalanji Land Trust.*
2. To delegate to the Chief Executive Officer under section 257 of the *Local Government Act 2009*, the authority to do all things necessary to complete the registration of the lease agreements with Binthi Land Holding Group and Waarnthuurr-in Aboriginal Corporation.

CARRIED

16.3 RESOURCE EXTRACTION - PRINCIPLES FOR AGREEMENT**RESOLUTION 2020/25**

Moved: Cr John Dessmann

Seconded: Cr Kaz Price

That Council adopt the following principles to be applied when negotiating with stakeholders regarding the extraction of resources.

Principles for Agreement

1. Where Council has a statutory or legislative right to extract materials, no agreement will be entered into with any party other than an agreement as required by the relevant piece of legislation.
2. The form of agreement will be determined in consultation between the parties.
3. Council will be responsible for any permissions, approvals or licences required to excise material from the extraction site.
4. Council will be responsible for all local government rates and charges which have been incurred as a result of the agreement.
5. An area fee for each extraction site will be paid which will be standardised across all agreements and subject to CPI increase.
6. A volume fee will be paid for gravel and sand on a cubic metre basis and measured in accordance with trade custom.
7. Council and its contractors and/or agents will comply with the *Aboriginal Cultural Heritage Act 2003 – Duty of Care Guidelines*.
8. Council will undertake rehabilitation at the extraction site in accordance with industry best practice.
9. Council will not enter into agreements which contravene the sound contracting principles prescribed by the *Local Government Act 2009* and associated regulations.

CARRIED

At 2:07 pm, Cr John Giese returned to the meeting.

17 EXECUTIVE SERVICES - INFORMATION

Nil

18 INFRASTRUCTURE SERVICES - INFORMATION**19.1 CAPITAL WORKS PROGRAM 2019/2020 - QUARTERLY REPORT, OCTOBER-DECEMBER 2019****RESOLUTION 2020/26**

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr John Dessmann

That Council receive and note the 2019 October – December Capital Works Infrastructure Quarterly Report.

CARRIED

The Meeting closed at 2:20 pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting to be held on 19 February 2020.

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CHAIRPERSON