



# **MINUTES**

**Ordinary Council Meeting**

**19 February 2020**

**MINUTES OF COOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN  
ON WEDNESDAY, 19 FEBRUARY 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 Larissa Hale, Cr Kaz Price, Cr Alan Wilson, Linda Cardew (Chief Executive Officer), Lawrence Booth (Director Community, Economy and Innovation), David Klye (Director Infrastructure), Tracey Boulton (Acting Director Organisational Business Services)

**3 MEETING OPENED**

Meeting opened 9.00am.

**4 APOLOGIES**

Nil

**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 Giese declared a perceived conflict of interest in Item 16.5 (as defined by *Local Government Act 2009*, section 175D) as follows.

I am a direct relative of the one of the sub-lessees.

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 2020/27**

Moved: Cr Kaz Price

Seconded: Cr Alan Wilson

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 DESSMAN**

Cr Dessman declared a perceived conflict of interest in Item 16.5 (as defined by *Local Government Act 2009*, section 175D) as follows.

I am an employee of a directly associated business.

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 2020/28**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Cr Dessman 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**

**6.3 DECLARATION OF INTEREST - CR PRICE**

Cr Price declared a perceived conflict of interest in Item 14.5 (as defined by *Local Government Act 2009*, section 175D) as follows.

I am the Chief Executive Officer of an organisation that is a tenant of Council owned property.

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 2020/29**

Moved: Cr John Dessmann

Seconded: Cr John Giese

That Cr Price 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**

#### 6.4 DECLARATION OF INTEREST - CR DESSMAN

Cr Dessman declared a perceived conflict of interest in Item 14.15 (as defined by *Local Government Act 2009*, section 175D) as follows.

I am a Committee Member of the Cooktown RSL Memorial Club Inc.

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 2020/30

Moved: Cr John Giese

Seconded: Cr Kaz Price

That Cr Dessman 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**

#### 6.5 DECLARATION OF INTEREST - CR WILSON

Cr Wilson declared a perceived conflict of interest in Item 14.18 (as defined by *Local Government Act 2009*, section 175D) as follows.

I am a member of the Lakeland Progress Association.

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 2020/31**

Moved: Cr Larissa Hale

Seconded: Cr Robyn Holmes (Deputy Mayor)

That Cr 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**

**6.6 DECLARATION OF INTEREST - CR PRICE**

Cr Price declared a perceived conflict of interest in Item 14.13 (as defined by *Local Government Act 2009*, section 175D) as follows.

I am the Chief Executive Officer of an organisation that is a tenant of Council owned property.

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 2020/32**

Moved: Cr John Dessmann

That Cr Price 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**

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 2020/33**

Moved: Cr Alan Wilson

Seconded: Cr John Dessmann

That the Minutes of the Ordinary Meeting held on 22 January 2020 be confirmed. **CARRIED**

**10 BUSINESS ARISING**

Nil

**11 NOTIFIED MOTIONS**

Nil

**12 COUNCILLORS' REPORTS****12.1 COUNCILLORS' MONTHLY REPORT****RESOLUTION 2020/34**

Moved: Cr Larissa Hale

Seconded: Cr Kaz Price

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 2020/35**

Moved: Cr John Dessmann

Seconded: Cr John Giese

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

**14 ORGANISATIONAL BUSINESS SERVICES - REPORTS****14.1 FINANCIAL STATEMENTS - JANUARY 2020****RESOLUTION 2020/36**

Moved: Cr John Giese

Seconded: Cr Larissa Hale

That Council resolves to:

1. Note the financial report as required under section 204 of the *Local Government Regulation 2012* (QLD) for January 2020.
2. Note the operational initiatives report for January 2020.
3. Note the capital expenditure report for January 2020. **CARRIED**

**14.1.1 SUSPENSION OF STANDING ORDERS****RESOLUTION 2020/37**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council suspend Standing Orders to consider Items 14.2, 14.3 and 14.13 until Item 15.2.

**CARRIED**

**14.4 APPLICATION FOR A MINOR CHANGE TO DEVELOPMENT PERMIT DA/4043 - MATERIAL CHANGE OF USE FOR A COMMUNITY USE (ALTERATIONS & ADDITIONS TO JAMES COOK MUSEUM) - 50 HELEN STREET COOKTOWN - LOT 1 ON RP740816****RESOLUTION 2020/38**

Moved: Cr John Dessmann

Seconded: Cr John Giese

1. That Council approve the proposed minor change to Condition 1 – Approved Plans of Development Permit DA/4043.
2. That Council refuse the proposed minor change to Condition 3 and Condition 5 – Road Works and Car Parking of Development Permit DA/4043.

**A. ASSESSMENT MANAGER (COUNCIL) CONDITIONS****Approved Plans**

1. The development must be carried out generally in accordance with the following plans (Appendix A), except for any variation required to comply with these conditions of approval:
  - Locality Plan, prepared by Stephen de Jersey Architect, dated 12.09.2019, reference 1727-DD1.1 and revision B;
  - Survey Plan, prepared by Stephen de Jersey Architect, dated 12.04.2019, reference 1727-DD1.2 and revision A;
  - Demolition Plans – Ground Plan, prepared by Stephen de Jersey Architect, dated 10.09.2019, reference 1727-DD2.1 and revision B;
  - Demolition Plans – Mid-Level Plan, prepared by Stephen de Jersey Architect, dated 12.04.2019, reference 1727-DD2.1a and revision A;
  - Demolition Plans – Upper Plan, prepared by Stephen de Jersey Architect, dated 12.04.2019, reference 1727-DD2.2 and revision A;
  - Demolition Plans – Attic Plan, prepared by Stephen de Jersey Architect, dated 10.09.2019, reference 1727-DD2.3 and revision B;
  - Demolition Plans – Roof Plan, prepared by Stephen de Jersey Architect, dated 10.09.2019, reference 1727-DD2.4 and revision B;
  - Demolition Elevations, prepared by Stephen de Jersey Architect, dated 12.04.2019, reference 1727-DD2.5 and revision A;
  - Demolition Elevations, prepared by Stephen de Jersey Architect, dated 12.04.2019, reference 1727-DD2.6 and revision A;
  - Demolition Elevations, prepared by Stephen de Jersey Architect, dated 10.09.2019, reference 1727-DD2.7 and revision B;
  - Demolition Elevations, prepared by Stephen de Jersey Architect, dated 12.04.2019, reference 1727-DD2.8 and revision A;
  - Demolition Elevations, prepared by Stephen de Jersey Architect, dated 12.04.2019, reference 1727-DD2.9 and revision A;
  - Proposed Plans – Ground Plan, prepared by Stephen de Jersey Architect, dated 30.08.2019, reference 1727-DD3.1 and revision B;

- Proposed Plans – Upper Plan, prepared by Stephen de Jersey Architect, dated 30.08.2019, reference 1727-DD3.2 and revision B;
- Proposed Plans – Attic Plan, prepared by Stephen de Jersey Architect, dated 30.08.2019, reference 1727-DD3.3 and revision A;
- Proposed Plans – Roof Plan, prepared by Stephen de Jersey Architect, dated 30.08.2019, reference 1727-DD3.4 and revision B;
- Proposed Elevations, prepared by Stephen de Jersey Architect, dated 10.09.2019, reference 1727-DD3.5 and revision B;
- Proposed Elevations, prepared by Stephen de Jersey Architect, dated 10.09.2019, reference 1727-DD3.6 and revision B;
- Proposed Sections, prepared by Stephen de Jersey Architect, dated 10.09.2019, reference 1727-DD3.7 and revision B;
- Proposed Sections, prepared by Stephen de Jersey Architect, dated 10.09.2019, reference 1727-DD3.8 and revision B;
- Proposed Sections, prepared by Stephen de Jersey Architect, dated 10.09.2019, reference 1727-DD3.9 and revision B;
- Proposed Visualisations, prepared by Stephen de Jersey Architect, dated 12.04.2019, reference 1727-DD3.11 and revision A;
- Proposed Visualisations, prepared by Stephen de Jersey Architect, dated 12.04.2019, reference 1727-DD3.12 and revision A;
- Sections 2.1, 2.3, 2.4, 3.8 and 3.9 of the Design Development Report: James Cook Museum Refresh – “A Modern Act of Reconciliation” Prepared for: The National Trust of Australia (Queensland), prepared by Stephen de Jersey Architect, dated 10.05.2019 and revision A.

#### **Vehicle Access**

2. Vehicle access to the site must be via the proposed access crossover on Furneaux Street.

#### **Road Works and Car parking**

3. The applicant must extend the bitumen seal on Furneaux Street to the existing Kerb and Channel, from the proposed access crossover on Furneaux Street to the corner of Furneaux Street and Helen Street. Construction must be in accordance with the FNQROC Development Manual requirements. Engineering drawings must be submitted for approval by Council’s Director Infrastructure as part of an Operational Works application prior to work commencing.
4. Parking on the Helen Street frontage must remain as bitumen sealed angled car parking spaces, with the provision of two (2) disabled car parking spaces. Construction must be in accordance with the FNQROC Development Manual requirements. Engineering drawings must be submitted for approval by Council’s Director Infrastructure as part of an Operational Works application prior to work commencing.
5. The applicant must provide three (3) parallel spaces on the (widened) Furneaux Street frontage. Construction must be in accordance with the FNQROC Development Manual requirements. Engineering drawings must be submitted for approval by Council’s Director Infrastructure as part of an Operational Works application prior to work commencing.
6. The applicant is to provide a concrete footpath linking the existing crossing of the Helen Street Kerb with the approved pedestrian ramp, as per the approved plans. Construction



must be in accordance with the FNQROC Development Manual requirements. Engineering drawings must be submitted for approval by Council's Director Infrastructure as part of an Operational Works application prior to work commencing.

### **Operational Works**

7. Prior to the commencement of construction of external works other than by Council, an application must be submitted for a development permit for Operational Works for the following:

- Road works;
- Pedestrian and disabled persons access; and
- Erosion and sediment control.

This application will need to include Operational Works plans prepared by a Registered Professional Engineer Queensland in accordance with the FNQROC Development Manual standards and are to be to the satisfaction of Council's Director Infrastructure Services.

### **Certificate and Maintenance**

8. Upon completion of the works required by Condition seven (7), a certificate from a Registered Professional Engineer Queensland is to be submitted to Council stating that the works have been carried out properly and in accordance with the plans and specifications approved by Council. The certificate shall set out the full engineering details of the works as completed and shall show all relevant survey data and levels, together with a bond for five (5) percent of the total works costs, to meet the costs of any maintenance period not exceeding twelve (12) months.

### **Construction Waste Management Plan**

9. The applicant is to prepare and submit to Council a Construction Waste Management Plan. The Plan is to be approved by Council's Manager Planning and Environment before the development permit for building works is issued.

### **Disabled Access**

10. Disabled persons access to the development must be provided to the satisfaction of Council's Manager Planning and Environment and Director Infrastructure.

### **Public Utilities**

11. The proposal is to be connected to the reticulated water system, sewerage system and electricity supply prior to the commencement of the use.

12. The applicant is responsible for the cost of any alteration or repair to public utilities as a result of complying with these conditions of approval, or damage as a result of construction.

13. Utilities design must be in accordance with the FNQROC Development Manual D8 Operational Works Design Guidelines "Utilities".

### **Colour Scheme**

14. The development must be painted in a heritage colour scheme sympathetic to the building's architectural style and the streetscape generally. Details are to be provided at the time of lodgement of a building application.

### **Environmental**

15. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.

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

**Stormwater**

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

**Heritage Kerb and Channel**

18. The development must have no impact on the heritage registered Early Granite Kerbing and Channelling, Cooktown, QHR 60173. Adequate temporary protection of that kerbing and channelling will be required if the construction activity proposed vehicle crossing of the kerb and channelling of Furneaux and Helen Street.

**Outstanding Charges**

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

**Infrastructure Charges**

20. Infrastructure Charges must be paid to Council at the time of Building Application, as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment (see Appendix B).

**Currency Period**

21. The currency period for this approval is six (6) years. Should the approved use not be established within this time, the approval shall lapse.

**CONCURRENCE AGENCY RESPONSE AND CONDITIONS**

See attached Referral Agency response with conditions from the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) dated 18 July 2019.

**ASSESSMENT MANAGER (COUNCIL) ADVICE**

1. A development permit is required for carrying out Building Works (including demolition), and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.
2. The applicant/owner must notify Council their intention to commence use after acceptance of and compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
3. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.
4. Council advises that the Cooktown community be consulted prior to the removal of the Mango Tree (*Mangifera indica*) on the north-western corner of the property, as to its removal for the reasons identified in the '*Vegetation Survey of the James Cook Museum, Cooktown*' prepared by the Curator of the Cooktown Botanic Gardens.

**CARRIED**

At 9:43 am, Cr Kaz Price left the meeting.

**14.5 REPEALED POLICIES****RESOLUTION 2020/39**

Moved: Cr John Dessmann

Seconded: Cr Alan Wilson

That Council repeals the following policies:

- Land and Asset Donation, Sale or Release Policy adopted March 2013.
- Environmental Policy adopted August 2004.

**CARRIED**

At 9:47 am, Cr Kaz Price returned to the meeting.

**14.6 INTERNAL AUDIT POLICY****RESOLUTION 2020/40**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council adopts the Internal Audit Policy dated February 2020.

**CARRIED****14.7 FRAUD AND CORRUPTION POLICY****RESOLUTION 2020/41**

Moved: Cr Larissa Hale

Seconded: Cr Alan Wilson

That Council:

1. Adopts the Fraud and Corruption Policy dated February 2020; and
2. Repeals the Managing Fraud and Corruption Policy.

**CARRIED****14.8 CODE OF CONDUCT FOR EMPLOYEES****RESOLUTION 2020/42**

Moved: Cr Larissa Hale

Seconded: Cr Kaz Price

That Council adopts the Code of Conduct for Employees dated February 2020 and endorses, in principle, the inclusion of a formal review of the Code of Conduct for Employees to be included in the 2020/2021 Operational Plan.

**CARRIED****14.9 EQUAL EMPLOYMENT OPPORTUNITY POLICY****RESOLUTION 2020/43**

Moved: Cr Alan Wilson

Seconded: Cr John Giese

That Council adopts the Equal Employment Opportunity Policy dated February 2020. Cr Robyn Holmes (Deputy Mayor) moved an amendment to the motion:

That:

- a) Council adopts the Equal Employment Opportunity Policy dated February 2020

- b) The target groups in the policy be updated in line with State and Federal legislation.

Seconded: Cr John Giese.

**CARRIED**

#### **14.10 WORK HEALTH & SAFETY POLICY STATEMENT**

##### **RESOLUTION 2020/44**

Moved: Cr John Dessmann

Seconded: Cr John Giese

That Council adopts the Work Health and Safety Policy Statement.

**CARRIED**

#### **14.11 CREDIT CARD POLICY**

##### **RESOLUTION 2020/45**

Moved: Cr Kaz Price

Seconded: Cr Alan Wilson

That Council adopts the Credit Card Policy and associated Agreement Form for Credit Card Use dated February 2020.

**CARRIED**

#### **14.12 NON-CURRENT ASSET POLICY**

##### **RESOLUTION 2020/46**

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

That Council adopts the Non-Current Asset Policy dated February 2020.

**CARRIED**

#### **14.14 PLAQUES, MEMORIALS AND MONUMENTS POLICY**

##### **RESOLUTION 2020/47**

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr Larissa Hale

That Council adopts the Plaques, Memorials and Monuments Policy dated February 2020.

Cr Pricethen moved that: for.

- a) Item 14.14 lies on the table, to enable Council officers to undertake a further review of the policy.
- b) Item 14.14 to be re-considered at the Council meeting scheduled to be held on 18 March 2020.

Seconded: Cr Larissa Hale.

**CARRIED**

At 10:15 am, Cr John Dessmann left the meeting.

**14.15 REQUEST FOR LETTER OF SUPPORT - COOKTOWN RSL MEMORIAL CLUB INC. - PURCHASE OF STATE LAND (LOT A ON AP16276) WITH COOK SHIRE COUNCIL AS THE TRUSTEE****RESOLUTION 2020/48**

Moved: Cr John Giese

Seconded: Cr Kaz Price

1. That Council write a letter of support to the Cooktown RSL Memorial Club Inc. to purchase Lot A on AP16276.
2. That Council advise the Cooktown RSL Memorial Club Inc. of outstanding Conditions 5, 7 and 8 of Development Permit DA/3227.
3. That Council advise the Cooktown RSL Memorial Club Inc. that the new survey plan of Lot 1 on C179109 is undertaken by the RSL at no cost and no detriment to Council.

**CARRIED**

At 10:20 am, Cr John Dessmann returned to the meeting.

**14.16 VOLUNTEER POLICY****RESOLUTION 2020/49**

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

That Council adopts the Volunteer Policy dated February 2020.

**CARRIED****14.17 RECONCILIATION ROCKS CONCEPT DESIGN****RESOLUTION 2020/50**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

That Council endorse the concept plan dated February 2020 for Reconciliation Rocks to enable the project to proceed to the next stage including final design.

**CARRIED**

At 10:27 am, Cr Alan Wilson left the meeting.

**14.18 LAKELAND SPORTS RESERVE MASTER PLAN****RESOLUTION 2020/51**

Moved: Cr Larissa Hale

Seconded: Cr Robyn Holmes (Deputy Mayor)

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

**CARRIED**

At 10:29 am, Cr Alan Wilson returned to the meeting.

**14.19 COOK SHIRE SIGNAGE STYLE GUIDE****RESOLUTION 2020/52**

Moved: Cr John Giese

Seconded: Cr Larissa Hale

1. That the Cook Shire Signage Style Guide dated January 2020 be approved. **CARRIED**

At 10:31 am Council adjourned the meeting.

At 10.49 am Council resumed the meeting.

**14.20 SCHEDULE OF FEES AND CHARGES - CHANGE TO MARKET STALLS, ROADSIDE VENDING AND OUTDOOR DINING FEES - COOKTOWN EXPO 2020****RESOLUTION 2020/53**

Moved: Cr John Dessmann

Seconded: Cr Kaz Price

That the Council approves the following changes to the Schedule of Fees and Charges 2019/20 for Cooktown Expo 2020 Market Stalls and Trade Stalls

- (1) Update the heading for "Saturday Only Markets" to: "Saturday Only (excluding Special Events)"
- (2) 2.Update the heading for "Cooktown Expo 2020" to: "Cooktown Expo 2020 (17 July – 4 August 2020)"
- (3) Update the market stall fees for Cooktown Expo 2020 to read as follows:
  - (i) Food stalls and vehicles with power per 3x3m site \$310.00 per week (Friday – Thursday)
  - (ii) Food stalls and vehicles without power per 3x3m site \$190.00 per week (Friday – Thursday)
  - (iii) Other stalls with power per 3x3m site \$160.00 per week (Friday – Thursday)
  - (iv) Other stalls without power per 3x3m site \$110 per week (Friday – Thursday)
  - (v) Trade Stall (Council provided structure with light and power) per 3x3m site \$495 per week (Friday – Thursday)
  - (vi) Early bird discount (application received by 15 May 2020) for existing market stall or roadside vending approval holders \$35.00 per week (Friday – Thursday)

Early bird discount (application received by 15 May 2020) \$20.00 per week (Friday – Thursday) **CARRIED**

**14.21 COOKTOWN EXPO 2020 - TENT CITY LOCATION****RESOLUTION 2020/54**

Moved: Cr John Dessmann

Seconded: Cr Kaz Price

That Council approves the Adelaide Street site, behind Anzac Park, from which to operate Tent City for Cooktown Expo 2020. **CARRIED**

**14.22 COOKTOWN EXPO 2020 - PROGRAM OF EVENTS****RESOLUTION 2020/55**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

That:

1. The Cooktown Expo 2020 Program of Events is approved in principle; and
2. Pursuant to Section 257 of the Local Government Act (2009), a delegation is provided to the Chief Executive Officer to make changes to the program, subject to identified operational and budgetary requirements. **CARRIED**

**14.23 COOKTOWN EXPO 2020 - STREETScape INVESTMENT INITIATIVE****RESOLUTION 2020/56**

Moved: Cr Kaz Price

Seconded: Cr Larissa Hale

That Council

1. acknowledge the Operational Plan Initiative:  
*Key Strategic Priority: Economy – Locality specific economic growth, appropriate to each community and the shire as a whole.*  
*Strategy 2: In partnership with local business, industry groups, economic and, regional development organisations and neighbouring local governments continue to develop strategies to assist, strengthen, develop and promote existing and new business and industries.*  
*Objective 2c: Develop 2020 Event as a platform to increase tourist and visitor numbers to the shire. Implement a Grant Program to improve the façades and front areas of businesses in Charlotte Street.*
2. in the absence of available external funding, relocate funding from the Community Grants and Support budget to support this initiative, to a maximum of \$25,000; and
3. invite co-investment from eligible local businesses, property owners and organisations along Charlotte Street for streetscape improvements on Charlotte Street, Cooktown.

Cr Price moved an amendment to the motion:

That Council

1. acknowledge the Operational Plan Initiative:  
*Key Strategic Priority: Economy – Locality specific economic growth, appropriate to each community and the shire as a whole.*  
*Strategy 2: In partnership with local business, industry groups, economic and, regional development organisations and neighbouring local governments continue to develop strategies to assist, strengthen, develop and promote existing and new business and industries.*  
*Objective 2c: Develop 2020 Event as a platform to increase tourist and visitor numbers to the shire. Implement a Grant Program to improve the façades and front areas of businesses*

*in Charlotte Street.*

2. in the absence of available external funding, relocate funding from the Community Grants and Support budget to support this initiative, to a maximum of \$25,000; and
3. invite co-investment from eligible local businesses, property owners and organisations along Charlotte Street for streetscape and façade beautification to be completed on Charlotte Street, Cooktown by 30 June 2020.

Seconded: Cr John Giese.

**CARRIED**

#### **14.24 REQUEST FOR EXTENSION OF TIME TO COMPLETE OPERATIONAL PLAN INITIATIVES**

##### **RESOLUTION 2020/57**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

That Council approve the extension of time to deliver the following 2019/20 Operational Plan initiatives in 2020/21:

1. Arts and Cultural Strategy Development and Implementation
2. Monument Review in Cooktown
3. Develop cycling plans for three communities to encourage an active and healthy lifestyle
4. Conduct a half-day Volunteer Conference to encourage the development of the volunteers in community and inspire the next generation of volunteers.
5. Event Centre Precinct Master Plan development
6. Establishment of a Regional Business Advocacy Group for Cook, Hope Vale and Wujal Wujal Council areas.
7. Pursue membership of a regional Event Placement Program to encourage community participation in a range of sporting, cultural and heritage events.
8. Skate Park Graffiti Art

**CARRIED**

#### **15 INFRASTRUCTURE - REPORTS**

##### **15.1 FORMALISATION OF CAMERON CREEK ROAD MAINTENANCE**

##### **RESOLUTION 2020/58**

Moved: Cr John Giese

Seconded: Cr Alan Wilson

That Council:

1. Acknowledges Hope Vale Aboriginal Shire Council's support for Cook Shire's application to the QRA for betterment funding to upgrade Cameron Creek Road, and
2. Formally accepts responsibility for the maintenance of 1.529 km of road Cameron Creek Road that is within the Hope Vale Aboriginal Shire Council area.

**CARRIED**



**15.2 CREATION OF DRAINAGE EASEMENT - LAKELAND****RESOLUTION 2020/59**

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

That Council:

1. Creates a drainage maintenance and access easement over the two watercourses plus approximately 4 metres on either side of each channel through Lot 4 BS151 in the approximate location shown on Attachment 1 Proposed Easement in Gross,
2. Meets the legal costs of creation of the easement referred to in point one above which is estimated at \$7,000,
3. Remediates the earth-fill works already completed on Lot 4 BS151,
4. Buries the private flexible service lines between the two branches of the watercourse on Lot 4 BS151 (but not through either channel) and constructs an appropriate, 9 m wide culvert to the eastern branch of the watercourse at a total estimated cost of \$12,000,
5. Provides a pre-approval for the piping of the drain across Lot 4 BS151, and
6. Notes that the culvert and the piping of the drain across Lot 4 BS151 referred to above shall be completed and maintained to a standard approved by the Shire and upon completion will remain private property.

**CARRIED**

**15.3 RESUMPTION OF STANDING ORDERS****RESOLUTION 2020/60**

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr Kaz Price

That Council resume Standing Orders to consider Items 14.2, 14.3 and 14.13.

**CARRIED**

**14.2 COUNCIL VIEWS SOUGHT - CYPAL NATIONAL PARK TENURE RESOLUTION****RESOLUTION 2020/61**

Moved: Cr Alan Wilson

Seconded: Cr Larissa Hale

That Council resolve to advise the Department of Environment and Science, Cape York Peninsula Tenure Resolution Program that:

1. Council agrees with the proposed road opening to correct the alignment of the Mulligan Highway.
2. Council agrees with the proposed road opening to correct the alignment for Mt Amos Road, however Council requests the proposed road to be expanded to a reasonable width. It is Council's preference that the width be 100 metres.
3. Council reserves any comments in relation to the permanent closure of Grass Tree Pocket Road until such time as the Traditional Owners have provided their comments and confirmation of any further proposed closure of roads.
4. Council agrees with the proposed inclusion of Lot 2 SP198001 into the Black Mountain National Park.

**CARRIED****14.3 PROPOSED SIMULTANEOUS ROAD CLOSURE AND ROAD OPENING - BARRETT'S CREEK ROAD****RESOLUTION 2020/62**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council resolve to:

1. Advise the Department of Natural Resources, Mines and Energy Council does not object to the identified simultaneous opening and closure of the road 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 required Form C.

**CARRIED**

At 11:54 am, Cr Kaz Price left the meeting.

**14.13 LEASING POLICY****RESOLUTION 2020/63**

Moved: Cr John Dessmann

Seconded: Cr Larissa Hale

That Council adopts the Leasing Policy dated February 2020.

**CARRIED**

At 11:55 am, Cr Kaz Price returned to the meeting.

**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 Extension of Contract - Bulk Haulage of Waste (T0315)**

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 Cherry Tree Bay Walking Trail (RFQ Q4819)**

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 Extension of Lakeland and Laura Service Agent Contract**

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.

**16.4 Proposed Community Purpose Reserves - Update**

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 Council Consent - Sublease of Lease C - Lot 1 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.

**16.6 Superintendent Services - DRFA Works (RFQ Q7219)**

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 2020/64**

Moved: Cr Kaz Price

Seconded: Cr Alan Wilson

That Council moves into Closed Session.

**CARRIED**

At 12:06 pm, Cr John Giese left the meeting for closed discussions of Item 16.5 as he had declared a perceived conflict of interest.

At 12:06 pm, Cr John Dessmann left the meeting for closed discussions of Item 16.5 as he had declared a perceived conflict of interest.

At 12:23 pm, Cr John Giese returned to the meeting.

At 12:23 pm, Cr John Dessmann returned to the meeting.

#### **RESOLUTION 2020/65**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

That Council moves out of Closed Council into Open Session.

**CARRIED**

#### **16.1 EXTENSION OF CONTRACT - BULK HAULAGE OF WASTE (T0315)**

##### **RESOLUTION 2020/66**

Moved: Cr Alan Wilson

Seconded: Cr Robyn Holmes (Deputy Mayor)

That Council:

1. Approve the award of a four (4) month contract extension to **Springmount Waste Management Facility** in the total amount of **\$136,512** excluding GST; and
2. Delegate authority to the Chief Executive Officer, under section 257 of the Local Government Act 2009 (QLD), the ability to execute the contract extension, negotiate and finalise minor administrative or financial amendments and approve any variations, if so required.

**CARRIED**

#### **16.2 CHERRY TREE BAY WALKING TRAIL (RFQ Q4819)**

##### **RESOLUTION 2020/67**

Moved: Cr Larissa Hale

Seconded: Cr John Dessmann

That Council:

1. Subject to the receipt of Ministerial approval of grant funds, approves the award of a contract the repair to the Cherry Tree Bay Walking Track under Disaster Recovery Funding Arrangements (DRFA) to **Scott Earthmoving & Bulk Haulage Pty Ltd** in the amount of **\$705,960.00 (excluding GST)**; and
2. Delegate authority to the Chief Executive Officer, under section 257 of the Local Government Act 2009 (QLD), the ability to execute the contract, negotiate and finalise minor administrative or financial amendments and approve any variations, if so required.

**CARRIED**

**16.3 EXTENSION OF LAKELAND AND LAURA SERVICE AGENT CONTRACT****RESOLUTION 2020/68**

Moved: Cr Alan Wilson

Seconded: Cr Robyn Holmes (Deputy Mayor)

That Council;

1. Approve a three (3) month extension of the Laura Service Agent Contract and the Lakeland Service Agent Contract to AusWaste FNQ in the total amount of \$51,077.34 with costs including GST, and
2. Delegates authority to the Chief Executive Officer, under section 257 of the Local Government Act 2009 (QLD), the ability to execute the contract extension, negotiate and finalise minor administrative or financial amendments and approve any variations, if required. **CARRIED**

**16.4 PROPOSED COMMUNITY PURPOSE RESERVES - UPDATE****RESOLUTION 2020/69**

Moved: Cr Kaz Price

Seconded: Cr Larissa Hale

That the information be noted. **CARRIED**

At 12:38 pm, Cr John Dessmann left the meeting.

At 12:38 pm, Cr John Giese left the meeting.

**16.5 COUNCIL CONSENT - SUBLEASE OF LEASE C - LOT 1 CP889652****RESOLUTION 2020/70**

Moved: Cr Alan Wilson

Seconded: Cr Robyn Holmes (Deputy Mayor)

That Council resolves:

1. Council consents to the sublease of Lease C and specifically to proposed Lease F, Lease G and Lease H.
2. Delegate authority to the Chief Executive Officer pursuant to s 257 of the *Local Government Act* to execute a Form 18 – General Consent for each of sublease F, sublease G and sublease H. **CARRIED**

At 12:39 pm, Cr John Dessmann returned to the meeting.

At 12:39 pm, Cr John Giese returned to the meeting.

**16.6 SUPERINTENDENT SERVICES - DRFA WORKS (RFQ Q7219)**

**RESOLUTION 2020/71**

Moved: Cr John Giese

Seconded: Cr Alan Wilson

That Council:

1. Approve the award of a contract for the provision of Superintendent Services to support DRFA works to **AECOM Australia Pty Ltd** in the total amount of **\$420,000 excluding GST** which is based on approximately a 60 hour work week, to be paid only on actual hours worked; and
2. Delegate authority to the Chief Executive Officer, under section 257 of the Local Government Act 2009 (QLD), the ability to execute the contract, negotiate and finalise minor administrative or financial amendments and approve any variations, if so required.

**CARRIED**

**The Meeting closed at 12:39 pm.**

**The minutes of this meeting will be confirmed at the Ordinary Council Meeting to be held on 18 March 2020.**

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**CHAIRPERSON**