



# **MINUTES**

**Ordinary Council Meeting**

**28 April 2020**

**MINUTES OF COOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN  
ON TUESDAY, 28 APRIL 2020 AT 9.00AM**

**1 AGENDA CONTENTS**

**2 ATTENDANCE**

**Cr Peter Scott (Mayor), Cr Robyn Holmes (Deputy Mayor), Cr Peter Burns, Cr John Dessmann, Cr Larissa Hale, Cr Ross Logan, Cr Marilyn Morris, Linda Cardew (Chief Executive Officer), Lawrence Booth (Director Community, Economy and Innovation), Heather Kelly (Director Organisational Business Services), David Klye (Director Infrastructure)**

**3 MEETING OPENED**

Meeting opened at 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 CONFLICT OF INTEREST DECLARATION – CR R HOLMES**

Cr Holmes declared a conflict of interest in Item 15.3 (as defined by Local Government Act 2009, section 175D) as follows:

- a) I have a relationship with the applicants; and
- b) I have a relationship with:
  - i. William and Laura Reddie; and
  - ii. The nature of my relationship with William and Laura Reddie is a family connection.
  - iii. The nature of William and Laura Reddie's interest in the matter is a perceived conflict of interest.

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

However, I acknowledge that the remaining councillors must now determine, pursuant to section 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 2020/88**

Moved: Cr John Dessmann

Seconded: Cr Larissa Hale

That Cr Holmes has a real/perceived conflict of interest in the matter and, notwithstanding the conflict, Cr Holmes may participate in the matter, discuss and vote upon it.

**CARRIED**

**6.2 CONFLICT OF INTEREST DECLARATION – CR HALE**

Cr Hale declared a conflict of interest in Item 15.2 (as defined by Local Government Act 2009, section 175D) as follows:

- a) I am a Yuku Baja Muliku Trustee and the Managing Director for Yuku Baja Muliku Landowner & Reserves Ltd, which manages Archer Point lands on behalf of the Archer Point Land Trust.

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

However, I acknowledge that the remaining councillors must now determine, pursuant to section 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 2020/89**

Moved: Cr Peter Burns

Seconded: Cr Robyn Holmes

That Cr Hale has a real/perceived conflict of interest in the matter and, notwithstanding the conflict, Cr Hale may participate in the matter, discuss and vote upon it.

**CARRIED**

**6.3 CONFLICT OF INTEREST DECLARATION – CR MORRIS**

Cr Morris declared a conflict of interest in Item 15.5 (as defined by Local Government Act 2009, section 175D) as follows:

- a) I am an executive committee member of the Cooktown Re-enactment Association, tenant of 121a Charlotte Street, Cooktown (The Boat House), on Lot 5 on Plan C17973.

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

However, I acknowledge that the remaining councillors must now determine, pursuant to section 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 2020/90**

Moved: Cr Peter Burns

Seconded: Cr Ross Logan

That Cr Morris does not have either a real conflict of interest or a perceived conflict of interest in the 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 PREVIOUS MINUTES**

##### **RESOLUTION 2020/91**

Moved: Cr Larissa Hale

Seconded: Cr John Dessmann

That the minutes of the Ordinary Meeting held on 18 March 2020, the Special Meeting held on 24 March 2020 and the Statutory Meeting held on 22 April 2020 be confirmed.

**CARRIED**

#### **10 BUSINESS ARISING**

Nil

**11 NOTIFIED MOTIONS**

Nil

**12 COUNCILLORS' REPORTS**

Nil

**13 EXECUTIVE SERVICES - REPORTS****13.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2020/92**

Moved: Cr Peter Burns

Seconded: Cr Robyn Holmes

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

**CARRIED**

**13.2 NOMINATION FOR THE ELECTION OF THE LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND'S (LGAQ) POLICY EXECUTIVE DISTRICT REPRESENTATIVES 2020-2024****RESOLUTION 2020/93**

Moved: Cr Robyn Holmes

Seconded: Cr Larissa Hale

That Council note the information and decline the opportunity to nominate a candidate from Cook Shire Council.

**CARRIED**

**14 COMMUNITY, ECONOMY AND INNOVATION - REPORTS**

Nil

**15 ORGANISATIONAL BUSINESS SERVICES - REPORTS****15.1 FINANCIAL STATEMENTS - MARCH 2020****RESOLUTION 2020/94**

Moved: Cr Marilyn Morris

Seconded: Cr Ross Logan

That Council resolves to:

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

**CARRIED**

**15.2 3RD QUARTER OPERATIONAL PLAN REVIEW (2019/2020)****RESOLUTION 2020/95**

Moved: Cr John Dessmann

Seconded: Cr Peter Burns

That Council resolves to note and endorse the progress of the Operational Plan for the third quarter of the 2019/2020 financial year.

**CARRIED**

**15.3 APPLICATION FOR A MINOR CHANGE TO DEVELOPMENT PERMIT DA/3867 - REMOTE WORKERS ACCOMMODATION AND/OR SHORT TERM ACCOMMODATION - LOT 30 ON SP285541 - PENINSULA DEVELOPMENT ROAD LAKELAND (TURALBA)****RESOLUTION 2020/96**

Moved: Cr Ross Logan

Seconded: Cr John Dessmann

1. That Council refuse the application submitted by William Reddie and Laura Wallace C/- Planz Town Planning Pty Ltd for a Minor Change to an approval for Material Change of Use for Remote Worker's Accommodation and/or Short Term Accommodation on Lot 30 on SP285541, Peninsula Development Road, Lakeland; and
2. That Council agree to extend the limited life of the approval for a further 1 year until 16 May 2022.

**CARRIED**

**15.4 APPLICATION FOR AMENDMENT TO QUEENSLAND HERITAGE LISTING - LOT 5 ON PLAN C17973****RESOLUTION 2020/97**

Moved: Cr Marilyn Morris

Seconded: Cr Larissa Hale

That Council:

1. Delegate authority to the Chief Executive Officer pursuant to s257 of the *Local Government Act 2009* to progress the application including formal submission to the Department of Environment & Science.
2. Delegate authority to the Chief Executive Officer under section 257 of the *Local Government Act 2009*, to make any further administrative changes to the application if required by the Department of Environment & Science.

**CARRIED**

**16 INFRASTRUCTURE - REPORTS****16.1 CAPITAL WORKS PROGRAM 2019/2020 - QUARTERLY REPORT, JANUARY TO MARCH 2020**

Director Infrastructure, David Klye advised Councillors of some minor changes to the figures in this

report that will be corrected in the attachments to these minutes.

**RESOLUTION 2020/98**

Moved: Cr Robyn Holmes

Seconded: Cr Larissa Hale

That Council receive and note the third quarter 2019/20 F/Y (January to March) Capital Works Infrastructure Quarterly Report.

**CARRIED**

**17 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:

**17.1 Rates and Charges - January 2020 to June 2020**

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.

**17.2 Tender T5719 - Gateway to the Cape 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.

**17.3 Tender T8719 - Provision of Kerbside Waste Collection**

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.

**17.4 Gravel and Water Agreement - Lot 4327 on Plan SP142887**

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 2020/99**

Moved: Cr Robyn Holmes

Seconded: Cr Peter Burns

That Council moves into Closed Council.

**CARRIED**

**RESOLUTION 2020/100**

Moved: Cr Robyn Holmes

Seconded: Cr Marilyn Morris

That Council moves out of Closed Council into Open Council.

**CARRIED**

## **17.1 RATES AND CHARGES - JANUARY 2020 TO JUNE 2020**

### **RESOLUTION 2020/101**

Moved: Cr Peter Burns

Seconded: Cr Robyn Holmes

That Council resolve to –

- a) Pursuant to *Local Government Regulation 2012*, Section 130(7) Council grant the discount on all outstanding rates and charges for Levy 2 of 2019/2020; and
- b) Pursuant to section 133 of the *Local Government Regulation 2012*, compound interest calculated at the rate of zero (0%) per annum is to be charged on all overdue rates and charges, from 18 February 2020 to the 30 June 2020; and
- c) Defer all debt recovery action and credit default listings until 30 June 2020.

**CARRIED**

## **17.2 TENDER T5719 - GATEWAY TO THE CAPE PROJECT**

### **RESOLUTION 2020/102**

Moved: Cr Larissa Hale

Seconded: Cr Peter Burns

That Council enter into a contract with:

1. **BRENDAN GRANT MASTER BUILDERS** for the design and construction of the Gateway to the Cape project which will include a new, purpose-built Tourist Information Centre, rest stop and sculpture park at Lakeland, in the total amount of **\$ 398,591.00 (excluding GST)**; and
2. Delegate authority to the Chief Executive Officer, under section 257 of the Local Government Act 2009 (Queensland), the ability to execute the contract, negotiate and finalise minor administrative or financial amendments and approve any variation, if so required.

**CARRIED**



**17.3 TENDER T8719 - PROVISION OF KERBSIDE WASTE COLLECTION**

**RESOLUTION 2020/103**

Moved: Cr Peter Scott (Mayor)

Seconded: Cr Peter Burns

That Council:

1. Approve the award of a contract for the provision of kerbside waste collection services to **AUSWASTE ENVIRONMENTAL SERVICES** for a period of eight (8) years with effect from July 1, 2020 at an annual cost of **\$647,317.26 excluding GST**, subject to annual CPI increases;
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; and
3. Delegate authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009 (QLD)*, the ability to negotiate and approve an extension of two (2) years at the end of the eight (8) year period, subject to satisfactory performance and continued need.

**CARRIED**

**17.4 GRAVEL AND WATER AGREEMENT - LOT 4327 ON PLAN SP142887**

**RESOLUTION 2020/104**

Moved: Cr Larissa Hale

Seconded: Cr Robyn Holmes

That Council authorise the Chief Executive Officer to enter into the Access Agreement with Normanby Aboriginal Corporation, the land owner of Lot 4327 on Plan SP142887.

**CARRIED**

**The Meeting closed at 10.54am.**

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

.....  
**CHAIRPERSON**