



# **MINUTES**

**Ordinary Council Meeting**

**11 August 2020**

**MINUTES OF COOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN  
ON TUESDAY, 11 AUGUST 2020 AT 9.00AM**

**1 AGENDA CONTENTS**

**2 ATTENDANCE**

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

**3 MEETING OPENED**

9.00am

**4 APOLOGIES**

Cr Peter Scott (Mayor) – attending an FNQROC Board Meeting and various Ministerial deputations and meetings in Brisbane.

**5 ACKNOWLEDGEMENT OF COUNTRY**

On behalf of all Councillors, the Deputy Mayor acknowledged the Waymburr Warra people, Traditional Custodians of the land on which we meet today, and paid respects to their Elders past, present and emerging.

**6 DECLARATIONS OF INTEREST**

**6.1 DECLARATION OF INTEREST - CR M MORRIS**

Cr Marilyn Morris declared a conflict of interest in Item 11.2, (as defined by the *Local Government Act 2009*, section 175D) as follows:

- a) I am the subject of the motion requesting Council's endorsement.

I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

**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****ORDINARY MEETING – 14 JULY 2020****RESOLUTION 2020/211**

Moved: Cr Marilyn Morris

Seconded: Cr John Dessmann

That the minutes of the Ordinary Meeting held on 14 July 2020 be confirmed.

**CARRIED**

**10 BUSINESS ARISING**

Nil

**11 NOTIFIED MOTIONS****11.1 NOTICE OF MOTION - AMENDMENT TO RESOLUTION 2020/186****RESOLUTION 2020/212**

Moved: Cr Larissa Hale

Seconded: Cr Marilyn Morris

That the following amendments be made to **Resolution 2020/186**, as follows:

**Amendment 1** – Insert the words “undertaken by Council” into para. 1 to read: “That Council adopt, for information, the “Review of Anti-Competitive Provisions – Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2020, undertaken by Council.”

**Amendment 2** – Insert the words “propose to” into para. 2 to read: “That Council propose to adopt Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2020 (attached) that will amend:”

**CARRIED**

*The new substantive resolution was formalised.*

**RESOLUTION 2020/213**

Moved: Cr Larissa Hale

Seconded: Cr Marilyn Morris

That Council adopt, for information, the “Review of Anti-Competitive Provisions - Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2020”, undertaken by Council.

That Council propose to adopt *Amending Subordinate Local Law No.3 (Miscellaneous Subordinate Local Laws) 2020* (attached) that will amend:

1. schedule 6 of *Subordinate Local Law No.1 (Administration) 2016* to increase the number of people that can attend an invitation only event without an approval from 30 to 50; and
2. *Subordinate Local Law No.2 (Animal Management) 2018* to:
  - a. include additional places that seized animals may be impounded; and
  - b. insert a new dog off-leash area in schedule 7; and

3. *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2018*  
to:
- a. amend the period that a recreational vehicle (RV) may use a designated recreational vehicle (RV) parking area to no more than 3 consecutive nights; and
  - b. require people bringing animals into a cemetery to obtain authorisation; and
  - c. require people mooring a vessel at a jetty to obtain authorisation.

**CARRIED**

At 9:05 am, Cr Marilyn Morris left the meeting.

## **11.2 NOTICE OF MOTION - COUNCILLOR MORRIS NOMINATION TO CAPE YORK NATURAL RESOURCE MANAGEMENT BOARD**

### **RESOLUTION 2020/214**

Moved: Cr Peter Burns

Seconded: Cr Ross Logan

That Council endorse the nomination of Cr Marilyn Morris for the position of Local Government Director on the Cape York Natural Resource Management Ltd board.

**CARRIED**

At 9:08 am, Cr Marilyn Morris returned to the meeting.

## **12 COUNCILLORS' REPORTS**

### **12.1 COUNCILLORS' MONTHLY REPORTS**

#### **RESOLUTION 2020/215**

Moved: Cr Larissa Hale

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 2020/216**

Moved: Cr John Dessmann

Seconded: Cr Larissa Hale

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

**CARRIED**

**13.2 NOMINATION OF SPECIAL HOLIDAY FOR COOK SHIRE IN 2021****RESOLUTION 2020/217**

Moved: Cr Peter Burns

Seconded: Cr Ross Logan

That pursuant to s. 257 of the *Local Government Act 2009*, Council delegates authority to the Chief Executive Officer to request a special holiday nomination for Cook Shire in line with proposed Cairns Show Day holiday, Friday 16 July 2021.

**CARRIED**

**13.3 COOK SHIRE LOCAL DISASTER MANAGEMENT GROUP - ANNUAL REPORT 2019/2020****RESOLUTION 2020/218**

Moved: Cr Larissa Hale

Seconded: Cr John Dessmann

That Council endorses the Cook Shire Local Disaster Management Group's Annual Report for 2019/2020.

**CARRIED**

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

Nil

**15 ORGANISATIONAL BUSINESS SERVICES - REPORTS****15.1 ADOPTION OF AMENDING SUBORDINATE LOCAL LAW NO. 3 (MISCELLANEOUS SUBORDINATE LOCAL LAWS) 2020 AND ASSOCIATED CONSOLIDATED SUBORDINATE LOCAL LAWS****RECOMMENDATION**

That Council resolves:

1. to approve and adopt the “Review of Anti-Competitive Provisions - Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2020”.
2. pursuant to section 29(2) of the *Local Government Act 2009*, to adopt *Amending Subordinate Local Law No.3 (Miscellaneous Subordinate Local Laws) 2020*.
3. to delegate to the Chief Executive Officer, the power to take all steps necessary to publish the new Local Law in accordance with section 29B of the *Local Government Act 2009*.
4. to adopt consolidated versions of the following subordinate local laws that incorporates amendments made to those local laws to date:
  - a. *Subordinate Local Law No. 1 (Administration) 2016*.
  - b. *Subordinate Local Law No. 2 (Animal Management) 2016*.
  - c. *Subordinate Local Law No. 4 (Local Government Areas, Facilities and Roads) 2016*.

**RESOLUTION 2020/219**

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr Peter Burns

That Council defer the consideration of agenda Item 15.1 pending a further Councillor workshop on the matter and a further report back to Council.

**CARRIED**

**15.2 FINANCIAL STATEMENTS - JULY 2020****RESOLUTION 2020/220**

Moved: Cr Marilyn Morris

Seconded: Cr John Dessmann

That Council resolves to:

Note the financial report, as required under section 204 of the *Local Government Regulation 2012* (QLD), for July 2020.

**CARRIED**

**16 INFRASTRUCTURE - REPORTS****16.1 FIRE SERVICE CONFIGURATION AND WATER CONSUMPTION PROCEDURE****RESOLUTION 2020/221**

Moved: Cr Peter Burns

Seconded: Cr Ross Logan

That Council endorses the administrative action to commence charging for water which is used through a fire service if that water has not been used for firefighting purposes.

**CARRIED**

**16.2 RENEWAL OF FNQROC CONTRACT, RECYCLING OF SCRAP METALS - FOR INFORMATION****RESOLUTION 2020/222**

Moved: Cr John Dessmann

Seconded: Cr Ross Logan

That Council notes the extension of the FNQROC Regional Collection of Ferrous Metal and Used Lead Acid Batteries, FNQ012, for a further 12 months, until 30 November 2021.

**CARRIED**

**16.3 PSA T10919 - ROAD MAKING MATERIALS****RESOLUTION 2020/223**

Moved: Cr Peter Burns

Seconded: Cr John Dessmann

That Council delegate authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009 (QLD)*, to authorise contracts and payments in the amounts required for the delivery of all Disaster Recovery Funding Arrangements works including the supply and delivery of road making materials, under PSA T10919 – Road Making Materials.

**CARRIED**

**16.4 COOKTOWN CHARLOTTE STREET REVITALISATION DESIGN - ADOPTION OF PRELIMINARY DESIGN****MOTION**

Moved: Cr John Dessmann

Seconded: Cr Marilyn Morris

That Council endorses the attached preliminary design for the Charlotte St Revitalisation project including provision of 25 additional marked car parking spaces in side streets, the formalisation of 44 car parking spaces and 30 trailer/long vehicle bays at the Tree of Knowledge area and one tree to be located at the north west side of each intersection within the proposed kerb outstands, and one tree each located mid-block on the eastern side of the street, from Walker St to Banks St.

*Cr Robyn Holmes moved an amendment to the motion and was resolved as follows:*

**RESOLUTION 2020/224**

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr Larissa Hale

That an amendment be made to the motion to read:

Council endorses the attached preliminary design for the Charlotte Street Revitalisation project, noting that some elements may change during the detailed design stage.

The preliminary design includes provision of 25 additional marked car parking spaces in side streets, the formalisation of 44 car parking spaces and 30 trailer/long vehicle parking bays at the Tree of Knowledge area and one tree to be located at the north west side of each intersection within the proposed kerb outstands, and one tree each located mid-block on the eastern side of the street, from Walker to Banks Street.

**CARRIED**

*The new substantive motion was put to the vote.*

**RESOLUTION 2020/225**

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr Larissa Hale

That Council endorses the attached preliminary design for the Charlotte Street Revitalisation project, noting that some elements may change during the detailed design stage.

The preliminary design includes provision of 25 additional marked car parking spaces in side streets, the formalisation of 44 car parking spaces and 30 trailer/long vehicle parking bays at the Tree of Knowledge area and one tree to be located at the north west side of each intersection within the proposed kerb outstands, and one tree each located mid-block on the eastern side of the street, from Walker to Banks Street

**CARRIED**

The Deputy Mayor suspended standing orders at 10.11am

The Deputy Mayor resumed standing orders at 10.39am



**17 CONFIDENTIAL REPORTS****CONSIDERATION OF 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 Q1020 - Management Agreement - Childcare Centre**

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.

**17.2 Sole Suppliers - Water and Wastewater Services**

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 Gravel Lease and Memorandum of Understanding - Port Stewart**

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 Lease - Lot 10 on SP261207 and Lot 6 on SP262570**

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 2020/226**

Moved: Cr John Dessmann

Seconded: Cr Peter Burns

That Council moves into Closed Session.

**CARRIED**

**RESOLUTION 2020/227**

Moved: Cr Larissa Hale

Seconded: Cr John Dessmann

That Council moves out of Closed Council into Open Session.

**CARRIED**

**17.1 Q1020 - MANAGEMENT AGREEMENT - CHILDCARE CENTRE****RESOLUTION 2020/228**

Moved: Cr Marilyn Morris

Seconded: Cr Larissa Hale

That Council:

1. Resolves that it is satisfied that **Lady Gowrie QLD** is the only supplier reasonably available and it would be impractical and disadvantageous to invite tenders; and
2. Delegates authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009 (QLD)*, the ability to execute the Management Agreement, negotiate and finalise minor administrative or financial amendments and approve any variations, if so required; and
3. Delegates authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009 (QLD)*, the ability to negotiate and approve two extensions of 12 months each at the end of the initial 12-month period, subject to satisfactory performance and a continued need for the services.

**CARRIED**

**17.2 SOLE SUPPLIERS - WATER AND WASTEWATER SERVICES****RESOLUTION 2020/229**

Moved: Cr Larissa Hale

Seconded: Cr Ross Logan

That Council resolves that, because of the specialised nature of the goods and services that are sought it is impractical to invite quotes from other suppliers, the following suppliers are approved as sole suppliers for a period of twelve (12) months:

- WATER TREATMENT SERVICES (WTS) for the supply of WTS8-CE80409BF polymer
- GRENOF for the supply of magnesium hydroxide liquid
- PUMPING IRRIGATION & MACHINERY SERVICES (PIMS) for repairs of pumps
- COOGEE CHEMICALS for the supply of Soda Ash and Caustic Soda
- REDOX for the supply of Fluoride
- ELSTER METERING for the supply of water meters.

**CARRIED**

**17.3 GRAVEL LEASE AND MEMORANDUM OF UNDERSTANDING - PORT STEWART****RESOLUTION 2020/230**

Moved: Cr Larissa Hale

Seconded: Cr Marilyn Morris

That Council

1. Delegate authority to the Chief Executive Officer pursuant to s257 of the *Local Government Act 2009* to execute the MOU and Gravel Lease agreement with Lama Lama Land Trust.
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 MOU and Gravel Lease prior to execution provided those changes do not amend the details in Schedule 1 of the draft Gravel Lease.

**CARRIED**

**17.4 GRAVEL LEASE - LOT 10 ON SP261207 AND LOT 6 ON SP262570**

**RESOLUTION 2020/231**

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 execute the Gravel Lease agreement for lease areas on Lot 10 on SP261207 and Lot 6 on SP262570.
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 Gravel Lease prior to execution provided those changes do not amend the details in Schedule 1 of the Gravel Lease.

**CARRIED**

**The Meeting closed at 11.53am.**

**The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 8 September 2020.**

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**CHAIRPERSON**