



MINUTES

Ordinary Council Meeting

8 September 2020

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN
ON TUESDAY, 8 SEPTEMBER 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

The meeting opened at 9.00am.

4 APOLOGIES

Nil

5 ACKNOWLEDGEMENT OF COUNTRY

On behalf of all Councillors, the 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 L HALE

Cr L Hale declared a conflict of interest in Item 11A, (as defined by Local Government Act 2009, section 175D) as follows:

- a) I am related to the owners of Bowyer Group.

I will be dealing with this declared conflict of interest by leaving the meeting while this deputation is presented.

RESOLUTION 2020/232

Moved: Cr Marilyn Morris

Seconded: Cr John Dessmann

Cr L Hale has a real conflict of interest in the deputation presented at Item 11A and accordingly must leave the meeting room, including any place set aside for the public and stay away while this deputation is presented.

CARRIED

6.2 DECLARATION OF INTEREST - CR M MORRIS

Cr M Morris declared a conflict of interest in Items 14.1 and 16.1, (as defined by Local Government Act 2009, section 175D) as follows.

- a) I am a committee member of the Cooktown Re-enactment 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. I will best perform my responsibility of serving the overall public interest of the whole of 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 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 2020/233

Moved: Cr John Dessmann

Seconded: Cr Peter Burns

Cr M Morris has a perceived conflict of interest in the matter and notwithstanding the conflict, may participate in the matter, discuss and vote upon.

CARRIED

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE - GALALAR SILICA SAND PROJECT - PROPOSAL OF A COOKTOWN LOADING OPTION****RESOLUTION 2020/234**

Moved: Cr Peter Scott (Mayor)

MAYORAL MINUTE

That Cook Shire Council resolves to not support the Diatreme / Galalar Silica Sand Project proposal of a Cooktown Loading Option - as detailed in the Draft Terms of Reference.

In Favour: Crs Peter Scott (Mayor), Peter Burns, John Dessmann, Larissa Hale, Robyn Holmes (Deputy Mayor), Ross Logan and Marilyn Morris

Against: Nil

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 PREVIOUS MINUTES**ORDINARY COUNCIL MEETING – 11 AUGUST 2020****RESOLUTION 2020/235**

Moved: Cr Larissa Hale

Seconded: Cr Robyn Holmes (Deputy Mayor)

That the minutes of the Ordinary Meeting held on 11 August 2020 be confirmed.

CARRIED

10 BUSINESS ARISING

Nil

11 NOTIFIED MOTIONS

Nil

At 9.09am, Cr Larissa Hale left the meeting.

11A DEPUTATION**Bowyer Group – Notice of Objection - Development Application DA/4144**

- John Giese, representing Bowyer Group, presented a Notice of Objection to Council in relation to DA/4144.
- The Development Application refers to a Material Change of Use (MCU) for an Extractive Industry and caretaker's cottage accommodation; and Operational Works for clearing vegetation on Lot 7 on SP171860
- A number of documents in support of Bowyer Group's objection were presented to Councillors and Council's leadership team.

At 9.21am, Cr Larissa Hale returned to the meeting.

12 COUNCILLORS' REPORTS**12.1 COUNCILLORS' MONTHLY REPORTS****RESOLUTION 2020/236**

Moved: Cr Marilyn Morris

Seconded: Cr Larissa Hale

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 2020/237**

Moved: Cr Marilyn Morris

Seconded: Cr John Dessmann

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

CARRIED

SUSPENSION OF STANDING ORDERS**RESOLUTION 2020/238**

Moved: Cr John Dessmann

Seconded: Cr Larissa Hale

That standing orders be suspended so Council may attend a scheduled Cairns District Disaster Management Group (DDMG) meeting.

CARRIED

At 9.54am, the meeting was adjourned.

RESUME STANDING ORDERS**RESOLUTION 2020/239**

Moved: Cr Peter Scott (Mayor)

Seconded: Cr Marilyn Morris

That standing orders be resumed from the conclusion of the scheduled Cairns District Disaster Management Group (DDMG) meeting.

CARRIED

At 10.59am, the meeting recommenced.

13.2 GALALAR SILICA SAND MINE (DIATREME) - DRAFT TERMS OF REFERENCE**RESOLUTION 2020/240**

Moved: Cr Peter Burns

Seconded: Cr Larissa Hale

That Council resolves to:

1. Support the comments in this report and the attached response to the draft Terms of Reference for the proposed Galalar Silica Sand Project (Diatreme Resources Limited); and
2. Forward the comments dated 8 September 2020 to the Department Environment and Science.

CARRIED

13.3 COUNCIL IN FOCUS - 1 APRIL TO 30 JUNE 2020**RESOLUTION 2020/241**

Moved: Cr Marilyn Morris

Seconded: Cr Larissa Hale

That Council receives and notes the 'Council in Focus' Report for the period April to June 2020.

CARRIED

Mr Lawrence Booth paid thanks to the Council staff who were primarily involved in the initial Covid-19 community response via Council's self-established 'Covid Call Centre'; namely Ms Sally Eales, Ms Jenni James and all Customer Service staff. Mr Booth's comments were endorsed by the Mayor, commenting that staff gave an extraordinary effort.

14 COMMUNITY, ECONOMY AND INNOVATION - REPORTS**14.1 ARTWORK - RECONCILIATION ROCKS PROJECT****RESOLUTION 2020/242**

Moved: Cr Larissa Hale

Seconded: Cr Marilyn Morris

That Council enter into a contract with:

1. Artist 1, **Braham Stevens**, for the creation of one or more major public artworks to be integrated within the masterplan and development as a whole of the Reconciliation Rocks project in the total amount of **\$150,000.00 (including 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

15 ORGANISATIONAL BUSINESS SERVICES - REPORTS**15.1 FINANCIAL STATEMENTS - AUGUST 2020****RESOLUTION 2020/243**

Moved: Cr Ross Logan

Seconded: Cr Robyn Holmes (Deputy Mayor)

That Council resolves to:

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

CARRIED

15.2 PROCUREMENT POLICY**RESOLUTION 2020/244**

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr Peter Burns

That Council adopts the revised Procurement Policy dated 8 September 2020.

CARRIED

16 INFRASTRUCTURE - REPORTS**16.1 RECONCILIATION ROCKS - UPDATE OF SITE LAYOUT****RESOLUTION 2020/245**

Moved: Cr Larissa Hale

Seconded: Cr John Dessmann

That Council endorses the Reconciliation Rocks Site Layout Update as attached for implementation of the Reconciliation Rocks project.

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 Confidential Legal Matter

This matter is considered to be confidential under Section 275(f) 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 starting or defending legal proceedings involving Cook Shire Council.

17.2 Compensation 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.

17.3 Request for Commercial Rent Relief

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 2020/246

Moved: Cr Marilyn Morris

Seconded: Cr John Dessmann

That Council moves into Closed Session.

CARRIED

RESOLUTION 2020/247

Moved: Cr Peter Burns

Seconded: Cr Robyn Holmes (Deputy Mayor)

That Council moves out of Closed Session into Open Session.

CARRIED

17.1 CONFIDENTIAL LEGAL MATTER**RESOLUTION 2020/248**

Moved: Cr Larissa Hale

Seconded: Cr Marilyn Morris

That Council resolve to note this report.

CARRIED

17.2 COMPENSATION AGREEMENT**RESOLUTION 2020/249**

Moved: Cr John Dessmann

Seconded: Cr Peter Burns

That Council resolves:

1. Delegate authority to the Chief Executive Officer pursuant to section 257 of the *Local Government Act* to enter into the Compensation Agreement for ML 100163.
2. Delegate authority to the Chief Executive officer pursuant to section 257 of the *Local Government Act* to authorise and execute compensation agreements required under section 279 of the *Mineral Resources Act 1989* when the only interest of Council which is affected is unformed dedicated road.

CARRIED

17.3 REQUEST FOR COMMERCIAL RENT RELIEF**RESOLUTION 2020/250**

Moved: Cr Marilyn Morris

Seconded: Cr Peter Burns

That Council resolve to:

1. Consent to the proposed deferment of rent for Lease A and Lease B for 2019/20 until 31 December 2021.
2. Consent to the reduction of rent for Lease A and Lease B from 1 February 2020 until 31 January 2021 by an amount equivalent to ten percent.
3. Consent to the proposed deferment of the remaining amount of rent for Lease A and Lease B for 2020/21 until 31 December 2021.
4. Delegate authority to the Chief Executive Officer pursuant to s 257 of the *Local Government Act* to extend the above expiry dates if required by the Regulations so that deferred payment is not due until after the end of the response period.

CARRIED

The Meeting closed at 12.50pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 13 October 2020.

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CHAIRPERSON