



# **MINUTES**

**Ordinary Council Meeting**

**13 April 2021**

**MINUTES OF COOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,  
COOKTOWN  
ON TUESDAY, 13 APRIL 2021 AT 9.00AM**

**1 AGENDA CONTENTS**

**2 ATTENDANCE**

Deputy Mayor Robyn Holmes (Chair), Councillor Peter Burns, Councillor John Dessmann, Councillor Larissa Hale, Councillor Ross Logan, Councillor Marilyn Morris

Linda Cardew (Chief Executive Officer), Lawrence Booth (Director Community, Economy and Innovation), Heather Kelly (Director Organisational Business Services) and David Klye (Director Infrastructure)

**3 MEETING OPENED**

9.00am

**4 APOLOGIES**

Mayor Peter Scott – Attending the FNQROC Strategic Planning Day in Port Douglas

**5 ACKNOWLEDGEMENT OF COUNTRY**

ON BEHALF OF ALL COUNCILLORS, THE DEPUTY MAYOR ACKNOWLEDGED THE WAYMBURR WARRA PEOPLE, TRADITIONAL CUSTODIANS OF THE LAND ON WHICH THE MEETING WAS HELD TODAY, AND PAID RESPECTS TO ALL TRADITIONAL OWNERS, PAST, PRESENT AND EMERGING THROUGHOUT COOK SHIRE.

**6 DECLARATIONS OF INTEREST**

Cr Larissa Hale noted a prescribed conflict of interest in Item 17.3 and Item 18.2.

The Deputy Mayor noted a declared conflict of interest in Item 17.6.

**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.

The Deputy Mayor noted the passing of His Royal Highness Prince Phillip.

**9 LEAVE OF ABSENCE****LEAVE OF ABSENCE****RESOLUTION 2021/61**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That the following periods of leave for the listed Councillors be endorsed by Council:

- Deputy Mayor Robyn Holmes – From 29 April to 2 May 2021
- Cr Larissa Hale – From 17 to 24 April 2021
- Cr Marilyn Morris – From 14 to 22 April 2021

**CARRIED**

**10 CONFIRMATION OF PREVIOUS MINUTES****ORDINARY COUNCIL MEETING – 9 MARCH 2021****RESOLUTION 2021/62**

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That the minutes of the Ordinary Council Meeting held on 9 March 2021 be confirmed.

**CARRIED**

**11 BUSINESS ARISING**

Nil

**12 NOTIFIED MOTIONS**

Nil

**13 COUNCILLORS' REPORTS****13.1 COUNCILLORS' MONTHLY REPORTS****RESOLUTION 2021/63**

Moved: Councillor Larissa Hale

Seconded: Councillor John Dessmann

That the activities contained in the individual Councillors' monthly reports tabled on 13 April 2021, including future travel requirements, be endorsed by Council.

**CARRIED**

Cr Logan apologised that due to technical difficulties, his report was not received in time for the publishing of the agenda.

**14 EXECUTIVE SERVICES - REPORTS****14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2021/64**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That the activities contained in the Chief Executive Officer's monthly report tabled on 13 April 2021, be endorsed by Council.

**CARRIED**

**15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS****15.1 RADF COMMUNITY GRANTS ROUND 2020-21****RESOLUTION 2021/65**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

1. That Council approves the following RADF Advisory Committee recommendations as contained in the Committee's Meeting Minutes for funding:
  - Cooktown Blue Water Club - Clubhouse Mural - \$5,000
  - Gungarde Community Centre - Creative Expressions Dance and Drama Group - \$3,000
  - Lakeland Progress Association and Lakeland State School P&C – Photography Workshop and Lakeland Photo Comp Support - \$4,950
  - Stefanie Hook - Hooked on Art Kids Club Workshops - \$4,935

**Total = \$17,885**
2. That Council approve the implementation of Quick Response Grants to a maximum of \$2,000 for individual artists as detailed in the body of the Report; and
3. That under S.257 of the *Local Government Act 2009*, Council delegates authority to the Chief Executive Officer to approve Grants to a maximum of \$2,000 each under the Quick Response Grants initiative.

**CARRIED**

**15.2 TERMS OF REFERENCE - BENEFICIAL ENTERPRISE STEERING COMMITTEES****MOTION**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That approval be granted for the Terms of Reference associated with Steering Committees for each of the following Beneficial Enterprises:

1. Nature's Powerhouse;
2. Cooktown Events Centre; and
3. Barrier Reef Child Care Centre.

*Cr Morris moved an amendment to the motion.*

**RESOLUTION 2021/66**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

1. That approval be granted for the Terms of Reference associated with Steering Committees for each of the following Beneficial Enterprises:
  - a) Nature's Powerhouse;
  - b) Cooktown Events Centre; and
  - c) Barrier Reef Child Care Centre.
2. That the Terms of Reference for Nature's Powerhouse be amended to include a representative of the Vera Scarth-Johnson Gallery Association to the Steering Committee membership.

**CARRIED**

*The amended motion, Resolution 2021/66, was then put to the vote to become the new substantive motion.*

1. That approval be granted for the Terms of Reference associated with Steering Committees for each of the following Beneficial Enterprises:
  - a) Nature's Powerhouse;
  - b) Cooktown Events Centre; and
  - c) Barrier Reef Child Care Centre.
2. That the Terms of Reference for Nature's Powerhouse be amended to include a representative of the Vera Scarth-Johnson Gallery Association to the Steering Committee membership

In Favour: Crs Peter Burns, John Dessmann, Larissa Hale, Robyn Holmes, Ross Logan and Marilyn Morris

Against: Nil

**CARRIED**

**15.3 RECONCILIATION ROCKS - APPLICATION FOR LISTING ON QUEENSLAND HERITAGE REGISTER****RESOLUTION 2021/67**

Moved: Councillor Larissa Hale

Seconded: Councillor John Dessmann

1. That Council note the advice from the Department of Environment and Science that a recommendation has been made to the Queensland Heritage Council that Reconciliation Rocks be entered in the Heritage Register as a State Heritage Place;
2. That Council provide a letter to the Queensland Heritage Council noting its support for the recommended listing; and
3. That under S.257 of the *Local Government Act 2009* Council delegates authority to the Chief Executive Officer to sign the letter on behalf of Council.

**CARRIED**

The Deputy Mayor called for a morning tea break at 10.02am.

The Deputy Mayor resumed the meeting at 10.17am.

**15.4 OPERATIONAL PLAN 2020/2021 - QUARTERLY REPORT - JANUARY TO MARCH 2021****RESOLUTION 2021/68**

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That Council note the third quarter review of the progress towards implementing the Cook Shire Council Operational Plan 2020-2021.

**CARRIED**

**15.5 ECONOMIC DEVELOPMENT PLAN 2016 - 2020 - OUTCOME REPORT****RESOLUTION 2021/69**

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That Council note the Cook Shire Council 2016-2020 Economic Development Plan Outcome Report dated 13 April 2021.

**CARRIED**

**15.6 10 YEAR COMMUNITY PLAN 2021-2031****RESOLUTION 2021/70**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That Council endorse the Cook Shire Council 10 Year Community Plan 2021 – 2031 and approve its adoption.

**CARRIED**

**16 ORGANISATIONAL BUSINESS SERVICES - REPORTS****16.1 APPLICATION FOR A DEVELOPMENT PERMIT DA/4276 - MATERIAL CHANGE OF USE FOR CARETAKER'S ACCOMMODATION AND OFFICES (TWO (2) OFFICES) - 51 HELEN STREET, COOKTOWN - LOT 425 ON C1791****RESOLUTION 2021/71**

Moved: Councillor Marilyn Morris

Seconded: Councillor 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 assessment benchmarks and the proposed development demonstrated compliance.
  - (b) The proposed development for a Material Change of Use for a Caretaker's Accommodation and Offices will have no detrimental impact on the surrounding land uses.
2. That the application by Peter John Robinson C/- U&i Town Plan for Development Permit DA/4276, Material Change of Use for a Caretaker's Accommodation and Offices (two (2) Offices) on Lot 425 on C1791, located at 51 Helen Street, Cooktown, be approved subject to the following reasonable and relevant conditions.

**A. Assessment Manager (Council) Conditions****Approved Plans**

1. The development must be carried out generally in accordance with the following Proposal Plans submitted with the application, except for any variations required to comply with the conditions of this approval:
  - P Robinson 51 Helen Street Cooktown, Lot 425 C1791 – Patio Extension Site Plan – Home Improvement Designers – Drawn: K.B – Job No.: 1082 – Sheet 1 – Date: 16.11.20;
  - P Robinson 51 Helen Street Cooktown, Lot 425 C1791 – Proposed Offices & Residence Ground Floor Layout – Home Improvement Designers – Drawn: K.B – Job No.: 1082 – Sheet 2 – Date: 16.11.20;
  - P Robinson 51 Helen Street Cooktown, Lot 425 C1791 – Proposed Offices & Residence First Floor Layout – Home Improvement Designers – Drawn: K.B – Job No.: 1082 – Sheet

3 – Date: 16.11.20

- P Robinson 51 Helen Street Cooktown, Lot 425 C1791 – Proposed Offices & Residence Elevations 1 – Home Improvement Designers – Drawn: K.B – Job No.: 1082 – Sheet 4 – Date: 16.11.20;
- P Robinson 51 Helen Street Cooktown, Lot 425 C1791 – Proposed Offices & Residence Elevations 2 – Home Improvement Designers – Drawn: K.B – Job No.: 1082 – Sheet 5 – Date: 16.11.20; and
- P Robinson 51 Helen Street Cooktown, Lot 425 C1791 – Proposed Offices & Residence B85 Vehicle Turn Paths – Home Improvement Designers – Drawn: K.B – Job No.: 1082 – Sheet 1 – Date: 16.11.20.

### **Use**

2. The upper level of the approved development must be occupied by a genuine Caretaker of the ground floor offices in accordance with the Planning Scheme definition.

### **Water Supply**

3. The development must be connected to the reticulated water supply prior to the commencement of the use at full cost to the applicant.

### **Effluent Disposal**

4. The development must be connected to the reticulated sewerage scheme prior to the commencement of the use, at full cost to the applicant. Plans must be submitted as part of a plumbing application for approval by Council's Plumbing Inspector prior to works commencing.

### **Amenity**

5. There shall be no adverse impact on the amenity of the surrounding area by reason of light, nuisance, dust, or noise.

### **Access**

6. Access to the development must be from Helen Street and be located as indicated on the approved plans.
7. Access from the property boundary to the road pavement must be sealed with concrete or bitumen and be constructed to the requirements of the FNQROC Manual Drawing S1015, Commercial and Industrial Vehicle Crossing. Engineered plans must be submitted for approval by Council's Director Infrastructure, as part of an application for a crossover permit, prior to works commencing.

### **Internal Car Parking**

8. The development must make for the provision of four (4) off-street car parking spaces. Visitor car parking spaces must be sign posted as such.
9. Car parking spaces must be located as per the approved plans and be concrete sealed. Car parking spaces must allow for vehicles to enter and leave the site in a forward gear, comply with the Australian Standard and be constructed to the requirements of the FNQROC Manual.

### **Internal Driveway**

10. The internal driveway must be located as per the approved plans and be constructed



to the requirements of the FNQROC Manual.

### **Operational Works**

11. Prior to construction commencing, Council will require approval for an Operational Works application for the following:

- Excavation and Filling

The application will need to include plans prepared by a Registered Professional Engineer Queensland (RPEQ) in accordance with the FNQROC Manual that are to the satisfaction of Council's Director Infrastructure.

On completion of the works, Council shall require a Certificate of Completion from a Registered Professional Engineer Queensland (RPEQ) and a set of as constructed plans must be submitted to Council.

### **Storm water**

12. An appropriately qualified and experienced Registered Professional Engineer Queensland (RPEQ) must certify that the storm water management system or site works does not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site, by demonstrating that post development flows are captured and managed to ensure there is no net increase over the natural storm water flows in storm water flow to downstream properties. The storm water drainage plan shall be designed in accordance with the Queensland Urban Drainage Manual to the satisfaction of Council's Director Infrastructure and must be provided prior to the issue of development permit for building works.

### **Electricity**

13. The development must be connected to the reticulated electricity supply.

### **Footpath and Nature Strip**

14. The footpath and nature strip along the frontage of the site to Helen Street must be left undamaged and in a condition easily mowed where applicable.

### **Retaining Walls**

15. Any retaining wall over 1m in height will require a building permit.

### **Refuse Bins**

16. Refuse bins must be stored in the screened/drainage enclosure shown on the proposal plans and must not be stored on Helen Street for any period greater than twenty-four (24) hours around collection days.

### **Environmental**

17. No State declared, or environmental pest, plants, and animals are to be introduced onto the property.

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

### **Outstanding Charges**

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

### **Infrastructure Charges**

20. Any applicable Infrastructure Charges must be paid to Council at the time of issuing the Certificate of Classification of the building application as indicated on the Adopted Infrastructure Charges Notice (Appendix 'B') at the rate applicable at the time of payment.

### **Public Utilities**

21. The developer is responsible for the cost of any alterations to public utilities as a result of complying with the conditions of this approval.

### **Currency Period**

22. The currency period for this development approval is six (6) years. Should the use of Caretaker's Accommodation and Offices not be established within this time, the approval shall lapse.

### **B. Assessment Manager (Council) Advice**

1. A development permit is required for carrying out Building Works, 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 the 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. The applicant/owner is to ensure compliance with the requirements of the Section 74 Exemption Certificate issued under the Queensland Heritage Act 1992 by the Department of Environment and Science dated 22 February 2021.

### **Appendix 'B'**

Our Ref: LM:RP:DA/4276:D21/XXXXXX

23 March 2021

Peter Robinson  
C/- U&i Town Plan  
PO Box 426  
Cooktown QLD 4895  
Email: ramon@uitownplan.com

Dear Mr Samanes

**ADOPTED INFRASTRUCTURE CHARGES NOTICE  
DEVELOPMENT APPLICATION DA/4276**

## 51 HELEN STREET, COOKTOWN

**Proposal:** Material Change of Use for Caretaker's Accommodation and Offices (two (2) Offices)

**Applicant:** Peter Robinson  
C/- U&i Town Plan

**Location of Site:** 51 Helen Street, Cooktown

**Real Property Description:** Lot 425 C1791

**Level of Assessment:** Code Assessment

## CHARGES CALCULATION

Caretaker's Accommodation				
Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Material Change of Use (Residential (1 or 2 bedroom dwelling))	\$1,500.00 (Water Supply)	Per dwelling	1	\$1,500.00
Material Change of Use (Residential (1 or 2 bedroom dwelling))	\$1,500.00 (Sewerage)	Per dwelling	1	\$1,500.00
Material Change of Use (Residential (1 or 2 bedroom dwelling))	\$1,800.00 (Transport)	Per dwelling	1	\$1,800.00
Material Change of Use (Residential (1 or 2 bedroom dwelling))	\$600.00 (Public Parks & Community Land)	Per dwelling	1	\$600.00
Material Change of Use (Residential (1 or 2 bedroom dwelling))	\$600.00 (Stormwater)	Per dwelling	1	\$600.00
Total Charge				\$6,000.00

<b>Offices</b>				
<b>Development Class</b>	<b>Charge</b>	<b>Unit of Measure</b>	<b>No. of Units</b>	<b>Amount of Charge</b>
Material Change of Use (Commercial Retail))	\$12.60	\$ per m <sup>2</sup> GFA	38m <sup>2</sup>	\$478.80
Material Change of Use (Commercial Retail))	\$12.60	\$ per m <sup>2</sup> GFA	38m <sup>2</sup>	\$478.80
Material Change of Use (Commercial Retail))	\$16.80	\$ per m <sup>2</sup> GFA	38m <sup>2</sup>	\$638.40
Material Change of Use (Commercial Retail))	\$0.00	\$ per m <sup>2</sup> GFA	38m <sup>2</sup>	\$0.00
Material Change of Use (Commercial Retail))	\$3.00	\$ per impervious m <sup>2</sup>	38m <sup>2</sup>	\$114.00
Total Charge:				\$1,710.00

**CREDIT CALCULATION**

<b>Development Class</b>	<b>Charge</b>	<b>Unit of Measure</b>	<b>No. of Units</b>	<b>Amount of Charge</b>
Residential RAL	\$2,100.00 (Water Supply)	Allotments	1	\$2,100.00
Residential RAL	\$2,100.00 (Sewerage)	Allotments	1	\$2,100.00
Residential RAL	\$2,520.00 (Transport)	Allotments	1	\$2,520.00
Residential RAL	\$840.00 (Public Parks &	Allotments	1	\$840.00

	Community Land)			
Residential RAL	\$840.00 (Stormwater	Allotments	1	\$840.00
Total Credit				\$8,400.00

## Net Adopted Infrastructure Charges Summary:

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$7,710.00	\$8,400.00	<b>\$0.00</b>

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

This notice will lapse if the development approval stops having effect.

**RIGHTS OF APPEAL:**

Pursuant to the provisions of Chapter 6 of *The Planning Act 2016*, a person may appeal to the Planning & Environment Court against the decision of this Council. Please refer to <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025> to access the *Planning Act 2016*. Please refer to sections 124, 125, and 229 to 232 which detail your appeal rights regarding this notice.

Should you require any further information or assistance on this matter please contact Council's Manager Planning Environment Lisa Miller on (07) 4082 0500 or via email: [mail@cook.qld.gov.au](mailto:mail@cook.qld.gov.au).

Yours faithfully

Linda Cardew  
Chief Executive Officer  
Cook Shire Council

**CARRIED**

**16.2 REQUEST FOR A MINOR CHANGE TO DEVELOPMENT PERMIT DA/3715 - RECONFIGURING A LOT - TWO (2) INTO FOUR (4) LOTS - LOCKHART RIVER ROAD, IRON RANGE, FORMALLY DESCRIBED AS LOT 168 ON WMT808197 AND LOT 3 ON SP270844**

**RESOLUTION 2021/72**

Moved: Councillor Ross Logan

Seconded: Councillor Larissa Hale

1. That Council approve the Minor Change application submitted by Peter Huybers, David Huybers and Roderick Huybers C/- RPS Group Pty Ltd for a Minor Change to existing development approval DA/3715 – Reconfiguration of Lot 168 on WMT808197 and Lot 3 on SP270844, Lockhart River Road, into four (4) lots.

**A. Assessment Manager (Council) Conditions**

**Approved Plan**

- 1) The development must be carried out generally in accordance with Plan No. 6147-400 - Proposed Reconfiguration of Lots 4 and 5 (Cancelling Lot 3 on SP270844) Lots 6 and 7 (Cancelling Lot 168 on WMT808197), prepared by Statewide Survey Group, dated 5 October 2017, except for any variation required to comply with these Conditions of approval (Refer Appendix A).

**Condition 2 – Survey Plan**

- 2) The Survey Plan must include the outline of the applicable vegetation mapping and reference to Technical Agency Response material detailing vegetation conditions.

**Access**

- 3) Access to all lots must be via Lockhart River Road and must be constructed prior to the endorsement of the plan of survey. Where lots front the sealed section of Lockhart River Road, access is to be bitumen sealed and constructed to the requirements of the FNQROC Manual. Where lots front the unsealed section of Lockhart River Road, access is to be gravel sealed, contain ancillary Storm water drainage, and be constructed in accordance with the FNQROC Manual Standard Drawing S1105E – Allotment Access off Unsealed Road. Plans showing the location of each access must be submitted to Council's Director Infrastructure Services for approval.

**Certificate and Maintenance**

- 4) Upon completion of the works required by Condition 3, a certificate from a qualified engineer 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 all plans and specifications approved by Council. The certificate shall set out the full engineering details of the works as completed and 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 required for maintenance period not exceeding twelve (12) months.

**Effluent Disposal**

- 5) Each lot must be provided with a waste water treatment and disposal system, prior to the construction of a dwelling house. 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/NZS1547:2000 – 'On-site domestic wastewater management'. Details to be provided at the time of a Plumbing and/or Building application.

**Water Supply**

- 6) A separate source of water supply must be provided to each of the proposed allotments, at the time of construction of a dwelling house. This would be satisfied by the provision of rainwater tanks with a minimum capacity of 50,000 litres for each lot. 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 for on-site water storage.

**Fire Management**

- 7) All lots, access driveways and fire breaks must be maintained and by the owners at all times

so as not to create a fire hazard.

### **Electricity Supply**

- 8) Each proposed lot must be provided with a reliable electricity supply at the time of construction of a house. Written evidence of such electricity supply must be provided at the time of lodgment of a building application for a house.

### **Telecommunication Supply**

- 9) Evidence from the relevant telecommunication service provider that the telecommunications services can be made available to the proposed lots must be submitted to Council at the time of lodgment of a building application for a house.

### **Public Utilities**

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

### **Compliance**

- 12) All conditions of this development permit must be complied with prior to the Plan of Survey being submitted to Council for endorsement.

### **Outstanding Charges**

- 13) All rates, service charge, interest and other charges levied on the land must be paid prior to Council endorsement of the Plan of Survey.

### **Signing and Sealing**

- 14) The reconfiguration of a lot approved authorized 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. Advice (Council)**

The applicant be advised that a further Development Permit is required for carrying out Building works and a Plumbing and drainage approval/compliance permit is required for Plumbing and Drainage works prior to any construction associated with this development.

### **C. Concurrence Agency Advice (Appendix 'B')**

See attached Concurrence Agency Response from Department of Infrastructure, Local Government and Planning dated 02 November 2017.

**CARRIED**

**16.3 REQUEST FOR CONCESSION ON WATER CONSUMPTION****RESOLUTION 2021/73**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

That Council resolves, consistent with the Concessions for Concealed Water Leak Policy, to grant a water consumption concession of \$1,184.86 for Assessment 10028066.

**CARRIED**

**16.4 REQUEST FOR CONCESSION ON WATER CONSUMPTION****RESOLUTION 2021/74**

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That Council resolves, consistent with the Concessions for Concealed Water Leak Policy, to grant a water consumption concession of \$883.24 for Assessment 10028389.

**CARRIED**

*A typographical error was noted in the original officers recommendation for Item 16.5. The motion was moved with the correct assessment number.*

**16.5 REQUEST FOR CONCESSION ON WATER CONSUMPTION****RESOLUTION 2021/75**

Moved: Councillor Peter Burns

Seconded: Councillor Larissa Hale

That Council resolves, consistent with the Concessions for Concealed Water Leak Policy, to grant a water consumption concession of \$792.70 for Assessment 10010726.

**CARRIED**

**16.6 MONTHLY FINANCIAL REPORT****RESOLUTION 2021/76**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

That Council resolves to note the financial report, as required under section 204 of the *Local Government Regulation 2012*, for March 2021.

**CARRIED**



**17 INFRASTRUCTURE - REPORTS****17.1 PLANT AND PASSENGER VEHICLE POLICY****RESOLUTION 2021/77**

Moved: Councillor John Dessmann

Seconded: Councillor Ross Logan

That the Plant and Passenger Vehicle Policy lay on the table pending further discussion by Councillors.

**CARRIED****17.2 CROSSOVER POLICY****RESOLUTION 2021/78**

Moved: Councillor Ross Logan

Seconded: Councillor Larissa Hale

That the Crossover Policy lay on the table pending further discussion by Councillors.

**CARRIED****DECLARATION OF INTEREST - CR LARISSA HALE - ITEM 17.3**

I, Councillor Larissa Hale, inform this meeting that I have a prescribed conflict of interest in Item 17.3. The nature of my interest is that two close associates of mine are owners of businesses that are tendering for this contract; Viv Bowyer Contracting and Bramwell Contracting. The nature of my relationship with them is that they are my father's brothers.

I will now leave and stay away from the meeting while the matter is discussed and voted upon.

At 11:48 am, Councillor Larissa Hale left the meeting.

**17.3 RFT T4620 - REGISTER OF PRE-QUALIFIED SUPPLIERS (ROPS) - PLANT HIRE AND CREW HIRE****RESOLUTION 2021/79**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council:

- approve the issuance of Notices of Successful Tender to the following pre-qualified suppliers, for a period of twelve (12) months with an option to extend for a further period of twelve (12) months:

TENDERER	PART A	PART B
ANTHONY NEVEL EDMONDS – EDMONDS TRANSPORT & EARTHMOVING		
ARKEY HAULAGE PTY LTD		
B & D PLANT HIRE		

BLOOMFIELD MACHINERY HIRE		
BRAMWELL STATION EARTHMOVING CONTRACTORS		
BUBU EXCAVATIONS P/L		
BUILDERS NORTH PTY LTD		
C.J. INNES & M.A. INNES		
CAPE YORK GRADERS		
CC & DR QUARTERMAINE		
CCC TRUKCING & EQUIPMENT		
CIVIL TEKNIX PTY LTD		
CLARKE TRENCHING PTY LTD		
COATES HIRE OPERATIONS PTY LIMITED		
COMPLETE EARTHMOVING MACHINERY AND CIVIL CONSTRUCT		
COOKTOWN COOL FREEZER TRANSPORT		
COOKTOWN EARTHMOVING PTY LTD		
D & D BACKHOE HIRE		
DALLAS STRUCKEL T/AS OVERLAND PLANT HIRE		
DAVIS TRANSPORT		
DNR FREIGHT		
DNT PLANT HIRE		
EJ GRADER HIRE SERVICES PTY LTD		
ELLIS STABILISING PTY LTD		
ENDEAVOUR EARTHMOVING PTY LTD		
FAR NORTHERN CONCRETE PUMPING		
FGF BITUMEN PTY LTD		
FLEXIHIRE PTY LTD		
FROGGY'S DRY HIRE		
G & M CIVIL CONTRACTING PTY LTD		
S.A. & S.G. AHLERS		
GJ HAMILTON		
GOLD N ROADS		
GREAT NORTHERN HAULAGE & TRANSPORT		
HASTINGS DEERING (AUSTRALIA) LIMITED		
IRONBARK HOLDINGS PTY LTD		
ISIS PETROLEUM PTY LTD		
JM FABRICATION & PLANT HIRE PTY LTD		
JONES GS & SM		
KBN HOLDINGS		
KELLY'S CRANE HIRE PTY LTD		
KG & KR ROBERTSON		
KING HIRE & TRAILERS		
LIFT TEK PTY LTD T/A DEMPSEY CRANES & CONSTRUCTION		
MACHINERY HIRE QUEENSLAND		
MARKWELL GROUP		
MARRIN PTY LTD		
MARTON MECHANICAL SERVICES		
MC GROUP (KALAN CIVIL)		
MILLERS CONTRACTORS		
NPA EARTHMOVING YUSIA PTY LTD		
NAMBAL RESOURCES & QUARRIES PTY LTD		
NORTHERN BULK HAULAGE		
PENINSULA BULK HAULAGE PTY LTD		
PF & PL ARKEY		

QTT PTY LTD		
RG & AM RAYMOND		
R.C. & K.R. MAHONEY		
R.P. & K.S. WAKEFIELD		
RAYMOND MICHAEL FITZGERALD T/A RNL CONTRACTING		
ROBINSON CIVIL GROUP (RCG)		
ROSS ANDREASSEN PTY LTD		
RYAN SPERRING BACKHOE HIRE PTY LTD		
SCOTT EARTHMOVING & BULK HAULAGE		
SHANE MICHAEL RAYMOND		
SHERRIN RENTALS PTY LTD		
SIEVERDING GROUP PTY LTD		
T & C WHITE GRADER HIRE PTY LTD		
THURIBA CIVIL PTY LTD		
TKM ENTERPRISES PTY LTD		
TLP CONTRACTING		
TREE ACQ PTY LTD		
VIV BOWYER CONTRACTING		
W&J TRUCK HIRE		
WAYNE WITHERES		
WEGRZYNIAK HAULAGE PTY LTD		
WILLMANN CONTRACTING		

2. Delegate authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009 (QLD)*, the ability to execute crew hire contracts, negotiate and finalise minor administrative or financial amendments and approve any variations, if so required.

In Favour: Crs Peter Burns, John Dessmann, Robyn Holmes, Ross Logan and Marilyn Morris

Against: Nil

**CARRIED**

At 11:57 am, Councillor Larissa Hale returned to the meeting.

#### **17.4 RFT T7320 - REGISTER OF PRE-QUALIFIED SUPPLIERS (ROPS) - FOREPERSON (DRFA WORKS)**

##### **RESOLUTION 2021/80**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council approve the issuance of Notices of Successful Tender to the following pre-qualified suppliers, for a period of twenty-four (24) months:

- (a) DAVID GAVIN GILMORE
- (b) PENNELL ROADWORK SOLUTIONS
- (c) QUINLO PTY LTD

**CARRIED**

**17.5 RFT T7620 - CONSTRUCTION OF MORETON BRAMWELL ROAD CONCRETE FLOODWAYS****RESOLUTION 2021/81**

Moved: Councillor Peter Burns

Seconded: Councillor John Dessmann

That Council:

1. Approve the award of a contract for the for the construction of concrete flood-ways on the Moreton Bramwell Road to G & M CIVIL CONTRACTING PTY LTD in the amount of \$ **380,088.00 (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 variation, if so required.

**CARRIED**

**DECLARATION OF INTEREST - CR ROBYN HOLMES - ITEM 17.6**

I, Councillor Robyn Holmes, inform this meeting that I have a declared conflict of interest in Item 17.6. The nature of my interest is that I own property on Oaky Creek Road, one of the areas identified for the DRFA Betterment Works and subsequent awarding of this contract.

I will now leave and stay away from the meeting while the matter is discussed and voted upon, and will hand the Chair of the Meeting to Cr Larissa Hale in my absence.

At 12:03 pm, Deputy Mayor Robyn Holmes left the meeting.

**17.6 RFQ Q8020 - BETTERMENT WORKS (DRFA 2019)****RESOLUTION 2021/82**

Moved: Councillor Peter Burns

Seconded: Councillor John Dessmann

That Council:

1. Approve the award of a contract for the 2019 DRFA Betterment Works to G & M CIVIL CONTRACTING PTY LTD in the amount of \$ **1,519,352.55 (excluding GST)**, with the priority being Flaggy Road and Melaleuca Road to be completed by 30 June 2021; 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 variation, if so required.

In Favour: Crs Peter Burns, John Dessmann, Larissa Hale, Ross Logan and Marilyn Morris

Against: Nil

**CARRIED**

At 12:07 pm, Deputy Mayor Robyn Holmes returned to the meeting.

Cr Hale handed the Chair of the meeting back to the Deputy Mayor.

### 17.7 RFQ Q8420 - WATERWAY CROSSING UPGRADE WORKS

#### RESOLUTION 2021/83

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That Council:

1. Approve the award of a contract for the construction of two waterway crossings on Archer Point Road and one crossing on Mungumby Road to G & M CIVIL CONTRACTING PTY LTD in the amount of **\$368,170.00 (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 variation, if so required.

**CARRIED**

### 17.8 RFQ Q8820 - SUPPLY AND LAY ASPHALT (CHARLOTTE STREET)

#### RESOLUTION 2021/84

Moved: Councillor Peter Burns

Seconded: Councillor Larissa Hale

That Council:

1. Approve the award of a contract for the supply and lay of asphalt to PIONEER NORTH QUEENSLAND PTY LTD in the amount of **\$ 216,981.80 (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 variation, if so required.

**CARRIED**

### 17.9 SOLE SUPPLIER - SUPPLY AND DELIVERY OF PRE-CAST STONE PATTERN STEPS

#### RESOLUTION 2021/85

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council resolves to accept the quote from Stone Directions in the total amount of \$20,255.00 (including GST), as sole supplier for the supply and delivery of pre-cast stone pattern steps.

**CARRIED**

**17.10 SOLE SUPPLIER - COEN AIRPORT MAINTENANCE****RESOLUTION 2021/86**

Moved: Councillor Ross Logan

Seconded: Councillor Marilyn Morris

That Council:

1. Approve the award, if required, of a contract for provision of Airport Reporting Officer duties with similar conditions to the existing contract to Aerodrome Management Services Pty Ltd for the maintenance of the Coen Airport for a period of six (6) months on a month by month basis, commencing 22 May 2021 with 2 x 3 month options for extension at Council's sole discretion, and;
2. Delegate authority to the Chief Executive Officer, under section 257 of *the Local Government Act 2009 (QLD)*, the ability to negotiate and finalise minor administrative or financial amendments and approve any variations, including two (2) extensions of three (3) months each, if so required.

**CARRIED**

The Deputy Mayor called for a lunch break at 12.21pm and advised that Councillors would be taking a visit to the Cooktown History Centre after lunch and that the Council Meeting would not resume until 2.00pm.

The Deputy Mayor resumed the meeting at 2.03pm.

**17.11 CAPITAL WORKS PROGRAM 2020/2021 - QUARTERLY REPORT - JANUARY TO MARCH 2021****RESOLUTION 2021/87**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That Council receives and notes the third quarter 2020-2021 FY (January to March 2021) Capital Works Infrastructure Quarterly Report dated 13 April 2021.

**CARRIED**

**17.12 DISASTER RECOVERY FUNDING ARRANGEMENTS (DRFA) 2020/2021 - QUARTERLY REPORT - JANUARY TO MARCH 2021****RESOLUTION 2021/88**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council receives and notes the Disaster Recovery Funding Arrangements (DRFA) 2020/2021 Quarterly Report for January to March 2021.

**CARRIED**

**17.13 APPLICATION FOR TEMPORARY ROAD CLOSURE - LOT 14 SP250040****RESOLUTION 2021/89**

Moved: Councillor Ross Logan  
Seconded: Councillor Larissa Hale

That Council resolves to:

1. Advise the Department of Resources via the returning of the appropriate documentation that Council does not object to the identified road being temporarily closed, and;
2. Delegate authority to the Chief Executive Officer pursuant to s 257 of the *Local Government Act* to progress the proceedings in the Council's interest.

**CARRIED**

**18 CONFIDENTIAL REPORTS****CONFIDENTIAL REPORTS****RESOLUTION 2021/90**

Moved: Councillor John Dessmann  
Seconded: Councillor Peter Burns

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:

**18.1 Application to construct ramp on Charlotte Street to facilitate access to Lot 8 RP748073**

This matter is considered to be confidential under Section 254J(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 matters that may directly affect the health and safety of an individual or a group of individuals.

**18.2 Native Title - Draft Pormpuraaw Determination CYU#1**

This matter is considered to be confidential under Section 254J(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 legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

**CARRIED**

**DECLARATION OF INTEREST - CR LARISSA HALE - ITEM 18.2**

I, Councillor Larissa Hale, inform this meeting that I have a prescribed conflict of interest in Item 18.2. The nature of my interest is that a close associate of mine is the owner of business that has made a submission in relation to this matter; Bowyer Group. The nature of my relationship with them is that they are my father's brother.

When we reach this matter in the closed confidential session, I will leave and stay away from the meeting while the matter is discussed.

When we reach this matter in the open session, I will leave and stay away from the meeting while the matter is discussed and voted upon.

### MOVING INTO CLOSED SESSION

#### RESOLUTION 2021/91

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That Council moved into Closed Session.

**CARRIED**

At 2:40 pm, Councillor Larissa Hale left the meeting.

At 2:47 pm, Councillor Larissa Hale returned to the meeting.

### MOVING INTO OPEN SESSION

#### RESOLUTION 2021/92

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council moves out of Closed Session into Open Session.

**CARRIED**

### 18.1 APPLICATION TO CONSTRUCT RAMP ON CHARLOTTE STREET TO FACILITATE ACCESS TO LOT 8 RP748073

#### RESOLUTION 2021/93

Moved: Councillor Peter Burns

Seconded: Councillor Ross Logan

That subject to the relevant owner of Lot 8 RP748073 entering into a maintenance agreement with Council and obtaining all relevant permits, Council authorise the construction of an access ramp within the road reserve, as detailed in JLL plan A002, to facilitate public access to Lot 8 RP748073.

**CARRIED**

At 2:49 pm, Councillor Larissa Hale left the meeting.



**18.2 NATIVE TITLE - DRAFT PORMPURAAW DETERMINATION CYU#1**

**RESOLUTION 2021/94**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That in the matter of *Michael Ross and others on behalf of the Cape York United #1 Native Title Claim Group Native Title Application QUD673/2014* Council resolve to:

1. Instruct Preston Law that Council consents in principle to the determination of native title in the Pormpuraaw Determination Area in the form provided in the Draft Determination.
2. Delegate authority to the Chief Executive Officer pursuant to s 257 of the *Local Government Act* to finalise any minor amendments to the Determination and progress the proceedings in the Council's interest.

In Favour: Crs Peter Burns, John Dessmann, Robyn Holmes, Ross Logan and Marilyn Morris

Against: Nil

**CARRIED**

At 2:51 pm, Councillor Larissa Hale returned to the meeting.

**The Meeting closed at 2.51pm.**

**The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 11 May 2021.**

.....  
**CHAIRPERSON**