



MINUTES

Ordinary Council Meeting

11 May 2021

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,
COOKTOWN
ON TUESDAY, 11 MAY 2021 AT 9.00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

Mayor Peter Scott (Chair), Deputy Mayor Robyn Holmes, Councillor Peter Burns, Councillor John Dessmann, Councillor Ross Logan and 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

Cr Larissa Hale

5 ACKNOWLEDGEMENT OF COUNTRY

On behalf of all Councillors, the Chair 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 Marilyn Morris declared a conflict of interest in Item 16.5 due to her role as an Executive Committee member of the Cooktown Re-enactment Association.

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 LEAVE OF ABSENCE

- Cr Peter Burns – 10 to 17 June 2021
- Cr Marilyn Morris – 24 June to 9 July 2021

The Mayor accepted the above leave of absence requests.

10 CONFIRMATION OF PREVIOUS MINUTES

COUNCIL MEETINGS HELD 13 APRIL 2021 AND 27 APRIL 2021

RESOLUTION 2021/96

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That the minutes of the Ordinary Council Meeting held on 13 April 2021 be confirmed.

CARRIED

RESOLUTION 2021/97

Moved: Councillor Peter Burns

Seconded: Councillor Ross Logan

That the minutes of the Special Council Meeting held on 27 April 2021 be confirmed.

CARRIED

11 BUSINESS ARISING

Nil

12 NOTIFIED MOTIONS

Nil

13 COUNCILLORS' REPORTS

13.1 COUNCILLORS' MONTHLY REPORTS

RESOLUTION 2021/98

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

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

CARRIED

14 EXECUTIVE SERVICES - REPORTS**14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2021/99**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

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

Nil

16 ORGANISATIONAL BUSINESS SERVICES - REPORTS**16.1 FINANCIAL POLICIES FOR THE FINANCIAL YEAR 2021/2022****RESOLUTION 2021/100**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor John Dessmann

That Council adopts the following policies for the financial year 2021/2022:

1. Allowing Discount on Late Rates Payment Policy
2. Concealed Leaks Policy
3. Council Pensioner Rebate Subsidy Scheme Policy
4. Home Dialysis Concession Policy
5. Rates Relief for Charitable Organisations Policy
6. Rates Relief for Residential Ratepayers Policy
7. Environmental Levy Policy

CARRIED

16.2 RFT T6620 - REGISTER OF PRE-QUALIFIED SUPPLIERS (ROPS) - TRAINING SERVICES**RESOLUTION 2021/101**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council:

1. Approve the issuance of Notices of Successful Tender to the following pre-qualified suppliers, for a period of twenty-four (24) months with an option to extend for a further twelve (12) months, based on past performance and at the discretion of the Director Organisational Business Services:
 - (a) ADVANCED DRIVER TRAINING

- (b) ADVANCED INDUSTRY TRAINING
- (c) AUSTRALIAN RED CROSS FIRST AID AND MENTAL HEALTH
- (d) BENDELTA PTY LTD
- (e) CIVIL CONTRACTORS FEDERATION
- (f) CIVIL SAFETY PTY LTD
- (g) COACH CENTRAL
- (h) CORPORATE TRAINING SOLUTIONS AUSTRALIA PTY LTD
- (i) CURRENT TRAINING (QLD) PTY LTD
- (j) DRA SAFETY SPECIALISTS PTY LTD
- (k) EMOTION VIDEO TRAINING & PRODUCTION
- (l) EVOLUTION TRAINING SOLUTIONS
- (m) FIRE AND SAFETY AUSTRALIA PTY LTD
- (n) FNQ TRAINING & EDITING
- (o) GREAT PEOPLE SOLUTIONS PTY LTD
- (p) HARNESS TRAINING PTY LTD
- (q) HRS CONNECT PTY LTD
- (r) ILLIRA GROUP PTY LTD
- (s) INSPYR PTY LTD
- (t) INTELLITEQ
- (u) MOTOR SCHOOL
- (v) NEXACU
- (w) ORBUS3 PTY LTD
- (x) PARADIGM INFINITUM / AUSTRALIAN LEADERSHIP SKILLS CENTRE
- (y) PEAK SERVICES
- (z) TRAINING SERVICES QLD
- (aa) PRESENCE COMMUNICATIONS
- (bb) PRO-LIFT RAINING FNQ
- (cc) REGIONAL MEDIA TRAINING
- (dd) SALLYANNE FOLEY-LEWIS
- (ee) SDS TRAINING
- (ff) SIMMONDS & BRISTOW PTY LTD
- (gg) ST JOHN AMBULANCE QLD
- (hh) STAYSAFE INDUSTRY TRAINING
- (ii) STRATCOMM PTY LTD
- (jj) TAFE QUEENSLAND
- (kk) THE ANSWER IS YES PTY LTD
- (ll) SKILL360
- (mm) TOTAL MANAGEMENT AND TRAINING
- (nn) TRANSPORT COMPLIANCE TRAINING SOLUTIONS

2. Note that when required, purchase orders to individual tenderers will be approved by officers with the appropriate delegation to do so, in accordance with Council's Purchasing Delegations of Authority.

CARRIED

The Mayor called for a morning tea break at 10.08am.

The Mayor resumed the meeting at 10.43am.

16.3 T10620 - DESIGN AND CONSTRUCTION OF BUILDINGS (GAMAAY DREAMING TRACK)**RESOLUTION 2021/102**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Peter Burns

That Council:

1. Approve the award of T10620 – Design and Construction of Buildings (Gamaay Dreaming Track) to **HOPE VALE ABORIGINAL SHIRE COUNCIL** in the amount of **\$645,277.65 (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, approve payments, negotiate and finalise minor administrative or financial amendments and approve any variations, if so required.

CARRIED

16.4 PROCUREMENT POLICY**MOTION**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Ross Logan

That Council adopts the Procurement Policy dated 11 May 2021, for the financial year 2021/2022.

Deputy Mayor Robyn Holmes moved an amendment to the motion.

RESOLUTION 2021/103

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Ross Logan

That Council adopts the Procurement Policy dated 11 May 2021, for the financial year 2021/2022, pending changes to the local supplier preference weighting to include a minimum of 10% and 5% weightings for local supplier preference based on where the businesses head office is located.

CARRIED

The amended motion became the new substantive motion and was put to the vote.

That Council adopts the Procurement Policy dated 11 May 2021, for the financial year 2021/2022, pending changes to the local supplier preference weighting to include a minimum of 10% and 5% weightings for local supplier preference based on where the businesses head office is located.

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

Against: Nil

CARRIED

DECLARATION OF INTEREST - CR MARILYN MORRIS - ITEM 16.5

I, Cr Marilyn Morris, inform the meeting that I have a prescribed conflict of interest in Item 16.5. The nature of my interest is that I am executive committee member of the Cooktown Re-enactment Association, lessee of 121A Charlotte Street, Cooktown.

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

At 10:55 am, Councillor Marilyn Morris left the meeting.

16.5 LEASE - 121A CHARLOTTE STREET, COOKTOWN (THE BOATHOUSE)**RESOLUTION 2021/104**

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

That Council resolve:

1. That the exception under section 236(1)(b)(ii) of the *Local Government Regulation 2012* which applies to the disposal of a valuable non-current asset other than by tender or auction to a community organisation, will apply to the Licence to Occupy and subsequent Trustee Lease to the Cooktown Re-Enactment Association Incorporated #IA19726 for 121a Charlotte Street.
2. Delegate authority to the Chief Executive Officer pursuant to s257 of the *Local Government Act* to negotiate, finalise and enter into the License to Occupy for a period of six months and Trustee Lease in the Council's interest.

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

Against: Nil

CARRIED

At 11:07 am, Councillor Marilyn Morris returned to the meeting.

16.6 APPLICATION FOR A DEVELOPMENT PERMIT DA/4254 - MATERIAL CHANGE OF USE FOR AIR SERVICES (AIRSTRIP) - PENINSULA DEVELOPMENTAL ROAD, COEN (PORT STEWART) - 'PART OF' LOT 15 ON SP121904 AND LOT 13 ON SD21**RESOLUTION 2021/105**

Moved: Councillor Peter Burns

Seconded: Councillor Ross Logan

1. That the application by Yintjingga Aboriginal Corporation Coen C/- Centre for Appropriate Technology Pty Ltd for a Material Change of Use for Air Services on part of Lot 15 on SP121904 and Lot 13 on SD21, located at the Peninsula Developmental Road, Coen (Port Stewart), be approved subject to reasonable and relevant conditions listed below.
2. 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 development involves the utilisation of an area which has been cleared of vegetation, therefore it is a better use of the land.
- (c) The development services a local need for the Port Stewart community.
- (d) The proposed development will have no detrimental impact on the property, surrounding properties, or the environment itself.

A. Assessment Manager (Council) Conditions

Approved Plans

1. The development must be carried out generally in accordance with the Proposal Plans submitted with the application, except for any variations required to comply with the conditions of this approval. This includes:
 - Airservice development location and layout plans – DA/4254 – Yintjingga (Port Stewart) Air Service, Yintjingga Aboriginal Corporation – Figure 1: Airservice location – Centre for Appropriate Technology Limited – Dated: 09/04/21;
 - Figure 2: Proposed Aeroplane Landing Area Layout – Concept Plan Port Stewart Air service – Centre for Appropriate Technology Limited – Dated: 09/04/21.
 - Figure 5: ALA Layout Sketch – Submitted in Development Application Yintjingga (Port Stewart) Air Service – November 2020.

Fire Management

2. The development must be maintained at all times to a standard so as not to create a fire hazard.

Vehicle Access

3. Access to the proposed development must be constructed from Port Stewart Road in accordance with the FNQROC Development Manual.

Noise and Dust

4. The development must ensure that during the construction phase, no nuisance is caused to the surrounding properties by way of dust or noise emissions.

Environmental Protection

5. During the construction stage of the development, the Applicant must ensure that no sand, soil, or silt runoff occurs from the site. Erosion and sediment controls must be in place.
6. No State Declared or environmental pest plants and pest animals are to be introduced onto the property.

Parking

7. Parking is to be provided on site in locations shown on the approved plans and is to be in accordance with the FNQROC Development Manual and the relevant Australian Standard.

Public Utilities

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

Compliance

9. All relevant conditions of this development permit must be complied with prior to the use commencing.

Stormwater

10. Stormwater drainage must be directed to a legal point of discharge.

Amenity

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

A. Assessment Manager (Council) Advice

1. The currency period for this Development Approval is six (6) years. Should the use of a 'Air Service (Airstrip)' not be established within this time, the approval shall lapse.
2. The applicant/owner must notify Council their intention to commence the use after acceptance of and compliance with these conditions or negotiated 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 be advised that further Development Permits will be required for carrying out any Building work, along with Plumbing and Drainage approvals for any such work proposed on site associated with this development.
4. 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.

CARRIED

16.7 APPLICATION FOR A DEVELOPMENT PERMIT - DA/4323 - MATERIAL CHANGE OF USE FOR A DWELLING HOUSE (SECONDARY DWELLING) - 10 NEILL CLOSE, COOKTOWN - LOT 5 ON SP186157

RESOLUTION 2021/106

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

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 Dwelling House (Secondary Dwelling) will have not have an adverse impact on the amenity of the adjoining residences.
2. That the application by Anthony Firth c/- U&I Town Plan for Development Permit DA/4323,

Material Change of Use for a Dwelling House (Secondary Dwelling) on Lot 5 SP186157 be approved subject to the following reasonable and relevant conditions.

A. Assessment Manager (Council) Conditions

Approved Plan

1. The development must be carried out generally in accordance with the following Proposal Plan submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Site Plan – Secondary Dwelling associated with Dwelling House
 - Floor Plan

Approved Use

2. The Secondary Dwelling must only be occupied by a direct relative of the owner or occupier of the primary dwelling house.

Access

3. Access to the Secondary Dwelling must be achieved via the existing access driveway. No additional access crossover is permitted.

Water Supply

4. The development must be connected to the reticulated water supply prior to the commencement of the use at full cost to the applicant.
5. Water service connection for the development must be a minimum 25mm service.

Effluent Disposal

6. An effluent disposal system must be provided at the time of construction of the secondary dwelling. 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/NZS, 1547:2000 – 'On-site domestic wastewater management'. Details are to be provided at the time of lodgement of a Plumbing and Building application.

Electricity

7. The proposed development must be connected to reticulated electricity at the time of building application. If the development is proposed to be connected to another means of electricity supply, details of this supply must be provided for Council approval at the time of building application.

Noise and Dust

8. The development must ensure that during the construction stage, no nuisance is caused to the surrounding properties by way of noise or dust emissions.

Stormwater

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

Environmental Protection

10. During the construction stage of the Secondary Dwelling, the Applicant must ensure that no

sand, soil, or silt runoff occurs from the site. Erosion and sediment controls must be in place.

Public Utilities

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

Compliance

12. All relevant conditions of this development permit must be complied with prior to the use commencing.

A. 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 currency period for this Development Approval is six (6) years. Should the use of a 'dwelling house' not be established within this time, the approval shall lapse.
3. The applicant/owner must notify Council their intention to commence the use after acceptable 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.
4. 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.
5. The approved use is for a Dwelling House which is defined as
Dwelling House – means a residential use of premises involving –
(a) 1 dwelling for a single household and any domestic outbuildings associated with the dwelling or;
(b) 1 dwelling for a single household, a secondary dwelling, and any domestic outbuildings associated with either dwelling.

CARRIED

16.8 TRADE WASTE POLICY - COOK SHIRE COUNCIL

RESOLUTION 2021/107

Moved: Councillor Peter Burns

Seconded: Councillor Ross Logan

That Council adopt the Trade Waste Policy attached dated May 2021.

CARRIED

16.9 REQUEST FOR CONCESSION ON WATER CONSUMPTION**RESOLUTION 2021/108**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Marilyn Morris

That Council resolves, consistent with the Concessions for Concealed Water Leak Policy, to grant a water consumption concession of \$2,084.78 for Assessment 10007250.

CARRIED

16.10 REQUEST FOR CONCESSION ON WATER CONSUMPTION**RESOLUTION 2021/109**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That Council resolves, consistent with the Concessions for Concealed Water Leak Policy, to grant a water consumption concession of \$2,831.04 for Assessment 10023893.

CARRIED

16.11 MONTHLY FINANCIAL REPORT**RESOLUTION 2021/110**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Marilyn Morris

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

CARRIED

16.12 RFT T7720 - DESIGN AND CONSTRUCTION OF POWER SUPPLY AND ELECTRICAL INFRASTRUCTURE UPGRADE (COEN AERODROME)**RESOLUTION 2021/111**

Moved: Councillor Peter Burns

Seconded: Councillor John Dessmann

That Council:

1. Approve the award of RFT T7720 – Power supply and electrical infrastructure upgrade (Coen Aerodrome) to **JAMES CONSTRUCTION QUEENSLAND** in the total amount of **\$214,705.88 (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, approve payments, negotiate and finalise minor administrative or financial amendments and approve any variations, if so required.

CARRIED

17 INFRASTRUCTURE - REPORTS

17.1 CROSSOVER POLICY

RESOLUTION 2021/112

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That Council adopt the Crossover Policy attached dated 29 April 2021.

CARRIED

18 CONFIDENTIAL REPORTS

Nil

The Meeting closed at 11.45am.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 8 June 2021.

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CHAIRPERSON