



MINUTES

Ordinary Council Meeting

8 June 2021

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,
COOKTOWN
ON TUESDAY, 8 JUNE 2021 AT 9.00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

Mayor Peter Scott, Deputy Mayor Robyn Holmes, Councillor Peter Burns, Councillor John Dessmann, Councillor Ross Logan, Councillor Marilyn Morris

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

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

Nil

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

Nil leave of absence requests received this month.

10 CONFIRMATION OF PREVIOUS MINUTES**ORDINARY MONTHLY COUNCIL MEETING – 11 MAY 2021****RESOLUTION 2021/113**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That the minutes of the Ordinary Meeting held on 11 May 2021 be confirmed.

CARRIED

11 BUSINESS ARISING

Nil

12 NOTIFIED MOTIONS

Nil

13 COUNCILLORS' REPORTS**13.1 COUNCILLORS' MONTHLY REPORTS****RESOLUTION 2021/114**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That the activities contained in the individual Councillors' monthly reports tabled on 8 June 2021, including future travel requirements, be endorsed by Council.

CARRIED

14 EXECUTIVE SERVICES - REPORTS**14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2021/115**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That the activities contained in the Chief Executive Officer's monthly report tabled on 8 June 2021, be endorsed by Council.

CARRIED

15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS**15.1 ARTS AND CULTURAL STRATEGY 2021-2025****MOTION**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

That Council endorse the Cook Shire Arts and Cultural Strategy 2021 – 2025 and approve its adoption.

Cr Holmes moved an amendment to the motion.

RESOLUTION 2021/116

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Ross Logan

That Council endorse the Cook Shire Arts and Cultural Strategy 2021 – 2025 and approve its adoption pending minor amendments.

CARRIED

The amended motion, Resolution 2021/116, was then put to the vote and become the new substantive motion.

That Council endorse the Cook Shire Arts and Cultural Strategy 2021 – 2025 and approve its adoption pending minor amendments.

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

Against: Nil

CARRIED

15.2 REEF GUARDIAN COUNCIL ACTION PLAN 2021-2024**RESOLUTION 2021/117**

Moved: Councillor Ross Logan

Seconded: Councillor John Dessmann

That Council resolve to:

1. Recognise and endorse the importance of the Reef Guardian partnership and value the contributions made by staff and the community 'working together today for a healthier Reef tomorrow';
2. Endorse the Reef Guardian Council Action Plan 2021-2024; and
3. Delegate authority to the Chief Executive Officer under S.257 of the *Local Government Act 2009* to authorise the Action Plan on behalf of Council.

CARRIED

The Mayor called for a morning tea break at 10.03am.

The Mayor resumed the meeting at 10.21am.

15.3 NATURE'S POWERHOUSE – OPERATING ARRANGEMENTS

The Chair directed that Item 15.3 be considered at the end of the meeting.

15.4 INITIATION OF COOK SHIRE COUNCIL INNOVATION TASK FORCE AND INNOVATION AWARDS**MOTION**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That:

1. Approval be granted for the formation of an Innovation Task Force to embed a culture of innovation within Cook Shire Council;
2. The Terms of Reference for the Task Force be approved; and
3. The Task Force be responsible for developing the Cook Shire Council Innovation Awards process by 30 June 2022.

Cr Holmes moved an amendment to the motion.

RESOLUTION 2021/118

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Peter Burns

That:

1. Approval be granted for the formation of an Innovation Task Force to embed a culture

of innovation within Cook Shire Council;

2. The Terms of Reference for the Task Force be approved;
3. That the two Councillor representatives on the Task Force be appointed as Cr Ross Logan as Chair and Cr John Dessmann as proxy; and
4. The Task Force be responsible for developing the Cook Shire Council Innovation Awards process by 30 June 2022.

CARRIED

The amended motion, Resolution 2021/118, was then put to the vote to become the new substantive motion.

That:

1. Approval be granted for the formation of an Innovation Task Force to embed a culture of innovation within Cook Shire Council;
2. The Terms of Reference for the Task Force be approved;
3. That the two Councillor representatives on the Task Force be appointed as Cr Ross Logan as Chair and Cr John Dessmann as proxy; and
4. The Task Force be responsible for developing the Cook Shire Council Innovation Awards process by 30 June 2022.

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

Against: Nil

CARRIED

16 ORGANISATIONAL BUSINESS SERVICES - REPORTS

16.1 REQUEST FOR AN EXTENSION TO THE CURRENCY PERIOD FOR DEVELOPMENT PERMIT DA/3645 - MATERIAL CHANGE OF USE FOR A HOST FARM ON LOT 38 ON SP172667 - 412 SHIPTONS FLAT ROAD, ROSSVILLE

RESOLUTION 2021/119

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That Council grant a two (2) year extension to the currency period for Development Permit DA/3645, Material Change of Use for a Host Farm on Lot 38 on Plan SP172667 located at 412 Shiptons Flat Road, Rossville, until 29 March 2023.

CARRIED

16.2 REQUEST FOR AN EXTENSION TO THE CURRENCY PERIOD FOR DA/3902 - OPERATIONAL WORKS FOR DRIVEWAY ACCESS CONSTRUCTION - LOT 21 ON SP279559 - PENINSULA DEVELOPMENTAL ROAD, LAKELAND**RESOLUTION 2021/120**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor John Dessmann

That Council grant a one (1) year extension to the currency period for Development Permit DA/3902, extending the currency period until 17 April 2022.

CARRIED

16.3 APPLICATION FOR A DEVELOPMENT PERMIT DA/4303 - MATERIAL CHANGE OF USE FOR DUAL OCCUPANCY AND RECONFIGURING A LOT ONE (1) INTO TWO (2) LOTS - 61 CHARLOTTE STREET, COOKTOWN - FORMALLY DESCRIBED AS LOT 713 ON C17912**RESOLUTION 2021/121**

Moved: Councillor Marilyn Morris

Seconded: Deputy Mayor Robyn Holmes

1. That the application by Andrew Orton and Catherine Orton C/- U&i Town Plan for a Material Change of Use for Dual Occupancy and Reconfiguring one (1) Lot into two (2) Lots on Lot 713 on C17912, located at 61 Charlotte Street Cooktown 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 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 following plans submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Proposed Dwellings Site Plan with Overlay – Prepared by: Home Improvement Designers – Job No: 1094, Sheet: 1 – Date: 18/2/21.
 - Proposed Dwellings Site Plan – Prepared by: Home Improvement Designers – Job No: 1094, Sheet: 2A – Date: 18/2/21

- Proposed Dwellings Floor Layout Dwelling A –Prepared by: Home Improvement Designers – Job No: 1094, Sheet: 2 – Date: 18/2/21.
- Proposed Dwellings Elevations Dwelling A –Prepared by: Home Improvement Designers – Job No: 1094, Sheet: 3 – Date: 18/2/21.
- Proposed Dwellings Floor Layout Dwelling B –Prepared by: Home Improvement Designers – Job No: 1094, Sheet: 4 – Date: 18/2/21.
- Proposed Dwellings Elevations Dwelling B –Prepared by: Home Improvement Designers – Job No: 1094, Sheet: 5 – Date: 18/2/21.

Access

2. Access to proposed Lots 1 and 2 must be via Charlotte Street in accordance with the FNQROC Development Manual, and in the approved location as indicated on the approved plans. An application for cross-over access for the driveways, must be submitted for approval by Council's Director Infrastructure before construction of the cross-overs commences.

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

5. 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.

Car Parking

6. The development must make for the provision of two (2) off-street car parking spaces, which are to be in the approved location as indicated on the approved plan.

Stormwater

7. An appropriately qualified and experienced Registered Professional Engineer Queensland (RPEQ) must certify that the stormwater 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 not net increase over the natural stormwater flows in stormwater flow to downstream properties. The stormwater 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

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

Refuse Bins

9. Refuse bins must be stored in the screened/drainage enclosure shown on the approved plan

and must not be stored on Charlotte Street for any period greater than twenty-four (24) hours around collection days.

Environmental

10. No State declared or environmental pest, plants, and animals are to be introduced onto the property.
11. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.

Public Utilities

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

Infrastructure Charges

13. Infrastructure Charges must be paid to Council at the time of issuing the Certificate of Classification of the building application (Stage 1) and at the time of sealing of the survey plan (Stage 2) as indicated on the Adopted Infrastructure Charges Notice (Appendix 'B') at the rate applicable at the time of payment.

Survey Plan Endorsement

14. Prior to the endorsement of the Survey Plan, evidence must be provided that the dual occupancy has been completed and all other conditions of this permit satisfied.

B. Assessment Manager (Council) Advice

1. The currency period for this Development Approval is four (4) years. Should the use of a 'Dual Occupancy' not be established within this time, or if the survey plan has not been registered within four (4) years, 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/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

16.4 REQUEST FOR CONCESSION ON WATER CONSUMPTION

RESOLUTION 2021/122

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council resolves, consistent with the Concessions for Concealed Water Leak Policy, to grant a water consumption concession of \$1,623.27 for Assessment 10028025.

CARRIED

16.5 REQUEST FOR EXEMPTION FOR ENVIRONMENTAL LEVY & WASTE OPERATIONS LEVY**RESOLUTION 2021/123**

Moved: Councillor Ross Logan

Seconded: Deputy Mayor Robyn Holmes

That Council resolves to grant an exemption of the Environmental Levy and Waste Operations Levy for Lot 1 RL 8518 RL 14/8518 on Assessment 10010577 from 21.05.2021.

CARRIED

16.6 INVESTMENT POLICY FOR THE FINANCIAL YEAR 2021/2022**RESOLUTION 2021/124**

Moved: Councillor Peter Burns

Seconded: Councillor Ross Logan

That Council adopt the Investment Policy dated 8 June 2021, for the financial year 2021/2022.

CARRIED

16.7 DEBT POLICY FOR THE FINANCIAL YEAR 2021/2022**RESOLUTION 2021/125**

Moved: Councillor Peter Burns

Seconded: Councillor Ross Logan

That Council adopt the attached Debt Policy dated 8 June 2021, for the financial year 2021/2022.

CARRIED

16.8 DEBT RECOVERY POLICY FOR THE FINANCIAL YEAR 2021/2022**RESOLUTION 2021/126**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

That Council adopt the Debt Recovery Policy dated 8 June 2021, for the financial year 2021/2022.

CARRIED

16.9 FEES AND CHARGES 2021/2022**RESOLUTION 2021/127**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council resolve to:

1. Adopt the 2021/22 Fees and Charges Schedule, effective from 1 July 2021 by:

- a. Fixing the cost-recovery fees as indicated in the 2021/22 Fees and Charges Schedule in accordance with section 97(1) of the *Local Government Act 2009*.
 - b. Fixing all other fees and charges contained in the 2021/22 Fees and Charges Schedule.
2. Delegate authority to the Chief Executive Officer to set or vary any fee or charge, other than those that are cost-recovery fees, in accordance with section 257(1)(b) of the *Local Government Act 2009*.

CARRIED

16.10 MONTHLY FINANCIAL REPORT

RESOLUTION 2021/128

Moved: Councillor Ross Logan

Seconded: Councillor Marilyn Morris

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

CARRIED

17 INFRASTRUCTURE - REPORTS

Nil

18 CONFIDENTIAL REPORTS

CONFIDENTIAL REPORTS

RESOLUTION 2021/129

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

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 Divestment of May Street Units - Department of Communities, Housing and Digital Economy

This matter is considered to be confidential under Section 254J(g) 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 negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

CARRIED

MOVING INTO CLOSED SESSION**RESOLUTION 2021/130**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That Council moves into Closed Session.

CARRIED

MOVING INTO OPEN SESSION**RESOLUTION 2021/131**

Moved: Councillor Peter Burns

Seconded: Councillor Ross Logan

That Council moves out of Closed Session into Open Session.

CARRIED

18.1 DIVESTMENT OF MAY STREET UNITS - DEPARTMENT OF COMMUNITIES, HOUSING AND DIGITAL ECONOMY**RESOLUTION 2021/132**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Peter Burns

That Council resolve:

1. That the transfer is exempt from the valuable non-current asset rules under section 236 (1)(b)(i) of the *Local Government Regulation 2012* as a transfer to a government agency, and under market value as is allowed under section 236 (3).
2. Delegate authority to the Chief Executive Officer pursuant to s 257 of the *Local Government Act* to finalise negotiations and progress the proceedings in the Council's interest.

CARRIED

15.3 NATURE'S POWERHOUSE - OPERATING ARRANGEMENTS**MOTION**

Moved: Councillor Peter Burns

Seconded: Councillor John Dessmann

That:

1. Council approve the continued operation of the Nature's Powerhouse facility under existing arrangements for a further period of 24 months to 30 June 2023; and
2. Under S.257 of the *Local Government Act 2009* Council delegates authority to the Chief Executive Officer to negotiate such arrangements as may be necessary to ensure the continued successful operation of the Nature's Powerhouse facility.
3. Council extends a vote of thanks to Keith and Vicki Howick and the staff at Nature's Powerhouse for their assistance in an effective and seamless transition to Council management of the facility.

Cr Holmes moved an amendment to the motion.

RESOLUTION 2021/133

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Peter Burns

That:

1. Council approve the continued operation of the Nature's Powerhouse facility under existing arrangements for a further period of 24 months to 30 June 2023; and
2. The Nature's Powerhouse Steering Committee is to be established within the next three (3) months; and
3. The two Councillor representatives on the Nature's Powerhouse Steering Committee be appointed as Cr Marilyn Morris as Chair and Cr Peter Burns as proxy; and
4. Under S.257 of the *Local Government Act 2009* Council delegates authority to the Chief Executive Officer to negotiate such arrangements as may be necessary to ensure the continued successful operation of the Nature's Powerhouse facility; and
5. Council extends a vote of thanks to Keith and Vicki Howick and the staff at Nature's Powerhouse for their assistance in an effective and seamless transition to Council management of the facility.

CARRIED

The amended motion, Resolution 2021/133, was then put to the vote to become the new substantive motion.

That:

1. Council approve the continued operation of the Nature's Powerhouse facility under existing arrangements for a further period of 24 months to 30 June 2023; and
2. The Nature's Powerhouse Steering Committee is to be established within the next three (3)

months; and

3. The two Councillor representatives on the Nature’s Powerhouse Steering Committee be appointed as Cr Marilyn Morris as Chair and Cr Peter Burns as proxy; and
4. Under S.257 of the *Local Government Act 2009* Council delegates authority to the Chief Executive Officer to negotiate such arrangements as may be necessary to ensure the continued successful operation of the Nature’s Powerhouse facility; and
5. Council extends a vote of thanks to Keith and Vicki Howick and the staff at Nature’s Powerhouse for their assistance in an effective and seamless transition to Council management of the facility.

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

Against: Nil

CARRIED

The Meeting closed at 12.23pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 13 July 2021.

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CHAIRPERSON