



MINUTES

Ordinary Council Meeting

13 July 2021

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

1 AGENDA CONTENTS

2 ATTENDANCE

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

3 MEETING OPENED

9.01am

4 APOLOGIES

Nil

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

Deputy Mayor Robyn Holmes noted a prescribed conflict of interest in Item 12.2.

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

The following Councillors noted their upcoming leave requests:

Cr Dessmann – 1 August to 11 August

Cr Hale – 14 July to 23 July

Mayor Scott – 5 November to 15 November

10 CONFIRMATION OF PREVIOUS MINUTES**ORDINARY COUNCIL MEETING – 8 JUNE 2021****RESOLUTION 2021/152**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That the minutes of the Ordinary Council Meeting held on 8 June 2021 be confirmed.

CARRIED

SPECIAL COUNCIL MEETING – 22 JUNE 2021**RESOLUTION 2021/153**

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

That the minutes of the Special Council Meeting held on 22 June 2021 be confirmed.

CARRIED

11 BUSINESS ARISING

Nil

12 NOTIFIED MOTIONS**12.1 NOTICE OF MOTION - CR ROSS LOGAN - COUNCIL-OWNED FREEHOLD LAND IN COOKTOWN****MOTION**

Moved: Councillor Ross Logan

Seconded: Councillor Marilyn Morris

1. That Cook Shire Council resolve to release onto the retail market, at current market values, those freehold blocks that are currently serviced (access, water, sewer and power) as soon as possible; and
2. That the revenue gained from sales be used to upgrade those blocks not currently serviced, within the Cooktown serviced area, to allow release to market; and
3. That expressions of interest be sought for identified larger parcels; and
4. That approval be sought from the relevant Minister to allow Council to contract all Cook Shire based licensed real-estate agents to market said properties.

Cr Logan moved a new motion that was resolved as follows:

RESOLUTION 2021/154

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

That Council let this matter lay on the table pending further discussion at an upcoming Councillor Workshop.

CARRIED

DECLARATION OF INTEREST - CR ROBYN HOLMES - ITEM 12.2

RECOMMENDATION

I, Cr Robyn Holmes, inform the meeting that I have a prescribed conflict of interest in Item 12.2. The nature of my interest is that a close associate of mine is an executive committee member of the Cooktown Amateur Turf Club. The nature of my relationship with them is that they are an immediate family member.

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

At 9:43 am, Deputy Mayor Robyn Holmes left the meeting.

12.2 NOTICE OF MOTION - CR ROBYN HOLMES - MANAGEMENT OF THE COOKTOWN RV REST AREA

MOTION

That the Cooktown Amateur Turf Club be invited to enter into a management agreement of the Cooktown RV Rest Area until October 2022, which is to be transferred to and maintained within the grounds of the Cooktown Racecourse site, under the same operating conditions of the existing RV Rest Area for visitors with fully self-contained vehicles.

Cr Burns moved an amendment to the motion.

RESOLUTION 2021/155

Moved: Councillor Peter Burns

Seconded: Councillor John Dessmann

That the Cooktown Amateur Turf Club be supported, pending state government approval for the proposed use of their land, to apply for an extension of their existing temporary campground permit until 31 October 2021, to accommodate fully self-contained camping vehicles only.

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

Against: Nil

CARRIED

The new substantive motion was put to the vote.

RESOLUTION 2021/156

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

That the Cooktown Amateur Turf Club be supported, pending state government approval for the proposed use of their land, to apply for an extension of their existing temporary campground permit until 31 October 2021, to accommodate fully self-contained camping vehicles only.

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

Against: Nil

CARRIED

At 10:15 am, Deputy Mayor Robyn Holmes returned to the meeting.

The Mayor called for a break for morning tea at 10.15am.

The Mayor resumed the meeting at 10.33am.

13 COUNCILLORS' REPORTS

13.1 COUNCILLORS' MONTHLY REPORTS

RESOLUTION 2021/157

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

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

CARRIED

The Mayor gave his congratulations and sincere thanks to all the staff involved in the delivery of the Cooktown and Cape York Expo 2021, particularly those in the Community, Economy and Innovation Team. This sentiment was shared by all Councillors by way of a round of applause.

The Mayor noted his upcoming travel and attendance at the LGAQ Bush Councils Convention from 2 to 6 August 2021 (missing from his Councillor report).

The Deputy Mayor noted her appointment to the Torres and Cape Hospital and Health Service (TCHHS) Project Group for the redevelopment of the Cooktown Hospital.

Cr Burns and Cr Logan proposed to nominate that Cook Shire host an upcoming Local Authority Waste Management Advisory Committee (LAWMAC) meeting in March 2022, at the upcoming LAWMAC meeting on 22 July in Barcaldine.

14 EXECUTIVE SERVICES - REPORTS

14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT

RESOLUTION 2021/158

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That the activities contained in the Chief Executive Officer's monthly report tabled on 13 July

2021, be noted and endorsed by Council.

CARRIED

The CEO echoed the Mayor's comments and acknowledged that many staff went above and beyond in the delivery of the Expo.

14.2 NOMINATION OF SPECIAL HOLIDAY FOR COOK SHIRE IN 2022

RESOLUTION 2021/159

Moved: Councillor John Dessmann

Seconded: Councillor Ross Logan

That pursuant to s. 257 of the *Local Government Act 2009*, Council delegates authority to the Chief Executive Officer to request a special holiday nomination for Cook Shire in line with proposed Cairns Show Day holiday, Friday 15 July 2022.

CARRIED

15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS

15.1 GATEWAY TO CAPE YORK SCULPTURE DESIGN SELECTION

RESOLUTION 2021/160

Moved: Councillor Peter Burns

Seconded: Deputy Mayor Robyn Holmes

That Council:

1. Approves concept design number three to represent Cooktown in the Lakeland Gateway to Cape York Tourism Information Park; and
2. Endorses the concept designs for Coen, Laura, Portland Roads and Yintjingga (Port Stewart).

CARRIED

Councillors requested that the successful artist workshop and fine tune their design with any interested Councillors.

15.2 COOKTOWN EVENTS CENTRE PRECINCT MASTER PLAN

RESOLUTION 2021/161

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Marilyn Morris

That Council adopts the Cooktown Events Centre Precinct Master Plan dated June 2021.

CARRIED

16 ORGANISATIONAL BUSINESS SERVICES - REPORTS**16.1 REQUEST FOR AN EXTENSION TO THE CURRENCY PERIOD FOR DEVELOPMENT PERMIT DA/3762 - MATERIAL CHANGE OF USE FOR A PLACE OF WORSHIP - LOT 2 ON RP867046 - 16 HOWARD STREET, COOKTOWN****RESOLUTION 2021/162**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That Council grant a two (2) year extension to the currency period for Development Permit DA/3762 - Material Change of Use for a Place of Worship on Lot 2 on Plan RP 867046 located at 16 Howard Street, Cooktown, until 21 June 2023.

CARRIED

16.2 APPLICATION FOR A DEVELOPMENT PERMIT DA/4181 - MATERIAL CHANGE OF USE FOR A TRANSPORT DEPOT - 1774 ENDEAVOUR VALLEY ROAD, COOKTOWN - LOT 1 ON SP102154**RESOLUTION 2021/163**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

1. That Council issue an approval for the development application submitted by ER, MD and RW Miller trading as Miller Contractors C/- RPS Australia East Pty Ltd for a Material Change of Use for a Transport Depot over land described as Lot 1 on SP102154, subject to the listed conditions.
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*):
 - a. An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
 - b. The proposed development, where undertaken in accordance with the conditions of approval, will have no significant detrimental impact on the surrounding land uses.
 - c. The proposed development will not have an impact on the environment of the site and will not compromise existing or future rural uses on the site or in the locality.

A. Assessment Manager (COUNCIL) Conditions**Approved Plan**

1. The development must be carried out generally in accordance with the following proposal plans except for any modifications required to comply with the conditions of this approval (see Appendix 'A'):
 - PR143235 – 1C – Site Plan Proposed Transport Depot - prepared by RPS, dated 27/01/21; and
 - Concept Design Drawings – prepared by Millers Contractors, received by Council on 21/05/20.

Operating Hours

2. No operations in association with the Transport Depot involving the movement of equipment, loading of vehicles, movement of vehicles or the operation of equipment, shall occur outside of the hours of 5:30am to 6:30pm Monday to Saturday. No operations associated with the use (including vehicle movements) are to occur on Sundays or on public holidays.

Vehicle Access and Manoeuvring

3. The internal driveway must be constructed in the location shown on the approved plan. It is to be sealed (6m carriageway with 2m verges) between the property entrance and a point 50m past where it turns east (approximately 350m from the property boundary). Plans including stormwater drainage must be submitted for approval by Council's Director Infrastructure prior to works commencing.
4. Signage is to be erected on the driveway advising of a speed limit of 20km/hr.
5. The internal driveway and parking/manoeuvring areas (other than those covered by Condition 3) are to be constructed to an all-weather gravel standard and maintained at all times.

Noise

6. Vehicles entering the site must be fitted with broadband reversing alarms.
7. The applicant is to develop and operate a complaints procedure to manage any nuisance complaints.

Effluent Disposal

8. Wastewater treatment and disposal applications must include details of proposed wastewater disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS, 1547:2000 – On-site Domestic Wastewater Management. Details to be provided at the time of lodgement of a Plumbing or Building application and prior to the issue of a Development Permit for Building Works. The works are to be completed to the satisfaction of Council's Director of Engineering Services, prior to the commencement of the use.

Electricity Supply

9. The applicant is to ensure that development has a reliable electricity supply, prior to the commencement of the use.

Bushfire

10. The development must be maintained at all times to a standard so as not to create a fire hazard and must be provided with a source of water for fire-fighting purposes of not less than 45,000 litres. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. Details are to be provided at the time of building application.
11. Firebreaks from hazardous vegetation (of 1.5 times the predominant mature canopy tree

height or 10 m, whichever is the greater) must be maintained by the owners at all times and flammable material must not be allowed to build up around the buildings so as not to create a fire hazard.

Environmental

12. The developer must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.
13. The developer must undertake all reasonable endeavours to ensure that during the construction stage no nuisance is caused to the surrounding properties by way of noise or dust emissions.
14. No State Declared or environmental pest plants and pest animals are to be introduced onto the property.
15. No wash-down of vehicles or equipment is permitted.
16. The internal areas of the shed are to drain to a drainage pit which is to be pumped out and transported to an appropriately licensed waste disposal facility as needed.

Compliance

17. All conditions of this Development Permit are to be complied with prior to the use commencing and, where relevant, maintained during operation.

Public Utilities

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

Utilities design must be in accordance with the FNQROC Development Manual D8 Operational Works Design Guidelines "Utilities".

Outstanding Charges

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

Currency Period

20. The currency period for this application is six (6) years. Should the approved Transport Depot not be established within this time, the approval shall lapse.

B. Advice (Council)

1. A development permit is required for carrying out Building Works prior to construction of any buildings associated with this development;
2. Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage

- Works prior to construction of any buildings associated with this development;
3. Should the applicant need to obtain an ERA permit for an on-site sewerage system exceeding 21 EP, a copy of this ERA Licence must be given to Council's Manager Planning and Environment.
 4. The applicant/owner must notify Council of 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.
 5. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act 2003* and in particular 'the duty of care' that it imposes on all landowners.

C. Concurrence Agency (Department of Infrastructure, Local Government & Planning) Response:

See the attached (Appendix B in 4 parts) Referral Agency Response dated 27 May 2021.

CARRIED

16.3 APPLICATION FOR A DEVELOPMENT PERMIT DA/4336 - MATERIAL CHANGE OF USE FOR SHORT TERM ACCOMMODATION (EXTENSION TO EXISTING SHORT TERM ACCOMMODATION BY 1 X 3 BEDROOM UNIT) - LOT 4 ON CP866939 - HAGGERSTONE ISLAND, CORAL SEA

RESOLUTION 2021/164

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

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 additional Short term accommodation is consistent in scale with the existing development on Haggerstone Island and will have no adverse impacts on the environmental values on the island.
2. That Council issue an approval for the development application submitted by Haggerstone Island Holding Pty Ltd, Roy Leonard Turner & Cape Grenville Holdings Pty Ltd C/- Gilvear Planning for a Material Change of Use for Short term accommodation over land described as Lot 4 on CP866939, subject to the following 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:
 - Site Plan – W/2021 DA
 - Ground Floor

- First Floor
- Elevation A
- Elevation B

Patronage

2. Total patronage of the development must not exceed fourteen (14) guests and five (5) staff at any one time.

Effluent Disposal

3. Wastewater treatment and disposal applications must be carried out generally in accordance with the Hydraulic services design report submitted with the application. (prepared by Gilboy Hydraulic Solutions dated 24 June 2021).

Water Supply

4. The development must be connected to a potable water supply. This water supply must comply with the Australian Drinking Water Standards.

Environment

5. The applicant must ensure that the development has no adverse impacts on the functioning and integrity of habitats and environmental values contained within the conservation estate.
6. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development and appropriate erosion and sediment controls are in place.
7. No State Declared or environmental pest plants and pest animals are to be introduced onto the property.
8. Building and structures must be finished in colours that blend with the natural setting.

Stormwater

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

Construction and Waste Management Plan

10. The applicant must prepare and submit to Council a Construction Waste Management Plan. The plan is to be approved by Councils Manager Planning and Environment prior to the issue of a Development Permit for carrying out building works.

Electricity

11. The development must be connected to a reliable electricity supply.

Compliance

12. All conditions of this Development Permit are to be complied with prior to the use commencing and, where relevant, maintained during operation.

Outstanding Charges

13. All rates, service charges, interest and other charges levied on the land are to be paid prior to

construction.

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. That the Applicant be advised that the development must be in accordance with the conditions stated in Perpetual Lease No. 40069401.
3. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
4. 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.
5. 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 PRESENTATION OF AUDIT AND RISK COMMITTEE MINUTES

RESOLUTION 2021/165

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

That Council note the minutes of the Audit and Risk Committee Meeting held 3 June 2021.

CARRIED

16.5 OPERATIONAL PLAN 2020-21 - QUARTERLY REVIEW - APRIL TO JUNE 2021 (FINAL)

RESOLUTION 2021/166

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Marilyn Morris

That Council note the Operational Plan 2020-21, Quarterly Review for April to June 2021.

CARRIED

The Mayor brought forward Item 17.4 for the benefit of an interested person present in the public gallery.

17.4 LAKELAND WINDFARM TRANSPORT PROPOSAL FOR MARTON BOAT RAMP

RESOLUTION 2021/167

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Marilyn Morris

That Council:

1. Provides in principle support to Windlab's windfarm transport proposal,
2. Supports Windlab's proposed application to reconstruct the upstream rock revetment wall to the Marton boat ramp to include a vertical internal wall, a vertical end wall and a hand rail,
3. Supports the use of Shire roads and intersections by Windlab to facilitate the proposed transport task for the windfarm project subject to subject to Windlab undertaking to restore the pre-task condition of the roads,
4. Acknowledges Windlab's offer to the community of legacy benefit projects totalling \$75,000
5. Delegates authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009 (QLD)*, the ability to apply for the permits required to facilitated the proposed works and,
6. Delegates authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009 (QLD)*, the ability to enter into an agreement with Windlab or another contractor to execute the works at Windlab's cost and finalise administrative or financial matters and approve any variations, if so required.

CARRIED

16.6 MONTHLY FINANCIAL REPORT

RESOLUTION 2021/168

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 June 2021.

CARRIED

17 INFRASTRUCTURE - REPORTS

17.1 CAPITAL WORKS PROGRAM 2020/21 - QUARTERLY REPORT - APRIL TO JUNE 2021

RESOLUTION 2021/169

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That Council receives and notes the Capital Works Program 2020/21, Quarterly Report for April to June 2021 dated 13 July 2021.

CARRIED

17.2 DISASTER RELIEF FUNDING ARRANGEMENTS (DRFA) - QUARTERLY REPORT - APRIL TO JUNE 2021**RESOLUTION 2021/170**

Moved: Councillor Peter Burns

Seconded: Deputy Mayor Robyn Holmes

That Council receives and notes the Disaster Recovery Funding Arrangements (DRFA) Quarterly Report for April to June 2021.

CARRIED

David Klye left the meeting at 12.53pm

17.3 GREAT BARRIER REEF SILT REDUCTION PROJECTS**RESOLUTION 2021/171**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That Council;

1. Notes and supports Council's proposed participation in the silt reduction projects and,
2. Endorses the CEO's letter, Council Support and Involvement in The Proposed Great Barrier Reef Foundation Silt Reduction Projects, dated 1 July 2021.

CARRIED

David Klye returned to the meeting at 12.58pm

Item - 17.4 Lakeland Windfarm Transport Proposal for Marton Boat Ramp, was brought forward to follow Item 16.5.

17.5 MACKAY FARMS PROPOSED LAND SWAP AT LAKELAND**RESOLUTION 2021/172**

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

That Council provides in principle support for the concept of a land swap between Mac Farms Pty Ltd and Council at Lakeland and for Mac Farms to construct a new grass runway on the new lot subject to satisfactory negotiation of the details of the land swap and the details of the broader development proposal.

CARRIED

18 CONFIDENTIAL REPORTS**CONSIDERATION OF CONFIDENTIAL REPORTS IN CLOSED SESSION****RESOLUTION 2021/173**

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 2020/21 Audit Interim Management Report

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.

CARRIED

MOVING INTO CLOSED SESSION**RESOLUTION 2021/174**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That Council moves into closed session.

CARRIED

MOVING OUT OF CLOSED SESSION**RESOLUTION 2021/175**

Moved: Councillor John Dessmann

Seconded: Councillor Larissa Hale

That Council moves out of closed session and into open session.

CARRIED

18.1 2020/21 AUDIT INTERIM MANAGEMENT REPORT

RESOLUTION 2021/176

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

That Council notes the observations contained within the Cook Shire Council Interim Management Report to the Mayor (Observation Report) from the Queensland Audit Office for the 2020/21 financial year.

CARRIED

The Meeting closed at 1.15pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 10 August 2021.

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CHAIRPERSON