



# **MINUTES**

**Ordinary Council Meeting**

**10 August 2021**

**MINUTES OF COOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,  
COOKTOWN  
ON TUESDAY, 10 AUGUST 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

Chief Executive Officer, Linda Cardew; Director Organisational Business Services, Heather Kelly; Director Infrastructure, David Klye

Via Zoom: Director Community, Economy and Innovation, Lawrence Booth

**3 MEETING OPENED**

9.00am

**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**

**CONFLICT OF INTEREST - CR LARISSA HALE - ITEM 17.2**

Councillor Larissa Hale informed the meeting of a prescribed conflict of interest in Item 17.2.

The nature of her interest is that a close associate of hers is the owner of business that is the preferred supplier in this matter; Bowyer Group. The nature of her relationship with the owner of the business is that he is her father's brother.

When Council reaches this item in the agenda, she will leave and stay away from the meeting while the matter is discussed and voted upon.

Cr Larissa Hale also declared a declarable conflict of interest in Item 18.1 that will be addressed prior to that item in the agenda.

**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 Ross Logan advised of possible leave from 11 to 18 August 2021.

**10 CONFIRMATION OF PREVIOUS MINUTES****ORDINARY MONTHLY COUNCIL MEETING – 13 JULY 2021****RESOLUTION 2021/177**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

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

**CARRIED**

**SPECIAL COUNCIL MEETING – 15 JULY 2021****RESOLUTION 2021/178**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That the minutes of the Special Council Meeting held on 15 July 2021 be confirmed.

**CARRIED**

**11 BUSINESS ARISING**

Nil

**12 NOTIFIED MOTIONS****12.1 NOTICE OF INTENTION TO REPEAL - GATEWAY TO CAPE YORK SCULPTURE DESIGN SELECTION****RESOLUTION 2021/179**

Moved: Mayor Peter Scott

Seconded: Councillor Marilyn Morris

That the following resolution 2021/160 titled Gateway to Cape York Sculpture Design Selection that was passed on 13 July 2021 of meeting be repealed:

“That Council:

1. Approves the Cooktown Design 3 concept design 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**

**13 COUNCILLORS' REPORTS****13.1 COUNCILLORS' MONTHLY REPORTS****RESOLUTION 2021/180**

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

That the activities contained in the individual Councillors' monthly reports tabled on 10 August 2021, including future travel requirements, be noted and endorsed by Council.

**CARRIED**

**14 EXECUTIVE SERVICES - REPORTS****14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2021/181**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That the activities contained in the Chief Executive Officer's monthly report tabled on 10 August 2021, be noted and endorsed by Council.

**CARRIED**

**14.2 CHANGE TO COUNCIL MEETING DATE SCHEDULE SEPTEMBER TO DECEMBER 2021****RESOLUTION 2021/182**

Moved: Councillor Ross Logan  
Seconded: Councillor Peter Burns

That Council resolves to adopt the updated meeting dates for Ordinary Monthly Council meetings and Planning and Environment Standing Committee meetings from September to December 2021, and update the publication of those meetings as required by Section 254B of the *Local Government Regulation 2012*.

**Ordinary Monthly Council meetings**

- 9.00am, Tuesday 28 September 2021
- 9.00am, Tuesday 19 October 2021
- 9.00am, Tuesday 23 November 2021
- 9.00am, Tuesday 14 December 2021

**Planning and Environment Standing Committee meetings**

- 9.00am, Tuesday 14 September 2021
- 9.00am, Tuesday 12 October 2021
- 9.00am, Tuesday 9 November 2021

**CARRIED**

**15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS****15.1 PRESENTATION OF COOK SHIRE YOUTH COUNCIL MEETING MINUTES****RESOLUTION 2021/183**

Moved: Deputy Mayor Robyn Holmes  
Seconded: Councillor Larissa Hale

That Council notes the Minutes of the Cook Shire Youth Council Meeting held 9 July 2021.

**CARRIED**

Mayor Peter Scott called for a break for morning tea at 10.00am.

Mayor Peter Scott resumed the meeting at 10.19am.

**15.2 RESUBMISSION - GATEWAY TO CAPE YORK SCULPTURE DESIGN SELECTION****MOTION**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That Council:

1. Approves the x concept design 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).

*Cr Morris moved an amendment to the motion.*

**RESOLUTION 2021/184**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council:

1. Requests for submissions to be reinvited from the public for new concept designs to represent Cooktown in the Lakeland Gateway to Cape York Tourist Information Park; and
2. Re-endorses the concept designs for Coen, Laura, Portland Roads and Yintjingga (Port Stewart).

**CARRIED**

*Resolution 2021/184 became the new substantive motion and was put to the vote.*

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

Against: Nil

**15.3 REQUEST FOR RELEASE OF COVENANT - CHRISTIAN COMMUNITY MINISTRIES PROPERTY LTD****RESOLUTION 2021/185**

Moved: Councillor Larissa Hale

Seconded: Deputy Mayor Robyn Holmes

That Council resolve:

1. To delegate authority to the Chief Executive Officer pursuant to section 257 of the *Local Government Act 2009* to execute the Form 33 for dealing 717006123 and Form 33 for dealing 720071017 to release the covenants.
2. To delegate authority to the Chief Executive Officer pursuant to section 257 of the *Local Government Act* to finalise negotiations and progress the proceedings in the Council's interest.

**CARRIED**

**16 ORGANISATIONAL BUSINESS SERVICES – REPORTS**

*An error was noted in the officer's recommendation, where the month of the financial report was shown as June 2022. This was identified by the Manager Finance as the financial year end date by mistake. The correct date should be shown as July 2021.*

**16.1 MONTHLY FINANCIAL REPORT****RESOLUTION 2021/186**

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

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

**CARRIED**

**16.2 APPLICATION FOR A DEVELOPMENT PERMIT DA/4314 - RECONFIGURING A LOT (THIRTEEN (13) INTO TWENTY-FOUR (24) LOTS) - 26 MAY STREET; 24, 34, 44, 46 AND 48 BOUNDARY STREET; 18, 20, 21, 22, 24 AND 26 GARDEN STREET; AND 63 POWER STREET, COOKTOWN - FORMALLY DESCRIBED AS LOTS 169 - 172 ON C17949; LOTS 1 - 3 ON RP700330; LOTS 1 - 5, AND 8 ON RP700331**

**RESOLUTION 2021/187**

Moved: Councillor Larissa Hale

Seconded: Councillor John Dessmann

1. That the application by Cook Shire Council C/- Freshwater Planning Pty Ltd for Reconfiguring a Lot (thirteen (13) into twenty-Four (24) Lots) over Lots 169, 170, 171 and 172 on C17949, Lots 1, 2 and 3 on RP700330, and Lots 1, 2, 3, 4, 5 and 8 on RP700331 located at 26 May Street; 24, 34, 44, 46 and 48 Boundary Street; 18, 20, 21, 22, 24 and 26 Garden Street; and 63 Power 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 and Documents**

1. The development must be carried out generally in accordance with the following plans/specialist reporting submitted with the application, except for any variations required to comply with the conditions of this approval:
  - Twine Surveys Pty Ltd – Staging Plan - Cooktown Land Release Boundary Street, Cooktown – DWG No: 8645 LL Current – Date 10/06/2021 – Revision A;
  - Trinity Engineering and Consulting – Stage 1 General Arrangement Plan – Cooktown Land Release – Job No.: 1453 – Date 10/06/2021 – Drawing No. SKETCH 1453-9 – Revision B;
  - Trinity Surveys Pty Ltd – Stage 2 General Arrangement Plan – Cooktown Land Release – Job No.: 1453 – Date 10/06/2021 – Drawing No. SKETCH 1453-10 – Revision B; and
  - *Cook Shire Council – Land Subdivision Development Application Engineering Report* prepared by Trinity Engineering and Consulting, dated 27 June 2021.

**Staged Development – Timing**

2. Undertake the development in accordance with the sequence of staging as indicated on the approved plans and documents, with the stages to be developed in chronological order of each stage as identified on the approved plans. Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.



**Water Supply and Effluent Disposal**

3. Each lot must be able to connect to be connected to Council's reticulated sewerage and water network. Sufficient reticulated water capacity must be provided for domestic and firefighting purposes.
4. The developer must design and construct all sewerage and water works in accordance with the approved plans, *FNQROC Development Manual*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.

**Services**

5. Electricity and telecommunication services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.

**Stormwater Drainage Easement**

6. A stormwater drainage easement to be provided having a minimum width to be determined by the flow width of a 1% AEP stormwater event at the rear of proposed Lots 1-5 as shown on the approved plans of development or as determined in any approval for Operational works, whichever is greater, to the benefit of Council that includes:
  - (i) All stormwater overland flow paths traversing the land;
  - (ii) Any stormwater main existing or proposed to traverse the land centrally located within the easement; and
  - (iii) All stormwater overland flow paths downstream of the land to an agreed lawful point of discharge.

**Stormwater**

7. Stormwater drainage must be directed to a legal point of discharge.
8. The stormwater management system or site works must not adversely affect flooding or drainage characterises of properties that are upstream, downstream, or adjacent to the development site.

**Operational Works**

9. Prior to the endorsement of the survey plan, Council will require approval for an Operational Works application for the following:
  - Road Works Construction (Stage 1 and 2);
  - Stormwater Infrastructure;
  - Excavation and Fill;
  - Sewer; and
  - Water reticulation.

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

On completion of the works, Council shall require a Certificate of Completion from an RPEQ and a set of as constructed plans submitted to Council.

**Roadworks (Stage 1)**

10. The developer is to construct the new access road/s for Stage 1 in accordance with the approved plans. Construction must be in accordance with the FNQROC Development Manual. Engineering drawings must be submitted for approval by Council's Director Infrastructure as part of an Operational Works application prior to works commencing.

#### **Roadworks (Stage 2)**

11. The developer is to construct the new access road/s for Stage 2 in accordance with the approved plans. Construction must be in accordance with the FNQROC Development Manual. Engineering drawings must be submitted for approval by Council's Director Infrastructure as part of an Operational Works application prior to works commencing.

#### **Sediment Control**

12. The developer must ensure that effective measures are put in place to ensure construction activity does not cause erosion. A sediment control plan must be submitted to Council for approval prior to works commencing.
13. The developer must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.

#### **Fire Management**

14. All lots and fire breaks must be maintained by the owner at all times so as not to create a fire hazard.

#### **Access Handles**

15. Access handles for Lots 8, 9, 20, and 21 must be located entirely within each lots respective boundary and must be concrete or bitumen sealed. The access handles must ensure that stormwater flow is managed and discharged to a legal point of discharge.

#### **Stormwater**

16. All stormwater drainage must be directed to a legal point of discharge.

#### **Currency Period**

17. The reconfiguring a lot approval authorised under 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 the approval will 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 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**

**16.3 APPLICATION FOR A DEVELOPMENT PERMIT - DA/4372 - MATERIAL CHANGE OF USE FOR - NON-RESIDENT WORKFORCE ACCOMMODATION (TOTAL 53 PERSONS) - 312 HURSE ROAD, LAKELAND - LOT 7 ON RP867069****RESOLUTION 2021/188**

Moved: Councillor Marilyn Morris

Seconded: Deputy Mayor Robyn Holmes

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 Non-resident workforce accommodation is an appropriate use to be located on the site and will have no adverse impacts on the rural character amenity of the locality or adjoining lots.
2. That Council issue an approval for the development application submitted by Sharprock Pty Ltd C/ Urban Sync Pty Ltd for a Material Change of Use for Non-resident workforce accommodation over land described as Lot 7 on RP867069, subject to the following conditions:

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

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:
  - Drawing list and site location WD A00
  - Site Plan WD A001
  - Site Plan WD A002
  - Ground Floor – Bunkhouse in shed WD A101
  - Ground Floor – Isolated Bunkhouse WD A102
  - Ground Floor – WD A201
  - External -Bunkhouse in Shed WD A701
  - External – Isolated Bunkhouse WD A702
  - Proposed Sections WD A801

**Limitation of the Use**

2. Occupancy of the approved Non-resident workforce accommodation must not exceed fifty-three (53) persons at any one time.

**Recreation Area**

3. The applicant is to submit a plan to Council prior to the commencement of the use demonstrating that a range of active and passive recreation pursuits have been made available for the Non-resident workforce.

**Effluent Disposal**

4. On-site effluent disposal must be in general accordance with the on-site wastewater facility

report prepared by Gilboy Hydraulic Solutions dated 25 June 2021. Any application for waste water treatment and disposal must include details of the 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”.

### **Water Supply**

5. The development must be connected to a potable water supply and comply with the Australian Drinking Water Guidelines.

### **Access**

6. Vehicle access to the site must be achieved via the existing access driveway from Hurse Road.

### **Environment**

7. 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.

### **Stormwater**

8. Stormwater must be directed to a legal point of discharge.

### **Electricity**

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

### **Compliance**

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

### **Outstanding Charges**

11. 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. Should the kitchen not be used for the purpose of ‘self-catering’ by the workers staying in the accommodation, then a Food Business Licence as per the requirements of the *Food Act 2006* must be obtained from Council by the property owners.
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 APPLICATION FOR A DEVELOPMENT PERMIT DA/4380 - RECONFIGURATION OF A LOT (DIVISION BY LEASE - LEASES B TO F) - 80-84 SAVAGE STREET, COOKTOWN - LOT 14 ON C179114****RESOLUTION 2021/189**

Moved: Councillor Larissa Hale

Seconded: Councillor Ross Logan

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 will have no detrimental impact on the environment or surrounding land uses.

That the application by the Department of Communities, Housing and Digital Economy C/- GHD Pty Ltd for Development Permit DA/4380, Reconfiguring Lot 14 on C179114 (Division by Lease (B to F)), located at 80-84 Savage Street, Cooktown, 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:
  - Lease Plan SP319522 – Plan of Leases B – F in Lot 14 on C179114

**Access**

2. Access to proposed Lease Lots B to E must be via the existing access crossovers to Savage Street.
3. Access to proposed Lease Lot F must be via the existing access crossovers to Savage Street and Hope Street.

**Stormwater Drainage**

4. All stormwater drainage must be directed to a legal point of discharge.

**Public Utilities**

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

**Compliance**

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

**Outstanding Charges**

8. All rates, service charges, interest and other charges levied on the land are to be paid prior to Council endorsement of the Plan of Survey.

**B. Advice (Council)**

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 reconfiguration of a lot approval authorised 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.
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**

## **16.5 DISPOSAL OF SURPLUS AMMUNITION**

### **RESOLUTION 2021/190**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That Council approve:

1. disposal of surplus .308 ammunition to Mapoon Aboriginal Shire Council, Napranum Aboriginal Shire Council, Northern Peninsula Area Regional Council, Pormpuraaw Aboriginal Shire Council and Andrew Hartwig to supply their operational requirements for the next twelve months;
2. disposal of any remaining surplus .308 ammunition to Mapoon Aboriginal Shire Council, Napranum Aboriginal Shire Council, Northern Peninsula Area Regional Council, Pormpuraaw Aboriginal Shire Council and Andrew Hartwig in 2022 with allocation based on the proportion of the total received in 2021;
3. sale of 6,400 rounds of .30-30 ammunition to The Lure Shop, Cooktown for a negotiated price agreeable to Council.

**CARRIED**

**17 INFRASTRUCTURE - REPORTS****17.1 RFT T10520 - PREFERRED SUPPLIER ARRANGEMENT (PSA) - SUPPLY AND DELIVERY OF TYRES****RESOLUTION 2021/191**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council:

1. Approve the award of T10520 – PSA – Supply and delivery of tyres, to both CAPE YORK TYRES and COOKTOWN TYREPOWER under preferred supplier arrangements, based on their schedule of rates for specific brand of tyres and availability, 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, if so required.

**CARRIED**

At 11.08am, Councillor Larissa Hale left the meeting.

**17.2 SUPPLY AND DELIVERY OF ROAD BASE (AURUKUN ROAD)****RESOLUTION 2021/192**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That Council:

1. Approve the award of a purchase order to BOWYER GROUP MINING AND CIVIL for the supply and delivery of 64,515 tonnes of 2.2 grade road base under PSA T10919, in the amount of **\$4,161,217.50 (excluding GST)**, and:
2. Delegate authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009 (QLD)*, the ability to authorise payments and finalise any minor administrative or financial variations.

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

Against: Nil

**CARRIED**

At 11.11am, Councillor Larissa Hale returned to the meeting.

**17.3 PLANT AND VEHICLE POLICY****RESOLUTION 2021/193**

Moved: Councillor John Dessmann

Seconded: Councillor Ross Logan

That Council adopt the Cook Shire Council's Plant and Vehicle Policy dated August 2021 attached to this report.

**CARRIED**

**18 CONFIDENTIAL REPORTS****CONSIDERATION OF CONFIDENTIAL REPORTS****RESOLUTION 2021/194**

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 Native Title - Draft Determinations CYU#1 - Kuuku Ya'u & Uutaalnganu**

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**

**CONFLICT OF INTEREST - CR LARISSA HALE - ITEM 18.1**

Councillor Larissa Hale informed the meeting of a declarable conflict of interest in Item 18.1.

The nature of her interest is that a close associate of hers is the owner of business that has made a submission in relation to this matter; Bowyer Group. The nature of her relationship with the owner of the business is that he is her father's brother.

As there is no decision being made by Council in this matter and the report is purely for noting, Cr Hale has made a declarable conflict of interest, rather than a prescribed conflict of interest.

Cr Hale requested to remain in the room for the discussion and vote on the matter.

**RESOLUTION 2021/195**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That Cr Hale may stay and participate in the meeting in relation to the matter, including voting on the decision.

**CARRIED**



**RESOLUTION 2021/196**

Moved: Councillor Peter Burns  
Seconded: Councillor Marilyn Morris  
That Council moves into Closed Council.

**CARRIED**

**RESOLUTION 2021/197**

Moved: Councillor Marilyn Morris  
Seconded: Councillor Peter Burns  
That Council moves out of Closed Council into Open Council.

**CARRIED**

**18.1 NATIVE TITLE - DRAFT DETERMINATIONS CYU#1 - KUUKU YA'U & UUTAALNGANU**

**RESOLUTION 2021/198**

Moved: Councillor Peter Burns  
Seconded: Councillor Larissa Hale  
That Council note the information of this report.

**CARRIED**

**The Meeting closed at 11.31am.**

**The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 14 September 2021.**

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**CHAIRPERSON**