



MINUTES

Ordinary Council Meeting

23 November 2021

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,
COOKTOWN
ON TUESDAY, 23 NOVEMBER 2021 AT 9.00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

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

Linda Cardew, Chief Executive Officer (via videoconference); Lawrence Booth, Director Community, Economy and Innovation; Heather Kelly, Director Organisational Business Services; Peter Tonkes, Director Infrastructure.

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

Nil

7 MAYORAL MINUTE

MAYORAL MINUTE

RESOLUTION 2021/244

Moved: Mayor Peter Scott

That Cook Shire Council, under advice from the State Government Chief Health Officer, supports the general intent of Covid-19 vaccination program, to enhance protection of the population of Cook Shire and our neighbouring communities.

Furthermore, Council also respects the right of individuals to make their own choice with regards to a Covid-19 vaccine.

We also support the community's right to voice their concerns to the State Government, regarding

the direction to restrict unvaccinated people from accessing certain venues and activities.

Any complying petition received by Council in relation to this matter will be noted and forwarded to the State Government for their consideration.

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

Against: Cr Ross Logan

CARRIED

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 – 19 OCTOBER 2021

RESOLUTION 2021/245

Moved: Councillor Peter Burns

Seconded: Councillor Larissa Hale

That the minutes of the Ordinary Monthly Council Meeting held on 19 October 2021 be confirmed.

CARRIED

11 BUSINESS ARISING

Nil

12 NOTIFIED MOTIONS

Nil

13 COUNCILLORS' REPORTS

13.1 COUNCILLORS' MONTHLY REPORTS

RESOLUTION 2021/246

Moved: Councillor John Dessmann

Seconded: Councillor Larissa Hale

That the activities contained in the individual Councillors' monthly reports tabled on 23 November 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 2021/247**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That the activities contained in the Chief Executive Officer's monthly report tabled on 23 November 2021, be noted and endorsed by Council.

CARRIED

14.2 2022 COUNCIL MEETING DATES**RESOLUTION 2021/248**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That Council adopt the following Council meeting dates for 2022:

Council meetings		Planning and Environment Standing Committee meetings	
9.00am	Tuesday 25 January	9.00am	Tuesday 8 February
9.00am	Tuesday 22 February	9.00am	Tuesday 8 March
9.00am	Tuesday 22 March	9.00am	Tuesday 12 April
9.00am	Tuesday 26 April	9.00am	Tuesday 10 May
9.00am	Tuesday 24 May	9.00am	Tuesday 14 June
9.00am	Tuesday 28 June	9.00am	Tuesday 12 July
9.00am	Tuesday 26 July	9.00am	Tuesday 9 August
9.00am	Tuesday 23 August	9.00am	Tuesday 13 September
9.00am	Tuesday 27 September	9.00am	Tuesday 11 October
9.00am	Tuesday 25 October	9.00am	Tuesday 8 November
9.00am	Tuesday 22 November		
9.00am	Tuesday 13 December		

CARRIED

14.3 UPDATE - PART CLOSURE OF ROAD SEGMENT PARCEL 8102197**RESOLUTION 2021/249**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council notes the information contained in this report in reference to a previous Council Resolution 2020/321.

CARRIED

15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS**15.1 OWNER CONSENT TO AMENDMENT OF HERITAGE LISTING - EARLY GRANITE KERBING AND CHANNELLING, COOKTOWN (QHR601731)****RESOLUTION 2021/250**

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

That Council consents to the revised draft entry to amend the Queensland Heritage Register Listing for Early Granite Kerbing and Channelling, Cooktown (QHR601731) as detailed in this report.

CARRIED

15.2 APPLICATIONS TO THE COMMUNITY GRANTS AND SUPPORT PROGRAM 2021-22**RESOLUTION 2021/251**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council approve the following applications for funding under the Community Grants and Support Program 2021/2022:

• Cooktown Community Church	\$5,000
• Cooktown Kindergarten Association	\$3,550
• Cooktown State School Parents and Citizens Assoc.	\$5,000
• Douglas Hockey Association	\$5,000
• Endeavour Lions Club	\$3,374
• Laura and District Rodeo and Campdraft Assoc.	\$4,492
• The Royal Historical Society of Queensland	\$5,000
• Queensland Country Women's Association	\$5,000
To a total value of:	\$36,416

CARRIED

15.3 SMALL BUSINESS FRIENDLY COUNCIL (SBFC) INITIATIVE**RESOLUTION 2021/252**

Moved: Councillor John Dessmann

Seconded: Councillor Larissa Hale

That:

1. Approval be granted for Cook Shire Council to participate in the Queensland Small Business Friendly Council initiative; and
2. On behalf of Cook Shire Council, the Mayor jointly signs the Small Business Friendly Council Charter with the Queensland State Government and the Cooktown Chamber of Commerce

and Tourism.

CARRIED

16 ORGANISATIONAL BUSINESS SERVICES - REPORTS

16.1 INFORMATION SECURITY POLICY

RESOLUTION 2021/253

Moved: Councillor Peter Burns

Seconded: Deputy Mayor Robyn Holmes

That Council adopts the Information Security Policy dated 23 November 2021.

CARRIED

16.2 INFORMATION AND COMMUNICATION TECHNOLOGY STRATEGIC PLAN 2021-25

RESOLUTION 2021/254

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council adopts the Information and Communication Technology Strategic Plan 2021-25 dated October 2021.

CARRIED

The Mayor called for a break for morning tea at 10.01am.

In the Mayor's absence, the Deputy Mayor resumed the meeting at 10.22am and took the chair.

Mayor Peter Scott returned to the meeting at 10.28am.

16.3 APPLICATION FOR A DEVELOPMENT PERMIT DA/4310 – RECONFIGURING A LOT (ONE (1) INTO TWELVE (12) LOTS) – 2 HOPE STREET, COOKTOWN – LOT 23 ON SP219110 AND LOT 7 ON SP219110.

RESOLUTION 2021/255

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

1. That the application by MTC Tower Pty for Reconfiguring a Lot, one (1) lot into twelve (12) lots over Lot 23 on SP219110 and Lot 7 on SP2129110169 located at 2 Hope 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 lot layout has been appropriately designed for the subject site
- (c) The proposed development will have no detrimental impact on the subject site or adjoining properties.

B. 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:
 - John MacIsaac and Associates Pty Ltd – Drawing No. 2038-05 – Date 27-05-05 – Received by Council on 26 October 2021;
 - Bayith Design Associates – Staging Plan
 - Bruce & Associates Consulting – Drawing No. 3130, Sheet C, Dated Dec 06, Version B dated 30/8/07 Road Layout and Drainage Revised
 - Engineering Report - Specifications – Bruce and Associates Consulting Pty Ltd

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.

Easements

6. Prior to the endorsement of the survey plan of Stage 2 the existing easement (Easement A in Lot 23) must be rescinded and the existing access crossover to Hope Street must be removed.
7. Lots must provide where applicable a 3.0-metre-wide drainage easement such that overland flow can be directed away from downstream properties to a legal point of discharge.

Protection of vegetation / Slope protection

8. Existing vegetation identified on the approval plan of development must be retained where possible.

Roadworks

9. The new internal access road must be constructed as part of 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.
10. The proposed new road shall be generally in accordance with the drawings No. 3130, including cul de sac, and intersection with Hope Street be asphalt or bitumen sealed, and constructed to the requirements of the FNQROC Manual. Ancillary stormwater drainage must be included. Engineered drawings must be submitted for approval by Council's Manager Engineering as part of an Operational Works application prior to works commencing.
11. The proposed new road must have layback kerb and channel in accordance with plan S1000 of the FNQROC Manual for its full frontage to the proposed lots. Engineered drawings must be submitted for approval by Council's Manager Engineering as part of an Operational Works application prior to works commencing.

Footpaths

12. The nature strip between the property boundaries and the new proposed road must be formed and grassed and left in a mowable condition. Engineered drawings must be submitted for approval to Council's Manager Engineering, as part of an Operational Works application prior to works commencing.

Street Lighting

13. Street lighting must be provided for the development in accordance with Design Guideline D8 of the FNQROC Manual Sections, General D8.01 to D8.04 and D8.07.

Sediment Control

14. 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.
15. 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

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

Access

17. All proposed lots must take access from the proposed new road. Location of and grade of driveways to be provided along with the information and confirmation that Sight Distance at Property Entrances can be achieved according to FNQROC Development Manual and Austroads Guide to Road Design Part 4A.
18. The cul de sac shall cater for safe turning of Service Vehicles without the need for reversing, according to FNQROC Development Manual.

19. Access for proposed Lots 1 to 13 must be sealed with either asphalt or concrete, from the property boundary to the new kerb and channel. Accesses are to include ancillary stormwater drainage and be designed and constructed to the requirements of the FNQROC Manual. Engineered drawings must be submitted for approval by Council's Manager Engineering as part of an Operational Works application prior to works commencing.
20. The existing direct access (Easement A) between the state-controlled road and lot 7 (existing) located about 26m from the western side boundary must be closed and the access removed prior to the endorsement of the survey plan for Stage 2.

Stormwater

21. All stormwater drainage must be to a legal point of discharge and constructed in accordance with section D4 of the FNQROC Manual. Engineered drawings must be submitted for approval by Council's Manager Engineering as part of an Operational Works application prior to works commencing.
22. The requirements for the management of both long term and short-term water quality impacts shall be met in accordance with Section D5, Stormwater Quality Management. Engineered drawings must be submitted for approval by Council's Manager Engineering as part of an Operational Works application prior to works commencing.
23. 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

24. Prior to construction commencing an Operational Works permit must be obtained in accordance with the FNQROC Development Manual, and to the satisfaction of the Council's Director Infrastructure for the following:
 - i. Access construction including ancillary stormwater drainage;
 - ii. Geotechnical investigation report to provide information regarding slope stability, mass soil movement, and erosion of the existing gullies on the site and the roadway above.
 - iii. Road works on proposed new road and Hope Street intersection including ancillary stormwater drainage, road construction, kerb and channel and footpath/nature strip formation;
 - iv. Erosion and sediment control;
 - v. Internal stormwater drainage;
 - vi. Stormwater quality management;
 - vii. Filling and excavation requirements of Infrastructure Code, addressing Performance Outcomes PO7, PO8, PO9, PO10, and PO11;
 - viii. Location and grade of driveways providing information and confirmation that Sight Distance at Property Entrances can be achieved according to FNQROC Development Manual and Austroads Guide to Road Design Part 4A.

Certificate and Maintenance

25. Upon completion of the above works, a certificate from a qualified engineer is to be submitted to Council stating that the works have been carried out properly and in accordance with the plans and specifications approved by Council. The certificate shall set

out the full engineering details of the works as completed and shall show all relevant survey data and levels, together with a bond for 5% of the total works cost to meet the costs of any maintenance required during maintenance period not exceeding 12 months.

C. ASSESSMENT MANAGER (COUNCIL) ADVICE

1. 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.
2. 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.
3. With respect to the required Operational Works application it is noted
 - (i) Additional information is required particularly in relation to the stormwater drainage calculations. The Revised Stormwater Drainage Calculation to correctly reflect the structure and their sub-catchments. The current calculation has reference to structure 11/1 which doesn't exist on the drawings.
 - (ii) The table drain between the pavement edge and the property boundary must be reinstated in accordance with the requirements of Department of Transport and Main Roads', Road Planning and Design Manual, 2nd Edition, November 2020, Volume 3 – Guide to Road Design at no cost to the Department of Transport and Main Roads' (as per the Referral agency conditions).
 - (iii) A booster pump may be required to obtain adequate water pressure.

CARRIED

16.4 FINANCIAL MANAGEMENT PRINCIPLES**MOTION**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

That Council adopt the following financial principles to guide financial decision making:

- Invest in projects that extend the life of existing assets
- Invest in new assets that provide opportunities for commercial revenue generation
- Divest interest in land and building assets that have no strategic value and/or low utilisation history
- Maintain plant assets according to the identified plant replacement schedule where possible
- Optimise revenue received from commercial activities
- Utilise co-funding opportunities for previously identified or essential emergent needs only
- Utilise operational grants to meet community service obligations and/or for projects with a demonstrated regional economic benefit
- Limit deviation from adopted existing plans and strategies to essential services only
- Develop operational service levels that reflect community needs over community expectations
- Recognise community service obligations and fund to meet needs over expectations
- Invest in information technology systems and hardware to increase operational efficiency
- Review all vacant positions for need and utilisation prior to filling vacancies
- Invest in increasing capability of current staff to fill required vacancies

Cr Holmes moved an amendment to the motion.

RESOLUTION 2021/256

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

That Council acknowledges and applies the following financial principles to guide financial decision making in the preparation of the Council's Annual Budget:

- Invest in projects that extend the life of existing assets
- Invest in new assets that provide opportunities for commercial revenue generation
- Divest interest in land and building assets that have no strategic value and/or low utilisation history
- Maintain plant assets according to the identified plant replacement schedule where possible
- Optimise revenue received from commercial activities

- Utilise co-funding opportunities for previously identified or essential emergent needs only
- Utilise operational grants to meet community service obligations and/or for projects with a demonstrated regional economic benefit
- Limit deviation from adopted existing plans and strategies to essential services only
- Develop operational service levels that reflect community needs over community expectations
- Recognise community service obligations and fund to meets needs over expectations
- Invest in information technology systems and hardware to increase operational efficiency
- Review all vacant positions for need and utilisation prior to filling vacancies
- Invest in increasing capability of current staff to fill required vacancies

CARRIED

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

RESOLUTION 2021/257

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

That Council acknowledges and applies the following financial principles to guide financial decision making in the preparation of the Council's Annual Budget:

- Invest in projects that extend the life of existing assets
- Invest in new assets that provide opportunities for commercial revenue generation
- Divest interest in land and building assets that have no strategic value and/or low utilisation history
- Maintain plant assets according to the identified plant replacement schedule where possible
- Optimise revenue received from commercial activities
- Utilise co-funding opportunities for previously identified or essential emergent needs only
- Utilise operational grants to meet community service obligations and/or for projects with a demonstrated regional economic benefit
- Limit deviation from adopted existing plans and strategies to essential services only
- Develop operational service levels that reflect community needs over community expectations
- Recognise community service obligations and fund to meets needs over expectations
- Invest in information technology systems and hardware to increase operational efficiency
- Review all vacant positions for need and utilisation prior to filling vacancies
- Invest in increasing capability of current staff to fill required vacancies

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

Against: Nil

CARRIED

16.5 REQUEST WRITE OFF RATES AND CHARGES

RESOLUTION 2021/258

Moved: Councillor John Dessmann

Seconded: Councillor Larissa Hale

Council accepts the debt of \$8,182.08 on Assessment 10040566 as unrecoverable, and approves the write off of this debt.

CARRIED

16.6 MONTHLY FINANCIAL REPORT

RESOLUTION 2021/259

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

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

CARRIED

17 INFRASTRUCTURE - REPORTS

Nil

18 CONFIDENTIAL REPORTS**CONSIDERATION OF CONFIDENTIAL REPORTS****RESOLUTION 2021/260**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

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 External Debt Recovery Action

This matter is considered to be confidential under Section 254J(c) 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 the local government's budget.

18.2 Endorsement of Plant Replacement Program

This matter is considered to be confidential under Section 254J(c) 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 the local government's budget.

CARRIED

RESOLUTION 2021/261

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

That Council moves into Closed Session.

CARRIED

RESOLUTION 2021/262

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council moves out of Closed Session into Open Session.

CARRIED

18.1 EXTERNAL DEBT RECOVERY ACTION

RESOLUTION 2021/263

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

That Council approves, consistent with the Debt Recovery Policy, debt recovery action by external debt recovery agencies to commence in February 2022.

CARRIED

18.2 ENDORSEMENT OF PLANT REPLACEMENT PROGRAM

RESOLUTION 2021/264

Moved: Councillor Peter Burns

Seconded: Councillor Ross Logan

That Council:

1. Adopt the Plant Replacement Schedule presented and endorse the implementation of Priority 1 and Priority 2 items for the 2021-2022 year; and
2. Refer the matter to the 2021-2022 Annual Budget review, for inclusion in the budget.

CARRIED

The Meeting closed at 11.13am.

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

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CHAIRPERSON