



# **MINUTES**

**Ordinary Council Meeting**

**22 February 2022**

**MINUTES OF COOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,  
COOKTOWN  
ON TUESDAY, 22 FEBRUARY 2022 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 Community Economy and Innovation, Lawrence Booth; Director Infrastructure, Peter Tonkes; Director Organisational Business Services, Heather Kelly

**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****7.1 MAYORAL MINUTE - ENDORSEMENT OF QUEENSLAND HEALTH TORCH INITIATIVE****MOTION**

Moved: Mayor Peter Scott

That Council:

1. Provide in principle support of the objectives of TORCH and for a proposal to establish a single independent entity responsible for commissioning health services across the region to be progressed for Ministerial consideration in March 2022; and
2. Endorse Cook Shire Council, as the locally elected representatives of the Cook community, to participate in the process of designing the mechanisms for community accountability, transparency and decision-making structures of the entity.

*Mayor Peter Scott made an amendment to the motion which was resolved as follows:*

**RESOLUTION 2022/24**

Moved: Mayor Peter Scott

Seconded: Deputy Mayor Robyn Holmes

1. That subject to further satisfactory discussion with the Torres and Cape Hospital and Health Service board, Council provide in principle support of the objectives of TORCH and for a proposal to establish a single independent entity responsible for commissioning health services across the region to be progressed for Ministerial consideration in March 2022; and
2. That Council endorse Cook Shire Council, as the locally elected representatives of the Cook community, to participate in the process of designing the mechanisms for community accountability, transparency and decision-making structures of the entity.

**CARRIED**

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

**RESOLUTION 2022/25**

Moved: Mayor Peter Scott

Seconded: Deputy Mayor Robyn Holmes

1. That subject to further satisfactory discussion with the Torres and Cape Hospital and Health Service board, Council provide in principle support of the objectives of TORCH and for a proposal to establish a single independent entity responsible for commissioning health services across the region to be progressed for Ministerial consideration in March 2022; and
2. That Council endorse Cook Shire Council, as the locally elected representatives of the Cook community, to participate in the process of designing the mechanisms for community accountability, transparency and decision-making structures of the entity.

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

Against: Nil

**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 COUNCIL MEETING – 25 JANUARY 2022**

#### **RESOLUTION 2022/26**

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

That the minutes of the Ordinary Council Meeting held on 25 January 2022 be confirmed.

**CARRIED**

### **SPECIAL COUNCIL MEETING – 4 FEBRUARY 2022**

#### **RESOLUTION 2022/27**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That the minutes of the Special Council Meeting held on 4 February 2022 be confirmed.

**CARRIED**

## **11 BUSINESS ARISING**

Nil

## **12 NOTIFIED MOTIONS**

### **12.1 NOTICE OF MOTION - CR ROSS LOGAN - COUNCIL-OWNED FREEHOLD LAND IN COOKTOWN AND ENVIRONS**

#### **MOTION**

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

1. That Cook Shire Council resolve to release onto the retail market, as valued, at a suitable reserve, any freehold blocks that are currently serviced (access, water, sewer and power).
2. That the revenue gained from sales be used to upgrade those blocks not currently serviced within the town of Cooktown and environs, to allow release to market.
3. Or to acquire land parcels or infrastructure deemed critical to the future of the Shire and its communities.

*Cr Logan moved an amendment to the motion.*

#### **RESOLUTION 2022/28**

Moved: Councillor Ross Logan

Seconded: Councillor Larissa Hale

That the matter be left on the table and re-tabled at the next Ordinary Council Meeting on 22 March 2022, including a list of specific properties proposed for sale.

**CARRIED**

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

#### **RESOLUTION 2022/29**

Moved: Councillor Ross Logan

Seconded: Councillor Larissa Hale

That the matter be left on the table and re-tabled at the next Ordinary Council Meeting on 22 March 2022, including a list of specific properties proposed for sale

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

Against: Nil

**CARRIED**

### **13 COUNCILLORS' REPORTS**

#### **13.1 COUNCILLORS' MONTHLY REPORTS**

#### **RESOLUTION 2022/30**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That the activities and updates contained in the individual Councillors' monthly reports tabled on 22 February 2022, including future travel requirements, be noted and endorsed by Council.

**CARRIED**

**14 EXECUTIVE SERVICES - REPORTS****14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2022/31**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

That the activities contained in the Chief Executive Officer's monthly report tabled on 22 February 2022, be noted and endorsed by Council.

**CARRIED**

Mayor Peter Scott called for a break for morning tea at 10.09am

Mayor Peter Scott resumed the meeting at 10.29am

**15 COMMUNITY, ECONOMY AND INNOVATION – REPORTS****15.1 REQUEST FOR MINOR CHANGES TO OPERATIONAL PLAN INITIATIVES****MOTION**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council approve the following variations to Operational Plan initiatives in 2020/21:

1. Amend RADF community awareness program to enable allocated funds to support the 2022 Discovery Festival; and
2. Amend the success measure of the economic appraisal of substantial revenue generating opportunities from two opportunities to one.

*Cr Hale moved an amendment to the motion.*

**RESOLUTION 2022/32**

Moved: Councillor Larissa Hale

Seconded: Councillor Ross Logan

That Council approve the following variations to Operational Plan initiatives in 2020/21:

1. Amend RADF community awareness program to enable allocated funds to support other Cook Shire events; and
2. Amend the success measure of the economic appraisal of substantial revenue generating opportunities from two opportunities to one.

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

Against: Nil

**CARRIED**

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

**RESOLUTION 2022/33**

Moved: Councillor Larissa Hale

Seconded: Councillor Ross Logan

That Council approve the following variations to Operational Plan initiatives in 2020/21:

1. Amend RADF community awareness program to enable allocated funds to support other Cook Shire events; and
2. Amend the success measure of the economic appraisal of substantial revenue generating opportunities from two opportunities to one.

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

Against: Nil

**CARRIED**

After moving the motion for Item 15.1, Cr Morris realised she had a declarable conflict of interest and chose to leave the meeting. The resolution was made during Cr Morris' absence.

**DECLARABLE CONFLICT OF INTEREST - CR MARILYN MORRIS**

I, Cr Marilyn Morris, inform the meeting that I have a declarable conflict of interest in Item 15.1 (as defined in Section 150EN of the *Local Government Act 2009*). The nature of my interest is that I am an executive member of the Cooktown Re-enactment Association. This declarable conflict of interest arises because the Re-enactment Association may gain a benefit from resources allocated to the Cooktown Discovery Festival events.

I propose to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

At 10:34 am, Councillor Marilyn Morris left the meeting.

At 10:48 am, Councillor Marilyn Morris returned to the meeting.

**15.2 GRANTS UPDATE AND ENDORSEMENT OF APPLICATIONS****RESOLUTION 2022/34**

Moved: Councillor John Dessmann

Seconded: Councillor Larissa Hale

That Council endorses the following grant applications and contributions for the 2022-23 budget:

1. LRCI round 3 projects totalling the allocated amount of \$2,557,832. No contribution from Council required.
2. Resources Community Infrastructure Fund \$1,465,105 with a Council contribution of

\$16,800 for ineligible costs.

3. Black Summer Bushfires Recovery Grants \$1,156,380 with no contribution from Council required.
4. Indigenous Language Grant \$10,000 with a Council contribution of \$2,083 for community engagement expenses.

That Council endorses the following applications and contribution for the 2022-23 budget, if successful:

5. Fishing Infrastructure Fund projects totalling \$187,500 with a Council contribution of \$8,000 for project management.
6. Building Our Regions round 6 projects totalling \$2,250,000. No contribution from Council required.
7. Queensland Resilience and Risk Reduction \$588,794 with a Council contribution of \$50,000 to support the delivery of this project.
8. NQ Natural Disaster Mitigation Program \$183,525 with a Council contribution of \$29,000 for project management.
9. Move It North Queensland \$10,000. No contribution from Council required.
10. Local Government Grants and Subsidies Program \$180,000. No contribution from Council required.
11. Remote Airstrip Upgrade Program \$1,072,000. No contribution from Council required.

**CARRIED**

At 10:58 am, Mayor Peter Scott left the meeting and Deputy Mayor Robyn Holmes took the chair.

### **15.3 PRESENTATION OF COOK SHIRE YOUTH COUNCIL MEETING MINUTES**

#### **RESOLUTION 2022/35**

Moved: Councillor Larissa Hale

Seconded: Councillor John Dessmann

That Council notes the outcomes of the meeting held by the Cook Shire Youth Council on 24 January 2022.

**CARRIED**

At 11:01 am, Mayor Peter Scott returned to the meeting and resumed the chair.



**16 ORGANISATIONAL BUSINESS SERVICES - REPORTS****16.1 APPLICATION FOR A DEVELOPMENT PERMIT DA/4426 - RECONFIGURING A LOT (FOUR (4) INTO FOUR (4) LOTS AND ACCESS AND SERVICES EASEMENT) 23 - 26 WEBBER ESPLANADE, COOKTOWN - LOTS 0-4 ON SP188678****RESOLUTION 2022/36**

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

1. That the application by Murray & Associates (QLD) Pty Ltd for Reconfiguring a Lot, four (4) lots into four (4) lots and access easement over Lots 0, 1, 2, 3 and 4 on SP188678 and located at 23-26 Webber 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 is generally consistent with the existing lot layout.
  - (c) The proposed development will have no detrimental impact on the subject site or adjoining properties.

**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 – see Attachment 1.
  - Plan of Development - Murray & Associates, Drawing No. 7967-23343, dated 10/08/2021 (not including the Development Controls).

**Amendment to approved plans**

2. The proposed lot layout must be amended to ensure all services and retaining wall structures are wholly contained within the proposed lot boundaries as follows:
  - (a) amendment to the boundary of proposed Lot 1 in the south-eastern corner to ensure the retaining wall is wholly contained within proposed Lot 2;
  - (b) amendment to the boundary of proposed Lot 3 to ensure the retaining wall in the access handle of proposed Lot 4 is wholly contained within proposed Lot 3;
  - (c) amendment to the boundary of proposed Lot 3 to ensure existing stormwater infrastructure is wholly contained within proposed Lot 3; and
  - (d) amendment to the boundary of proposed Lot 4 to ensure the retaining wall is wholly contained within proposed Lot 3.
3. The Development Controls identified on the approved plan of development (Murray &

Associates, Drawing No. 7967-23343, dated 10/08/2021) do not form part of this approval.

#### **Works – Applicants Expense**

4. The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider.

#### **Damage to Council Asset and Services**

5. The Developer is required to have repaired any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may have occurred during any works carried out associated with the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately

#### **Works – Design, Construction and Maintenance**

6. Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

#### **Water Supply and Sewerage Infrastructure**

7. Each lot must be connected to Council's reticulated sewerage and water network. Sufficient reticulated water capacity must be provided for domestic and firefighting purposes.
8. 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, prior to endorsement of the Survey Plan.
9. Each of the approved lots must be provided with a separate water connection point and water meter, located along the Gore Street frontage. The water connection point and water meter must be installed prior to endorsement of the Survey Plan.
10. Installation of a sewer inspection opening and sewer connection point along the Gore Street frontage of each lot. The sewer inspection opening and sewer connection point must be provided prior to the endorsement of the Survey Plan.
11. Remove all water and sewerage infrastructure, including but not limited to pipes and connection point prior to the endorsement of the Survey Plan.
12. Existing private water and sewerage infrastructure proposed to be retained within the subject lots must be inspected, tested and remedial works undertaken. A report by the consulting Engineer must be submitted and approved by Council prior to the endorsement of the Survey Plan.

#### **Services**

13. Electricity and telecommunication services must be provided to each lot in accordance with the standards and requirements of the relevant service provider at the time of construction of dwelling houses on the lots.

#### **Structural Certification of Retaining Walls**

14. All existing retaining walls must be certified by a Structural Engineer (RPEQ) and documentation lodged with Council prior to the endorsement of the Survey Plan.

#### **Refuse collection**

15. Refuse collection is to be undertaken from the existing refuse collection area at the eastern extent of Webber Esplanade. Wheelie bins must be appropriately positioned to enable

Council's refuse collection vehicle to manoeuvre and collect the refuse. Following collection all wheelie bins must be returned and stored within the boundary of the subject lots.

### **Easements**

16. An access easement must be provided burdening proposed Lot 4 to be benefit of proposed Lot 3.
17. Copies of the easement documentation must be provided to Council at the time of the request to endorse the Survey Plan.

### **Protection of vegetation / Slope protection**

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

### **Sediment Control**

19. 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.
20. 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**

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

### **Access**

22. Vehicle access to proposed Lot 3 must be achieved via the access easement burdening proposed Lot 4. Direct vehicular access to Lot 3 from the Gore Street frontage is not permitted.
23. Existing vehicle access to proposed Lots 1, 2 and 4 must be retained. No additional vehicle access driveways are permitted.

### **Stormwater**

24. All stormwater drainage must be to a legal point of discharge and constructed in accordance with section D4 of the FNQROC Manual.
25. The stormwater management system or site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site.

### **Compliance**

26. 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**

27. 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. 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. Property notation for proposed Lots 3 and 4. Proposed Lots 3 and 4 are designated in the Scenic Amenity Overlay. Future development on these lots must be assessed against the provisions of the Scenic Amenity Overlay Code. If the acceptable outcomes of the Code cannot be achieved a Development Application for Material Change of Use will be required to be lodged with Council.
4. Property notation for each lot - The approved refuse collection point is located at the eastern extent of Webber Esplanade. Wheelie bins must be appropriately positioned to enable Council's refuse collection vehicle to manoeuvre and collect the refuse. Following collection all wheelie bins must be returned and stored within the boundary of the lot.
5. An application for a water service connection/disconnection must be lodged with Council prior to undertaking the works. Contact Council's Manager Water and Wastewater to discuss the required works prior to the lodgment of the application.
6. Prior to the installation of the sewer inspection opening contact Council's Manager Water and Wastewater to discuss the required works.

**CARRIED**

**16.2 APPLICATION FOR CHANGE REPRESENTATIONS - 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 2022/37**

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

1. That the application by MTC Tower Pty seeking a Negotiated Decision Notice for the Development Approval for the Reconfiguring a Lot, one (1) lot into twelve (12) lots over Lot 23 on SP219110 and Lot 7 on SP219110 located at 2 Hope Street, Cooktown be approved in part subject to the amendments 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.

**A. ASSESSMENT MANAGER (COUNCIL) CONDITIONS**

1. That Condition 13 Street Lighting remain as follows;
    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.*
  
  2. That Condition 17 to be amended as follows:

*Access*

    17. *Vehicle access from all proposed lots must be gained from the proposed new internal road. Engineering drawings must be submitted for approval by Council's Manager Engineering as part of an Operational Works application identifying the location of and grade of driveways and confirmation that sight distance at property entrances can be achieved according to the FNQROC Development Manual and Austroads Guide to Road Design Part 4A.*
  
  3. That condition 19 be amended as follows:

*Access*

~~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.~~

    19. *Access for proposed Lot 7 must be designed and constructed prior to the endorsement of the survey plan. The access must be sealed with either asphalt or concrete, from the property boundary to the new kerb and channel, include ancillary stormwater drainage and be designed and constructed to the requirements of the FNQROC Development Manual. Engineered drawings must be submitted for approval by Council's Manager Engineering as part of an Operational Works application prior to works commencing.*
  
  4. That condition 24 (i) be amended and condition 24 (viii) remain as follows.

*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 for Lot 7 including ancillary stormwater drainage;*
      - 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.*
  
  5. That the conditions are renumbered as required.
  6. That a Negotiated Decision Notice be issued to the applicant.
  7. That an additional advice clause be included as follows.
-

**C. ASSESSMENT MANAGER (COUNCIL) ADVICE**

1. Property notation for proposed Lot 1-6 and 8-13. An access driveway location has been approved for this lot. Access crossovers must be constructed in accordance with the FNQROC Development Manual and in the location approved as part of the Operational Works approval.

**CARRIED**

**16.3 REVENUE POLICY - ANNUAL REVIEW****RESOLUTION 2022/38**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Ross Logan

That Council adopts the Revenue Policy dated 22 February 2022 for the 2022/2023 financial year.

**CARRIED**

At 11:09 am, Mayor Peter Scott left the meeting and Deputy Mayor Robyn Holmes took the chair.

At 11:14 am, Mayor Peter Scott returned to the meeting and resumed the chair.

**16.4 MONTHLY FINANCIAL REPORT - JANUARY 2022****RESOLUTION 2022/39**

Moved: Councillor Larissa Hale

Seconded: Councillor John Dessmann

That Council resolves to note the Financial Report for January 2022, as required under section 204 of the *Local Government Regulation 2012*.

**CARRIED**

**16.5 REVISED 2021/22 ANNUAL BUDGET****RESOLUTION 2022/40**

Moved: Councillor Peter Burns

Seconded: Councillor Larissa Hale

That Council adopt as tabled:

Pursuant to the *Local Government Act*, section 107A and the *Local Government Regulation 2012*, Sections 169 and 170, Council's Revised Budget for the 2021/22 financial year, incorporating:

- i. The Statement of Comprehensive Income;
- ii. The Statement of Financial Position;
- iii. The Statement of Cash Flows;
- iv. The Statement of Changes in Equity;
- v. The Long-Term Financial Forecast;

- vi. Revenue Statement
- vii Revenue Policy
- viii. The Relevant Measures of Financial Sustainability.

**CARRIED**

**17 INFRASTRUCTURE - REPORTS**

Nil

**18 CONFIDENTIAL REPORTS**

Nil

**The Meeting closed at 11.38am.**

**The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 22 March 2022.**

.....  
**CHAIRPERSON**