



MINUTES

Ordinary Council Meeting

26 April 2022

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,
COOKTOWN
ON TUESDAY, 26 APRIL 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

Acting Director Community, Economy and Innovation, Sally Eales; and Director Organisational Business Services, Heather Kelly

By videoconference: Chief Executive Officer, Linda Cardew; Director Infrastructure, Peter Tonkes

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

- Cr Marilyn Morris noted that she will declare a conflict of interest in Item 15.2
- Cr Marilyn Morris noted that she will declare a conflict of interest in Item 17.3
- Cr Marilyn Morris noted that she will declare a conflict of interest in Item 17.5
- Cr Larissa Hale noted that she will declare a conflict of interest in Item 16.6

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 Burns noted a leave of absence from 3 to 27 May for personal reasons, however may be available for meetings via teleconference.
- Cr Hale noted a leave of absence from 24 to 26 May as she will be hosting the QLD Indigenous Women Rangers Network Forum.

10 CONFIRMATION OF PREVIOUS MINUTES**MINUTES OF THE ORDINARY COUNCIL MEETING HELD 22 MARCH 2022****RESOLUTION 2022/60**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That the minutes of the Ordinary Meeting held on 22 March 2022 be confirmed.

CARRIED

11 BUSINESS ARISING

Nil

12 NOTIFIED MOTIONS**12.1 NOTICE OF MOTION - LETTER OF SUPPORT RE. UPGRADES TO THE COOKTOWN RAILWAY LINE WALKING TRACK****RESOLUTION 2022/61**

Moved: Councillor Peter Burns

Seconded: Councillor Larissa Hale

That Cook Shire Council provide a letter of in-principle support to South Cape York Catchments, indicating approval for their organisation to take on the project management and raising of funds to provide upgrades to the Cooktown railway line walking track.

CARRIED

12.2 NOTICE OF MOTION - WITHDRAWAL OF FUNDING FOR THE INDIGENOUS SPORT AND RECREATION OFFICER IN COOKTOWN**RESOLUTION 2022/62**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

That:

1. The Mayor of Cook Shire Council, Cr Peter Scott, writes to the Minister for Tourism, Innovation and Sport to express Council's disappointment at the withdrawal of funding for the Cooktown Indigenous Sport & Recreation Officer; and
2. To request that the funding be reinstated and allocated to Council to enable an Officer to

be employed.

CARRIED

13 COUNCILLORS' REPORTS

13.1 COUNCILLORS' MONTHLY REPORTS

RESOLUTION 2022/63

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That the activities and updates contained in the individual Councillors' monthly reports tabled on 26 April 2022, including future travel requirements, be noted and endorsed by Council.

CARRIED

Cr Holmes noted a typo in her report. Where it mentions that the Cooktown Hospital Redevelopment is starting in June 2023, this should read September 2023.

14 EXECUTIVE SERVICES - REPORTS

14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT

RESOLUTION 2022/64

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That the activities contained in the Chief Executive Officer's monthly report tabled on 26 April 2022, be noted and endorsed by Council.

CARRIED

15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS

15.1 PUBLIC ART INSTALLATION, MURAL FOR AYTON LIBRARY WALL

RESOLUTION 2022/65

Moved: Councillor John Dessmann

Seconded: Councillor Larissa Hale

That Council approves the installation of the Bloomfield Art Club's Public Art Project Mural on the outside wall of the Ayton Library.

CARRIED

CONFLICT OF INTEREST - CR MARILYN MORRIS - ITEM 15.2

I, Councillor Marilyn Morris, inform this meeting that I have a declarable conflict of interest in Item 15.2. The nature of my interest is that I am a member of the Cape York Folk Club Inc. who is an applicant in this matter.

I wish to participate in the decision in relation to this matter. I acknowledge that eligible councillors must now determine whether I:

- May participate in the decision about the matter, including by voting on the matter; or
- Must leave the meeting, including any area set aside for the public, and stay away from the meeting while the eligible councillors discuss and vote on the matter.

RESOLUTION 2022/66

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Peter Burns

That Cr Marilyn Morris be allowed to participate and vote on agenda Item 15.2 Regional Arts Development Fund (RADF) 2021-22 Applications.

CARRIED

15.2 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2021-22 APPLICATIONS

RESOLUTION 2022/67

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council:

1. Approve the following RADF Advisory Committee recommendations as contained in the Committee's Meeting Minutes of 4 April 2022 for funding for the following projects:
 - Cape York Folk Club – Wallaby Creek Kids Festival at the Cooktown Discovery Festival 2022 –Creative kid's arts and crafts workshops - \$5,000
 - Black Cockatoo Gallery – Bloomfield Art Club Mural Extension - \$3,600
(pending separate Council approval of a permanent Public Art Mural on the Ayton Library)
 - Peninsula Singers & Carol Fossett – Cooktown Big Sing 2022 – a weekend community singing workshop with renowned Choir Director - \$5,000

Total = \$13,600 ex GST
2. Approve the implementation of a Quick Response Grants program totalling \$11,400, for individual artists and arts organisations (to a maximum of \$4,000 per project).
3. Delegate authority to Chief Executive Officer, under S.257 of the *Local Government Act 2009*, to approve recommended Quick Response Grant applications to a maximum of \$4,000 per project.

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

Against: Nil

CARRIED

Minutes of the RADF meeting where these applications were assessed for recommendation to Council, will be amended to note the various conflicts of interest that were declared at that meeting by the various members present.

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

The Mayor resumed the meeting at 10.27am.

15.3 ENDORSEMENT OF NEW MEMBERS - RECONCILIATION ACTION PLAN WORKING GROUP

RESOLUTION 2022/68

Moved: Councillor Larissa Hale

Seconded: Deputy Mayor Robyn Holmes

That Council:

1. Endorse the selected nominees for the Reconciliation Action Plan Working Group (RWG) listed below:
 - Rebecca Morris, Customer Experience Officer
 - Christine Delaney, Human Resource Manager
 - Karien Francois, Library Manager
 - Barb Rosendale, Librarian (Cooktown); and
2. Delegate to the Director Community Economy and Innovation the authority to manage the membership of the Reconciliation Action Plan Working Group.

CARRIED

15.4 COOK SHIRE COUNCIL CORPORATE PLAN 2022 - 2027

MOTION

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council adopt the Cook Shire Council Corporate Plan 2022 - 2027.

Cr Holmes moved an amendment to the motion.

RESOLUTION 2022/69

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

That Council:

1. Adopt the Cook Shire Council Corporate Plan 2022 – 2027; and
2. Authorise minor changes as discussed in the Council Meeting and noted by officers present, to form the final version of the Plan.

CARRIED

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

RESOLUTION 2022/70

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

That Council:

1. Adopt the Cook Shire Council Corporate Plan 2022 – 2027; and
2. Authorise minor changes as discussed in the Council Meeting and noted by officers present, to form the final version of the Plan.

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

Against: Nil

CARRIED

16 ORGANISATIONAL BUSINESS SERVICES - REPORTS**16.1 COOK SHIRE LOCAL AREA BIOSECURITY PLAN 2022-2026****RESOLUTION 2022/71**

Moved: Councillor Peter Burns

Seconded: Councillor Larissa Hale

That Council endorse the draft Cook Shire Local Area Biosecurity Plan 2022-26.

CARRIED

16.2 APPLICATION FOR A TEMPORARY EVENT PERMIT - LAURA RACES & HORSE SPORTS EVENT 24 -26 JUNE 2022**RESOLUTION 2022/72**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor John Dessmann

That Council approve the issue of a Temporary Entertainment Event Permit to the Laura Amateur Turf Club for the event known as Laura Races & Horse Sports to be on 24 June – 26 June 2022 at the Laura Race Track site – Lot 3 on SP261254– subject to Conditions attached.

CARRIED

Director Organisational Business Services commented that some minor typos appearing in the draft permit attachment for Item 16.2, will be corrected prior to issue.

16.3 APPLICATION FOR A TEMPORARY ENTERTAINMENT EVENT PERMIT FOR LAURA & DISTRICT CAMPDRAFT AND RODEO ASSOCIATION INC - 24-26 JUNE 2022**RESOLUTION 2022/73**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

That Council approve the issue of a Temporary Entertainment Event Permit to the Laura & District Campdraft & Rodeo for the event known as Laura Campdraft and Rodeo, to be on 24 June – 26 June 2022 – Lot 3 on SP261254– subject to Conditions attached.

CARRIED

Director Organisational Business Services commented that some minor typos appearing in the draft permit attachment for Item 16.3, will be corrected prior to issue.

16.4 APPLICATION FOR A TEMPORARY ENTERTAINMENT EVENT PERMIT FOR THE ORIN AYA FESTIVAL - 2 TO 5 SEPTEMBER 2022**RESOLUTION 2022/74**

Moved: Councillor Larissa Hale

Seconded: Councillor John Dessmann

That Council approve the issue of a Temporary Entertainment Event approval permit to the Home Production Group, for the event known as Orin Aya Festival to be held at Homerule Rainforest Lodge on 2 – 5 September 2022 – subject to Conditions.

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

Against: Crs Peter Burns, Robyn Holmes and Marilyn Morris

CARRIED

16.5 APPLICATION FOR A DEVELOPMENT PERMIT - DA/4397 - MATERIAL CHANGE OF USE FOR A TOURIST PARK (UP TO 74 PEOPLE) - 152 SHIPTONS FLAT ROAD, ROSSVILLE - LOT 61 ON SP144060**RESOLUTION 2022/75**

Moved: Councillor Ross Logan

Seconded: Councillor Marilyn Morris

1. That Council issue an approval for the development application submitted by the Bates Family Trust t/a Rossville Retreat c/ U&I Town Plan, for a Development Permit for a Material Change of Use for a Tourist Park (up to 74 people) over land at 152 Shiptons Flat Road, Rossville, formally described as Lot 61 on SP144060, subject to the following 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*) 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 a Development Permit for a Material Change of Use for a Tourist Park (up to 74 people) is an appropriate use to be located on the site and will have no adverse impact on the rural character and amenity of the locality or adjoining lots.

A. Assessment Manager (Council) Conditions

Approved Plans

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:
 - Site Plan dated 3 March 2022.
 - Site Classification and Wastewater Management System report, prepared by Earth Test, dated 26 February 2022.

Approved Use

2. The approved use comprises of:
 - Stage 1 – campground for self-contained vehicles.
 - Stage 2 – twelve (12) canvas pole tents.

Limitations of Use

3. Occupancy of the approved Tourist Park must not exceed thirty-five (35) sites with a maximum of seventy-four (74) persons at any one time.
4. The maximum length of stay for any self-contained vehicle or guest within the tent accommodation must not exceed fourteen (14) consecutive days.
5. The airstrip must not be utilised for the approved use and must be used for private use only.

Operational Aspects

6. Prior to commencement of the use of the Tourist Park, an Operational Plan must be developed, addressing all operational aspects of the Tourist Park including site access, parking, site security, site management, emergency management and first aid, bushfire management, risk management for the airstrip, communications, waste management and standards of behaviour.
7. Operational aspects of the approved use must be carried out generally in accordance with the approved Operational Plan.

Effluent Disposal

8. Stage 1 only - no onsite effluent disposal system is to be provided on site. All vehicles must be self-contained with appropriate waste and wastewater holding tanks.
9. Stage 1 only - no grey or black water waste is to be discharged on site.
10. Stage 2 only - on-site effluent disposal must be provided generally in accordance with the Site Classification and Wastewater Management System Report, prepared by Earth Test dated 26 February 2022.

Water Supply

11. Stage 1 only - all vehicles must be self-contained with an adequate water supply.
12. Stage 2 only - a potable water supply must be made available. This water supply must comply with the Australian Drinking Water Standards.
13. Any non-potable water provided onsite must be clearly labelled at each tap - Non potable Water - not safe for Human Consumption.

Access and Parking

14. Vehicle access to the approved use must be achieved from the existing access from Shiptons Flat Road.
15. All internal access roads must be constructed and maintained to an all-weather standard.

Fire Management

16. A Bushfire Management Plan, incorporating evacuation procedures, campfire guidelines and fire break/trail maintenance for the campground must be prepared to the satisfaction of Council's delegated officer and form part of the Operational Plan required in Condition 6. The approved use must comply with the requirements of the Management Plan at all times.
17. The development must be maintained at all times to a standard so as not to create a fire hazard.
18. The owner must ensure that fire fighting vehicles have accessible access to the dam for fire-fighting purposes.

Environment

19. 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.

Amenity

20. The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.

Electricity

21. Stage 2 only - the development must be connected to a reliable electricity supply.

Signage

22. No more than one (1) advertising sign for the approved development is permitted on the subject site.
23. The sign must not exceed a maximum sign face area of 6m² and must not move, revolve, strobe or flash.
24. The sign must be kept clean, in good order and safe repair for the life of the approval.
25. The sign must be removed when no longer required.
26. The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

Compliance

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

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 currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
3. 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.
4. 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.
5. Further approvals for any advertising signage that is visible from a state-controlled may be required from the Department of Transport and Main Roads, refer SARA response dated 6 December 2021.
6. Prior to the commencement of the use a Local Law Permit will be required for the operation of the Tourist Park.

C. Referral Agency Response

1. State Assessment Referral Agency response dated 6 December 2021.

CARRIED

CONFLICT OF INTEREST - CR LARISSA HALE - ITEM 16.6

I, Councillor Larissa Hale, inform this meeting that I have a prescribed conflict of interest in Item 16.6. The nature of my interest is that a close associate of mine is the owner of business that has made the application in this matter; Bowyer Archer River Quarries Pty Ltd. The nature of my relationship is that the owner, Darcy Bowyer, is my uncle.

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

At 11:23 am, Councillor Larissa Hale left the meeting.

16.6 APPLICATION FOR A DEVELOPMENT PERMIT DA/4423 - MATERIAL CHANGE OF USE FOR AN EXTRACTIVE INDUSTRY (INCREASE TO EXISTING QUARRY) AND ENVIRONMENTALLY RELEVANT ACTIVITY - ON LOT 5 SP187433 - ORCHID CREEK ROAD, ARCHER RIVER**RESOLUTION 2022/76**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

1. That Council issue an approval for the development application submitted by Bowyer Archer

River Quarries Pty Ltd c/ Groundwork Plus, for a Development Permit for Material Change of Use – Extractive Industry and Environmentally Relevant Activities (16(2)(b) and 16(3)(b) over land described as Lot 5 SP187433, subject to the following 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*) 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 to increase the annual output of the Extractive Industry to 300,000 tonnes per annum across three (3) operational areas will not have an unacceptable adverse impact on the environment and is appropriate for the site.

A. Assessment Manager (Council) Conditions

Approved Plan

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:
 - Site Plan – Area 1 – Drawing No. 1148.DRG.021A, Revision 5, dated 1 December 2021
 - Site Plan – Area 2 – Drawing No. 1148.DRG.021B, Revision 5, dated 1 December 2021
 - Site Plan – Sand Pit – Drawing No. 1148.DRG.021C, Revision 5, dated 1 December 2021
 - Archer River Quarry Environmental Management Plan - prepared by Groundwork Plus, dated February 2022

Extraction Area

2. Extraction must only occur within the following approved areas:
 - (a) Area 1 (GPS points 1 to 10);
 - (b) Area 2 (GPS points 11 to 27); and
 - (c) Sand Pit (GPS Points 28 to 31).

Maximum Extraction Rate

3. The amount of material extracted and screened per year must not exceed 300,000 tonnes per annum, comprising of:
 - (a) 290,000 tonnes of hard rock; and
 - (b) 10,000 tonnes of sand.

Maintenance of Orchid Creek Road

4. Orchid Creek Road must be maintained by the operator of the approved use for the life of the quarry operations.
5. Prior to the commencement of the use authorised under this development approval, an Infrastructure Agreement must be submitted and approved by Cook Shire Council which establishes the responsibilities for the maintenance of Orchid Creek Road. The cost of the

preparation and external legal review of the Infrastructure Agreement is the responsibility of the applicant.

Vehicle Access

6. Vehicle access to the approved extraction areas must be via the internal haul road.
7. The internal haul road at the intersection with Orchid Creek Road must be appropriately signposted to indicate a private haul road.
8. The internal haul road must be realigned in the vicinity of Area 2 to be wholly contained within the boundary of the subject site. The realigned haul road must be designed and constructed to an all-weather gravel standard and contain ancillary stormwater drainage.
9. Implement and maintain an Erosion and Sediment Control plan for the duration of the construction works of the internal haul road and until such time all exposed areas are permanently stabilised.
10. Upon completion of the works required by Condition 8, written confirmation by a suitably qualified professional, must be submitted to Council, confirming that the works have been carried out in accordance with the plans and specifications approved by Council.

Bushfire

11. Bushfire Management must be undertaken generally in accordance with the approved Environmental Management Plan.
12. An adequate water supply for firefighting purposes must be provided on site and be available on site at all times.

Rehabilitation

13. The site must be progressively rehabilitated generally in accordance with the approved Environmental Management Plan.

Compliance

14. All conditions of this Development Permit are to be complied with prior to the use commencing or as otherwise stated, and where relevant, maintained during the life of the quarry operation.

B. Assessment Manager (Council) Advice

1. The operation of the approved use is subject to conditions of an Environmental Authority Permit.
2. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse unless an extension of time is granted.
3. The applicant/owner must notify Council their intention to commence the use after acceptance 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.

4. 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.

C. Referral Agency Response

1. State Assessment Referral Agency response dated 18 March 2022.

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

Against: Nil

CARRIED

At 11:28 am, Councillor Larissa Hale returned to the meeting.

16.7 COUNCILLOR REMUNERATION - LOCAL GOVERNMENT REMUNERATION COMMISSION REPORT 2021

RESOLUTION 2022/77

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council resolves to adopt the 2% increase in remuneration for the Mayor, Deputy Mayor and Councillors for the 2022/23 financial year as determined by the Local Government Remuneration Commission.

CARRIED

16.8 ROAD ASSET NAMING APPLICATIONS

RESOLUTION 2022/78

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That Council:

1. Approve the name Jason Close for the access road to Lot 7 SP173674 from Endeavour Valley Road, Cooktown;
2. Approve the name Brandt Close for the access road to Lots 1 to 6 SP173674 from Endeavour Valley Road, Cooktown; and
3. Approve the name Tavner Court for the access road to Lots 162 and 165 BS154 from Peninsula Developmental Road, Laura.

CARRIED

16.9 RISK APPETITE STATEMENT**RESOLUTION 2022/79**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Peter Burns

That Council adopts the Risk Appetite Statement 2022.

CARRIED

At 11:47 am, Councillor John Dessmann left the meeting.

At 11:51 am, Councillor John Dessmann returned to the meeting.

16.10 MONTHLY FINANCIAL REPORT - MARCH 2022**RESOLUTION 2022/80**

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

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

CARRIED

16.11 FEES AND CHARGES 2022/2023**RESOLUTION 2022/81**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Ross Logan

That Council resolves to:

1. Adopt the 2022/23 Schedule of Fees and Charges, effective from 1 July 2022 by:
 - a. Fixing the cost-recovery fees as indicated in the 2022/23 Fees and Charges Schedule in accordance with section 97(1) of the *Local Government Act 2009*.
 - b. Fixing all other fees and charges contained in the 2022/23 Fees and Charges Schedule.
2. Delegate authority to the Chief Executive Officer to set or vary any fee or charge, other than those that are cost-recovery fees, in accordance with section 257(1)(b) of the *Local Government Act 2009*.

CARRIED

Director Organisational Business Services noted that there were some anomalies with the GST components in the fees and charges schedule attachment to Item 16.11, however confirmed that these would be corrected prior to the final version being published.

16.12 OPERATIONAL PLAN 2021/22 - QUARTERLY REPORT - JANUARY - MARCH 2022**RESOLUTION 2022/82**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council note the 2021/22 Operational Plan Quarterly Report for January to March 2022.

CARRIED

17 INFRASTRUCTURE - REPORTS**17.1 CAPITAL WORKS PROGRAM 21/22 - QUARTERLY REPORT - JANUARY TO MARCH 2022****RESOLUTION 2022/83**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council receives and notes the Capital Works Program 2021-2022, Quarterly Report, January to March 2022.

CARRIED

Item - 17.2 Disaster Recovery Funding Arrangements (DRFA) 2021/22 - Quarterly Report - January to March 2022 - has been moved to another part of the document.

CONFLICT OF INTEREST - CR MARILYN MORRIS - ITEM 17.3

I, Councillor Marilyn Morris, inform this meeting that I may have a prescribed conflict of interest in Item 17.3. The nature of my interest is that a close associate of mine is an employee of a business where I believe that the owner of that business may also own the business that is an applicant in this matter; Northern Traffic Control Pty Ltd and Traffic Services Pty Ltd. The nature of my relationship is that the employee is my partner.

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

At 12:16 pm, Councillor Marilyn Morris left the meeting.

17.3 RFT T05421 - PSA - PROVISION OF TRAFFIC CONTROL SERVICES**RESOLUTION 2022/84**

Moved: Councillor Larissa Hale

Seconded: Deputy Mayor Robyn Holmes

That Council resolves to:

1. Approve the award of PSA – Provision of Traffic Control Services to Northern Traffic Control Pty Ltd and Traffic Services Pty Ltd under preferred supplier arrangements, based on their schedule of rates for a period of twenty-four (24) months with a possible two (2) extension periods of twelve (12) months each, at Council's discretion; 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.

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

Against: Nil

CARRIED

At 12:18 pm, Councillor Marilyn Morris returned to the meeting.

17.4 RFT T00121 - DESIGN & CONSTRUCTION OF JENSENS CROSSING BRIDGE REPLACEMENT

RESOLUTION 2022/85

Moved: Councillor Peter Burns

Seconded: Deputy Mayor Robyn Holmes

That Council:

1. Approve the award of RFT T00121 – Design and construction of Jensens Crossing Bridge replacement, to **CIVFORM**, in accordance with **Option 3**, in the amount of **\$1,073,680.00 plus an estimated \$35,000.00 (excluding GST)** to proceed with proposed design plus alternative design. Plus, an additional project contingency amount of **\$80,000.00**. Moderate upfront cost with minimal risk, minimum/no delays; and
2. Delegate authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009* (QLD), the ability to execute the contract, approve payments, negotiate and finalise minor administrative or financial amendments and approve any variations, if so required.

CARRIED

CONFLICT OF INTEREST - CR MARILYN MORRIS - ITEM 17.5

I, Councillor Marilyn Morris, inform this meeting that I have a prescribed conflict of interest in Item 17.5. The nature of my interest is that a close associate of mine is an employee of a business where the owner of that business also owns the business that is an applicant in this matter; Cooktown Concrete and Landscape Supplies Pty Ltd. The nature of my relationship is that the employee is my partner.

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

At 12:23 pm, Councillor Marilyn Morris left the meeting.

17.5 RFT T06121 - PSA - SUPPLY AND DELIVERY OF READY-MIX CONCRETE PRODUCTS

RESOLUTION 2022/86

Moved: Councillor Ross Logan

Seconded: Councillor Larissa Hale

That Council resolves to:

1. Approve the award of PSA – Supply and delivery of ready-mix concrete products to Cooktown Concrete and Landscape Supplies Pty Ltd, as the *primary supplier* under preferred supplier arrangements, based on their schedule of rates for a period of twenty-four (24) months with a possible two (2) extension periods of twelve (12) months each, at Council's discretion; and
2. Approve the award of PSA – Supply and delivery of ready-mix concrete products to Brackenhurst Contracting Pty Ltd, as the *secondary supplier* under preferred supplier arrangements, based on their schedule of rates for a period of twenty-four (24) months with a possible two (2) extension periods of twelve (12) months each, at Council's discretion; and
3. 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.

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

Against: Nil

CARRIED

At 12:25 pm, Councillor Marilyn Morris returned to the meeting.

17.2 DISASTER RECOVERY FUNDING ARRANGEMENTS (DRFA) 2021/22 - QUARTERLY REPORT - JANUARY TO MARCH 2022

RESOLUTION 2022/87

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That Council receives and notes the Disaster Recovery Funding Arrangements (DRFA) 2021/22 Quarterly Report for January to March 2022.

CARRIED

18 CONFIDENTIAL REPORTS**CONSIDERATION OF CONFIDENTIAL REPORTS****RESOLUTION 2022/88**

Moved: Councillor Ross Logan

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 Certified Agreement Negotiations

This matter is considered to be confidential under Section 254J(b) 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 industrial matters affecting employees.

18.2 Native Title Update

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

MOVING INTO CLOSED SESSION**RESOLUTION 2022/89**

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

That Council moves into a closed session.

CARRIED

At 12:49 pm, Councillor Ross Logan left the meeting.

At 12:52 pm, Councillor Ross Logan returned to the meeting.

MOVING INTO OPEN SESSION**RESOLUTION 2022/90**

Moved: Councillor Peter Burns

Seconded: Councillor John Dessmann

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

CARRIED

18.1 CERTIFIED AGREEMENT NEGOTIATIONS

RESOLUTION 2022/91

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

That Council receives and notes staff actions in accordance with the legally required process for the proposed 2021 Certified Agreement negotiations.

CARRIED

18.2 NATIVE TITLE UPDATE

RESOLUTION 2022/92

Moved: Councillor Larissa Hale

Seconded: Councillor John Dessmann

That Council note the information in this report.

CARRIED

The Meeting closed at 1.15pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 24 May 2022.

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CHAIRPERSON