



MINUTES

Ordinary Council Meeting

24 May 2022

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,
COOKTOWN
ON TUESDAY, 24 MAY 2022 AT 9.00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

Deputy Mayor Robyn Holmes (Chair), Councillor John Dessmann, Councillor Ross Logan, Councillor Marilyn Morris.

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

By videoconference: Councillor Peter Burns.

3 MEETING OPENED

9.00am

4 APOLOGIES

Mayor Peter Scott – in Brisbane attending the Far North Queensland Regional Organisation of Councils (FNQROC) Mayoral Delegations with the Queensland Government.

Councillor Larissa Hale – hosting the Queensland Indigenous Women Rangers Network Forum.

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

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 – 6 to 15 June 2022.

Cr Robyn Holmes – 8 to 13 June 2022.

10 CONFIRMATION OF PREVIOUS MINUTES**MINUTES OF THE ORDINARY COUNCIL MEETING – 26 APRIL 2022****RESOLUTION 2022/93**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That the minutes of the Ordinary Council Meeting held on 26 April 2022 be confirmed.

CARRIED

11 BUSINESS ARISING

Nil

12 NOTIFIED MOTIONS

Nil

13 COUNCILLORS' REPORTS**13.1 COUNCILLORS' MONTHLY REPORTS****RESOLUTION 2022/94**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That the activities and updates contained in the individual Councillors' monthly reports tabled on 24 May 2022, including future travel requirements, be noted and endorsed by Council.

CARRIED

The Chair acknowledged Lawrence Booth for his significant work in the successful funding application for a Country Universities Centre campus for Cooktown.

14 EXECUTIVE SERVICES - REPORTS**14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2022/95**

Moved: Councillor Ross Logan

Seconded: Councillor Marilyn Morris

That the activities contained in the Chief Executive Officer's monthly report tabled on 24 May 2022, be noted and endorsed by Council.

CARRIED

CONSIDERATION OF CONFIDENTIAL REPORTS**RESOLUTION 2022/96**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council suspend standing orders to consider the confidential report listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Regulation 2012:

18.1 Confidential Correspondence - Department of Resources

This matter is considered to be confidential under Section 254J(g) 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 negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

CARRIED

PROCEDURAL MOTION**RESOLUTION 2022/97**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council moves into Closed Session.

CARRIED

PROCEDURAL MOTION**RESOLUTION 2022/98**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council moves out of Closed Session to resolve Item 18.1 – Confidential Correspondence – Department of Resources, and resume standing orders.

CARRIED

18.1 CONFIDENTIAL CORRESPONDENCE - DEPARTMENT OF RESOURCES**RESOLUTION 2022/99**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Ross Logan

That Council note the contents of this report and its attachment.

CARRIED

Cr Morris noted that she is a Council-appointed member of the Cape York Natural Resources Management board. An applicant in the matter being considered in Item 14.2 is also a member of the CYNRM board. Cr Morris asked whether any of the Councillors considered that she had any conflict of interest due to this working relationship. None of the Councillors present indicated that Cr Morris had a conflict of interest in Item 14.2.

14.2 ROAD CLOSURE APPLICATION - BERTIEHAUGH ROAD**RESOLUTION 2022/100**

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

That Council resolves to:

1. Advise the Department of Resources and the Applicant that Council objects to the identified road known locally as Bertiehaugh Road being permanently or temporarily closed and provide this report as explanation for that objection; and
2. Delegate authority to the Chief Executive Officer pursuant to s 257 of the Local Government Act to progress the proceedings in the Council's interest.

CARRIED

15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS**15.1 GRANTS UPDATE AND ENDORSEMENT OF APPLICATIONS****RESOLUTION 2022/101**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

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

1. An Application to the 2022 Regional University Centres Program - \$1.6M operating budget and \$258,900 capital requested, with a Council contribution of \$20,000 per annum for three years totalling \$60,000 and \$13,500 in-kind support for project management of capital works.
2. Council enters into a 3-year lease with a 3-year option with the trustees for the Athena Trust for leasing part of Lot 11 RP744500, Charlotte Street, Cooktown. Further, that Council funds the costs of registering the lease with the Titles Office.
3. An Application to the First Nations Sport and Recreation Program - \$139,472 operating budget with a Council in-kind contribution of \$34,869 for travel, office space and overheads during the program.
4. Further, that Council delegates authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009*, to finalise any and all matters associated with the lodgement of the applications and execution of the lease.

CARRIED

15.2 APPLICATION FOR PERMANENT ROAD CLOSURE ADJOINING LOTS 215 RP747485, LOT 3 RP741357 AND LOT 5 RP741356 DAWSON ROAD, LAKELAND**RESOLUTION 2022/102**

Moved: Councillor Ross Logan

Seconded: Councillor Marilyn Morris

That Council:

1. Delegates authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009*, to execute a Form Part C as a Road Manager, advising the Department of Resources (DOR) that Council cannot authorise a proposed permanent road closure over part of Dawson Road, Lakeland adjoining Lot 215 RP747485, Lot 3 RP741357 and Lot 5 RP741356 (identified by the locality plan attached to this report). Further, that Council requests DOR to consider an application under the *Land Act 1994* in relation to this matter.
2. Advises DOR by way of the Form Part C, that Council requires further contact from the Department before a decision is made on the application.
3. Delegates authority to the Chief Executive in accordance with section 257 of the *Local Government Act 2009*, to finalise any and all matters associated with the application.

CARRIED

The Chair called for a break for morning tea at 10.11am.

The Chair resumed the meeting at 10.26am.

16 ORGANISATIONAL BUSINESS SERVICES - REPORTS

16.1 ELECTED MEMBER ACCEPTABLE REQUEST GUIDELINES

RESOLUTION 2022/103

Moved: Councillor John Dessmann

Seconded: Councillor Ross Logan

That Council adopts the Elected Member Acceptable Request Guidelines dated May 2022.

CARRIED

The Chair commented that in addition to the Elected Member Acceptable Request Guidelines, Councillors need to continue to be able to contact the CEO and Directors directly with requests for information.

16.2 COMPETITIVE NEUTRALITY COMPLAINTS MANAGEMENT POLICY

RESOLUTION 2022/104

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council resolves to adopt the attached Competitive Neutrality Complaints Management Policy dated May 2022 for dealing with competitive neutrality complaints as required by Section 48 of the *Local Government Act 2009*.

CARRIED

16.3 LOCAL LAW REVIEW

RESOLUTION 2022/105

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Item 16.3 – Local Law Review, be left on the table pending further discussion.

CARRIED

16.4 COASTAL HAZARDS ADAPTATION PROGRAM (CHAS) QCOAST 2100, PHASE 8 SUMMARY REPORT AND IMPLEMENTATION PLAN FOR COOK SHIRE - THE 'RESILIENT CAPE'**RESOLUTION 2022/106**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That the Coastal Hazard Adaptation Strategy and the Implementation Plan dated April 2022 be endorsed by Council and issued to the Local Government Association of Queensland (LGAQ) for approval and funding acquittal.

CARRIED

16.5 FINANCIAL POLICIES FOR THE FINANCIAL YEAR 2022/2023**RESOLUTION 2022/107**

Moved: Councillor Ross Logan

Seconded: Councillor Marilyn Morris

That Council adopts the following policies, dated 24 May 2022 for the financial year 2022/2023:

1. Allowing Discount on Late Rates Payment Policy
2. Concealed Leaks Policy
3. Council Pensioner Rebate Subsidy Scheme Policy
4. Debt Policy
5. Debt Recovery Policy
6. Environmental Levy Policy
7. Home Dialysis Concession Policy
8. Investment Policy
9. Rates Relief for Charitable Organisations Policy
10. Rates Relief for Residential Ratepayers Policy

CARRIED

16.6 MONTHLY FINANCIAL REPORT - APRIL 2022**RESOLUTION 2022/108**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

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

CARRIED

17 INFRASTRUCTURE - REPORTS**17.1 2021/22 CAPITAL WORKS PROGRAM AMENDMENT****RESOLUTION 2022/109**

Moved: Councillor John Dessmann

Seconded: Councillor Ross Logan

That Council amend the 2021/22 FY capital works budget to bring forward a portion of the following projects as detailed in this report.

- Battlecamp Road - Culvert Replacement CH 9.3;
- Charlotte St Revitalisation (CH 2.309 to CH2.93), from Banks St to Waterfront;
- Coen Airport Lighting and Runway Extension; and
- Subject to funding approval, Portland Roads Road Upgrade to Seal (CH 9.5 to CH 12).

CARRIED

18 CONFIDENTIAL REPORTS**CONSIDERATION OF CONFIDENTIAL REPORTS****RESOLUTION 2022/110**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

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:

18.2 Cooktown District Community Centre LTD - Request to Purchase Part of Lot 203 Crown Plan C17949

This matter is considered to be confidential under Section 254J(g) 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 negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

18.3 Appointment of Chief Executive Officer

This matter is considered to be confidential under Section 254J(a) 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 appointment, discipline or dismissal of the chief executive officer.

CARRIED

PROCEDURAL MOTION**RESOLUTION 2022/111**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That Council moves into Closed Session.

CARRIED

PROCEDURAL MOTION**RESOLUTION 2022/112**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That Council moves out of Closed Session into Open Session.

CARRIED

18.2 COOKTOWN DISTRICT COMMUNITY CENTRE LTD - REQUEST TO PURCHASE PART OF LOT 203 CROWN PLAN C17949**RESOLUTION 2022/113**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council:

1. Advises Cooktown District Community Centre Ltd that the proposal presented to council for consideration be declined for reasons stated in the report, including that the value of the mortgage imposed by the State of Queensland in 2010 far exceeds the value of the financial offer to Council to purchase the site.
2. Delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with the Cooktown District Community Centre Ltd's proposal, including entering into a new lease arrangement on the expiry of the current lease in June 2022.
3. Acknowledges that Report is deemed a confidential document and be treated as such in accordance with Sections 171 and 200 of the Local Government Act 2009 and that the document remains confidential unless Council decides otherwise by resolution.

CARRIED

18.3 APPOINTMENT OF CHIEF EXECUTIVE OFFICER

RESOLUTION 2022/114

Moved: Councillor Ross Logan

Seconded: Councillor John Dessmann

That:

1. Council resolve to offer the position of Chief Executive Officer, Cook Shire Council, to the preferred candidate, under a four year contract term to be commenced as soon as practical after July 2022; and
2. The Mayor be the delegated authority to negotiate the terms and conditions of employment for the Chief Executive Officer and sign the contract of employment.

CARRIED

The Meeting closed at 11.49am.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 28 June 2022.

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CHAIRPERSON