



MINUTES

Ordinary Council Meeting

26 July 2022

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,
COOKTOWN
ON TUESDAY, 26 JULY 2022 AT 9.00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

Mayor Peter Scott, Deputy Mayor Robyn Holmes, Councillor Peter Burns, Councillor Larissa Hale, and 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.

3 MEETING OPENED

9.00am

4 APOLOGIES

Councillor John Dessmann and Councillor Ross Logan.

5 ACKNOWLEDGEMENT OF COUNTRY

Cook Shire Council acknowledges the Traditional Owners of country throughout the Shire and recognises their continuing connection to lands, water and community. We pay our respects to the many Aboriginal and Torres Strait Islander peoples across our vast Shire and to elders and leaders past, present and emerging.

6 DECLARATIONS OF INTEREST

Nil

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE - 2022 LGAQ CONFERENCE MOTION - REVIEW OF THE FORMULA TO DETERMINE LGAQ ANNUAL MEMBERSHIP FEES****RESOLUTION 2022/159**

Moved: Mayor Peter Scott

That Council resolves to request the Local Government Association of Queensland to include the following motion on the 2022 LGAQ Annual Conference agenda:

“That the Local Government Association of Queensland member councils acknowledge and agree to the following:

- 1. That the formula used to calculate LGAQ membership subscriptions is inequitable because it includes expenditure that is tied to grant funding; and*
- 2. That the members vote to change the LGAQ membership subscription formula to include only own-source revenue expenditure in the calculation; and*
- 3. That this proposed change in membership calculation will provide fairness by recognising that grant funds are not available to meet LGAQ subscriptions.”*

CARRIED

7.2 MAYORAL MINUTE - LOCAL LAWS REVIEW**RESOLUTION 2022/160**

Moved: Mayor Peter Scott

That Council resolves:

1. To propose to adopt the amendments to Council’s Local Laws and Subordinate Local Laws as shown in Amending Local Law No. 1 (Miscellaneous Local Laws) 2022 and Amending Subordinate Local Law No. 1 (Miscellaneous Local Laws) 2022, in terms of the drafts circulated at Council’s meeting on 24 May 2022 (“the Amending Local Laws”);
2. Pursuant to section 257 of the *Local Government Act 2009* (“the Act”), to delegate to the Chief Executive Officer power to take the following steps in respect of the amendments recorded in the Amending Local Laws:
 - a. Carry out necessary anti-competitive reviews consistently with the Act and the *Local Government Regulation 2012*;
 - b. Decide the process for, and carry out, public consultation for the Amending Local Laws consistently with the Act;
 - c. Decide the process for, and carry out, consultation with the State in relation to the Amending Local Laws consistently with the Act.

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

Cr John Dessmann submitted notice of personal leave from 21 July to 16 August 2022.

10 CONFIRMATION OF PREVIOUS MINUTES**MINUTES OF THE ORDINARY COUNCIL MEETING HELD 28 JUNE 2022****RESOLUTION 2022/161**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That the minutes of the Ordinary Meeting held on 28 June 2022 be confirmed.

CARRIED

MINUTES OF THE SPECIAL COUNCIL MEETING HELD 28 JUNE 2022**RESOLUTION 2022/162**

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That the minutes of the Special Council Meeting held on 28 June 2022 be confirmed.

CARRIED

11 BUSINESS ARISING

Nil

The Mayor acknowledged Linda Cardew on her last Council Meeting today and congratulated her on an outstanding term as CEO at Cook Shire Council, wishing her well in retirement. Sentiments were echoed by other Councillors present.

12 NOTIFIED MOTIONS

Nil

13 COUNCILLORS' REPORTS**13.1 COUNCILLORS' MONTHLY REPORTS****RESOLUTION 2022/163**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

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

CARRIED

Cr Larissa Hale gave a verbal update on her activities over the past month and upcoming.

14 EXECUTIVE SERVICES - REPORTS**14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2022/164**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

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

CARRIED

At 9:45 am, Councillor Larissa Hale left the meeting.

At 9:48 am, Councillor Larissa Hale returned to the meeting.

14.2 NOMINATION OF SPECIAL HOLIDAY FOR COOK SHIRE IN 2023**RESOLUTION 2022/165**

Moved: Councillor Larissa Hale

Seconded: Deputy Mayor Robyn Holmes

That pursuant to s. 257 of the *Local Government Act 2009*, Council delegate authority to the Chief Executive Officer to request a special holiday nomination for Cook Shire for Friday 23 June 2023, the starting day of the Laura Rodeo, Campdraft and Races weekend.

CARRIED

14.3 COOK SHIRE COUNCIL - RECONCILIATION ACTION PLAN - PROGRESS REPORT**MOTION**

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

That Council:

1. Notes the progress made towards the development of Cook Shire Council's Reconciliation Action Plan; and
2. Approves the inclusion of the welcome message from Council's outgoing CEO in the RAP document.

Cr Holmes moved an amendment to the motion.

RESOLUTION 2022/166

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

That Council approves the inclusion of the welcome message from Council's outgoing CEO in the RAP document.

CARRIED

The amended motion became the new substantive motion and was voted upon.

RESOLUTION 2022/167

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council approves the inclusion of the welcome message from Council's outgoing CEO in the RAP document.

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

Against: Nil

CARRIED

15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS**15.1 EXECUTION PART C – FORM LA30 ADMINISTRATIVE ADVICE FOR PERMANENT ROAD CLOSURE OF BERTIEHAUGH ROAD****RESOLUTION 2022/168**

Moved: Councillor Larissa Hale

Seconded: Deputy Mayor Robyn Holmes

That Council:

1. Delegates authority to the Chief Executive Officer in accordance with Section 257 of the *Local Government Act 2009*, to execute a Part C – Form LA30 as Road Manager, advising the Department of Resources that Council cannot authorise a proposed permanent road closure over Lot 4 SP266637, however, it requests DOR to consider an application under the *Land Act 1994* in relation to this matter.
2. Advise the Department of Resources by way of the Part C – Form LA30 that Council requires further contact from the Department before a decision is made on the application.
3. Advise the Department of Resources that Council does not support the proposed road closure as this would disadvantage locals, Traditional Owners, tourists and the general public by increased travelling time and adding additional fuel costs.
4. 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 application.

CARRIED

The Mayor suspended standing orders at 10.07 am to conduct a citizenship ceremony, then break for morning tea.

The Mayor resumed standing orders at 10.39am.

16 ORGANISATIONAL BUSINESS SERVICES - REPORTS**16.1 CODE OF CONDUCT REVIEW****RESOLUTION 2022/169**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That Council adopts the revised Code of Conduct dated June 2022.

CARRIED

16.2 CORPORATE/STRATEGIC RISK REGISTER**RESOLUTION 2022/170**

Moved: Councillor Larissa Hale

Seconded: Deputy Mayor Robyn Holmes

That Council adopts the 2022 Corporate/Strategic Risk Register.

CARRIED

16.3 CONFIDENTIAL INFORMATION POLICY**RESOLUTION 2022/171**

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That Council adopt the Confidential Information Policy dated July 2022.

CARRIED

16.4 PUBLIC INTEREST DISCLOSURE POLICY**RESOLUTION 2022/172**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

That Council adopt the Public Interest Disclosure Policy dated July 2022.

CARRIED

The Mayor suspended standing orders at 10.57am to consider Item 16.10.

16.10 ADMINISTRATIVE ACTION COMPLAINT MANAGEMENT POLICY AND PROCESS**RESOLUTION 2022/173**

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

That Council adopt the Administrative Action Complaint Management Policy and Process dated July 2022.

CARRIED

The Mayor resumed standing orders at 10.59am.

16.5 APPLICATION FOR A DEVELOPMENT PERMIT - DA/4493 - MATERIAL CHANGE OF USE - TOURIST PARK (EXTENSION TO EXISTING BY ADDITIONAL 17 CAMPSITES) AND RECONFIGURATION OF A LOT - BOUNDARY REALIGNMENT - AT 31, 35-41 CHARLOTTE STREET, COOKTOWN - LOT 3 SP161242 AND LOT 5 SP245598

RESOLUTION 2022/174

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

1. That Council issue an approval for the development application submitted by The Clover Club Pty Ltd c/- U&i Town Plan for a Development Permit for Material Change of Use for Tourist Park (Extension to existing Tourist Park – additional 17 campsites) and Reconfiguration of a Lot - Boundary Realignment over land at 31, 35-41 Charlotte Street, Cooktown, described as Lot 4 on SP161242 and Lot 5 on SP245598, 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 boundary realignment is practical, will facilitate the resolution of existing land use issues and will not impact on the existing or future operational use of the Council depot site.
 - c. The additional seventeen (17) campsites for the Tourist Park can be accommodated on the site and will not have an adverse impact on the character and amenity of the site or adjoining lots.

A. Assessment Manager (Council) Conditions - Reconfiguring a Lot (Boundary Realignment)

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:
 - Proposed boundary realignment, lodged 23 May 2022, titled Cooktown Holiday Park, located at 35-41 Charlotte Street, Cooktown (Lot 4 on SP161242).

Public Utilities

2. The developer is responsible for the cost of any alterations to public utilities as a result of complying with the conditions of this approval.

Timing

3. Within six (6) months of the approval taking effect, or a longer period as agreed in writing with Cook Shire Council Chief Executive Officer, the Survey Plan for the Reconfiguring a Lot approval must be registered.

Compliance

4. All conditions of this development permit, unless otherwise stated, must be complied with

prior to Council endorsement of the Plan of Survey.

Outstanding Charges

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

B. Assessment Manager (Council) - Conditions Material Change of Use (Tourist Park)

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 Layout Plan, lodged 23 May 2022.

Site Capacity

2. The approved accommodation is limited to:
 - (a) Camping sites – 72 sites;
 - (b) Cabins – 23 cabins; and
 - (c) Motel Units – 9 units.

Access and Parking

3. Vehicle access to the approved use must be achieved from the existing access from Charlotte Street.
4. All internal access roads must be constructed and maintained to an all-weather standard.
5. A minimum of one (1) car parking space located near a designated camping site, cabin or unit must be provided and kept available for use.
6. A minimum of eleven (11) visitor car parking spaces must be kept available for use.

Stormwater Drainage

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

Public Utilities

8. The developer is responsible for the cost of any alteration to public utilities as a result of complying with the conditions of this approval.

Amenity

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

Waste

10. Waste storage areas must be appropriately sited and screened from view from the street.

Compliance

11. All relevant conditions of the development permit must be complied within twelve (12) months of the approval taking effect, or a longer period as agreed in writing, with the Cook Shire Council Chief Executive Officer. The Conditions must, where relevant, be complied with

at all times.

Lapsing of Approval

12. This approval will lapse if the Plan of Survey for the Reconfiguring a Lot component is not registered within six (6) months of the approval taking effect or a longer period as agreed in writing with the Cook Shire Council Chief Executive Officer.

C. 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 the Reconfiguring a Lot approval is twelve (12) months. Should the approved use not commence within this time, the approval shall lapse.
3. The currency period for the Material Change of Use approval is twelve (12) months. Should the approved use not commence within this time, the approval shall lapse.
4. Infrastructure charges must be paid to Council prior to the endorsement of the Plan of Survey as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment.
5. 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.
6. 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.
7. Prior to the commencement of the use a Local Law Permit will be required for the operation of the Tourist Park.
8. Removal of Protected Vegetation
This development approval does not approve of authorize the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:
 - A. *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*;
 - B. *Nature Conservation Act 1999 (Qld)*;
 - C. *Vegetation Management Act 1999 (Qld)*.

CARRIED

At 11:10 am, Councillor Larissa Hale left the meeting.

At 11:15 am, Councillor Larissa Hale returned to the meeting.

16.6 APPLICATION FOR A DEVELOPMENT PERMIT - DA/4510 - MATERIAL CHANGE OF USE - PLACE OF WORSHIP - 7 FURNEAUX STREET, COOKTOWN - LOT 3 RP731858**MOTION**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

1. That Council issue an approval for the development application submitted by The Corporation of the Diocesan Synod of North Queensland c/U&i Town Plan for a Development Permit for Material Change of Use for a Place of Worship over land at 7 Furneaux Street, Cooktown described as Lot 3 RP731858, 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 Material Change of Use for Place of Worship is an appropriate use to be located on the site and will have no adverse impact on the character and amenity of the locality or adjoining lots.

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

1. The development must be carried out generally in accordance with the following plans submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Site Plan, Sheet 1, drawn by A. Davies, lodged 17 June 2021
 - West Elevation, Sheet 2, drawn by A. Davies, lodged 17 June 2021
 - East Elevation, Sheet 3, drawn by A. Davies, lodged 17 June 2021
 - Floor Plan, Sheet 4, drawn by A. Davies, lodged 17 June 2021

Access

2. Vehicle access to the proposed development must be achieved from Helen Street.
3. Access from the property boundary to the road pavement must be sealed with concrete or bitumen and be constructed to the requirements of the FNQROC Manual Drawing S1015 and S1105, and Design Manual D1, Road Geometry, section D1.17. Engineering plans must be submitted for approval by Director Infrastructure as part of an Operational Works application prior to works commencing.
4. The crossover must be designed and constructed to the requirements of Australian Standard AS 2890.1:2004, in particular section 3; Access Facilities to Off-Street Parking Areas and Queuing Areas.

Internal Car Parking

5. A minimum of five (5) car parking spaces must be provided on site.
6. Car parking spaces and internal driveways must be sealed with concrete or bitumen and comply with the Australian Standard 2890.1 – Parking Facilities – off-street parking and be

constructed to the requirements of the FNQROC Manual.

Operational Works

7. Prior to construction commencing, Council will require approval of an Operational Works Application for the following:

- Access construction;
- Car parking and internal access driveway; and
- Excavation and Fill.

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

On completion of the works, Council shall require a Certificate of Completion from a Registered Professional Engineer Queensland (RPEQ) and a set of as constructed plans must be submitted to Council.

Water Supply

8. The development must be connected to the reticulated water supply prior to the commencement of use, at full cost to the applicant.

Sewerage Supply

9. The development must be connected to the reticulated sewerage scheme prior to the commencement of the use, at full cost to the applicant. Plans must be submitted as part of a plumbing application for approval by Council's Plumbing Inspector prior to works commencing.

Services

10. Electricity and telecommunication services (if required) must be provided to the premises in accordance with the standards and requirements of the relevant service provider.

Waste Disposal

11. Waste storage areas must be appropriately sited and screened from view from the street.

Stormwater Drainage

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

Public Utilities

13. The developer is responsible for the cost of any alteration to public utilities as a result of complying with the conditions of this approval.

Environment

14. The applicant must ensure that no sand, soil, or silt runoff occurs from the site. Erosion and sediment controls must be in place.

Amenity

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

Compliance

16. 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. Removal of Protected Vegetation

This development approval does not approve or authorize the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:

- A. Environment Protection and Biodiversity Conservation Act 1999 (Cth);
- B. Nature Conservation Act 1999 (Qld);
- C. Vegetation Management Act 1999 (Qld).

Cr Holmes moved an amendment to the motion in relation to Assessment Manager (Council) Conditions, Internal Car Parking, point 6.

RESOLUTION 2022/175

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

1. That Council issue an approval for the development application submitted by The Corporation of the Diocesan Synod of North Queensland c/U&i Town Plan for a Development Permit for Material Change of Use for a Place of Worship over land at 7 Furneaux Street, Cooktown described as Lot 3 RP731858, 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 Material Change of Use for Place of Worship is an appropriate use to be located on the site and will have no adverse impact on the character and amenity of the locality or adjoining lots.

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

1. The development must be carried out generally in accordance with the following plans submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Site Plan, Sheet 1, drawn by A. Davies, lodged 17 June 2021
 - West Elevation, Sheet 2, drawn by A. Davies, lodged 17 June 2021
 - East Elevation, Sheet 3, drawn by A. Davies, lodged 17 June 2021
 - Floor Plan, Sheet 4, drawn by A. Davies, lodged 17 June 2021

Access

2. Vehicle access to the proposed development must be achieved from Helen Street.
3. Access from the property boundary to the road pavement must be sealed with concrete or bitumen and be constructed to the requirements of the FNQROC Manual Drawing S1015 and S1105, and Design Manual D1, Road Geometry, section D1.17. Engineering plans must be submitted for approval by Director Infrastructure as part of an Operational Works application prior to works commencing.
4. The crossover must be designed and constructed to the requirements of Australian Standard AS 2890.1:2004, in particular section 3; Access Facilities to Off-Street Parking Areas and Queuing Areas.

Internal Car Parking

5. A minimum of five (5) car parking spaces must be provided on site.
6. Within 24 months of issue of the certificate of classification for the church building, car parking spaces and internal driveways must be sealed with concrete or bitumen and comply with the Australian Standard 2890.1 – Parking Facilities – off-street parking and be constructed to the requirements of the FNQROC Manual.

Operational Works

7. Prior to construction commencing, Council will require approval of an Operational Works Application for the following:
 - Access construction;
 - Car parking and internal access driveway; and
 - Excavation and Fill.

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

On completion of the works, Council shall require a Certificate of Completion from a Registered Professional Engineer Queensland (RPEQ) and a set of as constructed plans must be submitted to Council.

Water Supply

8. The development must be connected to the reticulated water supply prior to the commencement of use, at full cost to the applicant.

Sewerage Supply

9. The development must be connected to the reticulated sewerage scheme prior to the commencement of the use, at full cost to the applicant. Plans must be submitted as part of a plumbing application for approval by Council's Plumbing Inspector prior to works commencing.

Services

10. Electricity and telecommunication services (if required) must be provided to the premises in accordance with the standards and requirements of the relevant service provider.

Waste Disposal

11. Waste storage areas must be appropriately sited and screened from view from the street.

Stormwater Drainage

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

Public Utilities

13. The developer is responsible for the cost of any alteration to public utilities as a result of complying with the conditions of this approval.

Environment

14. The applicant must ensure that no sand, soil, or silt runoff occurs from the site. Erosion and sediment controls must be in place.

Amenity

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

Compliance

16. 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. Removal of Protected Vegetation

This development approval does not approve of authorize the removal of vegetation that is

otherwise protected under separate State or Federal legislation, including under the following:

- A. Environment Protection and Biodiversity Conservation Act 1999 (Cth);
- B. Nature Conservation Act 1999 (Qld);
- C. Vegetation Management Act 1999 (Qld).

CARRIED

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

RESOLUTION 2022/176

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

1. That Council issue an approval for the development application submitted by The Corporation of the Diocesan Synod of North Queensland c/U&i Town Plan for a Development Permit for Material Change of Use for a Place of Worship over land at 7 Furneaux Street, Cooktown described as Lot 3 RP731858, 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 Material Change of Use for Place of Worship is an appropriate use to be located on the site and will have no adverse impact on the character and amenity of the locality or adjoining lots.

A. Assessment Manager (Council) Conditions

Approved Plan

1. The development must be carried out generally in accordance with the following plans submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Site Plan, Sheet 1, drawn by A. Davies, lodged 17 June 2021
 - West Elevation, Sheet 2, drawn by A. Davies, lodged 17 June 2021
 - East Elevation, Sheet 3, drawn by A. Davies, lodged 17 June 2021
 - Floor Plan, Sheet 4, drawn by A. Davies, lodged 17 June 2021

Access

2. Vehicle access to the proposed development must be achieved from Helen Street.
3. Access from the property boundary to the road pavement must be sealed with concrete or bitumen and be constructed to the requirements of the FNQROC Manual Drawing S1015 and S1105, and Design Manual D1, Road Geometry, section D1.17. Engineering plans must be submitted for approval by Director Infrastructure as part of an Operational Works application prior to works commencing.
4. The crossover must be designed and constructed to the requirements of Australian Standard

AS 2890.1:2004, in particular section 3; Access Facilities to Off-Street Parking Areas and Queuing Areas.

Internal Car Parking

5. A minimum of five (5) car parking spaces must be provided on site.
6. Within 24 months of issue of the certificate of classification for the church building, car parking spaces and internal driveways must be sealed with concrete or bitumen and comply with the Australian Standard 2890.1 – Parking Facilities – off-street parking and be constructed to the requirements of the FNQROC Manual.

Operational Works

7. Prior to construction commencing, Council will require approval of an Operational Works Application for the following:
 - Access construction;
 - Car parking and internal access driveway; and
 - Excavation and Fill.

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

On completion of the works, Council shall require a Certificate of Completion from a Registered Professional Engineer Queensland (RPEQ) and a set of as constructed plans must be submitted to Council.

Water Supply

8. The development must be connected to the reticulated water supply prior to the commencement of use, at full cost to the applicant.

Sewerage Supply

9. The development must be connected to the reticulated sewerage scheme prior to the commencement of the use, at full cost to the applicant. Plans must be submitted as part of a plumbing application for approval by Council's Plumbing Inspector prior to works commencing.

Services

10. Electricity and telecommunication services (if required) must be provided to the premises in accordance with the standards and requirements of the relevant service provider.

Waste Disposal

11. Waste storage areas must be appropriately sited and screened from view from the street.

Stormwater Drainage

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

Public Utilities

13. The developer is responsible for the cost of any alteration to public utilities as a result of complying with the conditions of this approval.

Environment

14. The applicant must ensure that no sand, soil, or silt runoff occurs from the site. Erosion and sediment controls must be in place.

Amenity

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

Compliance

16. 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. Removal of Protected Vegetation

This development approval does not approve or authorize the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:

- A. Environment Protection and Biodiversity Conservation Act 1999 (Cth);
- B. Nature Conservation Act 1999 (Qld);
- C. Vegetation Management Act 1999 (Qld).

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

Against: Nil

CARRIED

16.7 OPERATIONAL PLAN 2021/22 - FINAL QUARTERLY REPORT APRIL - JUNE 2022

RESOLUTION 2022/177

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That Council note the 2021/22 Operational Plan Quarterly Report for April to June 2022.

CARRIED

16.8 MONTHLY FINANCIAL REPORT - JUNE 2022**RESOLUTION 2022/178**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

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

CARRIED

At 11:42 am, Mayor Peter Scott left the meeting.

At 11:46 am, Mayor Peter Scott returned to the meeting.

16.9 RFQ Q00722 - GOVERNANCE SOFTWARE LICENCE - SOLE SUPPLIER**RESOLUTION 2022/179**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council resolves that there is only one supplier reasonably available and approves the purchase of the governance software licence from RelianSys®.

CARRIED

17 INFRASTRUCTURE - REPORTS**17.1 RFT T07021 - WATER MAIN UPGRADE - STAGE 3****RESOLUTION 2022/180**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council:

1. Approve the award of RFT T07021 – Water Mains Upgrade (Stage 3), to **G & M CIVIL CONTRACTING PTY LTD**, in the amount of **\$462,367.70**; 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

17.2 CAPITAL WORKS PROGRAM 21/22 - QUARTERLY REPORT - APRIL TO JUNE 2022**RESOLUTION 2022/181**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

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

CARRIED

17.3 DISASTER RECOVERY FUNDING ARRANGEMENTS (DRFA) 2021/2022 - QUARTLERY REPORT - APRIL TO JUNE 2022**RESOLUTION 2022/182**

Moved: Councillor Peter Burns

Seconded: Deputy Mayor Robyn Holmes

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

CARRIED

18 CONFIDENTIAL REPORTS**CONSIDERATION OF CONFIDENTIAL REPORTS****RESOLUTION 2022/183**

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 2021/22 Audit Interim Report

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

PROCEDURAL MOTION

RESOLUTION 2022/184

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Larissa Hale

That Council moves into Closed Session.

CARRIED

PROCEDURAL MOTION

RESOLUTION 2022/185

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council moves out of Closed Session into Open Session.

CARRIED

18.1 2021/22 AUDIT INTERIM REPORT

RESOLUTION 2022/186

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Marilyn Morris

That Council notes the observations contained within the Cook Shire Council 2022 Interim Report from the Queensland Audit Office for the financial year ending 30 June 2022.

CARRIED

The Meeting closed at 12.26pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 23 August 2022.

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CHAIRPERSON