



# **MINUTES**

**Ordinary Council Meeting**

**23 August 2022**

**MINUTES OF COOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,  
COOKTOWN  
ON TUESDAY, 23 AUGUST 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.**

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

**3 MEETING OPENED**

9.00am

**4 APOLOGIES**

Nil

**5 ACKNOWLEDGEMENT OF COUNTRY**

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**

Cr Larissa Hale declared a prescribed conflict of interest in Item 17.2.

**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**

Councillors noted the following upcoming leave of absences:

- Mayor Peter Scott - 14 to 23 September 2022
- Cr Ross Logan - 30 August 2022
- Cr Larissa Hale - 5 to 12 September 2022

**10 CONFIRMATION OF PREVIOUS MINUTES****ORDINARY COUNCIL MEETING – 26 JULY 2022****RESOLUTION 2022/187**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

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

**CARRIED**

**11 BUSINESS ARISING**

Nil

**12 NOTIFIED MOTIONS****12.1 NOTICE OF INTENTION TO REPEAL - 2022 LGAQ CONFERENCE MOTION - CALCULATION OF MEMBERSHIP FEES****RESOLUTION 2022/188**

Moved: Mayor Peter Scott

Seconded: Councillor Marilyn Morris

That the Resolution 2022/159, below, related to Item 7.1 of the 26 July 2022 Ordinary Council Meeting, be repealed.

*“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**

**13 COUNCILLORS' REPORTS****13.1 COUNCILLORS' MONTHLY REPORTS****RESOLUTION 2022/189**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That the activities and updates contained in the individual Councillors' monthly reports tabled on 23 August 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 2022/190**

Moved: Councillor Peter Burns

Seconded: Councillor John Dessmann

That the activities contained in the Acting Chief Executive Officer's monthly report tabled on 23 August 2022, be noted and endorsed by Council.

**CARRIED**

**15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS****15.1 ARTS AND CULTURE POLICY****RESOLUTION 2022/191**

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

That Council adopts the Arts and Culture Policy dated August 2022.

**CARRIED**

**16 ORGANISATIONAL BUSINESS SERVICES - REPORTS****16.1 APPLICATION FOR A DEVELOPMENT PERMIT DA/4474 - MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY - 10 WALKER STREET, COOKTOWN - LOT 101 ON C1793****MOTION**

Moved: Councillor Peter Burns

Seconded: Deputy Mayor Robyn Holmes

1. That Council issue an approval for the development application submitted by BMM Group for a Development Permit for Material Change of Use for Telecommunications Facility over land

described as Lot 101 on C1793, 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 a Telecommunication facility is an appropriate use to be located on the site.
  - c. The facility has been designed and sited to improve the level of telecommunication service in the catchment while minimising impacts on the heritage values, streetscape and overall visual amenity.

#### **A. Assessment Manager (Council) Conditions**

##### **Approved Plan**

1. The development must be carried out generally in accordance with the following proposal plans except for any modifications required to comply with the conditions of this approval:
  - Site Layout and Access, Sheet S1, Issue 2, dated 23/06/22;
  - Site Setout Plan, Sheet S1-1, Issue 2, dated 23/06/22;
  - Antenna Plan, Sheet 1-2, Issue 2, dated 23/06/22;
  - North Elevation, Sheet S3, Issue 2, dated 23/06/22;
  - Antenna Configuration Table, Sheet S3-1, Issue 2, dated 23/06/22; and
  - Aerial Photo Locality Plan S7 23/06/22 P Issue No. 2, Dated 23/06/22.

##### **Colour**

2. The approved monopole, associated headframe, antennas and equipment shelter must be finished in eucalyptus green colour.

##### **Landscaping and fencing**

3. Prior to the issue of a Development Permit for Building Works a landscape and fencing plan must be submitted for approval by Council's delegated officer. The landscaping plan must incorporate a minimum of four (4) trees along the Charlotte Street frontage and four (4) trees along the Walker Street frontage.
4. Prior to the commencement of use of the approved tower, the landscaping and fencing must be completed to the satisfaction of Council's delegated officer.

##### **Site Improvements**

5. Prior to the commencement of use of the approved tower, the existing buildings and structures on site must be refurbished and/or repainted to the satisfaction of Council's delegated officer.
6. All buildings, structures, fencing and landscaping must be regularly maintained.

##### **Access**

7. Vehicle access to the site must be achieved from the existing access crossover from Walker Street. Should the access be damaged during the construction works, the access must be reinstated. No works are permitted to be undertaken on the State Heritage listed stone kerb

and channel without obtaining the appropriate approvals.

#### **Construction communication plan**

8. Prior to the issue of a Development Permit for Building Works, a construction communication plan must be submitted to Council. The plan must, at a minimum, detail the period of construction works and communication strategy notifying adjoining landowners and any operators using the Cooktown Base Hospital Helipad.

#### **Traffic management plan**

9. Prior to the issue of a Development Permit for Building Works, the applicant must submit to Council a traffic management plan for the period of construction works. The plan must be prepared by a suitability qualified professional.

#### **Public Utilities**

10. The developer/applicant is responsible for the cost of any alterations to public utilities, services or installations as a result of complying with the conditions of this approval.

#### **Environmental**

11. The developer/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.

#### **Stormwater**

- 12 Stormwater must be directed to a legal point of discharge.

#### **Compliance**

13. 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, prior to the construction of any buildings or structures 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.

*Cr Holmes moved an amendment to the motion.*

**RESOLUTION 2022/192**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Marilyn Morris

That under the conditions relating to **Site Improvements**, point 6 be amended to:

6. Prior to the issue of a Development Permit for Building Works, a Maintenance Program for all buildings, structures, fencing and landscaping on the site must be submitted for approval by Council's delegated officer. All buildings, structures, fencing and landscaping must be maintained in accordance with this approved Maintenance Program.

**CARRIED**

*The amendment formed a new substantive motion and was voted upon.*

**RESOLUTION 2022/193**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Marilyn Morris

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**Colour**

2. The approved monopole, associated headframe, antennas and equipment shelter must be

finished in eucalyptus green colour.

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**Compliance**

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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.

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

Against: Nil

**CARRIED**

The Mayor suspended standing orders at 10.15am to break for morning tea.

The Mayor resumed standing orders at 10.35am.

**16.2 MONTHLY FINANCIAL REPORT - JULY 2022****RESOLUTION 2022/194**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

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

**CARRIED**

**17 INFRASTRUCTURE - REPORTS****17.1 FNQ030 - 2022/23 REGIONAL BITUMEN RESEAL PROGRAM****RESOLUTION 2022/195**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

That Council:

1. Approve the award of FNQ030 – 2022/2023 Regional Bitumen Reseal Program to **RPQ SPRAY SEAL PTY LTD** , based on their schedule of rates tendered, in the approximate amount of **\$1,234,503.21 (excluding GST)**; and
2. Approve the payment of approximately **\$15,986.12 (excluding GST)** as Cook Shire Council’s contribution to **Tablelands Regional Council**; and
3. 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**

**PRESCRIBED CONFLICT OF INTEREST - CR LARISSA HALE**

“I, Councillor Larissa Hale, inform this meeting that I have a prescribed conflict of interest in Item 17.2. 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 Group Mining and Civil. 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 10:45 am, Councillor Larissa Hale left the meeting.

**17.2 RFT T08521 - PSA - SUPPLY AND DELIVERY OF ROAD MAKING MATERIALS****RESOLUTION 2022/196**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council:

1. Approve the award to the following suppliers under a preferred supplier arrangement:
  - a. BOWYER GROUP MINING AND CIVIL
  - b. COOKTOWN EARTHMOVING PTY LTD
  - c. LAKELAND QUARRY
  - d. KALAN CIVIL
  - e. NAMBAL RESOURCES AND QUARRIES
2. Ratify the award of a purchase order to NAMBAL RESOURCES AND QUARRIES for

approximately 5,908.8 tons of 2.5 road base for approved DRFA works within Work Area 1, 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, Robyn Holmes, Ross Logan and Marilyn Morris

Against: Nil

**CARRIED**

At 10:56 am, Councillor Larissa Hale returned to the meeting.

### **17.3 RFQ Q01822 - SUPPLY AND DELIVERY OF BEDDING SAND (SOLE SUPPLIER)**

#### **RESOLUTION 2022/197**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That Council resolves in accordance with the Other Exceptions of the *Local Government Act, Local Government Regulation* section 235(b), because of the specialised nature of the goods that are sought, it would be impractical to invite quotes; and that Cooktown Earthmoving Pty Ltd is approved as a sole supplier for the supply and delivery of bedding sand.

**CARRIED**

## **18 CONFIDENTIAL REPORTS**

### **CONSIDERATION OF CONFIDENTIAL REPORTS**

#### **RESOLUTION 2022/198**

Moved: Councillor Larissa Hale

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 Extension of Management Agreement Between Cook Shire Council and PCYC Queensland**

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 2022/199**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council moves into Closed Session.

**CARRIED**

**PROCEDURAL MOTION**

**RESOLUTION 2022/200**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That Council moves out of Closed Session into Open Session.

**CARRIED**

**18.1 EXTENSION OF MANAGEMENT AGREEMENT BETWEEN COOK SHIRE COUNCIL AND PCYC QUEENSLAND**

**RESOLUTION 2022/201**

Moved: Councillor Larissa Hale

Seconded: Councillor Ross Logan

That Council approves a further extension to the existing Management Agreement for the Cooktown Event Centre to 30 November 2022, to enable all matters relating to the new Management Agreement to be finalised between the parties.

**CARRIED**

**The Meeting closed at 11:05am**

**The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 27 September 2022.**

.....  
**CHAIRPERSON**