



# **MINUTES**

**Ordinary Council Meeting**

**27 September 2022**

**MINUTES OF COOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,  
COOKTOWN  
ON TUESDAY, 27 SEPTEMBER 2022 AT 9.00AM**

**1 AGENDA CONTENTS**

**2 ATTENDANCE**

**Mayor Peter Scott, Deputy Mayor Robyn Holmes, Councillor Peter Burns, Councillor John Dessmann, Councillor Larissa Hale, Councillor Ross Logan, Councillor Marilyn Morris**

Chief Executive Officer, Brian Joiner; Director Infrastructure, Peter Tonkes; Director Organisational Business Services, Heather Kelly.

**3 MEETING OPENED**

9.00am

**4 APOLOGIES**

Director Community, Economy and Innovation, Lawrence Booth

**5 ACKNOWLEDGEMENT OF COUNTRY**

On 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 17.1.

**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:

- Cr Larissa Hale – 13 to 21 October 2022
- Cr Marilyn Morris – 7 to 23 October 2022

**10 CONFIRMATION OF PREVIOUS MINUTES****CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING HELD 23 AUGUST 2022****RESOLUTION 2022/206**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That the minutes of the Ordinary Council Meeting held on 23 August 2022 be confirmed.

**CARRIED**

**CONFIRMATION OF MINUTES - SPECIAL COUNCIL MEETING HELD 6 SEPTEMBER 2022****RESOLUTION 2022/207**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That the minutes of the Special Council Meeting held on 6 September 2022 be confirmed.

**CARRIED**

**11 BUSINESS ARISING**

Nil

**12 NOTIFIED MOTIONS**

Nil

**13 COUNCILLORS' REPORTS****13.1 COUNCILLORS' MONTHLY REPORTS****RESOLUTION 2022/208**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That the activities and updates contained in the individual Councillors' monthly reports tabled on 27 September 2022, including future travel requirements, be noted and endorsed by Council.

**CARRIED**

**14 EXECUTIVE SERVICES - REPORTS****14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2022/209**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That the activities contained in the Chief Executive Officer's monthly report tabled on 27 September 2022, be noted and endorsed by Council.

**CARRIED**

**14.2 OPERATIONAL CLOSURE PERIOD - CHRISTMAS 2022 / NEW YEAR 2023****RESOLUTION 2022/210**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council endorse the Christmas 2022 / New Year 2023 shutdown of Council administration offices, works depots and other facilities, as outlined in this report.

**CARRIED**

**14.3 REVIEW OF COOK SHIRE LOCAL DISASTER MANAGEMENT PLAN 2022-2023****RESOLUTION 2022/211**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That, in accordance with the Disaster Management Act 2003 Section 57 (1), Council endorses the Cook Shire Disaster Management Plan 2022-2023.

**CARRIED**

Cr Larissa Hale left the meeting at 9:58am.

Cr Larissa Hale returned to the meeting at 10:03am.

**14.4 PRESENTATION OF MAYTOWN 150TH ANNIVERSARY WORKING GROUP MINUTES****RESOLUTION 2022/212**

Moved: Councillor Peter Burns

Seconded: Deputy Mayor Robyn Holmes

That Council notes the Minutes of the Maytown 150<sup>th</sup> Anniversary Working Group Meeting held on 25 August 2022.

**CARRIED**

The Mayor suspended standing orders at 10:06am to break for morning tea.

The Mayor resumed standing orders at 10:25am.

## **15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS**

### **15.1 PRESENTATION OF NATURE'S POWERHOUSE STEERING COMMITTEE MEETING MINUTES**

#### **RESOLUTION 2022/213**

Moved: Councillor Peter Burns

Seconded: Councillor Larissa Hale

That Council:

1. Notes the Minutes of the Nature's Powerhouse Steering Committee Meeting held on 11 August 2022; and
2. Approves the amended Nature's Powerhouse Terms of Reference to include the Botanic Gardens Curator as an official voting member.

**CARRIED**

## **16 ORGANISATIONAL BUSINESS SERVICES - REPORTS**

### **16.1 BENEFITS AND GIFTS POLICY**

#### **RESOLUTION 2022/214**

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

That Council adopts the Benefits and Gifts Policy dated September 2022.

**CARRIED**

### **16.2 MONTHLY FINANCIAL REPORT - AUGUST 2022**

#### **RESOLUTION 2022/215**

Moved: Councillor Larissa Hale

Seconded: Councillor Marilyn Morris

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

**CARRIED**

**16.3 APPLICATION FOR A DEVELOPMENT PERMIT DA/4485 - MATERIAL CHANGE OF USE FOR A TOURIST PARK (74 PERSONS) AND RECONFIGURING A LOT (ACCESS EASEMENT) - WEYMOUTH ROAD, IRON RANGE 4892 - FORMALLY DESCRIBED AS LOTS 1 AND 2 ON SP166591****RESOLUTION 2022/216**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

1. That Council issue an approval for the development application submitted by Neale William Dahl C/- U&i Town Plan for a Development Permit for Tourist Park (74 persons) and Reconfiguring a Lot (Access Easement) over land described as Lots 1 and 2 SP166591 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 Development Permit for Tourist Park (74 persons) and Reconfiguring a Lot (Access Easement) 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 – Reconfiguring a Lot (access easement)****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:
  - Plan of Development – Amended Site Plan (Plan #4.0, Dated 08.08.22)

**Easements**

2. Register and retain an access and services easement with a minimum width of 6 metres in accordance with the approved plan of development.
3. Easement (ASP166591) burdening Lot 1 on SP166591 must be surrendered at the time of registration of the new access easement.

**Vehicle Access**

4. Vehicle access to Lot 2 must be achieved from Weymouth Road via the access easement in accordance with the approved plan of development.
5. An access driveway a minimum width of 3 metres must be constructed within the full length of the access easement.
6. Implement and maintain an Erosion and Sediment Control plan for the duration of the construction works of the access driveway and until such time all exposed areas are permanently stabilised.

**Stormwater Drainage**

7. All stormwater drainage must be directed to a legal point of discharge.
8. Site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development.

**Public Utilities**

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

**Compliance**

10. All conditions of this development permit, unless otherwise stated, must be complied with prior to Council endorsement of the Plan of Survey.

**Outstanding Charges**

11. 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 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:
  - Plan of Development – Amended Site Plan, Plan #4.0, Dated 08.08.22; and
  - Cabins – Floor Plan and Elevations, Plan Number M2-22, Dated 19.04.22 .

**Approved Use – Tourist Park**

2. The approved use comprises of:
  - Stage 1 – campground for self-contained vehicles;
  - Stage 2 – five (5) cabins; and
  - Stage 3 – five (5) additional cabins.
3. The development must be carried out in accordance with the approved Staging.
4. Prior to the commencement of the Material Change of Use - Tourist Park, the Survey Plan for the Reconfiguring a lot approval must be registered.

**Limitations of Use**

5. Occupancy of the approved Tourist Park must not exceed a maximum of seventy-four (74) persons at any one time.
6. The maximum length of stay for any self-contained vehicle or guest within the cabins must not exceed fourteen (14) consecutive days.
7. Stage 1 - The shower and toilet facility in the existing shed, must be kept locked and unavailable for use by guests.

8. Stage 2 and Stage 3 – The shower and toilet facilities are for the use of the guests only and are not available to the general public.

### **Access and Parking**

9. Vehicle access must be achieved via the approved access easement to Weymouth Road in accordance with the approved plan of development.
10. All internal access roads a minimum width of 3 metres wide must be constructed and maintained to an all-weather standard.
11. Implement and maintain an Erosion and Sediment Control plan for the duration of the construction works of the internal access driveway and until such time all exposed areas are permanently stabilised.

### **Effluent Disposal**

12. Stage 2 and Stage 3 – Prior to the commencement of the use, a Plumbing Application for the on-site wastewater treatment and disposal system associated with the existing facilities in the existing shed must be lodged and approved by Council. The application must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – ‘On-site domestic wastewater management’. Alternatively, lodge with Council a copy of the relevant plumbing approval for the existing on-site effluent disposal system.
13. Stage 1 only – All vehicles must be self-contained with appropriate waste and wastewater holding tanks. No grey or black wastewater is to be discharged on site.
14. Stage 2 and Stage 3 – Prior to the commencement of the use, an effluent disposal system must be provided on-site. Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS, 1547:2000 – ‘On-site domestic wastewater management’. Details are to be provided at the time of lodgement of a Plumbing and Building application.

### **Water Supply**

15. Stage 1 only - all vehicles must be self-contained with an adequate water supply.
16. Stage 2 and 3 - a potable water supply must be made available to each cabin at the time of construction. This water supply must comply with the Australian Drinking Water Standards.
17. Any non-potable water provided onsite must be clearly labelled at each tap – ‘Non potable water - not safe for Human Consumption’.

### **Fire Management**

18. A Bushfire Management Plan incorporating; evacuation procedures, campfire guidelines and fire break/trail maintenance for the campground and details of the water supply for fire-fighting purposes, must be prepared to the satisfaction of Council's delegated officer and form part of the required Operational Plan. The approved use must comply with the requirements of the Management Plan at all times.
19. A source of water for fire-fighting purposes of not less than 10,000 litres must be provided on-site. This can be satisfied by the provision of an accessible dam, swimming pool, or water tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply shall be located within an



accessible position within forty (40) metres from the habitable buildings.

20. Stage 2 and 3 - buildings on the proposed site shall:

- i. Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater.

21. The development must be maintained at all times to a standard so as not to create a fire hazard.

22. The owner must ensure that fire-fighting vehicles have acceptable access to the water for fire-fighting purposes.

### **Operational Aspects**

23. 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, evacuation plan, emergency management and first aid, bushfire management, communications, waste management and standards of behaviour.

24. Operational aspects of the approved use must be carried out generally in accordance with the approved Operational Plan.

### **Vegetation Clearing**

25. Vegetation clearing must be limited to that required for firebreaks, cabins, access driveways and associated infrastructure. Prior to commencement of works, canopy trees shall be clearly delineated to ensure mature canopy trees are retained. Clearing and earthworks must avoid damage to root zones of the retained trees. Any regulated vegetation not required to be cleared for building works or bushfire management purposes must be retained.

### **Environment**

26. No State declared or environmental pest, plants and animals are to be introduced onto the property.

27. 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**

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

### **Electricity**

29. Stage 2 and 3 only - the development must be connected to a reliable electricity supply.

### **Signage**

30. No more than one (1) advertising sign for the approved development is permitted on the subject site.

31. The sign must not exceed a maximum sign face area of 6m<sup>2</sup> and must not move, revolve, strobe or flash.

32. The sign must be kept clean, in good order and safe repair for the life of the approval.
33. The sign must be removed when no longer required.
34. The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

### **Compliance**

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

### **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 the construction of any buildings associated with this development.
2. The currency period for the Reconfiguring a Lot approval is four (4) years. 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 six (6) years. Should the approved use not commence within this time, the approval shall lapse.
4. The applicant/owner must notify Council of their intention to commence the use acceptable of and in 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.
5. 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.
6. Prior to the commencement of the use, a Local Law Permit will be required for the operation of the Tourist Park.
7. **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)*.

### **D. Referral Agency Response**

1. State Assessment Referral Agency response (RaL) dated 14 July 2022.
2. State Assessment Referral Agency response (MCU) dated 17 August 2022.

**CARRIED**

**16.4 APPLICATION FOR A DEVELOPMENT PERMIT - RECONFIGURING A LOT (1 INTO 5 LOTS) - UNNAMED ROAD VIA MULLIGAN HIGHWAY, COOKTOWN - LOT 1 ON SP262357****RESOLUTION 2022/217**

Moved: Councillor Peter Burns

Seconded: Deputy Mayor Robyn Holmes

That Council issue an approval for the development application submitted by Tony Physick c/- Veris for a Development Permit for Reconfiguring a Lot one (1) into five (5) lots over land described as Lot 1 SP262357, subject to the following conditions:

1. 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 Reconfiguring a Lot one (1) into five (5) lots 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:
  - Proposed Lots 1-5 Cancelling Lot 1 SP262357, Drawing No.401171-PP05-C, Issued C.

**Water Supply**

2. A separate source of water supply must be provided to proposed lot at the time of construction of a dwelling house. This would be satisfied by the provision of a rainwater tank with a minimum capacity of 50,000 litres. Where an alternative source of supply is available within the allotment, the applicant can provide certified evidence as to the flow rates and water quality of the bore water or other supply to eliminate or reduce the requirement of on-site water storage.

**Building Envelope**

3. Prior to Council endorsement of the Plan of Survey, a proposed building envelope must be provided for proposed Lot 1, Lot 2 and Lot 3 for approval by Council's delegated officer. The building envelope must be outside the designated Annan River Resource buffer area on the Water Resources Overlay map and located to ensure a maximum internal driveway length of 60 metres from the proposed new internal road. All buildings or structures must be located within the identified building envelope. Should the owner wish to locate any building or structures outside the identified building envelope, approval must be obtained from the Manager Planning and Environment Services at the time of Building application.
4. Prior to Council endorsement of the Plan of Survey, a proposed building envelope must be provided for proposed Lot 5 for approval by Council's delegated officer. The building envelope must be located outside the designated Mt Amos (Local Resource) Separation Area on the Extractive Resources Overlay map and located to ensure a maximum internal

driveway length of 60 metres from the proposed new internal road. All buildings or structures must be located within the identified building envelope. Should the owner wish to locate any building or structure outside the identified building envelope, approval must be obtained from the Manager Planning and Environment Services at the time of Building application.

### **Effluent Disposal**

5. On-site septic systems must be provided on all lots at the time of construction of a dwelling house. Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – ‘On-site domestic wastewater management’. Details are to be provided at the time of lodgement of a plumbing and building application.

### **Access**

6. Access to proposed Lot 1, Lot 3 and Lot 5 must be provided from the new internal road and constructed in accordance with the FNQROC Development Manual at the time of construction of a dwelling house. The construction of the access will be subject to a Local Laws Permit to ‘Make Alterations or Improvements to a Road’.
7. Access to proposed Lot 2 and Lot 4 must be provided from the new internal road. The location and design of the access crossovers and internal driveway must form part of the development application for Operational Works. The access crossovers must be constructed prior to the endorsement of the Survey Plan. The internal access driveway must be located to ensure the driveway does not exceed a gradient of 12.5%, have a minimum width of 3.5 metres and a maximum driveway length of 60 metres from the proposed new internal road. The internal driveway must be constructed at the time of construction of a dwelling house and in accordance with the Development Approval for Operational Works.

### **Road Construction**

8. The applicant is to design and construct a road to provide access to the new lots from the Mulligan Highway intersection for the full extent of the identified road reserve in accordance with the approved plan.
9. The new road is to be designed with a 7m wide gravel carriageway to facilitate two-way traffic flow and constructed in accordance with the requirements of the FNQROC Development Manual. A development application for Operational Works must be submitted and approved prior to commencement of works.
10. All sections of the road with longitudinal grades steeper than 5% are to have rock pitching applied to the table drains. The RPEQ is to assess whether table drains less than 5% longitudinal grade need treatment based on contributing catchment area, flow velocity, and material types.

The works will be subject to an 18-month on-maintenance period to allow the performance to be assessed over two wet seasons. In the event that scouring occurs during this period, additional protection will be required at the developer’s cost prior to the works being accepted by Council.

11. The applicant must provide a two-lane concrete causeway style crossing of the waterway that crosses the existing road reserve providing access to the new lots. The need for culverts

under the causeway is to be assessed by the applicant's Engineering Consultant. The consultants design must confirm that the crossing design provides the opportunity for access to the lots in the minor rainfall event.

The applicant must assess and advise the frequency of events that would prevent the causeway being trafficable. The fording depth per the Queensland Urban Drainage Manual should be used to assess the safe crossing depth. As per the condition above, the crossing must be operational for the minor event. At a minimum the operation of the causeway during a 10-year ARI rainfall event must allow convenient and flood-free movement of vehicles and pedestrians.

12. The applicant is to design the approaches to the waterway crossings having regard to sight distance and road safety. In addition, the longitudinal grade of the approaches must consider road maintenance for both the road surface and roadside table drains. The designer is to confirm how these matters have been addressed in the design submission.

### **Fire Management**

13. The development must be maintained at all times to a standard so as not to create a fire hazard.
14. Any new building (other than a Class 10a) erected on any of the proposed lots shall:
  - (i) Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater;
  - (ii) Be provided with a source of water for fire-fighting purposes of not less than 10,000 litres. This must be satisfied by the provision of an accessible dam, swimming pool, or water tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within forty (40) metres from the habitable buildings.

### **Vegetation Clearing**

15. Vegetation clearing must be limited to that required for firebreaks, dwelling houses, and associated infrastructure. Any regulated vegetation not required for building works or bushfire management purposes must be retained.

### **Stormwater**

16. Stormwater drainage must be directed to a legal point of discharge.
17. Site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site.

### **Sediment Control**

18. The developer must ensure that effective measures are put in place to ensure construction activity does not cause erosion.
19. The developer must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.

### **Compliance**

21. All conditions of this development permit must be complied with prior to Council endorsement of the Plan of Survey.

### **Outstanding Charges**

22. 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) Advice**

1. The reconfiguring a lot approval authorised under this Development Permit must be completed and the Plan of Survey submitted to Council for endorsement within **four (4) years** from the commencement of this approval or the approval will lapse.
2. 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.
3. **Property Notation for proposed Lot 1, Lot 3 and Lot 5** – All buildings or structures must be located within the approved building envelope (Council file reference DA/4320). Should the owner wish to locate any building or structure outside the identified building envelope, approval must be obtained from the Manager Planning and Environment Services at the time of Building application.
4. At the time of construction of a dwelling house, compliance with the Bushfire Hazard Overlay code will be required. The private access driveways servicing the dwelling house must not exceed a gradient of 12.5%, have a minimum width of 3.5 metres and maximum driveway length of 60m.

### **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)*.

6. 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.
7. 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.

**CARRIED**

**16.5 RFQ Q03322 - PROVISION OF BUILDING CERTIFICATION SERVICES****RESOLUTION 2022/218**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That Council:

1. Resolves, that because of the specialised nature of the services, that it would be impractical and disadvantageous to Council to invite quotes from other providers; and
2. Approves the award of a three (3) year contract to BAKER BUILDING CERTIFICATION commencing 1 January 2023 for the provision of building certification services; and
3. Delegate the Chief Executive Officer, under section 257 of the *Local Government Act 2009 (QLD)*, the ability to execute the contract, negotiate and finalise minor administrative or financial amendments and approve any variations, if so required.

**CARRIED**

**16.6 SOLE SUPPLIERS - STORES****RESOLUTION 2022/219**

Moved: Councillor Larissa Hale

Seconded: Councillor Ross Logan

That Council resolves that, because of the specialised nature of the goods and services that are sought it is impractical to invite quotes from other suppliers and the following suppliers are approved as sole suppliers for a period of twelve (12) months:

- ROADSIDE PRODUCTS PTY LTD for the supply and delivery of guide posts; and
- BORAL CONSTRUCTION for the supply and delivery of pre-mix asphalt and emulsion

**CARRIED**

**16.7 RFQ Q01422 - SOLAR POWER UPGRADE (COEN AIRPORT) - SOLE SUPPLIER****RESOLUTION 2022/220**

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 a quote is requested from RedEarth Energy only.

**CARRIED**

**17 INFRASTRUCTURE – REPORTS****PRESCRIBED CONFLICT OF INTEREST - CR LARISSA HALE**

“I, Councillor Larissa Hale, inform this meeting that I have a prescribed conflict of interest in Item 17.1 RFQ Q04122 – Supply and Delivery of Road Base (Coen Airport). The nature of my interest is that a close associate of mine is the owner of business that has submitted a tender 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 11:31 am, Councillor Larissa Hale left the meeting.

**17.1 RFQ Q04122 - SUPPLY AND DELIVERY OF ROAD BASE (COEN AIRPORT)****RESOLUTION 2022/221**

Moved: Councillor Peter Burns

Seconded: Councillor John Dessmann

That Council:

1. Approve the award of a purchase order for Type 2.2 road base to BCMC Pty Ltd in the amount of approximately \$290,000.00 (excluding GST), 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, Robyn Holmes, Ross Logan and Marilyn Morris

Against: Nil

**CARRIED**

Cr Larissa Hale returned to the meeting at 11.33am.

**17.2 SOLE SUPPLIERS - WATER AND WASTEWATER SERVICES****RESOLUTION 2022/222**

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

That Council resolves that, because of the specialised nature of the goods and services that are sought it is impractical to invite quotes from other suppliers, the following suppliers are approved as sole suppliers for a period of twelve (12) months:

- WATER TREATMENT SERVICES (WTS) for the supply of WTS8-CE80409BF polymer
- GRENOF for the supply of magnesium hydroxide liquid
- PUMPING IRRIGATION & MACHINERY SERVICES (PIMS) for repairs of pumps



- COOGEE CHEMICALS for the supply of Soda Ash and Caustic Soda
- REDOX for the supply of Fluoride
- ELSTER METERING for the supply of water meters.

**CARRIED**

## **18 CONFIDENTIAL REPORTS**

### **CONSIDERATION OF CONFIDENTIAL REPORTS**

#### **RESOLUTION 2022/223**

Moved: Councillor Marilyn Morris

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 Cape York United #1 Native Title Claim Group - Agreement Under S 87A Of The Native Title Act 1993 (CTH) (Gudang Yadhaykenu)**

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.

#### **18.2 Cape York United #1 Claim - Agreement under S 87A of the Native Title Act 1993 (Cth) (Atambaya)**

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.

#### **18.3 Northern Cape York #2 Native Title Claim Group - Agreement Under S 87A of the Native Title Act 1993 (Cth) - Identified Parcels**

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**

**PROCEDURAL MOTION****RESOLUTION 2022/224**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council moves into Closed Session.

**CARRIED**

**PROCEDURAL MOTION****RESOLUTION 2022/225**

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

That Council moves out of Closed Session into Open Session.

**CARRIED**

**18.1 CAPE YORK UNITED #1 NATIVE TITLE CLAIM GROUP - AGREEMENT UNDER S 87A OF THE NATIVE TITLE ACT 1993 (CTH) (GUDANG YADHAYKENU)****RESOLUTION 2022/226**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That Council:

1. Receives and notes this Report;
2. Enters into the Section 87A Agreement; and
3. Authorises Andrew Kerr from Moray & Agnew Lawyers to execute the Section 87A Agreement on Council's behalf.

**CARRIED**

**18.2 CAPE YORK UNITED #1 CLAIM - AGREEMENT UNDER S 87A OF THE NATIVE TITLE ACT 1993 (CTH) (ATAMBAYA)****RESOLUTION 2022/227**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council:

1. Receives and notes the Report;
2. Subject to points 3 and 4 below, agrees to enter into the Section 87A Agreement;
3. Approves an amendment to Recital D of the Draft Determination to include the words "and does not affect Cook Shire Council's right to submit comments under section 47C(6)(b) of the NTA";
4. Authorises Andrew Kerr from Moray & Agnew Lawyers to execute the Section 87A Agreement on Councils behalf; and
5. Delegates authority to the Chief Executive Officer in accordance with Section 257 of the *Local Government Act 2009* to finalise any minor amendments required to be agreed prior to the Determination.

**CARRIED**

**18.3 NORTHERN CAPE YORK #2 NATIVE TITLE CLAIM GROUP - AGREEMENT UNDER S 87A OF THE NATIVE TITLE ACT 1993 (CTH) - IDENTIFIED PARCELS****RESOLUTION 2022/228**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That Council:

1. Receives and notes the Report;
2. Enters into the Section 87A Agreement; and
3. Authorises Andrew Kerr from Moray & Agnew Lawyers to execute the Section 87A Agreement on behalf of Council.

**CARRIED**

**The Meeting closed at 11.46am.**

**The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 25 October 2022.**

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**CHAIRPERSON**