



MINUTES

Ordinary Council Meeting

25 October 2022

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,
COOKTOWN
ON TUESDAY, 25 OCTOBER 2022 AT 9.00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

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

Cr Larissa Hale joined the meeting at 10.22am.

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

3 MEETING OPENED

9.00am

4 APOLOGIES

Cr Peter Burns

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 previously advised a prescribed conflict of interest in Item 17.5 and will make her declaration when that item is reached in the meeting.

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 Peter Burns gave notice of a leave of absence from 24 October to 18 November 2022, however will attend some meetings via teleconference or videoconference where possible.

Mayor Peter Scott gave notice of a leave of absence from 21 December 2022 to 10 January 2023.

10 CONFIRMATION OF PREVIOUS MINUTES**ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2022****RESOLUTION 2022/230**

Moved: Councillor Marilyn Morris

Seconded: Deputy Mayor Robyn Holmes

That the minutes of the Ordinary Meeting held on 27 September 2022 be confirmed.

CARRIED

SPECIAL COUNCIL MEETING – 11 OCTOBER 2022**RESOLUTION 2022/231**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor John Dessmann

That the minutes of the Special Council Meeting held on 11 October 2022 be confirmed.

CARRIED

PLANNING & ENVIRONMENT STANDING COMMITTEE MEETING**RESOLUTION 2022/232**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That the minutes of the Planning and Environment Standing Committee Meeting held on 11 October 2022 be confirmed.

CARRIED

11 BUSINESS ARISING

Nil

12 NOTIFIED MOTIONS

Nil

13 COUNCILLORS' REPORTS**13.1 COUNCILLORS' MONTHLY REPORTS****RESOLUTION 2022/233**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

That the activities and updates contained in the individual Councillors' monthly reports tabled on 25 October 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 2022/234**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That the activities contained in the Chief Executive Officer's monthly report tabled on 25 October 2022, be noted and endorsed by Council.

CARRIED

15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS**15.1 REEF GUARDIAN ACTION PLAN 2021-2024****RESOLUTION 2022/235**

Moved: Councillor John Dessmann

Seconded: Councillor Ross Logan

That Council endorses the updated Reef Guardian Action Plan 2021 – 2024.

CARRIED

15.2 APPLICATION FOR PERMANENT ROAD CLOSURE - DAWSONS ROAD, LAKELAND (FORMALLY KNOWN AS COOKTOWN DEVELOPMENT ROAD) ADJACENT TO LOT 9 SP147285**RESOLUTION 2022/236**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

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 a Road Manager, advising the Department of Resources that Council cannot authorise a proposed permanent road closure over part of Dawson Road, Lakeland adjoining Lot 9 SP147285,

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. 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 Applicant and the Department of Resources that Council does not support the proposed road closure as the road has been identified as critical infrastructure to enable the development of Lakeland.
4. Advise the Applicant and the Department of Resources that Council may be open for future road closure proposals following the development of the Lakeland Masterplan.
5. Delegate 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 Chair suspended the meeting for a morning tea break at 10.09am.

The Chair resumed the meeting at 10.22am.

Cr Larissa Hale joined the meeting at 10.22am.

Item 15.3 – Presentation of Cook Shire Youth Council Meeting Minutes, was held over until a later time in the meeting.

16 ORGANISATIONAL BUSINESS SERVICES – REPORTS

At 10:24 am, Councillor John Dessmann left the meeting.

16.1 PRESENTATION OF AUDIT AND RISK COMMITTEE MINUTES

RESOLUTION 2022/237

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor Marilyn Morris

That Council note the minutes of the Audit and Risk Committee Meeting 11 October 2022.

CARRIED

At 10:27 am, Councillor John Dessmann returned to the meeting.

16.2 OPERATIONAL PLAN 2022/23 - FIRST QUARTERLY REPORT JULY - SEPTEMBER 2022**RESOLUTION 2022/238**

Moved: Councillor Ross Logan

Seconded: Councillor Marilyn Morris

That Council note the 2022/23 Operational Plan Quarterly Report for July to September 2022.

CARRIED

16.3 APPLICATION FOR A TEMPORARY ENTERTAINMENT EVENT - 148TH ANNUAL COOKTOWN RACE DAY**RESOLUTION 2022/239**

Moved: Councillor Ross Logan

Seconded: Councillor Marilyn Morris

That Council endorse the issue of a Temporary Event Permit with conditions, to the Cooktown Amateur Turf Club Inc. for the event known as 148th Annual Cooktown Race Day, 5 November 2022.

CARRIED

16.4 TRADE WASTE MANAGEMENT POLICY 2022 - COOK SHIRE COUNCIL**RESOLUTION 2022/240**

Moved: Deputy Mayor Robyn Holmes

Seconded: Councillor John Dessmann

That Council adopt the updated Cook Shire Trade Waste Management Policy 2022.

CARRIED

16.5 MONTHLY FINANCIAL REPORT - SEPTEMBER 2022**RESOLUTION 2022/241**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

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

CARRIED

17 INFRASTRUCTURE - REPORTS**17.1 CAPITAL WORKS PROGRAM 2022/2023 - QUARTERLY REPORT - JULY TO SEPTEMBER 2022****RESOLUTION 2022/242**

Moved: Councillor Ross Logan

Seconded: Deputy Mayor Robyn Holmes

That Council receives and notes the Capital Works Program 2022/23, Quarterly Report, July to September 2022.

CARRIED

17.2 DISASTER RECOVERY FUNDING ARRANGEMENTS (DRFA) 2022/2023 - QUARTERLY REPORT - JULY TO SEPTEMBER 2022**RESOLUTION 2022/243**

Moved: Councillor Ross Logan

Seconded: Deputy Mayor Robyn Holmes

That Council receives and notes the Disaster Recovery Funding Arrangements (DRFA) 2022/23 Quarterly Report for July to September 2022.

CARRIED

17.3 FNQ031 - REGIONAL COLLECTION REMOVAL OF FERROUS METAL, NON-FERROUS METAL AND USED LEAD ACID BATTERIES (ULABS)**RESOLUTION 2022/244**

Moved: Councillor Ross Logan

Seconded: Councillor John Dessmann

That Council:

1. Approve the award of FNQ031 – Collection and Removal of Ferrous Metal, Non-Ferrous Metal and Used Lead Acid Batteries to **SIMS GROUP AUSTRALIA HOLDINGS PTY LTD**, for a period of three (3) years with two (2) options of twelve (12) months each, with a maximum term of five (5) years; 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

17.4 FNQ035 - REGIONAL SUPPLY OF WATER CHEMICALS**RESOLUTION 2022/245**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That Council:

1. Approve the award of FNQ035 – Regional Supply of Water Chemicals to:
 - **COOGEE QCA PTY LTD**, for the supply and delivery of **liquid sodium hypochlorite**, and
 - **CLEVELAND BAY CHEMICAL COMPANY**, for the supply and delivery of **liquid aluminium sulphate** and **sodium hydroxide**; 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

DECLARATION OF INTEREST - CR LARISSA HALE - ITEM 17.5

“I, Councillor Larissa Hale, inform this meeting that I have a prescribed conflict of interest in Item 17.5. The nature of my interest is that a close associate of mine is 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 11:17 am, Councillor Larissa Hale left the meeting.

17.5 RFQ Q05322 - SUPPLY AND DELIVERY OF ROAD BASE (PORTLAND ROADS ROAD)**RESOLUTION 2022/246**

Moved: Councillor Ross Logan

Seconded: Deputy Mayor Robyn Holmes

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 \$1,010,000.00 (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, John Dessmann, Robyn Holmes, Ross Logan and Marilyn Morris

Against: Nil

CARRIED

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

18 CONFIDENTIAL REPORTS**CONSIDERATION OF CONFIDENTIAL REPORTS****RESOLUTION 2022/247**

Moved: Councillor Marilyn Morris

Seconded: Deputy Mayor Robyn Holmes

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 Northern Peninsula Sea Claim and North Eastern Peninsula Sea Claim - Kaurareg People #2 - Agreement Under Section 87 and 87A of the Native Title Act 1993

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 2022/248**

Moved: Councillor Marilyn Morris

Seconded: Deputy Mayor Robyn Holmes

That Council moves into Closed Session.

CARRIED

PROCEDURAL MOTION**RESOLUTION 2022/249**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council moves out of Closed Session and into Open Session.

CARRIED

18.1 NORTHERN PENINSULA SEA CLAIM AND NORTH EASTERN PENINSULA SEA CLAIM - KAURAREG PEOPLE #2 - AGREEMENT UNDER SECTION 87 AND 87A OF THE NATIVE TITLE ACT 1993

RESOLUTION 2022/250

Moved: Councillor John Dessmann

Seconded: Councillor Ross Logan

That Council:

1. Receives and notes the report;
2. Delegates authority to the Chief Executive Officer in accordance with Section 257 of the *Local Government Act 2009* to agree to any minor amendments required prior to the Determination Hearing on 30 November 2022; and
3. Subject to (2) above authorises Andrew Kerr from Moray & Agnew Lawyers to sign the 3 Agreements under Section 87 and 87A on Council’s behalf.

CARRIED

Lucas Giese and Georgia McMillan joined Councillors to present the minutes of the last two Youth Council meetings.

15.3 PRESENTATION OF COOK SHIRE YOUTH COUNCIL MEETING MINUTES

RESOLUTION 2022/251

Moved: Councillor John Dessmann

Seconded: Deputy Mayor Robyn Holmes

That Council notes the Minutes of the Meetings held by the Cook Shire Youth Council on 14 July 2022 and 13 September 2022.

CARRIED

Lucas noted that a correction to the minutes of 14 July 2022 minutes was required, where Veronica Buhmann was actually the chair and Leilani Hale was an apology. These changes will be made and noted at the next Youth Council meeting.

Lucas thanked the Councillors for inviting the Youth Council members to join them and present at today’s meeting.

The meeting closed at 12.00pm.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 22 November 2022.

.....

CHAIRPERSON