



MINUTES

Ordinary Council Meeting

21 June 2016

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE LAKELAND HALL
ON TUESDAY, 21 JUNE 2016 AT 9:00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

Deputy Mayor Alan Wilson, Cr Kaz Price, Cr John Dessmann, Cr John Giese, Cr Larissa Hale

3 MEETING OPENED

The meeting opened at 9.07am

4 APOLOGIES

Mayor Peter Scott and Cr Robyn Holmes

5 DECLARATIONS OF INTEREST

Cr Larissa Hale – I declare I may have a perceived conflict of interest in item 15.1 and 15.2 (as defined in section 173 of the Local government Act 2009 due to family connection. I have determined that this personal interest is not of sufficient significance that it will lead me to making a decision on this matter that is contrary to the public interest. I will best perform my responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on this matter.

Cr Kaz Price – I declare I have a real conflict of interest in item 16.6 (as defined in section 173 of the Local Government Act 2009) due to my role in the organisation and propose to exclude myself from the meeting while this matter is debated and the vote is taken.

6 NOTICE OF BEREAVEMENT

Advice has been received of the passing of Thomas Creek and Patrick Liddy.

As a mark of respect one minute silence was observed.

7 MAYORAL MINUTE

Nil

8 CONFIRMATION OF MINUTES**RESOLUTION 2016/20**

Moved: Cr Larissa Hale

Seconded: Cr John Giese

That the minutes of the Ordinary Meeting held on 17 May 2016 be confirmed.

CARRIED

9 BUSINESS ARISING

Nil

10 NOTIFIED MOTIONS

Nil

11 COUNCILLORS' REPORTS**11.1 COUNCILLORS MONTHLY REPORT****RESOLUTION 2016/21**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

That the activities contained in the individual Councillor monthly report be endorsed by Council.

CARRIED

12 EXECUTIVE SERVICES - REPORTS**12.1 CHIEF EXECUTIVE OFFICERS ACTIVITY SUMMARY****RESOLUTION 2016/22**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

That the activity summary from the Chief Executive Officer is noted.

CARRIED

Council adjourned at 9.37am for morning tea

Meeting re-opened at 10.04am

12.2 REVIEW OF OPERATIONAL PLAN FOR 2015-2016 FINANCIAL YEAR - JUNE**RESOLUTION 2016/23**

Moved: Cr Kaz Price

Seconded: Cr Larissa Hale

That the quarterly review of the Operational Plan 2015-2016 be adopted.

CARRIED

12.3 REVIEW OF COUNCILLORS ACCEPTABLE REQUEST GUIDELINES**RESOLUTION 2016/24**

Moved: Cr Larissa Hale

Seconded: Cr Kaz Price

That Council adopt the Councillors Acceptable Request Guidelines Policy.

CARRIED

12.4 REVIEW OF EXPENSES REIMBURSEMENT POLICY (COUNCILLORS)**MOTION**

Moved: Cr John Dessmann

Seconded: Cr John Giese

That Council include in the policy set rates for meal allowances. The Policy is to be changed and brought to Council for adoption at the next Ordinary Council meeting. The Expenses Reimbursement Policy for Employees shall be reviewed to include the same meal rates and brought to Council for adoption.

That Council agree that 12.4: Review of Expenses Reimbursement Policy (Councillors) be deferred until the next meeting of the Council scheduled to be held on 19 July 2016.

12.5 SURRENDER OF TRUSTEESHIP - LOTS 5,6 AND 8 ON RP 703341**RESOLUTION 2016/25**

Moved: Cr Kaz Price

Seconded: Cr Larissa Hale

1. That Taking into account all of the circumstances, it is recommended that Council formally provide its written consent to relinquish trusteeship over the Reserve Lots, and record its formal consent to those 3 Reserve Lots being converted to freehold and transferred by the State to Christian Community Ministries Limited, or its related entity.

(a) Council consents to relinquish its trusteeship over the 3 community purpose (park and recreation) reserve lots 5, 6 and 8 on RP 703341 comprising title reference 49003696 and record its formal consent for the 3 reserve lots being converted by the State to freehold and transferred as the State sees fit to Christian Community Ministries Limited (or its nominated entity), and that a copy of this motion and the accompanying report be provided to DNRM to satisfy its requirement.

CARRIED

12.6 RENEWAL OF TERM LEASE 0/21472 LOT 3 ON CROWN PLAN CF844106 - TELSTRA CORPORATION**RESOLUTION 2016/26**

Moved: Cr Kaz Price

Seconded: Cr John Giese

1. That Council note the correspondence dated 15 April 2016 relating to the renewal of the Telstra Term Lease.
2. Council has no issues with the Minister renewing the Lease to Telstra Corporation Limited subject to requesting minor amendments to the assess condition.

CARRIED

13 INFRASTRUCTURE SERVICES - REPORTS**13.1 CONTRACTUAL MATTER – 2016/2017 REGIONAL BITUMEN RESEAL AND REGISTER OF PRE-QUALIFIED SUPPLIERS****RESOLUTION 2016/27**

Moved: Cr John Giese

Seconded: Cr John Dessmann

That Council:

- 1) Awards the Regional Bitumen Reseal Program to Fulton Hogan Industries Pty Ltd for a period of 12 months. Based on the indicative works program and pricing the contract value is estimated at \$692,936.85.
- 2) Adopts the Register of Prequalified Suppliers in accordance with the attached supplier listing for 24 months with the option of a further 12 month extension at Council's discretion.
- 3) Delegates authority to the Chief Executive Officer in accordance with *Government Act 2009* to negotiate, finalise and execute any and all matters in relation to these arrangements.

CARRIED

14 CORPORATE SERVICES - REPORTS**14.1 REVENUE AND EXPENDITURE - MAY 2016****RESOLUTION 2016/28**

Moved: Cr Larissa Hale

Seconded: Cr Kaz Price

That the Revenue and Expenditure Statements for May 2016 be adopted.

CARRIED

14.2 RELATED PARTY DISCLOSURE REPORT**RESOLUTION 2016/29**

Moved: Cr Larissa Hale

Seconded: Cr John Dessmann

That Council adopt the Cook Shire Council Related Party Disclosure Policy as presented.

CARRIED

14.3 ASSET DISPOSAL COEN**RESOLUTION 2016/30**

Moved: Cr John Giese

Seconded: Cr John Dessmann

That Council resolve to gift for the sum of \$0.00 the asset known as (Women's Shelter – JS Love) CVR 4575 to Department of Housing and public Works for the relocation and commencement of a domestic violence crisis accommodation facility for the Coen Women's Group.

This facility is to be to be situated within the Coen Police compound lands and Council is to bare no cost for relocation and any current or future maintenance requirements and rehabilitation of the current site.

All relevant planning and building permits will be required prior to relocation occurring and all costs associated to be borne by the applicant

CARRIED

14.4 STOCK WRITE OFF**RESOLUTION 2016/31**

Moved: Cr John Giese

Seconded: Cr Kaz Price

That Council approve the write off of obsolete stock as per attached list.

CARRIED

15 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - REPORTS**15.1 APPLICATION FOR A DEVELOPMENT PERMIT - DA/3576 - FOR MAKING A MATERIAL CHANGE OF USE FOR ADDITIONS TO EXISTING TOURIST ACCOMMODATION AND RESTAURANT ON LOT 369 AND LOT 1 ON PLAN SP136191, BRAMWELL AND TELEGRAPH ROADS****RESOLUTION 2016/32**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

That the application under the current IPA Planning Scheme by Wendy Kozicka and Vincent Bowyer for a Development Permit for making a Material Change of Use for additions and changes to the existing Tourist Accommodation and Ancillary Restaurant on Lots 1 and 369 on Plan SP136191, located at Bramwell and Telegraph Roads, Shelburne, be approved subject to the following Conditions:

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

1. The development must be carried out generally in accordance with the following plans (Appendix 'A') submitted in response to Council's Information Request, except for any variations required to comply with the Conditions of this approval:
 - Site Plan – Bar/Restaurant – Project No 16-09B – Sheet 1B of 4
 - Floor Plan – Bar/Restaurant – Project No 16-09 – Sheet 2 of 4
 - Elevations – Bar/Restaurant – Project No 16-09 – Sheet 3 of 4
 - Elevations – Bar/Restaurant – Project No 16-09 – Sheet 4 of 4
 - Site Plan – Special Tourist Lease – Project No 16-06 – Sheet 1 of 1
 - Floor Plan – Accommodation Unit Disability Facilities – Project No 15-24 Sheet 2
 - Elevations – Accommodation Unit Disability Facilities – Project No 15-24 Sheet 3
 - Floor Plan/Elevations – Amenities Block – Project No 15-27 Sheet 2

Water

2. A potable water supply must be provided for the development. Details of such water supply together with the results of a NATA accredited water quality test showing the water is potable must be provided to Council prior to the use commencing.

Effluent Disposal

3. Any application for waste water treatment and disposal must include details of the proposed wastewater treatment disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – "On-Site domestic wastewater management".
4. The applicant must provide evidence at the time of Plumbing Application that the total capacity of wastewater treatment systems on Lot 369 on Plan SP136191 is below twenty one (21) EP (equivalent persons). Should the total capacity of the wastewater treatment systems on Lot 369 on Plan SP136191 be twenty one (21) equivalent persons or above, an approval will be required under the *Environmental Protection Act 1994* for an ERA 63 – Sewerage Treatment.

Access

5. Access to the development must be via the existing access.

Kitchen

6. The kitchen must comply with the *Food Act 2006*.
7. A detailed design plan of the kitchen, showing location and types of fittings must be submitted to Council for approval by Council's Environmental Health Officer prior to construction commencing.

Food Preparation

8. Any part of the premises to be used in the preparation, storage or handling of food is to comply with the requirements of the *Food Act 2006*, and is to be licensed and registered by Council.

Electricity

9. The development must be connected to a reliable electricity supply.

Fire Prevention

10. The development site must be maintained in a state so as not to create a fire hazard.

Screenings

11. Constructed privacy screening must be provided for the new disabled person accommodation unit. Details to be provided at the time of building application.

Internal Pathways

12. The new accommodation building must be connected to the laundry and restaurant by minimum 1.6 metre wide concrete pathway. Details to be provided at the time of building application.

Compliance

13. All relevant conditions of this development permit must be complied with prior to the use commencing.

Currency Period

14. The currency period for this development approval is four (4) years. Should the extensions to the Tourist Accommodation and Ancillary Restaurant not be established within this time, the approval will lapse.

CARRIED

15.2 APPLICATION FOR A DEVELOPMENT PERMIT - DA/3574 - FOR MAKING A MATERIAL CHANGE OF USE FOR CARAVAN PARK (CAMPING GROUND) ON LOT 369 ON PLAN SP136191, TELEGRAPH ROAD, SHELBURNE.

RESOLUTION 2016/33

Moved: Cr John Giese

Seconded: Cr Kaz Price

That the application under the current IPA Planning Scheme by Wendy Kozicka and Vincent Bowyer for a Development Permit for Making a Material Change of Use for a Caravan Park (Camp Ground) (Staged) on Lot 369 on Plan SP136191, located at Telegraph Road, Shelburne be approved subject to the following Conditions:

A. Assessment Manager (Council) Conditions

Approved Plans

1. The development must be carried out generally in accordance with the following plans (Attachment 'A') submitted in response to Council's Information Request, except for any variations required to comply with the Conditions of this approval:
 - Existing Facilities Stage 1 – Facilities – Project No 16-19 – Sheet 3;
 - Atco Structures – Floor Plan – Drawing No WALH-212 – A3;
 - Site Layout – Proposed Camp-ground – Project No 16-19 – Sheet 2;
 - Site Plan – Camp-ground – Project No 16-19 – Sheet 1.

Staging of Development

2. Staging must be in accordance with approved Site Layout Plan (Site Layout – Proposed Camp-ground – Project No 16-19 – Sheet 2):
 - **Stage one (1)(existing)**
 - Caravan and camper-trailer sites – 8 – 16 persons
 - Campervan sites – 3 – 6 persons
 - Tent sites – 6 – 9 persons
 - Total – 17 sites – 31 persons
 - **Stage two (2) (existing)**
 - Caravan and camper-trailer sites – 3 – 6 persons
 - Campervan Sites – 3 – 6 persons
 - Tent Sites – 18 – 27 persons
 - Total – 24 sites – 39 persons
 - **Stage three (3) (Proposes)**
 - Caravan and camper-trailer sites – 12 – 24 persons
 - Campervan Sites – 10 – 15 persons
 - Total – 22 sites – 39 persons

Water

3. A potable water supply must be provided for the development. Details of such water supply together with the results of a NATA accredited water quality test showing the water is potable must be provided to Council prior to the use commencing.

Effluent Disposal

4. Any application for waste water treatment and disposal must include details of the proposed wastewater treatment disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – “On-Site domestic wastewater management”

5. The applicant must provide evidence at the time of Plumbing Application that the total capacity of wastewater treatment systems on Lot 369 on Plan SP136191 is below twenty one (21) EP (equivalent persons). Should the total capacity of the wastewater treatment systems on Lot 369 on Plan SP136191 be twenty one (21) equivalent persons or above, an approval will be required under the *Environmental Protection Act 1994* for an ERA 63 – Sewerage Treatment.

Ablution Facilities

6. Each stage of the development must be provided with ancillary toilet/shower and laundry facilities as required under the *Building Code of Australia* and *Council’s Local Laws*, including facilities for disabled persons, prior to the use of each stage commencing.

Access

7. Access to the development must be via the existing access.

Internal Driveways

8. The internal driveways must be located as shown on the approved Site Layout Plan and be gravel sealed and maintained in a dust suppressed state at all times.

Camp Sites

9. Individual camp sites must be delineated and sign posted prior to their use commencing.

Car Parking

10. Car parking spaces as shown on the approved Site Layout Plan must be gravel sealed, delineated and maintained in a dust suppressed state at all times.

Building Works

11. All new structures must obtain the necessary development permits for Building Works and Plumbing and Drainage approvals prior to any construction commencing.
12. All existing structures associated with this Caravan Park must obtain the necessary development permits for Building Works and Plumbing and Drainage approvals prior to the 31 October 2016.

Electricity

13. The development must be connected to a reliable electricity supply. Details to be provided at the time of Building application.

Fire Prevention

14. The development site must be maintained in a state so as not to create a fire hazard.

Refuse

15. Refuse storage areas are to be screened and made easily accessible by visitors and for collections. Refuse is to be stored and disposed of to the satisfaction of Council's Environmental Health Officer.

Environmental

16. No State Declared or environmental pest plants or pest animals are to be introduced onto the property.

Pathways

17. The camp sites must be connected to the shower/toilet and laundry facilities by means of pathways. The location of these pathways must be provided at the time of Building application.

Compliance

18. All relevant conditions of this Development Permit must be complied with prior to the use commencing.

Outstanding Charges

19. All rates, service charges, interest and other charges levied on the land are to be paid prior to the use commencing.

Currency Period

20. The currency period for this application is four years (4) years. Should the approved Caravan Park (Camp Ground) not be established within this time, the approval shall lapse.

B. Assessment Manager (COUNCIL) Advice

A development permit is required for carrying out Building works and a Plumbing and Drainage approvals/compliance permit is required for Plumbing and Drainage works prior to construction of any buildings associated with this development.

CARRIED

15.3 APPLICATION FOR A DEVELOPMENT PERMIT - DA3380 - FOR A MATERIAL CHANGE OF USE FOR A CARAVAN PARK ON LOT 26 ON RP725840 - 1 SESAME STREET, LAKELAND

RESOLUTION 2016/34

Moved: Cr John Giese

Seconded: Cr Larissa Hale

That Council approve the application submitted by Mr Malcolm McCudden for a Permissible Change to an approval for a Caravan Park over Lot 26 on RP725840 with amendments to conditions 1, 2, 7 and 17 highlighted in red below.

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:
 - 33162/001G – Proposed Master Plan, prepared by Brazier Motti, dated 03/05/16, Revision

G;

- 33162/004A – Sketch Plan – Proposed New Amenities Building, prepared by Brazier Motti, dated 29/04/15;
- Cabin Internal Layout Plan – prepared by Auswide Steel Buildings & Shed Alliance Gold Coast, undated – received by Council on 04/05/15; and
- Cabin Elevations – prepared by Auswide Steel Buildings & Shed Alliance Gold Coast, dated 15/04/15.

Upgrading Access

2. The entrance from Sesame Street, between the road pavement and the site boundary shall be bitumen sealed and constructed to the requirements of the FNQROC Manual prior to the commencement of the first stage.

Internal Driveway and Car Parking

3. The internal driveway and car parking is to be sited generally in accordance with the approved plan;
4. The internal driveway and the temporary parking bay adjacent to the existing reception building must be bitumen or concrete sealed and constructed prior to the commencement of the first stage.
5. In addition to the temporary parking bay, 1 car parking space must be provided for each cabin/site, either adjacent to the cabin/site for adjacent to the internal access road. Car parking is to be bitumen or concrete sealed and line marked.
6. Construction of internal driveways and car parking must be to the requirements of the FNQROC Manual. Engineering drawings must be submitted for approval by Council's Director Infrastructure Services prior to works commencing.

External Roads

7. Deleted

Construction and Staging

8. The new amenities building shall be constructed prior to commencement of the first stage where cabins are constructed without ensuites.
9. Staging can occur in any order, Stage 1 through to Stage 4.

Existing Uses

10. In recognition of the existing use rights, the applicant is able to retain some 'existing sites' while redeveloping the remainder of the site in accordance with this approval. The number of existing sites able to be maintained shall be calculated by subtracting the number of new cabins from the 20 lawful sites. Existing lawful sites may continue to be used for caravans, RVs, tent camping or cabins but should not interfere with the requirements of this approval.

Progress Plans

11. The developer is to submit a progress plan to the satisfaction of the Director Development, Environment and Community prior to the commencement of each stage indicating:
 - a. How existing sites will be accommodated within the site;
 - b. Details of additional recreation and dining facilities such as outdoor bbqs;
 - c. Typical materials and colours for new buildings; and
 - d. Areas designated for waste water irrigation.

Infrastructure Charges

12. Infrastructure charges for water must be paid to Council when the number of sites exceeds 20. An adopted Infrastructure Charges Notice shall be issued upon receipt of the progress plan mentioned in condition 10. Charges are to be paid prior to the commencement of the stage, at the rate applicable at the time of payment.

Site Population

13. Each cabin is not to accommodate more than 2 persons, with a maximum site population of 78 persons when the site is fully developed.

Building Works

14. The existing cabin which is constructed over the property boundary fronting Slim Close is to be removed prior to the commencement of the first stage.
15. The developer is to obtain building approval for all existing structures prior to commencement of the first stage.
16. All new structure must obtain the necessary development permits for building works and plumbing and drainage approvals prior to any construction commencing on the site.

Operational Works

17. Prior to any construction commencing on the site, Council will require approval of an Operational Works application for the following:
 - Upgrading of the access to Sesame Street between the existing road pavement and the property boundary to bitumen sealed standard.
 - Submission of erosion and sediment control plans as part of this access upgrading.

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

Council will require that one (1) copy of the design drawings be submitted to Council for preliminary assessment. Three (3) copies of the final design are to be submitted to Council for approval prior to the commencement of the works. On completion of the works, the Council shall require a Certificate of Completion from a Registered Professional Engineer and a set of as constructed plans must be deposited at Council's office.

Landscaping

18. Prior to the issue of a Development Permit for building Works, the applicant is to prepare and submit to the Council a Landscape Plan for approval by the Council's Director Development Environment and Community. The plan should include a 2m landscaped buffer along the boundary of the site with details about how the use will be screened from the adjoining land and present attractively to the road frontage. The plan should also show how existing mature vegetation is to be retained. The Applicant is to undertake the landscaping in accordance with the approved plan prior to the commencement of the first stage.

Acoustic Fence

19. A 2m high acoustic fence is to be provided along the northern boundary of the site and is to be:
 - Constructed of a material with a minimum surface area density of 12.5kg/m²
 - Constructed of an aesthetically pleasing weather-resistant material such as fibre cement, painted or treated timber, brick, concrete or a combination thereof
 - Continuous and gap free.

On completion, submit to Director Infrastructure Services, certification from an appropriately qualified consultant that the constructed acoustic barrier complies with the above requirements.

Storm Water

20. Storm water must be directed to a legal point of discharge to the satisfaction of Council's Manager Engineering Services.

Services

21. The proposal is to be connected to the reticulated water system, electricity supply and telecommunication services at the time of construction. Internal electricity reticulation must be via underground connection.

Effluent Disposal

22. Wastewater treatment and disposal applications must include details of 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 to be provided at the time of lodgement of a Plumbing or Building application and prior to the issue of a Development Permit for Stage 1 building Works. The works are to be completed to the satisfaction of Council's Director of Engineering Services, prior to the commencement of the use in Stage 1.
23. If the on-site sewage system exceeds 21EP the applicant is required to obtain the necessary ERA permit. The applicant is reminded that an ERA relates to the capacity of the site as a whole, not the capacity of each system.
24. The existing irrigation area is to be replaced in accordance with the report prepared by Auswide Environmental dated 14 March 2015.

Refuse

25. Refuse storage areas are to be screened from view from the road. Collection is to be via kerbside collection to the satisfaction of the Director Planning & Environment Services.

Certificate and Maintenance

26. Upon completion of the works subject to the requirement for an Operational Works application in Condition 16 of this approval, a certificate from a qualified engineer is to be submitted to Council stating that the works have been carried out properly and in accordance with the plans and specifications approved by Council.

The certificate shall set out the full engineering details of the works as completed.

Public Utilities

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

Utilities design must be in accordance with the FNQROC Development Manual D8 Operational Works Design Guidelines "Utilities".

Environmental

28. The applicant must ensure that no sand, soil or silt runoff occurs from the site during the construction and operation phase of the development.

Compliance

29. All relevant Conditions of this Development Permit are to be complied with prior to the use commencing.

Outstanding Charges

30. All rates, service charge, interest and other charges levied on the land are to be paid prior to the use commencing.

Currency Period

31. The currency period (i.e. the completion of all 4 stages) for this application is four (4) years. Should the approved Caravan Park not be established within this time, the approval shall lapse.

B. ASSESSMENT MANAGER (COUNCIL) ADVICE

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 dwellings associated with this development.

CARRIED

15.4 REPORT ON ADDITIONAL SUBMISSIONS RECEIVED - DRAFT COOK SHIRE COUNCIL PLANNING SCHEME**RESOLUTION 2016/35**

Moved: Cr Larissa Hale

Seconded: Cr John Dessmann

1. That Council resolve to respond to these submissions and confirm that changes have already been made to (in part) in response to other submissions received during public notification of the draft planning scheme and further to explain the reasons why other changes will not be made.

CARRIED

15.5 REVIEW OF COMMUNITY ENGAGEMENT POLICY**RESOLUTION 2016/36**

Moved: Cr John Giese

Seconded: Cr John Dessmann

That Council adopt the revised Community Engagement Policy.

CARRIED

15.6 2020 ADVISORY COMMITTEE**RESOLUTION 2016/37**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

That the Cooktown 2020 Advisory Committee Terms of Reference be updated to include a Committee member representing the Cooktown Botanic Gardens.

CARRIED

15.7 NATURE'S POWERHOUSE ADVISORY COMMITTEE**RESOLUTION 2016/38**

Moved: Cr John Dessmann

Seconded: Cr Kaz Price

That Council ratifies the following recommendations contained in the Nature's Powerhouse Advisory Committee 27 May 2016 minutes:

1. That the Nature's Powerhouse Revitalisation Advisory Committee be changed to ***Waymbuurr Botanic Gardens Precinct Advisory Committee***
2. That the following positions be added to the appointed advisory committee:
 - Guugu Yimithirr Nation representative
 - Ranger representative
 - Cook Shire Council's Manager Parks and Gardens (ex-officio)

CARRIED

16 CONFIDENTIAL REPORTS

RECOMMENDATION

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 Act 2009:

16.1 Minutes of the Waterfront Advisory Committee - 16 May 2016

This matter is considered to be confidential under Section 275(f) of the Local Government Act, 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 starting or defending legal proceedings involving Cook Shire Council.

16.2 REQUEST TO WRITE OFF EXCESS WATER CHARGES

This matter is considered to be confidential under Section 275(d) of the Local Government Act, 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 rating concessions.

16.3 REQUEST TO WRITE OFF EXCESS WATER CHARGES

This matter is considered to be confidential under Section 275(d) of the Local Government Act, 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 rating concessions.

16.4 REQUEST TO WRITE OFF EXCESS WATER CHARGES

This matter is considered to be confidential under Section 275(d) of the Local Government Act, 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 rating concessions.

16.5 Claim for Compensation

This matter is considered to be confidential under Section 275(f) of the Local Government Act, 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 starting or defending legal proceedings involving Cook Shire Council.

16.6 Trustee Permit Lease for Nature's Powerhouse Cafe

This matter is considered to be confidential under Section 275(e) of the Local Government Act, 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 contracts proposed to be made by Cook Shire Council.

16.7 Outcome of Investigation into T0116 Hire of Plant Complaint

This matter is considered to be confidential under Section 275(h) of the Local Government Act, 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 business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.8 Land Tenure - Term Lease Conversion to Freehold

This matter is considered to be confidential under Section 275(h) of the Local Government Act, 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 business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to

gain a financial advantage.

Council adjourned for lunch at 12.07pm

Reconvened the meeting at 12.55pm

MOTION

Moved: Cr John Giese

Seconded: Cr Kaz Price

That Council moves into Closed Council.

MOTION

Moved: Cr John Dessmann

Seconded: Cr John Giese

That Council moves out of Closed Council into Open Council.

16.1 Minutes of the Waterfront Advisory Committee - 16 May 2016

RESOLUTION 2016/39

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

That the minutes and resolutions of the Waterfront Advisory Committee meeting held on 16 May 2016 be received.

CARRIED

16.2 REQUEST TO WRITE OFF EXCESS WATER CHARGES

RESOLUTION 2016/40

Moved: Cr Larissa Hale

Seconded: Cr John Giese

That Council grant the 50% of the excess charge \$1,425.00.

CARRIED

16.3 REQUEST TO WRITE OFF EXCESS WATER CHARGES**RESOLUTION 2016/41**

Moved: Cr John Giese

Seconded: Cr Larissa Hale

That Council grant the excess charges of \$623.00 less 50% = \$311.50.

CARRIED

16.4 REQUEST TO WRITE OFF EXCESS WATER CHARGES**RESOLUTION 2016/42**

Moved: Cr John Dessmann

Seconded: Cr Kaz Price

That Council grant the excess charge of \$544.25 less 50% = \$272.13.

CARRIED

16.5 CLAIM FOR COMPENSATION**RESOLUTION 2016/43**

Moved: Cr John Giese

Seconded: Cr Larissa Hale

That Council accept this report for information only

CARRIED

At 1.04 pm, Cr Kaz Price left the meeting.

At 1.26 pm, Cr Kaz Price left the meeting.

16.6 TRUSTEE PERMIT LEASE FOR NATURE'S POWERHOUSE CAFE**RESOLUTION 2016/44**

Moved: Cr John Giese

Seconded: Cr Larissa Hale

That Council offer the Trustee Permit to Cooktown & District Community Centre for the term of 1 year with the option to renew for a further 2 years.

CARRIED

At 1.06pm, Cr Kaz Price returned to the meeting.

At 1.28 pm, Cr Kaz Price returned to the meeting.

16.7 OUTCOME OF INVESTIGATION INTO T0116 HIRE OF PLANT COMPLAINT**RESOLUTION 2016/45**

Moved: Cr John Giese

Seconded: Cr Larissa Hale

That the information be noted.

CARRIED

16.8 LAND TENURE - TERM LEASE CONVERSION TO FREEHOLD**RESOLUTION 2016/46**

Moved: Cr John Giese

Seconded: Cr Kaz Price

That

1. Council note the contents of the report;
2. Council resolves to support the conversion of Lot 3 on CP857624 and Lot 4839 on SP263753 being term leases for pastoral purposes to Freehold;
3. The Chief Executive Officer be instructed to notify DNRM accordingly.

CARRIED

17 EXECUTIVE SERVICES - INFORMATION

Nil

18 INFRASTRUCTURE SERVICES - INFORMATION**18.1 INFORMATION REPORT FOR NDRRA****RESOLUTION 2016/47**

Moved: Cr John Giese

Seconded: Cr John Dessmann

That the information be noted.

CARRIED

19 CORPORATE SERVICES - INFORMATION

Nil

20 DEVELOPMENT, ENVIRONMENT AND COMMUNITY - INFORMATION

Nil

The Meeting closed at 1.40pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 July 2016.

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CHAIRPERSON