



MINUTES

Ordinary Council Meeting

22 November 2022

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,
COOKTOWN
ON TUESDAY, 22 NOVEMBER 2022 AT 9.00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

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

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

3 MEETING OPENED

9.00am

4 APOLOGIES

Cr Larissa Hale

5 ACKNOWLEDGEMENT OF COUNTRY

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

6 DECLARATIONS OF INTEREST

Nil

7 MAYORAL MINUTE

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

Deputy Mayor Robyn Holmes – 25 to 28 November 2022, and 19 December 2022 to 4 January 2023.

Mayor Peter Scott – 5 to 6 December 2022.

10 CONFIRMATION OF PREVIOUS MINUTES**MINUTES – ORDINARY COUNCIL MEETING – 25 OCTOBER 2022****RESOLUTION 2022/254**

Moved: Councillor Ross Logan

Seconded: Councillor Marilyn Morris

That Council confirm the minutes of the Ordinary Council Meeting held on 25 October 2022.

CARRIED

MINUTES – SPECIAL COUNCIL MEETING – 8 NOVEMBER 2022**RESOLUTION 2022/255**

Moved: Councillor Ross Logan

Seconded: Councillor Marilyn Morris

That Council confirm the minutes of the Special Council Meeting held on 8 November 2022.

CARRIED

11 BUSINESS ARISING

Nil

12 NOTIFIED MOTIONS

Nil

The Mayor commented that Councillors would like to propose to convene a summit or forum to address local issues, including the recent increase in youth crime. Attendees would include representatives of a range of government agencies, organisations and other community stakeholders.

The matter will be taken up by the Chief Executive Officer as a Mayoral Directive.

13 COUNCILLORS' REPORTS**13.1 COUNCILLORS' MONTHLY REPORTS****RESOLUTION 2022/256**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That Council note and endorse the activities, updates and future travel and leave commitments contained in the individual Councillors' monthly reports tabled on 22 November 2022.

CARRIED

14 EXECUTIVE SERVICES - REPORTS**14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2022/257**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

That Council note and endorse the activities contained in the Chief Executive Officer's monthly report tabled on 22 November 2022.

CARRIED**14.2 2023 COUNCIL MEETING DATES****RESOLUTION 2022/258**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That Council adopt the following Council meeting dates for 2023:

Ordinary Council meetings			Planning and Environment Standing Committee meetings		
9.00am	Tuesday 24 January	Cooktown			
9.00am	Tuesday 28 February	Cooktown	9.00am	Tuesday 14 February	Cooktown
9.00am	Tuesday 28 March	Rossville (TBC)	9.00am	Tuesday 14 March	Cooktown
9.00am	Wednesday 26 April	Cooktown	9.00am	Tuesday 11 April	Cooktown
9.00am	Tuesday 23 May	Cooktown	9.00am	Tuesday 9 May	Cooktown
9.00am	Tuesday 27 June	Cooktown	9.00am	Tuesday 13 June	Cooktown
9.00am	Tuesday 25 July	Cooktown	9.00am	Tuesday 11 July	Cooktown
9.00am	Tuesday 22 August	Cooktown	9.00am	Tuesday 8 August	Cooktown
9.00am	Tuesday 26 September	Coen (TBC)	9.00am	Tuesday 12 September	Cooktown
9.00am	Tuesday 24 October	Cooktown	9.00am	Tuesday 10 October	Cooktown
9.00am	Tuesday 28 November	Cooktown	9.00am	Tuesday 14 November	Cooktown
9.00am	Tuesday 12 December	Cooktown			

CARRIED**15 COMMUNITY, ECONOMY AND INNOVATION - REPORTS****15.1 COMMUNITY AND ECONOMIC DEVELOPMENT GRANTS - ROUND 1, 2022/2023****RESOLUTION 2022/259**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That Council approves the following applications for funding under Round 1 of the Community and Economic Development Grants Program 2022 – 2023 to a total of \$36,346:

- (a) Laura and District Rodeo and Campdraft Association Inc. - \$5,000
- (b) Bloomfield Beach Camp Pty Ltd - \$4,760
- (c) Cooktown P-12 State School P & C - \$5,000
- (d) Rossville Retreat - \$5,000
- (e) Mossman and District Gymnastics Club - \$2,636
- (f) Artisan Bay Workshops - \$5,000
- (g) Cooktown School of Arts Association - \$4,100
- (h) Learning from Nature & Hill Top Farm Cabins and Camping - \$4,850

CARRIED

15.2 PRESENTATION OF COOK SHIRE YOUTH COUNCIL MEETING MINUTES

RESOLUTION 2022/260

Moved: Councillor Marilyn Morris

Seconded: Deputy Mayor Robyn Holmes

That Council notes the outcomes of the meeting held by the Cook Shire Youth Council on 8 November 2022 as detailed in the attachment to this report.

CARRIED

15.3 COOKTOWN EVENTS CENTRE - NEW MANAGEMENT AGREEMENT AND KPIS - PCYC QUEENSLAND

RESOLUTION 2022/261

Moved: Councillor Peter Burns

Seconded: Deputy Mayor Robyn Holmes

That Council:

1. Provides approval to enter into a 3-year Management Agreement with two 3-year options, including associated KPIS, with the Police-Citizens Youth Clubs (PCYC) Queensland; and
2. Delegates authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to finalise any and all matters associated with the execution of the Management Agreement and associated KPIS.

CARRIED

The Mayor called a break for morning tea at 10.01am.

The Mayor resumed the meeting at 10.19am.

15.4 PROPOSED PERMANENT ROAD CLOSURE OF UNNAMED ROAD WITHIN LOT 4 ON SP266637 - LOCALLY KNOWN AS BERTIEHAUGH ROAD**RESOLUTION 2022/262**

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

That Council resolves to:

- 1) Advise the Department of Resources that Council does not support the road closure of the unnamed road within Lot 4 SP266637, locally known as Bertiehaugh Road, for the following reasons:
 - a) The road is considered to be a vital piece of infrastructure supporting the current and future potential value of this area to Weipa, the Western Cape, Northern Peninsula Area and the communities of Mapoon, Napranum and New Mapoon.
 - b) The loss of tourism and income support to the local community and which will likely hinder future tourism investment.
 - c) The closure will increase travelling time between communities, increase fuel costs associated with the extra kilometres travelled and reduce family and cultural connections between communities.
- 2) Provide the Department of Resources a copy of the report with all attachments.
- 3) 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 proposed road closure.

CARRIED

16 ORGANISATIONAL BUSINESS SERVICES - REPORTS**16.1 APPLICATION FOR A DEVELOPMENT PERMIT DA/4509 – MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING - 35 MAY STREET, COOKTOWN, LOT 32 ON C17949****RESOLUTION 2022/263**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

1. That Council issue an approval for the development application submitted by Robert and Grace Parker c/- U&i Town Plan for a Development Permit for Material Change of Use for Multiple dwelling (4 dwelling units) at 35 May Street, Cooktown, formally described as Lot 32 on C17949, 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 Multiple dwelling is an appropriate use to be located on the site and will have no adverse impact on the

established residential character and amenity of the locality and adjoining lots.

3. That an Infrastructure Charges Notice be issued for the amount of \$15,600 in relation to the development approval for a Development Permit for Material Change of Use – Multiple Dwelling at 35 May Street, Cooktown, formally described as Lot 32 on C17949.
4. That Cook Shire Council refuse the request to waive the Infrastructure Charges associated with the Development Approval for Material Change of Use for Multiple Dwelling (4 dwelling units) on land located at 35 May Street, Cooktown, formally described as Lot 32 on C17949.
5. That the applicant be advised that Council is currently considering the development of a policy to support and encourage development within the Shire and the waiver or reduction of Infrastructure Charges may be considered in the development of the policy. Should Council adopt a policy that provides for the opportunity to apply for a waiver or reduction of Infrastructure Charges it is recommended you apply in accordance with the policy prior to the payment of the applicable charges.

A. Assessment Manager (Council) Conditions

No.	Condition	Timing
GENERAL		
1.	COMPLIANCE WITH CONDITIONS The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor, or invitee of the Developer.	At all times
2.	WORKS – DEVELOPER’S EXPENSE The cost of all works associated with the development and construction of the development, including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.	At all times
3.	WORKS - DAMAGE TO INFRASTRUCTURE The Developer must repair any damage to existing infrastructure (e.g. kerb and channel, footpath, or roadway) that may have occurred during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community, must be repaired immediately.	At all times
4.	WORKS – DESIGN & STANDARD Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines, and standards.	At all times
5.	WORKS – SPECIFICATION & CONSTRUCTION All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised, and certified by a Registered Professional Engineer of Queensland (RPEQ).	At all times
6.	COMMENCEMENT OF USE The use must not commence until all conditions of this approval have been complied with.	At all times

7.	INFRASTRUCTURE CONDITIONS All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.	At all times																														
APPROVED PLANS & DOCUMENTS																																
8.	APPROVED PLANS & DOCUMENTS Undertake the approved development generally in accordance with the approved plans and documents, including any amendments made in red on the approved plan(s) or document(s):	At all times																														
	<table border="1"> <thead> <tr> <th>Title</th> <th>Sheet No.</th> <th>Revision / Amended</th> <th>Date</th> <th>Prepared By</th> </tr> </thead> <tbody> <tr> <td>Site Plan</td> <td>sk01</td> <td>1</td> <td>1/10/2022</td> <td>A. Ballard</td> </tr> <tr> <td>Unit Plan Layout</td> <td>sk02</td> <td>-</td> <td>1/10/2022</td> <td>A. Ballard</td> </tr> <tr> <td>Elevations 1 & 2</td> <td>sk03</td> <td>-</td> <td>1/10/2022</td> <td>A. Ballard</td> </tr> <tr> <td>Elevations 3 & 4</td> <td>sk04</td> <td>-</td> <td>1/10/2022</td> <td>A. Ballard</td> </tr> <tr> <td>Rendered 3D views</td> <td>sk05</td> <td>-</td> <td>1/10/2022</td> <td>A. Ballard</td> </tr> </tbody> </table>		Title	Sheet No.	Revision / Amended	Date	Prepared By	Site Plan	sk01	1	1/10/2022	A. Ballard	Unit Plan Layout	sk02	-	1/10/2022	A. Ballard	Elevations 1 & 2	sk03	-	1/10/2022	A. Ballard	Elevations 3 & 4	sk04	-	1/10/2022	A. Ballard	Rendered 3D views	sk05	-	1/10/2022	A. Ballard
Title	Sheet No.		Revision / Amended	Date	Prepared By																											
Site Plan	sk01		1	1/10/2022	A. Ballard																											
Unit Plan Layout	sk02		-	1/10/2022	A. Ballard																											
Elevations 1 & 2	sk03		-	1/10/2022	A. Ballard																											
Elevations 3 & 4	sk04	-	1/10/2022	A. Ballard																												
Rendered 3D views	sk05	-	1/10/2022	A. Ballard																												
9.	CONDITIONS OF APPROVAL & APPROVED PLANS Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval take precedence.	At all times																														
VEHICULAR ACCESS																																
10.	Access to the proposed development must be provided in accordance with the approved plans of development.	At all times																														
11.	Access from the property boundary to the road pavement must be 3.5 metres wide, sealed with concrete or bitumen and be constructed to the requirements of the FNQROC Development Manual Drawing S1015E (commercial/industrial standard), and Design Manual D1, Road Geometry, section D1.17 and subject to a Local Laws Permit 'Make Alterations or Improvements to a Road'.	At all times																														
CAR PARKING																																
12.	NUMBER OF PARKING SPACES A minimum of five (5) car parking spaces must be provided on site (4 resident spaces and 1 visitor space).	At all times																														

13.	SEALING Car parking spaces and internal driveways must be located as per the approved plan of development and be concrete or bitumen sealed and comply with the Australian Standard 2890.1 – Parking Facilities – off-street parking and be constructed to the requirements of the FNQROC Development Manual.	Prior to commencement of use
SERVICES		
14.	RETICULATED ELECTRICITY SUPPLY The development must be connected to the reticulated electricity supply network in accordance with the standards and requirements of the relevant service provider. Internal reticulation between the dwelling units must be via underground distribution.	Prior to commencement of use
15.	TELECOMMUNICATIONS Telecommunications must be provided to the premises to the standards and requirements of the relevant service provider.	Prior to commencement of use
16.	RETICULATED WATER SUPPLY The development must be connected to the reticulated water supply with a 32mm water service connection. The developer will be responsible for sub metering.	Prior to commencement of use
17.	RETICULATED SEWERAGE SUPPLY The development must be connected to the reticulated sewerage network. Plans must be submitted as part of a plumbing application for approval by Council's Plumbing Inspector prior to works commencing.	Prior to commencement of use
FENCING & LANDSCAPING		
18.	Fencing must be provided in accordance with approved plan of development.	At all times
19.	Landscaping must be provided and maintained in the landscaped gardens identified on the approved plan of development. The landscaping must include a selection of species that enhance the visual amenity of the site.	At all times
WASTE DISPOSAL		
20.	WASTE STORAGE All bins and waste storage areas must be located on site and screened so they are not visible from the street or neighbouring properties.	At all times
STORMWATER		
21.	LAWFUL POINT OF DISCHARGE Stormwater drainage must be directed to a lawful point of discharge	At all times

	being May Street.	
22.	DRAINAGE Site works must not adversely affect flooding or drainage characterises of properties that are upstream, downstream, or adjacent to the development site.	At all times
EROSION & SEDIMENT CONTROL		
23.	The applicant must ensure that no sand, soil or silt runoff occurs from the site during the construction and operational phase of the development and erosion and sediment controls are in place.	At all times
ENVIRONMENTAL		
24.	PEST MANAGEMENT No State declared or environmental pest, plants, and animals are to be introduced onto the property.	At all times
AMENITY		
25.	EXTERNAL IMPACTS The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.	At all times

B. Assessment Manager (Council) Advice

1. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.
2. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
3. Infrastructure charges must be paid to Council prior to the commencement of use of the new dwelling house as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment.
4. 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.
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.

CARRIED

16.2 ENTERTAINMENT AND HOSPITALITY POLICY**RESOLUTION 2022/264**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That Council adopts the Entertainment and Hospitality Policy dated November 2022.

CARRIED

16.3 ASSET DISPOSAL POLICY**RESOLUTION 2022/265**

Moved: Councillor Ross Logan

Seconded: Councillor Peter Burns

That Council adopts the Asset Disposal Policy dated 22 November 2022.

CARRIED

16.4 BENEFITED AREA - RURAL ELECTRIFICATION CAMERON CREEK ROAD AREA MAP**RESOLUTION 2022/266**

Moved: Councillor Marilyn Morris

Seconded: Councillor Ross Logan

That Council mapping for the Benefited Area Rural Electrification – Cameron Creek Road Area be amended to remove Lot 134 SP263759 and Lot 135 SP263759.

CARRIED

16.5 LOCAL LAW REVIEW 2022 - ADOPTION OF AMENDED AND CONSOLIDATED LOCAL LAWS**RESOLUTION 2022/267**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That Council resolves:

1. to approve and adopt the “Review of Possible Anti-Competitive Provisions – Local Law Amendments 2022”;
2. pursuant to section 29(2) of the *Local Government Act 2009*, to adopt *Amending Local Law No. 1 (Miscellaneous Local Laws) 2022*;
3. pursuant to section 29(2) of the *Local Government Act 2009*, to adopt *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2022*;
4. to delegate to the Chief Executive Officer, the power to take all steps necessary to publish the new Local Law in accordance with section 29B of the *Local Government Act 2009*; and
5. to adopt consolidated versions of the following subordinate local laws that incorporate amendments made to those local laws to date:

- (a) *Local Law No. 1 (Administration) 2016;*
- (b) *Local Law No. 3 (Community and Environmental Management) 2016;*
- (c) *Subordinate Local Law No. 1 (Administration) 2016;*
- (d) *Subordinate Local Law No. 2 (Animal Management) 2016;*
- (e) *Subordinate Local Law No. 4 (Local Government Areas, Facilities and Roads) 2016.*

CARRIED

16.6 APPLICATION FOR A TEMPORARY ENTERTAINMENT EVENT - SUNSET WITH SANTA - 2022

RESOLUTION 2022/268

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That Council endorse the issue of a Temporary Event Permit with conditions, to Cook Shire Council for the event known as 'Sunset with Santa' to be held on, 2 December 2022 at William Daku Park, Webber Esplanade, Cooktown.

CARRIED

16.7 APPLICATION FOR A TEMPORARY EVENT PERMIT - COOKTOWN COMBINED CHURCHES CHRISTMAS CAROLS 2022

RESOLUTION 2022/269

Moved: Councillor John Dessmann

Seconded: Deputy Mayor Robyn Holmes

That Council endorse the issue of a Temporary Event Permit with conditions, to the Cooktown Baptist Church for the event known as Cooktown Combined Churches Christmas Carols, to be held on 4 December 2022.

CARRIED

16.8 MONTHLY FINANCIAL REPORT - OCTOBER 2022

RESOLUTION 2022/270

Moved: Councillor Peter Burns

Seconded: Councillor Ross Logan

That Council notes the Financial Report for October 2022 as required under section 204 of the *Local Government Regulation 2012*.

CARRIED

17 INFRASTRUCTURE - REPORTS**17.1 DRINKING WATER QUALITY POLICY****RESOLUTION 2022/271**

Moved: Councillor Peter Burns

Seconded: Deputy Mayor Robyn Holmes

That Council adopt the updated Drinking Water Quality Policy dated September 2022.

CARRIED

Council's Procurement Officer noted that the report for Item 17.2 contains errors that were only realised after completion of the agenda. Two (2) of the reported tendered prices did not include Council's requested optional extras.

The correct figures are as follows:

No.	Tenderer	Machine Quoted	Amount (Excl. GST)
1	Q-Mac Machinery Pty Ltd / Case Construction	Case 590SN	\$260,000.00
2	Hastings Deering (Australia) Limited	Caterpillar 432	\$304,674.38
3	Onetrak	Hidromek HMK102B Supra	\$234,278.00

17.2 RFQ Q02622 - SUPPLY AND DELIVERY OF BACKHOE**RESOLUTION 2022/272**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council:

1. Approve the award of RFQ Q02522 – Supply and delivery of centre mount backhoe, to **Q- MAC MACHINERY PTY LTD**, in the amount of **\$260,000.00 (excluding GST)**;
2. Approve the sale of plant # 130 at the Ray White NASCO Auctions in Townsville; 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

17.3 RFT T03922 - PSA - COLLECTION AND DISPOSAL OF REGULATED WASTE**RESOLUTION 2022/273**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That Council:

1. Approve the award to CLEANAWAY under a preferred supplier arrangement for the collection and disposal of regulated waste, 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.

CARRIED

18 CONFIDENTIAL REPORTS

CONSIDERATION OF CONFIDENTIAL REPORTS

RESOLUTION 2022/274

Moved: Councillor Peter Burns

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 Queensland Audit Office - Final Management Letter 2021/2022

This matter is considered to be confidential under Section 254J(b) and (c) of the Local Government Regulation 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with industrial matters affecting employees and the local government's budget.

18.2 Sale of Freehold Land - Part of Lot 5 SP245598

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 Proposed Sub Leases Within Lease D on Lot 1 Crown Plan 889652 Webber Esplanade, Cooktown - Request to Waive Fees

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 2022/275

Moved: Councillor Peter Burns

Seconded: Deputy Mayor Robyn Holmes

That Council moves into Closed Session.

CARRIED

PROCEDURAL MOTION**RESOLUTION 2022/276**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council moves out of Closed Session into Open Session.

CARRIED

At 11:38 am, Councillor Ross Logan left the meeting.

18.1 QUEENSLAND AUDIT OFFICE - FINAL MANAGEMENT LETTER 2021/2022**RESOLUTION 2022/277**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That Council notes the Queensland Audit Office's Final Management Letter for the 2022 audit and progress in resolving the outstanding audit matters.

CARRIED

18.2 SALE OF FREEHOLD LAND - PART OF LOT 5 SP245598**RESOLUTION 2022/278**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That Council:

1. Approves the sale of 616m² of vacant land excised from Lot 5 SP245598 to the applicant; and
2. Endorses the sale price as detailed within the Financial and Resource Implications section of the report; and
3. Acknowledges that all fees associated with the transaction will be borne by the applicant; and
4. 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 lodgement of the survey plan and the contract of sale.

CARRIED

At 11:41 am, Councillor Ross Logan returned to the meeting.

18.3 PROPOSED SUB LEASES WITHIN LEASE D ON LOT 1 CROWN PLAN 889652 WEBBER ESPLANADE, COOKTOWN - REQUEST TO WAIVE FEES**RESOLUTION 2022/279**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

That Council resolves to:

1. Advise the lessee that Council will approve the sub-leases in lease area "D" on Lot 1 Crown Plan 889652 and will execute the Form 18 - General Consent Form, subject to the following conditions:
 - a) the lessee pays an assignment fee for each sub-lease as detailed in the Financial Section of the report, which are to be applied prior to the execution of the Form 18 - General Consent Form and paid within six months of the execution;
 - b) the consent of the Minister for the *Land Act 1994* is required for the sub-leases and executes the Form 18 - General Consent Form;
 - c) the lessee registers the sub-leases on the title with the Titles office and provides evidence of registration to Council; and
 - d) any outstanding lease payments to be finalised prior to the execution of the Form 18 - General Consent Form.
2. 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 sub-leases.

CARRIED

The Meeting closed at 11.41am.

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 13 December 2022.

.....

CHAIRPERSON