

CAIRNS REGIONAL COUNCIL

ORDINARY MEETING

24 JANUARY 2018

9:00 A.M.

PRESENT: Cr B Manning (Chairperson)
Cr R Bates
Cr L Cooper
Cr T James
Cr B Moller
Cr B Olds
Cr M O'Halloran
Cr J Richardson
Cr J Schilling
Cr C Zeiger

OFFICERS:

J Andrejic	Chief Executive Officer
B Gardiner	General Manager Infrastructure Services
C Posgate	General Manager Human Resources and Organisational Change
K Reaston	General Manager Planning & Environment
G O'Byrne	General Manager Water & Waste
L Kirchner	General Manager Community, Sport & Cultural Services
J Ritchie	A/Chief Financial Officer
N Masasso	Executive Project Officer
R Holmes	Manager Marketing & Communications
L Guy	Media Coordinator
A Turnbull	Executive Manager Mayor's Office
P Boyd	Manager Strategic Planning and Approvals
S Godkin	Minute Secretary

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CONFLICT OF INTEREST / MATERIAL PERSONAL INTEREST

1. Cr Moller informed the meeting that those Councillors elected as members of the Unity Team comprising Councillors Manning, Schilling, James, Bates, O'Halloran, Richardson and himself may have a perceived conflict of interest as defined by Section 173 of the Local Government Act 2009 in relation to:
 - a) Item 5 in Open Session – Combined Application – Material Change of Use (Educational Establishment) and reconfiguring a lot (1 least lot) – 2 L Larsen Road, Redlynch – Division 6 due to the Unity Team receiving an electoral donation from a consultant to the applicant; and
 - b) Item 1 in Closed Session – Contractual Matter – Infrastructure Agreement and Project Launch Approval – Mount Peter Residential Estate (Stages 1-5) – Division 1 due to: the Unity Team receiving an electoral donation from a consultant to the applicant.

He has determined that these personal interests are not of sufficient significance that it might lead to making decisions on these matters that are contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in these discussions and voting on these matters.

Councillor Manning informed the meeting that he may have the same perceived conflicts of interest as those described by Councillor Moller.

He has also determined that these personal interests are not of sufficient significance that they might lead to making decisions on these matters that are contrary to the public interest. He honestly believes he will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in these discussions and voting on these matters.

Councillor Schilling informed the meeting that he may have the same perceived conflicts of interest as those described by Councillor Moller.

He has also determined that these personal interests are not of sufficient significance that they might lead to making decisions on these matters that are contrary to the public interest. He honestly believes he will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in these discussions and voting on these matters.

Councillor Bates informed the meeting that as a previous Unity Team member, he may have the same perceived conflicts of interest as those described by Councillor Moller.

He has also determined that these personal interests are not of sufficient significance that they might lead to making decisions on these matters that are contrary to the public interest. He honestly believes he will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in these discussions and voting on these matters.

Councillor O'Halloran informed the meeting that he may have the same perceived conflicts of interest as those described by Councillor Moller.

He has also determined that these personal interests are not of sufficient

significance that they might lead to making decisions on these matters that are contrary to the public interest. He honestly believes he will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in these discussions and voting on these matters.

Councillor Richardson informed the meeting that she may have the same perceived conflicts of interest as those described by Councillor Moller. She has also determined that these personal interests are not of sufficient significance that they might lead to making decisions on these matters that are contrary to the public interest. She honestly believes she will best perform her duty of serving the overall public interest of the whole of the Cairns regional area by participating in these discussions and voting on these matters.

2. Cr Moller declared he may have a perceived conflict of interest in Item 3 Open Session, Memorandum of Understanding between Cairns Regional Council and Central Queensland University – Progress Update, as defined in section 173 of the *Local Government Act 2009*, due to being a member of the Central Queensland University Engagement Community. He has determined that this personal interest is not of sufficient significance that it might lead him to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.
3. Cr Cooper declared she may have a perceived conflict of interest in Item 2 Closed Session – Budgetary Matter – Outstanding Debt Report, as defined in section 173 of the *Local Government Act 2009*, due to a relationship with a person listed on the debt report. She has determined that this personal interest is not of sufficient significance that it might lead her to making a decision on this matter that is contrary to the public interest. She will best perform her duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Cr James joined the meeting 9:07 a.m.

Further to the Unity Team declaration Councillor James informed the meeting that he may have the same perceived conflicts of interest as those described by Councillor Moller.

He has also determined that these personal interests are not of sufficient significance that they might lead to making decisions on these matters that are contrary to the public interest. He honestly believes he will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in these discussions and voting on these matters.

PURPOSE OF MEETING

To consider the matters listed on the agenda.

CONFIRMATION OF MINUTES OF ORDINARY MEETING 13/12/17

MOLLER / SCHILLING

That the Minutes of the Ordinary Meeting held on Wednesday, 13 December 2017 be confirmed.

carried unanimously

1. IMPLEMENTATION OF LEVEL 1 WATER RESTRICTIONS 3
Andrea Palmer | 1/58/13 | #5646905

BATES / O'HALLORAN

That Council notes the actions taken in implementing Level 1 water restrictions in January 2018.

carried unanimously

2. OUTCOMES FROM CAIRNS UNCONVENTION 2017 14
Belinda Hutchinson | 1/8/5 | #5637849

ZEIGER / SCHILLING

That Council notes this report which details the Council sponsorship provided in support of the Unconvention event held in Cairns on 16 September 2017 and the benefits and outcomes that this event delivered.

carried unanimously

3. MEMORANDUM OF UNDERSTANDING BETWEEN CAIRNS REGIONAL COUNCIL AND CENTRAL QUEENSLAND UNIVERSITY – PROGRESS UPDATE..... 18
B Hutchinson | 1/8/2 | #5642561

Cr Moller declared he may have a perceived conflict of interest in this item, as defined in section 173 of the *Local Government Act 2009*, due to being a member of the Central Queensland University Engagement Community. He has determined that this personal interest is not of sufficient significance that it might lead him to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the

overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

SCHILLING / OLDS

That Council notes this report which outlines the projects and initiatives that have been delivered between 4 November 2016 and 31 December 2017 under the Memorandum of Understanding between Council and CQUniversity Australia.

carried unanimously

4. FINANCIAL STATEMENTS FOR THE PERIOD ENDED 29 DECEMBER 2017	23
J Piercy 17/49/9-06 #5645091	

MOLLER / SCHILLING

That Council notes the financial statements for the period ended 29 December 2017.

carried unanimously

5. COMBINED APPLICATION – MATERIAL CHANGE OF USE (EDUCATIONAL ESTABLISHMENT) AND RECONFIGURING A LOT (1 LEASE LOT) – 2L LARSEN ROAD, REDLYNCH – DIVISION 6.....	43
Ian Elliott-Smith 8/30/245 #5578544	

Cr Moller informed the meeting that those Councillors elected as members of the Unity Team comprising Councillors Manning, Schilling, James, Bates, O'Halloran, Richardson and himself may have a perceived conflict of interest as defined by Section 173 of the Local Government Act 2009 in relation to this item due to the Unity Team receiving an electoral donation from a consultant to the applicant.

He has determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor Manning informed the meeting that he may have the same perceived conflict of interest as that described by Councillor Moller.

He has determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor Schilling informed the meeting that he may have the same perceived conflict of interest as that described by Councillor Moller.

He has determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor Bates informed the meeting that as a previous Unity Team member, he may have the same perceived conflict of interest as that described by Councillor Moller.

He has determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor O'Halloran informed the meeting that he may have the same perceived conflict of interest as that described by Councillor Moller.

He has determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor Richardson informed the meeting that she may have the same perceived conflict of interest as that described by Councillor Moller.

She has also determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. She will best perform her duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor James informed the meeting that he may have the same perceived conflict of interest as that described by Councillor Moller.

He has also determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

COOPER / SCHILLING

- A. That Council approve the Material Change of Use Development Application for an Educational Establishment over land described as Lot 2 on SP279529, located at 2L Larsen Road, Redlynch, subject to the following:**

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan	Job No. 1291 Dwg. No. A.01, Issue P4 Prepared by Clarke & Prince	11/10/17

Drawing or Document	Reference	Date
Elevations – Overall	Job No. 1291 Dwg No. A.03, Issue P1 Prepared by Clarke & Prince	01/09/2017
Sections – Overall	Job No.1291 Dwg No. A04, Issue P1 Prepared by Clarke & Prince	01/09/2017
Sections	Job No.1291 Dwg No. A05 Prepared by Clarke & Prince	
Building 1 – Floor Plan	Job No. 1291 Dwg No. B1-A.01, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 1 – Elevations	Job No. 1291 Dwg No. B1-A.03, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 1 – Sections	Job No. 1291 Dwg No. B1-A.05, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 2 – Ground Floor Plan	Job No. 1291 Dwg No. B2-A.01, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 2 – First Floor Plan	Job No. 1291 Dwg No. B2-A.02, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 2 – Elevations	Job No. 1291 Dwg No. B2-A.04, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 2 – Sections	Job No. 1291 Dwg No. B2-A.05, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 3 – Ground Floor	Job No. 1291 Dwg No. B3-A.01, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 3 – First Floor	Job No. 1291 Dwg No. B3-A.02, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 3 – Elevations	Job No. 1291 Dwg No. B3-A.04, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 3 – Sections	Job No. 1291 Dwg No. B3-A.05, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 4 – Floor Plan	Job No. 1291 Dwg No. B4-A.01, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 4 – Elevations	Job No. 1291 Dwg No. B4-A.04, Issue P1 Prepared by Clarke & Prince	01/09/2017

Drawing or Document	Reference	Date
Building 4 – Sections	Job No. 1291 Dwg No. B4-A.05, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 5 – Floor Plan	Job No. 1291 Dwg No. B5-A.01, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 5 – Elevations	Job No. 1291 Dwg No. B5-A.03, Issue P1 Prepared by Clarke & Prince	01/09/2017
Building 5 – Sections	Job No. 1291 Dwg No. B5-A.04, Issue P1 Prepared by Clarke & Prince	01/09/2017

Assessment Manager Conditions

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

3. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Notice of Intention to Commence Use

4. Prior to commencement of the use on the site, written notice must be given to Council that the development fully complies with this Development Permit. Please return the attached "Notice of Intention to Commence Use" form when the use has commenced (Attached at Appendix 2).

Amendment to Design

5. The Site Plan for the development being *Cape York Girls Boarding Facility Site Plan, Dwg. No. A.01 (P4)*, dated 11/10/17, prepared by Clarke and Prince must be amended to:

- a. remove the temporary driveway and footpath between the development site and Portelli Road; and
- b. illustrate the form of intersection and interface between the development site and the primary access to the greater site on the southern side of the development footprint.

The amended Site Plan must be submitted to and endorsed by Council prior to the issue of a Development Permit for Building Work.

NB.

The final design and form of the primary access to the greater site can be confirmed with Council's Design Services team.

Water Supply and Sewerage Works External

- 6. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
 - a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage; and
 - b. Augment existing sewers and pump station(s) downstream of the site, to the extent required to accommodate the increased flows generated by the development.

The external works outlined above require approval from Council in accordance with an application for Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Water Supply and Sewerage Works Internal

- 7. Undertake the following water supply and sewerage works internal to the subject land:
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
 - b. Fire fighting pumped connections are to be provided with a break tank. Any proposal to pump directly from Council's water supply mains for fire or sprinkler systems without a break tank must be supported by a hydraulic analysis undertaken by a RPEQ confirming that the main is not at risk of very low pressures (i.e.

ground water intrusion and implosion) and excessive transient pressures associated with pump and valve operation (i.e. water hammer); and

- c. It is the responsibility of the property owner to design a private fire system to ensure compliance with the relevant building codes and standards and install all necessary on-site pressure boosting and storage that maybe required. Council does not guarantee a minimum service standard for firefighting from Council's water network.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

Vehicle Access and Parking

- 8. The off-street car park must be designed in accordance with AS2890.1 Off Street Car Parking including parking bay dimensions, aisle widths and provision for vehicle turn around etc. A minimum of nineteen (19) car parking spaces must be provided as per the plans of development. All car parking and manoeuvring areas must be imperviously sealed, drained and line marked.
- 9. The disabled off-street car park must be designed in accordance with AS2890.6 Off-Street Car Parking for People with Disabilities, including parking bay dimensions and shared area.
- 10. Provision of space must be provided on site for vehicles to turn around so that all vehicles, including service vehicles, can enter and exit in a forward direction.

Bicycle Parking

- 11. Provide secured, on-site bicycle parking in accordance with Table 10-1 of AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles. The bicycle parking spaces must be provided and available for use at the time of Commencement of Use.

Landscape Works

- 12. The Applicant shall submit for Operational Works approval a Detailed Landscape Plan prepared by a suitably qualified and experienced Landscape Architect/Landscape Designer illustrating the following:**
- a. details of any screening vegetation and/or fencing along the boundaries of the site, including the following:**
 - i. a minimum of 2 metres depth of dense planting along the Portelli Road frontage of the site; and**
 - ii. where landscaping and/or fencing is located along the southern side of the facility, such landscaping and/or fencing shall be designed and constructed to permit access from the future entry road of the Redlynch Sport and Recreation Parklands to the community function spaces included within the facility.**
 - b. schedule of all new trees, shrubs or ground covers including pot sizes where relevant; and**
 - c. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.**

One (1) A3 copy and one (1) electronic copy (in pdf format) of the Detailed Landscape Plan must be submitted to Council for Approval prior to the commencement of construction activities associated with the approved development.

All landscaping works must be undertaken in accordance with the Approved Plan(s) and established prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lighting

- 13. All lighting installed upon the premises including but not limited to car parking areas, laneways and outdoor dining areas must be certified by Ergon Energy (or other such suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the site must not exceed eight (8) lux measured at any level upwards from ground level.**

Crime Prevention through Environmental Design

- 14. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).**

Refuse Storage

15. The development is required to be serviced by bulk bins. Detailed design of the bulk bin storage area, indicating a roofed and bunded enclosure and a bucket trap connection must be shown on a plan of works to be submitted to and endorsed by Council prior to the issue of a Development Permit for Building Works. The storage area must be designed and located such that a waste collection vehicle may enter and exit the site in a forward gear.

The storage area must be constructed and made available for use prior to the Commencement of Use.

Health

16. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the Food Act 2006 and the Food Standards Code.
17. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council's Public Health Unit.
18. An application for the construction or alteration of any food premises must be accompanied by two (2) copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with the requirements of the Food Act 2006, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises.

Liquid Waste Disposal

19. Trade waste discharge to sewer must meet the requirements of Cairns Water and Waste's Trade Waste Environmental Management Plan (TWEMP).

Detailed Hydraulic Plans must be provided accompanied by a report which demonstrates that the facility complies with the TWEMP and must be approved by Council prior to the issue of a Development Permit for Building Work. All measures for pre-treatment in accordance with the approved plans must be installed prior to Commencement of Use.

Stormwater Management

20. The development must be designed and constructed in accordance with the requirements of CairnsPlan 2016 and the FNQROC Development Manual to ensure that:
 - a. There is no increase in peak flow rates downstream from the site;
 - b. There is no significant increase in flood levels external to the site unless otherwise agreed to by written consent of the affected land owner(s); and
 - c. There is no increase in duration of inundation external to the site that could cause loss or damage.
21. Prior to the issue of a Development Permit for Building Work for the development, submit certification from a Registered Professional Engineer Queensland (RPEQ) stating that the detailed design of the development has been carried out in accordance with the '*Redlynch Cape York AFL Facility – Flood Impact Assessment, dated September 2017, prepared by BMT WBM, reference R.B22711.001.01*'.
22. Prior to the issue of the Certificate of Classification for the development, the Applicant shall prepare and submit to Council a Flood Risk Management Plan for the development in accordance with the recommendations of the '*Redlynch Cape York AFL Facility – Flood Impact Assessment, dated September 2017, prepared by BMT WBM, reference R.B22711.001.01*'. The Flood Risk Management Plan for the development must address the issues raised within the *BMT WBM Flood Impact Assessment*.

Minimum Fill and Floor Levels

23. All habitable floor levels in all buildings must be located a minimum of 300mm above the 1% AEP defined inundation event level, in accordance with the FNQROC Development Manual and CairnsPlan 2016 requirements.

Lawful Point of Discharge

24. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, to the requirements and satisfaction of the Chief Executive Officer.

Electrical Supply

25. Where Ergon Energy requires the installation of a substation to augment their network, a padmount type is to be incorporated within the development and positioned so that it does not detract from the appearance of the streetscape and must be clear of footpath areas.

Details of the electrical substation positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

Construction Signage

26. **Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:**
- a. **Developer;**
 - b. **Project Coordinator;**
 - c. **Architect / Building Designer;**
 - d. **Builder;**
 - e. **Civil Engineer;**
 - f. **Civil Contractor;**
 - g. **Landscape Architect**

The sign must be retained on the frontage of the site for the duration of construction activities.

Construction Management Plan

27. **A Construction Management Plan must be submitted to, and endorsed by the Chief Executive Officer prior to the commencement of any construction works associated with the development.**

The Construction Management Plan must address all activities/operations associated with construction including, but not limited to:

- a. **Hours of construction;**
- b. **Parking of vehicles (including site employees and delivery vehicles);**
- c. **Traffic management (including loading and unloading) prepared in accordance with the Manual for Uniform Traffic Control Devices;**
- d. **Maintenance of safe pedestrian access across the site's frontage (including access by persons with a disability);**

- e. Building waste storage and disposal;
- f. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area;
- g. Location and details of construction signage including any signage that is to be illuminated;

The endorsed Construction Management Plan must be complied with and a copy kept on site at all times during construction of the development.

Stockpiling and Transportation of Fill Material

28. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times; or
- b. before 7:00 am or after 6:00 pm Monday to Friday; or
- c. before 7:00 am or after 1:00 pm Saturdays; or
- d. on Sundays or Public Holidays.

29. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

30. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

31. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual) and *Best Practice Erosion & Sediment Control – IECA Australasia, November 2008*).

Damage to Infrastructure

- 32.** In the event that any part of Council's existing road, drainage, sewer or water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced by Cairns Regional Council, at the developer's cost, prior to the Commencement of Use.
- B.** That Council approve the Reconfiguring a Lot Development Application for the creation of 1 lot via lease over land described as Lot 2 on SP279529, located at 2L Larsen Road, Redlynch, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Proposed Reconfiguration Lease A in Lot 2 on SP279529	Plan No. 33780/001 B Prepared by Brazier Motti	27/09/2017

Assessment Manager Conditions

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

3. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Water Supply and Sewerage Works External

4. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
 - a. Extend water and sewer infrastructure to connect the site to Council's existing water and sewer infrastructure at a point that has sufficient capacity to service the development.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to Council's approval of the Plan of Survey.

Water Supply and Sewerage Works Internal

5. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection to the lease area in accordance with the FNQROC Development Manual.

The above works must be designed and constructed in accordance with the FNQROC Development Manual.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Council's approval of the Plan of Survey.

Electricity and Telecommunications

6. The new lot must be provided with a separate electricity supply and telecommunication service prior to the registration of the associated lease.

Inspection of Sewers

7. CCTV inspections of all constructed sewers must be undertaken. An assessment of the CCTV records must be undertaken by the developer's consultant and a report along with the footage submitted to Council for approval. Identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Council's endorsement of the Plan of Survey for the lease.

Damage to Infrastructure

8. In the event that any part of Council's existing road, drainage, sewer or water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced by Cairns Regional Council, at the developer's cost, prior to Council's endorsement of the Plan of Survey for the lease.

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Concurrence Agency Reference	Date	Council Electronic Reference
Department of Infrastructure, Local Government and Planning	1710-2287 SRA	27/11/17	#5617703
Powerlink	DA2704 MSLink3433832	29/11/17	#5621111

Refer to Appendix 3: Referral Agency Requirements. Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies.

FURTHER ADVICE

1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. Prior to operation of a food business, the operator must hold a current Food Licence issued by Council's Public Health Unit under the Food Act 2006. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Public Health Unit for further information.
4. For information relating to the Planning Act 2009 log on to www.dilgp.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

LAND USE DEFINITIONS*

In accordance with CairnsPlan 2016 the approved land use of *Educational Establishment* is defined as:

"Premises used for training and instruction designed to impart knowledge and develop skills. The use may include outside hours school care for students or on-site student accommodation".

Examples of the use include pre-preparatory, preparatory and primary school, secondary school, special education, college, university, technical institute, outdoor education centre.

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

carried with Councillors O'Halloran and Bates voting against the motion

6. CHIEF EXECUTIVE OFFICER'S STRATEGIC MONTHLY REPORT. 103
John Andrejic | 1/3/37 | #4439510v38

MOLLER / RICHARDSON

That Council notes the report.

carried unanimously

GENERAL BUSINESS

1. DOG OFF LEASH AREAS

OLDS / SCHILLING

That Council requests officers undertake a review of existing dog off leash areas (fenced and unfenced) in order to identify gaps in service across the region. The review should consider best practice animal management, relevant policy and local laws as well as the operational and capital cost of implementing any changes, with discussions to take place through this year's budget deliberations.

carried unanimously

2. TRAFFIC FLOW LORIDAN DRIVE AND CAIRNS WESTERN ARTERIAL ROAD INTERSECTION

COOPER / SCHILLING

That Council request Department of Transport and Main Roads take urgent action to improve traffic flow at the Loridan Drive and Cairns Western Arterial Road intersection.

carried unanimously

3. REMOVAL OF LEVEL 1 WATER RESTRICTIONS

SCHILLING / OLDS

That Council approves the removal of Level 1 Water Restrictions from Friday 26th January 2018.

carried unanimously

4. PETITION – CENTENARY LAKES NATURE PLAY AREA FENCE

SCHILLING / JAMES

That the petition ([5654602](#)) requesting Council fence the new Centenary Lakes Nature Play area for child safety reasons, be received and referred to officers for consideration and report back to Council. (134 petitioners)

carried unanimously

CLOSED SESSION

OLDS / MOLLER

COUNCIL RESOLVED TO GO INTO CLOSED SESSION TO DISCUSS THE FOLLOWING MATTERS AS LISTED IN THE AGENDA:

1. CONTRACTUAL MATTER – INFRASTRUCTURE AGREEMENT AND PROJECT LAUNCH APPROVAL – MOUNT PETER RESIDENTIAL ESTATE (STAGES 1-5) – DIVISION 1 3
Peter Boyd | 8/13/1816 | #5629083v2
2. BUDGETARY MATTER – OUTSTANDING DEBT REPORT 11
Steve Crampton | 17/25/2-12 | #5623016

3. CONTRACTUAL MATTER - KERBSIDE COLLECTION IMPLEMENTATION REPORT.....	25
NT 63/5/24 #5644257v2	
4. CONTRACTUAL MATTER – CORE PLATFORM RENEWAL – TENDER CONSIDERATION PLAN	30
Andrew Carline 1/3/31-15 #5625403	

carried unanimously

OUT OF CLOSED SESSION

COUNCIL RESOLVED TO MOVE OUT OF CLOSED SESSION

OLDS / O'HALLORAN

carried unanimously

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. CONTRACTUAL MATTER – INFRASTRUCTURE AGREEMENT AND PROJECT LAUNCH APPROVAL – MOUNT PETER RESIDENTIAL ESTATE (STAGES 1-5) – DIVISION 1	3
Peter Boyd 8/13/1816 #5629083v2	

Cr Moller informed the meeting that those Councillors elected as members of the Unity Team comprising Councillors Manning, Schilling, James, Bates, O'Halloran, Richardson and himself may have a perceived conflict of interest as defined by Section 173 of the Local Government Act 2009 in relation to this item due to: the Unity Team receiving an electoral donation from a consultant to the applicant.

He has determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor Manning informed the meeting that he may have the same perceived conflict of interest as that described by Councillor Moller.

He has determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor Schilling informed the meeting that he may have the same perceived conflict of interest as that described by Councillor Moller.

He has determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor Bates informed the meeting that as a previous Unity Team member, he may have the same perceived conflict of interest as that described by Councillor Moller. He has determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor O'Halloran informed the meeting that he may have the same perceived conflict of interest as that described by Councillor Moller.

He has determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor Richardson informed the meeting that she may have the same perceived conflict of interest as that described by Councillor Moller.

She has also determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. She will best perform her duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

Councillor James informed the meeting that he may have the same perceived conflict of interest as that described by Councillor Moller.

He has also determined that this personal interest is not of sufficient significance that it might lead to making a decision on this matter that is contrary to the public interest. He will best perform his duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

MOLLER / SCHILLING

That Council:

- 1. Approves an Infrastructure Agreement and Project Launch Approval associated with the construction of trunk infrastructure with the development of Stages 1-5 of the Mount Peter Residential Estate;**
- 2. Approves payment for construction of the trunk infrastructure in accordance with the Infrastructure Agreement;**
- 3. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contracts, negotiate, finalise and execute any and all matters associated with the Infrastructure Agreement and Project Launch Approval.**

carried unanimously

2.	BUDGETARY MATTER – OUTSTANDING DEBT REPORT	11
	Steve Crampton 17/25/2-12 #5623016	

Cr Cooper declared she may have a perceived conflict of interest in this item, as defined in section 173 of the *Local Government Act 2009*, due to a relationship with a person listed on the debt report. She has determined that this personal interest is not of sufficient significance that it might lead her to making a decision on this matter that is contrary to the public interest. She will best perform her duty of serving the overall public interest of the whole of the Cairns regional area by participating in this discussion and voting on this matter.

SCHILLING / RICHARDSON

That Council:

- 1. Notes the status of the outstanding debt owed to Council as at 29 December 2017; and**
- 2. Approves the write-off of \$11,378.15 for sundry debtor account 43524.07 considered as irrecoverable.**

carried unanimously

3.	CONTRACTUAL MATTER - KERBSIDE COLLECTION IMPLEMENTATION REPORT.....	25
	NT 63/5/24 #5644257v2	

JAMES / OLDS

That Council notes the mobilisation status of the new Waste and Recycling Kerbside Collection Contract.

carried unanimously

4.	CONTRACTUAL MATTER – CORE PLATFORM RENEWAL – TENDER CONSIDERATION PLAN	30
	Andrew Carline 1/3/31-15 #5625403	

MOLLER / OLDS

That Council:

- 1. Resolves to adopt the attached Tender Consideration Plan for the Core Platform Renewal.**

2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to this Plan subject to Council's procurement practices and policies.

carried unanimously

THE MEETING CLOSED AT 9:51 AM

CONFIRMED THIS 28th DAY OF February 2018

MAYOR



CHIEF EXECUTIVE OFFICER

