CAIRNS REGIONAL COUNCIL

ORDINARY MEETING

11 SEPTEMBER 2019

9:00 A.M.

PRESENT:  Cr B Manning  (Chairperson)
          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

APOLOGY:  Cr Bates

OFFICERS:

  C Posgate  A/Chief Executive Officer
  B Gardiner  General Manager Infrastructure Services
  K Reaston  General Manager Planning & Environment
  T Veronese  A/General Manager Water & Waste
  S Foster  A/General Manager Community, Sport & Cultural Services
  L Whitton  Chief Financial Officer
  N Masasso  Executive Project Officer
  R Holmes  Manager Marketing & Communications
  P Rogato  Media Coordinator
  A Turnbull  Executive Manager Mayor’s Office
  G Boyd  Manager Regulatory Services
  S Godkin  Minute Secretary
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APOLOGY

Council notes the apology of Councillor Bates and grants leave of absence.

CONFLICT OF INTEREST / MATERIAL PERSONAL INTEREST

1. Cr Moller declared that that those Councillors elected as members of the Unity Team comprising Councillors Manning, Schilling, James, Bates, O’Halloran, Richardson and himself have a conflict of interest (as defined by section 175D of the Local Government Act 2009) in the following items:

   a) Item 6 Open Session – Negotiated Decision Request – Combined Development Permit for Material Change of Use (Car Wash, Food and Drink Outlet, Low Impact Industry, Office, Service Industry, Services Station, Shop, Shopping Centre and Showroom), Operational Works (Advertising Device – Illuminated and Pylon), and Reconfiguring a Lot (2 lots into 4 lots and access easement) – Thomson Road, Edmonton – Division 1 and 7 Open session – Material Change of Use – Bar and Function Facility – 2-4 Mt Koolmoon Street, Smithfield – Division 8 due to a donation to the Unity Team from S&A Ricketts the amount of $500 on 06/01/2016. S Ricketts is the Director of Urban Sync. Urban Sync has acted as a consultant on this both of these matters.

   Also in Item 7 due to a donation to the Unity Team from CA Architects the amount of $5000 on 02/03/2016. CA Architects have developed drawings on behalf of the applicant.

   b) Item 1 Closed session – Prejudicial Matter – Potential Acquisition for Public Purposes due to a donation to the Unity Team from DF and AM Betros the amount of $400 on 12/04/2012. Danny Betros is Managing Director of CBRE. The site that is the subject of this report is listed by CBRE.

   c) Item 2 Closed session – Contractual Matter – Preferred Supplier Arrangement 2708 – Supply and Delivery of Quarry Products due to a donation to the Unity Team from D&M Moule, the amount of $1000 on 11/01/2016 and from FGF Developments who donated $1000 on 27/03/2012 and a further $400 in kind donation on 30/03/2012. FGF Developments are a tenderer for the contractual matter that this items relates.

   He has determined that these personal interests are not of sufficient significance that they will lead him to making decisions on these matters that are contrary to the public interest.

   Cr Manning informed the meeting that he may have the same 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.

   Cr Schilling informed the meeting that he may have the same 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.

Cr James informed the meeting that he may have the same 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.

Cr O’Halloran informed the meeting that he may have the same 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.

Cr Richardson informed the meeting that she may have the same 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.

2. Cr Cooper declared a conflict of interest (as defined by section 175D of the Local Government Act 2009) in Item 2 Closed Session – Contractual Matter – Preferred Supplier Arrangement 2708 – Supply and Delivery of Quarry Products due to a donation from Jacqshar Pty Ltd, in the amount of $900 on 12/3/2012. Murray Moule is a director of Jacqshar and also a director of FGF Developments. FGF Developments is an unsuccessful tender for the provision of quarry products.

She has determined that this personal interest is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest.

She will best perform her responsibility of serving the overall public interest of the whole of the Council’s area by participating in the discussion and voting on this matter.

However, she acknowledged that the remaining councillors must now determine, pursuant to section 175E(4) of the Local Government Act 2009:

(a) Whether she has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
(b) If so, whether:
   a. She must leave the meeting while this matter is discussed or voted on; or
   b. She may participate in the meeting in relation to the matter, including by voting on the matter.

Cr Cooper also declared a material conflict of interest (as defined by section 175C of the Local Government Act 2009) in Item 5, Closed Session – Contractual Matter – Contract 2699 – Provision of Security Services due to her husband, Rick Huriwai’s role as CEO of one of the organisations that has tendered for the contract that this item relates to. She be dealing with this interest by excluding herself from the meeting while this matter is discussed and voted on.
In accordance with section 175E(6) of the *Local Government Act 2009*, the Chief Executive Officer be delegated under section 257(1)(b) of the *Local Government Act 2009* with the authority to decide:

1. **Item 6 Open Session – Negotiated Decision Request – Combined Development Permit for Material Change of Use (Car Wash, Food and Drink Outlet, Low Impact Industry, Office, Service Industry, Services Station, Shop, Shopping Centre and Showroom), Operational Works (Advertising Device – Illuminated and Pylon), and Reconfiguring a Lot (2 lots into 4 lots and access easement) – Thomson Road, Edmonton – Division 1;**

2. **Item 7 Open session – Material Change of Use – Bar and Function Facility – 2-4 Mt Koolmoon Street, Smithfield – Division 8;**

3. **Item 1 Closed session – Prejudicial Matter – Potential Acquisition for Public Purposes; and**

4. **Item 2 Closed session – Contractual Matter – Preferred Supplier Arrangement 2708 – Supply and Delivery of Quarry Products.**

*carried with Councillors Zeiger, Cooper and Olds voting against the motion.*

**PURPOSE OF MEETING**

To consider the matters listed on the agenda.

**CONFIRMATION OF MINUTES OF ORDINARY MEETING 28/8/19**

MOLLER / O'HALLORAN

That the Minutes of the Ordinary Meeting held on Wednesday, 28 August 2019 be confirmed.

*carried unanimously*
1. **ECONOMIC DEVELOPMENT PLANS FOR BABINDA AND GORDONVALE - PROGRESS REPORT AND UPDATE OF PLANS** ....... 4
   Belinda Hutchinson | 1/8/4 | #6158550

MOLLER / SCHILLING

That Council:

1. Notes progress made in implementing the Economic Development Plans for Gordonvale and Babinda for the period July 2018 to June 2019; and
2. Endorses the update of the Economic Development Plans for Gordonvale and Babinda.

*carried unanimously*

2. **CAIRNS REGIONAL COUNCIL OPERATIONAL FIRE STRATEGY** .... 45
   J Monda | 1/3/21 | #6142476

SCHILLING / JAMES

That Council:

1. Endorses the Cairns Regional Council Operational Fire Strategy; and
2. 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 or in relation to this strategy subject to Council’s normal policies and practices.

*carried unanimously*

3. **2019/20 – 2023/24 ROADS TO RECOVERY (R2R) PROPOSED PROGRAM** ................................................................. 86
   Natasha Murray | 17/9/5-07 | #6169090

OLDS / JAMES

That Council:

1. Approves the allocation of Council’s $9.15 Million Federal Government Road to Recovery (R2R) funding 2019/20 – 2023/24 to the following projects:

   a. Swallow Street Upgrade ($500,000)
   b. Balaclava Road Upgrade ($800,000)
   c. Cairns Road Upgrade ($530,000)
d. Dexters Bridge Renewal ($1,300,000)
e. Kewarra Beach to Trinity Beach Link Road ($3,120,000)
f. Windarra Street/ Rigg Street Signalisation ($1,500,000)
g. Rice’s Gully Bridge Duplication ($1,400,000).

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 the funding application subject to Council’s procurement practices and policies.

carried unanimously

4. PROJECT LAUNCH APPROVAL – BALA CLAVA ROAD UPGRADE – STAGE 2

Natasha Murray | 50/5/60 | #6168233

JAMES / SCHILLING

That Council:

1. Approves the Project Launch Approval (PLA) for the upgrade of Balaclava Road, with a Project Launch Budget (PLB) of $1.55M and an Approved End Date (AED) of 30 June 2020, noting that the works excluding Ergon lighting and tree planting will be completed prior to Christmas 2019.

2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contracts, negotiate and finalise any and all matters relating to this project subject to Council’s procurement practices and policies.

carried unanimously

5. PROJECT LAUNCH APPROVAL FOR PD19017-10 SWALLOW STREET CULVERT

Martin Perkowicz | 30/9/1-01 | #6165978

JAMES / O’HALLORAN

That Council:

1. Approves the Swallow Street Culvert Project Launch Approval (PLA) with an overall Project Launch Budget (PLB) of $980K and an Approved End Date (AED) of 31 January 2020; and
2. 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 or in relation to this project subject to Council’s procurement practices and policies.

*carried unanimously*

6. **NEGOTIATED DECISION REQUEST – COMBINED DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (CAR WASH, FOOD AND DRINK OUTLET, LOW IMPACT INDUSTRY, OFFICE, SERVICE INDUSTRY, SERVICE STATION, SHOP, SHOPPING CENTRE AND SHOWROOM), OPERATIONAL WORKS (ADVERTISING DEVICE – ILLUMINATED AND PYLON), AND RECONFIGURING A LOT (2 LOTS INTO 4 LOTS AND ACCESS EASEMENT) – THOMSON ROAD, EDMONTON – DIVISION 1**

Claire Anderson | 8/30/281 | #6160113

Under section 175E(6) of the *Local Government Act 2009* due to a majority of the councillors present at the meeting informing the meeting of their personal interests in this matter, the matter is delegated to the Chief Executive Officer under section 257 of the *Local Government Act 2009*.

**OFFICERS RECOMMENDATION:**

It is recommended that Council approves in part the Negotiated Decision Request to the Combined Development Permit for Material Change of Use (Car Wash, Food and Drink Outlet, Low Impact Industry, Office, Service Industry, Service Station, Shop, Shopping Centre and Showroom), Operational Works (Advertising Device – Illuminated and Pylon), and Reconfiguring a Lot (2 Lots into 4 Lots and Access Easement) over land described as Lot 1 on RP905280 and Lot 101 on RP905280, located at Thomson Road, Edmonton, subject to the following:

1. That the Approved Drawing(s) and/or Document(s) of Part A are amended as follows:

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

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:
<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staging Plan</td>
<td>Council Reference #6170916</td>
<td>Received by Council 29 August 2019</td>
</tr>
<tr>
<td>Site Plan Layout</td>
<td>Max Slade Designs, Drawing No. A100, Revision C, Council Reference #6046176</td>
<td>10 December 2018</td>
</tr>
<tr>
<td>General Arrangement &amp; Site Access</td>
<td>Civil Walker, Drawing No. 172-003-SK01, Revision 4, Council Reference #6009827</td>
<td>23 February 2019</td>
</tr>
<tr>
<td>Proposed Car Wash Layout Plan</td>
<td>TMC Building Design Group, Drawing No. 1 of 4, Issue B, Council Reference #6046176</td>
<td>February 2019 Received by Council 29 March 2019</td>
</tr>
<tr>
<td>Elevations</td>
<td>Max Slade Designs, Drawing No. A103, Revision B, Council Reference #6046176</td>
<td>10 December 2019</td>
</tr>
<tr>
<td>Proposed Car Wash Development</td>
<td>TMC Building Design Group, Drawing No. 2 of 4, Issue B, Council Reference #6046176</td>
<td>February 2019 Received by Council 29 March 2019</td>
</tr>
<tr>
<td>Proposed Car Wash Development</td>
<td>TMC Building Design Group, Drawing No. 3 of 4, Issue B, Council Reference #6046176</td>
<td>February 2019 Received by Council 29 March 2019</td>
</tr>
<tr>
<td>Swept Path</td>
<td>TMC Building Design Group, Drawing No. 4 of 4, Issue B, Council Reference #6046176</td>
<td>February 2019 Received by Council 29 March 2019</td>
</tr>
<tr>
<td>Landscaping Plan</td>
<td>TMC Building Design Group, Drawing No. L1 of 1, Issue B, Council Reference #6046176</td>
<td>February 2019 Received by Council 29 March 2019</td>
</tr>
</tbody>
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2. That Condition 3 – Timing and Effect of Part A be amended as follows:

Timing of Effect

3. The conditions of the Development Permit must be effected prior to Commencement of Use for each respective stage, except where specified otherwise in these conditions of approval.
3. That Condition 4 – Timing and Effect of Part A be amended as follows:

Timing and Effect

4. The Plan of Survey for Lots 1, 2 and 3 in accordance with Part C of this Decision Notice cannot be registered with the Department of Natural Resources, Mines and Energy prior to the issue of the Final Certificate or Commencement of Use, whichever occurs first until Council is provided with evidence that the works have ‘substantially commenced’ on all buildings and structures on Lot 2 and Lot 3 which are approved as Part A of this Decision Notice.

Note: For the purposes of this approval, ‘substantially commenced’ means the Development Permit for Building Works has been issued and the works have commenced to the satisfaction of the Chief Executive Officer.

4. That the following condition be included as Condition 5 of Part A:

Development Staging

5. The development (exclusive of Lot 4) is proposed to be undertaken in two (2) stages as detailed on the Approved Plans of development.

Any variation to the staging must be submitted to and endorsed by the Chief Executive Officer.

Note: Lot 4 is to be transferred to the Department of Transport and Main Roads for ‘future transport purposes’ and therefore is able to be created at any time for this purpose.

5. That Condition 11 – Water Supply and Sewerage Works Internal of Part A be amended as follows:

Water Supply and Sewerage Works Internal

11. Undertake the following water supply and sewerage works internal to the subject land:

a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual.

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

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 for each respective stage.
6. That Condition 12 – General External Works of Part A be amended as follows:

**General External Works**

12. The Applicant/Owner/Developer must undertake the following external works at no cost to Council:

   a. A channelised right turn into the site from Thomson Road must be provided in the location identified on the Approved Plans and Drawing No. 172-003-SK02 Issue 4, dated 23 February 2019 of Civil Walker Engineering Report, 172-003-001R, Revision C, dated February 2019 (Council Reference #6009827), and must be constructed in accordance with FNQROC Development Manual and the relevant Australian Standards.

   b. Provide two (2) new commercial crossovers and aprons at both Thomson Road and Pyne Street as detailed in the Approved Plans, and in accordance with FNQROC Development Manual Drawing S1015, Revision D. A copy of the Drawing is attached at Appendix 3.

   c. Ensure the current footpath along the frontage of the site is fit for purpose. If required, the footpath must be upgraded to a width of 2 metres in accordance with FNQROC Development Manual Standard Drawing 1035, Revision D. The new section of footpath must match neatly to the existing footpath at both extents in relation to alignment, width and grade. A copy of the Drawing is attached at Appendix 3.

   d. The new kerb and channel along the frontage of the site is to be constructed in accordance with FNQROC Development Manual Standard Drawing 1000, Revision F. A copy of the Drawing is attached at Appendix 3.

   e. The new pedestrian kerb ramp is to be constructed in accordance with FNQROC Development Manual Standard Drawing 1016, Revision C. A copy of the Drawing is attached at Appendix 3.

   f. The end of bicycle lane on the northern side of Thomson Road as detailed in Drawing No. 172-003-SK02 Issue 4, dated 23 February 2019 of Civil Walker Engineering Report, 172-003-001R, Revision C, dated February 2019 (Council Reference #6009827), must be designed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) requirements, including line marking and signage.

   g. To prevent water penetration into the pavement through joints between the existing pavement and pavement widening, a 50mm asphalt overlay in accordance with FNQROC Development Manual shall be provided over the full width of pavement, from the western boundary of the subject site to the eastern edge of the new access.
The required pavement widening and joints on Thomson Road must be constructed in accordance with the FNQROC Development Manual and relevant Australian Standards.

h. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

Plans of the external works must be submitted as part of the first Development Application for Operational Works documentation for the development. The plans must be certified by a Registered Professional Engineer Queensland (RPEQ) and be in accordance with Austroads and the FNQROC Development Manual.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e. through the provision of temporary kerb ramps if necessary.

Such work must be constructed in accordance with the first Development Permit for Operational Works to the satisfaction of the Chief Executive Officer prior to Commencement of Use of Stage 1.

Note: The above works are not considered to be creditable or trunk related works in accordance with section 145 of the Planning Act 2016.

Note: The construction of the vehicular access from Thomson Road to the subject site must be in accordance with the Concurrence Agency Response issued by the Department of Transport and Main Roads, SDA-1903-10134 SRA (Council Reference #6092175).

7. That Condition 14 – Parking and Access of Part A be amended as follows:

Parking and Access

14. The amount of vehicle parking must be a minimum of thirty-five (35) car parking spaces. The car parking layout must comply with the Australian Standard AS2890.1 and AS2890.6 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed (unless otherwise approved), drained and line marked.
The car parking and manoeuvring areas must specifically incorporate the following:

a. 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;

b. Loading/unloading areas as per the approved Plans of Development which are clear of internal circulation and appropriately line marked; and

c. The driveway at Thomson Road and Pyne Street which services the parking area must include a physical means of speed control at the entry and exit point.

The design is to be certified by an RPEQ that the car park manoeuvring provisions comply with Australian standards or where they deviate from Australian standards provide RPEQ certification that the provisions are suitable. The certified plan must be submitted for endorsement as part of the first Development Application for Operational Works.

Evidence must be submitted to Council prior to the issue of the first Development Permit for Operational Works that the development has responded to and incorporated the above requirements.

The parking and access must be constructed in accordance with the Development Permit for Operational Works prior to Commencement of Use for each respective stage.

8. That Condition 16 – Bicycle Parking of Part A be amended as follows:

Bicycle Parking

16. Provide secured, on-site bicycle parking in accordance with the requirements of Table 9.4.8.3.d of the Parking and Access Code of the Cairns Planning Scheme and the Approved Site Plan. The bicycle parking spaces must be provided and available for use at the time of Commencement of Use for each respective stage.
9. That Condition 17 – Acoustic Fence of Part A be amended as follows:

**Acoustic Fence**

17. A double-boarded screen fence of a minimum height of 2.0 metres, must be provided and/or retained along the southern, eastern and northern property boundaries as detailed in the Approved Plans. The fence must be designed to protect the amenity of adjoining residential uses and assist with noise attenuation to the broader residential areas to the north, south and east, to the satisfaction of the Chief Executive Officer. Details of the fence are to be included in the Landscape Plan prepared for the development as detailed in Condition 19, and must be constructed prior to Commencement of Use for Stage 1.

10. That Condition 18 – Plant and Equipment Screening of Part A be amended as follows:

**Plant and Equipment Screening**

18. Mechanical plant and equipment (e.g air conditioning, plant and machinery units) must be designed, sited and acoustically attenuated to improve the appearance of the building and mitigate any impacts on the adjoining sensitive land use.

Such screening must be completed prior to the Commencement of Use for each respective stage.

11. That Condition 19 – Amended Landscaping Plan of Part A be amended as follows:

**Amended Landscaping Plan**

19. The submitted Landscaping Plan, prepared by TMC Building Design Group, Drawing No. 18-037 DA, Issue B, must be amended to:

a. Remove all landscaping from Lot 4 – Land for Future Transport Purposes;

b. Include details of all fencing (including Acoustic Fencing) as required by Condition 17;

c. Include all pedestrian Pathways, as detailed on the Approved Site Layout Plan, included at Appendix 1;

d. Include details for street trees at a maximum spacing of six (6) metres within the verge fronting Collinson Street and Pyne Street in accordance with the FNQROC Development Manual Cairns Regional Council Specific Drawing S4200B Verge Landscaping Guidelines and FNQROC D9.07 (6) Street Tree Planting. Contact Council’s Environmental Officer to discuss the proposed species for street tree planting in consideration of the local availability and...
power lines prior to submitting the landscaping plan for endorsement;

e. Detail specifications for street tree planting in accordance with FNQROC Development Manual Standard Drawing S4210 Street Tree Planting;

f. Include details for shade tree planting within and adjacent to all internal car park and manoeuvring areas, where possible. One tree must be set in sufficient growing space required for every 6-8 parking spaces that are not covered. Car park tree planting must be in accordance with the FNQROC Development Manual Cairns Regional Council Specific Drawing S4220 Car Park Tree Planting;

g. All trees must be nominated to be supplied in a minimum 300mm/25L container size, minimum 1.5 metres tall and formatively pruned with a clear trunk;

h. Detail specifications for any required reinstatement of grass within the verge with turf in accordance with the FNQROC Development Manual Landscaping D9.06 Verges and Specifications Turfing S8.04;

i. Provide a revised planting schedule that includes deep planting of the setback areas fronting the streetscape within species that ensure compliance with Council’s Crime Prevention Through Environmental Design Policy. Additional hardy low shrubs must be provided that can be maintained to a maximum height of 700mm or species that can ensure a clear trunk to a height of 2 metres; and

j. Include deep planting with dense screen planting within the setback areas along the southern side boundary fronting Collinson Street; and

kj. Include protection from parking areas, as required by Condition 20.

A copy of the amended Landscape Plan must be submitted to and endorsed by the Chief Executive Officer as part of the first Development Application for Operational Works.

The landscaping works must be completed prior to the Commencement of Use for each respective stage.

12. That Condition 24 – Drainage of Part A be amended as follows:

Drainage

24. Design and construct, at no cost to Council, all necessary stormwater management and drainage works (internal and external to the site) required to satisfactorily drain the subject land. The subject land must be drained to the satisfaction of the Chief Executive Officer, in particular:
a. Drainage infrastructure must be in accordance with the FNQROC Development Manual, where required; and

b. Detailed design drawings of the stormwater network required to service the subject site are to be provided to Council for approval. The detailed design must include detailed information on all stormwater treatment devices required to treat all stormwater run off from the subject site.

The above drainage measures must be submitted in conjunction with the first Development Application for Operational Works for the development. All works must be carried out in accordance with the Approved Plans, to the requirements and satisfaction of the Chief Executive Officer prior to the Commencement of Use for each respective stage.

Note: Infrastructure works required by this condition are considered to be non-trunk infrastructure for the purposes of Section 145 of the Planning Act 2016.

13. That Condition 26 – Electricity and Telecommunications of Part A be amended as follows:

Electricity and Telecommunications

26. 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.

If a transformer/generator is required, details of the transformer/generator positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Works for each respective stage.

14. That Condition 31 – Refuse Storage of Part A be amended as follows:

Refuse Storage

31. The development must be designed to be serviced by bulk bins. Bulk bin enclosures must be provided in accordance with Council’s requirements. Brochures on Council’s requirements – ‘Requirements for Refuse Storage’ are available from Cairns Regional Council Water & Waste department.

Details must be shown on the plan of works and must be approved by the Chief Executive Officer prior to issue of a Development Permit for Building Works for each respective stage.
The bin enclosures must be constructed in accordance with the approved plans prior to the Commencement of Use for each respective stage.

15. That Condition 32 – Liquid Waste Disposal of Part A be amended as follows:

Liquid Waste Disposal

32. 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 Works for each respective stage. All measures for pre-treatment in accordance with the approved plans must be installed prior to Commencement of Use for each respective stage.

16. That Condition 33 – Damage to Infrastructure of Part A be amended as follows:

Damage to Infrastructure

33. In the event that any part of Council’s existing 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/Developer must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer’s cost, prior to the Commencement of Use for each respective stage.

17. That Condition 34 – Demolish Structures of Part A be amended as follows:

Demolish Structures

34. All buildings and structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the property prior to Commencement of Use for each respective stage.
18. That Condition 37 – Construction Management Plan of Part A be amended as follows:

Construction Management Plan

37. A Construction Management Plan must be submitted to, and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Development Permit for Operational Works, whichever occurs first for each respective stage. The Construction Management Plan must address all activities/operations associated with construction including, but not limited to:

a. Hours of construction;

b. Construction access;

c. Parking of vehicles (including construction site employees and delivery vehicles);

d. Traffic management and control (including loading and unloading);

e. Maintenance of safe pedestrian access across the site’s frontage (including access by persons with a disability);

f. Building and demolition waste storage and disposal;

g. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area;

h. Tree protection management; and

i. 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. The Construction Management Plan must identify the need for and timing on obtaining any necessary permits required for any proposed temporary road closures.
19. That the Approved Drawing(s) and/or Document(s) of Part C be amended as follows:

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

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

<table>
<thead>
<tr>
<th>Drawing Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>Staging Plan</td>
<td>Council Reference #6170916</td>
<td>Received by Council 29 August 2019</td>
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<tr>
<td>Site Plan Layout</td>
<td>Max Slade Designs, Drawing No. A100, Revision C, Council Reference #6046176</td>
<td>10 December 2018</td>
</tr>
<tr>
<td>Subdivision Plan</td>
<td>SK01, Council Reference #6046176</td>
<td>Received by Council 29 March 2019</td>
</tr>
</tbody>
</table>

20. That Condition 3 – Timing and Effect of Part C be amended as follows:

**Timing of Effect**

3. The conditions of the Development Permit must be effected prior to Council Approval of the Plan of Survey for each respective stage, except where specified otherwise in these conditions of approval.

21. That Condition 4 – Timing and Effect of Part C be amended as follows:

**Timing and Effect**

4. Prior to Council approval of the Plan of Survey for Lots 1, 2 and 3, Council must be provided with evidence that the works have ‘substantially commenced’ on all buildings and structures approved as Part A of this Decision Notice.

   *Note: For the purposes of this approval, ‘substantially commenced’ means the Development Permit for Building Works has been issued and the works have commenced to the satisfaction of the Chief Executive Officer.*

22. That the following condition be included as Condition 5 of Part C:

**Development Staging**

5. The development (exclusive of Lot 4) is proposed to be undertaken in two (2) stages as detailed on the Approved Plans of development.

   *Any variation to the staging must be submitted to and endorsed by the Chief Executive Officer.*
Note: Lot 4 is to be transferred to the Department of Transport and Main Roads for ‘future transport purposes’ and therefore is able to be created at any time for this purpose.

23. That Condition 5 – Water Supply and Sewerage Works Internal of Part C be amended as follows:

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 each lot in accordance with the FNQROC Development Manual.

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

   A plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for each respective stage.

   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 for Lots 1, 2 and 3 each respective stage.

24. That Condition 6 – Access and Parking Easement/s of Part C be amended as follows:

Access and Parking Easement/s

6. Create the following Easements to allow vehicle access, on-site manoeuvring and parking as generally shown on the Approved Plan of Development:

   a. An Easement for access purposes over Lot 1, in favour of Lot 2 and Lot 3;

   b. An Easement for access purposes over Lot 2, in favour of Lot 3; and

   c. An Easement for access purposes over Lot 3, in favour of Lot 2.

   A copy of the easement documents must be submitted to Council for approval by Council’s Solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking Council approval of the Plan of Survey for each respective stage and must be lodged and registered with the Department of Natural Resources, Mines and Energy in conjunction with the Plan of Survey for Lots 1, 2 and 3.
25. That Condition 7 – Easement of Support of Part C be amended as follows:

7. Create a reciprocal Easement over the common wall between the Service Station and the Retail building as detailed on the Approved Plans.

A copy of the easement documents must be submitted to Council for approval by Council's Solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking Council approval of the Plan of Survey for Stage 2 and must be lodged and registered with the Department of Natural Resources, Mines and Energy in conjunction with the Plan of Survey for Lots 1, 2 and 3.

26. That Condition 8 – Existing Services of Part C be amended as follows:

Existing Services

8. Prior to Council approving the Plan of Survey for each respective stage, written confirmation of the location of existing services (including water connections, internal plumbing, electricity and telecommunications) for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either

a. Relocate the services to comply with this requirement; or

b. Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of the Plan of Survey creating the lot.

27. That Condition 10 – Damage to Infrastructure of Part C be amended as follows:

Damage to Infrastructure

10. In the event that any part of Council's existing 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 Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the Applicant/Owner/Developer's cost, prior to Council approval of the Plan of Survey for each respective stage.

28. That Condition 11 – Electricity and Telecommunications of Part C be amended as follows:

Electricity and Telecommunications

12. 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.
If a transformer/generator is required, details of the transformer/generator positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Works for each respective stage.

29. That any reference to Reconfiguring a Lot (2 Lots into 4 Lots and Access Easement) be amended to Reconfiguring a Lot (1 Lot into 4 Lots and Access Easement), to correct an administrative error.

30. That all other Conditions and Advice Notes of Development Permit 8/30/281, #6103202 remain unchanged and be renumbered accordingly.

7. MATERIAL CHANGE OF USE – BAR AND FUNCTION FACILITY – 2-4 MT KOOLMOON STREET, SMITHFIELD – DIVISION 8 ............ 156

G Bartlett | 8/8/1534 | #6093020

Under section 175E(6) of the Local Government Act 2009 due to a majority of the councillors present at the meeting informing the meeting of their personal interests in this matter, the matter is delegated to the Chief Executive Officer under section 257 of the Local Government Act 2009.

OFFICERS RECOMMENDATION:

It is recommended that Council approves the development application for Bar and Function Facility over land described as Lot 19 SP188100, located at 2-4 Mt Koolmoon Street, Smithfield, 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:

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<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
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<tbody>
<tr>
<td>Site Plan</td>
<td>CA Architects Proposed Bar Drawing No. 0000 DA A-01</td>
<td>27 June 2019</td>
</tr>
<tr>
<td>Basement and GF Plan</td>
<td>CA Architects Proposed Bar Drawing No. 0000 DA A-02</td>
<td>27 June 2019</td>
</tr>
<tr>
<td>Elevations</td>
<td>CA Architects Proposed Bar Drawing No. 0000 DA A-03</td>
<td>27 June 2019</td>
</tr>
</tbody>
</table>

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 select one 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 use, written notice must be given to Council that the development fully complies with the relevant conditions of this Development Permit. Please return the attached “Notice of Intention to Commence Use” form when the relevant use has commenced.

Limitation of Use

5. The Bar and Function Facility are limited to the areas shown on the approved plans.

6. A maximum capacity of one-hundred (100) persons inclusive of a seating capacity of sixty (60) persons.

Hours of Operation

7. The hours of operation of the Bar and Function Facility are restricted to between 12pm to 12am Monday to Sunday unless otherwise approved by the Chief Executive Officer.

Vehicle Parking

8. A minimum of thirty-one (31) car parking spaces must be provided on-site in accordance with the approved plan of development. The car parking layout must comply with the requirements of Australian Standard AS2890.1 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. All car parking, driveway and vehicular manoeuvring areas must be imperviously sealed and drained.

9. Two (2) car parking spaces must be provided for the existing Caretaker’s Accommodation on-site as demonstrated on the approved plan of Development.
10. Four (4) car parking spaces located on-site in the existing car parking area accessed from Mt Koolmoon Street, immediately adjoining the proposed Bar and Function Facility, must be clearly identified and provided for the exclusive use of the proposed Bar and Function Facility between the operational hours of 12pm - 5pm Monday to Friday.

Parking Signage

11. Erect signs identifying the availability for off-street visitor parking located at the two (2) entrances to the site from Mt Koolmoon Street and the entrance to the site from Mt Milman Drive.

Service Vehicles

12. Deliveries (including refuse collection vehicles) to the site must not be made prior to 7:00am or after 6:00pm, Monday to Sunday, including public holidays.

Internal Pedestrian Pathway

13. Provide a pedestrian pathway internal to the subject site that provides a link between the proposed Bar and Function Facility and the proposed amenities as shown on the Approved Plan of Development. The pathway must be differentiated in: colour, texture, and/or line marking, from the pathway surface finish. The pathway must be clearly identified and kept available and clear at all times.

14. Direct pedestrian access must be provided from the existing car parking area fronting the tenancy located at the south-western entrance of Mt Koolmoon Street and the proposed Bar and Function Facility.

Crime Prevention through Environmental Design

15. A plan detailing proposed lighting on-site must be provided to Council for approval prior to the commencement of use. The plan must identify the extent of lighting for the proposed pedestrian access pathways and the existing car parking areas.

16. Existing and proposed landscaping must be maintained adjoining the proposed pedestrian access pathways and existing car parking areas at all times to ensure clear sightlines.

17. Install external lighting in accordance with AS4282-1997 – Control of the Obtrusive Effects of Outdoor Lighting. The installation of external lighting in accordance with this condition must be certified by a suitably qualified person prior to the commencement of use.

18. The Applicant/Owner must ensure that all fencing, lighting and landscaping requirements comply with Council’s General Policy Crime Prevention through Environmental Design (CPTED).
Refuse Storage

19. Refuse collection bins storage area must be located in accordance with the location identified on the approved plans. The refuse bin enclosure must be roofed and enclosed.

Refuse Collection

20. General waste and recycling generated by the approved use, must be collected and disposed of by regulated waste contractors.

Damage to Council Infrastructure

21. In the event that any part of Council’s existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced at the developer’s/owners/builders cost, prior to the Commencement of Use.

Lawful Point of Discharge

22. All stormwater from each lot 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.

Ponding and/or Concentration of Stormwater

23. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.

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. Any signage on the subject site not approved by this Development Permit must conform with the relevant provisions of Local Law No. 4 (Advertising Devices) 2016, to the satisfaction of the Chief Executive Officer. Details of signage proposed in association with the approved use of premises must be provided to Council prior to its establishment.
Health

4. The provision of serving or handling of food on the site may also require the need for a Food License to be obtained from Council. Please refer to Council’s Website for more information. 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.

5. Prior to operation of the 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.

Trade Waste

6. Trade waste discharge to sewer must meet the requirements of Cairns Water and Waste’s Trade Waste Environmental Management Plan (TWEMP). Detailed Hydraulic Plans accompanied by a report which demonstrates that the facility complies with the TWEMP may be required to be submitted to 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.

Liquor License

7. The sale of alcohol may also require a liquor license to be obtained from the Office of Liquor and Gaming Regulation. Please refer to the State Government, Department of Liquor and Gaming for more information.

Infrastructure Charges Notice

8. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Infrastructure Charges Notice has been calculated according to Council’s Infrastructure Charges Resolution.

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Planning Approvals Team at council for review of the charge amount prior to payment.
The time when payment is due is contained in the Infrastructure Charges Notice.


LAND USE DEFINITIONS*

In accordance with CairnsPlan 2016 the approved land use of Bar and Function Facility is defined as:

‘Bar - Premises used primarily to sell liquor for consumption on the premises and that provides for a maximum capacity to seat sixty persons at any one time. The use may include ancillary sale of food for consumption on the premises and entertainment activities.’

‘Function Facility - Premises used for conducting receptions or functions that may include the preparation and provision of food and liquor for consumption on site.’

*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.

8. PROPERTY MATTERS RESOLVED UNDER DELEGATIONS – 1 JANUARY TO 30 JUNE 2019 ................................................................. 178

MOLLER / SCHILLING

That Council notes the property matters considered under delegation in the six months from 1 January 2019 to 30 June 2019.

carried unanimously

9. MATERIAL CHANGE OF USE – DUAL OCCUPANCY – 61 BARCLAY ROAD, BRINSMEAD – DIVISION 6 ......................................................... 182

SCHILLING / JAMES

A. That Council approves the Development Application for a Dual Occupancy over land described as Lot 4 on SP177748, located at 61 Barclay Road, Brinsmead, 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:

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<thead>
<tr>
<th>Drawing Document</th>
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<tr>
<td>Site Plan</td>
<td>Lawson Design, Drawing No. CRC1p, Council Reference #6027668</td>
<td>20 December 2018</td>
</tr>
<tr>
<td>Elevations</td>
<td>Lawson Design, Drawing No. CRC5, Council Reference #6027668</td>
<td>20 December 2018</td>
</tr>
<tr>
<td>Landscaping Plan</td>
<td>Lawson Design, Drawing No. CRC4, Council Reference #6027668</td>
<td>20 December 2018</td>
</tr>
<tr>
<td>Drainage</td>
<td>Lawson Design, Drawing No. CRC3, Council Reference #6027668</td>
<td>20 December 2018</td>
</tr>
</tbody>
</table>

**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 as Appendix 2).
Operational Works

5. A Development Permit for Operational Works is required for all internal earth works, driveway/access and drainage works, restoration and revegetation works, and landscaping works associated with the development.

All such works must be completed to the satisfaction of the Chief Executive Officer prior to Commencement of Use or the Certificate of Classification, whichever occurs first.

Parking and Access

6. The amount of vehicle parking must be a minimum of two (2) spaces per dwelling, of which one (1) space per dwelling must be under cover.

The car parking, driveway and manoeuvring layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition:

a. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear; and

b. All parking, driveway and vehicular manoeuvring areas must be imperiously sealed and drained and constructed generally in accordance with FNQROC Standard Drawing S1110E (refer Appendix 3).

All parking spaces must be available for use at the time of 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; and

b. If insufficient pressure is available at the house pad the owner is to install a privately owned booster pump. Any pump required must be located within the property it serves and be supplied, installed and maintained at the owner’s expense.

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

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.
Geotechnical Assessment

8. The Applicant/Owner/Developer must provide either:

   a. A site specific Geotechnical Assessment, to determine the soil classification and inform the design of appropriate footings. The assessment must be certified by a Registered Professional Engineer Queensland (RPEQ).

      Laboratory testing results supplied with the Geotechnical Assessment must be undertaken by a National Association of Testing Authority (NATA) certificated laboratory. All investigations, testing and design must be undertaken in accordance with industry practice and the provisions of relevant Australian Standards; or

   b. Provide an Amended Certification from a Registered Professional Engineer Queensland (RPEQ) (Civil or Structural) that in their professional opinion the development as per the Approved Plans, in conjunction with the site conditions and constraints does not require a Geotechnical Assessment as detailed in Item 8(a).

A copy of the Geotechnical Assessment or Amended Certification must be provided to the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Retaining Structures – Design and Construction

9. All retaining structures must comply with the following:

   a. Retaining structures and associated footings must be designed and constructed in accordance with the requirements of AS4678 – Earth-retaining Structures;

   b. Retaining structures and associated footings must comply with the FNQROC Development Manual, including, but not limited to Section D2 – Site Regrading;

   c. Retaining structures must be designed and constructed to take surcharge loadings, where applicable. Design drawings must indicate the point of discharge for surface stormwater and sub soil drainage that is collected behind the retaining structure;

   d. Footings of retaining structures should be designed and sited such that they do not result in the erosion of a watercourse or drainage embankment; and

   e. All retaining structures greater than 1.0m in height, regardless of their intended function, shall have structural certification provided by a Registered Professional Engineer Queensland (RPEQ).
Details of the above must be submitted as part of the Development Application for Operational Works.

Batter Treatment

10. All existing and proposed batters must be maintained and constructed in a manner that minimises the construction footprint and have the ability to be screened. In instances where batters exceed 1.8 metres in height, the following details must be submitted:

a. Details of the specific means of supporting or retaining to be used. This must include a geotechnical report supporting each of the proposed treatment(s) at each location;

b. Drawings (plans, longitudinal and cross sections) showing the extent of the proposed treatments at each location;

c. Details of drainage structures above and/or below each batter; and

d. Methods to be used to minimise the visual impact of the batter(s).

Details of the proposed construction methods to be used to achieve this must be submitted to Council in conjunction with a Development Application for Operational Works.

Electricity and Telecommunications

11. The Applicant must provide written evidence from the electricity and telecommunications authorities stating that underground services have or will be provided to each lot prior to Certificate of Classification or Commencement of Use, whichever occurs first.

Such evidence from an electricity provider (Ergon Energy) must be in the form of a “Certificate of Supply”, or alternatively a receipt for the full payment of the amount detailed under an “Offer of Supply”.

Such evidence from a telecommunications provider (NBN Co.) must be in the form of a receipt for the full payment of the NBN Co. “Development Application” or alternatively provide Council with a copy of the NBN Co. “Council Letter”.

Drainage Conditions

12. The Applicant/Owner/Developer must design and construct, at no cost to Council, all necessary stormwater management and drainage works (internal and external to the site) required to satisfactorily drain the subject land in accordance with the recommendations outlined in the Local Drainage Study prepared by Rodgers Consulting Engineers 16 July 2019, Council Reference #6135133. In particular, the additional measures as noted in the “Existing slab crossing of gully” and “Conclusion” sections of the Local Drainage Study must be implemented, being:
a. Upgrade of the existing slab crossing of the gully to provide Q100 immunity via the provision of a channel or culvert opening of 2600mm x 600mm;

b. Stabilisation of exposed earthworks and batters with hydro mulching or other vegetation;

c. Implementation of appropriate Erosion and Sediment Control measures during the course of the new construction;

d. Removal of logs, dead wood and other debris within the gully that could block the downstream pipe; and

e. Stabilisation and regular maintenance of the sediment basin.

Final details of the above drainage measures should be submitted in conjunction with the Development Application 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.

Restoration and Revegetation Plan

13. Restoration and revegetation works (including but not limited to) weed eradication, restoration of the waterway (removal of cut vegetation) and revegetation planting to provide a vegetation buffer on the eastern boundary is required. The Restoration and Revegetation Plan must be prepared by a project environmental consultant or a suitably qualified person, and must include:

a. Weed management methods to be employed to eradicate and monitor existing environmental and invasive weeds and prevent the import and export of weeds to and from the site. The plan must identify the roles and responsibilities of stakeholders and direction and duration for pest management activities;

b. Details and specifications for a minimum six (6) metre wide native buffer planting adjacent to the eastern property boundary (excluding the location of the Dual Occupancy and associated access/services).

c. A mixture of local native shrubs and trees;

d. Plant spacing at a maximum of one (1) metre centres; and

e. A planting schedule including, botanic names, quantities, container size

A Restoration and Revegetation Plan must be submitted to and endorsed by the Chief Executive Officer as part of the Development Application for
Operational Works. The endorsed works must be implemented and inspected by Council prior to Commencement of Use or the Certificate of Classification, whichever occurs first.

Protection of Vegetation

14. Existing vegetation on the subject land must be retained in all areas, unless:
   - a. Identified as a tree to be removed on the Approved Landscaping Plan;
   - b. Identified as an *Spathodea campanulata* more commonly known as the African Tulip Tree; or
   - c. Those areas affected by the construction of access driveways and/or the installation of services as detailed on the Approved Plans.

Any further proposed clearing must be detailed on the Restoration and Revegetation Plan for endorsement or requires a Development Permit for Operational Works.

15. Existing native vegetation to be retained must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites.

16. Excavation and fill is not permitted within the structural root zones of the significant *Alstonia schloaris*, Milky Pines. A minimum two (2) meter buffer area with protective fencing must be installed around these trees throughout construction.

Landscaping Plan

17. Landscaping is required following the completion of building works on all batters adjacent to the driveway, waterway and the northern boundary. The Landscaping Plan must be prepared by a Landscape Designer/Landscape Architect and be submitted as part of the Development Application for Operational Works. The Landscaping Plan must include:
   - a. Details of the existing vegetation to be retained;
   - b. Details and specifications for site preparation, weed eradication, planting, mulching, watering and maintenance;
   - c. A planting schedule including, botanic names, quantities, container size to include native species only.
   - d. Inclusion of shrubs and trees for soil stability; and
e. Provisions to ensure landscaping will not adversely impact the function of the waterway.

A Landscaping Plan must be endorsed by the Chief Executive Officer as part of the Development Application for Operational Works. The endorsed landscaping must be implemented and inspected by Council’s Environmental Officer prior to Commencement of Use.

External Colours and Materials

18. The exterior finishes and colours of the proposed dwelling and any retaining walls are non-reflective and blend with the natural colours of the surrounding environment. Roofs and structures (including water tanks) must be of moderately dark to darker shades of green, grey, blue and brown.

The selected colours and materials must be submitted to, and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Damage to Infrastructure

19. In the event that any part of Council’s existing sewer, water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the Applicant/Owner must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced at the Developers/Owners/Builders cost prior to Commencement of Use.

Sediment and Erosion Control

20. 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).

Concentration of Stormwater

21. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.

Lawful Point of Discharge

22. 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.
Stockpiling and Transportation of Material

23. Soil used for filling or spoil from earthworks carried out on the site 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/or from the site must not occur:

   a. before 7:00am or after 6:00pm Monday to Friday;
   b. before 7:00am or after 1:00pm Saturday; and
   c. at any time on a Sunday or Public Holiday.

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

Storage of Machinery and Plant

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

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.

Infrastructure Charges Notice

3. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Infrastructure Charges Notice has been calculated according to Council’s Infrastructure Charges Resolution.

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Planning Approvals Team at council for review of the charge amount prior to
payment.

The time when payment is due is contained in the Infrastructure Charges Notice.

4. Council will be implementing “smart” meters during the currency of this development. The Plumbing contractor must confirm with Council, at the time of making a Development Application for Plumbing Works, what they type of sub meter should be installed.


LAND USE DEFINITIONS*

In accordance with CairnsPlan 2016 v1.2 the approved land use of Dual Occupancy is defined as:

Premises containing two dwellings, each for a separate household, and consisting of:

- a single lot, where neither dwelling is a secondary dwelling; or
- two lots sharing common property where one dwelling is located on each lot.

*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.

B. That the following Rates Notation be placed on Council's future rates record for the Lot:

   Water Supply

   1. The property owner is responsible for providing adequate pressure to the Dual Occupancy. Any pump required must be supplied, maintained and replaced at the owner's expense.

   carried with Councillors Moller, Zeiger and Cooper voting against the motion.
10. MATERIAL CHANGE OF USE – DUAL OCCUPANCY – 136 MARTYN STREET, PARRAMATTA PARK – DIVISION 5

SCHILLING / JAMES

That Council approves the development application for Dual occupancy over land described as Lot 5 C19892, located at 136 Martyn Street, Parramatta Park, 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:

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
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<tr>
<td>Site Plan 1</td>
<td>Bridgewater Buildings</td>
<td>10 September 2019</td>
</tr>
<tr>
<td>Site Plan 1</td>
<td>Bridgewater Buildings</td>
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<tr>
<td>Ground Floor Plan</td>
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<td>Elevations</td>
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<tr>
<td>Landscaping Plan</td>
<td>Bridgewater Buildings</td>
<td>10 September 2019</td>
</tr>
</tbody>
</table>

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 select one 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).

External Works

5. Undertake the following external works:
   a. Provide a residential concrete crossover to Martyn Street with a maximum width of 5.5m and aprons of 0.600m (giving a maximum total width at the kerb of 6.7m), and otherwise generally in accordance with FNQROC Development Manual Standard Drawing S1015 Rev D. A copy is attached at Appendix 3;
   b. Make good the kerb(s) at redundant crossover(s);
   c. Make good any damaged kerbs; and
   d. Re-turf any damaged verge areas.
   e. The driveway must be designed in accordance with AS2890.1 Off Street Car Parking.

The applicant is to ensure the current kerb and channel to the frontage of the site is fit for the purpose. Any sections showing ponding, significant cracking, etc, shall be deemed as not fit for purpose and are to be replaced.

Such works must be constructed to the satisfaction of the Chief Executive Officer prior to the commencement of use.

NB. The maximum grade for a crossover is 2.5% and where the site fronts an existing footpath the new crossover must not interfere with existing footpath.

Access Requirements for House 1

6. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear.

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. Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008; and
   c. Smart Meters are to be installed which align with Council’s Smart Meter program; and
d. Any building works located over or near the existing sewer is subject to a Plumbing application for Permission to Build over/and or Adjacent to Sewer Mains. The design of the building and footings over the sewer must comply with Section MP.1.4 of the Queensland Development Code.

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

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 or approval of a Plan of Survey, whichever occurs first.

Landscaping Plan

8. The applicant/owner must landscape the subject land and street frontage in accordance with the FNQROC Development Manual, the Planning Scheme Policy Landscaping and in accordance with the approved preliminary Landscaping Plan dated 10 July 2019. The landscaping must be established and inspected by Council prior to the commencement of use and must include the following:

a. a planting pallet that includes a mixture of tropical species consisting of shrubs and accent plants and appropriate plant spacing to assist with screening and providing privacy. Species must not be identified as invasive biosecurity matter under the Biosecurity Act 2014 or environmental weeds within Cairns Regional Council area;

b. deep planting within trees and shrubs within the allocated set back areas at the corners of the site, in accordance with the FNQROC Development Manual set back requirements from services;

c. mulching to a minimum depth of 100mm;

d. measures to ensure landscaping establishment such as irrigation, staking, soil conditioning and edging;

e. minimum container supply size of 140mm for grasses and ground covers, 200mm for shrubs and accent plants and 300mm/25Lt for trees.

Electrical and Telecommunications Supply

9. The applicant/owner must provide written evidence from the electricity and telecommunications authorities stating that underground services are provided to House 1 for the full length of the access handle prior to the Commencement of Use.

Such evidence from an electricity provider (Ergon Energy) must be in the form of a “Certificate of Supply”, or alternatively a receipt for the full payment of the amount detailed under an “Offer of Supply”.
Such evidence from a telecommunications provider (NBN Co.) must be in the form of a receipt for the full payment of the NBN Co. “Development Application” or alternatively provide Council with a copy of the NBN Co. “Council Letter”.

NB: In this instance Council would accept, subject to the agreement of the electricity provider, a main service connection in the form of an overhead connection from the existing pole at the frontage of the site to a property pole located in the property boundary in accordance with the requirements of this condition.

Service Conduits

10. Provide service conduits to the rear dwelling adjacent to the driveway, together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the Commencement of Use.

Lawful Point of Discharge

11. The flow of all external 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.

Ponding and/or Concentration of Stormwater

12. The proposed development and any retaining walls are not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Damage to Council Infrastructure

13. In the event that any part of Council’s existing stormwater, water, sewer or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use or approval of a Plan of Survey, whichever occurs first.

Sediment and Erosion Control

14. 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).
Refuse Storage

15. The development must be designed to be serviced by kerbside collection. Two refuse collection bins must be provided for each dwelling. The refuse bin enclosure must be convenient to the occupants and screened from view from the street and adjoining properties.

Fencing

16. A screen fence must be provided between the areas of private open space and must be a minimum 1.8m in height. The screen fencing must be completed prior to the Commencement of Use.

Air-Conditioning Screens

17. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

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.

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Notice.

4. Council will be implementing “smart” meters during the currency of this development. The Plumbing contractor must confirm with Council, at the time of making a Development Application for Plumbing Works, what they type of sub meter should be installed.


LAND USE DEFINITIONS*

In accordance with CairnsPlan 2016 the approved land use of ‘Dual Occupancy’ is defined as:

“Premises containing two dwellings, each for a separate household, and consisting of:

- a single lot, where neither dwelling is a secondary dwelling
- two lots sharing common property where one dwelling is located on each lot.”

*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 unanimously

11. CAIRNS YOUTH CLIMATE SUMMIT ......................................................... 248

Sophie Barrett | 8/24/18-01 | #6172473

COOPER / MOLLER

That Council facilitates a Cairns Youth Climate Summit as part of Council’s review of its Climate Policy and Action Plan.

carried unanimously
12 QUEENSLAND MUSEUM - REGIONAL MUSEUM DEVELOPMENT OFFICER 2018/19 OUTCOME REPORT .................................................. 252
Lesley Buckley | 79/5/5-01 | #6164024

MOLLER / ZEIGER

That Council receives and notes the attached Work Program Report submitted by Queensland Museum’s local Museum Development Officer (MDO) outlining the significant work undertaken during the period 2018/19.

carried unanimously

Cr Manning left the meeting 10:04 a.m.
Cr Manning returned 10:05 a.m.

Cr Richardson left the meeting 10:08 a.m.
Cr Richardson returned 10:10 a.m.

13. CAIRNS PERFORMING ARTS CENTRE’S SIX MONTH SUCCESS STORY ........................................................................................................... 269
Roz Pappalardo | 79/5/19-01 | #6153683

SCHILLING / COOPER

That Council notes the sales and visitation success of the first six months of Cairns Performing Arts Centre’s operation.

carried unanimously

14. EXPRESSION OF INTEREST GREAT BARRIER REEF MASTER GAMES ........................................................................................................... 275
C Posgate | 5/1/1-02 | # 6174789

COOPER / OLDS

That Council:

1. Notes the outcome of the Expression of Interest for the delivery of the Great Barrier Reef Master Games;

2. Approves the delivery of Great Barrier Reef Master Games by Cairns Regional Council subject to receipt of ongoing funding from Tourism Queensland;

3. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate and finalise all matters pertaining to the delivery of Great Barrier Reef Master Games.

carried unanimously
15. **SERVICE CHARTER** ............................................................................................................. 278
    Amanda Agius | 1/3/87-10 | #6163444

SCHILLING / MOLLER

That Council resolves to:

1. adopt the Service Charter for Cairns Regional Council.
2. delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise all matters associated with the Service Charter.

*carried unanimously*

CLOSED SESSION

OLDS / SCHILLING

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

1. **PREJUDICIAL MATTER - POTENTIAL ACQUISITION FOR PUBLIC PURPOSES** ........................................................................................................ 3
    Kelly Reaston | 55/2/3-03 | #6172616

2. **CONTRACTUAL MATTER - PREFERRED SUPPLIER ARRANGEMENT 2708 – SUPPLY AND DELIVERY OF QUARRY PRODUCTS** .......... 10
    Julia Deleyev | 63/1/216 | #6146670

3. **CONTRACTUAL MATTER - PROJECT LAUNCH APPROVAL AND CONTRACT 55288 AWARD FOR CONSTRUCTION OF MUNRO MARTIN PARKLANDS STAGE 2 PC18011 CONTRACT 55288** .......... 23
    Paul Stubbs | 63/1/215-01 | #6156456

4. **BUDGETARY MATTER – OUTSTANDING DEBT REPORT** ............... 45
    Steve Crampton | 17/25/2-13 | #6146500

5. **CONTRACTUAL MATTER – CONTRACT 2699 – PROVISION OF SECURITY SERVICES** ................................................................................. 73
    Graham Boyd | 63/1/207* | #6146647

*carried unanimously*
OUT OF CLOSED SESSION

Cr Cooper left the meeting while item 5 was discussed at 10.20 a.m.

COUNCIL RESOLVED TO MOVE OUT OF CLOSED SESSION

RICHARDSON / O’HALLORAN

carried unanimously

Cr Cooper returned 10.24 a.m.

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. **PREJUDICIAL MATTER - POTENTIAL ACQUISITION FOR PUBLIC PURPOSES** ………………………………………………………………………………………………………… 3

   Kelly Reaston | 55/2/3-03 | #6172616

Under section 175E(6) of the *Local Government Act 2009* due to a majority of the councillors present at the meeting informing the meeting of their personal interests in this matter, the matter is delegated to the Chief Executive Officer under section 257 of the *Local Government Act 2009*.

OFFICERS RECOMMENDATION:

It is recommended that Council:

1. Notes the details contained within this report and lodges an Expression of Interest to purchase the site; and

2. Delegates authority to the Chief Executive Officer under the provisions of the *Local Government Act 2009* to finalise all matters associated with acquiring the subject area needed for Council’s operational use in accordance with Council’s ‘General Policy for Acquisition of Land’.
2. **CONTRACTUAL MATTER – PREFERRED SUPPLIER ARRANGEMENT**  
2708 – SUPPLY AND DELIVERY OF QUARRY PRODUCTS ............ 10  
Julia Deleyev | 63/1/216 | #6146670  

Under section 175E(6) of the *Local Government Act 2009* due to a majority of the councillors present at the meeting informing the meeting of their personal interests in this matter, the matter is delegated to the Chief Executive Officer under section 257 of the *Local Government Act 2009*.

**OFFICERS RECOMMENDATION:**

It is recommended that Council:

1. **Awards Preferred Supplier Arrangement (PSA) 2708 – Supply and Delivery of Quarry Products to the Contractors listed in Attachment 1, for a term of two years commencing on 1 October 2019, with an extension option of up to 12 months available at Council's discretion.**

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

3. **CONTRACTUAL MATTER - PROJECT LAUNCH APPROVAL AND CONTRACT 55288 AWARD FOR CONSTRUCTION OF MUNRO MARTIN PARKLANDS STAGE 2 PC18011 CONTRACT 55288........ 23**  
Paul Stubbs | 63/1/215-01 | #6156456  

**SCHILLING / MOLLER**

That Council:

1. **Approves the construction of the Munro Martin Parklands Stage 2 project with an overall Project Launch Budget of $1,300,000 excluding GST and an Approved End Date of 30 September 2020.**

2. **Awards Contract 55288 – Munro Martin Parklands Stage 2 to Vis Constructions Pty Ltd for an amount of $856,317.55 excluding GST.**

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 or in relation to this project, subject to Council’s normal procurement policies and practices.**

*carried unanimously*
4. **BUDGETARY MATTER – OUTSTANDING DEBT REPORT**

   **RICHARDSON / OLDS**

   That Council notes the status of the outstanding debt owed to Council as at 30 August 2019.

   *carried unanimously*

5. **CONTRACTUAL MATTER – CONTRACT 2699 – PROVISION OF SECURITY SERVICES**

   **Graham Boyd | 63/1/207* | #6146647**

   Cr Cooper left the meeting 10.25

   **MOLLER / SCHILLING**

   That Council:

   1. Approve Contract 2699 – Provision of Security Services to Heightened Security Solutions Pty Ltd for Separable Portion 1, NQ Security Services for Separable Portion 2, Wilson Security for Separable Portion 3 and the following contractors to be appointed to Separable Portion 4 – Register of Prequalified Suppliers: Heightened Security Solutions, MSS Security, NQ Security Services and Wilson Security, commencing 1 October 2019; and

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

   *carried unanimously*

**THE MEETING CLOSED AT 10.25 AM**

**CONFIRMED THIS 25th DAY OF SEPTEMBER 2019**

..................................................  ..................................................

MAYOR

CHIEF EXECUTIVE OFFICER