



ORDINARY MEETING

21 DECEMBER 2023

5 P.M.

PRESENT: Cr T James (Chairperson)
Cr R Coghlan
Cr A Eden
Cr B Moller
Cr M O'Halloran
Cr B Olds (via phone)
Cr R Pyne
Cr K Vallely
Cr C Zeiger (via phone)

OFFICERS:

M Martin	Chief Executive Officer
C Posgate	Director People and Organisational Performance
G Everson	Acting Director Cairns Infrastructure and Assets
S Foster	Acting Director Lifestyle and Community
L Whitton	Director Finance & Business Services
W Hughes	Acting Director Economic Development and Advocacy
T Veronese	Acting Associate Director Service Delivery
D Stevens	Executive Manager Major Projects
T Curcuruto	Acting Associate Director Engineering Services
K Johnston	Coordinator Development Services
A Combe	Executive Manager Marketing & Communications
G Burdon	Executive Manager Procurement & Payables
J Turner	Senior Project Engineer
T Dendle	Executive Manager Community Spaces
A Davey	Senior Planning Officer
P Rogato	Media Coordinator
A Turnbull	Executive Manager Office of the CEO
S Cottrell	Minute Secretary

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PRESCRIBED CONFLICT OF INTEREST / DECLARABLE CONFLICT OF INTEREST

1. Cr Zeiger - I inform the meeting that I have a declarable conflict of interest as a result of Agenda Item 20 - COMMUNITY PARTNERSHIPS GRANT - CAIRNS AGRICULTURAL PASTORAL AND MINING ASSOCIATION.
The Secretary of the Cairns Show is Narelle Phipps. Narelle is also the Secretary for the White Rock State School P&C of which I am the President. I do not believe a reasonable person could have a perception of bias because my dealings with Narelle are purely as part of the White Rock State School P&C. Therefore, I choose to remain in the meeting but will respect the decision of my fellow Councillors as to whether I can remain and participate in the decision.
2. Cr Zeiger – In regards to Agenda Item 13 – Major Events Sponsorship Application - Red Hot Summer 2024-2026, I have a perceived COI as I have received tickets over the last few years which total more than \$500. I have declared these on my Register of Interests as is required. I will leave the meeting while this matter is discussed and voted on.
3. Cr Olds – In regards to Agenda Item 13 – Major Events Sponsorship Application - Red Hot Summer 2024-2026, I have a declarable COI as I have received tickets over the last few years which total more than \$500. I have declared these on my Register of Interests as is required. I choose to remain in the meeting, but respect the decision of the meeting as to whether I can remain and participate in the decision.
4. Cr Coghlan – In regards to Agenda Item 13 – Major Events Sponsorship Application - Red Hot Summer 2024-2026, I have a declarable COI as I have received tickets over the last few years at approx. \$500 per year totally \$1500. I have declared these on my Register of Interests as is required. I choose to remain in the meeting, but respect the decision of the meeting as to whether I can remain and participate in the decision.
5. Cr Vallely - In relation to item 10, Cairns Amateurs are an interested party. I would like to advise the meeting that whilst I have previously declared a conflict, upon reflection that was unnecessary and I do not have a conflict. My role with the Amateurs took place before I was a Councillor and departmental guidelines specify that this is not relevant.
6. Cr James – I inform the meeting that I have a declarable COI relating to item 13, the Red Hot Summer sponsorship application as I have received tickets to attend the event valued at slightly over \$500. I choose to remain in the meeting, but respect the decision of the meeting as to whether I can remain and participate in the decision.

7. Cr Moller - I would like to declare that I have a conflict in relation to item 7 due to the interested parties St John's Community Care Limited and the Greek Orthodox Archdiocese of Australia Consolidated Trust being clients of mine and the law firm Vandeleur & Todd Solicitors for which I am a consultant. I intend to leave the meeting when this matter is decided.

8. Cr Vallely – I inform the meeting that I have a declarable COI relating to item 13, the Red Hot Summer sponsorship application as I have received tickets to attend the event valued at slightly over \$500. I choose to remain in the meeting, but respect the decision of the meeting as to whether I can remain and participate in the decision.

PURPOSE OF MEETING

To consider the matters listed on the agenda.

MAYORAL MINUTE

Tropical Cyclone Jasper and the major flooding event that followed, will go down in the Far North Queensland history books. The events of the weekend have caused devastation and damage on an enormous scale.

The Local Disaster Management Group is a multi-agency group who lead the coordination of efforts pre and post disaster. The LDMG Committee is made up of agencies such as the Hospital, Ports North, Cairns Airport, the Queensland Ambulance Service, Queensland Fire & Emergency, the SES, TTNQ, the Red Cross, Surf Lifesaving, the Police, Council and others. In this extreme event, assistance was also provided by the Australian Defence Force, in particular, Commander Santos from HMAS Cairns.

The absolute commitment from the members of this group over the last 12 days has been exceptional. These are ordinary community members, who were pulled away from their homes and families under quickly evolving and fraught circumstances. They bunkered down for days and nights on end to get the job done under enormous pressure. They made no complaint about this, but rather showed unwavering commitment in the service of their community.

I want to also call out the efforts of LDMG Deputy Chair, Councillor Rhonda Coghlan, who was clearly pained at being called away from her community to participate in the response, and who participated selflessly. Equally, CEO Mica Martin provided exceptional leadership and support and the LDMG was fortunate to have the benefit of her experience and insights.

I know that we, the broader community, are reeling from these events, and I know I speak for all of us when I say our hearts go out to people impacted. We must hold on to this feeling of compassion and continue to offer our support in the weeks and months to come.

As is often the case in major events such as these, the silver lining of hope comes

from witnessing the extraordinary, and oftentimes heroic, efforts of everyday people whose first priority was the safety of their neighbours, or often even complete strangers. We saw this in individuals who took risks to help people evacuate, in the volunteers cleaning literal mud and sewerage from people's homes, and the generosity of community members and local businesses who have donated. This is heartening and gives me great pride.

It would be remiss of me not to call attention to the immense efforts of Council workers specifically, who have worked for days on end behind the scenes and their hard work is largely why life is amazingly back to normal for so many of us that have been fortunate enough to escape major adverse personal impact. They are exhausted and many have had their own properties and lives impacted. Many will now also miss their well-deserved break and Christmas with their families in order to prioritise getting our operations back to normal.

We have only today, transitioned into the recovery phase for this event which will be a marathon and not a sprint. We have dedicated committees who are now activated to focus on the four areas of: Economic Recovery, Environmental Recovery, Human and Social Recovery and Infrastructure Priorities and will work hand in hand with the relevant local stakeholders to ensure our recovery. In terms of the support we are offering the community, Council has launched its own volunteer workforce, commenced an MOU with GIVIT to channel donations to the right place, and has just today launched an online recovery hub to connect residents with vital resources and support, including financial support.

We are working directly with those suburbs that have experienced inundation, to go and collect flood-damaged materials (at no cost to them) and our crews have been working around the clock to clear debris and fallen trees. Additionally, in the new year, we will offer a free green waste drop off to all Cairns residents.

In terms of our reflection on the event, as with any major event – natural disaster related or otherwise, Council would always conduct an independent post-event review in relation to our own role, just as we did following the Redlynch 2018 flooding event.

However, in relation to this event, we are but one cog in the wheel of the LDMG, which is its own separate entity. It is only the State Government of the day who can task the Inspector-General of Emergency Management to undertake a full review in relation to the remit of the wider LDMG.

All organisations, as a matter of best practice, will undertake a debriefing process to each examine their own policies, processes, disaster management support, technology, training, exercising systems etc to each look for opportunities for improvement and lessons learnt. This also gives agencies the chance to reinforce the practices that were very sound, and in this case, are probably to thank for preservation of life.

However, at this time, the priority is, and must be, working collectively with State and Federal Governments and our community to provide for the resilience and recovery of our residents for the foreseeable future.

If I can talk briefly to the warning system specifically. The use of what is known as the ‘AWS’ or Australian Warning System is a government requirement based on the recommendation set out by the Inspector-General of Emergency Management in the 2022 SEQ Flood Review, a templated system which is deemed compulsory.

JAMES / COGHLAN

MAYORAL MINUTE

1. FINANCIAL HARDSHIP POLICY – RATES AND WATER USAGE & CONCEALED WATER LEAK POLICY – RESIDENTS SEVERELY IMPACTED BY CYCLONG JASPER FLOODING EVENT

That Council:

- 1. Extend the existing ‘*Financial Hardship Policy – Rates and Water Usage*’ provisions to those severely impacted by the Cyclone Jasper Flooding Event; and
- 2. Extend the financial assistance provisions of the ‘*Concealed Water Leak Policy*’ to those severely impacted by the Cyclone Jasper Flooding Event, including commercial properties

I am advised that this can be managed within our current budget.

carried unanimously

CONFIRMATION OF MINUTES OF ORDINARY MEETING 22/11/23 AND SPECIAL MEETING 29/11/23

MOLLER / COGHLAN

That the Minutes of the Ordinary Meeting held on Wednesday, 22 November 2023 and the Special Meeting 29 November 2023 be confirmed.

carried unanimously

1. APPOINTMENT OF NEW COUNCILLOR..... 28
93/2/1-01 | #7306968

JAMES / MOLLER

That Section 15 of Standing Orders be suspended.

carried unanimously

O'HALLORAN / COGHLAN

I nominate Jeremy Neal for the position of Division 4 Councillor

Meeting was adjourned 5.20 pm

Meeting resumed 5.33 pm

Stay / go vote Councillors James, Moller, Coghlan, Vallely participating in vote for nomination of Jeremy Neal

OLDS / PYNE

Cr Moller has a conflict of interest due to Jeremy Neal being part of the Unity Team nomination for 2024 election.

Carried with Cr Olds, Eden, Zeiger & Pyne voting for the motion and Cr O'Halloran voting against the motion

Cr James, Coghlan, Vallely and Moller did not participate in the vote.

OLDS/PYNE

Cr Vallely has a conflict of interest due to Jeremy Neal being part of the Unity Team nomination for 2024 election.

Carried with Cr Olds, Eden, Zeiger & Pyne voting for the motion and Cr O'Halloran voting against the motion

Cr James, Coghlan, Vallely and Moller did not participate in the vote.

OLDS/PYNE

Cr Coghlan has a conflict of interest due to Jeremy Neal being part of the Unity Team nomination for 2024 election.

Carried with Cr Olds, Eden, Zeiger & Pyne voting for the motion and Cr O'Halloran voting against the motion

Cr James, Coghlan, Vallely and Moller as members of the Unity team did not participate in the vote.

OLDS/PYNE

Cr James has a conflict of interest due to Jeremy Neal being part of the Unity Team nomination for 2024 election.

Carried with Cr Olds, Eden, Zeiger & Pyne voting for the motion and Cr O'Halloran voting against the motion

Cr James, Coghlan, Vallely and Moller as members of the Unity team did not participate in the vote.

JAMES/COGHLAN

Cr O'Halloran has a conflict of interest in this matter.

JAMES/MOLLER - Meeting adjourned at 5.45 pm
Meeting resumed 5.57 pm

Cr O'Halloran declared that he has a conflict of interest in this matter and left the meeting at 6.01 pm

As there is no longer a quorum this item is deferred.

Cr Moller raised point of order for inappropriate conduct by Cr Olds, Pyne, Zeiger and Eden.

Cr James supported point of order, asking Cr Olds, Pyne, Zeiger and Eden to cease conduct, apologise and/or withdraw.

JAMES / COGHLAN

That Section 15 of Standing Orders be reinstated.

carried unanimously

Cr O'Halloran rejoined the meeting 6.11 pm

2. MINUTES AUDIT COMMITTEE MEETING – 5 DECEMBER 2023 47
65/4/1 | #7316238

MOLLER / COGHLAN

That Council accepts the minutes of the Audit Committee meeting held 5 December 2023.

carried unanimously

3. CAIRNS WATER SECURITY STAGE 1 AWARD & PLA 52
63/5/3 | #7310757

MOLLER / PYNE moved a procedural motion pursuant to rule 21.1(vii) of the Standing Orders that Cairns Water Security Stage 1 Award & PLA be tabled.

MOLLER / COGHLAN

That Council:

1. Awards Contract 75692 – Design and Construct Contract, Cairns Water Security Stage 1 Project to John Holland Queensland Pty Ltd for a Lump Sum price of \$325,446,316 excluding GST and/or Schedule of Rates.
2. Approves the Project Launch Approval (PLA) for the Cairns Water Security Stage 1 (CWSS1) Project Construction Works with a Project Launch Budget (PLB) of \$447,369,705 and an Approved End Date (AED) of 30 June 2028.
3. 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 these recommendations subject to Council's normal procurement policies and practices.

Cr Pyne moved that the motion be put

carried unanimously

<p>ORDINARY MEETING 21 DECEMBER 2023</p>	<p>3</p>
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CAIRNS WATER SECURITY STAGE 1 – PROJECT CONSTRUCTION MATTERS

63/5/3 | #7310757

RECOMMENDATION:

That Council:

1. Awards Contract 75692 – Design and Construct Contract, Cairns Water Security Stage 1 Project to John Holland Queensland Pty Ltd for a Lump Sum price of \$325,446,316 excluding GST and/or Schedule of Rates.
2. Approves the Project Launch Approval (PLA) for the Cairns Water Security Stage 1 (CWSS1) Project Construction Works with a Project Launch Budget (PLB) of \$447,369,705 and an Approved End Date (AED) of 30 June 2028.
3. 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 these recommendations subject to Council's normal procurement policies and practices.

INTERESTED PARTIES:

- FGF Developments Pty Ltd;
- GHD Pty Ltd;
- Haslin Constructions Pty Ltd;
- John Holland Queensland Pty Ltd;
- Seymour Whyte Constructions Pty Ltd & Spiecapag Australia Pty Ltd (known as Spiecapag Seymour Whyte Joint Venture (SSWJV));
- Veolia Water Technologies Pty Ltd; and
- Water Treatment Australia Pty Ltd;

Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive.

EXECUTIVE SUMMARY:

The Cairns Water Security – Stage 1 (CWSS1) Project has been identified as the next water supply to serve the growing demand in the Cairns Region Local Government Area.

In November 2020, Council endorsed the procurement of a Design and Construct (D&C) contract with an Early Contractor Involvement (ECI) phase and endorsed the procurement strategy for the CWSS1 project, which was subsequently updated and endorsed in October 2022.

In November 2022 Council subsequently sought Expressions of Interest (EOI) submissions from suitably qualified respondents to provide ECI services as part of the project's procurement model. In March 2023 Council endorsed entering into an ECI Agreement with two parties:

- John Holland Queensland Pty Ltd; and
- Seymour Whyte Constructions Pty Ltd & Spiecapag Australia Pty Limited (known as Spiecapag Seymour Whyte Joint Venture (SSWJV)).

At the end of this ECI phase of procurement, D&C Contract offers were submitted by these two parties and evaluated.

On the basis of the evaluation undertaken, the recommendation is to award Contract 75692 – Design and Construct Contract, Cairns Water Security Stage 1 Project, to John Holland Queensland Pty Ltd for the total lump sum of \$325,446,316 excluding GST and/or Schedule of Rates.

BACKGROUND:

In November 2020, Council endorsed the procurement strategy for the CWSS1 project. The resolution endorsed the adoption of a Design and Construct (D&C) contract with an Early Contractor Involvement (ECI) phase as the delivery model for the project. This approach was reinforced during an update that was then endorsed by Council in October 2022.

Prior to the Expression of Interest (EOI) being released for the ECI phase, a Market Sounding Exercise (MSE) was undertaken with local and national contractors to evaluate and confirm matters relating to the project, including but not limited to the transaction/procurement model, market availability, ECI works reimbursement confirmation, and packaging of works.

In November 2022 Council invited EOIs, pursuant to section 228 of the *Local Government Regulation 2012* (Qld) (Regulation), from suitably qualified respondents to provide ECI services as part of the project's procurement model. In March 2023 Council endorsed entering into an ECI Agreement with two parties:

- John Holland Queensland Pty Ltd; and
- Seymour Whyte Constructions Pty Ltd & Spiecapag Australia Pty Limited (known as Spiecapag Seymour Whyte Joint Venture (SSWJV)).

The ECI Agreement outlined specific deliverables that were required to be produced as part of the ECI phase. The ECI Agreement also outlines a payable fee of \$1,900,000 to the respondent who is not awarded the D&C Contract at the conclusion of the ECI phase.

A Project Launch Approval (PLA) is recommended for the construction works phase of the project, with a Project Launch Budget (PLB) of \$447,369,705 and an Approved End Date (AED) of 30 June 2028. This PLB has been informed by the project's Cost Estimating Advisor, Ranbury Group Management, and includes various costs required throughout the construction phase of the project, through to Practical Completion of the Contract.

COMMENT:

At the end of this Early Contractor Involvement (ECI) phase of procurement, Design and Construct (D&C) Contract offers were submitted by these two parties according to the ECI Agreement and evaluated.

Offers were checked for conformance against the requirements of the ECI Agreement. In selecting the successful Tenderer, the evaluation panel had regard to the sound contracting principles in accordance with section 104 of the *Local Government Act 2009* (Qld). Due to the complex nature of the project, and a criteria-based evaluation used when evaluating responses to the Expression of Interest (EOI) process, a Risk-Based Evaluation method aligned to Council's Enterprise Risk Framework was utilised for evaluating the offers. A dedicated Evaluation Plan was developed for the evaluation of the offers.

The evaluation process was undertaken by an Evaluation Panel, supported by a team of Subject Matter Experts (SME), including Council engaged specialists to assist with feedback during the evaluation process, ensuring a best value offer could be recommended.

The specialist services that were provided include:

- Probity overview (O'Connor Marsden and Associates);
- Financial reviews to ensure that the tendering consortia have the financial capacity to complete the project within the accepted risk profile (Due Diligence Consulting Pty Ltd);
- Legal reviews; feedback on any litigious issues; and review of proposed contract departures (Minter Ellison);
- Reviews of Delivery Phase Programmes and Cost Schedules provided by the Proponents (Ranbury Management Group); and
- Technical review by CWSS1 Project Owner's Engineer (AECOM).

Post offer closing clarifications were issued to clarify information and/or risks as part of the evaluation process, leading to a Best and Final Offer (BAFO).

As per the Evaluation Plan, any outstanding quantifiable risks were then converted to financial consequences where appropriate to do so, and a price adjustment was made to the Proponent's submitted price. These price adjustments were then included as contingency when determining a Project Launch Budget (PLB).

The evaluation process highlighted the risk-adjusted D&C Contract BAFO submitted by John Holland Queensland Pty Ltd (JHQ) to be the best value offer, on a risk adjusted price basis. In addition to a lower price risk-adjusted D&C Contract BAFO, JHQ submitted a high quality and high coverage submission. Particular strengths were demonstrated in the approach to the design and construction methodology, with safety in design a foundational consideration, and strong demonstrated experience and approach to Local Industry Participation. JHQ provided practical and demonstrated responses across all deliverables.

Seymour Whyte Constructions Pty Ltd & Spiecapag Australia Pty Limited (known as Spiecapag Seymour Whyte Joint Venture (SSWJV)) provided a sound BAFO submission, reflecting their top-tier joint experience and respective consortium specialist fields. SSWJV submitted a materially higher price risk-adjusted D&C Contract BAFO.

Therefore, based on the evaluation undertaken, the recommendation is to proceed to enter into a Design and Construct Contract with John Holland Queensland Pty Ltd.

The ECI Agreement outlines a payable fee of \$1,900,000 to the respondent who is not awarded the D&C Contract.

The ECI Phase of the project was undertaken in a Pre-Construction Project Launch Approval (PLA), with the Construction phase to be undertaken under a new

Construction PLA. The Pre-Construction PLA was endorsed by Council in October 2022, and included, activities such as procuring the project team and consultancies, reference design development and technical risk reduction activities, commercial and legal advice, and all activities during the ECI stage including the fee payable for the unsuccessful proponent.

With the ECI Phase and offer submissions informing a revision of the construction phase requirements, including time and cost milestones, a Project Launch Approval (PLA) is recommended for works until the Practical Completion of the Contract, with a Project Launch Budget (PLB) of \$447,369,705 and an Approved End Date (AED) of 30 June 2028.

This Construction PLB includes for costs during the Construction, Commissioning, and Proof of Performance Testing period and includes for, but is not limited to allowances made for:

- Award of the D&C Contract as outlined in the recommendation;
- Owner's costs, including for external specialist advice, project management and contract management, and other allowances through to Practical Completion;
- Scope items not currently included in the D&C Contract scope, such as revegetation requirements, Behana Creek Intake Upgrade Works, and land acquisitions required for construction; and
- Contingency provisions to account for project risk.

This Construction PLB has been informed by the project's Cost Estimating Advisor, Ranbury Group Management.

Including this Construction PLB, a revised Total Project Cost Estimate (TPCE) accounts to \$471,694,237. This TPCE includes, but is not limited to, costs encountered for:

- Historical land acquisition costs required for the Water Treatment Plant;
- Detailed Business Case and related costs;
- Pre-Construction PLA endorsed by Council in October 2022; and
- The Construction PLA and relevant PLB as outlined above.

OPTIONS:

Option 1: (Recommended)

It is recommended that Council:

1. Awards Contract 75692 – Design and Construct Contract, Cairns Water Security Stage 1 Project to John Holland Queensland Pty Ltd for a Lump Sum price of \$325,446,316 excluding GST and/or Schedule of Rates.
2. Approves the Project Launch Approval (PLA) for the Cairns Water Security Stage 1 (CWSS1) Construction Works with a Project Launch Budget (PLB) of

\$447,369,705 and an Approved End Date (AED) of 30 June 2028.

3. 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 these recommendations subject to Council's normal procurement policies and practices.

Option 2:

Council opts not to award a D&C Contract but to progress to a Design phase and then a Construction phase.

This is not recommended on the following basis:

- This would introduce additional risk and cost to the delivery process,
- Not regarded as industry best practice, and
- Significant loss of efficiencies (time and cost) in the delivery of the overall project.

Option 3:

Council opts not to award a D&C Contract and the project is not progressed.

This is not recommended on the basis that the project is of a high priority and requires immediate action. Without this project, the Cairns region will face a critical drinking water shortfall by 2026.

CONSIDERATIONS:

Risk Management:

The recommended party is a top-tier construction company and has extensive experience in large-scale projects with ECI/D&C phases.

The CWSS1 Project Team includes various specialist support services across technical, commercial, and legal matters, to identify and mitigate potential project risks.

The Risk-Based Evaluation method used aligns to Council's Enterprise Risk Framework. During the evaluation, risks have been identified and mitigated according to the Evaluation Plan, whereby any outstanding quantifiable risks were then converted to financial consequences where appropriate to do so, and a price adjustment was made to the Proponent's submitted price. These price adjustments were then included as contingency when determining a Project Launch Budget (PLB).

The implementation of the CWSS1 project will mitigate the treatment risk currently associated with the Behana Creek water source. It will also provide a second major water treatment facility into the Cairns water supply scheme, thereby providing redundancy in the existing system. The implementation of the CWSS1 will enable the

preservation of the stored volume in Copperlode Falls Dam, thereby minimising the requirement for the imposition of water restrictions.

Council Finance and the Local Economy:

The revised estimated Total Project Cost Estimate (capital cost) exceeds allowances made in Council's current adopted Long Term Financial Plan by \$93 Million. There is however a slight improvement in the estimated ongoing operational cost of the assets delivered under this program by approximately \$1Million per annum.

As part of 2024/25 Budget deliberations, Council will need to determine how the additional capital expense will be accommodated. Options available include increasing Council planned loan borrowings which will require additional revenue or reduced expenses elsewhere in Council's budget to service or reducing planned capital expenditure elsewhere which potentially increases asset management and service level risk.

An additional recommendation report has been submitted to Council to revise funding contributions by the State and Federal Governments which would mitigate the risk of further impacts to ratepayers and/or Council services borne by the capital cost escalation.

Benefits to the Local Economy formed a key component of the Evaluation Comparative Criteria via requirements for Local Industry Participation Plans (LIPP), with both ECI Proponents supporting strong results for the local region. The recommended party has demonstrated strong previous LIPP Experience, Local Industry Assessments, and Proposed LIPPs including stretch targets for the project.

The CWSS1 project enables the opportunity for developing and enhancing the local industry, rather than simply just subcontracting to local companies. Specific obligations are outlined as Key Result Areas under the contract, to further develop and enhance local industry capabilities, including in (for example only) works planning, risk management, safety, quality control systems, and commercial processes. In practice, this approach could derive initiatives such as integrating head contractor Quality Engineers into sub-consultancies for mentorship, or community forums and 'Meet the Buyer' events.

Community:

The CWSS1 project has been identified as the next water supply to serve the growing urban demand in the Cairns Region Local Government Area. Extensive and ongoing consultation and community engagement will be continued to inform the local and/or wider community of project updates and any impacts on the community if required.

The implementation of the CWSS1 project will mitigate the treatment risk currently associated with the Behana Creek water source. It will also provide a second major water treatment facility into the Cairns water supply scheme, thereby providing redundancy in the existing system. The implementation of the CWSS1 will enable the preservation of the stored volume in Copperlode Falls Dam, thereby minimising the requirement for the imposition of water restrictions.

The CWSS1 project will deliver a range of benefits:

- Social stability through the provision of a consistent and reliable drinking water supply to the Cairns region
- Supporting regional economic prosperity
- Providing local employment and training opportunities
- Sustainable liveability and public amenities
- Supporting community health by maintaining a clean water supply
- Improved water system redundancy
- Increased cultural and water education opportunities

Natural Environment and Cultural Heritage:

As part of their engagement, the ECI proponents have been required to further develop Environmental Management Plans to ensure that all environmental legislative requirements will be met during the D&C phase.

The CWSS1 project is being developed on Yidinji Country and the project team have continued engagement with Traditional Custodians of the lands covered by the project area, the Gimuy Walubara Yidinji, Dulabed and Malanbarra Yidinji, and Madjandji peoples.

Corporate Plan 2021-2026:

The contract works will assist Council with meeting the following corporate goals:

- Focus One – Robust Economy;
- Focus Two – Natural Assets; and
- Focus Three – Design for Liveability.

The works will also meet Cairns Infrastructure and Asset’s charter for “Planning for and delivering water, wastewater and waste infrastructure”.

Operational Plan 2022-2023:

The CWSS1 is included as part of Focus Two: Natural Assets in the Operational Plan:

1. Prioritise water security to accommodate population growth – Implement the project plan for Cairns Water Security – Stage 1.

Statutory:

Relevant procurement provisions in the *Local Government Act 2009* and *Local Government Regulation 2012* have been adhered to.

O’Connor Marsden & Associates have been engaged as the independent Probity Advisors on the project. They provide specialist services including probity reviews and advice relating to the procurement and governance of the process for this procurement activity. They have provided a Probity Assurance Report based on the work they performed to confirm that the process was conducted in accordance with the project

Evaluation Probity Plan, there are no unresolved probity issues at the date of their report and that nothing has come to their attention to indicate that the evaluation process did not address the probity principles in all material respects. Thereby ensuring alignment with Council's corporate governance requirements.

As a registered water service provider under Queensland's *Water Supply (Safety and Reliability) Act 2008*, Council has obligations to provide for the safety and reliability of water supply to its customers.

Policy:

The tender process was undertaken in accordance with Council's adopted Procurement Policy.

CONSULTATION:

Extensive consultation with internal and external stakeholders has been undertaken throughout the project to date, and will be ongoing as the project progresses.

The CWSS1 project has been identified as the next water source for the Cairns Region LGA through an extensive community engagement process between 2014 and 2015. Community consultation will be an ongoing process throughout the life of the CWSS1. Key decision milestones throughout the delivery process will be presented to Council for endorsement.

ATTACHMENTS:

Attachment 1 – Cairns Water Security Services Stage 1 Project – Interim Probity Report, O'Connor Marsden & Associates Pty Limited

Mark Wuth
Director Cairns Infrastructure and Assets

Attachment 1 – Cairns Water Security Services Stage 1 Project – Interim Probity Report, O’Connor Marsden & Associates Pty Limited



**O’Connor Marsden
& Associates Pty Limited**

ACN 135 783 792

Level 13, 144 Edward Street
Brisbane, QLD 4000

T: 1300 882 633

IDD: +61 2 9252 2565

F: +61 2 9247 7161

www.ocm.net.au

06 December 2023

Mr David Stevens
Executive Manager Major Projects
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

CONFIDENTIAL

Dear Mr Stevens

Re: Cairns Water Security Services Stage 1 Project – Interim Probity Report

We refer to our support for and monitoring of the procurement process undertaken by Cairns Regional Council (subsequently referred to as **Council, CRC, or Principal**) for the Cairns Water Security Services Stage 1 (**CWSS1**) Project (the **Project**).

The design and construction component of the Project is being effected through two phases:

- i. Engagement with proponents in Early Contractor Involvement (ECI) services resulting in the submission of a Design and Construct (D&C) offer to the Principal (**ECI Phase**); and
- ii. The design and construction of the Project (**D&C Phase**).

CRC invited responses to an initial Expression of Interest (EOI) to participate in the ECI Phase and received the following three responses:

1. John Holland Queensland Pty Ltd (**JHG** or **Proponent 1**)
2. Seymour Whyte Constructions Pty Ltd and Spiecapag Australia Pty Limited (**SWIFT** or **Proponent 2**)
3. BMD Constructions Pty Ltd (**BMD** or **Proponent 3**)

Following detailed evaluation of the EOI responses, Proponent 1 and Proponent 2 were shortlisted by CRC to enter into competitive ECI Agreements to participate in the ECI Phase. Throughout the ECI Phase, both Proponents participated in a series of interactive workshops allowing them to further develop their proposals and submit their final D&C offer on 15 September 2023 in accordance with the requirements of the ECI Agreement.

Scope

O’Connor Marsden and Associates (OCM) has been engaged to provide probity services to CRC in accordance with our proposal dated 11 November 2021 and Council’s acceptance letter dated 09 December 2021.

Under this arrangement OCM has provided probity advisory services to CRC with respect to the procurement process for the selection of a preferred Proponent for the Project. This is an interim probity report on our support for and monitoring the probity of the process. We note a final probity report will be provided at the conclusion of the process following any Proponent debriefing session/s.

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The specific components of the probity framework for this procurement included:

- Probity oversight of the engagement of consultants to the Project team;
- A general regime for probity awareness, confidentiality undertakings and conflict of interest disclosures;
- Project Probity Plan (PPP) which is a sub-plan to the CWSS1 Project Management Plan (PMP);
- Probity briefings provided to the Project team and the evaluation teams at key points throughout the process;
- Procurement Process Conditions;
- ECI Agreement;
- EOI Evaluation Plan;
- D&C Offer Evaluation Plan; and
- A governance structure including an Executive Leadership Team (ELT) with representatives from both Proponents to ensure that the principles and collaborative nature of the ECI Agreement were upheld. The recommendations of the Evaluation Panel were sent to the Chief Executive Officer (Sponsor) and associated Directors for consideration.

Probity Principles

Under the Local Government Act 2009, Council officers must have regard to Sound Contracting Principles as set out in the s104 of the Act.

- (a) value for money;
- (b) open and effective competition;
- (c) the development of competitive local business and industry;
- (d) environmental protection; and
- (e) ethical behaviour and fair dealing.

In giving effect to Sound Contracting Principles and Council's policy in this procurement, the following probity principles have been used in probity planning and monitoring of the procurement process.

1. Fairness and impartiality	Ensuring fairness and impartiality of commercial processes through: <ul style="list-style-type: none"> • unbiased, reasonable, and even-handed behaviour; • appropriate process and governance design; • consistency in approach; and • control over external parties.
2. Transparency and accountability	Providing transparency and accountability in order for the process to be clear, defensible, and able to withstand external scrutiny. This includes: <ul style="list-style-type: none"> • documenting decisions and approvals at key stages throughout process; • communicating the results of the process to management and governance bodies; and • monitoring and review at the point of recommendation for process compliance.
3. Confidentiality and security of information	Protecting the security of confidential information. This includes access controls to the office, data, IT systems and paper and electronic records and strict care in document handling.
4. Conflicts of interest	Identifying and managing conflicts of interest including requiring declarations of interests and associations as well as actual, potential, or perceived conflicts of interest by all involved in transactions.
5. Acting ethically	Participants must act ethically in the conduct of all procurement activities. This includes compliance with the general standards of work behaviour, integrity, and ethical conduct as detailed in the Cairns Regional Council Code of Conduct.

Table 1 – Probity principles



Summary of work performed

OCM has provided probity advice and support throughout the evaluation process and notes the following in particular:

- OCM provided briefings on probity awareness and obligations to the project team, councillor workshops, foundation workshops and regularly in meetings during the ECI Phase and throughout the procurement process;
- OCM confirmed that conflicts of interest / confidentiality declarations were completed and provided advice on managing any matters declared;
- OCM attended and observed the behaviours of all parties at the interactive workshops and confirmed that they included processes to conduct and manage them in line with the open, cooperative, and collaborative principles outlined in the ECI Agreement and Interaction Protocols and were respectful of confidentiality and fairness between the parties from a probity perspective;
- OCM consulted on potential councillor conflict of interest issues and style of attendance at “Meet the Buyer” event with the Executive Manager Major Projects, CRC;
- OCM reviewed the tender documentation and provided probity input;
- OCM was consulted on the probity of process issues and incidents that arose during the procurement and provided advice on those issues;
- OCM received and reviewed, in draft form, the Evaluation Plan (received 28 August 2023) and noted that the process detailed in the plan was sound and fair to all parties from a probity perspective. Feedback provided reflected commentary made during the Evaluation Phase Information Sessions which highlighted some areas that could benefit from additional clarity;
- OCM confirmed that the relevant Evaluation Plan was approved prior to evaluation commencing and that any amendments were procedural and approved as provided for in the plan and were acceptable from a probity perspective;
- OCM confirmed that the procedures adopted for receiving the submissions were fair and suitable for this process;
- OCM attended the evaluation meetings and confirmed that Evaluation Panel members including Subject Matter Experts (SMEs) were briefed on their roles and that the evaluation was carried out in a manner consistent with the Evaluation Plan including any approved amendments;
- OCM confirmed that the evaluation criteria were applied consistently through the evaluation process;
- OCM participated in leadership meetings conducted by both Proponents with CRC and provided each Proponent’s bid leader an opportunity to raise probity concerns. We are not aware from those meetings that there are any outstanding probity concerns from the Proponents;
- OCM sought Council endorsement to issue written probity confirmations to both Proponents on 09 November 2023; and
- OCM attended Councillor Workshops where the commercial offers, total project cost estimate and implications for Council finance were presented.

At the time of this interim report, we have monitored discussions on the proposed recommendation from this process and have been provided with the draft Evaluation Recommendation Report for review.

Conclusion

Based upon the work performed as described above and at the time of this report, nothing has come to our attention to indicate that the evaluation process undertaken by the Evaluation Panel has not followed the evaluation process and procedures in all material respects. OCM confirms that they have no unresolved probity issues to raise in respect of the evaluation process as of the date of this report.



We note a final probity report will be provided to CRC upon conclusion of the process, following Proponent debriefings.

Disclaimer

This report is being provided to Cairns Regional Council (CRC) and should not be distributed to any individual or entity outside CRC or other Queensland Government entities participating in the Project without the prior written approval of OCM. No party other than CRC is entitled to rely on the contents of this report and we disclaim all responsibilities to all parties other than CRC.

Signed by:

A handwritten signature in black ink, appearing to read 'Rory O'Connor'.

Rory O'Connor
Director
O'Connor Marsden & Associates

4. CAIRNS WATER SECURITY STAGE 1 – FUNDING 64
58/6/3-01 | #7311225

MOLLER/O’HALLORAN moved a procedural motion pursuant to rule 21.1(vii) of the Standing Orders that Cairns Water Security Stage 1 Funding be tabled.

MOLLER / COGHLAN

That Council:

1. Reconfirms the Cairns Water Security – Stage 1 Project as Council’s Number One Advocacy Priority;
2. Seeks additional funding commitments from both the State and Federal Governments (in accordance with Table 1 in this report) to support project delivery; and
3. Delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters relating to the above and to lead Council’s advocacy activities in relation to this matter.

carried unanimously

ORDINARY MEETING 21 DECEMBER 2023	4
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CAIRNS WATER SECURITY STAGE 1 – FUNDING

58/6/3-01 | #7311225

RECOMMENDATION:

That Council:

1. Reconfirms the *Cairns Water Security – Stage 1 Project* as Council’s Number One Advocacy Priority;
2. Seeks additional funding commitments from both the State and Federal Governments (in accordance with Table 1 in this report) to support the total project cost; and
3. Delegates authority to the Mayor and Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above and to lead Council’s advocacy activities in relation to this matter.

EXECUTIVE SUMMARY:

On 28 April 2021, Cairns Regional Council endorsed the *Cairns Water Security – Stage 1 Project* as Council’s Number One Advocacy Priority. In 2022, following a comprehensive advocacy campaign in partnership with the community and key advocacy stakeholders, Council was successful in securing \$215 million in State and Federal funding commitments (\$107.5 million from each level of government) towards the cost of delivering the project. These commitments were warmly welcomed by Council and the wider community.

However, as with infrastructure projects nationally, the Total Project Cost Estimate for the *Cairns Water Security – Stage 1 Project* has increased significantly since initial independent costings were completed in February 2022. At that time, the Total Project Cost Estimate was \$248 million, which was a preliminary cost estimate included in the Stage 2 Business Case Report and based on a high-level understanding of the required investments and infrastructure.

An updated Total Project Cost Estimate has now been completed by Council’s independent Cost Advisor, Ranbury Management Group. The updated Total Project Cost Estimate is \$472 million. This updated estimate takes into account the results of a comprehensive procurement process for the project (which included Early Contractor Involvement), and the recommended award of the Design and Construct Contract for the project which is scheduled for consideration at Council’s Ordinary Meeting on 21 December 2023.

Given the significant escalation in the Total Project Cost Estimate, it is recommended that Council reconfirm the project as its Number One Advocacy Priority and seeks additional State and Federal funding to support the total project cost.

Table E1: CWSS1: Additional funding increases required

	Existing Commitments \$million	Increase Required \$million	Total Commitment Now Sought \$million
Queensland Government	107.5	128.5	236.0
Federal Government	107.5	128.5	236.0
	215.0	257.0	472.0*

Note 1: All amounts are exclusive of GST
** Estimated project capital cost per independent cost report from Ranbury Management Group (Nov 23)*

Without the additional State and Federal funding outlined in Table 1, the vast majority of the estimated \$472 million capital cost would need to be met by the Cairns community at a time when, given the current cost of living pressures, water users can least afford it.

BACKGROUND:

Cairns Regional Council's existing water supply network draws water from two key sources:

- Copperlode Falls Dam on Lake Morris; and
- A run of river supply from Behana Creek (South of Cairns).

Copperlode Falls Dam was established in 1976 when the Cairns population was 58,000. Since then, the population of Cairns has grown significantly with the service population (residents and visitors) now approaching 200,000 people.

For some time, Cairns Regional Council has been planning for the long-term urban water needs of the Cairns Community. In 2015, following extensive analysis, investigation and community and stakeholder consultation, Council adopted the Cairns Water Security Strategy (CWSS).

The CWSS sets out a plan on how the urban water needs of Cairns will be met through to the middle of this century. The CWSS is widely recognised as one of the most successful strategic planning and engagement/consultation initiatives Council has undertaken. The CWSS recommended a series of initiatives in the following areas:

- Demand management – actions aimed at reducing the per capita use of water by the Cairns community; and
- Supply augmentations – investment in infrastructure to provide access to new water supply capacity as and when it is needed.

Demand management activities like water education, leak detection improvements, and effective metering and pricing, have since delivered significant results, most notably a 35% reduction in water usage per capita over the 17 years to 30 June 2023. While Council has made significant investments in these demand management initiatives, and will continue to do so, these measures alone are not sufficient to provide water security for our growing community and investment in supply infrastructure is now critical.

Identified in the CWSS, the *Cairns Water Security – Stage 1 Project* will secure Cairns' water needs well into the next decade by accessing a new water supply source. The project is critical to the future water security of Cairns as without it, our community faces the real risk of a drinking water shortfall by 2026. A comprehensive independent business case has confirmed the project as the best solution to meet Cairns' immediate drinking water supply needs.

The project will enable 'new' water to be sourced from the run of river supply in Mulgrave River and enable a significantly enhanced treatment process to be applied to Council's existing Behana Creek water supply, thereby increasing the volumes of water able to be drawn from this source. This integrated water supply project comprises new intake infrastructure, pipeline upgrades, a treatment plant, and reservoirs.

Given the critical nature of this project, on 28 April 2021 Cairns Regional Council unanimously endorsed the *Cairns Water Security – Stage 1 Project* as Council's

Number One Advocacy Priority. Following a comprehensive advocacy campaign in partnership with the community and key advocacy stakeholders, in 2022 Council was successful in securing \$215 million in State and Federal funding commitments (\$107.5 million from each level of government) towards the cost of delivering the project.

However, as with infrastructure projects nationally, the Total Project Cost Estimate of the *Cairns Water Security – Stage 1* Project has increased significantly since initial independent costings were completed in March 2022. At that time, the Total Project Cost Estimate was \$248 million, which was a preliminary cost estimate included in the Stage 2 Business Case Report based on a high-level understanding of the required investments and infrastructure.

This Council report provides an update on the Total Project Cost Estimate and the additional State and Federal funding requests that are recommended in light of the anticipated increase in costs.

COMMENT:

Project status and capital cost update

Since the current State and Federal funding commitments of \$215 million (combined) for the *Cairns Water Security – Stage 1* Project were secured in 2022, a number of key project related activities have been progressed and/or completed. These include:

- Finalisation of the detailed independent business case for the project;
- Design development to a Reference Design level;
- Implementation of a comprehensive procurement process (incorporating Early Contractor Involvement) for project design and construction;
- Finalisation of approval requirements; and
- Preparation of an updated Total Project Cost Estimate incorporating the outcomes of the above.

The final Detailed Business Case prepared by ARUP confirmed the *Cairns Water Security – Stage 1* Project as the preferred solution for delivering additional drinking water supply capacity for Cairns in the short to medium term. A copy of the final Detailed Business Case has been provided to the Queensland Government's Department of Regional Development, Manufacturing and Water.

The procurement process for the Design and Construct Contract for the *Cairns Water Security – Stage 1* Project and recommended contract award, is the subject of a separate report to Council's Ordinary Meeting on 21 December 2023. Subject to the awarding of the contract being confirmed at this meeting, the project will proceed to detailed design with construction expected to commence in mid-2024.

The project procurement process was comprehensive incorporating an Early Contractor Involvement phase and occurred over several months. Further details on this process are contained in the separate report to Council referred to earlier.

Council's independent Cost Advisors, Ranbury Management Group, have prepared an updated Total Project Cost Estimate. This estimate includes:

- Award of the design and construct contract in accordance with the recommendation contained in the concurrent report going to Council's Ordinary Meeting on 21 December 2023;
- Owner's costs, including for external specialist advice, project management and contract management, and other allowances through to Practical Completion;
- Additional scope items not currently included in the design and construct contract scope, such as revegetation requirements, Behana Creek Intake Upgrade Works, and land acquisitions required for construction;
- Land acquisition (Water Treatment Plant) and other pre-planning costs (incl survey, geotech, hydraulic and hydrology studies etc);
- Detailed Business Case and related costs; and
- Contingency provisions to account for project risk.

Ranbury Management Group's updated estimate of project capital cost incorporating the above is \$472 million (ex GST).

Recommended Advocacy

Given the significant escalation in the Total Project Cost Estimate, it is recommended that Council reconfirm the project as its Number One Advocacy Priority and seeks additional State and Federal funding to support the total project cost.

Table 1: CWSS1: Recommended additional funding requests

	Existing Commitments \$million	Increase Required \$million	Total Commitment Now Sought \$million
Queensland Government	107.5	128.5	236.0
Federal Government	107.5	128.5	236.0
	215.0	257.0	472.0*

Note 1: All amounts are exclusive of GST
** Estimated project capital cost per independent cost report from Ranbury Management Group (Nov 23)*

The proposed allocation of State and Federal funding by financial year is set out in Table 2 below. These allocations are based on the proposed milestone payments currently contained in the draft funding agreement being negotiated with the Queensland Government's Department of Regional Development, Manufacturing and Water proportionately uplifted to reflect the recommended new level of funding commitments per Table 1.

Table 2: Proposed State and Federal funding allocations by financial year

	2023/24 \$million	2024/25 \$million	2025/26 \$million	2026/27 \$million	Total \$million
Queensland Government	6.0	110.0	85.0	35.0	236.0
Federal Government	6.0	110.0	85.0	35.0	236.0

Council Officers recommend that formal submissions be made to relevant State and Federal Government ministers requesting that:

- The increased funding commitments outlined in Table 1 be confirmed;
- The increased funding commitments be provided for in upcoming State and Federal budgets in accordance with Table 2; and
- A funding agreement for these revised funding commitments be progressed and finalised as a matter of urgency.

Other matters - Demand Management

The *Cairns Water Security – Stage 1* Project is being delivered alongside the continued roll-out of water-saving measures through Council's Water Demand Management Strategy 2016 - 2025. Council has had an active Demand Management Strategy in place since 2006.

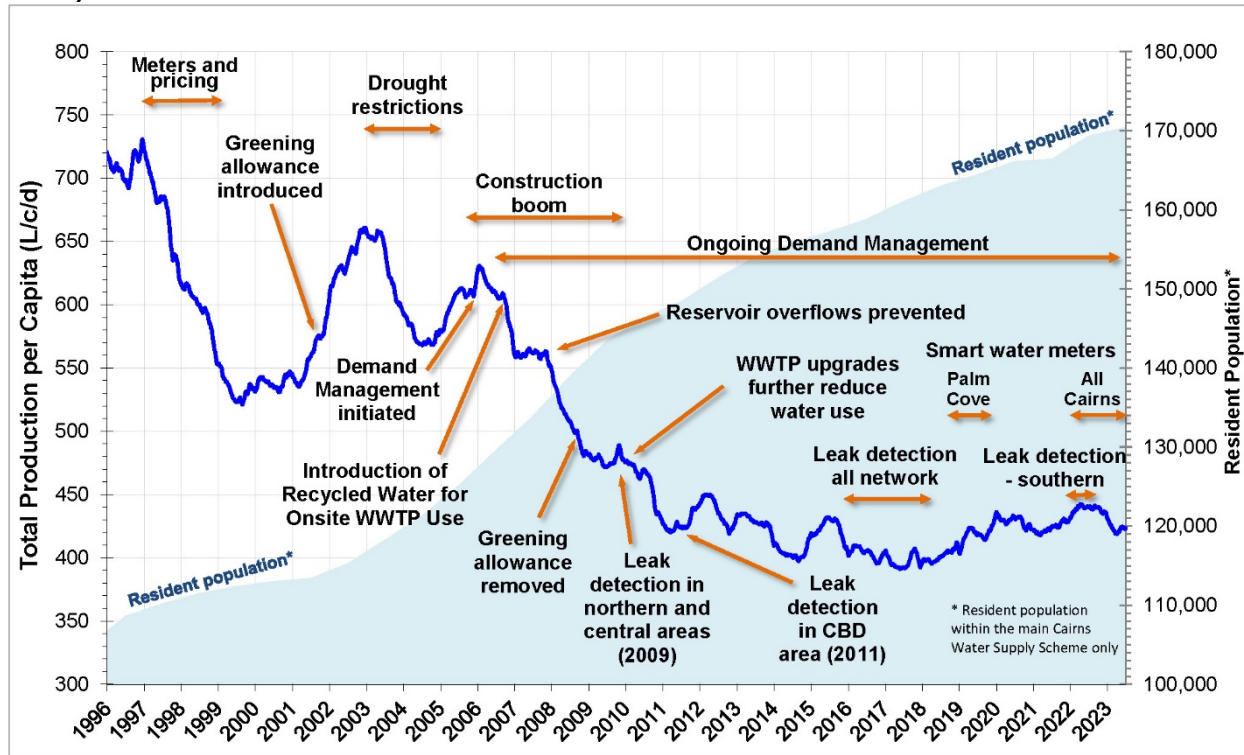
Demand management initiatives that Council has implemented to date include:

- The introduction of Smart Water Meters;
- Bulk water meter audits and replacement;
- Active leak detection, management and repair program;
- Effective metering and pricing;
- Water education and conservation programs (schools and community);
- Media and communication campaigns;
- Permanent water conservation measures;
- Water conservation incentives for commercial customers; and
- Use of recycled water for irrigation of public gardens, school fields and sports facilities.

Council has committed \$5.7 million in its 2023/24 Budget to continue the rollout of smart water meters, with further commitments in following Budget cycles for the installation of more than 50,000 gauges by mid-2025. The total Budget allocation as at 2023/24 is \$20 million over the four years to 30 June 2026.

The need to conserve water has been embraced by the Cairns community with a 35% reduction in water consumption per capita over the 17 years to 30 June 2023. This is demonstrated by the graph below.

Graph 1: Correlation between Council's demand management initiatives and water consumption per capita (demand management initiatives commenced 2006)



Data sources: QGSO, ABS, Cairns Regional Council water user database and historical records

As a result of these measures, Cairns' residential water use is similar to that of other Queensland regional areas and is significantly better than that of comparable tropical cities such as Townsville and Darwin. This is demonstrated in the following table (Table 3) which shows the average annual residential water supplied (kL/property) for various regional centres and cities. Council's strategy targets a further 10% reduction by 2025.

Table 3: Average annual residential water supplied (kL/property) for various regional centres and cities

Region	2019-20	2020-21	2021-22	% change (21-22 v 20-21)
Darwin	373	360	374	3.9
Townsville	363	342	342	0
Rockhampton	383	365	317	-13
Whitsunday	304	276	277	0.3
Cairns	257	250	255	2.1
Cassowary Coast	220	224	236	5.7
Mackay	215	168	196	16.5

SEQ *	163	161	151.8	-5.70
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* Average across following water service providers: Unitywater, Urban Utilities, Redland City Council, Logan City Council, City of Gold Coast. Data source: Bureau of Meteorology, February 2022, National performance report 2020–21: urban water utilities, part A).

While demand management has ensured the city's drinking water supply meets current needs, it won't be sufficient to accommodate the anticipated population growth of 62,000 people by 2046. To provide for these additional residents (and an associated increase in visitors), a new drinking water supply is needed.

In the context of population growth, the *Cairns Water Security – Stage 1* Project will ensure that Cairns Regional Council remains compliant with the Water Supply (Safety and Reliability) Act 2008.

Under the Act, Council is required to implement measures that ensure the continuity of services. It is unreasonable to expect the Cairns community to be put on austerity/severe level restrictions on a permanent basis in the case of a failed wet season.

Other Matters – Project Value management

In the seven years since the adoption of the CWSS in 2015, active demand management and other investment deferral initiatives (both minor infrastructure and non-infrastructure), have been successful in reducing demand, optimising existing water supply assets, and prudently delaying the need for new infrastructure investment. However, in accordance with the strategy, investment in new infrastructure is now needed to ensure the water supply continues to meet the growing water needs of the region and sustains the agreed level of service to the community.

Early project works reviewed the Staging and Phasing options for the delivery model, with the analysis confirming costs would significantly increase if *Stage 1* works were delivered in a staged or phased manner.

As part of Council's procurement process for the *Cairns Water Security – Stage 1* Project, the ECI phase also sought innovation and value management options from the proponents, all of which were considered by Council prior to finalising the Total Project Cost Estimate, ensuring a value for money approach to the project scope.

Other Matters - Stakeholder engagement

Throughout October, November and December 2023 Council representatives have provided high-level project updates to key stakeholders including:

- Hon Steven Miles, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure;
- Senator Nita Green, Senator for Queensland;
- Hon Warren Entsch MP, Federal Member for Leichhardt;
- Hon Craig Crawford MP, State Member for Barron River;
- Hon Curtis Pitt MP, State Member for Mulgrave;

- Mr Michael Healy MP, State Member for Cairns;
- Advance Cairns;
- Cairns Chamber of Commerce;
- Regional Development Australia (RDA) Tropical North; and
- Office of Northern Australia.

The project has received widespread support. Project briefings will continue to be provided to stakeholders (including additional stakeholders to those outlined above) on an ongoing basis.

OPTIONS:

Option 1 (Recommended)

That Council:

1. Reconfirms the *Cairns Water Security – Stage 1 Project* as Council's Number One Advocacy Priority;
2. Seeks additional funding commitments from both the State and Federal Governments (in accordance with Table 1 in this report) to support the total project cost; and
3. Delegates authority to the Mayor and Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above and to lead Council's advocacy activities in relation to this matter.

Option 2

That Council **does not** endorse the *Cairns Water Security – Stage 1 Project* as Council's Number One Advocacy Priority and chooses another course of action.

Risk Management:

The predominant risk associated with the proposed advocacy outlined in this report is reputational. Council aims to mitigate any potential reputational risk by adopting a collaborative advocacy approach underpinned by comprehensive stakeholder engagement and communication.

Council Finance and the Local Economy:

Construction of the *Cairns Water Security – Stage 1 Project* is expected to generate significant economic activity and support hundreds of jobs in the construction sector during the construction phase. If the revised State and Federal funding outlined in Table 1 is not forthcoming, the majority of the project capital cost would be borne by local residents which in turn would result in an adverse impact to economic activity by virtue of a reduced level of disposable income for Cairns residents.

Council's current long term financial plan (adopted in June 2023) includes allowances for capital costs associated with the *Cairns Water Security – Stage 1 Project* of \$379

million (ex GST) over the budget year and forward estimates. This allowance was based on the Total Project Cost Estimate contained in the Stage 3 Detailed Business Case report for the project. Council's current long term financial plan also includes external project funding for the *Cairns Water Security – Stage 1 Project* of \$215 million based on existing State and Federal commitments.

If the additional State and Federal funding outlined in Table 1 is not forthcoming, Council's forecast financial position would be adversely impacted due to the forecast escalation in the Total Project Cost Estimate.

Corporate and Operational Plans:

The *Cairns Water Security – Stage 1 Project* (and associated advocacy) aligns with multiple aspects of Council's Corporate Plan 2021-2026 as without access to reliable, safe drinking water, a wide range of Council plans, projects and initiatives are likely to be severely compromised.

Policy:

Council's endorsed Advocacy Policy has been applied in developing the proposed advocacy approach outlined in this report.

CONSULTATION:

Details of the significant stakeholder engagement undertaken in considering/developing the proposed advocacy approach outlined in this report are outlined in the Comments section.

Nick Masasso
Director - Economic Development & Advocacy

5. NRL BID 25 LIMITED – COLLABORATION 73
58/6/3 | #7309471

JAMES / COGHLAN moved a procedural motion pursuant to rule 21.1(vii) of the Standing Orders that NRL Bid 25 Limited - Collaboration be tabled.

COGHLAN / O'HALLORAN

That Council:

- 1. Works collaboratively with NRL Bid 25 Limited and other relevant stakeholders on feasibility and other analysis required to support an NRL licence application by NRL Bid 25 Limited including consideration of options in respect of potential Cairns based operations for a proposed PNG NRL team; and**

2. Delegates authority to the Mayor and Chief Executive Officer in accordance with the *Local Government Act 2009* to progress the collaboration referred to above including entering into a Memorandum of Understanding if/as required.

carried unanimously

ORDINARY MEETING 21 DECEMBER 2023	5
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NRL BID 25 LIMITED – COLLABORATION

58/6/3 | #7309471

RECOMMENDATION:

That Council:

1. Works collaboratively with NRL Bid 25 Limited and other relevant stakeholders on feasibility and other analysis required to support an NRL licence application by NRL Bid 25 Limited including consideration of options in respect of potential Cairns based operations for a proposed PNG NRL team; and
2. Delegates authority to the Mayor and Chief Executive Officer in accordance with the *Local Government Act 2009* to progress the collaboration referred to above including entering into a Memorandum of Understanding if/as required.

INTERESTED PARTIES:

NRL Bid 25 Limited (1-36769), a PNG domiciled company the directors of which are understood to be:

- Mr Wapu Sonk (Chair) - Managing Director Kumul Petroleum Holdings
- Mr Stanley Hondina - CEO Papua New Guinea Rugby Football League (PNGRFL)
- Mr Albert Veratau - CEO Papua New Guinea Sports Foundation (PNGSF)
- Mr Ian Tarutia - CEO Nasfund, President PNG Chamber of Commerce
- Mr Stan Joyce - Chair PNG Hunters/businessman
- Mr Andrew Hill, CEO NRL Bid 25 Limited.

Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive.

EXECUTIVE SUMMARY:

The potential for a Papua New Guinea (PNG) team to join the NRL has been the subject of public discussion for some time. NRL Bid 25 Limited (NRL Bid 25) is a PNG domiciled company that has been established with the purpose of progressing an application for an NRL licence for a PNG team. Preparation of an NRL licence application is expected to necessitate feasibility and other analysis being undertaken including in respect of any Cairns based operations proposed as part of the team's operations. Council Officers recommend that Council work collaboratively with NRL Bid 25 and other stakeholders (including the Federal Governments of both PNG and Australia if/as required) to support this feasibility and other analysis being undertaken.

BACKGROUND:

The National Rugby League (NRL) is a professional rugby league competition in Australasia currently comprised of 17 teams from New South Wales, Queensland, Victoria, the Australian Capital Territory and New Zealand.

The Australian Rugby League Commission (ARLC) is the governing body for rugby league in Australia and, amongst other things, organises and controls the NRL competition. It is understood the ARLC is considering expanding the NRL competition to include further teams.

It is understood that entry into the NRL competition is subject to ARLC approval and requires a formal application ('bid') for an NRL licence being made to the ARLC by a Bid Proponent. Preparation of such a bid also requires feasibility and other analysis being undertaken in relation to a team's proposed operations.

The potential for a PNG based team to join the NRL has been the subject of public discussion for some time and the Prime Ministers of both PNG and Australia have expressed their support for the concept through official media statements.

Cairns has a strong well-established relationship with PNG. Direct air connectivity, a large exp-pat PNG population and strong cultural and business ties mean Cairns (Australia's closest city to PNG) is uniquely placed to play a supporting role in the establishment and operation of a PNG NRL team. This may include potentially hosting certain elements of the proposed team's operations in Cairns over the short to medium term. Such an arrangement could provide significant mutual benefits to the communities of both PNG and Cairns.

NRL Bid 25 Limited (NRL Bid 25) is a PNG domiciled company that has been established with the purpose of progressing an application for an NRL licence for a PNG based team.

Preparation of an NRL licence application is expected to necessitate feasibility and other analysis being undertaken including in respect of any Cairns based operations proposed as part of the team's operations. Representatives of NRL Bid 25 have met with Councillors and Council Officers regarding the potential for collaboration during the feasibility and bid development phases of the licence application process.

COMMENT:

The proposed collaboration is expected to include (but not be limited to) the following:

- Working collaboratively with any consultants and/or contractors appointed by NRL Bid 25 to assist with the preparation of an NRL licence application and associated feasibility and other analysis;
- Working collaboratively with NRL Bid 25 to explore, develop, and advance PNG NRL Bid opportunities and initiatives relevant to Cairns;
- In conjunction with NRL Bid 25, engaging with and reporting to (if/as appropriate) State and Federal Governments (including in PNG) and various government departments and agencies on potential projects and initiatives of mutual interest;
- Provision and sharing of relevant information (subject to confidentiality requirements);
- Facilitating introductions and meetings with key stakeholders;
- Attendance at relevant meetings with key stakeholders; and
- Facilitation of effective dialogue to gain information, knowledge and insight to inform advice and recommendations for decision making purposes.

The collaboration will enable the potential involvement/support (if any) required from Council and Cairns more broadly for the proposed PNG NRL team to be further explored with representatives of NRL Bid 25, their appointed consultants and other relevant stakeholders. The proposed collaboration referred to in this report will not constitute a joint venture, partnership or formal business arrangement of any kind between Council and NRL Bid 25 or any other party and does not place legally binding obligations on either party. However, if Council approves the recommendation contained in this report, the parties (Council and NRL Bid 25) may enter into a Memorandum of Understanding to document the collaboration referred to herein.

The collaboration referred to in this report may result in more formal arrangements between the parties being considered at a future stage. Any such arrangements would be the subject of separate future reports to Council.

OPTIONS:**Option 1 (Recommended):**

That Council:

1. Works collaboratively with NRL Bid 25 Limited and other relevant stakeholders on feasibility and other analysis required to support an NRL licence application by NRL Bid 25 Limited including consideration of options in respect of potential Cairns based operations for a proposed PNG NRL team; and

2. Delegates authority to the Mayor and Chief Executive Officer in accordance with the *Local Government Act 2009* to progress the collaboration referred to above including entering into a Memorandum of Understanding if/as required.

Option 2:

That Council **does not** work collaboratively with NRL Bid 25 Limited and other relevant stakeholders at this time and/or seeks further information before reconsidering this matter.

CONSIDERATIONS:

Risk Management:

Table 1 – Summary of potential risks

Risk	Likelihood	Comment
Council's Reputation	Low	The proposed PNG NRL Team and NRL Bid 25 'bid' has high level support from the Prime Ministers of both PNG and Australia. NRL Bid 25 directors are experienced executives (business and rugby league). NRL Bid 25's CEO (Andrew Hill) who is leading bid development has significant experience as a senior sports administrator including as an NRL team CEO.
Financial risks – investigation phase	Low	Resources for collaboration in this initial phase are expected to be primarily Council Officer time. No legally binding arrangements (including for funding or other support) would be entered into without the approval of Council including consideration of related risks.

Council Finance and the Local Economy:

Hosting certain operations of the proposed PNG NRL team in Cairns could deliver significant direct and indirect economic benefits to Cairns and the surrounding region. These potential benefits would be further explored through the collaboration proposed in this report.

The collaboration proposed in this report is expected to be through Council Officer time and some associated expenses. These costs are able to be accommodated within existing 2023/24 OPEX budget allocations in the Economic Development and Advocacy directorate.

Corporate and Operational Plans:

The proposed collaboration outlined in this report aligns with the following strategic focus areas in Council's Corporate Plan 2021-2026:

- Focus 1: Robust Economy
- Focus 4: Community and Culture

The proposed collaboration also aligns strongly with a number of Council’s other strategies and projects/initiatives including: Council’s Economic Development Strategy 2022-2026 where international relations and trade is a key economic initiative: the State Government led Olympic Legacy facility upgrades planned for Barlow Park which Council is working collaboratively with the Queensland Government on; and Council’s endorsed Major Events Precinct – Vision and Development Opportunities Report where sporting asset and high performance hub development are identified as key opportunities.

CONSULTATION:

NRL Bid 25 Limited

Nick Masasso
Director - Economic Development and Advocacy

6. CHANGE APPLICATION (OTHER CHANGE) AND EXTENSION TO CURRENCY PERIOD FOR A MATERIAL CHANGE OF USE (MULTI UNIT HOUSING) – 710-714 DES CHALMERS DRIVE, WOREE – DIVISION 3..... 78
8/7/877 | #7283343

ZEIGER / COGHLAN

That Council approves the Change Application (Other Change) to Development Permit 8/7/877 (Council Reference: #4690153) and the Extension to Currency Period for a Material Change of Use (Multi Unit Housing) over land described as 710-714 Des Chalmers Drive, Woree, located at Lot 11 on SP288916, subject to the following:

1. That all Conditions and Advice Notes of Development Permit 8/7/877 (Council Reference: #4690153) are deleted and the following new Conditions and Advice Notes are inserted.
2. That the Currency Period for the Development Approval is extended by six (6) years from the date of the Decision Notice of the associated Other Change application, being 13 December 2029.
3. That, in accordance with Section 87(5) of the *Planning Act 2016*, a copy of the Decision Notice is given to the Referral Agency.

carried with Councillors Olds, Eden and Pyne voting against the motion

7. MATERIAL CHANGE OF USE (RETIREMENT FACILITY) – 5-7 CLIFTON ROAD & 93 AND 95 ARLINGTON ESPLANADE, CLIFTON BEACH – DIVISION 9 350
8/7/5514 | #7266829

Cr Moller left the meeting 6.53 PM

O'HALLORAN / VALLELY

That Council approves the development application for a Material Change of Use (Retirement Facility) over land described as 5-7 Clifton Road, 91 and 93 Arlington Esplanade, Clifton Beach, located at Lot 1 and Lot 2 on RP717363 and Lot 12 on RP712039, subject to the following:

Approved Plan(s) and Document(s)

The term 'approved plan(s) and document(s)' or similar expression means:

Plan or Document	Reference	Date
Ground Floor Plan	SJC-02 SKD01 (2)	27 November 2023
Level 1 Floor Plan	SJC-02 SKD02 (A)	28 July 2023
Level 2 to 4 Floor Plans	SJC-02 SKD03 (A)	28 July 2023
Sections	SJC-02 SKD04 (A)	28 July 2023
Elevations	SJC-02 SKD05 (A)	28 July 2023
Overall Site Plan	Issue B	1 August 2023
Landscape Masterplan	Issue B	1 August 2023
Deep Planting Zone	No ref.	July 2023
Plant Palette	Issue B	1 August 2023
Structural Root Zone and Tree Protection Zone	SKD11 (2)	27 November 2023
Preliminary Tree Assessment Report prepared by ETS Infrastructure Management	DA2023/PTA/001	25 August 2023

General Requirements		Timing
1.	Approved Plans and Documents	At all times.

	<p>The development is to be completed and carried out generally in accordance with the above approved plans and reports submitted with the development application, except where modified by the conditions of this Development Permit.</p>	
2.	<p>Maintain the Approved Development</p> <p>Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any relevant approval required by these conditions of approval.</p>	At all times.
3.	<p>Currency Period</p> <p>This development approval, granted under the provisions of the Planning Act 2016 (Qld), lapses six (6) years from the day the development approval takes effect, in accordance with the provisions of section 85 of the Planning Act 2016 (Qld).</p>	As stated.
4.	<p>Notice of Intention to Commence Use</p> <p>Written notice must be given to Council that the development fully complies with this Development Permit.</p> <p>Return the attached “Notice of Intention to Commence Use” (attached at Appendix 2).</p>	Prior to Commencement of Use.
5.	<p>Amalgamation of Lots</p> <p>Amalgamate Lots 1 and 2 on RP717363 and Lot 12 on RP712039 into one (1) lot and register the Plan of Subdivision.</p>	Prior to issue of a Development Permit for Building Work.
6.	<p>Street Numbering</p> <p>The development is to provide clear and legible street numbering and must be maintained at all times while the use is occurring on the site.</p>	At all times.
7.	<p>Detailed Plans – Materials and Finishes</p> <p>Provide a schedule of materials and finishes for the development, for endorsement by Council.</p> <p>The schedule must include the following details:</p> <ol style="list-style-type: none"> a. The final colour scheme and materials/finishes; b. The proposed façade treatment (including any 	As stated.

	<p>materials and/or colours); and</p> <p>c. Variations in colours, scale and textures of exterior materials and finishes.</p> <p>The endorsed colours, materials and/or finishes must be implemented prior to Commencement of Use and maintained at all times.</p>	
8.	<p>Limitation of Use</p> <p>The ancillary Food and Drink Outlet (shown as Café on the approved plans) must only service residents and their visitors and staff. Public use of the Food and Drink Outlet is not permitted.</p>	At all times.
9.	<p>Water Supply and Sewerage Works Internal</p> <p>Undertake the following water supply and sewerage works internal to the premises:</p> <p>a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;</p> <p>b. Any redundant sewer property connection and water connection must be decommissioned and removed;</p> <p>c. Fire fighting pumped connections are to be provided with a break tank; and</p> <p>d. Any fire booster assembly, cabinet and water meter are to be located within the property.</p> <p>Note: Council does not guarantee a minimum service standard for fire fighting from Council's water network. It is the responsibility of the property owner to design the private fire system to ensure compliance with the relevant building codes and standards and install all necessary on-site pressure boosting and storage that may be required.</p> <p>All the above works must be designed and constructed in accordance with the FNQROC Development Manual.</p> <p>All works must be carried out generally in accordance with the approved plan(s), to the requirements and satisfaction of Council.</p>	Prior to Commencement of Use.
10.	<p>Car Parking</p> <p>The amount of on-site car parking must be as per the</p>	Prior to Commencement of Use.

	<p>approved plan(s), being thirty-eight (38) spaces.</p> <p>The car parking layout must comply with the AS 2890.1:2004 Parking facilities – Off-street car parking and be constructed in accordance with Austroads and good engineering design.</p> <p>In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.</p>	
11.	<p>On-Street Parking</p> <p>The one (1) on-street car parking shown on the approved plans must be designed and constructed in accordance with AS 2890.5:2020 Parking facilities On-street parking, including parking bay dimensions, line marking and signage, etc. prior to Commencement of Use.</p> <p>Details of the car park must be provided to Council prior to the issue of the first Development Permit for Operational Work for the development.</p>	As stated.
12.	<p>Crossover and Driveway</p> <p>The access crossover and driveway as illustrated on the approved plan(s) must be constructed in accordance with FNQROC Development Manual Standard Drawings S1015 and S1110 to a commercial standard.</p>	Prior to Commencement of Use.
13.	<p>Ramping</p> <p>The development and any associated works must not alter the grade of the road verge:</p> <ol style="list-style-type: none"> a. By more than 2.5%; or b. Where the existing crossfall of the road verge exceeds 2.5% in any direction, must not alter the existing crossfall of the verge. 	Prior to Commencement of Use.
14.	<p>Redundant Crossovers</p> <p>Remove the existing access crossover from Clifton Road and replace with a kerb and channel to match the existing with landscaping to be reinstated within the verge.</p>	Prior to Commencement of Use.
15.	<p>Reinstatement of Verge</p> <p>All land adjacent to the access crossover and driveway in</p>	Prior to Commencement of Use.

	<p>the road verge which is disturbed as a consequence of creating the driveway, including the existing kerb and channel, footway or roadway, must be reinstated to its pre-works condition.</p>	
16.	<p>Kerb and Channel</p> <p>Existing current kerb and channel to the frontage of the land must be checked to ensure it is fit for purpose. Any sections showing ponding, significant cracking, etc, must be deemed as not fit for purpose and are to be replaced.</p>	<p>Prior to Commencement of Use.</p>
17.	<p>New Footpaths</p> <p>A minimum two (2) metre wide footpath must be provided on Arlington Esplanade, Clifton Road and Guide Street for the full frontage of the property in accordance with the FNQROC Development Manual Standard Drawing S1035.</p>	<p>Prior to Commencement of Use.</p>
18.	<p>Prioritised Pedestrian Pathways</p> <p>Provide prioritised pedestrian pathways internal to the subject land that provides a link between the Retirement Facility building to the new footpaths located on Arlington Esplanade, Clifton Road and Guide Street. The pathways must be differentiated in; colour, texture, and/or line marking, from the driveway surface finish.</p>	<p>Prior to Commencement of Use.</p>
19.	<p>Kerb Ramps</p> <p>Create a safe pedestrian crossing point on the three (3) road frontages by constructing kerb ramps in accordance with FNQROC Development Manual Standard Drawing S1016.</p>	<p>Prior to Commencement of Use.</p>
20.	<p>Road Shoulder</p> <p>Construct pavement, asphalt and kerb and channel to formalise the shoulder between the existing traffic lane along the frontage of the land on Guide Street in accordance with the FNQROC Development Manual.</p>	<p>Prior to Commencement of Use.</p>
21.	<p>Refuse Storage</p> <p>The development must be designed to be serviced by private bulk bin collection for both waste and recycling.</p> <p>A roofed bin enclosure must be provided in accordance with Council's requirements and waste contractors</p>	<p>As stated.</p>

	<p>requirements.</p> <p>The bin enclosure must be constructed in the location shown on the approved plans and details of the bin enclosure must be provided to and approved by Council prior to the issue of a Development Permit for Building Work.</p> <p>The bin enclosure must be constructed in accordance with the approved plans prior to Commencement of Use.</p>	
22.	<p>Liquid Waste Disposal</p> <p>Trade waste discharge to sewer must meet the requirements of Cairns Infrastructure and Assets' Trade Waste Environmental Management Plan (TWEMP).</p> <p>Detailed Hydraulic Plan(s) 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.</p> <p>All measures for pre-treatment in accordance with the approved plan(s) must be installed prior to Commencement of Use.</p>	As stated.
23.	<p>Electrical Design</p> <p>Underground electricity reticulation must be designed and provided to service the development in accordance with the requirements of Section D8.06 of the FNQROC Development Manual.</p>	Prior to Commencement of Use.
24.	<p>Telecommunications Supply</p> <p>The development must be connected to the telecommunications network in accordance with section D8.05 of the FNQROC Development Manual.</p>	Prior to Commencement of Use.
25.	<p>Electrical Transformer</p> <p>Any padmount transformer must be installed on site and positioned in accordance with the following requirements:</p> <ol style="list-style-type: none"> a. Screened from view by landscaping, sightscreens and/or fencing; b. Accessible for maintenance in accordance with the relevant utility provider; c. Must be located clear of footpaths; and 	Prior to Commencement of Use.

	d. Must not be located over existing infrastructure.	
26.	<p>Street Lighting</p> <p>Prepare and provide for approval a Street Lighting scheme for the installation of public street lighting, including connections and energising on Clifton Road between Arlington Esplanade and Guide Street prior to the issue of a Development Permit for Operational Work.</p> <p>The street lighting network must meet the following:</p> <p>a. The application must include evidence in the form of detailed plans which show the locations of all existing and approved civil infrastructure, including water, sewer, drainage, road, footpaths and any existing or proposed telecommunication, lighting and electrical services;</p> <p>Note: Fees and charges apply as per the Council fees and charges schedule;</p> <p>b. A Rate 2 lighting scheme is to be designed in accordance with the relevant current Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The Rate 2 lighting scheme must be certified by a suitably qualified electrical/lighting Registered Professional Engineer Queensland;</p> <p>c. The applicable lighting category is Lighting Category PR3. The lighting scheme must demonstrate that light pole locations align with common property boundaries, represent the permitted design spacing, and that there are no conflicts with vegetation to be retained, stormwater, driveways, kerb inlet pits and other services;</p> <p>d. The design must provide the applicable illumination level specified in the current Road Lighting Standard AS/NZS 1158 at the following road elements;</p> <p>e. Local Area Traffic Management (LATM) Devices (Including Roundabouts);</p> <p>f. LATM Devices are to be shown on the civil layout design. The electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard; and</p>	As stated.

	<p>g. All new lighting columns are to be of steel construction with LED luminaires installed at a zero-degree upcast and underground service.</p> <p>The approved street lighting scheme must be fully constructed and completed.</p>	
27.	<p>Detailed Landscaping Plan</p> <p>Provide a Detailed Landscaping Plan in accordance with Planning Scheme Policy – Landscaping and the FNQROC Development Manual, prepared by a suitably qualified Landscape Architect or Landscape Designer, to Council, demonstrating:</p> <ul style="list-style-type: none"> a. A landscaping design which is generally in accordance with that shown on the Overall Site Plan and Landscape Masterplan prepared by LA3; b. A detailed planting design and schedule for all proposed landscaped areas including but not limited to street frontages and vertical landscape features; c. A planting schedule including species, quantity, and container size; d. Deep planting with a mixture of shade trees and low shrubs within the street front setback area and adjacent to car parking areas; e. Specifications for planting, mulching and permanent irrigation; f. Any landscaped areas adjoining parking and manoeuvring areas are protected from vehicle encroachment by a 150mm high vertical concrete kerb or similar; g. Planting of the verge with street trees in accordance with the FNQROC Development Manual Standard Drawing for S2410 Street Tree Planting, Design Manual D9 Landscaping and the FNQROC Development Manual, Cairns Regional Council Specific Requirements; h. Specifications for grassing of the verge in accordance with the FNQROC Development Manual S9 Landscaping Specifications; i. Details and specifications for the vertical landscaping and trellises including relevant engineering specifications, potting media, trellising, irrigation and drainage to be incorporated to provide the vertical landscape features; j. Details of the size and location of the planter boxes including engineering and management of the planter 	As stated.

	<p>boxes, and any associated irrigation system;</p> <p>k. Details of any fencing and retaining walls associated with the development; and</p> <p>l. A clearly delineated internal pedestrian pathway and link to Arlington Esplanade, Clifton Road and Guide Street.</p> <p>The Detailed Landscaping Plan must be provided to Council and endorsed prior to the issue of the first Development Permit for Operational Work for the development. Landscaping must be installed prior to Commencement of Use and must be inspected by Council at the time of landscaping completion.</p>	
28.	<p>Landscaping Maintenance and Management Plan</p> <p>In conjunction with the submission of a Detailed Landscaping Plan, provide to Council for endorsement a Landscaping Maintenance and Management Plan (including Vertical Landscaping).</p> <p>This plan must detail the maintenance and management regime(s) that are to be implemented to ensure the landscape features of the development are retained for the life of the development.</p> <p>The approved Landscaping Maintenance and Management Plan must be referenced within any Community Management Statement for the development.</p>	As stated.
29.	<p>Street Tree Removal & Replacement – Arlington Esplanade</p> <p>The two (2) street trees within the Arlington Esplanade frontage of the site which are to be removed as part of the development must be replaced in an appropriate location along the Arlington Esplanade frontage of the site.</p> <p>The street trees must be retained until a Development Permit for Building Work for the development has been obtained and until within a minimum of two (2) weeks of works commencing on the site.</p> <p>Replacement street tree planting must be designed and installed in accordance with the FNQROC Development Manual – D9 Landscaping, S8 – Landscaping, and Standard Drawings, S4100 – Tree Guards and S4210 – Street Tree Planting, prior to Commencement of Use.</p> <p>Replacement Street trees must be maintained until the asset is accepted “off maintenance” by Council in</p>	As stated.

	accordance with the procedures in FNQROC Development Manual - C1 Construction Procedures.	
30.	<p>Protection of Vegetation During Construction</p> <p>Tree Protection Zones (TPZ) must be designed and established for Tree 1 Melaleuca leucadendra, Weeping Paperbark and Tree 5 Corymbia tessellaris, Moreton Bay Ash which must be retained as identified on the Preliminary Tree Assessment Report prepared by ETS Infrastructure Management (dated 25 August 2023). Each TPZ must be established in accordance with AS 4970 Protection of trees on development sites and must ensure:</p> <ol style="list-style-type: none"> a. Tree protection measures are installed and maintained in accordance with the AS 4970-200 Protection of trees on development sites prior to commencement of works and for the duration of works; b. No construction related activities (such as construction vehicle parking, liquid disposal, stockpiling etc.) occurs within the Tree Protection Zone without certification from a certified Arborist; c. All existing retained trees within the area identified in accordance with the approved plans, are managed during construction activities in accordance with the AS 4970-2009 Protection of trees on development sites to avoid any of the following: <ol style="list-style-type: none"> i. Structural damage to the trees; ii. Compaction of the root plate; iii. Filling of soil within the drip zone; and iv. Long-term harm to the health of the tree. f. Where any of the existing retained trees dies, are dying, or are structurally compromised for any reason, they are wholly removed in a manner that minimises damage to surrounding vegetation and replaced by trees of the same species and size or one of a species of a similar size prior to Commencement of Use. <p>Any replacement planting must be endorsed by Council and installed prior to Commencement of Use and in accordance with the FNQROC Development Manual.</p>	As stated.
31.	<p>Management of Damaged Vegetation</p> <p>The vegetation must be either removed and disposed of at an approved site or mulched/chipped and used on site.</p>	At all times.

	All soil and woodchip material must be removed from pathways, roads, kerb and channel following the completion of work.	
32.	<p>Construction Management Plan</p> <p>A Construction Management Plan must be prepared and submitted to Council for endorsement prior to Commencement of Work.</p> <p>The Construction Management Plan must address all activities/operations associated with the construction including:</p> <ul style="list-style-type: none"> a. Hours of construction; b. Location(s) of construction access; c. Parking of vehicles (including construction site employees and delivery vehicles); d. Traffic management and control (including loading and unloading); e. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area; f. Detailed methodology specific for the protection of Tree 1 Melaleuca leucadendra, Weeping Paperbark and Tree 5 Corymbia tessellaris, Moreton Bay Ash that must be retained as stated within the Preliminary Tree Assessment Report prepared by ETS Infrastructure Management (dated 25 August 2023). Tree protection methodology must be in accordance with AS4970-2009 – Protection of trees on development sites; g. Site safety and security after hours to prevent public entry; and h. Location and details of construction signage including any signage that is to be illuminated. <p>The CMP must be made available to all onsite workers at all times. The CMP must be implemented at all times for the duration of approved work.</p>	As stated.
33.	<p>Acid Sulfate Soils Investigation</p> <p>Prepare and provide to Council an Acid Sulfate Soils Investigation Report for the area to be affected by this approval. The report must be prepared in accordance with the requirements of the Planning Scheme Policy – Acid Sulfate Soils and Queensland Acid Sulfate Soils Technical Manual (QASSTM).</p>	Prior to the Commencement of Work.

34.	<p>Acid Sulfate Soils Management Plan</p> <p>Where identification of soils with a pyrite content in excess of the action levels nominated in the Queensland Acid Sulfate Soils Technical Manual (QASSTM) prepare, provide for approval and comply with an Acid Sulfate Soils Management Plan.</p> <p>The Acid Sulfate Soils Management Plan must be prepared by a suitably qualified person.</p> <p>Construct all works in accordance with the recommendations of the Acid Sulfate Soils Management Plan.</p>	Prior to Commencement of Work and as stated.
35.	<p>Site Based Stormwater Management Plan</p> <p>Provide a Site Based Stormwater Management Plan (SBSMP) and associated amended design which details a stormwater point of discharge for endorsement prior to Commencement of Work.</p> <p>This document is required to report on the stormwater quantity and quality management required for the land, and must focus on, but not be limited to, the following:</p> <p>a. Nominate best practice site management procedures to control the severity and extent of soil erosion and pollutant transport and other water quality issues that may arise during the construction phase and post-construction phase.</p> <p>All works must be carried out in accordance with the approved plan(s), prior to Commencement of Use.</p>	As stated.
36.	<p>Concentration of Stormwater</p> <p>Stormwater discharge must have a no worsening effect or ponding nuisances on downstream or upstream properties, associated with the following:</p> <p>a. Diversion of stormwater; b. Concentration of stormwater flows; c. Changes in other flow characteristics; and d. Changes that affect the future use of land.</p> <p>If a disparity exists between pre and post alteration flows, measures are to be implemented in order to have a no worsening effect.</p>	At all times.

37.	<p>Discharge of Stormwater</p> <p>Stormwater associated with development is discharged to:</p> <ul style="list-style-type: none"> a. A lawful connection provided from the premises to Council’s stormwater network; or b. Land under Local Government control that has a lawful drainage function immediately adjoining to the premises; or c. An easement for drainage purpose immediately adjoining to the premises; or d. Where the site cannot discharge to a, b or c, stormwater is discharged from the site in a manner that does not result in: <ul style="list-style-type: none"> i. Change to the location of stormwater discharge; ii. An increase to peak flow velocity or volume; or iii. A concentration in stormwater discharge. 	At all times.
38.	<p>Private Drainage Assets</p> <p>All rear allotment drainage pits and associated pipework contained within the lot boundaries of this development site must be private infrastructure and must not become an asset of Council.</p>	At all times.
39.	<p>Sediment and Erosion Control – Water Discharge</p> <p>Soil and water management measures must be installed/implemented prior to discharge of water from the land, such that no external stormwater flow from the land adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994 (Qld), the FNQROC Development Manual and the International Erosion Control Association 2008 Guidelines).</p>	At all times.
40.	<p>External & Security Lighting</p> <p>Install and maintain a suitable system of security lighting to operate from dusk to dawn within all areas where the public may gain access, including car parking areas, building entrances, footpaths under permanent awnings and vegetated areas.</p> <p>All external lighting must be in accordance with AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting so as to not cause nuisance or distraction to nearby residents or passing motorists.</p>	Prior to Commencement of Use.

41.	<p>Identification Display Board</p> <p>An Identification Display Board must be installed in a visually prominent position at the main vehicular entry which includes the following:</p> <ol style="list-style-type: none"> a. Contains an accurate site plan showing the overall layout of the development, including but not limited to communal facilities, manager's residence/office location, internal access ways and visitor carparking spaces; b. Provide lighting to allow for 24-hour viewing; and c. Identify the location of fire hydrants. 	<p>Prior to Commencement of Use.</p>
42.	<p>Damage to Infrastructure and Land</p> <p>Where any part of Council's existing infrastructure or land is damaged as a result of construction activities occurring on the land, including but not limited to; mobilisation of heavy construction equipment, stripping, grubbing and vegetation damage, notify Council immediately of the affected infrastructure or land and have it repaired, replaced or reinstated at no cost to Council.</p>	<p>At all times and prior to Commencement of Use.</p>

PART B: INFRASTRUCTURE CHARGES

1. That an Infrastructure Charges Notice be issued for the development.

ADVICE

1.	<p>Planning Laws</p> <p>Information relating to the Planning Act 2016 (Qld), Planning Regulation 2017 (Qld) and Development Assessment Rules is located on the Queensland Government's planning website.</p>
2.	<p>Further Approvals Required to Carry out the Development</p> <p>The following further approvals are required prior to carrying out the development generally in accordance with the approved plan(s) and drawings:</p> <ul style="list-style-type: none"> • Development Permit for Operational Work; and • Development Permit for Building Work.
3.	<p>Definitions</p> <p>All terms used in this development approval have those definitions as</p>

	<p>defined under the Planning Act 2016 (Qld) and Planning Regulation 2017 (Qld) (as at the date of the approval), Queensland Development Code and CairnsPlan 2016.</p> <p>To the extent of any inconsistency, the order of precedence of the above instruments is as follows:</p> <ol style="list-style-type: none"> a. Planning Act 2016 (Qld); b. Planning Regulation 2017 (Qld); c. Queensland Development Code; d. CairnsPlan 2016; and e. FNQROC Development Manual.
4.	<p>FNQROC Development Manual</p> <p>Access to FNQROC Development Manual, Local Laws, CairnsPlan 2016 and other referenced planning scheme policies are located on Council's website – www.cairns.qld.gov.au.</p>
5.	<p>Infrastructure Charges Notice</p> <p>A charge levied for the supply of trunk infrastructure is payable to Council in accordance with Council's Infrastructure Charges Resolution No. 2 of 2021 and the Infrastructure Charges Notice, a copy of which is attached for reference purposes only.</p> <p>The original Infrastructure Charges Notice will be provided under cover of a separate letter.</p> <p>The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution.</p> <p>Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 (Qld) confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.</p> <p>The amount in the Infrastructure Charges Notice is subject to index adjustments and may differ at the time of payment. Please contact Council's Development Assessment Team for review of the charge amount prior to payment.</p> <p>The time when payment is due is contained within the Infrastructure Charges Notice.</p>
6.	<p>Weeds, Pest Animals and Ants</p> <p>Biosecurity Queensland of the Department of Agriculture and Fisheries leads the Queensland Government's efforts to prevent, respond to and</p>

	<p>recover from pests and diseases threatening agricultural prosperity, the environment, social amenity and human health. All landscape materials, including but not limited to, soils, mulch, grass, gravel, potted or ground plants, pavers and timber used in landscape treatments must be free from weeds, pest animals and ants.</p>
7.	<p>Environmental Nuisance</p> <p>Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an ‘environmental nuisance’ within the meaning of the Environmental Protection Act 1994 (Qld) to any sensitive receptor as stated within Schedule 1 of the Environmental Protection (Noise) Policy 2019 (Qld).</p> <p>Noise from air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would in the opinion of an Authorised Person (officer) of Council, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the Environmental Protection Act 1994 (Qld).</p>
8.	<p>Cyclone Watch Site Management</p> <p>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.</p>
9.	<p>Connections to, Alteration or Realignment of Council Infrastructure</p> <p>Where development works require the connection to, alteration, removal or realignment of Council infrastructure or impact on other public utility infrastructure (e.g. telecommunications, electricity and gas), obtain the necessary approvals from the relevant public utility authority prior to works commencing.</p> <p>All connections or disconnection of water infrastructure must be undertaken by Council at the Applicant’s cost.</p> <p>Connection to, alteration, removal or realignment of Council infrastructure includes (but is not limited to) fire hydrants, water service meters, sewer maintenance hole covers, stormwater drainage, reinstatement of maintenance hole covers, stormwater drainage, crossovers, footpaths, road pavement, kerb and channel, kerb ramps, medians, traffic islands, road furniture, signage and line-marking.</p>
10.	<p>Future Compliance</p> <p>This approval does not negate the requirement for compliance of any future use with CairnsPlan 2016 or any future in force planning schemes,</p>

	all other relevant Local Laws and other statutory requirements.
11.	<p>Road Closures and Works on a Local Government Road</p> <p>Road Closures and Works on a Local Government Road require further approvals from Cairns Regional Council that are not covered by this Permit. An <u>Application for a Temporary Road Closure</u> is required where an activity on Council managed road or footpath occurs and where the activity will create an interference with the normal flow of traffic or pedestrian movement. An activity pertains to construction works undertaken within the road reserve. Applicants should allow additional time before planned works commence to obtain the required approvals.</p>

LAND USE DEFINITIONS*

In accordance with Schedule 24 of the Planning Regulation 2017, and CairnsPlan 2016 the approved land use of Retirement Facility is defined as:

“Retirement facility means a residential use of premises for—

- (a) accommodation for older members of the community, or retired persons, in independent living units or serviced units; or
- (b) amenity and community facilities, a manager’s residence, health care and support services, preparing food and drink or staff accommodation, if the use is ancillary to the use in paragraph (a).”

carried with Councillors Olds, Eden and Pyne voting against the motion

Cr Moller returned 7.01 PM

8. FINANCIAL PERFORMANCE REPORT FOR THE PERIOD ENDED 24 NOVEMBER 2023..... 412
 63/17/2-01 | #7310881

VALLELY / COGHLAN

That Council notes the financial performance report for the period ended 24 November 2023.

carried unanimously

9. CAIRNS CHAMBER OF COMMERCE SPONSORSHIP AGREEMENT 435
 58//6/3 | #7293741

VALLELY / MOLLER

That Council:

1. Enters into a Corporate Sponsorship Agreement with the Cairns Chamber of Commerce Inc for the period 1 January 2024 to 31 December 2025 with a further two year option, exercisable at Council's discretion, at a sponsorship value of \$30,000 (ex GST) per annum; and
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters arising from the above.

carried with Councillor Olds voting against the motion

10. MAJOR EVENTS SPONSORSHIP APPLICATION – CAIRNS AMATEURS 2024-2026..... 441
52/1/16 | #7291749

COGHLAN / ZEIGER

That Council:

1. Enters into a three year funding agreement with Far North Queensland Amateur Turf Club Inc to the value of up to \$225,000 (ex GST), comprised of \$75,000 per annum, to support the Cairns Amateurs from 2024 to 2026 under Council's Major Events Sponsorship program;
2. Resolves in accordance with section 235(b) of the Local Government Regulation 2012, it is satisfied that the event provider is a Specialised Supplier and that they be added to the Sole Supplier Register for the remainder of the 2023/24 financial year; and
3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above.

carried unanimously

11. MAJOR EVENT SPONSORSHIP APPLICATION – CAIRNS ITALIAN FESTIVAL 2024..... 446
52/1/16 | #7291758

EDEN / OLDS

That Council:

1. Enters into a funding agreement with Cairns Italian Festival Inc to the value of \$50,000 (ex GST) to support the Cairns Italian Festival 2024 under Council's Major Events Sponsorship program;

2. Resolves in accordance with section 235(b) of the *Local Government Regulation 2012*, it is satisfied that the event provider is a Specialised Supplier and that they be added to the Sole Supplier Register for the remainder of the 2023/24 financial year; and
3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above.

carried unanimously

**12. MAJOR EVENTS SPONSORSHIP APPLICATION – REEF TO REEF
2024-2026 451
52/1/16 | #7291772**

COGHLAN / VALLELY

That Council:

1. Enters into a three year funding agreement with Event Management Solutions Australia to the value of \$75,000 (ex GST), comprised of \$25,000 per annum, to support the Reef-to-Reef event from 2024 to 2026 under Council' s Major Events Sponsorship program;
2. Resolves in accordance with section 235(b) of the *Local Government Regulation 2012*, it is satisfied that the event provider is a Specialised Supplier and that they be added to the Sole Supplier Register for the remainder of the 2023/24 financial year; and
3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above.

carried unanimously

**13. MAJOR EVENTS SPONSORSHIP APPLICATION – RED HOT
SUMMER 2024-2026 455
51/1/16 | #7294962**

MOLLER / O'HALLORAN

I move that it is in the public interest that Cr Coghlan participates and votes on this item, on the condition that the rationale outlined in her declaration being:

- tickets to attend the event valued at approx. \$500 per year totally approximately \$1500

and therefore, a reasonable person would trust that the final decision is made in the public interest.

lost with Cr Coughlan, Olds, Vallely, Zeiger & James not participating in the vote

Following discussions Councillors Coughlan, Olds, Valley, Zeiger and James decided that due to their conflict of interest they would leave the room while this matter is discussed and voted on.

PYNE / EDEN

In accordance with section 150 EU (1)(b) 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:

- **Item 13 - MAJOR EVENTS SPONSORSHIP APPLICATION – RED HOT SUMMER 2024-2026**

carried unanimously

Under section 150 EU (1)(b) 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(1)(b) of the *Local Government Act 2009*.

OFFICERS RECOMMENDATION:

It is recommended that Council:

1. Enters into a three year funding agreement with RT Event Enterprises Pty Ltd to the value of up to \$150,000 (ex GST), comprised of \$50,000 per annum, to support the Red Hot Summer Tour in Cairns from 2024 to 2026 under Council' s Major Events Sponsorship program;
2. Resolves in accordance with section 235(b) of the *Local Government Regulation 2012*, it is satisfied that the event provider is a Specialised Supplier and that they be added to the Sole Supplier Register for the remainder of the 2023/24 financial year; and
3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above.

carried unanimously

Cr Eden left the meeting 7.30 pm

**14. RECOMMENDATION FOR THE AWARD OF CONTRACT 75700 –
SEWAGE PUMPING STATION REMEDIATION WORKS 459**

63/5/73-01 | #7288906

O'HALLORAN / COGHLAN

That Council:

1. Awards Contract 75700 – Sewage Pumping Stations Remediation Works to Koppens Developments Pty Ltd for a Lump Sum price of \$12,556,620.30 excluding GST.
2. Approves the Project Launch Approval for PCS22406 (R27) with a Project Launch Budget (PLB) of \$968,710 and an Approved End Date (AED) of 30 November 2025,
3. Approves the Project Launch Approval for PCS19406 (YK1B) with a Project Launch Budget (PLB) of \$744,844 and an Approved End Date (AED) of 30 November 2025,
4. Approves the Project Launch Approval for PCS22410 (HB1) with a Project Launch Budget (PLB) of \$1,678,742 and an Approved End Date (AED) of 30 November 2025.
5. Approves the Project Launch Approval for PCS22402 (ES1) with a Project Launch Budget (PLB) of \$868,514 and an Approved End Date (AED) of 30 November 2025.
6. Approves the Project Launch Approval for PCS22413 (RE1) with a Project Launch Budget (PLB) of \$1,299,671 and an Approved End Date (AED) of 30 November 2026.
7. Approves the Project Launch Approval for PCS19409 (CB2) with a Project Launch Budget (PLB) of \$1,333,468 and an Approved End Date (AED) of 30 November 2027.
8. Approves the Project Launch Approval for PCS22412 (TB5) with a Project Launch Budget (PLB) of \$1,033,200 and an Approved End Date (AED) of 30 November 2026.
9. Approves the Project Launch Approval for PCS22407 (CV1) with a Project Launch Budget (PLB) of \$2,123,80 and an Approved End Date (AED) of 30 November 2026.
10. Approves the Project Launch Approval for PCS22411 (GO3) with a Project Launch Budget (PLB) of \$1,142,563 and an Approved End Date (AED) of 30 November 2026.
11. Approves the Project Launch Approval for PCS21404 (GO4) with a Project Launch Budget (PLB) of \$1,436,064 and an Approved End Date (AED) of 30 November 2026.

November 2027.

- 12. Approves the Project Launch Approval for PCS22405 (R22) with a Project Launch Budget (PLB) of \$959,836 and an Approved End Date (AED) of 30 November 2027.
- 13. Approves the Project Launch Approval for PCS22409 (WW1A) with a Project Launch Budget (PLB) of \$2,793,295 and an Approved End Date (AED) of 30 November 2026.
- 14. 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

**15. RECOMMENDATION FOR THE AWARD OF CONTRACT 2927–
CONSTRUCTION OF NEW SEWAGE PUMPING STATION W1A**

..... **470**
63/5/76 | #7307622

MOLLER / COGHLAN

That Council:

- 1. Awards Contract 2927 – Construction of New Sewage Pumping Station W1A to Koppens Developments Pty Ltd for a Lump Sum price of \$6,616,910 excluding GST.
- 2. Approves the Project Launch Approval for PCS13410-01 Sewage Pumping Station W1 New Pump Station with a Project Launch Budget (PLB) of \$8,457,253 and an Approved End Date (AED) of 30 June 2025.
- 3. 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

Cr Eden returned 7.39 pm

16. JOHNSON ROAD UPGRADE PT23204..... 477
50/5/120 | #7285840

ZEIGER / PYNE

That Council:

1. Approves the “Johnson Road Upgrade” with an overall Project Launch Budget of \$5,583,423 excluding GST and an Approved end date of 31 December 2024.
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 normal procurement policies and practices.

carried unanimously

17. PROPERTY MATTERS RESOLVED UNDER DELEGATIONS – 1 JULY 2022 TO 30 JUNE 2023 4823
55/2/3 | #7108760

MOLLER / VALLELY

That Council notes the property matters considered under delegation from 1 July 2022 until 30 June 2023

carried unanimously

18. REEF GUARDIAN COUNCIL FUNDING APPLICATION – PART 2: CHARGING TOWARDS 100% RENEWABLE ENERGY (ELECTRIC VEHICLE FLEET PILOT) AND CONSERVATION PARTNERSHIPS 488
61/7/2-01 | #7310561

PYNE / EDEN

That Council retrospectively endorses the funding application for \$416,000 under the Reef Guardian Councils Program and; delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate and finalise any and all matters.

carried unanimously

19. PREFERRED SUPPLIER ARRANGEMENT (PSA) 2907 – DENUTTING OF COCONUT PALMS 493
63/1/388 | #7277602

OLDS / MOLLER

That Council:

1. Awards Preferred Supplier Arrangement (PSA) 2907 – Denutting of Coconut Palms to Tree Arrangements Pty Ltd, for a term of two years commencing 1 February 2024, with two extension options of up to 12 months each, 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.

carried unanimously

20. COMMUNITY PARTNERSHIPS GRANT - CAIRNS AGRICULTURAL PASTORAL AND MINING ASSOCIATION 497
63/18/1 | #7308532

MOLLER / COGHLAN

I move that it is in the public interest that Cr Zeiger participates and votes on this item, on the condition that the rationale outlined in his declaration being:

- The Secretary of the Cairns Show is Narelle Phipps. Narelle is also the Secretary for the White Rock State School P&C of which I am the President. I do not believe a reasonable person could have a perception of bias because my dealings with Narelle are purely as part of the White Rock State School P&C.

and therefore, a reasonable person would trust that the final decision is made in the public interest.

carried with Cr Zeiger not participating in the vote

MOLLER / VALLELY

That Council:

1. Supports the application received from the Cairns Agricultural Pastoral and Mining Association for the 2024 Cairns Show and enters into a one-year Resource and Performance Agreement to the value of \$70,000 (ex GST).

2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above agreement.

carried unanimously

21. CAIRNS FESTIVAL 2023 WRAP-UP 503
79/5/7-01 | #7255096

VALLELY / COGHLAN

That Council notes this report.

carried unanimously

22. CAIRNS GALLERY PRECINCT PROJECT STEERING COMMITTEE DISSOLUTION..... 538
79/4/1 | #7314080

MOLLER / O'HALLORAN

That Council:

1. Endorses the dissolution of the Cairns Gallery Precinct Project Steering Committee; and
2. Rescinds the Cairns Gallery Precinct Project Steering Committee Terms of Reference.

carried unanimously

23. REGIONAL ARTS DEVELOPMENT FUND (RADF) 2023/24 – MAJOR ROUND ONE..... 543
79/6/8 | #7279504

O'HALLORAN / EDEN

That Council:

1. Approves establishing RADF funding agreements for a total of \$80,452 (ex GST) from the 2023/24 RADF Major Round budget with the following applicants for the below amounts:
 - a. Ashleigh Lawrence - \$10,000 (ex GST)
 - b. Catherine Willacy (Cairns Little Theatre Inc.) - \$10,000 (ex GST)
 - c. Cristina Bevilacqua - \$8,600 (ex GST)

- d. Greta Stanley - \$10,000 (ex GST)
- e. Ian Whittaker - \$10,000 (ex GST)
- f. Jannah Dryden - \$10,000 (ex GST)
- g. Kevin Mayo - \$3,576 (ex GST)
- h. Moses Warusam - \$10,000 (ex GST)
- i. Shoba Sandler (Auspiced by JUTE Theatre Company) - \$8,276 (ex GST)

2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above agreements.

carried unanimously

BUSINESS NOT ON THE AGENDA

1. SAFETY AUDIT FOR ISABELLA FALLS

Cr Moller acknowledged the pass of Christian Laska and as a priority in the new year will request via the office of the CEO a workshop on the prospects of a safety audit for Isabella Falls.

2. PETITION – PLEDGES OF SUPPORT FOR SHANE CRAIG CUTHBERT’S NOMINATION FOR DIVISION 4 COUNCILLOR

MOLLER / COGHLAN

That petition #7320228 requesting Council consider pledges of support for Shane Craig Cuthbert’s nomination for the vacant Division 4 Councillor role, be received and noted.

carried unanimously

3. REVIEW OF DISASTER MANAGEMENT RESPONSE AND PERFORMANCE

EDEN/OLDS

Cr Eden seeks the permission of Council to table an item for decision. It relates to Council engaging a suitably qualified person or organisation to undertake an independent review of disaster management response and performance by the Cairns Local Disaster Management Committee to the recent Tropical Cyclone Jasper and subsequent rain event including actions taken, timing of those actions, validity of

those actions, communications to the public and the co-operation and level of interaction between agencies involved in the response. However, I will respect the decision of the meeting on whether I can table this item for decision.

lost with Councillors Coughlan, O'Halloran, Vallely, James and Moller voting against the motion

There are 2 items in closed session. These items relate to a Budgetary and Prejudicial matters.

Can I please have a mover and a seconder to move into Closed Session under Section 254J(3)(c) & 254J(3)(g) of the Local Government Regulations 2012.

CLOSED SESSION

COGHLAN / MOLLER

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

- 1. BUDGETARY MATTER – OUTSTANDING DEBT REPORT**
63/8/31-01 | #7303077v1
- 2. PREJUDICIAL MATTER - INFRASTRUCTURE AGREEMENT BETWEEN CAIRNS REGIONAL COUNCIL AND COMMUNITY HOUSING (CAIRNS) LIMITED FOR THE DISCRETIONARY FULL WAIVER OF LEVIED CHARGES TO THE SUM OF \$8,668,207.28 FOR CATALYTIC DEVELOPMENT UNDER THE DEVELOPMENT AND INVESTMENT INCENTIVE SUPPORT POLICY FOR MULTI UNIT HOUSING AT 710-714 DES CHALMERS DRIVE, WOREE**
8/7/877 | #7305695

carried unanimously

OUT OF CLOSED SESSION

COUNCIL RESOLVED TO MOVE OUT OF CLOSED SESSION

COGHLAN / MOLLER

carried unanimously

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. BUDGETARY MATTER – OUTSTANDING DEBT REPORT 554

63/8/31-01 | #7303077v1

MOLLER / COGHLAN

That Council notes the status of the outstanding debt owed to Council as at 24 November 2023.

carried unanimously

2. PREJUDICIAL MATTER - INFRASTRUCTURE AGREEMENT BETWEEN CAIRNS REGIONAL COUNCIL AND COMMUNITY HOUSING (CAIRNS) LIMITED FOR THE DISCRETIONARY FULL WAIVER OF LEVIED CHARGES TO THE SUM OF \$8,668,207.28 FOR CATALYTIC DEVELOPMENT UNDER THE DEVELOPMENT AND INVESTMENT INCENTIVE SUPPORT POLICY FOR MULTI UNIT HOUSING AT 710-714 DES CHALMERS DRIVE, WOREE....

.....570

8/7/877 | #7305695

ZEIGER / O'HALLORAN

That Council:

1. Enters into an Infrastructure Agreement with Community Housing (Cairns) Limited for a discretionary full waiver of levied charges to the sum of \$8,668,207.28 (or as varied by any automatic increases) for Catalytic Development under the Development and Investment Incentive Support Policy: and
2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 (Qld) to enter into contracts, negotiate, finalise, and execute any and all matters associated with the Infrastructure Agreement with Community Housing (Cairns) Limited on the basis outlined within the report, including any and all consequential or minor amendments as agreed by the parties.

carried with Councillors Olds and Eden voting against the motion

THE MEETING CLOSED AT 8.05 PM

CONFIRMED THIS 24th DAY OF JANUARY 2024



.....
MAYOR/CHAIR



.....
CHIEF EXECUTIVE OFFICER