



MINUTES ORDINARY MEETING

22 NOVEMBER 2023

9:00 A.M.

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

OFFICERS:

M Martin	Chief Executive Officer
C Posgate	Director People & Organisational Performance
E Johnson	Director Planning Growth & Sustainability (part)
M Wuth	Director Cairns Infrastructure & Assets
D Puia	Director Lifestyle & Community
L Whitton	Director Finance & Business Services
N Masasso	Director Economic Development & Advocacy
G Everson	Associate Director Service Delivery
S Stephen	Associate Director Engineering Services
A Combe	Executive Manager Marketing & Communications
P Rogato	Media Coordinator
A Turnbull	Executive Manager – Engagement
C Simmons	Executive Manager Development & Planning
T Dendle	Executive Manager Community Spaces
S Godkin	Minute Secretary

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2. **PARKS AND LEISURE QUEENSLAND AWARD - COMMUNITY BASED INITIATIVE OF THE YEAR – BABINDA BOULDERS..... 19**

CLOSED SESSION

- 1. BUDGETARY MATTER – OUTSTANDING DEBT REPORT20**
63/8/31-01 | #7288047

CONFLICTS OF INTEREST

Cr Moller declared an interest in relation to Agenda item 2 the CEO'S Monthly Report pertaining to the 3rd dot point of the recommendation relating to Council supporting a bid to host the Developing Northern Australia Conference in 2025 he had a declarable interest in that :-

- Council is collaborating with a number of local organisations seeking support for making the bid;
- One of the organisations' is Regional Development Australia Tropical North;
- He is Deputy Chair of that organisation

Whilst he will receive no direct or indirect benefit arising from this matter, he will leave it to his fellow Councillor's to decide whether he should stay and participate in the decision making or leave the room when this matter is to be decided.

PURPOSE OF MEETING

To consider the matters listed on the agenda.

MAYORAL MINUTE

1. RETIREMENT OF BOB MANNING

JAMES / COGHLAN

I would like to acknowledge Bob Manning, who last Friday retired from the office of Mayor after almost 12 years.

Mr Manning was elected as Mayor in 2012, and served three terms, having been re-elected in 2016 and 2020.

During his tenure, his Council oversaw record capital works programs, totalling \$1.5 billion, which helped to deliver many projects, such as the Tobruk Memorial Pool redevelopment, the upgrades to Munro Martin Parklands, the new Cairns Performing Arts Centre, refurbishment of the Court House and progression of the Cairns Gallery Present, and the Materials Recovery Facility.

That is just a handful.

Mr Manning guided Cairns through the COVID pandemic, and the fast-tracked delivery of the Esplanade Dining Precinct during the pandemic to ensure the city was prepared to hit the ground running once the crisis abated, is testament to his foresight.

His resignation on Friday ended four decades of service to Cairns and the region, which also included 18 years as secretary and then CEO of the Cairns Port Authority, more than 10 years as director/chairman of Tourism Tropical North Queensland (previously Far North Queensland Promotion Bureau).

He helped to transform Cairns into the vibrant and sought-after tourist destination it is today, and his commitment to the city of his birth remains unmistakable, as does his compassion for the most vulnerable in our community.

One of his greatest abilities as Mayor was to relate to the community and its residents; he stayed grounded and if you ever had the pleasure of sharing a coffee with Mr Manning at a local cafe, you had to give yourself some extra time because everyone wanted to say hello.

carried unanimously

CONFIRMATION OF MINUTES OF ORDINARY MEETING 8/11/23

MOLLER / O'HALLORAN

That the Minutes of the Ordinary Meeting held on Wednesday, 8 November 2023 be confirmed.

carried unanimously

1. APPOINTMENT OF MAYOR AND RELATED MATTERS

JAMES / COGHLAN

That Section 15 of Standing Orders be suspended.

carried unanimously

OLDS / EDEN

I nominate Cr Olds for the position of Mayor

MOLLER / COGHLAN

I nominate Cr James for the position of Mayor

Council appoints COUNCILLOR OLDS to the Office of Mayor for the balance of the current quadrennial term.

lost with Councillors Olds, Eden, Zeiger and Pyne voting for the motion

Council appoints COUNCILLOR JAMES to the Office of Mayor for the balance of the current quadrennial term.

carried with Councillors Coghlan, O'Halloran, Valley, James and Moller voting for the motion.

MOLLER / O'HALLORAN

Council appoints COUNCILLOR JAMES to the Office of Mayor for the balance of the current quadrennial term.

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

APPOINTMENT OF COUNCILLOR FOR DIVISION 4

MOLLER / VALLELY

In accordance Section 166B of the *Local Government Act 2009*, Council commences the necessary process to seek nominations for an appointee to Councillor for DIVISION 4 in order for Council to make this appointment during the Ordinary Council Meeting of 13 December 2023.

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

APPOINTMENT OF DEPUTY MAYOR

COGHLAN / O'HALLORAN

In accordance with Section 175 of the *Local Government Act 2009*, Council calls a Special Meeting for Wednesday 29th of November to appoint a Deputy Mayor.

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

JAMES / MOLLER

That Section 15 of Standing Orders be reinstated.

carried unanimously

2. CEO MONTHLY REPORT 13
93/1/2 | #7303686

OLDS / COGHLAN

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

- Council is collaborating with a number of local organisations seeking support for making the bid;
- One of the organisations' is Regional Development Australia Tropical North;
- I am Deputy Chair of that organisation

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

carried with Cr Moller not participating in the vote

OLDS / ZEIGER

That Council:

- 1. Notes:**
 - a) The status of Council Resolutions.**
 - b) The minutes of the Cairns Traffic Advisory Committee (CTAC) of 12 September 2023.**
 - c) The CEO Month in Review.**
- 2. Approves the extension of event activities on the Eastern Event Lawn, Cairns Esplanade until 12:00am (midnight) on Friday 10 May 2024 for the Australian Audiology Conference Awards Dinner.**
- 3. Pursuant to Section 235 (a) of the Local Government Regulation 2012, Council supports a bid to host the Developing Northern Australia Conference in Cairns in 2025 through the provision of in-kind venue hire at no charge and the provision of a cash contribution of \$20,000 (ex GST).**

carried unanimously

3. 2023 GREAT BARRIER REEF MASTERS GAMES – POST EVENT REPORT 34
52/1/21-01 | #7299943

COGHLAN / OLDS

That Council notes the outcomes of the 2023 Great Barrier Reef Masters Games and endorses future planning of the 2025 event.

carried unanimously

4. FINANCIAL PERFORMANCE REPORT FOR THE PERIOD ENDED 27 OCTOBER 2023 39
63/17/2-01 | #7289447

COGHLAN / MOLLER

That Council notes the financial performance report for the period ended 27 October 2023.

carried unanimously

5. MAJOR AND ECONOMIC EVENTS OUTCOMES 2021-22 AND 2022-23 62
52/1/16 | #7289101

MOLLER / VALLELY

That Council notes the outcomes in this report.

carried unanimously

6. MAJOR EVENTS SPONSORSHIP POLICY 65
52/1/16 | #7264942

OLDS / ZEIGER

That Council adopts:

1. The new Major Events Sponsorship Policy as set out at Attachment 1 to this report; and
2. The revised Community Grant Policy as set out at Attachment 3 to this report.

carried unanimously

7. TOURISM TROPICAL NORTH QUEENSLAND RESOURCE AND PERFORMANCE AGREEMENT REPORT FOR THE PERIOD ENDED 30 JUNE 2023 116

58/1/2 | #7292053

VALLELY / EDEN

That Council notes this report, which outlines the activities and performance of Tourism Tropical North Queensland Limited for the period ended 30 June 2023 pursuant to its 2020-2025 Resource and Performance Agreement with Council.

carried unanimously

8. 1-YEAR EXTENSION OF FIVE RESOURCE AND PERFORMANCE AGREEMENTS 157

58/1/2 | #7299021

ZEIGER / EDEN

That Council:

1. Approves a 1-year extension (to 30 June 2025) of the Resource and Performance Agreements for the following organisations which are currently due to expire on 30 June 2024:
 - Babinda District Community Association Inc (Babinda Task Force);
 - Babinda Visitor Information Centre Inc
 - Citizens of the Great Barrier Reef Foundation Limited
 - Study Cairns Inc
 - Super Yacht Group - Great Barrier Reef Inc;
2. Notes that this extension will be at the same annual funding level and on the same terms and conditions as contained in the current Resource and Performance Agreements for these organisations; 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

9. REGISTER OF PREQUALIFIED SUPPLIERS (ROPS) 2881 – WET AND DRY PLANT HIRE 162
63/1/377 | #7277537

ZEIGER / COGHLAN

That Council:

1. Awards Register of Prequalified Suppliers (ROPS) 2881 – Wet and Dry Plant Hire and appoints the list of Suppliers in Attachment 1, for a term of five years commencing 8 December 2023, with an extension option of up to five years, available at Council’s discretion.
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 contract subject to Council’s normal procurement policies and practices.

carried unanimously

10. PREFERRED SUPPLIER ARRANGEMENT (PSA) 2913 – STORMWATER PIPES, BOX CULVERTS AND PRE-CAST CONCRETE PRODUCTS..... 172
63/1/394 | #7277557

OLDS / COGHLAN

That Council:

1. Awards Preferred Supplier Arrangement (PSA) 2913 – Stormwater Pipes, Box Culverts and Pre-Cast Concrete Products and appoints Rocla Pty Ltd and Holcim Australia Pty Ltd in no order of preference, for a term of two years commencing 1 December 2023, 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

11. AWARD OF CONTRACT 2915 – RESERVOIR REMEDIATION PACKAGE (MAYERS STREET, PANGUNA, BAYVIEW LARGE, BARRON VIEW, RUNNYMEDE BRINSMEAD, DEMPSEY STREET A/B, CREST CLOSE) 176
63/5/72 | #7281597

COGHLAN / PYNE

That Council:

1. Awards Contract 2915 – Reservoir Remediation Package (2 Separable Portions) to Pensar Structures Pty Ltd for a total lump sum price of \$7,636,219.15 excluding GST;
2. Approves the Project Launch Approval for PCW20101 (Mayers St) with a Project Launch Budget (PLB) of \$2,492,859 and an Approved End Date (AED) of 30 November 2025;
3. Approves the Project Launch Approval for PCW19803 (Panguna) with a Project Launch Budget (PLB) of \$1,061,493 and an Approved End Date (AED) of 30 November 2025;
4. Approves the Project Launch Approval for PCW19802 (Bayview Large) with a Project Launch Budget (PLB) of \$1,658,244 and an Approved End Date (AED) of 30 November 2025;
5. Approves the Project Launch Approval for PCW21804 (Barron View) with a Project Launch Budget (PLB) of \$543,044 and an Approved End Date (AED) of 30 November 2025;
6. Approves the Project Launch Approval for PCW22803 (Runnymede) with a Project Launch Budget (PLB) of \$727,672 and an Approved End Date (AED) of 30 November 2026;
7. Approves the Project Launch Approval for PCW22801 (Brinsmead) with a Project Launch Budget (PLB) of \$2,004,747 and an Approved End Date (AED) of 30 November 2026;
8. Approves the Project Launch Approval for PCW21803 (Dempsey A&B) with a Project Launch Budget (PLB) of \$473,036 and an Approved End Date (AED) of 30 November 2025;

- 9. Approves the Project Launch Approval for PCW21803 (Dempsey A&B) with a Project Launch Budget (PLB) of \$473,036 and an Approved End Date (AED) of 30 November 2025;
- 10. Approves the Project Launch Approval for PCW21801 (Crest Close) with a Project Launch Budget (PLB) of \$780,596 and an Approved End Date (AED) of 30 November 2026.
- 11. 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

**12. PROJECT LAUNCH APPROVAL (PLA) – PG22031-01 –
BREAKWATERS – HOLLOWAYS BEACH EROSION MANAGEMENT**

..... 186
50/5/32 | #7282948

COGHLAN / OLDS

That Council:

- 1. Approves the Project Launch Approval for project PG22031-01 for construction of Breakwaters for Holloways Beach Erosion Management with a Project Launch Budget (PLB) of \$2,402,745 and an Approved End Date (AED) of 30 July 2024.
- 2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, finalise and negotiate any and all matters relating to this project subject to normal procurement practices and policies.

carried unanimously

13. PROJECT LAUNCH APPROVAL – PCW21902-01 MOUNT PETER HIGH LEVEL WATER RESERVOIR AND ASSOCIATED INFRASTRUCTURE PROJECT – STAGE 1 202
50/6/115 | #7298317

MOLLER / PYNE

That Council:

1. Approves the Project Launch Approval (PLA) for Mount Peter High Level Reservoir and Associated Infrastructure – Stage 1, PCW21902-01 with a Project Launch Budget (PLB) of \$3,478,827 and an Approved End Date (AED) of 1 December 2024.
2. Resolves to adopt the Tender Consideration Plan for the purchase of the required water pipeline materials.
3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, negotiate, finalise and execute any and all matters relating to this program subject to Council's procurement practices and policies.

carried unanimously

14. TENURE ARRANGEMENT - FREEHOLD LEASE WITH AMENDED LEASE AREA – REDLYNCH STRIKERS UNITED FC INC. – LEASE B ON SP173567 IN LOT 3 ON RP851436, 403-411 BRINSMEAD ROAD, REDLYNCH – DIVISION 6 211
19/28/133 | #7288955

VALLELY / ZEIGER

That Council:

1. Applies the exception in accordance with section 236(1)(b)(ii) of the *Local Government Regulation 2012* pursuant to section 236(2) for the disposal of valuable non-current assets, other than by tender or auction to community organisations, to allow a freehold lease offer to be made over part of lot 3 on RP851436 being 403-441 Brinsmead Road, Redlynch;
2. Approves to make a freehold lease offer, with an amended lease area, to Redlynch Strikers United FC Inc. over part of lot 3 on RP851436 subject to:
 - a. Surrender of the existing freehold lease to Redlynch Strikers United FC Inc;
 - b. Survey plan to confirm the amended lease area;
 - c. The dealings being at no cost to Council;

- d. Shipping container storage removed within 12 months of the commencement of the lease; or relevant approvals secured;
3. Delegates authority to the Chief Executive Officer under section 257 of the *Local Government Act 2009*, to negotiate and finalise any and all matters relating to negotiation and finalisation of the land dealings.

carried unanimously

15. COMMERCIAL TENURE ARRANGEMENT - TRUSTEE LEASE OVER PART OF LOT 22 ON C198406, 93-105 LAKE STREET, CAIRNS - DIVISION 5 216
 19/28/319 | #7284364

EDEN / OLDS

That Council:

1. Applies the exception in accordance with section 236(1)(c)(iii) of the *Local Government Regulation 2012* pursuant to section 236(2), to allow the disposal of a valuable non-current asset via lease, described as part of Lot 22 on C198406 being Shop 4, 93-105 Lake Street, Cairns City, to the existing tenant of the land;
2. Approves to make a trustee lease offer to Christina Darwen and David Darwen trading as The Roti Shack, ABN 22 962 542 866, as per the terms and conditions contained within this report; and
3. Delegates authority to the Chief Executive Officer under Section 257 of the *Local Government Act 2009*, to negotiate and finalise any and all matters relating to the tenure offer.

carried unanimously

16. COMMERCIAL TENURE ARRANGEMENT – FREEHOLD LEASE OVER PART OF LOT 1 ON RP715541 BEING 102-110 LAKE PLACID ROAD, CARAVONICA – DIVISION 8 227
 63/1/370 | #7283982

COGHLAN / OLDS

That Council:

1. Approves to offer a tenure arrangement (freehold lease) to Sunmanor Pty Ltd trading as Cairns Adventure Group over part of Lot 1 on RP715541 being 102-110 Lake Placid Road, Caravonica; and

- 2. Delegates authority to the Chief Executive Officer under section 257 of the *Local Government Act 2009*, to negotiate and finalise any and all matters relating to negotiation and finalisation of the tenure arrangement.

carried unanimously

17. INFRASTRUCTURE AGREEMENT FOR THE DEFERRED PAYMENT OF LEVIED CHARGES FOR ROCKY CREEK STAGE 2 (2 LOTS INTO 35 RESIDENTIAL LOTS, NEW ORAD, PARK, AND BALANCE LAND) AND STAGE 2B (1 LOT INTO 8 LOTS) AND DEED OF VARIATION TO AMEND INFRASTRUCTURE AGREEMENT FOR TRUNK WATER SUPPLY, WASTEWATER AND TRANSPORT INFRASTRUCTURE FOR ROCKY CREEK STAGE 1 (1 LOT INTO 48 LOTS, PLUS NEW ROAD, PARK, AND BALANCE LAND) 238
 8/13/2307, 2813/2357, & 2/13/2495 | #7300135

MOLLER / COGHLAN

That Council:

- 1. Enters into an Infrastructure Agreement with Kroymans Developments Pty Ltd for the Deferred Payment of Levied Charges for Stages 2 and 2b of the Rocky Creek residential estate;
- 2. Enters into a Deed of Variation of Agreement with Kroymans Developments Pty Ltd to give effect to amendments to the Infrastructure Agreement of 13 October 2023 relating to trunk water supply, wastewater and transport infrastructure; and
- 3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, negotiate, finalise and execute any and all matters associated with the above Infrastructure Agreement and Deed of Variation of Agreement with Kroymans Developments Pty Ltd, including any and all consequential or minor amendments as agreed by the parties.

carried unanimously

18. MAJOR EVENTS PRECINCT - APPLICATION TO REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM 249
 73/2/53-01 | #7290423

EDEN / COGHLAN

That Council:

- 1. Approves the submission of an application for funding under the Federal Government’s Regional Precincts and Partnerships Program – Stream 1 for

the masterplan of the Major Events Precinct.

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 application, including the execution of an associated grant agreement/s should Council's application be successful.

carried unanimously

19. CAIRNS CHORAL SOCIETY RESOURCE AND PERFORMANCE AGREEMENT 2024 - 25..... 255
79/5/7 | #7280549

O'HALLORAN / ZEIGER

That Council:

1. Approves establishing a two-year Resource and Performance Agreement with Cairns Choral Society; and
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

20. COMMUNITY PARTNERSHIPS GRANT ROUND 9 279
63/18/1 | #7261486

ZEIGER / O'HALLORAN

That Council:

1. Approves \$88,600 (ex GST) funding from the 2023/2024 Community Partnerships Grant stream to the following applicants:
 - a. Cairns African Association Incorporated for Women Empowerment Day to the value of \$5,000 (ex GST).
 - b. Cairns & District Chinese Assoc Inc. for The Chinese Zodiac - Celebrating 20 Years Cairns - Zhanjiang Sister Cities up to the value of \$3,200 (ex GST).
 - c. Cairns Basketball Inc. for the Under 14 Boys State Basketball Championships to the value of \$10,000 (ex GST).
 - d. Cairns Indian Association Inc. for Holi Festival of Colour up to the value of \$6,900 (ex GST).

- e. **FNQ Volunteers Inc. for VEXPO - Volunteering Expo up to the value of \$4,500 (ex GST).**
 - f. **Gordonvale District Chamber of Commerce Inc. for the Gordonvale Sugar Solstice Country Fair to the value of \$7,000 (ex GST).**
 - g. **Mossman Port Douglas Senior Rugby League Club Incorporated for Survival Day Knockouts/Reconciliation Rugby League Carnival to the value of \$10,000 (ex GST).**
 - h. **North Queensland International Motor Raceway Association Incorporated for Thunder in the Canefields 2024 to the value of \$15,000 (ex GST).**
 - i. **Queensland Police Sporting Association Inc. for the Queensland Police and Emergency Services Games 2024 up to the value of \$25,000 (ex GST).**
 - j. **Smile with Kids Inc. for Japan Day of Hope to the value of \$2,000 (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 funding agreements.**

carried unanimously

BUSINESS NOT ON THE AGENDA

MATTERS OF COMMUNITY INTEREST NOT REQUIRING A DECISION BY COUNCIL

1. AUST INSTITUTE OF HORTICULTURE INC AWARDS

OLDS

The following awards were received:

- **“The Silver Gum Award” awarded to “Cairns Regional Council for their contribution to the 21st century greening of Cairns City”.**
- **A duplicate “Silver Gum Award” was given to the three Mayors, Bob Manning OAM, Kevin Byrne and Val Schier, who served during that time to acknowledge their leadership and support.**

2. PARKS AND LEISURE QUEENSLAND AWARD - COMMUNITY BASED INITIATIVE OF THE YEAR – BABINDA BOULDERS

MOLLER

An additional safety audit was undertaken at Babinda Boulders, led by Luke Jackson and Safety Consultant Oliver Fearman. As a result additional signaged has been installed.

Due to these initiatives Parks and Leisure Queensland awarded Council the Community Based Initiative of the Year.

There is an item in closed session. This item relates to a budgetary matter.

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

CLOSED SESSION

O'HALLORAN / VALLELY

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 | #7288047 297

carried unanimously

OUT OF CLOSED SESSION

COUNCIL RESOLVED TO MOVE OUT OF CLOSED SESSION

VALLELY / COGHLAN

carried unanimously

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. BUDGETARY MATTER – OUTSTANDING DEBT REPORT

63/8/31-01 | #7288047 297

MOLLER / O'HALLORAN

That Council notes the status of the outstanding debt owed to Council as at 27 October 2023.

carried unanimously

THE MEETING CLOSED AT 10:26 AM

CONFIRMED THIS 21ST DAY OF DECEMBER 2023



.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER