



PLANNING AND ENVIRONMENT COMMITTEE MEETING

13 JULY 2022

9:00 A.M.

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

APOLOGY: Cr B Manning

OFFICERS:

C Posgate	Director People & Organisational Performance
E Johnson	Director Planning Growth & Sustainability
D Puia	Director Lifestyle & Community
L Whitton	Chief Financial Officer
N Masasso	Director Economic Development & Advocacy
G Everson	Acting Director Cairns Infrastructure & Assets
A Combe	Executive Manager Marketing & Communications
A Turnbull	Executive Manager – Engagement
C Simmons	Executive Manager Development, Planning & Property
C Horne	Associate Director Service Delivery
S Stephen	Associate Director Engineering Services
M Hitchins	Account Manager
T Dendle	Executive Manager Community Spaces
I Elliott-Smith	Team Leader Planning
N Sproles	Minute Secretary

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GENERAL BUSINESS

CLOSED SESSION

1. LEGAL– UPDATE ON PLANNING & ENVIRONMENT COURT APPEAL NO. 72 OF 2017 (NORTHERN SANDS PTY LTD V CAIRNS REGIONAL COUNCIL) – 563R CAPTAIN COOK HIGHWAY, BARRON – DIVISION 8.....9
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APOLOGY

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

CONFLICTS OF INTEREST

Cr Moller declares a prescribed conflict of interest in agenda item 1 of closed session in that the solicitor for the Landowner/Applicant Charlie Marino and him were former business partners and given the nature of the partnership termination in his view, may give rise to a perception of bias and he proposed dealing with this conflict by leaving the chambers and not participating in any discussion or decision making in respect to this matter when it is dealt with by Council.

PURPOSE OF MEETING

To consider the matters listed on the agenda.

CONFIRMATION OF MINUTES OF PLANNING AND ENVIROMENT COMMITTEE MEETING – 1 JUNE 2022

MOLLER / O'HALLORAN

That the Minutes of the Planning and Environment Committee Meeting held on Wednesday, 1 June 2022 be confirmed.

carried unanimously

1. OUR CAIRNS COAST (COASTAL HAZARD ADAPTATION) STRATEGY

Lynne Powell | 8/26/43 | #6958641

COGHLAN / EDEN

That Council:

- 1. Endorses the Our Cairns Coast Strategy; and**
- 2. Notes that \$60,000 has been received from Q-Coast 2 funding to undertake a CHAS risk assessment of closed landfills.**
- 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

2. CAIRNSPLAN 2016 MINOR AMENDMENT, LOCAL GOVERNMENT INFRASTRUCTURE PLAN ADMINISTRATIVE AMENDMENT AND CAIRNSPLAN 2016 VERSION 3.1 – CAIRNS SOUTH STATE DEVELOPMENT AREA

Deborah Wellington | 8/26/28 | #6970399

MOLLER / COGHLAN

That Council:

1. Decides to amend the CairnsPlan 2016 planning scheme and prepare an Amendment to CairnsPlan 2016 ‘CairnsPlan 2016 Amendment 1 of 2022 – Minor’ in accordance with the Planning Act 2016 and the Minister’s Guidelines and Rules (Version 1.1);
2. Decides to adopt the CairnsPlan 2016 Amendment 1 of 2022 – Minor;
3. Sets 2 August 2022 as the commencement date for the CairnsPlan 2016 Amendment 1 of 2022 – Minor;
4. Decides to prepare an Administrative Local Government Infrastructure Plan Amendment ‘Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative’;
5. Decides to adopt the Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative;
6. Sets 2 August 2022 as the commencement date for the Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative;
7. Resolves to adopt the CairnsPlan 2016 Version 3.1 (incorporating CairnsPlan 2016 Amendment 1 of 2022 – Minor and Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative) in accordance with the requirements of the Planning Act 2016 and the Minister’s Guidelines and Rules (Version 1.1);
8. Sets 2 August 2022 as the commencement date for the CairnsPlan 2016 Version 3.1;
9. Undertakes public notification by writing to all landowners within the Cairns South State Development Area advising of the amendment;
10. Delegates authority to the Chief Executive Officer pursuant to the Local Government Act 2009 to finalise any and all matters associated with the preparation, adoption and commencement of the CairnsPlan 2016 Amendment 1 of 2022 – Minor, Local Government Infrastructure Plan Amendment 1 of 2022 – Administrative and CairnsPlan 2016 Version 3.1.

carried unanimously

3. CONSULTANCY SERVICES TOWARDS 2050 CAIRNS GROWTH STRATEGY - CONTRACT NUMBER: 2821

D Wellington | 57/8/14 | #6989033

OLDS / COGHLAN

That Council:

1. Awards the Consultancy Services for the Towards 2050 Cairns Growth Strategy (Contract Number: 2821) to Wolter Consulting Group Pty Ltd (trading as the Towards 2050 Collective) for the amount of \$2,447,930.00 (excluding GST); and
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 engagement subject to normal procurement practices and policies.

carried with Cr Eden voting against the motion.

4. ANNUAL ASSESSMENT REPORT 2021/2022 – PLANNING AND ENVIRONMENT COMMITTEE

Ed Johnson | 65/4/1-05 | #6991408

COGHLAN / MOLLER

That Council notes the findings of the formal assessment of performance against the Terms of Reference for the Planning and Environment Committee, and that these findings indicate that the Committee has performed in accordance with the Terms of Reference.

carried unanimously

5. ANALYSIS OF QUEENSLAND STATE GOVERNMENT BUDGETED CAPITAL EXPENDITURE BY REGION

Nick Masasso | 58/6/1 | #6993489

OLDS / MOLLER

That Council notes this report on the analysis of Queensland State Government budgeted capital expenditure by region.

carried unanimously

6. ADVOCACY POLICY

Nick Masasso | 58/6/3 | #6975995

COGHLAN / O'HALLORAN

That Council adopts the Advocacy Policy.

carried unanimously

7. BLACK SPOT PROGRAM 2023/24

R Hasan | 81/1/13 | #6981419

OLDS / MOLLER

That Council:

1. Council endorses the Black Spot project submission nominated in this report for Federal Government funding under the 2023/24 Black Spot program.
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 relating to this program subject to Council's procurement practices and policies.

carried unanimously

8. REGISTER OF PREQUALIFIED SUPPLIERS (ROPS) 2824 – MOWING SERVICES

Neil Singleton | 63/1/334* | #6987076

ZEIGER / VALLELY

That Council:

1. Awards Register of Prequalified Suppliers (ROPS) 2824 Mowing Services and appoints the list of Suppliers in Attachment 1, for a term of two years commencing 1 August 2022, with two extension options of up to two years 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

9. PREFERRED SUPPLIER ARRANGEMENT (PSA) 2822 – BITUMEN SEALING WORKS

Neil Singleton | 63/1/332* | #6969233

OLDS / O'HALLORAN

That Council:

1. Awards Preferred Supplier Arrangement (PSA) 2822 and appoints the following four contractors: Boral Resources (QLD) Pty Ltd, FGF Bitumen Pty Ltd, Koppen Construction Pty Ltd and Pioneer North Queensland Pty Ltd for a term of two years commencing 1 July 2022, 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

10. COMMUNITY ACTIVITY SPACES STRATEGY

Benita Bittner | 73/2/47-01 | #6971845

ZEIGER / MOLLER

That Council:

1. Adopts the Community Activity Spaces Strategy; and
2. Endorses the Best Practice Management Guideline for Community Activity Spaces.

carried unanimously

11. ACKNOWLEDGEMENTS, MEMORIALS AND MONUMENTS GENERAL POLICY REVIEW

KLG | 79/4/1 | #6743796

MOLLER / VALLELY

That Council adopts the revised Acknowledgements, Memorials and Monuments General Policy.

carried unanimously

12. CIRCA CAIRNS RESOURCE AND PERFORMANCE AGREEMENT

Fleur McMenamin | 79/4/1 | #6991697

OLDS / EDEN

That Council:

1. Approves establishing a one-year Resource and Performance Agreement with Circa Contemporary Circus Ltd; 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

GENERAL BUSINESS

Cr Moller left meeting 9:55 am

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

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

CLOSED SESSION

O'HALLORAN / OLDS

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

- 1. LEGAL- UPDATE ON PLANNING & ENVIRONMENT COURT APPEAL NO. 72 OF 2017 (NORTHERN SANDS PTY LTD V CAIRNS REGIONAL COUNCIL) – 563R CAPTAIN COOK HIGHWAY, BARRON – DIVISION 8**

I Elliott-Smith : 8/30/211: #6991076

carried unanimously

OUT OF CLOSED SESSION

COUNCIL RESOLVED TO MOVE OUT OF CLOSED SESSION

OLDS / COGHLAN

carried unanimously

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. LEGAL- UPDATE ON PLANNING & ENVIRONMENT COURT APPEAL NO. 72 OF 2017 (NORTHERN SANDS PTY LTD V CAIRNS REGIONAL COUNCIL) – 563R CAPTAIN COOK HIGHWAY, BARRON – DIVISION 8

I Elliott-Smith : 8/30/211: #6991076

COGHLAN / OLDS

That Council:

1. Notes the current status of Planning and Environment Court Appeal No. 72 of 2017; and
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, for all further matters in relation to the carriage of Planning and Environment Court Appeal No. 72 of 2017.

carried unanimously

THE MEETING CLOSED AT 9:58 AM

CONFIRMED THIS ON THE 10TH DAY OF AUGUST 2022



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CHAIR



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CHIEF EXECUTIVE OFFICER