



## **PLANNING & ENVIRONMENT MEETING**

**15 MARCH 2023**

**9 A.M.**

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

**APOLOGY:** Cr B Moller

**OFFICERS:**

M Martin	Chief Executive Officer
C Posgate	Director People and Organisational Performance
E Johnson	Director Planning, Growth and Sustainability
M Wuth	Director Cairns Infrastructure and Assets
D Puia	Director Lifestyle and Community
L Whitton	Chief Financial Officer
N Masasso	Director Economic Development and Advocacy
C Simmons	Executive Manager Development & Planning
A Combe	Executive Manager Marketing & Communications
P Rogato	Media Coordinator
A Turnbull	Executive Manager Office of the CEO
S Cottrell	Minute Secretary

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## **APOLOGY**

**Council notes the apology of Councillor Moller and grants leave of absence.**

## **PRESCRIBED CONFLICT OF INTEREST / DECLARABLE CONFLICT OF INTEREST**

Councillor O'Halloran informed the meeting that he may have a declarable Conflict of Interest relating to Item 2, the application for a material change of use on Izatt Close.

One of the landowners is his accountant. They do not share a close personal relationship.

He chose to remain in the meeting, but will respect the decision of the meeting as to whether he can remain and participate in the decision.

Councillor James informed the meeting that he had a perceived Conflict of Interest relating to Item 2 in Closed Session - Contractual Matter - Proposed sale, access easement and encroachment over part of Council freehold land being Lot 90 on RP749316, and part of council reserve land being lot 6 on RP749301, Redlynch - Divison 6. His firm JB Design is involved in a design process for renovations to a dwelling that's on the adjacent lot this item relates to. He or his Firm have not been involved with or participated in any discussions regarding this matter.

As a result of this interest, he will leave the meeting while the item is considered and voted on.

## **PURPOSE OF MEETING**

**To consider the matters listed on the agenda.**

## **CONFIRMATION OF MINUTES OF PLANNING & ENVIRONMENT MEETING 08/02/23**

OLDS / COGHLAN

**That the Minutes of the Planning & Environment Meeting held on Wednesday, 8 February 2023 be confirmed.**

*carried unanimously*

**1. CAIRNS LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP) REVIEW.....3**

Hamish McIntosh | 8/26/41 | #7127335

COGHLAN / OLDS

That Council:

1. Resolves to not amend the current LGIP (as a consequence of the LGIP Review) and publish on its website this decision together with the Review Checklist and Appointed Reviewer Statement;
2. Writes to the Minister to commence discussions on a potential partnership for planning and delivery of the infrastructure necessary to support development of the SDA.

*carried unanimously*

**2. DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A MULTIPLE DWELLING – 7 & 8 IZATT CLOSE, EDGE HILL – DIVISION 7.....9**

D Thomas : 8/7/5396 : #7098353

OLDS / COGHLAN

I move that it is in the public interest that Cr O'Halloran participates and vote on this item on the condition/s that the rationale outlined in his declaration being:

- One of the landowners is my accountant. We do not share a close personal relationship.

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

*carried with Cr O'Halloran not participating in the vote*

## O'HALLORAN / EDEN

That Council approves the development application for a Development Permit for a Material Change of Use for a Multiple Dwelling over land described as 7 & 8 Izatt Close Edge Hill, located at Lot 21 & 22 on RP726354, subject to the following:

## Amendment to Design

#. The location of the 'Refuse Area' as detailed on the Approved Plans be relocated such that it is not located in an area which is directly adjacent to the habitable area of neighbouring properties.

A plan detailing the amendment must be provided to and endorsed by the Chief Executive Officer prior to the issue of any further Development Permit related to the development.

## A. MATERIAL CHANGE OF USE

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

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

Drawing or Document	Reference	Date
Ground Floor Plan	Project No. 2239 A01 Rev P4 Prepared by 8 Pencils	6 February 2023
First Floor Plan	Project No. 2239 A02 Rev P4 Prepared by 8 Pencils	6 February 2023
Second Floor Plan	Project No. 2239 A03 Rev P4 Prepared by 8 Pencils	6 February 2023
Third Floor Plan	Project No. 2239 A04 Rev P4 Prepared by 8 Pencils	6 February 2023
Elevations	Project No. 2239 A05 Rev P4 Prepared by 8 Pencils	6 February 2023
3D Views	Project No. 2239 A06 Rev P4 Prepared by 8 Pencils	6 February 2023
Unit Layouts	Project No. 2239 A07 Rev P4 Prepared by 8 Pencils	6 February 2023
Flood Storage – Pre Development	004-2104-01-SK-0005 Rev C	23 January 2023

	Prepared by 5KF	
Flood Storage – Post Development	004-2104-01-SK-0006 Rev C Prepared by 5KF	23 January 2023
Intersection – CHR(S)	004-2104-01-SK-0007 Rev B Prepared by 5KF	16 November 2022
Proposed Landscape Concept Plan	01 Issue G Prepared by LA3	February 2023
Proposed Communal Area	02 Issue G Prepared by LA3	February 2023
Perspective View of Communal Area	03 Issue G Prepared by LA3	February 2023
Existing Vegetation Plan	04 Issue G Prepared by LA3	February 2023
Plant Palette	05 Issue G Prepared by LA3	February 2023

### Assessment Manager Conditions

#### Lapse of Approval

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

#### Generally In Accordance

2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-

a. The specifications, facts and circumstances as set out in the application submitted to Council; and

b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval

#### Timing of Effect

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

#### Notice of Intention to Commence Use

4. Prior to Commencement of the Use on the site, written notice must be given to Council that the development fully complies with this Development Permit. Please return the attached “Notice of Intention to Commence Use” form when the use has commenced.

#### **Amalgamation of Lots**

5. Amalgamate Lots 21 & 22 on RP726354 into one (1) lot and register the Plan of Survey prior to Commencement of Use.

#### **Water Supply and Sewerage External**

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

The external works outlined above require approval from Council in accordance with an application for Operational Work. A plan of works must be endorsed by the Chief Executive Officer prior to the commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

#### **Water Supply and Sewerage Works Internal**

7. Undertake the following water supply and sewerage works internal to the subject site:
- a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
  - b. Provide a new 150mm property connection. Should any works be required to be undertaken in the adjoining property, the owner’s written permission must be obtained prior to commencement of any works;
  - c. Water supply and sub-metering must be designed and installed in accordance with the *Plumbing and Drainage Act 2018* and the *Water Supply (Safety and Reliability) Act 2008*. Smart meters are to align with Council’s Smart Meter Program;

- d. Any redundant sewer property connections and water connections must be decommissioned and removed; and
- e. Any fire booster assembly, cabinet and water meters are to be located within the property.

***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 maybe required.***

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

**A plan of works must be endorsed by the Chief Executive Officer prior to Commencement of Use.**

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

#### **External Works**

- 8. Undertake the following works external to the subject site:
  - a. Design and construct safe traffic treatments (CHR) external to the subject site at no cost to Council in accordance with the Intersection – CHR(S) 004-2104-01-SK-0007 Rev B, prepared by 5KF Pty Ltd, dated 16 November 2022, for the intersection of Greenslopes Street with Izatt Close.

**Where pavement works are required as a direct result of any widening required to facilitate the turn lanes, all works must be designed and constructed in accordance with the *FNQROC Development Manual*, certified by a Registered Professional Engineer of Queensland (RPEQ) and endorsed by the Chief Executive Officer, prior to the issue of a development permit for Operational Work;**

- b. Provide a minimum 2 metre wide footpath from the eastern side of the driveway up to Greenslopes Street in accordance with the *FNQROC Development Manual* Standard Drawing S1035;
- c. Remove any redundant crossovers and reinstate the kerb and channel along the frontage of the site. Any sections showing



ponding, significant cracking or the like shall be deemed as not fit for purpose and are to be replaced; and

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

Such works must be constructed in accordance with the *FNQROC Development Manual* and to the satisfaction of the Chief Executive Officer, prior to Commencement of Use.

### Internal Works

9. Undertake the following works internal to the subject site:

a. Provide a minimum of 38 car parking spaces inclusive of two (2) accessible spaces on the site.

All car parking spaces, driveways and manoeuvring areas are to be constructed in accordance with the approved plans, *FNQROC Development Manual* Standard Drawing S1110, *AS2890.1 Off-Street Car Parking*, and *AS2890.6 Off-Street Car Parking for People with Disabilities*, including parking bay dimensions, shared areas, aisle widths, ramps, speed control, and vehicle manoeuvring.

All car parking, driveway and vehicle manoeuvring areas must be imperviously sealed, drained and line marked; and

b. Provide a commercial access crossover, aprons and driveway in accordance with the location shown on the approved plans and the *FNQROC Development Manual* Standard Drawing S1015 including minimum sight distance and width requirements.

### Refuse Storage

10. The development must be designed to be serviced by private bulk bin collection for both waste and recycling. A roofed, imperviously sealed and bunded bulk bin enclosure must be provided in accordance with Council's requirements and waste contractor's requirements.

The bin enclosure must be constructed in accordance with the approved plans prior to Commencement of Use.

**Note: Brochures on these requirements – 'Requirements for Refuse Storage' are available from Cairns Infrastructure and Assets.**

## Electrical

11. **Underground electricity reticulation must be designed and provided to service the development in accordance with the requirements of Section D8.04 and D8.06 of the *FNQROC Development Manual*.**

**With particular reference to D8.04.7, all new consumer mains connections must be supplied from a pillar.**

12. **Any padmount transformer as required by the development must be installed on site and positioned in accordance with the following requirements:**
- a. **Not located on land for open space or communal areas;**
  - b. **Screened from view by landscaping sightscreens and/or fencing;**
  - c. **Accessible for maintenance in accordance with the relevant utility provider standards;**
  - d. **Must be located clear of footpaths; and**
  - e. **Must not be located over existing infrastructure or within the road reserve tenure.**

## Telecommunications

13. **The development must be connected to the telecommunications network in accordance with section D8.05 of the *FNQROC Development Manual*.**

## Drainage Design

14. **Design a stormwater drainage system (internal and external to the land) in accordance with section D4 of the *FNQROC Development Manual* to satisfactorily drain the subject land such that the upstream drainage is not adversely affected and that the downstream drainage system is capable of adequately catering for the discharge of the modified flow produced as a result of the development.**

**Detailed design drawings of all stormwater infrastructure required as a result of the development are to be provided to Council for endorsement.**

**Once approved, all work must be carried out in accordance with the approved plan(s).**

### **Flood Storage Capacity**

15. The development must maintain a minimum of 40% of the existing flood storage volume of the 1% AEP flood hazard event over the land at all times.

The development must be constructed in accordance with the approved plan(s) and maintain the balance of the flood storage area free from impedance at all times, including no further filling of the land unless approved by Council.

### **Flooding**

16. All finished floor levels of all habitable areas must be a minimum of 300mm above the 1% Annual Exceedance Probability (AEP) defined inundation event level.
17. Finished surface levels of car parking areas must be constructed equal to or greater than the 5% AEP defined inundation event level.

### **Stormwater**

18. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream, in accordance with the *Queensland Urban Drainage Manual, Fourth Edition (2016)*.

### **Ponding/Concentration of Stormwater**

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

### **Earthworks Construction**

20. All earthworks are to be generally in accordance with Flood Storage – Post Development Concept 004-2104-01-SK-0006 Rev C, prepared by 5KF Pty Ltd, dated 23 January 2023.

All earthworks must be constructed in accordance with *AS 3798: Guidelines on earthworks for commercial and residential developments*. At the completion of works, RPEQ Certification of the works and test results are required to be provided to Council.

### **Secure Storage**

21. Each dwelling must be provided with a secure storage area that:
- a. Has a minimum area of 2.5m<sup>2</sup> and height of 2 metres;

- b. Is weather proof;
- c. Has immunity to the 1% AEP defined inundation event level; and
- d. Includes a bicycle storage rack/device.

### Fencing

- 22. Fences and walls to the road frontage must ensure that they are not more than:
  - a. 1.2 metres in height if less than 50% transparent; or
  - b. 1.5 metres in height if greater than 50% transparency; and
  - c. Are articulated where the length exceeds 10 metres.
- 23. A minimum 1.8 metre high fence must be constructed to all side and rear boundaries. The fence must be wholly contained within the lot boundaries.

### Landscaping

- 24. Provide a Detailed Landscape Plan prepared by a suitably qualified Landscape Architect/Landscape Designer in accordance with the Landscape Concept Plan, prepared by LA3 dated November 2022, Issue D and a Tree Audit Plan to Council and the *FNQROC Development Manual*, demonstrating:
  - a. The location and species of all existing trees to be retained;
  - b. A planting schedule including species, quantity, container size;
  - c. Deep planting with a mixture of shade trees within the street front setback area, adjacent to the car parking area;
  - d. Deep planting within the building setback areas, included but not limited to trees or palms that can achieve heights of a minimum of 10 metres at maturity, supplied in a minimum container size of 300mm and at a planting density that will provide a screening buffer for patios on all levels above ground level to the rear and south eastern side boundaries;
  - e. Specifications for planting, mulching, permanent irrigation;
  - f. 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 and

**Street Tree Planting and Design Manual D9 Landscaping and the *FNQROC Development Manual*, Cairns Regional Council Specific Requirements;**

- h. Details and specifications for any disturbed areas such as weed eradication and grassing/turfing internally and externally in accordance with the *FNQROC Regional Development Landscaping Specifications* and the *FNQROC Development Manual*, Cairns Regional Council Specific Requirements; and**
- i. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the relevantly qualified person.**

**The Detailed Landscape Plan must be submitted and approved in conjunction with an application for Operational Work.**

#### **Tree Protection Zone**

**25. A Tree Protection Zone must be designed and established for trees to be retained as identified on the Existing Vegetation Plan, prepared by LA3, dated February 2023 – Issue G. The Tree Protection Zone at all times must:**

- a. Be in accordance with *AS4970 Protection of Trees on Development Sites*;**
- b. Be designed by a suitably qualified person;**
- c. Tree protection measures are installed and maintained in accordance with *AS4970 Protection of Trees on Development Sites* for the duration of the works; and**
- d. 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.**

#### **Vegetation Damage**

**26. All vegetation identified on the Existing Vegetation Plan, prepared by LA3, dated February 2023 – Issue G must be retained and details included within the Landscaping Plan pursuant to Condition 24.**

**27. Assessable vegetation clearing must not commence until a Development Permit for Operational Works has been obtained. The following documents should be submitted in conjunction with an application for Operational Works:**

- a. A Tree Audit Plan generally in accordance with the Existing Vegetation Plan, dated February 2023 – Issue G demonstrating the location and species of proposed trees to be removed and retained;
- b. Where construction works such as filling in the vicinity of any tree to be retained, the Tree Protection Zone and Structural Root Zone must be detailed on the plan;
- c. Methodology to ensure protection of trees to be retained in accordance with the Australian Standard *AS4970 Protection of trees on development sites* where works will encroach within the Tree Protection Zone; and
- d. A Detailed Landscape Plan in accordance with the proposed Landscape Concept Plan, prepared by LA3, dated November 2022, Issue D and pursuant to condition 24 Detailed Landscape Plan demonstrating the proposed site landscaping and street tree planting.

#### **Construction Management Plan**

28. A Construction Management Plan (CMP) prepared and submitted to Council.

The Construction Management Plan must address all activities/operations associated with the construction including:

- a. Hours of construction;
- b. Location(s) of construction access;
- c. Parking of vehicles (including 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. Tree protection management;
- 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.

The CMP must be endorsed by Council and made available to all onsite workers at all times. The CMP must be implemented at all times for the duration of approved work.

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

#### **Screening of Visually Obtrusive Components**

29. Position and screen the following components of the development, so that at no time they are visible from any road to which the site has frontage, adjoining premises or otherwise on display from any public thoroughfare or vantage point:
  - a. Air conditioning units;
  - b. Refuse storage areas; and
  - c. Plant and machinery units.
30. Plant and machinery units including air conditioners must not be situated on any outdoor living areas.

#### **Street Signage Incorporating Numbering**

31. Clear and legible signage incorporating the street number must be provided for the benefit of motorists. Signage and numbering must be installed on the premises prior to the Commencement of Use.

#### **Damage to Infrastructure**

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

#### **Sediment and Erosion Control**

33. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994* and *FNQROC Development Manual*).

## Acid Sulfate Soils

34. If any excavation is proposed that may result in disturbance of potential acid sulfate soils, an acid sulfate soils investigation must be undertaken prior to excavation.

*Note: Planning Scheme Policy – Acid Sulfate Soils provides guidance on preparing an acid sulfate soils investigation.*

## FURTHER ADVICE

### Definitions

1. All terms used in this development approval have those definitions as 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*.

To the extent of any inconsistency, the order of precedence of the above instruments is as follows:

- a. *Planning Act 2016 (Qld)*;
- b. *Planning Regulation 2017 (Qld)*;
- c. Queensland Development Code;
- d. CairnsPlan 2016.

### FNQROC Regional Development Manual

2. Access to the *FNQROC Regional Development Manual*, Local Laws, CairnsPlan 2016 and other referenced planning scheme policies are located on Council's website – [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

### Infrastructure Charges Notice

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

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

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



Notice and an Infrastructure Charges Notice separately.

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

#### **Cyclone Watch Site Management**

4. 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.

#### **Planning Laws**

5. For information relating to the Planning Act 2016 log on to <https://planning.dsdmip.qld.gov.au>. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

#### **Bushfire**

6. The Building Certifier is responsible for assessing whether the proposed development meets the relevant construction requirements in accordance with Australian Standard *AS3959-2009 Construction of buildings in bushfire-prone areas*.

#### **Future Compliance**

7. This approval does not negate the requirement for compliance of any future use with CairnsPlan 2016 or any future in force planning schemes, all other relevant Local Laws and other statutory requirements.

#### **Smart Water Meters**

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

#### **B. Infrastructure Charges Notice**

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

**LAND USE DEFINITIONS\***

In accordance with CairnsPlan 2016 the approved land use of Multiple Dwelling is defined as:

*“Means a residential use of premises involving 3 or more dwellings, whether attached or detached”.*

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

*carried unanimously*

**3. BROTHERS LEAGUES CLUB – 99-107 ANDERSON STREET, MANUNDA – DIVISION 7.....63**  
Hannah Dayes: 835 / 2022: 7121466

O’HALLORAN / PYNE

That Council refuses the application for an Advertising Device (Digital Sign and Wall Sign) over land described as Lot 23 SP252356, located at 99-107 Anderson Street, Manunda for the following reasons:

1. The advertising device does not comply with the Department of Transport and Main Roads Roadside Advertising Manual.
2. The advertising device is considered to confuse or distract pedestrians, motorists and cyclists in proximity to the Anderson Street and English Street intersections which is a high volume traffic environment.
3. The advertising device has a negative impact on a Local Government controlled road (English Street).
4. The location of the advertising device is considered to endanger the health and safety of persons by impacting a person’s view of the traffic environment and detracting from traffic control devices.
5. The area of the advertising device is more than double the maximum area stated for a Digital device within Local Law No. 4.

*carried unanimously*

**4. CONTRACT 55321 - TOILET FACILITIES RENEWAL PROGRAM  
2022/23 – PC23227 & PC23229.....91**  
Andrew Baxter | 50/1/7-01 | #7132610

ZEIGER / VALLELY

That Council:

1. Awards Contract 55321 – Toilet Facilities Renewal Program 2022/23 to Bama Projects Pty Ltd for the amount of \$1,286,581 excluding GST.
2. Approves the Project Launch Approvals for PC23227 and PC23229 with a combined Project Launch Budget of \$1,643,381 and an Approved End Date of 31 October 2023.
3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to this project, subject to Council's normal procurement policies and practices.

*carried unanimously*

**5. COMMUNITY PARTNERSHIPS GRANT ROUND 6 .....101**  
Vania Bau | 63/18/1 | #7107453

ZEIGER / VALLELY

That Council:

1. Approves \$153,413 (ex GST) funding from the 2022/2023 Community Partnerships Grant to the following applicants:
  - a. All In Line Events Inc. for Stars in the Tropics to the value of \$7,400 (ex GST).
  - b. Australian Arakanese Association Cairns Inc. for the Arakanese New Year Water Festival up to the value of \$15,000 (ex GST).
  - c. Bats and Trees Society of Cairns Inc. for the Cairns Bat Festival to the value of \$4,000 (ex GST).
  - d. Cairns Multicultural Committee for the CARMA Youth Empowerment 'Cairns Youth Got Talent' up to the value of \$17,000 (ex GST).

- e. Cairns Municipal Band Incorporated Association for WinterFest to the value of \$5,000 (ex GST).
  - f. Cairns Pirates Touch Football Assoc Inc. for the 10–12 years Schools State Touch Football Carnival up to the value of \$1,643 (ex GST).
  - g. Deadly Inspiring Youth Doing Good (DIYDG) Aboriginal & Torres Strait Islander Corporation for the Cairns NAIDOC 'Friday in the Park' 2023 up to the value of \$8,700 (ex GST).
  - h. Fiji Community Association Far North Queensland for the Cairns Bula 7's Rugby Tournament to the value of \$10,000 (ex GST).
  - i. FNQ Thai Community Inc. for the FNQ Thai Cultural Loy Kra Thong Festival 2023 up to the value of \$15,000 (ex GST).
  - j. Freshwater Tennis Club for the Freshwater Festival to the value of \$6,000 (ex GST).
  - k. Gordonvale District Chamber of Commerce Inc. for the Gordonvale Sugar Solstice Country Fair to the value of \$6,000 (ex GST).
  - l. Lions Club of Cairns Marlin Coast for FNQ Dogs Day Out to the value of \$11,000 (ex GST).
  - m. Lions Club of Cairns Marlin Coast for Festival of the Beaches to the value of \$6,000 (ex GST).
  - n. Marlin Coast Rangers Football Club Inc. for the QRSS 10-12 years Girls and Boys Football State Championships 2023 to the value of \$12,000 (ex GST).
  - o. Peninsula School Sport for the All Abilities Sports Day for Students with Disabilities up to the value of \$2,100 (ex GST).
  - p. Playgroup Queensland Ltd for Messy Play Matters 2023 up to the value of \$2,100 (ex GST).
  - q. Redlynch Valley Community Group Inc. for the Redlynch Community Twilight Markets 2023 to the value of \$11,270 (ex GST).
  - r. Rovers Cricket Club Cairns Inc. for the Rovers Cricket Club NAIDOC Week Carnival to the value of \$5,000 (ex GST).
  - s. The Dr Edward Koch Foundation Ltd for the All of Us Festival – Celebrating Qld Mental Health Week up to the value of \$8,200 (ex GST).
2. Approves \$16,900 (ex GST) funding from the 2023/2024 Community Partnerships Grant to the Cancer Council Queensland for Far North Queensland Relay for Life 2023 to the value of \$16,900 (ex GST).

- 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 funding agreements.

*carried unanimously*

There is/are 2 items in closed session. These items relate to a legal and contractual matter.

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

### CLOSED SESSION

OLDS / O'HALLORAN

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

- 1. LEGAL MATTER – UPDATE PLANNING & ENVIRONMENT APPEAL – MAHASIDE PTY LTD V CAIRNS REGIONAL COUNCIL - P&E COURT APPEAL NO. 19 OF 2022 – 3L HICKLING ACCESS, GORDONVALE – DIVISION 1 .....3**

Hamish McIntosh | 8/19/16 | 7133828

- 2. CONTRACTUAL MATTER - PROPOSED SALE, ACCESS EASEMENT AND ENCROACHMENT OVER PART OF COUNCIL FREEHOLD LAND BEING LOT 90 ON RP749316, AND PART OF COUNCIL RESERVE LAND BEING LOT 6 ON RP749301, REDLYNCH - DIVISION 6.....8**

Kelly Stankovich | 55/2/3 | #7140103

*carried unanimously*

Cr James left the meeting while item 2 was discussed and Cr Manning assumed the chair at 9.43

Cr James returned at 9.46 and resumed the chair

**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 MATTER – UPDATE PLANNING & ENVIRONMENT APPEAL – MAHASIDE PTY LTD V CAIRNS REGIONAL COUNCIL - P&E COURT APPEAL NO. 19 OF 2022 – 3L HICKLING ACCESS, GORDONVALE – DIVISION 1 .....3**  
Hamish McIntosh | 8/19/16 | 7133828

OLDS / COGHLAN

That Council:

1. Notes the current status of the appeal proceeding; and
2. Delegates authority, pursuant to the Local Government Act 2009, to the Chief Executive Officer for all other matters in relation to the carriage of Planning and Environment Court Appeal No. 19 of 2022.

*carried unanimously*

**2. CONTRACTUAL MATTER - PROPOSED SALE, ACCESS EASEMENT AND ENCROACHMENT OVER PART OF COUNCIL FREEHOLD LAND BEING LOT 90 ON RP749316, AND PART OF COUNCIL RESERVE LAND BEING LOT 6 ON RP749301, REDLYNCH - DIVISON 6.....8**

Kelly Stankovich | 55/2/3 | #7140103

Cr James left the meeting at 9.47 am and Cr Manning assumed the chair

VALLELY / OLDS

That Council:

1. Supports an access easement over part of Council’s freehold land being Lot 90 on RP749316 to the adjoining freehold landowner of Lot 2 on SP134297;
2. Does not support the sale of either the whole of, or part of Council freehold land being Lot 90 on RP749316 or Council reserve land being Lot 6 on RP749301;
3. Provides the adjoining landowner 12 months’ notice to cease use of the carport encroaching on Council reserve land being Lot 6 on RP749301; and
4. Delegates authority to the Chief Executive Officer in accordance with the provisions of the *Local Government Act 2009* to finalise all matters relating to the proposed access easement.

*carried unanimously*

Cr James returned at 9.49 and resumed the chair

**THE MEETING CLOSED AT 9.49 AM**

**CONFIRMED THIS 10<sup>th</sup> DAY OF MAY 2023**



.....  
**CHAIR**



.....  
**CHIEF EXECUTIVE OFFICER**