



## ORDINARY MEETING

**8 NOVEMBER 2023**

**9 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

APOLOGY: Cr B Manning

OFFICERS:

C Posgate	Acting Chief Executive Officer
W Connors	Acting 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
J Ritchie	Acting Director Finance & Business Services
G Everson	Associate Director Service Delivery
A Patterson	Executive Manager Licensing and Compliance
C Kellam-Stock	Coordinator Local Laws
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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85/1/4   #7225911	

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## **APOLOGY**

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

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

There were no conflict of interests or material personal interests declared.

## **PURPOSE OF MEETING**

To consider the matters listed on the agenda.

## **CONFIRMATION OF MINUTES OF ORDINARY MEETING 25/10/2023**

O'HALLORAN / OLDS

That the Minutes of the Ordinary Meeting held on Wednesday, 25 October 2023 be confirmed.

*carried unanimously*

## **1. LOCAL LAW AMENDMENTS ..... 34** **71/3/1 | #7260203**

MOLLER / PYNE

That Council:

1. Notes the outcomes from the State Interest Check and Public Consultation period;
2. Notes that the Anti-Competitive Provisions Review (“ACP Review”) was undertaken and that the Amending Local Laws contain anti-competitive provisions as outlined within the ACP Review, contained in Attachment 1;
3. Resolves, pursuant to section 29(2) of the *Local Government Act 2009* (“the Act”), to adopt each of the following local laws and subordinate local laws (“*Amending Local Laws*”), contained in Attachment 2, with a commencement date of 1 July 2024:
  - a. *Amending Local Law No. 1 (Administration) 2023*;
  - b. *Amending Local Law No. 2 (Animal Management) 2023*;
  - c. *Amending Subordinate Local Law No. 2 (Animal Management) 2023*;

- d. *Amending Local Law No. 3 (Community & Environment) 2023;*
  - e. *Amending Subordinate Local Law No. 3 (Community & Environment) 2023;*
  - f. *Amending Local Law No. 5 (Temporary Homes and Camping) 2023;*
  - g. *Amending Local Law No. 6 (Camping Grounds, Caravan Parks and Share Facilities Accommodation) 2023;*
  - h. *Amending Local Law No. 7 (Human Remains and Cemeteries) 2023;*
  - i. *Amending Local Law No. 8 (Swimming Pools) 2023;*
  - j. *Amending Local Law No. 9 (Temporary Entertainment Events) 2023;*
  - k. *Amending Local Law No. 10 (Cane Railways) 2023;*
  - l. *Amending Local Law No. 11 (Local Government Controlled Areas and Roads) 2023;*
  - m. *Amending Subordinate Local Law No. 11 (Local Government Controlled Areas and Roads) 2023;*
  - n. *Amending Local Law No. 12 (Parking) 2023;*
  - o. *Amending Subordinate Local Law No. 12 (Parking) 2023; and*
  - p. *Amending Local Law No. 14 (Town Water) 2023;*
4. Resolves, pursuant to section 29(2) of the Act, to adopt the new *Local Law No. 15 (Waste Management) 2023 (“the New Local Law”)*, contained in Attachment 2, with a commencement date of 1 July 2024;
  5. Resolves to adopt the consolidated versions of each of the Amending Local Laws, contained in Attachment 3; and
  6. Delegates power to the Chief Executive Officer pursuant to section 257 of the Act, to:
    - a. Take all necessary steps to publish the Amending Local Laws and the New Local Law in accordance with section 29B of the Act;
    - b. Provide copies of the consolidated versions of the Amending Local Laws to the Minister in accordance with section 32 of the Act; and
    - c. Update Council’s local laws register in accordance with section 32(4) of the Act.

*carried unanimously*

**2. TENURE ARRANGEMENT – RENEWAL OF FREEHOLD LEASE FOR SUGAR CANE PRODUCTION OVER PART OF LOT 19 ON RP887338 & LOT 22 ON SP302211 POLLARD ROAD BABINDA - DIV 1 ... 729 19/28/153 | #7273994**

MOLLER / O’HALLORAN

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) for the purpose of renewing the lease of land to the existing tenant over Council freehold land described as lot 22 on SP302211 and part of lot 19 on RP887338, Pollard Road Babinda;
2. Approves to make a freehold lease renewal offer to Luke Calcagno for a term of 3 years for sugar cane production purposes under the same terms and conditions; 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 freehold lease arrangements.

*carried unanimously*

**3. TENURE ARRANGEMENTS FOR EARLVILLE TENNIS CLUB INC. OVER LOT 1 ON RP731489 AND WOREE TENNIS CLUB INC. OVER LOT 636 ON SP331531 – DIVISIONS 3 AND 4 ..... 734**  
 19/28/76 | #7272839

ZEIGER / OLDS

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 freehold lease and trustee permit offers to be made over lot 1 on RP731489 being 534 Mulgrave Road, Earlville and lot 636 on SP331531 being 81-97 Windarra Street, Woree;
2. Approves to make a freehold lease offer, with amended and increased lease area, to Earlville Tennis Club Inc. subject to:
  - a. Surrender of the existing freehold lease to Earlville Tennis Club Inc.; and
  - b. Change of name to The Henley Street Tennis Club Inc.;
3. Approves to make a trustee permit offer to Woree Tennis Club Inc.; and
4. 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 arrangements.

*carried unanimously*

**4. INFRASTRUCTURE AGREEMENT FOR THE DEFERRED PAYMENT OF LEVIED CHARGES BETWEEN CAIRNS REGIONAL COUNCIL AND GOLDSBOROUGH VALLEY PROPERTIES PTY LTD FOR RECONFIGURING A LOT (3 LOTS INTO 95 LOTS AND OPEN SPACE) AT FAIRWEATHER ACCESS, GOLDSBOROUGH – DIVISION 1..... 743**  
8/13/2221 | #7291729

MOLLER / COGHLAN

That Council:

1. Enters into an Infrastructure Agreement with Goldsborough Valley Properties Pty Ltd to allow for the Deferred Payment of Levied Charges of all stages of the development where:
  - a. The Plan of Subdivision of the respective stage is endorsed within the Deferred Payment of Levied Charges Policy Period, being 7 June 2027; and
  - b. The deferral period is entirely within the Deferred Payment of Levied Charges Policy Period, being 7 June 2027; 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 contained within Attachment 1, including consequential and minor amendments as agreed by the parties.

*carried unanimously*

**5. TRUSTEE LEASE OVER PART OF LOT 11 ON C198325 AND PART OF LOT 711 ON SP315908, ESPLANADE, CAIRNS CITY BEING COUNCIL RESERVE FOR COMMERCIAL PURPOSES - DIVISION 5 ..... 883**  
19/28/4 | #7222064

EDEN / ZEIGER

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) for the purpose of renewing the lease of land to the existing tenant over part of lot 11 on C198325 and part of lot 711 on SP315908, Esplanade, Cairns City;

- 2. Approves to make a trustee lease renewal offer to Alvinleigh Pty Ltd trading as Muddy’s Café, 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 trustee lease offer.

*carried unanimously*

**6. CONTRACT 2906 – PROVISION OF BULK FUELS AND FUEL CARD SERVICES ..... 894**  
**63/1/387 | #7277577**

VALLELY / O’HALLORAN

That Council:

- 1. Awards Contract 2906 – Provision of Bulk Fuels and Fuel Card Services to Marano Enterprises (Miallo) Pty Ltd, commencing on 18 December 2023 for a term of two years with two extension options of up to two years each, exercised solely at the Principal’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*

**7. APPLICATION FOR BLACK SPOT FUNDING 2024-2025 – KENNY STREET AND DUTTON STREET INTERSECTION SAFETY IMPROVEMENT..... 899**  
**85/1/4 | #7225911**

EDEN / ZEIGER

That Council:

- 1. Endorses the project submission for \$101,563 (excl GST) of Federal Government funding under the 2024/25 Black Spot program for safety improvements at the Kenny Street and Dutton Street intersection.

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*

**THE MEETING CLOSED AT 9.43 AM**

**CONFIRMED THIS 22<sup>ND</sup> DAY OF NOVEMBER 2023**



.....  
**CHAIR**



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