PRESENT: Cr B Manning (Chairperson)
Cr R Bates
Cr L Cooper
Cr T James
Cr B Moller
Cr B Olds
Cr M O'Halloran
Cr J Schilling
Cr C Zeiger

APOLOGY: Cr J Richardson

OFFICERS:

J Andrejic Chief Executive Officer
B Gardiner General Manager Infrastructure Services
C Posgate General Manager Human Resources and Organisational Change
K Reaston General Manager Planning & Environment
M Wuth General Manager Water & Waste
L Kirchner General Manager Community, Sport & Cultural Services
L Whitton Chief Financial Officer
N Masasso Executive Project Officer
R Holmes Manager Marketing & Communications
P Rogato Media Coordinator
M Walkden Account Manager
A Turnbull Executive Manager Mayor’s Office
P Boyd Manager Strategic Planning and Approvals
G Boyd Manager Regulatory Services
B Spencer Manager Community Development
S Godkin Minute Secretary
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APOLOGY

Council notes the apology of Councillor Cr Richardson and grants leave of absence.

CONFLICT OF INTEREST / MATERIAL PERSONAL INTEREST

1. Cr Moller declared that that those Councillors elected as members of the Unity Team comprising Councillors Manning, Schilling, James, Bates, O’Halloran, Richardson and himself have a conflict of interest (as defined by section 175D of the Local Government Act 2009) in the following items:

   a) Item 8 Open session – Traffic Signal Installation – Robert Road / Bicentennial Road PCT15017 – due to a donation to the Unity Team from R. Lillywhite the amount of $1000 on 18/04/2012 and $1000 on 17/02/2016. Mr Lillywhite is on the AFL Cairns Board. AFL Cairns are a stakeholder impacted by this item.

   b) Item 11 Open session Negotiated Decision Request – Development Permit for Reconfiguring a lot (1 lot into 5 lots and access easement) – 5 Duffy Street Freshwater – Division 6 – due to a donation to the Unity Team from Brazier Motti the amount of $500 on 10/02/2016. Brazier Motti are a consultant acting on this matter.

   c) Item 7 Closed session – Contractual Matter – Expression of Interest – Recreational Activities, Fitzroy Island Beach Hut – Division 1 due to a donation to the Unity Team from D. Gamble the amount of $7500 on 07/03/2016 and from M. Skipworth the amount of $2750 on 03/04/2012 and $1500 on 29/02/2016. D. Gamble is owner of Fitzroy Island Resort. M. Skipworth is Partner at Preston Law who have acted in this matter.

   d) Item 9 Closed session – Contractual Matter – Preferred Supplier arrangements 2687 – Provision of C170 and C320 Bitumen Works due to a donation to the Unity Team from D&M Moule in the amount of $1000 on 11/01/2016 and FGF Developments, $1000 on 27/03/2012 and an in-kind donation valued at $400 on 30/03/2012. D. Moule is Director of FGF Developments. FGF Developments are a supplier listed in the contractual matter that this item relates to.

   e) Item 10 Closed session – Contractual Matter – Martyn Street Netball Courts Roof PC18051 Contract 55283 due to a donation to the Unity Team from John Schilling the amount of $5265 15/03/2016 and $8000 on 30/03/2012. Cr John Schilling is a shareholder of The Schilling Group who have submitted a tender for the contractual matter the item relates to and L Linder, the amount of $200 on 5/4/2012. Laurie Linder Constructions have also submitted a tender for the contractual matter this item relates to.

He has determined that these personal interests are not of sufficient significance that it will lead him to making a decision on these matters that is contrary to the public interest.
Cr Manning informed the meeting that he may have the same conflicts of interest as those described by Cr Moller. He has also determined that these personal interests are not of sufficient significance that they might lead to making decisions on these matters that are contrary to the public interest.

Cr Schilling informed the meeting that he may have the same conflicts of interest as those described by Cr Moller. He has also determined that these personal interests are not of sufficient significance that they might lead to making decisions on these matters that are contrary to the public interest.

Cr James informed the meeting that he may have the same conflicts of interest as those described by Cr Moller. He has also determined that these personal interests are not of sufficient significance that they might lead to making decisions on these matters that are contrary to the public interest.

Cr Bates informed the meeting that he may have the same conflicts of interest as those described by Cr Moller. He has also determined that these personal interests are not of sufficient significance that they might lead to making decisions on these matters that are contrary to the public interest.

Cr O’Halloran informed the meeting that he may have the same conflicts of interest as those described by Cr Moller. He has also determined that these personal interests are not of sufficient significance that they might lead to making decisions on these matters that are contrary to the public interest.

2. Cr Olds declared he has a material personal interest (as defined by section 175C of the *Local Government Act 2009*) in Item 7 in Open session – Chief Financial Officer’s Strategic Monthly Report due to his wife’s employment with Council on a casual basis as part of the Green Space Our Space volunteer program, as at 30 April of this year. She will be impacted by any changes to our EBA which is a matter to be discussed in this item. He will be dealing with this interest by excluding himself from the meeting while this matter is discussed and voted on.

and

Cr Olds declared he has a conflict of interest (as defined by section 175D of the *Local Government Act 2009*) in Item 12, Closed Session – Contractual Matter – Go Clubs Infrastructure Grants. Ellis Beach Surf Lifesaving Club are listed as an applicant for the grant this item relates to. He was formerly the President and is currently serving on a committee for the club. He has determined that this personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest.

He will best perform his responsibility of serving the overall public interest of the whole of the Council’s area by participating in the discussion and voting on this matter.

However, he acknowledged that the remaining councillors must now determine, pursuant to section 175E(4) of the *Local Government Act 2009*: -

(a) Whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
(b) If so, whether:
   
a. He must leave the meeting while this matter is discussed or voted on; or
   
b. He may participate in the meeting in relation to the matter, including by voting
      on the matter.

3. Cr Schilling declared he has a material personal interest (as defined by section 175C of
the Local Government Act 2009) in Item 10 in Closed session – Contractual Matter –
Martyn Street Netball Courts Roof PC18051 Contract 55283 due to a donation to the
Unity Team from John Schilling in the amount of $5265 15/03/2016 and $8000 on
30/03/2012. His son’s company, The Schilling Group, are a tenderer on this contractual
matter. He is a shareholder of The Schilling Group. He will be dealing with this interest
be excluding himself from the meeting while this matter is discussed and voted on.

4. Cr Bates declared that he may have a conflict of interest (as defined by section 175D
of the Local Government Act 2009) in Item 7, Open session – Chief Executive
Officers Strategic Monthly Report due to campaign donations from unions whose
members will be impacted by the EBA negotiations that the CEO Report is to report
on. Namely $1,000 from the Australian Workers Union on the 23 February 2016
and $2,000 from the Transport Workers Union on 26 February 2016 and $2,000 in
2012. He dealt with this declared conflict of interest by leaving the meeting while
this component of the report was discussed and voted on.

Additionally, Cr Bates informed the meeting that he may have conflict of interest (as
defined by section 175D of the Local Government Act 2009) in Item 5 – Closed
Session – Prejudicial Matter Advertising Devices Policy Review - Amendments to
Local Laws and Cairns Plan 2016 Planning Scheme as a former member of the Unity
Team that received campaign donations from the Harris Family and Union Jack
Hotel in 2012 ($2,000) and 2016 ($3,000) and also Darren Halpin who is recognised
as playing a role in fundraising for the Unity Team in 2016. The Jack Hotel currently
operates digital signage on an expired permit seeking renewal and Halpin Partners
have a pending application for Digital Signage. Item 5 in Closed Session has the
potential to directly benefit such applications through its outcomes of amendments
to Local Laws and the Cairnsplan and as such he will remove himself from the
Meeting while the matter is debated and voted on.

5. Cr Cooper declared a conflict of interest (as defined by section 175D of the Local
Government Act 2009) in Item 4, Closed Session – Contractual Matter – Griffith Park
Strategic Plan – Freehold Lease to Cairns Regional Council and Sublease to Cairns
Cricket Association – Lot 10 on SP106986, Gatton Street, Manunda – Division 7
due to a donation from Williams Graham Carman the amount of $900 on
23/05/2012. Williams Graham Carman have prepared legal documents relating to
this matter; and

Item 9, Closed Session – Contractual Matter – Preferred Supplier arrangements
2687 – Provision of C170 and C320 Bitumen Works due to a donation from Jacqshar
Pty Ltd, the amount of $900 on 12/03/2012. Murray Moule is director of Jacqshar.
Murray Moule is also Director of FGF Developments. FGF Developments are a
supplier listed in the contractual matter that this item relates to.
She determined that this personal interest is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest.

She will best perform her responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, she acknowledged that the remaining councillors must now determine, pursuant to section 175E(4) of the Local Government Act 2009:

(a) Whether she has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
(b) If so, whether:
   a. She must leave the meeting while this matter is discussed or voted on; or
   b. She may participate in the meeting in relation to the matter, including by voting on the matter.

6. Cr O'Halloran declared a conflict of interest (as defined by section 175D of the Local Government Act 2009) in Item 8, Open Session – Traffic Signal Installation – Robert Road / Bicentennial Road PCT15017 due to my status as Life Member with Cairns AFL. Cairns AFL are a stakeholder impacted by this matter.

He determined that this personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest.

He will best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, he acknowledge that the remaining councillors must now determine, pursuant to section 175E(4) of the Local Government Act 2009:

(a) Whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
(b) If so, whether:
   a. He must leave the meeting while this matter is discussed or voted on; or
   b. He may participate in the meeting in relation to the matter, including by voting on the matter.

7. Cr Manning declared a conflict of interest (as defined by section 175D of the Local Government Act 2009) in Item 12 Closed session – Contractual Matter – Go Clubs Infrastructure Grants due to my status as Vice Patron of Surf Life Saving Queensland. Two surf clubs that fall under the umbrella of this peak body are applicants to the grant that this item relates to.
He has determined that this personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest.

He will best perform his responsibility of serving the overall public interest of the whole of the Council’s area by participating in the discussion and voting on this matter.

However, he acknowledged that the remaining councillors must now determine, pursuant to section 175E(4) of the Local Government Act 2009: -

(a) Whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
(b) If so, whether: -
   a. He must leave the meeting while this matter is discussed or voted on; or
   b. He may participate in the meeting in relation to the matter, including by voting on the matter.

MOLLER / SCHILLING

In accordance with section 175E(6) 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:

1. Item 8 Open session – Traffic Signal Installation – Robert Road / Bicentennial Road PCT15017
2. Item 11 Open session Negotiated Decision Request – Development Permit for Reconfiguring a lot (1 lot into 5 lots and access easement) – 5 Duffy Street Freshwater – Division 6
3. Item 7 Closed session – Contractual Matter – Expression of Interest – Recreational Activities, Fitzoy Island Beach Hut – Division 1
4. Item 9 Closed session – Contractual Matter – Preferred Supplier arrangements 2687 – Provision of C170 and C320 Bitumen Works
5. Item 10 Closed session – Contractual Matter – Martyn Street Netball Courts Roof PC18051 Contract 55283

carried with Councillors Olds, Cooper, Bates and Zeiger voting against the motion (vote 5/4)

PURPOSE OF MEETING

To consider the matters listed on the agenda.
CONFIRMATION OF MINUTES OF ORDINARY MEETING 8/5/19

OLDS / SCHILLING

That the Minutes of the Ordinary Meeting held on Wednesday, 8 May 2019 be confirmed.

carried unanimously

1. FEES AND CHARGES

MOLLER / SCHILLING

That Council:

1. Adopts the 2019/20 Fees and Charges Schedule, effective from 1 July 2019 by:
   a. Fixing the cost-recovery fees as indicated in the 2019/20 Fees and Charges Schedule in accordance with section 97(1) of the Local Government Act 2009.
   b. Fixing all other fees and charges contained in the 2019/20 Fees and Charges Schedule.

2. Delegates authority to the Chief Executive Officer to set or vary any fee or charge, other than those that are cost-recovery fees, in accordance with section 257(1)(b) of the Local Government Act 2009.

   carried unanimously

2. FINANCIAL STATEMENTS FOR THE PERIOD ENDED 26 APRIL 2019

MOLLER / O’HALLORAN

That Council notes the financial statements for the period ended 26 April 2019.

   carried unanimously
3. **APPOINTMENT OF INDEPENDENT DIRECTOR TO CAIRNS ART GALLERY**

John Andrejic | 1/3/37-50 | #6071962

COOPER / SCHILLING

That Council approves the appointment of Andrew Hayes to the Board of the Cairns Art Gallery and formally recognises Bob Simkin for his service to the Gallery.

*carried unanimously*

4. **CAIRNS CITY CENTRE REVITALISATION PROJECT REVIEW**

Kelly Reaston | 57/7/1-02 | #6069230v1

COOPER / SCHILLING

That Council endorses the proposed City Centre Initiatives and continues to work with the Cairns Chamber of Commerce and City Centre traders to enhance and promote our City Centre to ensure its continued success.

*carried unanimously*

5. **WEEKEND PARKING IN THE CAIRNS CBD**

G Boyd | 83/4/2-01 | #6044593

JAMES / SCHILLING

That Council amends the on-street 7-day parking regulation in the Cairns CBD to 8:30am until 2pm paid on Saturday and Free on Sunday.

*carried unanimously*

Cr Cooper left the meeting 10:01 am
Cr Cooper returned 10:02 a.m.

6. **2018 STATE OF ENVIRONMENT REPORT**

M O'Loughlin | 8/24/18-01 | #6008518

MOLLER / OLDS


*carried unanimously*
7. **CHIEF EXECUTIVE OFFICER’S STRATEGIC MONTHLY REPORT...** 82
John Andrejic | 1/3/37 | #5967128V5

Cr Bates and Cr Olds left the meeting 10:06 am

MOLLER / ZEIGER

That Council notes the component of the Chief Executive Officer’s Strategic Monthly Report related to Council’s Enterprise Bargaining Agreement.

*carried unanimously*

Cr Bates and Cr Olds returned 10:08 a.m

MOLLER / SCHILLING

That Council notes the Chief Executive Officer’s Strategic Monthly Report excluding components related to Council’s Enterprise Bargaining Agreement.

*carried unanimously*

8. **TRAFFIC SIGNAL INSTALLATION - ROBERT ROAD / BICENTENNIAL ROAD PCT15017..........................................................** 92
Wayne Daglish | 1/3/81 | #6022856

Under section 175E(6) 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 of the *Local Government Act 2009*.

**OFFICERS RECOMMENDATION:**

It is recommended that Council:

1. Approves the construction of Traffic Signal Installation – Robert Road Bicentennial Road project with an overall Project Launch Budget of $3,641,288 excluding GST and an approved end date of 25 February 2020.

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 including land acquisition, subject to Council’s normal procurement policies and practices.
9. **IN KIND USE OF BARLOW PARK BY PENINSULA SCHOOL SPORT99**

Katrina McGlynn | 19/9/25-05 | #6062599

ZEIGER / O’HALLORAN

That Council:

1. Supports the delivery of the Queensland School Sport 13-19 Years Athletics Championship through In Kind Assistance for the venue hire of Barlow Park;

2. Enters into a Resource and Performance Agreement with Peninsula School Sport to detail the measures the organisation must meet in order to receive the grant; and

3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate and finalise any and all matters relating to the arrangement.

*carried unanimously*

10. **CAIRNS PERFORMING ARTS CENTRE CONSTRUCTION STEERING COMMITTEE (CPACCSC) MEETING MINUTES – 8 MAY 2019**

Sam Cottrell | 1/3/21 | #6070659

SCHILLING / OLDS

That Council notes the agreements and actions of the Cairns Performing Arts Centre Construction Steering Committee (CPACCSC) of 8 May 2019

*carried unanimously*

11. **NEGOTIATED DECISION REQUEST – DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 5 LOTS AND ACCESS EASEMENT) – 5 DUFFY STREET FRESHWATER – DIVISION 6**

C Mariot | 8/13/1572 | #6053392

Under section 175E(6) 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 of the *Local Government Act 2009*.

OFFICERS RECOMMENDATION:

It is recommended that Council approves in part a Negotiated Decision Request in accordance with section 76 of the Planning Act 2016 for Reconfiguring a Lot (1 into 5 Lots and Access Easement) over land described as Lot 1 RP707237 (Council Reference: 8/13/1572/#6022703) subject to the following:
1. That the Approved Plans and Documents Table is amended follows,

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<th>Reference</th>
<th>Date</th>
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<tr>
<td>Proposed Reconfiguration Lots 1-5 &amp; Easements Cancelling Lot 1 RP707237</td>
<td>34300/004 Revision B, prepared by Brazier Motti</td>
<td>24 July 2018</td>
</tr>
<tr>
<td>Proposed Building Envelope Plan Lots 1-5 &amp; Access Easement, Cancelling Lot 1 RP707237</td>
<td>34300/005 Revision D, prepared by Brazier Motti</td>
<td>17 January 2019</td>
</tr>
<tr>
<td>Proposed Building Envelope Plan Lots 1-5 &amp; Access Easement, Cancelling Lot 1 RP707237</td>
<td>34300/005 Revision F, prepared by Brazier Motti</td>
<td>27 March 2019</td>
</tr>
<tr>
<td>Proposed Building Envelope Plan</td>
<td>34300/006 Revision A, prepared by Brazier Motti</td>
<td>26 February 2019</td>
</tr>
<tr>
<td>Driveway Longitudinal &amp; Cross Sections</td>
<td>180021 SK1 Rev P1, prepared by Rodgers Consulting Engineers</td>
<td>4 April 2018</td>
</tr>
<tr>
<td>Geotechnical Investigation</td>
<td>Report No. GT18-467-001R Revision 1, prepared by ETS Geotechnical</td>
<td>December 2018</td>
</tr>
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2. That Condition 5 relating to Building Envelope Plan is amended as follows,

Building Envelope Plan

5. The applicant/owner must submit an amended Building Envelope Plan incorporating the following notations:

a. Remove the proposed building envelope for Lot 1, 2 & 3;

b. The location of bin pads as required by Condition 11. A notation must be included that identifies each lot has been provided with a dedicated hardstand area for use on collection days for storage of general waste and recycling bins; and

c. Include a notation that identifies each lot that Lots 4 & 5 must accommodate on-site carparking structured in a way that enables vehicles to enter and exit in a forward direction.

The revised plan must be submitted to and endorsed by the Chief Executive Officer prior to the issue of the first Development Permit for Operational Work.

The boundary of building envelopes must be delineated on-site with marker pegs. Each Building Envelope must be pegged prior to Council approval of the Plan of Survey.
The Applicant / Owner must acknowledge in writing that all potential purchasers will be advised of the approved building envelope and the requirement to comply with the building envelopes as nominated on the approved plans.

3. That Condition 8, 9, 10 and 11 relating to Access to Lots is amended as follows:

Access to Lots

8. Construct a concrete driveway (or other approved surface) extending from the back of the kerb for the full length of the access handle of Lot 1-5 as shown on the approved plans of development. Construction of the concrete driveway must be carried out generally in accordance with FNQROC Development Manual Standard Drawing S1110E (as attached) or as approved as part of a Development Permit for Operational Works. All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to Council approval of the Plan of Survey.

9. Create a reciprocal access and services easement to all lots Lots 2 to 5 as identified on the approved plans of development, to the requirements and satisfaction of the Chief Executive Officer. The approved easement documents must be submitted at the same time as seeking approval for the Plan of Survey and must be lodged and registered with the Department of Natural Resources, Mines and Energy (DNRME) in conjunction with the Plan of Survey.

10. Access to Lots 1-5 is restricted to the reciprocal access and services easement from Duffy Street only. Access to Lot 1 can be provided via a driveway from Duffy Street.

Note: A rates notation will be attached to all lots to this effect.

11. Undertake the following works external to the land at no cost to Council:

   a. Provide a shared residential concrete crossover(s) and apron(s) (or other approved surface) with a maximum width of 6m from Duffy Street to the access handle and Lot 1 generally in accordance with the FNQROC Development Manual Standard Drawing S1015D (as attached). The crossover aprons must not encroach onto the adjoining property boundary;

   b. Repair any damage to existing kerb and channel 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; and

   c. Provide hardstand areas for ten (10) refuse bins associated with Lots 1-5 in a location easily accessible and serviced by a standard
refuse collection vehicle. The hardstand area is to be a concrete stencilled pattern, or as otherwise agreed to by Council in order to clearly delineate the area.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual and submitted as part of the Development Permit for Operational Work. All works must be carried out prior to Council approval of the Plan of Survey.

Note: Infrastructure works required by this condition are considered to be non-trunk infrastructure for the purposes of Section 145 of the Planning Act 2016.

4. That Condition 13 regarding the Geotechnical Report is amended as follows:

Geotechnical Report

13. All construction works associated with the development, specifically in relation to Lots 4 & 5 must be in accordance with the facts and findings of the Geotechnical Investigation Report, Report No. GT18-467-001 Revision 1, prepared by ETS Geotechnical.

5. That Rates Notation 3 & 4 relating to Access Restriction and Carparking is deleted, as follows,

Access Restriction — Lot 1

3. Access to this lot is restricted to the reciprocal access and services easement from Duffy Street only.

Carparking — All Lots

4. Any future Dwelling House on Lots 4 & 5 must accommodate vehicle turning movements to enable residents to enter and exit the lot in a forward direction at all times.

6. That all other Conditions, Advice Notes and Rates Notations remain unchanged and are renumbered accordingly.
GENERAL BUSINESS

1. PETITION TO EXTEND FOOTPATH FROM ST THERESE’S PRIMARY SCHOOL ALONG ROBERT ROAD

BATES / SCHILLING

That the petition (6070637 & 6070108) (203 Petitioners) requesting Council extend the footpath from St Therese’s Primary School south along Robert Road (Timberlea Drive end), be received and referred to officers for consideration in future capital works programs.

carried unanimously

2. APPOINTMENT OF CR JAMES AS ACTING MAYOR 3 JUNE 2019 TO 7 JULY 2019

SCHILLING / OLDS

That Council notes and approves the absence of the Mayor for the period Monday, 3 June 2019 to Sunday, 7 July 2019 and appoints Cr James as Acting Mayor during this period in accordance with Section 165 of the Local Government Act 2009.

carried unanimously

VOTING ON CONFLICT OF INTERESTS FOR CLOSED SESSION ITEMS

MOLLER / JAMES

That Councillors note the conflict of interest declaration of Cr Manning in Item 12 Contractual Matter – Go Clubs Infrastructure Grants and resolve that this represents a perceived conflict of interest in this matter and Cr Manning is able to participate in discussion and vote on this matter.

carried unanimously with Councillors Manning and Olds not participating in the vote.
That Councillors note the conflict of interest declaration of Cr Olds in Item 12 Contractual Matter – Go Clubs Infrastructure Grants and resolve that this represents a perceived conflict of interest in this matter and Cr Olds is able to participate in discussion and vote on this matter.

carried unanimously with Councillors Manning and Olds not participating in the vote.

That Councillors note the conflict of interest declaration of Cr Cooper in Item 4 Closed Session – Contractual Matter – Griffith Park Strategic Plan – Freehold Lease to Cairns Regional Council and Sublease to Cairns Cricket Association – Lot 10 on SP106986, Gatton Street, Manunda – Division 7 and resolve that this represents a perceived conflict of interest in this matter and Cr Cooper is able to participate in discussion and vote on this matter.

carried unanimously with Councillor Cooper not participating in the vote.

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

1. **BUDGETARY MATTER – OUTSTANDING DEBT REPORT................. 4**
   Steve Crampton | 17/25/2-13 | #6051631

2. **CONTRACTUAL MATTER – PROJECT LAUNCH APPROVAL – PCS 20101 - CONTRACT 75564 – SOUTHERN WASTEWATER TREATMENT PLANT AND NORTHERN WASTEWATER TREATMENT PLANT - REPLACEMENT OF MEMBRANES ........................................ 21**
   SK: S Page | 63/6/70 | #6072050

3. **PREJUDICIAL MATTER – ACQUISITION FOR A PUBLIC PURPOSE, PART OF LOT 701 ON SP276825, SECLUSION DRIVE, PALM COVE – DIVISION 9................................................................. 29**
   C Dean | 55/1/3- | #6010798
4. CONTRACTUAL MATTER – GRIFFITH PARK STRATEGIC PLAN – FREEHOLD LEASE TO CAIRNS REGIONAL COUNCIL AND SUBLEASE TO CAIRNS CRICKET ASSOCIATION – LOT 10 ON SP106986, GATTON STREET, MANUNDA – DIVISION 7 .................................................... 35
C Dean | 55/2/3-03 | #5968620v7

5. PREJUDICIAL MATTER - ADVERTISING DEVICES POLICY REVIEW: AMENDMENTS TO LOCAL LAWS AND CAIRNSPLAN 2016 PLANNING SCHEME ................................................................. 45
Sarah Cook & Lauren Stiles | 8/26/46 | #6057900

6. PREJUDICIAL MATTER – RESPONSE TO QUEENSLAND AUDIT OFFICE - CONSUMER FOOD SAFETY ......................................................... 63
Lisa Dendle | 71/5/2-01 | #6067426v1

7. CONTRACTUAL MATTER – EXPRESSION OF INTEREST – RECREATIONAL ACTIVITIES, FITZROY ISLAND BEACH HUT – DIVISION 1 ........................................................................................................... 67
C Dean | 55/2/3-03 | #5972506

8. CONTRACTUAL MATTER – EXPRESSION OF INTEREST – SEEKING OPTIONS FOR EVALUATION OF MARKET DEMAND IN THE USE OF LOT 10 RP 889748, 20-30 HARTLEY STREET, CAIRNS CITY (OLD POST OFFICE SITE) AS A COMMERCIALY OPERATED CARPARK89
A Moore | 83/4/2-01 | #6073203

9. CONTRACTUAL MATTER – PREFERRED SUPPLIER ARRANGEMENT 2687 – PROVISION OF C170 AND C320 BITUMEN WORKS ............ 94
Neil Singleton | 63/1/192* | #6058366

10. CONTRACTUAL MATTER – MARTYN STREET NETBALL COURTS ROOF PC18051 CONTRACT 55283 ......................................................... 101
Andrew Baxter | 63/1/197 | #6052952

11. CONTRACTUAL MATTER – TENDER CONSIDERATION PLAN FOR LINKS DRIVE DOG POUND PV17221 ............................................. 118
Andrew Baxter | 50/1/7 | #6060910

12. CONTRACTUAL MATTER - GO CLUBS INFRASTRUCTURE GRANTS ........................................................................................................... 126
Timothy Mackrill | 10/2/2-01 | #6063496-v2
13. CONTRACTUAL MATTER - BELGRAVIA HEALTH AND LEISURE GROUP PTY LTD OPERATIONAL SUBSIDY FOR TOBRUK MEMORIAL POOL ........................................................................................................ 133
   K Richardson | 19/3/4-09 | #6056600

14. PREJUDICIAL MATTER – HAMBLEDON HOUSE COMMUNITY CENTRE MANAGEMENT REVIEW .......................................................................................... 141
   Kristy Nicolaou | 79/4/4-01 | #5982648

15. CONTRACTUAL MATTER – ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION INC REQUEST TO TRANSFER TRUSTEE LEASE OVER THE CAIRNS INTERNATIONAL TENNIS CENTRE .. 147
   K Richardson | 10/2/1-40 | #6061200

carried unanimously

Cr Zeiger left the meeting 10:23 am.
John Andrejic left the meeting 10:23 a.m.

Cr Zeiger returned 10:24 am

Cr Bates left the meeting while item 5 Closed Session was discussed 10:30 am
Cr Bates returned 10:36 a.m.

Cr Olds left the meeting 10:39 a.m.
Cr Olds returned 10:40 a.m.

OUT OF CLOSED SESSION

COUNCIL RESOLVED TO MOVE OUT OF CLOSED SESSION

OLDS / SCHILLING

carried unanimously
RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. BUDGETARY MATTER – OUTSTANDING DEBT REPORT.................. 4
   Steve Crampton | 17/25/2-13 | #6051631

MOLLER / SCHILLING

That Council notes the status of the outstanding debt owed to Council as of 26 April 2019.

carried unanimously

2. CONTRACTUAL MATTER – PROJECT LAUNCH APPROVAL –
   PCS 20101 - CONTRACT 75564 – SOUTHERN WASTEWATER
   TREATMENT PLANT AND NORTHERN WASTEWATER TREATMENT
   PLANT - REPLACEMENT OF MEMBRANES .............................. 21
   SK: S Page | 63/6/70 | #6072050

SCHILLING / ZEIGER

That Council:

1. Awards Contract 75564 – Northern Wastewater Treatment Plant and Southern
   Wastewater Treatment Plant - replacement of membranes, to SUEZ Pty Ltd for
   the total lump sum of $1,699,800 excluding GST;

2. Approves the Project Launch Approval for project PCS20101 as listed in the
   report with a Project Launch Budget (PLB) of $2,019,835 and an Approved End
   Date (AED) of 19 September 2019; and

3. Delegates authority to the CEO in accordance with the Local Government Act
   to finalise and negotiate any and all matters relating to this contract and
   project subject to normal procurement practices and policies.

 carried unanimously
3. **PREJUDICIAL MATTER – ACQUISITION FOR A PUBLIC PURPOSE, PART OF LOT 701 ON SP276825, SECLUSION DRIVE, PALM COVE – DIVISION 9**

C Dean | 55/1/3- | #6010798

OLDS / SCHILLING

That Council delegates authority to the Chief Executive Officer under the provisions of the *Local Government Act 2009* to finalise all matters associated with acquiring the subject area needed for Council’s operational use in accordance with Council’s ‘General Policy for Acquisition of Land’.

*carried unanimously*

4. **CONTRACTUAL MATTER – GRIFFITH PARK STRATEGIC PLAN – FREEHOLD LEASE TO CAIRNS REGIONAL COUNCIL AND SUBLEASE TO CAIRNS CRICKET ASSOCIATION – LOT 10 ON SP106986, GATTON STREET, MANUNDA – DIVISION 7**

C Dean | 55/2/3-03 | #5968620v7

O’HALLORAN / MOLLER

That Council:

1. Accepts the offer from Griffith Park Cricket Holdings Limited for a long term freehold lease over lot 10 on SP106986 subject to the terms and conditions noted within this report;

2. Registers a caveat by consent over lot 10 on SP106986 in favour of Council requiring Council approval and consent for any future borrowings, mortgages and dealings;

3. Makes an offer of a sublease to Cairns Cricket Association over the same area (lot 10 on SP106986) subject to the terms and conditions noted within this report;

4. Provides a loan guarantee to a maximum of $81,000 for Cairns Cricket Association Inc. over a defined term (not greater than 12 years) subject to the following conditions:
   a. Council satisfying itself that there is an adequate level of expert financial supervision of Cairns Cricket Association Inc. affairs;
   b. provision by Cairns Cricket Association Inc. of an annual budget and cash flow forecasts (by the last day of the financial year for the following financial year);
   c. provision of audited, unqualified, annual financial statements to Council within six months of the financial year end;
d. Cairns Cricket Association Inc. gain Council’s consent before entering into any further debt arrangements or significant financial arrangements during the term of this loan;

e. Cairns Cricket Association Inc. reduces Council’s loan guarantee exposure with the bank over the life of the loan, in line with principal repayments made;

f. Cairns Cricket Association Inc. to notify Council of any change in the management of the entity within one month of appointment to receive Council’s support and to outline updated forecasts; and

5. 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 lease offers.

*carried unanimously*

5. **PREJUDICIAL MATTER - ADVERTISING DEVICES POLICY REVIEW: AMENDMENTS TO LOCAL LAWS AND CAIRNSPLAN 2016 PLANNING SCHEME ................................................................. 45**

Sarah Cook & Lauren Stiles | 8/26/46 | #6057900

Cr Bates left the meeting 10:56 a.m.

**MOLLER / SCHILLING**

That Council:

1. Provides the proposed amendment to CairnsPlan 2016 Planning Scheme to the Minister for the Department of State Development, Manufacturing, Infrastructure and Planning for consideration as a Qualified State Interest Amendment in accordance with the *Minister’s Guidelines and Rules* under the *Planning Act 2016*;

2. Proposes to amend Local Law No. 1 (Administration) 2016 and make the proposed Local Law No. 4 (Advertising devices) 2019;

3. Consults with relevant government entities about the overall State interest in the proposed Local laws;

4. Makes a copy of proposed Local Law No. 4 (Advertising devices) 2019 available on Council’s website; and
5. Delegates authority to the Chief Executive Officer pursuant to the Local Government Act 2009 to finalise any and all matters associated with the preparation of the amendment packages to CairnsPlan 2016 Planning Scheme and to Council’s Local Laws for the purposes of state interest review.

*carried unanimously*

Cr Bates returned 10:56 a.m.

6. **PREJUDICIAL MATTER – RESPONSE TO QUEENSLAND AUDIT OFFICE - CONSUMER FOOD SAFETY** ............................... 63

   Lisa Dendle | 71/5/2-01 | #6067426v1

MOLLER / OLDS

That Council endorses the formal response to the Queensland Audit Office with respect to the Managing Consumer Food Safety Audit Report.

*carried unanimously*

7. **CONTRACTUAL MATTER – EXPRESSION OF INTEREST – RECREATIONAL ACTIVITIES, FITZROY ISLAND BEACH HUT – DIVISION 1** ............................... 67

   C Dean | 55/2/3-03 | #5972506

Under section 175E(6) 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 of the *Local Government Act 2009*.

OFFICERS RECOMMENDATION:

It is recommended that Council:

1. invites expressions of interest (EOI) for the operation of recreational activities from the beach hut located on the esplanade at Fitzroy Island; and

2. delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to invite selective tenderers, negotiate and finalise all matters associated with or in relation to this EOI subject to Council’s policies and procurement practices.
8. **CONTRACTUAL MATTER – EXPRESSION OF INTEREST – SEEKING OPTIONS FOR EVALUATION OF MARKET DEMAND IN THE USE OF LOT 10 RP 889748, 20-30 HARTLEY STREET, CAIRNS CITY (OLD POST OFFICE SITE) AS A COMMERCIALY OPERATED CARPARK**

A Moore | 83/4/2-01 | #6073203

SCHILLING / MOLLER

That Council:

1. Invites Expressions of Interest (EOI) to evaluate market demand and proposed operating arrangements from car parking operators to manage Lot 10 RP889748, 20-30 Hartley Street, Cairns as a commercially operated carpark; and

2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to invite selective tenders, negotiate, finalise and execute any and all matters associated with or in relation to this EOI subject to Council’s normal procurement practices and policies.

*carried unanimously*


Neil Singleton | 63/1/192* | #6058366

Under section 175E(6) 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 of the *Local Government Act 2009*.

OFFICERS RECOMMENDATION:

It is recommended that Council:

1. Awards Preferred Supplier Arrangement (PSA) 2687 – Provision of C170 and C320 Bitumen Works to FGF Bitumen Pty Ltd as first preference, Pioneer North Queensland Pty Ltd as second preference and Boral Asphalt as third preference, for a period of two years commencing 1 July 2019, with one further extension option of up to 12 months 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 contractual arrangement, subject to Council’s normal procurement policies and practices.
10. CONTRACTUAL MATTER – MARTYN STREET NETBALL COURTS
ROOF PC18051 CONTRACT 55283 ................................................................. 101
Andrew Baxter | 63/1/197 | #6052952

Under section 175E(6) 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 of the Local Government Act 2009.

OFFICERS RECOMMENDATION:

It is recommended that Council:

1. Approves the construction of the Martyn Street Netball Courts Roof Structure project with an overall Project Launch Budget of $2,237,984 excluding GST and an Approved End Date of 30 December 2019.

2. Awards Contract 55283 for the Construction of the Martyn Street Netball Courts Roof to Field Construct for the amount of $1,743,162.79 excluding GST;

3. Delegate authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to negotiate and finalise any and all matters associated with the awarding of the Contract.

11. CONTRACTUAL MATTER – TENDER CONSIDERATION PLAN FOR LINKS DRIVE DOG POUND PV17221 ................................................................. 118
Andrew Baxter | 50/1/7 | #6060910

COOPER / ZEIGER

That Council:

1. Resolves to adopt the tender consideration plan for Links Drive Dog Pound; and

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
12. **CONTRACTUAL MATTER - GO CLUBS INFRASTRUCTURE GRANTS**

Timothy Mackrill | 10/2/2-01 | #6063496-v2

COOPER / ZEIGER

That Council:

1. Approves the funding recommendations for Go Clubs Infrastructure Grants totalling a value of $40,000;

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*

13. **CONTRACTUAL MATTER - BELGRAVIA HEALTH AND LEISURE GROUP PTY LTD OPERATIONAL SUBSIDY FOR TOBRUK MEMORIAL POOL**

K Richardson | 19/3/4-09 | #6056600

O’HALLORAN / SCHILLING

That Council:

1. Approves payment of an annual operational subsidy to Belgravia Health and Leisure Group Pty Ltd for the operation of the Tobruk Memorial Pool for the remainder of the current trustee lease term, in accordance with the payment schedule contained within this report and with any amendments to the trustee lease being at no cost to Council;

2. Notes the fees and charges for 2019/20 and the proposed opening hours; and

3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any required amendments to the trustee lease.

*carried unanimously*
14. PREJUDICIAL MATTER – HAMBLEDON HOUSE COMMUNITY CENTRE MANAGEMENT REVIEW

SCHILLING / JAMES

That Council:

1. Proceeds with the recommendations of the Hambledon House Community Centre Management Review to notify the State Government’s respective departments and Mission Australia of its intention to relinquish the existing service (funding) agreements for all funding streams applicable to Hambledon House Community Centre effective from 1 February 2020;

2. Enters into a lease for the whole of lot 4 on RP704065, known as Hambledon House Community Centre with the Queensland Government for a term to be determined after further negotiations;

3. In-principle agrees to approve a sub-lease for the whole of lot 4 on RP704065 to the (future) recipient of the State’s funding streams currently applied to Council’s operation of Hambledon House Community Centre;

4. Notes that a Change Management Plan has been prepared to support legislative requirements pertaining to staff matters; and

5. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate and finalise any matters relating to the service (funding) agreements, staff contractual matters and future tenure of Hambledon House Community Centre.

carried with Councillor Bates voting against the motion.

15. CONTRACTUAL MATTER – ROYAL QUEENSLAND LAWN TENNIS ASSOCIATION INC REQUEST TO TRANSFER TRUSTEE LEASE OVER THE CAIRNS INTERNATIONAL TENNIS CENTRE

SCHILLING / O’HALLORAN

That Council:

1. Approves the transfer of trustee lease dealing number 713923329 over the Cairns International Tennis Centre, expiring 10 September 2021 to Edge Hill Tennis Club Incorporated subject to:
2. Notes that officers are taking legal advice as to the most appropriate means of facilitating the intent of (1) above which may result in a legal means other than a formal transfer whilst ensuring the tenure arrangements and related financial obligations minimise any legal or financial risk to Council and the community.

3. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters in relation to the trustee lease.

carried unanimously

THE MEETING CLOSED AT 10:58 AM

CONFIRMED THIS 12th DAY OF JUNE 2019

A/MAYOR

CHIEF EXECUTIVE OFFICER