CAIRNS REGIONAL COUNCIL

PLANNING & ENVIRONMENT COMMITTEE

8 AUGUST 2018

COMMENCING AT 9:00 A.M.

PRESENT:    Cr B Manning
            Cr R Bates
            Cr L Cooper
            Cr T James
            Cr B Moller
            Cr B Olds
            Cr M O’Halloran
            Cr J Richardson
            Cr J Schilling
            Cr C Zeiger

OFFICERS:

J Andrejic    Chief Executive Officer
K Reaston     General Manager Planning & Environment
B Gardiner    General Manager Infrastructure Services
M Wuth        A/General Manager Water & Waste
L Kirchner    General Manager Community, Sport & Cultural Services
L Whitton     Chief Financial Officer
P Boyd        Manager Strategic Planning and Approvals
G Boyd        Manager Development & Regulatory Services
N Masasso     Executive Project Officer
A Turnbull    Executive Manager Mayor’s Office
R Holmes      Manager Marketing &Communications
S Cook        Senior Strategic Planner
L Stiles      Senior Strategic Planner
L Guy         Media Coordinator
S Shearer     Minute Secretary
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APOLOGY

No apologies were noted.

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) due to:

   a. In Item 3 Open Session - Development Permit – Reconfiguring A Lot (2 Lots into 5 Lots & Access Easement) (Code) – 82 & 84 Redlynch Intake Road, Redlynch – Division 6 due to a donation to the Unity Team from:

      i. Brazier Motti the amount of $500 on 10/02/2016;

      ii. Brazier Motti are the applicant in this matter;

   b. In Item 1 Closed session - Prejudicial Matter – Resource And Performance Agreement 2018-2021 Citizens Of The Great Barrier Reef Foundation Limited due to a donation to the Unity Team from:

      i. Cam Charlton who purchased a table of tickets for a Unity Team luncheon on 03/04/2012 at a cost of $1500 in total;

      ii. Cam Charlton is on the board of Citizens of the Great Barrier Reef, the organisation 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.

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 Manning left meeting at 9.03 am and returned at 9.04 am

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.

Cr Richardson informed the meeting that she may have the same conflicts of interest as those described by Cr Moller. She 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 Bates informed the meeting that he has a conflict of interest (as defined by section 175D of the Local Government Act 2009) in Item 4 – Open Session - Advertising Devices Policy Review, 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 4 – Open Session - Advertising Devices Policy Review has the potential to directly benefit such applications through its outcomes of proposed amendments to Local Laws and the Cairnsplan and as such he removed himself from the Meeting while the matter is debated and voted on.

SCHILLING / MANNING

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:

• Item 3 in Open Session - Development Permit – Reconfiguring A Lot (2 Lots into 5 Lots & Access Easement) (Code) – 82 & 84 Redlynch Intake Road, Redlynch – Division 6; and

carried unanimously
PURPOSE OF MEETING

To consider the matters listed on the agenda.

1. CAIRNS RECREATIONAL FISHING STRATEGY 2018-2022.................................3
   A. Finocchiaro | 1/8/4 | #5821801

ZEIGER / MOLLER

That Council:

1. Adopts the Cairns Recreational Fishing Strategy 2018-2022 as amended; and

2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters associated with the strategy implementation.

 carried unanimously

2. PROPERTY MATTERS RESOLVED UNDER DELEGATIONS – JANUARY TO JUNE 2018............................................................................................................39
   SM | 55/2/4 | #5820716

MOLLER / SCHILLING

That Council notes the property matters considered under delegation in the six months from 1 January 2018 until 30 June 2018.

 carried unanimously
3. DEVELOPMENT PERMIT – RECONFIGURING A LOT (2 LOTS INTO 5 LOTS & ACCESS EASEMENT) (CODE) – 82 & 84 REDLYNCH INTAKE ROAD, REDLYNCH – DIVISION 6.................................................................................... 43

Courtney Mariot | 8/13/2141 | #5823195

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.

OFFICER RECOMMENDATION:

It is recommended:

A. That Council approves the development application for Reconfiguring a Lot (2 Lots into 5 Lots & Access Easement) located at 82 & 84 Redlynch Intake Road, Redlynch over land described as Lot 14 SP274779 and Lot 15 SP274779, subject to the following:

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

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

<table>
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<th>Drawing or Document</th>
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<tr>
<td>Proposed Reconfiguration Lots 1-5 Cancelling Lot 14 &amp; 15 on SP 274779</td>
<td>Plan No. 34397/001A</td>
<td>3 April 2018</td>
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Assessment Manager Conditions

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 85 of the Planning Act 2016.

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;

   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 Council approval of the Plan of Survey, except where specified otherwise in these conditions of approval.

Building Envelope Plan

4. The Applicant shall submit a lot based Building Envelope Plan for each lot, generally in accordance with the ‘Site Plan for Proposed Development Lot 14 & 15 Redlynch Intake Road SP274779 Redlynch’ and showing the following information:

a. The areas of each building envelope in which a Class 1 or a Class 10 building or structure will be located (including any proposed setbacks or site coverage);

b. Any future dwelling house located on the proposed Lots are required to accommodate vehicle parking and on site manoeuvring area to allow vehicles to enter and exit the lot in a forward direction in accordance with the relevant Australian Standards;

c. A notation on the building envelope plan which identifies access to the site is restricted to left in/left out only; and

d. The bin hardstand area required as part of Condition 6(b).

The lot based Building Envelope Plan must be submitted to and endorsed by Council prior to Council approval of the Plan of Survey.

NB: A Rates Notation to the above effect will be placed on the Rates File for the new lots.

Water Supply and Sewerage Works Internal

5. Undertake the following water supply and sewerage works internal to the subject land:

a. Provide a single internal sewer connection to each lot in accordance with FNQROC Development Manual;

b. The house drain for Lot 2, 3 and 4 must be extended to the building platform/envelope;

c. Provide a private sewerage easement in Lots 2, 3 and 4;

d. Service conduits are to be installed next to the access driveway for the future water supply service to Lots 2, 3 and 4; and
e. Existing water connections and internal plumbing must be contained within the lot it serves. If not then the connection and internal plumbing must be relocated to within the lot serviced.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual. All works must be carried out in accordance with the plans as modified by the conditions of approval, to the requirements and satisfaction of the Chief Executive Officer prior to Council approval of the Plan of Survey.

External Works

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

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

b. Provide a hardstand area within the Redlynch Intake road reserve for 10 wheelie bins associated with Lots 1 to 5 inclusive in a location easily accessible and serviced by a standard refuse collection vehicle. The hardstand area is to be a concrete stencilled pattern in order to clearly delineate the area. The hardstand area must be constructed prior to Council approval of the Plan of Survey.

NB: A notation will be added to the future rates file for the lots advising that the hardstand is to be used for bin storage on collection days.

The works required by this condition must be completed to the requirements and satisfaction of the Chief Executive Officer 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 purpose of Section 145 of the Planning Act 2016.

Access to Lots

7. Construct a concrete driveway or other approved impervious surface along the length of the access driveway servicing the development as identified on the approved plans of development. Construction of the concrete driveway shall be carried out in accordance with the FNQROC Development Manual Standard Drawing No S1110 Revision E (See Appendix). 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.
8. Create reciprocal access easements in accordance with the approved plans of development to provide vehicle access, on-site manoeuvring and visitor carparking to all lots, 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 Environment and Resource Management in conjunction with the Plan of Survey.

Lawful Point of Discharge

9. All stormwater from the property and newly created allotments must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

Ponding and/or Concentration of Stormwater

10. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Service Conduits

11. Provide service conduits (water, power, telecommunications) with associated access pits extending from the front boundary to the end of the access driveway as shown on the approved plan of development. 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.

Existing Services

12. Written confirmation of the location of existing services (water, electricity and telecommunications) for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:

   a. Relocate the services to comply with this requirement; or

   b. Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of the plan sealing application.

Electricity and Telecommunications

13. All new lots are to be provided with an underground electricity supply and telecommunication service.
14. Written evidence of negotiations (e.g certificate of supply) with Ergon Energy and the telecommunication authority for Lots 1-5 must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the new allotment prior to Council approval of the Plan of Survey.

15. Where the electrical load of the development necessitates a supply upgrade by Ergon Energy, provision must be made for a padmount type transformer on the site. A pole mount transformer would only be acceptable where the existing network does not require an upgrade in order to service the development. Where a padmount transformer is required, the installation shall be such that it does not detract from the appearance of the streetscape and must be clear of footpath areas.

FURTHER ADVICE

1. 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.

2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

3. Where any future Dwelling House exceeds the site coverage within the relevant zone code, if within Places of Significance Overlay or does not comply with carparking spaces provisions may require a development application for Material Change of Use (Dwelling House).

Infrastructure Charges Notice

4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the 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 Planning Approvals 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.

RATES NOTIFICATION

That the following Rates Notation be placed on the rates file for the following Lots 1-5:

1. There is a dedicated hardstand area on Redlynch Intake Road for the placement of refuse and recycling bins on collection day which is required to be used. Bins are not to be placed in other areas of the verge.

Building Envelope

2. Proposed Lots 1-5 contain a building envelope which demonstrates a Dwelling House can be contained on the allotment. Any future dwelling house located on the proposed Lots are required to accommodate vehicle parking and on site manoeuvring area to allow vehicles to enter and exit the lot in a forward direction.

B. That Council issues an Early Concurrence Agency Response in accordance with Section 57 of the Planning Act 2016 located at 82 & 84 Redlynch Intake Road, Redlynch over land described as Lot 14 SP274779 and Lot 15 SP274779, subject to the following:

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

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

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<tr>
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<td>HDZ, Sheet 1 of 9, Issue P (Council Ref: #5734039)</td>
<td>Received (23/04/2018)</td>
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1. The proposed siting layout request generally appears to satisfy the performance criteria stated in MP 1.1 – Design and Siting Standard for Single Detached House – On Lots under 450m² of the Queensland Development Code.
The following encroachments are approved:

a. The siting of the Dwelling House 1 to be setback 0.925m to the outermost projection of the side (west) boundary;

b. The siting of Dwelling House 2 to be setback 0.925m to the outermost projection of the side (east) boundary;

c. The siting of the Dwelling House 3 to be setback 0.9m to the outermost projection of the side (east) boundary;

d. The siting of the Dwelling House 4 to be setback 0.9m to the outermost projection of the side (east) boundary & built to boundary side boundary (west); and

e. The siting of the Dwelling House 5 to be built boundary to the side (west) boundary.

Cr Bates left the meeting at 9.14 am returned 9.28 am

4. ADVERTISING DEVICES POLICY REVIEW........................................................ 71
   Kelly Reaston | 8/26/46 | #5827234

SCHILLING / MOLLER

That Council:

1. Endorses the policy direction for digital signage set out in Attachment A for the purposes of commencing and preparing amendments to the CairnsPlan 2016 planning scheme and Council’s Local Laws;

2. Decides to amend the CairnsPlan 2016 planning scheme in accordance with the Minister’s Guidelines and Rules under the Planning Act 2016;

3. Decides to make or amend any relevant Planning Scheme policies in accordance with the Minister’s Guidelines and Rules under the Planning Act 2016;

4. Proposes to amend Local Law No. 1 (Administration) 2016 and Subordinate Local Law No. 4 (Advertising Devices) 2016, in accordance with the Local Government Act 2009 and Council’s Local Law making process;
5. Prepares an amendment to the CairnsPlan 2016 planning scheme in relation to advertising devices and to reflect the policy direction for digital signage set out in Attachment A;

6. Prepares any new or amended planning scheme policies in relation to advertising devices and to reflect the policy direction for digital signage set out in Attachment A;

7. Prepares an amendment to Local Law No. 1 (Administration) 2016 and Subordinate Local Law No. 4 (Advertising Devices) 2016 in relation to advertising devices and to reflect the policy direction for digital signage set out in Attachment A;

8. Notes that a further report will be required to progress the amendments to the Local Laws and CairnsPlan 2016;

9. 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 for Council's CairnsPlan 2016 Planning Scheme and Local Laws.

carried with Cr Olds and Cr Cooper voting against the motion

GENERAL BUSINESS

1. POTENTIAL CAIRNS SOUTH SDA

MANNING / MOLLER

That Council writes to the Honourable Cameron Dick MP, the Minister for State Development, Manufacturing, Infrastructure and Planning:

1. Expressing its concerns that Council's offers dated 25 August 2017, 17 October 2017, and 15 March 2018 to have its independent experts present their findings to the Minister have not yet been accepted by the State;

2. Reiterating its support for an SDA over the land surrounding Mulgrave Central Mill to enable the expansion and diversification of Mill activities;

3. Reiterating that it does not support the potential Cairns SDA at its currently proposed location for the following reasons:
   - The State assumptions regarding industrial land demand and supply are inaccurate and misleading and the current planning scheme provides for adequately zoned land;
• The purpose of the proposed SDA remains unclear and has changed throughout the review period. The focus appears to be an intermodal freight hub and heavy industry however, the particular purpose has not been clarified;
• There are more suitable sites within the Cairns and Far North Queensland Region to declare an SDA;
• The proposal is likely to compete with private business and currently zoned industrial land;
• This SDA will increase the impacts of loss of Good Quality Agricultural Land;
• There has been no consideration of the infrastructure required to service this site; and
• There has been limited consultation on this project which is inconsistent with the planning scheme and regional plan and will result in an industrial area immediately adjacent the proposed Mt Peter residential growth corridor; and

4. Reiterating its position that an SDA is better located in a suitably zoned and serviced location.

carried with Cr Bates voting against the motion

CLOSED SESSION

1. PREJUDICIAL MATTER – RESOURCE AND PERFORMANCE AGREEMENT 2018-2021 CITIZENS OF THE GREAT BARRIER REEF FOUNDATION LIMITED

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.

OFFICER RECOMMENDATION:

It is recommended that Council:

1. Enters into a Resource and Performance Agreement from 1 July 2018 to 30 June 2021 with the Citizens of the Great Barrier Reef Foundation Limited with funding of $50,000 (ex GST) per annum and incorporating the recommendations outlined in this report; and
2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters associated with the Resource and Performance Agreement.

THE MEETING CLOSED AT 9.40 AM

CONFIRMED THIS 22ND DAY OF AUGUST 2018

............................................. .............................................
MAYOR CHIEF EXECUTIVE OFFICER