ORDINARY MEETING

27 NOVEMBER 2019

9:00 A.M.

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

APOLOGY:  Cr B Manning
          Cr B Moller

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
P Boyd  Manager Strategic Planning and Approvals
B Spencer  Manager Community Development
T Dendle  Coordinator Leisure Services
S Godkin  Minute Secretary
# TABLE OF CONTENTS

APOLOGY .............................................................................................................................. 5  
CONFLICT OF INTEREST / MATERIAL PERSONAL INTEREST........................................ 5  
PURPOSE OF MEETING....................................................................................................... 10  
CONFIRMATION OF MINUTES OF ORDINARY MEETING 13/11/19 ............................ 10  
CONFIRMATION OF MINUTES OF STANDING COMMITTEE A 13/11/19................. 10  
CONFIRMATION OF MINUTES OF STANDING COMMITTEE B 13/11/19................. 10  
CONFIRMATION OF MINUTES OF STANDING COMMITTEE C 13/11/19................. 11  
CONFIRMATION OF MINUTES OF STANDING COMMITTEE D 13/11/19............... 11  

AGENDA ITEMS AS LISTED

1. CHIEF EXECUTIVE OFFICER’S UPDATE................................................................. 11  
   John Andrejic | 93/1/2 | #5967128v13

2. APPOINTMENT OF INDEPENDENT DIRECTOR TO CAIRNS ART GALLERY 11  
   John Andrejic | 93/1/2-01 | #6231837

3. LOCAL LAW APPLICATION FOR THE DISPLAY OF ADVERTISING DEVICES –  
   532 MULGRAVE ROAD EARLVILLE – DIVISION 4.................................................. 12  
   T Schmidt : 71/1/5  {6214357}

4. COMBINED APPLICATION FOR PRELIMINARY APPROVAL FOR A MATERIAL  
   CHANGE OF USE INCLUDING VARIATION REQUEST TO OVERRIDE THE  
   PLANNING SCHEME FOR USE RIGHTS ASSOCIATED WITH THE LOW  
   DENSITY RESIDENTIAL ZONE & DEVELOPMENT PERMIT FOR  
   RECONFIGURING A LOT (3 LOTS INTO 65 LOTS, NEW ROAD AND BALANCE  
   LOT – STAGE 4) – DIVISION 6 .............................................................................. 12  
   Nicole Tsakissiris: 8/30/260: {5740825v3}

5. EXTENSION APPLICATION FOR DEVELOPMENT PERMIT FOR  
   RECONFIGURING A LOT (2 LOTS INTO 173 LOTS (OF WHICH 1 LOT WILL BE  
   FURTHER SUBDIVIDED INTO 9 GROUP TITLES LOTS) PLUS PARK AND  
   BALANCE) UNDER SUPERSEDED PLANNING SCHEME – 795L RESERVOIR  
   ROAD KANIMBLA – DIVISION 4 ....................................................................... 12  
   C Mariot: 8/35/97 #6204210
6. LOCAL LAW APPLICATION FOR THE DISPLAY OF ADVERTISING DEVICES (WALL SIGN, ILLUMINATED SIGN AND DIGITAL SIGN) – 109-115 ABBOTT STREET, CAIRNS CITY – DIVISION 5
   L Cameron: 71/1/5 (#6233301)

7. LAKE MORRIS ROAD CAMPBELLS LOOKOUT PT18121
   Wayne Dagleish | 50/5/74 #6182216

8. PROJECT LAUNCH APPROVAL AND RESPONSE TO PETITION – BARR CREEK BRIDGE – PC18049-02
   Bruce Gardiner | 50/2/26 #6215677

9. PROJECT LAUNCH APPROVAL AND RESPONSE TO PETITION - NORTHERN BEACHES LEISURE TRAIL PATH ALIGNMENT THROUGH MACHANS BEACH AND HOLLOWAYS BEACH - PC18049-01
   Bruce Gardiner | 50/2/26-01 #6222435

10. CBD INTERIM ACTIVATION EVALUATION UPDATE
    Marcelle Kentwell | 52/7/7-01 #6191771

11. CAIRNS LIBRARIES – FIRST5FOREVER EARLY LITERACY PROGRAM
    Sandy Sayaxang | 52/4/3 #6220280

12. PETITION – CONSTRUCTION OF A SKATE PARK AT YORKEYS KNOB
    Matt Smith | 52/7/1 #6220484

13. RESCIND THE ELECTION CARETAKER PROVISION POLICY
    C Posgate | 65/69/1 #6235897

14. COUNCIL MARKETS REVIEW - PALM COVE MARKETS DIVISION 9
    Megan Greene | 1/59/3-01 #6224310

15. COUNCIL MARKETS POLICY, GORDONVALE MARKETS
    Megan Greene | 1/59/13-01 #6225446v1

16. IMPLEMENTATION OF WATER RESTRICTIONS
    Lynne Powell | 24/31/5-01 #6229404v1

17. CAIRNS STRATEGY FOR CULTURE AND THE ARTS 2022 - REPORT ON YEAR 1 (2018/19) OUTCOMES AND ACHIEVEMENTS
    Lesley Buckley | # 6218949 | 79/5/10-01

18. SUPPORT TOWARDS IMPROVED FACILITIES FOR JUNIOR AND WOMEN’S AFL IN SOUTH CAIRNS – DIVISION 2
    Timothy Mackrill | 52/7/1 #6211238v4

CLOSED SESSION

1. PREJUDICIAL MATTER – REGIONAL EVENT GRANT APPLICATION
   Nicole Griffiths | 52/1/9 #6218937
2. PREJUDICIAL MATTER – INCENTIVE AGREEMENT REQUEST – DIVISION 8
............................................................................................................................... 21
Sean Lisle | 8/7/4639 | #6232869

3. PREJUDICIAL MATTER – INCENTIVE AGREEMENT REQUEST – DIVISION 1
............................................................................................................................... 22
Sean Lisle | 8/8/1514 | #6232307

4. CONTRACTUAL MATTER – PREFERRED SUPPLIER ARRANGEMENT FOR SUPPLY AND DELIVERY OF VARIOUS SANDS AND TOPSOILS ................. 22
Neil Singleton | 63/1/230 | #6227532

5. CONTRACTUAL MATTER – AWARD OF CONTRACT 2725 PROVISION OF BULK FUELS AND FUEL CARD SERVICES ...................................................... 23
Caroline Doyle-Wiaczek | 63/1/233* | #6230240

6. CONTRACTUAL MATTER – AWARD OF CONTRACT 2718 – ROAD MAINTENANCE PERFORMANCE CONTRACT FOR STREET LIGHTING, TRAFFIC SIGNALS AND PARK LIGHTING ........................................................ 23
Caroline Doyle-Wiaczek | 63/1/225* | #6231586

7. CONTRACTUAL MATTER – PROJECT LAUNCH APPROVAL – PCS13410 - CONTRACT 75574 - SEWAGE PUMPING STATION W1 RISING MAIN AUGMENTATION ................................................................................................. 23
SK:PT |50/6/70 | #6181310
APOLOGY

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

CONFLICT OF INTEREST / MATERIAL PERSONAL INTEREST

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

a) Item 3 in Open Session – Local Law Application for the Display of Advertising Devices – 532 Mulgrave Road Earlville – Division 4 as the Director of Expressway Signs, who were a former applicant listed on the application that this item relates to, assisted the Unity Team in the 2016 Local Government Elections. Although they are not involved with the current application, the Unity Team acknowledge that a perceived conflict of interest could exist.

b) Items 4 Open Session – Combined Application for Preliminary Approval for a Material Change of Use including Variation Request to override the Planning Scheme for Use Rights Associated with the Low Density Residential Zone & Development Permit for Reconfiguring a Lot (3 lots into 65 lots, new road and balance Lot – Stage 4) – Division 6 and Item 5 in Open Session – Extension Application for Development Permit for Reconfiguring a Lot (2 Lots into 173 Lots (of which 1 lot will be further subdivided into 9 Group Titles Lots) plus Park and Balance) under Suspended Planning Scheme – 795L Reservoir Road Kanimbla – Division 4 due to a donation from Brazier Motti of $500 on 10 February 2016. There were 8 Unity candidates who stood for election in 2016. This amount equates to $62.50 per candidate. Brazier Motti has acted as a consultant to the applicant on these matters.

Also in Item 5 in Open Session due to a donation from Marino Moller Lawyers of $1,350 on 13 April 2012 and $450 on 24 May 2012. There were 11 Unity candidates who stood for election in 2012. This amount equates to $163.64 per candidate. One of the principals of Marino Moller Lawyers at the time is a Director in the applicant organization in this matter.

c) Item 6 in Open Session – Local Law Application for the Display of Advertising Devices (Wall Sign, Illuminated Sign and Digital Sign) – 109-115 Abbott Street, Cairns City – Division 5 due to a donation from S&A Ricketts of $500 on 6 January 2016. There were 8 Unity candidates who stood for election in 2016. This amount equates to $62.50 per candidate. S Ricketts is the Director of Urban Sync. Urban Sync has acted as a consultant to the applicant on these matters.
Also in Item 6 in Open Session due to a donation from T. Dobinson of $3,000 on 15 March 2016. There were 8 Unity candidates who stood for election in 2016. This amount equates to $375 per candidate. T Dobinson is a Director in the applicant organisation in this matter.

d) Item 18 in Open Session – Support towards Improved Facilities for Junior and Women’s AFL in South Cairns – Division 2 due to a donation from R. Lillywhite of $1,000 on 18 April 2012 and $1000 on 17 February 2016. There were 11 Unity candidates who stood for election in 2012 and 8 Unity candidates who stood for election in 2016. These amounts equate to $90.90 and $125 per candidate respectively. Mr Lillywhite is on the AFL Cairns Board. AFL Cairns are a potential beneficiary in this matter.

e) Item 5 in Closed Session – Contractual Matter – Award of Contract 2725 Provision of Bulk Fuels and Fuel Card Services due to a donation from Trinity Petroleum Pty Ltd of $500 in-kind on 30 March 2012 and $1,500 on 15 February 2016. There were 11 Unity candidates who stood for election in 2012 and 8 Unity candidates who stood for election in 2016. These amounts equate to $45.45 and $187.50 per candidate respectively. Trinity Petroleum Services Pty Ltd have lodged a tender in this matter.

He has determined that these personal interests are not of sufficient significance that they will lead him 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 Schilling. 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 Schilling. 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 Schilling. 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 Schilling. 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 Cooper declared a conflict of interest (as defined by section 175D of the *Local Government Act 2009*) in the following items:

a) Item 4 in Open Session – Combined Application for Preliminary Approval for a Material Change of Use including Variation Request to override the Planning Scheme for Use Rights Associated with the Low Density Residential Zone & Development Permit for Reconfiguring a Lot (3 lots into 65 lots, new road and balance Lot – Stage 4) – Division 6, due to a donation of $500 from Law Solutions on 19 February 2016. The principal of Law Solutions at that time is now a partner at Holding Redlich and has acted for the applicant in this matter.

b) Item 10 in Open Session – CBD Interim Activation Evaluation Update as the proprietor of the Cotton Club is a long term friend of mine and he may receive a benefit depending on the outcome of the matter under consideration.

c) Item 5 in Open Session – Extension Application for Development Permit for Reconfiguring a Lot (2 Lots into 173 Lots (of which 1 lot will be further subdivided into 9 Group Tittles Lots) plus Park and Balance) under Suspended Planning Scheme – 795L Reservoir Road Kanimbla – Division 4 due to a donation to the then Unity Team (preceding the current one) from S & F Marino Pty Ltd, in the amount of $2,500 in March 2008. I have not been a member of the Unity Team since the 2008 election S & F Marino Pty Ltd is the applicant in item 5 in open session and this equated to $277.78 per candidate.

d) Item 7 in Closed Session – Contractual Matter – Project Launch Approval – PCS13410 – Contract 75574 – Sewage Pumping Station W1 Rising Main Augmentation, due to a donation to the then Unity Team (preceding the current one) from Koppen Investments Pty Ltd, in the amount of $2,000 on the 18th of March 2008. These donations were used by the then Unity Team in the 2008 local government elections. The then Unity Team comprised nine candidates in that election. This amount equates to $222.22 per candidate. She was successful in that election. She has not been a member of the Unity Team since the 2008 election. Koppen Developments, who share mutual directors with Koppen Investments, are a tenderer for the contract that Item 7 in Closed Session relates to.

She has determined that these personal interests are not of sufficient significance that it will lead her to making a decision on these matters 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 these matters.
However, she acknowledged that the remaining councillors must determine, pursuant to section 175E(4) of the *Local Government Act 2009*:

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

3. **Cr O’Halloran declared a conflict of interest** (as defined by section 175D of the *Local Government Act 2009*) in Item 18 in Open Session – Support towards Improved Facilities for Junior and Women’s AFL in South Cairns – Division 2 due to his Life Membership with AFL Cairns. AFL Cairns are a potential beneficiary in this matter.

Should this matter proceed to a discussion and vote during this meeting, he will request a determination from his fellow Councillors as to how this conflict of interest should be dealt with at this meeting.

4. **Cr James declared a conflict of interest** (as defined by section 175D of the *Local Government Act 2009*) in the following items:

a) Item 5 in Open Session – Extension Application for Development Permit for Reconfiguring a Lot (2 Lots into 173 Lots (of which 1 lot will be further subdivided into 9 Group Titles Lots) plus Park and Balance) under Suspended Planning Scheme – 795L Reservoir Road Kanimbla – Division 4 due to a donation to the then Unity Team (preceding the current one) from S & F Marino Pty Ltd, in the amount of $2,500 in March 2008

b) Item 7 in Closed Session – Contractual Matter – Project Launch Approval – PCS13410 – Contract 75574 – Sewage Pumping Station W1 Rising Main Augmentation, due to a donation to the then Unity Team (preceding the current one) from Koppen Investments Pty Ltd, in the amount of $2,000 on the 18th of March 2008.

These donations were used by the then Unity Team in the 2008 local government elections. The then Unity Team comprised nine candidates in that election. This amount equates to $277.78 and $222.22 per candidate respectively. He was unsuccessful in that election. S & F Marino Pty Ltd is the applicant in Item 5 in Open Session and Koppen Developments, who share mutual directors with Koppen Investments, are a tenderer for the contract that Item 7 in Closed Session relates to.
He has determined that these personal interests are not of sufficient significance that it will lead him to making decisions on the matters that are 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 discussions and voting on these matters.

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

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

SCHILLING / OLDS

In accordance with section 175E(6) of the Local Government Act 2009, the following items be delegated under section 257(1)(b) of the Local Government Act 2009 with the authority to decide as follows:

Standing Committee A

1. Item 3 in Open Session – Local Law Application for the Display of Advertising Devices – 532 Mulgrave Road Earlville – Division 4;
2. Item 6 in Open Session – Local Law Application for the Display of Advertising Devices (Wall Sign, Illuminated Sign and Digital Sign) – 109-115 Abbott Street, Cairns City – Division 5;
3. Item 18 in Open Session – Support Towards Improved Facilities for Junior and Women’s AFL in South Cairns – Division 2; and

Standing Committee D

1. Item 4 Open Session – Combined Application for Preliminary Approval for a Material Change of Use including Variation Request to override the Planning Scheme for Use Rights Associated with the Low Density Residential Zone & Development Permit for Reconfiguring a Lot (3 lots into 65 lots, new road and balance Lot – Stage 4) – Division 6.
2. Item 5 in Open Session – Extension Application for Development Permit for Reconfiguring a Lot (2 Lots into 173 Lots (of which 1 lot will be further subdivided into 9 Group Tittles Lots) plus Park and Balance) under Suspended Planning Scheme – 795L Reservoir Road Kanimbla – Division 4;

*carried with Cr Bates voting against the matter*

**PURPOSE OF MEETING**

To consider the matters listed on the agenda.

**CONFIRMATION OF MINUTES OF ORDINARY MEETING 13/11/19**

OLDS / SCHILLING

That the Minutes of the Ordinary Meeting held on Wednesday, 13 November 2019 be confirmed.

*carried unanimously*

**CONFIRMATION OF MINUTES OF STANDING COMMITTEE A MEETING 13/11/19**

COOPER / ZEIGER

That the Minutes of Standing Committee A Meeting held on Wednesday, 13 November 2019 be confirmed.

*carried unanimously*

**CONFIRMATION OF MINUTES OF STANDING COMMITTEE B MEETING 13/11/19**

COOPER / ZEIGER

That the Minutes of Standing Committee B Meeting held on Wednesday, 13 November 2019 be confirmed.

*carried unanimously*
CONFIRMATION OF MINUTES OF STANDING COMMITTEE C
MEETING 13/11/19

COOPER / OLDS

That the Minutes of Standing Committee C Meeting held on Wednesday, 13 November 2019 be confirmed.

carried unanimously

CONFIRMATION OF MINUTES OF STANDING COMMITTEE D
MEETING 13/11/19

ZEIGER / OLDS

That the Minutes of Standing Committee D Meeting held on Wednesday, 13 November 2019 be confirmed.

carried unanimously

1. CHIEF EXECUTIVE OFFICER’S UPDATE ............................................. 4

John Andrejic | 93/1/2 | #5967128v13

BATES / OLDS

That Council notes the report.

carried unanimously

2. APPOINTMENT OF INDEPENDENT DIRECTOR TO CAIRNS ART
   GALLERY .......................................................................................... 16

John Andrejic | 93/1/2-01 | #6231837

COOPER / RICHARDSON

That Council approves the appointment of Olivia Van Wensveen to the Board of the Cairns Art Gallery.

carried unanimously
3. LOCAL LAW APPLICATION FOR THE DISPLAY OF ADVERTISING DEVICES – 532 MULGRAVE ROAD EARLVILLE – DIVISION 4

T Schmidt: 71/1/5 {6214357}

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 Standing Committee A under section 257(1)(c) of the Local Government Act 2009.

4. COMBINED APPLICATION FOR PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE INCLUDING VARIATION REQUEST TO OVERRIDE THE PLANNING SCHEME FOR USE RIGHTS ASSOCIATED WITH THE LOW DENSITY RESIDENTIAL ZONE & DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (3 LOTS INTO 65 LOTS, NEW ROAD AND BALANCE LOT – STAGE 4) – DIVISION 6

Nicole Tsakissiris: 8/30/260: {5740825v3}

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 Standing Committee D under section 257(1)(c) of the Local Government Act 2009.

5. EXTENSION APPLICATION FOR DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (2 LOTS INTO 173 LOTS (OF WHICH 1 LOT WILL BE FURTHER SUBDIVIDED INTO 9 GROUP TITLES LOTS) PLUS PARK AND BALANCE) UNDER SUPERSEDED PLANNING SCHEME – 795L RESERVOIR ROAD KANIMBLA – DIVISION 4

C Mariot: 8/35/97 #6204210

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 Standing Committee D under section 257(1)(c) of the Local Government Act 2009.
6. LOCAL LAW APPLICATION FOR THE DISPLAY OF ADVERTISING DEVICES (WALL SIGN, ILLUMINATED SIGN AND DIGITAL SIGN) – 109-115 ABBOTT STREET, CAIRNS CITY – DIVISION 5 ...........112

L Cameron: 71/1/5 (#6233301)

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 Standing Committee A under section 257(1)(c) of the Local Government Act 2009.

7. LAKE MORRIS ROAD CAMPBELLS LOOKOUT PT18121 ...........134

Wayne Dagleish | 50/5/74   #6182216

SCHILLING / OLDS

That Council:

1. Approves the upgrade of Lake Morris Road Campbells Lookout project with an overall Project Launch Budget of $478,425 (excluding GST) and an Approved End Date of 30 June 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 subject to Council's normal procurement policies and practices.

 carried unanimously

8. PROJECT LAUNCH APPROVAL AND RESPONSE TO PETITION – BARR CREEK BRIDGE – PC18049-02 .................................140

Bruce Gardiner| 50/2/26 | #6215677

RICHARDSON / OLDS

That Council:

1) Approves Barr Creek Bridge Project Launch Approval (PLA) with an overall Project Launch Budget (PLB) of $6,124,000 and an Approved End Date (AED) of 30 May 2021.

2) Advises the lead petitioner that Council has thoroughly investigated all options for the bridge location and the chosen alignment meets the project objectives and provides the best overall outcome including the smallest environmental footprint and lowest visual amenity impacts. Alternate alignments have been found to be not viable for various reasons.
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 procurement practices and policies.

*carried unanimously*

9. PROJECT LAUNCH APPROVAL AND RESPONSE TO PETITION - NORTHERN BEACHES LEISURE TRAIL PATH ALIGNMENT THROUGH MACHANS BEACH AND HOLLOWAYS BEACH - PC18049-01 ................................................................. 156

Bruce Gardiner | 50/2/26-01 | #6222435

RICHARDSON / OLDS

That Council:

1) Approves the Northern Beaches Leisure Trail path alignment through Machans Beach and Holloways Beach Project Launch Approval (PLA) with an overall Project Launch Budget (PLB) of $1,167,000 and an Approved End Date (AED) of 30 January 2021.

2) Advises the lead petitioner that alternate alignments through Coconut Street and Cassia Street were investigated and the chosen alignment is the safest and most cost effective one, and that the ultimate alignment of the path through Holloways Beach will be on the beachside of the houses on Coconut Street and Cassia Street.

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 procurement practices and policies.

*carried unanimously*
10. CBD INTERIM ACTIVATION EVALUATION UPDATE .................. 171

Marcelle Kentwell | 52/7/7-01 | #6191771

SCHILLING / ZEIGER

1. Cr Cooper is able to participate in the discussion and vote on this matter.
2. The reasons Cr Cooper is able to participate in the discussion and vote on this matter are as follows:
   a. Cr Cooper has informed the meeting of personal interests in the matter in accordance with section 174E(2) of the Local Government Act 2009 (Qld);
   b. Councillors present and able to vote on this matter are satisfied that, based on the above disclosure made, Cr Cooper has a perceived conflict of interest in the matter; and
   c. Councillors present and able to vote on this matter are also satisfied that, based on the above disclosure made, the personal interests of Cr Cooper are not of sufficient significance that Cr Cooper would participate in the discussion and vote on the matter in a way which is contrary to the public interest.

carried with Cr Bates voting against the motion

OLDS / SCHILLING

That Council:

1. Notes the evaluation report for Sunday on Shields Program between August and October 2019.

2. Initiates further activations as outlined in this report from December 2019 to June 2020 at a cost of approximately $44,000, plus internal in-kind support.

3. Continues to support the CQU Art Attack Program in 2020 through in-kind provision of performance equipment and identified space on Shields Street to the value of $5,500.

4. Permits the Cotton Club (subject to conditions) to provide live entertainment from the “Miss Nemo Kombi” within Shields Street between 1:00pm and 8:00pm on Thursday, Friday, Saturday and Sunday.

5. Notes that the CBD Place Manager will provide a further report to Council in April 2020 for consideration of funding of on-going activation activities during the 2020/21 financial year.

carried unanimously
11. CAIRNS LIBRARIES – FIRST5FOREVER EARLY LITERACY PROGRAM

ZEIGER / SCHILLING

That Council notes the progress of the First 5 Forever Early Literacy Program.

carried unanimously

12. PETITION – CONSTRUCTION OF A SKATE PARK AT YORKEY'S KNOB

RICHARDSON / OLDS

That Council:

1. Notes the current Skate and BMX Strategy 2012-2022 recommends a future facility within the Smithfield area to service the catchment that includes Yorkeys Knob; and

2. Informs the principal petitioner of the directions within the existing strategy and that their request will be re-considered as part of the strategic review which will be finalised in mid-2020.

carried unanimously

13. RESCIND THE ELECTION CARETAKER PROVISION POLICY

OLDS / ZEIGER

That Council rescind the Election Caretaker Provision General Policy given the obligations of all parties are clearly outlined in Chapter 3 Part 5 of the Local Government Act 2009 (Caretaker Period Arrangements).

carried unanimously
14. COUNCIL MARKETS REVIEW - PALM COVE MARKETS DIVISION 9

OLDS / O’HALLORAN

That Council:

1. Approves the Rotary Club of Sunrise Cairns to manage the Palm Cove Markets on a trial basis;

2. Enters into an appropriate agreement with Rotary Club of Sunrise Cairns to guide the transition of the markets; and

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 above.

carried unanimously

15. COUNCIL MARKETS POLICY, GORDONVALE MARKETS………206

SCHILLING / ZEIGER

That Council:

1. Approves the Gordonvale Scout Group to operate regular Gordonvale Markets at Norman Park;

2. Approves a fee waiver for hire fees for Norman Park for the Gordonvale Scout Group to operate the Markets and enters into an appropriate agreement with Gordonvale Scout Group to facilitate this; and

3. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise all matters relating to the Gordonvale Markets.

carried unanimously
16. IMPLEMENTATION OF WATER RESTRICTIONS

SCHILLING / OLDS

That Council:

1. Implement Level One Water Restrictions effective Friday, 29 November 2019.

2. Delegate authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to implement further water restrictions if the relevant trigger levels are observed as defined in Council’s Drought Management Plan with subsequent reporting back to Council.

3. Note the report and the actions required to implement water restrictions.

carried with Cr Bates voting against the motion

17. CAIRNS STRATEGY FOR CULTURE AND THE ARTS 2022 – REPORT ON YEAR 1 (2018/19) OUTCOMES AND ACHIEVEMENTS.

COOPER / SCHILLING


carried unanimously

18. SUPPORT TOWARDS IMPROVED FACILITIES FOR JUNIOR AND WOMEN’S AFL IN SOUTH CAIRNS – DIVISION 2

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 Standing Committee A under section 257(1)(c) of the Local Government Act 2009.
7. CLOSES SESSION – CONTRACTUAL MATTER – PROJECT LAUNCH APPROVAL – PCS13410 - CONTRACT 75574 - SEWAGE PUMPING STATION W1 RISING MAIN AUGMENTATION ..........42

OLDS / SCHILLING

1. Cr Cooper is able to participate in the discussion and vote on this matter.
2. The reasons Cr Cooper is able to participate in the discussion and vote on this matter are as follows:
   a. Cr Cooper has informed the meeting of personal interests in the matter in accordance with section 174E(2) of the Local Government Act 2009 (Qld);
   b. Councillors present and able to vote on this matter are satisfied that, based on the above disclosure made, Cr Cooper has a perceived conflict of interest in the matter; and
   c. Councillors present and able to vote on this matter are also satisfied that, based on the above disclosure made, the personal interests of Cr Cooper are not of sufficient significance that Cr Cooper would participate in the discussion and vote on the matter in a way which is contrary to the public interest.

carried with Cr Bates voting against the motion and with Councillors Cooper and James not participating in the vote

SCHILLING / O’HALLORAN

1. Cr James is able to participate in the discussion and vote on this matter.
2. The reasons Cr James is able to participate in the discussion and vote on this matter are as follows:
   a. Cr James has informed the meeting of personal interests in the matter in accordance with section 174E(2) of the Local Government Act 2009 (Qld);
   b. Councillors present and able to vote on this matter are satisfied that, based on the above disclosure made, Cr James has a perceived conflict of interest in the matter; and
   c. Councillors present and able to vote on this matter are also satisfied that, based on the above disclosure made, the personal interests of Cr James are not of sufficient significance that Cr James would participate in the discussion and vote on the matter in a way which is contrary to the public interest.

carried with Cr Bates voting against the motion and with Councillors Cooper and James not participating in the vote
CLOSED SESSION

OLDS / O’HALLORAN

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

1. PREJUDICIAL MATTER – REGIONAL EVENT GRANT APPLICATION
   Nicole Griffiths | 52/1/9 | #6218937

2. PREJUDICIAL MATTER – INCENTIVE AGREEMENT REQUEST – DIVISION 8
   Sean Lisle | 8/7/4639 | #6232869

3. PREJUDICIAL MATTER – INCENTIVE AGREEMENT REQUEST – DIVISION 1
   Sean Lisle | 8/8/1514 | #6232307

4. CONTRACTUAL MATTER – PREFERRED SUPPLIER ARRANGEMENT FOR SUPPLY AND DELIVERY OF VARIOUS SANDS AND TOPSOILS
   Neil Singleton | 63/1/230 | #6227532

5. CONTRACTUAL MATTER – AWARD OF CONTRACT 2725 PROVISION OF BULK FUELS AND FUEL CARD SERVICES
   Caroline Doyle-Wiaczek | 63/1/233* | #6230240

6. CONTRACTUAL MATTER – AWARD OF CONTRACT 2718 – ROAD MAINTENANCE PERFORMANCE CONTRACT FOR STREET LIGHTING, TRAFFIC SIGNALS AND PARK LIGHTING
   Caroline Doyle-Wiaczek | 63/1/225* | #6231586

7. CONTRACTUAL MATTER – PROJECT LAUNCH APPROVAL – PCS13410 - CONTRACT 75574 - SEWAGE PUMPING STATION W1 RISING MAIN AUGMENTATION
   SK:PT | 50/6/70 | #6181310

   carried unanimously

Cr Cooper left the meeting 10:19 a.m.
Cr Cooper returned 10:21 a.m.

Cr Richardson left the meeting 10:20 a.m.
Cr Richardson returned 10:22 a.m.
OUT OF CLOSED SESSION

COUNCIL RESOLVED TO MOVE OUT OF CLOSED SESSION

SCHILLING / OLDS

carried unanimously

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. PREJUDICIAL MATTER – REGIONAL EVENT GRANT APPLICATION

Nicole Griffiths | 52/1/9| #6218937

SCHILLING / O’HALLORAN

That Council:

1. Supports the application received from Cairns District Rugby League Inc. to the value of $25,000 for the The Kenfrost Homes Challenge; and

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


carried unanimously

2. PREJUDICIAL MATTER – INCENTIVE AGREEMENT REQUEST – DIVISION 8

Sean Lisle | 8/7/4639 | #6232869

OLDS / RICHARDSON

That Council does not support the Incentive Agreement request for Development Application 8/7/4639 located at 102–104 McGregor Road, Smithfield.


carried unanimously
3. PREJUDICIAL MATTER – INCENTIVE AGREEMENT REQUEST – DIVISION 1

SCHILLING / O’HALLORAN

That Council:

1. Enters into an Incentive Agreement with the applicant of Development Permit 8/8/1514 located at 237-243 Howard Kennedy Drive, Babinda; 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 Agreement.

carried with Cr Bates voting against the motion

4. CONTRACTUAL MATTER – PREFERRED SUPPLIER ARRANGEMENT FOR SUPPLY AND DELIVERY OF VARIOUS SANDS AND TOPSOILS

SCHILLING / RICHARDSON

That Council:

1. Award Preferred Supplier Arrangement PSA 2722 Supply and Delivery of Various Sands and Topsoil to Northern Sands and Pioneer North Queensland Pty Ltd, with no set order of preference, for a period of two years commencing 1 December 2019, with two further extension options of up to 12 months each, at the sole discretion of Council.

2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to 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.

carried unanimously
5. CONTRACTUAL MATTER – AWARD OF CONTRACT 2725
PROVISION OF BULK FUELS AND FUEL CARD SERVICES.

Caroline Doyle-Wiaczek | 63/1/233* | #6230240

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 Standing Committee A under section 257(1)(c) of the Local Government Act 2009.

6. CONTRACTUAL MATTER – AWARD OF CONTRACT 2718 – ROAD MAINTENANCE PERFORMANCE CONTRACT FOR STREET LIGHTING, TRAFFIC SIGNALS AND PARK LIGHTING.

Caroline Doyle-Wiaczek | 63/1/225* | #6231586

SCHILLING / O’HALLORAN

That Council:

1. Approves Contract 2718 - Road Maintenance Performance Contract for Street Lighting Traffic Signals and Park Lighting to I-lec Solutions Pty Ltd for a period of 18 months commencing 5 January 2020, with two further extension options available of up to 12 months each at Council’s sole 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. CONTRACTUAL MATTER – PROJECT LAUNCH APPROVAL – PCS13410 - CONTRACT 75574 - SEWAGE PUMPING STATION W1 RISING MAIN AUGMENTATION.

SK:PT |50/6/70 | #6181310

SCHILLING / BATES

That Council:

1. Approves the award of Contract 75574 – Sewage Pumping Station W1 Rising Main Augmentation, to Koppens Developments Pty Ltd for the total lump sum of $1,102,888.50 excluding GST;
2. Approves the Project Launch Approval for project PCS13410 as listed in the report with a Project Launch Budget (PLB) of $1,612,571 and an Approved End Date (AED) of 4 September 2020; and

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

carried unanimously

Cr Zeiger left the meeting 10:28 a.m.
Cr Zeiger returned 10:30 a.m.

DEPUTATION – CAIRNS MANGROVE WATCH CHAPTER (CAFNEC)
Bess Murphy and Hidetoshi (Mikey) Kudo gave a presentation to the meeting (#6244151)

THE MEETING CLOSED AT 10:49 AM

CONFIRMED THIS 11th DAY OF December 2019

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MAYOR CHIEF EXECUTIVE OFFICER