



MINUTES ORDINARY MEETING

22 MAY 2024

9:00 A.M.

PRESENT: Cr A Eden (Chairperson)
 Cr R Coghlan
 Cr A Middleton
 Cr B Moller
 Cr B Olds
 Cr R Pyne
 Cr M Tickner
 Cr T Tim
 Cr K Vallely
 Cr C Zeiger

OFFICERS:

C Posgate	A/Chief Executive Officer
E Johnson	Director Planning Growth & Sustainability
M Wuth	Director Cairns Infrastructure & Assets
D Puia	Director Lifestyle & Community
L Whitton	Director Finance & Business Services
N Masasso	Director Economic Development & Advocacy
G Everson	Associate Director Service Delivery
A Combe	Executive Manager Marketing & Communications
P Rogato	Media Coordinator
A Patterson	Executive Manager Licensing & Compliance
C Simmons	Executive Manager Development & Planning
F Anderson	Executive Manager Growth & Sustainability
S Foster	Executive Manager Creative Life
T Dendle	Executive Manager Community Spaces
S Cosatto	Executive Manager Resource Recovery
I Elliott-Smith	Principle Planner
S Godkin	Minute Secretary

TABLE OF CONTENTS

DEPUTATION – CAFNEC – CAIRNS WATER SECURITY	5
CONFLICT OF INTEREST	5
PURPOSE OF MEETING	5
CONFIRMATION OF MINUTES OF ORDINARY MEETING 1/5/24	5
AGENDA ITEMS:	
1. CEO MONTHLY REPORT	5
93/1/2 #7412190	
2. MINUTES AUDIT COMMITTEE MEETING – 30 APRIL 2024	6
65/4/1 #7409809	
3. REGIONAL ARTS DEVELOPMENT FUND (RADF) PROGRAM SUBMISSION TO ARTS QUEENSLAND	6
79/6/8 #7378795	
4. PROPOSAL TO RENAME KENRICK STREET PARK AND FISHER ROAD PARK, GORDONVALE TO “PYRAMID PARKLANDS GUJURA”	6
73/2/21 #7325541	
5. REQUEST TO NAME PARK “STRAGUSZI PARK” AT 2 – 6 CUTTERS BOULEVARD, GORDONVALE	7
52/8/1 #7413121	
6. CAIRNS REGIONAL COUNCIL - FIRST PEOPLES ENGAGEMENT GUIDELINES	7
52/2/5 #7413853	
7. RECOVERY OF COSTS FOR DAMAGE TO COUNCIL ASSETS POLICY FOR ADOPTION	7
93/6/1 #7386345	
8. PROJECT LAUNCH APPROVAL (PLA) – PG22031-02 – BREAKWATERS – CLIFTON BEACH EROSION MANAGEMENT	7
50/5/32 #7357856	
9. PETITION REQUESTING A BRAMSTON BEACH GREEN WASTE DISPOSAL SITE	8
87/15/1-01 #7367612	

10.	FINANCIAL PERFORMANCE REPORT FOR THE PERIOD ENDED 26 APRIL 2024.....	8
	63/17/2-01 #7404369	
11.	GRANTS INWARDS STATUS UPDATE REPORT	8
	63/8/12-07 #7396478	
12.	REVENUE POLICY	9
	63/19/1 #7412490	
13.	RECONFIGURING A LOT (1 LOT INTO 6 LOTS & BALANCE LAND) – 101R-103R COOPER ROAD, MOUNT PETER – DIVISION 1	9
	8/19/27 #7403678	
14.	GRANT APPLICATION: AUSTRALIAN GOVERNMENTS HOUSING SUPPORT PROGRAM – STREAM 1, ‘CAIRNS CITY PRECINCTS URBAN REGENERATION PROJECT’	19
	93/4/2-01 #7407264	
15.	TENURE ARRANGEMENT – SURRENDER OF EXISTING FREEHOLD LEASES AND OFFER OF NEW FREEHOLD LEASE OVER PART OF LOT 312 ON SP318398 AND LOT 302 ON SP103359, WALKER ROAD EDMONTON - DIVISION 2.....	19
	19/28/280 #7407611	
16.	TENURE ARRANGEMENTS OVER LOT 515 ON RP 908330, 3 SHIELDS STREET, CAIRNS CITY– DIVISION 5	20
	19/28/51 #7404656	
17.	TENURE ARRANGEMENT – NEW FREEHOLD LEASE OVER PART OF LOT 11 ON SP298401, 271 GATTON STREET, WESTCOURT – DIVISION 5	21
	55/2/3 #7403542	
18.	PRELIMINARY APPROVAL FOR RECONFIGURING A LOT (2 LOTS INTO 706 RESIDENTIAL LOTS) – MT PETER ROAD & 505R MT PETER ROAD, MOUNT PETER – DIVISION 1	21
	8/13/2549 #7376893	

CLOSED SESSION

1.	LEGAL MATTER – UPDATE ON PLANNING & ENVIRONMENT COURT APPEAL NO. 23 OF 2024 – UWE JAHNIGEN ATF THE SUNSHINE TRUST V CAIRNS REGIONAL COUNCIL – 188 TRINITY BEACH ROAD, TRINITY BEACH – DIVISION 9	34
	8/13/2567 #7405525	
2.	LEGAL MATTER – UPDATE ON PLANNING & ENVIRONMENT COURT APPEAL NO. D47/2023 – BROTHERS LEAGUES CLUB (CAIRNS) LIMITED V CAIRNS REGIONAL COUNCIL – 99-107 ANDERSON STREET, MANUNDA – DIVISION 7	34
	835 / 2022 #7373519	

3. BUDGETARY MATTER – OUTSTANDING DEBT REPORT38
63/8/31-01 | #7399164v1

DEPUTATION – CAFNEC – CAIRNS WATER SECURITY

Bronwyn Opie and Lucy Graham from CAFNEC presented to Council on Cairns Water Security.

CONFLICTS OF INTEREST

There were no conflicts of interest declared.

PURPOSE OF MEETING

To consider the matters listed on the agenda.

CONFIRMATION OF MINUTES OF ORDINARY MEETING 1/05/24

MOLLER / COGHLAN

That the Minutes of the Ordinary Meeting held on Wednesday, 1 May 2024 be confirmed.

carried unanimously

1. CEO MONTHLY REPORT16 **93/1/2 | #7412190**

MOLLER / COGHLAN

1. That Council notes:

- a) The status of Council Resolutions.
- b) The CEO Month in Review.
- c) The Ex-Tropical Cyclone Jasper Flooding Recovery Update.

2. That Council approves:

- a) Waiving the application fees for the Griffiths Park Community Club Development Application.

carried unanimously

2. MINUTES AUDIT COMMITTEE MEETING – 30 APRIL 202435
65/4/1 | #7409809

MOLLER / COGHLAN

That Council accepts the minutes of the Audit Committee meeting held 30 April 2024.

carried unanimously

3. REGIONAL ARTS DEVELOPMENT FUND (RADF) PROGRAM
SUBMISSION TO ARTS QUEENSLAND.....39
79/6/8| #7378795

MIDDLETON / ZEIGER

That Council:

1. Approves entering into a four-year agreement with Arts Queensland committing a total of \$480,000 (ex GST) from the Regional Arts Development Fund (RADF) budget.
2. Notes the program submission for the 2024-25 RADF program to Arts Queensland.
3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise all matters arising from the signing of this submission.

carried unanimously

4. PROPOSAL TO RENAME KENRICK STREET PARK AND FISHER
ROAD PARK, GORDONVALE TO “PYRAMID PARKLANDS
GUJURA”48
73/2/21 | #7325541

TIM / MOLLER

That Council renames Kenrick Street Park and Fisher Road Park to “Pyramid Parklands Gujura.”

carried unanimously

5. REQUEST TO NAME PARK “STRAGUSZI PARK” AT 2 – 6 CUTTERS BOULEVARD, GORDONVALE53
52/8/1 | #7413121

MOLLER / TICKNER

That Council names the unnamed park at 2 – 6 Cutters Boulevard, Gordonvale, “Straguszi Park.”

carried unanimously

6. CAIRNS REGIONAL COUNCIL - FIRST PEOPLES ENGAGEMENT GUIDELINES58
52/2/5 | #7413853

TIM / PYNE

That Council endorses the First Peoples Engagement Guidelines.

carried unanimously

7. RECOVERY OF COSTS FOR DAMAGE TO COUNCIL ASSETS POLICY FOR ADOPTION90
93/6/1 | #7386345

OLDS / ZEIGER

Adopts the Recovery of Costs for Damage to Council Assets Policy and associated Administrative Instruction.

carried unanimously

8. PROJECT LAUNCH APPROVAL (PLA) – PG22031-02 – BREAKWATERS – CLIFTON BEACH EROSION MANAGEMENT 98
50/5/32 | #7357856

OLDS / COGHLAN

That Council:

1. Approves the Project Launch Approval for project PG22031-02 for construction of Breakwaters for Clifton Beach Erosion Management with a Project Launch Budget (PLB) of \$2,500,000 and an Approved End Date (AED) of 28 March 2025.

2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, finalise and negotiate any and all matters relating to this project subject to normal procurement practices and policies.

carried unanimously

9. PETITION REQUESTING A BRAMSTON BEACH GREEN WASTE DISPOSAL SITE 109
87/15/1-01 | #7367612

MOLLER / TICKNER

That Council:

1. Does not support the introduction of a Council owned and managed separate green waste disposal site at Bramston Beach; and
2. Acknowledges the need for green waste disposal options for Bramston Beach residents by encouraging residents to utilise the 4 established Transfer Stations in the region that accept green waste. Further support the community by continuing to provide 4 free green waste disposal opportunities per year for residents.

carried unanimously

10. FINANCIAL PERFORMANCE REPORT FOR THE PERIOD ENDED 26 APRIL 2024..... 116
63/17/2-01 | #7404369

COGHLAN / MOLLER

That Council notes the financial performance report for the period ended 26 April 2024.

carried unanimously

11. GRANTS INWARDS STATUS UPDATE REPORT 140
63/8/12-07 | #7396478

OLDS / MOLLER

That Council notes the Grants Inwards Status Update Report.

carried unanimously

12. REVENUE POLICY 150
63/19/1 | #7412490

MOLLER / COGHLAN

That Council adopts the Revenue Policy.

carried unanimously

13. RECONFIGURING A LOT (1 LOT INTO 6 LOTS & BALANCE LAND)
– 101R-103R COOPER ROAD, MOUNT PETER – DIVISION 1 .155
8/19/27 | #7403678

MOLLER / TICKNER

That Council approves the development application for a Development Permit for Reconfiguring a Lot (1 Lot into 6 Lots & Balance Land) over land described as 101R-103R Cooper Road, Mount Peter, located at Lot 100 on SP338654 (formerly Lot 100 on SP322661), 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:

Drawing or Document	Reference	Date
Proposed Reconfiguration Master Planned Community Stages 1, 2, 2B, 3 & 4, Mount Peter	Job No.: 304701183 – Q194095 Plan No.: Q194095-SP01 K	1 August 2023

ASSESSMENT MANAGER CONDITIONS

General Requirements	Timing
<p>1. Approved Plans and Documents</p> <p>The development is to be completed and carried out generally in accordance with the above approved plans and reports submitted with the development application, except where modified by the conditions of this Development Permit.</p>	As stated.
<p>2. Currency Period</p> <p>This development approval, granted under the provisions of the <i>Planning Act 2016</i> (Qld), lapses six (6) years from</p>	As stated.

	the day the development approval takes effect, in accordance with the provisions of section 85 of the <i>Planning Act 2016</i> (Qld).	
3.	<p>Limitation of Effect of Approval</p> <p>This Development Permit relates to the lots contained in Stage 4 shown on the approved Plan of Development only.</p>	As stated.
4.	<p>Development Approval 8/10/1423</p> <p>Achieve Works Acceptance for the Development Approval for Operational Work – Council Ref: 8/10/1423.</p>	Prior to Council approval of the Plan of Subdivision.
5.	<p>Earthworks Design</p> <p>All batters and/or retaining walls proposed for the development must be designed in accordance with the requirements of the planning scheme and FNQROC Development Manual. Details of all batters and/or retaining walls proposed within the approved development must be included on plans to be submitted as part of the Operational Work application for the development.</p> <p>All batters and/or retaining walls, where required to support an allotment, must be wholly contained within the lot and must not be located within road reserve or other public space.</p>	As stated.
6.	<p>All new batters steeper than 1 in 2 and/or higher than 1.5 metres or retaining walls greater than 1 metre in height, must be designed and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ). Evidence of certification by a RPEQ must be submitted to Council.</p>	In conjunction with first application for Operational Work for the development or prior to commencement of work, whichever occurs first.
7.	<p>Water Supply and Sewerage Works External</p> <p>Undertake the following water supply and sewerage work external to the premises to connect the land to existing water supply and sewerage infrastructure:</p> <p>a. Extend water infrastructure to connect the land to Council's existing water infrastructure at a point that</p>	In accordance with a Development Permit for Operational Work.

	<p>has sufficient capacity to service the development.</p> <p>All the above work must be designed and constructed in accordance with the FNQROC Development Manual.</p>	
8.	<p>Water Supply and Sewerage Work Internal</p> <p>Undertake the following water supply and sewerage works internal to premises:</p> <p>a. Provide a single internal water and sewerage connection to each lot; and</p> <p>b. Extend water mains such that each allotment can be provided with a water service connection to the lot frontage.</p> <p>All the above works must be designed and constructed in accordance with the FNQROC Development Manual.</p> <p>All works must be carried out in accordance with the approved plan(s), to the requirements and satisfaction of Council.</p>	<p>Prior to Council approval of the Plan of Subdivision.</p>
9.	<p>Inspection of Sewers</p> <p>CCTV inspections of all constructed sewers must be undertaken.</p> <p>An assessment of the CCTV records must be undertaken by a suitably qualified person and a report along with the footage submitted to Council for review.</p> <p>Identified defects are to be rectified to the satisfaction of Council at no cost to Council.</p>	<p>Prior to Council approval of the Plan of Subdivision.</p>
10.	<p>Electricity Supply</p> <p>Each lot must be connected to the electricity network in accordance with the FNQROC Development Manual and the relevant electricity providers standards.</p> <p>An underground electricity reticulation must be provided to the approved development in accordance with the requirements of the FNQROC Development Manual, with the connection point being a service pillar installed by Ergon Energy at the property boundary.</p>	<p>Prior to Council approval of the Plan of Subdivision.</p>
11.	<p>Telecommunications Supply</p>	<p>Prior to Council approval of the</p>

	Each lot must be connected to the telecommunications network in accordance with section D8.05 of the FNQROC Development Manual.	Plan of Subdivision.
12.	<p>Electrical Transformer</p> <p>Any padmount transformer must be installed on site and positioned in accordance with the following requirements:</p> <ul style="list-style-type: none"> a. Not located on land used for open space or sport and recreation purposes; b. Screened from view by landscaping, sightscreens and/or fencing; c. Accessible for maintenance in accordance with the relevant utility provider; d. Must be located clear of footpaths; e. Must not be located over existing infrastructure; and f. Located in road reserve. 	Prior to Council approval of the Plan of Subdivision.
13.	<p>Evidence of Electrical and Telecommunication Connection</p> <p>Provide Council with evidence of the agreement to provide an electricity supply and telecommunication services for each new lot shown on the approved plan. Such evidence must be in the form of a "Certificate of Electricity Supply".</p> <p>The confirmation from the telecommunications provider must be in the form of a receipt for the full payment of the telecommunications "Development Application" or alternatively, a copy of the telecommunications provider "Council Letter".</p>	Prior to Council approval of the Plan of Subdivision.
14.	<p>Environmental Covenant</p> <p>Register an instrument of Covenant for Environmental Purposes pursuant to Section 97A of the <i>Land Title Act 1994</i> (Qld) over the area identified as the 'Building Exclusion Zone' as illustrated on the approved Plan of Development.</p> <p>The purpose of the Covenant is to ensure areas of environmental significance and high landscape value are protected, retained and maintained at all times and the scenic backdrop of the region is maintained.</p> <p>The Covenant is required to include the following clauses:</p>	In conjunction with the registration of the Plan of Subdivision.

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| <ul style="list-style-type: none"> a. The covenantor must not use the land or undertake operational works or building works in a way that interferes with or destroys any endemic vegetation, including undergrowth and regrowth, in the covenant area; b. The perimeter of the covenant area must not be fenced to allow the natural are to not be fragmented and disturbed; c. The covenantor must not use the covenant area for construction of improvements or the erection of buildings or for storage of materials; d. The covenant area must be maintained in its natural state. Garden (or any other) waste must not be disposed of or stored within this area. Overgrown grass may be removed to minimise the fire risk. Other plant material, dead or alive must not be removed as this performs a habitat function in the ecosystem; e. The covenantor must not alter the drainage patterns of stormwater across the land or impede natural flows; f. The covenantor must not carry out any landscaping within the covenant area or allow the introduction of non-endemic plant species into the area; g. The covenantor must allow free movement of all-natural wildlife in the covenant area and not allow household pets to enter the area. For the movement of native fauna and for stormwater purposes, fences must have an eighty (80) per cent permeable area (such as post and rail or post and wire strand type fencing). No fencing is permitted within the Covenant area; h. When fencing for domestic animals, pool type fencing must be constructed along the boundary between the rear of the garden and the front of the covenant area. This fence may include an access gate for pedestrian use only. Vehicles must not enter into the covenant area; i. The covenantor may apply to the Council for a Development Permit for Operational Work to remove vegetation that poses an immediate and severe hazard to the dwelling or the occupants of the lot; and j. Existing native and mature vegetation must only be removed in accordance with the Development Permit. | |
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A copy of the proposed Covenant document must be submitted to Council in conjunction with an application to endorse a Plan of Subdivision for the approved

	<p>development.</p> <p><i>Note: A Rates Notation to this effect will be placed on the property file.</i></p>	
15.	<p>Stormwater Design</p> <p>Submit to Council, RPEQ (Stormwater) certification, with supporting information including a review of the local flood and drainage information currently available from Council (as a minimum this must include existing local drainage studies prepared for adjoining subdivisions and any new modelling available from Council and any internal and external works proposed), that the development is designed to provide immunity for each lot from the 1% AEP Defined Inundation Event level plus a freeboard of 300mm.</p>	<p>In conjunction with first application for Operational Work for the development or prior to commencement of work, whichever occurs first.</p>
16.	<p>Site Based Stormwater Management Plan</p> <p>Provide a Site Based Stormwater Management Plan (SBSMP) and associated amended design which details a stormwater point of discharge prior to the issue of the first Development Permit for Operational Work for the development.</p> <p>This document is required to report on the stormwater quantity and quality management required for the land, and must focus on, but not be limited to, the following:</p> <ol style="list-style-type: none"> a. Nominate best practice site management procedures to control the severity and extent of soil erosion and pollutant transport and other water quality issues that may arise during the construction phase and post-construction phase; b. The location of any Stormwater Quality Improvement Devices (SQIDS). SQIDS (e.g. GPTs) must be designed in accordance with section D5 of the FNQROC Development Manual. SQIDs must be positioned to allow for economic and efficient maintenance operations and will require a reinforced concrete hard standing area to be provided from the edge of the carriageway to the SQID location. Vehicular access shall be provided to the hard standing area in the form of a crossover or lay back kerb, constructed in accordance with the provisions of FNQROC Development Manual, and access from the public road reserve to the SQID must remain unrestricted. 	<p>As stated.</p>

	All works must be carried out in accordance with the approved plan(s) prior to Council approval of the Plan of Subdivision.	
17.	<p>Sediment and Erosion Control – Water Discharge</p> <p>Soil and water management measures must be installed/implemented prior to discharge of water from the land, such that no external stormwater flow from the land adversely affects surrounding or downstream properties (in accordance with the requirements of the <i>Environmental Protection Act 1994 (Qld)</i>, the FNQROC Development Manual and the International Erosion Control Association 2008 Guidelines).</p>	At all times.
18.	<p>Concentration of Stormwater</p> <p>Stormwater discharge must have a no worsening effect or ponding nuisances on downstream or upstream properties, associated with the following:</p> <ul style="list-style-type: none"> a. Diversion of stormwater; b. Concentration of stormwater flows; c. Changes in other flow characteristics; and d. Changes that affect the future use of land. <p>If a disparity exists between pre and post alteration flows, measures are to be implemented in order to have a no worsening effect.</p>	At all times.
19.	<p>Discharge of Stormwater</p> <p>Stormwater associated with development is discharged to:</p> <ul style="list-style-type: none"> a. A lawful connection provided from the premises to Council’s stormwater network; or b. Land under Local Government control that has a lawful drainage function immediately adjoining to the premises; or c. An easement for drainage purpose immediately adjoining to the premises; or d. Where the site cannot discharge to a, b or c, stormwater is discharged from the site in a manner that does not result in: <ul style="list-style-type: none"> i. Change to the location of stormwater discharge; ii. An increase to peak flow velocity or volume; or iii. A concentration in stormwater discharge. 	At all times.
20.	Damage to Infrastructure and Land	At all times and

<p>Where any part of Council's existing infrastructure or land is damaged as a result of construction activities occurring on the land, including but not limited to; mobilisation of heavy construction equipment, stripping, grubbing and vegetation damage, notify Council immediately of the affected infrastructure or land and have it repaired, replaced or reinstated at no cost to Council.</p>	<p>prior to Council approval of the Plan of Subdivision.</p>
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PART B: INFRASTRUCTURE CHARGES

That an Infrastructure Charges Notice is issued for the development.

PART C: RATES NOTATION

The following attributes are notated to all lots as follows:

1. A Statutory Covenant for Environmental Purposes (under the *Land Title Act 1994* (QLD)) is registered on the title of the Lot. There are development approval conditions applicable in relation to the establishment and management of the covenant area. All property owner(s) must ensure compliance with the approved Covenant and relevant conditions of approval. All property owner(s) must ensure compliance with these conditions. A copy of Council's Decision Notice is available for viewing and download on Council's website www.cairns.qld.gov.au. Enquiries please contact Council's Town Planning department via townplanner@cairns.qld.gov.au.

ADVICE

1.	<p>Planning Laws</p> <p>Information relating to the <i>Planning Act 2016</i> (Qld), <i>Planning Regulation 2017</i> (Qld) and <i>Development Assessment Rules</i> is located on the Queensland Government's planning website.</p>
2.	<p>Definitions</p> <p>All terms used in this development approval have those definitions as defined under the <i>Planning Act 2016</i> (Qld) and <i>Planning Regulation 2017</i> (Qld) (as at the date of the approval), Queensland Development Code and CairnsPlan 2016.</p> <p>To the extent of any inconsistency, the order of precedence of the above instruments is as follows:</p> <ol style="list-style-type: none"> a. <i>Planning Act 2016</i> (Qld); b. <i>Planning Regulation 2017</i> (Qld);

	<ul style="list-style-type: none"> c. Queensland Development Code; d. CairnsPlan 2016; and e. FNQROC Development Manual.
3.	<p>FNQROC Regional Development Manual</p> <p>Access to FNQROC Development Manual, Local Laws, CairnsPlan 2016 and other referenced planning scheme policies are located on Council’s website – www.cairns.qld.gov.au.</p>
4.	<p>Infrastructure Charges Notice</p> <p>A charge levied for the supply of trunk infrastructure is payable to Council in accordance with Council’s Infrastructure Charges Resolution No. 2 of 2021 and the Infrastructure Charges Notice, a copy of which is attached for reference purposes only.</p> <p>The original Infrastructure Charges Notice will be provided under cover of a separate letter.</p> <p>The amount in the Infrastructure Charges Notice has been calculated according to Council’s Infrastructure Charges Resolution.</p> <p>Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The <i>Planning Act 2016</i> (Qld) confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.</p> <p>The amount in the Infrastructure Charges Notice is subject to index adjustments and may differ at the time of payment. Please contact Council’s Development Assessment Team for review of the charge amount prior to payment.</p> <p>The time when payment is due is contained within the Infrastructure Charges Notice.</p>
5.	<p>Removal of Protected Vegetation</p> <p>This development approval does not approve or authorise the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:</p> <ul style="list-style-type: none"> a. <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth); b. <i>Nature Conservation Act 1999</i> (Qld); and c. <i>Vegetation Management Act 1999</i> (Qld). <p>For further information see: https://www.qld.gov.au/environment/land/management/vegetation/damage.</p>

6.	<p>Native Wildlife</p> <p>Prior to any vegetation damage, an inspection to determine the possible presence of native wildlife and animal breeding places must be undertaken by a suitably qualified and experienced spotter/catcher. The assessment must include the identification of any breeding places for any Endangered/Vulnerable or Near Threatened animal species, special least concern or colonial breeding species prior to the removal of any trees and/or vegetation as per the requirements of section 332 of the <i>Nature Conservation (Wildlife Management) Regulation 2006</i> (Qld). The Department of Environment and Science must be contacted where any Endangered, Vulnerable or Near Threatened native wildlife is found to be present in any area subject to works.</p>
7.	<p>Yellow Crazy Ants</p> <p>Yellow crazy ants are designated as invasive biosecurity matter under the <i>Biosecurity Act 2014</i> (Qld). All parties (whether landholders or not) are required to take all reasonable measures to prevent the movement of yellow crazy ants. This includes restrictions on the movement of any materials deemed to be infested with yellow crazy ants. For further information contact the Department of Environment and Science – https://www.daf.qld.gov.au/business-priorities/biosecurity/policy-legislation-regulation/biosecurity-act-2014/biosecurity-matter-report/restricted-matter.</p>
8.	<p>Electric Ant Quarantine Area</p> <p>The <i>Biosecurity Act 2014</i> (Qld) and the <i>Biosecurity Regulation 2016</i> (Qld) places restrictions on the movement of electric ants and “high risk items” within and out of the zone, and places certain obligations and restrictions on landowners within the zone. For further information consult the following website – https://www.business.qld.gov.au/industries/farms-fishing-forestry/agriculture/land-management/health-pests-weeds-diseases/pests/electric-ants/movement-controls.</p>
9.	<p>Environmental Nuisance</p> <p>Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an ‘environmental nuisance’ within the meaning of the <i>Environmental Protection Act 1994</i> (Qld) to any sensitive receptor as stated within Schedule 1 of the <i>Environmental Protection (Noise) Policy 2019</i> (Qld).</p> <p>Noise from air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would in the opinion of an Authorised Person (officer) of Council, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the <i>Environmental Protection Act 1994</i> (Qld).</p>

10.	<p>Cyclone Watch Site Management</p> <p>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.</p>
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carried unanimously

14. GRANT APPLICATION: AUSTRALIAN GOVERNMENTS HOUSING SUPPORT PROGRAM – STREAM 1, ‘CAIRNS CITY PRECINCTS URBAN REGENERATION PROJECT’ 183
93/4/2-01 | #7407264

OLDS / PYNE

That Council:

1. Approves the retrospective funding application for \$655,441 under the Australian Governments *Housing Support Program – Stream 1* funding application for the proposed ‘*Cairns City Precincts Urban Regeneration Project*’; and
2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate and finalise any and all matters.

carried unanimously

15. TENURE ARRANGEMENT – SURRENDER OF EXISTING FREEHOLD LEASES AND OFFER OF NEW FREEHOLD LEASE OVER PART OF LOT 312 ON SP318398 AND LOT 302 ON SP103359, WALKER ROAD EDMONTON - DIVISION 2 190
19/28/280 | #7407611

TICKNER / MOLLER

That Council:

1. Approves the surrender of the:
 - a. Joint freehold lease by Cairns Junior Baseball League Inc and Softball FNQ Inc; and
 - b. Freehold lease by Cairns Junior Baseball League Inc;

Over part of lot 312 on SP318398 and lot 302 on SP103359, Walker Road Edmonton;

2. Applies an exception in accordance with section 236(2) of the *Local Government Regulation 2012* for the disposal (via lease) of a valuable non-current asset other than by tender or auction pursuant to section 236(1)(b)(ii) being for the purpose of issuing a tenure arrangement to a community organisation;
3. Supports the offer of a freehold lease to Softball FNQ Inc over part of lot 312 on SP318398 and lot 302 on SP103359, Walker Road Edmonton subject but not limited to:
 - a. The terms and conditions herein;
 - b. entering into a user agreement with Cairns Junior Baseball League Inc for baseball sporting competitions, practice and ancillary uses over one (1) field; and
4. Authorises the Chief Executive Officer to negotiate and finalise any and all matters relating to the surrender of the freehold leases and new freehold lease arrangement.

carried unanimously

**16. TENURE ARRANGEMENTS OVER LOT 515 ON RP 908330,
3 SHIELDS STREET, CAIRNS CITY– DIVISION 5 198
19/28/51 | #7404656**

PYNE / MIDDLETON

That Council:

1. Applies an exception in accordance with section 236(2) of the *Local Government Regulation 2012* for the disposal (via lease) of a valuable non-current asset other than by tender or auction pursuant to section 236(1)(b)(ii) being for the purpose of issuing a tenure arrangement to a community organisation;
2. Supports the offer of a freehold lease to the Cairns Art Gallery Limited over the whole of lot 515 on RP808330, 3 Shields Street, Cairns City, subject but not limited to the terms and conditions herein; and
3. Authorises the Chief Executive Officer to negotiate and finalise any and all matters relating to the freehold lease and sub lease arrangement.

carried unanimously

**17. TENURE ARRANGEMENT – NEW FREEHOLD LEASE OVER PART OF LOT 11 ON SP298401, 271 GATTON STREET, WESTCOURT – DIVISION 5204
55/2/3 | #7403542**

ITEM WITHDRAWN

**18. PRELIMINARY APPROVAL FOR RECONFIGURING A LOT (2 LOTS INTO 706 RESIDENTIAL LOTS) – MT PETER ROAD & 505R MT PETER ROAD, MOUNT PETER – DIVISION 1224
8/13/2549 | #7376893**

MOLLER / TICKNER

That Council refuse the development application for a Preliminary Approval for Reconfiguring a Lot (2 Lots into 706 Lots) over land described as Mt Peter Road & 505R Mt Peter Road, Mount Peter, located at Lot 2 on RP735739 and Lot 11 on RP704174, for the following reasons:

Structure Planning

1. The proposed development does not provide a well-planned, strategic, and integrated approach to structure planning for a new residential community because:
 - a. the proposed structure plan and development outcomes fail to demonstrate integration with:
 - i. development sequencing, as the proposed development is out of sequence and does not provide for sequential development from the north within the initial development area (IDA) which is identified as Precinct 2 – Cooper Road on Mount Peter Local Plan Map LPM-010;
 - ii. housing diversity, as the subdivision layout only provides for a very limited range of housing forms and types to meet the needs of the community;
 - iii. transport and mobility outcomes, as the subdivision layout is not efficient or safe and does not include a well-planned network of interconnected roads that provides connectivity with existing and planned development;
 - iv. infrastructure networks (including their appropriate and sequential provision in a planned manner), as the Land is outside the priority infrastructure area (PIA) and the proposed development requires the delivery of significant trunk infrastructure inconsistent with the Local Government

- Infrastructure Plan (LGIP), out of sequence and in a premature way;**
- v. overlay outcomes in the Flood and inundation hazards overlay code, the Natural areas overlay code, and the Transport networks overlay code;**
- b. the proposed structure plan and development outcomes:**
- i. provide a land use and mobility structure that:**
 - A. is inadequate in respect of the desired future community form on the Land and in respect of the role the Land will play across an integrated local plan area;**
 - B. does not make provision for the local convenience needs of the proposed population;**
 - C. does not facilitate a diverse and affordable housing choice;**
 - ii. do not provide a functional and safe transport network beyond the boundaries of the Land;**
 - iii. are not sequential in their implementation and have inadequate regard to the future planning of the Mount Peter local plan area that the Council has undertaken;**
 - iv. may compromise the ability of future precincts to achieve the overall outcomes of the Mount Peter local plan;**
 - v. may compromise development in other local plan areas through the inefficient use of land within the Mount Peter local plan;**
 - vi. result in fragmentation of the southern Cairns cane farming areas and do not ensure areas currently utilised for cane farming continue to be used for this purpose for the longest extent possible;**
- c. the proposed structure plan does not satisfy the requirements of Planning scheme policy – Structure planning as it:**
- i. has not been prepared in accordance with the Mount Peter local plan code, including for the matters set out in paragraph 1(b);**
 - ii. does not ensure development is planned and delivered in an orderly and integrated manner;**
 - iii. does not demonstrate how the proposed development will integrate with the surrounding community, infrastructure**

networks, and movement systems, and overall intended urban form;

- iv. **conflicts with and compromises the achievement of the Strategic Framework.**
2. **The proposed development does not comply with, or it has not been demonstrated that the proposed development can comply with (even with the imposition of lawful conditions):**
- a. **State Planning Policy: State interest – liveable communities (1)(c) and (d), (2)(a), (c), (d), (e), and (4); State interest – development and construction (1)(d), (2), and (4); State interest – infrastructure integration (1), (2)(a) – (d), (3)(b), and (4); State interest – transport infrastructure (2),(3);**
 - b. **Strategic Framework: Part 3.3, strategic outcomes 3.3.1(1)(j), 3.3.1(3), 3.3.1(5), 3.3.1(8), 3.3.1(11) and 3.3.1(13); Part 3.4, strategic outcomes 3.4.1(1), 3.4.1(3), and specific outcomes 3.4.2.1 and 3.4.3.1; and Part 3.6 strategic outcome 3.6.1(2) and specific outcome 3.6.4.1(3);**
 - c. **Mount Peter local plan code: Purpose 7.2.7.3(1); Overall outcomes 7.2.7.3(2)(a), (c), (d), (g), (h), (i), (m), (n), (p), (q), and (4); and Performance outcomes PO1/AO1.1, PO2/AO2.1, PO3/AO3.1/AO3.2, and PO4;**
 - d. **Reconfiguring a lot code: Purpose 9.3.8.2(1)(f); Overall outcomes 9.3.8.2(2)(d), (i); and PO14;**
 - e. **Planning scheme policy – Structure planning: 3.1(3), 3.2(2) and (3), 3.3.**

Out of sequence development

- 3. **Notwithstanding that the site is located in Precinct 2 – Cooper Road, it is at the southern extremity of that area and the proposed development is premature, out of sequence and inconsistent with the timing for the planned delivery of trunk sewer, water, road, and open space infrastructure under the LGIP.**
- 4. **It has not been demonstrated that the proposed trunk sewer and water trunk infrastructure would be compatible with the trunk infrastructure planned to be delivered under the LGIP because:**
 - a. **the proposed development is not consistent with underlying assumptions for the type of development proposed on the Land, which includes larger lots capable of accommodating multiple dwellings and yield higher demand outcomes that re not consistent with the trunk infrastructure sizing criteria;**

- b. the proposed relocation of sewer pump SPSF39, planned in the LGIP to be delivered in 2031, is not appropriate;
 - c. it has not been demonstrated that the proposed trunk water infrastructure will provide an adequate level of service in terms of adequate pressure and network security of supply.
5. The proposed trunk road infrastructure is premature, inconsistent with planning undertaken by the Council and has not been demonstrated to be compatible with trunk infrastructure to be delivered under the LGIP because no final design for that trunk infrastructure has been proposed and approved.
 6. The proposed development does not comply with, or it has not been demonstrated that the proposed development can comply with (even with the imposition of lawful conditions):
 - a. State Planning Policy: State interest – infrastructure integration (1), (2)(a) – (d), (3)(b), and (4); State interest – transport infrastructure (2) and (3);
 - b. Mount Peter local plan code: Purpose 7.2.7.3(1); Overall outcome 7.2.7.3(2)(c) and (i);
 - c. Infrastructure works code: Purpose 9.3.5.2(1); Overall outcomes 9.3.5.2(2)(a) and (d); and Performance outcome PO13;
 - d. The Local Government Infrastructure Plan.

Inefficient delivery of infrastructure

7. The proposed development requires the delivery of significant trunk infrastructure that is inconsistent with the timing for the delivery of planned infrastructure in the LGIP and it has not been demonstrated that the trunk infrastructure will be delivered in an orderly and efficient manner without unacceptable impacts.
8. The proposed development does not comply with, or it has not been demonstrated that the proposed development can comply with (even with the imposition of lawful conditions):
 - a. State Planning Policy: State interest – infrastructure integration (1), (2), (3)(b), and (4); State interest – transport infrastructure (2) and (3);
 - b. Mount Peter local plan code: Overall outcome 7.2.7.3(2)(i);
 - c. Infrastructure works code: Purpose 9.3.5.2(1); Overall outcomes 9.3.5.2(2)(a) and (d); and Performance outcomes PO5, PO6 and PO13;
 - d. The Local Government Infrastructure Plan.

Subdivision layout and lot design

- 9. The proposed development does not provide for an appropriately structured neighbourhood, inclusive of a well-designed pattern of streets and integration of all aspects of urban development.**
- 10. The proposed development does not suitably respond to natural features and constraints of the Land.**
- 11. The proposed development does not support land use efficiency or diverse housing choice, as it does not include an appropriate mix of density.**
- 12. The proposed development does not address the intended, planned character for the Land.**
- 13. For the reasons set out above, the proposed development is premature and out of sequence, inconsistent with the Council's long term planning strategy and inconsistent with the Council's planned provision of infrastructure.**
- 14. The proposed development does not comply with, or it has not been demonstrated that the proposed development can comply with (even with the imposition of lawful conditions):**
 - a. Mount Peter Local Plan Code: Overall outcome 2(i), (2)(m) and (4)(f) and PO2;**
 - b. Low-medium Density Residential Zone Code: Overall Outcome (2)(a), (c) and (e) and PO6.**
 - c. Reconfiguring a Lot Code: Purpose (1)(c) and (d); Overall Outcome (2)(a), (b) and (c), PO2, PO3; PO14, PO15, PO16, and PO18;**

Terrestrial Ecology

- 15. The proposed development would cause unacceptable direct and indirect adverse impacts on areas of environmental significance:**
 - a. the Land and surrounding locality contains natural features comprising, and is constrained by, areas of environmental significance and matters of environmental significance, including:**
 - i. Matters of National Environmental Significance (MNES), including but not limited to listed threatened species, and listed threatened ecological communities and listed migratory species;**
 - ii. Matters of State Environmental Significance (MSES), including but not limited to Regulated vegetation (endangered/of concern Category B), Regulated vegetation (endangered/of concern**

Category C), Regulated vegetation (Category R), Regulated vegetation (essential habitat), Regulated vegetation (intersecting a watercourse), and Wildlife habitat (endangered or vulnerable) and Wildlife habitat (special least concern animals);

- iii. **Matters of Local Environmental Significance (MLES), including but not limited to parts of Sandy Creek, Grays Creek, Wrights Creek, and an unnamed creek traversing the Land, categorised as Urban waterway A trigger area;**
 - b. **the proposed development will cause direct and indirect adverse impacts to areas of environmental significance as:**
 - i. **the proposed development will result in the clearing and removal of habitat in areas of environmental significance;**
 - ii. **the proposed development has residential lots which directly interface with areas of environmental significance;**
 - c. **it has not been demonstrated that the proposed development:**
 - i. **provides a stormwater management system that will not have unacceptable adverse impacts on areas of environmental significance;**
 - ii. **provides adequate setbacks or buffers to areas of environmental significance;**
 - iii. **appropriately avoids the direct and indirect adverse impacts on areas of environmental significance;**
 - iv. **sufficiently assessed the potential impacts on areas of environmental significance;**
 - v. **provides additional open space areas to support areas of environmental significance;**
 - vi. **will protect, expand and enhance habitat condition, connectivity, function and extent.**
- 16. The proposed development does not comply with, or it has not been demonstrated that the proposed development can comply with (even with the imposition of lawful conditions):**
- a. **State Planning Policy: State interest – liveable communities (3)(a); and State interest – biodiversity (1), (2), (3) and (4);**
 - b. **Natural Areas Overlay Code: Purpose 8.2.11.2(1)(a), (b), (c), and (d); Overall outcomes 8.2.11.2(2)(a), (b), (c), (d), (e) and (f); Performance outcomes PO1, PO4, PO5, PO10 and PO11;**

- c. **Mount Peter Local Plan Code: Overall outcome 7.2.7.3(2)(i); and Performance outcome PO1;**
- d. **Low-Medium Density Residential Zone Code: Overall outcome 6.2.10.2(2)(e); and Performance outcomes PO6 and PO7;**
- e. **Infrastructure Works Code: Purpose 9.3.5.2(1); Overall outcomes 9.3.5.2(2)(b), (c) and (e); and Performance outcome PO9, PO10, PO17 and PO18;**
- f. **Reconfiguring a Lot Code: Purpose 9.3.8.2(1)(d); Overall outcomes 9.3.8.2(2)(b) and (f); and Performance outcome PO3.**

Aquatic Ecology

- 17. **The proposed development would cause unacceptable direct or indirect adverse impacts on areas of environmental significance:**
 - a. **the Land and receiving environment contains natural features comprising, and is constrained by, areas and matters of environmental significance, including:**
 - i. **MNES, including but not limited to the Great Barrier Reef World Heritage Area and listed threatened species;**
 - ii. **MSES, including but not limited to waterways at risk from waterway barrier works and the Trinity Inlet declared fish habitat area;**
 - iii. **MLES, including but not limited to parts of Sandy Creek, Grays Creek, Wrights Creek, and an unnamed creek traversing the Land, categorised as Urban waterway A trigger area;**
 - b. **the proposed development will cause direct and indirect impacts to areas of environmental significance as:**
 - i. **the proposed development will result in the clearing and removal of habitat in areas of environmental significance;**
 - ii. **the proposed development has residential lots which directly interface with areas of environmental significance;**
 - iii. **an aquatic ecology survey or assessment was not undertaken for the proposed development;**
 - iv. **it has not been demonstrated that the proposed development:**
 - A. **appropriately prevents or mitigates impacts from stormwater quantity and quality, and changes in hydrology**

(groundwater and surface water regimes), on aquatic environmental values of areas of environmental significance or the receiving environment;

B. provides adequate setbacks or buffers to areas of environmental significance.

18. The proposed development does not comply with, or it has not been demonstrated that the proposed development can comply with (even with the imposition of lawful conditions):
- a. State Planning Policy: State interest – liveable communities (3)(a); State interest – biodiversity (1), (2), (3) and (4); and State interest – water quality (3)(a) and (d) and (5);
 - b. Natural areas overlay code: Purpose 8.2.11.2(1)(a), (b), (c), and (d); Overall outcomes 8.2.11.2(2)(a), (b), (c), (d) and (e); Performance outcomes PO1, PO4, PO5, PO10 and PO11;
 - c. Mount Peter local plan code: Overall outcome 7.2.7.3(2)(i); and Performance outcome PO1;
 - d. Low-medium residential code: Overall outcome 6.2.10.2(2)(e); and Performance outcome PO6;
 - e. Environmental performance code: Purpose 9.3.2.2(1); Overall outcomes 9.3.2.2(2)(a) and (d); Performance outcome PO9;
 - f. Infrastructure works code: Purpose 9.3.5.2(1); Overall outcomes 9.3.5.2(2)(b), (c) and (e); and Performance outcomes PO9 and PO10; and
 - g. Reconfiguring a lot code: Purpose 9.3.8.2(1)(d); Overall outcomes 9.3.8.2(2)(b) and (f); and Performance outcome PO3.

Stormwater (quantity and quality) and groundwater

19. The proposed development will (or it has not been adequately demonstrated that it will not) cause adverse hydraulic impacts within the Land and beyond the boundaries of the Land, as the proposed development:
- a. would result in urbanisation of the Land;
 - b. has not appropriately considered the nature and extent of excavation and filling necessary to support adequate stormwater infrastructure for the Land;

- c. **proposes a stormwater discharge system that concentrates stormwater discharge in nine (9) locations directly into the natural waterways on and adjoining the Land;**
 - d. **does not provide for and has not adequately addressed water quantity measures, including:**
 - i. **the provision of onsite detention basins, to mitigate hydraulic impacts associated with stormwater runoff;**
 - ii. **the provision of bioretention basins or other measures to address dissolved contaminants, to mitigate water quality impacts;**
 - e. **does not appropriately mitigate and has not adequately addressed potential groundwater impacts, including impacts of reduced flow to the groundwater system attributable to urbanisation of the Land;**
 - f. **does not appropriately mitigate and has not adequately addressed the impacts to aquatic ecology attributable to urbanisation of the Land, including:**
 - i. **geomorphological impacts to waterways on the Land and beyond the boundaries of the Land associated with increased frequency and peak flow rate of stormwater events;**
 - ii. **impacts to groundwater dependent ecosystems which may be present in waterways on the Land and beyond the boundaries of the Land; and**
 - g. **does not adequately address stormwater and groundwater impacts associated with cumulative urbanisation of the Mount Peter region.**
20. **The proposed development does not comply with, or it has not been demonstrated that the proposed development can comply with (even with the imposition of lawful conditions):**
- a. **State Planning Policy: State interest – water quality (1) and (3)(a), (b), and (d); Assessment benchmarks – water quality (1)(a), (b), and (d);**
 - b. **Mount Peter local plan code: 7.2.7.3(1) and Performance outcome PO1(i);**
 - c. **Infrastructure works code: Purpose 9.3.5.2(1); Overall outcome 9.3.5.2(2)(c); Performance outcomes PO4, PO9;**
 - d. **Environmental performance code: Purpose 9.3.2.2(1), Overall outcomes 9.3.2.2(2)(a), (c), (d), and (f); Performance outcomes PO8 and PO9;**

- e. **Excavation and filling code: Purpose 9.3.3.2(1), Overall outcomes 9.3.3.2(2)(b) and (c); Performance outcomes PO6 and PO7.**

Flooding

- 21. **The proposed development does not, or it has not been adequately demonstrated to, adequately respond to the flood hazard which affects the Land:**
 - a. **on Flood and inundation hazards overlay Map Nos. OM-07B and OM-07C, the Land is:**
 - i. **entirely located within the Mount Peter Flood Precinct;**
 - ii. **partly affected by 'Sub-precinct 2b – High extreme hazard area' and 'Designated flood hazard area – Flood inundation trigger area';**
 - b. **the proposed development is not supported by a sufficiently detailed Flood and inundation hazards assessment, detailed flood modelling for the Land, and details of proposed excavation and filling to demonstrate whether the proposed development:**
 - i. **protects the safety of people and minimises damage to property and the environment;**
 - ii. **does not adversely interfere with the function of drainage catchments or require complex engineering solutions to do so;**
 - iii. **only involves acceptable earthworks solutions;**
 - iv. **considers and responds to the impacts of climate change on the flood hazard affecting the Land;**
 - v. **minimises impacts from flood hazard on the community in relation to infrastructure function and environmental values.**
- 22. **The proposed development does not comply with, or it has not been demonstrated that the proposed development can comply with (even with the imposition of lawful conditions):**
 - a. **State Planning Policy: State interest – natural hazards (4)(a) and (b), (5)(b) and (d), Assessment benchmarks – natural hazards (3)**
 - b. **Flood and inundation hazards overlay code: Purpose 8.2.7.2(1), Overall outcome 8.2.7.2(2)(a) and (c); Performance outcomes PO2, PO7, and PO8;**
 - c. **Mount Peter local plan code: 7.2.7.3(1), Overall Outcome 2(c) and Performance outcome PO1;**

- d. **Excavation and filling code: Purpose 9.3.3.2(1), Overall outcomes 9.3.3.2(2)(b) and (c); Performance outcome PO6.**

Amenity

- 23. **It has not been demonstrated that the proposed development protects residential amenity in terms of traffic, noise, dust and lighting in the southern precinct adjacent to Mt Peter Road and the cane rail corridor.**
- 24. **The proposed development does not comply with, or it has not been demonstrated that the proposed development can comply with (even with the imposition of lawful conditions):**
 - a. **Reconfiguring a lot code: Purpose 9.3.8.2(1)(a);**
 - b. **Low medium density residential zone code: Overall Outcome (2)(b) and Performance Outcome PO7.**

Traffic

- 25. **The proposed development does not, or it has not been demonstrated that it will, provide transport infrastructure that supports a safe and efficient transport network as:**
 - a. **the traffic impact assessment is inadequate in terms of its coverage, assumptions, inputs and outputs, and interpretation of the limited outputs;**
 - b. **the external traffic impacts of the proposed development have more broadly not been adequately identified and assessed;**
 - c. **adequate traffic and transport provisions and mitigation measures have not been identified and demonstrated as able to be delivered by the applicant;**
- 26. **It has not been demonstrated that:**
 - a. **adequate road reserves will be preserved to allow the ultimate configuration of Mt Peter Road and Mohammad Access to be provided, including in the event that the cane rail infrastructure remains operational;**
 - b. **sufficient width and separation will be provided along Mt Peter Road adjacent to the Land to accommodate public transport stops, active transport infrastructure including cycle lanes and shared pathways and safe pedestrian crossings of the road, including in the event that the cane rail infrastructure remains operational;**
 - c. **the proposed development will be able to appropriately mitigate safety (including for pedestrians and cyclists) and efficiency impacts associated with the existing cane rail infrastructure on the Land;**

- d. the proposed development can provide adequate transport infrastructure in circumstances where such external transport infrastructure is on land that is not in an existing road reserve and is outside land under the control of the applicant;
 - e. the road infrastructure works proposed by the applicant are appropriate and will not delay or cut across planned works, including works planned in the PIA, the LGIP or works foreshadowed in other development approvals;
27. The proposed development relies upon road and pathway connectivity and a public transport route through adjoining planned development within the IDA, which may be delayed, as the proposed development represents out of sequence development which will compete and delay such development upon which it relies for the provision of such transport infrastructure.
28. The proposed development does not provide an efficient subdivision layout which enhances personal, traffic, and property safety and security as:
- a. not all lots are arranged to front all streets and parkland;
 - b. adequate on-street parking is not provided for all proposed lots.
29. In the premises, the proposed development does not comply, or it has not been demonstrated that it can comply, with:
- a. State Planning Policy: State interest – transport infrastructure (2) and (3);
 - b. Transport network overlay code: Purpose 8.2.15.2(1); Overall outcomes 8.2.15.2(2)(a), (b), (c), and (d); Performance outcomes PO1, PO2, PO4, PO5, and PO6;
 - c. Mount Peter local plan code: Purpose 7.2.7.3(1); Overall outcomes 7.2.7.3(2)(d), (h), (i), (o), (p) and (q); Performance outcomes PO1 and PO3;
 - d. Low-medium density residential zone code: Overall outcome 6.2.10.2(2)(b); Performance outcome PO7;
 - e. Infrastructure works code: Purpose 9.3.5.2(1); Overall outcome 9.3.5.2(2)(a); Performance outcomes PO1, PO8, PO11, PO12, PO13; and
 - f. Reconfiguring a lot code: Purpose 9.3.8.2(1)(e) and (f); Overall outcomes 9.3.8.2(2)(a), (d), (e), (h), and (i); Performance outcomes PO3, PO4, PO5, PO10, PO15, PO23, PO24, PO26, and PO27.

carried unanimously

There are three (3) items in closed session. There are two (2) legal matters and a budgetary matter.

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

CLOSED SESSION

COGHLAN / MOLLER

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

- 1. LEGAL MATTER – UPDATE ON PLANNING & ENVIRONMENT COURT APPEAL NO. 23 OF 2024 – UWE JAHNIGEN ATF THE SUNSHINE TRUST V CAIRNS REGIONAL COUNCIL – 188 TRINITY BEACH ROAD, TRINITY BEACH – DIVISION 9369
8/13/2567 | #7405525**
- 2. LEGAL MATTER – UPDATE ON PLANNING & ENVIRONMENT COURT APPEAL NO. D47/2023 – BROTHERS LEAGUES CLUB (CAIRNS) LIMITED V CAIRNS REGIONAL COUNCIL – 99-107 ANDERSON STREET, MANUNDA – DIVISION 7377
835 / 2022| #7373519**
- 3. BUDGETARY MATTER – OUTSTANDING DEBT REPORT413
63/8/31-01 | #7399164v1**

carried unanimously

OUT OF CLOSED SESSION

COUNCIL RESOLVED TO MOVE OUT OF CLOSED SESSION

MOLLER / OLDS

carried unanimously

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

- 1. LEGAL MATTER – UPDATE ON PLANNING & ENVIRONMENT COURT APPEAL NO. 23 OF 2024 – UWE JAHNIGEN ATF THE SUNSHINE TRUST V CAIRNS REGIONAL COUNCIL – 188 TRINITY BEACH ROAD, TRINITY BEACH – DIVISION 9369
8/13/2567 | #7405525**

COGHLAN / OLDS

That Council :

- A. Notes the current status of Planning & Environment Court Appeal No. 23 of 2024 and that a further update will be provided prior to the finalisation of the appeal.
- B. Delegates authority, pursuant to the Local Government Act 2009, to the Chief Executive Officer for all further matters in relation to the carriage and finalisation of Planning & Environment Court Appeal No. 23 of 2024.

carried unanimously

- 2. LEGAL MATTER – UPDATE ON PLANNING & ENVIRONMENT COURT APPEAL NO. D47/2023 – BROTHERS LEAGUES CLUB (CAIRNS) LIMITED V CAIRNS REGIONAL COUNCIL – 99-107 ANDERSON STREET, MANUNDA – DIVISION 7377
835 / 2022| #7373519**

PYNE / TIM

That Council:

1. Resolves to settle Planning & Environment Court Appeal No. D47/2023, subject to the conditions of approval set out in Attachment 1.
2. Delegates authority, pursuant to the Local Government Act 2009, to the Chief Executive Officer for all other matters in relation to the carriage and finalisation of Planning & Environment Court Appeal No. D47/2023.

ATTACHMENT 1: CONDITIONS OF APPROVAL

1. At all times the advertising device must be installed and operated in accordance with the following approved plans, subject to any limitations identified in these conditions:

Drawing(s) or Document(s)	Reference	Date
Site Plan	Rubicon Design + Construct Job no.: 2223 – 104G Drawing no. 2005/AWD/0.02	May 2021
Floor Plan	Rubicon Design + Construct Job no.: 2223 – 104G Drawing no. 2005/AWD/2.07	May 2021
Proposed Elevations	Rubicon Design + Construct Job no.: 2223 – 104G Drawing no. 2005/AWD/4.02	May 2021
Proposed Elevations	Rubicon Design + Construct Job no.: 2223 – 104G Drawing no. 2005/AWD/4.03	May 2021
Proposed Visor to Digital Sign	BSV Bringing Spaces to Life Job no. 298571-00 Revision: E	25 March 2024
Safety and Technical Review of Brothers League Club Electronic Signage	ARUP Job no. 298571-00 Version: 1	25 March 2024

2. **At all times the advertising device must be maintained in a safe condition so as to prevent personal injury or damage to property.**
3. **This permit lapses on 31 July 2029.**
4. **When the advertising device is no longer needed for the purpose and in the circumstances in which it was permitted, the advertising device must be removed within one (1) month of that event.**
5. **The advertising device must be removed no later than the day after the day that the permit lapses, unless authorised to remain by means of a further permit or the renewal of this permit.**
6. **Prior to the installation or display of the advertising device, all other necessary approvals must be obtained.**
7. **The Digital Wall Sign must be fitted with a minimum of two sensors that control the luminance output of the device relative to the ambient light levels. A minimum of two sensors must be operational at all times. The maximum luminance output of the Digital sign must not exceed the candelas per m² relative to the ambient light levels identified within the table below:**

Ambient light level (lux)	Maximum luminance output (candelas per m ²)
Greater than 2000 lux (e.g. daytime)	6000 cd/m ²
Between 400 – 2000 lux (e.g. dawn and dusk)	600 cd/m ²
Less than 400 lux (e.g. night time)	300 cd/m ²

8. The advertising device must be switched off between the hours of 10:00pm and 6:00am.
9. The minimum dwell time for any advertisement displayed on the Digital Wall Sign is 120 seconds.
10. Each transition between advertisements on the Digital Wall Sign must occur instantaneously, with a maximum transition time of 0.1 seconds.
11. Each transition between advertisements must be a complete screen change.
12. Methods of image animation or transition such as 'fly in' or 'scroll', or any type of change in advertisement message that are not instantaneous must not occur. All advertisements are to remain static for the entire dwell time at all times.
13. At all times, advertisements must not rotate, move, flash, change brightness or consist of scrolling or moving images or video images.
14. Messaging displayed on the Digital Wall Sign must not give instructions such as 'Stop' or 'Halt' to vehicles and not use any messages that could be considered to be a traffic control device (e.g. imitate a give-way/stop sign).
15. A visor or screen must be installed to restrict the view to drivers on English Street, in accordance with the approved plan (Proposed Visor to Digital Screen Job no. 298571-00, dated 25 March 2024).
16. During operation, the Digital Wall Sign must not go blank or display a solid colour between different advertisement messages.
17. Only one advertisement may be displayed during a single dwell time. The screen must not be split or display multiple advertisements during a single dwell time.
18. Sequential messages which require more than one screen to convey a message (i.e. Multi frame or subsequent messages) must not occur.
19. In the event of a malfunction or failure of the Digital Wall Sign, including the associated sensors, the Advertising Device must be switched off until the malfunction or failure is resolved.

20. Any malfunctions or failures must be resolved within 21 days of the event of the malfunction or failure.
21. Prior to any further operation of the Digital Wall Sign, an Operational Plan must be prepared and lodged with Council for approval that details:
 - a. Management procedures in the event of malfunction, failure or damage; and
 - b. Maintenance procedures for the term of approval.

The Operational Plan must be provided to and endorsed by the Chief Executive Officer prior to any further operation of the Digital Wall Sign.

22. At all times, the Digital Wall Sign must be operated in accordance with the endorsed Operational Plan required by these conditions of approval.
23. The Digital Wall Sign must record data related to the operational criteria contained within these conditions. The data must be recorded at a minimum rate of once per hour. A log of the recorded data must be retained by the operator for the life of the approval and be provided to Council at the request of an authorised officer in accordance with the Department of Transport and Main Roads Roadside Advertising Manual.
24. The Digital Wall Sign must have a minimum pixel pitch equal to or less than P10 (10mm).
25. The permit holder must ensure, including by reducing the luminance output or increasing the dwell time if necessary, that the installation, erection or display of the Advertising Device does not cause any:
 - a. loss of amenity or nuisance; or
 - b. unsafe movement or obstruction of pedestrian traffic.
26. The advertising devices must comply with any safety requirements specified in this approval.
27. The design and installation of the advertising device and any supporting structures must be certified by a suitably qualified and experienced person as being structurally sound.
28. The advertising devices must be securely fixed to the building it is attached to so as not to endanger public safety.
29. The advertising devices must be constructed of durable materials and maintained in good condition and repair, free from graffiti at all times.

30. All conduits, wiring, switches or other associated plant installed on or for the advertising device are concealed from view from roads and other public places.
31. The advertising device must not expose an unsightly back view to a road or other public place.
32. Unless the advertising device has been certified by an RPEQ as being structurally capable of withstanding a cyclonic event, it may be required to be removed in the event of a cyclone watch or warning being issued for the region in which the device is located.
33. The advertising device is approved for use of on-site advertising only.
34. Prior to any renewal application being lodged for this Advertising Device, submit a further technical memorandum confirming the recommendations of the approved road safety audit remain adequate to ensure the safe operation of the Advertising Device. The technical memorandum must be prepared and certified by a DTMR accredited road safety auditor.

Further Advice

1. The Advertising Device may be requested to be made available for community information in the event of a declaration of an impending weather event or similar.
2. Should the permit holder wish to display the Advertising Device beyond the term of the permit, the permit holder must apply for a renewal to continue to display the advertising device. The Renewal Application must be accompanied with the prescribed fee and be submitted prior to the expiry of the permit. The Permit expires on 31 July 2029.
3. It is the Applicant's responsibility to ensure all other applicable approvals and/or permits are obtained in respect of the Advertising Device. This may include, for example, a Building Approval issued under the Building Act for any structural requirements for attaching the Advertising Device to the building.

carried unanimously

3. BUDGETARY MATTER – OUTSTANDING DEBT REPORT413 63/8/31-01 | #7399164v1

MOLLER / MIDDLETON

That Council notes the status of the outstanding debt owed to Council as at 26 April 2024.

carried unanimously

THE MEETING CLOSED AT 10:52 AM

CONFIRMED THIS DAY OF 2024

.....
MAYOR

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