



## ORDINARY MEETING

10 JULY 2024

9 A.M.

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

APOLOGY: Cr B Moller

OFFICERS:

J Andrejic	Acting Chief Executive Officer
C Posgate	Director People and Organisational Performance
E Johnson	Director Planning, Growth and Sustainability
M Wuth	Director Cairns Infrastructure and Assets
D Puia	Director Lifestyle and Community
L Whitton	Director Finance & Business Services
N Masasso	Director Economic Development and Advocacy
G Everson	Associate Director Service Delivery
T Veronese	Acting Associate Director Engineering Services
A Patterson	Acting Executive Manager Development & Planning
S Foster	Executive Manager Creative Life
T Dendle	Executive Manager Community Spaces
I Elliot-Smith	Principal Planner
L Dendle	Directorate Project Officer
P Rogato	Media Coordinator
S Cottrell	Minute Secretary

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**CLOSED SESSION**

**1. LEGAL MATTER – UPDATE ON PLANNING AND ENVIRONMENT COURT APPEAL NO. 1704 OF 2024 – MOUNT PETER ROAD NO2 PTY LTD & MOUNT PETER ROAD PTY LTD -V- CAIRNS REGIONAL COUNCIL – MT PETER ROAD & 505R MT PETER ROAD, MOUNT PETER – DIVISION 1 ..... 32**  
8/13/2549 | #7452617

**A WELCOME TO COUNTRY WAS GIVEN BY NEVILLE REYS FROM THE GIMUY WALUBARA YIDINJI ELDERS CORPORATION FOR NAIDOC WEEK.**

**Meeting was suspended at 9.16 am**

**Meeting was resumed at 9.35 am**

**APOLOGY**

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

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

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

**PURPOSE OF MEETING**

To consider the matters listed on the agenda.

**CONFIRMATION OF MINUTES OF ORDINARY MEETING AND SPECIAL BUDGET MEETING 19/06/2024**

OLDS / COGHLAN

That the Minutes of the Ordinary Meeting held on Wednesday, 19 June 2024 and Special Budget Meeting 19 June 2024 be confirmed.

*carried unanimously*

**1. TROPICAL CYCLONE JASPER ECONOMIC IMPACT ASSESSMENT**

.....96  
52/2/4-02 | #7437824

COGHLAN / OLDS

That Council notes the *Tropical Cyclone Jasper Economic Impact Assessment* report.

*carried unanimously*

**2. TROPICAL CYCLONE JASPER LOCAL DISASTER RECOVERY PLAN 2024 – 2026 .....99**  
52/2/4-02 | #7437241

COGHLAN / VALLELY

That Council:

1. Notes the Tropical Cyclone Jasper Local Disaster Recovery Plan 2024 – 2026 as endorsed by the Local Disaster Management Group – Cairns Region.
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise the Plan and deal with any queries or other matters arising from it.

*carried unanimously*

**3. PROJECT LAUNCH APPROVAL – DISASTER RECOVERY FUNDING ARRANGEMENTS WORKS – TROPICAL CYCLONE JASPER, ASSOCIATED RAINFALL AND FLOODING 13 – 28 DECEMBER 2023 .....147**  
50/5/96-01 | #7440790

COGHLAN / OLDS

That Council:

- 1 Approves the Project Launch Approval for project TCJ99003 Lake Morris Road Landslip Remediation with a Project Launch Budget (PLB) of \$4,350,000 and an Approved End Date (AED) of 30 June 2026; and
- 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 these projects subject to normal procurement practices and policies.

*carried unanimously*

**4. DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR 2 FOOD AND DRINK OUTLETS – 128, 130-132, 134, & 136 PEASE STREET, MANOORA – DIVISION 7 .....151**  
8/8/1648 | #7272019

MIDDLETON / VALLELY

That Council refuse the application seeking a Development Permit for a Material Change of Use for two (2) Food and Drink Outlets over land formally described as Lot 2 on C198226, Lot 1 on C198202, Lot 5 on RP722608, and Lot 4 on RP744008 situated at 128, 130-132, 134, & 136 Pease Street, Manoora for the following reasons:

#### Departure from Policy Direction

1. The proposed development does not comply with the policy direction for the Planning Scheme expressed in Part 3 – Strategic Framework in CairnsPlan 2016 Version 3.1 (Planning Scheme), in particular:
  - a. The development would lead to the establishment of a centre activity outside of a Centre Zone or the effective expansion of a Centre where such use of premises is not anticipated by the Planning Scheme and would undermine the role and function of the Centres within the hierarchy of Centres, as reflected in Specific Outcome 3.3.2.1(2);
  - b. The development does not consolidate within or contribute to the consolidation of existing, established Centres. The application does not demonstrate a sufficient need to warrant support for out of Centre development and compromises the amenity of the surrounding residential area and the role and function of the proximate Manoora District Centre, as reflected in Specific Outcome 3.3.2.1(3);
  - c. The development will result in the inappropriate use of well located and serviced medium density residential zoned land that can otherwise be used to provide for a variety of higher density residential living options that takes advantage of the range of activities, services, and public transport facilities proximate to the land, as reflected in Specific Outcome 3.3.2.1(4); and
  - d. The development proposes non-residential uses on residential land that are not considered to be appropriate for the location as they will detract from the residential amenity of the area and compromise the role and successful function of the proximate Manoora District Centre, as reflected in Specific Outcome 3.3.5.1(3).

#### Non-residential use on residential land

2. The Planning Scheme, through the Strategic Framework and Zone Code, provides clear planning policy that residential land, including that within the Medium Density Residential Zone, is used for its anticipated purpose and places stringent criteria on the establishment of non-residential uses. This is to ensure that there is appropriate land available to meet projected population growth and to contribute to the vitality and vibrancy of centres, such as the Manoora District Centre, by locating higher density residential

development in proximity to such Centres.

The proposed development is inconsistent with the residential amenity that is reasonably expected to be achieved within the Medium Density Residential Zone. Whilst the Zone contemplates that non-residential uses may establish in particular circumstances, including where development does not detract from residential amenity; those are not present in this application. The intensity of the non-residential use will result in a different amenity from that associated with a residential development, including as a result of light, noise and traffic generation. Impacts from these matters are considered to be greater than what would reasonably be expected in the Zone and therefore, will detract from the desired residential amenity.

The proposed development involves the establishment of non-residential uses over four (4) lots within the Medium Density Residential Zone that are:

1. of a type not contemplated for the Zone, resulting in the loss of well-located and serviced land able to accommodate higher density residential living.
2. are of a scale, both in terms of the design and distribution of the built form and the anticipated traffic (number of customers) to visit the site, that:
  - i. exceeds the form and function of a small scale service that supports local residents; and
  - ii. in conjunction with item (i) above, seeks to service a community that extends beyond the local trade area.

The proposed development, therefore, does not comply with:

- a. Part 3 – Strategic Framework – Section 3.2, Section 3.3.1(1)(c) and (l), Section 3.3.2.1(3), Section 3.3.2.1(4), Section 3.3.5.1(1) and (3), Section 3.3.5.1(4); and
- b. Part 6 Zones - 6.2.12 Medium Density Residential Zone Code – Purpose Statement 6.2.12.2(1)(a) and (b); Purpose Statement 6.2.12.2(2); Overall Outcome Section 6.2.12.2(3)(a), (b), (c), & (h); and Performance Outcomes PO3, PO4 and PO7.

**Impact of centre activities and on the hierarchy of centres**

3. The proposed development involves Centre activities of a design, scale, and intensity that will compromise the existing and ongoing role and function of the hierarchy of Centres through fragmentation, particularly the Manoora District Centre.

Additionally, the development is out of Centre development on land that has the ability to contribute to the vitality and vibrancy of an existing Centre

through providing higher densities of residential development proximate to a District Centre/s.

Accordingly, the proposed development does not comply with:

- a. Part 3 – Strategic Framework – Section 3.2 Strategic Intent; Strategic Outcome in Section 3.3.1(1)(d); Specific Outcomes in Section 3.3.2.1(3) and Section 3.3.2.1(7)(b) of Element – Centres and Centre Activities; and
- b. Part 9 – Development Codes – 9.3 Other Development Codes – 9.3.1 Centre Design Code – Purpose Statement 9.3.1.2(1), Purpose Statement 9.3.1.2(2)(c)(v); Overall Outcome Section 9.3.1.2(2)(a) and (b), and Performance Outcomes PO3 and PO4.

#### Need

4. The application material fails to satisfactorily consider and demonstrate that there is insufficient:
  - a. capacity within existing Centre zoned land or other suitably zoned land inside the Primary Trade Area (PTA) to accommodate the proposed activities;
  - b. appropriately zoned land within the PTA to accommodate the proposed activities, which is not limited to vacant allotments; and
  - c. need for the land to accommodate:
    - i. residential development as anticipated by the Planning Scheme for the Medium Density Residential Zone; or
    - ii. medium density residential development in and around a District Centre.

The development does not demonstrate a level of need for the two (2) food and drink outlets that justifies the proposed location for the development. The level of demand identified by the proposal is insufficient to justify a departure from the planning purpose for the land for Medium Density Residential Development, particularly where the Planning Scheme supports activities that contribute to economic growth in more appropriate areas and there is capacity within existing Centres and Mixed Use Zones identified in the Planning Scheme for the PTA to accommodate these services.

The proposed development does not comply with:

- a. Part 3 – Strategic Framework – Section 3.2 Strategic Intent; Strategic Outcome in Section 3.3.2.1(3) and Section 3.3.2.1(7) of Element – Centres and Centre Activities; Strategic Outcome in Section 3.3.5.1 (3) and (4) of Element – Residential Areas and Activities, Strategic



**Outcome in Section 3.5.1(3); Strategic Outcome in Section 3.5.2.1(1) and Section 3.5.2.1(5) of Element – Strong and Diverse Economy.**

## **RELEVANT MATTERS**

- 5. There are relevant matters which favour refusal of the application which include:**
  - a. The Development Application has not demonstrated a level of economic, community and planning need of sufficient magnitude required to justify a departure from the clear policy direction of the Planning Scheme in relation to the appropriate use of Medium-Density Residential Zoned land;**
  - b. The proposed development would adversely impact the availability of Medium Density Residential Zoned land in accommodating projected growth of the local area;**
  - c. The non-compliance with assessment benchmarks is significant and is not capable of being addressed or mitigated by development conditions;**
  - d. The proposed development is inconsistent with reasonable community expectations as informed by the Planning Scheme, existing uses, and development approvals for the land and adjoining land, which do not support commercial development on the land of this nature, scale or intensity;**
  - e. The proposed development is not in the public interest (as reflected in the Planning Scheme); and**
  - f. Refusal of the proposed development will advance the purpose of the *Planning Act 2016* (Qld).**

### **Summary:**

**The proposed development complies with some assessment benchmarks (or could be conditioned to comply) and is supported by some of the relevant matters identified in the Development Application. However, a balanced assessment taking into account all the facts and circumstances of the development, including the nature and extent of the non-compliances with the assessment benchmarks as a whole and together with the relevant matters, weigh in favour of refusing of the development application.**

*carried unanimously*

**5. CHANGE APPLICATION (MINOR CHANGE) TO THE DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 220 LOTS, NEW ROAD, 1 PARK LOT & 2 DRAINAGE LOTS) – 3L HICKLING ACCESS, GORDONVALE – DIVISION 1 .....236**

8/19/16 | #7449611

TICKNER / OLDS

That Council approves the Change Application (Minor Change) to the Development Permit for Reconfiguring a Lot (1 Lot into 220 Lots, New Road, 1 Park Lot, 2 Drainage Lots), over 8 Stages over land described as 3L Hickling Access, Gordonvale, located at Lot 3 on SP147279, subject to the following:

1. Change the table of Approved Drawing(s) and / or Document(s) to read as follows:

Drawing or Document	Reference	Date
<del>Subdivision Layout Plan</del>	<del>1814-DA-S0-1D / Sheet 1 of 28</del>	<del>APRIL 2020</del>
<del>Staging Plan</del>	<del>1814-DA-S0-2D / Sheet 2 of 28</del>	<del>APRIL 2020</del>
<del>Subdivision Layout Plan – Colour Coded</del>	<del>1814-DA-S0-4D / Sheet 4 of 28</del>	<del>APRIL 2020</del>
<del>Road Layout Plan</del>	<del>1814-DA-S0-5D / Sheet 5 of 28</del>	<del>APRIL 2020</del>
<del>Concept Building Envelope Plan</del>	<del>1814-DA-S0-25D / Sheet 25 of 28</del>	<del>APRIL 2020</del>
<u>Drawing Schedule</u>	<u>Drawing Ref: 1814-CA-S0-COVER, Prepared by Subdivisions (Qld) Pty Ltd Consulting Civil Engineers</u>	<u>February 2024</u>
<u>Overall Site Layout Plan / Draper Road Locality</u>	<u>Sheet Ref: 1814-CA-S0-1B, Issue B, Sheet No. 1 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Subdivision Layout Plan</u>	<u>Sheet Ref: 1814-CA-S0-2B, Issue B, Sheet No. 2 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Staging Plan</u>	<u>Sheet Ref: 1814-CA-S0-3B, Issue B, Sheet No. 3 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil</u>	<u>19 April 2024</u>

	<b><u>Engineers</u></b>	
<b><u>Existing Site Contours &amp; Details Plan – Sheet 1 of 2</u></b>	<b><u>Sheet Ref: 1814-CA-S0-4B, Issue B, Sheet No. 4 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u></b>	<b><u>19 April 2024</u></b>
<b><u>Existing Site Contours &amp; Details Plan – Sheet 2 of 2</u></b>	<b><u>Sheet Ref: 1814-CA-S0-5B, Issue B, Sheet No. 5 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u></b>	<b><u>19 April 2024</u></b>
<b><u>Subdivision Layout Plan – Colour Coded</u></b>	<b><u>Sheet Ref: 1814-CA-S0-6B, Issue B, Sheet No. 6 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u></b>	<b><u>19 April 2024</u></b>
<b><u>Estate Roads Layout Plan</u></b>	<b><u>Sheet Ref: 1814-CA-S0-7B, Issue B, Sheet No. 7 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u></b>	<b><u>19 April 2024</u></b>
<b><u>Draper Road Layout Plan – Site to Dempsey Street</u></b>	<b><u>Sheet Ref: 1814-CA-S0-8B, Issue B, Sheet No. 8 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u></b>	<b><u>19 April 2024</u></b>
<b><u>Typical Road Cross Sections – Sheet 1 of 2</u></b>	<b><u>Sheet Ref: 1814-CA-S0-9B, Issue B, Sheet No. 9 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u></b>	<b><u>19 April 2024</u></b>
<b><u>Typical Road Cross Sections – Sheet 2 of 2</u></b>	<b><u>Sheet Ref: 1814-CA-S0-10B, Issue B, Sheet No. 10 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u></b>	<b><u>19 April 2024</u></b>
<b><u>Draper Road/Road M Layout Plan &amp; Preliminary Longitudinal Section: CH -40 to CH 260</u></b>	<b><u>Sheet Ref: 1814-CA-S0-11B, Issue B, Sheet No. 11 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u></b>	<b><u>19 April 2024</u></b>
<b><u>Draper Road/Road M</u></b>	<b><u>Sheet Ref: 1814-CA-S0-</u></b>	<b><u>19 April 2024</u></b>

<u>Layout Plan &amp; Preliminary Longitudinal Section: CH 260 to CH 480</u>	<u>12B, Issue B, Sheet No. 12 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	
<u>Draper Road/Road M Layout Plan &amp; Preliminary Longitudinal Section: CH 480 to End</u>	<u>Sheet Ref: 1814-CA-S0-13B, Issue B, Sheet No. 13 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Draper Road/Road M Preliminary Cross Sections: CH -40 to CH 440</u>	<u>Sheet Ref: 1814-CA-S0-14B, Issue B, Sheet No. 14 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Draper Road/Road M Preliminary Cross Sections: CH 480 to CH 560</u>	<u>Sheet Ref: 1814-CA-S0-15B, Issue B, Sheet No. 15 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road A Layout Plan &amp; Preliminary Longitudinal Section</u>	<u>Sheet Ref: 1814-CA-S0-16B, Issue B, Sheet No. 16 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road A Preliminary Cross Sections</u>	<u>Sheet Ref: 1814-CA-S0-17B, Issue B, Sheet No. 17 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road B Layout Plan &amp; Preliminary Longitudinal Section: CH 0 to CH 280</u>	<u>Sheet Ref: 1814-CA-S0-18B, Issue B, Sheet No. 18 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road B Layout Plan &amp; Preliminary Longitudinal Section: CH 240 to CH 540</u>	<u>Sheet Ref: 1814-CA-S0-19B, Issue B, Sheet No. 19 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road B Layout Plan &amp; Preliminary Longitudinal Section:</u>	<u>Sheet Ref: 1814-CA-S0-20B, Issue B, Sheet No. 20 of 36, Prepared by</u>	<u>19 April 2024</u>

<u>CH 520 to CH 820</u>	<u>Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	
<u>Road B Layout Plan &amp; Preliminary Longitudinal Section: CH 820 to CH End</u>	<u>Sheet Ref: 1814-CA-S0-21B, Issue B, Sheet No. 21 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road B Preliminary Cross Sections: CH40 to CH520</u>	<u>Sheet Ref: 1814-CA-S0-22B, Issue B, Sheet No. 22 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road B Preliminary Cross Sections: CH560 to CH1000</u>	<u>Sheet Ref: 1814-CA-S0-23B, Issue B, Sheet No. 23 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road D Layout Plan &amp; Preliminary Cross Sections</u>	<u>Sheet Ref: 1814-CA-S0-24B, Issue B, Sheet No. 24 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road E Layout Plan &amp; Preliminary Cross Sections</u>	<u>Sheet Ref: 1814-CA-S0-25B, Issue B, Sheet No. 25 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road G Layout Plan &amp; Preliminary Longitudinal Section</u>	<u>Sheet Ref: 1814-CA-S0-26B, Issue B, Sheet No. 26 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road G Preliminary Cross Sections</u>	<u>Sheet Ref: 1814-CA-S0-27B, Issue B, Sheet No. 27 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road H Layout Plan &amp; Preliminary Cross Sections</u>	<u>Sheet Ref: 1814-CA-S0-28B, Issue B, Sheet No. 28 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil</u>	<u>19 April 2024</u>

	<u>Engineers</u>	
<u>Road J Layout Plan &amp; Preliminary Longitudinal Section</u>	<u>Sheet Ref: 1814-CA-S0-29B, Issue B, Sheet No. 29 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road J Preliminary Cross Sections</u>	<u>Sheet Ref: 1814-CA-S0-30B, Issue B, Sheet No. 30 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road K Layout Plan &amp; Preliminary Cross Sections</u>	<u>Sheet Ref: 1814-CA-S0-31B, Issue B, Sheet No. 31 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Road L Layout Plan &amp; Preliminary Cross Sections</u>	<u>Sheet Ref: 1814-CA-S0-32B, Issue B, Sheet No. 32 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Preliminary Sewer Reticulation Layout Plan</u>	<u>Sheet Ref: 1814-CA-S0-33B, Issue B, Sheet No. 33 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Preliminary Trunk Sewer Main Layout Plan</u>	<u>Sheet Ref: 1814-CA-S0-34B, Issue B, Sheet No. 34 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Current LGIP Future Trunk Water Network Plan</u>	<u>Sheet Ref: 1814-CA-S0-35B, Issue B, Sheet No. 35 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>
<u>Preliminary Water Reticulation Layout Plan</u>	<u>Sheet Ref: 1814-CA-S0-36B, Issue B, Sheet No. 36 of 36, Prepared by Subdivisions (QLD) Pty Ltd Consulting Civil Engineers</u>	<u>19 April 2024</u>

2. Insert the following new condition to read as follows:

**Necessary Trunk Infrastructure – LGIP Identified – Section 128(1)  
Planning Act 2016**

**This condition is imposed under section 128(1) of the *Planning Act 2016* (Qld).**

**Provide the below described necessary infrastructure to the specified standard, in accordance with the timing identified for each infrastructure item, prior to works acceptance.**

<b><u>Necessary Infrastructure to be provided</u></b>	<b><u>LGIP Item No.</u></b>	<b><u>Standard and specifications</u></b>	<b><u>Timing</u></b>
<b><u>Water Supply</u></b>	<b><u>WMF 154</u></b>	<b><u>DN375 following the proposed North/South Draper Road corridor, and Road J / Park corridor, and Road J / Park corridor.</u></b>	<b><u>Prior to Works Acceptance for the relevant stages containing the infrastructure.</u></b>
	<b><u>WMF 191 (Part) WMF 188 (Part)</u></b>	<b><u>DN225 following the proposed Road G corridor.</u></b>  <b><u>All mains are to be designed to FNQROC and CRC specific requirements, and are to extend to the boundary of the development site, for continuation by others.</u></b>	
<b><u>Wastewater</u></b>	<b><u>GMF 132 (Extended to development property boundary) GMF 133 GMF 134</u></b>	<b><u>DN225</u></b>	<b><u>Prior to Works Acceptance for any stage of the development.</u></b>
	<b><u>GMF 135</u></b>	<b><u>DN 300</u></b>	

	<u>GMF 136 (Part)</u>	<u>All mains are to be designed to FNQROC and CRC specific requirements.</u> <u>Adopted diameter subject to refinement during design in consideration of grade and latest relevant development advice for downstream sites</u>	
<u>Park</u>	<u>OSF 048</u>	<u>Local Recreation Park</u>  <u>Transfer to Council in fee simple on trust for the community purpose of park, the land shown as Lot 500 on the Approved Subdivision Layout Plan, Plan Reference: 1814-CA-S0-2B, dated: 19 April 2024 for the Public parks and land for community facilities network.</u>	<u>Prior to Works Acceptance for the relevant stages containing the infrastructure.</u>

**Note:**

**Trunk sewer items identified on this notice are the subject of multiple development applications in the area. Construction status, diameters and alignments are to be confirmed prior to commencement of design works and will be dependent on status of external infrastructure provision requirements (construction may alternatively be provided by Council or an external party, subject to timing and need).**

**The trunk park item identified in this condition is to be improved in**



accordance with the specifications identified under Condition 39 of this approval.

3. Insert the following new condition to read as follows:

**Bus Stops**

Identify any potential future bus stop locations along the future bus route and indicate the locations on the Road Hierarchy Plan. Bus stop locations are to be indicated on both sides of the road for a future 2-way bus route.

The layout design must make spatial provision for a future accessible bus stop in accordance with the DTMR *Public Transport Infrastructure Manual* to be installed in each location indicated on the Road Hierarchy Plan, giving consideration to future bus stop requirements (accessible boarding points, signage, shelters, bus zones, etc.) and any infrastructure within the road reserve (street lights, street trees, driveways, kerb ramps, kerb inlet pits, etc.). Bus stop locations shall be preserved by identification of driveway exclusion zones.

The Updated Road Hierarchy Plan is to be submitted in conjunction with the first application for Operational Works.

*Note: A Rates Notation to this effect will be placed on the property file for each affected lot. The location of future bus stops and driveway exclusion zones are to be included in any disclosure plans for the sale of lots.*

4. Insert the following new condition to read as follows:

**Provision for On-Street Parking**

A minimum of 0.5 spaces per lot must be available on-street to accommodate parking in accordance with Section 4.3 of IPWEAQ Street Design Manual: Walkable Neighbourhoods. A plan demonstrating that this can be achieved giving consideration to property accesses, location of street lighting, street trees and essential infrastructure must be provided prior to the issue of a Development Permit for Operational Work.

5. Insert the following new condition to read as follows:

**Flood Impact Assessment**

In conjunction with the first Development Application for Operational Works, the existing Flood Study prepared by Subdivisions Queensland, Revision 1, dated May 2020 is to be updated to reflect the current layout. Any new recommendations or mitigation strategies required as a result of the new layout should be included in the updated reporting.

6. Amend Condition 9 – Water Supply and Sewerage Master Plan with the following alternative wording:

9. **An updated Water Supply and Sewerage Master Plan with interim stages accompanied by supporting calculations must be provided which demonstrates how the development can be serviced, along with the following:**
- a. **Provide all water modelling results inclusive of interim and ultimate scenarios with and without the booster pump station;**
  - b. **Provide all masterplan options that are consistent with the connection points identified in the Infrastructure Plan;**
  - c. **Include a risk assessment and risk management report for the booster pump station that details strategies for ensuring security of supply during emergencies;**
  - d. **Identifies the water booster pump station performance requirements (duty and flow range) for each stage of the development and demonstrates how the water booster pump station design manages change in duty over time (i.e. efficient and effective service of low flow and high flow operating windows); and**
  - e. **Demonstrates how the provided water supply network can be zoned in the future (utilising valving and mains provided by the network design) to provide an ultimate booster pump station catchment limited to servicing no more than 25 lots per section D6.19 of the FNQROC Development Manual**

**The Water Supply and Sewerage Master Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.**

7. **Amend Condition 11 – Water Supply and Sewerage Works External with the following alternative wording:**
11. **Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:**
    - a. **Extend water and sewer infrastructure to connect the site to Council’s existing water and sewer infrastructure at a point that has sufficient capacity to service the development.**

**A plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.**

**All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to Council’s approval of the Plan of Survey.**

***Note: Where providing necessary infrastructure identified within the Local Government Infrastructure Plan (ID: GMF132, GMF133, GMF134, GMF135 and GMF136), an offset or refund for the works may apply. It is Council's preference that the provision and associated cost of Necessary Infrastructure be subject to an infrastructure agreement between the Applicant and Council.***

8. Amend Condition 12 – Water Supply and Sewerage Works Internal with the following alternative wording:
12. Undertake the following water supply and sewerage works internal to the subject land:
    - a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;
    - b. Extend water mains such that each allotment can be provided with a water service connection to the lot frontage;
    - ~~c. Any proposed booster pump station must be limited to servicing 25 lots unless otherwise approved by Cairns Regional Council and submitting a report to satisfy the requirements of section D6.18 – Alternative Water Pumping Systems; and~~
    - dc.** All water pump stations are to be contained within their own lot, unless otherwise agreed to by the Chief Executive Officer.
    - d.** The water pump station must be provided with a generator.
    - e.** The water pump station building must be in accordance with the **FNQROC standard drawings S2040 and S2041 unless otherwise approved by Council.**
    - f.** The lot to be dedicated for the water pump station is to be sized with **sufficient clearance to boundaries and allow for access by Council maintenance truck.**
    - g.** Individual lot water connections must not be taken directly from a **trunk water main. A separate reticulation main must be installed for connection of lots.**

All the above works must be designed and constructed in accordance with the FNQROC Development Manual. A plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Council's approval of the Plan of Survey.

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

**Act 2016.**

**9. Amend Condition 16 – External Works for Transport Network (Non Trunk) with the following alternative wording:**

**16. Undertake the following roadwork external to the subject site:**

- a. Provide a full detailed design of Draper Road from the development site to the intersection of Draper Road / Dempsey Street for a ~~Major Collector Standard~~ Minor Collector Bus Route Standard as defined in Council's FNQROC Development, as part of the first application for Operational Works. Associated landscaping must be in accordance with the FNQROC Development Manual and the FNQROC CRC Specific Requirements for D9 Landscaping.
- b. Design and construct a 7m sealed pavement width along Draper Road from the development site access to the intersection of Draper Road / Dempsey Street that is compatible with the ultimate form of the road as an interim arrangement. The works must be undertaken prior to Council approval of the Plan of Survey for the first stage of development. Services are required to be installed suitable for the future road upgrade to a ~~Major Collector Standard~~ Minor Collector Bus Route Standard.
- ~~c. An analysis of the Draper Road / Dempsey Street intersection must be undertaken by an appropriately qualified and experienced RPEQ Traffic Engineer to determine the anticipated timing and / or number of lots that would trigger the need for the proposed roundabout recommended in the Technical Memorandum dated 17th April 2018 by Cardno. The analysis should also provide details of an interim upgrade that will be required prior to this time.~~

~~Design and construct the interim treatment as agreed to by Council inclusive of associated street lighting, landscaping, line-marking and signage prior to plan sealing of the first stage of development.~~

- ~~d. Design and construct a roundabout at Draper Road / Dempsey Street intersection inclusive of associated street lighting, landscaping, line-marking and signage at a time agreed to by Council based on the revised traffic analysis.~~

~~**Note: Where providing necessary infrastructure identified within the Local Government Infrastructure Plan (ID: IRF06), an offset for the works may apply. The provision and associated cost of Trunk Infrastructure may be subject to a separate agreement between the Applicant and Council.**~~

- ec. Any proposed landscaping on Council managed land, other than street tree planting, must be discussed with Council, prior to the submission of the Operational Works Application. Landscaping other than street trees will require supporting irrigation plans designed to Council's Irrigation Standard to be included in the application for assessment. Contact Council to obtain the current standard for irrigation design and supply and obtain direction via [PlanningAdmin@cairns.qld.gov.au](mailto:PlanningAdmin@cairns.qld.gov.au).

~~All the above works must be designed and constructed in accordance with the FNQROC Development Manual and indicated in the application for Development Permit for Operational Works. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to Council approval of the Plan of Survey.~~

~~Note: Unless otherwise specified, infrastructure works required by this condition are considered to be non-trunk infrastructure for the purposes of Section 145 of the Planning Act 2016~~

10. Amend Condition 17 – Access and Services Easements with the following alternative wording:

17. Create private easements for access and services (i.e. water, sewerage, electrical, telecommunications) for ~~Lots 225/226, 193/194, 176/177 and 42/43~~ Lot 219 over Lot 220, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of ~~Council's solicitors~~ endorsement at no cost to Council, prior to Council approval of the Plan of Subdivision.

~~The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources, Mines and Energy (DNRME) in conjunction with the Plan of Survey.~~

11. Amend Condition 18 – Road Works and Street Layout / Design with the following alternative wording:

~~Road Works and Street Layout / Design~~ Roads and Footpaths

18. ~~All streets must be designed and constructed in accordance with Complete Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:~~

Roads and Footpaths as shown on the Approved Plan(s), must be constructed in accordance with the relevant design and specifications section of the FNQROC Development Manual and the following requirements:

- a. Individual property access must be designed in accordance with the requirements of AS2890.1. Appropriate distances are required from intersections.

**Where a property has two or more road frontages, access must be achieved off the lower order road.**

- b. Accesses for lots adjacent to intersections must be provided at a location with maximum distance to the intersection. This must be demonstrated as part of the Operational Works application.

~~c. A minimum of 0.5 spaces per allotment must be available on-street to accommodate parking in accordance with Section 2.4 of Complete Streets.~~

~~dc. The diameter of every cul-de-sac must be suitable for a refuse collection vehicle to turn around in a forward direction.~~

~~e. The full length of Roads C and D must be constructed to an Access Place standard in accordance with Council's FNQROC Development Manual.~~

~~f. The full length of Roads A, B, E, F, and J must be constructed to an Access Street standard in accordance with Council's FNQROC Development Manual.~~

~~g. Road H must be constructed to an Access Place standard in accordance with FNQROC Development Manual.~~

~~*Note: The Applicant may at its discretion construct Road H with a 6m wide carriageway in a 15m reserve in lieu of the 5.5m wide standard carriageway for Access Place in accordance with Council's FNQROC Development Manual.*~~

~~hd. The full length of the Road G, north-south Draper Road, Road M and Draper Road from Road M to the eastern boundary of the development must be constructed to a Minor Collector/Bus Route standard in accordance with Council's FNQROC Development Manual.~~

~~i. Draper Road Frontage and the proposed 20m wide north south-road (Draper Road/Hickling Access) is to be constructed to a Major Collector/Bus Route standard in accordance with Council's FNQROC Development Manual.~~

~~j. All Access Streets or higher order roads must include a 2.0m wide footpath in accordance with the FNQROC development manual and indicated in the required application for Development Permit for Operational Works.in the absence of a~~

~~Footpath Masterplan being submitted to Council for approval.~~

- ~~ke.~~ A Street Tree Masterplan is required to be provided in conjunction with the first application for Operational Works. The Street Tree Masterplan must demonstrate the location and species for the proposed street trees in accordance with the FNQROC Development Manual and the FNQROC CRC Specific Requirements D9 Landscaping. Species diversity shall be achieved by a change of species within a cul-de-sac, or at an intersection, or at a regular nominated interval in considering the verge layout, infrastructure and services. No more than 20 street trees of the same species must be planted consecutively in an avenue without a species change.
- ~~lf.~~ Details and specifications for the proposed treatment to boundaries to restrict vehicle access in public land in accordance with the FNQROC Development Manual CRC Specific Standard Drawing S4171A-CRC Treatment to Boundaries Type Combination of Treatments and S4170A-CRC Treatment to Boundaries Type A-B.
- ~~mg.~~ Details and specifications to provide maintenance machinery access in public land.
- ~~nh.~~ Details on a plan of disturbed or degraded areas that are not suitable as grassed areas and require restoration and revegetation in accordance with the FNQROC Development Manual CRC Specific Requirements D9 Natural Area Restoration and Revegetation.

~~All the above works must be designed and constructed in accordance with the FNQROC Development Manual and indicated in the required application for Development Permit for Operational Works. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer.~~

12. Amend Condition 20 – Lawful Point of Discharge with the following alternative wording:
  20. All stormwater from the land property must be directed to a lawful point of discharge as per the approved plan(s) such that it does not adversely affect surrounding properties or properties downstream, in accordance with the Queensland Urban Drainage Manual, ~~Fourth Edition (2017)~~.
13. Amend Condition 35 – Community Purpose Infrastructure with the following alternative wording:
  35. The land identified as park and labelled Lot 500, and on plan titled: Subdivision Layout Plan – Colour Coded, Job No: 1814, SHEET REF:



1814-DA-SO-4C, Sheet No. 4 of 26, dated April 2020 must be transferred to Council as freehold land for town planning purposes (park). The land must be transferred to Council at the same time as registering the Plan of Survey for the stage the lot is contained within.

The park is to be designed and embellished in accordance with a Park Development Plan, Landscaping Plan and the requirements of this condition. The applicant/owner is to enter into discussions and obtain agreement from Council regarding the design and embellishments prior to submission to Council of a Park Development Plan for determination.

The following items as a minimum are required to be shown on the Park Development and Landscaping Plans for the park lot as follows:

- a. ~~Replas post and steel rail barriers and the inclusion of natural barriers such as street trees in accordance with the FNQROC Development Manual CRC Specific Standard Drawing S4171A-CRC Treatment to Boundaries Type Combination of Treatments to prevent vehicular access to the park;~~

Provision for treatments to boundaries to provide vehicle restrictions and provide Council access for maintenance machinery (via a gate) in accordance with the FNQROC Development Manual and the FNQROC Cairns Regional Council Specific Requirements and Standard Drawings, including recycled plastic post and rail;

- b. ~~Minimum of one play space/playground (including replas edging and sand soft fall) to be designed with and agreed to by Council. The play space must provide a suitable range of play items for ages 2 to 10 and include some all abilities play items. The play space is to be set back as far as possible from the adjacent roads to improve safety for children;~~

One play space/playground (including replas edging and sand soft fall) to be designed with and agreed to by Council. The play space is to be modest in size and must provide some all abilities play items. The play space is to be set back as far as possible from the adjacent roads to improve safety for children;

- c. ~~Two seats located adjacent to the path and/or within the play space in a shaded position;~~

Two Aluminium Powder Coated 2 metre bench seats with arm rests. Seats must be surface mounted (bolted to a concrete slab) and located adjacent to the path and/or within the play feature in a shaded position;



- d. ~~One all abilities drinking fountain and tap combination located adjacent to the path in accordance with the FNQROC Development Manual CRC Specific Standard Drawing S9050-CRC PWD Drinking Fountain;~~

One all abilities drinking fountain and tap combination with dog bowl is to be located adjacent to the path and designed and installed in accordance with Cairns Regional Council Specific Standard Drawing PWD Drinking Fountain S9050-CRC, and with an isolation tap dedicated to the fountain only in an underground irrigation box;

- e. The play space/playground, seating and bubbler should be located within close proximity and connected by a pathway;
- f. ~~Shade structures are required over the play space (existing trees can be used to perform this role if they are present);~~

Shade is to be provided to the playground where possible. It is preferable that trees are planted to achieve this. Trees that are fast growing, provide a good canopy for shade, and have a root system that will minimise impact to adjacent improvements are preferred. Trees must be positioned in locations that will ultimately maximise shade throughout the day when they have grown to a suitable height. Tree species are to be nominated and agreed to by Council;

- g. ~~Landscaping indicating location of turfed areas, shade trees in grouped mulched island plantings, specimen trees and buffer planting and including a species list and location. The provision of trees to provide future shade and aesthetics to the park will be required to be a prominent feature of the landscaping plan. In ground irrigation of the landscaped areas is not permitted.~~

Landscaping indicating location of turfed areas, shade trees, revegetation and buffer plantings and including a species list and location. Trees are to be provided within close proximity to the play feature and positioned to provide morning and afternoon shade once fully matured. In ground irrigation of the landscaped areas is not permitted.

*Note: Refer to FNQROC Development Manual CRC Specific Requirements D9 Public Open Space.*

- h. ~~Removal of all pest plants in accordance with FNQROC Development Manual CRC Specific Requirements D9 Natural Area Restoration and Revegetation;~~

Weed management practices to be implemented across the site;

- i. ~~1,000 sqm of the park is to be sited above the ARI 50 flood level. If necessary, this may require appropriate filling. The area to be embellished for the playground equipment and improvements is to be located within this area;~~

The area to be embellished for the play feature and other improvements is to be sited above the ARI 50 flood level;

- j. Boundary fencing located on any boundary with a private property to a maximum height of 1.8m;
- k. Park signage in accordance with the FNQROC Development Manual including park name sign with regulations and a sign in the playground advising that dogs are not permitted in the playground; and
- l. ~~A 2m wide concrete pathway linking from the nearest street footpath to the proposed the playground, seating and drinking fountain.~~

The park must be accessible on foot and by persons with disabilities. A 2-metre-wide concrete pathway linking from the nearest street footpath to the proposed play feature, seating and drinking fountain must be provided.

The Park Development Plans and Landscaping Plans must be submitted for Operational Works.

The Park Improvement Plan must be submitted with an application for Operational Work and be approved by Council.

All park improvements must be completed to the satisfaction of the Chief Executive Officer in accordance with the approved Park Development and Landscaping Plans and the FNQROC Development Manual, Design Guideline D9 – 01/09, Landscaping and FNQROC Development Manual CRC Specific Requirements.

The local park must be dedicated to Council and park improvements completed prior to Council approving the plan of subdivision unless otherwise approved by the Chief Executive Officer.

Utilities such as electricity substations, sewer and pump stations and the like are not permitted to be located within the parks. It is recommended that a separate utility lot be sited in a suitable location to enable provision of these services if necessary.

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

- 14. The following Rates Notation is to be included.

**RATES NOTATIONS**

- 1. The following attributed are notated to the site as follows:

The location of future bus stops and driveway exclusion zones are to be included in any disclosure plans for the sale of lots.

- 15. The following additional Advice Note is to be included

As this development is proposed prior to development of downstream sites, evidence of authority to construct the required works is necessary to ensure efficient and cost effective construction for proposed external sewer mains.

- 16. The proposed changes to the development trigger a change to the Infrastructure Charges. As a consequence, an Amended Infrastructure Charges Notice will be issued.

- 17. Renumber all conditions as required.

- 18. All other conditions of Development Permit 8/19/16 remain the same.

*carried unanimously*

**6. CAIRNS – THE PREEMINENT DESTINATION FOR WOMEN’S SPORT**

.....346  
8/19/16 | #7439349

MIDDLETON / ZEIGER

That Council announces its vision to become the preeminent destination for Women’s Sport in Australia.

*carried unanimously*

**7. GENERAL POLICY REVIEW - FINANCIAL ASSISTANCE FOR NOT FOR PROFIT ORGANISATIONS – FEES AND CHARGES GENERAL POLICY .....**349

52/8/2 | #7450679

ZEIGER / OLDS

That Council endorse the updated “Financial Assistance for Not For Profit Individuals and Organisations – Fees and Charges General Policy”.

*carried unanimously*

Cr Tim left the meeting at 10.12 am

**8. STRATEGY FOR CULTURE AND THE ARTS 2022 REPORT CARD AND STATE OF THE ARTS IN CAIRNS REPORT 2023 .....361**  
**79/5/10-01 | #7392947**

MIDDLETON / ZEIGER

That Council:

1. Receives and notes the Strategy for Culture and the Arts 2022 Report Card; and
2. Receives and notes the State of the Arts in Cairns Report 2023; and
3. Endorses the reports for promotion and public distribution.

*carried unanimously*

Cr Tim returned to the meeting at 10.14 am

**9. CAIRNS WATER SECURITY STAGE 1 PROJECT STEERING COMMITTEE ESTABLISHMENT.....566**  
**63/5/3 | #7451314**

TICKNER / COGHLAN

That Council:

1. Endorses the establishment of the Cairns Water Security Stage 1 Project Steering Committee (CWSS1PSC) to oversee the construction of the Cairns Water Security Stage 1 Project.
2. Endorses the Terms of Reference for the Project Steering Committee (CWSS1PSC)
3. Appoints the following Councillors to the Project Steering Committee (CWSS1PSC)
  - Mayor – Cr Amy Eden (Chair)
  - Deputy Mayor – Cr Brett Olds
  - Elected Member Division 2 – Matthew Tickner

*carried unanimously*

**10. REGISTER OF PRE-QUALIFIED SUPPLIERS (ROPS) 2939 - SUPPLY AND DELIVERY OF WATER METERS AND ASSOCIATED EQUIPMENT .....575**

63/1/405-01 | #7441230

OLDS / TICKNER

That Council:

1. Approves the establishment of Register of Prequalified Suppliers (ROPS) 2939 – Supply and Delivery of Water Meters and Associated Equipment and the appointment of the four Suppliers listed in Attachment 1, for a term of two years commencing 1 August 2024, with three extension options of up to two years each available at Council’s discretion.
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contract, negotiate, finalise and execute any and all matters associated with or in relation to this arrangement and any associated contracts subject to Council’s normal procurement policies and practices.

*carried unanimously*

**11. PROVISION OF STRATEGIC ENGINEERING SERVICES UNDER ROPS 2777 .....580**

50/7/1-1 | #7454274

TICKNER / PYNE

That Council:

1. Approves the engagement of seven engineering consultants to undertake separable portions of engineering consultancy work portions for an initial 4 Month duration for the value of up to \$535,040 excluding GST
2. Approves to extend these engagements for an initial extension of 3 months (\$401,280) dependent on recruitment success and ensuring these extensions will be required only on the basis that vacancy remaining budget is not exceeded.
3. Approval to extend these engagements for a further period of 3 months (\$401,280) dependent on recruitment success and ensuring these extensions will be required only on the basis that vacancy remaining budget is not exceeded.

- 4. **Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, negotiate, finalise and execute any and all matters relating to this program subject to Council’s procurement practices and policies.**

*carried unanimously*

**12. DELEGATIONS FROM COUNCIL TO CHIEF EXECUTIVE OFFICER – STATE GOVERNMENT LEGISLATION .....584**

**65/9/2-03 | #7036616v3**

PYNE / VALLELY

**That all powers, referred to in this report, are hereby delegated by Council to the Chief Executive Officer of Cairns Regional Council pursuant to section 257 of the *Local Government Act 2009*.**

*carried unanimously*

**BUSINESS NOT ON THE AGENDA**

**1. VALE NEIL FISHER**

Read on behalf of Councillor Moller:

On behalf of our city of Cairns and our Cairns Regional Council, I would like to acknowledge the passing of long-term Rockhampton Regional Councillor Neil Fisher and express our condolences to his wife Sherrie and his family.

Cr Fisher first served on the Rockhampton Regional Council in 2000 to 2004 and was successfully re-elected in 2012, 2016, 2020, and again in this year's local government election in March 2024. He served as Deputy Mayor from 2020 to 2024.

Notwithstanding his battle with cancer since 2021, his first great love was his wife Sherrie and family but his second great love was serving his community. He did this with the love and support of his family and often said this is what motivated him and kept him going.

Our Cairns Regional Council acknowledges the great contribution Cr Fisher has made to his community of Rockhampton, but also to regional Queensland in his role as President of the Local Authority Waste Management Action Committee (LAWMAC) 2020-2024.

Vale Cr Neil Fisher, whose funeral is today, with Cr Brett Moller attending to represent our Council.

**2. ACKNOWLEDGE THE WORKS DONE FOR NAIDOC WEEK**

Cr Middleton acknowledged the works done by Council and organisers for the NAIDOC week celebrations.

*carried unanimously*

There is 1 item in closed session. This item relates to a legal matter.

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

**CLOSED SESSION**

OLDS / VALLELY

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

- 1. LEGAL MATTER – UPDATE ON PLANNING AND ENVIRONMENT COURT APPEAL NO. 1704 OF 2024 – MOUNT PETER ROAD NO2 PTY LTD & MOUNT PETER ROAD PTY LTD -V- CAIRNS REGIONAL COUNCIL – MT PETER ROAD & 505R MT PETER ROAD, MOUNT PETER – DIVISION 1.....  
8/13/2549 | #7452617**

*carried unanimously*

**OUT OF CLOSED SESSION**

**COUNCIL RESOLVED TO MOVE OUT OF CLOSED SESSION**

OLDS / MIDDLETON

*carried unanimously*

**RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.**

**1. LEGAL MATTER – UPDATE ON PLANNING AND ENVIRONMENT COURT APPEAL NO. 1704 OF 2024 – MOUNT PETER ROAD NO2 PTY LTD & MOUNT PETER ROAD PTY LTD -V- CAIRNS REGIONAL COUNCIL – MT PETER ROAD & 505R MT PETER ROAD, MOUNT PETER – DIVISION 1.....  
8/13/2549 | #7452617**

OLDS / COGHLAN

That Council:

- 1. Notes the current status of Planning and Environment Court Appeal No. 1704 of 2024; and
- 2. Delegates authority, pursuant to the Local Government Act 2009, to the Chief Executive Officer for all matters relating to the conduct of Planning and Environment Court Appeal No. 1704 of 2024.

*carried unanimously*

**THE MEETING CLOSED AT 10.27 AM**

**CONFIRMED THIS DAY OF 2024**

.....  
**MAYOR**

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