



ORDINARY MEETING

24 FEBRUARY 2021

9 A.M.

PRESENT: Cr B Manning (Chairperson)
 Cr R Coghlan
 Cr A Eden
 Cr T James
 Cr B Moller
 Cr M O'Halloran
 Cr B Olds
 Cr R Pyne
 Cr K Vallely – via phone
 Cr C Zeiger

OFFICERS:

C Posgate	A/Chief Executive Officer
B Gardiner	General Manager Infrastructure Services
R Jones	A/General Manager Human Resources and Organisational Change
M Garred	Interim General Manager Planning & Environment
M Wuth	General Manager Water & Waste
S Foster	A/General Manager Community, Sport & Cultural Services
L Whitton	Chief Financial Officer
N Masasso	Executive Project Officer
R Holmes	Manager Marketing & Communications
P Rogato	Media Coordinator
A Turnbull	Executive Manager Mayor's Office
P Boyd	Manager Strategic Planning & Approvals
B Spencer	Manager Community Development
S Barrett	Strategy & Sustainability Advisor
T Dendle	Coordinator Leisure Services
J Hancock	Events Development Officer
S Cottrell	Minute Secretary

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PRESCRIBED CONFLICT OF INTEREST / DECLARABLE CONFLICT OF INTEREST

Cr Vallely informed the meeting that she had a Conflict of Interest in Item 9, Open session, Regional Event Grant Application – Far North Qld Amateur Turf Club. She was the Ambassador for Cairns Amateurs in 2019. She left the meeting while the matter was discussed and voted on.

PURPOSE OF MEETING

To consider the matters listed on the agenda.

CONFIRMATION OF MINUTES OF ORDINARY MEETING 27/01/21

MOLLER / O'HALLORAN

That the Minutes of the Ordinary Meeting held on Wednesday, 27 January 2021 be confirmed.

carried unanimously

- 1. CONSIDERATION OF THE RECOMMENDATIONS CONTAINED IN THE MINUTES OF THE GOVERNANCE AND ECONOMICS COMMITTEE HELD 10/02/20214**
S Godkin | 65/4/1 | #6594802

MOLLER / COGHLAN

That Council adopts the recommendations of the Governance and Economics Committee held Wednesday, 10 February 2021.

carried unanimously

- 2. CONSIDERATION OF THE RECOMMENDATIONS CONTAINED IN THE MINUTES OF THE COMMUNITY, SPORT, EVENTS AND CULTURAL SERVICES COMMITTEE HELD 10/02/20217**
S Godkin | 65/4/1 | #6594816

ZEIGER / EDEN

That Council adopts the recommendations of the Community, Sport, Events and Cultural Services Committee held Wednesday, 10 February 2021.

carried unanimously

3. CONSIDERATION OF THE RECOMMENDATIONS CONTAINED IN THE MINUTES OF THE WORKS COMMITTEE (INFRASTRUCTURE, WATER, WASTE AND WASTEWATER) HELD 10/02/2021.....10
S Godkin | 65/4/1 | #65944827

MOLLER / JAMES

That Council adopts the recommendations of the Works Committee (Infrastructure, Water, Waste and Wastewater) held Wednesday, 10 February 2021.

carried unanimously

4. OUTCOMES OF CLEAN JOBS ROUNDTABLE- PATHWAYS TO A SMART GREEN ECONOMY11
Sophie Barrett | 61/7/2-01 | #6596202

MOLLER / EDEN

That Council notes the outcomes of the Clean Jobs Roundtable - Pathways to a Smart Green Economy, identified by business, industry, education, community and government stakeholders.

carried unanimously

5. LOCAL LAWS APPLICATION FOR CAIRNS PEDICABS–DIVISION 521
Carol Smith | 71/1/4 | #6590019v3

ZEIGER / EDEN

That Council:

1. Approves the permit with no changes to the current conditions of operation; and
2. Approves the extended area as per Attachment 1.

carried with Cr Olds and Cr James voting against the motion

6. BUILDING BETTER REGIONS FUND ROUND 5.....30
Nick Masasso | 93/1/2 | #6579915

OLDS / COGHLAN

That Council:

1. Approves the submission of applications for funding under the Federal Government's Building Better Regions Fund Round Five Infrastructure Projects Stream program for the following projects:
 - a. Northern Beaches Leisure Trail – Clifton Beach to Kewarra Beach
 - b. Cairns Animal Management Facility
2. Acknowledges that, if either of the applications referred to above are successful and an associated grant agreement entered into, the relevant project will necessitate ongoing maintenance by Council to ensure it is maintained to its original standard in order to sustain the economic and social benefits the project will deliver.
3. Approves the submission of an application for funding under the Federal Government's Building Better Regions Fund Round Five Community Investments Stream program for the Cairns and FNQ – Becoming the Capital of the Smart Green Economy in Australia project.
4. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above applications including the execution of an associated grant agreement/s should any of Council's applications be successful.

carried unanimously

7. SPORTS TOURISM EVENT GRANT APPLICATION – CAIRNS AND DISTRICT SQUASH RACKETS ASSOCIATION INC37
Jess Hancock | 52/1/16 | #6584269

ZEIGER / O'HALLORAN

That Council:

1. Supports the application received from Cairns and District Squash Rackets Association Inc. (Cairns Squash) to the value of \$6,500 (ex GST) for the Queensland Junior Championships in 2021;
2. Enters into a one-year Resource and Performance Agreement with Cairns and District Squash Rackets Association Inc. (Cairns Squash) for this contribution; and

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

carried unanimously

8. SPORTS TOURISM EVENT GRANT APPLICATION – SOUTHERN SUBURBS JUNIOR RUGBY LEAGUE CLUB (INC).....42
Jess Hancock | 52/1/16 | #6585301

PYNE / MOLLER

That Council:

1. Supports the application received from Southern Suburbs Junior Rugby League Club Inc to the value of \$30,000 (ex GST) cash and up to \$1,500 in-kind for waste only for the Nate Miles Cup for a three-year term 2021 - 2023;
2. Enters into a three-year Resource and Performance Agreement with Southern Suburbs Junior Rugby League Club Inc for this contribution; and
3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above agreement.

carried unanimously

9. REGIONAL EVENT GRANT APPLICATION – FAR NORTH QLD AMATEUR TURF CLUB.....47
Jess Hancock | 52/1/9 | #6329627

O'HALLORAN / ZEIGER

Cr Vallely left the meeting 9:44 am.

That Council:

1. Approves entering into a resource and performance agreement with Far North Queensland Amateur Turf Club for the Cairns Amateurs Carnival up to the value of \$130,000 (Cash and in-kind inclusive) over a three-year term (2021 – 2023);
2. Approves the conduct of live entertainment from the Eastern Event Lawn fenced off area until 12:00am (midnight) for the Amateurs ball component for the 2021 - 2023 events; and

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

carried unanimously

Cr Vallely returned to the meeting 9:56 am.

10. PASSENGER TRANSPORT ACCESSIBLE INFRASTRUCTURE PROGRAM AND BUS STOP SHELTER PROGRAM GRANT FUNDING APPLICATION52
Annarie Visser | 50/5/55 | #6577899

PYNE / O’HALLORAN

That Council submits applications for funding for \$517,750 under the Passenger Transport Accessible Infrastructure Program and the Bus Stop Shelter Program for Council’s 2021/22 Bus Stop Upgrade Program.

carried unanimously

11. PARLEY OCEAN SCHOOL FOR CAIRNS.....56
Brett Spencer | 52/8/1 | #6594021

EDEN / MOLLER

That Council:

- 1. Reaffirms its support of the Parley Ocean School for Cairns.
- 2. That officers undertake a review of the Esplanade Management Policy (General Policy) and provide a draft policy to Council no later than the end of June 2021.
- 3. Not consider any further proposals for long term hire/use of the Cairns Esplanade until Council has endorsed the reviewed Esplanade Management Policy.

carried unanimously

12. SUPPORT FOR CAIRNS CRICKET ASSOCIATION'S APPLICATION TO BUILDING BETTER REGIONS FUND AND COUNCIL FUNDING CONTRIBUTION - GRIFFITHS PARK DEVELOPMENT. 61

Matt Smith | 52/8/4 | #6565891

EDEN / O'HALLORAN

That Council:

1. Supports Cairns Cricket Association's application to the Building Better Region's Fund (BBRF) for their proposal to complete Stage 2 of the Griffiths Park Development Plan by constructing a club amenities building/grandstand;
2. Contributes funds of \$1,500,000 (ex GST) from the 2021/22 capital works program to the project subject to Cairns Cricket Association's successful application to the BBRF program for matching funds;
3. Subject to Cairns Cricket Association successfully obtaining matching funding, enters into a Funding Agreement to detail the terms and conditions of the above support across the 2021/22 and 2022/23 financial years and Council approves the attached letter of support;
4. Notes that if Cairns Cricket Association is unsuccessful in obtaining matching funding, that Council does not have a financial commitment to the development of Stage 2 of the Griffiths Park Development Plan from the 2021/22 capital works program; and
5. Delegates authority to the Chief Executive Officer, in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above.

carried unanimously

GENERAL BUSINESS

1. PETITION – RAMSAY DRIVE

JAMES / MOLLER

That petition ([#6595270](#)) concerning Ramsay Drive from the Irene and McGregor Street round-a-bout through to Reservoir Road be received and referred to officers for consideration, and all matters relating to Cairns Western Arterial be referred to TMR.

carried unanimously

2. PEDICAB POLICY

JAMES / OLDS

That Council investigate the need for a policy regarding the use of pedicabs within the Cairns city centre and a report be brought back to Council.

carried unanimously

CLOSED SESSION

O'HALLORAN / EDEN

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

- 1. LEGAL MATTER – PLANNING & ENVIRONMENT COURT APPEAL NO. 132 OF 2018 – ELJASIE PTY LTD V CAIRNS REGIONAL COUNCIL & ORS – CAPTAIN COOK HIGHWAY, SMITHFIELD – DIVISION 8.....3**
Ian Elliott-Smith | 8/30/240 | #6582945
- 2. STAFF MATTER - UPDATE ON THE APPOINTMENT OF CHIEF EXECUTIVE OFFICER**
C Posgate | 65/9/1-01 | # 6602304

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 – PLANNING & ENVIRONMENT COURT APPEAL NO. 132 OF 2018 – ELJASIE PTY LTD V CAIRNS REGIONAL COUNCIL & ORS – CAPTAIN COOK HIGHWAY, SMITHFIELD – DIVISION 8.....3**
Ian Elliott-Smith | 8/30/240 | #6582945

COGHLAN / JAMES

That Council:

1. Instructs its Solicitors to settle Planning and Environment Court Appeal No. 132 of 2018 being the appeal against Council’s part refusal of the combined Development Application for a Preliminary Approval overriding the Planning Scheme and Reconfiguring a Lot (22 Lots and balance area) generally in accordance with the Conditions identified for Stage 2 of the development included at Appendix 3; and
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, for all other matters in relation to the carriage of Planning and Environment Court Appeal No. 132 of 2018.

carried with Cr Olds voting against the motion

- 2. STAFF MATTER - UPDATE ON THE APPOINTMENT OF CHIEF EXECUTIVE OFFICER**
C Posgate | 65/9/1-01 | # 6602304

MOLLER / COGHLAN

That:

1. Council resolves to note the recommendation of the recruitment panel on the preferred candidate for the role of Chief Executive Officer;
2. The Councillors, having interviewed the preferred candidate, are satisfied that the preferred candidate is a qualified person to be appointed as the Chief Executive Officer of Cairns Regional Council in that the person has the ability, experience, knowledge and skills considered appropriate, having regard to the responsibilities of a Chief Executive Officer under section 13 (2) and (3) of the *Local Government Act 2009 (Qld)*;
3. The Mayor be delegated with the powers and responsibilities to make an offer to (and otherwise negotiate a contract of employment with) the preferred candidate on behalf of Council but not execute such employment contract until further authorised by Council to do so;

4. The Mayor report back to Council about the outcome of those negotiations with such report to include:
- a) details of any proposed contract of employment for the position of Chief Executive Officer which is proposed to be entered into between Council and the preferred candidate; and
 - b) a recommendation from the Mayor about the appointment of a qualified person to be the Chief Executive Officer of Cairns Regional Council in accordance with section 194(1) of the *Local Government Act 2009* (Qld).

carried unanimously

THE MEETING CLOSED AT 11:07 AM

CONFIRMED THIS 24th DAY OF MARCH 2021



.....
MAYOR



.....
A/CHIEF EXECUTIVE OFFICER