



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 24 APRIL 2018 AT 1.02PM

Council Members >>

The Mayor, Councillor Jenny Hill
Councillor Russ Cook
Councillor Verena Coombe
Councillor Colleen Doyle
Councillor Ann-Maree Greaney
Councillor Paul Jacob
Councillor Mark Molachino
Councillor Kurt Rehbein
Councillor Margie Ryder
Councillor Maurie Soars
Councillor Les Walker

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Goals and Objectives that identify strategic intent of Townsville City Council >>

Corporate Plan >>

Goal 1 - A Prosperous City

Deliver a strong and innovative economy for Townsville with sustainable growth and support for local jobs and businesses.

Objectives that identify our strategic intent:

- 1.1 Support local businesses, major industries, local innovation and employment growth.
- 1.2 Promote our economic and geographic strengths and market Townsville as a vibrant destination for commerce, education, research, tourism, entertainment and lifestyle.
- 1.3 Plan, support, provide and advocate for infrastructure and investment that supports innovation, residential and economic growth.
- 1.4 Maximize opportunities for economic growth by building and maintaining effective partnerships.

Goal 2 - A City for People

Enhance people's experience of Townsville as a liveable and vibrant city by providing services that support the growth of an inclusive, knowledgeable, active, safe and healthy community.

Objectives that identify our strategic intent:

- 2.1 Provide services and local infrastructure that meet community expectations, support growth and provide for the needs of our community.
- 2.2 Improve the liveability of Townsville and encourage active and healthy lifestyles by providing accessible public facilities and community infrastructure.
- 2.3 Improve the vibrancy of Townsville by supporting the community's access to, and participation in, a range of artistic, cultural and entertainment activities.
- 2.4 Enhance community knowledge of and access to council services to improve community wellbeing, health and safety.

Goal 3 - A Clean and Green City

Create a sustainable future for Townsville through the protection, maintenance and enhancement of our unique, natural and built environment.

Objectives that identify our strategic intent:

- 3.1 Plan, design and deliver sustainable development and support this by actively managing the natural environment and increasing green infrastructure, at both a city, suburb and place level.
- 3.2 Develop and implement long term solutions for the management of water and waste that are socially, financially and environmentally sound.

Goal 4 - A Simpler, Faster, Better Council

Transform the Townsville City Council into a simpler, faster and better council that is easy to work with, and for, and gains community trust by being transparent and managing its resources.

Objectives that identify our strategic intent:

- 4.1 Provide customer-focused services that meet the expectations of our community in a dynamic and adaptive manner.
- 4.2 Ensure that council's plans, services, decisions and priorities reflect the needs and expectations of the community.
- 4.3 Be a valued and committed employer who provides a productive, inclusive and respectful environment for staff and the community.
- 4.4 Improve financial sustainability and provide value and accountability to the community for the expenditure of public funds.
- 4.5 Ensure that public funds are expended efficiently and that council expenditure represents value for money whilst supporting the local economy.

ACKNOWLEDGEMENT OF COUNTRY

The Townsville City Council would like to acknowledge the Bindal and Gurambilbarra Wulgurukaba peoples as Traditional Owners of the land on which our Council operates. We pay respect to Elders past, present and future and value the traditions, culture and aspirations of the first Australians of this land. We acknowledge and hold in great significance the valuable contribution that Traditional Owners have made and continue to make within the Townsville Community.

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REPORT	COUNCIL MEETING
DATE	Tuesday 24 April 2018 at 1.02pm
ITEMS	1 TO 37
PRESENT	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor P Jacob Councillor M Molachino Councillor K Rehbein Councillor M Ryder Councillor M Soars Councillor L Walker

Opening of Meeting and Announcement of Visitors

The Chair, the Mayor, Councillor J Hill opened the meeting at 1.02pm.

Acknowledgement to Country

The Chair acknowledged the traditional owners of the land, the Gurambilbarra Wulgurukaba and the Bindal people, and paid respect to the elders past, present and future generations.

Prayer

Reverend Simon Allery of the Presbyterian Church delivered the opening prayer.

Apologies and Leave of Absence

It was moved by Councillor V Coombe, seconded by Councillor M Molachino:

"that the apology from Councillor A Greaney be received and that for the purposes of Section 162(1)(e) of the *Local Government Act 2009*, Councillor A Greaney be granted leave of absence from this meeting."

CARRIED UNANIMOUSLY

Confirmation of Minutes of Previous Meetings

It was MOVED by Councillor M Molachino, SECONDED by Councillor M Soars:

"that the minutes of the Ordinary Council meeting of 22 March 2018 and the minutes of the Special Council meeting of 4 April 2018 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of Interests

- (i) Planning and Development Committee - Item 8 - Councillor A Greaney requested that it be noted that she was requested by the submitter to make representation at the meeting on his behalf. Legal advice provided to Councillor Greaney was to not undertake this request.
- (ii) Governance and Finance Committee - Perceived Conflict of interest - Item 28 - Councillor K Rehbein - Councillor K Rehbein declared a perceived conflict of interest in regards to Queensland Fire and Rescue Services. (Councillor K Rehbein is an unpaid employee of Queensland Fire and Rescue Services)
- (iii) Governance and Finance Committee - Perceived Conflict of interest - Item 28 - The Mayor, Councillor J Hill - Councillor Hill's brother is working for one of the companies listed.

Correspondence

There was no correspondence.

Petitions

(i) Petition - Opposition to Material Change of Use - 180-220 Racecourse Road, Cluden

Councillor L Walker tabled at the meeting a petition from residents opposing to the Material Change of Use of land, Lot 33 on SP 192632, 180-220 Racecourse Road, Cluden.

Councillor Walker advised that Council has made a submission to the State (Queensland Government).

Deputations

There were no deputations.

Notices of Motion

There were no notices of motion.

Presentations

(i) Open Council Presentation

Neil Glentworth of gwi provided a presentation on The Open Council.

Mayoral Minute

There were no Mayoral Minutes.

Council agreed to change the order of business to consider item 35 as the first item of business.

Officers' Report

Confidential Item

It was MOVED by Councillor V Coombe, SECONDED by Councillor C Doyle:

"that Council RESOLVE to close the meeting in accordance with Section 275 (e) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public for business relating to the following:

Section 275 (e) contracts proposed to be made by it (Item 35)."

CARRIED UNANIMOUSLY

The Council discussed the item.

It was MOVED by Councillor V Coombe, SECONDED by Councillor C Doyle:

"that Council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

35 Townsville Water and Waste - Stage 1 Haughton Pipeline Duplication - Tender Assessment TCW00258 Supply and Delivery of DN1800 Pipe and Associated Fittings

Executive Summary

Townsville City Council identified the need for an additional 1800mm diameter pipeline and pumps with a capacity of 234ML/Day to deliver raw water from Haughton Pump Station to the Ross River Dam to meet the requirements from the Townsville Water Security Taskforce Interim Report (Attachment 1 of the Report to Council).

Tenders were invited for the supply and delivery of 36.5km of 1800mm diameter (nominal size) pipe and associated fittings for a Schedule of Rates contract. Two tenderers were subsequently approved by Council and assigned the status of preferred supplier. The Council also approve the Chief Executive Officer, or delegate, to negotiate with the preferred suppliers before recommending to award.

This report provides a summary of the tender assessment process which includes a Pipe Supply Tender Report (Attachment 2 of the Report to Council) and Probity Report (Attachment 3 of the Report to Council).

This report also provides a summary of the Revised Tenders submitted as part of the negotiation, accompanying probity report (addendum to Attachment 3) and recommendation to award.

Officer's Recommendation

1. That the Pipe Supply Tender Report and Probity Report attached be deemed confidential documents and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the documents remain confidential unless Council decides otherwise by resolution.
2. That Council consider the Pipe Supply Tender Report and Probity Report and select Iplex Pipelines as the preferred supplier.

Council Decision

It was MOVED by Councillor L Walker, SECONDED by Councillor P Jacob:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Meeting Adjournment

The Mayor, Councillor J Hill adjourned the meeting at 2.08pm.

Meeting Recommencement

The Mayor, Councillor J Hill reconvened the meeting at 2.32pm.

The order of business was resumed.

Committee Items

Infrastructure Services Committee

It was MOVED by Councillor M Molachino, SECONDED by Councillor M Soars:

"that the committee recommendations to items 1 to 7 be adopted."

CARRIED UNANIMOUSLY

1 Infrastructure Planning, Assets and Fleet - Permanent closure of part of parkland at 25 Endeavour Road

Executive Summary

The Department of Natural Resources and Mines - State Land Asset Management Unit have requested, on behalf of an applicant, Council to consider the permanent closure of two land parcels, approximately 2.17 hectares, in the public parkland Lot 802 on SP241180 (25 Endeavour Road, Bluewater Park), known as the Bluewater Equestrian Centre.

This report outlines the investigation into the request and Council's recommendation.

Officer's Recommendation

That Council advise The Department of Natural Resources and Mines - State Land Asset Management Unit as a direct result of feedback received during public consultation, that it does not support the application for permanent closure of the two land parcels on Lot 802 on SP241180.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9946) where Council resolved that the Committee recommendation be adopted.

2 Infrastructure Planning, Assets and Fleet - Permanent Road Closure - Part of Stanton Terrace, North Ward

Executive Summary

The Department of Natural Resources, Mines and Energy – State Land Asset Management Unit have requested, on behalf of an applicant, Council to consider the permanent closure of a section of road reserve approximately 340m², abutting Lot 1 on RP891364 (section of Stanton Terrace, North Ward).

This report outlines the investigation into the request and identifies the impacts on adjacent land use and Council assets in the area.

Officer's Recommendation

That Council advise the Department of Natural Resources, Mines and Energy – State Land Use Asset Management Unit that it offers no objection to the permanent road closure and sale of the section of road reserve abutting Lot 1 on RP891364 subject to the following conditions:

- a. that the newly created parcel of land not be created as a separate lot but rather is to be consolidated with the adjoining property;
- b. that the applicant locates the alignment of the stormwater system and provides an easement that is 4 metres wide over the stormwater infrastructure that is centrally located within the easement;
- c. that the applicant accepts that the ownership of the sewer that leads into the property at Lot 1 on RP891364 would be deemed private with only a 1 metre length from the pit being in Council ownership;
- d. that the water main through the road reserve is required to be relocated around the road closure area so that it is 1.8 metre outside the new property boundary;
- e. any works undertaken to relocate the water main limits any vegetation removal and that any disturbed areas are protected from erosion and re-established with vegetation; and
- f. any formalisation of the road closure area does not direct stormwater onto neighbouring properties but into the existing stormwater system and that erosion is adequately addressed as part of any works.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9946) where Council resolved that the Committee recommendation be adopted.

3 Infrastructure Planning, Assets and Fleet - Response to Hodel Street Park Petition

Executive Summary

Council has received a petition requesting park enhancements to be undertaken in Hodel Street Park, Hermit Park. Specifically, the petition requests the installation of boundary fencing along the street frontage of the park, additional children's play equipment and a light on the power pole at the front of the park.

Officer's Recommendation

That Council support the following park enhancement works in Hodel Street Park:

- a. the provision of fencing along the park frontage in the form of hedges between the existing bollards;
- b. the installation of a watchmen spotlight on the power pole in front of the park; and
- c. the installation of a park name sign along the street frontage.

Committee Recommendation

That Council support the following park enhancement works in Hodel Street Park:

- a. the provision of a suitable rail system to tie in with the existing bollards;
- b. the installation of a watchmen spotlight on the power pole in front of the park; and
- c. the installation of a park name sign along the street frontage.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9946) where Council resolved that the Committee recommendation be adopted.

4 Infrastructure Planning, Assets and Fleet - Queens Garden Aviary Report

Executive Summary

The existing Queens Garden Aviary is now over 50 years old and does not meet the current acceptable building standards or requirements for the housing of various species of birds.

Consultation with LCJ Engineers regarding the structural condition of the aviary has concluded that repairing the existing aviary structure would not be an economically sustainable option for council. Based on the advice from LCJ Engineers, it is in council's best interest to demolish the existing structure and redevelop a new aviary within the gardens.

The redevelopment of the aviary presents an opportunity for Council to address existing issues surrounding other features in the gardens, namely the rose garden. These issues are interrelated with the available space in the western area of the gardens and have a bearing on the outcome of the design and redevelopment of the new aviary structure. Taking these factors into consideration, a preliminary Statement of Landscape Intent has been developed with a proposed concept plan for the aviary and the associated features in the western region of Queens Garden.

Based on the Statement of Landscape Intent it is now recommended that Council undertake a major redevelopment of the Queens Garden Aviary.

Officer's Recommendation

That Council commit to:

- a. the removal of the existing aviary structure and redevelopment of a new aviary in the location of the current rose garden;
- b. redevelopment of the rose garden in the current aviary location; and
- c. proceeding with the design and construction of the above works.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9946) where Council resolved that the Committee recommendation be adopted.

5 Infrastructure Planning, Assets and Fleet - Origin Energy Retail Limited - Renewal of Lease

Executive Summary

Origin Energy Retail Limited have requested to renew their current lease on the existing LPG Gas storage supply, on the parcel of land located in Canara Park - Choonda Street, Cranbrook - Lot 56 on RP719004.

The lease offered to Origin Energy will be a Commercial Lease, with the rental determined by a Rental Assessment that has been completed by Knight Frank.

Officer's Recommendation

1. That Council approve entering into a new lease with Origin Energy Retail Limited, over part of Lot 56 on RP719004, for a period of 10 years, subject to agreement being reached about the terms of the new lease and acceptance of the rental payments, at least the amount determined by the rental assessment.
2. That Council grant authority to the Chief Executive Officer to negotiate lease conditions, subject to favourable and commercial terms being negotiated.
3. That Council resolve to apply the exemption set out in section 236 (1)(C)(iii) of the *Local Government Regulation 2012* to the renewal of the lease for part of Lot 56 on RP719004, being an exemption from the requirement to call for tenders.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9946) where Council resolved that the Committee recommendation be adopted.

6 Infrastructure Planning, Assets and Fleet - The National Spiritual Assembly of the Baha'is of Australia Inc - Request to Extend Lease Area

Executive Summary

The National Spiritual Assembly of The Baha'is of Australia Inc. currently leases part of Lot 1 on RP706700 for the organisations clubhouse. The organisation has requested to extend their lease area for the purpose of constructing a disability access ramp into their building to meet building code.

The organisation was notified that their building did not comply with the building code as it did not allow access for disabled persons. The organisation would now like to construct a ramp to ensure compliance with the building code.

Officer's Recommendation

1. That Council approve the extension of the lease area for The National Spiritual Assembly of The Baha'is of Australia Inc. over Part of Lot 1 on RP706700 for a term of up to 10 years.
2. That Council approve a peppercorn rental for the commencement of the lease agreement, with a rental clause providing for a rental charge to be implemented at any time during the term of the lease and reviewed annually on the anniversary of the lease commencement date.
3. That Council note that the Lessee will be responsible for the following;
 - Maintenance, Repair and Replacement of;
 - Structural Maintenance (Clause 6.1a);
 - Services/Pipes/Conduits (Clause 6.1b)
 - Painting (Clause 6.3)
 - Minor Maintenance (Clause 6.6); and
 - Landscaping
4. That Council resolve that the exception in section 236 (1)(b)(ii) of the *Local Government Regulation 2012* applies to the disposal of the land included in this lease, because the disposal is to a community organisation.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9946) where Council resolved that the Committee recommendation be adopted.

7 Infrastructure Planning Assets and Fleet - TCW00252 Supply and Delivery of One New Truck with Hook Loader and Three Axle Trailer

Executive Summary

Tender TCW00252 Supply and Delivery of One New Truck with Hook Loader and Three Axle Trailer was called as part of the approved 2017/2018 Heavy Fleet Replacement Program. Tenders were invited for the supply and delivery of One New Truck with Hook Loader and Three Axle Trailer for allocation to Infrastructure and Operations – Townsville Water and Waste – Townsville Waste Services. This truck and trailer unit is a new fleet item required by Waste Services for the transport of bulk waste bins from Council's Waste Transfer Stations.

This report provides information and Council's recommendation for awarding tender TCW00252 Supply and Delivery of One New Truck with Hook Loader and Three Axle Trailer.

New Fleet No's – HT26830 (Truck), HE26840 (Hook Loader), Trailer HV26850 (Trailer).

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council award Tender No: TCW00252 – Supply and Delivery of One New Truck with Hook Loader and Three Axle Trailer be awarded to AP Townsville Pty Ltd for one Isuzu FYH2000 Auto Long fitted with a PALIFT T22A Hook Loader and three Axle Dog Trailer as specified, at a quoted price of \$333,111.95 (excluding GST).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 9946) where Council resolved that the Committee recommendation be adopted.

Planning and Development Committee

It was MOVED by Councillor L Walker, SECONDED by Councillor M Soars:

"that the committee recommendations to items 9 to 13 be adopted and that item 8 be dealt with separately."

CARRIED UNANIMOUSLY

Item 8 - Planning - MCU17/0041 - Council Report and conditions Multiple Dwelling (25 x 2 and 8 x 3 Bedroom Units) and Café

It was MOVED by Councillor L Walker, SECONDED by Councillor M Soars:

"that the committee recommendation to item 8 be adopted with the inclusion of the following condition:

6. Noise Management/ Mechanical Plant

Condition

- a) *A Noise Management Plan must be submitted to Council for approval outlining how nearby noise sources (including the Food and Drink Outlet, other on-site noise sources, traffic and events and activities within the Strand or Strand Park) will not have any detrimental impacts on the residential units in accordance with the Queensland Environmental Protection Act 1994 and Environmental Protection (Noise) Policy 2008 (EPP Noise).*
- b) *The plan must demonstrate that all refrigeration equipment, pumps, compressors, air conditioning units and mechanical ventilation systems are located, designed and installed to achieve a maximum noise level (singular and/or combined in operational) of no more than LAeq(adj) 65dB at the development site property boundaries, being 52 Stuart Street.*

Reason

- a) *To ensure that all onsite and surrounding noise impacts do not cause a noise nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the Queensland Environmental Protection Act 1994 Section 440.*
- b) *To ensure the use does not cause a noise nuisance to nearby sensitive receptors in accordance with the Queensland Environmental Protection Act 1994 Section 440.*

Timing

To be submitted to Council as part of an application for Operational Works."

CARRIED UNANIMOUSLY

8 Planning - MCU17/0041 - Council Report and conditions Multiple Dwelling (25 x 2 and 8 x 3 Bedroom Units) and Cafe

Executive Summary

The development relates to a Material Change of Use for a Multiple Dwelling (25 x 2 and 8 x 3 bedroom units) and Food and Drink Outlet at 52 Stuart Street, North Ward. The site is designated within the Medium density residential zone and The Strand precinct and is affected by the Airport environs overlay and Flood hazard overlay. The development was assessed under the Townsville City Plan and the *Planning Act 2016*.

The development is contained within a seven level complex, which consists of one basement carpark, one ground level of carparking and the Food and Drink Outlet and five storeys of residential units.

The application was Impact Assessable and therefore required public notification. During the notification period two submissions were received objecting to the development. The submissions raised a number of points such as conflicts with the City Plan in regards to setbacks, height, design, entrance location, carparking, and additional traffic in Stuart Street, breezes, odours, noise, dust and commercial need. All of these matters have been considered in this report and where necessary have been addressed by reasonable and relevant conditions.

In summary, the development is consistent with the Strategic intent of the Townsville City Plan it is recommended approval subject to reasonable and relevant conditions. The development will provide a positive contribution to The Strand in terms of the built form outcomes and also the activation of café uses at the street level.

Officer's Recommendation

That Council approve development application MCU17/0041 (Impact Assessable) being a Material Change of Use for a Multiple Dwelling (25 x 2 and 8 x 3 bedroom units) and Food and Drink Outlet at 52 Stuart Street, North Ward on Lot 2 RP 712275 and Lot 40 T 1186 subject to reasonable and relevant conditions outlined below:

DEVELOPMENT PERMIT

MATERIAL CHANGE OF USE

Multiple Dwelling (25x2 and 8x3 bedroom units) and Food and Drink Outlet

SCHEDULE OF CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

- a) The development must generally comply with the plan(s) and supporting documentation referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Plan No.	Revision No.	Plan Date
Site Plan	SD1002	E	30/08/17
Floor Plan – Basement 01	SD2001	G	30/08/17
Floor Plan – Lower Ground	SD2002	G	30/08/17
Floor Plan – Upper Ground Flood	SD2003	F	30/08/17
Floor Plan – Levels 01 - 03	SD2004	G	30/08/17
Floor Plan – Level 04	SD2007	G	30/08/17
Roof Plan	SD2008	E	30/08/17
Elevations	SD3001	E	30/08/17
Elevations	SD3002	E	30/08/17
Sections	SD3101	F	30/08/17
Sections	SD3102	E	30/08/17
3D Drawing & Renders	SD0201	F	30/08/17
3D Drawing & Renders	SD0202	F	30/08/17
3D Drawing & Renders	SD0203	D	30/08/17

- b) One full set of the most up to date approved plans and supporting documentation must be held on site and available for inspection for the duration of the construction phase.
- c) The recommendations outlined in the above reports/s must be implemented prior to the commencement of the use.

Reason

The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.

Timing

During the operation and life of the development.

2. Amalgamation of Lots

Condition

The amalgamation of Lot 40 on T1186 and Lot 2 on RP712275 into a single parcel must be undertaken and the survey plan must be registered, in accordance with the *Land Title Act 1994* or *relevant legislation as amended*.

Reason

The development application identified multiple lots were required to allow the current use to operate. Accordingly the amalgamation of the lots is required to support the proposed use.

Timing

Prior to the issue of a Development Permit for Building Works where buildings are proposed to be constructed across property boundaries.

3. Building Materials

Condition

All buildings and structures associated with the use must be constructed from materials and/or painted, or similarly treated as show on approved 3D drawings SD0201-SD0203, dated 30/08/17.

Reason

Ensure protection of matters of public safety and amenity in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use and maintained for the life of the development.

4. Property Numbering

Condition

Legible property numbers must be erected at the premises and must be maintained.

The site identification numbers should be of reflective material. Maintained free from foliage and other obstructions, and be large enough to be read from the street.

Reason

To allow the general public, service and emergency service providers to effectively identify the property.

Timing

Prior to the commencement of the use and maintained for the life of the development.

5. Screening of Plant and Utilities

Condition

Unless otherwise agreed to by Council, all plant and utilities must be screened or located so as not to be visible from the street.

Reason

To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use and maintained for the life of the development.

6. Mechanical Plant

Condition

A report must be provided demonstrating all refrigeration equipment, pumps, compressors, air conditioning units and mechanical ventilation systems are located, designed and installed to achieve a maximum noise level (singular and/or combined in operational) of no more than LAeq(adj) 65dB at the development site property boundaries, being 52 Stuart Street.

Reason

To ensure the use does not cause a noise nuisance to nearby sensitive receptors in accordance with the *Queensland Environmental Protection Act 1994* Section 440.

Timing

To be submitted to Council as part of an application for Operational Works.

7. Relocation of Services or facilities

Condition

Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to Council.

Reason

To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use.

8. Sewerage Reticulation

Condition

- a) The development must connect to Council's reticulated sewer system.
- b) The existing drain must be removed/replaced to ensure all affected properties are provided with suitable connections to Council's reticulated sewer system.
- c) A sewer network analysis must be modelled and provided in accordance with SC6.4.23.6 Sewer network modelling of the Townsville City Plan.

Reason

To ensure that the premises are appropriately serviced by Council infrastructure where located in a service area for a sewerage service in accordance with relevant code/s and policy direction.

Timing

Technical details to be submitted to Council as part of an application for Operational Works.

9. Water Supply

Condition

- a) The development must connect to Council's reticulated water system.
- b) A water network analysis must be modelled and provided in accordance with SC6.4.23.5 Water network modelling of the Townsville City Plan. If deemed appropriate by the analysis, the water network must be upgraded to meet Council's current standard.

Reason

To ensure that the premises is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction.

Timing

Technical details to be submitted to Council as part of an application for Operational Works.

10. Electricity and Telecommunication

Condition

Electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

Reason

To provide an appropriate level of electricity and telecommunication services for the development in accordance with relevant code/s and policy direction.

Timing

Prior to final completion of the development. Where electricity or telecommunication services have not been provided, confirmation from the relevant regulatory authority must be submitted to Council indicating that appropriate arrangements have been made for the provision of the infrastructure prior to the commencement of use.

11. Stormwater Drainage

Condition

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage achieves the outcomes in accordance with Part 9.3.2 Healthy Waters Code of the Townsville City Plan.

Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Timing

To be submitted to Council as part of an application for Operational Works and maintained for the life of the development.

12. Stormwater Quality Management**Condition**

A stormwater quality management plan (SQMP) must be prepared by a suitably qualified person in accordance with Part 9.3.2 Healthy Waters Code of the Townsville City Plan.

The SQMP must be implemented in accordance with the guideline. All works must be carried out in accordance with SC6.4 Development manual planning scheme policy of the Townsville City Plan.

Reason

To manage and to minimise the risk of causing environmental harm to receiving waters, damage to Council infrastructure, and unnecessary financial burdens to Council and the community in accordance with relevant code/s and policy direction.

Timing

To be submitted to Council as part of an application for Operational Works and maintained for the life of the development.

13. Roadworks and Traffic**Condition**

Amended plans are to be provided to Council demonstrating compliance with the following:

- a) The existing vehicle access including the crossover in the kerb and channel must be replaced in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.
- b) Any damage to the kerb and channelling must be reconstructed/repared for the full frontage of the site in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.
- c) A Traffic impact assessment must be provided in accordance with SC6.4.3.14 of the Development manual planning scheme policy.
- d) A Traffic management plan including construction vehicle parking must be provided for the construction phase of the development.
- e) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with Council standards.

Reason

To provide development with access in accordance with Council standards.

Timing

To be submitted to Council as part of an application for Operational Works.

14. Carparking

Condition

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.3.5 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) A minimum of **67** car spaces, including disabled parking, must be provided on site.

Reason

To ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.

Timing

To be submitted to Council as part of an application for Operational Works and maintained for the life of the development.

15. Waste Management

Condition

A Waste Management plan is to be submitted for approval in accordance with SC6.4.3.22 Waste management guidelines.

Reason

Ensure protection of matters of public health and amenity in accordance with relevant code/s and policy direction.

Timing

Prior to construction and to be maintained for the life of the development.

16. Refuse Facilities

Condition

All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

Reason

Ensure protection of matters of public health and amenity in accordance with relevant code/s and policy direction.

Timing

During demolition, and prior to the commencement of the use and to be maintained for the life of the development.

17. Service Delivery Vehicles

Condition

Unless otherwise approved by Council, the activities associated with service delivery vehicles must only be conducted between 7:00am and 7:00pm Monday to Friday inclusive or 8:00am to 1:00pm Saturday. No service delivery vehicles are to operate on Sundays or Public Holidays.

Reason

To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

Timing

At all times following the commencement of the use.

18. Groundwater and Dewatering Management

Condition

A groundwater and dewatering management plan must be submitted to and approved by Council. The groundwater and dewatering management plan must be prepared by an appropriately qualified and experienced expert in the field to address the management of dewatering during the construction stage. Groundwater and dewatering management plans must also consider and include an Acid Sulphate management plan (as outlined in Condition 20). In particular, the groundwater and dewatering management plan must consist of but not be limited to:

- a) Monitoring frequencies (groundwater quality must be monitored before, during and after the construction of the development).
- b) Bore monitoring locations.
- c) Quantitative details of the dewatering system, including proposed duration of discharge, the hourly and total quantities of water to be discharged and how this water will be treated.
- d) Provide information on standards to which the groundwater be treated to prior to offsite discharge and reasons why this standard has been chosen.
- e) Provide information on treatment methods including how groundwater will be treated to the specific standards, why the treatment method has been chosen and how effective it will be.
- f) A monitoring plan including parameters, technology, frequency and how and when monitoring data will be reported to Council. At a minimum the following items should be considered:
 - pH of the discharge water should be carefully monitored to provide an indicator and any potential oxidation of Potential for Acid Sulphate Soils (PASS) affected by groundwater drawdown;
 - ferrous iron should be measured prior to discharge using colour-metric test strips. Where ferrous iron is detected, it will need to be held, treated and re-tested prior to discharge;
 - groundwater monitoring and sampling commence and continue during and after dewatering. As a minimum, pH, EC, DO, turbidity, water level, acidity as CaCO₃, Fe and Al should be monitored at appropriate frequencies; and
 - evidence must be provided of exact location and frequency of groundwater testing, and any proposed groundwater treatment and monitoring plan will adequately describe the groundwater quality and the level of groundwater treatment prior to stormwater discharge.
- g) A strategy to manage non-conformities.
- h) Location of treated water discharge.
- i) Details and qualifications of the designated suitable qualified person to oversee the dewatering process, water quality treatment, testing and reporting.
- j) Risk for settlement of neighbouring footings and in-ground services. This includes installing permanent survey points for monitoring potential movement on the neighbouring structures on a regular basis, such as prior to commencement of the dewatering and then on a weekly interval.

NOTE: The dewatering management strategies will need to be re-evaluated following field trials to ensure the proposed management system are performing adequately. All groundwater, PASS and other environmental monitoring results must be provided to Council on a regular basis during development.

Reason

Ensure protection of people and property and the ongoing sustainability of the development.

Timing

To be submitted to Council as part of a Certificate of Compliance.

19. Soil Erosion Minimisation, Sediment Control**Condition**

Erosion and sediment control management must be installed and maintained in accordance with Part 9.3.2 Healthy Waters Code of the Townsville City Plan.

Note: The contingent design, implementation and maintenance of measures must be provided in accordance with *SC6.4 Development manual planning scheme policy specifically SC6.4.3.8.6 MUSIC modelling requirements of the Townsville City Plan.*

Reason

Development ensures that the receiving waters during construction are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.

Timing

To be submitted to Council as part of a Certificate of Compliance and maintained or the life of the development.

20. Acid Sulphate Soils Management**Condition**

Soil and groundwater investigations in accordance with 9.3.2 Healthy waters code of the Townsville City Plan must be conducted to support the proposed earthworks should the soils and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils.

Reason

To ensure potential adverse impacts on the natural and built environment, including infrastructure and human health as a result of acid sulphate soils are avoided in accordance with relevant code/s and policy direction.

Timing

To be submitted to Council as part of a Certificate of Compliance.

21. Minimum Floor Levels**Condition**

Floor levels must achieve immunity from storm tide inundation/flood hazards by ensuring;

- a) floor levels of all non-residential buildings are above the defined storm tide flood event; or
- b) floor levels for residential buildings are 300mm above the defined flood event.

Documentation signed by an engineer (who must be an RPEQ) must be submitted to a Building Certifier identifying the required minimum floor height of all habitable rooms to achieve storm tide/flood immunity.

Reason

To ensure developments are appropriately immune from rising storm tide /flood water in accordance with relevant code/s and policy direction.

Timing

Prior to the issuing of a Development Permit for Building Works.

22. Dust Management

Condition

During the construction phases of this development the developer must be responsible for adequate mitigation measures being put in place for the suppression of dust so as not to cause a nuisance to neighbouring property.

Reason

To ensure that the use does not cause a dust nuisance to nearby sensitive receptors.

Timing

During all times of construction.

23. Odour Management

Condition

An Odour Management Plan must be submitted to Council for approval, which includes but is not limited to the following:

- a) Identified odour sources and activities likely to cause an odour nuisance;
- b) Aims and objectives;
- c) Reference to the applicable legislation;
- d) Performance indicators;
- e) Actions required to minimise odour impacts;
- f) Responsible person(s) for achieving the plan aim; and
- g) A review schedule.

Reason

To ensure that the use does not cause an odour nuisance to nearby sensitive receptors.

Timing

To be submitted to Council as part of a Certificate of Compliance.

24. Landscaping

Condition

Landscape design plans must be prepared in accordance with Part 9.3.3 Landscape code of the Townsville City Plan and must include the following details;

- a) design details for the planters indicated on the upper ground floor and the level 4 communal recreation area,
- b) proposed street trees, including the northern frontage of the site, in accordance with policy SC6.4.3.6,
- c) any existing street trees that are proposed to be removed and/or retained.

Reason

All works must be completed in accordance with the approved landscaping plan and constructed to a standard in accordance with relevant code/s and policy direction.

Timing

To be submitted to Council as part of an application for Operational Work and maintained for the life of the development.

25. Street Enhancements

Condition

Details of the street enhancements along The Strand frontage in accordance with Part 9.3.3 Landscape code/ Part 9.3.6 Works code of the Townsville City Plan must be provided to identify the extent and construction detail of the required path.

Reason

To achieve the desired streetscape character of the location in accordance with relevant code/s and policy direction.

Timing

To be submitted to Council as part of an application for Operational Work and maintained for the life of the development.

26. Outdoor Lighting

Condition

Install and maintain the lighting fixtures so that they do not emit glare or light above the levels stated in *Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting* (or the current applicable standard).

Reason

To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the *Queensland Environmental Protection Act 1994* Section 440.

Timing

Prior to the commencement of the use and maintained for the life of the development.

27. Protection of Operational Airspace

Condition

- a) Development must comply with PO1 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of permanent or temporary physical obstructions.
- b) Development must comply with PO2 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of emissions.
- c) Development must comply with PO3 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms of not attracting a significant number of flying vertebrates.
- d) Development must comply with PO7 of Part 8.2.1 Airport environs overlay code of the Townsville City Plan in terms external lighting.

Reason

To ensure the development does not have detrimental effect on the operation of airspace.

Timing

During the construction of the development and at all times following the commencement of the use.

28. Signage

Condition

- a) Plans of any signage to be associated with the use that is deemed to be assessable development in accordance with Part 5.8 Levels of assessment - Operational work specifically Table 5.8.2 Operational work being placing an advertising device on premises of the Townsville City Plan must be submitted to Council for assessment; and

- b) Signs must be designed in accordance with Part 9.4.1 Advertising Devices Code of the Townsville City Plan; and
- c) To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.

Note: Signage has been included as a Plan Right development type, see Council's web site for a list of accredited consultants that can assist with the submission of an application.

Reason

Signage not approved with this Development Permit or deemed either Exempt or Self Assessable development requires a Code Assessable Operational works development application to be lodged with Council in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use.

Referral Agency Conditions

Advice Agency – Department of Defence

Pursuant to Section 56 of the *Planning Act 2016*, Department of Defence advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use, as attached.

ADVICE

1. Infrastructure Charges

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.

2. Water Restrictions

- a) To manage Townsville's water resources, Council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;
- b) Developers remain responsible for compliance with any water restrictions as directed by council;
- c) During times of significant water shortage, Council may refuse to grant developers exemptions from water restrictions for the purposes of landscaping works or soil erosion and sediment control activities;
- d) In circumstances where exemptions to water restrictions are no longer issued by council, bonding of soft landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. In cases where the soft landscaping is a component of permanent soil erosion and sediment control (such as an open drain) the use of "bonded fibre matrix" type hydro-mulch products or other suitable soil erosion and sediment control methods can be carried out as alternatives to demonstrate compliance with water restrictions.
- e) The responsibility for compliance with all relevant environmental protection requirements (in particular sediment and erosion control) remains with the developer; and
- f) All existing approvals should already include appropriate conditions to allow for the bonding of landscaping works. Should you find that an existing approval does not provide for this flexibility, a permissible change request to amend the conditions of approval can be lodged with Council free of charge (provided no other changes are requested).

3. Further Approvals Required

a) Operational Works

An Operational Works application associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 8 – Sewerage Reticulation
Condition 9 – Water Supply
Condition 11 – Stormwater Drainage
Condition 12 – Stormwater Quality Management
Condition 13 – Roadworks and Traffic
Condition 14 – Car Parking
Condition 24 – Landscaping
Condition 25 – Street Enhancements

All engineering, soil erosion and sediment control and landscaping design/documentation associated with such an application must be prepared and where necessary, certified by a suitably qualified/experience person.

b) Certificate of Compliance

An application for Certificate of Compliance associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 15 – Waste Management
Condition 18 – Groundwater and Dewatering Management
Condition 19 – Soil Erosion Minimisation, Sediment Control
Condition 20 – Acid Sulphate Soils Management
Condition 23 – Odour Management

c) Plumbing and Drainage Works

A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

d) Building Works

A Development Permit for Building Works to carry out building works prior to works commencing on site.

e) Road Works Permit

A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.

f) Operational works - Signage

A Development Permit for Operational works is required for signage deemed to be code assessable in accordance with the Planning Scheme.

g) Amalgamation of Lots

A Survey plan must be registered in accordance with the Land Title Act 1994 for the amalgamation of all allotments.

4. Further Inspections Required

Compliance with Conditions

The following inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to the submission of a Development Application for Operational Works.

Condition 3 – Building Materials
Condition 4 – Property Numbering
Condition 5 – Screening Plant and Utilities
Condition 6 – Mechanical Plant
Condition 10 – Electricity and Telecommunications

5. Connection to Council Water Supply

A copy of this permit and the approved water reticulation design must be submitted to Council with the appropriate application form for connection to Council's water supply. Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.

6. Connection to Council Sewer

A copy of this permit and the approved sewer reticulation design must be submitted to Council with the appropriate application form for connection to Council's sewer supply. Council will respond to the application with a quotation for the work upon payment will schedule the works for connection.

7. Storage of Materials and Machinery

All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by Council.

8. Building Work Noise

The hours of audible noise associated with construction and building work must be limited to between the hours of:

- 6.30 a.m. to 6.30 p.m. Monday to Saturday; with
- No work on Sundays or Public Holidays.

9. Roadworks Approval

The developer is responsible for obtaining a Roadworks permit in accordance with Subordinate Local Law No. 1.15 (Carry out Works or Interfering with a Road or its Operation) 2011 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works. The application must indicate the following:

- a) Completed Roadworks permit application form;
- b) Prescribed fee; and
- c) Traffic Management Plan prepared by a suitable qualified traffic professional detailing the traffic management measures put in place to manage all Roadworks including pedestrians, cyclists and vehicles in accordance with the Manual of Uniform Traffic Control Devices (Queensland) Part 3 – Works on Roads.

If the works require closure of part of the road reserve, a temporary Road Closure Permit will be required. This permit allows for a section of road reserve to be closed for the purpose of works. The Queensland Police Service is the issuing authority for these permits. An application will need to be made to Council for a letter of 'no objection' prior to applying to the Queensland Police Service for the permit. The Traffic Management Plan will need to be included with the application to Council.

10. Building Over/Adjacent to Services

The developer is advised that the proposed building structures are over/adjacent to an existing sewer. In accordance with QDC MP1.4, the applicant may be required to make an application to Council for consent under Section 191 of the *Water Supply (Safety and Reliability) Act 2008* for building over or adjacent to services.

11. Specifications and Drawings

Details of Council's specifications and standard drawings can be viewed on Council's website.

12. Environmental Considerations

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

13. Asbestos

All asbestos being removed from the site must be transported and disposed in accordance with relevant legislation.

14. Dilapidation Report

- a) It is advisable that the developer undertake a dilapidation report, prior to the commencement of any works on the site to mitigate against any possible future legal action. The report is designed to document evidence of the existing condition of adjoining properties internally and externally prior to any rock breaking or construction work commencing. Hence the report should document and provide photographs that clearly depict any existing damage to neighbouring properties.
- b) The developer should provide a dilapidation report with photographs of the footpath, kerb and channel in the vicinity of the access(es) to the site, to Council, prior to commencement of the works, and any damage identified by Council inspectors rectified on completion of works. The developer will be responsible for the restoration of all damage identified by the inspectors if this report is not lodged prior to work commencing.

15. Liquid Trade Waste Approval/Agreement

The developer is advised that a Trade Waste Approval/Agreement may be required under the *Water Supply (Safety and Reliability) Act 2008* and should confirm this with Council's Assets and Hydraulics Unit.

16. Food Business

Where a food business is required to be licensed under the *Food Act 2006* Section 49, a Food Licence Application must be made prior to construction of the food premises.

Please contact Council's Environmental Health unit on 1300 878 001 for further information.

17. Shop Fit Out

Prior to any fit out of the intended food premises, an application for food licence including details on the fit out of the premises must be submitted to Council's Environmental Health Services. No fit out or construction may take place before approval is granted. A food premise is anywhere food or beverages are prepared, packed, stored, handled, serviced, supplied or delivered for sale.

18. Outdoor Dining

If an outdoor dining area is to be incorporated on Council land, a separate Outdoor Dining Licence application is required under the Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011.

Committee Recommendation

That the officer's recommendation be adopted subject to the following:

- a. that noise attenuation fronting The Strand and Stuart Street be added to the conditions.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9951) where Council resolved the following:

that the committee recommendation to item 8 be adopted with the inclusion of the following condition:

6. Noise Management/ Mechanical Plant

Condition

- c) A Noise Management Plan must be submitted to Council for approval outlining how nearby noise sources (including the Food and Drink Outlet, other on-site noise sources, traffic and events and activities within the Strand or Strand Park) will not have any detrimental impacts on the residential units in accordance with the *Queensland Environmental Protection Act 1994* and Environmental Protection (Noise) Policy 2008 (EPP Noise).
- d) The plan must demonstrate that all refrigeration equipment, pumps, compressors, air conditioning units and mechanical ventilation systems are located, designed and installed to achieve a maximum noise level (singular and/or combined in operational) of no more than LAeq(adj) 65dB at the development site property boundaries, being 52 Stuart Street.

Reason

- c) To ensure that all onsite and surrounding noise impacts do not cause a noise nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the *Queensland Environmental Protection Act 1994* Section 440.
- d) To ensure the use does not cause a noise nuisance to nearby sensitive receptors in accordance with the *Queensland Environmental Protection Act 1994* Section 440.

Timing

To be submitted to Council as part of an application for Operational Works.

9 Planning - MCU17/0062 - Council Report and Conditions Multiple Dwelling (2 x 3, 9 x 2 and 2 x 1 Bedroom Units)

Executive Summary

The application seeks a Development Permit for a Material Change of Use, being a Multiple Dwelling consisting of 2 x 3 bedroom, 9 x 2 bedroom and 1 x 1 bedroom units as well as a single studio/managers apartment, situated at 50-52 Hale Street, Townsville City.

For the most part the development will consist of four storeys although technically it extends to five storeys in one section where an overlap between two building blocks occurs. Car parking has a split level arrangement with dual access from Hale and Stanley Streets. Overall the proposal presents as a modern architecturally designed complex which responds to the location and site topography. The building elevations display a large amount of visual interest through the use of different materials and finishes combined with moderate articulation.

Boundary setbacks have been designed to respond to the site conditions and to maximise the opportunities of the sloping block at the end of Hale Street. As the site is a corner lot, relaxations to the front and side boundary setback have been endorsed which will promote a better activation of the street. The rear of the development abuts the short term accommodation development known as the Robert Towns Comfort Inn and due to the site topography this motel is generally elevated above the proposed multiple dwelling. The site is located at the bottom of Hale Street at its lowest point where it adjoins Stanley Street. Accordingly the built form will generally be lower than the surrounding buildings and will not interrupt city views.

The impact assessable application was subject to formal public notification. One submission was received from a nearby resident in Hale Street. The submitter had concerns in regards to car parking, height and stormwater. An assessment of the proposed multiple dwelling against the relevant provisions of the planning scheme with consideration of the items raised in the submission, determined that the intent of the scheme and outcomes sought were able to be achieved.

Through appropriate control measures and conditions the proposed development has demonstrated compliance with the relevant benchmarks of the Townsville City Plan. Moreover the application is consistent with the Strategic Intent and therefore it is recommended that the development be approved, subject to reasonable and relevant conditions.

Officer's Recommendation

That Council approve application MCU17/0062 for a development permit for Multiple Dwelling under the *Planning Act 2016* on land described as Lot 1 RP 701836, Lot 2 RP 701836, 50-52 Hale Street Townsville City subject to the following conditions.

DEVELOPMENT PERMIT

MATERIAL CHANGE OF USE

Multiple Dwelling (2x3, 9 x2, 1x 1 bedroom units and 1 x studio apartment)

SCHEDULE OF CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

- a) The development must generally comply with the plan(s) and supporting documentation referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Plan No.	Revision No.	Plan Date
Site Plan	01	AA	02/11/17
Ground Floor Plan	02	AA	02/11/17
First Floor Plan	03	AA	02/11/17
Second Floor Plan	04	AA	02/11/17
Third Floor Plan	05	AA	02/11/17
Fourth Floor Plan	06	AA	02/11/17
Roof Plan	07	AA	02/11/17
North Elevation	08	AA	02/11/17
West Elevation	09	AA	02/11/17
South Elevation	10	AA	02/11/17
East Elevation	11	AA	02/11/17

- b) One full set of the most up to date approved plans and supporting documentation must be held on site and available for inspection for the duration of the construction phase.
- c) The recommendations outlined in the above reports/s must be implemented prior to the commencement of the use.

Reason

The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.

Timing

During the operation and life of the development.

2. Building Materials

Condition

All buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare, or as approved by Council.

Reason

Ensure protection of matters of public safety and amenity in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use and maintained for the life of the development.

3. Property Numbering

Condition

Legible property numbers must be erected at the premises and must be maintained.

The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.

Reason

To allow the general public, service and emergency service providers to effectively identify the property.

Timing

Prior to the commencement of the use and maintained for the life of the development.

4. Relocation of Services or facilities

Condition

Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to Council.

Reason

To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of use.

5. Amalgamation of Allotments

Condition

The amalgamation of lots 1 and 2 on RP 701836 into single parcel must be undertaken and the survey plan must be registered, in accordance with the *Land Title Act 1994* or *relevant legislation as amended*.

Reason

The development application identified multiple lots were required to allow the approved use to operate and commence. Accordingly the amalgamation of the lots is required to support the proposed use.

Timing

Prior to the issue of a Development Permit for Building Works where buildings are proposed to be constructed across property boundaries.

6. Screening of Plant and Utilities

Condition

Unless otherwise agreed to by Council, all plant and utilities must be screened or located so as not to be visible from the street.

Reason

To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use and maintained for the life of the development.

7. Sewerage Reticulation

Condition

The development must connect to Council's reticulated sewer system.

Reason

To ensure that the premises are appropriately serviced by Council infrastructure where located in a service area for a sewerage service in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work.

8. Water Supply

Condition

The development must connect to Council's reticulated water system.

Reason

To ensure that the premises is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work.

9. Conduit Assessment

Condition

A visual inspection of the existing stormwater drainage infrastructure and reticulated sewerage network infrastructure traversing the site must be conducted in accordance with the following:

- a) An assessment is required on the condition of the stormwater drainage infrastructure (Object ID 3584657, Asset number: 29256) from upstream reference 0270A32U to downstream reference 0270A31U.
- b) An assessment is required on the condition of the reticulated sewerage network infrastructure (Object ID: 26001009, Asset number: 1107605) from upstream reference 16/1A2 to downstream reference 15/1A2.
- c) The assessment must be undertaken by a certified CCTV operator to perform conduit condition assessment and the results are to be submitted to Council in an appropriate electronic format accompanied by a written report to be approved in writing by Council.
- d) Any upgrading or replacement determined by Council must be carried out as part of the development at no expense to Council.

Reason

To assess condition of the conduit in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work.

10. Electricity and Telecommunication

Condition

Electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

Reason

To provide an appropriate level of electricity and telecommunication services for the development in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of use.

11. Stormwater Drainage

Condition

Submit to Council for approval a final Stormwater Management Plan (Quantity) demonstrating that the development will achieve 'no worsening' as described in the Queensland Urban Drainage Manual (QUDM) and does not increase the pre-development, frequency or concentration as compared to post development at the point of discharge to all downstream properties including road reserves and the like. This must be based on design storms of Q2, Q5, Q10, Q20, Q50 and Q100. The final detailed stormwater management plan and designs are to be in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan and must be certified by appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ).

Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work.

12. Stormwater Quality Management

Condition

Prepare and implement a Stormwater Quality Management Plan incorporating stormwater quality management best practices in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Reason

To manage and to minimise the risk of causing environmental harm to receiving waters, damage to Council infrastructure, and unnecessary financial burdens to Council and the community in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of use.

13. Roadworks and Traffic

Condition

- a) A new access driveway and crossover from the existing kerb and channel to the property boundary must be constructed generally in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.
- b) A 1.2 metre wide concrete footpath must be constructed to the full frontage of the site on Hale Street and Stanley Street in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.
- c) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with Council's standards.
- d) Traffic signs and pavement markings must be provided in accordance with the Manual of Uniform Traffic Control Devices – Queensland. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the Manual of Uniform Traffic Control Devices – Queensland.

Reason

To provide development with access in accordance with Council standards.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work.

14. Vehicle Access and Car Parking

Condition

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.3.5 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) A minimum of 21 car spaces including disabled parking must be provided on site in accordance with SC6.10 parking rates planning scheme policy of the Townsville City Plan.
- c) All car parking spaces must be sealed, line marked, signposted, drained and maintained in accordance with the planning scheme and Australian Standard 2890 - Parking Facilities.
- d) Install at the entrance into and within, the development directional signage to the visitor car park that is clearly visible to visitors when arriving in their vehicle.
- e) All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with Australian Standards AS1742.1 "Manual of Uniform Traffic Control Devices".
- f) All ingress and egress movements to and from the development must be in a forward direction.
- g) All redundant crossovers must be removed and reinstate the kerb and channel, road pavement, services, verge and any footpath to the same standard as existing (or proposed) immediately adjacent along the frontage.

Reason

To ensure the development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work.

15. Rock Breaking, Drilling and Piling

Condition

A noise and vibration control plan in relation to rock breaking, drilling and piling must be prepared in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.3.15 Noise and vibration assessments of the Townsville City Plan.

Reason

To ensure that the works are undertaken in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work.

16. Geotechnical Certification

Condition

Prior to the commencement of any construction on site, cut and fill batters and retaining structures on site, submit to Council certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) specialised in Geotechnical Engineering stating that all cut and fill batters and retaining structures will achieve a long term factor of safety greater than 1.5 and that the proposed structures will not cause any adverse effect on the stability and integrity of the neighbouring buildings, properties, utility services and infrastructure.

Reason

To confirm structural stability of adjoining properties.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work.

17. Soil Erosion Minimisation, Sediment Control

Condition

Erosion and sediment control management must be installed and maintained in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Reason

Development ensures that the receiving waters during construction are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.

Timing

At all times during the construction phase.

18. Refuse Facilities

Condition

- a) An adequate hard stand area with sufficient space to accommodate all bins for collection is to be made available along Hale street frontage for the collection of mobile garbage (wheelie) bins and recycling bins (collected bi weekly).
- b) A minimum overhead clearance of 4200mm must be provided for refuse collection. Access for the collection of the mobile garbage (wheelie) bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.

Reason

Ensure protection of matters of public health and amenity in accordance with relevant code/s and policy direction.

Timing

Prior to commencement of the use and to be maintained for the life of the development.

19. Landscaping

Condition

Landscape design plans must be prepared in accordance with Part 9.3.3 Landscape code of the Townsville City Plan.

Reason

All works must be completed in accordance with the approved landscaping plan and constructed to a standard in accordance with relevant code/s and policy direction.

Timing

To be submitted to Council as part of an application for Operational Work and maintained for the life of the development.

20. Outdoor Lighting**Condition**

Install and maintain the lighting fixtures so that they do not emit glare or light above the levels stated in *Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting* (or the current applicable standard).

Reason

To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the *Queensland Environmental Protection Act 1994* Section 440.

Timing

Prior to the commencement of the use and maintained for the life of the development.

21. Letterboxes**Condition**

The location of the letter boxes on site must cater for the number of dwelling units within the development and is designed in such a way that enhances community safety through discouraging crime and anti-social behaviour.

Note: A body corporate letterbox will be required where units will be strata titled.

Reason

To address Crime Prevention through Environmental Design principles.

Timing

Prior to the commencement of the use and maintained for the life of the development.

22. Drying Facilities**Condition**

Clothes drying facilities must be provided and must be screened from public view in accordance with the Residential zone codes of Part 6.2 Residential zones category of the Townsville City Plan.

Reason

To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use and maintained for the life of the development.

23. Screen Fencing**Condition**

A visual screen must be constructed between the site and 48 Hale Street on the northern boundary.

Reason

To address amenity and Crime Prevention through Environmental Design principles.

Timing

Prior to the commencement of the use and maintained for the life of the development.

24. On-Street Parking

Condition

An additional three (3) parking spaces must be provided on the existing concrete island at the end of Hale Street.

Reason

To ensure development does not adversely affect existing on-street parking in the area in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work.

ADVICE

1. Infrastructure Charges

Condition

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.

2. Further Approvals Required

Condition

a) Operational Works

An Operational Works application associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 7 – Sewerage Reticulation
Condition 8 - Water Supply
Condition 9 - Conduit Inspection
Condition 11 - Stormwater Drainage
Condition 13 – Roadwork's and Traffic
Condition 14– Vehicle Access and Parking
Condition 15 – Rock Breaking, Drilling and Piling
Condition 16– Geotechnical Certification
Condition 19 – Landscaping
Condition 24 - On-Street Parking

All engineering, soil erosion and sediment control and landscaping designs/documentation associated with such an application must be prepared and where necessary, certified by a suitably qualified/experience person.

b) Certificate of Compliance

An application for Certificate of Compliance associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 12 Stormwater Quality Management

c) Plumbing and Drainage Works

A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

d) Building Works

A Development Permit for Building Works to carry out building works prior to works commencing on site.

e) **Road Works Permit**

A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.

3. Connection to Council Water Supply

Condition

A copy of this permit and the approved water reticulation design must be submitted to Council with the appropriate application form for connection to Council's water supply. Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.

4. Connection to Council Sewer

Condition

A copy of this permit and the approved sewer reticulation design must be submitted to Council with the appropriate application form for connection to Council's sewer supply. Council will respond to the application with a quotation for the work upon payment will schedule the works for connection.

5. Storage of Materials and Machinery

Condition

All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by Council.

6. Building Work Noise

Condition

The hours of audible noise associated with construction and building work must be limited to between the hours of:

- 6.30 a.m. to 6.30 p.m. Monday to Saturday; with
- No work on Sundays or Public Holidays.

7. Roadworks Approval

Condition

The developer is responsible for obtaining a Roadworks permit in accordance with Subordinate Local Law No. 1.15 (Carry out Works or Interfering with a Road or its Operation) 2011 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works. The application must indicate the following:

- a) Completed Roadworks permit application form;
- b) Prescribed fee; and
- c) Traffic Management Plan prepared by a suitable qualified traffic professional detailing the traffic management measures put in place to manage all Roadworks including pedestrians, cyclists and vehicles in accordance with the Manual of Uniform Traffic Control Devices (Queensland) Part 3 – Works on Roads.

If the works require closure of part of the road reserve, a temporary Road Closure Permit will be required. This permit allows for a section of road reserve to be closed for the purpose of works. The Queensland Police Service is the issuing authority for these permits. An application will need to be made to Council for a letter of 'no objection' prior to applying to the Queensland Police Service for the permit. The Traffic Management Plan will need to be included with the application to Council.

8. Specifications and Drawings

Condition

Details of Council's specifications and standard drawings can be viewed on Council's website.

9. Environmental Considerations

Condition

Department of Environment and Heritage Protection requirements. Construction must comply with relevant Legislation, Policies and Guidelines.

10. Dilapidation Report

Condition

- a) It is advisable that the developer undertake a dilapidation report, prior to the commencement of any works on the site to mitigate against any possible future legal action. The report is designed to document evidence of the existing condition of adjoining properties internally and externally prior to any rock breaking or construction work commencing. Hence the report should document and provide photographs that clearly depict any existing damage to neighbouring properties.
- b) The developer should provide a dilapidation report with photographs of the footpath, kerb and channel in the vicinity of the access(es) to the site, to Council, prior to commencement of the works, and any damage identified by Council inspectors rectified on completion of works. The developer will be responsible for the restoration of all damage identified by the inspectors if this report is not lodged prior to work commencing.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9951) where Council resolved that the Committee recommendation be adopted.

10 Planning - MCU17/0070 - Council Report and Conditions Medium Impact Industry - Scrap Metal Yard associated with ECA17/0002

Executive Summary

The application seeks a Development Permit for a Material Change of Use for a Medium Impact Industry – Scrap Metal Yard located on land at 20 Carroll Street, Mount Louisa. The application is Impact Assessable against the Townsville City Plan, in the Low impact industry Zone Code.

The application was required to be publicly notified and one submission was received. Further information in regard to the submissions can be found in section 6 of the report.

The application has been assessed against all relevant assessment benchmarks under the Townsville City Plan. The proposed Medium impact industry is appropriate on the subject site despite its current Low impact industry zoning, given the nature of the operations associated with the use. It is therefore recommended that the application be approved, subject to reasonable and relevant conditions.

Officer's Recommendation

That Council approve application MCU17/0070 for a Development Permit for a Medium impact industry – Scrap Metal Yard under the *Planning Act 2016* on land described as Lot 7 SP 111989, more particularly 20 Carroll Street, Mount Louisa, subject to the following conditions -

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE

MEDIUM IMPACT INDUSTRY (SCRAP METAL YARD) AND ENVIRONMENTALLY RELEVANT ACTIVITY 20 (1) (METAL RECOVERY – RECOVERING NOT MORE THAN 100 TONNES OF METAL IN A DAY)

1. Approved Plans and Supporting Documentation

Condition

- a) The development must generally comply with the plan(s) and supporting documentation referenced in the table below and attached as stamped “Approved Subject to Conditions” which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Plan No.	Revision No.	Date
Site Plan	M1227-SK-01	A	20/09/2017

- b) One full set of the most up to date approved plans and supporting documentation must be held on site and available for inspection for the duration of the construction phase.
- c) The recommendations outlined in the above reports/s must be implemented prior to the commencement of the use.

Reason

The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.

Timing

During the operation and life of the development.

2. Property Numbering

Condition

Legible property numbers must be erected at the premises and must be maintained.

The site identification numbers should be of reflective material. Maintained free from foliage and other obstructions, and be large enough to be read from the street.

Reason

To allow the general public, service and emergency service providers to effectively identify the property.

Timing

Prior to the commencement of the use and maintained for the life of the development.

3. Relocation of Services or facilities**Condition**

Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to Council.

Reason

To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use and maintained for the life of the development.

4. Sewerage Reticulation**Condition**

The development must continue to be connected to Council's reticulated sewer system.

Reason

To ensure that the premise is appropriately serviced by Council infrastructure where located in a service area for a sewerage service in accordance with relevant code/s and policy direction.

Timing

The existing connection to sewer is to be maintained.

5. Water Supply**Condition**

The development must continue to be connected to Council's reticulated water system.

Reason

To ensure that the premise is appropriately serviced by Council reticulated water supply infrastructure in accordance with relevant code/s and policy direction.

Timing

The existing connection to the reticulated water supply is to be maintained

6. Electricity and Telecommunication**Condition**

The existing electricity and telecommunications must be provided in accordance with Part 9.3.6 Works code of the Townsville City Plan.

Reason

To provide an appropriate level of electricity and telecommunication services for the development in accordance with relevant code/s and policy direction.

Timing

The existing connection to electricity and communications is to be maintained.

7. Stormwater Drainage

Condition

Stormwater drainage must be achieved in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan so as not to detrimentally interfere with stormwater flows such that ponding or flooding is experienced by adjoining properties as a result of the development.

Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Timing

Prior to the commencement of the use and maintained throughout the life of the development.

8. Stormwater Quality Management

Condition

Prepare and implement a Stormwater Quality Management Plan (SQMP) incorporating best practices stormwater quality management in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan. The SQMP must address the following:

- Conducting the activity in a manner that will prevent the contamination of surface stormwater runoff;
- Contaminants not being released on premises where they could reasonably be expected to move or be washed into the stormwater drainage system or waterway;
- Provide a grated drain on the inside of the property alignment (at the end of existing concrete access driveway) and piped to kerb and channel;
- Provide a bund to divert stormwater away from contaminated work areas; and
- Ensure any fuel spillage is not released or allowed to enter into stormwater infrastructure, roadside gutters or other waters outside of the property.

Reason

To manage and to minimise the risk of causing environmental harm to receiving waters, damage to Council infrastructure, and unnecessary financial burdens to Council and the community in accordance with relevant code/s and policy direction.

Timing

Technical details are to be submitted to Council as part of an application for Certificate of Compliance and maintained for the life of the development.

9. Visual Screen

Condition

A visual screen along the Woolcock Street and Carroll Street boundary fences must be provided to adequately screen the development from the street frontage. The visual screen must be, at a minimum, the height of the existing fences.

Reason

To address the amenity to Woolcock Street being a significant point entry to the city.

Timing

Details of the screening are to be submitted as part of an application for a Certificate of Compliance and maintained for the life of the development.

10. Hours of Operation

Condition

Unless otherwise approved by Council, the activities associated with the use must only be conducted between 8.00am to 4.00pm Monday to Friday and 9.00am to 2.00pm Saturday.

The use is not to operate on Sundays or Public Holidays.

Reason

To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

Timing

At all times following the commencement of the use.

11. Signage**Condition**

- (a) Plans of any signage to be associated with the use that is deemed to be assessable development in accordance with Part 5.8 Categories of development and assessment - Operational work specifically Table 5.8.2 Operational work being placing an advertising device on premises of the Townsville City Plan must be submitted to Council for assessment; and
- (b) Signs must be designed in accordance with Part 9.3.1 Advertising devices code of the Townsville City Plan; and
- (c) To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.

Note: Signage has been included as a Plan Right development type, see Council's web site for a list of accredited consultants that can assist with the submission of an application.

Reason

Signage not approved as part of this Development Permit or deemed either Accepted development or Accepted development subject to requirements will require a Code assessable Operational work development application to be lodged with Council in accordance with relevant code/s and policy direction.

Timing

Prior to the commencement of the use.

12. Soil Erosion Minimisation, Sediment Control**Condition**

Erosion and sediment control management must be installed and maintained in accordance with Part 9.3.2 Healthy waters code of the Townsville City Plan.

Reason

Development ensures that the receiving waters during construction are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.

Timing

At all times during the construction phase.

13. Roadworks and Traffic

Condition

A new access driveway and crossover from the existing kerb and channel to the property boundary must be constructed generally in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan.

Reason

To provide the development with access in accordance with Council standards.

Timing

Technical details are to be submitted to Council as part of an application for Operational Work.

Concurrence Agency Conditions – DEPARTMENT OF INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING

Pursuant to Section 56 of the *Planning Act 2016*, the Department of State Development, Manufacturing, Infrastructure and Planning, (formerly Department of Infrastructure, Local Government and Planning) advises that it has no objection to Townsville City Council issuing a Preliminary Approval for a Material Change of Use subject to the conditions, as attached.

Advice

1. Infrastructure Charges

Condition

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.

2. Water Restrictions

Condition

- a) To manage Townsville's water resources, Council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;
- b) Developers remain responsible for compliance with any water restrictions as directed by Council;
- c) During times of significant water shortage, Council may refuse to grant developers exemptions from water restrictions for the purposes of landscaping works or soil erosion and sediment control activities;
- d) In circumstances where exemptions to water restrictions are no longer issued by Council, bonding of soft landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. In cases where the soft landscaping is a component of permanent soil erosion and sediment control (such as an open drain) the use of "bonded fibre matrix" type hydro-mulch products or other suitable soil erosion and sediment control methods can be carried out as alternatives to demonstrate compliance with water restrictions.
- e) The responsibility for compliance with all relevant environmental protection requirements (in particular sediment and erosion control) remains with the developer; and
- f) All existing approvals should already include appropriate conditions to allow for the bonding of landscaping works. Should you find that an existing approval does not provide for this flexibility, a permissible change request to amend the conditions of approval can be lodged with Council free of charge (provided no other changes are requested).

4. Further Approvals Required

Condition

a) **Operational Work**

An Operational Work application associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 13 – Roadworks and Traffic

All engineering, soil erosion and sediment control designs/documentation associated with such an application must be prepared and where necessary, certified by a suitably qualified/experience person.

b) **Operational work - Signage**

A Development Permit for Operational work is required for signage deemed to be code assessable in accordance with the Townsville City Plan.

c) **Certificate of Compliance**

An application for Certificate of Compliance associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 9 – Screen Fencing

5. Specifications and Drawings

Condition

Details of Council's specifications and standard drawings can be viewed on Council's website.

6. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

7. Liquid Trade Waste Approval/Agreement

Condition

The developer is advised that a Trade Waste Approval/Agreement may be required under the *Water Supply (Safety and Reliability) Act 2008*. This should be discussed with Council's Assets and Hydraulics team at an early stage of project development.

Contact developmentassessment@townsville.qld.gov.au or 1300 878 001.

8. Flammable and Combustible Liquids

Condition

Flammable and combustible liquids are to be stored and handled in accordance with *AS 1940 The Storage and Handling of Flammable and Combustible Liquids*.

9. Chemical Storage

Condition

Where chemicals are stored or handled on site, the storage and handling of chemicals must be in accordance with the relevant WHS Code of Practice.

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE

ENVIRONMENTALLY RELEVANT ACTIVITY 20 (1) (METAL RECOVERY – RECOVERING NOT MORE THAN 100 TONNES OF METAL IN A DAY)

SCHEDULE A - GENERAL CONDITIONS

- A1 In carrying out the environmentally relevant activity, the operator of the activity for which this environmental authority relates must take all reasonable and practical measures to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this environmental authority.
- A2 The holder of this environmental authority must:
- (i) install and operate all works and control equipment, and
 - (ii) take all measures, perform all acts and do all things, necessary to ensure compliance with the conditions of this environmental authority.
- A3 A copy of this environmental authority must be kept in a location readily accessible to personnel carrying out the activity.
- A4 Any record of document required to be kept by a condition of this environmental authority must be kept at the place of the activity for a period of at least five (5) years. The record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least three (3) years and these records are then kept in the form of annual summaries after that period.
- A5 Copies of any record required to be kept by a condition of this environmental authority must be provided to any authorised person or the administering authority on request.
- A6 No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this environmental authority. A substantial increase would be ten percent (10%) or more in the quantity of the contaminate to be released into the environment.
- A7 Notwithstanding any other condition of this environmental authority, this environmental authority does not authorise any release of contaminants which causes or is likely to cause an environmental nuisance beyond the boundaries of the approved site.
- A8 In order to maintain visual amenity of the surrounding area, cars are permitted to be stacked to a maximum of two (2) on top of each other.
- A9 All instruments and devices used for the measurement or monitoring of any parameter under any condition of this environmental authority must be calibrated, appropriately operated and maintained by a person or body possessing appropriate experience and qualifications to perform the required measurements.
- A10 The activity must be undertaken in accordance with written procedures that:

- (i) identify potential risks to the environment from the activity during routine operations, closure and an emergencies;
- (ii) contingency plans and emergency procedures for non-routine situations including flooding, cyclone and fire;
- (iii) establish and maintain control measures that minimise the potential for environmental harm;
- (iv) ensure plant, equipment and measures are maintained and operated in a proper and effective condition;
- (v) monitoring of any releases;
- (vi) ensure that staff are trained to ensure compliance with the conditions of this environmental authority and aware of their obligations under the *Environmental Protection Act 1994*;
- (vii) record keeping and maintaining documentation; and
- (viii) ensure that periodic reviews of environmental performance are undertaken at least annually.

A11 A copy of the written procedures required in condition number A10 must be kept at the place to which this environmental authority relates and made available to the administering authority when requested.

A12 In the event that operations on site cease, the land is to be left free of any waste (including scrap metal and/or contaminated wastes).

END OF SCHEDULE A

SCHEDULE B - AIR

B1 All reasonable and practicable measures must be taken to ensure the release of dust does not cause environmental harm or nuisance beyond the site boundaries.

B2 Waste oils or effluent resulting from washing vehicles, plant or equipment must not be used for dust suppression purposes.

B3 In the event of a reasonable complaint being made to the administering authority regarding dust generated on the approved site that constitutes annoyance and the administering authority considers the complaint to be neither frivolous or vexatious the registered operator of the environmental authority must undertake dust monitoring. Dust deposition nuisance limit of 120 milligrams per square metre per day, averaged over 1 month, taken from the representative property boundary of the approved site must not be exceeded in accordance with '*AS3580.10.1 Methods for sampling and analysis of ambient air – Determination of Particulates – Deposited Matter – Gravimetric method of 2016 (or more recent edition)*'.

B4 Odours or airborne contaminants must not cause environmental nuisance beyond the property boundaries of the approved site to any sensitive place or commercial place.

B5 Any fire resulting from oxy-cutting operations must be completely extinguished as soon as practicable and not left to smoulder.

B6 Any painting on this site is limited strictly to the use of spray cans, rollers and brushes only.

B7 Volatile liquids (e.g. solvents, thinners) must be stored in sealed containers when not in use to minimise the release of volatile liquids.

B8 Any motor vehicle air conditioning systems must be de-commissioned in accordance with the "Code of Practice for the Control of Chlorofluorocarbons from Motor Vehicle Air Conditioners" Air conditioning systems that contain CFCs and R12 gases must be reclaimed by an accredited person using approved CFC recovery and storage equipment.

END OF SCHEDULE B

SCHEDULE C - WATER

- C1 Except as otherwise provided by the conditions of *Schedule D – Stormwater Management* of this environmental authority, contaminants that will or may cause environmental harm must not be directly or indirectly released from the approved site to any waters or the bed and banks of any waters except to a sewer as permitted or agreed by Council in a documented Trade Waste approval.
- C2 Records of trade waste agreements must be made available for inspection on request.

END OF SCHEDULE C

SCHEDULE D – STORMWATER MANAGEMENT

- D1 Except as otherwise provided by the conditions of this environmental authority, the environmental relevant activity must be carried out by such practicable means necessary to prevent and or minimise the release or likelihood of release of contaminated runoff from the approved site to any stormwater drain or waters or the bed or the banks or any such waters.
- D2 Vehicles are to be inspected upon arrival for signs of oil leaks and oily/greasy parts. Where there is a risk of an oil leak, the leak must be sealed to stop further leaking. Alternatively the oil must be drained from the part.
- D3 Where oil is not drained from an engine, automatic transmission, differential or drive shaft in accordance with condition D2, control measures to prevent or contain spills/ leaks (e.g. use drip trays and or close bonnets etc.) must be used.
- D4 Diesel, petroleum, oils, lubricants, sludges and similar materials must be stored within a bunded and covered area so any spillage does not have the potential to escape on to the ground or cause stormwater runoff contamination. The size of the bunded area for the package storage shall be a minimum of 100% the volume of the largest container plus 25% of the total of the volume stored.
- D5 Any motor vehicle parts containing grease or oil must be kept covered to prevent any contaminates been washed and released with stormwater runoff.
- D6 The activity including the dismantling of vehicles must not take place outside the workshop or in a place or manner, such as adjacent to openings within the workshop, so that there is not the potential to cause contaminants to be released to the ground or to stormwater.
- D7 Rusting ferrous metals must be stored in a sealed or contained covered area that is unaffected by surface or stormwater runoff.
- D8 Batteries must be stored undercover or stored palletised and adequately protected from stormwater with plastic wrapping.
- D9 Any spillage of contaminates or other materials must be cleaned up as quickly as practicable. Spills must not be cleaned up by hosing or otherwise releasing contaminating matter to areas subject to stormwater runoff. The holder of this environmental authority must provide suitable and adequate equipment and or materials to be used in the event of controlling and cleaning up any spillages.
- D10 The equipment or materials as required by condition number D9 must be readily available for immediate access in the event of any spillage of a possible contaminant.

END OF SCHEDULE D

SCHEDULE E - LAND APPLICATION

- E1 There must be neither release nor likelihood of release of any contaminants to land.
- E2 In the event that operations at this site cease, the land is to be left free of any waste (including scrap metal, contaminated waste).

END OF SCHEDULE E

SCHEDULE F- NOISE

- F1 Any vehicle dismantling activity on the site, including the entry and/or departure of vehicles, must be carried out only between the hours of:-

08:00 and 16:00 - Monday to Fridays;
 09:00 and 14:00 - Saturdays;
 and at no time on Sundays or Public holidays.

- F2 The emission of noise from the place to which this environmental authority relates place must not result in levels greater than those specified in Table 1 of the Noise Schedule.

NOISE (TABLE 1)

Noise Level at a Noise Sensitive Place Measured as the Adjusted Sound Pressure Level L (Aeq adj, T)	Period
Background noise level plus 5 dB (A)	7am – 6pm
Background noise level plus 5 dB (A)	6pm – 10pm
Background noise level plus 3 dB (A)	10pm – 7am
Noise Limits at a Commercial Place Measured as the Adjusted Sound Pressure Level L (Aeq adj, T)	Period
Background noise level plus 10 dB (A)	7am – 6pm
Background noise level plus 10 dB (A)	6pm – 10pm
Background noise level plus 8 dB (A)	10pm – 7am

END OF SCHEDULE F

SCHEDULE G - WASTE MANAGEMENT

- G1 All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.
- G2 The holder of this environmental authority must not:
- (i) burn waste at or on the place to which this environmental authority relates;
 - (ii) allow waste to burn or be burned at or on the place to which this environmental authority relates;
- G3 Where regulated waste is removed from the approved site to which this environmental authority relates, the holder of this environmental authority must ensure the transporter has a current licence for the transport of regulated waste, monitor and keep records of the following:
- (i) the date, quantity and type of waste removed;
 - (ii) name of the waste transporter and/or disposal operator that removed the waste; and
 - (iii) the intended treatment/disposal destination of the waste.
- G4 The holder of this development approval must make sure that all used oil filters are disposed of by either of the two following methods:
- (a) Crushed completely flat, drained and then placed into a trade waste receptacle or;
 - (b) Disposed of to an authorised oil filter recycler.
- G5 The approved site must be enclosed by a security fence and prevent as far as practicable unauthorised access when the site is unattended.

END OF SCHEDULE G

SCHEDULE H - MONITORING AND REPORTING

- H1 As soon as practicable, within 24 hours after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this environmental authority, the holder of this environmental authority must notify the administering authority of the release by telephone.
- H2 The notification of emergencies or incidents as required by condition number H1 must include but not be limited to the following:
- (i) the holder of the environmental authority;
 - (ii) the location of the emergency or incident;
 - (iii) the number of the environmental authority;
 - (iv) the name and telephone number of the designated contact person;
 - (v) the time of the release;
 - (vi) the time the operator of the activity to which this environmental authority relates became aware of the release;
 - (vii) the suspected cause of the release;
 - (viii) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
 - (ix) action(s) taken to prevent further any release and mitigate any environmental harm and or environmental nuisance caused by the release.
- H3 Not more than fourteen (14) days following the initial notification of an emergency or incident, the holder of the environmental authority must provide written advice of the information supplied in accordance with condition number H2 in addition to:
- (i) proposed actions to prevent a recurrence of the emergency or incident;
 - (ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance; and
 - (iii) the results of any environmental monitoring performed.
- H4 All complaints received by the holder of this environmental authority relating to releases of contaminants from operations at the place to which this environmental authority relates must be recorded and kept in a log book with the following details:
- (i) time, date and nature of complaint;
 - (ii) type of communication (telephone, letter, personal etc.);
 - (iii) name, contact address and contact telephone number of complainant (note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
 - (iv) response and investigation undertaken as a result of the complaint;
 - (v) name of the person responsible for investigating the complaint; and
 - (vi) action(s) taken as a result of the complaint investigation and the signature of the person responsible for the investigation.
- H5 When requested by the administering authority to undertake monitoring for an investigation of any complaint of environmental nuisance caused by a release, the results must be provided to the administering authority within ten (10) business days following the completion of monitoring.

END OF SCHEDULE H

SCHEDULE I - DEFINITIONS

For the purposes of this environmental authority the following definitions apply:

- (a) **“administering authority”** means Townsville City Council.
- (b) **“approved site”** means the place authorised under the environmental authority for carrying out the specified environmental relevant activity.
- (c) **“background noise level”** means “ $L_{(A90, 15min)}$ ”, the A-weighted sound pressure level obtained by using time-weighting “Fast” that is equal to or exceeding for 90% of the average maximum A-weighted sound pressure level, and measured over a time period of not less than 15 minutes, using Fast response.
- (d) **“commercial place”** means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.
- (e) **“contaminated runoff”** means stormwater and/or stormwater runoff that contains contaminants that may cause environmental harm.
- (f) **“environmental nuisance”** as defined in Chapter 1 of the *Environmental Protection Act 1994*.
- (g) **“environmental value”** as defined in Chapter 1 of the *Environmental Protection Act 1994*.
- (h) **“general waste”** means waste other than regulated waste.
- (i) **“ $L_{(Aeq, adj, T)}$ ”** means the A-weighted sound pressure level of a continuous steady sound, adjusted for tonal or impulsive character that within a measured period (T) has the same mean square sound pressure as a sound level that varies with time.
- (j) **“land”** in the land conditions of this document means land excluding waters and the atmosphere.
- (k) **“noise sensitive place”** means -
 - (i) a dwelling, mobile home or caravan park, residential marina or other residential premises; or
 - (ii) a motel, hotel or hostel; or
 - (iii) a kindergarten, library, school, university or other educational institution; or
 - (iv) a medical centre or hospital; or
 - (v) a protected area; or
 - (vi) a park or gardens.
- (l) **“regulated waste”** means non-domestic waste mentioned in schedule 7 of the *Environmental Protection Regulation 2008*.
- (m) **“release”** of contaminant into the environment includes:
 - (i) to deposit (or to cause or allow), discharge, emit or disturb the contaminant
 - (ii) allow (or prevent) the contaminate to escape.
- (n) **“suitable person”** means a person(s) with appropriate experience and/or qualifications to ensure the activity is undertaken to meet the environmental authority.
- (p) **“waters”** includes the bed or banks of any water, stormwater runoff any part of a river, stream, lake, lagoon, pond, dam, swamp, wetland, unconfined surface water, underground water, unconfined water, natural or artificial watercourse, non-tidal or tidal water (including the sea) stormwater channel, stormwater drain, roadside gutter.

END OF SCHEDULE I

END OF CONDITIONS

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9951) where Council resolved that the Committee recommendation be adopted.

11 Planning - New Appeal No. D55 of 2018, Bax v Townsville City Council, 155 Ross River Road, Mundingburra

Executive Summary

A submitter appeal was filed in the Planning and Environment by Craig Anthony Bax on 23 February 2018 against Council's decision to approve a development application for a Material Change of Use (Impact) for a health care facility and caretaker's accommodation on land located at 155 Ross River Road, Mundingburra.

Officer's Recommendation

1. That Council resolve to defend the approval of the development application in Planning and Environment Court Appeal No. D55 of 2018.
2. That Council, under Section 257(1)(b) of the *Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal, in the event that a mutually acceptable settlement emerges relating to the above matter.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9951) where Council resolved that the Committee recommendation be adopted.

12 Planning Services - Land Use and Urban Design - Heritage Advisory Committee Meeting Minutes 25 January 2018

Executive Summary

The Heritage Advisory Committee met on 25 January 2018. Draft minutes from that meeting are attached to the Report to Council.

Officer's Recommendation

That Council ratify the minutes of the Heritage Advisory Committee meeting held on 25 January 2018, attached to the Report to Council, and support the following recommendations:

1. that Council send a letter of appreciation to the owner of the Queensland Building on Flinders Street, in recognition of the sympathetic maintenance of their heritage property; and
2. that Council recognise the contribution of recent past members of the Heritage Advisory Committee with a Mayoral letter expressing Council's appreciation.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9951) where Council resolved that the Committee recommendation be adopted.

13 Planning - Land Use and Urban Design - Proceed to Public Notification - Proposed Major Amendment at Burdell - Amendment Package 2017/04

Executive Summary

On 26 April 2017, Council resolved to make a major amendment to the Townsville City Plan in relation to the land parcels that are identified in the North Shore Plan of Development at Burdell. The amendment seeks to include an additional precinct and associated provisions over part of the North Shore (Burdell) master planned community that is included in the Emerging community zone, to be known as the Burdell precinct.

On 15 March 2018, the Minister provided formal correspondence to Council advising that all state interests had been appropriately integrated with respect to the proposed major amendment and that Council may undertake public consultation on the proposed planning scheme amendment for a period of 30 business days.

Officer's Recommendation

That, pursuant to section 117(1), Part 5, Chapter 3 of *Sustainable Planning Act 2009*, Council resolve to undertake public notification of the *Planning Act 2016* aligned version of the proposed major amendment at Burdell for a period of 30 business days.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 9951) where Council resolved that the Committee recommendation be adopted.

Community Health and Environment Committee

It was MOVED by Councillor P Jacob, SECONDED by Councillor R Cook:

"that the committee recommendation to item 14 be adopted."

CARRIED UNANIMOUSLY

14 Infrastructure and Operations - Townsville Local Disaster Management Group - Minutes of Members' Meeting 14 February 2018

Executive Summary

The Townsville Local Disaster Management Group Members meet five times per year and includes core members and deputies from the Townsville City Council, Queensland Fire and Emergency Services (Emergency Management and Fire and Rescue), Queensland Police Service, Queensland Ambulance Service, State Emergency Service, Ergon, Townsville Hospital & Health Services, Townsville Enterprise Limited and a number of other agencies.

Attached to the Report to Council are the minutes of the meeting held on 14 February 2018.

The Team Manager Emergency Management provided a verbal update on the Townsville Local Disaster Management Group and Team Rubicon Australia.

Officer's Recommendation

1. That Council endorse the minutes of the Townsville Local Disaster Management Group Members' Meeting held on 14 February 2018.
2. That Council endorse the Townsville Local Disaster Management Group's acceptance of the revised Townsville Local Disaster Management Plan and associated Sub Plans for 2017–2018.
3. That Council endorse the Townsville Local Disaster Management Group's recommendation to enter into a Memorandum of Understanding with Team Rubicon Australia for the provision of additional support capability and resources in disaster operations, which will be coordinated through the Townsville Local Disaster Management Group and Townsville Local Disaster Coordination Centre.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 14 of the Council minutes (page 9992) where Council resolved that the Committee recommendation be adopted.

Community and Cultural Development Committee

It was *MOVED* by Councillor C Doyle, *SECONDED* by Councillor R Cook:

"that the committee recommendations to items 15 to 19 be adopted and that item 20 be dealt with separately."

CARRIED UNANIMOUSLY

Councillor C Doyle advised that it has been a very big month for the community from a sports, arts and inclusion perspective. Councillor Doyle acknowledged the outstanding work of all of Council's staff.

Councillor R Cook referred to item 17 and advised that we are very excited to have Council's new Community Safety Officer start with Council in the next month as part of the Future Cities Office. Councillor Cook provided a brief overview of the role of the Community Safety Officer.

Item 20 - Community Engagement - Grants and Sponsorship Recommendations February 2018

It was *MOVED* by Councillor C Doyle, *SECONDED* by Councillor R Cook:

- "1. that the committee recommendation to item 20 be adopted; and*
- 2. that the grant application by Rollingstone and District Seniors be referred to officers for consideration under the Micro Grant Program."*

CARRIED UNANIMOUSLY

15 Presentation by Community Information Centre - Overview of organisation

Linda Blair, Community Information Centre provided a presentation on an overview of the Community Information Centre.

Committee Recommendation

That the Committee note the presentation on an overview of the Community Information Centre.

Council Decision

Refer to resolution preceding item 15 of the Council minutes (page 9993) where Council resolved that the Committee recommendation be adopted.

16 Galleries - Art Acquisition Working Group Minutes 25 January 2018

Executive Summary

Attached to the Report to Council are the minutes of the Art Acquisition Working Group Meeting held on 25 January 2018 for the information of the Committee.

Officer's Recommendation

That Council note the minutes and endorse the recommendations of the Art Acquisition Working Group meeting of 25 January 2018.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the Council minutes (page 9993) where Council resolved that the Committee recommendation be adopted.

17 Future Cities - Community Safety Advisory Committee minutes 28 February 2018

Executive Summary

Presenting to Council minutes from the Community Safety Advisory Committee (CSAC) meeting held on 28 February 2018.

Officer's Recommendation

That Council note the Report of the Community Safety Advisory Committee meeting held on 28 February 2018.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the Council minutes (page 9993) where Council resolved that the Committee recommendation be adopted.

18 Future Cities - Townsville City Council Reconciliation Action Plan 2015 -2017 Final Progress Report - December 2017 (2)

Executive Summary

This final Reconciliation Action Plan report through to December 2017 describes the achievements and progress relating to the actions and deliverables within the Townsville City Council Reconciliation Action Plan (RAP) 2015 - 2017.

This report will inform the Evaluation of the Townsville City Council Reconciliation Action Plan 2015 – 2017 which will be finalised by 30 June 2018 and followed by the development of Council's next RAP.

Jonathon Hughes, Project Officer - Planning Services - Land Use provided a presentation on the Commonwealth Games Legacy Grants projects and unveiling ceremonies.

Officer's Recommendation

That Council note the final report on the progress of the actions and deliverables under the Townsville City Council Reconciliation Action Plan 2015 - 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the Council minutes (page 9993) where Council resolved that the Committee recommendation be adopted.

19 Community Engagement - Regional Arts Development Fund (RADF) Recommended Grants 2017/18

Executive Summary

The 2017/18 funding round for the Regional Arts Development Fund (RADF) Community Grants closed on 12 February 2018. The RADF Committee has assessed the applications against the RADF Program Guidelines and eligibility requirements. The assessment outcome funding recommendations are presented for Council approval.

A total of \$92,113 is available for RADF grants in the 2017/18 financial year. This funding represents a joint arrangement between Arts Queensland and Townsville City Council as set out in the Regional Arts Development Fund 2017-2018 Funding Agreement.

The value of recommended grant funding for this round totals \$77,008.86. Surplus funding at the end of this round will be considered by the RADF Committee for projects to support Arts Development in Townsville.

Officer's Recommendation

That Council approve the grants as recommended by the Regional Arts Development Fund Committee as outlined in Table 1 in the Report to Council.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the Council minutes (page 9993) where Council resolved that the Committee recommendation be adopted.

20 Community Engagement - Grants and Sponsorship Recommendations February 2018

Executive Summary

Council recognises the vital contribution that community organisations make to the social, economic, community and cultural wellbeing of the Townsville community. Council provides community grants to support the creation, implementation and delivery of community initiatives that align with Council's corporate priorities and that demonstrate a positive contribution to improving the wellbeing of the Townsville community.

The following report outlines recommendations from the Financial Assistance and Events Group meeting held on Tuesday 3 April 2018, based on applications received through the February 2018 round of the Community Grants and Sponsorships Program.

Officer's Recommendation

That Council approve the grant funding amounts recommended by the Financial Assistance and Events Group Committee as outlined in table 1 in the Report to Council.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 15 of the Council minutes (page 9993) where Council resolved the following:

- 1. that the committee recommendation to item 20 be adopted; and**
- 2. that the grant application by Rollingstone and District Seniors be referred to officers for consideration under the Micro Grant Program.**

Governance and Finance Committee

In accordance with section 173 of the Local Government Act 2009, Councillor K Rehbein declared a perceived conflict of interest in regards to item 28.

- (a) the name of the Councillor who has the perceived conflict of interest:**
Councillor K Rehbein
- (b) the nature of the conflict of interest as described by the Councillor:**
Councillor Rehbein declared a perceived conflict of interest in regards to Queensland Fire and Rescue Services. (Councillor K Rehbein is an unpaid employee of Queensland Fire and Rescue Services)
- (c) how the Councillor dealt with the perceived conflict of interest:**
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter and left the meeting and did not participate in debate or voting on the matter.
- (d) if the Councillor voted on the issue – how the Councillor voted:**
The Councillor vacated the Chambers during discussion and voting on this item.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

In accordance with section 173 of the Local Government Act 2009, the Mayor, Councillor J Hill declared a Perceived conflict of interest in regards to item 28.

- (a) the name of the Councillor who has the perceived conflict of interest:**
The Mayor, Councillor J Hill
- (b) the nature of the conflict of interest as described by the Councillor:**
Councillor Hill's brother is working for one of the companies listed.
- (c) how the Councillor dealt with the perceived conflict of interest:**
The Councillor determined that she could reasonably be perceived to have a conflict of interest in this matter and left the meeting and did not participate in debate or voting on the matter.
- (d) if the Councillor voted on the issue – how the Councillor voted:**
The Councillor vacated the Chambers during discussion and voting on this item.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

It was MOVED by Councillor V Coombe, SECONDED by Councillor C Doyle:

"that the committee recommendations to items 21 to 27 be adopted and that item 28 be dealt with separately."

CARRIED UNANIMOUSLY

The Deputy Mayor, Councillor L Walker assumed the position of Chair during discussion and voting of item 28.

Item 28 - Procurement Services - Variation to Sole Source List

It was MOVED by Councillor V Coombe, SECONDED by Councillor M Soars:

"that the committee recommendation to item 28 be adopted."

CARRIED UNANIMOUSLY

21 Finance Services - Treasury Report February 2018

Executive Summary

Attached to the Report to Council is an internal treasury report to provide Council with information on cash, investments and debt. The report informs Council on its monthly cash position.

Officer's Recommendation

That Council note the treasury report for February 2018 and the information contained therein.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes (page 9997) where Council resolved that the Committee recommendation be adopted.

22 Legal Services - Audit Committee Minutes - 20 February 2018

Executive Summary

The minutes of the Audit Committee meeting held on 20 February 2018 are attached to the Report to Council.

Officer's Recommendation

That Council receive the minutes of the Audit Committee meeting held on 20 February 2018.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes (page 9997) where Council resolved that the Committee recommendation be adopted.

23 Financial Services - Audit Committee Terms of Reference

Executive Summary

A review of Council's existing Audit Committee Terms of Reference (TOR) has been conducted in line with item 9 of the current TOR. The revision provides greater focus on key areas of financial responsibility and strategic risk which will give the Audit Committee a greater opportunity to govern material matters that have a significant impact on Council.

Officer's Recommendation

That Council adopt the revised Audit Committee Terms of Reference.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes (page 9997) where Council resolved that the Committee recommendation be adopted.

24 Finance Services - Budget Variance Report - February 2018

Executive Summary

On behalf of the Chief Executive Officer, the Chief Financial Officer presented and discussed the Budget Variance Report for the whole of Council for February 2018, pursuant to section 204 of the *Local Government Regulation 2012*.

Officer's Recommendation

That Council note the financial report for February 2018 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation 2012*.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes (page 9997) where Council resolved that the Committee recommendation be adopted.

25 Financial Services - Notice of Intention to Sell properties for Arrears of Rates

Executive Summary

50 properties listed have overdue rates which have remained outstanding for a period in excess of the period specified in the regulation and can now be sold by Council to recover the outstanding rates and charges under Chapter 4, Part 12 Division 3 of the *Local Government Regulation 2012*.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That pursuant to Chapter 4, Part 12 Division 3 of the *Local Government Regulation 2012*, Council commence sale proceedings to recover outstanding rates and charges for the following properties :-

Property Numbers

38940	243960	517819	106390	518102
70060	250620	520907	116070	526431
88950	257990	522132	534851	534796
90870	260260	523880	155520	542777
95530	317901	524603	360097	546852
135620	357246	526981	508314	548265
143770	500399	527071	508813	548872
162230	510609	534523	509733	549297
215180	511855	540925	510741	550153
218340	517057	544801	513008	541542

3. That Council delegate to the Chief Executive Officer the power to discontinue any sale proceedings commenced pursuant to Chapter 4, Part 12 Division 3 of the *Local Government Regulation 2012* in circumstances where the Chief Executive Officer or the delegated officer determines on the facts available to them at the time that it would not be in the best interests of Council or would be unfair or unjust to the property owner to proceed with the sale or any auction of the property.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes (page 9997) where Council resolved that the Committee recommendation be adopted.

26 Finance Services - Application for Queensland Treasury Corporation Working Capital Facility

Executive Summary

A working capital facility is required for the Water Security Program and specifically to manage a timing difference between capital payments associated with construction milestones and capital receipts associated with State Government funding.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council approve the use of a Queensland Treasury Corporation (QTC) working capital facility of \$200 million for the period 1 July 2018 to 31 July 2021 to manage timing differences associated with the Water Security Program.
3. That Council note the application for the working capital facility, signed by the Mayor, Councillor J Hill and Chief Executive Officer, was submitted on 9 April 2018 subject to Council approval.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes (page 9997) where Council resolved that the Committee recommendation be adopted.

27 Legal Services - Extension of Agreement

Executive Summary

To enable further negotiations with applicable counter-parties to continue, a short term extension of the current agreement is required until 30 June 2018. The other counter-parties involved are amenable to the proposed extension.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That in line with matters considered in closed session, Council extend the current agreement negotiation period for the FIFO Hub transaction documents covered by this report until 30 June 2018.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes (page 9997) where Council resolved that the Committee recommendation be adopted.

28 Procurement Services - Variation to Sole Source List

Executive Summary

To enable Council to move towards an 'open data' environment it requires a cloud based platform that can integrate data from multiple data sources and present externally in an intuitive manner.

Council is requested to approve the recommendation to sole source the development and utilisation of a unique software platform to OpenGov Inc. to enable Council to deliver an appropriate 'open data' solution.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve, in accordance with section 235(a) and (b) of the *Local Government Regulation 2012*, that it is satisfied that the list of suppliers contained in Attachment 1 of the Report to Council be varied to include OpenGov Inc. on the basis that they are a sole supplier or supplier of specialised or confidential services.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes (page 9997) where Council resolved that the Committee recommendation be adopted.

Townsville Water and Waste Committee

It was MOVED by Councillor P Jacob, SECONDED by Councillor M Molachino:

"that the committee recommendations to items 29 to 30 be adopted."

CARRIED UNANIMOUSLY

29 Townsville Waste Services - Local Authority Waste Management Advisory Committee (LAWMAC) meeting

Executive Summary

The Local Authority Waste Management Advisory Committee (LAWMAC) met in Cairns on 22 - 23 February 2018. This report summarises the workshop and meeting.

Officer's Recommendation

That Council note the minutes of the Local Authority Waste Management Advisory Committee (LAWMAC) meeting held in Cairns on 23 February 2018.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 29 of the Council minutes (page 10003) where Council resolved that the Committee recommendation be adopted.

30 Townsville Waste Services - Impact of China's recyclables import ban

Executive Summary

China's "National Sword" policy took effect on 1 January 2018 in an effort to bolster Chinese domestic markets and provide local environmental protection outcomes. The policy bans the import of 24 recyclable material commodities that do not meet strict quality specifications.

This has had an immediate impact on the recycling industry globally and the effects are already significant for the Townsville Materials Recovery Facility (MRF). This report examines the viability of recycling in Townsville under the current contractual arrangement. The report also proposes measures to ensure sustainable recycling services in North Queensland.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council delegate the authority to the Chief Executive Officer to provide temporary financial relief to the Materials Recovery Facility contractor through a discount on the landfill gate fee for residual waste generated from the recyclable waste stream.
3. That the Chief Executive Officer be delegated the authority to develop a robust contractual mechanism to share the commodity price movements over the longer term as long as it remains within the budgetary constraints of the Solid Waste Program.
4. That Council develop a contamination action plan and provide the necessary resources to address this issue through a range of community engagement and education initiatives.
5. That Council's purchasing policies are reviewed to increase the domestic demand for recyclable materials.

Committee Recommendation

1. That the officer's recommendations 1, 2 and 5 be adopted.
2. That the Chief Executive Officer be delegated the authority to develop a robust contractual mechanism to share the commodity price movements over the longer term as long as it remains within the budgetary constraints of the Solid Waste Program and that this matter come back to Council for endorsement.
3. That Council develop a contamination action plan and provide the necessary resources to address this issue through a range of community engagement and education initiatives and that this matter come back to Council for endorsement.

Council Decision

Refer to resolution preceding item 29 of the Council minutes (page 10003) where Council resolved that the Committee recommendation be adopted.

Officers' Reports

Planning and Community Engagement

31 Community Engagement - 2018 North Queensland Games

Executive Summary

The 2018 North Queensland Games will be held in Mackay from 5 to 7 May 2018. As Council's representative on the North Queensland Sports Foundation, Councillor M Soars has been invited to participate in the closing ceremony and accept the games flag on behalf of the Townsville City Council for the Townsville 2020 NQ Games.

Officer's Recommendation

1. That Council approve for Councillor M Soars to attend the closing ceremony of the 2018 North Queensland Games in Mackay on 7 May 2018.
2. That, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to Councillor M Soars to allow his attendance at the 2018 North Queensland Games.

Council Decision

It was **MOVED** by the Mayor, Councillor J Hill, **SECONDED** by Councillor L Walker:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

32 Community Engagement - 2018 Asia-Pacific Venue Industry Congress

Executive Summary

Councillor C Doyle is seeking support to travel to New Zealand to attend the 2018 Asia-Pacific Venue Industry Congress to be held in Auckland on 20-23 May 2018 and then a short visit to Christchurch to meet with civic and community leaders instrumental in reactivating the city spaces and the economy of Christchurch.

Officer's Recommendation

1. That Council approve travel and attendance of Councillor C Doyle at the 2018 Asia-Pacific Venue Industry Congress in Auckland on 20-23 May 2018 and to visit Christchurch on 24-26 May 2018 to meet with civic and community leaders.
2. That, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to Councillor C Doyle for the period 20-26 May 2018 to allow her attendance at the 2018 Asia-Pacific Venue Industry Congress in Auckland and to meet with civic and community leaders in Christchurch.

Council Decision

It was **MOVED** by Councillor M Ryder, **SECONDED** by Councillor R Cook:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

33 Community Engagement - Australian and New Zealand Disaster and Emergency Management Conference

Executive Summary

The Australian and New Zealand Disaster and Emergency Management Conference will be held on the Gold Coast from 21 to 22 May 2018.

Officer's Recommendation

1. That Council approve the attendance of interested Councillor/s at the Australian and New Zealand Disaster and Emergency Management Conference being held on the Gold Coast from 21 to 22 May 2018.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to the interested councillor/s for the period on 21 to 23 May 2018 to allow their attendance at the Australian and New Zealand Disaster and Emergency Management Conference.

Council Decision

It was MOVED by Councillor L Walker, SECONDED by Councillor M Molachino:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Confidential Items

It was MOVED by Councillor V Coombe, SECONDED by Councillor C Doyle:

"that Council RESOLVE to close the meeting in accordance with Sections 275 (e) and (h) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public for business relating to the following:

- | | |
|-----------------|---|
| Section 275 (e) | contracts proposed to be made by it (Items 34, 36 and 37); and |
| Section 275 (h) | other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage (Items 34 and 37)." |

CARRIED UNANIMOUSLY

The Council discussed the items.

It was MOVED by Councillor V Coombe, SECONDED by Councillor C Doyle:

"that Council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

34 Finance Services - Townsville Entertainment and Convention Centre

Executive Summary

Townsville City Council (Council) holds a 79.8% share in the Townsville Entertainment and Convention Centre with Breakwater Island Trust holding a 20.2% share. The current Management Agreement to operate the facility expires on 30 June 2018.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council delegate authority to the Chief Executive Officer (or delegate) to finalise commercial negotiations in accordance with option 1 outlined in the report, in the best interests of Council.
3. That Council note any future management agreement concerning the operation of the Townsville Entertainment and Convention Centre, and the commercial considerations thereof, shall be endorsed by Council prior to finalisation.

Council Decision

It was MOVED by Councillor M Molachino, SECONDED by Councillor C Doyle:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

35 Townsville Water and Waste - Stage 1 Haughton Pipeline Duplication - Tender Assessment TCW00258 Supply and Delivery of DN1800 Pipe and Associated Fittings

Refer to resolution on page 9944 of the Council Minutes where Council agreed that item 35 be considered as the first item of business.

Refer page 9944 of the Council Minutes for item 35 - Townsville Water and Waste - Stage 1 Haughton Pipeline Duplication - Tender Assessment TCW00258 Supply and Delivery of DN1800 Pipe and Associated Fittings

36 Environmental Health and Regulatory Services - Animal Shelter Services

Executive Summary

Council issued tender number TCW00245 on 11 November 2017 for a preferred supplier arrangement for Animal Shelter Services for a five year period. The tender closed on 13 December 2018.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That the tender is not awarded to Mykito, or any private provider.
3. That Council operate its own animal shelter services from its facility at 69 Tompkins Road, Shaw.
4. That Council establish a community based Companion Animal Management Reference Group and Council will undertake significant community engagement activity.

Council Decision

It was MOVED by Councillor C Doyle, SECONDED by Councillor V Coombe:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The Director Planning and Community Engagement thanked Melissa McKeown (Team Manager Environmental Health and Regulatory Services), Lesley Cameron (General Manager Planning) and their team as well as Stephen Beckett (General Manager Community Engagement) and his team for their hard work and long hours on the above matter.

The Mayor, Councillor J Hill thanked the staff for their diligence on the above matter.

Councillor L Walker vacated the meeting during discussion on the following item.

37 Future Cities - Mount Louisa Activation and Acquisition Plan

Executive Summary

This confidential report updates Council on current recreational infrastructure development (development) opportunities and associated contract negotiations. If negotiations with the proponents are successful, the next steps required to be taken are to finalise concept design of the development.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve to adopt the information supplied in closed sessions and authorise the Chief Executive Officer, or delegate, to finalise negotiations with the proponents and transaction terms generally in accordance with the recommendations outlined in this Report to Council.

Council Decision

It was MOVED by Councillor M Molachino, SECONDED by Councillor K Rehbein:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The Mayor, Councillor J Hill thanked the staff for their handling of the above matter at this time.

General Business

(i) Expression of appreciation to staff - Festival 2018

On behalf of the Council, the Mayor, Councillor J Hill thanked the staff for their work on Festival 2018.

(ii) Percival event

Councillor C Doyle highlighted that the Percival event is being held this Friday night (27 April 2018).

Close of Meeting

The Chair, Mayor Councillor J Hill, declared the meeting closed at 4.30pm

CONFIRMED this TWENTY- SECOND day of MAY 2018

MAYOR

CHIEF EXECUTIVE OFFICER