



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 23 OCTOBER 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 23 October 2018 at 1.02pm
ITEMS	1 TO 33
PRESENT	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor A Greaney 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 Wulgurukaba of Gurambilbarra and Yunbenun and to the south of Galbidira the Bindal people, and paid respect to their cultures, their ancestors and their elders, past and present, and all future generations.

Prayer

Reverend Dave Lancini of the Catholic Church delivered the opening prayer.

Apologies and Leave of Absence

There were no apologies or leave of absence noted.

Confirmation of minutes of previous meeting

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

"that the minutes of the Ordinary Council meeting of 25 September 2018 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of interests

Following recent changes to the *Local Government Act 2009* the Chief Legal Officer reminded Councillors of their obligations for disclosing conflicts of interests and material personal interests for items on the agenda and asked if they had any questions. There were no questions raised.

- (i) Infrastructure Services Committee – Perceived conflict of interest – Items 2 and 30 - Councillor M Molachino – Councillor M Molachino is a member of Legacy Townsville.
- (ii) Townsville Water and Waste Committee – Perceived conflict of interest – Item 29 – Councillor R Cook – Councillor R Cook has a personal friendship with Michael Baker who is performing work on behalf of the Townsville Golf Club in his capacity as an employee of the Sensory Group.
- (iii) Infrastructure Services Committee – Conflict of interest – Items 2 and 30 - Councillor R Cook - Councillor R Cook is a Volunteer Legatee at Legacy Townsville and this involves volunteer work visiting and supporting dependants and families of deceased and incapacitated veterans.
- (iv) Planning and Development Committee - Material personal interest - Items 12 and 13 - Councillor C Doyle - Councillor C Doyle and her husband are Directors MCDD Nominees – Doyle Family Trust that owns The Howard Smith Building in Flinders Street East. Their sons, Conor Doyle and Sean Doyle own a café (the Hoi Polloi) within this same building and as such their sons/and/or Councillor Doyle's husband and herself stand to gain a benefit or suffer a loss depending on the outcome of Council's consideration of these matters.
- (v) Planning and Development Committee - Material personal interest - Item 13 - Councillor M Ryder - Councillor M Ryder is the sole director of the company Madmaggies., where part of her business is to provide marketing to clients. One of Councillor Ryder's clients is Code Valley Pty Ltd, therefore Councillor Ryder stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of these matters.
- (vi) Planning and Development Committee - Potential perceived conflict of interest - Item 12 - The Mayor, Councillor J Hill - The Mayor, Councillor J Hill and her husband own a unit on Palmer Street.
- (vii) Planning and Development Committee - Potential perceived conflict of interest - Item 14 - The Mayor, Councillor J Hill - The Mayor, Councillor J Hill owns a half share with her husband in maisonettes in Coates Street, Mt Louisa
- (viii) Planning and Development Committee - Perceived conflict of interest - Item 15 - Councillor C Doyle - Councillor C Doyle owns property in Flinders Street East.
- (ix) Planning and Development Committee - Potential perceived conflict of interest - Item 13 - Councillor A Greaney - Councillor A Greaney sits on the Board of the Cowboys Leagues Club.

Correspondence

There was no correspondence.

Petitions

(i) Request for removal of Mercy Community Transitional Group House

Councillor M Molachino tabled a petition from residents requesting Council give consideration to supporting the removal of the Mercy Community Transitional Group House at 35 Octagonal Crescent, Kelso due to the major adverse impact it is having on the ambience of the area.

Council Decision

The petition was referred to the Chief Executive Officer.

Deputations

There were no deputations.

Notices of motion

There were no notices of motion.

Presentations

(i) Community Water Transition Support Package Update

The Program Director – Water Security provided a presentation on an update of the Community Water Transition Support Package which included information on the following:

- 3-Point Water Security Solution;
- Community Water Transition Support Package - Objectives;
- Program Delivery;
- Garden Support Package - No Cash Outlay (Voucher);
- Water Savings Devices - Cash Outlay (Rebate); and
- Next Steps.

Councillor L Walker thanked Inga Davis (Program Director – Water Security) and the team for the great work on this Support Package.

Mayoral Minute

There were no Mayoral Minutes.

Meeting Adjournment

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

"that the meeting be adjourned (at 1.37pm)."

CARRIED UNANIMOUSLY

Meeting Recommencement

The Mayor, Councillor J Hill reconvened the meeting (at 1.56pm).

Committee Items

Infrastructure Services Committee

In accordance with section 175E of the Local Government Act 2009, Councillor M Molachino declared a perceived conflict of interest in regards to item 2.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;***
Councillor M Molachino.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;***
Councillor M Molachino is a member of Legacy Townsville.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;***
Councillor M Molachino vacated the meeting for item 2.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;***
Councillor M Molachino vacated the meeting for item 2.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;***
Councillor M Molachino did not vote on the matter.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.***
The majority of persons entitled to vote at the meeting voted to adopt the officer's recommendation.

In accordance with section 175E of the Local Government Act 2009, Councillor R Cook declared a conflict of interest in regards to item 2.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;***
Councillor R Cook.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;***
Councillor R Cook is a Volunteer Legatee at Legacy Townsville and this involves volunteer work visiting and supporting dependants and families of deceased and incapacitated veterans.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;***
Councillor R Cook vacated the meeting for item 2.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;***
Councillor R Cook vacated the meeting for item 2.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;***
Councillor R Cook did not vote on the matter.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.***
The majority of persons entitled to vote at the meeting voted to adopt the officer's recommendation.

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

*"that item 3 be withdrawn;
that items 2 and 5 be dealt with separately; and
that the committee recommendations to items 1, 4, 6 and 7 be adopted."*

CARRIED UNANIMOUSLY

Item 2 - Infrastructure Planning, Assets and Fleet - Legacy House Recommendation Report

It was MOVED by Councillor L Walker, SECONDED by Councillor V Coombe:

"that the committee recommendation to item 2 be adopted."

CARRIED UNANIMOUSLY

Item 5 - Infrastructure Planning, Assets and Fleet - Lease Renewal The Creche and Kindergarten Association Inc. - Mt Louisa Child Care Centre

Councillor P Jacob raised a question with regards to the rental fee. The Director Infrastructure and Operations provided a response to Councillor Jacob's query.

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

"that the committee recommendation to item 5 be adopted."

CARRIED UNANIMOUSLY

1 Infrastructure Planning, Assets and Fleet - Transfer and extension of Lease from Vietnam Veterans Federation Townsville Inc. to Townsville Men's Shed

Executive Summary

Vietnam Veterans Federation Townsville Inc. currently hold the lease over JC Butler Building. Due to declining numbers the Vietnam Veterans Federation have come to a committee decision to commence the cessation of operations, as part of this resolution they have requested that the lease be passed on to the Townsville Men's Shed Inc.

The existing lease is over Reserve land, located at 1-5 Charters Towers Road, West End known as Lot 308 and 309 on CP T118101. The building is owned by Council.

The new lease would be under the same terms and conditions as the existing lease.

Officer's Recommendation

1. That Council approve the surrender lease from the Vietnam Veterans Federation Townsville over Lot 308 and 309 on CP T118101, and transferring to Townsville Men's Shed Inc.
2. That Council approve entering into a new lease with Townsville Men's Shed Inc, over Lot 308 and 309 on CP T118101, for a period of 10 years, for a rental fee of \$1.00 per year, exclusive of GST, if and when requested.
3. That Council resolve that the exemption in Section 236 (1)(b)(ii) of the *Local Government Regulation 2012* be applied to the disposal of the land included on the lease, because the disposal is to a community organisation.
4. That Council acknowledge the lease will provide for the association to be responsible for the following;
 - Maintenance, Repair and Replacement of;
 - a) Minor Maintenance (Clause 6.6)
 - b) Solar panels,
 - c) Structural maintenance of the workshops external to the main building,
 - d) Servicing of air-conditioning and fire safety equipment
5. That Council acknowledge that Council will be responsible for the following;
 - Maintenance, Repair and Replacement of;
 - a) Structural Maintenance of the main building (Clause 6.1(a))
 - b) Services/Pipes/Conduits (Clause 6.1 (b))
 - c) Painting (internal and external) (Clause 6.3)

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10219) where Council resolved that the committee recommendation be adopted.

2 Infrastructure Planning, Assets and Fleet - Legacy House Recommendation Report

Executive Summary

Legacy Incorporated is a voluntary organisation providing services to families of deceased veterans and veterans that have lost their health as a result of their military service.

Legacy Incorporated has provided accommodation to veterans' widows in Townsville for the past 40 years, by way of the construction of a multiple dwelling complex in Mooney Street on land leased from Council. Legacy Incorporated surrendered their lease with Council in November 2017, with the agreement that Council attend to the sale of the land and improvements and provide a percentage of the proceeds of sale to Legacy Incorporated.

This report provides information and recommendation in relation to the apportionment of the proceeds of sale of Lots 286 and 287 RP717080; 115-117 Mooney Street Gulliver.

Officer's Recommendation

That Council resolve to apportion 50% of the proceeds of sale, after costs, of Lots 286 and 287 RP717080 (115-117 Mooney Street Gulliver) to Legacy Incorporated, being \$363,609.21.

Committee Recommendation

That this item be referred to Ordinary Council for consideration and decision.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10220) where Council resolved that the committee recommendation be adopted.

3 Infrastructure Planning, Assets and Fleet - Lease Renewal Totally and Permanently Disabled Ex Servicepersons Inc.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10219) where Council resolved that this item be withdrawn.

4 Infrastructure Planning, Assets and Fleet - Lease Renewal Western Suburbs Kindergarten Association Inc.

Executive Summary

Western Suburbs Kindergarten Association is seeking to renew their lease agreement for a further ten year term. The existing lease is over Council Freehold land, located at 130 Wellington Street, Aitkenvale known as Lot 1 on RP708997. The building is owned by the Western Suburbs Kindergarten Association and is currently utilised as a Kindergarten and child care centre.

The lease would be renewed under the same terms and conditions as the existing lease.

Officer's Recommendation

1. That Council approve entering into a new lease with Western Suburbs Kindergarten Association Inc., over Lot 1 on RP708997, for a period of 10 years, for the fee of \$1.00 per year, exclusive of GST, if requested.
2. That Council resolve that the exemption in section 236 (1)(b)(ii) of the *Local Government Regulation 2012* be applied to the disposal of the land included on the 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 10219) where Council resolved that the committee recommendation be adopted.

5 Infrastructure Planning, Assets and Fleet - Lease Renewal The Creche and Kindergarten Association Inc. - Mt Louisa Child Care Centre

Executive Summary

The Creche and Kindergarten Association Inc. are seeking to enter into a lease agreement for a 5-year term over Crown land (TCC as trustee), located at Fulham Road, Heatley known as Lot 603 on EP1786. The building is currently utilised as a Kindergarten and Pre-school centre.

The new lease would be under the same terms and conditions as the existing lease.

Officer's Recommendation

1. That Council approve entering into a new lease with The Creche and Kindergarten Association Inc, over Lot 603 on EP1786, for a period of 5 years, for a rental fee of \$2,000 per year, exclusive of GST, and increasing annually by CPI.
2. That Council resolve that the exemption in section 236 (1)(b)(ii) of the *Local Government Regulation 2012* be applied to the disposal of the land included on the lease, because the disposal is to a community organisation.
3. That Council acknowledge the lease will provide for the Association to be responsible for the following;
 - Maintenance, Repair, Replacement of;
 - a) Services/Pipes/Conduits
 - b) Painting – once per lease term
 - c) Minor Maintenance
 - d) Servicing of Air Conditioning equipment and Fire Safety equipment
 - Landscaping
4. That Council acknowledge that Council will be responsible for the following;
 - Maintenance, Repair, Replacement of;
 - a) Structural maintenance
 - b) Capital works

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10220) where Council resolved that the committee recommendation be adopted.

6 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet - PSA00086 Provision of Cleaning Services Magnetic Island

Executive Summary

Property Management manage the maintenance of Council's assets which includes providing suitable, environmentally friendly, cost effective and timely cleaning services to its facilities. The provision of cleaning services supports Council's commitment to health and safety, asset management and meeting community expectations. To ensure operating effectiveness Council has adopted a procurement process to engage a suitably qualified supplier of these services. The services are non-separable.

Property Management has undertaken, as part of its planned programme to clean and supply consumables to Council building/sites, depots and public amenities in accordance with a proposed schedule.

A panel of three (3) internal and external persons, including one independent panel chair, closely evaluated the submissions, and scored and ranked the submissions accordingly. This report and recommendation report attached to the report to Council provides analysis, evaluation and recommendation for awarding PSA00086– Provision of Cleaning Services – Magnetic Island.

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 Pickwick Integrated Facilities Services as the successful tenderer for the PSA00086 contract.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10219) where Council resolved that the committee recommendation be adopted.

7 CONFIDENTIAL REPORT - Infrastructure Planning, Assets and Fleet PSA00078 Provision of Cleaning Contract - Townsville Mainland

Executive Summary

Property Management manage the maintenance of Council's assets which includes providing suitable, environmentally friendly, cost effective and timely cleaning services to its facilities. The provision of cleaning services supports Council's commitment to health and safety, asset management and meeting community expectations. To ensure operating effectiveness Council has adopted a procurement process to engage a suitably qualified supplier of these services. The services are on-separable.

Property Management has undertaken, as part of its planned programme to clean and supply consumables to Council building/sites, depots and public amenities in accordance with a proposed schedule.

An evaluation panel consisting of an independent chair and two internal persons, evaluated the submissions, and scored and ranked the submissions accordingly. This report and recommendation report attached to the report to Council provides analysis, evaluation and recommendation for awarding PSA00078– Provision of Cleaning Services – Townsville Mainland.

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 Pickwick Integrated Facilities Services as the successful tenderer for the PSA00078 contract.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the Council minutes (page 10219) where Council resolved that the committee recommendation be adopted.

Planning and Development Committee

In accordance with section 175C of the Local Government Act 2009, Councillor C Doyle declared a material personal interest in regards to items 12 and 13

- (a) the name of the councillor who has a material personal interest in the matter;**
Councillor C Doyle.
- (b) the material personal interest, including the particulars mentioned in section 175C (2)(a) as described by the councillor;**
Councillor C Doyle and her husband are Directors MCDD Nominees – Doyle Family Trust that owns The Howard Smith Building in Flinders Street East. Their sons, Conor Doyle and Sean Doyle own a café (the Hoi Polloi) within this same building and as such their sons/and/or Councillor Doyle's husband and herself stand to gain a benefit or suffer a loss depending on the outcome of Council's consideration of these matters.
- (c) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F.**
Councillor C Doyle vacated the meeting for items 12 and 13.

In accordance with section 175C of the Local Government Act 2009, Councillor M Ryder declared a material personal interest in regards to item 13

- (a) the name of the councillor who has a material personal interest in the matter;**
Councillor M Ryder.
- (b) the material personal interest, including the particulars mentioned in section 175C (2)(a) as described by the councillor;**
Councillor M Ryder is the sole director of the company Madmaggies., where part of her business is to provide marketing to clients. One of Councillor Ryder's clients is Code Valley Pty Ltd, therefore Councillor Ryder stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of these matters.
- (c) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F.**
Councillor M Ryder vacated the meeting for item 13.

In accordance with section 175E of the Local Government Act 2009, the Mayor, Councillor J Hill declared a potential perceived conflict of interest in regards to item 14.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
The Mayor, Councillor J Hill.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor J Hill owns a half share with her husband in maisonettes in Coates Street, Mt Louisa. (Item 14 deals with a community activation plan for the broader Mt Louisa area.)
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
The remaining councillors decided that:
 - (a) the Mayor, Councillor J Hill's potential perceived conflict of interest be acknowledged; and
 - (b) the other Councillors (with the exception of Councillor P Jacob) decided that the Mayor, Councillor J Hill may participate in the meeting in relation to the matter, including by voting on the matter.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
The Mayor, Councillor J Hill participated in the meeting.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
The Mayor, Councillor J Hill voted as per the officer's recommendation.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.**
The majority of councillors who were entitled to vote at the meeting voted as per the officer's recommendation.

In accordance with section 175E of the Local Government Act 2009, Councillor C Doyle declared a perceived conflict of interest in regards to item 15.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor C Doyle.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor C Doyle owns property in Flinders Street East.
(Item 15 deals with a proposed development of the North Yards site.)
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
The remaining councillors decided that:
 - (a) Councillor C Doyle's perceived conflict of interest be acknowledged; and
 - (b) the other Councillors (with the exception of Councillor P Jacob) decided that Councillor C Doyle may participate in the meeting in relation to the matter, including by voting on the matter.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Councillor C Doyle participated in the meeting.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor C Doyle voted as per the officer's recommendation.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.**
The majority of councillors who were entitled to vote at the meeting voted as per the officer's recommendation.

In accordance with section 175E of the Local Government Act 2009, the Mayor, Councillor J Hill declared a potential perceived conflict of interest in regards to item 12.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
The Mayor, Councillor J Hill.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
The Mayor, Councillor J Hill and her husband own a unit on Palmer Street.
(Item 12 deals will a community engagement plan on a broader master plan in the Central Park area.)
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
The remaining councillors decided that:
 - (a) the Mayor, Councillor J Hill's potential perceived conflict of interest be acknowledged; and
 - (b) the other Councillors (with the exception of Councillor P Jacob) decided that the Mayor, Councillor J Hill may participate in the meeting in relation to the matter, including by voting on the matter.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
The Mayor, Councillor J Hill participated in the meeting.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
The Mayor, Councillor J Hill voted as per the officer's recommendation.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.**
The majority of councillors who were entitled to vote at the meeting voted as per the officer's recommendation.

In accordance with section 175E of the Local Government Act 2009, Councillor A Greaney declared a potential perceived conflict of interest in regards to item 13

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor A Greaney.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor A Greaney sits on the Board of the Cowboys Leagues Club.
(Item 13 deals with the remaining balance of land around the stadium precinct.)
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
The remaining councillors decided that:
 - (a) Councillor A Greaney's potential perceived conflict of interest be acknowledged; and
 - (b) the other Councillors decided that Councillor A Greaney may participate in the meeting in relation to the matter, including by voting on the matter.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Councillor A Greaney participated in the meeting.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor A Greaney voted as per the officer's recommendation.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.**
The majority of councillors who were entitled to vote at the meeting voted as per the officer's recommendation.

It was MOVED by Councillor L Walker, SECONDED by Councillor A Greaney:

"that the committee recommendations to items 9 to 11 be adopted; item 8 be withdrawn; and that items 12 to 15 be dealt with separately."

CARRIED UNANIMOUSLY

Item 14 - CONFIDENTIAL REPORT - Future Cities - Mount Louisa Activation Plan

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

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

CARRIED UNANIMOUSLY

Item 15 - CONFIDENTIAL REPORT - Future Cities - North Yards Development Site

It was MOVED by Councillor L Walker, SECONDED by Councillor A Greaney:

"that the committee recommendation to item 15 be adopted."

CARRIED UNANIMOUSLY

Item 12 - Future Cities - Central Park Concept Plan

It was MOVED by Councillor L Walker, SECONDED by Councillor A Greaney:

"that the committee recommendation to item 12 be adopted."

CARRIED

In accordance with Council's Meeting Procedures Policy where Council does not unanimously support an Officer's Recommendation or an alternative resolution Councillors are to have recorded their reasons for doing so.

For	Against
The Mayor, Councillor J Hill	Councillor P Jacob
Councillor R Cook	
Councillor V Coombe	
Councillor C Doyle	
Councillor A Greaney	
Councillor M Molachino	
Councillor K Rehbein	
Councillor M Ryder	
Councillor M Soars	
Councillor L Walker	
Reasons Against	

Councillor P Jacob voted against the recommendation for the following reason:

- he does not agree with the concept plan; he believes it is in the wrong location (Central Park or Dean Street Carpark).

Item 13 - CONFIDENTIAL REPORT - Future Cities - Stadium Precinct Remaining Balance Land

It was **MOVED** by Councillor L Walker, **SECONDED** by Councillor A Greaney:

"that the committee recommendation to item 13 be adopted."

CARRIED UNANIMOUSLY

8 Planning Services - MI17/0009 and RC17/0013 - Preliminary Approval for Material Change of Use - Laudham Developments Plan of Development combined with Development Permit for Reconfiguring Lot

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 10229) where Council resolved that this item be withdrawn.

9 Planning Services - MCU18/0054 and RAL18/0040 - Shopping Centre, Outdoor Sports and Recreation and Caretaker's Accommodation

Executive Summary

The application relates to a Material Change of Use for a Shopping Centre, Outdoor Sports and Recreation and Caretakers Accommodation combined with a Reconfiguration of a lot One into three lots at 122 Sooning Street, Nelly Bay. The subject site comprises 8860sqm and is approximately 250m north of the Nelly Bay Ferry Terminal. The zoning of the land is Medium Density Residential - Magnetic Island Medium Density Precinct and the subject site is affected by the Bushfire hazard overlay, Landslide hazard overlay, Cultural heritage overlay and Natural assets overlay.

The proposed Outdoor sport and recreation use is an 18 hole mini-golf course, proposed to be located on the eastern portion of the site and includes a kiosk and caretakers residence. The proposed Shopping centre located in the front portion of the site will comprise of four tenancies, with floor areas of approximately 75m² each. The proposed Reconfiguration of a lot is to facilitate land parcels to accommodate the proposed use and will consist of a One into Three lot subdivision, with the creation of two rear allotments and two access, utilities and drainage easements along the western boundary.

The application is impact assessable and therefore subject to public notification. During the public notification period, four properly made submissions were received. The submissions raised a number of concerns pertaining to amenity, availability of more appropriate sites, servicing arrangements and the proposal being inconsistent with the intent of the Townsville City Plan.

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 considered to be consistent with the strategic intent and is therefore recommended for approval, subject to reasonable and relevant conditions.

Officer's Recommendation

That Council approve application MCU18/0054 and RAL18/0040 for a Development Permit for Material Change of Use for Shopping Centre, Outdoor Sports and Recreation and Caretakers Accommodation combined with a Development Permit for Reconfiguration of a lot for Lot Creation – One into Three lots under the *Planning Act 2016* on land described as Lot 1 RP 705249, more particularly 122 Sooning Street Nelly Bay on the following grounds, subject to the following conditions:

RECONFIGURING A LOT ONE INTO THREE LOTS

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	Drawing No.	Revision No.	Plan/Revision Date
Site Subdivision Plan	17119EV	B	02/05/18

- 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.

Reason

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

Timing

During the operation and life of the development.

2. Demolition

Condition

The existing dwelling on Lot 1 RP 705249 must be demolished.

Note: Confirmation should be obtained from a Building Certifier to ascertain if an application for a Development Permit for Building Works will be required for the demolition of existing dwelling.

Reason

To facilitate development in accordance with the approval.

Timing

Prior to the release of the Plan of Survey.

3. Existing Street Trees

Condition

Existing street trees located within the road reserve must not be damaged, removed, destroyed or lopped without the written consent of council first being obtained.

Reason

Maintain streetscape outcomes in accordance with relevant code/s and policy direction.

Timing

Written consent from council to be obtained prior to commencement of works.

4. Water Supply (Public System)

Condition

The development must be able to connect to the public water supply.

Reason

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

Timing

Prior to release of the Plan of Survey.

5. On-site Sewage Disposal**Condition**

The development must be serviced by an on-site sewage facility.

Note: On-site sewage information supplied with this application is not permission to install the facility or commence building work. Under the Plumbing and Drainage Act 2002, an application must be lodged with the Asset and Hydraulic Unit, Townsville City Council before any building work or installation of an on-site facility can be carried out.

Reason

Development is not located within a service area for a sewerage service under the *Water Supply (Safety and Reliability) Act 2008* and must be appropriately serviced by a wastewater treatment and disposal facility that is appropriate for the level of demand generated by the development.

Timing

Prior to the commencement of the future uses on Lots 1, 2 and 3.

6. Relocation of Utilities**Condition**

Any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development must be carried out at no cost to council.

Reason

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

Timing

Prior to the release of the Plan of Survey.

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

During the construction the installation and maintenance of erosion and sediment control management must be provided 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 SC6.4.3.8.7 Erosion and sediment control plans of the 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 maintained during construction.

8. Electricity and Telecommunications**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

Installation to be achieved prior to signing the Plan of Survey. Where installation cannot be achieved, confirmation that supply can be provided must be obtained from the supplier.

9. Access and Utilities Easement**Condition**

- a) An easement(s) to allow pedestrian and vehicle access, and connection of services and utilities for benefited Lot 2 over burdened Lot 3 must be provided.
- b) An easement(s) to allow pedestrian and vehicle access, and connection of services and utilities for benefited Lot 1 over burdened Lot 2 and Lot 3 must be provided.

Reason

To provide lawful access to Lot 1 and Lot 2 and to provide lawful access for maintenance purposes to services;

Timing

The easement documents must be submitted to council for signing at the time of lodgement of the Plan of Survey and registered in accordance with the *Land Title Act 1994*.

10. Stormwater Drainage**Condition**

The development must manage stormwater drainage in accordance with Townsville City Plan requirements. In particular the contingent design and implementation must be provided 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 relevant code/s and policy direction.

Timing

Prior to the release of the Plan of Survey.

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).

3. Payment of Rates, Charges and Expenses

Condition

Prior to signing the Plan of Survey, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land.

4. Satisfaction of Approval Conditions

Condition

- a) Unless explicitly stated elsewhere in this permit, all requirements of the conditions of this approval must be satisfied prior to council signing the Plan of Survey.
- b) Council may, at its absolute discretion, agree to accept other forms of security to guarantee compliance with conditions to enable an early signing of a Plan of Survey.

5. Limitation of Approval

Condition

The council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application including its supporting material provided to it by the applicant.

The council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accept the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party the applicant agrees to indemnify and save the council harmless in respect of any claim so arising.

6. Specifications and Drawings

Condition

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

**MATERIAL CHANGE OF USE
(SHOPPING CENTRE, OUTDOOR SPORT AND RECREATION (MINI-GOLF AND ANCILLARY KIOSK) AND CARETAKERS RESIDENCE)**

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 (as marked in red)	17119EV	B	02/05/18
Floor Plan (Shops)	17119EV	A	23/03/18
Elevations (Shops)	17119EV	A	23/03/18
Floor Plan (Kiosk/Caretakers Residence)	17119EV	A	23/03/18
Elevations (Kiosk/Caretakers Residence)	17119EV	A	23/03/18
Development Layout And Site Services Layout Sheet, prepared by SMCE	18135SE –C02	A	1/05/2018
Proposed Lot 1 Layout Sheet, prepared by SMCE	18135SE –C03	C	12/07/2018
Proposed Lot 2 Layout Sheet, prepared by SMCE	18135SE –C04	B	28/06/2018
Proposed Lot 3 Layout Sheet, prepared by SMCE	18135SE –C05	B	28/06/2018

- 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. Amendment to Plans

Condition

The car parking spaces identified on the Site Plan being Drawing No. 17119EV as “Staff Parking Spaces 1 to 4” are **not approved** as per the marked up plan identified in Condition 1.

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.

3. Hours of Operation

Condition

Unless otherwise approved by council, the activities associated with the uses must only be conducted between the following operating hours:

- a) Shopping centre:
 - i. 8am to 9pm Monday to Sunday inclusive.
- b) Outdoor sport and recreation (mini-golf):
 - i. 9am to 6pm Sunday to Thursday inclusive and;
 - ii. 9am to 9pm Fridays and Saturdays.

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.

4. 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.

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.

5. 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.

6. Storage

Condition

Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare. Any storage on site is required to be screened from view from all roads and adjacent properties.

Reason

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

Timing

At all times following the commencement of the use.

7. 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

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

8. On-site Sewage Disposal**Condition**

The development must be serviced by an on-site sewage facility.

Note: On-site sewage information supplied with this application is not permission to install the facility or commence building work. Under the Plumbing and Drainage Act 2002, an application must be lodged with the Assets and Hydraulic Unit, Townsville City Council before any building work or installation of an on-site facility can be carried out.

Reason

Development is not located within a service area for a sewerage service under the *Water Supply (Safety and Reliability) Act 2008* and must be appropriately serviced by a wastewater treatment and disposal facility that is appropriate for the level of demand generated by the development.

Timing

Following issue of a Hydraulics approval and prior to commencement of the use.

9. 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.

10. 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

Technical details are to be submitted to council as part of an application for Operational Work and to be maintained for the life of the development.

11. 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 and incorporate any further reasonable requests from council. 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.

Timing

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

12. Car Parking and Access**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 ten (10) car spaces including disabled parking must be provided on site for the Shopping centre use on proposed Lot 3 in accordance with SC6.10 parking rates planning scheme policy of the Townsville City Plan.
- c) A minimum of seven (7) car spaces including disabled parking must be provided on site for the sport and recreation use (mini golf) on proposed Lot 2 in accordance with SC6.10 parking rates planning scheme policy of the Townsville City Plan.
- d) All car parking spaces must be sealed, line marked, sign posted, drained and maintained in accordance with the planning scheme and *Australian Standard 2890 – Parking Facilities*.
- e) All ingress and egress movements to and from the development must be in a forward direction.
- f) During the construction phase, any damages to the road reserve must be replaced in accordance with Council's standards.

Reason

To ensure 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 and maintained for the life of the development.

13. Roadworks and Traffic

Condition

- a) A new access driveway and crossover from the edge of bitumen 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 1.5 metre wide concrete footpath must be constructed from the existing bus stop along the full frontage of the site along Sooning Street in accordance with Part 9.3.5 Transport impact, access and parking code of the Townsville City Plan, unless otherwise approved council.
- 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.

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. Site Works

Condition

All site works must be undertaken in accordance with Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments".

Reason

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

Timing

Prior to the commencement of any building construction.

Advice

Any retaining structures, building foundation and associated changes to natural landform (cut and fill) identified within the land greater than or equal to 23° (23 degrees) slope must be separately approved for structural adequacy and geological stability by a suitably qualified Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.

15. Noise Attenuation Fence

Condition

Acoustic barriers must be provided along the boundary of 124 – 126 Sooning Street (for the length of the boundary associated with proposed Lot 2 and 3), 5 Kirk Street and 7 Kirk Street. The acoustic barriers must be designed to provide sufficient noise attenuation for the adjoining residential properties and certified by a suitably qualified acoustic consultant.

In particular, the following must be provided for the development:

- a) A 1.8m meter high acoustic barrier, not less than 12.5kg/m² along the boundaries where the extent of outdoor sport and recreation use adjoins the neighbouring residential lots in particular, 7 and 5 Kirk Street, Nelly Bay and 124-126 Sooning Street, Nelly Bay, unless otherwise approved by council.
- b) The acoustic barrier must not have any gaps or crevices and be maintained to ensure the acoustic quality is preserved post construction.

- c) The applicant must submit a post construction certification for the acoustic barrier to council, prior to the commencement of use. The certification must be provided by a suitably qualified acoustic consultant.

Reason

To preserve the amenity of the adjoining residential properties.

Timing

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

16. 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.

17. Landscaping

Condition

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

In particular, the following must be provided for the development:

- Extensive landscaping including a mixed height canopy using mature dense plantings along the boundary of 124 – 126 Sooning Street for the length of the area associated with the Shopping centre and Outdoor sport and recreation;
- An appropriate landscape buffer must be established between the proposed Outdoor sport and recreation use and the existing very high environmental importance vegetation on site;
- Landscaping between the access driveway and the adjoining properties;
- Landscaping to the frontage of the development to soften the appearance of the carpark area.
- Street trees in accordance with the Landscaping code; and
- Shade trees to carparking areas in accordance with the Landscape code.

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

Technical details are to be submitted to council as part of an application for Operational Work and maintained for the life of the development.

18. 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.

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

SEMSC plans to be submitted to council as part of an application for Operational Work and control measures to be maintained during the construction phase of the development.

20. Vegetation Disposal

Condition

The disposal of any vegetation must be carried out in accordance with Part 9.3.6 Works code of the Townsville City Plan.

Reason

Vegetation is to be disposed of in an environmentally responsible manner in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.5 Construction management and SC6.4.6.11 Clearing and grubbing of the Townsville City Plan and

Timing

Prior to, or during construction of the development and .

21. Refuse Facilities

Condition

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Part 9.3.6 Works code of the Townsville City Plan and in particular:

- a) The approved waste storage area must be of sufficient size to house all garbage (wheelie) bins including recycling bins for each use. The developer must provide the storage area that is to be suitably paved, with a hose cock fitted in close proximity to the enclosure.

- b) The minimum overhead clearance required for refuse collection is 6500mm. Access for the collection of bulk 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.
- c) 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*.
- d) Access roads and driveways must be designed and constructed to accept vehicle loadings of not less than G.V.M 33 tonnes.

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.

22. Public Lighting

Condition

Lighting must be provided in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.3.20 Public lighting and utility services of the Townsville City Plan.

Reason

For public safety and enhancement of public amenity.

Timing

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

23. 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*.

Note: Lighting must be directed to not impact on the adjoining properties.

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 use and maintained for the life of the development.

24. Vegetation Protection

Condition

No additional vegetation clearing is permitted within the Very High Environmental Importance area which is located on part of the site as defined in the Natural assets overlay code of the Townsville City Plan.

Reason

To ensure the Very High environmental values on the site are protected.

Timing

Maintained for the life of the development.

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).

3. Assessment Manager Advice

Condition

Before an onsite sewerage facility can be installed on a property, the applicant is required to apply for a permit to install the treatment facility on that property as per the *Plumbing and Drainage Act 2002*. Applications to install an onsite sewerage facility are to be lodged with the Assets and Hydraulic Unit of council as part of the plumbing/drainage application. Applicants should also refer to the Onsite sewerage facilities for non-sewered properties guidelines which provide details on the application and installation stages of an onsite sewerage facility. This document may be found on Council's website.

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 10 – Stormwater Drainage
Condition 11 – Stormwater Quality Management
Condition 12 – Car parking and Access
Condition 13 – Vehicle Access and Car parking
Condition 17 – Landscaping
Condition 19 – Soil Erosion Minimisation, Sediment Control

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) **Plumbing and Drainage Works**
A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.
- c) **Building Works**
A Development Permit for Building Works to carry out building works prior to works commencing on site.
- d) **Road Works Permit**
A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.
- e) **Operational work - Signage**
A Development Permit for Operational work is required for signage deemed to be code assessable in accordance with the Planning Scheme.

5. Further Inspections Required

Condition

Compliance with Conditions

The following inspections will be required to be undertaken by council to determine compliance with conditions that are not subject to any further approvals.

Condition 4 – Building Materials
Condition 5 – Property Numbering
Condition 16 – Screening Plant and Utilities

6. 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.

7. Building Work Noise

Condition

The hours of audible noise associated with construction and building work on site 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.

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 Science (DES) 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.

11. Asbestos

Condition

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

12. Magnetic Island Waste Facility

Condition

The Magnetic Island Waste Management Facility at Picnic Bay does not accept commercial construction and demolition waste. Waste arising from the commercial construction and demolition of structures must be subject to disposal by a carrier/contractor approved to transport waste by the appropriate Local Government or Department of Environment and Science (DES) at a suitably licensed disposal facility.

The Magnetic Island Waste Management Facility at Picnic Bay does not accept Regulated Waste. Regulated Waste must be subject to disposal by a carrier/contractor approved by the appropriate Local Government/ Department of Environment and Science (DES) at a suitably licensed disposal facility.

13. 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;
- 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 require. 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.

14. Environmentally Relevant Activities

Condition

Where the premises is intended to be used for carrying out an Environmentally Relevant Activity as defined by the *Environmental Protection Regulation 2008*, an application under the *Planning Act 2016* and the *Environmental Protection Act 1994* must be submitted to the relevant administering authority prior to the commencement of the use.

15. Environmental Management Register

Condition

If the business meets the threshold specified in Schedule 3 of the *Environmental Protection Act 1994* for a notifiable activity, it has a responsibility under section 371(1) of the *Environmental Protection Act 1994* to notify the administering authority (Department of Environment and Energy) within 22 business days of the use commencing.

16. Food Business

Condition

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 13 4810 for further information.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 10229) where Council resolved that the committee recommendation be adopted.

10 Planning Services - Land Use and Urban Design - Minutes of City Image Advisory Committee 16 July 2018

Executive Summary

Attached to the Report to Council are the minutes of Council's City Image Advisory Committee meeting held on 16 July 2018.

Officer's Recommendation

That Council note the minutes of the City Image Advisory Committee meeting of 16 July 2018, attached to the Report to Council, and note the following recommendations:

1. that Council accept the new membership nominations to join the City Image Advisory Committee; and
2. that the Mayor, Councillor J Hill write to the Minister for Housing and Public Works regarding the quality and design of public housing in Townsville.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 10229) where Council resolved that the committee recommendation be adopted.

11 Planning & Infrastructure and Operations - Magnetic Island SES location

Executive Summary

This report relates to a proposal to relocate the State Emergency Services (SES) on Magnetic Island from the existing location in Nelly Bay to a new location in Picnic Bay.

The report consists of three main parts:

- background of the SES at the current location in Nelly Bay and the stimulus for this project;
- location and suitability analysis of council-owned or managed sites on Magnetic Island which determined the location pursued being Lot 1 on SP157592 (part of 2 Hurst Street, Picnic Bay); and
- steps taken to consult with the community about revoking a 1700m² portion of Lot 1 on SP157592 which is a Sport and Recreation reserve to allow for construction of a new SES facility.

This report considers all submissions made during the community consultation period held in June 2018 and makes recommendations about the location of the SES on Magnetic Island. Given the level of involvement between many areas of Council throughout this project, the report has been jointly prepared by Planning and Infrastructure and Operations to ensure a whole-of-council approach is taken.

Officer's Recommendation

Following analysis of community feedback and consideration of the existing factors at the Kelly Street site, it is recommended that:

1. Council does not proceed with an application to revoke the proposed 1700m² portion of the reserve located at Lot 1 on SP157592 (part of 2 Hurst Street, Picnic Bay);
2. the State Emergency Services remain in the current facility at 55-77 Kelly Street, Nelly Bay (Lot 2 on RP 715779);
3. that Council formalize lease arrangements with the Department of Queensland Fire and Emergency Services, on behalf of the State Emergency Services, over the building and the land surrounding the facility at the Kelly Street site; and
4. that the lease incorporates terms which ensure the SES and QFES are aware that any physical encroachment (such as building extensions etc.) into the proposed easement abutting the existing SES facility as shown in Figure 3 of this report may be subject to removal if access to the remainder of the site is required by Council in the future.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 10229) where Council resolved that the committee recommendation be adopted.

12 Future Cities - Central Park Concept Plan

Executive Summary

Future Cities is seeking support from Council to proceed to the next stage of detailed design and community engagement for the Central Park and Dean Street Carpark draft concept plan.

Officer's Recommendation

That Council approve the following recommendations in order to proceed to the next phase of realising the redevelopment of Central Park and the Dean Street Carpark:

1. endorse the *Central Park and Dean Street Carpark Concept Design Report* prepared by AECOM Australia Pty Ltd (Revision B, Revision Date 3 August 2018) as the guiding framework for redeveloping and renewing Central Park and Dean Street Carpark;
2. undertake engagement with the community for the *Central Park and Dean Street Carpark Concept Design Report* to seek feedback on the short, medium and long-term implementation plan whilst proceeding with detailed design for the 2019 construction plan to ensure these early works are delivered on time with the opening of the North Queensland Stadium in 2020;
3. endorse proceeding with the procurement of consultancy services for detailed design of the 2019 construction plan prepared in line with Figures 5 and 6 of this report and based on Part 17 Implementation Plan – Project Priorities and Staging of the *Central Park and Dean Street Carpark Concept Design Report*; and
4. Future Cities provide Council with a review of the community engagement after completion.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 10229) where Council resolved that the committee recommendation be adopted.

13 CONFIDENTIAL REPORT - Future Cities - Stadium Precinct Remaining Balance Land

Executive Summary

Future Cities is seeking direction on the balance land within the Stadium Precinct.

Development of the Stadium Precinct is a key project derived from the Townsville 2020 Masterplan. The development of the precinct aims to attract commercial operators to stimulate economic growth and create an area that is more than just a space for the North Queensland Stadium.

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 remains confidential unless Council decides otherwise by resolution.
2. That Council approve the recommendations made at the conclusion of this report.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 10230) where Council resolved that the committee recommendation be adopted.

14 CONFIDENTIAL REPORT - Future Cities - Mount Louisa Activation Plan

Executive Summary

This report provides an update to Council of the steps undertaken by Future Cities in relation to the Mount Louisa Activation Plan and recommended actions in proceeding with the project.

Officer's Recommendation

1. That the report and attachments 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 until community engagement commences.
2. That Council staff commence community engagement in relation to the Mount Louisa Activation Plan project as outlined within this report.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 10229) where Council resolved that the committee recommendation be adopted.

15 CONFIDENTIAL REPORT - Future Cities - North Yards Development Site

Executive Summary

The North Rail Yards were acquired by Townsville City Council in July 2015. Since then a number of specialist consultant reports have been undertaken demonstrating the risks, constraints and potential opportunities associated with the site.

The purpose of this report is to provide Council with a brief history of the site, inform Council of the potential development opportunities and seek support in progressing with the recommendations outlined.

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 recommendations made in the conclusion of the report.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 8 of the Council minutes (page 10229) where Council resolved that the committee recommendation be adopted.

Community Health and Environment Committee

It was MOVED by Councillor A Greaney, SECONDED by Councillor P Jacob:

"that the committee recommendation to item 16 be adopted."

CARRIED UNANIMOUSLY

16 Environmental Health and Regulatory Services - Abandoned Vehicle Update

Executive Summary

The Parking Unit is responsible for the investigation and, if required, removal of abandoned vehicles. In collaboration with the Queensland Police Service, vehicles which remain on public property and are considered a traffic hazard are removed immediately, while other unregistered vehicles are removed within 10 days after the initial inspection.

Each year Council investigates between 700 and 900 abandoned vehicle requests. In 2017, 719 requests were recorded but only 174 vehicles were removed by Council. The remaining vehicles were either removed by their owner onto private property or they were registered and could not be removed.

Officer's Recommendation

That Council note the report.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 16 of the Council minutes (page 10252) where Council resolved that the committee recommendation be adopted.

Community and Cultural Development Committee

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

"that the committee recommendations to items 17 to 21 be adopted."

CARRIED UNANIMOUSLY

17 Future Cities - Arts and Culture Advisory Committee - 9 August 2018

Executive Summary

Presenting to Council the Report of the Arts and Culture Advisory Committee meeting held on 9 August 2018.

Officer's Recommendation

That Council note the Report of the Arts and Culture Advisory Committee meeting held on 9 August 2018.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the Council minutes (page 10253) where Council resolved that the committee recommendation be adopted.

18 Future Cities - Inclusive Communities Advisory Committee Minutes - 6 August 2018

Executive Summary

Presenting to Council the Report of the Inclusive Community Advisory Committee meeting held on 6 August 2018.

Officer's Recommendation

That Council note the Report of the Inclusive Community Advisory Committee meeting held on 6 August 2018.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the Council minutes (page 10253) where Council resolved that the committee recommendation be adopted.

19 Future Cities - Community Safety Advisory Committee - Minutes - 22 August 2018

Executive Summary

Presenting to Council the Report of the Community Safety Advisory Committee meeting held on 22 August 2018.

Officer's Recommendation

That Council note the Report of the Community Safety Advisory Committee meeting held on 22 August 2018.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the Council minutes (page 10253) where Council resolved that the committee recommendation be adopted.

20 Community Engagement - Appointment of members to Regional Arts Development Fund (RADF) Committee

Executive Summary

The Regional Arts Development Fund (RADF) is delivered as a partnership between the Queensland government through Arts Queensland and local councils across the state. RADF promotes the role and value of arts, culture and heritage as key drivers of diverse and inclusive communities and strong regions. RADF invests in local arts and cultural priorities, as determined by local communities, across Queensland. RADF is a flexible fund, enabling local councils to tailor RADF programs to suit the needs of their communities.

A RADF Committee consisting of Townsville community members representing various art forms is established to assist Council with the governance and management of the Townsville RADF program and with the assessment and recommendations for RADF grant funding.

The work of the RADF Committee will include:

- provide advice to Council on local funding priorities for the Townsville City Council RADF Grant program;
- provide input into the identification and content of RADF Council Initiated Projects; and
- undertake assessment and make funding recommendations to Council on RADF grant applications.

Membership of the outgoing RADF Committee was for a period of two years. This RADF Committee was appointed 23 August 2016 which means that a new RADF Committee needs to be established.

Expressions of Interest for membership of the RADF Committee were called on 10 August 2018 and closed on 31 August 2018.

Eighteen Expressions of Interest for membership of the RADF Committee were received.

These Expressions of Interest were assessed by an Assessment Committee on 5 September 2018.

The Assessment Committee recommends that fourteen people who submitted an Expression of Interest be appointed as individual members of the RADF Committee.

The Terms of Reference have been reviewed and require amendment to reflect the current operations and practices of the RADF Committee and to meet Council's obligations through the Funding Agreement with Arts Queensland.

Officer's Recommendation

1. That Council approve the appointment of the nominees listed in Table 1 as individual members of the RADF Committee for the term of the current Council.
2. That Council approve the amended Terms of Reference to reflect the current operations and practices of the RADF Committee.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 17 of the Council minutes (page 10253) where Council resolved that the committee recommendation be adopted.

21 Presentation - Dramatic improvements made in Council's customer contact and correspondence management areas

Committee Recommendation

That this item be held over to the November Committee meeting.

Council Decision

Refer to resolution preceding item 17 of the Council minutes (page 10253) where Council resolved that the committee recommendation be adopted.

Governance and Finance Committee

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

"that the committee recommendations to items 22 to 27 be adopted."

CARRIED UNANIMOUSLY

22 Legal Services - Office of the Information Commissioner Audit Recommendation Update

Executive Summary

The purpose of this report is to provide a progress update on the implementation of the recommendations made in the Compliance Audit tabled in state parliament on 6 March 2018.

The audit conducted by the Office of the Information Commissioner reviewed Council's compliance with the *Right to Information Act 2009* and *Information Privacy Act 2009*.

Officer's Recommendation

That Council note the progress.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 22 of the Council minutes (page 10256) where Council resolved that the committee recommendation be adopted.

23 Finance Services - Budget Variance Report - August 2018

Executive Summary

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

Officer's Recommendation

That Council note the financial report for August 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 22 of the Council minutes (page 10256) where Council resolved that the committee recommendation be adopted.

24 Finance Services - Treasury Report - August 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 August 2018 and the information contained therein.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 22 of the Council minutes (page 10256) where Council resolved that the committee recommendation be adopted.

25 CONFIDENTIAL REPORT - Finance Services - Notice of Intention to Sell properties for Arrears of Rates

Executive Summary

68 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

36120	195110	353429	520841	530689
42550	209710	353467	520907	533614
47070	517720	360818	521926	536222
69460	228590	503004	523623	536354
69830	235980	505713	524448	536840
83710	236110	509655	524682	537052
104340	237560	512003	524950	538894
104900	239430	512295	526138	540056
135130	269410	512402	527510	543793
146420	333387	512609	528036	543794
152240	352104	513401	528142	546592
174830	353393	516477	528477	550706
193390	353403	516618	528771	529646
194620	353411	517571		

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 22 of the Council minutes (page 10256) where Council resolved that the committee recommendation be adopted.

26 CONFIDENTIAL REPORT - Procurement Services - Addition to Council's Sole Supplier List

Executive Summary

Professional Excavations have a unique piece of heavy equipment (bark blower) that cannot be supplied by any of the 97 suppliers within the RPS00051 - Wet Hire arrangement or by another supplier within the Townsville Region.

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 sole source suppliers be varied to include Professional Excavations 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 22 of the Council minutes (page 10256) where Council resolved that the committee recommendation be adopted.

27 CONFIDENTIAL REPORT - Variation to the Sole Source Report - Future Cities

Executive Summary

The Townsville City Council's Corporate and Operational plans both have objectives to deliver a Defence Support Corporate program. To deliver this program there is a requirement to engage a consultant to act as an ADF Advisor. The advisor had to meet specific criteria which included being a Senior Ex-Defence personal (with preference being a Lieutenant General [retired]) and have significant local knowledge and ADF experience. The only suitable person available with these credentials is Lieutenant General (retired) John Caligari. Lieutenant General (retired) John Caligari resides in Townsville and will be engaged as a consultant to develop, communicate and implement the Townsville Defence Strategy.

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 sole source suppliers be varied to include Lieutenant General (retired) John Caligari 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 22 of the Council minutes (page 10256) where Council resolved that the committee recommendation be adopted.

Townsville Water and Waste Committee

It was *MOVED* by Councillor L Walker, *SECONDED* by Councillor R Cook:

"that the committee recommendation to item 28 be adopted with the following change:

the zones be reduced from 25 to 10."

CARRIED UNANIMOUSLY

Councillor R Cook provided the following statement with regards to a perceived Conflict of Interest concerning item 29:

"At the Townsville Water and Waste Standing Committee meeting on 11 October 2018 I made a precautionary "perceived Conflict of Interest declaration", but in hindsight, I now believe that because I have only a personal friendship with a contractor to the applicant, and not the applicant, the relationship is so remote or not close enough to impact my decision making in the public interest, and that I am of the view that I have no greater interest in this application than any other persons in the Townsville City Area.

Having started this process in the Townsville Water and Waste Standing Committee, I feel obliged to complete it by making the same cautionary declaration at this Council Meeting, indicating that, after due consideration, I am now firmly of the belief that I don't have a perceived conflict of interest as defined in the Local Government Act 2009, S175D, especially considering 175D(2)(b), and that I believe I can debate, discuss and vote on this matter in the public interest.

Given the management of possible conflict of interest is a very serious governance issue, and noting that decisions will be made on the facts of each occasion, I believe that the casualness of my acquaintance in these current circumstances, which is no doubt similar to many casual acquaintances that elected members will have throughout this community, will be a "benchmark" for me in assessing whether I have perceived conflict of interest on future occasions.

I understand that the process prescribed in the Act is for my fellow councillors to determine under S 175E whether I have a Conflict of Interest and if I can stay in the Meeting and vote on this matter."

In accordance with section 175E of the Local Government Act 2009, Councillor R Cook declared a perceived conflict of interest in regards to item 29.

- (a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor R Cook.
- (b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor R Cook has a personal friendship with Michael Baker who is performing work on behalf of the Townsville Golf Club in his capacity as an employee of the Sensory Group.
- (c) the decisions made under section 175E (4) and the reasons for the decisions;**
The remaining councillors decided that:
 - (a) Councillor R Cook's perceived conflict of interest be acknowledged; and
 - (b) Councillor R Cook may participate in the meeting in relation to the matter, including by voting on the matter.
- (d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Councillor R Cook participated in the meeting.
- (e) if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor R Cook voted as per the officer's recommendation.
- (f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.**
The majority of councillors who were entitled to vote at the meeting voted as per the officer's recommendation.

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

"that the committee recommendation to item 29 be adopted."

CARRIED UNANIMOUSLY

28 Townsville Water and Waste Services - Kerbside Hard Waste Collection review

Executive Summary

A kerbside hard waste collection service was re-established during the 2018 calendar year. The service entitles residents at eligible properties to one free collection per year of their bulky waste items.

This report reviews the effectiveness of that service and provides options for implementation during 2019.

Officer's Recommendation

That Council approve that the kerbside hard waste collection service be offered again in 2019 with revised collection zones in order to ensure optimal efficiency.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 28 of the Council minutes (page 10261) where Council resolved the following:

that the committee recommendation to item 28 be adopted with the following change:

the zones be reduced from 25 to 10.

29 Townsville Water and Waste - Townsville Golf Course - Water Supply Transition Strategy

Executive Summary

Townsville Golf Course have undertaken a Water Supply Transition Strategy Report (the Report) to secure an alternative source of water for the irrigation of the golf course. This will allow Townsville Golf Course to continue with the redevelopment of several of the holes, the creation of a water feature and the completion of the residential sub-division within the golf course land. The report requests approval from Council to lay a temporary pipe above ground from Aplins Weir to the Townsville Golf Course.

The completion of this temporary pipeline has the potential to save the use of 300ML of potable water per annum that is currently being used to irrigate the course. It is intended that this will be a short term (2 year) solution, until the Townsville Golf Course is connected to the new Recycled Water Re-Use Scheme, at which point this pipeline will be salvaged by Council and re-used as part of the Recycled Water Re-Use Scheme.

Officer's Recommendation

That Council approve the proposal from Townsville Golf Course to proceed with the construction of the pipeline under the following conditions:

- develop a WEMP (Water and Environmental Management Plan) as required under section 53 of the *Water Supply (Safety and Reliability) Act 2008*, by 1 March 2019 date and provide to Council for approval;
- carry out initial baseline monitoring of the criteria set out within the report and provide a copy to Council for review;
- continue monthly reporting as set out within the Report and provide to council on a monthly basis for review. The frequency of reporting will be increased in line with the trigger points noted in the Report and provided to Council for review;
- Townsville Golf Course to draw up and provide a binding contract setting out the terms of insurance and recompense for any fish kills;
- that Townsville Golf Course will notify Council within 6 hours of any event relating to water quality incidents, water level issues and fish kill events (as set out in the Report);
- Townsville Golf Course is to consult with Council as part of its public relations campaign to ensure the consistency of messaging with the Water Security 3-point Solution;
- to approve the buyback (material component only) of the temporary pipeline; and
- that Council will approve covering the additional cost of excavating and burying the pipe of \$78,840 + GST. This will allow it to be retained for future irrigation of Sherriff Park and other parks and open spaces north of the river as part of Council's Recycled Water Re-Use Scheme once Townsville Golf Course has finished using it. These funds would be taken from the budget already approved for the Recycled Water Scheme.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 28 of the Council minutes (page 10262) where Council resolved that the committee recommendation be adopted.

Officers' Reports

In accordance with section 175E of the *Local Government Act 2009*, Councillor M Molachino declared a perceived conflict of interest in regards to item 30.

- (a) **the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor M Molachino.
- (b) **the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor M Molachino is a member of Legacy Townsville.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor M Molachino vacated the meeting for item 30.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Councillor M Molachino vacated the meeting for item 30.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor M Molachino did not vote on the matter.
- (f) **how the majority of councillors who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted to adopt the officer's recommendation.

In accordance with section 175E of the *Local Government Act 2009*, Councillor R Cook declared a conflict of interest in regards to item 30.

- (a) **the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillor R Cook.
- (b) **the councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the councillor;**
Councillor R Cook is a Volunteer Legatee at Legacy Townsville and this involves volunteer work visiting and supporting dependants and families of deceased and incapacitated veterans.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
Councillor R Cook vacated the meeting for item 30.
- (d) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;**
Councillor R Cook vacated the meeting for item 30.
- (e) **if the councillor voted on the matter—how the councillor voted on the matter;**
Councillor R Cook did not vote on the matter.
- (f) **how the majority of councillors who were entitled to vote at the meeting voted on the matter.**
The majority of persons entitled to vote at the meeting voted to adopt the officer's recommendation.

Infrastructure and Operations

30 Infrastructure Planning, Assets and Fleet - Legacy House Recommendation Report

Executive Summary

Legacy Incorporated is a voluntary organisation providing services to families of deceased veterans and veterans that have lost their health as a result of their military service.

Legacy Incorporated has provided accommodation to veterans' widows in Townsville for the past 40 years, by way of the construction of a multiple dwelling complex in Mooney Street on land leased from Council. Legacy Incorporated surrendered their lease with Council in November 2017, with the agreement that Council attend to the sale of the land and improvements and provide a percentage of the proceeds of sale to Legacy Incorporated.

This report provides information and recommendation in relation to the apportionment of the proceeds of sale of Lots 286 and 287 RP717080; 115-117 Mooney Street Gulliver.

Officer's Recommendation

That Council resolve to apportion 50% of the proceeds of sale, after costs, of Lots 286 and 287 RP717080 (115-117 Mooney Street Gulliver) to Legacy Incorporated, being \$363,609.21.

Council Decision

It was MOVED by Councillor A Greaney, SECONDED by Councillor L Walker:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Business Services

31 Information Technology Services - AARNET Infrastructure Sharing Agreement

Executive Summary

Council has been approached by AARNET to enter into an Infrastructure Sharing Agreement in the form of a Fibre Swap.

The Infrastructure Sharing Agreement would permit Council to allow access to unused capacity in Council owned fibre cable to AARNET and in return Council would have similar reciprocal access to unused capacity of AARNET owned fibre cables across the LGA.

AARNET have entered into similar agreements with other government entities including Rockhampton and Gold Coast Councils, QLD Rail and DTMR. Appendix A outlines more about AARNET.

Officer's Recommendation

That Council enter into the Infrastructure Sharing Agreement.

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

Planning and Community Engagement

32 Future Cities - Smart Townsville Community Partnership

Executive Summary

Future Cities is seeking support from Council to proceed to the next stage of implementation of the Smart Townsville Community Partnership, which is a deliverable under the Townsville City Deal.

Officer's Recommendation

1. That Council endorse the *Smart Townsville Community Partnership* as the guiding framework for Townsville's Smart City Strategy.
2. That Council approve the document - *Smart Townsville Community Partnership – for public release as previously committed to* <https://www.townsville.qld.gov.au/about-council/community-consultations/smart-city-strategy>

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

Business Services

33 Business Services - Townsville City Council Annual Report 2017/18

Executive Summary

In accordance with section 182 of the *Local Government Regulations 2012*, Council must prepare an Annual Report for each financial year and adopt within one month of the Auditor-General's report on the financial statements.

The Townsville City Council Annual Report for the 2017/18 financial year is presented for adoption.

Officer's Recommendation

That, in accordance with section 182 of the *Local Government Regulations 2012*, Council adopt the Townsville City Council Annual Report for the 2017/18 financial year.

Council Decision

It was **MOVED** by the Mayor, Councillor J Hill, **SECONDED** by Councillor C Doyle:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The Mayor, Councillor J Hill commended the staff for the work they have undertaken over the last 12 months in ensuring that the policy position of this Council is met by the operational staff.

Councillor V Coombe commended the Chief Executive Officer (Adele Young), the Chief Financial Officer (Matt Thomson), the Team Manager Financial Services (Julia Pietrobon) and all the staff in the Finance section.

General Business

(i) Councillor M Soars - 2018 QSport Awards

Councillor M Soars provided an overview of the QSport Awards event being held in Brisbane on 28 November 2018 and sought approval to attend, as Chair of the North Queensland Sports Foundation.

Council Decision

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

- "1. that Council approve the attendance of Councillor M Soars at the 2018 QSport Awards in Brisbane on 28 November 2018 (including travel and accommodation); and
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 QSport Awards in Brisbane on 28 November 2018."

CARRIED UNANIMOUSLY

(ii) Reef Guardian Councils Steering Committee and Working Group meeting

Councillor A Greaney advised that she has been invited to attend the Reef Guardian Councils Steering Committee and Working Group meeting and wishes to nominate Councillor K Rehbein to attend as her proxy.

Council Decision

It was MOVED by Councillor A Greaney, SECONDED by Councillor L Walker:

- "1. that Council approve the attendance of Councillor K Rehbein (as Councillor A Greaney's proxy) at the Reef Guardian Councils Steering Committee and Working Group meeting being held in Brisbane on 1 November 2018; and
2. that, in accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to Councillor K Rehbein to allow his attendance at Reef Guardian Councils Steering Committee and Working Group meeting in Brisbane on 1 November 2018."

CARRIED UNANIMOUSLY

(iii) Appointment of a permanent Chair to Townsville Water and Waste Committee

The Mayor, Councillor J Hill sought to appoint Councillor R Cook as the Chair of the Townsville Water and Waste Committee.

Council Decision

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

"that Councillor R Cook be appointed the Chair of the Townsville Water and Waste Committee."

CARRIED UNANIMOUSLY

Councillor R Cook acknowledged the work of Councillor P Jacob and Councillor L Walker in the position of Chair of the Townsville Water and Waste Committee.

Close of Meeting

The Chair, Mayor Councillor J Hill, declared the meeting closed at 3.35pm.

CONFIRMED this TWENTY-SEVENTH day of NOVEMBER 2018

MAYOR

CHIEF EXECUTIVE OFFICER