



# **ORDINARY COUNCIL**

## **PUBLIC MINUTES**

**TUESDAY 13 DECEMBER 2016 AT 1.00PM**

**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 Strategies of Townsville City Council >>

### Corporate Plan >>

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**Goal 1:** Economic Sustainability - A strong diverse economy which provides opportunities for business and investment with an integrated approach to long term planning where the city's assets meet the community needs.

- 1.1 Create economic opportunities for Townsville to drive economic and community prosperity.
- 1.2 Maximise opportunities through engagement and partnership with stakeholder achieve a strong resilient economy.
- 1.3 Utilise the City Plan to inform the development of current and future infrastructure needs of Townsville.
- 1.4 Promote and market Townsville as a vibrant destination for commerce, entertainment and lifestyle.
- 1.5 Provide and maintain water and sewage infrastructure to ensure a functioning network.
- 1.6 Provide and maintain a leading practice integrated transport network to facilitate the sustainable growth and efficient movement of Townsville.

**Goal 2:** Environmental Sustainability - A sustainable future where our environment is valued through the protection and enhancement of our unique, natural and built environment with a commitment to reducing our environmental impact.

- 2.1 Effective management, protection and conservation of our environment to ensure a balance between built infrastructure and areas of environmental significance.
- 2.2 Implement an effective integrated demand management approach to infrastructure planning and delivery.
- 2.3 Preserve our natural environment through active management, education and compliance activities.
- 2.4 Adopt urban design principles that create a distinct sense of place, enables and informs place creation, maximises efficiency, and enhances the built and natural environment.
- 2.5 Research and implement environmental solutions utilising innovative smart technology and encourage behaviour change.

**Goal 3:** Social Sustainability - A vibrant community that is accessible, safe, healthy, creative and knowledgeable, where we embrace diversity and our sense of community.

- 3.1 Encourage active and healthy lifestyles through accessible public facilities and community initiatives.
- 3.2 Support the community's access to and participation in a range of artistic, cultural and entertainment activities.
- 3.3 Enhance wellbeing and safety in the community.
- 3.4 Enhance a knowledgeable, inclusive and connected community that embraces growth and lifelong learning.
- 3.5 Provide community infrastructure and services that support growth and meets community needs.

**Goal 4:** Responsible Governance - A well-managed, transparent and effective organisation that gives the community confidence, demonstrates financial sustainability, where our customers are satisfied with our services and our employees are proud to work here.

- 4.1 Undertake robust and accountable financial, resource and infrastructure planning and management to ensure affordable and sustainable outcomes for our community.
- 4.2 Deliver best value customer service to our community.
- 4.3 Enable innovation and technology capacity within council to drive organisational efficiencies.
- 4.4 Engage with the community to inform council decision making processes.
- 4.5 Provide inspirational leadership and contemporary management systems that drives a coordinated, motivated, highly effective and efficient organisation.
- 4.6 Commit to open transparent and accountable governance to ensure community confidence and trust in council.
- 4.7 Promote an organisational culture that values and empowers its workforce.

### ACKNOWLEDGEMENT OF COUNTRY

The Townsville City Council would like to acknowledge the Bindal and 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.

# MINUTES

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<b>REPORT</b>	<b>COUNCIL MEETING</b>
<b>DATE</b>	<b>Tuesday 13 December 2016 at 1.05pm</b>
<b>ITEMS</b>	<b>1 TO 29</b>
<b>PRESENT</b>	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 1.05pm.

#### **Acknowledgement to Country**

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

#### **Apologies and Leave of Absence**

There were no apologies or leave of absence noted.

#### **Prayer**

Reverend Barry Cox of the Uniting Church delivered the opening prayer.

#### **Confirmation of Minutes of Previous Meeting**

**It was MOVED by Councillor M Molachino, SECONDED by Councillor A Greaney:**

"that minutes of the Ordinary Council meeting of 22 November 2016 be confirmed."

**CARRIED UNANIMOUSLY**

## **Disclosure of Interests**

- (i) Governance and Finance Committee - Perceived conflict of interest – Item 13 – Councillors V Coombe, C Doyle, P Jacob, K Rehbein, M Soars, L Walker, R Cook, M Molachino, A Greaney, M Ryder and the Mayor, Councillor J Hill - A. Gabrielli Constructions Pty Ltd donated to the Team Hill election campaign.
- (ii) Governance and Finance Committee - Perceived conflict of interest - Item 13 – Councillor V Coombe - Councillor Coombe is council's representative on the Dancenorth Board.
- (iii) Community and Cultural Development Committee - Material personal interest - Item 8 - Councillor K Rehbein - Councillor Rehbein's son plays for the Western Lions Junior Rugby League Club.
- (iv) Governance and Finance Committee - Material personal interest - Item 14 - Councillor M Ryder - Sealink, Clean It and Townsville Bulletin are sponsors of the events that Councillor Ryder manages with her company Madmaggies Promotions.
- (v) Perceived conflict of interest - Item 26 - Councillor L Walker and the Mayor, Councillor J Hill - Councillor Walker and the Mayor, Councillor Hill have shares in Telstra.

## **Correspondence**

There was no correspondence.

## **Petitions**

There were no petitions.

## **Deputations**

There were no deputations.

## **Notices of Motion**

There were no notices of motion.

## **Presentations**

There were no presentations.

## **Mayoral Minute**

The Mayor, Councillor J Hill provided the following Mayoral Minute:

"On Friday, I was part of a historical moment. As Mayor, I represented the City of Townsville in the signing of Australia's first City Deal in partnership with the Prime Minister and the Premier.

This deal began as the Smart City Plan released by the Prime Minister in April 2016. Smart City Plan sets out the vision of creating Australian cities that maximise their potential through smart investment, smart technology and smart policy.

The Townsville City Deal is the mechanism to achieve this vision by:

1. Developing the city deal plan, with the support of all levels of government, for economic growth;
2. Committing to investment, reforms and governance needed to implement the agreed city deal.

This is the very first time we have had a long term vision, a blueprint of future development a first for any community in Australia.

Our deal lists six important themes, they are:

1. Innovative and Connected City
2. Port City
3. Defence Hub
4. Enabling Infrastructure
5. Capital of North Queensland

Under each of these themes are commitments to our community, commitments to power, water, Defence industry consultation, international education and training destination.

Many of us have read how the "City Deal" between the UK Government and Manchester Council led to the revival of the City of Manchester after the significant down turn in manufacturing industries. This is a model of success between different levels of Government.

For Townsville, the State Government will also play an important part, and the success of City Deals will also be dependent on the support of the State.

But as importantly as we move through election cycles, Townsville City Deal sets the minimum level of commitment and political party or individual candidate shave have for our city.

Take note all opposition parties and future state and federal candidates, we have a plan and committing to anything less than what is in this document is selling our city, our people short.

I wish to see every side of the political divide commit to this deal, so that we can have certainty for the key programs and infrastructure. We need to know that no matter who is leading the parliament of the day that they commit to this document and the implementation plan as the minimum.

I will look to meet with all opposition groups and parties to seek their support for Townsville City Deal, we cannot leave it to chance.

Talk is cheap, action and outcomes is what this community must see.

At this point I would like to take the opportunity to thank the Community Advisory and the Community Stakeholder group for their input into creating this plan.

With that I would like to thank the Chief Executive Officer and staff for their doggedness in the negotiations, without that determination the Townsville City Deal would be far less than we have now."

#### **Council Decision**

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

"that council accept the Townsville City Deal."

**CARRIED UNANIMOUSLY**

**Councillor L Walker thanked the Chief Executive Officer and staff for their hard work on the Townsville City Deal.**



## **Committee Items**

### **Infrastructure Services Committee**

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

*"that the committee recommendations to items 1 to 3 be adopted."*

**CARRIED UNANIMOUSLY**

#### **1 Engineering Services - PSA00050 - Street Sweeping**

##### **Executive Summary**

The purpose of this report is to award a contract for street sweeping of high profile and highly utilised streets within the city and surrounds.

This report provides detailed information and council's recommendation on awarding preferred supplier arrangement PSA00050 - Provision of Street Sweeping.

##### **Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award the PSA00050 – Street Sweeping Contract to Cleanaway Pty Ltd for the contract period of five (5) years.

##### **Committee Recommendation**

That the officer's recommendation be adopted.

##### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 9206) where council resolved that the committee recommendation be adopted.**

#### **2 Engineering Services - PSA00051 - Footpath Sweeping, Scrubbing and Furniture Cleaning**

##### **Executive Summary**

The purpose of this report is to award a contract for Footpath Sweeping, Scrubbing and Furniture Cleaning of high profile and highly utilised area's within the City area.

This report provides detailed information and recommendation on awarding preferred supplier arrangement PSA00051 - Provision of Footpath Sweeping, Scrubbing and Furniture Cleaning.

##### **Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award the PSA00051 – Footpath Sweeping and Scrubbing and Furniture Cleaning Contract to Environmental Wastewater Catchment Services Pty Ltd ATF the A.W.C.S Unit Trust Trading As ENVIRO SWEEP.

### Committee Recommendation

1. That officer's recommendation 1 be adopted.
2. That council award the PSA00051 – Footpath Sweeping and Scrubbing and Furniture Cleaning Contract to Environmental Wastewater Catchment Services Pty Ltd ATF the A.W.C.S Unit Trust Trading As ENVIRO SWEEP for the contract period of five (5) years.

### Council Decision

Refer to resolution preceding item 1 of the council minutes (page 9206) where council resolved that the committee recommendation be adopted.

### 3 Maintenance Planning and Operations -Tender Evaluation RPS00033 Pre-qualified Suppliers for Supply of Nursery Stock

#### Executive Summary

Tender RPS00033, for the establishment of a Register of Prequalified Suppliers for Supply of Nursery Stock (includes hiring of plants) was publicly advertised in the Townsville Bulletin on Saturday, 22 October 2016, and closed on the 16 November 2016, with seven (7) submissions received.

The contract is planned to commence on 1 January 2017, for a two (2) year term, with an optional provision for council to offer a further extension of one (1) year.

#### Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council resolve to appoint the following suppliers to the Register of Pre-qualified Suppliers for the Supply of Nursery Stock (including hiring of plants), RPS00033 for Townsville City Council.

Product / Service	Recommended Suppliers
Part 1 Purchase by Council of Plant Stock	Boomgaard Nursery P/L, Benalla Nursery, Project Plants P/L, Revegetation Contractors P/L, Mad About Plants P/L, Day Dawn Nursery, Rocky Springs Nursery
Part 2 Hire by Council of Plant Stock	Boomgaard Nursery P/L, Rocky Springs Nursery

3. That council approve the contract term for a two (2) year period with the optional provision for council to offer a further extension of one (1) year.

### Committee Recommendation

That the officer's recommendation be adopted.

### Council Decision

Refer to resolution preceding item 1 of the council minutes (page 9206) where council resolved that the committee recommendation be adopted.

## Planning and Development Committee

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

*"that the committee recommendations to items 4 to 7 be adopted."*

**CARRIED UNANIMOUSLY**

### **4 Development Services MI15/0032 - Material Change of Use (Impact) Shopping Centre at 4 Arcadia Road, Nelly Bay**

#### **Executive Summary**

This application seeks a Development Permit for a Material Change of Use for Shopping Centre (four tenancies), situated at 4 Arcadia Road, Nelly Bay. The proposed development involves the construction of a new single storey building comprising of four small shop tenancies. The subject land is situated in the Magnetic Island Medium Density Precinct of the Medium Density Residential Zone. Whilst proposed in a residential zone, the small Shopping centre will include a gross floor area of 253.25m<sup>2</sup> which is considered to be of a size and scale that will not detract, but complement, the nearby existing retail areas in Nelly Bay and have been architecturally designed to integrate appropriately with the surrounding residential amenity through built form outcomes.

The application received one properly made submission during the public notification period. The concerns raised in the submission have been reviewed against the provisions of the Townsville City Plan 2014 during the course of the application's assessment. The concerns relate to vehicle access to and from the site; increase in noise impacting the surround amenity and stormwater inundation and overland flow on the site. The concerns have been addressed in this report and subsequently through conditions where reasonable.

Through appropriate control measures and conditions the proposed development demonstrates compliance with the relevant outcomes of the Townsville City Plan 2014. The application is recommended for approval subject to reasonable and relevant conditions.

#### **Officer's Recommendation**

That council approve application MI15/0032 for a Development Permit for Shopping Centre under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 1 RP 728789 and Lot 2 RP 727122, more particularly 4 Arcadia Road Nelly Bay approved on the following grounds/subject to the following conditions -

### **MATERIAL CHANGE OF USE CONDITIONS**

#### **1. Approved Plans and Supporting Documentation**

##### **Condition**

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

<b>Plan Name</b>	<b>Plan No.</b>	<b>Revision No.</b>	<b>Plan Date</b>
Site Plan	2015-12	DD01 (P2)	September 2015
Floor Plan	2015-12	DD02 (P1)	September 2015
Elevation Plan (South & East)	2015-12	DD03 (P1)	September 2015
Elevation Plan (North & West)	2015-12	DD04 (P1)	September 2015
<b>Associated Reports</b>			
Storm Tide Risk Assessment, Northern Consulting Engineering, Ref BNC0001/01:JS, dated 18 March 2016			
On Site Sewerage Treatment and Disposal Report, Northern Consulting Engineers, Ref BNC0001, Rev. P1			

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

**Reason**

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

**Timing**

During the operation and life of the development.

**2. Building Materials**

**Condition**

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

**Reason**

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

**Timing**

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

**3. Property Numbering**

**Condition**

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

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

**Reason**

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

**Timing**

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

**4. Relocation of Services or facilities**

**Condition**

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

**Reason**

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

**Timing**

Prior to the development achieving on maintenance or commencement of use.

## 5. Amalgamation of Allotments

### Condition

The amalgamation of Lot 1 RP728789 and Lot 2 RP727122 into a single parcel must be undertaken and the survey plan must be registered, in accordance with the *Land Title Act 1994* or relevant legislation as amended.

### Reason

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

### Timing

Prior to the commencement of the use.

## 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. On-site Sewerage Disposal

### Condition

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

*Note: On site sewerage 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 Hydraulic Certification 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 permit and prior to the commencement of the use.

## 8. Water Supply

### Condition

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

### Reason

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

### Timing

Technical details to be submitted to council as part of an application for Compliance Assessment.

## 9. Electricity and Telecommunication

### Condition

Electricity and telecommunications must be provided in accordance with Part 9.4.7 Works code.

### 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 commencement of the use. Where electricity or telecommunication services have not been provided, confirmation from the relevant regulatory authority must be submitted to council indicating that appropriate arrangements have been made for the provision of the infrastructure to allow the development to achieve on maintenance or prior to 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 9.4.2 Healthy Waters Code.

### Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.4.2 Healthy waters code.

### Timing

To be submitted to council as part of an application for Compliance Assessment 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 9.4.2 Healthy Waters Code.

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.

### Reason

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

### Timing

To be submitted to council as part of an application for Compliance Assessment and maintained for the life of the development.

## 12. Roadworks and Traffic

### Condition

- a) A new access driveway and crossover from the existing edge of bitumen to the property boundary must be constructed generally in accordance with Part 9.4.6 Transport impact, access and parking code.
- b) A portion of the white line marking within Acarida Road must be removed to enable a right-hand turn when leaving the carpark.
- c) A 1.5m wide concrete footpath must be constructed from the existing footpath on

Arcadia Road and the crossover to the carpark in accordance with Part 9.4.6 Transport impact, access and parking code of the Townsville City Plan.

- d) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel, pavement) must be replaced in accordance with Council's standards.

**Reason**

To provide development with access in accordance with council standards.

**Timing**

Details to be submitted to council as part of an application for Compliance Assessment.

**13. Site Access**

**Condition**

Access to the site is to be from Arcadia Road and designed to allow for safe and efficient traffic movements. The access must be designed to cater for all traffic movements for Service vehicles (8.8m) and smaller.

**Reason**

To address road safety in accordance with relevant code/s and policy direction and to ensure development does not adversely affect council infrastructure.

**Timing**

Details to be submitted to council as part of an application for Compliance Assessment.

**14. Car Parking**

**Condition**

a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy 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 in accordance with SC6.10 Parking rates planning scheme policy.

**Reason**

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

**Timing**

Details to be submitted to council as part of an application for Compliance Assessment and maintained for the life of the development.

**15. Screen Fencing**

**Condition**

A visual screen 1.8m high must be provided along the full length of the site's boundary where it adjoins the residential property at 132 Sooning Street.

**Reason**

To address amenity and Crime Prevention through Environmental Design principles.

**Timing**

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

## 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 and Irrigation Design Plans must be prepared in accordance with Part 9.4.3 Landscape code, including the following:

- (a) A minimum 1.5m landscape strip with mixed height screen planting must be provided along the full length of the northern boundary of Lot 2 RP727122 where it adjoins a residential use. This is to be provided in conjunction with Condition 15.
- (b) Shade trees are to be provided within the car park.

### 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

Details to be submitted to council as part of an application for Compliance Assessment and maintained for the life of the development.

## 18. Minimum Floor Levels

### Condition

- (a) The development must achieve immunity from storm tide inundation hazards by complying with the Storm Tide Risk Assessment Report identified in Condition 1.
- (b) Floor levels of all non-habitable buildings must have a minimum height of 3.9m AHD being the defined storm tide event.
- (c) Documentation signed by an engineer (who must be an RPEQ) must be submitted to a Building Certifier identifying the required minimum floor height of all habitable rooms to achieve storm tide/flood immunity.

### Reason

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

### Timing

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

## 19. Signage

### Condition

- (a) Plans of any signage to be associated with the use that is deemed to be assessable development in accordance with the assessment table of Part 5.8.2 of the Planning Scheme must be submitted to council for assessment; and



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

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

**Reason**

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

**Timing**

Prior to the commencement of the use.

**20. Soil Erosion Minimisation, Sediment Control**

**Condition**

Erosion and sediment control management must be installed and maintained in accordance with Part 9.4.2 Healthy Waters Code.

Note: The contingent design, implementation and maintenance of measures must be provided in accordance with SC6.4.3.8.6 *Development manual planning scheme policy*.

**Reason**

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

**Timing**

At all times during the construction phase.

**21. Vegetation Disposal**

**Condition**

The disposal of vegetation must be carried out in accordance with Part 9.4.7 Works code.

**Reason**

Vegetation to be disposed of in an environmentally responsible manner in accordance with SC6.4.5 and SC6.4.6.11.

**Timing**

Prior to, or during construction of the development.

**22. Refuse Facilities**

**Condition**

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Works Code and in particular:

- (a) The owner/occupier is responsible for the storage of their mobile waste container (wheelie) bins including recycling bins. The developer must provide storage areas that are suitably paved, with a hose cock fitted in close proximity.
- (b) A minimum overhead clearance of 4200mm must be provided for refuse collection. Access for the collection of the mobile garbage (wheelie) bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.

- (c) A space large enough to accommodate a minimum of eight (8) wheelie bins is to be located on Arcadia Road with the exact location to be determined in conjunction with the design of the site access.

**Reason**

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

**Timing**

Details to be submitted to council as part of an application for Compliance Assessment.

**23. Fire Fighting**

**Condition**

The development is to be provided with an adequate and accessible supply of water for firefighting purposes.

**Reason**

In accordance with Part 8.2.2 Bushfire hazard overlay code.

**Timing**

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

**24. Public Lighting**

**Condition**

Lighting must be provided in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.3.20.

**Reason**

For public safety and enhancement of public amenity.

**Timing**

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

**25. Outdoor Lighting**

**Condition**

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

**Reason**

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

**Timing**

Prior to commencement of the use and to be 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 Hydraulic and Building Services Unit of council as part of the plumbing/drainage application. Applicants should also refer to the Onsite sewerage facilities for nonsewered properties guidelines which provides 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) **Compliance Assessment**  
A Compliance Assessment application associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by Council.

Condition 8 – Water Supply  
Condition 10 – Stormwater Drainage  
Condition 11 – Stormwater Quality Management  
Condition 12 – Roadworks and Traffic  
Condition 13 – Site Access  
Condition 14 – Car Parking  
Condition 17 – Landscaping  
Condition 20 – Soil Erosion Minimisation, Sediment Control  
Condition 22 – Refuse Facilities

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 works - Signage**

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

**5. Further Inspections Required**

**Compliance with Conditions**

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

- Condition 2 – Building Materials
- Condition 3 – Property Numbering
- Condition 9 – Electricity and Telecommunications
- Condition 15 – Screen Fencing
- Condition 16 – Screening Plant and Utilities
- Condition 23 – Fire Fighting

**6. Connection to Council Water Supply**

**Condition**

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

**7. 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.

**8. 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.

## 9. Specifications and Drawings

### Condition

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

## 10. Environmental Considerations

### Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

## 11. 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 Heritage Protection (DEHP) 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 Heritage Protection (DEHP) at a suitably licensed disposal facility.

## 12. 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 be required. This permit allows for a section of road reserve to be closed for the purpose of works. The Queensland Police Service is the issuing authority for these permits. An application will need to be made to Council for a letter of 'no objection' prior to applying to the Queensland Police Service for the permit. The Traffic Management Plan will need to be included with the application to Council.

## Committee Recommendation

That the officer's recommendation be adopted subject to:

- a. Condition 12 Road Works and Traffic (b), be deleted and replaced with 'Access to and from Arcadia Road will only be permitted from a left in and left out turn';

- b. The following information being provided to the Councillors before the next Ordinary Council meeting:
- (i) the location of the nearest sewerage connection point, the potential impact of flooding on the site and the proposed type of on-site septic system;
  - (ii) the number of accidents at this location; and
  - (iii) when the last traffic count was undertaken.

#### **Council Decision**

**Refer to resolution preceding item 4 of the council minutes (page 9208) where council resolved that the committee recommendation be adopted.**

### **5 Planning - Proposed Major Amendment to the Townsville City Plan - Proceed to State Interest Review (78-94 John Melton Black Drive Garbutt)**

#### **Executive Summary**

Council resolved to make a major amendment to the Townsville City Plan in relation to 78-94 John Melton Black Drive, Garbutt in September 2015. The proposed major amendment was then forwarded to the Minister for confirmation of state interests and discussions regarding state interests have been conducted.

In October 2016 the Minister provided correspondence advising that all relevant state interests have been identified in relation to the proposed major amendment and that council may proceed to prepare the amendment.

#### **Officer's Recommendation**

1. That, pursuant to section 117(1), Part 5, Chapter 3 of *Sustainable Planning Act 2009*, council resolve to prepare the proposed major amendments to the Townsville City Plan in accordance with this report.
2. That, pursuant to section 117(1), Part 5, Chapter 3 of *Sustainable Planning Act 2009*, council resolve to write to the Minister requesting state interest review of the proposed major amendment.

#### **Committee Recommendation**

That council progress with the State Interest Review as recommended and that the Director Planning and Community Engagement and the General Manager Development Services meet with the proponent to open discussions about alternate development outcomes (that align with the strategic growth of the airport) for this site.

#### **Council Decision**

**Refer to resolution preceding item 4 of the council minutes (page 9208) where council resolved that the committee recommendation be adopted.**

### **6 Planning - Economic Development -Request to Amend Lease, Council Property North Ward**

#### **Executive Summary**

Council has been approached by a Lessee of a council-owned Property Assessment Number 4301407, North Ward, in relation to requesting a lease renewal.

The operations of the current Lessee are aligned with council objectives. It is recommended that council resolve to renew the lease after applying the exemption to the requirement to go to public offer under Section 236(1)(c)(iii) 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 council resolve to apply the exemption set out in section 236(1)(c)(iii) of the *Local Government Regulation 2012* to the renewal of the lease for Property Assessment Number 4301407, North Ward, being an exemption from the requirement to call for tenders.
3. That council grant authority to the Chief Executive Officer to renegotiate the lease conditions for Property Assessment Number 4301407, North Ward, subject to favourable and commercial terms being negotiated.
4. That the council resolve to renew the lease for Property Assessment Number 4301407, North Ward subject to agreement being reached about the terms of each new lease and acceptance of rental payments at least of the amount determined by a market valuation performed by a registered valuer.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 4 of the council minutes (page 9208) where council resolved that the committee recommendation be adopted.**

### **7 MI16/0021 Report - Renewable Energy Facility associated with RC16/0078 (30 year term lease)**

#### **Executive Summary**

A combined application for a Material Change of Use (Impact) and a Reconfiguration of a Lot (Code) for a Renewable Energy Facility and a 30 year term lease on land located at 12 Hencamp Creek Road, Rollingstone was lodged with council on 28 July 2016. More specifically, the application is for a proposed solar farm that consists of approximately 400,000 solar panels which will generate up to 110MW of electricity on a leased area of approximately 185 hectares. The proposal is anticipated to have a 30 year operational lifespan, and subsequently the term of the lease is to reflect this. The solar farm is proposed to be located on the portion of the site that is currently a disused sugarcane plantation, while the existing operating pineapple farm to the south of the site is to be retained. The application has been assessed under the Townsville City Plan, whereby the subject site is designated as being within the Horticulture Precinct of the Rural Zone. A Renewable Energy Facility within this zone is Impact Assessable against the entirety of the planning scheme.

An assessment of the proposed solar farm against the relevant provisions of the Townsville City Plan has revealed that it is capable of satisfying the strategic intent of the scheme. The proposal is considered to represent a new enterprise that has a direct nexus with rural production, as well as the natural environment, and cannot be better located within an urban area. Reason being that Renewable Energy Facilities are considered to be a form of productive use as they involve harvesting energy from natural sunlight. Further, the applicant has demonstrated that the proposed solar farm can be removed from the site completely to allow the recommencement of agricultural uses in the future. As such, the proposal is not considered to result in the 'loss' of productive land, rather its temporary unavailability. Additionally, it is highlighted that there are a number of requirements associated with the siting of solar farms. The appropriateness of the subject site was informed by proximity to grid connection and transport networks, flat topography, setback of project from neighbouring houses, natural landscape screening along the Bruce Highway and the absence of environmental constraints. The suitability of the site for the proposed development was not opposed

by the community, with no submissions being received by council during the formal public notification period.

A detailed assessment of the proposal against the Townsville City Plan is provided within the Planning Scheme Provisions section of this report. Within this section it is demonstrated that the proposed development is predominantly consistent with the intent of the planning scheme, and accordingly it is recommended that the application be approved subject to reasonable and relevant conditions.

### Officer's Recommendation

That council approve combined application MI16/0021 and RC16/0078 for a development permit for a Renewable Energy Facility and 30 year term lease under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 1 RP 735801 and Lot 12 RP 859197, subject to the following conditions:

## SCHEDULE OF CONDITIONS

### MATERIAL CHANGE OF USE (IMPACT) RENEWABLE ENERGY FACILITY

#### MATERIAL CHANGE OF USE CONDITIONS

##### 1. Approved Plans and Supporting Documentation

###### Condition

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

Plan Name	Drawing No.	Revision No.	Revision Date
Material Change of Use	ROL_LAY_006_05A MCU	05A	25 August 2016
<b>Associated Reports</b>			
Flood Impact Assessment – Ref 60495732 - Dated 6 July 2016			
Solar Glare and Glint Study – Dated 15 June 2016			
Engineering Report – Ref 60495732 – Dated 12 July 2016			

- 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 developer must implement the recommendations outlined in the above reports/s 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. Decommissioning of Development

###### Condition

- a) At the end of the operational lifespan of the development (30 years from commencement), the developer must decommission the use on the site and return the site to a rehabilitated rural state.



- b) A Decommissioning Plan is required to be submitted to and be approved by council as part of Compliance Assessment.

**Reason**

To protect the future rural amenity and production values of the land following the end of the projects lifespan.

**Timing**

- a) The site must be decommissioned within 30 years of the commencement of the use, or after 12 months of the ceasing of the use/ operation, whichever occurs first.
- b) A Decommissioning Plan is to be submitted and assessed as part of Compliance Assessment for the development, and is to be implemented within 30 years of the commencement of the use, or after 12 months of the ceasing of the use/operation.

**3. Property Numbering**

**Condition**

Legible property numbers must be erected at the premises and must be maintained to the satisfaction of the Council.

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

**Reason**

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

**Timing**

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

**4. Relocation of Services or facilities**

**Condition**

The developer must be responsible for any relocation and/or alteration to any public service or facility installation required as a result of any works carried out in connection with this development at no cost to Council.

**Reason**

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

**Timing**

Prior to the development achieving on maintenance or commencement of use.

**5. On-site Sewerage Disposal**

**Condition**

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

*Note: On site sewerage 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 Hydraulic Certification 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 permit and prior to the development achieving final completion.

**6. On-site Water Supply****Condition**

A private water supply must be provided in accordance with Part 9.4.7 Works code and SC6.4 Development manual planning scheme policy specifically SC6.4.3.11 On-site water supply of the Townsville City Plan.

**Reason**

The development is not located within a service area for a reticulated water service and in accordance with relevant code/s and policy direction.

**Timing**

To be submitted to council as part of an application for Compliance Assessment.

**7. Electricity and Telecommunication****Condition**

Electricity and telecommunications must be provided in accordance with Part 9.4.7 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 development achieving on maintenance or final completion. Where electricity or telecommunication services have not been provided, confirmation from the relevant regulatory authority must be submitted to council indicating that appropriate arrangements have been made for the provision of the infrastructure to allow the development to achieve on maintenance or prior to commencement of use.

**8. Stormwater Drainage****Condition**

- a) An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage achieves the outcomes in accordance with Part 9.4.2 Healthy Waters Code of the Townsville City Plan.
- b) Bund Wall must be reconstructed as recommended in approved Flood Report to limit increase in flood levels without adversely impacting any other areas (Railway Corridor). Details of bund wall to be included on stormwater drainage plans.

**Reason**

To convey stormwater legally and in an environmentally responsible manner in accordance with Part 9.4.2 Healthy waters code of the Townsville City Plan.

**Timing**

To be submitted to council as part of an application for Compliance Assessment and to be maintained for the life of the development.

## 9. Stormwater Quality Management

### Condition

A stormwater quality management plan (SQMP) must be prepared by a suitably qualified person in accordance with Part 9.4.2 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 in accordance with relevant code/s and policy direction.

### Timing

To be submitted to council as part of an application for Compliance Assessment and maintained for the life of the development.

## 10. Car Parking

### Condition

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.4.6 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 8 car spaces including disabled parking must be provided on site in accordance with SC6.10 Parking rates planning scheme policy of the Townsville City Plan.

### Reason

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

### Timing

Details of such works must be submitted to Council for approval as part of an application for Compliance Assessment.

## 11. Vehicle Access

### Condition

- a) The upgraded access driveway and crossover must be constructed from the existing edge of bitumen to the property boundary in accordance with Part 9.4.6 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.
- b) 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 access facilities in accordance with relevant code/s and policy direction.

### Timing

During the construction phase of the development.

## 12. Landscaping

### Condition

A landscaping Design plan is required to be submitted to and be approved by Council.

The Landscape Design Plans must be prepared in accordance with Part 9.4.3 Landscape code, the concept plans submitted to Council, and include the following features;

- a) The landscaping buffer is to be extended to include the southern and western boundaries of the rectangular cut-out section of the southwest portion of the lease site.
- b) The landscaping buffer is to be extended along the eastern perimeter of the lease area for a minimum distance of 100 metres from Hencamp Creek Road.
- c) Landscaping buffers to a minimum width of 3m and including a variety of shrubs and low to medium height canopy trees layered to serve the design intent of reducing views to the solar panels, generally in accordance with the concept landscape plans provided.
- d) Details of the plant species to be used, including the height and spread of plants at maturity and their suitability in terms of appropriateness for local conditions, plant numbers, and planting patterns.
- e) Details of site and soil preparation, and methods of planting, establishment, and maintenance including watering.
- f) A commitment to reinforcement planting for existing senescent vegetation likely to die within the project lifespan.

### Reason

To ensure effective screening of the facility from all active road frontages.

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

### Timing

To be submitted and assessed as part of Compliance Assessment for the development and to be maintained at all times.

## 13. Minimum Floor Levels

### Condition

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

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

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

### Reason

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

### Timing

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

#### 14. Soil Erosion Minimisation, Sediment Control

##### Condition

Erosion and sediment control management must be installed and maintained in accordance with Part 9.4.2 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

At all times during the construction phase.

#### 15. Vegetation Disposal

##### Condition

The disposal of vegetation must be carried out in accordance with Part 9.4.7 Works code of the Townsville City Plan.

##### Reason

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

##### Timing

Prior to, or during construction of the development.

#### 16. Vegetation Retention and Protection

##### Condition

Unless otherwise approved by Council in writing all trees/vegetation must be retained as detailed in Condition 1 above.

##### Reason

Vegetation to be retained must be protected in accordance with relevant code/s and policy direction.

##### Timing

At all times during the construction of the development and following the commencement of the use.

#### 17. Refuse Facilities

##### Condition

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Works Code and in particular:

All waste generated as a result of the construction activities is to be effectively controlled and contained entirely within the boundaries of the site before disposal, unless otherwise approved by Council. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

##### Reason

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

**Timing**

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

**18. Dust Control and Mitigation****Condition**

All internal access roads must be suitably treated to ensure that there is no dust nuisance experienced by other properties.

**Reason**

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

**Timing**

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

**19. Fire Fighting****Condition**

The development is to be provided with an adequate and accessible supply of water for firefighting purposes.

**Reason**

In accordance with Part 8.2.2 Bushfire hazard overlay code of the Townsville City Plan.

**Timing**

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

**20. Bushfire Management****Condition**

A Bushfire Management Plan in accordance with Part 8.2.2 Bushfire hazard overlay code of the Townsville City Plan must be prepared for the eastern boundary of the site.

**Reason**

To protect development from bushfire hazards in accordance with relevant code/s and policy direction.

**Timing**

To be submitted to council as part of an application for Compliance Assessment.

**21. Road Pavement****Condition**

- a) Prior to the commencement of construction, the developer must undertake a dilapidation audit of the existing council road network of Hencamp Creek Road (bounded by the intersection of the Bruce Highway and Hencamp Creek Road and the entrance to the lease area for the Renewable Energy Facility).
- b) Prior to the commencement of the use, the developer must undertake a second dilapidation audit of the road sections addressed in the pre-construction report above. This audit must clearly quantify any damage that has been caused as a result of this construction traffic. Any damage created by this development must be rectified (by roadworks) unless otherwise agreed by Council.

**Reason**

To ensure that the proposed development does not create excessive impacts on the road network.

### **Timing**

To be submitted and assessed as part of Compliance Assessment for the development.

## **Referral Agency Conditions**

### **1. Concurrence Agency Conditions – Department of Infrastructure, Local Government and Planning**

Pursuant to Section 285 of the *Sustainable Planning Act 2009*, the Department of Infrastructure, Local Government and Planning advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use, subject to the conditions as attached.

### **2. Advice Agency Response – Powerlink Queensland**

Pursuant to Section 292 of the *Sustainable Planning Act 2009*, Powerlink Queensland advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use, as attached.

## **Advice**

### **1. Infrastructure Charges**

#### **Condition**

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

### **2. Further Approvals Required**

#### **Condition**

#### **a) Compliance Assessment**

A Compliance Assessment 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 2 – Decommissioning of Development

Condition 6 – On-site Water Supply

Condition 8 – Stormwater Drainage

Condition 9 – Stormwater Quality Management Plan

Condition 10 – Car Parking

Condition 12 – Landscaping

Condition 20 – Bushfire Management

Condition 21 – Road Pavement

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**

The developer must obtain a Development Permit for Building Works to carry out building works prior to works commencing on site.

### **3. 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. At no time will development permit conditions override any level of water restrictions in force;
- 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) Under such circumstances, bonding of landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. The use of “bonded fibre matrix” type hydro-mulch products or other suitable methods to stabilise disturbed sites can be carried out as alternatives to demonstrate compliance with water restrictions; and
- e) The responsibility for compliance with all relevant environmental protection requirements (in particular sediment and erosion control) remains with the developer.

#### **4. 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.

#### **5. 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.

#### **6. Specifications and Drawings**

##### **Condition**

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

#### **7. Environmental Considerations**

##### **Condition**

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

#### **8. 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;

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



## 9. Lighting

### Condition

Lighting must not cause a nuisance – Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting (or the current applicable standard) must be used as a guide. The activity must not exceed the acoustic quality objectives under Schedule 1 of the Environmental Protection (Noise) Policy 2008.

## 10. 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 Hydraulic and Building Services 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 provides details on the application and installation stages of an onsite sewerage facility. This document may be found on Council's website.

## SCHEDULE OF CONDITIONS

### RECONFIGURATION OF A LOT (CODE) 30 YEAR TERM LEASE

#### RECONFIGURATION OF A LOT CONDITIONS

##### 1. Approved Plans and Supporting Documentation

### Condition

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

Plan Name	Drawing No.	Revision No.	Revision Date
Reconfiguration of Lot Plan	ROL_LAY_005_04b	04A	27 October 2016

- 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 developer must implement the recommendations outlined in the above reports/s 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. Confirmation of Existing Services

### Condition

The existing services for each lot must be contained within the individual allotments.

**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.

**3. 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.

**4. Electricity and Telecommunications****Condition**

Electricity and telecommunications must be provided in accordance with Part 9.4.7 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 the development achieving "On Maintenance". Where installation cannot be achieved, confirmation that supply can be provided must be obtained from the supplier.

**Advice****1. Water Restrictions**

- a) To manage Townsville's water resources, council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;
- b) Developers remain responsible for compliance with any water restrictions as directed by council;
- c) During times of significant water shortage, council may refuse to grant developers exemptions from water restrictions for the purposes of landscaping works or soil erosion and sediment control activities;
- d) In circumstances where exemptions to water restrictions are no longer issued by council, bonding of soft landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. In cases where the soft landscaping is a component of permanent soil erosion and sediment control (such as an open drain) the use of "bonded fibre matrix" type hydro-mulch products or other suitable soil erosion and sediment control methods can be carried out as alternatives to demonstrate compliance with water restrictions.

- e) The responsibility for compliance with all relevant environmental protection requirements (in particular sediment and erosion control) remains with the developer; and
- f) All existing approvals should already include appropriate conditions to allow for the bonding of landscaping works. Should you find that an existing approval does not provide for this flexibility, a permissible change request to amend the conditions of approval can be lodged with Council free of charge (provided no other changes are requested).

## 2. Flood Overlay Management

### Condition

Where the development will address the flood risk for the 1% AEP flood, the applicant can seek to have the Flood Overlay mapping amended to remove the property (or a portion thereof) from the high and medium flood hazard areas. Should the applicant wish to apply this mapping amendment, the applicant must provide council a digital map clearly showing a polygon of areas of the development site where land is now situated above the 1% AEP flood level. The polygon supplied must be as follows:

File format: ESRI Feature Class;  
Shapefile;  
Digital Exchange Format (DXF); or  
AutoCAD Drawing (DWG).  
Coordinate System: MGA94, Zone 55

Mapping updates will be compiled following the development being accepted as complete, but will not be formally incorporated as mapping amendment until the following annual planning scheme amendment is made.

The provision of mapping information must be provided as part of 'as constructed' documentation prior to the release of the Plan of Survey.

## 3. 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.

## 4. Specifications and Drawings

### Condition

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

### Committee Recommendation

That the officer's recommendation be adopted.

### Council Decision

**Refer to resolution preceding item 4 of the council minutes (page 9208) where council resolved that the committee recommendation be adopted.**

## Community and Cultural Development Committee

***In accordance with section 172 of the Local Government Act 2009, Councillor K Rehbein declared a material personal interest in regards to item 8.***

- (a) the nature of the material personal interest as described by the Councillor:***  
*Councillor Rehbein's son plays for the Western Lions Junior Rugby League Club.*
- (b) how the Councillor dealt with the material personal interest:***  
*Councillor Rehbein vacated the chambers during discussion and voting on the item.*

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

*"that the committee recommendations to items 9 to 11 be adopted and that item 8 be dealt with separately."*

**CARRIED UNANIMOUSLY**

*Item 8 - Community Engagement - Licence to Occupy (LTO) Western Lions Junior Rugby League Club at Heatley Park*

***It was MOVED by Councillor C Doyle, SECONDED by Councillor A Greaney:***

*"that the committee recommendation be adopted."*

**CARRIED UNANIMOUSLY**

## **8 Community Engagement - Licence to Occupy (LTO) Western Lions Junior Rugby League Club at Heatley Park**

### **Executive Summary**

Council approval has previously been given for the establishment of a number of Licenses to Occupy with community groups in order to formalise their use of council controlled spaces.

Licenses to Occupy formalise the conditions under which community groups are able to make use of these spaces.

Western Lions Junior Rugby League Club has been using Heatley Park on Fulham Road for the past season for training purposes. The club would like to formalise this use and renew a License to Occupy agreement with council for this location.

### **Officer's Recommendation**

That council approve entering into a 5 year License to Occupy agreement with Western Lions Junior Rugby League Club regarding their use of Heatley Park.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 8 of the council minutes (page 9233) where council resolved that the committee recommendation be adopted.**

## **9 Community Engagement - License to Occupy (LTO) Townsville Kennel Association - Wordsworth Park**

### **Executive Summary**

Council approval has previously been given for the establishment of a number of Licences to Occupy (LTO) with community groups in order to formalise their use of council controlled spaces.

Licences to Occupy formalise the conditions under which community groups are able to make use of these open spaces on a non-exclusive basis.

Townsville Kennel Association is seeking to renew its License to Occupy over a portion of Wordsworth Park, located at 38 Glenn Rd, Woodstock 4816 (Lot 38 on 138 EP2113) for a period of 5 years for the purpose of activities associated with a canine club. See Figure 1 and 2 below.

### **Officer's Recommendation**

That council approve this issuing of a License to Occupy (LTO) to the Townsville Kennel Association over a portion of Wordsworth Park, 38 Glenn Rd, Woodstock (Lot 38 on 138 EP2113) for 5 years for their club activities.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 8 of the council minutes (page 9233) where council resolved that the committee recommendation be adopted.**

## **10 Community Engagement - New Lease Rollingstone and District Community Association Railway Display Project**

### **Executive Summary**

The Rollingstone and District Community Association Incorporated (RaDCA) currently lease areas on State Reserve land located at the Rollingstone & District Community Centre, 52 Mystic Avenue, Balgal Beach, formally known as Lot 1 SP160493, for the purposes of Community Centre, Rural Transaction Centre, Railway Building and Storage.

RaDCA have requested to establish a new lease adjacent to the Railway Station Building in order to establish a new outdoor railway display comprising a small section of railway line, trike and stopblock. This lease area will comprise an area of 75m<sup>2</sup>, being rectangular in shape and approximately 6m wide x 12.5m long. This area is represented on the Plan of Lease W in Lot 1 on SP160493.

The display will sit inside the lease area, sit over a gravel base and will include pool fencing to surround the structure and keep people off it. Property and Technical Services have given in principal support for the display.

Proposed new Lease W does not affect any existing leases on the lot. Those leases will remain in place unchanged.

### **Officer's Recommendation**

1. That council accept the new Lease W in existing Lot 1 SP160493, as marked on SP291646 of the Rollingstone and District Community Centre from RaDCA Inc. All other existing leases on site remain the same.
2. That council approve issuing of a lease to RaDCA Inc for the purpose of Outdoor Railway Display of the Rollingstone & District Community Centre, for a period of up to 10 years, for the

fee of \$1.00 per year, exclusive of GST, if requested. This lease will be granted on the condition that:

- (i) All maintenance of the proposed structure/s associated with the display including fencing will be undertaken by RaDCA;
- (ii) RaDCA will be responsible for the associated Survey Plan.

3. That the council resolves that the exception in section 236 (1) (b) (ii) of the Local Government Regulation 2012 applies to the disposal of the land included in this lease.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 8 of the council minutes (page 9233) where council resolved that the committee recommendation be adopted.**

### **11 Planning and Community Engagement Round Mountain Rural Fire - New Lease**

#### **Executive Summary**

Round Mountain (RM) Rural Fire Brigade (RFB) covers an area of approximately 266 square kilometres near the Ross Dam, past Kelso (west of Townsville). The brigade was formed in 1960 as a primary producer brigade, housing 'slip-on' firefighting units to put out small fires within the immediate area. Due to the increasing fire risk with the urban sprawl, the brigade has over time become more active, and has now upgraded its classification to 'rural'. Round Mountain RFB has 35 members, undertaking training to expand capabilities in the brigade. On 25th May 2016 Round Mountain RFB received their first fire attack appliance (medium truck) RM 51 truck.

The Round Mountain Rural Fire Brigade is seeking a lease on a parcel of land to construct a Fire Station within their Area of Operation (AO). The proposed leased area is the land adjacent to the council facility in Ross Park, First Officer Ian Hemerik has expressed preference for an area approximately 800-1000m<sup>2</sup> allowing for construction of a fire station capable of immediately containing fire appliances, PPE/Fire Fighting equipment storage, lecture room, communications rooms, toilets, shower and washing facilities, adding that this sized land would allow for future expansion as the resident numbers increase within the AO.

This lease report requests consideration for approval of a lease for a section of Lot 2 RP724653 (see attachment). The land in question is listed in Parks & Recreation as being owned by TCC (Parks).

The applicants are willing to consider any suitable parcel of land that would meet their requirements.

#### **Officer's Recommendation**

1. That council approve issuing of a lease to the Round Mountain Rural Fire Brigade for the purpose of constructing an emergency operations facility, and ancillary offices for a period of up to 10 years, for the fee of \$1.00 per year, exclusive of GST, if requested.
2. That council note all maintenance to the proposed building and land improvements will be undertaken by Round Mountain Rural Fire Brigade.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

**Council Decision**

**Refer to resolution preceding item 8 of the council minutes (page 9233) where council resolved that the committee recommendation be adopted.**

## Governance and Finance Committee

***In accordance with section 173 of the Local Government Act 2009, Councillors V Coombe, C Doyle, P Jacob, K Rehbein, M Soars, L Walker, R Cook, M Molachino, A Greaney, M Ryder and the Mayor, Councillor J Hill declared a perceived conflict of interest in regards to item 13.***

- (a) *the name of the councillors who have the perceived conflict of interest:***  
*Councillors V Coombe, C Doyle, P Jacob, K Rehbein, M Soars, L Walker, R Cook, M Molachino, A Greaney, M Ryder and the Mayor, Councillor J Hill.*
- (b) *the nature of the conflict of interest as described by the Councillor:***  
*A. Gabrielli Constructions Pty Ltd donated to the Team Hill election campaign.*
- (c) *how the Councillors dealt with the perceived conflict of interest:***  
*The Councillors dealt with the conflict by disclosing the perceived conflict of interest and proposing to exclude themselves from the meeting throughout consideration of the item, but noted that this would leave the meeting without a quorum and therefore in reliance upon Section 173(6) of the Local Government Act 2009, remained in the meeting and participated in the discussion about and voting upon the item.*
- (d) *if the Councillor voted on the issue – how the Councillor voted:***  
*The Councillors voted as per the officer's recommendation.*
- (e) *how the majority of persons who were entitled to vote at the meeting voted on the matter.***  
*The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.*

***In accordance with section 173 of the Local Government Act 2009, Councillor V Coombe declared a perceived conflict of interest in regards to item 13.***

- (a) *the name of the councillor who have the perceived conflict of interest:***  
*Councillor V Coombe*
- (b) *the nature of the conflict of interest as described by the Councillor:***  
*Councillor Coombe is council's representative on the Dancenorth Board.*
- (c) *how the Councillor dealt with the perceived conflict of interest:***  
*The Councillor determined that she could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered her position and was of the opinion that she could participate in debate and vote on the matter in the public interest.*
- (d) *if the Councillor voted on the issue – how the Councillor voted:***  
*The Councillor voted as per the officer's recommendation.*
- (e) *how the majority of persons who were entitled to vote at the meeting voted on the matter.***  
*The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.*

***In accordance with section 172 of the Local Government Act 2009, Councillor M Ryder declared a material personal interest in regards to item 14.***

- (a) *the nature of the material personal interest as described by the Councillor:***  
*Sealink, Clean It and Townsville Bulletin are sponsors of the events that Councillor Ryder manages with her company Madmaggies Promotions.*
- (b) *how the Councillor dealt with the material personal interest:***  
*Councillor M Ryder vacated the chambers during discussion and voting on the item.*

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

*"that the committee recommendations to items 12 and 13 be adopted and that item 14 be dealt with separately."*

**CARRIED UNANIMOUSLY**



*Item 14 - Procurement Services - Sole suppliers and/or suppliers of specialised or confidential services list for 2017*

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

*"that the committee recommendation be adopted."*

**CARRIED UNANIMOUSLY**

## **12 Finance - Impairment of receivables referred for write-off 31 October 2016**

### **Executive Summary**

Council arrears are monitored on a regular basis and pursued through collection processes. Continuing assessments are being made to ensure council is compliant with *AASB 139 Financial Instruments: Recognition and Measurement* and receivables are impaired where objective evidence exists around their collectability.

Following the conclusion of collection processes, where necessary, recommendations are made to formally write off uncollectible receivables. A review of Townsville City Council's receivables has deemed \$42,977.38 unrecoverable and it is recommended these balances are written off.

These potentially at risk receivables have been specifically provided for in prior periods in the receivable impairment allowance account thus, the impact of their write-off will have no effect on Townsville City Council's current operating result. This does not preclude future recovery if opportunity presents to collect the receivable.

### **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) the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council approve the total write-off of \$42,977.38 in outstanding receivables as detailed in the attached write-off list.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 12 of the council minutes (page 9237) where council resolved that the committee recommendation be adopted.**

## **13 TCW00192 - School of Arts Building - Roof and Air Conditioning Upgrade Project**

### **Executive Summary**

The School of Arts ,constructed in 1891 is an important heritage listed building in regional Queensland history and works identified under its asset and conservation management plans include structural improvements, roof replacement , air conditioning system upgrades and replacement of the buildings main electrical switchboard. A suitably qualified building contractor is required to complete this construction work. The School of Arts is owned by council and occupied by Dancenorth and community radio station TripleT under community leases.

Council budgeted capital works in the 2016 / 2017 Financial Year to complete these much needed building improvements with completion of project works requiring the temporary relocation of Dancenorth to the Civic Theatre C2 rehearsal space from late December 2016 to end June 2017.

Due to the extent of works required all tender submissions received exceeded current approved funding for the works and additional funding is required to complete proposed building upgrades. It is proposed to source the additional funding from savings achieved in various Facility Masterplan Projects.

This report recommends the appointment of a builder for the School of Arts Roof and Air Conditioning Upgrade Project.

### **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 reallocation of funds in the 2016 / 2017 budget of \$378,000 to address the project funding shortfall from savings identified in the Facilities Masterplan and 103 Walker Street strong room projects.
3. That council award tender TCW00192 School of Arts Roof and Air Conditioning Upgrade Project to Jackson Semler Pty Ltd at a cost of \$1,079,513.64 (excluding GST).
4. That a contingency budget of \$75,000 (excluding GST) be approved for the provision of approved variations under the contract by delegation to the Chief Executive Officer.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 12 of the council minutes (page 9237) where council resolved that the committee recommendation be adopted.**

## **14 Procurement Services - Sole suppliers and/or suppliers of specialised or confidential services list for 2017**

### **Executive Summary**

It is a requirement of the *Local Government Regulation 2012* to:

- invite written quotations where the carrying out of works or the supply of goods and services involves costs greater than \$15,000 in a financial year or over the proposed term of the contractual arrangement.
- Invite tenders where the carrying out of works or the supply of goods and services involves costs greater than \$200,000 in a financial year, or over the proposed term of the contractual arrangement.

Additionally Council's Procurement Policy contains provisions regarding obtaining quotations for amounts less than \$15,000 and the process for when quotes cannot be sought.

The *Local Government Regulation 2012* acknowledges that there are instances where it will not always be possible to meet the requirements of seeking quotes from the required number of suppliers, or the calling of tenders, and provides a number of exceptions to manage these instances.

Corporate Procurement has coordinated this report to enable a register of sole suppliers and suppliers of specialised or confidential services to be established and to ensure that legislative requirements are met.

### **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 these suppliers as listed in Attachment 1 are sole suppliers and/or suppliers of specialised or confidential services for the 2017 calendar year.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 12 of the council minutes (page 9238) where council resolved that the committee recommendation be adopted.**

**Townsville Water and Waste Committee**

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

*"that the committee recommendations to item 16 be adopted and that item 15 be dealt with separately."*

**CARRIED UNANIMOUSLY**

*Item 15 - Townsville Water and Waste - Waste Management Facility Options*

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

*"that the committee recommendation 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.*

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

*Councillor Ryder indicated that there is a lot of vacant bush land in this area and for the lazy people her fear factor is they will start to do more illegal dumping. This is a major concern.  
Councillor Ryder indicated that she also does not support the reduction of hours at the Hervey range waste facility, as she feels there will be an increase in usage from the closure of Jensen.*

**15 Townsville Water and Waste - Waste Management Facility Options**

**Executive Summary**

Townsville City Council's landfills only have a finite amount of capacity before they are consumed. The current active landfill cells at the Hervey Range and Jensen Waste Management Facilities are expected to reach capacity during the 2017/2018 financial year.

The closure of landfill cells at the Hervey Range and Jensen sites has significant financial and operational implications for council.

This report seeks to examine the financial impacts, and associated operational issues, through an assessment of various operating models that could be implemented following the completion of the current cells at Hervey Range and Jensen Waste Management Facilities.

**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; and

2. That council resolve to close the Jensen Waste Facility completely to the public when the current cell reaches capacity.
3. That council resolve to reduce the opening hours at the Hervey Range Waste Facility from 6:30am – 6:00pm to 7:00am – 5:00pm, seven days per week. This will result in the total weekly hours reducing by 10.5 hours, from 80.5 hours to 70 hours per week.
4. That council resolve to continue operating the Stuart Waste Facility from 6:30am – 6:00pm seven days per week.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 15 of the council minutes (page 9241) where council resolved that the committee recommendation be adopted.**

### **16 Townsville Water and Waste - Submission of Tender for the Provision of Waste Management Services**

#### **Executive Summary**

Townsville Waste Services intends to submit a Tender for the Provision of Waste Management Services in the North Queensland area.

This report summarises the requirements of the contract and the feasibility of the investment.

#### **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; and
2. That Townsville Waste Services submit a tender for the Provision of Waste Management Services at the locations specified in the tender documents.
3. Council delegate authority to the Chief Executive Officer to enter into the contractual arrangements for the provision of services should the tender submission be successful.

#### **Committee Recommendation**

That this item be referred to the next Ordinary Council meeting for further consideration.

#### **Council Decision**

**Refer to resolution preceding item 15 of the council minutes (page 9241) where council resolved that the committee recommendation be adopted.**

## Officers Reports

### Planning and Community Engagement

#### 17 Planning - Criterion Hotel Submission Results

##### Executive Summary

A proposal to remove The Criterion Hotel from "Schedule 7 – Places of cultural heritage value" ("Schedule 7") in the Townsville City Plan was received by council. Public consultation was undertaken in which online submissions were invited from members of the public, giving their opinions as to whether the proposal should or should not be approved.

The public consultation period ended on 14 October 2016. An analysis of the responses received by council indicates that:

- approximately 57% of respondents would like The Criterion Hotel to be *retained* on Schedule 7, and
- approximately 40% support the proposal to *remove* The Criterion Hotel from Schedule 7.

The Criterion Hotel has been identified by council as a fine example of an early 20<sup>th</sup> century hotel and is an aesthetically distinctive landmark building that contributes to the streetscape of The Strand. The majority of public submissions also value its cultural heritage significance and accordingly it is not recommended that council remove the place from Schedule 7 – Places of cultural heritage value of the Townsville City Plan.

##### Officer's Recommendation

That council refuse the application to remove The Criterion Hotel from Schedule 7 - Places of cultural heritage value of the Townsville City Plan.

##### Council Decision

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

"that the officer's recommendation 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.

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

##### **Reasons Against**

Councillor M Ryder indicated that the Griffin Group/Family also have history in Townsville and from listening to the presentation Councillor Ryder firmly believes they have the interest of Townsville at heart and although they are proposing to knock down the building they spoke about keeping the history and heritage by way of signage and other ways. Councillor Ryder indicated that she believes they have interest at heart and history will still be there although there won't be a hotel.

Councillor C Doyle and Councillor M Soars indicated that they agree with Councillor Ryder's comments

## 18 Ordinary Council and Committee Meeting Schedule - 2017

### Executive Summary

In accordance with Section 277(1) of the *Local Government Regulation 2012*, council is required on an annual basis to publish in a newspaper circulating generally in its area a notice of the days and times when its Ordinary meetings and Standing Committees will be held.

Council meetings are currently held on the fourth Tuesday of each month, with the Standing Committees being held across the two (2) weeks preceding the Ordinary Council Meeting.

All meetings are held at the Administration Building located at 103 Walker Street, Townsville.

### Officer's Recommendation

1. That all Ordinary Council and Standing Committee meetings be held at council's public office located at 103 Walker Street, Townsville.
2. That council, in accordance with Section 277(1) of the *Local Government Regulation 2012*, adopt and publicly notify the following schedule of Ordinary Council and Standing Committee meetings for the months January to December 2017:

2017 Council and Committee Meeting Calendar		
Date	Time	Council/Committee
24 January 2017	1.00 pm	Ordinary Council
14 February 2017	9.00 am	Infrastructure Services Committee
14 February 2017	11.00 am	Planning and Development Committee
15 February 2017	9.00 am	Community Health and Environment Committee
15 February 2017	11.00 am	Community and Cultural Development Committee
20 February 2017	9.00 am	Governance and Finance Committee
20 February 2017	11.00 am	Townsville Water and Waste Committee
28 February 2017	1.00 pm	Ordinary Council
14 March 2017	9.00 am	Infrastructure Services Committee
14 March 2017	11.00 am	Planning and Development Committee
15 March 2017	9.00 am	Community Health and Environment Committee
15 March 2017	11.00 am	Community and Cultural Development Committee
20 March 2017	9.00 am	Governance and Finance Committee
20 March 2017	11.00 am	Townsville Water and Waste Committee
28 March 2017	1.00 pm	Ordinary Council
11 April 2017	9.00 am	Infrastructure Services Committee
11 April 2017	11.00 am	Planning and Development Committee
12 April 2017	9.00 am	Community Health and Environment Committee
12 April 2017	11.00 am	Community and Cultural Development Committee
13 April 2017	9.00 am	Governance and Finance Committee
13 April 2017	11.00 am	Townsville Water and Waste Committee
26 April 2017	1.00 pm	Ordinary Council
9 May 2017	9.00 am	Infrastructure Services Committee
9 May 2017	11.00 am	Planning and Development Committee
10 May 2017	9.00 am	Community Health and Environment Committee
10 May 2017	11.00 am	Community and Cultural Development Committee
15 May 2017	9.00 am	Governance and Finance Committee
15 May 2017	11.00 am	Townsville Water and Waste Committee
23 May 2017	1.00 pm	Ordinary Council
13 June 2017	9.00 am	Infrastructure Services Committee
13 June 2017	11.00 am	Planning and Development Committee

<b>2017 Council and Committee Meeting Calendar</b>		
<b>Date</b>	<b>Time</b>	<b>Council/Committee</b>
14 June 2017	9.00 am	Community Health and Environment Committee
14 June 2017	11.00 am	Community and Cultural Development Committee
19 June 2017	9.00 am	Governance and Finance Committee
19 June 2017	11.00 am	Townsville Water and Waste Committee
27 June 2017	1.00 pm	Ordinary Council
11 July 2017	9.00 am	Infrastructure Services Committee
11 July 2017	11.00 am	Planning and Development Committee
12 July 2017	9.00 am	Community Health and Environment Committee
12 July 2017	11.00 am	Community and Cultural Development Committee
17 July 2017	9.00 am	Governance and Finance Committee
17 July 2017	11.00 am	Townsville Water and Waste Committee
25 July 2017	1.00 pm	Ordinary Council
8 August 2017	9.00 am	Infrastructure Services Committee
8 August 2017	11.00 am	Planning and Development Committee
9 August 2017	9.00 am	Community Health and Environment Committee
9 August 2017	11.00 am	Community and Cultural Development Committee
14 August 2017	9.00 am	Governance and Finance Committee
14 August 2017	11.00 am	Townsville Water and Waste Committee
22 August 2017	1.00 pm	Ordinary Council
12 September 2017	9.00 am	Infrastructure Services Committee
12 September 2017	11.00 am	Planning and Development Committee
13 September 2017	9.00 am	Community Health and Environment Committee
13 September 2017	11.00 am	Community and Cultural Development Committee
18 September 2017	9.00 am	Governance and Finance Committee
18 September 2017	11.00 am	Townsville Water and Waste Committee
26 September 2017	1.00 pm	Ordinary Council
10 October 2017	9.00 am	Infrastructure Services Committee
10 October 2017	11.00 am	Planning and Development Committee
11 October 2017	9.00 am	Community Health and Environment Committee
11 October 2017	11.00 am	Community and Cultural Development Committee
16 October 2017	9.00 am	Governance and Finance Committee
16 October 2017	11.00 am	Townsville Water and Waste Committee
24 October 2017	1.00 pm	Ordinary Council
14 November 2017	9.00 am	Infrastructure Services Committee
14 November 2017	11.00 am	Planning and Development Committee
15 November 2017	9.00 am	Community Health and Environment Committee
15 November 2017	11.00 am	Community and Cultural Development Committee
20 November 2017	9.00 am	Governance and Finance Committee
20 November 2017	11.00 am	Townsville Water and Waste Committee
28 November 2017	1.00 pm	Ordinary Council
29 November 2017	9.00 am	Infrastructure Services Committee
29 November 2017	11.00 am	Planning and Development Committee
30 November 2017	9.00 am	Community Health and Environment Committee
30 November 2017	11.00 am	Community and Cultural Development Committee
4 December 2017	9.00 am	Governance and Finance Committee
4 December 2017	11.00 am	Townsville Water and Waste Committee
12 December 2017 (3 <sup>rd</sup> Tuesday)	1.00 pm	Ordinary Council



## **Council Decision**

**It was MOVED by the Mayor, Councillor J Hill, SECONDED by Councillor M Molachino:**

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

## **19 Community Engagement - Overlanders Way Face to Face Meeting - Mount Isa - 30 January 2017**

### **Executive Summary**

Councillor M Ryder is seeking approval to attend the Overlanders Way Face to Face meeting scheduled to be held in Mount Isa on 30 January 2017.

Councillor Ryder is council's representative on the Overlanders Way Tourism Group.

### **Officer's Recommendation**

1. That council approve the attendance of Councillor M Ryder at the Overlanders Way Face to Face meeting in Mount Isa on 30 January 2017.
2. In accordance with section 162(1)(e) of the *Local Government Act 2009*, leave of absence be granted to Councillor M Ryder for 30 January 2017.

## **Council Decision**

**It was MOVED by Councillor A Greaney, SECONDED by Councillor V Coombe:**

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

## **20 P&CE Community Safety Advisory Committee**

### **Executive Summary**

A public Expression of Interest process seeking nominations to become a member of the new Community Safety Advisory Committee has taken place. Following this a process of direct invitation occurred to ensure the Committee had the necessary representation so as to fulfil its purpose and responsibilities.

Draft Terms of Reference have been prepared and will be presented at the first meeting of the new Community Safety Advisory Committee for their ratification and endorsement (Attachment 1).

All applications were assessed by Councillors and council officers. Written expressions of interest were obtained from each direct invitation. The recommended committee membership below comprises of both applicants and direct invitations (Attachment 2).

This report is seeking Council approval of the recommended membership.

## Officer's Recommendation

1. That council approve the following membership of the Community Safety Advisory Committee.

No. (not rank)	Community Safety Advisory Committee Membership
1	Queensland Police Service
2	Queensland Correctional Services - Probation
3	Townsville Youth Justice – Service Centre
4	Victim Assist Queensland
5	Crime Stoppers – Townsville Area Volunteer Committee
6	Department of Education and Training
7	Department of Communities, Child Safety and Disability Services
8	Department of Housing and Public Works (Housing and Homelessness Services)
9	Department of Aboriginal and Torres Strait Islander Partnerships
10	Community Representative
11	Townsville State High School
12	Centacare North Queensland
13	Queensland Fire and Emergency Services
14	Alcohol Tobacco and other Drug Services (ATODS)
15	Townsville Hospital Health Service
16	Chamber of Commerce
17	James Cook University

2. That council approve the Community Safety Advisory Committee Terms of Reference.

## Council Decision

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

- "1. That council approve the following membership of the Community Safety Advisory Committee.

No. (not rank)	Community Safety Advisory Committee Membership
1	Queensland Police Service
2	Queensland Correctional Services - Probation
3	Townsville Youth Justice – Service Centre
4	Victim Assist Queensland
5	Crime Stoppers – Townsville Area Volunteer Committee
6	Department of Education and Training
7	Department of Communities, Child Safety and Disability Services
8	Department of Housing and Public Works (Housing and Homelessness Services)
9	Department of Aboriginal and Torres Strait Islander Partnerships
10	Community Representative
11	Community Representative
12	Centacare North Queensland
13	Queensland Fire and Emergency Services
14	Alcohol Tobacco and other Drug Services (ATODS)
15	Townsville Hospital Health Service
16	Chamber of Commerce
17	Community Representative

2. That officer's recommendation no 2 be adopted."

**CARRIED UNANIMOUSLY**

**Councillor R Cook commended Verity Bennett, Community Programs Coordinator for her work on the Community Safety Advisory Committee.**

## **Business Services**

### **21 Budget Variance Report - Whole of Council - November 2016**

#### **Executive Summary**

On behalf of the Chief Executive Officer, the Chief Financial Officer will present and discuss the Budget Variance Report for the whole of council for November 2016, pursuant to section 204 of the *Local Government Regulation 2012*.

The Chief Financial Officer will circulate separately to the Agenda the Budget Variance Report for the whole of council for November 2016.

#### **Officer's Recommendation**

That council note the financial report for November 2016 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation 2012*.

#### **Council Decision**

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

### **22 Finance - Treasury Report - November 2016**

#### **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 November 2016 and the information contained therein.

#### **Council Decision**

**It was MOVED by Councillor V Coombe, SECONDED by Councillor K Rehbein:**

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

**Council agreed to change the order of business to consider items 28 and 29 as the next items of business.**

### **28 Australian Concerto and Vocal Competition - Council representative**

#### **Executive Summary**

Mr Cris Dall'Osto, President of the Australian Concerto and Vocal Competition has written to council inviting Councillor Kurt Rehbein to join the competition's management committee.

## Officer's Recommendation

That approval be given for Councillor Kurt Rehbein to accept a position on the management committee of the Australian Concerto and Vocal Competition.

## Council Decision

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

## 29 MI13/0020 - Preliminary Approval for Development in Accordance with a Plan of Development for Residential & Open Space Land Use - 829 Brabon Road Beach Holm (Sanctum West)

### Executive Summary

A Development Application for Preliminary Approval for Material Change of Use (Impact Assessment) to vary the effect of the City of Thuringowa Planning Scheme 2003 in accordance with Section 242 of the *Sustainable Planning Act 2009* has been received from Maidment Land Pty Ltd, C/- Brazier Motti. The development application is to facilitate a residential development (Sanctum West) under a Plan of Development at 829 Brabon Road, Beach Holm. The application, through the establishment of a Sanctum West Plan of Development, will facilitate development of residential allotments and open space planning areas.

The development is considered to be a logical extension to the existing Sanctum East and will extend to the natural environmental border of the Black River. In giving appropriate weight and consideration to the provisions of the Townsville City Plan, it was identified that the proposed development, although not consistent with the Strategic Framework, will only advance the development anticipated by the Townsville City Plan by a possible 10 years. As such, the development is not perceived to place an excessive infrastructure burden on council by bringing forward infrastructure costs, though there will be some cost increase. Overall there is limited conflict with the Thuringowa Planning Scheme 2003 and where minor conflicts have arisen, reasonable and relevant conditions have been placed on the approval accordingly.

### Officer's Recommendation

That council approve application MI13/0020 for a Preliminary Approval for Development in Accordance with a Plan of Development for residential allotments and open space planning areas under section 243 of the *Sustainable Planning Act 2009* on Property Assessment No. 10202001, Beach Holm subject to the following conditions –

#### 1. Site Layout

- a) The proposed development must generally comply with drawing(s) as referenced in the table below and attached as stamped "Approved Subject to Conditions", except as otherwise specified by any condition of this approval.

DRAWING NAME	DRAWING No.	JOB No.	PLAN DATED
Map 1 Structure Plan	29690/007 B	29690/1-1	14 October, 2016
Map 2 Neighbourhood Master Plan	29690/013 C	29690/1-1	14 October, 2016
Map 3 Residential Staging Plan	29690/012 E	29690/1-1	18 June 2014
Map 4 Open Space Master Plan	29690/014 B	29690/1-1	14 October, 2016

<b>PLAN OF DEVELOPMENT</b>
Sanctum West Plan of Development (20 October 2016)
<b>REPORTS</b>
Conceptual Stormwater Quality Management Plan (Report No: PLD100/R02-A, dated 11 December 2012) prepared by UDP Consulting Engineers
Preliminary Traffic and Transport Impact Assessment - Report No. TMAI001, Revision A dated 17 December 2013, prepared by UDP Horman Traffic
Sanctum West Flood Study and Mitigation Options Report (with Ref No. 60310494, prepared by AECOM dated 18 December 2013)

- b) The proposed development must comply with all conditions of this approval prior to commencement of the use.
- c) The recommendations outlined in the above reports must be implement prior to the commencement of the use.

**2. General**

The Material Change of Use (Preliminary Approval override the planning scheme) relates to the change in the planning designation from the Rural Planning Area, sub-area Rural 40 to use rights in accordance with the Residential Planning Area and Open Space Planning area of the City of Thuringowa Planning Scheme 2003, or where outlined in the Sanctum West Plan of Development (20 October 2016) to comply with the provisions of the Townsville City Plan (2014). Any subsequent development applications will be assessed against the Plan of Development and the applicable provisions of the Townsville City Plan (2014), or as amended, for the areas outlined on Map 1 Structure Plan, No. 29690/007 B, dated 14 October 2016, except where varied by the conditions of this approval.

**3. Amended Structure Plan**

- a) Map 1 Structure Plan, No. 29690/007 B, dated 14 October 2016, prepared by Brazier Motti is conceptual only. Further detailed planning will be required to determine and approve the final layout of the residential development as part of subsequent reconfiguration applications. Additional studies will be required as part of the conditions of this approval and the subsequent approval process. As part of the submission and acceptance of additional studies, an updated Structure Plan must be submitted to Council for approval.
- b) Map 1 Structure Plan, No. 29690/007 B, dated 14 October 2016, prepared by Brazier Motti must be amended to reflect the existing electricity easement along with any future easement within the site. The location of residential development must be outside of any buffer area required by Powerlink in accordance with the Advice Agency response dated 10 July 2013.

**4. Delivery of Development Infrastructure**

The developer must provide all necessary internal infrastructure prior to and post the development site being included in Council's Priority Infrastructure Area (PIA).

Further, the developer must provide all necessary trunk infrastructure prior to the site being included in Council's PIA.

After the inclusion of any part of the development site into Council's PIA, required trunk infrastructure for water, wastewater, roads and open space for that area will be provided by council subject to inclusion into council's capital works program.

Where trunk infrastructure is required by the developer in advance of council's capital works program, the developer must enter into a formal agreement for the trunk infrastructure works to be constructed.

## **5. Water and Sewerage Supply**

- a) The developer must construct all water and sewer reticulation infrastructure required to service the development to be serviced by reticulated water supply and sewerage at the cost of the developer in accordance with Council's current standards.
- b) The developer must carry out water supply works and sewerage works (i.e. necessary network infrastructure upgrades) external to the development to connect the premises to Council's existing water supply at a point where sufficient capacity exists to service the premises, all to the requirements and satisfaction of Council.

## **6. Internal Road Network**

- a) The internal road network will be subject to detailed design assessment in terms of the primary function of each type of road that influences driver behaviour, speeds, access, acoustic environment and traffic volumes that are appropriated to that function as part of subsequent reconfigurations stages over the subject land.
- b) The internal road network must provide carriageways that satisfactorily permit the movement of all Public Transport vehicles and comply with a minimum of 90% of all lots being located within 400m walking distance of Public Transport.
- c) The design of future road carriageways designated as public transport route must be provided to satisfactorily permit the movement of all Public Transport vehicles. Similarly, adequate bus set down areas must be provided along the public transport route (excluding shelters) in accordance with Council's current requirements.

## **7. External Road Connections**

- a) The developer must provide all road infrastructure including necessary road network upgrades required to connect the relevant stage of development with existing Council road infrastructure.
- b) The roads must be of a cross section required to accommodate the expected traffic in accordance with Council current standards or such other standard that may be agreed between Council and the developer.

## **8. Traffic Impact Assessment**

For each subsequent development application for Reconfiguring a Lot over the subject land, the developer must prepare and submit a stage specific Traffic Impact Assessment in accordance with Council's current requirements and generally in accordance with the Preliminary Traffic and Transport Impact Assessment - Report No. TMAI001, Revision A dated 17 December 2013, prepared by UDP Horman Traffic that identifies the following but not limited to:

- Internal road requirements e.g. appropriate function and characteristics of proposed road hierarchy, LATM provisions, typical road cross sections etc.;
- A detailed assessment of impacts onto existing road network; and
- Any necessary road network infrastructure upgrade.

## **9. Stormwater Drainage**

- a) Prior to the approval of any subsequent development application for Reconfiguring a Lot, an overall master drainage study must be undertaken for the subject site. This study, which must also include an assessment of inflows from catchments other than the subject site, must be submitted to Council for approval.

- b) Designs for stormwater drainage associated with the approved development must be in accordance with Council's adopted standards.
- c) All external catchments discharging to the subject site must be accepted and accommodated within the development's stormwater drainage system.
- d) The development and use must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.
- e) The developer must construct such work as is necessary to ensure that there is no concentration of, or increase in levels or velocities of stormwater discharged to lands owned by others.

#### **10. Stormwater Quality Management**

- a) Prior to the approval of any subsequent development application for Reconfiguring a Lot, a stage specific stormwater quality management plan (SQMP) must be submitted to and be accepted by Council. The SQMP must be prepared by a suitably qualified person.

In particular, the SQMP must adopt the Council's current stormwater quality strategy and policy and the Conceptual Stormwater Quality Management Plan (Report No: PLD100/R02-A, dated 11 December 2012) prepared by UDP Consulting Engineers.

- b) 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 council Development Specifications.

#### **11. Flooding**

- a) All lots created by this development must be constructed to be above the defined flood level (i.e. 1% AEP Defined Flood Event) in accordance with Council's standards.
- b) Prior to the approval of any subsequent development application for Reconfiguring a Lot, the developer must prepare and submit a hydraulic report in accordance with Council's current requirements and as per the Sanctum West Flood Study and Mitigation Options Report (with Ref No. 60310494, prepared by AECOM dated 18 December 2013) that:
  - Determines required development levels;
  - Identifies the works required to achieve this level of immunity; and
  - Demonstrates that the works have no impact on flooding of surrounding lots.
- c) The developer must carry out necessary flood mitigating works as recommended and outlined in the Sanctum West Flood Study and Mitigation Options Report prepared by AECOM dated 18 December 2013.

##### Advisory Notes:

- *While Council acknowledges the benefits of adopting flood mitigation Option 2 (Drain with outlet directly to the Black River north of the site) of the above report, further refinement to the proposed strategy is required for the results of the modelling also suggests minor increase in flood levels adjacent to Coutts Drive and Jamaica Crescent in Bushland Beach.*
- *Furthermore, it is noted that the above report contains layout plans that are inconsistent with the development layout represented for Option 2.*

## 12. Noise Mitigation

- a) Prior to the approval of any subsequent development application for Reconfiguring a Lot, a Noise Impact Assessment report must be submitted to Council for approval.
- b) The assessment must ensure the acoustic impacts associated with road traffic on the North Shore Boulevard extension and Svensson Road, and surrounding land uses, (both existing and proposed) are at acceptable noise levels for all noise sensitive places within the subject site for the approved development.
- c) The detailed acoustic report referred to in Condition 12 (a) must provide recommended noise mitigation solutions and must be approved by Council prior to the approval of any subsequent reconfiguration applications over the subject land or as varied and approved by Council.

## 13. Vegetation Management Master Plan

The developer must submit a vegetation management plan (VMP) for each stage of reconfiguration / or an overall VMP for the subject land which must be approved by Council prior to the approval of subsequent reconfiguration applications and include the following –

- a) Detail the existing vegetation that can be retained within existing creek lines, proposed open space areas and within the residential designated land;
- b) Detail the areas that are proposed to be cleared as part of the residential development; and
- c) Detail the existing creek lines that are proposed to be rehabilitated via weed removal and additional native plantings in terms of a planting schedule and maintenance period.

*Note: The vegetation management plans can be submitted by the developer for each stage of reconfiguration or an overall master plan can be submitted for the approved of Council.*

## 14. Open Space Master Plan

The developer is required to submit, for Council approval, a more detailed Open Space Master Plan addressing the full range of open space requirements for the development area. The Open Space Master Plan must address the following:

- Provision guidelines for recreational open space as follows:

Local recreation	1.0ha/1000 persons
District recreation	0.4ha/1000 persons
District sport	1.2ha/1000 persons
- Any land provisions will need to be fit for purpose and capable of being fully developed in accordance with the requirements of the Plan of Development and the Development Manual.
- The Plan must also consider other types of open space such as link parks, environmental areas, and drainage/flood-prone areas in addition to the above.
- The Open Space Master Plan must be consistent with the Pedestrian and Bicycle Network Plan and the Black River Environmental Management and Rehabilitation Plan.
- The Open Space Master Plan must include conceptual landscape development plans for proposed open space and other significant landscape works.
- Infrastructure charges offsets will only be applicable to parks identified as trunk parks (having a district role) that meet the criteria for a district park in accordance with the priority infrastructure plan definitions.



- The Open Space Master Plan must be submitted to council, for approval, as part of the Reconfiguration of Lot application for the first stage of development.

#### 15. Pedestrian and Bicycle Network

The developer is required to submit to council, for approval, a Pedestrian and Bicycle Network Plan addressing the provision of linkages within the entire development site and external connections to adjacent areas. The plan must illustrate a network of paths providing safe and convenient access for pedestrians and cyclists and must be submitted as part of the Reconfiguration of Lot application for the first stage of development.

#### 16. Black River Environmental Management and Rehabilitation Plan

A minimum 100 metre buffer from the defined bank of the Black River *or otherwise agreed by Council* must be provided as part of the approved development to protect the existing riparian vegetation and habitat linkages.

An environmental management and rehabilitation plan must be submitted and approved by Council for the protection and management of the environmental corridor (Black River) passing through the subject land. The rehabilitation management plan must include, but not be limited to, the following minimum requirements:

- A detailed description of the environmental values of the site, including the physical and biological condition of the site;
- A detailed assessment of environmental weeds present on the site;
- A detailed weed management program;
- A detailed rehabilitation plan addressing the revegetation of any disturbed or eroding areas, and the enhancement and rehabilitation of habitat utilising local native plant species;
- The removal of any accumulation of rubbish, car bodies, building materials and the like, from the site;
- Methods to manage unauthorised vehicular access.
- A description of the future monitoring, management and protection of revegetation and rehabilitation works.
- The environmental management and rehabilitation Plan must be submitted to council, for approval, as part of the Reconfiguration of Lot application for the first stage of development.

#### Concurrence Agency Conditions – Department of State Development, Infrastructure and Planning

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of State Development, Infrastructure and Planning advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use subject to conditions, as attached. The applicant must comply with the Department of State Development, Infrastructure and Planning conditions as outlined in the Department's correspondence dated 15 December 2014.

#### Concurrence Agency Conditions – The Department of Environment Protection Agency

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of State Development, Infrastructure and Planning advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use subject to conditions, as attached. The applicant must comply with the Department of State Development, Infrastructure and Planning conditions as outlined in the Department's correspondence dated 5 November 2014.

## Advice Agency – Ergon Energy

Pursuant to Section 292 of the *Sustainable Planning Act 2009*, Ergon Energy advises that it has no objection to Townsville City Council issuing a Preliminary Approval for Material Change of Use, as attached.

### ADVICE

#### 1. Infrastructure Charges

In accordance with Council's infrastructure charges resolution that is current at the time of payment, the developer must contribute towards (but not limited to) the provision of the following infrastructure for the subsequent development approvals over the subject land.

**Advice Note:** *When Council has adopted a Priority Infrastructure Plan (PIP) for relevant infrastructure charges associated with the subsequent lodgement of development applications over the subject lands then charges will be applied in accordance with the PIP at the time of payment.*

#### 2. Limitation of Approval

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. In so far 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 indemnity and save the council harmless in respect of any claim so arising.

### Council Decision

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

**The order of business resumed.**

## Confidential Items

**It was MOVED by Councillor C Doyle, SECONDED by Councillor A Greaney:**

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

- Section 275(1) (c) the local government's budget (Item 23);
- Section 275(1) (e) contracts proposed to be made by it (Items 24, 25 and 26); and
- Section 275(1) (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage (Item 27)."

**CARRIED UNANIMOUSLY**

The council discussed the items.

**It was MOVED by Councillor C Doyle, SECONDED by Councillor A Greaney:**

"that council RESOLVE to open the meeting."

**CARRIED UNANIMOUSLY**

## **23 Engineering Services - Aplin Street Off-Street Parking Charges**

### **Executive Summary**

In June 2016, council agreed to extend the paid parking areas within the Central Business District (CBD). One of the areas recommended for inclusion in the paid parking area was the Aplin Off-Street Car Park beside Ross River.

The Aplin Street Off-Street Car Park is partly leased through Queensland Rail under the purpose of unpaid parking. Agreement from Queensland Rail to change the purpose of the unpaid parking area leased in Aplin Street was requested. This report provides information on Queensland Rail's decision and council's recommendation.

### **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 agree to remove the Aplin Off-Street Car Park beside Ross River from the paid parking area.

### **Council Decision**

**It was MOVED by Councillor L Walker, SECONDED by Councillor K Rehbein:**

"that this item be referred back to the Chief Executive Officer and a report be provided to the January Ordinary Council meeting".

**CARRIED UNANIMOUSLY**

## **24 Townsville Water and Waste - Paluma Water Treatment Expression of Interest**

### **Executive Summary**

The Paluma township is part of Townsville City Council's declared water supply area. Council is required to provide safe and reliable potable water in declared water areas. The water quality of the current Paluma water supply does not meet the requirements of the *Australian Drinking Water Quality Guidelines 2011*.

Council resolved at its meeting of 25 August 2015, in principle, that a water treatment plant is to be installed at Paluma. The current proposed water treatment plant upgrade design is not affordable at this time, and further upgrade solutions need to be explored through an Expression of Interest process.

### **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 that it is in the public interest to call for Expressions of Interest for the supply of a safe and reliable water treatment solution for the Paluma township.

### **Council Decision**

**It was MOVED by Councillor M Ryder, SECONDED by Councillor P Jacob:**

- "1. that the officer's recommendation 1 be adopted; and
2. that council resolve that it is in the public interest to call for Expressions of Interest for the supply of a safe, affordable and reliable water treatment solutions for the Paluma township."

**CARRIED UNANIMOUSLY**

## **25 Townsville Water and Waste - Submission of Tender for the Provision of Waste Management Services**

### **Executive Summary**

Townsville Waste Services intends to submit a Tender for the Provision of Waste Management Services in the North Queensland area.

This report summarises the requirements of the contract and the feasibility of the investment.

### **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; and
2. That Townsville Waste Services submit a tender for the Provision of Waste Management Services at the locations specified in the tender documents.
3. Council delegate authority to the Chief Executive Officer to enter into the contractual arrangements for the provision of services should the tender submission be successful.

## Council Decision

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

In accordance with section 173 of the *Local Government Act 2009*, Councillor L Walker and the Mayor, Councillor J Hill declared a perceived conflict of interest in regards to item 26.

- (a) **the name of the councillors who have the perceived conflict of interest:**  
Councillor L Walker and the Mayor, Councillor J Hill
- (b) **the nature of the conflict of interest as described by the Councillor:**  
Councillor L Walker and the Mayor, Councillor J Hill have shares in Telstra.
- (c) **how the Councillors dealt with the perceived conflict of interest:**  
The Councillors determined that they could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered their position and was of the opinion that they could participate in debate and vote on the matter in the public interest.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**  
The Councillors voted as per the officer's recommendation.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**  
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

## 26 TOW00044 Managed Communication, Mobile, Network, Security and Computer Services Tender

### Executive Summary

Council's previous telecommunication contract expired in early 2015, with services continuing since then on an ad hoc basis. In addition, a number of council's Information Technology foundational systems do not readily allow for improvements in digital service delivery and take advantage of web enabled, mobile and cloud based solutions.

Council has to date generally, like many organisations, taken a very hands-on role with the management and delivery of Information Technology and related services. In part, this has been due to the need to retain skillsets and expertise in the local area and to ensure that service standards can be properly maintained. Also the geographic remoteness and comparatively small local market has limited the availability of local service support. With changes in technology and connectivity many of these drivers need to be reconsidered.

In recent times there have been significant changes in technology have driven changes in the way the industry operates and the expectations of council, its staff and community. Many of these changed expectations are reflected in the Nous Report and the direction for Council being set through the Transformation programme.

These changes include an expectation for more digital services offered online, more mobility for staff and the community and a simpler and faster approach to deploying new digital services. For council to be able to deliver on these expectations there are a number of foundations that are required that are not currently in place. Some of these required foundations include a security posture that supports a defence in depth approach allowing for rapid deployment of new software and the easy integration of new solutions. It requires mobile device management so that phones and tablets can have software, updates and security requirements managed centrally to ensure that they operate efficiently and are up to date. It requires integrating video into our phone system and upgrading our connections to our remote sites so that we can better manage them remotely.

In addition to the need for these additional foundations, it is timely for council to take advantage of advancements in the market through the use of managed services. This allows council to rely on experienced vendors that specialise in delivering managed services to provide many of our modern commodity requirements. This allows council to retain local capability in the high value, more complex and Council specific service areas, while taking advantage of greater economies of scale through managed service providers.

As such council went to market seeking a partner or partners to deliver services, on a managed services basis. The scope of these services was expanded beyond the previous approach to accommodate these new foundational requirements. This approach is in line with recent industry practice and the approach being adopted in other councils'. These requirements were grouped into a series of severable service lots. These Service Lots were:

- Lot 1: Fixed Voice Services
- Lot 2: Mobile Voice and Data Services
- Lot 3: Network and Security Services – this was subsequently separated into Lot 3a Managed Network and Lot 3b Managed Security
- Lot 4: Compute Services – this Lot was subsequently removed from scope in light of the commitment to the North Queensland Regional Data Centre
- Lot 5: Managed Print Services

Following an initial capability based Request for Tender, shortlisted parties were asked to submit a more detailed and costed Request for Tender (Phase 2). Parties were then again shortlisted and asked to provide a Best and Final Offer (BAFO).

This report recommends the appointment of organisations to provide Managed Services in Lots 1, 2, 3a, 3b and 5.

#### **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 and award tender TOW00044 Managed Communication, Mobile, Network, Security and Compute Services - Lots 1,2, 3a and 3b; to Optus at an estimated cost over five years of \$18,000,000 (excluding GST).
3. That council approve and award tender TOW00044 Managed Communication, Mobile, Network, Security and Compute Services - Lot 5; to Copiers Excellence Pty Ltd, local agent to Fuji Xerox at an estimated cost over five years of \$2,099,333 (excluding GST).
4. That council delegate authority to the Chief Executive Officer to finalise negotiation and contractual terms and enter into appropriate contracts to give effect to these recommendations. Key negotiating terms to include market retesting of key services to market after three years, level of onsite support, implementation timelines, appropriate utilisation and fees for use of council's fibre assets and final services pricing.

#### **Council Decision**

**It was MOVED by Councillor P Jacob, SECONDED by Councillor V Coombe:**

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

## 27 Finance - Auditor General's Observation Report - Financial Statements - 2015/16

### Executive Summary

Financial statements must be audited and for the 2015/16 financial year the audit was undertaken by PriceWaterhouseCoopers (PwC) on behalf of the Queensland Audit Office (QAO). Section 54 of the *Auditor-General Act 2009* enables PwC to prepare a final audit report containing observations and suggestions about anything arising out of the audit. Where those observations or suggestions require further attention PwC is required to provide a copy of the report to the Mayor.

Under the provisions of Section 213 of the *Local Government Regulation 2012* (the Regulation) this report is known as the **auditor-general's observation report** and it must be presented to the next ordinary meeting of Council.

The report is provided for noting.

### 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) the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council note the contents of the Auditor General's Observation Report with respect to the preparation of financial statements 2015/16.

### Council Decision

It was **MOVED** by the Mayor, Councillor J Hill, **SECONDED** by Councillor M Molachino:

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

The Mayor, Councillor J Hill thanked Kerry Phillips, General Manager Finance and staff for their work on the above item.

## 28 Australian Concerto and Vocal Competition - Council representative

Refer to resolution following item 22 of the Council Minutes (page 9248) where council agreed that item 28 be considered after item 22.

Refer page 9248 of the Council Minutes for item 28 Australian Concerto and Vocal Competition - Council representative.

## 29 MI13/0020 - Preliminary Approval for Development in Accordance with a Plan of Development for Residential & Open Space Land Use - 829 Brabon Road Beach Holm (Sanctum West)

Refer to resolution following item 22 of the Council Minutes (page 9248) where council agreed that item 29 be considered after item 28.

Refer page 9249 of the Council Minutes for item 29 MI13/0020 - Preliminary Approval for Development in Accordance with a Plan of Development for Residential & Open Space Land Use - 829 Brabon Road Beach Holm (Sanctum West).

## **General Business**

### **(i) Weeper Hose Restriction**

Councillor Paul Jacob provided the following motion:

"I would like to propose that weeper hoses, currently unrestricted in our water exemptions for Level 3 be restricted to the watering hours and days currently in place for hand held hoses. This was concluded after assessing evidenced based data, provided by Council Officers. Making this change will bring about consistency and fairness for all our community, as a council we are endeavouring to delay for as long as possible the implement to next level of water restrictions."

#### **Council Decision**

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

"that council propose that weeper hoses, currently unrestricted in our water exemptions for Level 3 be restricted to the watering hours and days currently in place for hand held hoses. This was concluded after assessing evidenced based data, provided by Council Officers. Making this change will bring about consistency and fairness for all our community, as a council we are endeavouring to delay for as long as possible the implementation to next level of water restrictions and this is to be implemented from Monday 19 December."

**CARRIED UNANIMOUSLY**

### **(ii) Annual Award - 'Scattering the Seeds for Change' - the Madge Sceriha Award**

Councillor C Doyle provided the following General Business Item:

"I would like to acknowledge the passing of Our 2016 Female Senior of the Year Mrs Madge Sceriha earlier this month.

Madge was a well-respected member of the Townsville Community; she was an advocate for social change, with special interest in issues relating to women, families, domestic violence and environment the arts, seniors and people with a disability. A contributor to the development of our social and community sector for over 50 years.

Madge was a founding member of the Inclusive Community Advisory Committee for the Townsville City Council and a member of Townsville Community Advisory Group for the City Deal.

In recognition of her contributions to the City I would like to propose council introduce an annual award 'Scattering the Seeds for Change' - the Madge Sceriha Award. I would like to propose that the appropriate staff investigate and report back to council at the next Ordinary Council meeting."

#### **Council Decision**

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

"that council introduce an annual award 'Scattering the Seeds for Change' - the Madge Sceriha Award and appropriate staff investigate and report back to council at the next Ordinary Council meeting".

**CARRIED UNANIMOUSLY**



**(iii) Requests for Leave of Absence**

Councillor L Walker requested leave of absence for 23 to 27 January 2017.  
Councillor P Jacob requested leave of absence for 3 or 4 to 13 January 2017.

**Council Decision**

That council approve the following requests for leave of absence:

Councillor L Walker - 23 to 27 January 2017; and  
Councillor P Jacob - 3 or 4 to 13 January 2017.

***The Chair, Mayor Councillor J Hill thanked all Councillors for their work over the past nine months and wished all staff a very Merry Christmas and a Happy and safe New Year.***

**Close of Meeting**

The Chair, Mayor Councillor J Hill declared the meeting closed at 2.57pm.

**CONFIRMED this TWENTY-FOURTH day of JANUARY 2017**

**MAYOR**

**CHIEF EXECUTIVE OFFICER**