



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 27 JANUARY 2015 AT 9.00 AM

Council Members >>

The Mayor, Councillor Jenny Hill
Councillor Suzanne Blom
Councillor Colleen Doyle
Councillor Gary Eddiehausen APM
Councillor Pat Ernst
Councillor Ray Gartrell
Councillor Jenny Lane
Councillor Anthony Parsons
Councillor Trevor Roberts
Councillor Vern Veitch
Councillor Les Walker

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Goals and Strategies of Townsville City Council >>

Corporate Plan >>

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 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.

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.

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REPORT	COUNCIL MEETING
DATE	Tuesday 27 January 2015 at 9.00am
ITEMS	1 TO 12
PRESENT	The Mayor, Councillor J Hill Councillor V Veitch Councillor S Blom Councillor C Doyle Councillor G Eddiehausen APM Councillor P Ernst Councillor R Gartrell Councillor J Lane Councillor A Parsons Councillor T Roberts Councillor L Walker

Opening of Meeting and Announcement of Visitors

The Chair, The Mayor, Councillor J Hill opened the meeting at 9am.

Prayer

Reverend Clive Brook of the Anglican Church delivered the opening prayer.

Apologies and Leave of Absence

There were no apologies or leave of absence noted.

Confirmation of Minutes of Previous Meeting

It was moved by Councillor G Eddiehausen, seconded by Councillor P Ernst:

"that the minutes of the Ordinary Council meeting of 16 December 2014 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of Interests

- (i) Perceived conflict of interest – Item 1 – Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell – Mr Laurie Nolan of Rowlands Surveys Pty Ltd donated to the Townsville First election campaign.
- (ii) Perceived conflict of interest – Item 7 – Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell – UDP Consulting Engineers Pty Ltd donated to the Townsville First election campaign. The Councillors further declared that all the companies and businesses on this list or their employees and associated family members may possibly have donated to the Townsville First campaign but there is not sufficient detail included in order to be able to determine this with accuracy.

- (iii) Perceived conflict of interest – Item 8 – Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell – McDonnells Law donated to the Townsville First election campaign.
- (iv) Perceived conflict of interest – Item 10 – Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell – Mr Wayne Campbell donated to the Townsville First election campaign.
- (v) Perceived conflict of interest – Item 11 – Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell – a partner of Wilson Ryan and Grose made a personal donation to the Townsville First election campaign, further that to the best of the Councillors knowledge, this partner was not associated in any way with the issue in Item 11.
- (vi) Perceived conflict of interest – Item 2 –Councillor L Walker – the applicant Mr Michael Sacilotto has made an allegation to the CEO Mr R Burton that Councillor L Walker was involved in a dispute with him 23 years ago. Councillor Walker has no recollection of a dispute with Mr Sacilotto and Councillor Walker believes that he does not have an actual conflict of interest and proposes to remain in the meeting and vote on the item.
- (vii) Perceived conflict of interest – Item 9 –Councillor T Roberts – Councillor Robert's son Scott Roberts and his wife Shannon have made submissions regarding this item.
- (viii) Perceived conflict of interest - Item 7 - Councillor C Doyle, The Mayor, Councillor J Hill and Councillor L Walker – UDP donated to the Team Hill election campaign.

Correspondence

There was no correspondence.

Petitions

- (i) **Request council not approve to override the planning scheme for a ten residential subdivision at 84 Marina Drive, Bushland Beach.**

PETITION	
Date	27 January 2015

Overview

Councillor Blom tabled a petition with 41 signatures requesting that council give consideration to not approve to override the planning scheme to allow for a ten residential subdivision at 84 Marina Drive, Bushland Beach.

Council Decision

Council to consider the petition with Item 10.

- (ii) **Request council to not approve the locked gates on Round Mountain Road and to keep the road open.**

PETITION

Date 27 January 2015

Overview

Councillor L Walker tabled a petition with 175 signatures requesting that council give consideration to not approve the permit for locked gates on Round Mountain Road.

Council Decision

Council to consider the petition with Item 2.

- (iii) **Request council to not approve the application for a proposed Child Care Centre at 192 Bayswater Road.**

PETITION

Date 27 January 2015

Overview

Councillor R Gartrell tabled a petition with 339 signatures requesting that council give consideration to not approve the application for a proposed Child Care Centre at 192 Bayswater Road.

Council Decision

Council to consider the petition with Item 9.

Deputations

- (i) Item 9 - George Milford of Milford Planning on behalf of Applicant and Anthony Blood of BMC Planning (for Marion Catholic School).
- (ii) Item 10 - Dominique Hughes (for submitters).

Mayoral Minute

The Mayor, Councillor J Hill delivered the following Mayoral Minute.

"Campbell Newman's comments in Mackay on Saturday underline why he and his government are knee deep in quicksand and sinking fast – it is a perception of sheer arrogance.

In my 15 years of local government I have never seen such an attempt by a government to try to blackmail and bully residents into electing a government.

Mr Newman said that he could not guarantee projects committed to certain electorates if LNP candidates were not voted into those seats. And he specifically referred to my community as an example.

So this is an election with strings attached.

And what's worse the strings attached came well after the promise was made. At best its trickiness - at worst it's deceit. People can make their own minds up.

So this is Campbell Newman in summary: "Even if I commit to a project, if you don't vote for my guy I'll pull that promise."

And the way he and his members are now trying to describe that threat is laughable.

His own local Minister and MP David Crisafulli has said today that it only applies to projects that local members commit to – it's different if the announcements were made by the bigwigs flying into town.

So local MPs don't represent their own anymore? Their word is not their bond?

I will certainly be keeping the LNP committed to their local promises – no matter who in their government made the commitments.

This issue is symptomatic of a government that has lost touch, especially in regional and rural Queensland.

But let's be fair. While the ALP have made some commitments for my community and many other regional communities, they can do more. But remember, unlike Premier Newman they are not promising the largest asset privatization in Queensland's history to fund their promises.

And if we are fair dinkum, with just a handful of seats currently we know they face a "David and Goliath" battle in winning this election – it's a bridge too far.

And of course that makes what Premier Newman says and does even more vitally important to people in our community.

Townsville is the most affected city in Queensland from the proposals for privatization. No other community comes near the impact we will face from the lease of assets.

The Government could receive a windfall of up to \$10 Billion from the lease of our Port, Rail Line, and Ergon Energy, which is based in Townsville.

These are assets which belong the people of Queensland, but they are entities for which many people across the north have a long and deep attachment. And most importantly they represent a lot of local jobs.

But we have been pragmatic.

All of the Mayors of the north worked to put together a \$450M Regional Jobs Package for the government to support on the basis of asset leasing – yet very few of these projects have had any commitments from the LNP.

Nothing for communities like Palm Island, and little for towns such as Ingham, Charters Towers and Burdekin. These communities, including mine, have some of the highest rates of unemployment, including youth unemployment, in the state and nation.

It's just not good enough.

And now they are being told that projects won't happen if we don't vote in the local LNP member.

You start to get a clear picture of why the LNP are performing so badly in the polls in Townsville and across all of regional Queensland.

And why there is a huge credibility problem for Campbell Newman.

As an example, when Mr Newman made his comments about the need for people to vote for his members or face the consequences he used the example of Townsville's proposed stadium, of which his government has committed only partial funding.

He didn't use the example of the half billion dollars committed to the Sunshine Coast Rail line, or the billion dollars for the Bus and Rail tunnel in Brisbane.

Very few regional communities have received major commitments from the Government, but it's the regional communities who need the support most.

My message today for Mr Newman, and also for the ALP, is to step up for communities like Townsville. And for regional communities across Queensland..

It's time for commitments for major infrastructure projects that we need and that will help get our communities moving again.

We deserve a fair share and both sides of politics can earn a lot of credibility – and votes – if they use these last days wisely to show their support for the regions.

Mr Newman. Give us a commitment without strings and give us the funding we deserve to grow and build northern communities.

Ms Palaszczuk, you might not have a swag of dollars, but you can commit to initiatives like power reform that gives business and industry here in the north access to electricity at the parity with the south, or the decentralization of state government offices to regional centres like Townsville.

The opportunities to support the regions are endless and we have been presented the solutions.

Our communities are listening but the clock is ticking.

It's time to deliver."

Officers Reports

Infrastructure

In accordance with section 173 of the *Local Government Act 2009*, Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell declared a perceived conflict of interest in regards to item 1.

- (a) **the name of the councillors who have the perceived conflict of interest:**
Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell.
- (b) **the nature of the conflict of interest as described by the Councillors:**
Mr Laurie Nolan of Rowlands Surveys Pty Ltd donated to the Townsville First 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 Councillors voted on the issue – how the Councillors 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.

1 Engineering Services - Permanent Road Closure Flinders Street East

REPORT TO COUNCIL

Authorised by Director Infrastructure Services
Department Engineering Services
Date 12 January 2015

Executive Summary

The Department of Natural Resources and Mines - State Land Asset Management Unit have requested, on behalf of an applicant, council to consider the permanent closure of a part of road reserve, area approximately 141m² (597m³), located in strata being part of Flinders Street and abutting Lot 2 on RP701595, Lot 64 on T1181 and Lot 1 on RP701605 (119-127 Flinders Street).

The road closure, if approved, would allow for the building of a first-floor extension to an existing building over the footpath in Flinders Street East. This report outlines the investigation into the request and identifies the impact on adjacent land use, council assets and the road network in the area.

Officer's Recommendation

That council advise The Department of Natural Resources and Mines - State Land Asset Management Unit that it offers no objection to the permanent closure and sale of the volumetric area (of approximately 597m³), located in strata, abutting Lot 2 on RP701595, Lot 64 on T1181 and Lot 1 on RP701605, as shown on Drawing TSV2014-38 (2014/004912), subject to the following conditions:

1. The applicant is to ensure that the proposed building works will maintain required clearances from council's water, sewerage and stormwater systems and the proposed building is not to obstruct access or disturb council's water, sewerage and stormwater systems along the footpath,

2. Any proposed building footings are to be designed and constructed to ensure no additional loadings are placed on council's water, sewerage and stormwater systems,
3. The vertical clearance of 2.5m (minimum) is to be provided over the full width of the footpath, and to be completely free of overhanging projections and obstructions,
4. The unobstructed width along this high use pedestrian footpath (beneath the structure) is to be not less than 2.4m.

Council Decision

It was **MOVED** by Councillor T Roberts, **SECONDED** by Councillor V Veitch:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 173 of the *Local Government Act 2009*, Councillor L Walker declared a perceived conflict of interest in regards to item 2.

(a) the name of the councillor who has the perceived conflict of interest:

Councillor L Walker

(b) the nature of the conflict of interest as described by the Councillor:

the applicant Mr Michael Sacilotto has made an allegation to the CEO Mr R Burton that Councillor L Walker was involved in a dispute with him 23 years ago. Councillor Walker has no recollection of a dispute with Mr Sacilotto and Councillor Walker believes that he does not have an actual conflict of interest and proposes to remain in the meeting and vote on the item.

(c) how the Councillor dealt with the perceived conflict of interest:

The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered his position and was of the opinion that he 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:

- (i) as per officer's recommendation 1; and
- (ii) against officer's recommendation 2.

(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 recommendations.

2 Engineering Services - Temporary Road Closure Round Mountain Road

REPORT TO COUNCIL

Authorised by Director Infrastructure Services

Department Engineering Services

Date 12 January 2015

Executive Summary

On 18 December 2014, council received a copy of an application for a temporary road closure from the Department of Natural Resources and Mines - State Land Asset Management Unit (DNRM) seeking council's views and comments on the application. The temporary road closure is for the unformed road reserve of Round Mountain Road, between Laudham Road and Kelso Drive, Pinnacles.

A review of this matter has now been undertaken with a number of options considered. Based on this assessment, it is recommended that council object to this application for a temporary road closure of Round Mountain Road.

Officer's Recommendation

1. That council advise the Department of Natural Resources and Mines - State Land Asset Management Unit that it objects to the temporary closure of the unformed road reserve of Round Mountain Road between Kelso Drive and Laudham Road, because it:
 - prevents legitimate use of the road reserve being used the shortest and safest route for horse riders from having direct access between Kelso Drive and Laudham Road, especially to and from nearby Bartlett Park, and
2. That council note a permit under Subordinate Local Law 1.16 will be offered to the applicant for two (2) locked gates, one (1) at the northern end and one (1) at the southern end of Round Mountain Road as per *Option Two* (2) contained within the report.

Council Decision

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

1. "that officers recommendation 1 be approved."

CARRIED UNANIMOUSLY

It was MOVED by Councillor L Walker, SECONDED by Councillor C Doyle:

2. "that council authorise under Subordinate Local Law 1.16 a permit for two gates one (1) at the northern end and one (1) at the southern end of Round Mountain Road."

Councillor L Walker and Councillor C Doyle called for a division.

FOR: The Mayor, Councillor J Hill and Councillors C Doyle, L Walker and R Gartrell.

AGAINST: Councillors V Veitch, P Ernst, J Lane, A Parsons, S Blom, T Roberts and G Eddiehausen.

The Motion was LOST.

It was MOVED by Councillor J Lane, SECONDED by Councillor A Parsons:

2. That officer's recommendation 2 be approved.

Councillor L Walker and Councillor C Doyle called for a division.

FOR: Councillors V Veitch, P Ernst, J Lane, A Parsons, S Blom, T Roberts and G Eddiehausen.

AGAINST: The Mayor, Councillor J Hill and Councillors C Doyle, L Walker and R Gartrell.

The Motion was CARRIED.

Community and Environment

3 Community Services -Report - Inclusive Community Advisory Committee - 11 December 2014

REPORT TO COUNCIL

Authorised by Director Community and Environment
Department Community Services
Date 8 January 2015

Executive Summary

The council's Inclusive Community Advisory Committee meeting was held on 11 December 2014. The report is presented for information.

Officer's Recommendation

That council note the report of the Inclusive Community Advisory Committee meeting of 11 December 2014.

Council Decision

It was MOVED by Councillor C Doyle, SECONDED by Councillor S Blom:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Corporate Services

4 Annual Review - Chief Executive Officer Instrument of Delegation

REPORT TO COUNCIL

Authorised by Chief Executive Officer
Department Corporate Governance
Date 19 December 2014

Executive Summary

The Local Government Act 2009 [the Act] requires the Chief Executive Officer [CEO] delegations to be reviewed annually.

It is recommended that the Chief Executive Officer's delegation be reviewed without change.

Officer's Recommendation

That council delegates to the Chief Executive Officer all delegable powers of the council under all Acts and other statutory instruments administered by the council pursuant to section 257 of the *Local Government Act 2009*, as set out in Attachment 1 "Instrument of Delegation" of the Report to Council.

Council Decision

It was **MOVED** by The Mayor, Councillor J Hill, **SECONDED** by Councillor V Veitch:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

5 Budget Variance Report - Whole of Council - December 2014

REPORT TO COUNCIL

Authorised by Director Corporate Services

Department Financial Services

Date 15 January 2015

Executive Summary

On behalf of the Chief Executive Officer, the Director of Corporate Services will present and discuss the Budget Variance Report for the whole of council for December 2014, pursuant to section 204 of the *Local Government Regulation 2012*.

The Director of Corporate Services will circulate separately to the Agenda the Budget Variance Report for the whole of council for December 2014.

Officer's Recommendation

That council note the financial report for December 2014 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 V Veitch:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Townsville Water and Waste

6 Townsville Water and Waste - LGAQ Water & Sewerage Advisory Group Meetings - Councillor attendance

REPORT TO COUNCIL

Authorised by Director Townsville Water and Waste

Department Townsville Water and Waste

Date 19 January 2015

Executive Summary

Council at its meeting on 26 August 2014, nominated the Chair of the Townsville Water and Waste Committee, Councillor R Gartrell and the Director Townsville Water and Waste for expressions of interest for the Local Government Association of Queensland's Water and Sewerage Advisory Group (WSAG).

The meeting schedule for this group will be flexible to respond to emerging issues and opportunities for local government to influence legislation and policies. It is anticipated that WSAG will meet three times per year (at minimum) in Brisbane. Other locations may host the committee by consensus/where local issues are pertinent to deliberations of the group. Additional meetings can be initiated by any member of the group in response to a critical need. The first meeting of this group for 2015 will be held in Brisbane on 30 January 2015.

It is proposed that Councillor R Gartrell and the Director Townsville Water and Waste attend the meeting in Brisbane on 30 January 2015 and any further meetings as scheduled for the remainder of the year.

Officer's Recommendation

1. That council approve the attendance of Councillor R Gartrell at the Local Government Association of Queensland (LGAQ) Water and Sewerage Advisory Group (WSAG) meeting in Brisbane on 30 January 2015 and subsequent meetings for the remainder of this year (further dates yet to be advised).
2. That, in accordance with *section 162(1)(e) of the Local Government Act 2009*, council grant leave of absence to Councillor R Gartrell to allow his attendance at the (LGAQ) Water and Sewerage Advisory Group (WSAG) Meeting in Brisbane on 30 January 2015 and any further meetings as scheduled for the remainder of the year.

Council Decision

It was **MOVED** by Councillor R Gartrell, **SECONDED** by Councillor P Ernst:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Council agreed to change the order of business to consider Items 9, 10 and 11 as the next items of business.

Planning and Development

In accordance with section 173 of the *Local Government Act 2009*, Councillor T Roberts declared a perceived conflict of interest in regards to item 9.

- (a) the name of the councillor who has the perceived conflict of interest:**
Councillor T Roberts
- (b) the nature of the conflict of interest as described by the Councillor:**
Councillor Robert's son Scott Roberts and his wife Shannon have made submissions regarding this item.
- (c) how the Councillor dealt with the real or perceived conflict of interest:**
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered his position and was of the opinion that he 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 council decision.
- (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 council decision.

9 MI14/0030 - Material Change of Use (Impact) - Child Care Centre, 192 Bayswater Road, Currajong

REPORT TO COUNCIL - PLANNING APPLICATION

Authorised by	Director Planning and Development
Department	Planning and Development
Date	6 January 2014
Address	Lot 1 SP 126577 and Lot 2 SP 126577, 192 Bayswater Road Currajong
Applicant/Owner	Horizon Property Investments Pty Ltd, As Trustee For, Horizon Property Investments Pty Ltd and Horizon Property Investment Trust
Description	Material Change of Use (Impact) - Child Care Centre

Executive Summary

The proposal is for a development application for a Material Change of Use (Impact Assessable) for a Child Care Centre at 192 Bayswater Road, Currajong. The site is located on the intersection of Bayswater Road and Hugh Street with access via Hindley Street to the rear.

The property has an area of 2026 square metres and is situated at the south-western corner of the intersection of Hugh Street and Bayswater Road. The land adjoins a residential property to the west and the Marion Catholic Primary School to the south-east with industrial uses opposite. The site is identified as being in the Neighbourhood Residential Precinct.

The subject site has had a detailed history, 18 July 2006 a development permit for a Child Care Centre for 75 Children (Council ref MI06/0007) was approved. Then on the 15 June 2010 a development permit for an Office (Council ref MI07/0068) was approved by the Planning and Environment Court following a decision to refuse the application by council.

The proposed Child Care Centre is a single storey building that will accommodate 80 children in long day care and operate from 6am to 6pm Monday to Friday with 11 staff members. The building contains a reception and foyer, office and interview room, staff room, kitchen, four (4) activity rooms, and amenities. Externally, a large outdoor play area and vegetable garden for the children, 14 on site car parks, and associated landscaping.

The application received 27 submissions opposing the application. These submissions raised matters such as conflicts within the planning scheme, previous office refusal, current use, operating hours, vegetation, traffic, parking, need for a centre, flooding, air pollution, building design, and noise. In arriving at a recommendation these matters have been considered with respect to the proposed development and are addressed in more details in the relevant sections of this report.

The proposal overall is considered to meet all the Desired Environmental Outcomes of the scheme by promoting economic vitality, sufficient infrastructure and services, its direct relationship between transport and mobility, built form that sustains a safe, clean and healthy environment and provides a high level of community service and employment.

The location of the centre next to a school is a consolidation of educational and care services for the area and considered an appropriate use for the subject site. The site, surrounding land uses, current use, and previous approvals, provide sufficient justification that the proposal will not significantly or adversely impact on amenity. The site is located on a sub-arterial and urban arterial road intersection with the proposed use considered appropriate without impacting on the availability of land for residential development.

The centre generally complies with the expected outcomes of the relevant codes. The proposal is appropriately designed and situated to be accessible and safe, provides a high standard of on-site amenity and a safe environment for users and visitors of the site. The development is considered to provide sufficient, safe and convenient parking spaces on-site and the proposed car park will not

detract from the streetscape area. The development will close the current access from Bayswater Road, to improve the safety and efficiency of Bayswater Road and the Hugh Street intersection.

The proposed onsite parking numbers comply with the relevant standards required in the Parking and Access Code. Submissions against the proposals stress that there is an on-street parking problem in Hindley Street – these matters are addressed further below.

A traffic impact assessment identified that generated traffic volumes can be adequately catered for within the existing road network and that the safety of students at the Marion Catholic School and the child care centre are at acceptable levels with anticipated traffic conditions. The Council engineer has concurred with the assessment.

In relation to 'need' an analysis is often required to justify a proposal is necessary when a proposal cannot be sufficiently justified against the scheme outcomes or could conflict/compromise the strategic intent such as the viability of centres, zones or areas, and their ongoing function. Need is not a relevant consideration for this application, however, it is recognised that the child care sector is a highly competitive market and that changing economies and demographics have meant a decline in the demand for services. It is the responsibility of the manager/owner of a proposed centre to provide a viable business that can compete in these competitive markets and is therefore no different to a shop opening near another shop.

Overall the proposed development is considered to be consistent with the overall outcomes of the scheme and considered to have suitably addressed the relevant provisions of the planning scheme and as such, it is recommended for approval subject to conditions.

Council also considered the verbal comments provided at the meeting by Anthony Blood of BMC Planning.

Officer's Recommendation

It is recommended that application M114/0030 for a Development Permit for Material Change of Use - Child Care Centre on land described as Lot 1 SP 126577 and Lot 2 SP 126577, more particularly 192 Bayswater Road CURRAJONG QLD 4812 be approved on the grounds presented in this report, and subject to the following conditions -

DEVELOPMENT PERMIT

MATERIAL CHANGE OF USE Child Care Centre (80 Children)

SCHEDULE OF 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.	REVISION No.	STAMP DATE
Project Proposed Day Care for Horizon Property Investments (Site Plan)	SK_02	-	08 August 2014
Project Proposed Day Care for Concept Building Design (Ground Floor Plan)	SK_03	-	08 August 2014
Project Proposed Day Care for Concept Building Design (Elevations)	SK_04	-	08 August 2014

Project Proposed Day Care for Concept Building Design (Isometric Views)	SK_01	-	08 August 2014
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- b) The proposed development must comply with all conditions of this approval prior to commencement of the use.
- c) The proposed development must comply with all Planning Scheme requirements as applying at the date of this application, except as otherwise specified by any condition of this approval.

2. Amalgamation of Allotments

The developer must amalgamate Lot 1 on SP126577 and Lot 2 on SP126577 into a single parcel. The survey plan must be registered, in accordance with the *Land Title Act 1994*, prior to the commencement of the use.

3. Building Materials

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 quality which does not cause excessive glare.

4. Street Fencing

Should a fence be constructed along the Bayswater Road, Hugh Street or Hindley Street frontage it must allow the development to integrate with its streetscape. The developer must submit to Council for approval details of the fence prior to the issue of a Development Permit for Building Works.

5. Hours of Operation

Unless otherwise approved by Council, the activities associated with the use must only be conducted between 6am to 6pm Monday to Friday inclusive. The use is not to operate on Sunday or Public Holidays.

6. Storage of Materials and Machinery

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

7. Site Appearance

The site is to be kept in a clean and tidy condition at all times to the satisfaction of Council.

8. Lighting

The developer must ensure all internal and external lighting is fitted with shades and erected in a manner that ensures that adjoining premises and roads are not affected.

9. Property Numbering

Effective property numbers must be erected at the premises prior to the commencement of the use and 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.

10. Screen Fencing

The developer must provide a visual screen between the site and any adjoining land occupied by a residential building or any adjoining land contained in a Residential precinct in accordance with *City Plan Policy 2 Section 4 – Screen Fencing*.

Notwithstanding the above, with the written consent of the proprietor of any adjoining land, the screen on the boundary shared with that neighbour may consist of other materials or lesser height or no fencing. For such a variation the developer must submit to and be approved by Council details of the alternative screen together with the written consent of the applicable adjoining owner prior to a Development Permit for Building Work being issued.

Unless written consent is obtained from the affected adjacent property owner, the developer must not construct a fence adjacent to the property boundary where it impedes the maintenance and serviceability of an existing boundary fence.

Furthermore consultation with adjoining property owners is essential so an amicable result is achieved in respect to the removal or retention of any existing adjoining fence.

The screen must be erected/planted prior to the commencement of the use and maintained thereafter to the satisfaction of the Council.

11. Screening of Plant and Utilities

Plant and utilities including air-conditioners must not be visible from the street. Furthermore they must be provided with aesthetic screens prior to the commencement of the use and must be maintained thereafter to the satisfaction of Council.

12. Relocation of Utilities

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

13. Car Parking

- a) All car parking facilities, associated ramps and driveways must be constructed in accordance with Council Standards and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890 and must be maintained thereafter to the standard.
- b) The minimum car parking classifications for off-street carparking applicable to this development are as per Table 1.1 in AS/NZS 2890.
- c) The layout of the on-site car parking spaces must be designed to ensure that all vehicles entering and leaving the site may do so in a forward direction.
- d) The developer must erect signage indicating the location of the entry and exits to the car parks, specific use bays (e.g. visitor, disabled, bus, taxi, bicycle, loading, etc.), as well as regulatory signs controlling movement within the car park.
- e) The developer must provide a minimum of 14 car spaces including disabled parking on site in accordance with Australian/New Zealand Standard AS/NZ2890.
- f) The car parking area must be suitably screened so as to prevent light spillage from the car park areas and car headlights into adjoining properties and roads. Details of such screening must be submitted to and approved in writing by Council prior to the issue of a Development Permit for Building Work.

14. Stormwater Drainage

Prior to the issue of a Development Permit for Building Works, certification by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) of the following requirements must be provided to Council with respect to the following:

- a) The development site must be graded so that it is free draining. All runoff from storms naturally falling into this development site (including roof runoff) must be collected within the property boundaries and discharged to the lawful point of discharge being Bayswater Road or as agreed upon by Council.
- b) The developer must ensure that no ponding of stormwater occurs on adjacent allotments and that no stormwater formerly flowing onto their development site is diverted onto other neighbouring allotments.
- c) The developer must ensure that the post development discharge of stormwater from the subject land does not exceed pre-development peak flows.
- d) Overland flow paths and underground drainage must be designed so as not to directly or indirectly cause nuisance to a downstream or adjoining property.
- e) Following the completion of any works for the purposes of stormwater drainage, a stormwater drainage certificate from a Registered Professional Engineer of Queensland (RPEQ) must be submitted to and endorsed by Council. The stormwater drainage certificate must verify that the completed stormwater works associated with the proposed use has been constructed in accordance with the approved design.

15. Soil Erosion Minimisation, Sediment Control and Dust Control

During the construction phase of this development the developer is responsible for the installation and maintenance of adequate erosion and sediment control management. In particular,

- a) The contingent design, implementation and maintenance of measures must be provided in accordance with *City Plan Policy 2 – Development Standards*.
- b) During the construction and maintenance phases of this development the developer is responsible for adequate mitigation measures being put in place for the suppression of dust so as not to cause a nuisance to neighbouring property.
- c) The developer must ensure that no sediment or litter be discharged from the site into stormwater. Stormwater inlet pits on and adjacent to the development in Bayswater Road, Hindley Street and Hugh Street must be protected to prevent the entry of sediment and litter

17. Vegetation Disposal

All felled trees and waste vegetation on the site must be removed from site, unless an alternative method of disposal, such as wood chipping, is approved by Council. This material must be transported to the nearest approved waste disposal facility. Burning or burying of waste vegetation on site is not permitted.

18. Landscaping

- a) Prior to the issue of a Development Permit for Building Works, a landscaping plan is required to be submitted to and be approved by Council as part of Compliance Assessment against the applicable Landscaping Code and/or relevant approval.

The Landscape and Irrigation Design Plans must be prepared in accordance with the relevant sections of City Plan Policy 1 – Supporting Information - Section 9 – Landscape Plans. As part of the landscaping plan the following items are to be included:

- * The footpath/road reserve along Bayswater Road and Hugh Street to be turfed and provided with automated irrigation.
 - * Mature street trees of a species selected for these sections of road, subject to standard clearance requirements from the intersection..
 - * A 1.5m wide concrete footpath the full Bayswater Road and Hugh Street frontage of the property.
 - * Details of the carpark landscaping and shade trees, including provision of adequate root zone for trees within sealed areas,
 - * Details of the internal play area landscaping including adequate provision for shade,
 - * Details of the boundary fencing and walls.
 - * Details of the site adjacent to adjoining boundaries being extensively landscaped including a mixed height canopy using mature dense plantings to council's satisfaction.
- b) The landscape plans must be prepared by a suitably Qualified person who:
- * is a Qualified Landscape Architect with current membership to the Australian Institute of Landscape Architects; and/or
 - * is an experienced Landscape Designer
- c) All works must be completed in accordance with the approved landscaping plan and constructed to a standard detailed within *City Plan Policy 2 – Development Standards – Section 10 – Landscape Work Specification and Section 11 – Irrigation Systems for Developments*. Following the approval of the plan, with or without amendments, the developer must implement the plan prior to the commencement of the use. Furthermore, all landscaped areas must be maintained thereafter to the satisfaction of Council.

19. Roadworks and Traffic

- a) The developer must construct the new access driveway and crossover from the existing kerb and channel to the property boundary at the developer's expense generally in accordance with Council's relevant Standard Drawings for *Driveway Access and Driveway Crossovers*.
- b) The developer must remove the existing vehicle accesses including crossovers in the kerb and channel, replace with new kerb and channel and reinstate the footpath in accordance with Council's Standard Drawing for *Concrete Kerbing*.
- c) The developer must replace the kerb and channelling as necessary to repair any irregularities or breaks for the full frontage of the site in accordance with Council's Standard Drawing for *Concrete Kerbing*.
- d) The developer must construct a 1.5m wide concrete footpath to the full frontage of the site along Hugh Street and Bayswater Road in accordance with Council's standard drawing for *Typical Road Cross Sections and City plan Policy 2 Development Standards*.
- e) During the construction phase, any damages to the road reserve (i.e. footpath/kerb and channel) must be replaced by the developer in accordance with Council's standards.

- f) The developer must construct a cul-de-sac with kerb and channel at the end of Hindley Street in accordance with Townsville City Council's Geometric Road Design requirements as detailed in the Development Manual. The proposed cul-de-sac must allow safe manoeuvring of refuse collection vehicles.

Where applicable the above works must comply with the provisions of the Development Manual

All engineering designs/documentation associated with such an application must be prepared by a suitably qualified/experienced person.

ADVICE

1. Infrastructure Charges

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

2. Further Approvals Required

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 4 – Street Fencing
- Condition 13 – Carparking
- Condition 14 – Stormwater Drainage
- Condition 18 – Landscaping
- Condition 19 – Roadworks and Traffic

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

b) **Plumbing and Drainage Works**

The developer must obtain 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. Waste Collection

- a) The owner/occupier of the premises is required to provide an adequate number of waste containers to manage the waste generated by the activities being undertaken onsite.
- b) The proprietor is to arrange for the removal of waste from the premises by a suitably licensed waste transport contractor approved by the local government to transport waste under Section 369A of the Environmental Protection Act 1994. Adequate provision must be made for the collection of the waste storage containers within the premises.
- c) The collection of waste is to be undertaken so as to minimize, so far as reasonably practicable excessive noise to neighboring occupants. The collection method must ensure that waste is adequately managed to prevent escape or contamination.

4. Connection to Council Water Supply

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

5. Connection to Council Sewer

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

6. Noise

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.

7. Environmental Considerations

DEHP Requirements

Construction must comply with the *Environmental Protection Act 1994*, Policies and Guidelines.

8. Plumbing and Drainage Approval

A Compliance permit under the Plumbing and Drainage Act 2002 to seal off disused sanitary drains and water lines must be obtained prior to the removal of the existing dwelling.

9. Building Over/Adjacent to Services

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

10. Asbestos

All asbestos must be removed, transported and disposed in accordance with the *Public Health Regulation 2005*, *Work Health and Safety Regulation 2011 Chapter 8 Asbestos & How to Safely Remove Asbestos Code of Practice 2011*, *Environmental Protection Act 2004* and Regulations.

11. Roadworks Approval

The developer is responsible for obtaining a Roadworks approval in accordance with Local Laws 4 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:

- i. Completed Roadworks approval application form
- ii. Prescribed fee
- iii. Traffic Management Plan prepared by a suitably 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 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.

12. Shop Fit Out

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

Council Decision

It was MOVED by Councillor R Gartrell, SECONDED by Councillor V Veitch:

"that council not approve the application for Material Change of Use for Child Care Centre, 192 Bayswater Road, Currajong as the proposed Material Change of Use is inconsistent with the overall outcomes of the District 4 Townsville West Code and traffic and parking issues."

CARRIED UNANIMOUSLY

In accordance with section 173 of the *Local Government Act 2009*, Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell declared a perceived conflict of interest in regards to item 10.

- (a) the name of the councillors who have the perceived conflict of interest:**
Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell
- (b) the nature of the conflict of interest as described by the Councillors:**
Mr Wayne Campbell donated to the Townsville First 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 Councillors voted on the issue – how the Councillors 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.

10 MI14/0032 & RC14/0105 - Preliminary approval under section 242 to rezone land from Open Space & Recreation Planning Area & Residential Planning Area to Traditional Residential Planning Area & Reconfiguring of Lots (One into Ten) Residential Subdivision

REPORT TO COUNCIL - PLANNING APPLICATION

Authorised by Director Planning and Development
Department Planning and Development
Date 12 January 2015

Address Lot 505 SP 247145, 84 Marina Drive Bushland Beach
Applicant/Owner Townsville Earthmoving Pty Ltd, Townsville Earthmoving Pty Ltd
Description Combined development applications for a Material Change of Use (Impact) - Preliminary Approval under Section 242 of the Sustainable Planning Act 2009 to Override the Planning Scheme and Reconfiguring of Lots (Code) – One into Ten Residential Lots

Executive Summary

The proposal is for a combined development application for a Material Change of Use of Premises (Impact Assessable) Preliminary approval under section 242 to rezone the land from the Open Space & Recreation and Residential, Planning Areas to Traditional Residential Planning Area, and Reconfiguring Lots to create ten (10) residential allotments.

The property is located at 84 Marina Drive, Bushland Beach and has an area of 10,124m². The property is situated between six (6) adjoining Traditional Residential allotments and a reserve for drainage purposes. The land parcel was created in 2011 through a Reconfiguration development approval after it was identified that the subject area was no longer required for drainage or reserve purposes.

The development will create ten (10) residential lots, six (6) allotments along the eastern boundary, one of which already contains a constructed dwelling facing Marina Drive, and four (4) allotments along the western boundary. A road (cul-de-sac) will be constructed from Marina Drive through the development site which will connect to a proposed pathway through the adjoining reserve to Currawinya Court.

The development application received forty two (42) submissions, thirty two (32) in favour, nine (9) opposing the development (one of which included a petition) and one (1) late submission received in favour for the development. The submissions raised a number of points such as incorrect public notification, mapping inconsistencies, unlawful dwelling, topography, inconsistent land size, amenity, traffic, dust/natural light, Flora and Fauna, drainage, infrastructure, unlawful vegetation clearing, financial impacts and the strategic intent of the planning scheme.

In arriving at a recommendation all these matters have been considered with respect to the proposed development and are addressed in more details in the relevant sections of this report. The proposal overall is considered to meet the Desired Environmental Outcomes of the scheme when considered as a whole. The proposal promotes economic vitality, provides sufficient infrastructure and services, has a direct relationship between transport and mobility, sustains a safe, clean and healthy environment and land use patterns created are cohesive and balance economic, social and environmental considerations.

Various inconsistencies were identified on the Public Notification sign that included an incorrect council phone number, variations to mapping and the existing land use. During the public notification stage the council phone number was corrected but it is noted that all other council contact details were correct. Council received forty two (42) submissions in total therefore it is considered that appropriate public notification occurred.

All land sizes proposed for the ten (10) residential allotments exceed the minimum lot size provisions identified in the Residential Planning Area, Traditional Residential sub-area, being 600sqm. The smallest lot proposed is 750sqm.

The amenity of the area was taken into consideration and the addition of the Traditional Residential Allotments will not be inconsistent with the character of the surrounding area which is predominately residential and will improve access to the Reserve for recreational purposes and to the beach frontage.

A traffic report was submitted and analysed and it has been identified that the daily traffic demand on Marina Drive is within the expected traffic level that the road is capable of withstanding.

In 2011 the site was cleared of any significant vegetation, since this time ongoing vegetation clearing/maintenance of the site has been undertaken a number of times. The land was originally cleared by Ergon Energy for works required to construct an underground electricity easement. The site has been cleared since then in accordance with a notice issued by council for an untidy allotment. It is noted that adjoining the site is a drainage reserve that consists of dense native and natural flora. The drainage reserve would provide for a more environmentally sustainable ecosystem for any fauna within the area.

Drainage or flooding was a concern from the submitters however the land parcel is not affected by storm-tide and the majority of the site is above the Q100 flood event levels. Under the Thuringowa Planning Scheme the development only needs to achieve the Q50 levels, therefore the development exceeds the requirements for the site and is more in line with the new Townsville City Plan (2014).

The Mt Low – Bushland Beach Open Space Master Plan Final Report was created by council on the 4 May 2005, the area of 84 Marina Drive was identified as a *Potential Open Space Parkway Corridor with Proposed Bikeway and Pedestrian Integrated Link*. The development proposal does not compromise this access link but will formalise it.

The application was submitted under the Thuringowa Planning Scheme 2003 however certain elements of the development were considered against Council's new planning scheme, the City Plan (2014), in particular the Strategic Framework and the Flooding Overlay. In summary it is considered that the development is consistent with the overall intent of the surrounding area and is considered to be infill development.

Council also considered the verbal comments provided at the meeting by Tim Brazier Brazier Motti and Dominique Hughes.

Officer's Recommendation

That council approves development permits, MI14/0032 and RC14/0105 being an application for Preliminary approval under section 242 of the *Sustainable Planning Act 2009* and ten (10) Traditional Residential allotments. The land is described as Lot 505 SP 247145, more particularly 84 Marina Drive, Bushland Beach and is to be approved subject to the following conditions –

DEVELOPMENT PERMIT

MATERIAL CHANGE OF USE (Preliminary approval under section 242 to rezone to Traditional Residential)

SCHEDULE OF 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 SUBMITTED AND STAMPED
Structure Plan Forest Shores Stage 18	25238/111C	25238/212-2	14 August 2014

- b) The proposed development must comply with all conditions of this approval prior to commencement of the use.

2. General

The material change of use (preliminary approval overriding the planning scheme) relates to the change in the current planning designation from Open Space and Recreation Planning Area to use rights in accordance with the Traditional Residential Planning Area under the Thuringowa Planning Scheme 2003. Any subsequent development applications will be assessed against the applicable provisions of the Thuringowa Planning Scheme 2003 except where varied by the conditions of this approval.

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 Development Permit for Material Change of Use subject to the 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 Development Permit for Material Change of Use, as attached.

ADVICE

1. 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.

2. Headworks Contributions

In accordance with council's adopted infrastructure charges, the developer must contribute towards (but not limited to) the provisions of the following infrastructure for subsequent development permit applications over the subject lands:

- Water Supply Infrastructure;
- Sewerage Infrastructure;
- Road Network (Transport Infrastructure)

If council has adopted a Priority Infrastructure Plan (PIP) for relevant infrastructure charges, then charges will be applied in accordance with the PIP at the time of payment.

DEVELOPMENT PERMIT

RECONFIGURING LOTS (Ten (10) Traditional Residential Allotments)

SCHEDULE OF 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 SUBMITTED AND STAMPED
Proposed Reconfiguration Forest Shores Stage 18	25238/112C	25238/212-3	20 August 2014

- b) The proposed development must comply with all conditions of this approval prior to commencement of the use.
- c) The proposed development must comply with all Planning Scheme requirements as applying at the date of this application, except as otherwise specified by any condition of this approval.

2. Landscaping

Detailed landscape plans are required to be submitted as part of an operational works application. The landscape plans must include provision for:

1. An entry to the open space/drainage corridor to the south at the end of the cul-de-sac,
2. A 2.5 metre wide pedestrian/bicycle path linking the new road across the open space/drainage corridor to Currawinya Court,
3. Clusters of tree plantings at the end of the cul-de-sac, in combination with other fences or bollards to prevent unauthorised vehicle access to the open space,
4. Council's preferred tree species for this planting is *Melaleuca leucadendra* or *Melaleuca dealbata* combined with other appropriate native tree species,
5. Street trees in the new road, and
6. As part of the detailed planning for the pathway link, the developer is to provide a concept landscape plan for a future potential pathway running east/west through the open space/drainage corridor (lot 502 SP247145).

3. Street Trees

Street tree planting must be provided to beautify the neighbourhood with a minimum of one (1) tree per standard residential lot.

Street trees must be shown on landscaping plans for council's approval.

Additional plantings should not be provided unless such plantings do not impede free pedestrian movement, visibility from driveways, entrances, intersections or maintenance.

The type of street trees planted must be in accordance with Section 5.5 of the General Development Code of the former City of Thuringowa Planning Scheme unless otherwise approved by council. The works must be carried out prior to the release of the survey plan, unless otherwise approved by council.

4. Directional Signage

The developer must provide details in the landscaping plans outlining directional signage to the beginning of the pedestrian/bicycle pathway where it joins onto Currawinya Court, the directional signage must identify direction to the beach access.

5. Water Supply (Public System)

The development must be serviced by the public water supply. In particular,

- a) A reticulated water supply must be provided to the frontage of each lot within the proposed development and connected to council's infrastructure prior to the signing of the survey plan. The water supply must be constructed in accordance with the standard design plans of council and must meet both the maximum design flow and emergency fire flow conditions.
- b) The point of connection for the supply of water from council's water supply system is the existing council water supply reticulation along Marina Drive.
- c) A network analysis of the proposed subdivision must be submitted to and approved by council to ensure that the reticulation network satisfies both the maximum hour design flow conditions and emergency fire flow conditions. It must be submitted with the application for Operational Works.

6. Sewerage Reticulation

The development must be serviced by the public sewerage network, in particular:

- a) Each allotment must be provided with a single property service and must be connected directly and separately to council's sewer prior to signing the survey plan.
- b) All new property connections to be made directly to manholes where possible.
- c) The point of connection for the sewerage system to council's sewerage infrastructure including all necessary pump stations and rising mains must be the nearest existing sewer manhole or as agreed by council.

7. Confirmation of Existing Services

- a) The developer must ensure that the existing services for each lot are contained within the individual allotments; and/or
- b) Where the existing services are not contained within the individual lot then such services must be relocated or easement obtained. Such easements must be registered in accordance with the *Land Title Act 1994*, in conjunction with registration of the survey plan.

8. Relocation of Utilities

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

9. Access and Utilities Easement

An easement in favour of Ergon Energy traverses the subject site, the developer must ensure that the depth of the cable/conduit is maintained in accordance with the easement documentation.

In addition, the developer must provide potholes above the existing conduit (specifications and locations to be agreed to by Ergon Energy) through the connection process.

10. Stormwater Drainage Easements and Reserves

- a) The developer must at its cost grant and cause to be registered on the title documents all easements or reserves over all underground drains, constructed drainage works, improved drains and natural concentrated flow paths which are placed under the control of Council.
- b) The developer must at its cost grant and cause to be registered on the title documents, all easements or reserves required by council or other public utility entity for access to or for the provision of essential services.
- c) The developer must at its cost cause to be registered surrenders of any existing easements and/or leases where necessary in connection with the subdivision.
- d) The extent and location of easements, reserves and surrenders required in (a) to (c) will, as far as possible, be determined prior to issue of the development permit for operational works or upon completion of works if subsequently found necessary.
- e) The land shown on the approved plans for drainage purposes must be transferred to the Crown as drainage reserve free of cost to council.

11. Stormwater Drainage

Certification by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) of the following requirements must be provided so as to achieve in particular:

- a) A "Hydraulic Study" is required to be submitted that determines the required development levels as part of an application for Operational Works. Hydraulic calculations must be submitted, either in computer printout form or tabulated on a plan form for council perusal. Tabulation on this plan must include all relevant detail to allow council the opportunity to assess the submitted design.
- b) All external catchments discharging onto the development site must be accepted and accommodated within the development's stormwater drainage system design.
- c) The developer must be responsible for providing an adequate drainage system for the development designed to accommodate runoff from a 1 in 50 year ARI storm event with the underground system able to accommodate runoff from a 1 in 2 year ARI storm event, as determined by using the relevant "Handbook for Drainage Design Criteria".
- d) Any open drains or surcharge paths necessary to convey to the point of lawful discharge must be designed to accommodate runoff from a 1 in 50 year ARI storm event.
- e) Inter-allotment drainage must be provided for allotments which cannot drain to the road reserve and must be designed to capture and disperse water runoff from 1 in 50 ARI year storm event.
- f) Road longitudinal grades and cross sections must result in all 1 in 50 ARI 50 year storm event flows being contained within the road reserves.
- g) The nominated lawful points of discharge for all stormwater runoff previously running through and/or developed by this subdivision must be the existing drainage corridor directly located south of this development or as agreed upon by council.
- h) The developer must ensure that the post development discharge of stormwater from the subject land does not exceed pre-development peak flows and there is no concentration or increase in levels or velocities for storms of minor and major design events as defined in Aus-Spec Handbook where the stormwater crosses land owned by others downstream of the developers land.
- i) Where the discharge of stormwater from the proposed development is to be carried across the developers balance land the developer must provide Council with a drainage easement to allow the flow of stormwater to the lawful point of discharge.

Advisory Note: Council recommends that the developer is to investigate the possibility of applying Council's latest drainage design requirements and how it alters the upstream and downstream stormwater flow levels.

12. Stormwater Quality Management

A stormwater quality management plan (SQMP) must be submitted to and be approved by council prior to the issue of a Development Permit for Operational Works. The SQMP must be prepared by a suitably qualified person.

In particular, the SQMP must adopt the water quality strategy of council's Coastal Dry Tropics Water Sensitive Urban Design Technical Design Guidelines.

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.

13. Roadworks

The developer must design and construct roads, along all road frontages to each lot and any modification to existing roads as shown on Drawing Number TEM044/SK11 Revision 1 dated 09 December 2011. In particular:

- a) The developer must design and construct all the roads in the subdivision and all the intersections to existing streets in accordance with Aus-Spec Development Design Specifications.
- b) A geotechnical survey/investigation must be submitted as part of the application for Operational Works and pavement designs must be submitted to and approved by council prior to the nominated subgrade inspection hold point being undertaken. The survey must identify ground water table levels, surface water paths, soil classification and stability (more likely on steep slope developments), unsuitable materials and existing nature of soil/rock and other relevant information that will facilitate proper design of all road elements such as subsurface drainage, pavement design and management of surface water run-off and road geometric design.
- c) Where applicable, an area wide and system based Local Area Traffic Management Schemes/Treatments must be implemented on local streets and collector roads by physical influence on vehicle operation and indirectly influencing driver's perception to generally decrease traffic speed and promote a pedestrian/cyclist safety. Any proposed LATM scheme/treatment must be presented to Council for review and approval prior to implementation.
- d) The road classifications must be in accordance with council's relevant current Standard Drawing, in particular:

Road Name	Designated Street/Road Type
Road A	Access Place - 15m wide road reserve

The road widths and design of the roads must be in accordance with the relevant council's adopted standards for those road types.

- e) Where the subdivision's roads, frontage treatments or services abut a state controlled road, a letter of approval from the Department of Transport and Main Roads must be submitted prior to an approval for Operational Works being issued.
- f) An application for street names must be submitted to and approved by council prior to submission of any Operational Works application. Approved street names must be shown on all engineering drawings submitted for Operational Works.
- g) The minimum radius of a cul-de-sac bowl is 9.0 metres or as otherwise approved by council.

14. Traffic Management Plan

A traffic management plan in accordance with the Manual of Uniform Traffic Control Devices Part 3 - Works on Roads must be submitted to council for review and acceptance as part of an application for Operational Works, prepared by a suitably qualified traffic professional detailing the traffic management measures put in place to manage existing council roads including pedestrians, cyclists and vehicles affected by future subdivisional works.

15. Prohibition of Vehicle Access

Direct vehicle access is not permitted between Lots 6, 7 (including the proposed new road reserve and existing drainage corridor (Lot 502 SP247145)). A barrier must be erected along the boundary of the site to prevent such access. Details of the barrier must be submitted and approved in writing by council and the works to be carried out prior to signing the survey plan.

16. Minimum Lot Levels

- a) The finished level on all new allotments created within the development site must be above the flood inundation level from an Average Recurrence Interval (ARI) 50 year storm/tide event. The developer must submit a hydraulic report that determines these levels prior to issue of a Development Permit to carry out Operational Work.
- b) The proposed lots must be filled and compacted with approved material to a minimum level equal to the level of a 50 year ARI flood and must be evenly graded to the road frontage or an approved inter-lot drainage system at not less than 0.5% (for residential lots) and 0.25% (for commercial and industrial lots) to ensure that the land is free draining.
- c) If the level of fill along an adjoining property boundary exceeds 100mm a retaining wall with at least a 50mm parapet above the fill level must be constructed to the requirements of council, in accordance with Section 5.5.2 of the former COT Planning Scheme.
- d) In residential areas that are impacted by storm surge/tide, the proposed lots are to be filled and compacted with approved material to a minimum level of RL 3.90m AHD, in accordance with Section 5.4.4 of the former COT Planning Scheme.

Advisory Note: Council recommends that the developer is to investigate the possibility of applying Council's latest flood immunity requirement for residential lots while ensuring that the adjacent existing residential lots are not adversely impacted.

17. Street Lighting

Overhead street lighting must be provided at the developer's cost and the following streets be in accordance with the categories shown as per Australian Standards, AS/NZS 1158 - Road Lighting.

Road	Lighting Category
Road A	P4

18. Electricity and Telecommunications

Electricity and telecommunications must be provided and in particular,

Underground electricity services must be provided to the frontage of each allotment, to the standards of the electricity authority. Written confirmation from the service provider that suitable arrangements are in place to provide the service must be submitted to council prior to signing the survey plan.

Underground telecommunications fibre-ready passive infrastructure must be provided to the frontage of each allotment in all new developments in accordance with the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2011 and standards of the telecommunications authority. Written confirmation from the service provider that suitable arrangements are in place to provide the service must be submitted to Council prior to signing the survey plan.

Underground telecommunications must be provided to the frontage of each allotment, to the standards of the telecommunications authority. Written confirmation from the service provider that suitable arrangements are in place to provide the service must be submitted to council prior to signing the survey plan.

19. Refuse Facilities

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Residential Planning Area, in accordance with the *General Development Code of the City of Thuringowa Planning Scheme*. In particular, 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.

20. Soil Erosion Sediment Control Plan

Due to the potential for significant erosion and sediment discharge from this project soil erosion and sediment control must be provided. A detailed Soil Erosion and Sediment Control must be provided as part of the Operational Works for the development. The Soil Erosion Sediment Control Plan must include but not be limited to:

- * certified by a "suitably qualified person"
- * performance standards, hold points and end points
- * include maps, calculations, timing/staging and rainfall events/design criteria
- * include specifications and construction details
- * include soil and water management plans
- * contain supporting documentation
- * include a maintenance and monitoring program
- * including geotechnical advice relating to the stability of the site during and after works
- * including details on revegetation and stabilisation of the site.

An appropriately qualified professional must design and certify the program which must comply with the Environmental Protection Act 1994 and all its subordinate legislation using appropriate principals and techniques detailed in the "Soil Erosion and Sediment Control – Engineering Guidelines for Queensland Construction Sites".

21. Acid Sulphate Soils Management

Soil and groundwater investigations must be conducted to support the proposed earthworks. Such investigations must be certified by an appropriately qualified and experienced Registered Professional Engineer of Queensland and must be submitted to council as part of an Operational Works application.

Should the soil and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils the developer must prepare a comprehensive acid sulphate soils management plan. The management plan must be submitted to council as part of an Operational Works application.

22. Property Numbering

Effective property numbers must be erected at the premises prior to the commencement of the use and 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.

23. Screen Fencing

The developer must ensure a fence is constructed/ maintained between the development site and all adjoining residential allotments. The fence must be constructed of timber palings with no more than a 20mm gap and must be no higher than 1.8 metres.

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 Development Permit for Reconfiguring a Lot subject to the conditions, as attached.

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 Development Permit for Reconfiguring a Lot, as attached.

ADVICE

1. Infrastructure Charges

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

2. Further Approvals Required

a) Operational Works

An Operational Works application must be submitted to Council for approval prior to works commencing on site, unless otherwise approved by Council.

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

b) Roadworks Approval

The developer is responsible for obtaining a Roadworks Approval in accordance with Local Laws 4 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 include the following:

- (i) Completed Roadworks approval application form
- (ii) Prescribed fee
- (iii) Traffic Management Plan prepared by a suitably qualified traffic professional

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.

3. Portable Long Service Leave Notification

As per the Qleave – Building and Construction Industry Authority Guidelines, for works over \$150,000 council must sight a copy of the receipted Portable Long Service Notification and Payment form prior to the issue of a Development Permit to carry out Operational Work.

4. Payment of Rates, Charges and Expenses

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

5. Satisfaction of Approval Conditions

- a) Unless explicitly stated elsewhere in this permit, all requirements of the conditions of this approval must be satisfied prior to Council signing the survey plan.
- 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 survey plan.

6. 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 accepts the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party the applicant agrees to indemnify and save the council harm in respect of any claim so arising.

7. Survey Control

Prior to Council signing any survey plans associated with the development, a minimum of two (2) Permanent Survey Marks must be located within the development and tied to the national MGA.

- a) Prior to Council signing any survey plans associated with the development, a minimum of two (2) Permanent Survey marks levelled to AHD must be located within the development or within 150m of the development.
- b) In addition, two (2) Permanent Survey marks located within the development or within 500m of the developments must be coordinated on MGA'94.
- c) All new and updated Permanent Survey Mark sketches must be forwarded to the Department of Environment and Resource Management to be added to the SCDB.
- d) Requirement for PSM'S coordinated on MGA'94 not required on small infill developments of five (5) lots or less.

8. Specifications and Drawings

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

Council Decision

It was MOVED by Councillor A Parsons, SECONDED by Councillor G Eddiehausen:

"that the officer's recommendation be adopted."

CARRIED

In accordance with section 173 of the *Local Government Act 2009*, Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell declared a perceived conflict of interest in regards to item 11.

- (a) **the name of the councillors who have the perceived conflict of interest:**
Councillor T Roberts , Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell
- (b) **the nature of the conflict of interest as described by the Councillors:**
a partner of Wilson Ryan and Grose made a personal donation to the Townsville First election campaign, further that to the best of the Councillors knowledge, this partner was not associated in any way with the issue in Item 11.
- (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 Councillors voted on the issue – how the Councillors 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.

11 Appeal No. 316 of 2014 Elements NQ Pty Ltd (Formerly Heights Estate Pty Ltd) White Road, Jensen

REPORT TO COUNCIL

Authorised by Director Planning and Development
Prepared by Legal Liaison Officer
Department Development Governance
Date 19 January 2015

Executive Summary

An Applicant Appeal was filed in the Planning and Environment Court by Elements NQ Pty Ltd on 21 October 2014. The Appeal was filed against Council's decision to approve a Development Application for the reconfiguration of 4 separate lots to create 346 Park Residential Lots subject to conditions.

The Applicant has elected to reserve its rights by appealing Council's decision based on its position that it did not agree with the inclusion of condition 10(e). Whilst both parties have filed appearances in this matter, Wilson Ryan Grose, on behalf of the Applicant, is yet to file an application for directions.

It is currently the intent of both parties to resolve the matter under dispute within condition 10(e) by way of an Infrastructure Agreement. Both parties acknowledge this approach will resolve the matter.

Wilson Ryan Grose has undertaken to develop an Infrastructure Agreement which Council now awaits. The matter is ongoing.

Officer's Recommendation

1. That council resolve to defend the development application in particular Condition 10(e) in the Planning and Environment Court Appeal No. 316 of 2014.
2. That council, under *Section 257 (1)(b) of the Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal, out of court, in the event that a mutually acceptable settlement emerges relating to the above matter.

Council Decision

It was **MOVED** by Councillor A Parsons, **SECONDED** by Councillor V Veitch:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The order of business resumed.

Confidential Items

It was **MOVED** by Councillor P Ernst, **SECONDED** by Councillor C Doyle:

"that council **RESOLVE** to close the meeting in accordance with Section 275 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) (e) contracts proposed to be made by it (Items 7, 8, and 12).

CARRIED UNANIMOUSLY

The council discussed the items.

It was **MOVED** by Councillor P Ernst, **SECONDED** by Councillor C Doyle:

"that council **RESOLVE** to open the meeting."

CARRIED UNANIMOUSLY

In accordance with section 173 of the *Local Government Act 2009*, Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell declared a perceived conflict of interest in regards to item 7.

(a) the name of the councillors who have the perceived conflict of interest:

Councillor T Roberts , Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell

(b) the nature of the conflict of interest as described by the Councillor:

UDP Consulting Engineers Pty Ltd donated to the Townsville First campaign. The Councillors further declared that all the companies and businesses on this list or their employees and associated family members may possibly have donated to the Townsville First campaign but there is not sufficient detail included in order to be able to determine this with accuracy.

(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 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 173 of the *Local Government Act 2009*, Councillor C Doyle, The Mayor, Councillor J Hill and Councillor L Walker declared a perceived conflict of interest in regards to item 7.

- (a) **the name of the councillors who have the perceived conflict of interest:**
Councillor C Doyle, The Mayor, Councillor J Hill and Councillor L Walker
- (b) **the nature of the conflict of interest as described by the Councillors:**
UDP donated to the Team Hill election campaign.
- (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 were of the opinion that they could participate in debate and vote on the matter in the public interest.
- (d) **if the Councillors voted on the issue – how the Councillors 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.

7 Engineering Services - RPS00012 - Register of Prequalified Suppliers for Project Management Services

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Infrastructure Services
Department Engineering Services
Date 9 January 2015

Executive Summary

Council has an existing Panel of Providers for Project Management Services that has been in place for three (3) years, which is due to expire on the 7 February 2015.

The purpose of this report is to provide information on the tenders received and council's evaluation and recommendation for appointment for RPS00012 - Prequalified Suppliers for Project Management Services.

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 accept the tenders as detailed in *Attachment 2*, Recommendation for Appointment – Panel of Providers for Project Management Services for Tender RPS00012.
3. That the Chief Executive Officer be delegated to approve the appointment to the Panel of Providers for Project Management Services for recommended respondents to be extended for up to a further two (2) periods of twelve (12) months each from the anniversary date of contract award.

Council Decision

It was **MOVED** by Councillor P Ernst, **SECONDED** by Councillor G Eddiehausen:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 173 of the *Local Government Act 2009*, Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell declared a perceived conflict of interest in regards to item 8.

- (a) **the name of the councillors who have the perceived conflict of interest:**
Councillor T Roberts, Councillor V Veitch, Councillor A Parsons, Councillor G Eddiehausen, Councillor S Blom, Councillor J Lane and Councillor R Gartrell
- (b) **the nature of the conflict of interest as described by the Councillors:**
McDonnells Law donated to the Townsville First 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 Councillors voted on the issue – how the Councillors 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.

8 Property Management - PSA00017 Provision of Cleaning Services

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Infrastructure Services
Department Infrastructure Services - Property Management
Date 23 December 2014

Executive Summary

Tender PSA00017 for the Provision of Cleaning Services closed on the 29 October 2014 and called for the provision of cleaning services across Townsville City Council buildings and depots. The proposed contract will be for an initial term of 18 months with one (1) monthly extensions. The term of the contract and the minimal extension periods is for the express purpose of chronologically aligning council's Property Management service contracts.

Cleaning services have been specified across multiple council buildings and depots and tenderers were invited to tender for the whole of scope. The contract comprises scheduled work (fixed), non-scheduled work (variable), and administrative and quality control activities as specified within the contract specification.

MacDonnell's Law was appointed by council on the 3 November 2014 to provide probity advice in relation to the procurement process. A copy of the report has been attached as per *Appendix A*.

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 contract PSA00017 Provision of Cleaning Services to TJS Services Queensland at the value of \$1,150,009.00 (excluding GST) for a period of 18 months with the optional provision for Council to offer extensions on a one (1) monthly basis.

Council Decision

It was **MOVED** by Councillor V Veitch, **SECONDED** by Councillor T Roberts:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The Councillors requested that full name of persons being dealt with be noted in future for the purpose of declaring conflicts of interest if required.

9 MI14/0030 - Material Change of Use (Impact) - Child Care Centre, 192 Bayswater Road, Currajong

Refer to council decision preceding item 9 of the Council Minutes (7818) where council resolved that the order of business be changed and item 9 be considered after item 6.

Refer page 7819 of the Council Minutes for item 9 MI14/0030 - Material Change of Use (Impact) - Child Care Centre, 192 Bayswater Road, Currajong.

10 MI14/0032 & RC14/0105 - Prelim approval under section 242 to rezone land from Open Space & Recreation Planning Area & Residential Planning Area to Traditional Residential Planning Area & Reconfig of Lots (One into Ten) Residential Subdivision

Refer to council decision preceding item 9 of the Council Minutes (7818) where council resolved that the order of business be changed and item 10 be considered after item 9.

Refer page 7828 of the Council Minutes for item 10 MI14/0032 & RC14/0105 - Prelim approval under section 242 to rezone land from Open Space & Recreation Planning Area & Residential Planning Area to Traditional Residential Planning Area & Reconfig of Lots (One into Ten) Residential Subdivision

11 Appeal No. 316 of 2014 Elements NQ Pty Ltd (Formerly Heights Estate Pty Ltd) White Road, Jensen

Refer to council decision preceding item 9 of the Council Minutes (7818) where council resolved that the order of business be changed and item 11 be considered after item 10.

Refer page 7840 of the Council Minutes for item 11 Appeal No. 316 of 2014 Elements NQ Pty Ltd (Formerly Heights Estate Pty Ltd) White Road, Jensen

CONFIDENTIAL REPORT TO COUNCIL

Authorised by Director Planning and Development
Department Strategic Planning
Date 15 January 2015

Executive Summary

Wellard Rural Exports Pty Ltd currently lease land in the ownership of council at Woodstock (Landsdown Property) for the purposes of a cattle holding yard. As part of changes to their business, Wellard is now proposing to expand their operations to include an integrated live export facility and is seeking a long term lease over the council land to establish such facilities. The securing of a long term lease for Wellard would provide an overall economic benefit to the City in terms of the live export industry and will also provide additional jobs for our community. Accordingly, it is recommended that council provide the CEO with the formal delegation to negotiate a long term lease arrangement with Wellard. This negotiation would be subject to the operator obtaining any development approvals for the proposed use before the lease is finalised.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That the CEO be delegated authority to negotiate a long term lease arrangement with Wellard Rural Exports Pty Ltd for the establishment on an integrated live export facility subject to the approval of any development applications under the *Sustainable Planning Act*.
3. That council provides in-principle support for the integrated live export facility on the subject land and consents to the lodgement of a development application.

Council Decision

It was MOVED by The Mayor, Councillor J Hill, SECONDED by Councillor A Parsons:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

General Business

(i) Request for approval of leave of absence

GENERAL BUSINESS ITEM	
Raised by	Councillor A Parsons
Committee	Ordinary Council
Date	27 January 2015

Overview

Councillor A Parsons requested leave of absence for the period of 10 to 13 March 2015 inclusive.

Council Decision

Council approved leave of absence for Councillor Parsons for the period of 10 to 13 March 2015.

(ii) Public Service Medal awarded to the Chief Executive Officer

GENERAL BUSINESS ITEM	
Raised by	The Mayor, Councillor J Hill
Committee	Ordinary Council
Date	27 January 2015

Overview

The Mayor, Councillor J Hill, congratulated the Chief Executive Officer, Mr Ray Burton, on being awarded a Public Service Medal for outstanding public service to Local Government including the Townsville City Council.

(iii) Query on the funding application submitted for Illich Park

GENERAL BUSINESS ITEM	
Raised by	Councillor L Walker
Committee	Ordinary Council
Date	27 January 2015

Overview

Councillor L Walker requested clarification on the Illich Park funding application for drainage works.

The Chief Executive Officer advised that the council met the timeframes for submitting the application with State Government prior to the Government moving into caretaker mode.

Close of Meeting

The Chair, Mayor Councillor J Hill declared the meeting closed at 11.35am.

CONFIRMED this

day of

2015

MAYOR

CHIEF EXECUTIVE OFFICER