



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 22 OCTOBER 2019 AT 1.00PM

Council Members >>

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

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

Corporate Plan >>

- Goal 1 -** A Prosperous City - Deliver a strong and innovative economy for Townsville with sustainable growth and support for local jobs and businesses.
- Goal 2 -** A City for People - Enhance people's experience of Townsville as a liveable and vibrant city by providing services that support the growth of an inclusive, knowledgeable, active, resilient, safe and healthy community.
- Goal 3 -** A Clean and Green City - Create a sustainable future for Townsville through the protection, maintenance and enhancement of our unique, natural and built environment.
- Goal 4 -** A Smarter, Faster, Better Council - Ensure the Townsville City Council remains a smarter, faster and better Council that is easy to work with, and for, and gains community trust by being transparent and managing its resources well.

Objectives >>

Goal 1 - A Prosperous City

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

Goal 2 - A City for People

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

Goal 3 - A Clean and Green City

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

Goal 4 - A Smarter, Faster, Better Council

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

ACKNOWLEDGEMENT OF COUNTRY

The Townsville City Council would like to acknowledge the traditional owners and custodians of Townsville – the Wulgurukaba of Gurambilbarra and Yunbenun; and Bindal people. We pay our respect to their cultures, their ancestors and their elders, past and present, and all future generations.

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REPORT	COUNCIL MEETING
DATE	Tuesday 22 October 2019 at 1.00pm
ITEMS	1 TO 26
PRESENT	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor A Greaney Councillor M Molachino Councillor K Rehbein Councillor M Ryder Councillor M Soars Councillor L Walker

Opening of meeting and announcement of visitors

The Chair, the Mayor, Councillor J Hill opened the meeting at 1.00pm.

Acknowledgement to Country

The Chair acknowledged the traditional owners and custodians of Townsville - the Wulgurukaba of Gurambilbarra and Yunbenun; and Bindal people, and paid respect to their cultures, their ancestors and their elders, past and present, and all future generations.

Prayer

Reverend Jason Smart of the Presbyterian Church delivered the opening prayer.

Apologies and requests for leave of absence

Councillor M Soars requested leaves of absence for the period 1 and 2 November 2019, to attend North Queensland Sports Foundation AGM (Annual General Meeting), as well as 18 to 22 November; Councillor M Ryder requested leave of absence for the period 11 to 15 November 2019 to attend the Australian Institute of Company Directors Course; Councillor L Walker requested leave of absence for the period 6 to 8 November 2019; Councillor K Rehbein requested leave of absence for the period 28 October to 1 November 2019 to attend the Australian Institute of Company Directors Course; and the Mayor, Councillor J Hill requested leave of absence for the period 31 October to 4 November 2019.

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

- "1. that the apology from Councillor P Jacob be received and that for the purposes of Section 162(1)(e) of the *Local Government Act 2009*, Councillor P Jacob be granted leave of absence from this meeting; and
2. that leaves of absence be approved as follows:

Councillor M Soars - 1 and 2 November 2019 and 18 to 22 November;
Councillor M Ryder - 11 to 15 November 2019;
Councillor L Walker - 6 to 8 November 2019;
Councillor K Rehbein - 28 October to 1 November 2019; and
the Mayor, Councillor J Hill - 31 October to 4 November 2019."

CARRIED UNANIMOUSLY

Confirmation of minutes of previous meeting

Councillor L Walker requested it be noted that the dates for the October Expo and Forums Trade Mission to China 2019 are 14 to 21 October 2019.

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

"that the minutes of the Ordinary Council meeting of 24 September 2019 be confirmed subject to the following:

that 'Mel Holland' be amended to 'Mal Holland'."

CARRIED UNANIMOUSLY

Disclosure of interests

Following recent changes to the *Local Government Act 2009* the Chief Legal Officer reminded Councillors of their obligations for disclosing conflicts of interests and material personal interests for items on the agenda.

- (i) Officers' Reports - Item 26 - Perceived conflict of interest - Councillors M Ryder, M Soars, A Greaney, R Cook, M Molachino, C Doyle, K Rehbein, V Coombe, L Walker and the Mayor, Councillor J Hill - One of the tenderers is JMac a whole owned subsidiary of BMD Group. BMD Group had donated \$10,000 to the Team Jenny Hill Campaign and this may create a perceived conflict of interest on this item. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.
- (ii) Officers' Reports - Item 26 - Material personal interest - Councillor C Doyle - Councillor Doyle declared a material personal interest for the following reasons:
 1. Councillor Doyle's husband and herself own a commercial property and business within in the Flinders Street East precinct of the PDA;
 2. their sons own a business within this property;and as such they stand to gain a benefit or suffer a loss depending upon the Council decision.

Correspondence

There was no correspondence.

Petitions

(i) Request to revoke permit of Rolly's Electrical

Councillor R Cook tabled a petition requesting Council give consideration to revoking the permit of Rolly's Electrical.

Council decision

That a report come back to Council on the item listed as part of this petition.

Deputations

(i) Item 25 - Toni-Lee Birch and Ben Collings

Notices of motion

There were no notices of motion.

Presentations

(i) Recovery update - Economic

The City Economist provided a presentation on the recovery update with regards to the economic aspect.

Mayoral Minute

The Mayor, Councillor J Hill provided the following Mayoral Minute regarding revitalising the City's image:

"As part of our commitment to the people of Townsville, the Council has been very active in rebuilding after the Monsoon, generating new economic development initiatives that will create new jobs, revitalising the CBD and supporting the creation of the new Stadium Precinct.

Events like NAFA and Townsville Eats have been very successful and brought much needed life and economic activity to the City after the Monsoon.

Next year we will see the opening of the new North Queensland Stadium, with Elton John as the headline act, a new home for the Cowboys and other events that will bring more people into the CBD area. We will also finish work on Flinders Lane and other transport links to the Stadium.

While most members of the local community and businesses have embraced our efforts to improve our City's image, it is disappointing that some building owners are allowing their buildings to become dirty, dilapidated, and in obvious need of repair. This detracts from our city image and has negative impacts on the businesses nearby. This neglect is costing us jobs and making it harder to attract new investments to Townsville overall.

We have been working closely with these building owners over an extended period to address the situation and while there have been some quite robust discussions along the way, unfortunately, we are not seeing the improvements we had hoped for.

Enough is enough. As Mayor I will not stand by and allow these recalcitrant building owners to keep getting away with this.

Today, I stand before Council with a proposal to introduce a tough new local law giving us power to clean up these derelict buildings and strengthen our ability to remove graffiti.

This proposed law is very similar to the local law used to clean up the Fortitude Valley in Brisbane. The proposed law, which will be subject to a State interest check and public consultation before it can be enacted, will require building owners to ensure their building is maintained so that its appearance does not detract from other buildings in the area.

Property owners who do not clean up rundown buildings will face maximum fines over \$26,000. The new local law will also give Townsville City Council the right to ask courts to order property owners to clean up their derelict properties.

Once the proposal is approved at today's Council meeting, the next step in the process is for us to commence consultation with the State Government to obtain their approval and also to begin the public consultation phase for introducing the proposed law. Statutory time limits mean it is likely to take at least 6 months before the law is in place.

My message to the owners of these derelict buildings is clear: They should do the right thing by the community and use this time to clean up their act now, and not wait until they are forced to do so.

A copy of the draft Local Law and supporting attachments summarising the process have been tabled for consideration by Councillors."

Council decision

It was MOVED by the Mayor, Councillor J Hill, SECONDED by Councillor K Rehbein:

"that Council resolve to propose to make *Local Law No. 8 (Unsightly Buildings) 2019* and *Subordinate Local Law No. 8 (Unsightly Buildings) 2019*."

CARRIED UNANIMOUSLY

Council agreed to consider item 25 as the first item of business.

Officers' Reports

25 Planning Services - Material Change of Use MCU19/0007 and OPW19/0007 - Expansion to Tourist Park and Artificial Wetland - 1-9 Muntalunga Drive, Nome

Executive Summary

The development relates to a Material Change of Use for Extensions to Tourist Park, and Operational Works for an Artificial Wetland at 1-9 Muntalunga Drive, Nome. The site is more commonly known as the Bush Oasis Caravan Park which is designated within the Rural residential zone and is affected by the Bushfire hazard and Flood hazard overlays. The development was assessed in accordance with the *Planning Act 2016*, the *Planning Regulation 2017*, the State Planning Provisions and the Townsville City Plan (version 2018/01).

The development is for the expansion of the tourist park into the unused balance of the lot located at the north western end of the site. The proposal includes 13 new caravan sites, 10 new glamping tents, two communal kitchen tents, a community tent, ablution block and an Artificial Wetland. The new caravan and tent sites will be located around the outskirts of the proposed artificial wetland that will be located centrally in the unused balance part of the site. The two communal kitchens are located over the northern end of the wetlands and the ablution block to the south. The wetlands are not only proposed to be an appealing visual addition to the site but will facilitate additional functionality to the existing wastewater and stormwater management systems. The wetlands will result in an upgrade in capacity to the existing on-site sewerage treatment system which required changes to their Environmental Relevant Activity (ERA) license, which they have concurrently obtained during this assessment process. Under the Planning Regulation 2017 the application was referred to the State for the ERA component, and for development within 25 metres of a main transport corridor (State Controlled Road). The State provided their approval, with conditions, which are attached to this proposed development permit.

The application was Impact Assessable therefore required public notification. During the notification period two submissions were received objecting to the development. Both submissions raised the same concern, being the stormwater and wastewater impacts on their downstream properties. These submissions have been considered and are discussed further in section 7 of this report.

In summary, the development is consistent with the Strategic intent of the Townsville City Plan therefore it is recommended for approval subject to reasonable and relevant conditions.

Council also considered the verbal comments provided by Toni-Lee Birch and Ben Collings at the meeting.

The Coordinator Infrastructure Assessment advised that Council has conditions on the MCU approval that requires the applicant to apply for an operational works approval. This is to remedy the previous unlawful works on the site. These works will be required to comply with Council standards and policies. Council will work with the applicant to achieve the right outcome for the adjoining properties.

Officer's Recommendation

That Council approve development applications MCU19/0007 and OPW19/0007, being a Material Change of Use for Extensions to the Tourist Park, and Operational Works for the Artificial Wetlands at 1-9 Muntalunga Drive, Nome over land formally described as Lot 1 RP740607 subject to reasonable and relevant conditions as outlined below:

DEVELOPMENT PERMIT

MATERIAL CHANGE OF USE (Extensions to Tourist Park)

SCHEDULE OF CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Plan No.	Revision No.	Plan Date
Site Plan	SK01	A	27-Nov-18
Part Site Plan	SK02	A	27-Nov-18
Floor Plan – Community Tent	SK1.10	A	23/11/2018
Floor Plan – Typical 4.2M Tent	SK2.10	A	27-Nov-18
Floor Plan – Kitchen Tent	SK3.10	A	23/11/2018
Elevations – Community Tent	SK1.20	A	23/11/2018
Elevations – Community Tent	SK1.21	A	22/11/2018
Elevations – Typical 4.2M Tent	SK2.20	A	27-Nov-18
Elevations – Typical 4.2M Tent	SK2.30	A	27-Nov-18
Elevations – Kitchen Tent	SK3.20	A	23/11/2018
Elevations – Kitchen Tent	SK3.30	A	23/11/2018
Reports			
Site Based Stormwater Management Plan prepared by ACS Engineers, referenced Job: 180036 dated 21/05/2019			
Traffic Impact Assessment report prepared by Premise, referenced BNC-0028, Rev: A, dated 3 July 2019			
Road Traffic Noise Assessment prepared by Dedicated Acoustics, referenced A342 – Bush Oasis Caravan Park – Road Noise Impact Assessment (Rev 0), dated 22 May 2019			
Wastewater Management Plan prepared by ACS Engineers, referenced Project: 180036, Rev 4, dated 26/08/2019			

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

Reason

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

Timing

During the operation and life of the development.

2. Building Materials

Condition

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

Reason

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

Timing

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

3. Property Numbering

Condition

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

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

Reason

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

Timing

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

4. Screening of Plant and Utilities

Condition

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

Reason

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

Timing

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

5. Relocation of Services or facilities

Condition

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

Reason

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

Timing

Prior to the commencement of the use.

6. On-site Sewage Disposal

Condition

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

Reason

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

Timing

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

Advice

On-site sewage information supplied with this application is not permission to install the facility or commence building work. Under the Plumbing and Drainage Act 2018, an application must be lodged with the Assets and Hydraulics team of Townsville City Council before any building work or installation of an on-site facility can be carried out.

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

A private water supply must be provided in accordance with Part 9.3.6 Works code and SC6.4 Development manual planning scheme policy specifically SC6.4.3.11 On-site water supply of the Townsville City Plan.

Reason

To ensure adequate water supply is available.

Timing

Prior to the commencement of the use.

8. Electricity and Telecommunication**Condition**

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

Reason

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

Timing

Prior to the commencement of use.

9. Stormwater Drainage**Condition**

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage achieves the outcomes in accordance with Part 9.3.2 Healthy Waters Code of the Townsville City Plan and Site Based Stormwater Management Plan prepared by ACS Engineers, referenced Job: 180036 dated 21/05/2019.

Reason

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

Timing

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

10. Stormwater Quality Management

Condition

The recommendations of the stormwater quality management plan accepted in condition 1 must be implemented. All works must be carried out in accordance with SC6.4 Development manual planning scheme policy of the Townsville City Plan.

Reason

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

Timing

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

11. Flood Emergency Management Plan

Condition

- a) A Flood Emergency Management Plan (FEMP), certified by a suitably qualified and experienced RPEQ must be prepared and submitted to Council for endorsement. The FEMP must be generally in accordance with the following:
- i. *State Planning Policy*, July 2017;
 - ii. *AS/NZS ISO 3100:2009 Risk Management – Principles and Guidelines*; and
 - iii. *Queensland Emergency Risk Management Framework (QERMF)*.

The FEMP is to include, but not limited to, the following:

- A. Passive and active flood management measures;
- B. Evacuation trigger levels;
- C. Roles and responsibilities,
- D. Training;
- E. Post flood response measures; and
- F. Monitoring.

- b) Implement and maintain the FEMP approved under part a) of this condition.

Reason

To ensure that the construction process is undertaken in accordance with relevant code/s and policy direction.

Timing

- a) Prior to commencement of works.
- b) At all times during construction and at all times following commencement of use.

12. Access and Carparking

Condition

- a) All car parking facilities and driveway must be provided in accordance with Part 9.3.5 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) A minimum of **23** car spaces, inclusive of those at the 13 caravan sites, including disabled parking, must be provided on site in addition to the existing parking provision.

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

Reason

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

Timing

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

13. Waste Management

Condition

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

Reason

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

Timing

To be submitted as part of Compliance Assessment prior to the use commencing onsite, and to be maintained for the life of the development.

14. Soil Erosion Minimisation, Sediment Control

Condition

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

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

Reason

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

Timing

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

15. Minimum Floor Levels

Condition

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

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

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

Reason

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

Timing

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

16. Dust Management**Condition**

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

Reason

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

Timing

During all times of construction.

17. Landscaping**Condition**

Landscape Design Plans must be prepared and provided to Council for approval in accordance with Part 9.3.3 Landscape code of the Townsville City Plan. Landscaping and Irrigation must be constructed in accordance with the with the approved landscaping plan(s) and constructed to the relevant standards in accordance with relevant code/s and policy direction.

Reason

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

Timing

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

18. Outdoor Lighting**Condition**

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

Reason

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

Timing

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

19. Environmentally Hazardous materials**Condition**

The Developer must provide a certification from a suitably qualified person confirming the structures used to store hazardous material in bulk (sewer treatment devices, etc.) are designed and installed in such a way that there will be no emissions to flood waters up to at least a 0.2% event.

Reason

To demonstrate compliance with PO09 of Part 8.2.6 Flood hazard overlay code of Townsville City Plan.

Timing

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

20. Bulk Earthworks**Condition**

Bulk Earthworks associated with the development including diversion of the waterway and filling must be carried out in accordance with SC6.4 Development manual planning scheme policy.

Documentation must be provided regarding the approval of the diversion of the waterway and bulk earthworks associated with the waterway (stream order 1) located in the north west corner.

Reason

To demonstrate compliance to the relevant codes and policies.

Timing

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

21. Amended Plan**Condition**

The proposed internal road located within the northern corner is not approved. Amended plans must be provided demonstrating the realignment of the internal road outside the stream order 1 waterway.

Reason

The internal access indicated in the drawing ACS-DWG-180036-WTLND – 03 of 21, revision B, dated 05/19 is over a stream order 1 waterway.

Timing

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

22. Signage**Condition**

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

Reason

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

Timing

Prior to the commencement of the use.

REFERRAL AGENCY CONDITIONS

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

Pursuant to Section 56 of the *Planning Act 2016*, the Department of State Development, Manufacturing, 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.

ADVICE

1. Infrastructure Charges

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

2. Water Restrictions

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

3. Further Approvals Required

a) Operational Works

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

Condition 9 – Stormwater Drainage
Condition 10 – Stormwater Quality Management
Condition 12 – Car Parking
Condition 14 – Soil Erosion Minimisation, Sediment Control
Condition 17 – Landscaping
Condition 19 – Environmentally Hazard Materials
Condition 20 – Bulk Earthworks
Condition 21 – Amended Plan

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

- b) **Compliance Assessment**
A Compliance Permit must be obtained from Council prior to the use commencing on site.

Condition 13 - Waste Management

- c) **Plumbing and Drainage Works**
A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

Before an onsite sewerage facility can be installed on a property, the applicant is required to apply for a permit to install the treatment facility on that property as per the *Plumbing and Drainage Act 2018*. Applications to install an onsite sewerage facility are to be lodged with the Hydraulic and Building Services Unit of Council as part of the plumbing/drainage application. Applicants should also refer to the Onsite sewerage facilities for non-sewered properties guidelines which provides details on the application and installation stages of an onsite sewerage facility. This document may be found on Council's website.

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

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

4. Further Inspections Required

Compliance with Conditions

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

Condition 2 – Building Materials
Condition 3 – Property Numbering
Condition 4 – Screening Plant and Utilities
Condition 8 – Electricity and Telecommunications

5. 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.

6. Building Work Noise

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

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

7. Specifications and Drawings

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

8. Environmental Considerations

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

9. Environmentally Relevant Activities

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

10. Stormwater Quantity/Drainage

Condition

Provide evidence/certificate from a RPEQ certifying that the works associated with stormwater have been constructed generally in accordance with the approved plans. The certificate must certify that the;

- stormwater management has been undertaken on site in accordance with the conditions of this and any other relevant approval issued by Council.
- proposed works will not result in an increase of peak flow rates from the site, no increase in flood levels external to the site that could cause loss or nuisance for a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive) for a range of storm durations including critical storm duration.

DEVELOPMENT PERMIT

OPERATIONAL WORK (Artificial Wetland)

SCHEDULE OF CONDITIONS

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Plan No.	Sheet No.	Rev No.	Plan Date
COVER PAGE	ACS-DWG-180036-WTLND	00 of 21	C	08/19
GENERAL NOTES	ACS-DWG-180036-WTLND	01 of 21	A	11/18
LOCALITY PLAN	ACS-DWG-180036-WTLND	02 of 21	C	08/19
ECOPARK LAYOUT	ACS-DWG-180036-WTLND	03 of 21	C	08/19
WETLAND VEGETATION LAYOUT	ACS-DWG-180036-WTLND	04 of 21	C	08/19
EARTHWORKS PLAN	ACS-DWG-180036-WTLND	05 of 21	C	08/19
TYPICAL SECTIONS - WETLANDS	ACS-DWG-180036-WTLND	06 of 21	B	05/19
WETLANDS DETAILS CROSS SECTION LOCATIONS	ACS-DWG-180036-WTLND	07 of 21	B	05/19
WETLAND SECTION VIEWS (01 OF 04)	ACS-DWG-180036-WTLND	08 of 21	B	05/19
WETLAND SECTION VIEWS (02 OF 04)	ACS-DWG-180036-WTLND	09 of 21	B	05/19
WETLAND SECTION VIEWS (03 OF 04)	ACS-DWG-180036-WTLND	10 of 21	B	05/19
WETLAND SECTION VIEWS (04 OF 04)	ACS-DWG-180036-WTLND	11 of 21	B	05/19
CATCHMENT PLAN – FULL SITE	ACS-DWG-180036-WTLND	15 of 21	A	05/19
STORMWATER MANAGEMENT PLAN	ACS-DWG-180036-WTLND	16 of 21	B	08/19
WASTE WATER MANAGEMENT LAYOUT	ACS-DWG-180036-WTLND	17 of 21	B	08/19
SEDIMENT AND SOIL EROSION CONTROL PLAN	ACS-DWG-180036-WTLND	18 of 21	B	08/19
SEDIMENT AND SOIL EROSION CONTROL NOTES (1 OF 3)	ACS-DWG-180036-WTLND	19 of 21	A	05/19
SEDIMENT AND SOIL EROSION CONTROL NOTES (2 OF 3)	ACS-DWG-180036-WTLND	20 of 21	A	05/19
SEDIMENT AND SOIL EROSION CONTROL NOTES (3 OF 3)	ACS-DWG-180036-WTLND	21 of 21	A	05/19

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

Reason

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

Timing

During the operation and life of the development.

2. Pre-construction

Condition

Prior to the commencement of work, and in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.5.1 Pre-construction guidelines of the Townsville City Plan, the Planning Services must be contacted to arrange/conclude all necessary pre-construction documentation.

Reason

To ensure that the construction process is undertaken in accordance with relevant code/s and policy direction.

Timing

Prior to commencement of construction.

3. Hours of Work

Condition

Works involving machinery of any description must only be carried out on site in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.5.2.1 (2) General standards and guidelines of the Townsville City Plan.

Reason

To have regard to amenity and to ensure that the construction process is undertaken in accordance with relevant code/s and policy direction.

Timing

During the construction phase of the development.

4. Compliance Inspection Fee

Condition

- a) A works inspection fee (at the rate applicable at the time of payment) must be paid
- b) A reinspection fee (at the rate applicable at the time of payment) will be applicable where an additional inspection is required due to works being incomplete or unsatisfactory at the initial inspection.

Reason

In accordance with policy direction (Fees and charges).

Timing

- a) Prior to the works being accepted Final Completion.
- b) The reinspection fee must be paid prior to the additional inspection being conducted.

5. Inspections

Condition

Each inspection must be certified and documented in accordance with SC6.4 Development manual planning scheme policy of the Townsville City Plan. All approved works are required to be inspected by Townsville City Council.

Note: Inspections required to be witnessed by Council Officers are set out in SC6.4.5.3 Quality management system of the Townsville City Plan.

Planning Services must be given at least two (2) business days' notice to arrange attendance by a representative for the purposes of joint witnessing these inspections.

The Planning Services representative must be authorised to conduct other regular site inspections, subject to normal OH&S requirements, in order to monitor development progress and general compliance with the development approval.

Reason

To ensure that the construction process is undertaken in accordance with relevant code/s and policy direction.

Timing

During the construction phase of the development.

6. Relocation of utility services

Condition

Any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development must be carried out at no cost to Council in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.5.2(3) General standards and guidelines of the Townsville City Plan.

Reason

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

Timing

Prior to the works being accepted Final Completion.

7. Soil Erosion Minimisation, Sediment Control

Condition

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

Reason

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

Timing

To be implemented during the construction phase.

8. Final Completion

Condition

The works will be accepted as finally complete subject to the satisfactory demonstration, that all works have been completed in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.7.2 On maintenance/final completion/off maintenance requirements of the Townsville City Plan.

Reason

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

Timing

Following the completion of the construction phase of the development.

9. Revegetation

Condition

All revegetation works to be undertaken in accordance with SC6.4 Development manual planning scheme policy of the Townsville City Plan.

Reason

To provide appropriate vegetation coverage to address amenity and/or to manage soil erosion issues in accordance with relevant code/s and policy direction.

Timing

During the construction phase.

10. Haulage of Materials**Condition**

Haulage of material must be undertaken in accordance Part 9.3.6 Works code and SC6.4 Development manual planning scheme policy of the Townsville City Plan.

Reason

Ensure materials are imported and exported from the site in accordance with relevant code/s and policy direction.

Timing

During the construction phase.

Concurrence Agency Conditions:**Department of State Development, Manufacturing, Infrastructure and Planning**

Pursuant to Section 56 of the *Planning Act 2016*, the Department of State Development, Manufacturing, Infrastructure and Planning advises that it has no objection to Townsville City Council issuing a Development Permit for Operational Works, subject to the conditions, as attached.

Advice**1. Satisfaction of Approval Conditions****Condition**

Unless explicitly stated elsewhere in this permit, all requirements of the conditions of this approval must be satisfied prior to Council accepting the works Finally Complete. Council may, at its absolute discretion, agree to accept other forms of security to guarantee compliance with conditions yet enable early acceptance of the works Finally Complete.

2. Limitation of Approval**Condition**

The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application (including its supporting material provided to it by the Applicant). The Council and its officers rely upon the Applicant and certification by a Registered Professional Engineer Queensland 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. The Applicant must indemnify the Council against any claim from a third party arising from inaccuracy or incompleteness of the Application or its supporting material.

3. Specifications and Drawings**Condition**

Details of Council's specifications and standard drawings can be viewed in SC6.4 Development manual planning scheme policy of the Townsville City Plan.

4. Contiguous Construction

Condition

Notwithstanding Council's examination of construction plans, all contiguous works must be constructed correctly as to level, alignment and grade, and where necessary, existing construction must be altered to achieve this.

5. Workplace Health and Safety

Condition

Work must not commence unless the requirements of the Workplace Health and Safety Act have been met. The contractor, developer and consulting engineer must take all necessary steps to ensure public safety in relation to construction activities. A copy of the application for a Notifiable Project must be provided to Council for record purposes.

6. Environmental Considerations

Condition

DEHP Requirements

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

7. Access to Council Infrastructure and Satisfaction of Works on Adjoining Allotments

Condition

- a) A written approval from the adjoining property owner(s) should be provided to Council to allow entry to their property to carry out the works associated with this development prior to the works commencing.
- b) Written clearance from the owners of all properties that have been entered onto to carry out works associated with the development is to be submitted prior to the works being accepted '*Final Completion*'. The clearance is to state the owner's satisfaction with the re-establishment of the property and is to indemnify Council against all future claims associated with the works.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED

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

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

Councillor Ryder believes that the development application does not properly address the submitters' concerns and this is the reason why she has chosen not to support the recommendation.

The order of business resumed.

Committee Items

Infrastructure Services Committee

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

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

CARRIED UNANIMOUSLY

1 Infrastructure Planning, Assets and Fleet New Lease Wulguru United Football Club Inc

Executive Summary

The Wulguru United Football Club Inc currently hold leases over this park for clubhouse and toilet block and have requested additional lease space to install a shipping container for storage purposes.

Officer's Recommendation

1. That Council resolve that the exemption in Section 236 (1)(b)(ii) of the *Local Government Regulation 2012* applies to the disposal of the land included in the lease, because the disposal is to a community organisation.
2. The recommendation is for a ten year lease term for the purpose of installing a shipping container for storage purposes.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

2 Infrastructure Planning, Assets and Fleet - Gate and Private Road Application on Old Georgetown Road Reserve

Executive Summary

Council has received a request from Economic Development Queensland to install a gate near the end of Haynes Road and construct a private road within the Old Georgetown Road reserve to provide a safe access to Lot 102 on SP295409.

Officer's Recommendation

That Council approve the request for Economic Development Queensland to install a gate near the end of Haynes Road and construct a private road within the Old Georgetown Road reserve for access to Lot 102 on SP295409 based on conditions set out in Gate Application Approval with Conditions (Attachment 3 of the Report to Council).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

3 Infrastructure Planning, Assets and Fleet Cyclone Testing Station Request for Continued Benefactor Support 2019-2020

Executive Summary

Townsville City Council has been a benefactor of the James Cook University Cyclone Testing Station (CTS) for over 14 years and serves as a member on the CTS Advisory Board through the position of the Team Manager Emergency Management.

Attached to the Report to Council is a letter from the CTS requesting Council's continued strategic and financial support for the 2019-2020 financial year.

Officer's Recommendation

1. That Council maintain its membership on the Cyclone Testing Station Advisory Board.
2. That Council continue its role as a benefactor to the Cyclone Testing Station by approving the annual financial support of \$22,000 including GST for the 2019-2020 financial year.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

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

Planning and Development Committee

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

"that the committee recommendations to items 4 to 10 be adopted."

CARRIED UNANIMOUSLY

4 Future Cities - Partial Acquisition of Reserve - Plume Street, South Townsville

Executive Summary

This report relates to a request received from Brazier Motti, on behalf of the Townsville Motorboat and Yacht Club, to acquire additional land adjacent to their existing facility on Plume Street, South Townsville. The acquisition of such land will provide lawful access to the marina via Plume Street.

Officer's Recommendation

1. That Council agree to relinquish the trusteeship of part of Lot 488 on SP135285, thus allowing the Townsville Motorboat and Yacht Club to lodge an application to the Department of Natural Resources, Mines and Energy to acquire the site.
2. That Council impose a condition upon agreement, which requires an easement to be secured over the land to allow Council to access the creek and an entry point for the leased area.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 4 of the Council minutes where Council resolved that the committee recommendation be adopted.

5 Planning - New Appeal No. 161 of 2019 - Singh v Townsville City Council and Vet2UrPet and DSDMIP - 5 Thuringowa Drive, Kirwan

Executive Summary

A submitter appeal was filed in the Planning and Environment Court on 2 September 2019 against Council's approval of a development permit for Material Change of Use for Veterinary Services on land situated at 5 Thuringowa Drive, Kirwan.

The submitter is seeking an order from the court that the application be refused or approved with amended conditions.

Officer's Recommendation

1. That Council resolve to defend the approval of the development permit in Planning and Environment Court Appeal No. 161 of 2019.
2. That Council, under *Section 257 (1)(b)* of the *Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal, in the event that a mutually acceptable settlement emerges relating to the above matter.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 4 of the Council minutes where Council resolved that the committee recommendation be adopted.

6 Planning Services - New Appeal No. 154 of 2019 - Juniper Property Holdings No. 7 Pty Ltd v Townsville City Council - Radical Bay Road, Florence Bay

Executive Summary

An applicant appeal was lodged in the Planning and Environment Court on 14 August 2019 against Council's refusal of extension of currency period of development permit for reconfiguration of a lot over Radical Bay, Magnetic Island.

The applicant is seeking an order from the Court that the extension be approved.

Officer's Recommendation

That Council receive this report and note New Appeal No. 154 of 2019.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 4 of the Council minutes where Council resolved that the committee recommendation be adopted.

7 Planning Services - Outcome of Appeal No. 285 of 2017 and New Appeal No. 147 of 2019 - Garbutt Developments Pty Ltd v Townsville City Council - 74-98 John Melton Black Drive, Garbutt

Executive Summary

An appeal was filed in the Planning and Environment Court in Townsville on 1 December 2017 against the deemed refusal by Council to extend the relevant period for a development permit with respect to 78-94 Melton John Black Drive, Garbutt. The applicant sought an order from the court that the extension of the relevant period be granted until 30 November 2019.

Council refused the extension request on 24 July 2019. As a result, the applicant discontinued the appeal against the deemed refusal and lodged a new appeal on 8 August 2019 against Council's refusal of the extension.

The appellant is seeking an order that the extension is granted for a further period of two years from the making any court order to extend the currency period.

Officer's Recommendation

The Council note the Outcome of Appeal No. 285 of 2017 and New Appeal No. 147 of 2019.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 4 of the Council minutes where Council resolved that the committee recommendation be adopted.

8 Planning Services - Material Change of Use MCU19/0065 - 5 Mandalay Avenue Nelly Bay

Executive Summary

An application has been lodged for a Shop (commercial art gallery and gift shop) and an Office (real estate office) on land described as Lot 5 RP717418, situated at 5 Mandalay Avenue, Nelly Bay on Magnetic Island. The subject lot is occupied by a single detached dwelling house which currently accommodates a commercial art gallery and gift shop (54.5sqm GFA) and a real estate office (9.8sqm GFA) whilst retaining residential accommodation within the rear part of the premises (53.7sqm GFA).

The proposal is an impact assessable development and accordingly the application was subject to public notification. During the public notification period a total of 6 submissions were received of which four were in support of the development and two were opposed to it.

As the commercial uses are modest in scale and are in very close proximity to the nearest commercial precinct (Nelly Bay gateway precinct), and as residential accommodation has been retained on the site, and as no significant adverse impacts on road safety or residential amenity are known to be caused, the proposal is considered to be acceptable, subject to reasonable and relevant conditions.

The Committee also considered the verbal comments of Susan Stein and Matteo Sandona provided at the meeting.

Officer's Recommendation

That Council approve application MCU19/0065 for a development approval for a Shop (commercial art gallery and gift shop) and Office (real estate office) under the *Planning Act 2016* on land described as Lot 5 RP 717418, more particularly 5 Mandalay Avenue, Nelly Bay subject to the following conditions:

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE SHOP (COMMERCIAL ART GALLERY AND GIFT SHOP) AND OFFICE (REAL ESTATE OFFICE)

1. Approved Plan

Condition

The development must be retained in accordance with the plan referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any other condition of this approval.

Plan Name	Plan No.	Revision No.	Plan Date
Building Layout Plan (As amended with the annotation 'ART GALLERY AND GIFT SHOP ONLY')	M1481-SK-02	-	25/06/2019

Reason

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

Timing

At all times during the operation and life of the development.

2. Restriction of Uses

Condition

Notwithstanding the planning scheme definitions of the subject uses as a 'shop' and an 'office' in Schedule 1 of the Townsville City Plan, the shop must only operate as a commercial art gallery and gift shop and the office must only operate as a real estate office.

Reason

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

Timing

At all times during the operation and life of the development.

3. Hours of Operation (Commercial Art Gallery and Gift Shop only)

Condition

Unless otherwise agreed in writing by council, the commercial art gallery and gift shop use must not operate outside of the following hours:

Monday - Friday: 9am to 5pm
Saturday: 9am to 4pm
Sunday and Public Holidays: 10am to 2pm

Reason

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

Timing

At all times during the operation and life of the development.

4. Storage**Condition**

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

Reason

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

Timing

At all times during the operation and life of the development.

5. Car Parking**Condition**

- a) A minimum of two (2) car parking spaces must be provided and maintained on site and must be a minimum of 2.7m in width and 5.4m in length.
- b) The car parking and accessways must be a minimum all weather gravel standard and must not impede stormwater flows across the site.

Reason

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

Timing

Prior to the commencement of use.

6. Landscaping**Condition**

The existing landscaping at the front of the building must be maintained.

Reason

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

Timing

At all times during the operation and life of the development.

7. Existing Signage**Condition**

An application for a development permit for operational work for signage associated with this development (1x roof sign and 2x fascia awning signs) must be lodged with Council.

Reason

Signage is categorised in the Townsville City Plan as code assessable development.

Timing

Within two (2) months of the date of issue of this development permit

Advice

Signage has been included as a Plan Right development type. See Council's website for a list of accredited consultants that can assist with the submission of an application.

8. Property Numbering**Condition**

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

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

Reason

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

Timing

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

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

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

Reason

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

Timing

Prior to the commencement of use.

10. Sewerage Reticulation**Condition**

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

Reason

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

Timing

The development is to maintain the existing connection to Council's reticulated sewer system.

11. Water Supply**Condition**

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

Reason

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

Timing

The development is to maintain the existing connection to Council's reticulated water system.

12. Electricity and Telecommunication

Condition

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

Reason

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

Timing

The development is to maintain existing electricity and communication connections.

ADVICE

1. Refuse storage

Advice Condition

The Applicants and/or Developer must ensure that adequate and appropriate refuse storage and collection arrangements are in place to service the approved commercial uses.

2. Management of Customer Car Parking

Advice Condition

The Applicants and/or Developer are advised that customers to the commercial art gallery and gift shop and to the real estate office who travel by car or motorbike should be advised not to park in the road reserve directly in front of neighbouring residential properties in Mandalay Avenue.

3. Infrastructure Charges

Advice Condition

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

4. Further Approvals Required

Advice Condition

Operational Work

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

Condition 7 – Existing Signage

Committee Recommendation

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

Council Decision

Refer to resolution preceding item 4 of the Council minutes where Council resolved that the committee recommendation be adopted.

9 Planning Services - Land Use and Urban Design - Minutes of the City Image Advisory Committee 19 July 2019

Executive Summary

Attached to the Report to Council are the minutes of Council's City Image Advisory Committee meeting held on 19 July 2019. Items discussed included a presentation from the Department of Housing and Public Works regarding social housing in Townsville, a Cotters Market update, the potential for a Greening Policy, the process for painting buildings, a proposed local law for empty or abandoned buildings and CBD activation updates.

Officer's Recommendation

That Council note the minutes of the City Image Advisory Committee meeting of 19 July 2019.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 4 of the Council minutes where Council resolved that the committee recommendation be adopted.

10 Presentation - Energy Queensland : Town planning and electrical clearance to structure

Committee Recommendation

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

Council Decision

Refer to resolution preceding item 4 of the Council minutes where Council resolved that the committee recommendation be adopted.

Community Health and Environment Committee

It was MOVED by Councillor A Greaney, SECONDED by Councillor M Ryder:

"that the committee recommendations to items 11 and 12 be adopted."

CARRIED UNANIMOUSLY

11 Environmental Services - Environmental Water Quality Monitoring, Incident Response and Capacity Building within Council

Executive Summary

The Environmental Services section conducts environmental monitoring of waterway health and water quality in local lakes and the Ross River. The team has developed a platform to visualise water quality data to aid the Council in decision making around these natural assets while researching, optimising and trialling innovative processes and technologies to continually improve these responses.

A range of ongoing and new projects are summarised that aim to develop effective and low-cost methods in collecting water quality samples, utilising natural processes to improve water quality, building capacity across the Council to improve maintenance and open spaces management as well as activating best practices with environmental incident response.

Key points in the case studies include:

- » training and capacity building across Council;
- » amplifying and optimising data through Enterprise-wide Environmental Monitoring Systems (EEMS);
- » using natural processes to improve water quality through a floating wetland trial;
- » optimising real time water quality data using in situ sensors;
- » reinstating aeration systems into Ross River and lakes; and
- » using beneficial microbes for environmental incident response.

Officer's Recommendation

That Council note the key initiatives taken by Environmental Services regarding Environmental Water Quality Monitoring, Incident Response and Capacity Building.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 11 of the Council minutes where Council resolved that the committee recommendation be adopted.

12 Presentation Flying-Fox management and 4th Annual National Flying-Fox Forum

Executive Summary

The General Manager Environmental Services provided a presentation on Flying-Fox management.

The Chair, Councillor A Greaney advised of the 4th Annual National Flying-Fox Forum being held on 13 to 14 November 2019 in Canberra.

Committee Recommendation

That the attendance of Councillor R Cook at the 4th Annual National Flying-Fox Forum in Canberra on 13 to 14 November 2019 be approved.

Council Decision

Refer to resolution preceding item 11 of the Council minutes where Council resolved that the committee recommendation be adopted.

Community and Cultural Development Committee

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

"that the committee recommendations to items 13 to 17 be adopted."

CARRIED UNANIMOUSLY

13 Galleries - Minutes of the Street Art Activation Working Group - 29 August 2019

Executive Summary

The purpose of the Street Art Activation Working Group is to provide information and advice pertaining to the activation of Street Art related projects and undertake investigations and detailed work that will inform the development of a recommendation to Council.

The Street Art Activation Working Group meeting was held on 29 August 2019. The minutes of the meeting are attached to this report for Council to note.

Officer's Recommendation

That Council note the minutes of the Street Art Activation Working Group meeting held on 29 August 2019.

Committee Recommendation

1. That the officer's recommendation be adopted.
2. That staff investigate the possibility of street art at zebra crossings.

Council Decision

Refer to resolution preceding item 13 of the Council minutes where Council resolved that the committee recommendation be adopted.

14 Community Engagement - Grants and Partnerships - Open Community Grants

Executive Summary

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

The following report outlines the Open Community Grants that were assessed by subject matter experts for the period up to and including 12 September and approved by the Team Coordinator as per Table 1 in the report. These grants are reported through to Council for noting. The list includes ten applications received through the following categories:

- » Social Grants and Partnerships (grant value up to and including \$5,000);
- » Economic Grants and Partnerships (grant value up to and including \$5,000); and
- » Environmental Grants and Partnerships (grant value up to and including \$5,000).

Of the 10 eligible applications that were received, all have been recommended for funding with the total value of \$31,659.62

Officer's Recommendation

That Council note the grant funding for Townsville City Grants and Partnerships, all categories, for under \$5,000.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 13 of the Council minutes where Council resolved that the committee recommendation be adopted.

15 Community Engagement - Minutes of the Inclusive Community Advisory Committee - 7 August 2019

Executive Summary

The Inclusive Community Advisory Committee (ICAC) purpose is to be a peak body of community representatives to provide advice to Council on current and emerging social and community planning needs and opportunities, policy matters and to promote community leadership through a 'collective impact' approach.

The Inclusive Community Advisory Committee meeting was held on 7 August 2019. This report presents the ICAC meeting minutes to Council.

Key presentations delivered during the ICAC meeting were:

- » Kenneth Melchert – Open Data Advocate, who provided a presentation on Townsville Dashboards;
- » Sally Butler, Acting Principal Inclusive Communities, who provided a presentation on the Liveability Study findings; and
- » Inga Davis – Program Director – Water Security, who provided a presentation on the Water Smart packages.

Officer's Recommendation

That Council note the Minutes of the Inclusive Community Advisory Committee meeting held on 7 August 2019.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 13 of the Council minutes where Council resolved that the committee recommendation be adopted.

16 Community Engagement - Minutes of the Arts and Culture Advisory Committee - 8 August 2019

Executive Summary

The Arts and Culture Advisory Committee (ACAC) is a peak body of community representatives that provides advice to Council on current and emerging arts and culture planning needs and opportunities within the community and provides feedback on Council projects, initiatives and policy matters.

The most recent Arts and Culture Advisory Committee meeting was held on 8 August 2019. This report presents the minutes of that meeting to Council.

Key presentations delivered during the ACAC meeting were:

- » Findings of the Liveability Study - Sally Butler, Principal, Inclusive Communities, Future Cities and Kirsty Geaney, Social Planner, Future Cities provided a presentation on the Findings of the Liveability Study conducted by Council;
- » Water Smart Program - Inga Davis, Program Director, Water Security presented an Overview and Update on the Water Smart Program being conducted by Council;
- » Draft Arts Strategy and Draft 2020 Operational Plan – Judith Jensen, Team Manager Arts (Visual and Performing), Jonathon McBurnie, Creative Director Galleries and Emily Molloy, Coordinator Performing Arts provided a presentation on the Draft Arts Strategy for Council. Judith Jensen also presented on the Draft 2020 Operational Plan for the Arts; and
- » Councillor Doyle (ACAC Chair) congratulated the committee on their efforts over the previous month of Arts events and activities during the Northern Australia Festival of Arts 2019, Fringe Festival 2019, Australian Festival of Chamber Music, Strand Ephemera and Pop Up North Queensland.

Officer's Recommendation

That Council note the Minutes of the Arts and Culture Advisory Committee meeting held on 8 August 2019.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 13 of the Council minutes where Council resolved that the committee recommendation be adopted.

17 Community Engagement - Community Development - Grants and Partnerships - Stable on the Strand 2019

Executive Summary

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

Stable on the Strand have applied through Townsville City Grants and Partnerships (Community Organisations) - Social Category - for \$76,627 (cash), and \$8,820 (in kind) support towards delivery of the 2019 Stable on the Strand to be held on 18 December to 22 December 2019

Stable on the Strand celebrates Christmas with story, song and festivity. It features the traditional Town of Bethlehem where guests meet and interact with Mary, Joseph, and baby Jesus, the Wise Men, Shepherds, Roman Soldiers, Animals, and other Bethlehem characters all in period costume. In the Stable Village guests enjoy live music & performances on the Main Stage; interactive youth and children's activities; refreshments; Strand Park Food Fair; Stable Beach Theatre; and Stable Christmas Markets (new in 2019)

Officer's Recommendation

That Council approve the issuing of a Townsville City Grants and Partnership Funding Agreement to Stable on the Strand to the total value of \$85,447 which comprises of \$76,627 cash and \$8,820 in-kind (venue waiver), from Townsville City Grants and Partnerships (Social Category) Program 2019/20.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 13 of the Council minutes where Council resolved that the committee recommendation be adopted.

Governance and Finance Committee

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

"that the committee recommendations to items 18 to 20 be adopted."

CARRIED UNANIMOUSLY

18 Finance Services - Budget Variance Report - August 2019

Executive Summary

This report outlines the progress that has been made in relation to the whole of Council budget for the 2019/20 financial year as at August 2019, pursuant to section 204 of the *Local Government Regulation 2012*.

Officer's Recommendation

That Council note the financial report for August 2019 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation 2012*.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 18 of the Council minutes where Council resolved that the committee recommendation be adopted.

19 Finance Services - Treasury Report - August 2019

Executive Summary

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

Officer's Recommendation

That Council note the treasury report for August 2019 and the information contained therein.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 18 of the Council minutes where Council resolved that the committee recommendation be adopted.

20 CONFIDENTIAL REPORT - Finance Services - Notice of Intention to Sell Properties for Arrears of Rates

Executive Summary

The report lists properties with overdue rates that have remained outstanding in excess of the period specified in the regulation. Council can now move to sell these properties to recover the outstanding rates and charges under Chapter 4, Part 12 Division 3 of the *Local Government Regulation 2012*.

140 Notice of intention to sell land for overdue rates or charges

(1) This section applies if—

- (a) there are overdue rates or charges on land; and
- (b) the liability to pay the overdue rates or charges is not the subject of court proceedings; and
- (c) some or all of the overdue rates or charges have been overdue for at least—
 - (i) generally—3 years; or
 - (ii) if the rates or charges were levied on vacant land or land used only for commercial purposes, and the local government has obtained judgment for the overdue rates or charges—1 year

Officer's Recommendation

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

Property Numbers

6700	504309	360047	48400	538870	529042
355996	237560	143770	544890	510962	522589
355997	518395	542627	527360	355344	528116
355998	512295	91520	513411	513219	511008
353403	228590	516101	238990	543653	517885
360559	549721	353466	534572	546179	40440
509365	551169	520157	518461	235820	520555
241840	533883	534607	27090	534420	533909
538563	236470	508943	536306	536894	522067
500367	527033	513064	353411	90570	512890
348601	520138	501849	518094	513634	542143
505225	506861	530299	334453	527444	532973
531540	510240	348199	348965	530979	44340
353429	19030	534263	502106	88160	529201
145830	49980	521173	528151	60230	194620
516805	138130	161660	525138	353467	513937
537521	540643	537503	361165	528432	58520
152260	511270	110380	550795	519804	505713
360426	547123	533491	544850	510831	193390

4040	205180	533614	532515	59010	83690
504247	352514	537160	551096	232960	536363
168810	106390	42080	516945	518257	151020
74060	524423	140190	510058	190640	526800
528940	352048	204530	534949	502990	510060
56380	356419	54030	507612	518846	536222
218620	514723	522225	547945	538187	518382
536150	89220	516525	504233	513018	353397
527296	267440	533380	133260	537092	353413
509574	63340	521734	550038	47510	522008
538967	527071	524712	514278	530689	353393
518093	41690	360796	526109	514123	56150
550372	533762	245760	512519	221660	
548085	528464	514680	360186	522723	

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

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 18 of the Council minutes where Council resolved that the committee recommendation be adopted.

Townsville Water and Waste Committee

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

"that the committee recommendations to items 21 to 23 be adopted."

CARRIED UNANIMOUSLY

21 Townsville Waste Services - Kerbside Waste and Recycling Characterisation Audit 2019

Executive Summary

Townsville Waste Services commissioned AECOM to undertake a Kerbside Waste and Recycling Characterisation Audit in April 2019. The report has just been finalised and is presented for information purposes.

These audits occur approximately every five years to identify major components of the domestic waste and recycling streams which assists with waste management planning.

Officer's Recommendation

That Council note the results of the 2019 Kerbside Waste and Recycling Characterisation Audit.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes where Council resolved that the committee recommendation be adopted.

22 CONFIDENTIAL REPORT - TOW00136 Operation of the Hervey Range Tip Shop

Executive Summary

Townsville City Council is constructing a new Front-End Resource Recovery Centre and Tip Shop at the Hervey Range Waste Facility.

Current contractual arrangements for the salvage of materials from this site ended on the 31 August, 2019. The construction of the Front End Resource Recovery Centre and Tip Shop will be completed in December, 2019.

Council sought tenders (TOW00136) for the management and operation of the Tip Shop.

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 TOW00136 - Operation of Hervey Range Tip Shop to Bowen Resources for 3 years as per the contract terms and conditions with the option to extend a maximum of 24 months in 2 separate 12 month periods.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes where Council resolved that the committee recommendation be adopted.

23 CONFIDENTIAL REPORT Townsville Water and Waste - TCW00353 Expression of Interest for Leachate Treatment and Disposal at the Stuart Waste Facility

Executive Summary

The Stuart Waste Facility is located at 24 Vantassel Street, Stuart, and is the only landfill within the Townsville Local Government Area licensed to accept mixed putrescible and regulated waste. The deposition of waste in the landfill, and the subsequent percolation of rainfall through the waste mass, produces landfill leachate.

The Environmental Authority issued by the Department of Environment and Science, (Number EPPR00962513) under which the Stuart Landfill is administered requires leachate to be managed to avoid release of contaminants.

The landfill has been generating leachate for approximately 30 years since it was opened in 1988; and will continue to do so from the existing and new cells until its anticipated closure in around 2040. Furthermore, leachate will continue to be generated in the post closure phase after 2040 for an additional 20 years until the waste mass stabilises. As such, leachate generated by the landfill needs to be managed for in excess of 70 years.

Leachate is currently evaporated as the primary treatment and disposal method; however, this alone is insufficient to manage the volumes both stored within the landfill; and generated annually via the landfill's operation.

The options available to Townsville City Council (TCC) to assist in the treatment and disposal of leachate at the Stuart Landfill are known to be highly variable in their approach, cost, and technical reliability. As such, TCC does not have a preferred solution in mind for the problem. The Project Management Office, (PMO) on behalf of TCC is therefore planning to release an Expression of Interest (EOI) for a leachate treatment and disposal solution for the Stuart Landfill, as outlined further below. The EOI will form the first phase of a three-stage procurement process, as outlined below.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remains confidential unless Council decides otherwise by resolution.
2. That Council endorse the recommendation for the release of an Expression of Interest for a leachate treatment and disposal solution at the Stuart Waste Facility.
3. That Council approve procurement and shortlisting to occur in line with the Expression of Interest (additional information in the Report to Council).

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 21 of the Council minutes where Council resolved that the committee recommendation be adopted.

Officers' Reports

Planning, Environmental and Cultural Services

24 Planning Services - Material Change of Use MCU19/0065 - 5 Mandalay Avenue, Nelly Bay

Executive Summary

An application has been lodged for a Shop (commercial art gallery and gift shop) and an Office (real estate office) on land described as Lot 5 RP717418, situated at 5 Mandalay Avenue, Nelly Bay on Magnetic Island. The subject lot is occupied by a single detached dwelling house which currently accommodates a commercial art gallery and gift shop (54.5sqm GFA) and a real estate office (9.8sqm GFA) whilst retaining residential accommodation within the rear part of the premises (53.7sqm GFA).

The proposal is an impact assessable development and accordingly the application was subject to public notification. During the public notification period a total of 6 submissions were received of which four were in support of the development and two were opposed to it.

As the commercial uses are modest in scale and are in very close proximity to the nearest commercial precinct (Nelly Bay gateway precinct), and as residential accommodation has been retained on the site, and as no significant adverse impacts on road safety or residential amenity are known to be caused, the proposal is considered to be acceptable, subject to reasonable and relevant conditions.

Officer's Recommendation

That Council approve application MCU19/0065 for a development approval for a Shop (commercial art gallery and gift shop) and Office (real estate office) under the *Planning Act 2016* on land described as Lot 5 RP 717418, more particularly 5 Mandalay Avenue, Nelly Bay subject to the following conditions:

SCHEDULE OF CONDITIONS

MATERIAL CHANGE OF USE SHOP (COMMERCIAL ART GALLERY AND GIFT SHOP) AND OFFICE (REAL ESTATE OFFICE)

1. Approved Plan

Condition

The development must be retained in accordance with the plan referenced in the table below and attached as stamped "Approved Subject to Conditions" which forms part of this approval, unless otherwise specified by any other condition of this approval.

Plan Name	Plan No.	Revision No.	Plan Date
Building Layout Plan (As amended with the annotation 'ART GALLERY AND GIFT SHOP ONLY')	M1481-SK-02	-	25/06/2019

Reason

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

Timing

At all times during the operation and life of the development.

2. Restriction of Uses

Condition

Notwithstanding the planning scheme definitions of the subject uses as a 'shop' and an 'office' in Schedule 1 of the Townsville City Plan, the shop must only operate as a commercial art gallery and gift shop and the office must only operate as a real estate office.

Reason

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

Timing

At all times during the operation and life of the development.

3. Hours of Operation (Commercial Art Gallery and Gift Shop only)

Condition

Unless otherwise agreed in writing by council, the commercial art gallery and gift shop use must not operate outside of the following hours:

Monday - Friday: 9am to 5pm

Saturday: 9am to 4pm

Sunday and Public Holidays: 10am to 2pm

Reason

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

Timing

At all times during the operation and life of the development.

4. Storage

Condition

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

Reason

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

Timing

At all times during the operation and life of the development.

5. Car Parking

Condition

- a) A minimum of two (2) car parking spaces must be provided and maintained on site and must be a minimum of 2.7m in width and 5.4m in length.
- b) The car parking and accessways must be a minimum all weather gravel standard and must not impede stormwater flows across the site.

Reason

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

Timing

Prior to the commencement of use.

6. Landscaping

Condition

The existing landscaping at the front of the building must be maintained.

Reason

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

Timing

At all times during the operation and life of the development.

7. Existing Signage

Condition

An application for a development permit for operational work for signage associated with this development (1x roof sign and 2x fascia awning signs) must be lodged with Council.

Reason

Signage is categorised in the Townsville City Plan as code assessable development.

Timing

Within two (2) months of the date of issue of this development permit

Advice

Signage has been included as a Plan Right development type. See Council's website for a list of accredited consultants that can assist with the submission of an application.

8. Property Numbering

Condition

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

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

Reason

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

Timing

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

9. Relocation of Services or facilities

Condition

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

Reason

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

Timing

Prior to the commencement of use.

10. Sewerage Reticulation

Condition

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

Reason

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

Timing

The development is to maintain the existing connection to Council's reticulated sewer system.

11. Water Supply**Condition**

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

Reason

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

Timing

The development is to maintain the existing connection to Council's reticulated water system.

12. Electricity and Telecommunication**Condition**

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

Reason

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

Timing

The development is to maintain existing electricity and communication connections.

ADVICE**1. Refuse storage****Advice Condition**

The Applicants and/or Developer must ensure that adequate and appropriate refuse storage and collection arrangements are in place to service the approved commercial uses.

2. Management of Customer Car Parking**Advice Condition**

The Applicants and/or Developer are advised that customers to the commercial art gallery and gift shop and to the real estate office who travel by car or motorbike should be advised not to park in the road reserve directly in front of neighbouring residential properties in Mandalay Avenue.

3. Infrastructure Charges**Advice Condition**

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

4. Further Approvals Required

Advice Condition Operational Work

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

Condition 7 – Existing Signage

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

25 Planning Services - Material Change of Use MCU19/0007 and OPW19/0007 - Expansion to Tourist Park and Artificial Wetland - 1-9 Muntalunga Drive, Nome

Refer to page 10806 of the Council Minutes where Council agreed to consider item 25 as the first item of business.

Refer page 10806 of the Council Minutes for item 25 - Planning Services - Material Change of Use MCU19/0007 and OPW19/0007 - Expansion to Tourist Park and Artificial Wetland - 1-9 Muntalunga Drive, Nome

Confidential Items

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

"in relation to item 26, pursuant to Section 275 of the *Local Government Regulation 2012*, that this meeting be closed to the public so that Councillors can discuss:

(e) contracts proposed to be made by Council."

CARRIED UNANIMOUSLY

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

"that Council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

In accordance with section 175E of the *Local Government Act 2009*, Councillors M Ryder, M Soars, A Greaney, R Cook, M Molachino, C Doyle, K Rehbein, V Coombe, L Walker and the Mayor, Councillor J Hill declared a perceived conflict of interest in regards to item 26.

- (a) **the name of the Councillor who has a real conflict of interest or perceived conflict of interest in the matter;**
Councillors M Ryder, M Soars, A Greaney, R Cook, M Molachino, C Doyle, K Rehbein, V Coombe, L Walker and the Mayor, Councillor J Hill.
- (b) **the Councillor's personal interests in the matter, including the particulars mentioned in section 175E (2) as described by the Councillor;**
One of the tenderers is JMac a whole owned subsidiary of BMD Group. BMD Group had donated \$10,000 to the Team Jenny Hill Campaign and this may create a perceived conflict of interest on this item. The amount of the donation received was declared on the Team Jenny Hill ECQ disclosures that are on the ECQ website.
- (c) **the decisions made under section 175E (4) and the reasons for the decisions;**
This item was referred to the Chief Executive Officer.
- (d) **whether the Councillor participated in the meeting, or was present during the meeting, under an approval under section 175F ;**
This item was referred to the Chief Executive Officer.
- (e) **if the Councillor voted on the matter—how the Councillor voted on the matter;**
This item was referred to the Chief Executive Officer.
- (f) **how the majority of Councillors who were entitled to vote at the meeting voted on the matter.**
This item was referred to the Chief Executive Officer.

In accordance with section 175C of the *Local Government Act 2009*, Councillor C Doyle declared a material personal interest in regards to item 26.

- (a) **the name of the councillor who has a material personal interest in the matter;**
Councillor C Doyle.
- (b) **the material personal interest, including the particulars mentioned in section 175C (2)(a) as described by the councillor;**
 - 1. Councillor Doyle's husband and herself own a commercial property and business within in the Flinders Street East precinct of the PDA;
 - 2. their sons own a business within this property;and as such they stand to gain a benefit or suffer a loss depending upon the Council decision.
- (c) **whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F.**
This item was referred to the Chief Executive Officer.

26 CONFIDENTIAL REPORT - Infrastructure Planning Assets and Fleet - TCW00360 - Central Park Boardwalk Design and Construct

Executive Summary

Council has requested Tender Submissions via Tenderlink for Quotation for the Design and Construction of the Central Park Boardwalk – Screw Pile, Cantilevered (1m over existing Revetment wall), Recycled FRP Composite Decking Boardwalk. DDA Compliant, UV Resistant & Fire Retardant.

Generally, the length of the Boardwalk will be 444m and is to be 4m wide with 1m over existing Revetment wall.

Officer's Recommendation

- 1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remains confidential unless Council decides otherwise by resolution.
- 2. It is recommended that Council Award Design and Construction of the Central Park Boardwalk as per the Evaluation Panel's recommendations.

Council Decision

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

"that this item be referred to the Chief Executive Officer."

CARRIED UNANIMOUSLY

General Business

(i) Wheelchair Rugby League international game at Townsville Stadium

Councillor R Cook provided an overview of the first ever Wheelchair Rugby League international game at Townsville Stadium. Councillor Cook read out correspondence(email) from Darren Mckenna, one of the coaches and trainers of the Australian Wheelchair Rugby League Team, applauding the efforts of the Council staff at the Townsville Stadium.

On behalf of the England International Wheelchair Rugby League management and team, Councillor Cook presented a plaque to the Mayor, Councillor J Hill in recognition of the outstanding work that all the staff at Townsville Stadium carried out during the days leading up to, on game day as well as after this great event. Their tireless efforts have ensured that Townsville is well and truly on the radar for many future wheelchair sporting events at local, state, national and now international levels.

(ii) LGAQ (Local Government Association of Queensland) Conference

Councillor K Rehbein provided an overview of the recently held LGAQ Conference. Councillor Rehbein and the Mayor, Councillor J Hill provided an overview of motions presented and the outcomes.

(iii) Belcarra update from LGAQ (Local Government Association of Queensland) Conference

Councillor M Soars provided an update with regards to Belcarra from the LGAQ (Local Government Association of Queensland) Conference held recently.

Councillor Soars believes it is important to acknowledge this Council and all the councils around Queensland that have lobbied the LGAQ to represent them to the State Government for amendments to gain balance for our communities moving into the future.

(iv) State Volunteering Conference

Councillor M Ryder thanked Council for allowing her to attend the State Volunteering Conference held recently. Councillor Ryder provided an overview of the conference and also advised of the grassroots volunteers conference being held next year in Townsville.

Close of Meeting

The Chair, the Mayor, Councillor J Hill declared the meeting closed at 2.55pm.

CONFIRMED this TWENTY-SIXTH day of NOVEMBER 2019

MAYOR

CHIEF EXECUTIVE OFFICER