



# **ORDINARY COUNCIL**

## **PUBLIC MINUTES**

**TUESDAY 28 JULY 2015 AT 9.00 AM**

**Council Members >>**

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

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## Goals and Strategies of Townsville City Council >>

### Corporate Plan >>

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- Goal 1:** Economic Sustainability - A strong diverse economy which provides opportunities for business and investment with an integrated approach to long term planning where the city's assets meet the community needs.
- 1.1 Create economic opportunities for Townsville to drive community prosperity.
  - 1.2 Maximise opportunities through engagement and partnership with stakeholder achieve a strong resilient economy.
  - 1.3 Utilise the City Plan to inform the development of current and future infrastructure needs of Townsville.
  - 1.4 Promote and market Townsville as a vibrant destination for commerce, entertainment and lifestyle.
- Goal 2:** Environmental Sustainability - A sustainable future where our environment is valued through the protection and enhancement of our unique, natural and built environment with a commitment to reducing our environmental impact.
- 2.1 Effective management, protection and conservation of our environment to ensure a balance between built infrastructure and areas of environmental significance.
  - 2.2 Implement an effective integrated demand management approach to infrastructure planning and delivery.
  - 2.3 Preserve our natural environment through active management, education and compliance activities.
  - 2.4 Adopt urban design principles that create a distinct sense of place, enables and informs place creation, maximises efficiency, and enhances the built and natural environment.
  - 2.5 Research and implement environmental solutions utilising innovative smart technology and encourage behaviour change.
- Goal 3:** Social Sustainability - A vibrant community that is accessible, safe, healthy, creative and knowledgeable, where we embrace diversity and our sense of community.
- 3.1 Encourage active and healthy lifestyles through accessible public facilities and community initiatives.
  - 3.2 Support the community's access to and participation in a range of artistic, cultural and entertainment activities.
  - 3.3 Enhance wellbeing and safety in the community.
  - 3.4 Enhance a knowledgeable, inclusive and connected community that embraces growth and lifelong learning.
  - 3.5 Provide community infrastructure and services that support growth and meets community needs.
- Goal 4:** Responsible Governance - A well-managed, transparent and effective organisation that gives the community confidence, demonstrates financial sustainability, where our customers are satisfied with our services and our employees are proud to work here.
- 4.1 Undertake robust and accountable financial, resource and infrastructure planning and management to ensure affordable and sustainable outcomes for our community.
  - 4.2 Deliver best value customer service to our community.
  - 4.3 Enable innovation and technology capacity within council to drive organisational efficiencies.
  - 4.4 Engage with the community to inform council decision making processes.
  - 4.5 Provide inspirational leadership and contemporary management systems that drives a coordinated, motivated, highly effective and efficient organisation.
  - 4.6 Commit to open transparent and accountable governance to ensure community confidence and trust in council.
  - 4.7 Promote an organisational culture that values and empowers its workforce.

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<b>REPORT</b>	<b>COUNCIL MEETING</b>
<b>DATE</b>	<b>Tuesday 28 July 2015 at 9.00am</b>
<b>ITEMS</b>	<b>1 TO 49</b>
<b>PRESENT</b>	The Mayor, Councillor J Hill Councillor V Veitch Councillor S Blom Councillor C Doyle Councillor G Eddiehausen APM Councillor P Ernst Councillor R Gartrell Councillor J Lane Councillor T Roberts

### **Opening of Meeting and Announcement of Visitors**

The Chair, The Mayor, Councillor J Hill opened the meeting at 9.01am.

### **Prayer**

Reverend Ann Harley of the Uniting Church delivered the opening prayer.

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

**It was moved by Councillor V Veitch, seconded by Councillor R Gartrell:**

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

**CARRIED UNANIMOUSLY**

### **Confirmation of Minutes of Previous Meetings:**

**It was moved by Councillor G Eddiehausen, seconded by Councillor V Veitch:**

"that the Minutes of the Ordinary Council meeting of 23 June 2015 be confirmed; and that the minutes of the Special Council meeting of 24 June 2015 and 7 July 2015 be confirmed."

**CARRIED UNANIMOUSLY**



## Disclosure of Interests

- (i) Planning and Development Committee - Material personal interest - Items 1 and 45 - Councillor P Ernst - Councillor Ernst's Father In-Law owns a property in Hunt Court.
- (ii) Governance and Finance Committee - Perceived conflict of interest – Item 36 – Councillor P Ernst declared a conflict of interest in regards to item 36 on the minutes as MM Pty Ltd rents a property owned by Councillor P Ernst. Directors of that company have an interest in Hayman's Electrical and Data Suppliers, the recommended successful tenderer for tender (PSA00016). The companies themselves are unrelated, but the directors' interests in both companies raise a perceived conflict of interest.
- (iii) Townsville Water and Waste - Perceived conflict of interest - Item 41 - Councillors S Blom, G Eddiehausen, R Gartrell, J Lane, T Roberts and V Veitch - Urbex Pty Ltd donated to the Townsville First election campaign (Urbex is a subsidiary of BMD).
- (iv) Officers Report - Material personal interest - Item 48 - Councillor P Ernst - Councillor Ernst's family have commercial interests and he doesn't wish to exclude them from any opportunities that may present.

## Correspondence

Nil

## Petitions

- (i) **Petition to request council give consideration to have the commercial car detailing business located at 9 Rivergum Court cease business.**

### Overview

Councillor J Lane tabled a petition from Condon residents requesting council give consideration to have the commercial car detailing business located at 9 Rivergum Court cease business.

### Council Decision

That the petition be referred to the Planning and Development Department for consideration.

- (ii) **Request council give consideration to horse riders safely passing through Round Mountain Road to access Bartlett Park.**

### Overview

Councillor J Lane tabled a petition from Anita Bast-Cook requesting council give consideration to horse riders safely passing through Round Mountain Road to access Bartlett Park without having to be concerned about a reduction of the road by 15m along a 750 metre stretch. This road is shared with trucks, cars and motorbikes and as council has deemed this road for public use by horse riders, the petitioners would like to make certain the horse riders safety is of primary concern.

### Council Decision

Refer to item 43 for council decision.

**Deputations**

There were no deputations.

**Notices of Motion**

Nil

**Presentations**

Nil

**Mayoral Minute**

There was no Mayoral Minute.

## Committee Items

### Planning and Development Committee

In accordance with section 172 of the *Local Government Act 2009*, Councillor P Ernst declared a material personal interest in regards to item 1.

- (a) **the nature of the material personal interest as described by the Councillor:**  
Councillor Ernst's father in law owns a property in Hunt Court.
- (b) **how the Councillor dealt with the material personal interest:**  
Councillor P Ernst vacated the chambers during discussion and voting on the item.

***It was moved by Councillor V Veitch, seconded by The Mayor, Councillor J Hill:***

*"that the committee recommendations to items 2, 3, 5, 7, 8 and 9 be adopted and that items 1, 4 and 6 be dealt with separately."*

**CARRIED**

Item 1 P& E Court Appeal No. 166 of 2015

***It was moved by Councillor V Veitch, seconded by Councillor S Blom:***

*"that the officer's recommendation to item 1 be adopted."*

**CARRIED**

Item 4 Strategic Planning - Economic Development & Strategic Projects

***It was moved by Councillor V Veitch, seconded by Councillor T Roberts:***

*"that the committee recommendation to item 4 be adopted."*

**CARRIED**

**Councillor V Veitch and Councillor J Lane voted against the motion.**

Item 6 - MI15/0002 - MCU Multiple Dwelling

***It was moved by Councillor T Roberts, seconded by Councillor R Gartrell:***

*"that the committee recommendation to item 6 be adopted."*

**CARRIED**

**1 P&E Court Appeal No. 166 of 2015 - Grattan Willey v TCC - Appeal against Council's decision to refuse a development application for a Development Permit for a Material Change of Use for a Residential Care Facility - 2 Hunt Court, Aitkenvale**

**Executive Summary**

A Notice of Appeal was filed in the Planning and Environment Court by Grattan Willey on 5 June 2015. The Appeal was filed against council's decision to refuse a development application for a Development Permit for a Material Change of Use required for a Residential Care Facility situated at 2 Hunt Court, Aitkenvale.

The Notice of Appeal seeks an Order that the Development Application be approved subject to conditions.

**Officer's Recommendation**

1. That council resolve to defend the Applicant's Appeal in the Planning and Environment Court Appeal No. 166 of 2015.
2. That council, under *Section 257 (1)(b) of the Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal out of Court in the event that a mutually acceptable settlement emerges relating to the above matter.

**Committee Recommendation**

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

**Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8268) where council resolved that the officer's recommendation be adopted.**

**2 Outcome of Appeal - Appeal No. 153 of 2014, MacCallum Planning & Architecture v TCC, 4-5 Carter Street, North Ward**

**Executive Summary**

A Notice of Appeal was filed in the Planning and Environment Court on 23 May 2014 by MacCallum Planning & Architecture (Applicant). The Appeal was against council's decision to refuse a development application for a Development Permit for a Material Change of Use of Premises (Impact) for a Multiple Dwelling (16x3 and 14x2 Bedroom Units) in respect of property situated at 4-5 Carter Street, North Ward. Nine submitters subsequently elected to become co-respondents in the appeal on 18 June 2014.

As part of the appeal process, the parties engaged in a number of mediations and without prejudice discussions which sought to resolve and facilitate an acceptable outcome.

On 14 May 2015 Roberts Nehmer McKee filed a Notice of Discontinuance on behalf of the Appellant to bring the appeal to an end.

The matter before the Courts is now at an end.

**Officer's Recommendation**

That council receive this report.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8268) where council resolved that the officer's recommendation be adopted.**

### **3 Strategic Planning - City Planning - Proposed amendments to the Townsville City Plan and planning scheme policies - Report**

#### **Executive Summary**

This report proposes the first round of amendments to the Townsville City Plan, in keeping with the ongoing maintenance of the Planning Scheme and planning scheme policies to reflect modern standards and practices.

Proposed amendment requests (including proposed administrative, minor and major amendments) are collectively addressed in the report in order to ensure a streamlined and efficient process of undertaking amendments to the Townsville City Plan and planning scheme policies.

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

1. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, council resolve to adopt the prepared administrative and minor amendments to the Townsville City Council Planning Scheme and planning scheme policies in accordance with this report.
2. That, pursuant to section 117(1), Part 5, Chapter 3 of the *Sustainable Planning Act 2009*, council resolve to adopt the Major Amendments to the Townsville City Plan and planning scheme policies in accordance with this report.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8268) where council resolved that the officer's recommendation be adopted.**

### **4 Strategic Planning - Economic Development & Strategic Projects - Townsville Enterprise Service Level Agreement**

#### **Executive Summary**

Townsville City Council maintains a Service Level Agreement (SLA) with Townsville Enterprise Limited (TEL). The 2014/2015 SLA states that council and TEL would work to develop a three year agreement to commence from the 1st day of July 2015 subject to an annual review process.

A review of the current SLA by council and TEL was undertaken including a written report by TEL (Attachment 1 of the Report to Council). Further reports are also provided on the 2014/2015 Memorandums of Agreement (MoU). This review process identified opportunities to provide improved clarity and purpose along with greater performance measures and detail associated with agreed service levels. This has informed the development of a three year agreement for the period July 2015 until June 2018 (Attachment 2 of the Report to Council).

### **Officer's Recommendation**

That council receive and note the report by Townsville Enterprise Limited and delegate the Chief Executive Officer to sign the three year Service Level Agreement (Attachment 2 of the Report to Council) with Townsville Enterprise Limited.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8268) where council resolved that the officer's recommendation be adopted.**

## **5 Strategic Planning - Economic Development and Strategic Projects - Townsville Sister Cities Program update and report on 2015/2016 activities**

### **Executive Summary**

The Townsville Sister Cities Community Forum is required to provide a report on the activities for the forthcoming year. This report has been prepared in accordance with the terms of reference and in consultation with the Chairperson and members of the forum.

A summary is also provided on the April 2015 Trade Delegation by the North Queensland Regional Organisation of Councils to China which included a visit to the Sister Cities of Changshu and Foshan.

### **Officer's Recommendation**

That council receive the report and endorse the 2015/16 Sister Cities Program.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8268) where council resolved that the officer's recommendation be adopted.**

## **6 MI15/0002 - Full Council - MCU (Impact) Multiple Dwelling (3x3 Bedroom Units) - 28 Sheehan Street, Belgian Gardens**

### **Executive Summary**

An application under the current Townsville City Plan seeking a Development Permit for a Material Change of Use for a Multiple Dwelling (3 x 3 Bedroom Units) was lodged on 23 January 2015. The subject site is located at 28 Sheehan Street, Belgian Gardens, more particularly described as Lot 4 on RP717716. The site is in the Low Density Residential Zone where a Multiple Dwelling is impact assessable. No external referral agencies were triggered in respect to this application.

The application was publicly notified in accordance with the requirements of the Sustainable Planning Act 2009, during which time 15 submissions objecting to the proposed development were received by council. Matters raised through these submissions have been taken into consideration during the assessment of the application and are addressed as part of this report. The applicant also provided a response to these submissions and is included with this report.

The proposed development overall and on balance is considered to be consistent with the Strategic Framework, the Overall Outcomes and Performance Outcomes and intent sought by the Townsville City Plan. The development generally complies with the majority of Acceptable Outcomes within the applicable codes with only minor encroachments within the front, side and rear setbacks and no dedicated visitor car park.

In conclusion it is recommended that the proposed development, be approved subject to reasonable and relevant conditions.

### Officer's Recommendation

That council approve application MI15/0002 for a development permit for Multiple Dwelling (3x3 Bedroom Units) under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 4 RP 717716, more particularly 28 Sheehan Street Belgian Gardens subject to the following conditions

## DEVELOPMENT PERMIT

### MATERIAL CHANGE OF USE MULTIPLE DWELLING (3 x 3 Bedroom Units)

#### MATERIAL CHANGE OF USE CONDITIONS

#### 1. Approved Plans and Supporting Documentation

##### Condition

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

Plan Name	Plan No.	Revision No.	Revision Date
Cover Sheet	P.1103 SK 000	D	20/01/2015
Site Plan	P.1103 SK 001	E	20/01/2015
Floor Plan – Unit 1	P.1103 SK 200	D	20/01/2015
Floor Plan – Unit 2	P.1103 SK 201	D	20/01/2015
Floor Plan – Unit 3	P.1103 SK 202	D	20/01/2015
Elevations – Unit 1	P.1103 SK 700	D	20/01/2015
Elevations – Unit 2	P.1103 SK 701	D	20/01/2015
Elevations – Unit 3	P.1103 SK 702	D	20/01/2015
Parking and Driveway Access	P.1103 SK 002	C	25/02/2015
<b>Associated Reports</b>			
Engineering Report prepared by STP Consultants (Ref: T14-077) dated 13 May 2014			

- b) One full set of the most up to date approved plans and supporting documentation must be held on site and available for inspection for the duration of the construction phase.

**Reason**

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

**Timing**

During the operation and life of the development.

**2. Amended Plans****Condition**

Prior to the issue of a Development Permit for Building Works, the developer must provide an amended plan for P.1103 SK002 for compliance assessment demonstrating on site manoeuvrability can be achieved for all double garages.

**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.

**3. Building Materials****Condition**

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

**Reason**

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

**Timing**

Prior to commencement of the use.

**4. Property Numbering****Condition**

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

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

**Reason**

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

**Timing**

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

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

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



**Reason**

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

**Timing**

Prior to the signing of Building Format Plan and commencement of the use.

**6. Sewerage Reticulation****Condition**

The developer must seal off the existing house drain connection for 28 Sheehan Street (as close as possible to the northern property boundary). The new sewer connection for this development must be provided along the existing sewer line in 138 Bundock Street via a new manhole at no cost to Council. Details of the sewerage reticulation works must be submitted and approved by Council.

**Reason**

To assess the condition of the conduit and ensure that the premises are appropriately serviced by Council infrastructure where located in a service area for a sewerage service under the Water Supply (Safety and Reliability) Act 2008

**Timing**

Prior to the commencement of any building works associated with the approved development. Assessed as part of Compliance Assessment for the development.

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

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

**Reason**

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

**Timing**

Prior to the issuing of a Certificate of Classification or Building Final.

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

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage has been achieved in accordance with Part 9.4.2 Healthy Waters Code

*[Note: Detailed designs must ensure that the recommendation of the Engineering Report accepted as per Condition 1 will be implemented and to confirm compliance with Part 9.4.2 Health Waters Code of the current City Plan.]*

**Reason**

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

**Timing**

Assessed as part of Compliance Assessment and to be maintained for the life of the development.

## 9. Roadworks and Traffic

### Condition

- a) The developer must construct the new access driveway and crossover from the existing kerb and channel to the property boundary at the developer's expense in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy. An application for a Road Opening Permit for the invert and crossover must be submitted and approved by Council.
- b) The developer must replace the kerb and channelling as necessary to repair any irregularities or breaks for the full frontage of the site in accordance with Part 9.4.6 Transport impact, access and parking code.
- c) During the construction phase, and damages to the road reserve (i.e. footpath/kerb and channel) must be replaced by the developer in accordance with Council's standards.

### Reason

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

### Timing

Prior to the commencement of the use

## 10. Car Parking

### Condition

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) The developer must provide a minimum of six (6) car spaces including disabled parking on site in accordance with SC6.10 Parking rates planning scheme policy.

### Reason

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

### Timing

Details of parking and access arrangements to be provided with application for Compliance Assessment.

## 11. Drying Facilities

### Condition

The developer must provide adequate clothes drying facilities. Where applicable, clothes drying facilities must be screened from public view in accordance with the Residential zone codes of Part 6.2 Residential zones category.

### 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.

## 12. Letterboxes

### Condition

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

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

### Reason

To address Crime Prevention through Environmental Design principles.

### Timing

Prior to the commencement of the use.

## 13. Screen Fencing

### Condition

The developer must provide a visual screen between the site and any adjoining land occupied by a residential building or any adjoining land contained in a Residential zone.

### Reason

To address amenity and Crime Prevention through Environmental Design principles.

### Timing

Prior to the commencement of the use.

## 14. Screening of Plant and Utilities

### Condition

- a) Unless otherwise approved by Council, the location and screening of the air conditioner condenser units must be located in accordance with the approved plans, so as they are not significantly visible from the street and reduces audible outputs to surrounding residential properties.
- b) All other plant and utilities must not 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.

## 15. Landscaping

### Condition

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

The landscape and irrigation design plans must be prepared in accordance with Part 9.4.3 Landscape code. The landscape plans must include detail for the road reserve fronting the site including street trees, turf and automated irrigation. (All landscaped areas and irrigation must be maintained thereafter to the satisfaction of Council).

**Reason**

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

**Timing**

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

**16. Minimum Floor Levels****Condition**

The developer must ensure that;

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

The developer must submit documentation signed by an engineer (who must be an RPEQ) to a Building Certifier identifying the required minimum floor height of all habitable rooms to achieve flood immunity.

**Reason**

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

**Timing**

Prior to the issuing of a Development Permit for Building Works

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

During the construction phase of this development the developer must be responsible for the installation and maintenance of adequate erosion and sediment control management in accordance with Part 9.4.2 Healthy Waters Code

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

**Reason**

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

**Timing**

Assessed as part of Compliance Assessment and maintained for the life of the development.

**18. Vegetation Disposal****Condition**

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

**Reason**

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

**Timing**

Prior to and during construction of the development.

**19. Refuse Facilities****Condition**

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

- a) The owner/occupier is responsible for the storage of their mobile waste container (wheelie) bins including recycling bins. The developer must provide storage areas that are suitably paved.
- b) All bins are to be individually marked with the unit number to which it belongs
- c) An adequate hard stand area with sufficient space to accommodate all bins for collection is to be made available along the Sheehan Street frontage for the collection of mobile garbage (wheelie) bins and recycling bins (collected bi weekly). When development is operational, please contact Waste Services on 1300 878 001 to commence refuse service.
- d) A minimum overhead clearance of 4200mm must be provided for refuse collection. Access for the collection of the mobile garbage (wheelie) bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.
- e) All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the Environmental Protection (Waste Management) Regulation 2000.

**Reason**

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

**Timing**

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

## Advice

**1. Infrastructure Charges****Condition**

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

**2. Further Approvals Required****Condition**

- a) **Compliance Assessment**  
A Compliance Assessment application associated with the following conditions must be submitted to Council for approval prior to the issue of a

Development Permit for Building Works, unless otherwise approved by Council.

Condition 2 – Amended Plan  
Condition 5 - Sewerage Reticulation  
Condition 7 - Stormwater Drainage  
Condition 9 - Car Parking  
Condition 14 - Landscaping  
Condition 16 - Soil Erosion Minimisation, Sediment Control

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

- b) **Plumbing and Drainage Works**  
The developer must obtain a Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.
- c) **Building Works**  
The developer must obtain a Development Permit for Building Works to carry out building works prior to works commencing on site.

#### 4. Connection to Council Sewer

##### **Condition**

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

#### 5. Storage of Materials and Machinery

##### **Condition**

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

#### 6. Building Work Noise

##### **Condition**

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

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

#### 7. Specifications and Drawings

##### **Condition**

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

## 8. Environmental Considerations

### Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

## 9. Building Over/Adjacent to Services

### Condition

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

## 10. Asbestos

### Condition

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

## 11. Roadworks Approval

### Condition

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

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

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

### Committee Recommendation

That the officer's recommendation be adopted.

### Council Decision

**Refer to resolution preceding item 1 of the council minutes (page 8268) where council resolved that the officer's recommendation be adopted.**

**7 MI14/0035 - Full Council - MCU (Impact) Multiple Dwelling (9 x 2 Bedroom Units) - Riverpark Terraces, 3 Whyte Street Hermit Park**

**Executive Summary**

An application under the superseded Planning Scheme seeking a Development Permit for a Material Change of Use for a Multiple Dwelling (9 x 2 Bedroom Units) – River Terraces was lodged on 02 September 2014. The application was made prior to the commencement of the new Townsville City Plan. The subject site is located at 3 Whyte Street, Hermit Park, more particularly described as lot 2 on SP 234880. The site is in the Neighbourhood Residential Precinct and a proposal of this type is impact assessable.

The application underwent public notification in accordance with the requirements of the *Sustainable Planning Act 2009*, during which time four (4) submissions were received by Council. Matters raised through these submissions are addressed as part of this report against the relevant planning provisions, while the applicant also provided a response to each submission. The submissions and applicants response are attached to this Report to Council.

Assessment of the application and supporting material submitted to Council concludes that the proposed development meets the outcomes and intent sought by the City Plan 2005. Moreover, suitable justification exists to demonstrate appropriate scheme compliance, as well as demonstrating compliance with respect to the newly adopted Planning Scheme.

As such, it is recommended that the proposed development, be approved subject to reasonable and relevant conditions.

**Officer's Recommendation**

That council approve application for a Development Permit for Multiple Dwelling (9 x 2 Bedroom Units) - Riverpark Terraces (MI14/0035) under Section 243 of the *Sustainable Planning Act 2009* on land described as Lot 2 SP 234880, more particularly 3 Whyte Street Hermit Park subject to the following conditions -

**MATERIAL CHANGE OF USE  
MULTIPLE DWELLING (9 X 2 BEDROOM UNITS) - RIVERPARK TERRACES**

**MATERIAL CHANGE OF USE CONDITIONS**

**1. Approved Plans and Supporting Documentation**

**Condition**

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

<b>Plan Name</b>	<b>Plan No.</b>	<b>Revision No.</b>	<b>Stamp Date</b>
Site Plan	A1	P	29.08.2014
Parking Level	A2	P	29.08.2014
Level 1	A3	P	29.08.2014
Level 2	A4	P	29.08.2014
Roof Level	A5	P	29.08.2014
Cross Section	A6	P	29.08.2014
Typical Unit Areas	A7	P	29.08.2014
Elevations	A8	P	29.08.2014
Aerial View	A9	P	29.08.2014
Principle View – Parkview	A12	P	29.08.2014



<b>Associated Reports</b>
Stormwater Management Plan design Certificate and associated plans, prepared by LCJ Engineers dated 13/5/15

- b) One full set of the most up to date approved plans and supporting documentation must be held on site and available for inspection for the duration of the construction phase.

**Reason**

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

**Timing**

During the operation and life of the development.

**2. Building Materials**

**Condition**

All buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare. The building materials must be maintained at all times for the life of the development.

**Reason**

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

**Timing**

Prior to 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 at all times for the life of the development.

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. Water Supply**

**Condition**

The development must be connected to councils reticulated water system in accordance with Development manual planning scheme policy SC6.4 and AS2419.1-2005 to meet the firefighting requirements. The proposed water reticulation layout must be submitted and approved by Council.

**Reason**

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

**Timing**

To be assessed as part of Compliance Assessment.

**5. Sewer Connection****Condition**

The development must connect to the council sewer network in accordance with the Development manual planning scheme policy 6.4. The proposed sewer layout must be submitted and approved by Council.

**Reason**

To ensure waste water disposal is provided appropriate for the level of demand generated protects public health and avoids adverse impacts on the environmental values.

**Timing**

To be assessed as part of Compliance Assessment.

**6. Relocation of Services or Facilities****Condition**

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

**Reason**

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

**Timing**

Prior to the commencement of the use.

**7. Stormwater Drainage****Condition**

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage has been achieved in accordance with Part 9.4.2 Healthy Waters Code. In particular, the building must be designed to comply with the Channel Capacity Design and Flood Study carried out by LCJ Engineers as detailed on plans RECA068 SK11 rev B and RECA068 SK02 rev D dated 21/04/2015.

**Reason**

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

**Timing**

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

**8. Roadworks and Traffic****Condition**

- a) The developer must construct the new access driveway and crossover from the existing kerb and channel to the property boundary at the developer's expense generally in accordance with Part 9.4.6 Transport impact, access and parking code. The details of the new driveway access and crossover must be submitted to and approved by Council.

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

**Reason**

To ensure that the premises is appropriately serviced by connection to Council road infrastructure. Construction must be in accordance with relevant code/s and policy direction.

**Timing**

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

**9. Car Parking**

**Condition**

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4.3.5 Development manual planning scheme policy and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. The details of the carparking facilities, associated ramps and driveways must be submitted to and approved by Council.
- b) All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- c) The developer must provide a minimum of nine (9) tandem covered car parking spaces and three (3) visitor parking spaces including disabled parking on site.

**Reason**

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

**Timing**

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

**10. Letterboxes**

**Condition**

The developer must ensure the location of the letter boxes on site is sufficient to cater for the number of dwelling units within the development and is designed in such a way that enhances community safety through discouraging crime and anti-social behaviour. The letterboxes must be maintained at all times for the life of the development.

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

**Reason**

To address Crime Prevention through Environmental Design principles.

**Timing**

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

## 11. Screen Fencing

### Condition

The developer must provide a visual screen between the site and any adjoining land occupied by a residential building or any adjoining land contained in a Residential zone. The screen fencing must be maintained at all times for the life of the development.

### Reason

To address amenity and Crime Prevention through Environmental Design principles.

### Timing

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

## 12. Screening of Plant and Utilities

### Condition

- a) Unless otherwise approved by Council, the location and screening of the air conditioner condenser units must be located in accordance with the approved plans, so as they are not significantly visible from the street and reduces audible outputs to surrounding residential properties.
- b) All other plant and utilities must not be visible from the street.
- c) The screening of plant and utilities must be maintained at all times for the life of the development.

### 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

## 13. Landscaping

### Condition

The developer must provide landscaping and irrigation in accordance with Part 9.4.3 Landscape code. The details of the landscaping and irrigation must be submitted to and be approved by Council.

Following the approval of the plan, with or without amendments, the developer must implement the plan prior to the commencement of the use. Furthermore, all landscaped areas must be maintained at all times for the life of the development.

### Reason

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

### Timing

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

## 14. Electricity and Telecommunication

### Condition

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

**Reason**

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

**Timing**

Prior to the issuing of a Certificate of Classification or Building Final.

**15. Refuse Facilities****Condition**

Refuse storage area(s) and collection arrangements must be provided by the developer and details submitted and approved by Council so as to achieve the requirements of the Work Code and in particular:

- a) The owner/occupier is responsible for the storage of their mobile waste container (wheelie) bins including recycling bins. The developer must provide storage areas that are suitably paved, with a hose cock fitted in close proximity.
- b) All bins are to be individually marked with the unit number to which it belongs
- d) An adequate hard stand area with sufficient space to accommodate all bins for collection is to be made available along the Whyte Street frontage for the collection of mobile garbage (wheelie) bins and recycling bins (collected bi weekly). When development is operational, please contact Waste Services on 1300 878 001 to commence refuse service.
- e) A minimum overhead clearance of 4200mm must be provided for refuse collection. Access for the collection of the mobile garbage (wheelie) bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.

**Reason**

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

**Timing**

To be assessed as part of Compliance Assessment and to be maintained for the life of the development.

**16. Minimum Floor Levels****Condition**

The developer must ensure that all habitable levels are a minimum height of 300mm above the Defined 1% AEP flood level.

The developer must submit for approval documentation signed by an engineer (who must be an RPEQ) identifying the required minimum floor height of all habitable rooms to achieve flood immunity.

**Reason**

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

**Timing**

To be assessed as part of Compliance Assessment.

## 17. Soil Erosion Minimisation, Sediment Control

### Condition

During the construction phase of this development the developer must be responsible for the installation and maintenance of adequate erosion and sediment control management in accordance with Part 9.4.2 Healthy waters code.

### 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

During the construction phase of this development.

## 18. Acid Sulphate Soils Management

### Condition

Soil and groundwater investigations in accordance with 9.4.2 Healthy waters code must be conducted to support the proposed earthworks should the soil and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils. Such investigations must be certified by a suitably qualified person and must be submitted for council approval.

### Reason

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

### Timing

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

## 19. Vegetation Disposal

### Condition

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

### Reason

Vegetation to be disposed of in an environmentally responsible manner in accordance with relevant code/s and policy direction.

### Timing

Prior to, or during construction of the development.

## 20. Stormwater Drainage Easements and Reserves

### Condition

- a) The developer must at its cost grant and cause to be registered on the title documents all easements or reserves over all underground drains, constructed drainage works, improved drains and natural concentrated flow paths which are placed under the control of council.
- b) The extent and location of easements, reserves and surrenders required in (a) will, as far as possible, be assessed as part of Compliance Assessment or upon completion of works if subsequently found necessary.

### Reason

To protect the stormwater flow path and ensure it is not adversely impacted in the future through works in/around the channel.

### **Timing**

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

## **ADVICE**

### **1. Infrastructure Charges**

#### **Condition**

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

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

#### **Condition**

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

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

Condition 4 – Water Supply

Condition 5 – Sewer Connection

Condition 7 – Stormwater Drainage

Condition 8 – Roadworks and Traffic

Condition 9 – Carparking

Condition 13 – Landscaping

Condition 15 – Refuse Facilities

Condition 16 – Minimum Floor Levels

Condition 18 – Acid Sulphate Soils Management

Condition 20 – Stormwater Drainage Easements and Reserves

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

#### **b) Plumbing and Drainage Works**

The developer must obtain a Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

#### **c) Building Works**

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

### **3. Connection to Council Sewer**

#### **Condition**

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

#### **4. Connection to Council Water Supply**

##### **Condition**

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

#### **5. Specifications and Drawings**

##### **Condition**

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

#### **6. Environmental Considerations**

##### **Condition**

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

#### **7. Roadworks Approval**

##### **Condition**

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

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

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

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8268) where council resolved that the officer's recommendation be adopted.**



**8 MI14/0041- Preliminary Approval Under Section 242 of the Sustainable Planning Act 2009 to Facilitate Use Rights in accordance with a Plan of Development, 28,40,52,64 Texas Rd & 15 Slayton Rd, Jensen**

**Executive Summary**

The proposal seeks Preliminary Approval to vary the effect of the Planning Scheme through the implementation of a Plan of Development facilitating Park Residential type use rights on land fronting Texas Road and Slayton Road, Jensen, involving a number of adjoining lots that front Texas Road, and another individual lot fronting Slayton Road. The lot fronting Slayton Road has not been recommended for approval in this report, while the land fronting Texas Road has.

The Preliminary Approval and Plan of Development sets out a structure plan for the area and details required for infrastructure provision, and timing thereof, to service any resulting residential development of the subject land. The Plan of Development reflects outcomes generally consistent with the Park Residential sub-area of the City of Thuringowa Planning Scheme 2003, and seeks to facilitate a land use pattern with lot sizes no smaller than 5,000m<sup>2</sup>. This material has informed conditions relating to the proposed use of the land.

The application was referred to the State as a concurrence agency with respect to potential clearing of vegetation that may occur as a result of the development. The concurrence agency response was given to council providing no objection to the approval, and did not recommend any specific conditions to be imposed on the approval.

The application underwent public notification in accordance with the *Sustainable Planning Act 2009*, during which 33 submissions were received, all of which were supporting the proposal and requesting council approve the application.

An assessment of the proposal has been undertaken against the relevant provisions of the *Sustainable Planning Act 2003* and the City of Thuringowa Planning Scheme 2003 as the relevant instrument at the time of lodgement. As a result of that assessment presented in the report attached to the Report to Council, it is the assessment manager's recommendation that council approve the proposal, in part, subject to reasonable and relevant conditions. The lot at 15 Slayton Road, described as Lot 57 on RP725245 is not recommended for approval and should be refused on grounds outlined below.

**Officer's Recommendation**

That council approve (in part) application for a Preliminary Approval (MI14/0041) under Section 242 of the *Sustainable Planning Act 2009* to Facilitate Use Rights in accordance with a Plan of Development under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 32 RP 742441, Lot 2 RP 854023, Lot 57 RP 725245, Lot 24 RP 724568, Lot 25 RP 725244, and located at 28, 40, 52 and 64 Texas Road Jensen. More specifically, the approval relates to all lots described above except for Lot 57 on RP725245 located at 15 Slayton Road Jensen.

The application over 15 Slayton Road, described as Lot 57 on RP725245 is recommended for refusal on the following grounds:

- a) the application is isolated and disconnected from the remainder of the subject land;
- b) the proposal over this particular land conflicts with the DEO's, codes, and outcomes of the Planning Scheme in that it does not facilitate the efficient, logical and well planned provision of infrastructure required to service the land; and
- c) sufficient grounds to justify the approval of this land despite the conflicts with the Planning Scheme have not been provided.

With respect to the application over 28, 40, 52 and 64 Texas Road, Jensen, described as Lot 2 on RP854023, Lot 32 on RP742441, Lot 24 on RP724568 and Lot 25 on RP725244, that council approve the application (in part) subject to the following conditions -

**MATERIAL CHANGE OF USE  
PRELIMINARY APPROVAL**

**SCHEDULE OF CONDITIONS**

**1. Limitation of Approval**

- a) The proposed development must comply with all conditions of this approval prior to commencement of the use.
- b) The proposed development must comply with all Planning Scheme requirements as applying at the date of this application, except as otherwise specified by any condition of this approval.
- c) The approval is for a Preliminary Approval only, establishing use rights in accordance with a Plan of Development, as attached. Any and all subsequent development including the reconfiguration of lots must comply with the relevant requirements of that Plan of Development and conditions of this approval.
- d) This Preliminary Approval does not give approval to land described as Lot 57 on RP725245 located at 15 Slayton Road, and does not facilitate use rights in accordance with the Plan of Development for that particular land.

**2. Amended Plan of Development**

The developer must submit an amended Plan of Development to remove reference to Lot 57 on RP724245, and be approved by Council, prior to the lodgement of any relevant Development Application

**3. Timing of Future Development and Life Cycle Cost Analysis**

- a) Any relevant Development Permit within the area of the Plan of Development as amended and approved under condition 2 is to occur in accordance with infrastructure provisioning and sequencing of development outlined in supporting master plan documentation. As such, approval of any subsequent development relating to this Preliminary Approval must not occur until such time that necessary infrastructure is provided to the land in accordance with the requirements of Plan of Development and the City of Thuringowa Planning Scheme 2003.
- b) Prior to the provision of new infrastructure to service the Plan of Development area, the developer must demonstrate through a Full Life Cycle Cost Master Planning Report that the cost of the delivery, maintenance and replacement of infrastructure related to this and all relevant development approvals will not increase the cost to council of providing this infrastructure when compared to the same rate base in areas already zoned for this density of development, where council has already planned and constructed infrastructure, or development is capable of taking advantage of existing spare capacity in the system.

**4. Traffic Impact Assessment**

The developer must provide an updated Traffic Impact Assessment Report prepared in accordance with council's Traffic Impact Assessment Guidelines. The developer must demonstrate in the report that the development meets the design intentions and does not increase the cost to council of providing road infrastructure (both trunk and non-trunk), taking into account construction, maintenance and replacement costs of new and existing roads, including the impact on the pavement design life of existing council roads.

## 5. Future External Road and Service Connections

The development must provide for future external road and service connections to the land and at no cost to council. The roads and service connection points must be of a suitable size and/or standard to accommodate reasonably expected demand from connection to adjoining land.

## 6. Flood Investigation Report

Prior to the approval of any relevant Development Permit within the Plan of Development area, the developer must provide a detailed Flood Investigation prepared by a suitably qualified and experienced professional. This Flood Investigation must demonstrate that proposed developed parcels of land are free from risk of inundation by a Defined Flood Event and that development involving the excavation or filling of premises is carried out such that no increase in flood water levels or flow results, taking into account existing development and the fully developed case for the catchment and based on the most up to date flood modelling data available.

**NOTE:** Council recommends using SC6.7 Flood hazard planning scheme policy of City Plan 2014 as guidance in preparing the report.

## 7. On-site Wastewater Management Master Plan Report

The developer must provide a detailed On Site Wastewater Management Master Plan Report for the specific catchment with any subsequent development application. The report must as a minimum address the following:

- a) An appropriate computer modelling application must be used.
- b) Site specific data relating to soil properties (including soil texture and hydraulic properties) must be utilised for any method employed as this is the media through which any potential impacts or mitigation caused by wastewater disposal must pass through. The details, locations and results of soil sampling and hydraulic property testing must accompany any report submitted.

**NOTE:** Much of the Townsville coastal plain is derived from Quaternary alluvium which in many places has been transported and reworked as a result of changes in drainage patterns over time. This has resulted in varying soil texture types occurring in both top and subsoil zones with a variety of geometries that cannot be assumed on a broad scale. In recognition of this fact, site soils assessments are required that are able to provide information on the suitability of different methods of wastewater disposal based on soil textures and hydraulic properties of the actual soils for the development.

- c) Water balance and nutrient loadings must be considered prior to the determination of appropriate lot sizes. The assessment of soil properties should assist in determining ideal rates of application and also the suitability of proposed methods of disposal. The Queensland Water Recycling Guidelines provide indicative concentrations of total nitrogen (TN), total phosphorus (TP) and total dissolved solids (TDS). A two stage approach must be undertaken in determining the lot sizes based on the suitability of the soils to certain methods of wastewater disposal. The results of the site and soil assessment must be used to inform the selection of an appropriate system and subsequent land application design applying two separate methodologies of subsurface disposal and surface disposal.
- d) Site specific data regarding the site location including topography, drainage, geotechnical hazards, presence of any fill material and setback distances.
- e) Hydrogeological characteristics and resources, including a determination of the regional water table.
- f) Hydrological characteristics of local surface water drainage lines.
- g) Climate characteristics such as rainfall and evaporation statistics.

- h) Potential for environmental or public health impacts.
- i) Compliance with the most current version of AS/NZS1547 including use of Appendices J and H for all considerations of design flow, incorporating allowance for peak usage and occupancy.
- j) Scope for prospective lot purchasers to be able to select an appropriate wastewater treatment system and disposal method based on the individual characteristics of the particular lot. The assumption of a single type of wastewater system being utilised across all lots in any subdivision is not supported.

## **8. Water Supply**

Prior to the approval of any relevant Development Permit in the Plan of Development area the developer must demonstrate that all trunk infrastructure upgrades identified in the Water Supply Planning Report prepared by DPM Water, dated 2 July 2014, have been carried out, unless otherwise agreed by Council. The developer must also demonstrate that there is sufficient spare capacity within the entire infrastructure network to allow for the development.

## **9. Stormwater Quality Management**

A stormwater quality management plan (SQMP) must be submitted to council for review and acceptance as part of any subsequent development application. The SQMP must be prepared by a suitably qualified person\*.

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

The SQMP must be implemented in accordance with the guideline and incorporate any further reasonable requests from council. All works must be carried out in accordance with council Development Specifications.

\* Suitably Qualified Person as defined by the State Planning Policy.

## **10. Vegetation Disposal**

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

## **Committee Recommendation**

That the officer's recommendation be adopted.

## **Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8268) where council resolved that the officer's recommendation be adopted**

**9 Councillor L Walker - Request for leave of absence - 22 July to 2 August 2015**

**Committee Recommendation**

That leave of absence be granted to Councillor L Walker for the period 22 July to 2 August 2015.

**Council Decision**

**Refer to resolution preceding item 1 of the council minutes (page 8268) where council resolved that the officer's recommendation be adopted.**

## Smart City Sustainable Future Committee

It was moved by Councillor V Veitch, seconded by Councillor T Roberts:

*"that the committee recommendations to items 10 to 13 be adopted."*

**CARRIED UNANIMOUSLY**

### **10 Rows Bay Sustainability Centre community partnership opportunities and potential for leasing specific operational areas**

#### **Executive Summary**

Rows Bay Sustainability Centre (RBSC) currently houses Integrated Sustainability Services (ISS). With the imminent move of the administrative and technical functions of ISS to the new offices at 143 Walker Street an opportunity now exists to consider the future use of this site and to expand on its current role in the natural resource management area. This report has been developed for consideration in pursuing leasing specific operational areas (discrete compounds), identified within Rows Bay Sustainability Centre (RBSC), to Natural Resource Management focussed Community Groups and government agencies.

This Report includes recommendations on implementation and outlines its relationship with creating a sustainable Townsville through co-location of like-minded Other Government Agencies and Natural Resource Management focussed Community Groups within RBSC for community purpose.

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

1. That council endorse the proposal to pursue leasing specific operational areas within Rows Bay Sustainability Centre (RBSC) to Natural Resource Management focussed Community Groups and government agencies, including:
  - a) Engagement with Other Government Agencies and Community Groups to gauge their potential interest in utilising available facilities within RBSC.
  - b) Agreement to investigate formalising the division of the Rows Bay Sanitary Reserve (lot 61 EP 837565) into two separate lots:
    - i. Rows Bay Sustainability Centre and Operational Compound – Reserve for Community Purpose.
    - ii. Remainder Sanitary Reserve (outside of the above area) – Environmental Reserve.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 10 of the council minutes (page 8295) where council resolved that the committee recommendation be adopted.**

## **11 Rows Bay Sensory Network Sprint Challenge - Townsville Smart City Sensor Network Collaboration**

### **Executive Summary**

On Saturday 23 May 2015, the Rows Bay Sensory Sprint Challenge took place at the Rows Bay Sustainability Centre. The 'sprint' involved teams of students, industry specialists and members of the community all cooperating to design, build and deploy 'sensor systems' to collect, stream and visualise data and information.

Sensor systems were developed in four district environments at the Rows Bay Sustainability Centre, including:

1. Coastal Dune Environment - *Discover some secrets behind the sand dunes*
2. House and Garden Environment - *You may never see your backyard the same again*
3. Wetlands Environment - *Why do birds like to play in the wetlands?*
4. Woodlands Environment - *Can you hear the woodlands whisper their secrets*

The sprint event was a success with over 40 'artisans' including university undergrads and post-grads, academic mentors, high school students, technology and environmental products and services industry partners, local government sustainability practitioners as well as residents participating on the day.

The data generated from the sensor systems will be used by Council, Universities, Industries and the wider-community to better understand and manage our natural environment as well as informing how we integrate urban infrastructure into the future. The open-sourced information has the potential to drive innovation through entrepreneurs seeing opportunities to use the data to generate economic outcomes for the city.

Further development of sensor networks across the city will enable more interconnectivity between devices leading to greater insight understanding of how we can best design for and optimise the sustainability and resilience of our city.

### **Officer's Recommendation**

1. That council note this report and the outcomes achieved at the Rows Bay Sensory Sprint Challenge; and
2. That council support further discussions and potential collaborations with the eResearch Centre and School of Engineering at James Cook University to explore opportunities to develop future council and community-based sensor network projects.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 10 of the council minutes (page 8295) where council resolved that the committee recommendation be adopted.**

## **12 Removal of trees on Abbott Street, Oonoonba**

### **Overview**

Councillor L Walker advised the committee that trees have been removed on Abbott Street, Oonoonba on the southern side of Rooney's Bridge with no community consultation. Councillor Walker will follow up with council staff, Horizon and Queensland Rail to determine why the trees were removed.

### **Committee Recommendation**

That this item be referred to the Infrastructure Committee to be held on 11 August 2015 for further consideration.

### **Council Decision**

**Refer to resolution preceding item 10 of the council minutes (page 8295) where council resolved that the committee recommendation be adopted.**

## **13 Information required regarding overall reduction in council's operational funding for environmental management.**

### **Overview**

The Deputy Mayor, Councillor V Veitch, requested that a report be prepared for the Smart City Sustainable Future Committee meeting to be held on 13 August 2015 to outline how the operational funding reduction of 15% for NRM programs in this financial year's budget will impact on following projects and activities that relate to environmental management.

### **Committee Recommendation**

That a report be prepared for the Smart City Sustainable Future Committee meeting to be held on 13 August 2015 to outline how the operational funding reduction of 15% for NRM programs in this financial year's budget will impact on following projects and activities that relate to environmental management:

- Integrated Environmental Management Systems;
- Land Protection;
- Sustainable Education Awareness;
- Catchment Management;
- Carbon Cycle;
- Environmental Management; and,
- Natural Resource Management.

### **Council Decision**

**Refer to resolution preceding item 10 of the council minutes (page 8295) where council resolved that the committee recommendation be adopted.**



## **Sports Recreation and Parks Committee**

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

*"that the committee recommendations to items 14 to 20 be adopted."*

**CARRIED UNANIMOUSLY**

### **14 Community Services - Nth Qld Sports Foundation Board Meeting Minutes**

#### **Executive Summary**

Minutes for the most recent North Queensland Sport Foundation Board Meeting (attached), held on the 21 of May at the Townsville Sports House, North Ward are provided for information.

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

That council notes the minutes of the May 2015 meeting of the Board of Directors of the North Queensland Sports Foundation.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 14 of the council minutes (page 8298) where council resolved that the committee recommendation be adopted.**

### **15 Community Services - Register of Pre-Qualified Suppliers**

#### **Executive Summary**

A tender process was implemented to establish a Register of Pre-qualified Suppliers (RPS 000015) to provide food and beverage services to functions, meetings and events at Tony Ireland Stadium, Townsville RSL Stadium, and the Riverway Arts Centre. Having this Register in place allows the Townsville City Council to minimise risk related to the quality and level of service at its facilities, while giving options to event organisers, related to food and beverage service provision.

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

1. That council approve the following providers to enable the formation of a Catering Register for food and beverage provision at the Tony Ireland Stadium, the Townsville RSL Stadium, and the Riverway Arts Centre:
  - Thuringowa Bulldogs AFC
  - Cuisine to Go
  - Minnerva
  - Michel's Restaurant Pty Ltd
  - Magnums
  - Essentially Fresh
  - SFP Events
  - Chef on Call

2. That the service providers on this register will hold the right to quote for catering opportunities at the three venues for a three year period beginning from 1 August 2015.

#### **Committee Recommendation**

1. That the officer's recommendation be adopted;
2. That when a report is brought to council to award a contract that the principal director is named to assist with Councillors declaring any conflicts of interest that may exist; and
3. That the Procurement Section also be advised of this request.

#### **Council Decision**

**Refer to resolution preceding item 14 of the council minutes (page 8298) where council resolved that the committee recommendation be adopted.**

### **16 Community Services - New Lease - Saints Eagles Souths Football Club, Aitkenvale Park**

#### **Executive Summary**

The Saints Eagles Souths Football Club (SESFC) are seeking a lease over part of the parcel of land located at Aitkenvale Park, 2 Petunia Street, Aitkenvale (part of Lot 4 RP896268) for the purpose of building a clubhouse (approximately 200m<sup>2</sup>).

The club have been operating at the existing playing fields at Aitkenvale Park for the past 10 years. The club have a current Licence to Occupy (LTO) over the playing fields. The club also have a current lease over a small pump house which is used for storage until 2024.

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

1. That council approve the issuing of a lease to Saints Eagles Souths Football Club (the Club) over part of the parcel of land and playing fields located at Aitkenvale Park, 2 Petunia Street, Aitkenvale (part of Lot 4 RP896268) for a term of 10 years, for the fee of \$1.00 per year, exclusive of GST, if requested.
2. That the issuing of the above lease is conditional upon the Club only if the club being successful in gaining grant funding, and/or can demonstrate that it has the ability to fully fund the project to construct the proposed clubhouse.
3. That the lease provide for the Club to be responsible for the following:
  - Maintenance, Repair, Replacement of:
    - a) Structural (Clause 6.1a)
    - b) Services/pipes/conduits (clause 6.1 (b))
    - c) Painting (clause 6.3)
    - d) Minor maintenance (clause 6.6)
  - Landscaping (clause 5.8)
  - Survey Plan

#### **Committee Recommendation**

1. That the officer's recommendation be adopted; and
2. That community consultation be conducted in the area around the Saints Eagles Souths Football Club.

## **Council Decision**

**Refer to resolution preceding item 14 of the council minutes (page 8298) where council resolved that the committee recommendation be adopted.**

### **17 Community Services-Lease for Surf Lifesaving Qld (Boat shed)**

#### **Executive Summary**

Surf Life Saving Queensland (SLSQ) seeks approval for a lease over the existing building commonly known as the "Boat Shed" located on the Howitt Street Headland near the RockPool (part of Lot 1 on SP123475) on the Strand.

It is proposed that SLSQ be offered a lease for a period of 3 years, which aligns with the term of their current surf lifesaving contract with Council to provide surf lifesaving patrols (expires 30 June 2018)

SLSQ requires use of this building to ensure adequate facilities are available to them as the service provider, to store their equipment for the provision of surf lifesaving services.

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

That council approve the issuing of a lease to Surf Life Saving Queensland (SLSQ) over the existing "Boat Shed" located on the Howitt Street Headland near the RockPool (part of Lot 1 on SP123475) on The Strand for the period of their current surf lifesaving contract (until 30 June 2018) for the rent of \$1 per year plus GST payable upon demand on the condition that the building be maintained by SLSQ.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

## **Council Decision**

**Refer to resolution preceding item 14 of the council minutes (page 8298) where council resolved that the committee recommendation be adopted.**

### **18 Community Services - Lease Renewal - Arcadian Surf Life Saving Club, Alma Bay**

#### **Executive Summary**

Arcadian Surf Life Saving Club Inc. seeks to renew their lease over the existing clubhouse located at Alma Bay for a term of 10 years – lease 'A' on SP142939 in Lot 156 on Crown Plan EP 1275.

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

1. That council approve the issuing of a lease to Arcadian Surf Life Saving Club Inc. over the clubhouse located at Alma Bay for a term of 10 years, from 1 July 2015 to 30 June 2025 (lease 'A' on SP142939 in Lot 156 on Crown Plan EP 1275), for the rental fee of \$1 per year, exclusive of GST, if requested.
2. That the lease provide for Arcadian Surf Life Saving Club Inc. to be responsible for:
  - Maintenance, Repair, Replacement of:
    - a) Structural (clause 6.1a)
    - b) Services/pipes/conduits (clause 6.1b)
    - c) Painting (clause 6.3)
    - d) Minor maintenance (clause 6.6)
  - Landscaping (clause 5.8).

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 14 of the council minutes (page 8298) where council resolved that the committee recommendation be adopted.**

## **19 Engineering Services - Illich Park Upgrade Funding Agreement**

### **Executive Summary**

Illich Park Upgrade project received funding from the Queensland Government Department of National Parks Recreation, Sport and Racing's (DNPRSR) Get Playing Plus Program in January 2015.

The State Department has recently advised that their funding contribution to the Illich Park Upgrade will be less than originally agreed. This report outlines the impacts of the reduced funding contribution by the State Department and council's recommendation regarding the Illich Park Upgrade project.

### **Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council acknowledge and accept that to meet the Department of National Parks Recreation, Sport and Racing's amended conditions of the Get Playing Plus Funding for the Illich Park Upgrade project, the additional budget required has been assigned from the Open Space Renewal Programs.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 14 of the council minutes (page 8298) where council resolved that the committee recommendation be adopted.**

## **20 Community Services - PSA00021 Provision of Swimming Pool Cleaning, Water Chemistry and Pool Plant Management Services-Riverway Lagoons**

### **Executive Summary**

Townsville City Council issued a tender for 'Provision of Swimming Pool Cleaning, Water Chemistry, and Pool Plant Management Services at Riverway Lagoons' on 25 April, 2015 Tender number – PSA00021.

The price for the service provided is at an hourly rate based on the projected number of hours required to keep the Riverway Lagoons at the required standard for water quality (Queensland Health Guidelines 2004) and public presentation. This is considered to be between 70-80 hours per week (the listed hourly rate will apply for any additional service required).

### **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 accept the tender submission and award a contract for services to Poolwerx Townsville North for the 'Provision of Swimming Pool Cleaning, Water Chemistry, and Pool Plant Management Services - Riverway Lagoons' to be effective from 1 August, 2015 for a period of 3 years, with an option to extend for a further 24 months in two twelve month extensions at a tender price of \$86.12 per hour for 76 hours per week at a total cost of \$326,911.52 excluding GST per annum.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 14 of the council minutes (page 8298) where council resolved that the committee recommendation be adopted.**

## **Community and Cultural Committee**

**It was moved by Councillor S Blom, seconded by Councillor C Doyle:**

*"that the committee recommendations to items 21 to 28 be adopted."*

**CARRIED UNANIMOUSLY**

### **21 Community Services - Presentation - Here4Life**

#### **Executive Summary**

HERE 4 LIFE is an event inspired to raise awareness about suicide in the community. There is a current proposal in place for an event to occur in November 2015 to highlight the community issues around suicide. Suicide in the community is a growing concern with research recently undertaken by local representatives indicates that;

- From November 2014 to May 2015, there has been at least one suicide per week in Townsville (20 deaths) with potentially more to count (further investigation required)
- This is having a detrimental impact on family relations and, in turn, parental roles and responsibilities
- Resilience is proving to be low within the community, as more people succumb to mental health issues and seek relief in suicide
- People are making permanent decisions based on temporary feelings and situations
- On a national scale, there is one suicide being committed every four hours

A working group was formed in 2015 that has organised an 'Awareness Event' to be held on 21 November 2015 with various acts and performances to raise awareness about suicide prevention and support for people, particularly young people in the community.

Attendees of the event will be surveyed, with the aim of the survey outcomes to form the basis of a report to then engage with local providers around Townsville and ensure there are consistent messages relating to suicide and support. There will also be a documentary featured, which will aim to showcase the work that the Townsville community are doing to help reduce the impacts of suicide on a local level, but to broadcast the message of HERE4LIFE on a national level.

All funds raised for this event will go to the Uniting Care Community as the auspicing organisation to support community members in treatment of symptoms of depression and suicide prevention.

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

That council note the Here 4 Life presentation.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 21 of the council minutes (page 8303) where council resolved that the committee recommendation be adopted.**

## **22 Community Services - Bluewater S.E.S lease**

### **Executive Summary**

The Bluewater State Emergency Service (S.E.S) currently operates from part of site 14 Forestry Road, Bluewater. The site is formally described as Lot 41 on EP840360.

The Bluewater S.E.S currently shares the on-site emergency vehicle operations shed with the Bluewater Rural Fire Service however there is no existing formal lease agreement between council and the S.E.S that documents the occupancy arrangement.

This report seeks approval to formalise the current occupancy arrangement of the Bluewater S.E.S in Lease A on Lot 1 EP840360 (see attachments).

### **Officer's Recommendation**

1. That council approve issuing of a lease to the Bluewater S.E.S for the purpose of an emergency vehicle operations facility and ancillary offices for a period of up to 10 years, for the fee of \$1.00 per year, exclusive of GST, if requested.
2. That council note that all maintenance of the council assets (buildings) involved will be undertaken by Townsville City Council.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 21 of the council minutes (page 8303) where council resolved that the committee recommendation be adopted.**

## **23 Community Services - Rollingstone S.E.S lease**

### **Executive Summary**

The Rollingstone State Emergency Service (S.E.S) currently operates from two separate lots at 52 Mystic Avenue, Balgal Beach. The lots are formally described as Lots 1 and 2 on SP160493. There is no existing agreement between council and the S.E.S that documents the occupancy of these lots.

This report seeks approval to formalise the occupancy of the Rollingstone SES of Lease SC on Lot 1 SP160493, and Lease P on Lot 2 SP160493 (see attachments).

### **Officer's Recommendation**

1. That council approve issuing of a lease to the Rollingstone S.E.S for the purpose of an emergency vehicle operations facility and ancillary offices, for a period of up to 10 years, for the rental fee of \$1.00 per year, exclusive of GST, if requested.
2. That council note that all maintenance to the identified (council asset) buildings is intended be undertaken by the Townsville City Council.

### **Committee Recommendation**

That the officer's recommendation be adopted.

## **Council Decision**

**Refer to resolution preceding item 21 of the council minutes (page 8303) where council resolved that the committee recommendation be adopted.**

### **24 Community Services - Upper Ross Community Centre - North Queensland Community Services - Lease for Community Garden**

#### **Executive Summary**

North Queensland Community Services, which operates the Upper Ross Community Centre, are seeking approval of an additional lease for a the purpose of establishing a community garden at 43 Allambie Lane, Rasmussen (a portion of Lot 1 on RP 741904) on land owned by Townsville City Council.

The facility to be constructed will involve a community garden with an ancillary garden shed. The community garden will be approximately 300m<sup>2</sup> in size with approximately 75m of fencing around the perimeter of the identified area. The construction of the 4m x 3m x 2.8m garden shed will be outside of the fenced area but within the proposed lease area. The shed will be used for storage of gardening equipment and other materials associated with the community garden.

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

1. That council approve issuing of a lease to North Queensland Community Services at 43 Allambie Lane, Rasmussen (a portion of Lot 1 on RP 741904) for the purpose of a community garden and ancillary storage shed, for a period of up to 10 years, for the fee of \$1.00 per year, exclusive of GST, if requested.
2. That the above lease will be granted on the condition that North Queensland Community Services is responsible for all minor and structural maintenance of the lease area and its improvements.
3. That council note that North Queensland Community Services under the issued lease will also be responsible for:
  - i. Maintenance, Repair, Replacement of
    - a) Structural (Clause 6.1a))
    - b) Services/pipes/conduits (clause 6.1 (b))
    - c) Painting (clause 6.3)
    - d) Minor maintenance (clause 6.6)
  - ii. Landscaping (clause 5.8)
  - iii. Survey plan.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

## **Council Decision**

**Refer to resolution preceding item 21 of the council minutes (page 8303) where council resolved that the committee recommendation be adopted.**



**REPORT TO COUNCIL**

**Authorised by** Director Community and Environment  
**Prepared by** Governance Support Officer/Community Planning and Development Officer  
**Department** Community Services  
**Date** 02 July 2015

**Executive Summary**

The council's Inclusive Community Advisory Committee meeting was held on 18 June 2015. The minutes of the meeting are presented for information.

**Officer's Recommendation**

That council note the minutes of the Inclusive Community Advisory Committee meeting of 18 June 2015.

**Committee Recommendation**

That the officer's recommendation be adopted.

**Council Decision**

**Refer to resolution preceding item 21 of the council minutes (page 8303) where council resolved that the committee recommendation be adopted.**

26 Minutes Learning Communities Leadership Group 13 April 2015

**Executive Summary**

The Learning Communities Leadership Group is a community forum of council. The Learning Communities Leadership Group meets bi-monthly.

The Learning Communities Leadership Group is a high-level reference group of dynamic and enthusiastic community leaders who are intent on providing access to lifelong learning opportunities and developing Townsville as a learning community. They are guided by the Lifelong Learning Strategic Action Plan which emphasises social inclusion and learning as an agent of social and economic sustainability.

Minutes of the 13 April 2015 meeting are attached for information.

**Officer's Recommendation**

That the minutes of the Learning Communities Leadership Group meetings held on the 13 April 2015 be received for information.

**Committee Recommendation**

That the officer's recommendation be adopted.

**Council Decision**

**Refer to resolution preceding item 21 of the council minutes (page 8303) where council resolved that the committee recommendation be adopted.**

## **27 Community Services - Cultural Infrastructure Public Donation Fundraising Campaign**

### **Executive Summary**

Townsville City Council is planning to facilitate the development of new community cultural infrastructure as part of the overall Waterfront Project located in the Townsville Priority Development Area (PDA).

The arts and cultural community is very supportive of this, and representatives from several significant community cultural groups have expressed the desire that Council implement a public donation fundraising campaign to partially offset the costs for such infrastructure so the community can demonstrate its support and contribute towards its realisation.

It is proposed to use the Deductible Gift Recipient (DGR) status of the Perc Tucker Regional Gallery as the vehicle for the purpose of receiving donated funds resulting from this fundraising campaign. This will enable tax deductible receipts to be issued to those who make donations, and for Council to preserve donated funds for the purpose of development of cultural infrastructure.

### **Officer's Recommendation**

That council approve the implementation of a donation based public fundraising campaign to partially offset the costs related to the development of the cultural infrastructure component of the Waterfront Project located within the Priority Development Area with the fundraising target of \$3 million and the campaign to operate for the period from 1 September 2015 to 30 June 2020.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 21 of the council minutes (page 8303) where council resolved that the committee recommendation be adopted.**

## **28 Report on Early Years Information Service**

### **Executive Summary**

Townsville City Council has received funding under the federal government, Communities for Children initiative and delivered the Early Years Information Service (EYIS) since February 2007.

Over the nine years the service was funded, council received around \$1.5 million. Funding was used to address the main issues that confront families with young children in the Townsville West area. The service provided easily accessible information about parenting and child development services available in the Townsville region. One of the main features of the service was the establishment of office in the Townsville West community where information and services could be provided direct to community members. As result of amalgamation in 2008 the Early Years Information Service moved to CityLibraries Aitkenvale where services continue to be provided. At this time the federal government redefined the boundary of the Townsville West area to include the suburb of Aitkenvale.

The relocation of the service to Aitkenvale library has led to the integration of the EYIS into the regular programs and services delivered by the Children and Youth Services team of library services. As a result of the move deliverables and outcomes of the funded program continue to be sustained within the library services budget. These include continued delivery of Messy Play, the continuation of the Queensland Health Newborn and Family Drop in service and the provision of information on parenting and child development, and referrals to service providers of specialised services.

**Officer's Recommendation**

That council note the finalisation of its involvement with the Early Years Information Service program.

**Committee Recommendation**

That the officer's recommendation be adopted.

**Council Decision**

**Refer to resolution preceding item 21 of the council minutes (page 8303) where council resolved that the committee recommendation be adopted.**

## Governance and Finance Committee

In accordance with section 173 of the Local Government Act 2009, Councillor P Ernst declared a conflict of interest in regards to item 36.

- (a) **the name of the Councillor who has the real or perceived conflict of interest:**  
Councillor P Ernst
- (b) **the nature of the conflict of interest as described by the Councillor:**  
MM Pty Ltd rents a property owned by Councillor P Ernst. Directors of that company have an interest in Hayman's Electrical and Data Suppliers, the recommended successful tenderer for tender (PSA00016). The companies themselves are unrelated, but the directors' interests in both companies raise a perceived conflict of interest.
- (c) **how the Councillor dealt with the real or perceived conflict of interest:**  
The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered his position and was of the opinion that he could participate in debate and vote on the matter in the public interest.
- (d) **if the Councillor voted on the issue – how the Councillor voted:**  
The Councillor voted as per the recommendation.
- (e) **how the majority of persons who were entitled to vote at the meeting voted on the matter.**  
The majority of persons entitled to vote at the meeting voted as per the officer's recommendation.

It was moved by Councillor J Lane, seconded by Councillor C Doyle:

*"that the committee recommendations to items 29 to 36 be adopted."*

**CARRIED UNANIMOUSLY**

## 29 Treasury Report - June 2015

### Executive Summary

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

### Officer's Recommendation

That council note the treasury report for June 2015 and the information contained therein.

### Committee Recommendation

That the officer's recommendation be adopted.

### Council Decision

Refer to resolution preceding item 29 of the council minutes (page 8309) where council resolved that the committee recommendation be adopted.

## **30 Financial Assistance Grants to Local Government**

### **Executive Summary**

The 2014-15 Federal Budget saw the Australian Government announce a three year freeze on indexation to the Financial Assistance Grants (FAG) until the end of the 2016-17 financial year. This action is estimated to cut funding to local council's across Australia by \$925m and will increase the challenge council's face in providing essential services and infrastructure to its communities. It is estimated that the impact of indexation freeze to Townsville City Council is in the order of \$877k over the three year freeze period.

Australian Local Government Association (ALGA) is calling for FAG indexation to be restored and for the Federal Government to consider the adequacy of the quantum of FAGs and the indexation methodology in the future.

ALGA together with the Local Government Association of Queensland (LGAQ) are seeking the support of every council in Australia to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants programme for the continued delivery of council services and infrastructure.

Further ALGA and LGAQ have requested that council conduct complementary advocacy with Council's local Member of Parliament.

### **Officer's Recommendation**

1. That council acknowledge the importance of federal funding through the Financial Assistance Grants programme for the continued delivery of councils services and infrastructure.
2. That council acknowledge that it will receive \$7,003,170 in 2014-15.
3. That council ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.
4. That council conduct complementary advocacy with Council's local Member of Parliament and specifically write expressing concern that the Financial Assistance Grant has not been increased through indexation for several years.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 29 of the council minutes (page 8309) where council resolved that the committee recommendation be adopted.**

## **31 YWAM Amendment to Payment Schedule 2015**

### **Executive Summary**

This report records the significant progress that has been made by the Youth With A Mission (YWAM) organisation towards fulfilling the council's objectives of redeveloping and activating the former Barrier Reef Institute of Technical and Further Education complex on the corner of Stanley and Walker Streets. The report recommends that in view of the significant additional expenditure that YWAM has made to fast-track the redevelopment that the council further assist YWAM by agreeing to postpone for one year one-half of the payment that is scheduled to be made in December 2015. While the recommendation does result in council carrying some debt for an additional year, YWAM is liable to pay interest on the debt, so there is only a nominal impact upon council.

### **Officer's Recommendation**

That council resolve to amend the repayment schedule on the lease of the YWAM campus on the corner of Stanley and Walker Streets by:

- Deleting the words:  
"\$2,600,000.00 plus interest upon the Balance Moneys - 24 months from the Settlement Date."
- Inserting in their place the words  
"\$1,300,000.00 plus interest upon the Balance Moneys - 24 months from the Settlement Date, and a further \$1,300,000.00 - 36 months from the Settlement Date."

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 29 of the council minutes (page 8309) where council resolved that the committee recommendation be adopted.**

## **32 Report - s40 Directions - Townsville City Council**

### **Executive Summary**

The Crime and Corruption Commission has issued a direction about notifications to the Commission that will enables councils to respond to apparent corrupt conduct in a more timely and efficient way.

### **Officer's Recommendation**

That council note the direction received from the Crime and Corruption Commission about the protocol for notifying the Commission about, and processing, apparent corrupt conduct.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 29 of the council minutes (page 8309) where council resolved that the committee recommendation be adopted.**

## **33 Right to Information Application Fees**

### **Executive Summary**

The Office of the Information Commissioner has advised that as of 1 July 2015 the application fee and processing charges made under the Right to Information Act 2009 have changed.

### **Officer's Recommendation**

That council note the increase in statutory fees for Right to Information application fee to \$44.85 and the processing charges are increasing to \$6.95 and amend its fees and charges schedule accordingly.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 29 of the council minutes (page 8309) where council resolved that the committee recommendation be adopted.**

## **34 Corporate Governance Audit Committee Minutes 16 June 2015**

### **Executive Summary**

Please find the minutes of the Audit Committee meeting held on 16 June 2015 attached to the agenda item.

### **Officer's Recommendation**

That council receive the minutes of the Audit Committee meeting held on 16 June 2015.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 29 of the council minutes (page 8309) where council resolved that the committee recommendation be adopted.**

## **35 Audit Committee Governance Reports 16 June 2015**

### **Executive Summary**

Please find the Corporate Governance reports of the Audit Committee meeting held on 16 June 2015 attached to the agenda item.

### **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 receive the Corporate Governance reports of the Audit Committee meeting held on 16 June 2015.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 29 of the council minutes (page 8309) where council resolved that the committee recommendation be adopted.**

**36 Tender Evaluation - Procurement (Contracts Unit) - PSA00016 - Supply & Delivery of Electrical Parts and Fitting (including lights and fittings)**

**Executive Summary**

Tenders were invited by Townsville City Council (TCC) for the supply of electrical parts and fittings (including lights and fittings). The contract is a 12 month fixed price contract with the option of 3 x 12 month extensions if the key performance indicators of the contract are achieved.

This tender is divided into two groupings:

- electrical parts and fittings
- lights and fittings

The following tender assessment report provides an assessment of the received tenders. Six submissions were received.

**Officer's Recommendation**

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award Contract PSA00016 Supply of Electrical Parts and Fittings for 12 months with the option of 3 x 12 month extensions to Hayman's Electrical and Data Suppliers.

**Committee Recommendation**

That the officer's recommendation be adopted.

**Council Decision**

**Refer to resolution preceding item 29 of the council minutes (page 8309) where council resolved that the committee recommendation be adopted.**



## **Townsville Water and Waste Committee**

***It was moved by Councillor R Gartrell, seconded by Councillor P Ernst:***

*"that the committee recommendations to items 37 to 40 and 42 be adopted and that item 41 be dealt with separately and referred to the confidential section of the council minutes."*

**CARRIED UNANIMOUSLY**

### **37 Strategic Planning - Water Demand Management Strategy**

#### **Executive Summary**

The Townsville City Council Water Demand Management Strategy 2015 - 2025 has been developed to provide a council-wide consistent framework for managing demand on the water supply system into the future. Opportunities for deferral through demand management of significant water infrastructure capital investments could lead to savings for the Townsville community.

There are also opportunities in the areas of customer service, sustainability, strategy and leadership. Achieving long term water demand reductions will also benefit the community in terms of their ability to cope with drought and for the provision of water security on a long term basis.

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

1. That council receive the 'Townsville City Council Water Demand Management Strategy 2015 – 2025' (Attachment 1 of the Report to Council) and the 'Townsville City Council Water Demand Management Strategy 2015 – 2025' Plan on a Page (Attachment 2 of the Report to Council).
2. That council receive the planning reports 'Water Demand Management Project Planning Report Volume I' dated 29 June 2015 (Attachment 3 of the Report to Council) and 'Water Demand Management Project Planning Report Volume II' dated 29 June 2015 (Attachment 4 of the Report to Council).
3. That council adopt the 'Townsville City Council Water Demand Management Strategy 2015 – 2025' (Attachment 1 of the Report to Council).

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 37 of the council minutes (page 8314) where council resolved that the committee recommendation be adopted.**

### **38 Wastewater Operations - Systematic Inspection Program - Infiltration and Inflow Study of Sewers, Program 15 (BU1, BU2, L11A, L12A, L13A, L14B, L15A, L16A, L18A, L19A, L21A, L6A, L6B, L7A, L8A, L9A, LA18A, LA21A, LB18A, LB21**

#### **Executive Summary**

Townsville City Council resolved at its meeting of 26 August 2008 to undertake a Systematic Inspection Program, namely infiltration and inflow study of sewers and private house drains of all premises to identify illegal connections to council's sewerage system, using smoke as a detector. This program is commonly known as a smoke testing program. To date 14 smoke testing programs have been completed.

Townsville Water's Wastewater Operations section seeks council approval to undertake Smoke Testing Program 15 in Mount Louisa, Garbutt, Mount St John, Bohle, Cosgrove, (specifically sewerage catchments BU1, BU2, L11A, L12A, L13A, L14B,L15A, L16A, L18A, L19A, L21A, L6A, L6B, L7A, L8A, L9A, LA18A, LA21A, LB18A, LB21A, LC18A, LC21A, LD18A, LD21A, LE18A) pursuant to section 134 of the *Local Government Act 2009*. The program is expected to commence between 1 and 15 September 2015 and will be completed within a period of three months.

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

That council approve the undertaking of a systematic inspection program, pursuant to *section 134 of the Local Government Act 2009*, in Mount Louisa, Garbutt, Mount St John, Bohle, Cosgrove, (specifically the sewerage catchments BU1, BU2, L11A, L12A, L13A, L14B,L15A, L16A, L18A, L19A, L21A, L6A, L6B, L7A, L8A, L9A, LA18A, LA21A, LB18A, LB21A, LC18A, LC21A, LD18A, LD21A, LE18A) starting between 1 and 15 September and completed within three months.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 37of the council minutes (page 8314) where council resolved that the committee recommendation be adopted.**

### **39 Townsville Waste Services - Free Dumping Weekend 2015**

#### **Committee Recommendation**

That this item be withdrawn.

#### **Council Decision**

**Refer to resolution preceding item 37of the council minutes (page 8314) where council resolved that the committee recommendation be adopted.**

### **40 Townsville Waste Services - Extension of contract T5673 - Recyclable Material Recovery Services**

#### **Executive Summary**

This report details the current contractual arrangements for the processing of kerbside collected recyclable material and seeks approval for a variation in the contracted processing gate fee to ensure a sustainable and continued kerbside recycling service for Townsville's residents.

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

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council approve the proposed variation in the contract (T5673 - Recyclable Material Recovery Services) processing rate to \$95.00/tonne for the extension period.
3. That council delegate responsibility to the Chief Executive Officer to approve any further variations to contract T5673 - Recyclable Material Recovery Services in line with the allocated budget for this program.

### **Committee Recommendation**

That the officer's recommendation be adopted.

### **Council Decision**

**Refer to resolution preceding item 37 of the council minutes (page 8314) where council resolved that the committee recommendation be adopted.**

### **41 Programs & Technical Support - TCW00122 - Tender Evaluation - Jensen Landfill Capital Works: Leachate Infrastructure, Stormwater Ponds and Associated Upgrades**

**Refer to council decision preceding item 37 of the Council Minutes (8314) where council resolved that the order of business be changed and item 41 be considered after item 48.**

**Refer page 8322 of the Council Minutes for item 41- Programs & Technical Support - TCW00122 - Tender Evaluation - Jensen Landfill Capital Works: Leachate Infrastructure, Stormwater Ponds and Associated Upgrades**

### **42 Business Management & Compliance - Monthly Report Card - June 2015**

#### **Executive Summary**

Townsville Water and Waste's monthly report card containing year to date operating results for 2014/15 is submitted for the month of June 2015. This report will not include any financial information for June 2015 due to end of financial year processing. The final June results and analysis will be provided once complete to the next scheduled committee meeting.

#### **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 note the report card from Townsville Water and Waste for the month of June 2015.

#### **Committee Recommendation**

That the officer's recommendation be adopted.

#### **Council Decision**

**Refer to resolution preceding item 37 of the council minutes (page 8314) where council resolved that the committee recommendation be adopted.**

## **Officers Reports**

### **Infrastructure**

#### **43 Engineering Services - Temporary Partial Road Closure - Round Mountain Road**

##### **Executive Summary**

The Department of Natural Resources and Mines - State Land Asset Management Unit have requested, on behalf of an applicant, council to consider the temporary closure of a partial section of the Round Mountain Road, area approximately 11,250m<sup>2</sup> and length 750 metres for half the width of the road reserve.

This report outlines the investigation into the request including comments provided by residents in relation to the application.

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

1. That council advise The Department of Natural Resources and Mines - State Land Asset Management Unit that it offers no objection to the temporary partial closure of the Round Mountain Road adjacent to Lot 1 SP132604 with the area of interest commencing 900 metres south of Kelso Drive and extending south for 650 metres, and being half the width of the road reserve, approximately 15 metres wide given that this is the area required for irrigation and not the 750 metres requested.
2. that council endorse the decision to grant to each bore easement holder vehicular access through the gate presently across the Kelso Drive end of Round Mountain Road for all purposes associated with their bores; and
3. that council resolve to direct that the council install a gate in the fencing on the Laudham Park Road end of Round Mountain Road to provide the bore easement holders and Mr and Mrs Sacilotto with alternate vehicular access to the road when weather conditions allow, with the cost of that gate installation to be borne equally by the bore easement holders."

##### **Council Decision**

**It was MOVED by Councillor J Lane, SECONDED by Councillor T Roberts:**

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

#### **44 Engineering Services - Permanent Road Closure - Carty Road and Riley Road Intersection**

##### **Executive Summary**

The Department of Natural Resources and Mines – State Land Asset Management Unit have requested, on behalf of an applicant, council to consider the permanent closure of a road reserve, an area of approximately 1560 m<sup>2</sup>, at the intersection of Carty and Riley Roads abutting Lot 47 on RP860205.

This report outlines the investigation into the request and identifies the impact on adjacent land use, council assets and the road networks in the area.

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

That council advise The Department of Natural Resources and Mines - State Land Asset Management Unit that it offers no objection to the permanent closure and sale of the road reserve at

the intersection of Carty and Riley Roads abutting Lot 47 on RP860205. The no objection is subject to the following conditions:

That the area to be closed will remain the same size of 1560 m2 but the shape of the area is to be changed such that the area impeding into the Carty Road reserve is reduced to maintain the 30m wide road reserve and that the area is extended towards Riley Road to achieve the necessary size of 1560 m2.

### **Council Decision**

**It was MOVED by Councillor P Ernst, SECONDED by Councillor V Veitch:**

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

### **Planning and Development**

**In accordance with section 172 of the *Local Government Act 2009*, Councillor P Ernst declared a material personal interest in regards to item 45.**

- (a) the nature of the material personal interest as described by the Councillor:**  
Councillor P Ernst's Father In-Law owns a property in Hunt Court.
- (b) how the Councillor dealt with the material personal interest:**  
Councillor P Ernst vacated the chambers during discussion and voting on the item.

**45 P&E Court Appeal No. 166 of 2015 - Grattan Willey v TCC - Appeal against Council's decision to refuse a development application for a Development Permit for a Material Change of Use for a Residential Care Facility - 2 Hunt Court, Aitkenvale**

### **Executive Summary**

A Notice of Appeal was filed in the Planning and Environment Court by Grattan Willey on 5 June 2015. The Appeal was filed against council's decision to refuse a development application for a Development Permit for a Material Change of Use required for a Residential Care Facility situated at 2 Hunt Court, Aitkenvale.

The Notice of Appeal seeks an Order that the Development Application be approved subject to conditions.

### **Officer's Recommendation**

1. That council resolve to defend the Applicant's Appeal in the Planning and Environment Court Appeal No. 166 of 2015.
2. That council, under *Section 257 (1)(b) of the Local Government Act 2009*, resolve to delegate authority to the Chief Executive Officer to settle the Planning and Environment Court Appeal out of Court in the event that a mutually acceptable settlement emerges relating to the above matter.

### **Council Decision**

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

## Corporate Services

### **46 UDIA (Qld) Annual Breakfast on 25 September 2015 in Brisbane - Invitation for Mayor to participate on panel discussion.**

#### **Executive Summary**

Correspondence dated 15 January 2015 has been received inviting the Mayor, Cr Jenny Hill to participate in a facilitated panel discussion with other local government Mayors at the Urban Development Institute of Australia Queensland (UDIA Qld) Annual Breakfast in Brisbane on Friday 27 September 2015.

The focus of this panel discussion is to spotlight key local areas that are making significant progress in attracting and delivering progressive residential development.

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

1. That council approve the attendance and associated travel costs of the Mayor, Cr Jenny Hill to participate in a facilitated panel discussion with local government Mayors at the Urban Development Institute of Australia Queensland (UDIA Qld) Annual Breakfast in Brisbane on Friday 27 September 2015.
2. That in accordance with section 162(1)(e) of the *Local Government Act 2009* leave of absence be granted to the Mayor, Cr Jenny Hill to allow attendance at the Urban Development Institute of Australia Queensland (UDIA Qld) Annual Breakfast in Brisbane on 25 September 2015.

#### **Council Decision**

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

### **47 Local Government Association of Queensland 118th Annual Conference Toowoomba 19-21 October 2015**

#### **Executive Summary**

The Local Government Association of Queensland's [LGAQ] 2015 Annual Conference, is to be held from 19 – 21 October, 2015 at the Empire Theatre Toowoomba.

Council is entitled to two voting delegates (as part of its membership) and any additional councillors would be registered as observers. Council is entitled to eight votes which may be distributed between the two delegates as council sees fit.

Council may submit a motion for consideration at the Annual Conference on any topic relevant to local government. To enable a copy of the Preliminary Agenda to be forwarded to member councils prior to the Annual Conference, agenda items must be received by the LGAQ no later than 30 August 2015.

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

1. That council consider nominating two Councillors, as delegates to attend the 2015 Local Government Association of Queensland's 118<sup>th</sup> Annual Conference being held in Toowoomba, 19 - 21 October 2015;
2. That council nominate the number of votes per delegate, out of an entitlement of 8 votes;

3. That council consider nominating a Councillor/s as observer/s to attend the 2015 Local Government Association of Queensland's 118th Annual Conference being held in Toowoomba, 19 - 21 October 2015;
4. That in accordance with section 162(1)(e) of the Local Government Act 2009 council grant leave of absence to nominated delegates/observers for 19 – 21 October 2015;
5. That council determine any motions for submission to the Annual Conference of relevance to Townsville, the region or local government industry.

#### **Council Decision**

**It was MOVED by The Mayor, Councillor J Hill, SECONDED by Councillor G Eddiehausen:**

1. That council nominate The Mayor, Councillor J Hill and Councillor C Doyle, as delegates to attend the 2015 Local Government Association of Queensland's 118<sup>th</sup> Annual Conference being held in Toowoomba, 19 - 21 October 2015;
2. That each delegate be allocated four votes;
3. That council approve any interested Councillor/s as observer/s to attend the 2015 Local Government Association of Queensland's 118th Annual Conference being held in Toowoomba, 19 - 21 October 2015;
4. That officer's recommendation 4 and 5 be adopted.

**CARRIED UNANIMOUSLY**

#### **Confidential Items**

**It was MOVED by Councillor G Eddiehausen, SECONDED by Councillor T Roberts:**

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

Section 275(1) (e) contracts proposed to be made by it." Items 41 and 48.

**CARRIED**

The council discussed the items.

**It was MOVED by Councillor G Eddiehausen, SECONDED by Councillor T Roberts:**

"that council RESOLVE to open the meeting."

**CARRIED**

**In accordance with section 172 of the *Local Government Act 2009*, Councillor P Ernst declared a material personal interest in regards to item 48.**

**(a) the nature of the material personal interest as described by the Councillor:**

Councillor Ernst's family have commercial interests and he doesn't wish to exclude them from any opportunities that may present.

**(b) how the Councillor dealt with the material personal interest:**

Councillor P Ernst vacated the chambers during discussion and voting on the item.

#### **48 Property Management - Facilities Master Plan Recommendation**

##### **Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 275 of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

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

##### **Executive Summary**

A high level review of council's administrative and depot facilities has been undertaken to address options available to relocate Garbutt and Bamford Lane workshop facilities. The purpose of this Facilities Master Plan recommendation is to determine a strategy for council's workshop facilities and to allow an Expression of Interest (EOI) to proceed, requiring a leased design and construct facility investigation to commence.

This strategy considers council's financial position and recommends that operational funds be directed to the project replacing capital expenditure in accordance with the scope as outlined in the report.

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

1. That the report be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (9) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council adopt in principle, the Facilities Master Plan Workshop Strategy as follows:
  - a) Relocate current workshop facilities from Bamford Lane and Garbutt to a suitable land parcel within 10 km of the Central Business District;
  - b) Consider future options for this site in conjunction with the Facilities Master Plan to alleviate issues in other council facilities;
  - c) Demolish the existing fleet workshop at the Garbutt Operations Centre; and
  - d) Advertise an EOI process immediately to determine development interest for the project.

##### **Council Decision**

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

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**



**Council agreed to change the order of business to consider item 41 as the next item of business.**

**In accordance with section 173 of the Local Government Act 2009, Councillors Blom, Eddiehausen, Gartrell, Lane, Roberts and Veitch declared a perceived conflict of interest in regards to item 41.**

- (a) the name of the Councillors who have the real or perceived conflict of interest:**  
Councillors Blom, Eddiehausen, Gartrell, Lane, Roberts and Veitch
- (b) the nature of the conflict of interest as described by the Councillor:**  
Urbex Pty Ltd donated to the Townsville First Election Campaign. Urbex is a subsidiary of BMD.
- (c) how the Councillors dealt with the real or perceived conflict of interest:**  
The Councillors determined that they could reasonably be perceived to have a conflict of interest in this matter before the meeting, however considered their position and were of the opinion that they could participate in debate and vote on the matter in the public interest.
- (d) if the Councillors voted on the issue – how the Councillors voted:**  
The Councillors voted as per the recommendation.
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.**  
The majority of persons entitled to vote at the meeting voted as per the council's decision.

#### **41 Programs & Technical Support - TCW00122 - Tender Evaluation - Jensen Landfill Capital Works: Leachate Infrastructure, Stormwater Ponds and Associated Upgrades**

##### **Executive Summary**

The Jensen Landfill Leachate Management Plan (Golder Associates) and the Townsville Mainland Landfills – Landfill Review and Leachate Management Assessment (Golder Associates) identify the need to (i) reduce the volume of leachate produced, (ii) install leachate collection trenches, (iii) install leachate storage ponds with evaporation capacity, and (iv) install early capping over completed waste cell areas.

Tenders from external contractors were invited for construction of parts (i) to (iii), but part (iv) was not considered for this tender. This report provides an analysis and evaluation of the tenders received for this project.

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

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That council award tender TCW00122 – Jensen Landfill Capital Works (Leachate Infrastructure, Stormwater Ponds and Associated Upgrades) to Mendi Constructions Pty Ltd for the lump sum price of \$2,295,255.50 (excluding GST).
3. That council delegate authority to the Chief Executive Officer, or his delegate, to approve variations not exceeding the approved project budget, provided the variations so approved are for work under contract TCW00122.

##### **Committee Recommendation**

That the officer's recommendation be adopted.

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

### **Council Decision**

1. "that the Committee Recommendation be adopted; and
2. that council note the amended table 5 – Summary of evaluation of tenderers using weighted price and non-price criteria."

**CARRIED UNANIMOUSLY**

**The order of business was resumed.**

### **Addendum**

#### **49 Infrastructure Agreement Negotiation Update on Preliminary Approval for Development in accordance with a Plan of Development for Residential Land Use - 127 Allambie Lane, Rassmussen**

### **Executive Summary**

Council's previous recommendation at the June Full Council meeting was that Council officer's report back to Council to advise of the progress an Infrastructure agreement which satisfies the requirements of council as outlined in its recommendation to support the proposal.

Since the last council meeting council officers have been in regular contact with Wingate representatives and a meeting was convened last week to discuss and negotiate the details of the Infrastructure Agreement and the development permit conditions. There are a number of issues still unresolved and a further meeting this week will occur between both parties.

Significant work has been done to achieve this however on-going discussions are necessary to achieve an outcome. Given council's resolution last meeting to report back to the July meeting it is advised that negotiations are continuing and the intent of both parties is to finalise the matters as soon as possible.

### **Officer's Recommendation**

That officers continue negotiations with Wingate with the intent that a recommendation be presented to the August Full Council meeting or a special meeting for final council signoff.

### **Council Decision**

**It was MOVED by The Mayor, Councillor J Hill, SECONDED by Councillor T Roberts:**

"that the officer's recommendation be adopted."

**CARRIED UNANIMOUSLY**

## **General Business**

### **(i) Home based businesses**

#### **Overview**

Councillor Lane noted the petition received regarding the home based car detailing business and requested that a workshop be held to brief Councillors on the rules and regulations for home based businesses and how these regulations are monitored.

#### **Council Decision**

The Mayor directed the CEO to arrange a workshop with the Planning and Development Department to pursue the issue of home based businesses and to see if any changes will need to be made to the City Plan.

### **(ii) Safe Cities Conference Report**

#### **Overview**

Councillor G Eddiehausen gave a brief verbal report detailing the Safe Cities Conference that he attended on 8 July and advised that he has prepared a presentation report for council's information and added that copies are available for interested Councillors. He also spoke regarding the lockout system that operates in the Kings Cross area in Sydney.

### **(iii) Strategic Land Management Policy**

#### **Overview**

Councillor R Gartrell thanked all Councillors, CEO and staff for the Strategic Land Management Policy workshop and thanked the officers for the removal of the Mango Avenue and Winifred Street land parcels from the proposed sales and the improvement in the operational procedure where Councillors will be involved in a workshop to consider proposed land sales prior to community consultation.

### **(iv) Feedback regarding the Paluma Water Treatment Plant**

#### **Overview**

Councillor S Blom requested information or feedback regarding the redesign of the water treatment plant at Paluma and noted her concern for the residents of the Paluma region due to the lack of rain.

The Mayor advised that Councillor Blom should raise this request with the Director of Townsville Water and Waste and Chair of the Water and Waste Committee.

**Close of Meeting**

The Chair, Mayor J Hill declared the meeting closed at 10.10am.

**CONFIRMED this TWENTY- FIFTH day of AUGUST 2015**

**MAYOR**

**ACTING CHIEF EXECUTIVE OFFICER**