



ORDINARY COUNCIL

PUBLIC MINUTES

TUESDAY 25 JULY 2017 AT 1.02PM

Council Members >>

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

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

Corporate Plan >>

Goal 1 - A Prosperous City

Deliver a strong and innovative economy for Townsville with sustainable growth and support for local jobs and businesses.

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

Goal 2 - A City for People

Enhance people's experience of Townsville as a liveable and vibrant city by providing services that support the growth of an inclusive, knowledgeable, active, safe and healthy community.

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

Goal 3 - A Clean and Green City

Create a sustainable future for Townsville through the protection, maintenance and enhancement of our unique, natural and built environment.

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

Goal 4 - A Simpler, Faster, Better Council

Transform the Townsville City Council into a simpler, faster and better council that is easy to work with, and for, and gains community trust by being transparent and managing its resources.

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

ACKNOWLEDGEMENT OF COUNTRY

The Townsville City Council would like to acknowledge the Bindal and Wulgurukaba peoples as Traditional Owners of the land on which our Council operates. We pay respect to Elders past, present and future and value the traditions, culture and aspirations of the first Australians of this land. We acknowledge and hold in great significance the valuable contribution that Traditional Owners have made and continue to make within the Townsville Community.

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REPORT	COUNCIL MEETING
DATE	Tuesday 25 July 2017 at 1.02pm
ITEMS	1 TO 35

PRESENT	The Mayor, Councillor J Hill Councillor R Cook Councillor V Coombe Councillor C Doyle Councillor A Greaney Councillor P Jacob Councillor M Molachino Councillor K Rehbein Councillor M Ryder Councillor M Soars Councillor L Walker
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Opening of Meeting and Announcement of Visitors

The Chair, the Mayor, Councillor J Hill opened the meeting at 1.02pm.

Acknowledgement to Country

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

Prayer

Reverend Peter Barber of the Presbyterian Church delivered the opening prayer.

Apologies and Leave of Absence

There were no apologies or leave of absence noted.

Request for Leave of Absence

Councillor A Greaney requested leave of absence for the period 12 September 2017 to 12 October 2017.

Council Decision

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

"that leave of absence be granted to Councillor A Greaney for the period 12 September 2017 to 12 October 2017."

CARRIED UNANIMOUSLY

Confirmation of Minutes of Previous Meetings:

It was MOVED by Councillor M Molachino, SECONDED by Councillor M Soars:

"that the minutes of the Ordinary Council meeting of 27 June 2017 be confirmed and that the minutes of the Special Council meeting of 10 July 2017 be confirmed."

CARRIED UNANIMOUSLY

Disclosure of Interests

- (i) Infrastructure Services Committee - Perceived conflict of interest – Item 2 – Councillors M Molachino, V Coombe, K Rehbein, M Soars, L Walker, M Ryder, A Greaney, C Doyle, P Jacob, R Cook and the Mayor, Councillor J Hill – Gabrielli Constructions Pty Ltd donated to the Team Hill election campaign.
- (ii) Community and Cultural Development Committee - Perceived conflict of interest - Item 16 - Councillor V Coombe - Councillor Coombe's son plays baseball for a team that is in Baseball Association Townsville.
- (iii) Officers' Reports - Perceived conflict of interest - Item 32 - Councillors L Walker, M Molachino, K Rehbein, C Doyle, M Ryder, P Jacob, M Soars, R Cook, A Greaney, V Coombe and the Mayor, Councillor J Hill - Gabrielli Constructions Pty Ltd donated to the Team Hill election campaign.
- (iv) Officers' Reports - Perceived conflict of interest - Item 34 - Councillor L Walker - Councillor Walker's son Kyle Walker was a tenant in the property that is named in this item.

Correspondence

There was no correspondence.

Petitions

There were no petitions.

Deputations

There were no deputations.

Notices of Motion

There were no notices of motion.

Presentations

David Henderson of the Cyclone Testing Station, James Cook University provided an overview of Tropical Cyclone Debbie and the damage to buildings in the Whitsunday region.

The Mayor, Councillor J Hill, on behalf of the Council, presented David Henderson with a cheque for \$20,000 for the Cyclone Testing Station.

Mayoral Minute

There was no Mayoral Minute.

Committee Items

Infrastructure Services Committee

In accordance with section 173 of the Local Government Act 2009, Councillors M Molachino, V Coombe, K Rehbein, M Soars, L Walker, M Ryder, A Greaney, C Doyle, P Jacob, R Cook and the Mayor, Councillor J Hill declared a perceived conflict of interest in regards to item 2.

- (a) *the name of the councillors who have the perceived conflict of interest:***
Councillors M Molachino, V Coombe, K Rehbein, M Soars, L Walker, M Ryder, A Greaney, C Doyle, P Jacob, R Cook and the Mayor, Councillor J Hill.
- (b) *the nature of the conflict of interest as described by the Councillors:***
Gabrielli Constructions Pty Ltd donated to the Team Hill election campaign.
- (c) *how the Councillors dealt with the perceived conflict of interest:***
The Councillors dealt with the conflict by disclosing the perceived conflict of interest and referred the item to Full Council.
- (d) *if the Councillor voted on the issue – how the Councillor voted:***
The Councillors voted as per the committee 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 committee recommendation.

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

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

CARRIED UNANIMOUSLY

1 Maintenance Planning and Operations - Queens Gardens Bird Aviary

Executive Summary

The Bird Aviary has been a significant landmark within the Queens Botanic Gardens since the 1930s. Due to its age, the structure is in a declining state and is considered to be approaching the end of asset life.

Recently, the safety of the housed birds has reduced due to snake predation within the caged area. Further snake proofing of the cage walls has been undertaken, however due to the declining condition of the structure it has been determined that it was unsafe to undertake further snake proofing of the roofing structure. Subsequently, further engineering investigation is now required to determine the level of repairs to the aviary structure.

In the interim, to ensure animal welfare while a plan regarding the structure is developed, 16 birds have been rehomed with local wild life carers.

Further detailed structural engineering investigations are now required to determine the level of repairs required to enhance and remediate the existing aviary structure. Due to the structures age, future consideration should also be given for a renewal of this asset. Any potential renewal should enable greater activation and customer experience of the botanic garden and should consider opportunities that coincide with the Queens Gardens 150 year celebrations in early 2020.

Officer's Recommendation

1. That council resolve to undertake a Queens Gardens Aviary Master Plan project to consider renewal options, community needs, facility activation, animal welfare, sustainable operating models and a bird species strategy for consideration for a future capital works programs;

2. That council resolve to commission detailed structural engineering investigation and design of remedial works on the aviary.
3. That council authorise that the birds formerly in the aviary continue to be kept by carers until the completion of remedial works to the aviary.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 9495) where council resolved that the committee recommendation be adopted.

2 Infrastructure and Operations - Local Disaster Coordinator Centre Project TCW00208 Tender Award

Executive Summary

The Local Disaster Coordination Centre (LDCC) shall be located within the Dalrymple Road Depot replacing the current LDCC facility located at the Bamford Lane Depot, Kirwan.

The LDCC will occupy level 1 of the two-level building with the ground floor the shell of the North Queensland Regional Data Centre (NQRDC – Tier 3 certification). The NQRDC fit out shall be delivered under a separate contract arrangement.

The building is designed to withstand Category 5 cyclone wind speeds and debris levels and has backup power and utility services. The LDCC office area shall be utilised by council's emergency management team as a coordination centre for emergency services in a crisis and shall accommodate select council staff as office accommodation and training facilities up to activation.

The project is partially funded by the State of Queensland and Commonwealth Government acting through the Department of Infrastructure, Local Government and Planning under the 2014 – 2015 Natural Disaster Resilience Program.

Tenders were called for the contract, which is a lump sum contract for supply and installation under the General Conditions of Contract AS4000 - 1997. The tender closed at 10am on 17 May 2017. Five (5) tender submissions were received. The report provides an analysis and evaluation of the tenders received for the 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 TCW00208 Local Disaster Coordination Centre Project to Jackson Semler Pty Ltd for the lump sum price of \$6,358,266.33 (excluding GST).
3. That council delegate authority to the Chief Executive Officer, or their delegate, to award variations up to the approved project budget provided the variations are for the completion of the work under the contract.

Committee Recommendation

That this item be referred to Full Council.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 9495) where council resolved that the committee recommendation be adopted.

3 Engineering Services - Maconachies Road Land Acquisition

Executive Summary

Council has received a request from the property owners of Lot 2 RP725371 to resolve the ownership of the constructed section of Maconachies Road that currently traverses through their property for a length of approximately 110 metres when you immediately turn off Woodstock Giru Road.

The road was built within the private property and not in the road reserve due to the large lagoon area that impacts on the road reserve area. This report seeks council's agreement to allow council officers to negotiate the acquisition of the private land on Lot 2 RP725371 to formalise the road reserve area required for Maconachies Road, Majors Creek.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That council agree to purchase an area of approximately 7,830m² containing a formed sealed road within Lot 2 RP725371 to formalise the road reserve area for Maconachies Road, Mutarnee.
3. That council delegate authority to the Chief Executive Officer to negotiate variations to the project budget to allow the finalisation of the purchase of approximately 7,830m² containing a formed sealed road within Lot 2 RP725371 to formalise the road reserve area for Maconachies Road, Mutarnee.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 1 of the council minutes (page 9495) where council resolved that the committee recommendation be adopted.

Planning and Development Committee

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

"that the committee recommendations to items 5 to 9 be adopted and item 4 be dealt with separately."

CARRIED UNANIMOUSLY

Item 4 - MI16/0012 - MCU (Impact) Service Station & Food & Drink Outlet combined with OP16/0039, 1-5 Riverside Boulevard, Douglas

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

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

CARRIED

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

For	Against
<i>The Mayor, Councillor J Hill</i>	<i>Councillor V Coombe</i>
<i>Councillor R Cook</i>	
<i>Councillor C Doyle</i>	
<i>Councillor A Greaney</i>	
<i>Councillor P Jacob</i>	
<i>Councillor M Molachino</i>	
<i>Councillor K Rehbein</i>	
<i>Councillor M Ryder</i>	
<i>Councillor M Soars</i>	
<i>Councillor L Walker</i>	
Reasons Against	
<i>Councillor Coombe advised of the resident's concerns regarding the change to amenity.</i>	

4 MI16/0012 - MCU (Impact) Service Station & Food & Drink Outlet combined with OP16/0039, 1-5 Riverside Boulevard, Douglas

Executive Summary

An application seeking a Development Permit for Material Change of Use (Impact Assessable) for a Service Station and Food and Drink Outlet combined with OP16/0039 (Sign), on land described as 1-5 Riverside Boulevard, Douglas has been lodged with council. The subject site is located in the Neighbourhood Centre Zone of the Townsville City Plan, and is located directly north of the main entrance point to the Townsville Hospital and James Cook University.

The proposed facility will provide services to the surrounding area including the employees and students of James Cook University and the Townsville Hospital. The proposed development is in a logical location with the anticipated continued growth of the area, particularly the future expansion of the University. The application received two (2) submissions during the public notification period, both objecting to the proposal. The key concerns raised in the submissions include car parking, traffic impacts, impacts on flora and fauna and economic need.

An assessment against the relevant provisions of the Townsville City Plan concluded that the proposal generally complies with the Planning Scheme. The proposed development is consistent with the area and any potential impacts can be mitigated through reasonable and relevant conditions. The application is recommended for approval subject to conditions.

Officer's Recommendation

That council approve application MI16/0012 for a Development Permit for Service Station and Food and Drink Outlet combined with OP16/0039 under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 998 SP 130960, more particularly 1-5 Riverside Boulevard, Douglas approved subject to the following 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
Site Plan	11052 A010	D	04/06/2017
Shop Building Floor Plan	11052 AB100	C	04/05/2017
Building Reflected Ceiling Plan	11052 AB104	C	04/05/2017
Building Roof Plan	11052 AB105	C	04/05/2017
Building Elevation Sheet 1	11052 AB200	C	04/05/2017
Building Elevation Sheet 2	11052 AB200	C	04/05/2017
Building Elevation Sheet 3	11052 AB202	C	04/05/2017
Building Section Sheet 1	11052 AB300	B	04/05/2017
Building Section Sheet 2	11052 AB300	B	04/05/2017
Car Canopy Floor Plan	11052 AC100	B	28/04/17
Car Canopy Reflected Ceiling Plan	11052 AC104	B	28/04/17
Car Canopy Roof Plan	11052 AC105	B	28/04/17
Car Canopy Elevations – Sheet 1	11052 AC200	B	28/04/17
Car Canopy Elevations – Sheet 2	11052 AC200	B	28/04/17
Car Canopy Sections	11052 AC300	A	28/04/17
Coffee Shop Building Floor Plan	11052 AD100	C	28/04/17
Building Reflective Ceiling Plan	11052 AD104	B	28/04/17
Building Roof Plan	11052 AD105	B	28/04/17
Building Elevation – Sheet 1	11052 AD200	B	28/04/17
Building Section – Sheet 1	11052 AD300	A	28/04/17
Building Section – Sheet 2	11052 AD301	A	28/04/17
Fuel System Notes and Specs Sheet	11052 F001	A	28/04/17

Fuel System Site Plan	11052 F100	C	29/05/17
Fuel System Tank & Pump Layout	11052 F110	C	29/05/17
Fuel System Hazardous Zones Layout	11052 F140	C	29/05/17
Manifest Site Plan	11052 F160	A	29/05/17
Delivery Tanker Operational Path	11052 F190	B	29/05/17

- b) The approved plan relates only to the development on site and does not relate to road works as conditioned in the Concurrence agency response.
- c) 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.
- d) The recommendations outlined in the above reports/s must be implemented prior to the commencement of the use.

Reason

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

Timing

During the operation and life of the development.

2. Property Numbering

Condition

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

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

Reason

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

Timing

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

3. Relocation of Services or facilities

Condition

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

Reason

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

Timing

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

4. Storage

Condition

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

Reason

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

Timing

At all times following the commencement of the use.

5. 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 commencement of the use.

6. Stormwater Drainage

Condition

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage achieves the outcomes in accordance with Part 9.4.2 Healthy Waters Code.

Reason

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

Timing

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

7. Stormwater Quality Management

Condition

A stormwater quality management plan (SQMP) must be prepared by a suitably qualified person in accordance with Part 9.4.2 Healthy Waters Code.

The SQMP must be implemented in accordance with the guideline and incorporate any further reasonable requests from council. All works must be carried out in accordance with SC6.4 Development manual planning scheme policy.

Reason

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

Timing

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

8. Roadworks and Traffic**Condition**

The existing access driveway and crossover from the edge of bitumen to the property boundary must be constructed generally in accordance with Part 9.4.6 Transport impact, access and parking code and the Department of Transport and Main Roads requirements as detailed in their referral agency response.

Reason

To provide development with access in accordance with council standards.

Timing

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

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. All car parking facilities must be maintained to a safe operating standard at all times thereafter.

- b) Car spaces including disabled parking must be provided on site in accordance with the approved plan listed in Condition 1 above.

Reason

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

Timing

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

10. Screening of Plant and Utilities**Condition**

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

Reason

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

Timing

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

11. Landscaping**Condition**

Landscape and Irrigation Design Plans must be prepared in accordance with Part 9.4.3 Landscape code.

Reason

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

Timing

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

12. Street Enhancements**Condition**

Details of the street enhancements along Angus Smith Drive and Riverside Boulevard frontages in accordance with Part 9.4.3 Landscape code/ 9.4.4 Reconfiguring a lot code/ Part 9.4.7 Works code must be provided.

Reason

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

Timing

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

13. Hours of Operation**Condition**

Unless otherwise approved by council, the activities associated with the use must only be conducted between the following hours for each respective use:

- Service Station – 24 hours a day
- Food and Drink Outlet – 5am to 10pm Monday to Sunday inclusive of public holidays.

All fuel tanker and service deliveries for all uses on the site are only permitted between 7am and 7pm Monday to Saturday inclusive. Deliveries are not permitted on Sundays and Public Holidays

Reason

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

Timing

At all times following the commencement of the use.

14. Minimum Floor Levels**Condition**

Floor levels must achieve immunity from flood hazards by ensuring floor levels of all non-residential buildings are above the defined flood event.

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

Reason

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

Timing

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

15. Hazardous Materials Storage

Condition

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that any structure used for the storage of hazardous materials in bulk are designed and to prevent the spillage of materials or intrusion of flood waters up to at least 0.2%AEP flood event in accordance with Part 8.2.6 Flood hazard overlay code.

Reason

The proposed works are located within low to high hazard flood area identified on overlay map OM-06.1 or OM-06.2, particularly the refuelling facilities..

Timing

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

16. Soil Erosion Minimisation, Sediment Control

Condition

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

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

Reason

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

Timing

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

17. 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 soils and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils.

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 to council as part of an application for Compliance Assessment where required.

18. 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 waste storage areas are to be of sufficient size to house all required refuse facilities, in particular the facility must be:
 - A suitable enclosure with concrete slab floor, with dimension which

- exceed the size of the nominated bin size by at least 300mm at the rear and both sides and 600mm at the front;
 - Within the curtilage of the premises in an accessible location to receive the service;
 - Graded and drained through an approved sediment/silt trap to legal sewer connection;
 - Provided with a hose cock and hose in close proximity to the enclosure;
 - Enclosure must be screened and not visible from any street frontage.
- b) The minimum overhead clearance required for refuse collection is 6500mm. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.
- c) All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
- d) Access roads and driveways must be designed and constructed to accept vehicle loadings of not less than G.V.M 33 tonnes.

Reason

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

Timing

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

19. Outdoor Lighting

Condition

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

Reason

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

Timing

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

Referral Agency Conditions

Concurrence Agency Conditions – DEPARTMENT OF INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the DEPARTMENT OF INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING advises that it has no objection to Townsville City Council issuing a Development Permit for a Material Change of Use subject to the conditions, as attached.

Advice

1. Infrastructure Charges

Condition

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

2. Further Approvals Required

Condition

a) **Compliance Assessment**

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

Condition 6 – Stormwater Drainage

Condition 7 – Stormwater Quality Management

Condition 8 – Roadworks and Traffic

Condition 9 – Car Parking

Condition 11 – Landscaping

Condition 12 – Street Enhancements

Condition 15- Hazardous Material Storage

Condition 16 – Soil Erosion Minimisation, Sediment Control

Condition 17- Acid Sulphate Soils Management – where required

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

b) **Plumbing and Drainage Works**

A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

c) **Building Works**

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

d) **Road Works Permit**

A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.

3. Water Restrictions

Condition

a) To manage Townsville's water resources, council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;

b) Developers remain responsible for compliance with any water restrictions as directed by council. At no time will development permit conditions override any level of water restrictions in force;

c) During times of significant water shortage, council may refuse to grant developers exemptions from water restrictions for the purposes of

landscaping works or soil erosion and sediment control activities;

- d) Under such circumstances, bonding of landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. The use of “bonded fibre matrix” type hydro-mulch products or other suitable methods to stabilise disturbed sites can be carried out as alternatives to demonstrate compliance with water restrictions; and
- e) The responsibility for compliance with all relevant environmental protection requirements (in particular sediment and erosion control) remains with the developer.

4. Shop Fit Out

Condition

- f) Prior to any fit out of the intended food premises, an application for food licence including details on the fit out of the premises must be submitted to Council’s Environmental Health Services. No fit out or construction may take place before approval is granted. A food premise is anywhere food or beverages are prepared, packed, stored, handled, serviced, supplied or delivered for sale.
- g) Where the premises is intended to be used for carrying out an Environmentally Relevant Activity (ERA) that has been devolved to council, as defined in Schedule 2 of the *Environmental Protection Regulation 2008*, an application for development approval under the *Sustainable Act 2009* must be submitted to the relevant administering authority prior to the commencement of the activity. To operate an ERA, an Environmental Authority is required. The application for the DA is also taken to be the application for the Environmental Authority.

Maximum penalties may be imposed for operating an Environmentally Relevant Activity (ERA) without a development approval.

Further to this; to operate an ERA the operator needs to be a registered suitable operator. Applications for this can be submitted to local government with the EA application or can be sent direct to Department of Environment & Heritage Protection (DEHP). DEHP assess all suitable operator applications.

Maximum penalties may be imposed for operating an EA as an unregistered operator.

5. 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.

6. 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.

7. Storage of Materials and Machinery

Condition

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

8. Building Work Noise

Condition

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

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

9. Specifications and Drawings

Condition

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

10. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

11. Dilapidation Report

Condition

The developer should provide a dilapidation report with photographs of the footpath, kerb and channel in the vicinity of the access(es) to the site, to Council, prior to commencement of the works, and any damage identified by Council inspectors rectified on completion of works. The developer will be responsible for the restoration of all damage identified by the inspectors if this report is not lodged prior to work commencing.

12. Liquid Trade Waste Approval/Agreement

Condition

The developer is advised that a Trade Waste Approval/Agreement may be required under the *Water Supply (Safety and Reliability) Act 2008* and should confirm this with Council's Environmental Health Services.

13. 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.

14. Asbestos

Condition

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

15. Flammable and Combustible Liquids

Condition

Flammable and combustible liquids are to be stored and handled in accordance with *AS 1940 The Storage and Handling of Flammable and Combustible Liquids*.

16. Chemical Storage

Condition

Where chemicals are stored or handled on site, the storage and handling of chemicals must be in accordance with the relevant WHS Code of Practice.

17. Roadworks Approval

Condition

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

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

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

18. Environmental Management Register

Condition

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

19. Food Business

Condition

Where a food business is required to be licensed under the *Food Act 2006* Section 49, a Food Licence Application must be made prior to construction of the food premises.

Please contact council's Environmental Health unit on 1300 878 001 for further information.

20. Lighting

Condition

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

Operational Work – Advertising Device

1. Accepted 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 which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan Name	Plan No.	Revision No.	Revision Date
Site Signage Plan	11052 s001	A	08/08/17

- b) This permit is issued on the understanding that the design complies with Council's development manual, with Council's planning scheme and with all conditions of relevant decision notices.
- c) Council's assessment of the design has been an audit only. In the issuing of this permit Council makes no acknowledgement that the design meets the above requirements.

Reason

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

Timing

During the operation and life of the development.

2. Exhibition of Advertisements

Condition

- a) The advertising devices must not have any impact on vehicular sight distances.
- b) No part of the advertising devices may protrude beyond the property boundary and into the road reserve.

Reason

To ensure that the Advertising Device is constructed and installed in accordance with relevant code/s and policy direction.

Timing

During the display and life of the device.

3. Relocation of Utility Services

Condition

The developer is responsible for any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development at no cost to council in accordance with SC6.4 Development manual planning scheme policy, specifically SC6.4.5.2(3) Relocation/alteration and repair to existing utility services of the Townsville City Plan.

Reason

To ensure development does not interfere with or jeopardise services and/or facilities in accordance with relevant code/s and policy direction.

Timing

Prior to the issue of a Final Building Certificate.

Advice**1. Limitation of Approval****Condition**

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

2. Further Approvals Required**Condition**

Building Approval

All building structures (including retaining walls) associated with the proposed works must obtain a Development Permit for Building Works prior to commencement of any works associated with these structures.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 4 of the council minutes (page 9498) where council resolved that the committee recommendation be adopted.

5 MI16/0013 & RC16/0043 - Preliminary Approval under Section 242 of the Sustainable Planning Act 2009 to Override Planning Scheme, 41 Afton Way, Mt Louisa

Executive Summary

The application is seeking a Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009* to Override the Planning Scheme to allow uses Generally in Accordance with the Hilltop Precinct Area Plan of Development combined with a Development Permit for Reconfiguring a Lot – Two (2) into Thirty one (31) Group Title Lots, Common Property, one (1) Traditional Residential Lot, Five (5) Reserve Lots and Open Space (Parkland).

The application received one (1) properly made submission during the 30 business day public notification period. The concerns raised by the submitter have been considered as part of the assessment process, addressed in this report and subsequently conditioned where considered reasonable.

Through appropriate control measures and conditions, the proposed development has demonstrated the relevant outcomes of the Townsville City Plan (2014) can be achieved. The application is subsequently recommended for approval, subject to reasonable and relevant conditions.

Officer's Recommendation

That council approve the application for Preliminary Approval under section 242 of the *Sustainable Planning Act 2009* to Override the Planning Scheme to allow uses generally in accordance with the Hilltop Precinct Area Plan of Development (MI16/0013) combined with a Development Permit for Reconfiguring a Lot – Two (2) into Thirty one (31) Group Title Lots, Common Property, one (1) Traditional Residential Lot, Five (5) Reserve Lots and Open Space (Parkland) (RC16/0043) under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 1 SP 247130, more particularly 41 Afton Way, Mount Louisa subject to the following conditions -

MATERIAL CHANGE OF USE CONDITIONS

Preliminary Approval under section 242 of the *Sustainable Planning Act 2009* to Override the Planning Scheme to allow uses Generally in Accordance with the Hilltop Precinct Area Plan of Development; combined with Reconfiguring a Lot – Two (2) into Thirty one (31) Group Title Lots, Common Property, One (1) Traditional Residential Lot, Five (5) Reserve Lots and Open Space (Parkland)

1. Variation of the effect of the Local Planning Instrument

Condition

Development pertaining to this Hilltop Preliminary Approval Document, referred to as the Preliminary approval Document (PAD), as amended, approved by the Preliminary Approval, varies the effect of the Townsville City Plan 2014 (and subsequent local planning instruments) –

- providing the level of assessment for development at 41 Afton Way, Mount Louisa. Appendix B – Table 5.5.1, Appendix C - Table 5.6.1, Appendix D – Table 5.7.1, Appendix E – Table 5.8.1, Appendix F – Table 5.10.1 sets out the levels of assessment for development for Material Change of Use, Reconfiguring a Lot, Building work, Operational Work, Overlays respectively. These tables of assessment prevail over the levels of assessment specified in Townsville City Plan (2014).

Subsequent Development Applications over the land subject to this approval must be lodged and assessed in accordance with the Preliminary approval Document (PAD), dated April 2016.

Reason

The Preliminary Approval varies the effect of the Local Planning Instrument, and gives effect to the Preliminary approval Document (PAD) for subsequent applications for Development Permit over the subject land.

Timing

A subsequent development application must be received by Council within 4 years of the date of the approval taking effect or any longer period (or indefinitely) as determined by the *Sustainable Planning Act 2009* (or other relevant legislation).

RECONFIGURING A LOT CONDITIONS

(Two (2) into Thirty one (31) Group Title Lots, Common Property, One (1) Traditional Residential Lot, Five (5) Reserve Lots and Open Space (Parkland))

1. Approved Plans and Supporting Documentation

Condition

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

Plan Name	Drawing No.	Revision No.	Plan/Revision Date
Proposed Layout	17-01334.00	Sheet 1	17/03/2017
Proposed Layout	17-01334.00	Sheet 2	17/03/2017
Associated Reports			
Designconxion Bushfire Management Report – BMRNo:2825 3 April 2017 and Fire Management (page 24) as amended in red			
Douglas Partners Geotechnical Assessment – Project 84066.00, September 2016			

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

Reason

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

Timing

During the operation and life of the development.

2. Bushfire Management Plan

Condition

The Designconxion Bushfire Management Report – BMR No:2825 dated 3 April 2017 must be amended (see amended in red) to address the following:

- Lot 695 and 696 must be removed as residential lots and transferred as Reserve to achieve an adequate fire break in accordance with the Bushfire hazard overlay code.
- 30 metre wide vegetation/fuel management zone must be provided along the northern boundary of the public open space lot adjoining Lots 697 to 710.

The recommendations outlined in the Designconxion Bushfire Management Report – BMR No:2825 dated 3 April 2017 must be implemented.

Reason

To ensure that future residential development is appropriately located to avoid mapped hazard areas and maintains the safety of people and property in accordance with relevant code/s and policy direction.

Timing

An amended plan to be submitted to council as part of an application for Operational Work.

3. Building Envelopes

Condition

The development must include Building Envelopes Plan consistent with Brazier Motti Plan No. 6475/146G.

Reason

To ensure that future residential development is not located within mapped hazard areas/natural asset areas and maintains the safety of people and property in accordance with relevant code/s and policy direction.

Timing

To be submitted to council as part of an application for Operational Work.

4. Statutory Covenant

Condition

A Statutory Covenant and Management Agreement with Council for the environmental management of land on proposed Lots 684 to 694 and 697 to 706 located outside the Building Envelope Plans. The Covenant must address the following matters but not be limited to:

- (a) No buildings or ancillary structures within the designated environmental corridor;
- (b) No clearing of native vegetation is permitted within the designated environmental corridor;
- (c) No dumping of plant material within the environmental corridor; and
- (d) Fire Management Plans – to manage fuel loads and associated fire risk.

Reason

To ensure that the appropriate protection and management of the environmental values identified in the Natural assets overlay.

Timing

The statutory Covenant must be lodged with the Plan of Survey for each relevant stage of the development that includes lots noted in the condition and maintained thereafter by each property owner of the relevant lots.

5. Refuse Collection

Condition

Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Part 9.4.7 Works Code of the Townsville City Plan and in particular:

- a) A waste management plan must be prepared in accordance with SC6.5.3.22 Waste management guidelines as required by Part 9.4.7 Works code to demonstrate how refuse collection vehicles are able to safely access on-site refuse collection facilities, where these facilities will be located and how future property owners will manage waste to allow safe and convenient collection.
- b) A minimum overhead clearance of 4200mm must be provided for refuse collection. Access for the collection of the mobile garbage (wheelie) bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance is to be maintained at all times.
- c) Access roads and driveways must be designed and constructed to accept vehicle loadings of not less than G.V.M 33 tonnes.

Reason

Ensure adequate refuse collection can be achieved in accordance with relevant code/s and policy direction.

Timing

As part of an application for Operational Works.

6. Water Supply for Lot 710 (Public System)

Condition

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

A reticulated water supply must be provided to the frontage of each lot within the proposed development and connected to council's infrastructure in accordance with Part 9.4.4 Reconfiguring a lot code and Part 9.4.7 Works code of the Townsville City Plan.

Note: SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.

Reason

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

Timing

To be submitted to council as part of an application for Operational Work.

7. Water Supply (Group Title)

Condition

The development must be serviced from the public water supply. In particular:

- a) An internal private reticulated water supply main must be provided to service each lot (679 – 709) in the proposed group title development and be connected to council's existing infrastructure in accordance with Part 9.4.4 Reconfiguring a lot code and Part 9.4.7 Works code of the Townsville City Plan.

NOTE: SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.

- b) Sub-metering must be installed for each allotment.

NOTE: The internal water mains within the development are owned and maintained by the body corporate and will not become a council asset.

Reason

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

Timing

To be submitted to council as part of an application for Operational Work for water supply and implemented prior to the release of the Plan of Survey.

8. Sewerage Reticulation for Lot 710**Condition**

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

Each allotment must be provided with a single property service and must be connected directly and separately to council's sewer in accordance with Part 9.4.4 Reconfiguring a lot code and Part 9.4.7 Works code of the Townsville City Plan.

Note: SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.

Reason

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

Timing

To be submitted to council as part of an application for Operational Work.

9. Sewerage Reticulation (Group Title)**Condition**

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

- a) An internal private reticulated sewerage network must be provided to service each lot (679 – 709) in the proposed group title development and be connected to council's existing infrastructure in accordance with Part 9.4.4 Reconfiguring a lot code and Part 9.4.7 Works code of the Townsville City Plan.

NOTE: SC6.4 Development manual planning scheme policy may require a network analysis of the proposed subdivision to be undertaken.

NOTE: The internal sewer mains within the development are owned and maintained by the body corporate and will not become a council asset.

Reason

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

Timing

To be submitted to council as part of an application for Operational Work for sewerage reticulation and implemented prior to the release of the Plan of Survey.

10. Confirmation of Existing Services**Condition**

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

Reason

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

Timing

Prior to the release of the Plan of Survey.

11. Relocation of Utilities**Condition**

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

Reason

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

Timing

Prior to the release of the Plan of Survey.

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

During the construction the installation and maintenance of erosion and sediment control management must be provided in accordance with Part 9.4.2 Healthy Waters Code of the Townsville City Plan.

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

Reason

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

Timing

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

13. Dust Management**Condition**

A dust management plan must be submitted for approval by council.

Reason

To ensure mitigation of potential adverse impacts of dust hazards in accordance with SC6.4.5.2.1(12) Development manual planning scheme policy of the Townsville City Plan.

Timing

To be submitted to council as part of an Operational Work application for the development.

14. Street Lighting**Condition**

Overhead street lighting must be provided for the following streets and must be in accordance with Part 9.4.6 Transport impact, access and parking code of the Townsville City Plan and the categories shown as per Australian Standards, AS/NZS 1158 - Road Lighting.

Road

Private Driveway (extension of Afton Way)

Lighting Category

P4

Reason

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

Timing

Prior to the release of the Plan of Survey.

15. Electricity and Telecommunications**Condition**

Electricity and telecommunications must be provided in accordance with Part 9.4.7 Works code of the Townsville City Plan.

Reason

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

Timing

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

16. Stormwater Drainage Easements and Reserves**Condition**

- a) 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 must be registered with the Survey Plan.
- b) All easements or reserves required by council or other public utility entity for access to or for the provision of essential services must be registered with the Survey Plan.
- c) Surrenders of any existing easements and/or leases where necessary in connection with the subdivision must be registered with the Survey Plan.
- d) The extent and location of easements, reserves and surrenders required in (a) to (c) will, as far as possible, be determined prior to issue of the development permit for Operational Work or upon completion of works if subsequently found necessary.
- e) The land shown on the approved plans for drainage purposes must be transferred to the Crown as drainage reserve free of cost to council.

Reason

To provide legal access for ongoing maintenance to stormwater drainage paths in accordance with relevant code/s and policy direction.

Timing

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

17. Stormwater Drainage

Condition

The development must manage stormwater drainage in accordance with Planning Scheme requirements. In particular the contingent design and implementation must be provided in accordance with Part 9.4.2 Healthy waters code of the Townsville City Plan.

Reason

To convey stormwater legally and in an environmentally responsible manner development in accordance with relevant code/s and policy direction.

Timing

To be submitted to council as part of an application for Operational Work.

18. Stormwater Quality Management

Condition

A stormwater quality management plan (SQMP) must be submitted to and be approved by council prior to the issue of a Development Permit for Operational Work. The SQMP must be prepared by a suitably qualified person in accordance with Part 9.4.2 Healthy waters code of the Townsville City Plan.

The SQMP must be implemented in accordance with the guideline and incorporate any further reasonable requests from Council. All works must be carried out in accordance with SC6.4 Development manual planning scheme policy of the Townsville City Plan.

Reason

To manage and to minimise the risk of causing environmental harm to receiving waters, damage to council infrastructure, and unnecessary financial burdens to council and the community.

Timing

To be submitted to council as part of an application for Operational Work.

19. Roadworks (Common Property)

Condition

The access driveway (via Common Property) shown on approved plans listed in Condition 1 must be designed and constructed in accordance with Part 9.4.6 – Transport, access and parking code of the Townsville City Plan, unless otherwise approved by Council.

Reason

To ensure an appropriate access can be provided to transport network is provided in accordance with relevant code/s and policy direction.

Timing

To be submitted to council as part of an application for Operational Work.

20. Public Open Space Transfer

Condition

The land shown on the approval plans as Park and Reserve is to be transferred to the council as fee simple on trust for public open space, drainage and/environmental corridor purposes, free of cost in accordance with Part 9.4.4 Reconfiguring a Lot Code.

Reason

To ensure of appropriate public infrastructure in accordance with Priority infrastructure planning requirements.

Timing

Land to be identified on the Plan of Survey.

21. Additional Geotechnical Requirements and Review**Condition**

Certification from an appropriately qualified and experienced Registered Professional Engineer Queensland (RPEQ) in the geotechnical field must be submitted addressing the detailed engineering design, to ensure the design is consistent with the recommendations of the Geotechnical Assessment listed in Condition 1 above. The certification must address the requirements of Part 8.2.7 Landslide hazard overlay code of the Townsville City Plan.

Reason

To confirm the engineering design appropriately addresses the recommendations of the geotechnical report and the design has been reviewed by an appropriately qualified and experienced geotechnical consultant.

Timing

To be submitted as part of an application for Operational Work.

22. Street Trees**Condition**

Street tree planting to beautify the neighbourhood is required in accordance with the Part 9.4.3 Landscape code of the Townsville City Plan.

Reason

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

Timing

Prior to the release of the Plan of Survey.

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

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

2. Water Restrictions

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

permanent soil erosion and sediment control (such as an open drain) the use of “bonded fibre matrix” type hydro-mulch products or other suitable soil erosion and sediment control methods can be carried out as alternatives to demonstrate compliance with water restrictions.

- e) The responsibility for compliance with all relevant environmental protection requirements (in particular sediment and erosion control) remains with the developer; and

All existing approvals should already include appropriate conditions to allow for the bonding of landscaping works. Should you find that an existing approval does not provide for this flexibility, a permissible change request to amend the conditions of approval can be lodged with Council free of charge (provided no other changes are requested).

3. Further Approvals Required

Condition

a) **Plumbing and Drainage Works**

A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works must be obtained from council.

b) **Operational Works**

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

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

Submission of “As constructed” documentation in the Operational Work stage of development must appropriately denote and differentiate future private and public assets.

c) **Roadworks Approval**

A Roadworks Approval in accordance with Local Laws 4 for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works must be obtained from council. The application must include the following:

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

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

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. 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 and upon payment will schedule the works for connection.

6. Portable Long Service Leave Notification

Condition

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

7. Payment of Rates, Charges and Expenses

Condition

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

8. Satisfaction of Approval Conditions

Condition

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

9. Limitation of Approval

Condition

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

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

10. Specifications and Drawings

Condition

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

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 4 of the council minutes (page 9498) where council resolved that the committee recommendation be adopted.

6 MI16/0015 - MCU (Impact) - Service Station associated with SPS15/0026, 325 Shaw Road, Shaw

Executive Summary

The proposal is for a new Service station located at 325 Shaw Road, Shaw which will include two (2) structures referred to in this report as “Building A” comprised of the retail and take away food components of the Service station and “Building B” which will accommodate a car washing facility. The location of the site is wedged between the junction of Dalrymple Road, Shaw Road and new Ring Road overpass near Kalynda Chase.

The application has been assessed under the superseded City of Thuringowa Planning Scheme 2003 in accordance with a previously approved superseded planning scheme request for SPS15/0026 and the corresponding requirements of section 315 of the *Sustainable Planning Act 2009*. The proposed use for a Service station is impact assessable under both the superseded and current planning schemes.

The impact assessable application underwent public notification during which time council received one (1) properly made submission objecting to the proposed development. The submission detailed two (2) primary grounds for objection being the submitter’s belief that the application is not ‘properly made’ in accordance with the requirements of the *Sustainable Planning Act 2009* and that the proposal is inconsistent with the zoning of the land for Rural purposes. The content of the submission has been considered and addressed in depth in the relevant section of this report. Despite the concerns raised in the submission, council does not consider that there are reasonable or sufficient grounds (in accordance with the definition under the SPA) to refuse the application and as such, it is considered that the proposed development does comply with the broader strategic intent of both planning schemes, particularly the Desired Environmental Outcomes of the superseded Thuringowa planning scheme, despite the underlying rural land use zoning.

The relevant assessment of the application against the superseded City of Thuringowa Planning Scheme 2003 is detailed within this report.

Officer's Recommendation

That council approve application MI16/0015 for a Development Permit for Service Station associated with SPS15/0026 under section 243 of the *Sustainable Planning Act 2009* on land described as Lot 19 SP 107219, more particularly 325 Shaw Road Shaw approved subject to the following 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
Site Locality & Existing Site Plan	DA-001	1	18/06/2016
Overall Site Plan	DA-002	7	06/06/2017
Building Site Plan & Elevations	DA-003	7	06/06/2017
Building B Site Plan & Elevations	DA-004	4	08/12/2016
Associated Reports			
Access Design Report, prepared by Northern Transport Consulting, dated 17 May 2017			
Traffic Impact Assessment, Northern Transport Consulting, dated 9 December 2016			
Stormwater Management Plan (Reference: KINA006-20160621), prepared by LCJ Engineers, dated 21 June 2016			

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

Reason

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

Timing

During the operation and life of the development.

2. Hazardous Material Storage

Condition

An appropriately qualified, experienced and competent professional must certify that the structures used for the storage of hazardous material in bulk (i.e. fuel tanks) are designed and constructed to ensure the appropriate containment of these materials from stormwater inundation.

Note: The site is now affected by the medium flood hazard overlay mapping under the current Townsville City Plan. It is recommended that the premises is designed and constructed to achieve immunity to a 1%AEP defined flood event level.

Reason

To ensure the development provides adequate stormwater management infrastructure for the storage of bulk fuel so as to ensure that hazardous materials through stormwater runoff do not contaminate the environment or the stormwater drainage network in accordance with P3 of the General Development Code.

Timing

To be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan.

3. Spillage Control

Condition

The developer must ensure that all necessary measures are taken to ensure that the refuelling of the Service station tanks via tank vehicle meets all relevant standards including but not limited to safety and environmental.

Note: Refer to relevant legislation/standards under Work Health and Safety Act 2011 and the Environmental Protection Regulation 2008.

Reason

To ensure that if a spill occurs there are adequate control measures in place

Timing

Technical details to be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan.

4. Building Materials

Condition

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

Reason

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

Timing

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

5. Property Numbering**Condition**

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

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

Reason

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

Timing

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

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

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

Reason

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

Timing

Prior to the commencement of the use.

7. Storage**Condition**

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

Reason

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

Timing

At all times following the commencement of the use.

8. Sewerage Reticulation

Condition

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

Reason

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

Timing

Technical details to be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan.

9. Water Supply

Condition

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

Reason

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

Timing

Technical details to be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan.

10. Electricity and Telecommunication

Condition

Electricity and telecommunications must be provided in accordance with SC6.4.3.20 Public lighting and utility services of the SC6.4 Development manual planning scheme policy.

Reason

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

Timing

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

11. Stormwater Drainage

Condition

The stormwater management plan (Reference: KINA006-20160621), prepared by LCJ Engineers, dated 21 June 2016, must be updated in accordance with the latest version of the Queensland Urban Drainage Manual (QUDM) and approved by council.

An appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ) must certify that stormwater drainage achieves the outcomes in accordance with Part 9.4.2 Healthy Waters Code of the Townsville City Plan.

Reason

To convey stormwater legally and in an environmentally responsible manner in accordance with P3 of the General Development Code 5.5 of the City of Thuringowa Planning Scheme 2003.

Timing

To be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan and to be maintained for the life of the development.

12. Stormwater Quality Management**Condition**

A stormwater quality management plan (SQMP) must be prepared by a suitably qualified person in accordance with P3 of the General Development Code 5.5 of the City of Thuringowa Planning Scheme 2003.

The SQMP must be implemented in accordance with the guideline and incorporate any further reasonable requests from council. All works must be carried out in accordance with SC6.4 Development manual planning scheme policy.

Reason

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

Timing

To be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan and maintained for the life of the development.

13. Roadworks and Traffic**Condition**

- a) The proposed all movements intersection on Dalrymple Road (West) for access to the subject site only (Lot 19 on SP107219) must be designed generally in accordance with the Access Design Report, prepared by Northern Transport Consulting, dated 17 May 2017 and the Traffic Impact Assessment, prepared by Northern Transport Consulting, dated 9 December 2016.
- b) In the event that the proposed private internal road is intended to be dedicated to council as road reserve in future, the road (including verges and crossovers) must be designed and constructed in accordance with the standard drawing for an 'Urban Type A' road (SD001) and any relevant standard drawings for roadworks (such as crossovers) as per the SC6.4 Development manual planning scheme policy.
- c) Any drawings or designs referring to the proposed access for Lot 16 on SP232874 (369 Shaw Road, Shaw) in both reports are not approved as part of this application.
- d) Unless otherwise approved by council and/or Department of Transport and Main Roads (if applicable), access to the site is limited to the proposed all movements intersection on Dalrymple Road (West).
- e) Any damage to the kerb and channelling must be reconstructed/repared for the full frontage of the site in accordance with Part 9.4.6 Transport impact, access and parking code of the Townsville City Plan.

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

Reason

To provide development with access in accordance with council standards.

Timing

To be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan.

14. Car Parking

Condition

- a) All car parking facilities, associated ramps and driveways must be provided in accordance with Part 9.4.6 Transport impact, access and parking code and designed in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.5 Car parking and public transport facilities guidelines of the Townsville City Plan and as detailed in the latest amendment of the Australian/New Zealand Standard AS/NZ 2890. All car parking facilities must be maintained to a safe operating standard at all times thereafter.
- b) In accordance with the approved plans and Schedule 5.5.3C Car parking and service vehicle design requirements of the City of Thuringowa Planning Scheme 2003, a total of 32 spaces for the Service Station must be provided on site. The total spaces for the premises must be allocated according to the following breakdown:
- 13 car spaces for Building A including disabled parking; and
 - 19 spaces (16 queuing and 3 parking) for Building B including disabled parking (if applicable).

Reason

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

Timing

To be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan.

15. Public Lighting

Condition

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

Reason

For public safety and enhancement of public amenity.

Timing

To be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan.

16. Screening of Plant and Utilities

Condition

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

Reason

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

Timing

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

17. Landscaping**Condition**

Landscape and Irrigation Design Plans must be prepared in accordance with SC6.4.3.6 Landscape policy of the SC6.4 Development manual planning scheme policy.

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 to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan and maintained for the life of the development.

18. Signage**Condition**

- (a) Plans of any signage to be associated with the use that is deemed to be assessable development in accordance with Part 5.8 Levels of assessment - Operational work specifically Table 5.8.2 Operational work being placing an advertising device on premises of the Townsville City Plan must be submitted to council for assessment; and
- (b) Signs must be designed in accordance with Part 9.4.1 Advertising Devices Code of the Townsville City Plan; and
- (c) To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.

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

Reason

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

Timing

Prior to the commencement of the use.

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

Erosion and sediment control management must be installed and maintained in accordance with P3 of the General Development Code 5.5 of the City of Thuringowa Planning Scheme 2003.

Note: The contingent design, implementation and maintenance of measures must

be provided in accordance with SC6.4 Development manual planning scheme policy specifically SC6.4.3.8.6 MUSIC modelling requirements of the Townsville City Plan.

Reason

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

Timing

At all times during the construction phase.

20. Vegetation Disposal

Condition

The disposal of vegetation must be carried out in accordance with SC6.4 Development manual planning scheme policy.

Reason

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

Timing

Prior to, or during construction of the development.

21. Silt Traps

Condition

The proposed car washing facilities within the Service station premises must be appropriately sized for the facility and the wash down bays must be bunded to contain water on site.

Reason

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

Timing

To be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan.

22. Waste Management Plan

Condition

A waste management plan (WMP) must be prepared in accordance with SC6.4.3.22 Waste management guidelines of the SC6.4 Development manual planning scheme policy and approved by council. In particular the WMP must ensure the following:

- (a) The owner/occupier of the premises is required to provide an adequate number of waste containers to manage the waste generated by the activities being undertaken onsite.
- (b) The proprietor is to arrange for the removal of waste as well as the oil separated from the water from the premises (car washing facilities) by a suitable licensed waste transport contractor approved by the local government to transport waste under section 369A of the Environmental Protection Act.

- (c) Adequate provision must be made for the collection of the waste storage containers within the premises.
- (d) The collection method of waste must ensure that waste is adequately managed to prevent escape or contamination of stormwater and drainage networks.

Reason

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

Timing

To be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan.

23. Outdoor Lighting

Condition

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

Reason

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

Timing

To be submitted to council as part of an application for Operational works in accordance with Table 5.8.1 of the Townsville City Plan.

Referral Agency Conditions

Concurrence Agency Conditions – Department of Local Government, Infrastructure and Planning (NQ SARA)

Pursuant to Section 285 and Section 287 of the *Sustainable Planning Act 2009*, the Department of Local Government, Infrastructure and Planning advises that it has no objection to Townsville City Council issuing a Development Permit for Material Change of Use (Service station) subject to the conditions, as attached.

Advice

1. Infrastructure Charges

Condition

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

2. Water Restrictions

- a) To manage Townsville's water resources, council regulates water restrictions on a permanent basis. All development undertaken in Townsville must be mindful of the current and projected level of water restrictions that may affect development activities such as landscaping establishment and/or soil erosion and sediment control;
- b) Developers remain responsible for compliance with any water restrictions as directed by council;

- c) During times of significant water shortage, council may refuse to grant developers exemptions from water restrictions for the purposes of landscaping works or soil erosion and sediment control activities;
- d) In circumstances where exemptions to water restrictions are no longer issued by council, bonding of soft landscaping works will be permitted to enable the release of plans of survey and / or compliance certificates. In cases where the soft landscaping is a component of permanent soil erosion and sediment control (such as an open drain) the use of “bonded fibre matrix” type hydro-mulch products or other suitable soil erosion and sediment control methods can be carried out as alternatives to demonstrate compliance with water restrictions.
- e) The responsibility for compliance with all relevant environmental protection requirements (in particular sediment and erosion control) remains with the developer; and
- f) All existing approvals should already include appropriate conditions to allow for the bonding of landscaping works. Should you find that an existing approval does not provide for this flexibility, a permissible change request to amend the conditions of approval can be lodged with Council free of charge (provided no other changes are requested).

3. Further Approvals Required

Condition

a) **Operational works**

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

Condition 2 – Hazardous Material Storage
 Condition 3 – Spillage Control
 Condition 4 – Sewerage Reticulation
 Condition 9 – Water Supply
 Condition 11 – Stormwater Drainage
 Condition 12 – Stormwater Quality Management
 Condition 13 – Roadworks and Traffic
 Condition 14 – Car Parking
 Condition 15 – Public Lighting
 Condition 17 – Landscaping
 Condition 21 – Silt Traps
 Condition 22 – Waste Management Plan
 Condition 23 – Outdoor Lighting

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

b) **Plumbing and Drainage Works**

A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

c) **Building Works**

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

d) **Road Works Permit**

A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.

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

4. Shop Fit Out

Condition

- a) Prior to any fit out of the intended food premises, an application for food licence including details on the fit out of the premises must be submitted to Council's Environmental Health Services. No fit out or construction may take place before approval is granted. A food premise is anywhere food or beverages are prepared, packed, stored, handled, serviced, supplied or delivered for sale.
- b) Where the premises is intended to be used for carrying out an Environmentally Relevant Activity (ERA) that has been devolved to council, as defined in Schedule 2 of the *Environmental Protection Regulation 2008*, an application for development approval under the *Sustainable Act 2009* must be submitted to the relevant administering authority prior to the commencement of the activity. To operate an ERA, an Environmental Authority is required. The application for the DA is also taken to be the application for the Environmental Authority.

Maximum penalties may be imposed for operating an Environmentally Relevant Activity (ERA) without a development approval.

Further to this; to operate an ERA the operator needs to be a registered suitable operator. Applications for this can be submitted to local government with the EA application or can be sent direct to Department of Environment & Heritage Protection (DEHP). DEHP assess all suitable operator applications.

Maximum penalties may be imposed for operating an EA as an unregistered operator.

5. 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.

6. 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.

7. Storage of Materials and Machinery

Condition

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

8. Building Work Noise

Condition

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

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

9. Specifications and Drawings

Condition

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

10. Environmental Considerations

Condition

Department of Environment and Heritage Protection Requirements.

Construction must comply with relevant Legislation, Policies and Guidelines.

11. Liquid Trade Waste Approval/Agreement

Condition

The developer is advised that a Trade Waste Approval/Agreement may be required under the *Water Supply (Safety and Reliability) Act 2008*. This should be discussed with council's Townsville Water team at an early stage of project development.

Contact sourcecontrol@townsville.qld.gov.au or 1300 878 001.

12. Flammable and Combustible Liquids

Condition

Flammable and combustible liquids are to be stored and handled in accordance with *AS 1940 The Storage and Handling of Flammable and Combustible Liquids*.

13. Chemical Storage

Condition

Where chemicals are stored or handled on site, the storage and handling of chemicals must be in accordance with the relevant WHS Code of Practice.

14. Roadworks Approval

Condition

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

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

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

15. Environmentally Relevant Activities

Condition

Where the premises is intended to be used for carrying out an Environmentally Relevant Activity as defined by the *Environmental Protection Regulation 2008*, an application under the *Sustainable Planning Act 2009* and the *Environmental Protection Act 1994* must be submitted to the relevant administering authority prior to the commencement of the use.

16. Food Business

Condition

Where a food business is required to be licensed under the *Food Act 2006* Section 49, a Food Licence Application must be made prior to construction of the food premises.

Please contact council's Environmental Health unit on 1300 878 001 for further information.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 4 of the council minutes (page 9498) where council resolved that the committee recommendation be adopted.

7 Outcome of Appeal No 332 of 2016, Fairfield Constructions Pty Ltd v TCC, 79 Lakeside Drive, Idalia

Executive Summary

An appeal was filed in the Planning and Environment Court in Townsville on 12 December 2016 against a decision made by council on 22 November 2016, under delegation of authority, to issue a negotiated decision notice with respect to a Development Permit – Reconfiguration of a Lot, Plan Right – Lot Creation – One into Two at 79 Lakeside Drive, Idalia. The appellant sought an order from the court that the negotiated decision notice, specifically the Infrastructure Charges Notice, be amended.

The matter progressed to mediation and, following a number of negotiations, an Infrastructure Agreement was agreed to by council officers (under delegation of authority) and signed by the parties. The appellant subsequently filed a Notice of Discontinuance in the Planning and Environment Court on 26 May 2017. This matter is now at an end.

Officer's Recommendation

That council receive this report and note the outcome of Appeal No 332 of 2016.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 4 of the council minutes (page 9498) where council resolved that the committee recommendation be adopted.

8 Planning Services - Planning - Townsville City Plan Administrative Amendment 2017/05

Executive Summary

With the proposed adoption of the Local Government Infrastructure Plan (which comprises Part 4 and Schedule 3 of the Townsville City Plan), it is necessary to undertake an administrative amendment to align terminology in the balance of the Townsville City Plan with the Local Government Infrastructure Plan.

Officer's Recommendation

That, pursuant to section 20, Part 3, Chapter 2 of the *Planning Act 2016*, council resolve to prepare and adopt the proposed administrative amendment to the Townsville City Plan in accordance with this report.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 4 of the council minutes (page 9498) where council resolved that the committee recommendation be adopted.

9 Planning Services - Resolution to adopt Local Government Infrastructure Plan

Executive Summary

Council's draft Local Government Infrastructure Plan (LGIP) has successfully passed the second round of state interest checks and is now ready to be adopted. To comply with the statutory deadline, it must be adopted and commenced before 1 August 2017. Once commenced, the LGIP will inform the trunk infrastructure networks required to service growth for the next 15 years, and will frame our capital works programs and long term financial plans.

Key points to note about the LGIP:

- it is required to replace the current Priority Infrastructure Plan (PIP);
- it has better sustainability and alignment with the long term financial plan;
- it includes a comprehensive Schedule Of Works (SOW) model;
- it reflects a wider service area and network due to Elliot Springs;
- it reflects the slow down in growth observed since mid-2015; and
- it considers a number of public consultation submissions made in late 2016.

Officer's Recommendation

That, in accordance with section 117 of the *Sustainable Planning Act 2009*, council resolve to adopt the draft Local Government Infrastructure Plan as attached to this Report to Council.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 4 of the council minutes (page 9498) where council resolved that the committee recommendation be adopted.

Community and Cultural Development Committee

In accordance with section 173 of the Local Government Act 2009, Councillor V Coombe declared a perceived conflict of interest in regards to item 16.

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

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

"that the committee recommendations to items 10 to 23 be adopted."

CARRIED UNANIMOUSLY

Councillor R Cook commended staff for their work on promoting Street Art around the City.

10 Community Engagement - Report of Community Safety Advisory Committee - 16 May 2017

Executive Summary

Attached to the Report to Council is the Report of the Community Safety Advisory Committee of 16 May 2017.

Officer's Recommendation

That Council note the Report of the Community Safety Advisory Committee of 16 May 2017.

Committee Recommendation

1. That the officer's recommendation be adopted.
2. That a letter be sent to the two departing Committee members thanking them for their involvement in the Committee.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

11 Community Engagement - Report of Arts and Culture Advisory Committee - 6 June 2017

Executive Summary

Attached to the Report to Council is the Report of Council's Arts and Culture Advisory Committee (ACAC) meeting held on 6 June 2017

Officer's Recommendation

That Council note the Report of the Arts and Culture Advisory Committee meeting of 6 June 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

12 Community Engagement - Report of Inclusive Community Advisory Committee - 7 June 2017

Executive Summary

Attached to the Report to Council is the Report of Council's Inclusive Community Advisory Committee (ICAC) meeting held on 7 June 2017.

Officer's Recommendation

That Council note the Report of the Inclusive Community Advisory Committee meeting of 7 June 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

13 Community Engagement - Lease Renewal - Corcoran Park Netball Association, Corcoran Park

Executive Summary

Corcoran Park Netball Association has requested to renew their current lease of the existing Clubhouse on the parcel of land located at Corcoran Park, 95-111 Queens Road Hermit Park – Lot 64 RP703472 for a term of 10 years.

The lease documentation offered to the club will include a peppercorn lease rate; however the lease will also include a clause allowing the rent/cost of the lease to be reviewed by Council on a yearly basis on the anniversary of the lease commencement date.

Officer's Recommendation

1. That Council approve a lease to Corcoran Park Netball Association over their existing clubhouse and Storage Area, located at Corcoran Park, 95-111 Queens Road Hermit Park – Lot 64 RP703472 for a term of up to 10 years, for the fee of \$1.00 per year, exclusive of GST, if requested.
2. That Council resolve that the exemption in section 236 (1)(b)(ii) of the Local Government Regulation 2012 applies to the disposal of the land included in the lease, *because the disposal is to a community organisation*.
3. That Council note that Corcoran Park Netball Association will be responsible for;
 - Maintenance, Repair, Replacement Obligations of Lessee
 - 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 Obligation (clause 5.8)

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

14 Community Engagement - Lease Renewal - Brothers Football Club, High Vista Park

Executive Summary

Brothers Football Club have requested to renew their current lease of the existing Clubhouse on the parcel of land located at High Vista Park, 468 - 486 Bayswater Road, Mount Louisa – Lot 726 EP1426 for a term of 10 years.

The lease documentation offered to the club will include a peppercorn lease rate; however the lease will also include a clause allowing the rent/cost of the lease to be reviewed by Council on a yearly basis on the anniversary of the lease commencement date

Officer's Recommendation

1. That Council approve a lease to Brothers Football Club over their existing clubhouse, located at High Vista Park, 468 - 486 Bayswater Road, Mount Louisa – Lot 726 EP1426 for a term of up to 10 years, for the fee of \$1.00 per year, exclusive of GST, if requested.
2. That Council resolve that the exemption in section 236 (1)(b)(ii) of the Local Government Regulation 2012 applies to the disposal of the land included in the lease, *because the disposal is to a community organisation*.
3. That Council note that Brothers Football Club will be responsible for;
 - Maintenance, Repair, Replacement Obligations of Lessee
 - 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 Obligation (clause 5.8)

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

15 Community Engagement - New Lease - Teachers West Rugby Football Club Inc. - Warrina Park

Executive Summary

Teachers West Rugby Football Club Inc. is seeking a lease over part of the parcel of land located at Warrina Park, 18 – 34 Cambridge Street, Currajong (part of Lot 1 RP 718879 & Lot 2 RP 21839) with the intent to lease the building within the park currently used as a clubhouse.

The Sport and Recreation team worked hard with Teachers West Rugby Football Club and North Star Athletics Club to form the Warrina Park Sports Association and for that organisation to apply for a lease over the clubhouse. Unfortunately mainly due to financial considerations North Star Athletics Club relinquished any rights to the clubhouse and moved to the Sports Reserve. This new lease will replace the expired lease belonging to Norths Star Athletics Club.

The lease documentation offered to the club will include a peppercorn lease rate. However the lease will also include a clause allowing the rent/cost of the lease to be reviewed by Council on a yearly basis on the anniversary of the lease commencement date.

The club has been operating in the park since 2008; they currently have a Licence to Occupy (expiring 31/12/2020) over the two rugby fields

Officer's Recommendation

1. That Council approve the issuing of a lease to Teachers West Rugby Football Club over the parcel of land located at Warrina Park, 18 – 34 Cambridge Street, Currajong (part of Lot 1 RP 718879 & Lot 2 RP 21839) for a period of ten years, for the fee of \$1.00 per year, exclusive of GST, if requested.
2. That Council resolve that the exemption in section 236 (1)(b)(ii) of the Local Government Regulation 2012 applies to the disposal of the land included in the lease, *because the disposal is to a community organisation.*
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)

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

16 Community Engagement - New Lease - Baseball Association Townsville

Executive Summary

Baseball Association Townsville is seeking a lease over part of the parcel of land located at Jabiru Park, 58 Gouldian Avenue, Condon (part of Lot 51 EP 1674) for the purpose of leasing the toilet block that is to be refurbished on behalf of the club through the Works for Queensland Program.

The lease documentation offered to the club will include a peppercorn lease rate. However the lease will also include a clause allowing the rent/cost of the lease to be reviewed by Council on a yearly basis on the anniversary of the lease commencement date.

The association has been operating within Jabiru Park for almost sixteen years; they currently have a Licence to Occupy over the large majority of the open space within the park.

Officer's Recommendation

1. That Council approve the issuing of a lease to Baseball Association Townsville over the parcel of land located at Jabiru Park, 58 Gouldian Avenue, Condon (part of Lot 51 EP 1674) for a period of ten years, for the fee of \$1.00 per year, exclusive of GST, if requested.
2. That Council resolve that the exemption in section 236 (1)(b)(ii) of the Local Government Regulation 2012 applies to the disposal of the land included in the lease, *because the disposal is to a community organisation.*
3. That the lease provide for the Association 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)

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

17 Community Engagement - Licence to Occupy (LTO) Renewals - Sharks Touch, Jots Tigers Touch at Queens Park

Executive Summary

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

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

Both Sharks and Jots Tigers Touch Club have been operating at this space for a number of years now without incident and have maintained a steady membership base.

Officer's Recommendation

That Council approve renewals to the Licence to Occupy (LTO) area (P1 – 9) for the following clubs for a term of five years.

- Sharks Touch Club, Queens Park, 19-43 Paxton Street North Ward Lot 201 on SP 126605
- Jots Tigers Touch Club, Queens Park, 19-43 Paxton Street North Ward Lot 201 on SP 126605

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

18 Community Engagement - National Journey of the Welcome Scroll

Executive Summary

In March 2017, Townsville City Council received an invitation to participate in the National Journey of the Welcome Scroll. The Journey is a joint project of the Refugee Council of Australia, Rural Australians for Refugees and Refugee Welcome Zone Councils.

The Welcome Scroll is an over-sized item with turned wooden handles that will function as a "baton" or "torch", and will travel around Australia to Refugee Welcome Zones.

Officer's Recommendation

That Council approve and formally endorse their support for the National Journey of the Welcome Scroll by way of:

- a. Townsville City Council's name, logo and mayoral signature included on the scroll; and
- b. Townsville City Council to express an interest in hosting a 'public event' for the scroll while on its journey.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

19 Venues and Cultural Services - Minutes Street Art Activation Working Group 2 June 2017

Executive Summary

The Street Art Activation Working Group met on 2 June 2017. The minutes of that meeting are attached to the Report to Council for noting.

Officer's Recommendation

That Council note the minutes of the Street Art Activation Working Group meeting 2 June 2017.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

20 Venues and Cultural Services - Art Acquisition Working Group - June 2017

Executive Summary

Attached to the Report to Council are the minutes of the Art Acquisition Working Group Meeting held on 7 June 2017 for the information of the committee.

Officer's Recommendation

That Council note and adopt the minutes of the Art Acquisition Working Group meeting of 7 June 2017 with the following amendment:

1. The Chair to contact the Catholic Church.
2. Council will investigate the installation of the sculpture on church grounds, after consultation with relevant stakeholders. Galleries will provide a comprehensive manual to assist with conservation and maintenance for the sculpture.
3. Council appreciates that the work evoked a contemplative spiritual experience, and therefore feel it would be more appropriate that the sculpture remained on sacred grounds.

Committee Recommendation

That the officer's recommendation be adopted subject to:

acknowledgement that the offer of donation from the artist, George Gittoes has been withdrawn.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

21 Venues and Cultural Services - Minutes Learning Communities Leadership Group 8 June 2017

Executive Summary

The Learning Communities Leadership Group meeting was held on 8 June 2017. At this meeting the group began environmental scan of learning stakeholders and gaps within the community. The information gained from this and future workshops will be used to develop a framework for building a learning community in the region.

Officer's Recommendation

That Council note the progress of the Learning Communities Leadership Group at their meeting held on 8 June 2017 towards developing a framework for lifelong learning.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

22 Assets and Fleet - Lease surrender and Re-assignment - Townsville Drop-in Centre

Executive Summary

The Townsville Drop-in Centre Incorporated currently lease a parcel of land from Council, located with Dean Park, for the purpose of providing a community garden.

The Townsville Drop-in Centre Inc. entered into an agreement with Althea Projects Inc. (Althea) on the 11 April 2017, to amalgamate their resources (both financial and non-financial) to deliver their services to the community on a collaborative basis. In accordance with this agreement, The Townsville Drop-in Centre Inc. will cease to exist following a voluntary winding-up and all surplus assets will be transferred to Althea. In addition, it has been granted that The Townsville Drop-in Centre would assign their existing lease with Council to Althea.

It has been agreed that The Townsville Drop-in Centre lease would not be surrendered until Council approves to enter into a new lease agreement with Althea. This is to ensure the continued use of this land for the community benefit and allows for a smooth transition between all parties.

Officer's Recommendation

1. That Council approve the surrender of The Townsville Drop-in Centre Incorporated lease over a portion of Lot 2 on RP715189.
2. That Council approve issuing of a lease to Althea Projects Inc. over the existing community garden, located in Dean Park, 1-19 Morey Street, South Townsville – Lot 2 on RP715189, for a term of up to 10 years, for the fee of \$1.00 per year, Exclusive of GST, if requested.
3. That Council resolve that the exemption in section 236 (1)(b)(ii) of the Local Government Regulation 2012 applies to the disposal of the land included in the lease, *because the disposal is to a community organisation.*
4. That Council note that Althea Projects Inc. will be responsible for;

- Maintenance, Repair, Replacement Obligations of Lessee
 - a) Structural (clause 6.1 (a))
 - b) Services/pipes/conduits (clause 6.1 (b))
 - c) Painting (clause 6.3)
 - d) Minor Maintenance (clause 6.6)

- Landscaping Obligation (clause 5.8)

Committee Recommendation

That this item be deferred until further discussions take place with Althea Projects Inc.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

23 Assets and Fleet - Lease Renewal - Alice River Scout Group

Executive Summary

The Scout Association of Australia, Queensland Branch - Alice River Scout Group have requested to renew their current lease of the existing clubhouse on the parcel of land located at Rupertswood Park, Progress Road, Alice River - Lot 4 on SP120102.

The lease documentation offered to the group will include a peppercorn lease rate; however the lease will also include a clause allowing the rent/cost of the lease to be reviewed by Council on a yearly basis on the anniversary of the lease commencement date.

Officer's Recommendation

1. That Council approve a lease to The Scout Association of Australia, Queensland Branch for the Alice River Scout Group over their existing clubhouse, located at Rupertswood Park, Progress Road, Alice River – Lot 4 on SP120102 for a term of up to 10 years, for the fee of \$1.00 per year, exclusive of GST, if requested.

2. That Council resolve that the exemption in section 236 (1)(b)(ii) of the Local Government Regulation 2012 applies to the disposal of the land included in the lease, *because the disposal is to a community organisation.*

3. That Council note that The Scout Association of Australia, Queensland Branch - Alice River Scout Group will be responsible for;
 - Maintenance, Repair, Replacement obligations of the Lessee
 - a) Structural (clause 6.1 (a))
 - b) Services/pipes/conduits (clause 6.2 (b))
 - c) Painting (clause 6.3)
 - d) Minor Maintenance (clause 6.6)

 - Landscaping Obligation (clause 5.8)

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 10 of the council minutes (page 9538) where council resolved that the committee recommendation be adopted.

Governance and Finance Committee

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

"that the committee recommendations to items 24 to 29 be adopted."

CARRIED UNANIMOUSLY

24 Finance Services - Budget Variance Report - May 2017

Executive Summary

On behalf of the Chief Executive Officer, the Chief Financial Officer will present and discuss the Budget Variance Report for the whole of Council for May 2017, pursuant to section 204 of the *Local Government Regulation 2012*.

Officer's Recommendation

That Council note the financial report for May 2017 and budget variance explanations, pursuant to section 204 of the *Local Government Regulation 2012*.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 24 of the council minutes (page 9547) where council resolved that the committee recommendation be adopted.

25 Finance Services - Treasury Report - May 2017

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 May 2017 and the information contained therein.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 24 of the council minutes (page 9547) where council resolved that the committee recommendation be adopted.

26 Confidential Report - Financial Services - Request for concession - property number 551629

Executive Summary

A request has been received for a concession for the Sewerage and Volumetric Water charges for property number 551629. In accordance with Part 10, Section 120 of the *Local Government Regulation 2012*, Council may grant a concession for rates under certain eligibility criteria.

The application has been made under Council's concessions policy specifically in relation to a not-for-profit community organisation.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve to grant a 15% concession on Sewerage charges and 55% concession for the Volumetric Water charges for the property number 551629 and that the concession include charges from the 01 January 2017. The Property is exempt from general rates under *Chapter 4 section 73(a)(ii) of the Local Government Regulation 2012*.
3. That Council resolve that the concession will continue to be granted until such time that the land use changes or change of ownership for the property is recorded or Council decides otherwise.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 24 of the council minutes (page 9547) where council resolved that the committee recommendation be adopted.

27 Confidential Report - Financial Services - Request for concession- Property Number 356240

Executive Summary

A request has been received for a concession for the water consumption charges for property number 356240. In accordance with Part 10, Section 120 of the *Local Government Regulation 2012*, Council may grant a concession for rates under certain eligibility criteria.

The application has been made under Council's concessions policy specifically in relation to a not-for-profit community organisation.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve to grant a 55% concession for the Volumetric Water Charges for the property number 356240 and that the concession includes Volumetric Water Charges from the 01 January 2017. The Property is exempt from general rates under *Chapter 4 section 73(a)(ii) of the Local Government Regulation 2012*.
3. That Council resolve that the concession will continue to be granted until such time that the land use changes or change of ownership for the property is recorded or Council decides otherwise.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 24 of the council minutes (page 9547) where council resolved that the committee recommendation be adopted.

28 Confidential Report - Financial Services - Request for concession - Property Number 256430

Executive Summary

A request has been received for a concession for the general rate for property number 256430. In accordance with *Part 10, Section 120 of the Local Government Regulation 2012*, Council may grant a concession for rates under certain criteria.

The application has been made under Council's concessions policy specifically in relation to a not-for-profit community organisation.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless Council decides otherwise by resolution.
2. That Council resolve to grant a 100% concession for the general rate for the property number 256430 and that the concession includes general rates from the 01 January 2017.
3. That Council resolve that the concession will continue to be granted until such time that the land use changes or change of ownership for the property is recorded or Council decides otherwise.

Committee Recommendation

That the officer's recommendation be adopted.

Council Decision

Refer to resolution preceding item 24 of the council minutes (page 9547) where council resolved that the committee recommendation be adopted.

29 Review of Council's Charitable and Community Organisations General Rates and Utility Charges Concessions Policy

The Committee discussed the need for a review of the Council's Charitable and Community Organisations General Rates and Utility Charges Concessions Policy.

Committee Recommendation

It was MOVED by the Mayor, Councillor J Hill, SECONDED by Councillor V Coombe:

"that staff begin the review of Council's Charitable and Community Organisations General Rates and Utility Charges Concessions Policy with the view that it will be brought to Council in the 2018/19 Budget review."

CARRIED UNANIMOUSLY

Council Decision

Refer to resolution preceding item 24 of the council minutes (page 9547) where council resolved that the committee recommendation be adopted.

Officers' Reports

Infrastructure and Operations

30 Infrastructure and Operations - Townsville Local Disaster Management Group - Minutes of Members' Meeting 03 May 2017

Executive Summary

The Townsville Local Disaster Management Group (TLDMG) members meet five times per year with staff of the Townsville City Council, Queensland Fire and Emergency Services (Emergency Management and Fire and Rescue), Queensland Police Service, Queensland Ambulance Service, State Emergency Service and other agencies.

Attached to the Report to Council are the minutes of the meeting held on 03 May 2017.

Officer's Recommendation

1. That Council endorse the minutes of the Townsville Local Disaster Management Group Members' Meeting held on 03 May 2017.
2. That Council endorse the Townsville Local Disaster Management Group's acceptance of the proposed membership changes for the Townsville Local Disaster Management Group to include the following as Core Members:
 - o Ergon;
 - o Townsville Enterprise Ltd; and
 - o Townsville Hospital and Health Service.
3. That Council endorse the Townsville Local Disaster Management Group's acceptance of the proposed membership changes for the TLDMG Working Groups; with the following amendments.
 - a) Reference to General Manager Regulatory Services being replaced by Team Manager Environmental Health and Regulatory Services.
 - b) Core member Local Recovery Coordinator Deputy being the General Manager Venues and Cultural Services.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Councillor K Rehbein commended the Local Disaster Coordinator, Wayne Preedy for his work on the Local Disaster Management Group agendas.

Planning and Community Engagement

31 Planning - Investigating new Priority Development Areas (PDAs) as part of the recommendations of the Pure Projects Report

Executive Summary

The Townsville Master Planning Strategic Analysis and Reporting dated 29 June 2017, Revision 10, prepared by Pure Projects has outlined a number of recommendations to assist in reinvigorating Townsville's Central Business District (CBD).

One of the recommendations in the Pure Projects report relates to the adoption and planning with State Government Agencies for the additional Priority Development Areas (PDAs) to be developed within the CBD, Radical Bay, Rowes Bay and Castle Hill.

Officer's Recommendation

That council commence investigating the opportunities for future PDAs to be developed in accordance with the recommendations outlined in the Townsville Master Planning Strategic Analysis and Reporting dated 29 June 2017, Revision 10, completed by Pure Projects.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

Councillor V Coombe commended staff for getting Council to this point (with regards to the PDAs) and noted it's very important to the growth of Townsville in the future.

Council agreed to change the order of business to consider agenda item 35 as the next item of business.

35 P&CE - Planning - Townsville City Plan Amendment Package 2017/07 - Proposed Rezoning of Land at Woodstock to High Impact Industry

Executive Summary

The Department of State Development, in collaboration with council, engaged consultants Ranbury to undertake investigations with respect to the opportunities to develop a number of land parcels at Woodstock for high impact industry uses. The report has yet to be formally released by Department of State Development.

The report, entitled *Lansdown Opportunities Assessment Master Plan and Infrastructure Strategy* concluded that the site at Woodstock was suitable for industrial purposes and that there was a critical shortage of high impact industry land which threatens Townsville's capacity to respond to the market in relation to attracting key industrial sectors. The report also recommended that council in collaboration with the State Government should adopt the most suitable option and pathway with respect to proceeding with the process of rezoning the Lansdown site to high impact industry. Accordingly, the recommendation is to proceed with a Planning Scheme amendment to zone the land high impact industry.

Officer's Recommendation

1. That, pursuant to section 18, Part 3, Chapter 2 of the *Planning Act 2016*, council resolve to commence the process of undertaking major amendments to the Townsville City Plan in accordance with this report.
2. That, pursuant to section 18, Part 3, Chapter 2 of the *Planning Act 2016*, council resolve to write to the Minister advising of the decision to make major amendments to the Townsville City Plan and request confirmation of state interests.

Council Decision

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

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

The order of business was resumed.

Confidential Items

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

"that council RESOLVE to close the meeting in accordance with Sections 275 (e) and (f) 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 (Items 32, 33 and 34); and
Section 275 (f) starting or defending legal proceedings involving it (Item 34)."

CARRIED UNANIMOUSLY

The council discussed the items.

Meeting Adjournment

The Mayor, Councillor J Hill adjourned the meeting at 2.16pm to discuss a matter.

Meeting Recommencement

The Mayor, Councillor J Hill reconvened the meeting at 2.51pm.

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

"that council RESOLVE to open the meeting."

CARRIED UNANIMOUSLY

In accordance with section 173 of the *Local Government Act 2009*, Councillors L Walker, M Molachino, K Rehbein, C Doyle, M Ryder, P Jacob, M Soars, R Cook, A Greaney, V Coombe and the Mayor, Councillor J Hill declared a perceived conflict of interest in regards to item 32.

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

Councillors L Walker, M Molachino, K Rehbein, C Doyle, M Ryder, P Jacob, M Soars, R Cook, A Greaney, V Coombe and the Mayor, Councillor J Hill.

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

Gabrielli Constructions Pty Ltd donated to the Team Hill election campaign.

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

The Councillors dealt with the conflict by disclosing the perceived conflict of interest and referring the item to the Chief Executive Officer, to consider and award the TCW00208 Local Disaster Coordination Centre Project contract and variations up to the approved project budget provided the variations are for the completion of the work under the contract.

(d) if the Councillor voted on the issue – how the Councillor voted:

The Councillors voted as per the Council Decision.

(e) how the majority of persons who were entitled to vote at the meeting voted on the matter.

The majority of persons entitled to vote at the meeting voted as per the Council Decision.

32 Infrastructure and Operations - Local Disaster Coordinator Centre Project TCW00208 Tender Award

Executive Summary

The Local Disaster Coordination Centre (LDCC) shall be located within the Dalrymple Road Depot replacing the current LDCC facility located at the Bamford Lane Depot, Kirwan.

The LDCC will occupy level 1 of the two-level building with the ground floor the shell of the North Queensland Regional Data Centre (NQRDC – Tier 3 certification). The NQRDC fit out shall be delivered under a separate contract arrangement.

The building is designed to withstand Category 5 cyclone wind speeds and debris levels and has backup power and utility services. The LDCC office area shall be utilised by council's emergency management team as a coordination centre for emergency services in a crisis and shall accommodate select council staff as office accommodation and training facilities up to activation.

The project is partially funded by the State of Queensland and Commonwealth Government acting through the Department of Infrastructure, Local Government and Planning under the 2014 – 2015 Natural Disaster Resilience Program.

Tenders were called for the contract, which is a lump sum contract for supply and installation under the General Conditions of Contract AS4000 - 1997. The tender closed at 10am on 17 May 2017. Five (5) tender submissions were received. The report provides an analysis and evaluation of the tenders received for the 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 TCW00208 Local Disaster Coordination Centre Project to Jackson Semler Pty Ltd for the lump sum price of \$6,358,266.33 (excluding GST).
3. That Council delegate authority to the Chief Executive Officer, or her delegate, to award variations up to the approved project budget provided the variations are for the completion of the work under the contract.

Council Decision

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

"that council delegate authority to the Chief Executive Officer, to consider and award the TCW00208 Local Disaster Coordination Centre Project contract and variations up to the approved project budget provided the variations are for the completion of the work under the contract."

CARRIED UNANIMOUSLY

33 PSA00061 - Recommendation Report for Supply and Delivery of Flat Sheet Membranes

Executive Summary

Public tender PSA00061 Supply and Delivery of Submersible Flat Sheet Membranes was advertised following council procurement guidelines to select suitable providers of flat sheet membranes and closed on Wednesday 15 March 2017.

This report provides an assessment of the submissions received and assessment summary.

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 Chief Procurement Officer's advice that awarding the contract to Apex Environmental Limited is compliant with local government procurement and probity guidelines.
3. That Council award PSA00061 – Preferred Supplier Arrangement for Supply and Delivery of Submersible Flat Sheet Membranes to Apex Environmental Limited for a cost of \$162,270 (excluding GST).

Council Decision

It was **MOVED** by the Mayor, Councillor J Hill, **SECONDED** by Councillor P Jacob:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

In accordance with section 173 of the *Local Government Act 2009*, Councillor L Walker declared a perceived conflict of interest in regards to item 34.

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

Councillor L Walker

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

Councillor Walker's son Kyle Walker was a tenant in the property that is named in this item.

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

The Councillor determined that he could reasonably be perceived to have a conflict of interest in this matter and left the meeting and did not participate in debate or voting on the matter.

(d) if the Councillor voted on the issue – how the Councillor voted:

The Councillor vacated the Chambers during discussion and voting on this item.

(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.

34 Townsville Water and Waste - Land Acquisition for Pump Station 7A

Executive Summary

Sewage pump station 7A, located at Howitt Street in North Ward, requires upgrade in order to sufficiently service its existing and projected catchment loads. Due to the existing pump station site being constrained, a new site needs to be acquired in order to construct a new pump station. A concept design report, in which various site options were investigated, has identified the preferred site. This report details the process followed regarding the acquisition.

Officer's Recommendation

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 (5) of the *Local Government Act 2009* and that the document remain confidential unless council decides otherwise by resolution.
2. That Council resolve to compulsorily acquire 6 Isley Street, designated as Lot 30 on Crown Plan T118279, for the proposed site for Pump Station 7A upgrade and delegate to the Chief Executive Officer authority to effect that acquisition if necessary.

Council Decision

It was MOVED by Councillor M Ryder, SECONDED by Councillor M Soars:

"that the officer's recommendation be adopted."

CARRIED UNANIMOUSLY

35 P&CE - Planning - Townsville City Plan Amendment Package 2017/07 - Proposed Rezoning of Land at Woodstock to High Impact Industry

Refer to resolution following item 31 of the Council Minutes (page 9552) where council agreed that item 35 be considered after item 31.

Refer page 9552 of the Council Minutes for item 35 - P&CE - Planning - Townsville City Plan Amendment Package 2017/07 - Proposed Rezoning of Land at Woodstock to High Impact Industry

General Business

(i) Councillor V Coombe - Launch of new business venture

Councillor V Coombe provided the following general business Item:

"I wish to notify the Council today that I will shortly launch a new business venture.

It is digital platform, having a presence on social media, a website and app, which at its core has the desire to connect women to people, products and services in their community.

Many people would question launching a start up in the current economic environment however I believe in Townsville, its people and our future. My mother's family were in business in the City since the 1800's - the Hinspeters Crane Service literally and figuratively were involved in building this City and I would like to think that in some small way I can contribute to their legacy in the new economy and future business landscape.

I would like to reassure the Council that this venture will not take away from my ability to fully contribute to Council business, in fact I am very proud to be able to serve with such hard working group of professionals. I am also inspired by the other female leaders in this City who

juggle the demands of businesses, Directorships, volunteering and all the other pursuits they take on - some of whom sit around this table.

With advice I have also worked to ensure that any conflicts are handled properly and appropriately.

Thank-you for your support in this matter."

(ii) Dancenorth production takes out prestigious national awards

Councillor V Coombe provided the following general business Item:

"Townsville's own nationally renowned dance company Dancenorth has taken out their first Helpmann awards last night winning Best Production and Best Choreography at the prestigious national awards for their immersive dance and music production, Attractor.

A collaboration between Dancenorth, Indonesia's tour-de-force music duo Senyawa and Melbourne's choreographic luminaries Lucy Guerin and Gideon Obarzanek, the production has received rave reviews.

The work features eight Dancenorth dancers and two live musicians with 20 members of the audience able to join in on stage during the production, dissolving the demarcation between dancer/non-dancer, audience/performer adding a unique component to the work.

The Awards were a real coup and highlight the calibre of the company.

Attractor was premiered at Asia TOPA in Melbourne and at WOMADelaide 2017.

It will be featured at Brisbane Festival in September and is set to tour the US in October this year.

As Council's representative on the Board of Dancenorth, I wish to put on record our congratulations to everyone involved especially Board Chair Jan Pool, General Manager Deanna Smart and Artistic Director Kyle Page, who's hard work and dedication behind the scenes has seen the company achieve this great outcome."

(iii) Strand Ephemera and other events

Councillor C Doyle encouraged everyone to attend the Strand Ephemera launch on Friday. Councillor Doyle advised that Strand Ephemera is 2.2 kilometres of artistic escape with over 30 artworks, 25 competitive entries, three from interstate, three international artists and in excess of 2000 school students who will participate over the next 10 days.

Councillor Doyle advised the Council of the following events: Tectonic performance by Dancenorth, Australian Festival of Chamber Music and PUNQ (Pop Up North Queensland).

Councillor Doyle acknowledged the hard work and dedication of the staff involved in both Council's Events and Galleries teams. They have just installed three new exhibitions while getting ready for this launch of Strand Ephemera.

(iv) Increase in dog attacks in the community

Councillor A Greaney provided the following general business Item:

"As Chair of the Community Health and Environment Committee, I would like to bring to the attention of Council the increase in dog attacks in our community. I am prompted to speak on this issue after a series of vicious attacks - the latest being on a Wulguru resident yesterday where a large dog (neo mastiff cross) escaped from its enclosure at a neighbouring property. The Woman's leg was mauled which has resulted in her losing part of her calf muscle.

Council is responding to more of these vicious and unprovoked attacks on members of our community and they are causing serious harm and distress to victims.

Can I, once again, urge all dog owners across the City to ensure their dogs are securely contained on their property and also whilst walking them.

Owners need and will be held responsible for the action of their pets and in serious cases Council will continue prosecuting dog owners and euthanizing these dangerous dogs.

The increase in these vicious dog attacks is a matter that Council is taking very seriously.

Should members of the public need any information regarding animal management can I urge them to contact Council and we will provide as much information as possible."

Councillor L Walker advised of recent dog attacks and the need for action on this matter.

Close of Meeting

The Chair, Mayor Councillor J Hill, declared the meeting closed at 3.02pm.

CONFIRMED this TWENTY-NINTH day of AUGUST 2017

MAYOR

CHIEF EXECUTIVE OFFICER